

# WHERE HAVE ALL THE YOUNG GIRLS GONE?

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The Chinese government has introduced measures to curb the rising gender disparity at birth. The question remains: do these measures actually benefit women and girls?

Statistics from the past few censuses of China show that the gender disparity among newborns has been rising steadily. The last national census in 2000 showed about 12.77 million fewer girls than a natural sex ratio would generate.<sup>1</sup> Many studies suggest that this imbalance is a consequence of the one-child policy launched in 1979.<sup>2</sup> The rationale behind the one-child policy was to limit population growth to a manageable level as a precondition to raising the general living standards of the Chinese population. Earlier reports by HRIC have pointed out the unfair burden placed on women throughout the implementation process of the one-child policy.<sup>3</sup>

The detrimental effects of this policy are both direct and indirect. Direct problems include violent enforcement measures such as forced abortions, compulsory sterilization and the forced implantation of intrauterine devices after abortions or births. Indirect effects include sex-selective abortion, female infanticide, the abandonment of female infants and concealment of female children. The Chinese government now openly acknowledges its need to deal with the growing disparity in sex ratio as a serious problem. State media are starting to report sex ratio statistics and intervention policies. However, official media tend to attribute the problem to a deeply entrenched cultural preference for sons over daughters rather than as the unseen consequence of an exceedingly unpopular official policy. It is not difficult to understand the link between a culture that discriminates against women and the practices of sex-selective abortion, female infanticide, abandonment of female infants and the failure to register girl babies. However, the picture remains incomplete without putting the one-child policy at the center of analysis.

This article looks at China's gender disparity and its related issues, as well as the Chinese government's efforts to address them. It also offers an account of the rights of girl children outlined in international human rights documents.

Official control of information in China poses limitations in

writing this article. Statistics regarding female infanticide and abandonment of female children are classified as state secrets, and no reporting is allowed unless the government decides to make the figures public. The government occasionally releases figures on the number of victims rescued and the number of people prosecuted for trafficking of female infants and children, but independent research is either lacking or is limited to officially-released data.

## China's missing girls

The biological norm for sex ratios at birth is between 103 to 107 males per 100 females. By this standard, an estimated 60 million women and girls are "missing" from the world today as a result of sex-selective abortion and female infanticide.<sup>4</sup> China has contributed increasingly to this worldwide imbalance over the past 20 years. Its third national census in 1981 revealed a ratio of newborn boys to girls of 108.47 to 100; in 1989 it was 111.92 to 100; and in 2000 it was 116 to 100.<sup>5</sup> The national census in 2000 estimated that there were approximately 12.77 million fewer girls under the age of nine than would be expected if China had experienced a normal sex ratio at birth and natural mortality rates for both sexes.

State media chiefly attribute gender imbalance to cultural traditions, especially in the countryside, with reports highlighting a preference for sons to continue the family line.<sup>6</sup> In rural areas, where labor is always a top priority, boys are also considered better laborers than girls, and having a boy also brings the possibility of one more person contributing to the family income, even after the boy gets married. The lack of an effective social security system is another contributing factor, as people are more inclined to worry about their upkeep in old age, and consequently prefer sons as a source of future support.

But attributing the skewed sex ratio purely to cultural discrimination masks the impact of the one-child policy. When it was first introduced in 1979, the one-child policy promoted later marriages, longer intervals between children and fewer and higher-quality children as the guiding principles to control and restrict the number and frequency of births. This policy was ultimately enshrined in legislation in 2002.<sup>7</sup> Penalties are imposed for those who violate the law and give birth beyond the number permitted, with Article 41 of the Law on

Population and Family Planning requiring couples to pay a fine for out-of-plan births.

Technically speaking, a high ratio of gender imbalance at birth is a result of:

- 1) excessive female mortality in infancy or childhood due to killings or maltreatment;
- 2) excessive female mortality before birth as a result of sex-selective abortion;
- 3) migration of female children through international adoption; and
- 4) sex-selective undercount of children in the census and surveys.

