

Against Child Trafficking
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The European Ombudsman
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Subject: Complaint Regarding Excessive Redaction of a Key Historical Document on Romania's Child Protection Reforms, a Pattern of Cover-Up, and the European Commission's Broader Handling of Children's Rights

Dear EU Ombudsman, Dear Teresa Anjinho,

First of all, we welcome your appointment as the third European Ombudsman. We wish you all the best with this important and challenging job.

I am writing to lodge a formal complaint against the European Commission for its unacceptable and excessive redaction of a critical policy document under a Freedom of Information (FOI) request, its broader pattern of obfuscation and non-responsiveness, which suggests a deliberate cover-up of systemic failures in child protection reforms, and its overall handling of children's rights. The document in question, dated July 4, 2001, details the Commission's analysis of the child protection situation in Romania and served as a foundational basis for its policy position during Romania's child protection reforms. This document is of immense historical and public interest, particularly as it sheds light on systemic issues that affected vulnerable children and shaped EU-Romania relations during a pivotal period. The Commission's decision to blacken almost all of the document—despite the passage of 25 years—constitutes a grave breach of transparency, undermines public trust in EU institutions, and raises serious questions about the Commission's commitment to accountability.

The document, as revealed through the limited unredacted portions, exposes significant concerns about the state of child protection in Romania in the late 1990s and early 2000s. It highlights the undue influence of NGOs over Romania's child

protection authorities, the prioritization of international adoptions over national solutions, and the financial incentives that perpetuated child abandonment and institutionalization. It also notes the Commission's own struggles to implement reforms due to pressure from adoption lobbies and the misallocation of funds meant for child welfare. These revelations are not merely historical footnotes; they are critical for understanding the systemic failures that impacted countless children and for ensuring that such mistakes are not repeated in the future.

The gravity of the Commission's lack of transparency is further underscored by the personal and professional sacrifices made by whistleblower Roelie Post, a co-author of the 2001 document and a former official in DG Enlargement. Ms. Post's tireless efforts to expose the influence of the adoption lobby and advocate for genuine child protection reforms led to significant resistance within the Commission. In response to the challenges posed by the adoption lobby, which the document itself describes as a powerful network undermining EU investments in Romania's child protection sector, the Commission made a dramatic 180-degree turn in its approach. Recognizing the impossibility of continuing this work internally, Catherine Day, then Secretary General, along with the top of HR, decided to second Ms. Post to the Foundation Against Child Trafficking (ACT)—an organization I founded as a direct result of the Commission's policy shift. This secondment was a desperate attempt to preserve institutional memory and continue addressing the issue outside the Commission's walls, where the adoption lobby's influence had made meaningful progress impossible.

The Foundation Against Child Trafficking exists today precisely because of the systemic issues laid bare in the 2001 document and the Commission's subsequent inability to tackle them internally. However, the Commission's lack of transparency and accountability extends far beyond the redaction of this single document. Since 2012, ACT has submitted 230 FOI requests via the Ask the EU platform (documented under user Arun Dohle at https://www.asktheeu.org/user/arun_dohle), seeking clarity on the Commission's handling of child protection issues, the role of the adoption lobby, and related policies. These requests have been met with a consistent pattern of excessive redactions, blanket refusals, and responses claiming "information not held," even in cases where such information should reasonably exist given the Commission's mandate and historical involvement. This pattern of obstruction suggests a deliberate effort to cover up not only the circumstances surrounding Ms. Post's secondment but also the broader role of the adoption lobby in derailing child protection reforms.

Moreover, the Commission's de-institutionalization policy—purportedly a cornerstone of its child protection strategy—appears to be little more than thin air. The 2001 document already hinted at the challenges of closing large, outdated residential

institutions due to the adoption lobby's influence, yet the Commission has failed to provide evidence of a carefully constructed, actionable policy to support de-institutionalization. The lack of transparency and the failure to respond meaningfully to ACT's 230 FOI requests further erode confidence that the Commission has prioritized the welfare of children over the interests of powerful lobbies.

The Foundation Against Child Trafficking has made multiple requests for information and action over the years, as evidenced by several outstanding requests currently awaiting internal review by the Commission. These include:

- A request for an EU-US video conference on May 16, 2004, regarding Neighbourhood and Enlargement Negotiations, annotated by Arun Dohle on April 1, 2025, and marked as "long overdue."
- A letter from Ms. Roelie Post to Vice President Sim Kallas, sent for internal review to Human Resources and Security by Arun Dohle on April 1, 2025, awaiting response.
- An email by "NEAR-RULELAW-FUNDRIGHTS" from May 25, 2018, regarding Neighbourhood and Enlargement Negotiations, annotated by Arun Dohle on March 29, 2025, also awaiting internal review.
- A position paper from Care France on the scandal of intercountry adoptions from Romania, responded to by the Secretary General of the European Commission to Arun Dohle on March 25, 2025, still awaiting internal review.

These outstanding requests, spanning from 2004 to 2018, demonstrate a consistent pattern of delay and non-responsiveness by the Commission, further reinforcing the impression of a deliberate cover-up. During the tenure of the previous EU Ombudsman, Emily O'Reilly, all of ACT's complaints—except the first regarding Amici dei Bambini—fell on deaf ears, with no meaningful action taken to address the Commission's lack of transparency. We trust that, as the new EU Ombudsman, you will take a different approach and open a proper investigation into the European Commission's handling of children's rights, particularly in light of the systemic issues highlighted by our requests and the 2001 document.

