

Dear Mr. Ambassador,

East Timor has since independence fought a hard struggle to build a new state. One of the country's many problems is individuals' lack of access to contraception to prevent mistimed and unwanted pregnancy and the high maternal death rate. According to the attached article – 'Aid restrictions are killing the women of East Timor', Sydney Morning Herald, 31 December 2007 – Australia's 1996 guidelines on family planning are inappropriate to the task of alleviating these problems.

The article states: "The AusAID family planning guidelines...forbade any organisation that accepts Australian aid dollars from providing, recommending or even supplying information on abortion - even when to do so may save the woman's life. Funded organisations are also restricted as to the types and methods of contraceptives they can suggest." The article further states that a May 2007 paper by the All-Party Parliamentary Group on Population and Development demanded that the family planning guidelines be abolished and explained that the foreign affairs minister has the power to change the AusAID conditions.

Under the United Nations Convention on the Elimination of all Forms of Discrimination against Women, women have the right to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise this right. At the 1994 International Conference on Population and Development, the Australian government – among over 180 others – agreed that reproductive health includes "the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice" and that "all Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services." (Programme of Action paragraphs 7.2 and 8.25).

East Timor's Law No.23 of 1992 regarding health permits termination of pregnancy "in an emergency situation as an effort to save the life of pregnant mother and/or her foetus."¹ Similarly, the laws of almost all countries permit abortion in a range of circumstances.² AusAID's current family planning guidelines appear to prevent the government of East Timor from providing safe abortions within the parameters of the country's laws. The United Nations Committee on Economic, Social and Cultural Rights has stated that "the realization of women's right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health"³ and has called for "remedial action to address the problems of clandestine abortions, unwanted pregnancies and the high rate of maternal mortality."⁴ The United Nations Committee has expressed concern about "the unavailability of abortion in practice even when the law permits it."

¹ Harvard Annual Review of Abortion Laws,
<http://annualreview.law.harvard.edu/population/abortion/EAST%20TIMOR.abo.htm>

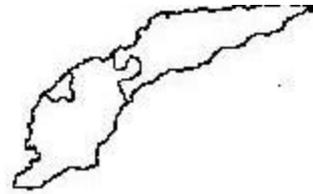
² Center for Reproductive Rights, The World's Abortion Laws, May 2007,
http://www.reproductiverights.org/pdf/pub_fac_abortionlaws.pdf

³ General comment 14 on the right to the highest attainable standard of health

⁴ Concluding Comments on Nepal (2001)

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We fully support the All-Party Parliamentary Group on Population and Development's view that the current AusAID family planning guidelines be abolished. Australia's aid policies should instead seek to respect, protect and fulfil the human rights of women and children in Timor-Leste and elsewhere in the world.

We would like His Excellency to convey our message to the Australian Foreign Ministry. Thank you very much for your attention.

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