

PORTUGAL

Associação Para o Planeamento da Família (APF)

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LEGISLATION

Law N° 6, Articles 139-141, 11 May 1984

Law N° 90, 30 July 1997 (amending the gestational limits in case of fetal malformation and of rape or other sexual crime)

GROUNDINGS/GESTATIONAL LIMITS

Up to 12 weeks:

- If abortion is one of the ways to avert a risk of death or grave and irreversible damage to the physical or mental health of the woman

Up to 16 weeks:

- Rape or other sexual crime

Up to 24 weeks:

- If there are substantial grounds for believing that the child would be born with a serious or incurable disease or malformation

No limit

- If abortion is the only way to avert risk of death or grave and irreversible damage to physical or mental health of the woman
- If the fetus is impracticable

REGULATIONS/CONDITIONS

- The woman must give her written consent not less than three days prior to the abortion. There is thus a compulsory waiting period (up to 3 days). In case of emergency, the prescribed time limit may be waived.
- If the woman is under 16 or is incompetent, the written consent may be provided, in order of priority, by her competent and non-separated husband, her legal representative, a competent ascendant or descendant, or in their absence, by any relative.
- Prior to the abortion, a physician other than the one performing the procedure must sign a medical certificate attesting to the existence of circumstances that render an abortion permissible. In cases of rape, the verification of circumstances depends upon evidence of criminal involvement.

COST

From € 245 (US\$ 317) to € 1000 (US\$ 1292) depending on the gestational period, and the medical facility.

DISPARITY IN THE APPLICATION OF THE LAW:

- *The law is not fully implemented in public hospitals, due to a large number of conscientious objections and to the lack of further regulations*
- *As a consequence the majority of abortions are performed illegally by doctors, mid-wives and nurses in private clinics and cabinets*

- *In a series of trials, women and professionals condemned for illegally performing an abortion*

COMMENTS:

- *The numbers of legal abortions have increased over the last 3 years, but the majority of them had been performed on grounds of fetal malformation.*
- *The use of Cytotec has largely increased over the last few years.*