

General Assembly

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Peace and conflict: Policies to determine legal and ethical legitimacy of
abortion

Topic: 1

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Introduction

Abortion has been a widespread medical procedure in society for thousands of years, but it has been limited and restricted for just as long given its highly controversial status. One of the most thoroughly debated and polarizing topics in the modern day, the abortion debate centers around what constitutes human life, the right of a woman to her body, and the responsibilities of parenthood (economic and time/attention-wise). On both extremes there are consequences to consider;

In the scope of heavy restriction, we can observe the 47,000 maternal deaths occurring from unsafe abortions annually. Most of these are in developing countries, who have both the strictest laws against abortion (Mishra) and many other problems, among these including child neglect. If abortion is open access, the moral dilemma of 'Where and how do you draw the line between an individual human and a part of your body?' is brought up. What would separate dependence on the mother to survive by a baby in the womb and a baby that was just born? Without a general consensus, the slippery slope comes into play, and significant problems will follow one way or the other.

In deeply religious countries, such as Egypt and Ireland, the religious connection to the sanctity of life has led to minimal progress regarding abortion rights. Lawmakers of almost all similarly religious countries are hesitant to liberalize abortion even in the face of clear health benefits of liberalization, solely due to the political implications of putting religion as a second priority. However, in countries with the same attachment to religion AND which are less developed, like Papua New Guinea and Angola, the lack of education seems to be another factor. There is not much of a voice among the poor women who are deeply affected.

Although religious reasoning has been phased out of abortion law in countries like France, it has also caused the recent widespread challenges to Roe v. Wade among state legislatures in the US. Many states which recently passed or considered bills heavily restricting abortion have a large Christian Protestant population, which, along with the election of a conservative president is most likely behind the sudden outwardness regarding the disapproval of abortion. With the widely upheld idea that the demand for abortions is a specific demand which realistically wouldn't increase if it was legalized, there stands the risk of the normalization and popularization of it as an alternative to contraception. This is seen in Russia, who, as the USSR, was one of the first countries to liberalize abortion. This created an 'abortion culture' of sorts and resulted in rampant abortion rates.

Clearly neither side is perfect, but through thorough debate and discussion, the different viewpoints may be able to find a middle ground. Hopefully, it is possible to create a viable solution which considers all of the wide implications for the diverse demographics affected by any action.

Definition of Key Terms:

Abortion:

The medical termination of a pregnancy before the fetus can survive outside of the womb.

Viability:

The point in fetal development at which the fetus has the potential to survive outside of the womb. This typically occurs around the 24th to 28th week of gestation.

Roe v. Wade:

A U.S. Supreme Court case in 1973 that legalized abortion in the United States, establishing a women's right to choose to have an abortion up to certain limits. This decision has had a profound and enduring impact on reproduction rights and abortion policy in the United States.

Pro-Choice:

A stance advocating for women's right to make decisions about her own body, including the choice to have an abortion. Pro-choice proponents believe that a woman should have the autonomy and freedom to choose whether to continue or terminate a pregnancy, without a government interfering or restricting, as long as it is within a legal framework.

Pro-Life:

A stance advocating for the protection of fetal life and therefore opposing abortion. Pro-life proponents believe that human life begins at conception, and therefore, terminating a pregnancy through abortion is morally wrong and is perceived as the unjust taking of an innocent human life.

Gestational limit:

The legal restriction or cutoff point in a pregnancy beyond which abortion is not more permitted or subject to stricter regulations.

Post-Abortion care:

Medical and psychological support provided to individuals after undergoing an abortion, whether it was a legal or a potential dangerous procedure.

Contraception:

Methods used to prevent pregnancy, which can play a role in reducing the need for abortion.

Background Information

Abortion has been a widespread medical procedure in society for thousands of years, but since the beginning it has been limited and restricted, given its highly controversial status. One of the most debated and polarized topics in the modern day, the abortion debate is centered around what constitutes human life, the right of a woman to her body, and the responsibilities of parenthood. On both extremes there are consequences to be considered.

