



ABORTION LAWS AROUND THE WORLD

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A PEW FORUM FACT SHEET

The abortion issue is as controversial abroad as it is in the United States. Many governments have struggled to strike what they believe to be a balance between the rights of pregnant women and the rights of fetuses. As the following summary of abortion laws and practices in 28 countries shows, this often leads to complex policies governing when, and under what circumstances, it is legally permissible to have an abortion.

NORTH AMERICA

Canada

Abortion laws were liberalized in 1988, when the Supreme Court of Canada ruled that existing laws regulating abortion were unconstitutional. Government leaders tried to enact new restrictions on the procedure, but they abandoned the effort in 1991, leaving the country without a criminal code on abortion practices. Provincial health insurance plans cover the cost of abortions performed in hospitals but do not consistently provide funding for abortions performed in free-standing clinics.

Mexico

Access to abortion services in Mexico varies from state to state, despite a 1931 federal statute ostensibly banning the procedure except when the woman's life is in danger or in cases of rape or "negligent behavior," a legally ambiguous term. Every state allows abortion in the case of rape and to protect the life of the pregnant woman, although, according to Human Rights Watch, some local government officials discourage rape victims from seeking legal abortions, in some cases by threatening the women with imprisonment. Some states, however, allow abortion to protect the woman's physical or mental health or in cases involving fetal abnormalities.

LATIN AMERICA

Brazil

Legal abortion is available only in cases involving rape or when a woman's life is in danger. Under federal regulation, hospitals require a formal determination of the cause of the pregnancy before performing an abortion. Abortion rights advocates claim this administrative requirement encourages illegal abortions. Many women in

Brazil illegally use the drug Cytotec to induce miscarriage.

Chile

The Health Code of 1967 formally legalized abortion, but only when it was necessary to save the woman's life. The measure was reversed in 1989 by then-President Augusto Pinochet, making

abortion illegal in all circumstances. This law is still in effect. In September 2006, President Michelle Bachelet authorized government distribution of the morning-after contraception pill to women age 14 and older.

Colombia

Abortion was illegal in all circumstances until May 2006, when Colombia's highest court ruled that the procedure can be performed when a woman's life or physical or mental health is in danger, in cases of rape, incest or when there are certain fetal abnormalities. On Aug. 25, 2006, the first legal abortion was performed, on an 11-year-old girl who had been raped by her stepfather.

Nicaragua

Abortion is legal only if three doctors agree that the pregnant woman's life would be in danger or

in cases of rape. Nicaragua's congress voted to end those exceptions in October 2006, in new legislation that has yet to go into effect. That legislation would ban abortion in all circumstances. There were six legal abortions in 2002, the latest year for which figures are available. Health experts estimate the number of illegal abortions to be more than 30,000 a year.

Venezuela

Under the Criminal Code of 1964, abortion is illegal in Venezuela except when the woman's life is at risk. The Code of Medical Ethics of 1971 allows abortions for "therapeutic purposes," but it does not define the term. A legal abortion requires the written consent of the woman or her husband or her legal representative. In 2005, some political supporters of President Hugo Chavez unsuccessfully lobbied for the legalization of abortion in cases of rape or incest.

WESTERN EUROPE

Germany

A 1995 law makes abortion illegal but not a punishable act during the first 12 weeks of pregnancy if the woman receives counseling three days before undergoing the procedure. After the first 12 weeks of pregnancy, abortion is available only to preserve the life and health of the woman. State health insurance generally does not pay for the procedure except in cases of financial need.

Great Britain

Current law is based on the Abortion Act of 1967, amended in 1990, which permits abortion for a variety of reasons if certified by two physicians. During the first 24 weeks of pregnancy, abortion is available to save the life of the woman, to protect her physical and mental health, in cases of fetal abnormality and for social or economic reasons. Due to a broad interpretation of this law, abortion is available virtually upon request in Great Britain.

Greece

Since 1986, abortion has been available on request during the first 12 weeks of pregnancy. In cases involving a minor, or in instances of rape or incest, the procedure is legal until the 19th week. Abortions also can be obtained up to the 24th week of pregnancy in cases of fetal abnormality. Despite liberal abortion laws, the advertising of abortion services is illegal.

Ireland

The Offenses Against the Person Act of 1861 banned abortion in all circumstances. Later court decisions established an exception to save the life of the mother. A 1983 constitutional amendment established a fetus' right to life, equating it with a woman's right to life. The lack of access to abortion became an issue in 1992, when a 14-year-old rape victim sought to travel to Great Britain to terminate her pregnancy. She was permitted to travel to Great Britain for this purpose only after the Irish Supreme Court

ruled that requiring the girl to have the child might lead to her suicide.

Spain

Current abortion law is largely based on 1985 legislation that legalized abortion in cases in which the woman's life, physical or mental health was at risk, and in cases of rape and fetal impairment. In 1991, Spain's Supreme Court set the precedent that the court could determine instances in which abortion could be sanctioned on social grounds on a case-by-case basis. Spain's National Institute for Statistics reports that the abortion rate among

women under age 19 rose from 5.5 abortions for every 1,000 women in 1995 to 8.8 for every 1,000 women in 2003.

Sweden

Since 1974, abortion has been legal in all circumstances before the 18th week of pregnancy. Under a 1995 amendment to the law, the National Board of Health and Welfare must approve the procedure after the 18th week of pregnancy. Because of long backups for medical services, some women wait up to four weeks for the procedure to be performed.

EASTERN EUROPE

Latvia

In 1955, when Latvia was part of the Soviet Union, abortion became available upon request during the first trimester of pregnancy. In 1982, it was legalized through the 28th week of pregnancy for broad health reasons. Five years later, abortions in the first 28 weeks were legalized for certain non-medical reasons, including imprisonment, divorce or rape. Abortion in other cases was sanctioned if approved by a medical commission.

