

A comparative study on women's right to terminate pregnancy in Egypt and Vietnam

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Abstract: Pregnancy and childbirth are among the sacred responsibilities that nature has bestowed upon women. However, for one or more reasons, sometimes women have to terminate their pregnancies. The right to terminate their pregnancies, or the right to abortion, is always an issue with many different views around the world. Before discussing the views on supporting or not supporting women's right to terminate their pregnancies, the article presents the definition and classification of termination of pregnancy and, at the same time, introduces the methods of termination of pregnancy currently applied in the world. Although, medically, termination of pregnancy can be performed under certain conditions without endangering the life of the pregnant women, for religious reasons, termination of pregnancy is sometimes not recognized in some countries. Based on the international legal documents related to the right to terminate pregnancies that member states of these documents have ratified, the article analyzes the current legal regulations on the right to abortion in Egypt and Vietnam. Therefore, some recommendations are proposed in the legal system of Egypt and Vietnam in order to ensure women's right to abortion in these countries.

Keywords: *Abortion, Egypt, Termination of pregnancy, Vietnam, Women's rights.*

1. Introduction

One of the sacred responsibilities that nature has bestowed upon women is to conceive and give birth. However, for one or more reasons, women have to terminate their pregnancies. According to statistics, there are currently about 73 million abortions taking place worldwide each year. Among them, 6 in 10 or 61% of pregnancies are unintended and 3 in 10 or 29% of pregnancies end in induced abortion. Alarmingly, more than half of these unsafe abortions occur in Asia, mostly in South and Central Asia. In Latin America and Africa, the majority, about 3 in 4 of abortions are unsafe. Particularly, in Africa, nearly half of abortions occur in the most unsafe circumstances [1]. In Vietnam, the Family Planning Association said that on average, each year this country has nearly 300,000 abortions, of which 60-70% of the age group having abortions are students [2]. Vietnam is one of the 5 countries with the highest abortion rates in the world and the abortion rate among adolescents in Vietnam is the highest among Southeast Asian countries [3]. In Africa, although abortion is often unsafe, in Egypt, the estimated annual abortion rate ranges from 23 per 1,000 women aged 15-44 [4]. These statistics show that the abortion rate in Egypt is lower than in Asian countries, including Vietnam.

Termination of pregnancy or abortion is a complex topic that involves many different fields. In fact, abortion raises many questions related to ethics, religion, philosophy, medicine and even law. This is a topic related not only to national law but also to transnational and international law. The article gives the conception and classification of abortion and at the same time introduce the abortion methods currently applied in the world. In addition, the article also presents the views on supporting and not

supporting the right of women to terminate their pregnancy. Although the abortion rate in Asia is higher than in Africa, the number of abortions occurring in unsafe conditions is often in Africa. Therefore, on the basis of international legal documents related to the right to terminate pregnancy that member States of these documents have ratified, this article analyses the current laws on right to abortion in Egypt, a country in Africa, and Vietnam, a country in Asia. Therefore, some recommendations are proposed in the legal system of Egypt and Vietnam in order to ensure the women's right of abortion in these countries.

2. Methodology

The first method applied in this article is the descriptive statutory approach through legal research under the laws of Egypt and Vietnam. In addition, the analysis of regulations related to woman's right to terminate pregnancy in the international legal documents and domestic law is also used in this study. Moreover, a comparative method is adopted throughout this article in order to compare the provisions in Egypt and Vietnam on women's right to terminate pregnancy. Therefore, the article aims to ensure the human rights, social justice and gender equality in our society.

3. Results and Discussion

3.1. Overview on pregnancy termination and women's right to terminate pregnancy

Pregnancy termination, also known as abortion, is a way to end a pregnancy at the point where the fetus cannot survive outside the uterus [5]. Pregnancy termination can also be understood as the removal or expulsion of the fetus from the uterus. There are many similar and overlapping terms that can be confusing about abortion. Here are some definitions.

Firstly, for the term "*spontaneous abortion*", this is a pregnancy termination without medical intervention. This term is also used for miscarriage.

Secondly, for the term "*induced abortion*", it refers to abortion. It is the use of a medical procedure or medication to intentionally end a pregnancy. Other terms are "*elective abortion*" "*termination of pregnancy*" or "*therapeutic abortion*" if performed to preserve the mother's health) [6].

In addition, abortion can also be classified into therapeutic abortion and planned abortion. Therapeutic abortion is the intentional removal of the fetus but for the purpose of saving the mother's life or preventing the risk of serious and irreversible effects on the mother's health. Planned abortion is the use of reasons to ensure the number of children desired by the family or to control population growth to remove the fetus [7].

