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Abortion in Democratic Spain: The Parliamentary Political Agenda 1979–2004

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Abstract: *Since Spain's transition to democracy, abortion has been a public policy issue both inside and outside parliament. This paper describes the history of abortion law reform in Spain from 1979 to 2004 and analyses the discourse on abortion of members of the Spanish parliament by sex and political allegiance. The analysis is based on a retrospective study of the frequency of legislative initiatives and the prevalence of different arguments and positions in debates on abortion found through a systematic search of the parliamentary database. Little time was given to abortion in the parliamentary agenda compared to other women's issues such as violence against women. There were 229 bills and other parliamentary initiatives in that period, 60% initiated and led by pro-choice women. 143 female and 72 male parliamentarians took part in the debates. The inclusion of socio-economic grounds for legal abortion (64%), and making abortion on request legal in the first 12 weeks of pregnancy (60%) were the most frequent forms of law reform proposed, based most often on pro-women's rights arguments. Male and female members of anti-choice parties and most male members of other parties argued for fetal rights. Pro-choice parties tabled more bills than anti-choice parties but till now all reforms proposed since 1985 have been voted down.*
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SINCE Spain's transition to democracy in 1978, arguments for and against legalisation of abortion and its provision by the public health services have taken place both inside and outside the Spanish Parliament.¹ However, analyses of the actual Parliamentary debates on the subject have been rare.

Research in the USA on Congressional debates and votes on abortion laws revealed that the main arguments used in debates on abortion concerned both the ethics and morality of aborting a fetus on one hand, and the impact of unsafe

abortion on women's health and existence of social class inequalities in access to abortion on the other. Women members of the US Congress have been the ones to advocate for equal access to federally funded abortions and introduced arguments supporting legal abortion to protect women's health. Furthermore, it has been US Congresswomen who have modified the position of their male colleagues over time, so that the number of men talking about women's health has increased whereas the number talking about the immorality of abortion has decreased.²⁻⁴

56 Legislation ensuring access to safe, legal abor- 108
 57 tion exists throughout most of Europe,⁵ with 109
 58 important exceptions. Legislation in most Euro- 110
 59 pean countries, passed primarily in the 1970s 111
 60 and 80s, includes the following grounds on 112
 61 which abortion is legal: risk to the woman's life, 113
 62 risk to her physical, psychological and mental 114
 63 health, in cases of rape, risk of fetal malformation, 115
 64 risk to existing children, social or socio-economic 116
 65 circumstances and medical or socio-medical con- 117
 66 ditions.⁶ The grounds differ somewhat in each 118
 67 country and the time limits, including for dif- 119
 68 ferent grounds, also differ.⁵⁻⁸ In many of the 120
 69 countries, abortion is legal on request up to 121
 70 10,12,14 or 18 weeks and after that on more 122
 71 limited grounds, with an upper time limit, usually 123
 72 22-24 weeks.⁹⁻¹³

73 There was no legislation on abortion in Spain 124
 74 until 1985, passed in the early years of the new 125
 75 democracy. The only exception was a decree in 126
 76 Catalonia during the civil war (1936-39), that 127
 77 permitted abortion on the grounds of the woman's 128
 78 health, when the pregnancy was unwanted or 129
 79 in cases of fetal abnormality. The implementa- 130
 80 tion of this decree was very limited, however, 131
 81 due to the disturbances of those difficult times.¹ 132

82 The Spanish feminist movement has worked 133
 83 for the decriminalisation of abortion since the 134
 84 1970s. When the Spanish democratic Constitu- 135
 85 tion was being prepared (1977-78), abortion, 136
 86 along with other issues such as education and 137
 87 divorce, was the cause of deep divisions between 138
 88 right-wing and left-wing political parties. Pot- 139
 89 ential conflict was avoided when the parties agreed 140
 90 not to mention abortion in the Constitution at all.

91 In 1981, 11 women from a poor neighbour- 141
 92 hood near Bilbao were arrested for having illegal 142
 93 abortions, along with the woman who had done 143
 94 the abortions and several others who were 144
 95 involved. During the trial, due to hot weather, 145
 96 windows on both sides of the courtroom were 146
 97 wide open. Thousands of women surrounded the 147
 98 building and chanted throughout the trial, while 148
 99 others filled the courtroom as observers and wit- 149
 100 nesses. The accused women had serious health 150
 101 risks that justified therapeutic abortion. Every- 151
 102 one was acquitted. This judgement put a stop, 152
 103 at least temporarily, to similar prosecutions and 153
 104 opened the way to legal reform (Marge Berer, 154
 105 personal communication, January 2007).¹⁴ 155

106 In 1983, only four months after they had 156
 107 taken office, the Socialist Party presented a bill 157

108 in Parliament to amend the Penal Code in order 109
 110 to fulfil an electoral promise.¹⁶ The bill made 111
 112 abortion legal if it was performed for ethical 113
 114 reasons (in the case of rape), on therapeutic 115
 116 grounds (when the physical or mental health of 117
 118 the pregnant woman was at risk) or on eugenic 119
 120 grounds (fetal malformation).^{15,16} It was passed 121
 122 by a large majority of 186 to 50.^{1,17} 123

