

RIGHT TO ABORTION TO RAPE VICTIMS: A SURVEY RESEARCH

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ABSTRACT:

In Pakistan, sexual violence against women is the most prevalent type of violence. Rape and other forms of sexual assault are rising rapidly on a global scale. Sexually transmitted diseases, unwanted pregnancies, and the physical effects of rape-injury all result in psychological problems that are frequently disregarded. Women who have been raped are more likely to have sadness, anxiety, and substance abuse, among other mental health issues. As rape instances rise daily, it is necessary to address related issues so that legislation may be properly drafted and put into place to address the problem. Abortion is a contentious issue everywhere, and Pakistan is no exception. Even when a pregnancy results from rape, most conditions do not give a woman the chance to decide for herself. The female is either compelled to bear a child and risk exile, or she commits herself out of fear of oppression and disgrace. It is upsetting that rape victims who become pregnant receive no assistance from Pakistan's legal system. The general belief is that rape victims should have a choice of an abortion because the pregnancy serves as a physical reminder of what she endured. The pro-abortion community views pregnancy as the result of rape, an injury to women, and abortion as a way to help heal that injury. Therefore, a survey will be undertaken in this work to identify and examine the issues that rape victims face in society. The opinions of the medical officials (doctors) and legal counsel will be gathered for this purpose. The survey's results will be compiled in the conclusion at the end.

KEYWORDS: Rape, Abortion, Pregnancy, Pakistan, Survey.

1. INTRODUCTION

Women's rights are characterised as their independence and entitlement¹. In actual practice, women in all countries of the world are ill-treated and men are dominating. So, like the rest of the world, Pakistani women are oppressed and are not allowed to have a positive human existence. Regrettably, women are the oppressed and poorly educated community of Pakistan². They are disempowered to claim their rights and entitlements because of lack of education, understanding and awareness. They are unable to access the benefits provided by their legal rights because they are ignorant of them. The physical and mental health of women can be tragically affected by sexual assaults that result in pregnancy³. It is a myth that women who have been sexually assaulted actually do not become pregnant. If a rape victim in Pakistan becomes pregnant at that point, she has no legal options but to move in with one of the unskilled, unprofessional women who perform abortions illegally. In some cases, the

¹ Mohammad Dhoot, "Awareness of Educational Rights among B.Ed. Girl Students: A Study," *Education*1, no. 5 (2011).

² Trilok Singh, *Towards Women's Rights Protection* (India: New Delhi: Cyber Tech Publications, 2011), 1-7.

³ Iram Manzoor, Noreen Rahat Hashmi and Fatima Mukhtar, "Medico-legal Aspects of Alleged Rape Victims in Lahore," *Journal of the College of Physicians and Surgeons Pakistan* 20, no.12 (2010): 785.

victim may also decide to end her life out of fear of being held accountable or carrying an unborn child without anyone to look after it. It is upsetting to mention that the Pakistani legal system is equally helpless. Abortion is only permitted when it is required to save the woman's life or get her the care, she needs⁴. There is a dire need for reform in this area because it pertains to a woman's private life, and she should be given the option of deciding whether to have the treatment done or not. In that context, a thorough reevaluation of the government's current abortion regulations is necessary. The current law permits abortions for legitimate medical reasons, but rape should also be an exception. The basic tenet of the argument is therefore that abortion is a matter of a woman's autonomy and cannot be left up to the whim of a third party. So, at the victim's request, abortion should be allowed in rape situations. Many modern scholars believe that if a woman becomes pregnant due to an event, she had no control over, such rape, she should be allowed to carry the kid and should be given the option to end the pregnancy within 120 days of conception if she decides she does not want to have the child. Therefore, the research's

⁴ Mahroo Rashed, "Abortion: The Autonomy of a Woman," *Courting the Law*, Feb,16, 2018.

main focus is on abortion for rape victims with a critical examination of a Pakistani Law.

1.1 ABORTION FORM MEDICAL PERSPECTIVE

It's important to understand that medical knowledge clarifies the ethical status of the child as a human being, confirms that abortion is safe and successful for women, provides details on how to perform early vs late abortions, and provides public health and global perspectives on miscarriage. Three different types of abortion exist: induced abortion, recurring abortion, and spontaneous abortion. The eviction of a foetus from its mother is a well-defined definition of a spontaneous abortion. The process of expulsion begins spontaneously and without human interference in the case of spontaneous abortion, whereas the pregnancy is halted during an induced abortion. The recurrent is described as three or more consecutive spontaneous abortions⁵.

