Asylum seekers in the Netherlands; sexual and reproductive health rights

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Neonatal deaths globally
Differences between and within countries

Multidisciplinary antenatal care for women with mental health problems; mode and outcome of birth.

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Births in asylum seekers in the Netherlands

Retrospective database study - Ter Apel, Jan 2012 - Dec 2016, eerste en tweedelijn

NewLife midwifery practice and Refaja hospital, Stadskanaal

Asylum seekers (N=345), local population (N=2342)

| * Perinatal mortality       | 12/345 (3.5%) vs 15/2342 (0.6%) |
| * SGA kinderen             | 41/345 (14%) vs 172/2342 (8%)  |
Worse maternal and neonatal outcome of pregnancy in asylum seekers in the Netherlands

• What does that mean?
• Does everybody have the same right to get a healthy baby?
• How should we respond?
Contents

• Human rights (general)
• The right to health
• Reproductive and sexual health rights
• Freedoms and entitlements
• What does this all mean?
Nature of human rights

• Core principle: human dignity
• Many different rights – examples
• Rights of individuals versus their government
• Governments should respect, protect and fulfil
Which human rights?

Right to life

Right to health

Right to privacy

Prohibition of torture / inhuman & degrading treatment

Freedom of movement

Right to information

Right to education
What is the right to health?

- Availability
- Accessibility
  - Non-discrimination
  - Physical accessibility
  - Affordability
  - Information accessibility
- Acceptability
- Quality
First expression of the right to health (WHO 1946)

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition (...)”

The right to the highest attainable standard of health = "Right to Health"
Art. 25.1

“Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services”
The "Right to Health" is also recognized in:

- 1961: European Social Charter
- 1966: International Covenant on Economics, Social and Cultural Rights (most detailed; Article 12.1 and 12.2)
- 1966: Declaration of Alma Ata
- 1978: African Charter on Human and People’s Rights
- 1981: Declaration of Alma Ata
- 1981: Additional Protocol to the American Convention on HRs in the Area of Economic, Social and Cultural Rights
- 1989: Convention on the Rights of the Child
International Covenant on Economics, Social and Cultural Rights (ratified by 157 countries)

Article 12 recognizes the

- "right of everyone to the enjoyment of the highest attainable standard of physical and mental health"

Article 12.2 illustrates a number of

- steps to be taken by States parties to achieve:
  - a. maternal, child and reproductive health
  - b. healthy natural and workplace environments
  - c. prevention, treatment and control of disease
  - d. health facilities, goods and services
Violations

“right of everyone to the enjoyment of the highest attainable standard of physical and mental health”

Important: distinguish inability from unwillingness of the State
Beijing (1995) added:

“The human rights of women include the right to have control over and decide freely and responsibly in matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences.”

Source: Beijing Platform for Action (A/CONF.177/20/Rev.1/chap1, sect1, para 96)


**Freedoms and entitlements (1)**

- Freedom to control one’s own body:
  -
  -

- Freedom from discrimination and stigma:
  -
  -
Freedoms and entitlements (2)

Entitlements to:

- A system of health protection, without discrimination
- Reproductive, maternal and child health care services
SRHR – Where are we now?

• Health is human right
• SRHR are part of the right to health
• Freedoms and entitlements
• Respect, protect, fulfil
• Provision of services, goods and facilities for SRH – 3A+Q
Where are we in NL

• Policies in NL are in correspondence, in line with most international treaties and generous

• Problems and challenges arise in practice
  - communication
  - culture
  - language
  - knowledge
  - specific diseases

“Here they depend on what you like and want them to offer [...] In our Arabic society, we are used to the fact that the physician guides us. The patient doesn’t know what is better to do.”

B, 30 years
Thanks for your attention!

“the right to the progressive realization of the highest attainable standard of health”