



Committee of Experts and the UN Special Rapporteur express their concern over the case of Imelda Cortez in El Salvador

The [Committee of Experts](#) of the Follow-up Mechanism to the [Belém do Pará Convention \(MESECVI\)](#) and the [UN Special Rapporteur on violence against women, its causes and consequences](#), Ms. Dubravka Šimonović, express their concern over the situation of Imelda Cortez in El Salvador, who has been deprived of her liberty since April 2017 as a result of an obstetric emergency. Her case was going to be analyzed by a court in Usulután last November 12th, but the hearing was postponed until December 17th, 2018 due to the absence of the prosecutor's office.

According to the information received, Imelda has been a victim of sexual violence by her stepfather since she was 12 years old without any help, reparation or access to justice, which resulted in a pregnancy that presented complications in childbirth. In the hospital, the medical staff that was attending her reported the case to the Prosecutor's Office of El Salvador. As a result, although the baby survived, Imelda is accused of attempting aggravated homicide and risks up to 20 years in prison.

These facts highlight the clear legal limitations existing in El Salvador in relation to the treatment of women with obstetric complications in their pregnancies, who have to face criminalization by the State, institutional and obstetric violence by the health services, and lack of access to justice in these cases. In addition, the postponement of the hearing and, consequently, the prolongation of the pre-trial detention, aggravate the violation of Imelda's human rights to access justice.

Through the [Declaration on violence against women, girls and adolescents and their sexual and reproductive rights](#) (2014), the Committee of Experts of the MESECVI has recommended the elimination from the legal system of laws that perpetuate the exercise of violence against women, girls, and adolescents; guaranteeing that abusive and humiliating behaviors are not replicated in institutional settings and that health practitioners do not re-victimize or deny access to health services to women that need them.

In this line, Article 7 of the Belém do Pará Convention provides that the States Party must act with due diligence to prevent, investigate, and punish violence against women, take all appropriate means, including legislative measures, to modify or abolish existing laws and regulations, or to modify legal or customary practices that support the persistence or tolerance of violence against women, and establish fair and effective legal procedures that include protective measures, a timely trial and effective access to such procedures.

The UN Special Rapporteur highlights that Imelda is not only a victim of rape by her stepfather, but is also a victim of the grave and systematic violation of the CEDAW Convention by the State of El Salvador "for perpetrating acts of gender-based violence against women through its deliberate maintenance of criminal laws disproportionately affecting women and girls, subjecting them to severe physical and mental anguish that may amount to cruel, inhuman and degrading treatment" in line with the findings of the Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW/C/OP.8/GBR/1](#))".

For these reasons, these Experts join the civil society campaign to demand that Imelda's human rights be guaranteed. Likewise, the State of El Salvador is urged to protect and care for women with obstetric complications and to release Imelda from prison, and any woman or adolescent in similar situation. In particular, the judiciary is urged to provide effective access to justice by applying the international human rights standards of women, especially those emanating from the Belém do Pará Convention and the UN CEDAW Convention, both international instruments signed and ratified by the State of El Salvador.