Essentially every major country has had laws of regulating or banning the use of abortions. In the past, only medical emergencies, usually defined as the mother's life being in danger, was the only valid reasoning for abortion. Only in the past century have steps been taken to legalize it in cases outside of this. Anti-abortions arguments come from multiple historical origins, some of which are still valid to this day. The first is the religious interpretation; almost all major religions including Buddhism, Christianity, Islam and Judaism tend to be against the idea of abortions in most cases, due to their belief in the sanctity of life. Another origin is the interpretation of what it means to be alive; some believe that a fetus is considered human from conception. These arguments would make abortions to be perceived as morally wrong. Additionally, there have been many women in the past who have been injured or killed due to unprofessional abortions or intentional miscarriage procedures, thus believing that abortions is too risky of a procedure to be normalized and legalized. However, nowadays these unsafe abortion procedures are almost always caused by its restricted access in that area.

This train of thought has led some developing countries, which tend to lay a higher value on religion, to implement and maintain very strict abortion laws. According to a UN report from 2021, "Around 45% of abortions are unsafe, of which 97% take place in developing countries." Additionally, some countries may be strict with the legalization of abortions, due to its interference with laws regarding the preservation of life, which is stated in Article 2. Each year, 4.7- 13.2% of maternal deaths can be attributed to unsafe abortions annually. According to WHO, every 8 minutes a woman in a developing nation will die of complications arising from unsafe abortions.

Even in places where these obstacles are mostly overcome, women and health care providers need to be educated about the availability of legal and safe abortion, and women need better access to postabortion services. However if abortion is open access, the moral dilemma of 'Where do you draw the line between an individual human and a part of your body' will arise.

According to the center reproductive rights, there are 24 countries in the world where abortion is completely prohibited. Specifically in deeply religious countries such as Egypt and Honduras, the religious connection between the sanctity of life has led to minimal progress regarding abortion rights. Governments and Lawmakers in these regions are hesitant to liberalize abortion even in the case to save the women, solely due to the political implication of putting religion as a second priority. However, in countries with the same attachment to religion and which are less developed like Angola and Rwanda, the lack of education for the female rights seems to be another factor.

Since the sexual revolution in the 1960s, many larger countries have begun to take large steps into making abortion acceptable on request from the mother, albeit mostly with a gestational limit. A common argument in support of total liberalization is that the future child would not live a successful or fulfilling life due to several socio-economic factors. Many countries have a lacking adoption and foster care system, which could lead to trauma psychological problems in the future and lastly, many families in poverty would not be able to afford to raise a child.

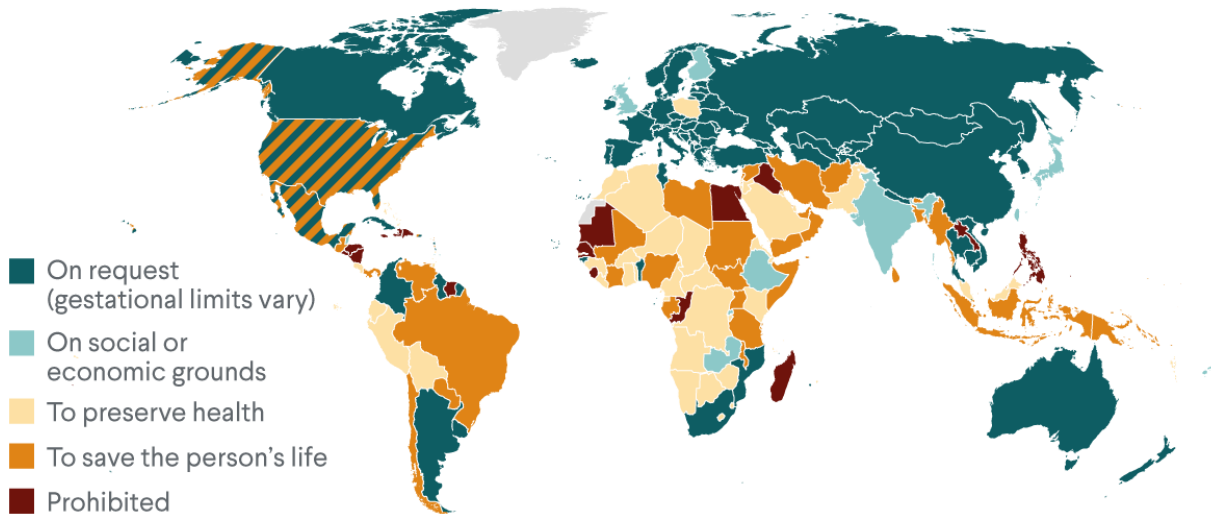
Although this is enough reasoning today in countries such as France and the religious reasoning has been phased out, it is not the same in a country as diverse as the US with several states disagreeing on its abortion restrictions and wanting to strike down Roe v. Wade. Many states that still pass heavily restricting abortion laws, such as Mississippi, have a large Christian Protestant population. In 2021 Texas passed a law allowing private citizens to sue anyone they suspect of providing or facilitating an abortion. With the widely upheld idea that there stands the risk that demand for abortions could be normalized and popularized to the extent that it would be used as an alternative to contraception. This was seen in Russia, who was one of the first countries to liberalize abortion, which led to an 'abortion culture' and resulted in rampant abortion rates.