By comparing the ratio of mortality of young boys and girls, we can gain an impression of the magnitude of killings or maltreatment of female babies. On a purely biological basis, male infant mortality typically exceeds that of females, as males are less resistant to disease. But in China, the 2000 Population Census showed female mortality exceeding that of males below the age of three. Mortality for newborn boys was 70 per 100 deaths of girls. The ratio was 89.8 at the age of one, and 98.8 for age three.<sup>8</sup>

### If laws were strictly enforced, there would be no abnormal female infant mortality rate.

Chinese law, specifically Article 22 of the Law on Population and Family Planning, officially bans abandonment or infanticide of female babies, as well as discrimination against women who have baby girls or who are infertile.<sup>9</sup> While such legislation may show the government's desire to curb the problem, it all too often becomes a tool for the government to control individuals rather than offering genuine protection to those in need. If these laws were strictly enforced, there would be no abnormal female infant mortality rate.

While it is difficult to obtain data regarding sex-selective abortion, the ready availability of fetal sex identification technologies and of abortion has clearly driven up the mortality of unborn female infants. A pregnant woman can learn the sex of her fetus by spending 40 yuan for an ultrasonic check in a hospital.<sup>10</sup> If the fetus is not of the desired sex, it is easy to terminate the pregnancy. While Article 35 of the Law on Population and Family Planning bans the use of ultrasound and other technologies to identify the sex of fetuses and to terminate pregnancies on a sex-selective basis, there is no system of penalties to address this issue.

Sex ratio in relation to birth order is another indicator of the negative consequences of the one-child policy. Normally the sex ratio at birth is unaffected by birth order. In China, however, the 2000 Population Census shows that the sex ratio at birth for the first parity was normal at 107, but rose sharply to 152 for the second birth, 160 for the third and 161 for the fourth.<sup>11</sup>

Another unknown factor is the number of females who are actually present in the population but merely hidden from official statistics. Experts recently estimated that at least two-

thirds of the girls nominally missing in the 2000 census have genuinely been removed from the population by one means or another. However, the remaining one-third are suspected to be alive yet hidden from official statistics.<sup>12</sup> While these hidden girls may be comparatively luckier than their eliminated sisters, their rights as individual human beings have still been seriously violated.

#### **Black market babies**

The one-child policy is generally considered a major catalyst for human trafficking in China, despite denial from Chinese officials. Yu Qing, a professor at the Sociology Management Institute of Guangxi University in Nanning, told a foreign journalist that "family planning limits encourage selling off girls."<sup>13</sup> After the unwanted girl is sold, parents can try again for a boy.

Limitations on the number of births, coupled with a preference for boys over girls, have also made boys a natural target for child abduction. In early October 2004, 53 baby boys were rescued in eastern Fujian Province. These babies were believed to have been purchased at prices ranging from 2,000 yuan to 4,000 yuan and were to be sold at 15,000 yuan to 18,000 yuan.<sup>14</sup>

At the same time, the shortage of females has increased the interest of traffickers in girls, who are sold as servants or brides or are forced into prostitution. The UN Special Rapporteur on Violence Against Women said in her 1997 report that in some Chinese counties and villages, 30 to 90 percent of marriages were the result of trafficking.<sup>15</sup> A UNICEF report estimated that



**Boys are increasingly outnumbering girls in China. Photo: AP World Wide Photos.**

China now has 200,000 to 500,000 child sex workers.<sup>16</sup>

Article 36 of the Law on the Protection of Women's Rights and Interests prohibits the kidnapping and abduction of women and the purchase of abducted females, but fails to provide any measure of penalties and remedies, and official figures relating to the issue are either unavailable or inconsistent. The Ministry of Public Security has refused to disclose how many females were reported abducted on the national level, and has only revealed the number rescued. The figures released so far do not seem to tally with the experiences of parents whose children have been abducted. The provincial government of Yunnan announced in May this year that 571 children were abducted in Yunnan between 2001 and 2003, but further stated that police had managed to locate 537 children and return them to their parents.<sup>17</sup> But parents gave a very different accounting, saying that out of 182 children abducted from Kunming in the last three years, only four have been found.<sup>18</sup>

#### Official response

The Chinese government's response to a questionnaire by the UN Division for the Advancement of Women suggests that the government has approached the problems of girl children with appropriate gendered perspectives. The government acknowledges that belief in the superiority of men over women is a major obstacle affecting the status of female children in China.<sup>19</sup>

