

Self-determination under pressure? The right to abortion in Europe

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2023-09

<https://doi.org/10.25595/2410>

Working Paper

Empfohlene Zitierung / Suggested Citation:

Lange, Katrin: *Self-determination under pressure? The right to abortion in Europe*. ISS e.V. - Observatory for Sociopolitical Developments in Europe, 2023-09. DOI: <https://doi.org/10.25595/2410>.

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SELF-DETERMINATION UNDER PRESSURE?

The right to abortion in Europe

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Editorial

The right to abortion is a fiercely contested societal issue: supporters of a right to abortion demand that every pregnant person should be able to decide over their own body and thus about the termination of a pregnancy themselves. Opponents in turn want to ban abortions and place the rights of the foetus or embryo above the rights of the pregnant person.

However, it is a fact that an outright ban on abortion or restrictive regulations do not prevent abortions but lead to an increase in high-risk terminations. These may have health consequences or even lead to the death of the person concerned. Under international law, restrictions on access to or criminalisation of abortion are violations of human rights. The denial of an abortion can be seen as a form of discrimination and gender-based violence.

The freedom to decide whether and by what means a person wishes to conceive and then bear children is also enshrined in human rights and is a basic requirement of gender equality. Reproductive rights furthermore include the right to information, resources, and services that enable a decision that is free from coercion and discrimination. These resources include being educated about sexuality and family planning as well as having access to contraceptives and abortion procedures. Moreover, the decision to have children or not is not only individual and self-determined, but embedded in social and institutional relationships and significantly dependent on legal, operational, and infrastructural conditions.

In an introductory contribution, [Katrin Lange](#), project coordinator at the Observatory, presents the **European perspective** on the right to abortion. How a person can terminate their pregnancy is regulated differently in the respective Member States of the European Union. The spectrum ranges from a largely self-determined decision in Sweden to an almost complete ban in Malta. While national competence for the regulation of abortion largely limits the role of the European Union in this

regard, the European Parliament calls for an EU-wide right to abortion and wants to anchor this in the Charter of Fundamental Rights of the European Union. This demand must be seen against the background of the worrying developments in Poland in 2020 and in the United States in 2022. Legally prohibiting abortions is an explicit goal of anti-abortion activists. The article also discusses how these actors and groups are organised transnationally and how they seek to dismantle achievements like gender equality, democracy, human rights and the rule of law during the process as well.

This European perspective is then enhanced with the **perspectives of civil-society organisations**. In an interview, [Caroline Hickson](#), Regional Director of the International Planned Parenthood Federation European Network (IPPF EN), and [Leah Hoctor](#), Senior Regional Director for Europe at the Center for Reproductive Rights, talk about how their organisations campaign for the right to abortion in Europe and what type of support they need and demand from the European Union.

Finally, **national perspectives** on the right to abortion are examined with a view to current developments in Poland and Slovakia. The Slovakian activist [Adriana Mesochoritsová](#) reports in her contribution about how a variety of political proposals to further restrict abortion have so far been prevented by a strong civil society movement and feminist protests in Slovakia. This contrasts with recent developments in Poland, where the freedom of pregnant persons to have safe and legal abortions was severely restricted in 2020 – against and despite feminist resistance.

This dossier was published together with a comparative Working Paper on the [Regulation and provision of abortion in Germany, France, the Netherlands, Sweden and Spain](#) by the Observatory on 28 September 2023, the International Safe Abortion Day.

Katrin Lange, Observatory

Introduction:

The right to abortion in the European Union

Katrin Lange, political scientist, is Head of the departments Europe and Sustainability at the Institute for Social Work and Social Education and coordinates the **Observatory for sociopolitical developments in Europe**. She analyses sociopolitical developments in Germany and other EU Member States as well as at the European level.

National level: Overview of European countries

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 – with few exceptions – relaxed their legislation. The main reasons for this were successful feminist protests and strong civil society movements as well as the parallel recognition of sexual and reproductive rights as → [human rights](#)¹ at the international level.

However, no state in Europe has yet completely decriminalised abortion.² Abortion at the request of the pregnant person³ is legally possible up to a certain time limit in most of the European Union, though.

In some states, abortions are possible with particularly few restrictions for the pregnant person, such as in Denmark, Finland, France, the Netherlands, and Sweden. The regulations in Sweden are considered the most liberal in Europe and come closest to a right to abortion.⁴

In the majority of EU countries, the situation is more complicated: even if abortions are not fundamentally prohibited, there are restrictions due to counselling obligations, waiting periods, and comparatively short time limits for abortion, such as in Germany, Italy, Austria, and Portugal.

In recent years, some countries have further liberalised their laws, making abortion more accessible, such as France, the Republic of Ireland, Luxembourg, Spain, and Cyprus. The predominantly Catholic Ireland had one of the strictest laws in Europe, which was abolished after a referendum in 2018 – also as a result of a very successful campaign by feminist activists in favour of abortion. France liberalised its regulations with major reforms in 2016 and 2022 and could be the first state in Europe to give constitutional status to the right to abortion. Spain also has considerably more liberal regulations since 2023.

Meanwhile, developments in Lithuania, Croatia and Slovakia show that the right to abortion continues to be a highly contested issue. In these countries, political plans to further criminalise abortion or even ban it altogether have so far been prevented by strong civil society movements and feminist resistance. In Slovakia alone, 27 draft laws to restrict abortions have been submitted since 2018 (→ [see contribution in this dossier](#)).

In other states, the freedom of pregnant people to have a safe and legal abortion has been severely restricted, against the protest of feminist movements, as for instance in Poland (→ [see contribution in this dossier](#)) and in Hungary. With its 1850 law, Malta is the EU Member State with the most restrictive legislation. In Malta, abortion is generally prohibited and punishable by imprisonment for pregnant persons and doctors, even if the pregnancy is the result of rape or incest, or if the foetus is severely impaired or not viable. Only in June 2023 was the legislation minimally relaxed: if the pregnant person's life is in danger, an abortion may now be performed.

GERMANY: PARAGRAPH 218 OF THE CRIMINAL CODE

Paragraph 218 of the German Criminal Code (§ 218 StGB) regulating abortion has existed in Germany since the founding of the German Reich in 1871. In these now more than 150 years, it has been and continues to be the subject of contested social and political discourse, especially during the Weimar Republic, in the 1970s, after the reunification of Germany and again since the 2020s.

Germany's current regulations on abortion have been in force since 1995 and were at that time the result of a controversial debate on the merger of the more restrictive West German regulations and the more liberal practice in the GDR. § 218 StGB makes abortion a punishable offence in principle, but pregnant persons and medical providers remain exempt from punishment until the 12th week after fertilisation if the pregnant person seeks counselling beforehand and observes a statutory waiting period. Abortion is permitted beyond the waiting period if the health of the pregnant person is in danger or if the foetus is impaired. Compared to the rest of Europe, the regulations are rather restrictive.

Since March 2023, a commission is to examine, among other issues, whether and how abortions could be regulated outside the criminal code. Its report is expected to be published in 2024.⁵

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"My body, my decision", 28 September 2017 in Madrid / Spain © Jorge Sanz / picture alliance, zumapress.com

A look at the European picture shows very different situations in the individual countries as far as legal access to abortion is concerned. However, legalisation is rarely synonymous with quality care and good accessibility of safe abortion for all. This is partly due to the fact that social stigma continues to play a strong role.⁶ In addition, there are regions within the European Union where further local or regional restrictions make it virtually impossible to access the right to an abortion, for instance in parts of Italy or Spain.⁷ This is also linked to successful activities by opponents of abortion who are organised in transnationally active → [anti-gender](#) and → [anti-abortion movements](#) that campaign worldwide for a ban on abortion. However, these are in turn opposed by a large number of organisations and broad alliances of activists who campaign for the right to abortion throughout Europe.

Primacy of national competence largely limits the role of the European Union

The European Union cannot fundamentally guarantee pregnant people within the Union the

right to a safe and legal abortion; it is not explicitly enshrined in the EU Treaties. Being considered a branch of public health policy, abortion falls within the competence of the individual Member States, thus limiting the legislative power of the EU in line with [Article 5.3 of the Treaty on European Union](#).

In 2022, the → [European Parliament](#) and French President Emmanuel Macron have called for the right to abortion to be included in the **Charter of Fundamental Rights of the European Union**. Macron's push during his [speech on the plans of the French EU Council Presidency at the EU Parliament](#) in Strasbourg in January 2022 was also seen as a political jab at Roberta Metsola. The president of the European Parliament, who had just been elected at that time, had spoken out against abortion in the past. However, at a [press conference](#) on the eve of Macron's speech, Metsola had already declared on the subject: "I will defend the positions of this Parliament as my own."⁸ France, for its part, is on its way to giving constitutional status to "the freedom of a woman to have an abortion."⁹

CHARTA OF FUNDAMENTAL RIGHTS

The [Charta of Fundamental Rights of the European Union](#) defines the rights and freedoms of people living in the European Union. These rights are binding on the EU institutions and must be respected and safeguarded by the Member States when they implement EU law. The Charter was signed and formally proclaimed at the Nice European Council on 7 December 2000. It entered into force on 1 December 2009 alongside the [Treaty of Lisbon](#). It comprises six major chapters: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice.

According to [Article 48 of the Treaty on European Union](#), an **amendment to the Charter of Fundamental Rights** requires the convocation of a convention to revise the EU Treaties by the European Council as well as the consent of all 27 EU Member States. However, there are a number of states, most notably → [Poland](#) and Hungary, which have blocked gender equality policies in the past.¹⁰ Moreover, the mere inclusion of a provision in the Charter would not alter the existing division of competences between the EU and its Member States, nor would it have a direct impact on the harmonisation of existing national regulations on abortion. Nonetheless, the EU's role could be strengthened beyond symbolism in this regard, and it would become more difficult for Member States to explain why they restrict the right to abortion nationally if this right were enshrined in the Charter.¹¹

Even if explicit competences and an anchoring in the EU Treaties are (so far) missing, sexual and reproductive rights in general as well as the right to abortion in particular touch upon policy fields in which the European Union can act – albeit in a limited way. This is the case, for instance, in the areas of health, gender equality, gender-based violence, fundamental rights, civil society, and democracy (for the expectations of civil society organisations campaigning for a right to abortion across Europe, see the → [interview in this dossier](#)).¹² The **European Pillar of Social Rights** consists of 20 principles that are intended to strengthen the social rights of EU citizens. In two of these principles, gender equality and the right to health are also emphasised.¹³

Health

Article 6 of the Treaty on the Functioning of the European Union provides for the possibility of the EU to take action to promote cooperation and coordination between Member States in order to improve and protect public health.

