



October 2, 2008

The Human Rights Committee

Re: Supplementary Information on the Abolition of Therapeutic Abortion in Nicaragua scheduled for review by the U.N. Human Rights Committee during its 94th session

Distinguished Committee Members:

This letter is intended to supplement the periodic report submitted by Nicaragua, which is scheduled to be reviewed by the Human Rights Committee (the Committee) during its 94th Session. The Center for Reproductive Rights (The Center), an independent non-governmental organization, hopes to further the work of the Committee by providing independent information concerning the rights protected in the International Covenant on Civil and Political Rights (ICCPR).¹ This letter provides specific and detailed information concerning the abolition of therapeutic abortion in Nicaragua and the severe impact on women's rights guaranteed in the ICCPR.

Reproductive rights are fundamental to women's life, health, and equality, and therefore the commitment of States Parties to uphold and ensure these rights deserves serious attention.

The Rights to Reproductive Health Care (Articles 3, 6, 7, 9, 17 and 26 of the ICCPR)

Women's reproductive health and rights receive broad protection under the ICCPR, which commits States Parties to guarantee the "inherent right to life" [Article 6(1)],² the "equal right of men and women to the enjoyment of all civil and political rights" [Article 3],³ freedom from discrimination on the basis of sex [Article 26],⁴ and freedom from "cruel, inhuman or degrading treatment" [Article 7],⁵ including mental suffering.⁶ The ICCPR is clear that the right to life [Article 6] and freedom from cruel treatment [Article 7] are non-derogable.⁷ Furthermore, the Covenant also establishes the "right to liberty and security of person" [Article 9]⁸ and freedom from "interference with ...privacy" [Article 17(1)].⁹

This Committee has explicitly stated that Articles 6, 7, 9, and 17 encompass women's reproductive rights and health. More specifically, this Committee notes that States Parties should "ensure that [women] do not have to undergo life-threatening clandestine abortion"¹⁰ in accordance with Article 6.¹¹ Likewise, the Committee cites women's "reproductive functions"¹² as a zone of privacy protected by Article 17.¹³ In light of these principles, we hope to bring attention to Nicaragua's total abortion law as a breach of its human rights obligations under the Covenant.

Contextual Background

On October 26, 2006, the Nicaraguan legislature enacted one of the most restrictive abortion laws in the world, voting to eliminate the longstanding exception to their general abortion ban and criminalizing abortion under any circumstances, even for victims of rape or incest, or to save the life or health of the woman.¹⁴ A year later, on September 13, 2007, the legislature rejected a proposal to reauthorize therapeutic abortions in cases where pregnancy endangered the woman's life or health¹⁵ and moved to adopt a revised penal code.¹⁶ The new Penal Code in effect punishes anyone who performs an abortion on a consenting woman with up to three years of imprisonment and also punishes the woman who has an abortion with up to two years in prison.¹⁷

With this step, Nicaragua joined Chile and El Salvador as the third country in the Western Hemisphere to institute a total abortion ban in the past 20 years.¹⁸ Meanwhile, maternal death and morbidity rates in Nicaragua remain among the highest in Latin America.¹⁹ Every year, nearly 6,700 women are hospitalized with complications from miscarriages and illegal abortions that could possibly result in death, permanent injury, or infertility.²⁰ Nicaragua reports that the 2005 maternal mortality rate was between 150 to 200 deaths per 100,000 live births.²¹ During the same period, the World Health Organization gave an upper estimate of 230 maternal deaths per 100,000 live births.²² While Nicaragua acknowledges the high number of maternal deaths, especially among adolescents, the government fails to mention that unsafe abortion is the main cause of maternal mortality for women of all ages,²³ causing 16% of all maternal deaths prior to the ban.²⁴ Experts estimate that the ban has caused a 100% increase in indirect obstetric deaths,²⁵ defined as deaths resulting from maternal diseases "aggravated by physiologic effects of pregnancy."²⁶ These deaths probably could have been prevented through access to therapeutic abortions.²⁷

