

# ACCESS TO SAFE AND LEGAL ABORTION: A EUROPEAN PERSPECTIVE

Accessing safe abortions is a matter of human rights, social justice, bodily autonomy and a basic health concern. In countries where abortion is illegal, criminalised or not effectively accessible, women and girls resort to the most unsafe procedures which can lead to complications and detrimental health consequences, even death. Recent developments in Europe have put the reproductive rights of women and girls under severe pressure. With this factsheet, a collective of young European advocates aims to raise awareness about women's and girl's rights to safe and legal abortion and to encourage the reader to engage in ongoing discussions about reproductive rights.

## 1. THE STATE OF EUROPEAN REPRODUCTIVE RIGHTS: IS ABORTION SAFE AND LEGAL ALL OVER EUROPE?

Unfortunately, today, the answer to this question is *no*. The majority of countries in the world provide for certain instances when abortion is legal. Within Europe, most countries have far-reaching abortion policies. But in some European countries, reproductive rights are currently under great socio-political pressure. There are bans on abortion, access to abortion is highly restricted, impeded by waiting periods or the misuse of the conscientious clause by doctors or hospitals. Let's see some examples:

<b>POLAND</b>	Abortion is illegal except when the woman's life is in danger, if pregnancy is the result of a forbidden act and if there is severe damage to the embryo.
<b>MALTA</b>	Malta is the only country in Europe where abortion is banned in all circumstances.
<b>IRELAND</b>	Abortion is allowed only when there is an imminent and substantial risk to a woman's life. Women cannot seek an abortion in case of rape.

## 2. LAW AND INTERNATIONAL AGREEMENTS ON SAFE ABORTION

International human rights bodies have continuously stressed the urgency of realizing women's reproductive rights: the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) guarantees women's right to decide freely and responsibly about the number and spacing of their children and to have access to information, education and means to enable them to exercise these rights; the UN Committee on Economic, Social and Cultural Rights recently stated<sup>1</sup> that sexual and reproductive health and rights are fundamentally linked to the enjoyment of many other human rights; and the Parliamentary Assembly of the Council of Europe also recalled that "the lawfulness of abortion does not have an effect on a woman's need for an abortion, but only on her access to a safe abortion"<sup>2</sup>.

Even in countries where abortion is legal, some political, economic and social barriers undermine access to safe abortion. For instance, the price of the procedure, bureaucratic conditions, mandatory waiting periods, conscience clauses present in some Catholic countries, or the lack of trained health professionals in all areas within a country, impede safe abortions. Therefore, many women

<sup>1</sup> UN (2016) Statement on Sexual and Reproductive Health and Rights <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17168&LangID=E>  
<sup>2</sup> PACE Statement, Access to safe and legal abortion in Europe, Resolution 1607 (2008). Accessible on: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17638&lang=en>

and girls are forced to rely on clandestine or private abortion services, contributing to the vast abortion underground, turning to the black market for abortion pills, or attempting to order them from abroad. Abortion tourism, with high numbers of women and girls travelling abroad for the procedure, is also a method of dealing with anti-choice laws, however this is accessible only to those who can afford it.

### 3. ABORTION IN POLAND: THE PRESENT AND FUTURE OF THEIR ABORTION RIGHTS

Poland has ratified several international human rights documents, conventions and protocols yet it continues to fail to protect fundamental reproductive rights. Several international institutions, including the European Court of Human Rights and the CEDAW Committee have expressed deep concerns regarding severe consequences of the anti-abortion law (in place since 1993) on the life and health of women and girls. This law allows for the procedure when a woman's life or health is threatened, the pregnancy results from a criminal act or when the foetus is severely damaged. The restrictive law, the numerous barriers a woman has to overcome in order to secure a legal procedure and the stigma associated with abortion and abortion providers, all contribute to the vast abortion underground and high numbers of women and girls travelling abroad for abortion.

**WOMEN'S ORGANISATIONS  
CALCULATE THAT APPROXIMATELY**

**150 - 200 000**

**ILLEGAL ABORTIONS ARE  
PERFORMED EACH YEAR IN  
POLAND<sup>3</sup>. ACCORDING TO  
OFFICIAL HEALTH MINISTRY  
STATISTICS, FEWER THAN**

**1,000**

**ABORTIONS ARE PERFORMED  
IN POLAND EVERY YEAR.  
IN 2014, THEIR OFFICIAL  
NUMBER STOOD AT**

**977**

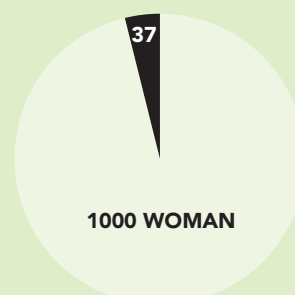
In early July the "Stop Abortion" civic committee<sup>4</sup> submitted a draft law introducing a complete ban on abortion and a new category into the criminal code – "prenatal murder", which will introduce penalty of 3 to 5 years in prison for women, doctors and anyone helping a woman to perform an abortion. The draft law doesn't refer to the protection of the woman's life, health and wellbeing. The consequences of introducing such a law into practice will be dramatic.

