

CONCEPT NOTE

ICPD Beyond 2014 International Conference on Human Rights

This note provides the concept of the ICPD Beyond 2014 International Conference on Human Rights, including its rationale and scope as well as its strategic contribution to the review of the ICPD Programme of Action (PoA) beyond 2014, pursuant to GA Resolution 65/234 of December 2010. The ICPD Beyond 2014 International Conference on Human rights will provide an opportunity to assess the implementation of the ICPD PoA from the perspective of the nexus between human rights, equality, equity and population and development, including the key areas of gender equality, women's empowerment, and sexual and reproductive health and rights. The conference will identify human rights developments in the past 20 years, success stories and lessons learned as well as remaining gaps and challenges and emerging issues and priorities for the future to ensure that the ICPD beyond 2014 agenda, as well as the broader development agenda beyond 2015, advance the realization of human rights without discrimination.

The concept note will guide the work of the Planning Committee comprised by the United Nations Population Fund (UNFPA), the Office of the High Commissioner for Human Rights (OHCHR) and the host Government, the Government of the Netherlands, as well as the conference's Reference Group of international NGOs, academia, human rights experts and other relevant stakeholders. UNFPA and OHCHR represent a larger group of UN Support Group made up of all relevant United Nations system agencies. As a guiding tool, this note will serve as the basis for other purposes, including public information and the development of the programme for the Conference.

1. Background: The ICPD Programme of Action and human rights

In 1994, 179 UN member States at the International Conference on Population and Development (ICPD), held in Cairo, agreed to a fundamental change in the approach to population questions by putting human rights at the heart of any efforts to improve the quality of lives of all individuals and achieve sustained economic growth and development. The ICPD Programme of Action – also known as the Cairo consensus – emphasized the integration of universally recognized human rights standards and principles in all aspects of population and development policies and programmes. This enabled a critical conceptual shift from framing “population” as an issue of control to one of empowerment of couples and individuals to make decisions about the timing and size of their families, through women's empowerment, and access to information and resources to help make such decisions, thereby enabling the exercise of their reproductive rights, among others.

The ICPD Programme of Action and *the key actions for further implementation* – adopted during its five year review - have been reaffirmed subsequently by the international community in major United Nations conferences and summits, including in the Beijing Platform for Action in 1995 and the Millennium Declaration in 2000. Thereafter, the World Summit Outcome in 2005 and the Millennium Development Goals (MDGs) review summit in 2010 reinforced the links between human rights and development by stressing the resolve of Member States to integrate promotion and protection of human rights in their national policies¹ as well as in their strategies for achieving the MDGs². As a result, more and more States are adopting human rights-based approaches to development, often with the technical assistance of the UN system, including policy and planning in the areas of gender equality and sexual and reproductive health and rights.

¹ World Summit Outcome 2005, Para 126.

² MDG review summit 2010, para 53.

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While the linkages between sexual and reproductive health and reproductive rights and inclusive, sustainable and equitable development, are well recognized, their understanding has continued to evolve and expand in international, regional and national human rights instruments and in political declarations. This is evidenced by, for example, the recognition of sexual and reproductive health in the Convention on the Rights of Persons with Disabilities (2006) and recent Human Rights Council resolutions on maternal mortality and morbidity and human rights (2009-2012) and on discrimination on the basis of gender identity and sexual orientation (2011). Regarding youth, the Commission on Population and Development has recognized in its resolution of 2012, the need to protect the human rights of adolescents and youth to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, regardless of age and marital status. UN Treaty Bodies have developed a consistent jurisprudence calling on States for the removal of laws and regulations restricting access to sexual and reproductive health services and some national constitutions ensure protection of sexual rights.

As we approach the target date of 2014, progress on key human rights elements of the ICPD agenda is evident from the outset. Since the adoption of the ICPD PoA, progress has been made in reducing maternal mortality and morbidity, a development priority also representing violations of women's right to life, right to health and the right to be free from discrimination. During the same period, the percentage of women in developing countries aged 15-49 using any method of contraception increased from 52 per cent to 62 per cent. For the last 18 years, over 25 countries worldwide have liberalized their abortion laws broadening the grounds under which women can have access to safe abortion, including for therapeutic reasons. Furthermore, medical advances and increasing access to treatment have significantly changed the HIV/AIDS landscape, demonstrating that it is possible to end AIDS.

