

118TH CONGRESS  
1ST SESSION

# H. CON. RES. 39

Expressing the sense of Congress to support the case of Beatriz, a young woman from a rural area of El Salvador, living in extreme poverty and with lupus, who fought for her life against the state to allow her to terminate a pregnancy that put her at risk, which exposed the serious consequences of the absolute criminalization of abortion in El Salvador, and urging the Salvadoran state to assume its international obligations in the field of human rights.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2023

Ms. WILLIAMS of Georgia (for herself, Mr. ESPAILLAT, Ms. TLAIB, Ms. LEE of California, Mr. GARCÍA of Illinois, Ms. CROCKETT, Ms. SCHAKOWSKY, Ms. BARRAGÁN, Mr. MCGOVERN, Ms. ESCOBAR, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. CASTRO of Texas, Ms. KAMLAGER-DOVE, Mr. PAYNE, Ms. SÁNCHEZ, and Ms. VELÁZQUEZ) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## CONCURRENT RESOLUTION

Expressing the sense of Congress to support the case of Beatriz, a young woman from a rural area of El Salvador, living in extreme poverty and with lupus, who fought for her life against the state to allow her to terminate a pregnancy that put her at risk, which exposed the serious consequences of the absolute criminalization of abortion in El Salvador, and urging the Salva-

doran state to assume its international obligations in the field of human rights.

Whereas, in March 2013, Beatriz, a young woman living in poverty with lupus, was told she was 11 weeks pregnant with a high-risk pregnancy;

Whereas Beatriz's pregnancy was found to be unviable given the diagnosis of anencephaly;

Whereas medical staff agreed that Beatriz's pregnancy had to be terminated due to Beatriz's deteriorating health and life endangerment;

Whereas the Constitutional Chamber of the Supreme Court of Justice denied Beatriz's petition to provide her life-saving abortion care and necessitated the Inter-American Commission on Human Rights to intervene and grant temporary precautionary measures in Beatriz's favor on April 29, 2013, and the Inter-American Court of Human Rights issued a similar order on May 29, 2013;

Whereas, on June 3, 2013, Beatriz underwent a cesarean section, and the anencephalic fetus died 5 hours later;

Whereas Beatriz was denied access to a legal, early, and timely abortion in a case of an anencephalic pregnancy, which not only damaged her health, personal integrity, and life, but also violated the absolute prohibition of torture and other cruel, inhuman, and degrading treatment, and her right to live a life free from violence and discrimination as is stated in the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the United States has joined the international community in identifying reproductive rights as human rights, including in connection with the 1994 Inter-

national Conference on Population and Development, the 1995 Beijing World Conference on Women, and through its ratification of the International Covenant on Civil and Political Rights in New York, on December 19, 1966, the International Convention on the Elimination of All Forms of Racial Discrimination in New York, on December 21, 1965, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in New York, on December 10, 1984;

Whereas General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, which was adopted by the Human Rights Committee on October 30, 2018, asserts that states' parties—

(1) should ensure access for all persons to “quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods”;

(2) “must provide safe, legal, and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where pregnancy is the result of rape or incest or is not viable”;

(3) “ensure the availability of, and effective access to, quality prenatal and post-abortion health care for women and girls”; and

(4) must not impose restrictions on the ability of women or girls to seek abortion in a manner that jeopardizes their lives, subjects them to physical or mental pain or suffering, discriminates against them, arbitrarily interferes with their privacy, or places them at risk of undertaking unsafe abortions;

Whereas United Nations treaty-monitoring bodies established that abortion restrictions violate human rights, including the rights to life, health, and privacy, and the right to equality and nondiscrimination or freedom from torture and ill-treatment, among others;

Whereas United Nations treaty-monitoring bodies have repeatedly recognized the connection between restrictive laws on abortion and maternal mortality due to unsafe abortion;

Whereas access to the full range of sexual, gender-affirming, and reproductive health care, including abortion, is essential to the health and well-being of all people;

Whereas reproductive and sexual health care providers administer high-quality, essential health care, and play a critical role in ensuring people are able to make decisions about their bodies and lives with dignity, empathy, compassion, and respect;

Whereas no one should be criminalized for any pregnancy outcome;

Whereas no one should be criminalized for providing essential health care;

Whereas the threat of criminalization or prosecution can result in negative outcomes by intimidating people from seeking or providing care;

Whereas health care providers have an ethical obligation to provide essential care to their patients and to protect the private medical information integral to the patient-provider relationship;

Whereas Indigenous people, Afro-descendant people, people of color, people with low incomes, people living in rural areas, people with disabilities, migrants, LGBTQ+ indi-

viduals, and other marginalized individuals are disproportionately likely to be surveilled, arrested, charged, prosecuted, convicted, and heavily punished within the criminal justice system;

Whereas Indigenous people, Afro-descendant people, people of color, people with low incomes, people living in rural areas, people with disabilities, migrants, LGBTQ+ individuals, and other marginalized individuals are more likely, due to persistent disparities, to experience adverse pregnancy outcomes that place them under the scrutiny of the legal system;

Whereas limiting access to sexual and reproductive health and rights, including access to abortion, also limits pathways to economic, social, and political empowerment;

Whereas sexual and reproductive health and rights are intrinsically linked to gender justice and improved health outcomes for women and their children;

Whereas abortion is recognized as essential public health care as determined by the World Health Organization (WHO);

Whereas self-managed abortion is a safe and scientifically documented health service that can be performed without the participation of medical professionals to increase access in the most remote locations;

Whereas the most recent WHO abortion guidelines recommend the full decriminalization of abortion, the removal of grounds-based restrictions on abortion, and gestational age limits on abortion provision, and include self-managed abortion among the WHO-recommended methods and models of care;

Whereas reproductive coercion, which is any behavior that interferes with autonomous decision making about reproductive health outcomes, is a violation of human rights;

Whereas the *Dobbs v. Jackson Women’s Health Organization* decision has decimated abortion access in the United States, and cases like *Beatriz’s* are being seen across many of the States that have banned or severely restricted abortion access, including a recent lawsuit brought by 5 women and 2 obstetricians and gynecologists against the State of Texas after the women were denied abortion care even though they were facing severe and dangerous pregnancy complications and even though the women’s conditions should have qualified under the State’s abortion ban exceptions, and as a result of the denials, their conditions worsened, posing great risks to their fertility, health, and lives;

Whereas the United States Department of State included in its 2021 Country Report on Human Rights Practices for El Salvador reports of discrimination, wrongful incarceration, abuse, and mistreatment of women who suffered pregnancy complications and miscarriages, and acknowledged the Inter-American Court of Human Rights’ 2021 ruling in *Manuela v. El Salvador* that the government violated the right to personal freedom, life, health, and justice in the case of *Manuela*, a woman sentenced to 30 years in prison after suffering a pregnancy loss; and

Whereas punishing people for their pregnancy outcomes or for providing essential reproductive and sexual health care violates their human rights: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That Congress—

1           (1) condemns the absolute criminalization of  
2 abortion in El Salvador and anywhere in the world;

3           (2) affirms that all people deserve access to  
4 high-quality health care without fear of reprisal or  
5 punishment;

6           (3) calls upon the Inter-American Court of  
7 Human Rights to recognize that total criminaliza-  
8 tion of abortion violates the rights to life, health (in-  
9 cluding mental health), freedom from torture, and  
10 information; and

11           (4) urges States that still have a total ban on  
12 abortion to decriminalize abortion and protect and  
13 guarantee human rights.

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