Why is abortion illegal in El Salvador and the consequences of illegal abortion in the nation?

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Abstract:
This article discusses the impact of not legalising abortion in El Salvador, which includes women resorting to clandestine abortions that lead to maternal mortality and various medical complications arising out of clandestine abortions. Furthermore, the article also discusses how the influence of religious bodies contributed to the foundation of 1997 legal code that declared abortion as a legal offence irrespective of the conditions, thus supplanting the earlier law that had allowed foetus removal in instances of foetal contortion, sexual assault, and danger to women’s lives. In addition to that, the article also discusses various deterrents that preclude the El Salvador women from undergoing abortion. Lastly, the author believes that strategies like changing the community attitudes, increasing access to trained health care providers and contraceptives, creating awareness among women about the importance and safety of medical abortions, and promoting gender equalities may prove to be effective in addressing the issue of abortion related complications among women of El Salvador.

Key Words: abortion; law; El Salvador

Introduction:
Abortion is sought by women across the globe for common reasons but their legal freedom to abort a fetus varies drastically depending on the country they reside in. Certain countries provide free abortion services to women whereas certain countries penalize women for undergoing abortion and also impose legal charges on health care providers offering abortion services. In countries where abortion is totally banned, women resort to unsafe abortions and abortions that are carried out clandestinely without proper medical procedures. Maternal mortality arising from unsafe abortions remains high among nations, where abortion is legally restricted [1].

Situation in El Salvador:
In the year 1997, El Salvador revamped the criminal code and totally banned abortion under any circumstances, which even includes the risk to women’s life. Health care providers who carry out abortion, women who carry out self-abortion, and women who encourage someone to undergo abortion can be incarcerated for two to eight years in prison [2].

Bleeding, inflammation of the peritoneum, septicemia, incomplete abortion and infection are the common complications resulting from unsafe abortions [3]. Abortions that are carried out without proper sanitary measures led to unessential costs to the society and women who undergo unsafe abortions face severe complications. Some of these women seek care from health care providers, while some go elsewhere and some continue to suffer. Women with complications due to unsafe abortions face three possible outcomes i.e., survival with no long term complications, survival with long term complications or in worst cases, death. Each outcome contributes to the indirect costs in the form of reduction in productivity which will affect the households and society [4].

Unsafe abortions are a major threat to public health and remains the second major cause
of maternal death in El Salvador. Because abortions are carried out secretly, accurate data of induced abortions are missing. Ministry of Foreign Affairs in Sweden reported in one of their reports on human rights that exorbitant levels of maternal mortality in El Salvador can be attributed to undesirable pregnancies and unsafe abortions. According to the Ministry of Public Health and Social Assistance statistics, there has been a decline in the number of hospital admissions due to abortion between the years 1998 and 1999. This shows the reluctance of women to go to hospitals as a result of their fear of being reported and then penalized [5]. Women appreciate the adequacy of medical abortions and the fact that it permits the company of their partner, friend, or an acquaintance while undergoing abortion. Medical abortion is regarded as more effective and safe when compared to other methods of abortion. Nonetheless, certain disadvantages pointed out by women regarding medical abortion is that it is painful and tedious. In addition, the after effects of abortion like prolonged bleeding and the doubt that it might not work also precludes women from undergoing medical abortions. These side-effects combined with the fear of being sanctioned if they seek medical care deter women from approaching hospitals for carrying out abortions [6]. In my notion, educational programs and campaigns should be carried out to instill confidence into women about the effectiveness of medical abortions and health care providers should stop reporting abortion cases to police in order to encourage women to choose medical abortions instead of clandestine or unsafe abortions.

A survey conducted in the year 2003 by the United Nations showed that sixty percent of maternal deaths in El Salvador is because of improper medical procedures and handling of victims by untrained professionals. Furthermore, another thirty three percent of maternal deaths were caused by lack of medical condition among women and their family members. However, the survey did not report whether the delay in seeking medical assistance is due to the fear of being reported to law [5].

It is the fundamental right of women to access safe abortion, regardless of where they live. Apathy and discrimination towards women contribute to the underlying causes of maternal mortality and morbidity in today’s world [7]. In my view, every woman of El Salvador has the right to make decisions about her body and health and suppression of this right by legal authorities is more like dictatorship than democracy.

In El Salvador, the Church played an instrumental role in the establishment of a 1997 penal code that criminalized abortion under any circumstances, thus replacing the previous law that had permitted abortion in cases of fetal malformation, rape, and risk to woman’s life [8]. In El Salvador, the Catholic church cite reasons that killing a fetus is equivalent to killing a human being and this practice flouts the moral code of God [9]. Context and religious background influence people’s attitudes towards abortion. Residents of countries where abortion is a legal option and where people claim that religion plays an important role in their lives seldom support abortion rights. The lawful movements discussed above ought to be seen in the background of the political argument in Latin American countries, where positions on pregnancy termination is seen as critical in gaining votes. The religious conservative groups, who form an alliance with the political leaders, belong to the elite members of society which is why they are liberal in their economic policies but conservative on issues like abortion [2].

