

Draft Amnesty International policy statement on abortion.¹

1. Women and men must be able to exercise their sexual and reproductive rights free from coercion, discrimination and violence. In practice, many women are simply unable to effectively negotiate the terms and conditions of their sexual interactions and reproductive choices due to pervasive discrimination, coercion and violence against them.
2. In order to exercise their sexual and reproductive rights, women must have access to information and services which enable them to have control over and decide freely on all matters relating to their sexuality and reproductive lives.
3. As international human rights instruments have affirmed, sexual and reproductive health information and services must be comprehensive, covering a full range of services including sexuality education of women and men, prevention and treatment of sexually transmitted infections, safe motherhood, contraception, and methods for fertility regulation.
4. States must take all necessary measures to ensure women are not exposed to preventable health risk by reason of pregnancy. In order to prevent unwanted pregnancies and to reduce the incidence of preventable maternal illness and death resulting from unsafe abortion, states must ensure that women and men have access to comprehensive health care services and information necessary for the protection of reproductive health and safe motherhood, including the widest possible range of safe, effective and acceptable methods of contraception and fertility regulation.
5. Where women's access to safe and legal abortion services and information is restricted, their fundamental human rights may be at grave risk. Of particular concern to AI in this context are: the imprisonment of women for abortion; depriving survivors of rape, sexual assault, and incest of access to a comprehensive range of remedies, including abortion; denying access to abortion when women's life is at stake; and denying women's access to services for the management of complications arising from abortion. These are grave violations of the rights at the core of AI's mission.
6. EITHER: Recognizing the diversity of conscientiously-held views on abortion, AI believes that women have the right to be free from any form of coercion, discrimination or violence as they make and put into effect informed decisions concerning reproduction, including decisions in relation to the continuation or termination of pregnancy.

OR: Recognizing the diversity of conscientiously-held views on abortion, AI believes that women have the right to be free from any form of coercion, discrimination or

¹ At its meeting before the March 2007 Chairs Forum, the International Executive Committee will consider whether it wishes to adopt this statement, amended as appropriate, as AI policy. From AI Index: POL 30/043/2006 AI and Sexual and Reproductive Rights: draft policy statement on selected aspects of abortion and explanatory notes

violence as they make and put into effect informed decisions concerning reproduction, including decisions in relation to the continuation or termination of pregnancy. Such decisions are a matter of personal conscience to be decided by the woman in consultation with her health service provider.

7. States must reform or repeal laws and policies which place unreasonable restrictions on women's access to sexual and reproductive health information and services, including in relation to abortion.

8. EITHER: **(Decriminalization in all cases)** In particular, states must repeal all laws which provide for imprisonment or other criminal penalties solely for seeking, obtaining, providing information about, or carrying out abortions. Such laws allow for imprisonment for gender-specific crimes, effectively resulting in imprisonment on grounds of gender. AI therefore considers women imprisoned on criminal abortion charges to be prisoners of conscience. It also considers imprisonment of women on grounds of having sought or obtained abortion to be a form of violence against women. The repeal of such laws does not deprive states of their rights and obligations to promote healthcare policies, including the enforcement of gestational limitations, through the enforcement of appropriate medical regulations.

OR: **(Decriminalization except for gestational limitations)** In particular, although states may impose reasonable gestational limitations on access to abortion, all other laws which provide for imprisonment or other criminal penalties solely for those seeking, obtaining, providing information about, or carrying out abortions must be repealed. Such laws allow for imprisonment for gender-specific crimes, effectively resulting in imprisonment on grounds of gender. AI considers women imprisoned on such criminal abortion charges to be prisoners of conscience. It also considers imprisonment of women on grounds of having sought or obtained abortion, other than in cases prohibited by reasonable gestational limitations, to be a form of violence against women.

9. At a minimum, states must take all necessary measures to ensure that safe and legal abortion services are available, accessible, acceptable and of good quality for all women who require them in cases of:

(a) unwanted pregnancy as a result of rape, sexual assault or incest;

EITHER: (b1) pregnancy which endangers the life of the woman

OR: (b2) pregnancy which endangers the life of the woman or risks grave permanent injury to the physical health of the woman;

OR: (b3) pregnancy which endangers the life of the woman or risks grave permanent injury to the physical or mental health of the woman;

Denying access to safe and legal abortion in such circumstances is a grave violation of women's rights to life and health and is a form of cruel, inhuman and degrading treatment.

10. States must offer access to medical services for complications arising from abortion to all women in need in any circumstance, regardless of the legal status of abortion. Denying, obstructing, or limiting such access is a grave violation of women's rights to life and health and is a form of cruel, inhuman and degrading treatment.