One conflict towards the pro-choice thought is that the baby's life doesn't matter, and that it is entirely the mothers decision with what happens to that future fetus. Since it is her body, as a result it is her responsibility and decision. However two major problems arise from this perspective. What should be considered neglect

or abuse of a child? Also, where would the line be drawn between infanticide and a personal decision about ones body?

Major Countries Involved:

Access to abortion as of June 2022



According to a 2022 Council on Foreign Relations report, countries abortion laws can be generally divided into:

On request

Abortion on request means that doctors are not required to attest to, or certify the existence of a particular reason or justification for abortion.

On social or economic ground

These countries have laws that are generally interpreted liberally that permit abortion in a broad range of circumstances.

To preserve health

Legalization of abortions services solely to preserve women's health.

To preserve the person's life

These countries have laws to ensure that pregnant individuals can access safe and medically necessary abortions only when their life is at risk due to their pregnancy.

Prohibited

Countries that have laws in place that either ban or severely restrict the access to abortion services in any circumstances.

United States of America

In the United States the restrictions vary from state to state, with some only allowing access to safe abortions when the individual's life is at risk. However, since *Roe v. Wade*, most states allow abortions on request and generally abortion in the U.S. is widespread and common. One of the significant developments was in 2021 the implementation of a highly restrictive abortion law in Texas, known as the Senate Bill 8. The law effectively banned all abortions after 6 weeks after gestation, a point at which many people may not be yet aware of their pregnancy. It allowed private citizens to sue anyone who aids or abets an abortion in violation of the law.

Russian Federation

During the Soviet era abortion was legalized in Russia in 1920 as part of the reproductive rights policies. This decision was driven by the Soviet government's efforts to promote women's equality and control population growth. Russia is the country with the highest rate of abortions by a significant margin. Abortions are legal until 12 weeks at the mothers request and until 22 weeks in the case of rape and medical complications. In recent years, Russia has taken various measures to encourage childbirth and reduce abortion rates by providing financial incentives. Some policymakers and religious groups have advocated for stricter abortion regulations. This is an example of pro-lifers' argument about countries withdrawing when abortion becomes 'casual'.

China

Due to China's objectively immense population, abortion is legal on request. This is done to maintain control over its enormous population, which in the past was done through other measures (such as the one child policy). Abortions were used as a means to enforce the policy's restrictions. In 2015 the National Peoples Congress modified the 'One-Child Policy' to a 'Two-Child Policy' and in 2021 to a 'Three-Child Policy' This could possibly signify China's newfound openness to legislation regarding reproduction.

India

In India the Medical Termination of Pregnancy Act was passed in 1971. Under the act, abortions must be approved by two doctors before 20 weeks and the high court after that. The biggest problem remaining is that the population in the rural poor are not capable of accessing two doctors. There have been ongoing discussions and proposals to amend the Medical Termination of Pregnancy (MTP) Act in India. These discussions have included potential changes to the gestational limit for abortions. Additionally, certain abortion-related regulations during COVID-19 were relaxed.

Brazil

Brazil is deeply Roman Catholic, and as such abortions are illegal outside of the extreme cases. Abortion in Brazil is regulated by the Penal Code, which dates back to 1940. Under the Penal Code, abortion is generally considered a crime, except when the life of the pregnant women is at risk, in case of rape or incest and when the fetus has a severe congenital anomaly. There are conservative segments of society, often influenced by religious beliefs, that advocate for strict abortion restrictions. At the same time, there are progressive voices that argue for expanded access to safe and legal abortion services. Despite the restrictive laws, Brazil has a relatively high rate of unsafe abortions as they seek abortions outside the formal healthcare system.

