

"Improving women's journeys through abortion"

14.-15. October 2016, Lisbon, Portugal

Indications for mid-trimester abortion throughout Europe

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Laws regulating mid-trimester abortions in Europe are more restrictive than first trimester in most countries



There will always be women who need abortions after 13 weeks of pregnancy, but the numbers diminish greatly by 20 weeks, becoming rare after 24 weeks.

It is not the law that makes this happen
but women themselves

Marge Berer

Legal situations in Europe

This site provides information and addresses for women who are seeking for a clinic or doctor where they can undertake a safe abortion.

You can see immediately in which European country there is an easy access or where you will be confronted with restrictions or even where it is prohibited.

- [Countries with easy access](#)
- [Countries with restricted access](#)
- [Countries where abortion is illegal](#)

Abortion Law in Europe

Abortion is legal in nearly every European country although there is a wide variation in the restrictions under which it is permitted. Although nearly every European country makes abortion available on demand during the first trimester, when it comes to later-term abortions, there are very few with laws as liberal as those of the United States. Restrictions on abortion are most stringent in countries that are more strongly observant of the Catholic faith.

Improve your data!

If you are working in a clinic/practice offering abortions, please help us to keep your data up to date.

3 Steps:

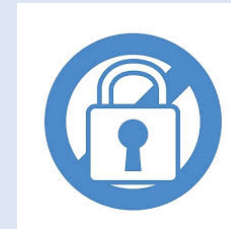
1. browse your country, e.g. Spain, Germany
2. choose your region, e.g. Asturia, Baden Württemberg
3. click on your clinic/practice, e.g. Clinica Sirona, and you can see all the information about your clinic/practice in the info box on the right.

Please carefully review the information on

✓ **Countries with easy access**



✓ **Countries with restricted access**



✓ **Countries where abortion is illegal**



Countries with easy access



- **Austria**
- **Belgium**
- **France**
- **Great Britain**
- **Netherlands**
- **Norway**
- **Sweden**
- **Switzerland**

After potential viability is reached after 23 w gestation, TOP requests are accepted only in :



➤ non-viable cases or

➤ late diagnosis of very severe congenital anomalies
(e.g. hydranencephaly, schicencephaly, brain tumor)

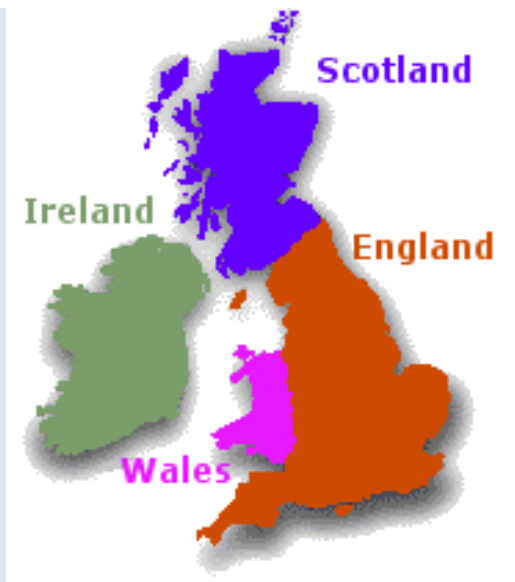
In these cases the decision has to be reviewed by a **multidisciplinary local committee** and a feticide is done before labour induction



In the event of any "serious illness, recognized as incurable at the time of diagnosis" termination of pregnancy is allowed **regardless of gestational age**

Decisions for pregnancy terminations are reviewed by multidisciplinary committees for prenatal diagnosis

ENGLAND, WALES AND SCOTLAND



There is no gestation limit if

**“There is substantial risk that if the child were born it would
suffer from such physical or mental abnormalities
as to be seriously handicapped**

After 24 weeks GA when :



- the fetus has a disorder **not compatible with life** and the pregnant woman has fierce mental problems with carrying out the pregnancy. This is not punishable by law and does not need to be reported to the public prosecutor.
- the fetus could live after being born but **postnatal life-prolonging medical treatment is considered to be no useful purpose**. This has to be reported to the public prosecutor, who will decide whether or not it is a punishable act in this particular case.



in any "serious illness, recognized as incurable at the time of diagnosis", termination of pregnancy is allowed before the end of 18 weeks gestation.

