

Salvadoran Court Denies Abortion to Ailing Woman

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Published: May 29, 2013

MEXICO CITY — [El Salvador's](#) highest court on Wednesday denied an appeal from a woman with a high-risk [pregnancy](#) to be allowed to undergo an [abortion](#), upholding the country's strict law banning abortion under any circumstances.

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Beatriz, a 22-year-old woman who asked that her last name be withheld to protect her identity, has [lupus](#) and related complications that doctors say will get worse as the pregnancy, which is in its 26th week, continues, possibly leading to serious illness or even death.

Her fetus, which has [anencephaly](#), a severe [birth defect](#) in which parts of the brain and skull are missing, has almost no chance of surviving after birth, leading her doctors to urge an abortion to protect Beatriz's health before it deteriorates further.

But in a 4-to-1 ruling, the court cited the country's legal "absolute impediment to authorize the practice of abortion," and ruled that "the rights of the mother cannot be privileged over those" of the fetus.

The court recognized that Beatriz has lupus, but it said that her disease was currently under control and that the threat to her life "is not actual or imminent, but rather eventual."

It ordered that her health continue to be closely monitored, saying that if complications arose that put her right to life in imminent danger doctors "could proceed with interventions."

While abortion is banned, doctors are allowed to induce premature birth if the mother is facing imminent risk, possibly saving the life of the mother and the baby at the same time, according to José Miguel Fortín Magaña, director of the Institute of Legal Medicine, which advises the court on medical issues.

In the ruling, the court cited doctors as saying that "an eventual interruption of the pregnancy would not imply, much less have as an objective, the destruction of the fetus."

Beatriz's lawyer, however, described the ruling as "misogynistic" because it placed the rights of a fetus with little chance of surviving after birth over the welfare of a sick woman who already has an infant boy to care for.

"The court placed the life of the anencephalic baby over Beatriz's life," said Víctor Hugo Mata, one of her lawyers, speaking by phone from the Supreme Court. "Justice here does not respect the rights of women."

Last month, a group of doctors overseeing Beatriz's care at the National Maternity Hospital sent a report to the Health Ministry arguing that as the pregnancy progressed, the risk of hemorrhaging, [kidney failure](#) and maternal death would increase.

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Legislation in the region, which has been home to some of the world's most restrictive abortion laws, has been loosening somewhat on the issue in recent years. Uruguay and Mexico City have legalized the procedure during the first trimester, while Colombia, Brazil and Argentina have relaxed restrictions in certain cases, including rape.

But El Salvador, Chile and Nicaragua have made no exceptions, not even to save the life of the mother. Beatriz's case has become a test to gauge how expansive the shift toward looser restrictions will be.

"This has hit us like a bucket of cold water," said Marta Maria Blandón, the Central America director for Ipas, a global abortion rights organization. "We had the hope that the state would take a more humane decision."

Anti-abortion groups in El Salvador praised the ruling. "Once again Salvadorans have given an example to the entire world that we defend the right to life of all human beings however small, poor, vulnerable or defenseless," said Julia Regina de Cardenal, director of the foundation Yes to Life.

She said the group was willing to offer whatever help Beatriz needed, adding, "Abortion is a cruel and bloody murder in which not only does the child die but the mother is hurt physically and mentally."

It is up the Health Ministry to decide what steps to take next. The health minister had said earlier that Beatriz could travel abroad for an abortion, although she does not have a visa to enter the United States and would have to obtain a special humanitarian one.

But Mr. Mata said that the trip would pose risks to her health and that she should be treated in El Salvador. "There are many more cases like this," he said. "There has to be an integrated solution."

Karla Zabudovsky reported from Mexico City, and Gene Palumbo from San Salvador. Elisabeth Malkin contributed reporting from Mexico City.

A version of this article appeared in print on May 30, 2013, on page A10 of the New York edition with the headline: Salvadoran Court Denies Abortion to Ailing Woman, Citing Strict Prohibition.

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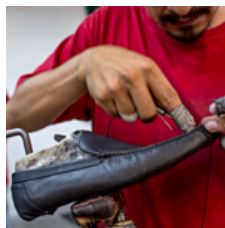
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