

Experts group says abortion in Germany should be decriminalized during pregnancy's first 12 weeks

April 15 2024, by Kirsten Grieshaber



Participants in the 'March for Life' rally stand with banners reading 'Every life is a gift', 'Life is life' and 'Euthanasia no thanks' in Munich, Germany, Saturday, April 13, 2024. An independent experts commission has recommended that abortion in Germany should no longer fall under the country's penal code and be made legal during the first 12 weeks of pregnancy. Currently, abortion is considered illegal in Germany, but not punishable if a woman undergoes

mandatory counseling and a three-day wait period before she has the procedure.
Credit: Uwe Lein/dpa via AP

An independent experts commission recommended Monday that abortion in Germany should no longer fall under the country's penal code and be made legal during the first 12 weeks of pregnancy.

Currently, abortion is considered illegal in Germany but not punishable if a woman undergoes mandatory counseling and a three-day wait period before she has the procedure.

Germany's progressive government coalition of Chancellor Olaf Scholz' Social Democrats, the Greens and the pro-business Free Democrats, had tasked the experts commission to look into the issue of abortion, which has been a hotly debated topic over decades.

Germany's approach to abortion has been more restrictive than in many other European countries. Some German [women](#) have traveled to neighboring countries such as the Netherlands—especially during later phases of their pregnancies when abortion is considered completely illegal in Germany except for very grave cases—to have abortions there.

Other European countries are in very different places in their approach to abortion. France, for example, inscribed the guaranteed right to abortion in its constitution last month, in a world first and a powerful message of support to women around the globe. Meanwhile, Poland's parliament held a long-awaited debate last week on liberalizing the country's law, which is more restrictive than Germany's, although many women terminate pregnancies at home with pills mailed from abroad.

While the German commission's recommendation for the government to

decriminalize abortion is non-binding, it is likely to heat up discussion over the issue in the country again. It could eventually also lead to the current regulation being reformed by parliament, but at this point it is not clear if and when that would happen.

"Our recommendation is to move away from this illegality and to label abortion in the early stages of pregnancy as legal," Frauke Brosius-Gersdorf, a law professor who is a member of the commission, told reporters in Berlin.

"This is not simply a formality, but you can imagine that it makes a big difference to the women concerned, those who are in the situation of considering whether to request an abortion, whether what they are doing is wrong or right," she added.

Many women who have had abortions in Germany have described the mandatory counseling as humiliating, while others have said it helped them in their decision-making.

In addition to the tricky legal status of abortions in Germany, the experts also pointed out that in recent years, the number of physicians willing to perform an abortion in the country has gone down and that it's been more difficult for women to find a doctor in their region to help them.

The commission said that if the government decides to make abortion legal during the first 12 weeks, it should also ensure that women wishing to have a termination have quick and easy access to organizations and doctors providing it.

Currently, about 10% of physicians performing the [medical intervention](#) have faced criminal charges, though they are almost never found guilty.

The Catholic Church, one of the main opponents of liberalizing abortion

regulations in Germany, quickly condemned the commission's recommendations.

"The commission is considering legalizing abortion in the early stages of pregnancy. This would mean the end of a clear concept of life protection," said Irme Stetter-Karp, the president of the powerful lay group Central Committee of German Catholics.

"Human dignity exists from the very beginning," she added, calling the proposal "unacceptable."

In addition to its recommendations for the first 12 weeks of pregnancy, the commission said that for the middle phase of pregnancy, it should be up to lawmakers to decide whether and for how long an abortion should be legal, while in the last trimester, abortions should not be allowed unless there is a strong medical or social reason.

"The shorter the [pregnancy](#), the more likely an [abortion](#) is permissible; and the more advanced the gestational age, the more important the needs of the unborn child are," the commission members said in a summary of their report, which they were to hand over to government ministers later on Thursday.

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