At 7-8 weeks, the foetal heart begins to beat, which is followed by the first movement. At around six weeks, the baby's heart begins to beat. The American Pregnancy Association states that it is likely to detect a heartbeat by the seventh week. Before seven weeks or 49 days LMP,

⁵ Arshad Chohan, *Fundamentals of Gynecology* (Lahore: Mar publications, 2013), 59-62,73-78.

surgical abortions are typically not necessary. The child's face becomes recognisable as human throughout the seventh through tenth week as finger and genitals develop⁶. Induced abortions are complicated and less safe for the mother after the first trimester. The measurement of fetal viability is difficult because it is typically thought of as an individual phenomena. According to early research on neurologic development, a fetus's responses to painful stimuli are decorticated in nature and lack insight or localisation. Additionally, because the foetus might not remember unpleasant experiences, they aren't thought to be able to conceptualise pain in a way that is comparable to that of adults on a theoretical basis. The traditional beliefs have led to a commonly held opinion in the medical community that the foetus may not be able to feel pain. Realization and the capacity to feel pain, according to supporters of moderate opinions, need around six months to develop. It is reasonable to infer that the foetus may sense pain after the seventh week because the primary brain functions start to show. When a painful blood extraction method is used on unborn infants as early as eighteen weeks, it is discovered that the levels of stress hormones are incredibly high because

⁶ Philip N Baker and Louise C Kenny, *Obstetrics by Ten Teachers*, 19th ed. (London: Hodder Arnold, 2011), 44.

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they are the same ones released by adults who are in pain and the small unborn brain at eight weeks already contains midbrain cells that are capable of getting the chemical dopamine, which is responsible for some of the more developed, advanced forms of adult voluntary movement. Within the first sixteen weeks of pregnancy, a fetal's brain circulation begins to unconsciously defend itself against pain More concerning, the foetal brain has now been found to contain freshly identified pain-related brain chemicals as early as eleven to thirteen weeks⁷.

However, what about the human being that develops from the freshly fertilised ovum through the pre-embryo, embryo, foetus, and newborn baby to the undeniably grown, autonomous person with full moral standing and a moral and legal right not to be killed under any circumstance⁸? Some people believe that a foetus can be considered a person once it is viable and capable of living on its own outside of the uterus. If one is adamantly opposed to abortion, then he is committed to a particular set of principles that emphasises that women who become pregnant (whether unintentionally or on purpose) are expected to carry the

⁷ Janet J E. Gans Epner, Harry S. Jonas, and Daniel L. Seckinger, "Late-Term Abortion," *Journal of the American Medical Association* 280, no.8 (1998): 726-728.

⁸ Raanan Gillon, "Is there a 'new ethics of abortion'?" *Journal of Medical Ethics* 27, no.2 (2001):5-9.

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pregnancy and give birth, no matter how difficult, painful, and dangerous it is for them. Extreme opponents of abortion contend that it is murder and that no matter how many women suffer, it cannot be made legal for them to kill their children. Regarding the topic of abortion, there are disagreements in various nations. On the other side, several organisations for women emphasise that a woman has the absolute right to decide for herself whether or not to abort a pregnancy⁹. Unfortunately, there is no consensus in medical, philosophy, or theology regarding the relationship between the right to life and foetal growth. Some argue that we should favour the earlier date since it can be difficult to determine when a foetus has the right to life. Abortion can be performed without surgery in the early stages by using drugs. In 96% of cases, if the right medications are used during the first 49 days of a pregnancy, the pregnancy can be ended effectively and safely¹⁰. Another argument on this topic is that since an embryo is not a legal person, it has no rights. Hence there is no issue of breach of any personal rights if one gets aborted. When a woman is forced to carry a pregnancy after being raped, it will worsen her psychological condition and severely violate her right to health and self-worth. Any law

⁹ Alka B. Patil, Pranil Dode, and Amrute Ahirrao, "Medical Ethics in Abortion," *Indian Journal of Clinical Practice* 25, no.6 (2014): 545-547.

¹⁰ Hillary Kunins and Allan Rosenfield, "Abortion: A Legal and Public Health Perspective," *Annul Review Public Health* 12, (1991): 376.

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banning abortion is a clear infringement of a woman's right to privacy. It violates a woman's right to life, as well as her rights to privacy, liberty, and the pursuit of happiness. To protect these fundamental civil rights of women, abortion must be legally permitted in society¹¹. Contrarily, illegal abortions can also endanger lives. Abortion is prohibited, which forces the practise underground and leads to the delivery of illicit services. As a result, the providers of illegal abortions are allowed to do their business without being held responsible for their clients' well-being¹².

1.2 SHARĪ'AH RULINGS RELATED TO ABORTION

The literal meaning of abortion is the intentional attempt to terminate a human pregnancy and eliminate a fetus from the womb before birth. Scholars of jurisprudence (fiqh) use several terms to refer to this concept such as al-inzāl, al-ikhrāj, al-isqāṭ, al-ilqā', and al-istijhād. The right to life is guaranteed in all legal systems, whether religious, national, or international. The Universal Declaration of Human Rights says that

¹¹ Diane Taylor, "Does a fetus have more rights than its mother," *The Guardian, International Edition*, 23, April, 2004, and "Rights of Fetus and Mother in the Abortion Debate," Law Teacher: The Law Essay Professionals, www.lawteacher.net

¹² J. Douglas Butler, *Abortion, Medicine, and the Law*, ed. David F. Walbert, 5th ed (USA: Fideli Publishing Inc., 1992): np.

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everyone has the right to life, liberty, and security of person¹³. The International Covenant on Civil and Political Rights states that every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life¹⁴. The right to life is also guaranteed by the Constitution of Islamic Republic of Pakistan¹⁵. Islam also acknowledges the inviolability of human life, as the Qur’ān says,

“We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours above a great part of Our creation¹⁶.”

