



Ms. Federica Mogherini
High Representative for the Union Foreign Affairs and Security Policy and
Vice President of the European Commission
Rue de la Loi /Wetstraat 200, B-1049 Brussels

Strasbourg, 14th November 2018

Dear High Representative/ Vice President Mogherini,

The purpose of this letter is to express our deep concern over the situation of Imelda Cortez (20 years old) who is facing a 20 years jail charge with attempted murder, after she gave birth to her abuser's baby in a latrine in El Salvador. Imelda Cortez had been abused by her 70-year-old stepfather since she was 12 years old and said she had no idea she was pregnant. The baby survived, but Cortez was charged with attempted murder, was denied bail and sent to jail after a week in hospital, where she has been in custody since April 2017. Her stepfather is yet to be charged. The trial was expected to begin on November 12, 2018 but the judge did not show up due to health reasons. The trial has been postponed to December 17th.

The absolute criminalisation of abortion according to Articles 133, 135 and 136 of the Salvadorian Penal Code has severe impacts on women and girls' lives— mainly from poor backgrounds – condemning surviving women of a violation who has obstetric complications, to 30 to 50 years in prison. Abortion in the country is punishable with jail in any circumstance, also when the woman are the victim of a violation, incest or her life is in danger. Like Cortez, 24 other women from poor backgrounds are currently serving 15 to 30 years in jail convicted on tenuous evidence after having a gynaecological complication such as a miscarriage or stillbirth. The current legislation also creates legal insecurity of health personnel, doctors and nurses, who are forced to stand by even in cases where medical practice recommends a termination of pregnancy to save the life of the pregnant women and girls. This retrograde practice attempts frontally against human rights and violate women's right to physical and psychological integrity.

Taking into consideration the clear position of the European Parliament regarding this matter, as expressed in the Urgency resolution of 14 December 2017 on *El Salvador: the cases of women prosecuted for miscarriage*, we would like to ask the High Representative and the European External Action Service (EEAS) to closely follow the case, to publicly reject the sentencing and imprisonment of any women and girls suffering stillbirths or miscarriages and to call for the immediate and unconditional release of Imelda Cortez.

We would also like to request the HR/VP, in line with the EU commitments under the Framework for Gender Equality and Women's Empowerment through EU External Relations 2016-2020 to initiate a dialogue with the authorities of El Salvador regarding this serve violation of the human rights and to

increase the EU 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.

Convinced that you share the same concerns with regard to the severe consequences of the absolute criminalisation of abortion in El Salvador, we thank you in advance for your attention to this urgent matter.

We look forward to hearing from you.

Yours sincerely,

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