



UN Human Rights Council  
Twenty-Ninth Session  
15 June – 3 July 2015

Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

*Interactive dialogue with the Working Group on the issue of discrimination against women in law and in practice<sup>1</sup>*

Mr. President

Amnesty International submitted a written statement for this interactive dialogue (UN document A/HRC/29/NGO/114).<sup>2</sup> We welcome that the Working Group on the issue of discrimination against women in law and practice expressed concerns about criminalisation of abortion, as a medical procedure needed only by women and girls, including in the context of its country visits to **Chile, Peru** and **Spain**.<sup>3</sup>

The criminalisation of abortion, through total abortion bans or highly restrictive abortion laws, is discriminatory and obstructs women and girls' access to necessary health services, violating their human rights and putting at risk their physical and mental health and lives. Women and girls from already marginalised groups, such as the poor, are often disproportionately affected by such laws. It can also have a chilling effect on access to legal abortion. Amnesty International has documented these concerns, for example, in the context of **El Salvador** and **Ireland**.<sup>4</sup> We encourage the Working Group to continue to look into these concerns, including with respect to Ireland.

Criminalisation of abortion compels women and girls to undergo illegal, clandestine and unsafe abortions resulting in high levels of maternal mortality and morbidity.<sup>5</sup> Unsafe abortion is the third leading cause of maternal deaths globally.<sup>6</sup> Data from the World Health Organisation demonstrate that there are high levels of deaths and morbidity resulting from abortion in countries with legally restricted access to abortion.<sup>7</sup>

The Working Group has expressed concerns regarding criminalisation of abortion under all circumstances<sup>8</sup>, restrictions on access to therapeutic abortion<sup>9</sup>, and proposed legal restrictions that could jeopardize

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<sup>1</sup> See video: <http://webtv.un.org/watch/clustered-id-contd-sr-on-executions-and-wg-on-discrimination/4312394833001>

<sup>2</sup> "The UN Human Rights Council must urge States to reform discriminatory abortion laws", also available as Amnesty International document at: <https://www.amnesty.org/en/documents/ior40/1704/2015/en>.

<sup>3</sup> A/HRC/29/40/Add.1 (Addendum - Mission to Chile); A/HRC/29/40/Add.2 (Addendum - Mission to Peru); and A/HRC/29/40/Add.3 (Addendum - Mission to Spain).

<sup>4</sup> Amnesty International, "*She is not a criminal: The impact of Ireland's abortion law*" (EUR 29/1597/2015); "*On the brink of death: Violence against women and the abortion ban on El Salvador*" (AMR 29/003/2014).

<sup>5</sup> World Health Organization (WHO), 2012. "*Safe abortion: technical and policy guidance for health systems*", second edition.

<sup>6</sup> WHO and Guttmacher Institute, "*Facts on Induced Abortion Worldwide, In Brief*", 2012.

<sup>7</sup> Ibid.

<sup>8</sup> *UN Working Group on the issue of discrimination against women in law and in practice finalizes country mission to Chile*, 9 September 2014.

<sup>9</sup> *UN Human Rights Council Working Group on the issue of discrimination against women in law and in practice concludes country visit to Peru*, 19 September 2014.

women's access to lawful abortions.<sup>10</sup> Human rights treaty bodies have also called on states to decriminalize abortion and provide abortion, at a minimum, in cases where pregnancy poses a risk to a woman's or girl's life or physical or mental health, in cases of severe and fatal foetal impairment, and in cases where pregnancy results from rape or incest, in alignment with international law.<sup>11</sup>

Yet, some States continue to ignore their human rights obligations and put at risk women's and girl's health and life. An egregious recent example of this is the case of an 11 year-old rape victim denied abortion in **Paraguay**.<sup>12</sup>

We would have asked Ms. Aouij:<sup>13</sup> what steps should be taken by this Council and by individual Member States to address this human rights violation against women and girls as a matter of urgency?

Thank you Mr. President.

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<sup>10</sup> *UN Working Group on the issue of discrimination against women in law and in practice finalizes country mission to Spain*, 19 December 2014.

<sup>11</sup> Concluding Observations: Ireland, UN Doc. CCPR/C/IRL/CO/4 (2014) para. 9; Concluding Observations: El Salvador, UN Doc. CCPR/C/SLV/CO/6 (2009) para. 10; Concluding Observations: Costa Rica, UN Doc. CCPR/C/79/Add.107 (1999) para. 11; Concluding Observations: Morocco, UN Doc. CCPR/CO/82/MAR (2004) para. 29; CRC: Concluding Observations: Nicaragua, UN Doc. CRC/C/NIC/CO/4 (2010) para. 59(b); Concluding Observations: Morocco, UN Doc. CRC/C/MAR/CO/3-4 (2014) paras. 56-57; CAT: Concluding Observations: Ireland, UN Doc. CAT/C/IRL/CO/1 (2011) para. 26; Concluding Observations: El Salvador, CAT/C/SLV/CO/2 (2009) para. 23; Concluding Observations: Poland, UN Doc. CAT/C/POL/CO/5-6 (2013) para. 23; CESCR: Concluding Observations: El Salvador, UN Doc. E/C.12/SLV/CO/3-5 (2014); CEDAW: *LC v Peru* CEDAW Committee (2011).

<sup>12</sup> Statement by a group of UN human rights experts from 11 May, 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15944&LangID=E#sthash.8ImzJgmG.dpuf> .

<sup>13</sup> Due to delays in the Human Rights Council's program of work, the Chair of the Working Group on the issue of discrimination against women in law and in practice was not able to be present during the second half of the interactive dialogue, which was held on Monday 22 June.