



Health. Access. Rights.

P.O. Box 9990 | Chapel Hill, NC 27515 USA

Tel: 919.967.7052 / 800.334.8446 | Fax: 919.929.0258

info@ipas.org | www.ipas.org

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UN Working Group on the issue of discrimination against women in law and in practice (“UN Working Group”)

Office of the High Commissioners for Human Rights

Geneva, Switzerland

RE: Call for Submissions on discrimination against women in law and in practice with regard to the right to health and safety

Dear Working Group Members:

This submission is intended to support the UN Working Group as it researches discrimination against women in law and practice, with focus on equality and non-discrimination in the enjoyment of the right to health, including sexual and reproductive health; in the access to health services, including maternal health services; and in the guarantee of women’s safety.

Founded in 1973, Ipas is a global nongovernmental organization dedicated to ending preventable deaths and disabilities from unsafe abortion. Through local, national and global partnerships, Ipas works to ensure that women can obtain safe, respectful and comprehensive abortion care, including counseling and contraception to prevent future unintended pregnancies. Because of the many barriers to safe abortion care, women who decide to terminate a pregnancy often find no alternative than to resort to unsafe abortion—even in settings where safe abortion is legal. Worldwide, unsafe abortion affects girls and young women disproportionately

In our submission we would like to address the consequences of restrictive abortion laws to women’s right to health and particularly to have access to sexual and reproductive health services; and the consequences of systematic denial to women and adolescents’ survivors’ of sexual violence of access to safe abortion without barriers, due to restrictive and discriminatory laws and policies that affect their health and safety.

- 1. Why it is necessary to review punitive laws and guarantee women’s access to safe abortion to protect and guarantee their right to health and safety, preventing injuries and deaths due to unsafe abortion;**

At the global level, Ipas has focused on the need to remove restrictive laws that criminalize abortion and the need to remove barriers that impede access to the full continuum of reproductive health care. Ipas advocates for policies that promote responsiveness to the needs of women and girls who have been victims of gender-based violence; timely access to sexual and reproductive health services is essential in order to preserve their health and well-being.

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The Beijing Declaration and Platform for Action represented a significant step forward in identifying the human rights of women to include ‘their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence’. The Convention on the Elimination of Discrimination Against Women (CEDAW), article 12(1) states that ‘parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, I planning’. Article 12(2) provides that parties ‘shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate appropriate medical services’. It recommends revising laws that criminalize abortion and eliminating punitive measures against women who seek an abortion.

In countries where access to safe abortion is criminalized, women’s sexual autonomy and reproductive rights are denied. Moreover, criminalization of access to sexual and reproductive health services raises significant public health and human rights concerns. Studies have long demonstrated the correlation between a country’s restrictive abortion law and high rates of maternal mortality and morbidity. Where access to safe and legal abortion is limited, women resort to unsafe abortion, with devastating consequences for their health, lives and families. This is why legal reform of abortion laws is necessary to guarantee women’s access to safe abortion to protect and guarantee their right to health and safety, preventing injuries and deaths due to unsafe abortion.

2) Why it is important to guarantee women and adolescents’ access to safe abortion in cases of sexual violence to prevent adolescents’ unwanted and forced pregnancy.

Ipas has been working with partners to eliminate barriers in health policies and practices that violate women’s human rights, including systematic provider refusal to provide abortion care to victims of sexual violence victims. Ipas advocacy strategies focus on the need to eliminate barriers and promote policy change in order to ensure women’s right to sexual autonomy and informed choices, and to ensure women and girls have access to comprehensive sexual and reproductive health services as part of their right to live free from violence.

In the last several decades, UN treaty-monitoring bodies have reiterated that denying survivors of sexual violence access to safe abortion constitutes a violation of the woman’s human right, including constituting cruel, inhumane and degrading treatment.¹ Also, in the past decade, domestic, familial and intimate partner violence have also been recognized as violations of

¹ *LC v Peru*, Communication 22/2009, CEDAW/C/50/D/22/2009, Committee on the Elimination of Discrimination against Women (2011) para 8.18; *LMR v Argentina*, Communication 1608/2007, CCPR/C/101/D/168/2007, Human Rights Committee (2011) para 9.2.

human rights. Some countries have adopted comprehensive policies to combat violence against women, whereas others have been slow to address the problem and effectively address the root causes associated with violence, particularly sexual violence, including the patriarchal need to control women's bodies or otherwise prevent women from exercising autonomous decision-making, seeking independence and living free from coercion, stigma and discrimination. Other forms of violence, including physical violence, represent equally serious attacks on women's integrity and autonomy.

