

R O M A N I A

For Export Only

Roelie Post

ROMANIA FOR EXPORT ONLY, THE UNTOLD STORY OF THE 'ROMANIAN ORPHANS'

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The text is the 2007 edition, unchanged.

This book is a diary, written from daily notes and memory. It is not an official document of the European Commission. Some names, places and dates were changed or left out, for privacy or security.

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This book is dedicated to:

Emma, Baroness Nicholson of Winterbourne, currently Member of the European Parliament, and EP Rapporteur for Romania from 1999 to 2004.

and

Günter Verheugen, currently Vice-President of the European Commission, and Commissioner for Enlargement from 1999 to 2004.

From: Roelie
To: Mariela
Date: Saturday 30 June 2001 11:10
Subject: Breakfast Children Forum

I had an interesting breakfast discussion with my daughter Anne-Catherine and two of her girlfriends. The girls were saying parents must have sex to have children (they found it as all children unbelievable parents did this). One girl said sex was not always necessary, as parents could also adopt a child from another country.

I asked the girls first to imagine they were children of very poor parents in a far away country with a different culture and language, where they had many brothers and sisters. Then to imagine if they would like to be adopted by rich, loving people, who would be able to give them a very good life. I provided the girls with basic facts, careful not to influence them.

Their first reaction was they very much would like to be adopted. But then the discussion went on, and they wholeheartedly decided nothing was more important than being with your own family. They asked if they couldn't bring the whole family to those richer people. I explained rich countries don't want poor people of other countries, but only their children to love and care for.

They asked why their poor family would give them up for adoption. I explained parents/mothers might consider that to be in their best interest and also a lot of money would be involved (not necessarily for their parents though). They asked if their opinion would be asked, I told them 'not if you are younger than ten years old'. Being nine, they were outraged about this.

They said the rich people should give money to poor families so they could take better care of their own children.

So this was the outcome of a mini Dutch Child Forum at its Saturday Breakfast Summit.

Roelie

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Preface

Over the years numerous people suggested me to write a book. Here it is: the story of Romania's institutionalised children, for many years wrongly called 'orphans' or 'abandoned' and the pressure to have those children freed for international adoption. A story about global politics and private interests.

In 1999, employed by the European Commission, I started working on the 'Romanian children dossier'. Romania was known for having over 100.000 children in large residential care institutions, where the living conditions were appalling. My task would be to monitor Romania's child protection from a human rights' perspective in the framework of Romania's future accession to the European Union. Furthermore the Commission would offer financial support to improve the situation. I entered a world I did not understand at first.

Soon I felt something was wrong with the adoption system.

The Romanian government, after criticism of the European Commission and the European Parliament, halted intercountry adoptions in 2001 and started to review its legislation. The international pressure, from a small group of people who wanted to re-open intercountry adoption, was extremely ferocious.

The writing of this book has not been an easy exercise. I am grateful for those who supported me over the years. Mariela Neagu offered valuable contributions. My friends Ulrike Braun, Tarja El Idrissi, David Haworth, Dieter Oudekotte, Bianca Stege and Katja Tuominen have been indispensable in their proofreading, advise and support. Special thanks go to my friend Karin Veldhuizen who was always there with her optimism when I needed an extra push to keep up my moral.

Roelie Post

The following is based on daily kept notes and memory, and summarises the events I consider most important.

For reasons of privacy or security some names, places or dates have been altered or simply not given.

The Year 1999

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UN Convention on the Rights of the Child, Article 20.1

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Monday, 1 March

Start of the new job. Somehow changing jobs within the Commission always seems to surprise the administration and often the first days on a new job are spent without a PC or even a phone.

My predecessor gave me just a few papers on the children dossier with the memorable words:

‘Here are the children, have fun.’

I looked at him, not understanding his cynicism.

No phone calls or e-mails yet, no archives at my disposal and little idea what the children dossier was about. The Head of the Romania Team had prepared me some basic reading material, so I spent today reading about Romania and realised I knew not much about that country. And I knew nothing about orphanages or child protection. But, as one of my previous bosses, Dr. Rolf Möhler, once told a member of his staff:

‘You are not an expert, you say? The Commission pays you to be an expert. Become one!’

And so I will.

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Having worked since 1983 in the European Commission (EC), in different departments, I was by now one of the old-timers in the Commission. During one of the enlargement meetings end of last year I met the Head of the Romania Team, whom I knew from a previous job. He offered me a place in his team. At first I was not interested, I had an interesting job, but some e-mails full of persuasion later, I accepted the job of 'task manager' for children, minorities (Roma) and civil society. I had no idea what that would involve, but I always liked a new challenge.

On the EU accession process I luckily had some previous experience. To become a Member State, a country had to fulfil some fundamental requirements, known as the Copenhagen criteria, as defined by the EU Member States in 1993.

- Political criteria, meaning to have stable state institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- Economic criteria, meaning a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- The *acquis communautaire*, being the whole of the European legislation: the public administration should be capable of adopting and applying these rules.

There are thirteen candidate countries from Central and Eastern Europe and the Mediterranean region. Accession negotiations had been opened in 1998 with the six best prepared: Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.

For Bulgaria, Latvia, Lithuania, Malta, Slovakia and Romania a decision would be taken by the end of this year. Turkey would have to stay in the waiting room for some time. These decisions, taken by the European Council, had been based on the so-called Commission Opinion of 1997 that set out the accession related issues. So there I should start reading.

1997 Commission Opinion on Romania's Accession to the European Union

The rights of the child have long been a matter for concern in Romania. The system introduced in 1970 in an attempt to boost population growth was not accompanied by the requisite machinery for helping birth families or placing children in foster homes; as a result many children were abandoned in squalid state orphanages. Over 100.000 children are affected, a figure which has risen slightly of late.

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In response to a situation that flies in the face of some of Romania's international obligations (and in particular the 1989 Convention on the Rights of the Child), the Union has spent almost 70 million euros, much of it through the Phare project.

The situation may improve shortly. The Government has approved two emergency decrees: the first abolishes the system introduced by Law No 3/1970 and replaces it with new provisions and the second facilitates adoption under a system administered by the counties. Family allowances have been increased and other measure adopted to help families in difficulty.'

Since then, the Commission had published country reports every year, the so-called Regular Reports on Progress towards Accession. So, that should obviously be the next thing to read.

1998 Commission's Report on Romania's Progress towards Accession to the European Union

There has been a positive change in government policy on child protection and a new determination to care for this vulnerable section of society. Legislation on the protection of children has been amended and transfers responsibility for child protection to the local administration. It focuses on the objective of the (re-)integration of children into their families. The underlying reform strategy, supported by the Phare project, has started to bear fruit. There is encouraging evidence the number of children re-integrated into their families or adopted by foster families has increased. However, there is scope for further improving policy implementation, in particular by promoting the reintegration of children into their families.

Well, that sounded rather positive. Phare was the main funding instrument for the countries of Central and Eastern Europe. It was launched in 1989 following the collapse of communism, at first to help Poland and Hungary to reconstruct their economies. But now Phare provided financial support for the pre-accession strategy of all Eastern European candidate and pre-accession countries. And apparently it had also been used to support the reform of child protection in Romania. I should find back the documentation about this.

In my predecessor's documents, there was a letter from the Romanian Secretary of State for Child Protection, Cristian Tabacaru, addressed to the Deputy Director General, the French François Lamoureux. Tabacaru explained the newly adopted legislation on children's rights. It had as main objectives prevention of institutionalisation of children, re-integration in his/her biological family, clarification of the child's legal status, adoption and the transformation of large institutions into family-type *centrul de plasament* (Placement centre). According to the letter, dated October 1998,

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the number of children in institutions had decreased to 91.785, compared to 98.872 in May 1997. Tabacaru announced due to the reform of the child protection system the number of adoptions had decreased in 1997, but now a rapid growth could be witnessed. In the first six months of 1998 some 1.800 international and 600 national adoptions had taken place.

Monday, 8 March

After my first week Enrico Grillo Pasquarelli, Head of the Romania/Bulgaria Team, returned from his mission to Bucharest. He warmly welcomed me. We knew each other since the mid eighties when we both worked in the Cabinet of, respectively, the Italian and Dutch Commissioner. It was him who had convinced me to join the Romania Team.

Today we had a short discussion about work in general and he gave me two reports. One was from Unicef and one from a French NGO 'Solidarité Enfants Roumains Abandonnés' (Sera). The Sera report had a note attached to it, on which Enrico had written 'heartbreaking, find out where we stand with our project.' Project? What project?

Going again through the few documents I had received from my predecessor, I did not find much. Time to talk to the Phare co-ordinator of our Team. And indeed, he confirmed there was a 10 million euros project underway. It was a Phare 1998 project, designed in 1998 and thus implementation would normally start a year later, meaning now.

After having read the project document several times, it remained fairly unclear what the project was supposed to achieve. It was mainly about technical assistance to be provided by a consultancy or NGO that would manage the project, which consisted of several components including the procurement of computers. The consultancy firm or NGO would be selected through an open call for tender.

This process had not yet been launched as the tender dossier was blocked somewhere in the Commission here in Brussels. I tried to find out why, but got no clear explanation. Just a promise it would be unblocked as soon as possible.

Sunday, 14 March

Over the weekend I read the two reports Enrico had given me, from Unicef and the French Sera. There was a sharp contrast between the two.

The Sera report was full of dramatic black and white pictures and the description of the Romanian orphanages was horrific. The Unicef report made clear there were many children in residential care throughout Eastern Europe. This was a matter of concern the more because the conditions in these homes were rather bleak. But the description was not as tragic as in the Sera report.

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So if this issue existed in most of the former communist countries, mainly due to poverty and lack of assistance for families, how come the European Commission only dealt with the Romanian children? Why did other country teams did not have a task manager for children?

Wednesday, 17 March

The year 1999 had started poorly for the European Commission. A staff member, Paul van Buitenen, had gone public with accusations about fraud in EU funding projects. Allegedly some Commissioners were involved.

Five independent Member State experts, called the Wise Men, had investigated the possible misuse of community funding. These Wise Men had written a damning report. It said there was widespread corruption and nepotism inside the Commission and pointed towards some Commissioners. But the worst was the Wise Men found it was difficult to find anybody in the Commission taking responsibility.

Jacques Santer, the Luxemburg President of the Commission, announced today the whole Commission had stepped down.

Thursday, 25 March

The Commission staff is still shocked by the Commission's resignation. But, the show has to go on.

The Commissioners had resumed their jobs until their succession would be decided. It was in this confusing time when French Deputy Director-General François Lamoureux received a phone call from Pierre Lelong, the French member of the Wise Men. Lelong said he wanted to warn Lamoureux informally the next dossier to be investigated could well be of the Romanian children.

That same day 'Sources Say', the internal daily news report of the Commission, quoted Lelong:

'... to launch a policy, for example, of assistance to abandoned children in Romania and to entrust the job to a private company and let it choose the beneficiaries of public money, that's madness.'

Lamoureux told me to urgently retrieve as many documents as possible and reconstruct the history of the Romanian children dossier. Not an easy task, as I had no idea where all the documents were. The Commission had apparently spent some hundred million euros since 1990 solely on the Romanian children, implying there should be many dossiers somewhere. With all the internal reorganisations of the Commission and the rapid turnover of staff dealing with the children dossier, the files were probably scattered all over the Commission buildings.

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Tuesday, 29 April

A Written Question of a Member of the European Parliament (MEP) to the European Commission with Enrico's scribbles: 'Urgent! Find out from Delegation what is going on.'

MEP Black asked if the Commission was aware of the disastrous cutbacks at Romanian children's homes. He had learned large numbers of children were being put out onto the streets, and children's homes were closing. Everything that has been built up over the past few years at the children's homes is being lost, with mass redundancies, minimal budgets for food and no money for water.

I immediately sent a fax to the Delegation asking if they could confirm this situation.

Friday, 30 April

After a lot of hassle the tender dossier for the 10 million Phare project has now been approved by the contracting team. The Romanian authorities have to agree, before the tender can finally be launched. This means the dossier remains blocked.

Friday, 7 May

I had sent the parliamentary question about an eventual crisis to my counterpart in the EC Delegation in Bucharest, Mariela Neagu. She had called Tabacaru. He had laughed saying this was not true, it was just a rumour coming from those who opposed his reform. He invited anyone from Brussels to come and see for him or herself there was no financial crisis. Just to be sure, Mariela had called the most prominent children rights NGO, Save the Children Romania, to double check. Its president, Gabriela Alexandrescu, also confirmed there were no major problems.

No crisis! Relieved I prepare a draft reply for the MEP Black's Written Question.

Wednesday, 12 May

By now I am up to my ears in retracing documents to prepare a file for Lelong of the Wise Men. When in the office of Lamoureux' assistant to discuss the matter, Lamoureux himself walked in. The assistant introduced me and we shook hands.

Lamoureux said it would be good if I could trace the reports the Court of Auditors had made over the years. They were important proof no irregularities had been found and normal auditing had taken place. But those reports were lost, he had been told. What a coincidence! I had just found those reports in a box, forgotten in a corner of a colleague's office.

Positively surprised, Lamoureux told Enrico an hour later 'Madame Post' as of now would need to participate in all meetings where Romanian children were discussed.

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Wednesday, 26 May

And then it happened. When I arrived at the office, first thing I saw was an e-mail from Enrico from the evening before.

It said the well-known François de Combret, from Sera, had telephoned Lamoureux in the evening. He wanted to pass the following alarming message: following draconian budgetary cuts to meet IMF conditionalities, expenditure for children in orphanages had been reduced to the point children were literally starving and Romania risked finding itself with a humanitarian crisis like the one it inherited from Ceaucescu. Lamoureux asked the Delegation to check the situation and the seriousness of problems (food, clothing, shelter, medical) immediately with Tabacaru. If necessary ECHO (the European Humanitarian Office) would need to intervene. The Delegation was advised to act with determination and all the tact needed for this delicate, sad and potentially explosive dossier. The mail ended saying De Combret also had said the Phare 1998 project was going in the right direction, albeit slowly. And, De Combret seemed not to be behind the Wise Men's statement. On the contrary, he had volunteered to help the Commission if an investigation would take place.

It all sounded so surreal. Why would De Combret be behind the Wise Men? And a financial crisis? Had Tabacaru and Save the Children not just weeks ago confirmed there were no problems?

But within an hour I got an e-mail from Mariela. Tabacaru had confirmed the news! And it was even worse, according to Tabacaru children were eating each other: cannibalism?

I informed Enrico and end of the morning Lamoureux called us for an emergency meeting. I was told to write a note instructing the contracting unit to urgently unblock the 10 million Phare project. The Commission would look ridiculous if funding was stuck, while there was a financial crisis in Romania. Also we needed to explore ways to deliver humanitarian assistance, because that was what De Combret had asked for. Lamoureux wanted still today a note for the European Commission's Humanitarian Office (ECHO) requesting them to intervene.

Thursday, 27 May

Most people in the Commission involved in the children dossier were new to it. Fokion Fotiadis, Head of Delegation, my boss Enrico Grillo Pasquarelli, Mariela's boss Simon Mordue and Mariela and me too.

The only person in the Romania Team in Brussels with knowledge and experience was the Phare co-ordinator, Patrick McClay. He lived in Romania early nineties and worked with it ever since. I turned to him with my desperate plea:

'I need someone with knowledge of the Romanian children, someone with the background to compare the situation now with the previous one and be able to give me, and the Commission, some objective advice.'

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Just a bit later Patrick came to my office and gave me the name of a consultant who had worked for the Commission in Bucharest from 1992 to 1994 as co-ordinator for the EU humanitarian assistance for the children. Patrick had heard he was now working for OMAS, a company that performed audits on Phare projects for the Commission. That would be our man!

A few phone calls later we managed to contact him. He was willing to help.

We immediately contacted the Commission's unit dealing with the OMAS evaluation contract to see if an ad hoc monitoring report could be done. We learned a regular OMAS evaluation of the Phare Child protection project was scheduled for September anyway, which could be advanced to next month and refocused on assessing the current situation.

Patrick and I immediately prepared a note for Lamoureux to propose this idea.

Thursday, 3 June

This was becoming a strange job. The last two weeks had been total chaos. I spent more and more time with Lamoureux, who also had involved Director Catherine Day.

The idea to send OMAS to Romania to do an assessment of the situation had been more than welcomed. So far so good! Anticipating their findings, we had to find the money for emergency assistance. It was getting clear DG Enlargement would have to provide the main funding for eventual humanitarian assistance, and not ECHO, as the latter was intended for development countries and not for candidate countries.

Allocating new European money was out of the question because of internal rules. There was a deposit in Bucharest, called the Counterpart Fund. It was money, which resulted from humanitarian aid funds early nineties. This humanitarian assistance was at the time sold at market prices in Romania and the 'profit' had been deposited in the Counterpart Fund, which the Romanian government could use with prior agreement of Brussels. There was over a million euros in this fund. Perhaps we should propose the Romanian government to use this to solve the problems with salaries of the child protection staff.

Lamoureux agreed to use the Counterpart Fund budget for the staff salaries and signed a letter to the Romanian PM recommending this.

I discussed the emergency aid issue further with my colleague Patrick McClay and both of us felt there was only one way: to use part of the Phare 1998 project for emergency assistance. Anyway, with all the chaos it was not the moment to buy computers, which was what a part of the Phare 1998 project was about. We discussed possible scenarios and in the end we

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advised to re-allocate 5 out of the 10 million euros. Under the 1999 Phare budget we could reserve further funding for the structural reform.

Friday, 4 June

Somewhere in April, we had received another Sera report with a request for a meeting. Today was the day.

This afternoon De Combret had a meeting with Lamoureux, followed by a meeting with Enrico, I would attend. When I saw Lamoureux yesterday, he jokingly said 'be nice to the man, he gives half of his salary to Sera'. I knew already De Combret was an associate partner at the Lazard Bank in Paris, a wealthy man no doubt.

He arrived full of gratitude for this opportunity to meet the new team dealing with the Romanian children. He said he was happy to see such enthusiastic, committed new people, and explained over the years his NGO had spent a great deal of money and effort meant to improve the situation of Romanian orphans. But with little effect, Romania was like a black hole.

De Combret looked rather shabby, not the banker's appearance I expected. He spoke emotional, with dramatic gestures. He desperately wanted to show us the Romanian regions where the child protection crisis was at its worst. I had brought the map on which I had started colouring the crisis areas. He started completing it for me with a coloured marker. Soon almost the whole map was coloured.

He explained the history, starting with the inheritance of the pro-natalist policy of Ceaucescu. Unwanted, children were abandoned in *leagans* (baby homes for children under three years) and after three, they would go either to a *casa de copii* (children's home) or to a *camin spital* (home for the disabled). Apart from these three types of institutions, many children were abandoned in special schools.

He then explained that in 1997 the *casa de copii* and the *leagans* had been decentralised by the brilliant Dr. Tabacaru who had started the reform of child protection in Romania. These were now called *Placement Centres*.

According to De Combret, it was important to extend the decentralisation to the *camin spital* and the special schools, so all childcare institutions would become the responsibility of the decentralised local Departments for Child Protection. He also was of the opinion that Unicef Romania was useless.

He again stressed the EU had to find 26 million euros for emergency aid. Enrico explained the EC was considering using part of the budget of the existing Phare project, as it was the only way the Commission could act quickly. De Combret nodded full of understanding.

Friday, 11 June

This week was marked by the fall-out of the De Combret meeting. Right after the weekend we had found a furious letter. He did not want money

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reallocated from the Phare project. New money was needed, De Combret argued. Then why had he not said so during the meeting?

On Tuesday Tabacaru joined in. He agreed to the reallocation of part of the budget of his Phare project, but insisted to continue the reform with the remaining money. His letter was immediately followed by an email from De Combret saying such reallocating, by shifting money from reform to humanitarian assistance, would endanger Tabacaru's position: ECHO needed to intervene with 26 million euros.

Too bad for De Combret, but Catherine Day told me that afternoon Lamoureux had taken the final decision: 5 million of the Phare 1998 programme would be used for food and other urgent needs.

On Wednesday another letter from De Combret addressed to Lamoureux this time, again complaining about the re-allocation. The letter was copied to several politicians in France, among whom Foreign Minister Moscovici and several French Commission top officials. Lamoureux insisted a reply should be sent out the same day, copied to the same people. With his assistant I did the job. We lengthily explained background and policies, in short reality.

Today De Combret replied, in a much more polite tone. He appreciated the Commission's efforts and agreed to the idea of re-allocating the 5 million euros. But he still insisted we needed to find more money.

This is getting annoying....

Friday, 18 June

The OMAS experts had arrived in Romania. Mariela, someone from Tabacaru's Department, and some OMAS experts accompanied him on a first inspection visit to a number of child institutions, where they spoke to local authorities. Although the causes and the size of the financial problems were not clear, one thing was: something had gone terribly wrong and children's homes lacked food, had debts, and salaries of staff were months in arrears.

At one of the homes for disabled adults and children, one of the adults asked Mariela if she was from the Inspectorate for Disabled People. She kindly said no and pointed to the real inspector, which was the start of a terrible row. A yelling crowd had gathered wanting to know when their salaries would be paid, when food would arrive. Patients and staff were mixed up and one could hardly tell the difference. It was chaos. Mariela had freed herself and called the Delegation to find out if, and when salaries would be paid. The Delegation contacted the Ministry of European Integration whose officials said a solution would be found. But nobody knew when.

On the way back to Bucharest Mariela had realised they were passing the institution where the case of cannibalism had supposedly happened. Why not have a look? As they were with someone from the Department of

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Child Protection they easily got authorisation to enter. Mariela had asked one of the staff members what had happened. She was explained that a 12-year-old schizophrenic girl one night had bitten the hand of a three-year-old girl. The bites had been so serious the girl's hand had to be amputated. This could happen mainly because of lack of supervision, but it had nothing to do with lack of food.

Monday, 21 June

We still received almost daily letters from De Combret and Tabacaru. I would by now have preferred to stop replying, but the hierarchy felt it was better to continue to reply.

De Combret kept insisting the Commission had to find new money, 26 million euros, to feed the children and pay staff salaries. There was even a letter to Lamoureux, which had attached a draft letter addressed to the French President, Jacques Chirac, in which De Combret complained the Commission could not find 26 million euros, and asked for Chirac's help. De Combret asked Lamoureux if he should send this letter to Chirac.

Meanwhile I had realised that, just before the outbreak of the crisis, we had sent a misleading reply to the MEP who had asked about the financial crisis. We had said there was no specific problem, following the opinion of Tabacaru and Save the Children. Now we knew better. So I talked to Catherine, who proposed a pro-active approach. A letter to the chairmen of both the Social Affairs and the Foreign Affairs Committee of the EP seemed in order. We better acted fast, because who knew which MEP De Combret might contact?

Thursday, 24 June

A letter arrived from Pierre Moscovici, France's Foreign Minister, addressed to Commissioner Van den Broek. Moscovici asked the Commission to do more for the Romanian orphans. France itself would do everything possible to mobilise funds for bilateral assistance.

Friday, 25 June

Between times I had been preparing a file for Mr. Lelong, member of the Wise Men. A first small file, giving a general overview, needed to be ready today. I had gathered the necessary information on previous Phare projects. Knowing presentation is often as important as the information itself, I thought the file should look excellent. To get office material at the Commission was such a drag I had bought myself some nice silver coloured files. According to plan, Lamoureux gave a well-organised silver file to Mr. Lelong.

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Friday, 2 July

I was working late once again, when around seven my phone rang. The little screen announced it was Lamoureux himself: 'Come immediately to my office,' he sounded agitated and I wondered what on earth I could have done wrong. Knowing his reputation, I was not looking forward to one of his outbursts. I took the elevator and when arriving rather nervous I saw him in the corridor waving a letter at me. De Combret again. This time a letter to Mr. Lelong, copied to Lamoureux, saying: 'It is with consternation I have taken note of the file given to you in Brussels on 30 June, as the reality on the ground is far from what these documents report.'

So, Lelong gave the 'silver file' to De Combret? But why did De Combret copy his reply to Lamoureux? Did he want Lamoureux to know it was him who alerted the Wise Men to this dossier? And what did De Combret finally want? I thought Lamoureux should alert the Secretary General of the Commission to the fact that some outsider with unclear interests was attempting to influence the Wise Men. Lamoureux decided not to do so.

De Combret's Sera was also on the short-list of possible contractors. Even though 5 million had been reallocated to emergency assistance, the tender for the Phare programme had been kept open. We were going to inform the contractors of the change in budget later. I told Lamoureux I found the situation in general too chaotic. The crisis was unclear and unsolved. Would it be wise to continue this tender? I took a deep breath and suggested cancelling. No reaction, just a worried face.

Monday, 5 July

We barely recovered from the Wise Men set-up, when De Combret sent a letter to the European Parliament's Foreign Affairs Committee, copied to Lamoureux.

De Combret complained about the Commission and suggested the EP to organise a special hearing so he could explain the Commission's failure. Even though I did not think the Commission had anything to hide, the idea of such an event scared me. The hierarchy was more relaxed and did not seem to think such a hearing would ever happen. Luckily we had just sent a letter to the EP's Foreign Affairs Committee, so the EP was well informed. And yes, another reply had to be prepared. By now I was spending almost my entire time drafting replies to De Combret's letters. As if there was nothing else to do...

Wednesday, 7 July

This afternoon we had a meeting at Catherine Day's office. She wanted to discuss the tender now underway for the 1998 project, and to decide whether to let it run or cancel it.

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As the Romanians had given no sign they were willing to solve the financial crisis, she was also working on a list of possible actions 'against' the Romanian government if it continued to take such a cavalier attitude. One of the possibilities was to cancel part of Romania's general Phare project that was not yet implemented, with a value of 57 million euros. This was getting serious. I really hoped the Romanian government would soon get its act together, otherwise there would be a big scandal. And not only that, it would deprive them of a lot of funding, which they badly needed.

Thursday, 8 July

The OMAS inspectors' key-findings arrived this morning:

'The assessors had made a total of 120-130 field visits with the vast majority unannounced. ... The overall opinion of the experts is very simple. Romania is facing a humanitarian crisis on the scale (if not beyond) witnessed in 1990-1991.'

So it was a crisis situation. Here De Combret seemed right. But why had Tabacaru and Save the Children Romania denied this in March?

Catherine called me in her office later, and said she had a few important things to tell me. Firstly, Lamoureux, following the OMAS findings, had decided to cancel the tender for the Phare project. She realised this was delicate, as the short-listed consultancies or NGOs might claim they spent a lot of time, efforts and money to prepare their bids. She would therefore draft the letters to inform the bidders and Tabacaru about this decision.

Secondly, under the Phare 1999 National Project, now being prepared, 25 million euros would be reserved for the Romanian children. Lamoureux had instructed this.

Last but not least, Lelong, of the Wise Men, having read the 'silver file', had asked Lamoureux for more information, again informally. According to Lamoureux, it would be best to impress Lelong with volume this time and to prepare a bulky file.

This second file needed to be ready within a week! No time to waste Catherine offered her support and we both worked until midnight. We copied the conclusions of many reports prepared under a previous EU project and drafted an explanatory note. I thought it was quite remarkable a director copied documents until midnight at the instructions of a task manager. But nothing was normal these days.

Friday, 9 July

Catherine and I were both surprised to see each other back at work already at seven o'clock. She said it was now time for me to go to Bucharest to see for myself what was going on, especially why the Romanian government was not able to end the financial crisis. I should take an open ticket and stay until a solution was found for the financial crisis.

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Monday, 12 July

Finally I met Mariela. Since the start of the crisis, since the shock of so-called cannibalism and the start of De Combret's pressure, our relationship had become closer. Daily phone calls had started. I was looking forward to meet this young woman and her country. I had much to learn about Romania, and she was a great help. We spent the whole day sharing experiences.

End of the day Simon, Mariela and I met with Tabacaru at the Department for Child Protection. It was a strange kind of office at the ground floor of the main government building. Passing through an impressive corridor with marble and red velvet carpets, one arrived in a large narrow room, packed with desks. At the end of the room, separated by a large white board, there was a round meeting table. The meeting, about the crisis in child protection in general, lasted some three hours. Not understanding many of the things Tabacaru was saying, I got bored towards the end and looked at the pile of documents at the middle of the table. Gosh, Tabacaru must buy his files at the same shop as I do, I thought as I saw in the middle of the pile a silver file. I slightly bent over and, to my amazement, saw **my own handwriting**. It was the file given to Lelong, for the Wise Men. So, not only had Lelong given it to De Combret, but the latter sent it to Tabacaru? What games were being played here?

Tuesday, 13 July

Today I met Fokion Fotiadis, the Head of Delegation, and we had meeting after meeting with Romanian politicians. He was great for this job, just the right sort of character for this country. Being Greek he knew about poor countries but he was outraged about Romania's lack of commitment to the children in institutions. After this day I had to agree with him.

Wednesday, 14 July

Coordination meeting with the international donors at the Delegation's initiative. Fokion informed the Embassies and international donors about the OMAS findings.

Then an inventory of existing funding and projects was made. Loads of money had been and still was being spent on the institutionalised children. The World Bank, USAID, France, UK, Canada, the Netherlands, Germany, there was no end to it. So how could one explain the lack of progress? I was puzzled.

A Le Monde journalist, Mirel Bran, who had interviewed Lamoureux some weeks ago, was now in Bucharest to speak to Fotiadis. Fotiadis asked me to be present. Simon was also there. I recognised the questions from De Combret's letters... Again we provided Bran with all the information. I found it strange, just like in Brussels, this journalist took no notes at all.

Was he taping this interview without us knowing, or had he just a miraculous memory?

Friday, 16 July

It looked like I would stay in Romania for some time. We decided to use the weekend for a field visit to the countryside. Mariela suggested one of the most beautiful parts of Romania, a mountainous area near the Ukrainian border, where we could also visit Romania's medieval painted monasteries. We left by plane and arrived at an indeed impressive mountainous area scattered with the most beautiful monasteries. The President of the County Council and the Director of the Department for Child Protection (DCP) received us hospitably. We explained our desire to visit as many childcare institutions as possible in two days, and were offered a car and a driver (social worker of DCP). And so we started our first trip together, driving from institution to institution.

The first one was what used to be called a *casa de copii* (children's home) but since Tabacaru's reform 'placement centre'. It was a big house for over hundred children. The children were in their dormitories, which had eight beds each. They were clearly expecting us. They proudly presented us four-year-old twin brothers who would be adopted the next month by Italians. The director told us she had an active adoption policy, which she preferred to foster care, as it was a permanent solution for the child. She also said intercountry adoption was better than national adoption, as it brought income for the child protection system. I heard a little alarm bell in my head, but ignored it.

The Director, a kind woman in her fifties, confirmed that, indeed, the home had large debts and the food aid was welcome. She was clearly proud of the children in her care, who all went to school and several youngsters now studied at the university. They would return to 'their' *centrul de plasament* during the holidays. She showed us some religious paintings at the canteen wall, painted by one of these youngsters. While this home was quite large, the children seemed to be thriving well. There was indeed a short-term need for food and a need for some maintenance work, but these children were not starving.

The next place to visit was the *leagan*, now called *centrul de plasament* 1. I started to wonder why the institutions all had been renamed. It was rather confusing, as by the name one could no longer see if it was a baby home, a normal children's home or a home for disabled children.

Centrul de plasament 1 was part of the hospital. Room after room filled with babies. One with one-month-old babies, one with two-month-old babies, one with three-month-old babies.... On the upper floor we met the toddlers. While the place was bright and clean and at first sight had good staff, I found this baby home the saddest thing ever. What a way to start the first years of life in such a home, for over a hundred children.

Crisis

And why were there so many babies here anyway. The staff said their mothers had abandoned the children. I found it difficult to believe so many mothers would simply leave their offspring behind. Would poverty really be the reason to abandon babies right after birth? I was puzzled, but at this stage mainly overwhelmed by the experience.

When driving to the next place our driver pointed to a small house saying a foster family lived there. Wanting to have an as complete picture of child protection as possible, we asked if we could visit. We entered the small traditionally decorated house and met the foster mother and her one-year-old. The child looked definitely more healthy and active than those in the large *leagan*. The foster mother's own children were now teenagers and she was happy to look after this little one.

Then a neighbour came in. The woman was crying desperately and clamping herself to Mariela and me. She had come because she had seen the car of the DCP outside the house. I asked Mariela to translate and heard this woman had also fostered a child, for six months. But a fortnight earlier two people from an Italian adoption agency had shown up and, without any preparation taken the child to Italy. It was heart breaking. The social worker remained rather silent, but confirmed that was how things happened. Although I did not know the rules and principles of child protection or adoption yet, I felt this way of shifting children must be wrong.

We tried to calm the woman down, apologised we could not help her and left the house. In the garden some other neighbours had gathered. One of the men approached me with a baby in his arms and made a gesture of wanting to give the child to me. I thought it was a joke and took a picture of my daughter out of my purse.

We felt we had to visit also what was said to be one of Romania's worst institutions, a psychiatric hospital for over 400 children and young adults. There was a large room full of babies, their cots side to side. Most did not look particularly disabled to me. Another room housed severely disabled children. I asked myself how those children had survived all these years. Next to this hospital home was a small house where an American NGO lodged some of the children. They were being prepared for adoption. While this house was indeed a much nicer place, I found it rather cynical to have it in the garden of the institution. It would not be easy, but this big place should be closed down.

I will never forget this first field visit. We visited 15 institutions (and five of the famous monasteries) in less than two days. Both Mariela and I were glad we were going through this experience together. We spent long evenings discussing what had happened the first half of the year. Mariela filled me in on Romania's politics and background and I started to get a first impression of who was who in child protection.

Wednesday, 21 July

Today we had another meeting with Tabacaru. To my disappointment the silver file was no longer at the meeting table.

We were told the PM had in the meantime sent a letter to the Delegation saying 162 million euros would be available to end this crisis. A chaotic discussion took place to see if this money existed for real. Whatever figures he gave us, it never ended up to 162 million euros. We made clear there would be a problem if there was no serious money available.

Tabacaru immediately called the Minister of Finance, Remes, who to our surprise arrived within minutes. He said under the current laws, the government was not allowed to transfer funding from the central budget to the local budgets. After a lot of discussion he agreed a solution needed to be found. At the same time he was explicit that, in his view, there were a number of self-interests helping themselves to funds earmarked for institutions. It would be much cheaper to keep children in families.

Although the Romanian authorities still had not found a solution for the financial predicament, after two weeks I felt it was time to return to Brussels. Work to be done there too and I missed my daughter too much by now. This first visit to Romania had been chaotic and overwhelming.

During encounters with Ministers and others, Fotiadis would constantly tell them 'Ms. Post' came with an open ticket and had instructions to return to Brussels only when a solution to the financial crisis had been found. Over and over he would remind them: 'You see, she is still here, so you still have a problem'. I had stayed for two weeks in the end. No solutions had been found yet, but it was time to go home.

Monday, 2 August

A week off. One morning, I read the most recent Sera report. The same pamphlet-like texts and dramatic black and white pictures as in previous reports.

A lot about adoption also and a page about a Romanian Adoption foundation, *Copii Fericiți* (Happy Children), set up with Sera funding. I read the report over and over again. I found it difficult to understand, but it was about some kind of points system by which children were dispersed for intercountry adoption. The points were given to adoption foundations in ratio of their contribution – in cash or in kind - to Romanian child protection. In return for points these foundations would receive adoptable children. The comparison with air miles sprang to my mind. Was this normal? I called Mariela to check if she knew about this points system. She was hesitant, 'Well yes, I think there is something like a point-system. Why, is that a problem?' I did not really know, but had this uneasy feeling about it. I should to talk to Tabacaru during my next Bucharest mission and ask him to explain.

Crisis

Friday, 13 August

Barely back from my week holiday and another De Combret letter on my desk. Again addressed to Commissioner Van den Broek. He accused Van den Broek of having intentionally misinformed the European Parliament about the Romanian children, in particular about the spending of Phare funds. He was referring to the letters Van den Broek had signed a while ago to inform the EP about the children issue. So someone must have given these letters to De Combret.

His criticism was fully unjustified. Of course, the letter was again widely copied: to Nicole Fontaine, French President of the EP, to Jacques Santer, still President of the Commission, Moscovici and Lelong, just to name a few.

A few days before I had received a call from Van den Broek's Cabinet asking how the 'silver file' for the Wise Men could have ended up in Bucharest. I had felt this incident was too serious to ignore and had mentioned it in my mission report so the hierarchy, including the cabinet of the Commissioner, would at least be officially informed. Van den Broek had been furious when he had been told about it. I could imagine. Lelong, part of the Wise Men whose report had led to the Commission's resignation, including Van den Broek who had not been accused of corruption, had given a Commission file to De Combret. And now De Combret accused Van den Broek of misleading the European Parliament.

Wednesday, 25 August

My original draft reply to De Combret's letter had been improved by each layer of the hierarchy. And Van den Broek's Cabinet had finished it off. The letter Commissioner Van den Broek finally signed told De Combret in clear wording he could not accept the serious accusation of wilfully misinforming the European Parliament. He had informed the EP twice at his own initiative. The accusation was wrong and far from reality, concluded Van den Broek.

Monday, 30 August

Apparently Lamoureux' strategy to impress Lelong with a heavyweight dossier had had effect, as no official investigation of the Wise Men followed. Was an investigation truly considered, or was this just another one of De Combret's attempts to put pressure on the Commission and to obtain funding, or whatever he wanted?

Since end of July, when Mirel Bran's article was supposed to be published in Le Monde, I had checked its website regularly, but nothing. Was nothing going to be published because the supposed scandal did not exist? By now I had almost forgotten about the interview.

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But this morning I received several e-mails from French colleagues: the Romanian orphans in Le Monde. I rushed down to the kiosk and bought the paper:

‘147.000 orphans in emergency situation.’

Apart from describing the financial crisis of the Romanian child protection, the article quoted Sera’s opinion on the 400 million French francs that the EU invested in Romanian child protection between 1990 and 1997:

‘This sum did not benefit the abandoned children, but the Western intermediaries charged by the European Commission to execute the programme.’

