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ARGENTINA: Safe abortion for young victims of rape

Two international human rights organizations, Amnesty International and Human Rights Watch, today urged the Argentine authorities to allow two 15-year-old rape victims access to safe abortions. Both claim to have been raped by their stepfathers, and have requested terminations in Chubut Province in the south of the country. This request has been denied them. "To deny an abortion to a rape victim is inhuman," stressed the two human rights organizations.

"As long as the State continues to refuse to provide proper regulations governing access to non-punishable abortions, women and girls will continue to suffer, with cases that do not require legal authorisation being considered in courts of law," said Marianne Mollmann, Advocacy Director for the Women's Rights Division of Human Rights Watch.

According to Argentina's Criminal Code, abortion is legal if the woman's life or health are in danger. However, in rape cases, despite numerous recommendations from the UN's human rights bodies and other organizations, Argentine legislation continues to permit a lack of clarity that is detrimental to the lives and health of women and girls who are the victims of rape.

"To deny a safe abortion in rape cases is a serious violation of human rights," stated Guadalupe Marengo, Deputy Director of Amnesty International's Americas Program. "Lack of access to a safe abortion represents a double punishment for women and girls who have suffered rape. For a health professional to request the court's intervention through fear of criminal sanction is absurd in these circumstances and leads to unacceptable delays," continued Guadalupe Marengo.

One of the girls, whose case is currently before the Chubut Supreme Court, had to wait a month before the Judge of the Court of the First Instance took the decision to reject her request for an abortion. There is a medical report that clearly states that her health and life will be at risk if a termination is not conducted. With the case now before the Supreme Court, the young girl is already in her 20th week of pregnancy. In the second case in Chubut, a formal refusal on the part of the regional hospital's medical authorities to carry out a termination shows that the legality of abortion is, in some cases, incomprehensible, in others not being followed and, in others, simply leading to fear among medical staff through confusion.

"Neither of these cases should have gone to court: the law clearly permits doctors to assess the potential threat to a rape victim's health, both psychosocial and physical, and, if there is a danger, to conduct a termination of the pregnancy without any comeback," insisted the two representatives.

"Today, on International Women's Day, we are calling on the Argentine authorities to clearly commit to ensuring that a woman's right to take free and responsible decisions over her sexual and reproductive health becomes a reality," concluded Amnesty International and Human Rights Watch. "The Argentine state must

ensure that health professionals are able to carry out a non-punishable abortion, when this is what the woman wishes, without fear of criminal reprisals, as stipulated by international human rights standards in this regard,” emphasised Marianne Mollmann from Human Rights Watch and Guadalupe Marengo from Amnesty International.