For pregnancies that are >18 weeks gestation decisions for pregnancy terminations are reviewed by multidisciplinary committee at the National Board of Health and Welfare

Few terminations of pregnancy are permitted after 22 weeks gestation



According to the Swiss penal code there is no legal limit for termination of a pregnancy according to gestation age.

However in practice, it is performed until the 24th week of gestation

Countries with restricted access

- **Denmark**
- **Finland**
- **Germany**
- **Italy**
- **Portugal**
- **Spain**



Over 90 days (12w + 6 d)



- ✓ If the pregnancy or childbirth entails a serious threat to the woman's life
- ✓ Risk to physical health of woman
- ✓ Risk to mental health of woman
- ✓ Risk of fetal malformation
- ✓ Rape or other sexual crime

Law 194, 22 May 1978



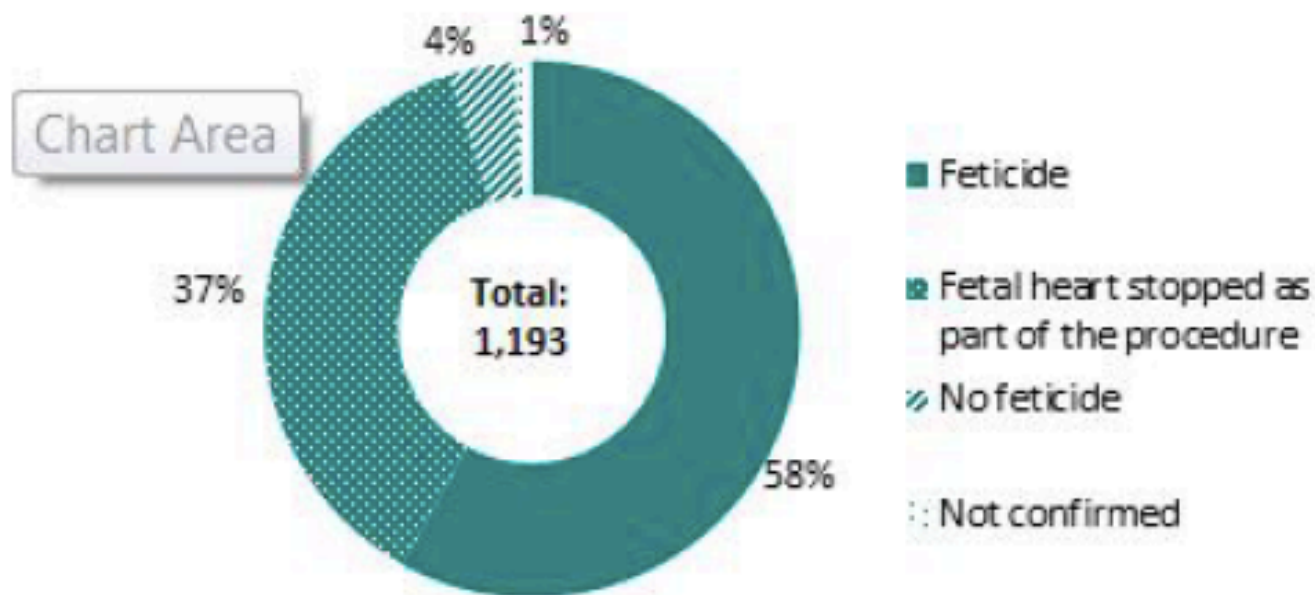
- where it is possible that the fetus may be viable, pregnancy may be terminated only in case of **serious threat to the woman's life**
- the physician performing the termination **shall take any appropriate action to save the life of the fetus**



Royal College of
Obstetricians &
Gynaecologists

For abortions at 22 weeks or beyond
feticide is recommended by the Royal
College of Obstetricians and Gynaecologists
prior to the evacuation of the uterus
to stop the fetal heart

Figure 7: Abortions performed at 22 weeks gestation and over, England and Wales, 2014



https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/433437/2014_Commentary_5.pdf

Up to 20 weeks:



- Risk to physical health of woman
- If the woman is younger than 17
- any other reason accepted by Valvira (National Supervisory Authority for Welfare and Health)

Up to 24 weeks:

If a major foetal malformation has been detected using reliable methods

After the end of 24th ga (> 24+1) TOP for foetal indications is illegal

Up to 22 weeks

- If the woman's life or health is at risk
- Serious foetal anomalies

Beyond 22 weeks:

- If foetal malformation is deemed incompatible with life or
- if the foetus is diagnosed with an extremely or incurable disease



Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo

Countries where abortion is illegal

- **Andorra**
- **Northern Ireland**
- **Republic of Ireland**
- **Liechtenstein**
- **Malta**
- **Poland**
- **San Marino**



MALTA



Monument for the unborn child on a main road between Mosta and Naxxar

Termination of pregnancy is not legal
for any reason including fetal anomaly



Abortion in Ireland **is illegal** unless it occurs as the result of a medical intervention performed *to save the life of the mother*

It is prohibited by both the constitutional protection of the right to life of the unborn and by legislation



*In a **REFERENDUM** held in November 1992 Irish voters passed the Thirteenth and Fourteenth Amendments to the Irish Constitution*

- ✓ The 13 th Amendment provides **for the freedom to travel** to another Member State of the European Union in order to obtain an abortion
- ✓ The 14 th Amendment grants **the freedom to furnish information** about abortion services legally available in another Member State

Abigail-Mary E.W Sterling, The European Union and Abortion Tourism: Liberalizing Ireland's Abortion Law, 20 B.C. Int'l & Comp. L. Rev. 385 (1997), <http://lawdigitalcommons.bc.edu/iclr/vol20/iss2/8>



In the wake of this referendum The Supreme Court of Ireland approved the bill Known as the
Abortion Information Act

The Act is the culmination of years of litigation and controversy over abortion rights under Irish and EU law

The Irish government was forced to concede the abortion referendum to create a coalition to ratify the Maastricht Treaty

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The incentive to participate in the EU
along with the pressure exerted by the
availability of abortions in other Member States
compelled Ireland to liberalize its abortion laws and
officially recognize and sanction abortion tourism

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in Poland, abortion is illegal except in cases of

- **rape**
- **incest**
- **danger to the mother's life**
- **irreparable damage to a fetus**



Protesters take to the streets on 'Black Monday' in Warsaw on October 3

**After a week during which mass street protests erupted in Poland
against a proposed new law banning abortions
on October 6 politicians backtracked on the plans and
the parliament voted to reject the law**

But despite the victory for pro-choice campaigners

Poland is still left with some of the most restrictive abortion laws in Europe

The Telegraph

Bilet lotniczy w
obie strony do
Anglii w promocji
- 300 PLN

Nocleg
- 240 PLN

Aborcja
farmakologiczna w
publicznej przychodni
- 0 PLN

Ulga po zabiegu przeprowadzonym w
godnych warunkach

BEZCENNA

Srom ZA WSZYSTKO INNE ZAPŁACISZ
MNIJ NIŻ W PODZIEMIU
ABORCYJNYM W POLSCE

15 Mar 2010

Polish posters encouraging people to travel to Britain for a free abortion

Polish women encouraged to come to UK for 'free abortions' on NHS

A Polish pro-abortion group has launched a publicity campaign advocating travelling to the UK to get free abortions on the NHS as a way of avoiding Poland's strict laws prohibiting terminations.



Where Polish women are going

- Germany, Czech Republic, Austria, Netherlands.
- Probably also other Eastern European countries (Ukraine, Belarus, Lithuania) but mainly those who live close by and have connections there.

(Wanda Nowicka)

Marge Berer Dublin conference, 2008 updated 2014

<http://www.slideshare.net/lisahallgarten/abortion-law-and-policy-dublin-conference>

❑ **Women have travelled from:**

Ireland, Northern Ireland, **Spain**, Britain, Portugal, Luxembourg, Belgium, France, Germany, Italy, **Poland**, Malta, Andorra, Monaco, **Sweden**

❑ **Women have travelled to:**

Spain, Portugal, Netherlands, Belgium, Britain, Czech Republic, **Poland**, Slovakia, Scandinavia

