

# A GLOBAL VIEW OF ABORTION RIGHTS

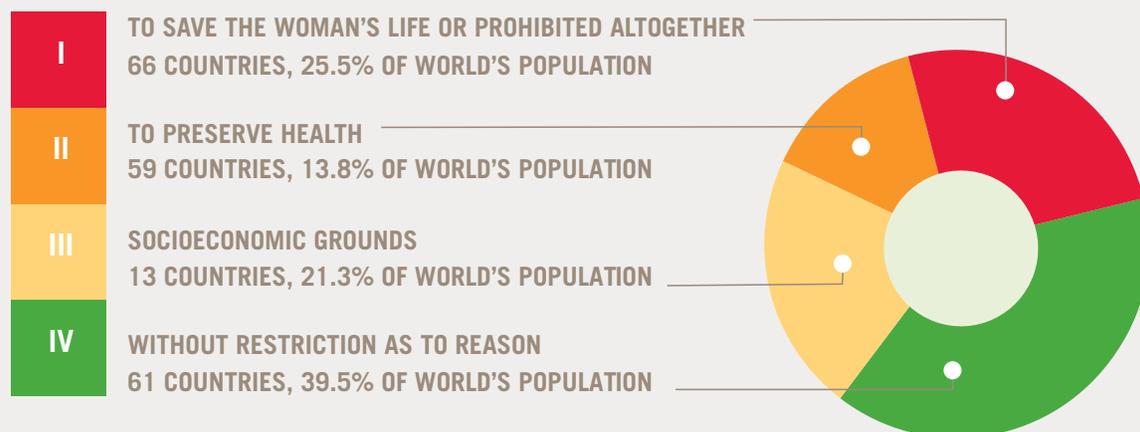
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Since 1998, the Center for Reproductive Rights has produced **The World's Abortion Laws** map to visually compare the legal status of induced abortion in different countries—and to advocate for greater progress in ensuring access to safe and legal abortion services for all women worldwide.

The legal status of abortion is an important indicator of women's ability to enjoy their reproductive rights. Legal restrictions on abortion often cause high levels of illegal and unsafe abortion, and there is a proven link between unsafe abortion and maternal mortality.

We offer this publication as a resource for human rights advocates working on abortion law reform—and as a means of both tracking progress and identifying the challenges that must still be overcome.

## CATEGORIES OF ABORTION LAWS FROM MOST TO LEAST RESTRICTIVE AND THE COUNTRIES AND PERCENTAGE OF THE WORLD'S POPULATION WITHIN EACH CATEGORY



# MAPPING THE TRENDS

## **Countries worldwide are liberalizing their abortion laws**

Between 1950 and 1985, nearly all industrialized countries—and several others—liberalized their abortion laws. In 1994, 179 governments signed the International Conference on Population and Development Programme of Action, signalling their commitment to prevent unsafe abortion.<sup>3</sup> Since this important milestone, more than 30 countries worldwide have liberalized their abortion laws—while only a handful have tightened legal restrictions on abortion.

## **Countries in the Global North and central and eastern Asia generally have the most liberal abortion laws**

These countries generally permit abortion either without restriction as to reason or on broad grounds, such as for socioeconomic reasons. However, some countries in these regions, including Poland, Malta, and the Republic of Korea, maintain restrictive abortion laws that run counter to the regional trend.

## **In contrast, countries in the Global South have generally adopted restrictive abortion laws**

Most countries in Africa, Latin America, the Middle East, and southern Asia have severe abortion laws. Yet there are important outliers to this trend, such as the liberal laws in Uruguay, South Africa, Zambia, Cambodia and Vietnam.

## **Restrictive abortion laws jeopardize women's lives and health**

The World Health Organization (WHO) recognizes that in countries with restrictive abortion laws, induced abortion rates are high, most abortions are unsafe, and women's health and lives are frequently jeopardized. Legal restrictions on abortion do not reduce the likelihood that women facing an unplanned pregnancy will seek abortion services. Instead, they compel women

to risk their lives and health by seeking out unsafe abortions. Where induced abortion is highly restricted or unavailable, “safe abortion has become a privilege of the rich, while poor women have little choice but to resort to unsafe providers.” Conversely, the removal of legal restrictions on abortion has shifted previously clandestine, unsafe procedures to legal and safe ones, resulting in reduced rates of maternal mortality.

Abortion rates and maternal mortality due to unsafe abortion are the lowest in the world in Western Europe, home to the most permissive abortion laws. In countries where abortion is legal, maternal morbidity and mortality are generally lower because abortions are performed by trained professionals and are safer, more available, and more affordable.

The liberalization of abortion laws, accompanied by expanded access to contraceptive services and sexuality education, allows governments to prevent unwanted pregnancy while ensuring that safe and legal abortion is available to any woman who chooses to terminate a pregnancy.

## **Liberalizing abortion laws is not enough; countries must make abortion services accessible in practice**

Despite the positive trend toward liberalized abortion laws globally, gaps in the implementation of abortion laws and procedural barriers hindering access to abortion services impede scores of women from accessing such services.

