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Press Release

Nicaragua: OMCT supports National Walk for the restitution of therapeutic abortion on 26 September 2008

Geneva, 25 September 2008. On the occasion of the 2nd anniversary of the criminalization of therapeutic abortion by the State of Nicaragua, OMCT joins with the Red de Mujeres Contra la Violencia in calling for a mobilisation against this decision which violates the civil and social rights of Nicaraguan women.

Together with the Red de Mujeres Contra la Violencia, OMCT considers that the prohibition of therapeutic abortion, a practice which has been recognized as legal for 169 years, represents a serious violation of women's fundamental human rights, including the rights to life, to health and to physical and psychological integrity.

In September 2006, the law allowing therapeutic abortion was abolished, and a prohibition was subsequently introduced in article 143 of the Criminal Code. Since this prohibition, there have been at least eighty documented cases in which the death of a pregnant woman has been linked to the lack of timely medical intervention, which she would have received under the legislation in force prior to the penal reform.

We recall that the Human Rights Committee of the United Nations considers that, under article 6 of the International Covenant on Civil and Political Rights (ICCPR), the State must ensure that women do not have to undergo life-threatening clandestine abortions. The Committee also considers that ensuring access to abortion in safe conditions for women who become pregnant as a result of rape is part of its obligations under article 7 of the ICCPR.¹ In this respect, the Human Rights Committee, which will examine Nicaragua in October 2008, called upon the State to provide an explanation for the prohibition of abortion.²

Nicaraguan civil society has submitted appeals to the Supreme Court against the criminalisation of the therapeutic abortion on the grounds of its unconstitutionality, and is currently awaiting a decision. As part of this mobilisation, the Red de Mujeres Contra la Violencia calls for a National Walk on 26 September, in the framework of the day "No More Dead Women" to support the campaign for the restitution of therapeutic abortion. A range of other activities associated with the women's movement will take place around this walk. It should be noted that this mobilisation of civil society is taking place despite constant attacks from the State and a harsh campaign to discredit defenders of women's human rights.

OMCT adds its solidarity to these mobilisations and joins the Red de Mujeres Contra la Violencia in calling upon Nicaragua to revise its criminal code in order to decriminalise therapeutic abortion and take all necessary measures to prevent clandestine abortions, including in the area of family planning and contraception. OMCT also calls upon the State to ensure to rape victims the possibility to legally, safely and unconditionally abort.

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¹ U.N. Doc. CCPR/C/21/Rev.1/Add.10, General Comment No 28 (2000), §10-11.

² U.N. Doc. CCPR/C/NIC/Q/3, §8.