We use cookies to ensure that we deliver the best user experience of our website. If you would like to, you can change your cookie settings at any time. Continue

Eroding women's basic freedoms: Current trends to reduce access to abortion

Posted on Tuesday 16th October 2012

This week the new Secretary of State for Health, Jeremy Hunt, stated that he believed there is a 'moral case' for halving the general time limit for abortions from 24 weeks to 12. This came just days after Maria Miller (Woman's Minister) called for a reduction to 20 weeks. Many have responded with alarm to these statements as they fall within a broader trend of attacking abortion provision. There seems to be some government support for this attack that can be traced back to Nadine Dorries' efforts last year to introduce a requirement of 'independent counselling' for those wishing to access abortion services. In the early part of 2012, 'abortion scandals' regarding 'pre-signing' and sex selective abortions dominated the headlines, with Andrew Lansley quickly instructing the Care Quality Commission to carry out inspections of clinics across England. None of these are direct attacks on the legitimacy or necessity of abortion provision per se. Rather they are subtler in creating a feeling of abortion access 'gone awry'; think of Lord Justice Cooke's unprovoked comments last month that, whatever view one takes of the Abortion Act its provisions are "wrongly, liberally construed in practice..." (R v Catts). Again assuming that access to abortion should be restricted.

This trend to create unease in public perception of abortion provision threatens the ability of women to access what many regard as a basic right to control one's body. It is important to remember that in the UK, despite common perception, there is no right to abortion. Abortion is available in the UK when two doctor's form "a good faith" opinion that one and the same ground of s.1(1) of the Abortion Act 1967 is met. Access to abortion is therefore already limited in the UK, and even this provision is being challenged. On September 18th two anti-abortion protesters, from the Abort67 organisation, were cleared of public order offences for unfolding large banners with graphic images of aborted foetuses outside an abortion clinic in Brighton. This case raises difficult questions about freedom of speech but also highlights how anti-abortion groups are stepping-up efforts outside clinics in ways that are intended to intimidate those who wish to use abortion services. The 26th of September marked the start of 40daysforlife, an initiative aimed at using pickets and 'vigils' outside clinics to get women to change their minds about having an abortion.

A further example of an indirect threat is that presented by the recent launch of a European Citizens Initiative, called 'One of Us' that again covertly aims to reduce access to abortion services. 'The Citizenship Initiative', is a mechanism that has been introduced by the European Commission allowing citizens to propose legislation on any issue within the Commission's power if they gather 1 million signatures from at least 7 of the 27 EU member States. If laws are passed at this level they then have power across member states. 'One of Us' asks people to sign up to change the legislation on embryo research on the grounds that embryos are – as the name suggests – the same as all persons. The initiative states that:

"The human embryo deserves respect to its dignity and integrity. This is enounced by the ECJ in the Brüstle case, which defines the human embryo as the beginning of the development of the human being. To ensure consistency in areas of its competence where the life of the human embryo is at stake, the EU should establish a ban and end the financing of activities which presuppose the destruction of human embryos, in particular in the areas of research, development aid and public health."

Although purporting to be about embryo research rather than about abortion rights, such a law builds on the claim that embryos are persons. If embryos are persons – are one of us – then the implications for abortion are clear (and also for most forms of reproductive technology, including IVF). The language and tactics of this initiative tracks those of American personhood movements; movements which have already effectively reduced the possibility of women to access abortion not only in the USA, but globally, as conditions are built into humanitarian agreements. For instance, the initiative aims to prohibit public funding of 'embryo destruction'. This echoes the Dickey-Wickler amendment, signed into force by President Clinton in 1995, which prohibits the US Department of Health and Human Services from funding embryonic stem cell research. The initiative also targets 'development aid' for activities that involve the destruction of embryos. Development aid is not, of course, given for research, but it is for abortion services (as part of broader women's health programmes). This mirrors 'the global gag rule' that has intermittently applied to development aid from the USA since it was signed into effect by President Regan in 1984, and which built on the earlier 'Helms Amendment'. The 'global gag' is the prohibition on bodies that receive US Government funding from using money obtained from other sources to facilitate access to abortion services or advocate for liberalisation of domestic abortion prohibitions.

The ethical debate about the rights and wrongs of abortion is of course not new. However, this trend toward incremental erosion of access to abortion services, not through direct attacks on them, but rather through efforts that limit such services at the margins, is. If one takes together the direct and indirect challenges to abortion, it is clear that a powerful lobby is growing which will make access to abortion even more difficult than it currently is. Making embryos 'one of us' would not simply stop 'unethical research', and making abortions impermissible after 12 (or 20) weeks is not simply 'respecting science'. Such initiatives would force women to continue with unwanted pregnancies and threaten fundamental rights to bodily integrity (rights which all non-slave men take for granted). Access to abortion is being globally rescinded and such initiatives should be seen for what they are and resisted.

Sheelagh McGuinness; School of Law &
Heather Widdows; School of Philosophy, Theology and Religion

© University of Birmingham 2014