

Human Rights Council

The Question of Reproductive Rights and Abortion

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Contents

Introduction	2
Definition of Key Terms	2
Background Information	3
Current Situation	3
Major Parties Involved	4
Timeline of Relevant Events	7
Related UN Treaties and Events	8
Previous Attempts	9
Possible Solutions	10
Suggested Reading	11
Bibliography	13

Introduction

Reproductive rights depict the legal rights to contraception, prenatal services, reproductive healthcare and treatment, choice and abortion. These rights have led to many protests concerning laws established within the respective countries. Limiting reproductive rights leads to grave consequences for the wellbeing and equality of the people. Having limited reproductive rights, especially for abortion, will lead to many harmful, unsafe and illegal practices for the country. Being denied essential healthcare and prenatal services produces a high rate of maternal mortality for women and unborn children. Wrongful changes in reproductive rights guides to gender inequalities in choices, child marriages causing increase of young pregnancies, discrimination from families, friends and communities, economic hardships for low-income families and lack of personal freedom for women. Demands for equal reproductive rights increases, especially when culture may infringe on the very equality of the rights. Despite the numerous protests about these rights, many unfair and unequal reproductive rights are still present within the world such as unethical laws that punish and restrict women.

Definition of Key Terms

Legal Rights

An entitlement recognized and protected by law of the country. Allows people to exercise their freedom and pursue their interests.

Contraception

Use of medicine, technology or surgery to prevent pregnancy.

Prenatal Services

Healthcare, service and support given during pregnancy. Aimed towards promoting healthy pregnancies and wellbeing of both the mother and fetus. Some prenatal services may include screening for genetic disorders, infections and other health conditions that may affect the pregnancy

Reproductive Healthcare

Healthcare offered, given or furnished for the prevention of pregnancy, terminating a pregnancy, managing pregnancy lost, or improving maternal health and outcomes.

Abortion

A deliberate termination of a fetus is often performed during the first 28 weeks (about 6 and a half months) of a pregnancy.

Maternal Mortality

Deaths due to complications from pregnancy (miscarriages), or childbirth.

Background Information

In 1960, the invention of birth control pills was followed with the women's reproductive rights movement. Birth control pills were and is still a crucial part of women's reproductive rights, it allowed women to make their own choices for themselves. Women in 1960 campaigned for rights to contraception and abortion, which allowed the birth control pills to be safely inspected and tested by the FDA for women.

A decade later the movement gained more attention from people as lesbian feminists has risen and shifted the people's attention to women's right to sexual pleasure. With this, a greater and stronger movement for rights to abortion was created and was successful. In 1973 women were allowed to have abortions in the US. But this was short lived as some states in the US have made abortion illegal in 2022 and was met with numerous protests with this decision lasting till today.

Many existing cultures in the world have created laws which restrict women's reproductive rights. An example is abortion, many cultures around the world have made it illegal for any contraception and abortion. Those countries have had numerous protests but were shut down by the government of each. These countries have created inequalities for women and infringing on their reproductive rights that is also part of the human rights. Especially in the middle east where women are treated unequally and given no individual rights. The Catholic church is another example of religion affecting women rights, as it is said to be immoral for women to have abortions.

Current Situation

Still many countries still have made it illegal to have abortions and contraception, apart from some countries allowing it under certain circumstances. Still many countries have restricted women's reproductive rights and rights in general, causing many protests within the world. Many countries have tried to stop these protests in many inhumane methods of punishment, torture, and police brutality. In many of the latest protest in the world, there has been more and more fatalities of the protesters from police brutality and violence.

Philippines have had a decline in birth rates within the decade, this incited the government to keep the ban abortion, in hopes of fixing the low fertility rate in the country. Even with the problem of single motherhood in Philippines, the government has tried to limit the issue by creating a solo parent cash assistant program, and not allowing abortion.

The DPRK (Democratic People's Republic of Korea) has one of the poorest economy in the world, making it crucial for the country to ban abortion to aim for more workers, to increase the economy. The economy makes it almost unlivable for people, as there are food shortages frequently and mothers are expected to take care of the child or children. By banning abortion, the government has violated many important human rights in the country.

