

EUROPEAN PARLIAMENT

COMMITTEE ON PETITIONS

Notice to members

SUBJECT: Petition No 706/99, by Mr Günther Kreutz (German), on Community funding for Romanian orphanages

I. Summary of the petition :

Having learned that the European Commission has earmarked five million Euros of Community funds to aid Romanian orphanages, the petitioner requests that the funds are transferred via official bodies in Germany and Romania which could be relied upon to ensure that the funds reach those who need it most.

II. Declared admissible on 31 January 2000, the Commission was asked to provide information pursuant to Rule 175(3) of the Rules of Procedure

III. The reply from the Commission, received on 26 October 2000 reads:

The petition suggests spending Phare funds reserved for direct urgent aid for Romanian childcare institutions through a German NGO and a Romanian adoption NGO.

Since 1990, the Commission has been providing, mainly through Phare, assistance worth some 100 M€ to Romania, to address the delicate situation of children in institutions. While in the early years humanitarian assistance was predominant, programmes are now designed to address the structural situation and reform of Romania's childcare policies. Currently a 25 M€ Child Protection Programme from the Phare 1999 National Programme is being put in place in order to assist the recently established National Agency for Protecting Children's Rights in designing and implementing structural reform policies.

For the implementation of Phare programmes the Commission has to follow existing procedures. The basic rule is that management of Phare programmes is decentralised meaning that the beneficiary country's government (the Romanian government in this case) is responsible for its implementation and may conclude contracts for the supply of goods or services. Contracts are awarded following a competitive selection process by tender and are subject to ex-ante control by the Commission Delegation in Bucharest. This is what happened in the case to which the petitioner refers. In addition, considering the special nature of this project, the Romanian authorities and the Commission agreed to a special monitoring contract to guarantee correct implementation.

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The 5 M€ allocation for direct urgent assistance to childcare institutions, mentioned in the petition, was in fact a re-allocation of funds from an ongoing Phare project following a financial crisis in the child protection sector in Romania. After consultation with the Member States, the Commission decided in July 1999 to re-direct a total amount of 10 M€ from the Phare 1998 National Programme for Romania towards urgent direct assistance to childcare institutions in Romania. This emergency project was implemented as follows:

-) A first tranche of 4,5 M€ was used to supply non-perishable food to 157 institutions (30.000 children), covering the needs for nine months. The contract was awarded to a procurement agent, selected on the basis of a tender. Over 3.500 tonnes of food, plus vitamins and disposable nappies, have been delivered to the institutions since November 1999. The list of priority institutions to receive help was established by the Romanian Department for Child Protection in co-operation with the Secretariat of State for the Handicapped and the Ministry of Health (which had responsibilities for specialised institutions before a single National Agency with overall responsibilities was set up). A team of inspectors checked the needs of the institutions, and the storage capacity. The inspectors also paid unannounced visits to the institutions in order to verify that the food was correctly delivered, properly stored and used.
-) A second tranche of 4 M€ for repairs to infrastructures (children institutions) has been contracted to a Romanian and an Austrian NGO, which were selected after a competitive tender.

A contract for technical assistance for 1.5 M€ has been concluded in order to ensure monitoring of the delivery and use of both tranches of humanitarian aid and to recommend on legislative and institutional changes which would ensure a sound basis for further Phare support to structural reform in the sector.

IV. Complementary reply from the Commission, received on 7 May 2002

On 21 March 2001, the Committee on Petitions discussed the Petition by Mr Günther KREUTZ and heard a statement from the Commission representative. At the end of the discussion, the Committee decided to closely monitor the situation. Following this request, the Commission services provide the following information update.

In May 2001, the Government of Romania adopted a revised National Strategy on Child Protection, which represented a significant step forward in developing a coherent policy on this issue. Implementation of the reform of the child care system, focussing on decentralisation and de-institutionalisation, is now well under way. The Government has also substantially increased budgetary allocations for the system, as well as for subsidies to families with children with the objective of reducing abandonment and preventing institutionalisation.

The current implementation of the 1999 Phare Programme on Child Protection should also lead to a significant improvement of child protection in Romania. A similar programme for which 10 M€ have been committed in 2001 will follow this programme. The current programme has a budget of 25 M€ and includes the following components:

-) Closure of old-style residential care institutions by creating and developing of community integrated child welfare projects at local level, with special emphasis on prevention of child

abandonment and de-institutionalisation (p.e. daycare centers, family type homes, foster care, re-integration projects, maternal centers). The projects are implemented by the local Departments for Child Protection, sometimes in cooperation with NGOs.

- J Technical assistance (using EU member states' expertise through "twinning", i.e. the secondment of national experts to the government of Romania) to facilitate co-operation between the Ministry of Labour and Social Protection services (at central and local level) with childcare departments (at central and local level). The main goal of this project is to ensure that Romania's overall social protection policies are effective in providing support to families with children at risk, and preventing abandonment and institutionalisation of children.
- J A national public awareness campaign aimed at preventing abandonment of children and their re-integration into (natural, foster or national adoptive) families. The campaign has started end 2001 and has a high visibility (TV, radio, billboards, leaflets). Information sessions are also organised for professional groups, such as doctors, social workers, teachers and priests.

The issue of international adoptions from Romania has received considerable attention in the past few months. In this respect, the Commission, in its 2000 Regular Report on Romania's progress towards Accession, expressed concern over serious shortcomings in Romanian legislation and practice on international adoptions, which risked giving rise to abuse.

The Romanian government itself recognised that its legislation was not only inadequate, but also that it gave rise to abuse in implementation for reasons of insufficient administrative capacity on the part of Romanian institutions themselves. In the face of this situation, the Romanian government took the decision to suspend international adoptions.

In its 2001 Regular Report on Romania's Progress towards Enlargement, the Commission welcomed this moratorium as a mechanism to end practices that were incompatible with Romania's international obligations under the United Nations Convention on the Rights of the Child and which risked opening opportunities for trafficking in children and other forms of abuse. The Commission maintains that the Romanian authorities need to reform legislation on international adoptions and develop the appropriate administrative structures and capacity in order to ensure that adoption decisions are made exclusively in the best interest of the child. This should be done prior to international adoptions being resumed.

In order to achieve this objective, the Romanian authorities are receiving full support from the European Commission, various countries and UNICEF.

With respect to pending cases (that is, individual cases where adoption procedures had been started but had not been completed when international adoptions were suspended), the Romanian Government adopted an emergency ordinance on 6 December 2001, providing for the completion of intercountry adoption procedures for cases that had already been dealt with, or were being dealt with, by the courts when the moratorium was decided. This ordinance also allows the government to forward pending cases to the courts in "exceptional circumstances". The Romanian authorities are now carefully considering which adoption cases may proceed and a substantial number of pending cases have been resolved.