Safe (Illegal) Abortion in the North-East Caribbean

Avortement sécurisé hors la loi dans le nord-est des Caraïbes

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Overview of Presentation

- Historical and political context of abortion in Puerto Rico
- Overview of abortion in the Caribbean
- Caribbean Initiative on Abortion and contraception, 2001-2015
- Research findings: Abortion practice within, around & outside the law
- Action: Mobilization of networks for clinical, social and legal change

“Are the systems used to bypass the law as effective as fighting political, legal, and legislative battles?”

« Les systèmes de contournement sont-ils aussi efficaces que les combats politico-juridico législatif pour garantir une évolution durable de l’accès à l’avortement ? »
Abortion in Puerto Rico

Historical and Political Context

A case of colonial legality

1930s to 60s: Puerto Rico as site of experimentation on women for sterilization and contraception; toleration of “safe (illegal) abortion for women from US

1973: US Supreme Court case Roe v. Wade legalizes abortion in Puerto Rico

1980: Puerto Rico Supreme Court upholds rights to abortion without trimester restrictions or parental consent for minors = A very liberal law.

Safe (illegal) abortions for US women

The San Juan Weekend (Daily News, 1963)
Abortion in Puerto Rico

Widespread misinformation about legal status of abortion

* 26% of 541 women interviewed while awaiting services at abortion clinics thought the procedure was illegal in Puerto Rico
* Half of a sample of 80 family planning staff from the Title X Program thought abortion was illegal in Puerto Rico

Barriers to abortion services

* Abortion facilities declining and limited to metropolitan area
* Clinics impose parental consent on minors unrequired by law
* Abortion is not covered by medical insurance, even for health reasons
Abortion in Puerto Rico

- International fame as an “abortion haven” fostered defensive anti-abortion positions among medical practitioners.

- Government has tried to impose unconstitutional regulations on abortion services. Examples: Only ob/gyns can perform abortions; trimesters limits

- Stigmatization of abortion in clinical training programs

- Boycott of services in public hospitals

Nonetheless:

Puerto Rico, 2nd country in Caribbean with legal abortion (Cuba the 1st)

A resource for women throughout the Caribbean
Overview of abortion in the Caribbean

Distortions and Lacunas
Looking for the Caribbean in Global Reports

- Under the umbrella of Latin America

- Under Latin America and the Caribbean

- As appendix of the Netherlands, France, Great Britain or US in listing of Overseas Territories or Departments

- As selected country networks, often geographically disparate: Netherlands Antilles, Commonwealth Caribbean, French Overseas Departments

- In individual country listings if the population exceeds 300,000
Inadequacy of Categories for the Caribbean

- Massive continental categories
- Peripheral colonial appendixes
- Exclusion of small or non-independent countries
Inter-Island Case Study on Abortion in the Non-Independent and Independent Caribbean

Research Objectives

- Study relation between abortion laws and practices
- Analyze contemporary influence of Europe/North America on abortion law and practice in the Caribbean
- Design a methodology to examine interplay between criminalized and legalized contexts
- Explore cross-border travel for abortion services
Restrictive Abortion Laws in the Caribbean

- **Haiti** - French Penal Code of 1810/1835
- **Dominican Republic** - French Napoleonic Code of 1832
- **Antigua & Barbuda, Dominica, Jamaica, St. Kitts & Nevis, Trinidad & Tobago, other former English colonies except Barbados & Guyana** – English Offenses against the Person Act of 1861
- **Aruba, Curaçao, Sint Maarten, Surinam** - Dutch Common Law of 1881 (based on Napoleonic code) [liberalization of law in process in Sint Maarten...]
- **St. Lucia** - Termination of Pregnancy and Childbirth Offense, 2004

Caribbean Population with restrictive abortion laws: app. **22 million**
Liberal Abortion Laws in the Caribbean

- **Cuba** – 1936 Social Defense Code / 1965, on request (prohibition 1959-65)
- **Puerto Rico** – 1973 US Supreme Court Decision Roe v Wade
- **Saint Croix** – 1973 Roe v Wade
- **Saint Thomas** – 1973 Roe v Wade
- **Giana** – 1975 French law Simone Veil
- **Guadaloupe+5 Communes, inc. St. Martin** – 1975 French law Simone Veil
- **Martinique** – 1975 French law Simone Veil
- **Barbados** – 1983 Medical Termination of Pregnancy Act
- **Guyana** – 1995 Medical Termination of Pregnancy Bill
- **Anguilla** – 2000 codification of the Offenses Against the Person Act
- **Bonaire, Saint Eustatius, Saba** – 2010 application of Dutch law

