



HIGH LEVEL EUROPEAN SEMINAR

# PREVENTING ABORTION IN EUROPE

Legal framework and social policies

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## *Abortion in Italy: Law & social perspectives*

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I would like to speak about the particular situation of abortion in Italy. First of all, I want to clarify: we have, as you know, a pro-abortion law but with a lot of aspects that can be used against abortion or to prevent it and we're working especially around these aspects. I will try to explain this to you.

First of all, the statistics. Our statistics have a very high quality level because they come from two different kind of independent sources: Statistical Institute and Sates Services - and we can check them and we are really sure that they reflects the situation of abortion in Italy. As you can see, we do not only have the absolute numbers – that have steadily declined – we also have different parameters: abortion rates and abortion ratios. The first refers to the number of abortions for 100 live births and the second is the number of abortions for 1,000 women in fertile age. VTP stands for voluntary termination of pregnancy; this is the official language to speak about abortion. They have realistically declined since 1982. Here you can see the absolute numbers for the different years. You can see that in 1983 there were these numbers 233,976 and then we have half and then half of that number almost 40 years and this is really a big thing.

If we compare the abortion rates for 1,000, among all the Western countries, we can see that Italy has one of the lowest values. This is a quote unquote “good” situation in terms of abortion. Why?

First of all, we must also consider - and something about this has already been mentioned before me – that the use of the oral contraceptive pill is among the lowest in the Western countries: in Italy, about 15.2% of women use it. In addition we have the lowest birth rate in Europe. So we have a low abortion rate and a low use of chemical contraception. We have scarce sex education in schools, it is not in the curriculum. And we have a low birth rate so this means that we control the birth rate but without chemical contraception. But we also have low abortion. So what happens in Italy?

In our opinion, the most important cause of the constant decrease of abortions is not only due to the parallel decrease of the birth rate. Obviously, if we have a lower birth rate then we have fewer abortions. But in our opinion, the principal cause is that we do not have a private sector that makes a market of abortion. We do not have Maria Stopes or Planned Parenthood clinics in Italy. In Italy, people cannot gain financially thanks to abortion. Abortion can only be performed in public structures. Private structures can only do so if they are authorized by the State, which means that they receive a fixed sum depending on the type of operation. Women do not pay anything but doctors cannot make money on this. This is also the case concerning the chemical pill, the RU486. So we don't have any type of financial game around abortion.

This means that avoiding the market with its pressure and being able to promote prevention are the key aspects of our 194 law. I repeat, it is a pro-abortion law, obviously, but it has different aspects that can be used to prevent abortion. First of all, in Italy there is no right to abortion, it is only decriminalized. Moreover, abortion in Italy is not on demand. This means that the woman's request is never enough to have access to abortion services. This is important because it is not a right so this means that if a woman asks for an abortion it is not obvious that the doctor will say OK. So we can say that the title of the law was a compromise at the time. It should be the aim of the law, textually, only textually, to protect motherhood and to provide means for the prevention of abortion. This is written. So you have some contradiction in the law, obviously. But I am happy of this contradiction because I can underline the part of the prevention. And this is the quote unquote “help” of the law to prevent abortion, even if it's an abortion law.

For example, we have different rules in the first 90 days of the pregnancy and after. In the first 90 days the limits are generic. It is not a right but you can get abortion for economic, social and so on causes. But this is the procedure: there must be an interview between the woman and the doctor. This interview is necessary to try and remove the causes that underline the request for the termination of pregnancy. This is the text. Obviously, usually it is flexible, but this is the text. And then, if the doctor agrees with the request of the pregnant woman, this request is certified and documented. With this

document you can book the abortion in a hospital but in most cases you must wait 7 more days before you can book the intervention. Because the law provides for an invitation to reflect for 7 more days when there is no urgency. So the law says: “You must think, this is not a good thing. You have to think about abortion.” Obviously, in everyday life this application is flexible. But the law has a very clear framework about abortion. It is not a good thing and it should be the last chance. After this week of reflection the woman can begin the abortion procedure if she still wants to. This is for the first 90 days.

Concerning late term abortions: first of all, there is no explicit limit to the abortion taking the form of a limit of a specific number of weeks into the pregnancy. But there is a criterion. It is said that you can do abortion only when the foetus does not have the possibility of autonomous life outside of the uterus. The law speaks of “possibility” and not “probability”. The probability is a number based on the literature. The possibility means that the abortion is possible only if it is completely impossible for the foetus to survive outside of the womb. So when the foetus can live outside of the mother’s womb, the child has a right to life like any other citizen. So this means that if the pregnant woman is in a life threatening condition –and this condition must be certified, i.e. in written form– but the foetus has the possibility of an autonomous life the doctor should induce the delivery of the child, trying to save both lives: the life of the mother and the life of the child.

