

In Focus



Nicaraguan women take part in a vigil in favor of the therapeutic abortion in Managua, Nicaragua, 28 September 2006 ©AP/PA Photo/Esteban Felix

NICARAGUA

Intimidation of Women Human Rights Defenders

“Defending human rights in Nicaragua in this context means taking on emotional risks, political risks and personal risks for both a human rights defender and her family”
Luisa Molina, November 2008.

Nine women human rights defenders are facing legal proceedings as a result of their work promoting sexual health issues and women’s rights in Nicaragua. Intimidation against them and other defenders has decreased since international appeals began in 2008, however the legal complaint remains unresolved.

Ana María Pizarro, Juanita Jiménez, Lorna Norori, Luisa Molina Arguello, Marta María Blandón, Martha Munguía, Mayra Sirias, Violeta Delgado and Yamileth Mejía are well-known Nicaraguan women’s rights defenders, working with a variety of non-governmental organizations.

In October 2007, the Nicaraguan Association for Human Rights (Asociación Nicaragüense Pro Derechos Humanos, ANPDH), a non-governmental organization backed by the Church in Nicaragua, brought a legal complaint against the nine women. This was due to their involvement in the case of a nine-year-old Nicaraguan girl who was assisted in obtaining a legal abortion in 2003. Members of the Nicaraguan women’s movement arranged for Rosita

and her family to cross the border from Costa Rica to Nicaragua, where an abortion could be legally performed at that time.

The complaint alleges the women are guilty of the crime of concealment of rape and crimes against the administration of justice in relation to the Rosita case; it also alleges that by expressing their opinions and organizing demonstrations in favour of access to “therapeutic abortions”, the nine are guilty of crimes of conspiracy to commit a crime; incitement to commit a crime; and public defence of a crime.

All forms of abortion were criminalized in Nicaragua in October 2006 with no exceptions. Until then, abortion services for women whose pregnancies endangered their lives or health, or were the result of rape (known as “therapeutic abortions” in Nicaragua), had been available for over 100 years. The new criminal law imposes prison terms for doctors and women or girls for carrying out or seeking an abortion, regardless of the circumstances. Now, women or girls whose lives or health are put at risk by continuing with a pregnancy, or who have been made pregnant as a result of rape or incest, have no legal choice but to carry to term such pregnancies.

Rosita’s legal abortion in Nicaragua in 2003 was authorized by a commission of doctors, convened by the Ministry of Health. The National Human Rights Ombudsman also supported the decision to go ahead with the abortion. A 2003 investigation by the Public Prosecutor’s Office into the provision of the abortion found that no crime had been committed. Those who authorized the abortion and supported Rosita in obtaining it did so believing they were saving her life.



Top L – R: Lorna Norori, Juanita Jiménez, Yamileth Mejía
Centre L – R: Luisa Molina Arguello, Ana María Pizarro, Martha Munguía
Bottom L – R: Violeta Delgado, Mayra Sirias, Marta María Blandón_© Amnesty International, except photo of Marta María Blandón - © Ipas

The case against the nine women remains open to date, with no news from the Public Prosecutor’s Office as to when it will be resolved. Under Nicaraguan law, the Public Prosecutor’s Office has three months in complex cases to formally declare whether to keep the complaint open or to close it for lack of evidence. It has been more than eighteen months since the complaint was presented; no decision has yet been made, leaving the authorities in breach of their own legal code.

In September 2008, the government announced that various NGOs were being investigated for alleged financial mismanagement. One of the NGOs named was the Autonomous Women’s Movement (Movimiento Autónomo de Mujeres, MAM), an organization to which several of the nine women human rights defenders belong. MAM has been involved in promoting women’s rights and sexual and reproductive rights for more than 10 years.

In October 2008, MAM's offices were raided by police, and documents and computers were taken. However, in January 2009, the Public Prosecutor's Office announced that it would no longer be pursuing a criminal investigation in the case of the alleged financial irregularities. The case was instead passed down to the Home Office (Ministerio de Gobernación), to continue as an administrative investigation.

An Urgent Action (AMR 43/003/2008) was issued in November 2008, on behalf of another women's human rights defender, Patricia Orozco, following threats of sexual violence and death against her made in a series of phone calls and SMS text messages. These threats were an apparent attempt to stop her from campaigning on the right of women and girls to access safe and effective sexual and reproductive health services. Since the end of 2008, Patricia has received no further threats – she told AI that she believed the 400 letters the authorities received on her case had a big impact.

Patricia Orozco and other women human rights defenders had been the subjects of written attacks in the Nicaraguan government's own weekly newspaper *El 19* throughout 2008, which sought to portray women human rights defenders as "man-haters" and black magic practitioners. Articles in *El 19* also stated that those working to defend sexual and reproductive rights are motivated only by financial gain. During 2009, there has been a marked decrease in *El 19* articles targeting women human rights defenders.

The fact that the generalised harassment and intimidation of Nicaraguan WHRDs has decreased in recent months shows that international pressure can have a real impact on this case, alongside the domestic pressure which the WHRDs themselves are bringing to bear. In May 2009, this pressure was stepped up yet further when the UN Committee Against Torture issued its concluding observations on Nicaragua, and expressed concern at the threats and harassment of women human rights defenders, and at the unresolved criminal investigations against them.

For more information on the case of the nine women human rights defenders, see the casefile on the [Individuals Portfolio](#).

Take action!

Please write to the Nicaraguan authorities:

- Underlining the importance of the role that women's organizations have played in Nicaragua in improving access to more effective sexual health care services, raising awareness of sexual health issues and HIV/AIDS, combating domestic violence, working with survivors of sexual abuse and promoting women's rights;
- Expressing concern that the apparently baseless complaint against Ana María Pizarro, Juanita Jiménez, Lorna Norori, Luisa Molina Arguello, Martha María Blandón, Martha Munguía, Mayra Sirias, Violeta Delgado and Yamileth Mejía remains open more than 18 months since it began, and demanding the Public Prosecutor's Office to either close the complaint or bring charges in accordance with international fair trials standards;
- Urging the authorities that they should recognize the legitimacy of the activities of human rights defenders and uphold their right to carry out their activities without obstacles or fear of reprisals, as set out in the UN Declaration on Human Rights Defenders.

Please send letters to:

President of Nicaragua:

Daniel Ortega Saavedra
Presidente de la República de Nicaragua
Reparto El Carmen
Costado Oeste del Parque El Carmen
Managua, Nicaragua
Fax: +505 2266 3102
Salutation: Dear President / Estimado Sr. Presidente

Attorney General:
Dr. Julio Centeno Gómez
Fiscal General de la República de Nicaragua
Ministerio Público
Km 4 y 1/2 Carretera a
Masaya contiguo a Bancentro
Managua, Nicaragua
Fax: +505 2255 6832
Salutation: Dear Attorney General / Estimado Sr. Fiscal General

A campaign on the absolute ban on abortion in Nicaragua was launched on 27 July 2009, accompanied by a web action and web clip (the latter featuring Marta María Blandón, one of the nine WHRDs).

The campaign will run alongside the report “The total abortion ban in Nicaragua: Women’s lives and health endangered, medical professionals criminalized”, to be launched on the same date. Sections are encouraged to join the campaign and fight for women’s rights in Nicaragua.