Decriminalisation of Abortion

Lessons from Mexico City

STVM01

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Abstract

Latin America has a profound tradition of anti-abortion legislation and a conservative view on women's sexuality. Most of the countries allow for abortion in extreme cases, such as rape or when there is a risk to the woman's health, while others still prohibit it under any circumstances. But in 2007, Mexico City decriminalised abortion up until the 12th week of pregnancy. Mexico City thus constitutes a deviant case in relation to all Mexican states and almost all other Latin American countries.

The aim of this thesis is to investigate the reasons for a decriminalisation to come upon in Mexico City and to highlight the issue of women's rights in Latin America. It seeks to explain why a policy change was possible in the Mexico City case — despite various failing attempts elsewhere in the region. The thesis concludes that several different aspects played a fundamental role for the creation of a policy reform, with one of the most important ones being the political context. The role of Mexico City as a precursor to similar changes in other parts of Latin America is further reflected upon with the ambition of securing key explanatory factors for future cases of decriminalisation of abortion.

Key words: abortion, women's rights, policy process, Mexico, Latin America.

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1 Introduction

The decriminalisation of abortion is of crucial matter for the human rights aspect that is supposed to colour every liberal democracy. The culture of 'machismo' that is still the case in Latin American societies is a threat to the female right of being in charge of the own body. It also restricts women in their everyday life, i.e. by preventing them from taking on certain jobs in case of a pregnancy (Muraro, 1989:92). It is hence of great importance to bring the issue into light and keep the debate ongoing in order to improve women's rights in parts of the world where those are most severely restricted.

Poor women in a country where abortion is prohibited by law might often lack access to information about their rights and lack the possibility of going abroad for a safe abortion. They thus face two options in case of an unwanted pregnancy: either to go through with an illegal and unsafe abortion or to bear an unwanted child. This is thus a limitation to women's autonomy and the right to decide over the own body. It also stresses the inequalities between the classes, implying both structural social and economic inequalities (Sánches et al., 2008:347).

Latin America is the region with the strictest view on abortion in the world and some of the countries go as far as to prohibit abortion even in cases of rape or when there is a risk for the woman's life involved (DeGrave et al., 2007:136 & IPS, 22/03/2010). Mexico too has been and still is restrictive in the area of sexual rights. There is, however, an interesting exception in the case of Mexico City, which is the capital of the country and is ruled as a federal district.

Between 2000 and 2007, the city went from allowing for abortion only in cases of rape or when there was a risk to the woman's life, to a total decriminalisation up until the 12th week of pregnancy (Lamas, 2000:10 & Sánches et al., 2008:345). The fact that Mexico City changed its abortion law represents a 'puzzling' case in the Latin American region, where the view on female reproduction has been particularly restrictive.

1.1 Purpose of analysis

This thesis has two main goals: the first is to create an understanding for the policy process in Mexico City and what lessons other Latin American states might derive from it. The second ambition is to point to the importance of a discussion on the issue of abortion as a matter of women's rights. Experience shows that prohibitions do not lower the amount of abortions but rather forces women to go through with dangerous illegal abortions (Kane, 2008:361).

The fact that a decriminalisation was made possible in Mexico City, even though the tradition in the region has been to prohibit it, makes it an interesting case in itself. The policy change that was made here has put the city at the forefront both nationally and throughout the Latin American continent (Sánches et al., 2008:345)¹. The reason why Mexico City is the subject of this thesis is that it provides for a deviant case. It is a puzzle in that it differs from the rest of the country and it is a contra-intuitive case with regards to traditional Latin American views on the issue. By stating Mexico City as a precursor in the field, this thesis aims to look in to why a decriminalisation of abortion was finally made possible here. The question of this thesis thus goes as follows:

- How was the decriminalisation of abortion possible in Mexico City?
- ... And what are the lessons to be learnt from it by the rest of Latin America?

1.2 Delimitations

Since the theoretical framework used in this thesis is of great complexity, a specification of some of the most fundamental terms is needed in order to make them measureable for this particular study. The definition and use of different expressions is of value for the intersubjectivity of the thesis. The operational indicators mentioned here are supposed to provide for the understanding of the theoretical definition (Esaiasson et al., 2007:59).

First of all, within the Kingdon framework there is a crucial difference between the **governmental agenda** and **decision agenda** for the understanding of policy reforms. The governmental agenda implies that the issue is acknowledged but it is not until it ends up on the decision agenda that it is ascribed to political action and the possibility of a reform. The alternation between the two is achieved by well prepared propositions presented at a lucrative moment buy key actors in the process (Kingdon, 2003:142).

Within the Kingdon framework, **proposals** or **alternatives** constitute the ideas that policy entrepreneurs develop and which are crucial for an issue to end up on

¹ The only other exceptions being Cuba, Guyana and Puerto Rico (DeGrave et al., 2007:136).

the determining decision agenda. The way words are used and the reformulation of ideas can make the difference between the two agendas.

The Kingdon framework is based on three different **streams**; that of problems, policies and politics. The streams express the importance of different parts of a process and the way actions taken on different levels in society are able to combine to create a common result. The 'clash' of the streams constitutes a so called **window of opportunity**, implying a chance for the issue at hand to end up on the decision agenda.

Feminists have worked hard on this matter, mainly focusing on the reformulation of keywords in the abortion debate. An example here is the word **abortion** itself, which has implied a critical discussion with regards to at what time a pregnancy is seen to occur. This is important for the discussions of whether/at what point the foetus is a living creature. Another interesting aspect is the difference between the use of the word **woman** instead of **mother**, which has great impact on how the issue is viewed and what role the woman is seen to have in the process. The more conservative view on expressions like these is common in Latin America and is greatly due to the culture of **machismo** or male domination. This implies an understanding of the man as superior vis-á-vis the woman.

