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A review on Illegal abortion in Iran and the challenges

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Abstract

Illegal abortion has a really long history in the world and we can find its traces in ancient lands such as Egypt and Iran. People use different ways and methods to end the pregnancy and abort the baby and there always have been different reasons for women committing this. In developing countries reasons such as poverty is the most common reason for women aborting their babies and in countries that follows religious rules such as virginity before marriage, avoiding punishments and reproaches of the society are the most common reasons for women to end the pregnancy and to get rid of future touch difficulties. There are really wide and different reasons for those who want to end their pregnancy and these reasons are different from one society to another. In the current paper we aimed to talk about most common reasons which make Iranian women to terminate the pregnancy. We also tried to have a general and short review on those reasons and give the best and easiest solutions to decrease illegal abortion rate in the country.

Key words: illegal abortions; termination of pregnancy; religious rules; advertent abortions.
Introduction

Abortion or miscarriage is termination of pregnancy before 20\textsuperscript{th} week of the pregnancy. Abortion can be inadvertent or advertent and there are different medical reasons which cause termination of pregnancy before the 20\textsuperscript{th} week but we do not discuss on those reasons in the current paper. In this paper we are aimed to discuss on advertent abortion which includes illegal abortion as well. Advertent abortion has a long history as in 2700 years BC women used specials herbals or sharp tools to end the pregnancy. In religious point, advertent abortion is forbidden in all stages of pregnancy in Christianity. In Islam advertent abortion is considered as murder after 40\textsuperscript{th} day of the embryo as Muslims believe the spirit is inspired into the embryo after the 40\textsuperscript{th} day. The Actus Reus of the advertent abortion is ascertained in two ways:

1- Abortion with physical tools
2- Abortion with chemical tools

To use physical tools means all physical hurts over the pregnant woman which lead termination of the pregnancy. According to the penal code of Iran article 622 who beats a pregnant woman and the injuries causes termination of the fetus will be sentenced to pay the atonement and 1 to 3 years of prison. To use chemical tools means all kinds of herbals, spices or drinks which are dangerous for the pregnant woman and may cause termination of pregnancy and the fetus. According to the penal code of Iran article 624 “who gives the pregnant woman any kinds of drinks or spices which cause her termination of the fetus, will be sentenced to pay atonement and 3 to 6 months of prison. But if someone do this inadvertent and cause the termination of the fetus, will be sentenced only for 6 month to 1 year of prison.
The legislator has considered intense punishments for physicians and nurses and midwives who commit advertent abortion as they will be sentenced to pay the atonement and 2 to 5 years of prison. The intense punishment for physicians is pretty wise as they swore to protect people lives not to kill and they must not abuse their power and tools.

**Discussion**

In Iran mothers can get the permission of abortion from legal medicine organization before 19th week of the pregnancy if continues of the pregnancy is dangerous for their health or the fetus has severe abnormalities or the woman has raped and become pregnant subsequently. What have mentioned above is related to legal abortion but sometimes mothers want to stop the pregnancy without mentioned reasons and this is illegal according to the Islamic penal code of Iran and also this is forbidden in official religious of Iran (Islam). The Iranian government follows Islamic rules and the penal code comes directly from Islamic rules. There are countries which do the same and follow Islamic rules but they have different abortion laws.

According to the report of legal medicine organization of Iran in 2012, 4000 legal abortion permission have been issued in the year. This number is only a small part of done abortions (illegal) in the year. According to the report of world health organization in 2012, 50 million abortions have been done in 2011 which half of them were illegal and 55 percent of those occurred in Asia. It has to be mentioned that most abortion laws in the world is somehow related to the religious limits of the government. For example in catholic countries abortion is generally forbidden or limited. In the Buddhist countries abortion is forbidden while prostitution is free.
in those nations. About Islamic nations, there are different rules for abortions in different Islamic countries while the source is same.

**Religious limits in Iran and the impact on illegal abortion increase**

One of the important reasons of advertent abortion is unexpected pregnancy especially in short and unsafe relationship among young men and women when there is no loyalty between the couples and then it makes mothers to end the pregnancy rather than face upcoming problems. Here we want to discuss on the impact of religious limits and on illegal abortion increase.

In religious countries such as Iran and many Islamic nations rules of the religion are widely accepted in different aspects of people lives. In Islamic countries and Iran sexual relationship between unmarried man and women is forbidden. And in case of committing this, severe punishments will be the result.

