

Gestational Limits on Abortion in the United States Compared to International Norms (April 2024)

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American Reports Series

Issue 25 | April 2024

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Executive Summary

- Of 193 U.N. countries, the United States is one of eight countries that allows, at the federal level, abortion on demand without any gestational limits along with Australia, Canada, China, Guinea-Bissau, Mexico, South Korea, and Vietnam.
- The United States is one of only 15 countries in the United Nations that permit abortion on demand past 15 weeks of gestation, meaning its abortion law is far more permissive than the vast majority of the world.
- 46 out of 50 European U.N. member countries restrict abortion on demand after 15 weeks of gestation.

This report compares gestational limits on abortion in the United States with gestational limits in other countries and serves as an update to the Charlotte Lozier Institute's original study published in 2014.¹ The goal is to determine where the United States stands now that the Supreme Court has overturned *Roe v. Wade*. In *Dobbs v. Jackson Women's Health Organization*, the Court returned abortion policy to the American people and their elected representatives.² When this report refers to the United States' abortion policy, it is referring to federal law which lacks any gestational limit on abortion.³

The sample group for this project includes all 193 of the United Nations (U.N.) member countries. Of these 193 countries, 70 allow abortion without restriction as to reason, otherwise known as elective abortion or abortion on demand, until an unborn child reaches a specified gestational age. The remaining 123 countries specify designated reason(s) that must be present to obtain an abortion, ranging from the most restrictive (abortion is completely prohibited or permitted only when necessary to save the life of the mother), to least restrictive (abortion is permitted based on "socioeconomic grounds"), with various reasons in between (*e.g.*, if the pregnancy poses risks to the mother's physical and/or mental health).⁴

Overall, the U.S. is one of only eight countries that allows elective abortion with no gestational limit at the federal level. Since 70 countries allow abortion on demand up to some point in pregnancy, it is appropriate to research what gestational limits those are for the remainder of this paper. The remaining 123 countries demonstrate a clear public policy preference for protecting human life over abortion by permitting abortion only under specified circumstances.

This report finds that the United States is one of only 15 countries (among U.N. member countries) in the world that permit abortion on demand past 15 weeks. The findings suggest that recent proposals in the United States to restrict abortion on demand past 15 weeks, which should serve as a minimum gestational limit, at the federal level would move the United States away from the fringe, ultra-permissive end of the spectrum.

Terminology and Method of Comparison

Not all countries use the same terminology in statutes restricting abortion. When drafting a gestational restriction on abortion, the most common measurement of fetal age is “gestational age” or “gestation.” Gestational age marks the duration of pregnancy, which is most commonly and medically measured from the first day of the woman’s last menstrual period. This occurs approximately two weeks before conception or fertilization.

Over 80% of countries that maintain some restriction on abortion on demand use gestational age as the method of calculating duration of pregnancy. However, a minority of countries measure duration of pregnancy from “conception” or “fertilization.” One country (Austria) measures from the time of “implantation,” which occurs approximately one week after conception or fertilization or three weeks after a woman’s last menstrual period. Some statutes do not specify a method of measurement, using the vague term “weeks of pregnancy” without indicating a precise method of measuring the duration of pregnancy.

While conception or fertilization is the moment when an ovum and sperm unite to create a unique human being, few women know the exact date they conceived. Because the first day of the last menstrual period is a more ascertainable date, doctors generally add two weeks to a woman’s last menstrual period, when ovulation generally occurs, to approximate the unborn child’s gestation.

Using Gestational Age to Produce the Best International Comparison

For clarity, this report uses gestational age to compare restrictions on abortion on demand that are based on duration of pregnancy. For those countries that base limits on the weeks since conception, fertilization, or implantation, this study converts the limits into gestation, and for those countries that designate the limits in days and months, this study converts the limits into gestational weeks.

