**Center for Reproductive Rights**

**Submission to the Working Group on Discrimination Against Women and Girls for their report on Girls’ Activism – October 6th, 2021**

The Center for Reproductive Rights (the Center)—an international non-profit legal advocacy organization headquartered in New York City, with regional offices in Nairobi, Bogotá, Kathmandu, Geneva, and Washington, D.C.—uses the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to respect, protect, and fulfil. Since its inception 29 years ago, the Center has advocated for the realization of women and girls’ human rights on a broad range of issues, including on the right to access sexual and reproductive health services; preventing and addressing sexual violence; and the eradication of harmful traditional practices.

The Center for Reproductive Rights (“the Center”), an international non-governmental legal advocacy organization dedicated to the advancement of reproductive freedom as a fundamental human right, submits this paper to the Working Group on Discrimination Against Women and Girls in preparation of their upcoming report on girls’ activism.

This submission focuses on a wide range of women and girls human rights defenders, including, amongst others, service providers, activists, advocates and lawyers. The submission will look at the particular situation of women and girls human rights defenders (WGHRDs) working on sexual and reproductive health and rights, examining the impact of gender stereotypes and restrictive legal frameworks on their human rights and ability to do their work and making some recommendations for the report.

1. **Restrictive legal framework on sexual and reproductive health and rights (SRHR): impact on women and girls human rights defenders (WGHRDs) working on SRHR**
	1. **Discrimination and gender and age-based stereotypes**

WGHRDs and feminist organizations working on sexual and reproductive health and rights (SRHR) challenge structural patterns and systems of discrimination, systemic gender and socio-economic inequalities and restrictive legal frameworks, and question the impact of discriminatory policies on the rights of women and girls. They are therefore disproportionately at risk of being subjected, inter alia, to defamation campaigns, public shaming, judicial harassment, criminalization, incarceration, sexual and gender-based violence, torture and killings.[[1]](#endnote-1) These violations and abuses of their human rights can be perpetrated by the State, religious and/or conservative groups, and other non-state actors, often in total impunity.

Rising religious fundamentalisms compounded by the increase of populist and conservative governments has led to a rollback on human rights and a continued push for so-called ‘traditional and family values’ which is intended to undermine the advancements made on women’s and girls’ rights in general and on sexual and reproductive rights in particular. In this context, WGHRDs working on sexual and reproductive health and rights are confronted with shrinking civil society space and to direct attacks because of the issues they work on and oftentimes also because they are women and girls themselves, facing gender stereotypes and multiple and intersecting forms of discrimination, including because of their age.

Girls’ rights to bodily autonomy and to sexual and reproductive health are oftentimes questioned when not completely denied: because of their age, they are stereotypically characterized as in need of ‘protection’ and referred to the direction and guidance of parents and legal guardians. The full, equal, meaningful and effective participation of girls in all areas that concern them is also questioned by States, including in the context of global political negotiations, with consequences for the rights of girls and girls human rights defenders at the national level. Actors behind the rollback against women’s and girls’ rights have oftentimes resorted to the instrumentalization of the ‘best interest of the child’ principle to justify such third-party interference, thus using human rights terminology and standards to deny girls and young women their agency.

Girls belonging to racial or ethnic minorities, girls of diverse sexual orientation, gender identities and sex characteristics (SOGIESC) and girls with disabilities belong to groups historically and structurally marginalized and are therefore at an even greater risk of violence and discrimination.

The Committee on the Rights of the Child, in General Comment 20, has highlighted the impact of gender-based and age-based discrimination on the full realization of the human rights of adolescent girls:

*During adolescence, gender inequalities become more significant. Manifestations of discrimination, inequality and stereotyping against girls often intensify, leading to more serious violations of their rights, including child and forced marriage, early pregnancy, female genital mutilation, gender-based physical, mental and sexual violence, abuse, exploitation and trafficking. Cultural norms ascribing lower status to girls can increase the likelihood of confinement to the home, lack of access to secondary and tertiary education, limited opportunities for leisure, sport, recreation and income generation, lack of access to cultural life and the arts, burdensome domestic chores and childcare responsibilities. In many countries, girls report lower levels of health and life satisfaction indicators than boys, a difference that gradually increases with age.[[2]](#endnote-2)*

