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## Nicaragua's Total Abortion Ban Condemned As Human Rights Violation

by LADB Staff

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Of the several transmogrifications marking the political career of Nicaragua's President Daniel Ortega, one stands out for its profound and deleterious effects on a very vulnerable sector of the population. Amnesty International (AI) says, "Nicaragua's total ban on abortions (see NotiCen, 2006-11-02) is endangering the lives of girls and women, preventing health professionals from practicing effective medicine, and contributing to an increase in maternal deaths across the country." The AI report quoted official figures showing that 33 girls and women have died so far this year in pregnancy, up from 20 last year, but used the figures to stress that the incidence is underreported and the toll actually goes higher. Framing the situation as a human rights issue, AI notes for reference that abortion is considered essential and legal in 97% of the world's countries in some or all of the circumstances in which: the life of the woman or her health is at serious risk; there is a high probability of fetal impairment; rape or incest precipitated the pregnancy; economic or social impairments apply; there are no restrictions as to reason for abortion. Swimming with the tide The report says that, globally, the trend has been toward broadening the range of permissible circumstances. But in Nicaragua, the ban is total and entirely political, running counter to all medical advice and ethics. Ortega had been in favor of abortion as policy for his whole political life but reversed course, say observers, to get in step with a conservative constituency in the country that could hand him back the presidency. A Council on Hemispheric Affairs (COHA) analysis said the electorate had moved rightward since the last time Ortega was president. The abortion ban fit with other mercurial moves. During his years as president during the contra war, Ortega and Catholic Church leader Cardinal Miguel Obando y Bravo were archrivals for control of the nation. In this new political context, Ortega embraced the church and had a splashy public reconciliation with Obando y Bravo and with the church. As for the abortion ban, the COHA analysis points out that the draconian measure was designed to squeeze out the last possible vote. "In a close election where every vote mattered, Ortega was determined to make whatever policy changes were necessary to increase his prospects of winning the presidency," said COHA. The mercurial Ortega therefore abandoned political commitments of more than 30 years standing that had had women's rights at their core, but he reaped handsome rewards in the form of wide church support that included evangelical groups. A petition in support of the ban gathered 300,000 signatures. The effects of this opportunism have been devastating. Doctors and clinics now turn away women in obstetric emergencies, lest they transgress the law in rendering treatment. Pregnant women, in the midst of their suffering, are subject to penalties as long as eight years in prison along with their doctors. The sentence was originally six years but has been upgraded to eight. Opponents see the two-year increase as far better than the 30 years advocated by some lawmakers. Medical professionals have been moved by these incentives into an "unconscionable" position, says AI. As new professionals come on line, the capacity even to respond to an obstetrical medical emergency is lost. "Now you can't even teach about abortion because it would be dangerous. You need to be very careful because the law says you can be put in jail if someone says you are promoting abortion," said Dr Andres Herrera Rodriguez of the Universidad de Leon. "We need to be able to deal with people who have

been sexually abused. If a woman's life is at risk, you need to do something to make sure she doesn't die. Our back is to the wall, I would say." Part of the context here is that Nicaragua has one of the highest rates of sexual violence in Latin America and of incest by fathers, uncles, and brothers. More than 50% of reported rapes are of girls under 18. Of these, most who get pregnant are under 15 (see NotiCen, 2007-08-23). Anecdotal reports reveal that abortion is still minimally available and that officials have indicated that doctors could abide by their medical code, but the law is chilling nevertheless. Even if some can find their way to a needed abortion, they are not the poor. But for those who can pay for it, it is a harrowing experience. An unidentified woman with an ectopic pregnancy reported, "I talked to a doctor and she indicated that there was a way to do it at home using some medicine. I was between two places my future and the risk of going to jail. But I own my own body."

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