



## **Schwanger-in-Bayern.de - an information portal of the public health agencies in Bavaria**

- A) Counselling
  - B) Crisis
  - C) Termination of pregnancy
  - D) Contact
- Attachment

### **A) COUNSELLING**

Having a baby is a wonderful thing. The "miracle of life" can already be felt very vividly and directly during pregnancy, and there are only few events in life that will change your everyday life and your plans as fundamentally as a new baby. But we are aware that being pregnant can also be the cause of uncertainty, many questions, problems and apprehensions:

- Are we really up to the responsibility?
- Will our relationship change because of the baby?
- What kind of support can I get, and where?

We offer women and men to come and talk to us - we would like to support them in making a sound decision for themselves.

We offer you information and practical assistance ...

- ... if you have any questions or problems related to your pregnancy
- ... if you feel you are unable to carry to term
- ... if you have problems with your partner or your family
- ... if you are going to have a disabled child
- ... if you are suffering financial hardship (e.g. applications to the Landesstiftung "Hilfen für Schwangere in Not" - foundation for supporting pregnant women in trouble - may be filed with us)
- ... if you want to find out about aids and benefits for children and families
- ... if you have any questions on family planning and on methods of contraception
- ... if you wish to obtain counselling and support after a termination of pregnancy or after the birth of your child
- ... if you want to know more about well-founded concepts and events on sex education (sexualpädagogische Konzepte und Veranstaltungen) for and with pupils, parents, youth groups, educators, and teachers.

We are bound by professional discretion. We provide confidential, upon request even anonymous counselling\*. You may come on your own, accompanied by your partner or by another person you trust. Short-term appointments may also be arranged. Please make an appointment by phone. All counselling sessions are free of charge. If required, we also offer home visits. You are absolutely free to pick a counselling centre of your choice, no matter where you live.

(\* We will need your particulars only for issuing a counselling certificate or if you would like us to help you file an application for financial assistance.)



## **B) CRISIS**

Unwanted pregnancy - people will immediately think you have been careless, even irresponsible.

Only if people assume that there are contraceptives that are 100% safe can they take the stance: "If only you had planned ahead, you needn't worry now!" Experiencing sexuality may lead to pregnancies that may be planned, pregnancies that may not be planned but are nevertheless accepted, or pregnancies that are unwanted and are considered a disaster.

From our point of view, every child has a right to life, but we do not want to neglect pregnant women or couples with their particular circumstances.

We know that there are situations in which especially responsible people may be drawn into a deep inner conflict that turns everything upside down - all their values, norms and everything they have stood up for in life. In this exceptional situation we would like to be there for you, welcome you with everything you bring with you, and try to assist you in sorting out some of the confusion of thwarted plans in life, desires and emotions such as pain, disappointment and anger. We would like to encourage you to step back and look at things from a distance. We would like to accompany you some of the way towards making your own personal decision that feels right for you deep down. But even if you have already made your decision, you will find an accepting atmosphere with room for your personal points of view and philosophies.



## **C) Termination of pregnancy**

- 1 Regulation by law
- 2 Counselling
- 3 Confidentiality
- 4 Counselling certificate
- 5 Registered centres
- 6 Counselling by the doctor performing the termination
- 7 Costs
- 8 Legal foundations
- 9 Counsellors' qualifications
- 10 Further information
- 11 Pamphlets/sources

### **1 Regulation By Law**

Regardless of your nationality and of the governing laws in your home country - if you live in Germany, German law shall apply.

A termination of pregnancy in accordance with the so-called "counselling regulation" is unlawful but exempt from punishment if ...

- the pregnancy is terminated within 12 weeks after conception (12 or 14 weeks? The law refers this statement of time to the actual week of pregnancy, i.e. 12 weeks after conception. However, the calculation of the duration of pregnancy typically and commonly used by doctors is based on the first day of the last monthly period. Since it is assumed that conception took place about 2 weeks after the last monthly period, the 12th week of pregnancy stated by law corresponds to the 14th week of pregnancy as calculated by medical doctors.)
- the woman expressly desires termination
- she has proven to the doctor, by way of a certificate issued by a recognised counselling centre, that she obtained crisis pregnancy counselling (Schwangerschaftskonfliktberatung) pursuant to Article 219 StGB [German Criminal Code] at least three days ago (Article 218 StGB).

A termination of pregnancy is not unlawful if...

