**AUSTRALIA: ABORTION AND HUMAN RIGHTS**

**BY**

**SHAVEEN HARAN PRABAKARAN**

**STUDENT NUMBER: 217394248**

**OCTOBER 2018**

**SUPERVISOR: PROF GILL NORTH**

#### **Chapter 1 Introduction**

Abortion is one controversial issue in different parts of the world for many years. It is worthy to mention that there are different aspects associated with the debate on abortion. The world is still facing the challenge to determine abortion as a legal or unlawful practice. The entire prospect of abortion can never fully understand until one deeply apprehends the concept of abortion and its practical implications in society[[1]](#footnote-1). The legal perspective of the issue of abortion better articulate considering the domain of human rights. There is a prevalence of connection between abortion and human rights because the activity of abortion eventually influences the life and health safety of women and newborn kids. It is critical and complex to determine whether women should have the right to give birth to a baby with their choice or not[[2]](#footnote-2). In recent times, the world experiences an immense level of abortion cases on a daily basis that eventually raised many concerns on legal, ethical, and human right grounds.

Governments and other legislative institutions of different countries focused to regulate the perspective of abortion by developing different forms of laws of abortion. It is considered a mandatory paradigm to regulate the practice of abortion to ensure proper application of basic human rights of living and health protection[[3]](#footnote-3). The law of abortion in the country of Australia is also one crucial aspect of concern. The concept of abortion and its complications can never fully capture without the proper consideration of its legal perspective prevails in different states and territories of the country[[4]](#footnote-4). Detailed understanding of the legal side of the issue of abortion eventually helps to figure out its existing connection with the perspective of human rights. Alignment of the legal policies according to the basic human rights is immensely crucial to determine the effectiveness of the law of abortion[[5]](#footnote-5)[[6]](#footnote-6). When it comes to consideration of abortion laws in Australia than undoubtedly it is one complex aspect to understand and implement.

#### **The significance of the Problem**

It is important to assess why abortion is an issue and subject to criminal law in the country of Australia. Proper consideration of the overall idea of abortion is also crucial to determine its influence on the overall approach of human rights[[7]](#footnote-7). Undoubtedly, it is interesting to examine how the laws of abortion linked with the broad idea of human rights[[8]](#footnote-8). Legal consideration of abortion also assists to identify the difference between the legal and unlawful practice of abortion in various parts of the country[[9]](#footnote-9). A detailed explanation of the laws of abortion exists in the country eventually determine the present legal position of this issue and what needs to do more for the future legal perspective[[10]](#footnote-10). The issue of abortion is considered as the subject of criminal law is all the different states and territories of Australia except the area of Australian Capital Territory[[11]](#footnote-11). It is crucial to mention that each state of the country has legal foundations to prohibit the practice of unlawful abortion[[12]](#footnote-12). Considering unlawful abortion under the spectrum of law is essential to ensure better forms of human rights in the country. The laws of abortion adopted by the states of Queensland, Victoria, South Australia, Western Australia, Tasmania, and the Northern Territory clearly explained that when an abortion is not an unlawful activity. Legal domains exist in these states gives thorough statutory explanations about the practice of abortion on the grounds of legislation[[13]](#footnote-13).

It is vital to attaining proper and comprehensive knowledge about the laws of abortion in the country of Australia because this specific issue is linked with the approach of human rights. The ideology of children by choice exists on the argument that abortion is one major concern that is relevant to the overall health and rights of women[[14]](#footnote-14). This form of concern further demands to never consider the practice of abortion under the domain of criminal act. It is crucial and complex to establish that when laws of abortion can negatively impact the overall approach of human rights[[15]](#footnote-15). This pinching concern can only address with the proper explanation of all the legal aspects related to the issue of abortion.

Analyse Theoretical Foundation for the Study

It is imperative to discuss the issue of abortion with the concern of human rights considering the relevant theoretical base[[16]](#footnote-16). The boundaries of abortion law can better determine through the implication of specific and relevant theory. Natural law theory is one significant theoretical option to identify the existing connection between the legal grounds and human morality[[17]](#footnote-17). The theory of natural theory can apply in case of abortion to determine the legal and human rights aspect of this issue[[18]](#footnote-18). The principles of natural law theory can be considered as a good option to evaluate the legal and ethical suitability of the concept of abortion. It is necessary to assess the idea of abortion on the natural perspective of law and morality that ultimately relevant to the consideration of human rights[[19]](#footnote-19). The theory of natural law can consider as standard to define the limitations of abortion under the key perspectives of law and human right[[20]](#footnote-20). The developed theoretical paradigm can be assistive for the researcher to explain the idea of the law of abortion with its strong connection with the domain of human rights.

#### **Synthesis of Relevant Literature**

It is essential to assess the significance of the concerned issue considering the previous research work. Proper articulation of the former research studies on the issue of abortion eventually helps to determine various factors which help to measure the prospect of the law of abortion[[21]](#footnote-21). Involvement of other researches helps to use theoretical foundations to discuss the connection of laws of abortion and human rights specifically in the context of Australia[[22]](#footnote-22). Prevalence of jurisdiction in different states on the issue of abortion will also be critically discussed to determine the actual ground reality. Detailed involvement of previous research work on this issue also helps to figure out the actual concern appeared in case of existing connection between laws of abortion and human rights[[23]](#footnote-23). Exploration of different recent and previous changes in the law of abortion is necessary to analyse the actual effectiveness of this practice. It is vital to get informed about the legal prospects of the issue of abortion and assess its connection with the domain of human rights.

It is established by many former research works that the issue of abortion has ultimately influenced the aspects of basic human rights in the form of right of privacy and living for women. It is also an issue of human rights because it is somehow related to the life safety and health protection of women[[24]](#footnote-24). Undoubtedly, there is a need for some form of rules and regulation to determine that in which situations, abortion can refer as the lawful practice. It is essential to get properly informed with the legal position of different states of the country to better evaluate the issue of laws of abortion on the foundation of human rights[[25]](#footnote-25).

When it comes to settling legal paradigms for abortion than it is essential for the governments to consider the basic human rights of women that allows them to protect their bodies and life from any complications. The laws of abortion can never fully understand or establish without adding the feature of human rights in the entire scenario[[26]](#footnote-26). The lens of human rights can effectively utilise to determine the effectiveness and comprehensiveness of the laws of abortion prevails in the country. The particular concept of “fair-go” is recognised as the mandatory part of the ethical and legal facets of Australia that closely linked with the aspects of equality and non-discrimination[[27]](#footnote-27). When it comes to consideration of abortion concerning to human right perspective than it is established as the optional phenomenon. It is essential to assess the idea of human rights laws referring to the idea of option abortion in case of specific circumstances. Legal features of the abortion can never fully discussed without the active involvement of women’s concerns appeared as their basic human rights.

#### **Problem Statement**

Clear identification of the basic issue of concern is important to get the roadmap for future direction. The main focus of this research study is to critically examine the prevailing laws of abortion in the country in the particular context of human rights. Various interlinked aspects will be considered and comprehensively examine to attain better knowledge about the entire scenario of a lawful abortion. This form of assessment also helps to figure out the effectiveness of legal paradigms of abortion in the context of the human rights of women.

