

Prohibition of Abortion as a Violation of Women's Human Rights Under International Legal Standards in the ICCPR and CEDAW

Muh. Syah Quddus, Tia Permatasari, Syfa Aswa Nafitabella, Raja Rasih Harianty Andina Pertiwi

Universitas Ahmad Dahlan, Yogyakarta 55166, Indonesia

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CORRESPONDENCE

Nama : Muh. Syah Quddus
Email : muhsyahquddus017@gmail.com



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ABSTRACT

Reproductive rights related to access to safe and legal abortion are an important issue in women's human rights discussions at the global level because they involve the right to health, safety and bodily autonomy. Although international laws such as the ICCPR and CEDAW guarantee this right, many countries still impose strict bans or restrictions on abortion, which often contradict basic human rights principles. This research aims to analyze women's human rights violations resulting from abortion bans and evaluate state obligations under the ICCPR and CEDAW standards. This research uses a normative juridical approach by analyzing secondary data from primary, secondary, and tertiary legal materials. The research findings show that reproductive rights are an integral part of women's human rights as stipulated in various international legal instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although this right has been juridically recognized, its implementation in many countries still faces significant obstacles, especially in access to safe abortion, which is often restricted by discriminatory regulations. Such restrictions not only violate the principles of non-discrimination and gender equality, but can also be categorized as inhumane treatment, and prevent women from accessing reproductive health services equally and with dignity as guaranteed by international law. Therefore, countries are obliged to reform national laws and ensure that reproductive health policies respect women's rights, and are supported by strong international oversight based on human rights principles.

INTRODUCTION

Throughout the world, women's reproductive rights, especially in relation to access to abortion, are an issue that continues to receive great attention in human rights discourse. This issue is all the more relevant given that many countries still impose abortion bans or very strict restrictions on women's right to access safe and legal abortion. This issue is not only related to women's health and well-being, but also to their basic human rights as guaranteed by international law. Abortion restrictions or bans that are not based on international standards often violate fundamental human rights principles, such as the right to life, the right to privacy, the right to be free from discrimination, and the right to personal dignity.

The International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are two international legal instruments that provide the legal basis for the protection of women's

rights, including the right to access safe and legal abortion (Buss & Buss, 2018). The ICCPR regulates the civil and political rights of individuals, while CEDAW specifically targets the elimination of discrimination against women, including in access to reproductive health services. Both instruments provide guidance for states to respect, protect and fulfill women's rights, including the right to access safe and legal abortion.

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Many countries still maintain bans or restrictions on abortion that contradict the principles in the ICCPR and CEDAW. In some countries, laws that prohibit abortion without exception, even in cases of sexual violence, incest, or threats to women's health, violate women's rights and create deeper gender inequalities. Major gaps in the implementation of international law relating to women's rights, particularly reproductive rights and access to abortion, are evident (Buss & Buss, 2018).

Previous scholarly research further illustrates this legal and ethical tension. For instance, Cook and Dickens (2003) argued that restrictive abortion laws often contradict state obligations under international treaties that emphasize non-discrimination and the right to health. Likewise, Erdman (2017) emphasized how criminalization of abortion has a chilling effect on healthcare providers and endangers women's lives. These studies show that legal prohibitions on abortion are not only out of alignment with human rights treaties but also obstruct the realization of substantive gender equality. Incorporating these perspectives provides a deeper understanding of how entrenched legal systems and cultural ideologies conflict with evolving international norms.

In the perspective of international law, women's human rights and reproductive rights are recognized as essential components of human dignity and autonomy (Zureick, 2015). Reproductive rights encompass not only the right to access reproductive health services, but also the freedom to make decisions about one's own body without coercion, discrimination, or violence (Berer, 2017). International legal frameworks, especially CEDAW and the ICCPR, have affirmed that reproductive self-determination is intrinsic to achieving gender equality and upholding fundamental freedoms. This conceptual foundation highlights the importance of analyzing abortion not merely as a medical or moral issue, but as a core element of women's legal status and personhood under international human rights law.