The Special Rapporteur on the situation of human rights defenders has also highlighted the difficulties faced by girls human rights defenders in undertaking their work:

*Girls the world over promote and protect a wide range of rights – not just the right to education and gender equality – but because of their age, dependent status and other aspects of their identities they often face challenges. Perceived as too young or immature to participate in human rights activism, they are often side-lined or just given token attention. They are not given the same access to resources, knowledge, and technologies as older human rights defenders. Funding is often inaccessible, as most girls do not have the track records and organizational structures required by funders. As they often lack the means to support themselves independently, losing family support because of their activism can be devastating. Support from fellow human rights defenders, especially girls, is crucial.[[3]](#endnote-3)*

The COVID-19 pandemic and its accompanying measures has exacerbated confinement measures of girls in particular, lack of access to education for them and has led to a sharp increase in unvalued and unrecognized reproductive labor and care work primarily provided by girls within households, all of which has further hindered the ability of women and girls human rights defenders to perform their work and take up the space they deserve as activists in the public sphere.

1. **Criminalization of SRHR, restrictive abortion laws and their impact on WHRDs**
	* 1. **Criminalization of and attacks against WHRDs working on SRHR**

The stereotypes associated with SRHR are projected unto the work of women and girls human rights defenders working on these issues; these, coupled with restrictive legislative frameworks on SRHR make them more at risk of violence and add significant barriers to their work.

The Working Group on Discrimination Against Women and Girls (WGDAWG) has previously expressed ‘*growing concern regarding the unique challenges faced by women human rights defenders around the world, driven by deep-rooted discrimination against women and stereotypes about which roles are “appropriate” for women in society.*[[4]](#endnote-4)’ The Special Rapporteur on the Situation of Human Rights Defenders (SRHRDs) has also highlighted how working on gender and sexuality, issues that can be perceived as ‘contentious’, place women human rights defenders at greater risk of violations and abuses, sometimes even perpetrated by their families and/or by conservative and religious groups.[[5]](#endnote-5)

UN treaty monitoring bodies (TMBs), for example, have recognized how sexual and reproductive rights violations are based on harmful stereotypes. In *L.C v Peru*, the CEDAW Committee addressed stereotyped roles of women and considered that decisions to deny a pregnant girl health care in order to protect the fetus were based on harmful stereotypes in violation of State’s obligation to take measures to achieve the elimination of practices based on stereotyped roles for women. The TMBs have also articulated stigma as a barrier to safe abortion, noting State obligations to address this barrier, including in situations where abortion is legal.[[6]](#endnote-6)

WGRHDs may also face threats of or actual criminal charges for exposing SRHR violations, including for highlighting SRHR violations against marginalized groups,[[7]](#endnote-7) or for working to overturn total abortion bans (see below for more details).[[8]](#endnote-8) In a global environment of rollback on sexual and reproductive rights and of increasing accession to power of conservative and populist political parties, as well as of increased influence of religious fundamentalisms on policy making, WGHRDs working on SRHR also have to face attacks and harassment online and in the media, mis-portraying them as having an intention to erode ‘traditional values’ and understandings of ‘the family’ and of pushing forward an agenda ‘against children,’[[9]](#endnote-9) thereby re-emphasizing the narrative need protection instead of reaffirming their rights.

The Committee on the Rights of the Child has emphasized in General Comment 20 that

*States should guarantee that adolescents’ right to freedom of association and peaceful assembly in all its forms is fully respected, consistent with the restrictions delineated in article 15 (2) of the Convention, including through the provision of safe spaces for both girls and boys. Legal recognition should be afforded to adolescents to establish their own associations, clubs, organizations, parliaments and forums, both in and out of school, form online networks, join political parties and join or form their own trade unions. Measures should also be introduced to protect adolescent human rights defenders, particularly girls, who often face gender-specific threats and violence.[[10]](#endnote-10)*

Despite these obligations, girls human rights defenders continue to face significant barriers to their work. As highlighted by the former Special Rapporteur on the situation of human rights defenders in his report on the situation of women human rights defenders: *‘Women defenders face distinct risks in the private sphere. They have at times – girls especially – been forcibly confined at home by family members to prevent them from engaging in human rights activism. Some experience domestic violence because of their activism, as partners or parents subject them to verbal and physical abuse to pressure them into ceasing their efforts.[[11]](#endnote-11)*’

These tactics are used to scare WGRHDs into stopping their work on SRHR, to discredit and to defame them.

