

**PROVIDING SECOND TRIMESTER
ABORTION IN LEGALLY RESTRICTED
SETTINGS**

The case of Brazil

Anibal Faúndes

International Conference on Second Trimester Abortion
London, UK - March 29-31, 2007

**ABORTION IS LEGALLY
PERMITTED IN BRAZIL IF:**

- **It is the only way to save the woman's life**

**ABORTION IS LEGALLY
PERMITTED IN BRAZIL IF:**

- **It is the only way to save the woman's life**
- **Pregnancy is the result of rape or incest**

**Many judges also
authorize abortion in case
of**

**Fetal malformation incompatible
with extra-uterine life**

In spite of the efforts of the organized women' groups and a few physicians

Women who fulfilled the legal requirement very rarely had access to safe abortion in public hospitals, until 1996

The main obstacles to the implementation of the law were

- **Lack of clear guidelines on how to apply the law**
-

The main obstacles to the implementation of the law were

- **Lack of clear guidelines on how to apply the law**
 - **Lack of information on the law among physicians and the general public**
-

The main obstacles to the implementation of the law were

- **Lack of clear guidelines on how to apply the law**
 - **Lack of information on the law among physicians and the general public**
 - **Unwillingness of physicians to perform the abortions**
-

Strategy to include legal abortion in clinical practice

- **Convene leading Gynecologists and Obstetricians to discuss the problem**
-

Strategy to include legal abortion in clinical practice

- **Convene leading Gynecologists and Obstetricians to discuss the problem**
 - **Sensitize them to the women's right to have access to abortion within the limits of the law**
-

Strategy to include legal abortion in clinical practice

- **Agree on clear guidelines on conditions and procedures required**
-

Strategy to include legal abortion in clinical practice

- **Agree on clear guidelines on conditions and procedures required**
 - **Look for the support of the Ministry of Health**
-

Strategy to include legal abortion in clinical practice

- **Agree on clear guidelines on conditions and procedures required**
 - **Look for the support of the Ministry of Health**
 - **Periodical review of progress to make colleagues accountable of their commitment**
-

✓ 1996 – 4 hospitals provided legal abortion

✓ 1996 – 4 hospitals provided legal abortion

✓ 2002 – 40 health units, mostly university hospitals

✓ 1996 – 4 hospitals provided legal abortion

✓ 2002 – 40 health units, mostly university hospitals

✓ 2006 – 603 hospitals declared to provide legal abortions

100 had performed legal abortions during the last 12-14 months

AGE LIMIT TO PROVIDE ABORTION

- The law defines abortion as the interruption of pregnancy at any time during gestation
-

AGE LIMIT TO PROVIDE ABORTION

- The law defines abortion as the interruption of pregnancy at any time during gestation
 - The Ministry of Health guidelines on abortion after rape established a limit of 20 weeks
-

AGE LIMIT TO PROVIDE ABORTION

- The law defines abortion as the interruption of pregnancy at any time during gestation
 - The Ministry of Health guidelines on abortion after rape established a limit of 20 weeks
 - Each Hospital defined its own rules
-

AGE LIMIT TO PROVIDE ABORTION AFTER RAPE IN PUBLIC HOSPITALS

- 12 weeks in most hospitals
 - 20 weeks in those with no longer tradition to provide abortion
-

**AGE LIMIT TO PROVIDE ABORTION
AFTER RAPE IN PUBLIC HOSPITALS**

**Requirements more strict for abortion
after 20 weeks**

**AGE LIMIT TO PROVIDE ABORTION
AFTER RAPE IN PUBLIC HOSPITALS**

**Requirements more strict for abortion
after 20 weeks**

- **Appreciation and approval by a
Committee**
-

**AGE LIMIT TO PROVIDE ABORTION
AFTER RAPE IN PUBLIC HOSPITALS**

**Requirements more strict for abortion
after 20 weeks**

- **Appreciation and approval by a
Committee**
 - **Larger proportion of cases rejected
or women persuaded to continue
pregnancy**
-

**AGE LIMIT TO PROVIDE ABORTION IN
PUBLIC HOSPITALS**

To save women life

No age limit in most hospitals

**AGE LIMIT TO PROVIDE ABORTION IN
PUBLIC HOSPITALS**

To save women life

No age limit in most hospitals

**However, the greater the gestational age
the greater the inclination to post-pone
termination until fetal viability, at less risk
is imminent**

**AGE LIMIT TO PROVIDE ABORTION IN
PUBLIC HOSPITALS**

In case of fetal malformation

- No age limit
 - Minimal if any resistance
 - Feticide before abortion in some hospitals
-

