



Plenary sitting

9.6.2015

B8-0588/2015

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))

Beatriz Becerra Basterrechea, Sophia in 't Veld, Maite Pagazaurtundúa Ruiz, Ilhan Kyuchyuk, Frédérique Ries, Marielle de Sarnez, Filiz Hyusmenova, Izaskun Bilbao Barandica, Martina Dlabajová, Ivo Vajgl, Ramon Tremosa i Balcells, Gérard Deprez, Jozo Radoš, Petras Auštrevičius, Johannes Cornelis van Baalen, Marietje Schaake, Ivan Jakovčić, Robert Rochefort, Louis Michel, Petr Ježek, Antanas Guoga, Fredrick Federley, Nedzhmi Ali, Nathalie Griesbeck, Urmas Paet, Pavel Telička, Dita Charanzová, Hilde Vautmans, José Inácio Faria
on behalf of the ALDE Group

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

The European Parliament,

- 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 the Health Code of Paraguay, notably its article 109.4,
 - having regard to the Convention on the Rights of the Child, in particular its article 3,
 - having regard to the statement by the UN Working group on the issue of discrimination against women in law and in practice on 11 May 2015
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas according to recent data from the UN, 19% of the pregnant girls in Paraguay are minors, 2 births a day are from girls under 14 and the ones aged 10-14 make up 2.13% of maternal deaths; whereas about 600 girls of 14 or under became pregnant each year in Paraguay, a country of 6.8 million people
- B. whereas on 21 April 2015 a 10 year old girl went to the Trinidad Maternity and Children's Hospital in Asunción and a 21-week pregnancy was detected; whereas the girl's fugitive stepfather has been arrested on 9 May 2015 accused of raping the child; whereas the girl has been to different medical centres since January 2015 complaining of a stomach ache, but the pregnancy was not confirmed until 21 April;
- C. whereas in January 2014 her mother made already a complaint about the sexual abuse of her daughter by her stepfather, but prosecutors took no action, did not investigate and did not provide protection measures as they considered her not to be at risk;
- D. whereas her mother has requested a voluntary termination of her daughter's pregnancy due to her young age and the high risk to her health and life;
- E. whereas the girl's mother is detained facing charges of failing in her duty of care and of being complicit in the abuse; whereas according to the latest reports the 10-year-old girl has been sent to a centre for young mothers;
- F. whereas this case is only one among many more in Paraguay; whereas Paraguay continues to deny access to safe and legal abortion on religious grounds, violating her

right to health, life and physical and psychological integrity, as specified on the Convention on the Rights of the Child;

- G. Whereas the girl will face psychological and health risks if the baby is born because of her young age and the circumstances that resulted in the pregnancy; whereas on 7 May 2015 an interdisciplinary panel of experts has been set up to monitor her condition;
 - H. whereas abortion in Paraguay is banned in all cases, except when the pregnancy has life-threatening complications for the woman or girl, according to article 109.4 of the country's health code; whereas the authorities argued the girl's health is not at risk; whereas the 10 year old rape survivor is therefore forced to continue her unwanted pregnancy and to give birth;
 - I. whereas in Paraguay abortion remained criminalized in almost all circumstances, including in cases where the pregnancy was the result of rape or incest or where the foetus would be unable to survive outside the womb; whereas physical, sexual and psychological violence against women and girls is an extensive human rights abuse;
 - J. whereas according to Article 3 of the Convention on the Rights of the Child, the best interest of the child shall always be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies;
 - K. whereas the WHO defines Health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.
 - L. whereas UN experts warned that Paraguayan authorities' 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, jeopardising her economic and social opportunities.
 - M. whereas this inhuman act has left the body of the 10 years-old girl, weighing only 34kg before the pregnancy, in grave danger; whereas the World Health Organisation has identified the dangers of pregnancy to young girls whose bodies are not fully developed;
 - N. whereas Paraguay has participated actively in the 59th UN session of the Commission on the Status of Women, and continue to fight all attempts to undermine the UN Beijing Platform for Action as regards, among other elements, access to education and health as basic human rights, and sexual and reproductive rights;
 - O. whereas according to Unicef Paraguay only devotes hardly 4% of its budget to education while other countries in the region devote between 7 and 8% of their budget; Whereas the low budget allocated to education in Paraguay is a factor of increasing the vulnerability of the girls; whereas Paraguay should engage more in the investment on education
1. Expresses its strong concern about the high number of child pregnancies in Paraguay; urges the Paraguayan authorities to meet their international obligations and protect human

rights, by ensuring that all the girls have access to all possible information and medical services to manage the high-risk pregnancies as a result of rape, including the option of accessing safe and legal abortion services and to safeguard their life and physical and mental integrity in the short, medium and long term.

2. Urges the Paraguayan authorities to conduct an independent and impartial investigation into the rape and bring the perpetrator to justice; welcomes the proposal by Paraguayan congressmen to raise the maximum sentence for the rape of a minor to 30 years in prison, up from 10 years.
3. Reaffirms its condemnation to all forms of abuse and violence against children, especially the use of domestic violence and sexual violence as a weapon of war on girls and women; calls on Paraguay to ensure women and girls have access to safe and legal abortion, at a minimum, when their physical and mental health is in danger and in cases of rape and incest.
4. Finds it regrettable that women's and girls' bodies, specifically with respect to their sexual and reproductive health and rights, still remain an ideological battleground based on unacceptable discrimination assumptions, and calls on Paraguay to recognise the inalienable rights of women and girls to bodily integrity and autonomous decision-making as regards, inter alia, the right to access voluntary family planning and safe and legal abortion and to be free from violence, including female genital mutilation, child, early and forced marriage, and marital rape;
5. Expresses its deep concern about governments forcing rape survivors to continue their unwanted pregnancy, which is a violation of international law; urges the EEAS further to establish good practices for combating rape and sexual violence against girls and women in third countries with a view to tackling the root causes of this problem;
6. Urges the European Commission to speed up a proposal addressed to the European Parliament and the Council in order to make possible the EU Istanbul Convention ratification and implementation, and to ensure coherence between EU internal and external action on violence against women and girls and access to sexual and reproductive health and rights
7. Calls on the Council to include the issue of safe and legal abortion in the EU Guidelines concerning rape and violence against women and girls; encourages the Commission and the Council to develop data-gathering methods and indicators on this phenomenon, and encourages the EEAS to include this issue in the development and implementation of the human rights country strategies;
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 Paraguay, the Office of the UN High Commissioner for Human Rights, United Nations Entity for Gender Equality and the Empowerment of Women, UNICEF, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.

