

Ref.: TG AMR 13/04/2004

Sr. Jorge Obeid
Governor of the Province of Santa Fe
Casa de Gobierno
3 de Febrero 2649, 1er. Piso
3000 Santa Fe
Argentina

London, 6 February 2004

Dear Governor

Amnesty International is writing to you to express concern at the death in Rosario, in the Province of Santa Fe, of Sandra Cabrera, a mother of two minors, a sex worker and Secretary General of the *Asociación de Mujeres Meretrices de Argentina* (AMMAR) Association of Women Prostitutes of Argentina, in January.

According to information we have received, Sandra Cabrera's body was found on the morning of 27 January 2004, with a bullet wound to the head, which was reported to be the cause of death. Amnesty International is extremely concerned that, according to information published in the Argentine media and disseminated internationally by Argentine human rights non-governmental organisations, Sandra Cabrera had received and reported constant threats of physical violence against her and her eight-year-old daughter in previous months. Information from various sources indicates that these threats were directly related to her continuing work in defence of the human rights of the female sex workers of Rosario.

Sandra Cabrera had complained publicly, and to the provincial authorities, about the continuous harassment of female sex workers and extortion on the part of members of the provincial police force, providing dates and the names of those responsible. As you are no doubt aware, in December 2003 Sandra Cabrera was subjected to a beating in her home by unidentified individuals, while the police protection she had finally been granted was outside her front door. Our information is that on Friday, 23 January 2004, Sandra Cabrera had accompanied one of her friends, Stella Maris Longoni, and confirmed the latest complaint before the Rosario Prosecutor's Office against members of the *Departamento de Moralidad* (vice squad) for extortion and harassment.

Amnesty International understands that an investigation has been launched into Sandra Cabrera's death and the circumstances surrounding it. The organisation trusts that the investigation will be exhaustive and independent, that its results will be made public and that the perpetrators will be brought to justice. Amnesty International would be grateful for information concerning the terms of reference of this investigation and any progress that has been made.

Amnesty International is extremely concerned that the repeated complaints that Sandra Cabrera is said to have made to the provincial authorities do not appear to have given rise to an independent and exhaustive investigation of the threats and harassment of which she complained. The organisation would be grateful for information from the authorities concerning the investigations that have been undertaken and their outcome.

It is also a matter of concern to the organisation that, according to the allegations, police officials cooperated in this intimidation, promoting prostitution, taking money from the female sex workers and threatening to detain them for contravening provincial legislation relating to the *Código de Faltas* Provincial By-laws of the Province of Santa Fe, which prohibits and penalises prostitution. Amnesty International believes that this type of legislation facilitates the violation of human rights by law enforcement officers and seriously limits the guarantees that the law is obliged to afford all detainees in accordance with the United Nations Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment.

The organisation is further concerned by the fact that the authorities do not appear to have taken any steps to guarantee the basic rights of sex workers, bearing in mind the vulnerability, marginalisation and acknowledged lack of protection of this sector of the population. The nature of their work and the humble origins of the majority of these women could constitute an obstacle to their taking a claim to the courts, an obstacle which the authorities are under an obligation to remove by implementing international standards relating to the protection of women's rights. According to these standards, the authorities must act with due diligence to prevent, investigate and punish violence against women. Amnesty International would be pleased to receive information on the measures taken in this respect by the provincial authorities, and expresses its thanks in advance for the provision of such information.

Amnesty International takes it upon itself to remind the authorities that the United Nations Convention on the Elimination of All Forms of Discrimination against Women, to which Argentina is a State Party, establishes in its Article 6 that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Point 9 of General Recommendation No. 19 made by the United Nations Committee on the Elimination of Discrimination Against Women calls on States Parties to take all appropriate measures to eliminate discrimination against women and stresses that States Parties may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and do not provide due compensation.

Similarly, the Organization of American States' Inter-American Convention on the prevention, punishment and eradication of violence against women, approved in June 1994 in Belém do Pará, Brazil, known as the "Belém do Pará Convention", to which Argentina is a State Party, states in its Article 2.b that: "Violence against women shall be understood to include physical, sexual and psychological violence that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment ...". The right to life, liberty and security, not to be subjected to torture and the right to equal protection before the law are clearly enshrined in Article 4.a., c, d and f of the same Convention. In addition, article 7 of the Convention establishes that "The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence", including acting with "due diligence to prevent, investigate and impose penalties for violence against women" and establishing "the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies". Amnesty International would like to have the details, terms of reference and progress made in those cases where investigations are under way.

Amnesty International thanks the authorities in advance for information relating to the concerns expressed in this communication. We are also sending a copy of this letter to the Minister of Government of the Province of Santa Fe, Sr. Alberto Gianceschi.

In view of the fact that it is the responsibility of the federal authorities to ensure compliance with international standards, Amnesty International is sending a copy of this letter to the Minister for Justice, Security and Human Rights, Dr. Gustavo Osvaldo Beliz, to the national Minister for External

Relations, Sr. Rafael Bielsa and to the national Secretary for Human Rights, Sr. Eduardo Luis Duhalde.

Amnesty International would also like to inform you that it has decided to publish the text of this communication.

Yours faithfully

Guadalupe Marengo
Acting Regional Director
America Regional Program