

*European Commission and Romanian Office for Adoptions quietly force to reopen international adoptions*

## **Romanian Orphans, ready for export to the EU**

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**- REPORTING FROM BRUSSELS - Romanian Office for Adoptions prepares since almost 3 months to modify law 273 of 2004, the law that stopped the trafficking of children from Romania to other countries, under the guise of international adoptions.**

**ORA officials have not acted on their own, but with the support of interest groups in the U.S., Italy, France and other countries.**

By Mircea Opris  
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These groups were used by a Directorate of the European Commission, which will hold a conference for the reopening of international adoptions from Romania, on 31 November and 1 December in Strasbourg.

The European Commission requires changing of the law, imposed by itself as a condition of our entry in the EU. Jurnalul National was able to look into the corridors of these international operations, with the help of a source inside the European Commission, whose identity we will protect for understandable reasons.

### **ROMANIANS WAITED FOR THE RESIGNATION OF THE GOVERNMENT**

The Romanian Office for Adoptions paved the way for amendments to the law prohibiting international adoptions since the summer, when they organised two conferences, both held in Timisoara. The first took place in early September and referred to the rights of the adopted child. Here were assembled all the directors of the child protection directorates in the country for a central database for the adoption process, data about the number of adoptable children and of adoptions in process. A second conference was also held in Timisoara, away from the eyes of the EU mission in Bucharest.

In the period 27-30 September 2009, UNICEF Romania and the National Authority for Child Protection (ANPDC) organised the National Conference which opens the series of events dedicated to celebrating the 20th anniversary of the adoption of the Convention on the Rights of the Child. Attending were representatives ANPDC, DGASPC sites, UN agencies in Romania and other government institutions and NGOs.

Here, Romanian and international institutions, together with NGOs involved in adoptions have finalized, in order to promote later, by legislation the Integrated National Action

Plan on Preventing and Combating Violence against children. Coordinators were Ileana Savu, Secretary of State at the ANPDC, and Edmond McLoughney, UNICEF Representative in Romania.

With only one day before the predictable failure of the Boc 2 Government, ORA proposes, through a Memorandum sent to the Government, to reopen international adoptions. The document prepared by ORA shows that during the four years of implementation of Law 273/2004, concerning the legal status of adoption, it was found that there are some categories of children who are "hard to adopt" because the regulatory framework in force does not identify appropriate solutions with a permanent character. The initiators of the document state that such a measure should be taken, having regard to provide equal opportunities for all children separated from their natural families, who can not be reintegrated and can not be adopted in Romania.

The role of "soldier of sacrifice" was for Secretary of State of the Romanian Office for Adoptions, Bogdan Panait, who said the reopening of international adoption will be done only in cooperation with accredited authorities of the respective States, in order to avoid corruption. He fails to convince why this memorandum was submitted to the government at a time when Romania has no government.

"I submitted the memorandum Monday morning before the vote of the motion (the fall of the government - sic). I do not know what will happen to it. I am in a hurry, it's one thing we wanted to submit for political debate and decision, and I think that this Government could discuss this Memorandum," said Bogdan Panait. Clearly, ORA took advantage of political turmoil in Bucharest to demand a change of the law, to negotiate it with the next government to be appointed.

Approval of this Memorandum means practically the amendment of Law 273 on the rules of adoption. Some of negotiations with representatives of U.S. and EU countries, interested in adoptions from Romania could be possible to adopt the memorandum and adoption law. "When I came here, I had a discussion with the Prime Minister (Emil Boc - Sic). Of course, there were many complaints from families and international fury, but the discussion was to value and change the law.

Sure, he was not clear if it was about international adoption. I have taken up this mission. The modification was made. The law is ready for 99 percent, in the coming weeks it will be subjected to public debate and will be posted on the website. But from the context in which we made the changes to the law, I have concluded - and because of international protocols - that we can go ahead with the idea and start procedures for international adoption.

Sure, this is not a decision which I can make. And that's why I made this Memorandum, a memorandum which is very neutral. It is up to the Government to decide to what extent it is the political moment, we have statistics, I mentioned the commitment of Romania in the field and the decision will be entirely to the government," said Bogdan Panait a few days ago. Interestingly, in early September, in an exclusive interview to Jurnalul

National, the same Secretary of State said that "As long as I am the director of ORA, if the government will ask me to find a solution to the international adoptions, for the moment at least, such thing is excluded".

Once more it will create the image that again we will trade, traffic and other dealings with children. In three or four years perhaps, but it is the responsibility the Romanian State must bear." Powered by internal and external pressure or not, Bogdan Panait had no patience for three or four years and urged the reopening of international adoptions as soon as possible.

### **SLAP FROM THE GOVERNMENT**

Subtle movement to amend the Law 273, which became a mandatory condition of Romania's accession to the EU, was dismantled by the Government that gave its last breath. On October 16, the Romanian Executive announced officially that it does not support the memorandum initiated by the Romanian Office for Adoptions, which proposes reopening the international adoptions. The Memorandum represents the point of view of the institution and is not endorsed by the Emil Boc Cabinet Emil, still in office. The Government had no discussion about this Memorandum and therefore has not taken any decision on this document.

