

# Sexual health, human rights and the law



World Health  
Organization

human  
reproduction  
programme **hrp.**

research for impact

UNDP · UNFPA · UNICEF · WHO · WORLD BANK



# Sexual health, human rights and the law

WHO Library Cataloguing-in-Publication Data

Sexual health, human rights and the law.

1.Reproductive Health. 2.Human Rights. 3.Reproductive Health Services. 4.Sexuality. 5.Sex Offenses. 6.Social Responsibility. 7.Sexually Transmitted Diseases. 8.Legislation as Topic. I.World Health Organization.

ISBN 978 92 4 156498 4

(NLM classification: WQ 200)

© World Health Organization 2015

All rights reserved. Publications of the World Health Organization are available on the WHO website ([www.who.int](http://www.who.int)) or can be purchased from WHO Press, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland (tel.: +41 22 791 3264; fax: +41 22 791 4857; e-mail: [bookorders@who.int](mailto:bookorders@who.int)).

Requests for permission to reproduce or translate WHO publications –whether for sale or for non-commercial distribution– should be addressed to WHO Press through the WHO website ([www.who.int/about/licensing/copyright\\_form/en/index.html](http://www.who.int/about/licensing/copyright_form/en/index.html)).

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted and dashed lines on maps represent approximate border lines for which there may not yet be full agreement.

The mention of specific companies or of certain manufacturers' products does not imply that they are endorsed or recommended by the World Health Organization in preference to others of a similar nature that are not mentioned. Errors and omissions excepted, the names of proprietary products are distinguished by initial capital letters.

All reasonable precautions have been taken by the World Health Organization to verify the information contained in this publication. However, the published material is being distributed without warranty of any kind, either expressed or implied. The responsibility for the interpretation and use of the material lies with the reader. In no event shall the World Health Organization be liable for damages arising from its use.

Printed by the WHO Document Production Services, Geneva, Switzerland

# Contents

Acknowledgements	v
Executive summary	1
I. Introduction	4
1.1 Sexuality, sexual health and human rights	4
1.2 Laws, human rights and their importance for sexual health	5
1.3 Legal and policy implications	6
II. Methodology and limitations	7
2.1 Process	7
2.2 Scope	7
2.3 Search strategy and data sources	8
2.3.1 Human rights, legal and jurisprudential data	8
2.3.2 Public health data	9
2.4 Critical assessment and synthesis of retrieved information	10
2.5 Peer review and document preparation	11
2.6 Limitations of the research and the report	11
III. Health services for the promotion and protection of sexual health	13
3.1 Introduction	13
3.2 Creating enabling legal and regulatory frameworks and eliminating barriers to services for sexual health	14
3.2.1 Access to essential medicines	14
3.2.2 Conscientious objection by health-care providers	15
3.2.3 Availability and quality of health-care facilities and providers	15
3.2.4. Criminalization of sexual-health-related services	16
3.3 Ensuring quality and respect of human rights in the provision of sexual health services	16
3.3.1 Guarantee of privacy and confidentiality	16
3.3.2 Fostering informed decision-making	17
3.3.3 Skilled health-care personnel	18
3.3.4 Quality of supplies and equipment	18
3.4 Elimination of discrimination in access to health services – addressing the specific needs of particular populations	18
3.4.1 Adolescents (under 18 years of age)	19
3.4.2 Marital status	20
3.4.3 Incarceration	21
3.4.4 Migrants and asylum seekers	21
3.4.5 HIV status	22
3.4.6 Disability	23

3.4.7 Sexual orientation and gender identity	23
3.4.8 Transgender and gender variant people	24
3.4.9 Intersex people	26
3.4.10 People engaged in sex work	27
3.5 Conclusion	29
3.6 Legal and policy implications	29
IV. Information and education for sexual health	31
4.1 Introduction	31
4.2 Defining sexuality information and education	31
4.3 Legal restrictions on sexuality information and education	32
4.4 Human rights standards and legal protections	32
4.5 Ensuring no arbitrary or unnecessary restrictions to information and education related to sexuality and sexual health for people under 18	33
4.6 Conclusion	34
4.7 Legal and policy implications	34
V. Sexual and sexuality-related violence	35
5.1 Introduction	35
5.2 Health, human rights and legal implications of different forms of sexual and sexuality-related violence	36
5.2.1 Sexual assault including rape	36
5.2.2 Sexual abuse of children	37
5.2.3 Forced marriage and sexual and sexuality-related violence	38
5.2.4. Violence based on real or perceived sexual behaviour or expression	40
5.2.5 Violence against people engaged in sex work	42
5.2.6 Trafficking for forced prostitution	43
5.2.7 Female genital mutilation	44
5.2.8 Coercive practices within health services that affect sexual health and sexuality	45
5.3 Conclusion	46
5.4 Legal and policy implications	46
References	48

## Acknowledgements

The Department of Reproductive Health and Research of the World Health Organization (WHO/RHR) gratefully acknowledges the contributions that many individuals and organizations have made to the development of this report. We would particularly like to acknowledge the contribution of the following people to the development of this document:

**Overall development:** Jane Cottingham and Eszter Kismödi, former staff members of the WHO Department of Reproductive Health and Research; in partnership with Sofia Gruskin of the Program on Global Health and Human Rights, University of Southern California, Los Angeles, United States of America (USA); and Alice M. Miller, Global Health Justice Partnership of the Yale Law School and the School of Public Health, New Haven, USA.

Rajat Khosla coordinated the finalization of this report.

**Legal research:** Hossam Bahgat, Kajal Bhardwaj, Simone Cusack, Vivek Divan, Stefano Fabeni, Alice M. Miller, Charles Ngwena, Esteban Restrepo-Saldarriaga, Mindy Roseman and Johanna Westeson.

**Additional contributors:** Carolina Oyekanmi Brugat, Mauro Cabral, Sonia Correa, Erin Hetherington, Barbara Klugman, Alicia Peters, Stephanie Schlitt, Kristjana Sigurbjörndottir, Jaime Todd-Gher, Carol Vance and Gretchen Williams.

**WHO staff:** Avni Amin, Claudia García-Moreno, Rajat Khosla.

**Development partners and funders:** Ford Foundation, New York, USA; Open Society Institute, New York, USA; United Nations Development Programme.

Editing: Jane Patten of Green Ink, United Kingdom ([greenink.co.uk](http://greenink.co.uk))

# Acronyms and abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	United Nations Committee on Economic, Social and Cultural Rights
DFID	United Kingdom’s Department for International Development
GDG	Guideline Development Group
GRADE	Grading of Recommendations Assessment, Development and Evaluation
HIV	human immunodeficiency virus
ICPD	International Conference on Population and Development
IUD	intrauterine device
LARC	long-acting reversible contraception
MSI	Marie Stopes International
PBF	performance-based financing
PSI	Population Services International
SRH	sexual and reproductive health
UNFPA	United Nations Population Fund
USAID	United States Agency for International Development
WHO	World Health Organization

预览已结束，完整报告链接和二维码如下：

[https://www.yunbaogao.cn/report/index/report?reportId=5\\_27362](https://www.yunbaogao.cn/report/index/report?reportId=5_27362)

