

Aborto en Colombia: el derecho a decidir*Abortion in Colombia: the right to choose***Received:** September 1, 2025**Accepted:** September 12, 2025**Published:** October 28, 2025

Evelyn Jahaira Guzman Zapata,

Universidad Cesar Vallejo, Perú

Orcid.org/0000-0002-6193-6561

Correspondence:eguzmanza@ucvvirtual.edu.peeguzmanza@ucvvirtual.edu.pe

This work is licensed under an international
license Creative Commons Atribución-
NoComercial 4.0.

**Cómo citar:**

Abstract

The central objective of the study was to analyze the legal and social evolution of abortion in Colombia based on Rulings C-355 of 2006 and C-055 of 2022, identifying their implications for sexual and reproductive rights. The methodology employed was qualitative, descriptive-interpretative in nature, supported by a documentary review of jurisprudence, academic texts, and social perspectives. The results show that Ruling C-355 of 2006 limited abortion to three specific grounds (risk to the woman's life or health, nonviable fetal malformation, and pregnancy resulting from sexual violence or incest), while Ruling C-055 of 2022 expanded access by allowing voluntary termination of pregnancy up to the 24th week without prior grounds. This legal transition evidenced progress toward the full recognition of reproductive autonomy and human dignity, but also deepened social polarization. Thus, while the first ruling opened the discussion in a conservative country, the second consolidated a fundamental rights approach. Both

decisions, taken together, represent milestones in building a more inclusive legal framework, albeit not free from ethical, political, and cultural tensions.

Keywords: Abortion law, Reproductive rights, Constitutional Court of Colombia, Gender autonomy, social polarization

Resumen

El objetivo central del estudio fue analizar la evolución jurídica y social del aborto en Colombia a partir de las sentencias C-355 de 2006 y C-055 de 2022, identificando sus implicaciones en los derechos sexuales y reproductivos. La metodología empleada fue cualitativa, de carácter descriptivo-interpretativo, sustentada en la revisión documental de jurisprudencia, textos académicos y posturas sociales. Los resultados muestran que la C-355 de 2006 delimitó el aborto a tres causales específicas (riesgo para la vida o salud de la mujer, malformación fetal inviable y embarazo por violencia sexual o incesto), mientras que la C-055 de 2022 amplió el acceso al permitir la interrupción voluntaria del embarazo hasta la semana 24 sin causales previas. Este tránsito jurídico evidenció un avance hacia el reconocimiento pleno de la autonomía reproductiva y la dignidad humana, pero también profundizó la polarización social. Así, mientras la primera sentencia abrió la discusión en un país conservador, la segunda consolidó un enfoque de derechos fundamentales. Ambos fallos, en conjunto, representan hitos en la construcción de un marco legal más incluyente, aunque no exento de tensiones éticas, políticas y culturales.

Palabras clave: Legislación sobre el aborto, Derechos reproductivos, Corte Constitucional de Colombia, Autonomía de género, Polarización social

1. Introduction

The debate surrounding the legalization of abortion in Colombia has become a battleground for legal, social, and ethical

confrontation, bringing together multiple dimensions of human life. It is not merely a medical or legal issue, but rather a phenomenon that challenges society to respect women's fundamental rights,

human dignity, reproductive autonomy, and the construction of inclusive social justice. Reflection on this issue is framed within a context of historical tensions: on the one hand, traditional and religious positions that have shaped public morality; and on the other, feminist demands. Currently, constitutional rulings and international commitments that recognize equality and sexual and reproductive health as inalienable rights mark milestones toward the construction of societies that learn to decide.

In this sense, the analysis of the decriminalization of abortion cannot be limited to compliance with a legal norm, but must extend to a critical understanding of its cultural, political, and educational implications. Recognizing women's autonomy implies rethinking the power structures that have defined their bodies as territories of control and subordination. Thus, this article seeks not only to expose the normative and jurisprudential evolution, but also to generate a reflective space to question how Colombian society faces the challenges of guaranteeing a dignified life, gender justice, and cultural

transformation toward a paradigm of greater equity.

2. Theoretical Framework

To speak of abortion in Colombia is to directly challenge the conservative and secular sensibilities of this country. To loudly proclaim pro-abortion views was not an act of courage or sound reasoning, as this was a gap in our society where women had to make their own decisions about their bodies.

