Amnesty International: Nicaragua Failing to Treat Rape Epidemic

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Far from directly confronting its hush-hush epidemic of sexual abuse against children and adolescents, Nicaragua has closed its eyes and ears to the problem even tighter in recent years, the influential human rights group Amnesty International (AI) argues in a recent report.

Because the issue is considered taboo, accurate statistics are impossible to come by. Nevertheless, AI and other rights groups have long suggested that rape—particularly involving pre-adolescent and teenage girls—is a pervasive problem in Nicaragua (NotiCen, Aug. 23, 2007).

Police records show that nearly 14,400 rape cases were reported between 1998 and 2008. More than two-thirds (9,695) involved minors under the age of 17, AI points out in "Listen to their Voice and Act: Stop the Rape and Sexual Abuse of Girls in Nicaragua," a report published in November 2010. A 2008 study by Nicaragua’s Instituto de Medicina Legal reached a similar conclusion, noting that the victim was under 17 in 77% of the rape cases handled that year (295 out of 379).

The real incidence of rape in Nicaragua is assumed to be much higher. Given that relatives and people in a position of power are the most commonly reported perpetrators of sexual violence against girls, many cases are assumed to go unreported. The Nicaraguan organization Movimiento contra el Abuso Sexual estimates that as many as 25% of the country’s girls suffer childhood sexual abuse.

"These statistics are even more alarming if we take into account that in Nicaragua, as in other countries, rape and sexual abuse are underreported crimes, especially when they’re committed against girls and the aggressors are the victims’ own family members," the AI report reads.

"All I could do was cry"

While countless girls and young women suffer the trauma of rape in silence, others speak out only to find that in doing so they face rejection from their families, communities, and even the courts, AI researchers concluded. In preparing its report, AI carried out 130 interviews, including approximately three dozen with female rape victims (aged 10 to 20).

One adolescent interviewed by the rights group told how, starting at age nine, she was raped regularly by her biological father. Authorities were clued into the situation when, at age 14, "Connie" became visibly pregnant. After receiving a visit from police, the victim’s father attempted suicide, dying a few days later in hospital. Connie’s family blamed her for the tragedy.

"All I could do was cry. That was the one thing that kept me going, crying," the victim, now in her late teens, told AI. "Everyone criticized me, saying I was a tramp for sleeping with my father. That I was shameless and wanted to steal my mother’s husband....My brothers said that I’d left them without a father. They still say that, even now. They ran me out of the house. They won’t talk to me."
AI researchers found that victims also face serious obstacles in bringing rape cases to the attention of police and the courts. In some cases, the problem is economic: victims and their families simply do not have the money to pay transportation costs or cover lost work time. There are emotional barriers as well. Often police stations do not have private rooms where victims of sexual assault can offer their intimate testimony privately. Instead they must share their stories in public waiting rooms—with police officers who have no special training in dealing with sexual-abuse cases.

Victims say that inconsistency in the courts is also a problem. Nicaragua’s 2008 penal code considers rape, incest, sexual abuse, and related actions to be punishable crimes. But, the AI report explains, "the protection guaranteed by the law isn't always afforded in practice." Protection is also a concern for girls who, after reporting their experiences to police, must wait weeks or months for the corresponding investigations and trials against their aggressors to conclude.

"It is time for the authorities to show the same courage as the brave survivors who shared their testimonies with us and break the silence which surrounds sexual abuse," said AI Central America researcher Esther Major. "Nicaraguan justice should serve all people—not just those with money and power. The government must send a clear message that sexual violence is never the fault of the rape victim, that perpetrators will be brought to justice, and that survivors will be given the support they need to heal."

**Statute of limitations**

Power and money certainly seemed to play a key role in what was arguably Nicaragua’s most notorious intrafamiliar rape case—one that continues to cast a shadow over the country’s current leadership.

In 1998, then 30-year-old Zoilamérica Narváez Murillo leveled rape charges against her stepfather, current President Daniel Ortega, accusing the longtime Frente Sandinista de Liberacion Nacional (FSLN) leader of abusing her for more than a decade, starting in 1979 when she was just 11 years ago (EcoCentral, March 19, 1998). Ortega denied the charges, which he claimed were politically motivated. Narváez’ mother, Rosario Murillo, defended her husband, suggesting publicly that her daughter had an obsession for power and an infatuation with Ortega that drove her to compete for his attentions.

Narváez, backed by a team of attorneys and a coalition of 15 national and international human rights and women's organizations, pursued the case unsuccessfully for several years, finally ending her legal pursuit in late 2001 when a Nicaraguan judge ruled the matter inadmissible (NotiCen, Jan. 10, 2002). In issuing her Dec. 19, 2001, ruling, Judge Juana Méndez—an acknowledged member of the FSLN—cited a lack of hard evidence and a five-year statute-of-limitations law involving cases of sexual abuse. Narváez said she kept her silence for so long for "political reasons," fearing a public accusation would hurt her stepfather's political career.

One of the key figures in the 1979 Sandinista revolution, Ortega served as president from 1985 to 1990. After competing in every subsequent election, he finally returned to power in 2007 despite winning just 38% of the vote in the previous year's election (NotiCen, Nov. 9, 2006). The FSLN head is planning to run again this November despite constitutional term-limit laws, which prohibit presidents from serving back-to-back periods and cap at two the total number of terms a leader can serve.
Accepting no exceptions

Since Ortega’s return to power, the Nicaraguan government has done little to nothing to address the rape epidemic, AI argues in its report. A 2001 government plan to combat violence against girls and boys expired in 2006. The Ortega administration has not replaced it. In 2007, furthermore, it dissolved the Consejo Nacional de Atención y Protección Integral a la Niñez y la Adolescencia (CONAPINA), a government agency tasked with coordinating strategies for protecting children from violence.

The former Marxist revolutionary has also drawn on his newfound zeal for Catholicism to strongly back Nicaragua’s blanket ban on abortion, which is illegal even for girls and women impregnated as a result of rape. For AI and other rights groups, the country’s ultrarestrictive abortion law—updated in 2006 to remove all exceptions—adds insult to injury for rape victims, who have no choice but to carry their pregnancies to term.

Last February, AI joined Human Rights Watch (HRW) and the UN Office of the High Commissioner for Human Rights (OHCHR) in urging Nicaragua to relax the blanket ban and make exceptions for therapeutic cases (where pregnancy is deemed a health risk for the mother) as well as for pregnancies resulting from rape and incest (NotiCen, Feb. 25, 2010). The abortion law has also been criticized in recent years by the UN Committee against Torture, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women.

Except in Cuba and the two Guyanas, elective abortion is prohibited throughout Latin America. Blanket bans, however, exist only in Nicaragua, Chile, El Salvador, and the Dominican Republic. Therapeutic abortions are also illegal in Malta, the Philippines, and Vatican City. Bolivia, Brazil, Colombia, Ecuador, Mexico, Panama, and Uruguay make exceptions for rape victims.

"All that young victims of rape and sexual abuse demand is that their right to be free from sexual violence is protected by the Nicaraguan government and that they are supported so they can overcome the physical and psychological trauma caused by such acts of violence. This is Nicaragua’s obligation under national and international law," said AI’s Major.

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