



WOMEN'S HEALTH VICTORIA

A RIGHTS-BASED APPROACH TO WOMEN'S HEALTH

What is a rights-based approach?

Human rights are the principles that enable us to live a dignified and rewarding life in which our freedoms are respected, protected and fulfilled. This is the foundation of a rights-based approach.

A rights-based approach provides a framework to address the inequality, injustice and disadvantage that contribute to poor health. It is based on the human rights set out in domestic and international instruments. The Victorian Equal Opportunity and Human Rights Commission use the acronym PANEL to describe these principles:

- **P**articipation;
- **A**ccountability;
- **N**on-discrimination;
- **E**mpowerment; and
- **L**inkages (with the rights set out in international treaties and domestic legislation)¹.

These are based on the framework used by the UN².

What does a rights-based approach look like?

The PANEL principles would inform the work of an organisation that is using a rights-based approach. A rights-based approach means that:

- all programs, policies and services further the realisation of human rights;
- the principles set out in the Universal Declaration of Human Rights and other international human rights instruments guide 'cooperation and programming in all sectors and in all phases of the programming process'; and
- the capacity of 'rights holders' to claim their rights and 'duty bearers' to meet their obligations is developed³.

In Victoria, this is underpinned by the *Charter of Human Rights and Responsibilities* which aims to ensure that human rights are considered in any new laws, policies and public authority procedures and programs⁴. Governments and publicly funded health services and organisations are prompted to consider how inequality and disadvantage impact on health and to use human rights to inform policy design and service delivery⁵.

Why is a rights-based approach important for women's health?

The work of the women's health sector is already informed by PANEL principles such as participation, non-discrimination and empowerment. The parallels with feminism are clear. A rights-based approach provides a structure that frames and strengthens feminist principles and ways of working. As well as this, advocacy using human rights offers an alternative language with which to challenge inequality.

Importantly for the women's health sector, a rights-based approach encompasses the social determinants of health including gender, poverty, race, early life experiences, social inclusion and conditions of work⁶. It is a way of ensuring access to the opportunities needed to be healthy, like education, economic participation, social inclusion, adequate housing and freedom from violence and discrimination.

Therefore, the value of a rights-based approach to women's health lies in the fact that it provides a framework for examining and challenging the power and structures that impact on women's health, as well as acknowledging and addressing the social determinants of health⁷. It also provide a means by which those determinants that lie outside the scope of the health sector can be engaged⁷.

Example: Balancing rights – sexual and reproductive health

The sexual and reproductive rights of women are often compromised by rights relating to freedom of thought, conscience, religion and belief. These include the conscientious objection of a health professional to the provision of health services such as contraception or advice about abortion. This must be weighed against their professional duties and obligations to those seeking their services. A health professional with a conscientious objection should not be discriminated against, but nor should their beliefs affect the ability of their patients to access healthcare.

The *Abortion Law Reform Act (Vic)* (2008) strikes this balance by requiring health practitioners with a conscientious objection to abortion to inform a woman seeking information about the options available to her and refer her to another practitioner who holds no such objection⁸. The clause allows practitioners the professional space to object to abortion, without compromising the ability of women to make informed choices about what is a legal health service in Victoria.

Example: Violence against women is a breach of human rights

Framing violence against women as a violation of human rights is an important and empowering way of addressing the issue. It also challenges attitudes that encourage a tolerance of violence against women.

Women who are discriminated against on several intersecting grounds are more vulnerable to violence and face additional barriers when accessing services⁹. A rights-based approach has the capacity to integrate intersecting issues such as discrimination, financial security and the availability of housing. For example, the right to liberty and security of the person or the right to the protection of families and children that are set out in the *Victorian Charter* could be enlivened in order to secure emergency accommodation or housing for a woman and her children.

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