The access to free abortion is an underlying conviction of this thesis. Free abortion is here referred to as the termination of a pregnancy for whatever reasons; the woman should not have to present circumstances such as rape in order to get access to abortion services. What might be debated upon however, is how to delimit questions regarding the period of time abortion should be allowed. But these subjects are not further touched upon here since they imply a complex discussion on their own.

The time frame for this thesis is mainly focused on the time of the 2000 elections, when the first systemic change came upon in Mexico City, and what has happened since. It was also then that the first democratic election was performed in Mexico. The abortion debate has been ongoing since the 1970 however, which is important for the 'softening up' of the national mood over time. Implications of the 2007 reform will be reflected upon in chapter five.

The geographical focus of this study lies on Mexico City only, but within the context of Mexico as a whole and the general discussions and former attempts that have been made in the field. The Latin American region provides for an understanding of just how controversial the debate really is, pointing mainly at aspects of conservatism, a male-dominated culture and the Catholic Church.

2 Methodological considerations

This thesis is a case study, focusing on only one particular case of a policy process. For this, a theory-consuming method is used, applying a somewhat complex theoretical framework presented by political science professor John W. Kingdon. This implies the presentation of various factors for the understanding of the single case, from causation to effect. Still, it is hard to include all factors that constitute the complete explanation within the study of social science. A negative aspect of a single case study is that it is hard to generalise from and that connections between different factors only hardly can be proved. On the other hand, the focusing on only one case provides for in-depth reflections upon the particular case (Teorell et al., 2007:82-3).

It is common to use the view of probabilistic causation within the study of social sciences. This means that various factors are seen as affecting the variable that is being studied, instead of searching for one single explanatory factor. This is also the case in the Kingdon framework, where several factors and actors come together to create a final outcome; the policy change. The downside of this is that the final result is less easily applied onto other cases; what works in one case might not be the solution to another (Esaiasson, 2007:134-5). On the other hand, a more detailed understanding for this particular case might bring new aspects of the general abortion debate in Latin America into light.

The method contains the analysing of already produced material; academic texts as well as newspaper reports and material presented by interest groups. The ambition of the thesis is thus cumulative, possibly filling a gap within the study of political science since the Mexico City reform happened as late as 2007. The case in focus is a case of policy processes on contentious matters and is thus an explicit example of a subject within the field of political science. The issue of abortion is of great importance for the ongoing political debate on human rights and is regularly report on in the media (see for example TT, 11/08/2010). The subject of the study is thus relevant from an extra-disciplinary point of view as well.

The material is mainly drawn from pro-abortion scientists and interest groups, which might make this report seem somewhat biased. Anti-abortion arguments are mainly based on values deriving from the Catholic Church however, which does not share the same ontological standpoints as this thesis. The conviction of this study is that the access to free abortion is a basic human right, thus arguments are only made in favour of abortion. In this way, focus is directed away from discussions of morality and religion and onto questions of how to successfully go through with a reform on the matter.

2.1 Theory

It was obvious that a theory including various aspects of a policy process would be needed to understand such a complex case as the Mexico City policy reform. The process to a policy change on a controversial issue like that of abortion is often complicated in immature democracies such as Mexico (Kulczycki, 2007:54). Since attempts had also been made elsewhere but never succeeded, it seemed important to find a theory based on a wide range of explanatory factors and through that find certain aspects that would explain the deviant case of Mexico City.

Andrzej Kulczycki highlights the case of Mexico City in his article *The Abortion Debate in Mexico: Realities and Stalled Policy Reform* and seeks to explain why earlier attempts repeatedly have failed. He uses a framework by Grindle & Thomas, which divides the policy process into three phases (agenda phase, decision phase and implementation phase); with the risk of a proposal being turned down in any of these phases on the way to a policy reform (Kulczycki, 2007:54). This rather stresses how policy reforms fail, whereas the purpose of this thesis is to focus on how they might succeed. Kulczycki goes on to mention yet another framework; that by John W. Kingdon, which is the one applied in this thesis. The Kingdon framework aims at explaining why some subjects become a political priority while others are neglected (Kingdon, 2003:196).

María Luisa Sánches Fuentes et al. represent the feminist group GIRE, which has been one of the most important actors in the Mexico City policy process, as will be shown later on in this thesis. In their article *The Decriminalization of Abortion in Mexico City: How Did Abortion Rights Become a Political Priority?* they aim to explain how the policy reform was finally made possible in Mexico City, despite an anti-abortion context in the region. The ambition is thus the same as in this thesis. The framework by Shiffman & Smith that they use is rather conceptual however, stressing the importance of discourse and identifying "how political priorities are formed around global health initiatives" (Sánches et al., 2008:246). They explain how feminists worked on reframing the abortion debate, which they see as crucial for the reform to come upon.

The Kingdon theory is widely based on so called intentional explanations, meaning that it is the acts of individual actors, on a micro level, that affects what happens in more general terms, on a macro level (Teorell et al., 2007:250). It is based on the 'garbage can' theory by Michael D. Cohen et al. and exists of three different streams: problem, policy and politics. When these three streams combine, a window of opportunity arises and the issue considered might be brought up on the decision agenda. Timing is thus of great importance, as well as an understanding for the process by the different actors involved, so as to know when to push for a certain proposal.

2.2 Disposition

The first two chapters of this thesis provide for methodological considerations, including problem formulation and purpose of analysis. The following chapter includes further explanations of the issue of illegal abortion, in combination with a Latin American context and a deeper explanation of the specific case of Mexico City. Chapter four provides for an understanding of the Kingdon theory in combination with the empirical data regarding the Mexico City case. The window of opportunity and the final reform are presented in chapter five, together with reflections upon the future of abortion matters in Latin America and on Mexico City as a precursor in the field. Chapter six is a concluding chapter, followed by the list of references found in the very last chapter of this thesis.

