

# Constructing Women's Identities

A Feminist Analysis of the Abortion Discourse in Mexico

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# Abstract

This thesis explores the abortion discourse in Mexico. Using constructivist and feminist theory, it uncovers values and ideas associated with women's identities in relation to abortion. Two reports from two different governmental agencies in Mexico are analyzed with the help of discourse and qualitative text analyses. These reports are responses to the UN's Convention on the Elimination of All Forms of Discrimination against Women and describe the situation of women in Mexico by presenting an overview of the development of their rights. The analysis shows how women's identities are constructed and reinforced within apparent gendered structures in the abortion discourse. These structures limit how women's identities are discussed and thus exclude important aspects of the abortion issue. The analysis also finds that the government delegations reinforce traditional values in the context of women's identities by honouring motherhood. This leads to the avoidance of any discussion of women who want or need to have abortions. The thesis concludes by emphasizing the importance of acknowledging gendered structures in the abortion discourse. When left unnoticed, they impart an ineffective and false representation of the actual situation in the country.

*Key words:* Mexico, abortion, identity, feminist theory, constructivism  
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# 1 Introduction

On April 24<sup>th</sup> 2007, representatives in the legislative assembly of Mexico City voted to decriminalize abortion. This was a landmark result for pro-abortion activists who had for a long time tried to alter the harsh laws that made abortion a criminal offence<sup>1</sup>. The Catholic Church, with its strong influence in the region, was quick to condemn the matter and opposition grew stronger in the country. Criticism of the law was expressed in various sectors of society, and health personnel refused to carry out the abortions that were now to be legally performed on demand. In 2009, this resistance reached the highest political sphere when 13 states in the federation rewrote their constitutions, creating even harsher laws against abortion, some claim in direct response to the legislation change in Mexico City<sup>2</sup>.

Abortion has for a long time been a matter of great controversy not only in Mexico but in the world at some point or another. Its controversial nature is often linked to the matter of religion and most often Catholicism, which practices an openly anti-abortionist agenda. The Catholic Church aside, the values expressed on abortion whether positive or negative, cannot be explained solely by religious practice. The Mexico City representatives did after all change their attitudes towards the matter and illegal abortions have been practiced in the country for decades. What then can explain the so controversial nature of this matter in Mexico? And how can a government refuse to deal with an issue that when left untreated, has been responsible for the deaths of thousands of women?

## 1.1 Research question and aim of thesis

In my thesis I explore the controversial nature of abortion in Mexico by analyzing the political discourse that surrounds it. Specifically, I examine how women's identities are framed and constructed in this discourse in order to gain a deeper understanding of the issue. By using feminist and social constructivist theory, the aim is to reveal values and ideas connected to abortion since they

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<sup>1</sup> More information on the law change can be found in Gillian Kane's article *Abortion law reform in Latin America: lessons for advocacy*

<sup>2</sup> More information on the rewriting of the constitutions can be found at GIRE web's news archive and in the article *Embryo Rights Laws Go Viral in Mexico* at Women's e-news

constitute norms that affect the way the issue will be discussed and dealt with in the country. Because the values associated with abortion are in close relation to values connected to women's identities, feminist theory will be used as the main tool to highlight the core values and ideas concerning abortion. The feminist perspective is, therefore, useful in uncovering gendered structures within the discourse, pointing to ways in which the issue can be dealt with in a more thorough way. The research is built on the following questions:

**What values and ideas are connected to the question of abortion in Mexico?**

**How are these values linked to the construction of women's identities and the societal roles they take on?**

## 1.2 Limits of research and definitions of abortion

The subject of abortion is controversial, and often requires people to position themselves before contributing to the debate – you are either for or against abortion. Within social science research, the most common aspect studied is the forces of these different sides of the debate and why countries or states have come to legalize or criminalize abortion. What is often left out in research is a deeper analysis, where women's identities in relation to abortion are central in the research. I am positioning my thesis within this gap by exploring the construction of women's identities in the abortion discourse in Mexico.

Considering the limitations of time and scope that a Bachelor thesis entails, I chose to focus my case on Mexico alone instead of comparing several countries' approaches to the abortion question. This, together with the choice of simply two representative actors of the discourse, allows my research more depth and a sharper focus in discussing abortion.

The subject of abortion touches on various other subjects, such as population control, health and religion. My objective is not to explore these issues in any depth, but I include aspects of them as they relate to the focus of my research.

The definition of abortion and the issues connected to it are important to highlight since the subject is so controversial as opposing sides use different definitions in order to strengthen their arguments. This especially concerns defining the embryo or fetus, where pro-abortionists refuse calling it a child or assigning a status of "life" to it in the early stages of pregnancy, while anti-abortionist stresses that life starts at conception. I will refer to "it" as a fetus, even though in some definitions this implies it can only be called that after a certain number of months of pregnancy have passed.

Certain legal terms are also used in the documents. When relating to the matter of "intentional abortions" they are referring to abortions practiced illegally or legally within the conditions set by the law. It would be interesting to discuss the value one infuses by calling certain abortions "intentional", but I will not explore this matter since it relates to a wider discourse where international law is included.