Is abortion, which constitutes a disruption of pregnancy, a violation of the right to life? To resolve this query, we have to answer when life begins or when the existence of a soul begins. In Islam, the Qur’ān and sunnah include elements related to the establishment of the human fetus (janīn). There are five different phases of embryonic growth mentioned in the Qur’ān:

¹³ “The United Nations General Assembly,” third session, December 10, 1948, article 3.

¹⁴ A multilateral treaty by the United Nations General Assembly with resolution 2200A (XXI) on 16 December 1966, and effective from March 23, 1976 in line with article 49 of the covenant. See article 6.1.

¹⁵ “The Constitution of Islamic Republic of Pakistan,” chapter 1, article 9

¹⁶ Qur’ān 17: 70. The translation is of ‘Abdullah Yūsuf ‘Alī, The Meaning of the Holy Qur’ān (Beltsville, MD: Amana Publications, 2004), 694.

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Man We did create from a quintessence (of clay). Then We placed him as (a drop of) sperm in a place of rest, firmly fixed; then We made the sperm into a clot of congealed blood; then of that clot We made a (foetus) lump; then We made out of that lump bones and clothed the bones with flesh; then We developed out of it another creature. So blessed be Allah, the best to create¹⁷.

At the conclusion of the third stage (*mudghah*), or after approximately four months, Muslims believe that the soul (*rūḥ*) enters the body. This is based on two Prophetic traditions. The first reads as follows:

The created forms of one of you are gathered in your mother's belly for forty days; he is then like congealed blood (*'alaqah*—clot) like the first; after that he is a lump (flesh) like the previous. Allah then sends His angel to him with four words (decisions). The angel writes down his livelihood, his death, his deeds, his fortune, and misfortune. He then breathes the Spirit into him¹⁸.

The second tradition is reported by Ḥudhayfah b. Asīd al-Ghifārī who states,

¹⁷ Qur'ān, 23:12–14. The translation is of 'Alī, *Meaning of the Holy Qur'ān*, 845–46

¹⁸ Imran A. Nyazee, "The Rules of Causing Abortion and Causing Miscarriage: *Isqāt-i-Haml* and *Isqāt-i-Janin* in the Pakistan Penal Code," 12, March 9, 2014, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2406992.

I heard the Messenger of Allah (pbuh) saying: When forty-two nights pass over the fetus, Allah sends an angel to it, who gives it form creating his faculties of hearing and sight, his skin, his flesh, and his bones. He then says: My Lord, will it be a male or a female? Your Lord decrees as He desires, which the angel records. The angel then says: My Lord, his duration? Your Lord decides as He likes, which the angel records. He then says: My Lord, his sustenance? Your Lord decrees as he likes, and the angel records it. The angel then leaves with the scroll in his hand without adding to or omitting anything from what was commanded¹⁹.

According to the first tradition, the soul enters the body after 120 days. The second tradition indicates forty-two nights but does not give any reference to the soul or the breathing of the spirit²⁰. At this stage, the fetus is considered as a separate creation and abortion is unquestionably prohibited except if the life of the mother is endangered by the continuation of pregnancy²¹. The question then arises as to whether abortion can be performed prior to this point. Most classical jurists considered it to be prohibited. This is the position of the four main Sunni

¹⁹ Ibid., 13.

²⁰ Ibid., 12–13.

²¹ Kamyar Hedayat, Peiman Shooshtarizadeh, and Mohammad Raza, “Therapeutic Abortion in Islam: Contemporary Views of Muslim Shiite Scholars and Effect of Recent Iranian Legislation,” *Journal Med Ethics* 32 (2006): 653, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2563289/pdf/652.pdf>.

schools as well as the Ibādī and Zāhirī schools. Some Sunni scholars permit abortion before ensoulment if both the parents consent²². Some jurists, including the Mālikī jurist ‘Alī b. Muḥammad al-Qayrawānī al-Lakhmī (d. 478/1085) and the Shāfi‘ī jurist Ibrāhīm b. Aḥmad b. Isḥāq al-Marwazī (d. 340/951) permitted abortion before forty days, but outlawed it after that. Some Ḥanafī jurists also permitted abortion before the ensoulment due to some lawful reason²³. Some classical jurists adopt an even stricter position regarding voluntary abortion and disallow it from the moment of conception. According to Abū Ḥāmid al-Ghazālī (d. 505/1111), life originates at the discharge of sperm into the womb. Nevertheless, abortion becomes more serious offence with the development of pregnancy. If the ejected sperm is attacked it prevents the formation of the human being²⁴. If a woman is raped, the case is different, and most jurists allow abortion. Such a woman is allowed to keep the child, but if she prefers termination of pregnancy, then it must be done within 120 days

²² Abdulrahman Al-Matary and Jaffar Ali, “Controversies and Considerations regarding the Termination of Pregnancy for Foetal Anomalies in Islam,” BMC Med Ethics 15, no. 10 (2014), <https://bmcmedethics.biomedcentral.com/track/pdf/10.1186/1472-6939-15-10.pdf>. Some jurists of the Ḥanafī, Ḥanbalī, and Shāfi‘ī schools also permit abortion with minor restrictions. Mohammed A. Albar, “Induced Abortion from an Islamic Perspective: Is It Criminal or Just Elective?” Journal Family Community Med 8, no. 3 (2001): 25-35.

