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Women's movement sweeps Latin America to loosen abortion restrictions

By Daina Beth Solomon & Cassandra Garrison

Reuters (01.12.2020) - <https://reut.rs/3orDvUe> - Several weeks pregnant and about to start a job away from home, Lupita Ruiz had no doubts about wanting to end her pregnancy, despite knowing she could face jail time for having an abortion under a law in her state of Chiapas in southern Mexico.

She asked friends for help until she found a doctor two hours from her town who agreed to do it in secret.

Five years later, lawmakers in Chiapas are set to consider an initiative to halt prosecutions of women who terminate their pregnancies, part of a movement sweeping Latin America to loosen some of the world's most restrictive abortion laws.

Several out of more than 20 Latin American nations ban abortion outright, including El Salvador, which has sentenced some women to up to 40 years in prison. Most countries, including Brazil, the region's most populous, allow abortion only in specific circumstances, such as rape or health risk to the mother.

Just Uruguay and Cuba allow elective abortions.

In Mexico, a patchwork of state restrictions apply, but the debate is shifting, Ruiz said.

"When someone talked about abortion, they were shushed," said the 27-year-old activist, who helped draft the Chiapas initiative. "Now I can sit down to eat a tamale and have a coffee and talk with my mom and my grandma about abortion, without anyone telling me to be quiet."

Change is palpable across the predominantly Roman Catholic region. A new Argentine president proposed legalization last month, Chilean activists are aiming to write broader reproductive rights into a new constitution, and female lawmakers in Mexico are resisting abortion bans.

The push can be traced to Argentina's pro-abortion protests in 2018 by as many as one million women to back a legalization bill that only narrowly failed to pass - in Pope Francis's home country.

Catalina Martinez, director for Latin America and the Caribbean at the Center for Reproductive Rights, a legal advocacy organization, said Argentina's example inspired protests across Latin America.

"It was an awakening," she said.

Outrage at worsening gender violence in Latin America, where the number of femicides has doubled in five years, has also spread awareness of the abortion rights movement and fueled demands for recognition of women's rights in a conservative, male-dominated society.

"Women are finally understanding that they are not separate issues," said Catalina Calderon, director for campaigns and advocacy programs at the Women's Equality Center. "It's the fact that you agree that we women are in control of our bodies, our decisions, our lives."

The rise of social media has afforded women opportunities to bypass establishment-controlled media and bring attention to their stories, Calderon said.

"Now they're out there for the public to discuss and for the women to react, and say: 'This does not work. We need to do something'," Calderon said.

As in the United States, where conservatives have made gains in restricting a woman's right to an abortion, there is pushback in Latin America against the calls for greater liberalization.

Brazil, under far-right President Jair Bolsonaro, is making it even harder for women to abort.

The Argentine Episcopal Conference has said it does not want to debate abortion during the coronavirus crisis, and alluded to comments by the Pope urging respect for those who are "not yet useful," including fetuses.

Yet trust in the Catholic Church, which believes life begins at conception, is fading, with many Latin Americans questioning its moral legitimacy because of sexual abuse by priests.

Spreading 'green wave'

Argentina could be first up for sweeping change, with a bill submitted to Congress by center-left President Alberto Fernandez seeking to legalize elective abortions.

Approval for legalization has risen eight percentage points since 2014, according to an August Ipsos poll, with support split nearly evenly between those who favor elective abortion and those who are for it only in certain circumstances.

"The dilemma we must overcome is whether abortions are performed clandestinely or in the Argentine health system," Fernandez said.

According to the Guttmacher Institute, a U.S.-based reproductive health research organization, an estimated 29% of pregnancies in Latin America and the Caribbean from 2015 to 2019 ended in abortion, encompassing 5.4 million women. The abortions are often clandestine, so figures are hard to determine.

The mass demonstrations in Argentina two years ago, known as the "green wave" protests, have reverberated.

Since mid-2018, lawmakers in Mexico have filed more than 40 proposals to end punishment for abortion, according to Mexican reproductive rights group GIRE.

In Chiapas, the de-criminalization effort is the first of its kind since a brief period in the 1990s when abortion was legalized during the left-wing Zapatista rebellion.

Although Chiapas does not on paper punish abortion with prison, it can jail women for the “killing” of their infants.

