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Bachelor of Arts

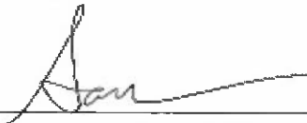
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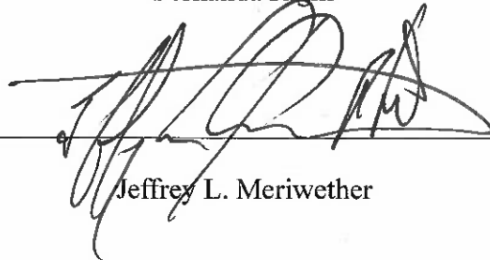
Reproductive Justice and Feminism: A Comparative Legal Analysis of the Policies and Healthcare Systems in the United States and Colombia



Samantha Cooke
May 5, 2023

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Abstract

This thesis seeks to offer a comparative legal analysis of the state of the laws regarding abortion and reproductive autonomy in the United States of America and Colombia. This thesis will first address a brief history of feminism and its origins in the United States and Colombia. It will also analyze the policies held by each respective nation; starting with old legislation and moving to current policies regarding abortion. It will also include a comparison between both the U.S. and Colombia; offering suggestions for the future with regards to potential policy changes. The purpose of this thesis is to demonstrate and highlight the need for lawmakers to give more concern to women's reproductive rights and bodily autonomy. Furthermore, it is intended to bring attention to strategies used by feminist movements across the world, and to advocate for the use of feminism as a mechanism for societal and legal change.

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Introduction

Feminism as a concept has been around for more than a century, pervading history as a mechanism for societal change and progressiveness. In North America, specifically in the United States, feminism has been a long standing movement that women have championed for. Similar to the United States, in Latin America, Colombian women have also historically and presently been advocates for feminism. In both countries, feminists have made impressive progress with respect to advancements in women's rights. For example, in the United States, in 1919, feminists achieved the right to vote for women. On a similar note, feminists in Colombia achieved full citizenship for women in 1954. Historically, American ideology and culture tends to believe that they are the model for other countries and movements to follow; however, in the case of feminism, both Colombian and American feminists can benefit enormously from fostering a symbiotic relationship with one another. Recently, in 2022, the United States Supreme Court reversed their decision in *Roe v. Wade*; making abortion illegal at the federal level, and affording individual states with the right to create and enforce their own abortion laws. Conversely, in 2022, the Colombian government legalized abortion for women at all levels.

In the United States and in Colombia, finding a singular and consistent definition of feminism is challenging due to the fact that it encompasses a vast array of subjects. Throughout the course of history, leaders of various feminist movements have shied away from providing a concrete definition of feminism, out of fear that the definition may constrict potential achievements of their respective movements (Thompson, 2010). The Oxford Dictionary's definition of feminism holds that feminism is, "advocacy of equality of the sexes and the establishment of the political, social, and economic rights of the female sex". While the

dictionary offers a more straightforward definition of feminism, a more updated, working definition, better serves this analysis.

As a result of the overall complexity of the definition of feminism, and for the purposes of this analysis, bell hooks offers a more wide-reaching definition. Hooks states that the definition of feminism is actually quite simple: to end sexism (2003). According to hooks, the word 'feminism' is actually quite problematic, as it oftentimes gives people the impression that feminists are "anti-men". This is absolutely not the case, the overarching goal is rather for both/all genders to confront their internalized sexist viewpoints. At a higher and more general level, feminism is multi-faceted in the sense that its definition is impacted greatly by numerous outside factors like racism and/or classism (Hooks, 2003).