Bad timing, just before the new members of the Commission were going to have their official hearing by the European Parliament. The new President of the Commission, the Italian Romano Prodi, had finalised negotiating the new portfolios of the new Commissioners. Enlargement became a separate Directorate General and would be headed by the German Commissioner Günter Verheugen. The briefing we had prepared for Verheugen for his Parliamentary hearing had already a part on the children, but Enrico told me to quickly make an additional briefing alerting the Commissioner to this morning’s attack in the French press.

Tuesday, 28 September

PM Vasile had asked Fotiadis for assistance in drafting a law to set up a Single Agency for child protection. As we did not have any experts in-house it was decided that Taiex (the Commission’s Technical Assistance and Information Exchange office) would find some experts in the Member States. Today was the first meeting. Five experts on child welfare from different Member States had been selected.

Tuesday, 5 October

Another daylong meeting with the five EU Member State experts. They had all carefully studied the draft Emergency Ordinance the Romanian Government had prepared and now they gave their comments. In the end they decided to draft some general guidelines some of them could present to the Romanian counterpart during a visit to Bucharest.

Friday, 8 October

My second mission to Romania, this time with three of the EU Member State experts. A meeting had been scheduled with the Romanian authorities about the draft Ordinance for the Single Agency. They had not been to Bucharest before, so on the plane I had told them some of the things I had witnessed during my first mission.

We first had a preparatory meeting with representatives of the World Bank, USAID and Unicef at the Delegation. Then we all went to the Government building for the meeting. It was supposed to be a technical

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meeting, but that was not really the case. The draft Ordinance prepared by the Romanian side proposed to merge the Department for Disabled with the Department for Child Protection.

Fokion transmitted the EU experts' comments on their behalf. As the meeting turned out to be highly political, there was not much space for them to perform their role as technical advisers.

It was agreed to have a second meeting a week later. By then, the Romanian authorities were supposed to have a new proposal.

Wednesday, 9 October

Another long meeting with Tabacaru on all kind of issues related to the food aid. I felt again Tabacaru was not helping with information. He had prepared a 'shopping list' of 40 products, including breadcrumbs. Totally impractical.

After the meeting I stayed behind to have a private talk with Tabacaru about this points system. I told him I was not sure I had fully understood this system, but wondered about its possible effects. He sat back, looked me straight in the eyes and laughed out loud. 'Must be because you're Dutch. I have to go to The Hague tomorrow because some people there also have problems with it. But there is not anything all of you can do, because this is legal,' was his stunning reply. I was flabbergasted! Not only did he not seem interested in my concern, he did not once mention the children. And what was this thing about The Hague? I did not understand anything, but was not going to show that.

Instead I asked how many points the Commission would get for the Phare money, because probably it would be enough to take all the children with me to Brussels. He was not amused.

We said goodbye rather coldly. The way he laughed, his arrogance, in any case, since the 'silver file' incident I had kept wondering what this young man was up to.

Thursday, 13 October

Early in the morning, Enrico called me to read out the final text of the Regular Report that heavily criticised Romania on the children issue. I had provided my contribution months ago, but the final preparation of the Regular Report was done at high level and remained confidential until publication.

1999 Regular Report on Romania's progress towards EU Accession

The issue of child protection is a matter of human rights under the political criteria of Copenhagen.

[...]

Living conditions in all childcare institutions have very seriously deteriorated in 1999 as a result of financial and administrative reasons. Inspectors have visited institutions and identified humanitarian needs at the request of the Commission have reported while conditions are not equally bad in all institutions, the general situation in summer 1999 could only be described as unacceptable in terms of basis infrastructure as well as hygiene, medical care, nutrition and general assistance.

[...]

It is now of crucial importance the Government, as it has been repeatedly requested by the Commission, gives top priority to child protection and accepts it has primary responsibility for the well-being of all children in care. It must secure sufficient financial provision to maintain acceptable standards of care (covering food, medical provision, clothing, heating, normal operating expenditure and adequate staff) for all children in all different types of child-care institutions. Child protection, including implementation of policy reform, can no longer be made structurally dependent on international assistance.

To set the basis for further reforms, a single authority should be made responsible for establishing policies relating to children in care, and setting norms as regards appropriate standards for all residential institutions, including homes for mentally and physically disabled children. The authority should also be made responsible for supervising and controlling the performance of all institutions in accordance with the established standards.

Fotiadis, Mariela and I went to the second meeting on the setting up of the Single Agency. We were brought to an enormous meeting room where a long table had some forty chairs on each side. Big crystal lamps, red velvet carpets, marble pillars. This time only the Dutch expert would be present to represent the EU Experts. I had waited for him the evening before in the Hotel Intercontinental. This old style communist hotel was right in the centre and, as I heard later, used to be a nest for all kind of traffickers. The expert and I had prepared the meeting in the bar at the 14th floor, surrounded by middle-aged foreigners with young Romanian girls. Quite an awkward setting!

All the ministries concerned were represented again, and of course Tabacaru was present. The atmosphere was almost grim. All of them must have read the Regular Report.

The Romanian common position remained the same as before, to merge the Department for Disabled with the Department for Child Protection. Tabacaru did not agree and was, with his high cranky voice, playing the victim once more. It got into such confusion, the international side (EU, World Bank, USAID, Unicef) asked to suspend the meeting to co-ordinate a common position between them.

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Half an hour later the World Bank representative announced, sorry the Romanian side could not get to an agreement; the international side would itself draft a text holding their common view. The Romanian side agreed, not much choice left.

The World Bank representative had proposed this alternative, and he proposed the Bank would prepare the first draft. He thought it could be ready that same afternoon.

Afterwards I met the two NGOs that implemented the ECHO assistance, Caritas Austria and the French Solidarité. Following the OMAS report ECHO had after all agreed to finance a small humanitarian project. Caritas and Solidarité were providing aid for 55 *camin spitals*. I was told Solidarité was also co-coordinating the one million euros food aid made available by the French government. So the EU, the Council of Europe (CoE) and the French Government were all providing emergency assistance. And all inspired by De Combret?

When I left Bucharest end of the day the World Bank text was not yet available.

Friday, 22 October

De Combret continued his psychological 'war' with the Commission. His letters kept coming in. During the summer period I had started to collect anything I could find on De Combret and Sera, and had gone through as many archive files as possible. Today I took some time to put some order and read some of the papers. I learned in 1990 De Combret went to the then Romanian PM, Petre Roman, suggesting him to ask EU assistance for the children. Other Eastern European countries made no such requests, yet they all had similar problems. Also then De Combret put pressure through the European Parliament. Once the assistance had been agreed, he pressured the Commission, through its President Jacques Delors, for exceptional direct agreements with some French NGOs (Médecins du Monde, Handicap International, Equilibre). It was a chaotic crisis situation at the time, so I guessed had justified direct contracts without the usual tender rules.

In 1993 he set up Sera France and three years later Sera Romania, headed by Tabacaru. Again he asked President Jacques Delors for direct contracts, now for Sera. But the EC administration explained him in a lengthy correspondence the rules did not allow direct agreements, but transparent tendering processes were needed.

Over the years De Combret criticised all EU assistance. I retrieved an internal note from 1993 saying that De Combret's reports and criticisms were exaggerated. And that Sera arranged for medical treatment of Romanian children in France, while wondering if this was not hidden adoption. De Combret was certainly a prolific correspondent. Had he

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nothing else to do? And why was he so interested in the Romanian children? I had asked many people this question over several months. I got no clear answers.

I also found papers showing that in 1997 De Combret had incited the Commission into making the children an issue for accession. That explained why the issue of institutionalised children got mentioned in the 'Commission's Opinion', while for other candidate countries such was not the case.

Wednesday, 3 November

Now the new Prodi Commission was in place, it had been decided all senior staff that had been on their post for many years needed to rotate. As a result, almost overnight, Lamoureux was moved to DG Transport. I felt sorry. On the other hand, perhaps a non-French hierarchy would be less sensitive to De Combret's hick-ups.

Thursday, 4 November

ABC News New York had called Catherine Day's office in June for background information about the financial crisis. She had transferred them to me. Ever since Ruth kept calling with regular intervals. This time she had asked if it was true Tabacaru had resigned. No idea. But this evening when I spoke to Mariela I understood ABC was somehow better informed than us. Mariela had just heard Tabacaru had indeed resigned.

Tuesday, 9 November

De Combret continued his letter writing campaign, now complaining about the late arrival of the food aid.

The Italian procurement specialist hired for the job, Giacomo, had done miracles in purchasing the supplies and making delivery schedules for the 158 children institutions in greatest need. Some products would be delivered once, some in two or three shifts. Directors of children's homes would have to sign off for delivery and keep record of the products use, to prevent the disappearing of aid. All preparations were underway and delivery could start soon. No time had been wasted on this project. But, De Combret complained.

Enrico's reply had explained things could not have been done faster. Strict and transparent rules were needed to ensure the correct use of Phare funding, tax payers money. I thought an honorary member of the French Court of Auditors would understand such language. But no! Within a day De Combret replied: 'What a caricature of bureaucracy.'

Tuesday, 16 November

Everybody was getting nervous about the EU Helsinki Summit. Would the EU open accession negotiations with Romania or would the 'children issue'

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prevent this? The Romanian government still had not made enough money available for child protection. And the establishment of the Single Agency was still pending.

The Bucharest World Bank office had now finally completed a draft Emergency Ordinance for setting up this Single Agency. Instead of an afternoon, it had taken them a month. Today the draft was discussed with Unicef, USAID and the World Bank at the Delegation's premises. Andi Guth, the Bank's Romanian project officer for child welfare, had brought along Cristian Bizdoaca. Guth had introduced Bizdoaca as a World Bank legal expert, but we knew him better as staff member of the Department for Child Protection. Like Guth, Bizdoaca was a good friend of Tabacaru. He had even been best man at his wedding. It did not take long before Fotiadis realised it was Tabacaru's draft that was discussed, and not an objective proposal from international experts was presented. Fotiadis got so furious, Guth and Bizdoaca had been told to leave. Those remaining were puzzled with Tabacaru's role and the Department of Child Protection he had set up. Why was child protection not under the Ministry of Social Affairs? After all, the children issue was foremost about families that could not cope, mostly because of poverty.

Friday, 19 November

Two weeks before the Helsinki summit where Romania's fate would be sealed. The tension has been rising. Would accession negotiations be opened or not? Would the Romanians be able to deliver? And yes, today EC President Romano Prodi finally received a letter signed, quite unusual, by both President Constantinescu and PM Vasile. Both guaranteed the Romanian Government's full commitment to secure in the future sufficient funding for the child protection system from Romania's own national budget.

Now they still needed to set up the Single Agency and the job would be done.

Thursday, 25 November

The Romanian government adopted the Emergency Ordinance setting up the 'Single Agency'. After the failed international effort to advise them, the Romanians had taken things in hand themselves. And it looked quite good. The new Agency would be placed under the Ministry of Labour and Social Solidarity. The Romanian Adoption Committee would be separated from the Agency.

Friday, 26 November

The unpleasant discussion with Tabacaru on intercountry adoptions and the points system had stayed in my mind. I had not mentioned it in my mission report, as I truly did not know if it was part of my job. But today I

found on my desk one of the Delegation's press reviews, on which Enrico had hand-scribbled his instruction to me: 'Try to learn more on adoption scandal. Are Tabacaru and Sera mentioned? Are names of corrupt people/NGOs given?'

According to this press review the Romanian press had reported international adoptions had turned into a lucrative activity, in which NGOs, lawyers, doctors, policemen and other officials earned big money due to an expanded corruption system. A figure of 75 million euros per year was mentioned. *Evenimentul Zilei* had reported about adoption cases where children were given false medical certificates, declaring healthy children disabled, to justify their adoptions and to ease the 'contracts' of some NGOs.

So now I had to become an expert in intercountry adoptions too. As to be able to comprehend why, and how, people deviated from the law, because that was probably what was going on, one should know the normal principles and rules. I remembered the Unicef report I had read when just on the job. Time to get it out of the cupboard again:

Children at Risk in Central and Eastern Europe: Perils and Promises
Unicef (1997)

Intercountry adoption and children's rights in the CEE Region

During the second half of its 50-year history to date, intercountry adoption has come to be looked upon by growing numbers of potential adopters as the primary means of securing one or more children. The increasing prevalence of this attitude has created a 'demand' for adoptable children and a veritable business mentality, bringing with it a range of illicit practices. The experience of the CEE region in the 1990s has constituted a microcosm – in time and space – of the serious problems poorly controlled and monitored intercountry adoption can pose to the rights and interests of children.

Intercountry adoption from CEE countries before 1990

Overall, intercountry adoption of children from CEE countries was rare under the socialist regimes. Only Poland and, to a lesser extent; Hungary seem to have been involved in any significant way. Smaller numbers of children were also adopted from Bulgaria and Romania each year (in Romania, each adoption order had, by law, to be personally signed by the President). In countries of the former USSR and Albania – which had no legal provisions specifically governing intercountry adoption – the practice was to all intents and purposes unknown. This was to change suddenly and massively as soon as the desperate situation of the high number of children in Romania's institutions were brought to the attention of the world at the beginning of 1990.

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From Romania

Couples flooded into Romania almost immediately after the December 1989 revolution with a view to adopting children from the 'orphanages'. Rapidly in their wake came representatives of adoption agencies, and a thriving network of taxi-drivers, interpreters, lawyers, hotels and sundry middle-men appeared, catering to this growth industry. A governmental Romanian Committee for Adoption (CRA) was established in early 1991 as a focal point for potential adopters from abroad, but was rapidly overwhelmed.

[....]

A year after a 1990 law assigning the approval of intercountry adoptions to the courts had come into effect, the authorities came to the inevitable conclusion that; in view of the abuses, intercountry adoptions would have to be suspended completely pending stricter legislation and the installation of a better-resourced and trained CRA. By time, 10.000 children had been taken out of Romania for adoption and the then head of the CRA had no hesitation in qualifying the situation as a 'national tragedy'.

The 'tragedy' was not only Romania was under severe political and economic pressure to make children available for adoption and had in one year come to supply about one third of the children adopted annually throughout the world.

The 'tragedy' was this and more: by 1991, most of the children adopted weren't being 'rescued' from institutions; instead, they were being procured directly from their biological families, usually in exchange for consumer goods or money. In fact, when news had spread of the situation of children in institutions, thereby fuelling the hopes of prospective adopters, it was not pointed out only a small proportion of those children could be considered 'adoptable'. Hence, potential adopters soon began turning to intermediaries who could persuade parents to give up a baby – or even produce a baby specifically for adoption.

Romania's July 1991 moratorium on intercountry adoptions lasted nine months. With the Romanian door closed, demand began switching to other countries in the region. Particularly targeted were countries had little or no experience of intercountry adoption – the former USSR, Albania and to some extent Bulgaria – and consequently only the most rudimentary of structures and legislation to deal with it.

Several countries have found their initial efforts to regulate intercountry adoptions to be partially or even wholly ineffective in practice. The pressure on Romania still exists, having flared up again in 1994 when it was reported the number of children in institutions was rising significantly after a steady fall during the early 1990s. Encouraged by lawyers, some judges deliberately exploited so-called loopholes in the law or granted adoption orders in defiance of the law by consciously misinterpreting, in particular, the Strasbourg Convention on Adoption to which Romania had become a State Party.

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[...]

Adoption agencies have pulled strings to gain accreditation with the CRA. In early 1995, the CRA was receiving hundreds of phone calls a month from parents announcing their plans to abandon their child and their wish the latter be placed on the CRA listing for potential adoption internationally – this being a ‘legal’ way of responding to the continued demand.

Nonetheless, the latest attempt in 1995, to legislate in this sphere seems to be bearing fruit, though there will no doubt always be means to circumvent the law when prospective adopters are prepared to pay tens of thousands of dollars to obtain a child in a country where US\$ 200 is a good monthly salary.

Food for thought! This Unicef report dated from 1997, so could not have taken Tabacaru’s legislation and points system into account.

Saturday, 13 December

Another week in Romania. Again Mariela and I ran from meeting to meeting, mainly on the first tranche of the emergency assistance that by now was well up and running. The second tranche now needed contracting and we had to decide how we could continue to monitor these projects once the OMAS contract expired.

The weekend we used again to visit some child protection facilities in the country. Mariela and I had invited Giacomo, the Italian consultant who had organised the food aid, to join us. The first tranche had been a traumatising experience. Giacomo and his people had been working day and night: organising tenders, drafting technical specifications for a huge number of food products and other items. Giacomo was a great sport and absolutely devoted to this job. He jokingly called us Thelma and Louise, because of the crazy way we had our chauffeur drive from institution to institution. We visited more than ten institutions, inspecting the storage rooms now filled with our emergency aid. We also spoke with the children. The older ones asked us if we could not give them computers instead of food! When we arrived at the *leagan*, the baby home, the local TV was waiting for us. They filmed us while we made our tour. The place was quite luxurious by Romanian standards, but nevertheless it nearly broke my heart seeing all these babies. Like we had seen before, a room with one-month-olds, a room with two-month-olds and so forth.

Back at the EC Delegation in Bucharest, we found another letter from De Combret, to Fotiadis: ‘New Agency should be under the PM, not under the Ministry for Social Affairs’. We did not understand this De Combret. Why did he not want the Agency to be part of the Ministry of Labour and Social Solidarity? And was it his business anyway? The children issue

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should be closely linked to social assistance. Keeping it separate would just maintain the problem. We prepared a reply, saying the Commission's opinion was that the Agency should be under the Ministry of Labour and Social Protection, but the ultimate decision was of course up to the Romanian government.

Thursday, 9 December

Today, just a day before the Helsinki Summit the Emergency Ordinance was published in the Official Journal. It differed slightly from the text adopted a few weeks before. The new Agency was placed under the PM and no longer part of the Ministry of Labour. It looked like De Combret had had his way.

But the most important was that, on the last 100 meters before Helsinki, Romania had fulfilled the last conditionality on the children issue.

Monday, 13 December

The EU Heads of State indeed decided to open accession negotiations with Romania. No reference whatsoever was made to the Romanian children.

Helsinki, European Council Friday 10/Saturday 11 December 1999

[...]

10. Determined to lend a positive contribution to security and stability on the European continent and in the light of recent developments as well as the Commission's reports, the European Council has decided to convene bilateral intergovernmental conferences in February 2000 to begin negotiations with Romania, Slovakia, Latvia, Lithuania, Bulgaria and Malta on the conditions for their entry into the Union and the ensuing Treaty adjustments.

The Year 2000

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UN Convention on the Rights of the Child, Article 20.1

Recognize that intercountry adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

Thursday, 6 January

The first letter of the year was from De Combret. This time addressed to President Prodi asking for more EU funding to close 'death houses'. Attached to the letter was another Sera report (no. 38) on De Combret's most recent visit to Romania, including dramatic black and white pictures. Strategically planned as usual, as Prodi was about to embark on a visit to Romania. I quickly checked the briefing our team had prepared for Prodi to see if the part on children was sufficiently clear: Emergency aid underway, and 25 million euros available to continue the reform. That should do.

Monday, 17 January

As part of my learning process I continue searching the Internet about child protection and Romania. This weekend I stumbled on the Council of Europe's Development Bank's website and found sort of a master plan to have a joint-project of the Council of Europe's Development Bank, the

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World Bank, USAID, Sera, Foundations Irene and Stuart and contributions from the Spanish, Swiss and Japanese governments. The total budget amounted up to 40 million euros. There was also an EC contribution mentioned of 450.000 euros. What a strange combination of organisations and countries. I had never heard of the Irene and Stuart Foundations and called Mariela. 'Those are two of the biggest Romanian adoption foundations, run by a lawyer called Elena Bustea and her sister. Everyone you speak to here says she is untouchable. I recently heard she was the one and only lawyer who facilitated adoptions before 1989, when Ceausescu signed the adoption orders himself.'

Friday 28 January

I had carefully read De Combret's 38th report about his visit to Romania (he made four per year). It had been sent to at least ten senior people in the Commission. Now that I had some knowledge of the situation in Romania, I realised that what De Combret was writing was often exaggerated. He described some *camin spital* in dramatic terms, calling them death houses and concentration camps.

From my own observation, but also from old reports done by experts, I knew the situation in these homes was not ideal and closure should be considered. But one could no longer speak about death houses, as most of them had been refurbished early nineties and staff had been trained.

De Combret did not mention the Commission had financed emergency assistance, or that a project of 25 million euros was underway. I talked with Enrico and he agreed we would send a text to De Combret, summarising the EC's interventions, and to ask him to include it in his next report, no 39.

Wednesday, 2 February

It was silence before the storm: phone call from the Secretariat of the Foreign Affairs Committee of the European Parliament to pre-warn me an open meeting would be organised between the European Parliament, De Combret and the Commission, a so-called Hearing. It would be a public event, where the press would also be invited, and would take place beginning of April.

Oh my God, De Combret had done what he proposed in his letters to the Commission the year before. My hierarchy then thought that would never happen. I quickly informed Enrico and he did not look quite happy. We would have to prepare this thoroughly, he said, with extensive briefings, especially because it would have to be the new Director-General's task to represent the Commission. And he only just started, what a welcome.

I was not looking forward to such a hearing. Members of the European Parliament loved to grill the Commission.

Friday, 11 February

Reply from De Combret to Enrico. Four pages long, not agreeing with anything we wrote and criticizing the text we had requested to be published in the next Sera report. Again De Combret was astonished about the difference between what we wrote and what happened 'on the ground'. But he understood well why we wanted our text to be published, because 'Sera has about 150.000 sponsors and its publications are read by some one million persons'.

Wednesday, 23 February

I had received an invitation from the French Ministry of Foreign Affairs to give a speech about the Commission's intervention in Romanian child protection at the occasion of the Ministry's annual meeting with French NGOs active in Romania. Enrico had found it a good idea to participate, so the French NGOs and the French Foreign Affairs Ministry would get a realistic picture of the Commission's activities. I wondered if De Combret would be there. Going to Paris would provide a perfect occasion to visit the Development Bank of the Council of Europe, and to find out more about the 'Joint' project.

Early in the morning I took the fast train to Paris. First went to the Bank, where I had fixed a meeting with the person responsible for Romania. She was waiting for me, together with the Bank's social expert. The two women explained the Development Bank had provided Romania with a loan of 10 million euros for the reform of child protection, as part of a larger project including the World Bank and others. I did not dare to ask about the adoption agencies on the project. The funds would be spent on investment in restructuring of existing institutions, and the creation of alternative child protection services.

They told me the year before the Bank also had received a request for humanitarian assistance from the Romanian PM, and their Board had reluctantly re-allocated one million euros. They were still figuring out how to use this money. The Agency had proposed to give the money to Sera, but no decision had been taken yet. We talked a bit about the whole financial crisis and how difficult it was to know who was who, and it was a bit strange we did not know about each other's assistance. We agreed we would need to coordinate between us, to make sure we would not be financing the same things twice. Unfortunately the Bank did not have a representative in Bucharest, like the World Bank and the World Health Organisation (WHO), and thus they were not represented during the donor coordination meetings in Bucharest. We agreed to keep each other informed on developments and off I went to the Ministry of Foreign Affairs. Some sixty representatives of NGOs were present at the meeting. On the list of participants I saw some well-known NGOs such as Doctors

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of the World and Solidarité, but most were small charity organisations. And yes, Sera was on the list! A little nervous, I held my speech, summarising history and current events. Then it was time for questions.

Some NGOs asked about the recent financial crisis and the decentralisation. Then a tall young man stood up. Loud and clear, he started accusing Fotiadis of having advised the Romanian Government to place the Agency under the Ministry of Labour. This had made Tabacaru resign, so he made Fotiadis responsible for Tabacaru's resignation. I interrupted him calmly and asked him to present himself first, just like all others had done before him. Olivier Braunsteffer from Sera. He continued his attack: 'The contract with OMAS, was that really useful?'

I took a deep breath and told him the decision to place the Agency under the responsibility of the Ministry of Labour was only a logical recommendation of the international donor community, which in the end was not taken over by the Romanian Government. I also explained the need for the OMAS contract, the need for the Commission to monitor the spending of European taxpayers' money. I concluded by telling Braunsteffer I did not want to fight this battle here and now, as we did this already on a regular basis in writing. It seemed he got the message and backed off. The chairman of the Ministry of Foreign Affairs looked puzzled.

Friday, 25 February

Another letter from De Combret addressed to President Prodi.

'Stalemate. The Commission of the European Union and the abandoned children in Romania.'

Three pages full of accusations. What had the 75 million euros from the Commission achieved? Not the abolishment of Ceaucescu's horrible system. Congratulations for Tabacaru for having replaced law 3/1970 that led to the abandonment of children. Attached were Enrico's last two letters and our text about our projects.

Did De Combret really think the Commission's services did not work together? Did he think President Prodi would himself draft replies to all letters? This was of course not the case; all letters about the Romanian children eventually ended up on my desk for draft replies.

Thursday, 2 March

Today Enrico entered my office, saying he had just met the new Director General Landaburu:

'And guess with whom he had lunch on Saturday?'

I could only think of one person: De Combret.

'No, with former EC President Jacques Delors, who gave him a letter from De Combret.'

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Speechless. So Delors was still paying services to De Combret? About time somebody would tell him what a mess this man was creating for the Commission. I just hoped Landaburu would not be influenced by the importance of his messenger.

Monday, 6 March

No! Another letter of De Combret addressed to Landaburu, copied to the two French Commissioners and the French Directors General as well as some French Members of the European Parliament. Lelong of the Wise Men had been De Combret's messenger and had given the letter to the Commission's Secretary General. Attached was a 15 pages long document titled: 'The scandal of the OMAS contract.'

De Combret condemned the Commission's policy towards the Romanian abandoned children. Adding that was no surprise, when one considered the working methods of the Commission. Whereas the Santer Commission had to step down, inter alia because they had been accused of assigning contracts under dubious conditions and for too high honorariums, the Commission now had given a contract to OMAS, without using the normal tender rules and for unnecessary work, was De Combret's opinion.

I was so tired of this ongoing stream of letters. I felt I just wanted to leave this job. But not before the 25 million euros would be contracted, so at least I had contributed to something positive.

Baroness Nicholson had asked for an appointment with Commissioner Verheugen. She had end of last year been appointed as EP Rapporteur for Romania's EU accession. Verheugen's Cabinet member responsible for Romania, Nancy, also assisted to the meeting.

The Baroness arrived, early in the evening, dressed in striking red. As an introduction the Baroness told the Commissioner about a BBC documentary broadcasted the day before. I had heard about it, but not seen it myself. The Baroness said it showed how children were sold for intercountry adoption. Commissioner Verheugen said he had heard about this already from Fotiadis and it had kept him out of sleep for nights.

Then the Baroness came to the point. It was not about the hearing, as I had assumed, but she had a plan for the Romanian children. As most children in institutions in Romania were there for reasons of poverty, they should be returned home and their families should be financially assisted. The Baroness considered the majority of the children could return to their home. She would like to see the WHO and the Commission to play a role in this. The Commissioner reacted cautiously saying the Commission should be careful not to be involved in too radical approaches. Some children might not be better off in their families; this had to be carefully studied. He assured the Baroness that the Commission would make sure the 25 million available would be spent in the best interest of the children.

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The Commissioner then brought up De Combret's accusations towards the Commission and the related EP Hearing. The Baroness did not know anything about De Combret but offered to look into the matter. The Commissioner told me to keep myself at the availability of the Baroness for any further information she would require.

Back home, I switched on the TV and saw the Baroness on BBC's Newsweek, probably being interviewed live from Brussels as she was wearing the same red dress. She was commenting on the BBC documentary on the selling of Romanian children. Unfortunately I was too late and just got the last sentence.

Tuesday, 7 March

I was barely at my office when the assistant of the Baroness called already. She expected me at nine o'clock in her office at the European Parliament to talk about the upcoming Hearing. I quickly copied some documents and walked over to the EP building. She asked full details on the 'The Scandal of the OMAS contract'. I also gave her some basic information about Sera and could see she took all this seriously.

Some days ago, two documentaries had been broadcasted. I had not seen them, but now had obtained the tapes. One was about the mismanagement of funds by a British NGO, the Romanian Orphanage Trust, since then renamed the European Children Trust. Apparently this organisation, set up for the Romanian 'orphans' in 1990, was responsible for the spending of six million UK pounds fundraised by the BBC Blue Peter TV programme. Part of the money was meant for the construction of six family-type homes for 'orphans'. But, according to the programme, much money had been wasted on other things, such as luxurious meals, while the construction costs had been inflated. The real price would be just a part of the officially declared cost. On top of that, the house that would serve as mother and child shelter was of such poor quality that the first floor could not be used for safety reasons.

The second documentary was about intercountry adoption. With a hidden camera Sue Lloyd Roberts had gone shopping for Romanian babies. The general message was that Romania had industrialised the womb, and children had become tradable items. In the Bucharest centre the reporter had found easily poor men ready to sell children, often not their own though. But the most shocking was the reporter's visit to a *leagan*. Undercover she pretended she was interested to adopt. The director of the home told her if she wanted a baby with all her heart she could have it. It could be delivered to the UK without problems. She proudly said adoption papers could be forged and birth parents could be tricked into signing consent for adoption in return for a bag of cereals or a new roof. Another person shown was Elena Bustea, a Romanian lawyer and owner of

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adoption foundation Irene. The BBC reporter called her to ask for a child. She explained she was 40 years, divorced, and wanted to adopt. Bustea gave her an appointment. When the reporter arrived, Bustea seemed to have been warned and said: 'In Romania we must respect the law.' The documentary also showed a child in foster care, whose identity had been used for an adopted child and had left this child without an identity... Furthermore an Italian and a Spanish couple were shown, who had paid large sums of money to Bustea for their adoptions, but who never had received children.

Towards the end former PM Radu Vasile was interviewed. The reporter asked why no action had been taken against those involved in this traffic of children. PM Vasile replied someone at a higher level than himself would not let him. Visibly amazed, the reporter said there was no higher level than the prime minister, other than the president. Vasile just smiled and said he left it up to her and the public to draw conclusions.

Friday, 17 March

There is by now increased irritation here in Brussels with De Combret. The reply to De Combret's 'Stalemate letter' had been signed by the Secretary General of the Commission and not by President Prodi himself. De Combret was told his letter and the enclosed correspondence did not provide, as such, any additional information to the Commission, as it mainly concerned correspondence of the Commission itself. And he was told child protection in Romania fell within the responsibilities of Commissioner Verheugen and the Directorate General Enlargement with whom De Combret was known to already have an extensive correspondence. Could he please address any further correspondence on this matter to them? De Combret could not divide and rule within the Commission!

Wednesday, 22 March

Astrid Thors, Finnish Member of the European Parliament, will chair the Hearing on Romania's children now scheduled for the 4th of April. She had asked for a meeting with Enrico to hear the Commission's side of the story, after all the Commission was the main target of Sera's attack.

Enrico and I explained the Commission's involvement, and the projects worth of 100 million euros that had been implemented between 1990 and 1998. The accusations about improper management of funding were in our view not justified. There had been numerous internal and external reports showing that.

Towards the end of the meeting, MEP Thors handed over a letter from some signatory countries of the Hague Convention on Intercountry adoptions. At a quick glance I saw it was about a meeting with Tabacaru. Wait a second, had Tabacaru not told me he had to go to The Hague to

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discuss intercountry adoptions in October last year? How interesting I now finally found out what this meeting had been about. I had never stopped thinking about that unpleasant discussion about the points system.

I asked for a copy and, back in my office, read it carefully. It was addressed to the Secretary General of the Hague Convention, in which the Spanish, Swedish, Belgian and Dutch authorities expressed their concern that since 1998 they had been proposed less children from Romania for intercountry adoptions than before, and also at a higher price. The letter gave an extensive analysis of the 1997 legislation and a precise description of what they felt was wrong with the points system.

Finally I got confirmation that my intuition had been right. Part of the concerns raised in the letter were exactly the same I had had when reading Sera's report about the points system. The letter also raised some other concerns, which I did not immediately understand. After all, I was not an expert in adoption, yet.

But the letter held more disturbing news. Some adoption NGOs selected babies at the maternity wards, and placed them in a foster family until their international adoption was arranged. These foster families received a much higher salary than those hired under the normal Romanian foster family scheme. As a result, foster families for children that were not meant for intercountry adoption had become hard to find.

I remembered our field visit in July 1999, when Mariela and I had visited a foster family where a crying neighbour had arrived to say her foster child had been sent to Italy. And the *leagans* we had visited looked like baby shops. Had Mariela not told me, a while ago, that in the maternity wards mothers were often 'advised' to leave their babies behind, because they were considered too poor?

I continued reading the 12 pages. End 1998 some adoption agencies in the Netherlands, Sweden, Switzerland and Belgium, were told by their Romanian partner *Copiii Fericiți* that the fee per adopted child would be increased from 2.500 to 3.500 dollars. Even though this new fee was agreed, *Copiii Fericiți* had not provided any Romanian children to these European countries since. As a result, these countries' Central Authorities, as signatories of the Hague Convention, had had a meeting with *Copiii Fericiți* beginning 1999. Bogdan Ivanescu, the head of *Copiii Fericiți*, had explained the points system: in return for financial or other support to child protection the Romanian NGOs received points. On the basis of these points, the Romanian adoption NGOs then received children for international adoption.

My brain was working at full speed now and I had my first sudden headache. Was my memory right? Was *Copiii Fericiți* the adoption agency for which Sera had provided the seed capital? And was De Combret not in total admiration of its president, Bogdan Ivanescu, in the Sera reports? I

checked the Sera report and indeed, I was right. It looked like the reform started by De Combret and Tabacaru was all about intercountry adoptions. Right then Mariela called to say Tabacaru had proposed some small adoption NGOs to distribute Council of Europe's food aid. One of them: *Copiii Fericii*. I started to see things clear. Giving money to adoption NGOs for the distribution of humanitarian aid would lead to points. These points would give these NGOs the right to obtain children for intercountry adoption. What a perfect set up! As De Combret had written in the Sera report: a virtuous circle.

I explained Mariela what I had just found out from the Hague letter. It took a while before she grasped the message. That the phone line went dead several times when I said *Copiii Fericii* did not make things easier...

She told me she just had a phone call from the director of the Romanian Federation of Child Protection NGOs. She alerted me to a visit from the Council of Europe's Development Bank about the re-allocation of 1 million euros from their reform project to humanitarian aid. Instead of dealing with the National Agency, Tabacaru had proposed the Council to give the money to NGOs. As key partners he had suggested *Copiii Fericii* (Happy Children), *NOROC* (Good Luck) and *Copii Lumii* (Children of the World), all of them adoption NGOs. The Federation had been asked to facilitate a coordination meeting between the Bank and the NGOs. The Federation's director found it strange these small adoption NGOs would provide the humanitarian assistance. In between the lines Mariela had noticed her disappointment that the Federation had not been asked to implement this food aid themselves. Such projects bring NGOs income, because a percentage can be used for salaries and other overhead costs.

I told Mariela she better meet the Council of Europe women who were now in Bucharest to tell them about the points system.

Friday, 24 March

All in all it had taken some weeks to prepare a draft reply from Landaburu to De Combret about 'The Scandal of the OMAS contract'. The whole hierarchy got involved in the drafting and in the end Landaburu even rewrote part of the letter himself. It had become a five-page letter, clearly describing all Phare rules on tendering, monitoring and accountability.

Just hours after the letter was faxed to Paris, De Combret's reply had come in. He noted with regret the views of the Commission and himself diverted on all points; Sera was useless in the eyes of the Commission, as it was not even invited to the Donor Coordination meetings in Bucharest. Only on one point he agreed: polemics were not useful. Well, we would see what would happen at the Hearing. The closer we come to the 4th of April, the more worried I get.

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Thursday, 30 March

The Hague letter stayed in my mind. If this letter would be distributed during the EP Hearing, what would happen then? Would we give the European Parliament an opportunity to attack the Commission for having spent so much funding without seeing what was going on in adoptions? Or would De Combret attack the Commission just about the OMAS contract?

I spent three days searching the Internet about intercountry adoptions and found an incredible number of sites, mostly of US-based adoption foundations often with religious calling. Even at places as far away as Hawaii and Alaska.

Children were offered on a silver plate: with pictures, with birth dates and short descriptions: healthy, cute, intelligent, slight handicap, ready to help in the household. The US agency United Families offered the most detailed price indication: between 20.000 and 40.000 dollars ('Gypsy' children were cheaper). Their Romanian partner: *Copiii Fericiți*. No wonder the European countries according to the Hague letter paid between 2.500 and 3.500 dollars had no longer received children!

And there was Adopt an Angel, a US Agency that worked with an American-Romanian adoption facilitator, David Livianu. Adopt an Angel was set up by a woman who adopted a child after her own child had died. Its website had an extraordinary statement:

'Even though we do have children waiting for adoption we do specialize in providing a child search designed especially for your needs.'

I also found the 'US Embassy Guide to Adopting in Romania' with a foreword of the US Ambassador, James Rosapepe. He wrote Romania had become one of the most popular places in the world for adoption by US citizens and other foreign families. In 1998 alone, American families had adopted 630 Romanian children. That figure was expected to climb significantly to as many as 900 or even 1,000 Romanian children this year. According to the US Ambassador the new adoption system had proved to be extremely successful. The US had not yet ratified the Hague Convention, and therefore had no Central Authority in place in the US. Therefore the US Embassy in Bucharest played a key coordination role between prospective US parents and Romania's adoption authorities. The rest of the Adoption Guide was a warm invitation to adopt, explained all procedures and held a list of all US adoption agencies and their Romanian partner adoption NGOs.

I decided to call one of the signatories of the Hague letter and opted for my own country, the Netherlands. During a long phone call with the Dutch Ministry of Justice all my suspicions got confirmed: intercountry adoptions were like a market. It looked like a true children market, child trafficking, was at the heart of the Romanian children dossier.

To me it was clear that the Commission could not simply continue to spend large sums of public money on the reform of the child protection, without addressing this.

I wrote a 'Note for the File', which I sent to Enrico, copied to Fotiadis and Landaburu. After all, during his introduction meeting with the Romania Team, Landaburu had said he expected his staff to be responsible, pro-active and if necessary to take risks. I would take the risk of addressing the Director General directly on this.

