

**SPAIN**  
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### **LEGISLATION**

- Organic Law 9/1985 of 5 July, reforming article 417 of Penal Cod, decriminalizing abortion on 3 grounds
- Crown Decree 2409/1986, 21 November, about accreditation of centres and dictamens for legal practice of abortion
- Order of 16 June 1986, about statistics and epidemiological information of abortion
- Organic Law 10/1995, 23 November, Penal Code

Outside of these grounds the Penal Code still criminalizes women

### **GROUND/GESTATIONAL LIMITS**

#### **Up to 12 weeks:**

- Rape

#### **Up to 22 weeks**

- If the fetus, if carried to term, will suffer from severe physical or mental defects

#### **No limit:**

- If the abortion is necessary to avert a serious risk to the physical or mental health of the pregnant woman

### **REGULATIONS/CONDITIONS**

- If the pregnancy is a result of rape, the rape must first be reported to the police.
- In case of fetal malformation 2 doctors other than the one following the case must certify that the foetus, if carried to term, would suffer from severe physical or mental defects
- In case of serious risk to the physical or mental health of the woman, a previous medical report from a doctor specialized in the subject and different from the one following the case is required
- An abortion must be performed by or under the supervision of a physician in an approved public or private health centre or establishment, provided the pregnant woman gives her express consent and one of the legal indications for abortion is met.
- A pregnant woman is penalized if the abortion is not performed in an approved public or private health centre or establishment, or if the prescribed medical opinions have not been expressed.

### **COST**

- Public health service: free of charge
- Private hospitals: average cost before the 12<sup>th</sup> week: € 360 (US\$ 465), approximately the same price as vasectomies in private hospitals. After the 12<sup>th</sup> week the price is highly variable depending on gestational period, anaesthetic, etc...

### **DISPARITY IN THE APPLICATION OF THE LAW:**

- *The lack of the conscientious objection regulation and its generalisation in public health means that in general women have to refer themselves to private structures and that there are important differences between regions in terms of availability of service, especially in public structures*

**COMMENTS:**

- *There is no policy on conscientious objection; therefore abortions are carried out in very few public hospitals, resulting in 3% of abortions performed there, and 97% in private ones.*
- *In 2004, 86,72% of induced abortions were performed outside hospital (clinics,...), in private centers. 13,28% were performed in hospital (3.6% of them public hospitals and 9,71% of them in private hospitals).*
- *Legal practice leaves the door open to individual accusations against women and doctors from ex-boyfriends, ex-husbands, anti-choice groups, etc...Since the decriminalisation of abortion, at least 1,000 proceedings have been opened, and several have resulted in condemnation of doctors performing abortions in private hospitals.*
- *In 2004, 96.7% of induced abortions were performed because of severe risk to physical/ mental health of woman. The foetal risk was present in 3.06% of cases in 2004; rape for 0.02%.*
- *In more than 60% of abortions, the pregnancy was at 8 weeks or less.*