

Press release

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## Historic legal precedent in Nicaragua

### **The Inter-American Commission on Human Rights Demands that the State adopt urgent precautionary measures to save the life of Amalia\***

On February 26, in an unprecedented move, the Inter-American Commission on Human Rights adopted urgent precautionary measures on behalf of Amalia, a 27 year-old Nicaraguan woman with metastatic cancer who was being denied treatment because she was pregnant. In its ruling, the IACHR called on the government of Nicaragua to

- ensure that Amalia has access to appropriate medical treatment for her condition, and
- undertake this treatment in consultation with Amalia and her designated representatives.

The IACHR's ruling is the first of its kind to indicate particular medical treatment for an individual, and has gone a step further in requiring an account of Amalia's progress within five days.

The ruling was issued following the appeal of a coalition of non-governmental organizations in Nicaragua and around the region, including the Strategic Group for the Legalization of Therapeutic Abortion, the Nicaraguan Center for Human Rights, Women's Link Worldwide, the Center for Justice and International Law and Ipas-Central America. According to their petition, Amalia – who already has a 10 year-old daughter – was not only denied treatment for her cancer because she was pregnant; the law banning therapeutic abortion in Nicaragua prevented her from terminating her pregnancy to seek appropriate medical treatment.

Amalia's family states that she has been hospitalized since February 2, first in her home town of León and then in the capital Managua, awaiting the government's decision on how to proceed. The prolonged risk to her health and life while the government delayed treatment reflects the risks that woman around Nicaragua face due to the draconian ban on therapeutic abortion.

#### **On the impact of the precautionary measures**

The precautionary measure granted by the Commission sets a historical precedent since it is the first to recognize the right to terminate a pregnancy in extreme cases. The

decision arrives at a time when several countries consider severe or total restrictions on abortion, such as the Dominican Republic and Kenya.

On September 21, 2009 the IACHR granted precautionary measures to case X and XX in which a Colombian woman's 14-year old daughter, who was raped and was pregnant, was denied the right to a legal abortion. The Commission requested that the child be provided with all the physical and mental health services that she required as a consequence of the forced and dangerous pregnancy.

These two cases show clearly that the Commission understands and condemns the effects that the abortion negation can have in the rights to life, health, and to the integrity of women in the region.

In addition to Nicaragua, in Latin America the countries El Salvador, the Dominican Republic, and Chile penalize abortion under any circumstance, endangering the health and the life of their women.

### **Abortion in Nicaragua**

Since 1870, Nicaraguan law recognized the right of women to seek an abortion when their life or health was at risk. In 2006, the National Assembly passed a law banning abortion under any circumstances.

Since the ban was passed, there have been a significant increase in deaths from unsafe abortion or obstetric complications.

\* Name changed in order to protect the identity of the woman.

### **About Women's Link Worldwide**

Women's Link Worldwide is an international organization that promotes gender equality through law and works to advance women's rights through the implementation of human rights law and strategic work with the courts, including strategic litigation.

[www.womenslinkworldwide.org](http://www.womenslinkworldwide.org)