

## **RUSSIAN POLICY ON ABORTION**

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The present memorandum aims at providing a concise and documented analysis on the Russian policy on abortion through the understanding of the legal landscape’s evolution and the causes of such an evolution.

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### **SOCIAL CONTEXT**

An increasing support for a better protection of prenatal life.

In 2003, the vice-speaker of the State Duma, Arthur Chilingarov, said that in terms of numbers of abortions, Russia came out top in the world. The MPs talked about the possibility of banning abortion or reducing the recourse to it, but Victor Medkov, associate professor at the Department of Family Sociology and Demography at the Faculty of Sociology at the Moscow State University, explained that the population would not increase as a consequence of a partial or total ban on abortion. According to him, if “a woman decides to have an abortion, she will do it anyway, and that is her right.”<sup>1</sup>

In 2004, participants in the church-public forum “The Spiritual and Moral Basis of

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<sup>1</sup> ЕЛЕНА Ъ-БАХСОВИЧ, “Nothing will save Russia from mortality, Kommersant Newspaper No.57 from 03.04.2003, p. 8, Kommersant URL: <https://www.kommersant.ru/doc/374715> (last checked: 04.02.2020).

Russia's Demographic Development" called on the Russian President to ban abortion by law and appealed to the Ministry of Health demanding "*to introduce a reduction in their number as a criterion for women's counseling activities*" and "*to qualify an artificial interruption in the criteria of medical ethics pregnancy without medical evidence as premeditated murder.*"<sup>2</sup>

Mikhail Rokitsky, a member of the State Duma Committee on Health Protection, said in response that "*we are often thrown in with requests to draft a law banning abortion. But such a document is completely unacceptable for our society.*"

According to Rosstat,<sup>3</sup> in 2004, 1,797,567 women artificially terminated their pregnancies in Russia.<sup>4</sup>

In 2007, VCIOM<sup>5</sup> published results of a poll on what actions and phenomena Russians consider to be inadmissible. The list included drug use, giving and receiving bribes, refusing military service, public dislike of people of other nationalities, and so on. Abortion was the least unacceptable of the entire list: only 29% of Russians condemned it.<sup>6</sup>

In 2010, at a press conference on the interregional campaign "Russia is for life! A Russia Without Abortions!", Archbishop Vsevolod Chaplin, head of the Synodal Department for Relations between the Church and Society of the Russian Orthodox Church, stated that "*it is necessary to raise the question that taxpayers do not pay for abortions.*"<sup>7</sup>

In 2011, Valery Draganov, United Russia<sup>8</sup> deputy, first deputy chairman of the State Duma Committee on Industry, introduced a bill<sup>9</sup> to the State Duma, forbidding abortion in some specific cases. The document was deleted a few hours after it appeared

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<sup>2</sup> Church puts a "cross" on abortion // Kommersant URL: <https://www.kommersant.ru/doc/516806> (last checked: 12.05.2019).

<sup>3</sup> Federal State Statistics Service

<sup>4</sup> Abortion rate // Government statistics URL: <https://www.fedstat.ru/indicator/31595.do> (last checked: 17.05.2019).

<sup>5</sup> Russian Public Opinion Research Center

<sup>6</sup> About morality in Russia // The All-Russian Public Opinion Research Center URL: <https://wciom.ru/index.php?id=241&uid=4127> (last checked: 10.05.2019).

<sup>7</sup> Abortions should not be paid from the State budget // Gazeta.ru URL: [https://www.gazeta.ru/news/lenta/2010/06/01/n\\_1502028.shtml](https://www.gazeta.ru/news/lenta/2010/06/01/n_1502028.shtml) (last checked: 10.05.2019).

<sup>8</sup> A Russian political party, the largest political party of the Russian Federation

<sup>9</sup> The law was interrupted at an early stage. // Gazeta.ru URL: <https://www.gazeta.ru/social/2011/06/01/3636057.shtml> (last checked: 20.05.2019).

in the database of the State Duma. It turned out that the text of the project was a mistake, although it was not specified what sort of mistake was made. Further, a new document was never published. Deputy Draganov said<sup>10</sup> that the bill had been developed by several public organizations together with the Russian Orthodox Church.