That is why, when the first political constitution emerged in 1886, it focused on the secular aspect. It was not until the political constitution of 1991 that the first fundamental principle of secular historicity changed. Therefore, it is quoted verbatim, "Colombia is a social state under the rule of law, organized in the form of a unitary, decentralized republic, with autonomy for its territorial entities, democratic, participatory, and pluralistic, founded on respect for human dignity, on the work and solidarity of the people who comprise it, and on the prevalence of the general interest." (Political Constitution of Colombia, 1991).

Similarly, the Political Constitution of Colombia (1991) in Title II on rights, guarantees, and duties in Chapter I on fundamental rights, includes Article 11, which states that “the right to life is inviolable. There shall be no death penalty.” From the narrative of the constitution and the interpretation of the principle and fundamental right.

Along the same lines, Madera Arias and Urzola Berrío (2018) pointed out that Colombia is a conservative country, but it has been the influence of liberal ideologies that has given rise to this debate, as they first began by addressing contraceptive methods for both men and women, beyond a scientific procedure. It is necessary to mention that Constitutional Court Ruling C-355 of 2006 established that the total or partial decriminalization of abortion in Colombia only applies in three situations: when there is a risk to the life or health of the woman, when there is a non-viable fetal malformation, or when the pregnancy is the result of sexual violence or incest.

Other positions, such as those of Beltrán and Bohórquez (2022), mention that in their study they conducted an analysis of Catholic activists and organizations that

promote opposition to abortion in Colombia, specifically from 2006 to 2020, with the perception of protecting prenatal life. The researchers' position indicated that this was accentuated in a cultural war between these movements. In conclusion, this study highlights that what is most effective is a procedural shift in which legal arguments are openly stated, but within this ruling, Constitutional Court Ruling C-355 held that the termination of pregnancy protects “the fundamental rights of women to dignity, health, and the free development of personality” (Constitutional Court, 2006, p. 4).

Another position is that of Baena (2019), better known as La Pulla, who openly criticizes the concept of the term “crime” and compares it with countries such as Nicaragua, El Salvador, and Honduras, emphasizing the decision made in Colombia by the Court, as these countries do not have such solid regulations on whether a woman should have an abortion or ultimately hold the direct aggressor responsible for her child.

In contrast, López (2022) highlighted in his study the extensive media coverage

that the approval received, which became a global trend. Referring to social network X (formerly Twitter), the author highlighted how various activists made their positions public, which undoubtedly generated controversy among those who were for and against. Hashtags and retweets revealed a symbolic dispute, highlighting the importance of recognizing women's right to choose, while sending a strong message to the judges.

Given the above, one may question what the moral repercussions of the decriminalization of abortion have been. In a report by Fernández and Pérez (2022) in the Salid session, they mentioned that in Colombia, “approximately 400,000 clandestine abortions were performed each year, resulting not only in human losses but also economic losses to the health system,” as this leads to complications arising from improper procedures without guaranteeing adequate recovery. This is a reference point on which the decriminalization of abortion is based. In the first instance, the Constitutional Court with the Ruling C-355 of 2006 established three grounds for accessing abortion: rape, malformation,

and risk to the mother's life, provided that these circumstances occurred within 24 weeks of pregnancy. However, this has not ceased, as there are conservative and religious groups that take moral positions to argue that neither the Court nor medical centers nor a ruling can present “conscientious objection” and that everything leads to Article 11 of the political constitution prevailing over others in equality.

In relation to the secular position, according to the Catechism of the Catholic Church (1997), human life must be respected and protected absolutely from conception, recognizing in every being their inviolable right to life. Along the same lines, John Paul II in *Evangelium Vitae* (1995) affirmed that life is sacred because of its divine origin and that direct abortion always constitutes a grave moral disorder.

The Congregation for the Doctrine of the Faith (1987), in the instruction *Donum Vitae*, pointed out that when a positive law deprives a category of human beings of protection, the state violates the very foundations of the rule of law, which is why it is necessary to provide for criminal

penalties for any deliberate violation of these rights from conception.

