

From: Global Justice Center

To: Commission on the Status of Women (CSW)

Date: October 25, 2013

RE: Written statement to CSW 58 (2014) on “Challenges and achievements in the implementation of the Millennium Development Goals”

Honorable Members of the Commission,

The Global Justice Center (“GJC”) is an international human rights organization with special consultative status to the United Nations (“UN”). GJC is led by international law experts with a mission to enforce international human rights and humanitarian law to advance gender equality around the globe.

GJC welcomes the CSW’s 58th Session theme on challenges and achievements in the implementation of the Millennium Development Goals (“MDGs”) for women and girls. GJC’s submission will focus on MDG5 on improving maternal health and MDG3 on promoting gender equality and empowering women.

I. MDG 5 cannot be achieved without addressing the need for legal and safe abortion services

One of the main obstacles to reducing maternal mortality, as MDG5 requires, is structural: a majority of countries around the world criminalize abortion, often without exceptions for rape or the life or health of the mother. Such criminalization forces girls and women to endure dangerous and even deadly pregnancies. It also compels many girls and women to seek out unsafe, clandestine abortions, frequently with lethal results.

The worldwide inaccessibility of safe abortion is worsened by the United States’ ban on its humanitarian aid which does not allow the discussion or provision of abortion services under any circumstances. As the United States is the world’s largest humanitarian aid donor, its abortion ban prevents many nations from not only providing abortions (even when their own laws permit it) but also discussing reform of national abortion laws to save women’s lives.

The link between the denial of safe abortion and maternal mortality is clear. Unsafe abortion is one of the three leading causes of maternal mortality around the globe. Laws criminalizing abortion do not discourage women from having abortions, but rather encourage them to seek out unsafe abortions. According to the 2011 report by the UN Special Rapporteur on the right to health, deaths caused by unsafe abortion constitute close to 13% of all maternal deaths around the world (A/66/254 at ¶ 25). An additional 5 million women and girls suffer short- and long-term injuries due to unsafe abortions, including hemorrhage, sepsis, trauma to the vagina, uterus and abdominal organs, cervical tearing, peritonitis, reproductive tract infections, pelvic inflammatory disease and chronic pelvic pain, shock, and infertility.

The denial of abortion to rape survivors also impacts MDG3 because it thwarts the attainment of gender equality. In many societies around the world, families and communities ostracize girls and

women who are pregnant as a result of rape. Such rejection puts these girls and women at a disadvantage to participate in their societies, including by accessing education and employment.

We wish to draw the Commission's attention to one particular group of women and girls, survivors of sexual violence in armed conflict, who suffer particularly severe consequences from the denial of abortion. Rape, when used as a tactic of war, is frequently characterized by extreme brutality, including multiple attackers, mutilation and torture. When women and girls survive such rape, they often bear serious injuries which render their pregnancies more dangerous. Underage girls, who often make up the majority of victims of sexual violence in conflict-, are also at heightened risk from pregnancy when their bodies are not yet capable of safely carrying a child to term. Currently, however, most of these girls and women are denied access to safe abortion, even when their lives depend on it. They are instead forced to bearing the children of their perpetrators who raped them at severe risk of health complications and even death. The only option these girls and women are left with is to resort to unsafe abortions, or in severe cases commit suicide.

Not only does the denial of abortion risk the lives of girls and women raped in war, but it violates their absolute right, as war victims, to comprehensive, non-discriminatory medical care under international humanitarian law. (Global Justice Center, *The Right to an Abortion for Girls and Women Raped in Armed Conflict: States' positive obligations to provide non-discriminatory medical care under the Geneva Conventions*).

In this regard, we wish to highlight three important recent precedents affirming the right to abortion for girls and women raped in war:

The UN Secretary-General, in his 2013 report on sexual violence in conflict, recognized the need to access safe abortions services for women and girls raped in conflict: "Member States and United Nations entities should: (a) Ensure that humanitarian aid and funding provides for the full range of medical, legal, psychosocial and livelihood services to victims of rape, including access to services for safe termination of pregnancies resulting from rape, without discrimination and in accordance with international human rights and humanitarian law . . ." (S/2013/525 at ¶ 72).

The Security Council, in its resolution 2122 (2013), directly echoed the Secretary-General's recognition of the need to non-discriminatory medical care, including safe abortion. Resolution 2122 affirmed that Member States and the UN must ensure that all options are given women impregnated by war rape: "*noting* the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination."

The European Parliament on June 13, 2013, adopted a resolution on the post-2015 UN Millennium Development Goals. The resolution "[u]rge[d] that the provision of EU humanitarian aid that contributes to the attainment of the MDGs . . . should effectively be excluded from the restrictions on humanitarian aid imposed by the USA or other donors, in particular by ensuring access to abortion for women and girls who are victims of rape in armed conflicts." Until and unless the United States removes its abortion ban on humanitarian aid, other nations must ensure that their own funds are protected from the ban and used in accord with the Secretary-General's and Security Council's recommendations to provide access to safe abortion for women and girls raped in war. Absent such international action, it will be impossible to remove one major cause of

maternal mortality around the world – unsafe abortion.

II. Stronger action needed on MDG 3 to increase women's participation in governance

While the GJC welcomes the increasing number of women in parliaments around the world, we wish to remind the Commission that there are states that continue to erect structural barriers to women's participation in governance, hindering achievement of MDG3. Myanmar, for instance—a country on which GJC focuses much of its work—provides a strong example of the persistent barriers that prevent women from attaining equality. Myanmar's constitution flouts MDG3's objective of increasing the "[p]roportion of seats held by women in national parliaments" by setting aside 25% of parliamentary seats to be held by those in the military. Because women are prohibited from joining the military, at least 25% of parliamentary seats are off-limits to women. Therefore, not only is Myanmar not undertaking positive measures—such as quotas—to increase women's de facto equality and participation in governance, it is actively limiting women's opportunities for participation.

The international community must also focus more attention on ensuring the participation of women in peace processes around the globe. Their equal participation in these processes is essential to reforming and building societies that accord equal rights and opportunities to women and girls. Gender equity in peace processes is necessary for attainment of MDG3, and it is also directly mandated by the Security Council in its resolutions on women, peace and security, including 1325 (2000), 1889 (2009), and 2122 (2013). As an example of the continuing paucity of women in peace negotiations, in Myanmar there are only two women on the government's Union Peace Working Committee which has 52 members in total. (Stand: July 5, 2013).

III. GJC recommendations

The GJC makes the following recommendations to the Commission with respect to the agreed conclusions for the 58th Session:

- In order to achieve MDG5, which is one of the “most off-track and least likely to be achieved” MDGs, decisive action is needed. Member States should comply with the Security Council's and Secretary-General's calls to ensure access to non-discriminatory medical care, including the option of safe abortion, for girls and women raped in war. Member States should also remove structural barriers to improving maternal health, including by reforming their penal codes (where necessary) to legalize abortion for women and girls, especially in cases of rape or risk to the life or health of the mother.
- Member States should ensure women's increased political participation as called for by MDG3, Security Council resolutions on women, peace and security and the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”). To do this, Member States should remove structural barriers, including constitutional provisions and legislation, that hinder women's political participation and put into place “temporary special measures aimed at accelerating de facto equality between men and women” (CEDAW, Art. 4) including, for instance, quota systems.