Nicaragua's Total Abortion Ban Violates the ICCPR

This Committee has repeatedly linked illegal and unsafe abortions with high rates of maternal mortality, noting that "illegal abortions have serious detrimental consequences for women's lives, health and well-being."²⁸ Consequently, in accordance with the human rights principles outlined in the ICCPR, this Committee has recognized that a State's duty to protect the right to life may necessarily include a commitment to providing access to safe, legal abortion,²⁹ and moreover, that denying such access can constitute multiple violations of the Covenant.³⁰

In the November 2005 decision of *K.L. v. Peru*, this Committee ruled that the basic human rights of a 17-year-old Peruvian adolescent had been violated when health officials denied her a therapeutic abortion. Her doctor had advised an abortion after diagnosing her fetus with a fatal abnormality that could pose grave health risks to the adolescent if she continued her pregnancy.³¹ In reviewing the case, this Committee found that the hospital's denial of a therapeutic abortion violated the author's autonomy and right to privacy [Article 17]³² and the guarantee against cruel, inhuman or degrading treatment [Article 7],³³ as the author's considerable pain and distress "could have been foreseen"³⁴ when the hospital refused to allow her to terminate her pregnancy.

Additionally, this Committee found the State failed to take special measures to protect the “special vulnerability of the author as a minor girl” in violation of Article 24,³⁵ and, in conjunction with its violations of Articles 7, 17, and 24, the State had violated its obligation to respect and ensure rights under Article 2.³⁶

This Committee’s finding that the State violated its obligation to afford *K.L.* special protection as an adolescent is particularly relevant to consideration of Nicaragua’s total abortion ban, which has the most dangerous impact on young and low income women, who typically lack access to quality sex education and reproductive health services.³⁷ To illustrate the heightened effect of the total abortion ban on vulnerable groups, *more than 80%* of maternal deaths recorded in Nicaragua in 2007 were adolescents and youths and *75%* were women who lived in rural areas.³⁸ Therefore, Nicaragua’s total abortion ban also may violate Article 24.

The *K.L.* ruling is in line with several sets of concluding observations from this Committee disapproving of legislation that criminalizes or severely restricts access to abortion.³⁹ Expressing concern that the high number of unsafe abortions “imperil[s] the life and health of the women concerned, in violation of articles 6 and 7 of the Covenant,”⁴⁰ this Committee recommended that States Parties “should ensure that women are not compelled to continue with pregnancies, where this would be incompatible with obligations arising under the Covenant [Article 7 and General Comment 28] and repeal the provisions criminalizing abortion.”⁴¹ By removing all exceptions to abortion, Nicaragua’s current law gives women no other choice but to endanger their well being in violation of Articles 2, 6, 7, and 17 of the Covenant.

Nicaragua’s Abortion Ban Stands in Stark Opposition to the Expanding Consensus that Prohibiting Therapeutic Abortion Violates Human Rights

I. Nicaragua’s total abortion ban runs counter to the growing trend in the Latin America and Caribbean region toward recognizing a woman’s right to health.

While Nicaragua has passed a more restrictive abortion law, other States in the region have moved definitively toward liberalizing their abortion laws. In 2006, the Constitutional Court of Colombia struck down the State’s total abortion ban as “a blatantly disproportionate measure”⁴² that not only violates international human rights treaties, but also the State’s Constitution.⁴³ The Court ruled that abortion should be permitted when a pregnancy threatens a woman’s life or health, and in cases of rape, incest, or fetal impairment.⁴⁴

Mexico has also affirmed a woman’s reproductive rights. In 2005, the Mexican government acknowledged that legal access to abortion is a human right in its response to *Paulina Ramírez v. Mexico*, in which a 13-year-old was denied a legal abortion in the state of Baja California.⁴⁵ More recently, in August 2008, Mexico’s Supreme Court upheld Mexico City’s law legalizing abortion in the first trimester, striking down a challenge that the abortion law violated constitutional and international principles on the right to life.⁴⁶ This landmark ruling not only recognized a woman’s autonomy over her reproductive decisions, but also signaled a trend in jurisprudence toward protecting abortion as a human right.

