

**Onslaughts on the right to choose
A transcontinental panorama^{**}**

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Abstract

Almost everywhere in the world the abortion right is put into question. In those countries of Southern, Western and Eastern Europe, Northern or Southern America where abortion has been the decriminalized and where it was recognized, whatever restrictions, as a right for all women, the fundamentalist and conservative forces are now on the offensive. Those who defend the right of women to freely choose the course of their existence must often struggle to be heard as exemplified by the refusal of the European Parliament to recognize abortion as a women's right and by the decision of the Spanish government to abolish the progressive law adopted some years ago. This paper, based on a number of concrete examples, examines the current positions of the

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pro-life – better called anti-choice – movements and the implications of their attacks against women’s right to choose in many so-called democratic countries.

Keywords: Abortion, right, women, anti-choice, Church.

1. Introduction

Almost everywhere in the world we are witnessing the questioning of the right to abortion. In Southern, Western and Eastern Europe, in Northern or Southern America, in those parts of the world where the fight against the criminalization of abortion had been successful and where the demand that it becomes a right for all women, without any discrimination between rich and poor has become somewhat listened to, the fundamentalist and conservative forces are now on the offensive (Martinet and Mauget 2011). At the same time, those who defend the right of women to freely choose the course of their existence must often struggle to be heard. The 2012 UN Conference in Rio gave an example of this dynamic: after lengthy discussions, the final statement did not mention the right of women to have – or not to have – children. Another instance occurred in December 2013 when the European Parliament rejected the Report on sexual and reproductive health and rights (SRHR) submitted by the Commission on Women's Rights and Gender Equality. Straightaway, fundamentalist and religious networks had qualified this document (called the Estrela report) as totalitarian and they focused very much the debate on the right to abortion. With no surprise, they interpreted the final vote as a «strong and positive signal» and as a «win for life». No doubt this encouraged the Spanish government to submit some weeks later the bill on abortion that had been promised since the election in 2011. This new bill abolishes the very progressive law adopted in 2010¹ and should make Spain one of the most restrictive European countries on abortion. In the introduction to a collective book published in 1979 – *Le droit de choisir. Avortement-contraception: lutte internationale des femmes*

¹ The law passed under the socialist government of Zapatero allowed the procedure on request within a 14-week term.

(Heinen 1979) – I mentioned the multiple mobilizations that, in Europe, South and North America or Australia, brought tens of thousands of women to the streets throughout the world in order to defend the right to choose. By doing this, they opposed not only the Church's desire to control their bodies and to deny them access to contraception, but also the claim of international organizations – such as the Agency for International Development (AID) or the International Planned Parenthood Federation (IPPF) – to impose birth control through forced sterilization² in many countries of Latin America and in ethnic minorities of North America. At that time, the creation of the International Contraception, Abortion and Sterilization Campaign (ICASC).³, precursor of the Women's Global Network for Reproductive Rights (WGNRR)⁴ – made us believe that the mobilization for reproductive rights could be extended and would allow women from many other regions of the world to gain control of their bodies. We were far away, then, from being able to imagine that the content of this book could be reproduced almost in the same terms thirty-five years later⁵.

In this article I will examine what the current positions of the pro-life movements are – better known as anti-choice movements – and the implications, of their attacks against women's right to choose in many so-called democratic countries.

2. The terms of the conflict

The discourse of fundamentalist forces on the protection of life from the very moment of conception has not lost importance in half a century. Its moral dimension in particular

² Forced or compulsory sterilization is usually implemented through government policies that attempt to force people undergoing surgical sterilization.

³ Created in June 1978, ICASC gathered women from Europe, Latin and North America; it denounced the total absence of rights in many countries and the restrictions on the right to choose in the majority of those who had opted for the liberalization of abortion (both for reasons related to the lack of means and to the reluctance of judges and doctors to apply the law).

⁴ The WGNRR, a network now mainly located in Africa, has taken over the regular organization of international days of action on the issue of women's health, initially promoted by ICASC. It has a site fuelled by the activities of many groups. See <http://www.wgnrr.org>.

⁵ This document is reproduced in *Le droit de choisir*, pp. 154-158.

is characterized by an obsession of the Catholic Church and conservative forces⁶: even if the mother is in danger of death, there is no reason to save her life, instead of the child in her womb (Fourest 2001)⁷.

Pope Benedict XVI threatened to excommunicate Mexican or Brazilian politicians who favored the legalization of abortion. He was convinced that the distribution of condoms «increases the problem of AIDS» and that abortion and gay marriage are the «most insidious and dangerous challenges»⁸. His diatribes did not have much to envy of those of John Paul II when, in the seventies, he threatened to excommunicate those who «would turn into instruments of death» (Heinen 1979, 6). And on the subject, Pope Francis who insists on the «need to care for life from conception» is in strict accordance with his predecessors. On the eve of the “March for Life” organized in Rome in May 2013, he stressed the importance of «ensuring legal protection to the embryo, thus protecting every human being from the first moment of his existence⁹» and denounced abortion as «horrific» and as part as a «throwaway culture» while addressing diplomats in the Vatican in 2014¹⁰.

But at the beginning of the twenty-first century, not only are we witnessing a series of verbal attacks against the right to abortion and contraception. We are also witnessing more or less wild offensives against existing legislation in various countries of Europe, North and South America. Whether in the name of religion or of “general interest”, these assaults barely conceal the concerns of groups determined to maintain a certain moral and social order. What is clearly called into question today are issues that were already at the center of the struggles carried out by feminists around the world in the

⁶ Organizations like “Laissez-les vivre”, in France, the Society for the Protection of Unborn Children (SPUC) in Britain, the current evangelical and especially Pentecostal communities in the United States or the diverse formations internationally related to Christian Democracy.

⁷ This applies to the Priestly Fraternity of Pius X, founded by Archbishop Lefebvre, with its international ramifications, and to countless groups in the world who are fighting for the “right to life”. They decline this term in all languages and their incarnations (SOS Tout Petits, Anti-abortion Commandos, etc.) are the most virulent detractors of women's right to choose.

⁸ These statements were made during trips to Brazil in 2007, to Africa in 2009 and to Portugal in 2010, http://www.huffingtonpost.com/2010/05/13/pope-benedict-xvi-gay-mar_n_575441.html.

⁹ He also appealed to followers to sign the European initiative “One of us” which militates against the funding of research implying the destruction of human embryos and which demands the suppression of EU funding for NGOs in favour of abortion, <http://humanistfederation.eu/ckfinder/userfiles/files/our-work/SRHR/IB%208%20European%20Citizens'%20Initiative%20-%20One%20of%20Us.pdf>.

¹⁰ <http://www.independent.co.uk/news/people/news/pope-francis-denounces-abortion-as-horrific-9058040.html>.

seventies, namely the right of women to decide on their bodies and their lives, the principles of equality between women and men – in other words, the right of women to a full citizenship.

If on the one hand many countries, particularly in Europe and North America, have in the meantime adopted laws that legally or de facto grant women the opportunity to choose whether or not to have children, and if the practices of forced sterilization have partly regressed in Latin America, the situation prevailing in Africa and Asia does not differ very much from the framework of the 1970s.

As reported in a study by The Lancet, it is in countries where abortion is illegal that the rates of abortions and related deaths are the highest; in addition the poorest women are the ones who have recourse to the most dangerous methods. Globally, the percentage of unsafe abortions even increased from 44% to 49% between 1995 and 2008 (Sedgh *et al.* 2012, 4). 13% of all deaths of mothers are attributable to them – mostly in Africa, Asia and Latin America (WHO 2011, 28). In all these countries, such results are attributable to the penalization of abortion and to the inadequacy or absence of family planning. Where the law has been changed, where access to contraception has been made easier and sex education has been systematized, the rate of deaths due to abortion has fallen dramatically¹¹. This is the case in South Africa, where it decreased by 90% in the three years following the liberalization of the law in 1996¹². Inversely this rate remains very high in the Eastern and Western parts of the African continent, as well as in Central and Southern Asia or in the South of Latin America. These are generally countries where women's rights are less respected – whether it concerns their participation in the world of politics, their presence in civil society or their rights in the family. And most often, these phenomena are related to religious elements (Heinen and Razavi 2012).

¹¹ In comparison with other clandestine methods, medicalized abortion contributes to a decrease in mortality rates (Sedgh *et al.* 2012, 6). It can also contribute to giving women more autonomy as it makes them less dependent of the medical power (Amuchástegui 2013). However, when access to abortion is made more difficult, buying adulterated products on the Internet increases the complications and risks.

