



National  
Council of  
Ethics for the  
Life Sciences

**119/CNECV/2022**

**OPINION ON  
VOLUNTARY TERMINATION OF PREGNANCY**

November 2022



## **OPINION 119/CNECV/2022 ON VOLUNTARY INTERRUPTION OF PREGNANCY**

### **Executive Summary**

The National Council of Ethics for the Life Sciences (CNECV) received from the Parliamentary Standing Committee of Constitutional Affairs, Rights, Freedoms and Guarantees a request for an opinion concerning Draft Bills no. 953/XIV/3 "For the extension of the legal period of access to the voluntary termination of pregnancy (VTP) and for the end of the period of reflection" and no. 954/XIV/3 "Amends Law 16/2007, of 17 April, that enshrines the woman's right to the voluntary termination of pregnancy, increasing to 16 weeks the legal period for the performance of VTP". Both Bills aimed at amending Law no. 16/2007, of 17th April "Exclusion of illegality in cases of voluntary termination of pregnancy", proposing the enlargement of the legal term for VTP and the annulment of the mandatory reflection time enshrined in same Law. Bill no. 954/XIV/3 also proposed the introduction of a "right to the termination of pregnancy" in Law no. 16/2007, and the revocation of article 142 of the Portuguese Penal Code. With the dissolution of the Parliament, the initiatives lapsed and, with them, the object of the request. Nevertheless, the CNECV considered that it should issue an opinion on the subject on its own initiative, given the relevant ethical, as well as medical, legislative and social issues raised.

The current Portuguese legal framework on VTP aims at a balance between the protection of intrauterine human life and the status of the embryo and self-determination of the (pregnant) woman, authorising the termination of pregnancy at the request of the woman up to ten weeks and after a mandatory reflection period. Any change to the current legal regime should, in the Council's view, be supported by reasoned grounds, primarily through available data on VTP in Portugal, which could legitimise a different ethical-legal reflection. Since this is an issue related to the deepest values of a society, the comparison with other countries can only serve to provide a broad view of the different responses and cannot, in itself, justify a change. A longitudinal analysis of the available data on the prevalence of VTP in Portugal does not substantiate the argument for change.

Furthermore, access to quality healthcare is one of the Sustainable Development Goals of the 2030 Agenda. In this light, the CNECV considers that access to sexual and reproductive health and literacy should be ensured for all.



The CNECV was of the opinion that:

1. The gestational limit for VTP (10 weeks in Portugal) should not be altered, as  
- it considers a threshold in fetal development whose central nervous system is not sufficiently developed for there to be fetal sensitivity and pain at the time of VTP, in a manifestation of ethical respect for the embryo;

- the majority of women who decide to terminate a pregnancy in Portugal have done so on average at seven weeks of gestation;

- it observes the principle of non-maleficence, since the risks and complications resulting from VTP will increase with advancing gestational age.

2. The mandatory reflection time should be maintained, as

- it favours a more conscious and responsible decision making;

- it can avoid rushed decisions, thus reducing eventual regrets;

- it gains particular relevance, since it refers to an irreversible decision;

- assuming time is essential to an ethically valid decision, it meets the ethical, deontological and legal requirements of informed consent.

3. Regarding the available data:

- the data made available by the Portuguese Directorate General of Health should be more complete, allowing for a rigorous assessment of the public policies implemented and the eventual need for their revision;

- family planning for the population of non-Portuguese nationality residing in Portugal must be more effective, on equal terms with the Portuguese population;

- the family planning policy in Portugal must be strengthened, aimed at guaranteeing universal access.

Lisbon, 17 November 2022.

National Council of Ethics for the Life Sciences.

The President, Maria do Céu Patrão Neves.

Rapporteurs: Margarida Silvestre, Inês Godinho, Miguel Oliveira da Silva and José Manuel Pereira de Almeida.

The present opinion was approved by a majority vote on 17 November 2022, at the 270th plenary meeting of the CNECV.