Despite these advances many challenges remain, for men and women, for young and old, but in particular for women and girls. Every year, more than 270,000 women and adolescent girls continue to die during pregnancy and childbirth due to preventable causes in many contexts because they are poor, or live in rural and underserved areas or belong to disenfranchised minority groups or because of gender-based discrimination. Many women and adolescent girls are restricted from free access to voluntary family planning and other sexual and reproductive health services without a husband's or a guardian's consent. Young people often face legal barriers and prejudice in accessing information, education and services related to sexual and reproductive health, one factor accounting for 41 per cent of all new HIV infections among adolescents and youth in 2011. This and other challenges illustrate the pressing need to strengthen the engagement of men and boys in sexual and reproductive health both in terms of their role in promoting gender equality, including in equal sharing of family responsibilities, as well as of their own sexual and reproductive health and rights. At the same time, between 2000 and 2010, at least 67 million girls were married before their 18th birthday, despite the passing of laws raising the age of marriage in at least 158 countries. Violence against women continues to be one of the most pervasive forms of human rights violations due to its magnitude as well as its multiple manifestations and negative impacts on women's rights and gender equality. Women with disabilities, in particular, are up to three times more likely to be physically and sexually abused, while in some countries forced sterilization of women living with HIV, allegedly to protect public health, or of women with mental disabilities is practiced as a concrete measure of 'protection' from sexual abuse. All these cases and practices are, without exception, unacceptable human rights violations and a reminder that the ICPD human rights agenda continues to be as relevant today as it was 18 years ago. Many countries also continue to grapple with issues related to identity, lifestyles and different forms of families and their implications for public policy and social development.

In addition to the above outstanding challenges, the compounding effects of economic and other crises have brought to the surface important new challenges for the universal realization of sexual and reproductive health and rights. Moreover, emerging issues stemming from critical population dynamics - such as urbanization, ageing and migration, that also impact the realization of the right to sexual and reproductive

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health - have not been sufficiently addressed. The Post 2015 Development Agenda will have to engage both outstanding and emerging challenges in order to ensure the achievement of more sustainable and equitable development outcomes including with regards to sexual and reproductive health and rights.

2. Human Rights Conference: Rationale and Scope

The operational review of the implementation of the ICPD Programme of Action (PoA), for its follow up beyond 2014 (mandated by GA Resolution 65/234 of December 2010), provides an opportunity to focus on the human rights commitments in the ICPD Programme of Action. A dedicated human rights conference will contribute to deepen the understanding of this human rights dimension and will bring additional inputs, perspectives and qualitative analyses to the ICPD review. The conference is a global thematic meeting involving policy makers, civil society organizations, including youth-led organizations, human rights defenders, human rights experts and UN agencies, as mandated by General Assembly Resolution 65/234.

The conference will focus strategically on the intersection between gender equality and sexual and reproductive health and reproductive rights, as defined in the ICPD PoA. The meeting's outcomes will focus on opportunities to strengthen the operational links between human rights and implementation of the PoA. The conference will explore issues such as the intersections between sexual and reproductive health, human rights and the global development agenda. In addition, it will also contribute to reflect on the human rights implications of key population dynamics³, such as changes in population growth rates, age structures, and population spatial distribution due to urbanization processes and increasing migration flows.

Identified gaps, drivers and facilitators, as well as recommendations for the future, will be reflected in the ICPD Global Review Report, which will be the basis for the Secretary General's report to the Commission on Population and Development as well as the General Assembly Special Session on the ICPD Review in 2014. As with the other components of the ICPD Beyond 2014 review, the Human Rights thematic conference is strategically placed to profile critical intersections between the PoA's implementation and human rights at a time when the global community is working to establish its future development agenda. The resulting outcome will help make a case for greater substantive and operational coherence between these agendas.

