

AI Index: PRE 01/287/2009
27 July 2009

Nicaragua: Shocking abortion ban denies life-saving treatment to girls and women

(Mexico City) Nicaragua's total ban on abortions is endangering the lives of girls and women, denying them life-saving treatment, preventing health professionals from practicing effective medicine and contributing to an increase in maternal deaths across the country, concluded Amnesty International in a new report today.

According to official figures, 33 girls and women have died in pregnancy this year as compared to 20 in the same period last year. Amnesty International believes these figures are only a minimum as the government itself has acknowledged that the number of maternal deaths is under-recorded.

The report "The total abortion ban in Nicaragua: Women's lives and health endangered, medical professionals criminalized" is the first Amnesty International study examining the human rights implications of the denial of abortion when the life or health of a woman or girl is at risk, including when she is a victim of rape or incest.

Nicaragua's revised Penal Code stipulates prison sentences for girls and women who seek an abortion and for health professionals who provide health services associated with abortion. Only 3% of the world's countries have such absolute bans in place.

The new Code introduces criminal sanctions for doctors and nurses who treat a pregnant woman or girl for illnesses such as cancer, malaria, HIV/AIDS or cardiac emergencies where such treatment is contraindicated in pregnancy and may cause injury to or death of the embryo or foetus.

It even goes as far as punishing girls and women who have suffered a miscarriage, as in many cases it is impossible to distinguish spontaneous from induced abortions.

This new law is in conflict with the Nicaraguan Obstetric Rules and Protocols issued by the Ministry of Health which mandate therapeutic abortions as clinical responses to specific cases. However, no assurances have been given by the authorities that doctors will not be prosecuted if they respect these Rules.

"Nicaragua's ban of therapeutic abortion is a disgrace. It is a human rights scandal that ridicules medical science and distorts the law into a weapon against the provision of essential medical care to pregnant girls and women," said Kate Gilmore, Amnesty International's Executive Deputy Secretary General at a press conference in Mexico City as she returned from a visit to Nicaragua.

"Nicaragua's Penal Code is a callous and cynical artefact of the political wheeling and dealing that took place in the country's 2006 elections. Today, however, it punishes women and girl children for seeking life saving medical treatment and doctors for providing it."

In Nicaragua, the Amnesty International delegation met with human rights organizations, medical professionals, members of the national assembly and the Minister of Health. Despite repeated requests, the National Assembly's Commission on Women and both President Ortega and his government's Institute for Women refused to meet the organization to discuss the law's impact on girl children, women and victims of rape and incest.

Amnesty International delegates met with young girls who, having been subjected to sexual violence at the hands of close family members or friends, were compelled to carry the resulting pregnancies to term –giving birth in many instances to their own brothers or sisters –because they were denied access to alternatives. It is deeply troubling that there was a recorded rise in pregnant teenagers committing suicide by consuming poison in 2008.

Obstetricians, gynaecologists and family doctors in Nicaragua told Amnesty International that under this Penal Code they can no longer legally provide effective medical treatment for life threatening diseases in pregnant women and girls because of the potential risk to the foetus.

One doctor told Amnesty International that she prays she will not receive a patient with an anencephalic pregnancy (a condition which means the foetus cannot survive) because of the prospect of telling the woman she will be compelled to carry the pregnancy to full term, despite its devastating physiological and psychological impact on the woman.

“There's only one way to describe what we have seen in Nicaragua: sheer horror,” said Kate Gilmore. “Children are being compelled to bear children. Pregnant women are being denied essential including life saving medical care”

“What alternatives is this government offering a 10-year-old pregnant as a result of rape? And to a cancer sufferer who is denied life saving treatment just because she is pregnant, while she has other children waiting at home?” said Kate Gilmore.

“Girls pregnant as a result of incest had the courage to meet with us to speak out against the situation but President Ortega did not. It appears the Nicaraguan authorities could not stand up for the law, would not be accountable for the law nor commit themselves to its urgent repeal.”

Amnesty International is urging the Nicaraguan authorities to:

- Immediately repeal the law that bans all forms of abortion.
- Guarantee safe and accessible abortion services for rape victims and women whose lives or health would be at risk from the continuation of pregnancy.
- Protect the freedom of speech of those who speak out against the law and offer comprehensive support to the women and girls affected by the law.

Amnesty International is also calling on Nicaragua's Supreme Court to issue a decision on the legality and constitutionality of the law as a matter of the utmost urgency.

NOTES TO EDITORS

The launch of the report “The total abortion ban in Nicaragua: Women's lives and health endangered, medical professionals criminalized” is part of Amnesty International's Demand Dignity campaign.

The campaign aims to end the human rights violations that drive and deepen global poverty. It will mobilise people all over the world to demand that governments, big corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights. For more information visit <http://demanddignity.amnesty.org/campaigns-en/>

**A copy of “The total abortion ban in Nicaragua: Women’s lives and health endangered, medical professionals criminalized” is available on
<http://www.amnesty.org/en/library/info/AMR43/001/2009/en>**