

The use of voluntary relinquishment as a barrier to legal abortion access in recent legislative bills in Brazil

Uso da entrega voluntária como barreira de acesso ao aborto legal em projetos de lei recentes no Brasil (abstract: p. 17)

Uso de la entrega voluntaria como barrera de acceso al aborto legal en proyectos de ley recientes en Brasil (resumen: p. 17)

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This paper discusses the use of voluntary relinquishment, a legal mechanism through which pregnant women can choose to place their babies for adoption, as a strategy to curtail legal abortion. We begin with two widely publicized cases involving pregnant girls under the age of fourteen – situations in which abortion is not criminalized due to the presumption of statutory rape. We conduct a documentary analysis from an ethnographic perspective of recent legislative bills that regulate or promote voluntary relinquishment. The argument that there are “30,000 couples” waiting to adopt a baby is often used to delay or prevent legal abortion access. Although it is the right of every pregnant woman, the use of this apparatus as a “solution” to abortion has been an important instrument in attacks on sexual and reproductive rights in Brazil.

Keywords: Abortion. Voluntary relinquishment. Adoption. Reproductive rights.

Introduction

Recently, stories of pregnant girls under 14 years old who have faced difficulties in accessing legal abortion have garnered public attention following their dissemination via newspapers and news portals, sparking reactions on social media expressing both opposing and supportive views concerning abortion. The right to abortion in cases where pregnancy results from sexual violence has been guaranteed since the implementation of the 1940 Brazilian Penal Code¹. Although the 1940 Penal Code criminalized sexual relations with minors under 14 years old, it was only in 2009 that Law 12.015² introduced the concept of “rape of a vulnerable person,” reinforcing the presumption of statutory rape up until age 14. As a result, girls under age 14 should be allowed to access legal abortion without any barriers in Brazil. However, in practice, this has not always been the case.

The first case we examine took place in 2020, when a 10-year-old child residing in São Mateus, Espírito Santo was prevented from undergoing an abortion at the state’s main referral hospital. At the time, she was approximately 20 weeks pregnant, which had been discovered by professionals at her local public health clinic to whom she reported suffering repeated abuse at the hands of an uncle since she was 6 years old. As a result, she was placed in child protective services, which determined that decisions regarding her health be delegated to the juvenile court system. Subsequently, the courts authorized that an abortion be performed at the Cassiano Antonio Moraes University Hospital (HUCAM) in Vitória, which refused, claiming that the pregnancy was too advanced³.

In addition to generating outrage due to the difficulties faced by the young girl in accessing her legally guaranteed right to abortion, the story’s repercussion led “pro-life” activists to organize to prevent her from having an abortion, also employing the argument that the pregnancy was too advanced⁴. Damares Alves, the Minister of Women, Family, and Human Rights at the time, also reportedly got involved “behind the scenes”⁵, sending a team to Espírito Santo to ensure the baby’s birth.

In 2022, another case involving an 11-year-old child also received extensive news coverage as her case made its way through the judicial system after her right to abortion was denied at a hospital in Florianópolis because she was 22 weeks pregnant. During a public hearing, the judge questioned the child about whether she wanted an abortion and the possibility of continuing the pregnancy until “viability,” so the baby could be born and adopted by another family. Despite facing institutional barriers, the child managed to undergo an abortion. However, subsequently, the Legislative Assembly of the State of Santa Catarina (ALESC) created a parliamentary inquiry (CPI) to investigate the actions of the professionals who performed the procedure. In the video announcing the final report, the CPI rapporteur, State Representative Ana Campagnolo, stated that there had been an “intrauterine murder of a viable baby”⁶.

These cases demonstrate that solely the legal justification of abortion in pregnancies resulting from rape does not guarantee abortion access. Throughout these girls’ abortion odysseys, obstacles to accessing their legal right to abortion were imposed by agents of the state (the legal system, the public healthcare system, the

executive branch, etc.). Furthermore, state actions in these specific cases reflect a broader movement toward restrictions on legal abortion access in recent years, which is also evident in the language utilized by certain recent legislative bills, such as the Unborn Child Statute and the Pregnant Woman Statute.

