

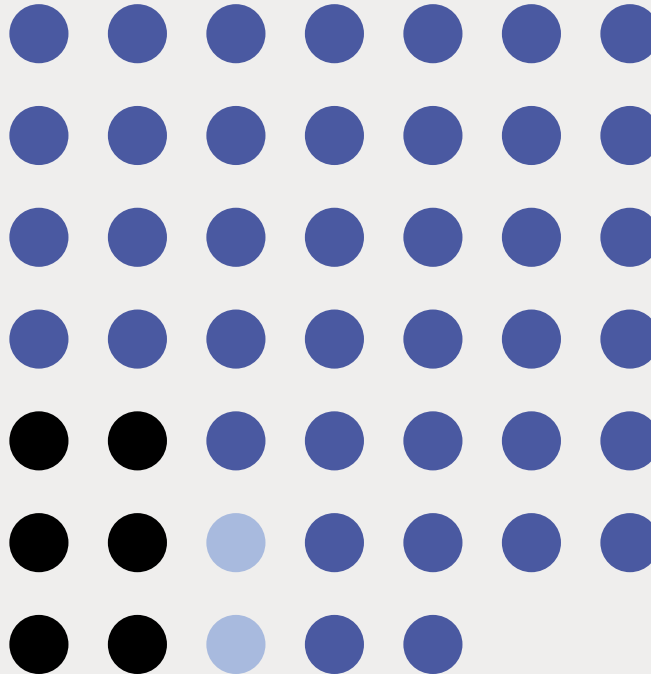
European Abortion Laws

A Comparative Overview

For more than eighty years European countries have moved steadily towards the adoption of progressive abortion laws and the removal of barriers impeding access to abortion.

Today almost all European countries allow abortion on request or on broad social grounds, at least in the first trimester of pregnancy, and almost all countries also ensure that abortion is legal throughout pregnancy when necessary to protect the health or life of a pregnant individual. A very small minority maintain highly restrictive laws prohibiting abortion in almost all circumstances.

In recent years several European countries have enacted important progressive reforms or taken steps to remove harmful procedural or regulatory barriers that obstruct access to legal abortion.

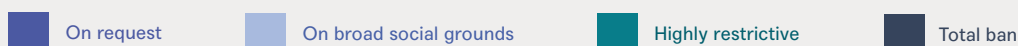
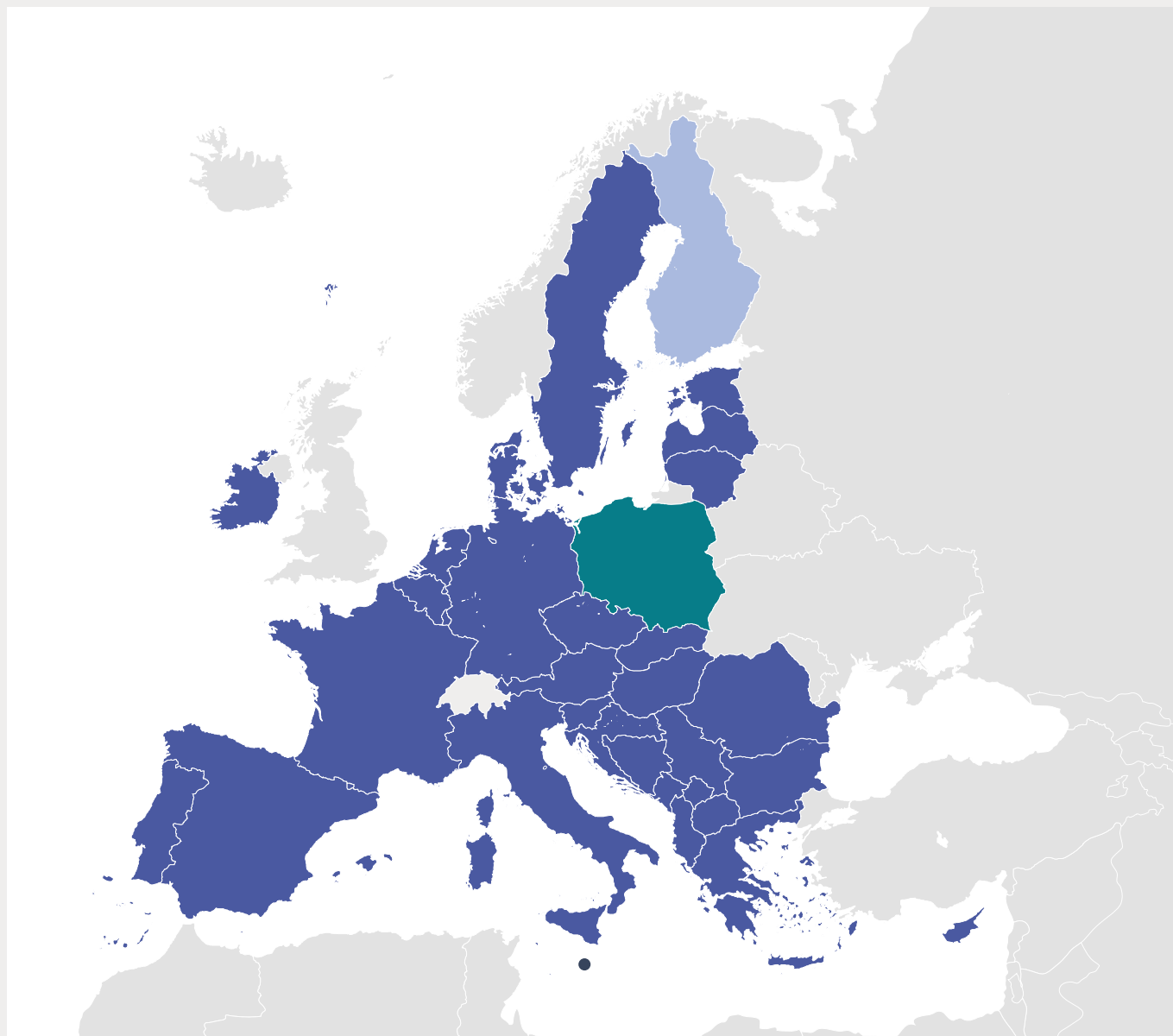