## 1.3 Outline

The first chapter describes how I developed my specific interest for the topic of abortion in Mexico and why it is an important subject to study. It also clarifies the problem and aim of the research as well as limitations in relation to time and finding material that influenced the outcome of the study. Finally, there is a clarification of definitions concerning the issue of abortion, especially since the topic is so controversial. In the second chapter, I describe the theoretical underpinnings of my research involving social constructivism and feminist theories. Chapter three describes the research design and specific methods I have used in the study and why these have been important in relation to the analysis. In chapter four, I present an overview of the history of abortion in Mexico. Since I use discourse and text analysis as research methods, I incorporate a description of the model and analytical structure in chapter five. The analysis is conducted in chapter six, where I examine documents in which Mexican government representatives reflect on the situation of women in their country. Additionally, a discussion of the documents in relation to the recent abortion law change in Mexico City will be presented. In the concluding chapter, I discuss the analytical results and present thoughts on future research in the subject field of abortion and women's rights.

## 2 Theory

### 2.1 Social constructivist theory

Social constructivist theory serves as the main theoretical basis of this thesis and is incorporated in the main foundation of feminist theory and discourse analysis used in this study. The theory offers an explanation of the world in which society is continuously organized through the reinforcement of ideas and values that we attach to different social phenomena. These values then come to shape our identities and interests which are then reflected in the way we choose to organize society and in our relationships towards each other (Barnett 2005 p. 258). The emphasis of constructivism lies in change rather than determinism, as knowledge is ultimately subjective rather than fixed and objective (Barnett p. 259).

This understanding fits well with the aim of this thesis, since I seek to find the ideas and values that frame the abortion discourse in Mexico. Constructivism is a useful instrument to reveal the core elements and make sense of the sudden change in discourse. Michael Barnett explains this succinctly by highlighting the main task of a constructivist theorist: “To emphasize the social construction of reality is to denaturalize what is frequently taken for granted” (2005 p. 259).

### 2.2 Feminist theories

#### 2.2.1 Feminism

The essence of feminist theory, in broad terms, is to problematize the relation between women and men and to denounce any deterministic understanding of women as the inferior sex in society (Hirdman 2004 p. 113). By using feminist theory, the main goal is to pinpoint the reasons for women’s inferiority and seek to find ways in which one can empower women in order for them to reach equal status as for men (Tickner 2001 p. 11). The constructivist nature of feminist theory, or rather gender theory, lies in the belief that it is not women and men we study, but rather how the identities of women and men are created and reinforced



as “unequal dichotomies” (Mulinari et al. 2003 p. 11) in issues and processes where questions of power and recourses become central (ibid).

Feminist theorists claim that traditional theories and epistemologies have often failed in giving any clear account of women’s roles in society, and they have disregarded any notion of how men’s activities are carried out within a patriarchal society (Harding 1987 p. 3). Therefore, the feminist theorist wishes to bring not only women’s experiences to light but to uncover and illuminate issues and understandings that are more “hidden” in the debate, since these are as important as what is directly observable in achieving a thorough understanding of society and the power relations that exist within it (Harding p. 7).

### 2.2.2 Gender and development

With a basis in feminist theory, the analysis is conducted using theorists especially within the subject field of gender and development. These authors use feminist arguments and perspectives that can found in classic feminist or gender theory, but add a global dimension to their perspectives. They emphasize the role of culture and importance of national identity, as countries in development often have gained their independence more recently than that of the developed world. One can say that they manifest an interest in fusing “western” feminist theory with theories that touch on post-colonialism, multiculturalism as well as adding a class perspective<sup>3</sup>.

By using these theories, one can gain a better understanding of the challenges women face in Mexico. As the country is in a developing process, modernization brings with it new values and norms that often contrast with the traditional ones. This often results in a sort of “double-burden” for women, as these values clash. Modern society infuses values of open sexuality and the importance of success, while traditional values, based in religion and culture, often profess ideals where modesty and honor are central (Yuval-Davies 1997).

In chapter five I elaborate further on how I implement gender theory into the analysis and further explain the main topics in feminist theory I use in my analytical model.

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<sup>3</sup> These theorists include: Nira Yuval-Davies, V. Spike Peterson and Anne Sission Runyan, Rebecca J. Cook, Katherine Fierlbeck and Anne Marie Goetz

## 3 Method

### 3.1 Research design

A method of critical discourse analysis and a qualitative form of text analysis is applied in the analysis of abortion discourse in Mexico. The choice of studying the discourse in Mexico stems from the notion that feminist and gender theories can explain the recent developments connected to the issue of abortion. One can say that the case belongs to the field of disciplined configurative case studies, since existing theory is used to explain the specific case (George & Bennett 2005 p. 75). And since theory is consumed rather than tested, it should help strengthen the theories because a new case is examined.

### 3.2 Critical Discourse analysis

In broad terms, discourse analysis is concerned with the study of language and its vital role in contributing to our social reality. If one is to gain knowledge of how ideas and social phenomenon are created and reproduced in society, language becomes the essential study object since it is the main communication link between people (Bergström & Boréus 2005 p. 305). Using discourse analysis as method also presupposes a critical approach in the research process; one is not merely observing but critically analyzing why the language is constructed in a certain way (Jørgensen, Marianne W. & Phillips, Louise J., 2002 p. 2). Marianne Jørgensen and Louise Phillips gives a clear account of the key focus when using this kind of method:

“to investigate and analyse power relations in society and to formulate normative perspectives from which a critique of such relations can be made with an eye on the possibilities for social change” (ibid).

In the above quotation, the authors not only describe how a critical approach is vital to discourse analysis but also suggest the normative nature of such an approach. In relation to studying the abortion discourse in Mexico, this normative approach is explored further in section 3.3.3 where I describe how interpretation and my interest of the subject are reflected in the study.

According to Jørgensen and Phillips, critical discourse analysis differs from other strands of discourse analysis in that it not only seeks to understand how the discourse contributes to the shaping of social reality but how discourse also reflects socially constructed ideas that are practiced in society (2002 pp. 61-62). This notion fits well with the aim of this thesis since the focus lies not only on critically examining the discourse's reproduction of values but firstly recognizing these values and questioning why these values are dominant.

