

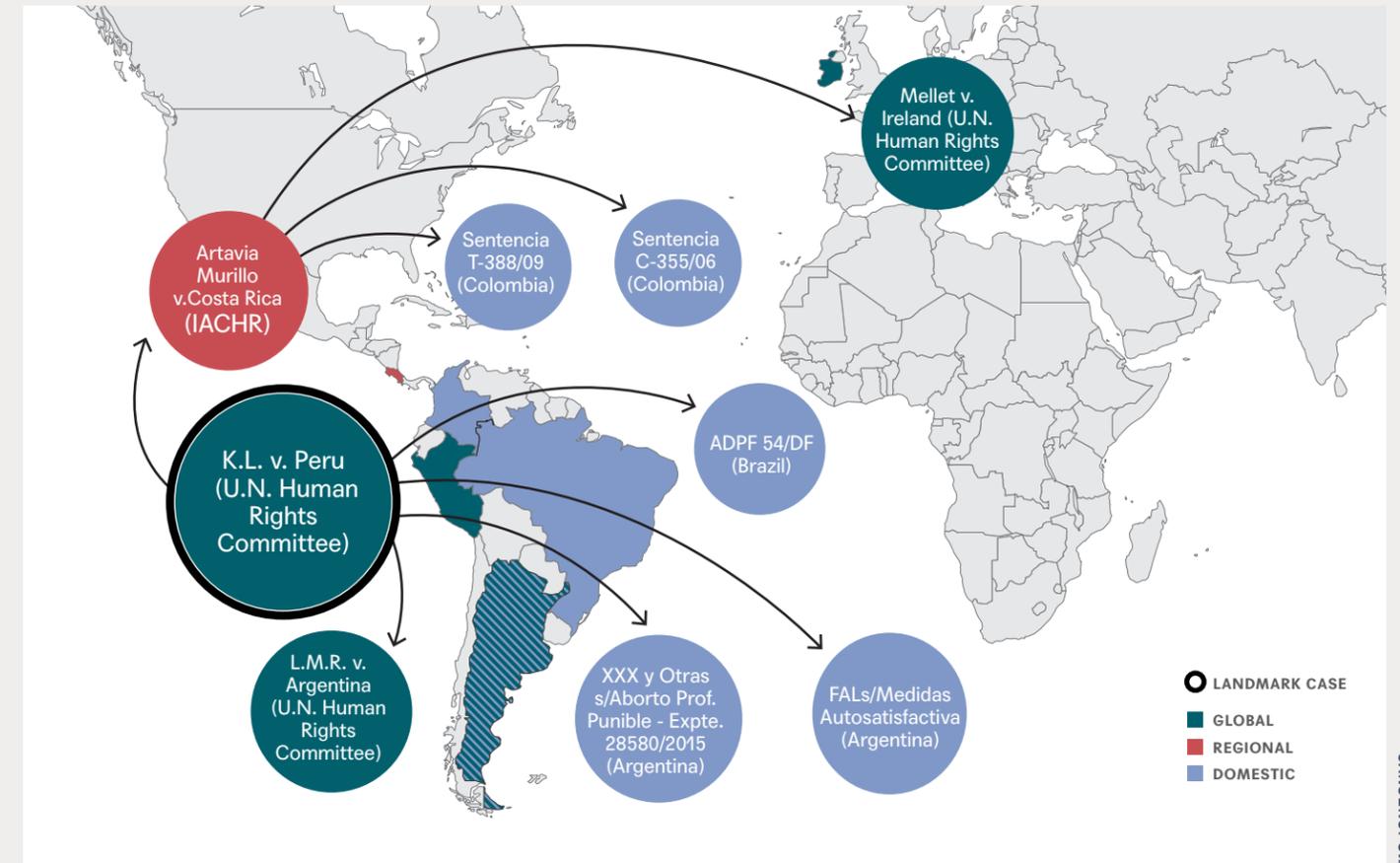
## Influencing SRHR Law Across the Borders

There is consensus around the world that sexual and reproductive health and rights (SRHR) are essential to gender equality, and yet millions of women and girls still lack legal protections for these fundamental rights. Strategic litigation to establish legal and policy reforms is critical to ensuring universal access to sexual and reproductive health services and to advancing and achieving gender equality.