Women are still treated badly with unethical laws in some countries to punish and torture the woman for disobeying the law on contraception and abortion when it was not their choice to take in the child. With these unreasonable laws it has impacted equality heavily creating an environment where females are abused with discrimination and unfair treatment. These situations do vary greatly depending on each country and culture, as culture is a huge part of the laws in each country. The Catholic church is a prime example of this phenomenon, the church has continuously stated that abortion is immoral and bans the practices in countries where the main religion is the Catholic Church. Progress has been made in parts of the rights, but it will need more work and changes to ensure safe and ethical laws regarding reproductive rights.

Major Parties Involved

USA

In 1973, the USA passed a law legalizing abortion within the whole country after a supreme court case bringing up the issue to the country. The court ruled that it was constitutional to allow women to have abortions for women. Through the development of the USA, more and more states within the country have started to ban abortion under all circumstances. 14 states have banned abortion as of January 2023. This ban was a consequence of a recent Supreme Court Case of *Dobbs v. Jackson Women's Health Organization*, the case rippled through the policy and legal system of the country. This change had massive implications on many women may have grave consequences for those. The new policy has been talked about breaking many human rights as a result. Rights such as access to comprehensive healthcare, privacy, conscience, religion or belief, equality, non-discrimination, freedom of expression, bodily integrity and autonomy and freedom of thought.

Poland

In 1956 abortion was legalized under the conditions of the pregnancy. Over the next 70 years, the regulation became stricter with the circumstance that abortion was allowed. Many women have been left more vulnerable over the recent years with the change of, abortion due to baby abnormalities is not a valid reason. Many women took to protest on the change with an increasing number of women speaking up against it. Arguments about the economic factor for raising a baby are already affecting families, and with the addition of special care for abnormalities raises serious concerns within the country. In a recent case in 2020, Poland was ruled by the European court to have violated human rights of a woman who needed an abortion. The woman was forced to go abroad for an abortion after being denied by the government. The European court said the act violated the human rights of privacy and family life and the government was ordered to pay the woman. This case shows the strict law enforcement of the country with lots of collaboration in reappealing the law to loosen the restrictions on Abortion.

The European Union (The EU)

The European Union has made policies regarding abortion and making it legal under circumstances and having to request from the government to be allowed to have abortions. Most of the countries in the EU have made abortion legal, while some countries' policies make it almost impossible to get an abortion and some have entirely banned the process under any circumstances. Countries such as The Vatican City, Malta, Andorra and San Marino, has made it completely illegal to have any abortion within the country, this has sparked a numerous amount of protest regarding the issue and having numerous protests supporting the issue. This had an effect creating many controversies in each of the countries. Altogether the Union has made strong regional efforts for reproductive rights.

Central America (El Salvador and Nicaragua)

In Central America, abortion rights and laws are very diverse as the region is filled with many cultures. Mainly abortion in the region is legal under certain conditions, except for El Salvador and Nicaragua. In those 2 countries laws are heavily influenced by the Catholic Church has a large presence and hold strong influence in these countries. The church actively opposed legalizing abortion, many law makers and politicians in both countries have believed that abortion is morally wrong and should not be legal. Women who even have a miscarriage can face criminal charges and prison time. The country has been condemned by many human rights organizations for violating women's rights.

Greater Antilles (Dominican Republic, Haiti and Jamaica)

The Greater Antilles is divided on the ban of abortion. The Greater Antilles consists of 6 countries, with 3 countries banning the act and 3 countries allowing it under conditions. 3 countries who banned abortion, Dominican Republic, Haiti and Jamaica, all have strong presence of the Catholic Church and other religious groups who are all opposing abortion, stating it as morally wrong. With these concerns and influence in the countries, each government has banned abortion in all cases. Same as some countries in Central America, miscarriages might result in a criminal charge or imprisonment. These laws have put a heavy strain on the women in the country and violates many human rights for those populations. On average 11% of people in the region that are single parents showing the strain of unwanted births on the people in the country.

Middle East Region (Saudia Arabia, Iran, Quatar, Egypt, Sudan, Yemen, Palestine and Syria)

The Middle East Region is full of diverse cultures that play a big part in the abortion law in these countries. Egypt, Sudan, Yemen, Palestine and Syria are countries in the middle east that has banned abortion in any situation, due to the culture that within those countries, numerous attempts of any change in the freedom of reproductive rights for women is rejected within the country. Due to the cultural belief of prioritizing the sanctity of life and importance of family, abortion is seen as immoral action to take and will be punished.

In many of those countries' women have had abortion in secret due to their situations, protests are held many times and ended in failure. Though in Saudia Arabia, Iran and Quatar abortion is legal, but under certain reasons and with the allowance of the husband. This had infringed on human right of privacy, as females are not allowed to have their own choice.

