

Original Article: Medical Abortions in Iran, Canada, and Europe


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ABSTRACT

Abortion is one of the issues that has long been discussed in human societies and has been considered as one of the fundamental issues of the criminal law system with criminal law scientists. In this article, a descriptive-analytical method to medical abortion in Iran, Canada, and Europe Reflection of abortion has also had an impact on the views of lawyers and criminologists. Because other laws regarding abortion, despite new issues such as medical issues and social and economic issues, etc. are not in accordance with the customs and general ethics of societies and this important issue has prompted lawyers to consider issues and problems in the regulation of laws. In Iran's legal system, whose laws and regulations are derived from Imami jurisprudence, contrary to the legal systems of Western societies that consider abortion a proud sign of character and freedom of women, abortion is forbidden and punishable under the Islamic Penal Code. In Canada, there is almost no legal prohibition on abortion. In this regard, the present study aimed to review the laws of abortion in different countries of the world, change the position and logical flexibility of Iran and Canada as well as international documents on this social phenomenon and by briefly pointing to some social principles, and also strengthen the necessity of legal abortion license in these two countries. Abortion has long been a crime in Both Iran and Canada, and according to the new regulations, it is still a crime in Iran, but in Canada, it is only a crime when the law specifies it. Second, the results indicated that the punishment for abortion in each stage of pregnancy is different in Iran and Canada.

Introduction

Currently, more than two-thirds of the world's people live in areas where it is possible to apply for a legal abortion at the request of a woman or if her life is threatened. The issue of abortion is one of the issues that has been influenced by religious, legal, and political issues at every

point since its ruling, so it can be mentioned that abortion is one of the most complicated and complicated issues in today's societies. Almost all human societies face this issue due to the wide variety and influence of religious and moral beliefs among different classes of society. It is natural that legal systems have a more serious and objective confrontation with the issue of abortion by protecting and protecting

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the values and beliefs of citizens of society, and the issue of abortion is one of the issues that societies have always been involved with, and this issue has been raised in different divine religions, albeit throughout history, in some countries, sometimes it is not considered a crime and sometimes a punishment. However, basically abortion is prohibited due to religious and social expectations in the laws of most countries, criminalization or decriminalization of abortion is one of the most important issues in criminal law of most countries, the basis of this disagreement is different theories in this regard. These theories are based on religious teachings with the result of the teachings of human rights, namely freedom of will, the right to dominate the body on the one hand, and the protection of the right to human life on the other hand, which we have witnessed since the early decades of the twentieth century. Abortion was initially mentioned in the Al-Quwain Assembly, known as the Al-Quwain Hammurabi Assembly, the oldest and most complete law of 2,000 years ago, for which punishment has been set. In monotheistic religions, abortion is also prohibited and provisions have been imposed to protect it, including in the Bible, about the trauma of a pregnant woman causing her abortion, and the punishment for paying a limit to the husband of the woman.

Conceptualization

In lexical sense, the fetus is covered and covered as long as it is in the mother's belly and is hidden from view (1-3), also used in jurisprudential terms and criminal law in this sense, and the origin of fetal life, the beginning of the birth and pregnancy of the mother and finally, the moment of birth of the child is considered (4).

In general, a child as long as it is in the mother's abdomen and has not been born is referred to as the fetus (5). In one of the definitions based on the specific dictionary, abortion is a word with Arabic roots that, like other Arabic terms, has been found in Persian and is derived from the Arabic infinitive of fall,

which means falling, slipping, and being thrown.

The word abortion in Persian is often common to the first fraction (4).

Abortion refers to a lexical meaning of throwing a baby with a baby before time with an unfinished child from a fallen abdomen. Therefore, the child's departure before the due date is called an abortion (6).

The abortion separating the fetus from the mother's womb is other than normal and without any necessity (7) which means abortion has synonymous words such as scraps, designs, and spellings (8). The Arabic language assembly has also used the term "ajhad" to remove the fetus during the fourth month to the seventh month of pregnancy. Lexical abortion in Persian means snow, dew that stays in the snow, a fire that rises from flint and is not used and the unfinished child is used, and abortion means falling the fetus and the fetus is throwing the fetus in the mother's abdomen before the normal period of pregnancy (9).

In jurisprudential terms

After we have stated the word abortion, it is essential that the meaning of a term is also stated in terms of Islamic jurisprudence and both medically and legally. Abortion in jurisprudential terms is further the word "ajhad" in the same sense, the lexical meaning of abortion has been used before the due time or incompletely, but jurists have differentiated between abortion itself and throwing it through someone's action, meaning that abortion caused by the verb has been considered a crime and punishable by the first state. They have also often used the term "ajhayz" synonymous with it, such as scraps, induction, design, and spelling, all of which mean abortion (10)

In Medical Science

In medical conditions, abortion is the withdrawal of pregnancy products before the end of pregnancy and before it is able to live independently because the fetus is unable to survive before six months of age in the womb, so if it is removed from the uterus before the six

months of pregnancy, it is considered as aborted, and if the fetus is born after six months of pregnancy, however viable it is. But the survival frame is low due to prematurity, and most miscarriages are performed in the first 16 weeks of pregnancy (listed on :www.sehha.com). It is also possible to define a medical abortion, which is the expulsion of the fetus before the 28th week of pregnancy, but after that time, it is considered as preterm birth. Abortion in the medical perspective is intentional, artificial expulsion, or spontaneous withdrawal of normal cargo before the 20th week, so that the fetus does not have the power to live. The World Health Organization (WHO) has defined abortion as: spontaneous or deliberate cessation of pregnancy from the first day of menstruation to the twentieth week.

Dr. Vesafi Mohammad Ali's opinion on abortion medically and removing pregnancy products is as:

1. Emptying the uterus from the fetus in the third month of pregnancy.
2. Abortion: Emptying the uterus from the fetus, which is more than the third month of gestation and less than the seventh month.
3. Preterm birth, emptying the uterus from the fetus from the seventh month of pregnancy before the end of the normal period of pregnancy. In terms of the term "religious physician", abortion is the state of pregnancy before the end of the normal period of pregnancy at any stage.

In the Islamic Penal Code

Lawyers do not agree on abortion, legislators of each country, according to their criminal law system, have different opinions on the definition of abortion. Today, a specific or comprehensive definition of preventing abortion is not provided in Iraqi and Iranian law, but it is left with judicial and jurisprudence, but according to the legal provisions, abortion can be defined as follows:

Attempting to carry out abnormally before the normal pregnancy, intentionally, and by any means necessary (11). It can also be mentioned that legal abortion means any criminal acts that

will stop the fetal development and deportation before its natural time. Professor Garr said in its definition: intentional and premature dismissal of childbirth. Garso, another French jurist, has defined abortion as a cut-off of normal pregnancy. Dr. Mostafa Ebrahim Al-Zalmi, on the definition of abortion, says: Stopping the normal period of pregnancy that causes the loss of carriage (12).

In an illustrative and comprehensive definition of abortion, it is spontaneous expulsion, either through mediation, fetus or carriage, knowing its existence, and with the intention of scrapping without legal authorization.

