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DEFENDING WOMEN'S RIGHT TO LIFE AND HEALTH

WOMEN HUMAN RIGHTS
DEFENDERS IN NICARAGUA

HUMAN RIGHTS
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NINE WOMEN HUMAN RIGHTS DEFENDERS ARE FACING LEGAL PROCEEDINGS IN NICARAGUA. THEIR ACCUSERS CLAIM THAT BY CAMPAIGNING FOR WOMEN'S RIGHT TO ACCESS SAFE AND EFFECTIVE SEXUAL AND REPRODUCTIVE HEALTH SERVICES THEY HAVE COMMITTED A CRIME.

Nine women human rights defenders are facing legal proceedings for their involvement in the case of a nine-year-old Nicaraguan girl who was raped and made pregnant in 2003 and who obtained a legal abortion in Nicaragua.

The complaint was brought in October 2007 by a Church-backed non-governmental organization, the Nicaraguan Association for Human Rights (Asociación Nicaragüense Pro-Derechos Humanos, ANPDH). The nine women named in the complaint are Ana María Pizarro (doctor), Juanita Jiménez (lawyer), Lorna Norori (psychologist), Luisa Molina Arguello (sociologist), Martha María Blandón (psychologist), Martha Munguía (sociologist), Mayra Sirias (teacher), Violeta Delgado (project manager) and Yamileth Mejía (psychologist).

All nine women are well-known women's rights defenders, working with a variety of

non-governmental organizations. They have extensive combined experience in the promotion of sexual health issues and women's rights; work with survivors of domestic violence and sexual abuse; and the promotion of children and young people's rights.

Amnesty International fears that the complaint against the nine women has been brought solely because of their human rights work and the campaigning activities they have carried out to ensure the right of women and girls to access safe and effective sexual and reproductive health services. The organizations to which they belong have defended legal access to abortion services in cases where the pregnancy is a result of rape or where continuing with a pregnancy would threaten a woman's life or physical or mental health.

POLITICAL CONTEXT

Abortion services for women whose pregnancies put their lives or health in danger, or whose pregnancies are a result of rape (known as "therapeutic abortions" in Nicaragua), had been available in Nicaragua for over 100 years. However, for reasons that have not been clearly justified, the three main presidential candidates proposed an absolute ban on abortion in the lead up to the November 2006 elections. As momentum in favour of the ban grew, a bill was put before the National Assembly in October 2006.

At the end of October 2006, the Nicaraguan National Assembly voted to criminalize all forms of abortion.



It is reported that some members of the Assembly were put under pressure to vote in favour of the ban. In the months following the decision, anti-abortion propaganda with graphic images of mutilated foetuses was circulated on the internet, portraying members of women's organizations as murderers. Leaflets were inserted into the main daily newspapers showing masked doctors alongside images of skeletons and witches. The leaflets made defamatory allegations and carried spurious claims that doctors in favour of "therapeutic abortion" were liars who spread misinformation about the ban and whose only interest was financial gain.

THE COMPLAINT

The ANPDH allegations refer to the complaint of a nine-year-old Nicaraguan girl known as Rosita, who was raped and made pregnant in Costa Rica in 2003. Members of the Nicaraguan women's movement arranged for Rosita and her family to cross the border from Costa Rica into Nicaragua, where an abortion could legally be carried out at that time.

Ten years after the adoption of the UN Declaration on **Human Rights Defenders**, they continue to face restrictions on their work, harassment, intimidation and abuse. Yet despite the risks and challenges, human rights defenders continue to make a real difference to the lives of individuals around the world.

Human rights defenders strive to close the gap between the promise of justice and equality in dignity and rights set out in the Universal Declaration of Human Rights (UDHR) and the reality of continuing human rights abuses today. Their work is vital for the realization of human rights for all.



The Declaration on Human Rights

Defenders was adopted by the UN General Assembly on 9 December 1998. The term “human rights defender” is used to describe people who act in many different ways and in different capacities to protect and promote human rights.

