

Chapter Three:

Efforts to Facilitate Legal Abortion after rape

The previous chapters gave insights into the personhood debate and how it is very difficult to find a workable common ground from which both sides of the abortion debate could begin to find a mutually acceptable solution. As such, it is very difficult to legislate on the question of abortion, on demand or otherwise, in a way that both sides might find tolerable. Even though some international conventions have stated that a safe legal abortion is a women's right, in chapter two I noted that, in practice, this is not always the case. At the end of chapter two I highlighted and analyzed the reality of abortion in Mexican law and in recent Mexican practice and compared this briefly with the laws and practices of other countries. I also stressed the many violations of human rights conventions regarding the treatment of rape victims. The lack of law enforcement of cases in which women have the legal right to an abortion was also discussed.

The central question of this chapter is to address how we can prevent this from happening, or at the very least, minimize its occurrence. In a situation where a woman wants an abortion many women's rights are implicated as I have shown. When the state does not provide safe and healthy procedures, some women who are in such desperate situations, that sometimes they are still willing to risk their health or even their lives. This is seen in the statistics concerning legality and abortion.¹ Situations where there is a systematic violation of human rights include: when a woman is denied her right to a legal abortion or when a woman is intimidated or stigmatized because of being in the process of

¹ To see the statistics on abortion and legality, refer to "Abortion in Law," in *Sharing Responsibility: Women, Society and Abortion Worldwide*, The Guttmacher Institute, 20-25 (cited 31 Jan. 2007): available from www.guttmacher.org/pubs/sharing.pdf

getting, or waiting for, an abortion. It seems obvious from the evidence I have discussed that Mexico lacks proper law enforcement in general as Human Rights Watch mentions.²

This chapter deals mainly with the reasons that lie behind the problem, why are these laws not enforced, as well as the proposals for implementing the needed changes in Mexican society. We might be better able to find effective solutions if we understand in more depth why the problem is happening. I have already suggested that one reason of the lack of law enforcement lies in the difficulties produced by the complex structure and ambiguity of the Mexican Law. Nevertheless, even then, the authorities responsible for enforcing the law are unwilling or unable to implement their jobs adequately, largely due to their own moral prejudices. The central argument of this chapter is to validate the sub-hypothesis of the thesis: given the current Mexican cultural and political situation, it is unlikely that the problem of legal abortion will be resolved purely at a national level, and so an international approach may well be required. I mean by this that it is unrealistic to be resolved by the inside, because of evidence explored in Chapter two. Here I will argue that International Organizations, such as the United Nations and several international women's organizations, can provide a framework for Mexican authorities to comply with international human rights obligations, such as ensuring access to safe and legal abortions after rape, that are now being obstructed.

The final goal of this chapter is to highlight the role of international organizations in the process of policy convergence in a global world. This is, I contend, because they can diminish in a large part the problem of enforcement of women's rights in Mexico. The evidence I have looked at seems to suggest that many Mexicans do not generally think that

² "The Second Assault: Obstructing Access to Legal Abortion after Rape in Mexico," *Human Rights Watch* Vol 18. No. 1(B) (New York: March 2006), 37.

women's reproductive rights are important in practice. Or, at the very least, it provides some strong indication that the general public does not consider these rights to be a priority. This is the primary reason that Mexico does not follow in practice the level of equality in the provisions that are contained formally in the law.

The clash between international human rights and some elements of Latin American culture suggests that the solution to this problem may not easily come from inside, at purely national level of these countries alone. I therefore explore some of the mechanisms provided by international bodies, such as Human Rights Watch and the other International Organizations. Like, for example the 'Floating Abortion Clinics,' these organizations are ships bound to the laws of the countries where they are registered and therefore can have legalized abortions performed on board while they remain at sea, a further analysis on these organizations will be provided later in the chapter. At the moment, floating abortion clinics attempt to help countries where abortion is banned, and could, perhaps, in the future assist Mexico to provide safe abortions and, in particular, assist rape victims denied of their legal right. However, Mexico should not only adhere to its existing abortion laws, and seek to enforce them. Although arguing for abortion on demand in Mexico is not in the scope of this thesis, and clearly is not be in the priorities of the current Mexican administration. Mainly because the current presidency in turn has a clear pro-life posture, and this will be analyzed further in this chapter.

