



Regulation and provision of abortion compared – Germany, France, the Netherlands, Sweden and Spain

Julia Lux

julia.lux@iss-ffm.de

Status: September 2023

The **Observatory for Sociopolitical Developments in Europe** in this Working Paper contrasts regulations and provision of pregnancy termination in five EU Member States with the recommendations of the World Health Organisation and the vision of reproductive justice. It shows what states should do to guarantee the rights and health of pregnant people effectively.¹

These are some of the **major findings** of the published Working Paper:

Starting point

The right to abortion is a fiercely contested societal issue: supporters of a right to abortion demand that every pregnant person should be able to decide over their own body and thus about the termination of a pregnancy themselves. Opponents in turn want to ban abortions and place the rights of the embryo or foetus above the rights of the pregnant person.

However, it is a fact that an outright ban on abortion or restrictive regulations do not prevent abortions but lead to an increase in high-risk terminations. These may have health consequences or even lead to the death of the person concerned. Under international law, restrictions on access to or criminalisation of abortion are violations of human rights. Denying an abortion can be seen as a form of discrimination and gender-based violence.

¹ Molter, Sarah / Lux, Julia / Lange, Katrin / Sprang, Friederike (2023): **Regelungen und Versorgungslagen des Schwangerschaftsabbruchs im Ländervergleich. Deutschland, Frankreich, die Niederlande, Schweden und Spanien.** Arbeitspapier Nr. 25 der Beobachtungsstelle für gesellschaftspolitische Entwicklungen in Europa.

Countries compared

Sweden and the Netherlands offer very good access to abortions according to an [index of the International Planned Parenthood Federation](#) (Sweden leads the chart with 94 %, the Netherlands receive 85 %). France and Spain have facilitated the access to abortion in recent years. Given the index was last updated 2021 and thus before the most recent reforms of those two states, the figures might be higher in a future edition of the index (France gets 84 % and Spain 71 %). Regulations in Germany are currently rather restrictive in European comparison, the state only scores 63.5 per cent.

Findings and recommendations

This comparative analysis indicates how the reproductive rights and health of pregnant persons can be better protected at national level. The [World Health Organisation](#) recommends: decriminalisation, abolishing any requirements for abortions like a certain gestational age or any indication, and letting go of any compulsory consultation and waiting periods are crucial here. Requirements of third party consent and negative care effects resulting from clauses allowing medical staff to refuse the procedure on grounds of conscious objection are to be eliminated. It further improves access when costs are completely covered.

From a [reproductive justice](#) perspective special attention needs to be given to inclusive consultation and treatment with a view to vulnerable groups. Harassment of people seeking abortions as well as medical and consulting staff by abortion opponents in front of respective facilities should be prevented. Potential weaknesses in the statistical registration of pregnancy terminations should also be improved. Using risky abortion methods is to be avoided.

All compared states albeit to varying degrees need to improve regulation and provision of abortions in order to guarantee the human rights of pregnant persons.

The **Observatory for Sociopolitical Developments in Europe** is a project of the Institute for Social Work and Social Education (ISS). It provides comparative analyses of socio-political trends and developments across Europe. The project's aim is to promote Europe-wide exchange.

This publication does not necessarily reflect the opinions of the German federal government. The publisher and/or the author of individual articles bear responsibility for its content.

Contact: Julia Lux, julia.lux@iss-ffm.de