

## Regarding the right to abortion in Portugal

Until 2007, Portugal, alongside Poland and Ireland, had some of the strictest abortion laws in Europe. Although the general **ban on abortion was lifted in 1984**, doctors still faced the threat of imprisonment for up to three years for providing abortion assistance. Even in July 2006 - one year before the legally fixed deadline solution - a doctor in the northern Portuguese city of Aveiro was sentenced to three years and 8 months in prison for assisting in seven abortions.

**However, it took almost 25 years from 1984 until a legal deadline solution for abortion without penalty was established.**

In 1998, the then-governing PS (Partido Socialista, more of a social democracy) led by the current UN Secretary-General António Guterres as Prime Minister had an ambitious project: the introduction of a deadline solution, allowing abortion without penalty under certain conditions. A referendum was to seek the people's will on this matter. It went wrong. Though narrowly, the outcome was clear. Consequently, the PS government had to shelve one of its ambitious projects for the time being. The referendum was lost in traditionally conservative rural areas, especially in the north of the country. The Catholic Church (about 90% of Portuguese are Catholic) had been polemicizing against "legalized murder" for months, supported by conservative and small right-wing parties. In 2007 - again under a PS government - there was a second referendum. This time, there was a majority for the deadline solution, but the voter turnout was not enough to make the referendum binding. **Thus, abortion without penalty was established by law through the parliament in 2007.**

**It took a long, long time.**

**A brief history:** Almost half a century of fascist dictatorship in Portugal, the Catholic Church as a mainstay of the reactionary "New State" (Estado Novo) under Salazar, an absolutely male-dominated society, coupled with the country's isolation from international developments until the overthrow of the dictatorship on April 25, 1974, marked the main reasons for the oppression of women, penetrating into the smallest pores of daily life. Particularly concerning sexuality, women's roles, dependency on fathers or husbands, marriage, etc.!

Officially, there were, of course, no abortions; officially, there were no rapes, whether within or outside the family. Of course, there were no unwanted pregnancies either, even though large landowners in Alentejo or Ribatejo, or other powerful men, often sexually exploited women under their authority.

Abortions without medical supervision were thus commonplace, carried out illegally in apartments lacking adequate hygiene, performed by well-meaning but mostly unprofessional helpers.

Until the 1990s and 2000s, there were between 20,000 and 40,000 illegal abortions annually. Between 5,000 and 10,000 Portuguese women went to Spain annually, where a comparatively liberal abortion law had been in place since 1985. About a dozen specialized abortion clinics along the border performed the procedures. Of course, privately paid. This was something only a few Portuguese women could afford, leaving many to undergo sometimes life-threatening abortions in Portugal.

Many of these tragedies could have been prevented if there had been adequate sexual education in schools. However, the Church, along with many conservative to reactionary forces (often including parents), managed to thwart this for a long time. It wasn't until 2009/2010 that sexual education became mandatory in schools.

**The current situation:** Since 2007, the deadline regulation has been in effect: Women can terminate unwanted pregnancies within the first ten weeks without penalty, provided they have received counseling beforehand. In cases of sexual offenses, fetal malformation, or endangerment of the mother's life, abortion can be performed later as well.

Abortion rates in Portugal have remained relatively stable since the liberalization of abortion laws in 2007, currently standing at 7.9 (per 1000 women. In 2022, there were 16,471 abortions performed).

One of the main problems in implementing and enforcing women's right to abortion is the difficulty in finding two doctors willing to perform the procedure in many rural regions (the presence of two doctors is currently mandatory).

Women's groups report that there are doctors who publicly refuse to perform abortions in authorized facilities but then do so privately and clandestinely, for a hefty fee, of course.

In principle, abortion is free in Portugal and falls under doctor-patient confidentiality.

#### **Demands from women's groups:**

- End the mandatory waiting period and mandatory counseling.
- Extend the deadline from 10 to 12 weeks.
- Abolish the "requirement for two doctors to intervene to perform an abortion. In a hospital where only one doctor performs abortions, this is not possible.
- Furthermore, the groups and associations demand that the practice be expanded to public health centers and ensure that "all health facilities willing to perform voluntary abortions guarantee effective access to it, and that conscientious objection (by doctors) cannot be an obstacle to compliance with the law. There are regions in the country where all relevant facilities refuse abortions on conscientious grounds, effectively boycotting access to abortion.



Photo: Esquerda.net

#### **Will there be restrictions on the right to abortion in Portugal as well?**

After the parliamentary elections on March 10 of this year, with a now center-right minority government, this question unfortunately arises very clearly. Especially since the far-right Chega party (with 50 mandates; still in opposition for now) has clearly positioned itself for the abolition of the relevant laws, using slogans from the Salazar era: God, Fatherland, Family, Work. At least the new conservative Prime Minister Montenegro and his responsible minister seem to have a clear position: There will be no changes to existing laws. However, he made it clear at the EU level: He is against the introduction of the fundamental right to abortion in the EU due to "legal imbalance." Well...

Here's a possible statistic from NZZ: <https://www.nzz.ch/international/abtreibungsrecht-wie-sich-die-laender-suedeuropas-unterscheiden-ld.1692067>"