

# Abortion And Right To Life

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**Abstract:**

In this article we are going to research relationship between abortion and survival, and the right of the fetus to survive, maternal health, family planning, and so on. issues and problems in this area.

**Açar sözlər:** Çoxalma sağlığı, abortun hüquqi statusu, sağlıq xidməti, yaşamaq hüququ və abort

**Xülasə:**

Bu məqalədə abort və yaşamaq hüququ arasında qarşılıqlı əlaqələrdən və dölnün yaşamaq hüququ, ananın sağlamlığı, ailə planlaşdırması və s. məsələlərdən və bu sahədə mövcud problemlərdən bəhs olunur.

**Ключевые слова:** Репродуктивное здоровье, правовой статус аборт, Здравоохранение, аборт и право на жизнь

**Резюме:**

В этой статье рассматриваются отношения между абортом и выживанием, а также право плода выжить, материнское здоровье, планирование семьи и т. Д. проблемы и проблемы в этой области.

Occasionally, for political, religious, health or feminist reasons, the debate on the abortion issues is disclosed, the debate of this social

scourge that is present in every society. Legally or illegally abortions are performed everywhere. Fortunately, in many societies, the act of voluntary termination of pregnancy is guaranteed by law and this has cut to a considerable extent the way of illegal and criminal abortions with fatal consequences for women's health. According to the World Health Organisation, every year in the world, an estimated 40-50 million women faced with an unplanned pregnancy decide to have an abortion. This amount of abortions seems to be the cause that has reopened the public debate on the attitude of law, rule, religion, morality and the right of women to abortion.

The problems of abortion have been at any time part of an open debate across the world. Polyvalent discussions have become even more intensive whether we look at them by an ethical, religious or a legal point of view. Yet, despite the very long time that was devoted to the discussion and the decision making regarding abortion issues, they are still difficult to be solved to the end, because in the essence is an issue that lies in the public suspension between those who appreciate the advantages of political values in relation with the natural claims of moral and religious assessment. So again, there is great disagreement over the issue of the moral permissibility of abortion.

Abortion is the termination of a pregnancy by the removal or expulsion of a fetus or embryo from the uterus, resulting in or caused by its death. An abortion can occur spontaneously due to complications during pregnancy or can be induced, in humans and other species. . In the context of human pregnancies, an abortion induced to preserve the health of the gravid (pregnant female) is termed a

therapeutic abortion, while an abortion induced for any other reasons is termed an elective abortion. The term abortion most commonly refers to the induced abortion of a human pregnancy, while spontaneous abortions are usually termed miscarriages.

Methods of abortion have been documented for thousands of years. Some may be surprised to learn that Hippocrates, whose oath is famous for its wording "... I will not give a woman a pessary to cause an abortion", also reportedly described methods to terminate a pregnancy for medical indications in his *Corpus Hipocraticum*. In the 2008 debate on safe and legal access to abortion at the Parliamentary Assembly of the Council of Europe, Ms. Curdova of the Czech Republic noted that: "The 20th century scientist, George Devereux, after examining 350 primitive, ancient societies, concluded that abortion was a universal phenomenon and that it was impossible to find or create a social structure in which it would not exist.

he understanding of a woman's human right to decide when and if to have children has evolved and grown over the past 40 years. At the international level, governments recognized the right to make childbearing decisions at the first global meeting on human rights, as articulated in the 1968 Proclamation of Teheran. The 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), was the first international human rights treaty to explicitly mention family planning. At the 1994 International Conference on Population and Development, 179 governments agreed that free and informed decision making about pregnancy and childbirth is a basic right. In 1999, the UN General Assembly agreed that, "where abortion is not against the law, health system should train and equip health-service providers and should take other measures to ensure that such abortion is safe and accessible".

The abortion debate refers to discussion and controversy surrounding the moral and legal status of abortion. The two main groups involved in the abortion debate are the pro-choice movement and the pro-life movement. Each movement has, with varying results, sought to influence public opinion to attain legal support for its position.

Pro-choice describes the political and ethical

view that a woman should have the choice to continue or terminate a pregnancy. This entails the guarantee of reproductive rights, including access to sexual education, to safe and legal abortion, and to contraception and fertility treatments. Pro-choice advocates argue that whether or not to continue with a pregnancy is inviolable personal choice, as it involves a woman's body, personal health and future. They believe that both parents' and children's lives are better when abortions are legal, thus preventing women from going to desperate lengths to obtain illegal abortions. More broadly, pro-choice advocates frame their beliefs in terms of individual liberty, reproductive freedom and reproductive rights.