¹² Please note, however, that if the South African law is highly progressive, a number of obstacles hinder its implementation as the attitude of the political and medical staff is very negative. In 2013, half of all abortions were still performed in clandestine structures : only 40% of the legal services that were supposed to exist were in operation, <http://www.dailymaverick.co.za/article/2013-09-29-abortion-in-south-africa-a-conspiracy-of-silence/#.U0JprI2KBMw>.

Even forced sterilization remains a common practice in many countries. It often corresponds to the will to limit births with a policy of ‘one child’ as in China (especially in the South of the country¹³) or in Vietnam¹⁴. Such practices are often developed under the guise of family planning and they are sometimes presented as a women’s choice (Visvanathan 1999). The goal can also be to reduce the rate of births in areas of popular revolt, as in the case of Peru during the Fujimori Government, in the 1990s, or among certain ethnic minorities (Indians of Peru, Tibetans in China¹⁵). The objective might even be to limit population growth in rural areas (and incidentally to lower the statistics on maternal mortality rates) as in Uzbekistan where doctors are required to perform a precise number of sterilizations; or to fight the spread of AIDS, as in Mexico, Chile, South Africa or Namibia. One even finds such practices in Europe in the late 20th and early 21st centuries, both against the gypsy minority in Slovakia or Czech Republic, against people suffering from psychiatric problems in Switzerland, or against transgender individuals in Sweden, Belgium or France¹⁶. Such examples show that women still tend to be treated as minors.

Thus the often expressed idea that women's contribution to economic growth – with its social and family implications – would be an inescapable phenomenon in all latitudes and would necessarily induce more autonomy and rights, is rather far from being obvious. This is evidenced by the recent offensive against not only the legality of abortion, but also the spread of contraception in many countries, and by the echo given to the arguments of the anti-choice coteries.

These endorse the bulk of the arguments which in Poland led to the quasi prohibition of abortion in the aftermath of the fall of the wall, causing astonishment and rebellion

¹³ The practice of forced abortions, sometimes carried out until the eighth month of pregnancy, has been documented by Chen Guangcheng, a Chinese lawyer who assembled a chilling dossier against local authorities in his province. In 2006, he was imprisoned for denouncing the torture inflicted on the population by the authorities in the name of the “one child policy”. «China one child policy leads to forced abortion, mothers’ deaths», Los Angeles Times, 15 June 2012.

¹⁴ These are two countries where the intrusion of the state within the family goes hand in hand with selective practices regarding the sex of the foetus (or even of the child already born), as in India. This explains the demographic imbalance between men and women (Attané 2011).

¹⁵ <http://www2.webster.edu/~woolfilm/forcedsterilization.html>

¹⁶ http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=19990451. This practice, which gave rise to mobilizations in the three countries, is no more topical in Sweden – but only since 2013, and it was abolished in Germany only in 2011.

among feminists around the world. Although explicable at the end of the communist era, the Catholic Church's influence in the cultural and religious fields did not cease to surprise observers. Particularly feminists could not easily admit the passage in a few years from the possibility of a free abortion in a public hospital to a near-total ban of it¹⁷, combined with an embargo on the sale of contraceptives in pharmacies despite the fact that they remained lawful.

This was without reckoning the support of the medical class – since 1991 the Medical Association had adopted a code of ethics hostile to abortion – and with the deafening silence of the majority of political actors belonging both to left and liberal parties. However, it is true that, unlike in neighboring countries, in Poland abortion had remained taboo under state socialism: in spite of the high number of abortions, the majority occurred in private offices (and with prohibitive costs), which ensured anonymity to the women who aborted. Consequently, the moralist assaults of the Catholic hierarchy met little open resistance¹⁸. So it was easy for the Church to impose its own discourse on the protection of life, especially when catechism courses were included in official school curricula and when the priests acquired the status of ordinary teachers.

During the investigation that we made in 1989, shortly after the start of the bill¹⁹, we were struck by the weight of the trade – under the counter – between parties, trade unions and other organizations of civil society, and by the decisive influence of the medical class. Its members were in a strong position and they refused most often to apply the law, including in the rare cases where abortion was authorized (Heinen and Matuchniak- Krasuska 1992)²⁰. All these factors led to a lasting defeat for the women of this country. Obviously, the impact of political maneuvers of all kinds in the fight for

¹⁷ According to the 1993 Act, abortion is allowed only in case of rape, foetal malformation or when the mother's life is in danger, that is 5% of the previously reported cases. The woman who contravenes the law will only pay a fine, while the doctor risks two years of prison.

¹⁸ Surveys carried out in the four years preceding the adoption of the law showed that two-thirds of Poles were hostile to the prohibition of the abortion. However, with the exception of small groups of feminists, few of them dared to proclaim it openly (Heinen and Matuchniak-Krasuska 1992, 25-27).

¹⁹ This bill had been promoted by the Catholic Church still under the Communist regime: it requested a total abortion ban and several years of imprisonment for women and doctors who broke the law.

²⁰ The field research was realized in 1989. It included 68 qualitative interviews with workers in factories and hospitals as well as 30 interviews with representatives of circles directly concerned by the bill: Church, Parliament, hospital environment, feminist groups and trade-unions.

the right to abortion had indeed a more general scope in view of the situations observed elsewhere during the seventies and eighties – see, in particular, Marques-Pereira (1989) on Belgium. And it applies in many ways to several current situations.

The context and power relations are certainly different in the majority of countries where women's reproductive rights are now challenged in various ways. However, the political dimension has similar traits everywhere. Not only do women's mobilizations in defense of their rights matter less politically than in the 1970s, but the economic crisis offers easy arguments to the detractors of gender equality in order to present these rights as secondary or to postpone the debate. To claim that the left political parties, in most countries, are quivering and that they generally refuse to speak up, is a euphemism. In addition, anyone who looks for information on internet might be shocked by the propensity of authoritarian regimes (China, Morocco and Turkey in particular) to get rid of press articles that incriminate their policy in this area.

However, every blow is allowed in the eyes of the pro-life movements. When the public does not seem too sensitive to the issue of the right to life, they project images of the fetus in the first stage, presented as an autonomous person, they brandish the specter of the complications or risks of deaths related to abortion (with rigged statistics), or even the economic argument: why should such an act be paid back? To these frontal attacks, other more insidious and far more dangerous ones are added. Under the cover of advice regarding abortion, some web sites put the emphasis on mental and behavioral risks that would supposedly be the result of an abortion; they put up testimonies of women who regret having had an abortion and the persons answering toll-free hotlines ask the women looking for information whether they have pondered their decision and if they do not hear a little voice that suggests them to keep the baby.

3. The right to abortion called into question throughout Europe

Even in Europe, where we might have thought that freedom and free access to abortion constitute a vested right in most countries, the right to choose is called into question, as pointed out by Danielle Bousquet, Chairperson of the High Council for equality between women and men. In a communiqué of June 2013 to the French President

François Hollande, she stressed: «The list is worrying, and it has continued to lengthen in recent months : Spain, Italy, Lithuania, Macedonia, Hungary, while in Poland, Malta and Ireland, abortion is still illegal»²¹. Particularly in *Southern Europe*, things are deteriorating²².

In *Spain*, as already mentioned, the right wing which won the election of 2011, immediately announced that it would review the law of 2010 that authorized abortion until the fourteenth week (and up to twenty-two weeks in case of risk for the health of the mother or severe abnormality of the fetus). And the conservative government finally fulfilled its promises in December 2013, under the pressure of the fundamentalists²³ and even though a majority of Spaniards interviewed think that a woman should be able to decide freely²⁴. The Minister of Justice, Alberto Ruiz Gallardon has never stopped proclaiming that the reform of the abortion law is the most progressive thing he can do in his life. He couldn't understand «why a child conceived shouldn't be protected and why abortion should be allowed under the pretext that the child suffers from a disability or a malformation». The Prime Minister, Mariano Rajoy, remained deaf to the arguments concerning the dangers of illegal abortion and the fact that the number of abortions did decrease after the coming into force of the 2010 law. While some bishops campaigned for a total ban on abortion, he stressed that his objective was 'only' to return to the law adopted in 1985 under the government of Felipe Gonzalez²⁵. However his firm intention remained to «preserve the right to life», with the support of the thousands of people who participated in the marches "for life"²⁶. The ministers finally adopted a draft bill for a law which will allow abortion only in cases of rape or when the

²¹ This declaration was made just before the Irish law was changed.