With Mexico’s first leftist government in a century in power, national lawmakers are considering two initiatives to open up restrictions and strip away criminal punishments from places like Sonora state, where abortion can be punished by up to six years in prison.

Only two federal entities, Mexico City and Oaxaca, allow elective abortions.

Wendy Briceno, a Sonoran lawmaker who has backed a nationwide legalization bill, said the initiatives have a good chance to pass if the debate centers on women’s health, especially given rising outrage over femicides.

In Chile, activists are celebrating a vote in October to write a new constitution as a chance to expand a 2017 law that permitted abortion to save a mother’s life, in cases of rape, or if the fetus is not viable.

Colombia, where the constitutional court has agreed to consider a petition to remove abortion from the penal code, could set an example, said Anita Pena, director of Chilean reproductive rights group Corporacion Miles.

Activists agree there is still a long way to go, with restrictive laws entrenched in many countries.

To Briceno, Brazil’s shift to the right under Bolsonaro, who has vowed to veto any pro-abortion bills, was a reminder to push even harder for abortion rights.

“No fight is ever finished,” she said.

Activists in Latin America battle to guarantee access to safe abortion in COVID-19 world

For decades, women human rights defenders across Latin America have been fighting an uphill battle to ensure sexual and reproductive rights, including access to safe abortion, are a reality for all. Over the last five months that battle has turned into a war.

By Josefina Salomón & Christopher Alford

Amnesty International (07.09.2020) - <https://bit.ly/35BQ5dr> - The figures have been shocking for a long time. The COVID-19 pandemic has turned them into a catastrophe, with a potential bleak future.

Over the last five months, already high rates of violence against women have risen exponentially across the world. Countries such as Chile and Mexico have reported increases of more than 50 percent in calls to emergency helplines for women who are victims and survivors of violence.

Experts worry about the many women who are trapped at home with their abusers without access to a phone, a computer or anyone they can contact for help or support.

Enforced lockdowns and other barriers to mobility have also prevented many women from accessing essential health services, including sexual and reproductive health care, contraceptives and safe abortions.

The UN has painted a bleak picture of what is to come. Their latest estimates say that lockdowns over a six-month period could leave 47 million women across the world unable to access contraceptives. This could lead to an estimated seven million additional unintended pregnancies. Many could take place in Latin America, where access to safe abortions has been limited by draconian laws and a lack of information.

Experts and frontline workers worry that many of those women, trapped in vicious cycles of marginalization and violence, will turn to unsafe and life-threatening procedures. The consequences are too frightening to contemplate. But activists across Latin America have been stepping up to the challenge and designing strategies to help those in need.

'Things have changed a lot'

Johana Cepeda, a nurse and human rights activist from Colombia, says the pandemic has added additional hurdles to those that many women already faced when trying to access a safe abortion.

Voluntary termination of a pregnancy is only legal in Colombia under three specific circumstances that the country's Constitutional Court approved in 2006: when the life or health of the woman is at risk, when the pregnancy is the result of rape, or in cases of fatal foetal impairment.

"The barriers to access range from lack of information to incorrect interpretations of the health clause of the ruling. Many consider the concept of 'health' as limited to having an illness but lack a wider understanding of it as including physical, mental and social wellbeing," Cepeda explains.

Most clinics offering abortion services in Colombia are located in urban centres. With a significant proportion of the population living in rural areas, geography is often a factor that prevents women from accessing health care.

Appointment with doctors are usually booked over the phone or the internet. But since the start of the pandemic and the lockdowns that followed, many women have found themselves living in abusive situations or lacking the privacy needed to seek help confidentially.

"For women who have been in isolation with violent partners who abuse them or control their decisions, even calling for information has been extremely difficult," Cepeda says. "Strict quarantines make it difficult for women to travel. For many, if a police officer stops them and asks where they're going, it's not easy to say they're going to get an abortion."

The Collective for the Life and Health of Women, a feminist organization that provides support for women to access legal abortions in Colombia, has documented 30 cases of women who have faced barriers when trying to access abortions between March and the end of May 2020. The unreported number is likely to be much higher. They found that private and public health services are deprioritizing any health issues not related to the COVID-19 pandemic, despite the fact that some, such as unwanted pregnancies, are particularly time sensitive.

