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Legal mobilization for the legal and social decriminalization of abortion in Colombia

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List of acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CCC	Colombia Constitutional Court
CLACAI	Consortio Latinoamericano Contra el Aborto Inseguro
CNC	Colombia National Congress
CRR	Center for Reproductive Rights
GDC	Global Doctor for Choice
ISS	International Institute of Social Studies
LOS	Legal Opportunity Structure
MHSP	Ministry of Health and Social Protection
PGN	Procuraduría General de la Nación
SRRs	Sexual and Reproductive Rights
TEM	Tribunal de Ética Médica (National Tribunal of Medical Ethics)
VTP	Voluntary Termination of pregnancy
WLW	Women's Link Worldwide

Abstract

This research shows how three women's organizations, namely la Mesa por la Vida y la Salud de las Mujeres (“La Mesa”), Women's Link Worldwide (“WLW”), and Católicas por el Derecho a Decidir (“Catholics”) have legally mobilized through different strategies to advance the Sexual and Reproductive Rights of Women (“SRRs”), specifically the liberalization of abortion in Colombia. I focused primarily on different strategies implemented after the (C-355 of 2006) of the Colombia Constitutional Court (“CCC”) on the release of the right to abortion in three cases. The study combined document review and in-depth/semi-structural interview methods. These findings suggest that these three organizations in Colombia have strategically taken advantage of the diverse possibilities of action. Such as strategic litigation, individual cases’ support, knowledge production, and freedom of consciousness expansion. These organizations aim to achieve the legal and social decriminalization of abortion and switch the practice’s narrative from a crime into a right and a social justice matter. They consider these changes essential for women, girls, and human reproductive beings to exercise their full citizenship and freedom of consciousness. Those understandings and strategies will be developed in the following chapters.

Relevance to Development Studies

The advancement of women’s SRRs and how women have gathered and fought to claim the recognition of those rights are significantly relevant to development studies. First, these processes aim to reclaim the place of women in society as competent and first-class citizens with autonomy and independence to make any decision over their bodies. Second, it is essential to understand through which strategies feminist organizations or social movements have managed to work within legal systems and critically engage with the law as a tool to transform social realities. Finally, analyzing these strategies allows us to understand better the sociocultural limitations regarding the recognition of SRRs, specifically the liberalization of abortion.

Keywords abortion, sexual and reproductive rights, social movements, legal mobilization, legal consciousness, framing, translation.

Chapter 1 Background of the study

“Women’s struggle to achieve freedom goes beyond the sphere of biology or health into that of rights and politics, because of the status assigned to us historically and preferentially as reproductive agents, abortion is the most highly subversive thing that we women can do.”

(Londoño E, 1989)

1.1 Introduction

There have been divergent reasons to explain why the state is capable and responsible for dictating what women should do regarding their bodies. Some explanations might be based on religious beliefs, others regarding overpopulation, public interest, family values, and health matters (McCaffrey and Keys, 2000). In this way, the control by the state over women’s bodies, their reproductive capacity, agency, and birth control are seen as political tools to reinforce structures of power (Kumar, Hessini, and Mitchell, 2009). Foucault describes how the regulation of human life at the societal and individual levels (“biopower”) has been exercised through state interventions and legal mechanisms (Foucault *et al.*, 2008).

This research paper explains how women’s organizations have worked to advance the legal and social decriminalization of abortion in Colombia through legal mobilization strategies. I will briefly describe the Colombia evolution of law regarding abortion, the different attempts to decriminalize the practice, and the role women’s organizations have played in those changes. Additionally, I will expose the reasons why women’s organizations see in the law an opportunity to reclaim agency and autonomy over women’s bodies and why those social justice claims have been presented in the CCC. Furthermore, I will show how abortion has been framed by the organizations under study, the advantages of framing abortion as a human right, and the need of framing the practice as a social justice matter. Lastly, I will present the organizations attempts to translate the legal changes regarding abortion into local contexts and the outstanding challenges.

The history of abortion liberalization in Colombia has not been linear. The first codification of abortion as a crime was in the 1837 Criminal Code when there was a widespread belief that abortion was common in those cases of extra-marital relationships (Bermúdez Valdivia, 1998). This changed

with the Criminal Code from 1890, which explicitly exempted any responsibility when abortion was practiced by a doctor and was aligned with medical principles such as honesty and purity. Case in which it was possible to practice abortion any time before delivery (Del Valle Montoya, 2016). The introduction of the new Criminal Code in 1936 eliminated the possibility of therapeutic abortion entirely, and the 1980 Criminal Code criminalized consented abortion even in cases of rape (Perez Boada, 2020). Although since the 70s, the Colombia National Congress (“CNC”) had debated the partial liberalization of abortion on different occasions, the bills did not pass, and the law stayed the same (González Vélez, 2005).

In 1991 the Constitutional Assembly attempted to include in the new Constitutionⁱ the freedom to choose maternity. Still, these initiatives failed due to the collective understanding that the country was not ready to assimilate changes about divorce and abortion at the same time (Bermúdez Valdivia, 1998). The CCC reinforced this idea with the ruling (C-133, 1994) by pointing out that the couples' freedom to plan a family was valid only until conception. After that, moral and public order were higher priorities, showing a clear conservative tendency. Nevertheless, a dissenting vote in the same ruling expressed that women should not be treated as criminals when abortion resulted from rape, physical or mental malformations, or extreme poverty (C-133, 1994).

Since the late 90s, it has been possible to observe some glimpses of the liberalization of abortion. For instance, Carmen Posada said in 1997, “(t)he (CCC) judges used to be monolithically opposed to women's reproductive freedom but are currently divided in their opinions. They have reopened wider public debate, revealing diverging points of view among the largely Catholic population. Today, it is even possible to hear support for the legalization of abortion under specific conditions, such as when abortion is the result of rape or other sexual abuse, danger to the woman's life or health, or in cases of fetal malformation”ⁱⁱ (Posada, 1997, p. 147) Yet, the CCC was still in favor of abortion. The new Criminal Code, issued in 2000, in article 122, kept abortion as a crime, establishing only a reduced punishment in case of rape (Ley 599, Criminal Code, 2000).

In 2006 Monica Roa, a member of WLW demanded the unconstitutionality of abortion as a crime in the frame of the project LAICIA.ⁱⁱⁱ The CCC issued the ruling (C-355, 2006) and established the indication model. Thus, abortion did not constitute a crime when the woman's life was at risk, there

was fetal non-viability, and in the case of rape. This decision was made after weighing the obligation to protect the life of the fetus against the fundamental rights of pregnant women and girls, especially their right to make informed decisions over their bodies to be recognized as autonomous subjects (Barraza Morelle, Benítez, and Gómez, 2011). The arguments of the CCC were heavily based on human rights treaties' obligations, such as CEDAW, ICESCR, the Convention on the Rights of the Child, the Convention of Belém do Pará, and the American Convention of Human Rights (Women's Link Worldwide and Cook, 2007).

Although diverse international human rights instruments and the CCC recognized abortion as a fundamental and reproductive right (T-585, 2010), the implementation of the ruling (C-355, 2006) faced various difficulties. As Roa explains, doctors sometimes ignored or abused the law by indistinctively using conscientious objection or establishing more requirements than the CCC had previously settled. Moreover, local judges narrowly interpreted the three exceptions by limiting the life exception to life-threatening situations (Roa, 2008). Another constrain were the conservative backlashes from people leading public institutions such as la Procuraduría General de la Nación ("PGN").^{iv} Their actions caused the suspension until 2013 of Decree 4444/06, which regulated the ruling (C-355, 2006). The PGN also prevented the building of Clinica de la Mujer, a "women's clinic" in Medellin meant to provide sexual and reproductive health care services. These actions spread a chilling effect among other official and non-official workers, (Chaparro *et al.*, 2013; Roa and Klugman, 2014).

In 2017, after 12 years of implementing the indications model, feminist organizations gathered to bring back the debate about the unconstitutionality of the crime and the urgent need to abolish it (Roa, 2008; Amado *et al.*, 2010). Different organizations integrated the social movement Causa Justa ("Just Cause"). In 2020, they claimed the unconstitutionality of abortion as a crime.^v In February 2022, the CCC issued the (C-055, 2020) ruling and stated that women and girls have the right to practice free abortion until the 24th week. After the 24th week, they can still use one of the exceptions previously recognized in 2006.

This research paper is divided into five chapters; in chapter one, I present the background of the study. I previously introduced a description of Colombia's context in liberalizing abortion. In this

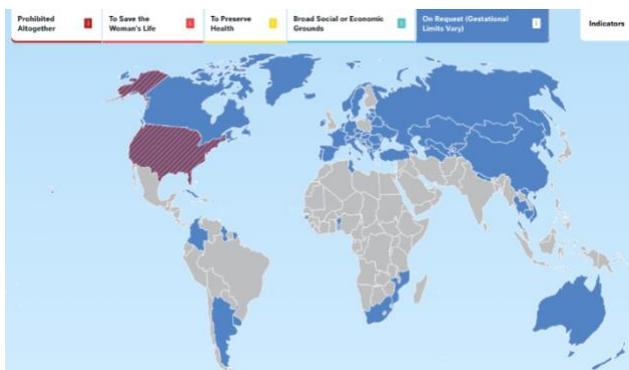
chapter, I will also describe my research problem, objective, and questions. In chapter two, I will state the conceptual framework. I will develop concepts such as legal mobilization, legal consciousness, framing, and legal translation. In Chapter three, I will describe some annotations about the methodology, such as the data sources, thematic analysis, reliability and validity, positionality and reflexivity, ethical considerations, and limitations. In chapter four, my findings will be outlined and analyzed; in chapter five, I will draw my conclusions. Further information will be attached as appendixes.

1.2 Research problem

As explained above, implementing the ruling (C-355, 2006) faced many challenges (Roa, 2008). Therefore, women's organizations that have fought for the liberalization of abortion had to deploy different strategies to advocate for legal and safe abortion in practice. These organizations have limited capacity, resources, and allies and are in an ecosystem of social, political, and legal dynamics that shape their decisions. The research problem this study address is how La Mesa, WLW, and Catholics in Colombia have engaged with the system to advance the liberalization of abortion in both theory and practice and the reasons behind their strategies and decisions.

1.3 Significance and Justification of the study

Figure 1 World Abortion Laws Map (CRR, 2022)



After the ruling (C-055/2022), I read about how Colombia's abortion legal framework has evolved. From my background as a Colombian lawyer, it caught my attention how Colombia was framed in recent years as a role model for establishing one of the most progressive abortion systems in the world^{vi} (Morales-

Borrero, 2011; Ngwena, 2014) while being considered one of the most conservative countries with restrictive laws enforced by traditionalist public institutions (Ordolis, 2008; Lemaitre, 2012). An initial

research process helped me to realize that the liberalization of abortion in Colombia was more complex than it looked. The legal recognition of abortion as a fundamental right by the CCC was not enough to guarantee safe and legal access to abortion to those who sought it.

While starting this research process, I also started my legal internship at WLW, where my role was mainly to support different advocacy projects focused on SRRs. Even though I worked on topics related to SRRs in Europe, the legal observatory of WLW allowed me to see with more clarity how providing legal and safe abortion in Colombia was a problem of social justice. Colombia has high inequality rates (Fergusson *et al.*, 2017) that permeate diverse aspects of women's lives, including healthcare services (Amado *et al.*, 2010). Thus, women and girls who cannot afford a private-specialized doctor or who live in rural areas are pushed to seek clandestine abortions that are not always safe (Van Look and Cottingham, 2002). Otherwise, they are forced to continue their pregnancy. Denying access to abortion replicates social injustices based on social class, race, gender, and age.^{vii} This motivated me to think of this problem as more than just a legal or medical debate around the practice and be aware that beyond those legal battles between different human rights are women and girls facing unequal treatments, life risks, forced pregnancies, and cultural stigmas. *How are those problems addressed beyond the courtroom?*

The existing literature has explored the different ways of liberalizing abortion rights in Latin America (Kane, 2008 ; Kulcycki, 2011; Bergallo, Jaramillo Sierra and Vaggione, 2019; Fernández Anderson, 2020; Marcus-Delgado, 2022;), as well as the role the courts have played along these processes (Cook, Erdman and Dickens, 2007; Rodríguez-Garavito, 2011; Ruibal, 2021). Other authors have focused on how this liberalization has happened in Colombia and the limitations in the implementation of the different CCC rulings (Roa, 2008; Ordolis, 2008; Dalén, 2013; Maldonado Castañeda, 2018; González-Vélez, Melo-Arévalo and Martínez-Londoño, 2019) and the actions taken by women's organizations to achieve those changes (Roa and Klugman, 2014; González Vélez and Jaramillo Sierra, 2017). Some authors argue that “more empirical research is needed to cover how abortion battles and opposition to gender and sexual equality intersect with national political processes and how institutions and social movements are interacting in such contexts” (Barbieri *et al.*, 2021, p. 4). I hope to contribute to the growing literature on how social movements and women's organizations

have deployed different strategies to achieve the legal and social decriminalization of abortion in Colombia as a right and a social justice issue.

I selected La Mesa, WLW, and Catholics because, besides being part of Causa Justa as a social movement, they were also part of the initiative and implementation of the ruling (C-355, 2006). La Mesa has aimed for the decriminalization of abortion and supported the implementation of the (C-355, 2006) mainly by supporting individual cases and producing legal and expert knowledge (González Vélez and Jaramillo Sierra, 2021); WLW has been focused on the strategic litigation of the cause, for example, as a plaintiff in both judicial processes in 2006 and 2020, but also in the strategic litigation behind the backlashes (Roa, 2014; Ruibal, 2014); and Catholics has pursued the social decriminalization of abortion from a freedom of conscience approach (Navarro and Mejía, 2010). These organizations have worked from different angles and have implemented various strategies.

Additionally, La Mesa and WLW were explicitly formed to confront the criminalization of abortion in Colombia. This purpose has shaped their work since their emergence, and they are pioneers in the origin of Causa Justa as a social movement. WLW has evolved into an international non-profit organization that uses the power of law to promote social change in different countries. Yet, it is actively involved in Causa Justa, develops strategic litigations for the liberalization of abortion, and counteracts backlashes in Colombia. Catholics is part of la Red Latinoamericana y del Caribe de Católicas por el Derecho a Decidir, conformed by different groups in Argentina, Bolivia, Brasil, Chile, Colombia, El Salvador, México, Nicaragua, Paraguay, and the Dominican Republic. They have not only supported the decriminalization of abortion in the judicial arena but also promoted and defended the SRRs from a feminist theology approach aiming for the recognition of freedom of consciousness.

