



ภาคผนวก

มหาวิทยาลัยราชภัฏสกลนคร

สืบราชสันตติวงศ์



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กฎหมายเกี่ยวกับการทำแท้งของประเทศฝรั่งเศส

The Veil Law of 1975

Chapter I: General principles

Article L2212-1

A pregnant woman whose condition places her in a situation of distress may request a physician for the termination of her pregnancy. This termination may only be performed before the end of the twelfth week of pregnancy.

Article L2212-2

Voluntary termination of pregnancy may only be performed by a physician.

It may only take place in a health facility, public or private, or within the framework of an agreement concluded between the practitioner or a center for family education or planning or a health center and such a facility under conditions determined by a decree of the State Council.

Article L2212-3

The physician requested by a woman to terminate her pregnancy must, at the first visit, inform her about the medical and surgical methods for the termination of pregnancy and the risks and potential side effects.

He must provide her with a file-guide updated at least one time a year, including in particular a reminder of the provisions of Articles L. 2212-1 and L. 2212-2 and a list of addresses and organizations referred to in Article L. 2212-4 and of facilities where voluntary interruptions of pregnancy are performed.

Regional health agencies shall ensure the production and dissemination of file-guides intended for physicians.

Article L2212-4

Before and after a voluntary termination of pregnancy an adult woman shall be routinely offered a consultation with a person who has satisfied qualified training as a marriage counselor or any

other qualified person in a facility for information, consultation, or family counseling, a center for planning or family education, a social service, or another approved organization. This preliminary consultation shall include a particular discussion during which assistance or counseling appropriate to the situation of the concerned person shall be provided.

This preliminary consultation is mandatory for a non-emancipated minor and the concerned organization must provide her with a certificate of counseling. If she expresses the desire to maintain confidentiality with respect to the holders of parental authority or her legal representative, she must be counseled on the choice of an adult referred to in Article L. 2212-7 likely to accompany her in her step.

The staff of organizations referred to in the first paragraph are subject to the provisions of articles 226-13 and 226-14 of the penal code.

Whenever possible a couple shall participate in the consultation and the decision to take.

Article L2212-5

If, after the consultations provided for in articles L. 2212-3 and L. 2212-4, the woman renews her request for a termination of pregnancy, the physician must request a written confirmation from her; he may only accept this confirmation after the expiration of a week following the first request of the woman, except when the term of twelve weeks risks being passed. This confirmation can only occur after the expiration of a delay of two days following the discussion provided for in article L. 2212-4; this delay may be included in that of the week provided for above.

Article L2212-7

If the woman is a non-emancipated minor, the consent of one of the holders of parental authority or, where applicable, of her legal representative shall be collected. This consent shall be attached to the request that she presents to the physician outside the presence of any other person.

If the non-emancipated minor desires to maintain confidentiality, the physician must strive, in her interest, to obtain her consent that one or both of the holders of parental authority or, where

applicable, of the legal representative be consulted or must verify that this step has been taken during the discussion referred to in article L. 2212-4.

If the minor desires not to take this step or if consent is not obtained, the voluntary termination of pregnancy as well as the medical procedures and care that are related to it may be performed at the request of the interested person, set out in the conditions provided for in the first paragraph. In this case the minor shall be accompanied in her step by an adult of her choice.

After the procedure, a second consultation shall be mandatorily proposed to minors, aimed in particular at new information on contraception.

Article L2212-8

A physician is never required to perform a voluntary termination of pregnancy, but he must without delay inform the interested person of his refusal and must immediately communicate to her the names of practitioners likely to carry out this procedure according to the procedures provided for in article L. 2212-2.

No midwife, no nurse, no medical auxiliary, of whatever kind, is required to assist in the interruption of a pregnancy.

A private health facility may refuse to have voluntary terminations of pregnancy performed on its premises.

However, this refusal may not be invoked by a facility referred to in paragraph 2 of article L. 6161-5 or by a facility having concluded an agreement of concession pursuant to article L. 6161-9 in its version prior to Law No. 2009-879 of 21 July 2009 on hospital reform and on patients, health, and territories unless other facilities are able to respond to local needs.

The categories of public facilities required to have at their disposal means allowing them to perform voluntary terminations of pregnancy are set by a decree.

