In 2007, Amnesty International (AI) adopted a policy framework on sexual and reproductive rights, including a policy position on selected aspects of abortion. The process leading to the adoption of the policy framework manifested one of the objectives articulated in the early stages of AI’s global Stop Violence against Women campaign1 “Changing ourselves to change the world.” If AI was to advocate effectively for the right to be free from gender-based violence and address the causes and consequences of such violence, it first had to examine, clarify, and develop its internal policy on sexual and reproductive rights.

Having contributed to this process as the Reproductive Rights Coordinator in the Policy Program of AI International Secretariat, I would like to share some reflections on the consultation process, the policies adopted and AI’s evolving perspective on research and campaigns in defence of sexual and reproductive rights.
Changing ourselves

AI’s global campaign to Stop Violence against Women came about as a result of internal and external lobbying by women’s rights activists. It is the product of a broader process of change: AI’s move from a narrowly focused mission to a broader mandate to advance both the human rights enshrined in the Universal Declaration of Human Rights and its commitment to reflecting women’s human rights more comprehensively in its programme of work.

Before the campaign was launched in March 2004, there was a felt need for AI to consider developing its policy in relation to sexual and reproductive rights particularly with respect to abortion. AI had previously developed projects, research and campaigns on specific areas of sexual and reproductive rights issues in the different areas of the organisation’s work.

For instance, through its “Human Rights are Women’s Rights” campaign launched in 1995, AI opposed the Chinese government’s practice of coerced abortions and sterilisation of women. It also defended sexual and reproductive rights defenders who were at risk, such as a Peruvian activist campaigning against forced sterilisations.

AI also joined women’s groups who worked at the international policy level countering the “unholy alliance” of governments attempting to roll back human rights relating to sexuality and reproductive health at the Beijing+5 conference in 2000 and advocated for gender-specific provisions of the Rome Statute of the International Criminal Court. The organisation had also raised sexual rights issues as part of its work to end discrimination and persecution based on sexual orientation or gender identity.

But lacking conceptual, policy, and strategy frameworks on sexual and reproductive rights, AI did not consistently frame human rights violations identified explicitly as violations of sexual and reproductive rights. Such violations were not viewed as manifestations of broader fundamentalist attacks on women’s bodies, against women as activists on sexuality and reproduction issues, and against defenders of women’s human rights.

AI and its International Council Meeting

Amnesty International has more than 2.2 million members, supporters and subscribers in over 150 countries and territories, in every region of the world. It helps stop human rights abuses by mobilising the public to put pressure on governments, armed political groups, companies and intergovernmental bodies. This is done primarily through the publication and promotion of its research findings, public demonstrations, vigils, letter-writing campaigns, human rights education, awareness-raising concerts, direct lobbying, targeted appeals, email petitions and other online actions, partnerships with local campaigning groups, community activities, and co-operation with student groups.

AI’s International Council Meeting is convened every two years to plan, review and decide the organization’s human rights work. The 2007 meeting was attended by more than 400 delegates from 75 countries.

Source: Amnesty International
While AI had opposed forced abortion of women as a form of torture or ill-treatment, it did not take a position on other human rights aspects of abortion, including criminalisation. Research addressing any aspect of abortion tended to include references to authoritative statements contained in international conference outcome documents and those made by the United Nations treaty monitoring bodies and special mechanisms. AI refrained from explicitly endorsing these or making its own findings and recommendations.

In its Stop Violence against Women campaign, AI also left out abortion when addressing concerns relating to rape victims’ access to comprehensive care.\(^7\)

In 2003 and 2004, AI campaigned on cases of women in Northern Nigeria imprisoned on suspicion of abortion but charged with ‘culpable homicide punishable by death.’ This was in accordance with the AI’s unconditional opposition to the death penalty. AI also took a discrimination and fair trial approach but did not oppose the women’s criminalisation and imprisonment for abortion. AI made a general recommendation in support of law review and reform to bring criminal and penal legislation, including the Shari’a law, into conformity with international human rights standards.\(^8\)

AI’s leadership acknowledged that the organisation needed to examine its position on abortion in the context of a framework on sexual and reproductive rights. This process was considered essential to AI’s work on women’s human rights and to an effective Stop Violence against Women campaign.

Hence in 2005, AI’s leadership initiated a movement-wide policy consultation process aimed at enabling agreed policies to be endorsed by AI’s highest decision-making body, the International Council Meeting.

