

General Assembly BCNMUN VII

Evaluating the ethics and legality behind abortion

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Topic: 1

Chair: Adrianus Pont

Position: President

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 consitutes human life, the right of a woman to her body, and the responsibilites 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 occuring 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 legislature 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 intentional termination of a human pregnancy via medical procedure, abortifacients, or by other means.

Abortion Clinic

A medical establishment that carries out abortions. Can include state funded nonprofits (Planned Parenthood) and/or private medical institutions.

Gestational Limit

A it on legal abortion regarding the time between the mother's last menstrual period to the present.

Abortion Rate

The amount of abortions per 1,000 women aged 15-44 years over a given or recent year.

Pro-Life

A stance regarding abortion as morally wrong, and that laws against it should be very restrictive. A **pro-lifer** is a person who holds this belief.

Pro-Choice

A stance regarding abortion as morally wrong, and that laws against it should be minimally restrictive or nonexistent. A **pro-choicer** is a person who holds this belief.

Background Information

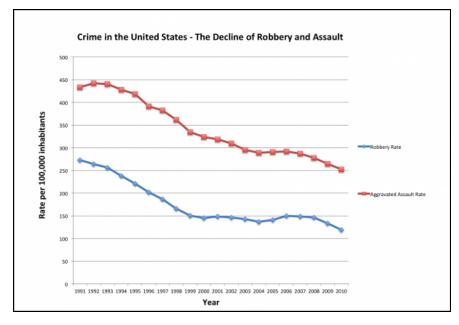
Essentially every major country, throughout history, had laws regulating or banning the use of abortion. In the past, medical emergency, usually being defined as the mother's life being in danger, was the only valid reason for abortion. Only in the past century have steps been taken to legalize it in cases outside of this. Anti-abortion sentiments and arguments have had several origins historically, some of which are still valid today. These can originate from a number of places. The first is religious interpretation; almost all major religions including Buddhism, Christianity, Islam, and Judaism tend to be against the idea of abortion in most cases, due to the belief in the sanctity of life. Another originates in the interpretation of what it means to be alive; some believe that a fetus is considered human from conception. With this train of thought, abortion would be morally wrong. A third argument is that in the past, many women have been injured or killed due to unprofessional and misguided abortion or intentional miscarriage procedures. It is, thus, believed that abortion is too risky of a procedure to be commonplace. This is the least valid argument of the three, as unsafe abortion procedure nowadays almost always is caused by its restricted access: causing dodgy, expensive, or sometimes completely illegal procedures.

This set of reasoning has led some developing countries, which tend to give religion a larger role in government and education, to implement and maintain very strict abortion laws. According to a 2013 quote from a UN report, "only 48 out of 148 countries in developing regions allowed abortion on five grounds or more, compared with 41 out of 49 countries in developed regions" (Mishra).

On another note, some countries may be wary of legalizing abortion due to its implications with laws regarding "preservation of life". This regards the level of consciousness or sanity that gives someone the permission to request euthanasia. This can also include the chance of survival which means a person should be removed from life support (without their explicit permission).

In the past century, specifically since the sexual revolution in the 1960s, many larger countries have begun to take large steps into making abortion commonplace and acceptable on request from the mother, albeit often with a gestational limit. By far, the most common argument in

support of total abortion liberalization is that the child would not live a successful nor a fulfilling life had they been born. This can be due to several factors. For one, most countries have a lackluster adoption and foster care system. Another is that less care comes from the parents towards an unwanted child, something that undeniably causes trauma and could be linked to psychosocial problems later on in the child's life. Lastly, many mothers and families in poverty who could not afford to raise a child choose to abort. According to the Guttmacher Institute, this last demographic included 73% of women who got abortions in the U.S (Finer). Allowing them to to do so would be a net positive for society due to several factors, the most important, although the least popular, being minimization of young adult violence. Less children in poverty would inherently decrease gang affiliation and robbery of any kind. Some have argued that Roe v. Wade was a major contributor to the decrease in crime starting in the 1990s in the U.S (See Figure 1). Another argument for the liberalization of abortion, although within a gestational limit, is based on interpretations of biology which regard a certain milestone of a baby's development as the milestone for when they are alive, such as their heartbeat, brain development, or other things of the like.