Friday, 31 March

I went to Landaburu's assistant to give him some background on the note. Children were being exchanged for goods and money. This could and should not continue, and definitely not with the financial support of the European Commission. The assistant said he would talk to his boss.

I returned to my office, just in time to answer a phone call from Verheugen's spokesman: De Combret had sent an information package about 'The Scandal of the OMAS contract' to the international press in Brussels ...

In the afternoon I had to go to Landaburu's office for the preparation for the Hearing with French MEP Marie-Thérèse Hermange. No word about my note or my talk with his assistant. Hermange explained her background and her interest in the Romanian children issue. She would be Astrid Thors' co-chair during the Hearing, as she knew De Combret in person. She explained she had looked after four young Romanian children in Paris for a while, for de Combret, when she worked at the Paris' Municipality and was responsible for maternal centres.

Landaburu and Enrico explained the history of the child protection dossier. Landaburu underlined the institutionalised children issue was until now seen as a purely Romanian problem, but situations in other Eastern European countries might well be similar. And they felt De Combret's accusations were not based on reality.

Changing the subject, Hermange spoke of a meeting she had with the Brussels' director of Unicef. He had expressed concern on the issue of paedophilia, which seemed to be an increasing problem in Romania.

We talked some more about the Hearing. How the Commission had nothing to hide and would put its cards on the table. When concluding, Hermange suggested the possibility of the nomination of a foreign expert to co-ordinate humanitarian aid and assist the Romanian Government, like Kouchner was in Kosovo. The Commission side did not react.

Late afternoon Enrico came to my office, where I was working on the briefing for Landaburu's presentation at the Hearing. He told me to forget adoptions and to give full priority to the Hearing. We worked efficiently together to prepare Landaburu background notes, speaking points and a

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list of possible questions and answers, as defence against possible De Combret attacks. We finished around midnight.

Monday, 3 April

Late afternoon, the Baroness invited me over to her office. She had visited Sera's office in Paris and asked for their financial reports and all kind of other information. De Combret himself was not available, but the numerous phone calls Sera's staff member made during the meeting, made believe De Combret was pulling the strings from the background.

The Baroness had brought back from Paris several financial reports and fundraising brochures of Sera. She said she had asked many specific questions, but not many clear replies had been given.

Over the last weeks I had used every free minute to steadily work on Sera, collecting as much information as I could. Letters, old newspaper articles, reports, anything I could lay my hands on. I handed the Baroness an overview of my findings so at least she would know what she was up against.

De Combret was from an old influential family, Polge de Combret. His CV showed he graduated from ENA, the French school for public administration whose graduates are known for their networking. He had been First Secretary of the French President Giscard d'Estaing early eighties and, someone told me, De Combret's wife was somehow related to Giscard d'Estaing. He was also Board member of Renault, Sanofi and Pasteur. And Honorary Member of the French Court of Audit. The Baroness had a look at the material and concluded he was indeed a successful man, but not necessarily an expert on social policy or child protection.

Although late, I went back to the office. I had barely entered when a call came in. It was the EP Secretariat about the Hearing: De Combret had cancelled his participation this afternoon. Sera would be represented by a member of staff.

At home I studied the financial reports and the Sera fundraising brochures. There was much reference to the children Sera took to France for medical treatment. Although they had left Romania on medical visa, valid for one month, most were still in France

Tuesday, 4 April

Today was the Hearing. I walked to the European Parliament building together with Enrico, Fotiadis, Simon and some other colleagues. Everybody was tense. Just after we arrived, the Baroness entered the room in beautiful pink. You could not miss her today.

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The room started to fill quickly and there was a lot of international press, and I noticed some TV cameras. I recognised Sera's Braunsteffer, sitting right at the first row. He gave me a sarcastic smile.

The President of the Parliament, Nicole Fontaine, opened the meeting, which gave quite some importance to the event. She left after 15 minutes. MEP Astrid Thors was the leading chair, the Baroness and Hermange at her side.

The three short speeches of the Romanian Government representatives were not impressive. They did their best but were clearly nervous. Then Landaburu spoke and he had done his homework well. He is an excellent speaker and it was hard to believe he had learned about this dossier just a month ago. He explained and justified the Commission's previous spending of 100 million euros, and of course the recent initiatives to address the financial crisis. The Commission would spare no effort to continue supporting the reform of child protection, but no money would be spent if it would not make a real difference. And as a final remark Landaburu concluded the Commission would continue monitoring the Romanian children closely, as the devil was always in the details.

Then the floor was for the Baroness. Her opening sentence showed the Commission had nothing to fear from the European Parliament:

'During this Hearing the Parliament and the Commission will speak with one voice.'

In a flamboyant way she criticised the adoption legislation and the points system. She questioned the lack of accountability of NGOs, and pointed out the need to identify acceptable fundraising techniques. Throughout she referred to Sera.

Astrid Thors repeatedly tried to interrupt her: 'Emma, please'. But the Baroness just marched on.

Then there was a short coffee break, during which all the press was told to leave.

After the break, it was Sera's turn. When Braunsteffer started his complaints about Romania's *camin spital* and the failed Commission actions, I saw someone of the EP distributing yellow folders, but only to the MEPs. I walked over and asked for a folder, but was told they were exclusively for the MEPs. I made clear I would not take no for an answer. With yellow folder I walked back to my seat. In it there were A4-format black-and-white pictures with awful images of disabled children. I walked over to someone from a French NGO who worked in Romania since early nineties. I asked her if she thought these were recent pictures. She said she could not judge on the spot. What she did now know was the horrible images, showing naked disabled children, widely distributed by the media in 1990, had been taken while these children were going to have their weekly bath. But the public was left with the impression these children had no clothing.

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Braunsteffer, in his speech, accused the Commission of having wasted 100 million euros of Phare funding in the past, by hiring Member State expertise through contracting international consultancy firms. It would have been better to give the money to NGOs. OMAS was not mentioned. Luckily he was not a charismatic speaker and after the Baroness' speech Braunsteffer's words did not have much effect. The black-and-white pictures did. The Romanian side was enraged and denied the images were recent.

The speeches of Gabriela Alexandrescu, speaking on behalf of the Romanian Federation of Child Protection NGOs and of Tim Shafter of Unicef Romania were just general presentations on children's rights. MEP Hermange's contribution must not have been impressive, as I can't even remember if she spoke.

Thursday, 27 April

Reliable sources say PM Isarescu wants to temporarily suspend all international adoptions, to give breathing time to review the adoption legislation. That seemed much needed, as there was more and more news about corruption. One of the newspapers had quoted the new head of the Romanian Adoption Committee, Alexandru Popescu as saying he had been appointed to chair 'a bomb, which would explode soon, because the former communists secret services were dancing in front of him'.

Wednesday, 3 May

What a coincidence! I was on the phone with one of my international contacts, and had just mentioned Tabacaru's resignation and his return to Sera, when my interlocutor received a mail from a certain Dr. Federici. He forwarded it to me on the spot.

The mail was addressed to a large number of people, the network I supposed. How funny my contact was on their list, I wondered. But at least he sent me this mail, which fell as a bomb in my inbox.

To All

This was just forwarded to me by past Secretary of State Christian Tabacaru about the big problems in Romania, especially with adoption-related issues.

It is clear (after knowing the situation intimately), Romania may fall in line with Russia as the government is unstable, especially in the 'new adoption unit'. Child welfare issues are falling by the wayside due to the lack of urgent funding by USAID, EU and others. This is a country in great crisis and the children's issues are much worse since Secretary of State Tabacaru has left office. It is the old system back in place, which is unfortunate.

If you need more info, please e-mail me.

Dr. Ron Federici.

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From : Cristian Tabacaru
To : Ron Federici

After the declaration made last week concerning the necessity to stop international adoption, it seems the PM ordered to the Department for the Reform in the Central Administration to come with proposals for changes.

It is clear it exist important pressure from the EC Delegation in Bucharest for that purpose. The 'European' approach is quite simple: the Americans are very reach, they pay too much to adopt and we, the European citizens, we cannot adopt. We pay for the EC Programs (including child welfare – Phare) so why to pay again to adopt a child? (How to explain Phare is 60% money for the European pockets and not for the children?) The consequence it will be all the procedures are stopped for 3 to 6 months until a new system for assignments will be in place. The new system will eliminate the contribution of the agencies for the child welfare system evolution. Maybe the assignments will be done following lists of registrations, Of course, first means more money for the agencies pockets and less for the institutionalised children in Romania. And less files available for US.

What I can't understand is how the US can accept to sing when the EU Delegation is the conductor. Why USAID who participate at the Donors Meetings do not react? They are not representing the interests of the United States?

Any way, my feeling says the new Ordinance will come soon and the first in sufferance will be the children waiting for they mamma and dad.
Cristian.'

Tabacaru's strategy seemed to set up the US-lobby against the EC Delegation. Divide and rule. I forwarded this mail to my hierarchy, and of course to Fotiadis. I checked the Internet and saw Federici was heading an NGO called Care for Children International. Among its six men strong 'Romanian team' were Tabacaru and Bizdoaca.

Tuesday, 9 May

Mission to Bucharest again. Mariela waited for me at the airport with a Delegation car. The driver laughed at us, saying he never had passengers that talked as much and as fast we did. I first went to say hello to Fotiadis, who as always jumped to his feet to embrace me. Then he burst out:

'That mail you sent me, from Federici, was appalling. How dare Tabacaru accuse me of wanting to keep the children for European adoptions and not for the US. I don't give a f... where they go, as long as they do it properly and not with points and money. I should sue that guy, but we are not in the US here.'

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Wednesday, 10 May

Another field visit together. It was a few hours' drive, so lots of time to talk. We had decided we should for once go into the field during the week and not on a weekend, as many children were home over weekends and we did want to see the Departments for Child Protection up and running and not just a director on his free weekend.

The Secretary General of the County Council and the DCP Director and her Deputy received us. As always they were very hospitable. Coffee, drinks, cookies and nibbles. They were unanimous in their opinion: the financial problems in childcare had not been the result of a lack of interest of the local authorities, but of the fact the government had decentralised child protection, without decentralising the budget. That had now been repaired. This county had already closed its biggest institutions. Since 1998 there was no longer a *leagan* (babies 0-3 years). Abandoned babies were placed with a foster family, or went for national or international adoption.

We raised the subject of social allowances for the poorest families in order to prevent abandonment. Of course they considered support for the families necessary. If half the money now given to foster families would be given to the natural families, most of them would be able to keep their children at home. By law, the child protection services could provide some material assistance to families, but they had no budget for social allowance. Therefore all they could do, if families knocked on their door for help, was to take their children into care. We explained in our view this should not be the role of the Child Protection. Social allowances should be provided by the social services, and these should cooperate at local level with the Child Protection Department. They fully agreed.

In the car Mariela and I discussed this further. I had in the meantime discovered that under the previous Phare project in 1996 some pilot projects for decentralised social assistance departments had been created that were to include child protection offices. Unfortunately, under Tabacaru's new laws the decentralised social assistance had been binned and replaced by Departments for Child Protection (DCP) only. So, no social assistance for families, the only solution to poverty would be to take children into institutions. And have them adopted if not visited...

Next we visited the family-type homes built by the European Children Trust in the early nineties with the funds raised by 'Blue Peter', that had been shown in the recent BBC documentary. One of the three houses was locked and unused. It was not clear why. Next-door was the Sera HIV centre where 24 children lived who had been transferred from the *camin spital*. This home was quite luxurious, beautiful wall paintings, individually packed cookies with tea. But still there were some eight children in one room. All costs were still paid by Sera. I was puzzled about this project. It was beautiful, but posh. Not a Romanian homely environment.

We also went to see the old *camîn spital*. It used to host 400 children, but had been reduced over the years to 113 children. It was a typical *camîn spital*, placed in a rural area far away from the real world, inappropriate for care of children. The conditions were indeed rather bad. All the repairs funded early nineties by the EU and afterwards by NGOs, had not structurally improved things. According to the local authorities, a new family type centre – financed by the Development Bank of the Council of Europe - was almost ready. Most of the children would move there before year's end.

We knew this *camîn spital* from the Sera reports, where it often was presented with the picture of a cemetery implying this was a 'mouroir' (death house). We asked several people about the cemetery and were told there had been a fire in that institution many years ago in which some children had died. Not quite what Sera's fund-raising report suggested.

Next to the *camîn spital*, a foreign NGO had built a family type house in which they moved the most able children to prepare them for family life, mainly for adoption. It seemed not to be a too expensive project, and the house was pleasant and homely. We found the children sitting around the dining table doing games. Behind the house some pigs and chicken were kept for extra income. I just wondered why this house needed to be so close to the old place. Would not these children be better off in the village, and learn to participate in normal life?

Thursday, 11 May

A whole day meeting with NGOs on Romania's strategy on child protection organised by the Romanian government. Bogdan Simion, the president of Sera Romania, was also present. I had not seen him before. He looked like a body builder: young, expensively dressed, golden bracelet. He lit his cigarettes with a lighter carrying Sera's logo.

A new version of the Strategy was distributed at the start of the meeting. PM Isarescu stated the financial crisis had not only derived from a lack of available funding, but also from poor management of funds. As for abandonment, this was mainly caused by extreme poverty.

Fokion underlined Romania was not unique in this, in other candidate countries and in the former Soviet republics similar problems existed. What was unique was the public debate in Romania and the commitment of the government and he expressed hope the Romanian model in time would become an example. What would be needed now was to concentrate on the sources of the problem and not on the effects. For example through awareness campaigns, combined with social allowances for mothers to be able to keep their children. Government bodies, experts on social affairs and finance should all work together to design a social allowance scheme. International donors, including the EU, would be keen to support such initiatives. The government should address the issue of large childcare

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institutions. He ended by quoting Landaburu 'we will spare no effort to support the reform, but no money will be spent if it won't make a real difference'.

Bogdan Simion congratulated the Agency with the strategy, but said it was only a theoretical approach. In reality he foresaw another financial crisis in child protection. The financial expert was called in. He explained the national budget contribution to the local DCPs had been increased and should now be sufficient. Fine, Sera could now stop worrying.

Monday 15 May

Since the Hearing in the European Parliament the Baroness had proposed PM Isarescu and Commissioner Verheugen to set up a High Level Group that would include amongst others also the World Bank, Unicef and the WHO. A sort of high-level international donor group, including the Romanian government. Both Isarescu and Verheugen had agreed and today a first meeting took place. To make it easier for Commissioner Verheugen to participate, the Baroness and the PM had chosen this date as the latter was in Brussels anyway for a NATO meeting. The World Bank Romania and Unicef Romania were also present, and so was Fotiadis.

Unfortunately Enrico had not allowed me to go as observer. I sensed for whatever reason, many people were not happy with the Baroness' strong involvement and her alliance with Commissioner Verheugen. From what I had heard the meeting was rather informal. All parties discussed practical solutions to put an end to the system of institutionalised children in Romania. The Baroness stressed also the need for a public awareness campaign, to change attitudes in Romania so children would no longer be abandoned.

Not needing to go to this High Level Group meeting gave me time to continue the discussion with Patrick McClay, Phare coordinator for our team. We needed to set out a clear outline for the 25 million euros project. The OMAS experts had been working on a project fiche, in cooperation with the Agency and the main themes were fairly clear: closure/restructuring of old style children's homes and creation of more modern child protection alternatives. But how to deliver was the outstanding question.

Patrick and I were convinced the local DCPs should be in the driving seat, and not NGOs. I had discussed this issue in Bucharest with Simon and Mariela, who were of the same opinion. This Phare programme was not a humanitarian one, but needed to lead to structural reform. Child protection is a state responsibility and should not depend on charity. The state should set the policy and standards at national level and ensure sufficient budget would be available at local level. The child protection

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providers, local authorities and NGOs alike, should respect the national standards.

If as part of the reform, children institutions were to be closed, local strategy plans would be needed, including budgetary planning to maintain the services long term. The Phare funding could be used to finance the transition from large institutions to modern child protection alternatives, but the Romanian local authorities needed to assume the financial responsibility after project ending.

Therefore we strongly felt the EU childcare projects should be contracted to DCPs. If they wanted, they could sub-contract to local authorities or to NGOs. We realised there would be a lot of opposition to such an approach from the NGO-side. For all these years they had been the primary beneficiaries of Phare funding for children.

We spent the whole afternoon finalising a note on this policy line so we could consult our hierarchy and the Delegation formally on our proposed policy change.

Monday, 29 May

Again a letter from De Combret to Landaburu, this time about another upcoming budgetary crisis in Romanian child protection, copied to Astrid Thors and Nicole Fontaine. I knew it was de Combret's policy to copy letters to his friends, but was Thors one of them? And had Bogdan Simion forgotten to tell De Combret the Agency's financial expert in Bucharest had said clearly there was no current risk for a financial crisis?

Sunday, 11 June

On the Internet I found an interesting report from the UN Rapporteur on the Sale of Children on intercountry adoptions from Guatemala. It said legal adoptions appeared to be the exception rather than the rule...

'Since huge profits can be made, the child has become an object of commerce, rather than the focus of the law. Trafficking of babies and young children for inter-country adoption exists on a large scale. The system lends itself to the nefarious practice of reducing children to commercial objects to be offered to the highest bidders.'

The report also mentioned '*casas de engordeza*', fattening houses, where babies were kept while the adoption process went through. Falsification of documents was common. Sounded like Romania, Guatemala.

Friday, 23 June

Mariela sent me her minutes of a meeting the US Embassy had organised. They had invited the Embassies of France, Italy and Spain and the EC Delegation to discuss corruption in adoptions.

The US had presented an overview of the adoption situation. The US and Spain represented together 75% of the Romanian market. The number

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of international adoptions had continued to increase since the beginning of the year and this trend was expected to continue. Thus, the US expected to have 1,100 adopted children this year (1,000 last year), Spain 700 and France 500 (300 last year). They had obtained this information mainly from the American adoption agencies, as no statistics were held at US national level.

The US Embassy's legal adviser had said they had started investigating adoption practices. The main conclusions were the Romanian Adoption Committee was corrupted. For example they manipulated the 'neutral' computer programme to deviate from the at random allocation of children to NGOs, to ensure certain children would go to certain NGOs. It seemed 10 percent of an adoption NGOs' income was generally used for the bribing of local authorities. It happened that children were taken into care for the sole reason of having them adopted by American Agencies. The US invited the EU Embassies to obtain information on corruption through their country's adoption agencies too. They were sceptical. The French said some of their adoptive parents had contacted the Embassy doubting the legality of procedures, but they had never received formal complaints on corruption, as adopters were too afraid to risk their chances on adoption.

The US said USAID and EU grants could have been used by adoption NGOs to obtain points and therefore children. To prevent this, the US legal expert advised donors to stipulate in contracts for children projects such projects were not allowed to lead to adoption points.

Mariela told me she thought it little likely Phare funds had been used to get adoption points, because as far as I knew we did not fund adoption NGOs under the civil society grant scheme. But perhaps NGOs had signed partnership agreements with adoption NGOs for projects we were not aware of. In that case the EU would indeed have subsidised adoptions.

Friday, 26 June

The French Foreign Affairs Ministry had again invited me to Paris for a meeting with French NGOs about Romanian children. This time the theme was if child protection should be a condition for EU accession for all candidate countries, not only for Romania. But once there it appeared it was mainly Romania that was discussed.

Some sixty people were present, and I immediately spotted Sera's Braunsteffer among them. MEP Hermange was the first to speak. She said she had been asked by the French EU Presidency to prepare the European contribution for the UN World Summit on Children. She then immediately turned to Romania and reported on her first visit to that country the month before. She strongly insisted on the problems with intercountry adoption, as not being in line with the Hague Convention. Then it was my turn. I decided to ignore Hermange's comments about adoptions, and instead explained the Commission's policy towards child protection in

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Romania. I gave a general outline of the ideas we were developing for the 25 million euros, concentrating on the need to integrate child protection in the social assistance system, to focus on families and to have decentralised projects to create child protection measures that should be implemented by the local Departments for Child Protection in Romania. I also mentioned the guarantee given by the Romanian government to the European Commission to provide sufficient budget for the child protection sector. Braunsteffer was the first to react and welcomed the awareness of the Commission, and agreed entirely to Commission's point of view. Well, that was the first time Sera agreed with the Commission.

Unicef Brussels' Director Murzi spoke after me. He also expressed his satisfaction with the Commission's point of view. Murtzi announced as well that Unicef would organise a preparatory meeting for the World Summit on Children, focussing on Eastern Europe, in Budapest in October 2000. That could be interesting, perhaps I could go there with Mariela?

Unfortunately I could not stay for the second part of the meeting where Bogdan Panait, the Secretary General of Romania's National Authority, would present the Romanian child protection. I had to run to my second meeting with the Development Bank of the Council of Europe.

It was again a good meeting with those sympathetic women. We discussed both our projects. The social expert proposed Mariela and me to assist to their coordination meeting in Bucharest in July. It would show we were working together in a transparent manner.

We also briefly discussed the mess with the humanitarian aid. They had been puzzled about Sera's intention to sub-contract to these small NGOs. But when Mariela had explained the points system and that these small NGOs were adoption agencies, that's when they had become terrified. No way the Council of Europe would contract them under these circumstances.

Thursday, 7 July

The Council of Europe's Development Bank's invitation to their coordination meeting fitted well in my mission schedule.

Today Mariela and I went there. The meeting took place at the same meeting table where I first met Tabacaru and had seen the Wise Men's 'silver file'. Most of the Bank's partners were there: World Bank, World Vision, Sera and *Pentru Copii Nostrî*. I still had not told the Bank they had some doubtful adoption NGOs as their partners. But anyway, luckily *Fundatia Irene* and *Fundatia Stuart* were not present. I thought!

But half way through the meeting, Elena Bustea of *Fundatia Irene* walked in. I recognised her straight away from the BBC documentary. She was expensively dressed, all black indeed, with abundant jewellery and make-up. No one around the table reacted to her presence and she had to take a seat at the second row, right behind Mariela. She was staring at us non-stop.

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The room was quite hot and she was cooling herself with a Spanish fan. At one point World Vision said foster care did not quite work yet, which triggered me to say as long as children were taken from their foster families after a few months for intercountry adoption, how did they expect foster to work. Elena's fan was turned to top speed. Mariela whispered into my ear to shut up, as otherwise she would end up having a cold.

The meeting got tensed and we were glad we needed to leave early for another meeting. I was so angry that somebody with a reputation like Elena Bustea could be a partner of an international cooperation project on child protection that I found myself walking straight up to Bogdan Panait, the Secretary General of the Agency. I told him to bring me to the Romanian Adoption Committee.

Mariela and I walked in and we saw piles of adoption agency leaflets, brochures and reports from adoption agencies everywhere. A not so friendly looking woman put herself in front of us. We introduced ourselves and said we liked to have the yearly report on intercountry adoptions, please? The woman replied there was no such report. In that case, could she extract the latest statistics from one of the computers in the room? After some insistence we got one sheet with one figure. Last year there had been over 3,000 adoptions. Romania's most flourishing business!

Sunday, 10 July

Another field trip, to Brasov, not far out of Bucharest and an attractive tourist area. We first visited the children's home of a German NGO, Agapedia. They were the only NGO doing only domestic adoptions. Lucky coincidence, the German director happened to be present. Marika Barth, a young and energetic woman, and her husband Stefan managed the Agapedia Foundation of the German football player Jürgen Klinsmann.

Agapedia had been struggling since 1995 to have Romanian children adopted by Romanian citizens. But the DCP would confine as few children as possible into their care.

Monday, 11 July

We visited the *leagan*. Huge! It must have been at least seven buildings and we were shown around in each and every one of them. On the walls there were posters of Italian and Romanian adoption agencies, some with Anne Geddes pictures of babies growing in flowerpots: nobody's children. We knew by now all major cities in Romania had such huge *leagans*, all in beautiful historical buildings, and all packed with babies and toddlers. These places received lots of money from the adoption NGOs and attracted adopters like magnets.

Thursday, 14 July

After several days of meetings about emergency aid and preparation of the Phare Project, we were up for another High Level Group meeting at the beautiful Snagov Palace near Bucharest. On entering the first thing one saw was a huge banner: 'Our Children – Our Top Priority'. The Romanian government really did not spare efforts to impress the Baroness.

An impressive number of Ministers and Secretaries of State were present. This was quite a difference to the previous summer, when the government did not seem to care much about institutionalised children. At the Baroness' request, Unicef Romania had drafted a White Paper. The paper included policy advice and actions on everything under the sun: juvenile justice, health, neo-natal services and education. But who would pay the bill? The Unicef and WHO budgets for Romania were limited. The World Bank had other priorities. Fotiadis made clear the Commission's funding would need to address the heart of the children issue: the large institutions that kept dragging children in. Child protection in Romania should no longer be treated as an isolated issue, but become part of overall social assistance. Large institutions should be closed and replaced by more appropriate care. This was a development that had taken place all over Europe decades before.

After an abundant lunch buffet, the main players met in a separate room. The PM Isarescu, Foreign Affairs Minister Roman, the Baroness and the local heads of Unicef and of the World Bank, plus Fotiadis for the EC Delegation were gathered around the table. Around this, at the second row, were the lower ranks, including Mariela and me. Sole point on the agenda: intercountry adoptions. The Baroness passed a clear message: intercountry adoptions could not be the sale of children. They should be exclusively in the best interest of the child. She said she had full trust in all partners around the table they would help cleaning up this system and in reforming Romania's child protection. Foreign Affairs Minister Roman did not look quite happy.

Friday 18 August

Through Agapedia, a Romanian couple had come to see Mariela to talk about everything they had gone through when adopting two children. With all the recent news on intercountry adoptions, they felt they should share their experiences with the Delegation to show how corrupt the system was.

The year before, they had applied for adoption. As a happy and young couple, living in a beautiful home in a well-off area of Bucharest, they got their home study approved without any problems. Soon after, a little girl who was living in foster care was proposed to them for adoption. But just before the actual adoption procedure could start, the child was taken from the foster family by an adoption agency. And this was how Radu's fight with the private adoption agencies and the accomplice authorities started.

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Eventually he convinced the adoption lawyer, to whom the child had been repartitioned following the points system, to meet him. She bluntly told him the child had already been promised to a Cypriot family, so he could not have it. But Radu was determined to do everything he could to prevent this child from going to Cyprus.

The next time he met the lawyer, he hid a tape recorder in his pocket. Towards the end of the conversation he told the lawyer he had taped their discussion and he would give it to the press if the child would leave the country. So, with the law on his side and a tape recorder in his pocket, Radu and his wife managed to adopt the little girl. With this lesson learned, they adopted their second child through Agapedia, as this was the only adoption NGO that answered their request. The other NGOs contacted did either not reply or, when contacted by phone, said the e-mail message had contained a virus and they had deleted it. Yes, a dangerous virus: the Romanian-family-wishes-to-adopt virus!

Tuesday, 21 August

I used the month of August to put some order in the chaos called my office. While filing, I tried to decipher all the information I had found over the last months.

For example a letter from De Combret dating from 1993, referring to the pressure the US put on Romania, when Romania's right to get the US's Most Favoured Nation Clause was discussed in the US Congress. The US had made improvement of the situation of the Romanian children a condition for this trade agreement, and it was in that context that Romania adopted the so-called abandonment law. If children in public care had not been visited for six months by their parents or other relatives, the children would be declared abandoned and become legally adoptable. Such laws used to exist in some EU Member States too, but, as I learned, had since long been abolished or were applied carefully and rarely.

Studying the Romanian adoption history a bit more, it became clear to me the Iliescu government had since 1991 tried to tie down the adoption flow. In 1991 an incredible number of intercountry adoptions took place, estimates were more than 10,000. Many children were not adopted from orphanages, but directly bought from poor families. In 1991 a new law was adopted limiting intercountry adoptions to children in children's homes and orphanages. But the children's homes' directors would not give those children, because they were not legally adoptable, more often, the children's parents would be known and visit their children. As a result of this limitation adoptions dropped enormously in 1992. And thus, under the disguise of wanting to improve the living condition of institutionalised and disabled children, the US congress pushed for an abandonment law, a law that rendered children adoptable.

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I also had a closer look at international conventions. Romania was about to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This Protocol described the sale of children as ‘any act or transaction whereby a child is transferred by any person or group of people to another for remuneration or any other consideration’. That would include intercountry adoptions if it were not the financial transactions that went always under the cover of aid to orphanages, or as costs of lawyers. Illegal adoptions were considered falling under the definition of sale of children. But all intercountry adoptions, proper or not, got legal court decisions and Hague certificates. So how can adoptions ever be illegal?

Wednesday, 30 August

The Baroness had asked for another meeting with Commissioner Verheugen to discuss the next High Level Group. She intended to maintain the High Level Group for at least another year, by when measurable results should exist. She was positive about the many initiatives and ideas that existed in and outside the government, and felt the High Level Group could function as a catalyst for reform. However, she considered there was a major constraint: the corrupt adoption practices. Verheugen agreed and said he considered this issue vital. A country that wanted to become a member of the European Union could not be allowed to sell children. He had heard from Fotiadis about this and this could of course not be accepted, especially not in a country aimed to become a EU member. Oh my God, I was so pleased to hear this. At least the Commissioner was of the opinion this issue needed to be addressed.

The Baroness continued and wondered if Olaf, the Commission’s anti-fraud office, would look into the corruption, or Interpol? Verheugen explained Olaf’s role, which was looking into possible fraud in EU funded projects; Interpol would probably be more appropriate but it was not up to the Commission to facilitate this. The UN Special Rapporteur on the Sale of Children, who had made a report about adoptions from Guatemala, sprang to my mind and I suggested perhaps this UN Rapporteur could be asked to report on Romania too.

Wednesday, 20 September

Finally, the government proposal for the Phare 25 million euros had been sent to us. It reflected largely the discussions we had had in August, but unfortunately still spoke of restructuring institutions and not closure. But what was worse, the part on the child benefits and the cooperation between child protection and social assistance was not mentioned at all. We had proposed to implement this, as a ‘twinning project’, meaning a Member State civil servant, a so-called pre-accession adviser, would work alongside his Romanian ‘twin’. It seemed some wanted to keep child

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protection away from social assistance. I was disturbed in my reflections by a phone call from Simon:

‘Can you as Headquarters not formally force them to place the pre-accession adviser in the Ministry of Labour and Social Solidarity, instead of in the Agency?’

Indeed it made sense to take this part of the children program away from the Agency and to place it under the Social Ministry.

Thursday, 28 September

This week’s *Catavencu* newspaper has an article titled ‘Children, the Golden Future’ that said politicians were possibly involved in the adoption business. And in 1995/1996 Romanian lawyers were said to have facilitated over a thousand adoptions to Spain. According to the official register only few adoptions took place that time, and 400 of these adoption files had now disappeared from the Bucharest court, taken by a truck in the middle of the night.

The article concluded that perhaps only an international scandal would incite the Romanian authorities to investigate international adoptions and to clarify, for once and forever, if there were networks selling children, or worse, networks trafficking organs or children for paedophiles. I remembered MEP Hermange had warned Landaburu months ago for the growing paedophile threat.

Wednesday, 4 October

The Baroness’ report on Romania’s accession has been discussed in all Parliamentary committees and where necessary amended. The EP Plenary today adopted a resolution with the below text on children.

European Parliament resolution on Romania's application for membership of the European Union and the state of the negotiations

The European Parliament

[...]

F. whereas, although there have been improvements, the problem of children in institutions continues to be a great cause for concern and a human rights problem which affects the accession procedure,

[...]

19. Notes the Romanian authorities' declared intention to reach a rapid solution to the problem of children in institutions, by facilitating their return to a family environment; confirms accession to the European Union requires a fundamental change in current practice going much further than the efforts which have been made in area to enable Romania fully to comply with the international

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conventions on children's rights which it has signed and by which it is bound;

20. Recalls a High Level Group on children's welfare has been created with the backing of the Romanian PM, the Commission, the World Bank, the WHO and Unicef in order to speed up the efforts aimed at finding a lasting solution to this problem;

21. Calls on the EU Institutions, in cooperation with the Romanian Government, to examine all the possibilities for drawing up and co-funding joint programmes for the social rehabilitation and integration of the children in institutions in order to secure a definite long-term solution to the problem;

[...]

Friday, 6 October

Landaburu's secretary mailed me Landaburu would go to Paris for a private weekend and he 'might' meet De Combret for an informal lunch. Could I please prepare an informal briefing on the children dossier today?

Thursday, 12 October

Indeed, Landaburu and De Combret had their informal lunch. The result was a resumption of De Combret's letters, now addressed to Landaburu. In the first letter De Combret welcomed the coincidence of their family link as a clear sign of destiny and he proposed close cooperation (the Commission had the money, Sera the knowledge). Followed by two more letters with drama stories on Romania's children, including a videocassette with images from 1990. Well, that was 100 million euros ago.

De Combret also sent Landaburu the draft project fiche for our 25 million euros Phare project, complaining there was no mentioning of the closure of *camîn spital*. So De Combret had access to internal documents and he was not even hiding it. But he was right this time, the project fiche did not mention the closure of *camîn spital*, but the closure of ALL types of large old-style institutions. Did not he want that?

Thursday 19 October

Am in Romania again on another field visit. In the car Mariela and I like always had much to tell each other. Mariela told me Unicef Romania had had a meeting with Popescu, the new head of the Romanian Adoption Committee. According to them modifying two or three articles of the current adoption law would be enough. Popescu had also told Unicef about a meeting with the Hague Convention people, where he had proposed all international adoptions would be made free of charge, but non of the countries present agreed to that. Therefore, the best thing, he thought, would be to ensure the money paid would flow back into the child protection system, instead of into some pockets. Unicef had offered to help develop such a system. They also wanted to bring Popescu to the next

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donor meeting at the Delegation, together with the four main Romanian adoption NGOs: *Irene* (Bustea), *Sperante*, *Copiii Fericiți* and *Ocotiti Copiii*. I could hardly believe it.

Also the USAID child welfare officer, Lucia Correll, had organised an informal lunch with her counterparts of Unicef, the World Bank and the EC-Delegation. During this lunch it became clear they all were displeased with Vlad Romano, and more precisely with the draft adoption law he had written. But when Mariela had asked for a copy, all around the table pretended not having it. Only USAID, after a while, admitted having it, but could not give it because it was strictly confidential. In any case, the US Ambassador would never let this law pass, as this was an issue to be discussed at a much higher level than the PM. Oh, the President again, Mariela and I had wondered.

Apparently Dr. Federici was constantly criticising USAID for not giving him millions of dollars to medically assess the disabled children in the *camin șpital*. He kept USAID and the Embassy quite busy. USAID seemed to have their own 'De Combret'.

We visited an institution hosting about 50 disabled children. Sera had moved the children here from an institution in another village. The basic situation of the children had not improved much, it seemed.

We also visited some institutions that would benefit from the second tranche. We had brought along copies of the project papers OMAS had received from Sera. We were surprised to hear the costs estimated by Sera were much higher than the estimates of the directors of the institutions. OMAS had reached the same conclusion and had drastically reduced the budgets.

Of course we could not leave without visiting the *leagan*. The director of the Department for Child Protection (DCP) was not too happy to take us there, but we insisted. Communication with him was in any case not easy, as he was all the time on his mobile phone. We arrived at a beautiful villa where more than 100 children were kept and entered the first room, crowded with 18 little beds. The room was smelly and hot. We were told that, of course, most babies here would be adopted internationally. I asked one of the staff members how long the children would stay here. 'That's up to the director to decide.'

I bent over an obviously seriously ill baby and asked the director what was wrong with the child. The director smiled and said not to worry: 'All other children are healthy'. I felt the director gave me the same speech she was used to give to adoption agencies or adopters. We got so angry about the treatment of these children that all we wanted was to leave. But first we had to drive the DCP director back to his office. He was clearly aware of our fury and tried to prevent any discussion by continuously calling on his mobile phone. We were perhaps a bit like Thelma and Louise, but not quite

so. Thelma and Louis drove off the cliff, we did not. But as soon as we entered the city where the director had his office, he literally jumped off the car when it stopped at the first traffic light. And he just ran...

Tuesday, 24 October

Together a few days in Budapest, Hungary. Mariela and I went to the Unicef/World Bank Conference 'Children deprived of Parental Care'. We had booked a room at the University campus, as proposed by the organisers. The conference took place at the University, convenient and cheap. We were somewhat surprised to see most other Romanian participants, including Unicef, Romanian local authorities and NGOs, stayed in hotels in the centre of Budapest.

There were a few hundred participants from all over the Eastern European region. The World Bank opened the conference with the statement they had decided children were 'bankable'. Well, that must have been why the main US Adoption agencies were all over the place. The American ladies from Holt Romania came to present themselves to us, and were proud to have won a small Phare project under some kind of social economic project. Oh my God, the EC had contracted one of the biggest American adoption agencies worldwide? Then perhaps they would get points through Phare funding! I had never imagined that adoption NGOs would obtain funding from other projects than the Civil Society Project.

During the coffee break Unicef Romania's Smaranda approached us. After some chatting, we got to the subject of the donor meetings. She suggested for the next meeting to invite some of the main adoption agencies, as these were getting concerned about the EU influence. Seeing the look at our faces, she said Unicef could ask Fotiadis. No need, I went straight up to my room and called Fotiadis. His reply had been clear: 'Not under my f... roof'.

Sunday, 29 October

I have become a regular visitor of some American e-groups on Romanian adoptions and am following a discussion on the price of adoption and the availability of children. Were they healthy, were they white seemed to be of relevance.

An American woman, who ran a small family-type home for young children in Romania, had started a discussion about corrupt adoption agencies. The main issue leading to corruption was that some scrupulous agencies would promise children to adopters, while these children were not legally free for adoption. To speed up the adoption dossiers, bribes were paid to social workers and judges. Also money was paid to the mothers to make them sign the abandonment papers. I had initially posted on the group under a fake name, but now had contacted her by private mail to ask which agencies were involved. Once I revealed my real identity she stopped

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replying. Like many other Americans, she seemed to me well intentioned and against the corruption in the intercountry adoption system. That's what everyone wanted, a non-corrupted adoption system, while I wondered if that would ever be possible.

