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ABORTION FOR MINORS: DO THEY NEED PARENTAL CONSENT? THE CASE OF KAZAKHSTAN

The requirement for parental consent for conducting abortion for minors has always been a highly debatable and controversial ethical issue. In terms of ethical debate, there are manifolded 'pros' and 'cons' of liberal legislation on abortion for the underage girls. Worldwide experience has revealed that the variations in the laws as well as the arguments for and against abortion for teenagers differ depending on geographical location, ethnicity, religion, and cultural peculiarities. This paper juxtaposes arguments in favor for and against parental consent, as well as neutral arguments neither for nor against, narrowing down the issue to the context of Kazakhstan. At the same time, the paper also uses ethical stances of virtuous and utilitarian aspects for argumentative purposes and touching upon the aspects of morality. In conclusion, the paper argues in favor for mitigating the access for underage girls in Kazakhstan on a legislative level and suggests that Kazakhstan should reconsider as well as readapt its regulation and laws on abortion in order to maintain health, happiness, utility, and reproductive abilities of future-to-be mothers. Thus, a law mitigating the access to abortion for youngsters could make a huge positive impact for both underage girls as well as the society to reach an agreeable consensus between the two.

Key words: abortion, Kazakhstan, minors, parental consent, ethics.

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Кәмелетке толмағандар үшін түсік жасату: оларға ата-аналардың келісімі қажет пе? Қазақстан ісі

Кәмелетке толмағандар үшін түсік жасатуға ата-аналардың келісімін беру туралы талап әрқашан жоғары даулы және даулы этикалық мәселе болды. Этикалық пікірталас тұрғысынан кәмелетке толмаған қыздар үшін жасанды түсік жасатуға қатысты либералды заңнаманың «оң» және «жағымсыз жақтары» бар. Әлемдік тәжірибе көрсеткендей, заңдардың өзгеруі, сондай-ақ жасөспірімдерге жасанды түсік жасатуға қарсы және оған қарсы дәлелдер географиялық орналасуына, этникалық, діни және мәдени ерекшеліктеріне байланысты әр түрлі болады. Бұл мақалада ата-аналардың келісімін жақтайтын және оған қарсы дәлелдер, сондай-ақ жақтамайтын және қарсы емес бейтарап дәлелдер қатар келтіріліп, мәселені Қазақстан контекстінде тарылтады. Сонымен қатар, қағазда ізгілікті және утилитарлы аспектілердің этикалық ұстанымдары дауласу мақсатында және мораль аспектілерін қозғайды. Қорытындылай келе, газет Қазақстандағы кәмелетке толмаған қыздарға қолжетімділікті заңнамалық деңгейде азайтуды қолдайды және денсаулықты, бақытты, пайдалылықты және репродуктивті қабілеттерді сақтау үшін Қазақстан өзінің ережелері мен аборт туралы заңдарды қайта қарастыруы керек, сонымен қатар қайта қарастыруы керек деп ұсынады. Осылайша, жасөспірімдердің түсік жасатуына қолжетімділікті жеңілдететін заң кәмелетке толмаған қыздар үшін де, қоғам үшін де екеуінің арасында келісімге келу үшін үлкен оң әсер етуі мүмкін.

Түйін сөздер: түсік түсіру, Қазақстан, кәмелетке толмағандар, ата-ананың келісімі, этика.

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Аборт для несовершеннолетних: нужно ли им согласие родителей? Случай Казахстана

