

Domestic Legislation and Policy

- Section 27(1) South African Constitution guarantees the right to health care services, including reproductive health care.
- Section 27 (2) South African notes that the State must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right

Effects of gender-based violence in sexual reproduction health?

- Women who are abused during pregnancy exhibit more depression and substance abuse and are less likely to gain needed weight or to access prenatal care, compared with pregnant women who are not abused.
- Children of abused women are more likely to die before age 5.
- Violence during pregnancy has been associated with low birth weight of babies.
- Violence against women has been shown to increase the risk that women will be infected by sexually transmitted diseases and HIV
- Unable to negotiate safer sex, especially condom use
- When women negotiate condom use this attract violent behaviors from their partners HIV positive women have a likelihood of experiencing GBVF



WHAT SHOULD PEOPLE DO WHEN THEY EXPERIENCE VIOLENCE THAT AFFECTS THEIR SEXUAL & REPRODUCTIVE RIGHTS?

- Report to the matter to the police, violence is a crime
- Contact local civil society structures like NGOs or CBOs that work in the field of health or GBVF
- There are also Thuthuzela Care Centres that are dedicated to assisting women who are in the position where their sexual rights are violated.
- If this happens in public health facilities, they can be reported via Batho Pele principles or Office of the Public Protector or Public Service Commission.
- South Africa have Equality Courts were matters of discrimination are presided over.

Any member of the public may also contact the CGE if they feel that their sexual and reproductive and health rights have been violated. The Gender Commission mandated by the constitution to investigate matters of this kind with the purpose of holding institutions and individuals accountable for their actions or inaction in cases of gender abuse and / or discrimination. Members of the public can visit our offices located in all the nine provinces.

OFFICES AND CONTACT DETAILS

HEAD OFFICE

2 Kotze Street Women's Jail, East Wing
Constitution Hill
Braamfontein, 2017
Tel: +27 11 403 7182
Fax: +27 11 403 7188

GAUTENG

267 Lillian Ngoyi Street
Praetor Forum Pretoria,
0001
Tel: +27 12 341 6090
Fax: +27 12 341 4689

EASTERN CAPE

3-33 Phillip Frame Road
Waverly Office Park
Chiselhurst East London,
5247
Tel: +27 43 722 3489
Fax: +27 43 722 3474

WESTERN CAPE

132 Adderley Street ABSA
Building, 5th Floor Cape
Town, 8000
Tel: +27 21 426 4080
Fax: +27 21 424 0549

LIMPOPO

Cnr Grabler & Schoeman
Street 106 Library Gardens
Square, 1st Floor
Polokwane, 0700
Tel: +27 15 291 3070
Fax: +27 15 291 5797

KWAZULU-NATAL

40 Dr A.B Xuma Road
Commercial City, Suite
1219 Durban, 4000
Tel: +27 31 305 2105
Fax: +27 31 307 7435

FREE STATE

49 Charlotte Maxeke
Street Fedsure Building,
2nd Floor Bloemfontein,
9300
Tel: +27 51 430 9348
Fax: +27 51 430 7372

MPUMALANGA

32 Bell Street, Office
212-230 Nelspruit, 1200
Tel: +27 13 755 2428
Fax: +27 13 755 2991

NORTHERN CAPE

143 Du Toitspan Road
NPO Building Kimberley,
8300
Tel: +27 53 832 0477
Fax: +27 53 832 1278

NORTH-WEST

38 Malopo Road
Mahikeng, 2745
Tel: +27 18 381 1505
Fax: +27 18 381 1377



Commission for Gender Equality
A society free from gender oppression and inequality

SEXUAL AND REPRODUCTIVE HEALTH RIGHTS IN SOUTH AFRICA



CGE ON SOCIAL MEDIA





WHAT IS SEXUAL & REPRODUCTIVE HEALTH?

