

A Policy Window for Successful Social Activism: Abortion Reform in Mexico City

A thesis submitted to the Miami University
Honors Program in partial fulfillment of the
requirements for University Honors with Distinction.

by

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May 2009
Oxford, Ohio

ABSTRACT

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On April 24, 2007 a landmark event occurred for feminist groups and women's rights activists throughout Mexico when the Legislative Assembly of the Federal District of Mexico voted to legalize abortion on demand in Mexico City. By reforming the Mexico City Penal Code and the Mexico City Health Law to redefine abortion as "the interruption of a pregnancy after the twelfth week of gestation," the Legislative Assembly effectively legalized all abortion during the first trimester of pregnancy. As it addressed an inherently controversial subject, the law was quickly sent to the Supreme Court to be reviewed, and on August 28, 2008 it was found constitutional and upheld, thus explicitly recognizing women's human rights on a national level.

This new law legislating abortion came as quite a shock to many people, both within Mexico and outside of its borders. Mexico's political history over the past few centuries has not often catered to the needs of women and feminism has had a difficult time finding a niche in this male-dominated society. Furthermore, Mexico, and Latin America more generally, are often considered to be socially conservative, with a heavy Catholic influence in political affairs, thus legalized abortion has not taken hold in very many Latin American countries (specifically only Cuba, Guyana, and Puerto Rico have laws guaranteeing abortion on demand). Within this context, the 2007 abortion reform law in Mexico City becomes all the more intriguing and certainly warrants a closer look in order to determine how the people of Mexico City were able to overcome these vast obstacles and ultimately achieve abortion reform.

While there were undoubtedly countless factors involved in bringing this reform about, it seems clear that there were two overarching factors that played the greatest role in introducing abortion reform to Mexico City: a strongly organized women's rights movement with an extensive history, met with a political environment that had only recently made the transition to a true democracy, thus creating a policy window perfect for such reform. This paper will first outline the political history of Mexico beginning with colonization in the 1500s to show its evolution to eventually becoming a true democracy in the year 2000. This will be followed with a detailed overview of women's rights movements and feminist activism in Mexico, emphasizing the growing strength and development of this movement. It will conclude with an explanation of how, in the past decade, these two factors have combined, allowing women to take advantage of a policy window created by an increasingly democratic country in order to successfully achieve abortion reform in Mexico City.

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Acknowledgements:

I would like to thank my advisor, Dr. Elena Albarrán, for her time and commitment in aiding me in the completion of my project. She offered me valuable guidance and suggestions which were a tremendous help during my thesis-writing process. I would also like to thank my readers, Dr. Walt Vanderbush and Dr. Marie Elise Radina, for the time they took to evaluate my thesis and to encourage me to think more critically about my topic.

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Introduction

On April 24, 2007 the Legislative Assembly of the Federal District of Mexico (ALDF) issued a decree regarding reforms to the Mexico Penal Code and Mexico City Health Law. Of greatest consequence among these reforms was Article 144 which redefined abortion as “the interruption of a pregnancy after the twelfth week of gestation”¹ (in contrast to the previous definition which defined abortion as *any* interruption of a pregnancy, regardless of the week). The addition of this one powerful sentence to the Mexico City Penal Code was a landmark event for feminist groups and women’s rights activists throughout Mexico because it meant that, for the first time, abortion would be legal on demand in Mexico City for all women seeking to terminate their pregnancy during the first trimester. Women of Mexico were given further reason to celebrate on August 28, 2008 when the Supreme Court brought national debate to a close by declaring this decriminalization of abortion constitutional and thus explicitly recognizing women’s human rights on a national level.²

In any country, such an overt recognition of human rights would be cause to celebrate, but this law in Mexico City was met not just with celebration but also, by many people, with complete shock. Mexico’s political history since its colonization by the Spanish has not often catered to the needs of women and feminism has had a difficult time finding a niche in this male-dominated society. The marginalization of women,

¹ GIRE: Grupo de Información en Reproducción Elegida, “Mexico City Law in English,” Modulo de GIRE, <http://www.gire.org.mx/contenido.php?informacion=187>.

² GIRE: Grupo de Información en Reproducción Elegida, “The Supreme Court declared the decriminalization of abortion in Mexico City constitutional,” Modulo de GIRE , <http://www.gire.org.mx/contenido.php?informacion=187>.

compounded by the low priority given to their health matters, the cultural attitudes on sexuality and gender roles, and an inadequate political arena within which to voice their opinions, have all contributed to making the path more difficult for Mexican women who are pushing for abortion reform.³ And this predicament does not belong to Mexico alone; abortion policy in Latin America is, on the whole, quite conservative and extremely restrictive. Only Cuba, Guyana, and Puerto Rico have laws guaranteeing women the right to abortion on demand and in most nations abortion is available in limited circumstances, such as to save a woman's life, or for incest and rape.⁴ In some countries, including Nicaragua, Chile, and El Salvador, abortion is prohibited under *all* conditions.⁵

Within this context, the 2007 abortion reform law in Mexico City becomes all the more intriguing and certainly warrants a closer look. How were the people of Mexico City able to overcome the vast obstacles to abortion reform in order to legalize abortion and become one of the most progressive cities on women's reproductive rights in all of Latin America? There is certainly no easy answer to this question and there were, undoubtedly, countless factors involved in bringing this reform about, but it is clear that there were two overarching factors that played the greatest role in introducing abortion reform to Mexico City: a strongly organized women's rights movement with an extensive history, met with a political environment that had only recently made the transition to a true democracy, creating a policy window perfect for such reform. Mexico City in 2007

³ Andrzej Kulczycki, "The Abortion Debate in Mexico: Realities and Stalled Policy Reform," *Bulletin of Latin American Research* 26, no. 1 (2007): 62.

⁴ María Luisa Sánchez Fuentes, Jennifer Paine, and Brook Elliott-Buettner, "The decriminalization of abortion in Mexico City: how did abortion rights become a political priority?" *Gender & Development* 16, No.2 (July 2008), 345.

⁵ Gillian Kane, "Abortion law reform in Latin America: lessons for advocacy," *Gender & Development* 16, No. 2 (July 2008), 361.

provides this unique situation in which women's rights activists and feminist organizations had already become well established by the time the country became a true democracy in 2000, with the first election of an opposition party president in over 70 years.⁶ This opposition party victory marked the beginning of free and fair elections in Mexico, with a peaceful transfer of power, thus the argument that the Mexican state finally became a "true democracy." With increased democracy, greater political activism, and a more open society within which to work, the women's rights organizations of Mexico, most notably the Grupo de Información en Reproducción Elegida (GIRE, Information Group on Reproductive Choice), were able to use the knowledge and skills gained over the decades of their existence to successfully fight for their reproductive rights. This combination of active women's organizations and a genuinely democratic society, supported by Mexico's surprisingly progressive constitution of 1917, were the most salient factors involved in making abortion rights a political priority, culminating in the 2007 abortion reform in Mexico City.

While I do discuss later in this paper certain political factors responsible for this reform occurring in Mexico City but not in other Mexican states, I would also like to briefly address here the issue of the urban-rural divide that exists in Mexico and how that has affected the politics of Mexico, and this particular issue of abortion. Voting behaviour in Mexico has historically been very regionalized for a number of reasons, including the differing values that are instilled in citizens living quite distinct lives from

⁶ A deeper analysis of the political history and the 71 year ruling period of the PRI as well as the factors leading to an opposition win will be addressed later in this paper. A clear breakdown of the PRI ruling period in their ultimate downfall in 2000 can also be found in Kevin J. Middlebrook, "Mexico's Democratic Transitions: Dynamics and Prospects." *Dilemmas of Political Change in Mexico*, ed. Kevin J. Middlebrook (London, England: Institute of Latin American Studies, 2004):1-56.

one another, which is exacerbated by the deep divide that exists between the urban and rural regions in Mexico. The PRI and conservative parties have typically had more success in these rural regions while the left is primarily supported by urban areas, particularly Mexico City where leftist parties were able to establish and maintain a significant stronghold beginning in the 1980s.⁷ This political division has also held true for the abortion debate. According to a poll held in 2007, when asked whether or not they would support legalizing abortion 44% of the Mexican adult respondents in Mexico City were found to support this legalization, while only 23% of respondents in the rest of the country supported it.⁸ Thus it is important to keep in mind factors such as this divide that have helped to shape a more liberal Mexico City as compared to the rest of the country, however my paper will focus primarily on the political factors that shaped this process and not on the cultural or social aspects.

Within this paper it is not my intention to analyze women's movements in Mexico or Mexico's transition to democracy in depth; my goal in analyzing these factors is to show how they became relevant in the fight for abortion rights. It is also not my intent to make any sort of comparative analyses with other similarly situated cities or countries in Latin America to explain why Mexico City has legalized abortion and other cities have not. Such an inquiry would make an interesting follow up to my research but will not be addressed in this paper. The purpose of this paper is to explain how the success of the 2007 abortion reform in Mexico City was a result of the situation created by the co-

⁷ Andy Baker, *Social Networks in the 2006 Mexican Elections: Why is Voting Behavior so Regionalized in Mexico? Political Discussion and Electoral Choice in 2006* (Unpublished article prepared for the 2006 Annual Meeting of the American Political Science Association).

⁸ "Urban-Rural Abortion Divide Evident in Mexico," *Angus Reid Global Monitor*, April 15, 2007.

existence of a fairly extensive history of women's movements and a final transition to a true democracy. I will first provide a breakdown of Mexico's modern political system, focusing primarily on the political institutions of the 19th and 20th centuries, with an emphasis on the Mexican Revolution and the 70 year ruling period of the official party, the Partido Revolucionario Institucional (PRI, Institutional Revolutionary Party), as well as on the legal role of the Church in politics. I will follow this with an outline of the most salient characteristics in the history of women's movements and mobilization in Mexico, and I will conclude by showing how, in the past decade, these two factors have combined, and women were able to take advantage of the changing political tide and use the newly created democratic channels to successfully fight for abortion reform.

