



El Salvador is one of the few countries that have not yet made the decision that women's lives matter



CIVICUS speaks to Sara García Gross, executive coordinator of the Citizens' Association for the Decriminalisation of Therapeutic, Ethical and Eugenic Abortion in El Salvador and member of the Salvadoran Network of Women Human Rights Defenders. Founded in 2009, the Citizens' Association is a multidisciplinary civil society organisation that seeks to raise awareness to change the Salvadoran legislation regarding abortion, to legally defend women who have been charged or convicted for abortion or related offences and to promote sexual and reproductive health education.

1. El Salvador has one of the world's most regressive legislation on sexual and reproductive rights. How has this context shaped your activism?

The struggle for women's rights, and particularly for sexual and reproductive rights, is difficult in a country where violence against women occurs on a daily basis. Within the framework of such a strong patriarchal culture, it is key to work to place this silenced issue on the agenda and to get people to talk about it.

Our struggle at the Citizens' Association for the Decriminalisation of Abortion is a struggle for women's fundamental rights to health and life. The central idea that we promote is that women's lives matter, and that we will therefore not allow violence and impunity to be a part of the daily treatment received by women.

The Salvadoran legislation on sexual and reproductive rights has not always been as restrictive as it is today; its introduction was the result of the advances of conservatism and fundamentalism in the public arena in the 1990s. At the beginning of that decade, the internal armed conflict (1980-1992) ended, and the peace agreements led to a democratisation process. This was accompanied by abundant hope and there was a sort of "feminist spring" in which several women's organisations emerged and the struggle for women's rights began to move forward. It was then that work began to make femicidal violence visible and to affirm women's rights to a life free from violence and to autonomy to decide over our own bodies.

At that time, the Salvadoran Criminal Code comprised three grounds for legal abortion, that is, grounds for exemption from criminal responsibility. But the Criminal Code was revised as a result of a provision included in the peace accords, and pressures from some groups linked

to the Catholic Church hierarchy, and particularly from Opus Dei, intensified during the process. Their goal was to make sure that abortion was completely banned and penalised. These groups had great presence in the mass media and an easy reach to decision-making spheres. As a result, in 1997 the reformed Criminal Code established one of the most restrictive abortion regimes in the world: abortion became criminalised even in situations in which the pregnant woman's life is at risk. This turned our country into an anti-model at the global level: according to World Health Organization figures, 97% of the countries in the world currently have legislation allowing for this exception, that is, permitting an abortion to preserve a woman's life. El Salvador is one of the very few countries in the world that has not yet decided that saving women's lives matters.

Lastly, in 1999 this legislative change was underpinned by a Constitutional amendment guaranteeing the protection of life from the very moment of conception. These two changes sought to seal off women's access to even therapeutic abortion.

2. What effects did this ban have on women's rights activism?

Total criminalisation caused fear, uncertainty and censorship, since the law also criminalised those who promoted or provided the means for a woman to terminate a pregnancy. The phrasing is ambiguous and suggests that not only health professionals but also feminist and women's rights activists and organisations can be criminalised for their work.

As a result of the ban, cases of stigmatisation and persecution of women who had abortions began to pile up. In some cases these were women who had arrived at a public hospital with an obstetric emergency due to a miscarriage, and even in these cases they were stigmatised, put under investigation, criminally charged and sometimes convicted and handed prison sentences.

These extreme situations, of which the so-called [Karina case](#) became a paradigmatic example, were a wake-up call: they allowed us to begin raising awareness of the seriousness of the situation and they became the focus of our struggle. This particular case started in 2004, when a woman who became known as Karina was charged with murdering her newborn daughter, although in fact she had suffered a miscarriage. An important movement formed, called "Solidarity with Karina", and as Karina's conviction has overturned and she recovered her freedom in 2009, Karina spoke up and said that there were many other women like herself, who are denounced and criminalised for abortion and deprived of their freedom after being handed harsh sentences for aggravated homicide. It was precisely at that moment that this platform called Citizens' Association for the Decriminalisation of Abortion was formed, in order to follow up on cases like this and to promote a change in social perceptions treating as a crime something that is in fact a right.

