

Spanish Popular Party government seeks to turn back the clock on abortion rights

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The Spanish right-wing Popular Party (PP) government is preparing to reform the abortion law passed by the previous Socialist Workers Party (PSOE) government in 2010, with many analysts arguing this will return them a situation similar to that which existed under the fascist regime of General Franco.

Justice Minister Alberto Ruiz-Gallardón has stated that the government will “promptly” reform the existing abortion law, adding that life is “an inalienable right”. Interior Minister Jorge Fernandez Diaz said that women do not have “absolute primacy” over their unborn children, whose well-being he said was “a good that is juridically protected.”

During Francoism abortion was illegal. Thousands of women, mostly coming from working class backgrounds, died in unsafe clandestine abortions, while women from the upper classes went to France or Britain to abort. In 1974, an estimated 300,000 back-alley abortions were being performed a year, according to the Supreme Court prosecutor’s office.

In 1985, the PSOE passed legislation allowing abortion, while still considering it a crime except in three circumstances: as a result of rape, in the case of foetal abnormality or when there was a danger to the health of the mother. The effect was that 98 percent of the women that aborted were forced to justify themselves by citing a physical risk to themselves.

In 2008, the PSOE capitulated to the Catholic Church, removing the extension of abortion rights in its manifesto for the national elections that year. In 2010, the PSOE passed a new limited abortion law. The current law that the PP is attempting to roll back allows women to abort up to 14 weeks without having to provide a reason, up to 22 weeks if there is a risk to the mother’s health, or when two doctors say the foetus has severe abnormalities. Minors aged 16 or over can abort.

The reform was an attempt to bring its abortion laws in line with most other European countries, while at the same time avoiding conflict with the Church, which opposed it anyway. The law meant that women who could decide to abort under the clause “danger to the health of the mother” in the 1985 law, under which there was no time limit, now could not do it after the 14th week. Added to this, the reform imposed a 22-week limit on “voluntary interruptions of pregnancy” in the case of serious threats to the health or life of pregnant women, which previously had no time limit.

The law in effect meant that the “right to life” of the foetus is given preference not only over a woman’s right to choose, but over her health or even her life. The law obliges abortion clinics to give over an envelope containing alternatives to abortion and make women wait 72 hours to “think it over”. It contains a provision allowing medical professionals to refuse to carry out terminations “for reasons of conscience”. On top of this, most women choose to pay the €350 to €400 (US\$460- US\$525) the surgery costs rather than wait the average 20 to 25 days it takes for the public health system to perform it for free.

The legislation caused a series of mass demonstrations by the PP, the Catholic Church and anti-abortion organisations. Pope Benedict XVI attacked the reforms when he visited Barcelona’s Sagrada Familia church in November 2010, warning of a “strong and aggressive secularism” that was undermining traditional family values.

During the 2011 national elections, the PP vowed to “change the current legislative model relating to abortion in order to reinforce the protection of the right to life as well as female minors,” without clarifying the exact measures they would take.

The new bill, which has yet to be presented to congress, will likely do away with the limited time-specific rights to abortion on demand so far enacted. Worse still, Ruiz-Gallardón said the PP's legislation will not include malformations of the foetus as a reason for interrupting a pregnancy. "I don't understand why the foetus should be unprotected, allowing it to be aborted, just because it suffers some kind of disability or malformation", he said, adding that "risk to physical and mental health cannot be considered as a pretext to not protect the life of a newborn."

The PP has also promised that those under 18 would need the permission of their parents for a termination.

The changes, experts warn, would take Spain back more than 25 years and place it alongside only two other countries within the European Union where foetal abnormalities are not considered a valid reason for abortion—Ireland and Malta. According to an interview with gynaecologist Pilar Martínez Ten in *El País*, this would affect the 3,000 or so extremely serious cases of birth defects diagnosed each year.

A change in the law would not put an end to the more than 110,000 abortions that are carried out in Spain each year. Instead, working class women under conditions of mass unemployment, cuts in salaries and working conditions, and an exponential growth of poverty, will have to travel abroad or resort to unsafe methods. As gynaecologist Isabel Serrano said to *El País*, "Women will use drugs that were not meant for this use, and this will cause them serious health problems."

The latest official figures show that from 2011 there has been a 5 percent increase in abortions, probably due to the economic crisis.

According to a poll published in July 2012 in *El País*, the vast majority of Spaniards, 81 percent, are against banning abortion in cases where a foetus is malformed. In 2009, before the PSOE introduced the new law, 79 percent of Spaniards supported the right to abortion on demand for women in the first weeks of pregnancy.

The ideological campaign against abortion rights is in line with the PP's recent education law, reminiscent of the Franco era, which reinstates religion as a subject that counts towards a high school student's average grade, a determining factor in obtaining scholarships. The PP also continues to finance Catholic schools and

limits the teaching of the co-official languages (Catalan, Basque and Galician).



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