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Peruvian Government Publicly Recognises Human Rights Violations Against Rape Survivor As Part of Landmark U.N. Abortion Case

Peru's Minister of Justice, Aldo Alejandro Vásquez Ríos, on March 29th publicly acknowledged the human rights violations suffered by L.C., a teenage rape survivor who was not only denied an abortion but also denied emergency surgery on her spine while pregnant, leaving her seriously disabled for life.

Several men in L.C.'s neighbourhood repeatedly raped her over the course of four years. In 2007, when she was 13 years old, she became pregnant. Desperate, she attempted suicide by jumping off a roof and suffered a severe spinal injury that required immediate surgery. Abortion when a woman's life or health is at risk is permitted under Peruvian law, but the doctor who was capable of the surgery refused to operate because it would put the pregnancy at risk.

L.C. eventually miscarried because of the severity of her injuries. The surgery, delayed for four months, was too late to prevent paraplegia.

The Center for Reproductive Rights and the Peruvian NGO Promsex took L.C.'s case to the U.N. Committee on the Elimination of Discrimination against Women (CEDAW). In 2011 the Committee condemned Peru for violating L.C.'s human rights.

“What happened to L.C. is a travesty. Requiring a woman to carry a pregnancy to term when the pregnancy threatens her physical and mental health constitutes discrimination because it prioritizes her reproductive capacity over her health” said Susana Chávez, Director of Promsex. *“As a medical procedure sought only by women, the denial of a timely abortion constitutes discrimination”*.

CEDAW recommended that Peru amend its law to allow abortion in cases of sexual abuse or rape; ensure the availability of those abortion services; and guarantee access to abortion services when a woman's life or health is in danger—circumstances under which abortion is already legal in the country.

The Committee also recommended Peru takes steps to increase awareness about reproductive rights in all health care facilities.

This was the second decision by a UN human rights treaty monitoring body in recent years that has focused on the denial of access to legal abortion. In 2005 the UN Human Rights Committee ruled that Peru had violated the right to be free from cruel, inhuman and degrading treatment when a 17-year-old woman, K.L., was refused a therapeutic abortion at 14 weeks of pregnancy following a diagnosis of anencephaly, a fatal fetal anomaly. She was forced to carry the pregnancy to term and breastfeed the baby until it died four days later.

The ruling was one of the first precedents recognising that the denial of access to legal and safe abortion violates women's human rights and K.L. was granted [reparations](#) by the Government of Peru in January 2016.

Since the L.C. and K.L. rulings, the Peruvian government has adopted national guidelines for providing safe abortion services that provide clarity for physicians and patients. However, in mid-2015, the Peruvian Congressional Commission on Justice and Human Rights refused to table a debate in Congress on making abortion legal on the grounds of rape, in spite of an initiative signed by 64,261 citizens and dozens of organisations calling for it.

In response, a statement from Promsex said:

“We note that 75% of rape victims are minors, the majority of them attacked by someone from their immediate environment. 34% have become pregnant due to this very violence, without the State guaranteeing that they can decide whether to continue the pregnancy, but instead forces them to continue it.”

This week, in response to the government's acknowledgement of human rights violations suffered by L.C., Nancy Northup, President of the Center of Reproductive Rights, said:

“Peru must now take the crucial steps to clarify and implement its safe abortion guidelines and improve access to critical reproductive health services for all women and girls.”

Will Peru now make abortion legal on grounds of rape? The question remains.

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Women's Right to Safe Abortion**

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