As learned in the previous chapter, violations of women's rights start with the lack of information of civil society in general of sex education, which is very deficient in Mexico. Many people do not have access to good health and contraceptive services; they do not even know how to use contraceptive methods correctly. If people do not know, and if they lack of a good use of the contraceptive they are using, unplanned pregnancies can and

do happen. Many times situations are worse, machismo male attitudes in Latin American societies think that men have a ‘right’ to abuse women, leading to sexual violence.³ All of these different situations lead to forced and unwanted pregnancies and they represent an evident violation of human rights: the right to information, the right to health, the right to live free from violence, and the right of free reproductive choices. When a woman lives in a country like Mexico, where abortion is permitted only in certain cases (where only few times are respected), if she decides to interrupt her pregnancy, many times she has to go to places where the personnel does not treat them the proper way, and they suffer intimidation and deceit. According to the Human Rights Watch Report pregnant rape victims have many obstacles obtaining their legal abortion, the health personnel lie to them telling them they might die, or that they will not be able to have children anymore and sometimes, they even demand the victims to buy a coffin for the fetus (which is not true).⁴ All of the above attempts with women’s self-esteem and dignity.

The right to liberty of conscience, and the right to intimacy, confidentiality, and privacy are violated in the cases of abortion, especially in the cases of rape victims, because they have to go through all of the dealings with the shame of being raped. Exercising the right to abortion in legal cases in Mexico is not easy. The victims have to turn to the Public Ministry for these services. In order to get an abortion in Mexico, the victims have to go to the public ministry,⁵ and many times they inform the family and even the police, this

³ Caroline O. N. Moser and Cathy McIlwaine, Encounters with violence in Latin America: Urban Poor Perceptions from Colombia and Guatemala (London: Routledge, 2004), 106 and Ray B.Browne, New Voices in American Studies (Indiana: Purdue University Press, 1966), 121.

⁴ “The Second Assault: Obstructing Access to Legal Abortion after Rape in Mexico,” *Human Rights Watch*, 37-70.

⁵ Diana Lara, Sandra García, Jennifer Strickler, Hugo Martínez and, Luis Villanueva. “El acceso al aborto legal de las mujeres embarazadas por violación en la ciudad de México,” *Gaceta Medica de Mexico* No.139 Supl.1 (2003), 77-90.

clearly disrespects a women's right to privacy. The right to liberty of conscience, and the right to intimacy and confidentiality are violated in the cases of abortion

3.1 Common problems encountered in the practice of legalized abortion in Mexico

The inaccurate or lack of information on legal abortions,⁶ the refusal of the authorities that unwanted pregnancy cases exist and the objections to facilitating legal abortion after rape are some of the most common problems that pregnant rape victims encounter when seeking these legal abortions.⁷ Also, the committed discouragement by social and religious groups to the victims to get an abortion intimidates the victims to the point where they may end up having the child without really wanting it. This also reflects on the punctilious objection of medical professionals, as well as eternal and illegal delays.

There have been improvements in the Mexican government and society regarding abortion. For example, in 2000 the mayor of the Federal District Rosario Robles “proposed an amendment to the penal code and the criminal procedure code of the Federal District to lower the penalties for criminal abortion and oblige public health authorities to provide access for abortion after rape.”⁸ The bill was named the ‘Robles Law’ after her. The law was initially approved by the Mexico City Congress. A few days later the ‘Partido Accion Nacional (PAN)’ and ‘Partido Verde Ecologista Mexicano (PVEM)’ declared it unconstitutional before Mexico’s National Supreme Court. This lawsuit delayed the execution of the law until 2002. After several negotiations the National Supreme Court

⁶ Martin Vera Cabañas, “*El acceso a la información sobre el aborto la perspectiva de la biblioteca del Grupo de Informacion en Reproduccion Elegida,*” (cited 31 Jan. 2007): available from eprints.rclis.org/archive/00003469/01/MARTINVERACABAÑAS.pdf

⁷ Diana Lara, Sandra García, Jennifer Strickler, Hugo Martínez and, Luis Villanueva. “El acceso al aborto legal de las mujeres embarazadas por violación en la ciudad de México,” 77-90.

