

Brussels, 25 October 2009

### Note for the File

**Subject:** A European Adoption Policy and the preparation of a worldwide Free Trade in adoptable children

*“European adoption could represent a modern and innovative solution for the children of Europe: a new level of intervention to be realised between States of the European Union in order to allow the placement in families of abandoned children from Italy, France, Spain or Romania, who today find themselves in institutions and have only two alternatives: national adoption or international adoption. The entry of Romania and Bulgaria in Europe, countries that de facto have blocked international adoption, imposes the necessity to define adequate solutions for the insertion of these minors in families. This way the concept of subsidiarity of adoption could be widened. Placing itself, in fact, between the national and the international one, European adoption is necessary in order to resolve the problems of abandoned children in case it is impossible to find a national one. Only when one cannot recur to national adoption or to European adoption, one would refer to international adoption as configured nowadays. “*

*Source: Website Amici dei Bamini, 30 August 2007; The new frontiers of placement: kafalah, European adoption and international placement (translated from Italian)*

**NB: Children in residential care and foster care in Europe would, according to Amici’s proposals become adoptable after two years in care.**

### Recent Developments: worldwide market in children

Since the entry of Romania and Bulgaria there has been strong pressure on both countries to re-open adoptions. After a scandalising BBC programme about a Bulgarian institution for disabled children, in 2008, Bulgaria has opened its doors, and even completed the five year old pipeline cases. Most children go to Italy for the moment, but also to the other usual receivers. All mayor US agencies have now been accredited in Bulgaria; the costs per child are between 25.000 and 35.000 dollars (country fee for Bulgaria between 10.000 and 17.000 dollars).

Stichting Against Child Trafficking, NIJMEGEN, The Netherlands  
Registered at the Dutch Chamber of Commerce - no. 09183849  
Bank account ING no. 67 26 82 060 (IBAN NL41 INGB 0672 6820 60)

e-mail: [info@againstchildtrafficking.org](mailto:info@againstchildtrafficking.org)  
[www.againstchildtrafficking.org](http://www.againstchildtrafficking.org)

Despite immense pressure, Romania has not yet given in.

MEPs Cavada (still MEP) and Gibault have been calling, since end 2006, for the “free movement” of children, which in fact would mean “free trade”, as adoptions are mediated by licensed private adoption agencies in exchange for large sums of money. This call will be repeated during the EC financed Strasbourg Conference on 30 November/1 December. Since the publishing of the Romanian article ‘Romanian orphans ready for export to the EU’ MEP Jean- Marie Cavada has withdrawn from that Conference, and been replaced by former MEP Ms. Claire Gibault. We are in possession of the taped conversation where an EU official explains the goal of the conference, as being reopening Romania, and states that the COM will only pay for the participation of 10 NGOs, among which SERA, Amici dei Bambini and other adoption lobbyists.

Hilary Clinton, when meeting Foreign Affairs Minister Diaconescu (May 2009), handed in a letter signed by several US congress members asking Romania to reopen (attached). The letter refers to the recent US ratification of the Hague Convention. The US will now be a receiving and **sending** country. They will make children available through US adoption agencies from the regular foster care system, as well as new born babies whose mothers can directly choose European adopters on the Internet.

The Dutch Parliament has recently agreed to receive US children, despite prior announcement of the Dutch Minister of Justice that under the Hague Treaty adoption of (bi-racial) newborns could no longer be justified. Reason for the sudden change of mind was an aggressive lobby led by the LGBT movement and prospective adopters wishing very young babies (which are hard to find elsewhere), with a US lawyer at the background. It is also possible that the Mary Landrieu’s visit, US Senator and chair of the Congressional Coalition on Adoption, to the Netherlands during the two weeks preceding the Parliamentary Debate, played a role. Ms. Landrieu Dutch led a congressional delegation to study the Dutch integrated water management system and possible procurement of Water Protection systems for New Orleans. (multi billion \$ contract).

The US are on a pro-active track to open up EU Member States to become sending countries too. A high level German authority has informed us that the US Department of State has recently contacted them with the request to exchange children. German children for the US, American children for Germany. For the moment Germany denounced the offer, as there are hardly adoptable children and more than enough ‘waiting’ adopters.

### **Preparations for a European Adoption Policy**

An overview of events leading up to the Strasbourg Conference that will take place end November is attached.

Both the Commission (JLS) and the European Parliament (LIBE) have contracted studies to prepare a European Adoption Policy.

The **Commission’s study** was contracted to a Belgian commercial law firm, with offices in Paris and the US. Local law offices in all Member States were subcontracted to draw up reports on the local situation in their country. We have been able to obtain the Dutch report. It was drawn up by a reasonably small law firm, whose founder is an adoptive parent. We were not able to obtain other country reports, and DG JLS will only make the final report available after the Strasbourg Conference where the findings will be presented.

