



A POLICY BRIEF ON RESPONSES TO SRHR, MIGRATION, AND HEALTH

Making Sexual and Reproductive
Health and Rights a Reality for
Migrants, Refugees and Asylum
Seekers in South Africa

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Global commitments to the Sustainable Development Goals (SDGs) which aim to ‘leave no-one behind’ and promote broad human rights-based approaches to development (United Nations, 2015), have provided unprecedented opportunities for better understanding, and responding to Sexual and Reproductive Health Rights (SRHR). Yet when considering SRHR in the broader field of migration and health, and the overall increased interest in the associations between the movement of people and health

at the global level there is little evidence of improved responses, locally (Jo Vearey, Wickramage, and Hui 2020). The key findings of the AMPLIFY study, which focused on the challenges of upholding and delivering SRHR for cross-border migrant populations in South Africa indicated that the contentious and politicised debates that underlie the intersecting fields of SRHR, migration, and health, prevent significant change. In some cases, they also suggest a significant roll back on fundamental rights to sexual and reproductive health.

A review of key migration, health, SRH and gender policies at the global, continental (AU), regional (SADC), and national (South Africa) levels shows that overall policy responses have become more restrictive – increasing the barriers to healthcare for many of the country’s most vulnerable including migrants. This is despite recognition of the need for inclusive health for all, which is embedded within the SDGs including the goal of achieving Universal Health Coverage (UHC) and ensuring access to quality health care for all. Table A provides a ‘snapshot’ of the traffic-light policy review. The level of awareness in the legislation and policy analysed is indicated as aware (green), particularly aware (yellow) and unaware (red).

	Migration-aware	Gender-aware	Sexuality-aware	SRHR-aware	Status
Continental					
The Continental Policy Framework for Sexual and Reproductive Health and Rights (2005)	Red	Yellow	Yellow	Green	Adopted
Sexual and Reproductive Health and Rights (SRHR) In WHO African Region (2019)	Red	Yellow	Yellow	Green	
Sexual and Reproductive Health and Rights (SRHR) In WHO African Region (2019)	Red	Yellow	Yellow	Green	Implemented
Regional					
Draft Policy Framework for Population Mobility and Communicable Diseases in the SADC Region (2009)	Green	Yellow	Red	Yellow	Draft
Strategy for Sexual and Reproductive Health and Rights in the SADC Region 2019-2030	Green	Green	Green	Green	Adopted
National					
The Choice on Termination of Pregnancy Act (1996)	Red	Yellow	Red	Green	Assented
White Paper on International Migration for South Africa (2017)	Green	Red	Red	Red	Approved
National Integrated Sexual and Reproductive Health and Rights Policy (2019)	Green	Green	Green	Green	Approved

Table A: Example of a traffic light review of the legal and policy landscape across the AU, SADC and South Africa. The traffic light approach was developed to assess laws and policies relating to gender, migration and health in SADC in a Sonke publication focusing on women and girls in SADC (Walker and Vearey, 2019: 24).

Continental (AU) Policies and Frameworks relating to SRHR

- Strong and comprehensive framework on gender equality and sexual and reproductive rights showing a clear progression of how policies are becoming aware of gender, sexuality and the inclusion of SRHR.
- The failure to look beyond a hetero-normative, binary understanding of gender and not consider sexual orientation limits awareness
- Mobility and migration awareness remains minimal. Only the African Charter (1981) and African Youth Charter (2006) mention mobile populations.

Agenda 2063

Agenda 2063 is focused on inclusive growth and sustainable development, highlights the importance of investing in women and young people

The Maputo Plan of Action

The Maputo Plan of Action 2016-2030 is a strategic long-term planning instrument, advocates for the inclusion and empowerment of all people.

Regional (SADC) Policies and Frameworks relating to SRHR

- Comprehensive framework that is increasingly aware of migration and the importance of engaging with mobile populations and, developing broader approaches to SRHR.
- Key priority areas continue to be restricted to refugees and migrants as well as on HIV and AIDS, contraception and access to safe abortions
- The gender lens continues to be on women with the exclusion of other genders and the needs and rights.