This phenomenon is further complicated by the fact that strict abortion restrictions can lead to unsafe abortion practices. Many women do not have the option of safe abortion and are forced to resort to more dangerous means of terminating their pregnancies, which can threaten their lives and health. According to a report from the World Health Organization (WHO), approximately 25 million (45% of all abortions) unsafe occur each year worldwide. The majority of unsafe abortions, or 97%, occurred in developing countries in Africa, Asia

and Latin America. This data demonstrates the importance of recognizing women's right to access safe abortion as a measure to protect their health and lives ([World Health Organization, 2017](#)).

This issue has become more urgent as reports show that countries that prohibit abortion without exceptions are often in violation of their international obligations to protect women's rights. Countries that still prohibit abortion without clear medical or social reasons often face pressure from the international community to reform their laws to bring them more in line with international standards. One clear example is Ireland, which in 2018 undertook major legal reforms on abortion after its people voted in a referendum to legalize abortion up to 12 weeks of pregnancy ([Carnegie & Roth, 2019](#)). This change is a positive step that shows how countries can adjust their policies to meet international standards, especially when it comes to women's reproductive rights.

Debates about women's reproductive rights and abortion are often influenced by various social, political and cultural factors. Many countries attribute abortion restrictions to moral or religious values, which often conflict with women's individual rights to control their own bodies. This further complicates efforts to harmonize abortion law policies with international human rights principles. Countries that enforce abortion bans on moral or religious grounds often fail to see abortion as an issue of reproductive health and rights, ultimately harming women and denying them their right to self-determination.

Progress is being made in some countries, but many countries still maintain strict abortion ban policies. These policies are maintained despite strong international pressure to change them. Reforming abortion laws in accordance with ICCPR and CEDAW standards is important to ensure women access safe health services, and are protected from discrimination and violence related to their reproductive choices ([Subramaniam & Ismail, 2021](#)). Countries that prohibit or restrict abortion without exceptions are failing to fulfill their international obligations to protect women's right to health, personal freedom, and the right to life with dignity.

This research aims to analyze how abortion bans implemented by certain countries have become a violation of women's human rights, especially in relation to the principles of non-discrimination and the right to dignity. The main focus of this research is to understand the obligations of states in reforming their abortion laws to ensure that their laws are aligned with ICCPR and CEDAW standards. The research will also discuss international mechanisms that can be used to encourage policy change, including the Universal Periodic Review (UPR) and individual complaint procedures under the Optional Protocol of the ICCPR and CEDAW.

This study analyzes the practices of countries that have harmonized abortion laws with international standards. It aims to identify gaps in the implementation of international law and provide a clear picture of state responsibility for abortion law reform. The research will also present a map of juridical arguments showing that states that maintain abortion bans

without exceptions have failed to fulfill their international obligations. Through this approach, the research is expected to make a significant contribution to the understanding of the importance of abortion law reform within the international human rights framework and provide a basis for more progressive policy advocacy in the future.

This study aims to fill the gap in research related to state responsibility for abortion law reform in the context of the ICCPR and CEDAW. This research is expected to contribute to the development of literature on women's human rights, reproductive health policy, and international mechanisms to encourage policy change in countries that still maintain abortion restrictions that are not in accordance with international obligations.

METHODOLOGY

This research uses a normative juridical method that focuses on analyzing written legal norms, such as international treaties and court decisions, especially those relating to the prohibition of abortion and women's human rights in international law (IrwanSyah, 2020). The data used is secondary data, which includes primary legal materials (ICCPR, CEDAW, General Comments), secondary legal materials (literature, scientific articles, international documents), and tertiary legal materials (legal encyclopedias, legal dictionaries, and official websites of international institutions). Data collection is done through literature study, and case analysis, while data analysis is done qualitatively with conceptual, comparative, and juridical approaches. The researcher analyzed the legal substance in the ICCPR and CEDAW, compared the legal practice of abortion in various countries, and evaluated the state's compliance with international obligations, especially in guaranteeing the principle of non-discrimination, the right to dignity, and the right to life (Marzuki, 2005).

