



19.2.2010

NOTICE TO MEMBERS

Subject: **Petition 1120/2009 by Marco Griffini (Romanian), on behalf of Amici dei Bambini, on Romania's compliance with international conventions on children's rights**

1. Summary of petition

The petitioner criticises Romanian legislation governing adoption and believes that it is not compliant with the UN Convention on the Rights of the Child or the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (signed in The Hague in 1993). The petitioner asserts that Romanian law only permits intercountry adoption in the case of relatives of up to the third degree of kinship who are resident abroad and considers that this fails to take account of minors' interests. The petitioner asks the European Parliament to take all measures necessary to ensure that the Romanian authorities recognise intercountry adoption as a legitimate and necessary way of finding families for abandoned children who could not be adopted in Romania. The petitioner also requests that suspension proceedings be instituted against Romania pursuant to Article 7 TEU on account of a breach of the rights of minors without families.

2. Admissibility

Declared admissible on 23 November 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 19 February 2010.

The Commission is aware of the situation described by the petitioner.

Romania has a unique position in the EU, because it is the only Member State which has *de facto* abolished, with Law no.273/2004, inter-country adoptions, by allowing them only by grandparents of the child living abroad. With Law no.49/2009 this possibility has been extended to relatives up to the 3rd degree (aunts, uncles).

This policy choice is the sole responsibility of the Romanian government. This strict measure must be seen in connection with the former abusive practices on inter-country adoption in this country.

After 5 years of implementation of the current law, it seems that Romania should be able to reconsider its position towards inter-country adoption based on thorough evidence-based analysis, at least for certain categories of children who, because of their age, health conditions and ethnic origin cannot be adopted in Romania.

Indeed, already in October 2009, the Romanian Adoptions Office (ORA) has sent the Government a memorandum on resuming international adoptions in cases where domestic adoption repeatedly fails. This proposal has been immediately rejected by Emil Boc, the Prime Minister at the time.

Conclusion

The Commission considers the introduction of the proceeding under Article 7 TEU not to be justified in the current situation. It is up to the European Parliament to determine whether a Resolution urging Romania to take the necessary steps to take into account the recommendations of the UN Committee on the Rights of the Child is useful.