

## **8th International Dialogue on Population and sustainable Development – Making sexual and Reproductive rights a reality: What does it take? Berlin 5-6, 2010**

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### **ISSUE 1**

**Which legal and institutional mechanisms need to be put in place to ensure that people can have access to justice and claim their sexual and reproductive rights?**

- Domestication (enactment of national laws and policies) of International human rights treaties that provide for sexual and reproductive rights such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on Elimination of All forms of Discrimination Against Women (Women), among others
- Establishment and/or strengthening of judicial and quasi-judicial mechanisms to help in the implementation of the sexual and reproductive rights
- Provision of low cost and quick justice delivery models to enable all to claim sexual and reproductive rights
- Provision of legal aid services to enable all to have access to justice, especially people living in poverty, and other vulnerable groups to enforce their sexual and reproductive rights
- Provision for alternative dispute resolution such as mediation and conciliation

### **ISSUE 2**

**How can National Human Rights Institutions and the courts contribute to improve governance by holding Government's accountable for their obligation to respect, protect and fulfil the right to health, including reproductive and sexual health for all?**

**2.1 National Human Rights Institutions**, as bodies established by Governments under the Constitution, or by law or decree for the promotion and protection of human rights can engage in the following;

- investigating allegations of violations of reproductive and sexual health
- carrying out Human Rights Education on reproductive and sexual health
- monitoring and documentation of the state of reproductive and sexual health
- advising governments on their compliance with established human rights standards e.g. on proposed legislation and policies that affect reproductive and sexual health

**2.2 Courts** play an important role in the enforcement of human rights including reproductive and sexual health in their decisions. They have been vital in making socio-economic rights such as the right to health justiceable as has been the case in countries like South Africa and India.

It is important to note that the success of both National Human Rights Institutions and Courts in the enforcement of human rights including the right to reproductive and sexual health in any country is dependant on many factors such as the existence of a strong, vibrant, credible and

competent civil society, an informed citizenry, independent judiciary, an enabling legal and policy framework and a government that has respect for the rule of law.

### **Recommendations**

- Strengthen Civil Society Organizations so that they can carry out social mobilization and advocacy for sexual and reproductive rights
- Carry out Human Rights Education to empower the citizenry
- Use strategic litigation to secure recognition and implementation of sexual and reproductive rights
- Advocacy for good governance and for governments that have respect for the rule of law that create an enabling environment for National Human Rights Institutions and Courts to function

### **ISSUE 3**

#### **To take it into one's own hand: How to empower people to know and claim their sexual and reproductive rights?**

- Human Rights Education on reproductive and sexual health for communities and individuals to ensure that people and communities have access to education and information on their sexual and reproductive rights and how they can claim them
- Advocacy campaigns for health promotion
- Avail services both legal and health to ensure that all people especially the poor and the vulnerable can enjoy their sexual and reproductive rights