RESULT AND DISCUSSION

The Concept of Women's Human Rights and Reproductive Rights in the Perspective of International Law

Women's human rights are an integral part of universally recognized human rights, which are deemed inalienable, as they are grounded in the principles of equality and respect for human dignity. In this regard, the juridical understanding of women's rights under international law encompasses a range of entitlements directly associated with life, liberty, and personal security of women, including the right to personal freedom, freedom from discrimination, and access to adequate healthcare services, including reproductive (Buss & Buss, 2018).

The recognition of women's rights is not solely a matter of protecting individual women but is also a pivotal step toward realizing gender equality and upholding human dignity. In international law, women's human rights have gained recognition through various legally binding instruments, particularly declarations and conventions endorsed by United Nations member states. These rights include the right to live free from violence, the right to make reproductive choices, the right to health, and the right to full participation in social, political, and economic life.

A principal legal instrument governing women's rights is the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), which asserts that discrimination against women in any form constitutes a violation of human rights. Within this framework, discriminatory practices in reproductive health including restrictions on access to safe abortion constitute violations of fundamental human rights principles, particularly the right of women to autonomy and self-determination (Shabir Ahmad Dar et al., 2023).

Reproductive rights are closely intertwined with women's human rights and entail the right to make free and responsible decisions regarding reproductive life without discrimination, coercion, or violence (Qaderi et al., 2023). This concept encompasses the right to access accurate information, safe and quality health services, and the freedom to decide whether or not to conceive. Reproductive rights, recognized under international human rights law, provide a solid legal foundation for urging states to ensure equitable and non-discriminatory access to reproductive healthcare.

Under international law, reproductive rights refer to a series of rights that guarantee women's freedom to make decisions concerning reproductive matters, including the right to determine whether to give birth, the right to access reproductive health information, and the right to safe abortion services (Babbar et al., 2022). These rights are explicitly articulated in several international legal instruments, particularly the *International Covenant on Civil and Political Rights* (ICCPR) and CEDAW.

General Comment No. 28, issued by the Human Rights Committee (ICCPR) in 2000, affirms that the rights enshrined in the ICCPR extend beyond civil and political rights to include the right to health, encompassing access to safe, non-discriminatory healthcare services, including access to safe abortion as a component of human rights. This General Comment clarifies that the rights to life, freedom from torture or cruel treatment, and enjoyment of adequate health are non-derogable and must be upheld in a manner that respects individual dignity.

General Recommendations No. 24 and 35, issued by the CEDAW Committee, emphasize women's rights to access safe and adequate reproductive healthcare and call for equitable access to medical procedures, including safe abortion. General Recommendation No. 24 acknowledges that restrictions on women's reproductive rights such as limitations on abortion or other reproductive health services constitute discrimination that contravenes international standards on the protection of women's rights.

Reports by UN Special Rapporteurs on the Right to Health further reinforce the importance of access to safe abortion as an integral part of the right to adequate healthcare. The Special Rapporteurs assert that every individual, including women, is entitled to healthcare services that encompass not only physical care but also mental and emotional support that respects personal autonomy (Libal, 2006). These reports underscore that states must guarantee full, unimpeded access for women to safe reproductive health services, including medical abortion.

The right to determine one's pregnancy is a fundamental aspect of women's reproductive rights. Recognition of this right underlines the importance of bodily autonomy for women. This right encompasses not only the decision to bear children but also the freedom to continue or terminate a pregnancy, as affirmed in the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and other international instruments (Colomina et al., 2021). In this context, safe abortion must be considered a non-negotiable right, particularly in cases where a woman is unprepared or unwilling to carry a pregnancy to term.

The importance of access to safe abortion extends beyond medical concerns to broader human rights implications, including a woman's right to control her own body without unlawful or discriminatory interference (Lykes et al., 2021). Denying women access to safe abortion undermines core principles of internationally recognized human rights. Moreover, such restrictions can have severe physical and mental health consequences for women.