As a result of feminism being such a complex and wide-ranging subject matter, there are numerous other terms that deserve defining, specially in connection to reproductive rights. Motherhood, for one, is a term that may appear to be easily defined; many would think that motherhood constitutes being a mother and/or having had a child. In Asunción Lavrine's book titled, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay* (1998), ideas regarding motherhood and femininity are unpacked. Lavrine asserts that according to Roman Catholicism, there is a biological destiny for women, and its enforcement naturally leads to a gender separation that inherently contributes to the social order of society (1998). At the beginning of the century, than opposing this biological destiny, feminists affirmed it; arguing that, "through feminism, women would evolve toward a maternity that would not stop at nurturing their own children but would embrace all humanity" (Calderón Cousiño, cited in Lavrin 212, 1919). In contrast, a more current concept of motherhood under the lens of feminist rhetoric is to define motherhood as being a conscious choice of a woman's "free liberty" (Neyer

& Bernardi, 2011). This is to say that motherhood is a wholly feminist concept, and that in order for a woman to reach her fullest feminist potential, that it must be *their choice* as to whether or not she decides to become a mother. Feminism is widely misunderstood, and it is imperative that it is recognized as something that warmly welcomes *everyone*, regardless of gender.

Pregnancy stems naturally from motherhood; pregnancy is a uniquely feminine experience which also must be defined. For this analysis, pregnancy will be defined as the period between conception and birth, during which the fertilized egg is developing in the uterus (National Cancer Institute). The combination of concepts like ‘pregnancy’ and ‘motherhood’ inherently bring about the issue of reproductive rights. Historically, in both the United States and Colombia, feminist movements and their respective governmental institutions have grappled with the degree to which personal autonomy is granted. In addition to defining pregnancy, definitions of ‘femininity’ and ‘masculinity’ must be mentioned. From a feminist perspective, the term ‘femininity’ is much like ‘feminism’, in the sense that its definition is heavily influenced by cultural factors. Other perspectives consider that femininity encompasses all characteristics that a patriarchal society typically attributes to women. Conversely, ‘masculinity’ is the opposite: characteristics that are attributed to men in a societal context (Schippers, 2007). For the purposes of this analysis, the definitions of these terms are crucial to a complete understanding of feminism and its true goals.

Differing Legal Structures

Foundationally, the legal system in the United States is adversarial in nature; this means that one side is seeking a form of compensation from the opposing side. Furthermore, the American legal system operates by using ‘jurisprudence’. Jurisprudence is the idea that laws are created utilizing theories and philosophies, which are applied to real-world situations (Vega,

2018). In Colombia, the legal system is constructed by codes and laws instead of jurisprudence. The key difference between these two legal systems is that in Colombia, when a decision is reached in a case, that outcome only applies to those involved in that specific situation; the decision does not apply to future cases involving different parties (Vega, 2018). In more depth, the Colombian government is unitary in nature, meaning that they have the sole authority and ability to make legal decisions that apply to everyone in the nation.

Additionally, the lawmaking process in the United States is much more complex due to the fact that the government is not unitary, it is federalist. Federalism is the division of power between national and state governments; federalism is the principle that serves as the foundation of the United States' law and policy making (*Bond v. United States*, 2014). In *Federalist Paper* No. 45 (1788), President James Madison asserted that the separation of powers between national and state governments serves as a mechanism for ensuring that there is not one singular governmental body making important legal decisions for citizens of the nation (1788). With respect to the legal differences between the United States of America and Colombia, this thesis seeks to analyze the laws and policies. Additionally, it is intended to offer a comparative analysis, surrounding reproductive autonomy in both the United States and Colombia.

Feminist History: United States

Historically speaking, feminism in the United States has come in four distinct waves. The first wave of American feminism started in 1848 at the Seneca Falls Convention where Elizabeth Cady Stanton outlined the feminist movement's ideology and strategies (Rampton, 2008). This first wave of feminism truly laid the foundation for the future serving as a mechanism for starting the vehicle for true progress and change. The first foundational legislative achievement came for

American feminists in 1920 when the 19th Amendment to the U.S. Constitution was ratified which states, “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex” (U.S. Const. Amend. XIX).