124 From 1974 to 1985, an estimated 240,000 125
 126 Spanish women terminated their pregnancies in 127
 128 the UK and Netherlands (and an undocumented 129
 130 number in Portugal and North Africa). In con- 131
 132 trast, after the law was passed, from 1986 to 133
 134 1995 only 34,895 Spanish women had abortions 135
 136 in other countries, while 340,214 were able to 137
 138 have abortions in Spain.¹⁸ 139

140 However, despite the Act being passed, many 141
 142 professionals working in non-governmental 142
 143 family planning clinics where abortions were 143
 144 being performed were harassed by anti-abortion 144
 145 activists, and a number were prosecuted for 145
 146 doing abortions. At the same time, the medical 146
 147 colleges and professionals in the public health 147
 148 system failed to begin providing abortions or 148
 149 training for providers. In 1986, a regulation 149
 150 was adopted regarding accreditation criteria for 150
 151 health care centres wanting to do abortions and 151
 152 the data they had to report. This regulation also 152
 153 required women to have the permission of two 153
 154 doctors for abortion.¹⁶ While this regulation 154
 155 marked the beginning of the end of prosecu- 155
 156 tions, it was only in 1999 that a parliamentary 156
 157 bill aimed at stopping prosecutions was tabled.¹⁷ 157

158 Since 1986, the two major left-wing parties 158
 159 (the governing Socialist party and *Izquierda* 159
 160 *Unida*) have tabled two major bills to further 160
 161 reform the abortion law. One was to legalise 161
 162 abortion on request in the first 12 weeks of preg- 162
 163 nancy (proposed by *Izquierda Unida*); the other 163
 164 was to extend the grounds for abortion to 164
 165 include women's socio-economic circumstances 165
 166 (proposed by the government). Only the latter 166
 167 was voted on in the Congress of Deputies and 167
 168 passed on 14 December 1995 by 180 favour, 168
 169 141 against and one abstention. However, the 169
 170 bill fell because its passage coincided with the 170
 171 change to a conservative government, which 171
 172 made no effort to ensure that it reached the 172
 173 Senate for approval.^{1,18} 173

174 Since then, political debate on abortion seems 174
 175 to have been de-activated. This may be due to 175
 176 the imbalance between the key players involved. 176

160 On one side, there are feminist groups, left-wing
161 parties (mainly their women members) and the
162 governmental *Instituto de la Mujer* (Women's
163 Institute), who have unsuccessfully advocated
164 extending and reforming the law. On the other
165 is a stronger group that includes the Catholic
166 church and some anti-abortion groups, which
167 are still very active. With them, through inaction,
168 are also the conservative and right-wing
169 parties who, however, have made few efforts to
170 reverse or restrict the existing law.^{1,18}

171 Unfortunately, the law as it stands, although
172 perhaps liberal for its time, does not reflect
173 women's needs. The most common reasons for
174 abortion in Spain are in fact socio-economic,
175 but abortion on those grounds is not legal.^{1,19}
176 Consequently, serious risk to the woman's mental
177 health is usually the reason recorded, and it must
178 be certified by a psychiatrist.^{15,18} This has been
179 the case for 98% of the the abortions listed in the
180 official abortion register from 1992 to 2004, which
181 makes a mockery of the validity of the data.¹⁹

182 To this day, neither abortion nor family planning
183 services are integrated into the public
184 health system in Spain.¹⁹ In fact, from 1992 to
185 2004, 97% of abortions in Spain were performed
186 in private clinics.²⁰ Moreover, given the varying
187 political and economic circumstances and
188 extent of influence of the Catholic church in
189 different parts of Spain, access to abortion services
190 also differs. Thus, in 2004, the proportion
191 of abortions provided in very Catholic provinces
192 was very low, e.g. in Navarra 5%, Catalonia 10%
193 and greater Madrid 12%.²⁰ Many women have
194 to travel to other parts of the country for abortions
195 and some still go abroad.

196 European Parliament recommendations emphasise
197 the importance of legalising abortion in order
198 to protect the rights and health of women. However,
199 the situation in Spain may be undermining
200 women's health in some cases.^{21,22} Having to
201 travel for an abortion causes delays, and women
202 whose abortions are in fact for socio-economic
203 reasons have to accept and pay for their mental
204 health to be questioned in order to get a legal
205 abortion. Moreover, some women, especially
206 young women, may still be undergoing unsafe
207 abortions because they cannot afford private
208 clinic fees.¹⁹

209 We thought it would be useful to analyse parliamentary
210 debates and voting patterns to identify the positions
211 of the political parties and

the agreements and disagreements within each
party, and to examine the positions of the women
and men who are members of parliament. This
would help to identify key points for political
debate and ways to stimulate the promotion of
abortion legislation that meets women's needs.
We also think it would be valuable to do political
epidemiological research on the health effects
of decisions made by political institutions.²³

We report in this paper an analysis of the frequency
of legislative initiatives related to abortion in
democratic Spain from 1979 to 2004, and analyse
the discourse on abortion of members of the
Spanish parliament by sex and political affiliation.

Data and methods

The study was a longitudinal, retrospective study.
A systematic search with the keyword "abortion"
was carried out in the database of the Spanish
Parliament for the years 1979-2004.¹⁷ The data
collected and analysed covered the number and
sex of the members of eight elected parliaments,
frequency of initiatives on abortion, parliaments
in which they were proposed, where they were
debated (in Special Commissions or on the floor
of parliament), number of bills that passed their
first reading and political outcomes of those
bills that reached debate stage. Finally, for the
bills that were debated, data were collected on
the sex and political party of those participating
in the debate.

