

Mexico decriminalizes abortion after historic court decision

Via [El País](#)

Mexico's Supreme Court has decriminalized abortion after a historic decision unanimously approved by the justices meeting in plenary session. "From now on it will not be possible to prosecute any woman who has an abortion in the cases considered by this court," said the president of the court, Arturo Zaldívar. This is a "new path of freedom, clarity, dignity and respect, and a great step forward in their historic struggle for equality and the exercise of their rights," he added. Mexican justice thus opens an agile path for the voluntary interruption of pregnancy, a very unequal practice throughout the country, where only four of the 32 states have regulated abortion by setting time limits. In the others, the issue is treated with restrictive norms that only contemplate the risks to the mother, the malformations of the fetus and the cases of rape as non-punishable abortion causes. And they are not always enforced.

Activists for decriminalization have this Tuesday one of the most important days in their fight for the right to abortion, green handkerchiefs fluttered in the street. Mexico is far behind on this issue, which has been patched up through court decisions over time, by which some regional regulations have been declared unconstitutional. On Tuesday the courts again collaborated on an issue where the federal government refuses to legislate so as not to open spaces for "confrontation," as President Andrés Manuel López Obrador once said, although he has not spoken openly against abortion. Women "and pregnant people," as they are usually described, will not be able to be punished at any time for having an abortion in Mexico. "The

court thus demonstrates, with facts and judgments, that its only commitment is to the Constitution and to Human Rights," Zaldívar said.

The justices of the court debated for two days an unconstitutionality action coming from the states of Coahuila and Sinaloa, very restrictive with the interruption of pregnancy, since in one of them it was punished with imprisonment from one to three years and in the other it was prohibited based on a norm that considered the existence of life from the moment of conception. The court's decision was based on the woman's autonomy to decide about motherhood, in addition to other concepts about prenatal life. "Talking about an idea of life goes beyond the law and a constitutional court cannot base its decisions on particular and subjective opinions, but rather on universal ones," said Justice Margarita Ríos Farjat. She added: "The basis of criminal law to punish is not the prerogative of the legislature, but of Human Rights, the rest are sophisms that obscure the problem of women. It is up to the states "to guarantee health and public safety," she added. "The threat of imprisonment of women and the stigma is banished," said the reporting justice, Luis María Aguilar Morales, afterwards.

The plenary of the court also declared invalid an article of the Coahuila Penal Code in which rape within marriage or in a couple was penalized less than in other cases. Here, too, unanimity was achieved.

The great step taken in Mexico, a country of deep convictions not only Catholic, but of other religions that are even more restrictive with these practices, however secular its constitutional and historical precepts may be, places it in the line of legal modernity that other nations have already achieved. The right to abortion, approved in Argentina in December of last year, was much celebrated worldwide. Mexico could not be left behind, and it is hoped that this court decision will lay the groundwork for future legislation in the

states that do not yet have it.

Mexico City moved ahead in 2007 with a law establishing a 12-week time limit for termination of pregnancy without giving explanations or reasons. Oaxaca, Hidalgo, and Veracruz followed suit. Nationwide, between 750,000 and a million clandestine abortions are performed each year, and a third of them result in complications that require urgent medical attention. Thousands of women lose their lives to home interventions or arrive bleeding in hospitals, where they usually do not find the understanding of health professionals, who fear that the state will take action against them for facilitating abortion. Conscientious objection is something that the Supreme Court is also expected to address soon.

Recently, the Supreme Court also declared unconstitutional the existence of a specific time limit for abortion in the case of rape, and forced the State of Chiapas to modify this matter in its legislation, which in 2018 prevented the termination of the pregnancy of a 17-year-old girl with cerebral palsy. The pregnancy had already completed the 90 days of the permitted period.

Mexico recently reformed its Judiciary. Now a unanimous decision by a plenary session is enough to create jurisprudence – previously it was necessary to have five similar ones. For this reason, Tuesday's decision is considered historic among those who defend that a woman is free to decide about her own body in case of unwanted pregnancy. The magistrates took into consideration the broad context of violence in which women live in the country.