

Role of national and international organizations in shaping abortion laws and reproductive rights: A comparative legal and human rights perspective

Shubhali Chandra^{1*}, Dr. Ashutesh Anand²

1 Research Scholar, Department of Law, IIMT University, Meerut, Uttar Pradesh

ka222210@gmail.com

2 Assistant Professor, Department of Law, IIMT University, Meerut, Uttar Pradesh

Abstract

All throughout the globe, discussions on human rights and the legality around abortion continue to be hotly contested. Policies pertaining to abortion, healthcare accessibility, legislative changes, and the preservation of reproductive rights are significantly influenced by national and international groups. Public health programs, lobbying in the courts, policy suggestions, awareness drives, research, and participation in international conventions on reproductive healthcare and women's rights are all ways in which these groups help. A multitude of Indian organisations, including the Ministry of Health and Family Welfare, the National Commission for Women, the United Nations Commission on Human Rights, and others, have endeavoured to enhance the availability of safe abortion services and reproductive healthcare. International human rights organisations, the UN, the UN Population Fund, and the World Health Organization are among the worldwide institutions that have fought for safe abortion as a matter of reproductive rights and health for women. This article examines the role of national and international organisations in shaping policy concerning abortion, healthcare access, reproductive justice, and other related issues. The report emphasises the need of improved institutional collaboration to guarantee that abortion services are accessible, legal, and safe across the world, as well as the difficulties in implementing reproductive healthcare rights.

Keywords: Abortion Laws, Reproductive Rights, United Nations, National Commission for Women

INTRODUCTION

Healthcare, human rights, gender justice, and public policy groups on a global scale have a significant impact on abortion regulations, alongside national and international tribunals. In order to reduce maternal mortality due to unsafe abortions, increase access to safe medical treatments for women, raise knowledge about reproductive healthcare, and advocate for legislative changes, these groups are crucial. Human dignity, equality, privacy, and public health are all facets of reproductive rights that have gained more and more recognition over the years.

Women in underdeveloped nations face societal stigma, a lack of medical infrastructure, and legislative limitations that make it difficult for them to obtain safe healthcare facilities, making unsafe abortion a significant global health problem. WHO reports that a large portion of maternal illness and death is caused by unsafe abortions. As a result, several groups on a global scale are working to advance access to reproductive healthcare and reform abortion-related laws and policies. These groups' responsibilities go beyond just providing medical treatment. They promote women's independence and constitutional rights, educate the public, aid in the development of new laws, finance programs to improve women's reproductive health, and more. The importance of their work in bringing abortion legislation in line with public health goals and international human rights norms is growing.

FUNCTION OF NATIONAL ORGANISATIONS IN RELATION TO THE LAWS REGARDING ABORTION

The Function of National Organisations in Relation to the Laws Regarding Abortion (Centre for Reproductive Rights, 2020).

a. 1. (MoHFW) stands for the Ministry of Health and Family Welfare.

For reproductive healthcare policy and legislation in India, the main authority in charge is the Ministry of Health and Family Welfare. This includes abortion regulations. The obligation for carrying out the provisions of the Medical Termination of Pregnancy Act, 1971 and any subsequent amendments to the legislation rests with the Ministry. It is responsible for the formulation of recommendations for safe abortion procedures, such as the approval of medical facilities, the training of healthcare workers, and the control of reproductive health services respectively.

Campaigns to raise awareness about maternal health, family planning, and safe abortion services are also carried out by the Ministry. A number of initiatives are being implemented as part of the National Health Mission with the purpose of lowering the rate of maternal death that is brought on by unsafe abortions, especially in rural areas and economically disadvantaged segments of the population.

NHRC stands for the National Human Rights Commission.

An integral part of safeguarding human rights is ensuring the right to self-determination, and the National Human Rights Commission plays a significant role in this regard. Infractions including discrimination, decency, and women's access to healthcare are to be monitored by the Commission. It also calls on healthcare groups and governments to ensure that places providing reproductive healthcare are safe and do not discriminate against patients.

The National Human Rights Commission (NHRC) states that the Indian Constitution protects women's rights to life, dignity, privacy, and health, and that denying them access to safe abortion services may be a breach of these rights.

NCW stands for the National Commission for Women.

The National Commission for Women is an organization that plays a significant part in promoting awareness and lobbying for legislation changes that pertain to women's reproductive rights.

The National Council of Women has repeatedly advocated for the implementation of policies that guarantee access to safe abortion services, especially for women who have survived rape, children, victims of sexual abuse, and women who are marginalised.

Institutionalised Judiciary and Legal System

The Indian court has significantly impacted the country's abortion laws by its interpretation of the constitution and its activity as a judge. The reproductive autonomy of individuals has been expanded by the Supreme Court of India and other High Courts by acknowledging the right to abortion as stated in Article 21 of the Constitution.

In the case of *Suchita Srivastava v. Chandigarh Administration*, the Supreme Court of India recognised reproductive choice as an aspect of individual liberty and privacy. In a similar vein,

the Indian Supreme Court expanded the scope of the Medical Termination of Pregnancy Act in *X v. Union of India*, highlighting the significance of equitable reproductive rights for unmarried women.