### 3.3 Qualitative text analysis

The main reason for using a qualitative form of text analysis in research is the method's ability to uncover hidden contents in the material, which can only be fully comprehended through a more thorough and intense reading of the text (Esaiaasson et al. 2004 p. 233). In this study, a method of critical examination combined with discourse analysis will be used to study the abortion question in Mexico. By using this method, the text analyzed can be helpful in discovering issues and relations that are ongoing in the society. Language is thus seen to be vital in constructing values and setting standards and limits for what is acceptable and what is not in a certain society (Esaiaasson et al. p. 235).

In order to strengthen the validity of the study, a model<sup>4</sup> will be used when applying theoretical perspectives to the analyses of the texts. This model consists of topics drawn from various feminist theorists, providing a cumulative element to the research. It is particularly important to construct a model before conducting analysis, since the aim of the research is not only to analyze what is present in the text but also what is missing or hidden in this context (Esaiaasson et al. p. 240-41).

#### 3.3.1 The actors

The aim of the thesis is to analyze the nationwide political discourse on abortion. The actors chosen to represent this discourse are representatives of government whose main task is to strengthen women's position in Mexico and guide all institutions within the state to a more gender neutral approach (INMUJERES web). Naturally, one has to consider that these actors have specific motives, but by using constructivist theory and discourse method, ideas reflected and constructed within the documents they produce can be seen as representative for the broader Mexican society in which they live and reside. Also one should

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<sup>4</sup> The model of analysis will further be described in section 5.2

consider that these representatives, if any, are supposed to have a gender neutral approach, and that a lack of this would perhaps have grave consequences for women's rights in the country, more than if any other institution was lacking it. Subsequently, the analysis will be focused on ideas rather than the actors, albeit without undermining the particularity of the chosen representatives.

### 3.3.2 The texts

The texts studied in the thesis are reports conducted in connection with the United Nations' Convention On The Elimination of all Forms of Discrimination Against Women (CEDAW). The choice of analyzing these documents was taken in light of my previous research in political science. The reports have immense value for the study of women's rights, because they contain a vast amount of information on various subjects concerned with the development of women's rights. Although the language can be quite repetitive because of its legal nature, the delegations responding to the convention sometimes extend their arguments on certain subjects, which makes it possible to employ a fruitful analysis of the text.

### 3.3.3 Interpretation and interest

The thesis can be ascribed a hermeneutic nature, as the interpretation of the text is vital to the outcome of the study. The focus lies on the underlying meaning of the text since answers to the research question cannot solely be answered by a shallow reading. The most important aspect to consider in this context is that the researcher thoroughly explains their initial understanding of the matter and any values they have that can be seen to interfere with the research process (Esaiasson et al. p. 245-46). The choice of studying the abortion discourse in Mexico stems from an interest in the development of women's rights. Abortion is something I believe should be available to women, especially in the context where they must undergo it illegally which is often a dangerous and challenging procedure. Ultimately, I believe that women should be able to have a choice and that resources be made available in order for that choice to be made as freely as possible. Hopefully, this interest will contribute to a thesis that opens further discussion and engagement in abortion and women's rights in Mexico.

# 4 A history of Abortion in Mexico

## 4.1 Politics, Catholicism and Abortion Law

As with nearly all countries in Latin America, official Mexican policy has for a long time regarded abortion as a criminal and moral offence. The most common explanation is the strong, influential role of the Catholic Church, which openly propagates an anti-abortionist agenda where abortion is seen as a sin in religious terms (Kane 2008). The Church's influence in the country has varied over time; with the church losing its rights to express an open agenda in public after the Mexican Revolution in 1917 only to regain some of that influence in 1939. In 1991, a major law change was undertaken which enabled the Church more freedom and influence in the public and political arenas (Lamas 1997 p. 61). Today, the Church is represented through several anti-abortion or "pro-life" organizations and after the law change in 2007, the Mexican representatives of the Church threatened to excommunicate politicians enacting the law with the support of the Pope. (DN web).

In the political sphere, the two major parties that have positioned themselves in the debate are the pro-abortionist PRD (Partido de la Revolución Democrática) on the left wing and the anti-abortionist PAN (Partido Acción Nacional) on the centre-right wing. The President of Mexico is currently Felipe Calderón, a member of PAN.

The United States can also be seen as a major influence, considering the close relations of the two countries in political and economical matters (CIA World Factbook). The most direct influence that the US has had in relation to the issue of abortion concerns what is called "The Mexico City Policy" or by critics referred to as "The Global Gag Rule" (Miller & Billings 2005 p. 342). The policy prohibits all Non-governmental organizations funded by US federal aid to promote, inform and perform abortions (ibid.). It was enacted by President Ronald Reagan in 1984 and was employed up until President Clinton withdrew it in 1993. George W. Bush reestablished the policy in 2001, but it was recently withdrawn once again by President Barack Obama (ibid).

Up until 2007, abortion was criminalized in all 32 federal states, including the federal district of Mexico City (Lamas & Bissell 2000 p. 11). During this time, the states had similar laws concerning abortion with the exception of some states with certain conditions added to the law (Kulczycki p. 51-52). These conditions related to legalizing abortion if the woman in question had been raped or if the pregnancy was life-threatening, to name a few conditions. Although in practice

most women did not cite these conditions to obtain legal abortion, as they were either unaware of the laws or scared of anti-abortionists reaction to it (ibid.).

