

# **SPAIN LIBERALIZES ABORTION AND DECLARES MENSTRUAL HEALTH A RIGHT**

Posted on May 19, 2022



The draft law maintains the basic 14-week limit on

abortion on demand. Its main thrust is to remove safeguards for women such as the 3-day reflection period, and to force public doctors to perform abortions.

**Category:** [NEWS](#)

**Tags:** [abortion](#), [Spain](#), [surrogacy](#), [women](#)

Spain has taken steps towards a new abortion law that will allow abortions without parental permission for 16- and 17-year-olds, while denying doctors the free exercise of conscience objection and further criminalizing the pro-life movement.

Though originally promoted by the Ministry of Equality as a reform of the country's 2010 abortion law that legalized abortion on demand up to week 14 of pregnancy, the legislation has now been put forward as a full replacement to country's current abortion regulation.

The [draft law](#) maintains the basic 14-week limit on abortion on demand. Its main thrust is to remove certain safeguards for women such as the 3-day reflection period, and to force doctors in the public health system to perform them.

By law, abortion is service paid for by the state, however, approximately 80% of abortions are done in private clinics through agreements with the public health system. Most gynaecologists simply do not want to perform them. In eleven Spanish provinces, abortions [have not been performed](#) since the procedure first became legal in 1985, either in public or private clinics, and women who come to the public health system for an abortion are sent to hospitals or clinics in other parts of the country. The draft law seeks to change this by requiring all public hospitals to have doctors available to perform abortions.

At the same time, the law aims to stymie the right to conscience objection for doctors.

Under the new law, doctors would be required to be registered as conscientious objectors to abortion before refusing to perform a particular abortion. Though the current law also contemplates a list of conscience objectors to abortion, very few such lists were made.

The draft also throws the pro-life movement into the same bucket as surrogacy agencies that facilitate surrogacy arrangements abroad for Spaniards. Under the new law, both surrogacy agencies and pro-lifers who pray or offer information outside abortion clinics would be penalized—a reinforcement of a law that went into effect earlier this year threatening peaceful pro-lifers with up to three years in prison simply for standing outside abortion clinics.

Surrogacy is illegal in Spain, but surrogacy agencies actively advertise in the country to recruit Spanish clients for surrogacy abroad.

The draft law also liberalizes abortion by eliminating the three-day reflection period and allows 16- and 17- year-olds to have an abortion without the permission or even notification of a parent or guardian.

The Ministry of Equality also added several other measures unrelated to abortion into the draft.

One section recognizes “the right to menstrual health,” and mandates sick leave for painful menstruation paid for by the state. This measure was the most controversial and hard fought within the coalition government. The law was drafted by the Ministry of Equality, under the leadership of Irene Montero from the neo-communist party Unidas Podemos. But the older, first wave feminists from the Partido Socialista Obrero Española, resisted the measure as potentially leading to discrimination against women in the workplace. Spain would be the first European country to offer sick leave specifically for menstruation.

The law also further guarantees access to hormonal birth control and the “morning after

pill” in the public health system.

The one bright spot in the law is the recognition of surrogacy contracts as a form of violence against women, giving Spain’s judiciary a lever for prosecuting Spaniards who resort to surrogacy abroad.

The draft was approved by the executive branch on Tuesday and is expected to pass in parliament.