Therefore, I consider that three of these organizations are very knowledgeable about the evolution of abortion laws and narratives in Colombia since they have been active actors in the debate on SRRs in Colombia in the courts, church, and society. They have produced many publications and worked in alliances with other national and regional organizations. Government institutions and the CCC have requested their expertise. All mentioned above indicate their knowledge of different factors of my research problem. Although, I find it highly important to note that more organizations integrate

Causa Justa^{viii} and join efforts for the liberalization of abortion. However, I selected the organizations considering their expertise regarding the specific research objective of this socio-legal study.

1.4 Research objective

This research paper aims to understand how women's organizations have mobilized to achieve the decriminalization of abortion in Colombia and the reasons behind their divergent choices. In order to analyze the research problem, I sought to investigate the strategies implemented by La Mesa, WLW, and Catholics to liberalize abortion in Colombia, including but not limited to the judiciary system. I focused primarily on the subsequent strategies these organizations have deployed until 2022 after the (C-355, 2006) ruling. The socio-legal strategies I researched include strategic litigation to advance abortion laws and counteract backlashes; knowledge production to broaden the interpretation of the health and rape exceptions and the limits of conscientious objection; the expansion of the meaning of freedom of consciousness to women who seek abortion and those who provide the service; and the attempts to decentralize the debate to different regions in Colombia by creating new alliances including the creation of Causa Justa as a social movement. I designed a research question and two sub-questions to understand the reasons, targets, actors, actions, and limitations of those strategies.

1.5 Research questions

1.5.1 The main question:

How have La Mesa, WLW, and Catholics boosted legal changes towards abortion in Colombia and used those changes to advance their law-based advocacy strategies beyond the courtroom to achieve the social decriminalization of the practice?

1.5.2 The sub-questions:

- Why have these organizations identified engaging critically with the legal system as a needed mechanism to advocate for legal and safe access to abortion?

- What is the relevance of these organizations in framing abortion as a human right and a social justice issue in the legal and public debate?
- How have these organizations translated the idea of abortion as a SRR into local contexts?

Chapter 2 Conceptual framework

2.1 Introduction

In the following paragraphs, I will develop the theoretical framework through an extensive and rigorous literature review. I did not limit this research paper to an exclusive theory. Instead, I explored different concepts which intertwine and interact with each other. For instance, in the subsequent paragraphs, I will elucidate concepts such as legal mobilization, understood as both litigation and beyond litigation, legal consciousness, framing, and legal translation. This framework allowed me to understand why different organizations seek legal mobilization and pursue strategically assess potential opportunities in the legal system for action to achieve social justice.

2.2 Legal mobilization and litigation

The discussion about what constitutes legal mobilization has changed since the 70s; as Lehoucq and Taylor exposed in their study on the conceptualization of legal mobilization, some academics have prioritized some categories (Lehoucq and Taylor, 2020). First, the nature of *the activities*. The debate about whether the subjects involved in those activities must be official or non-officials can also lead those activities. Second, *the claims*. a distinction has been made whether the claim is out of self-interest or it belongs to the public sphere (Arrington, 2014; Adam, 2017) Third, *the targets*. Where there is a distinction when *the objects- or subjects* are public or private actors (Sabel and Simon, 2004).

Moving beyond these categories of activities, claims, and targets, Lehoucq and Taylor invite us to distinguish between legal framework, legal consciousness, and legal mobilization to avoid the stretching of the legal mobilization concept (Sartori, 1970). They express that legal framework compromises the legal actions that are taken to frame a problem, such as legal rules and narratives. Those actions come to life explicitly and self-consciously; meanwhile, legal consciousness is the understanding of how law functions, but this process is implicit and non-articulated since people do

not choose how to perceive the law, this perspective come as the result of their experiences. They highlight that these two concepts are related and change over time (Lehoucq and Taylor, 2020).

Lehoucq and Taylor propose this typology to achieve an analytical differentiation. Thus, for them legal mobilization is “the use of law in an explicit, self-conscious way through the invocation of a formal institutional mechanism” (2020, p. 178). They stressed the importance of invoking a *formal institutional mechanism*. This approach falls short in considering other types of legal mobilizations that involve the use of law but do not activate, per se, any formal mechanism. For instance, law-based advocacy, such as pedagogical strategies focused on law interpretations and how to apply them to avoid rights violations (Handmaker, 2018).

Likewise, Vanhala and Kinghan recognized that “there is not sharply defined or universally accepted meaning” of legal mobilization. (Vanhala and Kinghan, 2018, p.7). They expose different theories explaining why certain groups turn to the court. For instance, they bring the political disadvantage theory. It explains that some groups that lack influence in congress or the government are more likely to turn to courts to protect their rights (2018). Nevertheless, organizations nowadays have various strategies without them being mutually exclusive (Cummings, 2013).

Throughout other academic contributions, Vanhala draws on the Legal Opportunity Structure (“LOS”) to explore the grounding expectations that explain why some groups use the legal mechanisms and others do not. She develops the essential role of the legal stocks as the body of laws; the standing rules that determine who is entitled to mobilize the law; and the legal costs as the financial benefits or constraints are decisive in establishing why an organization decides to use the law to achieve or support its goal (Vanhala, 2018). This approach is attractive because it allows us to understand why feminist organizations take different paths, sometimes trying to pursue the same objective.

What is helpful from Vanhala’s contribution to this research paper is how she draws on social movement and the potential to use the law and the dynamics of power to reclaim social justice in a patriarchal system through the role of social movements as political actors (Vanhala, 2010). Nonetheless, her approach to defining legal mobilization is mainly court centered.

These academic debates are helpful to understand on one side the importance of conceptualizing legal mobilization to avoid overstressing the term to the point that it refers to everything and nothing at the same time. On the other side, to get an analytical perspective of why some organizations turn to court and others do not. Nevertheless, these aspects are within a court-centered approach that, from my point of view, left out many interesting dynamics that happen outside the legal sphere or parallel to it. Therefore, in the next section, I will explore some literature review that considers law-based advocacy outside the judiciary system as part of legal mobilization.

2.3 Legal Mobilization beyond the courtroom

Litigation is part of legal mobilization processes, but legal mobilization is not reduced to litigation. Legal mobilization must be understood as more than a single dynamic between judges and plaintiffs, where law-based advocacy is implemented in social scenarios that do not require going to court or activating any formal mechanism, as it will be developed in this section.

Handmaker and Matthews state that legal mobilization can be seen as an analytical lens or an analytical concept. The first one refers to the possibility of explaining “how the functional (socio-legal) dimensions of interacting with the law as part of a social justice claim can be productively combined with a legal-philosophical approach based on legal pragmatism.” The second is the legitimate use of the law, where the capacity of civic actors, their role as translators, and the international law structural bias, help us to understand the different dynamics between the civic actors and structural factors (Handmaker and Matthews, 2019, p. 891). The idea of analyzing how law-based advocacy can be implemented to claim social justice opens the law’s dynamism to other spheres, where organizations and social movements can grow into platforms where the interpretation of the law goes further and gets combined with values, perspectives, and objectives that are out of the legalistic sphere (Edelman, Leachman and McAdam, 2010).

In this line, Polletta explains the importance of talking about rights outside of courtrooms, for example, in public places, where the abstract claims of citizenship and social justice find a more palpable meaning. This does not deny the law’s relevance or aspirations to limit the law. Still, it highlights the need to recognize that law-based advocacy inside and outside the courtroom complement each other. (Polletta, 2000). As the author mentions while talking about the case of

Southern civil rights organizers in the early 1960s, “(l)egal proceedings inside the courtroom supplemented the rights-talk that took place outside it by publicly recognizing people's willingness to "stand up" to white oppression. Far from substitutes for collective action, as Critical Legal Studies writers worry, legal victories were interpreted as prods to further action.” (Polletta, 2000, p. 369).

Morrill et al. propose a new model of legal mobilization that includes formal, quasi-, and extralegal action. Formal legal action throughout litigation or the activation or other formal mechanism; quasi-legal action by using informal means such as complaints or alternative conflict resolutions; and extralegal action such as turning to media narratives and talking with specific communities. (Morrill *et al.*, 2010). This multidimensional conceptual model is developed based explicitly on how youth mobilize rights regarding race and discrimination matters at school. Nevertheless, it is a helpful example to understand that a right-based approach to fighting against inequality and discrimination as a social justice problem can happen in legal or non-legal arenas or a combination of both.

One practical annotation of these discussions is the fact that winning in court does not guarantee social changes per se. In this sense, winning in court is only part of it. Different court forces, diverse contexts with highly complex factors, and sociocultural barriers are to be considered when pursuing an integral legal mobilization (Amit, 2011). Meanwhile, losing a case can represent something other than losing the cause when different strategies compound the legal mobilization deployed by the organizations or social movements. As cited by Silbey, McCann says, “despite the failure to win legal battles for pay equity, the litigation and other forms of legal advocacy provided reformers with legal discourse for defining and advancing their cause” (Silbey, 2005, p.356).

To summarize, the debate about what represents legal mobilization has different currents. I consider that litigation is only a part of the organization and social movements' legal mobilizations since different dynamics go beyond courtrooms, judges, and lawyers. These dynamics are relevant to overcome practical limitations of the law and guaranteeing the full exercise of rights. Therefore, in the next section, I explore the concept of legal consciousness and how the law can be seen as an opportunity to pursue social changes and challenge the structures of power that the law reproduces.

2.4 Legal consciousness: engaging critically with the legal system.

After concluding that legal mobilization must be understood broadly, allowing us to analyze the different forms of law-based advocacy. Some literature about legal consciousness will be reviewed in the following paragraphs. It allows us to understand how organizations and social movements perceive the potential of law to achieve social change.

Chua and Angel express that to analyze legal consciousness; we need to observe three elements; worldview as the way how individuals perceive how society works; perception, as the different interpretations of specific events, for instance, progressive or regressive; and decision, alluding to the individual's behavior toward the worldview and perception (Chua and Engel, 2019). At the same time, the perception of law depends on the individual's identity; sometimes that perception can be positive and negative simultaneously. (Abrego, 2008) illustrates this by providing an example of a group of undocumented Latino students in the United States. The law states that they do not have to pay tuition fees to access higher education while the immigration law portrait them as dangerous.

Additionally, we find the Hegemony school, where the law is a robust tool used by the state to control the individual's mind, and this school is essential to expose the effects of the law on the perceptions and decisions of individuals; authors have studied different ways of resistance some less radical than others, where opposition out of the legal system can challenge the state's hegemony by adopting non-legal strategies (Kostiner, 2003) or consciously disobeying and breaking the law (Fritsvold, 2009).

Moreover, the mobilization school studies *the perception of law as a potential mechanism to achieve social justice from a human agency perspective*. This school studies not only the law's power and dominance but those spaces where individuals use the law to protect their interests and achieve progress in their rights (Hernández, 2010). Some actors embrace the law to change public discourses and narratives (Hull, 2003). This school is focused on activating formal claims or mechanisms and using rights to influence social change (Chua and Engel, 2019). In this sense, the contemporary study of legal consciousness tends to be more relational, from individualistic conceptions of law to interactive conceptualization processes (Benda-Beckmann and Turner, 2018).

In the last case, legal consciousness is not analyzed individually but collectively by observing how the relationships between individuals shape those conceptions (Young, 2014).

To summarize, the concept of legal consciousness has been interpreted differently. Different authors propose to analyze the individual's worldview, perceptions, and decisions or interpret the concept from the identity perspective. For this study research, I considered it helpful to explore why these organizations see in the law a compelling mechanism to achieve the recognition of SRRs and liberalization of abortion, and how they have framed those claims. Thus, the following section explores the relevance of framing social problems to advance social movements' objectives.

2.5 Framing a cause

Even in those cases where the cause to liberalize abortion look similar, the arguments defended by the movements can differ from each other (Linders, 2004). For instance, Ferree studies the feminist framing of abortion in the United States and Germany. She noticed that abortion in the United States was framed in relation to ideas of individualism and privacy where the state had no legitimacy to intervene nor obligation to pay for it. In the case of Germany, the state had an obligation to provide social protection to assure that women did not have to seek abortion as an alternative (Ferree, 2003).

Ferree also develops the difference between resonance discourses, where “movement speakers make a different trade-off between their effectiveness in influencing policymakers and in articulating needs and interests marginalized by the status quo,” and radical identities social movements choose radicalism as a way of challenging hegemonic ideas and structures of power, even if it means to not resonate in the media (Ferree, 2003, p. 310). To illustrate this argument, Sutton and Borland explained how it is possible to observe both radical and resonant framings in Argentina. This is helpful to be aware of diversity within social movements “to develop common ground among groups that approach abortion from different perspectives” (Sutton and Borland, 2013, p.198). New abortion frames emerged or are shaped in this negotiation with other actors. This can happen through collective action frames, where the meanings and action-oriented beliefs are synchronized within the social movement (Snow, 2013).

In Latin America, unsafe abortion has been framed as a public health matter and a social justice issue, and at the same time, a reproductive right internationally recognized (Gómez-Dávila, 2018). In this line, De Londras and Enright invite us to engage critically with the right-based frame by identifying the advantages, such as advocating for its recognition and protection from a human rights narrative and the limitation of giving it a narrowly legalistic approach (De Londras and Enright, 2018). However, changing the law is crucial, specifically legalizing abortion as a right, because the law has the power to align social norms and discourse (Yamin and Bergallo, 2017).

Therefore, social problems can be framed differently between different countries and within social movements. Abortion has been framed as an individual matter where the state does not have the legitimacy to intervene; also as an obligation from the state to protect women and avoid at all costs that they have to seek an abortion. As Ferree mentions, the first frame frees the state of any responsibility; the second could reproduce stigma (Ferree, 2003). These are not the only frames; in Latin America, for instance, abortion has been framed as a public health matter, social justice issue, and a human right recognized at the international level (Gómez-Dávila, 2018). In the next section, I will describe how those framings and understandings can be translated into local contexts.

