GENDER
OPEN
REPOSITORIUM

Decriminalization of Abortion in Uruguay: The Successful End of a Long Road

Pérez, Verónica

2015

https://doi.org/10.25595/3420

Veröffentlichungsversion / published version
Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Pérez, Verónica: *Decriminalization of Abortion in Uruguay: The Successful End of a Long Road*, in: Femina politica : Zeitschrift für feministische Politik-Wissenschaft, Jg. 24 (2015) Nr: 1, 112–116. DOI: https://doi.org/10.25595/3420.

Erstmalig hier erschienen / Initial publication here: https://doi.org/10.3224/feminapolitica.v24i1.19258

GenderOpen – Repositorium für die Geschlechterforschung: www.genderopen.de

FREIE
UNIVERSITÄT
BERLIN

HUMBOLDT-UNIVERSITÄT ZU BERLIN

OII Deutschland, 2013:Pressemitteilung der Internationalen Vereinigung Intergeschlechtlicher Menschen (IVIM) – Deutschland, 7.2.2013.

Tolmein, Oliver, 2014: Intersexualität: Das dritte Geschlecht. In: Frankfurter Allgemeine Zeitung, 5.8.2014.

Tiedemann, Andrea, 2013: Zwischen den Geschlechtern. In: Weser Kurier, 5.2.2013, 2.

Wahl, Angelika von, 2014: From Correction to Protection: How Germany Came to Offer a ‚Third Gender', Human Rights Section Panels, APSA, 28.8. 2014, Washington DC. (Vortragsmanuskript).

Wunder, Michael, im Interview mit Antje Binder, 2013, mit ARTE Journal, 4. November.

Zwischengeschlecht.info, 2014: Intersex: Neue AWFM-Leitlinie für pränatales Dexamethason - weiterhin unkontrollierte Menschenexperimente ohne Rechenschaft, 4.11.2014. Internet: http://blog.zwischengeschlecht.info/ (13.2.2015).

Decriminalization of Abortion in Uruguay: The Successful End of a Long Road

VERÓNICA PÉREZ

In many countries around the world women still have to fight for the right to decide over their own body. The current protests in Spain against a law proposal that would have exacerbated abortion show that once gained rights are no security. A glance on the case of Uruguay is waking hopes but also shows the difficulties of decriminalizing abortion. On October 22, 2012, Uruguay's Executive Power promulgated Law No. 18.987 on "Voluntary Termination of Pregnancy", which had been approved by the Congress a few days before. This meant in fact the end of a long parliamentary process triggered in 1985, when the first bill was sent to the legislature. Additionally, the approval of this law was the end of a long journey on the side of the activism of the feminist and women's movement in Uruguay, which for almost three decades had put the issue of decriminalizing abortion at the heart of the public debate through various campaigns that gave visibility to it. The Law on Voluntary Termination of Pregnancy allows decriminalization of abortion at the woman's request, free of charge in any healthcare center of the National Health System, as long as it is done in the period between the first 12 weeks of pregnancy. Uruguay is the second country in Latin America (after Cuba), where abortion is legal and accessible to all women (Center for Reproductive Rights 2014). Countries that normally are named as being a model for Latin American Modernity, such as Brazil, Argentina and Chile have very strict abortion laws reaching from Brazil that allow abortion only, if the life of the pregnant is in danger to Argentina, that has very narrow medical indicators, or Chile where the abortion is restricted to almost all circumstances (Blofield 2006; Htun 2003).

Although the Uruguayan law which decriminalizes abortion represents a great step forward in terms of the enjoyment and protection of women's rights, the finally approved bill has a substantial difference with the original one: the law determines that when a woman attends a medical consultation with the intention to abort, the physician has to convene an interdisciplinary team, composed by three professionals, to advise her, informing her about the risks of abortion and its alternatives (such as adoption). After this meeting the woman has a granted five-day reflection period and if, after the deadline, the woman insists on her decision to abort the physician would coordinate the procedure[1]. This clause, which was not in the original bill, is the product of a political agreement in order to attain the required 50 votes to approve it in the Chamber of Deputies. The bill had been approved in the Senate with the votes of *Frente Amplio* (the ruling center-left party). Nevertheless, in the Chamber of Deputies, *Frente Amplio* reached 49 votes due to the fact that two of its deputies had stated that they would not vote the bill. Given this situation, the alternative was to negotiate with one of the two deputies of *Partido Independiente*, a centrist party. The deputy – whose party opposed the law – stated that he would give his vote if the clause concerning the interdisciplinary team was included. Being this the only way to achieve the approval of a law that decriminalized abortion, *Frente Amplio* accepted those modifications to the original bill and the law was approved (Portal 180, 19.5.2012). This provision was criticized by women's movements which had campaigned in favor of decriminalization. They argued that the draft law "had been washed" in the legislative process (Portal 180, 25.9.2012).
Months after the approval of the law, civil society "prolife" organizations, supported by the opposition parties which had voted against the law (*Partido Nacional* and *Partido Colorado*), tried to hold a referendum to abrogate the law. However, they did not obtain the required votes. This popular initiative was contrary to the majoritarian opinion of the citizenry that for many years had views in favor of decriminalization (Cifra 2012). During the first year of the enforcement of this law, a total of 7.000 abortions were performed in Uruguay. According to data supplied by the Public Health Ministry, Uruguay is, nowadays, the country in Latin America where the least number of abortions is performed and where the lowest maternal mortality rates are registered. Apparently, this is due not only to the Law on Voluntary Termination of Pregnancy but also to a set of programs and services for the promotion of sexual and reproductive rights carried out by the State (El País, 24.2.2014; Presidencia de Uruguay 2014).