- > Thirty-nine European countries have legalized abortion on request.
- > Two countries have legalized abortion on broad social grounds.
- > Six countries do not allow abortion on either of these grounds.



- > In Europe over 95% of people of reproductive age live in countries that allow abortion on request or on broad social grounds.





GROUNDINGS FOR LEGAL ACCESS TO ABORTION IN THE EU

In the European Union (EU) almost every country has legalized abortion on request or on broad social grounds. Poland and Malta are the only EU member states that retain highly restrictive laws.

Abortion on request in the EU

Abortion on request means that doctors or other professionals are not required to attest to, or certify, the existence of a particular reason or justification for the abortion. This means that the decision on whether to continue with or end a pregnancy belongs to the person who is pregnant. Abortion on request is legal in Austria, Belgium, Bulgaria, Croatia, Cyprus,

Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

In a small number of European countries that allow abortion on request, individuals requesting abortion care may need to specify that they are in a state of distress about the pregnancy.

Broad social grounds

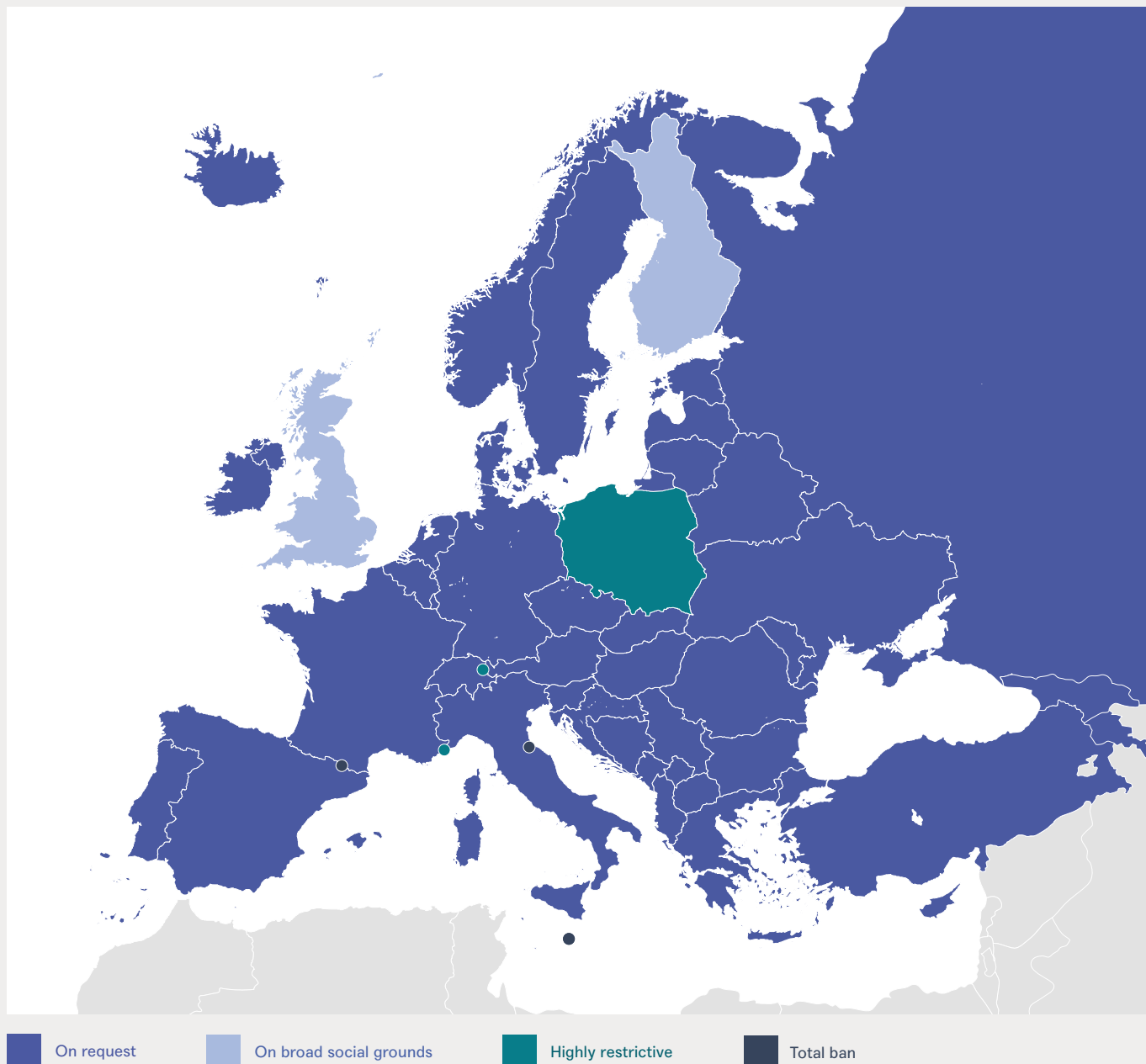
Finland allows abortion on broad social grounds which means that abortion is legal for a range of social reasons that are attested to by medical professionals or social workers.

Sexual violence

In all those countries where abortion on request or broad social grounds has been legalized, individuals who become pregnant due to sexual assault can access abortion under those grounds, without any requirement that they report or provide evidence of the assault. As a result, many of these countries' laws do not include an additional explicit ground for access to abortion in situations of sexual assault.

Retrogression