Nudist Vivo software allowed us to perform a
sweep of the contents of the texts of parliamentary
debates on abortion and identify 16 different
arguments or positions that were put forward.
Given that each of these arguments was based
on an intention as regards the law, we identified
the variable - positions of women and men
parliamentarians on abortion legislation - in order
to establish mutually exclusive (in favour vs.
against) categories. In order to validate these
categories as measurement tools and to ensure a
common meaning, the team produced operative
definitions for each position. Subsequently, we
calculated the level of inter-observer agreement
(authors BC and MC) by means of the Kappa
index and obtained a high agreement (Kappa
index = 82%).

Based on the positions taken by the different
political parties on legalisation of abortion on

request up to the first 12 weeks of pregnancy, another variable was created – pro-choice and anti-choice parties. This variable divided the political parties into those that favoured allowing women to make a free and responsible decision whether to continue a pregnancy or not, who were pro-choice parties: *Partido Socialista, Izquierda Unida, Bloque Nacionalista Galego, Esquerra Republicana, Coalición Canaria* and *Grupo Mixto*, and those that defended fetal rights over women's right to decide, who were anti-choice parties: *Partido Popular, Convergencia i Unió* and *Nacionalista Vasco*. The *Union de Centro Democrático* was excluded because it eventually disappeared from the political arena and because its members were equally divided between pro-choice and anti-choice positions.

A descriptive study was also made of the frequencies and percentages of all the collected variables along with a comparative analysis of the arguments and positions by sex of members of Parliament and by pro-choice and anti-choice party grouping. The chi-square test was performed to compare the percentages of the arguments and positions in the abortion debate between women and men members of Parliament and pro-choice and anti-choice parties. The statistical set SPSS-11.5 and EpiInfo 6 were used for this analysis.

Results

Subjects and frequency of debates

We found a total of 229 legislative initiatives in which abortion was mentioned in the period 1979–2004. These included bills to reform the existing law, proposals of regulations governing implementation of the existing law and questions to the government about the abortion law and its application. The bills and regulations were also examined by specific parliamentary commissions, to which key professionals were invited to give evidence.

Of the total initiatives, 104 (45.4%) were debated, while 125 fell without debate. Only seven (2.6%) of the 104 debated initiatives were voted on and passed, all of which were related to the approval and sale of mifepristone and its use for medical abortion. Another four initiatives were voted on but fell. The other 93 were discussed only in parliamentary commissions. These included 70 in the Justice Commission, ten in

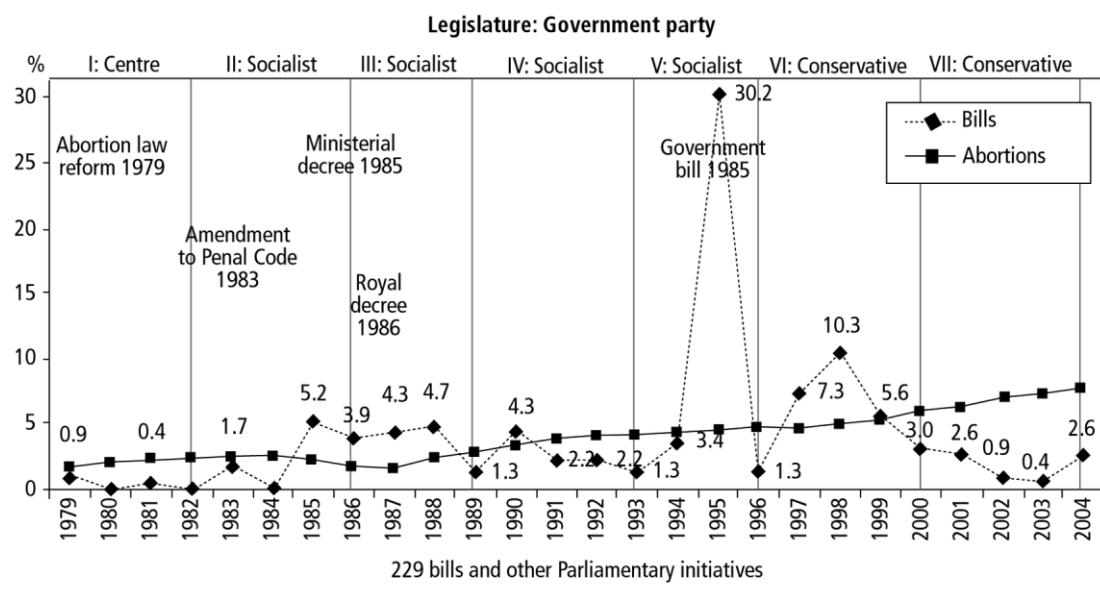
the Health Commission, seven in the Social Affairs Commission, two in the Education and Culture Commission, one in the Finance Commission, one in the Constitutional Commission, one in the Telecommunications Control Commission and, surprisingly, only one in the Women's Rights Commission.

