

LAW No. 6/2009

of 15 July

**First Amendment, by Parliamentary Consideration, to the Penal Code
(adopted by Decree-Law no. 19/2009 of 8 April)**

Human life is to be protected from the moment of conception. This principle having been established, no one may ignore the existence of circumstances that may justify the interruption of a pregnancy. However, the seriousness of the legal assets in conflict, that is, the “life of the pregnant woman” and the “life of the foetus or embryo”, having both the same value, only legitimates interruption carried out in extreme circumstances, i.e. where the need to sacrifice one life is the sole and last existing possibility to save another life and where there is no other manner whatsoever exists to keep both lives.

Interruption of pregnancy, the last word for which shall belong to the mother, who will conscientiously decide, may only be allowed where it is the sole means of preventing the death of the pregnant woman.

Thus, pursuant to articles 92, 95(1) and 98 of the Constitution, the Parliament enacts the following that shall have the force of law:

**Article 1
Amendment to the Penal Code**

Article 141 of the Penal Code, adopted by article 1 of Decree-Law no. 19/2009 of 8 April to which it is annexed, is hereby amended as follows:

**“Article 141
(...)”**

1. (...)

2. (...)

3. (...)

4. The provisions in the previous paragraphs shall not be applicable in the event that the termination of pregnancy constitutes, according to medical knowledge and experience and after all possible attempts to save both the life of the pregnant woman and that of the foetus or embryo have been undertaken, the only means of removing the pregnant woman from danger of death, as long as performed, pursuant to medical certification, by a professional physician or other health professional under his/her supervision, in a public or officially certified health institution, and with the consent of the pregnant woman.

5. Certification of the circumstances referred to in the preceding paragraph shall be made in a medical certificate to be written and signed by a medical panel of three doctors on a date prior to the date of interrupting of the pregnancy, and the medical doctor who performs or supervises the interruption of the pregnancy shall not be part of such panel.

6. The consent shall be given in writing in a document signed by the pregnant woman – after, where possible, hearing the opinion of the spouse or the person who lives with the pregnant woman under a condition analogous to spouses – or the opinion of any other person at the request of the pregnant woman, whenever possible two days prior to the date of interrupting the pregnancy.

7. Where the pregnant woman is a minor, the consent shall be given by her legal representative.

8. Where an adult or emancipated pregnant woman is or finds herself psychically incapable, the consent shall be given, respectively and successively, by the spouse or the individual she lives with under conditions analogous to those of spouses, by her legal representative, by her ascendant or descendant, or, in their absence, by any of her relatives in the collateral line.

9. Where it is not possible to obtain the medical certificate referred to in paragraph 5 and/or to obtain the consent pursuant to paragraphs 6 to 8, and performing the interruption is an urgent and pressing matter, the medical doctor shall decide conscientiously, based on the actual situation, and shall, whenever possible, seek the opinion of other medical doctors.

10. The panel referred to in paragraph 5 shall consist of medical doctors with adequate knowledge for evaluating the circumstances that justify the interruption of the pregnancy and, whenever possible, shall include a gynecologist/obstetrician.

11. Medical doctors issuing the medical certificate, as well as medical doctors performing or supervising the interruption of the pregnancy, shall provide all the necessary clarification to the pregnant woman and, where applicable, to the individuals referred to in paragraphs 7 and 8, namely clarification on the method of interruption to be used, the effects of the interruption, and the possible consequences for the physical and psychological health of the pregnant woman.

12. Medical doctors and other health professionals are entitled to conscientious objection regarding any acts pertaining to the interruption of pregnancy.

13. Medical doctors and other health professionals who invoke conscientious objection shall ensure the immediate intervention by other health professional in all the acts deemed necessary, including the immediate follow-up of the pregnant woman.

14. Conscientious objection shall be expressed and shall be communicated in a written and signed document to the clinical manager of the health facility where the conscientious objector provides his/her medical services.

Article 2
Entry into force

The present law shall enter into force on the day after its publication.

Approved on 26 May 2009

The President of the National Parliament,

Fernando La Sama de Araújo

Promulgated on 3 July 2009

To be published.

The President of the Republic

José Ramos-Horta