²³ Alī Muḥyī ‘l-Dīn al-Qarahdāghī and ‘Alī Yūsuf al-Muḥammadī, *Fiqh al-Qaḍāyā al-Ṭibbiyyah al-Mu‘āṣirah* (Beirut: Dār al-Bashā’ir al-Islāmiyyah, 2005), 3–8. 27

²⁴ Fazal-ul-Karim, trans., *Revival of Religious Learnings: Imam Ghazzali’s Ihya Ulum-id-Din* (Karachi: Darul-Ishaat, 1993), 2:38-40.

from conception. After this period, she is bound to keep the fetus until birth and the Muslim community should support her in raising her child. According to a contemporary Syrian jurist Muḥammad Ramaḍān al-Būṭī (d. 2013), for example, abortion can be done within forty or 120 days, and the principle of necessity can be invoked beyond this limit²⁵. More recently, several contemporary religious edicts (fatwās) have supported exceptions to allow abortion in cases of rape. In 1998, the former Egyptian Grand Imam of al-Azhar, Muḥammad Sayyid Ṭanṭāwī (d. 2010) stated in a fatwā that unmarried women who were raped should be allowed to have an abortion. He also issued legislation in 2004, which allowed abortion in case of rape even after 120 days, on condition that the victim was of good character, uncorrupted, and pure²⁶. Additionally, Egypt's former Grand Mufti, Naṣr Farīd Wāṣil (b. 1937), argued that rape victims ought to have right to abortions and surgery to repair the hymen to preserve female virginity and marriageability²⁷. The Dialogue Fatwa Committee of the National Council for Islamic Religious Affairs in Malaysia delivered a fatwā in 2002 on the legitimacy of abortion for rape victims. However,

²⁵ Sami A. Aldeeb Abu-Sahlieh, *Abortion in Islamic and Arab Law* (Ochettaz: Center of Arab and Islamic Law, 1994), 5.

²⁶ Kiarash Aramesh, "Abortion: An Islamic Ethical View," *Iran Journal of Allergy Asthma and Immunol* 6, no. 5 (2007): 32.

²⁷ Aramesh, "A Shiite Perspective toward Abortion," *DARU Journal of Pharmaceutical Sciences* no. 1 (2006): 39.

they considered it unlawful if the fetus were older than 120 days, arguing that at this point the soul had entered the fetus. They also warned that unlawful sexual affairs should not be used as an excuse for abortion²⁸. The Jordanian Society for Islamic Medical Sciences also took up the issue in a series of seminars attended by Muslim jurists and experts in medical sciences in 1995. These discussions concluded that medical actions to avoid pregnancy, including emergency contraception, the morning after pill, and menstrual extraction should be allowed in case where victim presents immediately after the rape. If there is a positive pregnancy test representing establishment of the embryo in the womb, then termination is not permitted. However, some jurists argued in favour of termination of pregnancy prior to ensoulment at forty days and specified that the state of rape was a strong excuse, in view of its social and psychological ramifications²⁹. Finally, a Syrian scholar Muḥammad Ṣāliḥ al-Munajjid, who is residing in Saudi Arabia and recognized for establishing the website IslamQA.info, which offers replies to queries consistent with Salafi Islamic teachings and is the first person to introduce a website

²⁸ Umi Adzlin S. et al., "Termination of Pregnancy for a Muslim Rape Victim and Dilemma in Malaysian Setting: A Case Report," *Malaysian Journal of Psychiatric* 21, no. 1 (2012).

²⁹ Hossam E. Fadel et al., "Terminology of Pregnancy (TOP)," in *FIMA Year Book 2013: Encyclopedia of Islamic Medical Ethics-PART I*, ed. Hossam E. Fadel et al. (Amman: Jordan Society for Islamic Medical Sciences, 2014), 48-49.

signifying Islam in Saudi Arabia, declares that if pregnancy is a consequence of rape, then a woman has the option to have the child or go for abortion. However, she must do so within four months of conception³⁰. Moreover, it is the obligation of the community to nurture the child³¹. After discussing certain aspects of the offence of rape and injunctions related to abortion resulting from rape, according to the sharī‘ah, it is pertinent to examine existing Pakistani laws relating to these issues³².

1.3 OBJECTIVES:

1. To get opinion on whether rape-conceived pregnancies should be aborted.
2. To comprehend and advocate for changes to laws and policies that will better safeguard the rights of women who become mothers through rape.

1.4 HYPOTHESIS:

The victim's suffering may seem to intensify and last longer due to the pregnancy caused by rape. Therefore, the law ought to provide woman with the option of having an abortion in this circumstance.

1.5 RESEARCH METHODOLOGY:

³⁰ “Abortion of Pregnancy Resulting from Rape,” <https://islamqa.info/en/answers/13317/abortion-of-pregnancy-resulting-from-rape>.