To fulfil this principle, on 28 May 2020, the European Commission presented a new stand-alone health programme called **EU4Health** for the period 2021 to 2027. Basically, the programme – which is particularly rooted in the experiences of dealing with the COVID-19 pandemic and is part of the [EU's recovery plan](#) – is intended to improve and promote health in the European Union. 5.3 billion euros have been allocated for this purpose. Unlike previous health programmes, EU4Health mentions → [sexual and reproductive health](#) as potentially eligible policy fields.¹⁴ However, access to legal and safe abortion is not explicitly mentioned in the programme.

In October 2021, the **European Institute for Gender Equality** published its annual [Gender Equality Index](#) which this year put a focus on the topic of health, with sexual and reproductive health being one of the main topics. When asked by the Observatory, the European Institute for Gender Equality comes to the following conclusion:

“Research shows that countries with restrictive abortion laws have a higher share of unsafe abortions. Amid worrying trends in many countries, we must keep promoting sexual and reproductive health and rights in Europe and beyond.

EIGE Gender Equality Index Focus 2021 has highlighted the many barriers women face in accessing their rights but also some promising attempts to maintain and increase access to sexual and reproductive health services during the pandemic.”

WORLD HEALTH ORGANIZATION: ABORTION CARE GUIDELINE

The World Health Organization updated its [recommendations on abortion](#) on 8 March 2022. This update replaces all previous WHO recommendations on the issue. Based on a → [human rights-based approach](#) that aims to advance gender equality, the

document provides guidance on the legal framework for abortion in general as well as on performing an abortion and the provision of information.

The central recommendation of the document is the **decriminalisation of abortions** (as already implemented in Canada and South Korea). This means that abortions are not (or no longer) mentioned in criminal law, and other criminal categories, such as murder or homicide, are also not applied to abortions. Furthermore, there should be no penalties for the pregnant person or the assisting (medical) staff.

In addition, further restrictions such as grounds-based approaches, gestational age limits, compulsory counselling, or waiting periods should be abolished. The World Health Organization is thus calling for a far-reaching reform and, for the most part, an abolition of existing legal regulations in most states.¹⁵

Gender equality & gender-based violence

The **European Commission's Strategy for Gender Equality 2020-2025**, published in March 2020, also does not explicitly mention access to legal and safe abortion. With the strategy, the Commission commits to working towards a Europe where all women and girls can live free from gender-based violence, discrimination and structural inequalities. Violations of sexual and reproductive health and rights are classified as a form of gender-based violence.

To implement the strategy, the European Commission proposed on 8 March 2022 a **Directive to combat violence against women and domestic violence**, which would apply to all EU Member States once approved by the European Parliament and the Council. The draft is largely based on the [Council of Europe's Istanbul](#)

[Convention](#) on preventing and combatting violence against women and domestic violence. The Directive would apply to offences that are punishable under EU or national law. These include, for instance, cyberbullying, femicide, early and forced marriage, genital mutilation, domestic violence, sexual abuse, and rape. In particular, the draft addresses involuntary abortions, i.e. the performance of an abortion without the pregnant person having knowledge of the fact and having consented to it, as "forced abortion".¹⁶ Forced abortion would be a criminal offence under national law.

The Gender Equality Strategy also explicitly provides for an exchange of best practices between Member States and stakeholders on gender related aspects of health, including sexual and reproductive health and rights. In this context, a so called [EU Mutual Learning Seminar](#) was held in November 2022 at the initiative of France and Belgium. However, the right to abortion was not explicitly addressed in this seminar.

Active role of the European Parliament

In comparison to other EU institutions, the European Parliament takes a much more active role in calling for a Europe-wide right to abortion. Over the past twenty years, there have been frequent reports, resolutions, public hearings, and press statements by the Parliament relating to gender equality, → [sexual and reproductive health and rights](#) as well as legal and safe access to abortion, notably in 2002, 2013 and since 2021.¹⁷

The recent initiatives of the EU Parliament were triggered in particular by the worrisome developments in → [Poland](#) in 2020 and in the → [United States](#) in 2022, which MEPs used not only to draw attention to their respective national situations but also to protect and/or reclaim the right to safe and legal abortion within the European Union.

Overview on the political work of the European Parliament (legislative period 2019 – 2023)

When?	What?
26 November 2020	Resolution on the de facto ban on the right to abortion in Poland (2020/2876(RSP))
21 May 2021	Report on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health (2020/2215(INI))
24 June 2021	Resolution on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health (2020/2215(INI))
9 June 2022	Resolution on global threats to abortion rights: the possible overturning of abortion rights in the US by the Supreme Court (2022/2665(RSP))
7 July 2022	Resolution on the US Supreme Court decision to overturn abortion rights in the United States and the need to safeguard abortion rights and women's health in the EU (2022/2742(RSP))

Abbildung wurde aus rechtlichen Gründen für die Zweitveröffentlichung auf Gender Open geschwärzt. Das Original ist in der Erstausgabe des Verlages zu finden.

European Parliament resolution of 7 July 2022

On 7 July 2022, the European Parliament adopted a [resolution](#) by 324 votes to 155, with 38 abstentions, on the US Supreme Court's decision to overturn the right to abortion in the United States and the need to preserve the right to abortion and protect women's health in the EU.¹⁸ In this legally non-binding resolution, the Parliament condemns the worldwide regression in women's rights, sexual and reproductive health and rights, especially in the US and in certain EU Member States – explicitly mentioning Italy, Croatia, Malta, → [Poland](#), → [Slovakia](#), and Hungary. The European Parliament also expresses its concern that the developments in the US could also strengthen the → [anti-gender](#) and → [anti-abortion movement](#) in the European Union and (further) increase its funding.¹⁹

In its resolution, the Parliament is guided by the → [human rights categorisation of abortion by the United Nations](#), by the → [recommendation of the World Health Organization](#) (and implicitly by the → [concept of reproductive justice](#)):

The Parliament classifies safe and legal abortion as a fundamental right of people living in the EU and

"Our body, our choice", 2 July 2022 in Strasbourg / France © NeydtStock / shutterstock.com

proposes it to be included in the → [European Charter of Fundamental Rights](#) (see above). Specifically, the following proposal to amend the Charter will be submitted to the European Council: "Article 7a (new) Right to abortion: Everyone has the right to safe and legal abortion."

According to the proposal, the criminalisation, delay, and denial of access to safe and legal abortion is a form of gender-based violence and a violation of human rights. In particular, vulnerable social groups – such as women living in poverty, women disadvantaged due to racism, women from rural areas, women with disabilities, illegalised migrant and single women, LGBTIQ persons²⁰ and young people – are highlighted as they are disproportionately affected by bans and other restrictions on the right to abortion.

The European Parliament concluded that the EU's goal should be to make further progress on abortion in line with the World Health Organization's recommendation. In particular, EU Member States should decriminalise abortions and remove barriers to legal and safe terminations.

Self-determination under pressure? Mobilisation of anti-abortion activists across Europe against the right to abortion – and its implications for gender equality, human rights and democracy

Reactionary forces in the European Parliament

“The question of who must have children, and who preferably should not have children, has always been the subject of political and ideological debate.”
pro:fem e. V. 2022

Even though the European Parliament has (so far) been an advocate for gender equality in general and for a pan-European right to abortion in particular, not all MEPs are in favour of this. With the 2019 European parliamentary elections, the proportion of MEPs opposing gender equality, sexual and reproductive rights, sexual education, same-sex marriage, and the Istanbul Convention doubled to an estimated 30 percent.²¹

In particular, the strong electoral performance of the British Brexit party, the French Rassemblement National, Italy's Lega, the Polish → *Prawo i Sprawiedliwość* and Hungary's Fidesz all contributed to the rise of reactionary forces within the Parliament. Most of these MEPs belong to the right-wing populist, nationalist Identity and Democracy (ID) group or to the European Conservatives and Reformers (ECR) group. However, there are also MEPs critical of the strengthening of sexual and reproductive rights in the group of the conservative European People's Party (EPP) and even within the Progressive Alliance of Socialists and Democrats (S&D).

Nevertheless, in the current legislative period (2019-2024), further progressive policy work by the Parliament on the right to abortion could be passed, albeit against opposition (see → *overview*).²² However, the increased representation of reactionary MEPs and political groups in the European Parliament strengthens their transnational networking and leads to increased influence in gender equality policy debates. Narratives of reactionary MEPs can be observed in plenary debates and counter-motions – for instance on

the → European Parliament's resolution of 7 July 2022, which a total of 155 parliamentarians explicitly disagreed with.²³ These narratives are linked to those of the → *anti-gender* and → *anti-abortion* movement.

Sometimes, the respective MEPs are directly linked to these movements.

