

Abortion & Human Rights

This resource provides information on applying a human rights based approach to abortion advocacy.



Principles of Human Rights

Universality and inalienability: everyone is entitled to them and they cannot be taken away

Indivisibility and interdependence: all human rights have equal status and they cannot be separated from one another, the fulfillment of one right is dependent upon the fulfillment of all other rights

Equality and non-discrimination: all people are entitled to the full range of human rights without

distinction on the basis of race, ethnicity, gender, sex, age, religion, political opinion, national origin, sexual orientation, disability or any other status

Participation: all people must be able to meaningfully participate in decisions that impact their lives and well-being

Accountability: states must address past harms and correct systemic failures to prevent future harms

International Human Rights

Human rights provide a framework to advocate for change at any level of society, from the grass-roots to the chambers of the United Nations. They set out globally accepted principles, standards and legal requirements necessary for all people to live a life of dignity, free from any form of discrimination.

Human rights offer a variety of tools that advocates can use to challenge the laws, policies and structures that deny the basic rights and freedoms to which we are all entitled.

Human Rights Based Approach



When advocating for our rights, we can take a human rights based approach. This means identifying **rights holders** and their entitlements

and corresponding **duty bearers** and their obligations. It works towards strengthening the capacities of rights holders to claim their entitlements and duty bearers to meet their obligations.



Duty bearers have obligations to:

Respect: Not to interfere with the enjoyment of human rights

Protect: Ensure that third parties don't interfere with the enjoyment of human rights

Fulfill: Take positive steps to ensure the realization of human rights

Access to safe abortion is a human right

Abortion is a common, safe and essential healthcare procedure. Laws and policies that restrict access to abortion lead to unsafe conditions.

Abortion in the International Human Rights Framework

The right to abortion directly engages many other rights, including Article 16 of CEDAW² on the **right to decide freely and responsibly on the number, spacing and timing of children**; Article 6 of ICCPR³ on the **right to life**; Article 12 of ICESCR⁴ on the **right to the highest attainable standard of physical and mental health** and Article 2 of UDHR⁵ on the **right to be free from discrimination**. The denial of access to safe abortion may also represent violations to the rights to **privacy**, to benefit from **scientific progress**, and to **be free from torture**, cruel, inhuman and degrading treatment, among others.



The “right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental right to equality and privacy, involving intimate matters of physical and psychological integrity, and is a **precondition for the enjoyment of other rights.**”¹

States are obliged to respect, protect, and fulfill all human rights, including the right to access safe abortion. In real life, this may look like...

Respect: Not passing laws or policies that restrict access to abortion

Protect: Preventing anti-choice organizations from spreading disinformation on abortion

Fulfill: Designating abortion as an essential health service and allocating sufficient budgetary resources to ensure abortion services are available, accessible, acceptable and of good quality for everyone who needs it.

In order to uphold the right to abortion, governments must ensure not only that abortion is legally accessible on paper, but that services are:

- **Available**, meaning there is an adequate number of facilities offering care, trained providers willing and able to provide care, and essential medicines and tools necessary for safe abortions and post-abortion care
- **Acceptable**, meaning information and services must be appropriate and responsive to the particular needs of rights-holders, taking into account gender, age, culture, disability, sexual diversity, and other factors
- **Accessible**, meaning services are affordable for all, within safe physical and geographic reach, and all people can access them without discrimination or barriers and with the information necessary to do so
- **Of good quality**, meaning services and information are medically appropriate, evidence-based, and responsive to scientific and technological advances, such as medication abortion.

¹ Office of the High Commissioner on Human Rights (OHCHR). Joint Statement by UN Human Rights Experts. (United Nations, 2019).

² United Nations General Assembly. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (United Nations, Treaty Series, vol. 1249, 1979).

³ United Nations General Assembly. International Covenant on Civil and Political Rights (ICCPR). (United Nations, Treaty Series, vol. 999, 1966).

⁴ United Nations General Assembly. International Covenant on Economic, Social and Cultural Rights (ICESCR). (United Nations, Treaty Series, vol. 993, 1966).

⁵ United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). (United Nations, 1948).

Towards an *enabling environment*

The WHO outlines three fundamental pillars which support the necessary environment for quality, comprehensive abortion care:

- respect for human rights, including a supportive framework of law and policy;
- the availability and accessibility of information; and
- a supportive, universally accessible, affordable and well functioning health system.⁶

Like all matters of health, one's ability to realize the right to safe abortion is dependent on **underlying and social determinants**.

Underlying determinants may include adequate sanitation and access to food and water, housing, safe and healthy working environments, access to information and education, and freedom from all forms of violence and discrimination.

Social determinants are rooted in unequal distributions of power and social inequalities, such as poverty, systemic racism, and discrimination on the grounds of gender, disability, sexual orientation and gender identity, and other social categories.

The right to access abortion extends to these determinants.

“States parties must address the social determinants as manifested in laws, institutional arrangements and social practices that prevent individuals from effectively enjoying in practice their sexual and reproductive health.”⁷

In the context of abortion, the principles of **equality and non-discrimination** mean that all people are entitled to “equal access to the same range, quality and standard of sexual and reproductive health facilities, information, goods and services.”⁸

Governments must ensure **substantive equality** by taking active measures to alleviate inequities and eliminate barriers to access, “especially [for] persons belonging to disadvantaged and marginalized groups, including, but not limited to, persons living in rural and remote areas, persons with disabilities, refugees and internally displaced persons, stateless persons and persons in detention.”⁹

Key human rights instruments and resources

- [CESCR General comment No. 22 \(2016\) on the right to sexual and reproductive health](#)
- [Key international human rights standards on abortion](#)
- [Human Rights Committee General Comment No. 36 \(2019\) on the Right to Life](#)
- [UN Advocacy Tool](#)
- [Status of Ratification Interactive Dashboard](#)
- [UN Treaty Body Database](#)
- [Special Procedures of the Human Rights Council](#)
- [WHO Abortion Care Guideline](#)
- [WHO Abortion Policies Database](#)
- [OHCHR Information Series on SRHR - Abortion](#)
- [Neglected Areas Toolkit - Access to Abortion](#)

⁶ World Health Organization (WHO). [Abortion Care Guideline](#). (WHO, 2022). ch. 1.

⁷ United Nations Committee on Economic, Social and Cultural Rights (CESCR). [General comment No. 22 on the right to sexual and](#)

[reproductive health \(article 12 of the International Covenant on Economic, Social and Cultural Rights\)](#). (United Nations, E/C.12/GC/22, 2016). para. 8

⁸ *Ibid.*, para 22.

⁹ *Ibid.*, para 16.