



Plenary sitting

B8-0691/2017

12.12.2017

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

Charles Tannock, Branislav Škripek, Notis Marias, Jan Zahradil, Monica Macovei, Ruža Tomašić, Valdemar Tomaševski
on behalf of the ECR Group

B8-0691/2017

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

The European Parliament,

- having regard to its previous resolutions on the rule of law and women's rights;
 - having regard to the revised 1998 Penal Code of El Salvador;
 - having regard to the International Covenant on Civil and Political Rights, of which El Salvador is a ratifying nation;
 - having regard to the International Covenant on Economic, Social and Cultural Rights;
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women;
 - having regard to the Convention on the Rights of the Child;
 - having regard to the ratification of the Rome Statute by the Government of El Salvador on 26 November 2015;
 - having regard to the accession of El Salvador to State Party to the International Criminal Court on 3 March 2016;
 - having regard to the 1994 International Conference on Population and Development;
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas El Salvador has the highest rate of teenage pregnancy in Latin America according to the National Family Health Survey;
- B. whereas under the most recent revision to the Penal Code in 1998, abortion is banned under all circumstances in El Salvador and therefore treated as a crime with a prison sentence of between two to eight years;
- C. whereas it is estimated by Human Rights Watch that between 1998 and 2013 more than six hundred women were jailed after having been accused of undertaking abortions, without having undergone a fair trial determining the veracity of such accusations;
- D. whereas Human Rights Watch and Amnesty International note that women who have miscarriages or stillbirths in El Salvador are often prosecuted on suspicion of having undergone an abortion, often being reported by medical personnel and subsequently arrested while in the hospital;

- E. whereas as of 2017, there remain 17 women in prison in El Salvador for pregnancy related complications who have not undergone due process in the course of their prosecutions;
1. Calls on the Salvadoran authorities to respect the due process of law and accord individuals prosecuted according to the El Salvadoran Penal Code of 1998 full rights and fair trial in accordance with the selfsame Code;
 2. Recalls the duty of the Salvadoran government to protect the rights of its citizens and uphold the rule of law in respect to the principle of presumption of innocence, namely that individuals on trial should be treated innocent until proven guilty, and that the burden of proof should lay upon the prosecuting authorities and not the defending individual, as per the Rome Statute to which El Salvador is a ratifying party;
 3. Recognises that under the Penal Code of 1956, abortion remained an illegal act with the exception of procedures undertaken to preserve the life of the mother; notes that the reinstatement of the clause governing such emergency procedures in the case of threat to the life of the mother may alleviate the suffering of many women affected by the ban on abortion in El Salvador and may prevent further loss of life from unsanitary procedures;
 4. 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 of El Salvador, the Secretary-General of the United Nations, and the United Nations Human Rights Council.