Notification of suspected abortions to legal authorities by health care providers is common in El Salvador. This is a violation of the ethical obligations and fundamental duties of the health care professional to not disclose confidential information about their patients. This deters women from obtaining life-saving care and also women who seek post-abortion care are reluctant to disclose the need for medical care, thereby compromising the ability of their health care providers to treat their patients [10]. According to me, religious leaders should not be a part of the government’s committee that takes decisions to amend laws and health care professionals should practice in compliance with the medical secrecy that protects the confidential information of the patient.

Movements that led to the penalization of therapeutic abortion in El Salvador believed that the reasons for abortion are pre-marital sex and immorality and named the supporting groups of abortion as supporters of a culture that promotes death, which was imposed on Latin America by foreign legislative bodies encouraging population control. Feminist groups of El Salvador defending therapeutic abortion lack basic support like platform and power to change the public opinion[11].

Restrictive laws on abortion is an act of torture that denies women’s basic human rights. Legislative restrictions coerce women to pick between clandestine abortion and enforced maternity. These laws not just forbid conduct, they coercively force maternity. However, as Ferrajoli notes that the legislative ban and resulting enforced maternity does not impose much of an obligation of not to abort, but a life full of difficulties and consequences [12]. Coercion of women into pregnancy and childbirth will force the women to renounce their rights and objectives in life for the upbringing of that child, thus entering into a type of slavery [9]. I believe that every woman has the right to decide whether they want to give birth to the child or not and forcing them to become mothers is an outright violation of human rights.
It has been observed that medical abortion substantially reduces the morbidity and mortality caused by abortions and also offers cheaper treatments for abortion related complications in Latin American countries. Help seeking hotlines and models designed to reduce harm promote access to safe abortions and reduce complications by spreading information about medical abortion and its proper usage. High cost and regulations limit the access of Misoprostol in most Latin American countries. It is proven that medical abortions offer safe abortions in spite of the legislative ban on abortion in Latin American countries but the barriers restrict Latin American women from opting for medical abortions and much effort should be taken to increase the access to contraceptive pills and medical abortion methods among Latin American women [13].

Unintended pregnancies are linked with massive health outcomes and also social, economic and psychological outcomes for both women and children. It is observed that family planning helped to reduce the rate of unintended pregnancies in Latin America. It’s believed that if the objectives of the London Summit on family planning are carried out, there can be a decrease in the number of unintended pregnancies in the future [14].

Though illegality of abortion is responsible for complications and death, legalizing abortion is not enough to reduce abortion-related complications and death. Instead, in order to increase the use of safe abortion among women depends to a greater extent on the ability of the health care system and providers to offer effective services, which can sometimes be implemented despite legislative restrictions. The medical profession and FIGO (Federation of Gynecology and Obstetrics) specifically, has an incredible part to play in actualizing activities that will decrease the implications of clandestine abortions for the women of society[15].

Strategies proposed to reduce the incidence of induced abortions in the Latin American region include compiling of the data obtained to date, introduction of new theoretical frameworks and approaches from other disciplines, diminishment of disparities in the knowledge base of Latin American countries through national and comparative analysis, and investigation of the political dimension of induced abortion, especially matters of legislation, open civil argument and developmental health program [16].

El Salvador remains one of those Latin American countries where abortion is not permitted even under circumstances of risk to women’s life or health. However, in some Latin American countries abortion is not illegal when there is a threat to a woman’s life. This phenomenon is regarded as “health exception”, which emphasizes the need to safeguard women’s health and this can be used as a mechanism to expand women’s right to access safe abortion services. Training of health care providers and providing information had some impact and also improved the knowledge and practice of health care providers in Mexico, Argentina, Colombia and Peru in the year 2009 to 2010. Training of health care providers and spreading information on health contraception has to continue to encourage women’s right to health and to reduce the rate of mortality and morbidity related to unintended pregnancies and to promote timely access to safe abortion [17].

Concluding Remarks:
I believe that there are many factors that contribute to the problem of clandestine abortions and their complications among women of El Salvador. This includes social and cultural barriers, religious beliefs that considers abortion as a taboo, conservative ideology of the society that deteriorates the health of the women of the society, lack of access to health care providers and reluctance to approach hospitals for medical abortions because of the fear of being reported to the police, lack of access to contraceptives, not properly trained medical professionals to carry out abortions, gender inequality, lack of access to family planning and lack of awareness among El Salvador women about the importance and safety of medical abortions. Since the issue of abortion is a very sensitive topic in El Salvador and as a matter of fact in the whole Latin America as it involves religious sentiments attached to it, I believe the first step to improve the situation should be changing the community attitudes towards abortion, which can later force the law to uplift the legal restrictions on abortion at least under circumstances where the life of women is at risk. Apart from changing the community attitudes towards abortion, we also need to provide access to trained health care providers and contraceptives, create awareness among women about the importance and safety of medical abortions and reduce gender inequalities which are contributing to the problem of the restrictive policies and regulations safeguarding abortion ban in El Salvador.

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