From the perspective of international law, the right to safe abortion constitutes part of the right to enjoy a healthy life free from discrimination. Restricting this right violates the fundamental principles enshrined in the ICCPR and CEDAW, which safeguard women's right to live with dignity and make autonomous decisions regarding their reproductive lives (Barkah et al., 2022).

Women's reproductive rights are fundamentally linked to the principle of non-discrimination, a cornerstone of international human rights law. This principle is clearly articulated in Article 26 of the ICCPR, which guarantees all individuals equal protection before the law without discrimination (Національний et al., 2023). Discrimination against women in the realm of reproductive health particularly in access to safe abortion constitutes a breach of this principle.

Reproductive rights must be understood within the framework of gender equality. Women must be treated equally to men in accessing healthcare services, including reproductive healthcare. Both the CEDAW Committee and the World Health Organization (WHO) have recommended that states ensure access to abortion as a means of protecting the right to health and the right to be free from gender-based discrimination. States that impose restrictions on women's access to safe abortion discriminate against women and place them in more vulnerable and restricted positions in terms of bodily autonomy.

As part of human rights, reproductive rights are also linked to the principle of freedom from torture or cruel, inhuman, or degrading treatment, as enshrined in Article 7 of the ICCPR. Stringent restrictions on abortion particularly those that pose serious health risks or exacerbate women's mental health conditions may amount to acts of torture or inhuman treatment (Національний et al., 2023). States that restrict reproductive rights, including safe abortion, may thus be in breach of their international obligations to protect fundamental human rights.

Women's reproductive rights and their right to decide on pregnancy are essential elements of women's human rights recognized under international law. This recognition implies an obligation on the part of states to ensure equitable and safe access to reproductive healthcare, including safe abortion, and to guarantee that their policies and practices do not discriminate or violate broader human rights principles such as gender equality, non-discrimination, and freedom from torture—particularly for vulnerable groups such as women and adolescents (Higgins et al., 2021). International law affirms that the protection of women's reproductive rights is a key component of global efforts to uphold human dignity and gender equality worldwide.

International Legal Standards on Abortion Access under the ICCPR and CEDAW

Access to abortion particularly women's right to make decisions regarding their bodies and pregnancies has become a pivotal issue in international human rights discourse (Cook & Dickens, 2003). Amid ongoing debates over women's right to access safe and legal abortion, international instruments such as the *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) play a critically significant role. These instruments establish a legal foundation for the protection of women's reproductive rights, including access to abortion. An analysis of international legal standards under the ICCPR and CEDAW involves reference to the relevant provisions and authoritative interpretations by international committees. (Berer, 2017).

The ICCPR, as a binding international legal instrument, focuses on the protection of individual civil and political rights. Its provisions provide a framework for understanding women's rights in the context of abortion access, particularly relating to the right to life, the right to privacy, and the right to equality. Article 6 enshrines the right to life, Article 7 protects against torture or cruel, inhuman or degrading treatment, Article 17 guarantees the right to privacy, and Article 26 ensures equal protection under the law. These provisions serve as a foundational basis for analyzing abortion access in accordance with international legal standards.

Article 6 of the ICCPR provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Interpretation of this article centers on the protection of life, which is frequently contested

in the context of women's right to access abortion. A tension often arises between a woman's right to life and the purported right to life of the fetus. International legal approaches emphasize that the right to life of women must not be interpreted narrowly. A woman's right to live with dignity including her right to decide whether or not to continue a pregnancy is deemed more fundamental than the protection of fetal life. The imbalance between a woman's right to access safe abortion and fetal life rights becomes a critical issue in several cases. There is growing international consensus prioritizing the protection of women's rights in this context.

Article 7 of the ICCPR, which prohibits torture or cruel, inhuman, or degrading treatment or punishment, is particularly relevant in the abortion context. Denial of access to safe abortion frequently results in physical and mental suffering for women, contravening the principle of protection against inhuman treatment. States that prohibit or severely restrict abortion may be considered in violation of this provision, as such restrictions not only limit women's reproductive rights but also pose direct threats to their physical and mental health.

