

ENSURING WOMEN'S RIGHT TO SAFE LEGAL ABORTION AND GENDER EQUALITY IN THE POST-2015 DEVELOPMENT GOALS



© Richard Lord

Worldwide, an estimated 22 million women obtain unsafe abortions every year, the vast majority in developing countries where abortion is restricted by law. As a result, five million women suffer serious, often permanent injuries, and 47,000 women die annually—making unsafe abortion one of the world's major preventable causes of maternal mortality.

International human rights bodies and experts over the last 20 years have affirmed women's human rights to life and health when calling on countries to end unsafe abortion—and the resulting deaths and injuries—in places where abortion is a crime. No woman should be forced to continue a pregnancy against her will, or face life, health, or legal risks as a result of having an abortion. Governments should recognize women's reproductive right to safe and legal abortion based on the human rights to dignity and equality. Still, many countries have yet to review and reform their criminal abortion laws. These laws discriminate against women based on gender by penalizing them for a health procedure only women need.

As world leaders prepare the post-2015 development framework, much more can be done to guarantee the full recognition of women's—including young women's—right to safe and legal abortion.

A problem of equity and social justice

Ensuring that abortion—an essential component of reproductive health care—is legal and safe is central to achieving social justice and gender equality globally:

- Nearly 25 percent of the world's women live where abortion is still prohibited except on the grounds of rape, incest or to save a woman's life.
- Deaths and injuries due to unsafe abortion—and prosecution for seeking illegal abortion—disproportionately affect women who are young, poor, rural and lack education, as well as those who belong to a racial or ethnic minority or indigenous group.
- Laws that make abortion a crime do not reduce the incidence of abortion. Even worse, there is a proven correlation between countries' restrictive abortion laws and high rates of maternal deaths and injuries. The 82 countries with the most restrictive abortion laws also have the highest incidence of unsafe abortions.

HUMAN RIGHTS INCLUDE THE REPRODUCTIVE RIGHT TO SAFE AND LEGAL ABORTION

Women's human rights to life and health: Abortion should be safe and accessible where legal

International Conference on Population and Development (ICPD), 1994, Cairo and ICPD+5, 1999, New York

In 1994, the international community reached consensus on the need to address unsafe abortion as a major public health concern. The *ICPD Program of Action* and follow-on agreements establish that where abortion is legal, it should be safe and accessible. The public health message to governments is clear: No woman should suffer or die from unsafe abortion. ICPD helped prepare the way for increased implementation of women's reproductive right to safe and legal abortion within health systems policies, as well as within the provision of health information and services, the training of health providers, and the equipping of health facilities. The ICPD consensus also provided a foundation for continued advocacy efforts for women's reproductive right to safe and legal abortion.

Progress and challenges: The number of maternal deaths due to unsafe abortion has declined significantly in many countries due to improvements in health services, as well as women's use of less risky methods. Still, an estimated 47,000 women die every year from unsafe abortion, and millions more suffer injuries.

Women's human rights to dignity and equality: States should review their punitive abortion laws

Fourth World Conference on Women, 1995, Beijing

The 1995 *Beijing Declaration and Platform for Action* affirmed Cairo and moved beyond it by calling for

countries to review their punitive laws on abortion—a significant step forward in the protection of women's human right to safe and legal abortion and the rights to dignity, equality and non-discrimination as part of core reproductive rights. The Platform also declared that women have the 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."

Progress and challenges: The global trend in the last two decades has moved toward liberalization of abortion laws. The number of countries not permitting any abortion declined from eight percent to three percent in 2011. Countries in which abortion is allowed upon request rose from 22 percent to 30 percent. Further, 70 countries made the grounds for accessing abortion broader, whereas just 11 countries narrowed legal access. Still, many countries have yet to act to remove or ease restrictions on abortion and associated penalties for women and those who provide abortions.

'Universal access to reproductive health services by 2015'

Millennium Development Goals (MDG) Summit, 2005, New York

Ten years after Beijing, at the 2005 Millennium Development Goals (MDG) Summit in New York, world leaders acknowledged that "universal access to reproductive health services by 2015" is necessary to improve maternal health. Leaders agreed on Millennium Development Goal 5 (MDG 5), which aims to reduce maternal mortality by 75 percent and achieve universal access to reproductive health care by 2015. However, this goal can only be achieved if all the world's women—including young women—have access to key health services including prenatal and postpartum care, skilled birth attendants, contraception, and safe and legal abortion services.



© Richard Lord

United Nations support for women's reproductive autonomy and bodily integrity

In 2011, the United Nations Special Rapporteur on the Right to Health issued a breakthrough report calling on U.N. member states to rescind restrictive abortion laws.

