**Addressing the issue of women’s rights to abortion**



**Tables of contents**

[**Overview**](#_4pu4kvmt15ke) **2**

[**Definitions of important terms**](#_iwjpaoc6zu41) **4**

[**Timeline of key events**](#_hg8wz0y2lrx1) **5**

[**Position of Key Nations**](#_gwbwnzbyba4j) **7**

[**Suggested solutions**](#_r11cns2zdmzf) **9**

# **Overview**

Abortion is one of the difficult ethical issues today involving human judgment on the line between life and death. Experts in medicine, theology, and philosophy have no consensus on the matter of when life begins, thus the United States Supreme Court acknowledged that it can not make a decision in this area. Though there have been many protests and movements to address the issue of abortion, this issue seems to be even more prominent, now more than ever. There are strong opinions on all sides of the abortion debate, including secularists as well as members of every faith tradition, but it has grown especially contentious among Christians. The topic has typically been framed in terms of "pro-life"—opposing abortion—and "pro-choice"—a woman's legal freedom to decide whether or not to have an abortion— viewpoints. (1)

Significant progress has been achieved in guaranteeing women's access to abortion over the past few decades, with approximately 50 countries liberalizing abortion laws by loosening the restrictions. (3) While abortions are permitted at least under certain conditions in almost every country, the specifics of each legal ground vary. According to a United Nations (UN) report with data gathered up to 2019, abortion is allowed in 98% of countries in order to save a woman's life. Generally accepted reasons are preserving physical (72%) or mental health (69%), in cases of rape or incest (61%), and in cases of fetal impairment (61%). In 37% of nations, having an abortion for financial or social reasons is acceptable as well.

According to the Global Health Council, in an article published in 2007, “Each year, nearly 70 million women have unwanted pregnancies'”, and in comparison to the statistics given by the UN News as of March 2022, “half of all pregnancies, totaling 121 million each year worldwide, are unintended”, the amount of women that have unwanted pregnancies has increased severely over the past 15 years as of 2007. Statistics show that 13% of maternal deaths are results of abortions that were performed either illegally or unsafely. (2) In addition, according to the International RESCUE Committee, restricting access to abortion doesn't reduce the number of abortions but increases the likelihood of an unsafe procedure. When abortion is prohibited or severely restricted, deaths from unsafe abortion treatment occur much more frequently than when abortion is permitted. For instance, the Guttmacher Institute claims that less than 1% of abortions are frequently dangerous in the nations with the least restrictive abortion legislation. Due to the lack of essential medical knowledge and low medical standards, over 45% of all abortions are regarded as unsafe. (4)

The Committee on the Elimination of Discrimination against Women (CEDAW) has strived to ensure the implementation of legal and safe means of abortion that can be made accessible to girls and women alike. The committee states that having access to safe and legal abortion as well as high-quality post-abortion care, particularly in cases of complications brought on by unsafe abortions, contributes to lowering maternal mortality rates, avoiding teenage and unwanted pregnancies, and preserving women's right to freely decide their bodies. In that reference, the Committee supports the statement by the High Commissioner for Human Rights, Michelle Bachelet, that “access to reproductive rights is at the core of women and girls’ autonomy, and ability to make their own choices about their bodies and lives, free of discrimination, violence and coercion.” (5)

Safe and legal abortion is considered a women’s human right in most countries nowadays. International law guarantees women’s right to "the highest attainable standard of health." Unlike safe abortion services that can protect women's right to health, women may suffer from long-term disabilities, such as uterine perforation, chronic pelvic pain, or pelvic inflammatory disease where death is the outcome of unsafe abortion. Moreover, women have the right to reproductive self-determination, which means they have the right to decide whether they want to bring a pregnancy to term. This guarantees their rights to plan a family and prevent the continuation that would lead to a heavy toll on a woman’s physical and emotional well-being from unwanted pregnancy. (6) Lastly, denying women access to abortion is a form of gender discrimination. The UN states that ‘gender equality, besides being a fundamental human right, is essential to achieve peaceful societies, with full human potential and sustainable development’. (8) Whatever the stated purposes, laws that restrict access to abortion serve the discriminatory intent of demeaning and diminishing women's capacity to make responsible decisions about their bodies and their lives. (6)