* + 1. **Restrictive abortion laws and their impact on WHRDs**

U.N. Treaty Monitoring Bodies and Special Rapporteurs (SRs) have also highlighted how criminalization of SRHR, restrictive legal frameworks and international assistance policies have an impact on WHRDs, including on those working on SRHR.

Sexual and reproductive rights (SRR) have been broadly recognized as fundamental human rights whose realization is a necessary pre-condition to gender equality under international human rights law.

Criminalizing abortion is incompatible with states’ human rights obligations.[[12]](#endnote-12) Treaty Monitoring Bodies have found that States should decriminalize abortion in all circumstances[[13]](#endnote-13) andeliminate punitive measures for women who undergo abortions and for health care providers who deliver abortion services.[[14]](#endnote-14)

* **International human right standards on sexual and reproductive rights of girls and adolescents**

International and regional human rights bodies have repeatedly condemned restrictive abortion laws as violating the rights to life; health; privacy; equality and non-discrimination; and freedom from cruel, inhuman or degrading treatment or punishment.[[15]](#endnote-15) These bodies have also called on states to liberalize legislation and guarantee women access to safe abortion services.[[16]](#endnote-16) Recently, treaty monitoring bodies have progressed beyond just articulating specific grounds under which abortion should be legal and have instead urged states to generally ensure women’s access to safe abortion services.[[17]](#endnote-17) Moreover, no international or regional human rights body has recognized that the right to life, as enshrined in relevant international treaties, applies prenatally.[[18]](#endnote-18)

In General Comment No. 36 on the right to life, the Human Rights Committee (HRCee) has reaffirmed that States have a duty to ensure that women and girls do not have to undertake unsafe abortions. This requires that any regulation of or restrictions on abortion must not run contrary to that duty as part of preventing foreseeable threats to the right to life, and accordingly States “should not…apply criminal sanctions against women and girls undergoing abortion or against medical service providers assisting them in doing so.”[[19]](#endnote-19).At a minimum States must “provide access to safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is not viable”[[20]](#endnote-20). Moreover, the Committee has noted that the right to life obligates states to ‘*not regulate pregnancy or abortion in all other cases in a manner that runs contrary to their duty to ensure that women and girls do not have to undertake unsafe abortions, and they should revise their abortion laws accordingly*.’[[21]](#endnote-21) This formulation allows for a broader interpretation of the minimum grounds under which abortion should be made legal.

The Committee on the Rights of the Child has emphasized how lack of access to sexual and reproductive health information and services contributes to adolescent girls being the group most at risk of dying or suffering serious or lifelong injuries in pregnancy and childbirth.[[22]](#endnote-22) The Committee stated that ‘*All adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education, available both online and in person, including on family planning, contraception, including emergency contraception, prevention, care and treatment of sexually transmitted infections, counselling, pre-conception care, maternal health services and menstrual hygiene.*’[[23]](#endnote-23)

The Committee has also emphasized the need to recognize adolescent’s agency in making their own decisions with regards to their bodies and sexualities, including through the removal of third-party authorization and the inclusion of a legal presumption of capacity of adolescents to freely access sexual and reproductive health information and services.[[24]](#endnote-24)

* **Impact of criminalization of abortion**

The criminalization of abortion has devastating consequences for women’s and girls’ human rights, including their autonomy, their mental and physical health and lives, and for the lives of their families and communities. The stigmatization of abortion and looming criminal penalties are also barriers to other reproductive health care services in relation to post-abortion care, miscarriage, access to contraception, and in failing health, generally.[[25]](#endnote-25)