- the pregnancy is the result of a crime, e.g. rape. No more than 12 weeks may have passed since conception (criminological grounds; Article 218a, Section 2, StGB), or
- termination is necessary to avert danger of life or the risk of a serious impairment of the woman's physical or emotional health. In this case there is no time limit (medical grounds; Article 218a, Section 3, StGB).

Please see the attachment on the subject of issuance of a certificate confirming medical or criminological grounds for an abortion.

Both categories of grounds must be established by way of a doctor's certificate. Even though in these cases no compulsory counselling is prescribed, the counselling centres still offer their help.

### **2 Counselling**

Should you have any language problems, the counselling centres offer to call in a certified interpreter. However, you may also bring along a person you trust (e.g. a friend).



According to the law, the woman/the couple shall not be summoned before a committee deciding whether or not it can be reasonably expected of the woman to continue pregnancy. The legislator does not "judge", neither does it abuse the counselling centres for this purpose. On the contrary, the lawmakers believe in the woman's ability to make a responsible decision. After all, it is only the pregnant woman herself who can decide whether to continue or terminate pregnancy. This provision is based on the assumption that any unborn life may best be protected in agreement with the woman concerned, and not against her will (as used to be the case, for example, with threat of punishment). Since the lawmakers take the stance that every child has a right to life, they oblige women considering a termination of pregnancy to obtain counselling (except in the event of "Indikationen" - medical/criminological grounds). The counselling serves to protect unborn life and is meant to encourage women to continue pregnancy, and is intended to show perspectives for a life with the child and to remind the woman of the unborn's right to live. A termination of pregnancy can therefore be considered only in exceptional situations, like if the continuation of pregnancy poses a burden for the woman so severe that it exceeds the sacrifices the woman can reasonably be expected to make. In the counselling session, the woman will be informed about any financial and social aids available which may enable her to continue pregnancy. In addition, the impact of the child's birth or of a termination of pregnancy on the woman's/the partner's life and/or on the relationship will be explored. Eventually, the reasons why the woman/the couple may consider a termination of pregnancy, or has already decided to go ahead with it, will also be dealt with. (Please note: The issues to be talked about during the sessions have been specified by the legislator for all counselling centres, regardless of which body they are associated with. All counsellors have committed themselves to provide counselling in line with these principles.) If you are facing a crisis pregnancy, you need not fear that the counsellors will patronise you or talk down to you. They know the difference between truly talking and listening to you as an equal in an accepting, caring atmosphere, and trying to make up your mind for you. The counselling session is intended to help you make your own decision. The counsellors at the centres are aware of the special situation and problems created by the obligation to come to a counselling session which some women/couples would not attend of their own accord.

### 3 Confidentiality

The male and female counsellors are bound to professional discretion and are not even allowed to give evidence before court without your consent (right to refuse to give evidence, "Zeugnisverweigerungsrecht"). For the counselling centres even a ban on seizure applies. Any information provided will be treated confidentially. Even the very fact that you have come to a counselling centre is subject to confidentiality.

### 4 Counselling Certificate

Immediately after the session(s) you will be given, upon request, a written confirmation stating that a counselling session was held. This counselling certificate is a precondition for any non-punishable termination of pregnancy. Only the name of the woman having been given counselling and the date on which counselling ended will be entered in the certificate. Of course, none of what was talked about during the counselling session will be put down in writing.

**Please note:** Not all counselling centres will issue this counselling certificate. Even though counselling centres that are not officially recognised by the state authorities (e.g. Caritas-Verband) do offer counselling for women/couples facing a crisis pregnancy, they will not hand out counselling certificates. For women/couples this means that they need to attend



another session at a state-recognised counselling centre for pregnancy-related issues if they wish to obtain a counselling certificate.

For issuing the counselling certificate, you will be asked for your particulars (therefore please bring your identity card/passport). However, you may remain anonymous towards your counsellor. In this case, the certificate will be issued by a third party. With your consent, a copy of the counselling certificate issued may be kept at the counselling centre, so that you may once again obtain a certificate without having to go through another counselling session, e.g. in case you lose the certificate (this possibility may also be useful for an application at the Landesstiftung [foundation for supporting pregnant women in trouble], should you decide to carry your baby to term)

A counselling certificate cannot be issued if you only had contact with an **online counselling centre**.