In recent years, efforts to restrict access to abortion care have increased in some parts of the EU. In 2020, Poland removed a legal ground for abortion making it the only EU member state in recent history to roll back on legal access to abortion care.



ACROSS THE EUROPEAN REGION AS A WHOLE

Forty-one countries have legalized abortion on request or broad social grounds. Thirty-nine of these countries have legalized abortion on request, either without restriction as to reason or for reasons of distress.

Abortion on request in Europe

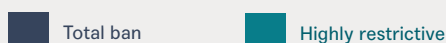
Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Moldova, Montenegro, Netherlands, North Macedonia,

Norway, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.

Time limits

Some European countries' laws set the time limit for abortion on request or broad social grounds between 18-24 weeks of pregnancy, whereas many set the limit around the first trimester of pregnancy. All these countries' laws also allow access to abortion care later in pregnancy in specific circumstances, such as where a patient's health or life is at risk. The standard practice across Europe is to not impose time limits on these grounds.

Some countries have begun to enact reforms to extend the time limits for access to abortion on request or broad social grounds. These reforms recognize that although most abortions in Europe take place during the first trimester of pregnancy, rigid time limits can have harmful impacts, create pressure and further complications for those who seek abortion care.



HIGHLY RESTRICTIVE ABORTION LAWS IN EUROPE

Only six European countries retain highly restrictive abortion laws and do not permit abortion on request or on broad social grounds.

In September 2021, one of these countries, San Marino, held a public referendum in which the public voted to remove the country's total ban on abortion and legalize abortion on request. These reforms are slated to be enacted into law in 2022-23.

