

Spain's Bill on the Protection of the Life of the Unborn Child and of the Rights of the Pregnant Woman

The Bill's Preamble recalls that both the Spanish Constitution (article 15) and the Universal Declaration of Human Rights recognize the Right to Life as a fundamental right.

That Preamble recalls also that repeated jurisprudence of the Spanish Constitutional Court has firmly established that the unborn child is under the protection of the Constitution and that the State must abstain from interrupting or hindering pregnancy. That protection of the unborn child's life is not absolute, as it must be pondered in some exceptional cases with the dignity of the woman.

Main changes in the new Bill

- **Free abortion** - considered **as a right** by the 2010 law if performed **up to 14 weeks** of pregnancy –**will be abolished**, as the full **2010 law will be abrogated**.
- Abortion performed **up to 22 weeks** will not be punished as a criminal offense when there is a **serious danger to the life of the mother or to her physical or psychological health**. **Important and permanent health damage for the pregnant woman due to pregnancy must be certified by two physicians**. They must be specialists of the related pathology and they must have no relation with the center that will perform the abortion
- If the **serious psychological danger** has its origin in the unborn child having an **anomaly incompatible with life**, one of the two physicians must be a specialist in the child's pathology. **If the anomaly is discovered after the 22nd week, or cannot be detected before**, abortion can also be legally performed.
- In the case of **rape**, previously reported, abortion could be legally performed up to **12 weeks**
- **Girls under 18 years-old** will need the **approval of their parents** to have an abortion
- **In no case of illegal abortion the mother will be punished for a criminal offense**

- Every woman that, under the conditions of this law, asks to have an abortion must receive **information and advice** about:
 - o the **diagnosis** about her health and that of her unborn child
 - o the **dangers and long-term effects** that the abortion might cause for her health
 - o the **alternatives to abortion** and the mother's rights to receive assistance from **health, housing, employment and social services**
 - o **public and private entities that could help her and her child** in every need that might arise with pregnancy

All that information - whose goal must be the **protection of the lives of the mother and of the unborn child and the good evolution of the pregnancy** - must be individualized, personal and provided by professionals with no relation with the abortion center.

Consent to abortion by the pregnant woman must not be expressed before a lapse of **7 days** after the information mentioned above is received

- **Health professionals** will have the right to exercise their **conscientious objection to any participation or collaboration in an abortion**

- **Advertisement of abortion centers, techniques, means and procedures will be forbidden**