The situation is similar in other countries across the region. In Chile, abortion has also been permitted since 2017 in just three circumstances: when the pregnancy is a result of rape, when the life of the pregnant woman is at risk, and in cases of fatal foetal impairment. Even then, a woman seeking an abortion must secure approval from two specialist doctors. Activists say these requirements amount to life-threatening hurdles.

Gloria Maira, a human rights activist and coordinator of the Action for Abortion in Chile, a network of organizations and activists working for women's right to access safe abortions, says that, despite the recent legislation, abortion remains extremely hard to access in the country.

"There are many obstacles that limit women's ability to make their own decisions," Maira says. "The lack of information about the law, problems with its implementation and the difficulties when it comes to the accreditation of the reasons for the abortion are some of them. The implementation of the law has been minimal."

Half of obstetricians in Chile are believed to refuse to provide abortions, even under the circumstances permitted under the law, due to objections on the grounds of their religious beliefs, according to a poll by the Ministry of Health. Feminist organizations say many others lack information about the law, a subject that is yet to be included in most medical schools' curriculums.

This leaves many women with no option but to resort to life threatening back-street abortions.

Javiera Canales, a lawyer and human rights activist with Miles Chile, an organization that promotes sexual and reproductive rights, says that the figures tell a very concerning picture.

"In the last three years, we've documented 128 cases of access to lawful abortion by children under 14 years of age. However, in 2019 alone, there were 647 children aged 10 and 13 that were admitted to programmes for prenatal care. This tells us their lawful access [to abortions] is being blocked," Canales says.

"The question is: why wasn't the law applied in those rape cases? Nobody has explained this because no one has been looking at it."

A bleak future

The difficulties in accessing health care services paint a bleak picture of the future for women in Latin America.

"Women will continue to abort," Canales says. "Our concern is that they will turn to unsafe back-street abortions again."

Local activists are extremely worried that a lack of access to safe abortion will lead to a rise in preventable deaths.

The organization Marie Stopes International estimates that around 1.9 million women that were served by their programmes around the world were not able to access their services between January and June 2020. They estimate that the disruption could lead to an additional 1.5 million unsafe abortions and 3,100 additional maternal deaths.

Maira says that, in Chile, human rights organizations have been filling in the gap left by authorities when it comes to prioritizing the provision of sexual and reproductive health services for women, particularly for those living in rural areas who have less access.

"The networks are reporting an increase in the demand of safe abortions, which would not be surprising as sexual violence has also increased but the lack of abortion medication is making any response very challenging," Maira explains.

Fernanda Doz Costa, deputy director for the Americas at Amnesty International, says that by denying turning a blind eye to women's sexual and reproductive rights, world leaders are risking a new pandemic.

"For decades, activists across Latin America have warned of the wave of preventable deaths and health complications caused by the lack of adequate health care for women. Health authorities, the UN and the IACHR are already calling on governments to guarantee access to sexual and reproductive health services, which are essential health care and, as such, should not be suspended under the pandemic."

Fighting back

Faced with a shortage of contraceptives and medicines used during abortion procedures since Chile closed its borders and the reprioritization of non-COVID-19 related health services, local activists are taking a proactive approach to helping women.

Almost as soon as the World Health Organization declared COVID-19 a pandemic, local organizations found ways to continue to provide free legal, health, social and psychological assistance online.

Miles, for example, is organizing transport for women living in cities where no doctor would approve a legal abortion so that they can reach other health centres. Other networks of activists have been expanding to reach the whole country.

Maira says part of the problem is that President Sebastián Piñera, who is a vocal opponent of the law allowing safe abortions, has kept the issue off the table.

"The pandemic is providing an excuse to the government who, since before, did not want to guarantee access to abortion," she explains.

Things have also changed a lot in Colombia since the eruption of the pandemic as activists say reproductive health services have been deprioritized.

"We had to rethink our strategies and the way we support women, but what unites us is the need women have to access these essential services and the responsibility we feel for other women who need us," Cepeda says.

One of the strategies they have been pushing for in Colombia is the use of telehealth in the public sector, so women can have access to the medication they need and take it at home, without the need to go to a clinic. This is a service that is already in use in the private sector, Cepeda explains.

"The situation is very frustrating," Canales adds. "But the small battles that we win, such as seeing a woman able to access the care she needs or free herself from her aggressor are the little victories that fuel our fight."