The focus on “viable babies” as a desirable product for other couples began with the sanctification of the family from the 19th century onward and the progressive valuation of childhood, giving rise to a “market of adoptable children”⁷. In the late 20th century, the “culture of life” promoted by the Vatican also influenced “pro-life” movements in some countries, such as the U.S. According to Fonseca⁷, these trends also encouraged the drafting of laws to incentivize adoption and restrict abortion rights. In Brazilian politics, so-called “neoconservatism”⁸ – a coalition among religious and non-religious entities that, among other goals, attacks reproductive rights – gained strength from the 2010s onwards, proposing a large number of legislative bills aimed at limiting legal abortion access.

Thus, we identify that abortion and adoption are interconnected in the actions of the state and those of different actors when crafting moral discourses and regulating reproductive practices. This study aims to analyze how adoption, through the “voluntary relinquishment of parental rights,” has been presented as a moral imperative to hinder access to legal abortion in Brazil. According to Law 13.509/2017⁹, voluntary relinquishment is a procedure mediated by the juvenile court system providing mothers with the option to place their babies for adoption before or after birth. This right is guaranteed for all pregnant women and is not linked to abortion in any way.

We employ the theoretical framework of Reproductive Governance¹⁰, which contemplates the regulation of human reproduction based on political interests, such as the future of communities and nations¹¹. We also discuss how the creation of moral panic¹² surrounding the notion of “murdering babies” strengthens incentives for voluntary relinquishment as a substitute for abortion in cases of unwanted pregnancy.

Methodology

We utilized document ethnography to better comprehend the meanings and effects of the act of documenting, as well as the potential transformations or shifts in documents’ originally intended meanings. Documents are artifacts that (re)organize individuals, relationships, and subjectivities. In addition to analyzing their written content, this perspective seeks to understand the universe that produced them, their meanings, and the effects of the act of documenting¹³.

To illustrate new configurations of moralities regarding reproductive practices in recent years in Brazil, we have divided this article into two sections. In the first section, we discuss how legal abortion access has been presented and managed in different domains. In this regard, we employ source materials consisting of several articles published by news portals concerning two cases of pregnant girls under 14 years old who sought legal abortion access. Additionally, we include excerpts from

the final report of the Santa Catarina Abortion CPI and its corresponding video announcement.

In the second section, we analyze legislative bills that refer to the voluntary relinquishment of babies for adoption, either as their core principle or as an underlying part of another objective. We selected legislative bills drafted from 2009 onwards, the year when Law 12.010¹⁴ was approved, which addresses adoption and first cites the possibility for birth mothers to legally opt to surrender their babies for adoption (although not explicitly using the term “voluntary relinquishment,” which first included in Law 13.509/2017 in 2017⁹). The selected bills are presented in the table below:

Table 1. Brazilian laws that regulate the voluntary relinquishment of babies for adoption following the enactment of the National Adoption Law in 2009.

Year / Level / Status	Laws and Legislative Bills
2008 National Rejected	Legislative Bill 2.747- Anonymous Birth Law
2009 National Current legislation	Law 12.010 - National Adoption Law
2016 National Current legislation	Law 13.257 - Early Childhood Legal Framework
2017 National Current legislation	Law 13.509/17 - New Adoption Law
2018 State Current legislation	State Law 16.729 - São Paulo State
2020 National Under consideration	Legislative Bill 5435 - Pregnant Woman Statute
2021 National Rejected	Legislative Bill 434/2021 - Unborn Child Statute
2022 Municipal Current legislation	Law 8.042 - The City of Guarulhos

