

URGENT ACTION

RAPE SURVIVOR DENIED ABORTION IN ARGENTINA

A woman who was raped and impregnated after spending months of captivity in a brothel has been denied a legal abortion by a judge.

On 9 October, the hospital authorities cancelled an abortion of a 32 -year-old woman at the Hospital Ramos Mejia in Buenos Aires city, Argentina. The judge ruled that the abortion could not take place on the basis of an appeal (*recurso de amparo*) filed by a Catholic organisation, demanding that the intervention be denied. The appeal was made possible by the unauthorised release of confidential medical and patient information by the Governor of Buenos Aires (*Jefe de gobierno*), Mauricio Macri, who on Wednesday last week publicly revealed the date and the place of the upcoming abortion, as well as some personal information about the woman. The decision has been appealed and in the meantime the woman has not been granted access to a safe abortion.

In March 2012, the Argentinean Supreme Court issued a decision that clearly establishes that any rape victim must have access to safe abortion if she chooses, and that a judicial order is not required for health professionals to carry out the abortion. The decision of the judge in the current case is contrary to that ruling and it amounts to torture and cruel, inhuman and degrading treatment.

The woman is currently nine weeks pregnant. According to press reports, she is a victim of trafficking who managed to escape from her captivity before she requested the abortion and she reportedly has been receiving threats from the gangs (*mafiosos*) that kept her captive. Two weeks ago, the Parliament in Buenos Aires passed legislation to allow legal abortions (*abortos no punibles*) for rape victims and in cases where carrying the pregnancy to term would place the mother's life at risks. However the Governor of Buenos Aires announced his veto to the law claiming it goes above and beyond the Supreme Court ruling.

Please write immediately in Spanish or your own language:

- Urging the Buenos Aires authorities to provide all necessary health care, including abortion and psychosocial care, requested by the woman,;
- Expressing concerns about the threats against the woman and urging the authorities to guarantee her safety; and take the necessary measures to stop women trafficking in the country;
- Urging the authorities of Buenos Aires to ensure access to safe abortions and to implement without delay protocols that provide guidance to health workers on the provision of legal abortion;
- Expressing concern about the unauthorised release of confidential medical and patient information by the Buenos Aires Governor, which may well contribute to endanger the safety of the woman.

PLEASE SEND APPEALS BEFORE 22 NOVEMBER 2012 TO:

Governor of Buenos Aires

Mauricio Macri, Jefe de Gobierno
Av. De Mayo 525 Piso 1º, Ciudad
Autónoma de Buenos Aires, CP
Fax: + 595 11 43 43 40 73
E-mail: mmacri@buenosaires.gov.ar
Salutation: Dear Governor/Estimado
Jefe de Gobierno

Ministry of Health in Buenos Aires

Ministra Sra.G raciela Reybaud
de Salud de la Ciudad de Buenos Aires
Carlos Pellegrini 311
E-mail: greybaud@buenosaires.gob.ar
Salutation: Dear Ministry of Health/
Estimada Ministra

Ministry of Health

Dr. Juan Luis Manzar
Ministro de Salud
Av. 9 de Julio 1925
Cdad. Aut. de Buenos Aires
C1073ABA
Fax: + 00 54 11 4381 6075
E-mail: consultas@msal.gov.ar
Salutation: Dear Ministry/Estimado
Ministro

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

According to Article 86 of the Argentina Criminal Code, women and girls for whom pregnancy poses a mental or physical health risk, or whose pregnancy is the result of rape, are entitled to a legal abortion. Although in force since 1921, its inconsistent interpretation results in discretionary application of the Criminal Code by judges and health service providers. This in turn had limited the access to legal abortion for women and girls. However, on 13 March 2012, the Supreme Court clarified the content of Article 86, establishing that any victim of rape should have access to safe abortion, and that a judicial order is not required for health professionals to carry out this treatment.

Several treaty bodies – including the Committee on the Elimination of All Forms of Discrimination against Women, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights – have called on Argentina to review and modify its abortion legislation to ensure that women do not need to undertake unsafe abortions, which may put their lives at risk.

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. Judicial involvement causes unacceptable delays in access to abortion.

Name: 35-year-old woman

Gender m/f: f

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