This 2011 report represents a major advance for women's reproductive rights grounded in the rights to dignity, equality and non-discrimination. The United Nations makes clear that criminal abortion laws violate human rights by restricting women's control over their own bodies and requiring them to continue pregnancies against their will.

Progress and challenges: Despite a decline globally in maternal deaths due to unsafe abortion, inequalities among countries, regions and within countries continue to be pervasive, with disproportionate impact on more vulnerable women.

WHERE WE ARE

Progress toward achieving MDG 5 has been slow because women across the developing world still lack access to contraception and safe abortion services. A human rights-based approach is necessary to accelerate progress toward MDG 5 and to reduce preventable causes of maternal death and injury.

Governments must focus on the implementation of **comprehensive sexual and reproductive health services**, such as sexuality education, sexual and reproductive health counseling, provision of a wide range of short- and long-term modern contraceptives, and prevention and management of unwanted pregnancies through emergency contraception and safe, legal abortion care.

Unsafe abortion still accounts for 13 percent of all maternal deaths worldwide. Women who cannot access safe abortion services instead have clandestine, risky procedures and then avoid seeking treatment for complications due to stigma and fear of punishment in places where abortion is legally restricted.

Restrictive abortion laws, combined with cultural barriers and stigma, continue to deny women in many countries the ability to exercise their sexual and reproductive rights, including the right to safe abortion.

THE WAY FORWARD

Almost 20 years after the progress in Cairo and Beijing, global leaders must renew the Beijing Platform of Action commitments as a matter of gender equality and women's human rights and take measures to ensure that in the post-2015 development framework, governments are called to:

- review punitive abortion laws that discriminate against women
- make safe, legal abortion accessible as part of comprehensive sexual and reproductive health services to all women regardless of age, ethnicity, gender identity, geographic location, marital status, race, religion, socio-economic status or migration status.

Without these human rights-based commitments, Millennium Development Goals 3 (to promote gender equality) and 5 cannot be achieved. Women's right to safe and legal abortion must be guaranteed on the grounds of gender equality and human rights and human development.

The time has come to put women's and girls' health and lives at the core of human development and reform punitive laws on abortion as a matter of reproductive justice, human rights and gender equality.

Gender equality

As world leaders work on a new global development framework for beyond 2015, we have a critical and unique opportunity to make further progress toward gender equality.

Gender equality includes recognition of women's autonomy and capacity to make informed decisions about their sexuality and reproduction through laws and policies allowing access to safe and legal abortion

Women's access to safe and legal abortion is as relevant to gender equality as women's equal access to education, employment, adequate food and housing.





© Sara Gómez/Ipas

REFERENCES

Asian Pacific Resource & Research Centre for Women (ARROW). (2010). The MDGs: A critical look and some proposals for the post-2015 development framework. *ARROWs for Change*, 16(1). Kuala Lumpur, Malaysia: ARROW.

Berer, M. (2004). National laws and unsafe abortion: The parameters of change. *Reproductive Health Matters*, 12(24 Suppl): 1-8.

Center for Reproductive Rights. (2011). *Abortion worldwide: Seventeen years of reform* (Briefing paper). New York, NY: Center for Reproductive Rights.

Ely Yamin, A., & El Falb, K. (2012). Counting what we know; knowing what to count - Sexual and reproductive rights, maternal health and the Millennium Development Goals. *Nordic Journal of Human Rights*, 30(3), 350-371.

Erdman, J. N. (2014, forthcoming). Abortion in international human rights law. In Rowlands, S. (Ed.), *Abortion care*. London: Cambridge, United Kingdom: Cambridge University Press.

International Conference on Population and Development Beyond 2014. (2014). *Framework of Actions for the follow-up to the Programme of Action of the International Conference on Population and Development Beyond 2014*. New York, NY: United Nations.

Shah, I.H., Åhman, E., & Ortayli, N. (2013). *Access to safe abortion: Progress and challenges since the 1994 International Conference on Population and Development (ICPD)* (Background paper #3). Mexico City, Mexico: International Conference on Population and Development Beyond 2014 Expert Meeting.

United Nations. (2013). *The Millennium Development Goals report*. New York, NY: United Nations.

United Nations General Assembly. (2011). *Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/66/254)*. New York, NY: United Nations.

World Health Organization. (2012). *Safe abortion: Technical and policy guidance for health systems* (2nd ed.). Geneva, Switzerland: World Health Organization.



P.O. Box 9990 • Chapel Hill, NC 27515 USA
1.919.967.7052 • info@ipas.org • www.ipas.org

The photographs used in this publication are for illustrative purposes only; they do not imply any particular attitudes, behaviors, or actions on the part of any person who appears in the photographs.

© 2014 Ipas

CSWGE-E14