Over the past two decades, the Center for Reproductive Rights, in partnership with local organizations, has brought groundbreaking litigation before international and regional human rights bodies to secure, protect and advance rights across a range of sexual and reproductive health issues, including abortion, maternal health care, and adolescents' rights. This report documents how a handful of these landmark cases has established lasting legal protections that have been relied upon time and again to further protect the decision-making and reproductive autonomy of women and girls not just in the countries where the decisions were rendered, but across borders and regions.

*Across Borders: How International and Regional Reproductive Rights Cases Influence Jurisprudence Worldwide* tracks the legal influence of six international landmark cases over time, illuminating and underscoring the transformative potential of successful litigation before international and regional bodies. It documents how these cases have become the foundation for establishing legal protections for women and girls' reproductive autonomy and decision-making far beyond the countries where they were originally filed. Courts from across the globe have relied on these landmark cases to build and strengthen legal standards of their own.

These landmark rulings—some in countries and regions with the most restrictive reproductive rights laws—have advanced access to abortion services, maternal health care, assisted reproduction and other reproductive and human rights. The accompanying maps demonstrate the cascading and lasting effects of these six landmark cases.



*K.L. v. Peru* was the first ruling from an international human rights body that recognized denial of abortion services as a human rights violation.

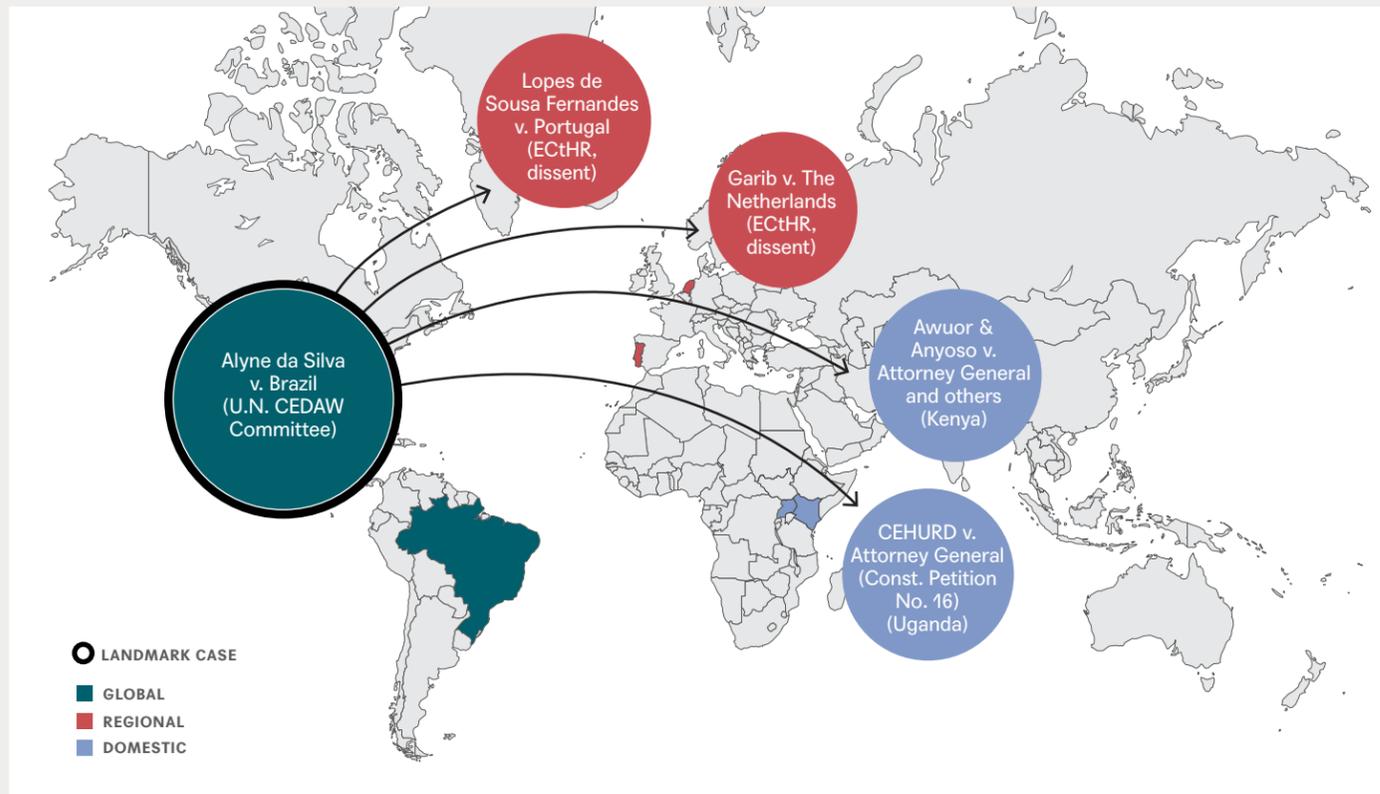
When our client K.L. was 17, she learned she was carrying a pregnancy with a fatal fetal impairment. By law in her homeland of Peru, she was entitled to an abortion due to the risk the pregnancy posed to her physical and mental health. Because hospital authorities refused her access to an abortion, she was forced to carry the pregnancy to term, and as expected, the baby died several days later. The United Nations Human Rights Committee issued a groundbreaking decision in the case, recognizing that denial of abortion services violated her rights to privacy and freedom from cruel, inhuman, and degrading treatment, among others. Critically, the U.N. Human Rights Committee made clear that where abortion is legal, it must be accessible in practice.