In adopting the Vienna Declaration (1993), governments agreed that “[v]iolence against women is a manifestation of historically unequal power relations between men and women . . . it is one of the crucial social mechanisms by which women are forced into a subordinate position.” The Beijing Platform for Action, agreed to by 189 governments and supported by NGOs from 180 countries in 1995, outlines a series of measures to address violence against women in a wide variety of policy areas.

Institutional violence has been increasingly getting international attention from human rights treaty monitoring bodies which have established that in some circumstances, women suffer institutional violence when seeking post abortion care and these human rights violations should be considered unhuman, degrading treatment and equivalent to torture. States have a duty to provide for the safety and public health of their people through establishment of laws and policies and such grounds and can never justify denying to women and adolescents the protection of their basic human rights.

This submission provides key resources on sexual violence and its impact on health, as well as key resources demonstrating the discriminatory impact on women when access to safe, legal abortion is restricted or otherwise unavailable. This submission includes relevant evidence, findings from consultations and pilot studies with adolescents, examples of laws and policies that minimize barriers to access to safe abortion services, and other evidence of best practices to support the law drafting process.

We hope that this information will be helpful as the Working Group begins its research on this important issue. Please do not hesitate to contact Jina Dhillon at dhillonj@ipas.org if you have any questions or concerns about any of the information contained herein.

Ipas Publications and Tools on Sexual Violence, the Right to Health, and Access to Safe, Legal Abortion

[1.1 Sexual Violence working group resource list - 2003](#)

This resource is an annotated bibliography compiled by Ipas that includes publications, tools, case studies, training materials, and scientific papers on the issue of violence against women.

[1.2 Sexual violence in Latin America and the Caribbean: a desk review](#)

This document reviews what is known about sexual violence in the LAC region. It aims to explore the magnitude, patterns, and risk factors associated with sexual violence, as well as the legal and policy frameworks, women's responses to sexual violence, access to services and service responses, promising interventions, research gaps and priorities for future research.

[1.3 Violence, pregnancy and abortion – Issues of women's rights and public health](#)

The second edition of this monograph reviews worldwide data on the relationship between violence, pregnancy and abortion and suggests measures different sectors of society can take to reduce the suffering of women and girls, and to ensure their basic human right to be free from violence.

[1.4 Taking action to combat state-sanctioned violence against women worldwide](#)

Violence against women is one of the most pervasive human rights violations in the world. Globally, more than one in three women have experienced either intimate partner violence or non-partner sexual violence in their lifetime...But the perpetrators of this violence aren't just individuals. Violence against women is so ingrained that it's institutionalized.

[1.5 Sexual Violence in El Salvador, Guatemala, Honduras, and Nicaragua: Definitions, recommended data and indicators](#)

The objective of this document is to support capacity building within institutions in charge of sexual violence data collection and monitoring in the four selected countries, with proposed definitions, variables and indicators that can be used as a reference for the collection and analysis of data on sexual violence. The selection of indicators is based upon international agreements on the elimination of violence against women and gender-based violence. This proposal includes definitions, variables and indicators that address the diverse types of sexual violence that occur in public and private spheres.

[1.6 The Storehouse for Abortion Law and Policy](#)

This is a collection of authoritative resources intended to aid advocates and policy makers who shape laws, policies, Standards and Guidelines, and other official guidance on abortion. Adolescents face numerous legal and policy barriers in accessing safe abortion services, including barriers concerning legal capacity and decision-making authority, privacy and confidentiality in health care. Resources in the storehouse are divided into topic areas addressing common barriers to abortion access, including a special section on adolescent rights. This collection addresses the unique issues adolescents' face, as a foundation for understanding the right of pregnant minors to make independent, informed decisions on undergoing an abortion. It also covers general issues concerning particular vulnerability of adolescents to maternal mortality and morbidity due to unsafe abortion.

