

# The Abortion Agenda in Portugal Considering the Recent Backlash under Liberal and Conservative Political Forces\*

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## Abstract

This paper analyses the political agenda behind the decriminalization of abortion in Portugal, its genealogy, agents, critical aspects and results. It highlights the role of women's movements, the National Agency for Equality, and the role of political parties. Analyzing the 2015 backlash it highlights the risks to a feminist and women rights agenda brought by shifts to right-wing political forces. These risks seem to be particularly severe in a context of financial and societal crises, and under an austerity regime, in which economic and conservative discourses are widely accepted.

**Keywords:** Abortion, Portugal, Conservative legacies, Political parties, Equality policies.

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## Introduction

In 2007, after a public referendum, Portugal adopted a law that marked a significant breakthrough in the promotion of gender equality by decriminalizing abortion in certain circumstances after a public Referendum (Lei No. 16/2007). The law represented a qualitative advance in Portuguese gender equality policies, but was a partial and delayed political response to long-term feminist demands, although it emerged from direct proposals from the Socialist Party (PS) led by José Socrates (in power from 2005-2011) (Monteiro, 2012). In 2015, a legislative coup by conservative movements and the Social Democratic Party (PSD) and the CDS-PP (Popular Party), then in government (XIX Constitutional Government), imposed several restrictions on the law from 2007. These restrictions motivated challenges from women's movements, which considered them a backlash to women rights, and an illegitimate legislative initiative that placed Portuguese women "in a generalized and objective situation of *capitis diminutio*, and an outrageous and disempowering humiliation before the institutional "council members" who can, given the imbalance of power, interfere in the decision-making process without any legitimate basis" (PPWR, 2015).<sup>1</sup>

In addition to reflecting on the meaning of these legislative movements, this paper seeks to understand the complexity behind their production. The two major legislative episodes demonstrate some of the presumptions presented in literature concerning the feminist agenda for decriminalizing abortion. The first is the importance of a favorable political environment for the successful mobilization of women. According to the idea that "the nature of the political environment appears to a very important ingredient for success" (McBride y Mazur, 2005). This article analyzes the relevance of several contextual factors affecting the social mobilization of women's movements in Portugal, namely conservative institutional legacies such as religion (Htun; Weldon, 2007; Valiente, 2005a), the type of policy or agenda in relation to the status quo – non-doctrinal or doctrinal<sup>2</sup> (Htun; Weldon, 2007); the existence of counter movements (McBride; Mazur, 2005; McBride, 2001); the characteristics of the institutional political system, such as openness and the existence of consultative practices; and the attitudes of the major political parties. Secondly, and most importantly the article will demonstrate the importance of shifts in political alignments and the presence of a left-wing government for the promotion of feminist and gender equality agendas (Lovenduski, 2007; McBride; Mazur, 1995; Sawyer, 2007; Valiente, 2007b), and the antagonism of right-wing parties to these agendas.

This analysis is important because Portugal is a case that has been little analyzed by gender studies in the social sciences. There has been little research into Portuguese gender equality policies and the related actors (e.g. women's movements, official mechanisms to establish equality, political parties). The objective of this paper is to contribute to a better understanding of the history of Portuguese society, the dynamics of the women's movements and their relations with Portuguese institutions and political parties and the official mechanisms used to promote gender equality. It will also demonstrate the importance of political parties in equality agendas, particularly the most doctrinal issues.

This paper merges some conclusions of an earlier study on state feminism in Portugal with the results of a documental analysis of relevant political records (communications from the women's movement, legislative proposals and deliberations). In the case study on state feminism we used a qualitative approach, with 53 semi-structured interviews conducted with current and former officials of the Commission for Citizenship and Gender Equality, former presidents and directors of the Commission, politicians responsible for its support, gender experts, leaders of women's associations and female politicians). We also analyzed archival material (minutes and other documents), legislation, reports, publications and press articles (Monteiro, 2011a). The analysis of documents

<sup>1</sup> After this paper was submitted, in December 2015, the new parliamentary majority, consisting mainly of left-wing political forces, reversed this backlash on women's rights and non-discrimination. In fact the Parliament approved new laws repealing those amendments, eliminating the user fees for abortions and the obligatory psychological and social counseling for women who decide for an abortion.

