

The Requirements and Necessities of Criminalizing Abortion in Iranian Law and the Youthful Population Law in Light of International Legal Frameworks

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Received: 2025-01-26

Revised: 2025-04-08

Accepted: 2025-04-14

Published: 2025-07-01

The crime of abortion is among offenses that occur both intentionally and unintentionally, driven by various motivations, and sometimes due to the necessity of protecting the mother or the child. The present study, conducted with the aim of examining the requirements and necessities of criminalizing abortion in Iranian law and the Youthful Population Law in light of international legal frameworks, employs a descriptive-analytical and library-based research method. The findings ultimately indicate that the fundamental necessity of criminalizing abortion in both legal systems is the protection of fetal rights and the preservation of family integrity, which varies based on different religious, ethical, and philosophical perspectives. Conversely, the key necessities for decriminalizing abortion include women's human rights, social and individual freedoms, and the limits and scope of government intervention in individuals' private lives. These elements constitute some of the most critical factors and necessities concerning abortion in Iranian law and the Youthful Population Law within the framework of international legal norms.

Keywords: Abortion, Iranian Law, Youthful Population Law, International Legal Frameworks.

How to cite this article:

Shirmohammadi, J., Pourghahramani, B., & Beigi, J. (2025). The Requirements and Necessities of Criminalizing Abortion in Iranian Law and the Youthful Population Law in Light of International Legal Frameworks. *Interdisciplinary Studies in Society, Law, and Politics*, 4(3), 1-9. <https://doi.org/10.61838/kman.isslp.4.3.28>

1. Introduction

The criminalization of abortion is a significant issue in the criminal law of most countries. Various theoretical perspectives, including philosophical foundations, human rights considerations, freedom of will, the right to life, and fetal personhood, have particularly expanded the discourse on this subject in recent years. In Iran, the Family Protection and Youthful Population Law, enacted in 2021, explicitly prohibits abortion under Article 56, categorizing it as a public offense. The Islamic Penal Code in Articles 716 and 720 stipulates imprisonment, payment of *diya* (blood

money), and the revocation of a physician's license as penalties for abortion. Furthermore, Article 718 specifies the amount of *diya* applicable at each stage of abortion. From a jurisprudential standpoint, Grand Ayatollah Khamenei considers abortion to be forbidden (*haram*), permitting it only in cases where the mother's life is at risk, and even then, only before the fetus acquires a soul. The criminalization of abortion in the legal system of the Islamic Republic of Iran presents a conflict between the principle of harm and the principle of freedom of will. If the principle of harm is recognized in the context of abortion criminalization, then the right to terminate a pregnancy cannot be granted, as the mother's autonomy



and decision-making rights are in direct conflict with the legal recognition of fetal life as a juridical entity. Consequently, abortion is deemed impermissible. Additionally, abortion is one of the crimes that law enforcement and investigative authorities find particularly difficult to detect. These factors collectively indicate that the current policy of criminalizing abortion, as outlined in the Penal Code, lacks an appropriate balance in preserving both women's rights and fetal interests.

Given that the examination of the requirements for both criminalizing and decriminalizing abortion in Iranian law, in light of international legal frameworks, has not been comprehensively addressed in an applied and extensive manner, this study seeks to provide an in-depth analysis to familiarize legal practitioners and policymakers with the issue. This subject is novel, practical, and underexplored, necessitating further explanation and clarification. Moreover, key legal considerations in the context of abortion include laboratory-based abortions, concealment of an aborted fetus, and the large-scale distribution and promotion of abortion-related tools and services, which the study categorizes as acts of *corruption on earth (efsad-e fel-arz)*.

Considering the profound social and human impacts of abortion, this phenomenon requires further research, and appropriate legal frameworks must be developed to determine when it should be criminalized or decriminalized. Consequently, the central research question of this study is: What are the legal requirements for criminalizing and decriminalizing abortion in Iranian law in light of international legal frameworks? This study aims to answer this fundamental question.