International Gestational Limitations on Abortion on Demand

As mentioned above, the sample group of countries for this project included all 193 U.N. member countries. Of these, 70 allow abortion without restriction as to reason (in most, until an unborn child reaches a specified gestation), otherwise known as elective abortion or abortion on demand.⁵

The remaining 123 U.N. countries require some reason to obtain an abortion, ranging from the most restrictive (abortion is completely prohibited or permitted only when necessary to save the life of the mother), to least restrictive (abortion is permitted for socioeconomic reasons), with various reasons in between (e.g., if the pregnancy impacts the mother’s physical or mental health).⁶

Of the 70 U.N. countries permitting abortion on demand:

- 7 countries limit abortion on demand before the 12th week of gestation⁷

- 38 countries limit abortion on demand at 12 weeks of gestation⁸
- 10 countries limit abortion on demand between 12 and 15 weeks of gestation⁹
- 15 countries permit abortion on demand past 15 weeks or have no gestational limit¹⁰
- Of these 15 countries, 8 countries permit abortion on demand with no federal gestational limit¹¹

More than 65% of the U.N. countries permitting abortion without restriction as to reason do not permit abortion on demand past 12 weeks of gestation.

Only 21% (15 out of 70) of the U.N. countries permitting abortion without restriction as to reason permit abortion on demand past 15 weeks of gestation, and only 8% of the countries permit abortion without restriction past 15 weeks of gestation out of the 193 countries included in this study.

U.S. federal law and the laws in at least 29 states place the United States among the 15 countries that permit abortion on demand past 15 weeks. No matter how duration of pregnancy is measured, whether by gestational age, conception/fertilization, or implantation, all countries in this category pass the 15-week threshold. These countries – in order by gestational limit to no gestational limit – are:

- France – 16 weeks¹²
- Sweden – 18 weeks¹³
- New Zealand – 20 weeks¹⁴
- Iceland – 22 weeks¹⁵
- Netherlands – Viability¹⁶
- Colombia – 24 weeks¹⁷
- Singapore – 24 weeks¹⁸
- United States – The federal government does not place gestational limits on abortion and 29 states allow abortion on demand past 15 weeks of gestation.
- Australia – The federal government does not place gestational limits on abortion. The strictest limit is 16 weeks, and the Capital Territory of Australia (an internal territory) has no gestational limit.¹⁹
- Mexico – The federal government does not place gestational limits on abortion.²⁰
- Vietnam – No restriction in law²¹
- South Korea – No restriction in law²²
- Canada – No restriction in law²³
- China – No restriction in law²⁴
- Guinea-Bissau – No restriction in law²⁵

European Abortion Laws by Gestational Limits

The United States has a far more extreme abortion policy than those found in Europe. Forty-six out of 50 European countries limit abortion after 15 weeks.²⁶ A more detailed breakdown of European countries' policies is as follows:

- Three countries prohibit abortion altogether (Andorra, Malta, and Vatican City)

- Three countries prohibit abortion except to preserve the physical and/or mental health of the woman (Liechtenstein, Monaco, and Poland)
- Two countries permit abortion on broad socioeconomic grounds (Italy through 90 days and the United Kingdom through 24 weeks)
- 42 countries permit abortion on demand. However:
 - 6 countries limit abortion on demand after 10 weeks²⁷
 - 26 countries limit abortion on demand after 12 weeks²⁸
 - 6 countries limit abortion on demand between 12 and 15 weeks²⁹
 - 4 countries allow abortion on demand after 15 weeks.³⁰ The country with the latest gestational limit is the Netherlands, which limits abortion after viability.
 - 0 European countries permit abortion on demand without gestational limits, as the United States does.

Implications

U.S. federal law does not place any gestational limits on abortion. Consequently, 29 states permit elective abortion past 15 weeks of gestation, and in at least 19 states, abortion drug prescribers are shielded from legal repercussions if they ship abortion pills into those states that restrict abortion from conception and/or that have health and safety requirements that apply to abortion-inducing drugs.

In 2022, Senator Lindsey Graham (R-SC) and Representative Chris Smith (R-NJ) introduced bills in their respective chambers seeking to protect unborn babies by prohibiting abortion on demand after 15 weeks at the federal level (H.R. 8814/S. 4840). This bill is based on the scientifically supported premise³¹ that at least by 15 weeks unborn children are capable of feeling pain.

Permitting abortion on demand past 15 weeks places the United States among the top 8% most permissive countries in the world (15 out of 193) based on gestational limits on abortion. The United States should seek to move away from the ultra-permissive fringe policies of the 14 other countries that permit abortion past 15 weeks and aim to protect life at even earlier gestational limits, as 178 other U.N member countries do – ranging from complete protection of the unborn to protecting the unborn after 15 weeks of gestation.

