

SEXUAL AND REPRODUCTIVE HEALTH RIGHTS OF WOMEN

Abstract

A woman's reproductive system is a delicate and intricate system in the body. It is vital to take steps to protect it from infections and injury, and prevent problems long-term health problems. Reproductive rights signify women's right to choose whether or not to reproduce, including the right to decide whether to carry or terminate an unwanted pregnancy and the right to choose their preferred method of family planning and contraception. The main goal of these rights is to improve women's health from menarche through menopause. Rights to reproductive and sexual health comprise the right to life, liberty and the security of the person, the right to health care and information, and the right to non-discrimination in the allocation of resources to health services and in their availability and accessibility.

The basis for these rights can be found in various articles of the Convention on the Elimination of All Forms of Discrimination against Women. The promotion of these rights should be fundamental basis for government and community-based policies and programs. Infringement of the above rights in varied forms, including maternal mortality, lack of procedures for legal abortion, inadequate allocation of resources for family planning, coercive population programs, spousal consent to sterilization, and occupational discrimination of pregnant women is happening in the present scenario. This paper highlights the reproductive rights and sexual health as crucial part of women's health.

Keywords: Human rights; gender discrimination; equality; autonomy; choice; informed consent; confidentiality; CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)

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Human Rights are very important in the democratic country. In the same way Women's Rights are also very important to the country. Both are very important to the development of country and people. Human Rights and Women Rights are as important as a coin has two sides. The present paper's aim is discussing the important of women rights in all aspects. The female reproductive system is a delicate and intricate bodily system. It is very important to protect women against infections, damage, and issues, including certain long-term health issues. Safe motherhood starts with correct nutrition and a healthy lifestyle before conception, and it continues with appropriate prenatal care, as well as the possible avoidance and treatment of difficulties. The general health and well-being of people, couples, and families, as well as the social and economic development of societies, depend on their sexual health. When regarded positively, sexual health necessitates a positive and respectful attitude toward sexuality and intimate relationships, as well as the ability to enjoy joyful and secure sexual experiences free from coercion, prejudice, and violence.

On the other hand multiple human rights are very essential to every one life. They are 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 are connected to women's sexual and reproductive health. According to the Committee on Economic, social, and cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW), women's right to health encompasses their sexual and reproductive health. Both the committees report imply that states must have a duty to respect, safeguard, and implement rights pertaining to the sexual as well as reproductive health of the women.

I. CAUSES AND CONSEQUENCES OF SEXUAL AND REPRODUCTIVE HEALTH VIOLATIONS

Health is very important than any other things. Particularly women's health is more important. If woman is healthy in the home she will take care of all others. Moreover women's sexual and reproductive health and rights violations are frequently brought on by deeply entrenched attitudes and societal norms. Hence women are habitually given more value and importance based on their capacity for reproduction. Due to male domination conceptions of women's overloaded work duties in the family are more difficulty to handle. Furthermore early marriages and pregnancy issues, or multiple pregnancies spaced too intimately together along. At the same time as a result of several attempts are there to create male offspring due to the more preference for sons are have a dreadful effect on women's health and even have deadly repercussions. As well infertility is a big barrier and also frequently blamed only on women, who then experience of rejection and other forms of discrimination will be found as results.

Apart from this, violence against women affects women everywhere all the time. It is a severe effect on women's health and damages mental health too, restricts their ability to fully participate in society, obstruct with their enjoyment of their rights to sexual and reproductive health, and causes them and their families' great physical and emotional pain. According to the Declaration on the Elimination of Violence Against Women, given definition for "violence against women" is _

Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.

Moreover The Declaration demands that countries "exercise due diligence to prevent, investigate, and, in accordance with national law, punish acts of violence against women, whether those acts are committed by the State or not." This Committee also highlighted on the Elimination of Discrimination Against Women has recognized gender based violence as a form of discrimination that impairs or nullifies women's enjoyment of human rights and fundamental freedoms such as the right to life; not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to equal protection under the law; and to the highest standard attainable of physical and mental health.

II. FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS INCLUDE

There are more predominant problem in the society is witchcraft and dowry systems. They too related to violence and deaths, crimes committed in the name of so-called honor, feticide, domestic violence, harmful practices such as child and forced marriage and female genital mutilation. Not only this but also it includes sexual violence in all of that varied manifestations, marital rape, gang rape, forced sterilization, forced nudity, enforced abortions, sexual nuisance, and incest. These are also must treat as brutal crimes and punish them as criminals.

III. REPRODUCTIVE RIGHTS

There are certain Reproductive Rights. Those must be followed by everyone.

1. Right to all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and family.
2. Right to give and take information and means to do so.
3. Right to care the highest standard of reproductive health.

According to International Conference on Population and Development (ICPD) 1994 Women should have the following rights to:

- Dissection has to take freely and responsibly the number, spacing and timing of their children.
- Get the awareness on the highest standard of sexual and reproductive health. Women have the right to be physical, mentally, and socially healthy with access to medical, mental and social facilities services.
- Make right decisions to reproduction not bothering of discrimination, compulsion, and violent behavior.
- It is completely women's right to take decision whether you have 0, or 7 children.

As per Beijing platform of action 1995, the promotion of these rights should be the fundamental duties for government, they have to propagate and sponsored many policies and development programs. It also stated that the government must consider women's rights as a fundamental part of the laws and enacts, the policies should put in proper places, and the programs have to implement properly.

IV. HEALTH-RELATED RIGHTS UNDER THE WOMEN'S CONVENTION

Coming to another openion, the Convention's Article 16(1)(e) gives the freedom to choose the number and spacing of children, however that is just one of the articles that deal with women's rights in terms of health.

Article 12- It says that "to take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning." Further details are "ensure to women appropriate services in connection with pregnancy, confinement, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

Article 10(h) guarantees the right of access to particular educational materials and family planning guidance.

Article 14(b) makes clear that women in rural regions have the all rights to access facilities for sufficient health care, including family planning information, counseling, and services which every they want.

In the another article 11(1)(f) states that women's rights to protection of their health and safety at work are explicitly mentioned in detail. So, this includes "the safeguarding of the function of reproduction".

V. DIFFERENT SOCIAL CONSTRUCTION

Although all the Conventions recognize the protective role of women, social and cultural norms of behavior frequently elevate mothering to the point where it limits women's freedom to make their own decisions in life. Religious and cultural views may favor women based on their capacity to bear children. As a result, recurrent pregnancies that are too narrowly spaced apart, frequently because of attempts to have male offspring, may endanger their health. It is possible for women who have not given birth to be expelled from marriages under the presumption that they, not their male partners, are infertile. Women's health needs are viewed as second important is to those of their children or, in some cases, men's, and they are refused way in healthcare that is unrelated to their reproductive activities.

VI. BIOLOGICAL DIFFERENCE

Health-related discrimination may be partially explained by the biological distinctions between women and men, even though such social phenomena are unquestionably mediated by gender discrimination. The principle of gender equality, according to modern feminist legal theory, takes into account such differences rather than calling for women to live up to expectations set by a male role model. For there to be equality, it is necessary to treat all interests equally and to handle various interests in a way that respects their diversity. Discrimination occurs when the unique health requirements of women are not considered, preventing them from receiving the right medical information and services. Rather than being a formal issue of ensuring that women have the same rights as men and combating intentional discrimination, equality is a substantive issue of ensuring equal enjoyment of outcomes in

terms of health and wellbeing. Equal rights for women and men in terms of health and medical care include both general health needs and sex-specific needs. Discrimination occurs when funds are not allotted or when services are not provided for women's unique health requirements in addition to those that apply to both women and men.