Требование согласия родителей на аборт для несовершеннолетних всегда было очень спорным и противоречивым этическим вопросом. С точки зрения этической дискуссии существует множество «за» и «против» либерального законодательства об абортах для несовершеннолетних девочек. Мировой опыт показал, что различия в законах, а также аргументы за и против аборт для подростков различаются в зависимости от географического положения, этнической принадлежности, религии и культурных особенностей. В этой статье сопоставляются аргументы в пользу и против согласия родителей, а также нейтральные аргументы ни за, ни против, сужая вопрос до контекста Казахстана. В то же время в статье также используются этические позиции добродетельных и утилитарных аспектов в целях аргументации и касаются аспектов морали. В заключение приводится довод в пользу ограничения доступа несовершеннолетних девочек в Казахстане на законодательном уровне и предлагается, чтобы Казахстан пересмотрел, а также адаптировал свое регулирование и законы об абортах, чтобы сохранить здоровье, счастье, полезность и репродуктивные способности будущих мам. Таким образом, закон, ограничивающий доступ к абортам для молодежи, может оказать огромное положительное влияние как на несовершеннолетних девочек, так и на общество, чтобы достичь приемлемого консенсуса между ними.

Ключевые слова: аборт, Казахстан, несовершеннолетние, согласие родителей, этика.

Introduction

Abortion in its classical definition is defined as the expulsion of the fetus before it is so to say viable. In other words, it is the ability to live outside the womb of the mother. Abortion can occur as a result of miscarriage or induced abortion. Nowadays, in modern societies, the process of abortion itself is performed surgically by specialized physicians or doctors. However, not in all states this process is done safely or is even regulated on a legal basis. For instance, considering this issue in the context of a post-soviet state like that of Kazakhstan, where the topic on abortion is viewed by the society as a ‘taboo’ topic and has become highly controversial to discuss about, finding a golden middle between an acceptable legal basis and tolerable societal norm within the society is crucial not only to mitigate the issue of abortion itself, but also to regulate it on a national level to help those in need, in particularly the segment of the population among underage girls.

The main controversy on the topic of abortion revolves around the question of who makes the decision and concerning the morality of decision-making as well as the performance of the abortion process itself. Here, the aspects of whether the decision is done on an individual basis or by the state are debated. Today, the advancement in modern tech-

nologies and alongside with it the social changes that occur have become an essential part of modern state of the health of a society and the way how the topic of abortion is understood and reformed. But, at the same time it became a political issue to propagate the role of women and the choice of decision-making regarding one’s life and that of another life.

Rationale and Justification of the paper

At the end of last year, the Ministry of Healthcare in Kazakhstan proposed legislation that would allow teenagers over 16 years old to do an abortion without parental consent (Openasia, 2018: para. 1). Ministry of Healthcare Yelzhan Birtanov argued that minors have many responsibilities in private and professional life (Openasia, 2018: para. 13). He added that their rights are restricted even though they should have a right to any form of medical assistance (Openasia, 2018: para. 13). Experts argue that there are problems with the upbringing of teenagers that results in suicides and abortions (Openasia, 2018: para. 14). Besides that, Minister of Information and Communications of Kazakhstan Dauren Abaev commented that the proposition to adopt legislation was based on the idea of the United Nations Population Fund (Openasia, 2018: para. 15). However, the Ministry of Healthcare was forced to refuse

the proposition due to public discontent at the beginning of this year (24.kz, 2019: para. 1 and 2).

The problem of abortion is important in the Kazakhstani context since 40% of young men had at least 3 sexual partners (Sarbassova, 2019: para. 10). Additionally, Kazakhstan is considered to be one of the leaders of post-soviet countries in terms of fertility rate in the age group between 15 and 19 years old (Sarbassova, 2019: para. 25). According to official statistics, the average age of first sexual intercourse in Kazakhstan is 16.5 years old (Sputnik, 2018: para. 5). It is worth to note that the age of consent in Kazakhstan stands at 16 years of age (Aif.by, 2019: para. 1). The last trends demonstrate that this topic is sensitive even to the developed countries with consolidated democracies. For example, several states of the US prohibited abortion based on the religious and conservative values of their citizens (Bogdanovski, 2019: para. 3 and 5).

Research Methodology

In this paper, the decision of whether to allow abortion for minors will be discussed from a moral, legal and political aspect at a worldwide scale and within the context of a post-soviet state by drawing closer attention to the Kazakhstani context. The paper will firstly scrutinize points against abortion, followed by points for free abortion for minors in the second section. Lastly, the paper will make a small note on the neutral position in accordance with virtue ethics. For that, the paper will apply a qualitative content analysis from a theoretical aspect regarding the issue of abortion among underage girls in Kazakhstan. Hence, the paper studies and uses as reference official statistical documents, research articles or other forms of information. This way the paper examines and analyzes systematically the social phenomena of abortion via secondary sources of information.