As a membership organisation operating on democratic principles, AI undertakes consultation processes of this kind to reach decisions on the direction of its work and on major policy issues. Supported by information and discussion materials produced by the International Secretariat, AI’s sections and structures conducted consultations on the direction of policy development and draft policies with their members at Annual General Meetings and other membership fora. The process was also aimed at enabling membership education and awareness-raising on the issues. Some sections of AI used the process as an opportunity for comprehensive capacity-building on the issue of sexual and reproductive rights.

AI Paraguay, for instance, convened a sexual and reproductive rights team from members of its national executive...
AI’s leadership acknowledged that abortion would raise particular concerns among its members.

Sharia Law
Sharia Law is the Islamic religious law that has been based on the Qur’an, the traditions of the prophet and scholarly opinions on the Qur’an and the other aspects of Islam. In English, Sharia means the “the way” as the law also forms a compendium of principles for one’s day to day living both in the public and private spheres. The Sharia law consists of tenets for politics, economics, banking, business, contracts, family, sexuality, hygiene and social issues. However, there is no single set of Sharia law. Instead it varies depending on the denomination.

Women relatively enjoy equal rights with men under Islamic Law even in relationships and marriage. But this is not the case particularly in contexts when the Sharia Law is made an instrument of patriarchy and fundamentalism. At present, numerous continue to languish in jail for pre-marital sex; some stoned to death for getting pregnant out of wedlock; and still some others suffer 80 lashes, when they fail to provide four men who could testify that they were raped.

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members, Likhaan Chair of the Board of Directors, Dr. Sylvia Estrada-Claudio juxtaposed a reflection on her own experience as a doctor working with torture victims and women’s reproductive health and sexual rights issues. Linking this experience to the development of AI’s human rights agenda, she observed that, “unlike human rights categories and developmental frameworks, women in poor communities make no distinctions between their reproductive rights in the private sphere of intimate relations and their civil and political rights in the public sphere.” Drawing lessons from Likhaan’s policy development process, she argued that vision, strategy, and tactics all needed to be considered in a careful and dialogical process of abortion policy development focused on morals, values, and vision.

National, regional, and international developments during the time of AI’s sexual and reproductive rights consultation process further highlighted the urgent need for a policy. The organisation’s lack of policy on abortion meant it was not in a position to address specific human rights violations relating to abortion. The question arose whether not having a policy position on abortion (apart from forced abortion) could be considered ‘neutral’ from the perspective of evolving human rights standards. In 2004 and 2005, AI delegates participated in the ICPD+10 and Beijing+10 conferences—occasions marking the reaffirmation of international consensus language on abortion.

In 2005, Human Rights Watch published its first report dealing with human rights violations relating to abortion. Requiring state parties to make abortion legal and accessible at least in certain circumstances, the African Women’s Rights Protocol came into force in...
November 2005. In 2006, advocates moved the Colombian Constitutional Court to invalidate the country’s restrictive abortion law on human rights grounds. Human rights bodies broke new ground in finding governments responsible for making legal abortion services accessible in Peru (Human Rights Committee 2005) and Poland (European Court of Human Rights 2007). Safe abortion was highlighted as essential to implementing several of the Millennium Development Goals.

Acknowledging the importance of strengthening AI’s work on the prevention of unwanted pregnancies and other factors contributing to women’s recourse to abortion, the 2007 International Council Meeting affirmed AI’s adoption of a policy on abortion. AI now calls for the decriminalisation of abortion. AI can now demand access to medical services for complications arising from abortion for all women, in any circumstance, regardless of the legal status of abortion. It can campaign for states to 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 unwanted pregnancy as a result of rape, sexual assault or incest, and pregnancy which poses a risk to the life or a grave risk to the health of the woman.

ICPD + 10
ICPD + 10 refers to the review process on the International Conference on Population and Development, 10 years after it was held in Cairo, Egypt in 1994. A concrete output of the conference is the 20-year Programme of Action, also known as the Cairo Consensus, which 179 states adopted then.

ICPD was a milestone for women’s rights advocates for it formally recognised reproductive rights, despite pressures from the Vatican and other conservatives. The Cairo Consensus deals with four major areas namely: universal education, reduction of infant and child mortality, reduction of maternal mortality, and access to reproductive and sexual health services including family planning.

The Cairo Consensus is meant to be reviewed every five years. In 1999, the United Nations General Assembly affirmed the relevance of the document and produced the Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development.

ICPD + 10 further assessed the Cairo Consensus in terms of its implementation on the national level and linked it to the progress of the Millennium Development Goals (MDGs). The United Nations Population Fund (UNFPA) conducted a Global Survey in 2003 covering population and development; gender equality, equity and empowerment of women, reproductive health and rights, including reproductive health commodity security, youth, HIV/AIDS, behaviour change communication and advocacy, partnership, resources, data, research and training, and indicators. On the same year, the General Assembly also tasked the UN Economic and Social Council (UN ECOSOC), with the assistance of the Commission on Population and Development (CPD) to review the Cairo Consensus annually through a cross-sectoral thematic approach. Fora were also organised by UN regional commissions and other stakeholders, including civil society.