2. Conceptual Definitions

2.1. Abortion and Fetal Expulsion

Both terms *abortion (soqt)* and *fetus (janin)* have Arabic roots. The term *soqt* derives from the root *soqoot* (meaning "falling"), while *janin* refers to a developing entity resulting from the fertilization of sperm and an ovum, growing within the protective environment of the mother's womb. Abortion refers to the expulsion of a fetus before completing the full gestational period and is synonymous with fetal expulsion (*isqat-e janin*).

In medical sciences, abortion has been defined in various ways. It refers to the birth of a fetus or embryonic expulsion before the completion of 20 weeks of pregnancy. Pregnancy termination between weeks 20 and 38 is classified as preterm birth rather than abortion. Abortion occurs when the product of conception is expelled before its viability, either voluntarily or deliberately. The World Health Organization (WHO) defines abortion as the self-induced or medically induced termination of pregnancy from the first day of the last menstrual period up to the 20th week of gestation.

In cases of natural abortion (miscarriage), a significant proportion of fertilized ova fail to develop into viable pregnancies and are lost before a woman becomes aware of conception. Additionally, many pregnancies end before an embryo can be clinically detected.

2.2. Criminalization and Decriminalization of Abortion

Criminalization is the process by which the legislature, in alignment with fundamental social values and established legal principles, declares an act or omission to be prohibited and assigns punitive measures to it. Criminalization is rooted in structural and biological sciences, such as social sciences and philosophy. If an act falls within the scope of fundamental religious values, its legal status is determined through Islamic jurisprudence. However, if it pertains to newly emerging social issues, criminalization is established through Islamic governance, where non-compliance is deemed a legal violation and, in religious terms, considered sinful and subject to penal consequences.

Decriminalization is a fundamental aspect of criminal law, referring to the process by which the criminal justice system ceases to impose punitive sanctions on a particular behavior. This process may occur through legislative amendments or judicial interpretation.

3. Literature Review

Javadi (2020), in his comparative study "*Criminal Liability of Physicians Resulting from the Evolution of Abortion Regulations in the Legal Systems of Iran, England, and France*," primarily examined feminist perspectives and discussed various viewpoints on abortion within these three legal systems. However, the study did not address the issues of criminalization,

decriminalization, or international abortion regulations (Javadi, 2020).

Fallah Nejad (2017), in his article *"Abortion from the Perspective of Shi'a Jurisprudence and Iran's Criminal Law in Comparison with Japan's Criminal Law,"* aimed to provide a summary of abortion-related legal perspectives in Iran from a jurisprudential standpoint. The study further compared Iran's criminal law on abortion with that of Japan, analyzing its legal implications. While it partially explored the criminalization of abortion, it did not address decriminalization or relevant international regulations (Fallah Nejad, 2017).

Shahpour Jani (2017), in his work *"Examining the Crime of Abortion in Iranian Law,"* analyzed the penalties associated with different types of abortion according to the Islamic Penal Code of 2013 and Islamic jurisprudence. However, the study did not consider the decriminalization of abortion or international regulations related to the matter (Shahpourjani, 2017).

Ahmadi (2017), in his research *"Examining the Crime of Abortion in Iranian and Canadian Law,"* concluded that penalties for abortion vary depending on the stage of pregnancy in both Iran and Canada. In Iranian law, abortion is criminalized from the earliest stages of pregnancy, whereas in Canada, the legal approach is more permissive. The study highlighted the historical evolution of abortion laws, noting that Iranian law remains relatively stable, whereas Canadian law allows greater legal flexibility. Furthermore, differing perspectives on punishing pregnant women who undergo abortion were observed in Iranian law. While this research conducted a comparative analysis between Iran and Canada, it primarily focused on criminological aspects rather than decriminalization and did not examine international regulations (Ahmadi & Saladin Sheikh, 2017).

Hosseini Mohammadabad (2016), in his article *"Abortion in Pregnancies Resulting from Adultery,"* exclusively analyzed abortion from a jurisprudential and legal perspective in cases involving extramarital pregnancies. However, it did not explore other forms of abortion in terms of criminalization or decriminalization (Hosseini Mohammadi Abad, 2016).

