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25 September 2014

## El Salvador: Total ban on abortion is killing women and girls and condemning others to decades behind bars



El Salvador's restrictive law results in the deaths of hundreds of women and girls who seek clandestine abortions.

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The government's repressive and outdated total ban on abortion is blighting the lives of women and girls in El Salvador, pushing them to unsafe, clandestine abortions or forcing them through dangerous pregnancies, Amnesty International said today. Those terminating their pregnancies could face years in prison. Amnesty International's recent report, [On the brink of death: Violence against women and the abortion ban in El Salvador](#), charts how the country's restrictive law results in the deaths of hundreds of women and girls who seek clandestine abortions. The criminalization of the practice has also resulted in those suspected of undertaking an abortion facing long prison sentences.

"The horrific repression that women and girls in El Salvador face is truly shocking and akin to torture. They are denied their fundamental right to make decisions about their own bodies and are severely punished if they dare to do so," said Salil Shetty, Secretary General of Amnesty International, who launched the report in San Salvador today.

"Shockingly, the ban extends even to cases where the life of the pregnant woman is at risk, meaning those too ill to safely carry a pregnancy to term face an impossible choice: trapped between potential jail if they have an abortion or a death sentence if they do nothing."

The country's restrictive laws mean women and girls found guilty of having an abortion face between two to eight years in jail. Amnesty International's report documents how in some cases women who had natural miscarriages found themselves prosecuted and jailed for decades. Under homicide laws, they face a potential sentence of up to 50 years in prison.

That was the case for María Teresa Rivera who is currently serving a 40-year prison sentence after having a miscarriage. María Teresa Rivera, who already had a five-year-old child, did not know she had fallen pregnant again until she was taken ill at the garment factory where she worked. She was found by her mother-in-law, bleeding on the bathroom floor and was rushed to hospital where a member of staff reported her to the police. Police officers arrived and began questioning her without a lawyer present.

In July 2012 she was tried and found guilty of aggravated

### At a Glance

- Women and girls found guilty of having an abortion face a prison sentence of two to eight years.
- Health care providers who assist them face up to 12 years in prison.
- Women who have had miscarriages have been charged with aggravated homicide, a charge which can bring a sentence of up to 50 years in prison.
- El Salvador banned abortion in all circumstances in 1998.
- Last year the National Civil Police recorded that 16 women and girls were charged with the crime of abortion, six of them were under 17 years old at the time of the alleged offences.
- Because of the ban, clandestine abortions are common. According to the Ministry of Health, there were 19,290 abortions in El Salvador between 2005 and 2008. The actual figure is likely to be much higher.
- Common methods used by women and girls to terminate a pregnancy include: ingesting rat poison or other pesticides, and thrusting knitting needles, pieces of wood and other sharp objects into the cervix, and the use of the ulcer treatment drug misoprostol, which has become widely used to induce abortions.
- According to the latest World Health Organisation figures, 11 per cent of women and girls who underwent a clandestine abortion in El Salvador died as a result.
- Suicide accounts for 57 per cent of the deaths of pregnant females aged 10 to 19 in El Salvador, though it is likely many more cases have gone unreported.
- A newspaper poll in 2013 revealed 74 per cent of people polled in El Salvador favoured an abortion when a woman's life is at risk.
- El Salvador has the highest rate of teenage pregnancy in Latin America.
- Last year the National Civil Police registered 1,346 rapes of women and girls. Nearly two-thirds were aged under 15 or classified as "mentally incapacitated" and

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### Background

[On the brink of death: Violence against women and the abortion ban in El Salvador](#)  
Read the report.

[Twelve facts about the abortion ban in El Salvador](#)  
Facts and Figures, 25 September 2014.

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homicide, despite serious flaws in the evidence against her. Her young son will be 45 years old by the time she is freed. María Teresa Rivera is one of scores of women imprisoned on pregnancy-related grounds, including abortion and miscarriage. Some of the women have already served more than 10 years in prison. She, like most of the women in Amnesty International's report, comes from the poorest sector of society. The ban on abortion even extends to children who have been raped. The law forces everyone to carry a pregnancy to term, even though this can have devastating effects, both physically and psychologically.

A doctor who treated a ten-year-old rape survivor told Amnesty International: "It was a very difficult case ... she didn't understand what was happening to her... She asked us for colouring pencils and it broke all of our hearts. We said: 'She's still just a girl, just a little girl.' She didn't understand that she was expecting [pregnant]." The girl was forced to continue her pregnancy.

The repressive anti-abortion laws in El Salvador are indicative of much wider discrimination against women and girls in the country. Gender stereotyping extends even to judicial decision-making with judges sometimes questioning the credibility of women.

Discriminatory attitudes towards women and girls also means access to sex education and contraceptives are near impossible.

"The failure of the Salvadoran government to address discrimination against women severely restricts the lives of women and girls. Their refusal to properly address the insurmountable barriers to contraception and effective sex education means that generations of young women are at risk of a future shaped by inequality, discrimination, limited choices and restricted freedoms," said Sallil Shetty.