In April 2007, Mexico City changed its legislation, making abortion legal on demand up until 12 weeks of pregnancy. In 2008, this law became constitutional when the Mexican Supreme Court voted in favor of the law (GIRE web 1). This was seen as a major step towards reforming abortion law in the whole country, since the federal district is seen as guiding other state legislatures as well as the law becoming constitutional (ibid.).

## 4.2 GIRE

El Grupo de Información en Reproducción Elegida (GIRE) [translated The Information Group on Reproductive Choice] was founded in 1992. Since its initiation by Marta Lamas, a leading feminist theorist and activist in the country, it has become the chief NGO devoted to the issue of abortion in Mexico (GIRE web 2). During its fifteen years of practice, the organization has sought to influence political policy and discourse in order for abortion to become a legal alternative for women who wish to terminate their pregnancy (ibid.) GIRE and especially Marta Lamas have from the beginning of their political participation viewed the development of discourse, and the framing of the abortion issue within it, as a crucial aspects in influencing and changing abortion law (Lamas 1997, Lamas & Bissell 2000, Sánchez Fuentes et al. 2008). Several feminist theorists have described the way in which reframing the issue of abortion influenced the Mexico City law change in 2007. Subsequently, it is of great interest to intertwine these insights in the analysis.

## 4.3 The situation today

The Supreme Court ruling of 2008 was seen as essential for the future reform of abortion law in other Mexican states, but the situation today reveals this has not happened. Instead, as many as 13 states have changed their constitutions to further protect the right of the embryo and to enable stricter laws against abortion (Women's e-news).

The prevalence of illegal abortions in the country and the serious health concerns they entail seem not to have been affected by the stricter law changes in the country. Instead, several studies have found that strict abortion laws do not prevent abortions; rather they force women to conduct them in unsafe and unhealthy environments (Kane 2008 p. 361).

The severity of the matter of abortion, as reflected in the high death rates connected to illegal abortions and restrictive laws concerning reproductive rights, make it an increasingly important subject to study. This paper contributes to the

issue by seeking to uncover the values within the discourse that allow the existence of these problems.

## 5 Method of analysis

This thesis consists of an in-depth analysis of two documents compiled by The Ministry of Foreign Affairs together with the Coordinating Office of the National Commission for Women in 2000 and the second document compiled by the Mexican National Institute for Women (INMUJERES) in 2006. The delegation from 2000 consulted other institutions in government as well as civil society when further information or input was required for various issues. The document from 2006 was produced solely by INMUJERES (Mexico report 2000, 2006). The texts are reports on the situation of women in various sectors in society and also a response to the Committee on the Elimination of Discrimination Against Women (CEDAW) concerning their recommendations towards a strengthening of women's rights in the country.

### 5.1 The actors

As noted above, the reports are correspondences between CEDAW<sup>5</sup> and various Mexican delegations concerning the development of women's rights in Mexico. All countries that have ratified the United Nations' Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are obliged to draft these reports every four years stating how the country has progressed in relation to the demands stated in the convention<sup>6</sup> (CEDAW web 1). The Mexican response to this specific convention is ideal for this study since it is "the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations" (CEDAW web 2).

The convention consists of an introduction and thirty articles in which different issues are at focus. In the analysis the focus will lay on the Mexican response to Article 12<sup>7</sup> and parts of Article 16<sup>8</sup>, which deal with the issue of

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<sup>5</sup> For more information on CEDAW go to: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>, or their old homepage : <http://www.un.org/womenwatch/daw/cedaw/>

<sup>6</sup> For more detailed description of the procedure go to:

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/594/40/PDF/N0659440.pdf?OpenElement>

<sup>7</sup> **Article 12:** 1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation (CEDAW web 4).



reproduction rights (CEDAW web 3). Furthermore, the responses to the recommendations set out by CEDAW, which considers the issue of abortion will also be included in the analysis. Considering that the reports differ greatly in their contents, the fifth periodic report from 2000 will mainly be used in the analysis. The content of the sixth periodic report from 2006 makes little, if any, reference to the issue of abortion. The reasons for this will be analyzed, but the document cannot be analyzed in the same manner as that drafted in 2000.

The choice of analyzing the Mexican delegations in government and their views on the abortion issue is taken in light of them comprising the main department for handling women's rights issues within the official political sphere. INMUJERES was established during President Vicente Fox Quesada's term of office during 2000 to 2006, and the institution came to take over the responsibilities related to the convention, earlier provided by the Ministry of Foreign Affairs together with the Coordinating Office of the National Commission for Women (Mexico report 2006). Its main statement of purpose is to guide national policy towards a more gender sensitive approach as well as incorporating a gender perspective in all institutions within the Mexican federal state (INMUJERES web).

The National Health department (Ministry of Health), international and national NGO's, the media and other institutions are also important when studying the broader discourse surrounding the issue of abortion. The choice of studying solely governmental bodies is motivated by their crucial contribution to the discourse in relation to their highly positioned political role and their power to influence national political policy and legislation concerning abortion. If the sole department for women's rights has a specific viewpoint on the issue of abortion, this will consequently have strong implications for how the issue is discussed and handled.

## 5.2 Structure of analysis

The analysis will be conducted with the use of a critical feminist perspective in which a model consisting of topics that intersect with the issue of abortion and women's identity in relation to it will be applied. The documents consist of texts that are not always relevant to the analysis, and certain parts in both documents belong to the same topic studied. Thus, the structure of the analysis will not strictly follow the arrangement of the text. Instead, it will be organized in accordance with the main themes connected to the issue of abortion in the

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<sup>8</sup>**Article 16 (§1 & §1. e):** State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (e) The same right to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights (ibid.).

documents, together with topics drawn from feminist and gender theory research, in order to give the reader a more cohesive understanding of the discourse.

The first part presents an overview of both documents wherein the main themes of the reports will be explored. In the second part, the definitions concerning abortion law in the document from 2000 will be studied in detail by analyzing how they relate to women's national identity and roles as mothers. In the third part, the subject of abortion and reproduction health will be explored as well as its connection to women's sexuality and specific responsibilities. The last section will discuss the essence of the national discourse and connect it to the feminist movement's campaign for abortion rights in Mexico City.

In order to strengthen the validity of the study, the text being analyzed will be fully quoted or otherwise described as precisely as possible, including reference to the relevant paragraph. Considering that the documents were written within a six-year interval, the changes or similarities between the arguments put forward in 2000 in relations to those from 2006 will be taken into account. Since the texts are written by different institutional branches in government, one cannot directly point to a development in the reasoning of the issue assigned to a specific actor. Therefore, the focus will not be on the changes or similarities over time, but instead each document will speak for itself, generating a view of the discourse within a time frame of eight years (the document from 2000 takes into account the developments from the years 1998 to 2000).

### 5.3 Model of Analysis

Certain themes and structures become noticeable when applying a feminist or gender perspective to societal phenomena. The essence of these themes is the acknowledgement of certain characteristics ascribed to women and men that come to mark subtle or obvious differences between them. When these different traits are constantly reinforced, they become norms that make up roles that women and men are expected to take on (Peterson & Runyan 1993 pp. 1-5). As argued by V. Spike Peterson & Anne S. Runyan, these roles are "not independent categories (...) but are defined in oppositional relation to each other: more of one is less of the other" (1993 p. 7) making the feminine identity dependent on what the male is not (ibid.)

In order to understand the historical oppression of women, feminist theorists have been especially concerned with these constructions of identity and have questioned the roles affixed to the male and female identity. They have also sought to show how these roles interplay with the total organization of society; the dichotomies apparent in identity-construction can also be found in the division of societal realms, where men's "natural" or "determined" role is found within the public sphere, and that for women is found within the private sphere (Yuval-Davies 1997 p. 5). The subject area of reproduction rights and abortion has historically not been given high priority within the political realm which can thus

be explained through the idea that “women’s issues” are private issues and thus do not belong in the official political public sphere.

With this in mind, the analysis will explore the characteristics, identities, roles and gendered dichotomies that prevail in Mexican society in order to gain a deeper understanding of the abortion discourse in the country. Thus, the analysis seeks to gain an understanding of how women’s identities are framed specifically in relation to pregnancy, sexuality and motherhood.

As noted above, a number of themes stemming from feminist theory will be intertwined in the analysis. The themes all relate to how gender roles are constructed and reinforced in the discourse, each one highlighting a specific role assigned to women’s identities.

The first theme explored relates to the notion of **women’s identity within the national context**, where the focus is on how women’s identities come to serve particular interests in relation to the interest of the nation. Women’s roles within the private sphere are then seen to be constantly reinforced as they legitimize their position in the national collective<sup>9</sup>. The second theme deals with the dichotomy of **Agency versus Victimization**. Here, the focus will be on how this dichotomy is fitted within the construction of women’s and men’s identities; where women often need to be constructed as the “victim” in order for her actions or rather non-actions to become comprehensible. The third theme questions the **context of choice** that women are offered within the abortion discourse. Here the analysis focuses on how institutions limit the ways in which the abortion question is discussed and thus create a specific context in which the issue can be handled<sup>10</sup>. Finally, notions of **women’s and men’s sexuality** are explored as they relate to the issues of abortion and reproductive health.

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<sup>9</sup> This theme relates to the arguments put forward by Nira Yuval-Davies in *Gender & Nation*.

<sup>10</sup> This theme relates to arguments put forward by Rebecka J. Cook in her contributing chapter in *women’s rights, human rights: international feminist perspectives* and also Katherine Fierlbeck’s contributing chapter in Anne Marie Goetz’ *Getting Institutions Right for Women in Development*.

## 6 Analysis

### 6.1 Are women having abortions?

The most prominent impression one gets from analyzing the documents concerned is the absence of any profound discussion regarding women that have had illegal abortions and to a great extent women who have undergone legal ones. Reference to the word “abortion” occurs to a limited degree in the fifth periodic report and is mentioned only a few times in the document from 2006 (Mexico report 2000, Mexico report 2006). This occurs even though the relevant paragraphs are concerned with matters of pregnancy, reproductive rights and the reproductive health of women. And it occurs even though illegal abortion is a leading cause of death of pregnant women (Cook 1995 pp. 256-57).

Feminist theorist Rebecca J. Cook explains how the issue of abortion and reproductive health has become such a controversial matter. She argues that the subject has clashed with traditional moral conceptions of women’s sexuality and roles within the family, which has made governments unwilling to tackle concerns relating to the issue (1995 p. 256). She further explains the controversial nature of these principles by stating that “the moral belief was that if women could enjoy sexual relations and have resources to methods to prevent pregnancy (...) sexual morality and family security would be in jeopardy” (ibid.).

The Mexican delegations certainly avoid discussing the fact that women are having abortions, and thereby circumvent any responsibilities for related issues. Instead, the documents concentrate on preventive measures to avoid pregnancy, such as the use of contraceptives. Here the focus is on women in relationships and the statistics presented are often concerned solely with women in a family context (Mexico report 2000, Mexico report 2006 p. 55, 117).

### 6.2 Defining abortion legislation

173. Mexican legislation safeguards the right to life and protects the “product of conception at every stage of pregnancy” by making abortion an offence. However, it also states that, under certain conditions and certain circumstances, the expulsion of the unborn product of procreation is not punishable as a crime (Mexico report 2000 p. 34 par. 173).

In the above passage, the 2000 delegation describes the fundamentals of Mexican abortion legislation. It is a direct response to a recommendation put forward by CEDAW which states that “Mexico should review their legislation so that, when necessary, women are granted access to rapid and easy abortion” (ibid.). The delegation emphasizes the fact that each state has its own criminal code, where they have their own requirements for legal abortion, yet it notes that the general legislation of the republic is to “safeguard the right to life” of the “product of conception” (ibid.). Here, “life” becomes equal to that of the fetus, it does not in any way relate to the life of the woman enduring the pregnancy. In some states, the special requirements for legal abortions are “if it is performed to save a mother’s life” and if it “endangers the life of the mother” (Mexico report 2000 p 34 par. 174). These requirements take the women’s life into account, but they have strict conditions set to them, and in the end women’s lives become a secondary matter in relation to the rights of the fetus (Lamas 1997).

The legislation in Mexico at this time, and the unwillingness of the delegations to undertake any deeper discussion of it, reflect an ignorance of the rights and well-being of women in the country. Cook refers to this matter in *Women’s Rights, Human Rights* by arguing that legal traditions, including international legal traditions, have indirectly come to value women’s life in association with reproductive rights as inferior to other rights protecting the life of the citizen. These rights most often stem from a male-oriented perspective which has disregarded the fact that hundreds of thousands of women die annually from causes associated with pregnancy (1995 pp. 262-263).

### 6.2.1 Woman or mother?

. In the conditions established by the federal states concerning when abortion is legal, the states use different definitions of the person concerned, relating at times to “the woman” and at times to “the mother”. Paragraph 173 states that

Most federal states that make up the Republic do not classify abortion as an offence, in the following cases:

- If it involves a **woman** who is pregnant as a result of rape;
- If it is performed to save a **mother’s** life (2000 p. 34)

Additional conditions are stated in paragraph 174, but these concern only some of the states:

- If it endangers the life of the **mother**; (...)
- If the **woman** already has three children and cannot provide socio-economic support for another child (2000 p. 34)

Interestingly, the states use the term “mother” instead of “woman” when referring to abortion in the case of saving the woman’s life. They are infusing significance to the fact that it is a mother who is able to be saved and not a woman. Being a mother implies that the woman wants to go through with the pregnancy and have a child because she is already defining herself as a mother. Missing from these definitions is any woman who is pregnant but does not want the child and is not a mother. The implications of these differences of definition relate to the matter of whether the woman is an agent or a victim when she undergoes an abortion. Clearly, the delegation and the language in the legislation present a view of the woman as a victim rather than anyone who possesses agency. Subsequently, it is difficult to gain a clear picture of the identity of women who actively *want* to have abortions. Again, the delegation does not acknowledge the problem of illegal abortions, which is the where these women are found.

## 6.2.2 Motherhood and National identity

In Nira-Yuval Davies’ book *Gender and Nation*, the notion of women’s identity in relation to the national identity is explored. The author describes how women and men are appointed different societal roles that, if taken on, allow them a sort of national identity whereby they become a legitimate part of the national collective (1997 p. 4, 23). The roles in which women gain this legitimacy are most often located within the private sphere, where family and relationships are central. Through women’s roles as mothers or wives they become “symbolic bearers of the collectivity’s identity and honour” (Yuval-Davies p. 45) and “are often required to carry this ‘burden of representation’” (ibid.).

In the document from 2000, these notions of women’s “rightful” roles are reflected in the way they contextualize women’s identities. A mother becomes worth saving because she is living up to her national identity. She is then merely a victim of external conditions and is granted an abortion, since she still “wants” to be a mother and has not chosen herself to lose the child and the role as mother (Mexico report 2000 p. 34). It thus becomes a difficult challenge for women to ignore the traditional roles they are assigned since they are so called “bearers of the collectivity’s identity and honour” (Yuval-Davies p. 45). If a woman does choose to leave this role she consequently loses her honor and national identity (ibid.).

In the document, these limits to women’s identities are not only reflected by the delegation but are also reinforced when it defines abortion and women’s identities within a specific context of choice. While at times it may seem like it is simply arguing objectively on the matter, a closer examination reveals that it is excluding important parts of the debate from discussion. Anne Marie Goetz and Katherine Fierlbeck discuss this matter by stressing the importance of the

“contexts of choice” that surround issues related to women’s rights (Goetz 1997 p. 23.). The main aspect to consider is then:

“determining whether the choices are gender-constrained, in the sense that they create environments which embed women’s perceptions of their own interests in a narrow range of gendered subjectivities” (ibid).

As argued above, the delegation presents a quite narrow perspective on women’s identities since it chose to acknowledge and discuss only certain values and traits encompassed in women’s identities. By doing so, it is also narrowing and constructing the debate so it can fit well within its own parameters. By eliminating women who have *reasoned* abortion to be the best option for them from the context, and infusing value only in the role of the mother, it is discouraging women to take control of their lives and act in a sense of agency. Hence, it is also disregarding women’s abilities to make free and sound choices in their lives. Instead, it is promoting choice only within the options that it has presented, which as shown are not “free” choices at all (Fierlbeck 1997 p. 38 ff).