Reports such as that published on the Amnesty International website (2022) state that “women, girls, and people with the capacity to bear children are the only ones who should make decisions about their bodies” and that, instead of punishing them, the Colombian authorities should recognize their autonomy and life plans.

According to statistics from the Guttmacher Institute (2018), abortion rates are similar in countries where the procedure is legal and in those where it is restricted, demonstrating that prohibition does not reduce its practice. Similarly, the World Health Organization (2017) found that between 2010 and 2014, only one in four abortions was safe in countries where it was prohibited, while in those where it was legal, nine out of ten were performed under safe conditions.

In Colombia, according to the Ministry of Health and the Guttmacher Institute, at least 70 women die each year from clandestine abortions, and more than 50% of rural women who resort to this

procedure suffer health complications, highlighting the urgent need to provide safe services (Ministry of Health & Guttmacher Institute, cited in 2018). This problem is directly related to the lack of comprehensive sex education, since in a context marked by strong religious beliefs and family taboos, many adolescents between the ages of 14 and 19 face unwanted pregnancies because they do not receive information about planning and caring for their bodies. Hence the need for the Ministry of Education and the Ministry of Health to strengthen training processes for parents, teachers, and students. In this context, Ruling C-355 of 2006 allowed voluntary termination of pregnancy in three specific cases, and subsequently Ruling C-055 of 2022 extended decriminalization to the 24th week, recognizing women's autonomy. However, this progress has generated debates about the tension between the right to choose and the right to life contemplated in Article 11 of the Constitution, which requires public policies that guarantee not only the protection of life, but also a dignified and risk-free life.

Ruling C-055 of 2022 provides greater clarity on the regulation of abortion in

Colombia; however, it has generated conflicting positions. Idárraga (2022) points out that it is essential to establish who has the role of deciding on legal restrictions on abortion, since, as in the Roe case in the United States—challenged in the Dobbs ruling—the US Supreme Court, in *Dobbs v. Jackson Women's Health Organization* (2022), declared a “Mississippi law prohibiting abortion after 15 weeks of gestation” to be constitutional. In its decision, the Court overturned the precedents of *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992), eliminating federal protection for the right to abortion. The ruling established that the Constitution does not recognize this right and returned the power to regulate the matter to each state. This marked a historic shift in U.S. jurisprudence and sparked a heated political and social debate on reproductive rights.

Now, the Colombian Constitutional Court has made a decision that disregards a large sector of society that opposed it. The Attorney General (2020) stated that the Constitutional Court did not have jurisdiction to rule on the merits of IVE and that regulation should be the exclusive responsibility of Congress.

Among the criticisms of Ruling C-055 were the lack of a multidisciplinary analysis, the possible normalization of violence, and the measure's inability to address the structural causes of the problem, such as the absence of sex education and policies in vulnerable communities. It was also noted that abortion, whether legal or clandestine, carries physical and psychological risks for women. Furthermore, it was argued that its decriminalization could be interpreted as an abuse of Article 42 of the Constitution, affecting the shared rights of couples. Finally, it was suggested that the decision could encourage the abandonment of unwanted children and convey a social message of parental irresponsibility.

3. Method

The study was conducted using a qualitative descriptive-interpretative approach, based on documentary analysis and the study of social perceptions of two rulings: C-355 of 2006 and C-055 of 2022. According to Hernández-Sampieri and Mendoza (2018), this type of qualitative research seeks to understand the meanings and discourses constructed

around social phenomena through the systematization of written, regulatory, jurisprudential, and testimonial sources.

In this sense, the main technique used was documentary review, analyzing the jurisprudential evolution of the Constitutional Court, especially rulings C-355 of 2006 and C-055 of 2022, along with academic articles, doctrinal texts, and statements in digital media. This strategy made it possible to identify the discourses for and against decriminalization, as well as the moral, legal, and social arguments that structure public opinion.

