

# Reproductive Justice Beyond Borders: Global Feminist Solidarity in the Post-Roe Era

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**Abstract:** The global impact of *Dobbs v. Jackson Women's Health Organization* and the backlash towards reproductive justice that it represents warrant a global feminist response informed by broad theoretical and geopolitical lenses. We consider how a solidaristic, transnational feminist movement might learn from Latin American feminist movements that have been successful in uniting broad coalitions in the fight for reproductive justice as situated within far-reaching political goals. The success of such a global movement must be decolonial and must contend with the fact that overlapping realities of global inequality, severe poverty, extractivism, and western-backed violence are fundamentally implicated in reproductive justice.

The global impact of *Dobbs v. Jackson Women's Health Organization* and the backlash towards reproductive justice that it represents warrant a global feminist response informed by broad theoretical and geopolitical lenses. We consider how a solidaristic, transnational feminist movement might learn from Latin American feminist movements that have been successful in uniting broad coalitions in a fight for reproductive justice informed by far-reaching political goals and in securing change. The success of such a global movement must be decolonial, must overcome the legacy of “missionary feminism,”<sup>1</sup> and must be consistent with the idea of reproductive justice as initially envisioned by the SisterSong Collective and developed since.<sup>2</sup>

## Global Salience of *Dobbs*

Complex transnational anti-reproductive justice coalitions have formed over the last 50 years, but the heart of their efforts has been situated in the United States since the 1970s.<sup>3</sup> For example, US-based anti-abortion groups such as Heartbeat International support “crisis pregnancy centers” (facilities purporting to offer reproductive healthcare but run by anti-abortion activists seeking to pressure women out of abortions) in many countries in Africa and Latin America.<sup>4</sup> US

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conservative groups like Heartbeat International, the Federalist Society, and Focus on the Family spent around US \$28m aiding anti-abortion and anti-LGBT organizations in several European, African, and Latin American countries between 2016 and 2019.<sup>5</sup>

After *Dobbs*, these networks are gathering momentum to continue fighting against reproductive rights beyond the US. Reproductive health activists worry that *Dobbs* will encourage global anti-abortion movements and be used to boost fundraising activities.<sup>6</sup> María Antonieta Alcalde Castro, director of Ipas in Central America and Mexico, describes U.S.-based conservative forces as “hav[ing] a stronghold in Latin America... creating a political trend that is followed by resources and by political forces” and goes on to note, “we’re already feeling it.”<sup>7</sup>

fought to reshape public narratives about gender and sexuality, legitimizing masculinist, racist, and xenophobic narratives and policies. This cultural battle aims also to transform the law to fit neoconservative ideologies, with their most important call to arms being “defender la vida humana desde la concepción” (the defense of “human life” from conception).<sup>12</sup> Neoconservative movements in Latin America have been heavily invested in *Roe*’s overturning. An international group of politicians and lawyers, many from Brazil, signed an *amici curiae* brief against the constitutional right to abortion in the US, and when the news of the *Dobbs* ruling broke, former Brazilian minister of Women, Family, and Human Rights Damares Alves took to Twitter to express her approval.<sup>13</sup> Eduardo Bolsonaro, son of outgoing Brazilian president Jair,

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Conversely, as the global movement to restrict reproductive rights gains momentum, experts such as U.N. Special Rapporteur for Health Dr. Tlaleng Mofokeng worry that donors may be less likely to fund reproductive healthcare abroad, which is particularly troubling since the safest abortions in some regions, including Africa and Southeast Asia, are possible due only to international funding.<sup>8</sup> Research on the impacts of the Global Gag Rule — reinstated under then-President Trump — has shown that it not only directly impacts funding for reproductive services, but also has a chilling effect leading organizations to over-comply and limit activities even beyond the scope of the rule.<sup>9</sup> When Trump cut funding to the United Nations Population Fund (UNFPA), the gap was made up by increased funding from other nations,<sup>10</sup> but concerns persist about *Dobbs* and likely further cuts to foreign aid.<sup>11</sup>