It was not until the 1960s and into the 90s, that the second wave of feminism came in the United States, during which society was becoming increasingly aware of minority groups’ rights as a result of anti-war and civil rights movements taking place (Rampton, 2008). It is important to take note of the fact that within this second wave of feminism, reproductive rights were of great importance; indeed, a second groundbreaking legislative achievement was seen with the United States Supreme Court’s ruling in the case of *Roe v. Wade*. In this historic 1973 case, the U.S. Supreme Court held that women had the right to decide whether or not they wished to obtain an abortion (*Roe v. Wade*, 1973) (this will be touched upon later). Additionally, much of the movement’s energy and focus was placed on passing the Equal Rights Amendment to the United States Constitution.

The time that passed between the second and third waves of feminism in the United States was a period of rest and recuperation. Feminists were focused on harnessing their energy and planning the goals that they wished to achieve as a result of their next wave. It is absolutely necessary to acknowledge the fact that feminism at the time of the first and second waves were mainly concerned with white women (Pruitt, 2022). Third wave feminism in the United States of America was an unprecedented time for feminists within the nation. Up next to be discussed, this third wave became much more inclusive of women of all races; not just white women.

The third wave of American feminism occurred during the mid-90s with a strong focus on deconstructing past societal conceptions regarding femininity. Third wave feminists opted to embrace misogynistic and/or derogatory terms intended to tear women down as a means of

pushing towards empowerment and deconstructing gender boundaries (Rampton, 2008). Last but not least, the fourth wave of feminism trickles into modern day, as society is currently experiencing this most recent wave. The fourth wave is characterized by overcoming the idea that identifying with the terms ‘feminist’ or ‘feminism’ constitutes holding radical opinions or ideologies surrounding women’s rights (Rampton, 2008). Furthermore, the fourth wave is also tasked with shifting the narrative that feminism is strictly for women, by women; that feminism is about gender equality at its core.

Aside from countless victories accomplished by women’s movements across the country, there is still heightened concern regarding a woman’s right to choose and access a safe medical abortion. Many of the feminist waves are, and have historically been, connected to legislative initiatives; which is why it is best to look at them in conjunction with one another. Feminist movements must remain unrelenting and persistent in their advocacy for equality, as they have throughout history.

Feminist History: Colombia

The history of Colombian feminism has been one stricken with great struggles as well as great triumphs. Feminist movements in Colombia moved much slower in comparison to the feminist movements taking place in the United States. Despite this delay in progress, Colombian feminists nevertheless continued to push for gender equality and the end of sexism. Garnering a wide following of feminism in all of Latin America, specifically Colombia, was difficult because of society’s knowledge of North American feminism. Latin Americans held the belief that women who subscribed to feminist ideals were not interested in advancing women’s rights but rather, “le hacían el juego al imperialismo yanqui” (they were tools of Yankee imperialism)”

(Sternbach, et. al, 1992). Once Latin American feminists were able to overcome the political barriers that were in front of them, they quickly became able to achieve immense progress and transformed their realities. Colombian women were granted the right to vote in 1954, but officially were recorded voting for the first time in 1957 (Sternbach, et.al, 1992). Women's suffrage in Colombia was propelled as a result of the leadership of General Gustavo Rojas Pinilla, who decided to prioritize a woman's right to vote (Jaramillo Sierra, 2018). Feminist movements in Colombia do not date quite as far back as the feminist movements in the United States; despite this, they have been arguably just as successful as their North American counterparts.

