

Paulina

In the Name of the Law



GIRE

Grupo de
Información en
Reproducción
Elegida, A.C.

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Translation:

Jennifer Paine and Sharon Bissell

Paulina's Case

From Personal Drama to Political Battle

GIRE learned of Paulina's drama at the end of 1999. Immediately, it was clear to us that this was not only a flagrant violation of the young girl's rights, but that the case also embodied, in a pragmatic manner, the dilemma that the secular state is facing against the aggressions of religious fanatics. The crimes committed by the Director of Mexicali General Hospital range from the denial of a public service to the disregard of a judicial order, including abuse of authority, violation of medical confidentiality, and abuse of the rights to freedom of movement, intimacy and dignity of the minor until, finally, reaching the level of psychological torture.

To prevent similar atrocities and to ensure the rule of law and respect for human rights, the group Alaíde Foppa from Baja California is demanding that "those who are responsible" be punished. To demand justice, Alaíde Foppa united with individuals and other organizations, including EPIKEIA, a non-profit organization dedicated to defending cases relating to problems of health and women.

Paulina's case serves as an example of what happens when fundamentalism is combined with a traditional lack of respect for a secular state. When the Director of Mexicali General Hospital declared he was a "conscientious objector" in order not to perform the abortion, he showed his complete ignorance that "conscientious objection" is a strictly individual mechanism, that in the case of abortion in Catholic societies with legislative exceptions,

doctors are permitted not to give the services if it is contrary to their personal beliefs. But “conscientious objection” is never an institutional posture, and in a public hospital one cannot transgress the law based on the religious positions of its director. Public hospitals in a country where the interruption of pregnancies is legal under certain circumstances should guarantee that a majority of the doctors are ready to perform the procedure. This occurs in other countries with a large Catholic population such as Italy, France and Spain. Instead of hiding behind “conscientious objection”, the director should have found a doctor to perform the procedure. Everyone has the right to live according to their religious beliefs, however in the public sphere, religious beliefs of public servants should not interfere with the decisions and rights of citizens.

Since its founding, GIRE has fought for the liberalization of laws concerning abortion. Paulina’s case is another matter. Abortion for victims of rape who become pregnant is legal in all 31 states and the Federal District. In this case, it is a question of enforcing the law. The problem is that although the law stipulates that abortion is not penalized if the pregnancy is a result of a rape, it does not state clearly the procedure to obtain a legal abortion. The lesson learned from this case is that the law needs to be better defined and enforced and that a reform for the penal codes needs to be undertaken in every state to clarify the mechanisms of legal abortion.

Apart from these specific questions, Paulina’s case raises the question that, given that only a woman and her partner, if she has one, are the only ones who will assume the emotional and financial costs of an unplanned or unwanted pregnancy, can society and/or the state interfere in the decision without assuming some responsibility? Should the state raise unplanned or unwanted children if it will not allow women to abort legally? It is in this sense that the exemplary recommendation of the State’s Law Office for Human Rights and Citizen Protection proposes the creation of a Trust Fund to pay for the maintenance of the mother and child.

The state must guarantee timely and confidential medical attention to the persons who visit public health institutions requesting a legal abortion. Who should be economically responsible for the child? The adolescent mother who does not work and who wanted an abortion, the

authorities that denied her an abortion, the conservative organizations that underhandedly intervened, like the Catholic Church or the National Pro-Life Committee?

As you can see, Paulina's case fits perfectly into the debate on reproductive and sexual rights. In Mexico, the exercise of these rights requires first, simple modifications in the law, and second, the establishment of sufficient and adequate health services. For equal access to health and education services, the argument of social justice weighs in heavily with respect to reproductive and sexual rights. If they had economic resources, Paulina's family could have calmly crossed the border into San Diego to obtain a legal abortion. To reflect on social justice and the voids in the law in the context of transition to a modern democracy, it serves to think about the value of women's sexual and reproductive self-determination. There is growing awareness that certain intimate decisions (about sexuality and reproduction) depend on one's own conscience and values and should not be decided by the state. A democratic society must redefine the boundaries of what is public, and also will delineate what is private. Modern jurisprudence dictates that the defense of privacy consists of the right of each person not to suffer from unjustified governmental intrusion in decisive areas, such as sexuality and reproduction. Mexico is a diverse country where many religions co-exist and a growing number of people are agnostics or atheists. For them, the Catholic hierarchy cannot be the absolute representative for Mexican society nor can it impose its precepts about private decisions concerning sexuality and reproduction.