<sup>2</sup> Htun y Weldon call policies that provoke the wrath of organised religion as doctrinal and those unrelated to religious controversy non-doctrinal (2007:9).

related to recent political developments on the abortion agenda was carried out in June, July and August 2015.

To better contextualize Portuguese society and its political system, section 1 presents some notes on the history of democracy in Portugal. Sections 2 and 3 present data and analysis on the path of the abortion decriminalization agenda in the country, its significance and the main reasons and agents responsible for the progress and for the backlash.

### **Some notes on the history of democracy in Portugal**

Before proceeding, it is important to review certain features of the Portuguese state and society. The experience of living under a fascist dictatorship for almost half a century (from 1926 to 1974) had a profound effect on Portuguese economic, political, and social systems. Antonio Oliveira Salazar came to power in 1926, after a brief, turbulent period of modernization, liberalization and separation of church and state under the Republic (formed in 1910). He installed a dictatorship known as the New State (*Estado Novo*). This archaic, isolated, and puritanical regime (Maxwell, 1997) rejected industrialization and modernization, which were seen as the cause of labor and class problems. It promoted the family, based on male authority, and regarded the role of woman as to be devoted to “domestic government”. Poverty, religious conservatism and familism defined the established way of life and misogynist legislation established the subordination of women in public and private life. Political parties and any form of civic association were forbidden, including the feminist movement. Illiteracy and poor living conditions were among the legacies of the Salazar regime.

On 25 April 1974 a military coup – known as the Carnation Revolution – ended this paralysis of Portugal’s economic and social patterns and began a bloodless revolutionary process, through which Portugal inaugurated its third wave of democratization and put an end to the last European colonial empire (Pinto, 2010). The new (1976) Constitution represented a radical break with the past and opened new structures for political opportunity. This was followed by major reforms and profound legal, political, and social transformations, later intensified or accelerated by Portugal’s entry into the European Economic Community, an event for which it had been preparing since 1977 (and which took place in 1986). An advanced and egalitarian legal framework was created, mainly by the elites, using centralist and legalist methods as a form of international mimicry (Santos, 1998), which explains why social and institutional change was slower than legal reform (Ferreira, 2011). Portuguese society and its political system can be broadly described as being dominated by oligarchic elites with a dualistic and elitist society dominated by a political center, a weak civil society and fragile social movements and representatives of social groups (Aguiar, 1987; Nicholls, 2007; Santos, 1993; Teixeira, 2009). It has also been diagnosed as a highly centralized and institutionalist democratic system, dominated by parties that are also highly centralized and composed of educated urban elites with very weak social roots. The parties are mobilized more by cooperation, to ensure conditions for “governability”, than by pluralist politics open to new projects and social actors (Aguiar, 1987; Ferreira, 2011; Jalali, 2007; Melo, 2007). It is also a dualistic and elitist society, with a weak and incipient civil society and an enduring institutional legacy of religious conservatism that predates the revolution of 1974 (Aguiar, 1987; Portugal 2000, 2002, 2006). As in other countries in Southern Europe (Del Giorgio; Lombardo Del Giorgio; Lombardo, 2009; Donà, 2009; Valiente, 2007a), a familist culture based on doctrines of the Catholic Church has been very influential in shaping the political system and social and equality policies (Amâncio, 2007; Jiménez, 2002, 2009; Portugal, 2000, 2002, 2006; Tavares, 2007). This has had a decisive influence on actors within the political parties (even those from the left), which represent a key, although limited resource for leveraging causes and agendas. Using Kitschelt’s typology (*apud* Hafner-Burton; Pollack, 2002), we can say that over more than 30 years of democracy the Portuguese socio-political system has established input structures that are relatively closed to issues of gender equality and weak output structures, relegating the Commission and women’s issues to marginal status (Monteiro, 2011a).