Abortion and Infanticide: The (Re)production of Moral Panic

Associations of abortion with infanticide have become recurrent in recent years and have often been utilized to promote attacks on the already limited right to legal abortion in Brazil. This process functions through the strategic creation of moral panic¹², which occurs when a group, person, or situation is repeatedly portrayed as a threat to the established order or values, prompting actions believed necessary to prevent the “problem” from taking root. For moral panic dissemination

to be effective, the alleged “victim” must be someone with whom message recipients can identify and empathize with. In the case of abortion, “pro-life” activists equate the fetus with a baby or child whose right to life is perceived as being threatened. This rhetoric was used extensively in Resolution 2.378 issued by the Federal Council of Medicine (CFM) in April 2024, before being subsequently suspended. CFM Resolution 2.378 prohibited medical professionals from performing fetal asystole (a procedure necessary for advanced pregnancy termination), labeling it as “feticide”¹⁵.

In both cases of youth pregnancy examined in this study, arguments related to “advanced pregnancies” and that the “baby” was already developed or was “almost ready to be born” held significant sway throughout the girls’ abortion odysseys and in public debate. In the 2020 case in São Mateus, Espírito Santo⁴, far-right activist Sara Giromini exposed the child’s name and personal information with the aim of generating popular uproar and empathy for the fetus, leading various groups of self-identified “pro-life” activists to organize protests outside the hospital to prevent the girl from getting an abortion. According to reports at the time⁵, the dissemination of the child’s personal data and the hospital’s address was allegedly the work of the staff of then Minister of Women, Family, and Human Rights, Damara Alves (an open abortion opponent and advocate for adoption), after failed attempts to dissuade the family from proceeding with the abortion.

In the 2022 Santa Catarina case, The Intercept published a video from a court hearing¹⁶, highlighting the judge’s attempts to persuade the child to reconsider abortion and opt for adoption instead. The judge sought to convince the girl and her mother to not proceed with the abortion based on the existence of “thirty thousand couples waiting to adopt a child, and [that] this sadness for you and your daughter today is the happiness of a couple.”

The 2022 Santa Catarina case gave rise to the so-called “Abortion CPI,” led by State Representative Ana Campagnolo (a self-identified “anti-feminist”) to investigate possible irregularities related to pregnancy termination, which the girl successfully obtained despite the multitude of barriers faced. The CPI’s final report¹⁷ alleges that there is “strong evidence that the case in question was used by the pro-abortion movement with the goal of creating a precedent to allow abortion at any gestational stage and at the federal level” (p. 5). Additionally, the CPI report states that this “organized network” aims to promote the “crime of abortion”.

The text and the video posted on Representative Campagnolo’s Instagram account⁶ ignore the fact that abortion is not criminalized in cases of pregnancy resulting from rape and claim there is no legal precedent for permitting abortion after 22 weeks of pregnancy. The report and video contain intentionally misleading information that disregards the current penal code, which imposes no gestational limit for pregnancy termination in legally justified cases.

Although the outcome of the CPI did not achieve Representative Campagnolo’s intended goals - she claims to have reported the professionals involved in promoting “the crime of abortion” to their respective professional boards - the documents and discourse disseminated by the CPI reinforce the moral panic surrounding the “deaths of babies.” This is evidenced by comments on the CPI video, suggesting

that, if nothing is done, so-called “intrauterine murders” (a term used by the CPI rapporteur) will continue to be authorized in Brazil. This term seeks to associate abortion with infanticide with the goal of eliciting greater moral condemnation in public opinion. Furthermore, the word “murder” reinforces the argument that abortions performed after 22 weeks of gestation constitute a crime.

Rohden¹⁸ observes distinctions between the terms “embryotomy” and “infanticide” in theses dating back to the 19th century, which refer to the death of an embryo and that of a “viable fetus”, respectively. Both were considered extremely grave events, but the idea of infanticide was viewed as more malicious due to the fetus’s potential to survive outside the uterus. This perception persists in many contemporary discourses condemning abortion. It is not a coincidence that the judge in the Santa Catarina case and the Abortion CPI documents use words like “death”, “baby”, “agonizing”, and “murder” to refer to abortion. These terms invoke infanticide to condemn the abortion performed in Santa Catarina, while promoting the idea that all abortions are crimes, even those provided for by law.