Article 17 of the ICCPR guarantees the right to privacy, stating that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence." In the context of abortion, this right refers to a woman's autonomy in making decisions about her own body and pregnancy. Such decisions must be free from state interference or coercion by third parties. The right to decide whether to continue a pregnancy is an inalienable component of the right to privacy. States that impose strict abortion laws, thereby disregarding women's autonomy in reproductive decision-making, are in violation of the privacy protections enshrined in this article.

Article 26 of the ICCPR ensures equality before the law and prohibits discrimination. In the context of abortion, this provision implies that women must be treated equally to men with respect to access to healthcare services, including reproductive health services. Discrimination manifesting in the form of restricted access to safe abortion, or in limitations on women's ability to make autonomous decisions regarding their pregnancies, constitutes a breach of this right. States that criminalize abortion may be considered discriminatory, as they deny women equal access to health and reproductive rights.

Under CEDAW, state obligations to provide equal access to reproductive healthcare are further elaborated in General Recommendation No. 24 and General Recommendation No. 35, which explicitly emphasize women's right to safe and adequate health services. CEDAW obliges states to eliminate discrimination against women in all its forms, including within health policies and reproductive healthcare practices (Nyls & Strossen, 1995). The Convention considers restrictions on women's access to safe abortion or other reproductive services to be forms of discrimination inconsistent with core human rights principles. The CEDAW Committee has consistently underscored the importance of ensuring unrestricted access to reproductive healthcare including safe abortion as a crucial component in achieving gender equality and eliminating discrimination against women.

Monitoring practices by the UN Human Rights Committee and the CEDAW Committee in response to state party reports provide deeper insights into the interpretation and application of these international standards ([International Covenant on Civil and Political Rights, 2016](#)). The Committee emphasized that states are obligated to provide access to safe and legal abortion in specific circumstances, such as when a pregnancy endangers the woman's health or in cases of pregnancy resulting from rape. The case of *Whelan v. Ireland* further demonstrated international scrutiny of violations of women's reproductive rights. The Committee noted that restrictive abortion laws increased health risks for women and obstructed their ability to make decisions regarding pregnancy. These rulings reinforce the interpretation of international standards recognizing access to abortion as a fundamental aspect of women's reproductive rights that states must respect and protect ([Cole, 2006](#)).

The ICCPR and CEDAW thus provide a robust legal framework for safeguarding women's access to safe abortion as part of their rights to life, privacy, and equality. States that obstruct or strictly prohibit abortion may be in breach of their international obligations to ensure equal reproductive healthcare services and to eliminate discrimination against women (Fetus & Doi, 2023). Interpretations by the UN Human Rights Committee and the CEDAW Committee indicate that international legal standards require states to guarantee and protect women's reproductive rights, including access to safe abortion, in accordance with broader human rights principles.

Abortion Prohibition as a Violation of the Principles of Non-Discrimination and the Right to Dignity

Total or partial bans on abortion often have disproportionately adverse effects on women compared to men.⁸ The gendered impact of such prohibitions indicates a violation of the principle of non-discrimination embedded in international human rights law. In many legal systems where abortion is restricted or prohibited, women are placed in more vulnerable positions and face significant limitations in determining their own destinies, particularly in relation to reproductive decisions. This contributes to widening gender inequalities, where women are forced to endure social, economic, and health consequences that uniquely burden them ([Annan et al., 2001](#)).

Abortion bans severely constrain women's ability to make autonomous decisions about their own bodies ([Cook & Dickens, 2003](#)). When states impose stringent restrictions on abortion access, they directly undermine women's rights to bodily autonomy and control over their reproductive functions ([Zureick, 2015](#)). Bodily autonomy is a fundamental component of human rights, entailing the individual's freedom to make decisions about their body without unjustified or discriminatory interference ([Erdman, 2017](#)). By enforcing abortion bans, states compel women to conform to decisions not of their own making, often grounded in moral values that do not reflect their personal convictions.