The other five countries are Andorra, Liechtenstein, Malta, Monaco and Poland.

- > Andorra and Malta do not allow abortion at all.
- > Liechtenstein and Poland allow

abortion only when a patient's life or health is at risk or the pregnancy is the result of sexual violence.

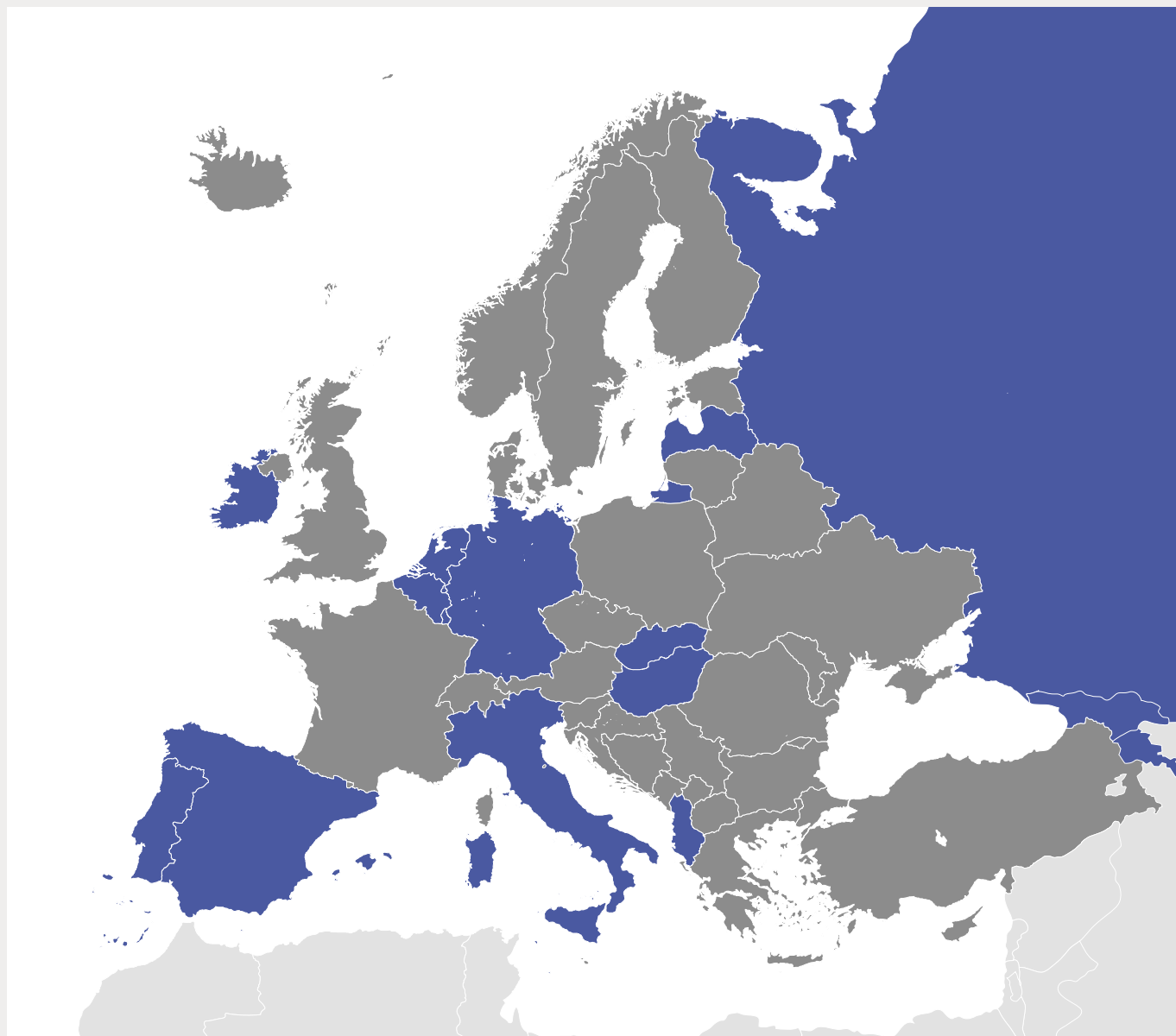
- > Monaco allows it only when a patient's life or health is at risk, the pregnancy is the result of sexual violence or involves a severe fetal impairment.
- > The Danish jurisdiction of the Faroe Islands also retains a highly restrictive law.

