Late abortion in Europe

Laws, practice and unmet need

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Abortion laws in Europe: First trimester

Abortion on request in most countries
- up to 10, 11, 12, 13, 14 weeks
- some countries up to 16, 18 or 22 weeks

Exceptions:
- psychosocial reasons, 2 doctors‘ approval in CY, FIN, IS, L and GB
- very restrictive laws/prohibition in IRL, Northern IRL, PL, AND, FL, M, MC, S. Marino
Abortion laws in Europe: First trimester
Abortion laws in Europe: Late abortion

The LAWS of ALL but 3 countries in Europe allow abortions in 2nd and 3rd trimester for SOME reason(s):

1. Maternal life (vital indication) or
2. Maternal life + fetal LETHAL indication or
3. Maternal HEALTH and life + SEVERE fetal indication or
4. Maternal health including MENTAL health or
5. Physical + mental health, taking account of life circumstances (SOCIOMEDICAL / PSYCHOSOCIAL)
Late abortion: time limits

Less restrictive legal grounds in the 2nd trimester than after „viability“ in many countries.

- Different time limits: 18, 20, 21, 22, 24 weeks (sometimes unclear whether p.m. or p.c.).

- In some legislations point of viability not defined.

- 2nd trimester: in most countries health, often also explicitly mental health, sometimes also sociomedical or – at least some – social grounds accepted.
Workshop 7 - Hot topic: Late term abortion

Abortion laws 2nd trimester

Legal grounds
- vital
- vital +
- fetal lethal
- health +
- severe fetal
- health incl.
- mental
- health incl.
- soc-med

Sources:
National laws
Harvard University: [http://www.hsph.harvard.edu/population/abortion/abortionlaws.htm](http://www.hsph.harvard.edu/population/abortion/abortionlaws.htm)
Late abortion: 3rd trimester

More restrictive legal grounds for abortions in the 3rd trimester (from „viability“) in many countries.

- **Vital and lethal fetal grounds only, sometimes also severe health indications not further defined.**
- **Different time limits:** 18, 20, 21, 22, 24 weeks (sometimes unclear whether p.m. or p.c.).
- **Sometimes point of viability not defined.**
Differences 2nd / 3rd trimester

2nd trimester: sociomedical, mental health often accepted

3rd trimester: often only strict medical grounds accepted

Legal grounds for abortion

- vital only
- vital + fetal lethal
- severe fetal
- health + severe fetal
- health incl. mental
- health incl. soc-med
- unknown
Late abortion (>12/14 weeks) in practice

- discrepancies between law and practice
- arbitrary interpretation of health indication – fetal more accepted than woman’s mental health risk

1. >12 weeks up to viability (20/22/24 weeks)
   a) quite readily accessible for psycho-social grounds: DK, E (?), FIN, GB, N, NL, S, SLO
   b) ± restrictive (regional differences): e.g. B, CH, F, RUS
   c) very restricted access (in deviance from law): A, D, I

2. >20/22/24 weeks
   Access extremely limited in all countries. Mental health grounds rarely accepted, even where law would allow it.
Switzerland for example

A liberal law: >12 weeks: health reasons incl. risk of „profound mental distress“. The risk must be all the greater as pregnancy progresses,

- no time limit
- no second medical opinion

Restrictive practice:

- **Survey 2009**: 50% of hospitals do not accept „profound mental distress >12 weeks, almost none >22 weeks.
- **Survey 2011**: nearly 50% of family planning centers observed refusals of 2nd/3rd trimester abortions. Women were sent to NL, GB, E, F
Late abortion – who are those women?

Women in need of 2nd and 3rd trimester abortion:

- often poor, young, from cultural minority groups, victims of violence
- pregnancy / fetal illness detected late with no fault of their own
- delayed by health professionals
- severe psychological problems, denial of pregnancy

Sources:


Dr. med. Dorin Ritzmann, Experience in a private practice, presentation University Hospital Zürich, 2009
Cases at Abortion-information

www.svss-uspda.ch

Swiss website in German, French, Italian

Calls / e-mails arrive from women in Switzerland and neighbouring countries, seeking abortion for psychosocial (>12 weeks) or fetal indications (>24 weeks).

- Pregnancy detected after time limit for abortion on request (irregular menses, menses suppressed by contraceptive, no symptoms)
- Fetal non lethal illness detected >24 weeks
Unmet need - Abortion „tourism“

For 2nd trimester abortions women mainly travel to NL, GB, E, to some extent also to SLO and S

For 3rd trimester abortions (mostly in case of non lethal fetal anomalies) to F, SLO, US (and to E before 2008)

- Paradoxically, some countries are at the same time origin and destination of abortion “tourists”: e.g. NL, B, CH, F

- **NOTE**: 3rd trimester abortions: very rare, but most desperate women, terribly dramatic cases
Unmet need – what we can do about it (1)

Women should be able to obtain abortion as early as possible, as late as necessary.

Women in need of 2nd or 3rd trimester abortions are always in a most desperate situation – otherwise they would not ask for an abortion at that stage:

- they should not have to travel long distances
- should be treated with empathy and respect by qualified professionals
Unmet need – what we can do about it (2)

- Break the taboo, stop stigmatization of late abortion
- Interpret existing laws more liberally
  - Health = a state of complete physical, mental and social well-being
- Find out and make transparent what actually is possible at which places
- Educate and raise sensibility of professionals / of the public
- Offer clinical training to professionals
- Repeal of abortion laws ??!!
Forced motherhood is servitude and compulsory labour, prohibited by the Universal Declaration of Human Rights and the European Convention on Human Rights.

Violence against women