Some defenders work against particular abuses, such as torture or forced eviction. Others work for the rights of specific groups or sectors of the population facing discrimination and disadvantage, such as Indigenous People, ethnic or religious minorities, rural women, street children, or lesbian, gay, bisexual and transgender people.

For all their diversity, human rights defenders whoever they are and whatever they do have several characteristics in common. They all uphold the fundamental principle of universality – that all human beings are equal in dignity and rights, regardless of gender, race, ethnicity, or any other status. All are committed to respecting the rights and freedoms of others in their own actions.

In August 2007, newspapers reported that Rosita had become pregnant a second time at the age of 11, and had given birth. The man accused of raping her and causing both pregnancies was revealed to be her stepfather. He was convicted of rape in November 2007 and sentenced to 30 years in prison.

Rosita’s abortion in Nicaragua was authorized by a commission of doctors, convened by the Ministry of Health, who stated that the final decision should rest with Rosita’s family. The National Human Rights Ombudsman supported the decision to go ahead with the abortion. A 2003 investigation by the Public Prosecutor’s Office into the provision of the abortion found that no crime had been committed. Those who authorized the abortion and supported Rosita in obtaining it did so believing they were saving her life.

Despite the many professionals and officials involved in Rosita’s case, the legal complaint focuses only on the women human rights defenders. Many believe this

Above: Demonstrators march in support of the nine women human rights defenders, Managua, 16 July 2008.

Cover image: Nicaraguan women take part in a vigil in favour of therapeutic abortion, Managua, 28 September 2006.



9 DECEMBER 2008 MARKS THE 10TH ANNIVERSARY OF THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS. IT IS AN OPPORTUNITY TO PUBLICLY ACKNOWLEDGE THE LEGITIMATE WORK OF HUMAN RIGHTS DEFENDERS AND TAKE ACTION TO SUPPORT AND PROTECT THEM.

is because the complaint is motivated by opposition to the women's views on women's rights and their activism.

Not only does the complaint allege the women are guilty of the crime of concealment of rape and crimes against the administration of justice in relation to the Rosita case; it also alleges that by expressing their opinions and organizing demonstrations in favour of access to "therapeutic abortions", the nine women

are guilty crimes of conspiracy to commit a crime; incitement to commit a crime; and public defence of a crime.

The current status of this complaint is unclear. Under Nicaraguan law, the Public Prosecutor's Office has three months in complex cases to formally declare whether to keep the complaint open or to close it for lack of evidence. One year since the complaint was presented, no declaration has yet been made, leaving the authorities



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in breach of their own legal code and the nine human rights defenders in uncertain legal limbo.

TAKE ACTION NOW

Please write to the Nicaraguan authorities:

- Underlining the importance of the role that women's organizations have played in Nicaragua in improving access to more effective sexual health care services, raising awareness of sexual health issues and HIV/AIDS, combating domestic violence, working with survivors of sexual abuse and promoting women's rights;
- Expressing concern that the apparently baseless complaint against Ana María Pizarro, Juanita Jiménez, Lorna Norori, Luisa Molina Arguello,

Martha María Blandón, Martha Munguía, Mayra Sirias, Violeta Delgado and Yamileth Mejía appears to remain open, and asking the Public Prosecutor's Office to either close the complaint or bring charges in accordance with international fair trials standards;

- Reminding the authorities that they should recognize the legitimacy of the activities of human rights defenders and their right to carry out their activities without obstacles or fear of reprisals, as set out in the UN Declaration on Human Rights Defenders.

Please send letters to:

President of Nicaragua:
Daniel Ortega Saavedra
Presidente de la República de Nicaragua
Reparto El Carmen
Costado Oeste del Parque El Carmen
Managua, Nicaragua
Fax: 505 266 3102
Salutation: Dear President / Estimado Sr. Presidente

Attorney General:
Dr. Julio Centeno Gómez
Fiscal General de la República de Nicaragua
Ministerio Público
Km 4 y 1/2 Carretera a
Masaya contiguo a Bancentro
Managua, Nicaragua
Fax: +505 255 6832 Salutation: Dear Attorney General / Estimado Sr. Fiscal General

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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