Mexico's Political History

For the purpose of this paper, the history of modern Mexico dates back to the early 1500s, when explorers first began to conquer the “New World” and Mexico was eventually settled and colonized by the Spanish. Although Mexico gained its independence from Spain in 1821, the Mexican culture and daily lives of its citizens continued to be marked by European traditions and influenced by the centuries of colonial rule. The colonial period marks over 300 years during which time women were relegated to the more traditional European sphere of subordination and inferiority to men.⁹ The Church was a powerful actor in this period and consequently created an atmosphere of limited social rights. Abortion was a particularly taboo matter for which women were put to death if accused of receiving one.¹⁰ After Mexican independence however the Catholic Church faced an unstable political situation and it had to struggle to retain its strength, autonomy, and power in Mexican society. This post-independence period was marked by a growing movement of Mexican Liberalism which strongly opposed religious control of all cultural, economic, and social aspects of Mexican life and which fought for the secularization of society.¹¹ This movement against religious interference eventually culminated in the Mexican Reform Laws of 1859, which were

⁹ Patricia Begné, “Women and the Struggle for Democracy in Mexico,” *Women, Democracy, and Globalization in North America*, eds. Jane Bayes, Patricia Begné, Laura Gonzalez, Lois Harder, Mary Hamkesworth, and Laura Macdonald (New York, NY: Palgrave Macmillan, 2006): 35-36.

¹⁰ Adriana Ortiz-Ortega, “The Politics of Abortion in Mexico,” *Where Human Rights Begin*, eds. Wendy Chavkin and Ellen Chesler (New Brunswick, NJ: Rutgers University Press, 2005): 163.

¹¹ Roderic Ai Camp, *Crossing Swords: Politics and Religion in Mexico*, (New York, NY: Oxford University Press, 1997): 24-26.

added to the Constitution of 1857 and firmly established the separation of church and state, severely limiting the role the Church was able to play in political affairs.¹²

It is important to note at this point that the Mexican Reform Laws set the precedent for all future church-state relations in Mexico. This fact is particularly relevant when viewed through the lens of abortion rights, as the Catholic Church has historically played a very strong role in Latin American countries, and often plays an important part in determining social policy. As a staunch opponent of abortion, the Catholic Church might easily act as an obstacle to abortion reform in many countries, particularly in Latin America where many countries do not have a legal enshrinement of the separation of church and state powers and where even the countries that do have this law are nevertheless actively politically influenced by the Church. Mexico however, by enshrining in the government the concept of the separation of church and state quite early in its history, essentially acted to lay the groundwork for future abortion-rights activists in their fight against the influence of the Catholic Church because it gave them the legal basis for why the Church should not be allowed to influence abortion policy. This progressive stance on the level of religious influence that should be allowed in politics has led to a modern society which generally accepts this division and strongly believes that the Church should keep its distance from political affairs. For example, studies show that most Mexicans seem to reject priests exercising broad social and political influence. According to a 1994 study carried out by Catholics for a Free Choice, eighty percent of the 3,000 Mexicans polled believe that it is “wrong” for legislators to act in accordance

¹² Ortiz-Ortega 163.

with their personal religious beliefs.¹³ This firm entrenchment of separation of church and state has also allowed modern Mexican citizens to separate their personal religious beliefs from their political actions and to vote on the basis of their individual consciences as opposed to the spiritual teachings of their Church.¹⁴ Thus the 1859 decision to establish the separation of church and state takes on special importance when placed in the context of abortion reform.

Likely inspired by the innovative Mexican Reform Laws of 1859, the Mexican state, having gained its independence from Spain in 1821, worked to replace and reconstruct the laws that lingered from centuries of colonial rule. In a sense, the government began to pursue slightly more progressive social policies, including those in the realm of reproductive rights. In 1871 the first state penal codes were approved which, for the first time in Mexico, permitted abortion when the life of the mother was in danger and punishment for illegal abortions was shifted from death to jail time.¹⁵ Despite these changes, these laws did not suggest a more general trend toward women's rights and beyond these reproductive reforms, few of the new laws favored women.¹⁶

After less than a century of independence from Spain, Mexican citizens again found themselves plagued by a corrupt and undemocratic government, under Porfirio Díaz, which failed to meet the basic needs of the citizens. This, along with a combination of lack of political or social mobility, class struggle, and a minority of the population owning a vast majority of the land, were all likely important factors leading to the bloody

¹³ Camp 113 and Ortiz-Ortega 161.

¹⁴ Camp (1997) 122.

¹⁵ Ortiz-Ortega 163.

¹⁶ Begné 36.

and violent Mexican Revolution of 1910.¹⁷ Though the specific dates are disputed, the revolution endured from 1910 until the writing of the 1917 Constitution and the establishment of a new government which adamantly supported the notions of political liberalism, social justice, cultural and literary revival, Mexican nationalism and pride, and constitutionalism, which had all generally lain dormant during the preceding decades under the leadership of Díaz.¹⁸

This revolution, and the subsequent Constitution, had very important social consequences for Mexican citizens, and particularly for women. The Revolution itself acted to disrupt the traditional lives and roles that Mexican women (and other marginalized groups) had played for so long, and it gave them an increased political and social sphere within which to participate.¹⁹ Women found themselves becoming an integral part of the revolution and as such, were given a renewed sense of confidence and value in society. Similarly, the ensuing Constitution of 1917 was (and remains currently) of important social consequence to Mexican society as it outlined an incredibly progressive set of laws for its time.²⁰ The Constitution reinforced the importance of the separation of church and state by banning Catholic participation in public, political, and economic affairs and ensuring that all public education is fully secular.²¹ Beyond that, the Constitution enshrined many new rights and freedoms for Mexican citizens that were

¹⁷ Roderic Ai Camp, *Politics in Mexico: The Democratic Consolidation* (New York, NY: Oxford Community Press, 2007): 42.

¹⁸ Camp (2007) 43-47.

¹⁹ Begné 36. For further information on this topic it might be useful to consult Elena Poniatowska, *Las Soldaderas* (Cinco Puntos Press, 2006).

²⁰ Melissa Haussman, *Abortion Politics in North America* (Boulder, CO: Lynne Rienner Publishers, 2005): 107.

²¹ Ortiz-Ortega 164.

never previously articulated in Mexican history.²² The first 29 articles are devoted to guaranteeing individual rights associated with liberty, equality, due process, and property. These articles, among other things, prohibit slavery and racial discrimination, guarantee a right to education, and protect labor and social rights as well, which are concepts that set this Constitution apart from many others of its era, including that of the United States.²³

Many of these new rights and freedoms were not immediately implemented in Mexican society, but, as this text remains the supreme law of the country, what is most important is that these rights *are* included and thus theoretically protected by the Constitution. This fact becomes important in understanding the move for abortion reform specifically because of Article 123 and Article 4 of the Constitution, which expressly protect certain rights for women. Article 123 is a very progressive labor code that provides certain protection for women in the workplace that had not previously been legislated. This includes such concepts as a guarantee of maternity leave and of equal pay for equal work, regardless of sex.²⁴ Article 4 addresses the issue of reproduction and it states: “All individuals have the right to make free, responsible and well-informed decisions on the number and spacing of their children”.²⁵ While these articles do not explicitly protect *abortion*, they do provide a strong framework for legislative reform on reproductive rights and women’s rights more generally.

²² Haussman 108.

²³ David Schneiderman, “Default Convergence? Human Rights and Fundamental Freedoms in North America,” *Politics in North America: Redefining Continental Relations*, eds. Yasmeen Abu-Laban, Radha Jhappan, and Francois Rocher (Canada: Broadview Press, 2008): 257-258.

²⁴ “Mexican Constitution of 1917,” la Universidad Nacional Autónoma and el Instituto de Investigaciones Jurídicas, March 29, 2009: <http://www.juridicas.unam.mx/infjur/leg/constmex/pdf/consting.pdf>

²⁵ Sánchez Fuentes 352.

The success of the 1910 revolution and subsequent years of creating a more socially and politically liberalized country were quickly met with the advent of a new political party in 1929, the Partido Nacional Revolucionario (PNR, Revolutionary National Party) which called itself Mexico's "official" party and would soon act to curb democratization of the country. The PNR claimed to be uniting all "revolutionary" forces from the 1910 Revolution into one official body, and in 1938 it restructured itself to become the party of the labor, peasant, military, and "popular" sectors under the name Partido de la Revolución Mexicana (PRM, Party of the Mexican Revolution). In 1946, after a new series of internal reforms, the party again renamed itself, becoming the Partido Revolucionario Institucional (PRI, Institutional Revolutionary Party), a name change accompanied by increasing authoritarianism through the consolidation of an impenetrable bureaucratic political institution.²⁶ When the PNR candidate won the presidential election in 1929, he started a 71-year period of one-party rule (under the PNR, later called PRI), which was marked by top-heavy federalism and a powerful executive. Under PRI rule there was nearly unlimited federal control over public debate and policy, and the social and political liberalization that had begun to take root after the revolution was significantly curbed as the PRI became increasingly authoritarian.²⁷ By selectively employing political violence, co-opting most relevant social issues, and utilizing ballot manipulation, the PRI was able to successfully "preserve political order, heighten its own legitimacy, and co-opt dissent" for much of the twentieth century.²⁸

The PRI's most clever trick was to continue to hold elections regularly, generally with at

²⁶ Middlebrook 1.

²⁷ Haussman 12-15, Begné 40.

²⁸ Begné 40.

least one legally registered opposition party participating, thus preserving the illusion of political competition, but using intimidation or ballot manipulation to ensure the outcome in their favor.²⁹ By continuing to hold elections the PRI maintained a sense of political legitimacy which meant any real reform to the state would require a weakening of the PRI power, a laughable concept to most citizens at the time.³⁰

Fortunately for Mexico, and for future women's rights activists in the country, the power of the PRI *did* eventually begin to weaken and its control began to disintegrate in the 1980s. A number of factors were involved in the eventual decline of the PRI, the most notable of which include a growing of social movement opportunities and civil society, a strengthening of opposition political parties, and the devastating effects of political and economic crises.³¹ The economic crisis of the 1980s was particularly relevant to the PRI's loss of legitimacy and subsequent loss of power. Poor economic decisions of previous years and a growing international debt led to the debt crisis of 1982 in Mexico, which caused massive inflation and devaluation of the peso.³² Faced with exponentially increasing poverty and social unrest, the PRI shifted to a series of neoliberal economic policies and was forced to liberalize much of its governmental strategy in order to maintain "legitimacy."³³ Unfortunately for the PRI, these attempts came too late to curb the rising social movements and the increased mobilization of civil society, and the liberalizing policies ultimately encouraged an opening up of the media,

²⁹ Middlebrook 4-5.