4. Results

A comparative analysis of rulings C-355 of 2006 and C-055 of 2022 revealed a significant evolution in the guarantee of sexual and reproductive rights in Colombia. While the former limited access to abortion to three specific grounds, offering a legal framework of exception to absolute criminalization, the latter substantially broadened this horizon by allowing voluntary termination of pregnancy up to the 24th week, without causal conditions. This regulatory shift

demonstrates progress toward the full recognition of reproductive autonomy and human dignity, consolidating women and pregnant persons as decision-makers regarding their bodies. However, both rulings have generated strong social and political tensions: C-355/2006 opened public discussion in a historically conservative country, and C-055/2022 deepened the polarization between progressive discourses and moral positions based on the absolute defense of prenatal life. As Beltrán and Bohórquez (2022) argue, these disputes reflect not only a legal shift, but a veritable “culture war” in which the law becomes a stage for ideological confrontation, and where the results show that the recognition of reproductive autonomy is inseparable from the struggle for social justice and gender equality.

Table 1. Results and implications of rulings C-355 of 2006 and C-055 of 2022

Judgment	Main findings	Social and legal implications
C-355/2006	i. Recognizes three specific grounds for “voluntary termination of pregnancy (risk to the life or health of the	i. Reduces the risk of clandestine abortions. ii. Opens public discussion on sexual and reproductive rights.

	mother, fetal malformation incompatible with life, pregnancy resulting from rape or incest).” ii. Marks a milestone by establishing a legal framework of exceptions to the absolute criminalization of abortion.	iii. Creates tensions with conservative and religious sectors that appeal to Article 11 of the Constitution (right to life).
C-055/2022	i. Decriminalizes “abortion up to the 24th week of pregnancy, without the need to comply with the three previous grounds.” ii. Ratifies women's reproductive autonomy as part of the right to free development of personality, health, and dignity.	i. It moves toward a fundamental rights approach, beyond restrictive grounds. ii. It recognizes women and pregnant persons as having full decision-making power over their bodies. iii. It generates a polarized social debate between progressive and conservative positions.

Source: own elaboration

5. Conclusions

Ruling C-355 of 2006 marked a milestone in Colombia by allowing voluntary

termination of pregnancy in three specific cases: risk to the woman's life or health, non-viable fetal malformation, and pregnancies resulting from sexual violence or incest. This decision opened up public and legal debate on reproductive rights in a deeply conservative context. However, its scope was limited in that it did not guarantee full and safe access to all women, which perpetuated the practice of unsafe abortion in many settings, especially in rural and vulnerable areas.

For its part, Ruling C-055 of 2022 significantly expanded the legal framework by decriminalizing abortion up to the 24th week of pregnancy without the need for grounds, strengthening the autonomy and dignity of women as subjects of law. However, the decision generated strong social and political polarization, as conservative sectors consider it contrary to Article 11 of the Constitution, which protects life. Both rulings reflect the tension between tradition and progress in sexual and reproductive rights, as well as the need for clear public policies that guarantee effective access and reduce health inequality.

Within the process of approval and the grounds that Colombia has had on abortion, it is important to recognize the progress made by the Supreme Court in giving a vote of confidence to women's decision-making. Abortion is not the evil that it is in underdeveloped countries such as Colombia; it is the perception that is sometimes held, based on a subjective position that causes controversy and discontent, which in turn leads to discrimination.

We need education in institutions and society that focuses on protecting life, while also guaranteeing rights and allowing women to take care of their bodies, minds, and beings, prioritizing their emotional and psychological stability as an act of love toward themselves.

Bibliographic references

Amnistía Internacional. (2022, 21 de febrero). *Colombia: Despenalización del aborto es un triunfo para los derechos humanos*. Amnistía Internacional. <https://www.amnesty.org/es/latest/news/2022/02/colombia-decriminalization-abortion-triumph-human-rights/>

Baena, M. P. (2019, 26 de septiembre). *El "delito" absurdo que lleva a muchas mujeres a la cárcel | La Pulla* [Video]. YouTube.

<https://www.youtube.com/watch?v=jouRqmKXU4I>

Beltrán y Puga, A., & Bohórquez Monsalve, V. (2022). La política contenciosa y la contramovilización legal conservadora del aborto en Colombia. *Derecho PUCP*, 88, 41–69.

Bermúdez Merizalde, C. (2009). Doctrina de la iglesia y despenalización del aborto: algunas reflexiones. *Persona y Bioética*, 9(2).

<https://personaybioetica.unisabana.edu.co/index.php/personaybioetica/article/view/922>

Cardozo Rueda, K. S. (2022). Aplicación de redes neuronales artificiales para el pronóstico de precios de café. *REVISTA COLOMBIANA DE TECNOLOGIAS DE AVANZADA (RCTA)*, 1(39), 113–117.