2.6 Legal translation of women's rights

Vernacularization is the “appropriation and local adoption of globally generated ideas and strategies” (Levitt and Merry, 2009, p. 446). The vernacularizes or translators have the task of analyzing whether they can “negotiate the middle in a field of power and opportunity” by speaking the language of international human rights in cultural terms, and the possibility to do this by replication or hybridity (Merry, 2006). Replication means transplanting one program from one context to another without adaptation (Chan, 2000), and hybridity is when the process of translating is interactive, and the human rights ideas merge with the local norms and understandings (Merry, 2006).

In her book “*human rights and gender violence, translating international law into Local Justice*,” Merry explains that human rights advocacy may use international standards to interpret the meaning of gender equality for constitutional jurisprudence. She highlights that one of the most significant limitations of human rights advocacy is that this activity operates through national and transnational elites. This may cause these abstract ideas related to human rights have nothing or little resonance with grass-roots organizations (Merry, 2006). Thus, she suggests that feminist social services that operate grassroots and human rights advocates work together to achieve national changes that can be translated into local contexts (Merry, 2006).

Additionally, framing and translation interact because framing offers an opportunity to dialogue between what is to be translated and the social, political, and cultural discourses in the local contexts (Kenyon, 2019). However, Merry argues the limitations of cultural resonance by saying “(on one hand) it is the unfamiliarity of these ideas that makes them effective in breaking old modes of thought, for example, denaturalizing male privilege to use violence against women as a form of discipline. On the other hand, it is only when they take a familiar form that they are readily adopted (Merry, 2006, p.178). Therefore, the challenge is that the ideas behind women’s rights connect with local contexts, gaining some socio-cultural attributes while simultaneously keeping original principles (Levitt and Merry, 2009).

2.7 Summary

To summarize, the debates about conceptualizing legal mobilization, legal consciousness, framing, and legal translation are not unanimous. For this research paper, I will use legal mobilization as different ways of law-based advocacy that includes but is not limited to litigation; legal consciousness as the interpretation of the organizations towards the possibilities of legal and social action within the legal system and their potential to achieve social justice; framing as the way how the organizations have framed the debate to create collective meanings to enter different arenas; and legal translation as the possibility to construct hybridity between community beliefs, practices, and cultures, and the idea of women’s rights.

Chapter 3 Methods and research design

3.1 Introduction

The research objective and the theoretical framework shaped my decision to conduct document review and complement it with in-depth/semi-structured interviews. This chapter will describe these processes and how they contribute to my research questions. Moreover, I will explain the analysis methodology, the reliability and validity aspects, positionality and reflexivity, ethical considerations, and limitations.

3.2 Sources of data and participants

This study's leading data resources were in depth-interviews and documental reviews as primary and secondary data from different official and non-official documents. I applied combined qualitative methods such as document review and interviews during this research by reviewing rulings of Colombia, the CCC, and administrative acts from the Ministry of Health and Social Protection and the National Council of Social Security in Health (“MHSP”). At the same time, I reviewed academic articles and books published by the organizations under study. This method was complemented by interviewing women working at the three organizations under study. In the following paragraphs, I will describe my data selection, collection, and how these methods helped me to answer my research questions.

3.2.2 Document reviews

Selection of documents

In this section, I will describe how I selected the documents I analyzed. First, I read the (C-055, 2022) ruling, the most recent ruling that liberalized abortion until the 24th week. I identified 1.157 references to other rulings, 833 of them related to constitutionality (“C-”), and 274 to Tutela (“T-”) as the rapid mechanism to access justice. The next step was categorizing these rulings and selecting those related

specifically to abortion (Appendix 1). Regarding the administrative acts, I selected those which regulated different aspects of abortion after the ruling (C-355, 2006) (Appendix 2). About the document review of the documents elaborated by the organizations under study, I listed the articles published officially by La Mesa, WLW, and Catholics from 2006 to 2022 (Appendix 3). The CCC rulings were found on the official page; articles published by La Mesa, WLW, and Catholics were found on their respective official pages or referenced by other authors.

Contribution to the research questions

This document review helped me to answer my research questions in three ways: first, I could explore throughout the rulings how Colombia's jurisprudence has changed over time, the arguments used by the judges to base their decisions, and the dissenting opinions that showed change glimpses. Also, I had a closer overview of how the arguments exposed in the strategic litigation deployed by the organizations were integrated into the CCC decisions and how the narratives about SRRs and abortion have switched. Second, the organization's publications allowed me to analyze where the efforts were put in, the objectives of the strategies deployed, and a panorama view of the challenges they face in their implementation.

Document analysis is frequently combined with other qualitative research methods, such as interviews and participant observations. It can operate by providing context or supplementary data, defining questions that need to be asked, tracing changes over time, and verifying evidence (Chan and University of Hong Kong., 2000). Therefore, I chose in-depth/ semi-structured interviews to complement the previous document reviews, I will explain this in detail in the next section.

3.2.1 Interviews

Selection of participants

As explained in the research study justification (section 1.3), I consider that La Mesa, WLW, and Catholics are very knowledgeable about the evolution of abortion laws and narratives in Colombia since they have been active actors in the debate on SRRs in Colombia in the courts, church, and society. They have produced many publications (Appendix 3), worked in alliances with other national

and regional organizations, and their expertise has been requested by government institutions and the CCC. All mentioned above indicated their knowledge of the liberalization of abortion in Colombia and the challenges. The women I interviewed hold positions of coordination and legal advisory (Appendix 4).

Questionary formulation and contribution to the research questions

I divided my questions into two categories, first the legal decriminalization, second, the social decriminalization of abortion. These two lines were helpful in the design of questionnaires. Nevertheless, they intersected many times in the answers. On the one hand, into the line of legal decriminalization. First, I included questions related to their legal consciousness; throughout those questions, I wanted to explore the motivations behind their legal battles. Also, I prepared some questions about how they interpret the role of institutions and their main limitations. Second, the legal framing of abortion, by asking specifically how the organization used the narrative and the relevance of framing abortion as a right and a social justice issue. Third, how these two previous aspects evolve into strategic litigations. These questions allowed me to understand the frames these organizations use to access the legal system, why they do it, and how they approach those strategies. On the other hand, regarding social decriminalization, I chose questions to know more about their alliances with different stakeholders, other women's organizations, and local communities. How they understood the translation process of human rights into local organizations of women and how they approach their own positionality.

Planning and conducting the interviews

From planning to conducting the interviews, I used “the essential guide doing your research project,” which also helped me consider this method's issues and complexities (O’Leary, 2017). First, I contacted all the respondents by e-mail and provided a general idea of the research objectives and methodologies. While planning the interview, I designed some pre-determined questions previously categorized as thematic and dynamic (Appendix 5) (Kvale and Brinkmann, 2009). They were all conducted as semi-structured interviews and allowed me to ask a set of new questions based on their answers or the answers obtained as the results of the other interviews. All of them were one-to-one

interviews by teams. After they granted me authorization through informed consent (Appendix 6), I recorded the audio while taking notes.

3.3 Transcribing and coding

After I finished the interviews, I transcribed all of them manually, translated them with google translate documents, and made corrections with Grammarly. I double-checked the information to ensure I got what the participants meant in the translation process. After this, I used atlas. ti to develop and apply codes to the interviews.

Before the analysis, I created ten codes: individual legal cases support, alliances, backlashes, communications, legal consciousness, legal decriminalization, social decriminalization, strategic litigation, knowledge production, and challenges-obstacles. These codes responded to the two lines of questions I previously had designed in the two lines described previously (3.2.1). I stated for each code label a short definition, a complete definition, when to use it, and when not to use it. Atlas helped me achieve structural coding and extract the information identified with a code or concurrent codes in the same answers. The themes were defined by linking different codes and noticing repetitions in the responses or documents. I used reflective thematic analysis (Braun and Clarke, 2022) to connect the data categorized by codes and themes with the theoretical concepts and framework. That will be reflected in the findings and conclusions.

3.4 Thematic analysis

After planning, conducting, transcribing the interviews, and also collecting the documents, I followed the thematic analysis steps proposed by Guest et al. (2012). Text segmentation, segmentation, and coding relationship, the centrality of the codebook and code definition, structural coding, flagging insufficient data, discovering, and winnowing themes, and linking themes to theoretical models. As mentioned, I used atlas.ti for this analysis. I decided I did not want to use text segmentation for my interviews; I considered the whole body of the answers relevant. Therefore, I applied the coding to

the five complete interviews. It differed from the document review; since I segmented this data due to its extension and mapped the information that I considered helpful to answer the research question and sub-questions.

3.5 Reliability and Validity of the research

Reliability and validity have been interpreted regarding qualitative research, concluding that those concepts are understood as “trustworthiness, rigor, and quality in qualitative paradigm” (Guest, MacQueen and Namey, 2012) and proposing to implement them in the research process by triangulation, which in the words of Creswell and Miller is “a validity procedure where researchers search for convergence among multiple and different sources of information to form themes or categories in a study” (Creswell and Miller, 2000, p. 126). I recognize that the participant’s perspectives and experiences influence the interview answers, which is one of the motivations for conducting interviews for this research paper. Nevertheless, this information is not taken in isolation. The data from the interviews and the data document reviews complement, validate, and challenge each other to avoid overestimations or underestimations. “The use of different methods generated the possibility to double-check information, to observe something at one time that could be followed up with questions later, and to process information between the different meetings.” (Sorensson E. and Kalman H., 2018, p. 718).

3.6 Positionality and reflexivity

The positionality of everyone is formed by the ontological and epistemological assumptions, as well as assumptions about nature and agency (Holmes, 2020), and those are influenced by different life aspects such as gender, race, religion, and socio-economic status, among others (Sikes, 2004). Positionality interferes with the chosen topic until conclusions are drawn (Rowe, 2014). To identify my positionality, I use reflexivity by being aware of my cultural, political, and social context (Bryman, 2016). As Colombians, most of us have experienced first-hand the limitations of the health care and the legal systems in our country due to delays, lack of specialized personnel, denials of specific services for not being included in the social security package, and so on.

Nevertheless, from a privileged position and having private health insurance, I have never faced most of the limitations that women and girls with public health insurance or no coverage have faced. Let alone the fact that accessing abortion or sexual and reproductive health services brings its challenges. I have friends who practiced abortion, but they all have sought private doctors and clinics, which is impossible for every woman and girl in Colombia. Before I thought about this topic, my focus was inclusive education for children and youth; nevertheless, after the ruling (C-055/ 2022), my particular interest in SRRs arose. I wrote different papers during my master's about abortion from different perspectives. The more I read, investigated, and learned, the more convinced I was that sexual and reproductive health care services should not be a privilege but a recognized, protected, guaranteed right for everyone.

Therefore, I started my legal internship at WLW last June; even though I worked for the office in Madrid, my position in the organization allowed me to reach out directly to the people I wanted to interview within the organization but also from the other organizations. My legal profession and training helped me understand Colombia's different legal scenarios. Since I am aware of my legal background, I consciously and constantly avoided a reductionist and legalistic approach, exploring other social areas such as the alliances between organizations, the translations of human rights into specific and local contexts, and the strategies of social movements and women organizations, among others. For instance, I recognized my positionality and asked the participants to describe how they acknowledge their positionality and how it interacts with other organizations living under different socio-economic conditions in different regions. I recognize that the debate on SRRs has happened in a specific scenario of professionals who, like me, own a privileged position for being educated and having diverse advantages that allow us to be curious about these topics.

3.7 Ethical considerations

Some ethical aspects to consider in qualitative research are informed consent and voluntary participation, anonymity, confidentiality, conducting interview sessions, data analysis, and disseminating the findings (Mohd Arifin, 2018). I have always known that abortion was a sensitive

topic. While doing my secondary data collection and my literature review, I realized that women's organizations that aim to recognize and protect SRRs and legal and safe access to abortion always face the challenge of backlash; therefore, sometimes, there is sensitive information. Before I started each interview, I read out loud the informed consent, which the participants signed and sent back after the interviews- it clearly stated that they could withdraw from the discussion before, during, or after it.

Four of their five respondents explicitly allowed me to use their names, and one stated that they preferred anonymity. Each interview was one-to-one; headphones were unnecessary because I was alone in the room, and there was no risk of anyone else listening to the interview. The questions were directed to specific themes. Nevertheless, the participants could talk freely, and I listened attentively to the clarifications they made after some crucial statements. All the participants knew those interviews would be used for academic purposes as a requirement to obtain my master's degree and to see the potential of these outcomes (Husband, 2020).

3.8 Limitations and practical challenges

One of the limitations I had to face was the participant's availability. Since I wanted to interview specific participants, I had to wait until they replied to my e-mails and found a time that worked for both of us, which was a challenging task since we were in different time zones, and they were busy. Finally, when we started the interview, I was still determining how open they were to my questions since some were about their capacities, alliances, limitations, and challenges. I stated since the beginning that the inquiries related to aspects under confidentiality could be taken out of the questionnaire, but this was not necessary.

Another limitation I faced was regarding secondary data, specifically regarding to polls. When analyzing stigma and the impact of the different legal changes on the perception of Colombians toward abortion, I found other polls, but they did not directly address this aspect. For instance, one of them asked the participants whether they agreed with the ruling (C-055/2020) that decriminalized abortion until week 24th. The possibility to answer was yes or no, but even the people who were not against abortion until perhaps week 12th, their responses were considered negative, as if they completely

disagree with the court. That information was used to say that Colombians were against abortion. On the other hand, some polls show a positive perception of Colombians about abortion, but I found some limitations regarding the number of respondents.

Chapter 4 Findings and analysis

4.1 Introduction

I used different concepts to analyze the findings, such as legal mobilization, legal consciousness, framing, and legal translation. In this chapter, I will describe the findings and their respective analysis. To do so, I divided this chapter into three main lines. First, why do the organizations under study regard the legal battles as important platforms to liberalize abortion and reclaim autonomy; second, what are the legal frames attributed to abortion and the relevance of defining abortion as a reproductive right and a social justice issue; third, how the organizations attempt to translate those legal changes into local contexts.

