

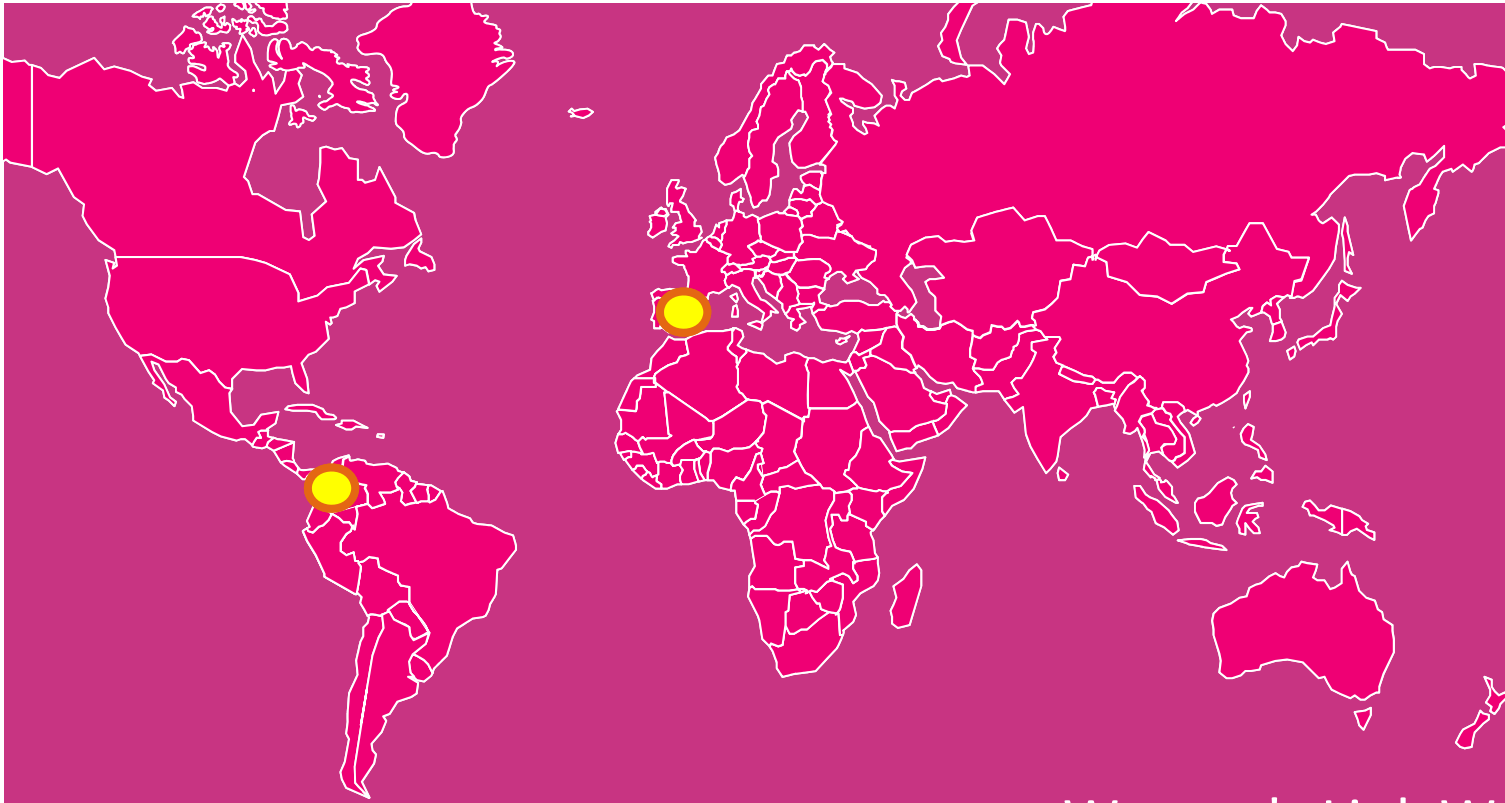
Overview on Latin America

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women's
strategies for gender justice

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worldwide
www.womenslinkworldwide.org



Women's Link Worldwide is an international human rights non-profit organization using strategic litigation and comparative law to promote gender equality around the world.

Based in Madrid and Bogota.