Due to the notoriety that Paulina's case has developed and the indignation that public medical functionaries prioritize their own personal religious beliefs over the rule of law, GIRE considers it important to offer basic information on the case to the interested public in the hopes that when they become aware of the facts of the case, they will form a more solidly-based opinion and participate in the debate that is located at the center of the national interest concerning ideas about the *quality of life, individual responsibility and freedom of conscience*.

Some conservative commentaries have insisted that they have saved one life and that Paulina will grow to love her son. This is not the point. GIRE also hopes that Paulina will reconcile with this innocent baby and come to love him without resentments. But the point

is the right to decide. Paulina wanted to interrupt her pregnancy and she had the right to do so. She had the right to choose when and with whom she would become a mother, and not to be forced into a conflictive motherhood, without a partner, at fourteen years of age. For now, the most important thing is that she is compensated, at least, for the damages she suffered. Paulina and her family have entered publicly the battle for the enforcement of the recommendation of the State's Law Office for Human Rights and Citizen Protection and the establishment of a Trust Fund. Her personal drama has been converted into a battle that many citizens support.

Marta Lamas

To show solidarity with Paulina, it is worthwhile to remember her precarious economic situation and contribute to the account opened for her in the name of her mother, María Elena Jacinto Raúz.

Banamex
Branch 202 Mexicali, B.C.
Account Number 8548 9713 0698 6294

Wells Fargo Bank
Branch 275/03
Lidia E. Carrillo
Account Number 6621428010

Chronology of Paulina's Case

Rosario Taracena

Part One The Facts

July 31, 1999

In Mexicali, Baja California, 13 year old Paulina del Carmen Ramírez Jacinto was raped by a heroine addict who broke into her family's house to rob them. Paulina was raped in front of her sister and her two- and five-year old nephews.

August 19, 1999

Paulina and her mother, María Elena Jacinto Raúz, consulted Dr. Sandra Montoya because Paulina was not feeling well and her period was late. The doctor informed them that Paulina was pregnant and that she had the right to an abortion. In addition, she told them that she would be willing to perform the abortion after they had received legal authorization.

September 3, 1999

Paulina's mother requested authorization for an abortion from the State Prosecutor's Special Agency for Sex Crimes. An Agent for the State Prosecutor, Norma Alicia Velázquez, authorized the abortion and ordered the Director of the Health Sector and the Director of Mexicali General Hospital to perform the abortion. The State Prosecutor's office told Paulina and her family that only state public health authorities could perform the abortion.

September 10, 1999

The Agent for the State Prosecutor, Norma Alicia Velázquez, ordered an examination to determine whether Paulina ran the risk of death as a consequence of her pregnancy or the abortion procedure, if the

fetus was alive and how far along she was in her pregnancy.

September 15, 1999

Doctors Carlos Acuña Zamora, Chief of Legal Medical Services, and Francisco Acuña Campa, Medical Legal Expert, sent a document to the State Prosecutor's agent that stated "the practice of abortion implies a certain risk that the obstetrician should be aware of according to his/her practice and experience."

September 28, 1999

Dr. Ismael Ávila Íñiguez, Director of Mexicali General Hospital, was asked to perform the abortion according to the September 20th authorization (number 1509) for Paulina's abortion.

October 1, 1999

Paulina, her mother and her older brother went to Mexicali General Hospital to receive the abortion as ordered by the Public Ministry. Paulina remained in the hospital for seven days without receiving the abortion.

October 5, 1999

The agent for the State Prosecutor sent another order to the Director of Mexicali

General Hospital (number 1560, without stamps of remission or receipt) in which she told him "he should perform an abortion for Paulina del Carmen Ramírez Jacinto and if he does not comply with this order, he will be arrested and detained for 36 hours and be penalized for a minimum of 50 days salary for disobeying the State's authority."