Chapter III: Termination of pregnancy performed for medical reason.

Article L2213-1

Voluntary termination of pregnancy may be performed at any time if two physicians, members of a multidisciplinary team, certify, after the team has issued its advisory opinion, that continuance of the pregnancy seriously endangers the health of the woman or that there exists a strong probability that the unborn child is suffering from a disorder of particular seriousness recognized as incurable at the moment of diagnosis.

When the termination of pregnancy is considered for the reason that continuance of the pregnancy seriously endangers the health of the woman, the multidisciplinary team with responsibility for examining the request of the woman shall consist of at least four persons; these are a physician qualified in gynecology/obstetrics who is a member of a multidisciplinary center for prenatal diagnosis, a practitioner who is a specialist in the disorder from which the woman is suffering, a physician chosen by the woman, and a qualified person bound by professional confidentiality who may be a social worker or a psychologist. The physician qualified in gynecology/obstetrics and the physician who is a specialist in the disorder from which the woman is suffering must exercise their activities in a health facility.

When the termination of pregnancy is considered for the reason that there exists a strong probability that the unborn child is suffering from a disorder of particular seriousness recognized as incurable at the moment of diagnosis, the multidisciplinary team with responsibility for examining the request of the woman is that of a multidisciplinary center for prenatal diagnosis. When the team of the center above meets, a physician chosen by the woman may, at her request, be involved in the dialogue. Apart from medical urgency, a delay for reflection of at least one week before deciding to interrupt or continue the pregnancy shall be suggested to the woman.

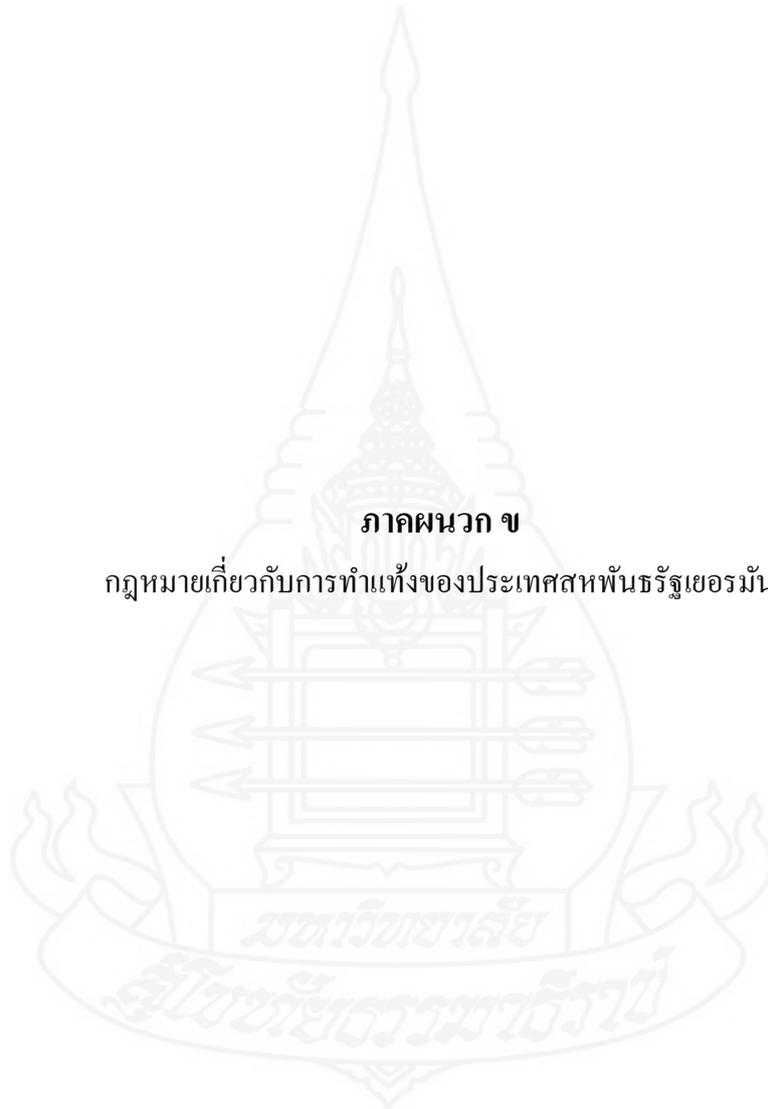
In both cases, prior to the meeting of the competent multidisciplinary team, the woman concerned or the couple may, at their request, be heard by all or part of the members of this team.

