

QUESTIONS & ANSWERS

Understanding *The World's Abortion Laws Map*

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Q: What does *The World's Abortion Laws* map show?

The map categorizes the world's countries by their abortion laws, which fall on a continuum from severe restrictiveness to relative liberality. For purposes of this map, "countries" include independent states and, where populations exceed one million, semi-autonomous regions, territories, and jurisdictions of special status, such as Hong Kong and Northern Ireland. The map shows that more than 60 percent of the world's population resides in countries with permissive abortion laws. More than two dozen countries have liberalized their abortion laws since the initial publication of this map in 1998, whereas only a handful have taken steps to legally restrict abortion.

Q: Where can abortion laws be found within a country's legal framework?

Abortion laws appear in multiple legal sources, including statutes enacted by legislatures, regulations created by administrative agencies, and court decisions. Many of these laws and policies apply concurrently. Abortion laws often appear in penal codes, and procuring an abortion may carry criminal sanctions for the woman and abortion provider. However, many penal codes recognize exceptions under which performing an abortion does not carry any criminal penalties. In Cameroon, for example, abortion is a criminal offense except when it is performed to avoid endangering a woman's life or health or where pregnancy results from rape. Increasingly, abortion laws are emerging in public health statutes, court decisions, and other laws and regulations specific to reproductive health care, rather than in penal codes. For example, in 2013 Uruguay passed legislation liberalizing the country's abortion law and setting forth the procedures and health care standards for the provision of abortion services.

Q: How are countries categorized?

Each country is classified into one of four categories indicating the circumstances under which a woman can legally obtain abortion services. The first category includes countries that prohibit abortion altogether or permit it only to save the life of a woman. The countries in each subsequent category recognize additional grounds for a woman to access abortion: to preserve her health, on socioeconomic grounds, and without restriction as to reason. The "indications" key captures some of the specific indications for abortion services, as well as restrictions on accessing such services. In some countries, for example, abortion may be permitted if a pregnancy resulted from rape or

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incest or in cases of fetal impairment. Some countries may impose legal barriers on abortion services, such as spousal and parental authorization or notification requirements.

It is crucial to note that, in practice, abortion laws may be applied differently than their categorization suggests. In some countries where abortion is permitted, inadequate implementation of legal provisions may render safe abortion services inaccessible. Additionally, abortion laws may be interpreted more liberally or restrictively than a literal reading of the law suggests, depending on factors such as public support for abortion rights, the views of government officials and providers, and individual circumstances. Therefore, the country classifications do not necessarily indicate the extent to which legal abortion services are actually available or permitted in practice.

For example, although Great Britain's abortion law legally authorizes abortion only on socioeconomic grounds, liberal interpretation of the law has made abortion services freely available in practice. Conversely, although India also permits abortion on socioeconomic grounds, many women are unable to access safe abortion services because the law is inadequately implemented.

Q: What types of abortion laws does Category I reflect?

Category I countries either prohibit abortion entirely or permit it only to save a woman's life. Roughly 25.5 percent of the world's population resides in 66 countries with such laws. These countries are mostly located in the Global South, with the exception of several countries in central and eastern Asia.

Many of these countries, such as Brazil and Tanzania, include explicit provisions in their penal codes that exempt providers from punishment if they perform an abortion to save a woman's life. Other countries, such as Egypt and Haiti, prohibit abortion altogether in their penal codes, but may permit it in these circumstances on the basis of the criminal law defense of "necessity." Many penal codes excuse criminal liability if the act is performed in order to save one's own life or the life of another person. In these circumstances, although abortion is not expressly permitted by law, it could be performed on the basis that it was necessary to preserve a woman's life. However, this necessity defense is generally theoretical and only applicable to avoid

criminal liability. Thus, abortion providers or women can only invoke the defense once they face criminal charges. The defense's success is difficult to predict since it is often fact-specific.

Furthermore, although theoretically possible, the availability of the necessity defense is questionable in Chile, Malta, El Salvador, and Nicaragua—countries that previously authorized abortion on limited grounds, but subsequently eliminated *all* exceptions to their abortion bans from their penal codes.

Q: What types of abortion laws does Category II reflect?

