Political Parties Engage in Intense Battle Regarding Abortion Policy

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A battle is brewing in Mexico regarding abortion, with opponents and proponents using the courts and state legislative bodies as a battleground. The center-left Partido de la Revolucion Democratica (PRD) and the conservative Partido Accion Nacional (PAN) are major players in this controversy. Several women's groups and some small parties like the Partido Socialdemocrata have sided with the PRD in promoting abortion rights nationwide, while the powerful Catholic Church and some evangelical Christian groups are supporting the PAN's position to prohibit abortions throughout the country. Most other parties, including the Partido Revolucionario Institucional (PRI), have spoken in favor of the PRD's position but are not taking as active a role in advocating for abortion rights.

Mexico City, other states become battlegrounds
Three jurisdictions Mexico City and Guanajuato and Baja California states have become important locales for the two sides to push their positions. Mexico City is governed by the PRD, while the PAN controls the governorships of Guanajuato and Baja California.

The PRD, which holds the mayor's office and controls the Mexico City legislature (Asamblea Legislativa del Distrito Federal, ALDF), successfully pushed through legislation in April 2007 to eliminate any restrictions on abortion during a woman's first three months of pregnancy. This is one of the most liberal abortion laws in the Americas, on par with those in Cuba, Guyana, and the US.

In contrast, Nicaragua, El Salvador, and Chile have the most restrictive policies, although the government of Nicaraguan President Daniel Ortega has expressed interest in changing the country's policies to be more in line with those in Mexico City.

In contrast to the Mexico City law, PAN legislators in Guanajuato and Baja California state are pushing for initiatives to add language to their state constitutions affirming that life begins at conception, which would allow the state to impose tighter restrictions on abortions. Opposition parties have come out against these initiatives, with the PRD leading efforts in Guanajuato state.

The opposition faces its toughest battle in Guanajuato, where the PAN controls 23 seats in the state legislature, just three short of the number needed to approve the anti-abortion initiative. Many PAN legislators in Guanajuato have ties to El Yunque, a faction of the party that has adopted ultraconservative positions on social issues (see SourceMex, 2005-03-30 and 2007-04-11).

Supreme Court supports Mexico City's right to enact law
If Guanajuato and Baja California approve restrictive abortion laws, it is possible that the matter could once again end up before the high court (Suprema Corte de Justicia de la Nacion, SCJN). The abortion issue came before the SCJN earlier when the Procuraduria General de la Republica (PGR),
with the support of the independent human rights commission (Comision Nacional de Derechos Humanos, CNDH), filed a challenge to the Mexico City law shortly after it was approved in April 2007. The SCJN did not rule on the matter until August 2008, when it decided by an overwhelming 8-3 margin to support the Mexico City law. The court did not rule on the legality of abortion but rather focused on the constitutional right of a legislative body in this case Mexico City to pass legislation. "It's not up to the Supreme Court to legalize or criminalize abortion," said Chief Justice Guillermo Ortiz Mayagoitia.

Even though the court decision did not rule directly on the legality of abortion, most justices offered strong opinions siding with the more liberal stance on this issue. "By decriminalizing abortion, women are free to decide regarding their bodies, their physical and mental health, and even their lives," said Justice Jose Ramon Cossio Diaz. "To affirm that there is an absolute constitutional protection of life in gestation would lead to the violation of the fundamental rights of women," said Justice Sergio Valls.

The dissenters also weighed in with their opinions. "I feel that a woman in some way has to live with the phenomenon of becoming pregnant," said Justice Mariano Azuela. "When she does not want to keep the product of the pregnancy, she still has to suffer the effects during the whole period."

**Mexico City law could set precedents for states**

Some justices agreed that the Mexico City law could set a precedent for other states to adopt similar legislation. "This decision was in regard to Mexico City's legislative assembly, but in the end it establishes a precedent that can be applied to other local lawmaking bodies," said Justice Margarita Luna.

Other advocates of abortion rights, including political parties like the PSD, said they would push for the Mexico City law to be extended nationwide. Initiatives similar to the one approved in Mexico City are in the works in Veracruz, Colima, Guerrero, and Mexico state. "The case is very significant for the possibility of continuing this trend in other states our country," said María Consuelo Mejía, director of pro-choice Red Nacional Catolica de Jovenes por el Derecho a Decidir (RNCJDD). "The arguments and the way in which they defended women's rights are very important, very symbolic."

Others see a much more far-reaching effect from the Mexico City law. "It opens the road for all of Latin America to start visualizing legal paths to abortion," said Raffaella Schiavon, director of the international abortion-rights group Ipas. Schiavon was an adviser to the Mexico City government as it pushed for the new liberalized law.

The efforts in Mexico City could come into direct conflict with the campaigns in states like Guanajuato and Baja California to tighten restrictions on abortions. Additionally, federal Sen. Cesar Leal, a member of the PAN, said he plans to introduce an initiative in the Senate to amend the Mexican Constitution to include language prohibiting abortion and favoring life. Catholic Church condemns law The Roman Catholic Church has already come out against the Mexico City initiative, threatening to excommunicate women who have abortions and politicians who support more liberal laws.

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The Mexican Catholic bishops conference (Conferencia del Episcopado Mexicano, CEM) has constantly clashed with politicians on abortion and other social issues (see SourceMex, 2006-06-14 and 2007-04-11). "This is not a direct reaction of the Catholic church to the SCJN's decision," said Archbishop Jose Guadalupe Martin Rabago of the Diocese of Leon in Guanajuato state. "We are simply reminding Catholics of the church's longstanding position on this issue."

Cardinal Juan Sandoval Iniguez of the Diocese of Guadalajara went one step further, warning legislators who support abortion rights that they would be excommunicated from the Catholic Church. Cardinal Norberto Rivera, archbishop of Mexico City, questioned inconsistencies in the policies of Mexico's government toward life. He also lashed out at the SCJN justices. "In the name of a secular state, some members of the high court have ruled that there is no right to life," said Rivera. Other ultraconservative groups also weighed in on the discussions. "This is very grave for our country," said Jorge Serrano Limon, director of Provida, an antiabortion organization that has organized protests against abortion around the country. "We are creating a culture of death. We have failed as a society."

The issue has also divided the independent human rights organizations that are supported by the government. The CNDH supported the PGR's challenge against the Mexico City law, but the counterpart organization in Mexico City (Comision Nacional de Derechos Humanos del Distrito Federal, CNDHDF) has come out in favor of extending the capital's more liberal abortion law to the rest of the country. "We believe that if any state in the country follows the route of Mexico City, it would be standing on firm ground from a constitutional standpoint," said CNDHDF ombudsman Emilo Alvarez Icaza.

Mexico City implemented the new law depenalizing abortion when the issue was under appeal before the SCJN. According to city health officials, about 12,700 abortions were performed at 14 city hospitals between April 2007, when the law was passed, and the middle of 2008. Critics say extending the liberalized abortion law to the entire country could consolidate Mexico’s position as the world leader in abortions per capita.

A recent study by the Colegio de Mexico, in conjunction with the Population Council and the Guttmacher Institute, found that there are currently 33 abortions performed for every 1,000 women in the country. In contrast, that ratio 16 years ago was 25 abortions per 1,000 women. The study said the figures compare with the global rate of 29 abortions per 1,000 women and the average rate of 31 per 1,000 women for Latin America and the Caribbean. But organizations like the RNCJDD contend that the legalization of abortion will reduce clandestine procedures, which endanger the life of the mother.

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