Nancy Northup, President and CEO of the Center for Reproductive Rights, said “Comprehensive reproductive health services, including abortion, are necessary to guarantee the right to life, health, privacy, and non-discrimination for women and girls''. (7) The perspectives on abortion varies depending on political party and ideology, gender, race and ethnicity, age, and the level of education. (9) Although the nations guaranteeing women's access to abortion are increasing, there are still many factors that cause protest against abortion such as societal norms and religion in some countries.

# **Definitions of important terms**

**Unsafe Abortion:**

A procedure for terminating an unintended pregnancy carried out either by people lacking the necessary skills or in an environment that does not conform to minimal medical standards, or both. (10) Unsafe abortion is the leading cause of maternal mortality and morbidity. (5)

**Ethical:**

Pertaining or dealing with morals or the principles of morality. Abortion involves questions about rights, happiness, well-being, as well as the status and value of human life. (11)

**Mortality rates:**

The rate of deaths in a given area or period, or from a particular cause, especially on a large scale. (12) 4.7% - 13.2 % of maternal deaths can be attributed to unsafe abortion each year. (13)

**Discrimination:**

The unjust or prejudicial treatment of different categories of people because of sex, race, age, etc. Laws that restrict access to abortion serve the discriminatory intent of demeaning and diminishing women's capacity to make responsible decisions about their bodies and their lives. (14)

**Ethnicity:**

Belonging to a particular ethnic group that shares a cultural tradition. The perspectives are divided on abortion depending on people’s ethnicity due to ethnic identity and beliefs. (15)

**Religion:**

The belief in the existence of a god or gods, and the activities that are connected with the worship of them. (16) Jewish, Buddhist, Unitarian and non-religious Americans express strong support for abortion rights while religions such as Christian believe abortion is a moral evil. (17)

**Societal norms:**

Societal norms can be both informal understanding of the accepted behavior that an individual is expected to conform to in a particular group, community, or culture. These norms often serve a useful purpose and create the foundation of correct behaviors. (18)

# Timeline of key events

**1847: Formation of the American Medical Association (AMA)**

The AMA formed by doctors became the male-dominated authority on medical practices. Members of the AMA believed that they should have the authority to determine whether abortion could be legally permitted although the doctors in AMA didn't have sufficient experience with pregnancies and reproductive health. A comprehensive campaign to criminalize abortion and female abortion providers was begun by AMA members. However, the state legislatures moved to ban abortion. (19)

**1930: Death from illegal, unsafe abortions**

Criminalizing abortion drove the practice underground, which led to a significant increase in the number of fatalities. According to the Guttmacher Institute, unsafe and illegal abortion claimed the lives of up to 2,700 women in 1930, accounting for nearly one in five (18%) of all maternal deaths that year that were officially registered. (19)

**1955: Conference on Abortion Legalization**

Planned Parenthood convened a groundbreaking conference on the topic of abortion in reaction to the distressing media coverage of unsafe and illegal abortions. Physicians who attended the national abortion conference took the bold step of publicly demanding reform of abortion laws. Participants at the conference agreed that regulations should be changed to allow doctors more latitude to provide abortion services since this would improve public health and allow people from all socioeconomic backgrounds to access reproductive health care. (19)

**1964: Association for the Study of Abortion (ASA)**

The Association for the Study of Abortion (ASA) was the first national organization formed by pro-abortion law reformers in 1964. Planned Parenthood joined medical professionals and laypeople who were leading the ASA in advocating changes to abortion laws and studies that would increase the safety of abortion procedures. The ASA advocated only "medically required" abortions in a strategic effort to gradually widen access to the procedure. However, supporters of the greater abortion law reform movement favored a complete repeal to legalize abortion for all people. (19)

