

# Clinton MUNC 2024

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**Committee Type:** GA

**Topic:** Reproductive Rights in Latin America

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**Chairs:** Benjamin Walker and Spencer Kluger

**Director:** Penelope Halpern

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Greetings esteemed delegates,

My name is Ben, and I am one of your honorable chairs. I have been committed to MUN since the beginning of my sophomore year and have moderated and chaired countless debates and mock conferences, and attended my fair share of conferences in my time as well. I am also a skier, a reader, and a lover of language. I have studied reproductive rights at length in government and history courses over the years, and I consider it a great honor to co-direct a committee on such a relevant topic. I'm excited to watch where the discourse takes itself throughout our committee proceedings and what solutions, and re-solutions, we can weave together from the splintered state in which we find the conflict at present. I can't wait to see which ones of you will jointly rise to the occasion.

Ben Walker (He/Him)

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Greetings esteemed delegates,

I am your other honorable chair. I have been a Model United Nations delegate since the 7th grade, and am so excited to be co-chairing this committee for the very first Clinton Model United Nations Conference. Outside of MUN, I am a journalist, grade representative, climber, and drummer, among other things. As co-chair, it is my goal to foster an engaged and productive session in which we can hold a nuanced dialogue about the pertinent issue of reproductive rights. Please make sure to come informed so we can have the best session possible. The topic we will explore is one I have studied in IB Global Politics, and is of great personal interest. I can not wait to see what you all come up with!

Spencer Kluger (He/Him)

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## **Committee Policies**

- Position Papers are required of every delegate to write and submit prior to the conference. This will show the chairs that each delegate has researched their assigned country and has knowledge on the topic of discussion.
- The use of Chat GPT is strictly prohibited in the writing of position papers AND during the conference. If the chairs notice the use of AI, position papers/and or delegates will lose the ability to win an award, and may face further penalties.
- Electronic devices will be allowed in committee, but we highly recommend using them only to draft resolution papers.
- Prewriting is not permitted. All draft and final resolutions must be started and completed during committee sessions.

## **SOCHUM**

The Social, Humanitarian, and Cultural Committee, or SOCHUM, is the Third Committee of the General Assembly of the United Nations. SOCHUM was formed in 1945 to protect and expand the rights of women, children, and refugees (Social, Humanitarian & Cultural Issues). In its 76th session, which ended in 2022, SOCHUM looked over 51 resolutions, half of them directly related to furthering human rights causes around the world. Although SOCHUM has explored similar issues to ours in the past, we will dive deeper, and focus specifically on reproductive rights in Latin America. Thus, we advise you to look at past SOCHUM sessions, goals, and resolutions to better understand the power the body holds, the type of work it does, and how this relates to our committee.

## **Topic Overview**

The World Health Organization defines reproductive rights as, “The recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health” (“Gender and reproductive rights”). Included in this definition is the right, “to make

decisions concerning reproduction free of discrimination, coercion and violence” (Chalev). The United Nations adheres to these definitions.

The issue of abortion access in Latin America carries significant geopolitical implications that have proven to hold a great degree of stake as it pertains to regional dynamics. Argentina's legalization of abortion in 2020, for example, was hailed as a milestone by some, influencing discussions in neighboring countries, while simultaneously drawing criticism from others. Argentina's influence set a precedent, highlighting the impact of the more powerful and influential countries on the world stage in influencing adherence, or otherwise, to human rights.

Latin America is a region of the world that retains a significant influence from the Catholic Church, especially pertaining to reproductive rights, as legislation is largely conservative in this regard. There is a strong, negative correlation between a country's religious devotion and the degree to which that country supports accessible abortion. 90% of people in Brazil, for example, report religion playing an important role in their lives, and consequently, only 30% said abortion should be legal in all or most cases. Mexico and Argentina provide an opposing view, in which they reported smaller figures of societal importance placed on religion, but comparatively greater support for abortion access, at 80% and 20% and 63% and 50%, respectively.

In this region, many women's movements have been created with the goals of achieving and/or enhancing reproductive rights across all of Latin America. Movements include, but are certainly not limited to: the Green Wave movement, Causa Justa, and Ni Una Menos. The efforts of these NGOs in conjunction with the work of civil society, government, and IGOs unleashed a wave of change from the 2010s until contemporary times. The Green Wave movement in particular came to attention in the 2010s for its large-scale, transnational advocacy. Following years of protests by hundreds of thousands of people, the government began to listen. As a result of this, abortion became decriminalized in Argentina up to 14 weeks of gestation, Mexico's supreme court decriminalized abortion and declared criminalization unconstitutional, and Colombia's Constitutional Court decriminalized abortion up to 24 weeks of gestation.