During the same year, Patriarch Kirill sent a proposal to the leaders of the Russian Federation to withdraw abortion procedures (except for cases where pregnancy poses a direct threat to the life of the mother) from the health insurance system and to prohibit paying for abortions using taxpayers' money.<sup>11</sup>

Finally, amendments were made in 2011 to the Federal Law "Health Care Act" No. 323, which, in particular, regulates the procedure for abortions. Women willing to terminate a pregnancy, depending on the period, are now required to wait for two to seven days to assess their decision (the so-called "cooling-off period").<sup>12</sup>

In 2013, deputies of the Samara Region submitted a bill to the State Duma Committee on Health Protection, aiming at prohibiting free abortions without medical indications. The initiative was opposed by the Ministry of Health of Russia, but it was supported by the Ministry of Justice of the Russian Federation, the Public Chamber and the Russian Orthodox Church. The document, however, was never discussed in the State Duma because it did not receive the legal opinion of the Russian government.<sup>13</sup> In 2014, Samara deputies attempted again to promote the document, but MPs rejected it.<sup>14</sup>

In 2015, Patriarch Kirill again proposed to exclude abortion from the Compulsory Health Insurance System (CHIS), as well as to restrict or impose a total ban on the promotion and advertisement of abortion.<sup>15</sup> In May of the same year, deputies Elena

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<sup>10</sup> The abortion bill, developed jointly with the Russian Orthodox Church, has been withdrawn but will be reintroduced at the end of the week. // *Gazeta.ru* URL: [https://www.gazeta.ru/news/lenta/2011/06/01/n\\_1865633.shtml](https://www.gazeta.ru/news/lenta/2011/06/01/n_1865633.shtml) (last checked: 17.05.2019).

<sup>11</sup> Suggestions for improving the national policy in the field of family and childhood care // The Russian Orthodox Church URL: <http://www.patriarchia.ru/db/text/1386377.html> (last checked: 26.04.2019).

<sup>12</sup> The Russian State Duma adopted the law "On the basis of public health protection in the Russian Federation" // *Preobrazhenskoye Bratstvo* URL: <https://psmb.ru/a/v-gosdume-rf-prinyat-zakon-ob-osnovah-ohrany-zdorovya-grazhdan-v-rf.html> (last checked: 26.05.2019).

<sup>13</sup> Free abortions without medical indications may be banned in Russia // *Samara online* URL: <https://63.ru/text/health/54968941/?from=listnews> (last checked: 17.05.2019).

<sup>14</sup> The State Duma refused to opponents of abortion from Samara // *Samara online* URL: <https://63.ru/text/gorod/27542438531072.html> (last checked: 17.05.2019).

<sup>15</sup> Patriarch Kirill suggested to exclude abortion from the mandatory health insurance system // *INTERFAX.RU* URL: <https://www.interfax.ru/russia/419438> (last checked: 09.05.2019).

Mizulina and Sergey Popov introduced a draft law to restrict abortion procedures. The document suggested that artificial interruption of pregnancy should be done only in state institutions and solely for medical reasons. Carrying out abortions in private clinics would have supposed to establish administrative responsibility: fines for citizens of up to 200,000 rubles, and for legal entities - up to 2.5 million rubles. Eventually, the document was not supported by the Government.<sup>16</sup>

In 2015, 747,000 abortions were registered in the country, of which 60% were made without medical indications. The most common reason for abortion was economic reasons (in 23% of cases).<sup>17</sup>

In 2016, Patriarch Kirill met with the participants of the All-Russian public movement “For Life” and the movement “Orthodox Volunteers”. They collected signatures under the appeal of citizens for a complete ban on abortion. The Patriarch of the Russian Orthodox Church signed this document.<sup>18</sup>

In 2017, the Russian government approved the bill for a new priority project, the Formation of a Healthy Lifestyle until 2025. *Inter alia*, the goal of this new law is to reduce the number of abortions by 30%, i.e. from 20.5 abortions per 1,000 Russians in 2017 to 16 per 1,000 in 2025. Specific measures that will allow to achieve these indicators were not indicated in the document, let alone the “*propaganda against abortion*” that was mentioned in the bill.<sup>19</sup>

According to the Ministry of Health of the Russian Federation more than half of all abortions in 2017 (54.1% compared with 58.9% in 2016) were legal, 17.9% of the abortions were spontaneous and 17% resulted from taking abortion pills. Another 3.6% of the abortions were uncounted for a variety of reasons, in part because they were conducted outside of medical facilities. Abortions for medical reasons accounted for

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<sup>16</sup> The government did not approve the abortion ban // IZ URL: <https://iz.ru/news/591913> (last checked: 08.05.2019).