**1969: NARAL Established**

The National Association for the Repeal of Abortion Laws (NARAL) was founded at the First National Conference on Abortion Laws in Chicago. NARAL was the first national organization founded exclusively to advocate for the legalization of abortion, initiating direct action to overturn abortion restrictions. (19)

**Late 1960s to early 1970s: Abortion Reform**

An attempt was underway to change abortion laws by the late 1960s in practically every state. To overturn laws that had been in place since before the turn of the century, healthcare professionals, advocates, clerics, and members of the legal profession petitioned state legislatures and sued. Four states —Alaska, Hawaii, New York, and Washington— completely overturned their bans on abortion between 1967 and 1973, while 13 other states enacted an increased number of exceptions. Therefore, abortion was now permitted in situations where a patient's bodily or mental health was at risk when there were fetal abnormalities, and when the pregnancy was the consequence of rape or incest, in addition to situations where it was necessary to save the patient's life. (19)

**1971 Challenging a constitutionality of a law**

In the United States, v. Vuitch, a doctor questioned the constitutionality of a statute allowing abortions exclusively to protect a woman's life or health was constitutional. The Court rejected the argument that the Act was unconstitutionally ambiguous and came to the conclusion that "health" should be interpreted to include both psychological and physical well-being. (20)

**2007 Planned Parenthood Federation of America**

The Supreme Court affirmed the first federal law making abortion illegal, permitting Congress to outlaw some second-trimester abortion procedures, which are occasionally the most secure and effective means of safeguarding a patient's health. The Supreme Court effectively overturned a crucial principle since the legislation does not make an exception for the patient's health: the patient's health must come first in regulations that restrict access to abortion. (19)

**2019 Advancing abortion rights as human rights**

The Center for Reproductive Rights has worked to expand abortion rights as fundamental human rights for women and girls around the world with advocates, government officials, and civil society organizations. Significant progress has been achieved in guaranteeing women's access to abortion over the past few decades, with approximately 50 countries liberalizing abortion laws by loosening the restrictions. While abortions are permitted at least under certain conditions in almost every country, the specifics of each legal ground vary. According to a United Nations (UN) report with data gathered up to 2019, abortion is allowed in 98% of countries in order to save a woman's life. Generally accepted reasons are preserving physical (72%) or mental health (69%), in cases of rape or incest (61%), and in cases of fetal impairment (61%). In 37% of nations, having an abortion for financial or social reasons is acceptable as well. (3)

# Position of Key Nations

**Philippines:**

The criminal provisions on abortion in the Philippines do not contain any exceptions allowing abortion, including to save the life of the pregnant woman or to protect her health. Abortion has been criminalized in the Philippines for more than a century, but criminalizing it has made it riskier for the more than 500,000 women a year who attempt to terminate their pregnancies instead of preventing abortion. At least 1,000 women are thought to have died and 90,000 more experienced difficulties as a result of the criminal abortion prohibition in the Philippines in 2008 alone. Physicians who conduct abortions in the Philippines with a pregnant woman's agreement may be sentenced to up to six years in prison, have their licenses suspended, or even have them revoked if they are found to be involved in abortion-related activities according to the Revised Penal Code. Women who get an abortion for whatever reason could face a sentence of two to six years in prison as well. In 1987, Catholic bishops and leaders succeeded in making the first Philippine constitution ever to declare a government duty to safeguard "the life of the unborn from conception," which became clear how powerful the Catholic hierarchy's influence was in the Philippines. The Government of the Philippines continues to permit the Catholic Bishops Conference of the Philippines (CBCP) to undermine women’s health even today by conceding to its demands to deprive women of a range of reproductive health services, such as access to contraception for low-income women, comprehensive family planning counseling, and sex education. (21)

