

# AMNESTY INTERNATIONAL

## Public Statement

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### **Amnesty International joins the campaign to decriminalize abortion in Latin America and the Caribbean**

On this day, the “Day for the Decriminalization of Abortion in Latin American and the Caribbean”, all the governments of the continent must demonstrate, through concrete action, that they have the political will to respect and protect the human rights of all women and girls in the region and must decriminalize abortion as a matter of urgency.

All laws that criminalise or provide for the imprisonment of women and girls who have sought or had an abortion, whatever the circumstances, must be repealed. It is clear that when women’s access to information and legal and safe abortion services is restricted, their human rights are in grave danger.

It is disgraceful that, in a region where the vast majority of countries are parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (the “Convention of Belém do Pará”) and have constitutions that protect women’s rights, there are three countries - Chile, El Salvador and Nicaragua - which criminalize abortion in all circumstances, even when a woman or girl has been raped or when the life of a pregnant woman or girl is at risk.

The existence of a total ban seriously affects the ability of medical personnel to deal quickly and decisively with any complications women and girls may suffer during pregnancy. Criminalizing abortion denies pregnant women and girls the medical attention they need. This shows cruel indifference to their physical and psychological integrity and the lack of human dignity they are condemned to suffer as a result of criminalization.

Similarly, victims of rape who are left pregnant as a result of that serious crime are obliged to carry on with the pregnancy, regardless of the danger it may pose for their life, health and wellbeing or of their own wishes. Their only other option is to look for an unsafe clandestine abortion that puts their life and health in danger and leaves them at risk of imprisonment. Furthermore, criminalization means that, if a woman or girl is raped by a relative, the State obliges them to give birth to their own sibling or cousin.

Some places in Latin America have recognized the gross human rights violations that result when access to safe legal abortions is prohibited or restricted. Abortion was decriminalized in Cuba several decades ago and in the Mexican capital in 2007.

Despite these advances, the sad reality in the region is that laws that punish abortion are still in place and, although in most countries abortion is permitted under certain circumstances, in practice it is not carried out. Guidelines for medical personnel are often non-existent, unclear or not distributed and the legal system is therefore used unnecessarily, leaving pregnant women and girls unable to exercise their rights.

Some women and girls, rather than facing a situation in which they are obliged to carry on with the pregnancy, try to commit suicide. Others take desperate measures and try to self-abort. Hundreds of unsafe illegal abortions therefore take place every day and women and girls are suffering serious consequences, including loss of life. In a region with the highest inequality in the world, such desperate measures clearly take mainly the lives of women and girls living in

poverty – do their human rights not deserve equal protection under the law? Unsafe abortions, the only ones women and girls in such circumstances, with no resources, are able to access, lead them to risk their lives and health and, if they survive, leave them at risk of prosecution and imprisonment.

Today thousands of activists across the world are expressing their indignation at these injustices and are demanding the decriminalization of abortion throughout the continent. In Nicaragua, the only country in the region that has recently gone backwards in terms of protecting the rights of women and girls by criminalizing abortion under all circumstances, the *Grupo Estratégico para la Despenalización del Aborto Terapéutico*, Strategic Group for the Decriminalization of Therapeutic Abortion, in addition to the 31,000 signatures already sent, is today handing over to President Daniel Ortega 6,000 more signatures collected by Amnesty International members throughout the world, demanding the immediate repeal of the law his government has introduced to criminalize abortion.

Amnesty International is joining in with this regional appeal.

Women and girls have the right to life and to live in dignity and not to be forced, under threat of imprisonment, to carry on with a pregnancy that is the result of rape or which puts their life or health at risk.

“Governments must meet their international obligations to protect human rights and give priority to sexual and reproductive health programmes, including sex education plans and access to family planning services and information for all, so that all women can decide freely and in an informed manner when they want to have children and how many, without coercion or discrimination”, Guadalupe Marengo concluded.

### **Additional information**

The States of the region have a duty and obligation to respect and promote the right of women and girls to life, physical integrity, including protection from all forms of violence, health, education, information and non-discrimination, under the provisions of international and regional human rights instruments, in particular the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (the “Convention of Belém do Pará”), the American Convention on Human Rights and its Additional Protocol on Economic, Social and Cultural Rights (the “Protocol of San Salvador”) and the Inter-American Convention to Prevent and Punish Torture.

The States of the region also have principle responsibility for protecting, recognizing and respecting those who take action to ensure the realization of the human rights of women and girls who find themselves in the situation described. Their actions are legitimate and in many cases crucial for those they are supporting; human rights defenders must therefore be able to effectively carry out their work without fear of reprisal, as set out in the United Nations Declaration on Human Rights Defenders and repeatedly stated within the inter-American human rights system.