3. Goal of the Conference & Expected Deliverables

The conference will identify positive human rights developments in the past 20 years, remaining gaps and challenges, as well as emerging issues and priorities for the future to ensure that the ICPD beyond 2014 agenda, as well as the broader development agenda beyond 2015, advance the realization of human rights without discrimination.

The Conference will – while building on the Global Youth Forum outcomes⁴ - bring together positive developments, good practices and lessons learned in realizing sexual and reproductive health and rights and gender equality by taking into consideration the indivisibility of the broader human rights and population and development agenda in the ICPD PoA. Furthermore, the Conference will stimulate debate, identify new approaches while promoting the replication and scaling-up of demonstrated successful interventions, and

³ The linkages between population dynamics and human rights are two-fold. On the one hand population dynamics are impacted by the (non-) fulfillment of human rights. For instance, the inability of women and couples to decide the number, timing and spacing of their children has direct impact on fertility and mortality rates. Similarly, migration flows are often motivated by the search for opportunities to secure a life of dignity. On the other hand population dynamics will challenge the capacity of countries to achieve sustainable and equitable development goals while ensuring a universal enjoyment of human rights, such as, for instance, the increasing impact of ageing on the sustainability of social security systems.

⁴ http://icpdbeyond2014.org/uploads/browser/files/bali_global_youth_forum_declaration.pdf

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contribute to the building of partnerships and synergies for action across different disciplines. The Conference will also identify solutions for the future and concrete follow-up actions in order to ensure that a human rights-based approach is an integral part of the ICPD Beyond 2014 agenda as well as the post-2015 development architecture.

The conference output will be a report that captures the richness of the debates, on the various topics, as well as the key aspects of the presentations and identified ways forward. The report will feed into the ICPD Beyond 2014 Review process, including regional UN Population Conferences and ultimately the ICPD Global Review Report.

4. Key discussion topics

In reviewing the implementation of the ICPD Programme of Action, the conference agenda will consider critical human rights issues and challenges with a particular focus on sexual and reproductive health and rights and its intersection with gender equality, as well as population and development issues more broadly. Therefore, the agenda will pay particular attention to the rights of women, adolescents and youth (10-24 years old), as well as disenfranchised or marginalized groups in relation to a broad range of issues including, inter alia, access to comprehensive sexual and reproductive health services, access to sexuality education, the right to privacy and bodily integrity, the right to be free from discrimination and violence, and the right to be free from harmful practices (FGM/C, child marriage, etc.).

The Conference will begin by discussing the stark realities faced by millions of rights holders, for whom the enjoyment of reproductive rights free from violence and discrimination is an unattainable aspiration. In order to ensure coherence and focus the conference agenda will revolve around two key overarching human rights dimensions, i.e. inequality and accountability. These issues have been identified on evidence that: (i) progress has been uneven and that specific populations groups have been left behind and (ii) uneven progress is greatly due to the weakness of national and international accountability systems.

- **Inequality and discrimination:** The Conference will consider the core human rights question of who has been left-out and why. At the outset, the focus will be on the main barriers faced by marginalized and excluded groups before moving onto assessment of the level and effectiveness of response;
- **Accountability:** In this conference, the understanding of *accountability* will move beyond institutional enforcement mechanisms such as courts, tribunals etc., to also examine accountability as a continuum in the development process, including peoples participation in holding governments to account. This focus will examine the responsibilities of States as duty-bearers and the progress made in implementing ICPD commitments in the areas of legal and policy reform, policy implementation, governance systems, monitoring and evaluation and enforcement of rights.

Logistical aspects

Venue & dates: The international thematic conference will be hosted by the Government of the Netherlands in The Hague, from 7-10 July 2013. The conference is co-organized by the Government of the Netherlands, the United Nations Population Fund (UNFPA) and the Office of the High Commissioner for Human Rights (OHCHR).

Participants: A broad selection of participants conversant with human rights dimension of the ICPD agenda including: one official from each UN member state, CSOs, youth, UN agencies, as well as experts, academia and advocates expressing the voice of marginalized groups - by invitation.