The transnational anti-gender movement in Europe

“Never forget that it only takes a political, economic, or religious crisis for women's rights to be called into question. These rights can never be taken for granted. You must remain vigilant throughout your life.”
Simone de Beauvoir 1974

Attacks on democracy and human rights – especially those related to gender equality such as the right to legal and safe abortion but also sex education, the introduction of same-sex marriage, or the implementation of the Istanbul Convention – are not only taking place in the European Parliament, but across Europe and worldwide. Experts agree that the anti-gender movement is a **transnational phenomenon**.²⁴ The diversity of actors at the local, national, and European level is enormous in terms of their motivations, their lines of argumentation, and their degree of institutionalisation. Despite this diversity, there is a strong transnational strategic and financial²⁵ network geared against the **common bogeyman of the so called “gender ideology”**, which is used to specifically attack → *human rights*. The defamatory phrase has its origins in the Catholic Church and arose in particular as a counter-reaction to demands to strengthen → *sexual and reproductive rights* at UN level. The term “gender ideology” discredits the fundamental democratic value of gender equality as an ideology that allegedly dictates people unilaterally how they should live. Moreover, it is a catch-all term for a multitude of issues that merge into a single perceived threat against which emotionally charged and inflammatory mobilisation is possible. Misogyny, homophobia and transphobia, racism, antisemitism, other ethno- and/or nationalistic ideologies and elitism can all be found in the anti-gender movement. In this context, it is not only equality policy achievements but democracy, human rights, and an open society as a whole that are attacked by the anti-gender movement.

USA: "ROE V WADE" – RIGHT TO ABORTION REPEALED

In 1973, the Supreme Court of the United States set a precedent in the landmark case of Roe v. Wade – later upheld in Planned Parenthood v. Casey (1992) and Whole Woman's Health v. Hellerstedt (2016) – which guaranteed the constitutional right to legal abortion nationwide in the US. The Supreme Court's decision of 24 June 2022, with five votes in favour and four against, repealed this right after almost 50 years. 13 US states already had so called "trigger" laws ready that entered into force immediately after the repeal of Roe v. Wade.

This development can also be traced back to Christian-nationalist advocacy groups in the US, which have been very actively campaigning against the right to abortion for decades and by now hold a lot of sway in both the political and the legal realm. In particular, they are an important voter group for Republican politicians. They also specifically finance relevant legal cases and occupy important positions as judges at federal and state level. In 2022, a total of 430 bills were filed across the US to restrict or ban abortion, compared to 230 bills aimed to protect access to abortion.

Abortions are now banned in 14 states, and in one state they are illegal from the sixth week since the first day of the last period (data of 17 July 2023). One of the strictest laws was passed in North Dakota in April 2023. In this state, abortions have since been prohibited in principle and are also illegal in exceptional situations, such as medical emergencies, from the sixth week. In addition, eight states have restrictive laws (as of 17 July 2023) that are not yet legally binding due to pending court decisions, such as the ban on abortions after the sixth week passed in South Carolina in June 2023 or in Iowa in July 2023. In the remaining states, abortions are still legal. Many states have also introduced new protections for abortion providers and people seeking treatment outside their home state. Laws requiring state funding of abortions and expanding insurance coverage have also been passed in some liberal states. The uneven legal playing field is furthermore reflected in fragmented access to services: vulnerable groups find it considerably harder to access the medical procedure, and long travel times in and out of certain states are key issues.

At the same time, there is a push to restrict access to abortion drugs throughout the US. A final ruling regarding the mifepristone litigation is expected in 2024.²⁶

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How the **dismantling of social rights** functions at the **national level** has been evident for some years in → [Poland](#) and Hungary.²⁷ According to the European Parliament, Hungary is no longer a functioning democracy.²⁸ Moreover, in June 2021, the European Commission launched infringement proceedings against Hungary and Poland for violations of the rights of LGBTIQ* persons. How Italy will develop after the election of Giorgia Meloni as Prime Minister and the victory of the far-right alliance around her radically right, post-fascist party Fratelli d'Italia last year (2022) remains to be seen.²⁹ The emphasis on family policy is already evident in the name change of the ministry (now: Ministry of Family, Birth Rate, and Equal Opportunities): birth rate has been included as a buzzword, while equal opportunities appears in last place instead of the former first. The department is headed by [Eugenia Roccella](#), a former feminist from Bologna who turned into a Christian fundamentalist and openly opposes abortion. Moreover, previous developments in Italian cities and regions where right-wing parties already rule do not bode well for abortion provision. In certain areas, it is already practically impossible to exercise the right to abortion. There are worrying developments in Croatia, → [Slovakia](#) and partially at the regional level in Spain as well.³⁰

Abortion as core issue of the anti-gender and anti-abortion movement

“It must be pointed out that our society, so concerned to defend the rights of the embryo, shows no interest in the children once they are born.”
Simone de Beauvoir, 1949

Abortion is a core issue of the anti-gender movement. The majority of anti-abortion activists organise themselves in self-proclaimed “pro-life” movements (sometimes also “anti-choice” movements; in this dossier we refer to an “anti-abortion movement”), which emerged in particular as a direct counter-reaction to the → [legalisation of abortion](#) in the 1970s.³¹

The goal and in fact the common denominator of these movements is to abolish the self-determination over one’s own body and life that has been achieved so far – culminating in the right to a safe and legal abortion – as an accomplishment in terms of equality and socio-political policy. In addition, the supposed

“natural order” in the form of a binary gender order of “women” and “men” as well as a heterosexual, married nuclear family is to be “restored”. The precise and extremist approach taken by anti-abortion activists was documented, for example, in the study on “Agenda Europe” by Neil Datta in 2018. Agenda Europe is a Vatican-influenced professional advocacy network founded in 2013 by 20 US and European activists that now unites over 100 anti-human rights organisations in more than 30 countries.³²

The means used by organised anti-abortion activists to achieve their goals are often drastic³³: they use certain **terms and narratives** to influence and mobilise society and public opinion about abortion in a negative, emotionally charged and inflammatory way. For example, the self-description “Pro Life” is meant to suggest that they are indeed “pro-life”, whereas abortion advocates are in turn “anti-life”. As a result, abortions are framed as part of a “culture of death”. The church has always played a decisive role in this form of stigmatisation and construction of a “culture war”: human life is thus a “God-given matter” in which mortals must not intervene.³⁴ Consequently, abortion is a “sin”. Moreover, anti-abortion activists use the term “unborn life” instead of embryo or foetus in order to construct the latter as an independent person with legal rights. As a result, abortions are sometimes considered “murder” or “infanticide”. In order not to present formerly pregnant persons only as the “murderer of their child”, they are at times also portrayed as grieving and traumatised victims suffering from the emotional and psychological impact of an abortion. The alleged “post-abortion syndrome” is an attempt to establish a clinical syndrome which, however, cannot be empirically proven as such.³⁵

Alongside Christian fundamentalist, (ultra-)conservative and far-right narratives, organised anti-abortion groups, such as Agenda Europe, are now appropriating and reinterpreting scientific or human rights approaches. While restrictions on access to or criminalisation of abortion are internationally recognised as violations of → [human rights](#), the opposing side constructs competing rights. Accordingly, the “right to unborn life” takes precedence over other rights and thus justifies a ban on abortion.³⁶

ABORTION AND HUMAN RIGHTS

Under international law, there is no explicit right to abortion. However, access to a legal and safe abortion is closely linked to human rights standards anchored in international law. These standards include various rights such as the right to life, health and safety, or the right to decide freely whether and by what means a person wishes to have children. Also included are the right to equal treatment and non-discrimination, and the right to live free from violence, discrimination and torture or other ill-treatment. These human rights are enshrined in international conventions such as the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#) or the [International Covenant on Civil and Political Rights \(ICCPR\)](#).

In addition, UN treaty institutions, which are responsible for monitoring international human rights conventions, interpret the conventions in more detail in comments and make recommendations to the States Parties, which, however, are not legally binding. Restrictions on access to abortion or the criminalisation of abortion have been interpreted as violations of the pregnant person's rights to life and safety in these comments. Moreover, the UN treaty institutions recognise restrictive regulations of abortions as a form of discrimination as well as gender-based violence and torture, as these do not prevent abortions but rather lead to increasingly high-risk abortions that can result in adverse health effects or even death of the person concerned.³⁷ Consequently, in line with the → [recommendations of the World Health Organization](#), the UN institutions recommend decriminalising abortions and ensuring non-discriminatory access to safe abortions.³⁸

Based on the aforementioned human rights, access to abortion is part of **sexual and reproductive health and rights**. These have been enshrined in international human rights since the United Nations World Population Conference in 1994. They relate to the realisation of a state of physical, mental, and social well-being in relation to all areas of human sexuality and reproduction.³⁹

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Furthermore, **the forms of protest** used by anti-abortion activists are aimed at influencing unintentionally pregnant people, for example by harassing them on the pavements in front of counselling centres, surgeries or clinics in the form of “prayer circles”, “vigils”, or with poster campaigns. The dissemination of misinformation for deterrence purposes – with sometimes disturbing pictures, for example of dead foetuses – is also common. Very often, those affected are directly intimidated, insulted, and threatened (or even killed⁴⁰). The harassment and threats are occasionally also directed at the staff working in the counselling centres, surgeries or clinics.⁴¹ The most important and high-profile protest action is the “March for Life” which has been taking place annually for many years in, among other countries, Germany, France, Croatia, Poland, Czechia and Austria. The rally originated in the United States, where it has been held since 1974 on or around the anniversary day of the → [Roe v. Wade ruling](#).

However, the central concern of anti-abortion activists is not only the stigmatisation of abortions as well as formerly pregnant people and persons involved in the provision of abortion care and services. Rather, abortions are to be generally banned, including, for example, in cases of rape. This includes deterrent sanctions for all persons involved in the termination of a pregnancy. To this end, anti-abortion activists are engaged in intensive lobbying, campaigning and networking on a transnational level, both socially and, above all, politically (see also the following articles in this dossier). In addition, they are deliberately influencing judicial systems (via conservative and/or right-wing populist governments) – with the greatest successes to date in → [Poland](#) in 2020 and in the → [United States](#) in 2022.⁴²

REPRODUCTIVE JUSTICE

Not all people can equally claim and benefit from the → [existing human rights standards in the field of reproductive and sexual rights](#). Vulnerable groups that are particularly affected by the restriction of their human rights include, for example, people in financial hardship, minors, persons with disabilities, people affected by gender-based violence, trans* or non-binary persons, or people of colour (see also selected quotes in this dossier).

These persons often do not have the necessary access to comprehensive reproductive health care due to their marginalisation, discrimination, and unequal treatment, their financial situation or the lack of counselling and infrastructure. As a critique of this, Black women in the USA developed the scientific-activist concept of Reproductive Justice in 1994.

