

Resolution on violations and threats weighing on the sexual and reproductive rights of women

Presented by l'Association Tunisienne Des Femmes Démocrates (ATFD)

The International Federation for Human Rights, at its 39th Congress:

Considering that the 9 June 2016 decision of the United Nations Human Rights Council stating that the Irish legislation prohibiting and criminalising recourse to abortion in cases of lethal fetal abnormalities violates the human rights of women;

Considering that the historic ruling of the United State Supreme Court of 27 June 2016 declaring that a Texas law limiting the number of clinics authorised to practice abortions is an unjustified obstacle to the constitutional right of women to seek abortion¹;

Considering that on 5 July 2016, anti-abortion groups tabled a draft citizen bill in the Polish Parliament proposing a total ban on abortions except in the case of accidental death of the foetus when a doctor is trying to save the life of the mother, and providing for a sentence of up to five years in prison for women who resort to abortion and doctors who practice them;

Considering that the United Nations International Covenant on Civil and Political Rights, the United Nations International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Convention on the Rights of the Child, the Action Programme of the 1994 United Nations International Conference on Population and Development, the Beijing Platform for Action, the United Nations Special Rapporteur's mid-term report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health [A/HRC/17/25 (2011)], the United Nations Special Rapporteur's report on torture and other cruel, inhuman or degrading treatment or punishment [A/HRC/22/53 (2013)], and General Comment No. 22 of the United National Committee on Economic, Social and Cultural Rights 2016;

Recalling that every individual has the fundamental right to decide freely with full knowledge of the facts on the number of his/her children and the spacing of their birth, and to obtain the necessary related information, education and means.

Recalling that sexual and reproductive rights are indivisible and interdependent on other human rights;

Considering that the denial or restriction of these rights is the result of a stereotypical and patriarchal view of femininity and female sexuality that prevents women from enjoying their human rights, particularly the right to health, life, and non-discrimination, and restricts their access to education, employment,, financial independence and to public and political life;

Considering that according to UNICEF, at least 200 million girls and women have been subjected to genital mutilation in 30 countries;

Considering that complete, non-discriminatory sexual education, that is adapted to the age group, culturally relevant, based on precise, realistic scientific information that fights stereotypes especially sexist and anti-LGBTI, and abstains from value judgements, contributes to preventing undesired pregnancies, decreases the number of abortions, reduces maternal death, prevents HIV/AIDS and other sexually transmitted diseases, reduces the vulnerability of women to gender-based violence by increasing their empowerment, reduces gender-based discrimination, and strengthens equality;

¹Supreme Court of the United States, *Whole Woman's Health, et al. v. Hellerstedt, Commissioner, Texas Department of State Health Services, et al.*, June 27, 2016, p. 36.

Considering that women's empowerment is essential to the fight against poverty, discrimination, violence and is crucial to gender equality and sustainable development;

Regretting that too many states lack sufficient family planning services, as well as affordable, available, acceptable, accessible, good-quality contraception and abortion facilities;

Alarmed that on all continents, there are states with repressive laws that totally ban voluntary interruption of pregnancy (VIP) or only authorise it in very exceptional situations (rape, incest, danger to mother's life, malformation of foetus) and impose procedural constraints (mandatory waiting period, obligation to obtain several medical certificates, conscientious objection, etc.) that very often prevent women from obtaining abortions;

Alarmed also that political leaders inflict criminal sanctions on women who obtain or are suspected of trying to obtain an abortion and to health care personnel who perform or provide services connected to abortions;

Recalling that the only effect of the above mentioned repressive laws and the downstream lack of access to reliable, legal healthcare services is that women obtain clandestine abortions, thereby taking considerable risks to their health and even endangering their lives, and that between 8% and 18% of maternal deaths throughout the world are caused by induced abortions performed in poor sanitary conditions², and that in developing countries, each year close to 7 million women are treated for complications connected to clandestine unsafe abortions, and at least 22,000 of them die from abortion-related complications³;

Recalling that furthermore these penal and other restrictions are not effective since the abortion rate is not significantly different in countries that forbid VIP and countries that allow it⁴;

Recalling that undesired pregnancies have devastating psychological consequences and effects on health, especially for young girls whose bodies are not mature enough to endure pregnancy and childbirth;

- *Considering* the Zika virus epidemic that has been plaguing the Americas since April 2015 and has been leading to foetal microcephaly and delayed intra-uterine foetal cerebral development and *recalling* the public health urgency to authorise women's access to contraception and abortion in times of epidemics such as this one;

Denouncing the offensives against women's reproductive and sexual rights conducted by conservative and religious groups, often supported for political reasons by governments working to stay in power by catering to the most conservative forces;

Regretting that defenders of sexual and reproductive rights encounter strong resistance, sometimes even threats, smear campaigns, harassment or violence on the grounds that they are promoting the West's agenda, betraying their country by trying to prevent births, or attacking "the right to life of the unborn child";

Alarmed at the policy of some countries that encourage the banning of abortions by refusing to earmark any development aid for the financing of VIPs;

1. *Asserts* that respect for and enjoyment of sexual and reproductive rights are essential to guarantee women's rights, in particular, their right to health, life and non-discrimination and their full participation in public and political life under conditions equal to those of men, in compliance with the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;
2. *Condemns* all violation of reproductive and sexual rights and harmful practices aimed at controlling women's sexuality, and especially female genital mutilation ;
3. *Calls* upon the States to withdraw legal restrictions and others that limit the enjoyment of sexual and reproductive rights and to take measures to guarantee, without discrimination, the availability, accessibility and quality of acceptable and affordable family planning, contraception and abortion services taking account the needs of the vulnerable female population;
4. *Urges* the States to guarantee the protection of sexual and reproductive rights defenders against all forms of harassment and repression in order to enable them to exercise their legal, peaceful human

²Guttmacher Institute, Induced Abortion Worldwide, Fact Sheet, May 2016 [<https://www.guttmacher.org/fact-sheet/facts-induced-abortion-worldwide>].

³WHO – Guttmacher Institute, Key facts on induced abortion worldwide, 2010-2014 [<http://www.who.int/reproductivehealth/news/440KeyAbortionFactsFinal.pdf?ua=1>].

⁴WHO – Guttmacher Institute, Key facts on induced abortion worldwide, 2010-2014 [<http://www.who.int/reproductivehealth/news/440KeyAbortionFactsFinal.pdf?ua=1>].

rights defence activities in compliance with the Declaration on Human Rights Defenders adopted by the United Nations General Assembly in 1998⁵ and other relevant international and regional enactments;

5. *Calls* on the States to ratify the regional instruments on this matter, e.g. the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the African Charter of Human and Peoples' Rights' Protocol on the Rights of Women in Africa;
6. *Calls* on the States to adopt an approach to development aid that is based on fundamental rights which do not include restrictions to abortion;
7. *Calls* for mobilisation for the respect of reproductive and sexual rights of women and of the recognition of these rights both in law and in practice.

⁵A/RES/53/144, 8 March 1999.