Author’s response to reviews

Title: Global Abortion Policies Database: a descriptive analysis of the legal categories of lawful abortion

Authors:

Antonella Lavelanet (aflavelanet@yahoo.com)
Stephanie Schlitt (stephanieschlitt@hotmail.com)
Brooke Johnson Jr (johnsonb@who.int)
Bela Ganatra (ganatrab@who.int)

Version: 1 Date: 01 Oct 2018

Author’s response to reviews:

Reviewer One:

Comment: Word missing at line 88
Response: Thank you for drawing our attention to this, this has been corrected.

Comment: Word missing at line 114. Should read "strengthening of knowledge…"
Response: Thank you for drawing our attention to this, this has been corrected. This has also been corrected in the abstract.

Comment: Reference for the evidence referred to in line 416? Further detail or a supporting example might be helpful here.
Response: Thank you. A supporting example and reference have been provided.

Comment: Reference for example referred to in lines 436-439? Response: The names of the four countries have been included now (line 496-497); these countries are discussed in greater detail under the section “claim of distress.”

Comments: The "conclusion" section would benefit from some further consideration. The paper initially sets out to "discuss the implications for access to safe, legal abortion". At times, the link
between the ambiguity of the legal classifications and the resulting implications for access appears to have been lost. I would have liked to have seen further discussion of the implications for access and the significance of same. The conclusion section also presents an opportunity for the authors to capitalise on the relevance and significance of their findings in relation to what is, undoubtedly, a very topical issue at present. Do the authors have any recommendations/thoughts about directions for future research? Response: We thank you for your comment and agree that the discussion for implications can be further expanded. On review, we believe that the implications for access are impacted by many factors which are beyond the scope of this paper. We have adjusted the title, and redefined our objective, as to limit the application of these findings, but do provide some discussion of some of the additional factors that impact access (lines 529-539). We have also included the reviewer’s suggestion related to the recommendation for future research (lines 556-559).

Reviewer Two:

Comment: This piece is interesting and processes some of the data available at the GAPD. It is not clear to the reader what is the research question that guides the research and justifies the research design. It is also not clear to the reader what is the scholarly contribution intended with this piece. Line 102 seems to indicate that the concern is the lack of readily accessible information for abortion providers and women. Response: We agree with the reviewer that our objective can be clearer. We have thus modified the background to include additional information related to the lack of clarity that exists within legal texts related to abortion entitlements, and have provided an objective statement (lines 102-114, 129-132, and 136-139).

Comment: In the background, the terminology needs to be improved. In domestic laws you can find the legal status of abortion (whether is criminalized, whether criminal sanctions are waived in certain circumstances but still regulated as a criminal matter, whether is a regular medical procedure, etc). These distinctions are important and need to be fleshed out. Response: Thank you for your comment. We have expanded on the various regulatory aspects in the background in lines 98-100 and 107-110.

Comment: The methodology needs to be discussed further. It is not clear why they focused on 158 countries and what was the inclusion/exclusion criteria. There should be a limitations section in which this is clearly stated. Furthermore, are the laws with abortion on demand counted in the other grounds? They would be as they include all the other grounds but this needs to be specifically stated.

Response: We apologize for the confusion. Information related to inclusion/exclusion criteria was previously noted in the footnotes, but we agree that this is needed explicitly in the methods section. We have edited the methods to include this information, as well as clarifying
information related to abortion on request, and the way in which this legal category is coded in the database and reflected in the paper (edits to lines 145-148, 151-152, 157-176).

Comment: The results need to be clarified. Stating "Thirty-two percent of countries permit abortion at the woman's request with no requirement for justification" may be misleading as countries generally have gestational periods in which abortion can be accessed on demand.

Response: Thank you for your comment. We have provided information related to the gestational period at the end of this section to be consistent with how we addressed gestational limits in each section related to all access grounds.

Comment: The authors state in lines 145-146: "All but one country (Viet Nam) impose gestational age limits on women accessing abortion on request. Typically, abortion on request is available up to 12 weeks of gestation; the range is 8 to 24 weeks." These two sentences contradict each other. Response: We have edited the second sentence to provide clarity that this range is typical in all countries but Viet Nam (line 184-186).

