

**CROATIA**  
**Criminal Code (updated through 2003)**

**Article 97. Unlawful Termination of Pregnancy**

(1) Whoever, contrary to the regulations on the termination of pregnancy, commences the termination, terminates or assists a pregnant woman in terminating her pregnancy with her consent punished by imprisonment for six months to three years. shall be

(2) Whoever commences the termination or terminates pregnancy without the consent of the pregnant woman shall be punished by imprisonment for one to eight years.

(3) Whoever commits the criminal offense referred to in paragraph 1 of this Article after the tenth week since conception shall be punished by imprisonment for six months to five years.

(4) Whoever commits the criminal offense referred to in paragraph 2 of this Article after the tenth week since conception shall be punished by imprisonment for three to ten years.

(5) If, by the criminal offense referred to in paragraphs 1 and 3 of this Article, the woman's death is caused, or her health is severely impaired, the perpetrator shall be punished by imprisonment for one to eight years.

(6) If, by the criminal offense referred to in paragraphs 2 and 4 of this Article, the woman's death is caused, or her health is severely impaired, the perpetrator shall be punished by imprisonment for five to fifteen years.

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**Law No. 1252-1978 of 21 April 1978**, Act concerning the medical measures for materialization of the right to freely decide on the birth of children.

**Article 1.** In order to implement the human right to freely decide whether to have or not to have children, this Act regulates those rights and duties of a citizen that relate to the prevention of unwanted conception, interruption of unwanted pregnancy, as well as such medical help that might be necessary to those who would like to, but cannot, fulfil their wish to have descendants.

**Article 2.** The human right to freely decide on the birth of children can be limited only for the purposes of protection of health and under such conditions and through such procedures as determined by this Act.

**III. Abortion.**

**Article 15.** An abortion is a medical operation.

An abortion may be performed until the end of the tenth week after conception.

If ten weeks following the conception have passed, the abortion may be performed only with the consent of a Commission and under conditions and procedures determined by this Act.

**Article 16.** The abortion may not be performed if it is medically established that such abortion could endanger the health of the woman.

**Article 17.** An abortion may only be performed in those hospitals that have a department of gynaecology and obstetrics and in other medical organizations of associated labour which are for this purpose especially authorized by the republican authority having jurisdiction over medical questions.

**Article 18.** An abortion is performed on request of the pregnant woman. If such request is submitted by a woman under the age of 16, it must be accompanied by the consent of her parents, or the consent of her guardian with the further consent of the Guardianship Authority.

**Article 19.** The pregnant woman has the right to decide in which medical organization of associated labour she would like to have the operation performed.

If the legal conditions for abortion are fulfilled, the pregnant woman is referred to the physician, who then performs the abortion.

**Article 20.** If it is established that 10 weeks have passed since conception, or if it is established that the abortion could endanger the health of the pregnant woman, she is referred to the Commission of First Instance. If such referral to the Commission of First Instance involves an unmarried woman below the age of 16, her parents or her guardian must be notified.

**Article 21.** In the case set forth in Article 19, paragraph 2 of this Act, the abortion may be performed immediately when the pregnant woman presents herself to the physician who is to perform the abortion; in the case set forth in Article 20, first paragraph of this Act, the abortion may be performed immediately after the consent of the Commission of First Instance is given, but not later than seven days after the date of that consent.

**Article 22.** If more than 10 weeks have passed since conception, the Commission of First Instance may consent to the abortion upon the request or with the consent of the pregnant woman under the following conditions:

- when it is medically established that it would be impossible to save her life or prevent damage to her health, whether it be during pregnancy, delivery,

- or postpartum condition;
- when it is medically established that it is probable that the child would be born with a serious congenital physical or mental defect;
- when the conception is a consequence of a criminal act of rape, criminal act of sexual intercourse with an incompetent person, criminal act of sexual intercourse in consequence of abuse of authority, criminal act of sexual intercourse with a child, or criminal act of incest.

**Article 23.** The procedure in consequence of request for abortion is urgent.

The Commission of First Instance must decide upon the request for abortion within eight days after the receipt of the request.

**Article 24.** A pregnant woman dissatisfied with the decision of the Commission of First Instance may appeal to the Commission of Second Instance within three days.

The Commission of Second Instance must decide the appeal within eight days after the receipt of the petition. The decision of the Commission of Second Instance concerning the request for abortion is final.

**Article 25.** Notwithstanding the conditions of procedure hereby described, the abortion will be performed or completed under the following conditions:

- where immediate danger is present to the life or health of the pregnant woman;
- when the abortion has already been started.