VII. THE RIGHT TO LIFE

Discrimination against women is really plays a major role in the high prevalence of pregnancy and childbirth-related deaths and issues. When resources are not allocated with sufficient priority to meet women's unique requirements, maternal health treatments are frequently not provided. Through the provision of reproductive health services, such as contraception, safe abortion, and necessary and emergency obstetric care, maternal death and morbidity can be largely averted. Every Woman's fundamental right to life itself is the most significant human right that is violated by preventable mortality during pregnancy or childbirth. It is debatable whether or not providing access to high-quality, reasonably priced healthcare services that would reduce maternal mortality is the essential minimum of a government's commitments under international human rights agreements.

The government of Indonesia looked to be deteriorating in its fundamental duty to ensure safe maternal health services when it blamed the high maternal mortality rate on births performed by traditional birth attendants, which accounted for over 64% of all deliveries. According to the one of the research survey expresses that lots of women prefer home births why because it is more convenient, low cost and flexible payment preparations. However, it also may be argued that "customer preference". It should not be absolve the government of its responsibility to uphold, defend, and respect women's right to life.

VIII. REPRODUCTIVE CHOICE- ABORTION

Every woman has to take right choices and decisions by their own. Maternal mortality and morbidity are also significantly increased by unsafe abortion. The fact is that the abortions are illegal in many nations, state Parties' reports to the Committee frequently but do not having proper official data or information on this, but they consistently show a link between unsafe abortion and high rates of maternal mortality and morbidity, manifested as hemorrhaging and issues of pregnancy complications.

Therefore, Zimbabwe claimed and said that abortion-related bleeding and infections are major causes for death, however precise numbers are unknown due to the illegality of abortion. Like the Dominican Republic, it claimed that heavy underreporting but stated that clandestine abortions are the third most common cause of maternal death (after toxicemia and hemorrhages during childbirth). So, there is support for the idea that laws that criminalize the women-only health services they provide or the women who receive them are discriminatory in and of themselves. Furthermore the criminalization of abortion is particularly objectionable so that it is not only restricts women's right to reproductive choice, but also which allows them to make decisions on imperative life-controlling issues in a free and responsible manner, but also exposes them to the stigma associated with the procedure.

However in many nations, there are exceptions to the criminal rule that permit legal abortion in certain situations. Those are when the mother's life is in jeopardy or when the

pregnancy in the consequence of rape. On that particular case rape is not a legal basis for an abortion in Indonesia, thus by making the lady bear the child, the government is in actual fact aggravating the sexual assault against the woman.

IX. REPRODUCTIVE CHOICE - FAMILY PLANNING

However in the matter of the right to reproductive choices will completely depends on the women. They may have ability to decide whether to have children, whether or not to carry or end an unintended pregnancy, and how they would like to organize their family and use contraception. Hence a nongovernmental report on the rampant pregnancy-based discrimination against women working in Mexico's export-processing sector exposed to a breach of these women rights. So that all women applying for jobs in this industry are frequently obliged to undergo pregnancy tests for screening, according to a fact-finding mission looking into complaints of the practices and working women are often required to resign when they become pregnant. Generally as a condition of continued employment, several factories required women to show sanitary napkins to corporate nurses. The research came to the conclusion that in such employment practices penalize women for exercising their reproductive rights and inevitably restrict their capacity to choose the number and spacing of their children on their own, and that it was the responsibility of the Mexican government to put an end to them.

Coming to the conclusion the risk of maternal mortality and the ban on abortion in many nations given more important, the right to family planning education, information, and services is essential to women's sexual and reproductive health as well as their ability to make informed decisions about their reproductive options. So the services for family planning are especially crucial in states where abortion is prohibited. Abortion is prohibited in the Dominican Republic, but only non-governmental organizations are allowed to educate people about birth control. It may be argued that the state's primary responsibility in cases where safe, legal abortion is prohibited is in the direction of at the very slightest offer itself the family control planning services necessary to protect women's right to choose their suitable reproductive methods.

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