⁸ “Abortion: Mexico,” *Human Rights Watch* (cited 22 Jan. 2007): available from <http://hrw.org/women/abortion/mexico.html>

declared the law constitutional, in January 2002, this proves that now Congress is open to negotiate on certain grounds. Also, as Marta Lamas cites, a Gallup Poll found, that three fourths of Mexican population believe that the decision on abortion should be made by the woman or the couple.⁹ Still, these attitudes do not reflect the problems that Mexico has encountered by trying to change the law. Conceptions within society and the Catholic Church are very difficult to eradicate, especially with the uneducated, rural population in Mexico.¹⁰ Another achievement is that now the public debate on abortion is more open in Mexico, it is actually *being* discussed,¹¹ whereas before, it was not even a subject of discussion in Mexican politics. Although there have been some improvements access to legal abortion after rape is still difficult to achieve in Mexico. Authorities and different conservative groups of society such as political parties, health officials and religious leaders are the three main external factors I have identified that are mostly responsible for coercing the victims to take the unwanted pregnancy to term. These groups work together to actively discourage the victims, and thus, bar legal abortion.

3.1.1 The Political Parties

The Partido de Acción Nacional (PAN) has administered Mexico's federal government since the year 2000.¹² This political party also governs many jurisdictions in Mexico. Being the most conservative party in the political spectrum of the country, it has a

⁹ Marta Lamas, "The Role of Women in The New Mexico". In *Mexico's Politics and Society in Transition*, edited by Joseph S. Tulchin, and Andrew D. Selee. (Boulder: Lynne Rienner Publishers, 2003), 128.

¹⁰ Margarita M. Valdes, "Abortion and Contraception in Mexico: The attitudes and Arguments of the Catholic Church," in *Bioethics: Latin American perspectives* ed. by Arleen L. F. Salles, María Julia Bertomeu (Netherlands: Rodopi, 2002).

¹¹ Alberto Cuenca, "Buscan legalizar eutanasia y aborto," El Universal (13 Jan. 2007 [cited 31 Jan. 2007]): available from <http://www.eluniversal.com.mx/ciudad/81818.html>

¹² Partido Acción Nacional [cited 14 Jan. 2007]: available from <http://www.pan.org.mx>

very rigid view on the abortion debate.¹³ It has always fought on the side of not allowing abortion in any case. The political party PAN offers a very conservative standpoint in women's rights, basing their beliefs on religious guidelines. Most politicians in this party have a flawed perception of women's rights. For example, at the beginning of his presidency term in 2000, Vicente Fox' said in a Television interview¹⁴ that "raped girls should not get an abortion because his government will take care of the child during his first 18 years." Also he stated that "[a]bortion for rape victims is not necessary... women who are raped end up wanting and falling in love with their little ones."¹⁵ This is a clear contradiction because it does not take in to consideration the process of childbearing of the mother, the awful suffering of the rape trauma and the pregnancy that occurs after it, as if carrying a child for nine months was not an issue. It is astounding that a president would have such an opinion. In his campaign platform Mexico's president since December 2006, Felipe Calderon, declared himself 'pro-life', and, condemned abortions, clearly stating that in his six-year period of presidency he will not legalize abortion on demand, and that he clearly disapproves of abortion in any case.¹⁶ It is therefore likely that Felipe Calderon will

¹³ Even when the Morning after pill was going to pass in to the basic profile of medicines in Mexico, Esteban Zamora, "¿Un aborto pequeño?", *Excélsior* (31 de enero de 2004). "A pesar de los esfuerzos de los aborteros, en nuestra legislación el aborto intencional sigue siendo delito y si la píldora del día siguiente provoca la muerte del producto de la concepción al impedir su anidación en el útero,... se cae en las conductas señaladas como punibles por la legislación penal." [In spite of all the efforts of the abortionists in our legislation, intentional abortion is still an offense and if the morning after pill provokes death to a product after conception it falls in conducts marked as punishable under criminal law] [my translation].

¹⁴ *Septimo Dia* with Ciro Gomez y Denisse Maerker in Channel 40 in Elena Poniatowska, *Las mil y una... la herida de Paulina* (Mexico: Plaza Janes 2000): 115.

