



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-110

FOR TERMINATION OF PREGNANCY

The Assembly of the Republic of Kosovo,

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

Hereby adopts the following:

LAW FOR TERMINATION OF PREGNANCY

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose of the law

This Law establishes the legal basis for regulation of the termination of pregnancy. The purpose of the decision for allowing the law for termination of the pregnancy is done for informing reasons, health and elimination of life risks.

As another purpose is undertaking all protection measures to remove the woman from the risk of morbidity and mortality growth as consequence of illegal abortions. Protection of woman life using institutional ways by removing her from the harshest forms and non medical ones outside institutions that has brought her to a death.

Article 2 Definitions

The terms definitions of the Health Law No. 2004/4, Chapter, Article 1 and special definitions are valid for purposes of this Law as follows:

“**Gamete**” is sexual cells that define sex (egg cell and spermatozoon).

“**Zigota**” is conjunction of masculine cell with egg cell.

“**Fecundation**” the earliest phase after spermatozoon’s penetration into the egg cell.

“**Embryo**” is live organism from the moment of fecundation until the third month of pregnancy .

“**Abort**” is termination of pregnancy by violence.

“**Fetus**” the embryo from the tenth (10) week of pregnancy up to birth.

“**Elective termination of pregnancy**” termination of pregnancy by the female’s purpose and wish, and without a medical reason.

“**Inducted termination of pregnancy**” purposely termination of pregnancy up to 22nd week of pregnancy or below the weight of 500 g of the fetus.

“**Induced birth**” embryo’s exit or ejection after the 22nd of pregnancy under the medicaments reaction or by surgery intervention.

“**Birth with a dead embryo**” exit or ejection of the dead embryo after the 22nd week of pregnancy or with embryo’s weight over five hundred (500) g.

“**Family planning**” the individual and couple’s right to be informed, to predict and freely decide about the number, frequency and time when they want to have children.

“**Contraception**” methods and means used to prevent the fecundation of the egg cell and development pregnancy.

CHAPTER II

RIGHT TO LIFE AND FEMALE’S RIGHTS

Article 3

This Law guarantees respecting of life from the development of the embryo. This principle can be violated only in cases foreseen by this Law.

Article 4

1. Each female has the right to decide freely on the termination of pregnancy according to the criteria defined by this law.
2. Each female has the right to consultation and information relating to termination of pregnancy.
3. Female that according to the law is able, shall not be subject to the termination of pregnancy without her consent.
4. In cases when the female does not have acting ability or when that ability is limited, the determination is done conform to articles 6, 10, 11.2, 12.1, 12.2 and 13 of the Law on the rights and responsibilities of the citizens in the health care if it is not foreseen otherwise by this Law.

Article 5

1. Any pregnant female who is over eighteen (18) years old has the right to request for an elective termination of pregnancy.
2. Females that are mature on their sixteen (16) and they have the consent from their parents or from their legal guardian they have the right to ask for termination of pregnancy.
3. Any pregnant female from paragraph 1 and 2 of this article are obliged to at least three (3) days before the elective termination to consult the relevant specialist.

Article 6

The elective termination of pregnancy can be performed up to the tenth (10) week of the pregnancy, counting from the first day of the last menstrual cycle.

Article 7

Any termination of the pregnancy after the tenth (10) week is in contradiction with Law on Health and it should be performed with a professional health committee

CHAPTER III

HEALTH SERVICES

Article 8

1. Family doctor or the gynecology specialist-obstetrician is obliged since the first visit to inform, advice and instruct the pregnant female who requires the elective termination of pregnancy for the following:

- 1.1. the medical and emotional risks that causes the termination of pregnancy to female health,
- 1.2. rights, help and guaranteed advantages by law for the female, child and family,
- 1.3. the institutions and organizations that can provide moral and social support to mother, child and family,
- 1.4. health institutions that perform termination of pregnancy in safe medical conditions.

Article 9

Termination of pregnancy is carried out only at the health institutions by licensed and specialized gynecologist -obstetricians.

