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A woman wearing a shirt with the Virgin Mary on it holds a crucifix above her head while in a

A woman holds a cross as she takes part in a March for Life against abortion in Mexico City May 7, 2022. Mexico’s Supreme Court overturned a state-level abortion ban Aug. 30, 2023, a decision observers say could hasten the removal of restrictions on the procedure nationwide. (OSV News photo/Toya Sarno Jordan)



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Mexico's Supreme Court overturned a state-level abortion ban, a decision observers say could hasten the removal of restrictions on the procedure nationwide.

The first bench of the Supreme Court ruled Aug. 30 against a law banning abortions in the western state of Aguascalientes, instructing the local congress to revise its legislation. The bench, or panel of justices, also ordered the state government to guarantee access to abortion in its hospitals.

"The court's argumentation sets a binding precedent for all local and federal judges, who will have to resolve any similar matters based on the court's decision, which was approved by four votes (out of five)," the Information Group on Reproductive Choice, one of the litigants, said in a statement.

"This achievement brings us closer to the decriminalization of abortion throughout the country," said the group, known as GIRE for its Spanish acronym.

GIRE director Rebeca Ramos told OSV News, "We are presenting injunctions in other states where (abortion) is criminalized. So we're now expecting that they're resolved in accordance with what the court decided." She described the expected resolution of future cases as a "domino effect."

The decision continued the trend of the Mexican high court in striking down restrictions on abortion. It followed a 2021 decision, which decriminalized abortion during the first 12 weeks of pregnancy in the northern state of Coahuila and established jurisprudence for future cases.

"It was Mexico's Roe v. Wade," Luis Martínez, Human Life International's representative at the Organization of American States, told OSV News.

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"The Supreme Court established general criteria of unconstitutionality and with (that) in any state of the republic, even if the constitution was pro-life, abortions could be done, but after (the woman) filed and won an amparo," Martínez said. An "amparo," he explained, is a Mexican legal concept comparable to an injunction, but usually for individuals, not groups.

Martínez continued: "Normally, the Supreme Court has shaped abortion policy through rulings on the constitutionality of the laws regulating abortion or jurisprudence. In Aguascalientes, it was through an amparo."

The decision means 12 of Mexico's 32 states have decriminalized abortion since Mexico City approved the first law doing so in 2007.

"This first bench cannot be indifferent to the situation in which women and pregnant persons in Aguascalientes are and have been subjected to in an unjust manner," Justice Juan Luis González Alcántara Carrancá, author of the decision, said in his ruling.

"(It is) imperative that the constitutional courts break the cycle of discrimination and take the necessary measures to repair the damage caused that society and the justice system itself could cause or has caused, ensuring that the causes that originated such damage are not perpetuated," the justice said.

Martínez said the strategy of many pro-life groups to influence policy on the state level is likely to prove ineffective as the Supreme Court quickly assumes cases -- and rules against local laws.

"I see a very complicated situation here in Mexico," Martínez said. "The only way to reverse the situation would be explicitly putting the right to life from conception in the constitution."