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Ethical - legal situation of abortion in Colombia, in cases of emancipation in pregnant minor girls

A few months ago a new debate was opened in Colombia on the issue of abortion. On that occasion, for the number of weeks of gestation authorized to perform the procedure. This situation was reviewed again by the Constitutional Court, because the limitation in time for abortion would mean a setback in terms of human rights and the vindication of women. The abortion was decriminalized in this country in 2006, through the Sentence C-356, in three conditions: rape of the woman, malformation of the fetus and situations of medical risk in the life of the mother. The so-called Sentence also advocates the “abjuring in the conscience” of doctors who can perform abortions and the mandate of “good faith” to tell the truth, that raped women have sex without consent.

In the midst of this, there is the case of girls under the age of twelve who, through sexual relations with men, also minors, or older, become pregnant. For this, the medical and legal resource offered in this country is emancipation. This text collects the results of an investigation carried out in the city of Medellín - Colombia in 2018, with girls under the age of thirteen, pregnant through non-consensual relationships and those who, despite having the emancipatory resource that “authorizes” them to abort, they do not do it because of the influence of their families and the social - religious imaginary of the environment.

The qualitative research approach was used, 52 pregnant minors were interviewed before the thirteen years, of which 14 agreed to the emancipation of their pregnancy. Of them, eight, again became pregnant while still younger. Resolution 4830 of the Ministry of Health of Colombia, which advocates the protection of minors, was taken into account in this investigation. The analytical method was used for the data. With the consent of the minors and the consent of their parents, focus groups and interviews were conducted.

The study concluded that the protection of the dignity of women continues to be violated in Colombia. That emancipation is a transitory solution to the serious problem of psychic and social mistreatment of women. The authorities should commit themselves more, for the vindication of women, especially of the poorest and with little education.

Biography: José Antonio García Pereáñez is serving as a professor and researcher at the American University Corporation in Columbia. He is a trainer of law students in the humanistic areas and his deontological goal is the “Legal Defence of Life”. He worked on issues such as: abortion, surrogate motherhood, homoparental families, the report, ADHD, Alzheimer’s disease, telemedicine and telelaw, among others. He dedicated his whole life to education, in high school, undergraduate and postgraduate. His intellectual concern at the moment is to offer Legal and ethical deliberations in the search for Human Dignity, and for women in Particular.

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