Conclusions

In terms of gestational limits, out of 193 countries, the United States is one of eight countries that permits elective abortion with no federal gestational limit. Internationally, abortion is most frequently limited to the first trimester or earlier with even highly permissive countries establishing limits around 15 weeks of gestation.

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¹ The original study can be found here: <https://lozierinstitute.org/internationalabortionnorms/>. When this study was published in 2014, the focus of the paper was comparing the U.S.' current "federal policy... which allows abortion past 20 weeks and without restriction until viability" with the abortion laws of other countries. The study found that, because the United States Supreme Court restricted legislatures from enacting most pro-life laws, the United States was one of seven countries that allowed for abortion on demand after 20 weeks. In the wake of the Court's decision overturning *Roe v. Wade* in June 2022, this update to the 2014 paper focuses on 15-week gestational restrictions that have been introduced at the national level. However, it is important to note that the United States remains one of only 12 countries that permit elective abortion past 20 weeks, as of April 2024, even as multiple U.S. states have enacted limits at varying gestations. Further, 29 states (and the District of Columbia) continue to permit elective abortion beyond 20 weeks.

² 587 U.S. 2015 (2022).

³ While abortion policy has been returned to the American people and their elected representatives, states with statutory or state constitutional protections for abortion are circumventing pro-life states' laws through "abortionist shield laws," including protections for mailing abortion pills into pro-life states. An example of a comprehensive abortionist legal shield is [NY Senate Bill S1066B](#), which was signed into law in June 2023. See Harned, Mary. Abortion "Shield Laws": Pro-Abortion States Seek to Force Abortion on Life-Affirming States. August 2023. Charlotte Lozier Institute On Point, Issue 96. Available at <https://lozierinstitute.org/abortion-shield-laws-pro-abortion-states-seek-to-force-abortion-on-life-affirming-states/>. Recent reports have also shown how interstate abortion commerce has skyrocketed since the *Dobbs* decision, meaning that residents of states with gestational limit protections for the unborn are obtaining abortions in states without them, such as Illinois, Kansas, and New Mexico. Currently, abortion remains unrestricted at the federal level as there is no federal legislative gestational limit. As a result, women in pro-life states can obtain an abortion at any time throughout her pregnancy in the 29 states (and D.C.) that allow elective abortion past 15 weeks or throughout a woman's pregnancy.

⁴ See https://www.fiapac.org/media/uploads/abortion_laws_around_the_world_sam_rowlands_rev_2022.pdf and <https://reproductiverights.org/maps/worlds-abortion-laws/>. Sixty-four countries prohibit abortion altogether or only permit it in cases to save the life of the mother. These countries include Andorra, Malta, Afghanistan, Antigua & Barbuda, Bahrain, Bangladesh, Bhutan, Brazil, Brunei Darussalam, Burma/Myanmar, Chile, Republic of the Congo, Cote d'Ivoire, Dominica, Dominican Republic, Egypt, El Salvador, Gabon, Gambia, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Jamaica, Kazakhstan, Kiribati, Laos, Lebanon, Libya, Madagascar, Malawi, Mali, Marshall Islands, Maldives, Mauritania, Micronesia, Nicaragua, Nigeria, Oman, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Saint Kitts and Nevis, Senegal, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Suriname, Syria, Tanzania, Timor Leste, Tonga, Tuvalu, Uganda, United Arab Emirates, Venezuela, and Yemen. Forty-eight countries prohibit abortion except in cases to preserve the health of the mother (physical and/or mental health). These countries include Algeria, Angola, Bahamas, Barbados, Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Costa Rica, Democratic Republic of the Congo, Djibouti, Ecuador, Equatorial Guinea, Fiji, Ghana, Grenada, Guinea, Israel, Jordan, Kenya, Kuwait, Lesotho, Liberia, Liechtenstein, Malaysia, Mauritius, Monaco, Morocco, Namibia, Nauru, Niger, Pakistan, Peru, Poland, Qatar, Saint Lucia, Samoa, Saudi Arabia, Seychelles, Swaziland, Togo, Trinidad and Tobago, Vanuata, and Zimbabwe. Eleven countries permit abortion for socioeconomic reasons. These countries include Belize, Benin, Eritrea, Ethiopia, India, Italy, Japan, Rwanda, Saint Vincent's and Grenadines, United Kingdom and Northern Ireland, and Zambia.