The highlighted cases from Espírito Santo and Santa Catarina also reveal that many hospitals have denied legal abortion access after 20 weeks of gestation, citing a recommendation from the Ministry of Health’s Technical Standard for the “prevention and treatment of complications resulting from sexual violence against women and adolescents”¹⁹. The document advises against abortion after 20 or 22 weeks of pregnancy, recommending awaiting childbirth and facilitating adoption in these cases. However, in addition to being non-legally binding, these guidelines contradict recent evidence from the fields of gynecology and obstetrics²⁰, as well as updated recommendations from the World Health Organization²¹, which advocate against state-imposed gestational time limits on legal abortion access. Nonetheless, the argument of “advanced gestational age” has been used as an impediment to pregnancy termination in cases of rape by reinforcing associations of abortion with infanticide.

As witnessed in the case of the Abortion CPI and articles published by various news portals, growing neoconservative discourses in Brazil foster moral panic to garner popular approval for agendas that threaten sexual and reproductive rights, further hindering access, not only to legal abortion, but also to contraception, reproductive self-determination, and protection against sexual violence, among other rights.

Based on the notion of reproduction as a political issue extending beyond the private sphere and individuals, we invoke the concept of Reproductive Governance to analyze barriers to legal abortion through its association with infanticide and the promotion of policies such as “voluntary relinquishment.” Moreover, this concept allows us to broaden the analysis of the imposition of “moral regimes” by actors other than the state in normalizing reproductive practices. Thus, the roles of NGOs, churches, the healthcare industry, and additional actors come into play, all of whom seek to regulate pregnant women’s choices according to their own political interests¹¹.

The Law and Maternal Mortality: Voluntary Relinquishment as a “Solution”

In 2022, the Brazilian Congress rejected a bill known as the “Unborn Child Statute,” which had been under debate since 2007²². One of its most controversial provisions was the allocation of a monthly payment paid for by the state equal to the monthly minimum wage to women who carry pregnancies resulting from sexual violence to term. Opponents of the proposal emphasized that the main intention of the bill was to attribute rights to the fetus, as well as to force girls and women who were victims of sexual violence to coexist with their rapists, since the provision of child support would enable rapists to claim paternity after the child’s birth.

Further legislative developments in the Brazilian Congress include proposals aimed at restricting legal abortion access and downplaying the severity of rape, as exemplified by Legislative Bill 5435/2020²³, also known as the “Pregnant Woman Statute” or “Rape Compensation Bill.” The initial draft outlines provisions for “protecting the rights of pregnant women and safeguarding the lives of unborn children from conception”. This bill emphasizes the protection of the unborn fetus based on the principle of the “inviolability of human life,” thereby equating fetal rights with those of individuals who have already been born. Additionally, it mandates child support payments from the perpetrators of sexual violence, in addition to requiring the state to provide financial assistance to women or girls who choose to proceed with motherhood resulting from sexual violence. The document does not acknowledge the existence of legal abortion and advocates for pregnancy continuation, even in cases of sexual violence. In cases where mothers are unwilling or unable to care for the child, the bill proposes voluntary relinquishment for adoption as an alternative.

In 2021, Federal Representative Chirs Tonietto (PSL) proposed Legislative Bill 434/2021²⁴, another contentious bill aimed at protecting fetal rights and encouraging adoption in cases of rape. The bill advocates for the comprehensive protection of unborn children, containing provisions such as the “right to child support equal to the monthly minimum wage for an unborn child resulting from sexual violence until eighteen years of age.” This bill stipulates that financial support must be provided either by the state or by the rapist, if identified. The bill also prioritizes adoption if the mother does not want to take responsibility for the child following childbirth.

