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The Silent Growth of Restrictions on Abortion

7 June, 2013 - 10:08



protection of the fetus which could lead to restrictions on abortion. The Fundamental Law states that along with the right to life and human dignity the fetus shall be protected from conception. The law on abortion has not been changed, however, the government has, through legal and non-legal means, tried to influence pregnant women which has come to undermine the right to self-determination. HCLU calls attention to the emerging problem with the following summary.

Misleading anti-abortion campaign

As part of a campaign financed by the European Union in 2011, the government put out billboards of a living and developed fetus to deter people from abortion. The law allows abortion up to the 12th week of pregnancy. Up to that point the medical profession uses the term embryo and not fetus to describe a pregnancy. In June 2011 the EU called on Hungary to recall all such billboards as they violated the rules of the EU program that provided funding. Namely, the program was meant to support social inclusion, social safety and gender equality as well as the fight against discrimination and not facilitate an anti-abortion campaign.

Since then the campaign has carried on as part of a larger propaganda that advocates for adoption. A campaign run by Agota Foundation, funded by the Ministry for Human Resources, again included the posters on abortion that the EU asked Hungary to ban as they violated certain rights.

HCLU requested information from the government on the sources of funding for the campaign and the goals of the campaign. In its response the Ministry for Human Resources stated that it provided 25million HUF to the Foundation from the account for "programs and services aimed at developing the social sector." While the main goal of the program was to support integration of children into families, the government emphasized that the Foundation's mission fit well with the government's "program to strengthen the fundamental value, the family." (We have already extensively analyzed the issues with the Fundamental Law and the new Civil Code's definition of the family.) The poster favoring adoption over abortion is the only poster identical to the previous campaign. Adoption is naturally a solution but it is not the only way to address an unwanted pregnancy. However, it is not unacceptable to put pressure on women's right to self-determination – in a manner that also violates fundamental and European rights – through a government sponsored campaign. The closing event of the Foundation's campaign was held in the Szeged Dome where government leaders also participated, voicing their commitment to the campaign.

Humiliating and deterring advice

The permission process leading up to abortion is very bureaucratic with many opportunities for abuse: a pregnant woman has to take part in mandatory consulting. Forcing women into consulting is already questionable but it is more important to provide information without any pressure and to respect decision of a woman when in a crisis. The first of two consulting sessions is geared toward convincing a woman to keep the child despite a clear mandate from the law on how the session should be used to disseminate unbiased information. According to the law, the sessions should provide information on the available state-funded social services and other services that help address a pregnancy crisis. The law clearly states that a woman's emotions and dignity should be respected during counseling.

Experience with the sessions shows that women in crisis are pressured with pictures of unborn but living fetuses (and not the maximum 12-month-old embryos) as a way to induce shock. There is often reference to the "Silent scream", an emotional movie, while in many instances women receive inappropriate information about the risk of an abortion including overemphasis on the risks to one's health and fertility in the future.

The changes to the relevant practices of family protection service are even more problematic than the new laws. As women are required to consult nurses, it is up to the nurse to decide how far she wants to influence a woman in a crisis situation. However, it would be important for the public employee to provide objective information and to put aside her bias, since convincing a woman to act against her own conscience and choice exacerbates a crisis.

According to the law on fetus protection, either the government's family protection service or a service approved by the state organ responsible for health care carries out the counseling. This means that any legal entity or even any individual outside the government that satisfies the limited number of conditions laid down in the law can counsel women which enables counseling by entities or individuals with a bias about abortion.

The government encourages keeping pregnancy a secret

The recently amended law on child protection enables adolescents to give birth without parental permission and to subsequently give up a child for adoption. The law introduced the term "pregnant mother in crisis keeping pregnancy

a secret” which means the application of a set of special rules. In case the mother chooses to give birth in “secret” and then give up the child for adoption, she is not obliged to notify her parents, while abortion would require the pregnant woman to notify her parents.

It is clear that the legislator intends to create a system where it is much easier to give birth and then give up the child for adoption than gaining the approval necessary for abortion. This system does not guarantee the freedom of choice and fails to take into account the burden that giving birth imposes on a woman. This implies that the already stressed adolescent’s right to self-determination is violated as the adolescent faces bureaucratic pressure instead of receiving parental support. We have already voiced our concerns with this practice when the new law was proposed.

Banned abortion pill

The abortion bill ceases pregnancy through a drug that induces a process similar to a spontaneous miscarriage. WHO added the drug in 2005 to the list of vital, essential and necessary drugs while experts in the field widely agreed that it carried a smaller risk and smaller burden on the woman than an abortion.

Today, the drug cannot be bought in Hungary so many patients leave for Austria to cease pregnancy. Naturally, only wealthier individuals can afford the trip while pregnant women with lower income have to bear the risk of an abortion. Implementation of the EU directive on health services will raise a few legal questions about the current system from the perspective of funding abortion.

HCLU sued the National Institute for Quality- and Organizational Development in Healthcare and Medicines, the organ responsible for approving the marketing of drugs, for failing to fulfill its obligation to disclose public interest data. We wanted to learn why the drug could not be marketed in Hungary when in fact several EU countries approved the use of the drug at the same time as part of an effort to decentralize the approval of drugs. In the Hungarian approval process, one should market the drug after it is registered. However, according to the official opinion “the risks of the abortion pill are not cleared.” HCLU would like to know what risk assessment resulted in the above opinion but the government, citing trade secrecy, refused to provide this information. This means that in Hungary there is no abortion pill in the market – most likely for political and scientific reasons.

Criticism from the UN

The UN’s Committee on the Elimination of Discrimination against Women echoed the worries expressed by HCLU. The committee, in February 2013, investigated Hungary’s compliance with its commitments to the Convention on the Elimination of Discrimination against Women. The Committee raised concerns with regards to women’s right to self-determination in Hungary. It called on Hungary to provide access for every woman to abortion without the mandatory counseling which is an unreasonable obligation. The Committee emphasized the need for the state not to intervene in a woman’s right to reproduce and to cease the campaign that stigmatizes abortion. However, the Committee also highlighted the importance of making contraception available.

HCLU’s position

HCLU believes that the rules on abortion and the process leading up to an abortion should be unbiased and respect the right to human dignity. The government cannot intervene in decisions of citizens that concern their private lives. The state may – in a narrow setting – limit certain rights to protect the fetus but cannot neglect women’s right to self-determination.

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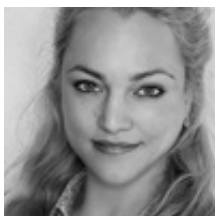
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The Patients' Rights Program deals with patients' rights guaranteed by the Act on Health Care and other general patients' rights issues. The program turns special attention to issues relating to everyone's right to make informed decisions about themselves, such as reproductive freedoms (abortion, contraception, artificial insemination, surrogacy, oocyte donation, home birth, etc.), the right to refuse treatment, euthanasia and rights of the intellectually disabled.

[Read more about the program here >>](#)

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Our movie on Insite, the supervised injection facility of Vancouver, was screened at the International Harm Reduction Film Festival yesterday – if you could not make it to [Harm Reduction 2013 Vilnius](#), watch the film online: <http://www.youtube.com/watch?v=rOax9hge8pY>



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