There are currently two methods of abortion. Medical abortion or medication abortion method means the women taking pills to end and expel the pregnancy. They can take the pills at home or at a health care facility. This is also called "*medical abortion*" "*at-home abortion*" or "Plan C". Surgical abortion is a procedure to remove the fetus. This procedure is performed in a clinic or hospital, so it is also called an "*in-clinic*" abortion. Which abortion method being the best fit depends on the women's health condition, pregnancy timeline (how long she has been pregnant) or their personal, medical situation [6].

Termination of pregnancy can come from different causes, for example, the women's health does not allow pregnancy, even affecting her life. Besides, personal reasons of women are not ready to be a mother or pressures from society and family or reasons for forced abortion such as the women beings sexually abused leading to unwanted pregnancy or the fetus having abnormalities or disabilities that make impossible to be maintained...

Termination of pregnancy is considered a type of right of women when they themselves are pregnant, biologically attached to their body is a fetus. They are the subjects who have the right to decide whether their pregnancy is suitable for their circumstances, suitable for their psychology and physiology and most importantly, suitable for their constitution and health. In this aspect, termination of pregnancy is considered a part of women's rights, the only subjects with their biological

characteristics that can naturally become pregnant. Therefore, when they decide not to continue the pregnancy or to abort the fetus due to the influence of the above factors, this seems to be associated with the rights to health or reproductive rights of women themselves. However, is there a difference between the right to terminate pregnancy and other rights related to reproductive health and is the right to terminate pregnancy in conflict with the right to life of the fetus?

3.2. *Views on women's right to terminate pregnancy*

There are different views on termination of pregnancy in the world today. The first view does not support termination of pregnancy. It prohibits abortion completely except for some exceptional cases, but with certain strict conditions. The opposite view is the view that supports termination of pregnancy, it means allows abortion.

3.2.1. *Unsupportive view on women's right to terminate pregnancy*

According to the anti-abortion view, from the moment the egg is fertilized, a new life begins, not the life of her or his father or mother, but the life of a new human being, which can develop on its own. It will never become a human being if it is not a human being from that moment on. According to this view, from the moment the zygote is formed, each fetus must be respected and treated as a natural person with the necessary rights of a human being, the most important of which is the right to life [8]. People often use many different methods to kill the fetus, which can be direct such as abortion, killing the embryo with chemicals or indirect such as contraception, birth control or menstrual regulation. These last methods are also classified as forms of abortion because they also include the ability to destroy the fertilized egg [7]. This is the view that opposes the right to terminate pregnancy through protecting the right to life of the fetus. However, we also need to note that the death of a fetus in the womb is not always caused by abortion.

Unsupportive view on women's right to terminate pregnancy argue that the fetus should be considered a child and so abortion is immoral and violates the right to life. Therefore, some countries prevent or even criminalize this activity. In an article, an author argued that abortion, if legalized, would lead to the risk of violating the right to life of the fetus. Legalizing abortion is only allowed when there are two signs, either a medical emergency or the victim is raped. In these cases, abortion deprives the fetus of its right to life, but saves the mother from danger [9]. Thus, abortion is legal if performed according to the provisions of the law, under appropriate indications, by authorized personnel and with adequate facilities and infrastructure. Abortion is illegal if performed without sufficient capacity, with rudimentary standards and infrastructure, often performed in secret and with many risks. Abortion violates two fundamental human rights, namely the right to life of the fetus and the right to equality of women. Therefore, to protect the rights of the fetus, illegal abortion must be criminalized and placed in the chapter of crimes against human life because its nature is an act of depriving an individual of the opportunity to live [10].

3.2.2. *Supportive view on women's right to terminate pregnancy*

In contrast to the above opinion is the supportive view on women's right to terminate pregnancy. This view does not recognize the right to life of the fetus. In fact, according to this view, true human beings must be beings who are capable of evaluating their own existence. A being becomes a human being when the ability to evaluate their life develops and will cease to be a human being when it loses that ability. Thus, the embryo cannot be a human being. Similarly, seriously ill patients are no longer human [11]. Therefore, killing deformed fetuses is necessary to avoid burdens for the family and for society. When discovering the deformity of the fetus through prenatal diagnosis, the mother should have the right to terminate her fetus.