"The world cannot sit idly by and watch women and girls in El Salvador suffer and die. Amnesty International is calling on the government of El Salvador to decriminalise abortion on all counts. The government must provide women and girls with access to safe and legal abortion services at least when the pregnancy is a risk to their lives, health, or when the pregnancy is a result of rape or in cases of severe foetal impairment."

El Salvador is one of seven countries in Latin America where abortion is totally banned by law; Chile, Dominican Republic, Haiti, Honduras, Nicaragua and Surinam. Some of those countries, like Chile, are already taking steps to rectify their laws. The case of **Beatriz**, a 22-year-old woman from a rural part of El Salvador, became widely known last year. Beatriz has a history of lupus and other serious medical conditions. She became pregnant but the foetus she was carrying was anencephalic (lacking a large part of the brain and skull), a fatal condition which mean it would not survive more than a few hours or days beyond birth. She was denied an abortion even after taking her case to the Supreme Court. On 3 June 2013, after intervention from the Inter-American Court of Human Rights and international press attention, the Salvadoran government finally permitted Beatriz to have an early caesarean section. The newborn died hours later.

#### Individual stories

**María Teresa Rivera** is serving a 40-year prison sentence for having a miscarriage. She was a 28-year-old single parent, working in a garment factory when one day she felt the urgent need to use the toilet. She was later found by her mother-in-law, bleeding on the bathroom floor. She had not known she was pregnant.

María Teresa was rushed to hospital where a member of staff reported her to the police. Police officers arrived and began questioning María Teresa without a lawyer present.

She was tried and found guilty of aggravated homicide, despite the fact that much of the evidence used against her was seriously flawed. The judge declared that María Teresa's assertion that she had not known she was pregnant – a key point in the case – was not credible because the court had evidence that in January 2011 she told her employer that she thought she might be pregnant. A pregnancy which began in January 2011 and ended in November 2011 would mean María Teresa had been pregnant for 11 months.

María Teresa told Amnesty International: "On the day of the hearing, I only felt pain. When they passed sentence on me I asked God for strength. 'Lord,' I said, 'my son will be 45 years old by the time I get out of this place.'"

"What are my hopes for the future? Freedom. I often feel sad at night, because I want to be with my son, to sleep beside him... I want them [women outside prison] to value all that they have outside, because they don't realize what they've got. Water, one cent... they should value everything, everything".

She is now one of a group of 17 women imprisoned, some on pregnancy-related grounds, including abortion and miscarriage, whose cases are being petitioned for a pardon from the President. All of the cases have exhausted all other legal avenues for their release.

**Cristina** reported having a miscarriage when she was 18 years old. One day she felt a searing pain and rushed to the bathroom where she lost consciousness. She was found by her family, haemorrhaging and covered in blood. Cristina was rushed to hospital where, far from being treated as a patient in distress, she was accused of being a criminal and asked "why did you kill your child?"

Hospital staff reported Cristina to the police on suspicion of having an abortion. She was charged with aggravated homicide which was dismissed in October 2004 on grounds of insufficient evidence. However, the Attorney General's Office appealed and Cristina was subsequently convicted in August 2005 and sentenced to 30 years imprisonment.

Cristina told Amnesty International: "The cause of death was undetermined, they didn't know why the baby had died, so how is it possible that they accused me of aggravated homicide for the death of my child when they didn't even have this basic evidence? This is negligence on the part of the judges, and it is completely obvious. ...How do these people, who are supposed to be such professionals, make this kind of mistake?"

The prosecutor had argued that Christina had an obligation to do more to save her child. However it is understood that a doctor from the Institute of Forensic Medicine gave evidence telling the court Cristina had suffered shock and had lost consciousness at the time of birth.

"How was I, passed out unconscious on the floor, supposed to go running to the hospital with my baby?" asked Cristina. The Ministry of Justice and Public Security eventually commuted her sentence on the grounds that it had been excessive, severe and disproportionate.

Cristina was released from prison in August 2009, but not before having served four years in prison.

unable to give informed consent.

- There is only one women's refuge in El Salvador. It can accommodate just 35 women and children.

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The horrific repression that women and girls in El Salvador face is truly shocking and akin to torture. They are denied their fundamental right to make decisions about their own bodies and are severely punished if they dare to do so.

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**Sallil Shetty, Secretary General of Amnesty International.**

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How was I, passed out unconscious on the floor, supposed to go running to the hospital with my baby?

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**Cristina, who served for years in prison after having had a miscarriage.**

Index card

**El Salvador: On the brink of death: Violence against women and the abortion ban in El Salvador**

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Index Number AMR 29/003/2014  
Date Published 25 September 2014  
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Every year, thousands of women and girls are denied their rights and choices by El Salvador's total ban on abortion and its criminalization. Women and girls who are carrying an unwanted pregnancy are confronted with two options: commit a crime by terminating the pregnancy, or continue with the unwanted pregnancy. This report details the pervading cultural and institutional barriers that women and girls in El Salvador face in exercising their human rights, particularly those barriers that obstruct the realization of their sexual and reproductive rights.

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