

AMNESTY INTERNATIONAL'S POLICY ON ABORTION

Q & A

**AMNESTY
INTERNATIONAL**



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1. Why is Amnesty International revisiting its position on abortion?

We have updated our position to align with evolving international human rights law and standards, to make it as inclusive as possible, and to ensure it addresses the full range of barriers that impede access to safe abortion and the full range of human rights violations due to criminalization of abortion.

Our position on abortion is informed by years of research and consultations with women and girls whose lives have been shattered by restrictive laws; as well as with medical providers, activists and legal experts.

2. What has changed specifically in the policy?

Amnesty International's updated policy recognizes abortion, provided in a manner that respects pregnant persons' human rights, autonomy, dignity and needs, as the right of anyone who can become pregnant.

Instead of viewing abortion access simply as a health issue, or one that affects only certain people, our new position recognizes that safe abortion access is essential for realising the full range of human rights and achieving gender, social, reproductive and economic justice.

Amnesty International continues to call for full decriminalization of abortion. But whereas our previous policy advocated for abortion access under certain circumstances, we now call for universal access to safe abortions for all people who need them.

3. What changes does Amnesty International want governments to make?

We are calling on governments to fully decriminalize abortion, and ensure universal access to safe abortion services to all people who need them. This should include removing abortion from criminal laws, and an end to punishment of people who obtain, provide or assist with the provision of abortion.

Abortion should be regulated like any other health service. This means abortion and post-abortion care must be accessible and affordable, of good quality and provided without discrimination. Abortion should also only be undertaken with informed consent and never under threat, force or coercion.

Governments must remove requirements which deny people autonomy over their own bodies – such as parental or spousal consent. They should ensure everyone has access to accurate, evidence-based information about sexual and reproductive health and rights.

States should remove discriminatory laws which prevent people with disabilities, adolescents and transgender people, among others, from accessing safe abortion.

Governments must address the social and economic factors which can influence people's decisions about whether to continue their pregnancies. People need a safe and dignified environment to reproduce and become parents which depends on enabling social factors such as access to high-quality health care, housing, education and employment. Failure to guarantee these rights denies people the right to make decisions about their bodies. This insight is key to demands of groups that oppose intersectional discrimination and oppression, such as the reproductive justice movement in the United States led by Black women and women of colour.

4. Is abortion a human right?

Under international human rights law, everyone has the right to life (beginning at birth), the right to privacy, the right to health, the right to equality and non-discrimination and equal protection under the law, and the right to be free from violence, discrimination, and torture or other ill-treatment.

Amnesty International recognizes access to safe abortion as an essential component in ensuring the protection of each of these rights.

Human rights are universal, indivisible and interlinked. This means that sexual and reproductive rights, including the right to abortion, are fundamental to the full realization of all other human rights.

5. How have international laws evolved since your last position on abortion?

International legal norms and standards around abortion have undergone a substantial evolution in the past decade.

Human rights bodies are increasingly recognizing the harm caused by laws which limit abortion access to certain "minimum grounds" – exceptional circumstances such as risk to life or health, sexual assault or foetal impairment, and are increasingly calling for full decriminalization of abortion and access to safe abortion for all people who need it.

UN bodies also emphasize that states have an obligation to ensure that safe abortion access is available not only in theory but in practice.

This includes removing or reforming laws that force most people who need abortions to seek unsafe abortions.

6. Why does Amnesty International use the term "pregnant people"?

Cisgender women and girls are not the only people who need access to safe abortion services. Intersex people, transgender men and boys, and people with other or no gender identities can also become pregnant. These individuals often face multiple and intersecting forms of discrimination when trying to access health services.

7. Is abortion a violation of the right to life?

No. In fact, no international or regional human rights body has ever found abortion to be incompatible with human rights, including the right to life.

Instead the UN Human Rights Committee has repeatedly emphasized the threat to women's and girls' lives posed by restrictions that compel them to seek unsafe abortions. Ensuring everyone can access safe abortion protects the right to life.

Amnesty International does not take a position on when human life begins - this is a moral and ethical question for individuals to decide for themselves. Our policy is aligned with international human rights law which is clear that human rights apply after birth, not before.

8. Does Amnesty International think abortion should be available in later stages of pregnancy?

Amnesty International calls on governments to ensure that safe abortion is accessible as early as possible and as late as necessary. Amnesty International acknowledges that states may regulate access to abortion, including by setting 'gestational limits'. However, any such limits must be subject to human rights scrutiny and should not result in discrimination or human rights violations. It is important to keep in mind that abortions in later stages of pregnancy are relatively rare. For example, in England and Wales, only 8% of abortions occur after 12 weeks; and 0.1% occur at or over 24 weeks.

But it is equally important to recognize that there will always be cases where pregnant individuals require access to abortion in later stages of pregnancy, particularly to safeguard their health and lives.

There are a variety of reasons why someone might seek an abortion later in pregnancy. These include systemic inequalities which deprive people of accessing healthcare earlier in pregnancy.

People who seek abortion later in pregnancy are often facing one of the hardest situations of their lives - they need health care and support rather than judgement. Governments must ensure that people in critical situations are not denied access to safe abortions.

9. Does Amnesty International support sex-selective abortion?

Amnesty International opposes gender discrimination and gender stereotypes. In some societies this can manifest in a culture of son preference and can contribute to sex-selective abortions.

But restricting access to safe abortion is not the answer to structural discrimination. Amnesty International continues to call for full decriminalization of abortion, regardless of reason, and calls on states to take urgent steps to end gender-based discrimination and denial of economic and social rights that may lead to abortions following sex determination.

10. Won't abortion on demand lead to discrimination against people with disabilities?

The UN Committee on the Rights of People with Disabilities stands by the principle that the decision about whether to continue a pregnancy after a foetal impairment diagnosis should belong to the pregnant person.

The best way for governments to promote the rights of people with disabilities and to combat discrimination against them is to put into place laws and policies that support their autonomy and human rights, and to ensure that they can participate as equal members of society.

11. Is Amnesty International encouraging people to have abortions?

No. We are asking governments to create an environment where anybody who seeks an abortion can access one safely, without discrimination, force or coercion, and free of stigma.

There are many complex and personal reasons why people decide to end their pregnancies, and it is critical to consider the issue in a compassionate manner.

Restricting abortion access does not stop abortions. It simply forces people to undergo unsafe procedures which put their health and lives at risk.

12. Does Amnesty International think healthcare providers should be forced to perform abortions even if this goes against their beliefs?

International law does not recognize refusal to provide healthcare on grounds of conscience or religious beliefs as a human right. UN experts have said that if states allow such refusals, they must ensure this does not jeopardize access to safe abortion services. This means requiring health professionals who object to providing abortion services to facilitate other options - including by providing accurate information and making timely referrals to other healthcare providers. Health professionals must always provide care, regardless of personal beliefs or objections, in emergency circumstances - when the procedure is necessary to save a pregnant person's life or prevent serious harm. This includes life-saving post-abortion care, or situations where a referral is not possible.

The UN Committee on Economic, Social and Cultural Rights Committee has also said that states should ensure that an adequate number of health-care providers willing and able to provide such services are available and accessible to anyone who needs them.