In some jurisdictions, proponents of abortion criminalization have advocated for the use of criminal law provisions against pregnancy and pregnancy outcomes, which in effect, either directly or indirectly grant fetal personhood, to the detriment of women’s rights.[[26]](#endnote-26) Such recognition has resulted in women being prosecuted for homicide or other related crimes for having experienced miscarriages, or punishing women for pregnancy outcomes, including accidents which cause harm to the fetus, drug use, etc.[[27]](#endnote-27) In addition, similar to the chilling effect of the criminalization of abortion, the recognition of prenatal personhood also has dire consequences on access to health care for pregnant women, where women are being denied even life-saving care.[[28]](#endnote-28) Such notions also have civil law consequences, which can have just as devastating effects as the criminal law, impacting many facets of life, including child custody or housing, for example.[[29]](#endnote-29)

Laws that criminalize not only women and girls who seek and undergo abortion but that also target WGHRDs supporting them access safe abortion services place WGHRDs under constant threat of criminal sanctions. Under the Declaration on Human Rights Defenders, States have the responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, and the obligation to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under their jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.[[30]](#endnote-30) Criminalization of the procedure, coupled with underlying gender stereotypes, are not conducive to the creation of an enabling environment within which WHRDs can work without fear for their safety and can have access to remedies should their rights be violated.

Criminalizing the provision of abortion services can also have a significant impact on healthcare providers, limiting their ability to provide quality healthcare and information and putting them at risk of prosecution and imprisonment for providing life-saving healthcare services in line with their professional obligations. This risk of prosecution has a chilling effect, so that providers often refrain from providing abortion, abortion information, or other health services even when legal.[[31]](#endnote-31)Even in instances where abortion is legal, WGHRDs, including abortion service providers, can be subjected to threats of attacks and to violations of their rights to life because of the work that they do in a context of polarization on abortion issues and of rollback on women’s and reproductive rights.[[32]](#endnote-32)

TMBs and Special Procedures, under the impulsion and advocacy of WGHRDs, have started building a standard recommending that States provide abortion with no restrictions as to reason[[33]](#endnote-33), which could prevent to a great extent the range of human rights violations induced by restrictive abortion laws. For instance, the Committee on the Rights of the Child has recommended the decriminalization of abortion in all circumstances and for States to ensure access to safe abortion and post abortion care services for adolescent girls, emphasizing their right to be heard and to participation.[[34]](#endnote-34)

Anti-choice organizations are also attempting to undermine the work of WHRDs working on SRHR in humanitarian settings, mis-representing the life-saving activities they undertake as an ideological agenda aimed at countries in crisis.[[35]](#endnote-35) These groups are deliberately undermining the universality of human rights by portraying SRHR as an imposition from ‘the West’, and WGHRDs as agents following a ‘Western’ agenda preying on countries in difficulty to further said agenda. These tactics are being used to denigrate the work of WHRDs and to intimidate them. These tactics are particularly dangerous in already volatile settings with high rates of violence against women: defamatory statements pave the way to harassment, intimidation, death threats and physical violence.[[36]](#endnote-36)

1. **Recommendations**

We therefore respectfully recommend that the Working Group:

1. Highlights the specific situation of girls human rights defenders working on sexual and reproductive rights.
2. Calls on States to fully decriminalize abortion and to liberalize restrictive abortion laws to ensure access to abortion with no restriction as to reason.
3. Deconstructs the narrative of girls and young women as beings devoid of agency and in need of protection, guidance and direction from parents and legal guardians in matters pertaining to their sexual and reproductive rights and calls on States to remove third-party authorization or notification requirements and introduce a legal presumption of capacity of adolescents to access sexual and reproductive health information and services, in line with the Special Rapporteur on Health’s report on Adolescents (see above).
4. Illustrates the impact of the global rollback on women’s and girls’ rights, including on sexual and reproductive rights, on girls’ right to participation and right to be heard and on the restriction of civil society space in general.
5. Recommends to States to pay particular attention to the situation of girls’ human rights defenders (GHRDs) and activists and to take measures to ensure GHRDs are able carry their work safely.

