



Brazil

The Impact and Importance of Abortion in the Last Presidential Elections: A Commentary

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As in most Latin American countries, abortion is considered a crime in Brazil, as provided for in section 124 of the Criminal Code, which classifies it as a *crime against life*.²

However, as in the rest of Latin American countries too, the pressure to legalize this practice reemerges from time to time.

Nonetheless, Brazil has strongly resisted changes to its legislation in this matter. A clear example of this is the situation lived during the October 2010 presidential elections, when the Brazilian population showed a strong rejection of the declarations made by the then-candidate, Dilma Rousseff.

The looming threat of a second ballot during the presidential elections³ motivated the then-president Lula da Silva to support his official candidate, Dilma Rousseff, against “the wave of rumors going round among Catholics and Evangelists”.

It was not just a rumor: Dilma Rousseff had specifically expressed in two interviews – one in the newspaper of São Paulo and the other one in Marie Claire magazine in 2007 – that she was in favor of legalizing abortion. Her exact words were: “I believe that abortion should be decriminalized. It is absurd that abortion is punishable in Brazil”.

Nevertheless, what is important are not the politicians’ statements, but the

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2 Section 128 of the Criminal Code authorizes abortion in cases in which the mother’s life cannot be saved by any other means, or when pregnancy is the result of rape, in which case no police report of the sexual crime suffered is required.

3 The Workers’ Party candidate to president, Dilma Rousseff, received 46.9% of the votes in the first round, instead 50%, which is the minimum required to win an election in the first round.

facts; it is not really important what the President—or his official candidate—says, but what he did and will probably do.

In this regard, it must be noted that Dilma Rousseff's statements paralleled statements and actions by Lula da Silva's government, his party and candidates have shown to be in favor of loosening restrictions on abortion on several occasions:

- In April 2005, in the report about the Treaty on Civil and Political Rights, presented by Brazil before the Human Rights Committee, the government of the then-president Luiz Inácio Lula da Silva committed itself to legalize abortion.⁴
- In August 2005, the mentioned government presented before the Committee on the Elimination of Discrimination Against Women of the United Nations (UN), a document in which abortion is said to be one of women's "human rights".
- In September 2005, Lula da Silva's government filed before the Congress, through the Special Secretary for Women's Policies, a substitute for Bill 1135/91 as a result of the work done by the Tripartite Committee. This substitute aimed to legalize any abortion performed until the ninth month of pregnancy for any reason, as under the bill, abortion is decriminalized by eliminating all articles in the Criminal Code penalizing it.
- In September 2007, in the Workers' Party (WP)⁵ program, the issue of decriminalization of abortion was raised, and it was proposed that the public health system provide medical care in all cases. In this way, the WP became the first party in Brazil to adopt a pro-abortion program.
- In September 2009, the WP expelled both Luiz Henrique and Alfonso Bassuma for being against abortion legalization.
- In February 2010, in its Fourth National Congress, the WP expressed its unconditional support for the 3rd National Program of Human Rights (PNDH3, acronym for Programa Nacional de Direitos Humanos),⁶ and for Decree 7.037/09 (December 21st, 2009), signed by President Lula da Silva and the then-Minister of Administration, Dilma Rousseff, reaffirming abortion decriminalization.⁷ In this Congress, the then-Minister of

4 [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/571409ec0ae191d6c125703c00449ebd/\\$FILE/G0541021.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/571409ec0ae191d6c125703c00449ebd/$FILE/G0541021.pdf) , paragraph 42.

5 Lula da Silva's and Dilma Rousseff's political party.

6 <http://portal.mj.gov.br/sedh/pndh3/pndh3.pdf>

7 http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Decreto/D7037.htm



Administration was praised for being the official WP candidate for president of Brazil.

- In June 2010, the leaders of the WP and the leaders of the party of allies boycotted the creation of the Consumer Price Index (IPC – Índice de Preços ao Consumidor), so that the sources financing international organizations for the promotion and legalization of abortion were not investigated.

The foregoing proves that abortion legalization has been a priority for the WP, a fact that was admitted by the party during the first ballot.

However, Brazilian people reacted against those who attempted to impose—against society and in the name of “democracy”—the exclusion of the first fundamental human right: the right to life. Rousseff’s statements about the decriminalization of abortion strongly impacted the Brazilian population, who firmly rejected them and caused the current president to worry about her victory during the second ballot.⁸

Datafolha’s⁹ latest research spoke for itself: more than 68% of Brazilians are against abortion.¹⁰

Therefore, legalizing abortion would be, at the present time, a clearly antidemocratic action. Despite the emotional marketing campaigns in favor of abortion, it is difficult to understand how we could possibly achieve a fairer and more decent life—for adults—at the expense of others’ death: the death of the unborn.

Despite what has been mentioned before, the results of 2010 elections favored Dilma Rousseff, who, after making public her opinion about abortion, felt obliged to retract her statements and remove the discussion of the act on interruption of pregnancy from her agenda. Moreover, the WP’s Communication Secretary, André Vargas, stated in public that including the decriminalization of abortion in the party’s electoral program “was a mistake”.¹¹

8 <http://g1.globo.com/especiais/eleicoes-2010/noticia/2010/10/saiba-o-que-dilma-serra-e-marina-ja-disseram-sobre-o-aborto.html>

9 Datafolha Grupo Folha da Manhã is a research institute which conducts public opinion polls and produces national statistics. Please visit: <http://datafolha.folha.uol.com.br/sobre/historico.php>

10 http://datafolha.folha.uol.com.br/po/ver_po.php?session=558

11 <http://noticias.terra.com.ar/internacionales/pt-busca-suprimir-apoyo-a-aborto-para-evitar-choque-con-iglesias,b757bff6c0c7b210VgnVCM20000099f154d0RCRD.html>