Much of the progress that Colombian feminists were able to make has been due to legislation and continuous legislative efforts. As Colombia continues to develop economically and politically, women's issues remain at the forefront of the feminist movement's agenda. With respect to legislation, Law 1257 was passed in 2008 which was enacted with the intent to prevent and punish those who perpetrated acts of violence and discrimination against women (UNWomen.org). Colombian feminists also championed the Public Policy Guidelines for Women's Gender Equality and the Comprehensive Plan in 2012, which was designed to further ensure that women live their lives free of violence. It must be noted, however, that although these laws are in place preventing harm against women that:

...in 2014 there were 1,007 women murdered; 37,881 registered cases of violence against women at the hands of their intimate partner and 16,088 of reported sexual violence against women; 86% share of total victims of this crime, and an important number of them are girls and adolescents (National Institute of Legal Medicine of Colombia INMLCF)

Considering such staggering statistics, it remains crucial not only to Colombian feminists, but also to feminists everywhere that advocacy and legislative efforts continue to happen. Violence against

women is unacceptable and manages to manifest itself both physically and in legislation. Examples of violence in legislation can and are displayed in laws that inhibit women's right to choose with respect to their reproductive autonomy. In Colombia specifically, women have fought for decades to ensure that all of their natural-born rights are afforded to them and protected; especially their right to access safe abortions.

It cannot go without mentioning that during the time in which so many Colombian women were killed, there was a civil war taking place. The Colombian Civil War, which began in 1964, was a major catalyst for feminist movements (Rinaudo-Dome & Penverne, 2020). At the time of this Civil War, Colombian women were used as a means of punishment for both sides; one side would hold women from the opposing side in an effort to get what they wanted. 'Femicide' is a term coined by Colombians which refers to, "any act or behavior based on the status of women that causes death, suffering or harm" (Rinaudo-Dome & Penvene, 2020). The Colombian Civil War lasted for nearly sixty years and as a result of this, feminist movements within the nation made it their mission to address the issues raised by such a long-lasting war.

Reproductive Rights

United States of America

In the United States, *Roe v. Wade* is arguably the most famous and foundational case with respect to women's reproductive rights. In 1970, "Jane Roe" filed a lawsuit against a Texas district attorney, Henry Wade. This lawsuit was challenging a law that made abortion illegal except for cases in which the mother's life was in jeopardy. Roe was alleging that a law prohibiting abortions was a direct violation of her right to privacy (*Roe v. Wade, 1973*). *Roe v. Wade* made its way to the United States Supreme Court, where the justices decided that a

woman's right to choose falls within the Fourteenth Amendment's right to privacy. Such a decision coming out of the United States Supreme Court was a monumental win for feminist movements across the country. Without diminishing such progress, it must be noted that a woman's right to access a safe medical abortion came with caveats. Legal abortions could not be regulated by individual states during the first and second trimesters however, when a woman is in her third trimester and the fetus has reached what is deemed to be "viable", then individual states were granted the ability to impose their own restrictions on it [abortion] (*Roe v. Wade*, 1973).

In recent events, the case of *Roe v. Wade* was overturned by the United States Supreme Court on June 24, 2022. The specific case was *Dobbs v. Jackson Women's Health Organization*, in which there was a challenge to a Mississippi ban on abortion at 15 weeks of pregnancy (Planned Parenthood). As a result of *Roe v. Wade's* reversal, eighteen states have either banned or extremely restricted abortions; currently there are more states working on passing abortion bans at the state level (Planned Parenthood). Such a decision has set the work of feminist movements back years upon years, due to the fact that individual states now have the ability to criminalize abortion(s). The criminalization of abortion directly targets cis-women, transmen, and female assigned reproductive systems. It is absolutely necessary to highlight the fact that while these laws are generally considered to be "woman-centric" (and they are), that it must be noted that individuals that may not identify as 'female', can still get pregnant. Furthermore, it cannot be ignored that despite the fact that some women are unable to get pregnant they are still impacted by strict reproductive laws.