### Analyzing the significance of the Portuguese abortion law and its path

Until 2007, Portugal was one of the European countries with the most restrictive laws on the voluntary interruption of pregnancy (VIP). In 2007, a Referendum – the result of an electoral promise by the Socialist Party government that won the elections in 2005 – changed this situation. Law 16/2007 of 17 April decriminalized abortion, determining that the voluntary interruption of pregnancy is not punishable when “performed at the woman's request, within the first 10 weeks of pregnancy” (Art. 142). In fact, it also stipulated a minimum of three days of reflection, a guarantee to the woman of the “availability of psychological assistance during the period of reflection”, and the “availability of support from a social worker during the period of reflection”. It also guaranteed doctors and other health professionals the right to conscientious objection, amongst other provisos that make it, for some activists, an imperfect and moralistic law. It decriminalizes abortion while adopting parameters that determine a very short period within which it may be carried out, in comparison with other countries.

It is important to remember that until 1984 abortion was completely prohibited in Portugal. Law 6/84 allowed abortion in cases of danger to a woman's life, danger to the physical and psychological health of women, fetal malformation or when the pregnancy resulted from a “violation” or rape. Law No. 90/97 extended the period for performing an abortion in cases of fetal malformation and what until then was called “violation”. This was the framework that remained until 2007.

During the dictatorship, family planning and contraception were completely banned by the ideology of the conservative, pronatalist, Catholic regime. The Association for Family Planning (AFP) itself, which was controversially created in 1967 (as a result of the impact of the Second Vatican Council on some progressive Catholics), had to have the approval of the Cardinal Patriarch of Lisbon, and include a church consultant (Tavares, 2008). The pill arrived in the country in 1962, and was commonly labeled a “product of the devil”. This method of contraception was legally considered an abortive product and prescribed as a method for regulating the menstrual cycle (Vilar, 2009). By the end of the dictatorship, family planning had become a pressing need, discussed at meetings of the first institutional feminist group and portrayed in an iconic feminist book *Novas Cartas Portuguesas* [*New Portuguese Charter*], which was banned in 1972.

After the revolution, the 1976 Constitution established a right to family planning, and made the state responsible for “promoting family planning and organizing legal and technical structures to support conscious paternity”. In the same year, the Secretary of State for Health Albino Aroso (a member of the Association for Family Planning), introduced family planning counseling in public health centers. However, it was only 10 years after the 1974 revolution that laws were created to govern this area, namely the Sex Education and Family Planning Law (3/84, March 24) and the lifting of illegality in certain cases of abortion (Law 6/84). In 1982, a survey conducted by a national newspaper revealed that 72 percent of respondents supported abortion. In the 1970s the number of illegal abortions, although unknown, was estimated to be between 100,000 and 200,000 a year, 2 percent of which ended in death (abortion was the third leading cause of death for women) (Tavares, 2008). In 1999 it was estimated that only 1 percent to 2 percent of abortions were carried out legally, a clear discrepancy between the “law in books and the law in action”, or between the existing legal codes and social practices (Duarte, 2009). A survey by the Association for Family Planning revealed that in 2005 17,000 illegal abortions had been carried out in Portugal. Data from the General Directorate of Health indicated about 18,000 pregnancy terminations in Portugal in 2008.