(Crime)

One conflicting, yet popular, train of pro-choice thought is that the baby's life doesn't matter, and that it is entirely a mother's decision on what is to be done with her baby since it is her body, and as a result, her responsibility and her decision. Two major problems come with this, both of which surround the implications of guardianship. What should be considered neglect or abuse of a child? Also, where would the line be drawn reasonably between infanticide and and a personal decision about one's body?

As has been discussed, countries' stances and laws vary significantly depending on their evaluation of the culture, laws, and demographics which support abortion's (de)criminalization. Seeing as such, a permanent, international solution to this issue is difficult, although there have been efforts attempting to implement one. In the Organization of American States, the Pact of San José (see *Timeline*) was only ratified by 23 of the 35 member countries with some ratifiers not following it through entirely, Uruguay being the largest offender of such. The UNSC has made an, albeit failed, attempt to make a breakthrough in abortion in international law (see *Relevant UN Treaties and Resolutions*). Many international organizations (WHO, Amnesty Intl., etc.) have made statements supporting complete decriminalization, but with little to no outcome.

Major Countries and Organisations Involved

According to a 2013 report by the United Nations Department of Economic and Social Affairs Population Division, countries' abortion laws can be generally divided into:

Most restrictive

Abortion not permitted or permitted only to save a woman's life;

Less restrictive

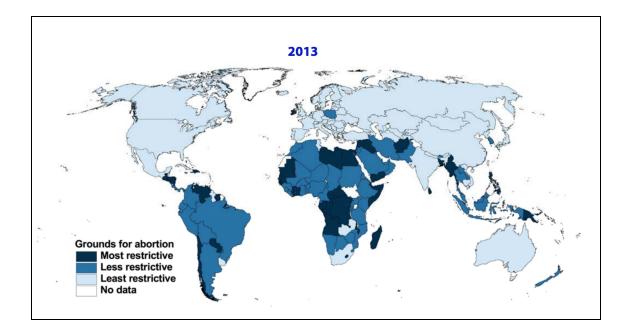
To preserve a woman's physical or mental health, in case of rape or incest, or because of foetal impairment;

Least restrictive or liberal

For economic or social reasons or on request"1

(Mishra)

¹ Visit <u>https://reproductiverights.org/worldabortionlaws</u> to see the *Center For Reproductive Rights'* abortion world map. This can provide you with any updates on your countries' law taking place after this research report was written, and/or for clarification on any laws or restrictions.



Major Countries

Name	UN Designated Type	Elaboration	Recent Updates
United States of America	Least Restrictive	Restrictions vary from state to state, but generally abortion is legal from anywhere from 18-28 weeks. Since Roe v. Wade, most states allow abortion on request, and some require some proverbial hoops to jump through, but as a general rule, abortion in the U.S. is common and widespread.	example) are lobbying for/enacting increasingly restrictive abortion

Russia	Least Restrictive	Russia is the country with the highest rate of abortion by a significant margin (Abortion). However, abortion rates have been declining over the past few decades (Sakevich), so naturally it is slightly misleading. Abortions are legal until 12 weeks at the mother's request, and until 22 weeks in the case of rape or medical complications. There is also a 2-7 day waiting period (Russian). This is one of the situations used by pro-lifers as an example of abortion becoming 'casual'.	Anti-abortion sentiment is gaining more traction along with Russia's decreasing population, we might see a further limit in the future (Ferris-Rotman).
China	Least Restrictive	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 attempted by other means (the most common being the 'One-Child Policy'). The domestic problem of sex-selective abortion exists, but it is controlled via separate means (the illegality of seeing your child's gender prior to birth).	In 2015, the National People's Congress modified the 'One-Child Policy' to a 'Two-Child Policy'. Although exceptions exist, this could possibly signify China's newfound openness to legislation regarding reproduction.
Brazil	Less Restrictive	Brazil is deeply Roman Catholic, and as such abortion is illegal in cases outside of the extreme (rape, danger to life, etc.). However, due to this, illegal abortions are common, and 200,000 women are hospitalized yearly due to complications (Downie).	