Source: UNFPA, [http://www.unfpa.org](http://www.unfpa.org)
AI calls on states to ensure individuals’ access to comprehensive sexual and reproductive health information and services, including sexuality education for women and men, prevention and treatment of sexually transmitted infections, safe motherhood, contraception, and methods for fertility regulation. It argues that states must reform or repeal laws and policies which place unreasonable restrictions on women’s access to sexual and reproductive health information and services. Governments should take appropriate steps to help women avoid unwanted pregnancies and prevent their consequent recourse to abortion, which should in no case be promoted as a form of family planning.

Changing the world

Even before AI was in a position to ‘change the world’ by addressing specific aspects of abortion through its human rights work, the organisation’s potential positioning on abortion became the subject of public and media attention. Like other policy debates of larger political and symbolic significance – for instance the discussion on whether and how the organisation works on economic, social and cultural rights issues – AI’s internal policy deliberation turned the organisation into a target for advocacy.

In March 2007, 49 health and human rights NGOs wrote to AI in support of its abortion policy discussion, indicating that AI’s decision on its abortion policy was meaningful and important in the defence of women’s rights as human rights.

However, some NGOs and representatives of the Catholic Church were also vocal in their disapproval of the fact that AI was considering moving towards a policy position in support of safe and legal abortion, a position they considered to be at odds with human rights. Cardinal Martino, president of the Vatican’s Pontifical Council for Justice and Peace, for instance, made statements to the media threatening that if AI persisted in moving towards agreement on a policy on abortion, “individuals and Catholic organisations must withdraw their support” from the organisation.

Urging AI members to “reconsider and rescind” the organisation’s abortion policy, Bishop Skylstad, President of the United States Conference of Catholic Bishops, however, indicated that the Catholic Church did not oppose the totality of AI’s policy on abortion: “Based on [its] commitment to women, the Church does not object to Amnesty International’s stand against criminal penalties for women who have undergone abortion. In fact, the Catholic Church has long held that these women need compassion and healing, not punishment.”

Attacks on AI’s policy and the process by which it was agreed provoked strong reactions in AI’s defence. Organisations working in defence of a range of human rights came out in force to object such attacks as manifestations of a broader backlash against sexual and reproductive rights and the entire human rights framework.

For instance, the Observatory for the Protection of Human Rights Defenders objected to Cardinal Martino’s intervention which, it found, “questions the right of an independent human rights NGO to defend sexual and reproductive rights, but also questions the work of this NGO in the exercise of its broader functions” and “could have extremely serious repercussions on the protection of all human rights worldwide.” The Liaison Committee of the International NGO
Conference of the Council of Europe expressed its support to AI “against attacks based on religious doctrine.”

Catholics for Choice stated: “Catholics may continue to support and fund Amnesty, safe in the knowledge that its work on this issue will save women’s lives when all other avenues to justice have failed. Amnesty International has taken an important step in showing that reproductive rights … are a vital part of the human rights canon.”

AI’s membership and support base do not seem to have diminished as a result of its abortion policy. AI’s commitment and work continue to draw active support from people of conviction the world over.

AI can now comprehensively integrate sexual and reproductive health rights more comprehensively into its research and campaigns especially those on violence against women and human rights violations that cause and are a consequence of poverty (for instance, preventable maternal deaths and ill health).

As an international membership-based, independent movement, AI will seek to work in collaboration and solidarity with sexual and reproductive rights defenders, support their struggles and complement their voices.

The process of change AI is engaged in continues – and its work in defence of sexual and reproductive rights will continue to challenge AI to become and be the change it wants to see in the world.

As AI’s the reproductive rights coordinator since 2004 and now Researcher in the Gender Unit of AI’s International Secretariat, Stephanie Schlitt provides policy, methodology and strategy advice to AI’s campaigners and researchers. She undertakes projects on gender and women’s rights issues, in particular sexual and reproductive rights.

To Stop Violence Against Women, respect for women’s human rights is essential

Note: In 2007, Amnesty International released its position on abortion. The following text explores the scope of sexual and reproductive rights including their relation to abortion, and their links to gender-based violence, discrimination and coercion. The full text includes actual cases which further informed AI’s rethinking of sexual and reproductive rights and consequently, a position on abortion. The full text is available at http://archive.amnesty.org/actionwomen/sexual_and_reproductive_rights-eng

Violence against women and girls is a global pandemic. At least one out of every three women has been beaten, coerced into sex, or otherwise abused in her lifetime.