4.2 The organizations under study regard the legal battles as important platforms to liberalize abortion

In this section, I will analyze the legal consciousness of the participants as the representatives of the organizations under study. Three main aspects will be developed in the subsequent paragraphs. First, the organizations are aware of the law's limitations, but they also see in the legal system an opportunity to challenge the structures of power that the law has reproduced. They see in the legal system potential to reclaim women's agency and autonomy, for example, by achieving the complete decriminalization of abortion. Second, the organizations have seen in the CCC an effective platform to claim those social justice demands. This has happened mainly due to the negative responses from the CNC. Also, this mobilization has been possible because of the country's body of laws and the organization's capacity to pursue those challenges. Third, strategic litigation is a reciprocal dynamic between legal changes and social transformations. For instance, legal victories and failures have been used by organizations to frame the abortion debate differently, while social mobilizations have opened the possibilities to demand legal changes.

4.2.1 Legal consciousness: engaging critically with the legal system

In this section, I analyze from the legal consciousness of the participants why the organizations under study see the Colombia legal system as an opportunity to reclaim autonomy and agency over women's bodies. The legal battles for recognizing SRRs have been seen as opportunities to reclaim agency in a non-neutral system. For instance, one of the lawyers from WLW expressed that it is essential to acknowledge that the law is not neutral or impartial, nor universal, since it was written by those in power, generally white males, "to maintain that status quo of unequal power." (Interview 3). However, by engaging critically with the law, "you also realize that the law assigns capital gains such surplus power. That privilege some and detriment others. Although the capital gains that are allocated to perpetuate power in unequal conditions *can also be used against it*. (It might not) to bet on the revolution, but *on incremental gains, that this distribution of power is no longer so unequal*," and even if we are not in a revolution, "*women can gain power, in this case over their sexuality and reproduction*" (Interview 3).

Drawing on the mobilization school of legal consciousness (Chua and Engel, 2019; Hernandez, 2010), the women's organizations under study have seen in the legal system a possibility to reclaim reproductive autonomy without ignoring the hegemonic nature of the law. It is possible to be aware of the character of law and yet use it to reclaim power and pursue women's rights recognition and protection (Roa and Klugman, 2014). La Mesa, WLW, and Catholics have worked on abolishing altogether abortion as a crime and taking it out of the criminal field. *This is an attempt to use the law to take back the power over women's bodies that the same law took away before*. As one of the participants said, "we see the law as an opportunity for social transformation, and even though we recognize its limitations, we consider it far from being useless" (interview 3). The legal battle for the SRRs has been a struggle to acknowledge the sexual and reproductive autonomy of people whose autonomy has been historically denied (Dávila Contreras, Chaparro González and Martínez Osorio, 2021).

In one of my interviews, I asked one of the participants why she considered the law, specifically the decriminalization of abortion, as the appropriate mechanism to reclaim agency. She replied that she believed *the use of law needed but not exclusive* (interview 2). The participant said that the

activation of a legal mechanism did not mean the inactivation of social strategies; on the contrary, they were intersected all the time. While seeking the decriminalization of abortion in the CCC had the primary goal of taking abortion out of the criminal field, it also opened conversations, debates, and strategies deployed in the societal sphere needed to decriminalize socially the practice (interview 2). It illustrates how the analysis of legal consciousness should not be limited to analyzing the pragmatic scenarios (“law in practice”) or the formal law (“law in books”) exclusively. In Silbey’s words, “legal consciousness should be a tool for examining the mutually constitutive relationship between these two” (Silbey, 2005, p. 359).

To summarize, the organizations see the legal battle for decriminalizing abortion as a way to reclaim reproductive autonomy. They do not ignore or deny the limitations of the law and its patriarchal nature; on the contrary, those actions of decriminalization seek to take back the power over women’s bodies from the state. The organizations do not reduce the problem to the legal sphere. Instead, they see those legal scenarios as legitimate ways to reach other social spheres and reduce the gap between legal changes and social transformations. After analyzing why the organization considers using the law as a mechanism to achieve social justice, I will explore why the CCC has been the chosen arena in the next section.

4.2.2 The CCC as the platform to mobilize for the liberalization of abortion.

In Colombia, the CCC has been the arena to liberalize abortion and achieve the recognition of the practice as a fundamental right (T-585, 2010). Firstly, seeking this recognition by the CCC has been needed due to the conservative forces and lack of support in the CNC, which has driven women’s organizations to look for alternatives. Second, turning to courts for the liberalization of abortion has been possible because of the country's body of laws that recognize women’s rights and integrate human rights internationally recognized into the domestic system; and the organizations' capacity, referring specifically to their economic and personal capital.

Vanhala provides the LOS to explain why some social movements turn to court and others do not. She expresses that the body of laws and the capacity of the social movements are determinants

for them to seek recognition and protection through the courts (Vanhala, 2018). This helped me analyze why women's organizations have litigated the liberalization of abortion in Colombia.

First, Colombia's body of laws integrated the human rights international instruments at the constitutional level as defined in article 93 (Constitution, 1991). One of the innovative aspects of the ruling (C-355, 2006) was the reasoning of the CCC based on this extended body of laws (Women's Link Worldwide and Cook, 2007; Williams, 2009). Thus, internationally recognized rights are placed and used at the highest level. For instance, in the (C-355, 2006) ruling, CCC expressed that criminalizing health care services that only women seek violated the right to sexual nondiscrimination established in CEDAW. Additionally, the CCC rejected the criminalization of consent abortion performed on a woman less than 14 years of age by appealing to the Convention on the Rights of the Child. Furthermore, the CCC drew on the Convention Belém do Pará to state the state's responsibility to hinder sexual violence against women due to forced pregnancies. The women's rights standards internationally recognized are incorporated in Colombia's body of laws automatically and implicitly by article 93 (Constitution, 1991) and explicitly through the CCC jurisprudence.

Second, La Mesa, WLW, and Catholics have the capacity to turn to court. Different professionals integrate these organizations. For instance, WLW is an organization integrated by a group of lawyers constantly working on strategic litigations. Regarding La Mesa and Catholics, although their expertise area is not litigation, they also have lawyers and legal experts involved in the legal actions. La Mesa is also integrated with medical professionals who provide their expertise to support the organization's arguments by providing medical expertise. The organizations are also incorporated by sociologists, anthropologists, and communications experts, who help their legal battles from another perspective focused on public opinion (interview 1). This capacity is seen as an ecosystem where the organizations work together with other organizations, and their input depends on their expertise (interview 2). The organizations also have the economic capacity to turn to the court. For instance, WLW has a group of donors that support economically their work such as Channel foundation, Digital Freedom Fund, among other.^{ix} In this line, the organizations have not only the economic capital to turn to the court, but also the social capital, experts in different fields that make feasible their legal battles.

Despite the laws body and the organization's capacity to go to courts analyzed in the frame of LOS, in Colombia, the decision to litigate the decriminalization of abortion in front of the CCC was shaped by the impossibility of achieving change through the legislative power. It was caused by "(t)he blocked access to political institutions, and the strength of the conservative offensive (that) led some sectors of the feminist movement in the region to try other unexplored venues, in particular, the court system" (Ruibal, 2021). Thus, different attempts to challenge the criminalization of abortion failed before 2006 (Ordolis, 2008). Around eight bills were presented in the CNC to liberalize abortion rights, but none of them made it beyond the first phase (Ruibal, 2021).

The CCC in Colombia has become the forum to seek a more progressive legal system regarding SRRs and same-sex couples' rights, such as those getting married and adopting, and displaced populations or prisoners. This is not a random event; it has been the alternative to "the inactivity or negligence of other institutions" (Interview 3). Unlike other cases, such as the Argentina scenario in 2018 when a substantial social mobilization demanded change from an anti-violence against women approach that at that time found a political arena more open to negotiating structural changes after failed attempts since 2008 (Fernández Anderson, 2020; Daby and Moseley, 2021).

Nevertheless, in the words of one of the participants, "we recognize that now Colombia is experiencing a historical moment; we have a change of government that we had never thought possible, a person from the left who came to power democratically (Gustavo Petro, President 2022-2026) and not only to the executive power but also the alliances he has achieved in the legislature" (interview 3). This does not mean that for being members of the left party, everyone will support abortion, but "knowing that there has already been a change in the political forces in the country that makes us consider the legislative arena as an alternative" (interview 3). In other words, the political scenario has drastically changed. The organizations constantly study the possibilities to retake the debate to the legislative due to the context dynamism and the political changes. This would represent a switch from LOS to a Political Opportunity Structure, an analysis beyond this study's scope.

To summarize, under the analysis of the LOS to liberalize abortion in Colombia, we could observe two things. First, the mobilization in the judicial arena has been possible due to the body of laws that, combined with the expertise and economic capacity of the organizations under study, allow them to

turn to the CCC. Second, the decision to demand the decriminalization of abortion in front of the CCC was not exclusively based on those two aspects. Instead, on the impossibility of achieving that change in the legislative arena. Finally, the organizations do not discard seeking the legalization of abortion, considering that today the legislative and executive branches seem different.

After analyzing the legal consciousness of the organization's members and the role of the CCC in the LOS, in the next section, I will explain how these previous analyses are materialized through strategic litigations, which are integrated by legal strategies, massive campaigns, and social mobilization.

4.2.3 Strategic litigation and alliance with governmental representatives

In this section, I analyze how legal mobilization reaches other non-legal spheres. I will describe first how strategic litigation has been determinant to change restrictive abortion laws and how this mobilization goes beyond the courtroom; and second, the relevance to mobilize also among state agents. This is especially important when the CNC establishes no legal frame and yet regulations are necessary to implement the CCC rulings. These alliances have contributed to tackling the social-legal barriers produced by, for example, health care providers.

Strategic litigation

Counteract against the Anti-abortion campaign led by a public institution

In one of the interviews, a member of WLW told me that “we (WLW) really must decide as to what is worth responding to and what is not, (we) have to assess the risk, and see how much capacity these initiatives have to go back on what we have achieved” (interview 2). Following what the participant said, I could identify that she was reflecting on the countermovement of the backlash that started in 2009. Alejandro Ordoñez started an anti-abortion campaign when he was the head of PGN and appointed Ilva Myriam Hoyos as head of the office in charge of the protection of SRR.^x They deployed some strategies, such as the Decree 4444/06 suspension, which regulated the provision of sexual and reproductive health services. Also, they publicly announced that Misoprostol was not safe and was more expensive than other methods.

He argued that this allowed him to investigate any public official who authorized Misoprostol purchase (Roa and Klugman, 2014). This campaign caused a chilling effect among public officials and medical and administrative personnel. They feared being investigated and were confused about the Decree 4444/06 validity (Chaparro *et al.*, 2013).



Figure 2 Public invitation to protest against “el Procurador”
(El Espectador, 2010)

The strategic litigation started with a campaign called **-No Más Oscurantismo-**^{xi} (“No more dark ages”) promoted by WLW and Catholics with different women’s organizations, LGBTIQ+ groups, and newspaper columnists to raise public awareness of the misinformation spread by these authorities. Furthermore, an official complaint against the official’s actions was submitted to the Supreme Court, but it was rejected. Another strategy was needed, but the awareness achieved by the campaign was a key ally. ***In alliance with other organizations, WLW found 1.280 women of reproductive ages who alleged that these public officials violated their right to access accurate information.*** In 2012 the CCC ruled that they had provided misinformation, which violated the right to access abortion and physical and mental health, and had the obligation to retract (T-627, 2012). This was a clear example that “even if there is not a legal victory, rights consciousness about the issue will have improved and roots will have been established for future advocacy through other avenues” (Roa and Klugman, 2014, p.34). In other words, ***losing a case is not necessarily losing the issue; a loss in court can benefit the social movement.***

I agree with Polletta when she explains the high relevance of law-based advocacy inside and outside the courtroom to achieve a more palpable understanding of the law in society (Polletta, 2000). This strategic litigation illustrates how this matter influenced public opinion and how it was helpful to achieve the outcome. Although the (T-627, 2012) ruling is emblematic because it was the first time the CCC

directly linked the violation of the right to access information as a violation of accessing abortion, it has other implications. First, the head of PGN, as one of the most powerful institutions, had to retract, and his anti-abortion campaign was left without valid arguments since they were disregarded in the CCC study. Second, this debate went beyond the courtroom and reached the public audience. After the ruling, the national media published the decision of the CCC (figure 3) and framed this victory as a women's achievement.

Accordingly, there are a few things to highlight. First, although the Supreme Court rejected the official complaint, the media and the alliances with other groups made it possible to raise awareness about the misinformation and the rights violations by the PGN. Second, that awareness and mobilization helped gather 1280 women of reproductive ages who considered and claimed their rights were violated. They also won the legal battle and the social space to frame misinformation about abortion as a violation of their SRRs. Third, this ruling was evidence that anti-abortion campaigns, especially those led by public institutions, were also subjects of control, and their strategies could not involve the state powers to spread misinformation or fear among other public officials.

“La Libertad es mi causa” for the decriminalization of abortion.

In this section, I illustrate how law-based advocacy opens social debates and allows social movements and organizations to reframe their cause. Causa Justa has taken advantage of conjunctural moments to claim legal changes and put again on the table the debate about abortion from a more liberal perspective.

Figure 3 National newspaper headlines after the T-627/2012

Mujeres "satisfechas" con fallo de la Corte que exige al Procurador retractarse

(WRadio, 2012)

Procurador podría ser arrestado si no acata tutela sobre el aborto

(El Pais, 2012)

Corte pide al Procurador retractarse por declaraciones sobre aborto

(El espectador, 2012)

As I have argued in the last section, traditional litigations, which are over-focused on court-based strategies, are just one edge of social change tools of legal mobilization (Cumming, 2013). For instance, if we interpret legal mobilization more broadly, it is possible to observe the potential for organizations and social movements to become scenarios where the interpretation of the law evolves with values, perspectives, and objectives (Edelman, Leachman and McAdam, 2010).

In 2020 Natalia Bernal pursued a complete abortion ban and claimed the unconstitutionality of the three exceptions model. The CCC ruled (C-088/2020) and rejected Bernal's claims arguing *res judicata*, meaning that this matter had already been judged and decided by the ruling (C-355, 2006). Nevertheless, through this process, WLW glimpsed the openness of some judges to advance SRRs and liberalize abortion- specifically Alejandro Linares and Antonio José Lizarazo. They drew this conclusion because through the process before the (C-088/2020) ruling; these judges showed intentions to decide about this matter to liberalize abortion and did not show affinity with the decision based on *res judicata* (Interview 3).

