

# URGENT ACTION

## URGE LEGISLATORS TO DECRIMINALIZE ABORTION

**Salvadorian legislators will soon debate a proposed change to the Criminal Code that, if passed, would end the total criminalization of abortion in the country. It is the first time in almost 20 years that there is a real opportunity to change this law.**

In October 2016 the ruling party in El Salvador, the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional, FMLN) presented a proposal to reform the Criminal Code to decriminalize abortion under specific circumstances, including: where the pregnancy poses a risk to the life of a pregnant woman or girl, where the pregnancy is the result of rape and where the foetus would be unable to survive outside the womb.

Abortion has been criminalized in all circumstances in El Salvador since 1998, even when the pregnancy is the result of rape, incest, or where the life of the pregnant woman or girl is at risk. Many women and girls have lost their lives or been imprisoned due to the total abortion ban. The legal framework in El Salvador not only criminalizes every woman who undergoes an induced termination of her pregnancy, it also creates an atmosphere of suspicion around women who are not receiving medical care when they miscarry or experience other obstetric emergencies. As a result, women who experience complications during pregnancy have been prosecuted on charges of abortion. Some have even been accused of aggravated homicide and sentenced to up to 40 years, severely affecting their lives and those of their families.

The debate about this proposed legal reform will take place in two phases. First, a Commission of the Legislative Assembly (Comisión de Legislación y Puntos Constitucionales) will debate it, and if it is approved, then it will pass to the Legislative Assembly to be debated and voted on by all congress members. The debate has not yet begun in the Commission of the Legislative Assembly, but the next legislative session is scheduled to begin on 8 May. It is therefore a crucial moment to call on legislators to support the proposal that will respect, protect and fulfil the rights of women and girls.

### **Please write immediately in Spanish or your own language:**

- Urging the legislators to support the proposal that ends the total ban on abortion;
- Expressing your profound concern that women and girls in El Salvador are at risk of having their rights to life, health and freedom from discrimination, and from torture and ill-treatment violated if the criminalization of abortion is maintained;
- Calling on legislators to ensure access to abortion both in law and in practice, at a minimum, in cases where pregnancy poses a risk to the life or the physical or mental health of a pregnant woman or girl, in cases where the foetus will be unable to survive outside the womb, and in cases where the pregnancy is the result of rape or incest.

### **PLEASE SEND APPEALS BEFORE 21 JULY 2017 TO:**

President of the Commission of the  
Legislative Assembly

Mario Alberto Tenorio  
Presidente de la Comisión de  
Legislación y Puntos Constitucionales  
Email: mtenorio@asamblea.gob.sv  
Twitter: @mtenoriosv

**Salutation: Dear Mr. President/  
Estimado Sr. Presidente**

President of the Legislative Assembly  
Guillermo Gallegos

Presidente de la Asamblea Legislativa  
Email: ggallegos@asamblea.gob.sv  
Twitter: @GGallegos24

**Salutation: Dear Mr. President/  
Estimado Sr. Presidente**

### **And copies to:**

Amnesty International Central America  
team

Email: equipoca@amnesty.org

**Also send copies to diplomatic representatives accredited to your country.** HER EXCELLENCY MRS LIDIA ELISABETH HAYEK-WEINMANN, Embassy of El Salvador, 8 Dorset Square 1st & 2nd Floors NW1 6PU, 020 7224 9800, Fax 020 7224 9878, embajadalondres@rree.gob.sv, elsalvador.embassy@gmail.com, Salutation: Your Excellency

**Please check with your section office if sending appeals after the above date.**

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

1998 was a watershed moment for women's human rights in El Salvador. This was the year that the government decided to take a retrograde step. While most countries around the world were moving towards a liberalization of restrictive laws on abortion, El Salvador moved to criminalize abortion in all circumstances. Legislation that had previously allowed access to abortion in certain circumstances – namely, when the woman's life was in danger, when the pregnancy was the result of rape or incest, or in cases of severe foetal impairment – was amended. From then on abortion was considered a crime in all circumstances, without exception.

Evidence shows that total bans on abortion do not reduce the number of abortions but instead increase the risk of women dying due to illegal, unsafe abortions. The World Health Organization has warned that restrictive abortion laws put women and girls living in poverty, and those living in rural and more isolated areas at particular risk of unsafe abortions. Criminalization of abortion in all circumstances deters women from seeking medical care and creates a 'chilling effect' on doctors who are fearful of providing life-saving treatment to women whose life or health are at risk by pregnancy, or who suffer complications from an unsafe abortion.

In recent years, a group of at least 17 Salvadoran women who come from poor and disadvantaged backgrounds were unjustly imprisoned after unfair trials, which included unreliable and weak evidence, and poor legal defence. All suffered pregnancy-related complications outside a hospital setting, and were initially charged with abortion. They were subsequently sentenced to up to 40 years' imprisonment for aggravated homicide. For more information, see the report *Separated families, broken ties: Women imprisoned for obstetric emergencies and the impact on their families* (<https://www.amnesty.org/en/documents/amr29/2873/2015/en/>).

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