¹⁵ Conrad Fox, "The Double Burden of Mexican Rape Victims," *Panos London* (22 Sept. 2003 [cited 21 Jan. 2007]): available from <http://www.panos.org.uk/newsfeatures/featureprintable.asp?id=1137>

¹⁶ In his presidential Campaign Felipe Calderon said in Merida, Yucatan, on 28 Jan. 2006, "Estoy a favor de la vida como he dicho, es uno de los valores que sostengo el respeto a la vida humana, independientemente de que este valor es como dicen los abogados es un bien jurídicamente tutelado...que me hacen opinar que está legislado adecuadamente." [I am pro-life, as I have said, human life is one of the values that I sustain and respect, independently than what lawyers say, it is a guarded good... what makes me think that it is legislated adequately] in "Conferencia de prensa con el candidato presidencial del PAN, Felipe Calderón Hinojosa, durante su gira proselitista por Mérida, Yucatán," Felipe Calderon (28 Jan. 2006 [cited 23 Jan. 2007]): available from

take the same approach as his predecessor Vicente Fox, of disqualifying abortion even in the case of rape, urging his supporters to follow this line. As Denisse Dresser stated in her article for the *Proceso Magazine* “Panista¹⁷ liberalism condemns violence in the streets, but does very little to condemn violence in beds.”¹⁸

Despite the admitted absence of information campaigns on legal abortion, the only way a woman can access her legal right to have an abortion is if she succeeds with all of the administrative barriers that are set upon her. With very scarce information to guide the victims, they still have to turn to the authorities for assistance to terminate the pregnancy. The public institutions that rape victims can reach for information and assistance are: “State Integrated Family Services (Sistema para el Desarrollo Integral de la Familia, DIF), public health centres or hospitals; and, state public prosecutor’s offices.”¹⁹ Even so, Human Rights Watch found that in “each of these institutions pregnant rape victims were at times actively discouraged from seeking legal abortion services.”²⁰ Therefore, victims encounter many obstacles, starting with the dissuasion of the politicians and governmental authorities that negate their legal right. Victims that request the permit for legal abortion are often told to wait for the authorization to come, which can take weeks or even months. This is a direct consequence for the lack of administrative guidelines and procedures that should follow and the victims are often sent from one dependency to another. Human Rights Watch alleged that most officials claim ignorance on the issue. Salvador Diaz Sanchez, a forensic doctor from the state Institute of Forensic Science in Guadalajara, Jalisco, says in an

http://www.felipe.org.mx/felipeCalderon/Sala+de+Prensa/Conferencias/2006/Enero/con_28_01_06.htm

¹⁷ Panista means “from the political party PAN (Partido Accion Nacional)” [my translation].

¹⁸ Denisse Dresser, “Paulina y el Pan, mujer abusada, partido abusador,” *Proceso* (23 April 2000).

¹⁹ “The Second Assault,” *Human Rights Watch*.

²⁰ “The Second Assault,” *Human Rights Watch*.

interview “[a]bortion is like a hot potato; they pass it from one to the other, and no one wants to have it in the end.”²¹

3.1.2 Conscious discouragement by health officials

The laws that penalize and put at risk the lives and health of women is a clear example of disdain against women’s capacities and their right to autonomy. Just as I mentioned in the previous chapter, deficient and ambiguous laws for women exemplify how little value is placed on a woman’s life, since this often forces women to get back-alley abortions and consequently puts their lives at risk. Accordingly, the right of not having inhumane or degrading treatment is violated.

The cultural and social situation of abortion is taboo, even when it is legal, such as in the case of rape in Mexico and other Latin American countries. Victims of pregnancy after rape are stigmatized and face the disdain of those who surround them in society anyone from a family, a friend, to a public official. They are mistreated and humiliated. Many times because of prejudices and fear of what people might think or say, women themselves refuse to seek these services, even if it means denying themselves protection of their health. Doctors many times deny treatment even when abortions are legal. There are documented cases where, just like the government authorities, doctors²² have refused to perform the abortion. In the cases when the doctors feel morally compromised by performing an abortion, it is respectful not to oblige them to do it. But if this were the case, for the law to be upheld, there would need to be some provision to make another doctor available who will agree to perform the abortion and, in doing so, ensure that the law

²¹ “The Second Assault,” *Human Rights Watch*.

²² “The Second Assault,” *Human Rights Watch*.

functions in practice as well as on paper. The State has the obligation to guarantee pregnant rape victims that at least someone could and should carry out the abortion, because it is contemplated in the law.