For example, in 1985, the same year as the abortion law was passed, an amendment was tabled by the opposition conservative *Partido Popular* to recognise the right of doctors and health personnel to exercise conscientious objection to abortion, even a legal abortion. This was voted on but not passed.¹⁵ Another example, under the conservative government in 1996, was a question tabled by the Socialist Party in opposition, which asked the government what they would do with women who were on trial for having had an abortion outside the parameters of the law, since they should not be sent to prison. Although the question was debated, nothing came of it.¹⁷ Deficiencies in the application of the abortion law were the subject of appearances before the Justice Commission of the President of the Royal Academy of Political and Social Sciences and Ethics, the Minister of Health, the Minister of Social Affairs, the Director of the *Instituto de la Mujer*, and the President of the General Council of the Judicial Power in 1995.¹⁷

The frequency of the initiatives related to abortion is shown in Figure 1. Before 1985, there were very few. From 1985–95 when the new abortion law was being put into effect, the frequency of parliamentary debates remained constant, with an upturn in 1995 as a result of the new government bill to extend the grounds for abortion. During that period, abortion was raised most frequently in questions to the government. Examples of such questions were to do with what kind of information would be given by Spanish public television about abortion in 1985, and what measures the government would take if all the physicians in a region were conscientious objectors. Others were about the number of clinics in Catalonia accredited to do abortions (1986), the criteria used by the Ministry of Health to evaluate the surgical risks of abortion (1987), and measures to guarantee that abortion would be provided by the public health care system (1992).

From 1996 to 2004, when the conservative *Partido Popular* took control of the government,

Figure 1. Number of abortions and proportion of bills and others initiatives on abortion per year in the Spanish parliament, 1979–2004



364 there was a downward trend in the frequency
 365 of abortion-related initiatives (Figure 1), though
 366 questions to the government about abortion
 367 remained important.

368 The support of the conservative and right-
 369 wing parties in the Spanish Parliament for phy-
 370 sicians' right to conscientious objection was
 371 often debated. Yet, the lack of access to abortion
 372 in the public health services and the resulting
 373 inequity for women of different social classes
 374 was surprisingly seldom discussed.

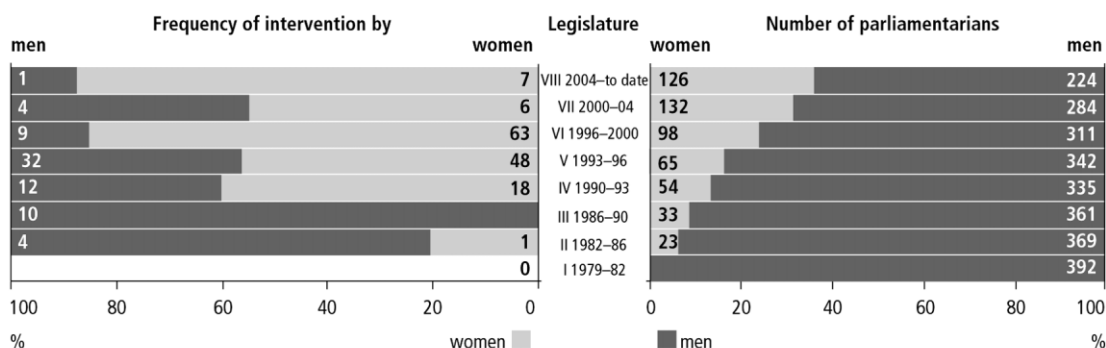
375 There were between 350 and 416 sitting parli-
 376amentarians in each of the eight parliamen-
 377taries from 1979 to 2004. The total number of parli-
 378amentarians who intervened in relation to abor-
 379tion over the whole period was 215 (143 women,
 380 72 men). Most legislative initiatives were intro-
 381duced by the pro-choice parties (65%). Even
 382though women were a minority in all eight parli-
 383aments, they dominated debate on the abortion
 384question (Figure 2) and introduced most of the
 385legislative initiatives (60%). Most of these women
 386belonged to *Izquierda Unida* and the Socialist
 387Party. On the other hand, most of the men who
 388introduced anti-choice initiatives belonged to
 389the conservative *Partido Popular* (72%).

Issues raised in debates on abortion

The main topics related to abortion and the pro-
 portion of the total number of times abortion
 was raised on the floor of the parliament or in
 one of the commissions, in descending order,
 were as follows:

- Extension of the grounds for legalised abor-
 tion to include socio-economic grounds (64%),
- Reform of the current law by legalising abor-
 tion on request during the first 12 weeks of
 pregnancy (60%),
- Women's rights (47%),
- Existence of social demand for legislative
 reform (34%),
- Fetal rights (25%),
- The need for physicians' approval and provi-
 sion of abortion (22%),
- Conscientious objection by physicians (20%),
- Pre-abortion counselling by a physician to
 ensure a woman's informed decision (20%),
- Physicians' right to practise legal abortion (18%),
- Barriers to accessing abortion in private and
 public clinics (14%),
- Women's health problems (morbidity and
 mortality) (14%),

Figure 2. Numbers of women and men in the Spanish parliament in each legislature, and the number of their interventions in debates on Abortion, 1979–2004



- 416 • Beijing agreements (9%),
- 417 • Men’s right to agree to abortion (6%),
- 418 • Concern that abortion may be used as a
- 419 family planning method (6%),
- 420 • European Parliament recommendations (4%),
- 421 • Cairo agreements (2%).

