

La tutela internazionale della salute delle donne

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Sommario

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- Effettività

La tutela della salute sul piano internazionale

- Concettualizzazione
- Attori
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Concetto di salute internazionalmente rilevante

- «a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity» (art. 1 dello Statuto dell'OMS)

ATTORI

- Stati
- Organizzazioni internazionali
- Imprese multinazionali
- Organizzazioni non governative

Ragioni

- Ricerca di soluzioni ai problemi sanitari internazionali
- ... in particolare, gestione delle emergenze sanitarie
- Salvaguardia dell'interesse dello Stato
- ... e della persona umana

La salute come diritto della persona



La salute come un diritto della persona

Una definizione

La Dichiarazione universale dei diritti dell'uomo (1948) Art. 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) **Motherhood and childhood** are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Il diritto alla salute nelle Convenzioni internazionali Esempi

- Art. 12 del **Patto delle NU sui diritti economici, sociali e culturali** (1966): “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”
- Art. 24 (1) della **Convenzione sui diritti del fanciullo** (1989): “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services”

La Carta africana sui diritti delle persone e dei popoli (Art. 16)

- 1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
- 2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Prassi rilevante

- *Concluding Observations* dei Comitati NU
- *General Comments* e *General Recommendations* dei medesimi Comitati
- Sentenze della CEDU e della Corte interamericana
- Rapporti della Commissione africana
- Rapporti del Comitato sociale europeo

**Tutela
internazionale
della salute delle
donne**

La Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne del 1979 (Art. 12)

- 1. States 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.
- 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

La Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne del 1979 (Art. 14.1)

- States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

Perché una *prospettiva di genere*?

Differenze biologiche e socioculturali = Vulnerabilità delle donne = fonte di malattie?

- Infanzia e adolescenza
- Fertilità: mortalità in gravidanza, per parto e nel periodo successivo (fragilità/esposizione a rischi)
- Pratiche tradizionali di carattere socioculturale (esempio, infibulazione)
- Luoghi di lavoro
- Oggetto di violenza

Esigenza di protezione specifica

- Esposizione a rischi di contagio e trasmissione di malattie infettive (HIV)
- Vulnerabilità per gravidanze precoci e ravvicinate
- ... danni fisici e malattie mentali a seguito di aggressioni e altri atti di violenza
- Malattie non infettive ricorrenti: malnutrizione e tumori dell'apparato riproduttivo

UN *General Comment* 2000 sul diritto alla salute delle donne

- **21.** To eliminate discrimination against women, there is a need to develop and implement a
- comprehensive national strategy for promoting women's right to health throughout their life
- span. Such a strategy should include interventions aimed at the prevention and treatment of
- diseases affecting women, as well as policies to provide access to a full range of high quality and
- affordable health care, including sexual and reproductive services. A major goal should be
- reducing women's health risks, particularly lowering rates of maternal mortality and protecting
- women from domestic violence. The realization of women's right to health requires the removal
- of all barriers interfering with access to health services, education and information, including in
- the area of sexual and reproductive health. It is also important to undertake preventive,
- promotive and remedial action to shield women from the impact of harmful traditional cultural
- practices and norms that deny them their full reproductive rights.

Addis Ababa Action Agenda della terza Conferenza internazionale sul finanziamento dello sviluppo (2015)
A global framework for financing development post 2015

- 6. We reaffirm that achieving gender equality, empowering all women and girls, and the full realization of their human rights are essential to achieving sustained, inclusive and equitable economic growth and sustainable development. We reiterate the need for gender mainstreaming, including targeted actions and investments in the formulation and implementation of all financial, economic, environmental and social policies. We recommit to adopting and strengthening sound policies and enforceable legislation and transformative actions for the promotion of gender equality and women's and girls' empowerment at all levels, to ensure women's equal rights, access and opportunities for participation and leadership in the economy and to eliminate gender-based violence and discrimination in all its forms.

**Da “universal health
care”**

a

**“universal health
coverage”**

La REALIZZAZIONE DEL DIRITTO ALLA SALUTE ATTRAVERSO *UNIVERSAL HEALTH COVERAGE* (UHC)

- Secondo il sito internet dell'OMS, “universal health coverage (UHC) means that all people and communities can use the promotive, preventive, curative, rehabilitative and palliative health services they need, of sufficient quality to be effective, while also ensuring that the use of these services does not expose the user to financial hardship”

Gli elementi di base dell'*universal health coverage* sono

- “quality of health services”
- “financial protection”
- “equity in access to health services”

A photograph of a lake with several white tents in the background and two purple flags on poles in the foreground. The scene is outdoors under a clear blue sky.

GRAZIE per l'attenzione

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