

RIGHT TO ABORTION

FACTSHEET

This factsheet is prepared by the Advocacy and Policy Development team of the Women Resource Center NGO. It is intended for Government agencies and Civil Society representatives who carry out advocacy activities in this field. The factsheet is based on a rights-based and evidence-based approach.

Overview of the local situation

According to the Law on Person's Reproductive Health and Rights, each woman in Armenia has a right to abortion. Abortion up to 12 weeks of pregnancy is carried out based on a woman's written application. Abortion between 12-22 weeks of pregnancy is carried out with the woman's consent only if there are medical or social reasons, the list of which is approved by the Government [1]. As a result of the amendments in the Law made in 2016, several restrictions to the accessibility of abortion were defined, such as the prohibition of sex-selective abortion, the 3-day waiting period before applying to abortion, and medical counseling about the possible negative consequences of abortion and choice of prevention means and methods for unwanted pregnancy. International and local human rights documents, their interpretations by courts and human rights bodies, global trends, and especially those in developing legislation in European countries show that access to secure and safe legal abortion is an integral part of a woman's right to privacy and health. However, in Armenia, as in the whole world, there are continuous anti-abortion campaigns that fight against the legality and accessibility of abortions based on a pro-natalist stance. The issue of selective abortions is particularly exploited here when an attempt is made to turn this issue into a matter of access to abortion, and the fight against it into a matter of abortion restrictions. Boy-preference abortion is not an issue of abortion access but of misogyny. It is important to frame this problem correctly so that the reason for these abortions, that is discrimination against women, is not solved by political decision-makers with another problem, which is the prohibition of abortions.

Overview of the international situation

Abortion is one of the highest forms of enforcement of a woman's right to privacy, a fundamental human right to make personal choices, and to make decisions in the field of reproductive health in isolation, free from inhumane, cruel, or harsh treatment. As a part of the USSR countries in the region are among the first in the world to legalize abortion. USSR relegalized abortion in 1955 after a 19-year ban, this time emphasizing women's right to make personal decisions. The ECHR has addressed the legal issues related to abortion since the 1970s but made the cornerstone precedent decisions in the 2000s: *A.,B. and C. v. Ireland*, *R.R. v. Poland*, *P. and S. v. Poland*, and a number of other cases[3]. Meanwhile, very worrying trends have been observed in the USA and Poland in recent years. In the US, there are large-scale campaigns to restrict and criminalize abortion rights, and in Poland, legislative backsliding and severe restrictions on abortion rights are being observed. Over the past 60 years, Europe has made significant progress in liberalizing abortion legislation and women's access to safe and legal abortion. Today, almost all European countries (41 countries) allow abortion based on the woman's request or a comprehensive list of social circumstances, and some European countries continue the process of reforming harmful procedures and legal restrictions in order to ensure access to abortion[4]. As a result of this liberalization, the number of women dying due to unsafe abortion has decreased significantly.



Problematic legislation

In some countries, including Armenia, there is a mandatory waiting period defined by law to pass from the time the woman expresses her desire for an abortion until the abortion is carried out, in order for it to be considered legal. The World Health Organization guideline on safe abortion clearly states that these waiting periods do not have a medical reason. They also humiliate women's decision-making autonomy and delay their access to legal abortion. This may also include additional financial costs, as women often have to travel some distance to reach a medical facility. As a result, rural women and women subjected to domestic violence suffer disproportionately[5]. Another problematic legislative restriction is the prohibition of sex-selective abortion. When studying the reasons for such abortions, it is clear that they are due to gender stereotypes, inequality, and social pressure rooted in patriarchal societies, as a result of which preference is given to male children. In addition to being ineffective, this ban also limits access to abortion for all women and imposes control over the reasons for a woman's decisions. This ban endangers women's life and health, making access to abortion difficult for women who need an abortion. Criminal regulations make safe abortion services less accessible to all women, forcing doctors to limit their services to avoid prosecution. Thus, they can cause unsafe and illegal abortions.

Recommendations

Taking into account the above-mentioned legal developments, as well as the legal traditions historically formed in the territory of the Republic of Armenia to respect a woman's right to abortion, we propose to develop the state policy in the direction of providing more flexible access to safe abortion by eliminating the requirement for a mandatory three-day waiting period. In the meantime, it is important to us that the existing regulations and the level of access to abortion are not reduced, and that the state does not adopt decisions and policies which may negatively affect access to abortion endangering women's life and health.

References

More details in: WRC (2021) Right to Abortion; Policy Paper <https://bit.ly/3lojBXh>

- [1] See: Resolution No. 180 of February 23, 2017 of the Government of the Republic of Armenia on approving the procedure and conditions for artificial abortion <https://www.arlis.am/DocumentView.aspx?docID=111980>
- [2] See: Resolution <https://supreme.justia.com/cases/federal/us/410/113/>
- [3] See: ECHR Document https://www.echr.coe.int/documents/fs_reproductive_eng.pdf
- [4] See: <https://reproductiverights.org/european-abortion-law-comparativeoverview-0/>
- [5] See: <https://rm.coe.int/women-s-sexual-and-reproductive-health-and-rights-in-europe-issue-pape/168076dead>
- [6] See: <https://apps.who.int/iris/bitstream/handle/10665/329887/WHO-RHR19.21-eng.pdf>

