

## **Abortion as a Human Right in the Criminal Laws of Iran and Iraq**

Abortion is a crime and a violation of norms that exists in all parts of the world, and various legal theories have been proposed about it, each of which has its supporters and opponents. Regardless of whether these theories are correct or incorrect, abortion is not desirable because it takes the life of a human being who has not yet been born; therefore, the adoption of preventive policies is expected by governments in this criminal issue. In Iran, the criminal legislator, in accordance with Islamic jurisprudence, has considered preventive punishments for this matter, which have been specified by Article: 716 of the Islamic Penal Code. The legislator has not considered this rule absolute and has permitted it by approving a single article entitled: The Therapeutic Abortion Law, in 2005, if the mother's life depends on this action. In the Iraqi Penal Code, the punishment for those involved in abortions is 7, 10, and 15 years in prison, depending on their expertise and the mother's consent. If a woman performs an abortion herself, she can face up to one year in prison and a fine of up to 100 dinars. In Iraqi law, there is no possibility of referring to jurisprudential sources, and only legal sources are considered as criteria. What are the differences and similarities, strengths and weaknesses of the crime of abortion in the criminal systems of Iran and Iraq? It seems that our country has performed better in terms of prevention, and at the same time, the lack of severe punishment has reduced its deterrence; this situation is the opposite in Iraq. Today, abortion has become a social problem and the concern of legislators is to deal with it. From examining the laws, the difference in criminal policies of Islamic countries regarding abortion is evident. With this comparison, it is possible to propose a reform of Iran's policies regarding abortion.

Based on the presented material, the following conclusions are reached: The legislator of the Islamic Republic of Iran has limited the punishment for abortion to blood money only, while Iraq has also imposed a Ta'zir punishment for it. The aspect of crime prevention should be increased. Intelligence measures to identify abortions are performing poorly in both Iran and Iraq. Administrative incoherence in combating abortion is evident in both countries. In the field of monitoring measures to combat abortion, the Iraqi government has performed somewhat better, but due to administrative incoherence, the desired result has not been achieved. In the field of preventing the sale of abortion devices, the Iraqi government has performed better, but due to the failure to combat smuggling, these measures have not been very effective. Strict criminalization has caused hardship and embarrassment and forced movement towards crime, and there is a need to increase the number of legal abortions. The competent authority to handle the issue of abortion is the police, and health personnel are required to cooperate with this institution. The selection of medical personnel as judicial officers is considered a mistake. The specific situation of our country's health system, which has entrusted training, recruitment, and supervision to the Ministry of Health, has presented the problem of lack of independence in dealing with abortion violators, which is considered a historical mistake. Promoting family planning information in any demographic policy situation is necessary to prevent abortion. In general, the criminal policy of both Iran and Iraq in dealing with abortion is considered incomplete.