



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 SimoneVeil
- **Guadeloupe+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 **favours 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 Guadeloupe, 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





PUERTO RICO TRENCH
near the Atlantic Ocean's
world's deepest point

HAITI
DOMINICAN REPUBLIC

PUERTO RICO
United States

NETHERLANDS ANTILLES
Aruba, Sint Maarten, Curacao, Suriname

VENEZUELA

CARACAS

TRINIDAD & TOBAGO

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

Infant Life (Preservation) Act 1929, R. v. Bourne 1938:

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

Crossing Borders

“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**

In other words...

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**

RÉUNION D'EXPERTS
SUR L'AVORTEMENT
ET LA
CONTRACEPTION :
L'EUROPE ET LES
CARAÏBES

EXPERT MEETING
ON ABORTION AND
CONTRACEPTION:
EUROPE AND THE
CARIBBEAN

*Université de Picardie
Jules Verne,
Amiens, France
25-27 septembre 2003*



CENTRE UNIVERSITAIRE
DE RECHERCHE
EN SCIENCES DE L'ÉDUCATION
ET EN PSYCHOLOGIE

EUROPE AND THE CARIBBEAN
EXPERT MEETING, FRANCE
SEPTEMBER 2003

- Abortion & Post-Abortion Care
- Misoprostol (Cytotec)
- Manual Vacuum Aspiration
- 2nd Trimester Abortion

- Emergency Contraception

- Contraception

- Public Policy

- Change Strategies

- Post-conference regional Caribbean meeting

Expert Meeting on Abortion and Contraception: Europe and the Caribbean

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







Caribbean Initiative Working Group Meeting
September 2003, Amiens, France



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**



SAFE ABORTION in the CARIBBEAN

ANTIGUA &
BARBUDA
MAY 6-8
2005

*from law
to practice*

Caribbean Initiative
on Abortion and
Contraception

saludpromujer
Departamento de Ob/Gyn

Universidad de
Puerto Rico

UNIVERSITE
de Picardie
Jules Verne
CURSEP
AMIENS, FRANCE

Gynuity



Ibis
Reproductive
Health

Population Council

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

Anguilla

Saint Martin

Sint Maarten

Saba

St Eustatius

St Kitts-Nevis

Antigua-Barbuda

Montserrat

Guadeloupe

Dominica

Martinique

St Lucia

Barbados

St Vincents-

The Grenadines

Jamaica

Granada





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



William Chase

Lera Pascal

Paulcus Lendor

Flavia Cherry

***Declaration:
Decriminalize
Abortion***





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.

Declaration of Health Professionals, Scientists and Advocates For Decriminalization of Abortion in the Caribbean

WHEREAS:

1. "Of the 210 million pregnancies <worldwide> that occur each year, about 46 million (22 per cent) end in induced abortion and, globally, the vast majority of women are likely to have at least one abortion by the time they are 45"; (*WHO, 2003, Safe Abortion: Technical and Policy Guidance for Health Systems, p.12., Alan Guttmacher 1999*).
2. Abortion, whether to terminate unwanted pregnancies or for health imperatives, is widely practiced in the Caribbean, whether legally or illegally, due to women's need, health professionals' ethic of care, and governments' recognition of the reality of abortion;
3. Safe abortion represents low risk to women and low cost to medical establishments, while unsafe abortion poses significant risk to women's health and life and leads to high costs for health care systems;
4. In Caribbean countries where elective abortion is prohibited, safe abortion depends upon transgression of laws by women and their health providers, and toleration of illegal activity by governments;
5. Women living under restrictive abortion laws in the Caribbean are estimated to die from complications following unsafe abortion at a rate 200 to 500 times that of women with access to legal abortion in the United States, England, the Netherlands and France; (*Calculations based upon data published by WHO and the Alan Guttmacher Institute.*)
6. In the Caribbean, ten years after abortion was legalized in Barbados, total hospital admissions for complications of abortion fell by 53% and admissions for sepsis decreased by 70% (*PAHO, 1994: Ten year assessment of the impact of the Medical Termination of Pregnancy Act, 1983*); and in Guyana, six months after the liberal 1995 law was introduced, admissions for complications of abortion to the main hospital fell by 41% (*Reproductive Health Matters, May 1997*).
7. Restrictive abortion laws (a) discriminate against women by imposing gender-specific regulations which harm women of reproductive age (b) create inequities in access that perpetuate social injustice and (c) run counter to States parties' obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* and other international agreements.

