

URGENT ACTION

DOCTOR PROSECUTED FOR GUARANTEEING LEGAL ABORTION

In December 2020, Argentina finally legalised abortion. Despite this, Miranda Ruiz, a health professional who guaranteed access to legal abortion in the city of Tartagal in Argentina's province of Salta, is being investigated by the criminal prosecutor of that city for the crime of causing an abortion without consent, a crime that she did not commit. The criminalisation of healthcare providers who guarantee access to legal abortions prevents doctors from providing basic care. The investigation against Dr. Miranda Ruiz must be immediately closed: guaranteeing access to abortion under the law is not a crime.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Criminal Prosecutor Gonzalo Ariel Vega,
Distrito Judicial de Tartagal, Salta, Argentina
Email: alcortafigueroa@gmail.com
mcperez@mpublico.gov.ar*

Dear Dr. Gonzalo Ariel Vega

Dr. Miranda Ruiz is being unfairly investigated for the crime of causing an abortion without consent, even though she acted in accordance with the current legal framework regarding access to abortion. The criminal procedures against Miranda Ruiz should not continue as she did not commit any crime but provided health care attention under the law.

The procedure was requested autonomously by an adult patient. An interdisciplinary team at the Hospital verified that the patient was allowed to access a legal abortion. Dr. Ruiz prescribed a self-administered medication, which caused the interruption of the pregnancy while the doctor was not at the Hospital.

The prosecution should refrain from judicializing access to legal abortions and send a clear message to public officials and the justice system that health service providers shall not be prosecuted for doing their job properly and provide the best care options for their patients, in line with best medical practices and their professional ethical responsibilities, and in accordance with the international human rights commitments assumed by the Argentine state.

Criminalizing Dr. Ruiz amounts to harassment and instils fear in the population and in health professionals, which has a direct negative impact on guaranteeing of access to abortion in Argentina.

Best regards,

ADDITIONAL INFORMATION

In December 2020, Argentina legalized abortion on demand in the first 14 weeks of pregnancy, and with no time limitations if the pregnant person's health or life is at risk or in cases of sexual abuse.

In September 2021 the Criminal Prosecutor for Serious Attacks against Persons, launched an investigation against Miranda Ruiz for the alleged crime of abortion without consent, after having guaranteed access to a lawful termination of pregnancy requested by the patient. During the investigation for a crime that she did not commit, Miranda was deprived of her liberty and is still subjected to coercive measures.

Miranda Ruiz is a resident doctor of family and community medicine at the Juan Domingo Perón Hospital in Tartagal, Salta, in the northwest of Argentina. She chose to work there because of her commitment to providing health care to vulnerable communities. At the Hospital, she attends consultations on sexual and reproductive health such as contraception, family planning, and access to abortion.

In that capacity, she provided health care attention to an adult patient who required access to legal abortion. The practice was guaranteed through self-administered medication which culminated in the interruption of pregnancy while Dr. Ruiz was not at the Hospital. The clinical records show that she acted according to the law, supported by an interdisciplinary team and with the approval of the Hospital authorities.

It is a constitutional and legal duty for criminal prosecutors to investigate objectively and to dismiss all the charges when there is no evidence of the commission of a crime.

All governmental branches are obliged to guarantee the implementation of the Law 27.610 on Access to Interruption of Pregnancy. As the Supreme Court established in a paradigmatic case on abortion rights in 2012, states must ensure the "disposition of all medical conditions and health facilities required to perform legal abortions in a quick, accessible and safe manner" and called on the judicial powers of all jurisdictions to refrain from judicializing access to legal abortions.

PREFERRED LANGUAGE TO ADDRESS TARGET: [SPANISH]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [31 March 2022]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Criminal Prosecutor Gonzalo Ariel Vega] (he/him)

LINK TO PREVIOUS UA: n/a

ADDITIONAL TARGETS

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