Our lines of work

- Gender Justice Observatory
- **Sexual and reproductive rights**
- Human Trafficking
- Migrant women's rights
- Gender crimes
- Discrimination based on multiple grounds

Our methodology

- Documentation and mapping
- Setting legal standards
- **Implementing legal standards**
- Capacity building



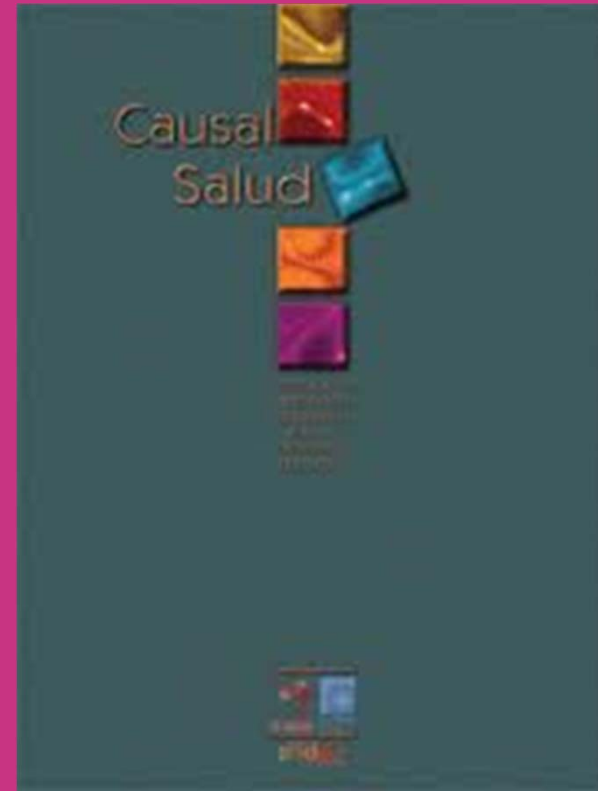
In order to understand the current debates around abortion in Latin America, it is important to keep in mind three milestones:

1. The liberalization of abortion laws in Colombia in May 2006
2. The elimination of therapeutic abortion in Nicaragua in October 2006
3. The constitutionality of the legal reform in Mexico City that allows for abortion on demand up to the 12th week in May 2007

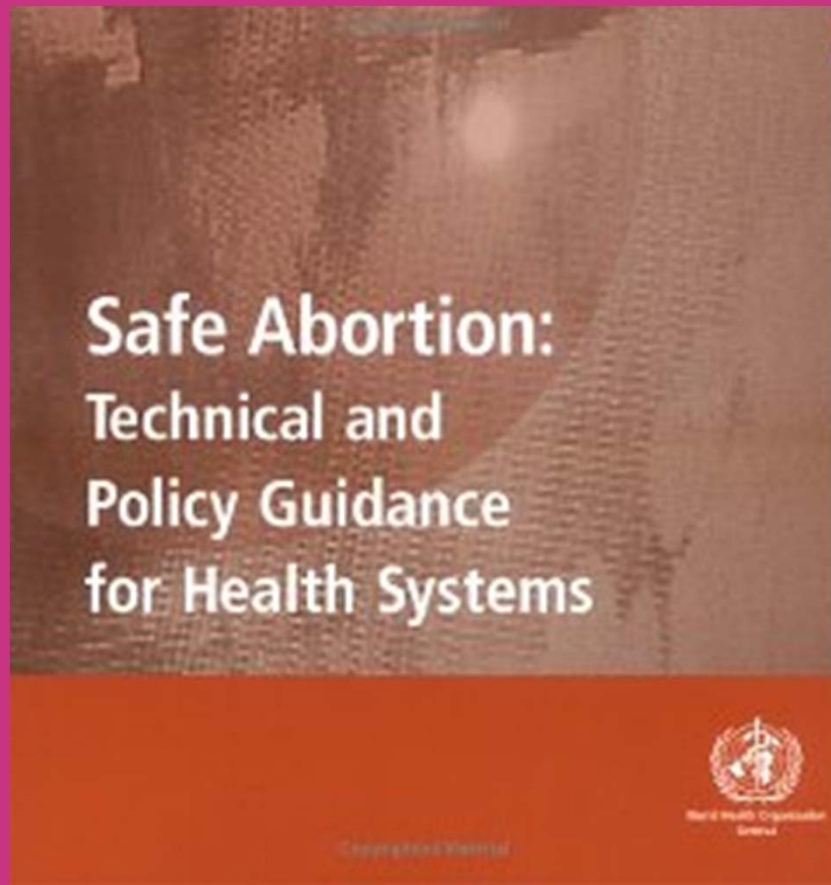
Promotion of the “health” exception

(Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru, Puerto Rico, Uruguay, Venezuela)

Realizing the potential of existing laws in the region.