India	Least Restrictive (More fitting towards Less Restrictive)	The Medical Termination of Pregnancy Act (MTP for short) was passed in 1971. It details essentially the UN report's 'Less Restrictive' category. Under the act, abortion must be approved by two doctors before 20 weeks and the high court after that. (Mabiyan). The most pending problem with this is with the high population of rural poor who cannot reasonably access two doctors.	There is a pending movement to amend the MTP act to move the gestational limit to 24 weeks considering the technology for detecting fetal impairment generally can only do so around 20 weeks into gestation. However, it was drafted in 2014 so there is clearly some red tape. (Mabiyan)
Indonesia	Less Restrictive	Being a majority islamic country, abortion is illegal unless the mother's life is in danger or she was raped.	There is growing concern regarding the large amount of illegal abortions in SE Asia as a whole (Jakarta).
Republic of Ireland	Most Restrictive	Before the <i>Health (Regulation of Termination of Pregnancy) Act</i> of 2018, Ireland had only allowed abortions in the case of "a real and substantial risk to the life" of the mother.	After the act, abortion was allowed on request up to 12 weeks and afterwards with medical practitioners.
United Kingdom	Least Restrictive	The Abortion Act of 1967 allowed for an abortion with gestational limit 28 weeks if two doctors agreed that it was necessary (economic or mental/physical health grounds) and further if there was danger to the mother's life or evidence of fetal impairment. In 1990 this limit was restricted to 24 weeks. (Windle)	In 2008 there were attempts to reduce the gestational limit to 22 or 20 weeks, but they failed. (Windle)
France	Least Restrictive	Historically (1943 and earlier), abortion carried the death penalty. However, in 1975 abortion was made legal on request with a gestional limit of ten weeks. In 2001, the limit was increased to 12 weeks.	On April 9, 2015, the 2-7 day waiting period was abolished.

Saudi Arabia	Less Restrictive	"In Saudi Arabia, abortion is allowed in cases of risk to a woman's life and to protect her physical and mental health. A pregnancy arising from incest or rape might qualify for a legal abortion there under the mental health exemption." (Livni)	Although Saudi Arabia has historically been oppressive towards women, in 2018 women were allowed the right to drive. This could signify the beginning of a new age of women's rights, possibly extending to abortion.
Canada	Least Restrictive	Before 1988, Canada had a law which restricted abortion through required approval by physicians. After it was deemed unconstitutional, it was repealed and abortion now has no laws limiting it. It is completely government funded and treated just like any other medical procedure. (Abedi)	Since 1988, there has been opposition to the total decriminalization, but the absence of a law have made attempts to restrict abortion in Canada futile. (Abedi)
Myanmar	Most Restrictive	A buddhist majority country, abortion is banned in Myanmar unless the woman's life is at risk. Even though contraception is available, lack of education and general taboo about sex out of wedlock limits its use. This leads to a very large maternal death rate of 282 per 100,000 pregnancies, a third of which are abortion-related. (Henshaw)	There have been attempts by organizations to rally for abortion rights, but the government's attachment to Buddhist belief means that change is unlikely. (Henshaw)

Major Organizations

Name	Type: National or International)	Stance & Beliefs
Heartbeat International	International	Anti-Abortion unless the mother's life is in danger. Their campaign and mission focuses on "every life is of the same value". They also are outwardly christian.

Roman Catholic Church	International	All human life is sacred and a life is human from the moment of conception. Extremely anti-abortion and generally excommunicate those involved in abortion(s), even in arguably unreasonable circumstance.
Planned Parenthood	National (USA)	Planned Parenthood provides 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.
Center For Reproductive Rights	International	A legal organization advocating for primarily for reproductive rights and services, but also sex education. They are pro-abortion.
World Health Organization	International	An agency of the UN that works toward International Public Health. Since their concern is public health, they support decriminalization of abortion so unsafe abortions are avoided.
Amnesty International	International	Human rights advocacy organization: Believes in decriminalization of abortion under the justification of women's rights.