In 2009, for example, the Supreme Court of Nepal ruled that the country's abortion law had not been sufficiently implemented because the cost of legal abortion services rendered it impossible for a woman to obtain them. The court ordered the government to

develop a comprehensive abortion law and create a fund to cover the cost of abortions for women who are unable to pay. In 2012, the European Court of Human Rights found for the third time that Poland had violated its obligation to ensure effective access to legal abortion services because the country lacked a comprehensive legal framework for implementing its abortion law.

Additionally, some women in countries with permissive abortion laws may also be unable to obtain abortion services because of burdensome procedural barriers, including mandatory and biased counseling requirements, waiting periods, third-party consent and notification requirements, limitations on the range of abortion options (such as restrictions on medical abortion), conscience clauses, limitations on abortion funding, and abortion advertising restrictions. In addition to impeding access to abortion services, these burdensome procedural barriers demean women and undermine their autonomy in making decisions about their lives.

Governments have an obligation to guarantee women access to abortion services, including by establishing procedures that govern and ensure access to legal abortion services, and by removing procedural barriers restricting access.

### **Safe and legal abortion is a woman's human right**

A woman's right to safe and legal abortion is supported by numerous binding international treaties, grounded in the rights to life; health; liberty and security of person; privacy; equality and non-discrimination; information; freedom from cruel, inhuman or degrading treatment or punishment; and the enjoyment of the benefits of scientific progress.

Official UN human rights bodies and independent human rights experts have recognized on numerous occasions that governments violate these rights when they make abortion services inaccessible, repeatedly and consistently calling on governments to improve access to safe and legal abortion services and liberalize legislation criminalizing and prohibiting abortion.

**Over 30 countries** have liberalized their abortion laws **since 1994**, expanding the grounds under which women can legally access **abortion services**.

**47,000 women** die from complications of **unsafe abortions** annually, according to the World Health Organization.

**Globally,** roughly **39%** of the world's population lives in countries with highly restrictive laws (those that **prohibit abortion** altogether, or allow the procedure only to save a woman's life, or to preserve her health).

In the landmark case of *K.L. v. Peru*, the UN Human Rights Committee recognized that the failure of the Peruvian government to ensure legal abortion services for a 17-year old girl carrying an anencephalic fetus violated her rights to privacy and freedom from cruel, inhuman or degrading treatment, among others.

Additionally, in the case of *L.C. v. Peru*, the UN Committee on the Elimination of Discrimination against Women found that the government's denial of legal abortion services to a 13-year old girl whose health was at risk constituted discrimination against women and reinforced gender stereotypes.

Furthermore, the International Conference on Population and Development Programme of Action and subsequent international consensus documents explicitly link governments' duties under international treaties to their obligations to prevent unsafe abortion, to ensure safe and accessible legal abortion services, and to review punitive measures against women who undergo illegal abortions, in order to uphold women's reproductive rights.

Regional bodies have also recognized the right to safe and legal abortion. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, for example, imposes an explicit duty on governments to change their laws to guarantee a right to abortion under certain circumstances. Furthermore, the European Court of Human Rights has repeatedly ruled that states have a positive obligation to protect women's human rights by establishing effective mechanisms for ensuring access to legal abortion services.

International human rights norms regarding abortion underpin the recognition of the right to abortion in many national laws and policies. In 2006, Colombia's Constitutional Court found that "women's sexual and reproductive rights have finally been recognized as human rights, and ... have become part of constitutional rights, which are the fundamental basis of all democratic states." The court then overturned Colombia's abortion

ban, and ruled that abortion must be permitted when a pregnancy threatens a woman's life or health, in cases of rape and incest, and in cases where the fetus has malformations incompatible with life.

### **The bottom line**

The Center for Reproductive Rights believes that governments must respect a woman's human right to make decisions regarding her reproductive life—including her decision to either carry a pregnancy to term or seek an abortion. Liberalizing restrictive abortion laws and investing in safe abortion services is an essential step toward guaranteeing women's fundamental rights and saving the lives of thousands of women every year.

Where restrictive abortion laws place women's lives and health at risk by forcing them to undergo unsafe procedures, governments must take legislative action to remove laws that prohibit and criminalize abortion. Governments must establish and implement protocols and procedures to ensure the accessibility and availability of safe abortion services. Governments should expand the grounds for legal abortion and remove procedural barriers that restrict access to safe abortion services.

Lawmakers and leaders must allocate resources to improve the quality of abortion care and ensure that healthcare providers are adequately trained to offer safe abortion services, as well as improve access to sexuality education and contraceptive information and services to reduce rates of unwanted pregnancies and induced abortion.

It is crucial that governments be held accountable for making women's human rights a primary consideration and making abortion services safe, legal, and accessible.

[To order or download a copy of \*The World's Abortion Laws\* map, or to view our interactive map, please visit \[www.worldabortionlaws.com\]\(http://www.worldabortionlaws.com\).](#)