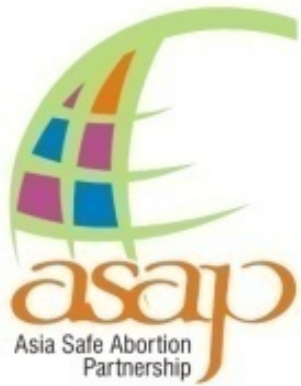


Abortion laws in Asia



Shilpa Shroff

www.asia-asap.org



- ▶ Do we need a law?
- ▶ Should abortion be a part of population policy?
- ▶ Who is the creator of law?
- ▶ Who is the guardian?
- ▶ Who is it meant to protect?

Countries

- ▶ China
- ▶ Indonesia
- ▶ India
- ▶ Pakistan
- ▶ Afghanistan
- ▶ Bangladesh
- ▶ Myanmar
- ▶ Hong Kong
- ▶ Philippines
- ▶ Sri Lanka
- ▶ Vietnam
- ▶ Australia
- ▶ Nepal

- ▶ **What are the criteria for safe abortion access in your country ?**

(Till how many weeks of pregnancy can it be done, who can do it, whose consent is needed, is medical abortion legal and registered)

- ▶ **What the barriers to safe abortion access in your country?**

(In spite of having a law do you have any barriers to access safe abortion, what type of barriers, does law help overcome this barriers)

Law and policy

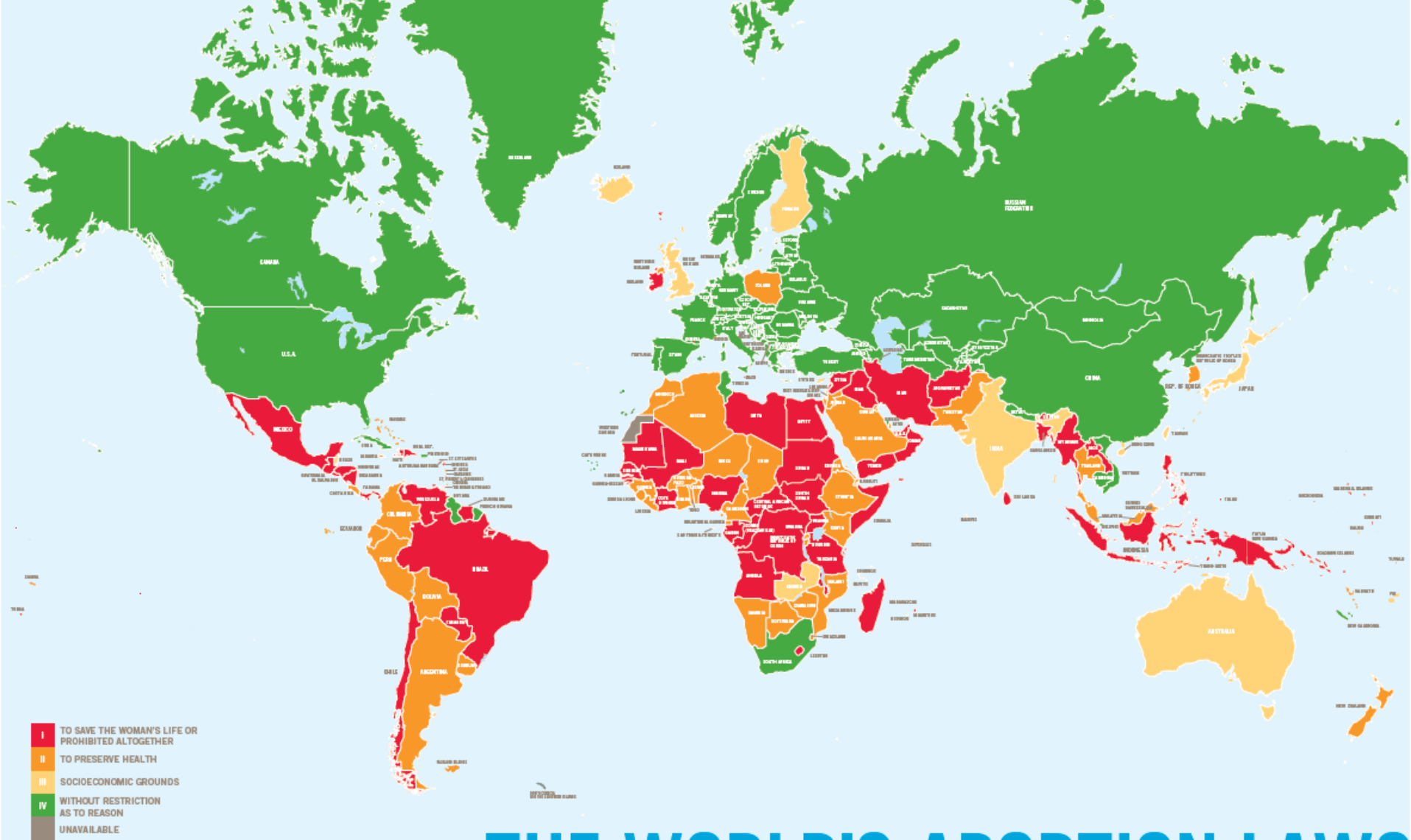
The background features abstract geometric shapes in shades of yellow and orange, primarily concentrated on the right side of the slide. These shapes include overlapping triangles and polygons, creating a modern, layered effect. A thin, light-colored line also runs diagonally across the right side, intersecting the geometric forms.

