FEATURED Q&A

What Is the Impact of Mexican Justices’ Abortion Ruling?

Mexico's Supreme Court on Sept. 6 issued a ruling that de-criminalized abortion nationwide, ordering it to be removed from the federal penal code. Although the ruling means that federal agencies are obligated to provide the procedure, what obstacles to access remain? What does the order mean for women's access to abortion in states where it is still criminalized? How likely is the Supreme Court’s action to influence other countries in the region?

Q

A

Maria Elisa Vera, assistant professor of criminal law at Escuela Libre de Derecho in Mexico City: "In its ruling, the Supreme Court concluded that the federal statute that criminalized pregnancy interruptions, regardless of timing, violated women's autonomy, specifically the right to decide whether to become a parent. The court ruled that the statute not only violates women's rights but those of all pregnant people, thus addressing the rights of transgender men. The abortion statute in its current text may not be applied as of the date of the Supreme Court's order. This means that the 12 states where a person can request and be legally granted an abortion may become safer places for the procedure. However, the pathway to decriminalizing abortion on the federal level is still lengthy. The court ordered Congress to amend the Federal Penal Code in order to repeal the current abortion statute before the end of the current legislative term. This means that by Dec. 15, Congress will have to repeal the current abortion statute and may pass a new one that complies with the court's decision. Regardless of the legal hurdles, the decision may trigger new discussions.

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**Political News**

**U.S. Pledges $100 Mn to Support Haiti Security Mission**

The administration of U.S. Joe Biden on Friday pledged $100 million in funding for a proposed Kenya-led security mission to restore order to gang-ridden Haiti, the Associated Press reported. Secretary of State Antony Blinken said the United States would provide logistics, including intelligence, communications, airlift and medical support for the mission, which is still pending approval by the United Nations Security Council, the wire service reported. While Kenya’s government has offered to lead the mission, Jamaica, the Bahamas and Antigua and Barbuda have said they would deploy personnel for it. Blinken called on the international community to support the mission. “The people of Haiti cannot wait much longer,” Blinken said in a meeting in New York, on the sidelines of the U.N. General Assembly. “We really have no time to lose,” he added, Reuters reported. Haitian Prime Minister Ariel Henry also said on Friday that Haiti urgently needs assistance. An armed force “remains essential to create an environment in which the state can function again,” Henry told the General Assembly, the AP reported. Henry added that gangs in Haiti have committed crimes including “kidnapping, pillaging, fires, the recent massacres, sexual and sexist violence, organ trafficking, human trafficking, homicides, extrajudicial executions, the recruitment of child soldiers and the blocking of main roads.” Henry added, “Democracy is at peril. Our country needs a return to normalcy.”

**Economic News**

**Paraguay’s Peña Sets December Ultimatum for E.U. Trade Deal**

The Mercosur trade bloc will walk away from the European Union and enter negotiations with Asian countries instead if a trade agreement is not reached by Dec. 6, said Paraguyan President Santiago Peña, the Financial Times reported. “Either we close by Dec. 6 or we don’t close,” Peña told the newspaper in an interview. The negotiations have been ongoing for the last 20 years, and European leaders need to make a political decision on whether they want a deal with the Mercosur members—Brazil, Argentina, Paraguay and Uruguay, Peña said. “This is no longer a technical issue,” he added. The two sides reached a deal in principle in 2019, but the agreement was not ratified because some E.U. member states wanted stronger environmental commitments from South America, which the Mercosur nations rejected over concerns of protectionism from European countries. Peña, who took office last month, said the South American trade bloc had other negotiation possibilities with the United Arab Emirates and Singapore. “With Singapore, we will close a deal in two months,” he said, the

**News Briefs**

**Bolivia’s Morales to Run for President in 2025**

Former Bolivian President Evo Morales announced on Sunday that he is running for president in the country’s 2025 election. “Forced by the government’s attacks ... I’ve decided to accept the requests of our members and of so many brothers and sisters who attend rallies throughout the country to be a candidate for the presidency,” he said in a posting on X, formerly known as Twitter, Reuters reported. Morales, Bolivia’s first Indigenous leader, resigned as president in his fourth term in 2019 over disputed election results.

**Mexico Eyes Checkpoints to Keep Migrants Off Freight Trains**

Mexican officials said Friday that they would establish checkpoints to “dissuade” migrants from riding on freight trains to the U.S. border, the Associated Press reported. So many migrants have been climbing aboard freight trains that Mexico’s largest railway company said last week that it was halting 60 train routes over safety concerns.

**Venezuelans to Vote in Referendum on Border Dispute With Guyana**

Venezuelans will vote in a referendum on the country’s territorial dispute with Guyana, Foreign Minister Yvan Gil said on Saturday in a speech at the United Nations General Assembly, Reuters reported. Venezuela’s National Assembly “unanimously decided to call our people to vote in a consultative referendum to ratify the defense of our sovereign territory against the aggressions of the American empire, which wants to lead us to a war for natural resources,” Gil said. Last week, Venezuela rejected Guyana’s oil tender, which granted exploration rights in contested territories rich in oil and gas.
Financial Times reported. "I can assure you it will be very fast," he added. "The only hope for ratification of an E.U.-Mercosur Association Agreement is a growing realization that the E.U. is rapidly losing markets for its exports and services in South America to China and is even being marginalized as a cultural reference point," Thomas Andrew O'Keefe, the president of the Mercosur Consulting Group, told the Advisor in a Q&A published May 9.