Madagascar

The government of Madagascar had set a ban on abortion which was met with many backlashes from the population. The rule had violated many human rights in the country, the Pope within the country decided that abortion was immoral, and people had followed his influence. In 2017, the parliament decided to maintain the illegality of abortions and had resulted in the Nifin'Akanga movement protesting the change. Even with the ban on abortion, 1 in 4 women in the country has resorted to illegal and unsafe abortion from medical practitioners and doctors, the consequence of the action is an average of 3 deaths each day from the unsafe and illegal abortions.

Philippines

The Philippines has most of its population following the Catholic Church, the church's belief affect the law in the country, making abortion illegal. Many of the leaders in the church has stated that it would follow its religion than America's law in 1973. In the recent years the Philippines had seen a decline in birth rates, which further confirm the government's stance on the issue. Abortion in the country has been a controversial topic, with the country's total births at about 1.36 million, more than 50% of the resulting births were unwanted. Now the single mothers in the country had face many economic problems in taking care of the child and are unable to find a suitable job for taking care of the child and working.

Democratic Republic of Congo (DRC)

The Democratic Republic of Congo has very restrictive laws on abortions in the country, until it was banned completely. The ban with met with an increased number of maternal mortality due to the women, finding illegal and unsafe ways to have an abortion. With the Maputo Protocol, in 2018, which planned for women rights group and researchers to spread awareness in the change of legal abortion in under specified situations. The government has taken steps to improve the reproductive rights in the country.

Timeline of Relevant Events

Date	Description
1960	<p>Contraception pills approved by FDA</p> <p>During this year the women's rights movement has gained traction from many people, this time their focus was on reproductive rights of women. Numerous protests have been held for women to have access to contraception and abortion, this protest was supported by many male and female politicians playing a huge role to spread the information. The US had allowed and made it more accessible to have contraception pills.</p>
1973	<p>Supreme Court case Roe v. Wade</p> <p>During this year there was a case to establish women's legal right to have an abortion. The Court approved of abortion being a fundamental right that is implied in the 14th amendment in America. Through all of this, the government still had the power to restrict or regulate access to abortion for the various stages of pregnancy.</p>
1994	<p>The International Conference on Population and Development (ICPD)</p> <p>The conference was held in Cairo, Egypt, the conference had brought in over 179 countries in discussion of development in reproductive health. The result of the conference was The Program of Action recognizing that reproductive rights are human rights and urges for national and global efforts to increase access to family planning and maternal health and services in the world. The ICPD till today, has been active in making abortion more accessible to people and has actively raised awareness on the issue.</p>
2012	<p>National Rural Health Mission (NRHM)</p> <p>The NRHM was launched in India aiming to help improve healthcare services in rural which includes reproductive healthcare. The Programme focuses on the accessibility of the healthcare and giving quality healthcare services to those in need. The program has been given credit on reducing the maternal mortality rate in India and spreading more awareness on the issue in rural areas.</p>

2020	<p>Poland’s ban of Abortion</p> <p>Before 2020, abortion in Poland was legal with the right relevant cases on being, assaulted, when the mother’s life is at risk or any abnormalities with the baby. On October 2020, The Constitutional Tribunal decided that in cases of fetal abnormalities will not be a valid reason as it is unconstitutional. This effectively banned most abortions in the country. The decision's ruling sparked national protests in the country with the population united against it. Till today the government has not made any changes or any response to the people.</p>
2021	<p>Mexican State of Veracruz Legalizing Abortion</p> <p>In 2021, the state of Veracruz became the fourth state in Mexico to legalize Abortion within the state. The law was crucial for many women in the state and country, access to abortion is very limited and costly for people in the country. Access to safe and legal abortion is very limited in the country, with this move abortion will be more accessible and safer for the population and decrease maternal mortality in the country. Some activists are still active in lowering the price of abortion and making it more accessible for people and people in rural areas.</p>

Related UN Treaties and Events

- **The Convention on the Elimination of All Forms of Discriminations Against Women:**

This is an international treaty adopted by the UN General Assembly in 1979. The CEDAW primary goal is to promote and protect women’s rights. The Convention also understands the need of gender equality and aims to eliminate every discrimination on women. CEDAW has 189 member states that have encouraged the convention.