[1.7 My Honor, My Body, My Health: Fulfilling Young People’s Sexual and Reproductive Rights](#)

This booklet describes Ipas’s work with youth to promote their sexual and reproductive health and rights. With facts and concise explanations—plus illustrative stories from Nepal, South Africa and Ecuador—the booklet highlights the challenges young people face and the opportunities for them to become leaders and work with adults to design policies and health services that are youth appropriate.

[1.8 Sexual Violence and Unwanted Pregnancy: Protecting the Human Rights of Adolescent Girls and Young Women](#)

This publication provides evidence and explanation for why Ipas urges governments and policymakers to ensure that all young women—including survivors of sexual violence—have access to comprehensive sexual and reproductive health care, including safe abortion services.

[1.9 Entre el silencio y la impunidad: La maternidad impuesta por violación, tiene rostro de niña](#) (Amid silence and impunity: Maternity resulting from cases of rape has a girl’s face)

This publication describes how the total ban of abortion in Nicaragua affects young women’s access to abortion even in cases of rape and incest. It also presents testimony of adolescent victims of sexual violence in Nicaragua, their inability of access to safe and legal abortion and the lack of access to justice for them.

[1.10 Situación del personal de las Casas Maternas para la detección y atención de mujeres y adolescentes víctimas de violencia sexual](#) (Situational assessment of the Maternity Houses in the detection and attention of women and adolescents victims of sexual violence)

This publication is a situational assessment of the Maternity Houses in Nicaragua—establishments where women with high risk pregnancies can obtain access to pre and post natal care as a public health strategy to reduce maternal mortality. These are especially important in poor rural areas where women may need to travel a great distance to get to a health facility where they can give birth; they can stay at the Maternity Houses while they await childbirth. Ipas works with the Maternity Houses in the department of Jinotega to train those who work there on how to detect cases of sexual violence and provide specialized care for the women and girls who have experienced it. There is a large number of adolescent girls in these establishments, the majority of whom have become pregnant due to sexual violence. This study is based on interviews with Maternity House workers and patients to assess the quality of care that is provided there.

[1.11 The Impact on Young Women When Abortion is a Crime](#)

This fact sheet highlights the disproportionately high impact of criminal abortion laws on young women. In places where abortion is a crime, women who are young, poor, uneducated and facing an unwanted pregnancy are at greater risk of resorting to illegal and unsafe abortions, and consequently being investigated, arrested and prosecuted.

[1.12 Young Women and Abortion: Avoiding Legal and Policy Barriers](#)

This resource is designed to help advocates and policymakers promote laws and policies that support access to safe abortion for young women. Parental involvement requirements in law or policy are common barriers that push young women toward illegal and often unsafe abortion.

1.13 Youth Act for Safe Abortion (Toolkit): Modules 1-5)

This guide is a resource for future health professionals who want to learn about and engage in abortion issues. Abortion is a critical but often neglected area of women's rights, women's health and health science education. The guide was developed for health sciences students—including students in medicine, nursing, midwifery, pharmacology, public health and other related fields—and can be adapted for other audiences too. Experienced facilitators can use the resources and tools in the guide to effectively facilitate workshops on abortion.

Additional External Publications

World Health Organization. 2012. *Safe Abortion: Technical and Policy Guidance for Health Systems*. Second Edition. Geneva: WHO.

WHO published the first global guidance on abortion-related care and policy issues (*Safe abortion: technical and policy guidance for health systems*) in 2003. Updated guidance issued in June 2012 provides policy-makers, programme managers and health-service providers with the latest evidence-based guidance on clinical care. It also includes information on how to establish and strengthen services, and outlines a human-rights-based approach to laws and policies on safe, comprehensive abortion care.

The updated WHO guidance reflects changes in methods of abortion and related care, service delivery as it applies to the availability and use of new methods, and information on human rights and how they relate to policy-making and legislation related to abortion. It also includes the latest data on the scale of the problem of unsafe abortion.

Chapter 4 of the WHO Technical Guidance on safe abortion

See also, Sexual and reproductive health,

http://www.who.int/reproductivehealth/topics/unsafe_abortion/en/