

THE CONCEPTUAL AND PRACTICAL
IMPLICATIONS OF REPRODUCTIVE AND
SEXUAL RIGHTS:
How Far Have We Come?

It has been five years since government representatives, policymakers, and activists from all over the world and from every imaginable discipline and position came together in Cairo for the International Conference on Population and Development, and then in Beijing for the Fourth World Conference on Women. Each year since the conferences, these actors have come together in various configurations, both national and international, to discuss issues of monitoring, implementation, and accountability. As this journal goes to press, we are in between the five-year reviews of these two processes. The Cairo+5 review took place in 1999, and the Beijing+5 process is taking place this year. These five-year reviews are critically important because they are based on the premise that enough time has gone by to determine what is and is not working, and they are where the changes that have occurred as a result of these conference processes can begin to be measured and evaluated.

The Cairo and Beijing conferences have had a tremendous and sustained impact, which I would argue has gone far beyond that resulting from any other international conference process. There are a number of reasons for this, but perhaps most important is the momentum generated both within countries and internationally by having two global conferences within one year of each other laying out similar

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principles, concerns, and actions. The resonance between the Cairo Programme of Action and the Beijing Platform for Action around reproductive and sexual health issues has been particularly important, most notably with respect to reproductive and sexual rights. This resonance, more than any other factor, has brought new strength and resources to previously existing work on these issues. It has also forced attention to reproductive and sexual rights in corners heretofore unimaginable, by actors at best previously unconcerned with, or at worst hostile to, reproductive and sexual rights. This is true with respect to the organs and agencies of the United Nations system, in which for the first time all of the international human rights treaty bodies have begun to address, albeit to varying degrees, how to integrate reproductive and sexual rights issues into their work, and such agencies as the United Nations Population Fund (UNFPA) and the World Health Organization (WHO) are paying increased attention to not only the rhetoric but the concrete implications of reproductive and sexual rights for their work both within countries and globally. In addition, nongovernmental organizations concerned with reproductive and sexual health issues are increasingly drawing inspiration and tools from human rights work, and those working within a traditional human rights framework are gradually beginning to include issues related to reproductive and sexual health in their monitoring and advocacy efforts. The action plans of governments concerned with reproductive health have begun to include references to rights, sexuality, and gender equality in ways that were unimaginable five years ago. Yet how far have we really come?

The Cairo and Beijing conference documents helped to define and shape a shared conceptual understanding of the content of reproductive rights and, simultaneously, to set out programs of action to translate this concept into reality. It is precisely because they did succeed in both of these efforts, however, that moving towards implementation in a manner and pace to which all can agree has proven to be so incredibly difficult. Concepts were being defined at the very same time that steps for their implementation were

being suggested. This resulted in a certain degree of disconnect between the words written into the programs of action and consensus about both the actual meaning of these words and their implications for policy and programmatic work. In addition, the full nature of the challenge that recognition of reproductive and sexual rights, even narrowly defined, poses to some of the traditional notions of culture and identity that are embedded in policy and programs within countries and at the global level has only become apparent with reflection and over time. Thus, at this five-year mark, we are in a position to examine not only the successes and failures in implementation of reproductive and sexual rights as defined in the Cairo and Beijing documents, but also the boundaries and limits of the conceptual frameworks that have shaped current understanding of these definitions.

This issue of the journal brings together various pieces that explore the current status of reproductive and sexual rights, with respect to both their conceptual development and efforts towards their implementation. At this moment, there appears to be far greater consensus—both between the authors presented here and more generally—about the nature and scope of reproductive rights than about sexual rights. This is largely attributable to the differing amounts of work that had been done with respect to defining these two sets of rights before the Cairo and Beijing conferences took place. While a great deal of advocacy, academic, and policy work had been done to define the scope and content of reproductive rights separately from and prior to these conferences, work on sexual rights as such, while also being done in many places around the globe, was not as organized or well-recognized prior to these conferences. As a result, while a fairly complete definition of reproductive rights exists in the Cairo Programme of Action and is reiterated in the Beijing Platform for Action, the Cairo document contains no mention of sexual rights, and the Beijing document contains only a brief and hard-fought mention of something that has since come to be called sexual rights. The bulk of the internationally recognized conceptual and definitional

work around sexual rights as such has only been done in the past five years. Therefore, despite some residual fuzziness concerning which rights drawn from the human rights framework are relevant to reproductive rights and in what ways, work on the relationship between reproductive and sexual rights, and on the specific nature and content of sexual rights, is at a much earlier stage of development.