*Dobbs* is already helping conservative networks gather cultural influence and political power. The neoconservative movement against reproductive and sexual rights in both the US and Latin America has

applauded the outcome and suggested that his father, if reelected, would follow Trump’s lead by appointing similarly-inclined conservative judges to the Brazilian Supreme Court.<sup>14</sup> Political leaders and conservative activists in El Salvador, Ecuador, Mexico, Colombia, Peru, Bolivia, and Argentina have also publicly expressed approval.<sup>15</sup>

Due to the highly influential status of the US in the Western Hemisphere — largely a legacy of US economic and political imperialism — and the emulation of its policies and legal frameworks, the criminalization of abortion in several US states will likely help to legitimize ongoing criminalization of abortion in many Latin American nations.<sup>16</sup> Lack of access to safe abortion is currently a major driver of maternal mortality and morbidity in Latin America.<sup>17</sup> Although activists in some nations such as Argentina, Chile, and Colombia, have won important victories in the quest to secure safe abortion, abortion is currently criminalized in El Salvador, Nicaragua, Honduras, and Guatemala, with no exceptions for protecting the life of the pregnant woman in El Salvador, Nicaragua, and Hon-

duras. El Salvador's anti-abortion law is particularly extreme, resulting in women being imprisoned after experiencing a natural miscarriage or obstetric emergency.<sup>18</sup> In Costa Rica, the newly elected government recently accepted a petition from the Catholic church to further restrict its regulation permitting therapeutic abortion.<sup>19</sup>

Finally, transnational anti-reproductive justice networks gain political validation and legitimation from *Dobbs* insofar as the reasoning offered in both oral arguments and the ruling resembles arguments used in their own advocacy. An amicus brief signed by 141 international legal scholars emphasized the non-existence of an international customary right to abortion and highlighted that in many countries abortion laws are even more restrictive than the Mississippi Gestational Age Act.<sup>20</sup>

In many ways, the global neoconservative movement uses abortion as a wedge issue in Latin America, garnering voters with the motto of *defender la vida humana* to advance a broader political and economic agenda that includes austerity, deregulation, and the further restriction of labor rights.<sup>21</sup> This also is troubling for broader democratic ideals, functioning as “a frightening signal to authoritarians around the world that they can strip long-established rights from their people.”<sup>22</sup> As we argue below, this is why any transnational reproductive justice movement must have a broader focus informed by decolonialism.

### Latin American Models of Feminist Solidarity

*Dobbs* has global implications that extend beyond reproductive rights. A transnational feminist movement for reproductive justice must therefore also be informed by the broader political context in which that fight is situated. At core, demands for reproductive justice are demands for freedom and self-determination, involving three positive claims: the right to have a child, the right to not have a child, and the right to parent children in healthy and safe environments.<sup>23</sup> This framing makes explicit that self-determination with respect to reproduction cannot be achieved absent the requisite social, economic, and cultural conditions. The fight for reproductive justice must therefore transcend traditional liberal concepts of the private self and situate reproductive justice within broader frameworks of community and mutual support.<sup>24</sup>

However, *Dobbs* also highlights the need for “reproductive rights in context” — an integration of both individual rights and a broader, intersectional understanding of reproductive justice. While reproductive

rights alone are insufficient due to their disconnect from a more holistic vision of freedom that engages the importance of race, class, sexuality, and local context, the legal and rhetorical force of “rights” talk illustrates that constitutionally-protected rights are nevertheless essential to the protection of access to abortion and reproductive health.<sup>25</sup>

The experiences of activists, lawyers, bioethicists, and physicians caring for sexual and reproductive health in Central and South America provide a helpful roadmap for effective movement-making. The broad alliance of Latin American social movements for reproductive justice shares a political vision not only based on the idea of resistance, but also grounded in aspirations of profound social transformation. Legalization of abortion is therefore often seen as only one part of a larger political project.

