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## Locked up for suffering a miscarriage

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It is difficult to imagine anything more misogynistic than say, the legal beating of a woman by her husband for the "crime" of insubordination. Or, women who have been raped being unable to testify in court against their rapist(s). This is the case, however, in several Muslim countries adhering to strict interpretations of Sharia

law.

But what has been transpiring in El Salvador of late adds a layer of misogyny that may rival, if not exceed, some aspects of Sharia's strict application in the countries that follow it.

El Salvador's draconian abortion law pits the sciences of anatomy and physiology against women's rights altogether. The mind-boggling result is that women who have been betrayed by their own bodies and have thus suffered miscarriages or stillbirths are being sentenced to lengthy prison terms, and are being housed in the most violent, overcrowded El Salvadoran prisons. Abortion is illegal in El Salvador (and several other Central and South American countries with strong histories steeped in Catholicism), with no exceptions whatsoever. None. Not for rape, incest, a non-viable fetus or the impending death of the mother. That may be morally acceptable for some El Salvadorans; it may even be morally acceptable for some extreme right-to-lifers here in the U.S.

The complete ban on abortion in El Salvador was implemented in 1998. This was the result of a targeted church campaign, following more than a decade of civil war (1980-1992) and then several years of rebuilding within the country.

These draconian laws, as offensive as they may be to some, are not in themselves, the most pressing legal issue du jour in El Salvador.

Even more urgent is that women who have suffered miscarriages or stillbirths have in some cases been charged with aggravated homicide and sentenced to as much as 50 years. In other words, the charge is that the women caused the death of their fetuses or newborn infants, even when the cause was, in fact, spontaneous abortion (i.e. what is usually termed "miscarriage") or stillbirth, with no evidence whatsoever of attempted illegal abortion or the mother's intent to harm the unborn or newborn. To add insult to injury, because the abortion ban is total, the homicide charge applies even when the pregnancy that resulted in the miscarriage or stillbirth was caused by rape or incest.

So let's paint a depressingly gruesome picture: A teenager is working as a housekeeper for a family in San Salvador, El Salvador's capital. The teenager is raped by the family's neighbor and becomes pregnant. The rape notwithstanding, the teenager decides not to put the child up for adoption, but to keep it. While at work, she starts bleeding and goes into labor, but her boss won't let her leave the house to seek medical attention. The child is born at the employer's house, but immediately dies. The teenager finally gets to a public hospital and passes out. When she wakes, her wrists are handcuffed to her hospital bed. One of the medical staff - fearing their own prosecution due to the all-out abortion ban - has called the police. Four days later, the teenager is taken to court, and, after two brief hearings on a homicide charge, is sentenced to 30 years in prison and is transferred to Ilopango prison, the country's sole prison for women, which is so overcrowded that women sleep 40 to a cell.

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If that sounds like a woman's worst possible nightmare, consider that it is real-life case of Carmen Guadalupe Vasquez, now 25, who served seven years and three months of her original 30-year prison sentence. And if that's not horrific enough, social activists in El Salvador have found 16 cases comparable to that of Vasquez, and believe that another 15 or so similarly situated women are rotting away in Salvadoran prisons for the egregious "crime" of having their bodies fail them - and thus, apparently also fail the male-dominated society in which they live - at a crucial moment.

An advocacy group, Agrupaci3n Ciudadana por la Despenalizaci3n del Aborto (Citizen Group for the Decriminalization of Abortion), filed petitions on behalf of Las 17 (The 17), representing Vasquez and the other 16 women in her position. As a result of their efforts, Vasquez was the first woman to be pardoned this past February by an intensely divided legislature. Vasquez's pardon was based on due process grounds.

Another woman, originally sentenced to 30 years following a miscarriage, had her sentence commuted to three years - in effect, time served - and was released.

Yet another woman who had served 12 years was ordered released by the Salvadoran Supreme Court, ruling that since her baby had survived, the sentence was excessive.

You think?

The draconian nature of these statutes and their distorted application irrespective of physiological realities are unconscionable. When one considers that El Salvador unicameral legislative assembly is comprised of 84 deputies, elected for renewable three-year terms, and that as of the 2012 election, 23 of those deputies (or 27.4 percent) were women, it's simply defies comprehension.

However your personal, moral or religious barometer on the abortion issue might operate, the danger inherent in assessing a woman's criminal liability for the biological imperative of a miscarriage or stillbirth that is utterly devoid of volition, fault or culpability is self-evident. In a sad legislative situation such as that which currently exists in El Salvador, one could imagine, theoretically at least, that the situation might one day eventually become more egalitarian. Men could perhaps be prosecuted if their PSA tests were too high or they couldn't father children because of some other physical ailment outside their control. That, of course, is theater of the absurd, and would probably never happen in El Salvador, or anywhere else in Central or South America for that matter, where the ethics of machismo rule - and where, as Vasquez's attorney Dennis Mu1oz said, the policy is a "witch hunt against poor women."

Under these circumstances, it should not be surprising that the rate of impunity for violent crimes against women (including rape and murder) is over 95 percent. That gives a man pretty good odds therefore of literally getting away with murder when the victim is a woman. On the other hand, El Salvadoran prosecutors and judges apparently have virtually no problem charging women with aggravated homicide and sentencing them to lengthy prison terms for violating abortion laws, often on no evidence at all other than what can only be described as a completely twisted application of the res ipsa loquitur doctrine.

As to those remaining 15 imprisoned women, the Salvadoran Supreme Court has been petitioned for their release. The court has denied six of those petitions. Decisions have not yet been rendered on the remaining nine.

While we cannot, of course, demand that another country's legislature change its laws to suit our own moral and ethical sensibilities, we certainly do not have to support financially those governments that engage in conduct that defies modern medicine and science and then criminalizes an absolutely uncontrollable biological event. In fiscal year 2014, the U.S. obligated over \$107 million of aid to El Salvador, money that of course will come from U.S. taxpayers (though apparently only \$52 million was spent). However, late last year, President Obama signed off on a \$277 million, five-year economic assistance package for the country.

The very thought that U.S. tax dollars would support this reprehensible conduct against the poorest and most vulnerable in El Salvadoran society, should be enough for us to see to it that it doesn't.

Here's hoping.

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