³⁰ Haussman 12.

³¹ Middlebrook 8-9.

³² Begné 43.

³³ Lynn Stephen, "Epilogue: Rural Women's Grassroots Activism, 1980-2000: Reframing the Nation from Below," *Sex in Revolution*, eds. Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano (Durham & London: Duke University Press, 2006): 252-253., Middlebrook 17-20.

and stronger and louder opposition parties.³⁴ Compounded by an insufficient response to the devastating earthquakes in Mexico City in 1985, the PRI found itself pressured by both its left and right factions, and by an increasingly mobilized and frustrated population.³⁵ Ultimately, cracks began to appear in the political system, which were caused by movements from below of grassroots peasants, natives, and women activists, as well as from above, as the PRI was incapable of controlling either its left or right wings.³⁶ 1988 proved the final straw when the PRI presidential candidate won with around a mere 50.3% of the vote. This slim margin outraged many citizens who were convinced that the opposition had in fact garnered a majority support of that vote but that the PRI had used electoral fraud in order to claim victory. These widespread charges of fraud, culminated in one of the most important political crises in Mexico's history because opposition parties had finally garnered enough national support to be able to firmly and vocally denounce such corrupt action by the PRI.³⁷

The political and economic crises of the 1980s essentially served to sap all legitimacy from the PRI regime and to significantly erode its base of support; new groups of citizens were mobilized in an attempt to improve the social conditions that the government had failed to address.³⁸ All of these factors of growing social unrest and government inadequacy culminated in a series of opposition wins, which finally began in 1989 with the Partido Acción Nacional (PAN, National Action Party) victory in the

³⁴ Middlebrook 11-20.

³⁵ Haussman 112.

³⁶ Haussman 135.

³⁷ Begné 33.

³⁸ Elena J. Albarrán, "A Magazine, an Earthquake, and the Seamstresses: Mexico's 1985 Revolution" (Unpublished Manuscript, 2005): 2.

gubernatorial race in the northern state of Baja California. This success was later followed by Partido de la Revolución Democrática (PRD, Revolutionary Democratic Party) wins in Chiapas and Mexico City, wresting from the PRI complete control of those states.³⁹ These victories were incredibly important morale boosters for all of the opposition parties and non-PRI supporters, and they seemed to suggest that Mexico was increasingly becoming more democratic and free.

The PRI had yet to lose in the most important election of all, that of the president of the republic, and because it still maintained control over electoral authorities it did not seem that the PRI would lose that seat any time in the near future.⁴⁰ But, this quickly changed in 1994 when an unexpected armed rebellion broke out in the southern state of Chiapas. Led by the Ejército Zapatista de Liberación Nacional (EZLN, Zapatista National Liberation Front), this guerrilla conflict, which focused on the plight of indigenous groups being displaced from their land, quickly drew national attention as it became clear that the PRI had “lost its famous capacity to ‘maintain political order.’”⁴¹ Most importantly, the Zapatista movement won broad social support, detracting from the PRI’s support base, thus forcing the PRI to negotiate with opposition parties over a new electoral reform which would guarantee greater fairness and impartiality in future presidential elections, particularly in the upcoming 1994 election. It became clear to the PRI that the political stability of the country depended on having free and fair elections, and that any suggestion of cheating or fraudulence would result in total social upheaval.

³⁹ Haussman 14.

⁴⁰ José Antonio Crespo, “Party Competition in Mexico: Evolution and Prospects,” *Dilemmas of Political Change in Mexico*, ed. Kevin J. Middlebrook (London, England: Institute of Latin American Studies, 2004): 72.

⁴¹ Begné 33-34.

This turned out not to be a problem in the 1994 election in which the PRI candidate Ernesto Zedillo Ponce de León won with a significant majority of the vote, but the story changed in the landmark 2000 presidential election in which PAN (Partido de Acción Nacional, the National Action Party) candidate Vicente Fox Quesada won the presidency with just a 6.6% margin.⁴² Although the PAN party is still a considerably conservative party, Fox's victory, marking the end of the 71-year single-party presidential rule, began a unique period in Mexico's political history in which the country finally qualified as a "formal" democracy, marked by free and fair elections with a peaceful transfer of power. Most importantly of all, Fox's win gave citizens "clear evidence of their voting power and more motivation to use it, and has increased legislators' accountability to the public."⁴³ This means that after the 2000 presidential elections, socially mobilized groups of Mexican citizens, such as women's rights activists, were finally presented with a political climate that encouraged them to pursue their desired social and political reforms, and the hope they needed to believe that their objectives would be met with success.

As it exists today, the Mexican state is a multiparty, truly competitive system, which has an indirect representative government. The governing Constitution enshrines the principle of the separation of powers, and has divided them among the three branches of federal government (the legislative, the executive, and the judicial), while also

⁴² Crespo 72-76.

⁴³ Sandra G. García, Carrie Tatum, Davida Becker, Karen A. Swanson, Karin Lockwood, and Charlotte Ellertson, "Policy Implications of a National Public Opinion Survey on Abortion in Mexico," *Reproductive Health Matters* 12 (2004): 66.

affording power to 31 state governments, and to a federal district (also known as Mexico City) where the capitol is located. Each branch of the federal government has specific powers at the national level that collectively include such things as maintaining the economic, political, and social relations of the country, creating federal law, and meting out of justice, though the President (limited to one, six-year term) has the ultimate say on what will become law, as all legislation requires his signature. While this federal government exists as the supreme national law, the country's 31 autonomous states, as well as the Federal District, are free, sovereign, and independent from one another. The citizens in each state have the power to elect their own political leaders, create their own laws, and even write their own constitution. Thus, while they are subject to federal law, each state may have laws that do not exist at the national level as long as they do not violate the National Constitution, as regulated by the Supreme Court.⁴⁴ This knowledge is important in understanding why the success in the fight for reproductive rights occurred in Mexico City, but did not necessarily extend to all of Mexico. Nevertheless, as the capital and the most populous city of Mexico, the new abortion policy in Mexico City still represents a significant achievement in Mexico as a whole.

⁴⁴ José A. Crespo, Norma Borrego, and Ana Luz Ruelas, "Political Institutions in Mexico," *Politics in North America: Redefining Continental Relations*, eds. Yasmineen Abu-Laban, Radha Jhappan, and Francois Rocher (Canada: Broadview Press, 2008): 180-192., Begné 32.

The History of Women's Movements in Mexico

The concepts of “women’s movements,” “feminism,” and “women’s rights activism” have similar suggestive meanings but do not necessarily have one sole definition. In different contexts these concepts may represent either very similar or very diverse interests. For the purpose of this paper, I intend to use these terms interchangeably to signify either a mobilization of people (primarily women but not necessarily excluding men) who have organized with the intent of furthering women’s rights and expressing women’s gender interests, or as an organization of women specifically, whose interests may not be expressly gender-oriented, but whose mobilization represents female solidarity in the pursuit of common ends.⁴⁵

Defined in this manner, it is clear that women’s movements have existed as a significant force in Mexico since at least the beginning of the nineteenth century. This does not necessarily imply that women’s movements were very successful in having their demands met in this early period of Mexico’s history, but the fact that women had been demanding civil rights since the early 1800s shows that women have been struggling for greater rights in Mexico for almost two hundred years, and have consequently had significant time to learn how to fight this battle effectively.⁴⁶ The struggle that occurred in the nineteenth century was particularly noteworthy in Mexico City, which was at that time (and arguably still is) “the country’s most free or least intolerant space.”⁴⁷

⁴⁵ For a more in depth analysis of what constitutes “women’s movements” and to understand my decision to define them as I have consult Maxine Molyneux, *Women’s Movements in International Perspective: Latin American and Beyond* (London, England: Institute of Latin American Studies, 2001): 143-146.

⁴⁶ Carlos Monsiváis, “Foreward: When Gender Can’t Be Seen amid the Symbols: Women and the Mexican Revolution,” *Sex in Revolution*, eds. Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano (Durham & London: Duke University Press, 2006): 2.

⁴⁷ Monsiváis 2.

Particularly in the revolutionary era, groups in Mexico City worked to uphold women's rights by attending trade-union meetings, participating in strikes, and joining the Partido Liberal Mexicano (PLM, Mexican Liberal Party). These groups were limited in their effectiveness, as were most groups throughout Mexico, because of the strong patriarchal values and Catholic influence that remained in the country as a result of colonial rule, as well as due to the instability of the governing body that existed in Mexico after independence from Spain.⁴⁸

Their difficult path did not stop women from continuing their quest for greater equality. In 1884 Laureana Wright de Kleinhaus established Mexico's first "gender" magazine, *Violetas de Anáhuac (Violets of Anáhuac)*, which included in its content a demand for women's suffrage and equality of the sexes. In 1904 the first feminist group, called the Society for the Protection of Women, was formed, followed soon after by the Cosmos International Feminist Society and later, in 1906, the Women Admirers of Juárez was created, again demanding legal rights such as women's suffrage.⁴⁹ As a collective whole, these groups and efforts represent the initial stages of first wave feminist activism in Mexico, but it was the Mexican Revolution of 1910 that ultimately acted as the greatest impetus in inciting this movement.

The Mexican Revolution was an important moment in the history of feminist activism because it introduced, for the first time, a significant questioning of gender roles, and the traditional position that women had occupied in Mexican society for so long was beginning to change. Women participated heavily in the revolution and gained firsthand

⁴⁸ Molyneux 167.

⁴⁹ Monsiváis 2-3.

experience as nurses, spies, liaisons, couriers, propagandists, and even as soldiers.

Though their involvement in the revolution was often quite covert, it was no secret that women were actively and openly incorporated into the political and military activities of the revolution.⁵⁰ Ultimately, the revolution represented a sudden change in the traditional roles that women had long been playing in Mexican society, and as new political spaces were opened for women's activity, there was an acceleration of women's demands and of their expectations for greater rights, education, and professional opportunities.

Furthermore, the socially liberal rhetoric of the revolution which argued for such things as equality, human rights, and social justice, gave women strong ideological justification in demanding an equal place in society. They were able to take these revolutionary values and apply them specifically to their own struggle and their own social cause.⁵¹ Thus, at the end of the revolution and with the writing of the Constitution of 1917, women of Mexico were more mobilized and confident than ever as they worked to increase their rights and their equality.