October 7, 1999

The Director of Mexicali General Hospital sent a written request to the State Prosecutor that they turn the case over to Dr. Carlos Alberto Astorga Othón, Director of Isesalud, which is the state government institution charged with health services [because he is considered] the "health authority for these cases."

The Director of Mexicali General Hospital received a new order from the Agent for the State Prosecutor that he had 48 hours to perform the abortion for Paulina.

October 8, 1999

In an official document, the Agent for the State Prosecutor replied that the request to turn the case over to Dr. Astorga Othón, Director of Isesalud, "would be inappropriate...because the order in which they

authorized the interruption of the pregnancy states that the Director is obliged to perform the abortion.”

The Director of Mexicali General Hospital notified Dr. Astorga Othón, Director of Isesalud, of the situation.

October 12, 1999

The Director of Mexicali General Hospital asked the Agent for the State Prosecutor to have Paulina come to Mexicali General Hospital and that he would give the order for another doctor to perform the abortion.

October 13, 1999

Paulina was readmitted to Mexicali General Hospital where she remained for three days.

The Agent for the State Prosecutor gave an order to place Dr. Ismael Ávila Íñiguez, Director of Mexicali General Hospital, under arrest for 36 hours for disobeying a judicial order.

Dr. Ávila Íñiguez, Director of Mexicali General Hospital, was detained for three hours for disobeying the judicial order to perform an abortion for Paulina. *None of*

the available documents clearly state which day Dr. Ávila Íñiguez was detained.

October 14, 1999

Two women who claimed to work for the governmental Comprehensive Family Development Agency (*Desarrollo Integral para la Familia*, DIF) visited Paulina’s room in the hospital and, in the absence of her mother, tried to persuade her not to have an abortion. The women’s arguments were identical to those of Pro-Life supporters. In the afternoon, they returned to Paulina’s room and repeated their arguments in the presence of her mother.

Paulina’s older brother, Humberto Carrasco, went to DIF to investigate who these women were. There, he was told that no one from the institution went to Mexicali General Hospital. The State’s Law Office for Human Rights and Citizen Protection also investigated the matter and was told that DIF had not received any request to visit Paulina. However, Jorge Serrano Limón, Director of Pro-Life, does not deny that his organization was intent on persuading Paulina not to have an abortion.

At about 8:30 pm, moments before the abortion was programmed to be performed,

Dr. Ávila Íñiguez met with Paulina’s mother privately and he told her that if they performed the abortion, her daughter could die or become sterile. Paulina’s mother, María Elena Jacinto Raúz, responded, “I hope that this doesn’t happen to you and if you wanted to scare me, you have done it. I don’t want my daughter to die. Why didn’t you tell me this at the beginning and why did you wait until now?”

At 9:00 pm, the Agent for the State Prosecutor drew up an official document that stated that the authorities of the hospital tried to obtain medical consent to perform the abortion in the presence of the Director of Mexicali General Hospital, the legal advisor for Isesalud, Lic. Virginia Quiñonez, Paulina, her mother and her brother. However, the document states that when the family was told of the risks “of [Paulina’s] becoming sterile or dying from a massive hemorrhage, if she undergoes surgery, they asked if they could discuss this with Paulina. Fifteen minutes later, they announced that they did not want to sign the medical consent form after hearing the risks to Paulina. She no longer wanted to interrupt the pregnancy...The Director said Paulina could go home whenever she wished.”

In the document that states that María Elena Jacinto Raúz, Paulina’s mother, never appeared before the Tribunal for Administrative Conflicts for the state of Baja California, she is quoted as saying “After many other things, the Director of Mexicali General Hospital, Dr. Ávila Íñiguez, convinced me, just before they were going to perform the abortion, to retract my request for one. At that moment, they made me aware that ‘if they performed an abortion on my daughter, I would be responsible if she died—which could happen if she suffered a hemorrhage—or that she could become sterile.’”

