

CONFERENCE ON THE FUTURE OF EUROPE

A CALL FOR A FEMINIST EUROPE: THE NEED FOR STRONGER EU LEADERSHIP TO ADVANCE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS IN THE EU AND BEYOND

- Position paper -

The Conference on the Future of Europe represents a unique opportunity for the EU to reflect on the direction it wants to take, and the values it should stand for¹. In a difficult context where the realization of gender equality is incomplete and is facing obstacles and opposition, **the EU must adopt a feminist approach and show stronger leadership in supporting and further advancing gender equality and women's rights in the EU and beyond.**

Europe and its values are facing unprecedented challenges. The pandemic exacerbated existing inequalities and requires a recovery that will set Europe on a transformation towards a more just and inclusive society. Rising authoritarianism continues to place European liberal democracy and human rights at risk. **Gender equality, women's rights, and reproductive freedom are under threat** from coercive, misogynistic movements.

The value of **gender equality** is close to the hearts of European citizens – 91% of Europeans believe that promoting it is important to ensuring a fair and democratic society². **Sexual and reproductive health and rights (SRHR)** are a key precondition for the realization of gender equality, as well as of the human rights, health, and well-being of everyone in Europe and the world. The EU and its Member States must recognize that **SRHR are at the core of fundamental EU values**, and further strive towards a world where everyone can enjoy the same rights, and lead free and safe private and family lives, free from sexism, coercion, and violence.

WHAT DO WE MEAN BY SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS (SRHR)?

Building upon the WHO definition, the Guttmacher-Lancet Commission introduced a new holistic **definition**³ of SRHR in 2018⁴: **“Sexual and reproductive health is a state of physical, emotional, mental and social wellbeing in relation to all aspects of sexuality and reproduction, not merely the absence of disease, dysfunction or infirmity. Therefore, a positive approach to sexuality and reproduction should recognize the part played by pleasurable sexual relationships, trust and communication in promoting self-esteem and overall wellbeing. All individuals have a right to make decisions governing their bodies and to access services that support that right. [...] The services should include:**

- accurate information and counselling on sexual and reproductive health, including evidence-based, comprehensive sexuality education;
- information, counselling, and care related to sexual function and satisfaction;

- prevention, detection, and management of sexual and gender-based violence and coercion;
- a choice of safe and effective contraceptive methods;
- safe and effective antenatal, childbirth, and postnatal care;
- safe and effective abortion services and care;

- prevention, management, and treatment of infertility;
- prevention, detection, and treatment of sexually transmitted infections, including HIV, and of reproductive tract infections; and
- prevention, detection, and treatment of reproductive cancers.”

A CRUCIAL TIME FOR THE EU AND ITS MEMBER STATES TO STRENGTHEN THEIR FEMINIST LEADERSHIP & ADVANCE SRHR



1

GENDER EQUALITY AND SRHR ARE STILL NOT ACHIEVED

As demonstrated by EIGE's 2021 annual Gender Equality Index⁵, **no EU member States has fully achieved gender equality. SRHR are a key prerequisite to achieving gender equality and underpin the health and well-being of all.** However, due to a wide range of obstacles – including legal, policy, procedural, practical, economic, social and cultural barriers –, **access to SRHR differs widely within and between EU Member States⁶.** Access is particularly limited for women and key population groups in some countries, and for specific healthcare services. For instance, women's access to and experience of abortion care greatly depends on where they live⁷. The consequences of the COVID-19 pandemic have further fragilised access to healthcare, including SRH services, and have exacerbated existing structural gender inequalities, including sexual and gender-based violence⁸. **The EU pandemic recovery should guarantee access to SRH care and prioritise the reduction of gender inequalities⁹.**

2

GENDER EQUALITY AND REPRODUCTIVE FREEDOM ARE UNDER THREAT

This situation is also aggravated by the current **backsliding in gender equality, women's and LGBTI+ rights** (lesbian, gay, bisexual, trans, intersex), **and SRHR¹⁰.** These rights and values are increasingly under threat in Europe and beyond. Recent years have seen a rise of coercive, authoritarian, misogynistic movements, trying to take away people's reproductive freedom and impose a harmful worldview about gender roles. These actors are linked with far right or illiberal movements and parties in Europe. Their funding and genuine goals often lack transparency. Their concerted efforts aim to undermine the European values of the rule of law, democracy, and respect for human rights, including equality and non-discrimination. **The EU must resist the regressive measures they seek to impose and defend its values, including reproductive freedom¹¹.**