According to the Islamic penal code of Iran article 637 all kinds of relationships (except sex) including walking in parks or talking in coffee shop is forbidden and the criminals will receive 99 of lashings. As you can see there is a really severe punishment for those who make a simple relationship with the opposite sex and in the other hand young men and women connect to each other to satisfy their emotional needs which somehow and somewhere will result in physical connection and sex and this is not accepted in Islamic rules. In the other hand the society and traditional customs among older people do not accept it. In traditional customs of Iran virginity before marriage is widely accepted and men expect their wives to be virgin before the first sex. And girls who have experienced sex before official marriage and lost their hymen will be reproached and called the whore. And even men when find their wives not virgin they usually ask for a separation. As you can see there are even social punishments for girls who attempt sex before official
marriage and if the sex would result in pregnancy there would be most severe punishments and social problems for the woman.

According to the Islamic penal code of Iran article 88, the punishment for the single woman who attempts sex with a man who is not her official husband is 100 of lashings while the punishment for the married woman is to be stoned. Both 100 of lashings and to be stoned are severe punishments that make women to end their pregnancy rather than being punished by those tough punishments. There is another difficulty for a single mother is the need of husband’s permission to childbirth. Hospitals in Iran ask for written permission of husband before they prepare the woman to childbirth and they also ask for marriage papers and identity cards of the couple. So lonely women can’t childbirth in Iranian hospitals and they have to birth their babies alone and subsequently they can’t ask for identity card for their babies without childbirth certificate of the hospital and marriage papers of the couple. Children without identity cards can’t enter to schools or get vaccinated and in older ages they can’t apply for a job or even get married. So as you can see there is no way to live and improve for those who were born from single mothers and women choose to avoid the punishments of law and future difficulties for the baby.

**Sex-selection of babies and illegal abortion**

In some Asian countries such as India and Arabia sex- selection of babies is common and advertent abortion is used to avoid daughters which result in reduction of women population. It is very important to understand why Indian and Arabian societies place so little value on daughters and why the society appreciate having sons. Indian society is really loyal to the ancient customs and they generally follow customs and traditions. There are various reasons why Indian families
prefer to have sons rather than daughters here are some of the most common reasons:

I. Indian families believe that sons bring them security while girls are defenseless and should be protected.

II. Economy of India is still relying on farming and many rural provinces of India include farmlands and Indian families prefer to have sons so that they can work on farmlands much better than girl because of the physical situations of men.

III. Marriage dowries of girls- Indian families are obliged to provide essential furniture and other necessary things for their daughters before marriage ceremony and it costs family having girls.

IV. Women usually can’t inherit property, which cause an added liability to the parents and may lose their property to the family of husbands while boys inherit from their family and also their wives, so there is another point for Indian families having boys.

In the other hand, having sons bring economic security for parents and boys generally start working outside and on farmlands at early ages and help their parents financially. So Indian families are desired to have at least one son and when parents find out the baby is a girl they choose abortion to avoid future difficulties and costs of a baby girl.

Social customs and traditions generally affect people and the way they live and act. In Iranian tradition “prestige” or question of honor is very important and people avoid break ancient customs and traditions for not being called dishonored person by the society. The traditional customs of Iran don’t accept pregnancy for older women especially when they already have adult children or son and daughter in
law so women abort their babies if they have become pregnant in their elderly only to avoid future reproaches of the society. As you can see here there is no legal prohibition but the common law.

Conclusion

Illegal abortion or advertent abortion can be found in all nations and societies and there always have been different reasons which make women to abort their children. Reasons such as poverty and physical disabilities of parents but there are other reasons in societies which follow religious rules that make women to end their pregnancy. We have discussed on some of those reasons and we found out that religious limits cause increase of abortion rate in some Asian countries like Iran and India. Religious limits such as prohibition of sex before marriage are the biggest reasons for the increase of illegal abortion in Iran as we have discussed, single women will face tough difficulties and punishment if they become pregnant. Solution for this may take years and generations as the society and public thoughts have to be changed because religious limits usually come from religious thoughts of the society for example obscenity of pregnancy in older ages for women directly comes from the society mind as there is no legal or religious prohibition for this. Cultural policies of the government and trying to improve the culture might be the biggest help to illume people and subsequently the society for not being fanatic on wrong ancient traditions and customs. Cultural policies of the government and government trying to improve intellectuality of people are also helpful for young girls not to involve themselves in absurd relationships with boys and to learn how to prevent pregnancy.

As we have discussed, sex- selective abortion is common in some Asian countries such as India. The solution for this and the best way to decrease sex- selective
abortion is to culture and to value women and their abilities by training girls from early ages. Governmental activities and policies are essential here and the governments should assure families about girl’s costs and expenses of marriage by considering long-term loans and social bonuses.

At the end the author wants to emphasize on state legislation importance and culturing as the best ways to change people and the society thoughts and as it was mentioned before it might take several years and even generations but will work finally.

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