

Bilkent Historical Model United Nations 2019

STUDY GUIDE



Forum: Economic and Social Council

Issue: Legalizing abortion worldwide (The implications of legalizing abortion worldwide on the status of countries.)

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Introduction

Abortion is the intentional termination of a pregnancy. The legislations of abortions on a country-based scale is decided by the government of the country. According to the World Health Organization's survey on abortion laws (signed in 1971, Geneva) the legislation of abortions in-country - whether regulatory or liberalizing the current laws of the state- can potentially have effects on the socio-economic stance of said state. Eg. states which are more strictly regulating abortion (by imposing more laws which disable the required medical or legal infrastructure) have more birth rates and an increase in birth rates are visible through demographic data retrieved.

Strict legislations of abortions in a given state can often be changed or altered to allow cases in which abortion “is not punishable and in particular, those where it is justified on medical grounds” meaning that the legislations upon abortion do not stand in the way of the health or life of the women. This idea is embraced by many states in which abortion is not legal and is legislated as safeguarding the health of the women is significant to ensure a better life quality within society. Restrictive legislation can also be trimester-specific and states can identify certain timestamps in which abortion is no longer possible when reached (eg. in Spain, since 2009, abortions are available until 14 weeks of pregnancy while in Portugal, since 2007, abortions are available the first 10 weeks of pregnancy).

The course of actions taken by states is loosely based on religious and moral viewpoints. Certain societies are reluctant towards the matter and often in restrictive countries patients are faced with ethically and morally hesitant physicians. Surveys also show that sociocultural aspects of the societies may also be unwilling to accept abortions, thus leading to a restrictive legislative process of a given state. In more recent years developments with protests and the uproar within societies are also seen to have an impact on the stance of states regarding the criminalization or decriminalization of abortions.

Definition of Key Terms

Liberalization: The act of removing or loosening and economic or political system. When liberalization is carried out by a government the policies regarding the laws are altered to be less strict or more loosely monitored by authorities.

Public Healthcare: Public healthcare is the application of professions and

treatments to ensure stability and prolonged life within a society. In order to achieve public health, public healthcare systems are provided by governments to allow treatments to citizens. The organized provision of such systems is vital to sustain the general health of populations and maintain the psychological, psychological, physical and emotional well being of individuals. The technical infrastructure of healthcare is vital to ensure a sense of security of the country and in cases of abortion, the attitude of healthcare personnel is vital. If the necessary steps are not taken by medical professionals the lives of pregnant women may potentially be threatened.

Background Information

Socioeconomic Indications of Banning Abortion within Countries

Strict regulations of abortion legislation within states have a wide range of effects from birth rates to the provided healthcare systems of said countries. Examples of banning abortions before and after the proposal of the survey on abortion laws are critical to understanding how enforcing strict laws regarding the matter can have long-lasting effects on the state.

- Eg. 1993 Abortion-Ban Poland

In 1993 Poland banned demand-based abortion and began allowing abortion in limited circumstances exceptions. The Polish government banned all abortions except rape, incest, severe congenital disorders and the presence of a threat to the life of the mother. The significantly restrictive legislation caused Polish women to be unable to have abortions due to economic or social factors. Since the law was enforced, it was obtained that women still continue to seek systems in which abortion is carried out. Since the

ban in 1993, "underground" abortion services and "abortion tourism" was created in the country. The underground abortion services located mostly in large cities was observed since the anti-abortion ban. It was found out via investigations that abortion in these underground services costs a range from US\$400-800. This has significant effects on the economic stability of Polish women as an average monthly salary in Poland is US\$300 (circa 1996). Polish women were also documented trying to leave the country and go elsewhere to have the abortion procedures. In 1996, it was estimated that around 16000 Polish women traveled to neighboring countries to receive an abortion. The creation of such networks of "underground" services lead to imbalances within economies. Keeping in mind that this "illegal" procedure costs more than the average monthly income significantly represents how difficult it may be to obtain an abortion by Polish women in such a strictly restrictive society. The economic impacts of restrictive legislation and 'banning abortion' is significantly damaging and potentially can lead to impoverished lives and change in social classes based on monthly income.