Discussion & Results

Reasons against abortion among minors

Negative impact on physical and mental health

One of the major reasons against abortion is that abortion may have negative consequences on the health of minors. Doctors argue that there is a high risk of development of some illnesses, such as genital inflammation or menstrual irregularities among girls, who artificially terminated pregnancy during adolescence (Hairolla, 2019: para. 3). Gynecologist Zhanerke Azhetova argued that abortion among minors might even result into an infertility problem in

the future (Hairolla, 2019: para. 3). It is important to note that Kazakhstan tops within the list of top 10 countries in terms of abortions among teenagers (Hairolla, 2019: para. 4). It means that there are large numbers of teenagers who may face negative consequences from their decisions they take. Collett also found that doing abortion might increase the risk of development of breast, ovarian, and endometrial cancer (Collett, 2006:134). According to WHO 1970 publications, women who gave birth before the age of 18 are much less likely to develop breast cancer than women whose first birth was delayed until 34 or older (Collett, 2006:135). Abortion also increases the likelihood of death during childbirth of subsequent pregnancies that follow (Collett, 2006:136).

Abortion can have a negative impact not only on the physical health of the patients, but also on the mental health of the minors. Fergusson et al. have found that women who had experienced abortion have a higher risk of developing mental health problems, such as “depression, anxiety, suicidal behaviors, and substance use disorders” compared to not pregnant and pregnant non-abortion groups (Fergusson, Horwood & Ridder, 2006:16). The results were statistically significant for the age group 15-18 years as well (Fergusson, Horwood & Ridder, 2006:22). It is because abortion is considered a traumatic life event, which increases the likelihood of developing a mental illness (Fergusson, Horwood & Ridder, 2006:22). Bellieni & Buonocore’s findings support the argument that abortion has a negative impact on women’s mental health based on the review of 30 studies (Bellieni & Buonocore, 2013:301). According to them, there is a greater impact of abortion on mental health compared to childbearing (Bellieni & Buonocore, 2013:307). They found that even the birth of an unplanned child is less traumatic than doing abortions (Bellieni & Buonocore, 2013:308). Both suggested to carefully analyze women who experienced miscarriage and elective abortion to prevent possible mental illnesses among them (Bellieni & Buonocore, 2013:308).

Deprivation of the future of the victim

Another argument against abortion is that the loss of life of a potential human being. Marquis found abortion as immoral and a wrong thing to do (Marquis, 1989). He believed that killing is wrong and deprives the future of the victim (Marquis, 1989:190). Marquis argued that the victim would lose less in any other type of crime than killing (Marquis, 1989:190). The future of a fetus includes the same things as adult human beings (Marquis, 1989:192). Thus, abortion is considered the same

as the killing of an adult human being (Marquis, 1989:192).

Embryos are already human beings

The next argument against abortion is that embryos are already considered as human beings and abortion is an immoral action. Lee & George also support the claim that abortion is the wrong action to do (Lee & George, 2005). They started their discussion by highlighting the three important points regarding embryos (Lee & George, 2005: 14). First, embryo cells differ from their parents' cells from the first days (Lee & George, 2005: 14). Second, the embryo is human since it has the "genetic makeup characteristic" of human beings (Lee & George, 2005:14). Third, even though it is immature, the embryo is a complete organism (Lee & George, 2005:14). Both also argued that embryos couldn't be compared to sex cells, such as sperm and ova, and somatic cells (Lee & George, 2005:14). They consider embryos at the first stage of development of human beings (Lee & George, 2005:15). Lee & George argued that embryos already possesses some natural capacities to be considered as a human being, even if there is a need for some time to these capacities to be actualized (Lee & George, 2005:16). For example, the baby needs at least six months to reach the level of maturity where he can do some mental actions (Lee & George, 2005:18). In this regard, capacities to reason and to make choices are developed gradually (Lee & George, 2005:18). Thus, there is the only difference in the degree of development between embryonic human beings and the adult human being during its maturation stages (Lee & George, 2005:18). Moreover, both argued that parents have both special responsibilities to their child since the time the mother became pregnant (Lee & George, 2005:24). Death is considered as the worst kind of difficulty involved during pregnancy (Lee & George, 2005:24). According to Lee & George, adoption is a better option for parents who are not willing to raise their children (Lee & George, 2005:24).