Worldwide

Currently, **61%** of the world's people live in countries where **induced abortion is permitted** either for a wide range of reasons or without restriction as to reason.

In contrast, **26%** of all people reside in Countries where **abortion is generally prohibited**.

Source : CRR http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/pub_fac_abortionlaws2009_WEB.pdf



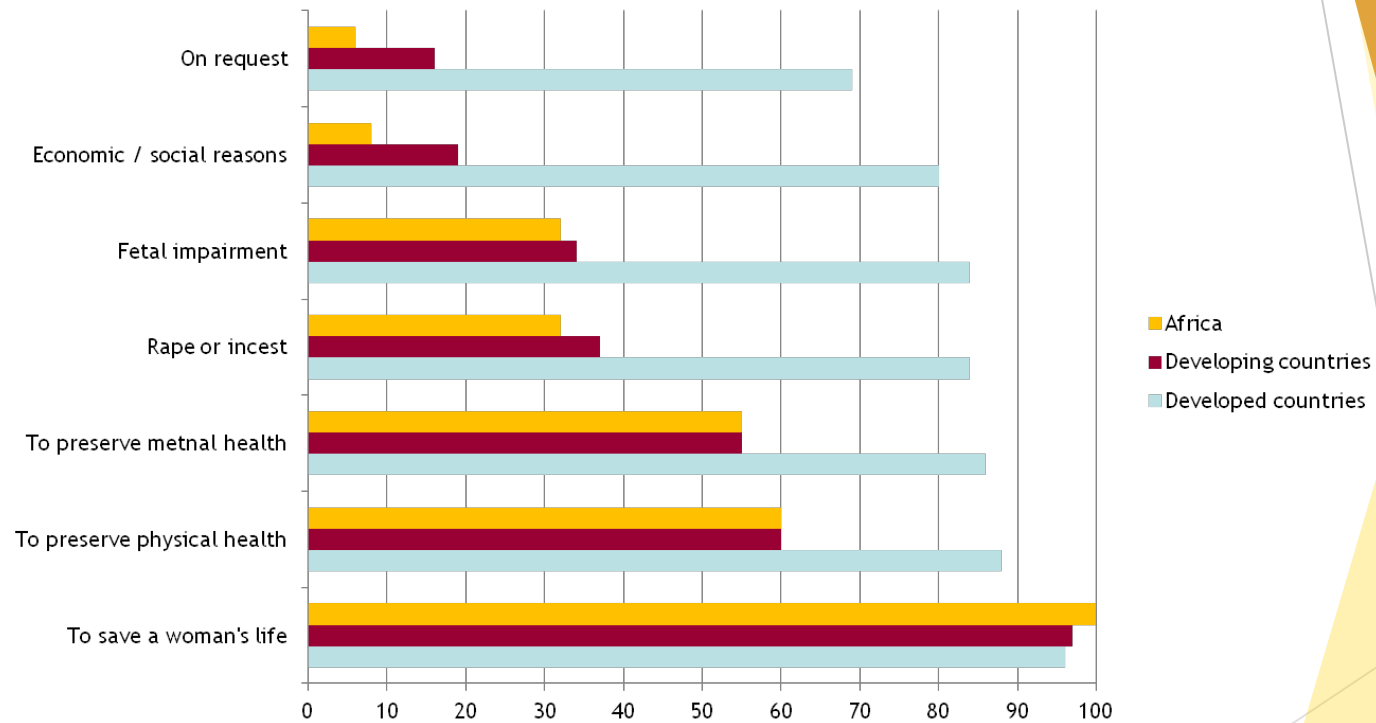
THE WORLD'S ABORTION LAWS

Source : Centre for Reproductive Rights

<http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/>

[AbortionMap_2011.pdf](#)

In almost every country in the world abortion *is* legal at least to save the life of the woman.



•Source: United Nations, 2011

Legal grounds for abortion

- ▶ Risk to the woman's life.
- ▶ Risk to the physical and mental health of the woman
- ▶ Fetal anomaly/abnormality.
- ▶ Rape, incest or other sexual abuse
- ▶ The woman's social and economic situation and that of her existing children.
- ▶ At the woman's request.

Regulations and bureaucracy

- Gatekeepers:
 - Providers (1-2-3 doctors)
 - A hospital-appointed committee
 - Partner
 - Parent
- Approved places (hospital only)
- Rigid clinic registration requirements
- Mandatory counselling requirements
- Approved providers (only gynaecologists)
- Time limits (low upper gestational age)
- Only citizens (women can't cross borders)

A good law is **necessary**.....



..... but not always **sufficient!!**

WARNING



**CHALLENGES
AHEAD**

Pro-life

Anti-choice

WHEN DOES LIFE BEGIN?

AT THE
MOMENT
OF CONCEPTION.



AT BIRTH.



WHEN YOU
GET YOUR
DRIVER'S LICENSE.



Laws can be restrictive or interpreted in a restrictive way

Despite being signatory to ICPD, CEDAW countries can put nationalist/populist goals above those of individual rights.

US legislators standing behind George W Bush in 2003 as he signs the partial-birth abortion ban.
No women is seen in the committee!!



Safe Abortion law

Exercise

REAL-LIFE SCENARIOS

You are advisors to the President of an imaginary country who has recently indicated that she will be willing to consider some exceptions to the country's laws that ban abortion in all circumstances, even when the woman's life is in danger. She is asking you to consider these five scenarios and choose three out of the five scenarios (ranked one to three in importance) that you would recommend to be those exceptions.

