



TRIBUNAL CONSTITUCIONAL

Gabinete del Presidente

Oficina de Prensa

NOTA INFORMATIVA Nº 48/2013

THE CONSTITUTIONAL COURT DECIDES TO HEAR THE APPEAL FOR CONSTITUTIONAL PROTECTION BY A PHARMACIST WHO WAS FINED FOR REFUSING TO SELL THE “DAY-AFTER PILL”

The Constitutional Court has decided to hear the appeal for constitutional protection filed by a Seville pharmacist who was fined for refusing to dispense the so-called “day-after pill.” The decision, reached by the First Chamber, is of a formal nature and does not examine the subject matter of the case (conscientious objection by pharmacists), for which the Court shall issue a decision at a later time.

The First Chamber found that this case is of special constitutional relevance, which the law demands as a requirement to reach a decision to hear appeals of constitutional protection, because the Constitutional Court has never issued a ruling regarding pharmacists’ right to conscientious objection.

The appellant was sanctioned in 2008 with payment of a 3,300-Euro fine for refusing to sell the aforementioned drug. In July of 2010, the Directorate General of Health Care Planning and Innovation of the Department of Health of the Autonomous Regional Government of Andalusia confirmed the fine, and on 2 November 2011, Contentious-Administrative Court Number 13 of Seville also found that the fine was compliant with the law. The plaintiff has filed his appeal for constitutional protection against that judgment.

Madrid, 11 September 2013