Every year, millions of women are raped by partners, relatives, friends and strangers, by employers and colleagues, soldiers and members of armed groups.

Violence in the family is endemic all over the world; the overwhelming majority of victims are women and girls.

In the USA, for example, women account for around 85 per cent of the victims of domestic violence. The World Health Organization has reported that up to 70 per cent of female murder victims are killed by their male partners.
Small arms and light weapons are the main tools of almost every conflict and, according to the UN Secretary-General, women and children account for nearly 80 per cent of the casualties.

As a human rights organization, Amnesty International cannot remain silent in the face of this suffering. We campaign against all of forms of violence against girls and women, wherever that violence happens and whoever perpetrates it.

Violence against women violates women’s rights to life, physical and mental integrity, to the highest attainable standard of health, to freedom from torture and their sexual and reproductive rights.

Upholding human rights, including women’s sexual and reproductive rights is essential to preventing and ending gender-based violence. The human rights of girls and women are also at stake whenever gender-based violence against them goes unchallenged and wherever survivors are denied access to the full range of remedies to which they are entitled.

Amnesty International supports women in claiming their rights. The lived experience of girls and women, including those with whom we work directly, shows how central sexual and reproductive rights are to their freedoms including their right to be free from gender-based violence and as a remedy where they have been subjected to such violence:

- Forced and child marriage is a violation of girls’ and women’s sexual and reproductive rights.
- Denying women access to reproductive health services is a violation of their reproductive rights. Denying them access to life-saving obstetric care is a violation of their right to life and a form of cruel, inhuman and degrading treatment.
- Forced abortions or sterilizations carried out by family planning officials or others acting in an official capacity violate reproductive rights and are grave violations of physical and mental integrity amounting to torture.
- Obstructing rape survivors’ access to legal abortion services is a violation of their sexual and reproductive rights.
- Women must have access to safe and legal abortion services in cases of unwanted pregnancy as a result of rape, sexual assault, or incest.
- Imprisonment or other criminal sanctions for seeking or having an abortion is a violation of women’s reproductive rights.
- Women must have access to safe and legal abortion services where continuation of pregnancy poses a risk to their life or grave risk to their health.
- Individuals have the right to seek, receive and impart information in relation to sexuality and reproduction without unreasonable restrictions. They have the right to access to information and services regarding sexual and reproductive health, including those in relation to prevention of sexually transmitted infections.
- Women have the right to not be denied maternal health care, which should be accessible, affordable, adequate and of sufficiently high quality, taking into account their cultural needs. They have the right to access health care without discrimination.

Endnotes
1 See Stop Violence against Women campaign at: http://www.amnesty.org/en/campaigns/stop-violence-against-women
2 In June 1995, Amnesty International released a report on human rights violations suffered by women in China, as part of its 1995 “Human Rights are Women’s Rights” campaign. Amnesty International recommended that the government “take measures to ensure that women are not detained, restricted or otherwise physically coerced in order to force them to have abortions or to be sterilized.” See People’s Republic of China: Gross Human Rights Violations Continue, AI Index: ASA 17/17/96, http://asiapacific.amnesty.org/library/Index/ENGASA170171996?openCref=ENG-CHN
4 “The unholy alliance formed by the Holy See, Iran, Algeria, Nicaragua, Syria, Libya, Morocco and Pakistan has attempted to hold hostage women’s human rights.” Amnesty International, Beijing + 5: No going back on women’s human rights, ACT 77/008/2000

8 Amnesty International, Nigeria: The death penalty and women under the Nigerian penal systems, AI Index AFR 44/001/2004, http://www.amnesty.org/en/report/info/AFR44/001/2004. Similarly, even though Amnesty International had adopted persons imprisoned solely because of their homosexuality as prisoners of conscience since 1991, until 2003/4 the organisation campaigned on cases of women criminalised for consensual sexual relations outside marriage – cases such as that of Amina Lawal in Nigeria – as death penalty and fair trial cases, rather than opposing the laws under which they were criminalised and the fact of their imprisonment and defending them as prisoners of conscience. See BAOBAB for Women’s Human Rights and Amnesty International, Joint statement on the implementation of new Sharia-based penal codes in northern Nigeria, 25 March 2002, AI Index AFR 44/008/2002.


11 Article 14 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa reads: “States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes: … (c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.”


14 National Catholic Register, No Amnesty For the Unborn - Cardinal Martino says Catholics should withdraw support for Amnesty International now that the rights group supports abortion, 12 June 2007, http://www.ncregister.com/site/article/2904