Thursday, 2 November

Another donor meeting at the Delegation in Bucharest. The Baroness was also present. At the request of Unicef, the head of the Romanian Adoption Committee, Popescu, too. But after my phone call with Fotiadis about the participation of four adoption NGOs, Unicef had apparently given up that idea.

Popescu claimed the current adoption legislation and practices (including the points system) were in line with the UNCRC and the Hague Convention. The only problem he saw was that perhaps there were too many adoption NGOs accredited, namely 106. Unfortunately he saw no solution, as any restriction would in his opinion imply discrimination. 'Romania is in a very delicate position, because it is an attractive and secure country, people are not ripped off while adopting, like in Russia.' To my surprise he continued saying the points system created by Mr. Tabacaru had led to the improvement of the living conditions of the children. I could not help shaking my head in disagreement. Was it not thanks to the points system that there had been a financial crisis and we had moved to humanitarian assistance? Nothing about Vlad Romano's draft law.

Fotiadis stepped in and asked how the government reconciled the large number of international adoptions with the negative birth rate in Romania. The response was not clear. Simon then quoted from the letter sent by the Hague Secretariat to the Romanian Government, according to which the Romanian adoption system was in breach with the principles of the Hague Convention. Popescu's sole reaction was the 1997 laws had not led to a big increase in the adoption fees. Apart from this not being true, it became clear we were talking children, while they were talking money.

The Baroness took over. She saw three main obstacles to Romania's accession to the European Union: institutionalised children, including the adoption legislation and practices, corruption was also linked to adoption, and the need to reform the public administration. The children issue was an issue of human rights and therefore part of the Copenhagen political criteria, which were not negotiable. The Baroness underlined accession of a country to the European Union needed a unanimous decision of all the current Member States and she was sure at least one Member State would not agree to Romania's accession if this intercountry adoption system were to be maintained.

Silence in the room. But then Popescu started his defence again. He said an adoption really did not cost 25,000 dollars, but only 1,500 to 3,500 dollars. However, one of the representatives of the Embassies joined in

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and said he held clear proof of an adoption for 53,000 dollars. We were back at the money again.

Friday, 3 November

Aware of the upcoming elections, the Baroness had organised meetings with the leaders of all political parties. She passed them a strong message about the importance of the political criteria of human rights in the accession process. She had drafted a declaration on the commitment to child protection, which she made all parties sign. This way she had the new Government's word to maintain the children issue as a priority. Whoever might win the elections.

Afterwards she had a meeting with Unicef Romania and she had asked Mariela to join her. The discussion had mainly focussed on the UNCRC and the Hague Convention, and in particular on whose role it was to monitor the implementation of these conventions. Unicef's replies were not very straightforward. After a lot of turning and twisting, it became clear governments draft a report on their state of play on the implementation of the UNCRC once every five years. A shadow report was to be made by an NGO. These reports were then discussed by the UN Committee on the Rights of the Child that monitored the implementation of the UNCRC. About monitoring of the Hague Convention, no reply was given.

The Baroness also asked how 'the best interest of the child' should be interpreted and where international adoption would come as a protection measure. The answer again was not clear, but I was most surprised to note Unicef Romania did not consider long-term fostering a 'suitable manner of care'.

Sunday, 5 November

Mariela called tonight. She had accompanied the Baroness on her visit to the Patriarch of the Orthodox Church. The Baroness, in her usual direct and calm manner, had explained the international adoption business calling it 'the snake of Eden'. Nodding of agreement at the other side of the table. The Baroness proposed the Patriarch to designate a Church representative to the High Level Group. The Patriarch agreed.

Wednesday, 8 November

The Regular Report was published today. There had been extensive internal deliberation on whether the UNCRC was part of the *acquis* or not. This was important, because being *acquis*, European legislation, defined the competences of the EU. In the last draft I had seen the adoption issue had been out again. But now it was in! So, Fotiadis' request to Verheugen had found willing ears? Apparently.

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2000 Regular Report of the Commission on Romania's Progress towards Accession

[...]

Romania ratified the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption in 1994. A number of signatories of the Convention have expressed their concern with current adoption practices in Romania. The main concern is that legislation on adoption appears to allow considerations, other than the best interest of the child, to influence decisions on adoption. This system risks having a negative effect on efforts to reform the child protection system in Romania.

[...]

A phone call from Mariela. Georgette Mulheir from the Irish NGO Hopes and Homes had called from a seminar on adoption standards organised by the American NGO World Learning. She had noticed that the Romanian translation of the UNCRC that was distributed held mistakes. In particular article 21b.

The original English version read:

'Recognising intercountry adoption may be considered as an alternative means of child's care, if the child can't be placed in *a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin*';

The Romanian version read:

'Recognise intercountry adoption may be considered as an alternative means of child's care, if the child can't be placed in the country of origin *with a family capable to feed an bring up the child in an appropriate manner*'.

The Romanian version omitted foster care and any other suitable manner of care. Mariela always used the English version, so she had never seen that.

Thursday, 30 November

A letter from the American adoption agency Holt to the EC Delegation, the same Holt that had told us in Budapest they had obtained Phare funding. Holt requested the EC Delegation's support, as they thought the local authorities had fiddled with their points. Holt requested the Romanian Adoption Committee to immediately reinstate their entire 9.744 points and to release the corresponding number of children,

Friday, 8 December

Intercountry adoptions had been mentioned in the Regular Report, but I was afraid the discussion on the legal basis for the Commission's

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competence on children's rights might continue, therefore I felt it should be cleared if the UNCRC was part of the *acquis*.

By coincidence I had met a while ago a colleague, a human rights specialist, who had been responsible for the Romanian children file for a short while in 1999. I had asked her if she knew what the status of the UNCRC was. She thought it had a strong status, but found it wiser to ask this question to the Commission's Legal Service.

Today she had indeed sent a note to the Commission's Legal Service explaining why in her view the Convention should be considered *acquis* (the EUs legal basis) and requesting their opinion. When I had met her, she had also told me she had analysed law 3/1970. The law that according to De Combret was responsible for the high number of children in institutions. She had concluded it was a rather normal child protection law. It was not law 3/1970 that was the reason so many children were in institutions, but much more complex reasons related to poverty, discrimination of the Roma minority and the attitude towards single motherhood. Law 3/1970 regulated family placement of children without parental care, and as a last option placement in an institution. Her opinion at the time had been wilfully ignored and the Commission had preferred to follow the De Combret-line that because of Ceaucescu's law so many children were in institutions.

Friday, 15 December

My last visit to Romania this year. France was among the few bidders for the twinning contract that was part of the Phare Children project. Needless to say I was rather worried De Combret had influenced this. Therefore I had felt it would be good to be in Bucharest for the interviews, which we had today. The proposed pre-accession adviser, twinner, had experience in Romania since 1992. He had worked alternately for Phare and the World Bank on social protection and child protection. His professional background in France was also relevant. The French proposal was simply the best. Hence there was no other way than giving this project to France.

Not too many other meetings on our agenda, Mariela and I had time to visit Saint Ecaterina, the biggest Romanian *leagan* in Romania. In the large garden surrounding the historical buildings was a complete play-ground. Mariela explained it had been a gift from Michael Jackson when he was in Bucharest for a concert back in 1994.

We met with the Director of the Child Protection Department, who had his office in one of the buildings of the *leagan*. He said he needed about 1 million euros to refurbish Ecaterina. Some NGOs were interested in helping, but he did not say which ones. In the middle of the table there was a pile of project files and we were able to read the names. All adoption NGOs: *Copiii Fericitii*, *Fundatia Irene*, *Copii Lumii*.

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Towards the end of the meeting the Director proudly announced a future experimental brain research, to be done by some American universities. A laboratory had already been installed at the premises. We faked enthusiasm and asked to see it. When we arrived, the key could not be found, so we could not enter. But at the door was the logo of our favourite NGO: Sera.

The contracts for the second tranche of emergency assistance had been signed. It had taken seven months since the Agency had selected Sera and Caritas. Not so trustworthy for an emergency project meant to have improved the institutions before the winter of 1999. But it could not have been done faster. Tonight Mariela explained me once more that Sera would simply not agree to anything. For example they tried to negotiate a higher fee for themselves than usual. They asked for 25,000 euros for the translation of a procedure book, which in fact already existed in Romanian and in any case could never cost more than 1,000 euros.

It had not been easy, she had to be hyper careful in any endorsements on these contracts. Even more because those who were in charge of this project at the side of the Agency were recruited by Tabacaru when he was still Secretary of State. The only thing she could do was to bring to all meetings a colleague from the Delegation's contracting department. That way she was covered on all these tricky procedure issues.

As an extra safeguard measure Mariela had insisted that the contract specified that OMAS needed to inspect all sites proposed by Sera and Caritas, and to double check all prices. Plus, having the discussions at the US Embassy still clear in mind, combined with the experience of the Council of Europe's Development Bank, she had proposed to introduce an extra clause no subcontracting to adoption NGOs was allowed. Simon had agreed to these ideas and taken the decision without these clauses, no contracts would be signed by either Sera or Caritas.

Saturday, 16 December

Last night we were at the Delegation's Christmas party. Good occasion to mingle with the Delegation staff. It was clear not many of them understood the children issue. Some said in any case it was better for the Roma children to be adopted. Otherwise they would grow up being Roma!

During this party we met a doctor who worked at a Bucharest maternity clinic. Since a while Mariela and I felt we needed to visit maternities, as apparently children were abandoned there. She proposed to make an appointment for us. We arrived early in the morning and were waiting among visitors and patients. She brought us to the director, a man in his early sixties. He told us around 100 babies a year were abandoned in his clinic, one percent of all births. The director said he had a long waiting list of Romanian adopters, and no children from this maternity went for

intercountry adoption. We asked for a tour. The director asked one of the nurses to guide us.

Conditions in the maternity clinic were rudimentary. The mothers were ten in a room and the babies were kept separate, some thirty of them swaddled in cotton, all in one room.

We then asked to see the abandoned babies and were brought to a room with ten babies. So sad, just like in the *leagans* the nurses just put the bottles in the bed for the children to drink themselves. We continued to ask questions. 'Yes, all those babies are abandoned and they will be adopted. This one will go to Italy, this one to Switzerland, this one to the US.' Ah, we had been fooled. I was not surprised, as I had seen just too many posters of foreign adoption agencies on the walls.

The nurse, not aware of what she had just revealed, showed us the oldest child, eighteen months, proudly saying it had played a role in an American movie filmed here in Bucharest. The child had to wear a white beard. I did not know what to think. I guessed loads of Romanian families would be proud to have their babies appear in a movie, just like anywhere else, so why an orphan?

We asked about the mothers of these abandoned babies. Their identities were all known. Some mothers could not take their children's home immediately after birth, for reasons of health or housing, and claimed the children later. But the nurse said she would make sure they would not have the children back. And almost always she was able to convince the mother to sign the abandonment papers.

We had seen enough, but the enthusiastic nurse insisted to show us the neo-natal ward and the fertility treatment laboratory. What a contrast. What a luxury and high tech. Premature born babies less than one kilo, were pulled through. Some of these children were also abandoned. But the most incredible was yet to come. The next door held a fertility clinic where over 300 women per year could benefit from IVF treatment. My mouth fell open. I found it almost cynical to have in the same building babies, held in a backroom with a minimum of care, were adopted abroad, while at the same time Romanian infertile women got costly fertilisation treatments. The more while I knew IVF had only a 30 percent success factor. How was this neonatal service financed? Why was this a luxury place, compared to the rest of the clinics? Why could these Romanian infertile women not adopt the abandoned babies instead? We left with many unanswered questions.

Saturday or not, on to the next meeting. Since a while there was a new kid in town: George Lane. Well, not really a kid but a middle-aged ex-social worker from the UK. He had, sort of on a personal basis, a project at the value of 3 million UK pounds from the UK Department for International Development (DFID), being almost 5 million euros. He had insisted on

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speaking to us and we met at the Hilton. Seemed everything happened at the Hilton these days.

Lane, open shirt and gold chain, said he could be much more flexible than us. He could hire experts or organisations without any tenders or other administrative rules. He would among other things concentrate on a review of the adoption legislation, with the assistance of Carolyn Hamilton, director of the Children's Legal Centre of Essex, of course in full co-operation with the Agency, the Romanian Ombudsman, USAID, Unicef, and the EC Delegation. Mariela and I did not really know what to think. We had thought Unicef would be the appropriate organisation to assist Romania, but now this. Anyway, we had to see first what the new government would decide.

Monday, 18 December

Intercountry adoptions in the news again. The Romanian court had approved the adoption of five children, who were living in family-type homes of Ion Tiriac, former tennis-player and manager of Boris Becker, now one of Romania's most successful businessman. Tiriac opposed these adoptions to Italy and the US, and had said Romania should stop exporting its children.

It put a black mark on our otherwise positive day. The details of the 25 million Phare project had finally been agreed and formalised by an official exchange of letters between the PM and Fotiadis.

Tuesday, 19 December

We did not want to lose any more time and therefore the Delegation had immediately published the call for proposals for the 19 million euros grant scheme, that was given the name Children First Fund.

To give this an extra boost, all 42 directors of the local DCPs, as well as the Prefects and the County Council Secretaries, had been invited to Bucharest for a presentation. They were the ones who needed to ensure good local project proposals would come in.

The final project version still spoke of restructuring, as we had not been able to get closure through. However, we just continued emphasising closure as best option. It was good to see how everyone was listening carefully to the explanations about closure and the creation of new child protection alternatives. This should be the beginning of the end of Romania's old-style child protection. What a great way to end this year.

The Year 2001

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UN Convention on the Rights of the Child, Article 20.c

Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Wednesday, 24 January

Six e-mails from Dr. Federici, like a bombardment. He was the one who forwarded Tabacaru's mail, about a year ago, complaining about Fotiadis, and now he wrote to me?

'Dear Madame', I read,

'My name is Dr. Ronald Steven Federici, Neuropsychiatrist in Washington DC area and specialist in the neuropsychiatric evaluation and treatment of post-institutionalised children. They tell me I am regarded as one of the world's experts in the most complicated cases for children who have been institutionalised, and I lecture all over the world with many of my medical team from my international charity entitled Care for Children International Inc. I am also Director of a large group medical-psychiatric practice and Professor of Child Development.'

Dr. Federici offered his advice on how to spend the 25 million euros. The other mails contained his CV, info about his NGO, a full project proposal for 25 million and an 'extensive reorganisation proposal written by Drs. Tabacaru and Bizdoaca from Sera'.

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The 'reorganisation proposal' was not quite what its title suggested. In fact it described the activities of *Copiii Ferici* in the distribution of food aid for the Development Bank of the Council of Europe. But that Bank had told me they would not allow *Copiii Ferici* to be involved in that, when I had been in Paris the year before. I sent a polite reply, thanking Federici for his interest and explaining how the 25 million euros would be used.

Reading the mail once more, I saw I had skipped its last paragraph:

'I was recommended for appointment as US Ambassador to Romania, but declined as I am committed to my private practice and my international charity. We are actively working with one of our very close colleagues, Mr. Seth Cropsey who is an outstanding individual with impeccable credentials who would be the ideal US Ambassador to Romania and would be dedicated to working with the EU in implementing the proper changes while also working with our medical team to serve as principal consultants.'

Federici seemed to be well connected in the US. And who was Seth Cropsey? The Internet taught me more. Cropsey had been US Under Secretary on Navy, and was teaching security issues at the George G. Marchal Centre in Berlin. I found an interview, where he talked about his involvement with Romanian children and how sensitive adoptions were:

'If that sugar daddy on the horizon out there materializes, and says here's a grant of a million dollars then that would be another matter. The woman who is our attorney in Romania also acts as attorney for several groups that arrange adoptions. We have to be careful because if the village and the surrounding community got the idea this orphanage was simply a funnel for adopting babies into the United States, it would not go well with us. You have to be low key and build trust over time. That's exactly what we're doing. I'd like to get to the point where kids could be adopted whenever there were prospective parents.'

I'd better keep an eye on the appointment of the new US Ambassador.

Monday, 29 January

'France is going to stop adoptions from Romania', was today's headline. A French Parliamentary report had denounced the traffic of children for adoption. It blamed not only the Romanian authorities, but also put France in the middle of the accusations. It was said French businessmen, amongst whom a member of the Board of the Lazard Bank, were associated with Romanian adoption NGOs. The French Minister of Justice was quoted saying France would not stop adoptions from Romania, but this issue was crucial for Romania's accession to the European Union.

Wrong title. But I definitely had to find that report.

Friday, 2 February

I had not found the French Parliamentary Report, but instead one of the Council of Europe: 'International adoption: respecting children's rights'

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from December 1999. The report held many things that were new to me. To name a few:

- There are **fifty prospective adopters for every available child** according to Unicef;
- Commercial intermediaries and criminal networks are engaged in extreme abuses such as kidnapping children, children are conceived for adoption especially;
- Potential adoptable children are 'liberated' in return for material aid, many children of gypsy origin have been adopted and then rejected by their American adoptive parents, deprived of American citizenship and sent back to institutions in Hungary and Romania;
- Pregnant women are being 'exported' to give birth in a third country for adoption;
- In France specific problems, including drug-taking, suicide attempts and teenage crises, are encountered by foreign children adopted during the international adoption boom in the 1980s.

Not much in the best interest of the child, I would say. And so must the Council's Parliamentary Committee have thought, as they adopted the following resolution as a result.

**Council of Europe Parliamentary Assembly
Recommendation 1443 (2000)**

International adoption: respecting children's rights

1. The Assembly affirms all children have rights, as set out in the United Nations Convention on the Rights of the Child, and, in particular, the right to know and be brought up by their parents in so far as this is possible. The purpose of international adoption must be to provide children with a mother and a father in a way that respects their rights, not to enable foreign parents to satisfy their wish for a child at any price; there can be no right to a child.

2. The Assembly therefore fiercely opposes the current transformation of international adoption into nothing short of a market regulated by the capitalist laws of supply and demand, and characterised by a one-way flow of children from poor states or states in transition to developed countries. It roundly condemns all crimes committed in order to facilitate adoption, as well as the commercial tendencies and practices that include the use of psychological or financial pressure on vulnerable families, the arranging of adoptions directly with families, the conceiving of children for adoption, the falsification of paternity documents and adoption via the Internet.

[...]

4. It wishes to alert European public opinion to the fact that, sadly, international adoption can lead to the disregard of children's rights and it

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does not necessarily serve their best interests. In many cases, receiving countries perpetuate misleading notions about children's circumstances in their countries of origin and a stubbornly prejudiced belief in the advantages for a foreign child of being adopted and living in a rich country.

The present tendencies of international adoption go against the UN Convention on the Rights of the Child, which stipulates that if a child is deprived of his or her family the alternative solutions considered must pay due regard to the desirability of continuity in the child's upbringing and to his or her ethnic, religious, cultural and linguistic background.

In 1993, the international community adopted a set of ethical standards and rules in the form of the Hague Convention on Adoption, in which the guiding principle is that of subsidiarity, that is to say international adoption may be considered only if domestic solutions are not available. The Assembly is forced to recognise there is insufficient awareness of the scope of this convention and few of the member states have ratified it.

Monday, 5 February

Since the beginning of the year a new government was in place. Last year's elections had been won by the Social Democrats.

On our way to the meeting Mariela told me the Authority had set up an evaluation committee for the tenders for the Phare children project. Going through the list of CVs, she had noticed some of the Authority's staff were on the payroll of the European Children Trust. Some other staff was paid by Sera. That was not allowed for civil servants, and with this same NGO as bidder for the Phare projects would constitute a clear conflict of interest. We would raise it with the new Secretary of State.

Predescu, previously working abroad in Romania's foreign diplomacy, welcomed us somewhat sceptically:

'So, you are the Siamese twins.'

We laughed out loud. So that was how they had described us to her. But indeed, by now we were like Siamese twins.

We discussed the Phare project and called on her support to have this implemented speedily. I made clear the Commission expected at least all staff members of the Authority who would work on the Phare projects not to be on the payroll of NGOs. No reply.

Tuesday, 6 February

With the new government, the Vlad Romano draft law was off the agenda. The new government had apparently accepted the DFID proposal to provide assistance, because George Lane had contracted a legal expert on intercountry adoptions: Carolyn Hamilton of the Essex Children's Legal Centre, an independent charity of the Essex University. A working group of international donors that had been set up that would meet today.

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Mariela had other obligations, so Fotiadis asked me to represent the Delegation. I was a bit reluctant as I had strict instructions not to work on intercountry adoptions. But Fotiadis said all I needed to do was listen and underline the importance of national adoptions.

There were some fifteen people, among whom I recognised USAID and Unicef. There was also an unfriendly looking man, who I was told was the director of the Romanian Adoption Committee named Macovei.

Unicef Romania had brought copies of the Unicef Innocenti Digest on intercountry adoptions that spelled out the many problems with adoptions all over the world. I myself distributed the Council of Europe's Parliamentary report and its Resolution.

Hamilton had prepared a model as basis for the discussion. The main idea was to abolish the points system and limit the role of adoption NGOs. They would no longer be allowed to select children for adoption or to match them with prospective adopters. Intercountry adoption would only be allowed as a last resort, and no more financial gain. It all sounded good in theory. But would it work in practice?

In line with Fotiadis' instructions, I underlined national adoptions needed strong promotion. I added it would be important for the Commission article 21b of the UNCRC would be correctly implemented, despite the current incorrect Romanian translation, as this Convention was part of the European legislation, the *acquis*. Was I imagining things, or did USAID look displeased?

Thursday, 8 February

Mariela called to say that earlier a friend had called that she urgently needed to speak to her, but outside the Delegation, as she believed everything was being tapped inside. So they met in the street, without phones or other electronic devices.

'Listen, I heard from someone who is close to the other side, but fond of you, Fokion is going to go back to Brussels and you will lose your job'.

Mariela had just stared at her. The suggestion that a Head of Delegation would return to Brussels after only two and a half years of office, instead of the usual four, seemed absurd. Mariela herself had a fixed contract and saw no reason for which she could be fired.

On the way to the Authority, she had told Fotiadis rumours were she was about to lose her job. He had laughed and said she would no doubt be the one 'to switch off the light' at the Delegation (the Delegation would be dissolved once Romania would be an EU member). She had not dared telling him the rumours about him.

Fotiadis had invited the Baroness at his residence, and Mariela too. During dinner, the Baroness debriefed about her meeting with President Iliescu. She had told him she would give his government 100 days to get its act together.

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Towards the end of dinner, Fotiadis made some remarks Mariela could not understand. He was clearly referring to something they knew, and she did not. So she asked him:

‘You’re not leaving, are you?’

‘Yes, but it is not yet official, so don’t tell anyone’

So the adoption people knew before us that this man, who was so outspoken in defending children’s rights, would leave his post after only two years, instead of the usual four.

Friday, 9 February

Problems were not over now the contracts for the second tranche had been signed. All tender documents for repairs or for the purchase of equipment had to be approved by OMAS, but Sera did not cooperate. When hearing this, Enrico had informed Landaburu.

I saw Landaburu had just sent a fax to De Combret asking him to intervene personally so Sera Romania would follow normal Phare procedures. Rather unusual for a Director General to intervene directly in such a small Phare project.

De Combret’s reply had come within hours. Fotiadis and Tabacaru had met, there were no more problems. ‘Tout va bien’, he wrote.

Sunday, 25 February

Still no sign of the French parliamentary report. I had tried to contact its author, member of the French Parliament Gerard Gouzes, but so far without success. The French Ministry of Foreign Affairs had said not having the report yet.

But I had found the awaited US report on intercountry adoptions, for which Mariela had been interviewed. So it had been published, but USAID had obviously not had the courtesy to send it to us. The report was pretty damning.

Report on Intercountry Adoption in Romania

January 22, 2001

Authors: Michael W. Ambrose, Anna Mary Coburn, J.D.

...

We found nothing that would indicate that intercountry adoptions of Romanian children do not usually represent good placements for the children, or that disruptions of these placements occur with any greater frequency than do placements in other States. We encountered many well-qualified, compassionate, and professional people, both Romanian and non-Romanian, who are working in the field of intercountry adoptions in Romania.

Yet, almost every discussion we had of adoption in Romania involved the use of commercial terms such as ‘auction’ and ‘market’ and ‘price’. Frequently, those with whom we spoke would apologize for using such disquieting terms but would explain that they best describe the situation. This phenomenon reveals how deeply the Romanian system of intercountry adoption is affected by the influence of money, and helps to explain the concerns we heard that somehow children are being exchanged for some monetary value. We did not receive any information about any individual child being exchanged for money or other value.

The point system, which is described in Section III, was strongly criticized by most participants in our study. The point system was originally designed to promote the worthy objective of encouraging donations from adoption agencies and adoptive parents and thereby providing funds or services for child welfare programs. It was also designed to provide a fair and logical means for the local child protection agencies to select from the multitude of accredited agencies to place particular children eligible for adoption. In practice, it does provide much needed financial support for critical child abandonment prevention and family reunification services. But the resources generated by the use of the point system come with a price. The point system inherently fails to put the best interest of the individual children involved in the adoption process first. Instead, the point system puts the goal of generating and coordinating resources for child welfare programs first.

As a result of the point system, domestic adoptions and local social services – particularly child welfare services – have become inextricably linked to intercountry adoption. Most of our study participants confirmed that the point system discourages adoption of Romanian children by Romanian families.

...

4. Determining the Eligibility of Children for Adoption Is Negatively Affected by the Point System

A related problem is the assertion that sometimes Romanian children that enter the system are placed in orphanages or otherwise scheduled for adoption, not because that is the best decision for that particular child, but because the child could be adoptable and the local judet will receive funding only if an intercountry adoption is completed. Some believe that children are being adopted out of Romania who would not, in the absence of the financial incentive, have been placed for adoption at all, let alone adopted internationally.

So, this US study said exactly what we had written in the 2000 Regular Report ‘adoption appears to allow considerations, other than the best interest of the child, to influence decisions on adoption.’ Romanian

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adoptions seemed indeed to have been based more on the best interest of adopters, than on the best interest of children.

The US authors concluded stricter adoption rules were needed and gave examples of some other countries' adoption rules. China and Korea for example had a fixed quota of adoptable children. I knew the EU had export quotas for agricultural products or industrial goods, but for children? Like a trade agreement?

Thursday, 1 March

A fax from De Combret congratulating Fokion for his message during his recent press conference, where he had called for the need to de-institutionalise children. 'Bravo,' wrote De Combret in his usual pamphlet style. Why so friendly? Did he also know Fokion would be leaving Bucharest?

Thursday, 8 March

After a long working day, I stretched myself on my sofa in front of the TV and zapped for some distraction.

The BBC had a programme on children. It did not take long before I realised it was a documentary about Federici's treatment of de-institutionalised children. 'Taming The Problem Child' was its telling title. I watched with growing amazement. De-institutionalised appeared synonym for adopted. Apparently many children adopted from Eastern Europe showed a sort of autistic behaviour that was thought to be the result of having been raised in orphanages.

Federici's treatment meant that for at least a month, but if needed longer, the child must stay within its adoptive parents' reach, 24 hours a day. The child had to fully obey, if not the adopters needed to force it down to the floor until the child would give up its resistance. The child would not be allowed to play or meet friends. Federici claimed through this process most children would have an 80% rate of improvement. His critics believed this process could be damaging, but apparently thousands of American families followed his treatment. At the end, the viewers were left with two questions, did the treatment work and if so, should it be applied?

I switched off the TV feeling sad. So, a lot of these adoptions were not even such happy stories. Just then Mariela called. She just had met one of Federici's partners, now Mihailescu's assistant.

Thursday, 22 March

Ruth from ABC New York again, she called just when I was set to go home. Would I have some tips about which *camion spital* could be filmed? I kept rather vague and tried finding out a bit more about ABC's plans, but in vain.

But she did tell me ABC had a Romanian 'stringer', a young man who helped them get contacts in Romania. His name: Adrian Gaspar. Member of Federici's team, but Ruth did not say. It had been PM Nastase who had imposed him to Mihailescu as assistant, we knew by now.

Saturday, 31 March

I am back in Romania for the evaluation of a Phare Roma project that would take place outside Bucharest as of Monday. Mariela joined me for the weekend to visit some child protection services. Like often we were left with mixed feelings.

We saw the usual huge *leagan* with hundreds of babies and again the local TV crew was awaiting us there. We also visited a 'private baby home' run by a religious US adoption NGO, where thirty-five children were sung American lullabies by American volunteers. The villa had many rooms cramped with baby cribs, while the walls were decorated with pictures of children adopted to the US and Christian slogans.

This was in great contrast with the next visit, a family-type home run by the Romanian Orthodox Church. From the outside it did not differ from other houses in the village. Children would live at this home for as long as needed, but kept in close contact with their families and were returned whenever possible. Even though run by nuns, the Orthodox religion was present just like in most Romanian homes, an icon at the wall.

Later in the afternoon we visited a *centrul de plasament* that was supposed to be a good example of a restructured institution. Indeed, the large building had been divided up into modules for eight children each, family-type as they called it. The decorations were totally overdone and the place looked more like Disneyland. On top of that most toys and even the bed sheets had the Renault logo. After everything we had seen, this was too much. We separated ourselves from the staff for a while, as we could not stop laughing.

Everywhere we went we had discussed child protection, especially closure of institutions, foster care and adoption. Closure was not on the agenda here. According to Tabacaru's reform plans, preference was given to create family-type modules in the *centrul de plasament*. And foster care was mainly used as pre-adoption measure, paid by adoption NGOs.

In private many people admitted it was not easy for Romanians to adopt and the healthy children were 'saved' for abroad. The selection of children by foreigners was sometimes very thorough. The Israeli, for example, were nicknamed 'the vampires' as they took blood samples of adoptable children, which were analysed in Israel before they were accepted.

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Tuesday, 3 April

I had stayed for the evaluation of the Roma Project. Late Sunday night at the hotel, going through some papers, I had heard my own voice. Indeed, our visit to the *leagan* on TV. It brought back bad memories.

I was glad that for a few days I would be doing something else than 'children'. But I was in for another surprise. After a short introductory meeting with the Romanian evaluators and their UK team leader, I took a few project files to see what they entailed.

One of them had as main objective to provide abandoned children with ID papers. As such a good thing, but why was this project in cooperation with an adoption agency? Getting to the details it became clear. This was about getting into *leagans* to sort out the legal status of children. So they would become adoptable?

During dinner with the Romanian evaluators, Roma themselves, and Rupert Wolfe Murray, the British team leader, I brought up the adoption issue. Most did not know anything about adoption procedures, so it took some explaining.

They told me Roma families sometimes would place their newborns temporarily in care, especially during winter, but they would return for the children. Those children should of course not be adopted. I also explained having adoption NGOs in projects would lead to points. As always there was much disbelief and disgust when the reality of the points system got clear.

We agreed not to contract any projects that could promote adoptions on the formal ground these were not considered of strategic importance for the Roma population (one of the eligibility conditions for projects).

Wednesday, 4 April

The donor meetings organised by the Delegation had become tradition and, being considered the expert, Unicef Romania chaired them.

Unicef Romania gave the twenty people present an overview of recent developments, after which she distributed a letter she had received from the Bolivian consul. His job was to issue visas for Romanian citizens travelling to Bolivia. He failed to understand why a considerable number of Romanian citizens with children, only a few months old, travelled to Bolivia as tourists. He was worried what happened to these children when the tourist visa expired. Would they return to Romania, or move on to some other destination in South America. Unicef would formally ask the Romanian authorities for a reaction.

Secretary of State Predescu did not react, but did what she was there for: present the revised National Strategy for child protection. It would concretely focus on closure of old-style institutions, on de-institutionalisation and the creation of suitable child protection.

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As usual the other donors were rather quiet, but Fotiadis came out strong saying these were clear signs the reform would now be going in the right direction. The Phare children project would also make a true difference. Over 200 applications for the Phare Children First project had been received from 40 counties. The tenders for the public awareness scheme and the management of the Children First had also led to sufficient applications. The selection of the companies would be done without delay and his goal was to have it all up and running without unnecessary delays. He had especially high hopes on the awareness campaign that should work at both sides: reduce abandonment and increase national adoptions. Romania could become a model for its neighbouring countries. I was so proud of him.

When concluding the meeting, Unicef came back to the Bolivia letter. They would ask the representatives of all foreign embassies to double check carefully all visa requests for children travelling abroad. Suspect cases should be passed to the Ministry of Interior for further investigation.

Thursday, 12 April

De Combret complains about the moratorium on intercountry adoptions. Which moratorium? I had heard rumours since the new government had taken office, no more children had been allocated to adoption NGOs. But honestly, we were too busy to get the Phare project going and were not supposed to follow the intercountry adoptions.

I checked with Mariela and indeed, the government had just recognised publicly the intercountry adoptions looked much like the sale of children and thus they had abolished the points system. They were working out a new methodology. As a reaction, some adoption NGOs had stopped paying the foster parents' salaries. So much for their commitment to the best interest of the child!

Wednesday, 18 April

Enrico had sent to the Romania Team, for information, the acquis list of DG Justice. And what did I see under Human Rights acquis, the UNCRC. I had forgotten about the note sent to the Legal Service end of last year, and to which no answer had been received. But this was clear: the UNCRC was acquis.

As this had seemed such a touchy issue, I decided not to react to anyone. I just saved the list for future use.

Friday, 20 April

The Baroness was looking for ways to get an official condemnation of the Romanian adoption system on the following rationale: although the UNCRC had been mistranslated, Romania still was under the obligation to respect its original provisions. According to article 21b, most children

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should have never left the country, as suitable manners of care could have been found in Romania.

She wondered if Romania could be brought to justice in the Strasbourg Human Rights Court. To discuss this, the Baroness had invited Monica Macovei, a Romanian human rights lawyer with experience at the Strasbourg Human Rights Court, for dinner at the Hilton. Mariela and I were also invited.

To our surprise Macovei was not enthusiastic. She did not enter into any factual discussion, but just said such a thing was not possible.

I found it hard to believe one of Romania's most known human rights lawyers was not at all interested in intercountry adoptions and the UNCRC. It was in any case surprising, or rather worrying, that none of the human rights NGOs, so actively monitoring Romania on other issues, had shown no interest either.

Too bad. As Mariela said, we would have to wait for the adopted children. A few years from now, the first would be old enough to understand the issue. Having turned into Americans they could, in the good American tradition, sue the Romanian government and the adoption agencies.

Wednesday, 23 April

The Commission had formally approved Fotiadis' promotion as director of DG External Relations. Now it was final. Disillusioned I went for a coffee in the canteen, where I ran into the Director General of DG External Relations. He did not give me his usual friendly greeting, but instead he looked away. Why was that?

A year before, during 'The OMAS scandal', I had also come across him in the canteen and he had told me he had received a letter from De Combret, who was a personal friend. Of course I had explained him the endless correspondence the Commission had with this man. A few months later he told me De Combret had invited him for dinner in Paris. I had a look at the graduation list of De Combret's study year of the ENA, the prestigious French School for Administration that a good friend had recently found for it me. And yes, both De Combret and Legras were graduates of the Marcel Proust promotion year.

I suddenly realised it was this Director General who would be Fotiadis new boss.

Thursday, 26 April

To get the two contracts of the Phare project up and running as soon as possible, the two tender evaluations for the management of the Children First Fund and the public awareness campaign needed to run simultaneously. Mariela was EC observer to the one for the management of

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the Children First Fund, and Simon had asked me to come over for the public awareness campaign.

A whole week I had been locked up in a small meeting room with three Romanians from the Authority and two foreign independent evaluators on behalf of the EC Delegation. It became quickly clear some offers contained links to adoption NGOs or proposed their staff.

One of the Romanian evaluators was pushing for an offer, which the others considered totally out of place. I must say it was the most detailed offer and all TV spots and leaflets were already included. But such horrible, black-and-white, negative images. That was not quite the positive campaign we had in mind.

But apart from that the offer did not mention once the promotion of foster care. To my amazement this Romanian evaluator argued if foster care should be promoted, a formal decision of the government would be needed first.

Fed up, I took him aside and told him to stop pushing. I asked him if he had no principles in life. 'No,' was his reply, 'I can't afford to have principles.'

The next day the same person said one of the offers needed to be excluded. A complaint had come in by fax. 'Really? Show me that fax.' Indeed, a two-paged fax had come in with all kind of accusations of conflict of interest related to one of the companies. But, no signature, no name, no date, nothing!

With a serene smile I had told the man 'who could not afford to have principles' the Commission did not usually deal with anonymous complaints, so the show would go on. And it did. After a lot of hassle, the two independent evaluators ensured the evaluation process was done transparently and correctly. The public awareness campaign could soon start.

The selection of the consultancy, which would provide a team to manage the Children First Fund, had been only slightly less spectacular. Mariela had observed also for a full week. Again it had not been easy to make sure that the best company won and the lobby was kept out.

Wednesday, 2 May

From Verheugen's Cabinet I received a folder with documents that had been given to Verheugen during his recent visit to Romania. It contained the National Strategy on Child Protection and some statistical information. And a draft adoption law, in Romanian. Who had written this? And did they assume Verheugen's silent approval by his acceptance of this document?

I faxed it to Mariela and asked her to find out some more about it.

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Wednesday, 16 May

The European criticism of intercountry adoptions is not going unnoticed. The American e-groups announced a counter campaign. They were fed up with old stories about the risk of paedophiles and baby trafficking for organs. Their main anger was against the Baroness. It was clear they had not understood her real message: children had a right to protection and care in their own country.

Mariela had obtained the English version of the draft adoption law that had been handed to Verheugen (without him realising though). Apparently it had been prepared under the guidance of Sub-Secretary of State Doran. I had read it and sent some basic comments to Simon and Mariela: lack of encouragement of national adoptions, and an adoption fee of 10,000 dollars still seemed high to me. Instead of points, children would go to those NGOs that had helped most children, which seemed to me the same as the points system.