#### **Research Questions**

* How the laws of abortion in Australia ensure a better form of decriminalisation of abortion?
* How the idea of laws of abortion linked with the spectrum of human rights?
* How much legal paradigms of the country are effective to ensure a desirable form of abortion in the context of basic human rights?

#### **Chapter 2 Literature Review**

A literature review is one mandatory part of the entire procedure of exploratory research work. The approach of the literature review guides to assess the relevant aspects of the main issue. It is vital to examine the previous research work on the issue of laws of abortion in Australia in the context of human rights. This form of information helps to determine what is already done in this domain and what needs to infer for future research work[[28]](#footnote-28). A clear understanding of the existing research work helps to determine the prevailing connection between different legal domains and the necessary features of human rights. The idea of decriminalisation of abortion better understands through the proper knowledge about the relevant laws and basic aspects of human rights[[29]](#footnote-29).

A different source of information such as scholarly articles, research reports, dissertations, and legal cases will be considered in the form of detailed literature review. Proper information will be achieved through these sources to make better inferences about the main research questions crafted for this study[[30]](#footnote-30). Initially, it is essential to get some historical background about the issue of abortion. This form of understanding ultimately assists to get a better understanding of the phenomenon of laws of abortion and its relation with the approach of human rights[[31]](#footnote-31). Detailed consideration of the previous research work on the issue of abortion helps to identify the entire legal perspective prevailed in the country[[32]](#footnote-32)[[33]](#footnote-33). This form of consideration also helps to assess the fact that how the legal domain of abortion was initiated in the country by recognise the historical background of the issue.

Critical consideration of the previous research work on the issue reveals that the favourable domain for the issue of abortion was started many years ago with the consideration of the basic human rights of women. The growing concern of health safety and protection leads to the phenomenon of development of particular law in the favor of abortion in the country[[34]](#footnote-34). Detailed exploration of the entire country history on the issue of abortion shows that the first ever law that went in favour with abortion was initiated back in the 70s in the Australian states except for Tasmania and Queensland. Even though the legal issues, the laws did not prevent women from choosing abortion in Australia. The pregnancy rate had been similar to it had been in the 1920s. Back then one out of 3 women used to be pregnant. However, at present, the statistics state that one out of 4 women is pregnant around Australia. However, the changes in abortion rate had been seen in the past decades. The abortion rate in 1921 had been 28.5% that was reduced to 21.6% in 1971[[35]](#footnote-35). By 1981, the ratings of abortion reached almost 0%. Before the 70s, most of the abortion rates had been mostly because of self-abortion and from the midwives. However, the rate of abortion significantly declined related to morbidity and mortality[[36]](#footnote-36)[[37]](#footnote-37). Due to increasing health reasons, some cities and parts of Australia made abortion lawful that saved the lives of many women. It gave them a means of privacy and freedom to live according to their desires.

Furthermore, in 2018, ACT had enacted the legalised abortion law that enabled the women to abort child under specific circumstances. To ensure that the authorities can make the right decision, the lawmakers decided that the abortion certified by the doctors would only be accepted under the Australian law[[38]](#footnote-38). However, other Australian territories continue to establish the fact that abortion is a more criminal factor in reality. It was stated that unlawful procedure to kill the fetus in the womb would cause unnatural death to a supposed child. It could have been a factor of cruelty against the living entity[[39]](#footnote-39). However, the privacy and factors related to health have changed the whole perception of abortion. Many authorities fail to provide appropriate abortion services because of lawful restrictions in Australia while women just desired it for health factors[[40]](#footnote-40). In many places, the scholars show evidence of abortion being still illegal during the surgical procedure in Australia. Many factors are related to the women’s right at this moment such as privacy and health.

Detailed consideration of previous research work on this issue also helps to analyse the prevailing connection between theoretical framework and the issue of laws of abortion with the concern of human rights. The approach of the natural law of theory is utilised by previous researchers to make better inferences about the main concern of abortion and its relevance with perspectives of law and human rights. It is established the necessary condition to apply the correct theoretical domain to discuss the overall idea of abortion and its implications under the domain of human rights[[41]](#footnote-41). The theoretical perspective of natural law theory comprised of the principles that come up with the consideration of a double effect. The basic theoretical domain undertakes the basic approach concerning the idea that it is not permitted for anyone to kill an innocent human being without considering specific circumstances and conditions. The main idea of natural law theory reflects the perspective of two different ethical considerations. Moral considerations are closely associated with the main idea of the entire procedure of abortion.

#### **Chapter 3 Methodology**

It is utmost crucial for the researcher to select the most suitable research method to ensure the required form of research. It is worthy to understand that research work is one systematic procedure that needs to be conducted on some reliable method. When it comes to deep exploration of the legal perspective of abortion in Australia with the consideration of human rights than it is mandatory to thoroughly overview existing literature and relevant laws of the country[[42]](#footnote-42). Attainment of proper knowledge about the legal domains of different territories and states helps to differentiate the prevailing difference. This form of exploration is also assistive to determine that how laws of abortion adopted by the country helps to support elective abortion considering the approach of basic human rights for women.

The specific research method of detailed scrutiny of former research work on this issue will be applied to get the desired form of information. Consideration of previous theoretical and empirical aspects helps to figure out the ongoing and popular trend in the country referring to the issue of abortion in the context of human rights[[43]](#footnote-43). A critical review of previous research work on the issue also helps to identify the relevant laws and different jurisdiction aspects of abortion prevails in the country.

#### **Chapter 4 Discussion**

Exploration of different related research work and the laws of abortion exist in the country demands to properly evaluate the effectiveness of these arguments. It is crucial to synthesize all related information and draw some useful conclusion about the relevance of laws of abortion and human rights[[44]](#footnote-44)[[45]](#footnote-45). The entire controversy of the issue of abortion can only efficiently address when there is involvement of ample form of knowledge[[46]](#footnote-46).

#### **RIGHT TO EQUALITY**

According to the Crimes Act 1900, the “unlawful” abortion is prohibited under the official laws of the government[[47]](#footnote-47). However, the word “unlawful” was not clearly defined by the government after stating the factors. However, when the stationary reform was absent, the abortion laws are mostly expressed through the technological and social changes. At some places, even though the government has enabled the availability termination process, women are still unable to get appropriate access to abortion.

##### **NSW Crimes Act and other concerning laws**

The NSW Crimes Act 1900 states that if women are subjected to the procurement of miscarriage on her own, the government is entitled to give her imprisonment of 10 years as a maximum penalty. However, such strict regulations would only create problems for the women in general.[[48]](#footnote-48)

Recently, many states of Australia have decided to decriminalise the concept of abortion including certain restrictions over it. Many people start arguing that the reproductive autonomy of the women is certainly linked with their right to equality and enjoyment of life. Furthermore, according to the scholars, the right to equality for women would only fructify if they can take decisions over their reproductive system. It would determine their dignity and ability to decide without being afraid of others. Equality factor is not compared with the continuing pregnancy or forced abortion. Rather, equality requires women to rethink about the unintended pregnancy that affects the women's perspective toward life. Right to equality entails that women are well aware of the disadvantages and consequences of termination of pregnancy or continuation.

