

URGENT ACTION

TEENAGE RAPE SURVIVOR DENIED ABORTION

A 15-year-old girl, who is pregnant after being raped by her step-father, was denied an abortion by hospital authorities in the southern Argentinian province of Chubut in February. On 12 March, a judge also rejected her abortion request.

The girl has suffered many years of sexual abuse from her stepfather, which was reported to the authorities once she found that she was pregnant. In February, the mother of the girl made a formal request to the Regional Hospital of Chubut for her daughter to be given an abortion. The hospital presented a written refusal, arguing that the case did not fall under the permitted exceptions to the prohibition of abortion in the Argentinean Criminal Code. These exceptions allow abortion in cases in which the life or health of the woman is at risk. Several weeks later, on 10 March, a judge at the Comodoro Rivadavia Second Family Court heard the case. A group of doctors (Junta Médica) at the Comodoro Rivadavia Regional Hospital advised that the abortion was still medically possible. However, on 12 March, the judge rejected the abortion request on the grounds that the rights of the foetus prevailed over the rights of the pregnant girl to life and health, arguing that both the girl and the foetus are vulnerable. Lawyers in Argentina have argued that being subjected to sexual abuse and rape have an impact on health, referring to the World Health Organization's definition of health as a state of complete physical, mental and social well-being.

Amnesty International believes that any denial of safe, legal abortion in rape cases constitutes a violation of human rights. It is a way of doubly victimising women who have already suffered at the hands of their sexual aggressors. Amnesty International considers the involvement of the judicial system in cases such as this to be unwarranted. As shown in this case, judicial involvement also causes unacceptable delays in decisions about abortions. For example, the girl in this case is now 23 weeks pregnant.

In another similar case, also in March, a judge from the Chubut Supreme Court ruled that a girl ("A.G.") could have an abortion, overturning the decision of a lower court judge, upheld at appeal. A.G has now had an abortion

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Expressing concern that a 15-year-old survivor of rape was denied an abortion by the Comodoro Rivadavia Second Family Court on 12 March and noting that Amnesty International considers the denial of safe, legal abortion in rape cases to be a violation of human rights
- Urging the provincial health authorities to provide the health care, including abortion and psychosocial care, needed by the girl in this case, in line with her wishes.
- Urging federal health authorities, in conjunction with provincial health authorities, to implement without delay protocols that provide guidance to health workers on the provision of legal abortion.

PLEASE SEND APPEALS BEFORE 26 APRIL 2010 TO:

Dr Ignacio Hernández
 Secretario de Salud
 Secretaría de Salud de Chubut
 Moreno 555, Rawson
 Chubut
 Argentina
 Fax: 00 54 29 6548 3055

Dr Juan Luis Manzar
 Ministro de Salud
 Av. 9 de Julio 1925
 Cdad. Aut. de Buenos Aires
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 Fax: 00 54 11 4381 6075
 Email: consultas@msal.gov.ar

And copies to:

Dra. Cristina Fernández
 Presidenta de la Nación
 Dirección de Documentación
 Presidencial
 Balcarce 24
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 C.P. 1064
 Fax: 00 54 11 4344 3700

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. UA: 65/10 Index: AMR 13/002/2010 Issue Date: 15 March

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