In Brazil, all pregnant women possess the right to voluntarily relinquish their child, contrasting with the legislation governing abortion, which is only permissible in specific circumstances. In this context, the option to surrender their babies is advocated as a “solution” to abortion by lawmakers and state officials who identify as “pro-life,” such as Senator Eduardo Girão, the author of Legislative Bill 5435/2020²³. In this vein, the arguments proposed by these legislators fail to take into account the dignity, freedom, self-determination, and sexual and reproductive rights of women and girls who have experienced sexual violence.

Another recent observation concerns efforts by courts from nearly every state

to “foster” the right to surrender a baby for adoption, promoting the idea of this decision as an “act of love” and “care” by mothers facing a “difficult situation.” In these terms, adoption is presented as a dimension of caregiving.

In 2018, the Legislative Assembly of the State of São Paulo (ALESP) passed State Law 16.729/2018²⁵, which mandates the placement of easily visible signs in public and private healthcare facilities that provide information on voluntary relinquishment using the following message: “The relinquishment of a child for adoption, even during pregnancy, is not a crime. If you wish to do so, or know someone who wishes to do so, please contact the juvenile justice system. In addition to being legal, this procedure is confidential.” State Representative Rita Passos (PSD) authored this law, which was later passed by the ALESP. She stated in an interview with the ALESP news portal²⁶ that the motivation for the signage initiative stemmed from her discovery that at least two babies are abandoned by their mothers in maternity wards weekly in the city of São Paulo alone, further remarking, “Many children are discarded at birth.”

Available data regarding the number of babies placed for adoption through voluntary relinquishment are imprecise. The numbers cited by Representative Passos were published by the Childhood and Youth Coordinator of the São Paulo Court of Justice (TJ-SP) in 2011, and these data have subsequently been used in political discourses and newspaper articles to raise awareness about the subject, despite being outdated. According to the survey in question, approximately 102 women sought to voluntarily relinquish their babies in 2011 via the judicial system²⁷. However, this survey does not provide information regarding its data collection methods, nor how it tallied the number of cases of voluntary relinquishment.

In September 2020, the “Parliamentary Front for the Expedited Adoption of Babies”²⁸ was inaugurated at the ALESP during an online event spearheaded and presided over by former State Representative Janaína Paschoal (PSL), author of Legislative Bill 755/2020²⁹, which aims to “expedite” adoption procedures. The primary objective of this initiative is to “speed up” the adoption of infants, citing existing “procedural delays.” However, this proposition contradicts Article 39, paragraph 1 of the Child and Adolescent Statute (ECA)³⁰, as established by Law 12.010/2009¹⁵, which states that “adoption is an exceptional and irrevocable measure.” Accordingly, a child should only be placed for adoption after all avenues for remaining with their biological family have been exhausted and all legal obligations have been fulfilled.

This initiative would prioritize families already approved to adopt children as foster families, as reinforced by Representative Paschoal’s assertion that these children possess “diminished chances of returning to the bosoms of their own families”²⁸. However, the National Family Foster Care Policy and the National Social Assistance Policy (PNAS) emphasize that “the bonds established between children or adolescents and their foster families must be characterized by affection and trust, but not parentage”³¹. In this vein, criteria to participate in the program include not having been approved for adoption, nor possessing the intention to adopt the foster child. Nevertheless, in another interview available on YouTube, Representative Paschoal argues that “it is not true that there is a shortage of adoptable babies in

the country; rather, there is an excess of resources allocated to biological families”³². Article 19 of the ECA guarantees that it is “the right of children and adolescents to be raised and educated within their own [biological] families and, exceptionally, by adoptive families, in order to ensure family and community life”³⁰. Hence, this proposal turns this premise on its head by prioritizing adoptive families over efforts to keep children with their biological families.

However, this is not the only legislative initiative to prioritize adoption. The Brazilian Chamber of Deputies is currently debating another legislative bill³³ proposing similar changes to the National Family Foster Care Policy by seeking to prioritize adoption by foster families. This bill was written by Representatives General Peternelli (PSL-SP) and Paula Belmonte (Cidadania-DF), both members of the “Mixed Parliamentary Front for Adoption and Family Life.”