It is our goal as a committee to achieve the mission of the UN Sustainable Development Goal 3.7: Sexual and reproductive health. The United Nations set this goal in 2012 to ensure “Universal access to sexual and reproductive health-care services,

including for family planning, information & education, & the integration of reproductive health into national strategies” by 2030.

Although the United Nations has set this intention, and all 193 member nations are expected to conform, dissenting viewpoints on human rights bar progress. This is due to the clash between universalism and cultural relativism, which are different outlooks on human rights. Under the guidelines of universalism, human rights apply equally, everywhere. This is the definition under which the United Nations functions and expects its member states to as well. Under the view of cultural relativism, human rights are to be interpreted within the framework of the country they are being discussed in. When applied to reproductive access in Latin America, the debate between universalism and cultural relativism is increasingly apparent – and pertinent.

As SOCHUM is composed of a wide variety of countries, it is the responsibility of delegates to respect different perspectives while also achieving meaningful solutions on behalf of the issue of reproductive rights. Having noted that, the United Nations functions under a Universalist view of human rights. Therefore, adherence to the SDGs and expanding rights for everyone is crucial. In Latin America, reproductive rights are not equal everywhere, and the rights necessary to ensure adherence to the United Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women.

In Latin America, 97% of women live with restrictions on abortion. Within these countries illegal abortions occur, women and practitioners are jailed, and sexual violence is rampant. Where violations of human rights exist, it is the role and responsibility of the United Nations to step in.

## Country Positions

- **Antigua and Barbuda:** Abortion is only legal if necessary to preserve the life of the pregnant woman. It is criminalized in all other instances for all parties involved in the procedure.
- **Argentina:** Up to 14 weeks of pregnancy, abortion at the woman’s request is legal with grounds for sanctions occurring for all parties involved at the excess of this limit. Fetal impairment does not provide legal grounds for a legal abortion,

but victims of rape and women whose mental or physical health would be threatened by delivery do stand on the legal grounds to receive an abortion.

- **Bahamas:** Abortion is only justifiable or permissible if performed with the intention to preserve the pregnant woman's health. All parties involved may be sanctioned under the law when this circumstance does not apply.
- **Barbados:** Abortion is legal only if necessary to preserve the life of the pregnant woman, to uphold her physical or mental health, and in instances of potential fetal impairment, with no specified gestational limit existing in the country's civil nor penal code for any of these permissible reasons. All parties involved may be sanctioned in violation of these allowances.
- **Belize:** Abortion is criminalized and penalized by up to life in prison for any party involved in the procedure. It can legally be performed if necessary to preserve the life of the pregnant woman, and only by a certified medical practitioner.
- **Bolivia:** Abortion is illegal except for in the case of rape, incest, and life endangerment or threatened mental and physical health of the pregnant woman, in which case the gestational period stands universally as 22 weeks. Fetal impairment is not grounds for an abortion to be performed.
- **Brazil:** Abortion is only legal in instances in which the pregnant woman's life would be threatened by birth, or if rape charges can be backed up by a police report. 70% of adults surveyed think abortion should be illegal outright or in the majority of circumstances (Clancy).
- **Colombia:** Abortion is available upon request up to 24 weeks of pregnancy. Colombia is amongst the most progressive countries in Latin America as it pertains to reproductive rights.
- **Costa Rica:** Abortion at the woman's request is illegal. The only exceptions are such: women whose health and/or life would be at risk by pregnancy stand on legal grounds to receive an abortion, in which case the gestational limit is not specified by Costa Rican civil nor penal code.
- **Cuba:** Up to 12 weeks of pregnancy, abortion at the woman's request is legal but sanctions may be levied upon the woman and both the provider and those who assisted past this limit. The gestational limit increases in instances of fetal

impairment and those in which the woman's life is at risk. There is no gestational limit for victims of rape.