3 The case of illegal abortions

Estimates show that about 4 million induced abortions are performed each year in Latin America (DeGrave, 2007:137 & IPS, 22/03/2010). Rates of clandestine abortions in the region are among the highest in the world (Hagopian, 2006:4). Most abortions are made due to socio-economic reasons; the woman might experience economic problems or tensions within the family. It might also be that she sees herself as too young to become a mother or simply not able to take care of yet another child (Kulczycki, 2007:53). There are several examples of the criminalisation of abortion restricting the independency of women, i.e. when householders are being fired due to a pregnancy or when factories keep track of the menstruation cycle of their employees and fire them in case of a pregnancy (Muraro, 1989:92).

Due to the controversy of the issue, illegal abortions are accompanied by a great 'hidden number' of mortality, i.e. with the deaths connected to it being labeled as deaths of hemorrhage, infection or other causes (Kulczycki, 2007:53). But clandestine abortions are indeed one of the major causes of maternal death in Latin America (Van Dijk et al., 2007:399). Still it has been shown that a restrictive law with regards to abortion is only creating a market for clandestine abortions and discriminates women (Kulczycki, 2007:52 & Rodriguez). It does not decrease the amount of abortions taking place and it increases the disparity between men and women and between rich and poor.

The women in rural areas are the ones suffering the most from restrictions like those on abortion, whereas women in the larger cities have access to better health care and greater anonymity. Maternal mortality is also most widely experienced among less educated women, since those do not have the same access to service and information (Kulczycki, 2007:52-3). Issues like abortion are also widely stigmatised in rural areas.

The Catholic Church has traditionally had a strong hold on the Latin American 'moral conscious', which it has set itself to protect. The Church has tended to provide for an understanding of the issue as a question of morals instead of rights (Vásquez, 2007:147). A more liberal view on abortion has occurred in many parts of the world throughout the last decade, with the possible exception of the USA (Sánches et al., 2008:345). Two UN conferences; one in Cairo in 1994 and the other in Beijing in 1995, have led international bodies to recognise maternal mortality as one of the most critical indicators of a country's inequality and poverty (Sánches et al., 2008:347).

Marieke G. Van Dijk et al. state some main reasons for the importance of a decriminalisation in the matter of abortion. First of all, it aims to protect the rights of every woman and the autonomy for her to decide over her own body. It further prevents unwanted pregnancies, through a more open debate on sexual rights and

contraceptives (Van Dijk et al., 2007:399). Catholics for a Free Choice see the criminalisation of abortion as the clearest evidence of oppression against women. Society forces women to go through with a pregnancy for social reasons, although the consequences for doing so are rather personal (Ladi, 1989:97-8). A decriminalisation of abortion is thus also a way to prevent social consequences of unwanted children, which might often cause increased costs for the society as a whole in the long run, in terms of abandoned children etc.

To this comes the prevention of unsafe clandestine abortion, which is one of the main causes of maternal death in Latin America, but which also implies costs for the society in terms of hospital visits as a result of dangerous illegal abortions (Van Dijk et al., 2007:399 & Lamas et al., 2000:64). The situation as it is today causes serious problems of social justice and public health in Latin America. Even in cases with a law protecting rape victims, those are often not enforced and the black market for induced abortions is associated with increased economic and psychological costs (Kulczycki, 2007:52).

To conclude, the reasons for an abortion are several and not only the woman carries the responsibility but also the husband, the Church, employers and the society as a whole. It is hence crucial to change the view on gender and changing the norm in countries opposed to the right to abortion in order to increase women's rights. For liberal democracies, aiming for human rights, a woman should not be forced to have medical reasons for her termination of an unwanted pregnancy.

3.1 The Mexico City case

One seventh out of the four million abortions that occur each year in Latin America, are performed in Mexico (Kulczycki, 2007:50). The whole region has a profound tradition of anti-abortion legislation and machismo. Most countries are deeply Catholic, with a conservative view on sexuality (Rodriguez). There is little open discussion on the issue, due to its illegality and social stigma, and information is extremely poor (Kulczycki, 2007:52). This implies that many women who get pregnant against their will are not aware of their legal rights and thus still opt for induced abortions.

It is clear to see, however, that the Latin American countries are becoming more secularised, implying that even smaller villages to a larger extent are included in social movements (Rodriguez). The issue has been discussed throughout the region over the last decades and many changes have been underway, i.e. resulting in a more liberal view on abortion in Colombia and a more restrictive one in the case of Nicaragua (Sánches et al., 2008:346).

Yet in other places, attempts have been made to change present regulations but have often failed in doing so. An example from Mexico is the case of Chiapas, where attempts were made in 1990 to allow for abortion during the first weeks of pregnancy. This resulted in massive objections from the Church however, and the proposal was turned down. In the state of Guanajuato, on the other hand, the

regulation has been changed into being more restrictive (Lamas, 1997:60). Even though some attempts work in favour of anti-abortion regulations, at least the different cases show that the debate is kept alive.

In Mexico, like elsewhere in Latin America, politics are traditionally managed in a conservative way. Even though it is a secularised country, the Catholic Church has still got great influence on everyday Mexican lives (Rodriguez). Mexico became a democracy with the elections in 2000, when PAN (the National Action Party) came into power. Before that, the country was ruled by PRI (the Institutional Revolutionary Party) for a period of 70 years. About the same time that the national government changed into being ruled by the conservative PAN, the federal district of Mexico City was taken over by the liberal PRD (the Party of Democratic Revolution) (Greene, 2008:23 & 28).