In the same document, Paulina’s mother stated “They forced me to waive my daughter’s right to abortion. They did not care that they gave me manipulative, partial or fatalistic information violating my right and my daughter’s right to information, and to her right to choose to reproduce in a FREE, RESPONSIBLE AND INFORMED MANNER. They did not take into consideration the consequences that my daughter and her baby will suffer for the rest of their lives.”

October 15, 1999

Paulina and her mother, María Elena Jacinto Raúz, appeared before the State

Prosecutor to declare they did not want to interrupt the pregnancy.

October 16, 1999

The newspaper *La Voz de la Frontera* published a front page article by Javier Mejía that claimed that Mexicali General Hospital refused to practice an abortion for a rape victim. The daily showed that Dr. Ávila Íñiguez was detained for violation of a judicial order for approximately three hours. Dr. Ávila Íñiguez said that the order to perform the abortion was an “abuse of authority” and he questioned the fact that the State Prosecutor could order doctors to perform abortions and suggested that “to avoid future confrontations, Congress should suggest that the State Prosecutor could have specialized personnel to perform these types of procedures and thus avoid useless confrontations.”

The article contains further points of interest. It:

- says that there had been a doctors’ meeting to examine the case and that there had been general disagreement with the order mandated by the State Prosecutor,
- confirmed that some Pro-Life members met with Paulina on the second floor of the hospital,
- indicated that the director of the hospital declared that abortion could endanger the life of the patient or induce sterility,
- concluded that “the pressure from Pro-Life groups and the persuasion of the doctors, along with the actions of the authorities from the Specialized Agency from the State’s Attorney General’s office, convinced Paulina’s mother to waive her right to an abortion” and that “the victim’s family waived their right to an abortion last night, presenting a letter to the State’s Attorney General’s office, once the Mexicali General Hospital doctors had explained the risks of the procedure.”
- showed that the Spokesperson for the State’s Law Offices, Luisa Sofía Buerba, affirmed that the Law Offices are not promoting “a culture of death,” and that Dr. Ávila Íñiguez was requested to appear before their offices and that his presence culminated with the waiver of the family.

Part Two

The Claim

October 25, 1999

Rebeca Maltos and Silvia Reséndiz Flores brought a complaint about the violation of Paulina’s human rights before the State’s Law Office for Human Rights and Citizen Protection. In this complaint, they questioned whether the group Pro-Life had been notified about this case before it was brought into the public light. The two women considered that the notification of Pro-Life violated Paulina’s right to confidentiality and the right to respect for her decision. The Law Office admitted the complaint on November 16, 1999.

November 14, 1999

The newspaper *La Voz de la Frontera*, published an article that stated that the group Alaíde Foppa submitted a complaint about

Paulina’s case to the State’s Law Office for Human Rights.

November 16, 1999

The State’s Law Office for Human Rights and Citizen Protection received the claim presented by Rebeca Maltos and Silvia Reséndiz Flores for damage against a minor. The complaint, number PDH/MXLI/1219/99/2, was registered under “Violation of the Right of Minors to Protection of Their Integrity, Torture, Insufficient Protection of Persons, Undue Exercise of Public Responsibilities, Violation of the Right to Privacy and Illegal Disclosure of Information.”

November 19, 1999

The State’s Law Office for Human Rights requested a report from Dr. Ávila Íñiguez

justifying the alleged violation of human rights as registered under the complaint brought by Rebeca Maltos and Silvia Re-séndiz Flores.

November 24, 1999

The State’s Law Office for Human Rights and Citizen Protection received the justification report from Dr. Ávila Íñiguez in which:

- He stated that he never refused to practice the abortion and that he ordered that other doctors perform the abortion because he, according to his specialty, was not qualified to do so.
- He affirmed that “In fact, when the minor was clinically prepared, she and her mother, who had always been present, retracted their request to interrupt the pregnancy without pressure from any medical, paramedic, nursing or hospital administrative personnel or any other person associated with the hospital. However, he was unaware if Paulina and her mother had spoken with another patient, as they were not under such strict vigilance as to impede them from talking to other patients.” He added that Paulina’s relatives made their decision not to have the abortion “under their

strict responsibility and not because I had sent any person or Pro-Life groups to change her opinion” and in any case, he asked, “how did the press learn about this?”