³¹ Muhammad Saed Abdul-Rahman, *Jurisprudence and Islamic Rulings: Transactions-Part 5* (London: MSA Publications, 2007), 274.

³² Qurratul-ain-Minhas and Sammi Maqbool Naizi, “Abortion and Rape Laws in Pakistan: A Sharī‘ahBased Analysis”, *Islamic Studies* 59:3 (2020) ,363-367.

The primary sources used in this research were books, papers, and other pertinent research materials. The secondary sources of knowledge are books, periodicals, and online media. For this study project, an analytical and evaluative methodology has been used. The researcher has done a poll in Pakistan to determine whether Pakistan should ease its abortion restrictions, particularly in cases of rape leading to pregnancy, as implemented by other Muslim nations. Legal and medical officers were interviewed as part of the field study to get their thoughts on whether to terminate a pregnancy in cases of rape. The question to be answered: (i) Is rape-related pregnancy justifies abortion.? (ii) Do they believe that rape-related pregnancy causes major problems and seems to prolong the victim's suffering? (iii) Do they favour any amendments to the legislation that would allow rape victims to have abortions? (v) Do they consider that allowing women who become pregnant after being raped to have a safe abortion will improve their physical and mental well-being and save their lives?.

Data that may be categorised or ranked has been gathered in numerical form by using the quantitative research approach. In order to create raw data graphs and tables, this type of data was employed. The closed-ended questions on a questionnaire have been used to generate quantitative data, as such data can be put into categories (e.g., “yes,” “no” answers). By the

help of statistics, research has turned quantitative data into useful information to help with decision-making. Despite the fact that qualitative and quantitative research methodologies are on different scales, research targeted at identifying the issues facing rape victims employing various methodologies. It has been concluded that Pakistan should decide whether to choose abortion over rape in such cases and whether to change its current rape and abortion legislation.

1.6 DATA ANALYSIS AND PRESENTATION:

The researchers interviewed with 120 people, including advocates and medical officers, of whom 75 were legal officers and 45 were medical officers, in order to compile and write the fact-based data for this section of the research. It goes without saying that law is essential to social change. There is no denying that attorneys, both as individuals and as professionals, are frequently the creators of the law and rank among the key players in the restoration of the legal system and social order. The role of the legal counsel is to analyse new laws, proposed legislation, proposed regulations, lawsuits, and regulatory actions. Therefore, it was crucial to get legal counsel before suggesting a new law in light of this research. Doctors' opinions have also been sought out since they work closely with rape victims and are knowledgeable about the crime of rape and the stages of a foetus' development. A questionnaire was created to gather the

necessary data. The survey research is divided into two portions. The questions in Section 1 are designed to determine the legal counsel's opinion on the subject of rape and its effects, including abortion in cases where rape results in pregnancy, and the questions in Section 2 are designed to determine the medical officers' opinion on the same topic. The study was only conducted in Islamabad and Rawalpindi. This survey investigation was carried out within urban area. A survey opinion questionnaire has been employed to obtain the data for this study. Data analysis has been done using the Statistical Package for the Social Sciences (SPSS). Additionally, pie charts have been employed. Several individuals of various ages and professions conducted the survey. Drafts of the closed-ended questions were made. This section of the survey research focuses on the analysis, clarification, and discussion of data that was gathered through an interview schedule from two sets of respondents: medical officers and legal officers. To explain the research, the data are presented in tabular form. Here is a list of the outcomes.

1.6.1 RESULTS: RESPONSES OF MEDICAL OFFICERS:

Frequency Table of Responses

1. Abortion should be permitted if the pregnancy is the result of rape?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	41	91.1	91.1	91.1
	No	4	8.9	8.9	100.0
	Total	45	100.0	100.0	

- Data gathered reveals that 91.1% of medical legal officers, with a frequency of 41, agreed that abortion should be allowed if the pregnancy is the result of rape, and that only 8.9%, with a frequency of 4, think it should not be allowed regardless of whether the pregnancy is the result of rape.

2. At what stage of pregnancy, abortion becomes painful for the un-born baby?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Embryo	15	33.3	33.3	33.3
	Fetus	30	66.7	66.7	100.0
	Total	45	100.0	100.0	

Data gathered indicates that 33.3% of respondents (15%) believe that abortion is painful for the unborn child when it is in the embryonic stage, while 66.7% (30%) believe that it is painful when it is in the foetus stage.

3. At which stage abortion should be allowed in case of rape resulting pregnancy?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	At the stage of fetus	5	11.1	11.1	11.1
	As soon as pregnancy is confirmed	4	8.9	8.9	20.0
	At the stage embryo	8	17.8	17.8	37.8

	I do not know	28	62.2	62.2	100.0
	Total	45	100.0	100.0	

According to data gathered, 11.1% of respondents with a frequency of five believe that abortion should be permitted up until the foetus stage if the pregnancy was caused by rape, 8.9% with a frequency of four believe that it should be permitted as soon as pregnancy is confirmed, 17.8% with a frequency of eight agree that abortion should be permitted up until the embryo stage in cases of rape, and 62.2% with a frequency of twenty-eight have no opinion.