The conjunctural moment allowed WLW and Causa Justa to read the context strategically and see a progressive tendency from most judges who conformed to the CCC. Causa Justa demanded the unconstitutionality of abortion. As mentioned before, on February 21st 2022, The CCC ruled on the decriminalization of abortion until the week 24th. This strategic litigation was accompanied by the campaign *La Libertad es mi Causa* (“Freedom is my cause”), with more than 140 publications in the media at the local, national, and international levels^{xii} from 2019 to nowadays. Many singers, actresses, actors, and people active on social media supported the campaign.^{xiii} The diverse production of graphic material helped the movement to speak the language of social media by creating designs, gifts, and stickers that could be used through different channels. (Appendix 7).

Figure 4 Video's campaign La Libertad es mi Causa (Causa Justa, 2021)



These tools include messages such as “take your rosaries out of our ovaries; we are not hysterical, we are historical; no one more criminalized for abortion; we are not second-class citizens; my body, my choice; among others.” All of this is to say, that even when the legal mobilization included a legal claim to decriminalize abortion, it was much more than that. It involved more actors than only the lawyers and the judges since right-based allegations were introduced into social arenas. For example, the national and social media channels take the debate to other spheres. In other words, it would not be reasonable to study the litigation isolated from the whole social context.

The C-355, 2006 regulation without the legislative branch

As mentioned above, there were attempts to decriminalize abortion by the legislative. Nevertheless, this was impossible, and the bills did not pass (Gómez López and Plata Tamayo, 2009). Since La Mesa knew the conjunctural scenario, they worked with the government to build regulations to make the CCC decision feasible. Since no “law” stated abortion as a legal practice, there was a need to make a regulation and avoid confusion among medical professionals. The limitations were apparent, either they ignored that the CCC declared abortion in those three cases as a constitutional right, or they knew about it but, in some cases, abused the conscientious objection (Ngwena, 2014).

Table 1 Reporters of abortion in the cases of criminalization of abortion (La Mesa, 2021, p. 59)

Denunciante	Frecuencia	Porcentaje
Personal médico	219	65,98 %
No se sabe	42	12,54 %
Policía	42	12,54 %
Mujer embarazada	12	3,58 %
Transeúnte	9	2,69 %
Familiar	7	2,09 %
Pareja/ ex pareja	4	1,19 %

From the early stages after the (C-355, 2006) ruling, it was clear for La Mesa that there was a need to work with the MHSP to provide guidelines that help to instruct medical professionals. They were

relevant for two main reasons. First, they were the service providers; second, they represent 65,98% of reporters of abortion cases to the police (La Mesa, 2021). In other words, not only were they denying access to abortions, but they also were activating the criminal prosecution against women and girls for practicing abortion. La Mesa participated in the elaboration process of these regulations (Appendix 2) with the outcomes of a comparative study of health regulations in other Latin American countries. This comparative study helped them integrate, at the national level, health measurements that guarantee the implementation of the CCC ruling and provide more legal security to the medical professional to carry these practices (González Vélez and Jaramillo Sierra, 2021).

To summarize, since the legislation was not an option, La Mesa contributed with arguments and examples to build a regulation to implement the ruling (C-355/ 2006). Here we can see how the legal mobilization permeates other dynamics beyond the courtroom, for instance, with government institutions. Thus, these dynamics were needed to tackle the obstacles women face when seeking safe abortions with the medical professionals.

As developed above, first, this study suggests that women working at the organizations under study see the law as a tool to achieve social justice and reclaim autonomy and agency; second, that the CCC has been the platform to demand those claims since the CNC has not responded positively to the debate of liberalizing abortion. Also, turning to court has been possible for these organizations due to the body of laws and the organization's capacity to activate those mechanisms; third, the strategic litigations run by these organizations are not only legal strategies but also social campaigns that have been adapted to circulate in the media and social media to take the debate to more social spheres. In the next section, I analyze these organizations' framing process of abortion in Colombia.

4.3 Abortion is a reproductive right and a social justice issue

In this section, I will develop how framing abortion as a human right internationally recognized has opened the possibility for these organizations to switch abortion debate terms in courts and social scenarios. While framing the criminalization of abortion as a social justice issue has been the outcome of observing how abortion as a crime affects women and girls in Colombia distinctively.

4.3.1 Abortion as a reproductive right: framing abortion in human rights terms

The lawsuit presented in 2005 affirmed that the crime of abortion violated the right to equality and non-discrimination; the right to life, health, and physical integrity; and the right to dignity, reproductive autonomy, and the free development of the personality of women (Gómez López and Plata Tamayo, 2009), the CCC based its decision on those arguments contrary to the previous tendency to give prevalence the right to life of the unborn. Feminist activists and women's organizations strategically placed the debate as public health care matter and human rights issue, going beyond the moral and religious arguments (Maldonado, 2019).

The CCC differentiates between sexual and reproductive rights; regarding, the autonomy of men and women to decide whether to procreate and when and how often. These groups of rights include access to services such as the provision of contraceptives (T-665/2017), fertility treatments (T-316/18), or abortion (C-355, 2006). On the other hand, sexual rights integrate information and education about sexuality and contraceptives (T-293/1998), as well as preventive services to avoid Sexually Transmitted Diseases (STDs) (T-465/2002). This recognition of Reproductive and Sexual Rights is driven by the understanding that women own their bodies and are fully capable of deciding over their sexuality and the autonomy to determine if they want to experience or not motherhood (Dávila Contreras, Chaparro González and Martínez Osorio, 2021).

The international human rights law facilitated La Mesa and WLW the terminology and understanding regarding how women's rights should be interpreted, specifically women's reproductive rights. Not only as interpretative tools but also as binding mandates, constitutionally recognized. For instance, Williams suggests that the argumentative line in the (C-355, 2006) ruling is innovative. This is due to the incorporation of international human rights law into domestic constitutional law, the status of prenatal life and women's rights under the Colombian Constitution, and how the proportionality principle limits the legislative power to criminalize abortion (Williams, 2009).

In this way, the mobilization in the CCC has promoted the switch of abortion from a crime to a right. The evolution of this narrative in the legal context allows the organization to advocate in different terms for safe and legal access to the practice. The process of framing abortion as a human

right facilitates the dialogue between women and health care providers. It is not the same to ask no to feel guilt for committing a crime than for exercising a right (Interview 5).

The framing process of abortion in Colombia has not been only a matter of individualism as in the case of the United States or a call for the paternalistic state, as in the case of Germany (Ferree, 2003). Women's organizations have framed abortion as the autonomy of the women to decide and the obligation of the state to provide (interview 3). The state must ensure those services fully recognize women's first-class citizenship, autonomy, and capability (Interview 2). One of the groundbreaking arguments of the CCC in 2006 was the link between equity and abortion (Ruibal, 2021).

In Conclusion, women's organizations in Colombia have framed abortion as a human right. They have used human rights international instruments to provide arguments that the CCC has collected. Those arguments have helped the CCC to establish standards to protect abortion as a human right (Appendix 1). However, abortion has not been only framed as a human right by women's organizations. Although abortion is a human right, when its access is limited, it affects women and girls distinctively. The idea of accessing abortion as a social justice issue will be developed in the next section.

4.3.2 Abortion as a social justice issue, framing the reality.

From 2006 to 2017, La Mesa has supported 1046 individual cases (González Vélez and Jaramillo Sierra, 2021), of which 20,9% live in areas categorized as strata 1^{xiv}; 39% live in strata 2, and 6,2% live in strata 3. On one hand, these percentages integrate 66,1% of the women and girls supported by La Mesa who live in the lowest three socio-economic strata. On the other hand, only 28% of the women have professional or technical education, and 68% do not have education or have reached secondary school (see figure 1).

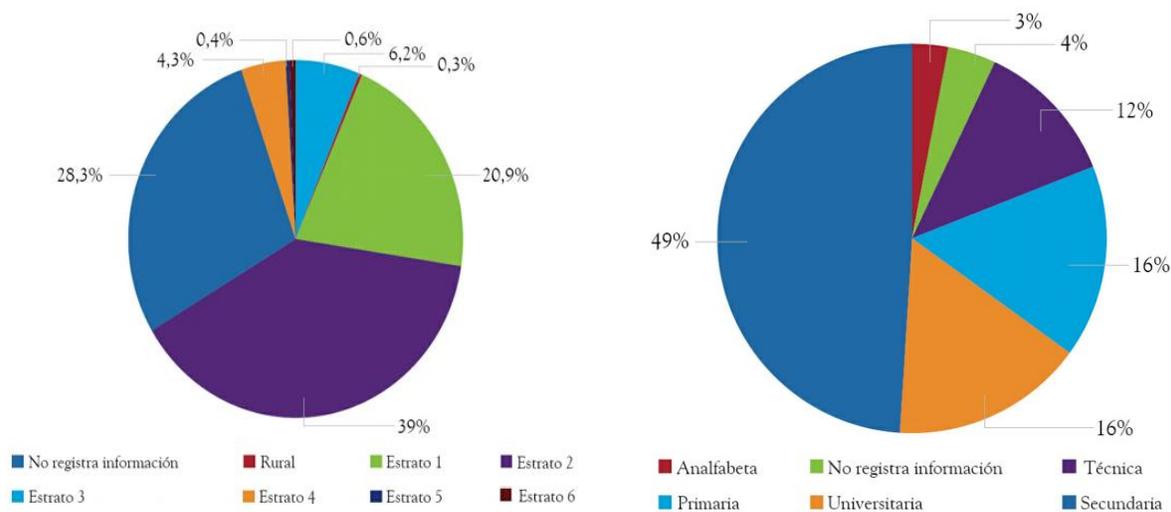


Figure 5 Socio-economic and academic level of the women whom La Mesa individually supported

(González Vélez and Jaramillo Sierra, 2021b)

These findings suggest that most women and girls who have sought support from La Mesa due to the limitations they face to access legal abortion are those *living in low socio-economic conditions and basic or non-education*. Different studies showed the barriers faced by women and girls who want to access legal and safe abortion abortions, such as the battle between medical autonomy vs. women's autonomy; protection of fetal life vs. protection of women's lives; ignorance or abuse of the law (Amado *et al.*, 2010)(Roa, 2008).

At least in the 1046 cases supported by La Mesa from 2006 to 2017, the women and girls who struggled with these obstacles the most were those living in the most disadvantaged conditions. In this case, the organizations under study are not only fighting for the recognition of women's reproductive rights but also for the social injustice and inequality that intersects many women's life spheres, including but not limited to accessing abortion legally and safely. From the percentages provided by La Mesa, we could tell that only 0,3% are supported women living in rural areas. Even though this phenomenon goes beyond the scope of this research paper, it is essential to highlight the limitations rural women face not only by the national restrictions or liberation of abortion but also by the lack of access to justice and health care in general terms (Vargas *et al.*, 2010).

In this way, framing unsafe abortion as a social justice issue allows the organizations to expose the debate from another perspective that covers women's autonomy and overlaps with the responsibilities of the state. Gomez-Davila argues that feminist movements and women should keep taking out the debate about abortion as the social justice issue it represents. He invokes the necessity to demand from the state the provision of services based on the individual's capacities (Gómez-Dávila, 2018). When I asked one of the participants how the social movement frames abortion, she said, "the state should not intervene to interfere in women's decisions over their bodies, *but it must guarantee that the provision of abortion is given equitably, help to overcome inequalities among women*" (Interview 3).

In conclusion, framing abortion as a social justice matter helps not only to raise awareness about who are the women and girls who suffer the most the consequences of not having access to safe and legal abortion. This frame allows the organizations to make demands to the state to guarantee abortion as a health care service. In the next section, I will describe the organization's attempts to translate the ideas being abortion as a human right and a social justice matter into local contexts.

4.4 The organizations' attempts to translate legal changes into social transformations

4.4.1 Production of knowledge: law-based advocacy out of the courtroom

One of the most relevant barriers to the implementation of the ruling (C-355, 2006) was the lack of knowledge among medical professionals about the banding effect. The organizations tackled this with the help of the MHSP, as described in the previous section. Through the regulations issued by this authority with inputs from La Mesa, clarity, legitimacy, and security were provided to the medical personnel (González Vélez and Jaramillo Sierra, 2021). Also, medical professionals and local judges restricted the application of the three exceptions and the abuse of conscientious objection.

Women's life at risk and rape exceptions must be interpreted under human rights standards.

La Mesa, in alliance with other Latin American organizations, elaborated a consensus about the exception referring to the women's lives at risk throughout a collective process. This process is seen as a technic and politic political process, where different experts in the region contributed from their expertise. This collaborative process was seen as an opportunity to create links between feminist organizations and endue of legitimacy and credibility of the outcome. The result of this consensus was the publication of "*Causal salud, interrupción legal del embarazo, ética y derechos humanos*" (González Vélez, Ramos and Ortega Ortiz, 2008). Among different aspects, the health exception's physical, mental, and social dimensions were analyzed, as well as other standards to interpret it, for instance, those established by international human rights instruments that suggest a broader interpretation of the exception and avoidance of prohibitions. Also, they promote a different criterion to resolve conflicts more adjusted to the women's right to health and the recognition of their autonomy.

By using the same methodology and after publishing the text regarding the health exception, in 2012 was published "*Interrupción legal del embarazo por la causal violación: enfoques de salud y jurídico*" (González Vélez and Bergallo, 2012). On this occasion, the organizations developed different aspects of the rape exception, such as the meaning of forced pregnancy, the relation between this exception and abortion in Latin America, the rights involved, and the diverse standards that must be applied when this exception was invoked. It also expressed the circumstances of this exception in the armed conflict context that must be considered and the possibility of holding the state accountable for non-compliance with its obligations to respect, protect and guarantee. Among the standards proposed regarding the interpretation of the health and rape exceptions are the right to accurate information, the respect for women's and girls' decisions and informed consent, and the standard of confidentiality. (González Vélez and Jaramillo Sierra, 2021).