An e-mail discussion between Simon, Mariela and me followed and at one stage Enrico and Scheele, the new Head of Delegation, got copied. Enrico replied instantly, reminding all concerned his formal instruction (as long as his superiors or the Commissioner did not decide otherwise) was Commission staff should refrain from playing any active role in the adoption legislation matter, including giving advice.

What to do? The Commissioner had indicated he felt the adoption issue was important to be solved before accession. And it did have a negative effect on the reform. The DGs dealing with justice and social affairs did not feel competent. So, who would give an opinion on draft legislation if I were not allowed to do so?

A while ago DG Enlargement was reorganised and a management layer added. As a result we now had a director in between Landaburu and Enrico. Michael Leigh, during his introduction to the Romania Team, had announced he could be contacted about political and sensitive issues. So I went to see him today and explained the situation. He would speak to the Commissioner.

Friday, 18 May

The government's reaction to the Baroness' draft EP report, the so-called Teodorescu report, had reached the Commission too and to my surprise I saw my name on the first page. It said I had during a meeting in Bucharest said the UNCRC was part of the *acquis*.

It did not take long before I was called to Enrico's office. He did not mention the Teodorescu Report. I was simply told to stop spreading the news that the Convention was part of the *acquis*. It was not *acquis* and even if it were, the Convention was not important. After all it was just a few pages, without too clear principles. I asked him to wait and went to my office to get Unicef's UNCRC Implementation Handbook. 'These are the

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few pages we are talking about,' I said when the 800 pages fell with an unintended loud bang on his desk. 'The Convention is on the official acquis list, so that seems clear enough.' He exploded: 'Which Directorate General put it on the acquis list?' I showed him the acquis list of DG Justice, I had brought along too. But he would not surrender: 'Who placed it on the Justice acquis list, and why?' Well, that I did not know, so I told him I would find out.

I went back to my office. Where to start? But luck was on my side, as just then I saw a colleague from DG Justice in the corridor. Could she please help me to find out since when the Convention was on the acquis list, decided by whom, and why?

Tuesday, 22 May

A colleague had alerted me to a book about Ceaucescu's pro-natalist policy, written by Gail Kligman, 'The Politics of Duplicity'. It explained how Romanian women had quickly adapted to the interdiction on abortions, by resorting to illegal abortions. The so desired increase of births that had been registered in 1968 was immediately followed by a decrease.

It also had a well-written analysis of the Romanian intercountry adoptions early nineties. It explained when Romania's Most Favoured Nation Agreement was under discussion in the US Senate, some US Senators had argued first Romania's child protection needed to be improved. The result had been the abandonment law. In my files I found back a letter from De Combret about this, alerting the EC to this American linking of trade negotiations and the children issue. He proposed the EC to do the same during its negotiations with Romania on EU accession...

Kligman's book also mentioned early nineties ABC New York filmed in a *camin spital* where conditions were said to be horrible. But they ignored to tell some Dutch nurses were working there and the situation slowly but steadily improved. The same programme had shown how an American doctor kidnapped several children from *camin spital* and illegally rescued them to the US. On the Internet I found an article about these children. Most were adopted by US families. However, some had needed to be sent back to Romania at the request of their parents.

Monday, 28 May

This week was marked by a rain of letters of De Combret to Landaburu. Caritas, the other NGO that implemented part of the second tranche emergency aid, had contacted the Verheugen Cabinet to complain about delays in the project. As a result the new Director Michael Leigh had asked to be fully briefed on the Romanian children issue, including a legal argumentation that the UNCRC was acquis. He announced his intent to have monthly internal coordination meetings on the Romanian children. All levels of the hierarchy would need to be present.

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During today's first coordination meeting, the Baroness' draft EP Report was briefly discussed. The EC line would be not to comment on substance, as the report still would have to go through a political debate in the Foreign Affairs Committee and to be adopted by the full Parliament. The Commissioner did not want to stop accession negotiations, but its current threat might be useful to incite some rapid reforms in Romania. As for the suspension of adoptions, the Commissioner had said he would write to Nastase to welcome the moratorium, to encourage drafting of new legislation and the development of administrative capacity to apply it correctly. He would also offer EC assistance. Leigh would prepare the letter himself. Next the Sera contract was discussed. Leigh proposed to give Sera a deadline to comply with all Phare rules, if not to end the contract.

Tuesday, 29 May

MEP Marie-Therese Hermange had invited Commissioner Verheugen to give a speech on children's rights and enlargement at a meeting she had organised with child rights NGOs. Verheugen being otherwise engaged, the Cabinet had proposed me as speaker.

Ahead of the meeting, Hermange had invited the speakers for lunch. The Baroness was there, some NGO representatives and also someone from Interpol. Out of the blue, Hermange told me she agreed to the need to review adoption legislation in Romania, but there should not be a moratorium. Could I please address this issue during my speech? I did not know what to reply and left it open. During the meeting, all speakers were sitting up front. I sat in between the Baroness and Interpol. When it was my turn, I held my prepared speech on children and enlargement and did not speak about adoptions. After I finished, Hermange publicly said the Commission, while doing a good job in Romania, should negotiate an intermediary solution until new adoption legislation would be in place. There should not be a moratorium, adoptions should continue. So this was why she had invited Verheugen. I was ready to react, but the Baroness discretely whispered, 'Just ignore this.'

After a short but deadly silence, Hermange gave the floor to Interpol. The audience was told sexual abuse and trafficking in children was rapidly increasing and knew many forms. Over the last decade child protection services in the developed world had improved and in these countries sexual child abuse had become more difficult. Thus child sex tourism had started, but nowadays children were often trafficked. Criminal rings were involved and trafficking lines would go around the world. Eastern Europe had increasingly become a source of children. There was evidence of abuse of the systems for adoption of children. Often criminal organisations were behind illegal adoptions, facilitating contacts between customers from EU members and institutions in the countries of origin. They would forge documents and corrupt officials.

Another growing linked problem was pornography on the Internet. This was an international problem, which needed international response. Recently a website had been unveiled, where pictures could be downloaded for 20 dollars each. The website had an average income of 1.5 million dollars per month. The demand for such services was steadily increasing, because many considered it easy and anonymous. According to Interpol wealthier countries were responsible for the demand for children, and thus had a moral obligation to provide funding to set up child protection services in the countries of origin, so children could be protected against such abuses.

I hoped Hermange was satisfied. Not DG Enlargement had spoken about adoptions, but Interpol. After the meeting I briefly spoke with the Interpol man, and told him the Commission was indeed funding child protection projects in Romania and large children's homes were closing down. No doubt children from such homes had been easy targets.

Thursday, 31 May

Commissioner Verheugen signed the letter to PM Nastase, so it would be clear for all what the Commission expected. The letter repeated the message given in the 2000 Regular Report that the previous legislation on adoption appeared to allow considerations, other than the best interest of the child, to influence decisions on adoption and risked having a negative effect on efforts to reform the child protection system in Romania. The letter further underlined this issue is of key importance, as the Union's *acquis* covers the UN Convention on the Rights of the Child. The Commissioner welcomed the moratorium and advised the Romanian PM to revise legislation, but also to put into place the administrative capacity ensuring the new legislation would be implemented properly. And, the Commission could provide advice and assistance on the revision of legislation. I was most happy the letter acknowledged the UNCRC as *acquis*.

So now it was clear we would need to follow up on the drafting of new legislation. And not only new legislation was needed, but also the capacity to implement it. Just like the EU required for other *acquis* related Romanian legislation. Just a new law would not be enough.

I contacted DG Justice once more to see if they held expertise on the matter. But that was not the case, as the Commission had not dealt with this issue before. So I would have to do without the support of a line DG, just like when developing the Phare Children Project.

I spent the rest of the day studying conventions. The crux of the matter was in my view to see how and why a child would become adoptable for foreigners. The Hague Convention was based on the principle of subsidiarity, meaning only children who could not have been adopted in-country, could be adopted abroad. But that seemed in conflict with article

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21b of the UNCRC according to which foster care, institutional care and other suitable manners of care come before intercountry adoptions.

After all, in all EU Member States there are children who spend years in foster care and there is no question about them being available for adoption, let alone intercountry adoption. Would that mean these countries were breaching the Hague Convention?

According to the Romanian legislation children had been available for national adoption for 60 days only. If no national adoption had been possible during this time the child would be placed on the intercountry list. I did not quite see how the current draft legislation dealt with this. I sent a short mail about this to the Deputy Secretary General of the Hague Conference, William Duncan, who I knew had advised Carolyn Hamilton on her work in Romania.

His rapid reply did not help much. He agreed there was nothing in the draft that showed how the priority of national alternatives would be carried out in practice. However, he wrote, the November 2000 Special Commission had discussed the subsidiarity principle and how it was put into practice in certain countries. Minutes of meeting were available on its website.

Report and Conclusions of the Special Commission of November/ December 2000

[...]

A system for the allocation of children for adoption which is closely linked to contribution levels runs counter to the principle decisions on placement should be made in the best interests of the children.

[...]

Official recommendation:

Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including projects for the prevention of abandonment. However this support shouldn't be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or create a dependency on income deriving from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution. These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted.'

[...]

This confirmed well a points system that created competition was not allowed. There were other useful recommendations, but on the whole it

was clear the Hague Convention would never be too critical on intercountry adoptions, as this would undermine its reason for being.

Monday, 11 June

During a meeting with the Director General of the Commission's Legal Service, Landaburu had asked about the status of the UNCRC. A surprised colleague, who assisted at the meeting, came to tell me this. Was it *acquis* or not? The Legal Service did not know and would come back to it. Did they not know it was on the Commission's formal *acquis* list?

Thursday, 14 June

I am back in Bucharest. The awareness campaign was not an easy task. It was important to get the messages right, but the Romanian staff of the advertising agency first had to understand the issue themselves. Mariela had given them several documents, but the best was to see the problem face to face. Therefore she had told them to visit the Saint Ecaterina *leagan*. I had asked Mariela to wait until I would be back, as I wanted to know more about the American research project. We had asked Gabriela Coman, our main contact in the Authority, to join. Apart from the rooms full of babies, we also visited the mother and child centre, in the *leagan*. It meant to help mothers to keep their babies, to prevent 'abandonment', run by Holt Adoption.

We asked to see the laboratory, and this time we were lucky. The American leader of the research, probably alerted to our visit, arrived within minutes and presented himself as Dr. Koga. This was indeed a state of the art project. The laboratory was in stark contrast with the rest of the *leagan*. Ultra modern, with high tech equipment, almost surreal. Dr. Koga explained for this project, at random, three research groups had been created. Children who remained in the *leagan*, children who were placed in foster care and children who had always lived with their parents. The study would have to provide the scientific proof that institutionalisation had a negative effect on brain development. Therefore the brains of all children, referred to as subjects by Dr. Koga, would be scanned regularly during the three years the program would run.

He also explained one of the basic underlying ideas of the research: the assumption that moving children to another room in an orphanage, or to another family for national adoption, or international adoption, means the same for a child, as until the age of fourteen, language changes would be no problem to a child. The brain would still be flexible and could easily adapt to new languages.

But that was not all. We were then shown a room where children and their carers would be tested. Koga explained the child's skull would be covered with a cap with electrodes registering brain activity. As a sort of 'affection detector' it could scientifically show if a child had a positive

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attachment to an adult, or not. I asked if it was like a lie detector and indeed this was the case. According to Koga, this could be a useful tool when matching children with adoptive parents. Also, it could be used as evidence in legal proceedings to terminate parental rights. In the US this sort of tests were accepted as legal evidence. This knowledge/practice would now be transferred to Romania, which could keep the laboratories/equipment after finalisation of the research.

‘Was perhaps the well-known Dr. Federici involved?’ I asked.

‘Oh yes, he visited the project not so long ago.’

Friday, 15 June

Another High Level Meeting in Bucharest. Now that Fotiadis was no longer in Bucharest, and no successor had been appointed yet, the Delegation’s Phare Coordinator Simon Mordue and I would represent the Commission this time. PM Nastase and the Baroness were jointly chairing the meeting, sitting in front of the Romanian and European flags, and a considerable number of ministers were present. After the devastating report of the Baroness, the Government had not been sitting still. Alin Teodorescu had been asked to prepare a reply to the report, analysing all critical articles of the EP report and completed with actions Romania would take. No more criticism towards the Baroness. Nastase said her report had been correct and actions had already been taken: for example the Romanian version of the Convention on the Rights of the Child had been corrected, and published in the State’s Official Journal.

The Baroness welcomed the professional reply to her report, and said she had full confidence the Government would stick to its words. The main challenge would be to stop child trafficking and solve the problems with intercountry adoptions. Nastase then turned to me. He asked me to transmit to Brussels the Commission was not always clear and consistent in its message on intercountry adoption. Oops, what did he mean? All I could think of was to say Commissioner Verheugen had just sent him a letter about the issue, and that should be considered the formal EC opinion.

But Nastase continued and said the EC should give a clear recommendation for a two-year suspension of international adoptions. His personal opinion was such a period would be needed to reform the system. Without the Commission’s support, Romania would be alone in facing pressure from the US, ABC News and the rest of the adoption lobby. Simon came to my rescue and repeated the message of Verheugen’s letter: the Commission would wish to receive information on the moratorium and advised the Government to indeed allow sufficient time, not only for revision of the legislation, but also to build the administrative capacity implementing such legislation. The Baroness joined in and made clear not only the adoption legislation needed review, but the whole of children’s rights.

Saturday, 16 June

We managed to get a copy of the ABC New York documentary and watched it together with the Baroness. As we appreciated her professionalism, we had asked Gabriela Coman to come to the Hilton too, so the Baroness could get to know her. Dana Deac and another journalist who had written articles against Elena Bustea were present too. It was tough watching the documentary. Heartbreaking images of disabled children. Why on earth was this situation still like this, with all the assistance Romania had received over the years? The project was constructed around a Romanian boy, brought to the US early nineties. By helicopter he was flown back to his natural family and asked them why he had been abandoned. I felt so sorry for this obviously poor family, now attacked in front of TV cameras.

Monday, 18 June

Secretary of State Predescu being on maternity leave, her deputy Doran, mainly responsible for adoptions, had asked to see me. He explained he would need 5 million euros for a 'tracking system'. Before the translator could do her job, I replied in Romanian with a clear 'no!' He shrugged his shoulders and said in that case he would ask the money from the World Bank.

I knew there had been plans for such a child tracking system, a computerised system to keep track of all children in difficulty. I had been warned by some experts for the risk of such a system, especially in a country with intercountry adoptions. Such a system could be easily misused by those having an interest in identifying children for other reasons than to protect the child. No way the Commission should contribute to that.

Tuesday, 19 June

The French pre-accession advisor, the 'twiner', Richard, now had arrived in Romania. He had been working on and off on social issues in Romania since early nineties for Phare and World Bank projects. I asked him if he knew De Combret. 'Yes, of course, is he still around?' Then Richard told me in 1996 he had worked for a World Bank project on the reform of social assistance. He had assisted the Ministry of Labour and Social Solidarity to draft a new social assistance law: a good law. But Nastase, at that time vice-president of the Chamber of Deputies, had told Richard to send this draft to De Combret. It did not take long before De Combret had replied. Three lines:

'I saw your draft law.

It is a disaster.

Perhaps it can still be stopped.'

A few days later De Combret had met Nastase, in Bucharest, after which he sent him a long letter with a counter proposal. De Combret proposed

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temporary foster care, adoptions (national and intercountry) and an abandonment law that would free children after three months and the possibility of 'accouchement sous X', the French system under which women can give birth anonymously. The social assistance law was binned.

I started to see why it had been so difficult to get this twinning component on improved coordination between social assistance and child protection up and running. De Combret did not want social assistance, just children in care. And I guessed the 1996 social assistance law had been replaced by the 1997 child protection/adoption legislation of Tabacaru,.

Wednesday, 27 June

The Baroness had met with Landaburu to discuss her draft EP report. She had told him she held sufficient proof for her accusations of child trafficking and asked the Commission to monitor this situation. Landaburu had told Director Leigh to meet the Baroness to see which proofs she held. Leigh had invited Enrico, Verheugen's Cabinet and me.

The Baroness gave clear examples of how some adoption NGOs had corrupted Romanian officials to get more points and thus more children. She told us about her meetings with the French MP Gouzes about his Parliamentary report. She had also met the Bolivian consul about his letter on young children who went to Bolivia on tourist visas. There was silence and serious faces around the table. The Baroness said following her draft, the Government now had acknowledged the intercountry adoption system was improper, and had suspended the registering of foreign adopters for one year, pending review of legislation. No more children had been allocated to NGOs since this government had taken office.

Leigh asked why the Baroness felt the Commission should assess issues like child trafficking. The Romanian courts should rather deal with that. The Baroness emphasised the specificity of Romania was that the individual cases were the result of an overall legal framework, which had been deliberately put in place by the former government. It was decided that indeed monitoring of the Commission would be appropriate, as it fell under the first political criterion of respect for human rights. Leigh told the Baroness there was also a clear legal basis, as the UNCRC was part of the Justice and Home Affairs acquis.

Wednesday, 4 July

Simon, Patrick and I had concluded it was very difficult to work on child protection without a clear Commission line on intercountry adoptions. Everyone kept inciting the Romanians to review the legislation to further allow intercountry adoptions, including our own Director General, and we were not sure that was the thing to do. I had talked to Michael Leigh about it and he had asked for an informal note explaining the full issue, which he

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would then give to Landaburu in an attempt to get a transparent line. It was a good opportunity for some reflection.

In the note we explained that until the current international adoption practices were halted completely and the role of powerful NGOs mitigated, the investment of the EU supporting the reform of the child protection sector in Romania would continue to be undermined. In a first draft we had been much more explicit about 'powerful NGOs', but Leigh had not considered this wise.

Thursday, 5 July

Unicef now sent us a draft letter for PM Nastase they would like to have co-signed by all donors. However, the two things we considered important safeguards were missing: spelling out article 21b of the UNCRC, that placed intercountry adoptions after national adoption, foster or any other suitable in-country care, and the need to develop administrative capacity before the new law could enter into force. The draft Joint Position instead came with a more simplified line: 'The respect of the best interests of the child with regards to his or her care needs to be made on a case-by-case basis'. Sounded nice, but did not mean much. I explained this to Simon and he got it done. The Joint Position would include our safeguards.

Thursday, 12 July

De Combret wrote to Commissioner Verheugen, this time expressing his dismay with the moratorium. Could the Commissioner do the necessary to undo this situation? But the Commissioner's reply was clear: he congratulated the Romanian government with its decision to suspend adoptions for a year, which would allow time not only reviewing the legislation, but also to develop the administrative capacity implementing it. Once accomplished, it would be possible for the Romanian government to envisage the resumption of intercountry adoptions, with all necessary guarantees for the interest of the children concerned.

Friday, 13 July

High Level Group in Bucharest. PM Nastase and the Baroness chaired the meeting. There was still no new head of Delegation, so I represented the Commission. Even though the Baroness' EP report had been tough, there seemed to be full harmony. Nastase said the government had already put things in motion to follow up on the EP report, especially where it concerned children. The first surprise he held for us was that the *leagan* Saint Ecaterina would be closed.

The second surprise was Nastase's announcement to appoint Gabriela Coman as Secretary of State. He asked me if the Commission would want to comment on that, and of course I welcomed this and said I had full confidence in the new Secretary of State. While Nastase and the Baroness

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gave a press conference, Mariela and I congratulated Gabriela and told her at least to try to look happy. She said during the High Level Meeting she had received a hand scribbled note from the PM announcing her appointment. Poor woman, now I understood why she looked like being in shock. Gabriela said she was not sure she would be able to do this job. 'You two will have to help me, we'll have to do this together.' Of course we would.

Sunday, 15 July

Another field visit with Mariela. We had brought as reading material the latest Sera letters we had just received from Brussels. Today's De Combret letter said our administrative procedures were so heavy that Sera itself would finance the most urgent works. Another letter, of the same date, proposed to end the contract, arguing it was like 'a marriage between a mouse and an elephant, an impossible marriage.'

After our initial suggestion to put a deadline for Sera to comply or end the contract, not much had happened. The contract was decentralised, meaning it was between the Authority and Sera so we should not normally intervene. I hoped De Combret would end it himself, because Landaburu's written instructions on the letter were he would like to prevent disruption.

With all this in mind we entered one of the institutions where Sera were to purchase a new heating installation as part of the second tranche. And guess what? Although Sera had not yet started the project, there was already a brand new, uninstalled heating installation. It felt like a déjà vu. I asked when it had been bought. Three years before, with funding from the Ministry of Education.

Sera had also received a significant amount to repair the roof. To the surprise of all, I climbed the ladder. Although I was no expert, I wondered if the state of the roof justified such funding. We started to wonder if all the projects they were doing (totalling more than 2 million Euro) were like that. But all we could do was to ask our experts, the monitoring team, to inspect these extra carefully.

Monday, 16 July

The Baroness was glad Saint Ecaterina would be closed, but she did want to see the brain research project for herself. It was a colourful troop: the Baroness, Alin Teodorescu, Gabriela Coman, Richard and us. Koga and an American researcher explained the project, but this time just about the effect of institutionalisation on the brain development. Not about measuring attachment. Koga was enthusiastic and tried to engage the Baroness, but she was as cold as ice.

Later Koga left at the Baroness' hotel a report about another research project of the Mac Arthur Foundation, of which this Bucharest research was part. When Mariela and I read it, we could not believe what we saw:

this research network studied attachment and development of social behaviour of monkeys, rats and autistic Romanian orphans. The most favourite guinea pigs?

The Baroness left for other another destination. Mariela and I had lunch with Gabriela. Being Secretary of State was not an easy job in the midst of all these games. For the first time we discussed adoptions with her, but she said these had always been strictly separated from the child protection part. First it had been under the Ministry of Health (responsible for the *leagans*) and since 1997 Cristian Tabacaru and the Romanian Adoption Committee dealt with it. But now as Secretary of State, it would be her responsibility. One she did not especially like. She repeated she would need our help and we solemnly promised to all stay on our jobs until things were solved.

Sunday, 22 July

Some members of an American e-group are now discussing the corruption in adoptions. It seems the payment of bribes meant to speed up the process was not the most important form of corruption. What was worse was that quite often adoption agencies 'allocated' children to families before these children were adoptable. In order to speed up the adoptability, some agencies would involve in buying consent from birth parents. It was said the birth families, due to their extreme poverty, often felt they were left with no choice. And even if they theoretically could revoke their consent within 45 days, in practice this meant they had to return the money. And most of them could not.

Monday, 23 July

Was there a moratorium, or not? In fact only registration of new adopters was stopped and no 'new children' had been allocated to adoption NGOs since the new government had taken office. I supposed the adoption agencies still had children that had been allocated to them before end 2000, and for which no foreign families had been found yet. But during PM Nastase's recent visit to Israel the Israeli PM Sharon had asked for Nastase's help to finalise the blocked adoptions of 14 Israeli families. So that must mean the children these families requested had not yet been officially freed for adoption. I saw no other explanation.

France's PM Lionel Jospin's recent visit to Romania had been announced by the satirical paper *Catavencu* with a shocking article. It had given an account of De Combret's attempts to get a seat at the French governmental plane. He was said to be close to Moscovici, France's Foreign Minister. And more alarming it alleged De Combret had paid romantic holidays on the Island of Mauritius to some members of the previous government.

Pre-warned is forearmed, it was clear there were two things to organise: no De Combret on a government plane and no pressure to lift the

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moratorium please. I had talked to Verheugen's Cabinet. Also Richard, the French twinner who was working in Romania on behalf of the French Foreign Affairs Ministry, had explained the Romanian reality at length.

Today I heard that during Jospin's visit some NGOs had been invited to the French Embassy to meet with Jospin, Sera being one of them. Richard had been invited too, and Gabriela Coman invited herself. I was told Tabacaru had made great stride of the fact Sera was not involved in adoptions. He had told Jospin adoption, as marriage, was a right. 'Not allowing adoption is like not allowing marriage for one year,' he said. Jospin's reply was an ice-cold silence.

According to the press Jospin had told Nastase he well understood the need to interrupt adoptions to allow time to change the adoption legislation, but he did ask Nastase to resolve several French families' adoptions that had gotten blocked.

Wednesday, 25 July

A flow of letters is coming in: from US doctors and researchers, as well as Americans who had adopted from Romania. They all request clearance of the Commission's position on the suspension of intercountry adoptions. They all got the same EC reply, the agreed EC line:

'We should set the record straight on the issue of international adoptions from Romania and the European Commission's involvement in it. The European Union has not made accession conditional upon the suspension of international adoptions. We have, however, welcomed the decision of the Romanian authorities to take this step, with a view to the prevention of abuses, which have been widespread, and the reform of the child protection system. This will provide an opportunity for Romania to put into place the laws and the administrative arrangements needed to honour the country's international obligations, aimed first and foremost at safeguarding the interests of the children themselves.'

We also received a letter from one of the Italian families whose adoption of a child from Tiriac's home was agreed by the Romanian Court, but not effectuated. The Italian family complained to President Prodi about the Baroness' visit to Tiriac's children's home and her support for Tiriac in this case. The President's office had delegated replying to our service and thus we sent out a reply expressing sympathy, explaining the Baroness was a member of the European Parliament and not of the European Commission and underlining that the EC was not competent to intervene in individual family law cases.

Saturday, 28 August

Both the Irish and the Romanian press are full of Mihaela, a five-year-old girl who had been taken to Ireland for a holiday. Organised by an adoption agency. The Irish woman who had hosted Mihaela now wished to adopt her. When Mihaela's tourist visa had expired, the Romanian authorities had asked for her return. The Irish woman informed the press: the Romanians forced Mihaela to return to an awful orphanage. But a quick inquiry of Bucharest based Irish journalist Ann Mcelhinney had revealed that was not quite the case. Mihaela was living since many years with a foster family.

This case had brought back to my memory the remark made by someone from the Irish Embassy that many more Romanian children had been adopted by Irish families than the Romanian statistics showed. Something like 500, instead of the official 100. The difference, he had said, could be explained by the fact many children were brought to Ireland under the formal flag of a holiday.

Tuesday, 9 September

The EP has now adopted the Baroness' report on Romania's accession. It no longer recommends the suspension of accession negotiations, but welcomes the Government's commitment to reform. A commitment, however, that should lead to actions and not remain just promises.

State of accession negotiations with Romania
European Parliament resolution on Romania's application for
membership of the European Union and the state of negotiations
Adopted 05/09/2001

The rights of the child

[...]

9. Strongly supports the PM's clear and unambiguous statements, analyses and action plans of 12 June 2001 to tackle root-and-branch reform of child health and development within the proper legal framework, including the suspension of international adoption to address trafficking directly;

10. Supports also the Minister of the Interior's newly created police and judicial proposals to tackle the corruption and inadequacies of the system with regard to children's rights;

11. Urges the Government to incorporate these plans into law and to implement them without delay; points to the need to put in place the administrative capacity required for reform implementation; notes an executive committee of the High-Level Group under its Chief Executive Officer that is tasked with monitoring and anticipates its regular reports will be submitted to the European Parliament;

12. Believes implementation of these key reforms will significantly enhance the smooth passage of the accession process and bring the date of EU membership considerably closer; [...]

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Thursday, 13 September

A few lines on the front page of a Romanian daily said a group of Romanian orphans had escaped from the 911 New York terrorist attacks. The children were scheduled to visit the World Trade Centre that morning, but they had been late. Orphans on holiday in the US?

Friday, 28 September

Problem! The Bucharest Court of Appeal has declared the Romanian Adoption Committee was not allowed to stop registration of foreign requests for adoption. Lots of news articles about that today.

The appeal was lodged by a private Romanian adoption NGO *Copii Lumii* (Children of the World). Marian Costache, head of the foundation, was of the opinion the Romanian Adoption Committee did not have the authority to stop registering foreign adopters because that would breach Tabacaru's adoption law. And the Court had agreed to that.

Costache, whose foundation worked with adoption agencies in the United States, said that because of the ban more than 120 adoption requests had been blocked, although the fees had already been paid. So, this was the problem! Adopters had to pay the adoption NGOs already when they registered for adoption. Long before they got a child. So the adoption NGOs had to deliver.

PM Nastase was quoted by the press as saying his government would use all of its power to block the Court ruling. Human rights activist and head of the Soros Open Society Institute, Renate Weber, had commented on Nastase's statements: 'I can't believe it! I listened to the statement again and again, and besides PM Adrian Nastase's tone, which was not appropriate for a PM, the essence of his message is absolutely horrific.' So she was upset about Nastase opposing the Court. Indeed, the Court was supposed to be independent and to be respected. But why had human rights activists not been up in arms about the abuses in intercountry adoptions?

Anyway, as of today foreigners can register again. No more moratorium, if ever there was one.

Tuesday, 9 October

Enrico rushed into my office this morning: The Romanians had suspended intercountry adoptions. He told me to immediately get the exact details. Who took the decision, and for how long? Could any of the adoptions in process continue?

Mariela said the Government had indeed suspended all intercountry adoptions, without exception, by Emergency Ordinance. So that was how Nastase had countered the Court decision: by having the Government adopt a **full-blown moratorium for one year**.

Monday, 29 October

De Combret had been the first one to react by writing a desperate letter to Verheugen. Could Verheugen help to get the moratorium lifted?

In fact De Combret's letter had been a good opportunity to further develop the Commission's line towards the full moratorium. Some thought Romania should do anything possible to make sure the moratorium would be lifted as soon as possible. The Commissioner replied he welcomed the moratorium, as Romania needed time to draft good legislation, and to develop the capacity to implement it. No time limits. Line set.

Wednesday 31, October

The opposition has started. Not surprisingly the American and French press were critical about the Romanian decision to stop adoptions. Hundreds of adoptions were said to be blocked.

As announced the US stepped out formally. During Nastase's visit to the US, Colin Powell, US Secretary of State, met with him to discuss Romania's accession to NATO. After a short introduction, Powell switched to the subject of intercountry adoptions. These had to be resolved, before accession to NATO could be further discussed. Nastase was said to have been furious. And I could understand that. Were children now a security issue?

In general the lobby starts to get a face. There is a certain David Livianu, a very active Romanian adoption facilitator who works with tens of US adoption agencies. He is based in New York and calls himself a human rights lawyer. He is planning to be in Brussels next week to lobby the EP and EC on re-opening adoptions. I found back some old newspaper articles saying he facilitated hundreds of adoptions for an average of 14,000 dollars each. But of course, he only facilitates and holds no formal responsibility. I have sent a note to the hierarchy warning them to be cautious if accepting to meet him.

Some French adopters have created an association Afaener (Adoptive Families of children born in Romania). They are collecting stories of French people who have their adoptions blocked now. And they translate and post all Romanian articles on their website too. Quite handy!

Alin Teodorescu sent me an anonymous two-page note full of reasons why the moratorium should be lifted, written by what he called 'the Spanish lobby'. The Spanish made a basic mistake. They considered the sheer registration as prospective adopter, by the Romanian Adoption Committee, gives a RIGHT to have a child. In general, more families are waiting for a child, than there are children available for intercountry adoption. It is the responsibility of the central authority of the country of origin to communicate to the receiving countries the approximate number of children for which intercountry adoption is the best solution. Also the

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waiting families at registration already had to make a down payment of several thousand euros. 1,200 Spanish adopters were awaiting a child this year, as their Spanish accreditation as adopter would only be valid for one year. But in 1998 around 100 children were adopted by the Spanish, in 1999 a bit more than 200 and in 2000 something like 400. A bit over optimistic to think Romania this year would triple that number?

Wednesday, 7 November

The Spanish MEP José Maria Gil-Robles, previously the EP's President, came to meet Landaburu today. He said he came to discuss a dramatic situation he expected the Commission to solve. Over a thousand Spanish families had started their adoption procedures and had paid a lot of money. These adoptions were now blocked.

Landaburu gave the formal Commission position. The Commission is not against intercountry adoption as such, but corruption and bad practices should be stopped. Making a gesture like drawing his credit card, he said of course it could not be that one puts money on the table and expects children. Of course not, Gil-Robles agreed, but these children were in such a disastrous situation in Romania. I thought it good to clarify Spain had adopted not many children in the previous years, so even without the moratorium it would have been unlikely that over a thousand children would have been available for Spanish families only. I told MEP Gil-Robles there had already been some progress in the child protection reform, and the Phare Children Programme would speed things up. It could well be possible that soon there would be far less children for intercountry adoptions, as Romania would be able to take care of its own children. Gil-Robles looked at me like I was from another planet. I was naïve and did not seem to know anything about Romania's reality, was his reaction.

Monday, 12 November

Since the drafting of the donor's Joint Position in July, it had been quiet on the draft adoption law. But the moratorium had woken everyone up. Carolyn Hamilton of the Essex Legal Centre had been tasked by the Romanians to prepare a draft law that was now available. The US was pressuring the international community, the donors, to get to a rapid agreement on this. To that end a working group meeting would be scheduled in a few weeks.

I had read Hamilton's draft law, but when comparing it with the old Tabacaru laws I saw not much difference. Some of the principles the international donors had agreed upon, and sent to the Romanian government as formal Joint Position in July, had been ignored. Especially those that had been the result of our comments: again deadlines were put on the release of children, no longer would a firewall between adoption

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agencies and child protection be foreseen, not to speak about intercountry adoptions coming after foster care or family-type homes, the famous article 21b from the UNCRC.

After a lot of internal deliberations Enrico had agreed the Delegation and Brussels would agree on a formal EC position and send this to Unicef, as chair of the working group. I would go to Bucharest to represent the EC during the next working group meeting, together with Mariela. The Baroness had arranged to have her representative in Bucharest, Richard Alderslade, also at the table.

Tuesday, 13 November

**2001 Commission's Regular Report on Romania's Progress
towards EU Accession**

'In the 2000 Regular Report, the Commission expressed concern with regard to legislation and practices on inter-country adoption that allowed considerations other than the best interest of the child to influence adoption decisions. This risked having a negative effect on efforts to reform the child protection system in Romania. Following this and similar expressions of concern, the Romanian government decided to suspend international adoptions. In December 2000 the Romanian Adoption Committee stopped referring children to international adoption foundations. As of June 2001, the Committee suspended the registration of new foreign families requesting international adoptions for at least one year.

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

Saturday, 24 November

I am in Romania for the international donor working group on intercountry adoptions. But first Mariela and I went on another field visit to one of Romania's main cities. The *leagan* was like Saint Ecaterina, a number of beautiful historical buildings in the heart of town, with over two hundred babies and toddlers, and had been another hot spot for intercountry adoptions. And just like in Bucharest the DCP had its office right there. We felt sad, as there should absolutely not be any reason for those children to be here, in one of the most developed areas in Romania

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where foster care could work well. I asked the director of the *leagan* why these children were not living with their parents. 'They are too poor and do not have adequate living conditions. This is much better for them'. A carer added obviously the best solution for these children was to be adopted abroad. Mariela asked her whether she had children of her own. She did. Mariela suggested she could adopt her children, as it was likely she had better living conditions. And if Mariela were to have children, her colleague from Brussels could adopt them. An American family richer than me could adopt my daughter. If this logic would be followed, we could have a global movement of children 'in the best interest of the child', instead of a global movement for children, as was Unicef's slogan, Mariela concluded.

No arguments left, the Director said these children were Ceaucescu's legacy. But I had had enough: 'I have been working on the Romanian children for three years now. The first year, I listened. The second year I asked questions. Now I start to understand and will give you my opinion. Ceaucescu has nothing to do with these babies. Ceaucescu is dead and buried for over 10 years. These are Romania's children and you should take responsibility.' We continued the visit in silence. The two of us in our red campaign jackets with the slogan 'A children's Home is not Home' at the back, the DCP Director in her long fur coat.

Wednesday, 28 November

After clearance with Enrico and me, the Delegation had sent a letter to Unicef, as chair of the working group, giving the EC's position on Hamilton's draft legislation. Hamilton had come to discuss these comments. I met her alone in Mariela's office. At first our discussion was still rather professional and cooperative. But when I said I found it strange that in her draft law foster care was not considered a good option and children would be allowed to be adopted internationally directly from Romanian families, the situation changed.

'Foster care does not work,' Hamilton argued, 'there are children in the UK who have had nineteen different placements'.

'But you don't send them abroad, do you? These Romanian adoptions seem to me about finding children for foreign families and not about finding a family for a child.'

'Of course it is like that, everybody knows it is like that,' was Hamilton's blunt reply.

Mariela and I spent the whole evening reading Unicef's Implementation Handbook. We had to be well prepared for tomorrow's meeting:

**Implementation Handbook
for the Convention on the Rights of the Child**

Text of Article 21

Article 21 addresses the rights of children who are adopted – in those countries, which permit adoption – establishing the paramountcy of children’s best interests in all adoption arrangements and detailing minimum requirements for adoption procedures. It states intercountry adoption is only to be considered if the child can’t be suitably placed in his or her own country. The need of all young children for a family, and for a sense of security and permanency in their relationships, is recognised in most parts of the world and is celebrated in the Convention’s preamble. Which asserts the family is ‘... the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children,’ and ‘the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.’ Adoption as the permanent solution to meet this need is, however, more controversial.

The Convention on the Rights of the Child remains neutral about the desirability of adoption, even within the child’s country of origin, though article 20 mentions it as one of the possible options for the care of children without families.

It is clear children’s psychological need for permanency and individual attachments can be met without the formality of adoption, but where it is used it should be properly regulated by the State to safeguard children’s rights.

...

There are those who believe adoption is the best solution for children without families. For example, the delegate from the United States in the working group drafting the Convention proposed a provision: ‘In cases where a child can’t be cared for by his parents or other members of his biological family, the competent authorities of States Parties shall take appropriate measures to facilitate permanent adoption of the child’. And the French Government, in its Initial Report, describes legislation requiring children in care who are permanently deprived of their family environment must be put up for adoption as rapidly as possible.

....

Islamic law does not recognise the concept of an adoption which disguises the true parentage and blood relations of the child.

....

Reminder: The Convention is indivisible and its articles are interdependent. Article 21 should not be considered in isolation.

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Thursday, 29 November

The working group meeting of the donors, at the US Embassy, lasted the whole day. We knew around the table were mostly those just interested in getting intercountry adoptions going again. There was no way they would want to discuss the possibility Romania could be like other EU members, and look after its children itself.