Further establishing this shift, Nicaragua's total abortion ban has been criticized by the Inter-American Commission on Human Rights. In November 2006, the Commission issued an unprecedented statement to the Nicaraguan government in response to the passage of the ban.⁴⁷ Cautioning that total abortion bans may violate international law and human rights, the Commission reminded Nicaragua that denying women access to therapeutic abortion "endangers women's lives as well as their physical and psychological integrity."⁴⁸ The Commission also expressed concern that the ban would have a chilling effect on the ethical mandate of health care providers to "protect the lives of their patients and provide them with adequate treatment."⁴⁹

II. Nicaragua's total abortion ban directly contravenes other international human rights treaties to which it is party.

Other UN treaty monitoring bodies have similarly recognized that denying women access to therapeutic abortions violates human rights obligations. The Committee that oversees implementation of the International Covenant on Economic, Social, and Cultural Rights (ICESCR)⁵⁰ and the Committee that oversees the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁵¹ have both manifested deep concern over general prohibitions on abortion and have urged States Parties to at least provide for exceptions where the mother's life is at risk or where pregnancy has resulted from rape or incest.⁵²

In fact, the CEDAW Committee directly expressed concern on Nicaragua's total abortion ban in February 2007, pointing to Nicaragua's high maternal mortality rates resulting from illegal and unsafe abortion⁵³ and commenting that the criminalization of therapeutic abortion "may lead more women to seek unsafe, illegal abortions, with consequent risks to their life and health."⁵⁴ The Committee then urged Nicaragua to remove criminal penalties imposed on women who have abortions and to ensure access to quality post-abortion care.⁵⁵

The United Nations Committee on the Rights of the Child underscored the high rate of maternal mortality caused by illegal abortions in Nicaragua and has recommended that Nicaragua change some of the prevailing social attitudes toward abortion.⁵⁶ Additionally, the Committee against Torture has advised States to "take whatever legal and other measures are necessary to effectively prevent acts that put women's health at risk," and emphasizing that restrictive abortion laws lead to grave consequences, including the unnecessary deaths of women.⁵⁷ Against this backdrop of growing international recognition that denying access to therapeutic abortion is a violation of human rights, Nicaragua's total abortion ban stands in stark opposition.

We hope that the Committee will consider addressing the following questions to the government of Nicaragua:

1. Given the prevalence of unsafe abortion and its dangerous impact on women's lives – especially the lives of adolescents – what measures will the government of Nicaragua implement in order to protect the life and health of these girls and women at risk?
2. How does the government of Nicaragua reconcile the total abortion law with its obligation to guarantee the rights and freedoms under the ICCPR?

3. What methods will the government of Nicaragua adopt, such as family planning and sex education, to reduce the rate of unwanted pregnancies?
4. How will the government of Nicaragua resolve the tension between the total abortion ban and the ethical mandate of health care providers to protect the lives of their patients and provide them with adequate treatment?

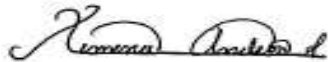
We appreciate the active interest that the Committee has taken in reproductive health and rights, and the strong Concluding Observations and General Recommendations the Committee has issued to governments in the past, emphasizing the need to take steps to ensure the realization of these rights. We hope that the information presented is useful during the Committee's review of Nicaragua's compliance with the provisions contained in the Convention.

If you have any questions, or would like further information, please do not hesitate to contact the undersigned.

Sincerely,



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¹ International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, at 52, U.N. Doc A/6316 (Dec. 16, 1966), 999 U.N.T.S. 171 (*entered into force* Mar. 23, 1976) [hereinafter ICCPR].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Human Rights Committee, Gen. Comment 20, *Prohibition of torture and other cruel, inhuman or degrading treatment or punishment* (art. 7), 10/03/1992 (44th Sess.), ¶¶ 2, 5.

⁷ ICCPR, art. 4(2).

⁸ ICCPR.

⁹ *Id.*

¹⁰ Human Rights Committee, Gen. Comment 28, *Equality of rights between men and women* (art. 3), ¶ 10, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (March 29, 2000).