<https://doi.org/10.24054/rcta.v1i39.1403>

Catecismo de la Iglesia Católica. (1997). *Catecismo de la Iglesia Católica* (2.^a ed.). Librería Editrice Vaticana. https://www.vatican.va/archive/catechism_sp/index_sp.html

- Constitución Política de Colombia. (1991). *Constitución Política de Colombia*. Asamblea Nacional Constituyente. Diario Oficial No. 44.780. <https://www.constitucioncolombia.com/>
- Congregación para la Doctrina de la Fe. (1987). *Donum Vitae: Instrucción sobre el respeto de la vida humana naciente y la dignidad de la procreación*. Librería Editrice Vaticana. https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_sp.html
- Fernández, C. F., & Pérez, D. (2022, 22 de febrero). *Abortos clandestinos en Colombia: un problema de salud pública*. El Tiempo. <https://www.eltiempo.com/salud/abortos-clandestinos-en-colombia-un-problema-de-salud-publica-653495>
- Hernández-Sampieri, R., & Mendoza, C. (2018). *Metodología de la investigación: Las rutas cuantitativa, cualitativa y mixta* (6.ª ed.). McGraw-Hill.
- Instituto Guttmacher. (2018). *Aborto en el mundo: un panorama general*. Guttmacher Institute. <https://www.guttmacher.org/fact-sheet/abortion-worldwide>
- Juan Pablo II. (1995). *Evangelium Vitae* [Carta encíclica]. Librería Editrice Vaticana. https://www.vatican.va/content/john-paul-ii/es/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html
- López Robles, A. (2022). Activismo hashtag y disputas por el sentido social en Twitter: El caso de la despenalización del aborto en Colombia. *Global Media Journal México*, 19(36), 148–169. <https://doi.org/10.29105/gmjmx19.36-473>
- Madera Arias, N., & Urzola Berrío, H. (2018). El aborto en Colombia: la inconstitucionalidad de la despenalización y legalización más allá de los presupuestos jurisprudenciales. En I. Rodríguez & J. Enamorado (Comps.), *Panorama jurídico y sociojurídico de los derechos humanos, sociales y ambientales* (Tomo I, pp. 87–119). Ediciones Universidad Simón Bolívar.
- Organización Mundial de la Salud (OMS). (2017). *Abortos sin riesgos: Guía técnica y de políticas para sistemas de salud* (2.ª ed.). OMS. <https://apps.who.int/iris/handle/10665/260543>
- Sentencia C-355/06. (2006, 10 de mayo). Corte Constitucional de Colombia. Magistrados ponentes: Jaime Araújo

Rentería y Clara Inés Vargas Hernández.

<https://www.corteconstitucional.gov.co/relatoria/2006/c-355-06.htm>

Sentencia C-055/22. (2022, 21 de febrero). Corte Constitucional de Colombia. Magistrados ponentes: Antonio José Lizarazo Ocampo y Alberto Rojas Ríos.

[https://www.corteconstitucional.gov.co/Relatoria/2022/C-055-](https://www.corteconstitucional.gov.co/Relatoria/2022/C-055-22.htm#:~:text=Aborto..prevista%20en%20el%20inciso%20anterior%E2%80%9D)

[22.htm#:~:text=Aborto..prevista%20en%20el%20inciso%20anterior%E2%80%9D](https://www.corteconstitucional.gov.co/Relatoria/2022/C-055-22.htm#:~:text=Aborto..prevista%20en%20el%20inciso%20anterior%E2%80%9D)

Supreme Court of the United States. (2022). *Dobbs v. Jackson Women's Health Organization*, 597 U.S. ____ (2022).

https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

Vásquez Ruiz, L. y Caicedo Villamizar, S. (2024). Conflicto y Paz: Acercamiento al Perdón en Colombia. *Revista Ciudad Paz-ando*, 17(2), 39-50. doi: <https://doi.org/10.14483/2422278X.22559>

Statement by the author(s) on the use of LLM

This article has not been written using texts from an LLM (ChatGPT or others).

Funding

This work has not received any specific funding from public, commercial, or non-profit funding agencies.