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**Creating a Universal Baseline for Abortion Rights**

**CSW**

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## Introduction

Abortion is the legal right enabling biological women to terminate pregnancy by removing an embryo or fetus. This can happen for a multitude of reasons. The reasons for abortion can also vary on a large spectrum. Some of the reasons for abortion include financial stress, interference with education, ability to care, and, in general, not wanting an infant at that specific time ("68th United Nations Commission").

Currently, the issue regarding abortion rights is one of the most polarizing debates within international human rights law and especially within the Commission on the Status of Women. Within some countries, abortion is completely legal and can be executed in a safe manner with care ("Abortion Is a Human"). This creates a positive experience for women, and they feel secure as they receive the needed practices safely. However, other nations impose serious restrictions, frequently rooted in religious, cultural, or political beliefs. Yet, this inconsistency and disparity has created uneven access to abortion from a global perspective, which inevitably leads to unsafe procedures and perhaps avoidable deaths ("Where Do Abortion Rights").

This report will discuss the issue of abortion rights and outline the challenges and opportunities. Additionally, the report will establish a universal baseline for abortion rights, ensuring improvement in access to equitable healthcare and gender justice for all. The universal framework aims to bridge global disparities and inequalities, promote gender equality as well as emphasize reproductive choice.

## Definition of Key Terms

### Abortion rights

Abortion rights are the legal rights that enable an individual to have safe access to abortion services. These rights change depending on the geographical location, like country or state. For example,

in the United States of America, each state has its own abortion laws that pair with abortion rights. Many states view this issue differently, and therefore, a state-wise decision is made. In other countries, the whole nation will follow one set of rights.

### **Reproductive Autonomy**

The power to make a choice and act on decisions regarding contraception use, pregnancy, and generally reproduction. Reproductive autonomy refers to the right that an individual has in terms of making decisions for their body.

### **Unsafe abortion**

An unsafe procedure executed by untrained individuals to terminate pregnancy occurs, especially in places where abortion is illegal, often leading to severe health risks or death. These usually occur in low-income and less economically developed countries that lack trained individuals or safe environments for this process. When unsafe abortions arise, they could lead to a multitude of diseases, sicknesses, and irreversible illnesses. Some of these include severe health complications, infections in sensitive parts, psychological trauma and effects, or even death.

### **Universal baseline**

The universal basis is a framework that can be applied globally, ensuring consistency. Having a universal baseline ensures everyone is treated the same way, especially regarding human rights. The universal baseline regarding abortion rights sets minimum standards to ensure adequate, safe access to abortion and other pregnancy processes. The universal baseline is set while accommodating Western perspectives as well as cultural and religious contexts.

### **Gender Justice**

Gender justice is a principle and framework that addresses gender disparities, ensures equal opportunities for all genders, and is not advantageous towards a specific gender. Regarding abortion, the significance of biological women receiving minimum safe healthcare is a part of gender justice as well as protection from discriminatory laws.

## **General Overview**

Abortion laws and rights have been recognized by international corporations like the UN. However, access to these laws remains highly inconsistent from a global perspective. According to the World Health Organization (WHO), around 50% of the total number of abortions that are performed annually are unsafe, this correlates to approximately 25 million unsafe abortions ("Rights to Sexual and"). This means that every other abortion that has been practiced and may result in fatal consequences is unsafe. A large percentage of unsafe abortions are from nations that continue to have restrictive laws based on religion, culture, or political views. Especially in low to middle-income countries, unsafe abortions contribute to more than 10% of maternal deaths ("68th United Nations Commission").

Many less economically developed countries face political clashes on the issue of abortion and have banned the practice. However, biological women will tend to find other ways to terminate the unborn child. One of the most common ways is to have an unsafe abortion. This would include visiting an untrained professional who would cut open a woman's body, take the fetus out, and then stitch the tissue in their body up again. This practice has hundreds of reasons why it is unsafe and dangerous.

One of the reasons is that the body is in the hands of an untrained professional, which could be dangerous in itself. Additionally, as abortion is illegal in many countries, unsafe abortions would need to be practiced in secret, away from the public eye. These environments may not be safe for an abortion as the woman would need to expose sensitive parts of the body. Adding on, as abortions are illegal, they usually occur at night, providing limited light for the tedious procedure. Another reason why illegal abortions are unsafe is that the materials used in the abortion, such as a scalpel, may not be sterile. Exposure to dirty environments, as mentioned before, may increase bacteria in certain materials used, which can negatively affect the outcome of the process. Lastly, illegal abortions in countries where the practice is banned may entail that they will be extremely expensive, knowing the condition of the woman in dire need of the procedure. Costing an absurd amount for an abortion is a way of exploiting the desperation of individuals needing it. Additionally, because of the environmental conditions, hidden operations, and medical technology (if any), providers will charge more.