The Status of Abortion in Iranian Law

Abortion is a deliberate or inadvertent deportation of a fetus or carriage, at one stage of fetal life or livable life, provided that the fetus is either wasted or unsustainable. Crimes against physical integrity, such as murder and injury, are among the issues that the legislator has tried hard to prevent and compensate for the damages and damages, but whether all these laws and rules apply to crimes committed against the fetus, it is certainly a negative response, because although the fetus is of human origin, and especially in the late pregnancy, it is certainly a negative response. "The human face takes on itself, and perhaps the word "man" can be referred to as "man", but not until it has completed its developmental stages and has not been born." Man is not perfect and independent, is connected to his mother and is like a member of his members and without him is unable to continue his life and therefore perhaps the term "man" is not correct for him because of this dual characteristic of abortion or carriage has its own rules and laws that are, in some ways, similar to crimes committed against human beings" and in some ways are different.

The punishment here will have different conditions according to the person, because johnny is either the mother himself or otherwise, in the recent case, the non-mother has deliberately stewarded the fetal diocese by beating and harassing the pregnant woman or

following the mother's request and deference to her by giving her medication and other means has aborted and the perpetrator is either a doctor, a midwife, and a drug seller or a commoner. The punishment for abortion in each of the above cases is different from the other (13). Factors of Abortion and Theories Presented about It in Iranian Law. Abortion is one of the most complex social issues in the world today. Human societies have long faced this dilemma. In particular, the social type which continues to spread in developed societies. On the one hand, is the effect of sexual unrestrainedness and sexual unrestrainedness and mental turmoil, and on the other hand, the effect of civilization and scientific and industrial advances of the present era, which has darkened and infected the face of material societies that do not have a fixed ideological or moral foundation.

However, different countries have chosen different methods in the face of this social phenomenon. Influenced by church ethics and religion in general, some countries oppose the abortion freedom. Others agree with its relative freedom due to the diverse causes of abortion, including economic and social considerations and the problems caused by population increase, allowing it to be in certain circumstances. Others are countries that do not prohibit a pregnant woman from seeking an abortion after the pregnant woman requests an abortion and obtains a permit. Abortion is currently legal in most western countries, but the debate over its ethical aspects is still heated. Of course, just as the absolute freedom of abortion is unpleasant because of its adverse effects, including the disintegration of the moral system and families, its absolute prohibition is further debatable.

Obviously, followers of each theory, to justify their beliefs, express reasons that rooting and reaching the foundations of these ideas and ideas to solve this problem facing the human race and proper and logical approach to it can be fruitful. Now, since the majority of discussions about abortion and its legal status are mainly influenced by social and moral reactions to this phenomenon due to its various causes and theories, it is necessary to point out

the factors and theories and theories that exist in different societies before addressing the status of abortion in domestic and international law:

Individual Factors

The incidence of the phenomenon of abortion depends on many factors, some of which are individual and others social. Among individual factors are maternal and fetal sex and age. In terms of gender, the misdemeanor of abortion is a specific crime for women. Maternal age is further an effective factor in committing this crime. It usually takes place between the ages of 25 and 38. Fetal age is another individual and effective factor in performing abortion. Most intentional abortions occur in the first months, mainly the first three months. The mother's physical and mental illnesses such as kidney, lung, and cancer diseases, severe infections, syphilis and imbalance of some glands can also cause miscarriage. However, in such cases, abortion is often performed medically and therapeutically.

Social Factors

One of the social factors affecting abortion is economic problems, urbanization, employment of women outdoors, illegitimate sexual relationships, and noted political operative. In addition, other factors such as high number of children, family disputes, successive pregnancies can also be considered as socio-demographic factors affecting intentional abortion. Likewise, limitation of access to effective contraceptives in some third world countries is one of the causes of the prevalence of abortion (12). It should be noted that some of the above factors are directly due to mother's misconduct and non-compliance with medical advices necessary to maintain fetal health and hygiene, and this, as we will see in future discussions, can legally raise the mother's responsibility.

Three theories about abortion

Following various causes and factors affecting abortion, theories have been developed in

agreeing or opposing this phenomenon in different societies. Since some of these theories are effective in banning abortion in some societies and are theoretical foundations, we describe some of them.

1. The Theory of Absolute Freedom: Proponents of this theory, who believe in lifting all restrictions on abortion and its unconditional release, cite reasons for justifying and proving their theory.

Preserving the life and health of the mother: For the sake of preserving the life and physical and mental health of the mother, which has been accepted throughout the sometimes absolute and sometimes conditional world, abortion relies on the argument that the preservation of the life of the mother, who is actually human being, is preferable to the preservation of a fetus, which is a being with a potential human life and until birth without individuality and personality. Therefore, it is perfectly reasonable and rational to support the mother in case of risk to life and even the health of the mother by attempting to discontinue pregnancy.

Types of miscarriages

Several categories, with different perspectives, have been made regarding abortion, including:

a) Division based on the legal element and the punishments punishable by abortion subject to *qisas*, *diyeh* and *Ta'zir*.

b) Division based on the spiritual element of the crime which is divided into intentional, unintentional abortion, and sheer error.

c) The classification is divided by the Forensic Medicine Organization, which is the most common classification and is divided into natural (normal or accidental), medical (medical) and criminal (impulsive, whether intentional or pseudo-intentional). As mentioned above, abortion refers to intentional expulsion or spontaneous withdrawal of premature delivery of childbirth. Therefore, according to this definition, abortion is divided into voluntary and involuntary categories.

Natural miscarriage

Natural or involuntary abortions, which account for a large percentage of abortions, occur due to genetic, environmental factors, their effects on organs, and for other unknown reasons. So that sometimes small contingents in life such as joyful or tragic emotions cause miscarriage. In this case, there is no causal relationship between the woman's action and the occurrence of abortion, and in other words, abortion takes place without will and material action, whether intentional or unintentional. Therefore, this is called natural, involuntary, normal, or accidental abortion. Obviously, this type of abortion is not legally punishable because it is involuntary and lacks the general elements that constitute a crime.

Voluntary abortion

Voluntary abortion refers to an abortion that is performed either because of medical issues such as the continuation of the pregnancy threatening the mother's life or exacerbating her illness, or the conscious action of the person towards the pregnant woman, whether it is for the purpose of aborting the fetus or leading to an abortion.

Abortion is referred to as "therapeutic abortion" despite medical reasons. There are different views of lawyers and jurists about its license or non-licensing before the soul and after the soul blowing, which is mentioned in the following article. Abortion, which is not subject to the definition of natural and medical abortion, is one of the examples of criminal abortion. Criminal abortion may be intentional, unintentional, and pure error. Criminal abortion or expulsion of a natural premature fetus may be performed by the mother by manipulating the uterus, taking medication and intentional trauma, or by the doctor and other persons other than the mother, by persuading her to have an abortion, causing her injury by beating or due to the risks of medical malpractice such as carelessness, recklessness, non-compliance with the state system, and lack of skills (19). Obviously in this case, a fetus is a voluntary abortion, whether it is due to medical reasons for therapeutic abortion, or because of an informed action towards a pregnant woman,

in which the fetus is aborted, intentional criminal abortion.