Egypt

Egypt's legal framework regarding abortion is primarily governed by Islamic law, which takes a conservative stance on abortion. Egypt's Penal Code criminalizes abortion except in cases where the pregnant woman's life is at risk due to the continuation of the pregnancy. In such cases, an abortion may be legally performed with the approval of two physicians. Abortions for reasons other than preserving the mother's life are prohibited. Egypt's population is predominantly Muslim, and Islamic principles and cultural norms play a significant role in shaping attitudes toward abortion. While there may be some public awareness campaigns regarding reproductive health and family planning, discussions about abortion in Egypt are often influenced by social stigma, and the topic is generally not openly discussed.

Poland

In 1973, Poland passed a law permitting abortion in a broad range of circumstances, including cases of rape, fetal anomalies, and risk to the life or health of the pregnant woman. However after the fall of communism in Poland in 1989, there was a shift in the country's political and social landscape. Abortion became a contentious issue, with conservative and religious groups advocating for stricter restrictions. In 1993, Poland passed a new law, commonly referred to as the "1993 Abortion Act," significantly restricting access to abortion. In October 2020, Poland's Constitutional Tribunal issued a ruling that effectively banned abortion in cases of severe fetal abnormalities, one of the few remaining legal grounds for abortion in the country. This led to ongoing protests and demonstrations in Poland, with many people advocating for greater reproductive rights and access to safe and legal abortion services.

Major Organizations Involved:

Name	Stence
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World Health
Organization

The WHO recognizes that safe and legal access to abortion is an essential component of reproductive health care. WHO's stance on abortion is based on the principles of human rights and public health.

International Planned
Parenthood Federation

The IPPF is a global organization that advocates for sexual and reproductive health and rights, including access to safe and legal abortion services. IPPF's stance on abortion aligns with its commitment to comprehensive reproductive health care and human rights.

Center for Reproductive
Rights

Legal organization advocating primarily for reproductive rights and services, but also sex education. They are pro-abortion.

Planned Parenthood

Provide reproductive health care and sex education, internationally in 10 specific focus countries, but they mainly focus on and operate in the USA. They are pro-abortion, even without explanation on the mother's side.

Family Planning
Association of India

The FPAI is a non-governmental organization that focuses on sexual and reproductive health and rights in India. Like other organizations in the field of reproductive health, FPAI has a stance on abortion that emphasizes access to safe and legal abortion services as an essential component of comprehensive

reproductive health care.

Roman Catholic Church

All human life is sacred and a life is human from the moment of conception. Extremely anti-abortion and generally excommunicate those involved in abortions, even under reasonable circumstances.

Timeline of Events:

Date	Description
October 1920	The Russian Soviet Federative Socialist Republic becomes the first nation to decriminalize abortion. The legal code of that year allowed women to access abortions upon request, without the need for justification or approval. It marked one of the earliest instances of a government recognizing a woman's right to make decisions about her own body.
November 1969	A resolution that was ratified by 23 countries (mostly in Central and South America), which states in Article 4 of Ch. 2 that "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception." This, coupled with widespread catholicism, is why many Central and South American countries have strict restrictions on the

accessibility of abortion.

1971

This was a significant milestone for a large country to loosen old abortion laws dating back to the 19th century. The MTP Act provides a legal framework for the termination of pregnancies and seeks to regulate and facilitate safe and legal abortion services in the country.

1973

The US Supreme court rules that excessively restricting access to abortion is unconstitutional. Although state-specific abortion restriction has made a resurgence, this caused almost all states to liberalize abortion. Some believe the popularity of abortion among the poor may have led to the major decrease in crime observed in the 1990s.

October 2018

Australia legalized abortion with a gestational limit of 22 weeks through the passing of the "Termination of Pregnancy Act 2018."

2019

Many U.S. states have enacted or considered bills that would put extreme restrictions on abortion in various ways, often with the aim of challenging or overturning the U.S. Supreme Court's landmark decision in *Roe v. Wade*, which recognized a woman's constitutional right to choose to have an abortion.

Several states, including Georgia, Kentucky, Mississippi, and Ohio, passed "fetal heartbeat bills." These laws

prohibited abortions once a fetal heartbeat could be detected, which is usually around six weeks of gestation.

