



## **EL SALVADOR: OPEN LETTER TO THE SUPREME COURT OF JUSTICE OF EL SALVADOR**

### **Imprisonment of 17 women raises serious human rights concerns**

The Salvadoran authorities are currently considering requests for pardons in the cases of 17 women serving prison sentences of up to 40 years in connection to pregnancy-related issues. Some of the women have already served over ten years in prison. All of them come from the poorest sectors of Salvadoran society, and did not have access to adequate maternal health services.

Based on the information Amnesty International has received from the women's lawyers, and **the Citizen's Group for the Decriminalisation of Therapeutic, Ethical and Eugenic Abortion (Agrupación Ciudadana para la Despenalización del Aborto Terapéutico, , Ético y Eugenésico)**, the cases raise serious concerns regarding their due process rights, including their rights to a fair and effective investigation and to a fair trial. Their right to effective legal counsel, their right to adequate time to prepare a defence and their right to equality and non-discrimination appear to have been violated.

All persons are entitled without any discrimination to the equal protection of the law, including on grounds of sex and socio economic status. Amnesty International is concerned that in these cases the women's socio-economic status and sex has played a role in their poor treatment by the criminal justice system, and has tainted the gathering and assessment of evidence used to convict them.

Amnesty International urges the Salvadoran authorities to guarantee their due process rights by taking the following factors into account when assessing the pardon requests:

- Were the women informed of their rights prior to questioning?
- Have the women had access to effective and timely legal representation?
- Were the women questioned while lucid, including not under the effects of anaesthetic, severe blood loss or in shock?
- Did forensic evidence meet acceptable scientific standards? Was forensic and other evidence against them incomplete, contradictory or inconclusive?

- Were any of the women suffering from a mental health disorder or condition at the time the events occurred?
- Did the law enforcement and justice officials involved in the cases comply with their professional obligations to non-discrimination and ensuring equality before the law in these cases? Including not relying on discriminatory gender stereotypes when fulfilling their job duties.

Amnesty International is concerned that the context regarding women and girl's access to sexual and reproductive rights in El Salvador has influenced the prosecution and sentencing of these 17 women, and possibly others.

In order to prevent similar cases, and to guarantee women and girls' human rights, El Salvador must comply with its international human rights obligations. The authorities must ensure access to sexual and reproductive healthcare, including comprehensive maternal healthcare, the full range of modern contraceptive methods, and abortion services, at least in cases where the pregnancy endangers the life or health of a woman or girl, or the pregnancy is a result of rape or incest, and cases of severe foetal impairment.

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