Such equality concerns should be exercised by mostly everyone in the country. However, it is observed that more than half of the entire population of women in Australia suffers from making a free decision about abortion. Many places are involved in cancelling the decision of abortion forcefully because of several reasons. These reasons might include the behaviour of protestants or the financial problems. Women face these problems due to rising protestants and concerns about abortion around the country, the changed law in every state might also be another reason behind it[[49]](#footnote-49).

Furthermore, more than half of the women lack proper clinical support and physician guidance. The ACT had enacted the legalised abortion law that enabled the women to abort child under specific circumstances. To ensure that the authorities can make the right decision, the lawmakers decided that the abortion certified by the doctors would only be accepted under the Australian law. However, other Australian territories continue to establish the fact that abortion is a more criminal factor in reality. It was stated that unlawful procedure to kill the fetus in the womb would cause unnatural death to a supposed child. It could have been a factor of cruelty against the living entity[[50]](#footnote-50). However, the privacy and factors related to health have changed the whole perception of the abortion. Many authorities fail to provide appropriate abortion services because of lawful restrictions in Australia while women just desired it for health factors. In many places, the scholars show evidence of the abortion being still illegal during the surgical procedure in Australia. Many factors are related to the women's right at this moment such as privacy and health.

Northern Territory allows abortion only up to 23 weeks for women in pregnancy. Within 14 weeks of pregnancy, women require the approval of only one doctor. However, they require more than two in case of having pregnancy above 14 weeks. Abortion is not allowed for women after 23 weeks except the special cases stated under the Pregnancy Law Reform Act. Only if the lives of women are endangered, they can apply for abortion after having permission and approval from the doctors[[51]](#footnote-51).

#### **Financial obstacles and the Abortion law**

Australia has the population of about 23 million people out of which, only 65,000 women can have the abortion. In other words, the Australian country faces abortion rate of 19 out of 1000. The saddest instance is that the number of this is having constant declination[[52]](#footnote-52). Furthermore, the 1970 Australian government and public saw the significant change in the implementation of abortion. Abortion hygiene and safety was introduced in the Australian hospitals. It was done using the universal health care insurance provision that usually covered the clinical cost. However, such costs fail to meet the demands of elective abortions. Therefore, the private clinics take extra charge for abortion services. They often charge above the universal insurance rate. Therefore, the abortion services provided by both the private and public sectors have differences[[53]](#footnote-53). Therefore, even though the legislation has provided the stage for women to enable the law of abortion and make use of it, the financial problems became hindrances. The law, therefore, should be altered such that the women can be financially benefited as well[[54]](#footnote-54).

Such aspects violate the right to equality and force women to choose the other option instead. Furthermore, the price of the medical drugs such as misoprostol and mifepristone is more than $38. However, the fees charged by the doctors in the private sector ranges up to $250 in many small states of Australia. The cost has imposed as a high barrier to the abortion to the women in general.

#### **RIGHT TO HEALTH**

Women generally complain that they are forced to face all kinds of abuse, violence and control from the side of men. The factor of control does not just show the ability to show power over women's body, but also the aspect of lost confidence and individuality.

Several myths are associated with health issues that enables the women to face problems in abortion. Such myths are often associated with health issues that can occur after delayed abortion. However, it is observed that majority of the abortions are being carried out within the first ten weeks of pregnancy. The modern technology has made the procedure quite simple and safe for women. However, it is observed that the hospitalised environment gives constant obstruction and delays to women that seek an abortion in the early stages of pregnancy. This is why legislation and information on health concerning abortion is necessary at the present date.

##### **Abortion law and its necessity**

One of the features of the Mifepristone is that pills successfully blocks the Progesterone hormone that enables pregnancy in women. These pills are mostly available to the professionals in the clinics that give the surgical option to the women. It is also available with general practitioners. The availability of the pills continues to improve along with the increment in knowledge about the abortion treatment. As the professionals continue to study and execute the abortion treatment, including the general practitioners, the availability of pills also enhances. However, availability of pills and other medication factors does not reduce the hindrances women face while taking abortion[[55]](#footnote-55). However, variations can be found in the legislation among countries that allow the utilisation of pills over the operation. Even though medically, the pills have enabled the women to get the benefit of quick and painless abortion, the legislation of some places, such as Queensland, has failed to allow it in totality.

##### **Australian Laws: Barriers to Appropriate Healthcare**

The Australian laws put great emphasis on the legal and safe abortion services. However, the barriers occur usually for many reasons. The doctors usually give refers the women or patient to another professional when it comes to abortion services. However, in many states such as Northern Territory, Victoria, and Tasmania objects the participation of abortion in any procedure other than the cases of emergency. However, the legal authority states that even if the women are permitted abortion, the doctors should provide appropriate knowledge about the termination process. It includes where she should go and which process she is accustomed to following. It enables the women to make appropriate decisions based on legit knowledge. However, it is observed that such provisions of knowledge remain the controversial topic. The Healthcare services of South and Northern territory of Australia provide elective abortion to the public. However, it fails to cover even half of the Australian women. Many times, the abortions are performed by the private clinic to gain more profit from the patients in need. The private sector in Australia charges more than $800 and $4400 in some cases[[56]](#footnote-56). It shows that women in Australia, even after having the ultimate freedom for healthcare services and abortion, they still face trouble because of finance. Even the insurance fails to cover the gap between the public and private fees of the abortion. Such aspects violate the right to equality and forces women to choose the other option instead. Furthermore, the price of the medical drugs such as misoprostol and mifepristone is more than $38. However, the fees charged by the doctors in the private sector ranges up to $250 in many small states of Australia. The cost has imposed as a high barrier to the abortion to the women in general[[57]](#footnote-57).

The abortion services access is generally influenced by many factors such as proximity, appointment, and gestational limitations. However, many women were observed to be bereft from such facilities in Australia. It is observed that woman faces the problems of appointment that further acts as a barrier to proper abortion services. About 30% of the Australians reported that they failed to have a proper appointment. However, the appointment is wasted because of many reasons such as regular violence because of Protestants, society, and other health conditions.

Furthermore, variations in abortion attitude among the non-professionals are common. In rural areas of Australia, about 35% of physicians were observed to have a negative attitude toward abortion[[58]](#footnote-58). It is mostly because of rising community opposition and religious beliefs. Even though many physicians support abortion procedure in the Australian cities, many professionals failed to do so in the rural areas. It is observed that these rural physicians failed to consider the women's right to life, and the right to health by giving abortion services in extreme circumstances. Scholars state that women should be given right to choose abortion without being questioned or any restriction.