Many of the women veterans continued to actively pursue what they believed to be revolutionary ideals: promoting feminist projects that demanded education, the right to vote, greater job availability, and continually encouraged women to question their subordinate position. This pursuit of greater rights led to the organization of the first feminist congress in 1914 in Mexico (in Mérida, Yucatán), which drew the participation of over 700 women. It was a mixed group of women, some fairly conservative, some

⁵⁰ Begné 36-37.

⁵¹ Patience A. Schell, "Gender, Class, and Anxiety at the Gabriel Mistral Vocational School, Revolutionary Mexico City," *Sex in Revolution*, eds. Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano (Durham & London: Duke University Press, 2006): 123-124.

significantly radical for the time, but all were required to be literate with at least grade school education (which effectively reduced the number of women that may have attended if such a requirement were not in place).⁵² The congress's most important task was to come to a collective agreement about a variety of important women's issues (such as the need for secular education, sex education, suffrage, and increased political participation) which would be presented to the Constitutional Convention of 1917 in order to guarantee certain women's rights were included in the writing of the new Constitution. The Constitutional Convention was an all-male body that had not yet come to terms with complete equality for women. The members instead enacted a series of laws that *excluded* women from increased political participation, stating that "women were not prepared to participate in the political sphere."⁵³ Women were thus flatly refused full political rights and so this first wave feminist movement, which would last until the late 1950s, remained primarily concerned with the pursuit of suffrage and citizenship.⁵⁴

While the demands made by women at the Constitutional Convention were met with disappointment, the restructuring of Mexican society that took place in after the revolution did include at least one important milestone in the fight for increased women's rights: the Law on Family Relations. This law, drafted in 1917 by newly elected president, Venustiano Carranza, was the first reform that had been made to family law and it had a number of important consequences for women. Most notably, the law defined marriage as a civil and dissolvable contract, effectively legalizing divorce for the

⁵² Emma Pérez, *The Decolonial Imaginary*. (IN: Indiana University Press, 1999): 44-47.

⁵³ Begné 36-37.

⁵⁴ Haussman 119.

first time for Mexican men and women. The law also allowed women to sign contracts, take part in legal suits, exercise equal rights in the custody of children, and have increased authority in the spending of family funds.⁵⁵ While women were still barred entry from the political world, this Law on Family Relations demonstrated at the least a basic awareness of the movement to increase women's rights.

The following decades from roughly the 1920s to the late 1950s saw a rise in the visibility of new women's organizations, feminist movements, and general mobilization around women's causes. The *Consejo Feminista Mexicano* (Mexican Feminist Council) was established in 1919 "for the political, economic, or social emancipation of woman" and it published a biweekly magazine in an effort to disseminate information and promote its ideals.⁵⁶ This cause was further championed by tens of thousands of different women, particularly public school teachers, who began carrying out literacy training programs and pursuing political work throughout Mexico in the 1920s-1940s. While these women's initiatives were often countered with violence and force, they acted as a powerful voice pursuing secular education and higher ideals for women and while complete victory remained at bay, these women did see various moments of success.⁵⁷ In the state of Yucatán in the 1920s women were granted the right to vote in local and state elections and could run for elected offices. In 1923 three women *did* run and were elected to Yucatán's state legislature thus becoming the first women to win elective offices anywhere in Mexico. Literate women in San Luis Potosi were also given the right

⁵⁵ Ortiz-Ortega 164, Begné 38.

⁵⁶ Monsiváis 14.

⁵⁷ Monsiváis 15-16.

to vote in state elections in the mid-1920s and women in Chiapas were enfranchised in 1925.⁵⁸

Yet these successes were not reflective of the broader Mexican society, and most women's groups found themselves frustrated and fruitless in their efforts. This frustration eventually led to a coalition among various mobilized women's groups which led to the creation of the Frente Unico Pro Derechos de la Mujer (FUPDM, United Front for Women's Rights) in 1923, which was a national women's suffrage organization and the first effective mass feminist organization in Mexico.⁵⁹ At its height, the FUPDM unified more than 800 different women's organizations and over 50,000 members throughout Mexico, and it certainly played an important role in encouraging the Civil Code of 1928 which proclaimed, for the first time, that men's and women's legal capacities were equal and thus sex was no longer a determining factor in the acquisition and exercise of political rights. While this broad declaration of equality appears to be a political victory, the Civil Code also included a number of articles which seemed to reinforce the inequality of gender roles regarding the care of the home and job opportunities. This Civil Code served to constitutionally enshrine the belief that women's most important job was in caring for the home and raising the children, and that this was not a field in which men should have to play a large role. This legalized inequality would not be repealed until 1974.⁶⁰

In the 1930s however the national political struggle for women's rights again gained ground when President Lázaro Cárdenas, encouraged by exhaustive lobbying by

⁵⁸ Begné 38-39.

⁵⁹ Begné 39.

⁶⁰ Begné 39-40.

the FUPDM, attempted to pass a women's suffrage bill. The bill failed in Congress, and some believe Cárdenas encouraged this outcome as he realized women's political participation might support the conservative forces and could ultimately divide his party and his base of support.⁶¹ Nevertheless, this movement revived many of the unfulfilled dreams of Mexican women from the revolution years and revitalized their national activity. In 1952 the FUPDM organized the Alianza de Mujeres Mexicanas (Mexican Women's Alliance) which promised support of Adolfo Ruiz Cortines' presidential bid if he agreed to grant women's suffrage. Ruiz Cortines agreed to the deal *if* Alianza could deliver a petition with at least 500,000 women's signatures calling for suffrage. Alianza delivered the petition to Congress as promised and in 1953 women were finally granted the right to vote in federal elections. Alianza followed this success by working to get women into Congress and it achieved victory quickly, having five women elected within the next two years.⁶²

The 1950s thus represented a milestone in the fight for women's rights, and also essentially acted to bring the first wave feminist movement, concerned with suffrage and political rights, to a close. Yet after this high point the Mexican feminist movement began to decline until the 1970s, as did many other feminist movements worldwide. Without women's suffrage as a focal point of interest, the alliance and unity of women's groups across Mexico began to deteriorate. Furthermore, the PRI was at the peak of its ruling period and, while women were finally integrated into the political system, they still remained excluded from the ranks of this official ruling party and thus limited in the

⁶¹ Begné 40-41.

⁶² Begné 41.

change they could effect.⁶³ The PRI also effectively co-opted most of the social interests in Mexico, including women's interests, and used political violence and gradually more authoritarian conditions to defuse any opposition voices.⁶⁴ As the country became increasingly undemocratic, it became more difficult for *any* social movements to gain momentum, and thus women's activists were temporarily deterred from pursuing further rights.

The 1970s and 1980s were marked by significant transitions toward democracy throughout much of Latin America. These transitions were also accompanied by increased political participation by women who were demanding equal rights and attention to women-specific issues.⁶⁵ While Mexico had already established a democratic government in the early 1900s, the PRI's rule essentially acted to create a pseudo-democracy in which the state appeared democratic from the outside, but was in reality governed by authoritarian rule. Thus, Mexican citizens also joined in on this Latin American trend toward pursuing more democratic rule. As previously discussed in the section on Mexico's political history, opposition groups and pro-democratic movements gained much momentum during the 1970s and 1980s. In the realm of women's rights, these movements translated to the beginning of second wave feminist activism in the early 1970s, which was aided by awareness of similar movements in the USA and in Western Europe.⁶⁶ Having already achieved suffrage and basic political rights in most

⁶³ María Luisa Tarrés, "The Political Participation of Women in Contemporary Mexico, 1980-2000," *Changing Structure of Mexico: Political, Social, and Economic Prospects*, ed. Laura Randall (Armonk, NY: M.E. Sharpe, 2006): 411.

⁶⁴ Begné 41-42.

⁶⁵ Kane 362-363.

⁶⁶ Kulczycki 59, Begné 42.

areas, the global feminist activism this time around was primarily concerned with voluntary maternity (which included reproductive rights and abortion), freedom of sexual choice, and violence against women. By similarly focusing their struggle on these issues (which were all interrelated issues that had been greatly oppressed in Mexico under PRI and Catholic domination of the state), the women's groups and feminist activists in Mexico demonstrated their modernity and ability to develop at and maintain the speed of the women's movement that existed internationally.⁶⁷

This global movement of second wave feminism also led to an increased recognition by international bodies of the rights and struggles of women, and as the women's movement in Mexico strengthened so too did its involvement and influence in these international conferences. In the 1970s and 1980s, the Mexican state participated in a number of international events related to women's issues such as the 1974 World Population Conference, the 1975 UN World Congress on Women (actually held in Mexico City), establishing 1975 as the "International Year of Women," and the 1981 signing of the UN's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁶⁸ But, the 1990s were responsible for the two most important international conferences as related to women's sexual and reproductive rights in Mexico: the 1994 UN-sponsored International Conference on Population and Development (ICPD) in Cairo, and the 1995 Fourth World Conference on Women, held in Beijing. These conferences essentially acted to culminate the past decades worth of international meetings and activities centered on the issues of women's status and rights,

⁶⁷ Haussman 119-120.

⁶⁸ Begné 42-46.

particularly as related to reproduction. The Cairo conference established a shift in the understanding of population control as it determined that population control would best be met by understanding the health and social needs of individual people, and offering comprehensive definitions of sexual and reproductive rights. The Beijing conference complemented the agreements made in Cairo by positioning women's health and gender equality as important factors of global development.⁶⁹ Together, Cairo and Beijing established that health, reproduction, and sexual self-determination are basic human rights, and they also became important tools in raising awareness of the severity of abortion as a public health problem, which could cause women unnecessary suffering, medical complications, and even death if not properly regulated.⁷⁰ These conferences helped to elevate the importance of women's health and to give the international community a unified set of objectives as related to women's rights. Mexico participated voluntarily in both conferences and, unlike some Latin American countries like Guatemala, Honduras, and Argentina who have consistently opposed the progressive women's rights agendas ratified at Cairo and Beijing, Mexico not only signed on but "was considered [by most of the other signatory countries present] among the most progressive countries in the region."⁷¹

This second wave movement of women in Mexico was characterized by an extended network of interconnected women's groups, NGOs, unions, and multiple-class organizations. As the PRI simultaneously began to lose its tight hold of the Mexican

⁶⁹ Ana Langer and Jennifer Catino, "The Health of Women in Mexico: Opportunities and Challenges," *Changing Structures of Mexico: Political, Social, and Economic Prospects*, ed. Laura Randall (Armonk, NY: M.E. Sharpe, 2006):477-478.