In conclusion, La Mesa has seen an in the production of legal knowledge as a tool for Social Change and therefore has done rigorous work in alliance with other organizations to become an expert in the Colombian abortion law (González Vélez and Jaramillo Sierra, 2017). They have boosted a broad interpretation of the exceptions more aligned with the international human rights standards and

provided input to delimit the conscientious objections to prevent the restricted understanding of either the exceptions or the abuse of the complaint represents an obstacle for women and girls to access a legal and safe abortion in Colombia. Along with this purpose, La Mesa has performed 29 studies (Appendix 3) to provide a more critical understanding of the treatment of SRRs in Colombia and Latin America; received awards and recognition for their work^{xv}; and worked actively in the media with more than 89 publications since 2017.^{xvi}

Conscientious objection

El Tribunal de Ética Médica “TEM” (National Court of Medical Ethics) received the case in which the parents of a minor with cognitive disabilities requested the interruption of their daughter's pregnancy. She had been a victim of sexual violence and therefore had become pregnant. When visiting a gynecologist at a health center, the professional invoked conscientious objection and maintained that he did not consider that the patient's case fits into either of the exceptions and that there was no way to prove her pregnancy was the result of sexual abuse. The NCME highlighted that the VIP was a constitutional right over morality and articulated its decision based on women's autonomy (Providencia 680/ 09). The judgments of this court have been influenced by The CCC's argumentation and recognition of SRRs. However, it is necessary to highlight that even though progress can be seen, in the same case and after presenting a progressive argument, the NCME cited ecclesiastical law and imposed a minimum sanction on the gynecologist (Dávila Contreras and Chaparro González, 2020).

This example evidenced what was happening among doctors regarding conscientious objection. The main obstacles in the application of the ruling (C-355, 2006) were, among others, as Roa explains, the lack of knowledge regarding the new abortion legal framework; abuse of conscientious objection by institutions, individual doctors, and judges; requests of additional requirements to those established in the decision (C-355, 2006); interference with women's consent; obstacles for women raped within the armed conflict; disregard for the consent of girls under 14 years old; discrimination against women and medical professionals who undergo or practice legal abortions; unjustified waiting periods or medical board approvals (Roa, 2008). Even if conscientious objection is a right, it cannot be accepted

as an obstacle for women and girls to access abortion or as a tool to express disagreement with the law (Guttmacher Institute, 2016).

Therefore, La Mesa, WLW, Catholics, and other organizations^{xvii} have promoted the debate about conscientious objection since 2013. The goal was to understand this objection, its characteristics, and its scope from different perspectives, such as health, legal, and ethical. To achieve this goal, they prepared two workshops where the focus was on: the difference between conscientious objection as a right and when it was meant to be an obstacle; the power relationships play in this scenario between women and girls on one side, and the medical professionals in the other; and the rights in tension (González Vélez and Jaramillo Sierra, 2021). After each of these seminars, the organizations involved elaborated two publications; “*the conscientious objection: a debate on freedom and rights*” (Garrido, 2014) and “*Institutional conscientious objection? Impact on voluntary interruption of pregnancy services*” (González Vélez and Melo Arévalo, 2017).

The CCC highlighted that conscientious objection is an individual right and not an institutional or collective right; only medical personnel whose role involves direct participation in the intervention leading to the termination of pregnancy may express conscientious objection; it is not the case for the administrative staff or the medical staff who perform only preparatory work or participate in the recovery phase; in the same line, the conscientious objection must be expressed written and must contain the reasons that prevent the professional from carrying out the interruption of the pregnancy; the doctor who invokes conscientious objection must transfer the women or girl immediately to another doctor or institution, and the judges cannot invoke the conscientious objection to avoid processing and deciding a matter submitted to their consideration (T-388/09). The CCC used arguments provided by La Mesa- as an expert- and cited the organization in this ruling.

All the actions mentioned above show how La Mesa, Catholics, and WLW have played an active role in building an interpretation of the conscientious objection that allows the medical personnel directly involved in the procedure to exercise its right but guarantees that this right is not abused and translated into an obstacle for women and girls who seek for legal and safe abortion in medical centers. This does not mean that doctors are not using this right anymore; if this happens, they will carry legal

consequences, not only in front of the TEM but also in front of the judicial system, as indicted for violating a constitutional right.

4.4.2 Freedom of conscience: more than a talk about human rights

Catholics have accompanied and actively supported the efforts to decriminalize abortion since the early stages. They recognize the importance of changing the law and the evolution of abortion from a crime to a right; as one of the participants said, “I think that the most important ruling has been the (C-355, 2006) because it explicitly stated abortion as a right” (interview 4). The arguments about freedom of consciousness proposed by Catholics were included in the (C-055/2022) ruling. It recognized that freedom of consciousness is not limited to people who want to refrain from acting against their conscience by providing abortion but also women who wish to refrain from acting against their conscience for the exercise of forced motherhood (interview 4).

“We know that regulatory advances contribute to greater and better conditions for women to exercise their reproductive autonomy with full freedom and quality. However, these advances will not be as close to women if there is not a change in society, which continues to insist on monitor, controlling, question, and condemn the right of women to decide on their sexuality and reproduction. Therefore, decriminalizing consciences and bodies is becoming more and more necessary.”

(Catholics, 2019)

Although Catholics consider the legal decriminalization of abortion needed, their approach is not limited to the legal aspect of the debate. Their main themes include abortion, SRRs, women’s rights, secular state, and feminist theology. The organization has deployed different strategies to translate the ideas of abortion as a human right into the catholic community. Therefore, in this section, I will analyze why those strategies explain how legal mobilization goes beyond the courtroom and how translation can also be bottom-up. In this line, I found helpful the three dimensions of translation proposed by Sally Merry. First, framing is how the narrative is presented in a specific local context; second, the adaptation of the initiative to the structural conditions where it will be integrated; third, how the target population is redefined in each case (Merry, 2006).

Decriminalizing consciences

-We tried to say, “look, you can believe in God, in the virgin, in religion, but you can also be autonomous in your decisions; all you have to do is not feel guilty,” and that is very difficult because it means for them to get rid of or fight against their guilty conscience. (Interview 4).

¡EN LA IGLESIA CATÓLICA EL ABORTO ESTÁ DESPENALIZADO! **APORTES PARA DESPENALIZAR LA CONCIENCIA Y PARA EJERCER EL DERECHO A DECIDIR DE LAS MUJERES**

Por: Sandra Mazo, Coordinadora de Católicas por el Derecho a Decidir



Illustration 1 Mi cuerpo, mis reglas (Catholics, 2019)

but to the need for women to free their consciences of any guilt for having sex, experiencing pleasure, and for deciding what to do with their bodies, whether it includes not choosing motherhood (interview 4). Under those circumstances, Catholics have used decriminalizing consciences as a frame to open a different debate about abortion in the catholic community.

They have published since 2008 journals about abortion. In 2017 they published “Decriminalizing consciences,” a magazine that talks about the sociocultural and religious arguments to talk about induced abortion (Catholics, 2017). Moreover, they echo these ideas in their podcast En Mi Voz

As Merry explains, framing is integrated by “the images, symbols, and stories through which the program is presented draw on specific local cultural narratives and conceptions” (Merry, 2006, p.136). Catholics have framed abortion as one edge of the decriminalization of the conscience. The organization seeks to support women and girls who belong to their religion to **feel guilt-free.**^{xviii} In this way, they do not limit their narrative of abortion to a human right



Illustration 2 Podcast En Mi Voz Confío (Catholics, 2021)

Confio – “I trust my inner voice” with 17 launched episodes until now. In this way, Catholics has adapted the liberalization as one important aspect of freeing consciences. Thus, this narrative resonates and is more familiar with the religious specific context.

Adapting human rights to community beliefs

Referring to adaptation as the second dimension, Merry argues that the structural conditions of every context are different, and this requires adaptation of what is to be translated (Merry 2006). She made a clear distinction in approaching the differences between divergent contexts. She offers the concept of hybridity as an interactive process between what is to be translated and the local dynamics and understandings (Merry, 2006), which helps me to explain how this translation has developed in the concrete case.

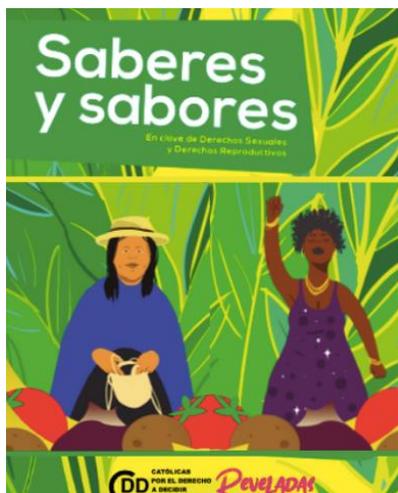


Illustration 3 Sabores y Saberes (Catholics, 2021)

Catholics have worked to create linkages with communities and construct their social understandings of sexual and reproductive health, including but not limited to abortion. For instance, they made a project called *Saberes y Sabores*, “knowledge and taste” is a recent work Catholics did with afro and indigenous communities of Valle del Cauca in Colombia; through an alliance, they made a small book where the women from the community explain the different ways how they understand sexual and reproductive health and their natural treatments related to this by medicinal plants. This process is not a pedagogical process to train the communities to “understand their rights” but to learn how the communities perceive topics related to sexuality and reproduction. As one of the participants from Catholic said, we do not go anywhere to teach anyone anything. We go to the communities to listen to their necessities, and if that gets along with our focus, we work together and create alliances” (interview 4).

Nevertheless, working with local organizations still presents two obstacles: safety challenges. “It is not the same going to the streets in Bogota as going to a little town central park” (Interview 4). In Bogota, the organizations, activists, and supporters gather; in this sense, the chances of being harmed are reduced. This does not usually happen in small towns, putting women at risk of attacks for promoting abortion. Second, economic challenges. Women working at these organizations receive a

salary for, among other things, participating in mobilizations. This is not every woman's case. "Sometimes they have to skip one working day to participate in activities, workshops, protests, celebrations. On the contrary, we got paid for doing that" (Interview 4). In this way, the organizations recognize that women working in local regions are not in the same conditions regarding safety and income as those working in the Capital.

Focused on the believers

The third dimension is the target population. Merry illustrates this dimension by explaining how domestic violence is perpetrated by different actors, such as family members, romantic couples, and formal and informal relationships, among others (Merry, 2006). In this sense, the target population varies. Causa Justa aims to decentralize the debate about abortion and SRR- As explained in the next section. However, the organizations that integrate Causa Justa have their own agendas, objectives, strategies, and target populations. Catholics focus their efforts on catholic believers. For instance, they published Encuesta de Opinión Pública Sobre Religión recently, ***Política y Sexualidad*** "Public Opinion Survey on Religion, Politics, and Sexuality" (IPSOS Napoleón Franco, 2021).

The efforts were focused on measuring the social decriminalization of abortion among Catholics in Colombia. The organization's conclusions start with "while believers advance, the Church falls behind" In the results, one of the findings was that regarding abortion, 63% agree with abortion in specific situations, and 9% affirm that it should be allowed in all cases. 7 out of 10 people affirm that with the approval of the law of voluntary interruption of pregnancy, the right to decide on their body would be respected, and they would die less in clandestine abortions. 0 of the people surveyed considered that a priest or pastor should be involved in a woman's decision about termination of pregnancy.

Even though the limitations of the survey, for example, the number of participants, as well as their characteristics and their socioeconomic and geographical, the surveys are helpful to frame advancements in terms of numbers but should not be read isolated. We must analyze those numbers with other facts that allow us to see the evolution of the narrative. For example, the switch from a

crime to a right; the possibility to call the practice abortion and not have to change the name to voluntary interruption of pregnancy to people be able to swallow it; the different reaction of the church in 2006 and in 2022, where the fundamentalist arguments do not fit anymore; and so on (interview 4).

To conclude, the efforts to translate the idea of abortion into the catholic community have taken advantage of the recognition of abortion as a right. However, following the dimensions of translation proposed by Merry, Catholics have framed abortion as an essential aspect of freeing the conscience. They have worked to build together with local organizations and communities common understandings around sexuality and reproduction. Finally, even when they have participated in the mobilization of Causa Justa, Catholics has their objectives, and their prioritized population is catholic women.

4.4.3 Causa Justa, a social movement to advance women's SRR and an opportunity to decentralize the debate

In this section, I will describe first how the social movement has integrated the effort of different women along Colombia's territory to liberalize abortion. Second, the importance of decentralizing the debate.

Before 2006 different efforts were made to liberalize abortion. Nevertheless, these efforts were not synchronized, creating a disadvantage in the political arena. However, the organizations were not synchronized, which constantly opened disadvantages in the political scenario because the efforts to place abortion in the political agenda were divided (González Vélez and Jaramillo Sierra, 2021). Even after 2006, with the achievement of the (C-355, 2006) ruling, different organizations were working for the exact cause, but they did not speak the same language, there was not symbolism which made it harder to identify all these organizations collectively (Interview 4). The three organizations under study already existed, and some others like Orientame^{six} and Consorcio Latinoamericano contra el aborto inseguro CLACAF^{six}. In 2017 La Mesa launched Causa Justa, integrated by 45 organizations that advocate for human rights and 60 activists, medical professionals, academics, and researchers to demand the decriminalization of abortion. They proposed an integral strategy where women, men,

medical professionals, public workers, organizations, women’s groups, politicians, media, and society, in general, could discuss how unfair it is that women’s decisions are still objects of stigma and moral judgments.