Each Mexican state has its own regulations on abortion but most follow the Penal Code of the federal district from 1931. According to this legislation, abortion requires the approval of two physicians and is only allowed in cases of rape, incest or where there is a risk of the woman's life (Kulczycki, 2007:51-2). Despite some states allowing for abortion in cases where there is a risk of the woman's health or malformation of the foetus etc., it is still illegal in one way or another in every Mexican state, except in the case of rape. (Sánches et al., 2008:348).

The issue of abortion has been debated several times in Mexico but has always been turned down by a consistent resistance against major reforms in the area (Kulczycki, 2007:54). However, Mexico City experienced a first systemic change in 2000, which later resulted in the policy change in 2007. What happened in 2000 was that the legal grounds for having an abortion were extended to also include cases of malformation of the foetus or a risk of the woman's health. It further included a lowering of the penalty for having an abortion from 5 to 3 years and assured rape victims that they would have access to a legal abortion with the maximum waiting time of 24 hours (Kulczycki, 2007:52).

In 2003, the penalties for women who have illegal abortions were lowered and the penalties for those forcing a pregnant woman to have an abortion, including the husband and physicians, were increased (Sánches et al., 2008:349). The 2007 reform in Mexico City did not only include the decriminalisation of abortion up until the 12th week but also implied a fundamental redefinition of the term 'pregnancy'; now seen as beginning at implantation (Van Dijk et al., 2007:395).

Due to this redefinition, emergency contraceptive pills could be legalised even on a national level, since it was no longer seen as terminating a pregnancy but instead as preventing one from occurring. However, even though things might change in theory, a great problem remains when it comes to implementation, since new regulations may often not have any real impact in practice (Kulczycki, 2007:56). To this should be added a lack in the area of spreading information, since this makes women unaware of their actual rights, thus resulting in the regulation being somewhat useless at times (Sánches et al., 2008:348). This is especially true for women in rural areas, who are less informed about their rights.

Mexico City has come a long way in the work towards a more liberal view on the issue of abortion and women's rights. The hope of the pro-abortion movement is that this will lead other Mexican states and Latin American nations to follow in its footsteps.

4 The Policy Process

Policy problems have no one definite source but rather stem from a variety of combinations and reformulations of different ideas (Kingdon, 2003:72-3). The final policy change, then, is a joint effect of several factors coming together over time. No one actor or stream can control the whole process by itself; the combination is crucial for a reform to come upon.

Each stream has a life of its own, and there are no certain actors attached to a particular stream (Kingdon, 2003:118). The policy stream differs from that of politics, however, in that the work of the policy communities develops *independent* of change of administration and outcomes in elections, whereas the political stream is highly dependent on the current administration (Kingdon, 2003:177 & 145).

4.1 ACTORS

Kingdon distinguishes between the different actors of the process through the dividing of the participants into groups of 'inside government' vs. 'outside government'. This dividing is partly artificial but helps creating a better understanding for the role played by different actors (Kingdon, 2003:21).

Although no single actor can fully control the political process, those within government naturally have more influence on it since they earn their position through elections and work within the governmental sphere (Kingdon, 2003:21). The administration is hence the most influential actor with greatest impact on agenda-setting, but various factors and participants need to combine for a change to come upon.

A top-down model can hence be applied for influence over the agenda, whereas civil servants play a bigger role than administration regarding the aspects of alternatives and implementation (Kingdon, 2003:31). The civil servants might thus be depending on political actors in order to get through with a proposal, but their expertise is crucial for the development of proposals for issues already brought into light.

Researchers, academics, consultants, media, political parties and interest groups are examples of important actors working outside government (Kingdon, 2003:44). These cannot affect legislation in a direct manner but can have influence on what is discussed, i.e. through pushing for a certain issue or providing for expertise and scientific knowledge.

With the introduction of civil society on the Mexican political arena, other actors and interests than those of the administration could be heard, providing for

political pluralism. The more contentious an issue, and thus less touched upon by state officials, the bigger is the role of outside government actors such as interest groups in shedding light on it, which is evident not least in the Mexico City case (Kingdon, 2003:47). Feminists have been by far the group most in favour of a legalisation of abortion. Different actors are important for different streams, which might explain the successes made by feminists, through the cooperation with actors from different parts of society and on different political levels.

Bureaucrats are fundamental for the creating of relationships with people inside and outside of government, lobbying for a certain issue of personal interest (Kingdon, 2003:30). The bureaucrats' biggest assets are the long time they stay in one and the same position, their expertise and their relationships with people on different political levels (Kingdon, 2003:33). The cooperation between feminist groups, such as GIRE, and bureaucrats as well as academics and researchers seems to have worked particularly well in this case.

GIRE (Information Group on Reproductive Choice) is a non-profit NGO established in 1992 and is one of the leading organisations working with reproductive rights in Mexico and Latin America. The aim of the group is to put the issue of abortion on the political agenda (Sánches et al., 2008:346). The group produces its own surveys, which is important as a reference opposing those of the anti-abortion movement, and has also managed to create positive relations with lawyers and journalists for the backing up by experts on the issue (Kulczycki, 2007:60).

Public opinion, as an outside government actor, influences the agenda more than the alternatives (Kingdon, 2003:66). Politicians turn to public opinion in search for voters but public mood has often been hard to interpret due to the strongly polarised sides in the debate. The role of the public, however, is often rather that of hindering the political process instead of promoting it, in that strong public opposition might prevent state officials to go through with a proposal (Kingdon, 2003:65). The public opinion in Mexico has traditionally been greatly influenced by the Catholic Church. Thus, even though secularisation is increasing, issues like that of abortion have often been hindered in the process towards liberalisation (Kulczycki, 2007:58).