The problem of illegal abortion and public health provided the most effective *interpretive framing* for the pro-choice movements, in detriment to the more feminist claim of a woman's right to her body (Abranches; Ferreira, 1986; Alves et al., 2007; Pena, 2008; Tavares, 2003, 2008). Court cases and their coverage by the media, especially trials involving women who had undergone abortions, were *focusing events* decisive to the development of a certain social intolerance in the 2000s towards the restrictive and dyslexic law (Pena, 2008). Court cases involving women and abortion increased in intensity and severity during the four decades covered by this debate, peaking in the 2000s with trials that received extensive media coverage. They demonstrated that Portugal

made women stand trial for having had abortions and dismantled the arguments of the countermovement to maintain the restrictive legislation (Tavares, 2008).

Although in general it may be said that the major legislative initiatives on abortion, sex education and family planning came from the left-wing parties, until the 2000s, even they demonstrated a fear of facing the most conservative sectors of society and institutions. The most intense period in the abortion agenda in Portugal was between 2001 and 2007, with protests at trials for women who had abortions, the arrival of the Women on Waves boat, and the 2007 Referendum. It was in this period that a clear difference in the supportive positions could be seen amongst the parties of the left, Bloco de Esquerda [Leftist Block] (BE), the Socialist Party (PS) and the Portuguese Communist Party (PCP), in the face of persistent opposition from the PSD (Social Democrat Party) and CDS-PP (Social Democratic Center/Popular Party). Prior to this period, women from the female sectors of left-wing parties had denounced the positions and even betrayals by political leaders to the abortion cause. (The Communist Party had marginalized the issue in favor of the wider cause of class struggle until the 1980s; and the Socialist Party made an arrangement with the Social Democratic Party for the 1998 Referendum, in which the No vote won, due to the lack of support from the party leader) (Amorim, 1998; Palla, 1998; Seabra, 2007).

It was the consensus on the left, the strengthening of alliances of women's movements fighting for decriminalization and the swing to a Socialist government that facilitated the outcome of the 2007 Referendum and the subsequent state response (*appropriation*, according to McBride y Mazur 1995, 2005). It should be emphasized that the Socialist leaders not only promised a new referendum, but also committed the party to supporting the Yes campaign.

After the Referendum, and the consequent conquest of rights, the abortion debate did not end in Portuguese society: counter movements reorganized demanding that the legislative progress achieved should be annulled; while some feminist movements called for an extension of the 10-week period. According to Duarte Vilar, as a consequence of the law, all Portuguese women have access to free abortion services in the national health service, or at private clinics and health centers. Even hospitals were unexpectedly involved in implementing the law, which indicates, according to Dular, that professionals had lacked a legal framework for a practice that they understood to be urgent (2009). The number of abortions conducted, since the implementation of the law has been declining. In 2014 there were 16,039, 9.5% fewer than in 2013. The controversy continued and intensified as conservative forces gained space in Portuguese politics and media. An example of this are the words, from a rightwing humorist, and columnist in a national newspaper<sup>3</sup>.

But the decisive movement and tactics appeared in 2015, at the end of the legislature of the XIX Constitutional Government, led by a coalition between PSD and CDS, in the last parliamentary session before summer vacation, and two months before legislative elections. This constituted, what has been called a “legislative coup of great political cowardice”, after several failed attempts to curb legal abortions by the most conservative sectors of both parties in the coalition, and some associated civil organizations. They formed the “Citizens’ Legislative Initiative for the Right to be Born” (with 38,000 signatures), composed of groups that fought the decriminalization of abortion in the 2007 referendum and earlier. The Platform for the Right to be Born, proposed a legislative initiative to change the abortion law of 2007, including a requirement for the mandatory viewing and signing of ultrasound images by women who want an abortion and mandatory consent by the father. They cited a demographic crisis to justify their position.

The parliamentary Commission on Constitutional Issues, Rights, Freedom and Guaranties convoked for two separate sessions, those who defended this initiative and civil society organizations, representatives of the direction of the Hospital Center of Lisbon and a representative of the National Commission of Ethics for Life Sciences. They left out the General Directorate of Health, the entity that had accompanied the implementation of the law. Knowing that this Citizens’

<sup>3</sup> “Portugal is not Spain, and I don’t think that a right-wing movement to take over the government is coming that wants to penalize abortion again. But the injustices of the current situation must be corrected, because the situation obviously changed drastically. Eight years ago, a woman who aborted could go to jail. Today, she has the same privileges as someone who gave birth. Is it so difficult to find a middle ground?” (“A vergonha do aborto gratuito”, João Miguel Tavares, 13.02.2014, Público).