No need to change legislation, parental consent is necessary

New argued that parental involvement laws are necessary to reduce abortion rates based on the research of almost all states in the US (New, 2008). New found out that the abortion rate reduced by 13.6 % after the parental involvement law was enacted in the state (New, 2008:1). In addition to this, the involvement of both parents reduces the likelihood of abortion by 31 % (New, 2008:1). Collett's findings justify this argument (Collett, 2006:130). Parental involvement is crucial since parents have adequate

knowledge and more life experience and can aid in dealing with possible negative consequences after abortion (Collett, 2006:130). Collett discussed several stories where parents could have prevented the worst consequences of abortion if their daughters informed them about the decision to do abortion (Collett, 2006:133). For example, a sixteen-year-old minor faced high fever and hemorrhage as a result of secret abortion (Collett, 2006:133). She continued to suffer and was not able to pay medical expenses and access parents' insurance since she was not willing to share with her parents her decision to make abortion (Collett, 2006:133). Gynecologist Alia Aldyngurova also argues that parental involvement is necessary to teach their children in order to let them know what could happen in life (Badigulova, 2019: para. 12). The discussion among a girl with a mother is necessary to avoid negative consequences in the future (Badigulova, 2019: para. 13 and 14). Aldyngurova also argued that girls often consult with their peers who lack life experience and the recommendations of whom may lead to mistakes (Badigulova, 2019: para. 15 and 16). She added it is worth trying to persuade a girl to not to do abortion since gynecologists are also considered as psychologists (Badigulova, 2019: para. 24).

Religious beliefs

One of the major factors against doing abortion is the religious belief of citizens. The main religion types in Kazakhstan are orthodox Christianity and Islam even though the country is secular. There is no single answer regarding when life begins, and abortion is allowed according to Islam (Life Charity Organization, 2016: para. 11). However, the majority of Muslims believe that abortion is prohibited after 120 days of pregnancy when a fetus supposedly becomes a living soul (Life Charity Organization, 2016: para. 11). Some Islamic scholars argue that women can do abortions before the 120 days of pregnancy only if there is a threat to her life or when she became pregnant as a result of rape (Life Charity Organization, 2016: para. 11). Similarly, Christians are also against abortion (Life Charity Organization, 2016: para. 1). The majority of Christians believe that human beings are God's creatures and abortion is a wrongdoing (Life Charity Organization, 2016: para. 1). Currently, Orthodox Christianity entirely opposes abortion (Life Charity Organization, 2016: para. 3). If the abortion is prohibited for adult people, it is prohibited for minors as well.

Utilitarian approach

There are also proponents of some ethical theories that do not support abortion, such as pro-life utilitarianism and Kantian deontology. One of them is

pro-life utilitarian. The first argument against abortion is that everyone has a right to life even though he may live in below-average quality of life (Walker, 2016: 1st point of paragraph 1). The second argument is that there is a very high demand for healthy infants (Walker, 2016: 2nd point of paragraph 1). The third reason is that an unwanted child can become a wanted one after the child was born (Walker, 2016: 3rd point of paragraph 1). The fourth argument is that mothers who thought that child would ruin her life were factually mistaken (Walker, 2016: 4th point of paragraph 1).

