



Abortion as an ethical-religious problem in Islam

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<https://doi.org/10.46222/pharosjot.105.312>

Abstract

The relevance of this article lies in the increasingly active public discussion among Muslims, the challenge posed by the induced termination of pregnancy by Muslims and the problems stemming from it. The increasing calls from Muslims to the spiritual authorities for clarification of this issue in various countries confirm this trend. However, a comprehensive understanding of Islamic attitudes towards induced abortion remains poorly understood. Islamic discourse permeates the entire socio-cultural facet of Muslim society. It is transforming and developing among the communities of modern Muslim countries, matching the dynamics of changes in attitudes on the issue of induced termination of pregnancy from the early Middle Ages to the beginning of the XXI century inclusive. In this regard, the purpose of this work is to describe and reveal the question about the use of abortion in the Islamic world. In the study specific “introductory” examples from the Muslim world are presented for disclosure given by those. In the course of this study, the topic of abortion as a social and medical phenomenon was briefly studied and covered through the lens of terminology, social, medical, religious and legislative factors. The process of transforming Islamic religious ethics with regard to abortion is briefly outlined. In the sequence since the beginning of Islam and the development of this religious speech in the XXI century, the prism of the views of the Sunni and Shiitic directions, as well as the 4 Sunni theological schools, in the context of solving the problem of abortion. Examples were provided of legislative solutions to the problem of induced termination of pregnancy in some Muslim countries, Asia Minor, the Middle East, North Africa and Australia. The materials of this article contribute to the study of ethical and religious problems in Islam.

Keywords: Islamic studies; abortion; the Koran; religion; ayat.

Introduction

Religions are deeply embedded in the social life of every society, and these processes affect themselves and their ethics towards the individual in one way or another. The relevance and novelty of the existing work consists in the reflection of the symbiosis of social-religious relations, in this case on the example of different modern Muslim countries and communities within the framework of the study. Also—in the context of ongoing discussions throughout the progressive world, with varying degrees of intensity, concerning the problem of perception of the question of the concrete beginning of human life of the fetus. Accordingly—the perception of the fetus as a human and ego legal status. At the same time, the importance of the work manifests itself in the coverage of both fundamental Islamic issues and ethical debates, such as respect for life and the right not to have a child, in the context of abortion as an ethical and religious issue. The issue presented was also dealt with by covering the legislation of some Muslim countries in the discourse of Islamic religious aspects. An



example of the relevance of such discussions is that “in Islam, the main dilemma regarding abortion lies between the religious imperative of salvation and the protection of potential human life to

maintain a strong community of devout Muslims and individual needs that prevail over public welfare” (Ekmekci, 2017; Goodarzi et al., 2019; National Library of Medicine, 2021).

Since the work was carried out in Islamist and not only narrowly religious discourse, the works of Islamic scholars and medieval writers have been considered relevant to this issue, besides the rules of Shariah, as well as the work of Greek, Roman and modern researchers. For example,

I.J. Krachkovsky (1883-1951) is an outstanding orientalist, Arabist, Islamist, one of the founders of the scientific school of Arabistics. He left a rich creative heritage, and most of the works of this scientist made almost equal contribution to both philological and historical sciences (Malakhovskaya et al., 2019:294).

Also, in the context of the above-mentioned processes of globalization “Westernization” and “Christianization” of Islamic vocabulary in Russian is affected. Important milestones in the history of Russian academic Islamic studies: the first translations of the Koran into Russian from the original language (D.N. Boguslavskiy, G.S. Sablukov) (Prozorov, 2019). The article analyses views of Abu Hamid Al-Ghazali, who is still relevant. “He is an outstanding Islamic theologian, philosopher and legal scholar (faqih), one of those thinkers who are recognizable beyond the Muslim East. On behalf of the Muslims, he received the honorable nickname “The Argument of Islam” (Hujjat al-Islam). The profound influence of Al-Ghazali’s ideological heritage on various directions of scientific, philosophical and religious thought of the Islamic world is undeniable. He is the author of numerous works that have original solutions to the problems of theology, philosophy and ethics, of which his encyclopedic work “The Revival of the Religious Sciences” (Ihya’e Ulum-ed’Deen) (hereinafter Ihyā’e)” (Nasyrov, 2020).

The purpose of this study is to review the problem of induced abortion from an Islamic perspective.