Unicef's expert on intercountry adoptions, Nigel Cantwell, was also present. I had read some of his reports, in which he was quite critical about intercountry adoptions and was looking forward to speak to him. USAID also had brought an expert: Mary-Ann Coburn, one of the authors of the critical USAID report on intercountry adoptions earlier this year. And the Deputy Secretary General of the Hague Convention, William Duncan, had come all the way from The Hague.

A tape recorder was at the middle of the table, the discussions would be registered. We went through the law article by article. According to Duncan this draft complied with the Hague Convention in letter and in spirit. Mariela and I insisted on foster care and family-type homes as suitable child protection. Apart from Alderslade, we got no support.

We argued again foster care needed to come before intercountry adoption, and the role of NGOs needed to be further restricted. I repetitively reminded the fact that according to Unicef figures there were fifty adopters per available child worldwide, thus restrictive measures would be needed. For example, to oblige the Romanian Adoption Committee to communicate the expected number and sort of children that could be adopted during a certain timeframe, so that receiving countries could limit and focus their requests. And also the need to define criteria for the desired profile of future adopters. But there was no agreement to include such details.

It was clear not many people understood what administrative capacity was about. It was simplified to the reorganisation of the Romanian Adoption Committee and some training. Discussions seemed to take place in a vacuum, as drafting a perfect legislation, in a perfect country in a perfect world.

In the end, although reluctant, all agreed foster care came before intercountry adoption and some of our other comments were taken on board too, also thanks to Alderslade.

At our insistence a side letter, addressed to the PM, with comments and concerns, would also be prepared. Mariela and I found it quite risky to send such general draft legislation to the Government. If this law would be adopted, before agreeing the secondary legislation, there would be quite a risk business would resume as before. We would have preferred to block this whole drafting process, but we had no mandate to do so and had to stick to our earlier agreed position.

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Back at Mariela's home we switched on the TV and saw the first TV clip on prevention of abandonment was broadcasted. It appealed to those single mothers who would not know how to cope when their baby was born. It showed a pregnant woman's belly while the voiceover said, 'Your body is not an institution. It is warmth, it is food, it is love. If you need support to raise your child, call the toll free line for child protection'. The toll free number had already been made public. There were posters and billboards everywhere. Romania could not miss this message, that was clear. The toll free phone already received up to 400 calls per week, mainly from parents looking for support or from families who wished to foster or adopt, or offered support in other ways. It compensated a bit the negative experience of the meeting. This was what our work was about.

Friday, 7 December

According to the French Le Monde PM Nastase was caught between a rock and a hard place, between the US and the EU. But French President Chirac had requested a solution for 20 French families, PM Sharon for 14 Israeli families. It struck me no solutions were asked for children, but for families needing children.

Were these French and Israeli requests the reason why the Government had now adopted an Emergency Ordinance allowing 'pipeline cases' to be finalised? Because that was what today's press also learned. And not only pipelines, but also exceptions to the moratorium would be allowed. But were not all intercountry adoptions supposed to be exceptional cases?

Monday, 10 December

We already received a revised draft law from Carolyn Hamilton, as well as the draft letter for Nastase. But a quick reading showed it was not the way we expected it to be. Many of our agreed suggestions were simply not in. Foster as suitable care and the limitation of the role of NGOs, to name a few.

Were they trying to take us hostage here, implying we had not agreed all that? There were no minutes of the meeting and only they had the tape. There are clearly two camps here that are likely never going to agree.

Saturday, 15 December

Even though some of the TV spots were already up and running, we now had the official launch of the biggest public awareness campaign ever in Romania, through a pop concert. I had come over for a private weekend to Bucharest, as I would not miss this occasion for the world.

Despite the difficult tender evaluation full of pressure, despite the negative press articles that had attacked the contract after Fokion had left, both in Romania and in Brussels, and despite several attempts of the adoption lobby to still get into the project, sometimes in disguise, it had

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been done: the campaign was up and running. I was proud of what we had achieved. But it was mainly due to Mariela's continued insistence and reminders that the concert was what it was: a total success. And this was only the beginning. The Phare funding would help Romania to overthrow its child protection system and to change old habits.

The concert was an absolute topper. Of course we had arrived early to make sure everything was in order. The campaign people had produced campaign pins and all official guests were wearing them. It was a full house. More than 10,000 young Romanians, many coming from institutions, were singing and clapping their hands. Gabriela Coman was there, and the new Head of Delegation Jonathan Scheele and his wife Sarah, and Simon and his wife Mary. But not many staff of the Agency, this was not their campaign, it seemed.

At the end of the concert all Romanian singers joined up with the Children Choir to sing the campaigns song 'A children's home is not home' and thousands of balloons came down.

Wednesday, 19 December

It had taken a lot of effort, but finally there was agreement among the donors about the draft law and the accompanying letter for PM Nastase. The letter had been sent out. We had not been able to reach agreement to include the issue of administrative capacity. After checking with Brussels, the new Head of Delegation signed today another letter to the PM spelling out the ins and outs of administrative capacity, which was not only about defining the characteristics of the structures of the Romanian Adoption Committee and local Child Protection Departments, but also on social workers and social assistance to families, specialised family courts and most importantly the resources, both human and financial, required to implement the new laws.

Thursday, 27 December

A search on 'Romania adoption' brought me to the Israeli Newspaper Ha'aretz, which a week ago reported that a couple with dual Romanian and Israeli citizenship was arrested recently on suspicion of usury and fraud in connection with the adoption of Romanian babies. Police believed the couple used fraudulent means to get 20,000 shekels from Israeli couples wishing to adopt babies. They arranged the adoption of some 80 babies from Romania over a few years. However, police said, the Romanian authorities had cancelled their license about 18 months ago. Nevertheless, the couple allegedly continued to get funds from Israelis wishing to adopt a baby. The article went on saying that because of this suspected case, the Romanians had held up the adoption of 14 babies, for the past year-and-a-half, despite the fact that the Israeli parents-to-be had paid for the process

and had already seen the babies. The Romanian government last week decided to allow the 14 stalled adoptions to go forward.

So these must have been the 14 families for whom PM Sharon had asked Nastase to find a solution. And Nastase had given in, at the advice of Teodorescu?

Next I googled Tabacaru, as rumours were he had left Sera Romania. And what do I find? The former Romanian Secretary of State now worked for the Development Bank of the Council of Europe. The Council of Europe, with 49 Member States, was set up in 1949 to defend human rights, parliamentary democracy and the rule of law. Although its name might suggest otherwise, this organisation had nothing to do with the EU's European Council of Ministers.

So Tabacaru was now working in Paris, for the Council of Europe, whose Parliamentary Committee in the year 2000 'opposed the transformation of international adoption into nothing short of a market regulated by the capitalist laws of supply and demand, and characterised by a one-way flow of children from poor states or states in transition to developed countries'.

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UN Convention on the Rights of the Child, Article 8.1

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference

Friday, 11 January

Mariela was in Brussels for a short holiday. I had proposed her to visit some child protection services in my home country, the Netherlands. We visited some family-type homes, a reception centre and a family-type home in town. We felt these homes were not so different from what we found in Romania.

Mariela asked the staff if they had children adopted, but her question was misunderstood. Indeed, a considerable part of the children in their care was adopted from abroad, but taken into care because of identity problems that often came out during puberty. When we visited the reception centre, the children were just having lunch. We were told to quickly pass and not to disturb them. It was clear this visit was an exceptional situation, quite a difference compared to Romania, where foreign visitors are normal practice.

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Afterwards we discussed some more with the staff of the NGO responsible for these centres. They explained how child protection was decentralised to the provinces, how the subcontracted NGOs received funding and were monitored. Mariela's fundamental question: when and why would a Dutch child be declared adoptable? This time her question was not understood at all. She explained the Romanian abandonment law, which made children adoptable if they were not visited by their parents for six months. They could hardly believe it. This was so different from the Dutch reality. They explained their policy was focussed on possible re-integration. But some children stayed in care until they reached the age of 18. Adoption had become rare in the Netherlands, just a few foundlings per year. The rest were adoptions between relatives, meaning adoption by stepparents. But adoption was not a child protection measure. The general rule for child protection was that it should be as light as possible, as close as possible to home, and as short as possible in time.

Wednesday, 30 January

Some days ago a fax arrived addressed to the Secretary General of the European Council of Ministers and to little me, not really comparable levels in the Brussels administration. It was from the US Mission in Brussels. Washington had asked them to seek clarification of the EU Commission's position, especially to see whether the Commission had developed a position on its own, or together with the Member States. Attached was a 'non paper' that had as main message that intercountry adoptions needed to reopen rapidly. A continued moratorium would create potential problems in the US Congressional debates on Romania's candidacy for NATO accession. The US believes the new adoption law should be moved forward rapidly, the moratorium for pipeline and other cases lifted, and US experts should work with the Romanian government on how to define training and other needs.

For internal use only I drafted a note for the hierarchy commenting on the US non-paper. To leave no room for possible misunderstandings I wrote that the Romanian child protection reform was already well underway. And the US was a special case, as it was one of the two countries in the world that had not ratified the UNCRC. The US did not ratify the Hague Convention either, mainly because they lacked the administrative structures to implement it. As such, US experts may well not be the most appropriate advisers for Romania on this matter.

The fax had mentioned the US Mission would call to follow up. I did not feel like getting myself in this level of discussion and had copied the fax to Enrico.

Today we met its author and Enrico explained the Commission's concern adoptions in Romania had not been exclusively in the best interest of children and underlined that the EU members had given the Commission

the task to monitor the respect of human rights as pre-accession condition. Thus also children's rights needed monitoring. The US representative took the message. Discussion closed, at least for the moment.

Friday, 22 February

It did not take long, when talking with staff of the Authority in Bucharest, to realise there was still pressure for adoptions, mainly from the US and Spain. As for the new US Ambassador, neither Federici nor Cropsey had been appointed, but Colin Powell had some months ago sworn in Michael Guest. The press had given large coverage that Guest was the first homosexual Ambassador who would come to Romania with his partner. An interesting choice, considering the increasing demand of homosexual couples to be given 'the right to adopt' as a follow up to their 'right to marry'. I was told that end of last year, just before the moratorium was introduced, Guest had made the Romanian Government understand that if they were to suspend adoptions this would mean the end of this government.

Mariela and I have been on another field trip. The first meeting was, as usual, with the DCP Director. We asked about a child who had been sent to France for medical treatment several years ago and whose parents wanted him back, or at least to know the child was fine. Recently we had received a copy of their correspondence. The first years they had received some letters from Sera's Tabacaru informing them about the child's well being, but those had stopped after some years. Both the parents and the DCP had sent a letter of inquiry to the French Embassy. The Ambassador's reply had been vague, saying the child was not yet fit to return and a French court had cleared the child's legal situation. The DCP Director confirmed this situation and said every time they had tried to get information on the child, it seemed they were facing a wall. And there were more cases like this in the country.

The next stop was at the *leagan*, not in the usual historical building but instead in a dilapidated building. We were shown around the hundreds of babies and asked why those children could not stay with their families:

'You have no idea from what disastrous situations they come!'

'Why don't you show us?'

Half an hour later we arrived in a small Roma settlement. We entered a one-room hut of a family whose baby was in the *leagan*. We asked the mother why she had placed her child in care. She explained she had no heating and had brought her there for the winter period only. The Director of the *leagan* was pointing towards the poor living conditions, sure he had convinced us of the impossibility to keep a baby here. But we had noticed more than that. When we had arrived, obviously unexpected strangers, a girl of a few years old had quickly run to her mother and grabbed her hand

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seeking protection. The laundry hanging in the room was spic-and-span despite the dirty surroundings. This mother did her best. We tried to convince the Director that instead of placing babies in *leagans*, he could see if some other help would be available to help this family. He could for example include a project under Children First to create a day care centre next to this Roma settlement, so children could remain with their families.

Thursday, 28 February

Commissioner Verheugen received a letter from some Irish schoolgirls informing him they had set up an NGO called Focus on Romania (FOR). They had been in Romania for the Irish NGO Trade Aid, which they described as a group of trades and crafts people who give technical assistance to development projects.

Trade Aid supported since many years a *camin spital*, Negru Voda. They replaced the windows, repaired the heating and brought loads of aid material. John Mulligan, a project manager and Eugene Garrihy, a builder, were the ones who had set up Trade Aid.

The girls referred to an Irish documentary titled 'Would You Believe' about Trade Aid and FOR's activities. It was simply dreadful. But worst was its arguing to stop all Phare funding for Romania until the government committed to real change. Of course no word about our Children First Fund.

This was just one of the many unbalanced TV programmes shown about Romania's children. We felt something should be done to balance this. Within the public awareness campaign we could perhaps fund a documentary, which would show Romania was addressing the children issue step by step. We had already proposed to prepare a documentary as part of the public awareness campaign, but Minister Mihaelescu felt nobody would believe Romanians!

Monday, 4 March

Once a year there is the EU-Romania Association Council during which both the EU and Romania give their formal position on EU Accession related issues. Over the last weeks preparatory meetings took place at the Council building, chaired by the Commission, where a draft EU Joint Position was discussed. Spain holds the EU Presidency this six months and had put the Romanian children on the agenda. They wanted the EU to pass the message that Romania needs to adopt new legislation on adoption as soon as possible, as well as to finalise pending adoptions.

During several preparatory meetings I had explained the situation and argued not to pressure for speed, but rather for quality of the law, and not to limit the new laws to adoption only, but to focus on children's rights in general. Pending adoptions were allowed to be finalised already, if in a far

advanced stage, and the Romanian government needed no extra incentive to do that. The Spanish opposition had been ferocious, they insisted to have their text in. In between the meetings I had had long calls with the Spanish Mission, but they were convinced of the rights of the Spanish families.

The drafting of the EU Joint Position was a long procedure. Every meeting the different parties came up with a draft text and then negotiations began. I had been able to get the text altered in line with the Commission's position. Other Member States were silent when this issue came up. But Enrico himself would go to the final preparatory meeting. As Landaburu always was referring to 'as soon as possible' too, I was afraid all the work would now be undone. I had informed Verheugen's Cabinet of the draft EU Joint Position agreed so far. A bit later I was copied a mail addressed to Enrico in which the Cabinet announced the Commissioner was aware of a draft EU Joint Position and he agreed to the text. He instructed any modifications to this text could only be accepted after his personal agreement.

During the final preparatory meeting today, I sat next to Enrico. When the Spanish again distributed a proposal to slightly change the text, Enrico said that whatever happened he could not accept any modifications. Now that there was a standstill, the French came out. Their representative offered to have a separate discussion between the Spanish and the Commission, which the French would mediate. But Enrico put up his hands and said his hands were bound. In the end all 15 EU Member States agreed to the EU Joint Position. The Spanish and the French were not happy, but now we had what the US had asked the Commission, a position of the EU Member States that would be read out to the Romanian side officially on 12 March:

EU Joint Position Association Council 2002

[...]

New legislation on child protection, including legislation on inter-country adoptions, should be adopted to ensure children's rights are protected in conformity with the UN Convention on the Rights of the Child. The adoption of new legislation on adoptions should run parallel to the development of the appropriate administrative structures and the administrative capacity for its implementation. This should be done prior to international adoptions being resumed.

[...]

Thursday 15 March

The EU Children First Programme started showing results: new services were created and institutions gradually closed. Apart from the posters and billboards, the TV spots and the information sessions for all stakeholders in child protection, a new initiative had been added. Weekly TV talk shows

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would be aired on the public TV channel where the need to reform child protection would be discussed. Minister Mihailescu, Jonathan Scheele and Gabriela Coman had been the first guests. All had given the same message from different perspectives: reform means to replace large institutions with alternatives such as foster care or family-type homes. Children should only be placed out of home if they really need protection and not just for reasons of poverty. Inter-country adoption had been big business and could never happen again in that way. Especially Minister Mihailescu was very outspoken. In clear language he advocated for the closure of institutions. He openly addressed the corruption in inter-country adoptions and said Saint Ecaterina, the biggest *leagan* of Bucharest, had been nothing less than a shopping window.

Monday, 18 March

Back from another Romania visit filled with rather technical meetings on the Children First Fund and the public awareness campaign. The whole Children Programme was now well up and running and Mariela was having her hands more than full. The field visit had confirmed most DCPs were working hard to implement the reform, including preparing Phare projects. With no more inter-country adoptions one could speak to DCP Directors without their phones ringing non-stop. They had time to do their real work: child protection. We had visited some foster families and the fact that there was no longer the idea that the child would eventually go abroad seemed to have led to more stable relations.

In between I had reflected on De Combret's latest position paper on his priorities for Romania. I had analysed it thoroughly and written a note explaining why his argument, that inter-country adoptions needed to be reopened, did not hold. On the contrary, it would put the reform at risk. De Combret's other favourite issue, the closure of *camin spital* was being addressed under the Children First Fund. I had been very clear in denouncing his reasoning.

As part of the administrative reform that had started since the Prodi Commission took office, Commissioner Neil Kinnock had sent all staff members the new guide for good administrative conduct. Apart from saying Commission staff should act in the European spirit and therefore never put their home countries' interest first, there were clear guidelines on how to deal with correspondence: in case letters were repetitive containing inappropriate language, a Commission reply would not be needed. Referring to these new guidelines, I had written a note to my hierarchy advising to no longer reply to De Combret's letters.

Going through my mails I saw that during my absence the US had been back: the US Mission had sent a fax to Verheugen's Head of Cabinet requesting clarification of the EU position on the moratorium. They

especially wanted to know if the Commission agreed with the Baroness. Commissioner Verheugen himself had called the Americans to clear this issue. I guess he spelled out the EU Joint position. The Commissioner also agreed putting the issue of Romanian children on the agenda of the bi-annual EU-US informal Enlargement Consultation.

There was more good news. Commissioner Verheugen had replied in the European Parliament in Strasbourg today to an 'Oral Question' of MEP Gil-Robles. Such questions are handed in beforehand so the Commission can prepare a reply in writing, to be read out during the EP session. It had been a struggle again. There was no way I could get a correct briefing through the hierarchy. Every time the wording 'as soon as possible' and 'pending cases' was put back in. In the end I had given up. The Commissioner and his staff, not me, were responsible for the political line.

The transcript of the EP session was circulated internally with a little note from Verheugen's Cabinet: the Commissioner had found the briefing not entirely in line with the Commission's position and had therefore not used it. Thus this briefing should as of now be ignored and replaced by the Commissioner's position. The Commissioner had read out this position as laid down in the Regular Report and the EU Joint Position for the Association Council.

I also read the minutes of a discussion between PM Nastase and Commissioner Verheugen during the Barcelona EU Summit. Nastase had tried to make a deal: to install a quota system for intercountry adoptions once adoptions would resume. He had also suggested an international body to monitor adoptions in the future. The Commissioner had repeated the EC position.

Tuesday, 19 March

I was at the Baroness' office, when she mentioned an appointment with someone she did not know what to think about. This person wanted to discuss some problems with his business in Romania and adoptions. She asked me if I could stay for this meeting. She had the habit of asking her visitors for their CV's in advance and showed me the one of the mystery guest: Israeli and German nationality, born in Brazil, military service in US, business registered at the Cayman Islands.

We met the man. He explained his business problems related to the Bucharest airport. But he quickly turned to the issue of Romanian children. He told the Baroness she had been fooled by the Romanians. She had only been shown the protocol places, while outside Bucharest the situation in child protection was still terrible. He said adoptions were a total mess. You had to pay at least three layers of corruption. 'But is there not a moratorium?' I asked.

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'No, not at all. Children leave the airport every day. The only difference is the price has gone up, as it is illegal. You can only get it right if you set up a monitoring body, and I am willing to be part of that. I know the business.'

The Baroness thanked him for his suggestion and ended the meeting. I accompanied him on his way out and asked him if he was a regular visitor of the European Parliament. No, it was the first time ever he was in Brussels. I wondered if this man knew about the 'Barcelona deal' Nastase had tried to conclude?

Wednesday, 20 March

A call from the EP President's office. The President had received an alarming letter about the Romanian orphans and the misuse of Phare funding. I asked if I might guess who signed letter, a certain De Combret perhaps? Surprise at the other side of the line: 'You seem to know your job well, but the answer is: yes and no.' The letter was from some French high school girls. The President's office had thought the pictures looked outdated and had called one of the girls to ask when they had taken these pictures. Well, they had never been in Romania. De Combret had proposed them to send the letter and the pictures were his. So, both Mulligan and De Combret now chose schoolgirls as their messengers.

Saturday, 23 March

Today's Financial Times showed the result of the Head of Delegation Jonathan Scheele's field visit: 'Orphans give Romania hope of joining European family' was the title of an upbeat article saying Romanian child protection was no longer about bleak institutions, full of mistreated children. Instead, the local authorities had childcare plans that would be the envy of more developed western countries. The country now has an enviable childcare system, said Phelim McAleer.

Monday, 25 March

Late in the evening Alin Teodorescu called me. He said he had worked all weekend on the report of his independent group. It was almost ready to be sent to the government.

He went on saying Ralu Filip, the journalist who was President Iliescu's adviser on children's rights, had told him some Spanish MEPs had proposed not to extend the Baroness' mandate as Rapporteur, and he had shown evidence of this. Filip also claimed a US lobby company, in view of next spring's British elections, was targeting the Baroness' constituency in view of discrediting her. I told Teodorescu to tell the Baroness, if he felt this was really the case.

Easter Sunday 31 March

As a result of my evening with some journalists, the Ireland on Sunday now reported on the Romanian children:

Ireland on Sunday

David Haworth

[...]

According to Unicef there are fifty potential adoptive parents in the world for each available child, orphan or not. This explains the pressure by an international cast of some highly dubious do-gooders, to insist the hideous cruelties of the past still exist and therefore, the children should continue to be removed from their own national and linguistic inheritance.

Not so, says the European Commission, which has sunk 100 million euros into helping Romanian children during the past 12 years. It has started a sumptuous publicity campaign, which involves doctors, priests and social workers (with its theme song 'home') which stresses the imperative for children to stay in Romania and be adopted or fostered there. Better still, a large number of children should be reunited with their families because many described as orphans are not orphans at all.

But Spain (currently holding the EU presidency), the USA and Israel are aggressively in denial about the success of childcare arrangements now to be found in Romania.

[...]

At Easter, I reflect this could be the ugliest story of the year.

Thursday 4 April

Mariela accompanied the Baroness to her meeting with PM Nastase. On the way, the Baroness had said she had spoken to the Secretary General of NATO, Lord Robertson, to clarify if the reopening of adoptions was indeed a formal condition for Romania's NATO membership. Lord Robinson had denied that, but child protection was one of the issues that were on the NATO agenda. Mariela and I had said to each other this adoption issue started to feel like a game of chess between the US and the EU. As long as we had Verheugen as King, and the Baroness as Queen Romania should be fine.

Main point of discussion with PM Nastase was the Teodorescu report. Nastase announced he intended to appoint Teodorescu as his personal adviser so he could follow up on the recommendations.

Turning to the future ending of the moratorium, the PM had said adoptions would need to resume when the administrative structures existed. One possibility would be to install a quota system that would

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gradually decrease adoptions. 'No more than 2,000 children the first year, 1.5, in the second year and 1,000 in the third year,' was his suggestion. 'This way investors will lose interest.'

Mariela said the Baroness' smile froze, when she told PM Nastase such a system would undercut the whole basis for reform. Adoptions should no longer be driven by demand. Accepting a quota system would bring Romania back to a children market. Nations should consider their children their gold and future and they should not be given away.

Tuesday, 16 April

PM Nastase, accompanied by several Ministers as well as Alin Teodorescu, was in Brussels for a visit to NATO Headquarters. He used this occasion to discuss the Teodorescu report over dinner with Commissioner Verheugen and the Baroness. Also Landaburu was present. From what I heard all agreed this report should be the basis for a fresh start. There was agreement the pipeline cases needed finalising.

I hoped the decisions on these pipeline cases would indeed be done on an individual basis and not following pressure of politicians as happened end of last year. At least the Teodorescu report gave for the first time opening of facts. He had analysed 61 pending adoption files and recommended 49 of these adoptions could proceed. Thus end December the Government had adopted a Memorandum allowing 14 adoptions for Israel, 7 for France and 10 for the US. In February this was followed by another Memorandum allowing 1 adoption for Andorra, 1 for Germany and another 17 for the US. Teodorescu reckoned at least three more memorandums were needed for adoptions 'still on the roll of the Courts' but he did not further specify how many those were. Because the moratorium had just suspended intercountry adoptions for a year, without cancelling Tabacaru's adoption law, the adoption agencies since December last year had started sending in a new wave of adoption files mainly coming from the US, Spain, France, Italy and Switzerland.

Tuesday, 26 March

The Spanish lobby is getting clear. It seems to be driven by a Senator from the Canary Islands, Jose Macias and MEP Gil-Robles. Macias visited the Baroness with some Spanish families. He also tried to see Landaburu but as far as I know was not given an appointment. Already in 2000 when looking at the list of adoption NGOs in Spain I was surprised to find an overrepresentation of the Canary Islands. Why would that be?

MEP Gil-Robles is still lobbying on behalf of 1,200 Spanish families. We have received a whole stream of e-mails from Spanish citizens and more than 10 Spanish MEPs handed in 'Written Questions' about adoptions to the Commission. All slight variations on the same letter. Some of them, or their assistants contacted me, and I was convinced I had always explained

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the case of intercountry adoptions well. But, well explained does not mean well understood.

The main actor seemed Adecop, a Spanish association. Adecop stands for 'Asociación de Cooperare cu Poporul Columbian', but its 'cooperation' appeared to focus on intercountry adoption. A detailed account was kept of all lobby activities, including full transcripts of meetings with the Baroness and EP sessions. However, the most striking was the mentioning that MEP Gil-Robles had distributed a draft letter to all prospective adopters with the request to send it to Spanish members of the European Parliament, but especially to the Spanish Director General for Enlargement, Eneko Landaburu.

Monday, 15 April

After all the mails from the Spanish lobby, today's message was refreshing. And got my male colleagues interested, because support for the Commission's position came from Jürgen Klinsmann, the German football player who set up Agapedia. He wrote to Verheugen about Agapedia's work and stated that since the moratorium Agapedia could finally work without problems. Klinsmann felt it was therefore absolutely necessary to give the Romanian government sufficient time and support to sort out its internal situation and added the pressure of Western countries on Romania is often driven by personal interests, which works against the building up of a stable child protection in Romania. He ended by saying EC support for the moratorium would allow time to develop child protection and to give many more Romanian children the chance to grow up in their own country.

Monday, Friday 19 April

The game about NATO and children seemed to continue. The Financial Times reported 'The European Union has made the problem an issue in accession talk and even pressed Romania to temporarily ban foreign adoptions. Reports now indicate Romania's NATO aspirations could be affected. US families, eager to adopt Romanian children but prohibited by the moratorium from doing so, are lobbying politicians in Washington to make the adoption issue a NATO issue.'

I guessed this was why US Senator Jesse Helms had written to PM Nastase to request re-opening adoptions.

Tuesday, 28 May

Last week Le Monde published another one of Mirel Bran's articles about corruption in Romania, linking it to NATO accession by questioning Romania's readiness to join. To my astonishment the article mainly focused in strong wording on the Secretary General of the Government, Minister Mihailescu. Always Le Monde, as other newspapers worldwide seemed not

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to care about a supposed to be corrupted Secretary General in Romania. Mihailescu announced to the press he wanted to sue Le Monde for defamation. I sympathise with him, because whatever is true, one thing is: Minister Mihailescu is not corruptible on the children issue.

This morning I had to go to the 'EU-US Informal Dialogue' on enlargement, chaired by Landaburu. The US Deputy Secretary of State for European Affairs made a strong plea for the Commission's support to reopen adoptions. Landaburu gave the Commission opinion and I got a chance to explain the progress in child protection.

'Interesting',

Secretary of State Ries reacted. Judging by the US faces, I was not making myself very popular.

Saturday, 1 June

As part of the public awareness campaign a talent contest for children in public care had been organised, in order to involve the children and also to make them visible. The contest had been baptised Edelweiss, symbolising the similarity of children in care and this protected flower. With an incredible speed the campaign people had organised pre-selection rounds throughout the country. The most talented 400 children had been brought to Bucharest for the selection of the final 36 winners. Some of Romania's biggest names were their jury.

Tonight was the award ceremony, which was broadcasted live on national TV. During an evening long sparkling TV show the children were handed out their prizes and some performed on stage. We got heaps of positive reactions. People were amazed to see what these children were like, as they were not like they usually were presented by the media. Our first concert to launch the campaign had been great fun, but this was 100% for the children. It is hard to describe the atmosphere in the hall: a few thousand teenagers, bubbling with enthusiasm for their fellow winners. We had a great evening. And so did Minister Mihailescu, Gabriela Coman and many others.

Edelweiss will make a fundamental difference in some of the children's lives. It was not so much the scholarships they won, but the self-confidence they gained.

De Combret was also in Romania today. He did not come to our concert, but had meetings with Minister Mihailescu and Gabriela Coman. He had welcomed the progress in child protection, which he considered impressive. He did not raise the issue of adoptions. Nor did he visit the EC Delegation. It is Brussels he aims at, apparently.

Sunday, 2 June

The Baroness had asked to meet Mihaela, the girl whose problematic return from Ireland to Romania had drawn so much attention. This morning we all drove off: the Baroness, Ann and Phelim, Mariela and I. The DCP Director and the secretary of the County Council brought us to a small house at the edge of the village, which was surrounded by a lovely green yard. The foster mother warmly greeted us. She was obviously affected by this whole situation and thanked Ann over and over for her involvement to bring Mihaela home. Mihaela, in her wheelchair, cheerfully played with another girl of her age. Inside the traditionally decorated house we were shown Mihaela's room, full of toys and cuddles. She was back from Ireland since six months and appeared fully at ease.

The Baroness talked to little Mihaela in English to see if she was able to communicate in that language following her Irish stay. But Mihaela watched her with surprise and just smiled in return. She did not understand English at all. The foster mother told us she had asked Mihaela after her return if perhaps it would have been better for her to stay in Ireland, because the woman who wanted to adopt her had a car. Mihaela had reacted:

'But we don't need a car. I have the wheelchair and you can walk.'

The foster mother could not understand how this Irish woman, who herself had visited her house, could have obstructed Mihaela's return.

On the way back Phelim told us De Combret had sent a complaint letter to the Financial Times in Hungary[sic]. Phelim's positive article acknowledging the success of the reform had not been to his liking. Phelim had agreed to meet when he would be next in Bucharest. During their breakfast in the Continental Hotel, De Combret argued for re-opening of intercountry adoptions, which made Phelim ask De Combret if Sera was active in intercountry adoption.

'No, too controversial,' was De Combret's stunning reply.

Tuesday, 4 June

Tonight Mariela and I had a drink with a woman from the Danish Save the Children who works in the Children First's technical team. She told us one of her colleagues, another Danish Save the Children expert who also had worked on the project, had left the country unannounced and premature. Now we heard this man had moved from Romania to one of the former Soviet countries, where he kidnapped and sexually abused a ten-year-old girl with Down syndrome. In Denmark, paedophiles have their own NGO we were told. We finished our drinks and left, not able to take any more news today.

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Thursday, 6 June

We ended my visit with another field trip, some hours outside Bucharest. At the end of the morning we arrived at the office of the DCP Director. After having offered us coffee, the director hesitantly said the DCP had just celebrated its fifth anniversary together with Sera. She had heard we did not like Sera. We replied it was not about liking, but we sometimes wondered about Sera's motives. We told her about the EP Hearing in Brussels, two years ago, where her *camin spital* had been presented as a death house. She claimed knowing nothing about that, nor had she seen any Sera reports. We agreed to visit the *camin spital* together.

But first we went to see the *leagan*. When we arrived, there was a village woman outside, with a three-year-old at her hand, having an argument with the director of the *leagan*. She wanted to take her six-month-old baby out of the *leagan*, but the director told her she first needed a better place to live. I asked the woman why her child was in the *leagan*. She had no heating this winter and had feared the child would get sick. But now it was June and she had been asking since spring to have her child back, without success. I asked if she knew the number of the toll free line. She knew it by heart, and promised she would call to denounce this. The director was clearly not pleased with this discussion and called us into the *leagan*. She was not prepared to enter into a discussion on this mother.

Changing the subject, she said the DCP had just launched an 'abandonment campaign'. That had been agreed during the Sera visit, a few days before. Naively I thought it was a campaign to prevent abandonment, but the opposite was the case. All files of the children would be checked to see if the child could be declared legally abandoned in line with the abandonment law. In Sera reports I had read that Sera had hired law students to do this job. I just hoped they had registered the visit of the mother we had just met, otherwise her child risked being declared legally abandoned too.

Off to the *camin spital*. A Dutch NGO had renovated the first floor. While far from perfect, the situation seemed not as bad as Sera's black-and-white pictures had suggested. Educators developed all kind of activities with the children. Some children had participated at the Romanian Olympics for the disabled.

Then lunch with the DCP director. She confessed she often applied law 47/93, the abandonment law, with pain in her heart, as it meant such a definite rupture between children and their parents. Why she did it? Because the adoption NGOs kept an eye on the children and would remind her if she did not apply this law.

As part of the public awareness campaign Cristina Liberis, a well-known Romanian TV reporter, had been hired to make some short TV documentaries on specific child protection issues. Tonight's one was about a Roma mother who had recently found back her daughter. Self-confident

and colourfully dressed she told on camera how her first daughter, mid-eighties, had been born underweight. When leaving the maternity she had wanted the child home, but the doctors opposed saying the child still needed medical care. Each time she came to visit, the doctors repeated this message. From the maternity, the child was eventually moved into the child protection system. From one *camin spital* to another, from one end of the country to the other. And nobody bothered informing the mother. Early nineties she lost track of her child. For several years she tried retracing her daughter, but in vain. In the end she gave up, assuming the girl had died or had been sold to foreigners. But she never found peace in her heart. End 2000 she received a letter from the DCP informing her about her daughter's whereabouts. As part of the new policy, the DCPs were re-establishing the identity of children and locating their parents. The child was in a far away *camin spital*. Immediately the whole family drove off to bring the now 15-year-old girl home. The mother earned her living as a successful fortune-teller, and her home was one of total luxury. The daughter got completely pampered: new wardrobe, private teachers, nothing was too much.

Friday, 14 June

De Combret does not give up. The French newspaper Le Figaro published a full page on the children: 'The Romanian orphans pay the price of a polemic', referring to the ongoing difference of view of the EU and the US. The bulk of the article was on the Baroness' accusations of unethical research. Another part was advocating for the resumption of intercountry adoptions. In the middle a special fundraising box: 'One million euros for a model orphanage' with Sera's bank account. While Romania's policy was to close down children's homes, Sera was fund-raising to open 'orphanages'...

Tuesday, 2 July

Director Michael Leigh is in Bucharest. He had a meeting with Minister Mihailescu and one with Gabriela Coman. Scheele and Mariela accompanied him. Both meetings confirmed the Romanian government had taken ownership of the reform process. Both Mihailescu and Gabriela said for the first time the number of children in residential care was below 50,000, a significant decrease compared to two years ago when the number was still around 90,000. The policies of reintegration within the birth family, foster care and national adoption had been proven successful.

While the legislation might be voted by the government in September, it would require much longer until it could be approved by the parliament. Furthermore there was the administrative capacity that needed to be built. In any case, the message of both Mihailescu and Gabriela Coman was that already now there were sufficient resources to protect children in Romania.

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Michael Leigh had underlined to both officials the importance of being transparent, by informing the international community about the state of their work, as well as their intentions. In order to avoid further pressure for intercountry adoptions and to demonstrate the reform was being done with responsibility and professionalism, he suggested the Romanians to communicate widely elementary facts about the children, for example that most children were not orphans.

Great, now we could do the awareness campaign's documentary on the reform that we had in mind since a few months, but on which Minister Mihailescu had been reluctant fearing nobody would believe the Romanian authorities.

Tuesday, 13 July

Another field visit, somewhere in Moldova. Mariela and I had picked this location as we wanted to convince the DCP to prepare Phare project proposals to close their *camin spital* and *leagan*. Like we did on most of our field visits. But, we were told we were not the only ones on tour. Sera's Bogdan Simion was touring the country to make an assessment of the *camin spital*, funded by Unicef, and used this occasion to advice the DCP's to not hand in Phare projects for the closure of *camin spitale*. Sera could provide funding for closure without the hindrance of EU rules on tendering and accountability.

Wednesday, 17 July

Beginning of June, during the press conference about the Edelweiss winners the Baroness, after congratulating the Edelweiss winners, had changed the subject. She expressed her dismay about how Romanian children were used for research and how their image was often abused. She gave as example the American brain research project. All journalists had jumped on the issue.

Two of the American leaders of the Saint Ecaterina research, Dr. Zeanah and Dr. Johnson, had flown to Bucharest. They had been informed about the Baroness' negative statements and came to speak to the Head of Delegation, Jonathan Scheele. Mariela had told the American doctors that no matter how ethical they considered their research methodology, the fact was their project had prevented the closure of Saint Ecaterina. How could they justify that children were kept in this institution when they could have been returned to their parents, placed in foster care or adopted in Romania?

The American doctors had claimed they were not aware foster care was available in Romania and that institutions were being closed. Surprising, one would assume that USAID, accompanying them to this meeting, would have told them about Romania's progress. The doctors denied their research had anything to do with intercountry adoptions.

Monday 29 July

Cristina Liberis, the journalist who made the documentaries for the campaign, had told Mariela the story of a young mother she had met in a mother and baby centre. Alexandra had just given birth, but she had no Romanian citizenship and therefore could not register her child.

Alexandra's father had died and her mother was left without sufficient means to raise the children. In 1999, a neighbour convinced Alexandra's mother it would be better for Alexandra and her younger brother to be brought up by a richer family abroad. A Canadian doctor and his Italian wife adopted Alexandra when she was nine years old, while her younger brother went to another Canadian family. Five months later Alexandra's adoptive family adopted a Romanian baby and Alexandra was sent back to her mother, alone on the plane, a sticker 'unaccompanied minor' on her chest.