⁷⁰ Sánchez Fuentes 347.

⁷¹ Langer 478.

population, there was a new openness in the society and women's organizations were able to flourish and to gain increased breadth and influence, particularly in Mexico City.⁷²

In 1974, women of Mexico achieved their first great success of second-wave feminism. As their movement grew increasingly strong and vocal, and the PRI's ability to completely control Mexican society increasingly weakened, a new set of constitutional reforms were enacted in order to offset the loud feminist criticisms of government neglect. Included among these reforms, in Article 40, was a declaration that "men and women are equal before the law," finally granting women true constitutional protection of sexual equality.⁷³ This reform encouraged many women to begin to pursue somewhat more progressive rights which led to a critical period of growth between 1975 and 1981 of legal and safe abortion "voluntary motherhood" campaigns, in which women first began to point to Article Four of the Constitution as evidence of this right.⁷⁴ These legalization demands were central to the establishment of a number of feminist action groups such as the *Coalición de Mujeres Feministas* (Coalition of Feminist Women) and in the leading feminist journal, *Fem.*⁷⁵

The success of the reforms of 1974 and the new emphasis on reproductive rights were not enough to help women's groups overcome the vast issues of internal divisions and organizational problems that plagued them. The feminist movement at this time was

⁷² Camp (2007) 95-96.

⁷³ Interestingly, Mexico created and passed this equal rights amendment eight years before women in Canada achieved similar constitutional protection and eight years before the US defeated the "Equal Rights Amendment," which is still not included in the US Constitution, see Begné 42-43.

⁷⁴ Ortiz-Ortega 166.

⁷⁵ Kulcczycki 59.

often splintered and elitist, and had little success in building lasting unification among classes.⁷⁶ This second wave feminism needed some sort of unifying force to help bring all its various components together, and such a force did indeed arrive in both 1982 when financial crisis struck Mexico and in 1985 when devastating earthquakes hit Mexico City. With an insufficient response of aid from the PRI government, many new social movements were rallied in opposition to PRI rule and in support of improving social conditions in Mexico.⁷⁷ Particularly after the earthquakes of 1985, in what Elena J. Albarrán calls a “new revolution,” women activists developed a new revolutionary consciousness and women’s movements were revitalized, and given a reason for at least temporary cross-class unity.⁷⁸ Women’s constant mobilization in response to these crises acted as a unifying experience and while the feminist movement as a whole still remained somewhat divided, these crises provided the necessary impetus to invigorate the long-forgotten revolutionary ideals and encourage future change in how the women’s movement, as a whole, operated.⁷⁹

The electoral fraud of 1988 was also an important unifying factor in the experience of women’s movements. The moral indignation and democratic movements that arose throughout the country in response to this fraud encouraged women to seek a greater role in politics. As the PRI was losing its credibility and legitimacy, it was persuaded to adopt a quota system which required that 30% of its elected leaders be women in order to maintain some female support. Unfortunately for the PRI, this quota

⁷⁶ Begné 44, Kulczycki 59.

⁷⁷ Stephen 251-252, Haussman 112, Albarrán 2, Tarrés 411-414.

⁷⁸ For a detailed explanation of the 1985 earthquakes and women’s responses see Albarrán 12-21.

⁷⁹ Tarrés 411-414.

system was also adopted by the PRD (Partido de la Revolución Democrática) thus ending the PRI's competitive edge to garnering female support.⁸⁰ With these quotas women were guaranteed greater inclusion within the parties and thus increased opportunity to encourage political reform.

The 1990s were characterized by an overall expansion of feminist visibility in Mexico and women's equal inclusion in society. The decade included a number of important agreements between women's groups and political parties,⁸¹ the establishment of hundreds of feminist NGOs and organizations (by 1996 there were over 437 different women's rights NGOs)⁸², increased employment of women after the North American Free Trade Agreement of 1994 (NAFTA) created an increasingly open Mexican society, greater access to higher education in conjunction with a drop in women's illiteracy, and quite interestingly, a drop in the average number of children per women from 6.8 in 1970 to 2.4 by the year 2000. While all of the specific causes for it are not clear, this drop ultimately meant an enormous growth in women's autonomy as less of their life was invested solely in childcare.⁸³

Overwhelmingly, the 1990s were marked by a gradual destruction of both the patriarchal system and of the PRI's power; a greater involvement by the Mexican government in progressive, international conferences on women; and the overall development and strengthening of the women's movement in Mexico. As democratic movements increased, so did women's activism, leading to increased education,

⁸⁰ Tarrés 414-415, Begné 45.

⁸¹ See Tarrés 418, Table 22.1

⁸² See Table 13.1 in Alberto J. Olvera, "Civil Society in Mexico at Century's End," *Dilemmas of Political Change in Mexico*, ed. Kevin J. Middlebrook (London, England: Institute of Latin American Studies, 2004): 428.

⁸³ Tarrés 408-409.

employment, political involvement and influence, and overall autonomy for women. Women's illiteracy, for example, fell from 35% in 1970 to 11.6% by 2000 and women's enrollment in higher education grew at an annual rate of 6.6% between 1990 and 2000. Simultaneously, the percentage of women working in the paid labor force increased from 17% in 1970 to 36% in 2000.⁸⁴ The 2000 presidential election of an opposition candidate marked the official death of the PRI authoritarian rule, and the beginning of a new, truly democratic society. While women had come a long way by the time of this election, they still had significant work ahead of them in the pursuit of total equality and greater rights as women. The 2000 election acted as a jumping-off point for women who hoped to pursue more progressive rights and freedoms that might be possible in a truly democratic society, such as abortion reform.

While I have outlined the basic growth of women's movements and feminist activism more generally, I now turn to a discussion of the fight for abortion rights more specifically in order to understand the background of the movement for abortion prior to the 2000 presidential election and Mexico's full transition to democracy.

Abortion has appeared in public discourse sporadically since the 1970s but was officially kick-started on a national level in 1976 when members of the National Movement for Women launched the initiative for Free and Legal Abortion and also organized the First National Conference on Abortion.⁸⁵ This drive for abortion rights specifically, was encouraged by Mexico's new stance on population policy established

⁸⁴ Tarrés 408.

⁸⁵ Kane 368.

after the 1974 World Population Conference. The legalization of left-wing opposition parties at the end of the 1970s also contributed to the abortion movement after feminists and communists formed a loose alliance around the concept of '*maternidad voluntaria*' (voluntary motherhood).⁸⁶ Although the alliance eventually fell through, voluntary motherhood was to become a well-established program around which to pursue abortion reform.

The next abortion-related incident to become important in the pursuit of abortion reform was a controversy which occurred during Easter of 1989 when police raided an abortion clinic in Mexico City. Many of the women arrested expressed their support for the legalization of abortion and publicly denounced police action. These women inspired the creation of a publicized declaration in support of abortion reform, which was signed by over 700 women, crossing ideological, party, and class lines and once again drawing national attention to the movement for abortion.⁸⁷ This public support for abortion reform had unexpected results in Chiapas where, in October of 1990, state legislatures announced their intention to legalize first trimester abortion. While many citizens voiced their firm support for the legislation, the Catholic Church and other anti-abortion organizations reacted strongly and spoke more loudly than did proponents of the law and within two weeks of their announcement, state legislatures suspended the legislative process.⁸⁸

Encouraged by the movement to legalize abortion in Chiapas, and the general support the issue had garnered among women's movements throughout Mexico, the

⁸⁶ Kulczycki 54-55.

⁸⁷ Kulczycki 55.

⁸⁸ Kulczycki 55.

Grupo de Información en Reproducción Elegida (GIRE, Information Group on Reproductive Choice) formed in 1992, arguably to become one of the most important factors in the later success of abortion reform. GIRE formed as a non-profit NGO seeking the advancement of reproductive rights by stressing the need to remove religious conscience from the abortion debate and raising awareness of abortion as a public health and social-justice issue.⁸⁹ GIRE quickly became one of the most important and influential voices seeking abortion reform in this period, particularly in early 1999 when it put forward a proposal to modernize Mexico City's penal code (which had not been changed as related to abortion since originally written in 1931) to include three new exceptions for abortion. The proposal was initially rejected by the ALDF but not abandoned by GIRE⁹⁰ and GIRE's role in pursuing similar proposals and in future abortion politics more generally would prove instrumental.

Overall, the women's movement in Mexico City has seen extreme growth and development over the past century. Women first began openly struggling for their rights as Mexico began its initial struggle for independence and the Mexican Revolution was a particularly strong catalyst for the development of women's groups. While women would still have to wait some time before having their political and social rights recognized, feminist activists did not soon forget the revolutionary ideals implanted in society at this time, and they would continue their struggle throughout the following decades. In the 1970s the feminist movement was given a new surge of life as PRI power

⁸⁹ Sánchez Fuentes 346.

⁹⁰ Marta Lamas and Sharon Bissell, "Abortion and Politics in Mexico: 'Context is All,'" *Reproductive Health Matters* 8, no. 16 (2000): 11.

began to wane and second wave feminist activism began to take root in much of the world. Over the following decades, women's groups and various related NGOs struggled hard to improve women's lives and throughout the course of their struggle they enhanced their organizational skills, their body of support, and the size of their constituencies. Through their efforts these groups slowly became more unified so that they are able to act as a more united front for women's health rights.⁹¹ Furthermore, as these groups have become more politically vocal they have been able to encourage the public to question the woman's traditional role in society, as Mexican sociologist María Luisa Tarrés explains in her essay on the political participation of women in contemporary Mexico: "the mobilization of women permitted the creation of a public identity that broke with the existing stereotypes about a woman's role as a mother, wife, and housewife by showing women's capacity for political mobilization, generating leaders and managers, and placing their demands related to gender into public debate."⁹² With the strength and unity that was achieved in the women's movement over the past century of struggle, feminists and other women's activists were well positioned to take full advantage of the democratic transition that finally occurred in the year 2000.

⁹¹ Langer 486.

⁹² Tarrés 410.