For countries that allow abortion, it means supporting abortion because the fetus does not yet have full human qualities and so pregnant women still have the right to freely decide on their own bodies. In reality, there are many cases where pregnant women don't want or cannot continue the pregnancy and

give birth to a child because of health reasons, physical or mental conditions that do not allow it or unwanted pregnancy... Prohibiting abortion in these cases is forcing women to perform their motherhood when they do not want it or causing them disadvantages while performing their motherhood is a right, not an obligation of women. Moreover, the right to access health care services, including services related to family planning, is also a right that the United Nations Convention on the Elimination of All Forms of Discrimination against Women requires member States to ensure for women (Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women) [12]. Besides, in many cases, abortion must be performed for humanitarian reasons such as fetus with disabilities, fetus conceived due to rape, sexual assault, pregnant women under the age of 18... Prohibiting abortion in these cases can cause suffering to the pregnant woman, the child when born and those involved [13].

From a social perspective, societal views on whether or not to support abortion are often formed based on a mix of religious, moral, cultural values and views on human rights. Abortion rights advocates often emphasize women's right to self-determination over their own bodies, arguing that women should have the right to choose to terminate a pregnancy if they feel it is necessary for health, economic or other personal reasons. The feminist movement and international human rights organizations often support the women's right to terminate pregnancy. In fact, they argue that restricting abortion rights can lead to negative consequences such as unsafe abortions, increased mortality among women and violations of human rights. In contrast, anti-abortion groups often argue that abortion violates the right to life of the fetus. This is a right should be protected from the moment of conception. These groups often draw on religious values, particularly in religions such as Catholicism and Islam, where life is considered sacred from the moment of conception.

3.2.3. International legal documents on women's right to terminate pregnancy

At the international law level, the first legal document to mention is the International Covenant on Civil and Political Rights (ICCPR) adopted by the United Nations General Assembly on December 16, 1966 and entered into force on March 23, 1976. This Convention is part of the international human rights law system, along with the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, which is under the supervision of the Human Rights Commission, independent of the United Nations Human Rights Council. The clause 5 of the Article 6 of the ICCPR stipulates that: "*Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women*" [14]. In addition, inheriting the spirit of the 1959 Declaration on the Rights of the Child, the 1989 Convention on the Rights of the Child (CRC) states in its Preamble that "*The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth*" [15]. In addition, the clause 2 of the Article 6 of this Convention also stipulates that "*States Parties shall ensure to the maximum extent possible the survival and development of the child*". Accordingly, States have the obligation to protect children from the time they are still in the womb. This also means that, at the level of international law, the fetus is considered a living entity that must be recognized and protected. In other words, the right to life is of utmost importance. The survival as well as the physical and mental development of children must be respected and guaranteed by the member States of the Convention.

Next is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The clause 1 of the Article 12 of CEDAW states that "*States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning*" [12]. This can be understood as access to safe abortion services, where permitted by national law, is also part of the reproductive health rights that women should be protected. Moreover, the CEDAW Committee, which oversees the implementation of the Convention, has emphasized that women's rights to sexual and reproductive health are essential to achieving gender equality and eliminating discrimination. This Committee has also recommended that States Parties should ensure that women have right to make

their own decisions about matters relating to their bodies and reproductive health, including the right to access safe abortion services.

In addition to the two Conventions above, there are another international legal document for gender equality and women's empowerment such as Universal Declaration of Human Rights (UDHR), American Convention on Human Rights (ACHR), Committee on Economic, Social and Cultural Rights (CESCR) or Beijing Declaration and Platform for Action (BDPA)... These international documents do not directly regulate the right to terminate pregnancy but instead emphasize human rights, reproductive health rights and the right to privacy. These documents create a legal framework from which abortion rights can be inferred or argued depending on the interpretation of each country and their legal system. For example, the Article 4 of the ACHR provides for the protection of right to life from the moment of conception, which can be interpreted as not allowing abortion. However, member States have the right to make exceptions in their national laws [16]. The BDPA emphasizes women's right to control and decide on their reproductive affairs, but does not directly mention the right to terminate pregnancy. However, it does emphasize the importance of access to reproductive health services, including safe abortion services were legal. The Paragraph 96 of the BDPA states that "*the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence*". The Paragraph 106 (k) of the BDPA also calls on States to review their laws and regulations relating to women's reproductive health and take appropriate measures to ensure that women are not exposed to risks to their health or life as a result of unsafe abortion. This means that if abortion is legal, it should be safe and accessible [17].