Abortion Factors

Abortion is one of the most complex social issues in the world today that is spreading in developed societies. This phenomenon, on the one hand, is the effect of sexual promiscuity and on the other hand, the effect of new civilization and the scientific and industrial advances of the present era, and has infected the faces of material societies that do not have a fixed ideological and moral basis. The incidence of miscarriage depends on many factors, which are generally referred to as individual and social factors.

Therapeutic abortion

Medical abortion (therapeutic) is that the continuation of pregnancy is dangerous for the woman and the mother's life is due to illness and risk, and the interruption of pregnancy may even be considered as a necessity to save the mother's life, which the legislature has allowed abortion if certain conditions are fulfilled and permission is granted.

Prior to the Revolution, according to Article 17 of the Medical Law Enforcement Regulations, which had been approved by the health and justice commissions of the former Chambers, if the continuation of pregnancy was found to be dangerous for the mother, the abortion was generally allowed at any stage, Article 17 of the above regulations stated: "In cases where abortion is necessary for the mental health, the physician is obliged to be in the hospital and after consultation and approval of two. Another doctor should take action, in this case, within 24 hours, the report should be sent to the board of directors of the medical system by mentioning the reason for the location and the names of the consultant physicians." The criminalization of abortion in Iran's legal system has already begun before the revolution. That is, in the Islamic Penal Code of 1925, Articles 90 and 91 of the Ta'zir Law of 1983, and Articles 622, 623, and 624 of the Islamic Penal Code of 1996 were devoted to practical abortion. In the first stage, before the soul is

blown, abortion is not considered manslaughter because it has vegetable life, and secondly, because of the blowing of the soul, there is no difference between the fetus and other human beings and it is forbidden to kill, but from the perspective of the Islamic Penal Code, abortion after blowing the soul or before it has the same punishment for abortion and it is not manslaughter because it is in the article. 306 Of the Islamic Penal Code of 2013 provides: (Intentional crime on the fetus, although after the soul is dissolved, does not cause retribution, in which case the perpetrator is sentenced to Ta'zir in addition to paying the diyah in the Book of Ta'zir) and in the discussion of abortion in the forbidden months, for the fetus in which the soul is blown, the sentence of condensation of diyah (the amount of diyah plus one-third of the whole diyah) is considered like another human being.

Abortion is known in three forms: "criminal," "therapeutic or induced", and "spontaneous", abortion is punishable only in its criminal type, in spontaneous abortion, termination of pregnancy without the will of the mother or third party verb. In therapeutic abortion, pregnancy is terminated in accordance with the rules and regulations.

On 01.01.2005, the Islamic Consultative Assembly adopted a single article outlining the legal procedures for therapeutic abortion. Therapeutic abortion is permitted by the definitive diagnosis of three specialist physicians and the approval of the forensic medicine on the fetus disease due to retardation or incompleteness, or the mother's illness, which is threatened by the mother's life before the soul (four months) with the consent of the woman, and there will be no punishment or responsibility for the steward's physician. Violators of the provisions of this law will be sentenced to the punishments prescribed in the Islamic Penal Code, with the adoption of this single article for therapeutic abortion no longer requiring the consent of the father and only the mother's consent is taken into account. Another important point is that even therapeutic abortions after four months of age (blowing the soul) are not allowed and are illegal. Furthermore, according to Article 718 of the

Islamic Penal Code, if the fetus is aborted to protect the mother's life, there is no blood money, but if the fetus is intentionally aborted, the Islamic Penal Code of 2013 is intended for its perpetrators at every stage of the development of the punishment. According to Article 716 of this law, diyah of fetus abortion is as follows:

The sperm in the womb, the 200th full diyah, the "uztamin" in which the fetus is closed in blood, the 400th of the full diyah, the "muggle" in which the fetus becomes a meat mass, 600th of the full diyah, the "ezam", in which it is bone-like, but the flesh has not yet grown, 800th of the full diyah, the embryo in which the flesh and bone are all but the soul. It is not blown, one-tenth of the full diyah, the diyah of the fetus in which the soul is blown, if it is a boy, the full diyah and if it is a girl half of it and if it is a diyah, three-quarters of the full diyah. Therefore, if a person causes a mother's abortion, in addition to having to pay diyah or arsh, he/she must also pay the diyah of the fetus under Article 716 of the law. Now, if the mother herself causes an abortion, in accordance with Article 718 of the Islamic Penal Code of 2013, which provides: (If a woman destroys her fetus at any stage, intentionally pseudo-intentionally or wrongly, the diyah of the fetus is paid by the perpetrator or his sane person, as per the case). In the case of intentional abortion by a person other than the mother in Article 622 of the Islamic Penal Code of 1996, it should be noted that the word (qisas) in this article is related to the crime that occurs against the mother. Not the fetus.

Furthermore, Article 623 of the recent law states: (Anyone who causes a woman's abortion by giving spice or other substances will be sentenced to six months to one year imprisonment, and if she deliberately implies a pregnant woman to use spices or other means by which her fetus is aborted, she will be sentenced to imprisonment from three to six months unless it is proven to be a measure to preserve the life of the mother." In each case, a ruling will be given to pay the diyeh in accordance with the relevant regulations.) The legislator, in the continuation of the same law and in Article 624, has set a punishment for

imprisonment for physicians with other persons who perform abortions illegally, in which it states: (If a physician or midwife or a pharmacist and persons acting as a physician or midwife or surgery or pharmacist, provide abortion equipment or take custody of the fetus, they are sentenced to imprisonment from two to five years. will be issued and the ruling on the payment of diyeh will be carried out in accordance with the relevant regulations.

If the mother has become the curator of the abortion, the diyah must be paid to the father or in the absence of the father to other heirs, and if the father has become the operator, he/she should give the diyah to the mother and if someone else has become the operator of the diyah, he/she should give the diyah to the parents.

Abortion laws in European countries

Germany: In Germany, abortion can be performed under certain circumstances. These conditions are specified by Article 218A of the German Penal Code. Under this law, abortion is not allowed after the 12th week. Abortion is mainly performed with the help of medication or surgery, albeit with the agreement of the pregnant woman and the doctor. To obtain an abortion permit, the applicant must initially attend a counselling session at an official centre. Such a counselling session is necessary to ensure the protection of an unborn life. There should be a minimum of three days between the abortion procedure and the counselling session. If an abortion is to be performed due to medical problems, it can further take place after the 12th week. However, it must be proved by a specialist and impartial doctor that continuing pregnancy harms the physical or mental health of the pregnant woman, putting her at serious risk or that this pregnancy is damaging to the fetus. However, being disabled or sick cannot be a reason for an abortion. According to German law, such pregnancies do not stop, but the applicant is guided by doctors on how to look after a sick or disabled child. If women become pregnant because of victimization in a rape case and

similar cases, this can be counted as a legal reason and have the right to have an abortion

Sweden: Sweden's last abortion law is 1974, which allows women to abort their fetuses for personal reasons (as requested) before the 18th week of pregnancy, and the system for recording abortions is available in Sweden's National Health System.