In Light of Current Abortion Laws, What Role Do Global Organisations Play?

World Health Organization (WHO)

One of the most prominent international agencies when it comes to reproductive health and abortion policy is the World Health Organization (WHO). Scientific guidelines, technical assistance, and healthcare standards are all available from the World Health Organization (WHO) about safe abortion procedures worldwide (WHO, 2021).

A serious public health concern, unsafe abortion is recognised by the World Health Organization (WHO), which promotes for access to abortion services that are safe, legal, and cheap. It is responsible for the publication of clinical recommendations, the conduct of research, and offers advice to governments for the reform of reproductive healthcare. In addition to this, the organization fosters the training of healthcare professionals and urges nations to eradicate unsafe abortion practices that are a contributing factor in the deaths of mothers (Basu, 2019).

2. UNFPA stands for the United Nations Population Fund.

Worldwide, the United Nations Population Fund (UNFPA) supports programs that advocate for reproductive rights, healthcare for mothers, and family planning. In countries where it is legal, the United Nations Population Fund (UNFPA) works with national and non-governmental organisations to expand access to reproductive healthcare, including safe abortions (United Nations, 2019).

In addition, the group works to advance gender equality and women's empowerment by placing an emphasis on the rights to bodily autonomy and reproductive decision-making.

3. (UNHRC) stands for the United Nations Human Rights Council.

Abortion rules are discussed at the UN Human Rights Council from the perspective of international human rights standards. This declaration emphasises how restrictive abortion

laws may infringe upon women's rights to life, health, privacy, equality, and nondiscrimination.

It has been proposed by a number of United Nations committees and special rapporteurs that nations should liberalise their abortion laws, eliminate obstacles that are discriminatory, and guarantee that individuals have access to safe reproductive healthcare services (United Nations Population Fund, 2022).

(IPPF) stands for the International Planned Parenthood Federation.

One global non-governmental group fighting for reproductive and sexual health rights is the International Planned Parenthood Federation. More people should be able to afford family planning, safe abortions, and reproductive health education, according to the International Planned Parenthood Federation (IPPF).

Awareness campaigns, legal advocacy, healthcare service delivery, and research pertaining to reproductive rights and abortion regulations are all activities that are carried out by the organization under consideration (Sharma, & Sangwai, 2021).

Center for the Protection of Foetal Rights

Within the realm of international legal activism, the Center for Reproductive Rights is an organization that is committed to safeguarding reproductive liberties by means of constitutional litigation and policy change. For the purpose of bolstering abortion rights and reproductive healthcare legislation around the globe, it collaborates with various judicial systems, legislative bodies, and international organisations.

The group has been instrumental in the fight against restrictive abortion legislation and the promotion of reproductive justice in a number of different nations (Duggal, & Ramachandran, 2020).

The Obstacles That Organisations Must Overcome

The successful implementation of abortion legislation and reproductive healthcare policies continues to be hampered by a number of obstacles, despite the efforts of organisations on both the national and international levels. There are still significant obstacles, including social stigma, resistance from religious groups, political conflicts, poor healthcare infrastructure, and

a lack of patient information. Due to factors such as poverty, illiteracy, and a lack of educated medical experts, women in many developing nations continue to have a difficult time gaining access to abortion services that are safe.

Another source of opposition for international organisations is opposition from conservative groups and countries that are opposed to liberal abortion policy on the basis of moral or cultural principles. The formation of universal worldwide standards pertaining to abortion regulations is made much more difficult by the fact that different nations have different legal systems, constitutional principles, and political philosophies (Srivastava, 2009).

ROLE OF NATIONAL ORGANISATIONS IN RELATION TO ABORTION LAWS

1. Ministry of Health and Family Welfare (India)

The Ministry of Health and Family Welfare primarily oversees the policies and regulations of the Indian government concerning reproductive healthcare and abortion. The Health Ministry is responsible for ensuring compliance with the Medical Termination of Pregnancy Act, 1971 and its amendment, the Medical Termination of Pregnancy (Amendment) Act, 2021.

The Ministry is responsible for creating regulations for safe abortion services, vetting healthcare facilities, educating doctors and nurses, and creating awareness campaigns on reproductive health. The National Health Mission's public healthcare programs and reproductive health efforts also aim to decrease maternal death rates due by unsafe abortions.

Furthermore, the Ministry works in tandem with state governments to enhance reproductive healthcare accessibility in neglected and rural areas, where women often do not have access to secure medical facilities (Patel, 2018).

2. National Commission for Women (NCW)

When it comes to fighting gender bias in healthcare and promoting women's reproductive rights, the National Commission for Women is a major player. On a monthly basis, the Commission suggests changes to abortion legislation that would protect women's right to privacy, dignity, and autonomy.

Other topics covered by the NCW include medical termination services, forced pregnancies, survivors of sexual abuse, and coerced pregnancies. To that end, it backs initiatives to raise

public knowledge of the legislation and educates women on their reproductive healthcare rights in India.

