



Plenary sitting

B8-0702/2017

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

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on behalf of the PPE 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 Anticorruption Convention and the OAS Inter-American Convention against Corruption,
 - having regard to the Convention on the Elimination of All Forms of Discrimination Against Women,
 - 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 Universal Periodic Review on El Salvador,
 - having regard to the statement of the UN Special Rapporteur on the Human rights of Internally Displaced Persons of 18 August 2017,
 - having regard to the statement of the UN High Commissioner on Human Rights at the end of his mission to El Salvador of 17 November 2017,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas El Salvador ranks 95 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 only in 7 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 Saca 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 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; whereas between 2000-2014, 147 women were charged with crimes of murder, 49 were convicted - 26 for homicide and 23 for abortion, after suffering a still birth 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 argument of the prosecution that Ms. Hernandez had intentionally killed the foetus without direct proof and without sufficient evidence; whereas an appeal court has upheld such sentence;
- G. whereas in 2007, Teodora del Carmen Vásquez suffered a stillbirth and she 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 uphold the presumption of innocence and due process in these cases related proceedings; reminds the government and 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;
 3. Calls on the Government to ensure that professional secrecy for all health personnel and confidentiality for patients are guaranteed, as well as quality of all pregnancy-related health services;
 4. Demands to put into place a mechanism for monitoring newly adopted legislation prohibiting and punishing discrimination of pregnant girls, as well as abuse of families and girls in school;
 5. Is strongly concerned about the increasing corruption which hinders economic development, rule of law and democracy; calls for prompt adoption of an international instrument to promote and facilitate international cooperation in fighting corruption and, especially, in taking appropriate action against persons who commit acts of corruption in the performance of public functions; calls on El Salvador to sign the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;
 6. Urges national authorities to intensify efforts to help and protect people affected by gangs in order to eliminate the level of violence; urges the authorities to investigate the attacks

on human rights defenders and journalists in El Salvador facing threats, intimidation and smear campaigns, and to establish effective means of ensuring their protection; calls on EU member states and institutions to increase their support to local human rights defenders and NGOs campaigning for the rights of women and girls in El Salvador;

7. Condemns inhuman conditions in prisons such as torturing, putting inmates on 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 to grant international independent organisations 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, Parlacen, Eurolat Parliamentary Assembly and the CELAC.