Colombia

While the history of Colombian feminism is made up of largely recent events, the road to the legalization of abortion, for any reason at all, was a long one. Abortion was first declared to be a crime in Colombia in 1994, except in cases in which the mother's life was at risk. In 2000, abortion under any circumstance was made to be illegal; this law was amended in 2001, allowing the punishment for abortion(s) to be either waived or levied by judges (Human Rights Watch). In 2005, prior to Causa Justa's 2012 lawsuit, a Colombian lawyer, Mónica Roa, challenged the constitutionality of the prohibition on abortion on the grounds that it was a direct violation of a, "women's right to life, health, and physical integrity" (Roa, 2015). This lawsuit eventually became a crucial turning point for Colombian women in May 2006, when the courts held that Colombia's overall abortion ban was unconstitutional. From this point forward, women and/or doctors could not be punished for performing or procuring an abortion according to any of these three conditions:

- 1) The pregnancy constitutes a grave danger to the pregnant woman's life or health;
- 2) The fetus has serious genetic malformations;
- 3) The pregnancy is the result of rape or incest

Mónica's bravery and ability to challenge Colombia's strict prohibition of abortion sent the message to women across the country that change was coming; and absolutely necessary for future generations.

In Colombia, abortion for any reason was made legal on February 21, 2022. Colombia's highest court decided that abortion was to no longer be a crime as long as it took place before the twenty-fourth week of a pregnancy (Lozano, 2022). This ruling was the result of Causa Justa's lawsuit; Causa Justa is a women's health and reproductive rights organization that acts as a voice for feminist issues within the nation. In this case, Causa Justa formulated the argument that, "...the criminalization of abortion discriminates against women" (Lozano, 2022). Historically,

Colombian women were only allowed to obtain an abortion if the pregnancy was a result of rape, if the fetus was deformed, and/or when the mother's life was at stake. The ability for women to have reproductive autonomy in Colombia is an incredible win for feminists in this nation.

Throughout Latin America, countries have slowly begun softening abortion restrictions; some nations have even gone as far as to legalize the practice on demand while others (like Chile) decided to change legislations in order to make it accessible under certain circumstances. *La Marea Verde*¹ is the name for a group of activists who are primarily interested in fighting for women's reproductive rights. This group is famous for wearing green neck scarves as well as marching with signs in order to fight for, and in more recent times celebrate, progress in terms of reproductive rights for women (Holguín, 2022). It is demonstrations like those on behalf of *La Marea Verde* that can largely account for the recent legalization of abortion in Latin American countries, specifically Colombia. Movements such as this one generate a conversation surrounding this topic, which is absolutely necessary and important for real change to begin to occur.

Reproductive Laws

United States of America

On June 24, 2022, the United States Supreme Court reversed decision in the landmark case, *Roe v. Wade*. As a result of such a change, individual states within the U.S.A. have been left with the responsibility of drafting and enacting their own legislation that deals with abortion. Despite each of the fifty states having the freedom to either prohibit or allow abortion, federal

¹ Trans. "Green Wave"

restriction(s) still remain. Due to the federalist structure of the United States, although states can create their own laws, every state must abide by federal laws and regulations. For that reason, the law of focus for this analysis is federal ban on Medicaid funds being allocated to women seeking an abortion, known as the Hyde Amendment. The Hyde Amendment was first introduced to Congress in 1976 by Republican Representative Henry Hyde, of Illinois. Hyde was primarily concerned with the use of government funds being allocated to funding individuals seeking abortions; for any reason. This proposed amendment became official legislation in 1977 by the United States Congress, and it continues to be renewed annually (P.L. 117-103. Div. H, §§ 506–507). This amendment primarily obstructs historically underprivileged and poverty stricken communities; with women being the ones who are disproportionately impacted. Women living in poverty who's healthcare provider is Medicaid, are suffering at the hands of the Hyde Amendment.

Medicaid is a government-funded program that provides free and/or low-cost healthcare coverage to American citizens who are either at or below the poverty line (Department of Health and Human Services). A key component of Medicaid is that it is supposed to be all encompassing with respect to the people and conditions that the funding covers. Those who are eligible for Medicaid services include, but are not limited to: low-income individuals, families and children, pregnant women, the elderly, and people with disabilities (Department of Health and Human Services). With this being the case, pregnant women are an example of the types of people who are “protected” by the Medicaid program. Circling back, the Hyde Amendment is in direct contrast to the motives of the United States’ longstanding Medicaid program.

