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Portugal

Badajoz is over, welcome to the 21st century!

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Badajoz [1] is over, welcome to the 21st century! Sunday the 11th of February will remain an unforgettable day in Portugal. It was definitely the most important day for Portuguese political and social life in the last 30 years. A second nationwide referendum on the abortion issue took place, with 44% of electors going to vote: 59.25% voted YES. The question put was the same as in the first one, held in 1998: "Do you agree with decriminalising abortion when requested by women, up to 10 weeks into pregnancy, and performed in an authorised health institution?"

[<https://www.internationalviewpoint.org/IMG/jpg/sim.jpg>]

It is worth reminding that, in 1998, only 31.9% voted, a massive abstention for Portuguese standards: the NO had an extremely narrow majority, 50.07% against 48.28% who voted YES. Thus, the penal code which criminalises abortion - with the threat of up to three years in jail - did not change then.

It was a very heavy defeat for women's rights and for the left. It took quite a few years until the question of decriminalising abortion was again in the agenda. For very bad reasons: in October 2001, 17 women were brought to trial in Maia (near Porto) for the "crime" of abortion. They were mostly working-class women. The facts for which they were prosecuted had occurred, in some cases, more than 10 years earlier. Solidarity with those women and opposition to trials started to build a new mood and new initiatives. The pickets outside the court became bigger and bigger, as the trial went on. All of a sudden, Portugal seemed to have woken up to the reality of backstreet abortion and to the deep cruelty of the law. Two women were convicted, but the prison sentence was replaced by a fine in one case and a suspended sentence in the other. Therefore no one went to jail.

Other trials followed: Aveiro, Lisbon, Setubal. The cruelty of the law became more and more visible and more and more intolerable. In 2003, a coalition of Liberals and Christian Democrats ruled the country. It was impossible then to think of any change of the law in the parliament. Several Left Bloc and Socialist Party MPs, together with a wide range of people, from Catholics to feminists, trade-unionists and intellectuals, launched a "popular initiative" asking the Parliament to call for a new referendum. Although according to the law only 75,000 signatures are needed, 160,000 were gathered over a 3-month period. The proposal was then defeated in Parliament, during March 2004.

In the campaign for general election, in February 2005, after the collapse of the right-wing government, José Socrates, leader of the Socialist Party, promised that if he became prime-minister, the Socialist Party would propose a new referendum. The Communist Party was always against it: they stated that a left majority in Parliament was sufficient to change the law. That was not the position of the Left Bloc. We did not want just a change in law that could be reversed some time later with a different majority. We wanted to provoke a deep change in society, with every man and woman being called to a new vote, and having to assume the responsibility to decide on this matter. Therefore, it was quite natural for us to vote, last October, for the Socialist Party's proposal for a new referendum (while the Communist Party voted against).

As described in [a previous IVP article](#), 5 pro-choice movements took part in this campaign. They were all very important. Apart from one of them, close to and controlled by the Communist Party, the other four were really able to bring together, within their own specificity, people from different political parties (even a few Christian Democrats!) and quite a lot of individuals with no political affiliation. The movements were in contact with electors all over the country.

The pro-choice groups often worked together, while focusing on their own specific areas of concern. One day, "Doctors for Choice" gave press conferences reporting several cases of women who died in hospital as a

consequence of a backstreet abortion. The following day, 'Catholics for Choice' distributed a letter "from believers to believers" stating why they would vote yes - thereby going against the mainstream of the Catholic Church's hierarchy. Another day, members of the European and national parliament described the situation in other European countries, showing that Portugal was in the same small group as Ireland, Poland and Malta. 'Young People for Yes' organised debates in schools, leafleting at factories or performing street theatre. The campaign was thoroughly multicoloured and fully multigenerational, including women who first made the way to decriminalisation some 30 years ago to young people for whom this was their first experience in a social movement.

There were also hundreds of debates all over the country, normally having 'yes' and 'no' representatives.

As in 1998, the 'no' started off their "pro-life" (anti-choice) campaign, insisting on the absolute value of the life of the foetus, and depicting foetuses as if they were nearly full-term babies. In addition, their arguments were that we would not put an end to backstreet abortions, that in other countries abortion rates had increased after legalisation, that women had the choice to give their child for adoption, etc. Less than a week before the referendum, they also stated that a 10 weeks' foetus can feel pain (which is against all medical evidence) and also that there was a black market business around selling placental material, etc. They were shameless enough to distribute a leaflet in a primary school ('Letter from a child to his/her mother').

On the question of criminalisation, several 'no' positions developed in the course of the campaign, from the hardest one, those who publicly stated that even if raped a woman should carry her pregnancy to the end, thus defending a change to an even more restrictive law, to others who said that women should go to jail, if not for their first abortion, surely for the second. A former minister of the Conservative government, known for his anti-working class laws, stated that women should not go to jail but, after pleading guilty, they should have their prison sentence replaced by community work, at a nursery or a small children's school.

A few more generous 'no' campaigners argued that they did not want women to go to prison, but they did not want to change the law. They wanted abortion to remain a crime, but without penalty.

That's one of the major reasons why the Left Bloc campaign was so important and made the difference. By centring our campaign on the question of the trials and the need to put an end to women's humiliation, we also forced other parties, forces and individuals to state clearly whether women should go to prison

Yesterday, although the result of the referendum was not binding (since less than 50% of the electorate voted), José Socrates stated again, as he had done before, that one single additional vote for the YES would be enough for the law to be changed. Apart from the Christian Democrats, all parties in Parliament now agree that voters have shown an unequivocal wish to change the law, and therefore said they will engage in this new process. The first part will be easier: to abolish the article in the penal code which makes abortion a crime; the second one will take longer, as it will have to deal with changes into the health system, whether or not there should be counselling for women beforehand, and also to regulate important issues like the right to conscientious objection from the doctors.

It is clear that backstreet abortion will not end overnight, but the decriminalisation is the first step to make it possible for women to have access to safe abortion in the National Health Service. As 'Doctors for Choice' stated, we want abortion to be safe, early, free and rare.

Yesterday it was a very special day. It was not just another occasion to vote. It was not about electing a prime-minister for the next 3-4 years. It was about a major civilisation change. It was about turning a page in our history. It was about women's rights, it was about our collective future.

Badajoz is over, welcome to the 21st century!

For all those, women and men, from political parties, movements or just individuals, who took part in the campaign this is an unforgettable day. We know we were part of this deep change and we are proud of it. We finally entered the 21st century!

[1] Badajoz is a small town across the Spanish border, known for its clinic where lots of Portuguese women went to have abortions. Hypocrisy is so strong that this clinic advertises in some major Portuguese newspapers. On the night of the referendum, that was one of the slogans shouted by the young people.