The European Commission's decision to redact nearly the entirety of the 2001 document, including subsequent correspondence from 2013, is indefensible for several reasons:

1. **Historical Significance and Public Interest:** The events described in the document occurred 25 years ago, a sufficient time lapse to warrant full disclosure under most transparency frameworks. The document is a vital

historical record that informs the public about the EU's role in addressing child protection crises in candidate countries like Romania, which joined the EU in 2007. Citizens have a right to understand the decisions, challenges, and potential missteps that shaped these reforms, especially given the profound human rights implications for vulnerable children.

2. **Lack of Justifiable Grounds for Redaction:** The Commission has not provided a clear or compelling justification for blackening almost all of the document. Under the EU's transparency regulations, such as Regulation (EC) No 1049/2001, exceptions to disclosure must be narrowly interpreted and justified by specific harm, such as risks to personal data or ongoing investigations. After 25 years, it is highly unlikely that the release of this document would pose any such risks. The redaction of entire pages, including seemingly innocuous correspondence, combined with the pattern of "information not held" responses to ACT's 230 FOI requests, suggests an overbroad and arbitrary application of exemptions, which is inconsistent with the principles of openness and accountability that the EU purports to uphold.
3. **Erosion of Public Trust:** The Commission's actions send a troubling message to EU citizens: that even after a quarter of a century, the EU is unwilling to be transparent about its past actions, even when they involve matters of significant public concern. This lack of openness fuels distrust in EU institutions at a time when public confidence is already strained. The heavy redaction of the 2001 document, the failure to respond meaningfully to ACT's 230 FOI requests, and the lack of action during Emily O'Reilly's tenure appear to prioritize institutional self-protection over the public's right to know. By obscuring the context that led to Ms. Post's secondment, the role of the adoption lobby, and the absence of a robust de-institutionalization policy, the Commission is erasing evidence of its own shortcomings and the systemic failures that affected vulnerable children. As Jonathan Faull, former Director of the European Commission's Justice Department, once remarked, "If only the Romanian orphans knew" (about the deletion of child rights). We add: if only EU citizens knew the full extent of the Commission's obfuscation and failure to prioritize children's rights.
4. **Implications for Accountability and Learning from History:** The issues outlined in the document—such as the influence of adoption lobbies, the financial incentives that undermined child welfare, and the challenges of decentralization—remain relevant today as the EU continues to engage with child protection and adoption policies across member states and beyond. The Foundation Against Child Trafficking continues to advocate for reforms in this

area, drawing on the lessons of the past. By withholding this document and failing to respond to related requests, the Commission prevents researchers, policymakers, and civil society from fully understanding the root causes of past failures and learning from them to improve future policies. This is particularly egregious given the EU's stated commitment to protecting children's rights under the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child.

5. **Disproportionate Redaction of Later Correspondence:** The 2013 correspondence included in the FOI request, which appears to relate to follow-up actions on Romania's child protection reforms and explicitly mentions Ms. Post's secondment to the Foundation Against Child Trafficking, is also heavily redacted. While some personal data might require protection, the blanket redaction of entire sections—leaving only fragmented sentences—prevents any meaningful understanding of the Commission's ongoing engagement with these issues. This further compounds the impression that the Commission is more concerned with concealing its actions than with fostering transparency.

As the EU Ombudsman, your mandate to investigate maladministration in EU institutions is crucial for upholding the principles of transparency, accountability, and good governance. I urge you to investigate this matter with the utmost urgency and to take the following actions:

- **Order the European Commission to release the 2001 document in its entirety**, with only minimal redactions where strictly necessary to protect personal data, accompanied by a detailed justification for any withheld information.
- **Investigate the Commission's pattern of non-responsiveness** to the Foundation Against Child Trafficking's 230 FOI requests since 2012, including the outstanding requests from 2004, 2018, and other dates, to determine whether this constitutes a deliberate cover-up of the adoption lobby's role, the lack of a substantive de-institutionalization policy, and broader failures in the Commission's handling of children's rights.
- **Conduct a broader inquiry into the Commission's practices regarding FOI requests**, particularly in cases involving historical documents of public interest and children's rights, to ensure that excessive redactions, "information not held" responses, and delays do not become a systemic practice.
- **Open a comprehensive investigation into the European Commission's overall handling of children's rights**, examining the influence of the adoption

lobby on the de-institutionalisation policies, whereby (intercountry) adoption became a measure of child protection under Integrated Child Protection Systems, and the Commission's commitment to transparency and accountability in this critical area.

- **Issue a public statement reaffirming the importance of transparency** in matters of historical and public significance, especially those involving human rights and the welfare of vulnerable populations, and acknowledging the contributions of whistleblowers like Roelie Post in advancing these causes.

The European Commission's decision to obscure this document, its failure to respond meaningfully to 230 FOI requests, and its broader handling of children's rights are not mere administrative oversights; they are deliberate acts that undermine the EU's credibility as a champion of transparency and human rights. Twenty-five years after the events in question, there can be no legitimate reason to withhold this information from the public. The children of Romania who suffered due to systemic failures in the 1990s and early 2000s deserve to have their stories acknowledged, and EU citizens deserve to know the truth about the Commission's role in addressing—or failing to address—these failures. Moreover, the legacy of whistleblowers like Roelie Post, whose work led to the creation of the Foundation Against Child Trafficking, must be honoured through full transparency, not buried under excessive redactions and bureaucratic delays.

We trust that, unlike during the tenure of Emily O'Reilly, your office will take a proactive approach to this matter and open a proper investigation into the European Commission's handling of children's rights. I look forward to your response and to the resolution of this matter.

Yours sincerely,



Arun Dohle
Against Child Trafficking