Spain: Ecuadorean immigrant cleared of murdering her baby

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Felicitas Melva Cañar Camacho, a 26-year-old Ecuadorian young woman emigrated to Spain in April 2000 in search of work that would enable her to send money back home to her family. Six months later she was sentenced to 17 years imprisonment on the charge of murdering her newborn baby.

The Spanish High Court declared the trial invalid and upheld her appeal, based on the claim that a psychologist specialising in immigration cases had not been allowed to explain to the jury the special situation Melva was in at the time. A retrial is presently taking place, after Melva has already served two years in jail.

Melva comes from a poor peasant family in Loja, deep inside the Ecuadorian range of mountains. She has nine brothers and sisters. She also has a four-year-old daughter who she left behind. Her father was an alcoholic and she was forced to find work looking after children in Ecuador when she was only eight years old. At the age of 17 she found a job as a maid and babysitter with a family in the capital, Quito. She earned $30 a month. After seven years working for this family, she decided that the only way she was going to help her family out of their misery was to emigrate to Spain.

Spain has become the preferred choice of scores of Latin American workers who think a common language will facilitate their anonymity and eventual integration.

To complete the cost of the air ticket, Melva asked her employer for a loan of $1,000 for which he charged her $100 a month interest and demanded sexual favours every time she couldn't pay him an instalment on the debt.

Soon after arriving in Spain without papers, Melva found out that she was pregnant as a result of her employer's sexual assault. She managed to hide her pregnancy by wearing large fitting clothes for fear of not finding employment and her illegal status being discovered.

After a couple of months she found domestic work in the house of a pilot and a teacher in Madrid. For cleaning the entire house and babysitting, she received the princely sum of $260 a month, half of which she sent to Ecuador, partly to help her family and partly to finish repaying the loan to her previous employer. She lodged in a flat in Madrid with another five Ecuadorian girls.

Melva managed to hide her pregnancy from everyone for the entire nine months. But on November 11, 2000 she gave birth to a baby girl, alone, behind a bush, in the middle of the night, at the popular Madrid park of El Retiro. The baby died and she wrapped up the body and hid it behind the bushes. She went back home where her flatmates became concerned about the state of her health and took her to a hospital. There, the police were called to investigate the whereabouts of the baby, which was eventually found in the park. Melva was arrested and incredibly charged with murder.

The jury trial took place at the Madrid Court in November 2001. The judge asked for a 20-year sentence. This was reduced to 17 years and six months. The jury took a mere 30 minutes to deliver a guilty sentence.

Melva has been at the Soto del Rey prison for the last two years.

The general revulsion at the inhumane treatment of the young woman and the harshness of the sentence, as well as the determined efforts of her lawyer, has secured the repudiation of the original trial and verdict by the High Court on appeal. On March 5, 2002 a retrial was ordered which finished on November 12. This time the jury found Melva guilty of imprudence leading to death, and not murder.

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The sentence was reduced to four years and it is expected that, having already served two, she will be released shortly. Her fate, given her status as an illegal immigrant, is yet to be decided by the authorities.

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