3.1.3 The main socio-cultural obstacle: Religion

Religion permeates people's daily lives. Cultures such as Mexican society, who take religious guidelines for their lives, live by those values, making it difficult to question them. In Mexico the Roman Catholic Church plays a very important role in the society and in the decision-making of the country and its authorities. In the past, Mexico has even had civil upheavals²³ like the *War of Reforma* and the *Cristero War*. These struggles against the Church were mainly because of the control the church had in governing the country; the liberals were against this strong influence. Nowadays, Mexico claims to be a secular country like many modern democracies. Nevertheless many laws and attitudes of the government are based on religious standpoints and the shadow of religion is very much present in today's Mexican politics. The Catholic Church is one of the largest lobbying groups in Mexico and because of this, many progressive ideas such as abortion, gay rights, the morning after pill, face intense scrutiny in the country today, mainly because of the religious conservative views. Organizations like Pro-Life²⁴ make a very strong campaign against birth control and specially abortion in Mexico and Latin America, and even in the

²³ The *War of the Reform* was a Mexican civil war fought from December 1857 to January 1861, launched by liberal and moderate revolutionists dissatisfied with the Catholic Church's stranglehold on governmental affairs. “Reform War,” Wikipedia (cited 22 Jan. 2007): available from http://en.wikipedia.org/wiki/Reform_War The struggle between church and state in Mexico broke out in armed conflict during the *Cristero War* (also known as the Cristiada) of 1926 to 1929. This was a popular uprising against the anti-Catholic Mexican government of the time, set off specifically by the anti-clerical provisions of the Mexican Constitution of 1917. “Cristero War,” Wikipedia (cited 22 Jan. 2007): available from http://en.wikipedia.org/wiki/Cristero_War.

²⁴ Comite Nacional Provida, A.C. Mexico (cited 16 Jan. 2007): available from www.comiteprovida.org

United States. This organization condemns abortion in all cases just like the Catholic Church. They offer money to the pregnant women to keep their babies or they offer information on adoption and other alternatives. Their main goal is to convince women to take the pregnancy to term. Many times they achieve these objectives by giving biased information, such as distributing videos of eight or nine month fetuses being cut to pieces and suctioned from the mother's womb.²⁵ This practice is considered illegal in most countries around the world. The practical implications of these actions are that the victims of rape that have a legal right to a safe and legal abortion are pursued against their will to bring the pregnancy to term by giving them biased and off the record information.

3.2 Why are laws not enforced?

I have already suggested that one reason for the lack of law implementation and enforcement of the law lies primarily on the structure and complexity of the Mexican law system. Mexican law is ambiguous by nature, as I evidenced in chapter two. As a solution for this problem, it is necessary to re-define the laws on abortion in Mexico, although this is slowly starting to happen.²⁶

Another solution might be to turn to the necessary counterpart in any government: *grassroots organizations and international organizations*. International organizations can mitigate the lack of enforcement of women's reproductive rights in Mexico by pressuring the authorities, and providing informative campaigns to enlighten girls and women on the procedures and guidelines of the enforcement of their rights. In fact, a campaign that has

²⁵ Video "El Grito Silencioso".²⁸ Narrated by Doctor Bernard Nathanson.

²⁶ María de la Luz González, "Demandan a Calderón garantizar el aborto legal," El Universal (29 Sept. 2006 [cited 31 Jan. 2007]): available from <http://www.eluniversal.com.mx/nacion/143627.html> also refer to Alejandra Martínez, "Promoverán otras causas para aceptar un aborto," El Universal (20 Nov. 2006 [cited 31 Jan. 2007]): available from <http://www.eluniversal.com.mx/ciudad/80730.html>

been very successful in Mexico City this past years is called ‘;El Aborto por Violación es Legal!’ set by GIRE, according to a press release in 2004, the hot-line 56586223, helped a total of 64 raped women, indicating the procedures to follow so they could interrupt a possible pregnancy.²⁷ These types of campaigns are good for providing information, and are clearly a very good start. However, the problem is that at the moment most of the organizations focusing in this type of work are based in Mexico City and this is the only place they operate.

