



HIGH LEVEL EUROPEAN SEMINAR

# PREVENTING ABORTION IN EUROPE

Legal framework and social policies

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## *The evolution of the number of abortions: the situation in Germany*

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For several years in Germany, the media are reporting a decrease in the number of abortions. What, precisely, about this evolution? And what are its causes?

If it is, at least in appearance, relatively easy to answer the first question because the statistics on the matter are abundant, the commentaries about the explanatory factors of this evolution are rarer and more scattered.

This contribution will limit itself to presenting the quantitative data, to evoke the debate in relation to its validity and its meaning and to ask questions that could open doors to research in order to better understand the decrease in the number of abortions.

But before getting to the heart of the matter, I am going to allow myself to remind you very quickly the state of the law that regulates access to abortion in Germany:

If abortion is still considered as illegal and paragraph 218 provides for sentences for all the persons implicated, paragraph 218a specifies the exceptional cases in which there is impunity:

- If the woman attended an obligatory consultation and the abortion is accomplished during the first 12 weeks of the pregnancy.
- If there is a medical prescription (risk of death or serious threat to the physical or mental health) – without delay.
- Criminal allegations (sexual offence) in the limit of 12 weeks.

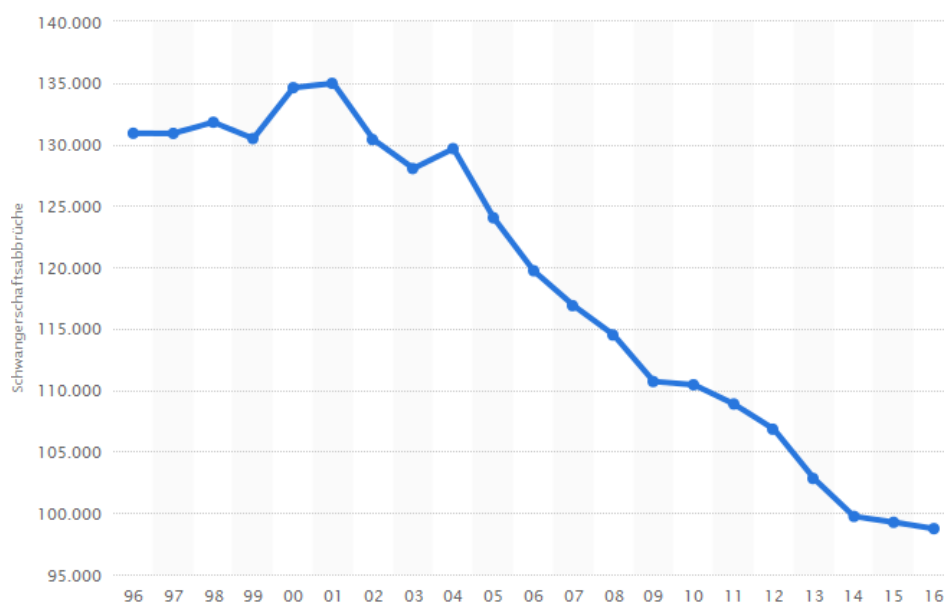
## I) The evolution in the number of abortions in the light of statistics

In Germany, hospitals and doctors who practice abortion are obliged to register these acts and to transmit the information to the public authorities. It then falls upon the Federal Service for Statistics (Statistisches Bundesamt) to collect and publish the data.

One of the objectives of this work is, in particular, to submit to researchers and political actors information allowing to elaborate prevention measures but also to evaluate whether enacted legislation is useful in protecting “the unborn life” –or if it has an opposite effect.<sup>1</sup>

To measure the number of abortions, several possibilities exist.

The first measure is that of the absolute number:



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Anzahl der Schwangerschaftsabbrüche in Deutschland in den Jahren 1996-2016<sup>2</sup>

<sup>1</sup> The statistics on abortion refer to §15, Cf [http://www.ak-lebensrecht.de/info/stat\\_ erl.htm](http://www.ak-lebensrecht.de/info/stat_ erl.htm)

<sup>2</sup> <https://de.statista.com/statistik/daten/studie/232/umfrage/anzahl-der-schwangerschaftsabbrueche-in-deutschland/>

The curve indicates an important decrease in the absolute numbers:  
 For example in 2004, 129 650 terminations of pregnancy were registered, ten years later 99 700 and in 2016: 98 721.