- Eg: 2007 The "Decriminalization" of Abortion in Mexico

The Legislative Assembly of the Federal District (Asamblea Legislativa De Distrito Federal, LAFD) reformed all articles regarding abortion in the Criminal and Health Codes. Abortion was deemed "decriminalized" by the assembly. However, since in the country abortion proceedings identify as local state legislations, states have different applications of the decriminalization. All penal codes permit abortions in cases of rape in all states and in cases of life-threatening situations for the mother except 3 states (Guanajuato, Guerrero, and Querétaro). In conservative states, abortion is less likely to be on request and generally instances in which the economic well being of the mother has no validity on the request for an abortion. This

causes vast differences in the application of decriminalization law. While technically abortion is legal, in conservative states restrictive legislation is carried out with very few instances in which abortion is available to women. On the other end, however, in more liberal and left-leaning states the liberalization of the legislation is visible as abortion and necessary healthcare is provided to women in a broad range of circumstances and upon request. Mexico City for example, since 2007, offers abortion on request to any woman for the first 12 weeks. This application makes Mexico one of the most liberal legislation on abortion in Latin America (alongside Cuba and Uruguay). Since the decriminalization, many pro-life organizations and the Roman Catholic Church resulted in amendments aiming to change the state constitutions and define fertilized human eggs as “people with rights to legal protection”. However, no changes were made by any states as of October 2009. There are also speculations of a misdemeanor and denying the rights given by the decriminalization in the more conservative leaning state of Guanajuato as Human Rights Watch and local NGO’s claim that rape victims are denied petitions for abortion services. This supposedly caused 130 victims to seek illegal abortion methods and were sentenced to prison.

Major Organisations Involved

World Health Organization (WHO): Established in 1948, the World Health Organization is a specialized agency under the United Nation that aims to promote public health internationally. The Organization is responsible for the Survey of current world legislation on Abortion Laws which was signed in 1971 in Geneva.

Timeline of Events

1983 - Ireland passed the Eight Amendment of the Constitution which gave a right to live to the “unborn” and recognized the life as equal to the mother. The amendment ensured that restriction would be enforced in circumstances where the life of pregnant women was at risk. Opposing ideas surfaced as groups claimed that they had no intention of legalizing abortion and other catholic groups supported the implementation of the amendment in the constitution.

1988 - The Canadian Supreme Court removed abortion regulation which previously allowed abortions in certain instances with a required approval of a commission of doctors. The requirement was deemed “violating” to a woman’s constitutional security. Since the removal of the regulation, Canadian law has not regulated abortion.

1993 - Abortion was banned by the Polish government with only exceptions being rape, incest, severe congenital disorders and the presence of a threat to the life of the mother. The legislation continues to be one of the most restrictive laws in Europe.

1997 - South Africa placed the Act of Choice on Termination of Pregnancy into effect which allows abortion on demand. The act is a repeal to the Abortion and Sterilization Act of 1975 which used to allow abortion in some circumstances.

2001 - Ten-week limit on abortion laws of France was extended to 12 weeks. The required parental consent was also revoked and minor girls are able to get abortions without parental consent since the 2001 reform. Girls under the age of 18 are allowed to get abortions without the knowledge of their parents if they are accompanied to the clinic by an adult of their choosing. The adult is not to tell the parents or any third party.

2007 - The Legislative Assembly of the Federal District (Asamblea Legislativa De Distrito Federal, LAFD) reformed all articles regarding abortion in the Criminal and Health Codes. Abortion was decriminalized by the assembly.

2009 - The Spanish government decriminalizes abortion, making it available to women that are in the first 14 weeks of pregnancy.

Relevant UN Treaties and Events

Abortion laws: A Survey of Current World Legislation (signed 1971, Geneva by the World Health Organization).

The survey was published initially on the International Digest of Health Legislation. The survey is important to understand examples of legislations of abortion that are carried out by governments wishing to take action. It acts as a basis for the documentation on the standpoints of countries and states and mentions the implications of enacting such laws on the social and economic states of countries.

Previous Attempts to Solve the Issue

While abortion has been a controversial issue since the early 20th century, actions regarding its legislation were only taken by individual states or governments. A worldwide attempt to legalize or legislate abortions have not been undertaken as no coalition was built regarding the issue. It is important to understand that countries cannot produce a unanimous choice to whether liberalize or restrain the legislation of abortions.

Possible Solutions

In order to achieve a possible unity and agreement on the stance, all member states must believe in the same argument rather than be on the opposing ends of the debate. Abortion, being the act of terminating a possible pregnancy thus in accordance to certain opinions “the possibility life”, continues to be controversial as people have their own opinions regard what “life” is and consists of. It is important to know what characteristic signifies “life” and what distinction must be made in the fetus to give it the label of “alive”. The area in which pro-choice and pro-life groups cannot agree is this and the issue must be resolved in order to achieve a common understanding of what abortion indicates to countries. In order to establish a legal or illegal stance on abortion states must be in agreement so that the legislation is suitable for the beliefs of the majority of the population of states, whether left-leaning or right-leaning demographics.

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Appendix/Appendices

I. Abortion Laws: A Survey of Current World Legislation <https://app->

s.who.int/iris/bitstream/handle/10665/41924/a53898_eng.pdf?sequence=1

II. Abortion Worldwide: A Decade of Uneven Progress [https://
www.guttmacher.org/sites/default/files/report_pdf/abortion-worldwide.pdf](https://www.guttmacher.org/sites/default/files/report_pdf/abortion-worldwide.pdf)