### 6.3 Abortion and Reproductive Health

560. Under no circumstances does the Government of Mexico regard abortion as a means of family planning (...) On the contrary, the fundamental objective (...) in this respect is to prevent unplanned pregnancies and intentional abortions by providing information and family planning services (Mexico report 2000 p. 125 par. 560).

In the above and forthcoming paragraphs in the document, the delegation discusses the matter of abortion in relation to women’s health (Mexico report 2000 pp. 125-27). It refers to “spontaneous abortion”, meaning miscarriage, and to intentional abortion, referring to abortions performed illegally or legally under the conditions set by the law (ibid). When it discusses intentional abortions, the delegation acknowledges that this is a huge problem in Mexican society leading to death and other serious health complications for women. However, it does not mention directly the ways in which “intentional” abortions can be carried out using healthy and safe procedures; instead one is led to believe that *all* intentional abortions lead to serious complications or death (Mexico report 2000 p. 125, pars. 561-62).

Again, it becomes apparent that the delegation is contextualizing the issue of abortion in a specific way. When it states that it does not accept “abortion as a means of family planning”, it has eliminated discussion of abortions that are performed without the objective of “family planning” (ibid.). This first passage is important because it frames the way in which the following passages are discussed. Consequently, solutions for problems that arise from abortions are the

introduction of contraceptives and information regarding “family planning” (Mexico report 2000 p. 125 par. 163). Within this subject, the delegation directs its concern against “couples” and urges them to inform themselves so that they can prevent “unplanned” pregnancies (ibid). For women who have undergone intentional abortions and experienced complications, the delegation has “trained health personnel to “treat women (...) in a considerate, humane manner” (ibid.).

By defining abortion only in terms of family arrangements, the delegation devalues the importance of discussing the matter in other terms, and the implications these could have for women. It later discusses the issue of intentional abortions and the health concerns that subsequently arise, but the scope and gravity of the issue is not apparent from reading the document. This is in large part an effect of the delegation not acknowledging the identity of women who undergo abortions. And by not acknowledging these women, no measures are presented to tackle the problems they experience. Nor is there any responsibility for the delegation to tackle these problems.

### 6.3.1 Women and Sexuality

The way in which the 2000 delegation frames abortion as a family matter is also apparent in the 2006 document when the delegation responds to CEDAW’s recommendations to better inform the population on contraceptive information, sex education and reproductive and sexual health (Mexico report 2006 p. 54). Statistics on contraceptive use refer primarily to women in relationships (Mexico report 2006 p. 55 par. 265) and various programs presented to inform about pregnancy relate solely to family planning, as in “Pregnancy: a Life Project” (p. 55 par. 268) and increasing funds directed to the “protection for Mexican families” (p. 117 par. 663).

When the delegation only acknowledges certain women in the context of abortion and reproductive health it is at the same time avoiding discussing aspects of women’s identity and sexuality outside of the family context. Acknowledging a woman outside of this context would be to grant her agency and the right to express a more free sexual behavior; one that is not related to family planning or reproduction.

Yuval-Davies discusses this matter by explaining how authorities in societies often perceive a woman in agency and in power of her body and sexuality as a threat to the “natural” order of things (1997 p. 35). This can especially be seen in the context of religious authority, as with Catholicism, where this agency is seen “as a betrayal of sacred religious and customary law” (ibid.). However, this does not mean that the essential values of religion are in direct conflict with women’s sexuality. Rather, certain values are used from that religion in order to gain control over women’s bodies and reproductive rights (Yuval Davies p. 36).

### 6.3.2 Responsibility



Women's "natural" position within the family also becomes important to highlight since the role stands in an opposed relation to the roles assigned to men. V. Spike Peterson & Anne Sisson Runyan argue this matter by showing how women's identities are often constructed so that they contrast with those values associated with men:

"English and other languages structure our thinking in dichotomies that emphasize difference (...) Rather than intimate a longer story and larger picture, nonrelational categories render events and beliefs as "givens," appearing inevitable because they are ahistorical" (1993 p. 43).

This is reflected in the documents by the lack of discussion of women's roles within the family context. This leaves the impression that the role of mother or wife is in fact her given role in society. The responsibilities that this role entails can thus be "best" handled by her since she and women in general have "always" handled these issues. This leads to a very deterministic understanding of women's and men's roles in society. By ignoring these oppositional relations and the significance of values attached specifically to women and men, the delegation indirectly hides who has the greatest power within society (Peterson & Runyan 1993 p. 42).

Another aspect of defining women's identities becomes apparent in the discussion of preventive methods to avoid pregnancy. In both documents, the use of contraceptives and information about them are seen as the answer to unplanned pregnancies. However, the documents do not refer to the risk of getting pregnant while using contraceptives neither do they discuss the responsibilities of men in relation to contraception (Mexico report 2000 p. 125-27, 2006 p 54-55, 117). They do state that they provide information for both men and women; however they do not dwell on the subject or acknowledge any cultural values and attitudes that exist among men in Mexican society (ibid.).

This becomes a disturbing issue when considering the prevailing attitudes in Mexican society, where there exists a widespread belief among men that contraceptive use will lead to infidelity and is a direct offense to their "manhood". Because of this, women must often seek out contraceptives in secret and in the worst cases suffer physical abuse by their husbands if they are caught using them (Jacobsen 1993).

As the delegations do not question men's responsibilities in this context women come to bear all responsibility in the case of using contraceptives but also when the contraceptives fail to work (Cook 1995 p. 261) She then becomes the one who has to "carry that pregnancy to term with all the consequent moral, social, and legal responsibilities of gestation and parenthood" (ibid.).