Norway: Abortion is permitted until the 18th week of pregnancy at the request of the pregnant woman.

Finland: In Finland, the examination and licensing of abortion requires the approval of two separate doctors. The gestational age limit is 12 weeks, but can also be increased to 19 weeks and 6 days in certain social conditions, although in case of severe defects, the fetus increases to 23 weeks and 6 days.

Swiss: Termination of pregnancy (abortion) is legal in Switzerland under certain circumstances. A pregnant woman can decide in her first twelve weeks whether she wants to maintain an unwanted pregnancy. You must have reasonable grounds to decide an abortion. From 13 weeks onwards, the doctor must also confirm that this abortion is necessary because otherwise it is possible to reach the complications. Physically and mentally to the mother is high. Consultation before a final decision is necessary. For advice and assistance, you should contact the Family Planning and Pregnancy Counselling Centre.

Denmark: In Denmark, women have the right to have a free abortion within the first twelve weeks of pregnancy, and there is no need to provide an explanation for the abortion.

Italy: In 1978, abortion was declared legal in the first trimester of pregnancy and only if the mother's physical and mental health was in danger, and since then, abortion services have been provided free of charge. Since 1981, even women under the age of 18 can legally abort their fetuses if the court permits them (13).

Portugal: Under laws passed in 1948, women are allowed to have abortions in the event of rape or sexual offences up to the first 16 weeks, if there are fetal defects up to the first 24 weeks, and to preserve the life of the mother

without limitation in terms of gestational age. Under a new law introduced in 2007, up to the first 10 weeks of pregnancy without limitation of cause, if requested by the mother, Abortion is considered legal.

France: The first law was passed on January 17, 1975, and then reformed on December 31, 1979. Article 317 of the 1979 Law was devoted to this issue from paragraphs 1 to 4, and abortion was absolutely a crime, whether it was therapeutic abortion or criminal abortion, either at the request of a pregnant woman or without her request. According to this law, from the tenth week of the week, the soul is blown in the fetus and in the case of an abortion by a doctor after the tenth week of pregnancy, it is an example of intentional cessation of pregnancy. It was assumed before 1982 that the doctor would only perform an abortion and it was not a crime by the parents, but a judge declared in a 1982 verdict that the parents could also be the cause of the abortion. In the country in 2001, the allowed gestational age for abortion in the event of mother's inconspicuousness was extended from twelve weeks to 14 weeks, and in the event of an incurable fetal disease or serious risk to the mother's health, abortion is permitted without restriction (14).

Abortion in Canadian Law

The Canadian government has repeatedly stated that it has no decision to legislate against abortion. It is the only industrial democratic country in the world with no abortion restrictions. More than 90% of abortions in Canada are performed before 12 weeks and 98% before 16 weeks, and one of the lowest maternal death and abortion complications. These statistics show that there is no need for restrictive laws to control and reduce abortion rates in this country. Canada is one of the countries that passed the freedom of abortion from parliament despite popular opposition. Putting Canada's conflicting and deceptive laws together, historian Ian Gentells writes about the rights of the child: Unborn children in Canada have the right to inherit and can sue a third party in the womb, but the only right they do

not have is the right not to be killed because the government has given the mother the right to kill the child.

Under Canadian law, a girl needs parental permission to pierce her ear, but she can have an abortion without their knowledge. In regular Canadian hospitals, what comes out of the mother's uterus after an abortion goes to a pathology laboratory and is then sent to the crematorium. "If the embryos are small, we put them in the trash," the nurse said. "But in most cases, which is the second trimester of pregnancy, we put these embryos in the toilet." A Canadian pathologist says: "Most hospitals use very large ovens, but there's nothing wrong with throwing big aborted kids in the trash because they're piecemeal and trash can handle them." In many of these abortions, methods are necessarily used to eliminate the child with great suffering and pathetically. A nurse (Derba Henry) says: "The mother feels everything because the child starts a difficult struggle to survive and tries to defend her life." Sometimes, in late miscarriages, the child is born alive and has a short life outside the uterus before the eyes of a terrified nurse and mother. Today, despite widespread popular opposition and while the world's monotheistic religions oppose abortion, and many countries always speak of ethical standards and principles, it is easy for any Canadian, American or European woman to enter a public hospital and request a legal abortion using people's taxes even if there are minutes left to give birth to a child.

Punishment for Abortion in Canadian Law

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"If the embryos are small, we put them in the trash, but in most cases, which is the second trimester of pregnancy, we put these embryos in the toilet." A Canadian pathologist says: "Most hospitals use very large ovens, but there's nothing wrong with throwing big aborted kids in the trash because they're piecemeal and trash-crushing machines can handle them." In many of these miscarriages, methods are necessarily used that destroy the child with great suffering and pathetically. A nurse (Darya Henry) says: "The mother feels everything because the child starts a difficult struggle to survive and tries to defend her life, sometimes in late miscarriages, the child is born alive and has a short life outside the womb before the eyes of the terrified nurse and mother today despite widespread popular opposition and while she is living in the eyes of the terrified nurse and mother. The world's monotheistic religions oppose abortion, and many countries always speak of ethical standards and principles. They say that every Canadian, American woman with a European can easily enter a public hospital and request a legal abortion using people's taxes even if they have minutes left to give birth to a child (15).

Looking at the status of abortion laws in Canada, legal abortion has no long history in the world. In Canada, although the legalization of abortion has been through many ups and downs and many opponents and supporters, but since the 1970s the principle of abortion has been legalized in this country, of course it should be noted that due to the liberal system

in this country, each of the Canadian provinces has a special law in this regard, which is within the scope of this. However in any case, the official statistics on abortion in Canada are extremely surprising and deplorable. Abortion is not a crime in Canada but there are murky realities about this law. Of course, this type of behavior in Canada can only become a criminal case if it is specifically prohibited by federal law. The Charter of Rights and Freedoms described in 1982 states.

Anyone who intends to have an abortion using drugs, tools or manipulation of any kind has committed a crime and is considered to be prosecutable and causes life imprisonment.

Section 7 of the Charter also states that "everyone has the right to life, liberty and personal safety, no one has the right to deprive anyone of this right", in fact, if the Peruvian Chois movement (the right to free choice of women in the world chooses a country and wears the "Paradise of abortion advocates" medal, it is unlikely that Canada will be Canada, contrary to the notion of some, that it is not because Canada has laws that make abortion. They legalize the fetus, but on the contrary because it has not had any laws in the past few decades and has a kind of legal vacuum regarding abortion, which has caused virtually no legal restrictions to be imposed. It is interesting to know that this almost limitless freedom of abortion has little history, and the memory of a generation that has been against the laws.

