

URGENT ACTION

PREGNANT GIRL'S RIGHTS TO LIFE AND HEALTH AT RISK The Inter-American Commission on Human Rights has called on Paraguay to protect the rights to health, life and integrity of a young girl who is pregnant as a result of rape.

The 21-week pregnancy of the girl came to light almost two months ago on 21 April. Since then, the Paraguayan authorities have been playing with her life, well-being and best interest by not providing her with the possibility of terminating her pregnancy. This is despite evidence by the World Health Organization that child pregnancies are extremely dangerous to the health of girls, as they can lead to complications and, in some cases, death, especially as young girls' bodies have not fully developed. The State's response treats the pregnant raped girl like a vessel.

The Inter-American Commission on Human Rights (IACHR) has joined national and international outcry in urging Paraguay to abide by its international human rights obligations to protect the rights of the young girl who became pregnant at the age of 10 and turned 11 in May. On 8 June the IACHR issued precautionary measures (*medidas cautelares*) calling on the State to protect the life, health and physical and mental integrity of the girl. The State has 72 hours to respond to the IACHR. A Paraguayan Judge for Children and Adolescents ordered an interdisciplinary panel of experts (*junta médica interdisciplinaria*) to assess the girl's case. The panel concluded on 12 May that her pregnancy is four times more life threatening than an adult pregnancy and highlights additional risks for the girl, such as a haemorrhage post birth, anaemia, and risks to her reproductive health if the pregnancy continues.

The IACHR is urging the State to ensure that the girl has access to adequate medical treatment, including all available options to manage the high-risk pregnancy in line with findings by the World Health Organization. The IACHR is also calling on the State to ensure that the girl's rights are guaranteed in all health-related decisions affecting her, including her right to be informed and to participate in the decisions that affect her health, bearing in mind her age and maturity. The IACHR is calling for the implementation of all necessary measures to ensure the girl has the technical and family support she needs to fully protect her rights. The IACHR has also requested further information to assess the safety of the girl's mother, who remains in prison facing charges of failing in her duty of care and of being complicit in the abuse. A petition for her release on bail was rejected on 1 June.

Please write immediately in Spanish or your own language:

- Expressing dismay that the pregnancy of the girl was established almost two months ago and the option of terminating the pregnancy has not yet been made available;
- Urging the authorities to fully comply with the precautionary measures issued by the Inter-American Commission on Human Rights on 8 June, including to ensure adequate medical treatment and access to all available options to manage the pregnancy;
- Urging them to ensure adequate reparations to the girl, including justice for the sexual abuse, psychological support in the long term, and compensation measures for the State response to the harm suffered.

PLEASE SEND APPEALS BEFORE 21 JULY 2015:

President of Paraguay
Sr. Horacio Cartes
Palacio de Gobierno
El Paraguay Independiente entre
O'leary y Ayolas.
Asunción, Paraguay
Email: secretariaprivada@presidencia.gov.py
Salutation: Dear President/ Estimado
Señor Presidente

Minister of Public Health and Welfare
Ministro de Salud Pública y Bienestar
Dr. Antonio Barrios
Pettirossi Esq. Brasil
Asunción, Paraguay
Fax: +595 21 207 328
Email: ministro@mspbs.gov.py
Salutation: Dear Minister/ Estimado
Ministro

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 100/15. Further information:

www.amnesty.org/en/documents/AMR45/1694/2015/en/

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ADDITIONAL INFORMATION

The girl's 21-week pregnancy was detected at the Trinidad Maternity and Children's Hospital (Hospital Materno Infantil de Trinidad) on 21 April when the girl went to the hospital with her mother complaining of a stomach ache. She had been to different medical centres since January complaining of a stomach ache but the pregnancy went undetected. In addition, in January 2014 the girl's mother made a complaint about the sexual abuse of her daughter by her stepfather, but prosecutors did not investigate and did not provide protection measures as they considered the girl not to be at risk.

In Paraguay, according to article 109 of the Criminal Code, abortion is only permitted when the life of the women or girls is at risk. In any other circumstances, even if pregnancy is the result of rape, incest or when the foetus has a severe malformation, abortion is not permitted. This restrictive abortion law is in violation of international human rights law.

Article 3 of the Convention on the Rights of the Child states that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration". The Committee on the Rights of the Child requires all State parties, including Paraguay, to ensure girls have access to abortion, at a minimum, when their health and life is in danger and in cases of rape and incest.

National and international organizations have urged the Paraguayan authorities to recognize all risks to the girl associated with her pregnancy. On 11 May a group of UN experts stated that Paraguay's decision not to provide the 10-year-old girl a therapeutic abortion in a timely manner results in grave violations of her rights to life, health, and physical and mental integrity, as well as her right to education, jeopardizing her economic and social opportunities.

With regards to the situation of the mother, women's organizations have complained that her pre-trial detention (*prisión preventiva*) is arbitrary and that she is facing harassment in detention. They have also reported obstacles faced by the mother to visit her daughter.