**BUSINESS NEWS**

U.S. Accuses Mexican Company of Running Ponzi Scheme

The U.S. Securities and Exchange Commission announced charges last Thursday against Mexico-based Aras Investment Business Group and its chief executive officer, accusing them of operating a Ponzi scheme that collected at least $15 million from more than 450 investors in the United States. The SEC complaint, which was filed in U.S. District Court for the Western District of Texas in El Paso, alleges that from about March 2020 through November 2021, Aras CEO Armando Gutiérrez Rosas and four others raised money from the investors, most of whom were Mexican-American, purportedly to invest in U.S. real estate and mining operations in Mexico, the SEC said in a statement. The investors were promised returns of as much as 10 percent, the statement said. However, none of the money was used for investments, the SEC said. The agency alleged that Gutiérrez was operating a Ponzi scheme and used investors' money to pay for personal expenses including a $2.5 million mansion in Texas. "We are committed to holding promot- ers of these types of affinity frauds accountable," Melissa R. Hodgman, associate director in the SEC’s Division of Enforcement, said in a statement. Efren Quiroz, Luis Quiroz, Maria Tolentino and Diyanaira Rendon also stand charged in the case, the SEC said. Without admitting or denying the allegations, Efren and Luis Quiroz, Tolentino and Rendon consented to the entry of judgments against them related to all claims, "including full injunctive relief against future violations," the SEC said. The court will determine the penalty amounts that the defendants must pay, and the settlements are subject to court approval, the agency added. The SEC described Gutiérrez as the "mastermind" of the alleged scheme and said his whereabouts are unknown, the San Antonio Express-News reported. He vanished at around the time that Mexican authorities started enforce- ment proceedings against Aras, the newspaper reported. Approximately $8.1 million was paid to investors, while their losses exceeded $6 million, the SEC said in its lawsuit.

**THE DIALOGUE CONTINUES**

What Would a New Approach Mean for Fighting Drugs?

**Q**

Colombian President Gustavo Petro on Sept. 9 proposed an alliance among Latin American countries to fight drug traf- ficking, focusing on drug consumption as a public health issue. At the close of the Latin American and Caribbean Conference on Drugs, Petro said the five-decade war on drugs had failed and led to incalculable pain and bloodshed in Latin America. Days later, the United Nations Office on Drugs and Crime reported that cocaine produc- tion increased 13 percent in Colombia last year, reaching an all-time high. What would Petro’s plan to transform the war on drugs entail, and what elements would it need to succeed? How likely is the rest of the re- gion to cooperate, and how would it address drug production? What kind of cooperation can Petro expect from the United States on his drug policies?

**A**

Christopher Hernandez-Roy, deputy director and senior fellow of the Americas Program at the Center for Strategic and International Studies (CSIS): "President Petro’s statement and the conference outcome do not bring anything new. In 2011, the Global Commission on Drug Policy, which included a group of prominent former Latin American presidents, issued a groundbreak- ing report that acknowledged the failure of the war on drugs and recommended decrim- inalization and harm reduction, alongside supply reduction strategies. In the United States, this shift culminated in President Obama’s 2014 National Drug Control Strate- gy, which for the first time emphasized providing treatment over incarceration, pursing ‘smart on crime’ rather than ‘tough on crime’ approaches, and support for early health interventions. Finally, the 2016 U.N. General Assembly Special Session on the World Drug Problem (UNGASS) added human rights/de- velopment approaches to the drug problem, in addition to traditional demand and supply reduction strategies. The outcome document of the Sept. 9 meeting in Cali reiterates the UNGASS approach and as such is not innova- tive or transformative. Putting the brakes on supply reduction will only contribute to already record production of cocaine in Colombia, Peru and Bolivia as traffickers make record profits from rising demand in Europe and emerging markets in Asia. This could also facilitate the spread of deadly fentanyl in South America. Petro can expect continued U.S. support for building a more cohesive and inclusive society and to pro- mote equitable and sustainable economic growth, but also an insistence that effective counter-drug policies include robust supply reduction and interdiction efforts, which are not at odds with a public health approach."

**EDITOR’S NOTE:** The comment above is a continuation of the Q&A published in the Sept. 22 issue of the Advisor.
(and all health institutions in the country) are already obligated to provide abortions because, as of Sept. 7, 2021, the Supreme Court recognized that the right to choose is a human right under Article 4 of the Constitution. The health system, however, does not provide abortions if state law still recognizes the procedure as a crime. For this reason, it’s important to eliminate any law that authorities can use to deny access to abortion services or to criminalize people for it. This Supreme Court ruling is crucial to Mexico and Latin America generally because it recognizes that abortion is a human right, and we hope other courts in the region follow the same path and become allies in this cause.”

Rodrigo Montes de Oca Arboleya, research scholar at the Baker Institute Center for the United States and Mexico:

“Despite the Supreme Court’s decision to decriminalize abortion at the federal level, pregnancy termination remains illegal in 20 of the 32 Mexican states. Even so, this was an important ruling in favor of women’s reproductive rights. The ruling is an excellent precedent that can be used to repeal local prohibitions in state criminal codes through judicial review. GIRE, the abortion rights group that filed the lawsuit, has announced that it will use this precedent in other cases against state codes that continue to criminalize abortion. In practical terms, the Sept. 6 ruling allows women to legally seek an abortion in federal health facilities, even in states where pregnancy termination remains illegal. That is, abortion services will be available in all federal hospitals and clinics that provide health services to workers who are beneficiaries of IMSS (which is for private sector workers) or ISSSTE (which covers public sector workers). Abortion remains punishable in states where it is still criminalized—thus far. Interestingly, the ruling showed that Latin American countries are moving toward protecting women’s rights at the same time that countries that are considered more developed are politically weaponizing these rights.”

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.

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— Rodrigo Montes de Oca Arboleya