

the impact on YOUNG WOMEN

WHEN ABORTION IS

A CRIME

In places where abortion is a crime, women who are young, poor, uneducated and facing an unwanted pregnancy are at greater risk of resorting to illegal and unsafe abortions, and consequently being investigated, arrested and prosecuted.

By contrast, women who are older, have resources and are educated can travel or see a private provider, if necessary, to obtain safe abortions without risk of arrest.

Women have been arrested for illegal abortions in at least 30 countries, according to newspaper reports from 2006 to 2011. Ipas has reviewed judicial and police records and individual interviews to document cases in Argentina, Bolivia, Brazil, Malawi, Rwanda, and other countries where **young women are frequently subject to discriminatory and arbitrary enforcement of criminal abortion laws.**

Women—and sometimes their health-care providers—are subjected to police investigations, prosecutions, preventive detention and arrests. They may be threatened or face fines, public service or prison, serving sentences ranging from a few days to several years.



SAFE AND LEGAL ABORTION IS A RIGHT, NOT A CRIME

Criminal abortion laws stigmatize a safe and common medical procedure. It is well documented that these laws do not prevent women from having abortions to terminate unwanted pregnancies. Criminal abortion laws simply force women—mainly young, poor and uneducated—to obtain illegal and unsafe abortions and thereby face legal and health risks.

Because abortion is highly stigmatized, simply being accused of an abortion-related offence can negatively impact a woman's relationship with her family, employer, school and community. Investigation, prosecution and imprisonment can have even more detrimental effects—such as loss of contact with family and children or loss of a job. This contributes to a climate of intimidation and fear and damages the lives of millions of women and girls wherever criminal abortion laws are in place and enforced.

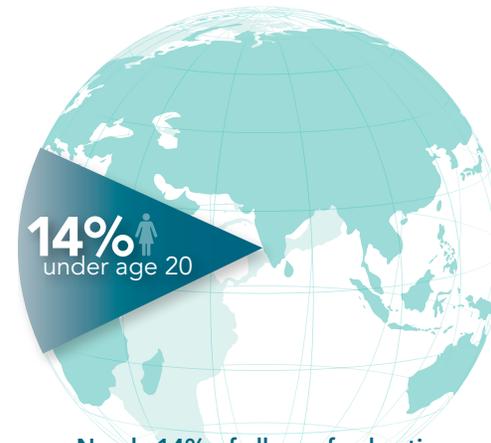
Criminal abortion laws can violate young women's human rights to:

- » equality and non-discrimination
- » health
- » privacy and confidentiality
- » freedom from torture or other inhuman or degrading treatment

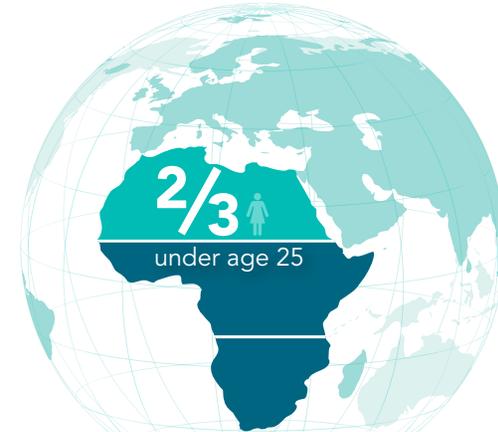
BARRIERS TO SAFE CARE

In every legal context, young women face more barriers than adult women in gaining access to safe abortion care—and are particularly vulnerable when they experience sexual violence. Barriers include:

- » lack of social and family support
- » limited economic resources
- » age-based stigma
- » restrictive health laws and policies that fail to recognize young women's capacity and autonomy to make informed decisions about sexuality and reproduction
- » refusal by medical professionals to provide care
- » legal barriers such as third-party (parental or spousal) consent clauses and/or judge's authorization before an abortion is permitted
- » burdensome waiting periods
- » lack of accurate information



Nearly 14% of all unsafe abortions in developing countries are among **WOMEN UNDER AGE 20.**



In Africa, young women below the age of 25 account for nearly **TWO THIRDS OF ALL UNSAFE ABORTIONS.**

RECOMMENDATIONS FOR CHANGE

Governments and civil society should urge their governments to:

- » Repeal all criminal abortion laws and treat abortion like any other health-care service
- » Develop legislation and guidelines for health-care providers to protect young women's sexual and reproductive rights, including their right to privacy and confidentiality to ensure they are not reported to the police when seeking medical care
- » Eliminate all barriers young women face when seeking safe and legal abortion care, including third-party authorization requirements
- » Provide young women access to emergency obstetric care without discrimination, with timely treatment for abortion complications to protect their life and health regardless of legal restrictions on abortion
- » Educate the judiciary, police, legal and health sectors on sexual and reproductive rights and how to implement laws in accordance with young women's human rights
- » Ensure access to sexual and reproductive health services and information for all people of reproductive age, including adolescents

Criminal abortion laws deny young women reproductive autonomy and force them to seek illegal and unsafe services, putting them at risk of police investigation and criminal charges without proper legal defense.

In 2012, a **28-year-old woman in Bolivia** became pregnant as the result of rape. With no clear options for a safe abortion, she attempted to self-induce an abortion and ended up in the hospital with severe complications. While in the hospital, she was reported to the police by her doctor, apprehended and handcuffed on charges of illegal abortion. She spent her 10-day hospital stay under police custody and was then transferred to a prison where she subsequently spent eight months in preventive detention.



In 2013, a **17-year-old student in Rwanda** became pregnant with a man who later helped her have an abortion by bringing her pills that she took in her school bathroom. The school administration discovered she was suffering abortion complications and reported her to the police. Although she was now age 18, she would have been legally exempt from prosecution if she had reported that she was 17 when she became pregnant (Rwandan law considers sex with anyone under 18 as statutory rape). Afraid her school would expel her, she didn't report the "rape" and was unable to use it in her defense. She pleaded guilty and received a reduced sentence of one year in prison.



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