This concept links social justice and reproductive health. It has three basic principles: 1) the right to not have a child; 2) the right to have a child; and (3) the right to parent children in safe and healthy environments. The concept thus reminds us that a feminist view of reproduction must also take into account other social and economic factors, such as population/demographic policy, gender images, birth conditions, and reproductive technologies. Thus, the concept also helps overcoming the overly simplified juxtaposition of the arguments and demands of a white, middle-class “pro-choice” movement on the one hand and the narratives of the “anti-choice” movement on the other.⁴³

Interview:

How European organisations campaign for the right to abortion

Leah Hctor is Senior Regional Director for Europe at the Center for Reproductive Rights, leading the Center's work across the European region. Together with her colleagues, Leah works with advocates and human rights defenders across Europe to advance and protect reproductive rights, spearheading and supporting national law-reform strategies and multilateral engagement before the European Union, Council of Europe and United Nations. You can follow the Center on Twitter @ReproRightsEUR and read more at <https://reproductiverights.org/our-regions/europe/>.

Caroline Hickson is Regional Director of the International Planned Parenthood Federation's European Network (IPPF EN). IPPF EN works through its members and partners in 40 countries in Europe and Central Asia to empower all people, especially those facing the greatest systemic oppression and discrimination, to live with safety and dignity and to have access to sexual and reproductive health and rights. You can follow IPPF EN on Twitter @ippfen and read more at <https://europe.ippf.org>.

How does your organisation campaign for the right to abortion in Europe?

Hctor: The Center for Reproductive Rights is a legal advocacy organisation dedicated to advancing reproductive rights as fundamental human rights. We envision a world where every person can participate with dignity as an equal member of society, regardless of gender; where

every woman is free to decide whether or when to have children and whether to get married; where access to quality reproductive healthcare is guaranteed; and where everyone can make these decisions free from coercion or discrimination.

In Europe, despite decades of important progress, restrictive and discriminatory laws and policies as well as outdated medical practices on abortion still persist in many countries. These deny people their right to make decisions about their lives and create inequities in access to abortion, an essential form of healthcare. The continued use of criminal law to regulate abortion care is out of step with modern medical practice, → [international human rights law](#) and → [World Health Organization guidance](#). In some countries, healthcare providers and individuals seeking abortion care face harmful stigma, stereotypes and harassment. In others, access to abortion is perpetually and increasingly under

attack as part of a coordinated, transnational effort to weaponise law and policy to rollback entitlements to essential healthcare. The Center works with partners across civil society, government and health-systems to [address these challenges](#).⁴⁴

Hickson: IPPF is a network of national member associations and partners, each of which is working to advance and defend → [sexual and reproductive health and rights](#) in its own national context. Our campaigning is underpinned by our members' long history of providing

"The right to abortion must include trans and gender-diverse people. For too long, the sexual and reproductive health and rights of trans men and non-binary people has received very little attention. Abortion is not a theoretical issue for them – it has a real impact on their lives.

[In recognising the right to abortion, we need inclusive and gender-neutral language that recognizes diversity of gender identities so that trans and gender-diverse people are not left behind."](#)

[Deekshitha Gansean, Transgender Europe](#)

and advocating for sexual and reproductive healthcare. Unfortunately, access to sexual and reproductive health and rights, including abortion rights, varies greatly within and between European countries, and the work of our members as experts on reproductive healthcare is needed more than ever. At the regional level, IPPF EN's Brussels office carries out advocacy towards the EU institutions, providing expert inputs to relevant policy discussions, bringing national perspectives via our network to regional decision-makers and helping to raise the alarm among EU stakeholders when abortion and wider sexual and reproductive rights come under attack in EU countries.

What role does the European Union play in your work as a civil society organisation?

Hickson: The EU has a vital role to play as a bulwark defending European values at a moment where we are witnessing, even within its own borders, retrogressive governments and movements that wish to push women back into the dark ages and strip LGBTIQ* persons of their rights. The attack on women and LGBTIQ* persons is not something that happens in isolation, it is a cynical entry point for governments who seek to tighten their grip on power and attack the institutions which defend democracy and the rule of law. This includes restricting the right to protest and freedom of speech. The work of the European Parliament to strongly stand for women's rights and those of people of all gender identities has been critically important to highlighting these attacks on sexual and reproductive rights within EU borders, while mechanisms that the EU uses to withhold funding from national governments such as → Poland and Hungary who breach the rule of law are vitally important and should be more frequently and more swiftly used.

There are many other ways in which the EU provides crucial support to the mission of civil society organisations such as IPPF EN that fight for → [sexual and reproductive health and rights](#)

and gender equality, including abortion rights. Although abortion legislation is determined at the national level, access to sexual and reproductive health and rights is closely linked to many policy areas in which the EU can take action, from health, gender equality and gender-based violence to fundamental rights, civic space and democracy (→ [contribution in this dossier](#)). The EU acts through policy measures, legislation in specific areas (such as the current → [proposed Directive on Violence against Women](#)), political statements, support for national research and sharing of best practices as well as funding.

Hector: There is so much more the European Union institutions could do to safeguard abortion access and to protect the wellbeing of healthcare workers and human rights defenders in the EU who are under threat because of their work to ensure access to abortion. The attacks on sexual and reproductive rights, including access to abortion, that we are witnessing in some EU Member States are attacks on fundamental human

"The challenges in the area of SRHR migrant women face in Europe are numerous and complex. Starting from the access to the very basic services and facilities, including sex-segregated showers for females in the refugee camps, to access to the actual medical care or safe abortion, and finishing with sexuality and sexual relationship education.

In principle, migrant women deal with pretty much the same issues as many European women do, but the problems they face are compounded by the situations of high risk and extreme vulnerability in which they are placed, which magnifies the difficulties they have to endure to satisfy their basic reproductive rights.

On top of this, there are multiple patriarchal factors that hide behind the notions of "culture" and/or "religion" further impeding migrant women's SRHR."

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rights that go right to the heart of EU values (→ [contribution in this dossier](#)). It is no longer acceptable to say this is solely a matter for national law and policy. There are certain things that the EU must not shirk responsibility for or look away from: for example, when human rights defenders or medical professionals are prosecuted by EU Member States for their work to provide an essential form of healthcare, or when women fleeing the war in Ukraine are denied access to reproductive healthcare in EU Member States. These are matters that concern all of us as EU citizens; these are matters that merit an EU level response.

What is needed at European level to ensure the right to abortion in Europe in the long term?

Hector: At EU level, there is significant potential for legislative and policy instruments that can add value to national legal and policy protections for abortion rights. There are

concrete steps that can be taken, in both the short and long term. For example, right now, laws and policies in all EU Member States, except Malta, allow access to abortion in situations where pregnancy results from sexual assault. However, in practice, the manner in which these legal frameworks are implemented varies considerably and many survivors of rape struggle to access abortion care. Existing EU legislation on victims' rights and the → [new draft EU legislation on violence against women](#) have the potential to ensure that Member States put the right procedures in place and remove access barriers, so that all those who need abortion care following situations of gender-based violence can secure access.

EU STRATEGY ON VICTIMS' RIGHTS 2020–2025

Every year, an estimated 15 percent of people in the European Union, or around 75 million individuals, are victims of crime. On 24 June 2020, the European Commission presented its first [EU Strategy on victims' rights 2020–2025](#). Among other things, this strategy aims to ensure that Member States fully implement the rights of people affected by crime, including the provisions of the 2012 [EU Victims' Rights Directive](#). Furthermore, it aims to strengthen vulnerable groups such as minors, persons affected by gender-based or domestic violence, people affected by racist and xenophobic hate crimes, LGBTIQ+ persons affected by hate crimes, older people and persons with disabilities (see also [Victims' rights in the EU](#)).

In the longer term, antiquated exceptions to EU rules on free movement of medicines that were carved out for contraceptives and abortion medication need to be repealed. As abortion is now, or soon will be, legal in all EU Member States, at least in specific circumstances, there is no rationale for these exceptions.

There is also scope for existing and future EU legal and policy frameworks on the rule of law and fundamental rights (→ [EU Charter of Fundamental Rights](#)) to safeguard access to abortion at the national level.

Hickson: We need the EU institutions to affirm → [sexual and reproo-](#)

[ductive health and rights](#) as human rights and core EU values. A critical step would be to support the inclusion of the right to abortion in the EU Charter of Fundamental Rights, as well as the inclusion of sexual and reproductive health and rights in the EU Treaties. We also need the institutions to do a better job of holding national governments to account for non-respect of human rights and democratic values such as the rule of law – there are mechanisms for this, but the possibility to adopt effective sanctions is limited, and depends heavily on political will.

The EU does not have the competence to have a stronger legislative or policy-making role on abortion rights than national governments, but it nevertheless plays a vital role in influencing the agenda and the landscape for people's sexual and reproductive rights overall, as described above.

Is your work intentionally disturbed and/or impaired? If yes, by whom and in what way?

Hickson: We are witnessing an unprecedented level of organisation by powerful and well-connected ultra-conservative forces that, in many European countries, have infiltrated political parties, government, civil society, expert agencies and society at large (→ [Anti-Gender Movement](#)). Inspired by the agenda and tactics of both the US evangelical right and the Russian Federation, these retrogressive, chauvinist bullies deliberately attack → [sexual and reproductive health and rights](#), LGBTIQ* rights, democracy and human rights more broadly, while presenting themselves as advocates of life, family and traditional values. Clearly, this has serious implications for the health and lives of women, girls and LGBTIQ* people, and represents an enormous threat to the EU's core values. Just as at the national level and in international inter-governmental spaces, we regularly face orchestrated opposition at EU level to policies that support inclusive, feminist societies.

As for IPPF EN's work, we have faced direct attacks attempting to restrict the access of civil society organisations to democratic spaces such as the European Parliament. However, we are most concerned by the unacceptable intimidation and harassment that human rights defenders,

“Worldwide, over half of refugees are under the age of 18. Female adolescents represent a particularly vulnerable group within the refugee population. A lack of awareness about sexual health and rights, along with minimal access to contraception, result in pregnant minors seeking unsafe abortions and risking their lives.”