THEREFORE:

We health professionals, scientists & advocates dedicated to the well-being of women:

1. Affirm the right of all people to quality sexual and reproductive health services.
2. Assert the importance of strengthening and expanding access to contraception and emergency contraception for all women and men.
3. Call for decriminalization of abortion in every Caribbean country so that:
 - a. Women can be given information, counseling and access to safe abortion methods;
 - b. Health practitioners can be trained adequately within scientifically established medical standards to provide safe abortion and post-abortion care;
4. Call for official recognition of the fact that reasons for terminating a pregnancy are individual and cannot be fixed for all women by state, medical, social, cultural or religious institutions;
5. Call for public recognition by government, education, health and social services that safe abortion is:
 - a. An essential right of women with low risk to their health or to future pregnancies when good medical conditions and trained practitioners are available, whereas unsafe abortion carries a high risk of complications when women are denied information and services;
 - b. An essential aspect of gynecological training and service provision;
 - c. An occasion to educate about contraception and sexual self-determination;
6. Call for accountability of civil society and Governments to Caribbean women and to all strata of Caribbean societies by assuring access to sexual and reproductive health care, regardless of age, marital status, social class or national origin.

Document drafted at the conference "Safe Abortion in the Caribbean: From Law to Practice" held on May 6-8, 2005, in Antigua and Barbuda, and organized by the Caribbean Initiative on Abortion and Contraception of Saludpromujer, School of Medicine, University of Puerto Rico and the University of Picardie Jules-Verne, Amiens, France, in collaboration with Population Council's Regional Office for Latin America and the Caribbean, Ibis Reproductive Health and Gynuity Health Projects.

Participants included a group of about 50 ob-gyn specialists, family doctors, nurses, family planning officers, health inspectors, policy-makers, researchers and women's advocates from 14 Caribbean countries including Anguilla, Antigua and Barbuda, Barbados, Curaçao, Dominica, Guadeloupe, Guyana, Jamaica, St. Eustatius, St. Maarten, Puerto Rico, St. Kitts and Nevis, St. Lucia, and Trinidad and Tobago.

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 Training and Education

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

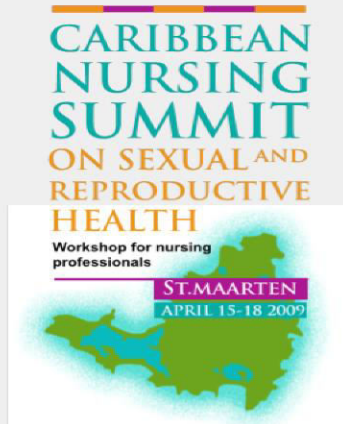
Grants to professor researchers to develop an innovative educational
module to integrate in the curriculum of their faculty

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

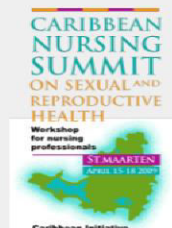


Caribbean Initiative on Abortion and Contraception, a project of Saludpromujer, School of Medicine, University of Puerto Rico and University of Picardie, CRNS-CSU, France

IPPF, International Planned Parenthood Federation, WHR

CARIWONET, Caribbean Women's Network for Sexual and Reproductive Health and Rights

PPNYC, Planned Parenthood New York City



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PPNYC, Planned Parenthood New York City



Caribbean Nurses' Summit Sint Marteen, April 2009

44 participants, 11 islands



CLACAI

(Consortio 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



2005 (November), Pheterson, Gail & Azize, Yamila. "Abortion practice in the Northeast Caribbean : 'Just write down stomach pain.'" *Reproductive Health Matters*, 1 (26) - p. 44-53.

2006, Pheterson, Gail et Azize, Yamila. « Avortement sécurisé hors la loi dans le Nord-Est des Caraïbes. » *Sociétés Contemporaines*, no. 61 - p. 19-40