- **The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women:**

The treaty was adopted by the Organization of American States (OAS) in 1994 to combat and eliminate violence against women. The convention has been ratified by almost all member states in the OAS, but apart from Canada and the United States of America, that has not ratified or sign for the convention. The convention has been a crucial component of the regional commitment to stop violence against women in the Americas. International standards for the prevention and punishment and elimination of violence against women was set by the convention.

- **Maputo Protocol:**

The protocol is an addition to the African Charter on Human and People's Rights on the Rights of Women in Africa. The protocol was created in 2003 by the African Union with the aim to protect women from discrimination and violence. The protocol was also made to ensure women participation in the political areas and promoting economic empowerment for women. To this date, 43 African states have signed the protocol with 42 states that have ratified it and 2 states not a part of the protocol.

- **The Declaration of the Elimination of Violence against Women in the Association of Southeast Asian Nations:**

This was a political declaration made in June 2004 signed by all ASEAN member states with the exception of the newer members joining. The declaration strongly urges the commitment of all 10-member state, at that time, to end violence against women, with the collaboration of the CEDAW, the 1995 Beijing Declaration and the Platform for Action, for strong collaboration within the region.

- **The Council of Europe Convention on Preventing and Combating Violence against women and Domestic Violence:**

The convention is a treaty signed by 45 member states and with 34 members who ratified it, in 2011. The Convention was created to combat violence against women and any domestic violence. The violence against women is recognized as a violation of human rights and as discrimination against women. The Convention strongly calls for all signatory member states to put coherent legislation and policies to stop and prevent violence, perpetrators, protect and support victims and strengthen national and international cooperation.

Previous Attempts

The United Nations Sustainable Development Goals (UNSDG) was adopted in 2015, the SDGs focuses on improving the global environment and many social problems that exist within the world. Many of the goals are put in place and are linked to the problem of reproductive rights and health, UNSDG #3, Good Health and Wellbeing and UNSDG #5, Reduce Inequalities. The UN has made many and signed many organizations to work on the problem of reproductive rights, but many countries have still not allowed any organizations to help with the issue as it goes against their culture or law. Many talks on the issues has been held in the UN but still many countries have not changed the laws in their countries. This has been a repeated topic address in UN conferences with strong but slow development in those rights.

The International Conference on Population and Development was a convention hosted in Cairo, Egypt, 1994, that brought together 179 countries to discuss on the situation on reproductive rights. The conference ended with the Programme of action being created, signed and ratified by many countries brought together. The Programme of action also focused on the role of women in population matters which introduced the first concept of reproductive health and reproductive rights. The conference created an easier pathway for countries to receive support from the programme and develop their country through funding and resources. The Programme of Action provides guidance to all the participants nationally and internationally on the topic.

SheDecides is a global movement created in 2017 that promotes and protects women's rights in making decisions on their body, while giving access to reproductive health care services. The movement has 190 countries supporting it and raised millions of funds. The funds given were also used for teaching women about sexual education. The movement allows for women to have access to safe, contraception's and abortions. Funds were also going to many organizations working on the issue in the different country allowing a stronger solution to the country. The efforts put in were not able to change the law in many countries today and resulted in many maternal deaths in those countries.

Possible Solutions

Advocating for policy changes on reproductive rights on a national scale will draw the government's attention to the people. By advocating for change people will not have to resort to illegal and unsafe methods of abortion which will lower maternal mortality within the country creating a stronger balance and population of women. With advocating the people will be allowed to voice their opinion and change on many areas of reproductive rights, with the population supporting, awareness on this problem will spread very quickly across national borders. Advocating is a strong and safe way to promote opinions and while having the government react quickly to the call for change. Though it may be a limited solution to many governments, but in countries where the government will listen to their people, it will be highly effective.

Sexuality Education is crucial to have people understand the need for reproductive rights. By educating the people will be able to understand and support the movement in change, people will be able to sympathies with the need easier, by learning on the importance of those rights to females. By educating governments, it allows for an easier decision in allowing abortion within national borders. Education on this topic will also allow women to make more informed decision on their private life decreasing maternal mortality rates in the country.

The effectiveness of educating government and people will be strong, as governments can understand and acknowledge the problem and need of reproductive rights. Both men and women will be able to stand up for reproductive rights against government's decisions.

Creating more access to safe contraception and abortion from organizations will influence the choice from many governments in the country, as many economic problems will be brought out through the sudden change which will be costly to the government. With this, by having international organizations lend aid, it will be remarkably effective in creating better policies in national borders.

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