

November 20, 2007

Human Rights Council
Office of the High Commissioner for Human Rights
UNOG-OHCHR
1211 Geneva 10, Switzerland

RE: Universal Periodic Review of Ecuador

Dear Honorable Members of the Human Rights Council:

The Center for Reproductive Rights (“Center”) is a nonprofit legal advocacy organization dedicated to promoting and defending women's reproductive rights worldwide. As the Council undertakes its periodic review of Ecuador’s compliance with human rights norms, we write to alert you to the present threat to women’s rights in Ecuador. Recently, a bill was introduced in the Ecuadorian Congress that, if passed, would outlaw therapeutic abortion by repealing Article 447 of the Ecuadorian Penal Code. Article 447 permits therapeutic abortion if (1) the life or the health of the mother is in danger and if this danger cannot be avoided through other means, or (2) in the case of rape of a woman with a mental disability.

According to reports from civil society organizations, the bill, “Bill to Reform the Criminal Code (Repeal of article 447 on therapeutic abortion), No. 27-1358,”¹ was introduced in Congress through irregular means, including that no information was made publicly available about the bill or its deliberations in Congress.

Should the Ecuadorian Congress vote to repeal women’s right to therapeutic abortion, Ecuador will join Chile, El Salvador, and Nicaragua as the only countries in Latin America with retrograde and anachronistic laws that criminalize abortion in every circumstance. The result will be devastating for women’s human rights in Ecuador, particularly because women will suffer avoidable and preventable deaths. The already grave consequences of the therapeutic abortion ban in Nicaragua, which was enacted in November 2006, is evidence of the threat such a ban poses to women’s lives.

Given the grave danger that this bill poses to women’s rights in Ecuador, we urge the Council to investigate legislative irregularities related to this bill and monitor its legislative progress in the coming weeks and months. To this end, we are enclosing a copy of (1) the proposed law and (2) a copy of a letter from the Center for Reproductive Rights to President of Ecuador and the President of the Ecuadorian Congress expressing our concern about the proposed law and reiterating Ecuador’s international human rights obligations.

¹ Proyecto de Ley Orgánica Reformatoria al Código Penal (Deroga el artículo 447 del aborto terapéutico y eugenésico), No. 27-1358.

Thank you for your attention to this urgent matter.

Sincerely,

Lilian Sepúlveda
Legal Advisor for Latin America and the Caribbean

Jennie Pasquarella
International Legal Fellow

Enclosures (2)