

A Global View: Mapping Abortion Rights Worldwide

Safe and legal abortion is a fundamental human right

The right to safe and legal abortion is protected under numerous international and regional human rights treaties and national-level constitutions across the globe. These instruments ground safe abortion in a constellation of rights, including the rights to liberty and security of the person, privacy, equality and non-discrimination, and freedom from cruel, inhuman, or degrading treatment or punishment.

International and regional human rights bodies have repeatedly recognized that states must both make abortion legal under a range of circumstances and ensure abortion services are accessible in practice.

- They have consistently **condemned restrictive abortion laws as being incompatible with human rights norms** and have called on states to permit legal abortion at minimum when the woman's life or health is at risk, where pregnancy results from rape or incest, and in cases of fetal impairment.¹
- A number of human rights bodies and experts have urged states to **decriminalize abortion and lift punitive sanctions** for women and girls who have had abortions.²
- Human rights bodies have repeatedly **held states accountable for failing to guarantee access to legal abortion services**, recognizing that this can result in human rights violations.³

There is an overwhelming global trend toward the liberalization of abortion laws

In 1994, 179 governments signed the International Conference on Population and Development Programme of Action (ICPD), signaling their commitment to preventing unsafe abortion. In the 25 years since ICPD, nearly 50 countries worldwide have liberalized their abortion laws—demonstrating considerable progress toward ensuring women and girls' reproductive autonomy. During this same period, only a small handful of countries have reduced the grounds under which abortion is legal.

Restrictive abortion laws jeopardize women's lives and health

The World Health Organization (WHO) recognizes that in countries with restrictive abortion laws, induced abortion rates are high, the majority of abortions are unsafe, and women's health and lives are frequently put at risk.

- Legal restrictions on abortion do not result in fewer abortions. Instead, they compel women to risk their lives and health by seeking out unsafe abortion services.
- According to the WHO, in countries where induced abortion is highly restricted or unavailable, "safe abortion has become a privilege of the rich, while poor women have little choice but to resort to unsafe providers."⁴

Conversely, the removal of legal restrictions on abortion has shifted clandestine, unsafe procedures to legal and safe ones, resulting in significantly reduced rates of maternal mortality and morbidity.

Abortion cannot merely be legal—it must also be universally accessible

Despite the positive trend toward liberalized abortion laws globally, gaps in the implementation of abortion laws and procedural barriers prevent millions of women from accessing safe abortion services.

- Even when abortion is legally permitted, procedural barriers such as mandatory biased counseling, waiting periods, and third-party authorization requirements, as well as restrictions on medical abortion, can result in denials of abortion care.
- Furthermore, practical barriers such as lack of skilled providers, unaffordability, and lack of information about legal abortion services, also undermine accessibility.

It is essential that states go beyond reforming restrictive abortion laws to ensure abortion is available in practice to all women and girls.

Gender equality is only achievable when women and girls have access to safe and legal abortion

Guaranteeing women and girls reproductive autonomy, including the decision whether to carry a pregnancy to term, is an essential component of gender equality.

- Compelling women and girls to carry pregnancies to term perpetuates harmful gender stereotypes, such as that women and girls' primary role is to be mothers and caretakers, that protection of the fetus should prevail over women and girls' own rights, and that women and girls are not competent to make informed decisions about their own lives and health.
- When women and girls are conscripted into motherhood against their will, it undermines their ability to fulfill their educational aspirations, hinders their economic opportunity, and reduces their ability to participate in public and political life. In turn, this exacerbates the social, political and economic inequities women and girls face worldwide.

The bottom line

The legal status of abortion worldwide indicates more than just where women and girls are legally permitted to decide whether to carry a pregnancy to term. It also reveals how likely a woman or girl is to die from unsafe abortion, whether girls will complete their education, and the limits on women and girls' ability to participate in public and political life.

Women and girls cannot achieve their greatest personal potential or be full members of society if they do not have access to the full suite of reproductive rights. Safe and legal abortion is a fundamental human right to which every woman and girl is entitled.

Endnotes

1. See, e.g., *L.C. v. Peru*, Committee on the Elimination of Discrimination against Women (CEDAW Committee), Commc'n No. 22/2009, para. 9, U.N. Doc. CEDAW/C/50/D/22/2009 (2011) [hereinafter *LC v. Peru*]; *Mellet v. Ireland*, Human Rights Committee, Commc'n No. 2324/2013, paras. 7.10 – 7.11, UN Doc. CCPR/C/116/D/2324/2013; Committee against Torture (CAT Committee), *Concluding Observations: Paraguay*, para. 22, U.N. Doc. CAT/C/PRY/CO/4-6 (2011); Committee on the Rights of the Child (CRC Committee), *Concluding Observations: Chile*, para. 61(c), U.N. Doc. CRC/C/CHL/CO/4-5 (2015).
2. See, e.g., CEDAW Committee, *General Recommendation No. 24: Article 12 of the Convention (Women and Health)*, para. 11, U.N. Doc. A/54/38/Rev.1, chap. I. (1999); CRC Committee, *Concluding Observations: Bhutan*, para. 35(c), U.N. Doc. CRC/C/BTN/CO/3-5 (2017); *Cameroon*, para. 35(c), CRC/C/CMR/CO/3-5 (2017); *Sierra Leone*, para. 32 (c), U.N. Doc. CRC/C/SLE/CO/3-5 (2016); *Brazil*, para. 60 (c), CRC/C/BRA/CO/2-4 (2015).
3. See, e.g., *L.C. v. Peru*, *supra*, note 1; *K.L. v. Peru*, Human Rights Committee, Commc'n No. 1153/2003, U.N. Doc. CCPR/C/85/D/1153/2003 (2005); *L.M.R. v. Argentina*, Human Rights Committee, Commc'n No. 1608/2007, U.N. Doc. CCPR/C/101/D/1608/2007 (2011).
4. WORLD HEALTH ORGANIZATION, *SAFE ABORTION: TECHNICAL AND POLICY GUIDANCE FOR HEALTH SYSTEMS* 23 (2012).