- He denied that the personnel of the hospital mistreated Paulina.
- He did not mention the first time (from October 1 to October 7) that Paulina was in the hospital under his care to receive an abortion without success.

December 2, 1999

Paulina del Carmen Ramírez Jacinto, María Elena Jacinto Raúz and Humberto Carrazco made a declaration before the State’s Law Office for Human Rights and Citizen Protection. Paulina’s declaration confirms the presence of two women who claimed they were from DIF during her first stay at the hospital who visited supposedly to help her but actually were intent on keeping her from having the abortion. They told her that if she was a Christian, abortion was grounds for excommunication for her and her family. In this declaration, Paulina said that once the doctors explained the risks of abortion to her mother, she also decided to waive her right.

The declaration of María Elena Jacinto Raúz, Paulina’s mother, indicates that the

State Attorney General, Lic. Juan Manuel Salazar Pimental, told Paulina that she should have her baby, that there were people who would adopt it and insisted that she waive her right to an abortion and personally took her to see a priest, who also tried to convince her not have an abortion. Luisa Sofía Buerba, Spokesperson for the State Attorney General's office, who stated that the Attorney General "tried to convince Paulina and her family not to interrupt the pregnancy," confirmed these facts. Paulina's mother's declaration also confirms the presence of two women in the hospital who said they worked for DIF and tried to persuade them not to have the abortion.

In his declaration, Humberto Carrasco, Paulina's brother, said that the doctors of Mexicali General Hospital, Conrado Calderón and another with the last name of Garza, seemed ready to perform the abortion but later reneged. He pointed out that Dr. Garza suggested they go to the United States to have the abortion, saying that there it only costs \$300 dollars. Humberto affirmed having protested that the Director of the Hospital had not told them of the risks of abortion from the beginning and that he had made them pay for medicines and other

expenses during the hospitalization. The Director responded that there were people who could keep the baby after it was born and that they would pay for any expenses that the family incurred.

March 3, 2000

The Director of the State's Law Office for Human Rights and Citizen Protection, Antonio García Sánchez, made the recommendation 2/2000, on the case of Paulina del Carmen Ramírez Jacinto. It contains the following five recommendations:

1. In order "to compensate the moral damage done to the victims, Paulina del Carmen Ramírez and her mother C. María Elena Jacinto Raúz, for having been impeded from exercising their right to interrupt the pregnancy of the minor, by the actions and omissions of the public authorities mentioned in the present document."
2. "That a Trust Fund be established to guarantee the right to medical attention, education, clothing, food and, in general, all the costs of care of Paulina and the baby she is about to give birth to, until they have the means to sustain themselves."

3. “Administrative and/or penal proceedings have been initiated to determine the administrative and/or penal responsibilities against: Lic. Juan Manuel Salazar Pimentel, State Attorney General; Dr. Carlos Astorga Othón, Director of Isesalud; Dr. Ismael Ávila Íñiguez, Director of Mexicali General Hospital and any other medical personnel that intervened in this case; Juan Manuel García Montaña, the Area’s Sub-Attorney; and Norma Alicia Velázquez, Representative of the State Prosecutor’s Special Agency for Sex Crimes and Domestic Violence, for the actions and omissions that have taken place in the case of Paulina del Carmen Ramírez Jacinto.”
4. “Liquidate, to repair damages and prejudices, all expenses that the minor Paulina del Carmen Ramírez Jacinto and her family have incurred, in the various exams and analyses that were ordered by the medical personnel of Mexicali General Hospital, in order to perform an abortion that was authorized by the State Prosecutor.”
5. “Organize medical ethics, medical law and human rights training courses within the State Health System, for health

workers in the various hospital centers as well as for personnel from the State Prosecutor’s office.

March 6, 2000

The Governor of the state of Baja California, Alejandro González Alcocer was sent the recommendation 2/2000 on the case of Paulina del Carmen Ramírez Jacinto.

March 13, 2000

The government of the state of Baja California replied to the recommendation of the State’s Law Offices for Human Rights and Citizen Protection with respect to the case of Paulina del Carmen Ramírez Jacinto. (Reply number DIG/060/2000.)