Furthermore, abortion restrictions tend to increase the incidence of unsafe abortion practices, posing serious health risks to women. In the absence of lawful and safe access to abortion services, women who are unwilling or unable to continue their pregnancies are frequently driven to resort to unsafe methods of termination (Carroll & Crutchfield, 2022). Unsafe abortion practices can result in severe medical complications, injury, infections, and even death. The prohibition of abortion thus not only infringes on women's right to make personal decisions about their bodies but also risks violating their rights to life and health. In countries where abortion is banned, maternal mortality rates due to unsafe abortions remain high, indicating that such bans fail to curb the demand for abortion and instead exacerbate the dangers for women who are compelled to seek it clandestinely.

Under international law, women must not be made the subjects of moralistic legal regimes that sacrifice their rights in favor of dominant cultural or religious values (Erdman, 2017). This principle is critical in assessing abortion bans, as policies rooted in specific moral or religious ideologies often disregard the individual rights of women to exercise control over their bodies. Every woman has the right to make decisions about her pregnancy free from interference by the state or religious institutions. States must refrain from imposing particular moral or religious standards that restrict women's rights, as doing so violates the principles of individual liberty and equality before the law (Berer, 2017).

The principle of non-discrimination enshrined in international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), affirms that all individuals are entitled to equal protection and freedom from discrimination. Abortion bans, whether partial or total, particularly in matters of reproductive choice, constitute a form of gender-based discrimination that contravenes this principle (Qaderi et al., 2023). Restrictions on reproductive rights disproportionately impact women, as only women bear the direct consequences of such policies. Men do not face comparable obstacles in making decisions concerning pregnancy or reproductive functions. As a result, women are forced to endure adverse health, social, and economic outcomes.

The right to dignity is a foundational element of human rights protection. Human dignity, in many contexts of international law, is recognized as an inherent right that must be upheld unconditionally (Chinn et al., 2021). Stringent abortion bans undermine women's dignity by denying them the ability to make the most appropriate decisions for themselves. Women compelled to continue unwanted pregnancies may suffer physical, emotional, and social harm, thereby degrading their dignity. States that restrict or prohibit abortion based on specific moral or religious justifications infringe upon women's right to live with full dignity.

The principle of interdependence of rights in international human rights law acknowledges the inseparability of core rights such as the rights to life, health, freedom of expression, privacy, and non-discrimination. Abortion bans violate these interrelated rights, leading to broader infringements on women's rights to life and health. When women are denied the

ability to make informed and safe reproductive choices, their rights to health, freedom from discrimination, and privacy are simultaneously violated.

The principle of interdependence implies that a state cannot selectively protect one right while neglecting others. States that ban abortion often do so at the expense of women's rights to health and freedom from discrimination, in favor of moral or religious considerations that should not override individual rights. In the human rights framework, abortion bans represent violations of broader foundational principles, including the right to dignity, the right to health, the right to make personal decisions, and the right to be free from discrimination.

The protection of women's rights, particularly in relation to bodily autonomy and reproductive decision-making, is a cornerstone of international human rights principles. States that unjustly restrict or prohibit abortion not only perpetrate gender-based discrimination but also undermine women's dignity by imposing values that do not align with individual freedom (Oberman, 2022). Access to safe abortion services is not merely a public health issue but also a matter of a woman's right to live with dignity and autonomy over her body. Discrimination in this context extends beyond access to medical care; it perpetuates deep social inequality that disproportionately harms women around the world.

Total or partial abortion bans violate women's fundamental rights and disregard the principles of non-discrimination and human dignity enshrined in international law. These bans impose heavier burdens on women than on men, restrict bodily autonomy, and encourage unsafe abortion practices that endanger women's health and lives. Within the framework of international human rights, women must be afforded equal treatment in making decisions about their own bodies. Any intervention that compromises dignity or imposes particular moral values must be avoided (Freichel et al., 2010).

