



## Economic and Social Council

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### Commission on the Status of Women

#### Fifty-eighth session

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**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 IPAS, 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

IPAS welcomes discussion of the priority theme of challenges and achievements in the implementation of the Millennium Development Goals for women and girls. The 2014 session of the Commission on the Status of Women provides a critical opportunity to accelerate progress in achieving the Millennium Development Goals and inform the debate on the post-2015 development framework and the 20-year review of the Beijing Declaration and Platform for Action.

The post-2015 development framework will provide an opportunity at the international, regional and national levels to continue addressing issues covered by the Millennium Development Goals. It should give priority to including those focus areas that have received the least attention in the implementation of the Millennium Development Goals framework. One lesson that can be drawn from implementation of those Goals is that the post-2015 development framework must address the high incidence of unsafe abortions as a leading cause of maternal mortality and morbidity that affects vulnerable women in developing countries.

According to “The Millennium Development Goals Report 2012”, the Goals most off-target and least likely to be achieved are those that depend on achieving gender equality. This includes Goal 5 to improve maternal health, which requires women to be able to realize their rights and make decisions on whether or when to have children. The report acknowledges that there has been some improvement in maternal health, for example, maternal worldwide deaths have declined by almost half since 1990. However, it also states that an estimated 287,000 maternal deaths were reported in 2010, 85 per cent of which occurred in sub-Saharan Africa and Southern Asia.

While the Millennium Development Goals framework includes a target on universal access to reproductive health, no definition was provided that addresses preventable causes of maternal deaths, such as unsafe abortion. The problem of unsafe abortion remains neglected by governments and accounts for approximately 13 per cent of global maternal deaths. Every woman’s death affects individual women, their families and their communities. In order to prevent avoidable maternal deaths owing to unsafe abortion, more attention must be given to the underlying causes — rooted in factors such as race, age, literacy, living conditions, and economic and social inequities — that affect women’s health, lives and gender equality.

Worldwide, an estimated 22 million abortions are obtained unsafely every year, the vast majority where abortion is restricted by law. As a result, 47,000 women die and 5 million more suffer disability annually. Women who are poor, live in rural areas and are young, are particularly vulnerable to unsafe abortion, as they are less likely to have resources to obtain safe procedures. The risk of dying following an unsafe abortion is highest in Eastern, Middle and Western Africa, where case fatality rates are approximately 500 deaths per 100,000 unsafe abortions. Women’s and girls’ access to safe abortion care is central to good reproductive health and ensuring gender equality and equity.

We recommend that as the Commission on the Status of Women evaluates the challenges in implementing the Millennium Development Goals for women and girls, it also consider the urgent need to address preventable causes of maternal deaths. Unsafe abortion must be added as a priority for new policy measures and

interventions in order to achieve all Millennium Development Goals for women and girls.

In addition to addressing preventable causes of maternal deaths by implementing effective health policies, the Commission must also address the urgent need for governments to review their punitive laws on abortion and other sexual and reproductive health practices that discriminate against women and girls, such as criminal laws on abortion.

Laws regulating and criminalizing reproductive behaviour directly violate principles of non-discrimination and equality, particularly when they deny women access to services only they, and not men, need (e.g., emergency contraception and abortion). Those laws also violate these basic human rights when they subordinate women's decision-making autonomy and give the State punitive power to legally perpetuate gender stereotypes and social norms based on religious or moral grounds.

Human rights treaty-monitoring bodies have highlighted the need for countries to ensure women's access to safe and legal abortions. Despite the observations and recommendations of those bodies, many countries have failed to implement concrete measures to ensure access to safe abortion care. States have an obligation under international law to promote, protect and fulfil the fundamental rights of people. When States adopt laws that criminalize aspects of sexual and reproductive health specific to certain groups, they violate individuals' fundamental rights.

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in his report of 3 August 2011, stated that "Criminal laws penalizing and restricting induced abortion are the paradigmatic examples of impermissible barriers to the realization of women's right to health and must be eliminated. These laws infringe women's dignity and autonomy by severely restricting decision-making by women in respect of their sexual and reproductive health". Moreover, he stated that "the overarching threat of being investigated, prosecuted and punished within the criminal justice system has significant negative impacts on the emotional health and well-being of both those who seek abortions and those who do not".

Previous studies have demonstrated that, in addition to the public health impact on women, laws that criminalize abortion do not make abortion less frequent. However, they do increase women's vulnerability to abuse, violence and health risks and further disempower them.

The World Health Organization has found that high rates of maternal mortality and morbidity are correlated with restrictive abortion laws. Nearly 25 per cent of the world's women live where abortion is prohibited except on the grounds of rape, incest or to save a woman's life.

When access to safe legal abortion is limited and women and girls have no timely access to contraceptive methods, information on sexual and reproductive health, and emergency contraception, they face unwanted pregnancies or resort to unsafe abortions, with devastating consequences for their health, lives and families.

Governments should decriminalize abortion and implement policies and programmes to ensure that women, especially adolescents and young women, have access to safe and legal abortions without mandatory waiting periods or requirements for parental and spousal notification and/or consent based on their age,

but in accordance with their “evolving capacities” to make autonomous informed sexual and reproductive choices. In addition, government should provide adequate pre- and post-abortion services, including contraceptive counselling and information on HIV and sexually transmitted infections.

In addition, targets and indicators should be formulated regarding the implementation of laws and policies and fulfilment of obligations assumed with the ratification of international treaties that promote access to all evidence-based reproductive health education, information and services. One good example is the human rights-based approach adapted to addressing maternal mortality and morbidity — endorsed by the Human Rights Council in several resolutions — which provides a set of principles that should underlie all goals, targets and indicators formulated within the post-2015 development agenda, namely, accountability, participation, transparency, empowerment, sustainability, non-discrimination and international cooperation. The Office of the United Nations High Commissioner for Human Rights has issued guidance for Member States and other stakeholders on the application of this approach to maternal mortality and morbidity, which should be applied to all areas of sexual and reproductive health and rights, such as access to safe and legal abortion.

The Commission on the Status of Women has a critical opportunity to urge governments to commit to implementing the recommendations of the Vienna Declaration and Programme of Action, the Convention on the Elimination of All forms of Discrimination against Women, the International Conference on Population and Development Programme of Action and the Key Actions, the Beijing Platform for Action and the United Nations Human Rights Treaty Monitoring Bodies to increase access to safe and legal abortion and to review and liberalize punitive abortion laws in order to achieve reproductive justice and gender equality and equity for women and girls. All these interventions will accelerate progress on the Millennium Development Goals and prepare the path for the new post-2015 development agenda.

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