

LEGISLATION

Dissatisfaction with the 1950s laws (Law of 1 June 1950) led to the enactment of the Abortion Act of 1970 (Law 239, 24 March 1970);

Law N° 564, 19 July 1978; Law N° 572, 12 July 1985; Law N° 328, 2001

GROUNDINGS/GESTATIONAL LIMITS

Up to 12 weeks:

- If continuation of the pregnancy or delivery would endanger the life or health of the woman on account of a disease, physical defect or weakness in the woman.
- If the delivery or taking care of the child would be a substantial burden. The burden can be of any kind.
- If a disease, mental disturbance or other comparable cause, affecting one or both parents, seriously limits their capacity to care for the child
- Risk to mental health of woman
- Rape or other sexual crime
- If the woman is aged under 17 or above 40
- If the woman already had four children
- Risk of malformation

Up to 20 weeks:

- Risk to physical health of woman
- If the woman is younger than 17

or any other reason accepted by the National Board of Medico-legal Affairs

Up to 24 weeks:

- If a major foetal malformation has been detected by reliable methods

No Limit:

- Risk to woman's life

REGULATIONS/CONDITIONS

- Abortions can only be performed in hospitals
- Compulsory contraceptive counselling
- If the woman is incapable, on account of a mental disease, mental retardation or mental disturbance, of making a valid request for the termination of pregnancy, the operation may be performed with the consent of her guardian or a specially appointed trustee.

Up to 12 weeks pregnancy:

- Authorization only from the doctor performing the abortion is needed:
 - If the woman is under 17 years
 - If the woman is over 40 years
 - If the woman has already given birth to four children

In those cases, a woman does not need to give a specific reason for the abortion

- Authorization of 2 doctors is needed (or in other words: an additional authorization from a doctor other than the one performing the abortion):
 - If particular circumstances, pregnancy, labour and caring for a child would be a considerable burden to the woman
 - If the pregnancy is a result of rape
 - If the partner of the woman has an illness that reduces the ability to care for a child
 - If continuing the pregnancy would endanger the physical health or life of the woman

Up to 20 weeks:

- Authorization of the National Board of Medico-legal Affairs required for second trimester abortions

The abortion shall be carried out in a hospital which has been approved for the purpose by the National Board of Health.

METHODS

In 2006, most abortions were performed before the 12th week of gestation (92.8 per cent). The proportion of abortions induced by drugs increased, being 57.5 per cent of all induced abortions in 2006, and it is likely its share has increased further since.

There is no particular legislation regarding medical abortion. The patient only pays for the out-patient hospital visit, and gets the medication for free. The prostaglandin medication is taken at the first out-patient visit and mifepristone the next day either at home or at a second out-patient visit, depending on local practice and the situation of the patient.

COST

Abortion is free of charge under national health insurance but women must pay hospital fees of € 66-112 (US \$ 85-145).

DISPARITY IN THE APPLICATION OF THE LAW:

The law has come to be interpreted freely, and in practice a woman can get an abortion if she so wishes.

COMMENTS:

- *The implementation of this law is regarded as highly effective and illegal abortion is rare*
- *State hospital provision for abortion is supplemented by out-patient procedures*