The argument regarding the potential adoption of babies seems reasonable in the Kazakhstani context. According to the UN, 33 000 teenagers became pregnant during the last 5 years (Almaty TV, 2018: para. 3). One-third of these teenagers made an abortion (Almaty TV, 2018: para. 3). At the same time, 20 000 couples in Kazakhstan treated against infertility each year (Aladina, 2018: para. 1). Thus, if minors decide to not to do abortion, they will find a large number of families who are ready to accept unwanted children. It means the utilities of the population would increase in such cases since the interests of both sides are satisfied.

Some experts believe that the increase of the Kazakhstani population is important in terms of national security perspectives. For example, sociologist Timur Aisautov believes the increase in birth rate will help to solve the problem of the sparse population in Kazakhstan and in dealing with external risks (Ivanov, 2019). Thus, he argued that there is a need to consistently implement the promotion of fertility among Kazakhstani citizens (Ivanov, 2019: para. 8). Otherwise, Kazakhstan may have problems because of its large territory and very low population number (Ivanov, 2019: para. 12). This argument can be interpreted in the following way from utilitarian perspectives: higher the birth rate, the higher the overall utilities of the population. As a result, this means that the decision to not make abortion may help to increase people's utility.

Deontology ethics approach

According to deontological ethics, there are certain principles that determine whether actions are moral or non-moral (Stefan, 2014:927). Some representatives of the medical community argue that killing of any form is not accepted and cannot be justified (Zamora & Vicco, 2019:531). That is why abortion is an immoral act (Zamora & Vicco, 2019:531). Abortion is considered as non-moral based on the Kantian categorical imperatives (Stefan, 2014:932). Kantian deontology is reinforced by Christian religious beliefs (Stefan, 2014:932). These imperatives

tell us that life is a gift that was created by God and that its will cannot be challenged (Stefan, 2014:932). It means that no one has a right to terminate the life of God's creatures (Stefan, 2014:932). That is why abortion is considered as a sin that breaks natural balance (Stefan, 2014:932).

Reasons for abortion with no parental consent for minors

Women themselves are the only ones to decide what to do with their bodies

One major argument in favor of allowing abortion in general and abortion for minors is women's reproductive choice. Possessing this unique ability to give birth, women are entitled to have the choice over when and whether at all to have children. A basic argument regarding bodily rights and abortion goes as follows: "A woman has the right to decide what she can and can't do with her body. The fetus exists inside a woman's body. A woman has the right to decide whether the fetus remains in her body. Therefore, a pregnant woman has the right to abort the fetus." (BBC, n.d.: 2nd paragraph of section on "Bodily rights"). Following this sound argumentation, control over one's fetus obeys the same logic proposed by Phillips A. – bodies can be treated as objects of one's ownership (Phillips, 2011:726). Just as women can choose whether to give consent to a marriage, do piercing, tattooing, and other body-related activities; they should be able to remove anything within her body that discomforts her (Phillips, 2011:728). But does the same logic apply to minor's aged 16 and below? Indeed, it does. Young and teenage girls are soon-to-be women, which is why identical laws and regulations should apply to them. Preventing them from having the choice of conducting or not conducting abortion can negatively affect their reproductive abilities later in life (Advocates for Youth Organization, 2019).

The very fact of ownership of their own body, gives women an opportunity to be independent and determine their future. In the 1992 decision on 'Planned Parenthood', O'Connor stated that along with women's ability to be engaged in the country's economic and social processes, they should doubtlessly have an ability to regulate their reproductive process in order to equally take part in the economic and social life of the state (O'Connor, et al., 1992). It's a matter of 'women's liberation' and should be granted to all women including minors (Toobin, 2013: para. 2).

The experience of the United States of America clearly illustrates that each year more and more states tend to allow and mitigate the legislation on abortion for minors, not mandating parental con-

sent. Those law amendments do make a difference, granting women more autonomy over their lifetime as well as equal citizenship rights and equal opportunities. For Kazakhstan, a lot less of a liberal state with full of conventional and conservative views, it would be even more essential to permit abortion for minors, as roughly over more than 5000 underage girls get pregnant every year (Tusupbekova, 2018: para. 1), and nearly one out of twenty teenage girls are married in the country (UNFPA, 2013: para. 1). Such striking statistics demonstrate that inability to abort an unwanted child at an early age pushes young girls to marriage or, worse, single parenthood at a very unstable and immature age. The right to have control of their bodies and fetuses would definitely improve the situation in Kazakhstan by giving women more civic freedoms and a choice to make.