Methodology

This work was carried out in three stages using theoretical methods of scientific research. In the first stage, the material was collected for study. Based on the material collected, some introductory definitions have been identified for understanding the topics described. The scope of the ethical-religious, social, medical and economic component in the issue of induced termination of pregnancy is briefly outlined. The factors for the subsequent consideration and a broader, full, objective, understanding of the topic are set. Based on religious sources of Islam, such as the Qur’an and the Hadith, irrational factors such as making emotional decisions about abortion, economic factors such as the financial health of a pregnant woman or family, or pragmatic—further medical research, etc. Therefore, selected individual postulates of research, on the basis of which the structure of the coverage of the issue raised was developed.

In the second stage of the study, by abstraction, the structure of the development of the theological view of abortion as a social, religious and ethical challenge, from the inception of Islam and throughout its history, was presented in a very short way. It focuses on some works materials, the most famous Muslim teachers of the early period to the X century, as well as the Middle Ages in comparison with the views of the most famous antique doctor and scientist—Hippocrates. Specific surahs and hadith related to abortion have been studied and 4 Muslim Sunni schools have been identified in this context.

In the third and final stage, the topic is developed in the context of a broader presentation of the discussion paradigm regarding abortion as a complex, complicated problem and challenge closely related to many aspects of life in Muslim countries. Concrete examples of interpretations, in the approach to the situation with the permission or prohibition of abortion in each of the Sunni schools are presented and combined. Examples from several Muslim countries illustrate the ethical and



legislative reasoning of the Muslim community's attitude towards the prevention of abortion. At the same time, bearing in mind the pluralistic, social and historical expressions of societies of the different countries of the Islamic world, questions have been raised about the status of the fetus and the many-sided views on the point of view and the concrete beginning of the human life of a Muslim. The moment of the ensoulment, the point of view of receiving the soul, after which the fetus becomes human.

Therefore, the demonstration of the principle of respect for human life in the coverage of abortion, and its preservation, was crucial in the consistent design of the study. Even though there is an ethical dilemma about the value of a mother's life and the potential life of the fetus that abortion can lead to. In this regard, at the conclusion of the third stage of the study, respect for life in Islamic discourse was addressed in two concepts. First, from the point of view of the importance of the individual. Secondly, from the point of view of the well-being of society. As a result, the general topic was explored through the lens of the interrelationship of its main parts, generalizing the topic of abortion as an ethical and religious problem in Islam. Properties and relationships of components of the work in a systematized sequence have been fixed and allocated.

Results and Discussion

According to the modern interpretation, one of the most authoritative teachers who are among the founders of Sufism, as well as the formation of this comprehensive and consistent teaching—Abu Hamid Al-Ghazali—

if the zygote is the result of adultery, an abortion may be granted. There is some controversy over the permissibility of abortion. According to Newman, medical ethics and historian Kiaresh Aramesh argues that all four schools in Islam prohibit abortion when pregnancy results from illegal sexual behavior, such as extramarital relationships (Kilshaw, 2020:167-168).

For the most part, Al-Ghazali was fiercely opposed to the killing of an unborn child, with the exception of the aforementioned factor. If the focus of attention is shifted from the XI to the X-IX century A.D., there are quotes of a very famous scientist who lived in the Persian region—Abu Bakr Muhammada Ar-Razi. Despite the rather intense and fierce discussions with representatives of Muslim thinkers, for example, Al-Farabi, Ar-Razi remains one of the most important “figures” of his time in the fields of medicine, philosophy, ethics, theology, astronomy and physics. For this reason, his pronouncements on abortion in the context of Islamic ethics are very relevant to the holistic understanding of the development paradigm around the discussion of this issue throughout the history of Islam.

Abu Bakr Muhammad ibn Zakaria Ar-Razi (known as Razes) (854-925) in the book “Kitab al-Mansuri” (a book on medicine devoted to al-Mansur) and the encyclopedic work Kitab al-Hawi (“The Comprehensive Book of Medicine”) mentioned a variety of medicines and techniques of abortion that was used in cases where the woman's health or life was threatened by the continuation of the pregnancy. Similarly, Ibn Sina (Avicenna) (980-1037) in the famous medical encyclopedia Kitab al-Kanun fite-tibb (“The Canon of Medicine”) wrote about medical indications to abortions and how to perform them (Preobrazhenskaya, 2018).

