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# Abortion Rights

A Workers Solidarity Movement Position Paper

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July 2017

Retrieved on 15<sup>th</sup> October 2021 from [www.wsm.ie](http://www.wsm.ie)

This is the Workers Solidarity Movement position paper on Abortion Rights as collectively agreed at July 2017 WSM National Conference. This position paper sits under the Patriarchy paper which in turn is under the Anarchism, Oppression & Exploitation paper, and hence does not repeat any of that material in these.

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8. The movement should be primarily based on the needs of working class pregnant people: for free, safe & legal abortion provision as part of the health service.
9. In the North we call for the full decriminalisation of abortion, not merely for an extension of the British 1967 Act. While the 1967 Act put an end to people dying from backstreet abortions it did not scrap the 1861 Abortion Act which still criminalises abortion, rather it provides a legal defence.
10. Real choice means being able to end a pregnancy or have children without suffering major economic or social costs. We call for:
  - The provision of a guaranteed minimum income, housing and childcare facilities for all women who continue our pregnancies and keep our children.
  - A supportive attitude to all women who decide to opt for adoption, and recognition of the rights of women and children in this position.
  - Provision of non-directive pregnancy counselling to all who require it.
11. The struggle for abortion rights is part of the struggle for more liberty, those who can't become pregnant (such as cis men) should be involved as well as those who can (such as cis women and trans men).

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#### **4. The Situation Today and the Strategy of the WSM**

1. The anti-choice and religious fundamentalist groups are losing support, all major opinion polls show a majority of voters prepared to permit abortion in at least some circumstances.
2. The major political parties want to ignore the issue, using the availability of abortion abroad as a 'safety valve'.
3. The relatively widespread distribution of illicit abortion pills in Ireland represents a significant change in the struggle, and is a direct action solution which undermines the legitimacy of the law.
4. As pressure for a referendum to repeal the 8<sup>th</sup> Amendment mounts, the best option available to the southern government will be to call referendum for abortion access in more 'limited circumstances'. The movement as a whole needs to decide whether to engage with that lesser choice or to boycott it in order to push for full repeal.
5. We favour uniting all who will work for repeal — with the proviso that the explicitly pro-choice position be represented, along with more limited views, on all platforms.
6. The building of a visible pro-choice movement is a vital part of the 'battle of ideas' that will see eventual decriminalisation .
7. Decriminalisation is preferred to legalisation. Legalisation requires law specific to abortion. Decriminalisation does not, making it a choice between a pregnant person and their doctor. There's no specific law for knee surgeries for example.

- e. Fairly hollow legislation has been enacted to allow for the very limited grounds established by the X-case. To legalise abortion in any other circumstances first requires a referendum to overturn the 8<sup>th</sup> Amendment.
- f. In response to widespread protest against the death of Savita Halappanavar in 2013 the Protection of Life During Pregnancy Act was passed which hypothetically allows for abortion when the pregnant person is suicidal, but requires that person to be assessed by one obstetrician and two psychiatrists.

### 3.2 North of Ireland

- a. The North as well as the Isle of Man are the only parts of the UK not governed by the 1967 Abortion Act.
- b. While the 1967 Abortion Act put an end to working class people dying from back street abortions, as wealthy people had other means of securing abortions, it did not put an end to the 1861 Offences Against the Person Act. The 1967 Act is a paternalistic law that requires two doctors' signatures for an abortion to be carried out. Rather than calling for its extension we call for full decriminalisation.
- c. In December 2015 the High Court in Belfast ruled that the anti-abortion laws in cases of rape, incest and fatal foetal abnormalities was a breach of the human rights of those who are affected by the laws.
- d. Despite paying the same amount of taxes towards the NHS pregnant people from the North cannot avail of free abortions under the NHS in England. Despite this being challenged in the courts an appeal as recent as June 2017 stood by this law.

## 1. Why We are Pro-Choice

1. The WSM stands for people having control over their own bodies: bodily autonomy. Part of that is control over our own reproductive health, including the ability to end a pregnancy if we choose to. The prohibition of abortion on the island of Ireland is a gross violation of that basic right to bodily autonomy.
2. Though cis women have been the primary targets of the abortion ban, abortion rights affect anyone else who can become pregnant namely trans men, non-binary and some intersex people. It's important to recognise this in order to have a movement which includes all people who can become pregnant and which challenges patriarchy as a whole rather than only the oppression of cis women. Hence our inclusion of gender-neutral language in this position paper and in our campaigning for abortion rights.
3. However we believe that the imposition of an abortion ban is strongly linked to women's inferior position in patriarchal society and expected role as baby-makers and home-makers. The capacity for most women to be pregnant has copper-fastened that inferior position in capitalist society. This has been extended to being stuck with child rearing within the family. Therefore women's access to work, education, leisure and any chance of self-advancement has been strictly limited. This is especially true for working class women. The WSM opposes women's oppression.
4. People who can get pregnant have always tried to control their own fertility. Anti-abortion laws have resulted in backstreet abortions and induced miscarriages. World-wide, one person dies from a back-street abortion every three minutes. Winning full control over our own fertility is an essential

step towards ending women's oppression. The technology has been developed under capitalism to make this both safe and possible. Women and others must have the right to use this technology to decide if and when to have children.

5. We support a person's access to full, free and safe contraception. If they find themselves pregnant but do not wish to have a child then they should have access to free, safe, abortion on request.

## 2. What We Mean by Pro-Choice

1. We believe in real options and real choices for people who can get pregnant. A person who wants to have a child shouldn't have to spend the rest of their life looking after them. This is why we favour the option of full child-care provision, parental leave and flexi-time for working, public creche facilities and restaurants. The present role of many women as full-time unpaid childminders within the family must be ended.
2. A person who finds themselves pregnant and does not wish to remain so should have a right to free, safe abortion on demand. This is not an abstract political slogan, we don't go around shouting "free abortion on demand" in the belief that it can only be gained in the context of a socialist revolution. We believe that it is merely one of the basic first steps in freeing women from the constraints placed on us by capitalism.
3. The quality of a pregnant person's life can never be made equal to that of an unborn foetus. The foetus is totally dependent on the parent it cannot be said to have an independent existence. To give it such rights (as per the Irish constitution) reduces pregnant people to the status of breeding machines

or walking wombs. Just as an acorn can become an oak tree, a foetus can become a human baby. But a foetus is no more a baby than an acorn is an oak tree.

4. However, politically, there is little point in entering debates on "when does life begin?" or viability of the foetus. Our arguments must focus on a person's right to control their own body.

## 3. The Current Legal Situation

### 3.1 South of Ireland

- a. In 1861 abortion was made a criminal offence in Ireland, north and south. This was still the case in 1983 when the anti-choice lobby got the southern government to hold a referendum which amended the Constitution to give equal rights to the "unborn". This is the 8<sup>th</sup> Amendment.
- b. In 1992 the High Court granted an injunction preventing a 14 year old, pregnant as a result of rape, from traveling to Britain for an abortion (this was the X-case). The WSM was centrally involved in organising protests of up to 10,000, which led to the injunction being withdrawn and a major shift in public attitudes towards abortion.
- c. In the same year two referendums passed, which amended the Constitution to protect the right to travel for abortion and to have information about abortion services abroad. A third option, to exclude suicide as a life-threatening risk which would legally justify abortion, was rejected.
- d. In 2002 voters rejected another constitutional amendment to allow abortion where a woman's life is at risk from pregnancy, but not suicide, by 50.42% to 49.58%.