The Struggle for Abortion Reform and Its Success in Mexico City

The arrival of the 21st century brought with it a number of important changes in Mexican society such as the 2000 presidential election and Mexico's final transition to a true democracy. Equally important was the increasing visibility of mobilized groups and grassroots organizations that vocally championed various social causes that weren't likely to be achieved during the PRI era. This was particularly true for abortion rights reform, which was highly desired but seemingly out of reach for much of the 19th and 20th centuries. But, by the mid 1990s, with the establishment of powerful women's organizations like GIRE, devoted almost exclusively to the cause of abortion reform, legalized abortion was increasingly viewed as a priority for many citizens. By the year 2000, when the government became more openly democratic and created a political context in which social reform was a genuine possibility, GIRE, along with other women's organizations, and their various supporters were well-established, well-developed, and prepared to use the new political scene to their advantage. GIRE will be discussed here as the lead organization in the struggle for abortion reform, but its initial formation and its ultimate success are due in significant measure to the years of struggle by various women's organizations and their hard work in building alliances with men and women across diverse sectors of society.⁹³

Ultimately, in studying the decade and a half of GIRE activism before the 2007 abortion reform law was passed it becomes clear that GIRE's success was based on a number of important tactics and strategies developed as a result of years of struggle,

⁹³ Sánchez Fuentes 351.

practice, and educating themselves on the system under which they worked. GIRE focused on framing abortion rights as a basic human rights issue related to public-health and social-justice issues and not religious or “right to life” issues. GIRE did this primarily by highlighting the health issues and dangers of having a restrictive abortion policy and by framing its right-to-abortion argument using a legal context, citing the Mexican constitution and other various laws.⁹⁴ Many of these strategies were used to help highlight or shape significant public events in order to encourage society to become more sympathetic to abortion reform and to develop a greater understanding of the ills of restrictive abortion policies.

GIRE’s first significant task was to educate the public on the serious health consequences and negative social implications that result from restricting abortion rights. Restrictive abortion policy ultimately creates a “subculture of clandestine, unsafe abortion” and also acts to “reinforce an environment in which abortion is socially shameful and unacceptable.”⁹⁵ When GIRE first formed in 1992 and began its advocacy work for women’s reproductive rights the average number of children per Mexican woman was 6, while “minimum” wage was only \$200 a month, clearly insufficient for such a large family. Around 2 million illegal abortions were performed each year and at least 780,000 women were hospitalized from grave complications associated with these abortions. Abortion was the fifth leading cause of maternal mortality in Mexico in 1992.⁹⁶ However, by the late 1990s an increase in abortion-related complications had

⁹⁴ Sánchez Fuentes 346-356.

⁹⁵ García 65.

⁹⁶ “Mexico: The Battle over Legislation on Abortion Continues,” *Women’s International Network News* 18, no. 1 (1992), 33.

caused abortion to move to the fourth leading cause of maternal mortality, a testament to the severity of the situation.⁹⁷ These statistics suggest that Mexico's restrictive abortion policy was not necessarily curbing the number of abortions sought each year, but instead creating a more dangerous situation for women looking to have one. This idea is supported by a 2007 study published by the Guttmacher Institute and WHO which ultimately found that strict prohibitions of abortion do not prevent women from having abortions but instead force women to have them in illegal and unsafe conditions, often resulting in injury or death.⁹⁸ Furthermore, while restrictive abortion laws can cause problems for all women, it is clear that they often disproportionately penalize the poor and lower-class women who do not have the economic means to afford safer abortions. This is particularly true in Mexico where many private clinics offer expensive clandestine abortions that wealthier women can afford. Poor women must instead resort to unlicensed or untrained providers, or self-administered drugs, both of which often prove fatal.⁹⁹

In their advocacy work for reproductive rights, a key approach by GIRE has been to document these high human costs of criminalizing abortion and to make the public aware of the hundreds of thousands of women, particularly poor women, who are adversely affected by restrictive abortion policy and are ultimately forced into unsafe situations as a result of it. By focusing on the devastating impact of strict abortion policy on women's lives and their health, GIRE has been able to essentially use effective

⁹⁷ Kulczycki 53.

⁹⁸ G. Sedgh, S. Henshaw, S. Singh, E. Ahman, and I. Shah, "Induced abortion: estimated rates and trends worldwide," *The Lancet* 370 (Oct 13, 2007): 1338-45.

⁹⁹ Ortiz-Ortega 162 and Kane 361.

marketing skills to portray abortion as a social justice issue while simultaneously highlighting the costs of unsafe abortion to the public-health system.¹⁰⁰

GIRE has also worked to remove the stigma from legalized abortion by emphasizing that legalizing abortion is about curbing maternal mortality and finding a solution to a serious health issue and *not* about encouraging women to have abortions.

As GIRE representatives explained in a 2007 debate:

Women will always have abortions, even if the procedure is illegal, even if they risk their lives. We emphasized that legalizing abortion would not necessarily increase the number of abortions, but rather would ensure that women end their pregnancies under safe conditions, without endangering their health or lives. The pro-choice movement also strategically appropriated the word ‘life’; we asserted that we are in favour of the right to life, since we value each woman’s life, judgment, and ability to make the right decision about her reproductive life. We also pointed out that abortion was already ‘socially decriminalized’ in Mexico; very few women are in jail for having aborted illegally, which suggests that no one is reporting these ‘crimes’.¹⁰¹

It is clear that GIRE representatives understood that in order to pass abortion reform they would need to deliver to the public a new understanding of abortion and frame the issue in a new light that did not revolve around the standard “pro-life” versus “pro-choice” debate. GIRE took their argument a step further than many abortion advocates by arguing that “no one is ‘in favor’ of abortion: we all want the need for abortions to end.”¹⁰² While this concept was criticized by many feminists and women’s organizations who thought it suggested a sense of shame associated with having an abortion, GIRE understood it as an important way of finding common ground with anti-abortion forces,

¹⁰⁰ Sánchez Fuentes 351-352.

¹⁰¹ Sánchez Fuentes 352.

¹⁰² Sánchez Fuentes 351.

an essential task in Mexico where the Catholic Church and other conservative forces who do not generally support abortion exercise significant power in society.

A second important strategy employed by GIRE was to demonstrate that the basic right to an abortion already exists in various legal documents. Their greatest piece of evidence was undoubtedly Article Four of the Mexican Constitution, which states that “All individuals have the right to make free, responsible and well-informed decisions on the number and spacing of their children.”¹⁰³ GIRE used this concept to argue for abortion as a basic human right. They demanded that the Mexican state comply with the international human-rights framework and with the various treaties and conferences that Mexico had signed on to which encouraged legalized abortion as a right for women (such as the Cairo and Beijing conferences, and the Convention on the Elimination of all Forms of Discrimination against Women).¹⁰⁴

In order to specifically keep the Church from heavily interfering with the abortion debate GIRE drew much attention to the 1859 separation of church and state Mexican Reform Laws, thereby highlighting the legal requirement that exists of keeping religion and politics separate. Overcoming the social mindset, as related to abortion reform, of a conservatively religious Catholic society would certainly prove to be a challenge for GIRE, but with this they found a staunch ally in Catholics for the Right to Decide (CDD). CDD helped to confirm to the public that the Catholic doctrine emphasizes the need for Catholics to follow their own consciences on moral issues, not necessarily the opinions of their religious leaders. GIRE and CDD together explained to the public that a woman’s

¹⁰³Sánchez Fuentes 352.

¹⁰⁴ Sánchez Fuentes 353.

decision to have an abortion is a serious and difficult decision that is not taken lightly but involves significant weighing of moral issues meaning legalized abortion does not have to exist outside of the realm of Catholicism.¹⁰⁵

With these basic strategies in hand GIRE worked tirelessly to reform the rhetoric around the abortion debate and to educate the public on the truths of abortion. These tools became increasingly critical in garnering public support in the context of a number of important abortion-related national events that would occur between 1990 and 2007.

In 1990 in the state of Chiapas, there was the first clear drive toward legalizing abortion when the governor, claiming pressure from pro-abortion forces, somewhat secretly allowed for a law to pass which decriminalized abortion. As this law became more publicly known anti-abortion forces, particularly among the powerful Catholic hierarchy, acted quickly and swiftly to have the law suspended. While the pro-abortion forces certainly existed at the time, they did not yet have enough strength to overwhelm those who stood against legalized abortion. An article from Women's International Network News at the time suggested: "The feminist groups have not yet had the time to do real in depth work with women from the popular sectors, which would allow them to build up mass support among the people. Furthermore, many are disappointed by the slowness of the process..."¹⁰⁶ Despite the ultimate outcome, the Chiapas example was extremely important to abortion proponents for two primary reasons. First, it helped to finalize the basic strategy of "voluntary motherhood" (which had begun to take form in the 1970s) that all future abortion reform activists could agree on, which affirms (among

¹⁰⁵ Sánchez Fuentes 352.

¹⁰⁶ "Mexico: The battle over legislation on abortion continues" 33.

other things) “the right of women to control their fertility by all necessary means, the right to contraception and to free abortion on demand, {and} the right to a complete sexual education.”¹⁰⁷ Additionally, the experience in Chiapas was important because it was one of the first nationally acknowledged events that openly discussed the issue of abortion and in doing so:

... has had the merit of bringing into broad daylight the scandalous fact that two million women are transformed into criminals each year, and that many bear the mental and physical scars of this... It has allowed the different parties to take a clearer position on the question of women and to situate themselves in relation to the patriarchy, whatever the outcome of the current struggle.¹⁰⁸

This “scandalous” knowledge, as previously discussed, would become an important tool for women’s groups, like GIRE, in their efforts to achieve abortion reform.

As the question of abortion had finally hit the national radar on a broad scale, mobilization around the issue sincerely began to grow. Debate and controversy became nationwide as Mexico began to experience systematic change, particularly when the left of center PRD came to power in Mexico City in 1997 with a platform that supported “voluntary motherhood.”¹⁰⁹ Members of various groups belonging to the Red por la Salud de las Mujeres del Distrito Federal (Mexico City Women’s Health Network) met with the PRD mayoral candidate, Cuauhtémoc Cárdenas, and pledged their support to his campaign if he agreed to a number of commitments including a public consultation on abortion law reform. Cárdenas ultimately won his race and the PRD party gained an absolute majority in the ALDF.¹¹⁰ This political success was important both because it

¹⁰⁷ “Mexico: The battle over legislation on abortion continues” 33.