²² Most of the examples about challenges of the right to abortion and contraception presented in this paper come from local or national media consulted on the net (consulted for the last time on 10 April 2014). A number of references are given in footnotes, but not those concerning the many sites of the pro-life movement, in order not to give them any propaganda.

²³ The organization of the Christian right (among other Opus Dei) and the hierarchy of the Catholic Church, very active in this debate, reproached him for not having sufficiently accelerated the process.

²⁴ In 2013, the polling agency Metroscopia found that 46 percent of Spaniards favoured keeping the law in its current form while 41 percent wanted a stricter system such as announced («El Pais», 21 April 2013). But after the proposal of the government, the opinions against the bill were much more numerous: 78% of people interviewed opposed its content: <http://blogs.elpais.com/metroscopia/2014/01/la-reforma-de-la-ley-del-aborto.html>.

²⁵ The 1985 law, while decriminalizing abortion, restricted the access to cases of rape, foetal malformation or serious physical or psychological harm to the pregnant woman.

²⁶ http://www.clarin.com/mundo/Imponen-fuertes-limites-aborto-Espana_0_1051694947.html.

mother's health is at risk and that again compels women less than 18 years of age to get their parents' consent²⁷. Obviously what is called into question here is the mere definition of abortion as a right for women. But despite the huge demonstrations that gathered tens of thousands of women and pro-abortion activists on the streets, despite the fact that three regional parliaments – Catalonia, Extremadura and Andalusia – voted against the reforms, as have the town councils of some two hundred municipalities, in February 2014 the Spanish Parliament, in a secret ballot, voted to continue moving forward with the proposed legislation²⁸. Enrique Sanchez, the head of Spain's Planned Parenthood Federation declared that «it would put these women in a dramatic situation that would create much pain and suffering» and that «we would find ourselves once again in a situation like in the 1980s when Spanish women had to go to England and France to interrupt their pregnancies»²⁹.

In *Italy*, Law 194 of 1978 that authorizes abortion in the first ninety days was not changed despite the efforts of the Catholic right wing, and the Constitutional Court has rejected an appeal by the Court of Spoleto which had asked a question on the constitutionality of the law in the name of protecting the embryo. However in practice this right is questioned as the public service no longer guarantees its role. In thirty years, conscientious objection has gained ground continuously. According to ISTAT (National Statistics Institute) about 80 % of physicians are now conscientious objectors – they were 59% in 2005 and 70% in 2008 (Ministero della Salute 2013, 40-42). Not to mention all those who refuse to prescribe the morning-after pill, nevertheless authorized in 2010³⁰, or those who give prenatal diagnosis so late that women who want abortions are out of the time limit. The situation is particularly disastrous in the South of the country, in the Lazio region, where the proportion of conscientious objectors exceeds

²⁷ The new bill, while giving the right to conscientious objection to all medical staff, would penalise those who carry out abortions but would not criminalise women for having the procedure. The case of rape will be taken into consideration only if the woman has filed a complaint beforehand, and the serious risk for the woman's health will have to be testified by two doctors not belonging to the clinic where the abortion will be performed.

²⁸ «The Guardian», 12 February 2014. The bill is expected to pass as the ruling People's Party (PP) has an absolute majority in parliament.

²⁹ «Libération», 19 December 2013.

³⁰ In 2012, more than half of Italian women respondents in a survey, were unaware of what it was: <http://www.letribunaldunet.fr/actualites/vers-la-fin-den-livg-en-italie.html#0scM0lvHr2hjul71.99>

90%; not a single hospital in Naples provides abortions, despite the obligation stating that all hospitals should offer such a possibility. In addition, the shortage of available gynecologists who perform abortions (overloaded and exhausted) increases due to the absence of internal training in hospitals. The LAIGA (Free association of gynecologists in favor of abortion) has appealed to the Council of Europe, which has proved them right. «However this led to practically nothing. Many specialists are afraid of ruining their careers»³¹. In addition, medicinal abortion is rarely practiced³². Women who can afford the prohibitive costs ask for abortions in private clinics (up to € 3,000.00) or they go abroad. The others, and in particular migrants and very young women, return to the practices of the past: the number of illegal abortions, with their cohort of disastrous consequences, has increased from 20,000 to about 50,000 and the sale through the mafia's networks of adulterated medicines – that cause bleeding³³ – has exploded. The testimonies published in newspapers are unfortunately very clear regarding the horror of the situations that poor women experience³⁴. Opponents of abortion have therefore the wind aft. On the initiative of the Northern League and on behalf of the defense of the family, the Piedmont Region considers paying a monthly contribution of € 250.00 for eighteen months to the women who give up having an abortion for economic reasons. The patrols of volunteers, who are waiting for the patients in front of the gynecology services to talk to them about murder are commonplace. And faced with a minister of Health, Beatrice Lorenzin, close to the pro-life movement, the pro-choice activists are unlikely to be heard.

In *Macedonia*, the Parliament dominated by the Conservative Party adopted a new law in June 2013 amending the one of 1977 which attributed the decision to the woman and the doctor. Several administrative barriers now complicate the access of women to abortion services from the tenth week of pregnancy such as the obligations: to make a written request, then to notify its consent in writing; to have an interview before the

³¹ «Quotidien du Médecin», 31 May 2013.

³² A medicinal abortion is a type of non-surgical abortion in which pharmaceutical drugs are used to remove the embryo. Although the MIFEGYNE (RU-486) has been authorized since 2010 and despite the fact that its use increased in 2011, only 7% of legal abortions are carried out with this procedure (Ministero della Salute 2013, 4).

³³ Remedies against ulcers, such as Cycotec, or RU-486 manufactured clandestinely and unadulterated.

³⁴ See in particular «La Repubblica», 15 May 2013.

abortion; to have informed the partner; to have a written certificate of a gynecologist – who will be punishable by imprisonment in case of non-compliance with these various clauses. The law was voted as a matter of urgency and without consulting the professional associations or women's organizations³⁵.

In *Turkey*, where the current law has allowed (on paper) abortions up to the tenth week for forty years, but where the Prime Minister Tayyip Erdogan stated in 2012 that abortion was tantamount to murder, the Government has finally decided not to adopt the draft of the AKP, the ruling party, that wanted to reduce this period to six weeks – which would have made an abortion virtually impossible. However, a new project is in preparation and the propensity of the media to compare abortion to a crime is accompanied by the degradation of reception conditions in hospitals witnessed by many women. Such as the refusals tied to too long a waiting list, the contempt and malicious sentiments manifested by the staff, the deplorable conditions during the operation (including the absence of anesthesia, etc.). Things have even worsened over the most recent period in state hospitals. The head of the Turkish Society of Obstetrics and Gynecology pointed out in March 2014: «The option to click on ‘Abortion’ has been removed from our Web page». Hence the doctors can no longer approve this procedure, and the government will not cover the expense³⁶.

The right to abortion is not only disputed in Southern Europe, but also in some *Central European countries*, particularly under the pressure of extremist religious currents. Without speaking of *Liechtenstein* where abortion is punishable by a prison sentence of one year – with the approval of the population expressed through a referendum in 2011 – and where a parliamentary initiative which aimed at making the law more flexible was rejected in 2012, the anti-choice currents go on the offensive in neighboring countries.

In *Switzerland*, where the rate of abortions is the lowest in the world and where the decision to terminate an unwanted pregnancy belongs to the woman during the first twelve weeks (according to the system adopted in 2002 by popular vote), the anti-choice movement filed an initiative that was inspired by its American counterparts and

³⁵ <https://www.womenonwaves.org/en/page/4799/abortion-law-macedonia>

³⁶ <http://www.al-monitor.com/pulse/originals/2014/03/turkish-womens-right-to-choose-law-fails.html#>

that sought to eliminate the reimbursement of abortion by social security³⁷. Subjected to popular vote in February 2014, it was clearly rejected by 70% the population³⁸. However the anti-choice already launched a new initiative in order to inscribe the protection of life in the Swiss constitution. The followers of “Say yes to life” also militate against assisted fertilization. The influence of the Pro Life movement founded in Switzerland in 1989 enabled them to negotiate with the Helsana Company, a major Swiss health insurance fund, a collective agreement that provides a premium reduction to women who, at the signing of the contract, renounce receiving a refund for an abortion. The same type of procedure exists in *Germany*, where the social insurance health BKK IHV Wiesbaden grants an award of three hundred Euros for the birth of a child to the women who become members of the Pro Life movement – here again a partner of this company (despite the fact that German law obliges insurance companies to fund legal abortions and to comply with a duty of neutrality)³⁹.