¹¹ *Id.*

¹² *Id.* at ¶ 20.

¹³ *Id.*

¹⁴ Nicaragua's Third Periodic Report to the Human Rights Committee, *Consideration of the Reports of States Parties Under Article 40 of the Covenant*, ¶¶ 127, 128, U.N. Doc. CCPR/C/NIC/3 (Oct. 19, 2007)[hereinafter Nicaragua Report]. IPAS, THE FACES BEHIND THE FIGURES: THE TRAGIC EFFECTS OF THE CRIMINALIZATION OF THERAPEUTIC ABORTION IN NICARAGUA 25 (2007)(reproducing text of Penal Code, art. 165 (Nicar.)). The law, which entered into force on November 17, 2006, rescinded Article 165 of the Penal Code, which had permitted therapeutic abortions based on approval of three medical practitioners. *Id.*

¹⁵ See Ipas, *Nicaraguan Legislature Votes "No" to Saving Women's Lives*, September 20, 2007, available at http://www.ipas.org/Library/News/News_Items/Nicaraguan_legislature_votes_no_to_saving_womens_lives.aspx (last visited Oct. 2, 2008).

¹⁶ IPAS, THE FACES BEHIND THE FIGURES: THE TRAGIC EFFECTS OF THE CRIMINALIZATION OF THERAPEUTIC ABORTION IN NICARAGUA 8 (2007)(citing Articles 143 and 144 of Nicaragua's new penal code).

¹⁷ *Id.*

¹⁸ See Press Release, Ctr. for Reprod. Rights, Center for Reproductive Rights Condemns Passage of Nicaragua's Abortion Ban (Oct. 26, 2006), available at http://www.reproductiverights.org/pr_06_1026Nicaragua.html (last visited Oct. 2, 2008).

¹⁹ See, e.g., Gilda Sedgh et. al., World Health Organization, *Induced Abortion: Estimated Rates and Trends Worldwide*, 370 LANCET 1338, 1342 (Oct. 13, 2007)(discussing how Latin America has one of the highest annual incidences of unsafe abortions in the world). In 2003, almost 99% of the 3.8 million abortions that took place in the region were unsafe. *Id.* As a result of these unsafe conditions, around 4000 women die from abortions every year in Latin America and the Caribbean. UNDP, UNFPA, WHO & World Bank, Special Programme of Research, Dev. & Research Training in Human Reprod. (HRP), *Preventing Unsafe Abortion*, available at http://www.who.int/reproductivehealth/unsafe_abortion/map.html (last visited Oct. 2, 2008).

²⁰ See Marta María Blandón, *New Nicaraguan Law Violates Human Rights*, CTR. FOR AM. PROGRESS, Dec. 11, 2006, available at <http://www.americanprogress.org/issues/2006/12/nicaragua.html> (last visited Oct. 2, 2008).

²¹ Nicaragua Report, *supra* note 14. at ¶ 123. In countries where abortion is illegal, official statistics often underestimate true maternal mortality rates. Jocelyn E. Getgen, *Reproductive Injustice: An Analysis of Nicaragua's Complete Abortion Ban*, 41 CORNELL INT'L L.J. 143, 158 (2008).

²² WHO, *Maternal Mortality in 2005: Estimates developed by WHO, UNICEF, UNFPA, and the World Bank* 25 (2007), http://www.who.int/reproductive-health/publications/maternal_mortality_2005/mme_2005.pdf (last visited Oct. 2, 2008).

²³ Getgen, *supra* note 21 (citing Letter from the CEDAW Committee to Members of the Nicar. Nat'l Assembly (Oct. 16, 2006)).

²⁴ Ipas, *Nicaragua on the verge of banning abortion*, October 16, 2006, available at http://www.ipas.org/Library/News/News_Items/Nicaragua_on_the_verge_of_banning_abortion.aspx (last visited Oct. 2, 2008). These mortality rates are presumably much higher since families may fear reporting causes of death to authorities due to the illegality of abortion. See, e.g., CTR. FOR REPROD. RIGHTS, PERSECUTED: POLITICAL PROCESS AND LEGISLATION ON ABORTION IN EL SALVADOR 25 (2001).