#### **RIGHT TO PRIVACY**

Historically, the control over women's body has been under the hands of men, state, and church. Subconsciously, such power is still exercised by men, in general, today within many states of Australia. According to a Petchesky (1986), the abortion factor contains the aspects related to family, motherhood, state, and sexuality that enables the person to struggle a lot. Simple language and actions entail the women to act in a certain way. However, to bring about change in the thinking ability of men around Australia, it is mandatory to challenge their behaviour. The society also needs to recognise the sudden need exercising such aspects. Some men have a deeper subconscious idea that women are mostly destructive and seductive that leads one toward ultimate distraction. Such a complex belief system might lead the men to exercise their power against the women in general. Many men believe that women may end up damaging the society if their deeds are not controlled. Thus, the legislative system leads the women to lose their privacy, and even lives in extremely rare case of bad health. This also results in being under the control of government even though their sexual matter should remain private. It certainly happens even at the risk of starvation, death, and poverty[[59]](#footnote-59). The Protestants often state that the women have enabled suffering of the child in a way. However, the abortion has brought forth many benefits for the women. In case, if the protestants start considering the fact that the abortion legislation can provide better benefits to the women, especially concerning privacy, they could slow down in their violent attempts.

Such factors also show that the government and male counterparts fail to have trust in them concerning certain decisions about sexuality. Reproductive lives and sexuality is something private for every woman. They need to have privacy regarding important decisions of life. However, the decision of government against the appropriate desires of women shows their ability to respect the privacy of women in general. The government, according to certain scholars, fail to give women the opportunity to decide their private matters, which enables the women to lose confidence. The women fail to attain success and become a politician or policymakers. They make differences among the human's and women's rights while making the policies. Such aspects enable the thinking that the rights of women are less crucial for the policymakers as compared to the other.

#### **RIGHT TO LIFE**

In the present context, the right to life coincides with the survival from pregnancy, motherhood, and childbirth. This paper, however, does not focus toward the right to life of the foetus because of many reasons. First, the text itself is not against the nature of abortion; rather, it urges the process as a medical treatment necessary for the survival of the women. Secondly, right to life, as the protestants fail to perceive, also relates to all the human beings, including women who carry the foetus. For many reasons, women may be seeking survival amid the pregnancy that forces them to take the harsh decision of life: abortion. They have been facing the anxiety and frustration of making that decision already. The other factors such as protestants around the clinic only raise their level of frustration, as mentioned in the previous section. However, the Australian government needs to focus well toward maternity and needs of the women rather than harming them. It certainly needs appropriate fertility management from the side of government.

The maternity records in Australia have been available for over five years. On an average, every year, 21 woman dies because of childbirth and pregnancy every year. Furthermore, it was recorded that about 105 maternity deaths were there between the years 2008 and 2012[[60]](#footnote-60). It was a result from complicated pregnancy. More 16 deaths had been because of the mental and psychological reasons. The statistics show that woman face many problems in the social life because of both the health and mental issues. Sometimes, such issues are raised by the fault of society and Protestants. Already suicidal women become more anxious because of them that may take their lives away. And it was proved to be true when 16 deaths were recorded between the years 2008 and 2012[[61]](#footnote-61). One of the scholars mentioned that partner violence has also been the primary reason behind abortion and health issues[[62]](#footnote-62). The rate of the unwanted pregnancy can be reduced by the simple technique of prevention. Furthermore, a significant reduction in the violence by the partner can also aid in this. Such reports show the importance of psychological screening along with postnatal and antenatal care.

The recording of deaths in the first few weeks, specifically the primary 14 ones, are not recorded well in Australia. However, from the available data of maternity homes, it is clear that about 15 deaths are caused due to many reasons, health and psychology included, in the first few weeks of pregnancy. These deaths were possibly due to thromboembolism, cardiac events, and ectopic pregnancies other than the mentioned ones. The shocking truth behind these statistics is that the woman did not die because of the elective abortion[[63]](#footnote-63).

Furthermore, it is observed that the higher rates of mortality and morbidity are mostly related to the ingenious woman. It certainly reflects the weak health background and lack of appropriate healthcare facility to the woman. Between the same years, 12 deaths were recorded concerning indigenous woman due to pregnancy. None of them was directly related to the abortion. Furthermore, it was observed that the indigenous woman suffers from different problems related to the poverty and bad health outcomes. They also fail to have better access to an appropriate healthcare facility that leads to failure of government and doctors. A woman should be inclined toward the right to life not only concerning the foetus, but also her own lives. However, such cases are only valid concerning the extreme situation of psychology and health. When it comes to termination of pregnancy for some selfish reasons, women should start considering the aspect of the right to life for the foetus[[64]](#footnote-64).

Woman desire to have appropriate healthcare services that would further lead her to have a better life. Furthermore, because of social and personal reasons, they fail to get proper attention. Due to the proper lack of it, the woman ends up either with bad health problems throughout their lives or ultimate death out of pregnancy. It was mostly observed that healthcare facilities related to abortion are crucial most aspect that can save many deaths per year

Also, Macduff [[65]](#footnote-65)Argues that the status of the legislation regarding abortion is still the same as it was before. Earlier, the Abortion was used to be called a criminal offence, but the government had to provide it for the medical purposes. However, the present-day scenario regarding the law and its utilisation in real life is still the same that focuses on abortion due to health problems.

#### **Chapter 5 Conclusion and Recommendations**

To conclude the detailed discussion about the legal perspective of the issue of abortion in Australia in the context of human rights, it is essential to mention that the overall idea of abortion is comprised on combination of different aspects of consideration. It is one complex approach to take decisions about the legal prospect of abortion considering the facet of basic human rights of women. The main idea of human rights for women comprised on their rights of health, safety, privacy, etc. Clear consideration of different human rights reflects as the necessary lens to figure out the proper position of legal grounds of the practice of abortion in the country.

The main aim of this particular research report to discuss the scenario of laws of abortion in country referring the main idea of human rights. It is difficult to determine the practice of abortion as moral action referring to the overall ambiguity involves in case of elective abortion. The Australian law of abortion can analyse on the basis of basic paradigms of human rights for women. These human right perspectives reocgnised in the form of their right to life, privacy, and the overall health. The main idea of right of equal rights for everyone is another crucial feature of concern when it comes to assessment of the suitability of the concern of abortion laws in various parts of the country. The primary aspect that was realised, which can surely ensure the betterment of the women, is having decriminalisation of abortion. It is vital because pregnancy can be problematic at times, leading to the untimely death of the Australian woman. However, some jurisdiction had recognised this fact and enabled the law for decriminalising the abortion. Many women can get the benefit of aborting the foetus if it is accustomed to causing untimely death and many psychological problems.

However, it was observed that states such as Queensland and New South Wales have an abortion as a crime no matter what. Due to this, the Australian women fail to achieve the benefit of protective measures throughout the pregnancy period. For this, many healthcare facilities were recognised by several state government of Australia such as safe zones around the clinics. Women are already facing anxiety, and possibly depression from having to lose a child. Furthermore, the wounds may get deeper in case of violence and other factors. Woman get greatly affected due to that, and they may face severe health and psychological problems. However, the leading problems arose due to the availability of issues; many state jurisdictions analysed that the rising violence can become the cause of untimely death. However, in order to avoid that, several state council members devised a safe zone as an alternative way to deal with the situation.

