

REGIONAL REPORT

IT COULD BE ME



FOR HEALTH WITHOUT
FEARS

EXECUTIVE SUMMARY

This report is part of the regional **Health Without Fear** initiative and presents the main findings documented with respect to the implications of using criminal law to regulate abortion in **six countries in the region: Brazil, Chile, Guatemala, Peru, the Dominican Republic, and Uruguay**. This was made possible thanks to the collective efforts of the initiative's partner organizations: Anis (Brazil), Corporación Miles (Chile), Crisálidas (Guatemala), Proyecta Igualdad (Peru), Cladem (Dominican Republic), and Mujer y Salud en Uruguay – MYSU (Uruguay).

This report marks a milestone in the study of the criminalization of abortion in Latin America and the Caribbean on being the **first to carry out a comparative analysis of how women and specific groups of women are criminally prosecuted for seeking an abortion**. Unlike previous studies—more than fifteen conducted in various countries across the region—this study uses a standardized mixed-methods approach (quantitative and qualitative), which made it possible to compare findings across six countries and over more than a decade, while taking into account the diversity of abortion regulations in the countries included in the study.

The investigation **combines statistical data on legal proceedings and the profiles of the criminalized persons with qualitative** evidence gleaned from case files, judgments, interviews, and news reports.

Specifically, the study delves into **611 cases to reconstruct** what happens to women from the moment they seek care up through their criminal prosecution for abortion. The evidence is then analyzed based on applicable human rights standards and the violations are classified as violations of the human rights to health, access to justice, equal protection, and non-discrimination.

REGIONAL REPORT



In that regard, the report presents three main findings. The **first finding** concerns cases that demonstrate that **hospitals** are often the gateway to criminalization, with specific implications for the protection of professional secrecy and confidentiality in healthcare, as well as increased vulnerability to certain forms of abuse and gender-based violence that take place in the context of healthcare under these circumstances. The **second finding** identifies the due **process guarantees that are impacted during prosecutions for the crime of self-induced abortion**—specifically, the right to an adequate defense, the guarantee of the right to silence, and the use of evidence that should not be admitted, as well as the imposition of arbitrary punishments, measures to restrict liberty, and other rights as a result of **processes that violate human rights**. The third finding examines, from a cross-cutting perspective, the presence of gender stereotypes, as well as differentiated impacts on specific groups of women (women with disabilities, migrant women, and adolescents), as a manifestation of the array of tensions between the criminalization of abortion and the right to equal protection and non-discrimination. An **additional finding** relates to the right of **access to information**, given the restrictions domestic researchers had to deal with when seeking access to official data.

Based on the foregoing, this report establishes the concept of the **“abortion criminalization pathway”** as the Health Without Fear initiative’s contribution to raising awareness on the common elements of how abortion criminalization works in practice and the ways in which it amounts to a discriminatory policy. In this regard, aside from the fact that criminalization is not the best way to prevent abortions, this report shows the devas-

tating effect that criminalizing abortion has on human rights, thus providing an additional argument for moving the abortion regulation paradigm away from criminal law. **The report gives six sets of recommendations regarding its findings, with the aim of making Health Without Fear a reality.**

We hope this report contributes to raising awareness on the violations of the human rights of women facing prosecution for self-induced abortion in the region, along with a more empathetic and informed understanding of the experiences of those facing the consequences of the criminalization of abortion. We also hope to contribute to the discussions and processes involved in changing the legal frameworks and institutional practices applicable to health systems and justice in order to guarantee people have effective access to essential reproductive health services, along with women’s right to a life free from violence and discrimination.

saludsinmiedos.com

FIND THE
FULL REPORT

