Successful Strategies to Decriminalize Abortion: Mexico City Case Study

Fiapac

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Elegida
Information Group on Reproductive Choice
Mexico
Multiple strategies to decriminalize abortion

- State-of-the-art information on RR
- Construct a favorable public opinion
- Improve access to justice
- Improve health services
- Build a constituency
- Foster collaboration with public agencies to improve access to legal and safe abortion services
Setting the Tone for Public Debate

- The **dilemma** of abortion
- The **choices** for dealing with unwanted pregnancies:
  - Reconciliation with pregnancy
  - Abortion
  - Adoption
- The **key question**: Who decides?
Tactics for Public Discourse

- Creating a middle ground: from the right to the bodily integrity to the right to health, life, autonomy and freedom

- Using innovative discourse to reach the undecided:
  - No one is in favor of abortion but in favor of women to decide
  - We all want to reduce mortality due to unsafe abortions
  - We all want the need of abortions to end
  - We all want to prevent unwanted pregnancies

- Raising an alternative discourse within the Catholic Church

- Developing core arguments: public health, social justice and democracy
Strategic Actions

- **Focusing** on stakeholders:
  → Policy and decision makers: legislators, health professionals and opinion leaders: intellectuals, journalist, political analysts, artists, the academic: schools of law and health

- **Tailoring** specialized publications for key actors

- **Building alliances** within and beyond the feminist movement

- **Research** to build arguments based on scientific evidence information

- **Opinion polls** to check the social and political context

- **Monitoring** legislation:
  → Avoid setbacks
  → Spot and take advantage of opportunities

- **Promoting** public policies:
  → Protect maternity
  → Promote access to contraceptives
  → Incorporate sexuality education in the school curriculae
The critical fundamental legal arguments

- Take advantage of the Mexican law and Constitution
- **Art. 4th.** Of the Mexican Constitution:
  “Every person has the right to decide freely, with information and responsibly on the number and spacing of their children”
- Mexico is a **Lay state**
- Emphasizing women's fundamental rights to **health, life, autonomy, privacy, free from discrimination and freedom**
- The **balance of rights**: no right can be absolute.
  While life is protected in the Mexican Constitution, Women's fundamental rights must be guaranteed by the state: expanding options, creating conditions
Legal Strategies

- Gradual and incremental
- Leading quietly: Behind the scenes; Protagonism is not always useful
- Varied legal approach:
  → Access to legal and safe abortion
  → Harmonize/normalize legal abortion indications throughout the country
  → Decriminalize abortion in Mexico
Dealing with Adversaries

We chose to:

- Avoid burnout and confrontation
- Show wisdom, good sense and prudence
- Show tolerance and patience
- Reduce moral legitimacy by exposing:
  - √ Pro-Life’s misuse of public funds: US $3 million
  - √ Catholic church hierarchy and pedophilia scandal
Placing abortion in the public agenda

- We positioned the most accepted legal indication: *abortion of pregnancy due to rape*
- **Strategic litigation:** powerful tool to gain understanding and public support
- **Public campaigns** to create awareness of legal indications
Public Campaigns
Taking back the meaning of Life
The meaning of Life

Vida es...
poder elegir
un aborto
legal y seguro
The meaning of Life

VIDA ES...

Tener una familia feliz

A Comprehensive Law to decriminalize abortion

- Adequate to our social and political context
- Moderate: up to 12 weeks
- Rigorous legal and social arguments
- At the center: women’s health, life, autonomy and freedom
- Guaranteed access to free public services
- Prevention of unwanted pregnancies
- Prioritized programs on sexual and reproductive health services: access to birth control methods, including emergency contraception
- Promotion of sexuality education: “Tu Futuro en Libertad”, “Your Future with Freedom”
Multiple elements of success

- A social and political crisis
- A dispute among conservatives and liberals
- Mexico City's liberal society with a clear process of secularism
- Diverse public speakers in favor of decriminalizing abortion beyond the feminist movement
- A favorable public opinion supported by the media
- A left wing majority in the House of Assembly
- A pro-choice government empowered due to the belligerence of the hierarchy of the Catholic Church and anti-choice fundamentalist organizations morally discredited
- Strong foundations to decriminalize abortion
- An international tendency to liberalize abortion laws
- An international human rights framework
- NGOs well organized and prepared to seize the opportunity
What to do?

EN EL DF TIENES LAS PRIMERAS 12 SEMANAS PARA DECIRIR, YA NO ES CLANDESTINO. LA LEY ESTÁ DE TU LADO.

