

October 8, 2009

## **The Case for Mexican Women's Abortion Rights Goes International: Morelos, Colima and Sonora file petitions before the IAHR**

GIRE is spearheading a legal strategy to contain (in the measure possible) and challenge Mexico's state-level constitutional amendments that protect life from the moment of conception.

The most effective strategy to challenge the reforms is the presentation of an unconstitutionality claim by a public agency, such as the state Human Rights Commission, before the Mexican Supreme Court. This has only been possible in one state, Baja California, due to a lack of political will at the local level. When no public agency can be found to file a claim, GIRE is developing a second strategy to present legal stays by individual women before the federal judicial system. Legal stays only protect the individual filing the complaint but if approved, these women's abortions rights will remain exactly as they were before the constitutional reform. Stays, despite their individual character, have a strong symbolic and political impact. Thus far, close to 600 women have presented stays in Colima, Sonora, Quintana Roo, Guanajuato, Jalisco, Puebla and Yucatan, with GIRE's guidance.

However, in the face of a scarcity of effective legal resources available for civil society to challenge the reforms, women in Morelos, Colima and Sonora have resorted to international channels: the Inter-American Commission on Human Rights (IACHR). GIRE and allies helped them present petitions against the reforms before the IACHR. The petition for Morelos was accepted sooner than we expected, on August 5<sup>th</sup>, which we interpret a positive sign. The other two petitions were submitted more recently, and we are now awaiting a response.

We will work to help women from other states implement this strategy in the coming months. Petitions argue that the constitutional reforms seriously affect women's reproductive and sexual rights and health protected in the Federal Constitution, are discriminatory, impose forced motherhood, and restrict their rights to legal termination of pregnancy due to rape, which is consecrated in the states' penal codes and the Official Mexican Norm on Family and Sexual Violence, which is applicable in the entire country. Finally, and most importantly for the IACHR, the reforms contradict every international pact and treaty signed by the Mexican government regarding reproductive and sexual rights.

Filing a petition before the IACHR constitutes a success in itself since only a few cases at the regional level are accepted. We remain confident that petitions will prove to be a strong addition to the defense of Mexican women's health and rights and will keep you informed of any new developments.

Greeting from GIRE's team!