



Post-abortion care: Ethical and legal duties

Bernard M. Dickens*

Faculty of Law and Joint Centre for Bioethics, University of Toronto, ON, Canada

***Correspondence**

Bernard M. Dickens, Faculty of Law, University of Toronto, ON, Canada.
Email: bernard.dickens@utoronto.ca

Abstract

Women who experience complications from abortion, whether unlawful or lawful, induced or spontaneous, need immediate post-abortion care. Delay in providing care might cause women's avoidable disability, lost childbearing capacity, or death. Rendering care is not an abortion procedure nor illegal, and does not justify conscientious objection. Harm reduction strategies to reduce effects of unsafe abortion may legitimately inform women who might consider resort to abortifacient interventions of their rights to professional post-abortion care. Healthcare practitioners' refusal or failure to provide available care might constitute ethical misconduct and attract legal liability, for instance for negligence. States are responsible to ensure healthcare practitioners' and facilities' provision of post-abortion care, including both medical care and psychological support, delivered with compassion and respect for dignity, and to suppress stigmatization of patients and/or caregivers. Mandatory reporting of patients suspected of criminal abortion violates professional confidentiality. States' failures of indicated care might constitute human rights violations.

KEYWORDS

Abortion; Conscientious objection; Induced abortion; Lawful abortion; Post-abortion care; Spontaneous abortion; State responsibility