4. If a rape victim gets pregnant, the situation can be worse, it can compound and prolong the victim's mental and physical sufferings?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	35	77.8	77.8	77.8
	No	2	4.4	4.4	82.2
	To some extent	8	17.8	17.8	100.0
	Total	45	100.0	100.0	

- According to the information collected, 77.8% of respondents with a frequency of 35 believed that if a rape victim became pregnant, the situation could worsen, making the victim's mental and physical suffering worse. Only 4.4% of respondents with a frequency of 2 disagreed with this idea, and 17.8% of respondents with a frequency of 8 believed that the pregnancy could, in some cases, make the victim's suffering worse.

5. Providing safe abortion to women who get pregnant as a result of rape will improve women's mental and physical health, and will save lives

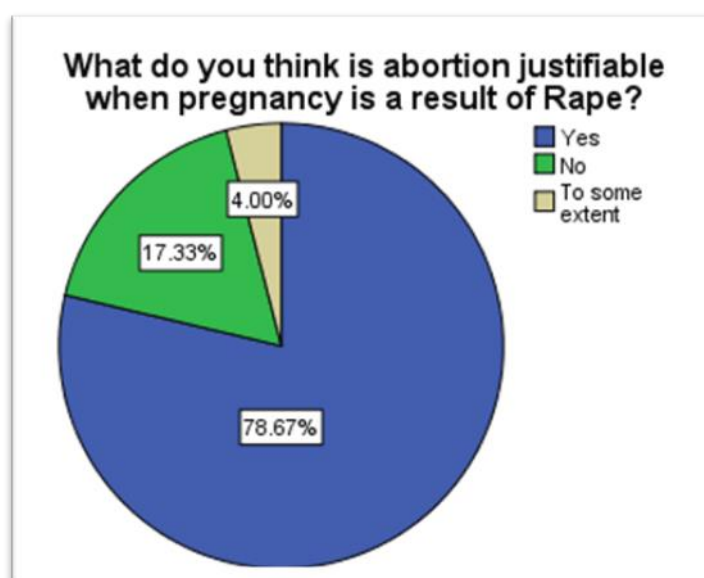
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	31	68.9	68.9	68.9
	No	4	8.9	8.9	77.8
	I do not know	10	22.2	22.2	100.0

Total	45	100.0	100.0
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According to data obtained, 68.9% of respondents with a frequency of 31 agreed that offering safe abortion to women who become pregnant as a result of rape will improve their mental and physical well-being and save lives, 8.9% with a frequency of 4 thinks it won't make a difference, and 22.2% with a frequency of 10 don't know whether it will. The remaining 22.2% don't know whether offering safe abortion to women who become pregnant as a result of rape will improve women's health and life or not.

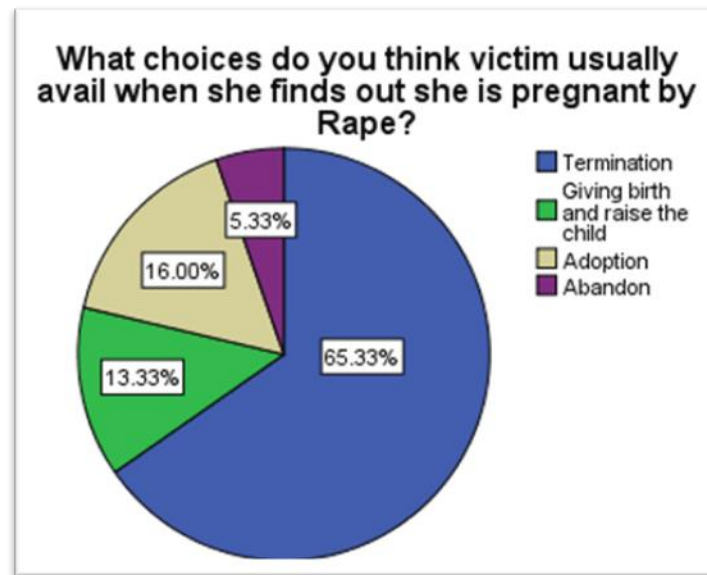
1.6.2 RESPONSES OF LEGAL OFFICERS IN THE FORM OF PIE CHARTS

Question#1



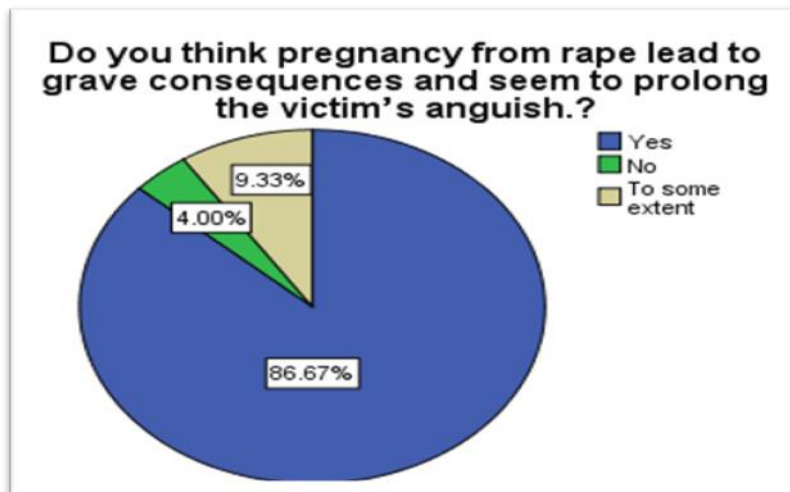
- ✓ This pie chart shows that 78.67% of lawyers believe that abortion is a justified option in cases when rape results in pregnancy, while 17.33% disagree and 4% believe it is somewhat justified.

