

Malta proposes bill to ease EU's strictest anti-abortion law

November 22 2022, by Kevin Schembri Orland



Activists hold up banners in both English and Maltese reading, 'I decide', 'Abortion is a woman's right', and 'Abortion is healthcare, not a crime', as they stand outside the Maltese law courts in Valletta, Malta, Wednesday, June 15, 2022. Malta's government introduced legislation Monday, Nov. 21, 2022 to ease the European Union's strictest anti-abortion law and allow the procedure in cases where the mother's life or health is at risk, taking action after a headline-

grabbing case last summer involving an American tourist who miscarried and was airlifted off the Mediterranean island to get treatment. Credit: AP Photo/Kevin Schembri Orland, File

Malta's government introduced proposed legislation Monday to ease the European Union's strictest anti-abortion law and allow the procedure in cases where the mother's life or health is at risk.

The move comes after a headline-grabbing case involving an American tourist who miscarried and was airlifted off the Mediterranean island to get treatment.

The overwhelmingly Roman Catholic Malta is the only one of the EU's 27 nations that still prohibits abortion for any reason, with laws making it a crime punishable by up to three years in prison to have the procedure or up to four years to assist a woman in having an abortion. The law, however, is rarely enforced, with the last known case of someone being jailed dating from 1980.

The ruling Labour Party bill introduces a new clause into the country's criminal code allowing for the termination of a pregnancy if the mother's life is at risk or if her health is in serious jeopardy. Performing an abortion in such cases would no longer be considered a crime.

"It is clear that the spirit of this law is that no part of the law should preclude or hinder medical professionals from saving lives," Health Minister Chris Fearne told The Associated Press after the bill was presented in Parliament.

The Labour Party-led government enjoys a comfortable majority in Parliament, suggesting passage of the bill in some form was likely. The

opposition Nationalist Party didn't immediately comment on the proposal.

Malta is one of the few Western states that has a total ban on abortion, after the republic of San Marino decriminalized the procedure last year and other overwhelmingly Catholic countries such as Ireland and Italy have legalized it. Poland last year introduced a near-total ban on abortion, except when a woman's life or health is endangered or if the pregnancy results from rape or incest. The Maltese proposed legislation doesn't provide an exception for rape or incest.

Malta's strict laws were thrust into the spotlight last summer when an American tourist vacationing on the island, Andrea Prudente, experienced heavy bleeding followed by a premature rupture of the amniotic sac and the separation of the placenta. Her partner, Jay Weeldreyer, said at the time that she was at risk of a life-threatening infection if the fetal tissue wasn't promptly removed. While the hospital in Malta carefully monitored her for any signs of infection, it couldn't perform the surgery to complete the miscarriage. Prudente was then airlifted to a hospital on the Spanish island of Mallorca.

Prudente subsequently filed a case in the Maltese courts arguing that the country's ban breached international laws. The case is in the initial stages of evidence, according to her lawyer, Dr. Lara Dimitrijevic.

Separately, at least two judicial protests were filed in Maltese courts demanding the legalization of abortion, including one by Women's Rights Foundation, which asserted that the country's absolute ban violated the fundamental human rights of Maltese women of child-bearing age. Another was filed in response to the Prudente case by Doctors for Choice, a non-profit organization of [medical professionals](#) advocating for safe and legal access to reproductive services including abortion.

"We are very pleased that the government has heeded our pleas, and those of 135 doctors who signed a judicial protest last June, to stop the dangerous situation that pregnant women in Malta are finding themselves in," said Doctors for Choice co-founder, Dr. Natalie Psaila.

But she said it wasn't enough. "Abortion needs to be decriminalized completely, as well as be available for other health reasons such as in cases of pregnancies in children, rape or fatal fetal abnormalities."

The group has estimated that at least 300 women in Malta have abortions every year, either by traveling to countries where abortion is legal or by obtaining abortion pills.

Malta had been criticized by the Council of Europe's human rights commissioner, Dunja Mijatović, over its abortion policy. In a February report, Mijatović said that "unimpeded access to sexual and reproductive health care" was critical to preserving a woman's rights to health and to be free from discrimination.

"Malta's blanket ban on abortions puts these rights at significant risk," she said.

She "strongly urged" Maltese authorities to repeal provisions criminalizing abortion and to develop women's access to legal and safe abortion.

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