1. Ve al Módulo de Atención Ciudadana de los hospitales aquí mencionados.
2. Llena la solicitud que te entregará el hospital.
3. Te pedirán que firmes el Consentimiento Informado para la Interrupción Legal del Embarazo (ILE).
4. La Intervención Legal del Embarazo (ILE) será realizada en un máximo de cinco días.

OTROS HOSPITALES

- **Hospital Materno Infantil Iztapalapa**
  Tel. 3670-0155 Calzada Naucalpan Esq. Prolongación 1 de Septiembre s/n Col. Iztapalapa, Deleg. Iztapalapa

- **Hospital Materno Infantil Guadalupe**
  Tel. 3102-0070 Av. 16 de Septiembre s/n Col. Puebla de Cantalejos, Deleg. Cuajimalpa de Morelos

- **Hospital Materno Infantil Tlalnepantla**
  Tel. 5444-3405 Av. Tlalnepantla Col. Tlalnepantla, Deleg. Tlalnepantla

- **Hospital Materno Infantil Topilejo**
  Tel. 5804-0269 Col. San Miguel Topilejo, Deleg. Topilejo

- **Hospital Materno Infantil Magdalena Contreras**
  Tel. 5681-5108 Av. Luis Cabrera No. 619 Col. San Jerónimo Lidice, Deleg. Magdalena Contreras

- **Hospital General Dr. Enrique Cabrera**
  Tel. 5804-7100 Av. Prolongación 5 de Mayo No. 3170, Esq. Centenario Colonia Delhués de Zaragoza, Delegación Álvaro Obregón

- **Hospital De La Ciudad De Mexico “Dr. Belisario Dominguez”**
  Tel. 5804-0000 Av. Tlatlahuaca No. 4860, Esq. Zacatlán de las Manzanas Col. San Isidro Terrazas, Delegación Iztapalapa

- **Hospital General Mixco Alva**
  Tel. 5804-5716 Mixco Alva No. 25 Col. Mixco Alva, Delegación Mixco Alva

- **Hospital Materno Infantil Cuauhtémoc**
  Tel. 1301-0422 Av. Emiliano Zapata No. 17 Col. Cuauhtémoc Barrio Razo, Delegación Gustavo A. Madero

INFÓRMATE AL 5544 4221 SI RECIBES ALGUN MALTRATO O TE NIEGAN EL SERVICIO. LLAMA AL 5658 6223
Where to go?
Who has an abortion?
Who has an abortion?
Who has an abortion?
Legal Abortion Services

- As of October: 16 months, 14760
- Provided in 14 public city hospitals and 1 clinic
- Mexico City residents: 11740 (79.5%)
- Other states of the country: 3020 (20%)
- 52% single, 40% married or unite, widows 85%, Catholics 80%
- Minors are accompanied in 95% of the cases (0.25)
Use of medical procedures

- Gestational age 8-9 weeks
- Misoprostol: 6221 (42%)
- Misoprostol + aspiration: 5980 (40.5%)
- Misoprostol + d&c 2559 (17.3%)
Services provided

- **Counseling** is provided by social workers and nurses: includes the three options: 1. Reconciliation with pregnancy. 2. Adoption. 3. Abortion.
- **Contraception** is emphasized during the whole process.
- In all 14 hospitals, 80% take contraceptive.
- 65% prefer the use of IUD.
- All **adolescents** are given **materials** on reproductive health to prevent STIs, emergency contraception and a strip of 10 condoms and 2 boxes of contraceptives.
- In one of the clinics, it has been registered that **only 3% have reconciled with their pregnancy**.
Significance of the Supreme Court Resolution

- On August 26th, 2008 the Supreme Court upheld the law’s constitutionality, setting national jurisprudence.

- A super majority of 8 Justices (of 11 total) voted for the health, life, autonomy and freedom of women to decide about their reproductive lives.
Post-ruling campaign

LA SUPREMA CORTE ESTÁ A FAVOR DE LA VIDA

Gracias a la ratificación de la ley de interrupción del embarazo, la vida de miles de mujeres ya no corre peligro en prácticas clandestinas. Hoy en el DIF al derecho a decidir si se puede abortar.

www.andal.org.mx
Por la defensa de la vida  
y los derechos de las mujeres  
Despenalizar el aborto...

• No obliga ni incita a ninguna mujer a practicárselo.  
• Protege la vida y la salud de las mujeres  
• Respetu su capacidad de decidir y valora su proyecto de vida  

Defiende tus creencias personales  
No dejes que nadie decida por ti
Post-ruling campaign
Implacables en la batalla, generosas en la Victoria

Relentless during battle, generous in victory

Jorge Luis Borges
Thank you!