



WNYC News Blog

---

## Women's Rights Advocates Denounce Arrest for Self-Abortion

Friday, December 02, 2011 - 05:33 PM

By [Ailsa Chang](#)

Abortion rights advocates are criticizing the New York City Police Department for charging a Washington Heights woman with self-abortion in the first degree.

Yaribely Almonte, 20, allegedly admitted that she drank a tea to induce abortion. A 25-week-old fetus was found in a trash can at her apartment building Tuesday.

In New York, a woman can be charged with a misdemeanor if she aborts a fetus after 24 weeks of pregnancy unless her life is in danger.

Sonia Ossorio, the executive director of National Organization for Women in New York City, said the city should not be punishing women for inducing abortion, but rather, should be increasing access to medical care to women. Ossorio added there's a reason bodegas in New York City secretly sell medications like misoprostol and other concoctions that can cause abortions.

"What does that say? Women are desperate. They're not receiving the medical care that they should," Ossorio said.

Reproductive health experts say there's anecdotal evidence home abortions take place more frequently in Latin American communities for a variety of reasons — lack of access to healthcare, lack of information about abortion clinics, fear that publicly accessing a clinic could lead to adverse immigration consequences and a cultural familiarity with self-induced abortions.

"You can buy this drug over the counter in Mexico and I believe a couple of other Latin American countries, so it is kind of known in those countries, so that's one reason why it's more common those communities in the United States," said Rachel Jones, a researcher at Guttmacher Institute, which provides policy analysis and education on reproductive health issues.

The criminal charge of self-abortion is rarely seen in New York state. Almonte's case marks the fifth time since 1980 someone has been charged with the misdemeanor as the top count, according to the state Division of Criminal Justice Services.

Legal experts say it's likely prosecutors have simply declined to prosecute on this charge in many occasions over the decades.

"Prosecutors exercise a certain discretion in terms of whether to charge crimes like this because it

usually arises out of some desperate circumstances," said Jim Cohen, a professor of criminal law at Fordham Law School.

Deborah Denno, another criminal law professor at Fordham Law School, said the fact that the self-abortion charge is a misdemeanor and not a felony reflects a judgment by the state legislature that women should have some say over what happens to their bodies.

"Even though there is a philosophical and religious and legal debate about when a fetus is truly viable, there's still a strong sense and feeling that women have control over their bodies and the fetuses inside their bodies," Denno said.

If convicted, Almonte faces up to one year in jail. Her first court appearance will be January 3.