April 2019

The United Nations Security Council Resolution 2467, was a proposed resolution that aimed to address the issue of sexual violence in conflict zones. The resolution, which was drafted in 2019, was notable for encountering a potential veto threat from one of the five permanent members of the United Nations Security Council. (See relevant treaties and resolutions)

Relevant UN treaties and resolutions:

UNSCR 2467

This resolution, adopted on April 23rd, 2019 condemned and promised monitoring of sexual violence during and post-conflict. It was the 8th UNSC resolution of the sort, but the first to mention abortion. The US threatened to veto due to this clause and their perceived concerns of a slippery slope into mandatory legalization of abortion. This mention was deleted and the resolution was subsequently adopted. This shows the Trump administration's hesitance to accept abortion as part of international law.

[GA Convention on the Elimination of All Forms of Discrimination against Women](#)

The CEDAW Convention, with 189 States parties, is the only near-universal treaty that comprehensively protects women's human rights, including their sexual and

reproductive health rights. The United States of America is one of seven States worldwide that have not yet become a party to the Convention. The right to health under Article 12 includes the right to bodily autonomy and women's sexual and reproductive freedom. "Access to reproductive rights is at the core of women and girls' autonomy, and ability to make their own choices about their bodies and lives, free of discrimination, violence and coercion."

Geneva Conference

Following up the CEDAW, in July of 2022 the UN women's rights committee said that the US is one of the only seven countries in the world that are not part of the international convention that protects women's human rights, including their right to sexual and reproductive health. The Committee urged the United States of America to adhere to the Convention, which it signed in 1980 but has never ratified.

DESA's Commission on Population and Development Resolution 2011/1 America

This resolution pushes governments to improve distribution of sexual and reproductive health. It does not urge any government to legalize abortion, but instead to avoid unsafe abortions through sexual education. Additionally, it also states that where legal, abortions should be accessible and safe.

Previous attempts to solve the issue:

Such a controversial debate due to its extreme opinions and moral disbeliefs, leads to no party being completely content with compromising what regards this issue. In addition, what determines if an attempt has failed is extremely subjective and biased. As such, with the following two sections, it is advisable to take its label as a 'previous attempt to solve the issue' or 'possible solution' with some caution.

UNSCR 2467 Veto Threat

(Look at relevant treaties and resolutions)

Waiting period (Russia, France, USA)

Several countries have contributed in allowing abortions at the request of the mothers, accompanied by a gestational limit. However to discourage this they would implement a one to seven day waiting period to give the mother time to think it through. Most US states have also subscribed to this form.

Complete criminalization (Iraq, Suriname, Mauritania...)

This was agreed on to cater the anti-abortion crowd and those who want/need an abortion are going to end up getting it illegally or leaving the country to get it done. However these are unsafe and many people cannot afford a migration to get an abortion.

Complete Decriminalization in the Soviet Union

This worked well in satisfying most of the populace (except the members of the Russian Orthodox Church), and in the short term empowered women and allowed for the progression of society. However, we can see problems arising in the long term in a culture in which abortion is the preferred contraceptive method, and therefore creating enormous abortion rates. Although there has been a decline in abortion rates, they are still tremendously high and setbacks have been taken to control the abortion liberality.

Possible Solutions:

On request with multiple restrictions (Germany, USA)

While Germany still technically allows for abortion, there are many restrictions, one of which might be the main contributor to their low abortion rates, one being mandatory consultation with a medical professional. Since Germany's abortion rates are very low (6.1), this could be seen as a possible/working solution. Although allowed and providing the freedom for the women, it is not normalized and used as a contraceptive.

Complete Decriminalization (WHO, Amnesty International)

Positives include that it would almost entirely circumvent the danger of illegal abortions and expense which leads to unsafe abortions, but would neglect the moral negatives, international agreements, and long term societal side effects as was seen in the complete decriminalization in the Soviet Union.

Complete criminalization (Egypt, Iraq)

In this case, the moral and ethical beliefs, regardless of the woman's circumstance, would be the number one priority and it would prevent the act of abortion from becoming a type of contraceptive. However this solution would not stop people from getting abortions illegally and unsafely, which would then lead to an increase in death and injuries. These long term societal side effects would be seen globally and less beneficial and successful lives would be given to these unwanted children, which could lead to traumatic and psychological disorders.

Providing comprehensive sex education (Sweden, Netherlands)

Encouraging countries to implement sex education programs in schools, so that individuals are aware of sexual health, contraceptives and reproductive rights. Education would help in reducing unintended pregnancies and therefore reducing the need for women to get an abortion, both legally and illegally. Additionally, advocating for increased access to affordable contraception methods to again prevent those individuals from having unwanted pregnancies.

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