The rigid anti-abortion fight is still alive. In fact, before the 1960s in Canada, doctors who had abortions could have been sentenced to life in prison? The struggle against these reactionary and ancient laws came in the late 1960s, coinciding with major sexual revolutions engulfing the developed world. It was then Justice Minister Pierre Trudeau who took a bill to parliament in 1967 that finally passed on May 14, 1969, legalized abortion only with the opinion of a three-member panel of doctors and at a time when the mother's life was in danger. Trudeau, who later led the Liberal Party to become perhaps Canada's most famous prime minister in the 20th century, also legalized

homosexuality and birth control pills in the same bill, and it was here that he uttered his famous and historical saying: "The government should have nothing to do with the work of the country's beds," but it is important to remember that the struggle to fix antisectoral laws has not focused on parliament and the ruling party and has had many drawbacks.

Among the 1969 law, Trudeau still legalized abortion only if the mother's life was in danger, and the entire practice was still considered illegal. A year after the law in 1970, 35 women chained themselves to Ottawa's House of Commons observer seat, shutting down parliament for the first time in Canadian history (147; 2009). During the long years above and below, Walker has been a figurehead above all with The Jebetsch Pro Chois (Canada's right to free choice of women, and Dr. Henry Morgenthaler, whose name has been registered in Canadian history as a campaigner for the freedom of abortion rights, in 1988 when the "Queen of Canada vs. Dr. Henry Morgenthaler" case went to the Supreme Assembly of Canada, where the House decided in a historic decision that it was not. The provision of abortion means a violation of Article 7 of the Canadian Charter of Rights and Freedoms, which states: "Everyone has the right to a free life and individual safety, and the right not to be deprived of them except in accordance with the principles of fundamental justice, and so that the court practically eliminated the anti-abortion laws and left Canada without a law.

Abortion opponents did not sit by and have tried to overturn the court's decision since that day. In fact, it was the same year in 1989, led by Brian Malroni (who was just far less conservative on social issues than the current Harper conservative Government of Canada) a bill to the House that would sentence doctors who perform abortions without risking health to women to two years in prison. In parliament, the bill was put to a free vote in which MPs (other than cabinet members) vote on their conscience and not on party regulations. The bill passed in the House of Commons and was only in the Senate, which was defeated by an equal vote. The issue was going to become a crisis and a controversial issue across the

country, especially since the unelected Senate, in a rare event, had blocked the passage of the People's Assembly, but the Malrotti government was more concerned about the passage of the state sales tax bill (GST) and did not want to go head-to-head on a matter like abortion with the Senate. As a result, the law was abandoned. It's been 20 years since those days, but the proliferers have not dropped out of Canadian politics (16).

Abortion and the right to life in Canada:

However, one of the most important issues in the issue of abortion is the right to life for the fetus. Some countries, such as Canada, believe that the right to life flows for the baby from birth, while medical documentation and legal rules recognize the right to life for the fetus. And since the right to life is the fundamental right of man to live and this right is the main condition for the appointment of other human rights, it can be said that the right to life is a priority over other human rights and no one has the right to violate it under the pretext of other forms of human rights.

In 1989, about 100,000 fetuses in the United States and 5,000 in Canada were aborted after 16 weeks of victims. In many late-time abortions, methods are necessarily used to decompose the child with extremely pathetic suffering. Sometimes, in post-16-week abortions, the child is born alive and his short life outside the uterus ends before the eyes of a terrified nurse and mother (15). The Charter of Rights and Freedoms 1982 states that "everyone has the right to a free life, personal security, and the right to immunity that must be enforced throughout the country (16), which was the guarantee that abortion freedom was founded throughout Canada in 1988. Of course, abortion and observance of all health aspects of this is also enshrined in Canadian law and obliges the government to provide all health requirements for abortion. Under Article 251 of Canada's Abortion Repeal Act, it was one of only three countries in the world to agree to legal abortion.

Furthermore, under Section 251 of the Criminal Code (which criminalizes abortion outside the therapeutic abortion committees),

the limits of legal powers outside the powers of the Canadian Parliament violate the Canadian Charter of Freedom Rights. Therefore, it can be mentioned that abortion is free in Canada, but it is conditional on the observance of all aspects of health care and its conduct in health centers. In general, abortion is free in Canada, as in most European countries, abortion rates vary between 12 and 17 abortions for 1,000 women and in different Canadian provinces, and about 30 percent of pregnancies are aborted. Meanwhile, Canada is the only Western country with no law controlling abortions after 14 weeks, and post-20th week abortions account for 1 percent of abortions in Quebec. About 100 abortions a year are performed in European countries such as France, Belgium, and Switzerland only before the 12th week of pregnancy.

Quebec has the highest number of abortions among women aged 20 to 24, with four-fifths of women having abortions aged 20 to 40 (17).

Abortion in International Documents

Charter of the United Nations

The first important international document that can somehow view the issue of abortion from its perspective is the Charter of the United Nations, under article 55 of which members of the United Nations have pledged to promote the level of respect and respect for human rights and fundamental freedoms of all (human beings) without discrimination of the birth, sex, language, or religion. Therefore, all members of the United Nations must work together and work with the Organization to ensure the exercise of human rights. However, the origin of the above argument is a contractual obligation. But it can be mentioned that today, a kind of public consensus has been formed to protect human rights. A consensus that goes beyond contractual obligations and focuses on the implementation of principles. Nevertheless, it is a disadvantage to recognize the principles of human rights and its most fundamental principle, which is to disregard all human rights.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights is based on the thinking of the existence of those human values that belong to human nature. "The basis of freedom, justice and peace in the world" is the identification of the inherent dignity and inalienable rights of all members of the human family.

Therefore, it can be stated that the inherent dignity of all human beings of all colors, sexes, and races, including strong and weak, large, intelligent, and non-intelligent, should be protected by the law alike and the intensity and weakness of human power is not effective in this regard. Of course, this does not mean that all human beings fall into a row from the perspective of rights. However, human dignity has the same value in all human beings. Accordingly, doing things such as rejecting human beings is a negation of their inherent dignity, all because ignoring human dignity and humiliating humanity in its abstract sense will lead this earthly creature to rebel and in the meantime, the availability or absence of human beings will have an impact on the outcome of the matter. Therefore, ignoring the rights of existing human beings or humiliating human rights in general and regardless of certain time periods in human life does not make a difference to the end result.

Therefore, respecting human rights and promoting its level not only guarantees peace in general and special interactions between human beings, but also preserves and expands it among nations and civilizations, and ultimately the main members of the international community, i.e. countries. In this regard, May Van mentioned the Universal Declaration as a measure of the treatment of mankind and the recognition of his inherent values.

Dignity means intrinsic value. Therefore, demanding human beings to protect his dignity means demanding a fundamental right. The introduction of the Declaration has established a connection between concepts such as "human rights", on the other hand, and places all of these concepts and their subsets under the umbrella of "human rights" and the same protection of the law. Therefore, everything

rooted in dignity and human rights cannot be granted or extradited. That is why no one can be enslaved. No one can enslave themselves, and again, the action of countries in regulating human rights treaties does not constitute the delegating of these rights to humankind, but in fact means identifying their pre-existing legal principles.