Caribbean Population with liberal abortion laws: app. **16 million**
Hypotheses

- The liberalization of abortion laws in France, Great Britain, the Netherlands, and the United States favors institutionalization of abortion services in (former) colonies of the Caribbean, even when criminal laws remain.

- When abortion is provided in the medical establishment despite criminal prohibitions, access to services and quality care are compromised by high costs, social taboos and isolation of women and abortion providers.

- Migration patterns among women and health professionals facilitate networking for abortion information and services.
Method

- Select research sites in close proximity with frequent cross border passage.

- Locate and interview health professionals who provide abortions, whether or not legally authorized to do so.

- Network with those best qualified to receive and apply ongoing training in optimal abortion care.

- Do all of the above in consultation with local women’s groups.
Research Sites

Start at “Women’s Desk” on small non-independent island and map the route women follow to find abortion services

**Sint Maarten:** Population 35,000; total Netherlands Antilles 213,900; Year 2010 – Disbanding of the Netherlands Antilles, Sint Maarten becomes autonomous country within the Kingdom of the Netherlands

**Saint Martin:** Population 30,000; commune of the French Department of Guadaloupe, total French Antillian population 1,555,000

**Anguilla:** Population 12,446; British Territory

**St. Kitts-Nevis:** Population 41,000; Independence 1983, 2-island State

**Antigua-Barbuda:** Population 77,500; Independence 1981, 2-island State
In-Depth Interviews

26 Physicians
- Half trained in Europe/US; half at University of West Indies
- 12 ob/gyn, 11 family doctors, 3 gov’t health administrators
- 16 provide abortions: 2 in legalized, 14 in criminalized contexts
  - 7 only in hospital, 2 in hospital & private office, 7 only in private office

5 Family Planning staff (3 nurse midwives, 2 social workers)
7 Government officials
5 Pharmacists
7 Women’s Groups (collective interviews)
Summary of Findings (1)
Law - Practice

- Three of the five islands have highly restrictive abortion laws
  Nonetheless:
  - Institutionalized elective abortion is tolerated by government & civil société
  - Provision of elective abortion in hospitals and private doctor’s offices, sometimes with unofficial inspection by health department authorities

- One island recently liberalized the law but **women usually go off-island** with inexpensive transport to nearby island for either legal or illegal physician services, thus avoiding stigma at home

- **Illegal services** by physicians and self-provoked abortion with cytotec occur also in countries with liberal laws
Summary of Findings (2)

Liberalization of laws in Europe & North America favors provision of abortion in medical establishment even when criminal laws remain

- **Training in countries with liberal abortion laws**
  
  Britain, France, Netherlands, US, Canada – AND Barbados

- **Direct extension of metropolitan laws** - France, US, Netherlands

- **Possibility of invoking European law** - British Commonwealth


  If prosecuted, British Commonwealth physicians can appeal to the House of Lords on the ground that, if the woman's pregnancy continued, she would become “a mental wreck”.

- **Participation in European/North American professional organizations and consultation of international ob-gyn journals**
Summary of Findings (3)

Migration patterns of women & health care providers facilitate access to surgical & pharmacological abortion

- Women travel to access (particular) abortion services
- (Migrant) women network abortion information
- Professionals migrate/travel for (continuing) education
"There is no privacy anywhere on the island, ... If the church finds out she had an abortion, she’ll be expelled ... So once I tell a woman she’s pregnant, I don’t see her again, she will go to St. Martin, French or Dutch side."

Anguilla → Sint Maarten

“No one talks about abortion. It’s illegal in Sint Maarten. Women just go over to the French side of the island...”

Sint Maarten → Saint Martin

“Women from the French side go to the Dutch side to avoid a hospital stay.”

Saint Martin → Sint Maarten

Over 14 weeks, we just say we cannot do it here, but in English law they can do it later than in French law, so maybe in St. Kitts, we’re not sure, maybe they can go over...