We are grateful for this opportunity to input in the Working Group’s report. Should the mandate need any additional information, please do not hesitate to reach out to Paola Salwan Daher, Senior Global Advocacy Advisor at pdaher@reprorights.org .

1. Special Rapporteur on the situation of human rights defenders, Situation of Women Human Rights Defenders  *Rep. of the Special Rapporteur on the situation of human rights defenders, Situation of Women Human Rights Defenders*, Human Rights Council, 40th Session, U.N. Doc A/HRC/40/60, (Jan. 10, 2019) (by Michel Forst). [↑](#endnote-ref-1)
2. Committee on the Rights of the Child, General Comment 20 on the implementation of the rights of the child during adolescence, 6th December 2016, U.N. Doc CRC/C/GC/20, para. 27 [↑](#endnote-ref-2)
3. Special Rapporteur on the situation of human rights defenders, Report on the situation of women human rights defenders, 10th January 2019, U.N. Doc A/HRC/40/60, para. 60 [↑](#endnote-ref-3)
4. *Rep. of the Working Group on Discrimination Against Women in Law and in Practice*, para. 42, Human Rights Council, 38th Session, U.N. Doc A/HRC/38/46, (May 14, 2018). [↑](#endnote-ref-4)
5. *Supra* note i, at paras. 47 and 81. [↑](#endnote-ref-5)
6. CEDAW Committee, *Concluding Observations: Hungary,* para. 30, U.N. Doc. CEDAW/C/HUN/CO/7-8 (2013); Human Rights Committee, *Gen. Comment No. 36,* para. 8, U.N. Doc. CCPR/C/GC/36 (2018) [hereinafter Human Rights Committee, *General Comment No. 36*].. [↑](#endnote-ref-6)
7. *See, inter alia*, U.N. Economic and Social Council, *Rep. submitted by Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders*, paras. 389 and 390, U.N. Doc. E/CN.4/2004/94/add.3 (Mar. 24, 2004). [↑](#endnote-ref-7)
8. *See* Front Line Defenders, *Case History: Mónica Roa*, Front Line Defenders, <https://www.frontlinedefenders.org/fr/case/case-history-m%C3%B3nica-roa> [↑](#endnote-ref-8)
9. *See inter al*ia, <https://c-fam.org/turtle_bay/crr-donation-solicitation-falsely-claims-un-decision-requires-peru-to-liberalize-abortion/>; <https://c-fam.org/friday_fax/commentary-end-human-rights/>; <https://c-fam.org/friday_fax/series-2-of-3-crr-threatens-legal-actiondocuments-read-into-congressional-record/>; https://c-fam.org/friday\_fax/series-3-of-3-crr-intimidation-campaign-spreads-beyond-cfam/ [↑](#endnote-ref-9)
10. Committee on the Rights of the Child, General Comment 20 on the implementation of the rights of the child during adolescence, 6th December 2016, U.N. Doc CRC/C/GC/20, para. 45 [↑](#endnote-ref-10)
11. Special Rapporteur on the situation of human rights defenders, Report on the situation of women human rights defenders, 10th January 2019, U.N. Doc A/HRC/40/60, para. 40 [↑](#endnote-ref-11)
12. CRC Committee*, General Comment No. 20* para. 60,UN Doc. CRC/C/GC/20 (2016),; CEDAW Committee, *General Recommendation No. 30,* para. 52(c), UN Doc. CEDAW/C/GC/30 (2013),. This progressive trend is also visible in the CEDAW Committee’s concluding observations. *See, e.g.,* CEDAW Committee, *Concluding Observations: New Zealand,* para. 35(a) , UN Doc. CEDAW/C/NZL/CO/7 (2012)(urging a state permitting abortion where pregnancy poses a risk to the woman’s physical or mental health and in instances of rape or incest to amend its abortion law “to ensure women’s autonomy to choose.”); CEDAW Committee, *Concluding Observation:* *Sierra Leone,*para. 32.UN Doc. CEDAW/C/SLE/CO/6 (2014); *See also* CEDAW Committee, *General Recommendation 35: On gender-based violence against women, updating general recommendation no. 19, recognizing violations of sexual and reproductive health and rights, which include denial of abortion as ‘forced continuation of pregnancy’*, para. 18, CEDAW/C/GC/35 (2017). *See also* CEDAW Committee, Nils Muižnieks, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following His Visit to Ireland From 22 to 25 November*, Council of Europe, 5 at para. 93, (2016), <https://rm.coe.int/report-on-the-visit-to-ireland-from-22-to-25-november-2016-by-nils-mui/16807bcf0e> [hereinafter CEDAW Commiitee, Nils Muižnieks, *Report by Nils Muižnieks* (2016)]. *See also* ESCR Committee*, Gen. Comment No. 22*,paras. 10, 28, U.N. Doc. E/C.12/GC/22*;* Human Rights Committee, *Gen. Comment No. 36,* para. 8 U.N. Doc. CCPR/C/GC/36;