International and local women’s organizations can offer the other side of the argument, by showing women another perspective than the one of the Catholic Church, and helping them achieve an objective decision. Civil organizations can provide the groundwork for dissemination of information within a civil society, especially when the authorities do not practice or follow the provisions that are contained in the law.

The low priority that women’s reproductive rights have in the political agenda is rooted in the lack of information and inconsistent dissemination of these rights. Also, religious and moral ideals imposed in many sectors of society also affect the availability of information. First, there exists a lack of respect of independent ideas of reproduction. Secondly, I contend that authorities and public health officials aggravate this issue and contribute to the lack of awareness of women’s protection laws and what they contain. While these causes of the problem are very serious and difficult to eradicate, they should not obstruct better and practical provisions for women’s protection.

²⁷ “El aborto por violación es legal: Conferencia de Prensa,” *Grupo de Informacion de Reproduccion Elegida* (28 July 2004 [cited 22 Jan. 2007]): available from <http://www.gire.org.mx/contenido.php?informacion=176>

3.3 International NGOs that are working within Mexico

There are many international organizations working in Mexico and many that could come and work in Mexico that are currently working in other parts of the world. In this section of the chapter I first address which international organizations are currently in Mexico and what their main objectives are. Second, I present information of other organizations that could come to Mexico. Their presence could enhance the application of laws and the dissemination of information in Mexico, thus helping achieve a more informed society in subjects such as how to obtain an abortion or even emergency contraception after rape.

As Mexicans, we have ideas on abortion that have been constructed all through our lives and international organizations can offer to deconstruct those socially formed ideas from the past and therefore achieve an objective stance on abortion and choice. International organizations as outsiders view the problem in a different way. They offer new progressive and more objective ideas because they view everything from the outside in. International organizations provide a forum where people can express themselves, and can reach to. People can speak out through these organizations because they are not biased by the particular culture or moral system.

3.4 Organizations that could work in Mexico

There is an interesting alternative for women who live in countries where abortion is completely banned: the Floating clinics. The organization ‘Women on Waves’ is an organization that explores the possibility to have abortions on international seas. After being established in 1999, ‘Women on Waves’ had its inaugural trip to Ireland in 2001,

later sailing to Poland.²⁸ In September of 2004 ‘Women on Waves’ took a ship to the coasts of Portugal, where the laws are as restricted as in Mexico. The web has the documented story this trip, and criticizes the Portuguese government for not allowing the ship in their waters and treating the issue as a ‘severe threat.’

When the ship arrived at Portuguese national waters, the Portuguese minister of defence, Paulo Portas forbids the ship to enter national waters. Even though the ship will not violate any Portuguese, Dutch or international laws with the activities on board, the Minister of Defence claims the ship poses a severe threat to the national security. This in spite of the fact that the ship does not carry any weapons and that none of the crew or volunteers has ever committed or been convicted for a crime. By denying the ship entry to Portuguese waters, the Minister violates all the international and European conventions and international recognized rights. The minister of defence even sends two war ships to monitor the Borndiep during 24 hours a day during all the time it is drifting in international waters.²⁹

The furore and controversy that these ships are causing in the countries where they go is obvious. The *New York Times* covered a report on the outrage that the ship caused in Ireland where they encountered problems because “Women on Waves found that it lacked two Dutch and Irish licenses, one for operating medical facilities and the other for carrying passengers to sea.”³⁰ The ship named ‘Aurora’ conformed providing counseling and contraception services. But also the organization director, Dr. Rebecca Gomperts has stated before that also the goal of these clinics are to generate debate, Since “the number of responses to its offer went some way toward refocusing national attention on the issue.”³¹ In Ireland and all of the other countries this organization has visited has aroused the debate

²⁸ Women on Waves [cited 16 Jan. 2007]: available from <http://www.womenonwaves.org/index.php>.

²⁹ “The Portuguese Diary,” Women on Waves [cited 16 Jan. 2007]: available from <http://www.womenonwaves.org/set-1020.206-en.html>

³⁰ Brian Lavert, “Ship Planning to Offer Abortions Makes Waves, but Hits Shoal, at Irish Port,” *New York Times* (17 June 2001 [cited 23 Jan. 2007]): available from <http://query.nytimes.com/gst/fullpage.html?sec=health&res=9D06EED91531F934A25755C0A9679C8B63&n=Top%2fReference%2fTimes%20Topics%2fSubjects%2fA%2fAbortion>

³¹ Brian Lavert, “Ship Planning to Offer Abortions Makes Waves, but Hits Shoal, at Irish Port,” *New York Times*.

on the abortion laws of the country. This is also the objective of this controversial organization. It seeks that the state will question its laws on abortion.

