

## THE STRUGGLE OVER A RIGHT TO ABORTION IN EUROPE

Until the 1970s, abortion was prohibited in many European states. In the course of the second half of the 20th century, however, one country after another relaxed their legislation. There remain some states, nevertheless, that continue to strongly restrict access to abortion. In others, a deterioration of the legal situation is emerging, or legal progress has already been reversed.



### Italy

In Italy, abortions can be performed after the pregnant person has attended obligatory counselling and adhered to a weeklong waiting period between counselling and abortion since 1978. However, a predominant majority of doctors reject performing abortions based on conscientious refusal. Since 2022, Italy has been governed by Giorgia Meloni and her right-wing alliance around the radical right and post-fascist party 'Fratelli d'Italia'. A further restriction of access to abortion and a potential recriminalisation is feared, but there is currently no clear information on potential legal changes.

### Malta

An 1850 law on abortion still standing today makes Malta the EU country with the most restrictive legal framework: Abortion is fundamentally banned and punishable by law, with potential jail sentences for both pregnant persons and doctors. In June 2023, these restrictions were minimally relaxed: in the case of danger to the life of the pregnant person, an abortion can now be performed. The criminalisation of abortion can largely be linked to the influence of the Catholic Church.

### Poland

In Poland, it has been almost impossible to legally get an abortion since 2020. The massive legal restriction of abortion has led to feminist mass protests up until today. Several pregnant persons have died because doctors were hesitant to perform an abortion in cases of danger to the life of the pregnant person due to the unclear legal situation. Since October 2023, a more liberal alliance has entered government and many hope for a liberalisation of abortion law.<sup>1</sup>

### Slovakia

In Slovakia, there have been almost thirty reform proposals before parliament since 2018 seeking to criminalise abortions. Some members of parliament are closely linked not just with the Catholic Church but also with a transnational movement of anti-abortion and anti-gender activists. Parliamentary elections have been brought forward to September 2023. Under the new left nationalist party Smer and its governing coalition, the criminalisation of abortion as well as regression of other feminist and democratic achievements is realistic.<sup>2</sup>

### Hungary

In 2022, abortion regulation was tightened: Pregnant persons now have to listen to the heartbeats of the embryo or foetus before having an abortion. Since he was elected prime minister in 2010, Viktor Orbán and his right-wing conservative Fidesz government have systematically restricted democracy and human rights in Hungary. Political reforms increasingly aim to link a binary understanding of gender and gender roles with a conservative understanding of family.

### European Union

The European Union does not generally guarantee pregnant people in Europe the right to safe and legal abortion. This is not explicitly established in the EU Treaties. Rather, the Member States are responsible for regulating abortions as part of public health policy.

The European Parliament actively demands a European-wide right to abortion.

<sup>1</sup><https://www.euractiv.com/section/health-consumers/news/polish-government-to-propose-easing-abortion-restrictions/>

<sup>2</sup><https://www.euractiv.com/section/politics/news/orban-or-eu-slovakia-at-a-crossroads/>

## MOVEMENTS OPPOSING THE RIGHT TO ABORTION

Movements opposing the right to abortion first emerged in the 1970s during the debate about legalising abortions. Today, they represent but a minority of public opinion but are characterised by a high level of organisational density and network and as a result effective financial support and political impact.

### Anti-abortion activists – manifold actors and organisations, but primarily transnationally linked:

- in Germany known as self-declared 'Protectors of Life' movements, in Europe and globally known as 'Pro-Life' or 'Anti-gender' movements,
- Catholic Church and its networks as well as ultra-conservative and Christian fundamentalist organisations in the USA and Russia with sometimes standalone organisations or offices in Europe,
- Christian, right-wing conservative, or right-extremist parties in Europe, like Law and Justice in Poland, Fidesz in Hungary, Alternative für Deutschland in Germany, Fratelli d'Italia in Italy, or Rassemblement National in France,
- global, ultra-conservative, social mobilisation platforms like CitizenGO and many others.