In Argentina, the fight for abortion rights is “plebeya y plural” (common and diverse) and has united veteran activists with the next generation.<sup>26</sup> La Campaña por el Aborto Legal y Gratuito (The Campaign for Legal and Free Abortion or “La Campaña”) combines street action and social activism; parliamentary lobbying with the recovery of feminist solidarity traditions; international efforts with local actions; and popular organizations with feminist scholars. Dubbed by many as “la marea verde” (the green tide), this popular movement unites several causes under one banner. These include Ni una Menos, a movement fighting femicide and all violence against women, and Abuelas de Plaza de Mayo, a human rights organization working to find children who were kidnapped and illegally adopted during the military dictatorship of the 70s and 80s, highlighting the link between the criminalization of abortion and other manifestations of gender-based violence.<sup>27</sup> La Campaña unites across political parties and traditions, intentionally including LGBTQ persons and cisgender men committed to fighting patriarchy. This unity between gay rights activists and feminism finds its roots in the grassroots organizing of the 70s and the creation of the Sexual Policy Group, which brought gay men, feminists, and left-wing militants together with the goal of decriminalizing abortion.<sup>28</sup> While such a diverse coalition brings with it internal conflict, La Campaña has persisted and achieved one of the most important victories in Latin American feminist history: the 2021 legalization of abortion in Argentina. Although obstacles remain due in part to the spurious use of conscientious objection legal clauses, the Argentinian victory can be seen as a culmination of this united front of activists.<sup>29</sup>

In Mexico, the antecedents of today's reproductive justice movement can be traced to the 1930s. In 1936, Marxist-feminist founders of the United Front for Women's Rights participated in the Criminal Code Unification Convention to argue for the federal recognition of the right to abortion.<sup>30</sup> Three decades later, with the second wave of feminism, the demand for decriminalization grew within Mexican organizing. *Mujeres en Acción Solidaria* (Women in Solidarity Action) and the National Women's Movement organized a series of conferences on abortion. Many leftist women were confronted by men in their organizations with accusations of being "agents of Yankee imperialism,"<sup>31</sup> but Mexican feminists argued that abortion rights were not only a matter of individual freedom but also a matter of social justice, public health, and democratic rights. They coined the expression "voluntary motherhood" to encompass three interrelated needs: extensive sexual education at all levels with effective means to reach women in rural and indigenous areas; access to affordable and safe contraceptives and abortion; and protection from non-consensual sterilization.<sup>32</sup> One of the most striking actions in this movement was the 1978 march of women carrying funeral garlands to the Monument to the Mother, mourning all women who had died from unsafe, clandestine abortions.<sup>33</sup> The women's movement grew to include political operatives and academics, culminating in the 1990s with the creation of NGOs such as Grupo de información en reproducción elegida (GIRE, or "information group on reproductive choice"), an organization critical in raising strategic litigation at the national and international levels.<sup>34</sup>

Activists in El Salvador and Costa Rica have also used strategic international litigation together with local political advocacy. International litigation has borne fruit. For example, in *Manuela and Others v. El Salvador* (2008), the Inter-American Commission on Human Rights (IACHR) found El Salvador had violated the rights of a 32-year old woman who was arrested and later sentenced to 30 years in prison for aggravated homicide after local medical personnel attributed an obstetric emergency to a self-induced abortion.<sup>35</sup> In another case, IACHR ruled that two women who were forced to carry unviable pregnancies to term despite the physical, mental, and emotional dangers could argue that despite formal legalization of therapeutic abortion in Costa Rica, lack of a guaranteed mechanism to access this service leaves many at the whim of public officials with discretion over their cases and that this violates several of their rights, including economic, social, and cultural rights as

enumerated in the American Convention on Human Rights.<sup>36</sup>

Finally, litigation has been augmented by the growth of networks of feminists and healthcare practitioners providing abortion services.<sup>37</sup> This clandestine provision of abortion services has become a central plank in the reproductive justice movement across much of Latin America. Misoprostol is often supplied by international networks to clandestine clinics where trained personnel also offer non-surgical abortions via manual vacuum aspiration (MVA). According to some figures, the main clandestine organization in Peru performed as many as 80,000 MVAs in 2020, accounting for as much as 25% of all abortions nationally.<sup>38</sup> Despite remaining obstacles related to costs, accessibility, and risks of clandestine procedures, receiving abortion care in a safe place surrounded by other women there to protect them enhances the power and autonomy of women over their own bodies. As acts of civil disobedience, clandestine abortions don't merely challenge the State, but also serve to generate an alternative normative framework wherein acts of resistance become the root of an ethic.<sup>39</sup>