3. What tactics does the Citizens' Association use, and what work does it do in order to promote that change?

In the first place, strategic litigation and the accompaniment of cases have been fundamental. At first we did legal work on cases that appeared in the media, but as our platform became more visible, new cases started being referred to us. So we currently provide legal counselling and follow-up and we mobilise solidarity in support of cases that keep coming up, either through the media or through other people who send them our way.

Since 2009 we have worked on many cases of women who faced violations of due process

guarantees and the denial of their basic and fundamental rights, which contributed to give visibility to our struggle. One of the most revealing of the systematic human rights violations committed against women, from the minute they resort to the public health system until the time their cases are judicially resolved, was the [Beatriz case](#). This was a woman who resorted to a public hospital to request the interruption of an unviable pregnancy. She was pregnant with an anencephalic foetus, in addition to which she had a health condition that put her life at risk. Health professionals had prescribed a pregnancy interruption, but they were unable to move forward with the intervention due to the legal vacuum generated by the total abortion ban. Faced with this situation, Beatriz had to file a legal protection petition (*recurso de amparo*) with the Constitutional Chamber of the Supreme Court, in addition to resorting to the [Inter-American Commission on Human Rights](#) and later also to the Inter-American Court. The response she got from the Salvadoran Constitutional Chamber was that her life was not at imminent risk, and that the rights of the mother could not supersede those of the unborn child. She was not allowed to undergo an abortion but eventually received a premature C-section. She did not end up in jail, but her case revealed the torture that women are routinely put through, a reality that affects so many of us.

Secondly, and to a large extent on the basis of these cases, we carry out media and social awareness campaigns, especially on social media. This is important because we not only seek a legal and institutional response; we also seek the involvement of the population. We pursue change in social perceptions of the issue. This campaign takes place on a permanent basis, because it is counter-hegemonic: it targets the most deeply rooted common sense that considers that we are promoting a crime against life. Against this idea we insist that we are the ones defending life, given that we fight for women's right to life, health and freedom. In fact, we fight for a life free from violence, based on the understanding that this criminalisation is just one of the many forms of violence to which we are subjected. Crafting these messages is extremely important.

In that sense, the collection of evidence through research is also key. For instance, we conducted a research project entitled "From Hospital to Prison", in which we analysed the trajectory followed by women criminalised for abortion or aggravated homicide; we have also done research on health, good practices, comparative legislation and international recommendations. These investigations have given us tools for public discussion and advocacy work.

Lastly, we do political advocacy work so that our message reaches legislators and other public office holders. It is important that they have good information, since they should not make a publicly binding decision based on personal beliefs. As citizens, we provide them with the information they need and urge them to make sure that secularism prevails in debate and decision-making processes, so that public decisions are kept separate from individual convictions.

As a result of our research, monitoring and dissemination work, and particularly since the Beatriz case in 2013, many people beyond women's rights organisations became aware of the situation and expressed their outrage about it. At the same time, as these changes in public opinion became more visible, fundamentalist groups also began to counter-attack with their own initiatives. And in July 2016 a right-wing congressional representative submitted a bill, currently under discussion in the Legislative Assembly, to increase the penalties for abortion to up to 50 years. They want to put the Criminal Code in line with the Constitution, which protects life from the moment of conception. This would be a monumental setback and a human rights abomination.

4. Did you experience additional obstacles in your work as a result of this conservative reaction?

In reaction to our work and that of other social organisations trying to shed light on the issue and make the injustice visible, fundamentalist groups have used defamation, stigmatisation and discrediting tactics against us. Not only do they call us apologists of crime, but they also publish statements in the most widely read newspapers in which they accuse us of committing crimes, they demand that the Prosecutor's office launch an investigation against us, and urge the Legislative Assembly's International Relations Committee to ban us from receiving funding. In sum, what they attack is plainly our right to defend rights.

So far, however, given the favourable political context, attacks have not progressed beyond smear campaigns. Nevertheless, we are in fact worried that if the regional trend of a shift to the right reaches our country, this could result in a much more serious persecution against women human rights defenders. In addition, these actions that were deployed against us have not been without consequence: as we also do grassroots work, we have been forced to come out many times to counteract the accusations, provide explanations of why we are attacked and explain what the meaning of our work truly is.

5. What are the chances that the law under discussion in the Assembly will be passed, and what are you doing to prevent it from happening?