423 Figure 3 shows how many times the above
 424 issues were raised, according to the sex of those
 425 raising the issue and whether they belonged to
 426 an anti-choice or a pro-choice party. Women mem-
 427 bers and members of pro-choice parties domi-
 428 nated the floor on the abortion question. The only
 429 exceptions were fetal rights, men’s rights and
 430 pre-abortion counselling, which were most often
 431 raised by members of anti-choice parties, and the
 432 issue of men’s rights, which was raised equally by
 433 both women and men.

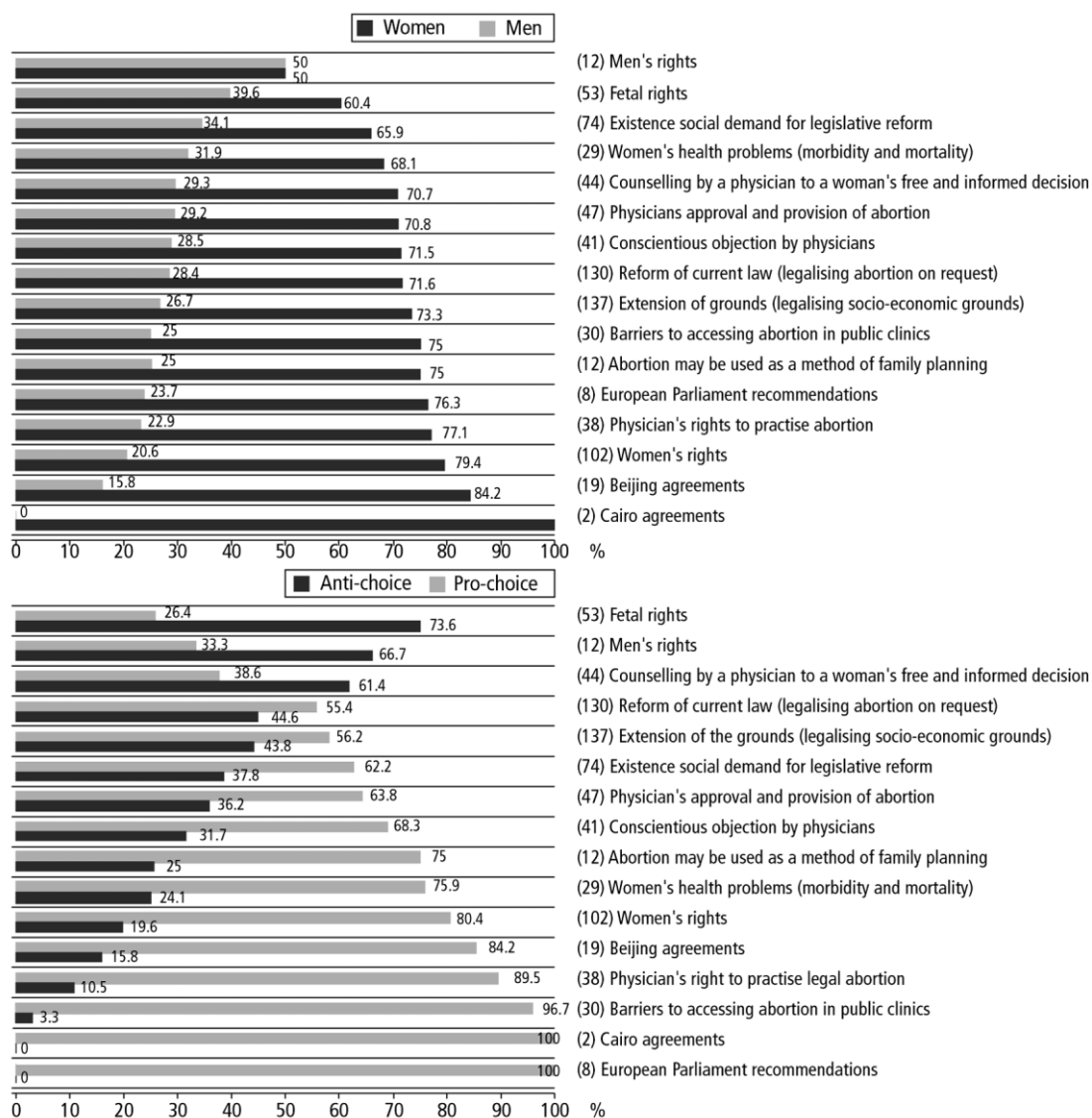
434 **Stance of parliamentarians according to**
 435 **sex and political affiliation**

436 Parliamentary debates were polarised regarding
 437 whether and how the abortion law should be
 438 reformed. There were also differences in the
 439 positions of the men and the women within the
 440 pro-choice and anti-choice parties. Men and
 441 women in the left-wing parties disagreed with
 442 each other more than the men and women in the
 443 right-wing parties, where a greater homogeneity
 444 of opinion existed between the sexes. Thus, fetal
 445 rights were defended by the majority of parlia-
 446 mentarians, including both men and women in
 447 the right-wing parties and some of the male
 448 members of the left-wing parties.