<sup>17</sup> One in every five abortion is made due to financial difficulties // Takiedela URL: <https://takiedela.ru/news/2016/10/14/prichiny-aborta/> (last checked: 14.05.2019).

<sup>18</sup> Sa Sainteté le Patriarche Kirill signe l'appel des citoyens pour l'interdiction de l'avortement // The Russian Orthodox Church URL: <http://www.patriarchia.ru/db/text/4625720.html> (last checked: 16.05.2019).

<sup>19</sup> The Russian Government has included the promotion of the abolition of abortion in the state project // Takiedela URL: <https://takiedela.ru/news/2017/08/07/propaganda-protiv-abortov/> (last checked: 18.05.2019).

only 2.8%.<sup>20</sup>

In 2018, it was widely discussed that in several parts of the Russian Federation, a temporary moratorium for carrying out operations to abort a pregnancy was implemented.<sup>21</sup>

The citizens of the Russian Federation nowadays are much more concerned about abortions, as well as by all the questions of premarital relationships and same sex-marriages, according to the Levada Center data that compared the results of similar studies in 1998 and 2008. For instance, in 2017 abortions were disapproved by 35% of the respondents on the ground of medical and social reasons, while in 1998 only 12% were disapproving.

Furthermore, approximately 37% of women and 31% of men condemn abortion regardless of the family's financial situation.<sup>22</sup>

Vladimir Serov, President of the Russian community of obstetricians-gynecologists, mentioned that during the past 25 years the number of abortions in Russia decreased 8 times from 5 million to 600,000 per year. This became possible because of state-funded programs for families and parents, educational courses about the dangers of abortions, support centers, and religious and pro-life movements and organizations. *“We are going in the right direction”*, says Serov. *“It is important not to ban abortions, because it will increase the number of illegal abortions and as a result (maternal) mortality will be increased.”*<sup>23</sup>

On January 30, 2019, State Duma Chairman Vyacheslav Volodin gave instructions to create a working group that will discuss the withdrawal of abortion from the CHIS program. The proposal came from the Patriarch of Moscow and All Russia, Kirill. During the Christmas readings, he said that the State Duma had not done anything

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<sup>20</sup> The number of abortions in Russia decreased by 8.8% per year // TASS URL: <https://tass.ru/obschestvo/5372418> (last checked: 21.05.2019).

<sup>21</sup> Moratorium on abortions announced for educational purposes. // Kommersant URL: <https://www.kommersant.ru/doc/3706048> (last checked: 21.05.2019).

<sup>22</sup> There are more anti-abortion condemnors, 11 January 2018, Levada-Center URL: <https://www.levada.ru/2018/01/11/osuzhdayushhih-aborty-stalo-bolshe/> (last checked: 04.02.2020).

<sup>23</sup> Natalia Berishvili, “Russians who condemn abortions are three times more”, 11 January 2018// IZ URL: <https://iz.ru/693266/nataliia-berishvili/osuzhdaiushchikh-aborty-rossiian-stalo-vtroe-bolshe> (last checked: 23.05.2019).

yet to solve this “problem”.<sup>24</sup>

## POSITION OF RELIGIOUS ASSOCIATIONS

Nowadays religious organizations are playing an important role in public decision process. Representatives of the traditional confessions are united against abortion considered as a sin and a murder and as a result of the spiritual decline of society.

The Russian Orthodox Church has always opposed abortion, and Patriarch Kirill has proposed to withdraw this procedure from the CHI program for several years in a row but has never received approval from parliamentarians.