⁵ https://www.fiapac.org/media/uploads/abortion_laws_around_the_world_sam_rowlands_rev_2022.pdf; <https://reproductiverights.org/maps/worlds-abortion-laws/>; <https://reproductiverights.org/sites/default/files/World-Abortion-Laws-Map.pdf>; <https://abortion-policies.srhr.org/countries/>.

⁶ Ibid.

⁷ Namely, Guyana, Portugal, Turkey, Turkmenistan, Bosnia-Herzegovina, Slovenia, and Serbia. Bosnia-Herzegovina and Serbia limit abortion on demand past 10 weeks of pregnancy, so even if that converts to 12 weeks of gestation, they remain in this category.

⁸ Namely, Albania, Belarus, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Ireland, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Norway, Russia, San Marino, Slovakia, Switzerland, Ukraine, Sao Tome and Principe, Thailand, Armenia, Azerbaijan, Cape Verde, Cuba, Kazakhstan, Kyrgyzstan, Mozambique, Nepal, South Africa, Tajikistan, Uruguay, and Uzbekistan. Three countries (Croatia, Macedonia, and Montenegro) limit abortion on demand past 10 weeks from conception. Converting this statutory language to gestational age, these three countries limit abortion on demand past 12 weeks gestational age. They therefore belong in the category of limiting abortion “at 12 weeks.”

⁹ Namely, Austria, Belgium, Germany, Luxembourg, Romania, Spain, Argentina, Cambodia, Mongolia, and Tunisia. Three countries (Belgium, Germany, and Luxembourg) limit abortion on demand past 12 weeks from conception. Converting this statutory language to gestational age, these three countries limit abortion on demand past 14 weeks and therefore belong in this category. Tunisia limits abortion on demand past 3 months gestation which converts to 14 weeks of gestation. According to the [Austrian Criminal code](#), abortion is permitted on demand only up to 3 months. However, since pregnancy is defined as beginning at implantation, abortion is permitted somewhat later by gestational age. Patient information appears to indicate that abortion is permitted until the *beginning* of the 16th week of pregnancy, *i.e.* around 15 weeks.

¹⁰ Namely, France, Iceland, Mexico, Netherlands, Sweden, Guinea-Bissau, South Korea, Colombia, New Zealand, Australia, Canada, China, Singapore, Vietnam, and parts of the U.S. In 2022, France [liberalized its abortion policy](#) and now permits abortion on demand through [14 weeks from conception, which converts to 16 weeks of gestation](#). A guide explaining France’s updated abortion law can be found here: <https://abortion-policies.srhr.org/documents/countries/25-France-Voluntary-Interruption-of-Pregnancy-Guide-2023.pdf#page=3>. Some countries, like China and Vietnam, have prohibitions on sex-selective abortion, but seemingly permit abortion for any other reason. Some provinces in China appear to have prohibited abortion, but the country as a whole still permits it. Mexico is included in this category because the country no longer has a national limit as a result of a 2023 Mexican Supreme Court decision. [Twelve out of 32](#) Mexican states (including the capital Mexico City, though it is not technically a “state”) currently permit abortion on demand. This almost always has a limit of 12 weeks, or 13 weeks in Sinaloa. However, many states define gestation as beginning at implantation, which occurs 3-4 weeks after the last menstrual period. Hence the limit in these states is closer to 15-16 weeks of gestation (or perhaps 16-17 in Sinaloa), with an exact limit unclear since the date of implantation is not normally certain. Mexico’s official abortion guidance, by contrast, defines “gestational age” from last menstrual period. In addition to this complexity there is an ongoing dispute about the authority and scope of the September 2023 Supreme Court’s decision to decriminalize abortion nationwide. For this reason, although around a third of Mexican states have legalized abortion on demand, and their Supreme Court has dictated this position, most Mexican states through their legislatures have so far not complied. While it may not be the “norm” that elective abortion is performed past 15 weeks of gestation, Mexico is included in this paper’s count of countries permitting elective abortion with no federal gestational limit because of the country’s lack of gestational limit. Australia, while having a federal system and different abortion policies in every state and their capital territory, has no national gestational limit. Furthermore, the Capital Territory of Australia does not limit abortion on demand at any gestational point. For these reasons, Australia is categorized as allowing abortion on demand without gestational limits. Although other countries have federal systems, the only other countries with significant diversity in gestational limits are the U.S. (where 29 states and D.C. clearly permit elective abortion beyond 15 weeks and there is no federal limit), and Australia (where every state permits abortion on demand and the lowest limit is 16 weeks in Tasmania).

