

SOCIAL SECURITY & FAMILY COMMITTEE

SUBSTITUTIVE TO BILL No 478, 2009

It rules on the protection to the unborn.

It is determined by the National Congress:

Article 1 This law establishes rules of law for the protection of the unborn.

Article 2 The unborn is the human being who has been conceived but is yet to be born.

Sole Paragraph: The unborn concept includes human beings conceived *in vitro* as well, even before the transference to the woman's womb.

Article 3 The human nature and dignity of the unborn are acknowledged as from the conception thus guaranteeing this human being full juridical protection since.

Section 1 All the rights of the unborn are acknowledged as from conception, specially the rights to life, health, development and physical integrity and all remaining personality rights foreseen in articles 11 and 12 of the Law no. 10.406 from January 10th, 2002.

Section 2 The patrimonial rights of the unborn remain subject to the resolutive condition, being extinguished to all effects in case of stillborn occurrence.

Article 4 It is a duty of the family, the society and the Estate to give absolute priority to assuring the unborn the rights to life, health, development, feeding, dignity, freedom and family; and further yet, to keep the unborn safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

Article 5 No unborn will be object of any form of negligence, discrimination, exploitation, violence, cruelty and oppression, and any attempt against the rights of the unborn by act or omission is to be punished by law.

Article 6 In the interpretation of this Law, the social ends to which it is destined, the welfare demands, the collective and individual duties and rights and the peculiar condition of the unborn as a person under development are to be taken under consideration.

Article 7 Social policies are to be addressed to the unborn so to allow a health and harmonious growth and birth, with decent existing conditions.

Article 8 Healthcare is assured to the unborn through the Sistema Único de Saúde – SUS.

Article 9 It is forbidden to the Estate and private entities and individuals to discriminate the unborn depriving it from its rights by reason of gender, age, ethnic group, origin, and mental or physical illness.

Article 10 The unborn will have free access to preventive and therapeutic means available in order to prevent, cure or minimize deficiencies or pathologies.

Article 11 The pre-birth assessment is directed at respecting and preserving the development, health and integrity of the unborn.

Section 1 An informed consent from the pregnant woman must precede the pre-birth assessment.

Section 2 The use of pre-birth assessment methods that may cause unnecessary or disproportional risks to the mother or/and the unborn is forbidden.

Article 12 It is forbidden to the Estate and to private individuals to cause any injury to the unborn by reason of acts performed by any of the parents.

Article 13 The unborn that was conceived as consequence of rape will have assured the following rights:

I – Right to pre-birth care along with the mother’s psychological assistance;

II – Right to be referred to adoption if it is the mother’s desire to.

Section 1 Once the father of the unborn or born child is identified he will be responsible for the child pension under the law.

Section 2 In case the mother victim of rape has no financial means to care for the life, health, growth and education of the child, the Estate will be in charge of the due expenses until the father is identified and takes responsibility for the pension or the child is given to adoption if the mother so desires.

Article 14. This Law will take effect as of the date of its publishing.

Committee Office, _____, _____, 2009

**Representative SOLANGE ALMEIDA
Relator**

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