There's one important detail. Most Muslim thinkers, doctors, philosophers, or theologians of the time, allowed abortion for one reason or another, but debated or argued various postulates that allowed a woman to take such a step, they also did not always have a monolithic opinion about the period for which pregnancy can still be terminated.

Zayn ad Din Muhammad Abi Bakr Ar-Razi (d. 1267) in his legal collection “Tukhfat Al-Mulu” declares: “Woman is allowed to drop a child (t.e., induced abortion) until nothing appears as a result of his creation”. This suggests that Ar-Razi considers



the physical manifestation of a human form, or one part thereof, to be the limit of permissible abortion. Badr al-Din Al-Ayni (d. 1451), a prominent Hanafi scholar and

jurist, in his commentary *Minhat al-Suluk to Tukhfat al-Muluk*, states the legal basis for this view: because he is not a man until his creation manifests. The understanding of Zain ad-Din (d. 1563) is another important Hanafi lawyer, the same as Razi: “a woman who performs the procedure to throw (abort) her child, does not sin until nothing is manifested from his/her creation” (Ibn Nujaim, 8:233) (Bagheri, 2021:175).

It is important to take into account the work of Greco-Roman scholars for comparison and a more global picture of the world at that time. The person, who for the first time has allocated medicine in a separate discipline, is the ancient Greek doctor of the V-IV centuries B.C.—Hippocrates. The main “document” of this author, which also mentions the abortion operation, which has survived to the present, is the “Hippocratic oath”. The medical field holds the Hippocratic Oath in high regard as a foundational document. This oath serves as a cornerstone for defining the ethical responsibilities and duties of medical practitioners, underscoring the paramount significance of upholding moral and professional standards within the realm of medicine. It is noteworthy that no version (oath) is used everywhere (Aliouche, 2021). In addition,

the doctors who take the Hippocratic Oath vow not to abort or operate on bladder stones: likewise, I will not give a woman a pessary to induce abortion. But I will keep my purity and holiness both in my life and in art. I will not use the knife, even truly, on stone sufferers, but I will give way to those who are masters (Raffensperger, 2020).

After comprehending the views of some medieval and ancient thinkers, it is worth referring directly to the main source of spiritual guidance in Islam—the Qur’an. The Qur’an tells of the embryonic development of the infant in the womb, the formation of its organs (Muminun 23/12-13): “We made a man out of clay, and then We put him in a cist, and then We made a blood clot out of a droplet, and We made a lump of flesh out of a clot of blood, and We made a piece of bone out of that lump, and clothed the bones with meat, and then We made him in creation another”. In this regard, interference in the development of the embryo is in principle contrary to the will of Allah, is a wrongful act in relation to human life” (Berdaliev, 2020). Although there are no explicit references to abortion in the Qur’an, there are verses that prohibit unjust killing (Qur’an 17:33, 25:68), as well as killing a child (6:137, 6:140, 6:151, 17:31, 81:8-9) and killing a child out of fear of poverty (6:151, 17:31). Islam is divided into two main currents—Sunni and Shia. The Sunnis, in turn, are divided into four main schools of Islamic law—*madhhab*: Hanabilah, Malikites, Shafi’i and Hanbali. Every Sunni school of Islamic law understands the hadith somewhat differently than the others, but they all recognize each other’s legitimacy (Preobrazhenskaya, 2018). The four Sunni schools of thought derive their Islamic regulations from primary sources such as the Qur’an and Hadith, along with additional guidelines established through *ijtihad*. A widely acknowledged consensus exists within these schools that unequivocally prohibits abortion during any stage of pregnancy.

Hence, abortion is considered impermissible even during the earliest gestational phases, unless medically warranted, as indicated in the Qur’an. The Hanafi and several Shafi schools, however, allow abortion before the completion of four months if there are legally justifiable grounds for it. In contrast, the Maliki and Hanbali schools assert that abortion may be permitted within the first 40 days upon mutual agreement of both parents, provided a valid reason exists. Beyond this initial 40-day period, abortion is categorically proscribed according to their principles. Practically, all Islamic scholars, past and present, believe that abortion is completely prohibited at any period of pregnancy. However, some scientists consider this permitted at the nutty period (i.e., the first 40 days) and then consider it prohibited. Others consider abortion legal in the nutfa and alaga stage (i.e., the first 80 days) and then consider it illegal. Still others consider it permissible at all stages of the first four months if there are good reasons for termination of pregnancy (Al-Matary & Ali, 2014).