Legislative Initiative (CLI) has no chance to pass, the deputies from PSD and CDS, strategically presented their own proposals that included most of the issues in the CLI, which had been astuciously withdrawn by their proponents.

None of the considerations and data presented to question the proposals by the Hospital Center of Lisbon, the National Commission of Ethics for Life Sciences, and by several women's and civil society movements were included or appreciated by the proponents of the CLI.

On 22 July 2015, the Portuguese parliament approved 4 norms from this PSD-CDS proposal: mandatory user fees; mandatory psychological counseling by psychologists or social workers; doctors with conscientious objections could have consultations with women; and a mandatory family planning appointment after the intervention. The discussion of the proposals were accompanied by opposition from women's movements in and outside the parliament. The Socialist Party promised to reverse the measures if elected in October of that year.

### **The importance of women's movements and of political shifts**

Portugal has two official national equality agencies. The one with the widest coverage and longevity despite a restructuring and renaming is now known as the Commission for Citizenship and Gender Equality (created under Decree-Law 164/2007, 3 May), (hereafter the Commission). It is the successor to the Commission for Equality and Human Rights – CEWR (Decree Law 166/91) – and the Commission on the Status of Women – CSW (Decree-Law 485/77). In addition, women's networks<sup>4</sup> formed around the Commission to campaign for the creation and implementation of certain policies (Monteiro; Ferreira, 2013).

Unlike the situation regarding, for instance, the parity agenda (Monteiro, 2011b), the Commission did not participate in debates about abortion and did not engage or get involved with the women's associations. Since the 1970s these associations had made demands and created autonomous platforms focusing on abortion. In fact, for more than 30 years, this was the agenda that most mobilized the weak Portuguese women's movements (Prata, 2007; Tavares, 2000, 2008) and involved the most radical struggle and media coverage (Alves et al, 2009; Tavares, 2008, n.d., 2007). However, the Commission chose to be a withdrawn ally, preferring to leave activism to the movements.

After conducting important work in the field of family planning until the early 1980s, legitimized by the aforementioned revision of the 1976 Constitution and the creation of consultations by the government of the time, the Commission abandoned the agenda of women's sexual and reproductive health. With the Association for Family Planning and the Directorate General of Health, the Commission engaged in a wide range of activities that included publications, radio and television programs and articles in popular women's magazines. Beginning in 1977-78 its work in the field of family planning was extremely intense and influential in Portuguese society. In addition to television programs publicizing the new Family Code, the programs and items on family planning that appeared in the media brought the Commission to the attention of large portions of the population.

Perhaps because the issue of family planning became strongly associated with sex education and abortion, and since these are “doctrinal” policies linked to the religious *status quo* that generate opposition and counter-movements (Htun; Weldon, 2007), they are areas in which the Commission appears to have chosen not to intervene since this period (Monteiro, 2012). As Evert Ketting states, family planning in Western Europe has been the history of the struggle of people against authorities (1999). The strong conservative opposition that the Commission faced during its period of formative and educational intervention in the early 1980s was proof of the doctrinal nature of the policies. According to interviews with staff and policy makers from the time, the Commission's existence had even been placed at risk, threatened by conservative sectors of the Democratic Alliance (DA) – a coalition of center-right parties (PPD-PSD; CDS; PPM) in government since 1980 – in particular the

<sup>4</sup> Since the 1970s, the Commission has had an advisory body - the Advisory Council - consisting of two sections - the Interministerial Section and the NGO Section - which has been an important platform for political institutionalization (Walker, 2005) and links with the fragile women's movements and women's sections of the political parties.

