

General Comment No. 36 - Article 6: Right to Life of the International Covenant on Civil and Political Rights (ICCPR) by the Human Rights Committee

Written and Oral Submission by the Asian-Pacific Resource and Research Centre for Women (ARROW)

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ARROW, based in Malaysia, is an ECOSOC accredited NGO that has been working since 1993 to advance women's health and rights, empowering women through information and knowledge by monitoring international commitments, advocacy and mobilisation. We work with national partners across the Asia-Pacific region and national and regional partners from the global South.

We welcome this opportunity to inform this Public Hearing particularly, as well as the entire process related to the development of the General Comment over the next two years. We consider this a continuous process and welcome the opportunity to engage with the Human Rights Committee, the Officer of the High Commissioner of Human Rights, State parties and other civil society organisations.

Human rights include the right to be free from discrimination, coercion and violence, and the principles of bodily integrity, dignity, equality, and respect for diversity. Human rights of women and girls, are inalienable, integral, indivisible, and universal and all obstacles that prevent the realization of these rights must be removed.

In principle women and girls have the right to life. However, in practice this is not fulfilled. We wish to bring to your attention the ways in which the right to life of women and girls continues to be threatened. As illustrated in the following examples, the right to life of women and girls is often restricted by policies, practices, mindsets, beliefs, and traditions that are rooted in structural inequalities and patriarchal notions, that favour the control of men and boys over women and girls. These patriarchal notions are often justified as socio-cultural and religious norms. However we do know that culture is dynamic, and there are progressive interpretations of religion, which do affirm, protect and fulfill the right to life of women and girls in all of the examples, which we wish to bring up. Unfortunately in many societies, extreme interpretations of religion are utilized to place controls on women's and girls' rightsⁱ, especially their sexual and reproductive health and rights (SRHR).ⁱⁱ

Child, early and forced marriages remain detrimental to the rights of a child to bodily integrity and the right to decide if, when and who to marry; deny the right to education, expose girls to unwanted and unsafe pregnancies and violence, sexual exploitation and abuse. They have fewer decision-making choices, less access to education including Comprehensive Sexuality Education (CSE), and a limited capacity to make healthy reproductive choices due to gender power imbalances. Child, early and forced marriages have to be abolished, prohibited and enforced by law, and all appropriate legal measures must be taken to prevent this practiceⁱⁱⁱ in order to protect the right to life of children, especially girls.

Women and girls worldwide face ***violence*** including sexual violence, domestic violence (including marital rape), honor killings and other forms of abuse in the public and private spheres that violate their right to life. Laws and policies to prevent violence and bring

punitive action against perpetrators are insufficient, non-existent or not applied adequately in many regions. Conviction rates are also low.^{iv} There needs to be immediate action by governments to eliminate violence against women in all forms in order to better protect their right to life.

With respect to violence we wish to single out that everyday **people of diverse sexual orientation and gender identities** including lesbians, gays, bisexuals, transgender and inter-sex (LGBTQI) people are singled out for violence and harassment including sexual violence that goes undocumented. Many countries continue to have laws that criminalise homosexuality and these laws have been used selectively to ensure the silencing and policing of the LGBTQI community. There are progressive examples of countries recognizing other genders such as in Nepal, when the Supreme Court of recognised LGBTQI persons as natural persons in 2008.^v Change and inclusion is possible and necessary, and without doubt the right to life of every human being, regardless of sexual orientation and gender identity, needs to be protected and fulfilled.

Maternal mortality and morbidity continues to be one of the leading causes of death amongst women in the Asia-Pacific region. The main causes of maternal mortality include excessive hemorrhaging, hypertension, and abortion-related injuries,^{vi} restrictive and inadequate abortion laws, unavailability of safe, legal and unconditional abortion services, inadequate and unaffordable access to healthcare, lack of access to contraceptive information and services, unavailability of skilled birth attendance, inadequate antenatal care coverage, emergency obstetric care services, and violence during pregnancy.^{vii}

38% of pregnancies each year were unintended in Asia in 2008 and 10.8 million abortions in 2008 in Asia were considered unsafe, endangering the lives of women and girls. The solution for this is very simple: universal access to contraceptive services and safe abortion services must be considered as vital components of preserving the right to life of women and girls. Governments should provide the necessary health services to protect the right to life of women and girls.

