

Looking Back to Move Forward

Rebecca Cook, C.M, J.D., J.S.D., F.R.S.C.,
Professor of Law Emerita, Faculty of Law, University of Toronto
<https://www.law.utoronto.ca/programs-centres/programs/irshl-reproductive-and-sexual-health-law>
CLACAI, Panama-June 21-23, 2023

- What have we learned about the evolution of abortion laws?
- What rights, laws & ethics need improving?
- What have we done well & what might we do better?

What laws affect abortion services?

- Criminal law
- Human rights & constitutional law
- Administrative law

Criminal law

- Rationales for criminalizing abortion: women, sex and fetal rationales (Cook & Dickens)
- Principles of criminal law: “**only** as a last resort” (Brazil, Colombia...)
- Trends in criminal law reform (Erdman & Cook)
 - depenalize: CEDAW GR 24
 - liberalize: extend grounds + procedural protections: Colombia, 2022
 - decriminalize abortion: WHO Abortion Care Guideline, 2022, Rec 1

Human rights and constitutional law

- Rationales for constitutionalizing: public health, autonomy, gender equality (Cook & Dickens)
- Contextualize – naming harms of laws (HRW)
- Protect both individual & collective rights

Administrative law & regs: availability, accessibility, acceptability & quality

- practice of medicine, nursing, pharmacy, telemedicine/health, self-managed (SMA)
- delivery, prescription and coverage of services
- therapeutic drugs and essential medicines

Availability

- **Shifting nature of delivery of services**
(Assis & Erdman; Skuster et al)
- **Mapping gaps in service availability**
(Canada, 1997, Ireland, 2023)
- **WHO: medical abortion=essential drug**

Accessibility

Nondiscriminatory access in law and in fact

What makes discrimination:

- **wrongful?** CEDAW GR 24
- **intersectional?** CEDAW GR 28
- **systemic?** CEDAW Inquiry

Acceptability

- CESCR GC 14: services must respect medical ethics

Context (Gomes & Mendes) & **training** (Ortiz-Millan & Kissling)

Ethical Guidelines (FIGO): **confidentiality** (Carrera et al),
conscience (Ramon et al), **stereotyping** (Cook et al)

Quality- scientific, medical, cultural appropriateness

Conclusion

- What have we learned about the evolution of abortion laws?
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