In cases described in the first paragraph of this Article, the abortion will be performed in such a medical organization of associated labour that usually performs abortions, but under exceptional circumstances, this abortion may be performed in other medical organizations of associated labour.

**Article 26.** The medical organization of associated labour must within 30 days after the abortion notify the fact of the abortion to the authority having jurisdiction over medical statistics.

**Article 27.** If the completion of an already started abortion gives rise to a suspicion that the abortion has been started contrary to the provisions of this Act, the responsible person in the medical organization of associated labour in which the abortion has been completed must immediately notify the prosecutorial authority having jurisdiction over the matter.

**Article 28.** The organization of associated labour in which the abortion is performed must use the most modern medical methods available for the performance of this operation. The medical organization in the preceding

paragraph must ensure that the woman on whom the abortion has been performed will prolong (if necessary for the purposes of convalescence) her stay in this medical organization of associated labour.

## **V. The establishment and work of the Commissions.**

**Article 35.** The Commission of First Instance, with jurisdiction over the requests for sterilization or abortion respectively, is composed of two physicians, of whom one is to be a gynaecologist and one a social worker or registered nurse, who shall work in the medical organization of associated labour which is to perform the sterilization or abortion. The Commission of First Instance is established by the medical organization of associated labour which is to perform the sterilization or abortion.

**Article 36.** The Commission of Second Instance which, within the meaning of Articles 13 and 24, decides on appeal the decision of the Commission of First Instance, is to be composed of two gynaecologists (with one a specialist in that branch of medicine concerned with medical indications that are the substance of the request for sterilization or abortion), one social worker, and one judge, who is, upon the request of the authorized medical organization of associated labour, nominated by the president of the County Court having jurisdiction over the territory in which the respective medical organization is registered. The Commission mentioned in the first paragraph of this Article, is established by the medical organization of associated labour which is for this purpose especially authorized by the republican authority having jurisdiction over medical questions.

**Article 37.** The Commissions referred to in Articles 35 and 36 of this Act work in conference; their decisions are by majority vote.

The Commission may, in view of its need for medical expertise and opinion, refer the petitioner to an appropriate medical organization of associated labour in order for the facts upon which the decision has to be based to be properly ascertained.

## **VI. Fees and expenses.**

**Article 38.** The fees for the medical services connected with medical operations anticipated by this Act are to be established on the basis of criteria agreed upon in the framework of the Union of Associations of Medical Insurance and Health of Croatia by self-management interest communities of medical insurance and health.

**Article 41.** The expenses for abortion are to be paid by the pregnant woman unless the self-managerial interest community of medical insurance and health provides differently.

If the abortion is being performed for the reasons set forth in Article 22 of this Act,

or in cases of unwanted pregnancy of those women that use intrauterine contraceptive devices, the expenses for abortion are to be defrayed by the self-management interest community of medical insurance and health. If a pregnant woman is in such a financial situation that she needs social security protection, the expenses for abortion will be paid by the self-management interest community of medical insurance and health. If a pregnant woman is in such a financial situation that she needs social security protection, the expenses for abortion will be paid by the self-management interest community of social protection in the county of the territory where the pregnant woman resides under the conditions and in the mode ascertained by a self-management general act.

## **VII. Penal provisions.**

**Article 42.** A fine of not less than 2,000 and not more than 10,000 dinars will be imposed for a misdemeanor upon the medical organization of associated labour if:

1. it performs a sterilization, abortion, or artificial insemination which it is not authorized (Articles 14, 17, 31) to perform;
2. it performs a sterilization or abortion without a previous decision of a Commission when such a decision is necessary (Articles 13, 20, 21);
3. it does not ensure the secrecy of data concerning the identities of the donor of semen, the artificially inseminated woman, or her husband (Article 32).

These misdemeanors set forth in paragraph 1 of this Article by an individual medical worker will be punished by a fine of no less than 500 and no more than 3,000 dinars if an unauthorized sterilization, abortion or artificial insemination is performed by such worker.

**Article 43.** A fine of no less than 1,000 and no more than 5,000 dinars will be imposed, for a misdemeanor, upon a medical organization of associated labour which within 30 days after it performs a sterilization or an abortion does not notify the competent authority (Article 14, paragraph 2 and Article 26).

The responsible person in the medical organization of associated labour who commits the misdemeanor described in paragraph 1 of this Article will be punished by a fine of at least 500 and at most 1,000 dinars.

**Article 44.** The responsible person in a medical organization of associated labour in which an abortion already begun is completed and a suspicion is present that such an abortion had been begun contrary to the provisions of this Act, without such suspicion being immediately reported to the competent prosecutorial authority (Article 27), will be punished for this misdemeanor by a fine of no less than 1,000 and no more than 3,000 dinars.