Article 10

In case if the female, even after being advised and doctor's visit, repeats her will for an elective termination of pregnancy, her request confirmation is required according to article to 10.5 of the Law on the rights and responsibilities of the citizens in the health care.

Article 11

1. After obtaining the written request, then the doctor-gynecologist – obstetrician appoints the term for medical intervention.
2. Term for termination of pregnancy is appointed two (2) days, at least, after the first visit.

Article 12

1. Medical intervention for termination of pregnancy is carried out only in the safe medical conditions, which are defined by a sub-legal act.
2. Each health institutions that offer services regarding to termination of pregnancy shall provide health service for treatment the possible complications during the termination of pregnancy, defined by a sub-legal act.

Article 13

1. No doctor can be forced to perform an elective termination of pregnancy against his/her will.
2. In case if the doctor does not accept to perform an elective termination of pregnancy, the public health institutions and those mixed institutions are obliged to provide an appropriate solution for female within the same institution.

CHAPTER IV

SPECIAL CIRCUMSTANCES FOR THE TERMINATION OF PREGNANCY

Article 14

Termination of pregnancy by the motive of selecting the gender of the embryo is prohibited.

Article 15

1. Termination of pregnancy because of medical reasons when is ascertained that pregnancy continuation, or child birth endanger the female's life or health, can be done at any period of pregnancy under the decision of the medical Commission and with the female's consent in the state of conscience.
2. Termination of pregnancy due to medical reasons and when verified that fetus has incompatible malformations to life, disease or serious status which cause serious invalidity and have insecure treatment, can be performed at any time after recommendation and decision made by medical Commission for termination of pregnancy and the patient's consent in state of conscious.
3. Medical indications for a termination of pregnancy due to reasons from paragraph 1 and 2 of this Article are determined by a sub-legal act.

Article 16

Termination of pregnancy due to criminological reasons can be carried out up to 22nd week of the pregnancy, and the induced birth later with the medical recommendation and after the confirmation given by the competent institutions which are authorized to determine if the pregnancy is the result of an criminal act as follows:

- 1.1. rape,
- 1.2. undesirable sexual relationship of females who are victims of trafficking and forced sexual exploitation,
- 1.3. sexual relationship with a juveniles or incest.

Article 17

1. Content of the medical Commission for termination of pregnancy is regulated by article 107, item 3 of the Law on Health.
2. Medical Commission for termination of pregnancy has the right to request for help and professional advice by experts of different fields, based on its members' assessment.

CHAPTER V

PERIOD AFTER THE TERMINATION OF PREGNANCY

Article 18

After the termination of pregnancy, in all cases, the doctor or medical team providing this health service is obliged to inform the female about the services for family planning and to direct her for contraception methods and devices he or other health institutions offer

Article 19

Health institutions of all levels offer family planning service for males and females as a way to fully realize their rights in deciding on the size of their family and on birth intervals as well as to avoid the undesired pregnancy.

CHAPTER VI

SPECIAL PROVISIONS

Article 20

It is prohibited any kind of promotion and advertisement, direct or indirect, in words or pictures, institutions, methods, products and medicaments which cause termination of pregnancy, except in scientific publications meant for doctors and pharmacists.

Article 21

Each health institution is obliged to report on the statistic data related to the termination of pregnancy.

Article 22

1. Joint payment for elective termination of pregnancy at the health institutions will be regulated by a sub-legal act.

CHAPTER VII

ADMINISTRATIVE SANCTION

Article 23

In cases of non-applying and violation of this law provisions, measures will be taken conform to Articles 118, 119 and 120 of the Health Law and the article 152 of the Criminal Code of Kosova.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Article 24

With purpose of this Law application, Ministry of Health will issue sub-legal acts determined by this Law within a 1 year deadline.

Article 25

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-110
6 November 2008

Promulgated with the decision of the Assembly of Republic of Kosovo, No. 03-V-081, dated 22 January 2009.

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI