

Abortion rights

The Mexican Constitution and The Borders That Limit Access

by Stella Crouch

Different ideologies throughout history have demonized abortion over time making abortion a “moral dilemma” one that is often portrayed as against religious dogma. Abortion rights and religion have become intrinsically connected and despite many countries proclaiming the separation of church and state in practice, it is rarely carried out. The more religious a country or region is the more restrictive abortion laws tend to be. Mexico, like most countries, has a majority religious population with over 80% of people identifying as Catholic, 6% identifying as protestants, and 2% Jehovah's Witnesses.

Abortion in Mexico has not been legal since colonization however before 1931 there was no law against abortion. While there were definitely obstacles to receiving an abortion and medicine was not as reliable there were no legal laws criminalizing performing or receiving an abortion. The first and second Mexican constitutions (1824 and 1857) never addressed abortion. It wasn't until during the Mexican revolution and the third and current constitution was drafted in 1917 that abortion was even mentioned.

After an amendment to the abortion law in 2007, abortion services are now free of charge in public hospitals for Mexico City residents, who account for approximately one-quarter of the country's population, and are available for a “moderate” fee for people from other states. The National Supreme Court of Justice ruled on August 7th, 2019 that rape victims have the right to receive abortions in public hospitals outside of Mexico City. People younger than 12 need parental permission.

Following these rulings, the conservative National Action Party reiterated its opposition to abortion. “We are in favor of the defense of life from conception and until natural death,” the party said in a statement. It requested that “conscientious objection be protected for ethical, moral or religious motives.”

On September 7th, 2021, the Mexican Supreme Court unanimously ruled that penalising abortion is unconstitutional, setting an important precedent across the whole country. The decision could potentially open another option for people living in the south seeking safe and legal abortions which have become even more restricted in some states following recent bills such as SB8 or “Texas Heart Beat Bill” in Texas, SB 2196 in Tennessee, HB 1510 or “Gestational Age Act” in Mississippi, SB9 in Kentucky and many others. Many of these bills have been left in limbo being only “temporarily blocked” by the court of appeals or the federal court. For years, people in south Texas have crossed the border to go to Mexican pharmacies to buy misoprostol, which is only available with a prescription in the US. The pill makes up half of the two-drug combination prescribed for medical abortions and can often use medical abortions on their own. This is however an unsafe and unreliable option and one that has sadly been thought to have been used by over 100,000 people in recent years.

Sources and Further Readings:

-Abortion access on the Texas-Chihuahua border

<https://www.youtube.com/watch?v=FmgE9HKhASY>

-"Feeling free": women criminalized by Mexico's abortion bans celebrate ruling

<https://www.reuters.com/world/americas/feeling-free-women-criminalized-by-mexicos-abortion-bans-celebrate-ruling-2021-09-09/>

-I Carried Out My Own Abortion

<https://www.youtube.com/watch?v=esT4WGbt9h8>

-Least Religious Countries 2021

<https://worldpopulationreview.com/country-rankings/least-religious-countries>

-Religious Beliefs and Abortion Laws

<https://www.nytimes.com/2021/09/18/opinion/letters/religion-abortion.html>

-Tras despenalización del aborto, buscarán liberar a mujeres sentenciadas por este delito: Zaldívar

<https://www.eluniversal.com.mx/nacion/tras-despenalizacion-del-aborto-buscaran-liberar-mujeres-sentenciadas-por-este-delito>

-Unintended Pregnancy and Induced Abortion in Mexico: Causes and Consequences

<https://www.guttmacher.org/sites/default/files/pdfs/pubs/Unintended-Pregnancy-Mexico.pdf>

-What to Know About the Mississippi Abortion Law Challenging Roe v. Wade

<https://www.nytimes.com/article/mississippi-abortion-law.html>