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YOUTHQUAKE | THE AFTERSHOCK

► **TOPIC** | THE QUESTION
GUIDE OF ABORTION LAW

HUMAN RIGHTS COUNCIL

► The Question of Abortion Law

Definition of Key Terms

Abortion: The deliberate termination of a human pregnancy performed by doctors and/or specialists.

Self-Induced Abortion: An abortion performed by a pregnant woman herself without medical assistance or knowledge. These are extremely dangerous and have resulted to be fatal in various cases.

Emergency Contraceptive: Also colloquially known as the “morning after pill”, emergency contraceptive is a drug taken after unprotected intercourse, which prevents the possibility of pregnancy.

Sexually Transmitted Disease (STD): These diseases, also commonly known as Sexually Transmitted Infections (STI), are illnesses which can be transmitted through sexual acts.

Background Information

Worldwide, some 2030 million legal abortions are performed each year, with another 10-20 million abortions performed illegally. Illegal abortions are unsafe and account for 13% of all deaths of women because of serious complications. Death from abortion is almost unknown in the United States or in other countries where abortion is legally available.

For most of the history of abortion, society has accepted that there is a time period before which it is acceptable to terminate a pregnancy. For most cultures, this time frame fell before the quickening of the fetus (40 days to 3 months, depending on the culture). In some jurisdictions, there may be exceptions to the anti-abortion stance, in instances of consanguineous incest, affinitive incest, rape, fetal defects, socioeconomic factors, maternal life and health.

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Timeline of events

1820-1900– Most abortions in the U.S. are outlawed through efforts in the American Medical Association.

1920– Lenin legalized all abortions in the Soviet Union.

1931– Mexico becomes the first nation to legalize abortion in cases of rape.

1932– Poland legalizes abortion in cases of rape or threat to maternal health.

1936– Joseph Stalin reversed most of Lenin’s reforms on the legalization of abortion in the Soviet Union in order to promote population growth.

1955– Abortion is legalized once again in the Soviet Union

1959– The American Law Institute drafts a model abortion law making legal abortions more accessible.

1965– The United States Supreme Court strikes down one of the “Comstock Laws”, legalizing contraception in certain cases.

1969– Canada passes an amendment to begin to allow abortion in selective cases for selective reasons.

1972-1980– France, West Germany, New Zealand, Italy and the Netherlands legalize abortions in limited circumstances.

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Timeline of events

1973– Roe v. Wade in the United States makes abortion on demand legal for all women in any circumstance for the first trimester. It retains the legal right for each state to legislate in the later stages of pregnancy.

1979– The People's Republic of China enacts its one-child policy, encouraging many couples to have one child only and in some cases imposing penalties for those who violate this policy.

1983– Ireland added an amendment to its constitution recognizing “the right to life of the unborn”. Abortion currently continues to be illegal in Ireland, except in cases of urgent medical need such as the endangerment of the mother's life.

1985– Ireland allowed the sale of condoms to minors without the need of a prescription.

1993– Ireland allowed the sale of contraceptives without a prescription.

1997– In South Africa, abortion becomes available on demand.

2007– The government of Mexico City not only legalizes abortions

during the first 12 weeks of pregnancy, but also offers free abortions.

2008– Abortion becomes legally accessible to women in the first 24 weeks of pregnancy in Mexico.

2009– Spain passes a bill making abortions legally accessible to women within the first 14 weeks of pregnancy.

2012– Uruguay legalizes abortion in the first trimester and makes it legally accessible to women.

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Major countries involved

Canada

Abortions are no longer illegal in Canada, though they were banned until the year 1988. The government of this North American country has since then reversed the laws that once made abortions illegal. Deemed as unconstitutional in respect to the foundation upon which Canada was established, Canada is also known for having free healthcare for Canadian citizens.

Abortions fall under the services that the national healthcare covers, but this is only applicable if the abortions are performed in hospitals. If you were to go to a clinic, like Planned Parenthood, then Canadian citizens might run into the situation where they would have to individually pay for their own abortions.

Russia

As the largest country in the world, Russia is the country that leads in the number of abortions performed on an annual basis. The most abortions per year take place in Russia, and there are no laws against abortions in Russia when the pregnancy is less than twelve weeks in length up until 2003. After that point, the Russian government extended the period during which abortions are legal, up until twenty-two weeks of pregnancy.

Reasons that constitute abortions in Russia include rape, health risks to the pregnant woman, imprisonment of the woman, the risk of death for the mom or the baby, and physical or mental disabilities to the fetus that put the unborn baby in a dangerous position.

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Major countries involved

United States of America

In 2017 President Trump reinstated and expanded a policy called the “global gag rule”. This rule states that any overseas organization which receives US global health funding cannot even mention abortion as part of their counseling or education programs—even if the money for these particular programs does not come from the US.

Even if providers think that a pregnancy will put a woman’s health at risk, they cannot tell her that abortion is an option or direct her to a safe provider. A recent study found that this policy is making a broad range of services less accessible, including contraceptive services, HIV/AIDS testing and treatment, cervical cancer screening and support for survivors of gender-based violence. Moreover, 73% of Americans want abortion to remain safe and legal; the lawmakers putting these extreme restrictions on abortion access do not represent the views of most Americans.

An independent poll released in January 2019 found that two-thirds of Americans think abortion should be legal in “all” or “most” cases, and 73% are opposed to overturning *Roe v. Wade*.

Dominican Republic

Abortion is illegal in the Dominican Republic in all circumstances, even when a pregnancy is life-threatening, unviable, or the result of rape.

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Major countries involved

Syria

Induced abortion is generally illegal in the Syrian Arab Republic. Under the Penal Code of 22 June 1949. A person who performs an abortion on a woman with her consent is subject to one to three years' imprisonment. A woman who performs her own abortion or consents to its performance is subject to six months' to three years' imprisonment. Penalties are reduced if the abortion is performed by the woman to save her honor.

San Marino

Abortion in San Marino is generally illegal. Articles 153 and 154 of the Penal Code impose prison sentences for any woman who procures an abortion, any person who helps her and any person who performs the abortion. Abortions performed to save the life of the mother are generally permitted by legal principles of necessity, but the law makes no specific exceptions.

Previous Attempts to Solve the Issue

Organizations such as the World Health Organization and mainly Amnesty International have helped raise awareness about the issue with numerous campaigns, such as my body my rights. With these campaigns, women in developing countries have been enlightened about their options regarding contraceptives. These women have also been educated about the dangers of self induced abortions. With women standing up for their rights and winning cases in court, several amendments to constitutions have been enacted.