

THE HUMAN RIGHT

TO

FAMILY PLANNING



INTERNATIONAL
**Planned
Parenthood**
FEDERATION

The International Planned Parenthood Federation (IPPF) is the world's leading voluntary family planning organization. It was founded in 1952 and is a Federation of independent Family Planning Associations in 125 countries. It aims to initiate and support family planning services throughout the world and to educate people and governments in the benefits for the whole family, particularly mothers and children, of spacing and planning births.

For further information about the IPPF and its work, please contact the Public Affairs Department at the address below.



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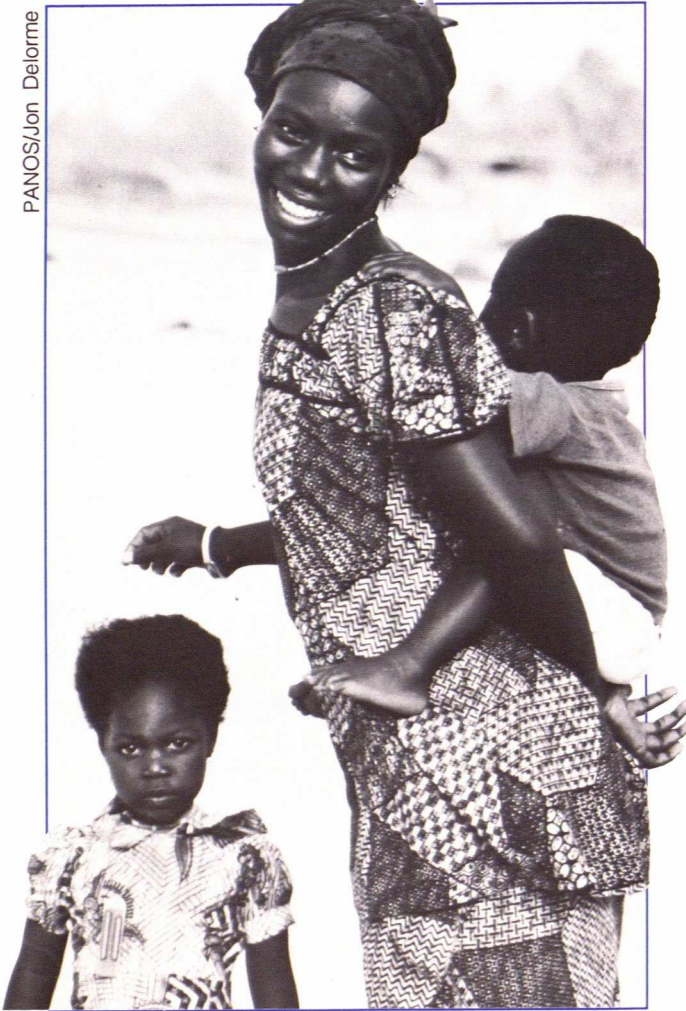
WHO/E. Mandelmann



- *The human right to family planning is of special significance to the 300 million couples in the developing world who face the prospect of an unwanted pregnancy. Until that right is turned into reality their physical, social and spiritual energies will remain unliberated. . .*
- *This brochure sets out the detailed international endorsement over the last two decades of the right to family planning information and services. I hope that it will prove useful to all those working in the development field who strive to provide policy guidelines. •*

Dr Halfdan Mahler
Secretary-General
International Planned Parenthood Federation

PANOS/Jon Delorme



Mother and children, Senegal

The Human Right to Family Planning

For the past 20 years there has been official universal acceptance that access to family planning information and services is a basic human right. Although still denied to millions of men and women, this right was endorsed by the 157 governments which participated in the International Conference on Human Rights in 1968. It has since been repeatedly restated in international instruments with increasing specificity, making it clear, for instance, that this is a right of individuals as well as parents and of the young as well as those in established conjugal unions.

The human right to family planning is slowly beginning to find expression in national constitutions. It has called into question much archaic legislation such as the French law of 1920, now abrogated by France and several countries in Africa which were its former colonies. After much debate, Canada amended its Criminal Code in 1969 to legalize family planning and five Latin American countries - Ecuador, Mexico, Peru, Guatemala and Brazil - have declared family planning and responsible parenthood as constitutional rights.

Constitutional rights

This right is fundamental to the establishment of equal rights for men and women since it underscores the right of women to control and manage their own fertility, thus enabling them to enjoy other human rights, for example, the right to good health. The momentous Alma Ata Declaration on Primary Health Care in 1978 identified family planning as an essential component of health care. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires member states to eliminate discrimination against women in the exercise of their right to health care, including family planning.

Already, in 1966, a resolution of the United Nations General Assembly had stated that "The size of the family should be the free choice of each individual" and it was

a natural step forward, therefore, when the 1968 human rights conference, convened to reaffirm and 'modernize' the 1948 Universal Declaration of Human Rights, reached agreement on this fundamental issue.