²⁵ IPAS, *supra* note 16, at 10 (citing Departamento de Atención Integral a la Mujer, Servicios de Salud. Ministerio de Salud, 2007).

²⁶ WHO, Maternal Mortality in 2000: Estimates developed by WHO, UNICEF and UNFPA, *available at* http://www.who.int/reproductive-health/publications/maternal_mortality_2000/challenge.html (last visited Oct. 2, 2008).

²⁷ IPAS, *supra* note 16, at 10. Given the low risk of complications when abortion is performed by a trained professional in a proper environment, the World Health Organization has called unsafe abortion “one of the most easily preventable causes of maternal death and ill-health.” WHO, UNSAFE ABORTION: GLOBAL AND REGIONAL ESTIMATES OF THE INCIDENCE OF UNSAFE ABORTION AND ASSOCIATED MORTALITY IN 2003, at preface (5th ed. 2007). Every year, about 20 million women are forced to resort to unsafe abortion worldwide, *Id.*, and every year, over five million of these women – or approximately one in four – face severe abortion-related complications, including permanent disability, infertility, and death. *Id.* at 1. Experts estimate that illegal abortions in Nicaragua will number more than 30,000 per year under a complete abortion ban. Getgen, *supra* note 21 (citing PEW FORUM ON RELIGION & PUB. LIFE, ABORTION LAW AROUND THE WORLD 2 (2006)).

²⁸ Human Rights Committee, Concluding Observations: **El Salvador**, 22/07/03, U.N. Doc. CCPR/CO/78/SLV, ¶ 14.

²⁹ *See, e.g.*, Human Rights Committee, Concluding Observations: **Chile**, 18/05/07, U.N. Doc. CCPR/C/CHL/CO/5, ¶ 8; **Costa Rica**, 08/04/99, U.N. Doc. CCPR/C/79/Add.107, ¶ 11; **El Salvador**, 22/07/2003, U.N. Doc. CCPR/CO/78/SLV, ¶ 14; **Gambia**, 12/08/2004, U.N. Doc. CCPR/CO/75/GMB, ¶ 17; **Guatemala**, 27/08/2001, U.N. Doc. CCPR/CO/72/GTM, ¶ 19; **Honduras**, 13/12/2006, U.N. Doc. CCPR/C/HND/CO/1, ¶ 8; **Kenya**, 29/04/2005, U.N. Doc. CCPR/CO/83/KEN, ¶ 14; **Kuwait**, 27/07/2000, U.N. Doc. CCPR/CO/69/KWT, A/55/40, ¶¶ 15–16; **Lesotho**, 08/04/99, U.N. Doc. CCPR/C/79/Add.106, ¶ 11; **Mauritius**, 27/04/2005, U.N. Doc. CCPR/CO/83/MUS, ¶ 9; **Morocco**, 01/12/2004, U.N. Doc. CCPR/CO/82/MAR, ¶ 29; **Paraguay**, 24/04/2006, U.N. Doc. CCPR/C/PRY/CO/2, ¶ 10; **Peru**, 15/11/2000, U.N. Doc. CCPR/CO/70/PER, ¶ 20; **Poland**, 02/12/04, U.N. Doc. CCPR/CO/82/POL, ¶ 8; **Senegal**, 19/11/97, U.N. Doc. CCPR/C/79/Add.82, ¶ 12; **Trinidad and Tobago**, 03/11/2000, U.N. Doc. CCPR/CO/70/TTO, ¶ 18; **United Republic of Tanzania**, 18/08/98, U.N. Doc. CCPR/C/79/Add.97, ¶ 15; **Venezuela**, 26/04/2001, U.N. Doc. CCPR/CO/71/VEN, ¶ 19; **Viet Nam**, 26/07/2002, U.N. Doc. CCPR/CO/75/VNM, ¶ 15.