Marge Berer Dublin conference, 2008 updated 2014

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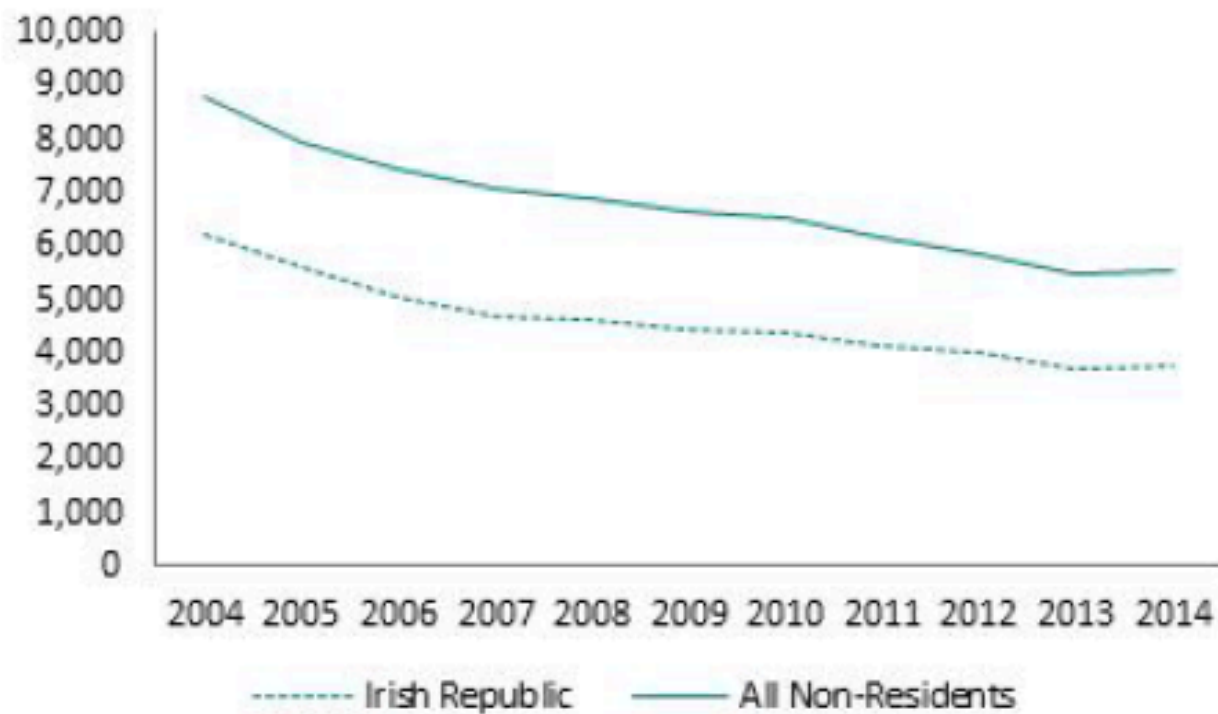
Department
of Health



Abortion Statistics, England and Wales: 2014

Summary information from the abortion notification forms returned to the Chief Medical Officers of England and Wales.

Figure 9: Abortions to non-residents in England and Wales, 2004 to 2014



The number of abortions to non-residents has fallen each year since 2003, when the figure was 9,078.

The 2014 total is slightly higher than 2013 which was the lowest in any year since 1969

Table 12a: Legal abortions: non-residents of England and Wales by country of residence, 2014

Country of residence ¹

Northern Ireland	837	15,2
Scotland	162	2,9
Isle of Man	90	1,6
Jersey	5	0,1
Guernsey	10	0,2

European countries

Irish Republic	3.735	67,7
Austria	4	0,1
Belgium	8	0,1
Denmark	14	0,3
France	74	1,3
Germany	15	0,3
Gibraltar	4	0,1
Hungary	4	0,1
Italy	112	2,0
Lithuania	4	0,1
Malta	54	1,0
Norway	3	0,1
Poland	24	0,4
Portugal	11	0,2
Romania	5	0,1
Slovakia	3	0,1
Spain	13	0,2
Switzerland	8	0,1
Other	18	0,3

Rest of the world

Future Directions??

- Investigating the actual use/threat of restrictions against cross-border abortion care in practice
- Preparing paper on criminal law principles for abortion service providers
- Investigating the current use of EU measures by abortion service providers
- Assessing the potential in EU regulation for supporting networks of abortion providers
- Training abortion service providers in relevant law, regulation and ethics



Ruth Fletcher, Keele University



thank you !!