According to the Social Conception of the Russian Orthodox Church, in extraordinary cases, abortion is permissible only if it leads to the death or leads to grave physical harm.

*“The Orthodox Church cannot give a blessing for an abortion under any circumstances. The Church does not reject the women who have committed an abortion, but calls them to repentance and to overcome the pernicious consequences of sin through prayer and the performance of penance with subsequent participation in the saving Sacraments. In cases where there is a direct threat to the life of the mother if the pregnancy continues, especially if she has other children, it is recommended to show indulgence in pastoral practice.”<sup>25</sup>*

The same views are reflected in Protestant social conception of ministry, which generally follows a traditional understanding of the Scripture. For example, prominent expert and Senior Bishop of the Associated Russian Union of Christians of Evangelical Faith Pentecostals, Sergey Ryakhovskiy, said:

*“Evangelical churches, as well as the Russian Orthodox Church whose Social Ministry Conception is 99% the same as ours regarding abortions, recognize it not only as a sin, but as a murder. Nowadays, it may sound quite radical, but we can’t beat around the bush. I have 6 children and 8 grandchildren. I was born in a large family, there were 10 children. I am so*

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<sup>24</sup> How did attitudes towards abortion change in Russia? // Takiedela URL: <https://takiedela.ru/news/2019/01/31/kak-v-rossii-menyalos-otnoshenie-k-abor/> (last checked: 27.05.2019).

<sup>25</sup> Fundamentals of the social concept of the Russian Orthodox Church // Azbukaveri URL: <https://azbyka.ru/otechnik/dokumenty/osnovy-sotsialnoj-kontseptsii-russkoj-pravoslavnoj-tserkvi/> (last checked: 29.05.2019).

*grateful to God that my parents gave birth to all children. My wife and I did the same way.*"<sup>26</sup>

The moral position of Ryakhovsky is a common view among Protestants in Russia and was documented in the "Social Conception of Russian Protestants". Protestants regard the widespread distribution and justification of abortion as a clear sign of the moral degradation of modern society and as a threat to the future of humanity. Loyalty to the Biblical doctrine of human life, since its conception, according to the general opinion of the Protestant churches, is incompatible with the recognition of the freedom of choice of women at the disposal of the fate of the foetus.<sup>27</sup>

Catholics in Russia follow their dogmatic position and do not support abortion. *"The Catholic Church does not support abortion. Moreover, the woman who had the abortion and all those who took direct part in it and put physical or moral pressure on her automatically fall under excommunication"* -, mentioned the Secretary General of the Conference of Catholic Bishops of Russia, Father Igor Kovalevsky.<sup>28</sup>

The priest noted that *"Russia is currently one of the countries in which abortion legislation is the most liberal."* Even in countries with a secular legislation - for example, in South America and Western Europe - *"abortions are much more difficult to do than in Russia"* which, he says, is due to the very strong influence of the culture of the Catholic Church.<sup>29</sup>

Muslims in Russia follow the world Islamic position and also consider abortion as a great sin and extremely unacceptable. However, a previous opinion held among Islamic scholars was that abortion was acceptable up to 120 days from the moment of conception, when there is an obvious fear for the health or life of a pregnant woman, as well as about the child's diagnosis of a hard-to-cure disease. Recently, the Eurasian Council of Ulema has pointed out that abortion is not acceptable. A foetus is equal to a

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<sup>26</sup> Elena Semenova, "Bishop Sergei Ryakhovsky: "Abortion is not just a sin, it is a murder for which both a woman and a man bear responsibility"", 27 March 2014 // ROSHVE URL: <https://www.cef.ru/infoblock/news/read/article/1354818> (last checked: 04.02.2020).

<sup>27</sup> Social position of the Protestant churches of Russia // ROSHVE URL: <https://www.cef.ru/infoblock/greetings/letter/article/1378910> (last checked: 30.05.2019).

<sup>28</sup> Russian Catholics understand the attitude of the Russian Orthodox Church to ban abortions // RIA Novosti URL: <https://ria.ru/20160927/1477988003.html> (last checked: 29.04.19).

