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Decriminalization of Abortion: A human rights imperative

Federation for Women and Family Planning

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September 28 campaign, which now expanded into the global Day of Action for Access to Safe and Legal Abortion, originated as a reproductive choice movement in Latin America and the Caribbean, where women's groups have been mobilizing on that day for the last two decades, in order to demand their governments to decriminalize abortion, to provide access to safe and affordable abortion services and to end stigma and discrimination towards women who choose to terminate an unwanted pregnancy. Today, in 2013, access to legal and safe abortion, which is one of the basic human rights, still continues to be denied for too many women in too many countries.

We know the numbers. Guttmacher Institute's modest estimates show there are 22 million unsafe abortions performed every year. It means that more than a half of 40 million women worldwide who terminate an unintended pregnancy, are unable to do so without putting their life, health and very often freedom at risk. What's more, abortion rates are higher in countries where the procedure is illegal. Already vulnerable and disadvantaged women are forced into even more vulnerable and dramatic positions as they cannot exercise their reproductive choice.

Central and Eastern Europe is a region that somehow vanished from the world's mind. The political and economic transformation took place over 20 years ago, yet the reality remains complex and full of vast disparities as the region still struggles with growing inequality, the consequences of the financial crisis of 2008 and the redirection of major donor funds towards other places in the last decade. With some EU Member States (i.e. Bulgaria, Latvia, Lithuania, Poland, Romania, Croatia) , Caucasus, Balkan and other countries that are none of the above, the region remains stuck somewhere between the Global North and Global South.

Substantial growth of religious extremism troubles the region and poses a major challenge to the realisation of the sexual and reproductive health and rights of women. Religious and conservative forces

object to safe abortion, contraception, comprehensive sexuality education and other SRHR services and very successfully impose their views on Members of Parliament. Recent developments from Macedonia, Poland, Lithuania – to mention only few – clearly show how serious are the threats to women’s right to health. **Poland** can serve as an example that even a country with one of the most restrictive anti-abortion laws in the world, can still seriously consider introducing further limitations. At the moment, Family Planning Act criminalises abortion apart from three cases: when pregnancy poses a threat to a woman’s health or life; when pregnancy is a result of a crime and in cases of severe foetus malformation. However, it is not a secret that the law is even harsher in reality than on paper, which has been repeatedly recognised by international human rights bodies, including European Court for Human Rights – cases Tysiac vs. Poland, R.R. vs. Poland and P. and S. vs. Poland represent each premise for legal abortion in Poland. In rulings in all these cases the Court described how Poland violates the fundamental human rights of its female citizens. The anti-abortion law punishes service providers, which means many doctors refuse to perform legal abortion in fear of being accused of inappropriate assessment and being charged. Additionally, misuse of conscientious objection can be observed as even whole hospitals use it, also due to the heavy pressure of the anti-choice groups. The law also punished anyone who “convinced” or in any way helped the woman terminate pregnancy. Women themselves do not face any charges, but usually don’t know that and **live in great fear for many years.**

Official governmental statistics talk about 600 legal procedures per year, but the recent CBOS research proved that nearly one third of women (circa 5 million) women terminated pregnancy in Poland. Results of another survey showed that only 11% of Poles are in favour of additional restrictions to the current law. However, anti-choice movement collected around 400 000 signatures under a draft bill that further expands the abortion ban so that it also criminalises procedures in cases of severe and permanent foetus malformation. Polish Parliament will discuss and vote on the draft bill next week. This is the third attempt to introduce further restrictions to the anti-abortion law in the last 3 years, and probably not the last.

Federation alarmed the international community about the recent restrictions in Macedonia at the UNECE conference in Geneva. The new law limits access to legal abortion as now additional procedures and documents are required: Submission of a written request by the woman to terminate the pregnancy; Requesting written consent for the intervention by the woman; Mandatory pre-abortion counselling; Providing a waiting period of 3 days for counseling, prior to performing the intervention; Submission of a certificate from a specialist gynecologist, including ultrasonography to confirm the gestational age.

Macedonian delegation was outraged and claimed the law was introduced to protect women's health. Now they showed their true face as the government presented its campaign that supposedly educates citizens about the consequences of abortion. However, the campaign presents termination as a murder, uses religious language and is not based on scientific evidence. With this latest TV commercial the women are misjudged, derogated and those who had already had an abortion are stigmatized – all in the prime time so that the propaganda reaches the whole nation.

If the tremendous wave of religious extremism throughout the Central and Eastern Europe is combined with other factors, such as lack of political will and commitment to address those issues, the burden of transformation and financial crisis as well as insufficient capacity of civil society still in development, the final picture hardly resembles the Western European reality. No surprise the region has the highest sub-regional abortion rate in the world – 43 per 1,000 women.

We also know the stories. Savita from Ireland, Z.'s daughter from Poland and Esperancita from Dominican Republic all died because they were denied abortion which could have saved their lives. Hilde from Mexico was jailed on suspicion of having underground procedure when in fact she suffered a miscarriage. Beatriz from El Salvador nearly lost her health and life if not for the international pressure to terminate her unviable life-threatening pregnancy. An eleven year old pregnant girl in Chile is being forced to carry pregnancy to term which was the result of rape by an abusive family member. These cases are not isolated but represent the reality of women around the world living under the laws that deny them their basic human rights – in countries where safe abortion is illegal or not accessible.

Abortion is actually a very simple and safe procedure. In many cases it is also a life-saving procedure. The only way to make abortion hazardous for women is to criminalise it.

Highly restrictive abortion laws do not generate lower abortion rates. They only drive the market for the underground procedures, thus increase heavily the risk to women's life, health and safety and amplify the rates of unsafe abortions. Complications after unsafe procedures account for nearly 15% of all maternal deaths worldwide. Unsafe abortion is a significant cause of ill-health among women – it is estimated that 8.5 million women annually experience complications from unsafe abortion that require medical attention, and three million do not receive the care they need. Additionally, treating medical complications from unsafe abortion puts a significant financial burden on already struggling public health care systems. As if this wasn't enough, criminalisation of abortion heavily affects access even to legal abortion services as the doctors fear to face criminal charges in situations when the regulations or

medical case details are unclear. The European Court of Human Rights called this phenomenon “chilling effect” and describe in its rulings the devastating consequences.

Criminalising abortion does not solve anything. It only multiplies problems at a devastating cost. As a result of criminalised abortion, every minute of every day, women lose their lives or suffer serious, often permanent injuries. Women in far too many places in the world are sentenced daily for attempts to terminate an unwanted pregnancies. Their families and friends, service providers and human rights defenders face the same fate. All of these deaths, complications and tragedies are easily avoidable and preventable.

As I said: we know the numbers. We know the stories. Now we need to stand up for sexual and reproductive health and rights, maybe even more than ever. We are in XXI century already. Yet when it comes to women’s health and security, it far too often feels as if we were still in the middle ages. We’re exploring the far corners of the universe, but women still die because they have no access to safe and legal abortion. One of the most basic human rights is still being denied to them.

With the 2014 and 2015 fast approaching and the post-2015 development agenda finalising stages, now is the time to unite and demand the full decriminalisation of abortion and implementing reproductive justice globally by providing effective access to legal and safe abortion for women in every corner of the world. Let’s move forward, not backwards!