## 5 Registered Facilities

The counselling centres at the public health agencies, and the health insurance bodies will also provide information on officially registered medical doctors/institutions performing abortions. Counselling centres reporting to other bodies (e.g. Caritas, DONUM VITAE) do not offer any information on this subject.

## 6 Counselling By the Doctor Performing the Termination

A termination of pregnancy may only be performed by a medical doctor, and only with the woman's consent. The doctor will satisfy him/herself as to the duration of pregnancy and will give the woman the opportunity to state her reasons for terminating pregnancy. In addition, the doctor will counsel her on those aspects of the abortion which are important from a medical point of view, in particular aspects relating to the procedure adopted, consequences, risks, and potential physical and psychological effects. If crisis pregnancy counselling within the framework of counselling regulation is conducted by a doctor, this doctor must not perform the termination of pregnancy himself/herself.

## 7 Costs

The cost of terminating pregnancy performed in accordance with counselling regulation are to be met by the woman herself/by the couple themselves. For women suffering financial hardship, the respective federal state will - on application - pay for the expenses incurred. The application is to be effected via the national health insurance body, where the woman may apply - prior to the abortion - for a so-called declaration of absorption of costs ("Kostenübernahmeerklärung"). If you have private health insurance, are insured via the social welfare office ("Sozialamt") (within the framework of the Federal Social Security Law ["Bundessozialhilfegesetz"]) or if you have no health insurance at all, you may turn to a national health insurance organisation of your choice. This certificate will be handed out to you there and then when you go there personally, so that it may be presented at the doctor's. The counselling centres at the public health agencies provide information about the relevant income limits. For reasons of ethical responsibility, the counselling centres of some sponsoring bodies (e.g. Caritas) do not see themselves in a position to provide counselling in this respect. The cost of counselling, examination and treatment directly related to the termination of pregnancy are met by your national health insurance organisation. (therefore please make sure to bring your personal insurance card). If you have any other kind of health insurance, your insurer will meet these costs. The costs of an abortion performed within the framework of the medical/criminological grounds regulation ("Indikationsregelung") will be borne by national health insurance bodies or your private health insurance company; in the



case of public servants, they will be borne by the "Beihilfefestsetzungsstelle" (body for determining the amount of aids granted to public servants), otherwise by the respective social welfare authority.

## 8 Legal Foundations

Schwangeren- und Familienhilfeänderungsgesetz (SFHÄndG) [Amending law on aid granted to pregnant women and their families], Gesetz zur Vermeidung und Bewältigung von Schwangerschaftskonflikten (Schwangerschaftskonfliktgesetz-SchKG) [Law on avoiding and dealing with crisis pregnancies], Strafgesetzbuch (StGB) [German Criminal Code], Bayerisches Schwangerenberatungsgesetz (BaySchwBerG) [Bavarian pregnancy counselling law], Bayerisches Schwangerenhilfeergänzungsgesetz (BaySchwHEG) [Bavarian amending law on aid granted to pregnant women].

## 9 Counsellors' Qualifications

In addition to requiring comprehensive specialist knowledge, providing counselling in crisis pregnancy situations also necessitates experience in crisis management and particular individual suitability. Preconditions for entering into this field of work are several years of experience with working in social education as well as a specific additional qualification, participation in team supervision sessions on a regular basis and the attendance of further training events. Moreover, the counselling centres are obliged to continually exchange their views and share their experiences.

## 10 Further Information

For further information please contact your counselling centre. Note: You are not obliged to turn the counselling centre situated closest to where you live, but you are absolutely free to choose whichever centre suits you best!

## 11 Pamphlets/Sources

Information for migrants living in Germany on pregnancy-related counselling and support is available in the following languages: German - English, German - French, German - Turkish, German - Serbo-Croatian, German - Arabic

These brochures may be ordered free of charge from the "BZgA - Bundeszentrale für gesundheitliche Aufklärung" (Federal central agency for health education), Cologne  
Available in German only:

