

# Spain Supreme Court rejects compensation for thalidomide victims

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Spain's Supreme Court on Wednesday upheld a lower court ruling that the German maker of pregnancy drug thalidomide does not have to compensate Spaniards who suffered birth defects from it.

The court confirmed a Madrid provincial tribunal's acceptance in October 2014 of an appeal by the company Grunenthal that the statute of limitations for the plaintiffs' case had expired.

A lower court had in November 2013 ordered the firm to pay 20,000 euros (\$22,300) for each percentage point of disability suffered by the victims as recognised by Spain's health ministry but Grunenthal appealed.

It did not specify exactly how many plaintiffs there were nor how much the compensation and costs would add up to in total.

The case was brought forward in 2012 by Avite, an association representing Spaniards born with severe defects after their mothers took the drug during their pregnancies to treat morning sickness.

It had sought compensation of 204 million euros for its members.

Supreme Court justices voted eight to one to uphold the lower court's ruling despite a recommendation from the public prosecutor's office that it accept the plaintiffs' appeal.

But the court left the door open for future civil claims of compensation "based on the appearance of unknown damage or aggravation of existing damage".

"We will continue the fight and will go before the Constitutional Court and the European Court of Human Rights," a lawyer for the victims, Ignacio Marinez, told reporters.

Thalidomide was originally marketed as a sedative, but from the late 1950s was prescribed to women around the world to combat morning sickness.

Many of the children of the mothers who took the drug were born with abnormally short limbs and in some cases without any arms, legs or hips. In late 1961 the drug was withdrawn from the British and German markets.

But it continued to be sold in other countries including Spain, Canada and Japan for several more months.

The drug is estimated to have caused deformities in 10,000 to 20,000 babies in some 40 countries.

Avite estimates that up to 3,000 babies may have been born with deformities in Spain because of the drug.

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