

**Global Health Watch  
Case Study  
Paulina: Violation of Abortion Rights in Mexico**

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Mexico City, Mexico**

The case of Paulina del Carmen Jacinto Ramírez, a rape survivor, who became pregnant as a result of this crime and was denied her right to a legal abortion, has changed the face of reproductive rights forever in Mexico, acquiring unprecedented public importance. Her case became, after filling headlines for an extended period, a reference point for a large sector of the population. To mention Paulina's name is equal to referring to a violation of fundamental women's human rights; her name is synonymous with injustice. Due to her case, the right to legal abortion for women who become pregnant due to rape has become a topic of public concern. And will continue to be so as long as the legal guidelines that regulate access to the procedure for the numerous women and girls like Paulina suffer this type of abuse are not improved to more clearly and explicitly guarantee access to abortion. Paulina is still seeking justice for herself and her child.

The year 2000 began with the disclosure of the case of thirteen-year old Paulina, a minor from a poor family with few resources, whose request for legal abortion services after becoming pregnant due to rape had been denied by public authorities in her home state of Baja California in 1999. Despite an order from the State Attorney General's Office<sup>1</sup> to Mexicali General Hospital, Paulina did not receive the abortion to which she was legally entitled. During her effort to abort, Paulina was subjected to various abuses that range from psychological torment by alleged Pro-Life representatives who entered her hospital room to show her propaganda, a breach in confidentiality by hospital staff who leaked information about her presence there, undue delay in the process due to hospital authorities' stalling, manipulation and misinformation from doctors about the risks of early abortion.<sup>2</sup> These various tactics effectively scared the family to the point of retracting their request for a legal abortion.

As a result, Paulina gave birth on April 13, 2000, forced into motherhood at age 14.

Alaíde Foppa, a women's rights group from Mexicali, immediately contacted Paulina to offer their help, after reading about the case in a local newspaper in late 1999. They submitted a complaint about the violation of Paulina's right to the Baja California Law Offices for Human Rights and Citizen Protection, whose subsequent favorable recommendation included reparation of damages for Paulina, her child and her family. When the state government did not accept this recommendation, the case was presented to the National Human Rights Commission, who also later issued a favorable recommendation. The Baja California state government never fulfilled either of these

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<sup>1</sup> In an effort to stop Paulina from continuing her request for a legal abortion, and before eventually issuing the authorization, the Baja California Attorney General first personally drove her to see a priest, who informed her that, as a practicing Catholic, she would be excommunicated if she aborted. Paulina continued her request.

<sup>2</sup> The Director of Mexicali General Hospital, Dr. Ávila Iñiguez, told Paulina's mother that if they performed the abortion, her daughter could die or become sterile. In 2004, this same doctor was elected to the local Legislature as a representative of the conservative National Action Party who has close ties to the Catholic church.

recommendations and Paulina and her family began civil and penal cases against the state authorities that violated her rights, which are still pending resolution.

At the same time, with the endorsement of Paulina and her family, reproductive rights advocates, including GIRE, mobilized to raise public awareness and concern for Paulina and spoke out against the abuse of power and prioritization of personal religious beliefs over legal responsibilities by health care providers. The case aroused public support and media coverage, bringing the right to legal abortion for rape survivors and the lack of access into public consciousness more than any other reproductive rights related issue has done.

Meanwhile, at 14, Paulina dropped out of school and now works in the maquila industry in order to support her child.

Throughout Paulina's ordeal, GIRE has worked closely with other reproductive and sexual rights, human rights and legal rights advocates and after the various domestic legal cases were unduly delayed, Alaíde Foppa, other national organizations and Paulina's legal representatives, the New York-based Center for Reproductive Rights (CRR), presented a complaint to the Inter-American Commission on Human Rights in March 2002 that the violation of Paulina's right to a legal abortion violated the Inter-American Convention on Human Rights. Later, in October 2003, GIRE and CRR submitted the case to the same body for ruling on the basis that when public health authorities illegally denied Paulina's right to an abortion, they violated her human rights, her reproductive rights, her right to the highest standard of health and her right to privacy. If accepted, the case will be truly groundbreaking as it will be the first time the Commission, an independent body of the Organization of American States, will consider an abortion rights case from Mexico. However, its significance goes beyond Mexico as Paulina's lawyers from CRR argue that her case is emblematic for the rest of Latin America because: "It reflects the human rights violations of women and the obstacles they face in accessing health care services."

While the international process takes time, often years, CRR with GIRE's support has presented the Mexican government with a proposal for a friendly resolution of Paulina's case which highlights:

1. Monetary compensation for Paulina
2. Free health care services for Paulina and her child
3. Educational grants for Paulina and her child
4. Recognition of state responsibility for the violation of Paulina's rights
5. Modification of state laws and public policies on reproductive health and family planning.

In addition, the Federal Chamber of Deputies has passed an agreement that asks:

1. the National Human Rights Commission to offer follow-up to its recommendation
2. the Inter-American Commission on Human Rights to accept the case
3. the Baja California state government to resolve the pending civil and penal cases against the relevant authorities
4. the local Congress to modify legislation with regard to legal abortion and reproductive health and family planning services.

In summary, at the international level, both the revision and the admission of the case is pending at the Inter-American Commission on Human Rights as well as the possible friendly resolution directly with the Mexican government. At the national level, the civil and

penal cases against the public officials and agreement from the Federal Chamber of Deputies are also in process. Justice must be carried out to try and repair the damage since Paulina's legal right to abortion due to rape, her human rights, her reproductive rights, her right to the highest standard of health and her right to privacy were violated as well as her access to health services impeded.

In addition to the above, the case has been internationally documented in academic journals. Importantly, GIRE's 2000 publication on the case, *Paulina: In the Name of the Law*, was cited by Rebecca Cook and Bernard Dickens in their article, "Human Rights Dynamics of Abortion Law Reform" in *Human Rights Quarterly*, demonstrating the significant emblematic value of this case. And in 2004, GIRE published the booklet, *Paulina: Five Years Later*, where we return to look at the case with the evident conclusion that the Mexican justice system has failed her.

**Paulina's case might be five years old, but the violence and injustice of it continues to strike a chord throughout Mexican society. Five years later, there is still a lack of regulatory procedures allowing women to request legal abortion services and health care providers continue to put their personal and religious beliefs before their legal obligations, which together conspire to deny women their legal right to abortion.**