Requiring parental consent does not stop abortions – it just makes abortion less safe and fuels stigma of ‘Uyat’ (Eng. transl. ‘shame’)

Parental involvement laws, banning abortion opportunities for minors under 16, tend to have no effect on the birth rate and pregnancy among minors (Joyce, 2010: 3rd paragraph of section on “Results”). Several researches have revealed that the law on parental consent regarding abortion for underaged has no clear impact on birth rates or abortion rates (The Alan Guttmacher Institute, 2004) (Haas-Wilson, 1996). In the case of USA, “Parental involvement laws have led to an increase of minors travelling to states that do not mandate parental involvement or are less restrictive to seek abortion care. However, this is also an inaccessible option for many young people as the cost and distance of travel as well as some state requirements of multiple appointments before receiving abortion care can be prohibitive.” (Advocates for Youth Organization, 2019: 3rd paragraph of section on “many negative outcomes, few positive ones”).

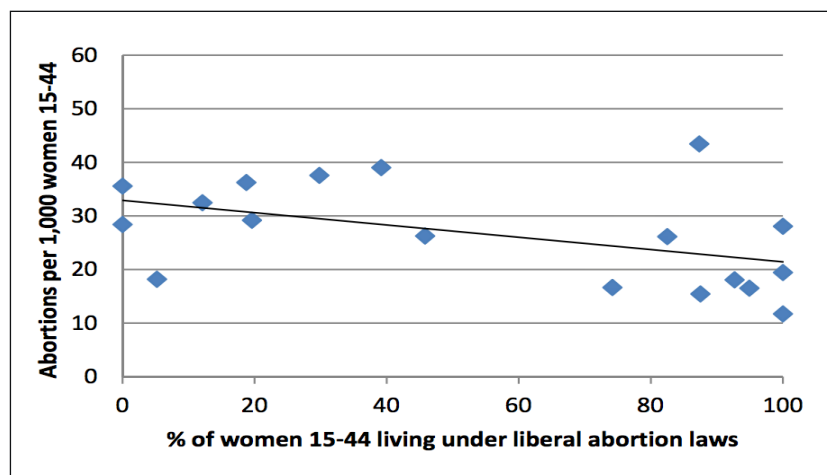


Figure 1 – The association of the abortion rate with the prevalence of liberal abortion laws by subregion, 2008

As many instances have demonstrated, laws on parental involvement only disproportionately affect underage girls in their further life outcomes, forcing some of them to find other illegal means of abortion, putting their health at risk. Alternatively, research done by Sedgh, Gilda et al. in 2012 for the medical journal “The Lancet” indicated that regions with more liberal abortion laws had smaller abortion rates (Sedgh, Gilda et al., 2012:1). Of course, it cannot be denied that in other countries parental involvement sometimes showed correlation with the decrease in abortion rate, yet in most of the cases the two were inversely correlated. In Figure 1 above

shows how women tend to do abortions less in places where abortion is either not restricted or there is a liberal legislation regarding abortion (Sedgh, Gilda et al., 2012:25).

Moreover, parental involvement in decision-making regarding abortion does not really guarantee that a teenager will actually negotiate abortion process with her parents. Notifying the parent is very problematic and unwanted, especially in the Kazakhstani context, where topics on abortion are generally considered to be taboo. Therefore, the outcome of an underage pregnancy actually depends not on the legislation and parental consent, but on the relation-

