



VIII International Congress of
FIAPAC

“Reproductive Health and Responsibilities

24/25 October 2008 - Berlin, Germany

SPAIN: LEGAL ACTIONS AGAINST HEALTH CARE PROFESSIONALS

Spain: Legal actions against health care professionals

“An abortion carried out by a doctor or under his/her supervision in a public or private certified centre and previous express consent of the pregnant woman will not be punishable in the following circumstances:



It is necessary to avoid serious danger for the physical or mental health of the pregnant woman, and so it is stated in a previous report to the intervention carried out by the doctor of the appropriate speciality, who must be different from the one who is going to practise or supervise the abortion. In case of danger to the life of the pregnant woman, the report and express consent are not necessary.

The pregnancy is the consequence of a rape offence as stated in article 429, the abortion is carried out within the first twelve weeks and the mentioned offence was denounced.

The foetus is considered to be born with serious physical or mental defects, the abortion is carried out within the twenty-two first pregnancy weeks and the report, expressed previous to the abortion, is issued by two specialists of public or private health centre certified for such purpose, and different to the one who is going to carry out or supervise the abortion.”

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*“This is not a theoretical debate on the abortion principles, but on the practice to avoid its growing and to reduce it to the minimum.....Only when it becomes a more reduced social phenomenon will a complete resolution will be possible”
“...We address to all people, all groups, associations and institutions to undertake an effective action....“ E-Christians*

*“Este no es un debate teórico sobre el principio del aborto, sino sobre la práctica para evitar que siga creciendo primero y para reducirlo al máximo.Solo cuando sea un fenómeno social más reducido será posible una resolución completa”. “...Nos dirigimos a todas las personas, a todos los grupos, asociaciones y entidades para emprender una acción eficaz”
E-Christians*

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“Acting on the autonomic administration directly or through the parliamentary tools (questions, motions, resolutions) so that it be active and it informs about: how many inspections have been carried out to certain health clinics, results, penalties, agreements, to whom affect, content, grants, etc. Enforce frequent and not previously communicated inspections.”

“Actuar sobre la administración autonómica directamente o mediante el ámbito parlamentario (preguntas, mociones, resoluciones) para que sea activa e informe: cuántas inspecciones ha realizado a determinadas clínicas, cuál es su resultado, si existen sanciones cuáles son, que se hagan públicas, existen convenios, a quiénes afectan, cuál es su contenido, existen subvenciones, etc. Velar para que las inspecciones sean frecuentes, y no previamente comunicadas.”

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“It is important to make sure that the clinics meet the legal treatment on human remains, by minimum dignity and because they avoid it, because it constitutes a cost that reduces their economical results...”

“Es importante asegurar que las clínicas cumplan con el tratamiento legal sobre restos humanos, por dignidad mínima y porque lo evitan, porque constituye un coste que merma sus resultados económicos...”

“It is necessary to look for the active involvement of the Medical Association. It is convenient to get a good dialog with the Magistracy and SEPRONA of the Spanish Civil Guard”.

“Es necesario buscar la implicación activa de los Colegios de Médicos. Conseguir un diálogo fluido con la Magistratura, y SEPRONA de la Guardia Civil es conveniente.”

“The use of the summons as juridical instrument can help to open a gap in the clinics, Public Administrations and Medical Schools”.

“El uso del requerimiento como instrumento jurídico puede ayudar a abrir brecha en las propias clínicas, las Administraciones Públicas y los Colegios de Médicos”.

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“There are more than enough signs to think that lots of clinics, belonging to ACAI (Certified Clinics Association for Pregnancy Termination), don’t meet the law by applying Dr. Santiago Barambio’s interpretation. It is necessary to work to verify if this is true or not. If there are real data which constitute evidences a report must be made or, if possible, an action for damages. It is basic, although not strictly necessary, to find one or more people, workers, ex-workers, women who have terminated a pregnancy, willing to declare”.