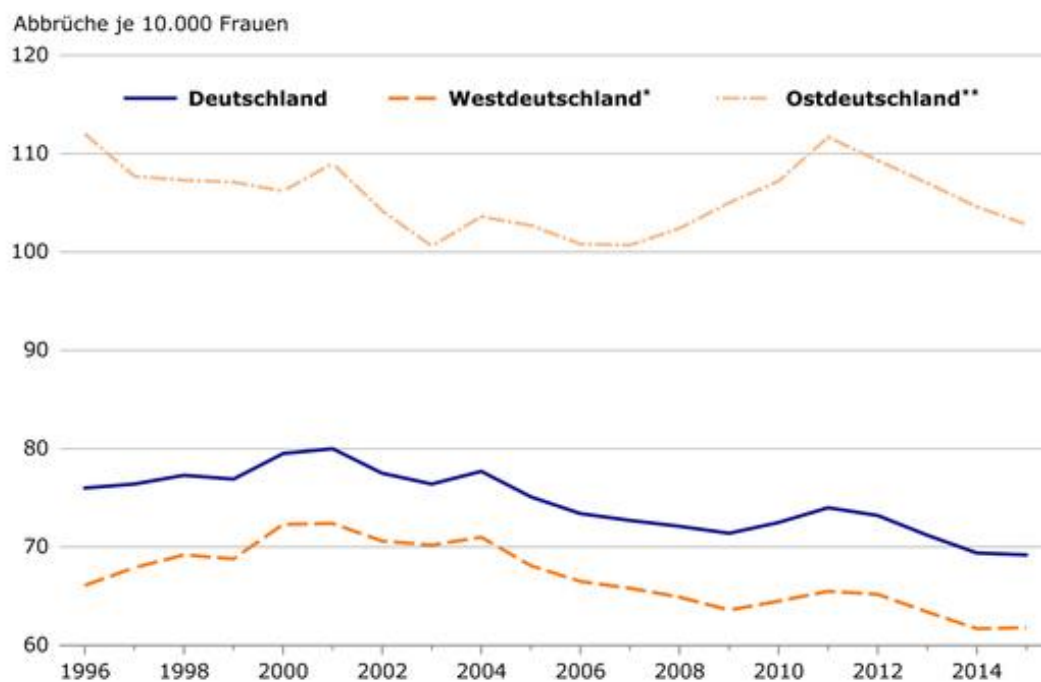
Can we conclude from this that the Germans are turning away from abortion?  
 Not necessarily, because the absolute number does not indicate a change of attitude.

Indeed, if the number of women in age of conceiving children (15 to 44 years old) decreased for the same period – which is what indeed happened in Germany – such a decrease could then explain, in itself, the decrease in the absolute number of abortions, without having to resort to other explanatory factors.

We must resort to a more pertinent measure than the absolute number of abortions, i.e. the number of abortions for 10,000 women (still in the 15 to 44 age group).

Statistic :2 (Schwangerschaftsabbrüche je 10 000 Frauen zwischen 15 und 44 Jahren in Deutschland.<sup>3</sup>

**Schwangerschaftsabbrüche je 10.000 Frauen zwischen 15 und 44 Jahren in Deutschland, West- und Ostdeutschland (nach dem Wohnsitz), 1996 bis 2015**



\* ohne Berlin

\*\* einschließlich Berlin

Datenquelle: Statistisches Bundesamt, Berechnungen: BiB

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<sup>3</sup> [www.bib-demografie.de](http://www.bib-demografie.de)  
[http://www.bib-demografie.de/DE/ZahlenundFakten/07/Abbildungen/abbildungen\\_node.html;jsessionid=C1A10F4598417CC5F22AB8CBA2258E5D.2\\_cid389](http://www.bib-demografie.de/DE/ZahlenundFakten/07/Abbildungen/abbildungen_node.html;jsessionid=C1A10F4598417CC5F22AB8CBA2258E5D.2_cid389)

This statistic confirms a decrease in abortions since 2000: from 80 abortions for 10,000 women in 2000, to about 70 abortions for 10,000 women in 2014.

