

Bogota, February 21, 2022

**Press release**

**Abortion will only be a crime when it takes place after 24 weeks of gestation and, after this, it will not be punishable in the three indications established by Decision C-355/2006 as excluded.**

**CO-Authors of the Majority Decision: JUSTICES ANTONIO JOSÉ  
LIZARAZO OCAMPO YALBERTO ROJAS RÍOS**

With regards to the claim that questioned article 122 of the Criminal Code, containing the legal description of abortion, the Constitutional Court declared, first, the **CONDITIONED CONSTITUTIONALITY** of article 122 of Law 599 of 2000 “which enacts the Criminal Code”, in the sense that the conduct of aborting described there will only be punishable when performed after twenty four (24) weeks of gestation, and, in any case, such temporal limit will not be applicable in the three indications excluded by Decision C-355 of 2006.

The aforementioned Decision established that there is no punishable conduct: “1) when continuing the pregnancy constitutes a risk to the life or health of the woman, as certified by one physician; 2) when there is a severe malformation of the fetus that threatens his survival, certified by a physician; 3) when the pregnancy resulted from rape, non-consented artificial insemination or embryo transfer, or incest.”

Secondly, **EXHORTED** Congress and the National Government so that, as soon as possible, and notwithstanding the immediate execution of this Decision, they formulate and implement a comprehensive policy -including legislative and administrative measures when necessary- that prevents the substantive risks to dignity and the violations of rights of pregnant women described in this opinion, and, at the same time, protects the juridical good of gestational life without diminishing the guarantees provided for in the previous resolution.

This policy should minimally contain: 1) clear listings of the available options for women during and after pregnancy; 2) elimination of all obstacles for the exercise of the reproductive and sexual rights recognized in this Decision; 3) the existence of tools to prevent and plan pregnancies; 4) the development of sexual and reproductive education for all persons; 5) accompaniment measures for pregnant women, including adoption and others; 6) measures that will guarantee the rights of children born to women who wished to abort.

JUSTICES **CRISTINA PARDO SCHLESINGER, PAOLA ANDREA MENESES, GLORIA STELLA ORTÍZ DELGADO** AND **JORGE ENRIQUE IBÁÑEZ**, DISSENTING. SEPARATE OPINIONS BY JUSTICES **ALBERTO ROJAS RIOS, DIANA FAJARDO RIVERA, JOSÉ FERNANDO REYES** AND AD HOC JUSTICE **JULIO ANDRÉS OSSA**.

**Note:** This press release is intended only for the press and does not substitute the formal Communiqué.