Regression and backlash

Although the general trend has been one of progress towards legalization of abortion and removal of barriers and restrictions, attempts to roll back legal protections for access to abortion persist in some parts of Europe. At times these have led to the introduction of new barriers, such as the introduction of new preconditions that individuals

must fulfil prior to obtaining abortion care such as mandatory biased counseling and mandatory waiting periods. In some countries, such as Poland, there have been attempts to completely ban abortion or to remove existing legal grounds for abortion. There have also been a number of court challenges contesting the constitutionality of access to abortion and in support of a medical professional's right to refuse to provide legal abortion care.

Measures that roll back reproductive rights, by introducing new barriers or scaling back the legality of abortion care, violate the principle of non-retrogression under international human rights law.



Mandatory waiting periods

REMAINING ACCESS BARRIERS

A number of European countries that have legalized abortion on request or broad social grounds maintain a range of procedural and regulatory barriers that impede access to abortion care in practice. Some countries are taking steps to remove these barriers.

Mandatory waiting periods for abortion on request

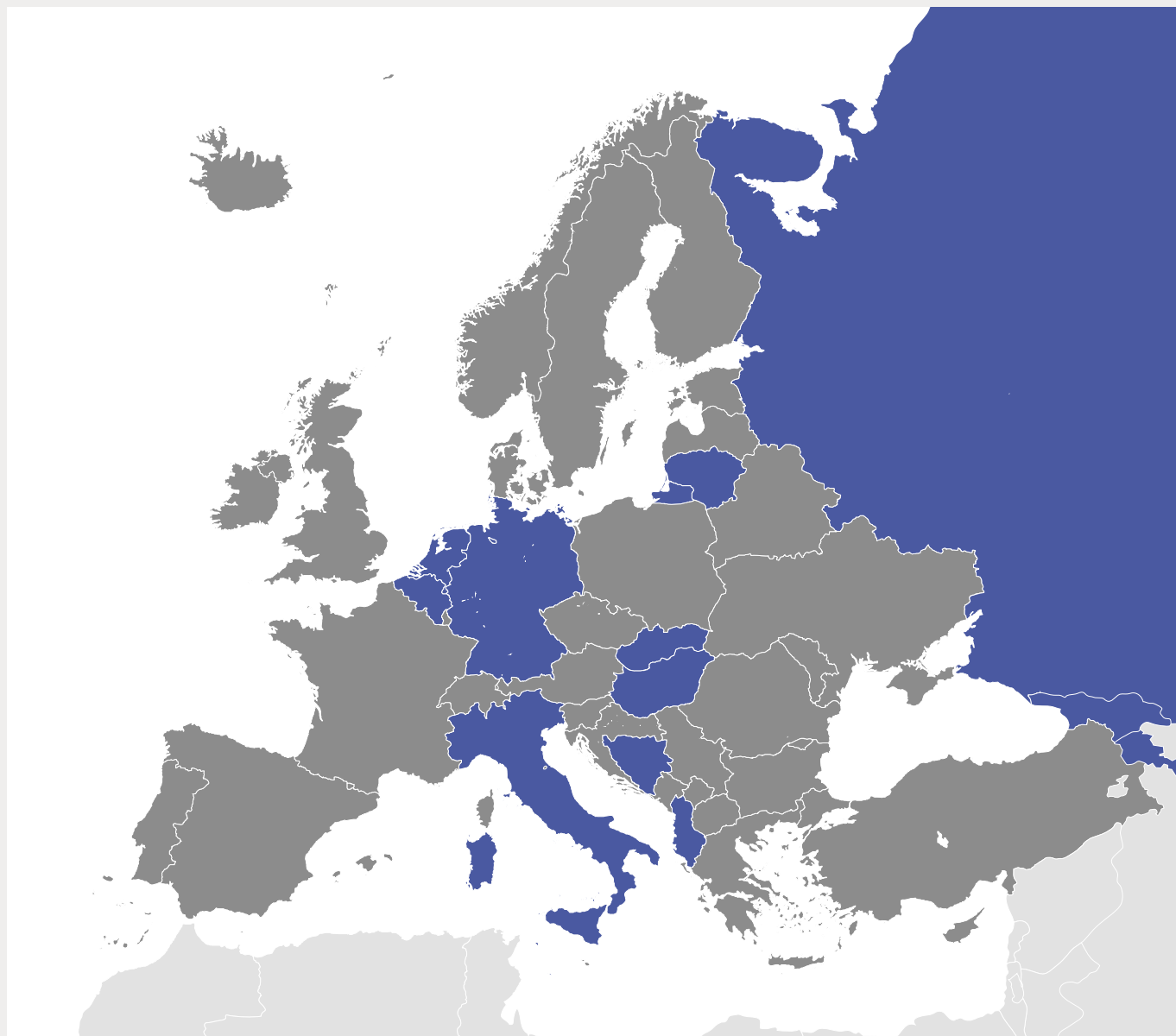
Laws in fifteen European countries still require a mandatory time period to elapse between the date on which an abortion is first requested and the date on which it takes place. These countries are: Albania, Armenia, Belgium, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Luxembourg, Netherlands, Portugal, Russian