These same extremist forces are raising their voices in *Belgium*, where they organize an annual “March for Life” that the media do not fail to advertise – while the initiatives of feminists are too often left untold⁴⁰. These marches echo the mobilizations of the same type that mark the political life in the United States, like the “Anti-abortion wakes” that come back every year. In Canada, the wake of 2013 was more important than the previous ones and was held in the presence of the Archbishop of Ottawa. Such actions comfort proselyte groups in other countries, including the *United Kingdom*. Those who beset public and private clinics providing abortions in England, where this type of action was so far limited compared to the USA, or the Scottish Catholic midwives who in 2013 obtained the right to refuse an abortion⁴¹; or the activists (both Catholic and Protestant) who are trying to outlaw the first private clinic providing

³⁷ The topic of terminating the refund of abortion was taken by Marie Le Pen in France as part of the campaign for the presidential elections of 2012.

³⁸ «Le Matin», 9 February 2014.

³⁹ <http://fr.myeurop.info/2012/02/16/300-euros-contre-une-promesse-de-ne-pas-avorter-4607>.

⁴⁰ A feminist belonging to Women for Peace asks ironically about the march of 2013 (although less important than the previous ones): «Was it perhaps because the organizers of the “March for Life” had paid an expensive colourful advertisement in the weekend issue of “La libre Belgique”, that only they were entitled to an account of their manifestation in this newspaper while simultaneously the “Pro-choice” held a demonstration of the same magnitude?», <http://www.femmespourlapaix.be/author/anne-morelli/page/2/>.

⁴¹ «The Guardian», 24 April 2013.

abortions in Northern Ireland (where the legal framework relating to abortion is much more restrictive than in the rest of the country)⁴².

In *Eastern Europe*, although it has regressed in recent decades, the rate of abortions remains one of the highest in the world due to the weak use of effective contraception and the persistent deficiencies in terms of sex education. Many governments of the former communist countries, worried about the fall of the birth rate and under the pretext of increasing it, are sensitive to the most conservative discourses on the topic of the right to life. From this point of view, and contrary to the expectations of feminists, access to the European Union (EU) did not lead to a real improvement of reproductive rights in these countries.

Poland, where abortion has been de facto impossible for twenty years, as already said, easily obtained the fact that the European Commissioners would consider the principle of cultural exception. The Polish Sejm (lower house) rejected, with only a few votes in August 2011, a bill proposed by religious movements to prohibit abortions completely – not without having previously rejected, but with an overwhelming majority, a project of the left wing that provided the establishment of a time limit system for abortion, as well as the financing of contraception with public funds and the introduction of sex education at school (Nowicka 2008). The same scenario was repeated in the fall of 2012 with the rejection of an extremely restrictive bill and with an even clearer rejection of a text advocating the liberalization of the law. In September 2013, a popular initiative aimed at banning abortion even in the event of a severe malformation of the fetus (one of the rare cases allowed by law in 1993) was rejected (USPDA 2013) but this did not prevent the Criminal Law Codification Commission to submit, soon afterwards, an amendment to the Criminal Code suggesting further restrictions in what is already one of the most strict abortion laws in Europe⁴³. And the influence of conservative currents on public opinion is obviously quite strong. The proportion of Poles hostile to abortion continues to grow – 6 % higher in 2013 than in 2010 (CBOS 2013), while pro-choice activists have failed to gather enough signatures

⁴² <http://www.ifpa.ie/Pregnancy-Counselling/Abortion-Irish-Law>.

⁴³ <http://www.federa.org.pl/english/1278-federation-writes-to-justice-minister-after-committee-s-proposals-to-criminalize-women-for-having-ilegal-abortions>.

to file their own citizen's initiative. At the same time, the number of abortions performed illegally each year (from 100,000 to 200,000, compared with 500 legal abortions) generates a thriving parallel market with a figure of tens of millions of undeclared dollars – and therefore not taxed – for physicians who perform them in private practices⁴⁴. The fact that the European Court of Human Rights has several times convicted Poland for refusing abortions to women victims of rapes, whose health was threatened, or whose fetus was malformed, does not at all impress the Catholic Church. In 2013 a priest was moved away from his duties because he had criticized the stand of the Church on abortion and on in vitro fertilization⁴⁵.

The situation is also worsening in a number of neighboring countries. In *Hungary* – a country where access to contraceptives is highly limited – the nationalist Government of Viktor Orban, with the active support of the popular Christian democratic party (KDPN), a member of the ruling coalition, wrote in the Constitution adopted in 2011 an article that ensures to «protect the life of the fetus» (the embryo is considered as a human being)⁴⁶. Immediately afterwards, the Government launched an advertising campaign with posters that represented a fetus saying: «Give me up for adoption. Let me live». Funded in part with capital from the EU, this crusade caused protests from the Commissioner in charge of Fundamental Rights, Viviane Redding. She requested that the funds were repaid to Europe and the posters were withdrawn. But because of the strong signal given, twenty-eight hospitals have stated that they no longer want to perform abortions⁴⁷. Since then, the pro-life campaign has started up again with renewed vigor: the offending posters have reappeared on the walls of the country, within the framework of a program of support for the adoption funded by the Ministry of Human Resources aimed at combating demographic decline⁴⁸. The web site of the campaign, which represents a source of information for prospective parents, puts emphasis on the risks associated with abortion (post-traumatic syndromes, bleeding,

⁴⁴ <http://www.sciencedaily.com/releases/2011/05/110517091637.htm>.

⁴⁵ «Libération», 16 July 2013

⁴⁶ «Wall Street Journal», 22 February 2013.

⁴⁷ <http://www.20minutes.fr/monde/862610-hongrie-travail-famille-ennuis>.

⁴⁸ Over the past 25 years, the number of inhabitants has decreased by about 700,000 and Hungary has passed under the symbolic bar of the 10 million inhabitants.

infection, uterine ablation...). In 2012, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) condemned Hungary for having introduced a waiting period when a woman asks for an abortion, and the obligation to follow two sessions designed to dissuade her from having it. This obligation, by forcing women through several procedures, increases the risk of being out of time, especially for those who live outside urban centers, or have limited income or are victims of violence by the spouse. On the other hand, in addition to the increasing use by doctors of conscientious objection, the use of the morning-after pill (RU-486) is the subject of fierce attacks by the KDNP⁴⁹. All these obstacles are driving more and more Hungarian women (provided that they have the financial means) to have an abortion in Austria, increasing even more the social inequalities with regard to abortion rights (HCLU 2013).

In *Bulgaria*, where since 1956 abortion has been permitted on a simple request, the number of abortions is very high, exceeding the amount of births, and contraception is seriously underdeveloped (ten times less than the European average). Using the demographic problems as an excuse, the powerful Orthodox Church that has regained much influence over the last two decades (Stan and Turcescu, 2011) intends to make a film about the life of human embryos in the womb of the mother, as part of a long-term program to fight against abortion. The Orthodox hierarchy draws its inspiration directly from the practices of the Catholic hierarchy quoted by Agnieszka Graf talking about Poland: «My students have been trained by movies, such as “Cry of Silence”⁵⁰, showing pictures of embryos at the time of abortion» (Heinen and Portet 2010, 1015). The Orthodox Church has also embarked on a crusade against in-vitro fertilization in Bulgaria where this practice is up to now legal, including for unmarried women. In addition to expulsion from the religious community of the children so conceived, the Orthodox Church claims that they are «more susceptible to disease and psychological problems, in particular homosexuality».

⁴⁹ <https://hungarianspectrum.wordpress.com/2012/05/23/the-abortion-pill-in-hungary/>.

⁵⁰ Made in 1984 by Bernard Nathanson, this ‘documentary’ is one of the most frequently projected in the world.

In *Lithuania*, where the Sejm has put the issue of abortion (authorized until the twelfth week for more than a half century) several times on the agenda since 2008, the debate was officially reopened in May 2013. In the wake of a bill deposited by the Polish minority and inspired by the Polish law in order to provide an almost total ban on abortion, more than half of the deputies approved that the bill should be considered by a parliamentary committee⁵¹. The influence of the Catholic Church on politics and on the media in this country undoubtedly weighs on the debate – even though more than three-quarters of Lithuanians speak out for maintenance of the current law. But let us note that, according to surveys, the situation was similar in Poland, on the eve of the adoption of the Act, in 1993.