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including some of our members and partners, are facing at the national level in EU countries ranging from → [Poland](#) and Hungary, of course, to Slovenia, France, Spain and others. These attacks are a tactic systematically used by the proponents of regressive values, and they take the form of abusive litigation, politically motivated prosecution, physical attacks, verbal violence, threats and intimidation, including online.

Hector: We are not concerned about our own operations. However, we are very concerned about the operations and security of local civil society organisations and individual human rights defenders in some parts of Europe whose work is under threat and who are facing crackdowns and harassment because of their work to advance sexual and reproductive rights, including abortion access. This takes different forms, including prosecution by state authorities and the cynical use of SLAPP suits in attempts to silence abortion-rights activists. It also includes appalling threats of violence against, and ongoing digital harassment of, human rights defenders working to advance access to abortion.

STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPP)

SLAPP stands for Strategic Lawsuits Against Public Participation: The term refers to strategic, blatantly unfounded or abusive legal actions against public participation. These are directed against public interest representatives such as human rights activists, politicians, judges and media professionals in order to prevent or sanction their statements.

In a [European Parliament resolution](#) of 16 September 2021 on media freedom and the further deterioration of the rule of law in → [Poland](#), MEPs condemned, among other things, SLAPPs launched by state agencies and companies as well as individuals in close contact with the Polish government coalition.

The European Commission proposed a [Directive](#) on 27 April 2022. This is intended to protect affected persons or organisations that campaign for environmental and climate rights, women's

rights, the rights of LGBTIQ* persons or the rights of persons belonging to an ethnic minority ([information from the Commission](#)).

The draft Directive was first discussed at a meeting of the Ministers of Justice and Home Affairs of the Council of the European Union on 9 December 2022.

What is needed to better support you in your work?

Hector: Public health evidence and medical data is crystal clear and unassailable. Laws and policies that restrict abortion or impose procedural barriers on access to abortion serve no purpose except to harm the health and wellbeing of pregnant individuals.

→ [World Health Organization guidance](#) outlines this in the starkest terms and provides a concrete road map for legal and policy reforms European countries should undertake to ensure that affordable, good quality abortion care can be provided in line with modern medical practice. We need European policymakers and governments to listen to the evidence and follow the data. We need them to galvanise action to remove access barriers, protect abortion rights and decriminalise abortion. At the same time, we need them to recognise and reject harmful attempts to rollback access to abortion, and take action to safeguard → [human rights](#), protect the rule of law and guarantee equality.

Hickson: We need the EU institutions to stand up for and advance gender equality and → [sexual and reproductive health and rights](#) at every opportunity. They must urgently defend EU values whenever these are under threat, using political pressure and all tools at their disposal to enforce respect for the rule of law, democracy and human rights. To protect and enable civic society organisations and activists, the EU

must firmly condemn attacks on SRHR, women's rights and bodily autonomy, and establish a protection mechanism for human rights defenders working in the EU – giving itself the same means of actions it already has outside the EU – as well as withhold EU funding from any Member State that breaches EU fundamental values as enshrined in the EU Treaties.

“Disability is often equated with a need for care, and there is a blanket assumption that people who need care cannot in turn care for others. Disabled women, regardless of their actual resources and potentials, are therefore rarely encouraged to plan a family, but rather – seemingly well-meaning – prevented from doing so.”

Julia Zinsmeister

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"If men could get pregnant, abortion would already be a basic right", 28 May 1993 in Karlsruhe / Germany © DB Sungu / picture-alliance, dpa

FURTHER ORGANISATIONS AND PROJECTS

The **European Abortion Access Project** is a research project that deals with obstacles to access to abortion and the resulting, sometimes international, journeys to have a termination performed. On the website, research results are presented graphically and those affected can anonymously share their experiences with the researchers.

The **European Parliamentary Forum for Sexual and Reproductive Rights** is a network for parliamentarians who advocate for sexual and reproductive rights. The Forum organises study tours, participates in international bodies and publishes information. These include the **European Abortion Policies Atlas**, published in 2021, which graphically depicts the legal regulations on access to abortion in Europe.

The **Mediterranean Women's Fund – FFMed** finances feminist organisations in the Mediterranean region, organises exchange meetings and publishes studies. It also provides financial support for safe abortion projects, for instance in Italy and Croatia.

Women on Web is an internationally active organisation that offers help and support to pregnant people who want to terminate their pregnancy. A team of medical advisors accompanies international clients who want to abort and sends them the necessary medication by post or other means to many countries. The newly launched **Find your Abortion** project helps pregnant people to find out what abortion options are available, even in restrictive contexts. The community project is based on an open-source model through which people can share experiences and advice.

Women on Waves is an internationally active organisation that, in addition to providing abortion medication by post, also organises high-profile campaigns such as **Abortion Ships**, **Abortion Drones** or **Abortion Robots**. It also provides counselling hotlines and training for medical staff, finances art projects and represents the interests of people who want to abort at the political level.

Current developments of the right to abortion in Poland and Slovakia

“Even the success of women’s struggles do only lead to new attacks against them [...]”
Simone de Beauvoir 1949

In the following, we take a look at Poland and Slovakia as examples of two countries in which the freedom of pregnant persons to have a safe and legal abortion has been severely restricted or is set to be restricted, despite strong civil society movements and feminist resistance.

These developments are related to the activities of the → [anti-gender](#) and → [anti-abortion movement](#) and their cooperation with right-wing populist governments, which (aim to) enforce a ban on abortion against all resistance.

Poland: On the way back to ultra-Catholic times

Katrin Lange, project lead of the Observatory

Since 2020 it has almost been impossible to have abortions legally performed in Poland, except in cases of rape, incest, or danger to the life and health of the pregnant person. Accordingly, the birth must take place even if the foetus is severely impaired or not viable – which pre-2020 accounted for more than 90 percent of all abortions in Poland.⁴⁵ The decision was taken by the Polish Constitutional Court, whose legitimacy is highly disputed within the European Union.⁴⁶ The national-conservative ruling party Prawo i Sprawiedliwość (Law and Justice, PiS)⁴⁷ has removed judges and replaced them with persons closer to the party’s political agenda.

COUNCIL OF EUROPE

A legally binding instrument at European level is the [European Convention on Human Rights](#), in force since 1953. The European Court of Human Rights (ECHR) has been responsible for ensuring compliance with the Convention since 1959. It rules on violations of the rights recognised in the Conven-

tion in the event of complaints by individuals and states. The rulings are binding for the states in question.

There have also been ECHR rulings against Poland in the past, classifying the basically non-existent access to abortion as a violation of Article 8 (respect for private and family life) and in two cases also of Article 3 (prohibition of torture and inhuman or degrading punishment and treatment). In June 2023, the ECHR criticised the lack of implementation of the recommendations made in the judgments and again called on Poland to ensure effective access to legal abortion. There have been more than 1,000 individual complaints against the Polish abortion ban before the ECHR since 2021. Most recently, in June 2023, the ECHR dismissed a case brought by eight people who were denied abortion despite potential future complications. The judges justified their decision by pointing out that the consequences of the law changes were too abstract, as the changes were only to take effect in the future. They also criticised the lack of medical evidence.⁴⁸

In addition to the legally binding rulings of the ECHR, the Parliamentary Assembly of the Council of Europe (PACE) has passed various resolutions (2008, 2022 and 2023) in favour of safe and legal access to abortion. However, these resolutions are not legally binding for the member states.⁴⁹

In particular, the party uses narratives of the → [anti-abortion](#) and → [anti-gender movement](#), such as “attack on the traditional family” or “endangering the best interests of the child”, in order to specifically abolish achievements in the area of → [sexual and reproductive rights](#) and to frame corresponding legislative measures.⁵⁰ PiS is also supported by the Catholic Church as well as ultra-conservative and Christian fundamentalist organisations like Ordo Iuris and Agenda Europe.⁵¹ These organisations work closely with PiS on

certain issues and have even written draft laws themselves. The severe restriction of the right to abortion led to weeks of unrest, mass protests, and strikes in Poland.⁵²

Due to restrictive legislation, pregnant people in Poland are forced to carry a pregnancy to term against their will, to have unsafe abortions, or to travel abroad to have a termination performed. The work of civil-society organisations and initiatives in this field is also severely restricted and subject to repression. In March 2023, a Polish court sentenced activist Justyna Wydrzynska of the Polish organisation [Abortion Dream Team](#) to eight months of community service for helping a pregnant person obtain abortion pills. The case is

currently on appeal but could set a dangerous precedent in Poland.⁵³

The political struggle around the right to abortion is not over: In June 2022, the civic law initiative “Legal Abortion without Compromise” failed in the Polish parliament with its bill to re-legalise abortions. Meanwhile, anti-abortion activists have collected signatures to further restrict the right to abortion in Poland and in particular to criminalise the provision of evidence-based information on abortion.⁵⁴ Elections will be held in Poland this October – and it remains to be seen what role the issue will play in the election campaign.

FURTHER NATIONAL ORGANISATIONS AND PROJECTS

Germany: The [Bündnis für sexuelle Selbstbestimmung](#) (Alliance for Sexual Self-Determination) consists of counselling centres, more than 40 different feminist and broader political groups, associations, networks, trade unions, and parties as well as individuals. It was founded in 2012 and has since organised protests against the annual nationwide “March for Life”. In addition, the alliance partners regularly organise information events and offer counselling on the topics of sexual self-determination, reproductive rights and health education.

Republic of Ireland: The [Together for Yes](#) campaign is an umbrella organisation of over 70 civil society actors who advocated for the abolition of the abortion ban through the 8th Amendment of the Irish Constitution. The campaign was very successful: more than 1.4 million people, representing 66.4 percent of the electorate, voted to abolish the abortion ban in 2018.

Italy: The organisation [Obiezione Respinta](#) collects and publishes a map with information on pharmacies, doctors, or clinics assisting abortions. It also organises information seminars and demands reforms from the government.

