

PANAMA

Penal Code, Law No. 14 of 18 May 2007.

Section 139. The woman who causes her own abortion or allows someone to perform it shall be punished with imprisonment of one to three years.

Article 140. Whoever causes the abortion of a woman with her consent shall be punished with imprisonment of three to six years.

Article 141. Whoever causes the abortion of a woman without her consent or against her will shall be punished with imprisonment from four to eight years.

If, as a consequence of the abortion or the means used to provoke it, the death of the woman results, the penalty will be imprisonment of five to ten years.

The penalties set forth herein shall be increased by one sixth for the companion or partner if he is guilty of provoking the abortion.

Article 142. The penalties prescribed in the preceding articles shall not apply:

1. If the abortion is performed, with the consent of the woman, to cause the destruction of the product of conception occurred as a result of carnal violation, duly accredited in court proceedings.
2. If the abortion is performed, with the consent of the woman, because of a serious health threat to the life of the mother or the product of conception.

In the case of paragraph 1, it is necessary for the crime to (be confirmed) by the competent authority and that the abortion is performed within the first two months of pregnancy; and in the case of paragraph 2, it shall be a multidisciplinary commission appointed by the Minister of Health to determine the serious health causes for which abortion may be authorized.

In both cases, the abortion must be performed by a doctor in a state health (facility).

The doctor or health care professional assigned by the multidisciplinary committee and appointed by the Ministry of Health or his superiors for (decisions on) abortion has the right to claim conscientious objection on moral, religious or any other type reasons, and to refrain from the abortion.

Resolution No. 1 of the Ministry of Health on the Multidisciplinary Commission on Therapeutic Abortion, 21 April 1989. (policy needed)

Resolution No. 02007, 2 August 1988

That Article 3 of Resolution No. 02007 of 2 August 1988 establishes the National Multidisciplinary Committee set up under Article 144 of Law No. 18 of 22 September 1982, concerning the authorization of the practice of therapeutic abortion motivated by causes of serious health threatening the life of the mother or the product of conception, which determines the elaboration of rules which will govern the matter at the National Level;

That by virtue of the fact that the above mentioned article for the operation of the Multidisciplinary Commission, approves for the operation of the Commission administrative technical standards;

Which for the above consideration is:

Resolved:

Article 1. The National Multidisciplinary Commission established in Article 144 of Law No. 18 of 22 September 1982, authorizing therapeutic abortion in the Republic of Panama for serious causes of health that endanger the life of the mother or the product of conception.

Article 2. The full National Multidisciplinary Commission is appointed by the Ministry of Health, and determines the serious health causes warranting the application of termination of pregnancy.

Article 3. To grant the request of abortion are required:

- (a) Application and written consent of the woman;
- (b) Medical report specifying diagnostic or reason for the request;
- (c) Supplementary Exams ... laboratory to confirm the diagnosis.

FIRST PARAGRAPH: In cases of underage women or uninhabited for legal reasons, the Commission should have the consent of the legal representative.

Article 4. Where necessary, writing the opinion of other health professionals who will work with members of the Commission will be requested.

Article 5. All administrative and technical procedures related to the application of therapeutic abortion, must utilize state institutions, so that attends best for women in the early stages of gestation.

Article 6. In each Area or Region, the head of Gynecology and Obstetrics Hospital of each, must analyze the patient requests from your Area or Region and verify compliance with all the requirements mentioned in the paragraphs of Article 3. These documents will be forwarded promptly to the National Commission for consideration and final decision.

Article 7. Once the Commission authorizes the abortion, this will take place under the responsibility of physicians and suitable to practice the profession in the country.

Article 8. The termination of pregnancy shall be held at the State Hospital, in the Area or Region of Health requested, with prior authorization from the National Multidisciplinary Commission. In the case of the Regions of Darien and San Bias, the surgical interventions will be made in the National Hospitals.

Article 9. In no event and under no circumstances may therapeutic abortion be performed without the written permission of the Commission.

Article 10. If termination of pregnancy is deemed warranted, the Commission shall issue the authorization for the execution thereof.

Article 11. The Commission shall meet as soon as possible whenever a request for abortion is received, and periodically to make rules which will govern the matter at the National Level.

Article 12. This Resolution shall take effect after its approval by the National Commission on Multidisciplinary Therapeutic Abortion.

COMMUNICATE AND COMPLIED (by):

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Law No. 14 of 18 May 2007, the Penal Code.

Artículo 139. La mujer que cause su aborto o consienta que alguien se lo practique será sancionada con prisión de uno a tres años.

Artículo 140. Quien provoque el aborto de una mujer con el consentimiento de ella será sancionado con prisión de tres a seis años.

Artículo 141. Quien provoque el aborto de una mujer sin su consentimiento o contra su voluntad será sancionado con prisión de cuatro a ocho años.

Si, por consecuencia del aborto o de los medios usados para provocarlo, sobreviene la muerte de la mujer, la sanción será de prisión de cinco a diez años.

Las sanciones que aquí se establecen se aumentarán en una sexta parte si el culpable de la provocación del aborto es el compañero o conviviente.

Artículo 142. No se aplicarán las penas señaladas en los artículos anteriores:

1. Si el aborto es realizado, con el consentimiento de la mujer, para provocar la destrucción del producto de la concepción ocurrida como consecuencia de violación carnal, debidamente acreditada en instrucción sumarial.
2. Si el aborto es realizado, con el consentimiento de la mujer, por graves causas de salud que pongan en peligro la vida de la madre o del producto de la concepción.

En el caso del numeral 1, es necesario que el delito sea de conocimiento de la autoridad competente y que el aborto se practique dentro de los dos primeros meses de embarazo; y en el caso del numeral 2, corresponderá a una comisión multidisciplinaria designada por el Ministro de Salud determinar las causas graves de salud y autorizar el aborto.

En ambos casos, el aborto debe ser practicado por un médico en un centro de salud del Estado.

El médico o profesional de la salud que sea asignado por la comisión multidisciplinaria designada por el Ministerio de Salud o por sus superiores para la realización del aborto tiene el derecho de alegar objeción de conciencia por razones morales, religiosas o de cualquier índole, para abstenerse a la realización del aborto.