

LATVIA

The Criminal Law (amended through 2012 and 2013)

Section 135. Unauthorised Performing of an Abortion

(1) For a person who, being a person who has the right to perform abortions, commits abortion on a pregnant woman, where the abortion is performed outside of the premises of a hospital or any other medical institution, or at a medical institution but without legal basis therefor, the applicable punishment is temporary deprivation of liberty or community service, or a fine, with deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

(2) For a person who commits abortion on a pregnant woman in unsanitary conditions, or where commission thereof is by a person who does not have the right to perform abortions, the applicable punishment is deprivation of liberty for a term not exceeding two years or temporary deprivation of liberty, or community service, or a fine, with deprivation of right to engage in the practice of medical treatment for a period not exceeding five years.

(3) [13 December 2012]

(4) For a person who commits unauthorised abortion against the will of a pregnant woman, or where commission of an unauthorised abortion has resulted in the death of a pregnant woman or other serious consequences, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with deprivation of right to engage in the practice of medical treatment for a period not exceeding ten years. [12 February 2004; 13 December 2012]

Section 136. Compelling Commission of an Abortion

For a person who commits compelling a pregnant woman to have an abortion performed, if it has resulted in the abortion being performed, the applicable punishment is temporary deprivation of liberty or community service, or a fine.

[13 December 2012]

Law on Sexual and Reproductive Health Law of 19 February 2002, as amended through 29 January 2004.

Chapter VI Termination of Pregnancy

Section 25. Termination of Pregnancy at a Woman's Request

(1) The termination of a pregnancy at a woman's request is an artificial

termination of pregnancy upon the request of a woman prior the 12th week of the pregnancy.

(2) An appointment for the termination of a pregnancy at a woman's request, as well as written information approved by the Minister for Health on the moral aspects of pregnancy termination, possible medical complications and the possibility to preserve the life of the unborn child shall be issued by a gynaecologist (childbirth specialist) or a general practitioner, simultaneously informing the woman regarding the nature of pregnancy termination.

(3) The termination of a pregnancy may be performed by a gynaecologist (childbirth specialist) in an in-patient department of a medical treatment institution not earlier than 72 hours after the issue of the pregnancy termination appointment, and prior thereto the woman must be repeatedly informed on any possible complications resulting from the termination of the pregnancy.

[29 January 2004]

Section 26. Termination of Pregnancy Due to Medical Indications or in the Case of a Pregnancy Resulting from Rape

(1) Pregnancy termination due to medical indications or in cases of a pregnancy resulting from rape is an artificial termination of pregnancy on the grounds of medical indications or a certificate regarding a case of rape issued by a law enforcement institution.

(2) Termination of pregnancy due to medical indications shall be performed up to the 22nd week of the pregnancy. Termination of pregnancy resulting from rape shall be performed up to the 12th week of the pregnancy.

(3) Termination of pregnancy due to medical indications or in the case of a pregnancy resulting from rape is allowed only upon the written confirmation of the council of doctors and the written consent of the woman (in the case of a woman lacking the capacity to act – upon the written consent of a guardian).

(4) Termination of pregnancy due to medical indications or in the case of a pregnancy resulting from rape may be performed only by a gynaecologist (childbirth specialist) at an in-patient medical treatment institution.

Section 27. Termination of Pregnancy for a Patient Younger than 16 Years

(1) If a pregnant patient is younger than 16 years, the duty of a doctor who has established the fact of pregnancy is to consult the patient and pay full regard to her views, taking into account the age and maturity of the patient. The doctor has duty to inform the parents or guardian of the pregnant patient regarding the fact of pregnancy.

(2) An appointment for termination of pregnancy at her request may be issued to a patient younger than 16 years if at least one of her parents or a guardian has given written consent for termination of the pregnancy.

(3) Termination of the pregnancy for a patient younger than 16 years due to medical indications or in the case of a pregnancy resulting from rape is allowed only if there is a confirmation by the council of doctors or a certificate on a case of rape issued by a law enforcement institution, and if at least one of the patient's parents or her guardian has given written consent.

(4) It is necessary to obtain a decision of the Orphans Court (Parish Court) in order to terminate the pregnancy if there is any dispute between a patient younger than 16 years and her parents or her guardian regarding the preservation of the pregnancy.

Cabinet Regulation No. 590, 23 October 2003 on the Organizational Procedures for the Termination of Pregnancy.

*Issued pursuant to
Section 5, Paragraph two of the
Law on Sexual and Reproductive Health*

I. General Provisions

1. This Regulation shall specify the procedures regarding the provision of alternative possibilities for voluntary termination of pregnancy for women in medical treatment institutions, as well as the provision of alternative possibilities of medical equipment and anaesthesia used during termination of pregnancy.