Nozari Ferdowsieh (2007), in his study *"Abortion in Islamic Law and Feminism,"* initially defined abortion in Islamic jurisprudence and later discussed it from a

feminist perspective. The study classified abortion into natural, medical, and criminal abortion from the standpoint of forensic medicine. It also examined the Islamic jurisprudential arguments for the prohibition of abortion, citing sources such as the Qur'an, Hadith, scholarly consensus, and reason. Additionally, the study analyzed feminist arguments both in favor of and against abortion, concluding with an assessment of feminist principles regarding abortion rights. However, the study primarily focused on the prohibition of abortion from a jurisprudential perspective and feminist theoretical discussions, without addressing the issues of criminalization and decriminalization (Nozari Fardousieh, 2005).

Jabali (2003), in his article *"Review and Critique of the Theory of Permissibility of Abortion from the Perspective of Imami Jurists,"* first examined the foundations and points of contention between opponents and proponents of abortion. The study argued that the fetus is merely an extension of the mother's body, lacking independent human life or legal rights. The second section of the article presented and critiqued the arguments supporting abortion. Jabali's study was specifically focused on abortion from the standpoint of Sunni and Imami jurists and did not discuss criminal procedure, decriminalization, or criminalization (Jabali, 2003).

4. The Legal Nature of Abortion

According to a World Health Organization (WHO) report, nearly half of all abortions are performed by unqualified individuals, in completely unsanitary conditions, or both. The prevalence of unsafe abortions worldwide significantly contributes to maternal mortality among women of reproductive age. In addition to causing severe physical and reproductive disabilities, unsafe abortion has profound psychological and emotional consequences, affecting not only women but also their families and, consequently, imposing substantial social and economic burdens on society and national resources. The highest abortion-related mortality rates reported by WHO are observed in developing countries, particularly those with restrictive abortion laws.

Iran is among the developing nations where women face religious and cultural opposition to abortion while also suffering from health risks associated with unsafe abortions. Despite the fact that abortion is considered unethical and culturally unacceptable in most countries,

it remains a critical issue in human societies, influencing various social and political aspects of governance. Given the increasing abortion rates, addressing this subject is of paramount importance.

Under Iranian law, if a person intentionally harms a pregnant woman carrying a viable fetus, resulting in abortion, that person is legally considered a criminal and subject to punishment. Additionally, midwives, physicians, pharmacists, or any other individuals who provide abortive drugs or medical instruments, whether intentionally or negligently, are also legally accountable. If their actions lead to abortion, they will be subject to punitive measures in accordance with Iranian law and its legal provisions.

It is important to note that legal penalties for abortion apply only if the fetus does not survive after being expelled from the mother's womb. If a pregnant woman suffers physical abuse or assault that causes premature birth, but the baby is born alive, the act is not legally classified as abortion. In such cases, the perpetrator is subject to penalties for assault or other relevant criminal charges rather than abortion-related offenses.

5. Abortion in Iranian Law

In Iranian law, the legislature has classified abortion under a distinct criminal category, separate from homicide, regardless of the stage of pregnancy at which it occurs. According to Article 307 of the Islamic Penal Code (2013): *"Intentional crimes against a fetus, even after the ensoulment stage, do not warrant retributive punishment (qisas)." Consequently, individuals involved in abortion are subject to both payment of diya (blood money) and discretionary punishment (ta'zir). This provision represents a more advanced legal framework compared to earlier abortion laws enacted in the Islamic Republic of Iran (Moghadisi Mohammad, 2022).*

Under Article 306 of the new Islamic Penal Code and Articles 622, 623, and 624 of Book Five on Discretionary Punishments (*Ta'zirat*), abortion is criminalized and punishable as prescribed in these articles, as well as in Articles 716 to 721 of the Islamic Penal Code. However, if an abortion is conducted in accordance with the exception stipulated in the Note of Article 718, it is not considered a criminal act.

