

Human Rights (Children Born Alive Protection) Bill 2022

Question on Notice from Senator Alex Antic

Answers due COB 21 June 2023

Dr Prudence Flowers, on behalf of South Australian Abortion Action Coalition

How many countries in the world at the moment have unrestricted access to late-term abortions?

ANSWER

The phrase late-term abortion is generally used by those who oppose abortion. It is not a medical term and does not refer to abortion at or after a specific gestational period, nor does it describe a medical procedure.

In Australia, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists categorises abortions performed after 20 weeks of gestation as late termination of pregnancy. In Australia, abortion after 20 weeks is statistically extremely rare, hovering between 1%-2% annually. Late terminations are performed because of complex and often tragic medical and/or personal circumstances of the woman or pregnant person. As Australian states such as New South Wales and South Australia debated the decriminalisation of abortion, the College took the position that because of the “complexity of clinical and supportive care required” for these patients, gestational limits should not be enshrined in law (RANZCOG, “Late Abortion statement,” 2019).

At least 11 countries allow abortion on request at 20 weeks or later. China, North Korea, Vietnam, and Canada do not have a gestational limit in law for abortion. The Netherlands, Singapore, and Colombia allow abortion on request until 24 weeks, Iceland to 22 weeks, and New Zealand to 20 weeks. Except for Tasmania and Western Australia, Australian jurisdictions allow abortion on request over 20 weeks, with different legal frameworks in place depending on the state or territory. Despite *Roe v. Wade* being overturned in 2022, multiple US states allow abortion on request over 20 weeks. Although abortion remains within the criminal law in the UK, abortion on request is available to 24 weeks in England, Wales, and Scotland.

Countries also allow abortion to be performed after 20 weeks for various socioeconomic and health reasons. More than 20 countries with gestational age cut-offs lower than 20 weeks still have legal exceptions that allow abortion after that point for a range of reasons.

For example, France and Spain both have gestational limits of 14 weeks but allow abortion after that point if there is a risk to the life of the pregnant person or fetal abnormalities. In Japan, abortion is permitted to 22 weeks if a continued pregnancy or birth will endanger the health of the mother or cause economic hardship. In Argentina, the law permits abortion on request up to 14 weeks gestation, and abortion is legal after 14 weeks in cases of rape or if the pregnant person’s health is endangered. In India, abortion is accessible to 24 weeks for patients for a range of medical and personal reasons, and is legal after that point in circumstances where there has been a diagnosis of a ‘substantial’ fetal abnormality. In England, Scotland, and Wales, abortions can be performed after 24 weeks ‘if the mother’s life

is at risk or the child would be born with a severe disability.’ In Northern Ireland, abortion after 12 weeks is lawful if there is ‘a risk to the physical or mental health of the pregnant person.’

Yours sincerely,

Prudence Flowers