449 Of a total of 130 parliamentarians making a
 450 speech about reform of the current law, women
 451 spoke more frequently (71%) than men (29%)
 452 (p=0.03). Table 1 shows three cases of signifi-
 453 cant differences by sex in positions in favour
 454 and against abortion of the members of parlia-
 455 ment who participated in debates. Women parli-
 456 mentarians not only spoke more often, they
 457 also advocated pro-choice reform of the current
 458 law significantly more often than men (p=0.001).
 459 They were also more often against doctors’ pro-
 460 vision and approval of abortion, as a condition
 461 for abortion than men (p=0.05). In contrast,
 462 their male colleagues supported fetal rights sig-
 463 nificantly more often (p=0.001).

464 Table 2 illustrates the significant differences
 465 between the positions of anti-choice and pro-
 466 choice parties. On one hand, support for women’s
 467 rights was expressed significantly more often by
 468 pro-choice parties than anti-choice parties (80%
 469 vs. 20%) (p=0.001). Arguments about women’s
 470 health (76%) and the right of physicians to pro-
 471 vide legal abortions (89%) were also raised more
 472 often by pro-choice parties than anti-choice par-
 473 ties (p=0.01 and p=0.001, respectively). In addi-
 474 tion, the right of conscientious objection for
 475 physicians was rejected more often by pro-choice
 476 parties (68%) than anti-choice parties (p=0.001).
 477 Moreover, pre-abortion counselling to ensure
 478 women’s informed decisions was advocated by
 479 pro-choice parties but strongly rejected by anti-
 480 choice parties (p=0.001). Similarly, pro-choice
 481 parties advocated extending the grounds for
 482 abortion while anti-choice parties were against
 483 such a reform (p=0.001). On the other hand,

Figure 3. Frequency of arguments used by Parliamentarians women and men, and anti-choice vs. pro-choice political groups on abortion Debate in the Spanish Parliament (1979–2004)



484 anti-choice parties more often referred to fetal
 485 rights (74%) and supported them significantly
 486 more often than pro-choice parties (p=0.001).

487 **Discussion**

488 Abortion has been present only infrequently on
 489 the Spanish parliamentary agenda since 1979.

Its presence increased under the Socialist gov- 490
 ernments (1982–96), but fell sharply under the 491
 Conservative governments (1996–2003). The 492
 most debated issues were the need to reform 493
 the current law to allow abortion on request, 494
 the legalisation of socio-economic grounds for 495
 abortion and the importance of women's rights. 496
 Morbidity related to adolescent pregnancy, the 497

Table 1. Frequency of arguments and positions in Parliamentary debates on abortion, by sex, Spain (1979–2004)

Arguments	Women	Men	Position	Women	Men
Reform of current law	92	38	In favour ^a	55	13
			Against	37	25
Fetal rights	32	21	In favour ^a	20	20
			Against	12	1
Physician approval and provision as a condition for abortion	32	15	In favour ^b	8	8
			Against	24	7

a p=0.001

b p=0.05

498 consequences of unsafe abortion and inter-
499 national agreements (i.e. Cairo and Beijing)
500 received scant attention.

501 Debates on abortion were led mainly by
502 women parliamentarians, mainly from the left-
503 wing parties, which have the most women in
504 their ranks. Nonetheless, attempts since 1985 to

reform the law have failed and there have been 505
few political changes under any government. 506
This may be because more male parliamentar- 507
ians from all parties and all the anti-choice 508
parties support fetal rights, which means they 509
control parliamentary power on this topic. Given 510
their numbers, their arguments get a higher 511

Table 2. Frequency of arguments and positions of pro-choice and anti-choice party members who participated in Parliamentary abortion debates, Spain, 1979–2004

Arguments	Pro-choice party members	Anti-choice party members	Positions	Pro-choice party members	Anti-choice party members
Reform of current law	72	58	In favour ^a	63	5
			Against	9	53
Women's rights	82	20	In favour ^a	81	9
			Against	1	11
Fetal rights	14	39	In favour ^a	3	37
			Against	11	2
Pre-abortion counselling by a physician to ensure an informed decision by the women	17	27	In favour ^a	15	2
			Against	2	25
Conscientious objection of the physician	28	13	In favour ^a	5	11
			Against	23	2
Physician's right to practise abortion	34	4	In favour ^a	34	2
			Against	0	2
Women's health	22	7	In favour ^b	21	1
			Against	3	4

a p= 0.001

b p=0.01

512 standing than those regarding equity in access
513 to services, women's rights or women's health.

514 Our method of exploring the Parliamentary
515 agenda on abortion may be of interest in other
516 countries where abortion legislation does not meet
517 women's needs. It may also be of interest in coun-
518 tries where there is a Catholic majority, since
519 these countries support the institutionalised right
520 of conscientious objection by physicians.^{9,12,24}

521 The limited number of debates over the years
522 and further limitations resulting from the strat-
523 ification by sex among the members of parlia-
524 ment and by the political parties has allowed us
525 only to perform a transversal analysis. This has
526 prevented us from reaching conclusions as to
527 whether an increase in the number of women
528 parliamentarians would modify men's discourse
529 and votes. Nevertheless, the consistent lack of
530 legislative reform suggests that the influence of
531 pro-choice women parliamentarians who sup-
532 port the legalisation of abortion has not been
533 sufficient to achieve the intended reforms, or
534 that women are required to submit to party dis-
535 cipline over and above gender imperatives, or
536 simply that there are not enough women in the
537 Spanish parliament.