³⁰ *See, e.g.*, Human Rights Committee, *K.L. v. Peru*, Comm. No. 1153/2003, 24/10/05, U.N. Doc. CCPR/C/85/D/1153/2003.

³¹ *Id.*

³² *Id.* at ¶ 6.4.

³³ *Id.* at ¶ 6.3.

³⁴ *Id.*

³⁵ *Id.* at ¶ 6.5.

³⁶ *Id.* at ¶ 6.6.

³⁷ IPAS, *supra* note 16, at 11.

³⁸ *Id.* (citing unpublished analysis of maternal deaths).

³⁹ *See, e.g.*, Human Rights Committee, Concluding Observations: **Argentina**, 03/11/2000, U.N. Doc. CCPR/CO/70/ARG, ¶ 14; **Bolivia**, 01/05/97, U.N. Doc. CCPR/C/79/Add.74, ¶ 22; **Chile**, 18/05/07, U.N. Doc. CCPR/C/CHL/CO/5, ¶ 8; **Costa Rica**, 08/04/99, U.N. Doc. CCPR/C/79/Add.107, ¶ 11; **Ecuador**, 18/08/98, U.N. Doc. CCPR/C/79/Add.92, ¶ 11; **Gambia**, 12/08/2004, U.N. Doc. CCPR/CO/75/GMB, ¶ 17; **Guatemala**, 27/08/2001, U.N. Doc. CCPR/CO/72/GTM, ¶ 19; **Honduras**, 13/12/2006, U.N. Doc. CCPR/C/HND/CO/1, ¶ 8; **Kuwait**, 27/07/2000, U.N. Doc. CCPR/CO/69/KWT, A/55/40, ¶ 15; **Lesotho**, 08/04/99, U.N. Doc. CCPR/C/79/Add.106, ¶ 11; **Mauritius**, 27/04/2005, U.N. Doc. CCPR/CO/83/MUS, ¶ 9; **Morocco**, 01/12/2004, U.N. Doc. CCPR/CO/82/MAR, ¶ 29; **Paraguay**, 24/04/2006, U.N. Doc. CCPR/C/PRY/CO/2, ¶ 10; ¶ 15; **Peru**, 15/11/2000, U.N. Doc. CCPR/CO/70/PER, ¶ 20; **Poland**, 02/12/04, U.N. Doc. CCPR/CO/82/POL, ¶ 8; **Senegal**, 19/11/97, U.N. Doc. CCPR/C/79/Add.82, ¶ 12; **Sri Lanka**, 01/12/2003, U.N. Doc. CCPR/CO/79/LKA, ¶ 12; **Venezuela**, 26/04/2001, U.N. Doc. CCPR/CO/71/VEN, ¶ 19.

⁴⁰ Human Rights Committee, Concluding Observations: **Sri Lanka**, 01/12/2003, U.N. Doc. CCPR/CO/79/LKA, ¶ 12.

⁴¹ *Id.*

⁴² Women’s Link Worldwide, C-355/2006: Excerpts of the Constitutional Court’s Ruling That Liberalized Abortion in Colombia 59 (2007) (quoting Corte Constitucional [Const. Court], Sentencia [Decision] C-355/06, May 10, 2006 (Colom.)).

⁴³ *Id.*

⁴⁴ *Id.*, at 61; *see also* Press Release, Ctr. for Reprod. Rights, Landmark Decision by Colombia's Highest Court Liberalizes One of the World's Most Restrictive Abortion Laws (May 11, 2006), *available at* http://www.reproductiverights.org/pr_06_0511colombia.html (last visited Oct. 2, 2008).

⁴⁵ *Paulina Ramírez v. Mexico*, Petición 161/02, Acuerdo de Solución Amistosa, Inter-Am. C.H.R. (2006).

⁴⁶ *See* Press Release, Ctr. for Reprod. Rights, Mexico Supreme Court Upholds Mexico City Abortion Law (Aug. 27, 2008), *available at* http://www.reproductiverights.org/pr_08_0827MexicoAbortion.html (last visited Oct. 2, 2008).

