

## Public Interest Litigation to secure abortion access in Nepal

Five years ago, Nepal legalized abortion on broad grounds, but the right to safe abortion services is still not a reality for many women because the government has neglected to fully implement its own law. Specifically, the government has failed to ensure that this essential health service is affordable and available to all women who need it. In a 2006 report, the government of Nepal acknowledged that women are still dying from unsafe abortions.<sup>1</sup> In fact, Nepal has one of the highest maternal mortality ratios in the world, and deaths from unsafe abortion are a major contributor.<sup>2</sup>

The majority of women—poor and living in rural areas—suffer most by the government’s failure to ensure access to safe abortion services. Government abortion providers are available in very limited numbers in only 68 of the country’s 75 districts,<sup>3</sup> and most are clustered around urban areas.<sup>4</sup> The cost of a legal abortion ranges from Rs. 900 to Rs. 2000<sup>5</sup> and represents a significant barrier for poor women. Often, women are denied access to safe abortion procedures in government hospitals that provide services only on certain days of the week or require multiple visits leading to significant delays.<sup>6</sup>

Only women ever need access to abortion. By failing to ensure that this essential health service is affordable and available, the government is discriminating against women and thereby violating their basic human rights. Now that Nepal’s interim constitution has recognized women’s reproductive rights as fundamental rights, it is time for the government to stop discriminating against women and fulfill its obligation to make abortion available and affordable to all women who wish to safely terminate their pregnancy.

Melissa Upreti, a Nepalese citizen and lawyer at the Center for Reproductive Rights, in collaboration with public interest organizations such as the Forum for Women, Law and Development and other concerned individuals, has filed a case before the Supreme Court of Nepal calling on the government to protect women’s lives by immediately expanding access to safe abortion services; launching vigorous campaigns to provide information about the negative consequence of unsafe abortion; establishing an official fund to cover the cost of services for low-income women; and providing compensation to a woman, one of the petitioners in the case, who was not able to have a timely abortion due to the prohibitive cost of the service.

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<sup>1</sup> GOVERNMENT OF NEPAL MINISTRY OF HEALTH AND POPULATION, WORLD HEALTH ORGANIZATION, AND CENTRE FOR RESEARCH ON ENVIRONMENT HEALTH AND POPULATION ACTIVITIES, *Unsafe Abortion: Nepal Country Profile*, July 2006.

<sup>2</sup> *Id.*, p. 3.

<sup>3</sup> *Id.*, p. 45.

<sup>4</sup> *Id.*, p. 39.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*, p. 40.

Reproductive rights are firmly rooted in the most basic human rights principles. Countries like Nepal that have ratified international treaties recognizing reproductive rights as human rights have an immediate obligation to protect women against discrimination in access to health care and to fulfill women's reproductive rights by implementing laws and policies that respect, protect and fulfill these rights.