



Plenary sitting

**B8-0691/2017 }
B8-0702/2017 } RC1**

13.12.2017

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

ECR (B8-0691/2017)

PPE (B8-0702/2017)

on El Salvador: the cases of women prosecuted for miscarriage
(2017/3003(RSP))

Cristian Dan Preda, Gabriel Mato, David McAllister, Tomáš Zdechovský, Jaromír Štětina, Claude Rolin, Jarosław Wałęsa, Bogdan Brunon Wenta, Tunne Kelam, Patricija Šulin, Csaba Sógor, Ivan Štefanec, Laima Liucija Andrikienė, László Tóké, Ivana Maletić, Milan Zver, Agnieszka Kozłowska-Rajewicz, Adam Szejnfeld, Eduard Kukan, Manolis Kefalogiannis, Dubravka Šuica, Ramona Nicole Mănescu, Sandra Kalniete, Marijana Petir, Andrey Kovatchev, Seán Kelly, Deirdre Clune, Roberta Metsola, Inese Vaidere, Jeroen Lenaers, Stanislav Polčák, Anna Záborská, Elmar Brok

on behalf of the PPE Group

Charles Tannock, Valdemar Tomaševski, Karol Karski, Jan Zahradil, Ruža Tomašić

on behalf of the ECR Group

**European Parliament resolution on El Salvador: the cases of women prosecuted for miscarriage
(2017/3003(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
 - having regard to the UN Convention against Corruption and the Organisation of American States (OAS) Inter-American Convention against Corruption,
 - having regard to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),
 - having regard to the El Salvador Law on Equality, Equity and Elimination of Discrimination against Women adopted in 2016, the Law on a Violence-Free Life for Women adopted in 2012, and the Law on the Comprehensive Protection of Children and Adolescents (LEPINA) adopted in April 2009,
 - having regard to the 2014 report of the Working Group on the Universal Periodic Review on El Salvador,
 - having regard to the statement of 18 August 2017 of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons,
 - having regard to the statement of 17 November 2017 of the UN High Commissioner on Human Rights at the end of his mission to El Salvador,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas El Salvador ranks 95th out of 176 countries in Transparency International’s Corruption Perceptions 2016 Index; whereas, as of mid-July 2016, the Attorney General’s Office reported investigating 93 cases related to corruption, resulting in only seven convictions;
- B. whereas in August 2016, the Attorney General’s Office opened a criminal corruption case against former President Mauricio Funes, who was granted political asylum in Nicaragua by its President Mr Ortega; whereas in November 2017, he and his son were found guilty of illicit enrichment; whereas in October 2016, former President Elias Antonio Sacá was arrested over accusations of embezzling millions of dollars of public funds;
- C. whereas, due to rampant gang-related violence, El Salvador is considered one of the most dangerous countries in the world; whereas from January 2015 to February 2017, more than a thousand civilians and 45 police officers were killed in armed confrontations between the police and alleged gang members; whereas high levels of violence have seriously affected people’s lives and increased levels of forced displacement and migration within El Salvador;
- D. whereas the State fully controls the country’s jails through the Extraordinary Security Measures, which, since April 2016, have placed thousands of people in prolonged and

isolated detention under inhumane conditions, and with prolonged suspension of family visits;

- E. whereas, in cases of a stillbirth or miscarriage, women are often presumed to have intentionally terminated the pregnancy, even if there is a lack of evidence to support such an assumption; whereas, between 2000 and 2014, 147 women were charged with crimes of murder and 49 were convicted – 26 for homicide and 23 for abortion – after suffering a stillbirth or miscarriage;
 - F. whereas on 5 July 2017, Evelyn Beatriz Hernandez Cruz was sentenced to 30 years in prison for murder after suffering a stillbirth; whereas the trial was reportedly flawed, as the judge accepted the prosecution’s argument that Ms Hernandez had intentionally killed the foetus without direct proof and without sufficient evidence; whereas an appeal court has upheld the sentence;
 - G. whereas in 2007, Teodora del Carmen Vásquez suffered a stillbirth and was convicted of a crime without sufficient evidence and an effective legal team; whereas she has spent the last 10 years in prison and is still waiting for a review of her case;
 - H. whereas ‘Las 17’ have been the most severely punished women, being sentenced to decades in prison between 2000 and 2011; whereas a handful of them have also been released after courts overturned previous decisions;
1. Strongly rejects the sentencing and imprisonment of women and girls suffering stillbirths or miscarriages and calls for their immediate and unconditional release; considers that no one should be imprisoned on these convictions;
 2. Urges the Government to allow women accused of stillbirth or miscarriage to await trial outside prison and to uphold the presumption of innocence and due process in these cases and in related proceedings; reminds the Government and the judiciary that they are bound to uphold international standards of equal access to justice and the principles guaranteeing a fair trial for all individuals, and that guilt can only be determined upon viewing concrete and sufficient evidence, in keeping with the Rome Statute to which El Salvador is a ratifying party;
 3. Calls on the Government to ensure that professional secrecy for all health personnel and confidentiality for patients are guaranteed, as well as the quality of all pregnancy-related health services;
 4. Calls for the establishment of a mechanism for monitoring newly adopted legislation prohibiting and punishing discrimination against pregnant girls, abuse perpetrated by family members and discrimination against girls in schools;
 5. Is gravely concerned about increasing levels of corruption which impede economic development, the rule of law and democracy; calls for the prompt adoption of an international instrument to promote and facilitate international cooperation in fighting corruption and, in particular, in taking appropriate action against persons who commit acts of corruption in the performance of public duties; calls on El Salvador to sign the Organisation for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;
 6. Urges the national authorities to step up efforts to help and protect people affected by

gangs in order to reduce the level of violence; urges the authorities to investigate the attacks on human rights defenders and journalists in El Salvador who are facing threats, intimidation and smear campaigns and to establish effective means of ensuring their protection; calls on the EU Member States and institutions to increase the support they provide to local human rights defenders and NGOs campaigning for the rights of women and girls in El Salvador;

7. Condemns inhumane practices in prisons, such as torture, putting inmates in lockdown and suspending family visits; calls on the Government to ratify the Optional Protocol to the Convention against Torture as a measure to prevent torture and inhuman and degrading treatment in all prisons and places of detention; calls for independent international organisations to be granted access to the detention centres;
8. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Council of Europe, the President, the Government and Parliament of El Salvador, the Central American Parliament, the Eurolat Parliamentary Assembly and the Community of Latin American and Caribbean States.