We have obtained, the **final report of the EP's study**. This contract was awarded to the Italian ChildOnEurope, an organisation set up by the Italian Foreign Affairs Ministry in 2004. Their first work was analysing the adoption laws in EU Member States. Analysing the results of the EP study with regard to legal consequences for international adoptions, the direction is clear. The report strongly promotes to move towards a EU Adoption Resolution. This is not a real surprise considering its drafters (mainly Italian and Scandinavian adoption agencies/and a Dutch professor who is adoptive mother and whose special chair is paid by adoption agencies).

### **The European Adoption Convention and the role of the Council of Europe**

The first day of the Strasbourg Conference serves to promote the ratification of the revised 1967 European Adoption Convention.

The 1967 European Adoption Convention is not part of the *acquis*. The Convention put strict conditions on adoption, for example only adoption by married couples, and an adoption shall not be granted until the child has been in the care of the adopters for a period long enough to enable a reasonable estimate to be made by the competent authority as to their future relations if the adoption were granted. These rules of the Convention were never really followed.

The recent revision of the European Convention was given in by Sweden's withdrawal to the Convention in 2002, as Sweden allowed homosexual married couples to adopt. Some other countries did this too, but did not withdraw their ratification.

The revised European Convention has lifted most of the previous precautions. It allows anonymous birth, it does not give children the full right to know their identity. Furthermore it proposes the age of 14 as the age where a child needs to consent to the adoption (which is rather high and what strikes is that it is a year more than the age the 'Tiriac children' had when they opposed their adoption in the Strasbourg Human Rights Court.

The Role of the Council of Europe in the Romanian story was strongly against the EC. In fact a parallel Family Law panel was set up, made up of persons that now again are part of the Strasbourg Conference.

#### Probable Scenario

Comment from a source in the German Ministry of Justice: "Strasbourg conference is timed well. In the beginning of 2010 under the Spanish Presidency the deliberations on an Action Program, which will contain collected and prioritized Community measures with regard to the Stockholm Programme, will begin. In the debate on special features the EP and most probably Commission request of an EU Adoption resolution has to be introduced.

The Stockholm Programme itself does not mention the international adoptions but is open for measures to 'protect the most vulnerable of our society, the children.' The best reason for an introduction is a conference result, which without much critics from governments representatives states that a Community measure in this field is necessary or at least suitable."

### **International context**

Since Romania closed its doors the adoption world is in crisis. Numbers have gone down significantly. Now the agencies, lead by the US and helped by SERA/Amici dei Bambini and some others, are forcing to open up the whole world. Every country should be sending and receiving country.

Our organisation recently travelled to Ethiopia. Clear child trafficking for intercountry adoption: orphanages set up by adoption agencies, birth parents tricked, papers falsified,

wrong info provided to court. Project aid as precondition for adoption (like point system) and EU aid implemented through adoption agencies.

Our organisation also has proved that kidnapped children from India, a country with a Hague compliant adoption system since 1995, were trafficked for intercountry adoption to EU Member States. Several Court cases are pending.

In both India and Romania the Hague Convention has proven not to protect children from child trafficking, but is merely protecting consumers.

We are now faced with the fact that the European Commission is pushing to reverse the work of the Independent Panel of EU Family Law Experts, appointed by the Commission, teaming up with the adoption lobby.

A worldwide market in children will break down families, deter social policy and have private adoption agencies running child protection. History repeating itself.

[SIGNED]