Kenyon expresses that framing and translation offer an opportunity to dialogue between what is to be translated and the social, political, and cultural discourses in the local contexts (Kenyon, 2019). Therefore, Causa Justa is an attempt to decentralize the debate and expand alliances between women organizations. This is helpful to identify the local understandings of abortion and SRRs in the regions of Colombia outside the Capital,

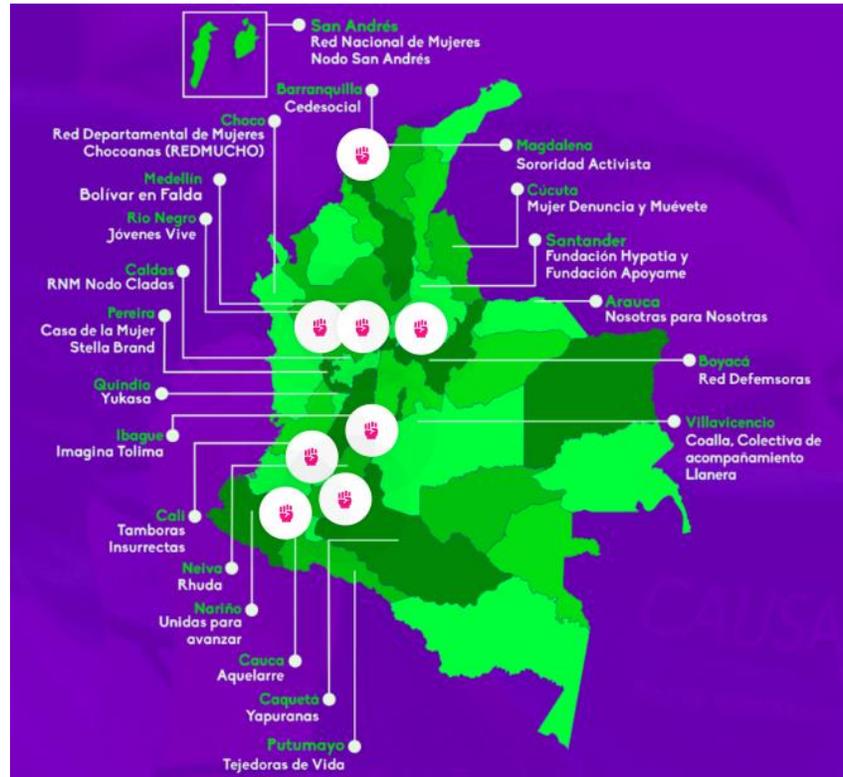


Illustration 4 Causa Justa in the regions (Catholics, 2019)

Bogotá. Causa Justa is expanded to 22 different regions as it can be seen in figure 10. One of the participants mentioned that it would not be accurate to say that Causa Justa is fully present in these regions. However, the expansion has been possible due to new alliances with local organizations or activists. These alliances are essential for a couple of reasons: first, they can read the context and identify the limitations women must face in those territories; second, the translation process comes bottom-up since they can build from their experience initiatives that can be developed collectively; third, the cause gain more legitimacy since the debate is fed with different opinions and diverse socio-cultural perspectives.

In conclusion, Causa Justa as a social movement is an attempt to gather efforts to decriminalize socially abortion and decentralize the debate. This is highly important to achieve a hybridity process

of translation, where the idea and protection of the SRRs as women's rights is not replicated but construct with the local organization's perspectives and understandings. As mentioned, these processes face different safety and economic challenges. However, the organizations are aware that without a decentralization of the debate, there could be a lack of legitimacy to speak out for women's real interests. Therefore, they are looking for more local participation and Causa Justa has been an effective vehicle for it.

Chapter 5 Conclusions

La Mesa, WLW, and Catholics have pushed legal changes toward abortion in Colombia and used those changes to deploy law-based advocacy among doctors, judges, and women's groups in different regions of the Country. Through this research paper I explored the legal consciousness of women working on these organizations; the framing process of abortion as a human right and social justice matter; and the attempts to translate the idea of abortion as a human right into local contexts.

First, by using the concept of legal consciousness, I could observe that the women working in the organizations under study could recognize the limitations of the law and its patriarchal nature. Nevertheless, five of them replied that they see a potential mechanism to achieve social justice by reclaiming agency and autonomy over women's bodies in the law. They recognize that accomplishing structural changes is slow progress.

Second, these organizations have framed abortion as a human right and a social justice issue. Framing abortion as a human right has served the purpose of these organizations for the decriminalization and liberalization of abortion. Thus, the CCC has collected the arguments the organizations have brought from the international human rights instruments and provided in their legal claims. While framing abortion as a social justice matter has come from the different studies and reports that show that women and girls in Colombia suffer the consequences of the criminalization differently. Abortion as a crime has been framed as a social justice issue because it affects not only women and girls' autonomy, but it also reproduces inequalities based on gender, race, class, and age.

Third, the three organizations have had different roles in translating abortion as a reproductive right into specific contexts. To start with, La Mesa have focused primarily on broadening the understanding of the health exception and limiting the application of the conscientious objection. Since the first one was narrowly used, reducing it to life-threatening situations, the second was indistinctively used to deny at institutional levels the provision of abortion and unnecessary delays for the women who sought the service.

Along the same line, Catholics have worked in the translation process by targeting a specific and significant part of the population- catholic women and girls. They have deployed different strategies to work in alliance with local organizations that make translation possible in local terms. They support abortion as a human right but have also framed abortion as an opportunity to free conscience. They constantly invoke canon law to evidence that women should not feel guilty for practicing abortion or exploring their sexuality.

Regarding WLW, they have worked as translators of the human rights international instruments into the domestic body of laws. Through strategic litigation, they have worked not only to legally liberalize abortion and counteract the backlashes, but also to take the debate to public arenas to raise awareness in non-legal spheres.

The legal mobilization of these three organizations has been integrated by different strategies in an ecosystem of legal, political, and cultural dynamics, much more complex than litigation. Abolishing abortion from the criminal law has never been *only* a legal debate. The motivation that has driven these organizations to participate in those legal battles is the *social justice claims* behind: women's autonomy over their bodies and equal access to safe and legal abortion for every reproductive human being.

Appendix 1: List of Colombia Constitutional Court rulings related to Abortion from 2006 to 2022

Ruling/ year	Issue/ Contribution
C-355/2006	Decriminalized abortion in 3 three cases: when the continuation of the pregnancy constitutes a danger to the life or health of the woman when there is a serious malformation of the child that makes his life unviable, and when the pregnancy is the result of a denounced conduct, access carnal or sexual activity without consent, artificial insemination, non-consensual transfer of fertilized ovum or incest.
T-171/2007	Expresses the duty of judicial and health entities to protect the right to VTP, when it involves a serious malformation of the fetus that makes her life outside the womb unviable.
T-636/2007	Reiterates the protection of the constitutional right to health by Tutela as a rapid mechanism and points out that the right to diagnosis is part of the right to health.
T-988/2007	Repeats the right to VTP due to rape for a woman with a disability, prevented from expressing her will. Defining that in any circumstance one must act for their benefit in accordance with the equality constitutional principle and the ruling C-355 of 2006.
T-209/ 2008	Defines the conditions to invoke conscientious objection, as an individual resource, and that only can be used if it guarantees an effective referral for the provision of the VTP to another competent professional.
T-946/ 2008	Says that the only requirement to access to VTP in case of rape, incest, or non-consensual artificial insemination is the reporting of the fact. It considers any other requirement as a barrier to access to SRR.
T-009/2009	Indicates that human dignity is violated if the autonomy of a woman to make the decision of the VTP is not respected and emphasizes that the woman involved is the only person who can decide in this regard.
T-388/ 2009	Clarifies that the health exception does not refer only to physical health, certified by a doctor, but also to the affectation of mental health certified by a psychology professional. In addition, it orders the implementation of massive educational processes on SRR.
T-585/ 2010	Establishes that SRR, including the VTP are part of the fundamental rights recognized in the 1991 Constitution.

T-636/2011	Establishes the responsibility of the Health Promotion Entities (EPS) to assess whether VTP is appropriate in each specific case under scientific criteria and in compliance with jurisprudence.
T-841/ 2011	Expresses that the risk to the woman's mental health is sufficient reason to carry out a VTP, and it reiterates that the Health Promotion Entities (EPS) must within 5 days attend VTP requests and carry out the procedures in the cases in which it is permitted.
T-627/2012	Orders to Alejandro Ordoñez as “Procurador”, María Eugenia Carreño and Ilva Myriam Hoyos Castañeda, to retract and refrain from spreading misinformation about Misoprostol and contraceptive pills by arguing that this misinformation violates the right to access truthful and impartial information as a reproductive right.
T-532/ 2014	Recalls some standards on VTP such as the 5-day period to respond to the requests, especially in advanced gestational ages, which must be processed as efficient as possible.
T-731/ 2016	Dissenting opinion explains that is not possible to conclude that the protection of the right to VTP is satisfied by the simple practice of the abortion procedure since the exercise of this SRR implies the containment of any discriminatory behavior due to the decision to stop the gestation process and also implied psychological care after the VTP.
SU-096/2018	Compile all the jurisprudence regarding the right to VTP and ratifies the mandatory standards (rules and sub-rules) for the protection and guarantee of this right.
C-088/ 2020	La Mesa expressed that if the court would decide, the decision must be aimed at advancing the scope of the fundamental right to the VTP,
C-055/ 2022	Declares that abortion does not constitute a crime when the conduct is practiced before the 24th week of gestation, and without being subject to this limit, when the any of the exceptions established in the ruling C-355 of 2006 are present.

Appendix 2 List of administrative acts regulating the ruling C-355, 2006

Administrative act	Authority	What regulates
Decree 4444/ 2006	Ministry of Health and Social Protection	Regulates the provision of sexual and reproductive health services
Agreement 350/ 2006	National Council of Social Security in Health	Includes the care for the voluntary interruption of pregnancy in the Compulsory Health Plan of the contributory regime and the subsidized regime – (“POS”)
Resolution 4905	Ministry of Health and Social Protection	the Technical Standard for the care of the Voluntary Termination of Pregnancy – (“VTP”)- is adopted.
Official communication No. 37/ 2009	Colombia National Food and Drug Surveillance Institute	Approves misoprostol to be used in the three exceptions.
Circular 031/ 07		Instructions and information on the provision of safe services of VTP not constituting the crime of abortion, addressed to departmental directors and health districts, entity managers.

Appendix 3 List of the official publications of the three organizations under study

La Mesa por la Vida y la Salud de las Mujeres	Titulo
	Uno pasa por muchas cosas: barreras de acceso a la IVE en mujeres refugiadas y migrantes venezolanas en Colombia.
	Las mujeres proponemos
	Balance de los 100 días del fallo histórico: ¿cómo va la implementación de la sentencia c-055 de 2022?
	Diagnóstico sobre derechos sexuales y reproductivos con énfasis en el acceso a la interrupción voluntaria del embarazo (IVE) en el departamento del Quindío
	Diagnóstico participativo sobre la garantía de los derechos sexuales y reproductivos en Boyacá con énfasis en el acceso a la interrupción voluntaria del embarazo (IVE)
	Diagnóstico participativo sobre la garantía de los derechos sexuales y reproductivos de las mujeres de Neiva con énfasis en el acceso a la interrupción voluntaria del embarazo (IVE)
	Hoja informativa criminalización del aborto en Colombia
	Informe la criminalización del aborto en Colombia
	Informe barreras de acceso a la interrupción voluntaria del embarazo en el contexto de la pandemia por COVID 19
	Encuesta polimétrica sobre IVE y despenalización del aborto
	Informe sombra de seguimiento a las observaciones finales sobre el noveno informe periódico de Colombia ante el comité para la eliminación de la discriminación contra la mujer CEDAW.
	Informe contextual sobre el aborto y la anticoncepción forzada a mujeres combatientes en el marco del conflicto armado.
	Informe técnico: barreras de acceso a la IVE en el contexto de la pandemia por covid-19.
	Causa justa, argumentos para el debate sobre la despenalización total del aborto en Colombia.
	Migrantes venezolanas en Colombia: barreras de acceso a la interrupción voluntaria del embarazo
	Resumen revisión de plan curricular
	Encuesta de percepción sobre la interrupción voluntaria del embarazo
	Diagnostico participativo e implementación de la IVE en Ibagué
	Barreras de acceso a la interrupción voluntaria del embarazo en Colombia
	¿Objeción de conciencia institucional?
	Las causales de la ley y la causa de las mujeres
	Objeción de conciencia un debate sobre la libertad y otros derechos

Estudio de caso sobre Colombia. Estándares sobre aborto, protección al derecho a la salud y otros derechos
Interrupción legal del embarazo por la causal violación: enfoques de salud y jurídico
El acceso al aborto seguro y su impacto en la salud de las mujeres en Colombia
Un derecho para las mujeres: la despenalización parcial del aborto en Colombia
La aplicación de la causal salud: un análisis de casos desde el marco de los derechos humanos
Causal salud interrupción legal del embarazo, ética y derechos humanos
La lucha por la despenalización del aborto en Colombia

WLW

Seeking Social Change in the Courts: Tools for Strategic Advocacy

T-388/2009. Conscientious Objection and Abortion: a global perspective on the Colombian experience

Trafficking and exploitation in Colombia: Can't see it, can't talk about it (Only in Spanish)

Decision C-355/06 and its regulations: Q & A about the current legal framework on abortion in Colombia (Only in Spanish)

C-355/2006: Excerpts from Colombia's Constitutional Court's Decision that Liberalize Abortion Laws.

Católicas por el
Derecho a Decidir

Tejiendo Saberes - El aborto en Colombia presente y futuro. (2008)

Tejiendo Saberes - Campaña 28 de septiembre Día por la despenalización del aborto en america latina y el caribe.

Tejiendo Saberes - La objeción de conciencia y el derecho a decidir de las personas. (2014)

Despenalizar las conciencias

Objeción de conciencia institucional Impacto en la prestación de servicios de interrupción voluntaria del embarazo

La objeción de conciencia y la interrupcion voluntaria del embarazo IVE en Colombia-min

Tejiendo Saberes - Aborto legal y seguro_ Una deuda pendiente con las mujeres. (2019)

Una relación entre luces y sombras. Aborto e Iglesia

Appendix 4 List of interview's participants

No. Interview	Participant's name	Organization
Interview 1	Maria Isabel Niño Contreras	Advisor in advocacy at La Mesa.
Interview 2	Anonymous	Anonymous
Interview 3	Lucía Hernández García	Staff attorney at WLW
Interview 4	Aura Carolina Cuasapud Arteaga	Legal and Advocacy Advisor at Catholics
Interview 5	Laura Castro González	La Mesa Coordinator at La Mesa

Appendix 5 The interviews guide (Spanish)

Presentación personal:

Buenos días XXX, primero muchas gracias por tu tiempo y por concederme esta entrevista. Te quiero contar un poquito de mí antes de iniciar.