State Responsibility for Abortion Law Reform within the Framework of the ICCPR and CEDAW

States bear the obligation to guarantee the human rights of their citizens within the framework of international law, including the right of women to determine their reproductive fate. This right encompasses access to safe and legal abortion. State responsibility in reforming abortion laws is governed by two principal international instruments: the *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). Both instruments not only affirm women's rights to make autonomous decisions regarding their own bodies but also establish the legal foundation for state obligations to eliminate discrimination and to ensure access to safe abortion services (Diaz & Perrone, 2025). Reforming abortion laws is essential to ensure that states fulfill their international obligations as derived from these instruments.

1. *State Obligations Under the Principle of Due Diligence*

The principle of due diligence in the context of human rights requires states not only to refrain from committing human rights violations through third parties but also to take proactive and positive measures to prevent, investigate, and punish such violations. This principle demands that states actively protect individual rights, including the rights to health and reproductive autonomy for women. States are thus obligated not only to prohibit actions that infringe upon human rights but also to establish policies and legal frameworks that support the protection of such rights.

Under the principle of due diligence, states are required to eliminate provisions that discriminate against women, such as abortion bans that do not provide exceptions in cases of sexual violence, incest, or health risks to the woman. Legislation that criminalizes abortion without exceptions constitutes a breach of the state's obligations to provide women with safe and equitable reproductive rights. States that uphold absolute abortion bans bear responsibility for violations of women's rights to life and health, as well as for failing to respect their reproductive autonomy.

Abortion law reform must include the revision of provisions governing abortion under criminal or health laws, as is commonly found in many legal systems worldwide. States are obligated to ensure that their legal frameworks do not discriminate on the basis of sex and that they provide equitable and safe access to necessary medical procedures, including abortion. A state's failure to amend such discriminatory laws and to ensure access to safe abortion may be deemed a failure to meet its international obligations under the ICCPR and CEDAW.

The provision of safe abortion access is a core state obligation under international legal standards. Both the ICCPR and CEDAW recognize that states are not only required to respect women's reproductive choices but also to ensure safe access to abortion services, particularly in vulnerable situations (Smith & Sinkford, 2022). In many jurisdictions, women who are victims of sexual violence or incest, or who face serious health risks, often lack access to safe abortion, even though such access is internationally recognized as necessary for protecting women's health and well-being.

For instance, General Recommendation No. 35 issued by the CEDAW Committee emphasizes that states must ensure safe and legal access to abortion, particularly in cases of sexual violence and incest. This indicates that states are required to provide exceptions in abortion legislation where continuation of pregnancy poses risks to women's physical or mental health. States that refuse to allow access to abortion in such circumstances clearly breach their international obligations to safeguard women's reproductive rights, as affirmed by CEDAW (Aeniwati & Kusriyah, 2021).

Furthermore, Article 6 of the ICCPR, which guarantees the right to life, also entails that women's lives must be protected in a manner that safeguards their health and safety.

Denying access to abortion in circumstances involving health risks, rape, or incest not only violates the right to health but is also incompatible with the right to life enshrined in the ICCPR. States that fail to provide such exceptions may be considered to have breached fundamental principles of international human rights law.

2. *States that Have Harmonized Abortion Laws with ICCPR and CEDAW Standards*

Several countries have successfully harmonized their abortion laws with the standards established in the ICCPR and CEDAW. These countries offer valuable examples of how abortion law reform can be implemented in compliance with international human rights obligations.

Ireland is one of the countries that has undergone significant change in its abortion legislation. Prior to 2018, Irish law permitted abortion only when the mother's life was in danger. However, following a national referendum in 2018, Ireland amended its Constitution to legalize abortion up to 12 weeks of pregnancy without requiring medical justification. This reform was driven by international pressure and recognition of the state's human rights obligations, particularly the acknowledgment of women's rights to bodily autonomy.

Argentina also recently enacted substantial legal reforms by legalizing abortion in December 2020 (Politi & Londoño, 2020), becoming the first country in Latin America to allow broad access to abortion. Argentina harmonized its abortion law with international standards by adhering to obligations set forth under CEDAW and the ICCPR, thus ensuring equal rights for women to access safe abortion services.