“...Existen indicios sobrados para pensar que muchas clínicas, pertenecientes a la ACAI, no cumplen la ley aplicando la interpretación del Dr. Santiago Barambio. Es necesario trabajar para verificar si es así o no. Si existen datos concretos que constituyan indicios debe producirse la denuncia o si es posible la querrela. Es fundamental, aunque no estrictamente necesario, encontrar una o más personas, trabajadores, extrabajadores, mujeres que hayan abortado, dispuestas a declarar”

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ATTACKS ON CLINICS



ACAI PRESS CONFERENCE EXPLAINING THE PERSECUTION AND GENERALIZED HARASSEMENT

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**Some 1.700 women were unable to abort their pregnancies during the week
Of the clinics´strike**

**Abortion clinics reveal that Madrid is the only community that requires them to give private data
ELPAIS.- Madrid - 21/01/2008**

**Unas 1.700 mujeres dejaron de abortar durante la semana de huelga de clínicas
Las clínicas abortistas revelan que Madrid es la única comunidad que les exige datos privados
ELPAIS.- Madrid - 21/01/2008**



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Headline of newspaper “Público”:

NO

NO

A LA CAMPAÑA ANTIABORTO

TO ANTI-ABORTION CAMPAIGN

Las clínicas se querrellarán contra el juez que obliga a testificar a 25 mujeres → 2 y 3
El Gobierno ordena a la Fiscalía garantizar que se respeten los derechos de las abortistas

Dominio Público: Marisa Soletto, directora de la Fundación Mujeres, denuncia el asalto contra la presunción de inocencia de las mujeres que han abortado PÁG. 10

The clinics will prosecute the judge who forced 25 women to appear in court
The government has required the Justice Department to safeguard the rights of abortion providers

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The strike, the attempt to intimidate the women and our rigorous work with the media, politicians and social or scientific associations turned the ACAI professionals into official negotiators in different areas.



And there was an important shift in public opinion in our favour

We were received by :

The Director of Public Prosecution, the Health General Direction, the Government Delegation in Madrid

The ombudsman's team,

The Minister of Health and the Minister of Justice.

ACAI MEMBERS WITH THE MINISTER OF HEALTH AND OTHERS REPRESENTATIVES OF POLITICAL PARTIES



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PRESS CONFERENCE OF ACAI AND THE FAMILY PLANING ASSOCIATION



The support that we were receiving from some social platforms, the feminist movement, jurist women associations, family planning associations, the union movement etc.had intensified

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BARCELONA'S DEMONSTRATION IN FAVOUR OF THE CHANGE IN THE LAW



The aim is to reach an agreement giving, another step forward towards a common objective: the reform of the law.

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We have published a **proposal for the reform of the law** which we have sent to all the political parties and also the relevant ministers of the government.

We have collaborated in the creation and publicity of a **report on the inequality of access** to abortion in the different regions in Spain.

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Abortion subcommittee approved who will work with the 'Experts Aído'

Aprobada la subcomisión del aborto que trabajará con los 'Expertos de Aído'



The subcommittee will evaluate "the most innovative of European laws of indications and deadlines in this matter" and "a study" on the implementation of legislation on abortion in Spain is due in six months, which will analyze "the operation, the territorial equality and accessibility in providing this service in the public health network and public private partnership "

Similarly, the subcommittee will have the task of determining whether currently women who are aborting and the professionals who serve have enough "legal certainty" and if this service respects "the will of women and their the right to control their maternity".

La subcomisión evaluará "las experiencias más innovadoras de las leyes europeas de indicaciones y plazos en esta materia" y deberá presentar en seis meses "un estudio" sobre la aplicación de la legislación sobre el aborto en España, en el que se analizará el "funcionamiento, la equidad territorial y la accesibilidad en la prestación de este servicio en la red sanitaria pública y concertada".

Del mismo modo, la subcomisión tendrá la misión de determinar si en la actualidad las mujeres que abortan y los profesionales que las atienden cuentan con la suficiente "seguridad jurídica", así como si en este servicio se respeta "la voluntad de las mujeres y su derecho a decidir sobre el control de su maternidad".

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PP and CiU have already begun their campaign to “awaken the conscience of the nation and the rest of the politicians” regarding the “immorality” of this reform



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The visit of “Women on Waves” to Valencia. Pro-choice and anti-abortion demonstrations



As a result of this visit this week Spanish association has announced that it is suing José Luis Carbonell, and Gunilla Kleiverda for carrying out “illegal” abortions on the boat “Women on Waves” in the area of Valencia





ANY SUPPORT IS ALWAYS WELCOME

AND

I HOPE WE CAN COUNT ON YOURS





THANK YOU FOR YOU ATTENTION