There is no doubt that China's increasing gender disparity has attracted the attention of government leaders. Hu Jintao

stressed in a seminar on population, resources and environment in March 2003 that one of the main tasks in population and family planning was to maintain a balanced sex ratio,<sup>20</sup> and the State Family Planning and Population Commission has followed up with intervention programs. Zhang Weiqing, Minister of the State Family Planning and Population Commission, said that bringing down the sex ratio was one of the Commission's three primary goals for 2004, and that measures had been taken to attain it.<sup>21</sup> The Commission joined with UNICEF to launch a "Care for Girls" campaign in March 2003, using education and publicity to address the preference for male offspring. But while the government has shown a willingness to curb gender imbalance, its intervention programs are too often initiated and designed by government officials with little or no participation by independent NGOs and individuals in the community.

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In addition, many of the government initiatives themselves demonstrate a sexist approach. News headlines in state media often contain sexist messages; for example, "Care for Girl Child Action: 4 million single males [literally "bare poles"] in China to be saved."<sup>22</sup> Such headlines imply that the aborted, killed and missing girls are of value only as the possessions of men—



Photo: AP World Wide Photos.

as brides, wives and sources of sexual pleasure. The life and death of girls and women as individual human beings does not seem to be the key issue.

Likewise, news reports on the unbalanced sex ratio tend to concentrate on the “harmony” of the family system and the sexual needs of men. Li Weixiong, Vice Chair of the Population, Resources and Environment Committee of the National Committee of the Chinese People’s Political Consultative Conference, pointed out that the “serious gender disproportion pose(d) a major threat to the healthy, harmonious and sustainable growth of the nation’s population and would trigger such crimes and social problems as mercenary marriage, abduction of women and prostitution.”<sup>23</sup> Again, the individual rights of the missing girls and women are ignored.

### Looking through gender lenses

The fact is that China’s leaders have failed to incorporate gender perspectives into their policies by taking into account the consequences of official decisions on both women and men. If the government conducted gender analysis in order to understand the relationships between women and men and their comparative activities, constraints and access to resources, it would become aware of the systemic inequities that China’s population policy imposes on women and girls. If the government had adopted gender mainstreaming<sup>24</sup> as a strategy for promoting gender equality and empowerment of women through all government activities, including policy and program development, legislation and resource allocation, it would have scrapped a population policy that places such a disproportionate burden on women and girls.

In addition to its lack of gender awareness, the regime’s repression of opposition voices has isolated decision-makers from the experience of the mass majority. Chinese leaders have sought to suppress criticisms of their decisions by means of surveillance, intimidation and oppressive laws that relegate dissenters to prison. If Chinese women and girls were allowed to voice their experiences with the one-child policy, or if they were better represented in decision-making bodies, would the oppressive practices of forced abortion and compulsory sterilization still be allowed? Would women’s bodies and their reproductive abilities still be regarded as tools for achieving development goals and the social stability that helps consolidate political power? Or would the life and death of women and girls finally be given a higher priority?

### China’s international obligations

China has participated in and signed onto a number of international initiatives that oblige the government to address gender discrimination and other consequences of coercive family planning policies:

#### Beijing Platform for Action

The far-reaching Beijing Platform for Action (BPFA),<sup>25</sup> adopted at the United Nations Fourth World Conference of Women in 1995, explicitly spells out that female infanticide and prenatal sex selection are acts of violence against women.<sup>26</sup>

Paragraph 122 of the BPFA highlights the trafficking of women and girls as a form of violence against women, as well as the special vulnerability of females to other forms of violence, unwanted pregnancy and sexually transmitted infections such as HIV/AIDS.<sup>27</sup>

In addition, the BPFA has incorporated the rights of girls as one of twelve critical areas of concern. Paragraph 259 highlights the discrimination that female children face from the earliest stages of life, including son preference and discrimination in food allocation and practices related to health and well-being, which have resulted in fewer girls than boys surviving to adulthood.<sup>28</sup>

As one of 189 governments committed to the implementation of BPFA, China is obligated to achieve all the strategic objectives outlined in the document and to follow all the steps to be taken by governments. Some of the obligations relating to violence against women include:

- Taking integrated measures to prevent and eliminate violence against women;
- Studying the causes and consequences of violence against women and the effectiveness of preventive measures; and
- Eliminating trafficking of women and assisting victims of violence due to prostitution and trafficking.

