

# URGENT ACTION

## WOMEN AND GIRLS' RIGHTS UNDER THREAT

**A parliamentary group has put forward a proposal to change current legislation and require 16 and 17 year old girls and some women with mental disabilities to obtain parental or guardian consent before they can access safe and legal abortion services.**

The draft put forward proposes a change to Article 13 in the current Organic Law 2/2010 and a second amendment to the Law 41/2002, which regulates consent and autonomy for medical procedures, imposing the requirement for 16 and 17 year old girls to obtain permission from their parents or legal guardian specifically for abortion services.

The proposed changes violate women and girls human rights. They go against recommendations by the UN Committee on the Rights of the Child, responsible for monitoring the implementation of the Convention on the Rights of the Child, to which Spain is a party; as well as the World Health Organizations' guidelines. Both urge states to consider removing barriers such as parental consent, because of the harmful impact such requirements have on girls' health and human rights. The proposal also aims to at introducing the requirement for women living with certain mental disabilities who wish to have an abortion to also have the approval of a legal guardian in order to access these services. The Convention on the Rights of Persons with Disabilities, to which Spain is also a party, guarantees equality and non-discrimination of women with disabilities (article 25(a)). It also guarantees full and equal legal capacity to persons with disabilities, recognizing that the denial of legal capacity to persons with disabilities has, in many cases, led to their being deprived of many fundamental rights, including reproductive rights.

In 2012, the United Nations Committee for Economic, Social and Cultural Rights (CESCR) called on the Spanish government to take steps to guarantee the full implementation of the current law, and to ensure equal access to safe and legal abortion services for all women, paying special attention to the situation of adolescents and migrants. Instead of addressing such criticisms, and removing barriers, the proposed amendments do the reverse.

### **Please write immediately in Spanish or your own language:**

- Urging the Minister of Health, Social Affairs and Equality to oppose the progression of the proposed amendments because they would violate the human rights of adolescent girls and women and girls living with disabilities, and put their health and lives at risk;
- Urging the Popular Party Parliamentary Group and its members to immediately withdraw the proposed amendments, because they would violate the human rights of adolescent girls and women living with disabilities, and put their health and lives at risk;
- Calling on them both to comply with their obligations to protect women and girls' human rights, including by fulfilling the UN CESCR recommendation to fully implement the current law, paying special attention to ensure equal access to safe and legal abortion services for all women, including adolescents and migrants.

### **PLEASE SEND APPEALS BEFORE 9 APRIL 2015 TO:**

Minister of Health, Social Affairs and Equality

Mr Alfonso Alonso Aranegui  
Ministerio de Sanidad, Asuntos Sociales  
e Igualdad

Paseo del Prado, 18 28071 Madrid

Fax: +0034 914 293 525

Email: secmin@msssi.es

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**Salutation: Dear Minister/ Estimado Sr. Ministro**

Popular Party Parliamentary Group Spokesperson

Mr Rafael Antonio Hernando Fraile  
Portavoz del Grupo Parlamentario  
Popular en el Congreso de los Diputados

Email: portavoz.gpp@gpp.congreso.es

**Salutation: Dear Mr Hernando Fraile**

**Estimado Sr. Hernando Fraile**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Prior to the current law on abortion which passed in 2010, Spain had one of the most restrictive laws on abortion in Europe, which forbade abortion on socio-economic grounds or on request. As a result, women underwent clandestine and unsafe abortions in Spain or travelled abroad to exercise their rights. Finally recognizing that such a law violated the rights of women and girls, a new law was passed in 2010 permitting women and girls to access abortion on request during the early period of pregnancy. The 2010 law was a development welcomed by many. However it still had challenges to its full implementation and in 2012, the United Nations' Committee for Economic, Social and Cultural Rights (CESCR), recognizing uneven access to abortion across the country, called on the Spanish government to guarantee the full implementation of law 2/2010 to ensure equal access to safe and legal abortion services. It also called on the State to ensure that the exercise of conscientious objection by health professionals is not an obstacle for women who want to terminate a pregnancy; and to pay special attention to the situation of adolescents and migrants.

Instead of complying with this recommendation the Spanish government has consistently tried to introduce amendments that would restrict women and girls' access to safe abortion services, and which would breach the country's human rights obligations to protect the life, health and privacy, amongst other rights, of women and girls.

The proposed amendments are also contrary to recommendations on access to safe and legal abortion by expert United Nations and Council of Europe bodies such as the World Health Organization. For example, all have recommended that states eliminate barriers to women and girls' access to safe and legal abortion services. The World Health Organisation has recognized that restrictive laws governing abortion do not reduce the number of abortions, as girls will seek abortions regardless of legal status. Such measures only increase the number of unsafe and clandestine procedures with all of the serious health consequences this brings, and may contribute to maternal deaths. The Convention on the Rights of Persons with Disabilities guarantees full and equal legal capacity to persons with disabilities (Article 12), recognizing that the denial of legal capacity to persons with disabilities has, in many cases, led to their being deprived of many fundamental rights, including reproductive rights (para 8 of General Comment 1).

In addition, in the Committee's review of Spain's compliance with the Convention on the Rights of Persons with Disabilities, the Committee specifically recommended in relation to women with disabilities (Article 6), that Spain, '[e]laborate and develop strategies, policies and programmes, especially in the fields of education, employment, health and social protection, to promote the autonomy and full participation of women and girls with disability in society, and to combat violence against them.'(CRPD Concluding Observations to Spain, CRPD/C/ESP/CO/1, 19 October 2011, para 22(c)).

Further, the Committee on the Rights of the Child at Paragraph 31 of their General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), have urged that "States should review and consider allowing children to consent to certain medical treatments and interventions without the permission of a parent, caregiver, or guardian, such as HIV testing and sexual and reproductive health services, including education and guidance on sexual health, contraception and safe abortion."