



## Economic and Social Council

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### Commission on the Status of Women

#### Fifty-eighth session

10-21 March 2014

**Follow-up to the Fourth World Conference on Women  
and to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace  
for the twenty-first century”: implementation of strategic  
objectives and action in critical areas of concern and  
further actions and initiatives**

### **Statement submitted by Global Justice Center, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## Statement

The Global Justice Center is an international human rights organization that is led by international law experts with a mission to enforce international human rights and humanitarian law to advance gender equality around the globe.

The Center welcomes the theme of the current session of the Commission on the Status of Women. Our submission focuses on Millennium Development Goals 5 and 3, on improving maternal health and on promoting gender equality and empowering women, respectively.

### **Goal 5 cannot be achieved without addressing the need for legal and safe abortion services**

One of the main obstacles to reducing maternal mortality, as Goal 5 requires, is structural. A majority of countries around the world criminalize abortion, often without exceptions for cases of rape or when the life or health of the mother is endangered. 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 ban of the United States of America on its humanitarian aid that does not allow the discussion or provision of abortion services under any circumstances. Given that it is the world's largest humanitarian aid donor, its abortion ban prevents many nations from providing abortions (even when their own laws permit it) and 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 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, deaths caused by unsafe abortion constitute close to 13 per cent of all maternal deaths around the world (A/66/254, para. 25). An additional 5 million women and girls suffer short-term and long-term injuries owing to unsafe abortions, including haemorrhage, 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 has an impact on Goal 3 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 when it comes to participating in society, including in terms of gaining access to 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 that 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 bear the children of their rapists at severe risk of health complications and even death. The only option that these girls and women are left with is to resort to unsafe abortions or, in severe cases, to commit suicide.

The denial of abortion not only risk the lives of girls and women raped in war, but also violates their absolute right, as war victims, to comprehensive, non-discriminatory medical care under international humanitarian law.

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

First, the Secretary-General, in his 2013 report on women and peace and security, recognized the need for access to safe abortion services for women and girls raped in conflict, stating that Member States and United Nations entities should 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](#), para. 72).

Second, the Security Council, in its resolution [2122 \(2013\)](#), directly echoed the recognition by the Secretary-General of the need for non-discriminatory medical care, including safe abortion. The Council noted the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination.

Third, on 13 June 2013, the European Parliament adopted a resolution on the Millennium Development Goals and defining the post-2015 framework, urging that the provision of European Union humanitarian aid that contributes to the attainment of the Goals should effectively be excluded from the restrictions on humanitarian aid imposed by the United States 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 accordance with the recommendations of the Secretary-General and the Security Council to provide access to safe abortion for women and girls raped in war. Without such international action, it will be impossible to remove one major cause of maternal mortality around the world — unsafe abortion.

### **Stronger action needed on Goal 3 to increase women's participation in governance**

While the Global Justice Center 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 the achievement of Goal 3. For example, Myanmar — a country on which the Center focuses much of its work — provides a strong example of the persistent barriers that prevent women from attaining equality. The

Constitution flouts the Goal 3 objective of increasing the proportion of seats held by women in national parliaments by setting aside 25 per cent of parliamentary seats for those in the military. Because women are prohibited from joining the military, at least 25 per cent of parliamentary seats are not available to women. Therefore, Myanmar not only is not taking positive measures, such as quotas, to increase women's de facto equality and participation in governance, but also 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 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 Goal 3 and is directly mandated by the Security Council in its resolutions on women and 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 only 2 of the 52 members of the Government's Union Peace Working Committee are women.

### **Recommendations**

The Global Justice Center makes two recommendations to the Commission with regard to the agreed conclusions for the fifty-eighth session.

First, in order to achieve Goal 5, which is one of the Goals most off track and least likely to be achieved, decisive action is needed. Member States should comply with the calls of the Security Council and the Secretary-General 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.

Second, Member States should ensure women's increased political participation, as called for by Goal 3, Security Council resolutions on women and peace and security, and the Convention on the Elimination of All Forms of Discrimination against Women. To do this, Member States should remove structural barriers, including constitutional provisions and legislation, which hinder women's political participation and put in place temporary special measures aimed at accelerating de facto equality between men and women, including, for example, quota systems.