Question#2



- ✓ The readings on this pie chart indicate that 65.33% of participants believe the victim may attempt to end the pregnancy by using unsafe methods, 13.33% believe she may decide to give birth and raise the child, 16% believe she may decide to place the child for adoption, and 5.33% think she may decide to abandon the child.

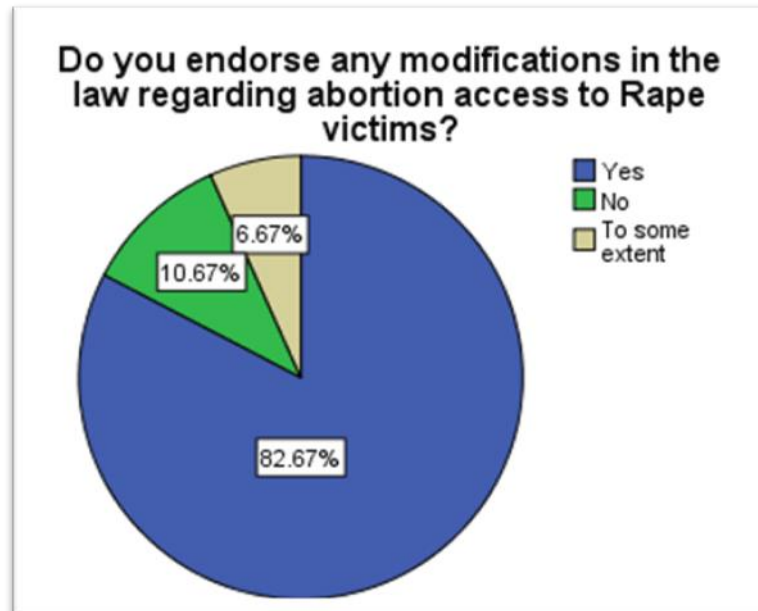
Question#3



- ✓ This pie chart shows that 86.67% of respondents agree that rape-related pregnancy has serious effects and seems to prolong the

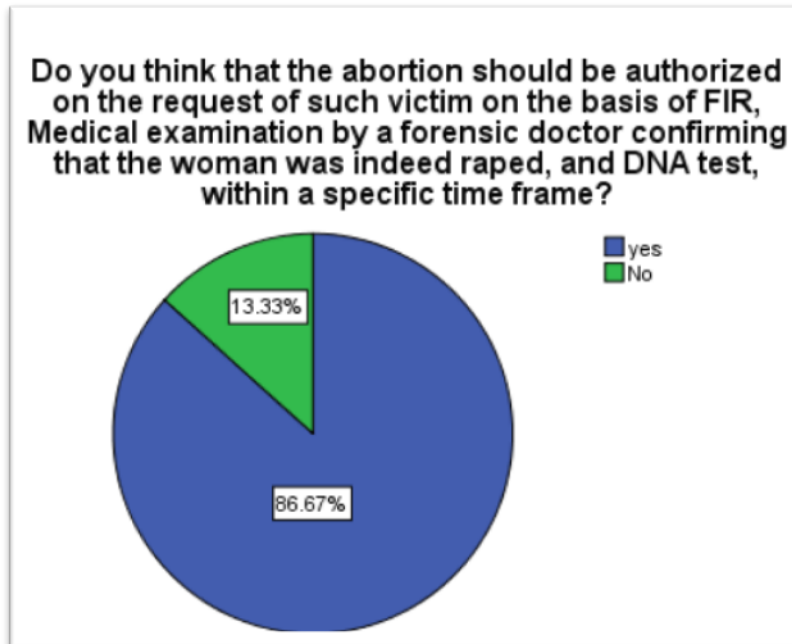
victim's suffering, whereas 4.00% disagree and 9.33% think it does so to some extent.