<sup>29</sup> *Ibid.*

person and all the legislation acts should be the same for both.<sup>30</sup> It is quite interesting to mention that the problems of abortions are not fixed in an official document of Muslims in Russia, concerning social ministry.

The Chairman of the Synodal Department for Relations Between the Orthodox Church and Society, Vladimir Legoyda, said that the main position of the Russian Orthodox Church is to ensure the provision of services from the Compulsory Health Insurance System (CHIS).<sup>31</sup> In 2016 His Holiness the Patriarch of Moscow and All Russia Kirill supported public initiatives and a petition to withdraw coverage for abortion from health insurance.

Special attention should be paid to the active work of the Patriarchal Commission on Family, Protection of Motherhood and Childhood, headed by Archpriest Dmitry Smirnov. This commission was established in 2011. It initiated seminars and master classes in higher educational institutions and schools on the protection of family and traditional values, held numerous round tables, and is actively building interaction with civil society activists and public organizations throughout the country.

Archpriest Dmitry Smirnov actively speaks on international platforms and forums, building partnerships with representatives of major public movements and organizations – i. e. the World Congress of Families.<sup>32</sup>

The reaction among human rights activists was ambiguous. Advisor to the Plenipotentiary Representative of the Council of the Federation for Interaction with the Commissioners for Human and Child Rights, Boris Lordkipanidze, mentioned that the church should deal with the souls of people, not with legislation. The Head of Committee on Affairs of Public Associations and Religious Organizations in the State Duma Yaroslav Nilov said “*The withdrawal of abortion from the health insurance in a modern-day Russia will increase the number of unofficial abortions.*”

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<sup>30</sup> Is it possible from the viewpoint of Islam to have an abortion? // Mosdum URL: <http://mosdum.ru/mozhno-li-s-tochki-zreniya-islama-delat-abort/> (last checked: 24.05.2019).

<sup>31</sup> Russian Orthodox Church fundamentally in favor of withdrawing abortions from compulsory health insurance // TASS URL: <https://tass.ru/obschestvo/3658599> (last checked: 20.05.2019).

<sup>32</sup> XII World Congress of Families // Patriarchal Commission on Family, Protection of Motherhood and Childhood URL: <http://pk-semya.ru/novosti/item/6968-xii-vsemirnyj-kongress-semej.html> (last checked: 18.05.2019).



In return, the Chairperson of the Public Chamber's Commission for Family, Children and Maternity Support, Diana Gurtskaya, supported the Patriarch and said:

*“I consider this as an extremely progressive step and I am confident that humanity will inevitably come to this, as in different periods it came to the need for equal rights for women or guarantees of the rights of people of different races and nationalities”.*<sup>33</sup>

### PRO-LIFE CIVIL MOVEMENTS

Public Christian organizations and pro-life movements, such as the All-Russian public movements “For Life”, “The Sanctity of Motherhood”, and many others are showing considerable activity on that issue.

The charity program “Save Life”, actively supported by representatives of the Russian Orthodox Church, also deserves attention. In total, 86 cities are participating in the Save Life program, with 160 professionals working in 122 medical institutions. Since 2015, it is claimed that over 10,000 children have been saved from abortions thanks to this program.

In 2018, on Children's Day, with the blessing of His Holiness the Patriarch Kirill, an All-Russian fundraising was held in all churches for the prevention of abortions and helping women in crisis situations. This was the second of such a church fundraising. During this event, 38 million rubles were collected. These funds in 2019 should open 13 new shelters for mothers, bringing the total number of shelters to 72. These shelters will provide comprehensive medical and psychological support to women in difficult economic situations.

The agenda of these organizations is limited to the educational activities or single picket shares and performances. They also try to remove abortion from the medical insurance system. It is important to note that the pro-life movement in Russia is closely associated with religious (mostly Orthodox) organizations and directly supported by

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<sup>33</sup> Rambler // Gurtskaya supported the abortion ban URL: <https://news.rambler.ru/starlife/34837910-gurtskaya-podderzhala-ideyu-zapreta-abortov/> (last checked: 13.05.2019).

them. A distinctive feature of such movements is their fragmentation and the lack of centralization.

