



Statement on sexual and reproductive health and rights

17 November 2021

Even though sexual and reproductive health and rights (SRHR)¹ of women, girls, and gender-diverse and transgender individuals, are recognized in international law, these rights are still continuously violated at a global level. Women are still facing sexual violence and unequal treatment putting their health and lives at risk. Especially during COVID-19, SRHRs have been increasingly compromised due to limited access to care, and to increased rates of domestic (sexual) violence.

Violation of SRHRs is a violation of human rights as it “constitutes a breach of women’s and girls’ rights to equality, non-discrimination, dignity and health, and freedom from inhuman and degrading treatment”.² Internationally, the commitment to protect and promote sexual and reproductive health and reproductive rights is laid down in various declarations and action plans, including in the context of women’s rights and gender-based violence.³

Right to abortion

One of the most discussed women’s rights is the right to abortion. Denying access to abortion has been identified as a form of gender-based violence against women, which can amount to torture and/or cruel, inhuman and degrading treatment ([OHCHR, 2020](#)). Worldwide, unsafe abortions are one of the five major causes of maternal mortality. In Europe, up to 20% of all deaths during pregnancy are due to unsafe abortions ([WHO Europe](#)). Although abortion is legal in many European countries, it is not accessible everywhere, and even when legally available, there can be barriers that hinder women’s timely access to abortion, e.g., a mandatory waiting time after the initial request by women; mandatory permission from e.g.,

¹ The definition of SRHR is clearly described by the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR): “[...] sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination” ([OHCHR](#)).

² Report of the Committee on Women’s Rights and Gender Equality of the [European Parliament \(2013\)](#).

³ SRSH commitments:

- The Global Goals: Sustainable Development Goal 5; specifically, target SDG 5.6. mentions that universal access to sexual and reproductive health and rights should be ensured.
- [Vienna Declaration](#) (World Conference on Human Rights, 1993): “human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women. The World Conference on Human Rights urges governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.”
- European Union Gender Action Plan II ([European Commission, 2020](#)); <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

legal guardians and doctors; or refusal due to religion.⁴ These restrictions also have discriminatory effects in terms of access, since women who are well informed and possess adequate financial means can often obtain legal and safe abortions more easily.

The European Court of Human Rights, recognizing that the national legislator is able to adopt statutory regulations allowing abortion under specific provisions, nevertheless, has found that the prohibition of abortion when sought for reasons of health and/or wellbeing falls within the scope of the right to respect one's private life, and accordingly falls within the scope of Article 8 of the European Convention on Human Rights ([A, B and C v. Ireland](#)). The Court also underlines that the notion of private life within the meaning of Article 8 applies both to decisions to become and not to become a parent ([P. and S. v. Poland](#), [Evans v. the United Kingdom](#), [R.R. v. Poland](#), and [Dickson v. the United Kingdom](#)).

People with diverse sexual orientations

Another important issue that has come up in recent years, is the fact that – for a long time – people with diverse sexual orientations have been neglected in the discussion around SRHRs. They face discrimination and violence which inhibit their access to the care they need, including reproductive health care to protect themselves and their partners from sexual health risks ([Out Right International Action, 2018](#)). This does not align with international law, nor with Sustainable Development Goal (SDG) 3, and specifically target SDG3.8 on Universal Health Coverage (UHC) “to leave none behind”,⁵ to which all Member States of the United Nations have committed, and with a concrete commitment at EU level too.

Besides these two issues, the increasingly multicultural composition of the population in Europe creates new challenges for safeguarding and promoting SRHRs. In many circumstances, healthcare professionals have to serve very diverse groups, young immigrants, refugees, and internally displaced populations, which requires offering culturally sensitive and gender-sensitive care for which they are not trained and presents issues they may be unfamiliar with e.g., female genital mutilation and related medical and legal issues.⁶ Finally, special attention should be placed on the sexuality and reproductive rights of certain populations, such as individuals with disabilities and those who are incarcerated.

EUPHA calls upon governments in Europe and beyond:

- To ensure sexual and reproductive health services are offered without discrimination to women, girls, and gender-diverse and transgender populations;
- To integrate gender perspectives into all health policies and programmes;
- To include sexual and reproductive healthcare services in universal and equitable health coverage packages, leaving no one behind;
- To ensure gender responsive social and public health infrastructure;

⁴ Reproductive Rights European Abortion Laws: A Comparative Overview, Center for Reproductive Rights, 2021

⁵ Target 3.8 on Universal Health Coverage: Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality, and affordable essential medicines and vaccines for all.

⁶ <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

- To promote intersectoral collaboration to address social determinants behind sexual and reproductive health; and
- To acknowledge the unique needs of adolescents and to ensure they can access comprehensive sexuality education and adolescent friendly SRHRs services, ensuring health literacy is improved to avoid negative health and social consequences in young people.

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Further EU-specific documentation in relation to the key points raised in this statement:

European Parliament. (2021, July 8). *Resolution of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament (2021/2679(RSP))*. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0362_EN.html

European Parliament. (2021, June 24). Sexual and reproductive health and rights in the EU, in the frame of women's health. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.html

Special report No 10/2021. Gender mainstreaming in the EU budget: time to turn words into action, OJ 2021 C 219/7 (2021). [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021SA0010\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021SA0010(01))

European Parliament resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI free zones (2019/2933(RSP)), OJ 2021 C 255/7 (2020). https://www.europarl.europa.eu/doceo/document/TA-9-2019-0101_EN.html

European Parliament. (2015, June 9). Resolution on the EU Strategy for equality between women and men post 2015 (2014/2152(INI)). <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0218+0+DOC+XML+V0//EN>

Resolution on Sexual and Reproductive Health and Rights (2013/2040(INI)), OJ 2016 C 468/66 (2013). <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0548&language=DE&ring=A7-2013-0426>

Regulation (EC) No 1567/2003 of the European Parliament and of the Council of 15 July 2003 on aid for policies and actions on reproductive and sexual health and rights in developing countries, OJ 2003 L 224, p. 1 (2003 & rev. Repealed by 32006R1905). <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003R1567&qid=1436281634517>

European Parliament. (2002, July 3). Resolution on sexual and reproductive health and rights (2001/2128 (INI)). <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2002-0359+0+DOC+XML+V0/>