In order to meet its obligations under the BPFA to combat violence against girls and women, the Chinese government should not only refrain from violating the rights of girls and women, but must also exercise due diligence to prevent, investigate and punish acts of violence against women by private individuals, including sex-selective abortion, female infanticide, abandonment or maltreatment of girl children, and trafficking of women and girls.<sup>29</sup>

The government also needs to mainstream gender in all policies and programs<sup>30</sup> and take into account the consequences of its population policy on women and men. The government further needs to take greater responsibility for enacting and enforcing legislation against the perpetrators of female infanticide, prenatal sex selection and maltreatment of girl children, and should vigorously support the efforts of non-governmental and community-based organizations to eliminate these practices.<sup>31</sup>

As a means of addressing the trafficking of girls and women, China should consider ratifying the international conventions on trafficking in persons and on slavery.<sup>32</sup> In addition, it should take appropriate measures to address the root causes of trafficking, namely the one-child policy and discriminatory attitudes toward girls and women, and should strengthen existing legislation and enforcement mechanisms.<sup>33</sup>

The ten-year review of the Fourth World Conference of Women, called Beijing+10, will coincide with the 49th session of the United Nations Commission on the Status of Women scheduled for February 28 through March 11, 2005. The session will review and appraise the efforts of governments, including China, to implement BPFA as well as the Beijing+5 Outcome Document<sup>34</sup> of the five-year review in June 2000. The review will also identify challenges and forward-looking strategies for the advancement and empowerment of women and girls.

## CEDAW

Another tool to push China to address skewed sex ratio, its causes and related issues is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which China ratified in 1980. As a signatory to CEDAW, China has an obligation not to implement any policy that contradicts the principles of the convention, to take necessary steps within its jurisdiction to make these principles a reality, and to submit periodic reports on implementation to the CEDAW Committee.

Some articles of CEDAW are relevant to family planning and particular aspects of violence against women. Article 12(1) provides that “state parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”<sup>35</sup> In addition, the CEDAW Committee has expressed concerns over violence against women by adopting General Recommendation No. 19, which notes that “compulsory sterilization or abortion adversely affects women’s physical and mental health, and infringes on the right of women to decide on the number and spacing of their children.”<sup>36</sup>

The CEDAW Committee has shown particular interest in China’s population policy.<sup>37</sup> In China’s 1999 CEDAW hearing, the Committee expressed concerns over the growing disparity of sex ratio at birth as a consequence of the one-child policy and the discriminatory tradition of son preference, and noted that the shortage of girls might have implications for the trafficking of women.<sup>38</sup> The Committee has also expressed concerns over sex-selective abortion, female infanticide and non-registration and abandonment of girl children. The Committee noted that unregistered children, many of them girls, become officially non-existent, and as such are not entitled to education, health care or other social benefits.<sup>39</sup> On the issue of trafficking, the Committee has urged the government to investigate official involvement in trafficking and the exploitation of women involved in the trade, and to vigorously prosecute all persons engaged in the practice.<sup>40</sup>

At the end of the day, while CEDAW symbolizes a significant step toward recognizing the rights of women as human beings, its effectiveness depends on the extent to which its state parties adopt its principles in their domestic laws and enforce them in their domestic courts. It is also important to have independent NGOs that are able to present independent and alternative shadow reports to the Committee and brief its members on the actual situation of women.

## Cairo Program of Action

Ten years ago, more than 180 states, including China, participated in the International Conference on Population and Development (ICPD) in Cairo and endorsed the Cairo Program of Action as a new strategy that emphasizes the integral linkages between population and development, and focuses on meeting the needs of individual women and men rather than on achieving demographic targets. The Cairo Program discards top-down measures controlling the reproductive rights of women in favor of empowering women and providing them with more choices through expanded access to education and

health services, skill development and employment, and through their full involvement in policy and decision-making processes at all levels to achieve the goal of sustainable development.<sup>41</sup>

The ICPD confirmed that women have rights to reproductive health,<sup>42</sup> reproductive health care<sup>43</sup> and sexual health,<sup>44</sup> and that if women are able to exercise these rights, they and their spouses will be able to make free and responsible decisions, on an equal basis, on whether or not to have children, the number, and spacing and timing of pregnancy through the provision of education and access to reproductive health care.<sup>45</sup>

## Conclusion

In light of the principles laid down in the Cairo Program of Action, apart from implementing its obligations under BPFA and CEDAW, if China wishes to curb gender imbalance in its population, it needs to amend its own population policy by withdrawing birth quotas on the one hand, and on the other hand, improving access to education and reproductive health care services, while taking measures to raise the status of women. It is only by recognizing the importance of the empowerment of women, as an end in itself and as a key to improving the quality of life for everyone, that China will achieve a more long-lasting and effective means of reducing its birth rate and reaching its demographic targets.