The document confirms that even though the doctors of the hospital “informed the family and the victim of the natural risks of the practice of abortion, as they are obligated to do by the standards of medical ethics, they also designated a qualified doctor to perform the legal abortion. The mother of the pregnant minor told them of their desire not to sign the medical consent form and after hearing the risks, they decided not to interrupt the pregnancy.”

The document insists that “the State Attorney General’s office and Isesalud should not be held accountable for any action or omission of action against the minor since the abortion was not performed in accordance with the will of the women involved. As such, there does not exist any obligation to compensate for damages on the part of the State Government.”

March 22, 2000

A press conference, organized by the Information Group on Reproductive Choice (GIRE) and Alaíde Foppa, was held in Mexico City to inform the media about Paulina’s case.

March 28, 2000

As the recommendation of the State’s Law Office for Human Rights and Citizen Protection on Paulina’s case was not accepted by the state government, representatives from the group Alaíde Foppa and the Information Group on Reproductive Choice brought the case before the National Commission for Human Rights for them to investigate the case. The staff of the above-mentioned groups are awaiting a response from the National Commission for Human Rights.

March 29, 2000

The government of the state of Baja California presented a new document with “logical, legal arguments” that led them to completely reject the recommendation of the State’s Law Office for Human Rights and Citizen Protection on Paulina’s case.

They argued that a Penal Tribunal should decide upon compensation for moral damages and that in the case of Paulina the damages should be paid by the rapist, as the “active subject of the crime.” In this way, without saying it explicitly, the state government denies any responsibility on behalf of the hospital authorities for the case.

With respect to the Trust Fund requested by the State’s Law Office, the state government replied that Trust Funds cannot be established for individual persons, which is why one can not be created for Paulina and her son.

Regarding the request by the State’s Law Office for an investigation of the personnel of Isesalud, the state government considered it irrelevant because there had been a previous investigation (number 488/99-104) for the crime of abuse of authority and further-

more, they consider that Norma Alicia Velázquez, Agent for the State Prosecutor, acted according to the law for legal abortion.

The document cites Article 79 of the Regulations of Organic Law of Baja California State Attorney General's office that establishes the procedure to obtain a legal abortion.

Regarding the recommendation to liquidate the expenses of Paulina as a way to compensate her for any damage or prejudice, they claim that the amount to be liquidated should be determined by the Judge of the Penal Court as indicated by Article 43 of the Penal Code of the state of Baja California.

With respect to the recommendation of training courses on medical ethics, medical law and human rights, the state government considered it inappropriate because these courses are already offered.

April 6 and 7, 2000

The daily newspapers *La Jornada*, *El Universal* and *Reforma*, published a letter supporting the recommendation of the State's Law Offices for Human Rights and Citizen Protection that was rejected by the state government. Thirty-two public figures in-

cluding Carlos Fuentes, Elena Poniatowska, Carlos Monsiváis, Ángeles Mastretta, and Rolando Cordera signed the letter.

April 10, 2000

An article on Paulina's case entitled "Rape of Mexican Teenager Stirs Abortion Outcry" by Julia Preston was published in *The New York Times*.

April 13, 2000

Paulina del Carmen Ramírez Jacinto gave birth to a boy, named Isaac, by programmed cesarean section.

May 3, 2000

The Mexicali weekly newspaper *Mayor*, published an interview with Paulina about her case. She affirmed that "Those who say I gave up my right to an abortion lie. We accepted it only when they scared us, when they told me I might die of a hemorrhage." And she added, "Everyone, including the bishop, is lying because I never stopped trying. We only accepted it when the Director of the Hospital told me that if I suffered a hemorrhage I might die. This is why my mother and I agreed not to have the abortion. I didn't think it up myself, I didn't give up just by myself. It was the fear that they put in us that made me give up."

Consulted Sources

This document was written based on information contained in the recommendation 2/2000 from the State's Law Office for Human Rights and Citizen Protection published on March 3, 2000.

Other sources include:

María Elena Jacinto Raúz's complaint against the State Government of Baja California, the State Attorney General's office and Mexicali General Hospital. This complaint was not presented.

