

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-02/2023 English

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I/A Court H.R. Protecting Rights

ARGENTINA IS RESPONSIBLE FOR OBSTETRIC VIOLENCE AND THE DEATH OF CRISTINA BRÍTEZ ARCE, WHO WAS PREGNANT AT THE TIME OF HER DEATH

San José, Costa Rica, January 18, 2023. In the Judgment in the case of *Brítez Arce et al. v. Argentina* notified today, the Inter-American Court of Human Rights declared Argentina responsible for the violation of Mrs. Cristina Brítez Arce's rights to life, humane treatment and health, and the rights of her son and daughter, Ezequiel Martín and Vanina Verónica Avaro, to humane treatment, a fair trial, family protection, children's rights and judicial protection. The Court also declared the violation of Article 7 of the Convention of Belém do Pará, of July 5, 1996, to the detriment of Mrs. Brítez Arce's children.

Argentina recognized its international responsibility in this case. The Court valued said recognition for constituting a positive contribution to the development of the process, to the validity of the principles that inspire the Convention and to the satisfaction of the victim's needs for reparation.

Consult the official summary of the Judgment [here](#) and the full text of the Judgment [here](#).

Cristina Brítez Arce was 38 years old and more than 40 weeks pregnant at the time of her death. During her pregnancy, she presented several risk factors that were not adequately addressed by the health system. On June 1, 1992, she went to the Ramón Sardá Public Hospital, where an ultrasound was performed that indicated a dead fetus. Consequently, she was hospitalized to undergo an induced labor. She died the same day at 6:00 p.m. due to "non-traumatic cardio-respiratory arrest".

In the Judgment, the Court held that States have the obligation to provide adequate, specialized, and differentiated health services during pregnancy, childbirth, and for a reasonable period after delivery, in order to guarantee the mother's right to health and prevent maternal mortality and morbidity. In turn, the Court pointed out that when a State does not take adequate measures to prevent maternal mortality, it impacts the right to life of those who are pregnant or in the post-partum period.

In addition, the Court ruled on obstetric violence and noted that it is a form of gender-based violence, exercised by those in charge of health care for pregnant persons accessing services during pregnancy, childbirth and post-partum. It is expressed mostly, although not exclusively, in a dehumanizing, disrespectful, abusive or negligent treatment of pregnant women; in withholding of treatment or complete information about their health and the applicable treatments; in forced or coerced medical interventions, and in the tendency to pathologize natural reproductive processes, among other life-threatening expressions in health care during pregnancy, childbirth and post-partum.

Accordingly, the Court found that Mrs. Brítez Arce did not receive the medical treatment that she required as a result of her pregnancy and its risk factors, nor did she have full information

on possible treatment alternatives and their implications. Rather, she was subjected to obstetric violence in circumstances that exposed her to a risk that resulted in her death. Therefore, it found the State responsible for the violation of the rights to life, humane treatment, and health of Mrs. Brítez Arce.

In addition, the Court concluded that Argentina is responsible for the violation of the rights to a fair trial, humane treatment, protection of the family, rights of the child and judicial protection of Mrs. Brítez Arce's children and declared the violation of Article 7 of the Convention of Belém do Pará, as of July 5, 1996, with respect to the children.

Due to the violations declared in the Judgment, the Court ordered various reparation measures: the payment of a sum to Mrs. Brítez Arce's children for psychological and/or psychiatric treatment expenses; the publication of the official summary of the judgment in the official gazette and in a media outlet with wide national circulation and the full judgment on the websites of state authorities. As guarantees of non-repetition, it ordered the State to design a widespread campaign aimed at raising visibility of the rights relating to pregnancy, labor and post-partum, the situations that can constitute cases of obstetric violence, and the right of pregnant persons to receive humane health care. Finally, it ordered the payment of compensation for pecuniary and non-pecuniary damages and the payment of costs and expenses.

The Court's composition for issuance of this Judgment was as follows: Ricardo C. Pérez Manrique, President (Uruguay), Humberto Antonio Sierra Porto, Vice President (Colombia), Eduardo Ferrer Mac-Gregor Poisot (Mexico), Nancy Hernandez Lopez (Costa Rica), Patricia Pérez Goldberg (Chile) and Rodrigo Mudrovitsch (Brazil). Judge Verónica Gómez, an Argentine national, did not participate in the processing of this case or in the deliberation and signing of this judgment, in accordance with the provisions of Articles 19(1) and 19(2) of the Court's Rules of Procedure.

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