Croatia: Since 2020, [Brave Sisters Croatia](#) has been supporting pregnant persons wishing an abortion by phone or email, providing multilingual information on the situation of access to abortion in Croatia and other Balkan countries.

Poland: The [Abortion Dream Team](#) advises pregnant people who want to abort where and how to safely obtain the medication they need. The organisation fights against the stigmatisation of abortion and advocates for the human rights of pregnant people.

Spain: The [Asociación de Clínicas Acreditadas para la Interrupción Voluntaria del Embarazo – ACAI](#) is the association of accredited clinics for voluntary interruption of pregnancy and aims to provide quality medical services for pregnant people seeking to terminate their pregnancy. The association provides information as well as telemedical care regarding abortion and publishes studies and data collections.

Hungary: [Patent](#) works against gender-based violence and for reproductive rights. The organisation offers legal aid and a complaint hotline for abortion-related assault. It also arranges for self-help groups and volunteer training, publishes analyses, and engages in advocacy.

Slovakia: Among the worst in Europe. Access to abortion is a hurdle race

Adriana Mesochoritsová is a political scientist and activist specialising in women's rights advocacy and gender equality education. Since 1999, Adriana focusses on prevention of gender-based violence, sexual and reproductive rights. She organises campaigns, submits comments to proposed laws and strategic materials and participates in monitoring women's rights and gender-based violence. Adriana

has founded and co-founded several NGOs and initiatives (Piata žena, EsFem, Bezpečná ženská sieť, Nebudeme ticho). Since 2008, she leads the feminist organisation **Možnosť voľby** (Freedom of Choice). Adriana was a member of the Slovak Government Council for Human Rights, National Minorities and Gender Equality (**Rada vlády SR pre ľudské práva, národnostné menšiny a rodovú rovnosť**) as well as vice-chair of the associated Committee for Gender Equality (**Výbor pre rodovú rovnosť**) until 2022.

CURRENT ABORTION LAW IN SLOVAKIA

Despite the proposal on a constitutional ban on abortion having been one of the first topics of Christian political parties after the **Velvet Revolution**, abortion in Slovakia has been legal since before the modern country was established in 1993. Currently, the law allows abortion on request up to and including the 12th week of pregnancy. The 12-week period applies also for abortion for selected health reasons and for abortion that is the result of crime. After the 12 weeks, it is possible to end a pregnancy if the health or life of the pregnant person is in danger or because of a genetic defect of the foetus. The law and related regulations and ordinances allow only surgical abortion performed in health clinics.⁵⁵ All abortions that are not performed for selected health reasons or because of genetic defects are not covered under the public health insurance and clients have to pay an average of 414 euros for the procedure. This is despite the law specifying the cost must not be higher than 249 euros. Termination of pregnancy that is a result of rape is also not covered under the health insurance system.

In Slovakia, all medical professionals can refuse to provide any medical procedure, based on so called "conscientious objection". In practice, this often results in a lack of access to abortion care and access to contraception. The applicable law was enacted in 2004.

According to the law, abortion can be only performed after a mandatory two-day waiting period, and the client is obliged to receive mandatory biased information which is not based on science. Those additional restrictions were enacted into law in 2009.

Further restrictions apply to underage girls: Girls under the age of 16 seeking abortion need parental consent, and parents or legal guardians of girls under 18 have to be notified about the decision by the medical facility.

At the time of writing, **Freedom of Choice** and **Nebudeme ticho!** (We will not be silent!) activists await another anti-abortion legislation to be proposed in the upcoming national assembly session. Since 2019, there have been 27 repressive bills proposed in parliament. In the past three years, legislative attacks by ultraconservative politicians, including coalition MPs and members of the government, have intensified, with several repressive proposals being put to vote in parliament regularly every six months (and less).

For non-governmental organisations advocating for → **sexual and reproductive health and rights**, this creates a challenge: our capacities are exhausted by having to regularly defend the status quo of current abortion legislation. Such a repressive climate leaves little space to advocate for much needed removal of existing barriers to abortion.

ANTI-ABORTION ACTORS BEHIND 27 ANTI-ABORTION BILLS SINCE 2018

There are several anti-abortion actors behind 27 anti-abortion bills brought into parliament since 2018. The first proposal in the current anti-abortion law wave came from a neo-fascist/far-right party after it entered the parliament for the first time. An anti-abortion law was one of their first proposals and MPs from other parties were ready to vote with the neo-fascist party based on their personal “values”. It is important to stress that legal initiatives for anti-abortion were crucial in the shift from not voting with far-right extremists to them becoming legitimate political partners. In the next months and years, more proposals by nationalist parties followed, exacerbated by pre-election populist “proposal waves” in parliament. However, the major surge in anti-abortion legislation can be attributed to the election victory of the anti-corruption list OLiA. This alliance’s victory also secured seats in parliament for some of the most conservative MPs from the Christian Union – a party whose goal is to ban or at least restrict abortion access, fight against gender equality and LGBTQ* rights. Their MPs are closely linked to the Catholic Church and the global → [anti-abortion / anti-gender movement](#), following the strategy and approaches of the → [Polish organisation Ordo Iuris](#).⁵⁶ These ultraconservative ruling coalition MPs have used the tactics of proposing anti-abortion bills every six months. However, working hand in hand with far-right MPs, who have since the last election grown in numbers, they now bring in proposals in even shorter intervals.

Very often do political parties give their MPs a free vote based on their “conscience” when it comes to the so called “cultural-ethical” proposals which target human rights like abortion access, LGBTQ* rights, etc. This approach has led to a shift from the traditional division on anti-abortion bills between Christians and traditionalists vs. progressives and liberals. There has been a worrying support (or at least lack of refusal) of such bills among some social democrats, who either vote for the proposals or choose to abstain.

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"My body, my rights", 7 July 2020 in Bratislava / Slovakia © Nebudeme ticho

The [European Abortion Atlas](#) ranks Slovakia among the worst countries in accessible and quality abortion care – 43rd out of 52. [Freedom of Choice's own research](#) confirms that abortion is hardly accessible and is rather a hurdle-race with many obstacles. These make it in some regions of the country and for many women in need impossible to access the procedure in time (12 weeks).

Many women (up to 67 percent) who had an abortion and participated in our research faced unavailability of information about abortion care as well as dismissive attitudes by healthcare providers. The healthcare system does not provide a list of abortion providers – such a [list](#) had been developed by Freedom of Choice based on [our research into medical facilities](#). Freedom of Choice also provides [counselling via a helpline](#).

Half of the women interviewed for our research experienced rejection and stigmatisation by healthcare providers, often due to "conscientious objection". Gynaecologists refuse to perform abortions, but also refuse to provide information on where else to access the procedure.

In some regions of Slovakia, abortions are therefore disproportionately difficult to access. Freedom of Choice mapped the availability of abortion in 70 medical facil-

ities. More than a third – 34 percent – of them do not provide abortion care, less than half – only 43 percent – confirmed they provide abortion on request. In some regions, this leads to critical inaccessibility, and women are thus forced to travel long distances to access health care.

Regional unavailability coupled with a mandatory waiting period of 48 hours can critically delay abortion and result in forced pregnancies. Our research shows that 72 percent of respondents from our research who had an abortion wish to abolish the mandatory waiting period because they consider it an unnecessary and stressful delay of the procedure. Another major obstacle to abortion care is the unavailability of medication for abortion and the procedure's price: For many women in Slovakia, the price of abortion on request is too high. The estimated average price is 414 euros, which constitutes 62 percent of the average disposable income of households with two adults and two dependent children. For many women, this is a price they cannot afford and which pushes them into debt.

Despite the urgent need to begin removing existing barriers to abortion, we anticipate that the political climate in Slovakia will continue to be repressive towards sexual and reproductive health and rights and gender equality.

Endnotes

- 1 For an index and a comparative ranking on access to abortion, see the [European Abortion Policies Atlas 2021](#) of the International Planned Parenthood Federation European Network (IPPF EN). Moreover, for a detailed overview, see: IPPF EN (2019): [The IPPF EN Partner Survey: Abortion Legislation and its Implementation in Europe and Central Asia. Threats to Women's and Girls' Reproductive Health](#); Marques-Pereira, Bérengère (2023): [Abortion in the European Union. Actors, issues and discourse](#), Foundation for European Progressive Studies / Karl Renner Institute.