Due to the complexity of the United States government, it can be difficult to reach a conclusion regarding topics as controversial as abortion. Each year, U.S. Congress re-evaluates

their finances and budgeting; the Hyde Amendment continues to be a topic of great discussion and debate amongst representatives. Congress has a variety of committees and sub-committees, each is tasked with overseeing their own subset of issues and ensuring they operate smoothly and as-intended. The Labor, Health and Human Services, Education Committee (L-HHS-Ed) is the group in charge of the funds encompassed by the Hyde Amendment. Legally, the Hyde Amendment places harsh restrictions on federally-funded abortions. Despite the dualistic nature of the United States Government, federally-based legislation trumps state-based legislation; meaning that federally-funded programs like Medicaid and/or Medicare are obligated to abide by *federal* regulations. Under the Hyde Amendment, women who are otherwise covered by Medicaid are ineligible for abortions because federal funds cannot be used for that procedure (Hyde Amendment Codification Act, 2013). Even under the recent statewide expansion(s) of Medicaid, abortions are remain uncovered.

This restriction is problematic because, statistically, women in situations of poverty seek out abortions more often than women who have more economic resources. According to the Guttmacher Institute:

Nearly half of the abortions performed in 2014 were for women with income below the poverty level, and a full three-quarters of abortions are obtained by women with income below 200% of the poverty level (2017).

Consequently, if individual states wish to allow their citizens the right to access a safe medical abortion while still using their Medicaid, then the funding for abortion procedures would have to come from state money (<https://crsreports.congress.gov/>). Federal dollars are allocated to other medical procedures covered by Medicaid, except for abortion. The Hyde Amendment disproportionately impacts women in poverty, due to the

fact that they are more likely to seek abortions in comparison to women who are not impoverished.

Change is absolutely necessary not only from a legal standpoint but also from a human rights perspective. The Hyde Amendment is continuously renewed annually and Congressional Committees such as the Labor, Health and Human Services, Education Committee furthers its commitment to withhold federal funding for abortions under Medicaid. Whilst the United States digs further and further into the past, Colombia, which at one time was considered to be a “third-world country”, makes incredible legal strides towards equality for the women in their country. Therefore, it is reasonable to suggest that the United States should take a closer look at the thought-process behind the Colombian government’s landmark decision to legalize abortion. The differing structures of the healthcare system and legal framework of the countries should be acknowledged. Despite these differences, there is no doubt that the legalization of abortion is a possibility in the United States; as it was once a reality under *Roe v. Wade*.

Colombia

On February 21, 2022, the Colombian government decriminalized abortion for all people seeking an abortion within the first twenty-four weeks of their pregnancy. The Colombian Court reached such a landmark decision by considering the fact that the high maternal mortality rate was largely due to abortions being illegal (Otis, 2022). Furthermore, the new law safeguarding abortions in the nation, *Sentencia C-055/2022*, details that medical abortions must be offered by all healthcare providers in the country. Colombians were largely concerned with the mortality rates of women in their nation, and as a result of the ever mounting pressure from feminist activists, they voted to legalize abortions.