Based on the teachings of different Sunni schools, different but similar legislation on the subject is found in different Muslim countries.

The Grand Sheikh Al-Azhar of Egypt, the Supreme Islamic Council of Egypt, issued a religious decree in 1998 and 2004 allowing unmarried women victims of rape to have an abortion even after 120 days. A religious decree in Jordan allowed induced abortion for up to 120 days for documented severe abnormalities of the fetus without the consent of both parents. Termination of pregnancy due to abnormality of fetal development is also allowed after 120 days if these severe anomalies are documented by three specialists and consent of both parents (Al-Matary and Ali, 2014:5-6).

As for Kazakhstan (for example), artificial abortion is officially allowed by law in the country, but from time to time in the information field appears information that women are offered to limit the right to abortion. So last year (2020) Mazhilisman Magerram Magerramov proposed to amend the Health Code to prohibit women to have an abortion without the consent of their husbands (Titova, 2021).

In the Turkish state, in the first half of the XIX century, several fatwas and sultan decrees were issued prohibiting doctors and pharmacists from performing abortions with medication or other methods. The Ottoman Empire ruled Sunni Islamic law: Sunni Sharia. The Criminal Code, issued in 1926, (also) prohibited abortion. Following a change in policy, legislation had been published since 1987 to liberalize therapeutic abortion and the introduction and use of contraceptive methods. Today, all Turkish women who have reached the age of majority have the right to request termination of pregnancy in the first 10 weeks of pregnancy (Ekmekeci, 2017). Jordan, a nation predominantly inhabited by Muslims, boasts a Sunni Muslim majority, with approximately 92% of its populace adhering to this faith. Abortion regulations in Jordan are rooted in French colonial statutes, permitting the procedure exclusively when it is essential to preserve a woman's life or safeguard her health. Notably, in 1971, Jordan's Public Health Act introduced provisions for abortion on mental health grounds. Nevertheless, akin to various other countries in the region, Jordan's societal landscape is transforming, leading to the emergence of new behaviors that render public sentiment on such matters increasingly unpredictable (Saadeh et al., 2021).

In Tunisia, public reproductive and sexual health clinics have been offering medical abortion services since the early 2000s. In 2016, a substantial majority, ranging from 75% to 80%, of abortions performed in the public sector followed the pharmacological protocol. Following the 2011 Revolution, Tunisia witnessed the coexistence of various religious perspectives alongside its abortion laws, which permit abortions up to the end of the first trimester and beyond if the mother's mental and physical well-being is at risk. It's worth noting that when the law was enacted in 1973, its legitimacy was grounded in references to legitimate religious beliefs that authorize abortions within 120 days of conception, rather than emphasizing women's rights to control their bodies (Maffi, 2021). In the context of the Shia sect of Islam, specifically concerning Iran, the Iranian Parliament adjusted its stance by the recommendations of the Council of Guardians, aligning with Shia principles, on June 21, 2005. According to this stance, therapeutic abortions are permissible under certain conditions. Firstly, the fetus must be younger than four months, i.e., before ensoulment. Secondly, the fetus must exhibit severe developmental delays, deformities, or defects. Thirdly, these fetal issues must lead to severe suffering or deprivation for either the mother or the fetus. Fourthly, the life of the mother must be in jeopardy. Fifthly, both the mother and father must provide their consent for the procedure. Medical professionals performing such abortions are not subject to punishment for providing these necessary services (Al-Matary & Ali, 2014).

To summarize the views of Islamist scholars on the topic of abortion, it is important to note that fatwas generally do not support abortion. Instead, the majority of muftis (i.e., legal opinion holders) prohibit abortion. However, there is widespread debate about what constitutes a valid reason for abortion (which also makes the issue relevant today). Indeed, some fatwas are lenient, especially when the life or health of the pregnant woman is at risk or if deformation of the fetus is expected.



