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*Plenary sitting*

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9.6.2015

B8-0582/2015

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Paraguay: the legal aspects related to the child pregnancy  
(2015/2733(RSP))

**Ignazio Corrao, Fabio Massimo Castaldo, Daniela Aiuto, Rolandas Paksas**  
on behalf of the EFDD Group

**European Parliament resolution on Paraguay: the legal aspects related to the child pregnancy  
(2015/2733(RSP))**

*The European Parliament,*

- Having regard to the United Nations Declaration on the Elimination of Violence Against Women of 1993
  - Having regard to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women of 1994
  - Having regard to the UN Convention on the Rights of the Child, of 20 November 1989, and the protocols thereto,
  - Having regard to 11 May 2015 statement by the UN Working group on the issue of discrimination against women in law and practice
  - Having regard to the Inter-regional Framework Cooperation Agreement between the EU and Mercosur concluded in 1999,
  - Having regard to the European Parliament resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter,
  - Having regard to Rule 135 of its Rules of Procedure,
- A. Whereas on April 21 2015 a 10 years old girl was found pregnant after she entered the Trinidad Maternity and Children's Hospital hospital in Asuncion lamenting abdominal pain.
- B. Whereas after the girl was examined the director of the hospital she was recovered publicly acknowledged that the girl's pregnancy was high risk since she is so small that, even pregnant, she only weights 34 kg.
- C. Whereas this spurred a criminal investigation in which the authorities alleged that she was raped by her stepfather, and that the pregnancy stemmed from that crime; whereas the man, fugitive since April, has been arrested on 9 May 2015 and accused of rape and the girl's mother has also been taken in custody in connection with the case facing charges including breaching her duty of care and possibly being an accomplice in the rape

- D. Whereas the girl's mother already reported in January 2014 that the stepfather was sexually abusing her daughter, but prosecutors took no action, did not investigate, and did not provide protection measures as they considered her not to be at risk
- E. Whereas on 28 April 2015 the child's mother requested a voluntary termination of her daughter's pregnancy due to the girl young age and the risks to her health and life; whereas instead the the girl has been sent to a center for young mothers.
- F. Whereas on 7 May 2015, a judge set up an interdisciplinary panel formed of three professionals proposed by local organizations, three members of the Health Ministry and three members of the Supreme Court to advice on the girl's case
- G. Whereas Paraguay's penal code in its article 109 states that abortions are only legal in instances that pose a significant threat to the health of the mother but in any other circumstance, even if pregnancy is the result of rape, incest or when the fetus has a severe malformation, abortion is not permitted
- H. Whereas for this reason Paraguayan authorities have ruled that the 10-year-old girl who is now 5 months into the pregnancy must give birth, unless she develops complications that put her life in danger;
- I. Whereas according to the World Health Organization child pregnancies are extremely dangerous for the health of pregnant girls as they can lead to complications and death in some cases, especially as girl's bodies are not fully developed to carry a pregnancy;
- J. Whereas according to the UN in Latin America the risk of maternal death is four times higher among adolescents under 16 years old with 65% per cent of cases of obstetric fistula occurring in the pregnancies of adolescents and whereas early pregnancies are also dangerous for the babies with a mortality rate 50% higher than average.
- K. Whereas in a statement released on 11 May 2015 a group of UN experts accused the government of Paraguay of failing in its responsibility to protect a 10-year old sexual abuse survivor and provide her with critical and timely treatments, including a "safe and therapeutic" abortion stating that this decision results in grave violations of the rights to life, to health, and to physical and mental integrity of the girl as well as her right to education
- L. Whereas according to data, in 2014, 684 girls aged 10 to 14 gave birth in Paraguay, whereas according to UN girls aged 10-14 make up 2.13% of maternal deaths in Paraguay and two births a day are from girls under 14.
- M. Whereas a 2013 United Nations report said that 2 million girls under age 14 give birth in developing countries every year, many of whom suffer resulting long-term or fatal health problems and that an estimated 70,000 adolescents die each year from complications from pregnancy or childbirth
- N. Whereas the Convention on the Rights of the Child states that the best interest of the child has to always be of primary consideration and states, including Paraguay, have an obligation to take the necessary measures in these circumstances.

1. Deplores the disgusting act that left the child traumatized, pregnant and in grave danger; expresses its strong concern regarding the failure of the Government of Paraguay in its responsibility to act with due diligence and protect a 10-year old sexual abuse survivor and provide her with critical and timely treatments
2. Calls for a swift, independent and impartial investigation on the case in order to bring the perpetrator to justice and to ascertain if others are involved; asks that, if no proofs are found against the mother, she is released in a timely manner so that she could assist her daughter;
3. Welcomes the Congressmen proposal to raise the maximum sentence for the rape of a minor to 30 years in prison, up from 10 years but believes that attempts to raise awareness over the issue of sexual abuse have been too modest
4. Asks the government to recognize the exceptionality of the case; is worried by the interdisciplinary panel inaction and urges it to monitor the condition of the girl and take any decision necessary for her wellbeing
5. Calls on Paraguay to meet its international obligations and to review its abortion legislation to ensure that at least in exceptional cases, like when the health and life of the mother is in danger and in cases of rape or incest, girls may have access to safe abortion,
6. Is extremely worried by the prevalence of child abuse and underage pregnancies in the country and in the continent; calls on the authorities of Paraguay to put in place policies and plans to reduce violence against children, including by harmonizing normative frameworks for child protection and improving the registration of abuse cases; urges the EEAS further to establish good practices for combating rape and sexual violence against women and girls in third countries with a view to tackle the root causes of this problem;
7. Calls on the EU, as such, to propose binding legislation against all forms of violence against women and gender based violence; calls on the EU to take steps to accede to the Istanbul Convention in order to ensure coherence between EU internal and external action on violence against women and girls.
8. Instructs its President to forward this resolution to the Council, the Commission, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and Congress of the Republic of Venezuela, the Office of the UN High Commissioner for Human Rights, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.