



« Avortement et contraception: des droits universels, indispensables à l'autonomie des femmes »

Intervention en anglais de Pamela Martin Garcia

All the women who decide to have an abortion in Latin America and the Caribbean do it under different conditions: alone, with a doctor, with their family's or a friend's help, with an activist's support, in clandestine conditions and with high risks of death or imprisonment.

There are only seven countries in the world that penalize the termination of pregnancy under any circumstance and five of them are in Latin America and the Caribbean: El Salvador, Honduras, Nicaragua, Dominican Republic and Chile.

The abortion situation in the Region (LAC) is a matter of sexual and reproductive justice and of social justice. Young women who are poor die because they can't afford to pay a private practice and because they have no knowledge of available resources to exercise their rights. Abortion is determined by social status and place of birth. It is not the same to be born in a rural area as a big city. Access to rights is uneven.

Beginning from the south to the north of my region, countries such as Chile, Argentina and Uruguay have differences in their legislation; but have no differences in the way women confront the access to abortion.

Chile allowed therapeutic abortion until 1989, when the Augusto Pinochet's dictatorship forbade it completely.



Today, Chile is having a debate about the passing of a law that permit abortion for three causes: fetal infeasibility, vital risk to the mother and rape. The Senate adopted the preliminary draft and it is waiting to be debated by the representatives, even though the conservative parties are trying to delay the debate.

Chilean (chileian) women have made an enormous campaign in the country and the region in favour of abortion in these three causes with various actions and strategies that have had huge success.

In Argentina, since 1921 the abortion is legal only when the continuation of the pregnancy puts in risk the woman's health or life, or when the pregnancy is the result of a rape. Since 2010, with an update in 2015, the country has a national protocol of comprehensive attention for cases of legal abortions according to the rule FAL of the Supreme Court of Justice of the Nation in 2012. Nevertheless, because it is a federal country, the enforcement of this excellent guide is dependent to the will of the incumbent government in every state.

The feminist movement in Argentina is immense and diverse. In my country, in 2005, the National Campaign on the Right to Legal, Free and Safe Abortion was created by more than 350 social, political organizations and unions. Last year, we presented for the 6th time a draft bill on the Voluntary Termination of Pregnancy, but we have yet to achieve an official debate congress. We have had more than 10 years of advocacy on this matter.

Nowadays we are questioning ourselves on how can we push forward in our strategies and how can we innovate to achieve advances.

National groups of health and rights professionals in abortion exist. They are activists who assist women who face institutional violence. Other groups assist those who decide to interrupt their pregnancy through the use of pills, by offering information and support.

The small, but truly progressive country of Uruguay has an abortion law. After its approval, registered abortions went from 33 thousand a year to 8 thousand –according to the statistics of Uruguay's Public Health Ministry. Nevertheless, women must undergo psychological examination and a three-day reflection period prior to access the right to abortion.

In addition to Uruguay, Cuba (since 1965) and Guyana (since 1995) allow abortion with the sole express consent of the women.

What about the Caribbean?

Nicaragua used to allow abortion since 1893. But due to pressure from the Catholic Church, in 2007 the Government passed the Law N° 641 that modified the country Penal Code to punishments of up to two years of imprisonment for women who get an abortion and up to ten years for the health personnel who practice abortion. Other countries that modified their laws to forbid abortion under any circumstances were **El Salvador** –in 2007–



and the **Dominican Republic** –in 2009-. In the latter, the women’s movement has set up various strategies. One of them is the campaign to decriminalize abortion with causes, similar to Chile. They have influenced doctors, reporters and jurist’s unions to support abortion under certain conditions. They have also organized workshops with doctors to sensitize them, initiated legislative advocacy efforts, and created an activist network that offers information on how to perform a safe abortion.

Since 2007 abortion is allowed under any circumstance –in the first twelve weeks of pregnancy- in **Mexico City**. In the rest of Mexico, it is regulated in different ways, based on the causes.

The Women’s Movement has a non-formal alliance to impede the removal of rape as a legal cause for abortion from any Mexican state –in some of them, it is the only recognized cause- as well as push for greater abortion access throughout the country. What is more, young women feminists are raising awareness about safe abortion in different states. There are also NGOs that give financial, emotional and logistical support to women who cannot access legal abortion services in Mexico City.

In Latin America and the Caribbean rudimentary abortion practices in rural areas, such as the introduction of celery or sticks through the vagina, tubes or washing with detergent are still practiced. Women subject themselves, most of the times, to clandestine practices, to the procedures of scraping or suction aspiration of the cervix without anesthesia, to violence, to the violation of their sexual and reproductive rights and their human rights.

The “democratization” of abortions in Latin America has been interlinked with the development of one pill: misoprostol. Its introduction provoked a radical turn: it eliminated the necessity of a third party for women to abort. Nevertheless, in various countries misoprostol is very expensive, illegal or difficult to access. Nowadays, Latin and Caribbean women have access to other options, but it is worth noting that not everyone has the same access, such as the young and the poor.

Access to abortion is still a matter of luck. But health and rights cannot be a matter of luck because they are regulated by law. And laws must be enforced. There is a common denominator in Latin America and the Caribbean, the influence of the Church in the elaboration of legislation on abortion.

According to the World Health Organization (WHO) 4,4 million abortions are practiced in Latin America each year, 95% of them are unsafe. The risk of death for practicing a clandestine abortion in Latin America is 370 for every 100 thousand cases, while in the developed countries it is 220.

Standing against legal abortion is standing in favour of illegal abortion. Abortion is a practice that is still carried out; women will abort with or without legislation that protects



them. The interruption of pregnancy is as old as humanity. The criminalization of abortion will not diminish nor eliminate the practice and legalizing it will not increase abortions. Legalizing it will guarantee safe conditions and women's right to decide over their own bodies and lives.