Saint Martin → St. Kitts
Statia → Bonaire → Sint Maarten → St Martin (Dutch-French agreement)
Summary of Findings (4)

Restrictive laws hinder access to services and compromise quality care

- Uninformed Cytotec use without trained back-up
- Unnecessary D&Cs
- Method and protocol choices on legal rather than clinical grounds
- Practitioner isolation, arbitrary rules
- Misrepresentation on medical charts ("Just write down stomach pain")
- Routine emergency care
Recommendations

- Identify safest, most accessible facilities & practitioners, also under restrictive laws
- Trace inter-island service networks & provisions
- Facilitate communication between health professionals, women’s advocates and policy-makers to enhance access to quality abortion services in and across borders, regardless of law
Rather than work to “prevent unsafe abortion” - usually defined as “illegal abortion” – thus reinforcing stigma and sanction of women and providers doing the best they can under hostile circumstances - the Caribbean Initiative aims to promote safe practices - defined clinically – regardless of the law.
Research ↔ Action

Caribbean Initiative on Abortion and Contraception

Women

Service Providers

Policy Makers
Abortion & Post-Abortion Care
Misoprostol (Cytotec)
Manual Vacuum Aspiration
2nd Trimester Abortion
Emergency Contraception
Contraception
Public Policy
Change Strategies
Post-conference regional Caribbean meeting
Participants (35 persons):

Physicians, medical and social science researchers, family planning experts, reproductive technology specialists, government policy-makers, women’s advocates from 12 countries:

**Caribbean:** Anguilla, Antigua, Puerto Rico, Sint Maarten, St Martin, St. Kitts

**Europe:** France, Great Britain, Netherlands, Spain

**Other countries:** South Africa, United States
CARIWONET

Caribbean Women’s Network for Sexual and Reproductive Health and Rights

Mission

Promote sexual and reproductive health and rights through advocacy, education, research and the decriminalization of abortion

Anguilla, Antigua-Barbuda, Curaçao, Sint Eustatius, St Kitts-Nevis, Puerto Rico, Sint Maarten, St Lucia, Saba, Trinidad-Tobago
CARIWONET

Caribbean Women’s Network for Sexual and Reproductive Health and Rights

Principles:

- Reduce gender inequities & legitimize women’s SR self-determination
- Joint regional strategies for mobilizing resources & affirming sexual & reproductive health & rights.
- Ensure participation of small islands and non-independent countries.
- Legitimize the needs of stigmatized, vulnerable and isolated women including youth, migrants, disabled, rural, indigenous, lesbians, sex workers and others.
Caribbean Initiative Women’s Working Group
Founding of CARIWONET
Participants

14 Caribbean countries
12 ob-gyn specialists
12 general practitioners
3 nurse midwives
9 government officials
3 directors of Gender Affairs
6 staff of Planned Parenthood-Family Planning
6 representatives of international organizations
7 university professors
Opening speech (above): 
Minister Jacqui Quinn-Leandro – Labor, Public Administration & Empowerment

(right): 
Sheila Roseau - Executive Director 
Gender Affairs
St. Lucia delegates: Family Planning, Gender Affairs, Ob-Gyn, Aspire/Cafra

Declaration: Decriminalize Abortion

William Chase  Lera Pascal  Paulcus Lendor  Flavia Cherry
Declaration for Decriminalization of Abortion in the Caribbean, 2005

Adopted by representatives of women’s advocates, government officials, and health professionals of 14 Caribbean countries.
Safe Abortion in the Caribbean: From Law to Practice
May 6 - 8, 2005
Antigua and Barbuda

Anguilla, Antigua and Barbuda, Barbados, Curaçao, Dominica, Guadeloupe, Guyana, Jamaica, St. Eustatius, St. Maarten, Puerto Rico, St. Kitts and Nevis, St. Lucia, Trinidad and Tobago
Ongoing Projects and Partnerships

Inter-island/country
Caribbean Region - 14 islands

Inter-university
Faculties of Social Science and Medicine

Inter-sectorial
Womens advocates, Health providers, Government officials, Researchers and Educators