3.3. Women's right to terminate pregnancy in Egypt

Egypt ratified the International Covenant on Civil and Political Rights on January 14, 1982 [18] the Convention on the Rights of the Child on June 6, 1990 [19]. Egypt also ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981, but maintained reservations to the Article 16 related to the equality in marriage and family life [20]. The Article 16 of the CEDAW instructs the government to ensure that women have equal rights with men in all aspects of family life, including in marriage and their role as mothers. According to the Article 16 (e) of the CEDAW, on a basis of gender equality, men and women have the same rights "*to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights*" [12]. By ratification of two Conventions, the International Covenant on Civil and Political Rights in 1966 and the Convention on the Rights of the Child in 1989, along with reservations in Convention on the Elimination of All Forms of Discrimination against Women in 1979, It can be seen that, in Egypt, abortion is illegal, in other words, voluntary termination of pregnancy is absolutely prohibited in this country.

In Egypt, more than 90% of the population is Muslim [21]. The 2014 Constitution of Egypt Shari'a is the main source of law. According to the Constitution, Islam is the religion of the State. The State, as a public legal entity, must comply with Islam in two aspects, on the one hand, faith (*din*), and on the other hand, politics and law (*dawlah=dunyâ*). In addition, the Egyptian Constitution also considers Islamic law as the main source of State law (Article 2 of the Egypt's Constitution of 2014 with Amendments through 2019) [22]. The term "legal personality" does not exist in Islamic law, so Islamic law does not have the definition of the term "legal personality". "Legal personality" refers to the ability to hold legal rights and obligations in a legal system, such as the ability to enter into contracts... The question is therefore the term of "capacity" ("dhimma" or "ahliya"), not the term of "personality" [23]. In fact, at the moment of conception, the child is considered an absolute or complete "dhimma" because it is the honorable child of Milliot and Blanc [24]. Moreover, the ability of the fetus to have rights and obligations is imperfect, and the ability to exercise rights and obligations is zero. Therefore, representation is always raised in these cases. That is the reason why the child is in the mother's womb. It also shows that the legal capacity of the child is limited. However, the child is an inseparable part of

human existence. The right to life is the most important right of the conceived child. The recognition of the existence of the conceived child as a human being has an effect in the field of Islamic criminal law. This right is expressed in the first case of prohibiting the execution of the mother until the birth of the child. The reason for waiting for the birth of the child is said to be to protect the conceived child, which is considered “respectable soul”. Respect for right to life of the fetus in Egypt is also expressed in the case of the mother committing a crime. In this case, Islamic jurists distinguish between crimes against the mother herself, which have nothing to do with the unborn child, and crimes that affect the unborn child. In addition, the guarantee of right to life of the fetus is also reflected in the fact that all schools of law in Egypt agree on the absolute prohibition of abortion from the moment a woman conceives in this country. This is evidenced by the fact that the Egyptian Criminal Code from 1937 (Articles 260 to 263 of Criminal Code of Egypt) [25] to the present has absolutely prohibited all forms of abortion in this country.

Abortion is not legal in Egypt because abortion is, in principle, a crime in this country. However, according to the Article 61 of the Egyptian Criminal Code, “*no penalty shall be imposed on a perpetrator of a crime he/she had to commit by the necessity of protecting himself/herself a third party from a grievous danger to one’s person...*”. This is a necessary provision to allow the right to terminate pregnancy in order to protect or save a woman’s life in Egypt. It also means that abortion is allowed in Egypt for the purpose of saving a woman from a serious danger that threatens her, such as the death... It should be noted that abortion is the only way to prevent this danger. However, according to the Article 29 of the Decree 238/2003 of the Ministry of Health and Population or Ministry of Health Decree 238/2003 on September 5, 2003, the doctors may only perform abortions for medical reasons that threaten the mother’s health. It must be done with the written testimony of two specialists. Moreover, because of the important reasons, the treating doctor must write a detailed report on the medical condition [26].

In 1998, the Grand Imam d’Ai-Azhar issued a Decree calling for abortion for single women who had been raped. Because victims of sexual violence are severely affected both physically and psychologically, affecting their daily life and future, especially for girls who are victims of rape. In 2004, a Bill was passed allowing abortion in cases of rape. However, the legislative process was unsuccessful. That is the reason why the only case of abortion considered permissible in Egypt is to save the life of the mother [23].

In conclusion, with the provisions of Articles 260 to 263 of the Egyptian Criminal Code, it can be seen that abortion is absolutely prohibited in Egypt, including cases of rape or incest. The only case where abortion is allowed in Egypt, stipulated in Article 61 of the Criminal Code, is when the woman’s life is threatened by the pregnancy.