In *Russia*, where abortion often served and still serves as a substitute for contraception and remains one among the highest in the world⁵², Russian President Vladimir Putin introduced a ban on abortion advertising in November 2013 that confirms the partial prohibition against private clinics enacted in 2008⁵³. The main concern of the authorities is to delete the demographic decline⁵⁴ and not to ensure women's well-being. No efforts have been made in recent years to ensure sex education and truthful information regarding abortion, despite some progress in the field of contraception⁵⁵. Russia is witnessing an offensive of the anti-choice wing, determined to limit the autonomy of women: in October 2013, an official representative of the Russian Orthodox Church blasted abortions and surrogacy as «mutiny against God», and the head of the Lower House committee for family followed him saying that the community should stop them as they threaten to wipe out the population in Russia. Already in

⁵¹ See European Women's Lobby, 11 March 2014, <http://www.womenlobby.org/get-involved/take-action-today/article/on-international-women-s>.

⁵² Although it had strongly diminished over twenty years, the number of abortions in Russia was still higher than that of births in 2005 (105 out of 100) and remained over 50 per 100 in 2012 – a rate more than two times higher than that in Western Europe, Tribune de Genève, 11 November 2012.

⁵³ <http://www.reuters.com/article/2013/11/25/us-russia-abortion-idUSBRE9AO0VO20131125>.

⁵⁴ From 149 million in 1991, the Russian population has decreased to 143 million people in 2011. This amounts to the suppression of a city of 750,000 inhabitants each year, from 1990 to 2000. Since then, a break due to the wave of the relative baby-boom of the 1980s has been recorded.

⁵⁵ In 2013, only 14% of women used the pill and 20% the coil – 10% of couples still did not use any contraception. The traditional means (calendar, coitus interruptus) are highly dominant, even in large cities. However, a relative decline in the number of abortions has been observed in recent years, as the myths about the alleged misdeeds of the pill decreased and as the use of modern contraceptive methods slightly increased, http://fr.rbth.com/chroniques/2013/03/29/les_femmes_russes_championnes_de_lavortement_22787.html.

2003, the list of social reasons that authorized abortion after the first trimester had been dramatically reduced from thirteen to four items (Denisov *et al.* 2012). The Ministry of Health approved a document submitted in 2011 by an Orthodox foundation, “Medical recommendations on pre-abortion consultations” that aims at scaring women by exaggerating the risks of post-abortion complications and at ‘personalizing’ the embryo so that it appears as a fully developed person (via ultrasound and by listening to the fetal heartbeat)⁵⁶.

With the support of orthodox circles, they primarily fight against women's rights and are not worried about the real problems posed by the repetition of abortions in very poor conditions. Similar offensives go on in *Ukraine* where a bill to ban abortion, except in special cases, was filed in 2012⁵⁷; in *Georgia* where the Patriarch Ilia II, saying that «abortion is a heinous murder», called on the government to introduce a prohibition on abortion⁵⁸; or in *Romania*⁵⁹ where fifty-one deputies have filed a bill that seeks to dissuade women from having an abortion due to a much more cumbersome procedure⁶⁰.

4. The offensive of the anti-choice movement in the USA and Latin America

The picture is not better or even worse on the American continent. In the *United States*, where the attacks of the pro-life groups have been countless for decades, 2011 was the “*annus horribilis*”. From that date on, actions have been launched at a constant rhythm. Some of them frontally attack the 1973 judgment of the Supreme Court and try to make abortion illegal, but the more recent tendency is to use all possible paths in order to

⁵⁶ <http://blogs.bmj.com/bmj/2011/08/16/vasily-vlassov-russian-womens-reproductive-rights-in-grave-danger/>.

⁵⁷ Denisov *et al.*, 2012.

⁵⁸ See «Democracy and Freedom Watch», 10 May 2013, <http://dfwatch.net/georgians-discuss-introducing-a-ban-on-abortions-96313>.

⁵⁹ <http://balkans.courriers.info/article19663.html>.

⁶⁰ In Serbia, on the other hand, a law adopted in December 2013 requires that terminations of pregnancies, along with the identification details of the patient, be reported to the government health insurance fund, <http://www.aljazeera.com/indepth/opinion/2013/12/reframing-abortion-debate-serbia-world-2013121792636454311.html>.

interfere with women's choices. One hundred and sixty diverse amendments were proposed or adopted between 2011 and 2013 by the parliaments of about thirty US states out of fifty (Dreweke 2013; Gutmacher Institute 2011 and 2013). Their objectives are as appropriate:

- To modify the Constitution through a new definition of the embryo as a human being “from the very moment of fertilization”;
- To limit the possibility of abortion within twelve weeks (or six weeks, that is from the moment of the audible fetal cardiac heartbeat);
- To limit or to eliminate clauses that permit late abortion (by limiting the deadline to 20 weeks – it is currently from 24 to 26 weeks, depending on the State);
- To tighten the working conditions of doctors who carry out abortions (and late abortions above all), imposing on them the compulsory status of “hospital doctor”;
- To impose a 72-hour waiting period between the approval of a doctor and the performing of the abortion;
- To demand that medical structures have standard equipment, similar to those of surgeries in top level hospitals;
- To establish standards of construction (like width of doors and corridors) that make the existing clinics completely obsolete;
- To demand that doctors impose an ultrasound scan on women and comment in detail the intrauterine image of the fetus;
- To make women listen to the heartbeat of the fetus and to inform them of the “pain” that the fetus will feel;
- To encourage doctors to practice “conscientious objection” in the name of protection of the mother's health or life;
- To allow doctors not to inform their patients of possible congenital malformations;
- To limit access to medical abortion;
- To oblige the parents of a minor to sign a written authorization;
- To force women to have the authorization of the child's father;

- To eliminate or to reduce the costs of financial aid for abortion in the program of health insurance (Medicaid) for indigent women;
- To forbid to public universities to give doctors specific training in performing abortions.

The other side of this offensive regards the financing of structures that promote alternative solutions to abortion – like adoption – or that encourage the production and sale of media instruments that contain “Choose life!” as a message. It goes along with measures aimed at restricting contraception:

- cancellation of state subsidies to the structures of family planning;
- drastic limitation of the use of devices like IUD accused by the ultraconservatives of preventing fertilization;
- authorizing pharmacists to invoke their religious creed to refuse to sell contraceptives and even to return the prescription to the woman.

Moreover, what strikes one when reading the documents referring to these countless amendments – the majority of which have the approval of the Republican candidates to the presidential elections, strongly opposed to abortion – is that all these amendments were submitted almost at the same time in five, ten, or even twenty different federal states. In addition, they recall other documents presented in another part of the world by movements defending the same ideas – beyond their confessional belongings. This confers them an undeniable influence.

One consequence of this avalanche of measures – above all when simultaneous – is the unavoidable closing of clinics that practice abortions. In the states in which anti-abortion currents are dominant, their number has drastically diminished: only some exist today in Mississippi, Texas, Missouri, Nebraska or Ohio while there were dozens in the past (Hasstedt 2014). Compared to this situation, the few states where positive steps have been made in terms of contraception or where there was a resistance to the assault of the anti-choice forces to limit women’s reproductive rights does not weight a lot. Although the surveys show that the majority of Americans are in favor of legal abortion, the number of those who consider abortion a secondary problem has increased significantly, while the number of those who define themselves as “pro-choice” has decreased. This has carried the Planned Parenthood Federation to stop defining itself as

“pro-choice”: in their view, the issue is too complex to maintain such a label⁶¹. For his part, President Obama while defending his health policy that, from 2010 on, has provided free contraception, has finally yielded to the pressures of the Catholic bishops and of the pro-life movement and accepted to modify one of the clauses⁶².

In *Canada*, where a number of judgments have strengthened the 1988 decriminalization of abortion, there is no federal law: abortion is protected by the Charter, but without any real regulation. Thus the practices are heterogeneous depending on the provinces, and the opponents to abortion regularly launch new bills to try to go right back. In 2010 and 2012, two of them were rejected in Parliament but a new one was submitted in 2013⁶³. And the conservative government, although reaffirming that abortion is legal, is nevertheless avoiding the issue. It easily grants derogations to provinces that, like Prince Edward Island, refuse to enforce the Health Canadian Act, reduces the subsidies regarding reproductive rights – in addition, there is no access to the abortion pill in that country⁶⁴. The procedure that Dr. Morgentaler started in 2003 against the New Brunswick province’s refusal to cover the expenses of an abortion performed in his clinic was still on hold ten years later when he died⁶⁵. Moreover, the Canadian authorities allow the proliferation of “anti-choice” centers spreading hostile messages on abortion, often accompanied by false information and incentives to give birth anyway and then to give up the newborn for adoption.