Sexual and reproductive health is a state of complete physical, mental and social well-being in all matters relating to the reproductive system. It implies that people are able to have a satisfying and safe sex life, the capability to reproduce, and the freedom to decide if, when, and how often to do so. To maintain one's sexual and reproductive health, people need access to accurate information, menstrual health management and the safe, effective, affordable and acceptable contraception method of their choice. They must be informed and empowered to protect themselves from sexually transmitted infections. And when they decide to have children, women must have access to services such as family planning, healthy pregnancy, and safe delivery. Every individual has the right to make their own choices about their sexual and reproductive health. (Source: UNFPA, 2016)

Sexual and reproductive health rights recognise that men and women should have the powers to make decisions on their sexuality in a free and responsible manner. In South Africa, the right to Sexual and Reproductive Health Rights is enshrined in section 27 of the Constitution, which states that "everyone has the right to access health care services, including reproductive health care".



WOMEN'S HEALTH & GENDER INEQUALITY

National governments and the global community need to work together to support and enable women and girls to enjoy their health and fulfil their rights. The World Health Organization (WHO) and global partners are encouraging nations across the world to tackle inequalities and challenges that disproportionately cause women to not enjoy their rights to sexual and reproductive health. The world health body advocates for countries to:

- Ensure Bodily Autonomy — enabling women and girls to make informed sexual, reproductive, and healthcare decisions—a human right for all.
- Promote equitable gender norms, including those that make violence against women and girls, including harmful practices such as early/forced marriage and female genital mutilation, unacceptable.

- Finance universal health coverage and social protection to cover health costs, childcare, paid parental, sick and family care leave and old age pension.
- Value paid employment and unpaid care work equally and enabling men to share care work with women.
- Address male bias in the development of vaccines, drugs, and diagnostics. (e.g contraceptive).
- Strengthen health systems to include safe, decent working conditions for the majority female health workforce including eliminating sexual harassment and violence.
- Invest in feminist movements, which have been instrumental in fostering progressive changes towards gender equality.
- Ensure women's and feminist leadership in governments, health and development agencies, and other global organisations.

(Source: WHO)



IS SEXUAL & REPRODUCTIVE HEALTH A HUMAN RIGHT?

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. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women (CEDAW) have both clearly indicated that women's right to health includes their sexual and reproductive health. This means that States have obligations to respect, protect and fulfill rights related to women's sexual and reproductive health. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health maintains that women are entitled to reproductive health care services, goods and facilities that are:

- (a) available in adequate numbers;
- (b) accessible physically and economically;
- (c) accessible without discrimination; and
- (d) of good quality.



VIOLATIONS OF WOMEN'S SEXUAL & REPRODUCTIVE HEALTH RIGHTS

Violations of women's sexual and reproductive health rights are frequent. These may occur in many forms, including the denial of access to services that are required by women, poor health care services, denying women consent relating to sterilisation, forced virginity testing and forced abortions.

Violations of women's sexual and reproductive health rights are often deeply engrained in societal values pertaining to women's sexuality. Patriarchal concepts of women's roles within the family mean that women are often valued based on their ability to reproduce. Early marriage and pregnancy, or repeated pregnancies spaced too closely together, often as the result of efforts to produce male offspring because of the preference for sons, has a devastating impact on women's health with sometimes fatal consequences. Women are also often blamed for infertility, suffering ostracism, and being subjected to various human rights violations as a result.



LEGISLATION THAT GOVERNS SRHR IN SOUTH AFRICA

International Commitments

CEDAW (article 16) guarantees women equal rights in deciding "freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights." CEDAW (article 10) also specifies that women's right to education includes "access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

The Beijing Platform for Action states that "the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." The CEDAW Committee's General Recommendation 24 recommends that States prioritise the "prevention of unwanted pregnancy through family planning and sex education." The CESCR General Comment 14 has explained that the provision of maternal health services is comparable to a core obligation which cannot be derogated from under any circumstances, and the States have to the immediate obligation to take deliberate, concrete, and targeted steps towards fulfilling the right to health in the context of pregnancy and childbirth.