3.4. Women’s right to terminate pregnancy in Vietnam

After gaining independence, Vietnam has paid attention to protecting human rights, including the rights of women and children. This was affirmed in the Article 14 of the 1946 Constitution and the Article 24 of the 1959 Constitution. The protection of women’s reproductive health has received increasing attention in the 1980 Constitution. Indeed, according to the Article 61 of the 1980 Constitution, citizens have the right to health protection. The State implements a system of free medical examination and treatment. Moreover, pursuant to the Article 47 of the 1980 Constitution, the State takes care of protecting and improving people’s health; building Vietnamese medicine in a preventive direction; combining modern medicine and pharmacy with traditional medicine and pharmacy of the nation, combining disease prevention with disease treatment, taking disease prevention as the main focus; combining the development of state health care with the development of people’s health care at the grassroots level. The State and society protect mothers and children; promote family planning. After 1980, a number of constitutional reforms were implemented, leading to the promulgation of the last two Constitutions of Vietnam, the 1992 and 2013 Constitutions [27]. Accordingly, human rights and civil rights have been increasingly improved [28]. If right to life of the fetus is considered an aspect of human rights, due to the unsupportive view on women’s right to terminate pregnancy, the Vietnamese Constitution does not recognize women’s right to abortion. On other words, if women have right to

self-determination over their own bodies, including the right to reproduce, abortion is allowed in Vietnam. Thus, with the current regulations, the Vietnamese Constitution neither recognizes nor denies women's right to abortion.

From the perspective of international legal documents, Vietnam has ratified the 1966 International Covenant on Civil and Political Rights. Vietnam is proud to be the first country in Asia and the second country in the world to ratify the 1989 Convention on the Rights of the Child on February 20, 1990 [29]. Accordingly, member States, including Vietnam, have the obligation to protect children from the time they are still fetuses. As one of the first countries in the world to sign the 1979 Convention on the Elimination of All Forms of Discrimination against Women on July 29, 1980 and ratify it on November 27, 1981, Vietnam has made many efforts to internalize CEDAW and develop laws on gender equality [30]. According to the clauses 1 and 2 of the Article 17 of the 2006 Law on Gender Equality, "*men and women are equal in participating in activities of education and communication on healthcare, reproductive health and use of healthcare services; in choosing and deciding on the use of contraceptive measures, measures to ensure safe sex, and prevent and control HIV/AIDS and sexually transmitted diseases*". Thus, contrary to the view that the fetus is a living entity that needs to be respected and protected, in Vietnam, women have the right to make their own decisions on issues related to their bodies and reproductive health, including the right to access safe abortion services.

The Vietnamese Criminal Code stipulates that illegal abortion is considered a crime in the Article 316 [31]. Accordingly, illegal abortion is understood as the act of aborting another person's fetus in any form in a woman without a license from a competent authority and performed by non-professionals. This act violates the provisions of the law on ensuring safety in medical examination, treatment and medical services by violating the regulations on medical examination and treatment. The crime is committed by performing an abortion for another person without a practice certificate or during the period of suspension from practice, providing abortion services without a license to operate or during the period of temporary suspension of operation, performing abortions beyond the scope of professional activities stated in the practice certificate, operating license; applying an abortion method that has not been recognized. If the pregnant woman agrees to the abortion, she is also considered an accomplice to this crime. The crime of illegal abortion stipulated in the Article 316 of the 2015 Criminal Code punishes those who perform illegal abortions for others with a maximum prison sentence of up to 15 years, in addition to administrative sanctions. Although there are quite strict sanctions, detecting, combating and preventing this type of crime is very difficult due to the sophisticated methods of operation of the subjects combined with the uncooperative attitude of the victims and their families towards the authorities [32]. From the provisions of the Article 316 of the Vietnamese Criminal Code, it can be concluded that legal abortion is allowed in this country.

According to the clause 1 of the Article 14 of the 2003 Population Ordinance, amended in 2008, in Vietnam, "*the State shall adopt necessary policies and measures to prevent the selection of unborn babies' gender so as to ensure gender equilibrium according to natural reproduction law; readjust the birth rate in order to have a reasonable age-gender population structure*". The purpose of this provision is to adjust the birth rate in order to create a reasonable population structure in terms of both gender and age. Therefore, this Ordinance affirms that the selection of fetal sex is strictly prohibited in all forms (Clause 1 of the Article 7 Population Ordinance in 2003, amended in 2008) [33]. This means that abortion for the reason of selecting fetal sex is strictly prohibited in Vietnam. In other words, abortion for the reason of selecting fetal sex is illegal in Vietnam.