In *Latin America*, where the weight of the Catholic Church has been considerable since the times of colonization, Pentecostal and other influential evangelist groups, are as hostile to abortion as the Catholic Church. As a consequence, abortion remains considered as a crime in many countries of the continent (it is totally forbidden in Chile and in Central American countries). Some laws have been a little softened over the past

⁶¹ <http://www.theguardian.com/world/us-news-blog/2013/jan/14/planned-parent-hood-abortion-stance-no-labels>.

⁶² Private institutions with religious affiliations (hospitals, universities) would no longer be obliged to repay the expenses of contraception to their employees, therefore the responsibility is of the insurance.

⁶³ <http://www.lapresse.ca/actualites/politique/politique-canadienne/2013/11/21/01-4713270-avortement-un-depute-pro-vie-depose-une-nouvelle-motion.php>.

⁶⁴ <http://recherche.lapresse.ca/cyberpresse/redirect/field/url/?document=wcm.lapresse.ca/article/4714482>.

⁶⁵ Dr. Morgentaler was at the forefront of the struggle for the right to choose for four decades. He died in August 2013, <http://ici.radio-canada.ca/regions/atlantique/2013/01/28/008-avortement-poursuite-morgentaler.shtml>.

decade as in Colombia (CEPED 2007) and in Uruguay. But the pressure of the Catholic Church and of the anti-choice groups, with particular attention to the acknowledgment of the right to life of the “unborn child” is felt everywhere, often with extreme virulence⁶⁶.

In 2012 the Constitutional Court of *Colombia* forced the State to satisfy the requests of women related to the three single cases in which abortion is decriminalized (Decree of the Court, 2006), and the Minister of Health passed a directive in this sense. However the pro-life senators quickly answered by forming a group in order to collect the necessary signatures to call a popular referendum and to turn these three exceptions upside down, and in March 2013, the Supreme Court revoked the decree of 2006⁶⁷.

In *Bolivia*, in 2013, two female ministers of the government pronounced themselves in favor of abortion legalization and President Evo Morales, although asserting that abortion is a crime, admitted that the argument deserves debate. As an answer, the Bolivian Catholic Church started consultation with public opinion and organized demonstrations followed by thousands of people and supported by several personalities of the MAS, the governmental party. In February 2014, the Constitutional Court rejected the principle of decriminalization of abortion requested by feminist groups while eliminating the prior judicial consent requirement (a major demand of United Nations that urged Bolivia to do so)⁶⁸.

In *Peru*, the 2013 report of the United Nation Human Rights Council (UNHRC) called on the country to authorize therapeutic abortion by including the cases of rape and incest in its legislation⁶⁹. However, the Episcopal Conference exhorted the government not to give in, arguing that this would open the door to a process of legalization of abortion and «destroy families».

⁶⁶ One of their goals – under the presidency of George W. Bush in particular – is that United States stop financial assistance to Latin American governments and NGOs that are in favour of abortion.

⁶⁷ <http://www.argentinaindependent.com/currentaffairs/newsfromlatinamerica/colombia-supreme-court-overturms-abortion-law/>.

⁶⁸ <http://www.trust.org/item/20140226180647-wmbuv/>.

⁶⁹ <http://reproductiverights.org/en/document/un-peru-abortion-human-rights-committee-highly-restrictive>. The unique exception to the penalization recognized by the current Peruvian legislation is the risk for the health of the mother.

In *El Salvador*, a country where there are no exception clauses and where abortion is always illegal, the Church made huge efforts to avoid, in 2013, the abortion of a young woman affected by lupus, a disease that was endangering both her life and that of the fetus. Strong international pressure finally brought the authorities to authorize what was euphemistically called a “premature caesarian”⁷⁰.

In more general terms, we can say that all over Latin America abortion is a target for strong political struggles. In *Argentina*, where the penal code contemplates only two exceptions to the prohibition of abortion (rape and health risks for the mother)⁷¹, the Supreme Court, in a 2012 sentence, exhorted the federal provinces to adopt protocols specifying the scope of their implementation. Nevertheless, the enforcement of the law met strong resistance – supported by the fact that President Kirchner is totally opposed to abortion – judges and political personalities tend to intervene in order to limit the impact of the decision⁷². Elsewhere, the pressure of the Churches (Catholic in particular) on political leaders shows up in many ways: we see the most powerful presidents, like Hugo Chavez before his death in Venezuela and Rafael Correa in Ecuador, invoking religious faiths in order to derail any attempt to liberalize abortion. In 2013, Correa threatened to resign from the presidency if the members of his party in favor of the decriminalization didn’t withdraw the proposal they had introduced – and they did so⁷³.

There are also cases of presidents who declare they are in favor of decriminalization or legalization of abortion but in the end yield to the assaults of the Church and renounce changing the law: this was the case of Michelle Bachelet in *Chile* during her first mandate, and of Dilma Rousseff in *Brazil*. In this country, in which an agreement with the Vatican, similar to the one in Poland, states the obligatory nature of teaching religion at school, the pressures of the Catholic community, with the explicit support of

⁷⁰ http://www.nytimes.com/2013/06/05/world/americas/woman-who-sought-abortion-in-el-salvador-delivers-baby.html?_r=0.

⁷¹ It is estimated that around 500,000 women resort to “underground” abortions each year, which, official figures show, account for 30 percent of the total preventable maternal deaths in Argentina, <http://upsidedownworld.org/main/international-archives-60/4483-abortion-rights-in-latin-america-a-tale-of-varying-woes>.

⁷² In December 2013, a lower court barred a teenager pregnant after being raped by her mother’s partner from getting an abortion, but another court overturned the decision.

⁷³ <http://www.vanderbilt.edu/lapop/insights/ITB011en.pdf>.

the Episcopal Conference, did not prevent the President from approving a bill adopted by the Congress that extends access to abortion in case of rape. This text supported by the Federal Council of Medicine⁷⁴ and by many Brazilian groups of women in favor of decriminalization – including Catholic ones – represents a first step, even though timorous, to soften a very rigid law⁷⁵. In most cases, the governments lay low in front of the contrasting positions in their respective countries. Under the presidency of Sebastian Piñera, it was the case in *Chile*, where the debate caught fire again in 2013 after the case of pregnancy of an eleven-year-old girl – as a result of rape⁷⁶. Despite the pressures of the officials of the Church and of the powerful anti-abortion groups, President Michelle Bachelet, elected for a second mandate at the end of that year, again promised to legalize abortion in cases of rape or when the woman's health is in danger or if the fetus isn't able to survive outside the womb – thus half-opening one of the world's harshest abortion laws⁷⁷. In all these countries in which the numbers of clandestine abortions and of pregnancies of teenagers are among the highest in the world, we cannot remain untouched by the violence of the debate when it faces the perspective of decriminalization. Not to mention the backward steps, as in Nicaragua where the clauses of exception were abolished in 2006 under the pressure of Catholic bishops.

In *Mexico*, the decriminalization of abortion by the state of Mexico City in 2008, had contrary effects: just afterwards, 18 out of 21 Mexican states passed initiatives banning abortion entirely⁷⁸, and this due to the alliance between the National Action Party (PAN) and the Institutional Revolutionary Party (PRI) historically close to the lay wing of the political spectrum and sometimes in favor of women's rights⁷⁹. In 2011, the Supreme Court, with the open support of the government, refused to declare this type of clause unconstitutional. This strengthened the re-criminalization process of abortion and

⁷⁴ In March 2013, the Federal Council of Medicine of Brazil and 27 regional councils representing 400,000 doctors in the country adopted a resolution advocating the decriminalization of abortion up to three months of pregnancy, <http://www.bbc.com/news/world-latin-america-21890972>.

⁷⁵ <http://www.ipsnews.net/2013/08/new-brazilian-law-guarantees-protocol-for-rape-victims/>.

⁷⁶ Two-thirds of the population is in favour of abortion decriminalization in exceptional cases (although less than a quarter considers it a woman's right).

⁷⁷ <http://thinkprogress.org/health/2013/12/17/3074611/chiles-president-abortion/>.

⁷⁸ <http://wordsofchoice.blogspot.ch/2013/09/film-and-gire-report-abortion-crisis-in.html>.

