



An International Network for Peace, Justice and Life

P.O. Box 9295, Silver Spring, MD 20916-9295

Voice mail: 641-715-3800 Code 631061#

President@consistent-life.org

<http://www.consistent-life.org/>

Online store - <http://www.cafepress.com/lifecounts>

**Amnesty International
International Council Meeting
Morelos, Mexico, August 11-17, 2007**

Resolutions Relative to Stand on Abortion

The attached is taken from an April 2007 compilation of resolutions and statute amendments submitted to the 2007 International Council Meeting (ICM) prepared for AI members. We have extracted the four resolutions related to abortion policy from the document, and they are presented as in the ICM document.

Note that this only includes the resolutions submitted before the AI International Executive Committee (IEC) adopted the policy on "Sexual and Reproductive Rights" concerning abortion. These do not reflect positions taken by national sections which did not forward formal resolutions. We know that the Ireland Section has publicly opposed the IEC policy.

This document is made available as a public service by Consistent Life, an international network for peace, justice and life.

The International Council:

NOTES that the recently adopted policy on:

- decriminalization of abortion;
- access to quality services for the management of complications arising from abortion;
- legal, safe and accessible abortion in cases of rape, sexual assault, incest, and risk to a woman's life;

enables AI to tackle the grave violations of women's human rights that fall within its mission and its SVAW campaign strategy.

DECIDES that AI's work on these issues needs to be developed, evaluated and discussed across the movement before AI can make an informed decision about further policy development in relation to other aspects of sexual and reproductive rights not covered by existing policies.

Explanatory note

At the time of writing, it is not clear whether the IEC will adopt a policy in March or April 2007 on the three aspects of abortion described in this resolution. If the IEC does not do so, it will bring a recommended policy to the ICM, and it will amend this resolution to replace the phrase "*notes that the recently adopted policy*" by "*adopts the recently circulated draft policy.*"

AI's overall policy on sexual and reproductive rights, within which any new policies on aspects of abortion would be situated, is contained in *Statement summarizing AI's current policy on Sexual and Reproductive Rights* (POL 30/046/2006, October 2006). Sections were invited to comment on *AI and Sexual and Reproductive Rights: Draft policy statement on selected aspects of abortion and explanatory notes* (POL 30/043/2006, October 2006) by 15th January 2007. A summary of key points is contained in *Sexual and Reproductive Rights: some frequently asked questions* (POL 39/011/2006, November 2006).

PrepCom note

The issue of SRR will be the subject of a plenary discussion at the ICM. In addition it will be taken up in the WP on Human Rights Strategy.

PrepCom recommends that AI Italy, Sweden, Peru and the IEC discuss a merged resolution to bring forward to the ICM.

The International Council:

DECIDES to adopt a policy on access to quality services for the management of complications arising from abortion.

Explanatory note

Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

The 2005 International Council Meeting (ICM) affirmed AI's commitment to defending and promoting sexual and reproductive rights and decided that by the end of 2006, unless the Chairs Forum opposed such a step, and taking account of the recommendations and results of the consultation process, the ICM could decide whether to adopt a position on:

- 1) The decriminalization of abortion.
- 2) Access to quality services for the management of complications arising from abortion.
- 3) Legal, safe and accessible abortion in cases of rape, sexual assault, incest and risk to a woman's life.

At the July 2006, a special session of the Chairs Forum discussed aspects of AI policies on sexual and reproductive rights and options for their further development and most sections and structures supported development of AI policy on the three points set out above.

Even though there will be difficulties and there is a long path that Amnesty International has to follow with regard to developing a policy on abortion and decriminalization it is time to take this step. The denial of access to quality services for the management of complications arising from abortion represents a violation of women's right to health and life.

Adoption of a policy on "access to quality services for the management of complications arising from abortion" does not signify agreement with abortion or the decriminalization of abortion but regards the right of access to health care that every person should enjoy.

PrepCom note

The issue of SRR will be the subject of a plenary discussion at the ICM. In addition it will be taken up in the WP on Human Rights Strategy.

PrepCom recommends that AI Italy, Sweden, Peru and the IEC discuss a merged resolution to bring forward to the ICM.