In April 2023, the Judicial Administrative Department (CGJ) of the state of Mato Grosso launched a permanent statewide campaign entitled “Legal Relinquishment”³⁴, aimed at broadening the understanding of the right to voluntary relinquishment across the state’s 79 judicial districts. Other cities and states have also organized initiatives with similar goals, such as the city of Guarulhos in São Paulo, which approved a campaign to raise awareness and promote voluntary relinquishment in 2021. Welliton Bezerra (PTC), the author of the bill³⁵ and president of the Commission for the Rights of Children and Adolescents, clarified in an interview with the city’s official news outlet that the objective of the bill was to “prevent women who have given birth from resorting to killing their babies,” affirming that “there is no need to kill the baby, no need to discard it. Women can leave the child at the hospital, and the judicial system will handle the entire process”³⁶.

The increase in legislative bills and discourses advocating for adoption, including openly anti-abortion proposals, highlights the intensification in the regulation of reproductive practices currently underway in Brazil. Fonseca’s⁷ analysis of trends toward the adoption of “anonymous birth” laws³⁷ seen in various countries provides insights into the political disputes that may favor this pattern. For example, in the United States, the conservative climate of the late 20th century spurred politicians to “return” to the valuation of the nuclear family and motherhood. This scenario influenced initiatives to restrict abortion rights, which had been guaranteed by the U.S. Supreme Court since the 1973 *Roe v. Wade* ruling until 2022, when the court overturned *Roe v. Wade* deciding that there was no constitutional right to abortion. Similarly, current trends in Brazil stemming from the “culture of life” promoted by the Vatican increasingly associate abortion with infanticide and have contributed to the creation of legislation such as “anonymous birth” laws. As in the legislative proposals presented in this article, these bills claim to seek to safeguard the lives of newborns and protect them from mothers deemed unfit.

However, there is a “covert symbolism”⁷ in policies to promote adoption that ultimately leads to the restriction of abortion rights. Thus, moralities are constructed to “justify extreme measures of control over women’s bodies”⁷ (p. 41). Following this logic, adoption is presented as a “solution” to certain “problems” faced by the state. This process can be linked to the so-called “new adoption culture” that has developed since the enactment of the ECA in 1990. Whereas adoption was previously

understood as a primarily parental project, it has now shifted toward being a policy aimed at children and youth³⁸. It was within this context that the Brazilian Congress approved Law 13.509/2017⁹, permitting the voluntary relinquishment of newborn children. In this regard, promoting expedited adoption processes, especially for infants and young children, would theoretically facilitate a reduction in the number of children in institutional care over time.

Fonseca's⁷ and Rinaldi's³⁸ respective analyses concerning the "Anonymous Birth Bill" and the so-called "New Adoption Law"⁸ allow us to infer that the recent legislative proposals mentioned in this study stem from similar processes, and that these documents reflect new moral regimes designed to foster a culture of adoption promotion.

In practice, the increasing emphasis on promoting adoption in Brazil has additional effects, such as facilitating the removal of babies from poor families. In 2014, the Minas Gerais Public Prosecutor's Office issued guidelines recommending the mandatory reporting of cases to juvenile courts in situations where pregnant women expressed interest in placing their babies for adoption or where they missed court appearances or prenatal care appointments, in order to protect unborn children. This sparked controversies and allegations of the institutional "kidnapping" of babies from vulnerable women, especially in Belo Horizonte, where the term "Orphaned Mothers" was coined to describe mothers who were forced to hand their babies over to state custody. These occurrences prompted the Brazilian Ministry of Health to issue a warning about the use of legal recommendations to underpin hasty judicial decisions that separate newborns from their mothers without proper technical assessment³⁹.