⁷⁹ The PAN (Partido Acción Nacional) was established in 1939 by Catholic intellectuals and activists to oppose the domination of the PRI (Partido Revolucionario Institucional), which ruled the country for seventy-one years.

the provocations of extremist groups: the number of complaints lodged by doctors and by medical staff to denounce the women who ask for an abortion has increased tenfold⁸⁰. In this very Catholic country where the cult of the black Madonna, like in Poland, plays an important role in religion, a woman's body is an object of intense political fight (Amuchástegui *et al.* 2012).

So, it is clear that in all these cases religious forces occupy a central place. They launched attacks from everywhere to bring into question the possibility for women to interrupt pregnancy and, talking in more general terms, to deny the right for women to decide. This reality cannot be easily dismissed, neither can one underestimate the solidity of the ties interwoven among fundamentalist currents of various countries over the last decades – whatever specific discourse they use⁸¹. The crusaders of Christian religions – Catholic, orthodox or protestant – strengthen the attacks against abortion even where the dominant creed admits the practice. It is striking in the case of the Orthodox Church that, traditionally, was rather tolerant on the question of abortion. Also, at the beginning of 2013, the two Chief Rabbis of *Israel* called the rabbis of their country to help an organization that supports the idea that abortion means homicide⁸². At the same time, a conservative deputy and former minister of *Japan* has asked abortion to be prohibited in order to sustain fertility⁸³. The common point of all these attacks is to treat the female body as an object and consequently to assert women's subjection in the social and the political sphere.

⁸⁰ From 62 complaints between 1992 and 2007, the numbers rose to 679 between 2009 and 2011; more than 150 criminal charges were filed and 41 people jailed, http://www.romandie.com/news/archives/ Mexiqueavortement_151_poursuites_penales_entre_2007_et_201286090420131957.asp.

⁸¹ Examples of that are the alliances among evangelical protestants, orthodox and Catholics in Mexico in 2007 and in Chile in 2011; the common declaration of the orthodox Synod and the US Catholic bishops in 2012; or the international "prolife" conference in Biarritz (France) in 2012:

<http://www.lejpb.com/paperezkoa/20121023/368717/fr/Les-anti-IVG-debarquent-force-a-Biarritz>.

⁸² <http://jewishschool.com/2013/01/15/30044/the-abortion-wars-come-to-israel/>.

⁸³ <http://www.alrasub.com/politician-proposes-banning-abortion-improve-japans-birthrate/>.

5. An international issue

The awareness of what is internationally at stake is all the more important since the crisis we are facing undermines national economies. New evidence of this is given by the fact that there are material obstacles against abortion even in the countries where the law is not contested by the main political forces. These obstacles have the effect of weakening the concept of “freedom of choice” – most of all for less wealthy women who cannot afford to go abroad when they do not succeed in obtaining an abortion in time in their country. This is true in particular in France despite the fact that the government of François Hollande has introduced provisions to improve the possibilities for women to exercise their right to choose through: the reimbursement of 100% of the abortion expenses as of 2013; the creation of an official web site to inform women of their rights on abortion in order to counter the influence of anti-choice web sites; the mandate given to the “Haut conseil à l’égalité entre les femmes et les homes” (HCEfh) to make a survey on the access to abortion⁸⁴; and last but not least, the suppression of the notion of distress included in the Veil law of 1975, what makes abortion a woman’s right to choose, without any restriction⁸⁵. However, we have recently faced the closings of a lot of maternity and abortion centers – between 150 and 170 of these facilities have disappeared in the last ten years, in spite of the numerous protests of feminists groups and of the French Movement for Family Planning (MFPF)⁸⁶. Moreover, funds for supplying information on sexual education and on contraceptives have drastically diminished and a number of contraceptives are not reimbursed. The long-lasting consequences of the cuts that affect the health budget and undermine the *de facto* possibility of having an abortion in the time envisaged by the law must not be

⁸⁴ The first issue, published in September 2013, highlights the effectiveness of anti-abortion web sites compared to institutional web sites (HCEfh 2013a).

⁸⁵ <http://feminist.org/blog/index.php/2014/01/24/french-national-assembly-passes-abortion-amendment-increasing-access/>.

⁸⁶ <http://www.planning-familial.org/actualites/lilas-bluets-ici-ou-ailleurs-sale-temps-pour-les-maternites-les-hopitaux-de-proximite-la->

underestimated, especially when all this comes together with an increasing deficiency of gynecologists and medical staff adequately trained to practice an abortion⁸⁷.

The situation mentioned above represents a schema shared by many other countries in these times of depression and of financial recession. This brings us back to the necessity, already evidenced in the 1970 mobilizations, of «not underestimating the importance of the battle on the legal front with regard to the fight for the creation of structures in which women can have a safe abortion» (Heinen 1979, 148). At that time, the example of English Canada appeared interesting because, even without any modification to the law, the possibility of having an abortion in a medical structure – passing through an ad hoc committee – seemed relatively easy. However, the 1970 economic crisis, as an immediate consequence, led (already then) to «the closing of a number of gynecological units, considered of secondary importance as regard to other medical services, not to mention the removal of all the facilities around the abortion issue» (*Ibidem*). In view of that, the Canadian feminists convinced themselves that resuming the battle for the right to legal abortion without restrictions would be the necessary (although insufficient) condition for the release of the indispensable credits to activate abortion clinics. Isn't it the same today in a number of so-called democratic countries where the law implies all kinds of restrictions?

As such, and considering the examples above, the requests formulated at the time remain topical: the adoption of laws that not only decriminalize abortion, but also recognize the right of women to choose, that do not include the clause of conscientious objection that many doctors and deputies misuse. “In no country is abortion considered as a right” (Ivi, 150) did we say then, underlying that in almost all western countries, left and right wing parties had constantly evaded the issue. This too remains quite topical today, as outlined by Giovanna Marsico, an Italian lawyer: «Can we be satisfied with a law that exists but that doesn't give the right nor the means to act?»⁸⁸. To be sure, the repeated attacks against abortion right come first of all from right wing or extreme right political forces. But how can one explain the setbacks observed in some countries

⁸⁷ On all these questions, the second issue of the HCEfh report, published in November 2013, is more than severe on the difficulty of accessibility to abortion in France (HCEfh 2013b).

⁸⁸ http://www.huffingtonpost.fr/giovanna-marsico/avortement-italie-le-reveil-de-la-raison_b_1623522.html.

and the lack of reforms in others if not with the concessions and temporizing of the left wing forces?

In this dark picture, some positive signs do exist. After a fierce debate, UN Member states reaffirmed in April 2014 that gender equality and women's rights must be prioritized in future discussions, specifically on sexual and reproductive health and rights. Nevertheless the progress observed at national levels is often quite timorous if not controversial. In *Ireland*, where the influence of the Catholic Church is smaller now than twenty years ago, a cautious opening took place in public opinion and the medical profession as regards abortion rights. After the European Court of Human Rights accepted the complaint lodged by an Irish woman affected by cancer and who did not succeed in finding a doctor disposed to carry out an abortion in her country, the Irish government, put under pressure, considered reviewing one of the most severe laws in Europe. The case of a woman to whom doctors had refused a medical abortion as long as the fetus had a heartbeat and who, after a miscarriage, died in 2012 as a result of a septicemia hastened the move. Even if some bishops have threatened to excommunicate the deputies who supported the bill authorizing abortion, the Irish legislation was at last modified in July 2013. Nevertheless, the only situation taken into consideration is the risk of serious physical or mental danger for the mother – with the need, in the last case, to obtain the unanimous agreement of three doctors. Motivations like rape, incest, a serious disease or the non-viability of the fetus, are not taken into consideration⁸⁹. Therefore, Irish women will continue to go to England to have an abortion.

In *Luxemburg*, where the protecting shadow of the church remains strong and where the Archbishop did not hesitate to raise his voice just before the beginning of the parliamentary debate in 2012, the 1978 law (one of the most backward in Europe) was at last reformed. However, under the pressure of the Christian popular party and in spite of the protests of the associations of parental planning, abortion was still liable to the penal code and the principle of a double consultation before the abortion was maintained⁹⁰. But in April 2014, the Council of the government adopted a bill saying

⁸⁹ <http://www.ifpa.ie/Hot-Topics/Abortion/Abortion-in-Ireland-Timeline>.

