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Activists Mobilize Against Abortion Ban

SAM JACOBY | OCTOBER 5, 2007

MANAGUA – As nervous police officers looked on, dozens of abortion-rights activists shut down the entrance to the nation’s Supreme Court last Friday in a heated protest of the government’s recent recriminalization of therapeutic abortion.

“If you don’t respect our lives, we won’t respect your laws,” protesters chanted, unfurling banners across a busy highway, bringing the six-lane thoroughfare to a standstill.

The Sept. 28 protest, which included the release of a locally produced abortion-rights movie that drew an overflow crowd of 200 people to Managua’s Cinemark theater, comes as part of a growing outcry against the government’s ban on medical interventions to save a pregnant woman’s life.

A new version of the Nicaraguan Penal Code passed in the National Assembly three weeks ago makes permanent the controversial ban on therapeutic abortion, which lawmakers passed last year to appease the Catholic Church shortly before the presidential election (NT, Nov. 3, 2006). Article 143 of the new Penal Code criminalizes all forms of abortion, making Nicaragua one of five countries in the world to outlaw therapeutic abortion.

That came as a major blow to the women’s movement, which had hoped that lawmakers would atone for their election-year abortion ban by including a provision for therapeutic abortion back into the new Penal Code.

“The new Penal Code caused a lot of pain,” said Magaly Quintana, a leader of *Movimiento Feminista*, one of the organizations behind the Sept. 28 protests. “There are feelings of deception, of worry. More than anything, there is a feeling of fear.”

In the past year, 20 women have died from complications in pregnancy, Quintana said.

Those deaths may have been avoided, but the medical procedures necessary were forbidden by law.

“The assembly knows exactly what it means to criminalize therapeutic abortion,” Quintana charged. “Of course they do. They know women will die, but they are more interested in their political futures, in the backing of the Catholic Church.”

The Church has long pushed for stricter abortion laws. In a statement last week, Pope Benedict XVI commended Nicaragua for its aggressive policies.

“It should be considered very positive that last year the National Assembly approved the revocation of therapeutic abortion,” the Pope said, according to a report in the Catholic



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Many women's rights activists see political underpinnings to the government's moves against therapeutic abortion, a procedure that until last year had been permitted here since 1893.

"Daniel Ortega ordered the criminalization of therapeutic abortion because he needed the blessings of the Catholic hierarchy to win the election," Quintana said. "He is gambling with the future; he is gambling with women's lives."

María Teresa Blandón, another organizer with Movimiento Feminista, agreed.

"There is a firm concordance between the President of the republic and the Catholic hierarchy – a pact," she said. "What can we do?"

With political avenues seemingly exhausted, there are few places that the women can turn. Appeals made to the Supreme Court earlier this year questioning the law's constitutionality have gone unanswered.

"They are retarding justice; they are denying the rights of women," Blandón said. "The court should have released a judgment on the constitutionality of the law in June, and they did not."

The court's reticence to provide a firm answer may also be tied to political connections to the current administration.

"We don't accept anything from the court," Quintana said. "Nothing. They are as responsible for this miscarriage of justice as are the deputies of the National Assembly."

Still, a court ruling could be all the activists can hope for, even if it does not come from Nicaragua's own legal system. There are plans to present a formal case to the Inter-American Court of Human Rights.

"We already have specialists – lawyers from Colombia, Brazil and Mexico," Blandón said. "We hope for a ruling in favor of the women of Nicaragua."

The

Inter-American Court

is an independent multinational body, and it is unclear if the Nicaraguan government would adhere to its decision.

"We are reminding Ortega that Nicaragua has signed many international agreements, such as the Convention for the Elimination of Discrimination Against Women," Blandón said. "And with the penalization of therapeutic abortion, Ortega's government is not in compliance with those international accords."

"What's more," she added; "he is not in compliance with our own Constitution. The Constitution declares that every Nicaraguan has the right to life, and that is something that he cannot compromise on."

The various protest groups themselves have had difficulty reaching compromise. On Sept. 28, the Day of De-penalization of Abortion in Latin America and the Caribbean, two separate caravans wound through Managua.

That of Movimiento Feminista began at the Supreme Court and ended at Ortega's residence and government headquarters, never crossing the path of another contingent from the rival *Movimiento Autónomo de Mujeres*, which was also protesting the abortion ban.

"It only means that there is a diversity of actors in the social fabric of Nicaragua," Blandón said. "There is another group that chooses to have a different emphasis, to take a different approach and to use different symbols."

She declined to elaborate on where the two groups differ.

Despite the subtext of conflict and the string of disappointments the movement has received in recent months, their dedication has not flagged.

"I have faith in this movement, in this mobilization," said Nora Mendoza, leading a group of women from Masaya, "We will be heard, one way or another."

Human Rights Watch Criticizes Abortion Ban

Nicaragua's blanket ban on abortion drew fierce criticism Tuesday from a major international human rights organization.

Human Rights Watch released an 18-page report that outlines major consequences of Nicaragua's decision to ban all abortions – including the denial or delay of obstetric emergency care, a pronounced fear of seeking and providing treatment for obstetric emergencies, and avoidable deaths.

Besides calling on Nicaragua to repeal Penal Code provisions that penalize therapeutic abortion, the New York based organization recommended the government "raise public awareness of the availability of emergency obstetric services at public hospitals and clinics, including, explicitly, the provision of humane post-abortion care regardless of the illegality of abortion."

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