Poland

Abortion was often performed during the Soviet era for reasons of "difficult living conditions." In practice, this ambiguous phrase justified any abortion chosen willingly by the woman and performed by a doctor. The arrival of democracy in 1990 led to an increase in the political influence of the Catholic Church, which successfully pushed for abortion restrictions. According to laws passed in 1993 and 1995, abortion is legal during the first 12 weeks of pregnancy to preserve the

life of a woman, to preserve her physical or mental health, or in circumstances of rape or fetal abnormality. After 12 weeks, the procedure may still be performed to protect the life or health of the woman. In October 2006, a party in Poland's governing coalition called for a constitutional amendment to "protect the life of every human being from the moment of conception." Parliament continues to debate the issue.

Russia

In 1987, the Soviet government extended from 12 to 28 weeks the period during which abortions could be performed for either medical or non-medical reasons. Originally, non-medical reasons included imprisonment of a woman, divorce or rape. In 1996, after the breakup of the Soviet Union, the list of non-medical reasons was expanded, but the period in which an abortion could be obtained on those grounds was reduced to 22 weeks from 28. In 2003, the government shortened the list of acceptable social grounds.

AFRICA

Nigeria

Abortion is legal only to preserve the pregnant woman's life, but health specialists report that

large numbers of procedures are performed both in the predominately Christian south and the predominately Muslim north. According to a study

published by the Alan Guttmacher Institute in 2001, induced abortion is preferred among Nigerian adolescents, as it is perceived to be less harmful to future fertility than contraception.

Senegal

Legislation based on an 1810 penal code makes abortion illegal except to save a woman's life. For a woman to qualify for an abortion, two physicians must concur that her life is in danger and one of these physicians must be on a court-approved list. These restrictions have attracted the attention of the U.N. Committee on Economic, Social and Cultural Rights, which has expressed concern over the health risks posed to women by the lack of access to legal abortions.

South Africa

Since 1996, abortion has been available without restrictions in the first trimester of pregnancy, and with few restrictions through the 20th week

of pregnancy. In cases involving pregnant women who are mentally handicapped, abortions must be approved by a local magistrate. In 1998, one of the country's 13 regional high courts dismissed a challenge to the legislation before the case came to trial, ruling that women's constitutional rights should not be compromised by giving legal rights to fetuses. The impact of this ruling, which is under appeal, is not yet clear.

Zimbabwe

The country's abortion law was liberalized in 1977 to allow the procedure when the woman's physical health is at risk; when the pregnancy is a result of "unlawful intercourse," such as rape and incest; or when the woman's life is endangered. Formal authorization and certification is required in all of those circumstances, a process that some abortion rights advocates say drives many women to seek illegal abortions.

MIDDLE EAST

Egypt

The Egyptian Penal Code of 1937 bans abortion in all circumstances, but criminal law allows flexibility on grounds of "necessity." Physicians rely on that principle to justify performing an abortion when they believe a woman's life or health is in danger or in cases of fetal abnormality.

Iran

Abortion has been illegal since the 1979 Islamic Revolution. Although there are no explicit exceptions to this prohibition, acts performed to save the life of another person are sanctioned. It is thus commonly understood that abortion is illegal except when necessary to save a woman's life. In 2005, the Iranian parliament passed a measure allowing abortions within the first four months of pregnancy in cases of fetal impairment, but the measure was blocked by senior clerics.

Israel

A 1977 law makes abortion legal to save the woman's life, to preserve her mental or physical health, and in cases of rape, incest or fetal impairment and in case of any of a wide range of difficult social circumstances. In 1979, those social circumstances were eliminated as criteria. There is no gestational time limit, but all abortions must be authorized by a medical committee comprised of a social worker and two physicians.

Turkey

A 1983 law makes abortion legal in all circumstances during the first 10 weeks of pregnancy. After 10 weeks, abortion is legal if a pregnant woman's life or physical or mental health is in danger or in cases of fetal abnormalities. Parental and spousal consent requirements are in effect, but they can be waived if a woman's life is at risk.

ASIA

China

Abortion is available upon request up to the 28th week of pregnancy. Although sex-selective abortion is prohibited, critics say that China's "one child" policy encourages the abortion of female fetuses by couples intent on having a son. Human rights groups have long accused the Chinese government of condoning forced abortions as a means of controlling population growth. The practice is believed to be less common today than it was in the 1980s and early 1990s, when the "one child" policy was more strictly enforced.

India

Abortion is available through the 20th week of pregnancy to save a woman's life, to protect her physical or mental health, in cases of rape or fetal abnormality and for social or economic reasons. Some health professionals believe that many female fetuses are aborted due to a social structure that favors males. In 1994, the Indian government outlawed the practice of using prenatal testing to reveal the sex of the child, but the practice is rarely prosecuted.

Japan

The Eugenic Protection Law of 1940, based on Nazi-era legislation in Germany, promoted liberal policies on abortion and sterilization with the intent of fostering a genetically healthy population. In 1996, new legislation omitted all references to eugenics and established the abortion regulations that remain in effect today. Abortion is now legal within the first 24 weeks of pregnancy to save the woman's life, to protect her physical health, in cases of rape, and for economic or social reasons.

Philippines

Abortion is illegal except when a woman's life is in danger. In those circumstances, permission for the abortion must be obtained from a board of medical professionals. The Child and Youth Welfare Code of 1975 established that a person has inherent dignity from the moment of conception, and the constitution of 1987 requires that the state "equally protect the life of the mother and the life of the unborn from conception."

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