3

A CALL FOR RESOLUTE ACTION FROM THE EUROPEAN PARLIAMENT: THE EU MUST UPHOLD SRHR

On 24 June 2021, the European Parliament adopted its **first ever progressive Report dedicated to SRHR¹².** The Report reaffirmed **SRHR as human rights**, intrinsically linked with gender equality and the fight against sexual and gender-based violence, and an integral part of health. Through **concrete recommendations**, the Parliament **called on the European Commission** to promote best practices and include SRHR in relevant policies and funding instruments, **and on EU Member States** to remove all barriers and guarantee access to the full range of SRH services for all.

HOW CAN THE EU AND ITS MEMBER STATES PROGRESS TOWARDS A FEMINIST EUROPE & STEP UP THEIR EFFORTS TO UPHOLD AND PROMOTE SRHR

The EU should further **mainstream a gender perspective** across all EU policies and funding, as it committed to. The principle of equality between men and women is enshrined in the European Treaties¹³ and the EU Charter of Fundamental Rights¹⁴. The EU should also adopt an **intersectional approach**, to reduce intersecting inequalities and ensure the needs of all people, particularly the most underserved, are met.

The EU and its Member States should affirm that **SRHR are intrinsically linked to EU core values**. Several EU policy areas are particularly relevant for the promotion of SRHR within the EU, including health, gender equality and non-discrimination, combating gender-based violence, fundamental rights, and the rule of law. The EU must also promote gender equality and SRHR outside of its borders, through its development, human rights, and neighbourhood policies and funding.

1

IMPROVING SRH AS AN INTEGRAL PART OF HEALTH



SRH is an integral part of human health. As such, every EU citizen should have access to SRH services, and the EU and its Member States must **step up their efforts to improve SRH.**

According to the European Pillar of Social Rights¹⁵, everyone has the right to healthcare. The EU should further support, coordinate, and supplement Member States' actions (Article 6 TFEU), and offer guidance, organise exchanges of best practices, and foster cooperation between countries (article 168 TFEU) in the field of public health. These actions should apply to SRH, as a key part of public health.

In line with the objectives of the EU4Health Programme¹⁶, the EU should strengthen its actions to improve equal access to healthcare, reduce health inequalities, and strengthen disease prevention, health promotion, information, and education, including in the field of SRH.

Furthermore, the EU should ensure the implementation of EU policies that focus on access to SRH for vulnerable groups: more specifically for Roma women¹⁷, LGBTI people¹⁸ and young people¹⁹; and of policies that tackle specific aspects of SRH, such as breast and cervical cancer²⁰.

The EU should therefore **increase its political and financial support for Member States and civil society organisations active in the field of SRH.**

2

AFFIRMING SRHR AS ESSENTIAL TO GENDER EQUALITY AND THE FIGHT AGAINST GENDER-BASED VIOLENCE



SRHR are at the core of gender equality, as affirmed by European Commissioner Helena Dalli²¹. The EU and its Member States must **strengthen their actions to uphold SRHR, as a precondition for gender equality.**

The promotion of SRHR is included in the EU Gender Equality Strategy (GES)²². The European Commission committed to address gender aspects of health, and to organise regular exchanges of best practices on SRHR between Member States and stakeholders. SRHR have also been addressed by the European Institute for Gender Equality (EIGE) in its 2021 Gender Equality Index Report, and in its review of the implementation of the Beijing Platform for Action in the EU²³. The European Commission should adopt guidelines and make clear recommendations to EU Member States, to ensure they guarantee access to SRHR for all in the EU.

The EU and Member States must also **step up their efforts to prevent and combat sexual and gender-based violence**²⁴. This is one of the main objectives of the GES. The EU and its Member States must urgently **ratify and implement the Istanbul Convention; and adopt a comprehensive**

Directive to combat all forms of gender-based violence, including measures to protect, support, and ensure the access to justice of survivors, and to prevent violence.