This is written, you must want for the law to be applied but this is what is written. There is a strange mix in the law between a pro-life position and a pro-abortion position, but you can choose some parts, and you can push for the application of those parts. In addition, the law does not have a eugenic framework, textually. This means that a possible disability of the foetus is not enough to access abortion. The malformation - if it is diagnosed - should be the cause of a severe health problem for the woman in order to allow a late abortion. These things all together mean that if a woman is in the first 23 weeks of her pregnancy and she discovers that she has a child with Down syndrome, following the law she can’t have an abortion because it's too late at 23 weeks because the foetus can survive outside the womb. She can only undergo an abortion if the fact that the malformation is going to induce a severe health problem for the woman is integrated. If you really applied this law, it would not allow late abortion.

And it is really so, because even if in everyday life abortions do not strictly fulfil all this criteria, at the same time in some important Italian hospitals, for example, Mangiagalli in Milan, the internal professional guidelines do not allow to perform abortions after 20 weeks. And this is because they accepted to apply the law. It is the “minimum damage”. The law allows for a minimum damage in order to have less dead babies. So only thanks to the law’s explicit goal of prevention the pro-life NGOs are admitted inside hospitals in order to meet the woman who want to undergo abortions to try and help them to avoid it. It is not easy, the NGOs may have to bring a claim to obtain this right, but the law

allows for their presence. The Italian experience in pro-life advocacy was made possible by the prevention framework provided for by the Italian abortion law. The presence of the NGOs has strongly contributed to a visible, concrete and especially public presence of pro-life philosophy and especially activity. It is not easy to obtain but the law allows this prevention mentality and this is help because if you have enough courage to go to war, you have the law on your side.

We have the conscientious objection but I do not have the time to explain what happened this past year in this area. There were violent media campaigns concerning the high number of conscientious objectors in Italy. In absolute numbers, in Italy, 70% of gynaecologist are conscientious objectors. I remember that in Italy, there are about 20-25% Catholics. So all of the objectors are not Catholic. So there is a problem, a professional problem, doctors do not want to perform abortions.

It is important to defend also the idea of objectors –and not only the practice of conscientious objection– because the fact that the most doctors do not want to perform abortion, independently of their religious beliefs, shows that there is a problem with it. If only Catholics were conscientious objectors then we would have a percentage of more or less 25%. We wanted to defend the right of conscientious objectors. We calculated the workload of each non-objecting gynaecologist. We have seen that, while the abortion rates more than halved since 1983, the numbers of non-objecting gynaecologists are more or less the same. So in the last column you can see the workload per week considering that there are 44 working weeks in a year. We have 1.6 abortions per week, less than 2. So we do not have a problem of number of objectors. We have made the calculations for all the different regions and sub-regional areas in Italy and it has confirmed this. They are enough, in fact we have seen it that 11% of non-objectors - about 150 doctors – are not assigned to abortion services because the administration assigned them to other services in the national health structures. That means that there are enough non-objectors in Italy. More than enough. And we don't need more non-objectors to perform abortions.

So my question is: where is the problem with conscientious objectors in Italy? It is only an ideological problem, they want to destroy the idea of contentious objection. So in the end, we have a low birth rate, a low contraception use and a low abortion rate. This is our specificity. Does this depend only on the law? No. It does not depend only on the law, this is a pro-abortion law with some quote unquote “good” aspects, but it is a pro-abortion law. I completely agree with what I heard in previous contributions, especially that of Cherline Louissaint, that clearly said that our situation is the factual demonstration that the huge diffusion of chemical contraception in itself is not the most effective way of preventing abortion. We have a very low access to chemical contraception. Abortion in Italy is not considered as a means of birth control. The lack of private clinics surely prevents from encouraging this practice. Italy lacks this contraceptive mentality.

We define this mentality as the aptitude to consider pregnancy as a sort of sexually transmitted disease that must be avoided at all costs. In Italy it is not so. In our country, facts demonstrate that birth control is achieved especially through natural or at least not chemical methods. These are facts, because the use of the contraceptive pill is less than 20%. And these are numbers. The low birth rate shows their high efficiency despite the mainstream opinion about them. But also this phrase is not enough. As it has been said before, this means of birth control method can only be used with in stable relationships and not in occasional ones. If you have different occasional partners you need the contraceptive pill. If you have stable relationships, you can use other methods. Because you can trust your partner you are not alone.

In addition, in a stable relationship a pregnancy that is not programmed is mostly accepted. In Italy, the family is not so good but still continues to be important for the life of everyone as it was said before and it is a great help to welcome a new life. If you have a partner, if you have a mother, if you have an uncle, if you have a cousin, if you have all these people around you and you have an unplanned pregnancy it is easier to accept it. But if you are alone, if you are without a mother because you have said goodbye to her when you were 18, and so on, it will be difficult to accept an unplanned pregnancy. Especially if it is a pregnancy outside a stable relationship. So when the family is important, it is easier to welcome a new life. This is a fact. The growing number of couples living outside marriage, weakens the institution of marriage itself and the strength of the family. The weaker the family, the fewer the number of births. In this sense we have a paradox: there may be a future without abortions but due to the disappearance of births and not because of the disappearance of abortions. But to conclude Italy can still be considered as a point of reference in order to address the abortion issue from the point of view of the least possible damage.

Thank you very much.