Official document number DIG/060/2000, signed by the Secretary General for

the state of Baja California in which he gave a reply to the recommendation 2/2000 on Paulina's case from the State's Law Office for Human Rights and Citizen Protection.

A document signed by the Secretary General for the state of Baja California, dated March 29, 2000 (no official number), as an addendum to DIG/060/2000, that offers "logical, legal arguments" for the reasons why the state government rejected the recommendation 2/2000 made by the State's Law Office for Human Rights and Citizen Protection.

Newspaper articles referenced in the above text.

Rape of Mexican Teenager Stirs Abortion Outcry

Victim, 14, Is Frightened by Officials Into Giving Up Plan to End Her Pregnancy

The New York Times, Monday, April 10, 2000

Julia Preston

Mexicali, Mexico - More than a year ahead of time, Paulina Ramírez Jacinto planned on a long organdy dress, live dance band and skyscraper cake for her 15th birthday party, the pinnacle event for a teenage girl in Mexico.

Those plans ended on the night of last July 31, when a drunken housebreaker ransacked her family's simple home and then, almost as an afterthought, decided that he would rape her.

Given her daughter's age, her mother did not imagine that Paulina would become pregnant. As soon as they received the news from a family doctor, mother and daughter felt certain about what to do.

"I thought it just wasn't possible for my daughter to have a child by a man whose

name we didn't even know," the mother, María Elena Jacinto, 45, said as she twisted a handkerchief anxiously in her hands, with Paulina sitting close by her side.

"I thought I might hate the baby," she added, "and that my daughter might not love it. I couldn't bear the idea of seeing her in this condition. She's still a little girl."

"This condition" is Paulina's ninth month of pregnancy. Though they wanted an abortion, which is legal for rape victims in this state on the border with California, they abandoned the idea after weeks of confrontations with senior state officials, who believe that abortion is a taking of life. She plans to have the baby on April 14.

No official ever refused Paulina the abortion, but they counseled her against it so

openly and forcefully that she and her family became frightened and desisted.

The case has become a cause among feminist groups and some prominent intellectuals in Mexico, where abortion is outlawed with few exceptions, shunned by the medical establishment and condemned by the Catholic Church. It is normally practiced in an underground where as many as half a million women terminate pregnancies clandestinely each year.

The voices that dissuaded Paulina from an abortion are especially influential in her home state of Baja California, where a socially conservative party with Catholic roots has been in power for 11 years in Mexico's longest-running experiment in opposition rule.

That group, the National Action Party or PAN, and its candidate, Vicente Fox Quesada, have a better chance of winning the presidential election on July 2 than any opposition contenders in Mexico's modern history. And Paulina's story could portend a broader shift in social values in Mexico if the PAN takes power from the strongly secular Institutional Revolutionary Party, the PRI, which has controlled the country for seven decades.

The office of the Baja California human rights prosecutor, an independent agency,

ruled in March that Paulina's rights had been violated by the government's failure to carry out the abortion.

The conduct of Paulina's case "was dominated by the ethical preferences of the officials involved," said the human rights official Antonio García Sánchez. He called on the state to set up a long-term fund to care for her and her child.

The PAN governor, Alejandro González Alcocer, rejected the finding in a curt statement on the grounds that the family had never lodged a formal legal complaint.

State officials have offered to assist Paulina only if she will give the baby up for adoption, which her family is reluctant to do.

The United States, with clinics where an abortion could have been performed more routinely, is only a few miles from the family's home. But Mrs. Jacinto, who has barely scraped by raising eight children in all, did not have the money for her daughter to go. Under the laws of Baja California, Paulina, as a rape victim, could have had an abortion legally in her first trimester. In 1998 anti-abortion groups, with the support of the PAN, campaigned to ban all abortions and specify that life begins at conception. But the state legislature did not pass the measure.

So middle-level state justice officials authorized the procedure, but they decreed that it had to be performed in a state-run institution. In early October Paulina was admitted to the General Hospital in Mexicali, the poor people's hospital. Although she was in fine health, she remained confined to bed for a week.