Soft fatwas are even more important because of the ability of followers to consider four schools of equal validity only in Sunni Islam. It seems that no legal consensus was reached (Shapiro, 2014). In 2019, within the Australian context, the Council of Imams collectively articulated the following shared

perspective. In Islamic law, the preservation of life is regarded as one of the fundamental principles (Makasad). Abortion is deemed unlawful and a grave transgression (haraam) in Islam, irrespective of the stage of pregnancy. Nonetheless, it is emphasized that committing abortion at a later stage would entail a more severe degree of wrongdoing. According to Islamic belief, once a pregnancy advances beyond 120 days, a soul is believed to enter the fetus, a notion supported by the hadith of the Prophet Muhammad (peace be upon him). In such instances, abortion is viewed as a graver offense, akin to a form of homicide.

In some cases, Islam considers abortion permissible: (1). Abortion is permissible at any stage of pregnancy, even after 120 days, if the pregnancy is too dangerous for the mother, this must be confirmed by a qualified and reliable medical opinion. (2). Abortions of up to 120 days of conception shall be considered individually, taking into account the previous rules, or if the examination of the fetus reveals a deviation which is lethal or causes a serious disability. In view of the above, abortion remains a great sin (haraam), in which one should repent and ask Allah for forgiveness. God Almighty says in the Qur'an: "and do not kill the soul that Allah has forbidden" Al-Israa—verse 33 (Australian National Imams Council, 2019). This position is in line with the findings of the International Islamic Fiqh Council: if two competent medical specialists have found serious abnormalities of the fetus on the basis of an examination, abortion may be performed up to 120 days after conception at the request of the parents. However, if 120 days had elapsed, abortion was considered a form of murder and was prosecuted, except in the case of endangering the life of a pregnant woman. In all Muslim countries, where abortion was permitted only in strictly limited circumstances, abortion was not permitted for social or economic reasons.

Violation of the prohibition of abortion under modern Islamic law is punishable by imprisonment or heavy fines both for doctors and other persons who induce abortion and for women who perform it. At the same time, traditional sharia law prescribes in case of abortion only payment of a dowry for the loss of a child ("blood money for the death" called gurra). In the case of rape, abortion was traditionally not allowed in Islam because a child born after rape was considered legal. However, in recent times there have been several precedent cases of permissions for abortion after rape, related primarily to the situation of mass rape during the wars (Preobrazhenskaya, 2018; Zareba et al., 2020).

In general terms, it may be concluded briefly that this group of imams in Australia expresses the general opinion of the Islamic religion on abortion. At the same time as opposing such an act and interfering with the development of the child in the womb, the value of human life is emphasized, but also pragmatic attention is paid to the moments in the pregnancy that may be harmful to the mother's health. In this way, the mother's life is given priority.

Conclusions

It has been established that Islam, as a religion, basically does everything possible to prevent abortion. At the same time, the opinions of many imams and Muslim jurists agree that this is permissible in some cases, such as the pathology of an unborn child. The article highlights the decision of the Islamic Fiqh Council, which is an international one, to allow abortion at the request of parents. Discussions have been noted regarding the specification of which pathologies correspond to the authorization. The generally accepted norms of prohibition of termination of pregnancy after 120 days of pregnancy are underlined, but even in this case there may be exceptions regarding the priority of the woman's health and life. Due to the lack of a clear, monolithic position compared to the Catholic Church, for example, the legislation of different Muslim countries is described, which governs the approach to this problem in different ways.



It is specified that the Qur'an itself does not mention abortion, but there is a description of the four stages of human intrauterine development with discussions about the specific for or period of receiving the soul from Allah. Furthermore, although Islam is divided into Sunni, Shia, and other smaller branches, there are briefly four major Sunni schools of Muslim law that recognize each

other's legitimacy, but interpret some details of the faith in a slightly different way. There are some points of public concern, such as rape—which, according to Islam, leaves the child in the first place and prevents the termination of pregnancy. However, there have been cases in which imams have given permission during periods of military conflict in some countries for mass rapes. Also highlighted is the widely applied prohibition of termination of pregnancy, due to economic or social difficulties and penalties provided for the ego violation, such as: imprisonment, high pecuniary penalties for both patients, and for physicians and other persons contributing to the procedure, payment of a dowry for the loss of a child—gurra. Some medical-economic, scientific and theological causes of modern relevance of the issue of induced abortion are highlighted. Such as, for example, the increasing demand and value of stem cells, very little study of abortion in Islam, different understandings of the particular beginning of human life, different schools and discussions against this background, new challenges to Muslim ethics, which puts the development of medicine.

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Conflict of Interest Statement: The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.



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