Article 1 of the Declaration expresses some human rights that understanding them can be an effective contribution to the understanding of the document. According to this article, man is born free and is equal in dignity and rights. The value of equality and non-differentiation of human beings from each other has been reaffirmed in Article 2 of that document while there is no difference between human beings in terms of, not breeding, ringing, sex, language, religion, intellectual, or political affiliations, national, social, economic, etc. does not exist. In the same proportion and the greatness of age, and health or lack of it, etc. It cannot also cause discrimination among human beings. Article 13 of the Declaration protects human rights by placing certain human values in the form of the right. And it says: Everyone has the right to life, liberty and personal security. Thus, some things such as human life are considered indisputable and inalienable from his nature. From the way their expressions are placed in the text of matter, it turns out that providing a platform for freedom and security regardless of the meaning of life is absurd because the logic of right to life at the head of others is absurd.

Human rights are located. In 1948, when Article 3 of the Universal Declaration of Human Rights was regulated, suggestions were made about the inclusion of the right to life in the text of that document. However, none of them were voted on. Finally, in this current term, whoever has the right to life" was enough. With this resolution, we must not cross the bow, which constitutes a lack of attention to the rights of unborn human beings. It seems that the phrase "everyone is in fact the entire human family and encompasses everything that can be referred to as human beings. Therefore, according to the Universal Declaration of Human Rights, all members of the human family have personalities.

They have been deemed human. This meaning was taken into account because many abortion advocates consider the practice legitimate because they consider the fetus to be lacking in human character. The philosophy of justifying the murder of a fetus is today the same philosophy that justifies the murder of born children up to three months of age. But whether murdering a child before birth and on the same specific motives cannot guarantee a similar sentence? On the other hand, even if the analysis based on the lack of personality in the fetus is correct, considering that we believe that the righteous sciences for the diagnosis of being human or not living beings are medical and biology and it was previously noted that from the perspective of the mentioned sciences there is no doubt about the humanity of human embryos, it should be mentioned that based on the above analysis, there are a group of human beings in the world considered to lack human personality. Such an argument is the source of discrimination among human beings and, consequently, in contrast to the legal principles referred to in the Universal Declaration, and therefore cannot be a justification for abortion. Because it lacks legitimacy and the corrupt cause cannot legitimize the cause. Therefore, even the recognition and proof of personality loss in embryos is correct, given that we believe that the righteous sciences for the diagnosis of human being or not living beings are medical and biology and it was previously noted that from the perspective of the mentioned sciences, there is no doubt about the humanity of human embryos, it should be stated that based on this analysis, there is a group of human beings in the world considered to lack human personality,

Such an argument is the source of discrimination among human beings, and therefore in contrast to the legal principles referred to in the Universal Declaration, and therefore cannot be the reason for the justification of abortion. Because it lacks legitimacy and the corrupt cause cannot legitimize the cause. Therefore, even the recognition and proof of the success of human personality in a human being cannot be a reason to deprive him of human rights in general and the right to life in particular,

because according to Article 2 of the Universal Declaration, everyone is entitled to the rights and freedoms enumerated in the document, without any discrimination, and again, according to Article 30 of that document, "Nothing in the Declaration should be interpreted as giving a state or group of human beings or a person the right to commit acts aimed at violating any of the rights and freedoms enshrined in it. Meanwhile, Article 6 of the Universal Declaration specifically addresses and expresses the issue of personality. Everyone has the right to be identified by law in each chapter as an individual.

International Covenant on Civil and Political Rights

The Covenant on Civil and Political Rights recognizes the right to life as one of the inherent rights of the person, which shall be protected by law while emphasizing the inherent dignity of human beings, the Present Covenant has committed and mandated committed states in respect of human rights and guaranteeing the inherent right to life. According to paragraph 1 of Article 6 of the International Covenant on Civil and Political Rights, "Every human being has an inherent right to life," adding that "right to life" is the only right throughout that document to be introduced as "inherent right." According to the requirements, it is performed. Of course, it should not contradict the provisions of the present Covenant and the conventions concerning the prevention and punishment of mass murder. The right to life is an indisputable and so sacred right that it cannot be denied even when social necessities threaten the life of a nation." The continuous point in this rule is very important. Because individual life is considered as the value of collective life, and the idea governing the rule also confirms the sanctity of fundamental principles of human rights. Therefore, any action taken against humanity and the intellectual foundations of the Creator of this rule means the role of the right to life and the source of the principles of the covenant. With these guilds, because it makes the issue of abortion particularly sensitive, it is a human rights conflict. These

rights are the fetus right to the life of woman revelation. Obviously, conflicts of rights limit them. However, paying attention to certain human rights rights should not include violations of other rights. That is, respecting the right to authority should not lead to the insufficiency of the right to life.

European Convention on Human Rights

Article 2 of the European Convention on Human Rights, referring to the right to life and the necessity of respect for it, states: Foreclosure of the right to life should be only by law and in the wake of a crime by a competent court order and after a fair trial. However, according to Protocol 6 of this Convention, the death penalty is abolished and the states that have joined it are committed to condemning any crime to the death penalty, with the exception of certain acts during the war with the war threat by the enemy (17).

Article 15 of the Convention emphasizes that even in times of war and a state of emergency, States Parties cannot refuse to enforce the provisions of Article 2 relating to the preservation of the right to life. Article 4 of the American Convention on Human Rights also states:

The law shall protect the life of the human person from the moment of carriage. In addition, according to this article, the death penalty is prohibited for persons under the years of 18 and over 70 years of old (18). Based on these general international human rights documents as well as the experience of human rights courts, some theoretical discussions about the issue of the right to life and its deprivation can be received. First, governments are not only prohibited from depriving individuals of their lives, but also are obliged primarily to eliminate any violations of their rights and even take action to eliminate their risks of life. Next, pay attention to the obligations related to economic, social, and cultural rights that are other than positive rights and pave the way for people to benefit from those rights. This theory is called the "Positive Covenant for the Protection of Fundamental Rights" in the international

human rights system. On the other side, if we look at any of these rules of human rights as a rule of law, we should apply the distinction or supplementariness of the rules to that one. Doubtless, the rules of fundamental human rights are, in the first place, rules that have no credibility to agree against, and no one can express satisfaction with the violation of their rights. Accordingly, the denial of fundamental rights such as the right to life or the denial of rights in general lacks legal validity.

The imperative of the rules governing human rights, as well as the prohibition of disclaimers, show that no one is a unit of freedom to violate this law to its own detriment. Since the right to life and respect for it has been explicitly emphasized in numerous international documents, the denial of these rights, which also leads to the impossibility of exploitation of other rights, is prohibited and lacks legal validity. In general, it can be mentioned that according to the general international human rights documents, fundamental human rights are inalienable rights, individuals cannot eliminate the possibility of enjoying other rights by foreclosure. Because then the prospects of human society would most likely be nothing but destruction. Therefore, despite the acceptance of the principle of freedom in human rights, one cannot deprive himself of a fundamental right, such as the right to life, to which one's enjoyment of other rights entirely depends on it and it may have a duty to protect the right to life as much as possible.