ที่มา: The Veil Law 1975. Retrieved January 9, 2015 from :

<https://www.womenonwaves.org/en/page/4775/abortion-law-france>

ภาคผนวก ข

กฎหมายเกี่ยวกับการทำแท้งของประเทศสหพันธรัฐเยอรมัน



German Criminal Code 1998

Section 218 Abortion

(1) Whosoever terminates a pregnancy shall be liable to imprisonment not exceeding three years or a fine. Acts the effects of which occur before the conclusion of the nidation shall not be deemed to be an abortion within the meaning of this law.

(2) In especially serious cases the penalty shall be imprisonment from six months to five years.

An especially serious case typically occurs if the offender

1. acts against the will of the pregnant woman; or
2. through gross negligence causes a risk of death or serious injury to the pregnant woman.

(3) If the act is committed by the pregnant woman the penalty shall be imprisonment not exceeding one year or a fine.

(4) The attempt shall be punishable. The pregnant woman shall not be liable for attempt. Section

218a Exception to liability for abortion

(1) The offence under section 218 shall not be deemed fulfilled if

1. the pregnant woman requests the termination of the pregnancy and demonstrates to the physician by certificate pursuant to section 219(2) 2nd sentence that she obtained counselling at least three days before the operation;
2. the termination of the pregnancy is performed by a physician; and 3. not more than twelve weeks have elapsed since conception.

(2) The termination of pregnancy performed by a physician with the consent of the pregnant woman shall not be unlawful if, considering the present and future living conditions of the pregnant woman, the termination of the pregnancy is medically necessary to avert a danger to the life or the danger of grave injury to the physical or mental health of the pregnant woman and if the danger cannot reasonably be averted in another way from her point of view.

(3) The conditions of subsection (2) above shall also be deemed fulfilled with regard to a termination of pregnancy performed by a physician with the consent of the pregnant woman, if according to medical opinion an unlawful act has been committed against the pregnant woman under sections 176 to 179, there is strong reason to support the assumption that the pregnancy was

caused by the act, and not more than twelve weeks Service provided by the Federal Ministry of Justice in cooperation with juris GmbH – www.juris.de Page 103 of 163 have elapsed since conception.

(4) The pregnant woman shall not be liable under section 218 if the termination of pregnancy was performed by a physician after counselling (section 219) and not more than twenty-two weeks have elapsed since conception. The court may order a discharge under section 218 if the pregnant woman was in exceptional distress at the time of the operation.

Section 218b Abortion without or under incorrect medical certification

(1) Whosoever terminates a pregnancy in cases under section 218a(2) or (3) without having received the written determination of a physician, who did not himself perform the termination of the pregnancy, as to whether the conditions of section 218a(2) or (3) were met shall be liable to imprisonment not exceeding one year or a fine unless the offence is punishable under section 218. Whosoever as a physician intentionally and knowingly makes an incorrect determination as to the conditions of section 218a(2) or (3) for presentation under the 1st sentence above shall be liable to imprisonment not exceeding two years or a fine unless the act is punishable under section 218. The pregnant woman shall not be liable under the 1st or 2nd sentences above.

(2) A physician must not make determinations pursuant to section 218a(2) or (3) if a competent agency has prohibited him from doing so because he has been convicted by final judgment for an unlawful act under subsection (1) or under section 218, section 219a or section 219b or for another unlawful act which he committed in connection with a termination of pregnancy. The competent agency may provisionally prohibit a physician from making determinations under section 218a(2) and (3) if an indictment has been admitted to trial based on a suspicion that he committed unlawful acts indicated in the 1st sentence above.

Section 218c Violation of medical duties in connection with an abortion

(1) Whosoever terminates a pregnancy

1. without having given the woman an opportunity to explain the reasons for her request for a termination of pregnancy;

2. without having given the pregnant woman medical advice about the significance of the operation, especially about the circumstances of the procedure, after-effects, risks, possible physical or mental consequences;

3. in cases under section 218a(1) and (3) without having previously convinced himself on the basis of a medical examination as to the state of the pregnancy; or

4. despite having counselled the woman with respect to section 218a (1) pursuant to section 219, shall be liable to imprisonment not exceeding one year or a fine unless the act is punishable under section 218. (2) The pregnant woman shall not be liable under subsection (1) above.