Through the adoption Alexandra had lost her Romanian citizenship. But she had not been granted Canadian citizenship, as her adoption had not lasted long enough (Canadian citizenship is only granted after two years). Despite her mother's endless efforts, she could not go to school and had no rights to any social benefits. She was no longer a Romanian citizen; her mother was no longer her mother.

Cristina had tried to help Alexandra to regain Romanian citizenship, but without success. There were simply no legal provisions for such a case. If this story had not come from such a serious journalist as Cristina, who had worked as correspondent in places like Bosnia and Afghanistan, I would have found it hard to believe.

Mariela told me she had spoken about Alexandra with Gabriela Coman and they had agreed it would be an interesting issue for one of our public awareness campaign's TV documentaries. Perhaps there were more 'Alexandras' out there. It could also help to undo the fake Romanian orphan concept, as after all, this 'orphan' had been returned to her mother and her brothers and sisters. Tonight Alexandra was on Romanian TV, together with her child, telling a story that was hard to believe.

Wednesday, 28 August

In the midst of the holiday period, Minister of Foreign Affairs Geoana had made a statement to the press that the legislation had been adopted, and therefore the moratorium would be lifted after its date of expiration, 1st of October. Scheele had asked to meet Minister Mihaelescu to shed some light on this statement. He absolutely denied it. The legislation had only been adopted by the government, but still needed to be voted in Parliament. In any case he thought it was necessary to extend the moratorium for some months in order to build up the administrative capacity needed to implement the new law. As for building and assessing the administrative capacity, he would welcome EC assistance. Scheele

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offered to explore the possibilities for a 'twinning light project' on this issue.

So, the declarations of the two Ministers were somewhat contradictory. The best explanation seemed Romania had bowed to US pressure. The US Ambassador, Michael Guest, continued to put pressure on the Romanian Government to reopen adoptions as soon as possible.

Thursday, 29 August

MEP Gil-Robles is in Bucharest. He met with the Delegation's Deputy. Mariela had opposed the children were not orphans, and that the conditions were not as dreadful as he might have been told. She also invited MEP Gil-Robles to meet some the Edelweiss children who would be visiting the EP here in Brussels in a week's time.

Holding his breath, he had told her she had no idea of what was going on in Romania. As for meeting the children, he was not sure he could make that. At the end of the meeting MEP Gil-Robles had made a startling statement:

'But what are we going to do to keep childless couples happy? If there will be no adoptions from here, there will be cloning. And that is not what we want.'

So it was about finding children for families, the right to have a child?

Tuesday, 3 September

The saga of the children in Tiriac's children's home continues. Shocking images on TV tonight. Two Italian couples and their lawyers came to take the two 10-year-old girls whose adoption they had been granted by the Romanian Court, before they had even seen them. Desperate the children did not want to go, Tiriac called the police. And PM Nastase. And the Baroness. And Verheugen. The children stayed.

Tuesday, 17 September

The Baroness had thought it useful for the MEPs in Brussels to have the opportunity to meet the Edelweiss winners. The children were excited about being in Europe's capital and enjoyed the city-tour and the visit to the attraction park Mini-Europe. But there was also disappointment: about the dirty streets, about the number of beggars in the streets, and the lack of comfort of the youth hostel.

Not many MEPs turned up during the Hearing the Baroness had organised. Gil-Robles, for example, did not come to listen to these children. But I heard he did have time to call Landaburu to complain about a Romanian staff member of the Delegation who, in his view, was defending the interest of the Romanian government. Indeed, Mariela was defending the Romanian children, as was in her job description, not the Spanish interests.

The Edelweiss winners told the audience about their experiences in child protection. One girl said how she remembered a foreign journalist come to her children's home, who threw hands full of sweets on the floor and took pictures when the children were crawling over each other enthusiastically picking up the sweets. A boy, or rather a young man, had read the UNCRC attentively and said he felt intercountry adoption was in breach with this convention, as it would be impossible for children to keep their identity.

After the meeting we showed some of the children websites of adoption agencies with pictures of Romanian 'orphans'. Full of disbelief they watched. One of the girls recognised some girls that had left her children's home about a year ago. She did not know why the girls had left or where to. They simply had not been there any more. In general there was a lot of coming and going in children's homes.

Thursday, 26 September

Commissioner Verheugen has spoken to PM Nastase in the margins of the World Economic Forum in Austria, a week ago. Verheugen had told Nastase once more children's rights were still an important issue for the Commission and the Parliament. His understanding was the Romanian Government had adopted legislation, and this would now be sent to the Romanian Parliament. The Commissioner had proposed the Commission could in the meantime analyse it. And the two had agreed the moratorium would not be lifted until the Commission had concluded the legislation was appropriate, and the administrative capacity in place.

So far so good, I had thought. But yesterday the Baroness called asking if I was aware of a meeting between President Prodi and Nastase. A senior Romanian official had tipped her off about PM Nastase's intention to hand over the draft legislation to President Prodi. Instead of Verheugen? No, I was not aware of anything, but said I would check it out. I called Verheugen's Cabinet, but they were not informed either.

The next thing I heard was that indeed such a meeting was scheduled, and Verheugen, Enrico and Nancy would all be at the meeting too. Was Nastase trying to bypass Verheugen?

PM Nastase had indeed handed over the legislation to President Prodi. He had told Prodi:

'Mr. President, I know you like playing tennis. I now play the ball in your court and it is up to you to play it back.'

After which Verheugen took over the legislation from President Prodi, and mumbled:

'One can also sit on the ball, and the game is over.'

On the way back to the office, in the car, Enrico had convinced Verheugen the Romania Team did not have the capacity or the expertise to examine the legislation. Verheugen had at first reacted surprised and asked how then had the Romania Team written the Regular Report all those years. Had that

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not required expertise? But in the end he told Enrico to come up with a concrete proposal on how the Romanian legislation could be examined.

Friday, 4 October

PM Nastase, Minister Mihaelescu and Gabriela Coman are on official visit in Paris. The liberal Jean-Pierre Raffarin had succeeded the socialist PM Jospin. Of course we had been wondering what lobby De Combret would come up with for this visit. This afternoon at four we knew. Le Monde with a full-page article 'Romania attempts to reform the adoption of abandoned children'.

Between the US hammer and the European anvil Romania is trying to find a solution for the touchy matter of abandoned children, wrote Mirel Bran. The Baroness was accused of blocking all adoptions. Bran spelled out part of the US Mission's non-paper from the beginning of this year and said he also had the Commission's internal note that said the US were not in the best position to advise Romania, as they had not ratified the UNCRC.

I recognised one of my sentences. Help, how did Bran get this internal note. That note was internal and should have never have been available to outsiders.

Landaburu was also quoted saying he was neither for nor against international adoptions, but he did feel the issue deserved a thorough debate both in Romania and in Europe.

Monday, 7 October

The Human Rights rapporteur of the Council of Europe was in Bucharest a while ago. When we had heard about his announced visit, we had somewhat panicked, as his name was Gil-Robles. But a check made clear it was Alvarez Gil-Robles and not MEP Marie Jose Gil-Robles.

He now had published his report. On reading it, one would not believe the two Gil-Robles were actually brothers, as their opinions seemed worlds apart.

Whereas the CoE Human Rights Rapporteur Alvares Gil-Robles did show some sympathy for pipeline cases, his report also pointed to the past abuses of the adoption system and it acknowledged Romania's progress in child protection. Perhaps we should suggest him to explain his following statement to his brother:

'The belief in a right of adoption is erroneous and dangerous in as much as it tends to convert international adoption into a market governed by the laws of supply and demand.'

Wednesday, 9 October

2002 Regular Report on Romania's Progress towards Accession

The moratorium on intercountry adoptions, noted in last year's report, is still in place. However, a Government Decree, adopted in December 2001, provided for adoption applications to be processed in cases where court procedures had been started prior to the introduction of the moratorium, as well as in certain exceptional cases. One result of the moratorium was a substantial increase in the number of national adoptions. The Romanian authorities have prepared new legislation on childcare and international adoptions and are also developing administrative structure and capacity in order to ensure adoption decisions are made exclusively in the best interest of the child. This should be done prior to international adoptions being resumed.

Saturday, 19 October

The French adoption group Afaener is very active. Its website keeps track of all Romanian news on adoptions, and an e-group was set up. It looks quite something, but in reality it seems to be just a movement of a few people. Some adoptive single mothers, Vali Nas and Jean-Pierre Clement. From the postings, it seems all of them know or are in contact with De Combret.

Jean-Pierre Clement, adoptive father himself, is playing a more and more active role in the Afaener. He published his fundraising brochure of Codegaz, the humanitarian NGO of the French Gas Company, which he is heading. The information given in this brochure was not that correct, as it still mentioned 100,000 abandoned children in Romania. The brochure was full of references to adoption. Money was mainly collected through promotion of 'distant adoption'. For 15 euros per month, tax deductible, a child could be sponsored. Codegaz also gave in 1999 financial support to the adoption NGOs *Copii Lumii* (Children of the World) and *Parentii si Copii* (Parents and Children). Most support was for the Romanian adoption NGO *SOS Copii Gorgului* (SOS Children of Gorj) that manages a day care centre for disabled children. I wondered how much funding *SOS Copii Gorgului* was able to absorb. Sera gave them money, Codegaz did, and they had a EU project of more than 30,000 euros.

Saturday, 26 October

To be able to place Romania's statistics on children in public care in some perspective, I was since a while collecting statistics on children in care in Europe. I had checked the Internet and asked some experts, but figures were hard to get. Often child protection was decentralised and no national

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statistics were available, or in any case not publicly. Such seemed the case for France.

Today I left once more to Bucharest and I took a copy of *Le Monde* when entering the plane. 'The chaotic route of placed children'. According to the article there are 150,000 French children placed in foster care and another 350,000 are in 'special boarding schools'. The article gave dramatic stories of children placed in foster care. Some were not even aware they had siblings! So much for French child protection. Before accusing Romania of not taking care of its children, perhaps some French should remove the beam out of their eye first?

Friday, 1 November

The Children First is now really at full speed. One of the DCPs had announced it closed all its old style institutions. This was possible due to funding of the World Bank, the Council of Europe, and no less than 13 Children First projects. PM Nastase had suggested Baroness Nicholson, now in Bucharest, to visit this department to take stock of the progress herself. Never wasting time, she had suggested going still this week.

Today all the partners of the Phare Children Programme joined the Baroness: Jonathan Scheele, the team leader of the Children First technical team Nigel, the French pre-accession adviser Richard and some people from the public awareness campaign. The Baroness had also brought along Alderslade, her WHO man, and Cambridge Professor on Family Law Andrew Bainham.

The County Council and the DCP had quickly organised an exposition on the closure of all large style institutions and the alternative services they had created instead. The number of children in residential care had been reduced from 1,173 to 343 in just four years. Most of the children had been re-integrated into their own families, or placed with foster families. Those remaining in institutionalised care were moved to family-type homes.

We visited some projects, amongst which the *camin spital* Landaburu and Enrico had visited two years before. Where at the time there were disabled children in a desolate situation, there was now a new day-care centre for disabled children. We visited some of the severely disabled children who had lived in the *camin spital* before. They were now living in a family-type home, with round the clock care, in an average apartment block.

The former *leagan* had been transformed into a shiny treatment centre for disabled children. Mariela and I spoke with some of the foster mothers who were there with their children. Before this centre existed they had to take the children to a Bucharest centre for treatment and to stay there with them for a week per month. That meant they needed to leave their family behind. This centre was a godsend for them, as well as for the children. We felt quite humble in front of so much commitment.

2002

During her press conference the Baroness said she was impressed with the way the governmental strategy in the field of child protection was applied here: 'It is amazing to see how a part of the budget allotted by the European Union for Romania's integration is used with intelligence and professionalism.'

Mariela and I were very moved by this day. But in the back of our minds we knew all was not perfect yet. The toll free line kept receiving calls that domestic adoptions were being obstructed, probably by those hoping intercountry adoptions would resume one day.

Tuesday, 5 November

That the adoption lobby did not like the Baroness, we knew. But today's news showed they were rather alone in this: during the yearly poll of the Brussels weekly 'The European Voice' Baroness Emma Nicholson of Winterbourne was voted European Parliamentarian of the Year!

Thursday, 7 November

MEP Marie José Gil-Robles paid Landaburu a visit. He first set out the dramatic situation of the children in Romania. I gave a short outline of the reform and the progress, but was quickly interrupted. Gil-Robles told me I knew nothing. When he started about adoptions and Spanish families who had registered and paid, Landaburu made the gesture of drawing a credit card and said of course one could never expect children were given in return for money.

I wondered for what reason a country would otherwise give away children? Either to earn money on them, or to save money because they would no longer need to provide for them. But I felt it wiser to not philosophise on that.

Friday, 8 November

Minister Mihailescu, Minister Puwak and Gabriela Coman are in Brussels for a NATO meeting. Because indeed, Romania has to report on its children to NATO. But they also had asked for a meeting with Commissioner Verheugen. Apparently it was a good meeting, as Gabriela called me afterwards to say Verheugen had been very supportive. Minister Mihailescu had handed over the latest draft of the laws.

Verheugen had said there were three aspects to child protection in Romania: the first was the situation in institutions, there the government had a clear strategy and the situation had improved. The second, relatively new facet was the issue of disabled children; the government should try and address that too. The third aspect was international adoptions. Verheugen had underlined there was mutual agreement between the Commission and the Romanian government the moratorium would be kept until legislation and administrative capacity were in place. The

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principle of intercountry adoption should be to find a family for a child, not to find a child for a family.

While I was generally pleased about this outcome, I wondered who told Verheugen the issue of disabled children was new and in need to be addressed. It was not a new issue and part of the Government strategy and thus our Phare programme.

Tuesday, 19 November

Taïex has proposed five experts on family law for the Independent Panel. Commissioner Verheugen has suggested Landaburu to add Professor Bainham, who had accompanied the Baroness several times to Romania and was considered knowledgeable on the Romanian situation by now, but Landaburu was strongly against. Landaburu's view was to have the group assess the laws once and to have its opinion fast. The Commissioner saw its role as long-term.

EP Enlargement: progress report for 2001

Adopted 20 November 2002

146. Warmly commends the progress of the government and the National Agency for Child Protection for their fine work in partnership with the Commission on child health and development; notes with approval newly-adopted strategies already offer replicable models for other countries; anticipates further positive outcomes as implementation of sound policies proceeds; urges the authorities to continue capacity-building at all levels of the administration; notes an initial drafting of modern child welfare legislation is in hand; notes the European Convention on Human Rights provides the proper framework and urges the Romanian Government to take the Court's judicial decisions fully into account with regard to the scale of the reforms needed and the support required for this, including the immediate resolution of the up to 80 outstanding Spanish cases; confirms Parliament's full support for the strongest measures against the rising tide of trafficking; insists the Government take judicial measures, as Parliament urged in previous resolutions; welcomes the Government's good work on Roma inclusion and anticipates clear national policies for the disabled;

I especially noted the '80 outstanding adoption cases'. Quite a different figure than MEP Gil-Robles was trying to sell. The Baroness has succeeded to incorporate the target date of 1st January 2007 for Romania's entry into the EU.

Friday, 20 November

Although Denmark now held the EU Presidency, Spain was not giving up on the children. Today I received a request to prepare a reply for the letter Commissioner Verheugen had received from Ramon de Miguel, Spain's Secretary of State of European Affairs, whose name I recognised as former Head of Cabinet of several Spanish European Commissioners.

He asked Verheugen to support rapid adoption of the Romanian draft laws and the unblocking of the Spanish pending 'exceptional cases'. The reply was easy to draft:

'In the EU Joint Position of 12 March the EU encouraged Romania to adopt new legislation on child protection, including legislation on inter-country adoptions, to ensure children's rights would be protected in conformity with the UNCRC. And the administrative capacity should be developed before international adoptions could be resumed.'

Another round of e-mails was coming in for Landaburu. But it were mostly the same Spanish as the ones who had written before, some of them writing every day. In total there were no more than 25 people, not many compared to the 1,200 waiting families.

Sunday, 24 November

Sera is once more fundraising for its new model orphanage it wants to build. The French TV channel M6 broadcasted the whole week daily prime time fundraising calls.

Tonight was its climax: a more than two hour programme of 'Zone Interdite: Prostituées, mendiants, voleurs: le scandale des enfants esclaves' (Prostitutes, beggars, thieves). It showed how children are trafficked by mini-bus to France. Also other examples of trafficked children from other countries. A French children judge argued that the trafficking of Chinese children could be prevented by arranging legal ways for these children to stay in France. Instead of preventing them to travel?

Moving to the issue of disabled children, a *camin spital* was filmed at night, with lights off, the only light came from the camera focussing on the disabled children with black and white images as result.

The third issue was intercountry adoption. De Combret himself was in the TV studio advocating for intercountry adoptions and criticising the moratorium, blaming it all on the EU. The arrival of an eight-year-old Romanian girl in Paris was shown. A French single woman in her early forties had adopted her, as exception to the moratorium. The girl had lived in a good children's home, her adoptive mother said.

At the end of the programme De Combret said some people in Brussels were obsessed and thought adoption is the same as child trafficking. He compared adoption with marriage and said stopping adoption was like

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stopping marriage, ridiculous. Finally, he made an appeal to viewers to give Sera money for a new orphanage.

Monday, 9 December

The Commissioner has accepted the five proposed experts on family law. Taix had invited them to come to Brussels today for an exploratory meeting. Despite previous instructions that I was not supposed to meet the Panel members, I was now told to assist to the Panel's meetings, as the Verheugen cabinet had made clear the Panel needed to be given background information about the Romanian reality.

Enrico came to this first meeting and held a short introduction, after which he left. The rest of the meeting was mainly spent on technical details. To whom would they report, how long would their assignment last and so forth. On most questions we did not yet have an answer. The proposed Panel members were in principle interested, but would come back to us to tell if their home countries can accept this assignment.

Wednesday, 18 December

All proposed Independent Panel members have accepted. Today they met again in Brussels and we gave them the draft laws. The meeting was a bit chaotic because we still did not have a final internal agreement on how long this exercise would last, and on which benchmarks the experts should base their advice. Taix said formal 'Terms of Reference' would be prepared before the Panel's next meeting.

I feel quite relieved that we now have an Independent Panel. The experts are all senior civil servants. It is a pity Professor Bainham cannot be part of this exercise, but so be it. We now have a group of competent people who can provide the Commission with their know-how, and hopefully can make an end to the diverting views in the Commission as well as in Romania.

The Year 2003

EU know-how

UN Convention on the Rights of the Child, Article 12.1

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Thursday, 9 January

Commissioner Verheugen has sent a letter to PM Nastase to inform him that an Independent Panel of Family Law experts has been formally appointed. The Commissioner announced the Panel would continue its mandate until, in the opinion of the Panel, a satisfactory legislative framework had been prepared.

The Commissioner had personally supervised the drafting of the Panel's Terms of Reference. As a result, the group's task will be to report to the Commission on whether the Romanian draft legislative package on children's rights and adoption complies with international standards laid down in the UNCRC and the European Convention on Human Rights (ECHR). An important benchmark will be if the proposed Romanian laws will ensure respect of children's rights at a level comparable to that provided by legislation in the EU Member States.

EU Know-How

Monday, 20 January

De Combret has organised a postcard action directed at Commissioner Verheugen to lobby for the lifting of the moratorium on intercountry adoptions in Romania. Today we received the cards from Verheugen's cabinet, received over the last months: more than 12,000. On the card the black-and-white picture of a baby, 'behind bars', in a crib. I recognised the pictures from one of De Combret's reports from years ago.

Tuesday, 21 January

Landaburu and Enrico are in Bucharest. Today they visited some EU funded projects outside Bucharest, among which a Children First project. I still have a vivid memory of their visit to a *camin-spital*, summer 2000. That had been a terrible experience. By now, that institution was closed and all children moved to family-type homes, while the building has been transformed into a day care centre for disabled children, as part of Children First.

Landaburu and Enrico now went to another part of Romania and visited a family-type home for youngsters. The apartment was in an average block of flats. In the first round of projects the DCPs had often proposed to construct family-type homes that looked like villas, like typical NGO 'orphanages'. We had increasingly insisted to create family-type homes similar to the average Romanian housing situation, being apartments.

Jonathan Scheele and Mariela accompanied the two Brussels visitors. So did Gabriela Coman. They explained the philosophy of the reform and how this project was just one example of the many success stories. They also spoke with the teenagers. Their previous large children's home was in process of closing down and the six moved to this apartment where they lived under guidance of social workers. They were obviously proud. Landaburu congratulated Gabriela Coman and the Delegation for the way they had ensured the Phare funding had made real difference.

Sunday, 26 January

Until now Baroness Nicholson was the main target of hate in the e-groups. The French group is now co-hosted by Jean-Pierre Clement and he said a reliable source (De Combret?) had told him that in front of the Baroness, there is Günter Verheugen, but he gives no spectacular declarations and stays in the shadow.

Vali Nas, who is the most active participant on adoption e-groups by now, took this up and posted it on the American e-groups. Today he also posted a translation of the latest Sera newsletter, which only Sera's donors receive. Apparently it held the full Verheugen-De Combret letter, the one in which Verheugen welcomed the moratorium. Vali had the courtesy to also post Sera's reaction: 'And why suspend adoptions for a year? Does it take a year to modify the procedures? And this one-year delay is not even

observed, since the international adoptions have been suspended since November 2000. The European Union's attitude is unexplainable. Does the EU not understand every day that passes is too much for these little ones?'

Monday, 27 January

I spent some time studying both the Hague Convention and the UNCRC, again.

The Hague Convention's objective is to ensure all intercountry adoptions receive a 'Hague Certificate' as proof of legal clearance. As a US Embassy official once described it: 'consumer protection'.

All contracting states would need to designate a Central Authority. The sending country was responsible to ensure that adoptable children were legally adoptable, that necessary consents had been given voluntarily and that no money was involved. The applicant's eligibility to adopt was the responsibility of the receiving country. Adoptions would either be done by the Central Authorities, or by accredited bodies (another word for adoption agencies). Private adoptions were not allowed under this convention. Once a child would be adoptable, and no national placement was possible, the child could be made available for intercountry adoption. This is what is called the principle of subsidiarity: intercountry adoptions are to come after national adoptions. Foster or residential cares were seen as temporary manners of care. I found this a bit strange, as article 21b of the UNCRC clearly placed intercountry adoptions after foster and residential care.

The Hague Convention had entered into force in 1995, five years after the UNCRC. Romania had been one of the first sending countries that had, with the 1997 legislation, fully implemented the principles of this Convention. The result, as we now knew, had been that in no time Romania had had over a hundred accredited NGOs, adoption agencies. Children not visited for six months could be declared abandoned. Parental rights terminated. After a 60 days 'search' for national adopters such children became available for the international market.

The number of adoptions had gone up from a few hundreds in 1998 to more than 3,000 in 2000. More and more children were drawn into the child protection system, as being 'abandoned' for at least six months was a precondition for the termination of parental rights. After the initial adoption scandals early nineties, where poverty stricken parents were lured into giving up their children for adoption, only adoption of children in care was allowed. But during the US negotiations on Romania's 'Most Favoured Nation Agreement', under pressure of the adoption lobby, the abandonment law had replaced voluntary consent.

Sure, the Hague Convention had made adoptions legal and transparent. All adopted children had been earmarked with the Hague Certificate. The

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receiving countries could ignore that a whole business had emerged, at least for some years.

The 1997 Unicef report 'Children at Risk' said that early nineties some judges had deliberately exploited loopholes in the law. They had consciously misinterpreted the 1967 Strasbourg Convention on Adoption. The Hague Convention does nowhere refer to this Strasbourg Convention and to me it looks like it sought to replace it. The Strasbourg Convention is, just like the Hague Convention, no part of the European acquis, as not all EU Members ratified it.

The most obvious is the Strasbourg Convention concerned all adoptions, but the Hague Convention was only addressing intercountry adoptions. I was curious what difference there was between the Strasbourg and the Hague Convention.

European Convention on Adoption (Strasbourg – Council of Europe)

Article 17

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.

The Hague Convention does not say anything remotely similar. Central Authorities just have to ensure the transfer of the child takes place in secure and appropriate circumstances, if possible in the company of the adopters or prospective adopters. Prospective adopters? Indeed, final court ruling on adoption could also be done in the receiving countries.

Wednesday, 5 February

A Romanian friend here in Brussels had read the French magazine GEO while at the hairdresser, and alerted me to an article on Romania's children. Our network by now was such we felt like in the middle of a spider web: all information would somehow find its way to us. My friend had sent the article to me. It was from the same journalist who had written last year's Sera fundraising article in Le Figaro.

This article was horrible. Where GEO usually shows colourful glossy images, these eight pages were full of dramatic black-and-white pictures: a sad mother holding her newborn subtitled 'This child would be abandoned.' Children in a worn-down *camin spital*. That could not be a recent picture, as I knew that institution had been closed quite some time ago. In the narrative part Sera was championed as do-gooder. Turning to the last page, my eyes fell on a picture of one of De Combret's favourite

DCP directors. But hey, she looked years younger than during the launch of Children First end of last year.

Tuesday, 11 February

Paedophiles in the news again. Mariela told me a Norwegian and a Danish volunteer have been accused of filming sexual abuse of Romanian boys and of selling these movies to other paedophiles. The boys were in residential care in a home for mentally disabled children. The two men had come to Romania under the cover of humanitarian aid. A Danish friend told me the Dane was a truck driver who once in Romania had presented himself as being a social worker. He had come to deliver humanitarian aid collected by some well-meaning Danish women.

It reminded us of Portugal's Casa Pia scandal, where the abused children were also from institutions for disabled children, but in that case Portugal's high society was allegedly involved.

Wednesday, 18 February

The Panel finalised its first report and Commissioner Verheugen sent it over to PM Nastase. The main message was that the draft law texts still contained unclear and confusing elements. Given these circumstances and in full awareness of the importance and sensitivity of this legislation for Romania, the panel considered it would be unwise to state any recommendations at this state where it could not be confident they would be soundly based on the real facts. To do otherwise would not be in the best interests of the Commission, the Romanian government or Romanian families.

Report on the interim conclusions of the Independent Expert Panel reviewing the Romanian Government's proposals for new child care legislation

...

16. Article 64 of the draft law on the rights of the child provides that adoption is a child special protection measure. The effect of this article is that adoption will be seen as a protective measure for children at risk. There is a risk that the institutions which are responsible for children at risk may impose adoption in cases, which are unsuitable, so as to compensate for their own lack of resources. In the Member states, adoption is generally considered to be an independent institution falling under the civil law and leads to the termination of the relationship with the birth parents and the creation of a new relationship with the adoptive parents. Adoption has effect throughout childhood and later. Surely it would be better for adoption to be governed exclusively by civil law, and managed by specialized services, which must have regard to the best interests of the child.

[...]

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Friday, 21 February

The EC Delegation had moved to the centre of Bucharest. Today Commissioner Verheugen officially opened the new Delegation. Mariela had been looking forward to meet him in person. We had never forgotten how Fotiadis had told Verheugen in 2000 about the points system and how children were literally sold.

‘The Commissioner went ballistic,’ Fokion had told us. And he had stayed ballistic all these years, accepting no compromise whatsoever.

For this occasion Mariela had put some campaign posters the corridor. So, the Commissioner stepped into her office. His staff informed him she was the Task Manager for children, after which he said:

‘Thank you for looking after my children’.

Late afternoon there was a cocktail in his honour. When a colleague introduced Mariela to a Romanian politician with the words: ‘Mariela is the mother of the Romanian children’, she had proudly replied:

‘Indeed, and Verheugen is the father!’

Tuesday, 4 March

Scheele met Minister Mihailescu recently and was told that, with the exception of the United States, there was no more pressure for adoptions. Mihailescu thought the government could handle that. And despite all the US/NATO pressure, messages from Brussels were clear: Romania’s draft laws on children’s rights were far from ready, thus the Government had extended the moratorium until the 1st of June.

Mihailescu might have thought pressure had stopped, but this appeared to be an illusion. A group of Spanish parliamentarians is in Bucharest to lobby, and visited the Delegation also. They came with an impressive wish list: ‘Something between 800 and 5,000 children’. The Spanish couples had already paid part of the money, so Romania needed to deliver. Could the Delegation intervene?

Anticipating such a question, the Delegation had cleared the Commission line with headquarters prior to the meeting. It was agreed this was entirely a Spanish affair in which the Romanian government and even more the EU had no responsibilities.

Thursday, 6 March

Gabriela Coman was pleased with the Independent Panel’s report. The drafting of the laws was such a tricky issue. I did not have the feeling she had full control of the lawyers working on them. But we did not discuss this kind of issues. She had her bosses, I had mine. By keeping the Panel, we would make the process more transparent. We agreed it would be best if next the Panel could meet in Bucharest. And indeed, today we received a letter from PM Nastase to Commissioner Verheugen, with a formal request for the Independent Panel to come to Bucharest.

2003

Tuesday 11 March

By what I find on the Internet I start to doubt these so-called pipeline cases and exceptions. For example the website of the American New Hope Christian Services:

American New Hope Christian Services:

On February 27, the PM signed a Memorandum, releasing 5 of our children. The children and families that are registered with the RAC prior to the new laws coming into effect will have their adoption processed under the old laws. The date for the new laws to go in effect is May 1. Babies and children are being cared for in our Bucharest foster homes. Families wishing to adopt a child in Romania can sponsor the child until which time the child becomes available for adoption (upon receiving a registration number). The child will then be considered an assigned child to the sponsoring family. Families interested in sponsoring a child may call our office for details. Currently the children are a few months old and up.

Assignment of a child is given to you by video. The child lives with the foster Dad and Mom in this loving nurturing environment while the adoption paperwork is completed. Upon entering a foster home, the child has been checked for HIV, HEP B and syphilis and has been given a clean health report. (...) Families travel after the court decision to receive the child. Stay in the country is only a few days to receive the child's visa. We encourage families to travel to Romania. When it is not possible, escort service is available.

The picture showed a blond child with the text:

'We commend our foster parents for the excellent love and care they are giving to the children.'

This Agency was matching prospective adopters with children before they were adoptable. It sounded very much like the examples that could lead to corruption given on the e-groups in 2001, when it was explained that assigning children for adoption before the authorities had agreed, often meant that bribes needed to be paid afterwards. And these children were now qualified as so-called exceptions?

Thursday, 13 March

Apart from being on the agenda of DG Enlargement's meetings with the US, the adoption issue was now also on the agenda of the formal EU-US meeting of DG RELEX (external relations). Such meetings were held regularly on foreign policy issues that concerned both parties. Going

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through my documents, I found the minutes of a previous EU-US meeting. It said the US would not ratify the UNCRC in the near future and had advised the EU 'not to poke us in the eye' with a call for signing and ratifying this Convention (the US being the only State not to have ratified the instrument, apart from Somalia).

A few days ago I had received a call from a political officer of the US Mission in Brussels. As the adoption issue was on the agenda of the next EU-US meeting, he would like to have some background. We spoke for almost two hours. I explained Romania's obligations to respect the acquis, and thus the UNCRC. I did not 'poke him in the eye', but I did give him a full background of the adoption issue. New to this issue he seemed shocked by what he heard, and said obviously nobody knew this, for example his colleagues in Bucharest. Otherwise they would have stopped pressuring for adoptions. After my silent reaction, he said he would report to the US State Department in Washington.

Today the children issue was taken off the agenda of the EU-US informal consultation meeting, at the request of the US.

Friday, 14 March

Another Sera report. For the first time with a letter personally addressed to me. Until now I had received such reports just with a business card with handwritten greetings of De Combret. Recently I had noticed these were no longer handwritten, but the blue handwriting was printed.

I read the report. The tone had slightly changed. Sera was now also exploring Romania's neighbouring country Moldova, although from the report it looked like it was part of Romania. The focus of this report was not so much on children in institutions, but on (failed) reintegration of children. There were pictures of beautiful young girls. According to De Combret they had returned to their families, but these were too poor to maintain them. The suggestion was made these girls would now have to prostitute themselves.

Tuesday, 25 March

This morning's bi-annual EP Petition Committee dealt with no less than three petitions from EU citizens on the subject of Romania's children. All variations on one theme: intercountry adoptions. I gave an outline of the events that had led to the moratorium and called for the EP's understanding of Romania's situation: the orphans were no orphans, pipeline adoption cases had been dealt with and time was needed to draft new legislation. I especially emphasised the significant progress in reforming child protection, heavily supported by EU funding, which had brought Romania in line with child protection in EU Member States.

Standing the meeting the parliamentarians decided Romania's efforts were satisfactory and to close these petitions (if the EP would have decide

to keep them open, the Commission would have needed to report again in six months).

Friday, 4 April

In Bucharest again. Today it was three years since the EP Hearing had taken place in Brussels, where Sera had wanted to scandalise the Commission, a day Mariela and I every year commemorated. Things were so different now. There was a clear commitment to reform and our programmes were showing good results. We were on top of things.

Our good mood did not last for long. A senior Romanian government official had asked to see me. Mariela and I passed by her office. We were told there was ongoing pressure for breaking the moratorium. Not from the US, but from Brussels this time. President Prodi regularly called PM Nastase to allow 36 exceptions to the moratorium for Italy. Prodi's Cabinet also called the Romanian Ambassador in Brussels. So did MEP Antonio Di Pietro. I was asked to keep this confidential.

I advised my messenger to suggest Nastase to inform Verheugen about this. After all, Verheugen had at several occasions said Romania could call him if individual countries put pressure. Guess the same would count if the European Commission did...

Thursday, 10 April

Richard's 'twinning' as pre-accession advisor that had started in April 2001 had been prolonged with six months and a lot of work had been done. He had worked with the Ministry of Labour and Social Solidarity to better target family allowances, to advise on the decentralisation of social assistance and its coordination with child protection, he had assisted the Authority on a number of issues, such as obtaining better aggregated statistics on children in care. Also his team had developed a maternity booklet that the Ministry of Health would make available to all pregnant women, containing information and advice on health issues.

Richard also was a member of the Steering Group of the Children First Fund and so forth. He had worked closely with eight DCPs to advise and analyse on child protection issues. His final report is now available:

Final Report

"Where there is a will, there is a way"

[...]

The policy of de-institutionalisation, started since the beginning of the year 2001, permits now to check the considerable reduction of children placed in residential structures in the whole of Romania.

[...]

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We thus note a total reduction of 29,20% of children placed in residential structures, and an increase of 41% of the children reintegrated into their natural family or profiting from a placement in foster families.

[...]

Reinforcing of Phare funding for social matters until 2007 is necessary to allow continuity, and for the consolidation of progress on family and childhood policies in Romania.

[...]

Because of recorded progress, maintaining child protection as political criterion within the framework of Romania's accession to the European Union, is no longer justified: this criterion is obsolete today.

Thursday, 17 April

'Following American Pressure, the Government Lifts Embargo on International Adoption' was the over-optimistic headline of some papers when reporting on US senators Mary Landrieu and Larry Craig's visit a few days ago. Objective of the visit: NATO accession. Landrieu is also chair of the Armed Services committee, and although Romania's NATO accession had been agreed, it still needed ratification by the US congress.

But both Senators were also adopters and active members of the 'US Coalition on Adoptions' and thus the NATO discussions were combined with adoptions. This Congressional Coalition on Adoption Institute is, according to its website,

'a non-profit, non partisan organisation aiming to raise awareness about the tens of thousands of orphans and foster children in the United States and the millions of orphans around the world in need of permanent, safe, and loving homes through adoption; and to eliminating the barriers that hinder these children from realising their basic right of a family.'

Interesting enough, this Coalition of more than 150 Senators is an NGO that does not accept US federal funding for reasons of integrity, but they do lobby in their role as Senators. At the same time they accept sponsorship of US adoption agencies such as America World Adoption Association, Bethany Christian Children Services and the National Council of Adoptions.

According to the Coalition also adoptions in the US are not being done fast enough. Since 1987 the number of children in foster care doubled, while the number of adoptions remained the same. Unlike in most European states, US children become adoptable after they spend a certain time in foster care, similar to Romania's abandonment law. As most children are older, from minorities, or disabled there is not much demand and most children are never adopted although their parents' parental rights have been terminated.

Landrieu and Craig visited a private children's home just outside Bucharest jointly ran by Hope Worldwide, an American charity, and the adoption agency 'Small Nuggets of Gold', the US brain experiment in Saint

Ecaterina and a maternity clinic. They found just a few 'abandoned' babies instead of the dozens they expected, and thus this part of the visit was left out of the press.

The two Senators met president Iliescu, Minister Mihailescu, the Defence Minister and the Foreign Affairs Minister. The message they gave was that once the EU would have given its blessing to the adoption law, Romania should adopt it as an emergency ordinance. They might not have known that the EU expected just the opposite: a full democratic decision-making procedure, with a parliamentary vote, not an emergency ordinance adopted by the government only.

During her press conference Mary Landrieu said she thought Romania's child protection could become a regional model. For high quality export?

Monday, 21 April

Under the Greek EU Presidency negotiations had started to prepare the EU Joint Position for this year's Association Council. Again the Spanish attempted to push for a sentence to urge the Romanian government to proceed with the pipeline cases. I made clear 'pipeline' cases, being cases already in court at the time of the moratorium, had all been processed. This was pressure for 'exceptions'.

Wednesday, 7 May

Ann McElhinney's Irish Times article had been taken over by the Romanian newspapers. Ann described her flight to London, where there were several American families with Romanian children, exceptions to the moratorium. Once the plane took off, one of the adoptive mothers held her baby's face close to the window and told him:

'Say goodbye Romania, bye-bye.'

But instead the child had started crying: 'mammi, mammi.' And it clearly did not call for its middle-aged American adoptive mother. The child continued until the obviously irritated adoptive father started banging his fists on the arm rests of his chair, while shouting: 'Shut up! Shut up! Shut up!'

Monday, 12 May

Since a while we had heard rumours that De Combret was looking to liaise Sera with another NGO. Today I saw on the website of Care France that this organisation now sheltered Sera, and De Combret had become Vice President of Care.