The International Council:

DECIDES that the woman's right to physical and mental integrity includes her right to freely decide whether to continue or terminate her pregnancy, and that abortion should therefore be legal, safe and accessible to all women free from coercion, discrimination and violence.

RECOGNIZES that the woman's access to abortion may be subject to reasonable restrictions.

INSTRUCTS the IEC to develop a policy consistent with such an approach, especially with regard to States' obligation to provide legal, safe and accessible health services to all women.

Explanatory note

The Draft Policy Statement on Selected Aspects of Abortion (as circulated by the IEC on 26th of September 2006) is an important but incomplete step towards a comprehensive position on women's sexual and reproductive rights.

According to such a policy AI would call on States to take all necessary measures to ensure that safe and legal abortion services are available, accessible, acceptable and of good quality for women who require them in cases of unwanted pregnancy as a result of rape, sexual assault or incest, and pregnancy which endangers the life of the woman (including risks of grave permanent injury to the physical or mental health of the woman).

Although the policy is an essential move in the right direction to ensure women's sexual and reproductive rights, we believe there is a need for a more inclusive approach.

There is a contradiction inherent in advocating for access to abortion only in cases where women are victims, rather than choosers and decision-makers. Such a policy does not take into account that an unwanted pregnancy may put at risk a woman's fundamental rights even if she has not been raped or if there is no proof of sexual abuse and if her life is not in danger because of the pregnancy. As the Decision 3 of ICM 2005 states: "the need for abortion in a large number of cases is a consequence of ... a lack of empowerment of women as well as of a lack of access to education and health services like contraception".

We believe that a coherent Human Rights approach must recognize a woman's right to freely decide whether to continue or terminate her pregnancy, free from coercion, discrimination and violence. The decisions about abortion belong to the pregnant woman without interference by the State or others.

We therefore believe that AI should adopt a policy which aims to provide sufficient protection of all women's right to health, to physical integrity and to have control over and decide freely on all matters relating to their sexuality and reproductive lives, including their right to freely decide to terminate their pregnancy (subject to reasonable gestational limitations). Only with such a policy would AI clearly affirm the women's right to make decisions freely on all matters relating to their sexuality and reproductive lives and promote equal rights for men and women.

Background documents

POL 39/001/2007: Sexual and reproductive rights. Recommended policy statement on

selected aspects of abortion

POL 39/001/2006: SRR Consultation Paper 1: Policy statement and background information on sexual and reproductive rights

POL 39/002/2006: SRR Consultation Paper 2: possible AI policies on selected aspects of abortion.

POL 39/008/2006: Statement summarizing AI's current policy on Sexual and Reproductive Rights

ORG 52/003/2005: ICM Decision 3 Sexual and Reproductive Rights

PrepCom note
The issue of SRR will be the subject of a plenary discussion at the ICM. In addition it will be taken up in the WP on Human Rights Strategy.
PrepCom recommends that AI Italy, Sweden, Peru and the IEC discuss a merged resolution to bring forward to the ICM.

The International Council:

DECIDES

1) Since the question of whether reproductive rights include the right of a woman to decide to end her pregnancy by voluntary induction of abortion is highly divisive, unsolved by international human rights law and embedded in realities in which many factors and motivations can influence a woman's decision, AI will keep its neutral position on whether or not abortion should be a right of the woman, whether this be enshrined in national or in international law. AI will therefore neither object to nor support national or international legal restrictions regulating access to abortion, or participate in the development of legislation in this area.

AI will, however, continue to speak out against forced abortions, whether such force is exercised legally by states, or by implicit social pressure, and will continue to call for an end to all social practices which promote discrimination, whether before or after birth. AI will work, in all instances, on behalf of women who experience medical complications after they have had an abortion, whether this is legal or illegal, yet are denied treatment or threatened with criminal prosecution should they seek medical treatment. AI will likewise work on behalf of medical service providers who assist these women.

2) AI will call for all restrictions regarding abortion in national laws to be reasonable and non-discriminatory in accordance with existing international human rights law; and that any restrictions must take into full and compassionate account the individual situation of the woman and her "lived experience".

