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Nicaragua abortion law puts pregnant cancer victim at risk

Amnesty International today called on the Nicaraguan authorities to provide cancer treatment to a pregnant woman that is currently being withheld because of a law that bans abortion in all circumstances.

Amalia (not her real name), 27, is 10 weeks pregnant and was diagnosed, on 2 February, with cancer which may have already spread to her brain, lungs and breasts.

The Nicaraguan authorities are impeding doctors from providing cancer treatment to her while she is pregnant because medical staff could face prosecution if they cause harm to the foetus during her treatment, even if the harm is caused unintentionally.

“It is shocking that Nicaragua would deny a cancer patient potentially life saving treatment because she is pregnant,” said Esther Major, Central America Researcher at Amnesty International.

“Amalia’s situation reveals the impact of this law and demonstrates the urgent need to repeal this draconian ban which prevents the delivery of timely care and impedes sound medical judgment,” said Esther Major, “Each day is critical for Amalia’s chances of survival and the Nicaraguan authorities must take immediate steps to provide her the full range of health care appropriate to treat her cancer.”

Doctors treating Amalia have refused to use radiotherapy and chemotherapy because they fear prosecution.

Amalia is also the sole carer of her 10-year-old daughter. In December 2009 Amalia sought treatment in a local clinic for breathing problems, fever, nausea and fainting. She was referred to a hospital for tests, where she has been hospitalised since 2 February. Her doctors said she required urgent chemotherapy and radiotherapy treatment but have not initiated any of these treatments because of fear of unintentional harm to the foetus.

“Nicaragua’s ban of therapeutic abortions is a human rights scandal that ridicules medical science and turns the law into a weapon against the provision of essential medical care to pregnant women and girls,” said Esther Major.

In 2006, prior to the ban on abortion introduced, 21 Nicaraguan medical associations from across the spectrum of medical disciplines issued a joint public statement against the proposed total ban on abortion, with an explicit warning that health professionals’ ability to provide health care and practice their profession would be limited if the prohibition was passed.

On 18 February Nicaraguan NGOs and the largest professional gynaecological association in Nicaragua asked the Inter-American Commission on Human Rights to request "special measures," which would require

the government to fulfil its legal obligations to protect Amalia's right to life and health and ensure she is immediately provided with treatment which could save, or at least prolong, her life.

"Nicaragua's total ban on abortion is unlawful and the Nicaraguan government has also ignored the calls for the law criminalising abortion to be repealed by four United Nations expert treaty bodies, including the Committee Against Torture", said Esther Major

Two weeks ago 11 member states of the United Nations called on Nicaragua to amend its laws on abortion, due to the rise in maternal deaths and rape victims who are being compelled to carry pregnancies to term since the laws' introduction.

"A legal challenge to the constitutional basis for the law has also been before the constitutional section of the Supreme Court for over year," said Esther Major.

"Amnesty International is appalled at the Nicaraguan government's refusal to respond to the pleas to change this cruel law."

For a copy of Amnesty International's report on the consequences of the full ban on abortion in Nicaragua, please see: <http://www.amnesty.org/library/info/AMR43/001/2009/en>