*See, e.g.*, Human Rights Committee, *Concluding Observations: Nigeria,* para. 22, U.N. Doc. CCPR/C/NGA/CO/R.2 (2019) CEDAW Committee, *Concluding Observations: Paraguay*, paras. 30, 31, U.N. Doc. CEDAW/C/PRY/CO/6 (2011); CEDAW Committee *Sierra Leone,* para. 32(d), U.N. Doc. CEDAW/C/SLE/CO/6(2014)*;* ESCR Committee, *Concluding Observations: Argentina,* para 55, 56, U.N. Doc E/C.12/ARG/CO/4 (2018); and *See, e.g.*,Mellet v. Ireland, Human Rights Committee, Commc’n No. 2324/2013, paras. 7.6, 7.7, 7.8, U.N. Doc. CCPR/C/116/2324/2013 (2016); Whelan v. Ireland, Human Rights Committee, Commc’n No. 2425/2014, paras. 7.7, 7.8, 7.9, 7.12, U.N. doc. CCPR/C/119/D/2425/2014 (2017); K.L. v. Peru*,* Human Rights Committee, Commc’n No. 1153/2003, U.N. Doc. CCPR/C/85/D/1153/2003 (2005); L.C. v. Peru, CEDAW Committee, Commc’n No. 22/2009, para. 8.15, U.N. Doc. CEDAW/C/50/D/22/2009 (2011). Para 10 GC22; CEDAW Communication No. 17/2008, Alyne da Silva Pimentel v. Brazil; CAT Committee, *Concluding Observations: El Salvador*, para. 23, U.N. Doc. CAT/C/SLV/CO/2 (2009); CAT Committee, *Concluding Observations: Nicaragua*, para 16, UN Doc. CAT/C/NIC/CO/1 (2009) *See as well* CEDAW Committee, *Gen. Recommendation No. 35,* paras. 18, U.N. Doc. CEDAW/C/GC/35; CEDAW Committee, *Gen. Recommendation No. 24,* paras. 11, 14, U.N. Doc. CEDAW/C/GC/24. [↑](#endnote-ref-12)
13. CEDAW Committee, *Inquiry concerning the United Kingdom of Great Britain and Northern Ireland* ,at para. 58; Human Rights Committee, *Gen. Comment No. 36*, para 8; ESCR Committee, *Gen. Comment No. 22,* paras. 34, 40, 49(a), 57; Joint statement by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of All Forms of Discrimination against Women, 29 August 2018, para. 5, *available at* <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDStatements.aspx> [↑](#endnote-ref-13)
14. *See, e.g.*,CEDAW Committee*, General Recommendation No. 24: Article 12 of the Convention (women and health)*, (20th Sess., 1999), *in* Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, para. 14, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008) [hereinafter CEDAW Committee, Gen. Recommendation No. 24]; Committee on the Rights of the Child (CRC Committee), *Concluding Observations: Nicaragua*, para. 59, U.N. Doc. CRC/C/NIC/CO/4 (2010); Committee Against Torture (CAT Committee), *Concluding Observations: Nicaragua*, para. 16, U.N. Doc. CAT/C/NIC/CO/1 (2009); ESCR Committee: *Concluding Observations: Pakistan*, paras. 77, 78, U.N. Doc. CESCR/C/PAK/CO/1 (2017). [↑](#endnote-ref-14)
15. *.* Center for Reproductive Rights, Breaking Ground 2018: Treaty Monitoring Bodies on Reproductive Rights (2018), [hereinafter Breaking Ground] [↑](#endnote-ref-15)