## **LEGAL LANDSCAPE**

The legislation of the Russian Federation and the law enforcement practice on abortion issues requires further review and improvement. Currently, the legal status of abortion in the Russian Federation is very liberal in comparison with the provisions of the legislation of many other countries around the world.

Regulation on this issue is almost fully provided by the provisions of the Federal Law “Health Care Act” No. 323 of 11/21/2011.

In particular, this federal law enumerates the main situations in which it is possible to carry out an abortion in Russia. The law provides for: the will of a woman, if a woman is voluntarily seeking to abort, she has the right to have an abortion performed in a medical institution. Conditions are that she has to be informed and voluntarily consent to this procedure, as well as familiarizing herself with the possible consequences of such a procedure. An abortion in this case is carried out no later than the 12<sup>th</sup> week of pregnancy. Social indication circumstances allow for an abortion up to the 22<sup>nd</sup> week of pregnancy.<sup>34</sup>

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<sup>34</sup> Federal Law “Health Care Act” No. 323

1. Each woman independently solves the question of motherhood. Artificial termination of pregnancy is carried out at the request of the woman in the presence of informed voluntary consent.
2. An artificial termination of pregnancy at the request of a woman is carried out with a gestation period of up to twelve weeks.
3. An artificial termination of pregnancy is carried out:
  - 1) not earlier than 48 hours after the woman’s application to the medical organization for the abortion:
    - a) when the gestational period is the fourth - the seventh week;
    - b) when the gestation period is eleventh - twelfth week, but not later than the end of the twelfth week of pregnancy;
  - 2) not earlier than seven days from the moment a woman applies to the medical organization for the artificial termination of pregnancy during the gestation period from the eighth to the tenth week of pregnancy.
4. An artificial termination of pregnancy for social reasons is carried out with a gestation period of up to twenty-two weeks, and if there are medical indications, regardless of the gestational age.
5. Social indications for abortion are determined by the Government of the Russian Federation.
6. The list of medical indications for abortion is determined by the authorized federal executive body.
7. Artificial termination of pregnancy in an adult, recognized to be legally incapable in the manner prescribed by law, if she is not able to express her will, is possible by a court decision taken on the application of her legal representative and with the participation of an adult, recognized as legally capable.
8. The illegal carrying out of artificial termination of pregnancy entails administrative or criminal liability established by the legislation of the Russian Federation.

The list of social indications previously included the existence of a plight that impedes the implementation of maternal duties, but today, according to Government Decree No. 98 of February 6, 2012, the only social indication for the termination of pregnancy is in case of a rape of the woman.

Medical indications, if the pregnancy carries risks for the mother's health, as well as in the presence of foetal abnormalities, both dangerous to the mother's life and safety, or providing for the unlikely birth of a fully healthy person, abortion is allowed at any time.

Illegal termination of pregnancy in Russia is prosecuted both under administrative law and criminal law. In particular, performing illegal abortions is prosecuted in accordance with the provisions of Art. 123 of the Criminal Code.<sup>35</sup>

Criminal offenses include abortions that are conducted outside of medical institutions, conducted by unqualified persons, and women having abortions without their consent.

Imprisonment for these abortions is provided only if it leads to the death of the woman or the infliction of grievous harm to her health.

In the context of legal discussions and various legislative initiatives, the position of lawyers of the Russian Orthodox Church attracts considerable attention. Thus, the head of the Legal Department of the Moscow Patriarchate, Abbess Ksenia (Chernega) believes that *“the slip of legislative initiatives in the field of anti-abortion topics is largely due to the fact that not everyone understands what purpose they are pursuing.”* In her opinion, *“an important step on the way for the implementation of these initiatives could be the recognition of an unborn child as a subject of law.”*<sup>36</sup>

Usually, opponents to this position refer to the Russian Constitution, which guarantees everyone the right to life from the moment of birth, noted the Abbess.

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<sup>35</sup> Criminal Code of Russia. Article 123. Illegal Performance of Abortions

1. Performance of abortions by a person who lacks higher medical education of an appropriate specialization shall be punishable by a fine in the amount of 100 to 200 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to two months, or by compulsory works for a term of 100 to 240 hours, or by corrective labour for a term of one to two years.

