

Repeal all anti-abortion laws!

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On January 22, 1973, abortion was made legal in the US when the Supreme Court overturned a Texas interpretation of abortion law. The decision in the case known as Roe v Wade overrode state laws limiting women's access to abortion during the first trimester — finding that they infringed upon women's constitutional rights. While laws still remain on the books banning abortion in some US states, Roe v Wade prevents the enforcement of these laws.

This Supreme Court's decision represented a massive, if partial, victory for the then-strong and growing women's liberation movement which demanded repeal of all anti-abortion laws.

However, since 1973, there has been an on-going battle to defend the ground that was gained by this movement — a battle that has steadily lost ground to the anti-choice forces. Since 1995, more than 550 laws limiting women's reproductive freedom have been enacted across the US. This rollback has coincided with the demobilisation of the women's rights movement.

In 1989, the US Supreme Court's Webster v Reproductive Health Service decision held that a human life began at conception and that public funds and facilities could be withheld by states for counselling women about or performing abortions where a woman's life was not at risk. Subsequent cases established a state's right to require parental notification for a minor to have an abortion; the forbidding of Medicaid funding for abortions or the providing of information about abortion from federally funded clinics.

In 2003, restrictions on doctors performing late-term abortions were increased with the passing by the US Congress of the Partial-Birth Abortion Ban Act.

In 2000, there were no abortion providers in 87% of US counties. A study released on January 17 by the Guttmacher Institute, a New York-based non-profit organisation that focuses on reproductive issues, found that in 2005 there were 15% fewer abortion clinics across the US than in 2000.

Highlighting the desperate situation for poor women in the US trying to access abortion, a number of clinics now offer the procedure without anaesthesia at a cheaper rate for women who can't afford the full cost.

While anti-abortion campaigners in the US have not succeeded getting the pregnancy termination drug Mifepristone (RU486) banned, they have ensured that it is difficult, sometimes impossible to obtain. Anti-abortion groups such as Pharmacists for Life have also ensured that the "morning after pill" is similarly hard to obtain.

The US government also enforces the anti-abortion agenda upon the Third World with its "global gag rule". This bans non-government organisations that receive US government funding

from offering abortion services. Such organisations are also banned from campaigning against anti-abortion laws.

In 2007, the British Lancet medical journal published a study — “Induced Abortion: estimated rates and trends worldwide” — that found that illegal abortions, often performed in unsanitary conditions, accounted for 48% of the estimated 42 million induced abortions worldwide in 2003. Of these 20 million illegal abortions, 97% took place in Third World countries.

In 2003, the World Health Organisation estimated that there were 66,500 deaths that year from unsafe abortions.

Abortion law in Australia

In Australia, while court decisions liberalised the interpretation of the anti-abortion laws throughout the 1970s and '80s, abortion remains the subject of criminal law in all states and territories, except for the ACT where all specific references to abortion within the ACT Crimes Act were removed in 2002.

In 1998, two Perth doctors were charged with performing an “unlawful abortion” under the Western Australia Criminal Code (in which the term “unlawful” was not defined) for having performed an abortion in 1996 at a Perth abortion clinic. This sparked an intense campaign that led to substantial changes to WA legislation.

The WA Criminal Code was amended to make abortions lawful if a pregnant woman will “will suffer serious personal, family or social consequences” or “serious danger” her “physical or mental health” if the abortion is not performed. If the above grounds do not apply, an abortion is still lawful if it is performed by a medical practitioner and the pregnant woman has given “informed” consent after being counselled by another medical practitioner.

The amended 1998 WA Health Act however explicitly provides that no “person, hospital, health institution, other institution or service” is under a duty to provide or participate in the performance of any abortion.

In Victoria, debate over abortion law was sparked last April by a private members’ bill that was to have been put to Labor MP Candy Broad. However, Broad withdrew the bill after Labor Premier John Brumby asked the Victorian Law Reform Commission (VLRC) examine how to reform the existing abortion law.

As in NSW. it is a crime in Victoria, punishable by up to 14 years’ imprisonment, to “unlawfully use an instrument, drug, or other noxious thing with intent to procure a miscarriage on a woman whether she is pregnant or not”. In both states, it has been left up to court rulings to define what “unlawfully” means.

In 1969, the Victorian Supreme Court ruled that an abortion is legally allowable if there is serious danger to the life or physical or mental health of the mother. In NSW, a district court ruled in 1972 that an abortion is lawful if there is “any economic, social or medical ground or reason” upon which a doctor could base an “honest and reasonable belief” that an abortion is required to avoid a “serious danger to the pregnant woman’s life or to her physical or mental health”.

The VLRC’s report is due to be presented this March. Brumby has made no commitment to decriminalise abortion, stating that he is “not looking at changes in practice” but rather “the way in

which the law is presented”.

In Queensland, Labor MP member Bonnie Barry announced in October that she would be putting a private members’ bill to decriminalise abortion this year, a move that is guaranteed to spark hostile mobilisations from anti-choice campaigners.

Abortion rights campaign

These abortion law reform moves, on the back of the repeal of anti-abortion laws in the ACT in 2002 and the removal of regulatory control of RU486 from the health minister in 2006 (returning it to the Therapeutic Goods Administration), provide new openings to campaign to have the anti-abortion laws completely repealed.

Such a campaign has a strong base to build on. There is widespread public support for women’s right to have access to abortion services. The 2003 Australian Survey of Social Attitudes, conducted by the Australian National University’s Centre for Social Research, found that more than 80% of respondents supported a woman’s right to choose.

Key to winning the removal of the laws that restrict this right will be countering the anti-woman ideological barrage coming from the anti-choice campaigners, A major part this barrage is the “pro-family” moralism pushed by the anti-abortion forces.

In recent years, some of the major pro-choice organisations in the US have ceded ground to this by emphasising that being pro-choice also means being “pro-family”. This plays right into the hands of the anti-choice campaigners whose “pro-family” ideology is inherently anti-woman, defining women’s social role as being primarily within the family — as mothers, wives and carers.

This is precisely what is at the heart of the push to roll back abortion rights — it goes hand-in-hand with the capitalist rulers’ neoliberal economic agenda of attempting to limit or eliminate the idea that governments should provide free and extensive health, aged and childcare services.

Exposing this agenda is crucial to not only strengthening the abortion rights campaign, but to defending and building on the broader gains made by the women’s liberation movement of the 1970s and ‘80s. That movement drew the necessary links between a woman’s right to control her body and the broader fight for women to be able to have control over every aspect of their lives.

P.S.

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