Secretary of State for the Family (CDS-PP). The rise to power of these political forces created an environment adverse to intervention in this “doctrinal” area (Htun; Weldon, 2007), and the Commission’s family planning information projects were condemned by the hierarchies of the Catholic Church and local authorities, and denounced to the central government. In addition, groups from the CDS and the PSD claimed in the newspapers that “with money from Unesco, women are being sterilized in Portuguese villages”. As Jimenez (2002) mentions, during this period, and within the PPD-PSD, CDS and PPM coalition, the two most conservative parties sought to legitimize the ideology and politics of the right and attempted to force the PPD-PSD to move in this direction as well. The author identified an intensification of right-wing positions in the PPD-PSD proposals between 1980 and 1987 (Jimenez, 2002:269), reinforcing the traditional role of women and family values. However, despite the systematic opposition of the CDS sector in the Democratic Alliance coalition, the Commission could rely on the support of some men in the government who protected and supported its existence and intervention in family planning. This national equality agency was intervening in a sensitive and “doctrinal” area (Htun; Weldon 2007) that challenged the religious principles and the model for society and women advocated by these sectors. For them, the threat to morals and the family were risks that seemed to come from the “emancipation of women.”

The main episodes in the public debate and political struggle to decriminalize abortion were the presentation of a bill by the PCP in 1982, the discussion and adoption of the PS bill in 1984, the proposals of 1997, the Referendum of 1998, the Referendum of 2007, and the bill that preceded it, and the 2015 parliamentary proposal from PSD/CDS-PP.

In terms of feminist mobilization, it is important to emphasize that the demand for free abortion was introduced into the public agenda by the women’s movement, particularly its radical faction, soon after the revolution of April 25, 1974 (Magalhães, 1998; Pena, 2008; Tavares, 2008). Maria José Magalhães (1998) affirmed that she was impressed by the historic efforts of the radical feminists who, as early as 1974-75, campaigned for the rights of women to their bodies and to choice. However, the first independent common autonomous platform was only created at the end of the decade – the National Campaign for Abortion and Contraception (NCAC), which was supported by five women’s groups. It was the first structure for mobilization that was independent and separate from the common institutional platform (the NGO Section of the Advisory Council, where the heterogeneous nature of the associations represented precluded taking joint positions on these matters) (Bento, 1998).

In 1982, following the disturbances, campaigns and controversy caused by the trials of a journalist and a woman for abortion practices (in 1979), the PCP presented the first bill, abandoning its initial disregard for an issue it had considered “bourgeois” in previous years. The debate had quite a “moralistic” tone, confirming the “doctrinal” nature of the policy (Htun; Weldon, 2007), and “moderation” defined the attitude of the political forces in the face of the substantial counter-movement represented by the Catholic Church. A right-wing party held executive power, which meant that the political environment was adverse and unreceptive. Moreover, the discussion was dominated by the political parties, which did not give a voice to the women’s movements and their representatives<sup>5</sup>. The national equality agency demonstrated, for the first time in the debate, the undesirability of the subject, arguing in a letter to the Assembly of the Republic that it had not been possible to reach a consensus within the NGO Advisory Council, and that for this reason it would not adopt any position (the issue had been discussed in a meeting of the NGO Section at the request of some women’s groups linked to the left). It should be noted, however, that between 1976 and 1979, the Commission conducted some internal work on the issue of abortion, although this situation altered with the change in leadership (as described by interviewees).

In 1984, the Socialist Party introduced a bill that proposed decriminalization in some circumstances, leading to the first law that legalized abortion in limited situations. The terms of the debate invoked by the various actors followed a more “moralistic and defensive” path (Abranches;

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<sup>5</sup> One example of the criticism and distrust of the CNAC regarding the bill presented by the PCP, which did not call for “women to participate”, and did not support the CNAC in 1979, during the trials of Massano and Palla (Tavares, 2008:330).

