

**AMNESTY INTERNATIONAL
PRESS RELEASE**

AI Index: PRE 01/034/2010
04 February 2010

UN urged to condemn Nicaragua's abortion ban

The United Nations should urge Nicaragua to repeal its ban on abortion following a human rights' review of the country on 8 February, Amnesty International said today.

During the United Nations' Universal Periodic Review, UN members will have the opportunity to raise questions about the country's absolute ban on abortion.

Nicaragua's revised Penal Code, which came into effect in July 2008, stipulates prison sentences for girls and women who seek an abortion and for health professionals who provide health services associated with abortion. The prohibition includes cases where the life of the woman is at risk or when pregnancy is the result of rape or incest.

"Nicaragua's ban on abortion is the result of a shocking and draconian law that is compelling rape and incest victims to carry pregnancies to term and causing a rise in maternal deaths," said Widney Brown, Senior Director of International Law and Policy at Amnesty International. "UN member states should take this opportunity to hold Nicaragua to account for a law that violates women's right to life, health and dignity."

The organization also reiterated its call on the Nicaraguan authorities to decriminalize abortion in all circumstances. Amnesty said Nicaragua should ensure women and girls have access to safe and legal abortion services when an unwanted pregnancy is a result of rape or incest or when it threatens the woman's health or life.

The revised Penal Code introduces criminal sanctions for doctors and nurses who treat a pregnant woman for medical conditions such as cancer or cardiac emergencies where the treatment may cause injury to or death of the embryo or foetus.

Nicaragua's Penal Code is in conflict with the country's Obstetric Rules and Protocols issued by the Ministry of Health. The protocol mandates therapeutic abortions as clinical responses to specific cases.

Amnesty International's researchers have found that in Nicaragua the absolute ban on abortions particularly affects young girls who are victims of rape or incest.

According to a survey of media reports between 2005 and 2007; 1,247 girls were reported in newspapers to have been raped or to have been the victims of incest in Nicaragua. Of these crimes, 198 were reported to have resulted in pregnancy. The overwhelming majority of the girls made pregnant as a result of rape or incest (172 of the 198) were between 10 and 14 years old.

The organization also found an increase in maternal deaths since the introduction of the ban.

In the first 19 weeks of 2009, some 16% of all maternal deaths were as a consequence of unsafe abortion compared to none in the same period in 2008.

Four UN expert committees established by treaties, the Committee against Torture, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women have already condemned this law and urged its revision, but the Nicaraguan government continues to ignore these calls.

“Nicaragua's law criminalizing abortion goes against the advice of four UN treaty bodies and fails to meet its obligations under international human rights laws,” said Widney Brown. “Nicaragua needs to repeal this law immediately and enact laws and policies that promote the rights of women and girls by ensuring their rights to health, life and to be free from violence, coercion and discrimination.”

Nicaragua's ban on abortion is a cause of grave concern in the wider international community. Tens of thousands of Amnesty International activists appalled at the impact of the ban on women's and girl's human rights, have signed petitions and contacted the Nicaraguan authorities to call for the repeal of the law.

The Universal Periodic Review is an opportunity for the UN Human Rights Council to examine the human rights record of all member states. Each country is reviewed every four years with the aim of ensuring states are meeting all of their human rights obligations.

Background Information

Before the law that provides for a complete ban on abortions was changed, therapeutic abortion had been recognized as a legal, legitimate and necessary medical procedure for more than 100 years in Nicaragua. The law was interpreted in practice to permit abortion to be performed when the life or health of the woman or girl was at risk from continuation of pregnancy and, on particular occasions, in cases of pregnancy as a result of rape.

The Inter-American Commissioner for Women's Rights, Victor Abramovich, wrote a letter to the Nicaraguan government prior to the introduction of the complete ban to warn that if such an extreme ban was introduced the Nicaraguan State would be breaching its obligations under the American Convention on Human Rights.

A copy of Amnesty International's submission to the UN Universal Periodic Review on Nicaragua, is available at: www.amnesty.org