- **Chile:** Abortion is legal only if the woman's life is at risk or in the case of rape so long as the gestation period hasn't yet exceeded 12 weeks. The gestational limit is extended by two weeks for victims of rape under the age of 14. Abortion is criminalized for the pregnant woman, the provider, and any assisting parties involved in the procedure.
- **Dominica:** All parties involved in the abortion procedure may be sanctioned under the criminal code of Dominica unless it is performed with the sole purpose of preserving the life of the pregnant woman.
- **Dominican Republic:** Abortion may not be made available at the pregnant woman's request and is completely illegal and criminalized in all instances not excluding rape.
- **Ecuador:** Abortion in Ecuador is only decriminalized in instances of rape and if the health and/or life of the woman is threatened by pregnancy carriage. Those that can be sanctioned in all other instances include the pregnant woman, the provider, and any assisting parties involved in the then-illegal procedure.
- **El Salvador:** Abortion may not be made available at the pregnant woman's request and is completely illegal and criminalized in all instances not excluding rape.
- **Guatemala:** Abortion is illegal in all instances except when the life of the pregnant woman is threatened, in which case the gestational limit is not specified by Guatemalan civil nor penal code.
- **Guyana:** Abortion is available upon request in Guyana but only up to 8 weeks of pregnancy. Gestational limit is doubled in instances of rape, fetal impairment, incest, and for those with intellectual disabilities, whereas no limit is specified for life endangerment or health complications of the pregnant woman.
- **Grenada:** Abortion is criminalized for all parties involved. It is considered a justifiable, permissible offense if performed with the purpose of preserving the life or health of the pregnant woman.
- **Haiti:** Abortion may not be made available at the pregnant woman's request and is completely illegal and criminalized in all instances not excluding rape.



- **Honduras:** Abortion may not be made available at the pregnant woman's request and is completely illegal and criminalized in all instances not excluding rape.
- **Jamaica:** Abortion is criminalized for all parties involved except when necessary in preserving the life or health of the pregnant woman.
- **Mexico:** Abortion in Mexico is no longer federally criminalized. Fewer than one-third of Mexican states make abortion freely available upon the woman's request, and only in one instance with a gestational limit exceeding 12 weeks. Victims of rape always stand on legal grounds in Mexico to gain access to an abortion, while only in roughly 80 percent of Mexican states can women whose life would be put at risk from carrying out a pregnancy receive an abortion.
- **Nicaragua:** Abortion may not be made available at the pregnant woman's request and is completely illegal and criminalized in all instances not excluding rape.
- **Panama:** Abortion is illegal except in the case of rape and fetal impairment, with the latter's gestational limit being six months and the former's being two months. Women whose life would be at risk by pregnancy stand on legal grounds to receive an abortion, in which case the gestational limit is not specified by Panamanian civil nor penal code.
- **Paraguay:** Abortion is strictly illegal in Paraguay though legal grounds exist for the procedure's performance when carrying pregnancy to term would threaten the life of the pregnant woman. Paraguay's abortion policy has even been described as "draconian"
- **Peru:** Abortion at a woman's request is illegal. The only exceptions are such: women whose health and/or life would be at risk by pregnancy stand on legal grounds to receive an abortion, in which case the gestational limit is up to 21 weeks.
- **St. Kitts & Nevis:** Abortion is only legal if necessary to preserve the life of the pregnant woman. Sanctions can be imposed on all parties involved in the abortion procedure.
- **St. Lucia:** Abortion is legal if necessary to preserve the life of the pregnant woman or to uphold her physical or mental health with no specified gestational

limit in St. Lucian civil nor penal code. Instances of rape and incest permit a gestational limit of 12 weeks before sanctions can be imposed on all parties involved in the abortion procedure.

- **St. Vincent & Grenadines:** Abortion is legal if necessary to preserve the life of the pregnant woman, to uphold her physical or mental health, and in instances of rape, incest, or potential fetal impairment, with no specified gestational limit existing in the country's civil nor penal code for any of these permissible reasons. Sanctions may be imposed on all parties involved when acting outside of these circumstances.
- **Suriname:** Abortion is completely illegal and criminalized. The only extenuating circumstances that grant legal grounds for the performing of abortion procedures are if the pregnant woman's life is at risk. The legal penalties are slightly greater for the abortion provider than for the pregnant woman herself.
- **Trinidad & Tobago:** Abortion is illegal except when the mental or physical health of the pregnant woman is at risk or their life is threatened, in which case the gestational limit is not specified by Trinidadian civil nor penal code.
- **Uruguay:** Abortion is legally available upon request before 12 weeks of pregnancy. Gestational limit increases to 14 weeks in instances of rape, and abortion is legal with no gestational limit specified by Uruguayan civil nor penal code for socio economic reasons and reasons of threatened health or livelihood of the pregnant woman.
- **Venezuela:** Abortion is illegal in all instances except those in which pregnancy threatens the life of the woman, which allows a gestational limit of 22 weeks. In excess of this limit, the pregnant woman herself, the provider of the abortion, and those assisting can all be sanctioned under the law.

## Guiding Questions

- 1) How does the Catholic Church influence legislation?
- 2) Should there exist a separation between church and state?
- 3) To what extent should cultural relativism be considered a valid reason to avoid the obligations set forth in the UDHR and similar global legislature?
- 4) When considering reproductive rights, what principles are important to consider? What are the risks of implementing universalist legislation?
- 5) Is the goal to improve or stunt abortion access, and what impacts would this have on a larger scale?

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