In contemporary Iranian society, childbirth and maintaining a youthful population are regarded as valuable social norms. National family surveys indicate

an increase in public willingness to have more children compared to previous decades. For instance, in 2019, over 40% of Iranians expressed a desire to have at least four children. This growing inclination necessitates comprehensive legal and policy support to address socio-economic barriers, including high living costs, economic pressures, expensive pregnancy and childbirth expenses, infertility treatments, and inadequate insurance coverage, all of which contribute to the prevalence of abortion and serve as major obstacles to increased birth rates. Despite positive attitudes toward childbearing, these challenges have led to a 20% decline in birth rates in recent years, and the country's population growth has reached its lowest level in a century. This demographic decline presents a serious threat to the family institution and economic, social, cultural, scientific, and security frameworks. International forecasts suggest that within 20 years, Iran will be among the oldest nations in the world (Karami, 2024; Khanlarzadeh, 2024).

To address these concerns and respond to public demands for increased governmental support for mothers and families, the Family Protection and Youthful Population Law was enacted with the goal of raising the total fertility rate above replacement level and enhancing qualitative demographic indicators. This law supports families with at least three children, new births, infertile couples, pregnant women, and mothers with children under two years of age. Following its approval, the law was examined by a joint parliamentary commission and, under Article 85 of the Constitution, was granted a seven-year trial implementation period.

A key concept introduced in the Family Protection and Youthful Population Law is the "right to fetal life", signifying that once conception occurs, the fetus should not be regarded as an object over which the parents have absolute authority. No religious doctrine worldwide grants complete discretion over abortion, and intentional termination of pregnancy is widely condemned. In Iran, where Islam is the dominant religion, abortion is forbidden (*haram*) even before four months of gestation (Mehrgan, 2022).

Under Article 73 of the Family Protection and Youthful Population Law, the 2005 Therapeutic Abortion Law was repealed, and Article 56 of the new law introduced a revised legal framework. The new law criminalizes both direct and indirect involvement in abortion, imposing

severe penalties on violators. For example, if a medical professional is involved in performing an abortion, their medical license will be revoked, even after a single instance of intentional abortion.

The law also introduced significant changes to prenatal screening policies. Under the new regulations, pregnant women under 35 years of age without a history of giving birth to a child with genetic abnormalities are no longer required to undergo prenatal screening. As per this directive, insurance providers do not cover screening services for these women. Moreover, according to Article 53, the screening process for chromosomal abnormalities has been standardized and regulated. Previously, prenatal screening was mandatory, but under the new law, it is optional and subject to parental request and an obstetrician's recommendation. Women over 35 years old or those with a history of genetic disorders or Down syndrome in previous pregnancies are still required to undergo screening, and insurance coverage is limited to these cases (Hosseini Mohammadi Abad, 2016).

Prenatal screening, conducted during the early months of pregnancy, is used to detect infectious diseases, Down syndrome, genetic disorders, and physical abnormalities in the fetus. However, the elimination of mandatory screening has faced widespread criticism and concerns over a potential increase in births of children with severe genetic disorders and disabilities.

Following the enactment of the Family Protection and Youthful Population Law in 2021, the exception allowing abortion in cases of fetal abnormality was abolished. Instead, the law introduced the criterion of "unbearable severe distress for the mother" as the sole justification for abortion. This legal shift represents a major transformation in Iranian legislation, necessitating further analysis.

Additionally, Human Rights Watch has opposed the new law, arguing that it violates women's rights regarding reproductive health and autonomy. Article 56 of the Family Protection and Youthful Population Law classifies abortion as a public offense, subject to penalties including *diya* (blood money), imprisonment, and medical license revocation. According to this provision, abortion is only permitted if the mother's life is in serious danger and can only be preserved by terminating the pregnancy.

The law also criminalizes both direct participation and assistance in abortion, imposing severe punishments. For example, if a medical professional is found guilty of performing an abortion, their medical license will be revoked, even after a single instance of intentional abortion.