However, this evolution is not continuous:

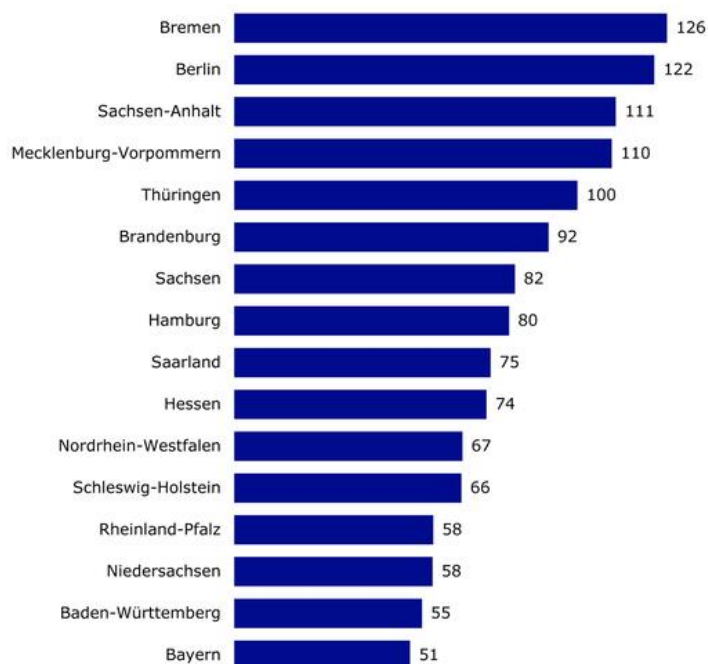
Indeed, for the women of the new Bundesländer, i.e. the territory corresponding to what used to be the DDR, the decrease registered from the year 2000 onwards was replaced by a sudden increase in 2011. More generally this statistic allows us to observe a big difference between the two territories: in what used to be the DDR, the number of abortions for 10,000 women is much higher.

A few hypotheses' on this subject which can explain the difference of behaviour and, incidentally, give clues for prevention policy:

- The economic situation is more precarious in the new Länder,
- The influence of religion is less important there due to several decades of communist regime,
- Another conception of abortion which made its way in the mentalities: the 9th of March 1972 the DDR deputies voted a law concerning the “interruption of pregnancy” which allowed women to make the decision of undergoing an abortion (in a delay of 12 weeks) – “Selbstbestimmungsrecht” - abortion is a woman’s right.

Another statistic tends to prove the influence of religious culture. Indeed, we can generally observe that in the regions where there is a Catholic majority, the number of abortions is less high:

**Schwangerschaftsabbrüche je 10.000 Frauen von 15 bis 44 Jahren in den Bundesländern, 2015**



Datenquelle: Statistisches Bundesamt, Berechnungen: BIB

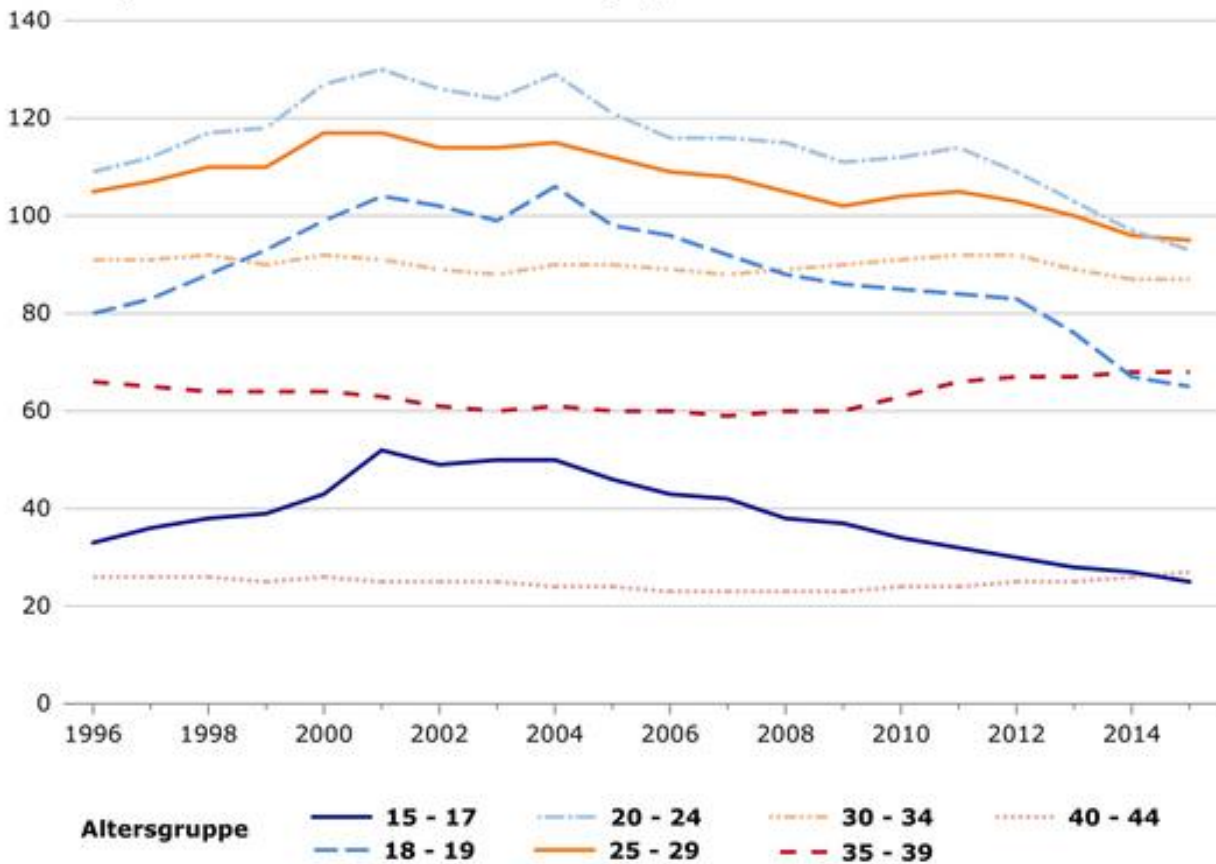
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Another statistic allows us to observe in a more detailed manner the behavior of different age groups.

It is, again, the number of abortions for 10,000 women, but this time, it depends on the age group that is concerned.

### Schwangerschaftsabbrüche je 10.000 Frauen nach Altersgruppen in Deutschland, 1996 bis 2015

Abbrüche je 10.000 Frauen der betreffenden Altersgruppe



Datenquelle: Statistisches Bundesamt, Berechnungen: BiB

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We can see here that the decrease in the number of abortions concerns mostly the **younger generations** of women, i.e.:

- Young girls from 15 to 17 years old (almost 50% less than between 2001 and 2014);
- The 18-19 age group;
- The 20-24 age group.

For the 25-29 age group the decrease is less strong and among women older than 30 there is stability and even a slight increase.

The difference between the age groups is not easy to explain. Some associations like “Pro-Familia” think that the decrease in the number of abortions amongst young people is the result of sexual and affective education at school.

## **II) The reliability of statistics: a controversial debate**

So can we conclude – like the newspaper *Frankfurter Allgemeine Zeitung* in an article of the 10th of February 2015 – that there are indeed “less and less women who abort”?

Opinions diverge here.

On the one hand, there are the **ones who trust the statistics** and for whom the decrease in abortion confirms the appropriateness of their commitments. The association “**Pro-Familia**” sees in it, as it has been said, the result of the population being better informed, educated on sexual and affective matters in schools and of the accessibility of contraceptive methods.

Rita Waschbüsch, president of the Foundation **Donum Vitae**, also rejoices in the evolution that confirms, according to her, the legal obligation to consult that is in effect in Germany (paragraph 219 of the StGB). “In comparison with the European numbers concerning abortion, it appears that the (German) obligation to consult is more efficient to protect life”.