Category II countries permit abortion to protect a woman's life and health. The 59 countries in this category are scattered throughout the world and comprise about 13.8 percent of the world's population. The laws of most Category II countries authorize abortion on "health" or "therapeutic" grounds. Some of the laws in these countries specify the gravity of the possible injury and only permit abortion if the potential harm is grave, serious, or permanent. Alternatively, some laws, such as Zimbabwe's and Monaco's, specify that abortion is available only if the physical health of a woman is in danger. Others, such as those in force in Colombia and Ghana, permit abortion if a woman's mental or physical health is at risk.

In countries permitting abortion on mental health grounds, the interpretation of risks to mental health varies and can include psychological distress resulting from rape, incest, or socioeconomic circumstances. For example, in New Zealand, for purposes of determining whether a woman can procure an abortion because the pregnancy endangers her life or physical or mental health, the law takes into account pregnancies resulting from sexual violation, as well as the age of the woman or girl.

The World Health Organization (WHO) advises that countries permitting abortion on the grounds of health should interpret "health" in line with the WHO's definition of health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." As such, countries that generally recognize a health exception for abortion should interpret their abortion laws in accordance with the WHO's definition of health and allow abortion on physical and mental health grounds.

Q: What types of abortion laws does Category III reflect?

The 13 countries in Category III permit abortion for socioeconomic reasons. These countries are spread throughout the world and encompass roughly 21.3 percent of the world's population. In practice, these abortion laws are usually interpreted liberally and allow women to obtain abortions for factors such as their age, economic status, or marital status. Generally, socioeconomic reasons for abortion are considered within the framework of women's health. For example, the laws of Great Britain, Belize, and Zambia consider a woman's "actual or reasonably foreseeable environment" in determining whether the pregnancy endangers her physical or mental health.

Q: What types of abortion laws does Category IV reflect?

Category IV includes the 61 countries with the most liberal abortion laws. These countries comprise 39.5 percent of the world's population, are located primarily in the Global North, and include most countries in North America, Europe, and central and eastern Asia (including China, the world's most populous country). These countries permit abortion without restriction as to reason, and the woman makes the decision about whether to terminate a pregnancy. Several countries, such as the United States, Canada, and South Africa, explicitly recognize that a woman has the right to choose to terminate her pregnancy—and that excessive interference with this choice violates her constitutional rights.

Most Category IV countries establish gestational limits during which a woman can terminate her pregnancy without restriction as to reason, after which abortion is normally permitted on limited grounds. In Denmark, for example, a woman may procure an abortion without restriction as to reason during the initial 12 weeks of gestation. Subsequently, abortion is available in cases of fetal impairment, on specified socioeconomic grounds, or if the pregnancy results from a criminal act or poses a risk to a woman's life or health. The gestational limits key in Note IV on the map denotes the period during which a woman can have an abortion without restriction as to reason.

Q: Where can I find up-to-date information on countries' abortion laws?

WorldAbortionLaws.com – an interactive version of the *The World's Abortion Laws* map – is updated in real time to reflect changes in countries' abortion laws. The interactive map also includes the full text and English translations of more than 50 countries' abortion laws from countries within each region of the world and from each category identified on the map. The interactive feature also provides links to helpful advocacy tools for abortion law reform and to more information on the Center's work to ensure women's access to safe abortion services in countries across the globe.

Additional information about abortion laws worldwide generally and the classification system used in The World's Abortion Laws map is set forth in the following publications: Boland, R., Katzive, L., Developments in laws on induced abortion: 1998–2007, 34(3) INTERNATIONAL FAMILY PLANNING PERSPECTIVES 110–20 (2008); RAHMAN, A., KATZIVE, L. AND HENSHAW, S., A Global Review of Laws on Induced Abortion from 1985–1997, 24(2) INTERNATIONAL FAMILY PLANNING PERSPECTIVES 56–64 (1998).

The World's Abortion Laws Sources:

In compiling and categorizing the world's abortion laws, the Center has, whenever possible, relied on information from official government sources. If these primary sources are unavailable, we have relied on secondary sources such as reprints and translations of laws, including those published by the WHO in the International Digest of Health Legislation, and by the Harvard School of Public Health in the Annual Review of Population Law. Additionally, we derived information about the interpretation of abortion laws from World Abortion Policies: A Global Review, published by the Population Division of the United Nations in 2002.

www.worldabortionlaws.com

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