⁹⁰ <http://www.wort.lu/en/view/restrictions-on-abortion-in-luxembourg-to-be-relaxed-50af1938e4b0246412999677>.

that abortion will be decriminalized and should be on demand⁹¹. In *Uruguay* too, abortion has been decriminalized, although with restrictive conditions. The law approved in 2012 is much less liberal than the one adopted by the deputies in 2008 that made abortion free on demand. But the President at that time refused to promulgate it for “ethical reasons”. The 2012 law imposes three medical examinations, two of them with specialized doctors, and a wait of five days before confirming the request. The power granted to the doctors has left deep discontent among the female activists who have been fighting for 25 years for the right to choose. However, the failure in June 2013 of the referendum promoted by the Catholic right, whose objective was the repeal of the law, has strengthened the determination of the feminist groups to use all means they can for the empowerment of women⁹².

As a matter of fact, in all countries feminist groups are very far from giving up. This fact is demonstrated by a series of recent initiatives that have taken place in Europe, but also in North America and Latin America where the liberalization of abortion is due to previous mobilizations. In some cases they have been set up against the “Marches for Life” of the anti-choice currents, as happened in Belgium and Italy. In other cases committees have been formed in order to revive the issue of free abortion and promoted street events, as happened in Uruguay and in Switzerland where they won a clear victory by defeating the pro-life groups that had launched referendums contesting the existing law. In some countries, the lobbying of deputies was organized just before the ballot as in Quebec, while elsewhere obstructionist actions by female deputies was drawing attention as in the US, or the invasion of the Chamber aimed at blocking the debates, as in Spain.

Others get involved in the debates of international bodies on the issue of women’s reproductive rights, like many Family Planning associations. Some feminist groups organize pickets in front of abortion clinics faced with the prospect of closure, as in France. Others have developed a system of movable clinics that perform abortions in international waters, like the Dutch organization Women on the Waves. Those who face

⁹¹ <http://www.lequotidien.lu/politique-et-societe/54979.html>.

⁹² <http://iwhc.org/2014/02/victory-uruguay-addressing-gaps-right-abortion-access-services/>.

the worst contexts have established hotlines that women can call in order to get information on access to medical abortion.

Everybody knows now how to use the web and the social networks in order to carry on the battle. Many groups have reconsidered the transcontinental leap of solidarity that had animated the international mobilizations of the seventies, convinced that the knowledge of what has happened elsewhere, of the forms of oppression of women in other countries are a critical competence to fight the detractors of the right to choose. Their actions give energy to the women who are still facing retrograde laws and move them to take initiatives in order to change the situation, as happens in Morocco, Peru and in Central American countries.

Sexual education and knowledge on contraception are particularly important in those countries where, on the pretext of parental planning, misinformed women are subjected to sterilization programs or where the actions of pro-life activists in front of the clinics, generate fear and sense of guilt in women who have chosen to terminate a pregnancy.

This said, the battle is not yet won. A study comparing the arguments put forward by pro-choice movements in the seventies in Europe and in the United states (depending on the discourse of their opponents in particular), shows that where North American feminists put primary emphasis on women's right to choose, European feminists insisted more on the dimension of health – abortion was then presented as a lesser evil (Perini 2010). But all of them clashed head on with currents of thought buttressing values presented as eternal. Yet one knows how slowly imaginations change and to what point the champions of democracy are reluctant to consider abortion as a value deserving a steady defense. The principle of women's self-determination that alone allows them to freely decide whether they want to have a child or not is indeed one of the most difficult to be admitted. And even where the most progressive laws have been adopted, they may appear quite fragile and quickly challenged when they are not based on such an assumption.

References

- Amuchástegui, A. (2013), *Body and embodiment in the experience of abortion for Mexican women: the sexual body, the fertile body and the body of abortion*, in «Gender, Sexuality & Feminism», vol. 1, n. 1, pp. 1-17.
- Amuchástegui, A., Cruz, G., Aldaz, E. and Mejia, MC. (2012), *Sexualité et autonomie des femmes au Mexique: l'État laïque en question*, in «Cahiers du genre», hors série, pp. 161-182.
- Attané, I. (2011), *Au pays des enfants rares – La Chine vers une catastrophe démographique*, Paris, Fayard.
- CEPED (2007), *L'avortement en Amérique latine et dans la Caraïbe. Une revue de la littérature des années 1990 à 2005*, http://www.ceped.org/cdrom/avortement_ameriquelatine_2007/fr/infos/introduction.html.
- Denisov, B.P., Sakevich, V.I., Jasilioniene, A. (2012), *Divergent Trends in Abortion and Birth Control Practices in Belarus, Russia and Ukraine*, in «PLoS ONE», vol. 7, n. 11, <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0049986>.
- Dreweke, J. (2013), *New wave of laws seeks to shut down abortion providers*, <http://www.guttmacher.org/media/nr/2013/06/27/index.html>.
- Fourest, C. (2001), *Foi contre choix. La droite religieuse & le mouvement "prolife" aux États-Unis*, Villeurbanne, Golias.
- Guttmacher Institute (2011), *Monthly state update: Major developments in 2011, Abortion*, <http://www.guttmacher.org/statecenter/updates/2011/aug.html#bans>
- Guttmacher Institute (2013), *State policies in brief. An Overview of Abortion Laws*, http://www.guttmacher.org/statecenter/spibs/spib_OAL.pdf
- Hasstedt, K. (2014), *Abortion Coverage Under the Affordable Care Act: The Laws Tell Only Half the Story*, in «Guttmacher Policy Review», Winter 2014, vol. 17, n. 1, pp. 15-21.
- HCEfh (2013a), *Rapport relatif à l'accès à l'IVG. Volet 1: Information sur l'avortement sur Internet*, Paris, Haut conseil à l'égalité entre les femmes et les hommes.

- HCEfh (2013b), *Rapport relatif à l'accès à l'IVG. Volet 2: Accès à l'IVG dans les territoires*, Paris, Haut conseil à l'égalité entre les femmes et les hommes.
- HCLU / Hungarian Civil Liberties Union (2013), *The Silent Growth of Restrictions on Abortion*, <http://tasz.hu/en/patients-rights/silent-growth-restrictions-abortion>.
- Heinen, J. (eds. by) (1979), *Le droit de choisir. Avortement-contraception : lutte internationale des femmes*, Paris, La Brèche.
- Heinen, J. and Matuchniak-Krasuska, A. (1992), *L'avortement en Pologne – La croix et la bannière*, Paris, L'Harmattan.
- Heinen J. and Portet, S. (2010), *Reproductive Rights in Poland: when politicians fear the wrath of the Church*, in «Third World Quarterly», vol. 31, n. 6, pp. 1007-1021.
- Heinen J. and Razavi, S. (eds. by) (2012), *Entre religion et politique: les femmes prises au piège*, in «Cahiers du genre», hors série.
- Marques-Pereira, B. (1989), *L'avortement en Belgique*, Bruxelles, Éditions de l'Université de Bruxelles.
- Martinet, M-P. and Mauget, C. (2011), *Les droits des femmes sont remis en cause par des forces conservatrices en Europe*, in «Le Monde», 20 septembre.
- Ministero della Salute (2013). *Sulla attuazione della legge contenente norme per la tutela sociale della maternità e per l'interruzione volontaria di gravidanza*, Roma.
- Nowicka (2008), “The Anti-Abortion Act in Poland. The legal and actual state”. In *Reproductive rights in Poland. The effects of the anti-abortion law*, Report 2008, Warsaw, Federation for Women and Family Planning .
- Perini, L. (2010), *Quando l'aborto era un crimine. La costruzione del discorso in Italia e negli Stati Uniti (1965-1973)*, http://www.storicamente.org/05_studi_ricerche/summerschool/perini_aborto_italia_usa.htm.
- Sedgh, G. et al. (2012), *Induced abortion: incidence and trends worldwide from 1995 to 2008*, «The Lancet», vol. 379, n. 9816, p. 625-632.
- Stan, L. and Turcescu, L. (2011), *Church, state and democracy in Europe*, Oxford, Oxford University Press.
- USPDA (2013), *Pologne: Les effets d'une loi prohibitive*, <http://www.svss-uspda.ch/fr/facts/pologne.htm>.

Visvanathan, N. (1999), *Ethics of Care and Health Policy Change: Indian women's movement mobilizes against quinacrine sterilization*, in «Development», vol. 42, n. 4, p. 64-69.

WHO (2011), *Unsafe abortion: global and regional estimates of the incidence of unsafe abortion and associated mortality in 2008*, Geneva, World Health Organization.