Additionally, over the decades, more ways of terminating a child have been found, rooted in low-income areas. Unsafe abortion isn't the only way a mother can lose their child. There are multiple other unsafe ways, such as ingesting toxic substances like alcohol, herbal substances, and bleach. Even

though the reliability of this method is not high and will most likely lead to liver or kidney failure, severe death, and fatality, many women made 'homemade' recipes that will terminate the baby. Another method is to fall physically (including hitting the stomach and applying extensive pressure on the stomach), which causes uterine disruption and can affect the health of the pregnancy. Moreover, inserting items into the uterus, knitting needles or other sharp items to end a pregnancy is one of the most harmful ways. By entering a sharp object inside the uterus, severe infections are caused, usually uncontrollable bleeding, as well as fatality chances are high. Even though all of these other methods are extremely unsafe, hundreds of women use them to terminate their pregnancies, as abortions are not legal in their country or state.

More economically developed countries (MEDC) like the Netherlands, Canada, and Sweden have liberal abortion laws that ensure access with minimal to no restrictions and safe practices for all ages ("The World's Abortion"). In the Netherlands, for example, abortion is even free if you are a resident or have a working job that pays taxes. Showing proof of Dutch insurance is enough to be eligible for an abortion. Moreover, for girls above 16, the Dutch government offers to not put the abortion on their medical records, as it may raise questions in households where abortions are frowned upon. For minors that are under 16, a parent or guardian must be present to sign the paperwork and be present for the aftercare of the situation. With these laws, the Netherlands models how safe abortions are handled, and this is correlated to their quality of healthcare as well. The Netherlands has one of the lowest abortion rates, and 1 in 5 pregnant women who opt for an abortion have an extremely low failure rate. This shows that through safe practices, a significant number of women are saved from suffering from infections and physical and mental trauma.

Yet, other nations, including Malta, the Philippines, and El Salvador, have completely imposed near-total bans that criminalize abortions no matter the circumstance (Bonitatibus). Many countries have a role in the middle ground with conditional access to abortion, for example, in India and South Africa, abortions are allowed on a case basis like rape or sexual assault threats, yet due to logistical barriers and the negativity around the practice as a whole culture wise, access to abortion can be quite troublesome ("Abortion Is a Human"). Especially in countries that heavily rely on traditional practices, abortion is seen to be frowned upon. For example, South Africa has laws that abortion is legal. However, the practices are logistically sometimes impossible to carry out due to a lack of untrained professionals and sometimes cultural stigma, primarily in rural areas of the country.

Another example of a semi-conservative perspective is India. In the country, it is legal to carry out such practices and was recently amended for more access for women. The law states that the abortion must take place within the first 20 weeks of pregnancy. However, there are exceptions. These exceptions include minors, survivors of rape or sexual assault, and related crimes. In these cases, the abortion can take place within the first 24 weeks.

Additionally, after the 2021 amendment to the abortion laws, women no longer need spousal approval for abortion and have the reproductive liberty to choose whether they would like to keep the child or not. However, in India and other traditional countries, they prefer having a boy child. It has happened in some cases that if women feel like (through superstition or other cultural practices and stories) and know that they will have a baby girl, they will get an abortion as they would rather lose their child than have a girl. These cases usually occur in extremely rural locations, where boys can bring an income home through farming or other methods, and girls are taught to sit inside the house and learn to cook. This is a misuse of abortion, and the government is looking into how to make sure the rules of abortion are not exploited yet are accessible for all women in developed and rural village areas in India.

Many conservative parties, social organizations, and religious communities like the Catholic Church oppose abortion on ethical and moral grounds ("The World's Abortion"). Their perspective depicts that abortion is seen as 'murder' and that the act of killing an innocent fetus is the worst sin that a mother can commit (Keegan). Contrastingly, liberal organizations like Marie Stopes International advocate and Planned Parenthood, among a multitude of others, advocate for the expansion of access to safe abortion ("Q&A: Access to Abortion").

Recently, there has been a public outcry on this issue, and it has become one of the most discussed issues, especially from a political point of view. With this outlast, many feminists have coined the term 'reproductive justice' in the United States of America. This specific genre of justice discusses procreative liberty, which is the freedom to have a choice and act upon a right, not what is dictated to a community of biological women. Additionally, many feminists see this issue as a gender inequality issue, this is where they pose the question, "Can you think of any laws that give the government power to make decisions about the male body?". This question was said by Kamala Harris at a recent conference at the Supreme Court. One of the judges responded in a stuttering manner, "I'm not aware — I'm not —

thinking of any right now, senator." This shows that there are laws that instruct what women should do with their bodies, however, there are none for men. From a feminist perspective, politics is traditionally a male-dominated field, and this gives reason why abortion is politicized frequently, as it is men who are deciding the rules for women.