Governments are further obliged to take action to protect these rights through cultural, social, legal, health, medical, and developmental solutions.

Convention on the Prohibition and Punishment of Crimes of Racial Elimination

According to Article 2 of the Convention, the "despicable" act of genocide, including the murder of members of a group, and the imposition of acts intended to prevent generation among them, can therefore be believed that the recent part of the article guarantees the right of unborn people to life. In another part of the same article, genocide

involves other acts intended to destroy all or part of a national, ethnic, or religious group. What connects the provisions of this article to our discussion is the willable interpretation of the phrase "all or part of a group." If we think of human embryos as part of human family, his killing is a systematic and lawful suspicion of the act that defines genocide. Therefore, the willable reasons for this systematic human slaughter cannot be effective in concluding in favor of abortion. For example, if the abortion justification is introduced to prevent the spread of disabilities, both mentally and physically, it should be mentioned that the same group of human beings, who are part of human groups, are also protected by international law. They have the same rights as non-disabled persons and they need to be humiliated and humiliated for any exploitation, regulations, and discriminatory treatment. If the systematic destruction of the disabled reminds us of Nazi acts and constitutes a crime of genocide, and ultimately a violation of the concepts of the relevant Convention. Cannot it be that destroying unborn children for similar reasons means genocide? This conclusion is then reinforced to state that international human rights documents are clearly incapworthy of interpretation. In addition to the Convention on the Prohibition of Crime Punishment, Nezadi speaks of measures taken to prevent births in human groups.

Therefore, governments that encourage abortion are practically in line with convention violators. In general, the main driver of committing the act of genocide is the lack of belief in the belonging of human rights to some human groups. Therefore, it is necessary to reflect declaring the absence of human personality in human embryos, just as we can think about committing acts during peace and tranquility that are considered as flaming. Prohibition of abortion in international documents. Identification of fetal legal entity in international documents and procedures.

In general, the right to "right to abortion" is not accepted in international human rights law, but in recent years, abortion advocates have sought to advance the idea that there is a right to abortion, in accordance with international

human rights law, and therefore believe that independent governments should make amendments to their laws to grant them the right. This is while the International Covenant on Civil and Political Rights and International Covenant on Economic, Social, and Cultural Rights and the Convention on Elimination of All Forms of Discrimination Against Women and the Convention on Child Rights were being negotiated, and even then, in the laws of many fetal negotiating states, abortion was protected and abortion was criminalized.

Jeti suggests that these states somehow agree to change their domestic laws to affirm the right to abortion (18). It should also be noted that currently, there are no rules in international law regarding the right to abortion in treaty law and international customary law, and no tearties have established or recognized the right to "the right to abortion." So governments are free to enact laws in this regard based on their internal jurisdiction. In the meantime, there is a rule in the International Covenant on Civil and Political Rights that states that present Covenant recognizes the fetus as a member of the human family and obliges the state to prevent the death penalty for the mother of an innocent fetus when her mother's life is in danger (19). Nick shows that the reason for the rule banning the execution of pregnant women is to recognize the value of the child's life in the womb. Because all other women may be subjected to the death penalty. This paragraph of Article 6 of the Covenant may be interpreted as identifying the independent status of the fetus from the mother.

In the preamble to the Declaration on the Child Rights and subsequently in the preamble to the Convention on the Rights of the Child, the United Nations declares that the child, due to his physical and mental lack of puberty, requires special guarantees and care, including appropriate legal protections before and after the birth of this term, which on the one hand has accepted and identified the human rights of the fetus, and on the other hand, proves that the purpose is appropriate. In legal texts, the child includes the unborn child and the unborn child, so according to the spirit of the Declaration on

the Child Rights and its convention, it can be assumed that the preservation of the lives of unborn children is of interest to international law and the practice of free abortion in non-emergency situations will constitute the role of international law.

There are two opinions in international law regarding the role of Article 6 of the Universal Declaration of Human Rights by prescribing abortion and identifying the right of mothers to abortion. Proponents of this view argue that there is no historical evidence that the co-editors of the Universal Declaration of Human Rights or the drafters of the Declaration and Convention on the Rights of the Child have considered that the child before birth deserves only such "legal protection" that is suitable for legal objects, and if it is meant to reject recognition as a person before the law for children after birth. Likewise, such an important distinction was a manifestation, it was thoroughly discussed and analyzed. They believe that the right to recognition as a person before the law constitutes the basis for the right of the fetus to enjoy human rights and freedoms on the basis of equality, and for the same reason that children enjoy it after birth. Therefore, they believe that the recent global push to decriminalize abortion is in fact the grave role of this human rights commitment. (18)

Discussion

When there is a threat to women's lives and health, almost all countries permit abortions to save the mother's life. In this regard, some countries have provided a list of medically threatening factors. Also, some social conditions such as honour issues are considered life-threatening because in some societies, premarital pregnancy may lead to violence and the killing of a pregnant woman.

Risk assessments should also be carried out to maintain mental health, pain, mental suffering or in cases of sexual coercion and severe fetal impairment. In many countries, health aspects are not specified by law. Rather, it merely states that abortion is allowed to prevent the risk of harm to the health of the pregnant woman. (World Health Organization.)

A. Pregnancy due to rape

When pregnancy is caused by rape, protecting women from cruel inhuman, and degrading acts requires that women who become pregnant as a result of coercion or rape have legal access to safe abortion services. About 50 percent of countries permit abortions in cases of rape or pregnancy in cases of incest.

B. Fetal disorder

When there is a fetal disorder, in some countries, a list of disorders and cases that are inconsistent with independent living has been compiled (216:2006, Cook). Of course, in some areas, creating such a list leads to restrictions on access to services and a barrier to women's access to safe abortion. However, in some countries, maintaining health and social reasons such as distress of pregnant women due to the diagnosis of fetal disorder is sufficient (19).

C. Economic and social reasons

In such cases, in legal contexts, it is possible to see whether the continuation of pregnancy affects the conditions and the mother's health, such as pregnancy in the absence of marriage or inability to care for the child by the mother.

D. Mother's request

In most countries, permission to have an abortion on the request of a pregnant woman faces a time limit. Nearly a third of un-Member States issue abortion permits if a woman requests it. Legally, these women have fetus conditions from the grounds stated above that legitimize abortion legally.

E. Legal and legal barriers to access to abortion

The existence or absence of legal grounds and the scope of their interpretation are one dimension of the effects of law and politics that affect women's access to safe abortion (2). There are some examples of these obstacles discussed in the following.

F. Barriers to access to information

Access to information is a key point in safe abortion. The existence of criminal laws and the stigma caused by abortion raises women's fears of requesting information from service providers about legal services, so that women prefer to seek services from unreliable sources. On the other hand, some service providers are not aware of the abortion legality.

G. Third-party license

Requiring third-party permission from a medical professional and with a hospital committee, court, parent, or guardian or female partner is a violation of women's privacy and a barrier to women's searches of safe abortion services. A third-party license should not be an obstacle to access to abortion services. However, in minors, taking into account the capacity to reflect, appropriate policy should be adopted and parent engagement should be increased through education and information provision.