Mi nombre es Juliana, tengo 27 años y soy colombiana, abogada de la Universidad del Rosario. Estoy haciendo mi maestría en Estudios de Desarrollo de la Universidad de Rotterdam en el Instituto Internacional de Estudios Sociales. Mi enfoque es DDHH especialmente Derechos Sexuales y Reproductivos. Me ha gustado mucho explorar las posibilidades de hacer justicia social y lograr transformaciones sociales a través del derecho.

El propósito de la investigación: conocer las diferentes estrategias que la Mesa por la Vida y la Salud de las Mujeres, WLW y Católicas por el Derecho a Decidir han implementado para el reconocimiento y la protección de los derechos sexuales y reproductivos en Colombia, especialmente para la liberación del aborto.

El propósito de esta entrevista es conocer un poco de primera mano y desde el interior de la organización cuales han sido las estrategias de movilización legal y los objetivos, recursos y barreras que se encuentran relacionados con estas estrategias.

- ¿Tienes alguna pregunta sobre la investigación?
- Leer en voz alta el consentimiento informado y solicitar la firma (previamente enviado por correo).
- Iniciar la grabación.

Preguntas bases: Enfoque la movilización legal con las tres ramas del poder, pero también las relaciones con otros actores como los profesionales de la salud y judiciales, así como la relación con otras organizaciones de mujeres en las regiones.

LA MESA:

1. Teniendo en cuenta que el objetivo de la investigación es analizar la movilización legal de la Mesa para la garantía de los DSR, incluyendo, pero no limitándonos al litigio, ¿podrías hablarme de tres estrategias que la organización considere fueron exitosas para este propósito?
2. ¿Cuáles son las herramientas utilizadas por la organización para evitar la cooptación de la causa por aliados políticos y mantener la independencia?
3. ¿Cómo se han resuelto las diferencias de la Mesa y otras organizaciones aliadas cuando hay puntos de vista coyunturales? Y quien ha resuelto esas diferencias.
4. Si el objetivo de la estrategia de producción de conocimiento y pedagogía fue la eficaz implementación de la sentencia y el enfoque está en los prestadores de servicios de la salud, justicia y protección. ¿Cuál es el papel de las mujeres y niñas en esta estrategia como usuarias

del derecho? ¿Hubo alguna estrategia por parte de la organización para influenciar la consciencia legal de las usuarias en la manera que vieran a través de la sentencia una oportunidad para acceder al derecho IVE?

5. Como hace la organizaciones la evaluaciones de impacto con relación a si las estrategias están resultando en un mayor/ mejor acceso del servicio?

WLW

6. ¿Cuáles son las principales estrategias de movilización legal de la organización?
7. ¿Cuáles crees tú que son los mayores retos de estas estrategias?
8. Sabemos que una de las decisiones más emblemáticas para la liberación de los DSR específicamente del aborto fue la C-355 del 2006. WLW- La Mesa participó en la implementación de la sentencia del 2021? ¿O cuál fue su target posterior a la decisión?
9. ¿Además de oportunidades de acción en las cortes? ¿Qué otro tipo de movilización ha empleado la organización para democratizar este conocimiento y llevarlo a los grupos de mujeres más vulnerados del país y como es la interacción con estos grupos desde la “positionality” de la organización?
10. ¿Teniendo en cuenta las limitaciones del aparato judicial en Colombia, consideras tú que el litigio sigue siendo una herramienta fuerte para lograr justicia social? ¿Por qué?
11. ¿Crees que la organización ha logrado un cambio en la consciencia legal de las mujeres y niñas sobre la protección de sus DSR? ¿Como crees que la organización ha influenciado ese cambio?
12. Como hace la organización las evaluaciones de impacto con relación a si las estrategias están resultando en un mayor/ mejor acceso del servicio?

WLW

1. Dentro del Litigio estratégico. ¿Cuáles son las acciones que la organización toma después de obtener una decisión favorable ya sea local o nacional para evitar que esas decisiones queden en letra muerta?
2. Después de hacer una sistematización de las decisiones judiciales a través del observatorio y establecer esos estándares de derechos humanos, qué uso le da la organización a esos estándares o que estrategias de implementación tienen?
3. A través de las publicaciones de los lineamientos constitucionales para ejercer el aborto en Colombia a quién se busca instruir y que mecanismos de difusión de dichos lineamientos han sido utilizados por la organización para garantizar que ese proceso pedagógico no se quede en las elites, sino que llegue a mujeres rurales, quizá sin educación, etc.
4. Sobre la solicitud que presentaron en 2017 para la maternidad segura de las zonas veredales, cual fue la respuesta del gobierno y como la organización determina estrategias.
5. Si el derecho ha sido también utilizado como mecanismo de opresión, especialmente de mujeres, por ejemplo consagrando la práctica de aborto como un delito, por qué la organización sigue reconociendo en el derecho y en el sistema legal la oportunidad más idónea para el reconocimiento y la protección de los derechos sexuales y reproductivos?
6. ¿Teniendo en cuenta que los recursos económicos y de capital social son limitados, como hace la organización para priorizar ciertas estrategias sobre otras?

7. ¿Por qué la organización ha puesto significativamente mayores esfuerzos en el litigio que en procesos legislativos? Más allá de la tendencia progresista de la corte en temas de género, y derechos SR, ¿hay estrategias internas para construir aliados políticos?
 8. ¿Con relación al estigma sobre el aborto, crees que las decisiones del 2006 y ahora 2022? ¿Tiene la organización algún mecanismo cuantitativo para evaluar como la sociedad ha percibido estos cambios colectivamente?
 9. ¿Percibes que el aborto es un tema politizado? O crees que no ha tenido el espacio que debería tener por ejemplo en la agenda de los gobiernos?
-

CPD

1. ¿Cuáles son las estrategias de movilización legal de CPD?
2. ¿Por qué piensas que los mecanismos judiciales pueden ser una buena herramienta para la protección de esos derechos?
3. ¿Cómo ha sido el proceso de alianza y la creación de consensos con otras organizaciones aliadas por ejemplo en el marco de Causa Justa?
4. Ustedes también hicieron parte de la implementación de la sentencia C-355/ 06? ¿A través de que estrategias y cuáles fueron los retos?
5. ¿Uno de los grandes retos del aborto específicamente y de los DSR es el estigma que hay sobre la práctica, como se percibe el avance o retroceso de ese estigma dentro de la organización?
6. ¿Cuéntame un poco sobre el trabajo que viene desarrollando la organización con las comunidades afro e indígenas del valle del causa- Saberes y sabores?

Appendix 6 Informed consent form (Spanish)

Instituto Internacional de Estudios Sociales (ISS)

Maestría en Estudios del Desarrollo Artículo de Investigación: **Movilización legal por la despenalización legal y social del aborto en Colombia**

Estudiante: Juliana Beltran Grisales

Consentimiento informado entrevista

Lugar: _____ Fecha: _____ Hora: _____

El objetivo de esta investigación es conocer sobre las diferentes oportunidades de acción para el reconocimiento y protección de los derechos sexuales y reproductivos de las mujeres y niñas en Colombia. Esta investigación es parte de la Maestría en Estudios del Desarrollo del Instituto Internacional de Estudios Sociales (ISS) de la Universidad de Rotterdam con sede en la Haya, Países Bajos. Para este estudio se realizará una investigación de archivos y entrevistas semiestructuradas. Esta información será utilizada únicamente con propósitos académicos y será compartida con los participantes al finalizar la investigación.

Confidencialidad:

Su identidad se incluirá en las transcripciones de la entrevista y en el análisis sólo si usted lo permite.

Participación voluntaria:

Su participación en esta investigación es completamente voluntaria. Si no desea participar, o si decide retirarse en cualquier momento, esto no le causará ningún perjuicio.

Si tiene alguna duda después de participar en la entrevista, puede contactarme al número +31638107663

¿Quiere participar en la entrevista? Sí _____ No _____

¿Autoriza grabar audio en esta sesión? Sí _____ No _____

¿Autoriza ser citada en la investigación? Sí _____ No _____

Si respondió que sí, ¿prefiere que se utilice su nombre o un alias? Nombre _____ Alias _____

Firma de la/el participante

Yo, Juliana Beltran Grisales, estudiante de la Maestría en Estudios del Desarrollo de la ISS, certifico que esta información sólo será utilizada con fines académicos y que los resultados de esta investigación serán socializados una vez finalizada.

Firma de la estudiante

Appendix 7 Illustrations Causa Justa – Campaign “freedom is my cause”

Graphic pieces¹



GIFS CAUSA JUSTA



¹ All these graphic pieces, gifts, and stickers belong to Causa Justa. They expanded the invitation through their webpage for anyone to freely use them. See: <https://causajustaporelaborto.org/recursos/>

STICKERS CAUSA JUSTA



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Footnotes

ⁱ The 1991 National Constitution integrates the human rights recognized in ratified international human rights instruments, such as the Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1969; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1980; the Convention on the Rights of the Child in 1991; the Cairo Plan of Action in 1994; the Beijing Declaration in 1995. As defined in the article 93 (Constitution, 1991).

ⁱⁱ The original quotations in Spanish presented in this research paper were self-translated into English.

ⁱⁱⁱ “The strategies of the LAICIA Project ultimately sought to make the phenomenon of abortion visible as a social problem; to influence civil society and generate a public debate that enunciated the decriminalization of abortion as a priority on the public agenda and, finally, modify the treatment that the State has given to said phenomenon.” (Gómez, 2006, p.95)

^{iv} La Procuraduría General de la Nación is a public institution which is accountable, among other, for enforcing the Constitution, laws, rulings, and administrative acts and supervise the official conduct of those who perform public functions, including those of popular election; preferentially exercise disciplinary power; advance the corresponding investigations, and impose the respective sanctions in accordance with the law. As defined in the article 277 (Constitution, 1991).

^v La Mesa, WLW, Catholics, the Center for Reproductive Rights (“CRR”) and Global Doctors for Choice (“GDC”) were the plaintiffs in representation of Causa Justa as a social movement.

^{vi} Figure 1 [World Abortion Law Map](#) updated in real time. In blue the countries where abortion by request is possible (gestational limits vary).

^{vii} In the study [Criminalization of Abortion in Colombia](#), the results show that 24,18% of the females convicted for this crime were under 18 years old. This study also shows that this crime is gender-biased and it is more prosecuted than those crimes committed against women and girls. The study says “it is worth noting, for example, that convictions for the crime of consented abortion represent 7.6% of cases, while for the system as a whole, convictions correspond to 4%, and for crimes of domestic violence and Violent carnal access represent 1.14% and 3.38%, respectively” (La Mesa, 2021, p. 79).

^{viii} [List of organizations that integrate Causa Justa](#)

^{ix} See the list of WLW donors <https://www.womenslinkworldwide.org/en/womens-link/our-donors>. I did not find the list of founders from La Mesa and Catholics in their respective web pages.

^x (Ruibal, 2014) describes in detail the actions taken by these two public officials and how they used their power to thwart the implementation of the ruling C-355, 2006, among them, they publicly said that misoprostol was unsafe and more expensive therefore public officials could go to jail for authorizing its purchase; they promote that other public official express their personal opinions and beliefs against SRR; they suspended the building of “Women’s clinic” meant to offer sexual and reproductive health services. Nevertheless, the action which caused the greatest impact was the suspension and nullity of the Decree 4444/06-which regulates the provision of sexual health services and reproductive- from 2009 to 2013, since it was the main regulation of the ruling C-355, 2006.

^{xi} Figure 2 shows the campaign “No more dark ages” in one of the most popular national newspapers. In this article the organizations extended an invitation to turn on a candle on March 18th to protest the Procurador anti-abortion campaign. (El Espectador, 2010).

^{xii} See some of the publications at: <https://causajustaporelaborto.org/comunicaciones/>

^{xiii} Figure 4 shows the campaign's video. They sent the message that women who practice abortion in Colombia are from all kinds of backgrounds, but the ones who are criminalized are the most vulnerable. See at: <https://www.youtube.com/watch?v=2QI-OO3VcsU&t=3s>

^{xiv} In Colombia, there is a socio-economic stratification from 1 to 6 “in which dwellings are grouped according to their characteristics and the area where they are located. Taking this classification as a reference, municipal governments allocate subsidies, collect municipal taxes, and charge households different rates for the residential services they provide” (Chica-Olmo, Sánchez and Sepúlveda-Murillo, 2020, p.1).

^{xv} Award for the contribution to the liberalization of abortion in Colombia; the civil order of merit award María Correa de Aya in the grade Cruz de Oro; award for the enforceability of the right to full health of women; recognition to those who work for access to options worthy of legal termination of pregnancy; Human Rights Leaders Awards: Faces for Equality 2019, see: <https://despenalizaciondelaborto.org.co/reconocimientos/>

^{xvi} See: <https://despenalizaciondelaborto.org.co/la-mesa-en-medios/>

^{xvii} “La Articulación Feminista Marcosur (AFM), la Alianza Nacional por el Derecho a Decidir de México, la Red Latinoamericana de Católicas por el Derecho a Decidir, la Convención Interamericana por los Derechos Sexuales y los Derechos Reproductivos, el Grupo Médico por el Derecho a Decidir, el CRR, WLW, el CEDES, el Instituto de Bioética y Derechos Humanos (ANIS), IPPF, IPAS, FLASOG, Médicos del Mundo, Iniciativas Sanitarias, Profamilia y Orientame” (González Vélez and Jaramillo Sierra, 2021b, p. 73).

^{xviii} Illustration 1: “In the catholic church abortion is decriminalized! Inputs to decriminalize the conscience and exercise women’s right to decide” This illustration was taken from the journal *Tejiendo Saberes, aborto legal y Seguro: una deuda pendiente con las mujeres* “Weaving knowledge. Legal and safe abortion: an outstanding debt to women”. Through this journal the organization explain to the catholic community how abortion is decriminalized in the canon law in certain circumstances, including when it is practice without guilt feelings (Catholics, 2019).

^{xix} [Orientame](https://orientame.org.co/en/aborto-en-colombia/) “guide me” is clinic in Colombia that provides sexual and reproductive health services in Colombia, including abortion. See: <https://orientame.org.co/en/aborto-en-colombia/>

^{xx} CLAICAI “Latin American Consortium against unsafe abortion” it is a group of of activists, researchers, health service providers and professionals that contributes to the reduction of unsafe abortion in Latin America. See: <https://clacai.org/>