



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Netherlands
Title:	Abortion during COVID-19
Date:	22 July 2020
Expert:	Marlies Vegter
Issue at stake:	Problems with access to an abortion during the corona crisis
Grounds of discrimination:	Gender, Sex
Field of application:	Pregnancy and maternity
Source:	National court decision
Applicable law:	Article 296 sub 1 and 5 of the Penal Code

Content

The NGO's Bureau Clara Wichmann and Women on Waves initiated together with Trix (an alias), a pregnant woman, summary proceedings against the State. Trix wanted an abortion (by means of an abortion pill) which meant that she would have to go to an abortion clinic. However, as she is a single mother and her daughter had symptoms of COVID-19, she could not leave the house. The NGO's and Trix therefore requested the court to order the Dutch government to authorize doctors to send the abortion pill by regular mail. They referred to the fact that, *inter alia*, in the United Kingdom and in Ireland it was made possible during the corona crisis to terminate a pregnancy in this way. However, the court dismissed the request on 10 April 2020, stating that it was not impossible to reach the abortion clinic and therefore there was no need for sending the abortion pill by mail.

The background hereof is that in the Netherlands a general practitioner (or abortion doctor) acts in breach of criminal law when prescribing the abortion pill. In practice these doctors have not been prosecuted so far, but there is no certainty that this will not be done some day.

Bureau Clara Wichmann and Women on Waves have heard from other women with an unwanted pregnancy, who could not or dared not to go to an abortion clinic during the corona crisis. One of these women found herself at home in an unsafe situation with a partner who did not know about the pregnancy. Because of the corona crisis she had no excuse to leave her home and therefore could not go to an abortion clinic. Another woman lives on one of the Wadden Islands and would need to travel four hours to go to an abortion clinic.

Key points of analysis: It is disappointing that the Dutch government did not want to make it possible for women with an unwanted pregnancy to receive the abortion pill by regular mail. The Dutch government takes the view that it is necessary for a woman to come to an abortion clinic to take the abortion pill. However, there is no evidence that this is necessary and that a woman cannot take this pill at home. The fact that other countries allow for this procedure shows the opposite. In the view of the author of this report, the

Dutch government failed to see the difficult position of women with an unwanted pregnancy in the corona crisis.

Internet link sources::

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2020:3551>.