Federation, Slovakia and Spain. These waiting periods undermine access to timely and affordable care and restrict human rights and autonomous decision-making. The WHO specifies that laws should not impose medically unnecessary delays such as these.

Time barriers

In some European countries short time limits for access to abortion on request can have harmful impacts on those seeking abortion care and may impede them from obtaining the health care they need. When applied in a restrictive manner short time limits can be particularly harmful for adolescent girls and women belonging to marginalized communities who may not always be able to obtain care within the legal timeframe. This

may result in individuals needing to travel to other jurisdictions to access legal abortion or accessing abortion care at home outside of the scope of the law and under threat of criminal prosecution.



Mandatory counselling

Mandatory counselling

Laws in twelve European countries require individuals seeking abortion care to undergo mandatory counselling or receive mandatory information from their doctors prior to abortion. These countries are: Albania, Armenia, Belgium, Bosnia and Herzegovina, Georgia, Germany, Hungary, Italy, Lithuania, Netherlands, Russian Federation and Slovakia.

In a number of these countries, such as Germany and Hungary, laws require biased and directive anti-abortion counselling explicitly intended to influence decision-making. Mandatory counselling requirements undermine human rights and are particularly harmful when they involve the

provision of biased information. The WHO advises that counselling prior to abortion should never be a legal requirement and that provision of information about abortion should always be unbiased, non-directive and medically accurate.