16. Human Rights Committee, *General Comment 36*, para. 8, UN Doc. HRC/C/GC/36 (2018);CEDAW Committee, *General Recommendation 35*, para. 18, 29 (c) (i) UN Doc. CEDAW/GC/C/36 (2017);ECSR Committee*, General Comment 22,* para. 34, UN doc. E/C.12/GC/22 (2016); *Rep. of the Working Group on the issue of discrimination against women in law and in practice*, para. 79, UN Doc. A/HRC/32/44 (2016);; Special Rapporteur of the Human Rights Council, *Rep. on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, UN Doc. A/66/254 (Aug. 3, 2011) (Anand Grover); L.C. v. Peru, para. 12(b); *Mellet v. Ireland*, para. 16; CRC Committee, *General Comment No. 15*, para. 70, UN Doc. CRC/C/GC/15 (2013); Human Rights Committee, *Concluding Observations: Ireland*, para. 9, UN Doc. CCPR/C/ IRL/CO/4 (2014); CEDAW Committee, *Concluding Observations: Bahrain*, para. 42(b), UN Doc. CEDAW/C/BHR/CO/3 (2014); CAT Committee, *Concluding Observations: Paraguay*, para. 22, UN Doc. CAT/C/PRY/CO/4-6 (2011); Human Rights Committee, *Concluding Observations: Sierra Leone*, para. 14, UN Doc CCPR/C/SLE/CO/1 (2014); CRC Committee, *Concluding Observations: Chad*, para. 30, UN Doc. CRC/C/15/Add.107 (1999); CRC Committee, *Concluding Observations: Chile*, para. 56, UN Doc. CRC/C/CHL/ CO/3 (2007); *Costa Rica*, para. 64(c), UN Doc. CRC /C/CRI/CO/4 (2011); Human Rights Committee, *Concluding Observations: Guatemala*, para. 20, UN Doc. CCPR/C/GTM/CO/3 (2012); ESCR Committee, *Concluding Observations: Dominican Republic*, para. 29, UN Doc. E/C.12/DOM/CO/3 (2010); ESCR Committee, *Concluding Observations: Chile*, UN Doc. E/C.12/1/Add.105 (2004), para. 53. [↑](#endnote-ref-16)
17. CRC Committee*, General Comment No. 20*), para. 60; CEDAW Committee, *General Recommendation No. 30,* UN Doc. CEDAW/C/GC/30 (2013), para. 52(c). This progressive trend is also visible in the CEDAW Committee’s concluding observations. *See, e.g.,* CEDAW Committee, *Concluding Observations: New Zealand,* UN Doc. CEDAW/C/NZL/CO/7 (2012), para. 35(a) (urging a state permitting abortion where pregnancy poses a risk to the woman’s physical or mental health and in instances of rape or incest to amend its abortion law “to ensure women’s autonomy to choose.”); *Sierra Leone,* UN Doc. CEDAW/C/SLE/CO/6 (2014), para. 32; *See also* CEDAW Committee, *General Recommendation 35 on gender-based violence against women, updating general recommendation no. 19, recognizing violations of sexual and reproductive health and rights, which include denial of abortion as ‘forced continuation of pregnancy’*, para.18, CEDAW/C/GC/35 (2017). [↑](#endnote-ref-17)
18. CEDAW Commiitee, Nils Muižnieks, *Report by Nils Muižnieks* (2016), *supra* note xiii, at para 93 [↑](#endnote-ref-18)
19. Human Rights Committee, *Gen. Comment No. 36,* para. 8, U.N. Doc. CCPR/C/GC/36. [↑](#endnote-ref-19)
20. *Id.* [↑](#endnote-ref-20)
21. *Id.* [↑](#endnote-ref-21)
22. Committee on the Rights of the Child, General Comment 20 on the implementation of the rights of the child during adolescence, 6th December 2016, U.N. Doc CRC/C/GC/20, para. 59 [↑](#endnote-ref-22)
23. Id., [↑](#endnote-ref-23)
24. Ibid., para.60 and 39 [↑](#endnote-ref-24)
