

2-27-2003

Nicaragua Refuses Abortion For Raped Child

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

Recommended Citation

LADB Staff. "Nicaragua Refuses Abortion For Raped Child." (2003). <https://digitalrepository.unm.edu/noticen/9060>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Nicaragua Refuses Abortion For Raped Child

by LADB Staff

Category/Department: Nicaragua

Published: 2003-02-27

The parents of a nine-year-old Nicaraguan girl petitioned President Enrique Bolanos to save her life. The child, Rosa, had been raped and was pregnant.

The parents had been trying to get an abortion for the child, but the letter to the president said, "They have closed the doors to the state institutions to us and have constantly threatened us with taking custody of our daughter."

The letter was read to the press by members of the Red de Mujeres Contra la Violencia (RMCV) at their headquarters in Managua. The petition asked Bolanos to intercede with his Health Minister Lucia Salvo, "who has not acted in accordance with her responsibilities to save the life of our daughter." The letter continued, "We also ask you to direct Family Minister Natalia Barillas to stop the persecution, and not increase the fear that we have of government institutions." The letter explained that the parents had tried to go through the legal procedures to get the abortion, which was also the wish of the child. "The child does not want to continue with the pregnancy, and we as parents don't want her to go through something so painful and high-risk that it could cause her death."

The parents, Francisco Fletes and Maria de los Santos Esquivel, are both campesinos who were in Costa Rica with the child picking coffee on a farm. Their daughter was raped as she worked among the coffee plants. At issue was whether the child was entitled to an abortion and who had the right to decide. The parents said in their appeal to Bolanos that they had been "persecuted, threatened, and cornered" in their attempt to get help for Rosa. In its zeal to prevent an abortion from taking place, the Family Ministry (Mifamilia) had requested the Public Ministry (MP) to place a restraining order on the family preventing them from leaving the country. But the ministry refused to act.

Prosecutor Maria del Carmen Solorzano said emphatically that the agency would not participate in any arbitrary violation of the rights of the parents or of the child, and would therefore not seek from any judge an order preventing the parents from leaving the country. Solorzano said that she told the Family Ministry that there had been no crime committed and that the MP could only act if there had been an accusation of a crime. "I made it perfectly clear to them that it was the child who had been the victim of a crime, and what could be done was to assist in the aspect of the investigation that is going on in Costa Rica," Solorzano said emphatically. "I'm not going to authorize any measure and will have nothing to do with an administrative resolution from Mifamilia. We cannot take arbitrary decisions outside the law, and the parents have authority over the child, who is not abandoned nor in a situation of risk, and the state must only intervene when a minor is in a situation of risk."

Attorney General Julio Centeno fully backed his prosecutor. "The Family Ministry has requested that we seek a retention order for the child and her parents," he said, "but we responded that the Public Ministry only acts when a crime exists within the country, that is to say, when there is an

open case, and this family has not committed any crime and we cannot proceed with what they have asked."

With the legal ground crumbling beneath her, Barillas backed off, denying ever having made the request. She said she had only asked that, because of the high risk to the life of the child, she be sent to Velez Paiz hospital until her physical and psychological health stabilize. But the Family Ministry did send the parents a warning to put the child under the agency's custody in order that she be placed in a "program of medical and psychological treatment." The warning contained legal jargon that mentioned the superior interests of the child as grounds for the state's assumption of custody.

A lawyer retained for the parents by RMCV reacted to the Family Ministry's intervention, calling it a "kidnapping." It said, "It is a method of force, a kidnapping disguised as a legal resolution by means of which the child is in fact separated from her parents, with the state assuming, through the Family Ministry, the right to do as it pleases in relation to the future of the child." While the Family Ministry was busy fending off legal challenges to its moral stance, Health Minister Salvo had apparently been busy warning hospitals of the possibility that there might be an attempt to get her an abortion, with the result that the Military Hospital refused to admit her when she was brought there with vomiting and contractions, according to Violeta Delgado of the RMCV.

Said Procurador de la Ninez y la Adolescencia Carlos Emilio Lopez, "This is a violation of the human rights of the child, because she was denied medical attention." Salvo backpedaled: "I don't know about this situation because I thought the child and her parents were in the hospital (Velez Paiz) since Tuesday night, and we have directed the entire public health system to attend to her the moment she arrives. The law does not permit abortion, and morally it is to be condemned. The parents are the first who have to decide what they want for their child; we want to protect the child and her baby and we have offered our health system to give her the attention she needs."

Adding to the confusion of Salvo's garbled statement, an army spokesman denied that the family had ever even come to the Military Hospital. Contrary to Salvo's statement, Nicaragua's Penal Code does permit therapeutic abortion, according to press reports, but this case has polarized public opinion. RMCV said that organizations in Spain, France, Canada, and other countries have offered to bring the family there for medical help. RMCV director Ana Quiros said that the offers were being considered.

In the meantime, Rosa had been taken to a private clinic. There, an abortion was performed. Excommunication for all The following day, Family Ministry spokesperson Margine Quintanilla told a news conference that Barillas was reserving the right to bring a criminal indictment against the perpetrators of the abortion. The auxiliary bishop of Managua, Jorge Solorzano, announced that all those involved in the procedure, from the point of view of the Catholic Church, "were immediately excommunicated." Pro-life activist Rafael Cabrera accused the medical personnel of murder and the RMCV of trying to set a precedent to "liberate abortion." The law treats abortion as a crime, except in the case of a threat to the life of the mother.

Expecting a legal onslaught, RMCV leaders declared themselves ready to confront judicial reprisals from "obscurantist sectors." They said they would defend themselves, the parents, and the child, as

well as the medical personnel who provided the surgery free of charge. RMCV coordinator Violeta Delgado told the press that none of the accusers, neither the pro-lifers, nor the Catholic Church, had taken care of victims of sexual violence as her organization had been doing for over ten years.

Ana Quiroz said, "Those who criticize this abortion do so from an ideological point of view, not from the human perspective, much less legal, since the law permits therapeutic abortion when the life of the mother is at stake." Fletes and Esquivel, the parents, confirmed that state doctors had told them that Rosa's life was threatened by the pregnancy, but offered no alternative. They didn't even treat the child for two sexually transmitted diseases she had contracted from the rape.

While Barillas ponders the prosecutorial option, now tempered by the assertions of the parents that they might have a case of their own against the state for dereliction of responsibility, the Catholic Church stepped into the breach to further fan the flames. In his homily on the Sunday following the abortion, Cardinal Miguel Obando y Bravo (see NotiCen, 2002-06-13) railed at all those involved, confirming their excommunication, likening them to terrorists with a car-bomb, and calling for their punishment. He called the abortion a murder, pointing the finger of judgment even at "legislators who have promoted and approved laws that support abortion."

Following Obando y Bravo's homily, a parishioner stepped to the pulpit to read a document demanding investigations and prosecutions of everyone involved. The unidentified parishioner did not, according to reporters, ask for an investigation or prosecution of the rapist.

-- End --