From a historical point of view, the act of abortion has been practiced for centuries, however, due to religious influences, predominantly in the 19th century, it slowly shaped into a negative connotation ("Q&A: Access to Abortion"). This has many reasons, like religious influence, cultural values, and stigma.

In various traditional religious societies, which include Catholicism and Islam, abortion is seen to be morally wrong as it violates the values and beliefs about life. In Catholicism, for example, the life of a living organism is considered sacred and valued from the moment of pregnancy, which shows that countries following this religion usually have stricter rules regarding abortion bans.

Additionally, in many societies, the concept of abortion is frowned upon as they view the process of becoming a mother as a core component of a woman's identity and, therefore, may be seen as rejecting the traditional roles of a woman. Moreover, particularly in cases where the abortion is connected to an out-of-wedlock situation, the situation is seen with shame and dishonor, as the act of intercourse should only happen after marriage in certain cultures.

Since the 1960s, many feminist movements have been formed to advocate for the advancements in medical technology, leading to progressive reforms regarding abortion in countries like the United Kingdom and the United States of America ("Rights to Sexual and"). These restrictive laws highlight systemic gender inequality, as they strip biological women of their proactive liberty, forcing them to continue carrying pregnancies against their will and exposing them to various health risks, no matter the case (Bonitatibus).

Recent developments have made this issue more public on social media, which highlights the ongoing challenges and the crucial need for a universal baseline to establish collaborative international abortion rights and, therefore, also promote gender equality (Keegan).

## Timeline of Key Events

| Date      | Event   |
|-----------|---|
| 1803      | The United Kingdom enacts first abortion law which criminalizes abortion  |
| 1850      | Under colonial and religious influences, other European nations also adopted abortions laws which were restrictive  |
| 1920      | The Soviet Union becomes the first nation to legalize abortion by request of emphasizing women's rights and public health   |
| 1935-1970 | Other countries legalize abortion, for instance Iceland, United Kingdom and Sweden  |
| 1973      | The Supreme Court in the United States after <i>Roe v. Wade</i> legalize abortion nationwide  |
| 2022      | The Supreme Court overturns <i>Roe v. Wade</i> with the case <i>Dobbs v. Jackson Women's Health Organization</i> , this bans abortion in certain states, while in others abortion is still legal. This creates a disparity in the patchwork of laws |

## Major Parties Involved

### United States of America

According to the 2022 *Dobbs v. Jackson Women's Health Organization* case, abortion policies vary by state, creating a patchwork of abortion laws throughout the country.

### World Health Organization (WHO)



Advocates for safe abortion access for universal healthcare. The World Health Organization specializes in overall healthcare, which includes the baseline for abortion rights. As this is a worldwide organization, it promotes a certain perspective that can be applied universally.

### **The Catholic Church**

A stern opponent of abortion, for reasons mentioned before, influences national policies in nations such as the Philippines and El Salvador. Due to political, cultural, or religious perspectives, some communities, including the Catholic Church, see abortion as a sin and the murder of a child. Instead, they suggest giving birth to the unborn fetus.

### **Pro-Choice Organizations**

Pro-choice organizations are groups that promote bodily integrity and procreative liberty. These organizations, such as Planned Parenthood and the Center for Reproductive Rights, amongst many more, aim to expand access to abortion services. Moreover, these groups also emphasize the gender equality and human rights perspective of this issue.

## **Possible Solutions**

Possible solutions include promoting comprehensive sexual education in school curriculums and mandating age-appropriate education to raise awareness and reduce unintended pregnancies. Comprehensive sexual education is crucial to reducing unintended pregnancies and, therefore, lowering the demand for unsafe abortions. By understanding the consequences of certain actions from a young age, individuals can make more informed choices (Bonitatibus). These programs should have an emphasis on contraception use, reproductive health, as well as reproductive liberty.

Another solution is to adopt a universal framework that guarantees safe and legal access to all abortion services while respecting religious considerations when necessary. With the creation of a globally recognized framework, unsafe abortion rates should decrease. The framework could outline the minimum standards for abortion access. The framework should emphasize ensuring legal access to abortion in certain cases involving rape, sexual assault, or other threats to maternal health. Additionally, providing information and healthcare infrastructure is crucial to support safe abortion services.

Moreover, having a stronger international collaboration is another solution for creating a universal baseline for abortion rights. With the aid and help of governments, NGOs, and large international organizations, they could collaborate to share the best practices and research between nations and, therefore, also provide public awareness campaigns. The Commission on the Status of Women can be used as a platform for fostering this collaboration and developing consensus.

## Further Reading

For further reading, please refer to the official Commission on the Status of Women website, which will give more information on abortions: <https://www.unwomen.org/en/how-we-work/commission-on-the-status-of-women>.

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