Ferreira, 1986), and the Commission itself presented the issue of women's health and avoided the problem of illegal abortion (Tavares, 2008).

Feminist demands re-emerged in the 1990s after more trials concerning abortions and in 1994 the Movement of Opinions for the Decriminalization of Abortion in Portugal (OMADP) was established as a new platform that combined women's groups essentially aligned with the left and women's sections in left-wing parties. The OMADP would be a major catalyst for pro-legalization and pro-choice activism, involving both discursive dynamics (debates) and interest group dynamics (letters to the parties, press conferences, petitions) (Beckwith, 2007). The PCP and PS only reacted in 1996-97 with the presentation of several bills, although this was also the year in which the Catholic counter-movement became better organized, launching campaigns against the pro-choice feminists.

In 1998, a bill from the Socialist Youth was passed in parliament, but an agreement between the leaders of the PSD, the PS and Prime Minister Antonio Guterres ignored this decision and advocated a Referendum. The concentration of all pro-legalization activists in a single movement<sup>6</sup> (Tavares, 2008), the fact that the right was more united than the left and, in particular, the lack of support and involvement of the Socialist Party in the campaign, and the strong efforts of the counter-movement linked to the Church were the factors that led to the victory of the No vote in the Referendum. This time, having the Socialist Party in power did not open political opportunities or provide an ally, but instead an obstacle in a potentially favorable political context, due to the attitude of its leader, based on his personal religious and moral beliefs. The only sign that emerged from the Commission was the establishment of a new working group in the NGO Section, proposed by the Association for Family Planning – the Working Group for Reproductive Health.

It was only after 2002 that the pro-choice movements could rely on the support of the entire left to confront the opposition of a center-right government (PSD/CDS-PP). The ban on the Women on Waves boat entering Portuguese waters and its reception by Navy vessels, at the behest of Defense Minister Paulo Portas (CDS-PP), intensified the debate and triggered national and international protests and solidarity (Alves et al, 2009; Peniche, 2007; Tavares, 2008). The echoes of this episode and the protests against the trials of women in the social media seem to have been decisive in creating a collective awareness of the contradictions and disjunctions between legal and social norms. This fact not only strengthened the arguments for decriminalization, but also weakened the arguments of the Catholic counter-movement (that no women had been tried under the current law).

The turning point marked by the election of a Socialist government in 2005, and the attitude of the new Socialist leader, José Socrates (who not only included a new referendum in the party's electoral program, but also committed the party to the Yes campaign), opened up unprecedented windows of opportunity. Tavares (2008) credited the new *interpretive framing* strategically invoked by pro-legalization movements, which focused on women's health and the problem of clandestine abortions rather than the free choice argument, for facilitating public acceptance in various sections of society that had been hostage to conservative and anti-feminist Catholic arguments (Tavares, 2008).

Although several platforms were strategically formed for the Yes to the Referendum campaign (Tavares, 2008), this diversity strengthened convergence around the demand. It also strengthened the alliances of feminist movements with other movements (especially LGBT movements), widened the scope of their actions and mobilizing structures, and included new generations of militants (Tavares, 2008).

It thus seems that the consensus on the left, the reinforcement of the alliance of women's movements in the militancy for the decriminalization, and the new Socialist Party government with a supportive leader were the factors that facilitated the result of the Referendum of 2007 and the resulting law.

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<sup>6</sup> The Yes for Tolerance Movement. Its very name suggests a not very assertive interpretive framing for decriminalisation, since the Yes was a matter of tolerance towards for "an improper practice" (Alves et al, 2009), thus removing contestation from the argument.

As seen throughout this study, the Commission never took a stand on the agenda of abortion, either as an ally of the demands of the pro-choice or pro-decriminalization movements. Even at this time, when the ruling party had assumed a proactive stance on the issue, the president of the Commission appeared in TV debates on the referendum “merely in a personal capacity”.