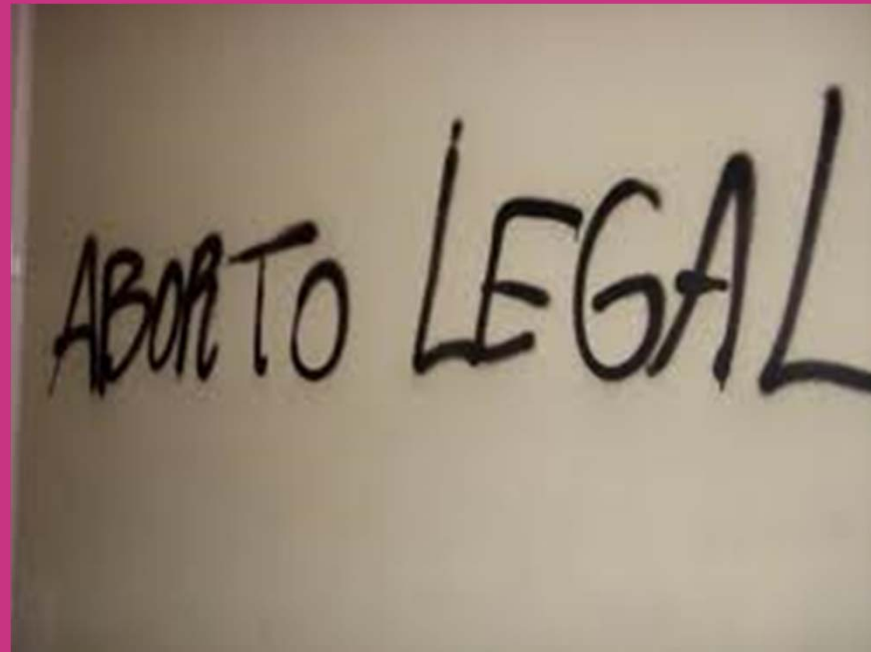
Regulatory decrees that follow WHO guidelines



- Colombia
- Mexico City
- Argentina

Abortion on demand

- Mexico City
- Uruguay
- Argentina



The right to life from the moment of conception

- Constitutional protection vs legal protection
- Effects on Emergency Contraception and IVF



Criminal prosecutions



- **El Salvador**: women sentenced to 30 years for homicide for having had an abortion.
- **Guanajuato**: women sentenced to 30 years for homicide for having had an abortion.
- **Brazil**: 10,000 women persecuted after their medical history was removed from the clinic in violation of due process.
- **Argentina**: judges and attorneys that implement legal abortion are persecuted.

Sabotaging legal abortion through conscientious objection

Colombia:

Who: Conscientious objection can only be alleged by individuals, not institutions; never by judges or public officials; and only by medical personnel directly involved with the procedure.

Obligation: The professional that objects is obliged to refer to a non-objecting professional.

Limits: Conscientious objection finds its limits when a third party's right is at stake or in case of a medical emergency.



Interim measures at the IA Commission on Human Rights



- **Case X and XX vs Colombia:** protecting the physical and mental health of a minor who was denied a legal abortion.
- **Case of Amalia vs Nicaragua:** protecting the life of a woman who was denied treatment for cancer due to her 10 weeks of pregnancy.

Why listening to a lawyer?

By using the law strategically we might not only solve problems but also propose solutions.

Why listening to Women's Link?

Because we have built an expertise in the implementation of abortion laws in Colombia and other Latin American countries.

(Involving litigating cases regarding the abuse of conscientious objection, imposing sanctions to non-complying institutions, defending doctors and institutions that want to implement legal abortion, denouncing doctors to ethical committees, filing disciplinary complaints against judges and public officials, advising health providers on the new law, promoting the teaching of the grounds for legal abortion in school curricula, requesting the registration of misoprostol for a number of obstetric uses, establishing State responsibility for the denial of legal abortion, defending the ground for legal abortion from current threats, constitutional litigation, international litigation, etc.)

Final remarks

- Every action calls for a reaction.
- Advancing does not mean going backwards is not an option.
- There is valuable experience in the implementation of the law in Colombia and Mexico.



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