The problem with these types of organizations is that governments may feel threatened because of these actions taken in international seas.³² According to the *United Nations Convention on the Law of the Sea*, Part VII on High Seas³³ states that ships have the ‘flag’ of the state where it is registered. The laws that abide these ships are from the country where the ship is registered and therefore, in countries where the abortion is banned these laws do not apply in high seas. The states that ban abortion cannot control what it is done outside their territorial area. Because abortion on demand is legal in the Netherlands, and the organization is headed by Dr. Rebecca Gomperts, thus the floating clinic ship abides by the laws in the Netherlands, they are allowed by international law to give women an alternative on abortion.

‘Women on Web’ is a sister organization of ‘Women on Waves’, and is a web page³⁴ that offers free information on how to get a medical abortion in a safe way, their goal being to avoid unsafe abortions worldwide and provide an alternative for women. According to the organization, “The safest, most effective type of medical abortion requires the use of two different drugs...Mifeprisone, (also known as Mifepristone, RU486, RU or Mifeprex, the abortion pill or mifegyne) and Misoprostol (also known as Cytotec , Arthrotec or Oxaprost or Cyprostol, Cyprostoll or Misotrol) [that] provoke the spontaneous expulsion of the pregnancy from the uterus.”³⁵ This website offers much information on

³² For a complete bibliography on law of the seas look in, “Oceans and the Law of the Sea: Division for the Ocean Affairs and the Law of the Sea,” *United Nations* [cited 15 Jan. 2007]: available from <http://www.un.org/Depts/los/index.htm>

³³ “The United Nations Convention on the Law of the Sea,” *United Nations* (1958 [cited 23 Jan. 2007]): available from http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm.

³⁴ <http://www.womenonweb.org/>

³⁵ *Women on Waves* [cited 16 Jan. 2007]: available from <http://www.womenonwaves.org/index.php>

medical abortion and you can order the medicines after a donation. The previous requirements to get the medicine sent to you are:

1. You do the consultation and answer all questions according to the truth.
2. You will be obliged to provide a valid e-mail address and provide your address and phone number.
3. You will be asked to make a minimal donation (no sale). This way we can guarantee the service remains available for other women as well. In case you cannot make a minimal donation you can contact Women's Wallet to receive a donation on your behalf.
4. You will receive a confirmation by e-mail from the doctor to whom you have been referred.
5. The medical abortion will be obtained from a pharmacy. A consultant will ensure that the medical abortion service is delivered by express courier at the address you gave to the doctor.
6. Normally, the shipment takes less than 10 days to arrive.
7. After 2 to 3 weeks you will receive an e-mail with the follow-up consultation³⁶

Like the Portuguese Minister of Defence, many people might argue that these floating clinics and the web page service violate the sovereignty and the constitutions of their countries. Opposition argues that these organizations should not interfere in their countries, they “have a very different opinion of Gomperts and her proposal, viewing her attempt to bring abortion on demand to countries that protect the lives of unborn babies as dangerous and arrogant. ‘It’s outrageous, it’s unbelievable,’ said Jeanne Head, R.N.”³⁷

On one side, countries that ban abortion, see floating clinics as a form of attack to their national sovereignty. But on the other side, these organizations are also a good way of providing safe abortion procedures to women who want them in societies where the state imposes strict laws in regard to abortions. The women who choose to have an abortion and do not have the money to travel to countries where abortion is legal, the can access to these alternative methods such as the floating abortion clinics.

