



Abortion row shakes Brazil

2 April 2009

The issue of abortion in Brazil has been making headlines not just in South America's biggest country, but around the world.

The controversy began in March 2009 when news emerged from Pernambuco, a poor state in the north-east of Brazil, that a nine-year-old girl who had been raped was pregnant with twins.

It is alleged that she had been sexually abused for years by her stepfather, who is also suspected of sexually assaulting the girl's physically handicapped older sister who is 14. He is now in prison.

Police believe that the girl had been sexually abused by her step-father since she was six years old.



The fact that she was four months pregnant with twins was only discovered after she was taken to hospital in Pernambuco complaining of stomach pains.

Public interest in the case soared when the local Catholic archbishop tried to block the girl from having an abortion.

Brazilian law allows abortion only if there is a risk to the life of the mother or in cases of rape. Doctors, who said they had to take account of the welfare of the girl, said the girl met both those conditions, and said she was so small her uterus was not big enough to contain one child, let alone two.

The Catholic Church said the law of God was above any human law. And opponents of abortion say the girl could have safely had a Caesarean section.

In the end the abortion went ahead and the pregnancy was terminated. The local archbishop of Olinda and Recife, Jose Cardoso Sobrinho, said all the adults involved - the mother and the medical team - had been excommunicated.

“The adults that approved, that have carried out this abortion, are excommunicated,” Archbishop Jose Cardoso Sobrinho said in March 2009. He said the excommunication would not apply to the child because of her age.

Archbishop Sobrinho then added to the storm of protest by saying that while the stepfather had allegedly carried out a "heinous act", excommunication did not automatically apply to him.

Cardinal Odilo Scherer, archbishop of Sao Paulo, said, "No matter what happened to create this life, even if it was through violence, it will always be considered a human being, a helpless and defenseless human being."

"I can understand how a woman who is carrying a baby after being violently raped feels, but there is always a possibility to help this woman to cope with this situation. There are many ways today that the medical profession can help to save the lives of this woman and child," Cardinal Scherer went on to say.

At least one senior Vatican official openly backed the Brazilian archbishop. Cardinal Giovanni Battista Re told Italian paper La Stampa that the twins "had the right to live" and said that the archbishop had been right to excommunicate the mother and doctors.

"It is a sad case but the real problem is that the twins conceived were two innocent persons who had the right to live. Life must always be protected," Cardinal Re said.

Archbishop Sobrinho's statement attracted widespread condemnation, led by Brazil's President Luiz Inacio Lula da Silva, himself a Catholic.

"The doctors did what had to be done: save the life of a girl nine years old. In this case, the medical profession was more right than the Church," President Lula said.

Unforeseen consequences

It should not be too surprising that in Brazil, the country with the largest number of Roman Catholics (73% of the populace, or about 140 million), abortion is illegal except in cases of rape, when the mother's life is in danger or when the fetus has severe genetic abnormalities.

Abortion, though, is alarmingly widespread in Brazil given its illegal status.

A recent study revealed that 1 in 5 Brazilian women of child-bearing age has terminated a pregnancy, and Adson França, the special assistant to the Health Minister, says that 200,000 women each year are hospitalized because of complications arising from unsafe abortions. Around half of them are induced using a cocktail of drugs and the rest are performed in clandestine clinics.

França says the federal government offers everything from condoms and contraceptive pills to vasectomies — all free — in every one of the country's 5,565 municipalities. It has increased the budget for contraceptive measures sevenfold since 2003. But in spite of that, and for all Brazil's undeniable progress in other health-related fields, maternal

mortality has remained steady for 15 years, a fact researchers say is intimately linked to a lack of safe abortions.

Anibal Faundes, professor of obstetrics at the University of Campinas, says legal abortions - of which there were 3,053 in 2008 - are now carried out in around 500 hospitals in Brazil, mainly in Sao Paulo and the south-east of the country.

He is clear about the most important consequences of the case involving the girl in Pernambuco.

"Everybody realized that Brazil is in favor of abortion in case of rape and risk to the woman's life. That was not clear before," he said.

The case has also renewed attention on illegal abortions in Brazil - at one million per year, estimated to far outnumber legal procedures.

Nicaragua's Unique Case

On February 2, 2010, a 27-year-old woman was admitted to a hospital in Leon, the second largest city in Nicaragua. She was diagnosed with an advanced case of cancer, which had metastasized and may have spread to her breasts, brain and lungs. She was told she couldn't be prescribed an aggressive chemotherapy or radiotherapy treatment because she was pregnant. Under Nicaraguan law, any medical procedure to save the life of a mother is banned if it jeopardizes the life of the fetus: it is technically considered akin to a therapeutic abortion, which is illegal.

In 2006, Nicaraguan President Enrique Bolanos signed into law a ban on all abortions, even in cases when a woman's life is judged to be at risk. Women and humanitarian organizations have consistently protested and denounced the ban to no avail. The law abolished abortion rights "which allowed the daily execution of innocent children in their mother's womb, in open violation of the Constitution which protected the unborn child", a statement on the presidency's website said.

Public opinion in Nicaragua, which is estimated to be 85% Roman Catholic, appeared to be behind the bill. "Abortion is the murder of an unborn child," says Father Ronaldo Alvarez, a priest in Managua, the capital of Nicaragua. "Just because you can't see the baby, doesn't mean it has no rights."

"What about if a woman is raped"? Duncan Kennedy, a BBC News writer, asked Father Alvarez.

"It is not the fault of the baby," says Father Alvarez. "It is the rapist, not the child, who should be punished."

"We accept there can be natural abortions," says Father Alvarez, "but that is the biological will of the body, not the chosen will of the human mind".

Orlando Tardencilla, one of the members of the sub-committee which proposed the bill, said: "Unless abortion is made a crime, then people can simply come out and say: 'I have the right to an abortion, this is my body and I can decide.'