Moral regimes play a crucial role in controlling reproductive resources by perpetuating the notion that certain individuals do not fit the ideal model of parenthood. This is reflected in social rights that discriminate against mothers who use illicit drugs, teenage mothers, individuals experiencing homelessness, people with disabilities, and sex workers, among others. Such bodies are deemed to be dissident and unfit for motherhood, contributing to stigma against poor and racialized women who are considered to be unable to provide adequate child care⁴⁰. Concurrently, the right to abortion in cases provided for by law has faced successive attacks, particularly from legislative representatives who have introduced bills aimed at protecting the lives of unborn children, in order to restrict the autonomy of women, girls, or pregnant individuals to exercise their reproductive rights.

Final considerations

The idea that "motherhood will be desired, or it will not be at all"⁴¹ – a slogan used in contemporary feminist movements advocating for safe abortion access in Brazil and Latin America – remains a distant goal in Brazil. As discussed by Ferrand⁴², ensuring safe and legal abortion constitutes an important step toward rethinking the idea of motherhood as women's sole destiny and promoting their societal equality with men.



In recent years, moral discourses concerning reproductive events have emerged across multiple domains in the Brazilian context. These discourses often lead to stigma or hinder access to legal abortion services, which are in turn exacerbated by barriers to access due to the absence of legal abortion providers in many Brazilian cities. Simultaneously, there has been a noticeable increase in promoting the voluntary relinquishment of babies for adoption, especially following the enactment of Law 13.509/2017. This trend underscores the use of adoption as mechanism of both reproductive and childhood and youth-related policies.

As evident in many recent discourses and legislative initiatives, the right to voluntary relinquishment is often manipulated to serve as a “solution” to abortion. However, these emerging moral frameworks designed to define who has a right to motherhood fail to eradicate the stigma attached to “abandoning mothers” who opt for voluntary relinquishment, in addition to underpinning policies supporting the forced removal of babies from impoverished families.

Authors' contribution

All authors actively participated in all stages of preparing the manuscript.

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Conflict of interest

The authors have no conflict of interest to declare.

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O artigo discute os usos da entrega voluntária, dispositivo em que a mulher opta por entregar o bebê gerado para adoção como estratégia de cerceamento ao aborto legal. Utilizamos como ponto de partida dois casos amplamente divulgados que envolvem gestantes menores de 14 anos – em que o aborto não é penalizado devido à presunção de estupro de vulnerável. Realizamos análise documental com perspectiva etnográfica de projetos de lei recentes que regulamentam ou promovem a adoção/entrega voluntária. O argumento de que existem “30 mil casais” à espera de um bebê para adotar tem sido frequentemente utilizado a fim de atrasar ou impedir o acesso ao aborto legal. Ainda que seja um direito de qualquer gestante, o acionamento desse dispositivo como “solução” para o aborto tem sido um importante instrumento de ataque aos direitos sexuais e reprodutivos no Brasil.

Palavras-chave: Aborto. Entrega voluntária. Adoção. Direitos reprodutivos.

El artículo discute los usos de la entrega voluntaria, medida en la que la mujer opta por entregar al bebé engendrado para adopción, como estrategia de limitación al aborto legal. Utilizamos como punto de partida dos casos ampliamente divulgados que envuelven a gestantes menores de 14 años, casos en los que el aborto no está penalizado debido a la presunción de violación de vulnerable. Realizamos un análisis documental con perspectiva etnográfica de proyectos de ley recientes que reglamentan o promueven la adopción/entrega voluntaria. El argumento de que existen “30 mil parejas” a la espera de un bebé para adopción se ha utilizado frecuentemente con la finalidad de atrasar o impedir el acceso al aborto legal. Aunque sea un derecho de cualquier gestante, la puesta en acción de tal medida como “solución” para el aborto ha sido un importante instrumento de ataque a los derechos sexuales y reproductivos en Brasil.

Palabras clave: Aborto. Entrega voluntaria. Adopción. Derechos reproductivos.