

GETTING HOTTER BY THE DAY:

The Debate on the Legalisation of Abortion on Demand in Brazil

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In a visit to Salvador, Bahia, early this week, the Brazilian Minister of Health, José Gomes Temporão, was greeted by a group of fifty or so anti-abortion activists of the *Movimento Brasil Sem Aborto*. Wearing robes representing known religious leaders and holding pro-life banners and signs, they followed him around the city all day as he made his rounds of local inaugurals, denouncing his recent pronouncements in defence of the legalisation of abortion on demand in Brazil, by asking: "Is he the Minister of Health or of Death?"

"We cannot forget that this is a public health problem", the Minister retorted when questioned by the media. He further argued that the criminalisation of abortion has done little to curtail its practice. Indeed, despite all the existing restrictions - abortions have been legal in Brazil for over 40 years, but only when the pregnancy results from rape or when it puts the mother's life in risk - nearly 37% of pregnancies in Brazil end in abortions. This amounts to a total of 1.1 million abortions performed per year in the country, 254,456 of them, last year, resulting in hospital stays due to complications that have cost public funds close to 9 million British pounds.

In the State of Bahia alone, an illegal abortion takes place every 3 hours. And the Bureau of Health estimates that, in 2006, more than 26,700 women in the State were hospitalised from the complications of clandestine abortions. Not surprisingly, illegal abortions are the main cause of maternal mortality in this northeastern state, most of these victims being young, poor and black. As Dr. Greice Menezes, a researcher at the Federal University of Bahia's School of Public Health stresses: "Down deep, abortion is a portrayal of social exclusion: the law criminalises all women who practice it, but punishes with death only those who are poor and black". Unlike middle and upper class women, such women cannot afford to pay for a clandestine abortion in modern, safe clinics.

Since the early 1990s, there has been renewed discussion in the National Congress to review the existing legislation. In 1991, a law project to de-criminalise women who seek abortions was the focus of much discussion, but the committee analysing the project could not come to consensus. In 2005, a much more thorough law project on making abortions on demand legal in Brazil until the third month of pregnancy was presented to Congress by the Minister Nilcéa Freire of the Bureau of Public Policy for Women. The project was discussed in the Committee of Social Security and Family, but it was put aside because it was too "hot" to be treated in an electoral year.

This project came as a result of the First National Conference for Public Policy for Women, held in Brasília in 2004, when more than 2000 delegates representing the wishes of nearly 300,000 women throughout the country approved the legalisation of abortion on demand. This coming August, women delegates will gather again in Brasília for the Second National Conference. The legalisation of abortion will certainly emerge again as one of the main issues at stake.

Indeed, the debate on abortion is bound to become more intense in the coming weeks as Pope Benedict XVI's first visit to the country draws nearer. Though the stated purpose of this visit is the canonisation of Frei Galvão – the patron of pregnant women - it is obvious to Brazilian feminists that the timing of the visit and the decision to finally canonise Frei Galvão now are part of a much greater scheme on the part of the Church to offset women's struggles for reproductive rights in Brazil.

Last month, already, more than 5000 people identified with various religious groups staged a protest in São Paulo denouncing abortion as "murder". They centred much of their attention on publicising that baby Marcela, who was born without a functioning brain, is still alive at four months, thus counter posing medical claims that life outside of the uterus is impossible for anencephalous infants. This, they emphasise, invalidates arguments in favour of legalisation of abortions in such cases.

But, at this moment, Brazilian feminists have opted to avoid head on collisions with anti-abortion activists. This is a strategic move: recent polls indicate that public opinion has taken a strong conservative turn in the country insofar as legalisation of abortion is concerned. For instance, in 1993, 54% of those polled defended the maintenance of abortion laws as they stood, while 23% defended full legalisation. Last week, in the poll taken by *Folha de São Paulo*, the newspaper with the widest national circulation, the percentage favouring legalisation had fallen to 16%.

Sadly, precisely those segments who suffer the most with the illegality of abortion – those with low educational and income levels and living in the Northeast - are those who sustain in greater numbers the anti-abortion position. These are also the segments which constitute the universe of influence of the fundamentalist religious groups that have been gaining growing numbers of supporters in Brazil.

However, it must be remembered that the big media has also had a fundamental role in driving the course of opinion to more conservative shores. As Carla Batista, Executive Secretary for the Articulation of Brazilian Women, a nation-wide feminist network, observes: "There is too much money invested in fostering a more conservative stance in society. Since the beginning of the Bush government, for example, the United States has invested in this issue and not only in the US. Brazil is exposed to this influence, and thus we see the growth of organisations that have a greater power to build public opinion having greater access to the means of communications than social movements can."

For sure, Church funded movements, such as the *Movimento Brasil Sem Aborto*, can afford to make a big splash in the media. On the day of Minister of Health's visit to Bahia, the major local newspapers published half-page ads condemning his pronouncements and calling abortion a crime. One can expect that this type of campaign will grow stronger in the weeks to come in preparation for the upcoming papal visit.

At the moment, the challenge posed to feminists is to continue the daily task of "deconstructing all the existing prejudice and equivocations in relation to abortion" as Carla Batista advises. Perhaps after the Pope is gone and the discussions centring on the upcoming Conferences for Public Policy for Women pick up, a new climate, more favourable to this issue dear to feminists, will unfold.

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