ship that minors maintains with their parents. If she is afraid, ashamed or simply unwilling to share her pregnancy situation, she will find other alternative ways to carry out an abortion. The survey conducted among 4360 teenagers between the ages of 15-19 from all over Kazakhstan revealed that 16.7% of the respondents were pregnant at least once (Zhulmukhametova, 2018: para. 2 and 3). Aizhan Shabdenova, Head of the Data Analysis and Processing Department at the Public Opinion Research Center, noted that in most of the pregnancy cases young girls ended up in childbirth (Zhulmukhametova, 2018: para. 4). “22% respondents had safe abortions in the medical centers, while 16% had miscarriages. The prevalence of abortions at home among teenage girls was 2%.” (Zhulmukhametova, 2018: para. 4). As statistics reveal, some females still conduct the procedure of abortion at home, which is both dangerous and illegal (Zhulmukhametova, 2018: para. 4). All this is due to the fact that shame – ‘*Uyat*’ – and stigma associated with it from the side of girls’ parents and relatives do not allow them to consult anyone. Thus, leading to unsafe abortions that put the health of the girls at risk. Executive Representative of the United Nations Population Fund, Raimbek Sisemaliev added that in a study by the UN it was found out that adolescents usually do not seek any kind of medical help because they are shy, or fear ‘*Uyat*’ or they do not possess enough money to pay for the abortion procedure (Zhulmukhametova, 2018: para. 18). Perhaps, if the situation with the legislation was different, many unwanted childbirth cases could have been prevented. Even the Vice Minister of Healthcare of the Republic of Kazakhstan, Lyazzat Aktayeva, at a meeting of the social council at the Nur Otan Party in the Mazhilis proposed that abortion for girls from 16 years old without the consent of their parents should be introduced in Kazakhstan in order to tackle the problem of unwanted underage pregnancy and marriage, as well as further shaming and stigmatization of the pregnant girls (Zhulmukhametova, 2018: para. 19).

Ban on abortion for minors leaves them with no future: Kazakh culture, underage marriages, and ruined life

Another worldwide accepted argument against parental involvement in abortion for minors is the risk of hindering a girl’s future. Utilitarian people, in other words, would argue that girls’ overall utility would drop as a consequence of getting pregnant, i.e. not being able to pursue a degree, get a job, and etc. Pregnant girls’ low utility will prevent them from aiding the state to bring more tax income, be present in the labor force, and so on, which is why a

utilitarian would assure abortion for minors should not be restricted. Consequentialists would also agree on allowing abortion for minors, as it would bring them a difficult future, resulting in negative consequences. European countries acknowledge these arguments in favor of more liberal laws on abortion for teenage girls, even though pregnancy and marriage rates among minors are not as high in Europe compared to Kazakhstan (Humby, 2014). This is primarily due to the fact that even in countries requiring parental consent for underaged in order to carry out abortion procedure, parents do give their consent (Part, Moreau, Donati, et al., 2013). In Kazakhstan, however, the situation is very much different and exacerbated by cultural traditions and norms that have been established within the society.

Critical arguments against parental consent regarding abortion for minors in the context of Kazakhstan are local traditions encouraging underage marriages. Teenagers begin their reproductive life approximately at the age of 14-15 in Kazakhstan, both girls and boys, but have very little knowledge of contraceptives, especially in the rural areas, leading to unwanted pregnancies followed by unwanted or unhappy marriages. In the report on child marriage in Kazakhstan, a local official noted that, “Under [Kazakh] legislation, marriageable age... can be reduced to 16 if there are good reasons, such as pregnancy. Registration of such marriages is secretive, and we only become aware of the fact of the early marriage at the point when the citizens apply for official registration...” (UNFPA, 2012:3). Girls usually do not even have a choice to abort unwanted child and avoid miserable marriage, despite the fact that the official law says they can carry out abortion if their parents allow them to. In the Kazakh culture notwithstanding the age of the girl, abortion is non-negotiable, and parents would search a spouse for their daughters instead of helping them to not ruin their future lives.

