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Amnesty International calls on El Salvador to decriminalize abortion and immediately release all women imprisoned for pregnancy-related complications

Human Rights Council adopts Universal Periodic Review outcome on El Salvador

El Salvador has one of the most draconian abortion laws in the world, criminalising abortion on all grounds, even when the woman or girl's life or health is in danger and even in cases of rape and incest. Women suspected of having had an illegal abortion are also often cruelly and deliberately charged with homicide.

On 20 February a young woman walked free after nearly a decade behind bars. Guadalupe was just 18 years old when she was sentenced in 2008 to 30 years in jail. Her "crime" was having suffered a miscarriage.

Guadalupe became pregnant after being raped. When she miscarried the doctors accused her of having intentionally terminated the pregnancy and despite a lack of evidence, she was convicted on trumped up charges of aggravated homicide.

Her case is not unique. According to a national advocacy group, between 2000 and 2011, 129 women were prosecuted due to pregnancy-related issues.¹ Guadalupe was one of 17 women, "Las 17", sentenced to up to 40 years in jail following pregnancy-related complications.

While Guadalupe's release is welcome, it is not enough. The decision to pardon her must mark the turning point at which the authorities urgently review the sentences against all women imprisoned for pregnancy-related complications.

Fourteen recommendations were made to El Salvador related to sexual and reproductive rights, including to decriminalize abortion, to ensure access to sexual and reproductive health services, and to release all women imprisoned for pregnancy-related complications.²

While Amnesty International welcomes El Salvador's accept of the recommendations to provide access to sexual and reproductive health services, including contraception, the organization is disappointed that the government has merely noted the 10 recommendations to decriminalize abortion and remove the ban on it. Amnesty International hopes that the public dialogue on the issue will be wide and participatory as committed to by the government.

Amnesty International notes that El Salvador's response is silent with regard to two important recommendations to immediately and unconditionally release all women imprisoned for having undergone an abortion or suffered a miscarriage. Amnesty International urges the government to immediately act on these recommendations and set the women free.

¹ Agrupación Ciudadana por la Despenalización del Aborto.

² A/HRC/28/5, recommendations 105.49 (Australia), 105.50 (Iceland), 105.51 (Luxembourg), 105.52 (Norway), 105.53 (Germany), 105.54 (Spain), 105.55 (Czech Republic), 105.56 (Slovenia), 105.57 (Sweden) 105.58 (Iceland) - [related to decriminalization of abortion], recommendations 105.59 (Iceland), 105.60 (Spain) - [related to release], recommendations 105.61 (United Kingdom of Great Britain and Northern Ireland), 105.62 (Iceland) - [access to SRR services and education].

The ban on abortion not only deny woman and girls their human rights, it also imposes an environment of suspicion and discrimination on women and girls. The human rights obligations of El Salvador require it to prevent discrimination and violence against women.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of El Salvador on 18 March 2015 during its 28th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

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