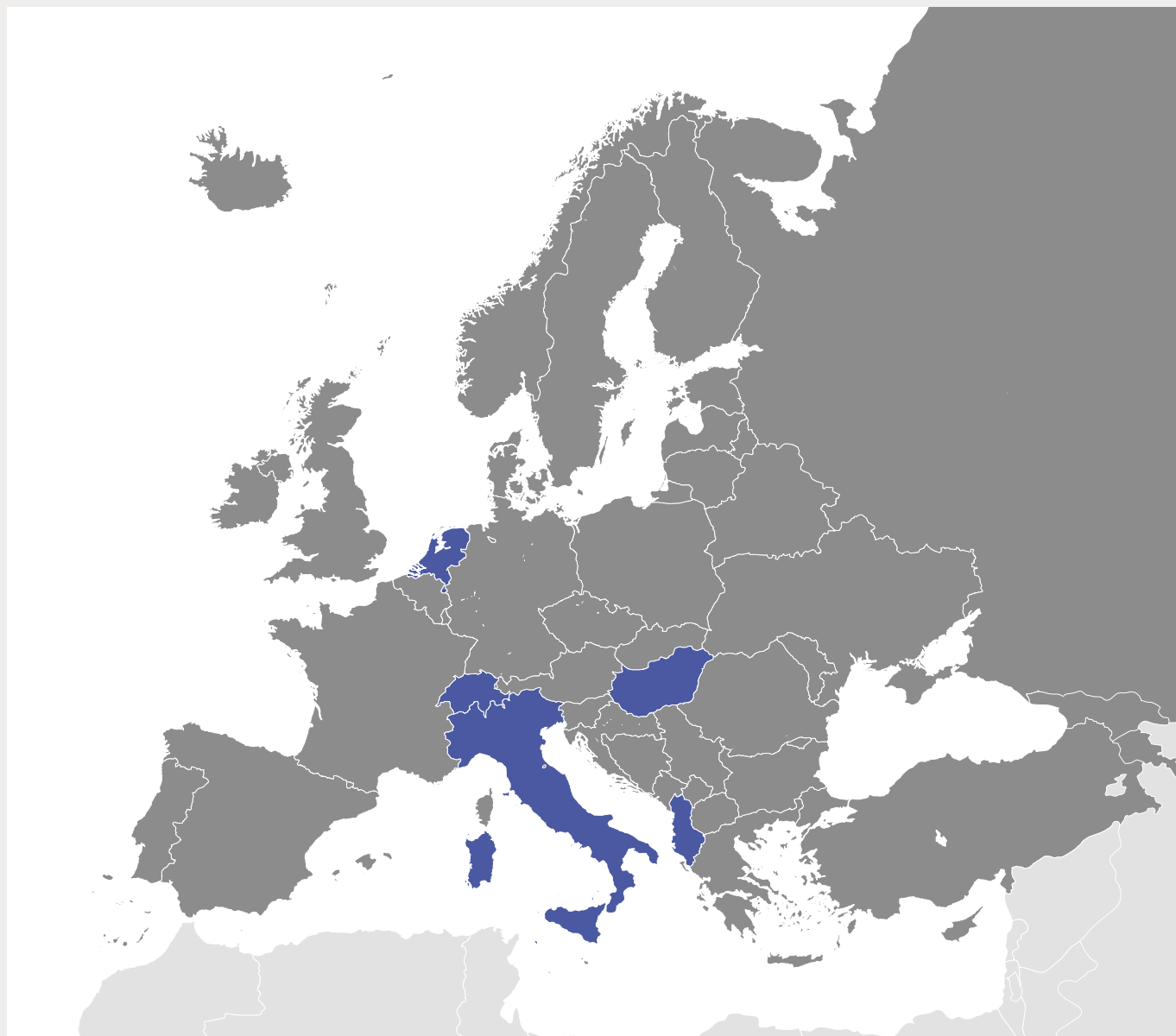
Third party authorization procedures

Some countries in Europe require prior permission from parents, guardians, doctors or official committees before an individual can access abortion care. In some instances, these procedures disproportionately impact adolescents, women with disabilities, women living in poverty and other people belonging to marginalized communities. For example, parental consent requirements may often undermine

the human rights of adolescents and may place them at risk.

Refusals of care on grounds of conscience and religion

In some European countries access to abortion care is undermined by government failures to appropriately address the refusal by individual medical professionals to provide abortion care on grounds of conscience or religion. For example, in Italy state authorities are failing to ensure that these refusals do not result in delays or denial of care for those seeking legal abortion care.



Distress requirement

Distress requirements

In a small number of European countries that have legalized abortion on request – Albania, Hungary, Italy, Netherlands and Switzerland – those seeking abortion services are still required to explain that they are seeking an abortion because of their social or family circumstances or because continuing the pregnancy would cause them distress. Such rules stigmatize abortion, undermine autonomous decision-making and should be removed. In recent years France and Belgium adopted reforms to remove previously existing distress requirements.

Criminalization

Some countries in Europe that have legalized abortion on request or broad social grounds nonetheless maintain specific criminal sanctions for abortions performed outside of the scope of applicable legal provisions. In a small number of countries, laws still retain criminal penalties for those who obtain abortion care in contravention of legal rules. However more commonly laws specify that criminal sanctions, which can range from fines to prison sentences, apply to medical professionals or others who assist people to obtain illegal abortion care. Criminalizing abortion treats this form of care differently from any other health care and can cause significant harm to the health and wellbeing of those seeking abortion services. It can delay or prevent access to post

abortion care, intensify abortion stigma, heighten barriers in access to legal care and create a chilling effect on medical professionals' provision of information and care.

GROUNDS FOR LEGAL ACCESS TO ABORTION IN THE EU

	Banned	On Request Waiting Period Mandatory Counselling	Socio-Economic	Threat to Life/ Medical Reasons	Threat to Health/ Medical Reasons	Sexual Violence
Austria		●		●	●	
Belgium		● ○ ●		●	●	
Bulgaria		●		●	●	
Croatia		●		●	●	●
Cyprus		●		●	●	●
Czech Republic		●		●	●	
Denmark		●	●	●	●	●
Estonia		●	●	●	●	
Finland			●	●	●	●
France		●		●	●	
Germany		● ○ ●		●	●	●
Greece		●		●	●	●
Hungary		● ○ ●		●	●	●
Ireland		● ○		●	●	
Italy		● ○ ●		●	●	
Latvia		● ○		●	●	●
Lithuania		● ○		●	●	
Luxembourg		● ○		●	●	
Malta	●					
Netherlands		● ○ ●				
Poland				●	●	●
Portugal		● ○		●	●	●
Romania		●		●	●	
Slovakia		● ○ ●		●	●	
Slovenia		●		●	●	
Spain		● ○		●	●	
Sweden		●		●	●	