According to Article 61 of the Family Protection and Youthful Population Law, widespread acts of bodily harm against fetuses with the intent to cause harm, or with knowledge of its consequences, resulting in large-scale fetal injuries or maternal harm, fall under Article 286 of the Islamic Penal Code (2013).

In general, under Iranian law, any act leading to the termination of pregnancy from the moment of conception until full fetal development and birth is classified as abortion and is punishable by law. Medical professionals involved in abortion face revocation of their licenses, payment of *diya*, and imprisonment. In cases of non-medical personnel, intentional abortion is subject to imprisonment and *diya*, whereas unintentional abortion incurs *diya* without imprisonment.

Abortion is permitted only in exceptional cases, such as when the mother's life is at risk or if the fetus suffers from severe congenital defects or abnormalities, as determined by forensic medical authorities. In these cases, no criminal liability is imposed on any party involved.

6. Abortion in the International Human Rights System

In the international human rights system, it appears that abortion regulations have shifted away from the domain of criminal law and punishment and have instead been categorized under women's health and welfare rights. In many human rights instruments, only the right to life has been explicitly mentioned, while the issue of abortion remains unaddressed. Although the right to life is the most fundamental human right, serving as the foundation for all other rights, human rights are not hierarchically structured. Instead, they are interdependent, complementary, and inherently interconnected. Therefore, recognizing a person's right to life without acknowledging their autonomy, reproductive rights, or health rights undermines human dignity (Schabas, 2015).

The primary reason for the lack of explicit reference to abortion in international human rights instruments likely stems from the conflict between the right to life and a woman's right to bodily autonomy. This conflict ultimately imposes limitations on both rights. The polarized perspectives of pro-life and pro-choice advocates, often grounded in metaphysical beliefs or human-centered arguments favoring either the fetus or the mother, fail to resolve this conflict. The complexity of the abortion debate is such that even establishing fetal personhood and granting a fetus the right to life has had limited impact on shaping global legal approaches to abortion.

It must be acknowledged that human nature is inherently dynamic and shaped by conflicting interests. Therefore, human rights cannot be examined in isolation from societal transformations and inherent contradictions. If basic human needs are not met, individuals may violate the rights of others out of necessity, disregarding ethical and legal considerations. The first major international instrument relevant to the abortion debate is the United Nations Charter. According to Article 55, member states are committed to promoting fundamental human rights and freedoms without discrimination based on race, sex, language, or religion. Consequently, all United Nations member states must cooperate to ensure the protection and application of human rights. This principle underscores the importance of recognizing all fundamental human rights, including reproductive rights.

From a global legal perspective, three primary approaches to abortion exist, leading to divergent legal interpretations.

Pro-Life Advocates argue that numerous international documents—including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the European Convention on Human Rights, the American Convention on Human Rights, the Geneva Conventions, the Cairo Declaration on Human Rights in Islam, and the Islamic Declaration on Human Rights—strongly emphasize human rights protection, particularly the right to life. Based on these documents, abortion constitutes the unjust killing of a fetus and a violation of its right to life (Shariati Nasab, 2022; Taghavi, 2022).

According to this perspective, a fetus should be recognized as a legal person entitled to the right to life. They argue that since life begins at conception, abortion is merely a different term for homicide. Pro-life advocates contend that in all civilized societies, taking a life is impermissible, and therefore, abortion must be legally opposed.

In recent years, pro-choice activists have intensified efforts to establish that abortion rights are recognized under international human rights law and that countries should amend their legislation accordingly. However, the reality is that most international human rights instruments do not explicitly mention abortion. Nevertheless, a legal interpretation of these instruments can infer a fetus's right to life.

For example, Article 2 of the European Convention on Human Rights and Fundamental Freedoms (1950) explicitly recognizes the right to life, which must be protected by law, and prohibits the arbitrary deprivation of life.

Despite the absence of explicit abortion provisions in international human rights treaties, both international and regional human rights institutions have addressed the issue. In some cases, these institutions have advocated for women's access to abortion and have worked toward harmonizing national laws with the realities of societal practices. Additionally, by highlighting the social, economic, and cultural consequences of unsafe abortions and the financial burden they impose on healthcare systems, human rights organizations have encouraged governments to reconsider and reform their abortion laws to recognize women's reproductive rights.