SCENARIO 1: ANGELA

Angela is 20 years of age and was the first person ever from her village to be accepted at the Catholic university in the capital city. Her family, friends and neighbors were really excited by her achievement and had high hopes that her success will be the beginning of real change in the community. A couple of months after starting university, Angela met another student named Jeff and, after they found they had much in common, they began dating. Soon afterwards, they started to have sex. They used condoms most of the time but sometimes they were overcome with passion and did not. Angela has just had a pregnancy test and thinks she is 12 weeks late. She needs you to approve her for an abortion.

SCENARIO 2: YASMIN

Yasmin has been married to her husband for 15 years. By all accounts she loves him but perhaps now more like a friend and less like a lover. But she does appreciate how great a father he is to their two daughters. On a recent business trip, Yasmin met a coworker in a bar after a long day. One thing led to another and she had sex with him. She was shocked when she started to miss her periods but ignored it, thinking perhaps she was unwell. But her doctor has now confirmed that she is eight weeks pregnant. Her husband will know that this pregnancy is not his and her marriage and family life will be ruined. She asks that you please give her an abortion.

SCENARIO 3: SHEILA

Sheila is a 36-year-old professional woman and was delighted when she heard that her second child would be a boy. Her husband Allan has dreamed of having a son—even from the early years when they dated. Eighteen weeks into the pregnancy, the doctors explained that her fetus is severely damaged and has Down's syndrome. Allan and Sheila just do not feel that they can cope with a disabled child. They both want to terminate this pregnancy and try again for another baby that will meet their expectations and the reality of their lives. They ask that you please give permission for this abortion.