The pope paid his first visit to the country in 1979 and made strong objections to the abortion debate. This led to the formation of 'Pro-Vida', an anti-abortion group cooperating with similar movements in the USA and whose official aim was to act as a guardian of the 'national morality' (Kulczycki, 2007:54). This later resulted in the so called U.S. gag rule', implying that NGO's in countries that receive U.S. aid for family planning are not allowed to work for the liberalisation of abortion regulations. This severely restricts the autonomy of developing countries due to their political and economic dependency (Crane et al., 2004:128 & Vásquez, 2007:148). This policy has been ended and implemented over the years however, depending on the current U.S. administration, and was most recently ended by President Obama (Montopoli, 23/01/2009).

It is evident that a wide range of actors play their part in the process towards a policy change. Different actors are important for the different streams in the

framework, still no single actor can have full influence on the process but the result is instead a combination of several factors combining.

4.2 PROBLEMS

The first stream within the policy process is that of problems. What turns a certain condition into a problem is that someone views it as such. An issue has to be recognised as a problem, with the sense that something has to be done about it, for it to have a chance on the decision agenda (Kingdon, 2003:198). A condition thus does not become a problem until someone recognises it as a matter of governmental concern.

The two UN conferences mentioned in chapter three, one in 1994 and the second in 1995, established that health, reproduction and sexual self-determination are in fact human rights (Sánches et al., 2008:347). The lack of access to free abortion was thus viewed as a problem of human rights on the international level, which naturally should make a liberal democracy as Mexico recognise it as a problem to be dealt with by the national government.

Policymakers prefer to keep contentious issues off the agenda as long as possible and Mexican leaders have tended to avoid questions regarding abortion in elections (Kulczycki, 2007:55). This reluctance towards dealing with the issue stems from a fierce resistance from the Catholic Church and the great impact of the same on the national mood throughout Mexican history (Rodriguez).

The issue of abortion had been debated in Mexico since the 1970's, but the final reform in 2007 was greatly helped by certain cases that brought wide attention to the debate, both nationally and internationally. One of these examples is the so called 'Paulina case', which appeared in the media in 1999. Paulina was a 13-year-old girl who had been raped and as a result became pregnant. She requested an abortion but was pushed by anti-abortion activists into dropping her request. Feminists and human rights activists started a furious debate that stretched well outside the Mexican boarders (Taracena, 2002:103 & Center for Reproductive Rights 06/01/2005).

Because of the above mentioned reluctance to deal with certain issues, those might often need a push in terms of a crisis or a major event to get the attention from state officials (Kingdon, 2003:94). The attention brought to the Paulina case and the debate that stemmed from it were of great help for the feminist movement and was certainly one of the reasons that abortion was discussed among the presidential candidates at the run-up for the 2000 elections (Kulczycki, 2007:56). However, crises like these mostly do not manage to get an issue on the agenda by themselves. They are rather the final push for a matter that has been in the back of people's mind for a long time (Kingdon, 2003:98). Former attempts and earlier cases that had been brought to media's attention were thus of crucial importance here. The 'crisis' that was the result of the Paulina case might not have been any bigger than earlier ones but the different examples over the year most likely pushed the debate over the edge.

Values, comparisons and categories might be fundamental for how problems are defined. The aspect of values has to do with how the problem is stated in the public debate; what norms are defended etc. Redefining a problem or classifying them into new categories can change the definition of the problem and the way it is viewed completely (Kingdon, 2003:110-1). This is what happened when the feminist movement stated abortion as a matter of social security and public health instead of simply a matter of feminist interest. Comparisons, on the other hand, might be made across national boarders, i.e. because someone thinks other states have a better and more modern view on abortion (Kingdon, 2003:111). The antiabortion movement used comparisons with the U.S. due to its economic dependency, whereas the pro-abortion movement pointed to more modernised and secularised Western countries.

International pressure and attention paid to the problem world-wide is an obvious part of explaining the historical change, as is also the social and political timing (Sánches et al., 2008:358). The issue could be posited as a problem of governmental concern due to the Paulina case and the international attention brought to it. To this comes the liberal party (PRD) in Mexico City, which used the issue of abortion to portray itself as a forth-moving party in opposition to the conservative PAN. Feminists helped reformulating the debate and change it from only concerning women to instead make it a concern of public health and social security.

4.3 POLICIES

Policies make out the second stream in the Kingdon framework. The policy community is constituted by specialists who are constantly working on ideas and alternatives for certain problems to end up on the decision agenda. Their job is to work on the proposals so that those are ready in case a window of opportunity should in fact arise (Kingdon 2003:144). As earlier mentioned, the work within the policy stream develops independent of change of administration.

Policy communities contain specialists within a given policy area and exist both within and outside of government. The people within a policy area know each other and the work of the others well (Kingdon, 2003:117). They have in common a concern for the same area but each actor might have different gains attached to working for a proposal, i.e. to win elections or promote their own personal values (Kingdon, 2003:123). Being successful in the area is thus strictly connected to strong networking.

Feminists have been the actors that have favoured a legalisation of abortion the most. They have been networking through a coalition between various feminist groups and even developed their own journal called Fem (Kulczycki, 2007:59). But tensions have easily occurred even within the feminist movement, i.e. with regards to how hard to push for a result and what the goals should be regarding the amount of weeks abortion should be allowed (Kulczycki, 2007:59).

Kingdon claims that system fragmentation might cause the actors involved to perform double work and hence be contra-productive. If they instead manage to be more closely knit, they can present common outlooks and more thought-through proposals (Kingdon, 2003:119). Internal division, strategic errors and organisational problems have been common issues in the abortion debate, which is one explanation to why earlier attempts to liberalise regulations have not succeeded (Kulczycki, 2007:59). Positive for the movement, however, was the decentralised nature of the process; a state-to-state manner was probably preferable instead of aiming for changes on the national level (Van Dijk et al., 2007:398). Because the abortion debate is polemic in itself, even among those who are in favour of it, a balance between different opinions might otherwise be hard to reach.