The right for abortion has several obstacles in between such as human rights and the right to live. Right to be free and torture another human figure also goes along with it. Such aspects might be turning the abortion into a criminal act, and many cities have been involved in making it a law in Australia. The right to life is violated because of unsafe abortion and similar aspects that enables the law authorities to put forth multiple restrictions on it. However, the right to privacy and women's right to take free decision should also be considered at this point. Abortion comes under the right to privacy for many women. This report presented a perception that the right to privacy and freedom of speech is violated because of the restriction on abortion. Detailed consideration of the entire scenario and the evaluation of the laws of abortion prevails in the country helps to determine that there should be proper option of elective abortion under the domain of specific circumstances. If it is concern of the health and life concern for women than there should be a legal option of abortion.

#### **Limitation of the study**

It is important to figure out that every research work has some form of limitations. It is impossible for the researcher to cover all the aspects of the issue. This particular research study on the issue of laws of abortion in Australia in the context of basic human rights of women also have some form of limitations. The major limitation involves in case of this research work is that it only considered the perspective of human rights to determine the effectiveness of legal domains of abortion. The research work on the issue of abortion can further expand by considering other relevant aspects and deep consideration of different theoretical approach other than the natural theory of law. The research method of reviewing previous research work on the issue also highlight some form of limitation of this research work. Researchers have many different options when it comes to the selection of the research method and research design for the study. It is important to consider that the prevalence of any form of limitation at any stage of research work eventually influence the outcomes.

#### **Recommendations for Future Research Work**

This research work can be helpful for future research work on the issue of abortion. It can be established as the recommended framework to understand better about the practical implications of the laws of abortion considering the approach of human rights. The phenomenon of decriminalisation of abortion can effectively perceive by considering the laws of abortions implemented in the country. It is worthy to mention that the horizon of the research work on abortion can further expand by expanding the options of relevant factors. It is recommended for the future research work is to entirely focus on comparing legal perspectives of different states to highlight the issue of abortion and how it is influenced by laws established by local governments.

References

“Practice Bulletin No. 143” (2014) 123 Obstetrics & Gynecology676 <https://www.ncbi.nlm.nih.gov/pubmed/24553166>

Baird, Barbara. "Medical abortion in Australia: a short history." Reproductive health matters 23, no. 46 (2015): 169-176.

Boland, Reed, and Laura Katzive. "Developments in laws on induced abortion: 1998-2007." International family planning perspectives (2008): 110-120.

Bryant, HE, N Visser and EJ Love, “Records, Recall Loss, and Recall Bias in Pregnancy: a Comparison of Interview and Medical Records Data of Pregnant and Postnatal Women.” (1989) 79 American Journal of Public Health78 <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.79.1.78>

Burnhill, Michael S and John W Armstead, “Reducing the Morbidity of Vacuum Aspiration Abortion” (1978) 16 International Journal of Gynecology & Obstetrics204 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1002/j.1879-3479.1978.tb00429.x>

Cica, Natasha. "Abortion law in Australia." (1998): 59p. <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=SubjectId_Phrase%3AWP1%20SearchCategory_Phrase%3A%22publications%22;rec=0>

Cica, Natasha. "Ordering the law on abortion in Australia's' wild west'." Alternative Law Journal 23, no. 2 (1998): 89.

Clark, Wesley et al, “Alternatives to a Routine Follow-Up Visit for Early Medical Abortion” (2010) 115 Obstetrics & Gynecology264 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1016/S0020-7292(09)60513-0>

Cook, Rebecca J and Bernard M Dickens, “Human Rights Dynamics of Abortion Law Reform” (2003) 25 Human Rights Quarterly1 <https://sync.deakin.edu.au/library>

Costa, Caroline De et al, “Abortion Law across Australia - A Review of Nine Jurisdictions” (2015) 55 Australian and New Zealand Journal of Obstetrics and Gynaecology105 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1111/ajo.12298>

Coyaji K., “Early Medical Abortion in India: Three Studies and Their Implications for Abortion Services.” [1972] Journal of the American Medical Women's Association<https://europepmc.org/abstract/med/10846337>

Crespigny, Laclan JD and Julian Savulescu, “s 10 Of the Act, Relates to ‘Child Destruction’ (an Unlawful IntenAbortion: Time to Clarify Australia's Confusing Laws” (2004) 181 Medical Journal of Australia201 <https://sync.deakin.edu.au/library>

Cunningham, F. Gary, Paul C. MacDonald, and Norman F. Gant. Williams obstetrics. Vol. 21. New York, NY: McGraw-Hill Professional, 2005.

de Crespigny, Lachlan J., and Julian Savulescu. "Abortion: time to clarify Australia's confusing laws." Medical Journal of Australia 181, no. 4 (2004): 201-203.

Downs, Mathew David. "No substantial miscarriage of justice: the history and application of the proviso to Section 385 (1) of the Crimes Act 1961." PhD diss., University of Otago, 2011.

Duxbury, Alison, and Christopher Ward. "International Law Implications of Australian Abortion Law." UNSWLJ 23 (2000): 1.

Ferdinands, Patrick. "How the Criminal Law in Australia Has Failed to Promote the Right to Life for Unborn Children: A Need of Uniform Criminal Laws on Abortion across Australia." Deakin L. Rev. 17 (2012): 43.

Geyman, JP, LM Oliver and SD Sullivan, “Expectant, Medical, or Surgical Treatment of Spontaneous Abortion in First Trimester of Pregnancy? A Pooled Quantitative Literature Evaluation” (1999) 12 The Journal of the American Board of Family Medicine55 <http://www.jabfm.org/content/12/1/55.full.pdf>

Goldstein, Joseph, “Medical Care for the Child at Risk: On State Supervention of Parental Autonomy” (1977) 86 The Yale Law Journal645 <https://sync.deakin.edu.au/library>

Grimes, David A et al, “Unsafe Abortion: the Preventable Pandemic” (2006) 368 The Lancet1908 <https://sync.deakin.edu.au/library>

Grossman, Daniel et al, “Effectiveness and Acceptability of Medical Abortion Provided Through Telemedicine” (2011) 118 Obstetrics & Gynecology296 <https://journals.lww.com/greenjournal/Fulltext/2011/08000/Effectiveness_and_Acceptability_of_Medical.14.aspx>

Guengant, Jean-Pierre et al, “Mifepristone-Misoprostol Medical Abortion: Home Administration of Misoprostol in Guadeloupe” (1999) 60 Contraception167 <https://www.sciencedirect.com/science/article/pii/S0010782499000748>

Hegde, Shalika, Elizabeth Hoban and Annemarie Nevill, “Unsafe Abortion as a Birth Control Method” (2011) 24 Asia Pacific Journal of Public Health989 <https://sync.deakin.edu.au/library>

Hobbs, Melissa K et al, “Pharmacy Access to the Emergency Contraceptive Pill: a National Survey of a Random Sample of Australian Women” (2011) 83 Contraception151 <https://sync.deakin.edu.au/library>

Irving, Diane N. "Abortion: correct application of natural law theory." The Linacre Quarterly 67, no. 1 (2000): 45-55.

Lanham, David, David Wood, Bronwyn Bartal, and Rob Evans. Criminal laws in Australia. Federation Press, 2006.

Macduff, Anne, “Abortion Law in Australia” (2017) 29 Legaldate <https://sync.deakin.edu.au/library>

Mayall, Katherine, and Johanna B. Fine. "Abortion worldwide: 20 years of reform." (2014).