As a result of such a controversial decision on behalf of the Colombian Courts, there were additional provisions that deserved to be laid out in writing. To accompany the overarching abortion law, *Sentencia C-055/2022*, there was a sublaw written titled, *Sentencia SU-096/2018*, which describes circumstances of abortion in more detail. *Sentencia SU-096/2018* is one of Colombia's most progressive reproductive laws to date, as it begins to view abortion as a fundamental right as opposed to it being a privilege. This ruling also includes mental health as an important factor for women and girls who do undergo the abortion procedure; that health should include the physical and mental well being of a person. Furthermore, the Colombian Court reasoned that women should not have to make 'heroic sacrifices' by forgoing their own rights: According to the law, "el estado no puede obligar a un particular, en este caso la mujer embarazada, a asumir sacrificios heroicos y a ofender sus propios derechos en beneficio de terceros o del interés general"² (*Sentencia SU-096/2018*). By and large, the Colombian government elected to heavily liberalize their abortion laws; doing away with the 'red tape' surrounding excessive questioning of women and girls who are seeking safe medical abortions.

The healthcare system in Colombia is widely known to be one of the best in the world in terms of its structure and function (International Citizens Insurance). In Colombia, citizens are offered a public health insurance plan called, "Entidades Promotoras de Salud³ (EPS)". EPS is made available to all citizens at a very low cost, and there is no maximum age needed to qualify to apply for this insurance plan. Although healthcare in Colombia is not entirely free, the system operates so that it is still affordable for those who are unable to afford things like co-pays. The government has structured the system so that costs are dependent on a person's income and job status (International Citizens Insurance). All things considered, the Colombian healthcare system

² Trans. "The State may not oblige an individual, in this case the pregnant woman, to assume heroic sacrifices and to offer her own rights for the benefit of others or the general interest."

³ Trans. "Health Promotion Entities"

is structured in a way that works in conjunction with the updated reproductive laws and regulations; making access to medically safe abortions both affordable and straightforward for women.

Despite Colombia's 'slower' start in the process towards gender equality, the nation has quickly and unrelentingly made it evident that women's rights are at the forefront of their legislative agenda. The nation's courts and governmental institutions have made themselves an example for other nations to use as a model for their respective laws regarding reproductive autonomy for women and girls around the world. Colombia's reproductive laws and regulations are incredibly progressive considering the history of feminism and feminist movements within the nation. The Colombian government has made up for previous faults with respect to granting women in their country reproductive rights and bodily autonomy. The nation (Colombia) is undoubtedly heading in the right direction, and in comparison to other super-power nations, Colombia is certainly at the forefront of this issue.

Legal Analysis: Countries in Comparison

The decision to legalize and decriminalize abortions in Colombia was made only four short months before the United States decided to heavily restrict abortions. It is curious that from a historical standpoint, the United States has been heralded as a progressive nation; one which has learned from its dark history and mistakes, and is committed to justice for all. Despite this, the United States has moved backwards, whilst Colombia has leaped forward. The reversal of *Roe v. Wade* (see *Dobbs v. Jackson Women's Health Organization*) was almost in exact contrast to the approval of *Sentencia SU-096/2018* and *Sentencia C-055/2022*. Despite these differences, there is a great deal that the United States has to learn from Colombia with regards to the decisions they have made in respect to abortion and reproductive rights for women.

First and foremost, the legal system in the United States is far different from the legal system in Colombia. As a result of such a foundational difference, it is no surprise that each country would have their own respective laws governing reproduction. Furthermore, it is worth recognizing that the two countries in comparison have their own unique health care systems, which gives room for problems when reproductive policies are implemented. For example, the when *Roe v. Wade* was first in place there were problems due to the structure of the healthcare system. American women had trouble accessing abortions due to the fact that the United States' healthcare system does not favor people, in this case women, in poverty. In contrast, the Colombian healthcare system is formatted in a way that financially supports those in poverty so that they are able to safely treat their medical needs.

