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Women, doctors protest new South Korea abortion restrictions

Debate intensifies over anti-abortion law and women's reproductive autonomy.

By Wooyoung Lee

UPI (30.08.2018) - <https://bit.ly/2N5cfNc> - SEOUL - Women's rights groups and doctors have expressed fury over the government's decision to classify surgical abortions as "unethical," fueling debate on women's reproductive freedom in a conservative country with one of the world's lowest fertility rates.

Seoul's Ministry of Health and Welfare announced Aug. 17 a revised Medical Act, which lists surgical abortions as an unethical medical practice, along with sexual abuse, using unauthorized medicine, reusing single-use devices and ghost surgery (in which one doctor substitutes for another, without the patient's knowledge), among others.

Doctors would be suspended for one month in violation of the revised law as it takes effect this month.

Obstetricians have condemned the revisions, saying it portrays them as potential "criminals." Many are refusing to conduct any surgical abortion unless the ministry withdraws the new law.

"We refuse to be punished under the revised law, which fails to recognize the reality, in which surgical abortions are unavoidably carried out for so many reasons," a group of obstetricians and gynecologists said in a statement Tuesday.

In response to the immediate backlash, the health ministry decided Thursday to postpone implementing the one-month suspension.

A Seoul-based women's rights group, BWAVE, has criticized the government and doctors.

"The government has made it more difficult for women to have an abortion to raise the nation's fertility rate," the group said. "Doctors have taken women's health and life as a hostage for their own benefits."

The group staged a protest in Seoul on Saturday, calling for the termination of the current anti-abortion law and demanding women's reproductive freedom.

Doctors and women's rights groups have pointed out that the government's move to toughen punishment for abortion would limit women's access to safe abortion services.

"This could encourage unsafe, illegal surgical abortions underground," Lee Chung-hoon, head of the Korean Association of Obstetricians and Gynecologists told UPI.

Lee said the current law is too outdated to recognize circumstances women face in choosing abortion and therefore fails to respect women's reproductive autonomy.

"The law allows abortion in very limited cases that only cover a very slim percentage of surgical abortions being carried out today," Lee said.

South Korea allows selective abortion only in cases such as those involving rape and incest and fetal abnormalities.

"It's too selective to recognize various cases that need surgical abortions. If a fetus has a genetic disorder, the current law doesn't allow surgical abortions, but only for cases where parents hold the same genetic disorder," Lee said.

South Korea's fertility rate dropped to a record low of 1.05 last year, with a total of 357,800 babies born, a 12 percent drop from 2016. The total fertility rate in the second quarter of this year was 0.97, according to Statistics Korea.

In April, a Seoul-based think tank on women's issues conducted an online survey of women who had abortions or considered having one.

More than 30 percent said they decided to have an abortion as they were not financially ready to raise a child and 20 percent said they needed to continue study or work. Some 12 percent of respondents said they didn't want to marry because of pregnancy.

The survey, conducted by the Korean Women's Development Institute, also found that 77 percent of women supported legalizing abortion while 23 percent were against it.

Another survey by the health ministry and the graduate school of public health at Yonsei University in 2010 found that 77 percent of women surveyed decided to have an abortion because of unwanted pregnancy and concerns of being single and pregnant. Those who had an abortion due to fetal abnormalities consisted of 20 percent.

The ministry's latest survey to date found there were more than 168,000 cases of surgical abortions in 2010, down from some 350,000 cases in 2005.

The debate between pro-choice and anti-abortion advocates has been ongoing since the Constitutional Court sided with abortion restrictions in its 2012 ruling.

The court is expected to rule on the law once again later in the year in a case filed by a doctor who was criminally charged for carrying out abortions upon patients' requests.

Earlier this month, a group of some 400 women's rights activists and scholars submitted a petition to scrap the law.

"Keeping the anti-abortion law threatens women's health and life and breaches women's reproductive freedom," the group said in its statement.

South Korea: Decriminalize abortion

Court case could end risk of prison, recognize women's rights

Human Rights Watch (23.05.2018) - <https://bit.ly/2s1HzzM> - Criminalization of abortion is incompatible with South Korea's human rights obligations, Human Rights Watch said today in an amicus brief to the Constitutional Court of Korea. The court will hear a case on May 24, 2018, involving the country's laws on abortion. The court should decriminalize abortion, and authorities should ensure that safe and legal abortion is accessible.

South Korea's laws provide that procuring or providing an abortion in most circumstances is a crime. A woman who undergoes an abortion risks a prison sentence of up to a year or a fine of up to 2 million won (US\$1,850). Healthcare workers who provide abortions can face up to two years in prison, though there are exceptions in cases of rape or incest if the pregnancy is between blood relatives who cannot marry legally, if continuing the pregnancy is likely to jeopardize the woman's health, or if the woman or her spouse has certain hereditary or communicable diseases. Married women must have their spouse's permission for an abortion.

"South Korean women are being denied reproductive choices that should be their right," said Liesl Gerntholtz, women's rights director. "South Korea should remove all penalties for women who seek an abortion and their medical providers, and ensure access to safe, legal abortion."

International human rights treaties require governments to respect women's reproductive and other human rights. Authoritative interpretations of these treaties by United Nations experts have said that governments should eliminate criminal penalties for abortion and take steps to ensure that legal abortion is accessible. The experts also have said that other barriers to abortion should be removed, including requirements for spousal consent.

The criminalization of abortion in South Korea negatively affects many human rights, Human Rights Watch said. The amicus brief to the Constitutional Court analyzes its impact on women's rights to life, health, nondiscrimination and equality, privacy, information, and freedom from cruel, inhuman, or degrading treatment, as well as the right to decide the number and spacing of their children.

UN human rights bodies and experts have criticized South Korea's punitive restrictions on abortion and have urged the government to modify these laws. In December 2017, a report by the UN working group on the Universal Periodic Review (UPR) of human rights conditions for South Korea said that it should "[r]espect reproductive rights of women, which include decriminalization of abortions" and "[r]emove all penalties for women who seek abortion, and for doctors and other medical personnel involved in providing these services."

In March 2018, the UN Committee on the Elimination of Discrimination against Women urged South Korea to "legalize abortion in cases of rape, incest, threats to the life and/or health of the pregnant woman, or severe fetal impairment, and to decriminalize it in all other cases, remove punitive measures for women who undergo abortion, and provide women with access to quality post-abortion care, especially in cases of complications resulting from unsafe abortions." The UN Committee on Economic, Social and Cultural Rights (CESCR) made similar recommendations in 2017, as did the Committee on the Rights of the Child (CRC) in 2012.

Unsafe abortions pose a grave threat to the health of women and girls. According to a 2017 report by the World Health Organization (WHO) and the Guttmacher Institute, 25 million unsafe abortions occurred every year between 2010 and 2014. The WHO has noted that the removal of restrictions on abortion results in reduction of maternal mortality.

“South Korea’s Constitutional Court should protect women’s health and safety by ruling in accordance with international law,” Gerntholtz said. “Decisions about abortion belong to a pregnant woman, without penalty or interference by the government or anyone else.”