There are in fact two opposing bills currently being discussed in the Assembly. In October 2016, three months after the bill increasing penalties for abortion was submitted, a decriminalisation bill was also presented that would allow abortion under four circumstances: when there is risk to the pregnant woman's life, when the pregnancy is the result of rape or human trafficking, and when severe foetal malformations make extra uterine life nonviable.

Both initiatives are being discussed, and we are running a strong campaign in favour of decriminalisation, and for women's right to health and life. We have received a quite favourable response from national and international institutions, organisations and platforms. For instance, the Ministry of Health and the Salvadoran National Bioethics Commission have issued very strong statements, as has the United Nations' High Commissioner. During the latest United Nations' Universal Periodic Review of El Salvador, about twelve countries [recommended](#) the Salvadoran state to revise this legislation.

However, pressure remains strong from some conservative groups that have deputies in the Assembly who have not changed their misogynist and anti-rights stances. So while the context is favourable to our struggle, it is still important for us to step up the pressure and amplify our international call urging the Legislative Assembly to pass a law to protect women's rights.

6. How connected is Salvadoran civil society with its counterparts in other parts of the world? Are you receiving enough international solidarity and support?

International alliances are fundamental to us because they allow us to highlight injustice, provoke indignation and put pressure on the Salvadoran State so that it feels observed and takes upon itself the responsibility for making a change. The alliances we have built have supported various aspects of our work, from signature collection and social media

mobilisation to political advocacy.

For instance, not long ago, on 7 June 2017, we organised a global action aimed at generating an international pronouncement on the issue, and we requested global civil society platforms to disseminate our call through their networks. Through this campaign, we urged citizens and organisations around the world to send a letter to the Salvadoran embassy in their respective countries, copying the President of the Legislative Assembly, in order to support our claims for legal change. Along with people from around 25 countries, we managed to break the media siege, giving visibility to the current restrictions on the exercise of sexual and reproductive rights by girls and women in El Salvador, and ultimately on our rights to life and health. As we put it in the text that we published to thank those who accompanied us, as a result of international solidarity more than six million people around the world were able to see what conservative media keep silent about: that while rich women have safe abortions, poor women bleed to death, and that the state is responsible for this.

We have also received strong support in international forums, for instance in the context of the assessment of El Salvador within the CEDAW framework or when it was our country's turn with the United Nations' Universal Periodic Review. It is important to take advantage of these windows of opportunity to put the issue higher up on the agenda, strengthen partnerships and generate media coverage at the international level. This is in fact one of our great bets: to have the issue taken up by the media in a way that boosts public debate. Partnerships with international civil society organisations such as the Center for Reproductive Rights, Amnesty International, CEJIL (Center for Justice and International Law), Ipas, the Global Network of Activists for Sexual and Reproductive Rights and the feminist networks have been key to our work in terms of agenda-setting and the promotion of public discussion on these issues.

We are currently at a key juncture, given that this is a pre-election year – legislative and municipal elections will be held in March 2018 – and we do not want attention to be diverted from the issue. We want further discussion and we want this discussion to be serious, secular, and evidence-based. For that we need all the solidarity we can get from feminist experts, both men and women, who from wherever they are, are willing to bridge the global and the local and help us build a nationally-adapted advocacy strategy.

- **Civic space in El Salvador is rated as “narrowed” in the [CIVICUS Monitor](#).**
- Get in touch with *Agrupación Ciudadana por la Despenalización del Aborto* through their [website](#) or [Facebook](#) page, or follow [@AbortoPORlaVIDA](#) on Twitter.

JUNE 7 GLOBAL ACTION

TO SUPPORT
THE REFORM
OF ARTICLE 133
REGULATING
ABORTION IN
EL SALVADOR



yo #Apoyo4Causales

Alianza por la Vida y la Salud de las mujeres.

WRITE A LETTER
IN SUPPORT OF
ABORTION REFORM
FOR FOUR REASONS
IN EL SALVADOR



SEND THE LETTER
TO THE SALVADORAN
AMBASSADOR
IN YOUR COUNTRY
WITH A COPY
TO THE PRESIDENT
OF THE
LEGISLATIVE ASSEMBLY
IN EL SALVADOR

THANK YOU!
FOR JOINING
OUR
STRUGGLE