3. National Human Rights Commission (NHRC)

Access to reproductive healthcare is fully supported by the National Human Rights Commission as a basic human right. Safe abortion facilities, easy access to maternal healthcare, and anti-discrimination policies in healthcare facilities are all priorities for the Commission.

Furthermore, the NHRC keeps an eye out for cases of women's reproductive rights being violated and urges governments to provide adequate healthcare facilities, particularly in economically disadvantaged and rural regions.

4. Non-Governmental Organisations (NGOs)

When it comes to reproductive healthcare and abortion legislation, a number of Indian non-governmental organisations (NGOs) do their part to raise awareness. Centre for Reproductive Rights and Family Planning Association of India are two of the many organisations that fight hard for women's reproductive rights, including the right to choose, education about the law, counselling, and access to safe abortions.

These groups work to increase women's access to healthcare by raising public awareness, educating the public about reproductive health, advocating for legislative improvements, and supporting lawsuits pertaining to reproductive rights.

ROLE OF INTERNATIONAL ORGANISATIONS IN RELATION TO ABORTION LAWS

1. World Health Organization (WHO)

In establishing reproductive healthcare standards and regulations across the world, the WHO has been a major player. WHO releases medical and technological standards for safe abortion procedures on a regular basis because it views safe abortion as a vital healthcare service.

The World Health Organization stresses that women are more likely to have unsafe abortions due to restrictive regulations, which in turn increases maternal mortality and health problems. The document calls for governments to guarantee abortion services are accessible,

inexpensive, and safe, and it promotes reproductive healthcare policies based on science (Union of India, 2022).

The World Health Organization (WHO), 2022 does more than just gather statistics on reproductive health; it also helps nations improve their healthcare systems so that women and their babies may thrive.

2. United Nations (UN)

Through its many international treaties and human rights frameworks, the United Nations has continuously upheld the right to self-determination in matters of reproduction. Reproductive autonomy is acknowledged by many UN authorities as a basic human right for women.

The United Nations strives to advance healthcare access, reproductive freedom, gender equality, and health via global development goals such as the Sustainable Development Goals (SDGs). Specifically, Goal 5 addresses gender equality while Goal 3 addresses health.

It is common for UN bodies to call on member states to loosen their abortion restrictions and guarantee all people may get the reproductive healthcare they need without facing discrimination (United Nations Population Fund, 2021).

3. United Nations Population Fund (UNFPA)

The United Nations Population Fund plays an active role in promoting reproductive health, healthcare for mothers and their babies, family planning, and women's rights. In an effort to enhance reproductive healthcare services and reduce the incidence of unsafe abortions, the United Nations Population Fund (UNFPA) collaborates with governments to increase awareness, provide technical help, and fund healthcare.

Among marginalised communities, the group also runs educational initiatives on topics like maternal healthcare, reproductive rights, and methods of preventing unwanted pregnancies (United Nations Population Fund, 2021).

4. United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council identifies access to safe abortion and other reproductive healthcare as a key concern in the area of human rights. Healthcare accessibility,

reproductive coercion, gender inequality, and prejudice are some of the topics addressed by the Council.

It repeatedly calls on governments to repeal sexist legislation that prevents women from receiving healthcare and restricts their ability to have children.

5. Amnesty International and Human Rights Organizations

Reproductive freedom and the reform of abortion laws are causes that Amnesty International and other global human rights organisations are fighting for. They oppose the criminalisation of abortion and state that it violates women's human rights and bodily autonomy to restrict them access to reproductive healthcare.

They also distribute leaflets that highlight the negative effects of restrictive abortion regulations on women's health, dignity, and equality.

CHALLENGES FACED BY ORGANISATIONS

The successful implementation of reproductive healthcare rights is still hindered by various problems, despite the efforts of national and international organisations (Agrawal, 2021):

- The societal disapproval of abortion
- Moral and religious disagreements
- The political backlash to pro-choice abortion legislation
- Healthcare facilities in rural regions are inadequate.
- Under-representation of one's legal rights
- A dearth of qualified medical personnel
- Delays in procedures and unclear laws
- Disparities in healthcare access due to economic factors

Especially in underdeveloped nations, these obstacles make it difficult for women to have abortions when they need them.

CONCLUSION

When it comes to reproductive healthcare policy, abortion regulations, and women's rights safeguards, national and international groups have been game-changers. Safe abortion services

are now more accessible, and reproductive autonomy is stronger, because to their work raising public awareness about healthcare issues, crafting policies, advocating in the courts, and implementing public health changes. Nevertheless, women's reproductive freedom is still impacted by obstacles including social stigma, uneven healthcare access, political disputes, and restricted legal frameworks, even if there has been institutional and legal progress in this area. In order to guarantee that reproductive healthcare services for women worldwide are accessible, safe, inexpensive, and non-discriminatory, there must be improved collaboration between healthcare institutions, legal systems, governments, and international organisations.

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