Information on national developments: Republic of Ireland: Together for Yes (2019): [Learning from the 2018 Together for Yes Campaign](#); France: [Documents and debate notes from the French Parliament and Senate](#); digression in the Observatory's Working Paper on the [regulation and provision of abortion](#); Croatia: Organisation Hrabra (n. d.): [Abortion in Croatia](#); Women's Network Croatia: [Statement on the government's plan to restrict abortion](#), of 3 February 2021 (in Croatian); Arte TV report (2022): [Abtreibungsgegner gewinnen an Boden \[Anti-abortionists on the rise\]](#); Hungary: taz: [Ein Herzklopfen gegen Abtreibungen \[One heartbeat against abortions\]](#), 14 September 2022; Malta: Die Welt: [Das Recht auf Abtreibung ist in Europa nicht so geschützt, wie viele glauben \[The right to abortion in Europe is not as secured as many may think\]](#), 1 July 2022; Die Zeit: [Demonstration für strenge Regeln zum Schwangerschaftsabbruch \[Demonstration for stricter rules on abortion\]](#), 5 December 2022; Der Spiegel: [Malta lockert sein Abtreibungsgesetz – minimal \[Malta relaxes its abortion law – minimally\]](#), 29 June 2023.
- 2 For an explanation of the term “decriminalization” (of abortion), see infobox → [World Health Organization: Abortion Care Guidelines](#).
- 3 This dossier uses the term “pregnant person” because persons who are not read as female can also be pregnant. In particular, this concerns persons who do not define themselves (exclusively) as women or men, such as non-binary persons, or persons whose gender identity does not correspond to the one assigned at birth, such as trans* persons. If, nevertheless, the term “women” is used, this is taken as quotations from the original text and is used according to the respective context.
- 4 In most states as well as at the EU and international level, there is no explicit right to abortion in the legal sense. In this dossier, the right to abortion is therefore also used in the sense of a feminist demand.
- 5 More details on the history: Behren, Dirk von (2019): [Kurze Geschichte des Paragraphen 218 Strafgesetzbuch \[A short history of paragraph 218 of the Criminal Code\]](#). In: *Aus Politik und Zeitgeschichte*, 20/2019, pp. 12–19; Digitales Deutsches Frauenarchiv (2021): [Verwobene Geschichte: DDF-Dossier zu 150 Jahren § 218 \[Intertwined history: DDF dossier on 150 years §218\]](#); femPI-Netzwerk (2022): [Ein kurzer Abriss feministischer Geschichte. Der Kampf für Reproduktive Gerechtigkeit in Deutschland \[A short overview on feminist history: The struggle for reproductive justice in Germany\]](#). In: profem* Broschüre für sexuelle Selbstbestimmung, Vielfalt und Gendergerechtigkeit, pp. 34–36. On developments in the former GDR: Bock, Jessica (2021): [Schwangerschaftsabbruch in der SBZ/DDR \[Abortion in the Soviet occupied zone/GDR\]](#). In: Digitales Deutsches Frauenarchiv. On the commission, see: [Kommission zur reproduktiven Selbstbestimmung und Fortpflanzungsmedizin konstituiert sich \[Commission on reproductive self-determination and reproductive medicine established\]](#). Press release by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 31 March 2023.
- 6 Regarding the effects of this stigmatisation on the healthcare of people who want to terminate their pregnancy, see for example: Sorhaindo, Annik Mahalia / Lavelanet, Antonella Francheska (2022): [Why does abortion stigma matter? A scoping review and hybrid analysis of qualitative evidence illustrating the role of stigma in the quality of abortion care](#). In: *Social science & medicine* 311: 115271. Also see chapter 42 in the Observatory's Working Paper on the [regulation and provision of abortion](#).
- 7 Italy: In Verona, conflicts came to a head in 2019 after the Lega Nord mayor declared the city a “pro-life” city, invested public money in anti-abortion counselling and invited the “World Family Congress” of arch-conservative Christians to Verona. For more detail, see: Cossutta, Carlotta / Hated, Adriano José (2021): [From Verona, with love: “anti-gender” mobilizations and transfeminist \(re\)actions](#). In: *Gender – Zeitschrift für Geschlecht, Kultur und Gesellschaft, Sonderheft No. 6*, pp. 139–154. In addition, a motion introduced by Lega was passed by a large majority in the city council. Its aim is to discourage pregnant people from aborting, in return for which they would receive 160 euros a month for 18 months to support the born child. The exact wording of the motion was adopted by other cities, such as Ferrara, Madrid and Rome. See the [report in Weltspiegel](#), 24 February 2019.

Spain: In January 2023, the far-right party Vox tried to impose a guideline in the Spanish region of Castilla y León requiring doctors to offer pregnant people to listen to the heartbeat of the foetus and to perform a 4D ultrasound. While autonomous states in Spain have certain regional powers, they cannot

- violate existing laws or restrict fundamental rights. According to the Spanish government, the project violated existing regulations on voluntary abortion and Madrid threatened legal action and even the withdrawal of regional sovereignty over healthcare for Castilla y León. See for instance: taz: [Vox macht auf Orbán](#) [Vox does the Orbán], 16 January 2023.
- 8 European Parliamentary Research Service: [Citizens' enquiries on abortion and the EU Charter of Fundamental Rights](#), 30 May 2022; n-tv: [Macron überrascht mit Forderung im EU-Parlament](#) [Macron's surprising demand in the European Parliament], 19 January 2022.
 - 9 Following Macron's initiative, the [G7 Hiroshima Communiqué of state leaders](#) of May 2023 reinforced the commitment to ensure → [sexual and reproductive health and rights](#), including the access to safe and legal pregnancy terminations as well as post abortion care.
 - 10 For example, the membership of the European Union in the [Istanbul Convention of the Council of Europe](#), the most far-reaching internationally legally binding instrument to prevent and combat violence against women and domestic violence. The EU already signed this convention in 2017 but was unable to officially join it due to the blockade of some Member States. A narrative used in this context can be traced back to the → [anti-gender movement](#), according to which the convention is not seen as an instrument for combating violence against women, but as a "gateway" for the decay of "traditional values" due to "gender ideology". For more information, see for instance: Bergen Global (2021): [Backlash against Women's Rights and the Istanbul Convention](#). Webinar.

After a multi-year long process, the EU foreign ministers finally decided in June 2023 on the EU's accession to the Istanbul Convention. This will allow the EU to ratify the Convention. It would create a European legal framework and jurisdiction before the European Court of Justice. In addition, the European Commission could in future sanction Member States for violating the Istanbul Convention. More information: Press release by the Council of the European Union, 1 June 2023: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/01/combating-violence-against-women-council-adopts-decision-about-eu-s-accession-to-istanbul-convention/>.
 - 11 Hervey, Tamara / Baneryee, Tiyash (2023): [Abortion rights in EU law: recent developments](#). In: *BioLaw Journal – Rivista di BioDiritto*, Special Issue 1, pp. 331–343.
 - 12 The [Citizens, Equality, Rights and Values programme](#), which aims to protect and promote the rights and values enshrined in the EU Treaties, provides financial support to organisations working in the field of sexual and reproductive health and rights throughout Europe. The EU is also committed to promoting sexual and reproductive health and rights worldwide, for instance with its [EU Gender Action Plan III](#), the European Consensus on Development or with the [EU-UN Spotlight Initiative](#).
 - 13 The European Pillar of Social Rights and its action plan are presented in detail in the [Observatory's Newsletter 1/2022](#). Literally: Principle 2 "Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, [...]"; Principle 16: "Everyone has the right to timely access to affordable, preventive and curative health care of good quality."
 - 14 See [Annex 1 of the Regulation of the EU4Health Programme](#), point 7c): Actions meeting the objective laid down in point (g) of Article 4 "enhancing access to quality, patient-centred, outcome-based healthcare and related care services, with the aim of achieving universal health coverage". Literally: "Supporting Member States' actions to promote access to sexual and reproductive healthcare and supporting integrated and intersectional approaches to prevention, diagnosis, treatment and care."
 - 15 This also serves as a basis for the analysis in the Observatory's Working Paper on the [regulation and provision of abortion](#).
 - 16 Council of Europe (2011): [Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#). pp. 11, 35f.
 - 17 For further details, see: Berthet, Valentine (2023): [Spotlight on the political groups as gender equality actors. Struggles over issues of gendered violence in the European Parliament](#). Foundation for European Progressive Studies, pp. 15f.; Berthet, Valentine (2022): [United in Crisis: Abortion Politics in the European Parliament and Political Groups' Disputes over EU Values](#). In: *Journal of Common Market Studies* 60 (6), November 2022, pp. 1797–1814; Mondo, Emilie / Close, Caroline (2018): [Morality politics in the European parliament. A qualitative insight into MEPs' voting behavior on abortion and human embryonic stem research](#). *Journal of European Integration* 40 (7), p. 1001–1018.
 - 18 More information on the resolution can be found [here](#).
 - 19 See also: Politico: [The plan to overturn abortion rights in Europe](#), 28 June 2022; DW: [US-style anti-abortion protests come to Europe](#), 23 October 2022.

- 20 LGBTIQ* is an abbreviation for the terms lesbian, gay, bisexual, trans*, inter* and queer and thus an abbreviation for diverse sexual orientations and gender identities. The asterisk * represents the diversity of gender and sexual orientations not specified in the acronym. If the spelling of LGBTIQ*, trans*, inter* and non-binary differs in this Dossier; this different spelling was adopted from the original source and is used depending on the respective context.
- 21 See detailed: Ahrens, Petra / Elomäki, Anna / Kantola, Johanna (Hrsg.) (2022): [European Parliament's Political Groups in Turbulent Times](#). Springer Nature; Ahrens, Petra / Gaweda, Barbara / Kantola, Johanna (2022): [Reframing the language of human rights? Political group contestations on women's and LGBTIQ rights in European Parliament debates](#). In: *Journal of European Integration* 44 (6), pp. 803–819; Berthet (2022); Zacharenko, Elena (2019): [The neoliberal fuel to the anti-gender movement](#). *International Politics and Society*.
- 22 In contrast, [the report on sexual and reproductive health and rights](#) by socialist MP Edite Estrela was in 2013 rejected after several attempts. Among other things, it called for safe abortions as a human right. See also the corresponding [statement by the European Parliament](#) of 12 October 2013.
- 23 See [plenary debate](#) and [counter motions](#).
- 24 This chapter is based on the Observatory's Newsletter 2/2021: [No to Gender – Yes to what exactly? Insights into the European anti-gender movement](#). On the anti-gender movement in Europe, see also: Denkovski, Damjan (2022): [Disrupting the multilateral order? The impact of anti-gender actors on multilateral structures in Europe](#). Centre for Feminist Foreign Policy; Denkovski, Damjan et al. (2021): [Power over Rights. Understanding and countering the transnational anti-gender movements](#). Centre for Feminist Foreign Policy; Dietze, Gabriele / Roth, Julia (eds.) (2020): [Right-Wing Populism and Gender](#). transcript Verlag; Kuhar, Roman / Paternotte, David (2017): [Anti-Gender Campaigns in Europe: Mobilizing Against Equality](#). Rowman & Littlefield; Graff, Agnieszka / Korolczuk, Elzbieta (2022): [Anti-Gender Politics in the Populist Moment](#). Taylor & Francis.
- 25 The 2021 report [Tip of the Iceberg](#) of the [European Parliamentary Forum for Sexual and Reproductive Rights](#) identified funding of USD 707.2 million for anti-gender work by religious extremists for the period from 2009 to 2018. This funding comes from a group of 54 organisations, including NGOs, foundations, religious organisations and political parties, mainly from the United States and the Russian Federation, but also from Europe. Among other things, these groups are campaigning to ensure that there is no explicit right to abortion in Europe.
- 26 For an interactive map with the current regulations in the single US states, see the [U.S. Abortion Landscape](#) by the New York Times. For further information on the legal developments in the states, see also: [The Guardian: North Dakota governor signs law banning nearly all abortions](#), 24 April 2023; [BBC News: South Carolina six-week abortion ban temporarily halted](#), 27 May 2023; [Center for Reproductive Rights: Center Releases 2022 State Legislative Wrap-up](#), 21 December 2022; [Kirstein, Marielle et al. \(2022\), 100 Days Post-Roe: At Least 66 Clinics Across 15 US States Have Stopped Offering Abortion Care](#), Guttmacher Institute; [CNN: State judge temporarily blocks Iowa's 6-week abortion ban](#), 17 July 2023.
- Regarding the effects of the regulation(s) on vulnerable groups in the US, see: [Fuentes, Liza \(2023\): Inequity in US Abortion Rights and Access: The End of Roe Is Deepening Existing Divides](#), Guttmacher Institute.
- For information on Christian national interest groups in the US that oppose access to abortion, see: [The Guardian: How the Christian right took over the judiciary and changed America](#), 25 June 2022; [Tagesschau: Desinformation im Auftrag des Herren \[Desinformation by order of the Lord\]](#), 8 June 2023.
- For information on the push from Texas to restrict access to mifepristone, see: [The New York Times: Judge Invalidates F.D.A. Approval of the Abortion Pill Mifepristone](#), 7 April 2023; [The Guardian: US justice department to appeal to supreme court over abortion pill access](#), 13 April 2023; [BBC News: Mifepristone ruling: The abortion battle may be just be beginning](#), 23 April 2023.
- 27 Since his election as prime minister in 2010, Viktor Orbán and his right-wing conservative Fidesz government have systematically restricted democracy and human rights in Hungary. For more information, see for instance [Amnesty International's reporting](#).
- 28 Members of the European Parliament adopted on 15 September 2022 a [resolution on the proposal for a Council decision determining, pursuant to Article 7\(1\) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded](#). The European Parliament observed that Hungary violates existing treaties and resolutions like the → [Charta of Fundamental Rights](#) and the [resolution on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament](#).

