

# EUROPEAN PARLIAMENT

2004



2009

*Session document*

6.7.2005

B6-0415/2005 }  
B6-0419/2005 }  
B6-0431/2005 }  
B6-0435/2005 }  
B6-0436/2005 }  
B6-0438/2005 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- Fernando Fernández Martín, José Ignacio Salafranca Sánchez-Neyra and Bernd Posselt, on behalf of the PPE-DE Group
- Pasqualina Napoletano, Raimon Obiols i Germà and Edite Estrela, on behalf of the PSE Group
- Philippe Morillon and Antoine Duquesne, on behalf of the ALDE Group
- Raül Romeva i Rueda, Alain Lipietz, Monica Frassoni, Evelin Lichtenberger and Friedrich-Wilhelm Graefe zu Baringdorf, on behalf of the Verts/ALE Group
- Marco Rizzo and Vittorio Emanuele Agnoletto, on behalf of the GUE/NGL Group
- Rolandas Pavilionis and Cristiana Muscardini, on behalf of the UEN Group

replacing the motions by the following groups:

- Verts/ALE (B6-0415/2005)
- ALDE (B6-0419/2005)
- PSE (B6-0431/2005)
- GUE/NGL (B6-0435/2005)
- UEN (B6-0436/2005)
- PPE-DE (B6-0438/2005)

on Guatemala

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PE 360.596v01-00}  
PE 360.600v01-00}  
PE 360.613v01-00}  
PE 360.617v01-00}  
PE 360.618v01-00}  
PE 360.620v01-00} RC1

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## European Parliament resolution on Guatemala

*The European Parliament,*

- having regard to its earlier resolutions on Guatemala, in particular that of 10 April 2003,
  - having regard to its firm and permanent commitment to the peace process and to human rights in Guatemala,
  - having regard to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption,
  
  - having regard to the Memorandum of Understanding signed by the Governments of Guatemala and Mexico to address the crossborder trafficking issues that plague the region,
  
  - having regard to the Final Act of the XVIIth European Union/Latin America Interparliamentary Conference, which took place in Lima from 14 to 16 June 2005,
  
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. having regard to the UN special rapporteur's report on the sale and trafficking of children, which states that Guatemala's laws on adoption are among the least stringent in the region, while trafficking in children is not even classified as a crime,
- B. whereas, according to the Office of the Counsel for Human Rights, the abuses occurring in Guatemala include forced or surrogate pregnancies, removal of children from their real mothers, substitution of documents, alteration of public records, and the existence of clandestine 'nurseries'; whereas abuses are also committed by those authorising adoptions, while an increasing number of international adoption agencies are offering children for sale,
- C. whereas Guatemala is a source, transit and destination country for women and children from Guatemala and other Central American countries who are trafficked for purposes of sexual and labour exploitation,
- D. whereas in 2004, according to official records, 527 women were murdered, 81% of them in deaths involving firearms,
- E. whereas, after the departure of the UN mission to Guatemala (MINUGUA) and almost ten years since the signature of the peace agreements, problems remain in the areas of human rights, indigenous peoples' rights and agrarian conflicts, with violent expulsions which have left several people dead and many others wounded,

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- F. whereas no progress is being made on impunity, and the agreement to set up the Commission of Investigation into Armed Groups and Clandestine Security Apparatuses (CICIACS) is still in need of the authorities' support,
- G. whereas legal personnel and members of state monitoring bodies are still being murdered, and, according to recent reports, between January and May 2005 there were 76 attacks on human rights activists, the total number of attacks or threats against such activists over the first year of the present parliamentary term being 122,
- H. whereas the Commission's background note for the preparation of the strategic document for Guatemala for 2007-2013 admits that 56% of the population are living in poverty and 22% in extreme poverty, three-quarters of those affected being members of the indigenous communities,
1. Condemns trafficking in children, the existence of an organised crime network with international connections engaging in the kidnapping of children, the substitution of documents, the alteration of public records, and the operation of clandestine 'nurseries'; also condemns the abuses relating to documents authorising adoptions, as well as the growing number of international adoption agencies offering children for sale;
  2. Stresses that adoptions should only be carried by governmental bodies and non-profit-making organisations;
  3. Calls on Guatemala to enact specific legislation on adoptions, to apply the Hague Convention on Inter-Country Adoption, and to adopt suitable measures to prevent profiteering from international adoptions;
  4. Urges the Public Prosecutor's Office to take out penal proceedings against the criminal networks trafficking in children;
  5. Calls for the launching of a global plan of priority actions aimed at children and adolescents in Latin America, in line with UNICEF measures;
  6. Calls on the government of Guatemala to take the necessary measures to ensure that murders of women no longer go unpunished, and to take a proactive stand on women's rights;
  7. Calls on the government of Guatemala to support the actions of the Office of the Counsel for Human Rights, recognise the legitimacy of the work of the human rights activists and ensure their protection, and investigate the recent cases of attacks on the headquarters of social organisations;
  8. Welcomes President Berger's declarations regarding abolition of the death penalty, recalling that there are currently 35 persons on death row, and calls on the Guatemalan Congress to undertake the reforms needed to remove capital punishment from the national legal system; calls for measures to be taken against lynchings;
  9. Welcomes the initiative of the government of Guatemala in promoting the establishment of the Office of the UN High Commissioner for Human Rights, and congratulates the Government and Congress on their ratification of the corresponding Convention;

10. Calls on all authorities to cooperate as closely as possible with that Office, so as to enable it to fully implement its observation and advice mission; calls on the Commission to provide economic and political support to facilitate the Office's full implementation of its mandate;
11. Repeats its recommendation to the Commission, as made in its resolution of 10 April 2003, that the EU's future strategy for Guatemala for 2007-2013 should include social cohesion, the right to food, rural development and reform of the system of landholding and land use, as priority areas for future EU cooperation policy; this policy should also lay stress on eliminating illegal adoptions, firm support for human rights, ending impunity, respect for the rights of indigenous peoples, and promotion and protection of women's rights and the rights of the child;
12. Instructs its President to forward this resolution to the Council, the Commission, the UN Secretary-General, the UN High Commissioner for Human Rights, and the Government and Parliament of Guatemala.