³⁶ “Do you have an unwanted pregnancy? Click here. This online medical abortion service helps women gain access to a safe medical abortion in order to reduce the number of deaths due to unsafe abortions,” Women on web, (cited 31 Jan. 2007): available from <http://www.womenonweb.org/>

³⁷ Liz Townsend, “Death Ships Could Bring Abortion and Euthanasia to the High Seas,” *National Right to Life* (2000 [cited 23 Jan. 2007]): available from <http://www.nrlc.org/news/2000/NRL06/ships.html>

In 2004 the “Dutch government limited the abortion ship's work”³⁸ they still carry out other services. The services they provide in port are: contraceptives, pregnancy tests and general information. Offshore they offer medical abortions (non-surgical abortions). Floating abortion clinics and ‘Women on Web’ are organizations that provide women with the services they need in a safe and informative way. Maybe these floating clinics are on the other side of the spectrum, but there are many International Organizations that are currently working in Mexico, promoting female emancipation and reproductive rights. These organizations have services such as counselling, dissemination of information and some of them even provide services to perform abortions.

3.5 Grassroots Organizations in Mexico

In order to avoid cases such as Paulina's and many other girls who want to file for an abortion after rape it is important that an organization of Mexicans, for Mexicans exist. Provisional practical measures that could be introduced to minimize these problems and promote consequent female emancipation in Mexico are first, access to information and procedural guidelines; second, promoting birth control and contraception; and third, clarify existing laws and enforcing them.

Grassroots democracy is provides allows political processes to be addressed at a community level. An NGO (Non Governmental Organization) at the national level, created by Mexicans, would place as much decision-making power as possible in the hands of a local chapter instead of the head office. The principle I am aiming to demonstrate in this part of the chapter is that for democratic power to be best exercised, it must be vested in a

³⁸ “Dutch limit abortion ship's work,” BBC (13 July 2004 [cited 23 Jan. 2007]): available from <http://news.bbc.co.uk/2/hi/europe/3891859.stm>

local community instead of isolated among high power individuals. Grassroots organizations create a contrast in society and allow individuals to be informed and to participate actively in decision-making in the particular community they represent and pressure high levels of authority when necessary. In the case of women's rights, women will be fighting for women on the decision-making processes in Mexico. Also, grassroots organizations differ from international organizations because they are rooted *in* the community, whereas international organizations wield their power from the outside in. Nevertheless, both types of organizations are needed to achieve the goal we are aiming for in this thesis, which is to offer information to rape victims of the guidelines and procedures to have a safe and legal abortion, to which they are entitled by law, and pressure the authorities in case of obstruction or denial.

For example, UNASSE³⁹ is an organization located in Merida, Yucatan. They have a library and counseling services on women's rights in general and much on women's reproductive rights. They also have a clinic where they perform legal abortions. This type of organization is a good alternative for women that have been raped because the people who work there are informed about safe procedures and they have a positive attitude towards their job and women's reproductive rights.

In Mexico there are several organizations that promote female emancipation. The problem that I found was the vast majority of them are in Mexico City and very few are rooted in the province.

3.6 Conclusions of Chapter Three

³⁹ *Servicios Humanitarios en Salud Sexual y Reproductiva A.C.* [cited 16 Jan.2007]: available from <http://www.unasse.com/index1.htm>

Access to safe and legal abortions is fundamental for women to achieve a full exercise of their reproductive rights. As citizens it is our prerogative to determine how much we value women's autonomy in our society, and how women's rights are very important to respect and value. Women need the guarantee that they are seen to be able to make responsible decisions and choices with their lives and bodies. Their sexuality and reproductive choices should not cost women their lives.

As we have seen in this chapter international Organizations can provide groundwork to achieve the enforcement of women's reproductive rights. I personally believe in the success of International Organizations, and that they are necessary in all modern societies because they bring other insights, ideas, and perspectives to the problems in Mexico. Although international organizations make a significant contribution to most aspects of our lives, very often that contribution goes unnoticed. Only when people consider alternatives do they understand how much international organizations have achieved in areas such as human rights and international order, but there is still much to do.

International organizations often offer recommendations that show many errors of how a government is performing. Thus if more organizations were to be functioning in Mexico with respect to women's reproductive rights, they would be able to provide recommendations to the Mexican government. If these recommendations were not followed, Mexico's reputation in the world would in turn be compromised. If organizations such as Human Rights Watch accuse Mexico of violation of international Human Rights codes, such as they did in March of 2006, then Mexico faces apparent contradiction between what it says and what it does. Mexico then demonstrates to the world that it is not really concerned about some human rights, particularly when it comes to women's rights. Therefore, these recommendations need to be taken seriously and do something about it.

Mexico must take women's rights as a priority in the political agenda, in particular women's reproductive rights.