



## 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 Action Canada for Population and Development, 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

Action Canada for Population and Development applauds the Commission's focus on the elimination and prevention of all forms of violence against women at its upcoming session. After the deeply disappointing outcomes of the last session of the Commission, whereby no agreed conclusions were adopted, we call for the Commission's renewed commitment to and solidarity with women who face perpetuating systems of inequality, oppression and violence. We ask the members of the Commission on the Status of Women at its fifty-seventh session to call for an accelerated effort on behalf of States towards the full elimination of all forms of violence towards women and gender-based inequalities so as to construct a foundation on which the post-2015 development agenda will be based after the 20-year review of the International Conference on Population and Development and the Millennium Development Goals.

With the priority theme of the fifty-seventh session of the Commission being "Elimination and prevention of all forms of violence against women and girls", we urge the Commission to recognize that denying young women's and adolescent girls' sexual and reproductive rights is a form of discrimination and violence against them. Accordingly, we urge the Commission to prioritize the pressing and emerging issues that are impeding the full realization of women's — specifically young women's and adolescent girls' — sexual and reproductive rights around the world, which are at the brink of being suppressed in the international community. One such issue is the right to access abortion services.

### **Restricting women's right to a full range of sexual and reproductive rights is a form of violence against women**

We call on the Commission to recognize that restricting women's right to access a full range of sexual and reproductive health services, including access to safe abortion, is a form of violence against women. According to the 1999 Report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68/Add.4, para. 45): "State policies contribute to violence against women, manifested in ... unsafe abortions. Potentially — if not actually — resulting in the death of the victim, all of these practices violate a woman's right to life."

By creating and upholding such limitations and putting women in the position of having to access abortion services that are unsafe, Governments are responsible for the consequent violation of women's rights. Unsafe procedures can lead to serious health complications, injury and, for 47,000 women a year, death, as reported by the World Health Organization (WHO) in 2008. Governments must be held accountable for failing to protect women from all forms of violence. When women have legal access to abortion and the limitations that restrict women's access to abortion are removed, women are empowered to make free and informed decisions about their health and well-being, and are therefore less likely to experience forms of mental and physical violence when exercising their right to sexual and reproductive health services.

### **Human rights law recognizes women's right to access abortion services**

Placing legal restrictions on and discriminating against women who access abortion services are often deeply rooted in the ideological and religious

motivations of the dominant social groups that argue for the rights of the foetus and against women's and adolescent girls' right to access abortion services. This is a deliberate attempt to deny women, in particular young women and adolescent girls, their fundamental rights to life, health, dignity, equality and autonomy.

Human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, specify the need to protect and promote women's right to health, right to life, right to live free from violence and discrimination and right to access reproductive health care, among other rights that protect and promote women's right to access abortion. These human rights instruments provide clear, internationally agreed upon arguments in support of women's reproductive choices. Restricting women's right to access abortion therefore contradicts international human rights law and often stems from ulterior motives by the framers of legal and social standards that prevent women from enjoying a life of quality, equality and freedom.

#### **Ensuring the right to access safe abortion services as an essential component of a comprehensive and integrated package of health services**

The role of safe abortion as a key effective intervention in the continuum of care is repeatedly identified in a 2010 publication prepared by WHO with inputs from other organizations, including the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), titled "Packages of Interventions for Family Planning, Safe Abortion Care, Maternal, Newborn and Child Health", and in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to the sixty-sixth session of the General Assembly in 2011. The report calls for the dismantling of laws that restrict women's right to access safe abortion, which are "examples of impermissible barriers to the realization of women's right to health" (A/66/254, para. 21).

A recent WHO report on unsafe abortion shows that legal restrictions on abortions do not reduce the number of abortions but rather increase the risks of maternal mortality and morbidity due to unsafe abortions carried out in clandestine and unhygienic environments by unskilled attendants. The consequences of such abortions are often more appalling for adolescent girls and young women, given the legal, social and cultural barriers and the abortion-related stigma that limit their access to quality sexual and reproductive health services. According to a 2011 WHO report on adolescent pregnancy, about 2.5 million adolescents have unsafe abortions each year, often with complications more serious than those experienced by older women. About 13 per cent of all maternal deaths annually are due to unsafe abortions. Fourteen per cent of all unsafe abortions in low- and middle-income countries are among girls aged 15-19 years. Owing to the legal restrictions on abortion in many countries and the stigma associated with it, many such cases go undocumented, leaving women with lifelong risks and complications. However, as noted in the 2012 WHO publication *Safe Abortion: Technical and Policy Guidance for Health Systems*, when young women's and adolescent girls' right to sexual and

reproductive health is fulfilled, including access to a range of modern contraceptives, abortion rates decrease.

We urge Governments and other stakeholders to protect women's sexual and reproductive rights by including safe abortion as an essential intervention to realize women's right to health, right to life, and right to live free of violence and discrimination. Such rights are fundamental to achieve the goals indicated in the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the Millennium Development Goals and to promote greater health outcomes for adolescent girls and young women.

### **Stigma related to abortion has gross implications for women's mental and physical health and rights**

Women who undergo abortions are often subjected to multiple levels of stigma and discrimination. These experiences often result in women's inability to exercise bodily autonomy and freedom of choice. The stigma that some women experience is not necessarily inherent in the act of terminating a pregnancy, but rather perpetuated by systems of unequal access to power and resources, narrow and rigid gender roles and systematic attempts to control female sexuality, as argued by Kumara, Hessini and Mitchell in their article "Conceptualising abortion stigma", published in *Culture, Health & Sexuality* in 2009.

Stigma related to abortion contributes to under- and misreporting the incidence of abortion, underestimating the extent of its prevalence and its implications on women's lives. Owing to a culture of silence around the issue, myths are prevalent while facts are unknown; thus, the unavailability of safe abortion care services causes death and injury to millions of women around the globe.

### **Conclusion**

In conclusion, we urge members of the Commission to address these alarming facts by respecting, protecting and fulfilling young women's and adolescent girls' right to access safe abortion services, free of stigma, discrimination and violence, among other barriers. We urge members of the Commission to deeply reflect upon these issues during the discussions and negotiations so as to reach realistic, deliverable and effective outcomes that guarantee women the full range of sexual and reproductive rights, including the right to abortion.

### **Key recommendations for the agreed conclusions**

- Respect, protect and fulfil the reproductive rights of women, including young women and adolescent girls, including the right to access abortion services free of violence, discrimination and stigma
- Prioritize young women's and adolescent girls' right to bodily autonomy, equality and freedom of choice in their fullest sense, as key factors in the prevention of violence against women
- Remove legal and policy barriers to women's full enjoyment of their human rights, in particular their right to health and equality, as they are a form of violence against women

- Eliminate all forms of stigma and discrimination against women, including stigma related to abortion
  - Safe abortion services must be implemented to the highest standard by ensuring that health care providers are trained to provide services and information in a rights-based, non-judgemental and youth-friendly manner
  - Ensure that young women and adolescent girls have access to abortion services as part of a comprehensive package of sexual and reproductive health services, information and education, integrated at the point of service delivery
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