Mendelson, Danuta, “Decriminalisation of Abortion Performed by Qualified Health Practitioners Under the Abortion Law Reform Act 2008 (Vic)” (2014) 19 Journal of law and medicine1 <https://sync.deakin.edu.au/library>

Moel-Mandel, Caroline de and Julia M Shelley, “The Legal and Non-Legal Barriers to Abortion Access in Australia: a Review of the Evidence” (2017) 22 The European Journal of Contraception & Reproductive Health Care114 <https://sync.deakin.edu.au/library>

Morgan, Jenny. "Abortion law reform: The importance of democratic change." UNSWLJ 35 (2012): 142.

Müller, Wolfgang P, “The Criminalization of Abortion in the West” [2012] Journal of religious history620 <https://onlinelibrary.wiley.com/doi/abs/10.1111/1467-9809.12223>

Munson, Ronald, and Ronald Munson. Intervention and reflection: basic issues in medical ethics. Belmont, California: Wadsworth Publishing Company, 1983. <https://sync.deakin.edu.au/library>

Ngoc, Nguyen Thi Nhu et al, “Comparing Two Early Medical Abortion Regimens: Mifepristone Misoprostol vs. Misoprostol Alone” (2011) 83 Contraception410 <https://www.sciencedirect.com/science/article/pii/S0010782410005226>

Ngoc, Nt.n. et al, “Medical Treatment of Missed Abortion Using Misoprostol” (2004) 87 International Journal of Gynecology & Obstetrics138 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1016/j.ijgo.2004.07.015>

O'Neill, Nicholas KF, Nick O'Neill, Simon Rice, and Roger Douglas. Retreat from injustice: human rights law in Australia. Federation Press, 2004.

Paterick, Timothy J et al, “Medical Informed Consent: General Considerations for Physicians” (2008) 83 Mayo Clinic Proceedings313 <https://www.sciencedirect.com/science/article/pii/S0025619611608641>

Petersen, Kerry A. "Early medical abortion: legal and medical developments in Australia." Medical Journal of Australia 193, no. 1 (2010): 26-29.

Petersen, Kerry. "Abortion in Australia: a legal misconception." Australian Health Review 29, no. 2 (2005): 142-145.

Pratt, Angela, Amanda Biggs, and Luke Buckmaster. How many abortions are there in Australia?: A discussion of abortion statistics, their limitations, and options for improved statistical collection. Department of Parliamentary Services, Parliamentary Library, 2005.

Pringle, Helen. "Is abortion illegal?." Australian Journal of Political Science 32, no. 1 (1997): 93-110.

Puri, Mahesh et al, “‘Sometimes They Used to Whisper in Our Ears’: Health Care Workers’ Perceptions of the Effects of Abortion Legalization in Nepal” (2012) 12 BMC Public Health <https://sync.deakin.edu.au/library>

Rahman, Anika, Laura Katzive, and Stanley K. Henshaw. "A global review of laws on induced abortion, 1985-1997." International Family Planning Perspectives (1998): 56-64.

Rankin, Mark J. "Abortion law in New South Wales: The problem with necessity." Monash UL Rev. 44 (2018): 32.

Rankin, Mark J. "Contemporary Australian Abortion Law: The Description of a Crime and the Negation of a Woman's Right to Abortion." Monash UL Rev. 27 (2001): 229.

Reardon, David C et al, “Psychiatric Admissions of Low-Income Women Following Abortion and Childbirth” [2003] Canadian Medical Association Journal1253 <http://www.cmaj.ca/content/168/10/1253.short>

Roe v. Wade, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973).

Rothwell, Donald R., Stuart Kaye, Afshin Akhtarkhavari, and Ruth Davis. International law: cases and materials with Australian perspectives. Cambridge University Press, 2010.

Saletan, William. Bearing right: How conservatives won the abortion war. Univ of California Press, 2004.

Schaff, Eric A et al, “Vaginal Misoprostol Administered 1, 2, or 3 Days After Mifepristone for Early Medical Abortion” (2000) 284 Jama1948

Shotorbani, Solmaz et al, “Attitudes and Intentions of Future Health Care Providers Toward Abortion Provision” (2004) 36 Perspectives on Sexual and Reproductive Health58 <https://www.guttmacher.org/journals/psrh/2003/05/heterosexually-active-mens-beliefs-about-methods-preventing-sexually>

Shotorbani, Solmaz et al, “Attitudes and Intentions of Future Health Care Providers Toward Abortion Provision” (2004) 36 Perspectives on Sexual and Reproductive Health58 <https://onlinelibrary.wiley.com/doi/abs/10.1363/3605804>

Singh, Susheela, “Hospital Admissions Resulting from Unsafe Abortion: Estimates from 13 Developing Countries” (2006) 368 The Lancet1887 <https://sync.deakin.edu.au/library>

Smith, Anthony MA et al, “The Australian Longitudinal Study of Health and Relationships” (2007) 139 BMC Public Health1 <https://sync.deakin.edu.au/library>

Soper, Philip. "Some Natural Confusions About Natural Law." Mich. L. Rev. 90 (1991): 2393.

Taft, Angela J et al, “Unintended Pregnancy in Australia: What More Can We Do?” (2011) 195 The medical journal of Australia166 <https://www.mja.com.au/journal/2011/195/4/unintended-pregnancy-australia-what-more-can-we-do>

Taylor, Greg. The Constitution of Victoria. Federation Press, 2006.

Teasdale, Lisa. "Confronting the Fear of Being Caught: Discourses on Abortion in Western Australia." UNSWLJ 22 (1999): 60.

Warriner, Ik et al, “Can Midlevel Health-Care Providers Administer Early Medical Abortion as Safely and Effectively as Doctors? A Randomised Controlled Equivalence Trial in Nepal” (2011) 377 The Lancet1155 <https://sync.deakin.edu.au/library>

Warshaw, Carole, “Limitations Of The Medical Model In The Care Of Battered Women” (1989) 3 Gender & Society506 <http://journals.sagepub.com/doi/abs/10.1177/089124389003004008>

Yarnall, Jillian, Yael Swica and Beverly Winikoff, “Non-Physician Clinicians Can Safely Provide First Trimester Medical Abortion” (2009) 17 Reproductive Health Matters61 <https://www.tandfonline.com/doi/abs/10.1016/S0968-8080(09)33445-X>