<sup>36</sup> The Church proposed to recognize the unborn child as a subject of law // FOMA magazine URL: <https://foma.ru/v-tserkvi-predlozhili-na-urovne-zakona-priznat-nerozhdennogo-rebenka-subektom-prava.html> (last checked: 30.04.19).

*“However, in other countries, the laws look at the child differently. For example, the Hungarian constitution says that life should be protected from the moment of conception. Slovakia’s constitution declares that human life is worthy of protection even before birth, and so on”,* citing examples from legislation of foreign countries.<sup>37</sup>

*“But there is a certain illogicality [in the legislation of the Russian Federation]. Thus, an article of the Civil Code [of the Russian Federation], following the traditions of Roman law, allows you to make a will in favor of an unborn child”,* the head of the Moscow Patriarchate’s Legal Department pointed out.<sup>38</sup>

In this context, the Abbess suggested in the working group to consider the possibility of *“taking into account each norm of international law, which is stipulated in the Convention on the Rights of the Child”*. As she explains, this document states that the child, before the period of physical and mental maturity, needs special protection and care, including adequate legal protection, both before and after birth. *“I would suggest including this definition in the preamble of the federal law on the basic guarantees of the rights of the child in the Russian Federation”,* continued the Abbess.<sup>39</sup>

If such position is fixed, then *“all further measures on legislative regulation of abortions will be justified due to legal protection of the unborn child, about which we talk a lot, but who does not exist as a subject of law”,* she insists.

In addition, there is a need to think about the content of Article 56 of the Health Care Act, which now permits artificial termination of pregnancy in the early stages for any reason, at any time. *“The same article gives the Russian government the authority to determine a list of social indications for termination of pregnancy in the later periods. Finally, the same article gives the Ministry of Health the right to establish any medical indications for termination of pregnancy in any terms”,* she said.<sup>40</sup>

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<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> The representative of the Church proposed at the level of the law to recognize the unborn child as a subject of law // Patriarchal Commission on Family, Protection of Motherhood and Childhood URL: <http://pk-semya.ru/novosti/item/7213-predstavitel-tserkvi-predlozhila-na-urovne-zakona-priznat-nerozhdennogo-rebenka-sub-ektom-prava.html> (last checked: 30.04.19).

<sup>40</sup> *Ibid.*

## **WHAT SHOULD WE DO?**

Abortion remains one of the hardest topics in the public agenda. Over the past few decades, considerable efforts have been made to reduce the number of abortions in Russia. The government supports many public initiatives and activities aimed at the prevention of abortion, and also educational activities in this field.

It is important to include a set of measures - legislative, social and economic in order to prevent the problem. Some of the proposals are already actively implemented and supported by the government, including the support of large families.<sup>41</sup>

But to increase the impact of all pro-life activists, organizations, religious associations that rise their voice against abortion it is necessary to:

- carry out educational work on the dangers of abortions in high schools and universities, focusing on traditional family values;
- provide financial stimulation for families who want to have many children;
- create centers for counseling women about the dangers of abortion;
- support centers for women in distress;
- open and finance centers of economic / financial support;
- gradually withdraw abortions from the medical insurance system with further revision of the legislation towards the pro-life position;
- take into account the experience of Western countries, in particular Poland (as an option) and Hungary.

Despite the fact that the abortion problem in modern-day Russia attracts a lot of interest and concern among religious activists and government authorities, the scale of these activities is not so significant as in Western countries.

The sharp decrease in the number of abortions over the last years is a remarkable achievement both of the pro-life movement and government bodies, and also by the influence on this process of religious associations. Apparently, these reasons explain the near absence of legal conflicts on this subject in the Russian Federation.

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<sup>41</sup> 1 Federal programs for young families; 2 Benefits for young families in the Russian Federation from the state; 3 State program - Young family - 2019-2020; 4 & 5 State assistance for young families; 6 State support for families in Russia; 7 Social programs to support young families; 8 Housing programs for young families; 9 Social support measures and benefits for families with children in 2019; 10 Subsidies for a young family; 11 Project of the Federal Law "On the Principles of State Support for a Family in the Russian Federation"