25. *Rep. of the Working Group on the issue of discrimination against women in law and in practice, para. 79,* UN Doc. A/HRC/32/44 (2016); Center for Reproductive Rights, Marginalized, Persecuted, and Imprisoned: The Effects of El Salvador’s Total Criminalization of Abortion (2014), <https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/El-Salvador-CriminalizationOfAbortion-Report.pdf>; Chantal Umuhoza, *Rwanda: Where Abortion Can Lead to Prison*, Conscience Magazine, (Feb. 19, 2014), <http://consciencemag.org/2014/02/19/rwanda-where-abortion-can-lead-to-prison/>. [↑](#endnote-ref-25)
26. [↑](#endnote-ref-26)
27. [↑](#endnote-ref-27)
28. [↑](#endnote-ref-28)
29. [↑](#endnote-ref-29)
30. UN General Assembly resolution, 53/144 *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, U.N. Doc A/RES/53/144, Annex, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 2. [↑](#endnote-ref-30)
31. ; See inter alia, U.N. Doc CCPR/C/SLV/CO/7 para. 15 and 16, U.N.Doc CEDAW/C/SLV/CO/8-9, para. 39 b) ; Center for Reproductive Rights, The Total Criminalization of Abortion in El Salvador, available at <https://reproductiverights.org/sites/default/files/documents/GLP_FS_ElSalvador-Final.pdf> (2014) Nils Muižnieks, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following His Visit to Ireland From 22 to 25 November*, Council of Europe, 5 at para. 9, (2016), <https://rm.coe.int/report-on-the-visit-to-ireland-from-22-to-25-november-2016-by-nils-mui/16807bcf0e> [↑](#endnote-ref-31)
32. *See for instance* *Remembering Dr. George Tiller*, Center for Reproductive Rights (June 6, 2009), <https://reproductiverights.org/story/remembering-dr-george-tiller>; *Center for Reproductive Rights Statement on Violence Against Colorado Planned Parenthood*, Center for Reproductive Rights (Nov. 28, 2015), <https://reproductiverights.org/press-room/center-for-reproductive-rights-statement-on-violence-against-colorado-planned-parenthood> [↑](#endnote-ref-32)
33. See, inter alia, Committee on the Rights of the Child Concluding observations on the combined fifth and sixth periodic reports of Poland\*, 27th September 2021, U.N. Doc CRC/C/POL/CO/5-6, para. 35 (d) and Working Group on Discrimination Against Women and Girls, Special Rapporteur on Violence Against Women, Its Causes and Consequences, Working Group on Arbitrary Detention, Special Rapporteur on the right to the Highest Attainable Standard of Health, *Abortion is essential healthcare and women’s health must be prioritized over politics ,*International Safe Abortion Day*,* 28 September 2021, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27549&LangID=E> [↑](#endnote-ref-33)
34. See Committee on the Rights of the Child Concluding observations on the combined fifth and sixth periodic reports of Poland\*, 27th September 2021, U.N. Doc CRC/C/POL/CO/5-6, para. 35 (d) [↑](#endnote-ref-34)
35. Rebecca Oas, Ph.D., *Major family planning groups reveal how they use crises to push abortion in poor nations*, Life Site (Oct. 25, 2019), https://www.lifesitenews.com/news/major-family-planning-groups-reveal-how-they-use-crises-to-push-abortion-in-poor-nations. [↑](#endnote-ref-35)
36. Amnesty International, Defenders under attack! Promoting sexual and reproductive RIGHTS IN the Americas, p. 6 (2015) https://www.amnesty.org/download/Documents/AMR0127752015ENGLISH.PDF [↑](#endnote-ref-36)