**Vietnam:**

Abortion has been permitted in Vietnam since 1975. The Law on Protection of People's Health was passed in 1989, stating that women have the right to an abortion, gynecological diagnosis and treatment, a prenatal health checkup, and medical care when giving birth in health facilities. (22) Vietnam has the highest abortion rate in Southeast Asia, with 18 occurrences per 100 live births, according to statistics from 2012. This is also among the highest worldwide. Although Vietnam has one of the world’s most liberal abortion laws, abortions are only advised up to 18 weeks into a pregnancy if they are necessary, according to national healthcare guidelines. (23) However, abortion remains highly negative in Vietnam to some people as they outright call it a murderous act for both the woman and the doctor who performs the abortion. Many adherents of the traditional folk religion practiced by the Vietnamese consider that unborn children are human beings with "living souls." (24) Due to the tolerance and increase in aging population, it is more likely than ever that the Vietnamese government will adopt a more stringent abortion policy considering the nation's social conservatism. Enhancing the penalty for illegal abortion has been proposed on the legislative agenda of Vietnam’s historically rubber-stamp. Another more ambitious possibility is to scale back the eligibility criteria for abortion well below the 18 week of pregnancy. (24)

**China:**

Abortion in China is generally legal and widely available since 1953 as China is one of the first developing nations to allow and make it easily accessible. Abortions to terminate unwanted pregnancies are therefore hardly seen as “murder” or something to feel guilty about in the nation, and public debates involving strong “pro-life” or “pro-choice” views are practically non-existent. (25) While China was experiencing a population boom, legal abortions in China served a role in adherence to the policy of "one-child policy" used to reduce fertility rates from 1979 to 2015. However, as the low birth rates in China have led to the inevitable, rapidly growing elderly population, Chinese recent trends in abortion access indicate a general move to remove barriers, rather than add them. (26)

**Venezuela**:

Abortion is only legal in Venezuela under the "indications model," which states that it must be either medically necessary, the consequence of rape, or the fetus cannot survive outside of the womb. According to the Penal Code Article 340, "a woman who intentionally aborts, using means employed by herself or by a third party with their consent, shall be punished with prison for six months to two years. The exception that Article 433 offers is 'a person carrying out an abortion will not incur any penalty if it is an indispensable measure to save the life of the mother.' Official statistics say that illegal abortions rank third among the causes of maternal death in Venezuela. Venezuela claims that making abortion illegal is a class-based policy because wealthy people can look for a safe method if they wish to get an abortion. However, women who are in poverty or in the working class have extremely little access to information, medical care, and financial resources to obtain a safe abortion. (27)

# **Suggested solutions**

The action of addressing women's rights to abortion can firstly be taken by the policy of ‘result-open counseling’, according to the Korean Bar Association. The policy called result-open counseling is counseling to help pregnant women decide whether to have an abortion or not, and it is a trend favored by many nations. Through this counseling system, legislators are encouraged to fulfill their national obligations to protect unborn creatures, and at the same time, pregnant women are encouraged to systematically cultivate sound thinking skills to make their own abortion decisions. For some countries where abortion is permitted, abortion is the subject of the right to self-determination and the right to life, which is abortion under the constitution, based on the bilateral relationship between a pregnant woman and the fetus. Although pregnant women's abortion is based on the constitutional right to self-determination, the current abortion punishment clause is based on the protection of the fetus's right to life. Therefore, finding a unified solution to both legal interests by actively introducing the policy could be a good way to bridge the gap between the current laws and the reality surrounding abortion. (28)