The coordinator of the national programs of the United Nations Population Fund (UNFPA) Gaziza Moldakulova states “... over the past five years in Kazakhstan, on average, about 1,200 under-aged girls marry each year. Sometimes this figure reaches 3,000. If you imagine the proportion of child marriages in the total number of marriages in the country, this is 7%, and in 2013 it was 8.3%” (Voronina, 2019: para. 4). Such alarming numbers remain in place owing to the fact that 1) minors are poorly educated about reproduction and sex and 2) have little or no choice to do abortion. Kazakh culture used to and still does encourage large families with several children, so parents sometimes even see it as good

news when they find out that their daughter is pregnant. Some could claim that it might be for the better of the girls to get married early and lead a decent family life, yet the reality does not really show so. Young girls end up literally as “slaves” of their husbands and relatives, unable to neither access education nor have a job. A child spouse commented in her report for UNFPA: “There were problems both during pregnancy and after the birth, but my mother-in-law thought it was nothing to worry about: it happens to many women and that’s how it should be. My mother-in-law said I should put up with all the pain.” (UNFPA, 2012:6). Getting pregnant too early, the young spouse regretted her inability to do abortion. If it were not for the legislation, she would have changed everything needed to escape the life she lives now. Many other cases were revealed during the study, indicating that unwanted pregnancy and ban on abortion for minors without parental agreement can indeed ruin girls’ future lives.

Position in between. Virtue ethics: neither against nor for abortion

There is no single answer from a virtue ethics approach in regard to doing abortion. In the case of abortion, it is important to consider what a “virtuous” person would do in the same circumstances (Schroeder, 2011:45). The action is considered as morally right or wrong depending on the circumstances that led to the particular decision (Schroeder, 2011:50). For example, if a woman decides to do an abortion based on the good reasons that were analyzed in a serious and responsible manner, then her decision can be considered as morally right decision (Schroeder, 2011:50). If the potential mother has more important and worthwhile activities to do, abortion will be considered as a reasonable decision (Schroeder, 2011:50). At the same time, the decision to do abortions because of fear to be a parent or selfish needs of the potential parents is considered as wrong according to the virtue ethics approach (Schroeder, 2011:51). Similarly, the decision not to do abort is considered reasonable since parents value the importance of life and interested in upbringing their child (Schroeder, 2011:51). Thus, the rightness or wrongness of an action depends on whether a minor acts virtuously or non-virtuously in particular circumstances. The status of the fetus also

affects the decision in virtue ethics (Emecz, n.d.: 1st paragraph of section on “Virtue Ethics”). If the fetus has the same rights as human beings, abortion can be considered as a wrong action from virtue ethics perspectives (Emecz, n.d.: 2nd paragraph of section on “Virtue Ethics”). For example, some countries, such as the UK and the US do not give human rights to the fetus (Emecz, n.d.: 2nd paragraph of section on “Virtue Ethics”). Thus, the fact that whether the fetus has human rights can affect a kind, temperate, courageous person’s decision regarding abortion (Emecz, n.d.: 1st paragraph of section on “Virtue Ethics”).

Conclusion

Allowing or not allowing abortion for minors without their parents’ consent is a very dichotomous issue. In terms of ethical debate, there are manifold ‘pros’ and ‘cons’ of liberal legislation on abortion for the underaged. Worldwide experience has revealed that the variations in the laws, as well as the arguments for and against abortion for teenagers, differ depending on geographical location, ethnicity, religion, and cultural peculiarities. Nevertheless, there is a common trait which shows that ban on abortion for adolescents does not lower neither birth rate among them nor their pregnancy incidence, which is why parental consent for carrying abortion for minors does not make much sense. In particular, Kazakhstan should reconsider its regulation and laws on abortion in order to maintain health, happiness, utility, and reproductive abilities of future-to-be mothers. Kazakh culture and traditional views on childbearing and marriage exacerbate the situation for pregnant teenage girls, for they are hardly able to obtain parental consent for abortion, thus ending up with several children and unwanted husband. Thus, a law mitigating the access to abortion for youngsters could make a huge positive impact. At the same time, it would be crucial to reconsider some religious beliefs and mental health issues if the legislation is to be introduced. Major factors preventing Kazakhstani government to introduce the law allowing for free abortions for minors are Islamic religion and Kazakh teenagers’ mental and physical immaturity and instability to make proper decisions on their own.

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