1. Bryant, HE, N Visser and EJ Love, “Records, Recall Loss, and Recall Bias in Pregnancy: a Comparison of Interview and Medical Records Data of Pregnant and Postnatal Women.” (1989) 79 American Journal of Public Health78 <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.79.1.78> [↑](#footnote-ref-1)
2. Burnhill, Michael S and John W Armstead, “Reducing the Morbidity of Vacuum Aspiration Abortion” (1978) 16 International Journal of Gynecology & Obstetrics204 [↑](#footnote-ref-2)
3. Cica, Natasha. "Abortion law in Australia." (1998): 59p. <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=SubjectId_Phrase%3AWP1%20SearchCategory_Phrase%3A%22publications%22;rec=0> [↑](#footnote-ref-3)
4. Clark, Wesley et al, “Alternatives to a Routine Follow-Up Visit for Early Medical Abortion” (2010) 115 Obstetrics & Gynecology264 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1016/S0020-7292(09)60513-0> [↑](#footnote-ref-4)
5. Cook, Rebecca J and Bernard M Dickens, “Human Rights Dynamics of Abortion Law Reform” (2003) 25 Human Rights Quarterly1 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-5)
6. Ferdinands, Patrick. "How the Criminal Law in Australia Has Failed to Promote the Right to Life for Unborn Children: A Need of Uniform Criminal Laws on Abortion across Australia." Deakin L. Rev. 17 (2012): 43. [↑](#footnote-ref-6)
7. Costa, Caroline De et al, “Abortion Law across Australia - A Review of Nine Jurisdictions” (2015) 55 Australian and New Zealand Journal of Obstetrics and Gynaecology105 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1111/ajo.12298> [↑](#footnote-ref-7)
8. Coyaji K., “Early Medical Abortion in India: Three Studies and Their Implications for Abortion Services.” [1972] Journal of the American Medical Women's Association<https://europepmc.org/abstract/med/10846337> [↑](#footnote-ref-8)
9. Crespigny, Laclan JD and Julian Savulescu, “s 10 Of the Act, Relates to ‘Child Destruction’ (an Unlawful IntenAbortion: Time to Clarify Australia's Confusing Laws” (2004) 181 Medical Journal of Australia201 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-9)
10. Pringle, Helen. "Is abortion illegal?." Australian Journal of Political Science 32, no. 1 (1997): 93-110. [↑](#footnote-ref-10)
11. Cunningham, F. Gary, Paul C. MacDonald, and Norman F. Gant. Williams obstetrics. Vol. 21. New York, NY: McGraw-Hill Professional, 2005 [↑](#footnote-ref-11)
12. Geyman, JP, LM Oliver and SD Sullivan, “Expectant, Medical, or Surgical Treatment of Spontaneous Abortion in First Trimester of Pregnancy? A Pooled Quantitative Literature Evaluation” (1999) 12 The Journal of the American Board of Family Medicine55 <http://www.jabfm.org/content/12/1/55.full.pdf> [↑](#footnote-ref-12)
13. Goldstein, Joseph, “Medical Care for the Child at Risk: On State Supervention of Parental Autonomy” (1977) 86 The Yale Law Journal645 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-13)
14. Grimes, David A et al, “Unsafe Abortion: the Preventable Pandemic” (2006) 368 The Lancet1908 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-14)
15. Lanham, David, David Wood, Bronwyn Bartal, and Rob Evans. Criminal laws in Australia. Federation Press, 2006.

    Rankin, Mark J. "Contemporary Australian Abortion Law: The Description of a Crime and the Negation of a Woman's Right to Abortion." Monash UL Rev. 27 (2001): 229 [↑](#footnote-ref-15)
16. Grossman, Daniel et al, “Effectiveness and Acceptability of Medical Abortion Provided Through Telemedicine” (2011) 118 Obstetrics & Gynecology296 [↑](#footnote-ref-16)
17. Guengant, Jean-Pierre et al, “Mifepristone-Misoprostol Medical Abortion: Home Administration of Misoprostol in Guadeloupe” (1999) 60 Contraception167 <https://www.sciencedirect.com/science/article/pii/S0010782499000748> [↑](#footnote-ref-17)
18. Pringle, Helen. "Is abortion illegal?." Australian Journal of Political Science 32, no. 1 (1997): 93-110. [↑](#footnote-ref-18)
19. Hegde, Shalika, Elizabeth Hoban and Annemarie Nevill, “Unsafe Abortion as a Birth Control Method” (2011) 24 Asia Pacific Journal of Public Health989 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-19)
20. Hobbs, Melissa K et al, “Pharmacy Access to the Emergency Contraceptive Pill: a National Survey of a Random Sample of Australian Women” (2011) 83 Contraception151 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-20)
21. Soper, Philip. "Some Natural Confusions About Natural Law." Mich. L. Rev. 90 (1991): 2393.

    O'Neill, Nicholas KF, Nick O'Neill, Simon Rice, and Roger Douglas. Retreat from injustice: human rights law in Australia. Federation Press, 2004. [↑](#footnote-ref-21)
22. Mendelson, Danuta, “Decriminalisation of Abortion Performed by Qualified Health Practitioners Under the Abortion Law Reform Act 2008 (Vic)” (2014) 19 Journal of law and medicine1 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-22)
23. Moel-Mandel, Caroline de and Julia M Shelley, “The Legal and Non-Legal Barriers to Abortion Access in Australia: a Review of the Evidence” (2017) 22 The European Journal of Contraception & Reproductive Health Care114 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-23)
24. Müller, Wolfgang P, “The Criminalization of Abortion in the West” [2012] Journal of religious history620 <https://onlinelibrary.wiley.com/doi/abs/10.1111/1467-9809.12223> [↑](#footnote-ref-24)
25. Munson, Ronald, and Ronald Munson. Intervention and reflection: basic issues in medical ethics. Belmont, California: Wadsworth Publishing Company, 1983. <https://sync.deakin.edu.au/library> [↑](#footnote-ref-25)
26. Ngoc, Nguyen Thi Nhu et al, “Comparing Two Early Medical Abortion Regimens: Mifepristone Misoprostol vs. Misoprostol Alone” (2011) 83 Contraception410 <https://www.sciencedirect.com/science/article/pii/S0010782410005226> [↑](#footnote-ref-26)
27. Ngoc, Nt.n. et al, “Medical Treatment of Missed Abortion Using Misoprostol” (2004) 87 International Journal of Gynecology & Obstetrics138 <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1016/j.ijgo.2004.07.015> [↑](#footnote-ref-27)
28. Paterick, Timothy J et al, “Medical Informed Consent: General Considerations for Physicians” (2008) 83 Mayo Clinic Proceedings313 <https://www.sciencedirect.com/science/article/pii/S0025619611608641> [↑](#footnote-ref-28)
29. “Practice Bulletin No. 143” (2014) 123 Obstetrics & Gynecology676 <https://www.ncbi.nlm.nih.gov/pubmed/24553166> [↑](#footnote-ref-29)
30. Puri, Mahesh et al, “‘Sometimes They Used to Whisper in Our Ears’: Health Care Workers’ Perceptions of the Effects of Abortion Legalization in Nepal” (2012) 12 BMC Public Health <https://sync.deakin.edu.au/library> [↑](#footnote-ref-30)
31. Reardon, David C et al, “Psychiatric Admissions of Low-Income Women Following Abortion and Childbirth” [2003] Canadian Medical Association Journal1253 <http://www.cmaj.ca/content/168/10/1253.short> [↑](#footnote-ref-31)
32. Cica, Natasha. "Ordering the law on abortion in Australia's' wild west'." Alternative Law Journal 23, no. 2 (1998): 89. [↑](#footnote-ref-32)
33. Saletan, William. Bearing right: How conservatives won the abortion war. Univ of California Press, 2004. [↑](#footnote-ref-33)
34. Singh, Susheela, “Hospital Admissions Resulting from Unsafe Abortion: Estimates from 13 Developing Countries” (2006) 368 The Lancet1887 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-34)
35. Schaff, Eric A et al, “Vaginal Misoprostol Administered 1, 2, or 3 Days After Mifepristone for Early Medical Abortion” (2000) 284 Jama1948 [↑](#footnote-ref-35)
36. Shotorbani, Solmaz et al, “Attitudes and Intentions of Future Health Care Providers Toward Abortion Provision” (2004) 36 Perspectives on Sexual and Reproductive Health58 [↑](#footnote-ref-36)
37. Shotorbani, Solmaz et al, “Attitudes and Intentions of Future Health Care Providers Toward Abortion Provision” (2004) 36 Perspectives on Sexual and Reproductive Health58 [↑](#footnote-ref-37)
38. Smith, Anthony MA et al, “The Australian Longitudinal Study of Health and Relationships” (2007) 139 BMC Public Health1 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-38)
39. Taft, Angela J et al, “Unintended Pregnancy in Australia: What More Can We Do?” (2011) 195 The medical journal of Australia166 <https://www.mja.com.au/journal/2011/195/4/unintended-pregnancy-australia-what-more-can-we-do> [↑](#footnote-ref-39)
40. Macduff, Anne, “Abortion Law in Australia” (2017) 29 Legaldate <https://sync.deakin.edu.au/library> [↑](#footnote-ref-40)
41. Yarnall, Jillian, Yael Swica and Beverly Winikoff, “Non-Physician Clinicians Can Safely Provide First Trimester Medical Abortion” (2009) 17 Reproductive Health Matters61 <https://www.tandfonline.com/doi/abs/10.1016/S0968-8080(09)33445-X> [↑](#footnote-ref-41)
42. Rothwell, Donald R., Stuart Kaye, Afshin Akhtarkhavari, and Ruth Davis. International law: cases and materials with Australian perspectives. Cambridge University Press, 2010. [↑](#footnote-ref-42)
43. Warshaw, Carole, “Limitations Of The Medical Model In The Care Of Battered Women” (1989) 3 Gender & Society506 <http://journals.sagepub.com/doi/abs/10.1177/089124389003004008> [↑](#footnote-ref-43)
44. Warriner, Ik et al, “Can Midlevel Health-Care Providers Administer Early Medical Abortion as Safely and Effectively as Doctors? A Randomised Controlled Equivalence Trial in Nepal” (2011) 377 The Lancet1155 <https://sync.deakin.edu.au/library> [↑](#footnote-ref-44)
45. Morgan, Jenny. "Abortion law reform: The importance of democratic change." UNSWLJ 35 (2012): 142.

