



# Access to Abortion Around the World

Although legal restrictions on abortion worldwide are generally becoming less restrictive, many women are deprived of a meaningful opportunity to exercise their rights when they are denied access to abortion services. As a result, many women are forced to terminate their pregnancies using improvised methods that create a higher risk of infection, illness, or death.

## Implications of Reduced Access to Abortion

International treaties and protocols recognize access to safe and affordable reproductive health services as a fundamental human right. Unfortunately, many women, especially those in developing nations, face near insurmountable obstacles in obtaining abortion services.<sup>1</sup>

- The Guttmacher Institute estimates that 41.6 million abortions occur worldwide each year, with 48% taking place under unsafe conditions, resulting in the death of 67,000 women.<sup>2</sup>
- Although the rate of abortions is very similar in developing and developed nations,<sup>3</sup> a woman in a developing country is far more likely to have an abortion take place in unsafe conditions; 92% of abortions in developed regions take place in conditions deemed to be safe, while in developing countries 55% are unsafe.<sup>4</sup>

## Access to Abortion Worldwide

Only 39.3% of the world's population lives in countries where few, if any, restrictions are placed upon abortion.<sup>5</sup> Approximately 25% of women live in countries where abortion is severely restricted or prohibited<sup>6</sup>

- Three countries prohibit abortion absolutely, without any exceptions for rape, incest, or to save the life of the woman.<sup>7</sup>
  - Nicaragua passed a complete ban on abortion in 2006.<sup>8</sup> The government refused to meet with experts in health and human rights, and took into consideration only the opinions of conservative, anti-choice groups.<sup>9</sup> In September 2007, the National Assembly approved a new penal code reaffirming the ban<sup>10</sup> and eliminating the only exception under the previous law for women whose lives were at risk.
- Sixty-six countries allow abortion only in cases where the pregnant woman's life is threatened.<sup>11</sup>
  - Six of these countries make an exception for rape or incest.<sup>12</sup>
  - Five of these countries require spousal or parental notification before an abortion is authorized.<sup>13</sup>
- Thirty-five countries allow abortion only where the pregnant woman's physical health is threatened.<sup>14</sup>
- Twenty-three countries allow abortion where the pregnant woman's health, physical or mental, is threatened.<sup>15</sup>
- Fourteen countries allow abortion for socioeconomic reasons, in addition to cases in which the life or health of the mother is threatened.<sup>16</sup>

Even in developed countries where abortion is generally permitted under a broad range of circumstances, the law may impose restrictions on a woman's decision to have an abortion.

- In Belgium and Germany, women are required to obtain counseling and wait for a certain period before having the abortion.<sup>17</sup>
- India, South Africa, and other countries require abortions to be performed by qualified physicians and in authorized healthcare facilities.<sup>18</sup>
- Women in Turkey, Cuba, Denmark, Italy, and most countries of Eastern Europe may not have an abortion without the permission of other family members.<sup>19</sup>
- Belgium, France, and Great Britain have a gestational limits requirement, which specifies how late in the pregnancy a termination may be performed.<sup>20</sup>



# Access to Abortion Around the World

On January 23, 2009, President Obama repealed the Mexico City Policy (commonly referred to as the “global gag rule”).<sup>21</sup> The policy, started under President Reagan, forces the United States to only provide aid to family planning and population assistance programs that do not provide abortions or refer patients to abortion clinics.<sup>22</sup>

- President Clinton rescinded the policy in 1993, and George W. Bush reenacted it in 2001.<sup>23</sup>

About 61% of women worldwide live in countries where legal abortions are performed for a variety of reasons.

- Since 1995, 15 countries — including Albania, Colombia, Ethiopia, South Africa, and Nepal — have changed abortion laws to allow for greater access to legal abortion.<sup>24</sup>
- In January 2007, Nepal adopted an interim constitution in which reproductive rights were recognized as fundamental rights.<sup>25</sup> In May 2008, Sapana Malla, a leading Nepali women’s rights advocate, was named to the commission drafting the new Nepali constitution.<sup>26</sup> Nepal’s Supreme Court upheld the right to choose in August 2008.<sup>27</sup>
- On March 20, 2007, the European Court of Human Rights held that governments have a duty to establish effective mechanisms for ensuring that women have access to abortion where it is legal.<sup>28</sup>
- In April 2007, Portugal legalized abortion on request during the first 10 weeks of pregnancy.<sup>29</sup>
- On April 24, 2007, Mexico City voted to legalize abortion in the first trimester. This right was upheld in August of 2008 by Mexico’s Supreme Court.<sup>30</sup>
- The Slovak Constitutional Court in December 2007 rebuffed an attempt by conservative politicians to outlaw abortion,<sup>31</sup> marking the first application of the European Court of Human Rights case of *Vo v. France*,<sup>32</sup> in which the court declined to give a fetus the legal rights of a born person.
- The Parliamentary Assembly of the Council of Europe approved a resolution in April 2008 urging all member states to decriminalize abortion.<sup>33</sup>

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<sup>1</sup> Mehribon Abdullaeva, NOW Foundation, Access to Abortion Around the World, [http://www.nowfoundation.org/issues/reproductive/050808-abortion\\_worldwide.html](http://www.nowfoundation.org/issues/reproductive/050808-abortion_worldwide.html) (last visited June 8, 2009).