3) If AI decides to work on individual cases in this area, the IEC will develop a consistent, coherent and credible policy to define under which circumstances AI should take up such cases, and in order to situate any work of AI related to abortion in our mission to work against grave violations of human rights. This policy will take into account existing human rights legislation, but also take into account evolving legal instruments concerning the embryo/foetus such as the convention on bioethics.

4). In the context of its work on SRR in accordance with ICM 2005 Decision 3, AI will put a strong focus on the prevention of situations leading to abortion, in particular by contributing a human rights perspective to the development of suggestions and strategies for the prevention of unwanted pregnancies, and by working to end discriminatory political, social and economic structures and laws that can be contributory factors leading to abortion.

Explanatory note

In accordance with international human rights instruments, AI has remained neutral on the (un-)lawfulness of abortion. Consequently AI has neither made negative moral judgements on women who have an abortion nor supported abortion as a matter of personal, conscientious choice.

This position has enabled AI to address issues related to abortion in the context of its vision and mission. For instance, AI has drawn attention to the millions of sex-selective abortions of female foetuses as a form of discrimination against girls, and we have worked against forced abortions including in connection with the death penalty. Our vision and mission also allows us to work against unreasonable punishments, and we can already call for women who have had abortions to have access to medical treatment in case of complications in the context of the right to health. What we could not do until now is pass implicit and general moral judgments on any motive a woman might have to seek an abortion. Research shows that the

motives which underlie women's decision to have an abortion are highly diverse and complex, reflecting the many social, cultural, economic, and personal circumstances and experiences of women.

There are two main reasons why we should not move away from our neutral position.

(I) The first centres around the nature of our organization, mission, resources, reputation and our obligation to choose our policies wisely and accountably. These are mainly strategic questions, questions relating to the effective fulfillment of our vision and mission and our traditional profile, including our profile as a neutral, non-ideological organization. As a human rights organization we have a right to limit ourselves and to choose our areas of work intelligently. To take up an issue like abortion and to frame it not in the context of existing and accepted human rights instruments, but instead to go beyond this into areas which may be seen to affect our impartiality, is problematic.

(II) The second reason involves the question of foetal rights as juxtaposed with maternal rights.

The possibility of foetal rights, irrespective of the extent or limitations of such rights (for instance with respect to gestational maturity), is contentious and has medical, legal, and ethical facets. Experience with decades of discussions around this issue have shown that individuals, societies, and states cannot come to an agreement in the potentially tragic conflict woman-foetus.

As a result, international human rights law is largely silent on the issue, thus affording states their own discretion when it comes to legislation. The high level of diversity from state to state in the type and extent of protection and rights given to unborn life and to pregnant mothers reflects the complexity of this question and the fact that it may be insolvable. Moreover, national legislation, including legislation regulating access to abortion, legal reasons for abortion, protection of pregnant women (e.g. work-related regulations, or health recommendations), population policies, access to pregnancy monitoring, medical procedures for healing or determining foetal impairments, use of foetal tissue in medical research and therapy, fertility treatments etc. are varied, often incongruent and apt to interest-driven legislative processes.

Recent progress in biological knowledge and medical technology such as stem cell research has rekindled the debate on how to deal with pre-birth human beings. Moreover, many members of AI deem the question of foetal rights, including whether a foetus has a right to life, as very important.

Asserting foetal rights is not a “religious” question, albeit some religious communities have been particularly outspoken in this regard. Similarly, assumptions regarding abortion may in some states not be driven by concerns for women's rights, but by other interests of the state. It is unwise of AI to take a stand here, either way.

We should remain neutral on the legal or moral rightness or wrongness, legality or illegality of abortion. We should not be associated with any ideology or state agenda, neither through action nor by implication.

It is beyond AI's remit and competency to make a statement or decision on the existence or non-existence of foetal rights, yet we must remain coherent, consistent, and trustworthy in our goals and our work as a human rights organization. This motion therefore aims to firmly ground any AI policy.

Background documents

ORG 52/002/2005 (Decisions of the 2005 ICM)
ORG 41/007/2006 (Report from the Chairs Forum)
POL 39/008/2006 (SRR-Policy)
ACT 77/005/2006 (on gender-selective abortion)

PrepCom note

PrepCom has assigned this resolution to the WP on Human Rights Strategy.
--