

GERMANY
PRO FAMILIA Bundesverband
international@profamilia.de
www.profamilia.de

LEGISLATION

Law 27th July, 1992. Changed by Law 21st August 1995. Decision by Federal Constitutional Court 28th May, 1993

GROUNDINGS/GESTATIONAL LIMITS

Up to 12 weeks from conception:

- If the woman declares to be in a state of distress (in practice: on request after counselling)
- Rape or other sexual crime

No limit:

- To avert danger to life of woman
- To avert the danger of a grave impairment of the physical or emotional state of health of the pregnant woman (The mental health risks for the woman include the ones caused by foetal malformation, and general health risks caused by adverse socio-economic conditions.)

REGULATIONS/CONDITIONS

- Counselling is compulsory for abortion on request
- Compulsory waiting period after counselling (3 days)
- Counselling is not compulsory for medical cases and in case of rape
- Providers of counselling must represent the diversity of population regarding religion and conviction of life
- Government has to take care for sufficient provision of clinics and counselling centres

METHODS

- 76 % of abortions are performed by Vacuum Aspiration.
- 13 % by medical methods.
- 12 % by curettage.
- 79 % is carried out in doctor's clinics - not in hospitals.
- In 82 % of all abortions general anaesthesia is used.
- Abortions are carried out safe and without complications.

COST

- For abortion after counselling, up to the 12th week:
 - The cost is covered partially by statutory health insurance - e.g. for medical information and ascertaining of gestational age, but not for the abortion itself and anaesthesia. (Private health insurances usually don't pay the costs of abortion)
 - For women whose income is below a certain level, the state covers any further costs.
- For abortion in case of rape or medical grounds: fully covered by statutory health insurance.

DISPARITY IN THE APPLICATION OF THE LAW:

While the law explicitly requires a network of abortion counselling facilities with different ideological orientation, in some areas women can in practice only choose between a church-related facility and another one run by local or state authorities (which are legally obliged to be ideologically neutral). In some regions, there are only few providers of abortion. The choice of methods is limited: only 13 % of abortions are carried out by medical methods. Until 2007 mifepristone was only allowed up to the 5th week (after conception).

COMMENTS:

Fundamentally in law, abortion is not seen as a sexual and reproductive right and a matter of free choice of women hence it is regulated under the Penal Code. In addition, further regulations are laid down in the 'pregnancy-conflict-law' (Schwangerschaftskonfliktgesetz). The abortion laws are a broadly accepted compromise between political, social and religious groups. It connects prevention of abortion with access to sexuality education and contraceptives. In practice women have access to safe abortion up to the 12th week only, when the passed counselling and the waiting time. After the 12th week of pregnancy they have no choice at all.