



## **Economic and Social Council**

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### **Commission on the Status of Women**

#### **Fifty-seventh session**

4-15 March 2013

**Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives**

### **Statement submitted by Women’s Global Network for Reproductive Rights, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## **Statement**

The present statement is submitted by Women's Global Network for Reproductive Rights, which represents over 1,000 organizations and individuals from 73 countries and works towards the fulfilment of sexual and reproductive rights for all, with a specific focus on the rights of women and girls.

For nearly 30 years, Women's Global Network for Reproductive Rights has concentrated on the links between sexual and reproductive rights, gender inequality, socioeconomic injustice and violence against women, grounding its analysis in the realities of those who most lack economic, social and political power. In the light of the theme of the fifty-seventh session of the Commission on the Status of Women, "Elimination and prevention of all forms of violence against women and girls", Women's Global Network for Reproductive Rights draws attention to the vital connections between the elimination of violence against women and their ability to exercise sexual and reproductive rights without fear of violence and coercion.

Drawing on the concerns and struggles experienced by our members and partners worldwide, particularly in the Global South, we emphasize the issues set out below for consideration in the panel discussions and plenary sessions.

### **Institutional violence associated with restrictive access to abortion services**

The United Nations Declaration on the Elimination of Violence against Women and Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) explicitly state that violence against women includes physical, sexual and psychological violence perpetrated or condoned by the State or its agents regardless of where it occurs. In this regard systematic denial and withholding of access to safe and legal abortion, through restrictive laws on the one hand and obstructing access to services on the other, constitutes an act of institutional violence that has a detrimental effect in the lives of all women in need of safe abortion services, specifically impacting the most marginalized, such as young unmarried women, women with disabilities, HIV-positive women, ethnic minorities, sex workers and the lesbian, gay, bisexual and transgender communities, among others.

### **Violence against women perpetuated by the State through law**

In August 2012, a pregnant 16-year-old Esperancita died in the Dominican Republic as a result of being denied lifesaving treatment. The girl was diagnosed with leukaemia and desperately needed aggressive chemotherapy, which would have probably caused the termination of her pregnancy while giving her a chance of survival. Because of the nation's complete ban on abortion, doctors withheld chemotherapy for fear of being prosecuted under article 37 of the Dominican Republic Constitution, which holds all life sacred from conception.

Institutional violence against women is perpetrated in cases when women are forced by restrictive abortion laws to carry to term a pregnancy that puts their health and life at risk. This particularly concerns the countries that prohibit abortion on all grounds, including when a woman's life and health are in danger. Equally, it concerns the countries that prohibit abortion of pregnancies resulting from gender-based violence, such as rape and incest. As a result of restrictive laws and policies, women who experience health complications in pregnancy and need a therapeutic

abortion and those who are forced to carry a pregnancy as a result of rape or incest are subjected to traumatic, stressful, frightening and life-threatening conditions. Evidence shows that where there is a total ban on abortion, maternal mortality and morbidity rates increase because doctors are unable or fearful of providing life-saving treatment that might potentially interrupt the pregnancy even when it is the only way to save the woman's life.

Furthermore, States that subject women to judicial and non-judicial persecution, including imprisoning women for undergoing an abortion or pressing charges of illegal abortion against women who suffer miscarriages, perpetuate an even greater degree of institutional violence against women, subjecting them to cruel, inhuman and degrading treatment, by denying them access to safe abortion services and by prosecuting them under the law.

The lack of action on the part of the States to meet the needs of women in the above-described situations constitutes an act of torture and inhuman treatment. The harm is produced by a law or a barrier that the State should be obliged to eliminate under international and regional human rights law (Convention on the Elimination of All Forms of Discrimination against Women, article 16; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, article 12). The international community has on multiple occasions recognized that restrictive abortion laws lead to violations of the right to freedom from cruel, inhuman and degrading treatment.

### **Violence against women due to denial of access to services**

Situations in which access to safe abortion is legal but services are made deliberately inaccessible constitute yet other forms of violence against women condoned by the State. There are cases when health-care personnel refuse to provide legal abortion services because of their own conscientious objections or discriminatory attitudes towards abortion. Other examples pertain to the States, which, despite granting access to safe and legal abortion under a number of circumstances, also impose conditions on access to services that are impossible to meet, such as parental consent for young unmarried women or spousal consent, which puts women in a position of dependence on their parents or spouses. Conditions and requirements such as spousal/parental consent deny a woman's right to autonomy and self-determination while inflicting psychological damage and perpetuating mental suffering.

Women seeking an abortion or post-abortion care in restrictive settings are subject to psychological violence when dealing with the legal and health systems. Such psychological violence includes but is not limited to threats of harm and intimidation; withholding of medical care; and inhuman and degrading treatment in the form of attribution of blame, humiliation and insults.

The above-mentioned cases are examples of institutional violence resulting from the State's failure to eliminate discrimination against women in the field of health care and to ensure, on the basis of the equality of men and women, access to health-care services, including those related to family planning. States failing to provide remedies or measures to mitigate physical or physiological harm are actually tolerating, perpetuating and sanctioning, through their laws and policies, the violence against women associated with restrictive access to abortion services.

Restrictive abortion laws accompanied by the institutional violence of the State in enforcing such laws infringe upon a woman's human dignity, by restricting the freedoms to which individuals are entitled under the right to health, particularly in respect of decision-making and bodily integrity.

In the light of the gravity of institutional violence against women due to restrictions on access to abortion services, Women's Global Network for Reproductive Rights recommends the following actions:

- (a) Repeal all laws criminalizing, penalizing and/or restricting women's access to abortion services, specifically laws that restrict the access of young women to safe abortion services on the grounds that parental or spousal consent is required;
- (b) Ensure that women who seek abortion services are not subjected to judicial and non-judicial persecution, including imprisonment, or to harassment and degrading treatment by State authorities, institutions and non-State actors;
- (c) Implement current laws and public health policies that guarantee and uphold women's access to safe abortion services without restrictions; ensure that health-care workers and health systems are equipped with the necessary knowledge, equipment and resources to provide safe abortion services;
- (d) Ensure that religious institutions and groups do not influence the State's judicial, policy and programming efforts in relation to sexual and reproductive health and rights. The sexual and reproductive rights and dignity of all must be guaranteed and not be subject to constraints imposed by religious authorities.

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