

The case of Camila, an indigenous girl who was sexually assaulted and had to face a forced pregnancy, reaches the UN Committee on the Rights of the Child

This is the first time that a case regarding sexual assault to a Peruvian girl is presented to this international body, with the support of Promsex.

The Peruvian State has already been sanctioned on two previous occasions in other UN Committees for refusing to provide information and access to therapeutic abortion to two girls who requested it.

Camila lived in a rural area of Peru with her father, a field worker, and her mother, a Quechua-speaking person with a severe disability. When she was thirteen years old, her father sexually assaulted her and she became pregnant. Camila revealed to the police that her father had been raping her for at least four years. The Prosecutor's Office ordered the preliminary detention of her attacker, and in May 2019 he was sentenced to life imprisonment.

In 2019, the Ministry of Health (MINSA) registered 1303 births to mothers under the age of 15. Girls between the ages of 10 and 14 are four times more likely to die during childbirth than an adult woman (SIS). A regional study conducted by Planned Parenthood Global indicated that 24% of girls between the ages of 9 and 14 years who went through a forced pregnancy had complications around the moment of childbirth, such as hemorrhages and infections.

Unjustified Persecution

Worried about Camila's health, her mother requested the voluntary termination of pregnancy. A therapeutic abortion is a legal medical procedure in Peru since 1924, and it's applied in cases in which the life or health of the pregnant woman is at risk. In accordance with the guide that establishes health care guidelines for these cases, they should have received a response within six days at most. However, the hospital never informed her that she had the right to terminate her pregnancy and, even worse, it never responded to the request. It even conditioned the service upon the submission of a medical report and an ultrasound, tests that should have been administered in the same hospital. At 13 weeks of gestation, after severe pain, Camila had a miscarriage.

Days later, a nurse from the health center of the town where she lived went to visit her at her home on several occasions, accompanied by a police officer, to force her to continue her prenatal checkups. This increased the social pressure on Camila, as neighbors from her community asked about what happened, and made demeaning comments about her behavior.

After Camila's miscarriage, the representative from the Office of the Attorney General learned about what happened and, based solely on the interview with the girl that took place months before, in which she said she did not want to have the child, she decided to file charges against the girl for the crime of "self-abortion", which in the Peruvian legislation has the highest penalty among the cases of abortion. She was considered a "teenage offender" and re-victimizing

proceedings were started. Despite the fact that the aggressor had recognized his responsibility, Camila went from victim to victimizer, and she was the one being investigated for violating the criminal law and was persecuted by the justice system.

#JusticiaParaCamila (#JusticeForCamila)

Just like in the case of Camila, thousands of girls who had been raped are forced to carry pregnancies and be mothers, endangering their lives, and their physical, mental and emotional health; thereby compromising their possibilities of a future in which they can grow and achieve their dreams.

“The case of Camila is a pattern of the State. These shortcomings are part of a series of horrible violations suffered not only by Camila. Although Peru has received the recommendation to apply the regulations in the matter of abortion, we expect that the State applies a childhood and interculturality approach, especially for victims of sexual violence. They need an effective, quality and prompt treatment, not criminal persecution, nor more violence,” explained Claudia Castro, lawyer and advisor in Strategic Litigation of Promsex.

Promsex assumed the defense of Camila and started a series of judicial and administrative proceedings that managed to free her from the persecution against her. After exhausting domestic judicial remedies, this case reached the UN Committee on the Rights of the Child thanks to Promsex, Planned Parenthood Global, and with the support from the Center for Reproductive Rights and the movement #NiñasNoMadres (#GirlsNotMothers). Camila seeks justice so no girl, in Peru or Latin America, has to live through this situation again, and for the Peruvian State to assume its responsibility to offer her full redress, comply with the provision of therapeutic abortion, and develop guidelines that guarantee comprehensive health care to girls who become pregnant as a result of sexual violence.

“What happened in the case of Camila is only a sample of how, despite the fact that the State has already been questioned by international bodies in similar cases such as that of L.C., still to this date does not establish adequate judicial and health standards, so that girls are not re-victimized when they are victims of sexual violence and need access to health services that can guarantee their right to adequate health care, in the framework of the Therapeutic Abortion Protocol Health Care Guide. The State still has an outstanding debt with all of them,” indicated Rossina Guerrero, Program Director at Promsex.

Lima, October 12, 2020

#JusticiaParaCamila

For more information about forced pregnancies in girls in Peru, download the brochure “Niñas no madres” [Girls, not mothers]:

<https://promsex.org/wp-content/uploads/2020/07/NIN%CC%83AS-NO-MADRES-2020.pdf>