

Mexico's Anti-Abortion Backlash

Wednesday 18 January 2012, by [CUDDEHE Mary](#) (Date first published: 4 January 2012).

Daniela Castro, a 21-year-old administrator for a Mexican children's charity, got to the hospital just before dark. It was a warm, cloudless July night in 2010, and Daniela grabbed the arm of her boyfriend of three years, a handsome architecture student named Carlos Bautista. The two walked through the entrance confidently. If anything, they looked more like a pair of teen models than a couple of criminals. But Daniela was at the hospital that night because she had taken abortion pills that made her sick. Abortion is banned throughout Mexico, and authorities in her native Guanajuato, a mid-sized state in the center of Mexico with an ultraconservative reputation, like to enforce the law.

The state has opened at least 130 investigations into illegal abortions over the past decade, according to research by women's rights groups, and fourteen people, including three men, have been criminally convicted. Given Mexico's 2 percent national conviction rate during its most violent period since the revolution, that's a successful ratio.

But Daniela did not have such numbers in her head when she told the attending physician her story. A few days earlier, she and Carlos had turned to Carlos's mother for help. Of their parents, Norma Angelica Rodriguez, 41, was the most likely to be sympathetic. She had been a young mother herself, and she knew of a pharmacy in town that would sell Misoprostol—an over-the-counter ulcer drug that women take to induce labor—without asking a lot of questions. Rodriguez knew this because, like the estimated 875,000 Mexican women who have abortions every year, she had once needed the drug herself.

The doctor listened to Daniela, then slipped out of the room and made a call. Guanajuato hospitals are expected to report suspicious miscarriages just as they would a gunshot wound. It wasn't long before a couple of officers arrived, followed by a lawyer from the district attorney's office, who took out a note pad. "So, Daniela, how many people have you had sex with?" he asked, jotting down the answers. "And who gave you those pills?" That night, the DA opened an official probe into Daniela's case. If convicted, both she and Carlos's mother—though not Carlos—faced up to three years in prison.

* * *

Mexico has thirty-two states if you include Mexico City's federal district, and until the spring of 2007, when Mexico City legalized it during the first twelve weeks of gestation, abortion was illegal in all of them. It was rarely prosecuted, though, and there were also legal exemptions. Every state had one for rape, and many to save the mother's life; one state even had an exemption for economic hardship. Access, though, was another story. I once asked Rigoberto Velarde, the silver-haired state coordinator for Guanajuato's Maternal Health Program, where a pregnant rape victim could get the procedure that was her legal right. Velarde drew back in his chair, widened his eyes and looked at me like I was crazy. "She can't do that!" was his reply. Mexico's abortion laws date back to the 1930s, and in the intervening decades two parallel systems have developed. Wealthy women could go to a private doctor or, since *Roe v. Wade*, travel to the United States. But any woman at the mercy of the public health system was pretty much on her own.

Mexico City's legalization law, which required city hospitals to provide the service free, was the first in Mexico and one of few like it in Latin America (in many states the tide is turning in the other direction: in 2008 Nicaragua instituted a criminal prohibition on abortions, with no exemptions; in 2009 the Dominican Republic did the same). A month later, the National Human Rights Commission, whose director opposed the law, and the attorney general filed appeals with the Supreme Court, arguing that the law was unconstitutional. A long and closely watched debate roiled Mexico off and on for a year, until the justices finally voted to uphold the law, in August 2008. Abortion was now legal—and free—in the capital of one of the world's most Catholic countries. It looked like a great victory for feminists.

* * *

"Up until 2007 there had only been advances on abortion," Elsa Conde, a former Mexico City legislator and the director of the National Alliance for the Right to Choose, one of the country's leading abortion rights groups, told me in the summer of 2010. Advocates like Conde had spent decades chipping away at state-level bans. In 2004, for example, they got Baja California Sur to amend its rape exemption so that victims would actually be able to get legal surgeries at public hospitals; the following year the state reduced its maximum penalty to two years in jail. "But then we started seeing setbacks," Conde went on. "And since October 2008, all we've seen is setback after setback after setback." That year, lawmakers next door, in Baja California, passed a controversial fetal-rights constitutional amendment. While it did not technically change the existing rules—abortion could not become more illegal, after all—it codified one of the key goals of the US Christian right since *Roe v. Wade*: legally protected life beginning at "the moment of conception." And an amendment is much harder to overturn than a law. By the end of 2009, fifteen more states had passed versions of this extreme ley anti-aborto.