The GES notably affirms that education from an early age about gender equality is key for effective prevention. Comprehensive sexuality education (CSE) fulfils this role²⁵, by educating children and young people on gender equality, respect and consent, and combating harmful gender norms. **CSE should be included in the Directive as a key prevention measure.**

The denial of access to healthcare services that only women need is a form of gender-based discrimination. Violations of women's SRHR, including the denial of access to safe and legal abortion care, have been rightly recognised as a form of **gender-based violence** amounting to torture in certain circumstances, by international human rights mechanisms²⁶ and the European Parliament²⁷. **The EU should address all forms of gender-based violence, including violations of SRHR.** The European Parliament also called on **Member States to guarantee access to SRH services for survivors of violence.**

3

UPHOLDING SRHR AND CORE EU VALUES - FUNDAMENTAL RIGHTS, CIVIC SPACE AND THE RULE OF LAW



SRHR are human rights and should be defended as such as part of core EU values. Under international human rights law, EU Member States have the **duty to respect and protect women's sexual and reproductive rights**²⁸. The European Commission reminded Member States that "when making use of their competences, Member States must respect fundamental rights, as they are binding on them by virtue of their constitutions and commitments under international law"²⁹. Some human rights are particularly relevant to SRHR, including **the rights to health, to life³⁰, to be free from torture and ill-treatment, to privacy, equality and non-discrimination**. These rights are all affirmed in the EU Charter of Fundamental Rights³¹.

The protection of SRHR is also dependent on respect for the rule of law, and in particular, the independence of the judiciary. Recent developments in Poland have shown that **SRHR are among the first rights to be undermined when the rule of law collapses**, particularly access to safe and legal abortion. The European Parliament has adopted strong resolutions to condemn the collapse of the rule of law³², the de facto ban on abortion care³³, attacks against comprehensive sexuality education, and LGBTI rights³⁴ in Poland.

Civil society organisations (CSOs) and human rights defenders defending these rights are **under attack** as well. In some cases, Women Human Rights Defenders face police violence, death threats, disinformation and smear campaigns, withdrawal of funding, and politically motivated criminal charges³⁵. Such attacks are coming from both state and non-state actors. The EU must protect civil society actors and support them politically and financially. Their work is crucial for gender equality.

Urgent and firmer action is required from the EU to safeguard its values in its own Member States. The EU must closely monitor and denounce any negative developments regarding the rule of law, fundamental rights, and civic space in EU Member States. **The EU must use all the tools at its disposal³⁶ to ensure respect for these values in EU Member States** – including legal (infringements proceedings at the Court of Justice of the EU), financial (conditionality of EU funds), political (Rule of law mechanism, Article 7 TEU) tools; and apply sanctions whenever necessary.

4

PROMOTING SRHR OUTSIDE OF EU BORDERS



The EU must also **promote SRHR outside of its borders, through its development, human rights and neighbourhood policies and funding**. The EU's support to gender equality and SRHR in third countries has been reflected in many external policy documents, notably the European Consensus on Development (paragraph 34), the EU Action Plan on Human Rights and Democracy 2020-2024 and the **Gender Action Plan III 2021-2025**. The GAP III notably aims to include gender equality as a significant or principal objective in 85% of new external actions initiatives³⁷. The EU is also implementing a **Team Europe Initiative** on SRHR in Sub-Saharan Africa, which falls under the EU's Neighbourhood, Development and International Cooperation Instrument (NDICI), and aims at strengthening and supporting SRHR in the region³⁸.

In 2020, the international community celebrated the **25th anniversary of the Beijing Declaration and Platform for Action** and launched six Action Coalitions during the 2021 **Generation Equality Forum**³⁹. The EU and its Member States must now follow through on the commitments made at this occasion. This will be necessary to **accelerate the EU's implementation of international commitments related to SRHR, including Sustainable Development Goals targets 3.7 and 5.6**.

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15. European Social Pillar, which affirms the right of everyone to access healthcare https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en
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30. UN Human Rights Committee's General Comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, 30 October 2018 https://tbinternet.ohchr.org/Treaties/CCPR/SharedDocuments/1_Global/CCPR_C_GC_36_8785_E.pdf; which states that measures to regulate abortion "must not result in violation of the right to life of a pregnant woman or girl", and that "States parties must provide safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable".
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IPPF European Network cares.

We are working through our 30 autonomous national **Member Associations** across Europe and Central Asia so that all women, men, children and young people can lead safe and dignified sexual and reproductive lives, free from harm and discrimination.