On the other hand, there are the persons **who question the reliability of the statistics** and so, the decrease in the number of abortions in Germany.

First of all, according to them, a large number of abortions would not be declared. The association “Arbeitskreis Lebensrecht” thinks that doctors and clinics that practice abortions do not communicate all the data, resulting in the fact that nobody knows if the latter are correct. The measures would thus not be reliable enough to conclude to a decrease and even less in the reversal of a trend.

The gynaecologist and director of the two facilities that practice abortions, **Christian Fiala**, is of the same opinion and this for three reasons.

Firstly, he also doubts the efficiency of the obligation made to doctors of declaring abortions. It would be probable that gynaecologists save themselves the trouble of accomplishing such a purely bureaucratic and non-lucrative task.

Secondly, abortions accomplished abroad are not registered.

Thirdly, Christian Fiala regrets that these are not put in relation with health insurance funds, which reimburse abortion in cases of a criminal or medical indication, nor with

the ones of the Länder who also reimburse abortion in the case of low income. Such a gathering of information would allow for a more precise observation.

For Fiala, this lack of reliability that leads to an important under-evaluation of the number of abortions (reaching 100%) could be intentional. He reminds us that in 2004 German parliamentarians had asked for an adjustment of the legislation reminding that the Constitution had inscribed the protection of life before birth but that the paragraph 218 of the Criminal Code did not, visibly, fulfill this objective since the number of abortions had not decreased. There was thus a political interest in being able to communicate in the years that followed a decrease in the number of abortions in order to avoid a reform of paragraph 218.<sup>4</sup>

Finally, Michael Kiworr, presents in her book, *Abtreibung in Deutschland*, the evolution of the legislation in Germany and regrets that the East-German model, the said “regime of delays”, has, in practice prevailed on an approach based on the said rule of “rule of indications”. Concretely, when in the old FRG law, before 1992, it was a third party that decided if a woman could undergo an abortion, depending on restrictive substantial conditions (for example, in the case of rape or malformation), the law now in force in the reunited Germany is closer to the one that existed in the DDR, in the sense that it entrusts the woman only with the right to decide to resort to abortion, the only obligations subsisting being the obligation of a delay and the obligation to attend a consultation. Of course, according to the law, this consultation has the explicit objective of inciting the woman to carry on her pregnancy, but in practice, several authors have put forward the fact that the centers that must organize these consultations do not always do their work with this mindset. According to Kiworr the scope of the law is thus drained of its substance.

### **III) On factors that influence the decision to undergo an abortion: a few hypotheses**

Beyond this debate about the accuracy of the data which is hard to settle, we have looked for different ways to observe a potential change of attitude in relation to abortion.

The polling institute of Allensbach has indeed observed, basing itself on a recent survey, a stronger desire for children among Germans. Renate Köcher, who is the head of the Allensbach institute, speaks even of a change in values (“Wertewandel”) that would appear, thanks to, in particular, a more optimistic vision of the future. She observes as well that the future parents consider that there are today less obstacles to have children. Probably, political and social measures facilitating children care, and for women, the conciliation between familial life and professional career have resulted in positive consequences. It is, anyway, one of the factors identified by one of the researchers of

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<sup>4</sup> Online Focus Saturday 4<sup>th</sup> of February 2017.

the BIB (Bundesinstitut für Bevölkerungsforschung) to explain the slight increase in the birthrate observed in Germany these past years (1.34 child per woman in 2006 against 1.5 in 2015) – and we can assume that it is the same reasons that have led to the abandonment of a project of abortion in certain cases.

At the same time, the same institute observes that the individualization of society is progressing: the Germans aspire more than ever to be free, to free spaces, to personal fulfillment – which might conflict with the familial institution. In this context a group that explicitly envisages their future without children –considered as constituting an obstacle – is forming itself. Others plan a birth when it suits their project of happiness.

Is it to say that the principle of “a child if I want, when I want” stays in force?

Currently, there is an important study in progress dedicated to the familial images and expectations of Germans and their influence on the “procreational” behaviour. It will be able to offer some answers to certain questions raised in this brief contribution.