



## RamÃ-rez Jacinto, et al. v. Mexico

RamÃ-rez Jacinto v. Mex., Case 161/02, Inter-Am. Commâ€™n H.R., Report No. 21/07, OEA/Ser.L/V/II.130, doc. 22, rev. 1 (2007).

**Country:** Mexico

**Region:** Americas

**Year:** 2007

**Court:** Inter-American Commission on Human Rights

**Health Topics:** Child and adolescent health, Health care and health services, Sexual and reproductive health, Violence

**Human Rights:** Freedom from discrimination, Freedom of religion, Right to bodily integrity, Right to due process/fair trial, Right to health, Right to liberty and security of person, Right to privacy

### Facts

Paulina del Carmen RamÃ-rez Jacinto, a minor child, filed a complaint against the United Mexican States for violating her human rights of when she allegedly became pregnant as a result of a rape when she was fourteen years old and was prevented by the state authorities from exercising her right to terminate that pregnancy as provided for in Mexican law.

Even though abortion in Mexico was legal in situations of rape, Paulina and her mother faced several obstacles in their attempts to abort the pregnancy, including showings of violent videos of abortion procedures and graphic descriptions of the possible adverse health consequences of abortion, including possible death.

The complaint claims that the Mexican State is responsible for violating the rights protected by Articles 1 (State's obligation to respect rights), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 12 (Freedom of Conscience and Religion), 19 (Rights of the Child), and 25 (Right to Judicial Protection) of the American Convention on Human Rights, the rights protected by Articles 1 (definition of violence against women), 2 (definition of violence against women), 4 (right to the recognition, enjoyment, exercise and protection of all human rights and freedoms), 7 (state obligations to eradicate violence against women), and 9 (vulnerability of women) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, the right protected by Article 10 (right to health) of the Additional Protocol to the American Convention in the Area of Economic, Social, and Cultural Rights, the rights protected by Articles 9 (right to liberty and security of person), 17 (right to private and family life), and 24 (rights of the child) of the International Covenant on Civil and Political Rights, the rights protected by Articles 3 (right to life, liberty and security of person) and 12 (right to private and family life) of the Universal Declaration of Human Rights, the right protected in Article 12 (right to health) of the Convention on the Elimination of All Forms of Discrimination against Women, and the rights protected in Articles 19 (State's obligation to protect children), 37 (freedom from torture or other cruel, inhuman or degrading treatment or punishment; right to due process; right to human dignity), and 39 (State's obligation to promote physical and psychological recovery and social reintegration of a child) of the Convention on the Rights of the Child. On March 8, 2006, during the IACHR's 124th regular session, the Mexican State and the petitioners signed a friendly settlement agreement.

### Decision and Reasoning

Parties signed a friendly settlement on March 8, 2006 with both parties acknowledging that victims of sexual violence are entitled to the recognition, enjoyment, exercise, and protection of all their human rights, including the civil, political, economic, social, and cultural rights enshrined in regional and international human rights instruments.

The settlement agreement reached included proposals for legislative reform through Congress, health sector reforms through the Health Secretariat and some training programs to be conducted by petitions.

### Decision Excerpts

14. The petitioners claim that Paulina del Carmen RamÃ-rez Jacinto's case is indicative of those of a countless number of girls and women forced into motherhood after being raped and after being prevented by state authorities from exercising a legitimate right enshrined in Mexican law. In addition, since the nation's laws lack regulations that allow rape victims to exercise their right to an abortion, they are compelled to carry

to term pregnancies imposed on them by force that, among underage mothers, are characterized by high levels of risk.

15. The petitioners report that there are remedies that may be used to declare the criminal liability of rapists or the administrative responsibility of the authorities involved in this case. However, they hold that these mechanisms do not represent a suitable and effective remedy for such cases, since they cannot remedy the absence of regulations establishing a procedure for exercising the right to terminate a pregnancy caused by an act of rape.

19. The Convention of Belém do Pará states that the victims of sexual violence are entitled to the recognition, enjoyment, exercise, and protection of all their human rights, including the civil, political, economic, social, and cultural rights enshrined in regional and international human rights instruments. The Commission also underscores that women cannot fully enjoy their human rights without having a timely access to comprehensive health care services, and to information and education in this sphere. The IACHR also notes that the health of sexual violence victims should be treated as a priority in legislative initiatives and in the health policies and programs of Member States.

26. Without prejudice to the previous paragraph, the IACHR underscores the importance of the adoption, by the member states, of criminal, civil, or administrative measures in order to ensure that incidents such as the one described in this case are duly sanctioned and do not enjoy impunity. The IACHR has repeatedly stated that de jure and de facto access to suitable and effective judicial remedies is indispensable for the protection of all the rights of women, as is states' compliance with their obligation of acting with due diligence when violations of their human rights occur.

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