¹⁰⁸ “Mexico: The battle over legislation on abortion continues” 33.

¹⁰⁹ Lamas 10.

¹¹⁰ Lamas 10.

encouraged the new wave of democracy, against PRI power, that was sweeping the nation, and because it suggested to feminist groups that they could use this systematic change to their advantage, by pledging their support to one candidate or another in exchange for certain concessions related to abortion reform. For the first time in nearly seven decades, politicians were going to need the support of the people to win elections and were thus going to have to start meeting some of their populace's demands.

With an absolute majority in the ALDF, the PRD found itself responsible for creating a new penal code for the Federal District. Though the penal code, in effect since 1931, had been amended several times, the clauses related to abortion, which criminalized it in all cases except for rape, for the life of the mother, or for “spontaneous abortion,” had never been reformed. Intending to hold Cárdenas to his promise, GIRE presented him with a proposal in early 1999 to modernize the penal code which would include three new exceptions: decriminalization in the case of fetal impairment, risk to the woman's health, or for socio-economic reasons. Despite Cárdenas' previous campaign promises, the PRD ultimately thought it best to put aside the abortion issue while reforming the penal code and they came to a formal agreement with the other major parties to avoid the issue of abortion in order to have a ‘peaceful’ reform process. In sum the proposal presented by GIRE was not taken up by the PRD legislators for passage.¹¹¹ Despite the results from an April, 1999 public poll called the “Estudio de opinion pública sobre aborto en el Distrito Federal” (Study of Public Opinion on Abortion in the Federal District) which suggested that abortion reform had the support of a majority of Mexico

¹¹¹ Lamas 11.

City residents,¹¹² the PRD was also aware that abortion had become too hot a topic to tackle only months before the incredibly important 2000 presidential election because it would “spur the wrath” of powerful political enemies¹¹³. It seemed the PRD did not view it as in their best political interest to take up such a controversial issue and so abortion reform remained largely ignored during Cárdenas’ term as mayor.

Though temporarily stalled in their push for abortion reform, GIRE and other women’s groups were soon delivered a powerful weapon to once again bring national attention to the problems of restrictive abortion law in the form of a 13-year-old rape victim named Paulina del Carmen and a 12-year-old victim of incest named Sinoloa. Paulina del Carmen, whose case was brought to GIRE’s attention in late 1999, was just 13 when a heroin addict broke into her home in the state of Baja California Norte and raped her. Impregnated from the attack, Paulina went with her mother and received an order from the State Attorney’s Office to the Mexicali General Hospital to perform an abortion, which was legally permissible under Baja state law in the case of rape. After being admitted to the hospital, Paulina’s abortion was repeatedly stalled by medical staff, she was visited by two pro-life women who showed her “grotesque anti-abortion” films, and she was taken by the Attorney General himself to visit a priest in order to receive a lecture on the “sin” of abortion. Despite all of these obstacles, Paulina and her mother were determined to proceed with the procedure until the hospital director pulled Paulina’s mother aside moments before the abortion was to happen and “grossly exaggerated the

¹¹² Discussed in Lamas page 12, the results of the poll showed 24% in favor of voluntary abortion and 47% in favor of legalized abortion under some circumstances which included 72% support in the case of rape, 73% in the case of risk to the woman’s life, 61% in the case of fetal impairment, and 63% in the case of risk to the woman’s health. The results of the study cited in Lamas are from the “Análisis de Resultados de Comunicación y de Opinión Pública, S.A. de C.V.

¹¹³ Lamas 12.

supposed risks of abortion...for example, that Paulina could die or become sterile from the abortion, and that her mother would be responsible for her death.”¹¹⁴ At that point Paulina’s mother finally decided to take Paulina home, without having successfully procured an abortion.

Clearly denied her legal right to an abortion, Paulina soon became the poster-child for many feminist groups seeking abortion reform. Her case quickly made national headlines and sparked a heated debate between pro and anti abortion forces. Those supporting Paulina’s right to an abortion raised public awareness of a number of legal breaches that had occurred during her quest for an abortion: hospital authorities’ abuse of power, imposition of personal religious beliefs over legal responsibilities, violation of Paulina’s human rights, the withholding of a public service, the breach of a judicial order, and the infringement of a minor’s freedom, dignity, and right to privacy.¹¹⁵ Paulina and her mother spoke openly and sincerely about the incident and received overwhelming sympathy from the Mexican community. Anti-abortionists further hurt their cause through a number of crass and insensitive comments made in reference to Paulina’s case, which were cited in public newspaper and journal articles. Such comments included: “It’s a good thing that Paulina did not abort, because to the sadness of her rape she would have added the crime of becoming a murderer” and “women have to do their part, their way of dressing is provocative; women have to be more decent and not encourage it [rape].”¹¹⁶ Paulina’s case helped to once again bring abortion to the forefront and caused tremendous public outrage at this blatant violation of her legal rights. As one newspaper

¹¹⁴ Lamas 12-13.

¹¹⁵ Lamas 13.

¹¹⁶ Published in articles from Mexican journals *Excelsior* and *Milenio*; quoted from Lamas 20.

article suggested a few months after the birth of Paulina's child: "...when a 14-year-old rape victim, Paulina del Carmen, was denied the abortion she thought she had a right to in Mexicali, she – and then her son – put human faces on the theme. The simmer heated up to a boil."¹¹⁷

Shortly after this incident, the case of 12-year-old Sinoloa who was impregnated by her father and then also denied the legal abortion that she had a right to, became public knowledge. After receiving significant media attention, state authorities later permitted the abortion, wishing to avoid the public uproar that had followed the Paulina case.¹¹⁸

These two cases caused an overwhelming response from the public in support of Paulina and Sinoloa and their rights to an abortion. In order to repair some of the damage that had been caused by the mass attention that these cases received, the Mexican state eventually signed a friendly agreement with civil-society legal representatives (including GIRE) which implicitly recognized abortion access as a human right.¹¹⁹ But, these cases had a different effect on the status of recognized abortion rights in the state of Guanajuato in mid-2000 (only one month after the presidential election of PAN candidate Vicente Fox), as one newspaper article reported: "With the Paulina case serving as a backdrop, the legislature of the state of Guanajuato voted earlier this month to amend state law to criminalize abortion, even in the case of rape."¹²⁰ Such a law would certainly represent a serious blow to abortion activists, but the incident ultimately proved to be another useful tool for drawing national attention to the issue of abortion. Having learned a difficult

¹¹⁷ Howard LaFranchi, "Abortion debate divides Mexico," *Christian Science Monitor*, August 14, 2000.

¹¹⁸ Kulczycki 56.

¹¹⁹ Sánchez Fuentes 354.

¹²⁰ LaFranchi

lesson in losing the battle for legalized abortion in Chiapas in 1990, abortion activists and women's groups, including GIRE, quickly rallied the opposition against this proposed law:

Throughout the days that the Governor reviewed the bill, various sectors of civil society demonstrated against it in front of the national PAN headquarters in Mexico City, Fox's offices and the Guanajuato Congress building...Opinion leaders – medical doctors, public servants from all parties including the PAN, civic leaders and NGOs – expressed their opposition based on religious freedom, the need to strengthen the separation of church and state, democracy, social justice and the right to decide.¹²¹

Faced with this extreme opposition, the governor of Guanajuato had a number of public opinion polls carried out which produced results not unfavorable to the proposed law. GIRE responded by commissioning an expert in statistics to analyze the poll results which led to the conclusion that “the poll and its results were framed so as to make it possible for PAN to have another chance to pass this bill or a similar one.”¹²² Ultimately GIRE and allies were able to discredit the governor enough for him to decide to veto the bill in August of 2000.

GIRE's success in immobilizing the Guanajuato bill was added to immediately after the governor's public veto when Rosario Robles, the interim mayor of the Federal District, introduced a bill to the ALDF to reform the abortion law of Mexico City to include fetal impairment and the risk to the woman's health exemptions. Prompted by the continued pressure of GIRE and other women's groups and in response to the national indignation that surrounded the Guanajuato bill, the PRD majority in the ALDF legislated in favor of the reforms. While the PRD had not found it in their political interest to

¹²¹ Lamas 17-18.

¹²² Lamas 18-19.

support abortion reform in 1999, 2000 represented a whole new political scene and thus a new set of political rules. The previous ruling party, PRI, had joined the PRD in criticizing PAN for the situation in Guanajuato because both parties knew such a criticism would gain them significant political support because of the tremendous national outrage the Guanajuato bill had engendered. Thus the PRD knew it could count on the PRI as an ally in passing the bill, something that “never would have happened before the presidential elections.”¹²³ These reforms were followed a few weeks later by liberalizing reforms to the abortion law in the state of Morelos, which garnered less national attention but acted “as a clear signal of the changing mentality toward abortion.”¹²⁴

The Supreme Court reviewed the Mexico City bill shortly after its approval when its constitutionality was called into question by abortion opponents. In 2002 the Supreme Court delivered GIRE and allies with their greatest triumph yet: in the first time that the Supreme Court had ever heard a case involving abortion, it ultimately voted to *uphold* the law in support of basic abortion rights.¹²⁵ This was an important victory for abortion-rights activists as it enhanced the idea that reproductive rights are intrinsically democratic rights and it encouraged women and allies to intensify their fight for these rights. In response to this invigoration of the vocalization of women’s groups, legislative changes were made in 2003 that reinforced women’s reproductive freedom in the city, increasing the penalties for forcing a woman to have an abortion, requiring the Ministry of Health to provide free, high-quality abortion services within five days of receiving a request for

¹²³ Lamas 19

¹²⁴ Lamas 20.

¹²⁵ Kulczycki 56.

one, and obligating all public-health institutions to have at least one doctor on staff who is *not* a conscientious objector to abortion.¹²⁶ These changes were followed in January 2004 by the legalization of emergency contraception, which had been the topic of debate for years prior.¹²⁷

As feminists and women's rights activists continued their successful campaign for greater reproductive rights, the idea of completely decriminalizing abortion began to illicit significant attention, particularly in Mexico City in early 2006 when the proposal to legalize abortion for any reason during the first trimester was introduced to the ALDF. The legislation was a highly controversial issue, particularly because of the significant openness of the debate, as one article reported: "Supporters of reproductive rights say this is the first time that abortion has been discussed so openly in Mexico."¹²⁸ While the Catholic Church spoke out against the proposal and Catholic lawyers called for a referendum to avoid a vote in the legislature, María Conseulo Mejia, director of Catholics for the Right to Decide, spoke out as Catholic voice *in favor* of the legislation: "Women are dying, above all poor women, because of unsafe abortions. . . . There is no access to information, to contraception. Nor do most women have the power to negotiate the use of contraceptives with their partners."¹²⁹ Mejia's arguments were not ignored and on April 24, 2007, Mexico City's legislative assembly approved the law by a large majority.