Circling back to the changes in laws regarding reproductive rights for women in both the United States and Colombia; the dates of such legislative changes are ironically close together. The decision in *Dobbs v. Jackson Women's Health Organization*, came in June of 2022 which was only four months after both *Sentencia C-055/2022* and *Sentencia SU-096/2018* were passed. It is worth asking why it is that a progressive nation such as the United States would move backwards upon the enactment of such strict and harmful legislation. Concerning Colombia, the regulations laid out in *Sentencia C-055/2022* and *Sentencia SU-096/2018*, essentially provide everything that *Dobbs v. Jackson Women's Health Organization* is taking away. Colombia's attitudes and legislation regarding access to safe medical abortions for women should serve as a model not only for the lawmakers in the United States but also for law and policy makers all around the world. In addition to the life-changing legislation that has been enacted in Colombia, feminists within the nation should be commended for their unrelenting efforts through protests and gatherings. Legislation cannot be made fully possible without a great deal of pressure from

members of the community; for example, years of consistent protesting and conversations being had. Colombian feminists have made their presence known within the nation, which is a lesson that can be learned from for feminists in the United States as well as in other countries around the globe.

Conclusion

As it currently stands today, the United States of America is running a tight ship at the federal level, with its restrictive legislation regarding abortion(s). Throughout the course of history, in both the United States and Colombia, feminists have fought tirelessly to uplift women across all races and the gender binary. Feminism has, and continues to be, an extraordinarily relevant concept and movement; that has direct ties to cultures around the world as well as legislation. Despite the United States' restrictive laws on reproductive rights for women, there are other countries like Colombia that are making impressive strides towards reproductive rights. Although the primary aim of this thesis is to offer a legal comparative analysis between the United States and Colombia, legislative action in other countries around the world is worth mentioning.

For example, the United States of America is not the only country enacting strict abortion regulations; as Poland is doing the same thing. According to Amnesty International, Poland's government made the decision to ban access to abortion under virtually all circumstances (2022). This ruling occurred on January 27, 2021; a ruling that was met with substantial push-back from women in Poland. As it stands today, Poland is one of the two nations in the European Union that have not legalized abortion for women in their country (Amnesty International, 2022). Women's rights organizations in Poland have publicly voiced their concerns regarding such restrictive legislation, stating that, "...the ruling is having a significant chilling effect as medical

professionals fear repercussions even in situations where abortion remains legal” (Amnesty International, 2022). Such restrictions across the world give fodder to other countries looking to prohibit abortion. Therefore, Poland’s outright prohibition of abortion(s) is absolutely relevant to the abortion laws in the United States, as well as those in Colombia.

In contrast to Poland, a relevant and primary example of a European nation serving as a model country in terms of their progressive abortion laws is Ireland. In 2018, Irish citizens voted overwhelmingly to legalize abortion, thus the *Health (Regulation of Termination of Pregnancy) Act 2018* was born. The *Health (Regulation of Termination of Pregnancy) Act*, in summary, states that women have the right to choose whether or not they wish to have an abortion under any circumstances; provided that it is before fetal viability (2018). Ireland’s reproductive laws, in contrast to Poland’s, are a prime example of the varying attitudes towards medical abortions in Europe. Similar to what happened in Colombia, feminists in Ireland worked incessantly to surmount enough pressure on their lawmakers in order to shift the tide on abortion in their country. Irish feminists utilized methods that have proved themselves to be effective time and time again; learning from history in order to make history in their nation.

So, What Does the Future Hold?

Since 1919, the year in which feminists demanded a woman’s right to vote, up until modern times in the year 2023, women across the world have tirelessly advocated for their rights. While substantial progress has been made, the fight for women’s rights is far from over; and the future unfortunately remains uncertain. One thing that is certain, and what history has proven: persistence of protests and demonstrations, and unity, has a profound effect on societal change as well as legislation. A feminist’s agenda is never fully complete, and there is certainly

another wave of feminism on the horizon. It is up to feminist movements not only in the United States, but in countries all over the world, to fight for their rights; and remember that there is *always* more change to be fought for. This subject matter is one that concerns far more than just Colombia and the United States. It is something that affects people in every country around the world, and it is very much an ongoing issue. As history has proven, legislation and policies can change rapidly, therefore it is imperative that reproductive justice and feminism remain part of the conversation; both currently and in the future.

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