Other suggested solutions involve respect, protection, and fulfilling human rights, particularly those relating to sexual and reproductive health and autonomy. (29) “All human beings are born free and equal in dignity and rights”, according to Article 1 of the UDHR. Freedom from discrimination, set out in Article 2, is what ensures this equality. (30) If safe and legal abortion services are unreasonably restricted or completely unavailable, many other internationally protected human rights, including the right to discrimination and equality, could be at risk. The International Covenant on Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child all protect these rights, which are outlined in the Universal Declaration of Human Rights (CRC). Human Rights Watch has documented the human rights harm caused by limited or prohibited access to abortion in nations all over the world such as the US, Ecuador, Argentina, Brazil, the Dominican Republic, and Ireland for nearly two decades, since Human Rights Watch believe that reproductive rights are human rights, including the right to access to abortion. (29)

The last solution is to find social consensus and strive to improve the policy. Abortion is not only a matter that is directly related to women’s health problems but also the life of the fetus. People who support pro-choice argue women have the right to control themselves and make autonomous decisions about what happens in their bodies, such as sex, pregnancy, and childbirth. However, people who support pro-life assert abortion is an act that violates the life of another fetus and cannot be subject to women's right to self-determination. Therefore, there should be a consensus and a policy that focuses on finding ways to reduce illegal abortion to protect fetal life and women’s health at the same time. Although solutions for the issue do not directly address the issue of women’s right to abortion, these all are valid focus points for nations to effectively respond to the rights of women. (31)