### Transnational Decolonial Feminist Solidarity

The global fight against women's reproductive rights demonstrates the need for an analogous transnational movement for reproductive justice. The broad framing of reproductive justice highlights that women's health is deeply impacted by other geopolitical issues, including labor rights, economic justice, and violence. These interrelations have long been recognized by reproductive scholars: Angela Davis noted in 1981 that "When Black and Latina women resort to abortions in such large numbers, the stories they tell are not so much about their desire to be free of their pregnancy, but rather about the miserable social conditions which dissuade them from bringing new lives into the world."<sup>40</sup>

*Dobbs* is part of a far-reaching neoconservative agenda, entrenched in existing patterns of exploitation, exclusion, and oppression. For example, migrant women from Central America often seek long-term intramuscular contraceptives such as Depo-Provera because rape is common on the journey to the US-Mexican border, and pregnancy threatens survival on the trek.<sup>41</sup> Reproductive justice for such women is not merely about abortion rights; it is deeply entangled with economic and ecological precarity that can be traced to historical and ongoing relations between North and Central America. US imperialist support of civil wars and corporate cooptation of local governments has destroyed the livelihoods of many Central

American communities.<sup>42</sup> This has disproportionately impacted women, and any global feminist movement must recognize and grapple with this imperial legacy.<sup>43</sup>

Given these realities, a transnational feminist movement must incorporate a decolonial lens to be effective. By “decolonial,” we intend a recognition of historical power relations of colonialism, imperialism, and extractivism, as well as ongoing systems of oppression that structure the lives of most of the global population. Decolonialism aims to redistribute both material and symbolic resources, to open spaces for the excluded to participate, and to redistribute political power. The denial to those of child-bearing potential reproductive self-determination is part of a matrix of oppression that has long treated women as resources for exploitation and domination rather than individuals with agency. Overcoming that matrix requires more than a paradigm of individual reproductive rights can achieve. Reproductive “rights” will only reach those with the privilege to escape the logic of commodification and exploitation of women’s bodies. But most of the world’s women and gender minorities still contend with the legacies of colonialism and its associated necropolitics. Conditions of quasi-servitude largely attributable to political and economic decisions made in North America and Europe force many to terminate pregnancies against their will or avoid pregnancy altogether.<sup>44</sup>

What would a global decolonial feminist movement look like? Most importantly, it looks diverse. It involves a diverse set of actors — organizations, institutions, and individuals — coming together under a shared ethical aspiration of emancipation and mutual recognition of interdependence. Exemplified by Latin American feminist movements, heterogeneity should be seen as a strength of a movement. It must be egalitarian, democratic, and participatory; focused on achieving not only the conditions necessary for individual agency, but also those necessary for new social relations that value care and understand interdependence as constitutive of life.

## Conclusion

The overlapping realities of global inequality, severe poverty, extractivism, and western-backed violence are fundamentally implicated in reproductive justice everywhere. Feminists must be united in our focus on these broader social and economic realities in our movements and address them as part of any meaningful movement for liberation. There is a rich history of political resistance and social transformation based on transnational feminist solidarity than can serve as inspiration. Though each of these movements has

been situated within specific contexts and cultures, we can draw lessons from what has been effective that transcend both geographical limits and political difference. While difference must be acknowledged, we must also find common ground and resist the pressure to reproduce discrimination, exclusion, and hierarchy within our social, political, and academic movements. The global fight for reproductive justice requires a diverse coalition informed by multiple, complementary strategies fighting for a common cause. For that, we need to reject missionary feminism, and articulate a clear political and ethical narrative that emphasizes the interconnection between economic, social, and reproductive rights and the realities of global interdependence.

## Note

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