A review of the efforts that have been made towards implementation of reproductive and sexual rights in the five years since the Cairo and Beijing conferences shows that, while there have been some successes at the global, regional, and national levels, full translations of these concepts into reality have been few and far between. Each of the pieces presented here highlights this gap, as well as the fact that when steps toward a shared conceptual understanding are lacking, steps toward full implementation are rarely successful.

The issue begins with a brief tour, by Nafis Sadik, of some of the policy and programmatic changes that have occurred in the past five years to implement reproductive rights for women and girls. Sadik stresses that the need for implementation of reproductive rights is as pressing today as it was before the Cairo and Beijing conferences, and she offers some key actions drawn from the five-year review of Cairo that may offer a way forward. Carmel Shalev, a sitting member of the UN Committee on the Elimination of All Forms of Discrimination Against Women, examines the efforts of this human rights treaty body to incorporate reproductive and sexual health issues drawn from the Cairo and Beijing agendas into their monitoring of government responsibility and accountability under the Women's Convention.

The need to further define the scope and content of reproductive rights has continued since the two conferences, but the limits of the current reproductive rights framework for protecting all of the relevant rights for all people is increasingly being recognized. Tomris Türmen examines the reproductive rights framework agreed to in the Cairo and Beijing processes and considers what steps would be necessary to concretize existing reproductive rights guarantees and to move the reproductive rights agen-

da forward. Judit Sándor and Marlene Gerber Fried consider the limits of the current internationally recognized definitions of reproductive rights for fully protecting the reproductive health of women. Sándor discusses the example of artificially assisted procreation, which is provided in some circumstances under Hungarian law, and Gerber Fried uses the example of abortion in the United States to demonstrate how the lack of access disproportionately undermines the rights and health of poor women.

The conceptual linkages between reproductive and sexual rights are examined by Rosalind Petchesky and Alice Miller. Petchesky explores the assumptions underlying the use of reproductive and sexual rights terminology in international fora, as well as the implications that this has for work happening at the country level, while Miller analyzes the commonalities and differences in international definitions of reproductive and sexual rights and the specific implications for a claim to sexual rights. Bonnie Shepard and Barbara Klugman each consider the obstacles to realization and implementation of reproductive and sexual rights at the regional level. Shepard uses the example of the “double discourse” in Latin America, under which repressive policies on reproductive and sexual rights coexist with unofficial and often illegal mechanisms that expand reproductive and sexual choice in practice, and explores the ways in which this double discourse impacts negatively on the rights and health of the poorest members of society. Barbara Klugman focuses on concrete examples of how sexual rights have come to be implemented in southern Africa. She uses the example of HIV/AIDS policies and educational materials to consider the extent to which the concept of sexual rights, as understood by delegates to the Beijing process, have translated into practice in countries in the region.

There are many reasons, many of them equally applicable to all countries, why the move towards actual implementation of reproductive and sexual rights is so difficult. As the pieces presented here demonstrate, one common reason is that the individuals and organizations with responsibility for translating the Cairo and Beijing conference documents into policy and program responses are unfamiliar

with reproductive and sexual rights concepts and therefore lack the skills necessary to do so. Education, training, and capacity building at the community, NGO, government, and intergovernmental levels can provide a way forward. Two very different approaches are profiled here as examples of the range of efforts toward implementation of reproductive and sexual rights in the last five years. First is the Amazonian Peoples' Resource Initiative (APRI), a non-governmental organization working in partnership with rural and indigenous communities in the Peruvian Amazon to provide reproductive health information and training within the reproductive and sexual rights framework promulgated in the Cairo and Beijing conference documents. Second is Operationalizing Cairo and Beijing: A Training Initiative in Gender and Reproductive Health, launched four years ago as a three-week training course to offer program managers and health planners the conceptual and technical skills and tools to integrate reproductive rights and gender equality into policies, planning, and programs. The course has run for several years in South Africa, as well as in Argentina, Australia, China, and Kenya, and the curriculum is currently being edited for global distribution.

This issue, then, seeks to answer a vital question: how far have we come in making reproductive and sexual rights a reality in the last five years? As the pieces in this issue attest, much farther than was predicted by the skeptics when the Cairo and Beijing conferences put forth a bold and new agenda, but there is still a long road ahead.

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