GROUNDS FOR LEGAL ACCESS TO ABORTION ACROSS
 THE EUROPEAN REGION AS A WHOLE

	Banned	On Request	Waiting Period	Mandatory Counselling	Socio-Economic	Threat to Life/ Medical Reasons	Threat to Health/ Medical Reasons	Sexual Violence
Albania		●	○	○	●	●	●	●
Andorra	●							
Armenia		●	○	○	●	●	●	
Austria		●				●	●	
Azerbaijan		●			●	●	●	
Belgium		●	○	○		●	●	
Bosnia & Herzegovina		●		○	●	●	●	●
Bulgaria		●				●	●	
Croatia		●				●	●	●
Cyprus		●				●	●	●
Czech Republic		●				●	●	
Denmark		●			●	●	●	●
Estonia		●			●	●	●	
Finland					●	●	●	●
France		●				●	●	
Georgia		●	○	○	●	●	●	●
Germany		●	○	○		●	●	●
Greece		●				●	●	●
Hungary		●	○	○		●	●	●
Iceland		●				●	●	
Ireland		●	○			●	●	
Italy		●	○	○		●	●	
Latvia		●	○			●	●	●
Liechtenstein						●	●	●
Lithuania		●		○		●	●	
Luxembourg		●	○			●	●	

	Banned	On Request Waiting Period Mandatory Counselling	Socio-Economic	Threat to Life/ Medical Reasons	Threat to Health/ Medical Reasons	Sexual Violence
Malta	●					
Moldova		●	●	●	●	●
Monaco				●	●	●
Montenegro		●	●	●	●	●
Netherlands		● ○ ●				
North Macedonia		●	●	●	●	●
Norway		●	●	●	●	●
Poland				●	●	●
Portugal		● ○		●	●	●
Romania		●		●	●	
Russian Federation		● ○ ●		●	●	●
San Marino	●					
Serbia		●		●	●	●
Slovakia		● ○ ●		●	●	
Slovenia		●		●	●	
Spain		● ○		●	●	
Sweden		●		●	●	
Switzerland		●		●	●	
Turkey		●		●	●	●
Ukraine		●		●	●	●
United Kingdom			●	●	●	

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	Banned	On Request Waiting Period Mandatory Counselling	Socio-Economic	Threat to Life/ Medical Reasons	Threat to Health/ Medical Reasons	Sexual Violence
Albania		● ○ ○	●	●	●	●
Andorra	●					
Armenia		● ○ ○	●	●	●	
Austria		●		●	●	
Azerbaijan		●	●	●	●	
Belgium		● ○ ○		●	●	
Bosnia & Herzegovina		● ○	●	●	●	●
Bulgaria		●		●	●	
Croatia		●		●	●	●
Cyprus		●		●	●	●
Czech Republic		●		●	●	
Denmark		●	●	●	●	●
Estonia		●	●	●	●	
Finland			●	●	●	●
France		●		●	●	
Georgia		● ○ ○	●	●	●	●
Germany		● ○ ○		●	●	●
Greece		●		●	●	●
Hungary		● ○ ○		●	●	●
Iceland		●		●	●	
Ireland		● ○		●	●	
Italy		● ○ ○		●	●	
Latvia		● ○		●	●	●
Liechtenstein				●	●	●
Lithuania		● ○		●	●	
Luxembourg		● ○		●	●	
Malta	●					
Moldova		●	●	●	●	●
Monaco				●	●	●
Montenegro		●	●	●	●	●
Netherlands		● ○ ○				
North Macedonia		●	●	●	●	●
Norway		●	●	●	●	●
Poland				●	●	●
Portugal		● ○		●	●	●
Romania		●		●	●	
Russian Federation		● ○ ○		●	●	●
San Marino	●					
Serbia		●		●	●	●
Slovakia		● ○ ○		●	●	
Slovenia		●		●	●	
Spain		● ○		●	●	
Sweden		●		●	●	
Switzerland		●		●	●	
Turkey		●		●	●	●
Ukraine		●		●	●	●
United Kingdom			●	●	●	