SCENARIO 4: Mary

Mary had a very hard life in a rural area. She came to the city with hopes of a better life more than 20 years ago. Now she is 45 with seven children and has a life that most days she feels is not worth living. Her husband William drinks and beats her. He contributes nothing to her welfare, or her children's. She gets by though, taking in laundry from rich people in the suburbs. After another recent demand for sex from her husband she thought she might be pregnant but ignored it. When she found out that she was pregnant she tried warm baths and herbs but nothing worked. She is now 18 weeks pregnant and has made up her mind that she needs an abortion or she will kill herself. A local nurse told her that if she changes her mind and continues the pregnancy a local prolife group will help her with baby clothes and support—and may even be able to arrange an adoption. Mary is not convinced; she does not want to continue with the pregnancy, and doesn't think she can afford to do so. She asks that you give her this abortion.

SCENARIO 5: SALIM & SARA

Salim and Sara have four children and were perfectly content with their lives. A romantic winter holiday produced a surprise result when Sara found herself pregnant. Sara, who is 46 this year, presumed that her baby days were over. At first, she accepted her fate but after 18 weeks the doctors told her that the baby would have a serious cleft palate problem and she decided that she wants to terminate this pregnancy. Her husband feels that perhaps some operations could correct the problem but accepts it is Sara's decision. Sara does not feel she has the energy to go through what might be years of operations to correct this condition. She also has fears about what might be the psychological impact on a small baby of having so many operations that probably will never produce a perfect result. Sara asks you to please give her an abortion as she does not want this baby.

