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NATIONAL COMMITTEE
AUSTRALIA

Inquiry Secretary
Inquiry into Abortion Law Reform
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Queensland Parliament
Sent via email: abortionlawreform@parliament.qld.gov.au

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Dear Committee Secretary

UN Women National Committee Australia is a national non-profit organisation charged with raising funds and advocating for UN Women's agenda, in our region and around the world. UN Women is the United Nations entity for gender equality and women's empowerment, delivering programs in 96 countries around the world.

We welcome this opportunity to make a submission to the Committee's Inquiry into Abortion Law Reform and congratulate Mr Rob Pyne, MP, for drafting and tabling the Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016. The passing of this bill would result in an improved legal environment for Queensland women and health professionals, and fundamentally end more than a century of discrimination against women – and decades in contravention of the Convention on the Elimination of All Forms of Discrimination Against Women (or CEDAW), of which Australia is a signatory.

Our submission follows and we would be happy to provide any further information if required by the Committee.

Yours sincerely

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Australia's Commitment to Human Rights

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979 by the UN General Assembly. CEDAW has often been described as an international bill of rights for women. Australia signed CEDAW at the UN World Conference for the Decade of Women on 17 July 1980.

In the thirty-six years since Australia became a signatory to CEDAW, Queensland has enforced outdated criminal code. The criminalisation of health services that only women require, including abortion, is fundamentally a form of discrimination against women.

Criminalisation of Women's Health Services = Discrimination Against Women

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideals of human dignity. In OHCHR's publication, *Information Series on Sexual and Reproductive Health and Rights*,ⁱ several points are raised underscoring the importance of abortion access:

1. The Committee on the Elimination of Discrimination against Women specifies that "it is discriminatory for a State party to refuse to legally provide for the performance of certain reproductive health services for women."ⁱⁱ
2. It further establishes that "laws that criminalize medical procedures only needed by women and that punish women who undergo those procedures" are a barrier to women's access to health care.ⁱⁱⁱ
3. Most recently the Committee has requested States to "remove punitive measures for women who undergo abortion."^{iv}

In Queensland and around Australia, we take pride in the protection of human rights. Queensland has the opportunity right now to decriminalise abortion, thus ending one important form of discrimination against Queensland women.

Conscientious Objection

Decriminalisation is a vital first step. In this context, it is essential to note that conscientious objection cannot be used as an excuse to prevent women or adolescent girls from accessing health services. States must organise health services to ensure that "the exercise of conscientious objection by health professionals does not prevent women from obtaining access to health services."^v The Committee on the Elimination of Discrimination Against Women has stated that "if health service providers refuse to perform such services based on conscientious objection, measures should be introduced to ensure that women are referred to alternative health providers."^{vi} The Committee on the Rights of the Child has also requested States to ensure that "adolescents are not deprived of any sexual and reproductive health information or services due to providers' conscientious objections."^{vii}

It is imperative that sufficient sources of alternative health providers are publicised and readily available to meet the need of women, particularly those who may reside in geographically dispersed regions, requiring an abortion.

Comprehensive Sexuality Education and Contraception Access

The right to comprehensive sexuality education is based on rights protected by several human rights agreements and documents, including, among others, the Convention on the Rights of the Child; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities. These and other documents establish the right to education and information about sexuality, sexual and reproductive health and HIV.^{viii}

All young people will one day make decisions about their sexual and reproductive health. Yet research shows that the majority of adolescents lack the knowledge required to make those decisions responsibly, leaving them vulnerable to coercion, sexually transmitted infections and unintended pregnancy. Comprehensive sexuality education enables young people to make informed decisions about their sexuality and health. These programs

strengthen life skills and increase responsible behaviours, and because they are based on human rights principles, they help advance human rights, gender equality and the empowerment of young people.^{ix}

It is well understood that provision of comprehensive sexuality education reduces sexually transmitted infections, HIV and unplanned pregnancy. Further, evidence has confirmed that sexuality education does not hasten sexual activity but has a positive impact on safer sexual behaviours and can in fact delay sexual debut and increase condom usage.^x It is timely that Queensland review and improve evidence-based, comprehensive sexuality education, embedded in the education system.

Alongside education, access to safe, effective and affordable contraception is vital. Guaranteeing access to good quality contraceptive information and services free from coercion, discrimination, and violence is critical for achieving gender equality and ensuring that women can participate as full members of society.^{xi}

Summary

In summary, UN Women National Committee Australia recommends that the Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016 be passed, with the addition of referral in the case of conscientious objection and access zones around clinics to protect vulnerable women from coercion or threat, based on models in other Australian jurisdictions. No other amendments, restrictions or conditions should be applied.

We also recommend that Queensland reviews and improves services aimed at comprehensive, evidence-based sexuality education embedded in the education system, affordable access to the most effective forms of contraception and improving access and affordability of both public and private abortion care services.

In conclusion, there is an inextricable link between sexual and reproductive health and rights and gender equality and women's empowerment. Thank you for your attention to the sound case to pass the Abortion Law Reform (Woman's Right to Choose) Amendment Bill 2016, to protect the rights of all women.

ⁱ http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf

ⁱⁱ General Recommendation 24 (1999) on women and health, para. 11.

ⁱⁱⁱ *Ibid.*, para. 14.

^{iv} Concluding Observations on Peru, CEDAW/C/PER/CO/7-8 (2014), para. 36; Statement on sexual and reproductive health and rights: Beyond 2014 ICPD Review (2014).

^v Office of the United Nations High Commissioner for Human Rights, Practices in adopting a human rights-based approach to the eliminate preventable maternal mortality and morbidity, A/HRC/18/27 (2011), para. 30.

^{vi} General Recommendation 24, para. 11.

^{vii} General Comment 15, para. 69.

^{viii} <http://www.unfpa.org/resources/comprehensive-sexuality-education-advancing-human-rights-gender-equality-and-improved>

^{ix} <http://www.unfpa.org/comprehensive-sexuality-education>

^x <http://unesdoc.unesco.org/images/0023/002357/235707e.pdf>

^{xi} <http://www.unfpa.org/sites/default/files/resource-pdf/Contraception.pdf>