



5 October 2017

Human Rights Committee

E-mail: ccpr@ohchr.org

SUBMISSION RE:

Draft General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights on the right to life – Paragraph 9

http://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf

The International Campaign for Women's Right to Safe Abortion supports:

- ❖ universal access to safe, legal abortion as a women's health and human rights issue, and
- ❖ women's autonomy to make their own decisions whether and when to have children and to have access to the means of acting on those decisions without risk to their health and lives.

In addition, we support and advocate for safe abortion as a human right, defined as follows:

- ❖ Abortion should not be restricted, prohibited or criminalised. No woman who has sought an abortion, and no health care provider who has provided a safe abortion at a woman's request, and no abortion rights defender should be stigmatised, harassed, discriminated against, or prosecuted.
- ❖ Governments should take action to remove laws that restrict, prohibit or criminalise abortion and remove procedural barriers that restrict access to safe abortion services.

On this basis, I am concerned that Paragraph 9 contains too complex language, which seeks to make complicated exceptions that limit and obscure when abortion is acceptable and when it is not acceptable. Girls and women seek abortion after having made a responsible decision not to have a child in relation to a particular pregnancy. It should not have to involve pain and suffering, though it may well do so. In attempting to define limits on when abortion should be a right, I fear Paragraph 9 loses sight of why there should always be a right to safe abortion on public health grounds and in human rights terms.

As other submissions you have received now and in 2015 show, no language that supports any right to abortion at all will be acceptable to those who are opposed to abortion.

I would argue that there is only one reason that can justify why safe, legal abortion can and should be treated as a human right – that human rights begin only at birth and with independent life, and not before. On this basis, there can and should be no exceptions if a pregnant girl or woman seeks an abortion. I would therefore argue that Paragraph 9 should be substantially revised or omitted from the document.

These issues notwithstanding, it is dismaying that Paragraph 9 is once again becoming the main subject of submissions on this General Comment. No other paragraph of the document is getting the attention it deserves. Yet every other paragraph of this document is absolutely essential in regard to the myriad gross violations of the right to life affecting so many people around the world today, and would benefit from outside expert comment.

Beyond this particular document, I am concerned that while doing your/their utmost best to support women's right to life and health and need for safe abortion, the Human Rights Council, the different human rights treaty bodies, the OHCHR working group and special rapporteurs are each using differing language about abortion in general comments, statements and recommendations to

countries. Recently, in one case, the Supreme Court of the UK found the language of such a recommendation wanting in legal terms, and its majority ruling was an enormous disappointment as a consequence. (See [Law of Nations](#), by Kirsten Sjøvoll, 28 July 2017) This demands attention.

Hence, I would like to recommend that a joint review of all such statements and recommendations should be carried out by those bodies, working groups and special rapporteurs with the aim of drafting a unifying set of principles and recommendations on abortion as a human right for consideration and approval, ones which cannot be discounted in court due to legal weaknesses and which will serve as a blueprint when countries are ready to improve their laws and policies on abortion to the benefit of pregnant women's right to life, health and non-discrimination.

In closing, I would like to express our deep appreciation for your work for human rights.

With kind regards,



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