



## UN Women

### *Topic 3: Women's autonomy on reproductive rights*

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#### Contents

1. Definition of key terms	1
2. Introduction	1
3. Background information	2
4. Major countries involved	2
5. UN involvement	3
6. Official documents and treaties about the issue	3
7. Impact of the issue	4
8. Bibliography	4

#### 1. Definition of key terms

**Equality:** The right of different groups of people to have a similar social position and receive the same treatment.

**Autonomy:** The ability to make your own decisions without being controlled by anyone else.

**Bodily integrity:** The right of each human being, including children, to autonomy and self-determination over their own body. It considers unconsented physical intrusion as a human rights violation.

**Abortion:** The expulsion of a fetus from the uterus before it has reached the stage of viability (usually about the 20th week of gestation). It may occur spontaneously (miscarriage) or be induced purposefully.

**Committee on the Elimination of Discrimination against Women (CEDAW):** A United Nations body overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention).

#### 2. Introduction

Reproductive rights are founded on the fundamental right of individuals and couples to freely and responsibly decide the number, spacing, and timing of their children, with access to necessary information and means. This extends to the right to achieve the highest standard of sexual and reproductive health. These rights encompass the freedom from discrimination, coercion, and violence in making decisions about reproduction.

The autonomy of women and girls to make independent decisions about their bodies and reproductive functions is a crucial aspect of their fundamental rights to equality and privacy, involving intimate matters of physical and psychological integrity. For women to exercise their

human rights, they must have the freedom to decide on the number and spacing of their children, supported by access to information, education, and services.

The control women have over their bodies is intertwined with their societal roles, whether in the family, workforce, or government. Restrictions on safe and legal access to abortion compel women to resort to less-safe methods, disproportionately affecting those affected by poverty or marginalization, including minority women, with potentially damaging or disastrous consequences.

Reproductive rights also encompass the right to receive adequate information on sexually transmitted diseases and other aspects of sexuality, coupled with protection from human rights violations such as female genital mutilation.

### **3. Background information**

Human rights mechanisms initially approached the liberalization of termination of pregnancy with hesitation, urging states to reconsider their laws and, at least, permit abortion in exceptional cases such as risk to the woman's life or health, rape, and severe fetal impairment. The focus was predominantly on health concerns. In 1999, the CEDAW Committee, in its General Recommendation 24 on health, called to prioritize preventing unwanted pregnancies through family planning and sex education, reducing maternal mortality rates through safe motherhood services, and prenatal assistance. It also suggested amending legislation criminalizing abortion to eliminate punitive measures on women undergoing the procedure.

By 2009, CEDAW reports emphasized that fundamental principles of equality and non-discrimination required prioritizing the rights of pregnant women over the interest of protecting the developing life. Expert international human rights mechanisms and entities consistently concluded that, in certain situations, denying women access to legal and safe abortion could constitute cruel, inhuman or degrading treatment or punishment, torture, or a violation of their right to life.

### **4. Major countries involved**

#### **United States:**

As of 2023, following the US Supreme Court decision in June 2022 overturning the constitutional right to abortion, millions of women and girls in the United States are facing a concerning decline in access to sexual and reproductive healthcare. Abortion has been banned in 14 states across the country, significantly limiting women's access to comprehensive healthcare, including sexual and reproductive health.

The regressive stance taken by the US Supreme Court in dismantling 50 years of precedent protecting the right to abortion poses a serious risk to the well-being of women and girls. The abortion bans in these 14 states have resulted in a significant restriction of abortion services, jeopardizing fundamental human rights, including the rights to privacy, bodily integrity, autonomy, freedom of expression, freedom of thought, conscience, religion or belief, equality and non-discrimination, and freedom from torture, cruel, inhuman and degrading treatment, and gender-based violence.

#### **Brazil:**

Abortion in Brazil is legally permitted only under three circumstances: pregnancy resulting from rape, a threat to the pregnant woman's life, or serious malformation of the foetus. However, Article

124 of the Brazilian penal code imposes potential imprisonment of one to three years for women who perform their own abortion, and those assisting with the procedure with the pregnant woman's consent can face sentences of up to four years.

#### **Democratic Republic of Congo:**

The Democratic Republic of Congo (DRC) prohibits abortion under all circumstances according to its penal code. While informal tolerance for abortion has existed, safe services are severely limited. The code of medical ethics allows abortion to save a pregnant woman's life, provided it is performed by a medical doctor and approved by two other doctors. However, this avenue is likely to be accessible to only a few women. The majority of terminations are clandestine, posing potential safety risks. Due to its illegal status, abortion has been challenging to track or measure within the DRC, leading to speculation about the rate of unsafe abortion in the country and its capital for many years.

### **5. UN involvement**

The UN Working Group on the issue of discrimination against women and girls has expressed concern over significant challenges to the universality of women's rights worldwide. These challenges arise from economic crises, austerity measures, and cultural and religious conservatism. The Human Rights Council's 2017 Resolution on the elimination of discrimination against women recognizes a backlash against women's right to equality. Against the backdrop of increasing fundamentalisms and resistance to women's human rights, the current international discourse on termination of pregnancy is unfolding. In response, the expert group published a position paper in 2017 to clarify its stance on the termination of pregnancy within this context.

### **6. Official documents and treaties about the issue**

**CEDAW (Article 16)** guarantees women equal rights in deciding "freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights."

**CEDAW (Article 10)** also specifies that women's right to education includes "access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

The **CESCR General Comment 14** has explained that the provision of maternal health services is comparable to a core obligation which cannot be derogated from under any circumstances, and the States have to the immediate obligation to take deliberate, concrete, and targeted steps towards fulfilling the right to health in the context of pregnancy and childbirth.

The **CESCR General Comment 22** recommends States "to repeal or eliminate laws, policies and practices that criminalize, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods and information."

## 7. Impact of the issue

Globally, nearly half of married women lack decision-making power over their sexual and reproductive health and rights. Approximately 35 percent of women aged 15-49 have experienced physical and/or sexual intimate partner violence or non-partner sexual violence. One in three girls aged 15-19 has undergone some form of female genital mutilation/cutting, particularly prevalent in 30 countries in Africa and the Middle East. This harmful practice poses significant risks, including prolonged bleeding, infection (including HIV), childbirth complications, infertility, and death. While international commitments to advance gender equality have led to improvements in some areas, such as a decline in child marriage and female genital mutilation, and increased representation of women in politics, the vision of a world where every woman and girl experiences full gender equality remains unfulfilled. In fact, this goal seems more distant than ever due to the impact of the COVID-19 pandemic, which has disproportionately affected women and girls, exacerbating existing challenges to their empowerment.

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