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*Plenary sitting*

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9.6.2015

B8-0591/2015

## 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))

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on behalf of the S&D 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 European Parliament and Council Regulation 1567/2003 of 15 July 2003 on aid for policies and actions on reproductive and sexual health and rights in developing countries,
  - 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 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
  - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
  - 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 regards to the UN Convention against Torture, which entered into force on 26 June 1987,
  - 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, and in other countries of the region, the ratio of child motherhood is even ten times higher.
- 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 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; 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.

- D. 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;
- E. whereas this case is only one among many more in Paraguay; whereas Paraguay continues to deny on grounds of religion the access to a safe abortion, violating her right to health, life and physical and psychological integrity; 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;
- F. 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;
- G. whereas in Paraguay abortion remained criminalized in most 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 is an extensive human rights violation;
- H. 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 and states have an obligation to ensure access to safe and legal abortion when the life of the pregnant woman is at risk.
- I. whereas in March 2015, the UN Committee on economic, social and cultural rights asked Paraguay to revise and amend its abortion legislation to ensure its compatibility with other rights, such as the right to health and to life;
- J. 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;
- K. whereas the Committee against Torture has found that several restrictions on access to reproductive health services and abuses that occur when seeking these services may constitute violations of the Convention against Torture because they put women's health and lives at risk or may otherwise cause them severe physical or mental pain or suffering;
- L. whereas maternal mortality is the leading cause of death for adolescent girls in developing countries and 95% of abortion carried out in Latin America are unsafe;
- M. whereas violence against women and girls, whether physical, sexual or psychological, remains the most widespread violation of human rights affecting all levels of society, but

one of the least reported crimes;

1. Reaffirms its condemnation to all forms of abuse and violence against women and girls, especially the use of sexual violence as a weapon of war and domestic violence; calls on Paraguay to ensure girls have access to safe abortion, at a minimum, when their health and life is in danger and in cases of rape and incest.
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. Welcomes the creation of an interdisciplinary panel of experts that evaluates the girl in a comprehensive way and ensure all their human rights, particularly their right to life, health and physical and psychological integrity.
4. Finds it regrettable that women's and girls' bodies, specifically with respect to their sexual health and reproductive rights, still remain an ideological battleground, 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.
5. Expresses its deep concern about governments turning a blind eye to inhumane cases of child pregnancy and sexual abuse of women, at a time when one in three women worldwide will experience violence in their lives; urges the EEAS further to establish good practices for combating rape and sexual violence against women in third countries with a view to tackling the root causes of this problem.
6. Highlights that none 10-year-old girl is ready to be a mother and stresses that girls concerned are constantly reminded of the violation committed against them, which causes serious traumatic stress and carries a risk of long-lasting psychological problems.
7. Calls on the EU, as such, 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. Asks the Commission to ensure that European development cooperation follows an approach that is based on human rights, particularly stressing gender equality, combating all forms of sexual violence against women and girls; underscores that universal access to health, in particular sexual and reproductive health and the associated rights, is a fundamental human right, and emphasises the right to voluntarily access family planning services, including safe and legal abortion-related care, and information and education for reducing maternal and infant mortality and eliminating all forms of gender-based violence, including female genital mutilation, child, early and forced marriage, gendercide, forced sterilisation and marital rape.
9. Urges that the provision of humanitarian aid by the EU and the Member States should not be subject to restrictions imposed by other partner donors regarding necessary medical treatment, including access to safe abortion for women and girls who are victims of rape or incest.
10. 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;

11. 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, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.