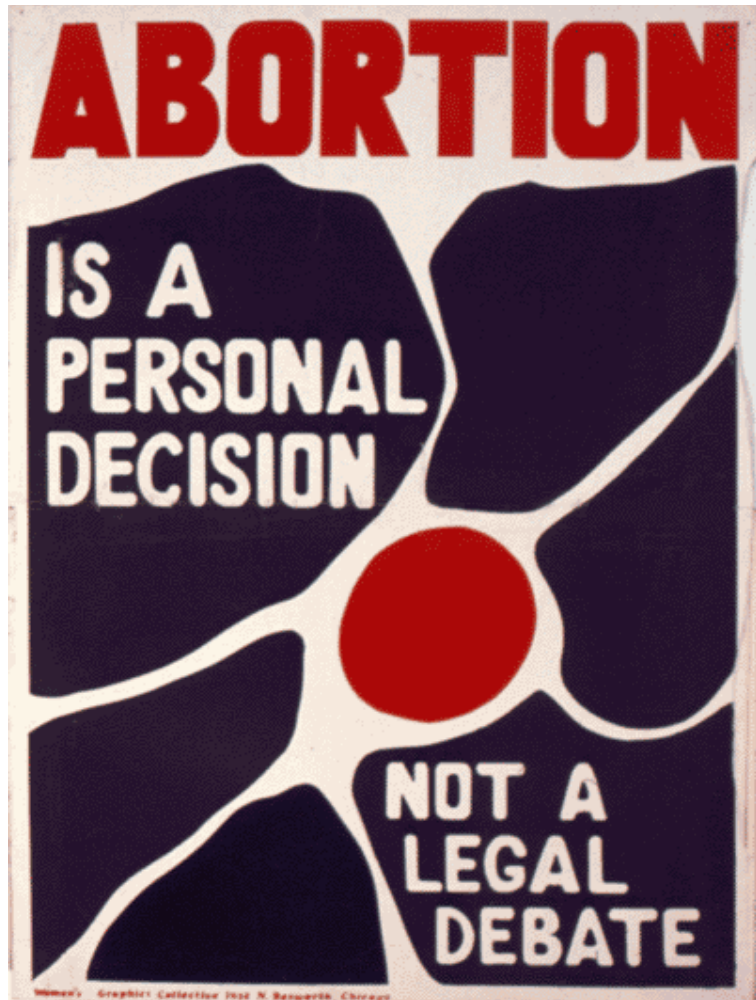
Abortion Law

	ANGELA	YASMIN	SHEILA	MARY	SALIM & SARA
GROUP 1					
GROUP 2					
GROUP 3					
GROUP 4					
TOTAL					

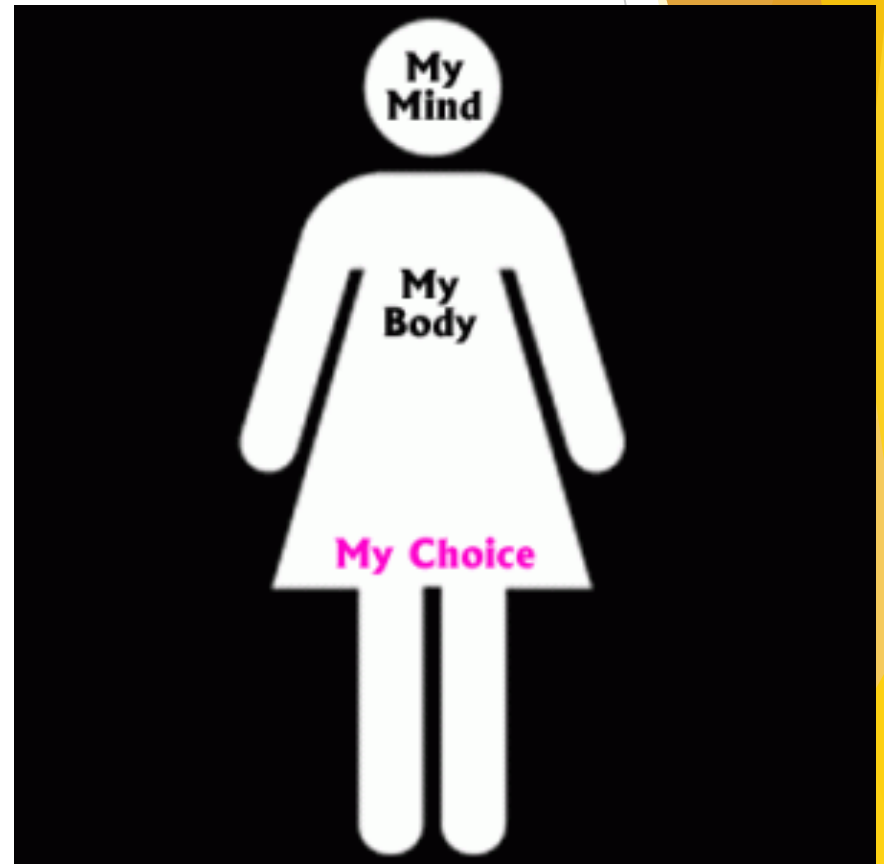
Draft a Law

Criterion :

- ▶ Gestational Age limit
- ▶ Who should be the gatekeeper/ Who should be the decision maker?
- ▶ What age women can get an access to safe abortion?
- ▶ Who is eligible to consent
 - ▶ Parent/spouse/ partner/ counsellor/ government
- ▶ Conditions for getting an abortion
- ▶ Regulations on who can do it and where it can be done
- ▶ Accountability - who is responsible to provide the services.



Abortion
is *every* woman's
right



Is a good law enough ?

- ▶ Awareness of the law is important,
- ▶ An enabling regulatory and policy environment is needed to ensure ready access to good-quality abortion services.
- ▶ Policies should be geared to respecting, protecting and fulfilling the human rights of women, to achieving positive health outcomes for women.
- ▶ Eliminate barriers that impede women's access to health services such as high fees for health-care services
- ▶ Eliminate the requirement for preliminary authorization by spouse, parent or hospital authorities
- ▶ Reduce long distances from health facilities and the absence of convenient and affordable public transport
- ▶ Ensure that the exercise of conscientious objection does not prevent individuals from accessing services to which they are legally entitled.
- ▶ Provide timely treatment for abortion complications regardless of the law on induced abortion, to protect a woman's life and health.
- ▶ Eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion

Ideal scenario

- ▶ Abortion should be **decriminalised** and **available** like every other legitimate public health service.
- ▶ It should be **available** at a **woman's request** without any other form of reason/approval needed.
- ▶ **Unsafe abortion**, like all maternal deaths, **should become history**.

köszönöm ! תודה dĕkuji

mahalo 고맙습니다

thank you

merci 谢谢 *danke*

Ευχαριστώ شڪرا

どうもありがとう *gracias*