7. The Lack of Deterrence in Abortion Punishments

Given that existing abortion penalties have proven ineffective, lawmakers may consider decriminalizing abortion. Even if severe punishments such as retributive justice (*qisas*) were imposed, they have not deterred the criminal intent behind abortion. The protection of maternal life and the prevention of undue hardship for women and families have played a direct role in shaping Iran's abortion laws.

The most effective approach to regulating abortion is to classify it into three main categories:

1. Spontaneous (habitual) abortion, which occurs naturally.

2. Criminal (illegal) abortion, which is performed unlawfully.
3. Therapeutic (legal) abortion, which is conducted under medical necessity.

A fetus remains legally classified as "a fetus" until birth. In certain circumstances, abortion is deemed medically necessary, and both religious and legal authorities permit it.

Criminal law scholars do not have a unanimous definition of abortion, and the current Iranian penal code does not explicitly define the crime. From a medical standpoint, abortion is classified based on gestational age, while from a legal perspective, it is evaluated based on fetal viability.

Therapeutic abortion refers to the intentional termination of pregnancy to preserve the mother's life or in cases where continuing the pregnancy would result in fetal or maternal death.

Most Islamic jurists prohibit abortion at all stages of fetal development, except in cases of extreme necessity and under specific conditions, particularly before ensoulment occurs. However, some jurists permit abortion even after ensoulment if the pregnancy poses a serious threat to the mother's life.

8. Proponents and Opponents of Abortion

Proponents of abortion often argue that a pregnant individual has autonomy over their own body and can terminate the fetus whenever they choose. Some justify this by citing the right to health, the right to reproductive freedom, and, fundamentally, the principle of individual choice. In recent years, this perspective has been widely promoted in Western societies under the notion of bodily autonomy. Many human rights mechanisms actively support this view, considering any step taken by a country in alignment with this approach as a significant and commendable event, which is then extensively publicized.

However, opponents emphasize the distinction between abortion for medical necessity and abortion without valid medical justification. In the former case, if the life of the mother is at risk or if the fetus is determined to have severe medical conditions, abortion may be legally permissible. In contrast, in all other cases, once the fetus has developed, abortion constitutes a form of homicide—the killing of a human being. As Pope Francis has stated, this is a form of "domestic murder," and the

right to life of the fetus necessitates that the pregnant individual protect it. A pregnant person cannot destroy a living human, and if they do, it is no different than killing the child after birth—both are acts of murder. No one has the freedom to harm another human being, including their own child, under the guise of exercising human rights.

The debate on abortion extends beyond legal discourse into the realm of ethics, with numerous books authored by specialists in the field. Proponents of the Population Growth Promotion Law argue that the majority of its provisions focus on incentives (such as economic, welfare, and housing benefits, insurance support for infertile couples, cultural initiatives, and facilities for both stay-at-home and working mothers). They assert that the law aims to create favorable conditions for increasing fertility and supporting youth and national vitality, without conflicting with individual rights, privacy, or reproductive health.

Conversely, opponents argue that the implementation of the Family Protection and Population Growth Law has raised concerns. For instance, Iran's Welfare Organization has warned that enforcing this law may lead to an increase in the number of individuals with disabilities. Critics also argue that the law could result in higher rates of unwanted pregnancies and sexually transmitted diseases, including a surge in HIV cases due to restrictions on contraceptive methods. Additionally, economic crises in Iran have contributed to a growing reluctance among people to have children.

In Iran, abortion has been legally permitted for medical reasons for years, while all other forms remain prohibited, mirroring the rationale of anti-abortion advocates globally, with additional religious justifications. Despite the clear legal stance in Iran, various factors have contributed to a high rate of illegal abortions. Attempts to curb this trend have, at times, failed and exacerbated the situation, creating new challenges.

