

Via Fax and Post

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26 May 2010

**Application no. 25579/05**  
**A, B and C v. Ireland**

Dear Sir:

Per this letter we respectfully submit to the Grand Chamber new information updating our written submission of 31 October 2008 and supplementary letter of 5 October 2009.

The additional information we wish to present at this time concerns a new Spanish law that eases restrictions on abortion. The new law, which was adopted in February 2010 and will enter into force in July 2010, introduces abortion on request during the first 14 weeks of pregnancy.<sup>1</sup> The old Spanish abortion law did not contain an express abortion on request provision.<sup>2</sup> The new law further permits abortion until the 22<sup>nd</sup> gestational week when there is a risk to the life or health of the woman and in cases of fetal impairment.<sup>3</sup> Abortion is permitted at any time in cases of fetal impairment incompatible with life or when the fetus has an untreatable or grave illness.<sup>4</sup> What is more, whereas women were subject to six months to one year imprisonment for illegally terminating their pregnancy under the old law, the new law does away with this sanction.<sup>5</sup>

As a result of the adoption of the new abortion law in Spain, we submit the following changes to our written submission of 31 October 2008; they are also to be read in conjunction with our supplementary letter of 5 October 2009:

- Endnote 13 should read that forty (not thirty-nine) out of a total of 47 member states allow abortions without restriction or for broad socioeconomic reasons.
- Endnote 23 should include Spain's new law that permits abortion until the 22<sup>nd</sup> week of pregnancy when there "exists a grave risk to the life or health of the pregnant woman."<sup>6</sup>

- Paragraph 21, third sentence, should read: “Spain permits abortion when there “exists a grave risk to the life or health of the pregnant woman.””<sup>7</sup>
- Paragraph 25, first sentence, should read that at least fifteen (not sixteen) member states permit lawful abortion to protect mental health. Spain now allows abortion on request and repealed its old penal code provision on abortion. The new provision reads that “whoever causes an abortion to a woman...outside the instances permitted by the Law will be punished...”<sup>8</sup>
- Endnote 80, final sentence, should cite to Spain’s new abortion law, i.e. to Organic Law 2/2010 of 3 March 2010, adding Penal Code art. 145 bis.
- Endnote 92 should be changed to reflect the new Spanish abortion law. Spain no longer requires approval by medical professionals at all times before a woman may undergo a therapeutic abortion. Under the new law, certification is only required after the 14<sup>th</sup> week of pregnancy, that is, after the end of the abortion on request period.<sup>9</sup>

Please do not hesitate to contact us should you require any further information.

Sincerely,



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<sup>1</sup> Organic Law 2/2010 of 3 March 2010, on sexual and reproductive health and on the voluntary termination of pregnancy, art. 14 [hereinafter Organic Law 2/2010].

<sup>2</sup> Organic Law No. 9 of July 5, 1985.

<sup>3</sup> Organic Law 2/2010, art. 15b.

<sup>4</sup> *Id.* at art. 15c.

<sup>5</sup> Penal Code, art. 145.2.

<sup>6</sup> *Id.* at art. 15.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at first final provision, amending art. 145 of the penal code.

<sup>9</sup> *Id.* at art. 15.