- "Schwangerschaft und Beratung" (Pregnancy and Counselling), Source: Arbeitsgemeinschaft der Staatlich anerkannten Schwangerenberatungsstellen in Bayern (Work group set up by state-recognized pregnancy counselling centres in Bavaria) with the support of the Bayerisches Staatsministerium für Arbeit und Sozialordnung, Familie und Frauen (Bavarian state ministry for work and social order, families and women)
- "Gesetzliche Bestimmungen" (Statutory Provisions) - Information for women, families, counselling centres and medical doctors on the Schwangeren- und Familienhilfeänderungsgesetz (SFHÄndG) (Amending law on aid granted to pregnant women and their families), 1995, Source: Bundesministerium für Familie, Senioren, Frauen und Jugend (State ministry for families, elderly people, women and youth)
- "Schwangerschaftsabbruch - Was Sie wissen müssen - was Sie beachten sollten" (Termination of pregnancy - what you need to know - what you should bear in mind), Source: PRO FAMILIA Deutsche Gesellschaft für Familienplanung, Sexualpädagogik



[www.schwanger-in-bayern.de](http://www.schwanger-in-bayern.de)

This document is intended to provide assistance to our English speaking visitors. (7 / 10)

und Sexualberatung e.V. (German-wide association for family planning and sexual education and counselling)





[www.schwanger-in-bayern.de](http://www.schwanger-in-bayern.de)

This document is intended to provide assistance to our English speaking visitors. (8 / 10)

## ***D) Contact***

Project co-ordination

State-recognised counselling centre for pregnancy-related issues based at the public health agency - district administration agency - in Landshut (Staatlich anerkannte Beratungsstelle für Schwangerschaftsfragen am Gesundheitsamt, Landratsamt Landshut), Veldener Str. 15, 84036 Landshut

tel.: +49 (871) 408 - 5000

fax: +49 (871) 408 - 1002

<http://www.schwanger-in-bayern.de>





### ***Attachment:***

### ***Regulations for abortions performed within the framework of medical grounds (Article 218a Section 2 StGB)***

The following two basic situations are feasible :

A) Health injury to the child

B) No health injury to the child, but the mother's physical or psychological health is endangered by carrying full term

#### **A) Health injury to the child**

If, after having performed a prenatal examination, the doctor presents the pregnant woman with a result that points to damage to the unborn child, the doctor has the following duties:

##### ***1. Irrespective of whether or not an abortion is considered:***

To provide extensive and clear information and counselling on medical, psychological and social aspects of the examination result

To provide information of support possibilities in the event of physical and psychological stress

Medical specialists experienced in health injuries to babies that have already been born may possibly be consulted

To provide information on the right to extensive psychosocial counselling; in agreement with the pregnant woman, she is to be put in contact with pregnancy counselling centres, self-help groups or disabled people's associations

To provide her with information material

##### ***2. If medical grounds for an abortion are established:***

To offer counselling on medical and psychological aspects of an abortion (i.e. what the intervention means, the procedure adopted, the consequences, the risks, possible psychological and physical implications)

To provide information on the right to receive supplementary in-depth counselling by a pregnancy counselling centre

To establish, in writing, the medical grounds for an abortion not before a three day period of consideration has passed after the diagnose has been announced

There is no time limit in the event of "considerable imminent danger to life and health of the pregnant woman"!

There is no more waiting period once the grounds for an abortion have been established. The pregnant woman decides whether or not she wishes to contact other authorities or centres (e.g. counselling centres, self-help groups or disabled people's associations). The woman is under no obligation to accept counselling.

If the pregnant woman is provided with the written doctor's certificate confirming medical grounds for an abortion, she will also confirm, in writing, that she has received medical counselling, that she has been offered to be put in contact with further authorities or centres, and that she has either accepted or declined this offer.



## **B) No health injury to the child**

To offer counselling on medical and psychological aspects of an abortion (i.e. what the intervention means, the procedure adopted, the consequences, the risks, possible psychological and physical implications)

To provide information on the right to receive supplementary in-depth counselling by a pregnancy counselling centre

To establish, in writing, the medical grounds for an abortion not before a three day period of consideration has passed after the diagnose has been announced

There is no time limit in the event of "considerable imminent danger to life and health of the pregnant woman"!

There is no more waiting period once the grounds for an abortion have been established. The pregnant woman decides whether or not she wishes to contact other authorities or centres (e.g. a pregnancy counselling centre). The woman is under no obligation to accept counselling.

If the pregnant woman is provided with the written doctor's certificate confirming medical grounds for an abortion, she will also confirm, in writing, that she has received medical counselling, that she has been offered to be put in contact with further authorities or centres, and that she has either accepted or declined this offer.

*Source:*

[www.schwanger-in-bayern.de](http://www.schwanger-in-bayern.de)

State-recognised counselling centres for pregnancy-related issues based at the district administrations/public health agencies in Bavaria