

Stories from mothers imprisoned under El Salvador's abortion ban spark debate

El Salvador has one of the most restrictive abortion laws in the world. But that may be changing.

by [Catarina Fernandes Martins](#) in the [September 13, 2017](#) issue

([The Christian Science Monitor](#)) Mirna Ramírez was arrested for attempting to murder her daughter on the day she was born.

Ramírez was seven months pregnant when she suddenly went into labor at home, where she delivered her daughter. Neighbors rushed to help and arrived right after the birth. Afterward, though, they reported her to authorities because they suspected she had been trying to abort the baby. She was sentenced to 15 years in prison.

“They didn’t believe me when I said I didn’t try an abortion,” said Ramírez, who was freed on parole three years ago, after serving 12 years. “My daughter was left alone.”

El Salvador has one of the most restrictive abortion laws in the world. For 20 years, the procedure has been banned without exceptions. The constitution defines life as beginning at conception. Most controversially, however, abortion is criminalized. Dozens of women who maintain that they suffered miscarriages or stillbirths have been imprisoned.

That practice may be poised to change. A bill introduced in the legislature this spring would permit abortions in a few cases, such as the rape of a minor or when the mother’s life is at risk. The bill has received support from church groups, doctors, and activists.

That debate would not have taken place even a few years ago, some activists say. They point to Las 17, as the original group of imprisoned women are known, for helping to reveal an overlooked side of the law—its consequences for families left

behind—and on the lack of justice for women who have suffered miscarriages and were convicted through trials that critics say assume guilt and often proceed without direct proof.

El Salvador's laws popped into the international spotlight in July, when a judge sentenced Evelyn Beatriz Hernandez Cruz to 30 years in prison. Hernandez, who became pregnant at age 18 after being raped repeatedly by a gang member, said she did not realize she was pregnant. She gave birth in a bathroom, and her child was stillborn.

Among Las 17, most of whom are still in prison, one story had a particular impact, according to Laura Aguirre, a Salvadoran doctoral student at the Free University of Berlin who researches sexual violence.

In 2013, Beatriz—a pseudonym—was 22 years old and expecting her second child. Doctors said that the fetus could not survive; meanwhile, preexisting medical conditions put her life in danger as the pregnancy progressed. The supreme court ruled that she could not have an abortion, but one doctor caring for her decided to perform a C-section at seven months. Her baby died within hours.

Beatriz's story "stirred the waters in El Salvador," Aguirre said. "In this country we always debate the rights of fetuses, but we rarely debate the rights of existing children. There's the belief that the mother must be willing to sacrifice everything for her child, even her life, but that belief doesn't apply to the children that are left alone when these women are sent to jail."

Beatriz "changed the focus" by stressing that "her son had the right to grow up with his mother," she said.

Supporters of El Salvador's current laws see the stories of Las 17 differently. These cases "distort reality," according to Ricardo Velásquez Parker, a legislator who last year introduced a bill to increase the maximum penalty for abortion from eight to 50 years.

The women are "in jail because they have murdered their babies," Velásquez Parker said. "When a mother goes to jail, what happens to her kids is sad, and I understand the drama, but killing people is wrong."

Karla Hernández, also a legislator, said the focus should be on improving the lives of these children once their mothers are arrested.

“It should be possible for these kids to grow up healthily around their mothers in jail, but the living conditions there are unacceptable,” she said, adding, “We should be debating the lack of policies to help the families of these women” instead of liberalizing abortion laws.

Opponents say that El Salvador has not curbed abortion: between 1995 and 2000, there were nearly 250,000 abortions in the country, according to the Global Health Council. The wealthy are able to seek care abroad or at private clinics.

María Teresa Rivera’s son, Oscar, was six years old when she was sentenced to 40 years in prison for murder after suffering a miscarriage. Rivera, who was raising her son on her own, said she did not realize she was pregnant and that no doctors testified at her initial trial. Both of her parents had died, and Oscar’s father wasn’t around; his paternal grandparents took care of him, but Oscar became depressed, she said.

“He had to face the other kids telling him his mother had killed his brother; he wanted to give up,” Rivera said. His grandparents were “a big support, but they can barely read or write. He lost a year in school.”

Rivera was exonerated in 2016. A few months after she was released from jail, however, prosecutors appealed for the original verdict to be reinstated. With the help of Agrupación Ciudadana, she fled the country with her son and was granted asylum in Sweden earlier this year.

“I wasn’t the perfect mother, but I always try to do what is best for my son,” she said. “I would have done the same with my second son.”

Dennis Muñoz is known in El Salvador as the “abortion lawyer.” For almost a decade, he has defended women prosecuted on abortion-related charges.

“The Constitution of El Salvador considers family unity as a main principle, but the stories of these women counter that,” he said.

But Muñoz said he’s feeling hopeful that the mentality is shifting: “Seven years ago we didn’t dare dream there would be a bill in parliament. When the law was introduced everyone said it would be rejected. But here we are, still debating it.”

For now, the proposal seems stalled in the legislature. Velásquez Parker said the vast majority of Salvadorans “think abortion is wrong,” and no major changes will happen soon. “Any politician who supports abortion will be massively rejected by the population.”

In a recent poll, however, nearly four-fifths of respondents said that abortion should be decriminalized in at least some circumstances, according to the results of a survey conducted by a local women’s group and the polling firm Untold Research.

“Little by little, the way Salvadorans see the abortion law is changing,” said Morena Herrera, who leads Agrupación Ciudadana, a decriminalization advocacy group. The stories of Las 17 are “helping change mentalities.”

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