

Section.- II Crimes against Life Unborn; Abortion

Article 545. - Principle.

- (1) The intentional termination of a pregnancy, at whatever stage or however effected, is punishable according to the following provisions, except as otherwise provided under Article 551.
- (2) The nature and extent of the punishment given for intentional abortion shall be determined according to whether it is procured by the pregnant woman herself or by another, and in the latter case according to whether or not the pregnant woman gave her consent.

Article 546. - Abortion Procured by the Pregnant Woman.

- (1) A pregnant woman who intentionally procures her own abortion is punishable with simple imprisonment.
- (2) Any other person who procured for her the means of, or aids her in the abortion, shall be punishable as a principal criminal or an accomplice, with simple imprisonment.

Article 547. - Abortion Procured by Another.

- (1) Whoever contrary to the law performs an abortion on another, or assists in the commission of the crime, is punishable with simple imprisonment.
- (2) Rigorous imprisonment shall be from three years to ten years, where the intervention was effected against the will of the pregnant woman, or where she was incapable of giving her consent, or where such consent was extorted by threat, coercion or deceit, or where she was incapable of realizing the significance of her actions.
- (3) A pregnant woman who consents to an act of abortion except as is otherwise permitted by law, is punishable with simple imprisonment.

Article 548. - Aggravated Cases.

Where abortion is performed apart from the circumstances provided by law the punishment shall be aggravated as follows:

- (1) in cases where the criminal has acted for gain, or made a profession of abortion (Art. 92), he is punishable with fine in addition to the penalties prescribed in Article 547 above;
- (2) in cases where the crime is committed by a person who has no proper medical profession, the punishment shall be simple imprisonment for not less than one year, and fine;
- (3) in cases where the crime is committed by a professional, in particular, by a doctor, pharmacist, midwife, or nurse practising his profession, the Court shall, in addition to simple imprisonment and fine, order prohibition of practice, either for a limited period, or, where the crime is repeatedly committed, for life (Art. 123).

Article 549. - Attempt to Procure an Abortion on a Non-Pregnant Woman.

The general provisions relating to crimes impossible of completion (Art. 29) shall apply in the case of attempt to procure an abortion on a woman wrongly supposed to be pregnant.

Article 550. - Extenuating Circumstances.

Subject to the provision of Article 551 below, the Court shall mitigate the punishment under Article 180, where the pregnancy has been terminated on account of an extreme poverty.

Article 551.-Cases where Terminating Pregnancy is Allowed by Law.

- (1) Termination of pregnancy by a recognized medical institution within the period permitted by the profession is not punishable where:
 - a) the pregnancy is the result of rape or incest; or
 - b) the continuance of the pregnancy endangers the life of the mother or the child or the health of the mother or where the birth of the child is a risk to the life or health of the mother; or
 - c) where the child has an incurable and serious deformity; or
 - d) where the pregnant woman, owing to a physical or mental deficiency she suffers from or her minority, is physically as well as mentally unfit to bring up the child.
- (2) In the case of grave and imminent danger which can be averted only by an immediate intervention, an act of terminating pregnancy in accordance with the provision of Article 75 of this Code is not punishable.

Article 552.- Procedure of Terminating Pregnancy and the penalty of Violating the Procedure.

- (1) The Ministry of Health shall shortly issue a directive whereby pregnancy may be terminated under the conditions specified in Article 551 above, in a manner which does not affect the interest of pregnant women.
- (2) In the case of terminating pregnancy in accordance with sub-article (1) (a) of Article 551 the mere statement by the woman is adequate to prove that her pregnancy is the result of rape or incest.
- (3) Any person who violated the directive mentioned in sub-article (1) above, is punishable with fine not exceeding one thousand Birr, or simple imprisonment not exceeding three months.