<sup>2</sup> Guttmacher Institute, Facts on Abortion Worldwide, [http://www.guttmacher.org/pubs/fb\\_IAW.html](http://www.guttmacher.org/pubs/fb_IAW.html) (last visited June 8, 2009).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> CTR. FOR REPRODUCTIVE RIGHTS, THE WORLD’S ABORTION LAWS 2 (2008) [hereinafter THE WORLD’S ABORTION LAWS], available at [http://reproductiverights.org/sites/crr.civicaactions.net/files/pub\\_fac\\_abortionlaws2008.pdf](http://reproductiverights.org/sites/crr.civicaactions.net/files/pub_fac_abortionlaws2008.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> IPAS, THE FACES BEHIND THE FIGURES: THE TRAGIC EFFECTS OF THE CRIMINALIZATION OF THERAPEUTIC ABORTION IN NICARAGUA 5 (2007), available at [http://www.ipas.org/Publications/asset\\_upload\\_file637\\_3431.pdf](http://www.ipas.org/Publications/asset_upload_file637_3431.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> Karim Velasco, Nicaragua: Working For Safety Despite Abortion Ban, <http://www.truthout.org/article/nicaragua-working-safety-despite-abortion-ban> (last visited June 9, 2009).

<sup>11</sup> THE WORLD’S ABORTION LAWS, *supra* note 5.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Id.

<sup>17</sup> Abdullaeva, *supra* note 1.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Jake Tapper et al., Obama Overturns 'Mexico City Policy' Implemented by Reagan, ABCNEWS.COM, Jan. 23, 2009, <http://abcnews.go.com/Politics/International/story?id=6716958&page=1>.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> CTR. FOR REPRODUCTIVE RIGHTS, ABORTION WORLDWIDE: TWELVE YEARS OF REFORM, 2, 3 (2007), available at [http://www.reproductiverights.org/pdf/pub\\_bp\\_abortionlaws10.pdf](http://www.reproductiverights.org/pdf/pub_bp_abortionlaws10.pdf).

<sup>25</sup> Center for Reproductive Rights, Prominent Reproductive Rights Advocate Named to Nepal's Constituent Assembly, <http://reproductiverights.org/en/press-room/prominent-reproductive-rights-advocate-named-to-nepals-constituent-assembly> (last visited June 9, 2009).

<sup>26</sup> Id.

<sup>27</sup> Center for Reproductive Rights, Nepal Supreme Court Upholds a Woman's Right to Abortion, <http://reproductiverights.org/en/press-room/nepal-supreme-court-upholds-a-womans-right-to-abortion> (last visited June 9, 2009).

<sup>28</sup> Center for Reproductive Rights, Center for Reproductive Rights Applauds Landmark Abortion Decision by European Court of Human Rights, <http://reproductiverights.org/en/press-room/center-for-reproductive-rights-applauds-landmark-abortion-decision-by-european-court-of-h> (last visited June 9, 2009).

<sup>29</sup> Associated Press, Portugal Ratifies Law Allowing Abortions, THE GUARDIAN, Apr. 10, 2007, available at <http://www.guardian.co.uk/world/2007/apr/10/1>.

<sup>30</sup> Center for Reproductive Rights, Mexico Supreme Court Upholds Mexico City Abortion Law, <http://reproductiverights.org/en/press-room/mexico-supreme-court-upholds-mexico-city-abortion-law> (last visited June 9, 2009).

<sup>31</sup> Landmark decision of the Constitutional Tribunal, 56 CEE BULL. ON SEXUAL AND REPROD. RTS. (Astra Network, Warsaw, Pol.) 2007, available at [http://www.astra.org.pl/56\\_issue.htm](http://www.astra.org.pl/56_issue.htm).

<sup>32</sup> *Vo v. France*, 40 E.H.R.R. 12 (2005) (available on Westlaw with this citation), available at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Vo%20%7C%20v.%20%7C%20France&sessionid=25311833&skin=hudoc-en>.

<sup>33</sup> Parliamentary Assembly of the Council of Europe [PACE], Access to Safe and Legal Abortion in Europe, Res. 1607 (Apr. 16, 2008), available at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1607.htm>.