Section 219 Counselling of the pregnant woman in a situation of emergency or conflict

(1) The counselling serves to protect unborn life. It should be guided by efforts to encourage the woman to continue the pregnancy and to open her to the prospects of a life with the child; it should help her to make a responsible and conscientious decision. The woman must thereby be aware that the unborn child has its own right to life with respect to her at every stage of the pregnancy and that a termination of pregnancy can therefore only be considered under the law in exceptional situations, when carrying the child to term would give rise to a burden for the woman which is so serious and extraordinary that it exceeds the reasonable limits of sacrifice. The counselling should, through advice and assistance, contribute to overcoming the conflict Service provided by the Federal Ministry of Justice in cooperation with juris GmbH – www.juris.de Page 104 of 163 situation which exists in connection with the pregnancy and remedying an emergency situation. Further details shall be regulated by the Act on Pregnancies in Conflict Situations.

(2) The counselling must take place pursuant to the Act on Pregnancies in Conflict Situations through a recognised pregnancy conflict counselling agency. After the conclusion of the counselling on the subject, the counselling agency must issue the pregnant woman with a certificate including the date of the last counselling session and the name of the pregnant woman

in accordance with the Act on Pregnancies in Conflict Situations. The physician who performs the termination of pregnancy is excluded from being a counsellor.

Section 219a Advertising services for abortion

(1) Whosoever publicly, in a meeting or through dissemination of written materials (section 11(3)), for material gain or in a grossly inappropriate manner, offers, announces or commends

1. his own services for performing terminations of pregnancy or for supporting them, or the services of another; or

2. means, objects or procedures capable of terminating a pregnancy with reference to this capacity, or makes declarations of such a nature shall be liable to imprisonment not exceeding two years or a fine.

(2) Subsection (1) No 1 above shall not apply when physicians or statutorily recognised counselling agencies provide information about which physicians, hospitals or institutions are prepared to perform a termination of pregnancy under the conditions of section 218a(1) to (3). (3) Subsection (1) No 2 above shall not apply if the offence was committed with respect to physicians or persons who are authorised to trade in the means or objects mentioned in subsection (1) No 2 or through a publication in professional medical or pharmaceutical journals.

Section 219b Distribution of substances for the purpose of abortion

(1) Whosoever with intent to encourage unlawful acts under section 218 distributes means or objects which are capable of terminating a pregnancy shall be liable to imprisonment not exceeding two years or a fine.

(2) The secondary participation by a woman preparing the termination of her own pregnancy shall not be punishable under subsection (1) above.

(3) Means or objects to which the offence relates may be subject to a deprivation order

ที่มา: German Criminal Code 1998 . Retrieved January 9, 2015 from :

https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/criminal_code_germany_en_1.pdf



ภาคผนวก ค

กฎหมายเกี่ยวกับการทำแท้งของประเทศไทย

Offences Against the Person Act, 1861**Administering drugs or using instruments to procure an abortion**

S.58—Every woman being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent: and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent — penalty: imprisonment for life.

Procuring drugs to cause abortion

S.59—Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child. Penalty: five years imprisonment.

ที่มา: Offences Against the Person Act, 1861. Retrieved January 9, 2015 from :

<http://garda.blackhallpublishing.com/2013-05-31-05-54-16/subject-index/101-abortion/1000-offences-against-the-person-act-1861.html>

Abortion Act 1967

Medical termination of pregnancy.

(1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith—

(a) that the pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family; or

(b) that the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman; or

(c) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or

(d) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph (a) or (b) of subsection (1) of this section, account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy must be carried out in a hospital vested in the Secretary of State for the purposes of his functions under the National Health Service Act 2006 or the National Health Service Act 2006 or in a hospital vested in ...a National Health Service trust or an NHS foundation trust or in a place approved for the purposes of this section by the Secretary of State

(4) Subsection (3) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

ที่มา: Abortion Act 1967. Retrieved January 9, 2015 from :

<http://www.legislation.gov.uk/ukpga/1967/87/section/1>