Comment: Also, in lines 254-255 the authors state "Women may access abortion in 72 of the 158 countries analyzed (46%) if their pregnancy is the result of 'rape.". Again here, this statement requires further information in order to actually reflect a nuanced analysis. Countries may require that the rape has been reported so the ground to access abortion services is not rape but reported rape. If the piece is committed to presenting the data in a comprehensive but nuanced manner, further work refining the results is needed. Response: We thank you for your comment and agree that there are additional complexities that relate to each of these access grounds but we are unable to develop these in great detail, as there are several barriers that further limit access beyond legal grounds (including parental and spousal consent, conscientious objection, third party authorization, mandatory waiting periods etc). This paper focuses on the text of the law as it relates to legal categories. However, we have included information on the barriers that may further limit access in the discussion (lines 529-539). We hesitate to expand on these barriers further as each one warrants a thorough analysis, which is beyond the scope of this paper.

Comment: In lines 345-346: what does this mean? "Access is typically permitted for girls between 13 and 18 years of age, and women over 40 years". Are you arguing that access to abortion has those age limitations? Between 13-18 and over 40? This needs careful attention. Response: We apologize for any confusion. Access to abortion in certain countries is restricted to women that fall within these age groups and have discussed this further in the section entitled ‘age qualification.’ We have edited lines 388-389 and 391 to provide clarification.
Comment: The piece could be improved by presenting the data in a different manner (graphics?) or clarifying what is the purpose of this analysis.

Response: We have provided additional text in the background related to the objective for this paper (see response above - lines 136-139). We feel that the complexity of the data is best shown in tables and the current figures, but appreciate that there are a variety of ways to demonstrate information. We hope that the additional text provides clarity related to the descriptive purpose of this paper.

Comment: The conclusions are very confusing. It is not clear to the reader whether the authors are criticizing the way in which the GAPD presents the data (lacking nuance) or claiming it improves access to information or both. As the research question or hypothesis that guided this research is unclear, it is difficult to assess the validity of the conclusions. It is not easy to see whether the authors think the problem lies in the systematization done by the GADP, or in the many different ways a law can be formulated or the different ways providers, judges, women etc. can interpret them or the fact that they are not uniform grounds.

Response: The paper provides a descriptive analysis of the nuances that exist in legal texts. The reviewer is correct that even the GAPD is limited in the ability to fully elucidate these nuances, but we believe that the database and this paper expands on information contained in previous databases. We have edited the conclusion to provide clarification and to reflect this information (lines 543-559).

Comment: Lines 415-416 requires a footnote. The authors omit the data provided in the GAPD on the regulation of conscientious objection that could have informed issues of access related to providers' attitudes.

Response: Thank you. A supporting example and reference have been provided. With regards to conscientious objection, we agree and believe it is one of the additional complexities that relate to each of these access grounds but we are unable to develop these in great detail. However, we have included this as one of the additional factors, among others, related to access (as noted above – lines 529-539).

Comment: There is extensive literature on human rights law and abortion laws and the UN treaty monitoring bodies (see i.e. General Comment 22) have done crucial work developing the state's obligations in terms of regulation of abortion. The piece could benefit from the considerations made by this literature. The piece will benefit from a clearer theoretical framework and methodology.

Response: Thank you for your comment and we appreciate the extensive literature on human rights and the work done by the UN treaty bodies. However, this paper aims to use data extracted
from the GAPD to provide a descriptive analysis of various legal categories. We have though included some text as it relates to human rights and UN treaty bodies and the application of international law (lines 535-539). Comment: The authors should present numbers in a uniform way (158 or one hundred and fifty-eight). The article does not follow one criteria at the moment. Check the journal guidelines and adjust accordingly.

Response: Thank you for your comment. We have adjusted the numbers based on this comment, but are unable to find guidance from the journal on this issue. We have continued to write out all numbers below 10. We are happy to make additional changes if needed.

Comment: In many places the authors use "country laws": Should it say "countries" instead of "country"? Perhaps use domestic or national laws to avoid confusion.

Response: We apologize for any confusion and have clarified our language throughout the paper.