Fundamental for the policy stream is the understanding of how different problems and solution change over time and combine in different way. Most proposals are not new but rather a recombination of old ideas and solutions. It is thus not the origin of a proposal that matters but the fact that it actually arose to start with (Kingdon, 2003:124). Policy entrepreneurs push for certain issues in the reformulation of already existing problems and proposals and do so through press releases, speeches and other devices (Kingdon, 2003:115). GIRE has done well in networking with lawyers, media and politicians, hence adding strong pressure for their certain area of interest.

This involves another fundamental aspect in the process, namely the 'softening up' of the public debate so as to prepare the public, but also certain expert groups, for a new proposal. "Then when a short-run opportunity to push their proposals comes, the way has been paved, the important people softened up" (Kingdon, 2003:128). Timing is of great importance here; the basis has to be laid out for a proposal to be embraced by the public. If a proposal is presented when it is not well prepared or when the timing is not right, bureaucrats might be unheard and have to go through the whole process all over again in wait for the next window of opportunity to arise.

As mentioned above, feminists were greatly helped by the attentions brought to the Paulina case. Other subjects for wild discussions were the reforms in Guanajuato and Chiapas. Shortly after the 2000 elections, the state of Guanajuato approved legislation on banning of abortion due to cases of rape, without prior public debate, which resulted in the mayor of Mexico City to present the so called Robles' Law, implying the first step towards liberalisation in the capital (Kulczycki, 2007:56). The reform in Chiapas was supposed to liberalise the regulations on abortion but the strong opposition from the Church made the State withdraw its proposals. It did however create the first real official debate (Lamas, 1997:60). Thus, although former attempts did not succeed, they were of great importance for the 'softening up' of public debate and the creation of a favourable climate.

The preparation and the feasibility of a proposal are crucial for a proposal to be taken seriously once it is presented to the public. Feasibility is strongly connected to implementation. The technical conditions must be well met for an idea to be heard (Kingdon, 2003:131-2). The delimitation of certain keywords was

crucial for the feminist movement to shed new light to their proposals. An example here is the reformulation of the feminist agenda from striving for complete liberalisation to instead focusing on preventing unwanted pregnancies. In this way, they could approach the standpoint of the Church, which made the debate less sensitive.

The word abortion has also been reformulated, now only implying the (il)legal termination of pregnancy after the 12th week of gestation. Before the 12th week, it does not go under the label of 'abortion' but instead 'the legal termination of pregnancy'. The term 'pregnancy' was also changed, which had implications on the discussion on when a pregnancy really begins. This has resulted in contraceptive pills now being allowed on a national basis, since they are no longer seen as terminating a pregnancy but instead as preventing it (Sánches et al., 2008:349). A change like this has profound impact on a more accepting view on abortion, making it less stigmatised and bringing it into the light of public debate.

Preparation and formulation of alternatives to the stated problem helped moving the subject from the governmental agenda to the decision agenda. What the pro-abortion movement managed to do was to cooperate with key actors in reformulating the issue, and through that act with a united voice. They were further helped by cases, such as the Paulina one, which was one of many helping to soften up the national mood.

4.4 POLITICS

The third stream of the Kingdon theory is politics. This stream differs from that of policies in that it is highly affected by election results and change of administration. Swings in the national mood and public opinion are also important indicators for the actors in the political stream (Kingdon, 2003:162). There is an intrinsic dilemma for policy makers in weighing the support from human rights' activists, with great international connections, the Church and normal voters (Vásquez, 2007:151).

The public debate has changed from time to time, often presenting polemic arguments, which suggests a 'clash' of views (Kulczycki, 2007:57). The abortion debate is thus a slow moving process where arguments for and against the various standpoints are easily shifted. Two different standpoints in favour of abortion might also differ widely.

To this comes the issue of poor information and unreliable statistics, making it difficult to interpret what the public opinion really is at the time (Kulczycki, 2007:56). There is thus no secure balance between the two sides, for and against abortion, which makes it hard for actors within government to choose sides and know what to aim for in order to gain support. Political actors have rather then, chosen to stick with the view of the Church to at least be able to count on its support.

A turnover has strong effects on the agenda within the government, i.e. through a change in administration (Kingdon, 2003:163). This was the case both

on national and local level in Mexico at the time leading up to the Mexico City policy change. In 2000, the national ruling party changed from the PRI (the Institutional Revolutionary Party that had been in charge over the last 70 years) to the more conservative PAN (Greene, 2008:22). In Mexico City, which is ruled as a federal district, the more socialist PRD came into power in 1997 (Lamas et al., 2000:10).

Sánches et al. suggest that the controversial nature of the debate might actually have triggered the reform in that the PRD wanted to posit itself as a more liberate party, thus choosing the issue of abortion to draw attention to its means (Sánches et al., 2008:356). Since the anti-abortion movement kept a firm grip on the opposing PAN, the pro-abortion discussion could be turned into a modern and secularised profile of the PRD.

GIRE has worked hard on changing the national mood in order to make actors inside government acknowledge the problem of abortion. As earlier mentioned, they reformulated the issue as one of public concern through stating it as a matter of social justice and public health. In this way, the issue is viewed as a concern of the whole society instead of simply a matter of feminist interest. Highlighting the issue of public spending for hospitalised women who have gone through with illegal abortions is another way of drawing public attention to the matter and making it a concern of collective interest instead of the individual woman.

GIRE has also been successful in targeting decision-makers, opinion-leaders and the media (Sánches et al., 2008:346). It has gone from wanting to strive for an actual liberation of abortion, to instead aim at changing the public view on the matter (Kulczycki, 2007:57). In this way, it has managed to make the debate less provocative and get closer to the standpoint of the Church. This might suggest that a change in discourse was a first significant step in the process towards a decriminalisation, making actors both within and outside government dare to deal with the issue.

