



Human Rights Tribunals for Violations of Sexual and Reproductive Rights¹

Human rights are universal, belonging to all people, regardless of where they live. Even though all governments have the responsibility to *respect, protect, and fulfill* the human rights of the people within their borders, many fall short of their obligations.

One way a government may fall short of their human rights obligations is by failing to provide *access to justice*. This is the case when accountability mechanisms like courts do not recognize certain types of harms under the law.

When courts fail to provide redress for human rights violations, one strategy used by human rights activists is a **symbolic tribunal**. In a symbolic tribunal, community members who have experienced a particular kind of harm share their stories with a panel of human rights experts (often lawyers, law professors, or human rights advocates) who issue conclusions and recommendations about how the violations of rights might be addressed.

While these hearings do not create legally enforceable rulings, the recommendations that emerge from them can provide a legal framework for policy strategies to improve the lives of affected communities. Most importantly, they acknowledge the suffering individuals and communities have faced, validating their experiences and their claims to human rights.

Symbolic tribunals have a significant place in the history of the movement for human rights. The first such tribunal was held in Vienna in 1993 to draw attention to widespread human rights abuses against women and the lack of access to legal recognition and remedy. Below are some recent examples of symbolic tribunals related to violations of sexual and reproductive rights.

***Nuestro Texas* (Texas, 2015)**

In 2015, the National Latina Institute for Reproductive Justice (NLIRJ) and the Center for Reproductive Rights (CRR) held a symbolic tribunal, *Nuestra Voz, Nuestra Salud, Nuestro Texas: A Women's Human Rights Hearing*, in McAllen, Texas. This tribunal was called in the midst of serious cuts to family planning funding and restrictions placed on abortion clinics that left many people, particularly low-income Latinas with various immigration statuses living in the Rio

¹ Excerpted and adapted from Carmen Mojica & Farah Diaz-Tello, New York City Dep't of Health & Mental Hygiene, *Birth Justice & Respectful Care at Birth: A Review of Literature to Inform the NYC Birth Justice Campaign* (June 2017).

Grande Valley, with little access to care for reproductive wellness, abortion, or pregnancy. Experts in human rights, including law professors, heads of NGOs, and attorneys, heard testimony from community members who suffered under Texas' restrictive policies. The experts assessed the human rights violations and issued a series of admonishments and recommendations to the state. These were published in a report, *¡Somos Poderosas! A Human Rights Hearing in the Rio Grande Valley* and then used by NLIRJ and CRR to develop a blueprint for action, *Nuestro Texas: A Reproductive Justice Agenda for Latinas*.

Maternal Mortality and Obstetric Violence (Mexico, 2016)

Grupo de Información en Reproducción Elegida (GIRE) and 20 other gender justice organizations held a symbolic tribunal on obstetric violence in Mexico. Twenty-seven women (or their family members) testified to a panel of human rights experts about their experiences of obstetric violence.¹⁶⁷ They included women who had faced neglect and abuse at the hands of health care facilities, and family members of women who had died because they had been abandoned or ignored by health care providers. The tribunal issued a report that called for state accountability outcomes, such as providing funding to improve infrastructure.

Black Women's Truth and Reconciliation Commission (New York, 2016)

As a part of the International Decade of People of African Descent at the United Nations, Black Women's Blueprint hosted a Tribunal of the US Black Women's Truth and Reconciliation Commission. The tribunal, which focused on the issue of sexual violence as a human rights issue, carried the mandate "Truth. Justice. Healing. Reconciliation." It transpired over four days in and around the UN headquarters in New York City.

The Truth Commission was the culmination of five years of activism, health practice, and participatory action research by Black Women's Blueprint and survivor groups across the US. The event included talks by activists and experts, testimony from survivors, trauma healing spaces, and workshops for white people and Black men to examine their own complicity in human violations against Black women. The process also included *A Digital Reckoning* – a series of short videos which explored questions about how sexual violence has Black women's homes and communities, and how perpetrators and those complicit can address these violations.

Further Reading:

Center for Reproductive Rights & National Latina Institute for Reproductive Justice

- *A Women's Human Rights Hearing. Nuestro Texas*, <http://www.nuestrotexas.org/stories/womens-human-rights-hearing/>
- *¡Somos Poderosas! Nuestro Texas*. <http://www.nuestrotexas.org/stories/hearing-story-page/>
- Report: *¡Somos Poderosas! A Human Rights Hearing in the Rio Grande Valley* http://www.nuestrotexas.org/wp-content/uploads/2015/09/NT_Hearing_RGV_Final_Web.pdf.

- *Nuestro Texas: A Reproductive Justice Agenda for Latinas*. http://www.nuestrotexas.org/wp-content/uploads/2015/01/CRR_ReproJusticeForLatinas_v9_single_pg.pdf
- *Learning from Nuestro Texas: A Community-Centered Human Rights Campaign for Reproductive Justice in the Rio Grande Valley* (2018)
https://reproductiverights.org/sites/default/files/documents/Learning-From-Nuestro-Texas_1.pdf

Grupo de Información en Reproducción Elegida (GIRE)

- *Childbirth: A Violent Experience for Women in Mexico [English]*. <https://gire.org.mx/en/childbirth-a-violent-experience-for-women-in-mexico/>
- *First Symbolic Court [English]*. <http://informe2016.gire.org.mx/symbolic-court/>
- *Tribunal Simbólico: Muerte Materna y Violencia Obstétrica. [Spanish]*
<https://youtu.be/7h4WC2ZoHzM>.

Black Women's Blueprint

- *Black Women's Truth and Reconciliation Commission: A Tribunal, New York, NY*.
<https://www.blackwomensblueprint.org/truth-commission>
- *When Truth is Justice and Not Enough: Executive Summary to the Black Women's Truth and Reconciliation Commission Report*, <https://bit.ly/32MgweW>
- *A Reckoning: Truth and Reconciliation as Prevention*. <https://bit.ly/32NN1JV>