H. Requiring mandatory waiting period

The existence of a mandatory period of time by law and regulation can delay care and access to services and decision-making, but it should be noted that waiting times are not medically required and services should be quickly provided to women. Censorship and refusal to give information about abortion services can lead to lack of access or delay in receiving services and increased health risks for women. The presentation of information must be complete, correct, and understandable. A woman must fully receive information with respect and privacy and seek advice if needed.

I. Doctrinal issues

Some conscientious service providers refuse to provide services and refer women to other conscientious providers, which can delay care in the required cases. International Human Rights Law stipulates that expressing one's beliefs may place restrictions on the protection of the fundamental rights of others (19).

Combating children's selection

In 2011, the Office of the High Commissioner for Human Rights, the United Nations Population Fund, UNICEF, the United Nations Women's Organization and the World Health Organization against sexual selection became complicit in the boy's preference process, which occurs in parts of South, East and Central Asia. Figures above 130 boys versus 100 girls have been seen in the area. The choice of child sex is a sign of social, cultural, political, and economic injustice against women and a flagrant violation of human rights. "Women are forced to bear the consequences of giving birth to an unwanted baby girl," according to the United Nations. These results can include violence, abandonment, divorce, or even death." Faced with such a flux, women often seek to discover the gender of the fetus through sonography, which can lead to miscarriage. In some countries, it is non-birth sex determination and disclosure while other countries have laws banning abortion for the choice of child sex. However, these restrictions are circumvented using secret methods, which may put women's health at risk.

Conclusion

The subject of this article was abortion in Iranian and Canadian laws as well as international documents and the following results have been achieved in its investigation and exploration.

Abortion is the expulsion of carriage before the natural time of delivery in a way that is not alive or lost. Abortion is one of the issues that has faced different attitudes throughout history. Abortion for reasons such as family planning, hiding illegitimate relationships, escaping unwanted support, getting pregnant in the absence of a man, being raped, and not fully familiarizing women with contraceptives with the lack of effect of related devices, etc. was done.

The abortion criminalization in Iran's law system has begun before the revolution. That is, in the Islamic Penal Code of 1925, Articles 90 and 91 of the Ta'zir Law of 1983, and Articles

622, 623, and 624 of the Islamic Penal Code of 1996 were devoted to practical abortion.

In the first stage, before the soul is blown, abortion is not considered manslaughter because it has vegetable life, and secondly, because of the blowing of the soul, there is no difference between the fetus and other human beings and it is forbidden to kill, but from the perspective of the Islamic Penal Code, abortion after blowing the soul or before it has the same punishment for abortion and it is not manslaughter because it is in the article. 306 Of the Islamic Penal Code of 2013 provides: (Intentional crime on the fetus, although after the soul is dissolved, does not cause retribution, in which case the perpetrator is sentenced to Ta'zir in addition to paying the diyah in the Book of Ta'zir) and in the discussion of abortion in the forbidden months, for the fetus in which the soul is blown, the sentence of condensation of diyah (the amount of diyah plus one-third of the whole diyah) is considered like another human being.

Abortion is known in three forms: "criminal," "therapeutic or induced", and "spontaneous", abortion is punishable only in its criminal type, in spontaneous abortion, and termination of pregnancy without the will of the mother or third party request. In therapeutic abortion, pregnancy is terminated in accordance with the rules and regulations. On 01.01.2005, the Islamic Consultative Assembly adopted a single article outlining the legal procedures for therapeutic abortion.

Therapeutic abortion is permitted by the definitive diagnosis of three specialist physicians and the approval of the forensic medicine on the fetus disease due to retardation or incompleteness, or the mother's illness, which is threatened by the mother's life before the soul (four months) with the consent of the woman, and there will be no punishment or responsibility for the steward's physician. Violators of the provisions of this law will be sentenced to the punishments prescribed in the Islamic Penal Code, with the adoption of this single article for therapeutic abortion no longer requiring the consent of the father and only the mother's consent is taken into account. Another

important point is that even therapeutic abortion after four months of age (blowing the soul) is not allowed and is illegal. Furthermore, in accordance with article 718 of the Islamic Penal Code, if the fetus is aborted in order to protect the mother's life, there is no blood money, but if the fetus is intentionally aborted, the Islamic Penal Code of 2013 is intended for its perpetrators at every stage of the development of the punishment. According to Article 716 of this Law, the diyah of abortion is as follows:

The sperm in the womb, the 200th full diyah, the "uztamin" in which the fetus is closed in blood, the 400th of the full diyah, the "muggle" in which the fetus becomes a meat mass, 600th of the full diyah, the "ezam", in which it is bone-like, but the flesh has not yet grown, 800th of the full diyah, the embryo in which the flesh and bone are all but the soul. It is not blown, one-tenth of the full diyah, the diyah of the fetus in which the soul is blown, if it is a boy, the full diyah and if it is a girl half of it and if it is a diyah, three-quarters of the full diyah. Therefore, if a person causes a mother's abortion, in addition to having to pay diyah or arsh, he/she must also pay the diyah of the fetus under Article 716 of the law.

Now, if the mother herself causes an abortion, in accordance with Article 718 of the Islamic Penal Code of 2013, which provides: (If a woman destroys her fetus at any stage, intentionally pseudo-intentionally or wrongly, the diyah of the fetus is paid by the perpetrator or his sane person, as per the case). In the case of intentional abortion by a person other than the mother in Article 622 of the Islamic Penal Code of 1996, it should be noted that the word (Qisas) in this article is related to the crime that occurs against the mother, not fetus.

Furthermore, article 623 of the recent law states: (Anyone who causes a woman's abortion by giving spice or other substances will be sentenced to six months to one year imprisonment, and if she deliberately implies a pregnant woman to use spices or other means by which her fetus is aborted, she will be sentenced to imprisonment from three to six months unless it is proven to be a measure to

preserve the life of the mother." In each case, a ruling will be given to pay the diyeh in accordance with the relevant regulations.) The legislator, in the continuation of the same law and in Article 624, has set a punishment for imprisonment for physicians with other persons who perform abortions illegally, in which it states: (If a physician or midwife or a pharmacist and persons acting as a physician or midwife or surgery or pharmacist, provide abortion equipment or take custody of the fetus, they are sentenced to imprisonment from two to five years. They will be sentenced to pay diyeh in accordance with the relevant regulations.)

If the mother has become the curator of the abortion, the diyah must be diyah to the father or in the absence of the father to other heirs, and if the father has become the operator, he/she should give the diyah to the mother and if someone else has become the operator of the diyah, he/she should give the diyah to the parents.

In international documents, the right to life is one of the fundamental rights of human rights and they have prohibited abortion. Abortion is not forbidden or illegal in all circumstances, but in some cases, it is permissible and even obligatory because the mother's life requires that the fetus be aborted. Of course, abortion should be approved by a group of qualified and expert physicians in this matter so that all human and ethical aspects and it should be considered.

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