It has been shown here that state officials aim to 'go with the flow' and follow the national mood when taking sides in political matters. The abortion debate, however, has been changing over time, making it hard to find a balance between the two sides. Governmental officials have thus traditionally chosen to lean towards the standpoint of the Church, due to the importance of its support.

For Rosió LaVerde it is obvious that the position of the Church is always present in the matter of abortion (Laverde, 1989:104). But even the standpoint of the Catholic Church has been changing over time, depending on how strong its power is at the moment (Muraro, 1989:90). Its influence got stronger due to the decreased support for the PRI in the 1980's but then again it experienced a crisis at the time of the policy change in Mexico City, due to cases of paedophilia among its own leaders (Sánches et al., 2008:354). This crisis occurred at a highly lucrative moment for the feminist movement.

5 Policy Change

A recognised problem or a political event open up for what Kingdon refers to as a 'window of opportunity', which is when all three streams combine and a policy change is made possible. Policy entrepreneurs play a fundamental role in the process through attaching solutions to problems, reformulating proposals and taking advantage of events in the political stream (Kingdon, 2003:166). GIRE and other feminist groups played an important part in that they managed to build support for the issue and to change discourse on abortion. Those groups may not have had control over the process but were ready to act as soon as a window opportunity arose (Sánches et al., 2008:357).

Many attempts to change the regulations on abortion have been made in Mexico since the 1970's. But it was not until 2000 that a first sign of a possible decriminalisation occurred in Mexico City, opening up for a widening of the law to include cases of risk to the woman's health or malformation of the foetus as legal reasons for abortion. It was this systemic change in 2000 that started the process towards decriminalisation of abortion in 2007. Abortion was hereby allowed up until the 12th week of pregnancy (Sánches et al., 2008:348-9).

Several factors play part in the opening up of a policy window but a change in administration is probably the most evident one (Kingdon, 2003:168). The 2000 elections had great impact on Mexican politics, since they constituted the end of an authoritarian era, where one single party had ruled the country for the last 70 years. Sánches et al. say the controversial nature of the matter of abortion might actually have helped it becoming a political priority for the left wing (Sánches et al., 2008:358). Gabriela Rodriguez agrees, pointing to the polarisation that was seen in Mexico, without which the change had never been possible (Rodriguez). The conservative party, PAN, that won the 2000 elections, had a strong standpoint towards limitations in matters of abortion. The more liberal PRD, who is the ruling party of the federal district of Mexico City, then turned the decriminalisation of abortion into one of its main priorities, thus stating its definite opposition towards PAN (Lamas, 2000:19).

The earlier mentioned case of Guanajuato, in 2000, created an immense debate and the mayor of Mexico City said this meant working against the advances that had been made thus far to favour women's rights. She therefore proposed a more allowing agenda in Mexico City, resulting in a regulation called 'Robles' Law', which was ratified in 2002 (Kulczycki, 2007:56).

Once a policy window opens, it only stays open for a short period of time, which is why it is so important for policy entrepreneurs to be well prepared once opportunity is given. The window opens due to a combination of the three streams. Advocates of certain proposals lie in wait for the perfect moment; a problem to attach their solutions to or a development in the political area that can

be used to their advantage (Kingdon, 2003:169 & 165). The window that was opened in Mexico City did so due to a combination of the national elections, together with the case of more restrictive regulations in Guanajuato and the widely acknowledged 'Paulina-case'. The former was a crucial event in the political stream, while the two cases implied that the problem was, yet again, recognised. This assumes a combination of the two streams creating the window of opportunity in this particular case.

5.1 Mexico City as a Precursor

As has been showed in this thesis, outcomes depend on various factors and the way these are combined (Kingdon, 2003:166). The combination of the three streams is of great importance; no single stream or actor can place the issue on the decision agenda by itself (Kingdon, 2003:178). This implies that earlier attempts might not have had this complete combination of the three streams but rather lacked some crucial aspect of the process.

Sánches et al. say the Mexico City reform process is an exemplary demonstration of how to generate political priority (Sánches et al., 2008:357). GIRE states the social and political context as the most important aspects for the decriminalisation. Thus, the advice from GIRE is for other groups attempting to decriminalise abortion to 'wait out the time' and act when there is a window of opportunity occurring, as is also suggested in the Kingdon framework (Sánches et al., 2008:358).

Catholics for a Free Choice, which is a pro-abortion fraction within the Catholic Church, claim that the key to a change in abortion matters is relying on women's movements and how the Church chooses to act (Muraro, 1989:93). They further stress the importance of a change in the public discourse (Ladi, 1989:99). As was mentioned at an early stage in this thesis, various actors play part in and are responsible for the way abortion and women's rights in general are viewed in Latin America. There is a profound culture of machismo and a wide acceptance of the Church as the provider of public 'moral conscious' that affect the discourse on abortion.

Van Dijk et al. state a number of factors to be taken into consideration in the process towards a policy change. As has been discussed in this thesis, the feminist movement did an important job in redefining the term 'abortion' and the way the issue was viewed in the public discourse. They further managed to cooperate with key actors both nationally and internationally, i.e. with scientists, academics, lawyers, politicians and the media (Van Dijk et al., 2007:398). It is also of importance that the different actors within the policy stream managed to work towards a common goal, so as to prevent fragmentation and double work.

Sánches et al. state some fundamental factors to consider when building conditions for the advocacy of contentious issues, including a strong leadership, careful discourse and arguments, high-quality information and clear evidence-based research, and also to build strong relationships with important actors and

cooperating with other NGO's so as to avoid duplicating work efforts (Sánches et al., 2008:358). This further stresses the importance of what Kingdon mentions as preparation and reformulation of proposals, in combination with the right timing of the presentation of a proposal.

