

UN WOMEN

Topic 2: Assessing the repercussions of anti-abortion legislation advancement

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1. Definition of Key Terms

Abortion: It is a medical operation aimed at ending a pregnancy, which can be done in two different ways: either as a “medication abortion”, which involves the use of medicines to end the pregnancy without surgery, or as a “procedural abortion” when the embryo is removed from the uterus via surgical procedure, which is more invasive.

Conception: the process that takes place before the actual pregnancy involving natural fertilisation or artificial implantation or both.

Unsafe abortion: The World Health Organization (WHO) defines unsafe abortion as “a procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards (less safe), or both (least safe)”

Embryo: an unborn or unhatched offspring in the process of development, particularly a human offspring during the period from approximately the second to the eighth week after fertilization (after which it is usually termed a fetus).

Fetus: an unborn offspring of a mammal, particularly an unborn human baby more than eight weeks after conception.

2. Introduction

The implementation of the first abortion law dates back about 100 years. However, the real revolutionary decade was the 70s, when several countries around the world, especially in the West, began to release legislation that legally protected abortion. Over the decades, this procedure has brought remarkable improvements to women's lives, but after 50 years, questions about the value of legal abortion are resurfacing, and the Supreme Court's recent decision to strike down the Roe v. Wade decision that ensured women the right to terminate a pregnancy at the federal level is a symbol of those questions. In addition, we must not forget that there are countries, especially developing countries, which have never had a law protecting abortion. The lack of protection for abortion, however, has considerable repercussions on

people who would need to use it. It is vital to be aware of these consequences and of the strong impact they have on modern society.

3. Background Information

The management of abortion is unique for each country worldwide but the laws in this regard can be grouped into 5 broad categories identified by the Center for Reproductive Rights:

Category 1. Prohibited Altogether

The abortion laws of countries in this category do not allow people to have an abortion under any circumstances, even when a person's health or life is in serious danger. 24 countries worldwide fall within this category.

91 million (6%) women being able to reproduce live in countries that do not allow abortion altogether.

Category II. To Save a Woman's Life

The abortion laws of countries in this category allow abortion only when the person seeking abortion risks their life. 41 countries worldwide fall within this category.

358 million (22%) women being able to reproduce live in countries that allow abortion to save the life of the woman.

Category III. To Preserve Health

The abortion laws of countries in this category allow abortion only if the person in question is in a specific state of health or is undergoing a specific therapy, which would make childbirth too risky. 48 countries worldwide fall within this category.

186 million (12%) of women being able to reproduce live in countries that allow abortion on health grounds.

Category IV. Broad Social or Economic Grounds

The laws of these countries generally permit abortion in a wide range of circumstances, such as considering the socioeconomic status of the person and the actual ability to care for the child, as well as the physical and psychological impact a pregnancy will have on the person seeking an abortion. 13 countries fall within this category.

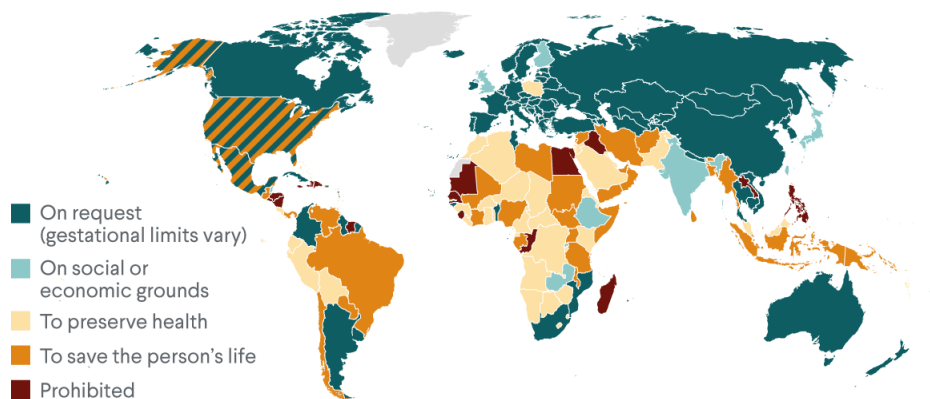
386 million (24%) of women being able to reproduce live in countries that allow abortion on broad social or economic grounds.

Category V. On Request (Gestational Limits Vary)

576 million (36%) women of reproductive age live in countries that allow abortion just on request. 75 countries globally fall within this category.

The gestation limit that is typically taken into account by these countries is 12 weeks. Gestational age limits are calculated from the first day of the last menstrual cycle preceding the conception. Where laws specify that gestational age limits are calculated from the date of conception, these limits are extended by two weeks.

Access to abortion as of June 2022



From the reported data it is therefore clear that women who have total and free access to the request for abortion are only 36% worldwide but in actual terms, what are the repercussions on people who do not have free access to abortion?

First of all, it should be noted that the legalisation of abortion, which had its debut in the 70s (talking about a western context) has made it possible to drastically reduce the cases of teenage mothers as well as the age at which women become wives. With the legalisation of abortion, the categories that received the greatest benefits were young women and women of colour. When abortion was illegal, only people with the right means could find a way to abort, but with the legalisation of the procedure and the resulting delay in motherhood, women were more likely to finish college, pursue higher grades, spend more time at work and get a prestigious job, also they were much less likely to fall into poverty in subsequent periods of life.

Tiffany Green, an economist and population-health scientist and assistant professor at the University of Wisconsin School of Medicine and Public Health, talking about the repercussions of the illegalization of abortion noted that many of the negative effects would fall into the categories of people already marginalised by society for other reasons—particularly women of colour and nonbinary and transgender people. This theory is actually supported by statistical data: in 2014, forty-nine per cent of all abortions were obtained by people who were below the federal poverty line. Talking about 2004, approximately a third were obtained by people who were white, thirty-seven per cent by those who were Black, and twenty-two per cent by Hispanic people. It is therefore clear that black women are those who most need to apply for an abortion because they are more likely to have unwanted pregnancies and for this category, it is already extremely difficult to move within the healthcare system (in this case the US one) because of economic and social disparities. For this same group, childbirth is still more dangerous.

