7-26-2013

Uruguay's Right Fails to Overturn Law Decriminalizing Abortion

Andrés Gaudàn

Follow this and additional works at: https://digitalrepository.unm.edu/notisur

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiSur by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Uruguay's Right Fails to Overturn Law Decriminalizing Abortion

by Andrés Gaudín
Category/Department: Uruguay
Published: 2013-07-26

Uruguay's most conservative sectors and the Catholic Church tried to abolish a law that decriminalized abortion under certain conditions, but society rebuffed the efforts. The law's opponents resorted to a provision of the referendum statutes, but only 8.8% of the electorate supported them.

In 2008, when Congress voted for the first time on a bill addressing abortion, such a consultation was unnecessary because then President Tabaré Vázquez—in a personal decision rejected by his party, the progressive Frente Amplio (FA)—ignored the vote of 54% of legislators and vetoed the law.

Deputies and senators approved a similar bill in October 2012, and, since President José Mujica, also with the FA, did not ignore the vote of the majority and signed the bill into law (NotiSur, Nov. 2, 2012), the conservative minority initiated a popular-consultation drive. For the law to be put to a plebiscite in October 2013, supporters had to collect 252,000 signatures, 25% of the electorate. When they failed to gather the required number of signatures, they resorted to a second constitutional provision, known as a prior consultation. If 25% of the electorate agreed, then a formal plebiscite would be held. The result—only 8.8% support in the June 23 consultation—left opponents far from their dream of abolishing the law.

Society's support for the law’s provisions was clear, in a country where for years doctors in public hospitals have been authorized to prescribe misoprostol, a medication whose effectiveness has practically eliminated the need for surgical abortion. And, above all, in a country where everyone knows the names of the doctors popularly, and derisively, known as "the people's abortionists," where they practice, and how much they charge. Every city has a luxurious mansion known to everyone as the "palace of the little angels"—the ostentatious homes that the doctors who perform illegal abortions have built to live in, without apparent blame or shame, with their sons and daughters. The "little angels" refer to the aborted embryos.

Those doctors whom the electorate repudiated by voting in favor of the law that decriminalizes abortion are, however, the same ones who jeopardize the validity of the Ley de Interrupción Voluntaria del Embarazo (IVE). Subjected to pressures from religious groups such as the Asociación Uruguaya de Educación Católica and health care facilities such as the Hospital Evangélico and the Círculo Católico de Obreros, these doctors signed a statement saying they "object on grounds of conscience" to the law, and their objection also applies to the public hospitals where they work. Thus, they will not comply with the law.

"I say with disgust, those doctors, who in many cities are impeding implementation of the law, are the 'abortionist' owners of the palaces of the little angels," said Vice Minister of Public Health Leonel Briozzo.
Law has many conditions
The IVE aimed to decriminalize abortion under certain conditions, not to legalize the practice outright. Among a series of factors, the law has a basic premise: it allows abortion only within the first 12 weeks of pregnancy. It also requires a woman to appear prior to the procedure before a three-person multidisciplinary committee made up of a gynecologist, a mental health expert, and a social worker to explain the reasons that led her to opt for an extreme decision such as abortion. Five days after the interview with the committee—"days of reflection," the law calls them—the woman, without professional or familial interference, has the final say.

When she appears before the committee, the woman must explain to the three Sistema Nacional Integrado de Salud (SNIS) experts "the circumstances of the pregnancy and any economic, social, or family hardships, or age-related issues that, in her judgment, prevent her from continuing the pregnancy."

On July 17, six months after the law went into effect, Briozzo said that, of 2,712 women who had appeared before the committee, 2,550 had decided to have an abortion.

The law has five fundamental points. 1) The interdisciplinary panel's role is to explain the law and the inherent risks from abortion, as well as social and economic support available and programs for giving the child up for adoption, all aimed at, when the time comes to decide, the woman knowing the possible alternatives to abortion. 2) The woman's parents can accompany her but cannot force her to decide to either continue the pregnancy or end it. 3) Minors can petition for an abortion only with the signed consent of their parents or legal guardian or with a court order. 4) Women with disabilities will be covered only if they have the consent of their guardian and legal permission from the competent judge. 5) Aside from the stipulations outlined above, an abortion can be provided if the pregnancy would pose "a serious risk to the woman's health, if it is verified that a pathology exists that produces fetal malformations incompatible with survival outside the womb, or if the pregnancy resulted from rape" and the request is made within the first 14 weeks of pregnancy.

It was clear in the first months after the law went into effect that the IVE did not overwhelm the SNIS with requests for abortions as the law's detractors had predicted. However, the majority of party leaders used false polling data that said that 49% of Uruguayans were against the law to ignore the reality and vote with political opportunism, that is, to capitalize on that supposed high percentage of voters for next year's presidential elections.

Opposition ranges from conviction to expediency
The position of others, like former President Vázquez (2005-2010), was not surprising. Nor were those of the leaders of the Partido Nacional (Partido Blanco) Jorge Larrañaga and the Partido Colorado Pedro Bordaberry, both devout Catholics. Coincidentally, Vázquez, Larrañaga, and Bordaberry are the potential presidential candidates for the three largest parties in the country. Most analysts agree that the June 23 vote will have a high political cost for those who did not know how to read reality.

"The presidential pre-candidates misunderstood the voice of the people, or rather the silence of the people. They are out of tune with the two sectors of the electorate most subject to political silence: youth and women. They don't know how [these groups] think, they don't know how they feel, they don't understand them," said Constanza Moreira, political analyst and FA senator.
Moreira—who is also mentioned as a possible presidential candidate—was very hard on all of them, and, in an opinion piece in the Montevideo daily La República, repeated what she had said in October 2012, when Larrañaga announced that "the Blancos will do everything possible to overturn the law." The senator wrote, "We understand the position of the Catholic Church and its lay activists, but it's hard to understand the blindness of opposition groups who are determined to bang their heads against a wall. They say they are defending life when in reality they are contributing to the continuation of the criminal practice of clandestine abortions. They know that the law has an objective (decriminalize, not legalize, abortion); that it has a condition (that it be carried out solely at the woman's discretion); and that it look for a consequence (that the voluntary interruption of pregnancy be a state health policy). To adopt this attitude, saying that it is a matter of conscience, is to hide their complicity in the hundreds of murders every year at the hands of doctors and the health auxiliaries who amass fortunes carrying out abortions illegally and without the minimal health and safety conditions."

Given the adverse results, some in the Catholic Church and the various Protestant denominations demonstrated an attitude that, as with some of the 10 Catholic bishops, subtly ignored the democratic expression of Uruguayans. The laity had a sane and mature reaction. The Pastoral de la Familia y la Vida, which is leading those pressuring the doctors to declare their objection in conscience and refusal to observe the law, reacted "with sadness" and announced that it would make an international presentation against the IVE on the grounds that it violates the Organization of American States (OAS) American Convention on Human Rights (Pacto de San José).

The archbishop of Montevideo, Nicolás Cotugno, accepted the "unquestionable verdict of the ballot box," but Heriberto Bodeant, bishop of the eastern diocese of Melo, capital of the department of Cerro Largo, gave a dangerous reading of the vote. "On June 23, the necessary number of votes was not obtained to submit the law to a referendum; however, in not having a referendum, there is no popular pronouncement for or against the law and thus the law's validity is at best circumstantial," said the bishop on June 23 in Noticeu, the news agency of the Conferencia Episcopal del Uruguay (CEU).

-- End --