



Advertise on NYTimes.com

A Salvadoran at Risk Tests Abortion Law



Ulises Rodriguez/Reuters

Women in body paint gathered in San Salvador in support of a woman seeking an abortion.

By KARLA ZABLUDOVSKY
Published: May 28, 2013

MEXICO CITY — Beatriz spends her days in a hospital room, anxiously watching her belly grow.

Connect With Us on Twitter

Follow @nytimesworld for international breaking news and headlines.

Twitter List: Reporters and Editors



Her doctors say she is inching along a high-risk pregnancy that could ultimately kill her, fraught with risks caused by lupus and other complications. The fetus itself has such a severe birth defect that it has almost no chance of surviving, they say, urging an end to the pregnancy to

protect Beatriz's health before it gets worse. But in El Salvador, where she lives, abortion is illegal under any circumstances.

Now she is waiting for the Salvadoran Supreme Court to rule on her case, which has quickly become a focal point in a broad battle over abortion in Latin America, a largely conservative region where the Roman Catholic Church holds considerable sway.

Long home to some of the world's most stringent abortion laws, the region has begun experiencing a shift in recent years, with some nations loosening restrictions or even legalizing the procedure. Now Beatriz's case is testing the limits of El Salvador's law, one of the more ironclad bans the region still has, by challenging whether abortion should remain off limits even when the mother is at risk and the baby has little hope of survival.

"I don't want to die," Beatriz, 22, said in a telephone interview, explaining her reason for seeking an abortion. "I want to be with my boy, taking care of him."

Advocates have adopted her cause to intensify a regional push to change abortion laws,

FACEBOOK

TWITTER

GOOGLE+

SAVE

E-MAIL

SHARE

PRINT

SINGLE PAGE

REPRINTS



MOST E-MAILED

RECOMMENDED FOR YOU



1. A Salvadoran at Risk Tests Abortion Law



2. LETTERS
Sunday Dialogue: Treating Mental Illness

3. THE 6TH FLOOR
Behind the Cover Story: Daniel Bergner on the Female 'Viagra'

4. YOU'RE THE BOSS
The Challenges of Raising Prices and Competing With Online Retailers



5. One-Day Deals Making E-Books Brief Best Sellers

6. DEALBOOK
Valeant Shows How M.&A. Can Favor the Brave



7. EUREKA
Why Rational People Buy Into Conspiracy Theories

8. LENS
Leaving Tehran and Restraints Behind



9. A New Generation of American Talent Announces Arrival

10. Facebook Says It Failed to Bar Posts With Hate Speech

Log in to discover more articles based on what you've read.

arguing that her rights under international law are being violated: the fetus is not viable, the danger of serious illness or death is increasing as her pregnancy progresses, and she already has an infant child to care for. A group of United Nations human rights experts called on El Salvador's government to grant "exceptions to its general prohibition, especially in cases of therapeutic abortion."

The Salvadoran church, by contrast, has argued that the baby's malformation should not be met with a death sentence.

"This case should not be used to legislate against human life," read a statement from the Episcopal Conference of El Salvador.

Several Latin American nations have softened their stances against abortion in recent years. Uruguay's Senate approved a bill last year allowing women to have abortions during the first trimester for any reason, after an earlier move to legalize the procedure in Mexico City. Courts in Colombia, Brazil and Argentina have also loosened restrictions on some abortions, allowing them in certain cases like rape or when the fetus is expected to die.

But a total ban on the procedure remains in El Salvador, Chile and Nicaragua. Doctors who perform abortions and mothers who request them can be sentenced to long prison terms. Under Salvadoran law, Beatriz, who asked that her last name be withheld to protect her identity, and her doctors could face up to eight years in prison if one is performed.

A group of doctors at the National Maternity Hospital, where she is being treated, determined that Beatriz's risk of serious illness or death increased as the pregnancy continued, and that the fetus would die. They suggested terminating the pregnancy. "We agree in what proceeds," the doctors wrote in a report, "but we are all subject to the laws of this country."

In a letter addressed to the Supreme Court last month, Health Minister María Isabel Rodríguez described Beatriz's situation as "grave maternal illness with a high probability of deterioration or maternal death." Given the fatal prognosis of the fetus, "it is necessary to undertake a medical-legal approach urgently," Ms. Rodríguez wrote.

But the case has its medical detractors as well. José Miguel Fortín Magaña, director of the Institute of Legal Medicine, which evaluates medical issues for the Supreme Court, acknowledged Beatriz's medical problems but said that her health was currently under control and that she was not in danger at the moment.

"If someone has appendicitis, we have to remove the appendix, but we can't say, 'We'll remove it now because maybe in the future there'll be a problem,'" he said, arguing that when a mother was in more immediate peril, doctors would be allowed to induce a premature birth, possibly saving both the woman and the baby.

Other nations have wrestled with the question of whether to prioritize the health of the mother or the fetus. In 2010, the Inter-American Commission on Human Rights ordered chemotherapy or radiation to protect the life of a Nicaraguan woman with metastatic cancer who was being denied treatment because she was pregnant.

Gene Palumbo contributed reporting from San Salvador.

A version of this article appeared in print on May 29, 2013, on page A1 of the New York edition with the headline: A Salvadoran At Risk Tests Abortion Law.

SAVE E-MAIL SHARE



News and commentary with a global voice. Try the Global Edition today.

Get Free E-mail Alerts on These Topics

El Salvador

Abortion

Law and Legislation

Birth Defects



Prince Harry, Almost Just Like Us

ALSO IN GLOBAL FASHION »
January Jones, Her Own Feminine Mystique
A New Jackson in Front of the Lens

The New York Times International Herald Tribune

The new Times experience designed for Android. Download Now

Advertise on NYTimes.com

Ads by Google what's this?
Vlieg met transavia.com
bij ons al va €45 + €5 per boeking
Vlieg voordelig met transavia.com!
transavia.com

Domein al geregistreerd?

De TransIP Actie loopt nog steeds:

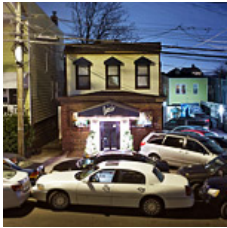
Domeinnaam Actie: NL v.a. € 0,99

TransIP.nl/Domeinnaam

INSIDE NYTIMES.COM

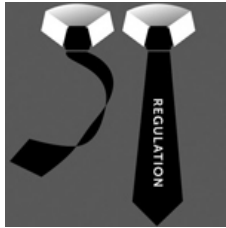


DINING & WINE »



The Ethnic Buffet of Hudson County, N.J.

OPINION »



Invitation to a Dialogue: Our Regulatory System

MOVIES »



Rift Over Air Crash Roils Poland's Artists

WORLD »



In Thailand's Schools, Vestiges of Military Rule

OPINION »

Editorial: Kerry's Shuttle Diplomacy
Secretary of State John Kerry seems to be moving in an encouraging fashion on reviving Mideast peace talks.

HEALTH »



Is It Better to Walk or Run?