## 6.4 National discourse and civil society action

When considering the way the delegations construct and reflect the abortion discourse, it becomes difficult to gain a clear understanding of the women actually having the abortions. Important factors are left out of the discussion when the delegations make no serious effort to problematize women's identities in a sufficient manner. As they neglect to present arguments that are contrary to their opinion, it is difficult to even start a fruitful discussion on the matter of criminalizing or liberalizing abortion law.

Civil society organizations, referred to as non-governmental agencies, were able to participate in the first document, but their visions appeared to be quite in line with the vision of the delegation. GIRE, the country's leading NGO on issues relating to reproductive rights was not included in the making of the document (Mexico report 2000). The delegation also expresses its concern that NGO's lack awareness of the campaigns presented by the delegation and that this has "a negative impact on people's sensitivities and on their readiness to embark on joint projects on behalf of women" (Mexico report 2000 p. 192-93 par. 799). In the document from 2006, civil society was completely excluded from participation in the making of the report (Mexico report 2006 p. 6 Preface: 2).

Pro-abortion movements within civil society and especially the feminist movement have had a difficult time trying to influence the discourse on abortion (Lamas 1997). The prevailing gender roles seem entrenched in society; reinforcing women's vital role as mothers and protecting the fetus in every way possible (ibid.). Marta Lamas, a well-known feminist activist in the country as well as founder of GIRE, explains how important it has been for the feminist groups to "infiltrate" this discourse and try to connect to the traditional values while at the same time promoting abortion as a legal alternative for women. Already in 1997 Lamas wrote:

"We in the feminist movement in Mexico must reformulate and articulate shared values that oblige other sectors to join in the defense of these rights within the context of the development of democracy. This requires patient translation of old principles into new concepts and the integration of reproductive and sexual rights into the definition of modern citizenship (Lamas 1997 p. 58).

In Sánchez Fuentes, Paine and Elliott-Buettner's article that deals with the reasons behind the law change in 2007, they highlight this "discourse infiltration" as one of the major factors enabling the legislation change, wherein the feminist movement stood in defense of the cultural roles associated to women whilst at the same time incorporating a pro-abortion agenda (2008). An example of this was switching the argument of "right to life" concerning the fetus, to the right to life for women. Also GIRE clearly stated that *even it* did not ultimately want women to have abortions, but that now it had to be seen as an inevitable necessity (GIRE web 1)

It seems that the controversial nature of this discourse makes it unavoidable for pro-abortion and feminist movements to incorporate traditional values into their political agendas. Nira-Yuval-Davies concludes this matter by stating that:

“‘Reproductive Rights’ campaigns should take account of the multiplexity and multi-dimensionality of identities within contemporary society, without losing sight of the differential power dimension of different collectivities and groupings within it” (1997 p. 38).

# 7 Conclusion

## 7.1 Results of research

This thesis has explored how the delegations of the Mexican government have described the issue of abortion in the country. Within this context, I have focused on the specific values and ideas that the delegations have used to describe women's identities in the context of abortion and reproductive health. I then compared these descriptions with roles traditionally linked to women using constructivist and feminist theory. The aim was to obtain an overview of the discourse and the values and ideas that construct it, in order to gain a deeper understanding of the nature of the abortion issue in the country as well as recent developments in abortion law.

An analytical model drawing on feminist and gender theory was used to uncover how values connected to women's identities were constructed within the discourse. These values were then seen to produce gendered structures within the debate, which when constantly reinforced created a specific context for how the issue of abortion is viewed and dealt with in the country.

The analysis shows that the delegations discuss the matter of abortion from a specific viewpoint, whereby they avoided important aspect of women's identities and the abortion issue. By constructing her identity in line with the roles of the "victim" and "the mother", the delegations reinforce the gendered structures in the discourse and limit the ways abortion can be discussed. Viewing the women in this limited context, her identity becomes comprehensible and in agreement with the cultural roles that are affixed to this identity.

The analysis also shows how the delegations avoid discussing women's sexuality outside of a family context. Thus, they avoid discussing the extent of the problem of illegal abortions that often occur outside of this context. Acknowledging women outside of this context would also mean granting her agency over her sexuality. And by acknowledging that agency, the delegations would be forced to enter a more meaningful discussion on women that undergo illegal abortions, and the need to revise laws criminalizing abortion.

Finally, the analysis has shown how the essence of the discourse makes it difficult for pro-abortion and feminist movements to influence the debate. The movement in Mexico City was finally able to influence the debate by framing pro-abortionist arguments to fit with the discourse that promotes traditional values.

Since the delegations reflect a view of women's identities as given or determined, it is important to question the very values that they attach to these

identities and address the impact these gendered constructions have on women's life choices. Katherine Fierlbeck concludes this matter by emphasizing the importance of analyzing the construction of identity:

“Why is identity important? It is a fundamental aspect of any political system that holds choice and choosing to be crucial in determining the best life to live, in constructing a coherent account of political obligation, and in solidifying political legitimacy and authority” (1997 p. 39).

## 7.2 For future research

The last part of the analysis in this thesis touches on the issue of how feminist movements framed women's rights campaign in order to influence public discourse. In light of the recent law change in Mexico City it would be interesting to pursue this subject further. How does one come to popularize feminist politics? How far must feminist movements compromise their own beliefs in order to gain broader legitimacy? Have other women's right movements used similar methods as those used by GIRE in Mexico City to win political ground?

Additionally, I find it important for future research dealing with questions intimately connected with women's lives, to closely investigate the construction of women's identities. The use of a gender perspective allows one to see structures hidden within the discourse, that if ignored exclude crucial aspects of women's and men's identities.

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