**The concept that there is an
obligation to respond to the
request of abortion within the
law has been accepted**

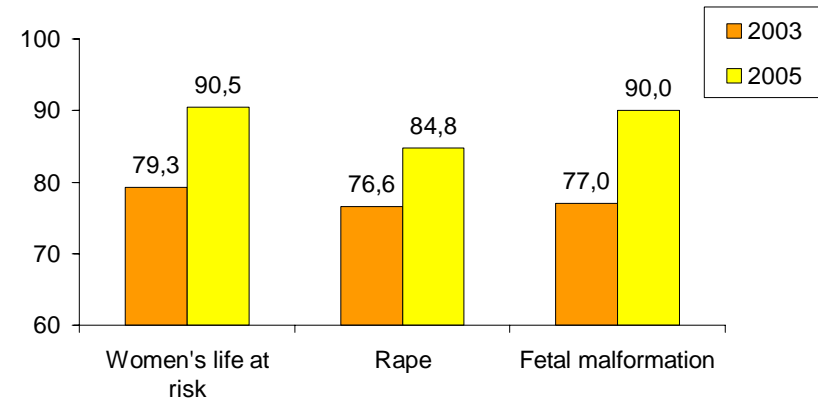
**The concept that there is an
obligation to respond to the
request of abortion within the
law has been accepted**

**However, most hospitals and
physicians had not
translated that concept into
practice**

PHYSICIANS ATTITUDE AND BEHAVIOR RELATED TO ABORTION IN BRAZIL

Opinion increasingly favorable toward abortion, but limited to certain circumstances

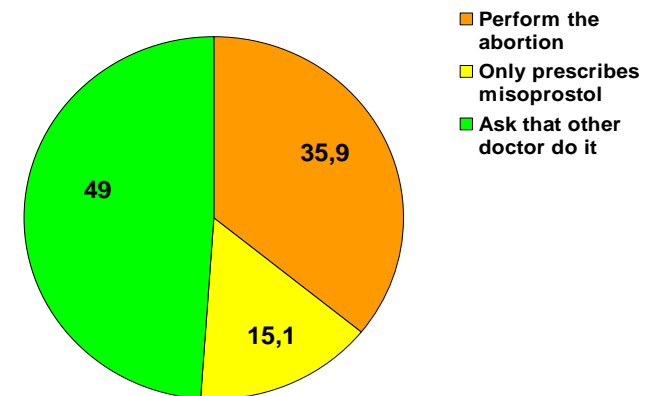
Percentage of gynecologists in favor of women's access to abortion in public hospitals: 2003 and 2005



PHYSICIANS ATTITUDE AND BEHAVIOR RELATED TO ABORTION IN BRAZIL

There is a large difference between the gynecologists' declared opinion related to abortion and their behavior in public hospitals

What gynecologists obstetricians do when a raped women request legal abortion in the public hospital they work. BRAZIL, 2005 (n = 2.788)



WHY PHYSICIANS ARE SHOW SUCH RESISTANCE TO PERFORM ABORTION, PARTICULARLY AFTER 12 WEEKS

- Routine of defending and protecting the life of the fetus (Most clients are women who want to have a healthy baby)
-

WHY PHYSICIANS ARE SHOW SUCH RESISTANCE TO PERFORM ABORTION, PARTICULARLY AFTER 12 WEEKS

- Tradition of defending and protecting the life of the fetus (Most clients are women who want to have a healthy baby)
 - Increasing similarity in physical appearance to a term new born as fetal age progresses
-

INFLUENCE OF TECHNOLOGY ON WILLINGNES TO PROVIDE ABORTION AFTER 12 WEEKS

Ultrasound

- Visibility of the fetus in ultrasound leads to a shift from the fetus an abstraction into a “person” with individual traits
-

Another technology favors a more positive behavior toward abortion

**INFLUENCE OF TECHNOLOGY ON
WILLINGNES TO PROVIDE ABORTION AFTER
12 WEEKS**

Medical abortion

- Removed the physician from the act of performing the abortion

**INFLUENCE OF TECHNOLOGY ON
WILLINGNES TO PROVIDE ABORTION AFTER
12 WEEKS**

Medical abortion

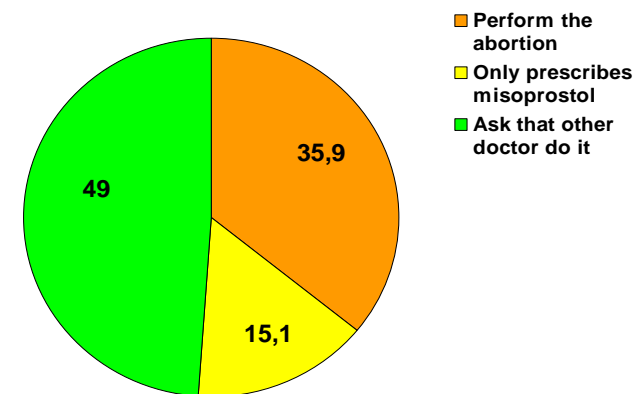
- Removed the physician from the act of performing the abortion
- It is far easier to sign a prescription than the surgical extraction of the fetus

**INFLUENCE OF TECHNOLOGY ON
WILLINGNES TO PROVIDE ABORTION AFTER
12 WEEKS**

Medical abortion

- Removed the physician from the act of performing the abortion
- It is far easier to sign a prescription than the surgical extraction of the fetus
- Limits women's choice

What gynecologists obstetricians do when a raped women request legal abortion in the public hospital they work. BRAZIL, 2005 (n = 2.788)



Medical abortion in legally restricted settings

- May limit women's choice**
-

Medical abortion in legally restricted settings

- May limit women's choice**
 - Increases women's possibilities to chose the termination of their pregnancies**
-