
Understanding the Legalities Surrounding Abortion

Legalities of Abortion and its Legal Continuity

Mother Teresa once said 'The greatest destroyer of peace today is abortion, because it is war against the child, a direct killing of the innocent child, murder by the mother herself; and if we can accept that a mother can kill even her own child, how can we tell others not to kill one another.'

Abortion refers to the termination of pregnancy at any stage that does not result in birth; medically, abortion is typically defined as the termination of pregnancy by the removal or expulsion from the uterus a fetus or embryo before fetal viability. An abortion can occur spontaneously, in which case it is usually called a miscarriage, or it can be purposely induced. The term abortion most commonly refers to the induced abortion of a human rather than non-human pregnancy. The topic of abortion has always been a controversial one, some taking a stance that it should not be done, others believing that to do such an operation may be justified. But whatever the situation, there is never an acceptable reason to get an abortion. Whether one agree with the idea of abortion or not, may be determined by a number of factors. These factors include moral and or religious belief, health concerns or human right reason. The main focus of this paper will be that from a humanitarian perspective on abortion referring to the human rights as they relate to rights to life liberty and security, life liberty and the pursuit of happiness, therapeutic abortion as they violate on the right to be free from cruel, inhuman and degrading treatment, abortion based on social and economic reasons and in situations of rape and incest.

Abortion is considered to be wrong in the sense that every human being is entitled to "life, liberty and security". Therefore if one accepts that the unborn child is a human being, which I do then it follows that they are entitled to the protection afforded by these right. It may be argued that the human fetus is fragile, vulnerable and unobtrusive however this gives no reason to ignore or take precedence over the right to life to that fetus. If there is a failure to try to protect the fetus then it would express that rights for individuals are only recognized for those who exercise supremacy or who are noticeable. The right to life is extended to all weather one is knowledgeable to the fact. If this right is regarded as not obligatory or relative depending on the circumstances as they differ from time to time then each individual may find themselves excluded from the protection afforded by the right to life. Is it still then thinkable that abortion is right? I think not.

In the case where a woman's life is threatened by her unborn child is abortion considered a

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right to the female? Some would agree that the mother is already alive why give up her right to life and not the child who does not have life as yet. But how do we determine when life starts? Many consider abortion to be right if the unborn is not of the age six months which would suggest that the life of a fetus begin at six months. In my opinion the life of a fetus begin the moment conception takes place. This would make abortion wrong. In the UN declaration of the right of the child 1959, the law states in its preamble that "The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth. This acknowledge the right of a child, evening before birth which suggest that the fetus is alive and has the right to life. Therefore abortion is not an act which should be condone.

In another eye it could be argued that abortion in indeed right as the States that each individual must always be given full human rights unless its existence interferes with the rights of Life, Liberty, and the Pursuit of Happiness of an already existing conscious human being. Taking this into consideration it may be suggested that any female who encounters problem is pregnancy that interferes with their life liberty, or happiness then they is entitled to do an abortion if they please. It is also argued that in these case of therapeutic abortion, if the woman is prohibited from conducting the act then it is infringing on the right of that individual to be free from cruel, inhuman and degrading treatment. It may seem fair in the eye of some however it is still wrong as no one can give life thus they are not entitled to take life.

In my opinion if a woman commits the act of abortion it should be considered as a murder and therefore be punishing for such an act. Those people are responsible for inducing the abortion should also be charged for conspiracy to murder.

The most common reason women cited for having an abortion was to postpone childbearing to a more suitable time or to focus energies and resources on existing children. The most commonly reported reasons were socioeconomic factors such as being unable to afford a child either in terms of the direct costs of raising a child or the loss of income while she is caring for the child, lack of support from the father, inability to afford additional children, desire to provide schooling for existing children, disruption of education, relationship problems with a husband or partner, the perception that she is too young, and unemployment. One would agree that in a case where an individual becomes pregnant and sees no possible way out as they are unemployed have no knowledge of who may be the child's father then an abortion would be better as that child would only be coming into the world to suffer at the hands of poverty. But is it right? Women need to be more humanitarian and less egoistic with these babies.

It is as if being unwanted is such a bad thing. If I was to choose between being alive and unwanted and death in such a situation I prefer to be unwanted and live and I am sure several other persons share my opinion.

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Another instance in which abortion is considered as a right is in the cases which involves rape and incest. Most women who are in such a predicament think it is their right to abort a child. It is understandable if one is raped and refuses to keep that child as the thought of bringing that child in the world due to the circumstances may cause mental and emotional problems to the mother. However from the moment one is rape the decision of if the child is wanted or not is made. Therefore in the case where a decision is made against the chills then that person can use emergency contraceptive to prevent pregnancy thus avoiding conception and in turn the horrible act of abortion.

Abortion is a civil rights on allowing abortion it would be denying large segment of the population of their basic human rights. The states are responsible for protecting the rights of it people and therefore should not legalize the act of abortion. Legalized abortion would means abandoning this most basic human right, the right to live, of a whole class of human beings, to the brutal power of those who would kill them. Indeed making abortion illegal is necessary to guarantee preborn persons equal rights. It all goes back to the point mentioned before saying it is wrong to kill a person outside of the womb but acceptable to kill the unborn person. Killing the unborn child is an outrageous violation of the right to equal protection under the law.

In deciding if abortion should really be legalized and considered a right there several questions which should be played in the mind before one makes such a decision. Some of these questions are is the fetus alive? Is the fetus a human being? Is abortion murder? Persons could also put them in the situation and consider themselves to be the fetus. As that unborn child would you want to be aborted foe social or economic reason? Would you want to be aborted rather than given the opportunity to live and accomplish something with your lives? In answering such question one can then decide if abortion should really be seen as right or should it be seen as a wrong.

In closing, I leave a question for you to ponder. Many states uphold the law in Article 6 of the International Convention on Human Rights which state in section 5 that the death penalty cannot be imposed on pregnant woman. This clearly states that the law takes the right to life of the child into consideration. Why then do so many countries, such as the United States, impose the right of the child only after conception? I believe that there needs to be a presence of legal protection of the natural rights of the unborn Child, both in national and international Laws, as the lack thereof clearly contributed to a constant violation of these rights. Therefore there is an urgent need for a universal legal protection of these rights.

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