Nepal serves as another example where abortion law reform was implemented to comply with international obligations. Nepal permits abortion up to 12 weeks of pregnancy, and beyond in cases of medical necessity or pregnancies resulting from rape (sukhipariwarclinic, 2004). The country has adopted progressive abortion legislation in accordance with CEDAW and ICCPR requirements to provide safe reproductive healthcare for women.

Conversely, states that maintain absolute abortion bans without exceptions can be said to have failed in fulfilling their international obligations under the ICCPR and CEDAW (Tang, 2023). States that prohibit abortion without allowing exceptions in cases such as sexual violence, incest, or health risks to women are in violation of the rights to health, privacy, and the principle of non-discrimination. This contravenes the state's duty to protect women's rights under international law.

States that maintain total or restrictive abortion bans fail to provide equitable and non-discriminatory access to reproductive healthcare services (Smith & Sinkford, 2022). This obligation is articulated in General Recommendation No. 24 and General Recommendation No. 35 of the CEDAW Committee. Violations of such obligations run

contrary to the principles of CEDAW and constitute a failure by the state to uphold internationally recognized reproductive rights.

3. *International Mechanisms for Policy Advocacy*

Several international mechanisms may be utilized to promote policy change in countries that continue to prohibit or severely restrict abortion. One such mechanism is the Universal Periodic Review (UPR), a process under the United Nations Human Rights Council that enables states to report on their human rights practices (Blackshaw & Rodger, 2021). Through the UPR, countries that prohibit abortion may be subjected to international pressure to reform their laws to comply with global standards.

Individual complaint procedures under the Optional Protocols to the ICCPR and CEDAW allow individuals or groups to submit complaints against states that violate their rights. These complaints serve as critical avenues for policy advocacy, particularly for women affected by restrictive abortion policies. Such procedures compel states maintaining abortion bans inconsistent with their international obligations to enact policy changes that accommodate women's rights to bodily autonomy.

The obligation of states to reform abortion laws within the framework of the ICCPR and CEDAW is an integral component of the protection of women's human rights. States must act in accordance with the principle of due diligence to eliminate discriminatory laws, ensure access to safe abortion, and comply with their international obligations to protect women's reproductive rights. International mechanisms such as the UPR and individual complaint procedures provide pathways for policy reform advocacy, which is essential to achieving global fulfillment of women's human rights.

CONCLUSIONS

Abortion bans have a more severe discriminatory impact on women than men. Women's bodily autonomy is limited, and unsafe abortion practices that risk their lives and health are on the rise. Violations of the principles of non-discrimination and the right to dignity occur, as women are forced to face the adverse social, economic, and health consequences of unjust policies. States that maintain unqualified abortion bans fail to protect women's fundamental rights and do not fulfill international obligations.

States' responsibility for abortion law reform under the ICCPR and CEDAW is reflected in their obligation to eliminate discriminatory provisions and provide access to safe abortion, especially in cases of sexual violence, incest, and health risks. States that fail to undertake legal reforms to fulfill these international obligations may be in violation of women's reproductive rights, which are fundamental rights that must be respected and protected.

International mechanisms such as the Universal Periodic Review (UPR) and individual complaint procedures through the Optional Protocol of the ICCPR and CEDAW provide channels to advocate for abortion policy change in countries that still maintain bans or strict restrictions on abortion. Using these mechanisms can encourage countries to harmonize their laws with international standards, thereby strengthening the protection of women's reproductive rights around the world.

While this study contributes to the normative understanding of women's reproductive rights within the framework of international law, it has several limitations. The analysis primarily focuses on legal interpretation of international instruments, without incorporating empirical data that reflects the lived experiences of women in countries enforcing abortion bans. Furthermore, the legal scope is limited to the ICCPR and CEDAW, with insufficient exploration of relevant regional human rights instruments and soft law sources. These limitations may affect the generalizability of the findings and highlight the need for further multidisciplinary research that accounts for regional legal and socio-cultural contexts.

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