

Abortion debate heats up in Latin America

The debate over abortion is resurgent in largely Roman Catholic Latin America. Some of the most religious jurisdictions in the region are loosening restrictions on the procedure while other countries, such as Nicaragua, are firmly clamping down. Jill Replogle reviews the situation.

Both pro-choice and anti-abortion activists have been busy in Latin America during the past few years amid big legal changes in several countries. After Colombia loosened its previously strict anti-abortion legislation in May, 2006, Nicaragua passed one of the strictest anti-abortion laws in the region, in November of the same year. Then, Mexico City swung in the other direction by legalising abortion in April this year.

The abortion debate in Latin America has become increasingly polarised as the issue is more openly discussed. In this largely Catholic region, some of the most religious countries have liberalised legislation on abortion. In others, anti-abortion laws have become more restrictive; for example the introduction of criminal sentences for women who have abortions and doctors who do them, even when the mother's life is in danger.

The Pan American Health Organization (PAHO) estimates that 4 million abortions take place in Latin America each year, despite overwhelmingly restrictive laws in most countries. Cuba and Guyana are the only countries in Latin America that freely allow abortions. Of the 193 countries that make up the UN, only five nations (all but one in Latin America) prohibit abortion when the mother's life is in danger—The Vatican, Chile, Honduras, El Salvador, and Nicaragua.

In Mexico, the federal district government of Mexico City has passed a law that makes abortion legal during the first 12 weeks of pregnancy. Physicians who morally object to abortion are not required to assist. Abortion is generally illegal elsewhere in Mexico but most states make exceptions if the mother's life is in danger or if the pregnancy is a

result of rape. Since the Mexico City law was passed, more than 1000 abortions have been carried out in the city's public hospitals, according to Héctor Barragán, communications director for the Mexico City health department.

The law, which was pushed through by the leftist Party of the Democratic Revolution, has been fiercely opposed by the Roman Catholic Church and conservative politicians. The Mexican Attorney General's office and National Human Rights Commission—controlled by the conservative, national government of the National Action Party—have both filed legal complaints against the new law. They claim that it violates the constitutionally guaranteed right to life, and that the Mexico City government lacks the authority to legislate in matters of health. The Supreme Court is now reviewing the law, but abortions have continued in the meantime.

Armando Martinez, president of the College of Catholic Lawyers, the Catholic lawyers' guild, called the new law "discriminatory" because a would-be father has no say in whether his

female partner chooses to have an abortion. "The man's paternity is being violated", said Martinez.

Colombia also loosened its restrictions on abortion, after the country's high court ruled in May last year that abortion should not be considered a crime if a woman's life is in danger, in the case of rape or incest, or if the fetus is severely malformed. Previously, abortion was illegal under all circumstances.

Nicaragua went in the opposite direction late last year, becoming one of the few countries in the world to prohibit abortion completely, even when the mother's life is in danger. Nicaraguan lawmakers voted to remove a legal clause that had allowed abortion for "therapeutic" reasons. Now, any woman who undergoes an abortion can be sent to jail for 4 years, and physicians who practise abortion can spend up to 6 years in jail. The reform was passed just before the country's presidential elections, under strong pressure from the Catholic Church hierarchy and evangelical church leaders.

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The printed journal
includes an image merely
for illustration

Supporters of therapeutic abortion took to the streets of Managua, Nicaragua, in October, 2006

The printed journal includes an image merely for illustration

Reuters

Brazil's president has proposed a popular referendum on abortion

In January, medical associations, human-rights groups, and women's organisations presented a legal challenge to the new law, which argued that it violates both a woman's right to life and freedom from cruel and inhumane treatment, among other rights guaranteed by the Nicaraguan Constitution and international conventions ratified by the country. The Nicaraguan Supreme Court was supposed to rule on the issue by June 12 but has let the deadline pass. Marta María Blandon, director of Ipas Central America—a reproductive-rights group based in the USA—said that the Court was stalling while the Nicaraguan Congress discusses reforms to the country's penal code, including the section on abortion. "It's a hot potato", she says. "No one wants to take responsibility for making a decision either way, and meanwhile, women keep dying."

International organisations that usually refrain from taking sides in the abortion debate have spoken up against the law in Nicaragua. "The penalisation of therapeutic abortion goes against the generally accepted principle of the preservation of women's health. It should not be classified as a crime, but rather as an emergency surgical medical intervention to prevent complications, after-effects and to save women's lives", stated PAHO in a recently-released report. The report noted that the Nicaraguan law had begun to affect the quality and timeliness of interventions to treat obstetric complications, because physicians have doubts about when they can legally intervene.

Some experts have identified a legal gap between the penalisation of abortion in Latin America and international conventions on women's health and human rights ratified by Latin American countries. "The fact that legislation on abortion has not been modified along with the legal recognition of other reproductive rights has been a tense and conflictive issue in the debates", states a new report on abortion in Latin America from the French research organisation, Centre Population et Développement.

Unsafe abortions are among the leading causes of maternal death in Latin America and elsewhere in the developing world. According to the International Planned Parenthood Federation (IPPF), of the 500 000 maternal deaths that occur every year, 70 000 (14%) are a result of complications from unsafe abortions. 19 million unsafe abortions occur every year, of which over 96% are in developing countries.

Because of the high rates of death and complications from illegal abortions, abortion is increasingly seen as a public-health problem, not just as a moral debate. "There's definitely more open discussion", said Carmen Barroso, director of IPPF for the Western Hemisphere and Caribbean.

"There is also a better understanding of the issues, including by the Catholic public", she said. However, said Barroso, Catholic Church leaders still have a strong influence over policy in Latin America.

When Pope Benedict visited Brazil—the country with the largest Catholic population in Latin America—in May of this year he caused a stir by telling a journalist that politicians who support pro-abortion laws should be excommunicated and should not receive communion. The Vatican press office then tried to soften the Pope's statement, but it still left many politicians and pro-choice advocates fuming.

Brazilian President Luiz Ignacio "Lula" da Silva has been insistent that abortion should be seen as a public-health issue. In 2005, da Silva set up a tripartite commission of legislators, government officials, and civil-society groups to draft reforms to the existing abortion law. The commission presented a bill to Congress in late 2005 that would have legalised abortion, but the bill was shelved in the run-up to the 2006 presidential elections, in which Lula was re-elected.

Da Silva and Brazilian health minister, José Gomes Temporão, have since proposed putting abortion up for popular referendum, as was recently done in its former coloniser, Portugal. There, abortion was legalised up to the 10th week of pregnancy after the public voted in February, 2007, to legalise abortion. Temporão has also announced plans to make emergency contraception more widely available to the public, and at low-cost.

As the debate grows, anti-abortion and anti-contraception groups have become increasingly vocal throughout Latin America. With new debates and new calls for legislative change surfacing continually around the region, the issue is bound to get even hotter in the future.

Jill Replogle