Question#4



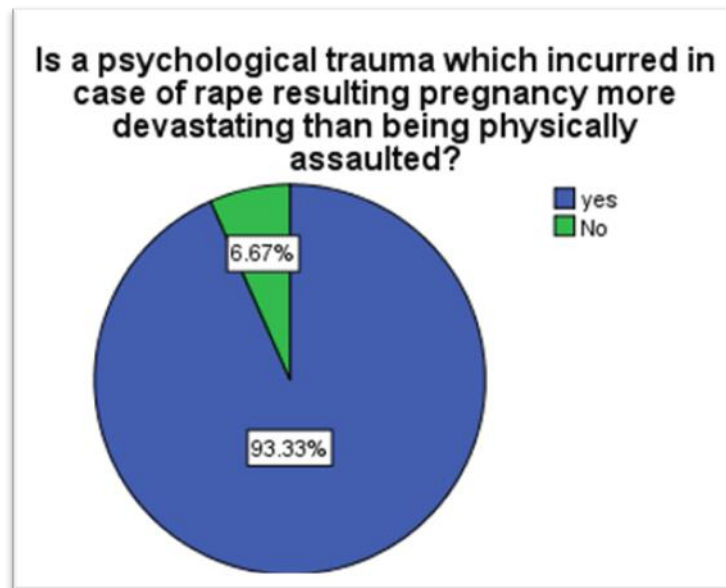
- ✓ 82.67% of respondents support changing the legislation to allow rape victims access to abortions, while 10.67% oppose the change and 6.67% are partially in favour of the change as long as the appropriate procedure is followed in such a circumstance.

Question#5



✓ 86.67% of respondents agreed that the victim of rape should be given permission to have an abortion if she so chooses, based on the FIR, a medical examination by a forensic doctor confirming that the woman was indeed raped, and a DNA test performed within a certain time frame. However, 13.33% of respondents disagreed with this idea.

Question#6



✓ This pie chart shows that 93.33% of respondents believe that psychological trauma sustained in cases of rape leading to pregnancy is more damaging than being physically raped, while 6.67% disagree.

1.6.3 DISCUSSION AND ANALYSIS OF RESULTS:

The first round of the survey research involved the distribution of 120 questionnaires, of which 45 were given to the medical officers of the government hospitals in Rawalpindi and Islamabad. According to 41 out of 45 respondents, abortion is a legitimate choice in cases when rape results in pregnancy and should be permitted in such circumstances based on the victim's claim. The remaining 75 questionnaires were distributed to male and female legal officers who work in Rawalpindi and Islamabad. 65 of the 75 respondents believed abortion should be permitted if the

pregnancy was the result of rape and that it was a reasonable option. The majority of doctors think that abortion can be painful for the un-born child at the stage of fetus. Some believe that it ought to be permitted before it reaches the foetus stage. Some people shared the opinion that in cases of rape, abortion should be permitted as soon as pregnancy is confirmed, while others thought it should be permitted up until the embryonic stage. The majority of responders, who were either medical or legal officers, agreed that it is an extremely important issue, and that we should end the silence, have a conversation about it, and propose laws to address rape-related pregnancies. The legal gap needs to be filled. Pregnancy can be critically upsetting for rape victims and prolong their sufferings on a mental and physical level. Pregnancy, which can occur from rape, is its other face or aspect, and legislation should be well-drafted to address this aspect. The victim ought to be allowed to choose her course of action and have access to legal counsel. This problem cannot be disregarded. Since abortion in this situation is not legal, many women are forced to go out unqualified assistance, which is dangerous and may endanger their lives. Additionally, it was said that women should have access to better reproductive health facilities, so regulations addressing that issue should be in place and implemented in a suitable and effective manner. In Pakistan, a large number of women are forced to have illegal abortions due

to a lack of legal clarity. More exclusions that are seen as religiously permissible and otherwise legal throughout the Muslim world, according to the respondents, are required. Nothing in Pakistani law serves as a guide for rape-related pregnancies. Unfortunately, a woman cannot likely request an abortion under such conditions. With the woman's consent, an early abortion can help the victims with a number of issues. Additionally, there is hardly any debate of the issue in the public realm, which hinders the reform process even more. Rape victims frequently become pregnant, but the law does not permit the termination of these forced pregnancies and does not assist in resolving the many issues these victims confront, necessitating a quick assessment of the necessary legal amendments and related legislative suggestions. The victim should have the freedom to choose, and if she decides to abort the child, then she should easily have access to safe and legal ways of doing so, according to their opinion. If she chooses to keep the child, the government should provide a full and appropriate support system, including financial assistance for raising the child and, most crucially, a respectable social standing. In addition to ensuring their recovery and reintegration into society, survivors must be supported throughout the criminal justice system. After doing this study, the researcher came to the opinion that rape-related pregnancy should be addressed by legislation. How could its fruit be tolerated when the crime

of rape is prohibited? The Pakistani government isn't doing anything right now. When an abortion is carried out in good faith to save the woman's life or to provide the necessary care, it is legal in Pakistan. However, the term "necessary treatment" is not well defined. In Pakistan, the topic of abortion is heavily stigmatised and is always swept under the rug when someone brings it up. A possible outcome of rape that can have harmful effects is pregnancy. Such pregnant women have no recourse or relief under our law. Rape victims must be given the option; they can choose to get an abortion, give birth to the child, or place the child for adoption. Pakistan's abortion regulations require change, and the exception for rape should be added. From the analysis of Islam's position on abortion, various approaches may be identified that there is possibility for the establishment of more lenient abortion regulations in society to better protect Muslim women's rights and health. The contemporary research scholars and mujaheddin should try to find solution to this social problem. Actually, since Islam was revealed to all people at all times, flexibility is at the core of Islamic thought, and its laws are meant to be adaptable.



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