As a response to anti-choice initiatives a social movement arose and resulted in a series of protests across the country, some emerged from the feminist or leftist movements and some were born on social media among hundreds of angry women and girls. Additionally, as a response, the "Save the Women" Legislative Initiative Committee<sup>5</sup> was formed and prepared a draft aiming to liberalise Poland's abortion law. The draft reached the Sejm (lower house) in early August and both draft bills will most likely be debated in early Autumn 2016.

### 4. ABORTIONS RATES DO NOT DECREASE WHEN LEGISLATION IS MORE RESTRICTIVE

In many countries where access to abortion is restricted or eliminated, policymakers continue to employ various legal instruments with the aim to reduce or to eliminate the amount of abortions in the name of "demographic crisis" or "the necessity to protect traditional values". However, research indicates that there is an inverse correlation between restrictive abortion policies and the number of abortions performed.

When countries are categorized based on the grounds under which abortion is legal, in countries where abortion is available on request<sup>6</sup>.



**THERE ARE 37 ABORTIONS  
PER 1000 WOMEN IN  
COUNTRIES WHERE  
ABORTION IS SEVERELY  
RESTRICTED OR  
PROHIBITED COMPARED  
TO 34 ABORTIONS PER  
1000 WOMEN IN  
COUNTRIES WHERE  
ABORTION IS AVAILABLE.**

In places where there is a low usage of or difficult access to modern and effective contraceptives, there is a much higher abortion rate compared to countries where contraceptives are easily obtainable. This trend can be observed in Europe as well: between 2010-2014 there were 42 abortions per 1000 women in Eastern Europe, whilst in Western and Northern Europe this figure was far lower, namely 18 abortions per 1000 women. The main reason for this gap is the high levels of unmet needs for contraception in Eastern Europe and the lower use of effective contraceptive methods in general<sup>7 8</sup>.



**LOW USAGE OF OR DIFFICULT ACCESS TO MODERN AND EFFECTIVE CONTRACEPTIVES HIGHER ABORTION RATE 2010-2014 THERE WERE 42 ABORTIONS PER 1000 WOMEN IN EASTERN EUROPE WESTERN AND NORTHERN EUROPE THIS FIGURE WAS FAR LOWER, NAMELY 18 ABORTIONS PER 1000 WOMEN'**

Restrictions of legal and safe abortion will push the majority of abortions of those who are unable to access services to the illegal or underground sector. In Poland, private healthcare providers carry out an estimated 150.000 abortion procedures annually, generating about 300 million PLN (approx. 75 million EUR) of untaxed, unregistered income. The price of an abortion at such providers varies between 400-2.500 PLN (100-500 EUR).<sup>9</sup> It is thus not difficult to imagine, that women and girls from lower economic classes cannot access private reproductive health services. Besides, there are no government controls on price, quality of care or accountability in the private sector. An illegal abortion is always an unsafe procedure. Women and girls with greater economic means can also take part in abortion tourism, traveling to another country in order to undergo safe and legal abortion, usually Germany, Slovakia, the Netherlands or the UK<sup>10</sup>.

This fact sheet is a joint initiative by the following organizations:



## 5. SOME CONSEQUENCES OF LACK OF ACCESS TO SAFE AND LEGAL ABORTION

Abortion stigma touches upon women wishing or having performed an abortion, but also their families, friends and communities;
Illegal abortions are always unsafe abortions;
Restricting access to abortion can make access to prenatal testing more difficult;
Rise of maternal mortality;
Financial burden on public health services: treating complications more complex and expensive than abortion procedures per se;
Abortion becomes accessible only to those women who can afford it;
Abortion, which is a simple medical procedure, becomes a taboo subject with misconceptions and myths surrounding it.

## 6. WHAT CAN YOU DO?

We can agree that health consequences resulting from unaccessible abortions are preventable and that women and girls should have the right to make their own choices. In circumstances where abortion is not legal, many lives of women and girls are really at stake. Socio-economic conditions should never be a condition for unequal access to reproductive health for women within a country, or within the European region.

We would like you to join our initiative by joining the debate on Polish abortion law at the European Parliament and stating the case for why we need access to safe abortion for all women in all European countries to ensure that access to these services is not limited by social, political, religious or economical contexts.

<sup>3</sup> Federation for Women and Family Planning estimates

<sup>4</sup> <http://www.ordoiuris.pl/projekt-inicjatywy-stop-aborcji---materialy-informacyjne,3805,c.html>

<sup>5</sup> <http://ratujmykobiety.pl/>

<sup>6</sup> For more details please refer to: <https://www.gutmacher.org/fact-sheet/induced-abortion-worldwide>

<sup>7</sup> <https://www.gutmacher.org/fact-sheet/induced-abortion-worldwide>

<sup>8</sup> Sedgh, et al. (2016) Abortion incidence between 1990 and 2014: global, regional, and subregional levels and trends. *Lancet* 388: 258–67

<sup>9</sup> In comparison, the monthly average household net-adjusted disposable income is about 5900 PLN (1355 EUR).

<sup>10</sup> <http://www.ncbi.nlm.nih.gov/pubmed/21555090>