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To: Office of the United Nations High Commissioner for Human Rights

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**Ref: Inputs to the Draft Convention on the Right to Development**

Since our founding in 1973, Ipas has contributed greatly to improving women’s health, increasing access to safe abortion, and protecting women’s rights to make their own reproductive health decisions. Ipas’s Strategic Plan, which details our vision and mission, is closely based on the Sustainable Development Goals (SDGs), with a focus on SDG 3: Good Health and Well-Being and SDG 5: Gender Equality.

Our mission

Ipas is an international organization that works in more than 20 countries across Africa, Asia and Latin America to increase women's ability to exercise their sexual and reproductive rights, especially the right to safe abortion. We envision a world where everyone can make their own sexual and reproductive choices, and ultimately, determine their own future. We work with partners to make safe abortion and contraception widely available, to connect women with vital information so they can access safe services, and to advocate for safe, legal abortion. We strive to foster a legal, policy, and social environment supportive of women's rights to make their own sexual and reproductive health decisions freely and safely.

Our submission focuses on key obstacles to the realization of the right to development particularly persistent gender inequality due to systematic denials of sexual reproductive health rights, including access to safe abortion care, hindering the achievement of sustainable development agenda for all.

Gender equality is a human rights imperative and is critical to development. Sustainable and meaningful development will not be possible without addressing the root causes of gender inequality that deny women and girls the opportunity to access education, make decisions over their bodies and family sizes, gain decent employment, and live lives free of violence. Sustainable, rights-driven development will not be achieved by externally controlling women’s bodies, sexual autonomy and criminalizing their reproductive decisions. Women should be always in control of their own bodies, and regardless of political and/or environmental agendas.

Women bear the burden of dealing often alone with unwanted pregnancy and lack of access to safe abortion services if they choose to terminate their pregnancies. All women deserve to have the power and autonomy to control their own fertility. In the face of climate disasters, without access to contraception or abortion, many women are not fully able to prevent an unwanted pregnancy andstruggle to provide for the children they already have.

Women and adolescents living in poverty in rural and other isolated areas, or belonging to disenfranchised groups, suffer far more adverse health outcomes as compared to advantaged groups. For example, in many countries where Ipas work governments still impose restrictions, and in many cases criminal laws and punitive sanctions, in relation to sexual and reproductive health.[[1]](#footnote-1) SRHR continue to be a very contentious and stigmatized public health and human rights issue at global, regional, and national arenas.

Development, gender equality and human rights including SRHR agendas are inextricably linked and reinforcing. The right to development is based on the notion that every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, which in turn creates the conditions for the realization of human rights (see art. 1.1 of the Declaration on the Right to Development).

The right to development was first recognized in 1981 in Article 22 of the African Charter on Human and Peoples’ Rights as a definitive individual and collective right. It was subsequently proclaimed by the United Nations in 1986 in the “Declaration on the Right to Development,” which was adopted by the United Nations General Assembly resolution 41/128. It states:

* “Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.” (Preamble)
* “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” (Article 1.1)
* “The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.” (Article 1.2)

The Vienna Declaration and Programme of Action states in Article 10: The World Conference on Human Rights reaffirms the “right to development”, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights. (1993).

In the 1994 International Conference on Population and Development (ICPD) in Cairo, Governments reached a consensus that advancing gender equality, human rights, and empowerment of women is a global priority. The ICPD Programme of Action highlights several critical areas for advancing gender equality and empowering women, including universal access to family planning, sexual and reproductive health services, and reproductive rights.

Also, people’s human rights and the importance of gender equality in development have been increasingly reaffirmed in the Beijing Platform for Action and the outcome document of the World Summit on Social Development in 1995, in the Millennium Declaration in 2000, and in the outcome document of the UN Conference on Sustainable Development in 2012 entitled “The future we want”, and “Transforming our world: the 2030 Agenda for Sustainable Development” in 2015.

In September 2015, UN member states adopted the 2030 Sustainable Development Agenda, and the reduction of maternal mortality is a key component of this agenda, under goal number three: states have agreed to make every effort both to reduce global maternal mortality rates to no more than 70 deaths per 100,000 live births by 2030 and to ensure universal access to family planning (UN General Assembly 2015).

Studies have demonstrated the correlation between countries’ restrictive abortion laws and high rates of maternal mortality and morbidity.7 Nearly 25% of the world’s women live where abortion is prohibited except on the grounds of rape, incest or to save a woman’s life.8 When access to safe legal abortion is limited and women and girls have no timely access to contraceptive methods, information on sexual and reproductive health, emergency contraception, they face unwanted pregnancies or resort to unsafe abortions, with devastating consequences for their health, lives and families. These laws and policies increase women’s vulnerability to abuse, violence, health risks and further disempower them.9

Unsafe abortion accounts for approximately 13% of global maternal deaths.10 Every woman’s death is a tragedy that affects individual women, their families and their communities. In order to prevent avoidable maternal deaths due to unsafe abortion, more attention must be given to the underlying causes — rooted in factors such as race, age, literacy, living conditions, economic and social inequities —that affect women’s health, lives and gender equality. Nevertheless, in a high number of countries, governments continue to criminalize abortion and implement policies denying women’s rights to exercise sexual and reproductive autonomy.

Laws regulating and criminalizing reproductive behavior directly violate principles of non-discrimination and equality, particularly when they deny women access to services only, they and not men need (e.g., emergency contraception and abortion) or when they subordinate women’s decision-making autonomy to efforts to protect an embryo or fetus. Particular groups of women may also be subject to discrimination in relation to pregnancy. For example, this occurs when adolescents are not allowed access to contraception, or when they are denied access to safe abortion when they were raped, especially when it is particularly poor women of certain ethnic and racial backgrounds who are targeted for fetal endangerment prosecutions or abortions, and when women of specific ethnicities or health status such as HIV/AIDS are coerced into sterilization.

The criminalization of abortion has a major public health impact and contravenes basic human rights, exacerbating gender inequities since criminal laws have a disproportionate impact on women who are young, poor, rural, and lack education. These vulnerable women suffer high risks of mortality and morbidity when they seek unsafe abortions. Work is needed to decriminalize abortion and ensure that women and girls have access to safe legal abortion as part of a post-2015 development framework health goal that aims to achieve universal access to needed health care. Guaranteeing access to safe abortion can contribute to reducing maternal deaths and injuries and for this reason is central to achieving social justice and gender equality through the post-2015 UN development agenda.

The success of the 2030 Sustainable Development agenda does not depend only on governments’

political will and formal compliance with its international commitments only but also relies on the full engagement of a multistakeholder partnership including civil society, private sector, and local authorities to demand accountability of their international human rights obligations regarding sexual reproductive health and rights, including access to safe abortion care to avoid preventable deaths and injuries without obstacles.

In this regard, citizens and civil society have a common responsibility to engage with reality and translating the SDGs into policy actions, monitoring their progress, and holding governments accountable. States should address preventable maternal mortality and morbidity due to unsafe abortion to respect and protect all women in their diversity central human right to development. This way, no one will be left behind due to lack of access to education, transportation, enjoyment of basic social economic and social rights, including right to sexual autonomy, bodily integrity, and other sexual reproductive health and rights. Failures to do so will just reinforce the huge gap between and developed and developing countries as well as unequal power on gender relations in society and consequently the devaluation of women’s lives, health and well-being.

Your sincerely,



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1. The Office of the High Commissioner for Human Rights observes, “*the criminalization of private consensual homosexual acts violates an individual’s rights to privacy and non-discrimination and constitutes a breach of international human rights law*. OHCHR, A/HRC/19/41, 2012. [↑](#footnote-ref-1)