Clinical Training, Curriculum Transformation, Mobilization of nurses and midwives, Networking to Latin America
Clinical on-site trainings in MVA: numerous visits and trainings for doctors from different islands by Dr. Marijke Alblas, Sint Maarten, St. Martin, Antigua

Special educational sessions in Puerto Rico and Sint Maarten on emergency contraception conducted by Dr. Elizabeth Aubény (with discussions on abortion)

Elaborate clinical rotation program developed in collaboration with Planned Parenthood New York City and Mt. Sinai Medical Center - An initial New York encounter in New York in 2006 (one year after the Antigua meeting) → rotation of chief of Ob-Gyn Antigua, rotation of primary abortion provider from St. Kitts and another ob-gyn from Dominican Republic as well as rotations for 10 medical students from University of Puerto Rico
First Collaborative Planning Meeting of the Caribbean Initiative Clinical Training Program
New York City, 15-18 May 2006

Specialists in Ob-Gyn, Family Medicine, Family Planning from Anguilla, Antigua & Barbuda, Barbados, Jamaica, Monserrat, Puerto Rico, Sint Maarten, St Kitts, St Lucia, St Martin, and, in NYC, Columbia, Beth Israel and Mt Sinai Medical Centers

ACTION PLAN FROM STRATEGY DISCUSSION

- New York training rotations for Caribbean physician leaders in family planning, abortion
- Caribbean on-site trainings
- Caribbean Training Centers at University Centers
  - Especially: Barbados Early Pregnancy Assessment Clinic
- Curriculum and Protocols
- Equipment
- Program Development (needs assessment!)
- Public/Patient Education and Information Dissemination
- Research
Curriculum Transformation on Sexual and Reproductive Health in Medical & Nursing Schools 2005-2006

Intensive networking with professors of nursing and midwifery throughout Caribbean

Grants to professor researchers to develop an innovative educational module to integrate in the curriculum of their faculty

10 faculty participants - 2 physicians, 6 nurses, 2 health educators
Barbados, St Lucia, Puerto Rico
Nurses’ Summit
To promote discussion of problems, needs & challenges faced by nurses in the Caribbean in regards to SRHR with special focus on abortion

Work groups on each island one year preceding event with follow-up meeting in Puerto Rico one year later in 2010
Caribbean Nurses’ Summit  Sint Marteen, April 2009
44 participants, 11 islands
CLACAI
(Consorcio Latinoamericano Contra el Aborto Inseguro) supports Caribbean Initiative to provide “information on abortion in the Caribbean” to their Latin American network

Assessment visit, August 2015
Interviews & group meetings with regional representatives

Legal reform or reform-in-progress
(esp. Netherlands Antilles)

Change in inter-island travel routes for abortion services
(due to shifts in laws, regulations and provider locations)

More abortion with cytotec, either with or without medical supervision

Most abortions are performed by professionals regardless of law

Stigma remains
Caribbean Initiative Inter-island Core Working Group
August 2015

From left to right:
Ingrid Whitman, Sint Eustatia,
    Director Women’s Desk, Founder of political party
Marlène Toma, St. Martin,
    Sage femme,
    Maison Solidarité et Famille
Joy Arnell, Sint Maarten,
    Secretary of General Public Health,
    Social Development and Work
Gail Pheterson, France
Yamila Azize, Puerto Rico
Bonne Richardson-Lake, Anguilla,
    Permanent Secretary of Health and Social Development
    Ministry of Health
President Caribbean Family Planning Association
Support for the Caribbean Initiative
Co-sponsors and Funders since 2001

Sponsors:
- University of Puerto Rico Medical School, Saludpromujer, Dept. Ob-Gyn
- University of Picardie Jules Verne Faculty of Social Sciences

Co-sponsors:
- Population Council
- Gynuity Health Projects
- Ibis Reproductive Health
- Ipas
- Planned Parenthood New York City
- IPPF Western Hemisphere (International Planned Parenthood Federation)

Funders include:
- An anonymous donor to Saludpromujer, University of Puerto Rico
- University of Picardie Health Sciences, CURSEP and International Affairs
- Jessie Noyes Foundation to Saludpromujer, University of Puerto Rico
- World Population Foundation (Netherlands) for Caribbean Initiative medical consultant
- MAMA CASH (Netherlands) for Caribbean Initiative Women’s Working Network
- Ford Foundation