¹²⁶ Sánchez Fuentes 349.

¹²⁷ García 66.

¹²⁸ Kali Erstein, Cheryl Lindsey Seelhoff, Angie Manzano, and Karla Mantilla, "Mexico: Mexico City expected to legalize abortion," *Off Our Backs: a Women's Newsjournal* 36, no. 4 (2006), 5.

¹²⁹ Erstein 5.

Proponents of the law were over joyous: “Supporters cheered the bill’s passage. The bill is ‘a triumph for women’s rights,’ said Maria Consuelo Mejia.”¹³⁰

Despite the two-thirds vote in the ALDF in favor of the bill, the opposition continued to mount its campaign against decriminalization and eventually the conservative federal government, backed by anti-abortion groups, filed a legal challenge against the law. As the Supreme Court prepared its vote it heard from eighty speakers, forty on each side of the issue, in a series of six public hearings.¹³¹ On August 28, 2008 the Supreme Court finally announced its ruling in which 8 of the 11 Justices voted in favor of the bill, arguing that it does *not* violate the Constitution. It was reported that the majority of the Justices voted in favor, citing a difference between “an embryo” and “a person” and arguing that there is no Constitutional norm expressly protecting the life of the embryo.¹³² With the Supreme Court acting as the final say on the law, abortion on demand in Mexico City was finally recognized and formally established as an official right for women.

While it is clear that women’s organizations like GIRE played an important role in encouraging the decriminalization of abortion in Mexico City, it must also be emphasized that their success was largely due to the changing political situation in Mexico which made the timing ripe for such reform. In the years preceding the PAN presidential victory in 2000, Mexico began to experience significant systematic change

¹³⁰ Megain Haines, Steph Herold, Karla Mantilla, and Melissa Rodgers, “Mexico City legalizes abortion,” *Off Our Backs: a Women’s Newsjournal* 37, no. 1 (2007), 5.

¹³¹ Elisabeth Malkin and Nacha Cattán, “Mexico City Struggles with Law on Abortion,” *The New York Times*, August 25, 2008.

¹³² Gabriel Castillo, “Luz verde al aborto,” *Diario de Mexico*, August 28, 2008.

trending toward a more democratic society. As the political world began to change, so too did the rules governing that world. With its final defeat in 2000, the PRI party quickly realized that it could no longer depend on ballot manipulation, corruption, and coercion to win its elections. Simultaneously, while Mexico had theoretically been a multi-party system during the PRI rule, it was not until the mid 90s that opposition parties began to truly accumulate any real power or influence in society, thus as Mexico democratized, the PRI's competition began to grow. By 2000, it became clear that all parties, *including* the PRI, would now have to gain the support of the public in order to maintain political power; and one large segment of the public that had previously been neglected but was quickly growing in importance: the women. Women's groups and feminist organizations were mobilized, persistent, and vocal and it became clear that political parties were going to need their votes and their support. Thus, political parties across the spectrum had to begin to incorporate women's issues into their platform, including abortion reform.¹³³

The growth of democracy in Mexican society was also important for women's groups pursuing abortion reform because a more democratic society for Mexicans meant a growth of civil society, of political pluralism, and of openness. Various social groups now had greater power in influencing public debate and in encouraging discussion of previously controversial topics. One such group consisted of women's organizations, determined to "lift the veil of secrecy on abortion" and encourage society to see

¹³³ Tarrés 416.

criminalized abortion as a national problem in need of redress.¹³⁴ As society became more open and women gained greater influence, conflict over abortion became more difficult to contain.¹³⁵

But a greater openness of society was not confined solely to the constituent populations. With the growth of democracy there was also “a new willingness among *politicians* to debate social and moral issues.”¹³⁶ It became clear that taking a position on controversial issues, like abortion, was a political tool *necessary* to garner support. Abortion became a particularly hot topic after both the 2000 and the 2006 presidential elections. After the 2000 election “it became politically useful for the PRD and PRI to demonstrate their sensitivity about abortion”¹³⁷ because PAN president Vicente Fox had previously acted as governor of Guanajuato, which introduced its bill to criminalize abortion in the case of rape shortly after Fox’s election. The incident evoked tremendous national outrage and caused many to fear that Fox might have encouraged or supported the bill, and that he might intend to encourage national politics to follow a similarly conservative route. By showing sensitivity toward abortion, the PRI, the PRD, and other smaller political parties were able to gain the support of the vast public that had been angered by the Guanajuato bill and that now feared Fox’s conservatism.¹³⁸

The 2006 presidential election had an equally stimulating effect on the abortion debate. During this election the conservative PAN candidate won by a minute percentage

¹³⁴ Kulczycki 50-51.

¹³⁵ Kulczycki 66.

¹³⁶ “Breaking a taboo; Abortion rights in Mexico,” *The Economist*, April 28, 2007. (Italics added to quote for emphasis.)

¹³⁷ Haussman 131.

¹³⁸ LaFranchi 6.

of the votes and in return the more progressive PRD candidate claimed fraud. The election and ensuing controversy caused extreme polarization between the two major parties, one now in control of the presidency (PAN) and the other (PRD) still in control of Mexico City's state government. With this divisive political situation and an increasingly strong push from women's organizations to reform abortion law, it seemed that the PRD "had nothing to lose – and much to gain – by demonstrating the differences between the left- and right-wing parties in the reproductive-rights context by supporting the change in the law."¹³⁹ Furthermore, the city's mayor, Marcelo Ebrard, was significantly more socially liberal than his predecessor and had openly supported many such social causes in his political history.¹⁴⁰ Having this major political party on their side in Mexico City gave feminists and women's organizations the final tool they needed to present an abortion reform bill and have it be seriously considered.

The abortion reform bill that was finally passed on April 24, 2007 was presented to the Mexico City Legislative Assembly in January of 2007 along with one other variation of the bill. The ALDF allowed for four months to debate the merits of either bill and of abortion reform more generally. By the end of the debate period, the bill had received high-level support from within the Mexico City government including from Mayor Ebrard and the local Minister of Health.¹⁴¹ More importantly, by the end of the four months it was clear that public opinion in Mexico City generally favored legalizing abortion. Women's movements and NGOs had successfully positioned abortion as a

¹³⁹ Sánchez Fuentes 353.

¹⁴⁰ "Breaking a taboo; Abortion rights in Mexico."

¹⁴¹ Sánchez Fuentes 353-354.

social justice and public health issue and in doing so had convinced much of the public that a part of women's human rights included their ability to control their reproductive lives. In response to this overwhelming support, the fairly progressive PRD-controlled Legislative Assembly finally approved the bill by a vote of 66-44, legalizing abortion on demand for the first time in Mexican history.¹⁴²

¹⁴² Kane 368.

The Aftermath:

When the ALDF voted to approve the Mexico City abortion reform bill on April 24, 2007 and the Mexican Supreme Court upheld the constitutionality of the reform on August 28, 2008, women across Mexico were given reason to celebrate. Feminist groups and women's organizations had been fighting restrictive abortion policy for generations and this new bill in Mexico City, which legalized abortion during the first 12 weeks of pregnancy, finally offered a sense of victory to these groups. Although the law pertains only to Mexico City it does not exclude non-residents of Mexico City and thus protects the right to an abortion of all women, from anywhere in Mexico, or the rest of the world.

While the greatest hurdle has now been overcome, the challenge of ensuring all women access to an abortion does not stop just because the law has been passed. There are still a number of obstacles and issues that must be dealt with. For example, since the law was passed in April, some 85% of the gynecologists working in the city's public hospitals have declared themselves conscientious objectors and have refused to perform abortion services. Even those hospitals that do offer the service are often found to have a staff hostile to women seeking an abortion.¹⁴³ Furthermore, while President Calderón has largely avoided the issue, many powerful authorities, including the Catholic Church, continue to speak out against this reform, often suggesting that abortion is a "threat" to the traditional family values that have long existed in Mexican society.¹⁴⁴

Despite these many challenges that still exist, women's organizations and the Mexico City government are working hard to ensure that the law is carried out to the full

¹⁴³ Malkin 5.

¹⁴⁴ "Resalta Calderón valores de la 'familia tradicional,'" *La Jornada*, January 15, 2009.

extent of its meaning. The city has hired new doctors to help handle the large influx of women seeking abortion across the 14 city hospitals, and at least 35 doctors now offer the service in various city medical facilities. Despite the controversy surrounding abortion it is clear that more and more doctors view abortion as a necessary right that women should have, as one Dr. Laura Garcia stated: “I became a warrior there defending my convictions...I am contributing to rescuing women’s rights...In Mexico, women have always been marginalized.”¹⁴⁵ It is also clear that despite the Church’s outspoken stance against abortion, many Catholics do not see an inconsistency between being religious and having an abortion as long as the law permits it, as one paper reported after interviewing a 27-year-old married mother of two who was seeking the procedure: ‘I’m Catholic but now the law has been passed.’¹⁴⁶

It is difficult to know the exact number of abortions that have been performed since the law was passed but it was estimated that at least 12,500 were performed in just the time between the law’s passage and its ultimate approval by the Supreme Court.¹⁴⁷ Thus it is plain that abortion is a valuable right that many women in Mexico wish to exercise. There is no clear path from here and it remains to be seen whether this new law in Mexico City will encourage similar legislation across the rest of Mexico but what is clear is that abortion reform in Mexico City was made possible by a dedicated and well-established group of women’s rights organizations that took advantage of a changing political tide in Mexico. GIRE and allies were organized and well-prepared to act when the appropriate policy window arose and it because of them, and because of a newly

¹⁴⁵ Malkin 5.

¹⁴⁶ Malkin 5.

¹⁴⁷ Malkin 5.

democratized Mexican society, that the reproductive rights of women in Mexico have finally been recognized.

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