"That's like saying: 'I'm allowed to commit murder because these hands are mine, this gun is mine.'"

With the 2006 law, Nicaragua became one of 35 countries that ban all abortions.

The case of Amalia, as she has been named to protect her real identity, is a sad but vivid reminder of the impact this ban has on the life of Nicaraguan women.

It is hard to imagine what it must be like to be 27, already the mother of a beautiful 10-year-old girl, and to feel you are being denied treatment for a life-threatening condition, not through your own will, but because the authorities have decided what should happen to you.

The Nicaragua's National Medical Association, on the other hand, has made public its official position: "Abortion is not going to cure her of her cancer nor of the metastasis. She has to be given adequate care whether curative or palliative, to ensure her quality of life and provide psychological support to her and her family."

In 2007, Olga Reyes was laid to rest in Nicaragua. Reyes, a 22-year-old law student, suffered an ectopic pregnancy. The fetus develops outside the uterus, inside a woman's fallopian tube, cannot survive and causes bleeding that endangers the mother. But doctors seemed afraid to treat her because of the anti-abortion law, said husband Agustin Perez.

Some 400 women who suffer ectopic pregnancies in Nicaragua each year.

But Walter Mendiata, president of Nicaragua's Association of Gynecologists and a supporter of the abortion ban, said doctors are taking the new law too far. He argues that surgery for an ectopic pregnancy isn't the same as carrying out an abortion.

"There's no discussion in a case like that," he said. "It's urgent, and you operate."

But he acknowledged that many doctors fear they will be accused of performing an abortion, which could mean a license suspension and several years in prison.

"Many are thinking that instead of taking the risk, it is better to let a woman die," said Dr. Leonel Arguello, president of the Nicaraguan Society of General Medicine.

El Salvador

In 2013, a woman's pursuit of an abortion in El Salvador again showed what the vast majority of Latin American nations feel about the procedure.

By its fifth month, Beatriz's pregnancy had become dangerously complicated. Beatriz, a pseudonym, was a 22-year-old who made an emotional appeal to her country's president, asking him to let her have a termination. She was suffering from an auto-immune condition known as lupus and doctors said her 18-week pregnancy posed a risk to her health. In addition to this, scans revealed that her baby had anencephaly, a condition where part of its brain was missing, and would not survive birth.

The doctors caring for the young mother, who along with the Ministry of Health appealed to judges to let a termination go ahead, it was about a patient and prison. If they performed a termination both doctors and mother could end up in jail.

Not so fast, said the Supreme Court, ruling that the constitution's protection of all citizens "from the moment of conception" meant that abortion could not be permitted in any circumstances.

A compromise was reached: rather than have an abortion, Beatriz could undergo a premature caesarean section. Beatriz was finally allowed a caesarean section in her 27th week of pregnancy. After weeks of deliberation, judges at the country's Supreme Court had ruled against a termination.

Since she was already past 20 weeks of pregnancy, the operation could be considered an "induced birth", not an abortion, the health ministry said. This seemed to satisfy the courts. In early June 2013, the baby was delivered, and died five hours later. Beatriz was in intensive care.

El Salvador's Ministry of Health described the surgery as an 'induced birth', allowing both sides to claim a victory of sorts.

El Salvador bans abortion in all circumstances and criminalizes women suspected of procuring one, along with those believed to have been complicit in the process.

Under the country's penal code, women can face up to eight years in jail if they induce a termination. But human rights lawyers point to cases where women have been charged not with procuring an abortion, but with aggravated homicide, which carries a sentence of 30 years or more.

Introduced in 1998, El Salvador's abortion law criminalizes terminations in all cases, including rape, fetal abnormality, and even when a woman's life is at risk.

<http://www.youtube.com/watch?v=x8gqWswSEyU>

Latin American Trends

At the urging of the Catholic church, abortion is banned under all circumstances—including rape, and where the mother faces death—in Chile, the Dominican Republic,

Haiti, Honduras, Nicaragua and Suriname, as well as in El Salvador. In most other countries it is highly restricted.

Only Cuba, Guyana, Puerto Rico and Uruguay offer abortion on demand (so does Mexico City, unlike the rest of Mexico).

Cuba, which decriminalizes abortions in the first 10 weeks of pregnancy, is the only country in Latin America where legal abortion is common, though. Argentina and Colombia allow it only in cases of rape or when the mother's life is endangered. Colombia also allows it when there is proof of fetal malformation. Mexico City has legalized first-trimester abortions, but there are restrictions in most other parts of the country.

The past decade has seen some liberalization. Mexico City and Uruguay both legalized abortion in the first 12 weeks of pregnancy, while Argentina, Brazil and Colombia made it possible in certain cases including rape and to save the mother's life.

But already there is a backlash. More than half of Mexico's states have changed their constitutions to define life as beginning at conception since abortion was legalized in the capital in 2007. Even in countries where abortion is permitted, ambiguous laws and stigma lead doctors, judges and government officials to obstruct the procedure, according to Lilian Sepúlveda of the Centre for Reproductive Rights.

Beatriz is by no means unique. In 2012 in the Dominican Republic a teenager with leukemia died when her doctor delayed chemotherapy for fear of being accused of terminating her pregnancy. In 2011 a 12-year-old Nicaraguan girl who had been raped by her own stepfather was forced to give birth.

More than 1,000 women in the region die and 1m are hospitalized every year owing to complications resulting from backstreet abortions, according to the World Health Organization.

The strict laws do not make abortion rare. The Guttmacher Institute, a reproductive-health organization, estimates that the region sees about 4.4m abortions a year, equivalent to 32 abortions per 1,000 women of child-bearing age. That is a higher rate than in any other region in the world.