# Resolution on El Salvador: the cases of women prosecuted for miscarriage

2017/3003(RSP) - 14/12/2017 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on El Salvador: the cases of women prosecuted for miscarriage.

The text adopted in plenary was tabled by the S&D, ALDE, GUE/NGL and Greens/EFA groups.

Since 2000, at least 120 women, mostly young and poor, in El Salvador have been prosecuted for abortion or homicide when foetal death occurred in the last months of pregnancy, with 26 of these convicted of homicide and 23 convicted of abortion, and all those convicted serving extremely long sentences, despite not being criminals according to international standards.

Gender-based violence is a major problem in El Salvador, with data showing that one woman is sexually assaulted every three hours, instances of rape often resulting in undesired pregnancies, and an appalling numbers of feminicides, only 5 % of which have been the subject of judicial proceedings.

In 1998, El Salvador criminalised abortion under all circumstances, including cases in which pregnancy has life-threatening complications for the woman or girl, and in cases of rape, incest or an unviable foetus. In 1999, a constitutional amendment was passed recognising an embryo as a human being from ‘the moment of conception’ therefore any person who performs or self-induces an abortion, even before the foetal stage, is therefore **liable to be prosecuted** with a sentence of between two and eight years, but in many cases prosecutors have increased the charge to ‘aggravated homicide’, which carries **up to 50 years’ imprisonment**.

Parliament expressed its deep concern over the situation of girls’ and women’s human rights, including sexual and reproductive health and rights, in El Salvador and condemned all forms of violence against women. Article 7 of the Rome Statute of the International Criminal Court (which El Salvador ratified on 3 March 2016), defines forced pregnancy as a crime against humanity and a form of gender-based violence against women, which constitutes a serious violation of the human rights and dignity of women and girls.

Therefore, Parliament strongly rejected the sentencing and imprisonment of women and girls suffering stillbirths or miscarriages and called for their **immediate and unconditional release**.

El Salvador is called on to:

- ensure that women and girls have access to **safe and legal abortion**;
- **decriminalise abortion** at minimum in cases where pregnancy poses a risk to the life or the physical or mental health of a pregnant woman or girl, where there is severe and fatal impairment of the foetus, or where the pregnancy is the result of rape or incest;
- introduce a **moratorium** on the enforcement of the current law and to review the detention of women accused of miscarriage, stillbirth or abortion-related offences;
- **condemns all punitive measures** against women and girls seeking an abortion;
- improve the conditions of imprisoned women, including by granting them access to hygiene products and thereby respecting their basic human rights;
- meet their **international obligations** and to protect human rights by ensuring that all girls have access to all possible information and medical services for the management of high-risk pregnancies resulting from rape;
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- ensure access to modern **contraceptive information and services**, and to make efforts to provide comprehensive sex education in public schools.

Lastly, Parliament called on the EU Member States and institutions to increase their support for local human rights defenders and NGOs campaigning for the rights of women and girls, especially sexual and reproductive health and rights and family planning in El Salvador, including funding.