

## **Upper Time Limits on Second Trimester Abortion: Considerations of Law and Practice**

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## **Issues to consider**

- women's situations / needs
- type of procedure / safety / complications
- provider / human resources / health system perspectives
- fetal indications and considerations
- ethical issues
- law and regulations

## **Woman's situation**

- The woman gets a safe, legal abortion.
- The woman has an unsafe procedure from an unskilled person with a (high) risk of morbidity and death.
- The woman carries the pregnancy to term – unwanted (Costa S et al, Lancet).

## **Fetal indications**

- Fetal impairment
- Condition incompatible with life
- Sex of fetus
- Healthy unwanted pregnancy

## **Fetal considerations**

- Pain – is not an issue.
- Viability – up to 28 weeks there is poor survival and often multiple and serious developmental problems.
- Policy on resuscitation needs to take not only the infant but also the woman and wantedness of the pregnancy into account.

## **Two stages of pregnancy**

## **Ethical issues**

- Woman vs. fetus – as pregnancy develops, balance of consideration changes for some people.
- However, until birth, this is still the woman's body... and therefore a potential vs. actual life.

## **Current laws**

- All second trimester abortions illegal.
- After 12-14-18 (Sweden) weeks subject to greater regulation than in first trimester – specific grounds applied, medical approval needed.
- Not permitted after 20-22-24 weeks or except on very restricted grounds.
- No time limit except in practice.

## **WHO Safe Abortion Guidance 2003**

- Saving a woman's life... at any stage of pregnancy... fetal impairment likely to be in the second trimester... economic and social reasons, or on request, generally stipulate limits, often 12 weeks, some countries 18, 22, 24 weeks or do not specify... plus additional conditions...

## **22 or 24 weeks?**

- If 24 weeks, most providers stop at 22 weeks...
- If 22 weeks, most stop at 20 weeks...
- What will your policy be for women over these limits, written or unwritten...

## **Current practice**

- In every country, second trimester abortions take place, legally or otherwise, or women travel elsewhere to obtain them. The law as such creates access or barriers.
- In many settings, there are a tiny number of abortions between 24 and 30 weeks, due to gross health service or others reasons for delay and/or "for a friend". They are kept very quiet.

## **Some practical issues**

- Evidence-based practice re second trimester methods, not anarchy.
- Providers trained in both early and late abortion procedures.
- Data .
- Improve methods to reduce burden on both women and providers.
- If you must have grounds, make them as broad as possible when reforming law.

## **If you must have grounds...**

- To save the woman's life
- Risk to the life, health and mental health of the woman greater than if the pregnancy were terminated
- Fetal condition incompatible with life or fetal impairment
- Rape or incest
- Important change in woman's circumstances
- Failure of health service to provide earlier abortion
- Take social and economic situation into account.

## **Ideal policy**

- Abortion should be decriminalised.
- There should be no legal upper time limit on abortion.
- Abortion should be available at a woman's request.

**Think about it....**

**Safe, Legal Abortion**

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**As Early as Possible**

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**As Late as Necessary**