In addition, Decision 4128/QĐ-BYT dated July 29, 2016 of the Ministry of Health on approving the National Guidelines on Reproductive Health Care Services recognizes safe abortion methods up to the end of the 22nd week of pregnancy [34]. Because, after the 22nd week of pregnancy, the baby officially has the shape of a miniature newborn, meaning that the baby has completed most of the necessary organs and parts of the human body [35]. This also means that all abortions after 22 weeks are unsafe and not permitted by law.

From the perspective of civil law, there is no official provision that a fetus is a human being. However, some provisions in the Civil Code indirectly recognize the fetus as a subject of rights [36] such as the right to inheritance in the clause 1 of the Article 660, the right to alimony in the clause 2 of the Article 593 of the 2015 Civil Code. This also means that, even though not yet born, the fetus is still protected by Vietnamese law in terms of inheritance and alimony. According to the Articles 609 and 610 of the 2015 Civil Code, any person, including a fetus as stipulated in the Article 613 of the 2015 Civil Code, has the right to inheritance by will or by law. Everyone is equal in terms of inheritance rights. In addition, the Article 613 of the 2015 Civil Code also affirms that the fetus is entitled to inherit on the condition that it is conceived at the time of inheritance opening and is born alive after the time of inheritance opening. Moreover, according to the clause 2 of the Article 593 of the 2015 Civil Code on the time limit for compensation for damage caused by life and health infringement, “*a person who is conceived is the child of the deceased and is alive after birth and is entitled to alimony until he or she is eighteen years old*”. However, to be entitled to inheritance as well as compensation for damage caused by life and health infringement, that person must be born and alive for at least 24 hours at the time of inheritance opening [37]. Thus, although not directly recognizing the fetus as a human being, Vietnamese civil law recognizes the rights and obligations of a fetus if the child is born and is alive afterwards.

In conclusion, with the above regulations, it can be seen that Vietnam does not completely prohibit abortion. In other words, termination of pregnancy is allowed in some special cases in Vietnam. This also means that abortion is a woman’s right, but a conditional right of woman in Vietnam.

4. Conclusion

From the legal regulations of Egypt and Vietnam, it can be seen that whether or not to allow right to terminate a pregnancy depends on many factors such as religion, morality, culture, economy, and society of the country, etc. The basis for considering abortion illegal in Egypt comes from protecting the right to life of the fetus. On the contrary, in Vietnam, stemming from protecting women’s rights, especially reproductive rights, safe abortion is allowed in Vietnam, but it must be ensured that this permission does not contradict or seriously conflict with the right to life of the fetus.

However, in the context of globalization today, society develops rapidly, the speed of internet and social networks is constantly increasing, people can access movies, newspapers and the internet more easily than before, leading to the commission of more and more crimes, including sexual assault crimes, in which women and girls are victims of these crimes. Sexual assault leaves extremely serious consequences for the victim both physically and mentally such as unwanted pregnancy, sexually transmitted diseases, psychological impact on the victim, psychological trauma... At that time, the provisions from the Articles 260 to 263 and the Article 61 of the Egyptian Criminal Code on abortion were not enough to regulate this issue. Therefore, amending and supplementing the provisions of the Egyptian Criminal Code in the direction of expanding the permission for abortion to protect women who are victims of sexual assault crimes, is necessary in this country.

In Vietnam, according to current legal regulations, safe abortion under 22 weeks of age is permitted. However, after 20 years of implementation, the 2003 Population Ordinance, amended and supplemented in 2008, has revealed many limitations and inadequacies, failing to meet the requirements of practice. At the time of promulgation of the Population Ordinance in 2003, Vietnam had not yet reached the replacement fertility level (achieved since 2006); the issue of gender imbalance at birth had not yet emerged and was at a serious level (starting from 2006-2007); the golden population structure has not yet appeared (since 2007) and the population aging period has not yet entered (since 2011) [38]. Moreover, many new legal documents have been issued recently, requiring changes in viewpoints, goals and measures to regulate population issues and ensure that population regulations are consistent and synchronous with the current legal system in Vietnam. Therefore, it is necessary to legalize the Population Ordinance in Vietnam at present. Accordingly, Vietnam needs to be more specific about the right to terminate pregnancy, clearly stipulating the conditions for abortion in order to prevent and stop illegal abortions that cause serious consequences not only for women but also for our society.

Transparency:

The author confirms that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

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