⁴⁷ Letter from Victor Abramovich, Rapporteur on the Rights of Women, Organization of American States, to Norman Calderas Cardenal, Minister of Foreign Affairs, Nicaragua (Nov. 10, 2006) [English translation], *available at* http://www.reproductiverights.org/pdf/index_nicaragua_english.pdf (last visited Oct. 2, 2008).

⁴⁸ *Id.* at 1.

⁴⁹ *Id.*

⁵⁰ International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, at 49, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 3 (*entered into force* Jan. 3, 1976).

⁵¹ Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46 (1979) (*entered into force* Sept. 3, 1981).

⁵² *See, e.g.*, Committee on Economic, Social and Cultural Rights, Concluding Observations: **Costa Rica**, 04/01/2008, U.N. Doc. E/C/12/CRI/CO/4, ¶¶ 25, 46. *See also* Committee on Economic, Social and Cultural Rights, Concluding Observations: **Nepal**, 24/09/2001, U.N. Doc. E/C.12/1/Add.66, ¶ 55 (“The committee urges the State Party to take remedial action to address the problems of clandestine abortions, unwanted pregnancies and the high rate of maternal mortality. In this regard, the committee urges the State Party to reinforce reproductive and sexual health programmes, in particular in rural areas, and to allow abortion when pregnancies are life threatening or a result of rape or incest.”).

⁵³ Committee on the Elimination of All Forms of Discrimination against Women, Concluding Observations: **Nicaragua**, 02/02/2007, U.N. Doc. CEDAW/C/NIC/CO/6, ¶ 17.

⁵⁴ *Id.* Research demonstrates that highly restrictive abortion laws do not result in fewer abortions, but consistently lead to unsafe abortions. *See, e.g.*, Axel I. Mundigo, *Determinants of Unsafe Induced Abortion in Developing Countries*, in PREVENTING UNSAFE ABORTION AND ITS CONSEQUENCES: PRIORITIES FOR RESEARCH AND ACTION 51, 52 (Ina K. Warriner & Iqbal H. Shah eds., 2006), *available at* <http://www.guttmacher.org/pubs/2006/07/10/PreventingUnsafeAbortion.pdf> (last visited Oct. 2, 2008). *See also* WORLD HEALTH ORGANIZATION, UNSAFE ABORTION: GLOBAL AND REGIONAL ESTIMATES OF THE INCIDENCE OF UNSAFE ABORTION AND ASSOCIATED MORTALITY IN 2003, at 2 (5th ed. 2007)(noting restrictive legislation is associated with a high incidence of unsafe abortion). GUTTMACHER INSTITUTE & WORLD HEALTH ORGANIZATION, FACTS ON INDUCED ABORTION WORLDWIDE (Oct. 2007), *available at* http://www.guttmacher.org/pubs/fb_IAW.html (last visited Oct. 2, 2008). Examples of unsafe abortion are drinking turpentine, bleach, or livestock manure; inserting herbal preparations into the vagina or cervix; placing foreign bodies, such as a stick, coat hanger, or chicken bone, into the uterus; or jumping from the top of stairs or a roof. *Id.* The World Health Organization defines unsafe abortion as “a procedure for terminating an unintended pregnancy carried out either by persons lacking the necessary skills or in an environment that does not conform to minimal medical standards, or both.” *Id.*

⁵⁵ Committee on the Elimination of All Forms of Discrimination against Women, Concluding Observations: **Nicaragua**, 02/02/2007, U.N. Doc. CEDAW/C/NIC/CO/6, ¶ 18.

⁵⁶ Committee on the Rights of the Child, Summary Record: **Nicaragua**, 29/05/1995, U.N. Doc. CRC/C/SR.212, ¶¶ 22, 52; Committee on the Rights of the Child, Concluding Observations: **Nicaragua**, 24/08/1999, U.N. Doc. CRC/C/15/Add.108, ¶ 35.

⁵⁷ *See* Committee against Torture, Concluding Observations: **Peru**, 25/07/2006, U.N. Doc. CAT/C/PER/4, ¶ 23.