Actors and Processes in the Law on Voluntary Termination of Pregnancy

A closer observation of the policy making process allows an understanding of why this law was approved in Uruguay in 2012 and, perhaps, also why other countries do not move in the same direction. Although a comparative investigation on the subject is necessary, from the analysis of the process that resulted in the approval of the Law

on Voluntary Termination of Pregnancy, it is possible to argue that this would not have happened without the combination of two factors: a left-wing ruling political party, with more or less secular positions, which enjoyed parliamentary majorities, and the existence of an active mobilization of women in favor of the decriminalization of abortion in civil society as well as in th e Congress.

Before the approval of the current law on decriminalization of abortion, five similar bills had been presented to the Uruguayan Congress (in 1985, 1991, 1993 and 2006) (Johnson 2011). Two of them (the first and the third one) had not even been discussed and had been dismissed. The bill presented in 1993 was approved in in the Chamber of Deputies, but was rejected by the Senate, while the bill presented in 2006 was approved by both chambers, but was subsequently rejected by a partial veto of the Executive Power which could not be lifted by the Congress, thus losing effect the article of this law that permitted the decriminalization of abortion within the first 12 weeks of pregnancy.

As part of this process, the coming to power of a left-wing party as *Frente Amplio* (FA) was a key factor. In the 2004 elections *Frente Amplio* was the only party including decriminalization of abortion as one of the proposals in its political platform. Nonetheless, the issue did not stop being controversial, since the presidential candidate and main leader of FA, Tabaré Vázquez, was against the law. Despite this, in 2006 FA's senators presented a bill to decriminalize abortion. The law proposal counted on the votes of FA, which had the majority in both chambers, while the other parties had previously indicated their intention of voting against. However, the bill faced a difficulty: President Tabaré Vázquez´s announcement that he would veto it if the law was approved. This announcement did not stop *Frente Amplio*'s legislators, who approved the project finally. However, some days later the veto took place.

In the following period of government (2010-2015) *Frente Amplio* won the national elections with parliamentary majorities, but with President José Mujica, due to the impossibility of Vázquez's re-election. Once again, FA's senators presented a project of decriminalization, knowing that Mujica would not veto the law. However, the action of the project would find difficulties again, as two deputies announced they were against the law. That way, although the bill was approved by the Senate, the Chamber of Deputies had only 49 of the 50 votes required for the law to be approved. Given the possibility that the law proposal could fail, a negotiating table was opened with one of *Partido Independiente*'s deputies who raised the possibility of voting the law should "his bill" be approved, which included the interdisciplinary team and the five-day reflection period for all women intending to have an abortion. Albeit this part of the draft did not satisfy either FA's legislators who were in favor or women´s movements, the initiative was finally approved since otherwise decriminalization of abortion would have failed again.

The Role of Feminist and Women's Movement

Finally, the role played by the mobilization of women should also be pointed out. Two elements were important here, on the one hand the campaigns in favor of abortion systematically held by women's and feminists' movements of civil society under the motto *Aborto Legal en Uruguay*. The campaign carried out by the women's movement gained support gradually through the years to the extent that it was added to the Workers Central Union's platform of demands (Johnson/López/Schenck 2011). On the other hand, the role played by female legislators in negotiation of bills within the Congress. Even though this issue divided female legislators from different parties, the first relevant action to be taken in order to give visibility to the issue in the Congress happened when, in 2001, the Special Commission for Gender and Equity in the Chamber of Deputies comprised of female deputies from all parties requested former bills on decriminalization to be unarchived for their study. In the successive stages, the role of female Senators and Deputies (all from *Frente Amplio*) was crucial, as they were key agents in the negotiation of the last bill in the legislative committees, especially in the stage in which it was necessary to negotiate with *Partido Independiente*.

