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25. Expresses its continued support for a comprehensive EPA between the EU and the Pacific states; agrees that the key issues that must be negotiated include:

- (a) intellectual property rights, encompassing traditional knowledge as well as western technological artefacts;
- (b) transparency of government procurement, with openness to EU contractors triggered at a point appropriate to the needs of the Pacific states;
- (c) working visas, which must be made available to Pacific Island nationals for periods of at least 24 months to enable them to work as 'carers' or in similar professions;

26. Requests, nevertheless, that the Commission continue to work for a more comprehensive agreement and to seek possible alternatives that are accessible and viable and which guarantee market access in accordance with WTO rules, making creative use of all the flexibility available under those rules, including waivers, for those countries not wishing to commit to one or both of the IEPA and the full EPA;

27. Takes the view that, under the comprehensive EPA, a parliamentary committee should be established to monitor the implementation of the agreement, and that the composition of this committee on the EP side should be in line with that of the Cariforum-EU Joint Parliamentary Committee;

28. Stresses that both the IEPA and the comprehensive EPA should incorporate a review clause envisaging an independent global impact assessment that includes the economic, social and environmental impact and the costs and consequences of implementation, which should be carried out within three to five years of the signature of the agreement; stresses that the review clause of the IEPA – and, subsequently, that of the EPA – should contain the provision that all signatories are entitled to invoke it on the basis of the aforementioned impact assessment; requests that the European Parliament and the parliaments of the Pacific states be involved in any review of the agreement;

29. Supports, in this context, the Commission's commitment to ensuring that this blanket derogation from the rules of origin is the exception rather than the rule in future EPAs;

30. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and of the ACP countries, the ACP-EU Council and the ACP-EU Joint Parliamentary Assembly.

International adoption in the European Union

P7_TA(2011)0013

European Parliament resolution of 19 January 2011 on international adoption in the European Union

(2012/C 136 E/05)

The European Parliament,

— having regard to the United Nations Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989, and in particular Article 21 thereof,

— having regard to the 1967 European Convention on the Adoption of Children,

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- having regard to the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (signed at The Hague on 29 May 1993) and to the European Convention of 25 January 1996 on the Exercise of Children's Rights (ETS No 160),
 - having regard to Article 24 of the Charter of Fundamental Rights of the European Union,
 - having regard to Article 3(3) and (5) of the Treaty on European Union,
 - having regard to its resolution of 12 December 1996 on improving the law and cooperation between the Member States on the adoption of minors ⁽¹⁾,
 - having regard to its resolution 16 January 2008: Towards an EU strategy on the rights of the child ⁽²⁾,
 - having regard to Rules 115(5) and 110(4) of its Rules of Procedure,
- A. whereas the welfare of every child and safeguarding children's best interests is of the utmost importance, and whereas the protection of children's rights is a European Union objective,
- B. whereas in the field of adoption competence is exercised by the Member States, which implement the relevant procedures in accordance with the best interests of the child,
- C. whereas there are conventions in force which deal with child protection and parental responsibilities, in particular the 1967 European Convention on the Adoption of Children, which seeks to approximate the laws of the Member States in cases where adoption involves moving the child from one country to another, and the 1993 Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (the Hague Convention),
- D. whereas all the EU Member States are signatories to the Hague Convention,
- E. whereas considerable progress has been made as a result of the Hague Convention,
- F. whereas the United Nations Convention on the Rights of the Child and the Hague Convention describe the family as the fundamental group of society, as the natural environment for the growth and well-being of children in the vast majority of cases, and as the primary choice as regards care of children,
- G. whereas if primary care of children by the family is unavailable, adoption should be one of the natural secondary choices, whilst placing a child in institutional care should be the very last option,
- H. whereas in Europe the problem of precarious childhood, and in particular that of abandoned and institutionalised children, is a significant one and should be treated with the utmost seriousness,
- I. whereas violations of the rights of children, violence against them and child trafficking for adoption, prostitution, illegal labour, forced marriage, and begging on the streets or for any other illegal purpose, remain a problem in the EU,
- J. whereas it is important to protect the right of a child to a family life and to ensure that children are not forced to live for long periods in orphanages,
- K. whereas, following the entry into force of the Lisbon Treaty, the European Charter of Fundamental Rights has become binding; whereas, according to Article 24 of the Charter, 'children shall have the right to such protection and care as is necessary for their well-being'; and whereas, furthermore, Article 3 of the Lisbon Treaty states that the 'protection of the rights of the child' is a Union objective,

⁽¹⁾ OJ C 20, 20.1.1997, p. 176.

⁽²⁾ OJ C 41 E, 19.2.2009, p. 24.

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1. Calls for consideration to be given to the possibility of coordinating at European level strategies concerning the instrument of international adoption, in accordance with international conventions, in order to improve assistance in the areas of information services, preparation for inter-country adoption, the processing of applications for international adoption and post-adoption services, bearing in mind that all international conventions relating to the protection of the rights of the child recognise the right of orphaned or abandoned children to have a family and to be protected;
 2. Calls on the Commission to consider the functioning of national systems at European level;
 3. Considers that priority should be given, whenever possible and in the child's best interests, to adoption in the child's country of origin, with possible alternatives being a family-care solution, such as foster or residential care, or finding a family through international adoption, in accordance with relevant national legislation and international conventions, and that placement in an institution should be used only as a temporary solution;
 4. Emphasises that the national legislation of the country of origin of the family seeking a child for international adoption must apply when it comes to children's rights protection in the long term;
 5. Urges the Member States and the Commission, in cooperation with the Hague Conference, the Council of Europe and children's organisations, to develop a framework to ensure transparency and effective assessment of trends concerning abandoned and adopted children, including those who have undergone international adoption, and to coordinate their actions in an effort to prevent child trafficking for adoption;
 6. Calls on all the EU institutions to play a more active role at the Hague Conference in order to exert pressure on the Conference to improve, streamline and facilitate international adoption procedures and to eliminate unnecessary bureaucracy, whilst committing themselves to safeguarding the rights of children from third countries;
 7. Calls on the competent national authorities to report periodically to the Member State of origin on the development of a child who has undergone international adoption;
 8. Calls on the Member States to recognise the psychological, emotional, physical and social/ educational implications of removing a child from his or her place of origin and to offer appropriate assistance to the adoptive parents and the adopted child;
 9. Urges the Member States to pay particular attention to children with special needs, such as children who require medical care and disabled children;
 10. Recognises that procedural safeguards and proper scrutiny of all the adoption documents, including birth certificates, help to protect a child against violations of his or her rights stemming from doubts over age or identity; believes that a reliable system of birth registration can prevent child trafficking for adoption, and calls for consideration to be given to legal solutions to facilitate the mutual recognition of the documents necessary for adoption;
 11. Calls on the EU institutions and the Member States to participate actively in the fight against child trafficking for adoption;
 12. Instructs its President to forward this resolution to the President of the European Council, the Council, the Commission, the Hague Conference and the government and parliaments of the Member States.
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