- 29 For example, see Euronews: [Italy election: Activists raise alarm over abortion rights after Meloni's win](#), 27 September 2022.
- 30 See endnote 7 for further information on Italy and Spain.
- 31 Overall, as with the anti-gender movement, a diversity of actors, structures and instruments can be observed. For more detail, see: Marques-Pereira, Bérengère (2023); Achtelek, Kirsten (2018): Für Föten und Werte. Die „Lebensschutz“-Bewegung in Deutschland [For foetuses and values: The “pro-life” movement in Germany]. In: Lang, Juliane / Peters, Ulrich (eds.): Antifeminismus in Bewegung. Aktuelle Debatten um Geschlecht und sexuelle Vielfalt; Krolzik-Matthei, Katja (2019): [Abtreibungen in der Debatte in Deutschland und Europa](#). In: Aus Politik und Zeitgeschichte, 20/2019, pp. 4–11.
- 32 Datta, Neil (2018): [“Restoring the Natural Order”: The religious extremists’ vision to mobilize European societies against human rights on sexuality and reproduction](#). European Parliamentary Forum for Sexual and Reproductive Rights.
- 33 For a debunking of these narratives, myths and lies, see for example: Doctors for Choice Germany e. V.: [Kampagne „Mehr als Du denkst – weniger als Du denkst“](#) [More than you think - less than you think]; Bündnis für sexuelle Selbstbestimmung: [Die Lügen von Abtreibungsgegnern](#) [The lies of anti-abortion actors].
- 34 This narrative is also linked to other topics of organised anti-abortion activists, such as pre-implantation diagnostics, prenatal diagnostics, cloning, surrogate motherhood, or assisted dying.
- 35 See for instance: Marques-Pereira (2023); Achtelek (2018).
- 36 See for instance: Ahrens (2022); Berthet (2023); Datta (2018); Marques-Pereira (2023).
- 37 Bearak, Jonathan et al. (2020): Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019. *Lancet Glob Health* 8, pp. e1152–61.
- 38 See chapter 2.1 in the Observatory’s Working Paper on the [regulation and abortion](#).
- 39 See endnote 38.
- 40 Cf. for instance the listings [here](#).
- 41 Several EU countries, such as France and Spain, have already passed corresponding laws to prevent and punish pavement harassment. In Germany, a corresponding law is currently being planned (see the Observatory’s Working Paper on the [regulation and provision of abortion](#)).
- 42 For other successful and failed attempts at national (Slovakia and Sweden) and European (European Union and Council of Europe) level, see Datta (2018).
- 43 For more detailed information, see the Observatory’s Working Paper on the [regulation and provision of abortion](#).
- 44 Center for Reproductive Rights (2022): [Protecting Abortion Access in Europe – A Call to Action](#).
- 45 On the development in Poland – also as a result of the work of the anti-gender movement as well as the feminist protest against it – see in detail Graff / Korolczuk (2022).
- 46 European Commission: [Kommission verklagt Polen wegen Verstößen gegen EU-Recht durch den polnischen Verfassungsgerichtshof](#) [Commission decides to refer Poland to the Court of Justice of the European Union for violations of EU law by its Constitutional Tribunal], Press release of 15 February 2023.
- 47 The party ruled alone in two legislative periods from 2015 to 2021 and in a minority government since 2021.
- 48 [Tysiac v Poland](#), 2007 (5410/03) – more information on the case [here](#); [R.R. v Poland](#), 2011 (27617/04); [P. and S. v Poland](#), 2012 (57375/08); Tagesspiegel: [Europäischer Menschenrechtsgerichtshof: Klage gegen Abtreibungsverbot in Polen abgewiesen](#) [European Court of Human Rights: Case against abortion ban in Poland dismissed], 8 June 2023.
- 49 For more detailed information, see chapter 2.2.1 of the Observatory’s Working Paper on the [regulation and provision of abortion](#).
- 50 Poland’s government also works towards dismantling gender equality, democracy, human rights, and the rule of law. For example, LGBTIQ* persons are persistently discriminated against, incitement against them is spread and their rights are restricted. In addition, the independence of the judiciary and media is gradually being eroded. Furthermore, there are political efforts to withdraw from the Istanbul Convention.
- See for instance: Der Spiegel: [Ehe nicht für alle](#) [Marriage not for all], 28 October 2021; Queer.de: [Polen: Tumultartige Szenen bei Debatte über Gesetz zum Verbot von CSDs](#) [Poland: Tumultuous scenes during debate on ban of Pride parades], 29 October 2021; Der Spiegel: [Polens Justizminister will Homosexuellen Adoptionen komplett verbieten](#) [Poland’s justice minister wants to ban adoptions by homosexual people entirely], 11 March 2021; Euronews: [Istanbul Convention: Poland moves a step closer to quitting domestic violence treaty](#), 1 April 2021; Balkan Insight: [Poland’s Replacement for Istanbul Convention Would Ban Abortion and Gay Marriage](#), 15 March 2021.

- 51 Ordo Iuris is not only active in Poland. In February 2017, the organisation was granted consultative status at the United Nations and in May 2017 it registered an office in the EU district in Brussels. Moreover, Ordo Iuris is considered to be affiliated with Agenda Europe (Datta 2018).
- 52 Neil Datta: Vier Gründe, warum Sie Polens Krieg gegen Abtreibung erschrecken sollte [Four reasons, why Poland's war against abortion should shock you], Heinrich Böll Stiftung, 5 February 2021; ZDF: Proteste gegen Abtreibungsverbot in Polen [Protest against abortion ban in Poland], 24 October 2020; Datta (2018).
- A 2016 attempt by PiS to tighten abortion laws was back then rejected by parliament, also because of country-wide feminist protests. See Tagesschau: [Parlament in Polen: Vollständiges Abtreibungsverbot abgelehnt](#) [Poland's parliament rejects complete abortion ban], 6 October 2016.
- 53 Der Spiegel: [Polnische Aktivistin wegen Beihilfe zur Beschaffung von Abtreibungspillen verurteilt](#) [Polish activist convicted of aiding and abetting the procurement of abortion pills], 14 March 2023.
- 54 Euractiv: [Polish parliament rejects abortion bill](#), 24 June 2021; Euractiv: [Aktivistin kämpft für striktere Abtreibungs-Regeln in Polen](#) [Activist fights for stricter abortion laws in Poland], 26 October 2022.
- 55 In June 2023, it was revealed that the current caretaker government is considering allowing and licensing abortion pills. See Euractiv: [Slovakia's caretaker government opens abortion pill debate](#), 14 June 2023.
- 56 For instance, the rights of trans* persons are also to be restricted. In March 2023, the Slovakian parliament had introduced a bill that would completely ban the legal recognition of gender. A decision is expected in late summer 2023. See: Mannschaft Magazin: [Europarat warnt vor transphobem Gesetz in der Slowakei](#) [Council of Europe warns against transphobic law in Slovakia], 26 April 2023.

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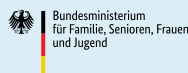
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PUBLISHING INFORMATION

Publisher:
Institute for Social Work and Social Education Observatory
for Sociopolitical Developments in Europe Main Office:
Zeilweg 42, D-60439 Frankfurt am Main, Germany

Gefördert vom:



+49 (0)69 - 95 78 9-0
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The German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 11018 Berlin, provides funding for the project "Observatory for Sociopolitical Developments in Europe". This publication does not necessarily reflect the opinion of the Government of the Federal Republic of Germany. The publishing institute and/or the authors of individual articles bear responsibility for its content.

The agency responsible for the Observatory is:
Institute for Social Work and Social Education

Design: www.avitamin.de
Translation: Tim Steins
Date of publication: September 2023

This is a publication of the Observatory for Sociopolitical Developments in Europe and may be downloaded at: www.sociopolitical-observatory.eu.

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