Roelie Post  
Seconded by the EC to ACT  
*Against Child Trafficking*

Encl. Timeline European Adoptions  
Letter US congress

## TIMELINE EUROPEAN ADOPTION {POLICY

<p>9 November 2006</p>	<p><b>EUROPEAN PARLIAMENT CONFERENCE: A EUROPEAN ADOPTION POLICY?</b> Organised by : Jean-Marie Cavada and Claire Gibault</p> <p>Cavada calls for <b>FREE MOVEMENT OF CHILDREN IN EUROPE.</b></p> <p>Francois de Combret calls for a <b>EUROPEAN ADOPTION AGENCY</b></p> <p>Frattini questions if fostercare is a good solution for children and says he will examine adoption policies in EU Member states.</p> <p>Frattini also said that he wanted to hear children from third countries on the issue of institutional care (read adoptions).</p> <p>Among the participants: Amici dei Bambini</p> <p>Limited selected participants.</p> <p>Cavada, when he sees Roelie Post, has her removed from the room.</p>
<p>30 August 2007</p>	<p><b>AMICI DEI BAMBINI (ITALIAN ADOPTION AGENCY) PUBLISHES THEIR POLITICAL AGENDA :</b></p> <p><b>EUROPEAN ADOPTIONS, AS AN EXTRA PHASE BETWEEN NATIONAL AND INTERNATIONAL ADOPTIONS</b></p>
<p>29 December 2007</p>	<p><b>NOTICE CONTRACT EUROPEAN COMMISSION</b></p> <p>L'étude a pour objet:</p> <p>(2) .... y compris l'établissement d'une <b>éventuelle procédure européenne en matière d'adoption</b> entre les États membres.'</p>
<p>16 January 2008</p>	<p>European Parliament adopts Resolution on the future EU Strategy for Children's Rights and ask the Commission to establish a 'Community Instrument to facilitate intercountry adoptions' – initiative Cavada</p> <p><b>(a week later Cavada resigns as Chairman EP Legal Committee)</b></p>

	<p>During the EP meeting, where the EP Resolution on the EU Strategy on Children's Rights was voted, Frattini announced that the next European Forum on the Rights of the Child (Slovenia) will focus on international adoptions. He also announced that he is working on a concrete way on how children will be invited to these meetings. Saying it is delicate to invite rather young children to such meetings, but the objective has been decided and therefore we will follow also this suggestion of the Parliament.</p> <p><b>NB: The Forum in Slovenia did not address this issue.</b></p>
30 January 2008	<p><b>NOTICE CONTRACT EUROPEAN PARLIAMENT:</b></p> <p>International adoption in the EU (frequency, means of recourse, means of access and difficulties to obtain such adoptions)</p>
19 February 2008	<p><b>Cavada + Gibault hold a press conference about their joint statement on intercountry adoptions, together with the Deputy Secretary General of the Council of Europe, Maud de Boer-Buquicchino.</b></p> <p>De Combret joins them in the press conference (Cavada was absent) and De Combret and Gibault explain the need for <b>European adoptions: to re-open Romanian adoptions.</b></p>
26 February 2008	<p><b>In the European Parliament:</b></p> <p>Terre des Hommes International Federation: Adoption in Europe: at what cost? Adoption is also a responsibility of receiving European countries.</p> <p>Terre des Hommes presents to the representatives of European competent national Authorities for Adoption and the Members of the European Parliament the study “<b>Adoption : at what cost ?</b>”, comparing the laws and practices on intercountry adoption of six receiving countries (Germany, Spain, France, Italy, Norway and Switzerland).</p> <p>Claire Gibault calls for re-opening of Romanian adoption and a European Adoption Policy.</p> <p><u>At a follow up to this conference, later Ms. Marlene Hoffstetter confirms in writing to Roelie Post that TdH Switzerland is of the opinion that Romania needs to reopen adoptions.</u></p>

<p>March 2008</p>	<p>At the request of President Sarkozy, the former head of Le Monde (and adoptive father) Mr. Colombani undertook to see how France can get more intercountry adoptions, as there are 25.000 families waiting and only 3.000 children per year come in.</p> <p>The report presented in March inter alia called for <b>European Adoptions</b>, to be brought up during French EU Presidency. (among the persons interviewed were F. de Combret and Claire Gibault)</p>
<p>April 2008</p>	<p>Jacques Barrot (Fr) takes over from Frattini (It) (Frattini joins Berlusconi as Foreign Affairs Minister – responsible for Intercountry adoption)</p>
<p>27 May 2008</p>	<p>EuroNews – promoting the need for European adoption rules, with Bogdan Simion of SERA  <a href="http://www.brightcove.tv/title.jsp?title=1573188033&amp;channel=1320173124">http://www.brightcove.tv/title.jsp?title=1573188033&amp;channel=1320173124</a></p>
<p>30 November 2009/1 December 2009</p>	<p>Joint European Commission and Council of Europe Conference  <b>Challenges in Adoption Procedures in Europe: Ensuring the Best Interests of the Child</b></p> <p>Towards a European Adoption Policy?</p> <p>With participation (paid by the EC) of SERA, Amici dei Bambini, Amici dei Adozione etc.</p> <p>Speakers: Jean Marie Cavada, Marlene Hofstetter – Terre des Hommes</p> <p>After the article “Romanian orphans ready for export to the EU”, Cavada withdraws, and is replaced by former MEP Claire Gibault.</p> <p><b>That article exposed that the Mafia works through the European Commission.</b></p>

**Congress of the United States**  
**Washington, DC 20515**

May 5, 2009

The Honorable Cristian Diaconescu  
Aleea Alexandru nr. 31,  
Sector 1, București, cod 011822

Dear Mr. Foreign Minister:

As you well know, the relations between the United States and Romania have become increasingly strong over the past decade and we look forward to continuing to strengthen the ties between our two nations in decades to come. One area that has and will continue to be of great importance to us and the 215 Members of Congressional Coalition on Adoption is the safety and well being of Romania's children. We applaud the Government of Romania's work to prevent the abandonment of children and offer our continued support of your concerted efforts to move away from the use of institutionalization.

