

Panama: When the Giant Awakens

By Samuel Mendoza Atencio¹
Maria Gabriela Menotti²
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Background

What is the first thing you think of when you read a headline with the name “Panama”? The scenarios where we have been able to ask this same question are varied, and the most popular answers are usually the Panama Canal, beaches, the Panama Papers, etc. It is important to note that on November 4, 1903, Panama was declared an independent and sovereign territory, under the name of the Republic of Panama. You cannot talk about Panama apart from its citizens. A land that is characterized not only by its Caribbean beaches, but also by its supportive and early risers who, working hard, aspire one day for Panama to become a first world country.

Despite the challenges facing Latin American society today, among which are family, marriage and life from conception, the principles instilled within it play a privileged role in the formation of individuals. The traditional and extended family remains an important cultural asset. All the good and bad that we have in society is generated mainly in the ethical and moral values that an individual received in his family nucleus.

Christianity has played a fundamental role in defending the aforementioned values. Currently, the Constitution of the Republic of Panama prohibits discrimination based on religious practices and establishes freedom of religion and worship, provided that "Christian morality and public order" are to be respected. It also recognizes Catholicism as the religion of the majority of the citizens.

Tracing footprints: The beginnings of a story that has not yet concluded

As the family is the basis of society, both the State and its Panamanian citizens must watch over it, but the fragility of character of the State bodies to fully comply with this precept has been demonstrated, and this can be seen reflected in that the greatest weight in the defense of life from conception has been carried by religious institutions.

The origins of the defense of life from the moment of conception in Panama date back to 1994 with the two Crusades of Prayer in Defense of Life and the Family, supported by multiple Church groups under the coordination of the Archdiocesan Commission of Prayer, with their respective signed Manifests in which the intentions of the UN for Cairo (September 1994) and (later) Beijing (September 1995) were repudiated, and the position of the Holy Father and the Holy See was supported. They were organized in response to the call of Pope John Paul II (03-19-1994), expressed by CELAM (06-18-1994) and CEP (07-07-1994). Both Manifests were, at the time, sent to the Vatican and the UN authorities. Likewise, in 1994, the concern of some Panamanian women led to the creation of a foundation that sought to help those girls who became pregnant, offer them an option, take care of

¹ Current manager of the Provida Action Panama movement, which promotes the public outreach of the defense of life from the moment of conception.

² Bachelor's Degree in social communication. Mg. in Advertising Management. Member of Acción Provida Panamá.

them during pregnancy and help them choose not to resort to abortion. This foundation would become a subsidiary of Vida Humana Internacional (VHI)³.

With this approach and communication with the director of VHI, Lic. Magaly Llaguno and the suggestions arising from this collaboration, the possibility of holding the first Congress in Defense of Life and Family in May 1996 in this country was evaluated. Under the direction of four Catholic Christian lay women, the presentations of great pro-life personalities at the international level and the counsel of the founding bishop of the Foundation offered the physical space to carry it out.⁴

Despite the obstacles this first congress faced, the task was achieved. The greatest difficulty they encountered came from the place where this first Congress in Defense of Life and the Family was held - a house of higher studies that, in collaboration with another university, organized a congress on "Family Rights" where they tried to draw conclusions in favor of abortion and marriage between people of the same sex. It is not minor to highlight that this occurred in 1996 after the 1994 International Conference on Population and Development in Cairo, Egypt⁵ and the following year 1995 with the International Conference on Women in Beijing where the inclusive language of "gender" was introduced.

The unification of movements and organizations under the same goal

After these actions and other additional ones in the defense of life, the protection of those most defenseless and innocent individuals was again at risk.

In 2008, non-governmental organizations that defend life and the family, who had previously worked independently, decided to unite in the face of the danger of unleashing induced abortion, which introduced a new argument to demand it: psychological problems.

Knowing the experience of our sister country, Spain, where induced abortion was, among other reasons, legitimized by the possible psychological problems that an unwanted pregnancy could lead to, and also knowing the scandal of abortion clinics that kept hundreds of blank pages in their files signed by psychiatrists endorsing abortion, and knowing also that 90% of abortions in Spain were performed under that premise, we believe that it was terribly dangerous to allow the decriminalization of abortion to include abortions based on this reason.⁶

The problem presented by this draft

In the year 2007 the Draft Modification of the Criminal and Procedural Code was presented. The problem with the draft was in Article 145, Chapter II, "Crimes against dependent human life", Section I "Of Provoked Abortion." Current Panamanian law criminalizes abortion, with two exceptions: 1- for rape of the woman, and 2- if the life of the mother is in danger. The new legislation, in Article 145, proposed expanding these exceptions by adding to the first exception the case of "non-consensual assisted fertilization"; and to the 2nd exception expanding "for serious causes of physical or mental

³VHI helps build "the culture of life" <http://vidahumana.org/bk-vhi/conozcanos/bienvenida>.

⁴This foundation provides protection to boys and girls at social risk, promoting the restitution of the right to family life. Also educates and sensitizes to preserve life from its conception, emphasizing the care of the pregnant adolescent. <http://www.fundacionofreceunhogar.org/>

⁵Meeting of the United Nations Organization in Cairo, Egypt https://www.un.org/es/events/pastevents/icpd_1994/

⁶Report showing the reality of abortion in Spain <https://www.libertaddigital.com/c.php?op=news&id=1275323345>.

health that endanger the life of the mother or the product of conception", without restricting the time of the pregnancy to perform said abortion.

Neither the current code nor the proposed modifications to said code contemplated conscientious objection for health professionals who do not agree with abortion and who for this reason wish to refrain from having to perform it because they are working in a health institution of the State.

Concern expressed by the Panamanian Alliance for Life and Family

Lay people belonging to various pro-life groups and lay people who work within the Catholic Church in organizations that defend family and life were greatly concerned about the proposed modifications regarding induced abortion. They alerted Panamanian society using the media and regularly attended the sessions of the Government and Justice Commission.

These groups, which brought together 18 civil organizations at that time, after 2 weeks of various actions and initiatives in the National Assembly of Deputies, decided to gather together under the name of the Panamanian Alliance for Life and Family. They made several statements courtesy of the courtroom before the Government and Justice Commission, and in the media.

Positive results of this campaign

The alliance made it possible to change the text of the Preliminary Draft of the Penal Code, eliminating the modifications that were proposed in the section on abortion, and they remained as found in the current Law. At the same time, Dr. Juan Francisco de la Guardia, representing the Panamanian Alliance for Life and Family, managed to include "conscientious objection" for health professionals who refuse to perform abortions. Also, despite the introduction of the phrase "fundamental legal assets of society", it also managed to maintain "fundamental values of society"⁷.

Since this last attempt to include new grounds for exempting an abortion, Panama has not been in the eye of the hurricane again for any modification to the criminal law or for any draft that would endanger the fragile lives of unborn children. However, the Panamanian Alliance for Life and Family does not lower its guard because international pressure to "advance" with the decriminalization of abortion does not stop, especially in Latin American countries where there is a strong culture of life.

⁷ Penal Code of Panama with its modifications: <https://ministeriopublico.gob.pa/wp-content/uploads/2016/09/codigo-penal-2016.pdf>