### Final remarks

In short, in Portugal, the issue of abortion has been a cause of Portuguese women's movements, supported, albeit inconsistently (Prata, 2007; Rodrigues, 2009; Tavares, 2003, 2008), by left-wing parties in opposition to right-wing parties and the more conservative sectors of Portuguese society they represented (Monteiro, 2012). The Commission had no access to the decision-making process, and the left-wing parties represented highly important structures of political opportunity, especially in the period from 2002 to 2007. The conservative nature of the parties and their electoral subservience to conservative forces were highlighted, for example by Jimenez, in relation to the fact that most of the initiatives on abortion were accompanied by proposals to protect maternity, for sex education and family planning, as well as discussions on maternal health (2002). It has been concluded (Monteiro, 2012) that, in the past, the court cases concerning abortion and their media coverage, as well as their international echoes, contributed decisively towards a socio-political environment more favorable to the demands, albeit in the name of a woman's right to health rather than choice. A paternalistic and moralistic attitude towards women is expressed in the Act of 2007 itself, and intensified in the 2015 changes, specifically in the provisions for monitoring and psychological counseling in the “period of reflection” mentioned earlier.

This may be why Cristiana Pena relativizes the victory of the abortion law, by affirming that the mobilization around abortion was more than a feminist struggle (it was also a battle over concepts about family and family planning between the left and the right). She points out that, in 2007, many activists even rejected calling themselves feminists, fearing this label or not agreeing with some of the strategies used (Pena, 2008). According to Pena, even the main events that led to political opportunities, such as the trials and their media coverage, ended up annulling the feminist struggle and reducing the impact of its demands (Pena, 2008).

As this study has shown, the abortion agenda confronted Portuguese women's representatives with a system and actors that were, in general, not very open or favorable to their demands. The political parties stand out in this respect, since the demands have been addressed to them, given their central position in the debate on this policy area. A study on state feminism in Portugal concluded, in fact, that the parties and parliament represent the structures for political opportunity least receptive to feminist demands. This is because they are dominated by male elites, with women's sections that are less important and powerful, and follow a centralized decision-making model (Monteiro, 2011a).

In the absence of strong internal voices (which could be represented by the women's sections) and external pressure, given the fragility of the women's movements and the indifference to gender inequality that characterizes Portuguese society in general (Ferreira, 2011), the parties did not feel pressure to legislate and act with any urgency and assertiveness on equality issues. Additionally, in contrast to the situation in Spain, in Portugal the parties do not see the promotion of gender equality as a vote-winning issue, as Jiménez has noted (2002, 2009). Instead, their reverence towards conservative forces and the institutional legacy associated with Catholicism has made them fear and strategically avoid controversial issues such as abortion on demand. Recently, this seems to be changing, with abortion being a clearly divisive agenda between right and left parties. The 2015 backlash highlights the risks to a feminist and women rights agenda caused by right-wing political forces in Portugal. This risk seems to be particularly severe in a context of financial and societal crises, and under an austerity regime, in which budget cuts (in the healthcare system, for example) and demographic fears are strongly legitimated and accepted.

The agenda presented here challenges the dominant *status quo*, with the need to sexualize the surrounding debate, which is why it was so controversial and received so much media attention. It involves a doctrinal policy that challenges established moral principles, based on Catholicism and the domination of the Catholic Church, triggering strong counter-movements against which the pro-

choice movements themselves have had to build more “effective” but less feminist interpretive framings (Abranches; Ferreira, 1986; Pena, 2008; Tavares, 2008).

These aspects help explain why 30 years were needed to achieve the first reasonably satisfactory outcome in 2007, which was quickly threatened. The conservative traits of Portuguese institutions challenged the demands for decriminalization and the coup of 2015 destroyed part of what was attained by popular referendum. This was a theme that opened cracks, not only in Portuguese society, but also in the parties, institutions and even social movements. The impacts and future developments are still unknown.

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