That being said, we remain concerned that according to your own estimates 86,000 children remain in state care. We strongly believe that the best interests of these children can only be served through policies and programs aimed at either timely reunifying them with their birth family when safe and appropriate or connecting them with a safe, loving and permanent family through safe and viable kinship and guardianship care, or domestic and international adoption. Interventions such as foster and day care are meant to serve as temporary measures while permanent placements can be secured. They are not and should not be relied on as long term alternatives to biological or adoptive parental care.

To this end, we urge you to reform current law in Romania to more fully promote and support permanent parental care for children. This reform process must include a reevaluation of your decision to remove international adoption as an important permanency option for children who cannot find permanent homes in Romania. While child welfare reform legislation was passed in 2004, it is widely agreed that the new law creates additional issues for abandoned children and as noted above, eliminates inter-country adoption as a permanency option. We continue to support your goal of developing a reformed system for international adoption, but the delay in reform should not occur at the expense of children already matched with adoptive families in the United States or elsewhere.

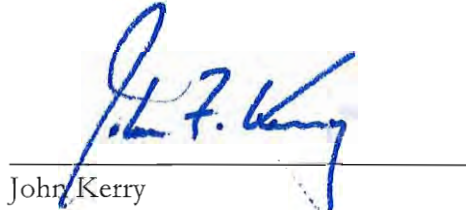
Please know that Romania is not the only nation faced with the challenge of securing a brighter future for its orphaned children. In the United States, approximately 60,000 foster children are still in need of a permanent family to call their own. Because U.S. law remains focused on the best interests of the individual child, these children are allowed to be adopted outside when appropriate. As U.S. lawmakers, we are committed to doing what we can to remove barriers that hinder U.S. children from realizing their basic right to a family. We welcome your leadership in securing this same right the children of Romania and the world.


Sincerely,




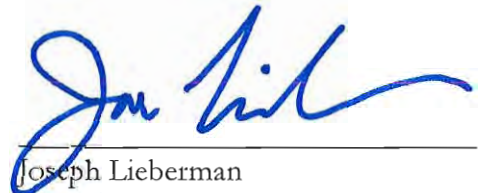
  
Mary Landrieu  
United States Senator

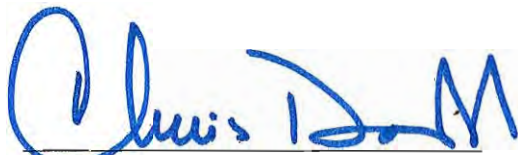
  
James Inhofe  
United States Senator


  
John Kerry  
United States Senator

  
Richard Burr  
United States Senator

  
Carl Levin  
United States Senator

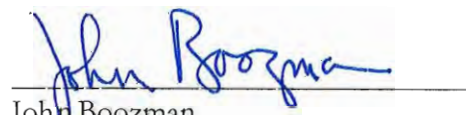
  
Joseph Lieberman  
United States Senator

  
Christopher Dodd  
United States Senator

  
Sam Johnson  
Member of Congress

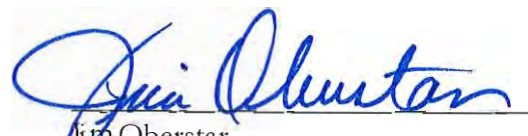
  
Dennis Moore  
Member of Congress

  
Michele Bachmann  
Member of Congress

  
John Boozman  
Member of Congress

  
Jim Himes  
Member of Congress

  
Barney Frank  
Member of Congress

  
Jim Oberstar  
Member of Congress



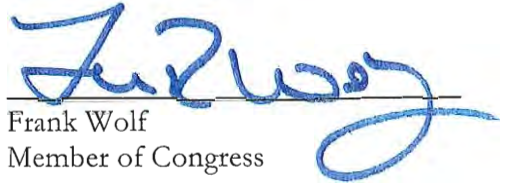
Chris Smith  
Member of Congress



Daniel B. Maffei  
Member of Congress



Dan Burton  
Member of Congress



Frank Wolf  
Member of Congress



Rosa L. DeLauro  
Member of Congress



Robert Wexler  
Member of Congress



Blanche Lincoln  
United States Senator