Government obligations

Governments which are signatories to international instruments and have ratified conventions such as CEDAW have an obligation to offer all their citizens family planning information and services. This obligation is more often honoured in the breach than in the making, because, as in other social sectors such as education, resources to do so are inadequate or because lack of commitment and conviction about family planning persists. This applies even in countries where family planning is an acknowledged constitutional right, underscoring the gap that must be closed before *right* becomes *reality*.

The most recent international declarations, notably that of the International Conference on Population in Mexico in 1984, stress the urgency of government responses to the needs of their citizens, particularly "those segments of the population which are most vulnerable and difficult to reach". The convention on women's equality states that to withhold family planning is to discriminate against women and identifies rural women as a priority. It is also clearly stated that governments have this obligation regardless of their population policies, a statement that is equally significant for low- and high-birth rate countries.

Freedom of choice

Compulsion forms no part of any of these international instruments. The critical value that has been established is freedom of choice. Nations with many different traditions, cultures and religious beliefs have had no trouble accepting family planning as a basic human right, although the Vatican, which has a vote in the United Nations, has consistently rejected the more liberal language that has been used.

The Proclamation of Teheran gave the right to 'parents'. The 1974 World Population Plan of Action gave it to 'all couples and individuals', a phrase that was repeated in

1984 when governments also agreed that “suitable family planning information and services should be made available to adolescents within the changing socio-cultural framework of each country”. The Forward-Looking Strategies for the Advancement of Women, adopted in 1985, further specified that “all medically approved and appropriate methods” should be made available, as well as education in responsible parenthood. It identified adolescent girls as a significant group at risk of unwanted pregnancy and therefore in special need of government attention.

Educating the young

The gradual shift of attention to young people was inevitable, given the mounting evidence of the high incidence of unwanted adolescent pregnancy and the extreme health hazards to young women, because of society’s unwillingness to acknowledge and grant them family planning rights. Both the 1984 Population Conference and the 1985 Women’s Conference described preparation for parenthood as a basic requirement in support of the right to family planning. With some notable exceptions, for example, in Thailand and South Korea, governments have been slow to respond to the enjoiner to provide family life education to young people both in and out of school and to take the necessary measures to revise out-of-date teaching syllabuses and school curricula.

There is, therefore, much well-stated and universally agreed official language which confirms family planning as a basic human right. Lethargic responses from governments place a heavy responsibility on the private sector to make this a reality, through example and public education. Throughout its existence, IPPF has campaigned for the recognition of the human right to family planning and made it, in 1953, the fundamental principle on which its own constitution is based.

The following examples of international and national statements on the human right to family planning have been selected from among many.

Human Right

‘Parents have a basic human right to determine freely and responsibly the number and spacing of their children.’

Proclamation, adopted unanimously at the UN International Conference on Human Rights, Teheran, 1968 (Article 18).

‘All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have information and means to do so; the responsibility of couples and individuals in the exercise of this right takes into account the needs of their living and future children, and their responsibilities towards the community.’

World Population Plan of Action, agreed by a consensus of 136 governments at the UN World Population Conference in Bucharest, 1974 (paragraph 14(f)).

Health

‘Primary health includes at least: education concerning prevailing health problems and the methods of preventing and controlling them; promotion of food supply and proper nutrition, an adequate supply of safe water, and basic sanitation, maternal and child health care, including family planning; immunization against the major infectious diseases; prevention and control of locally endemic diseases; appropriate treatment of common diseases and injuries; and provision of essential drugs.’

Declaration of Alma Ata,
International Conference on Primary Health Care
USSR, 1978 (paragraph VII(3)).

Women's Status

‘Governments must take all appropriate measures to eliminate discrimination against women, in order to ensure, on the basis of equality of men and women, the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to exercise these rights.’

The UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979, ratified by 94 States (Article 16).

Young People

‘Governments are urged to ensure that adolescents, both boys and girls, receive adequate education, including family life and sex education, with due consideration given to the role, rights and obligations of parents and changing individual and cultural values. Suitable family planning information and services should be made available to adolescents within the changing socio-cultural framework of each country.’

Recommendations from the UN International Conference on Population, Mexico City, 1984 (Recommendation 29).

Access to Services

‘Governments should, as a matter of urgency, make universally available information, education and the means to assist couples and individuals to achieve their desired number of children. Family planning information, education and means should include all medically approved and appropriate methods of family planning, to ensure a voluntary and free choice in accordance with changing individual and cultural values. Particular attention should be given to those segments of the population which are most vulnerable and difficult to reach.’

Recommendations from the UN International Conference on Population, Mexico, 1984 (Recommendation 25).

Among national constitutions declaring family planning and responsible parenthood as a constitutional right are the following:

Guatemala

‘The State guarantees the social, economic and judicial protection of the family. It will promote its establishment on the legal basis of matrimony, on the equality of rights of the conjugal pair, and on responsible parenthood and the right of persons to decide freely on the number and spacing of their children.’ (Article 48)

Brazil

‘The family, the base of society, has special protection from the State. Founded in the principles of dignity to the human person and on responsible parenthood, and freedom to exercise family planning, the State will provide the educational and scientific resources to exercise that right, prohibiting any coercive form by public and private institutions.’ (Article 263)

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