    Taylor, Greg. The Constitution of Victoria. Federation Press, 2006. [↑](#footnote-ref-45)
46. Irving, Diane N. "Abortion: correct application of natural law theory." The Linacre Quarterly 67, no. 1 (2000): 45-55. [↑](#footnote-ref-46)
47. Rourke, Anne O, Lachlan D Crespigny and Amanda Pyman, “Abortion and Conscientious Objection: The New Battleground ”(2102) 38 *Monash University law review*87.  [↑](#footnote-ref-47)
48. Singh, Susheela, “Hospital Admissions Resulting from Unsafe Abortion: Estimates from 13 Developing Countries” (2006) 368 *The Lancet*1887 [↑](#footnote-ref-48)
49. Geyman, JP, LM Oliver and SD Sullivan, “Expectant, Medical, or Surgical Treatment of Spontaneous Abortion in First Trimester of Pregnancy? A Pooled Quantitative Literature Evaluation” (1999) 12 *The Journal of the American Board of Family Medicine*55 [↑](#footnote-ref-49)
50. Baird, Barbara. "Medical abortion in Australia: a short history." Reproductive health matters 23, no. 46 (2015): 169-176. [↑](#footnote-ref-50)
51. Moel-Mandel, Caroline de and Julia M Shelley, “The Legal and Non-Legal Barriers to Abortion Access in Australia: a Review of the Evidence” (2017) 22 *The European Journal of Contraception & Reproductive Health Care*114 [↑](#footnote-ref-51)
52. Bryant, HE, N Visser and EJ Love, “Records, Recall Loss, and Recall Bias in Pregnancy: a Comparison of Interview and Medical Records Data of Pregnant and Postnatal Women.” (1989) 79 *American Journal of Public Health*78 [↑](#footnote-ref-52)
53. Grossman, Daniel et al, “Effectiveness and Acceptability of Medical Abortion Provided Through Telemedicine” (2011) 118 *Obstetrics & Gynecology*296 [↑](#footnote-ref-53)
54. Cook, Rebecca J and Bernard M Dickens, “Human Rights Dynamics of Abortion Law Reform” (2003) 25 *Human Rights Quarterly*1 [↑](#footnote-ref-54)
55. Fried, Charles, “Equality and Rights in Medical Care” (1976) 6 *The Hastings Center Report*29 [↑](#footnote-ref-55)
56. Ngoc, Nt.n. et al, “Medical Treatment of Missed Abortion Using Misoprostol” (2004) 87 *International Journal of Gynecology & Obstetrics*138 [↑](#footnote-ref-56)
57. Guengant, Jean-Pierre et al, “Mifepristone-Misoprostol Medical Abortion: Home Administration of Misoprostol in Guadeloupe” (1999) 60 *Contraception*167 [↑](#footnote-ref-57)
58. Reardon, David C et al, “Psychiatric Admissions of Low-Income Women Following Abortion and Childbirth” [2003] *Canadian Medical Association Journal*1253 [↑](#footnote-ref-58)
59. Blum, Jennifer et al, “Can at-Home Semi-Quantitative Pregnancy Tests Serve as a Replacement for Clinical Follow-up of Medical Abortion? A US Study” (2012) 86 *Contraception*757 [↑](#footnote-ref-59)
60. Moel-Mandel, Caroline de and Julia M Shelley, “The Legal and Non-Legal Barriers to Abortion Access in Australia: a Review of the Evidence” (2017) 22 *The European Journal of Contraception & Reproductive Health Care*114 [↑](#footnote-ref-60)
61. Kirkman, Maggie et al, “Reasons Women Give for Contemplating or Undergoing Abortion: A Qualitative Investigation in Victoria, Australia” (2010) 1 *Sexual & Reproductive Healthcare*149 [↑](#footnote-ref-61)
62. Keogh, LA et al, “Intended and Unintended Consequences of Abortion Law Reform: Perspectives of Abortion Experts in Victoria, Australia” (2016) 43 *Journal of Family Planning and Reproductive Health Care*18 [↑](#footnote-ref-62)
63. Costa, Caroline De et al, “Abortion Law across Australia - A Review of Nine Jurisdictions” (2015) 55 *Australian and New Zealand Journal of Obstetrics and Gynaecology*105 [↑](#footnote-ref-63)
64. Peterson, Kerry A, “Early Medical Abortion: Legal and Medical Developments in Australia” [2010] *Medicine and the Law*26. [↑](#footnote-ref-64)
65. Macduff, Anne, “Abortion Law in Australia” (2017) 29 *Legaldate*. [↑](#footnote-ref-65)