Prime Minister still in office, Emil Boc, believes that current legislation in the field of international adoptions is in accordance with international law and European standards. The same view was exposed by former PSD Foreign Minister, Cristian Diaconescu.

### **ADOPTION MAFIA WORKS THROUGH THE EUROPEAN COMMISSION**

The European Commission and the Council of Europe have prepared the international conference "Challenges of the procedures for adoption in Europe", which originally was to be held on 26 and 27 November in Strasbourg. Beyond discussions of principle, the ultimate aim of the conference is to develop a joint recommendation that Romania should follow the Bulgarian model, which is to reopen international adoptions. Those of the European Commission and NGOs who oppose this idea immediately came into conflict with the organizers.

The website announcing the conference and where one could register was suspended and amended several times, and those interested to participate could not register. Subsequently, only NGOs approved by the organizers were informed by e-mail, and not at the official site of the conference, that the dates had changed and the conference would be held between November 30 and December 1. The worst thing is that the team of the European Commission in charge of organising the conference is not legally allowed to do so.

Specifically, the Directorate General for Justice, Freedom and Security of the European Commission, the unit E2 - Civil Justice, headed by the Finnish Salla Saastamoinen organises the conference. The coordinator of the organisational team is the Italian Patrizia De Luca, working in that directorate. According to the organigram of the European Commission, the Rights of the Child are part of the D1 of Directorate D of the European

Commission, led by the Romanian Aurel Ciobanu-Dordea. Sources in the EC Directorate D told National Journal that this structure has no involvement in organising the conference in Strasbourg, although it is the only unit that has competence in children's rights in the European Commission.

The same source says that Directorate E2 violates the official regulations of the EU, more precisely the European Union anti-corruption policy, which states that a Directorate can not organise actions on issues that do not fall within their powers, conform the Communication on Anti-Corruption Policy, number 317 of 2003, addressed to the European Council and the European Parliament.

### **HOW TO SUBSTITUTE THE EUROPEAN COMMISSION**

The organisational team E2 of the Directorate of Justice has hired a private firm that bought an Internet domain, [www.adoptionprocedure.net](http://www.adoptionprocedure.net), announcing the upcoming conference. Normally, the conference should have been officially announced on the Internet pages of the European Commission and the Council of Europe. Subsequently, the team only had contact with organisations and NGOs who are in favour of reopening international adoptions and ignore all others and international media interested in this subject. Many last-minute changes were only announced on the website of the conference at the last minute, or not announced at all.

Jurnalul National managed exclusively to unveil the secrecy around this so important conference, even at the European Commission in Brussels, from a source working in the Directorate of Justice caught offside, ie unit E2. This source claims that postponing the conference has nothing to do with the submission of the Government memorandum of ORA in Bucharest, but that the new government which will be installed until the conference, November 30, could give a favourable opinion of the proposed change of Romanian Office for Adoptions.

To the conference no nongovernmental organization from Romania or from another country that is hostile to reopen international adoptions was invited, the ultimate goal of the meeting in Strasbourg.

"We invited to the conference those organizations that have a closer connection (they coincide with those that oversaw international adoptions in Romania until 2004 and continued lobbying for the reopening them – Sic.) and we can not invite everyone who registered or the press because the conference hall has only 150 seats. The website does not work all the time, because it is under construction, because the conference agenda and guest list is not yet complete.

From Romania only three guests will participate from State institutions. One of them, Bogdan Panait, director of ORA. I do not remember the name of the other two. We pay to participate, just travel and accommodation, for participants approved by us, with whom we worked, a total of 10 NGOs. Among them the Nordic Adoption, an umbrella association of 15 adoption agencies, very important in northern Europe and other

organizations from France, and SERA, SERA whose leadership has moved to Geneva, International Social Service, and Amici dei Bambini in Italy ...

So, from Romania will come only three guests from the State and Edmond McLoughney, UNICEF representative in Romania, who will speak on behalf of Romania, told us the source of the European Commission. Interestingly, the last topic of the conference will be "Towards a European policy on adoption ", where the case and experiences of Romania and Bulgaria will be analysed, and Frenchman Jean-Marie Cavada, Member of the European Parliament and a close associate of French pro-adoption lobby in Romania, will talk about a common adoption policy, because other countries have opened adoptions, only Romania has not done this, though is part of the European Union.

We will have a Hungarian adoptive parent who lives in Britain, who will speak about the problems he had when he adopted a child in Hungary. This conference is a sequel, a follow-up to the conference in 2006, when it was tried also to make Romania to understand how necessary it is to reopen international adoptions, as well as other EU countries. We will not solve the problem immediately, but the conference has to convince Romania that international adoption can be resumed, like in other EU countries, such as for example Bulgaria, which has responded positively to this request for international adoptions.

The fact that Romania has a law against international adoption is the fault of former European rapporteur for Romania, Baroness Emma Nicholson, who said that international adoption means trafficking in children. She used his influence to halt all adoptions and make the entry of Romania into the EU to stop adoptions. Now we try to convince Romania to re-open adoptions, like other countries in Europe," our source in Brussels told us.