538 Although the selection of most often repeated
539 positions for analysis has ruled out some minor-
540 ity positions, the most frequent positions were
541 included and have also been found in similar
542 studies.³ However, even though we studied all
543 the abortion debates and found them to be polit-
544 ically relevant, from a research standpoint there
545 is a problem with the statistical power of the
546 sample since it is unable to detect more signif-
547 icant associations in the arguments and posi-
548 tions according to sex and to pro-choice vs.
549 anti-choice political party.

550 Although this study covers only the years up
551 to 2004, there have been no legislative changes
552 of note on abortion since then. The governing
553 Socialist Party programme still includes extend-
554 ing the legal grounds for abortion, but any
555 attempt to implement this proposition has been
556 postponed until after the next election in 2008 –
557 if they win.

558 The rate of abortions remained stable in Spain
559 between 1979 and 2004, including after the cur-
560 rent legislation was passed. The small increase
561 that occurred in the few years after the law
562 was passed was probably due to a fall in the
563 number of Spanish women having abortions in

564 the UK, Netherlands and other countries, and 564
565 also more complete data collection. Moreover, 565
566 since most abortions are sought for socio- 566
567 economic reasons,¹ even though they are 567
568 recorded as therapeutic, it is unlikely that the 568
569 rate of abortions would rise if socio-economic 569
570 grounds were legalised, or even if abortion on 570
571 request were legalised. 571

572 That there were so few initiatives on abortion 572
573 in the last two parliaments may reflect the fact 573
574 that the governing Conservative Party did not 574
575 recognise any real social demand for reform. In 575
576 any case, regardless of the political affinity of 576
577 the party in government, legislative initiatives 577
578 on abortion have been rare in comparison to 578
579 those on other women's issues, such as violence 579
580 against women. During the same period as we 580
581 studied, there were twice as many initiatives on 581
582 violence against women as there were on abor- 582
583 tion.²⁵ It may be concluded that in a relatively 583
584 young democracy and a traditionally Catholic 584
585 country such as Spain, the private values and 585
586 beliefs of male legislators have so far prevailed 586
587 over public policies supporting women and 587
588 their civil rights. Moreover, given that many 588
589 feminists have become professionally involved 589
590 in state feminism in Spain, their work on this 590
591 issue may have been replaced by the priori- 591
592 ties and the agenda set by the governing 592
593 Socialist Party.¹ 593

594 Perhaps abortion is not considered a real 594
595 social problem in Spain compared to other social 595
596 problems. A social problem exists when it is con- 596
597 sidered as such by the community, but especially 597
598 when the problem undermines the values and 598
599 interests of those in power who influence public 599
600 opinion and have enough authority to take 600
601 action to control it.^{1,26} 601

602 It has been shown that a greater number of 602
603 women in a parliament can more effectively 603
604 represent women's interests.²⁻⁴ In Spain, women 604
605 members of the left-wing parties have domi- 605
606 nated the debates on abortion and introduced 606
607 most of the proposals for change in the cur- 607
608 rent legislation. Nevertheless, despite a gradual 608
609 increase in the number of women parliamentar- 609
610 ians, as in most other European countries, men 610
611 still have a higher number of votes and retain 611
612 greater power of decision-making. Perhaps this 612
613 is another reason why the bills that did reach 613
614 debate stage did not result in legislative reforms 614
615 being passed.²⁷⁻³⁰ 615

616 Key points for political debate and 617 public campaigns

618 The parliamentary commissions, especially for
619 Health and for Justice and Social Affairs, have
620 played an active role in processing bills on abor-
621 tion. These commissions consist of with exper-
622 tise in the field but they can only debate and
623 reflect on the subject at hand, not make policy
624 or laws.³¹ In a matter where radically differing
625 ideologies exist, these commissions must work
626 out how to overcome existing barriers before a
627 bill can be sent for debate on the floor. For
628 instance, they would have to disprove the claim
629 by anti-choice groups, conservative parties and
630 media that the number of abortions would
631 increase if more legal grounds were added or
632 if abortion on request were permitted. This
633 claim, which first appeared in 1985-86 when
634 the legalisation of abortion became a focus of
635 public debate, is erroneous;³² however, it con-
636 tinues to be asserted by the anti-choice move-
637 ment and is one reason why abortion is still
638 treated as controversial.

639 The commissions are not only supposed to be
640 active in examining bills but also in monitor-
641 ing implementation of the laws in their remit.
642 They can summon key informants, for exam-
643 ple, to provide evidence that a proposal to
644 reform the abortion law should be supported
645 in order to meet Spanish women's needs, such
646 as addressing regional inequalities in access
647 to abortion and the need for the public health
648 services to provide abortions. It would also be
649 beneficial if the commissions were to debate the
650 health and ethical problems created by consci-
651 entious objection.

652 The lack of debate on abortion as a women's
653 health issue in Spain may be due to the fact that
654 the Justice Commission has been the one in
655 charge of abortion law in the Spanish parlia-
656 ment. As a result, discussions on this issue have
657 mainly focused on juridical and legal points. The
658 health and women's rights issues should be
659 addressed by those commissions but have not
660 been. If they were, synergies might be developed
661 between the Health, Women's Rights, Justice
662 and Social Affairs Commissions so that abortion-
663 related issues were managed in a more compre-
664 hensive and interdisciplinary manner.