While accessible and affordable reproductive healthcare services are essential, just as important is the promotion of mutually respectful and equitable gender relations through increasing public awareness of the value of the female sex and eliminating stereotypes that reinforce the perception of inequality between males and females.

Of equal importance is the participation of women and civil society in policy- and decision-making processes at all levels. In China, those who voice criticisms of government policies are more likely to find themselves in prison than on a consultative body. The Chinese government needs to acknowledge that human rights are interconnected, and that women’s rights need to be addressed as part of a dynamic interaction of political, social, economic and cultural rights. Denying women their freedom of expression affects their ability to exercise their reproductive rights, their right to the highest standard of physical, mental and social health and well-being, their right to be free from violence, their right to liberty and even their right to life.

The principle of universality gives human rights precedence over government policies, cultural considerations and traditional values. No violation of human rights can be justified for the sake of achieving national goals, especially when those goals have been determined in isolation from the participation of the mass majority of China’s people.

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  18. *Ibid.*
  19. *Report of the People’s Republic of China Regarding the Questionnaire on the Implementation of the Beijing Declaration, the Platform of Action and the Outcome of the 23rd Special Session of the General Assembly on Women’s Issues*, 2004, p. 28.
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  23. People’s Daily Online, “12.7 Million More Boys than Girls Under 9,” May 10, 2004, [http://english.peopledaily.com.cn.200405/10/print200405/10\\_142859.html](http://english.peopledaily.com.cn.200405/10/print200405/10_142859.html).
  24. As defined by the United Nations, gender mainstreaming is “. . . the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.” See United Nations, *The Report of the Economic and Social Council for 1997*, 1997.
  25. Available at: <http://www.un.org/womenwatch/daw/beijing/platform/index.html>.
  26. Paragraph 115 of *Beijing Platform for Action* states that “acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection,” 1995. Available at: <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>.
  27. *Ibid.*, para. 122.
  28. *Beijing Platform for Action*, *supra* note 21, para. 259. Available at: <http://www.un.org/womenwatch/daw/beijing/platform/girl.htm>.
  29. *Beijing Platform for Action*, *supra* note 21, para. 124 b.
  30. *Ibid.*, para. 124 g.
  31. *Ibid.*, para. 124 i.
  32. *Ibid.*, para. 130 a.
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  34. Available at: <http://www.un.org/womenwatch/daw/followup/beijing%2B5.htm>.
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  36. General Recommendation No. 19, 11th Session on Violence Against Women, para. 22. Available at: <http://www.un.org/womenwatch/daw/cedaw/recomm.htm>.
  37. For an account of questions posed by the CEDAW Committee and responses from the representatives of China on its population policy, see Shalev, Carmel, “China to CEDAW: An Update on Population Policy,” in *Human Rights Quarterly*, Vol. 23, 2001, p. 119–147.
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  39. *Ibid.*, para. 299 d.
  40. *Ibid.*, para. 290–291.
  41. Program of Action of the International Conference on Population and Development, Cairo, September 5–13, 1994, UN Doc. No. A/CONF.171/13, 1994, para. 4.1. Available at: <http://www.un.org/popin/icpd/conference/offeng/poa.html>.
  42. ICDP defines reproductive health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant.” Cairo Platform for Action, *Ibid.*, para. 7.2.
  43. ICPD defines reproductive health care as “the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems,” Cairo Platform for Action, *Ibid.*, para. 7.2.
  44. The purpose of sexual health, as defined in ICPD, is the “enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases.” Cairo Platform for Action, *Ibid.*, para. 7.2.
  45. Cairo Platform for Action, *Ibid.*, para. 7.3.