Gillian Kane agrees that the case of Mexico City demonstrates that the feminists' reframing of the issue, in combination with international law to support their arguments, was an effective tool in the debate so as to reclaim the debate from the Catholic Church (Kane, 2008:369). That GIRE and other organisations performed their own opinion polls helped balancing the public opinion and hence facilitated knowing when the window of opportunity was finally opened. This shows to their understanding of the policy process and the importance of timing.

To this, the advocates for a decriminalisation of abortion were greatly helped by the Paulina case, which implied wide international attention and pressure. A key to the successes was most probably also to be found in the 'softening up' of the national mood through the many attempts that had been made earlier on in other locations, together with the more liberal politics that is the case in the Mexican capital. The Church may also be mentioned as a further explanatory factor. It has traditionally had a strong grip on the national mood, but was now weakened by a crisis within its own organisation. The result might thus be seen as a somewhat lucky window of opportunity due to several factors working together, which is why a change was suddenly made possible here as opposed to former attempts.

The democratisation opened up for discussions with different parts of society, shedding light on issues that had traditionally been kept away from the political agenda. Rodriguez states the changes in abortion matters as a significant evidence of the Mexican society as a democratic, secularised and modern one (Rodriguez). The aim was for the Mexico City case to work as a predecessor for other parts of Mexico and the Latin American region. However, experience thus far rather points in the opposite direction (CNN 20/04/2010).

What speaks in favour is that the capital is becoming a magnet for women from all over the country wishing to have an abortion, but on the downside is the lack of support on a national level as opposed to the liberal party in the capital (BBC News, 25/04/2007). Furious reactions on the Mexico City reform by the anti-abortion movement have rather increased the number of measures taken towards further restrictions in the area (IPS, 17/08/2009).

6 Conclusion

Mexico City constitutes a great example and a deviant case to the abortion debate in Latin America. It has thus been the base for analysis of this thesis, with the purpose of finding key aspects for a policy change on the issue. The abortion policy reform in Mexico City has here been explained through the John W. Kingdon theory on policy processes. The aim of the theoretical framework is to explain how some issues end up on the political agenda while others are neglected. The theory includes various factors and actors that work side by side simultaneously and which, when combined, create a window of opportunity for a change to take place. The different actors work both inside and outside of government and include state officials, interest groups, academics, lawyers, media etc.

Three different streams work side by side and need to combine for a change to come upon. The first one is that of problems. Conditions turn into problems when someone defines them as such, i.e. as in need of governmental attention. Abortion was viewed as a problem by the feminist movement already in the 1970's and has since grown in importance due to certain 'crisis' on the matter, such as cases of young girls who have become pregnant and received great media attention or pressure from international institutions.

The second stream is that of policies, which implies that feminists and other actors of various backgrounds work together on a proposal, ready to strike once opportunity is given. Technical formulation and the avoidance of fragmentation within a group of actors are fundamental aspects here. The third stream, the political one, is mainly affected by swings in the national mood and change of administration. The pro-abortion movement managed to influence the public opinion in favour of a decriminalisation of abortion. This was further helped by the low status of the Church at the time. The change in administration on national level, from PRI to PAN, was a backlash for the abortion matter. The controversy of the matter, however, helped to highlight it in the federal district, where the ruling liberal party, PRD, pushed for a policy change so as to provide for an opposing standpoint vis-à-vis PAN.

All three streams thus worked together to create a window of opportunity in the Mexico City case. A first sign that the window was opening came in 2000, partly due to the national elections and the 'Paulina case'. Fundamental for the change to be possible at last were the earlier attempts that had been made in other places in the country, in combination with the more liberal party of the federal district. To this comes international pressure, partly because of the Paulina case but also because of international trends towards a more liberal view on abortion. The Church had, at the time, lost some of its influence due to cases of paedophilia,

but has otherwise traditionally kept a firm grip of the 'moral conscious' of the whole population.

Among the wide range of factors that have been pin-pointed in this study, some seem more fundamental for the change than others. It is important to remember that the Mexican capital is ruled as a federal district and by a liberal party. The political context was favourable at the time, which points to the significance of a feeling for the right timing among the actors in the process. The change in discourse and the ongoing debate had softened up the public mood so that the political climate was susceptible of the new proposals once the window of opportunity arose. Despite the probabilistic nature of the findings of this thesis, due to the wide range of factors seen as important for the final reform to come upon, they do agree with the findings made by Kulczycki and Sánches et al. discussed at the very beginning of this thesis.

It is hard to tell if future attempts will be as successful as that of Mexico City. The reform puts the city at the forefront not only in the rest of the country but in the whole of Latin America. The intention of the feminist movement was for other parts of the region to follow in the footsteps of Mexico City but this has thus far not been the case. Rather have further attempts towards more restrictive regulations been noticed in other parts of the country.

The process might be slow and may certainly have its backlashes but the trend internationally is, after all, leaning towards a more liberalising view and a more open debate on the issue of abortion. This is crucial for the autonomy of women and their right to decide over their own body. Experience gives at hand that abortions do not increase due to decriminalisation. It is a fact, however, that illegal abortions is one of the greatest causes of maternal death in cases where access to legal abortion is denied. The deeply rooted culture of machismo in Latin American countries has made the debate on abortion extremely sensitive and controversial. By stating it as a matter of public health and social security instead of a women's right, groups like GIRE have been able to create a broad platform for the supporting of a decriminalisation.

It is of great importance that the issue of illegal abortions be taken into consideration. If Latin America is going to be able to modernise into the future, the different countries will have to acknowledge legal abortions as a matter of women's rights. It is critical for the whole society to let women decide over their own body and to realise that a prohibition on state level has its most severe implications on the personal level, for the individual woman.

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