Pro-choice individuals rarely consider themselves pro-abortion, because they consider abortion an issue of bodily autonomy, and find forced abortion to be as legally and morally indefensible as the outlawing of abortion. Indeed, some who are pro-choice consider themselves opposed to some or all abortions on a moral basis, but believe that abortions would happen in any case and that legal abortion under medically controlled conditions is preferable to illegal back-alley abortion without proper medical supervision.

A comprehensive global study of abortion has concluded that abortion rates are similar in countries where it is legal and those where it is not, suggesting that outlawing the procedure does little to deter women seeking it. Moreover, the researchers found that abortion was safe in countries where it was legal, but dangerous in countries where it was outlawed and performed clandestinely. Globally, abortion accounts for 13 percent of women's deaths during pregnancy and childbirth, and there are 31 abortions for every 100 live births, the study said.

On the other hand, pro-life describes the political and ethical opposition to elective abortion, and support for its legal prohibition or restriction. Those involved in the pro-life movement generally maintain that human fetuses and, in most cases, embryos are persons, and therefore have a right to life. Pro-life individuals generally believe that human life should be valued either from fertilization or implantation until natural death. The contemporary pro-life movement is typically associated with Christian morality, and has influenced certain strains of bioethical utilitarianism.

From that viewpoint, any action which destroys an embryo or fetus kills a person. Any deliberate destruction of human life is considered ethically or morally wrong and is not considered to be mitigated by any benefits to others, as such benefits are coming at the expense of the life of a person. In some cases, this belief extends to opposing abortion of fetuses that would almost certainly expire within a short time after birth.

So, the problem discussed, has to do with the debate if the conception of the right of choice in the context of political justice and the right of the woman to abortion should be dominant by leaving aside the issue of the moral status of the conceived fetus.

The liberal orientation of developed societies (countries) as well as of the developing ones is unable to find a middle way to make a partition between the right of women according to the concept of political justice and the strict moral and religious conceptions to damage the fetus to the extent when he's not a baby yet.

The discussion is made upon the basis of the liberal society principles founded on tolerance and civilization, on the sovereign and the equal civil right of the women to choose for themselves, to decide if they want to abort or not, and not being forbidden of their choice because the government is biased towards moral and religion.

Certainly, everywhere where the law banning abortion has been abolished there have been major cultural, ideological, medicinal and sexual battles to achieve and realize this difficult right for women. Abortion, regardless its cost, should be assessed as one of the pillars of the sexual revolution, which has as a basic aim the detachment of the sexual relationship from the child birth as a mechanical consequence of the intimate relation.

Modern times require that the developing societies change the masculinist idea which traditionally saw women as men's property. Time asks for the right of women to control themselves and independently their sexuality, to have unlimited possibilities for protective measures and tools to prevent unwanted pregnancies, to have full right on the reproduction decision.

Countries that keep abortion legal keep abortion safe and consequently, ensure the safety of women who choose to end their pregnan-

cies. Due to the fact that abortion is not legal in every country, an estimated 68.000 women worldwide die each year from unsafe abortions.

Women's right to comprehensive reproductive health services, including abortion, is rooted in international human rights standards guaranteeing the right to life, health, privacy, and non-discrimination. These rights are violated when governments make abortion services inaccessible to the women who need them. Under international law, governments can be held accountable for highly restrictive abortion laws and for failure to ensure access to abortion when it is legal. Governments also bear responsibility for high rates of death and injury among women forced to resort to unsafe abortion. So, it is government duties to ease restrictions and ensure access to safe services.

The international Human Rights Instruments where this women's right is rooted are the following ones: Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant of Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

Article 12 of CEDAW protects women's right to health and requires states parties to eliminate discrimination in the area of health care, including reproductive health care such as family planning services. Article 16 of the same Convention protects women's right to decide on the number and spacing of their children and to have access to information and the means to do so.

In its General Recommendation 24, the CEDAW Committee states that it is the duty of states parties to "respect, protect and fulfil women's rights to health care". The Committee recognizes the importance of women's right to health during pregnancy and childbirth as it is closely linked to their right to life. To make health services more readily available, and thereby prevent maternal mortality, the Committee explicitly requires that impediments to women's access to lifesaving health services (such as high fees, spousal authorization, or punitive provisions imposed on women who undergo abortion) be removed. The Recommendation explicitly says: "It is discriminatory for a State Party to refuse to provide

legally for the performance of certain reproductive health services for women”.

In its General Comment 14, the Committee on Economic, Social and Cultural Rights, interprets article 12(2) (a) of ICESCR as establishing a right to maternal child and reproductive health, which requires states parties to implement measures to accomplish the following: “improve child and maternal health, sexual and reproductive health services, including access to family planning, pre and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information”. While abortion is not mentioned it would necessarily be a part of comprehensive reproductive health and family planning services, as would emergency services that might be required for post-abortion care.

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