The chief obstetrician, Dr. Fernando Garza, refused to perform an abortion.

When the hospital director, Dr. Ismael Ávila Íñiguez, told him that it had been ordered by the authorities, Dr. Garza resigned.

"He believed that abortion was killing," Dr. Ávila said. He acknowledged that he shared Dr. Garza's belief, but for the hospital director his colleague's decision was more a matter of medical training rather than religious faith.

"In Mexico our medical schools, which transmit our professional ethics to us, tell us that we are supposed to preserve and prolong life, not take it away," Dr. Ávila said. "We are told that we should not perform abortions. Period."

Nonetheless, he recognized that he had to comply with the state order for the operation. But one after another, the surgeons

on Dr. Ávila's staff refused to perform the abortion.

As the doctors' dispute raged on, Paulina sat in bed. At one point, two women visited her, saying they were state social workers sent by the hospital director. She recalled that they had shown her a videotape of pictures of aborted fetuses and warned her that she risked excommunication from the Catholic Church.

"I didn't want anyone to see me," Paulina said. "I just wanted them to leave me alone. I was very upset, and so I just kept quiet and hung my head." The social work agency later denied that any of its staff members had ever seen Paulina in the hospital, and the identity of the visitors remains a mystery.

After a week Dr. Ávila sent Paulina home. Mrs. Jacinto immediately took her daughter to see Attorney General Juan Manuel Salazar Pimentel, the state's highest justice official. She wanted his personal order for the abortion.

Mr. Salazar declined to be interviewed about the case, saying he did not wish to fuel the controversy. But his spokeswoman, Luisa Sofía Buerba, confirmed the details of his meeting with Mrs. Jacinto and her daughter as they recounted it.

In his imposing office, Mr. Salazar, who was appointed by the PAN governor, tried to talk them out of the procedure. As attorney general he spent much of his professional life handling cases of people he could not help because they were already dead. In Paulina's case he apparently felt that he could save a life, that of her unborn child.

Although she felt awed by the high official, Paulina spoke up to insist that she wanted to end her pregnancy. She said the attorney general responded, "How can you do that to your own blood?"

Over protests from Mrs. Jacinto, Mr. Salazar put mother and daughter into his car and drove them, with a car full of his regular bodyguards close behind, to his church. He sat with them through Mass and then left them alone with the priest, who reminded them that the Catholic Church views abortion as a sin.

"When you are in this much pain, you forget a lot of things you learned in church," Mrs. Jacinto told the priest. "Even though the pope does not agree, if I do not do anything cruel, why shouldn't God forgive me?"

In the end Mr. Salazar, seeing that Mrs. Jacinto would not change her mind, reluctantly signed a new order for the abortion.

He went one step further, summoning Dr. Ávila to explain what had held it up.

That pressure moved Dr. Ávila to recruit a surgeon from outside the hospital and schedule the procedure. But on Oct. 9, minutes before the abortion was to begin, Dr. Ávila gave Mrs. Jacinto an account for the first time of the risks involved. Paulina could suffer a fatal hemorrhage, Dr. Ávila said, or be left sterile.

Reeling, Mrs. Jacinto refused to sign the authorization. The abortion was canceled. "I thought it was better for my daughter to have the baby than to die," she said. "Probably nothing would happen to her, but if everyone was so angry about the operation, maybe the doctors would do it badly on purpose."

Paulina and her family went home feeling cheated, as well as overwhelmed by more than \$1,500 in medical costs they cannot pay. Their debts will double with the Caesarian section that Paulina is to undergo on April 14.

On April 6 several dozen Mexican intellectuals, including the novelists Carlos Fuentes and Laura Esquivel, signed an open letter in Mexico City newspapers calling on Governor González to accept the human rights prosecutor's recommendations to indemnify Paulina.

None of Paulina's three older sisters received the grand bash that Paulina envisioned for her 15th birthday in September, because the family could not afford it. Now, Mrs. Jacinto said she feared that "it wouldn't look

right" for her daughter to celebrate while nursing an infant.

But Paulina said, "I just want my party, even with a short dress." And for the first time in retelling her ordeal, she began to cry.

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