Sexual and reproductive health and rights, 665
including abortion, have been a focus of interest 666
and international agreements for governments 667
and international institutions and organisations 668
in many countries, particularly in Europe.^{22,33,34} 669
This study has shown the key role played by 670
women members of left-wing parties in the Span- 671
ish parliament as leaders in supporting abor- 672
tion rights. Parliamentary and public debates 673
could be initiated by the left-wing political par- 674
ties, especially by their women members, as well 675
as by feminist groups and the *Instituto de la* 676
Mujer during election campaigns. They could 677
take steps to encourage members of the media 678
who support progressive abortion law reform 679
to place the issues in the public eye too.²⁶ A 680
starting point for initiating a debate might be 681
the arguments which pro-choice parties are in 682
favour of and which anti-choice parties are not 683
opposed to – such as issues related to women's 684
health. To date, these issues have rarely been 685
mentioned in Spanish debates on abortion. Suc- 686
cess in taking such efforts forward to achieve 687
law and policy reform should depend not only 688
on left-wing women leaders, but also on women 689
in right-wing parties and all the men in the 690
parliament, as well as the wider community, 691
especially of women. 692

Most pro-choice activity on abortion in 693
Europe today is in countries where abortion is 694
still illegal and for many women unsafe – 695
Ireland, Poland and until March 2007 Portugal. 696
In Spain, where abortion is off the agenda, it is 697
unclear what is needed, in the absence of a 698
direct threat to the law or the clinics providing 699
abortions, to make the situation of abortion be 700
perceived as a social problem worthy of mean- 701
ingful parliamentary attention. However, know- 702
ing what the issues have been and where the 703
support does and does not lie, it may be easier to 704
plan further action in the near future if the left- 705
wing continues to control the legislature. 706

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714 **Résumé**

715 Depuis la transition de l'Espagne vers la démocratie,
 716 l'avortement est une question politique à l'intérieur
 717 et à l'extérieur du Parlement. Cet article retrace
 718 l'histoire de la réforme de la législation sur
 719 l'avortement en Espagne de 1979 à 2004 et
 720 analyse le discours des députés espagnols, par
 721 sexe et appartenance politique. L'analyse est
 722 fondée sur une étude de la fréquence des
 723 initiatives législatives et de la prévalence des
 724 différents arguments dans les débats sur
 725 l'avortement, effectuée à l'aide d'une recherche
 726 systématique dans la base de données
 727 parlementaire. Les travaux parlementaires ont
 728 consacré peu de temps à l'avortement par
 729 comparaison à d'autres questions intéressant les
 730 femmes, comme les violences conjugales. On a
 731 recensé 229 propositions de lois et autres initiatives
 732 parlementaires pendant cette période, dont 60%
 733 lancées et dirigées par des femmes favorables à
 734 l'avortement. Parmi les députés ayant participé
 735 au débat, il y avait 143 femmes et 72 hommes.
 736 L'inclusion de motifs socio-économiques pour
 737 l'avortement légal (64%) et la légalisation de
 738 l'avortement pendant les 12 premières semaines
 739 de grossesse (60%) étaient les propositions les
 740 plus fréquentes, basées le plus souvent sur le
 741 droit des femmes à choisir. Les membres masculins
 742 et féminins de partis opposés à l'avortement
 743 et la plupart des membres masculins d'autres
 744 partis militaient pour les droits du fœtus. Les
 745 partis pour le libre choix ont présenté davantage
 746 de propositions de loi que les partis contre
 747 l'avortement, mais, depuis 1985, toutes les réformes
 748 ont été refusées.

Resumen

Desde la transición de España a la democracia, el
 aborto ha sido asunto de políticas públicas dentro
 y fuera del parlamento. En este artículo se describe
 la historia de la reforma de la ley de aborto en
 España desde 1979 hasta 2004, y se analiza el
 discurso sobre el aborto por parte de los
 parlamentarios españoles, por sexo y afiliación
 política. El análisis se basa en un estudio
 retrospectivo de la frecuencia de iniciativas
 legislativas y la prevalencia de diferentes
 argumentos y posiciones en debates sobre
 aborto, encontradas mediante una búsqueda
 sistemática en la base de datos parlamentaria.
 No se dedicó mucho tiempo al aborto en la agenda
 parlamentaria, comparado con otros asuntos
 relacionados con las mujeres, como la violencia
 contra éstas. Hubo 229 iniciativas parlamentarias
 en ese periodo, el 60% iniciadas y dirigidas por
 mujeres por el derecho a decidir; 143 diputadas y
 72 diputados participaron en los debates. La
 aceptación de motivos socioeconómicos para
 tener un aborto legal (64%) y la legalización de
 la práctica de abortos a petición en el primer
 trimestre del embarazo (60%) fueron las formas
 más frecuentes propuestas para reformar la ley,
 principalmente a raíz de argumentos referentes a
 los derechos de las mujeres. Hombres y mujeres
 afiliados a partidos contra el derecho a decidir, y la
 mayoría de los hombres afiliados a otros partidos
 abogaron por los derechos del feto. Los partidos
 por el derecho a decidir presentaron más proyectos
 de ley que aquellos en contra, pero hasta ahora,
 se ha votado en contra de todas las reformas
 propuestas desde 1985.

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