The amendments were similar to a measure recently defeated in a Mississippi referendum but being prepared in other parts of the United States. In fact, the US "personhood" movement has been taking lessons from its neighbor to the south. In September Mexico's Supreme Court rejected constitutional challenges to the ley anti-aborto in two states, providing a new spring of confidence for US anti-choicers. "This decision in Mexico provides proof that it is a viable strategy that is working in other places," said Gualberto Garcia Jones, a legal analyst with Personhood USA. "If it had gone the other way, we would have seen pro-lifers say, If it can't work in Mexico, it can't work in the US." Seventeen Mexican states—more than half the country—now have a fetal-rights amendment on the books. (Chihuahua has had one since 1994, and the seventeenth state, Tamaulipas, approved one in 2010.) This would be like the Mississippi ballot succeeding and then spreading to twenty-five states between now and the end of 2012.

The sweep was so fast and successful that no one had ever seen anything like it. Two of the three main national parties sponsored the amendments—President Felipe Calderón's National Action Party (PAN) as well as the Institutional Revolutionary Party (PRI). Being anti-abortion was inherent in the PAN agenda, and the party's state congressmen were strategizing about how to fight Mexico City's legalization law at national meetings as early as the fall of 2007, according to a legislator who attended. ("Vicente Fox made 'the Catholic look' fashionable again," Roberto Hernandez, a political analyst based in Mexico City, once told me.) The PRI's participation was more of a departure from that party's centrist foundations, and not all the rank and file were on board, but the PRI had been badly splintered since losing the presidency to the PAN in 2000, and the party core, perhaps sensing a change in the public mood and determined to take back the presidency in 2012, has supported the ley anti-aborto.

Catholic civic groups had done their part. Jorge Serrano, the skinny, flat-topped director of Pro-Vida, a prominent anti-abortion group based in Mexico City, became a fixture as he choreographed

protests against the capital's legalization law (one day a group of women who had had enough of his crusading showed up to taunt Serrano with a "rainstorm of thongs"—bunches of thong underwear stapled to their placards). The Mexican division of the Knights of Columbus got involved, too, mailing lawmakers plastic fetuses representing the various stages of gestation.

But as far as the feminist movement was concerned, the Catholic Church played the lead role. This was so widely believed, it was taken as fact. I was told more than once, for example, that Norberto Rivera, Mexico City's archbishop, had hosted a fancy dinner for PAN governors and their wives during which he urged them to pass the ley anti-aborto as he pressed special rosaries from the pope into their hands. A PRI state congresswoman told me she had met a Vatican emissary who was traveling from state to state on a hush-hush lobbying mission. More recently, a bishop from Mexicali spurred the conspiracy mill when he implied that the pope had called the Supreme Court justices to influence their votes to support the ley. (The diocese declined to speak with *The Nation*.) But, as I learned one morning in the summer of 2010, a concentrated effort like this may not have been necessary.

That day I took a bus from Mexico City to Aguascalientes, a tiny, landlocked state in the heart of the country's Bible Belt. Monica Delgado, the fresh-faced, preppy PAN congresswoman who drafted the Aguascalientes version of the ley, ushered me into her office in the Congressional building. There were different floors for the different parties, and the PAN floor was decorated with posters for an anti-abortion group called Vifac, whose motto is "We celebrate life." Delgado explained that, like most PANistas, she was disturbed by the Supreme Court decision upholding Mexico City's abortion-rights law and wanted to "bulletproof" her state against any progressive incursions. After she had finished drafting the amendment, Delgado said, she and the eight other PAN state lawmakers walked across the plaza to meet the local prelate. It sounded like the beginning of a joke: nine congressmen go to see a priest. But Delgado didn't see anything funny or strange about the visit. The prelate had been nagging her and her colleagues in his weekly radio address, and the meeting was a "courtesy," she said. "We had to go over and tell him, 'It's already been presented!'" Delgado's proposal eventually stalled because of resistance from local feminist groups and one liberal PRI congresswoman who controlled a crucial committee. But with priests and politicians this close, it wasn't hard to imagine the same scene playing to a different outcome in other states, regardless of any organized intervention by high-ranking clergy.

Mary Cuddehe, January 4, 2012

P.S.

* January 4, 2012 | This article appeared in the January 23, 2012 edition of *The Nation*.
<http://www.thenation.com/article/165436/mexicos-anti-abortion-backlash?rel=emailNation>

* This article was reported in partnership with the Investigative Fund at The Nation Institute.

* Mary Cuddehe is a writer living in Los Angeles.