While this case centered on Peru's abortion law, its lasting effects have reverberated across borders. The highest courts in **Argentina**, **Brazil**, and **Colombia** all relied on the decision in *K.L. v. Peru* in their own landmark cases liberalizing restrictive abortion laws in those countries. These decisions have resulted in stronger legal protections and accessible rights for millions of women and girls. Lower courts have also relied on this case, including one in Colombia that affirmed a woman's right to an abortion in another fatal fetal impairment case. More recently, *K.L.* was also instrumental in recognizing that individuals have a right to access in vitro fertilization and that prenatal interests cannot trump the rights of individuals. This decision, in **Artavia Murillo et al. v. Costa Rica**, came from the Inter-American Court of Human Rights – which sets standards for countries across the Americas – and has great potential to further influence protections for abortion, contraception, and a range of other issues across the region. Additionally, the U.N. Human Rights Committee, in **Mellet v. Ireland**, has affirmed and built on the *K.L.* precedent to further recognize that the prohibition and criminalization of abortion violates fundamental human rights.

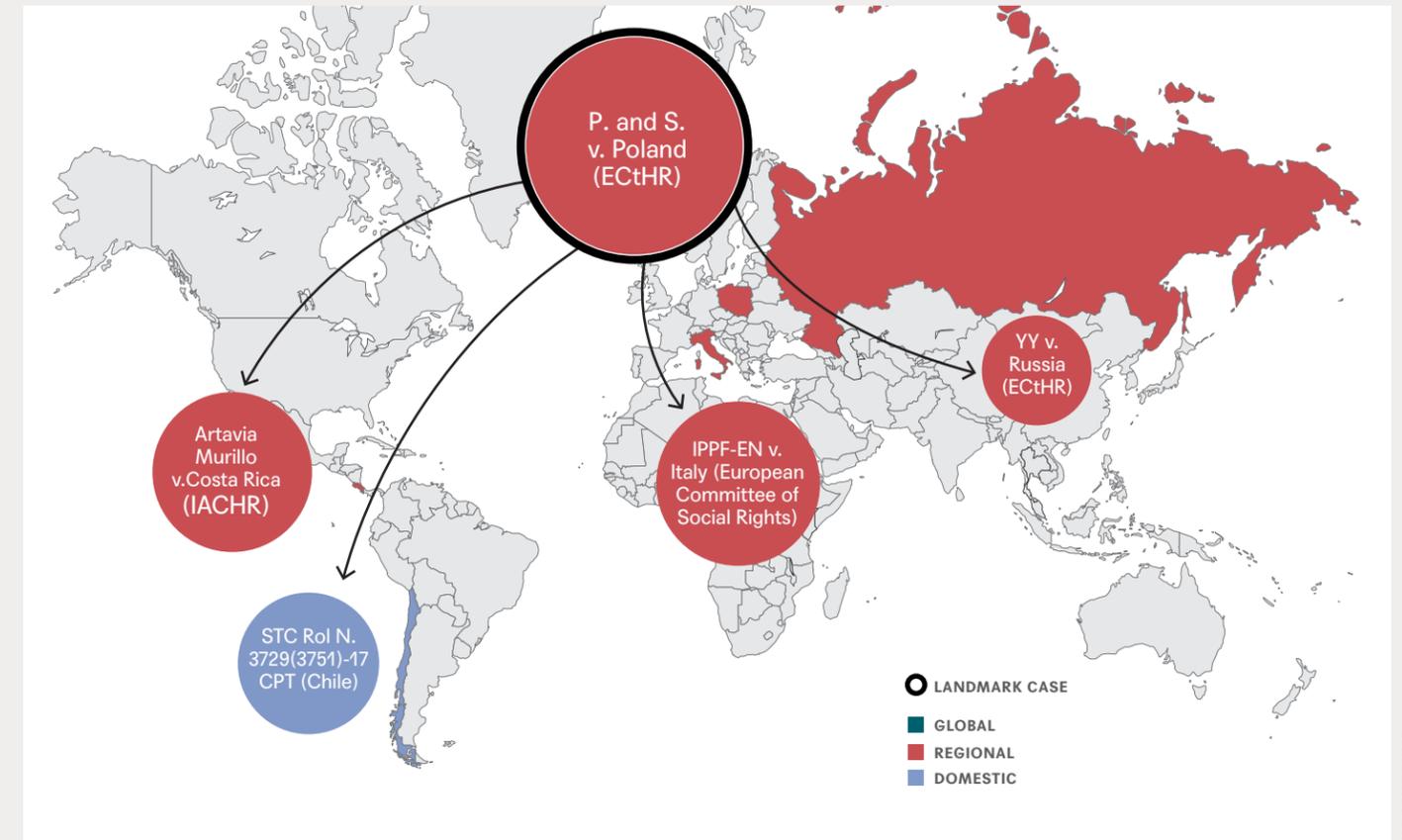
**Case Study: K.L. v. Peru (U.N. Human Rights Committee, 2005)**