The Strategy for SRHR in the SADC Region

The Strategy for Sexual and Reproductive Health and Rights in the SADC Region 2019-2030 is a strong example of best practice in terms of ensuring the SRH needs of all – including migrants – are met in SADC. This strategy in fact is the only one that engages with all four indicators (migration, gender, sexuality and SRHR).

National (South Africa) Policies and Frameworks relating to SRHR

- Positive growth in recognising SRHR and heightened awareness of a broader understanding of SRHR including gender and sexuality as considered beyond heteronormative ideas and LGBTQI individuals;
- Increasingly restrictive approach to immigration limits rights for cross-border migrants and increases their challenges in accessing public healthcare. This is reflected in various amendments to immigration laws and is also seen in the proposals for the National Health Insurance (NHI).

The National Health Insurance (NHI)

The National Health Insurance (NHI) (2017) engages with migration and gender through a heteronormative lens. SRHR are engaged but access for cross-border migrants restricted.

The National Adolescent SRHR Framework Strategy

The National Adolescent Sexual and Reproductive Health and Rights Framework Strategy (2014-2019) supports adolescents and women's rights and access to health.

Key Overview of policies trends Continental to National:

- While policies and laws are becoming stronger there is a need for broader and more inclusive understanding;
- Moreover, it is important to consider the extent to which policies at a continental level can effect change. Such policies and frameworks are largely regarded as idealistic with implementation undermined by limited finances, lack of ownership, lack of political will and conflicting interests;
- Without adequate measures to address these challenges the policies remain as planning documents and aspirations rather than concrete steps towards gender, sexuality and migration aware approaches;
- Finally, given that implementation comes at a national level where there is a clear shift towards restricting migrant rights and also dissonance between progressive policies and repressive realities there is concern as to what can be done at a continental level.

A spotlight on South Africa

South Africa's laws, policies and guidelines provide a supportive, rights-based framework for delivery of SRH services.

South Africa	Migration-aware	Gender-aware	Sexuality-aware	SRHR-aware	Status
The Choice on Termination of Pregnancy Act (1996)	Dark Red	Orange	Dark Red	Green	Assented
White Paper on International Migration for South Africa (2017)	Green	Dark Red	Dark Red	Green	Approved
National Integrated Sexual and Reproductive Health and Rights Policy (2019)	Green	Green	Green	Green	Approved

Policies show an increasingly restrictive approach to migration and migrant's rights – including to healthcare.

Gender policies address and promote gender equality and recognise gender-based violence as an increasingly urgent problem. However, there remains limited awareness of vulnerable groups. Many of the gender policies do not account for mobile communities and the diversity in gender and sexuality issues.

Recommendations

- Need for the development of a migration-aware approach to SRHR – a whole-healthcare system response whereby population movement is embedded as a central concern in the design of interventions, policy and research.
- Create a National Migration and Health Policy and Action Framework. This should include a basic 'score card' to guide SA in developing, and effectively implementing, a migration-aware response to health, with dedicated indicators for SRHR.
- Work to implement a co-ordinated regional response to cross-border migration and SRH, with an emphasis on ensuring continuity of access to SRH services regardless of immigration status.

The Endless Journey

The photographs and narratives that accompany the full report of this brief form part of a photo-journalism project on SRHR and migration. This is hosted online at www.medium.com/the-endless-journey. The inclusion of this photojournalism project was an attempt to include some perspectives of migrants in relation to their SRHR experiences. This project was undertaken in partnership with Wits University's African Centre for Migration and Society, Sonke Gender Justice and the Consortium for Refugees and Migrants in South Africa, with funding from AmplifyChange. Photos by Madelene Cronjé.



A nervous Gloria Kalenga 11 days before giving birth to her baby boy.



(L) Millene Tshika with baby Donciel on her lap. (R) Janet Dube with her three youngest children.



(L) Proud dad Patrick Ilunga holds Donciel. (R) Mama Marceline Sangara, head nurse of the Jesuit Refugee Services' home-based care programme, checks on Gloria Kalenga during her pregnancy.