Timeline of Events

Date	Name of Event	Description of event
October 1920	Soviet decriminalization of abortion	The Russian Soviet Federative Socialist Republic becomes the first nation to decriminalize abortion. They later went on to host a large women's rights movement.
November 22, 1969	Pact of San José/ American Convention on Human Rights	A "resolution" of sorts within the Organization of American States in by the Inter-American Commission on Human Rights, and ratified by 23 countries (mostly in Central and South America). It 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	MTP Act passed in India	This was a significant milestone for a large country to loosen old abortion laws dating back to the 19th century. See the UN restriction categorization in <i>Major Countries and Organizations Involved</i> for detail on the MTP Act.
January 22, 1973	Roe v. Wade	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 17, 2018	Queensland legalizes abortion w/ 22 week gestational limit	The parliament of Queensland, Australia legalized abortion on request with a 22 week gestational limit.
2019	Resurgence of U.S. State Legislature Restricting Abortion	Many U.S. states have enacted or considered bills that would put extreme restrictions on abortion. Alabama enacted the "Human Life Protection Act" which essentially places the state into a 'Less Restrictive' status (See the UN restriction categorization in <i>Major Countries and Organizations</i> <i>Involved</i>). Many other states have heavily considered 'heartbeat bills' which limit abortions to before a heartbeat can be detected in a fetus. This effectively changes the gestational limit to 6 weeks.
April 23, 2019	UNSCR 2467 Veto Threat	See Relevant UN Treaties and Resolutions

Relevant UN Treaties and Resolutions

UNSCR 2467

This resolution, adopted on April 23rd, 2019 codemned 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. Reuters reported that it contained "a reference...to the need for U.N. bodies and donors to give timely 'sexual and reproductive health' assistance to survivors of sexual violence in conflict" (Nichols). The US threatened to veto due to this clause and their percieved 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

This convention covers various topics regarding gender discrimination, but most importantly "affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process" (Convention).

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

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. However, it also states "that in no case should abortion be promoted as a method of family planning, prevention and treatment of sexually transmitted infections, including HIV, and other reproductive health conditions and information, education and counselling" (The). It also says that, where legal, abortion should be accessible.

Previous Attempts to solve the Issue

Note

There is a significant divide due to opinions regarding abortion depending on so many factors. No party with any set of beliefs regarding the issue is completely content with compromise given the polarization of the issue due to the moral disagreement. In addition, what determines if an attempt or a strategy has failed is relatively subjective. 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 US Veto Threat

(see Relevant UN Treaties and Resolutions)

Waiting period (+Gestational limit within the first or second trimester) (Russia, France, USA)

Several countries have abortions allowed on the mother's request, but implemented a one to seven day waiting period between a request for an abortion in order to discourage it by allowing the mother time to think it through. This is of course accompanied by a gestational limit. Most US states also subscribe to this.

Complete Criminalization (Iraq, Suriname, Mauritania, etc.)

Although it does cater to the anti-abortion crowd, those who want/need abortions end up getting them done illegally or leaving the country to get them done. For regional bans like in Alabama, migrating to get an abortion is even easier and much harder to prosecute.

Complete Decriminalization in the Soviet Union²

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 they have been in a decline in abortion rates, they are still tremendously high.

Possible Solutions

On request w/ multiple restrictions (Gestational limit within first or second trimester + Mandatory Consultation with a Medical Professional + Waiting Period) (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. 34 US states require similar consultation (Counseling). Out of the top 4 states with the highest abortion rates, only Delaware is part of the 34 (Rate). Since Germany's abortion rates are very low (6.1), this could be seen as a possible/working solution.

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 (See "Pact of San José in *Timeline*), and long term societal side effects (see "Complete Decriminalization in the Soviet Union" in *Previous Attempts to solve the Issue*).

² see "Soviet decriminalization of abortion" in Timeline

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