**Bibliography**

1. “The Ethics of Abortion.” *The Pluralism Project*, https://pluralism.org/the-ethics-of-abortion.
2. *Human Rights Watch: Women's Human Rights: Abortion*, https://www.hrw.org/legacy/women/abortion.html.
3. “The World's Abortion Laws.” *Center for Reproductive Rights*, 1 Feb. 2023, https://reproductiverights.org/maps/worlds-abortion-laws/.
4. “Four Reasons Safe Abortion Is Critical Health Care.” *The IRC*, https://www.rescue.org/article/four-reasons-safe-abortion-critical-health-care.
5. “Access to Safe and Legal Abortion: Urgent Call for United States to Adhere to Women's Rights Convention, UN Committee.” *OHCHR*, 1 July 2022, https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights.
6. *Safe and Legal Abortion Is a Woman’s Human Right*. https://www.reproductiverights.org/sites/default/files/documents/pub\_bp\_safeandlegal.pdf.
7. Goldberg, Justin. “UN Human Rights Committee Asserts That Access to Abortion and Prevention of Maternal Mortality Are Human Rights.” *Center for Reproductive Rights*, 26 Jan. 2021, https://reproductiverights.org/un-human-rights-committee-asserts-that-access-to-abortion-and-prevention-of-maternal-mortality-are-human-rights/.
8. “Gender Equality.” *United Nations*, United Nations, https://www.un.org/en/global-issues/gender-equality#:~:text=Women%20and%20girls%20represent%20half,human%20potential%20and%20sustainable%20development.
9. “Public Opinion on Abortion.” *Pew Research Center's Religion & Public Life Project*, Pew Research Center, 20 May 2022, https://www.pewresearch.org/religion/fact-sheet/public-opinion-on-abortion/.
10. *Unsafe Abortion Incidence and Mortality - World Health Organization*. https://apps.who.int/iris/bitstream/handle/10665/75173/WHO\_RHR\_12.01\_eng.pdf?sequence=1.
11. “Ethical Definition & Meaning.” *Dictionary.com*, Dictionary.com, https://www.dictionary.com/browse/ethical#:~:text=Definition%20of%20ethical&text=pertaining%20to%20or%20dealing%20with,ethical%20for%20physicians%20to%20advertise.
12. “Mortality.” *Cambridge Dictionary*, https://dictionary.cambridge.org/dictionary/english-japanese/mortality.
13. “Abortion.” *World Health Organization*, World Health Organization, https://www.who.int/news-room/fact-sheets/detail/abortion.
14. “Discrimination.” *Cambridge Dictionary*, https://dictionary.cambridge.org/dictionary/english-japanese/discrimination.
15. “Ethnicity.” *Ethnicity Noun - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com*, https://www.oxfordlearnersdictionaries.com/definition/english/ethnicity?q=Ethnicity.
16. “Religion.” *Religion Noun - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com*, https://www.oxfordlearnersdictionaries.com/definition/english/religion?q=religion.
17. McCammon, Sarah. “When Does Life Begin? Religions Don't Agree.” *NPR*, NPR, 8 May 2022, https://www.npr.org/2022/05/08/1097274169/when-does-life-begin-religions-dont-agree.
18. “Take Online Courses. Earn College Credit. Research Schools, Degrees & Careers.” *Study.com | Take Online Courses. Earn College Credit. Research Schools, Degrees & Careers*, https://study.com/academy/lesson/what-are-social-norms-definition-examples-in-infants-children-adults.html.
19. Parenthood, Planned. “Historical Abortion Law Timeline: 1850 to Today.” *Planned Parenthood Action Fund*, https://www.plannedparenthoodaction.org/issues/abortion/abortion-central-history-reproductive-health-care-america/historical-abortion-law-timeline-1850-today.
20. “Timeline of Important Reproductive Freedom Cases Decided by the Supreme Court.” *American Civil Liberties Union*, 2 Feb. 2009, https://www.aclu.org/other/timeline-important-reproductive-freedom-cases-decided-supreme-court.
21. *Facts on Abortion in the Philippines: Criminalization and a General Ban ...* https://reproductiverights.org/sites/crr.civicactions.net/files/documents/pub\_fac\_philippines\_1%2010.pdf.
22. “It Is Abortion Legal in Vietnam? - Howtouseabortionpill.” *How to Use the Abortion Pills*, https://www.howtouseabortionpill.org/abortion-laws-by-country/vietnam/.
23. “For Vietnamese, Abortion Is a Harder Choice than It Should Be.” *UNFPA Vietnam*, 22 Dec. 2015, https://vietnam.unfpa.org/en/news/vietnamese-abortion-harder-choice-it-should-be.
24. Nguyen, Le Dong Hai. “What the Roe Reversal Means for Abortion Rights in Vietnam.” *– The Diplomat*, For The Diplomat, 16 July 2022, https://thediplomat.com/2022/07/what-the-roe-reversal-means-for-abortion-rights-in-vietnam/.
25. “China's Controversial History of Abortion Needs Different Cultural Lens.” *South China Morning Post*, 24 June 2022, https://www.scmp.com/news/china/politics/article/3182106/abortion-legal-china-how-common-it-and-why-it-controversial.
26. Tsui, Karina. “China Set to Discourage Abortion amid Concern over Birthrates.” *The Washington Post*, WP Company, 17 Aug. 2022, https://www.washingtonpost.com/world/2022/08/16/china-abortion-birth-rates/.
27. Venezuelanalysis, Cira Pascual Marquina –. “The Struggle to Decriminalize Abortion: A Conversation with Laura Cano.” *Venezuelanalysis.com*, 29 Sept. 2022, https://venezuelanalysis.com/interviews/15605.
28. 홍보과. “대한변호사협회 홈페이지.” *Www.koreanbar.or.kr*, 1 May 2014, www.koreanbar.or.kr/pages/board/view.asp?teamcode=&page=11&seq=6899&types=11&category=&searchtype=&searchstr=. Accessed 24 Feb. 2023.
29. Human Rights Watch. “Q&A: Access to Abortion Is a Human Right.” *Human Rights Watch*, 24 June 2022, www.hrw.org/news/2022/06/24/qa-access-abortion-human-right.
30. United Nations. “OHCHR | What Are Human Rights?” *OHCHR*, 2022, [www.ohchr.org/en/what-are-human-rights](http://www.ohchr.org/en/what-are-human-rights).
31. 생글생글. “[시사이슈 찬반토론] 낙태, 허용해야 할까요 | 생글생글.” *Sgsg.hankyung.com*, 19 Feb. 2012, sgsg.hankyung.com/article/2010021866021. Accessed 24 Feb. 2023.