### Means – drastic and sometimes extremist:

- direct intimidation, harassment, or threatening of pregnant persons or staff in abortion counselling or abortion-providing services (even including some murders),
- targeted spread of misinformation for deterrence practices with sometimes unsettling images, e.g. of dead fetuses,
- harassment in front of counselling services, doctors' surgeries, or hospitals,
- so-called 'March for Life',
- **intensive, explicitly transnationally organised lobbying, campaigning, and networking at societal, political, and juridical levels.**

### Aims – sometimes moving beyond an abortion ban:

- stigmatisation and ultimately ban of abortions, including cases of pregnancy resulting from sexualised violence, and harsh sanctions for all involved in abortion to deter people from having, enabling, or performing them,
- **restoration of a supposedly 'natural order' in the form of a binary gender order of 'women' and 'men' and a heterosexual, married nuclear family, here in particular via rejecting the bodily self-determination of particularly white women\* in order to control their birthing potential,**
- abolishment of feminist achievements for women and other vulnerable groups,
- targeted weakening of democracy and the rule of law, and ultimately even authoritarian restructuring (Poland, Hungary).

## THE RIGHT TO ABORTION IN THE CONTEXT OF DEMOCRACY AND HUMAN RIGHTS

**The right to abortion is a fiercely contested societal issue.** Supporters demand that pregnant persons be able to make decisions about their own bodies. Disproportional attention is often given to the smaller group of opponents who want to ban abortions in principle. Organised in movements opposing the right to abortion, they question gender equality across Europe. As a result, they also jeopardize human rights, democracy, and the rule of law.

### 01 - Democracy and the rule of law

- Democracy and the rule of law are indispensable when it comes to guaranteeing gender equality, human rights, and the right to abortion in open and pluralistic societies.
- Rejecting gender equality and abortions is linked with racist, nationalist, and authoritarian ideas. One aim is to weaken democracy and the rule of law this way.

### 02 - Gender equality

- Being able to terminate a pregnancy is a prerequisite for bodily self-determination and thus fundamental to gender equality.
- The basic democratic principle of gender equality is defamed as ideology, using the common enemy of 'gender ideology'. An aim is the rehabilitation of an alleged 'natural order'.

### 03 - Reproductive justice

- The concept of reproductive justice situates abortions in a wider context of social justice and reproductive health (Factsheet 1).
- Positions of anti-abortion activists regarding the concept of reproductive justice could not be found. It can be assumed that anti-abortion activists reject the concept.

### 04 - Human rights

- Having access to legal and safe abortion is closely linked with internationally determined human rights standards (Factsheet 1).
- The human rights of vulnerable groups are strategically undermined or misinterpreted. For example, the right to life of the 'unborn child' is prioritised to justify a ban on abortions.

### 05 - Sexual and reproductive rights

- The right to abortion is part of sexual and reproductive rights. These rights were set as international human rights standards at the UN World Population Conference in 1994.
- The Catholic Church in particular saw the acknowledgement of sexual and reproductive rights as a gateway to the international recognition of a right to abortion.

### 06 - Right to abortion

- In most countries and at the EU and international level, there is no right to abortion in the legal sense. Rather, the right to abortion is a feminist demand to enable every pregnant person to terminate a pregnancy in a self-determined, safe, and legal way.
- Human life is understood as 'god-given' and humans are not supposed to intervene. Anti-abortion activists use the term 'unborn life' or 'unborn child' instead of embryo or foetus. As a result of this phrasing, abortion is not just a 'sin' but also 'murder'. As a result, they call for a fundamental and complete abortion ban.

## STRUGGLE FOR A RIGHT TO ABORTION

In most European countries, a majority of the population generally approves of a general right to access abortions. **Movements opposing the right to abortion are confronted with a network of national and international actors at institutional, civil society, and professional levels, specifically:**

- existing international commitments to human rights (Factsheet 1) as well as international organisations seeking to enable access to legal and safe abortions,
- states having introduced liberal regulation for safe and legal abortions and securing a good level of provisioning as well as committing to human rights (Factsheet 6),
- a multitude of organisations and broad alliances of activists who campaign for a right to abortion and reproductive justice at an international, national, regional, or local level like:
  - Center for Reproductive Rights,
  - International Planned Parenthood Federation European Network,
  - September 28 – Campaign and Alliance on International Safe Abortion Day,
- dedicated medical and other professional staff who enable abortions for pregnant people seeking them; staff may also be organised:
  - e.g. in the European Abortion Access Project or in Global Doctors for Choice,
- dedicated scientists developing approaches to realising safe and legal abortions for all, like the concept of reproductive justice (Factsheet 1).

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