

Press Statement:

Women in vulnerable situations bearing the brunt of abortion criminalization

In the context of the recent Court's conviction of a woman accused of carrying out a medical abortion at home, the National Commission for the Promotion of Equality (NCPE) is calling for the decriminalization of abortion in Malta in order to safeguard the rights, health and wellbeing of women. From the Court case it transpires that the woman, mother of a very small child, was in an abusive relationship and suffered from mental health issues. Tellingly, it was her abusive partner who reported her to the police for carrying out the medical abortion.

This outrageous case represents the gendered injustices resulting from the blanket criminalization of abortion in Malta. The current law is being used as a means of power and control over women. Whilst noting that the police treated the woman with respect, and that the Court handed down a lenient sentence, the fact remains that an abusive partner could trigger criminal proceedings against the woman due to unjust laws criminalizing abortion.

Women should never be interrogated, dragged to Court and face a potential prison term only because circumstances led them to take a personal decision. Women in vulnerable situations, such as women in abusive relationships, women with limited financial means and migrant women, are suffering the worst consequences of abortion criminalization due to fewer possibilities of travelling abroad and more chances of being reported to the police. The current abortion laws add to the risks and hardships experienced by such women, thus perpetuating suffering and social inequality.

This case also highlights the utmost importance of ensuring that mental health is not excluded from the criminal code amendment tabled in Parliament last year, that will allow the termination of a pregnancy when the woman's life and health are in danger. The circumstances of this case show that mental health can be a major factor impacting the health and wellbeing of women during pregnancy. Women's mental health is equally important to and inextricably linked to their physical health. Sending a message to the contrary would be incorrect and dangerous.

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