It appears that scientific and well-documented discussions on this issue must be pursued both nationally and globally, grounded in ethical and humanitarian principles. This would allow legal arguments to be presented in a reasoned manner within the framework of human rights and responsibilities, leading to more effective and positive outcomes. If policies are dictated by propaganda and coercion, they

will ultimately need to be revised once human losses become evident. The abortion debate remains one of the most contentious issues in criminal law across various countries. Disagreements between supporters and opponents often reflect ideological and philosophical divides, extending to media platforms and legislative assemblies.

Fundamental points of contention include bodily autonomy, freedom of will, and the right to life. Various feminist movements support the decriminalization of abortion, emphasizing women's control over their bodies as a fundamental human right. On the other hand, proponents of criminalizing abortion argue that decriminalization disregards the right to life of the fetus, which will eventually become a human being.

Ultimately, it is suggested that couples should carefully consider and confirm their decision to have a child before conceiving, acknowledging that unforeseen circumstances may arise post-conception. However, the right to life of a living entity must be recognized and preserved.

9. Conclusion

The primary rationale for criminalizing abortion revolves around the protection of human life, which is a fundamental principle in Islamic law and international human rights. Legal frameworks that criminalize abortion prioritize the right to life of the fetus and the preservation of the family structure. These legal approaches vary based on differing religious, ethical, and philosophical perspectives.

Conversely, arguments for decriminalization focus on safeguarding human rights and individual freedoms, particularly concerning the extent of governmental interference in personal lives. Decriminalization is also considered a tool of criminal policy. However, legal frameworks that criminalize abortion often overlook principles such as harm reduction and individual autonomy.

Protecting maternal rights, respecting bodily autonomy, educating families, and permitting abortion under exceptional circumstances within legal regulations are proposed as effective strategies for addressing abortion-related issues. The legal foundations, rights, and obligations concerning abortion in Iran do not fully align with international human rights norms. While international human rights frameworks generally

recognize abortion rights, they do not provide a definitive stance on abortion for economic or social reasons or on abortion at the request of the individual.

Iran's criminal laws have not proven effective in preventing abortion. The Therapeutic Abortion Law in Iran remains partially inconsistent with international human rights standards. Factors such as unwanted pregnancies, extramarital pregnancies, and economic hardships are among the major contributors to illegal abortions.

In Iran's criminal law, abortion is criminalized, with corresponding penalties for those involved. Over time, however, therapeutic abortion has been legally permitted under specific conditions, though significant gaps remain. For instance, Iran's legal framework does not account for abortions resulting from rape or coercion, and there are legal ambiguities regarding the conditions of the mother and child.

Therapeutic abortion is legally permitted under the following conditions:

- A definitive diagnosis by three specialized physicians and confirmation by the Legal Medicine Organization, indicating that the fetus has a condition that would cause undue hardship to the parents or child after birth.
- A maternal condition that poses a life-threatening risk to the mother.
- The procedure must be performed before four months and ten days of gestation.
- The abortion must have the consent of both the woman and her spouse.
- The physician performing the abortion will not face criminal liability under these conditions.

Numerous international legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the European Convention on Human Rights, the American Convention on Human Rights, the four Geneva Conventions, the Cairo Declaration on Human Rights in Islam, and various other human rights declarations, explicitly recognize and protect the right to life. Illegal abortion is regarded as a violation of fetal rights.

Currently, in some countries, abortion is entirely prohibited, with severe legal penalties for both direct and indirect participants. In these jurisdictions, abortion is not permitted under any circumstances, even for

medical reasons. Countries with absolute abortion bans include four in Latin America—Chile, the Dominican Republic, El Salvador, and Nicaragua—and two in Europe—the Vatican and Malta.

In certain European countries, such as Ireland, Andorra, and San Marino, abortion is only permitted when the mother's life is in danger. Ireland is the only European country with a constitutional ban on abortion for non-life-threatening reasons, where women who undergo illegal abortions face up to 14 years of imprisonment.

On the other hand, some countries, such as Canada, have almost no legal restrictions on abortion.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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