In conclusion, it is clear that anti-abortion legislation has a very harsh negative impact on the physical health, psychological health, economic stability and social status of all people who are unable to legally access the procedure for abortion, factors that are further amplified if the context shifts from the Western one to that of countries in states of extreme poverty.

4. Major Countries Involved

The United States:

On June 24, 2022, the Supreme Court overturned *Roe v. Wade*, which for nearly 50 years granted the right to abortion for women in the United States of America. In 1973, the Supreme Court ruled and decriminalised abortion nationwide. In overturning the sentence, every state can now choose independently, and since June abortions have been banned in 13 states, while some states have put abortion rights into their state constitutions. After this decision the WHO and UNFPA said it was inevitable that more women will die, as restrictions by national or regional governments increase, trying unsafe ways of abortion.

Madagascar:

A report published on 28 September by Nifin'Akanga, which campaigns for the decriminalisation of abortion. The report highlighted that 52.5% of abortions took place in unhygienic conditions outside health facilities, such as in the homes of women and girls or of the abortion practitioners; and that 31% of abortions were performed by people with no medical training. Unsafe abortion increases the risks of severe complications, including haemorrhage, physical damage, psychological trauma and even death. The report also found that over 90% of women and girls were not using contraceptive methods, due to lack of access and lack of sexual education and were therefore not protected from the possibility of unwanted pregnancies.

The Philippines:

Since catholicism is widespread in the country, most of the government's decisions are guided by the catholic church; abortion is illegal and penalized by the government. A proposal made by the UN to allow abortion in the Philippines was rejected by the government in November as there are data shows that current laws do not prevent women and girls from undergoing various procedures to have an abortion, which in many cases puts their lives at risk, causing deaths all over the country.

Jamaica:

Under Jamaican law, women who get abortions could be sentenced to life imprisonment and those who assist with abortion or provide information about the procedure can face up to three years in prison. To push the Jamaican government to legalise abortions pro-choice activists created a website where people could submit their experiences with abortions, to make people and the government the motivation behind their actions and change their opinions.

Senegal:

The abortion law in Senegal is one of the most restrictive in Africa and prohibits abortion in almost all circumstances. Abortions are also highly criminalized with many women finding themselves persecuted and incarcerated for inducing abortions, suspicious miscarriages, and infanticide. Abortions in the country can only take place if the life of the woman carrying the fetus or embryo is at risk, but having the abortion approved is a long and difficult process which in a lot of cases even if there are bases to take place it does not occur, so most women search other methods and such instances are unsafe abortions.

Honduras:

The state's control over women's reproductive health is almost absolute. Abortion in Honduras is illegal in all circumstances, including rape and incest. Abortions are not allowed to save a woman's life or when the fetus can't survive outside the womb. Emergency contraception is also banned. In 2021, this restriction was made even tighter when the Honduran Congress added an abortion ban to the country's constitution. Moving forward, any change to this law would require the approval of three-quarters of Congress.

Nicaragua:

Nicaragua's total ban on abortion is putting women's and girls' health and lives at risk. The country's 2006 law punishing abortion without any exceptions, even if pregnancies are life-threatening or resulted from rape. The ban has not stopped abortion but has made it more unsafe. Nicaragua has high rates of domestic and sexual violence, which can result in unwanted pregnancies from rape. In 2015, more than 6,000 citizens signed a proposal that was submitted to the National Assembly, asking the government to decriminalize abortion when a woman's life was at risk. This initiative was rejected by the Assembly with no debate held.

5. UN Involvement and previous attempts to solve the issue

The WHO released guidelines to protect the health of women and girls and help prevent over 25 million unsafe abortions that occur each year. "Being able to obtain a safe abortion is a crucial part of health care," said Craig Lissner, acting Director for Sexual and Reproductive Health and Research at WHO. "Nearly every

death and injury that results from unsafe abortion is entirely preventable. That's why we recommend women and girls can access abortion and family planning services when they need them."

In the past, the UN has urged other countries, including the Philippines, to legalise abortion in certain situations to avoid health complications and deaths associated with abortion and pregnancy that endanger the health of women.

6. Useful links

- <https://www.usnews.com/news/best-countries/slideshows/countries-with-the-most-restrictive-abortion-laws>
- <https://reproductiverights.org/maps/worlds-abortion-laws/>
- <https://www.newyorker.com/business/currency/the-devastating-economic-impacts-of-an-abortion-ban>
- <https://news.un.org/en/story/2022/06/1121312>
- <https://www.amnesty.org/en/location/africa/southern-africa/madagascar/report-madagascar/>
- <https://www.theguardian.com/global-development/2022/jul/04/abortion-pills-facebook-filipina-women-philippines>
- <https://www.newyorker.com/news/news-desk/the-price-of-senegals-strict-anti-abortion-laws>
- <https://www.reuters.com/article/jamaica-abortion-stories-idUSL8N2KG6NP>
- <https://www.aljazeera.com/news/2021/2/7/honduras-hardened-abortion-ban-these-women-remain-undeterred>
- <https://www.theguardian.com/global-development/2022/jun/30/i-couldnt-have-the-baby-hondurass-poor-suffer-most-from-draconian-abortion-laws>
- <https://www.hrw.org/news/2017/07/31/nicaragua-abortion-ban-threatens-health-and-lives>
- <https://www.who.int/news/item/09-03-2022-access-to-safe-abortion-critical-for-health-of-women-and-girls>