¹¹ Namely, Australia, Canada, China, Guinea-Bissau, Mexico, South Korea, United States, and Vietnam.

¹² See footnote 10.

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- ¹³ [https://www.law.cornell.edu/women-and-justice/resource/abortlag_\(1974_595_-_abortion_law\)](https://www.law.cornell.edu/women-and-justice/resource/abortlag_(1974_595_-_abortion_law)).
- ¹⁴ In 2020 abortion was made available during the first 20 weeks of pregnancy. After that, abortion is permitted if one health practitioner deems it “clinically appropriate.” See: <https://www.legislation.govt.nz/act/public/2020/0006/latest/LMS237600.html>.
- ¹⁵ <https://www.government.is/lisalib/getfile.aspx?itemid=60ae8fd2-ob91-11ea-9453-005056bc4d74>.
- ¹⁶ Viability in the Netherlands typically means the 24th week of gestation. See: <https://www.government.nl/topics/abortion>.
- ¹⁷ In 2022 the Constitutional Court of Colombia legalized abortion up until 24 weeks of gestation. See: <https://www.cnn.com/2022/02/21/americas/colombia-decriminalize-abortion-intl/index.html>.
- ¹⁸ <https://abortion-policies.srhr.org/documents/countries/01-Singapore-Termination-of-Pregnancy-Act-1974.pdf#page=2>.
- ¹⁹ <https://www.healthdirect.gov.au/blog/can-i-have-an-abortion-in-australia>.
- ²⁰ See footnote 10 for more details on the current state of abortion policy in Mexico.
- ²¹ Although some internet resources claim that Vietnam limits abortion after 22 weeks by regulation, the country’s statute does not include a gestational limit, thus making abortion on demand legal. See: <https://reproductiverights.org/maps/provision/vietnams-abortion-provisions/>.
- ²² Abortion was decriminalized in South Korea in January 2021 by a 2019 order of the country’s Supreme Court. As such, abortion remains unregulated in the country and is available without gestational restrictions as bills seeking to limit abortion after 14 weeks of gestation did not pass. See: <https://www.loc.gov/item/global-legal-monitor/2021-03-18/south-korea-abortion-decriminalized-since-january-1-2021/>.
- ²³ The law or lack thereof in Canada is that abortion is legal throughout pregnancy, which is why Canada is categorized in this paper as a country that allows elective abortion without gestational limits.
- ²⁴ <https://reproductiverights.org/wp-content/uploads/2022/01/The-Peoples-Republic-of-China-on-Maternal-and-Infant-Health-Care-Revised-in-2017-Chinese-and-English-unofficial-document.pdf>.
- ²⁵ Guinea-Bissau appears to prohibit only “unprofessional” and forced abortions in its penal code, implying no legal limit on consensual abortions performed in sanitary conditions, but news reports suggest that this has resulted more in legal ambiguity than a clear legalization of abortion without restrictions: <https://www.dw.com/pt-002/guin%C3%A9-bissau-especialistas-defendem-legisla%C3%A7%C3%A3o-espec%C3%ADfica-sobre-aborto/a-61249598>.
- ²⁶ Kosovo and Vatican City were included in this section’s analysis of European gestational laws regarding abortion but not in the broader study as they are not U.N. members.
- ²⁷ Bosnia and Herzegovina, Kosovo, Portugal, Serbia, Slovenia, and Turkey.
- ²⁸ Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Ireland, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Norway, Russia, San Marino, Slovakia, Switzerland, and Ukraine.
- ²⁹ Austria, Belgium, Germany, Luxembourg, Romania, and Spain.
- ³⁰ France, Iceland, Netherlands, and Sweden.
- ³¹ <https://lozierinstitute.org/dive-deeper/prenatal-stress-and-pain/>.