2. Medical and legal provisions regarding termination of pregnancy shall be applied to the following terminations of pregnancy:

2.1. **Legal abortion** – termination of pregnancy at the wish of a woman until the twelfth week (11 weeks 6 days) of pregnancy in medical treatment institutions assessed following the procedures specified in regulatory enactments regarding area of medical treatment and which is in conformity with mandatory requirements; and

2.2. **Medically indicated abortion** – termination of a pregnancy due to medical indications until the twenty-second week (21 week 6 days) of pregnancy, or if pregnancy is a result of rape until the twelfth week (11 weeks 6 days) in a medical treatment institution assessed following the procedures specified in regulatory enactments regarding area of medical treatment and which is in conformity with mandatory requirements.

II. Legal Abortion

3. If a woman during an outpatient visit has expressed a wish to terminate pregnancy, a gynaecologist (obstetrician) or family doctor shall act as follows:

- 3.1. Confirm the fact of progressing pregnancy;
- 3.2. Provide oral information to the woman regarding the nature of terminating a pregnancy and provide her with written information approved by the Minister for Health; and
- 3.3. Fill in and provide the woman with an appointment for laboratory examination.

4. After assessment of the results of laboratory examinations and exclusion of medical contraindications a doctor shall fill in and provide the woman with an appointment for the termination of pregnancy (hereinafter – appointment).

5. A gynaecologist (obstetrician) or family doctor shall indicate in the appointment and in the outpatient medical card the year, month, date and hour of issuing the appointment.

6. For termination of pregnancy a gynaecologist (obstetrician) or family doctor shall send the woman to:

- 6.1. an inpatient medical treatment institution; or
- 6.2. a day hospital of an inpatient medical treatment institution, except in the following cases:
 - 6.2.1. if this is the first pregnancy;
 - 6.2.2. if the woman is 16 or less years old;
 - 6.2.3. if woman has a genital or extragenital disease which can endanger the life of the woman if the pregnancy is terminated; or
 - 6.2.4. if the pregnancy has lasted for more than 8 weeks.

7. Pregnancy shall be terminated in a medical treatment institution if the woman has:

- 7.1. been informed by a gynaecologist (obstetrician) regarding procedures and the possible complications of terminating a pregnancy; and
- 7.2. selected the type of anaesthesia and has been informed by an anaesthetist about the possible complications in during anaesthesia.

8. Up to when the woman is discharged from the medical treatment institution after the termination of pregnancy a gynaecologist (obstetrician) shall inform her regarding issues of family planning and advise suitable contraceptives.

III. Medically Indicated Abortion

9. After an assessment of health of the woman, the course of pregnancy and

development of foetus or on the basis of a statement of rape issued by a law-enforcement institution, a gynaecologist (obstetrician) or family doctor shall act as follows:

9.1. convoke a doctor's council:

9.1.1. if due to the illness of woman complications in the course of pregnancy are possible or have emerged; or

9.1.2. if the pregnancy is a result of rape; and

9.2. send the woman for additional examination to the Latvian State Medical Genetics Centre if complications in the development of foetus are possible or have emerged.

10. If due to the illness of the woman complications in the course of the pregnancy are possible or have emerged the following persons shall participate in doctor's council:

10.1. a gynaecologist (obstetrician), family doctor and the respective specialist – in an outpatient medical treatment institution; and

10.2. a gynaecologist (obstetrician), family doctor and the head of the gynaecological department – in an inpatient medical treatment institution.

11. If the pregnancy is a result of rape, gynaecologists (obstetricians) shall participate in the doctor's council.

12. The doctor's council shall be organised by the Latvian State Medical Genetics Centre if complications in development of foetus are possible or have emerged. In such case a doctor geneticist, a gynaecologist (obstetrician), as well as a gynaecologist (obstetrician) who is certified to perform ultrasonic examination in obstetrics and gynaecology shall participate in doctor's council.

13. On the basis of a resolution of the doctor's council a gynaecologist (obstetrician) or family doctor shall inform the woman about the possible complications if the pregnancy is continued and issue an appointment for termination of pregnancy in an inpatient medical treatment institution. The resolution of the doctor's council shall be attached to the medical documentation.

IV. Procedure of Drawing Up a Written Confirmation

14. In all cases when the woman is informed and/or makes a decision regarding the issues specified in Sub-paragraphs 7.1 and 7.2 and Paragraph 13 of these Regulations, she shall fill in a written confirmation. The confirmation shall be attached to the medical documentation. If a person has not reached the age of 16, a legal representative shall fill in the referred to confirmation.

15. The written confirmation shall include the following information:

- 15.1. personal data of the attestant;
- 15.2. confirmation that comprehensible, complete information has been provided and a choice regarding the issues specified in Sub-paragraphs 7.1 and 7.2 and Paragraph 13 of these Regulations has been made; and
- 15.3. the year, month and date of filling in the written confirmation.

[Jacobson note: From 1940 to 1991, the policy on abortion for Latvia was governed by the Union of Soviet Socialist Republics, which authorized abortion for limited reasons between 1936 and 1955, and on request from 1955.]