Note

1 Art. 3º Law 18.987.

References

Blofield, Merike, 2006: The Politics of Moral Sin. Abortion and Divorce in Spain, Chile and Argentina. New York.

Htun, Mala, 2003: Sex and State. Abortion, Divorce and Family Under Latin America Dictatorships and Democracies. Cambridge. http://dx.doi.org/10.1017/CBO9780511615627

Johnson, Niki/**López**, Alejandra/**Schenck**, Marcela, 2011: La sociedad civil ante la despenalización del aborto: opinión pública y movimientos sociales.In: Johnson, Niki/López, Alejandra/ Sapriza, Graciela/Castro, Alicia/ Arribeltz, Gualberto (Eds.): Penalización del Aborto en Uruguay: Prácticas, Actores y Discursos. Montevideo, 237-264.

Johnson, Niki, 2011: El tratamiento de la despenalización del aborto en el ámbito político- parlamentario. In: Johnson, Niki/López, Alejandra/Sapriza, Graciela/Castro, Alicia/ Arribeltz, Gualberto (Eds.): Penalización del Aborto en Uruguay: Prácticas, Actores y Discursos. Montevideo, 185-228.

Center For Reproductive Rights, 2014: The World's Abortion Laws. Internet: http://www.worldabortionlaws.com/map/ (15. 1.2015).

Law No. 18.987 on "Voluntary Termination of Pregnancy". Internet: http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18987&Anchor= (15.1. 2015).

Portal 180, 19.5.2012: Despenalización del aborto: el proyecto "del medio". Internet: http://www.180.com.uy/articulo/26281_Despenalizacion-del-aborto-el-proyecto-del-medio (15.1.2015).

Portal 180, 25.9.2012: Mujeres pusieron el cuerpo por el aborto legal. Internet: http://www.180.com.uy/articulo/28972_Mujeres-pusieron-el-cuerpo-por-el-aborto-legal (25.9.2012).

Cifra, 2012: Los Uruguayos y la despenalización del aborto. Internet: http://www.cifra.com.uy/novedades.php?idNoticia=166 (15.1.2015).

El Pais, 24.2.2014: En un año, 1.240 menores de 19 años se realizaron un aborto en Uruguay. Internet: http://www.elpais.com.uy/informacion/menores-aborto-uruguay-cifras-msp.html (15.1.2015).

Presidencia de Uruguay, 28.5.2014: Uruguay tiene las tasas más bajas de aborto y mortalidad materna de América. Internet: http://www.presidencia. gub.uy/comunicacion/comunicacionnoticias/conferencia-salud-de-la-mujer-en-Uruguay (15.1.2015).

Kämpfe um die Normierung geschlechtergerechter Sprache. Eine Fallgeschichte made in Austria

BIRGE KRONDORFER

Im Februar 2014 stellte das österreichische Normierungsinstitut einen Entwurf für die Normierung geschlechtergerechter Sprache auf sein Normen-Entwurfs-Portal. Das war der Anstoß zu einer außerordentlichen profeministischen Kettenreaktion und zu antifeministischen Kampagnen. Letztere griffen Gleichstellungspolitiken als Bevormundung durch den Staat an.

Ein fabulöses Komitee

Das Austrian Standard Institute (ASI), u.a. Mitglied der Internationalen Organisation für Normung, ist ein Verein, der seinen zahlenden Mitgliedern „die Entwicklung freiwilliger Regelwerke im Dialog und Konsens aller betroffenen Kreise und ihre vielfältigen positiven Auswirkungen auf Wirtschaft, Verwaltung und Gesellschaft" anbietet. Es geht hierbei um Normungen wie die von Hüttenbaustoffen, Verkehrssystemen, Marktforschungsdesigns, die in 267 Komitees erarbeitet werden. Aktuell ist auf der Homepage das Komitee 045, zuständig für die ÖNORM A 1080 zur Regelung des Schriftverkehrs mit dem Auftrag „Büroorganisation und schriftliche Kommunikation", eine Leerstelle (ASI 2014).
Seit 1981 erteilt das Komitee praktische Hinweise für die Gestaltung von offiziellen Texten, gibt formelle Empfehlungen für den geschäftlichen Schriftverkehr und amtliche Dokumente und will Bildungs- und politischen Institutionen mit Leitfäden dienen. In dem 90-seitigen Entwurf von 2014 waren neben Neuerungen für SMS, Protokolle, Absenderangaben etc. in Kapitel 7 „Richtlinien für die Textgestaltung" Normierungsempfehlungen für „geschlechtergerechtes Formulieren" enthalten. Nicht zum ersten Mal: Schon drei Jahre zuvor wurde eine diesbezügliche Regulie-