**Influenced decisions from global and regional human rights bodies and courts in Argentina, Brazil, and Colombia**

Influencing SRHR  
Law Across the Borders



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**Case Study: Alyne v. Brazil (U.N. Committee on the Elimination of Discrimination Against Women, 2011)**

**Influenced decisions from the European Court of Human Rights and courts in Kenya and Uganda**

*Alyne v. Brazil was the first-ever decision from an international human rights body holding a state accountable for a preventable maternal death.*

Alyne, a poor Afrobrazilian woman, was repeatedly denied appropriate emergency obstetric care, ultimately leading to her death from preventable causes after experiencing a miscarriage. In an unprecedented decision, the United Nations Committee on the Elimination of Discrimination Against Women recognized that states must ensure the provision of timely, quality maternal health care to all women, regardless of race or income, and that it is insufficient for states to take measures to improve maternal health which neglect marginalized sectors of the population.

This decision's impact has reverberated across borders. In a case in **Kenya**, the decision in *Alyne* was critical to the court recognizing serious human rights violations stemming from the detention of women for the inability to pay their maternity bills. In **Uganda**, a court relied on the standards created in *Alyne* to hold the Ugandan government accountable for failing to provide adequate maternal health services, including emergency obstetric care. Additionally, in two dissents from the **European Court of Human Rights**, judges looked to *Alyne* in calling on the Court to take a firmer stance in holding states accountable for discrimination and medical negligence.

In *P. and S. v. Poland*, the European Court of Human Rights issued a groundbreaking decision recognizing obstructing access to legal abortion services and violations of medical confidentiality can amount to violations of the right to be free from cruel, inhuman and degrading treatment and the right to respect to private life, among other rights. In this case, P., who was 14 years old at the time, sought abortion services after becoming pregnant from a sexual assault, but encountered numerous obstacles, including doctors' refusal to provide abortion services, hospital staff repeatedly providing her and her mother with deliberately distorted information, the release of her personal and medical data to the press, and harassment by doctors, anti-abortion groups, and representatives of the Catholic Church. At one point P. was removed from her mother's custody and detained in a juvenile center.

The decision in *P. and S.* has influenced domestic and regional courts across the globe. In overturning a ban on in vitro fertilization, the **Inter-American Court of Human Rights** – whose decisions impact the entire Latin America and Caribbean region – looked to *P. and S.* in recognizing the critical importance of decisions about whether to become a parent. The **European Court of Human Rights** relied on *P. and S.* in recognizing the protection of medical data as crucial to patients' privacy and their confidence in the medical system. And multiple courts and human rights bodies have looked to *P. and S.* in affirming that where abortion is legal, it must be accessible in practice. This includes in **Chile**, where *P. and S.* influenced the Constitutional Court to affirm a law prohibiting institutions from refusing to provide abortion on the grounds of conscience or religion. This measure is critical to ensure abortion is a right in practice, not just on paper.

**Case Study: P. and S. v. Poland (European Court of Human Rights, 2012)**

**Influenced decisions from regional human rights bodies and in Chile**