



Spain's recent developments after the 2015 reform of the abortion law: **the special situations of minors**



ACAI. Spanish Association of Clinics Authorized for Interruption of Pregnancy
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ABORTION LEGISLATION IN SPAIN

Law 2/210: Sexual and Reproductive Rights and Abortion

Ideological reform

Law 11/2015
(minors)

LAW 2/2010: SRR AND ABORTION

- **Comprehensive law:** education, contraceptive, training, actions
- **Abortion permitted:**
 - On demand up to 14 weeks, without restriction as to reason
 - Up to 22 weeks in case of fetal impairment and maternal physical or mental health
 - Beyond 22 weeks in case of severe and incurable fetal disease (clinical committee) or fetal anomalies incompatible with life

LAW 2/2010: SRR AND ABORTION

Special situation: **Women aged 16-17 years old** (minors)

- Consent to the abortion lies exclusively on them. At least one of the legal representatives, parent, people with parental or guardian of women must be informed of the decision
- **Exemption:** when the minor reasonably claims that this **will cause a conflict**, manifested in certain danger of family violence, threats, coercion, serious abuse, or a situation of homelessness. Responsibility of assessing cases by healthcare workers

REFORM: LAW 11/2015

- No special situation for women aged 16-17 years old
- Minors require the express written **consent of their legal representatives**
- The **conflicts** that may arise regarding the granting of consent by the legal guardians will have to be solved according the provision of the **Civil Code**

REFORM: LAW 11/2015

What changes with this partial amend of the law?

- Reduces young women's right to decide about their own body. They cannot decide themselves about maternity
- Put the focus on the most vulnerable young women: those who live in a complex situation, leaving them defenseless

VULNERABLE YOUNG WOMEN

- **Reasons claimed by women aged 16-17 for not informing their parents about the abortion**
 - Family neglect
 - Dysfunctional family
 - Parents in prison
 - Risk of suffering abuse
 - Emancipated young women whose parents reside in a different country
 - Parents with invalidating medical condition
 - Parents clearly against abortion
 - Parents who refuse to accompany the minor

NECESSITY?

| | 2010-11 Study | 2014 Study |
|--|---------------|------------|
| Percentage of women aged 16-17 that undergo abortion from total | 3,23% | 3,60 % |
| Percentage of women aged 16-17 that undergo abortion without informing their parents from total of women aged 16-17 | 12,73% | 12,38% |

NECESSITY?

- The rate of women aged 16-17 that went through an abortion and those who avoided informing their guardians remained stable
- More than **87%** of women aged 16-17 informed their parents before the abortion
- **12-13%** of women aged 16-17 (just 0,44% of total) did not inform their legal representative prior the abortion

NECESSITY?

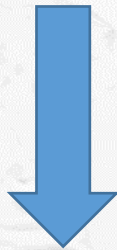
- The reform **did not respond to any social demand**
- It has led to a restriction of women's rights in an area that **did not represent any conflict**, affecting a minority of women
- This vulnerable group is doomed to the continuation of an **unwanted pregnancy** or to an **unsafe abortion**

IMPLEMENTATION OF THE LAW

- Differs in the different autonomous communities of the Spanish territory, depending on the interpretation of the law
- The possessive pronoun “her/their” is interpreted in some regions as referring to “**both parents**”
- Access to abortion more or less difficult depending on the territory

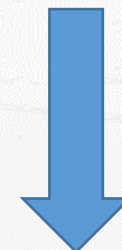
DIFFICULT SITUATIONS – ‘UNLAWFUL’ SOLUTIONS

Father is in prison



Social worker in prison is asked to get the father's signature for inclusion in the informed consent

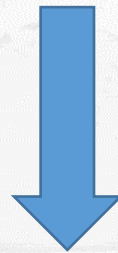
Father lives in Bolivia/ Switzerland



They are requested to go a notary/the Spanish consulate and sign an authorization for the procedure

DIFFICULT SITUATIONS – ‘UNLAWFUL’ SOLUTIONS

Father in unknown location since woman's birth



The mother is asked to provide a sworn statement with all information about her daughter and herself

CONCLUSIONS

This unnecessary reform of the Law on Sexual and Reproductive Health and abortion, besides restricting the freedom and the rights of women aged 16 and 17 years old, represent a huge **barrier to access safe abortion** to one of the most vulnerable collectives.

Furthermore, this amend is being used as a **weapon** by some conservative fractions within the country to create confusion and **make access to abortion even harder** by demanding unnecessary and unlawful procedures.

In this way, this amendment is a clear example of how legislators sometimes, and far from fulfilling its obligation to resolve conflicts through law, **creates a problem where none existed before.**

THANK YOU FOR YOUR ATTENTION