We call for the following, if Article 6 is to be realised:

- Universal access to affordable health care, including sexual and reproductive healthcare services to ensure that women and girls have access and can afford the care they need;
- Recognition that these conditions violate their human rights, right to choices, SRHR and right to life in addition to preventing gender equality and empowerment;
- Have effective abortion laws and policies, and good quality and safe abortion services in the Asia-Pacific region and repeal laws criminalising, penalising and restricting women and girls' access to safe abortion services;
- Access to contraception, including emergency contraception, of high quality and variety, user friendly and appropriate to the needs of women, including young women.
- To address rates of early, child and forced marriages, ensuring the rights of all girls to access education opportunities including comprehensive sexuality education.
- Ensure appropriate collection and availability of data on violence, and application and/or development of laws on violence against women.
- Remove socio-cultural barriers that reinforce gender stereotypes preventing women from making informed decisions about their sexuality, their own bodies and lives;
- Ensure that legal and policy-making i.e. formal and informal spaces are free from the influence of extreme interpretation of religion.

Finally, we maintain that hard-won agendas on human rights have to be upheld and should cut across all processes, including this one. Further, we demand that women's rights be recognized as human rights and that their bodies are not used as sites of control. Despite many examples that we hear of today, women and girls are not second class citizens and they have a right to lead a healthy life shaped by their choices, empowered through information, and free of control by states, families and any other individual or actor.

ⁱ Shah, C. 2008. Hindu Fundamentalisms in India: Examining Impact and Responses by the Women's Movements. *ARROWs for Change*, 14(1&2): 4-5.

<http://arrow.org.my/publications/AFC/v14n1&2.pdf>

ⁱⁱ Iqbal, S. 2008. Growing Fundamentalisms: A Grave Apprehension for Women's Rights in Pakistan. *ARROWs for Change*, 14(1&2): 8-9. <http://arrow.org.my/publications/AFC/v14n1&2.pdf>

ⁱⁱⁱ Thanenthiran, S., Racherla S.J., & Jahanath, S. (2013). Reclaiming and Redefining Rights. ICPD+20 Status of Sexual and Reproductive Health and Rights in Asia Pacific. Kuala Lumpur, Malaysia: ARROW.

http://www.arrow.org.my/publications/ICPD+20/ICPD+20_ARROW_AP.pdf

^{iv} Thanenthiran, S., Racherla S.J., & Jahanath, S. (2013). Reclaiming and Redefining Rights. ICPD+20 Status of Sexual and Reproductive Health and Rights in Asia Pacific. Kuala Lumpur, Malaysia: ARROW.

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^v Thanenthiran, S., Racherla S.J., & Jahanath, S. (2013). Reclaiming and Redefining Rights. ICPD+20 Status of Sexual and Reproductive Health and Rights in Asia Pacific. Kuala Lumpur, Malaysia: ARROW.

http://www.arrow.org.my/publications/ICPD+20/ICPD+20_ARROW_AP.pdf

^{vi} World Health Organization. (2011). Unsafe Abortion: Global and Regional Estimates of the Incidence of Unsafe Abortion and Associated Mortality in 2008, 6th ed. http://www.apps.who.int/iris/bitstream/10665/44529/1/9789241501118_eng.pdf

^{vii} Thanenthiran, S., Racherla S.J., & Jahanath, S. (2013). Reclaiming and Redefining Rights. ICPD+20 Status of Sexual and Reproductive Health and Rights in Asia Pacific. Kuala Lumpur, Malaysia: ARROW.

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