In Sera's information letter, available on Care's website, De Combret explained thousands of newborns were again institutionalised, because of the moratorium:

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‘Therefore efforts needed to be doubled, reason for which Sera had joined Care, one of the most respectable humanitarian associations. Because union makes force, Sera and Care would make common cause’.

Care, an American NGO, was set up in 1945 and was best known for the ‘Care packages’ they distributed to Europe’s population right after World War II. Since then, Care had continued humanitarian assistance worldwide and had offices in several European countries.

Tuesday, 13 May

Another paedophile arrested, a fifty-year-old Frenchman. Despite the proof of pictures of two Romanian boys in his bathtub, and full confessions of the children, the prosecutor released the man within days. The French and some others have intercountry adoptions high on their political agenda when it comes to Romania, but paedophilia seemed hardly subject of their concern.

Wednesday, 14 May

Until now the moratorium had been extended every time for one or three months. It did not make much sense, as it made the lobby hopeful each time that it would be the last extension. It was Minister Mihailescu again who sorted it out. He wrote to President Iliescu explaining him why it was better to extend the moratorium in a more serious manner. As a result the Senate agreed today, at the request of President Iliescu, that the moratorium would continue until the new legislation would enter into force.

Thursday, 15 May

The Stockholm University, with Unicef Sweden and Unicef Romania, has organised a conference in Stockholm about children in residential care. Governments, international organisations and NGOs from all over the world were invited. But DG Enlargement and the EC Delegation in Romania, who supported the largest programme on closure of institutions, were not. Nevertheless we had inscribed ourselves.

When Mariela and I arrived we noticed the rest of Romania had not been forgotten: several DCP directors, some children and many NGOs. The first person we ran into was Sera’s Bogdan Simion. We shook hands and I asked him why Sera was so focused on adoptions. Simion smiled cynically. No, that was not the case, not Sera, just De Combret. In any case, Sera Romania had nothing to do with Sera France. I just shook my head and moved on.

In the entry hall of the conference there was a small exposition where participants could promote their actions. At the Romanian table was a pile of fresh Sera brochures. On the cover, a black and white picture of three

boys, ten to twelve years old, having fun in a bathtub filled with foam. At the wall were Sera's black and white posters.

One showed a few street boys lying in foetus position in the middle of a street, sucking their thumbs, and gave as only comment the names of several Romanian towns known for their *camin spitals*. Another poster pictured a malnourished teenager in striped pyjamas in a barred crib. Slogan: 'Children give us power'. Another one showed a beautiful three-year-old boy, with big dark eyes, wearing a too large male underwear top. Title: 'Romania is losing a generation, but they are waiting for you in the institutions'.

No sign of our campaign's international brochure, but we had made sure we carried enough. At a quiet moment, Mariela and I removed the depressive Sera posters and replaced them with the colourful optimism of our awareness campaign posters.

Queen Silvia opened the conference by reminding the audience of Sweden's history. Sweden had in 100 years moved from a relatively poor country to one of the richest countries of Europe. A hundred years before, Sweden had had 400 children's homes and many children were placed for adoption, including intercountry adoption to...? Latvia. It was when women were given equal rights and support for single mothers became available, that children's homes could be closed. Hardly any Swedish children were adopted nowadays. Instead Sweden had become the European country with the highest number of children adopted from abroad. Turning to the rest of the world, the Queen said there were too many children in residential care and she especially mentioned Guatemala, Romania and Russia. Some were orphans (Africa), some had parents, but were abandoned because of drugs, alcohol or poverty. The Queen advocated for social support and training. Instead of institutions, foster care and family-type homes were the solutions.

We listened to lots of other speeches about children in residential care, but there was not much talk on how to close institutions. Gabriela Coman also spoke. Her summary of the Romanian reform was impressive. I was sitting next to an African Minister of Social Affairs who said he found Romania's successful stoppage of adoptions remarkable. The US was trying to get the African AIDS orphans for adoption, but most African countries had until now been firm in wanting to care for these children themselves.

A positive surprise was the speech of Rosemary McGreery, currently working for the UN in New York but from 1991 to 1993 the first head of Unicef Romania:

'Institutions are a parallel world. They don't prepare children for life,' she said.

'Children lose contact with their families, are not listened to and many become victims of trafficking. Institutions are expensive and they violate several articles of the UNCRC. It has been proven that when institutions

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are built, they become magnets. They offer jobs and hence become the supply that leads to demand.⁷

As a closure remark she said institutions often were intermediaries for intercountry adoptions, for example in Guatemala, Cambodia, Romania and Russia. She appealed to all governments to design policies to help families to raise their children.

Monday, 25 May

According to the Italian press trade in babies is taking place in Italy. Young women and girls from Eastern Europe, not so far by sea, were persuaded to come to Italy under the promises of jobs, but often ended up being illegal and sold into prostitution. According to the Italian priest Father Cesare Lo Deserto, their babies, mistakes of their profession, were prey to the criminal gangs. When for adoption, children would go to Western couples with the money and contacts to bypass official waiting lists. In the case of organs, such as livers and corneas, the destination would often be privately run clinics in Israel and Turkey.

Were abandoned children trafficked for their body parts?

I have long-time not really wanted to hear about it. But the more I read, the more I worry. The 'baby parts' rumour probably arose spontaneously as an 'urban legend,' a false but widely believed form of modern folklore. That is according to the US government's info website. But a fresh report of the Rapporteur of the Council of Europe's Social, Health and Family Affairs Committee says differently: worldwide, the issue of organ trafficking is not so new. In the 1980s experts began to notice what was to become known as 'transplant tourism' when prosperous Asians began travelling to India and other parts of Southeast Asia to receive organs from poor donors. Since then other routes have opened up, such as to Brazil and the Philippines. Allegations are made against China of commercial use of organs from executed prisoners. Organ sale continues in India despite new laws, which make the practice illegal in most regions. Organ trafficking, like most criminal activities, is difficult to prove. But it should not be left to the media alone to investigate. According to this Rapporteur, the Member States of the Council of Europe have a common responsibility to deal openly with this problem nationally, but also through multilateral co-operation at the European level.

It is most likely not without reason that Europol's definition of child abuse refers not only to sexual abuse, prostitution, forced labour, kidnapping, parental abduction, ritual killing and illegal adoption, but also to the trade in abandoned children and the trade in organs. That probably means such abuses exist. So why would Romania's abandoned children not have been victims of such crimes?

I discussed all this over lunch with my secretary. Not long afterwards she sent me an article from a Belgian newspaper, just a few months old. It reported police had halted a Romanian truck coming from Brasov at the Hungarian border. In it, hidden behind a fake interception, were two Romanian women with two babies, not their children. The children were destined for organ transplant in the UK. The Belgian Federal Police had sent out a notice to all local police to be attentive to Romanian trucks, as the normal route from Romania to the UK is through Belgium. Chilling.

Saturday, 23 June

Mariela called me this morning. She had just bought a bunch of newspapers. And what did she see at the front page of *Ziua*? A familiar face, a man she had met just two days ago. The article was about this man's experience in the Iraq war. He had before been the bodyguard of many VIPs, among whom Pamela Anderson and 'The Who'. Now he was working on the US military base in Berlin. And he had found his next mission in life to be the Romanian orphans.

Mariela had met this man and a Romanian woman who lived in Germany. They had unfolded their plan to open a baby home in Timisoara, with a 'Babyklappen' as it was called in Germany. Mariela had explained the Romanian reform policy, institutions were being closed so why set up a new orphanage.

'There must be some leftovers,' the bodybuilder had argued, 'we know there is a moratorium for the moment, but once lifted, the sky is the limit.'

I have read about 'Babyklappen' before. It is a place where one can abandon a baby anonymously, a baby hatch or 'safe haven' as they call it in the US. This practice started in Italy in medieval times at the initiative of Pope Innocent II and spread through Europe in the eighteenth and nineteenth centuries. They were known as 'foundling wheels'. A mother (or anyone else) could leave the child at a wheel that when turned around would enter the child into the hospital or orphanage to which it was connected. So many babies were abandoned this way that the orphanages could not cope. Many babies died of malnutrition and neglect. By the end of the 19th century all 'foundling wheels' had been closed down. Since a few years baby hatches had started showing up again in Europe, most in Germany. There was a lot of criticism on this practice from human rights groups, as it was felt incompatible with the right of the child to know its identity (article 8 of the UNCRC).

Monday, 25 June

The French Michel Sounalet, 67 years, was convicted for paedophilia. He allegedly abused five boys of a children's home. Initially he had been sent to prison for four years, but the court case had been moved to another

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region, where the judge had reduced the sentence to two years. In practice this meant Sounalet only had to spend eight months behind bars, a third of the sentence, after which he was released on parole.

This case had made big headlines in the press. Not only because the accused had spent most of his life in jail for armed robbery before he converted himself to humanitarian aid, and to the rescue of children especially. After Rwanda and Kosovo he eventually had turned to Romania's children's homes.

No, the main reason this case received much media attention was that when Sounalet was on trial, Dr. Bernard Kouchner had come to his rescue. A Nobel Peace Prize winner and co-founder of *Médecins sans Frontières* (MsF). Kouchner resigned from MsF and became one of the founders of *Médecins du Monde* (MdM). He then turned to politics and when being French Minister of Health, he advised MdM not only to provide humanitarian aid, but also to become active in intercountry adoption. In fact MdM was at the end of the nineties the biggest provider of Romanian children for France, some 300 children yearly.

Anyway, Kouchner flew to Romania by private jet, heading a French delegation to support Sounalet's defence. To the Court and the press Kouchner claimed to be sure of Sounalet's innocence. Kouchner apparently went on to say Sounalet's arrest had damaged relations between Romania and France. The high level delegation also spoke to the boys. Three of the five minors retracted their claims afterwards.

Around the same time a similar case was on in the same town. Kurt Treptow, an American historian who published many books on Romanian history, was arrested following the abuse of two youngsters. Some alleged Treptow had served as a spy during the Ceaucescu era.

Treptow's Godfather came to his rescue in the person of Ion Talpes, adviser to President Iliescu and former head of the Romanian secret services. But not with much success, as Treptow got convicted to seven years of Romanian prison.

PM Nastase had said he did not want Romania to become 'Europe's Thailand'. A recent law increased prison terms for sex with children younger than fifteen to 10 years, and 25 years if a victim died or committed suicide.

Wednesday, 2 July

Italy holds the EU Presidency for the next six months. I was somewhat concerned they would use this occasion to lobby. After all, during his election campaign in 2002, one of Berlusconi's election slogans had been 'easier adoptions'. The website of the Italian Presidency had a part on Italy's social issues and announced the closure of all Italian orphanages by 2006. Children would instead be placed in foster care and family-type homes. So not for adoption? If ever the Italians dared using this Presidency

for adoption pressure, we could perhaps tell them to remove the beams out of their eyes.

Tuesday, 3 July

Professor Bainham is in Bucharest to help prepare the training sessions as part of the public awareness campaign. He had just published an article in the *International Child and Family Law Quarterly*, under the title 'International adoption from Romania, why the moratorium should not be ended.' 'Evenimentul Zilei' interviewed him about this publication and today headlined: 'Romania violated the rights of the child and of the parents'.

Bainham argued Romania should maintain the moratorium. The Hague Convention in no way obliged Romania to send children away. According to him, there was a clear relationship between the artificial and distorted notion of abandonment, which had operated in Romania, and the incidence of intercountry adoption. Children were abandoned precisely because of the availability of intercountry adoption. Professor Bainham argued children were a valuable commodity, but not when there is a prohibition of intercountry adoption.

Friday, 14 July

Last year we had received a letter from an Italian doctor, who asked President Prodi to intervene with the Romanian authorities to unblock his pending adoption. Prodi had signed the reply we had prepared. I had been somewhat surprised that his personal secretary had called me, before the deadline for replying expired, to ask what the reply would be. Well, the reply would be that it was up to the Romanian government to decide which cases would be sent to Court in 'exceptional circumstances' and that however much we sympathised with this person's efforts to adopt a child, we had to stress the Commission had no competence to intervene in favour of individual adoption cases.

Now the Italians wrote to President Prodi as a group. Thirty-one families signed end May letters requesting his help to unblock their adoptions. These were all families whose adoption had been done through the adoption agency AMO (*Attraverso il Mondo per un Sorriso*). They referred to previous letters of Marco Cappelari from Ferrare (where Prodi is from) and thanked the President and his family, and Professor Francesco Conconi for their interest in their cases.

The families concerned all had received the names of their adoptive children in October 2002. The Romanians had allowed only four adoptions to proceed. All others were being blocked because of Romanian bureaucracy, according to the Italian families. In February this year their adoption agency had given all the necessary documentation to Serge Abou, member of President Prodi's cabinet. The families were especially worried

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because in their opinion there was a deportation ongoing in Romania. Children were moved from orphanage to orphanage and they were afraid to lose track of the children.

A puzzling letter. Children allocated a year after the moratorium. Probably the children were now moved from their 'orphanages' to foster care, as part of the reform. And who was Professor Conconi? A quick 'google' pointed to the Director of the Ferrare University and member of the Italian Anti-Doping Committee. Prof. Dr. Conconi was allegedly involved in an illegal doping programme himself, involving 60 cyclists. He was the man behind Francesco Moser's hour records. What did he have to do with adoptions? I had asked the President's cabinet for the previous correspondence from Cappelari, but was informed the President's Cabinet would deal with those letters.

Today Landaburu signed replies to all families, of which a copy was sent to the President's cabinet. In a long letter we explained the reform, the moratorium, the Independent Panel, and the progress already achieved in reforming Romania's child protection, the usual line. We included the Italian version of the public awareness campaign's information brochure 'Romania's children: their story'.

Tuesday, 15 July

The Head of the Bulgaria Team came to my office today and said he could not get Save the Children UK off his back. They were continuously complaining about the abuse of intercountry adoption in Bulgaria. And his team did not know enough about this issue to deal with it. Would I be ready to serve as special adviser on children issues to the Bulgaria Team? I replied I could only do so if the head of the Romania team, Enrico, agreed. And to my surprise he did. I agreed I would talk to the task managers of the Bulgaria Team and the Delegation in Sofia on the matter.

So I had to have a look at the Bulgarian legislation. On the Internet I found a recent interview with the Bulgarian responsible for adoptions in which she declared the new Bulgarian legislation now made adoption possible for children who were not 'orphans'. The criteria would be neglect and abuse. Neglect when children were not visited, or when parents did not take their children home. Parental rights would in such cases be terminated and children became adoptable. The interview mentioned disabled and Roma children could be adopted internationally in any case, as Bulgarians did not want to adopt such children.

I had explained the issue to the task managers in Brussels and in Sofia. There was the usual wall of misunderstanding. There was no other solution for the children than intercountry adoption, the child protection situation was bad in Bulgaria and one could not solve this fast. I explained over and over again the UNCRC and its implication for intercountry adoption and

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gave them the Independent Panel's opinion that intercountry adoption was not a child protection measure.

The Phare Children Programme on which Director Catherine Day had insisted in 2001 had started being implemented. Part of it was a twinning contract that was implemented by an Austrian expert that had as objective to assist the Bulgarians in the drafting of new legislation. But this twinner did not agree to the Panel's position... and he worked together with DFID's George Lane and Carolyn Hamilton.

End June this year the Bulgarian Family Act, of which adoptions were part, had been vetoed by Bulgaria's President Georgi Parvanov. The President felt that the new laws were too much in favour of foreign adopters and wanted more favourable rules for national adoption. But the legislative committee of the Parliament had not taken his considerations into account. The ruling majority of Simeon II, the former Bulgarian king, who now was Bulgaria's Prime Minister, had overruled the President's veto.

Today the Independent Panel was meeting again in Brussels. I explained them that I could not be present all day, as I had to meet a group of Bulgarian politicians and civil servants. The Head of the Bulgaria team had asked me to explain them why the Bulgarian adoption law might not be fully in line with the UNCRC. The Independent Panel members said they could look at the Bulgarian legislation too, if the Commission would want so. But the Bulgaria team, nor the Bulgarian EC Delegation, nor the Bulgarians had made such a formal request. I explained the Romanian case to the Bulgarian Delegation and pointed out that the laws Bulgaria was about to adopt could have the same effect, a rapid increase in adoptions not based on the best interest of the child. The thirty people present listened attentively and somewhat hostile. There was large opposition. Firstly it was clear they generally did not like to be compared with Romania. Secondly their legislation would restrict adoptions to the best interest of the child.

But the Minister of European Integration came to me after the meeting. She said she really thought that Bulgaria was not in a similar situation as Romania, but she would welcome me to come to Bulgaria to see for myself and to tell her if indeed things were wrong.

Wednesday, 30 July

Someone gave us a fundraising letter from Sera:

'78 little abandoned children
are in perdition
help us
to save them
from this death house.'

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In a six-page letter De Combret lamented that still thousands of children are in orphanages that resemble *mouroirs*, death houses. In dilapidated rooms without windows, twice the number of children than beds, and so forth. De Combret asked for donations, if 10,000 people would give 50 euros each, the children could be saved and placed in small homes of ten beds each. Monthly donations were also welcome:

‘30 euros feed a child for one month,
50 euros for clothing and shoes,
75 euros give a child a bed and
150 euros pay the salary of an educator.

But, Sera Romania already received 1.2 million euros from the Authority, from their National Interest Programme to close the described institution...

Tuesday, 9 September

Unicef's New York headquarters raised the alarm bell for the risk of post-war child trafficking in Iraq:

‘The situation is ripe for exploitation of children. While well-meaning people around the world might think international adoption is a legitimate way to help some of these children quickly, Unicef is concerned that too often unscrupulous child traffickers will try exploiting the chaos and trying to pass themselves off as legitimate agents of good.’

Unicef Germany has an information brochure available on its website that warns against the many problems involved with intercountry adoption, including child trafficking, and explains that nowadays it is generally acknowledged that local solutions are preferable. Including foster care. It also addresses the risks involved when children from poor countries are sent for temporary holidays to the rich Western world. And that such holiday schemes may be used to circumvent adoption procedures.

I find it hard to understand why Unicef Romania would not give out similar statements in a time when Romania is confronted with so much pressure to provide children for adoption. But no, instead its website still speaks of the 100,000 children in care, and the successful 1997 reform.

Since a few months there is a new Unicef Representative in Bucharest, the French Pierre Poupard. The former Unicef representative had been promoted and had left Romania prematurely. Today Mariela met him. He announced he was planning several visits to discuss Romania's child protection reform, to Paris, Geneva and Brussels. He also was of the opinion that an independent evaluation of the reform was needed. Mariela was a bit surprised he did not seem to know anything about Romania's history and nothing about child protection in other EU states or the

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Eastern European Region. His main experience was as World Bank expert in Africa and in Palestine for Unicef.

When discussing Romania's Report for the UN Committee on the Rights of the Child, Mariela had brought up that she found it rather strange the Committee had not said anything about the adoption problems in Romania. Poupard knew about that. He said it had been a political decision not to include criticism on intercountry adoptions...

Thursday, 11 September

The Italian law firm that represents the adopters of one of the children in Tiriac's home, who still had not joined her adopters, wrote to President Prodi. Despite the fact that all Romanian Courts, up to the Bucharest Supreme Court had confirmed the legality of the adoption, Tiriac was opposing the child's transfer and the child herself apparently also did not want to go to Italy. The Italians now had filed the case with the Strasbourg Court on Human Rights. We sent a reply to the law firm saying that indeed the Strasbourg Court, and not the European Commission, was competent in such a case.

Wednesday, 17 September

Cappelari, the Italian adopter who had sent several letters to President Prodi, has faxed an invitation to Commissioner Verheugen to come to Italy next week for a conference on adoptions. This was of course not possible on such short term and in any case not what he would do. But Cappelari had called Verheugen's cabinet and insisted on another representative of the Commission.

Nancy sent me the invitation fax, which in her opinion had the names of all invited people. But that was not so, it were the names of clients of Italian adoption agencies, approximately 70 Italian families and the name of the Romanian child they awaited, including the names of 23 families from the adoption agency AMO, but these had no names of the children mentioned.

MEP Di Pietro called the next day to say Prodi's Cabinet, Abou, had promised somebody from Brussels would participate in the conference. I checked the invitation once more. Abou was mentioned as speaker.

Thursday, 18 September

Today we sent out the second report of the Independent Panel. In his letter Verheugen wrote to Nastase that although good progress has been made, further reflection on the laws is needed: 'Your government should now reach a clear and agreed view.' The Commissioner also confirmed that the Independent Panel would continue to be available until satisfactory laws had been agreed.

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Second report on the Interim conclusions of the independent expert panel reviewing the Romanian government's proposals for new legislation on the rights of the child

[...]

21. In this context it is important to recall that according to Article 20 of the UNCRC, States Parties shall ensure alternative care to children who are deprived of their family environment. This provision goes further giving examples of different types of alternative care, like for example foster placement, placement in institutions suitable for the care of children or adoption. This enumeration does not imply adoption is to be regarded as a 'special protection measure' of a similar nature to the other ones. The aim of Article 20 is to give States Parties the spectrum of some possible solutions for children deprived of their family environment – and one of these possibilities is adoption, which is regulated in more depth under Article 21 of the UN Convention.

22. The reasons and motivation for intercountry adoption should be clearly stated in the law. In this respect it is also of importance that there should not be other ways to avoid the new regime on intercountry adoptions. Examples of preventing the new law and system from working properly are: recognition null and void unless there is (or there has been) family life of man with the child (see article 8 ECHR [European Convention on Human Rights] - it would be practically impossible to prove the existence of family life in such a situation). Another example would be to consider a poor and/or minor mother not able to raise her child with as a consequence the child will be available for adoption in Romania or even intercountry adoption. Intercountry adoption is a very last resort and should only be considered if any suitable means of foster, adoptive or residential care cannot be found in the country of origin of the child and only if it is manifestly in the best interests of the child.

...

There is also concern about the 3,000 children who the Romanian Adoption Committee apparently has on the list of children approved for adoption. Is that figure correct? Clarification is required on what is happening to those children now and whether their cases are being reviewed. Has any action been undertaken to find prospective adopters in Romania? What will happen to these children when the new laws take effect?

Monday, 22 September

On one of the e-groups there is a woman reporting in detail about her struggle to get her Romanian adoption agreed as exception. She registered as prospective adopter in Romania before the moratorium, but only got a child allocated in October 2002 by a Romanian adoption NGO. In the meantime she has been unsuccessfully trying to adopt in Bulgaria. She is single and in her forties. This woman now, after visiting Romania, is

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voicing her concern on the e-group about the fact that the child is so well settled in her foster family. The two-and-a-half year old child is in foster care since two years. The woman wrote she felt like she will take the child away from the foster family and was afraid it might be difficult for the child. She is asking other adopters for advice. Some other adoptive parents replied saying that time will solve this and the child will quickly forget her language and roots.

Tuesday, 7 October

De Combret sent his mission report about his end of Augustus trip. Again a disastrous description of *camin spitals*, with dramatic black-and-white pictures. Most *camin spitals* that are described have agreed closure plans, either with funding from the Development Bank of the Council of Europe, by Children First or by Sera. But that is not mentioned.

De Combret has also some advice for the Commission. He finds it desirable that the 'Phare programme' would refocus on new orientations, such as the resumption of intercountry adoption, the closure of special schools and *camin spitals*:

Not the closure of the *leagans*? And the closure of *camin spitals* is part of Phare in any case, but Sera did everything possible to prevent DCPs handing in project proposals and seemed to prefer to fund these closures themselves with money from the Romanian government, for twice the Phare project budgets.

Thursday, 11 October

Bucharest again. Mariela had proposed me to meet the new Unicef representative, the French Pierre Poupard. He appeared full of plans. As a start he would see Unicef would finance an evaluation study of the child protection reform. A Steering Committee would be set up (USAID, DFID, World Learning, Unicef, Federation of NGOs and EC). I welcomed the idea as such, and suggested to put the Romanian situation in a European perspective by comparing it to the child protection in other European countries. Poupard said he did not know much about the situation in EU Member States or in other candidate countries. So, I enlightened him about the European child protection and its history. That most countries had had large 'orphanages', but that most had been closed and replaced by foster care, family-type homes and by family support. And that in all countries many children were in public care, so Romania's situation might by now not be that atypical. Poupard appeared impressed and said that if that was so, that should be made public.

Monday, 15 October

On the road again. The further advanced the Children First Programme was getting, the more interesting field visits became. The progress was

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impressive and I felt many local authorities were becoming proud of their work and were actively looking for the best protection solutions for children. We did not only visit Children First projects, but also some financed by other donors than the EU.

The difference between our Children First and projects of other donor programmes became also clear. For example the World Bank financed mainly community services such as maternal centres, counselling centres, and recuperation centres for disabled children. These were often housed in large luxurious buildings. The USAID programme ChildNet often created community services in refurbished buildings of 'closed' old style institutions. And all projects were implemented with NGOs as main contractors.

Our Children First approach had been different: closure of institutions, new services by preference not in closed institutions, small style services (apartments instead of family-type homes), strong focus on foster care. And, we had made the local authorities, the DCPs, responsible by giving them the contracts and not NGOs.

We went to visit a site where there used to be a *leagan* and a school. Now the *leagan* was transformed into a *camin spital*. Sera had as part of the ChildNet programme moved the children there from another *camin spital*. Space had been created for a treatment centre inside the institution, but not many further renovations had been made. The disabled children were packed in the former *leagan* baby rooms. At the entry hall and also inside I noticed the Sera poster showing an undernourished teenager, with the slogan 'Children give us Power.' I told the institution's director that I did not find that a particular pleasant view for the children. When we left the posters had been removed.

The former school building next door was now a private baby home, the 'House of Angels'. Mariela had already visited it before, but the Romanian American young director did not recognise her. She told us Sera had renovated the building and donated it. There were now 26 babies, and it was managed by her NGO Cara Bella. She said she worked with a dozen intercountry adoption agencies from the US and with facilitator Livianu. While in a nicely renovated building, the treatment of the children was old style. Children remained mainly in their cribs, some cribs had fully closed sides, instead of the usual bars, so that the children could not see anything something, not many toys around and a very young baby was even swaddled old style. Some children had their (American) name above their bed. The director said she was not interested in working with mothers or families. When she wanted to show us the personal files of the children, all of them appeared missing. I showed some positive interest in intercountry adoptions and the director confessed she was anxiously waiting for its resumption, because Romanians would not adopt children. She intended to refurbish the second floor too to make space for another thirty babies.

Such baby homes were, as the Tabacaru laws were still in force, now called 'emergency centres'. The creation of such centres had also been proposed for financing under the Children First as part of closure projects for *leagans*. But the Grant Steering Committee, that included the resident twinning adviser Richard and Alin Teodorescu, had at our suggestion decided young children under three should always be placed in foster care and had instructed DCPs to modify their project proposals accordingly.

On the way back to Bucharest we made a stop at the children village of the Austrian NGO Concordia. Recently I had received several calls about the possibility of EU financing for Concordia's projects. The last call had come from a bank. This village was at the main highway out of Bucharest, in the middle of nowhere. A big sign at the road announced it to the visitors. The four buildings hosted some twenty children each. One of them had only children under three years old. We were told the children came from all over the country; some came from the streets of Bucharest. It all seemed much old style to us. The Austrian Priest Father Georg Sporschill was known to have many political contacts. The Austrian Foreign Minister, Benita Ferrero-Waldner had hosted in 2002 an event where Concordia was one of the four organizations that received a UN Vienna Civil Society Award. PM Nastase himself had opened recently the new sports facility of the centre.

Thursday, 23 October

Unicef Romania's Pierre Poupard had come to Brussels. He had asked for meetings with DG Enlargement's hierarchy. But there were not many people dealing with the Romanian children. Enrico was not interested, and in the end only Verheugen's Cabinet was available. Unicef also had an office in Brussels, especially for relations with the EU, but nobody accompanied Poupard.

As Poupard had arrived early, we first went to the cafeteria for a coffee. Again he spoke of the evaluation of the child protection reform Unicef would launch. Again I told him it would be especially interesting to put Romania in the European context. Without introduction, he asked if I was aware of the 8,000 to 10,000 children abandoned yearly in Romania's maternities and hospitals. I replied that for such statements it would be necessary to first define what abandonment was. The abandonment law had had as effect that many children had been declared legally abandoned to free them for adoption. But since the moratorium this practice had decreased. Poupard said he had visited a hospital in Bucharest where he had noticed five abandoned babies. The staff had not known what to do with them.

'Child protection,' I suggested, 'like foster care or national adoption?'

Turning rather nervously on his chair, Poupard then asked about the draft legislation. Would the next verdict of the Independent Panel be a final

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one? I could only say that that of course depended on the quality of the draft laws, and that for Commissioner Verheugen quality was more important than speed.

Poupard raised his eyebrows and said in his opinion adoptions could resume once the legislation was adopted. I explained the need for Romania to build the necessary administrative capacity first. For that the UNCRC's Implementation Handbook would be a useful tool. Any chance the Romanian translation could be available soon? Next month, said Poupard.

Then we went to Verheugen's Cabinet. Poupard did not come back to abandonment, but just gave a general presentation of Unicef's work. Turning to adoptions, he said there was a lot of pressure to reopen adoptions coming from Embassies, including from EU members. Nancy shrugged her shoulders and said EU Ambassadors were supposed to follow the line of the EU Joint Position for the Association Council. And in case of pressure, Romania should inform Commissioner Verheugen. He would take care of that.

When I accompanied him downstairs, I asked if by any coincidence he just came from Paris. Yes indeed, he had visited De Combret, and why did I ask? Well, I had recognised his De Combret language: same rhetoric, same statistics.

Tuesday, 28 October

I admired Mariela for her creativity on the public awareness campaign. Do not ask me how she did it, but we now had a whole series of talk shows on Romanian TV. The concept was to have two people interviewed by the well-known Romanian TV presenter Stelian Tanase. I had seen the videotape of the programme with Phelim and Allison Mutler as main characters and it was brilliant. Phelim came out strong and convincing. The next idea had been to have Baroness Nicholson as guest with another main player. Mirel Bran had refused to be in the same programme as Phelim at the time, not very brave huh, and US Ambassador Michael Guest had bluntly refused to meet the Baroness, not only on this TV show, but EVER.

After Poupard's lobby in Brussels and his 'De-Combret-inspired' message, we thought he deserved to be on national TV with the Baroness, and he had agreed. We arrived with the Baroness in the government limousine, at the same time Poupard arrived. He jokingly said one could see the difference of importance, as he arrived in his 'normal' CEO chauffeur driven four-wheel drive. And nervous he was. Before he entered the stage he said: 'I'll be very strong, Roelie, you'll see. I will have a good position on intercountry adoptions.' And so it happened. It was a good programme. The Baroness as usual self-confident, Poupard, more than slightly nervous, in full agreement with the Baroness' views and quoting the UNCRC.

Wednesday, 29 October

Early morning Tiriac surprised Mariela with a call. On behalf of the Baroness he asked if Mariela and I could join her in a visit to his children village. The two Italian families had brought their cases before the Strasbourg European Court for Human Rights. The Court had accepted the Baroness and Tiriac as Third Party. Therefore the Baroness liked to visit the children once more.

Tiriac had the use of his helicopter so the whole visit would not take more than three hours. It was the first time Mariela and I were in a helicopter and when we were flying low over the mountains I could not help joking I felt a bit like Harry Potter on his Nimbus 2000 broom. If only we had a bit of his magic.

When we arrived at the children village, the children came running out to see the helicopter land. They were running around excited and seemed happy enough. We entered a cluster of family-type houses, they looked not much different than the ones Mariela and I had visited in the Netherlands two years ago.

In the home of the two girls who were at the centre of the Strasbourg court case, the Baroness asked the staff to leave us alone with the children. I sat myself at a separate table to type the transcript of the meeting on my laptop, while Mariela sat next to the Baroness to translate.

The Baroness put the girls at ease and then questioned them about their past and present situation. They had parents yes, but no, no contact. But life in Tiriac's home was good. The girls were doing well at school, had friends, did sport and had music lessons. The housemothers were treating them well. The Baroness asked if they were ever beaten or mistreated? No, sometimes they would tell off the children if they disobeyed, they would be angry, but beaten, no. The girls told also about the visit of the Italians. They said they did not know these people, and had never been to Italy. They wanted to stay here. And with the optimism of youth they were sure the Court would take the right decision.

Sunday, 2 November

Mariela called to tell me she had dinner with someone who had had a senior position under one of the previous governments. He had invited her, because he wanted to know why she was against intercountry adoption.

He had come with some stunning statements. In his opinion excluding intercountry adoption was discriminative. In the EU people have the right to travel freely and to live anywhere they want. Romania will be part of one big Europe: if foreigners can buy land in Romania, why can they not buy children?

Mariela had reminded him that the UNCRC puts strict limitations on the use of intercountry adoptions. His blunt reaction was conventions could be

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changed, and he actually wrote down the articles she had quoted. He also asked if the Baroness was still going strong, which comments we had on the draft legislation, whether Tabacaru was in Bucharest. Mariela had not replied.

After dinner he drove her home. He stopped the car in front of her house and gave it an inspectional look.

‘Do you have bullet-proof windows?’

Mariela told me she had felt like being in ‘Silence of the Lambs’.

Wednesday, 5 November

2003 Regular Report on Romania’s progress towards accession

The moratorium on intercountry adoption has been extended until new legislation on children’s rights is enacted and the necessary administrative capacity in place. Extensive consultations are being carried out in order to ensure the legislation will respect the ECHR and the UNCRC. Preparations are underway to develop the administrative structures and capacity to implement the new legislation. Concerns remain about the lack of specialised courts for family law and the lack of free legal representation in decisions concerning children and in particular decisions that seek to terminate parental rights.

Wednesday, 12 November

Scheele received an invitation from the Italian Commission for International Adoption, the adoption agency AMO (Attraverso il Mondo per un Sorisso) and the ‘Istituto degli Innocenti’ for a conference. The programme announced Scheele as speaker, but he had never been asked.

Mariela had sent the invitation to Brussels, as she had noticed something peculiar. Attached to the invitation was an information brochure on Romania’s children. The introduction was all about ‘abandonment’ and held exaggerated statistics on how many children were in institutions. However, the rest was the exact text of ‘our’ international brochure ‘Romanian children: their story’, the full 35 pages without even quoting its source. Enrico was furious that AMO had used the text of the international brochure under false pretext and had instructed the Delegation to first of all reply that the Commission would not participate to their event, and secondly to inform them the Commission firmly disapproved plagiarism. But already before the letter could be sent out the Delegation had received a fax the conference had been cancelled. But the letter was sent anyway.

Some days ago, when I had received the conference papers from Mariela I had been somewhat surprised to see the Istituto degli Innocenti, Unicef’s research centre in Florence, as partner in this project. I had asked

Mariela to inquire with Unicef Romania. While she had asked by mail, the reply came by phone: this Innocenti had nothing to do with Unicef's Innocenti.

I checked the Internet again. Indeed, there were two Innocentis, the Unicef Innocenti Research Centre and the Istituto degli Innocenti. Both organisations did refer to each other often on their websites and were located at the same address in Florence. But one was from Unicef, and the other one seemed an Italian organisation on children's rights. Confusing.

Sunday, 23 November

To better understand how these networks on intercountry adoptions work, I kept googling. I found that the American National Council For Adoption, headed by William Pierce, attempted influencing Dutch policies. The Dutch Minister of Justice Donner had, considering there were not enough adoptable children to please the many waiting adopters, suggested making it more difficult to get on the official Dutch list of accredited adopters. Minister Donner had taken the position he did not find it justifiable for the Ministry to take an active stand on intercountry adoptions. His starting point was children should be able to grow up in their country of origin. Intercountry adoptions could only be considered if every other form of help to the child was lacking.

A Dutch association of individual adopters had asked William Pierce to write to the Dutch Parliament. In a misleading letter he confused the UNCRC and the Hague Convention and argued that if the Minister's policy proposal would be followed, many children would languish in institutions unnecessarily. The Dutch Parliament had indeed blocked the Minister's intentions.

On the website of the American National Council For Adoption William Pierce kept daily notes of intercountry adoption developments. He was clearly very influential and had also played a role in the drafting of the Hague Convention, and 'advised' Romania early nineties...

Wednesday, 26 November

Dinner with the Baroness. She had just returned from the Strasbourg Human Rights Court where she had testified on behalf of the Brasov children. Ion Tiriac and his lawyer had also been present, as well the Government's lawyers.

The Strasbourg judges found this an interesting case, as normally the Court would condemn governments for their non-execution of their national court decisions. In this case it could be the opposite. It could have as outcome that the Romanian government would not need to execute officially decided adoptions.

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The Baroness hoped the court would take the opinion of the children into account. The children had not been present, but a tape had been shown where they said they did not wish to go to Italy.

During her time as third party in the trial, the Baroness had spoken about the girls' life in the Brasov family-type homes and she quoted from the transcript I had made at the time of our visit to the girls. Tiriac had spoken right from the heart. Now all we could do was to wait for the final verdict. Somehow I could not imagine the Court on Human Rights would decide against the children, but one never knew, as the Court was not held to take a position on the 1997 adoption law. And these adoptions were lawfully made...

Thursday, 27 November

The EU-Romania Joint Parliamentary Committee met today. Baroness Nicholson's office faxed me a document that had been transmitted by the EP secretariat to all the Committee Members just before the meeting: a short version of the Sera report about the disastrous situation of Romania's children. Luckily it had not influenced the Committee and they had adopted a favourable opinion on the issue.

There is lately again a lot of negative media on the children issue. For once not the French *Le Monde* or *Le Figaro*, but the UK press (*Sunday Telegraph*), the Italian (*Panorama*), and CNN, BBC and Euro news. The articles did not attack the Baroness, but reported on how bad things are for children in Romania. Perhaps they were to influence the Baroness. As for me, I have read and seen so much over the years that I do not even pay attention any more.

Wednesday, 3 December

Call from an exhausted Gabriela Coman, she felt like resigning. The pressure for adoptions was only getting bigger and what if more exceptions would be allowed. Her position in the government was simply not strong enough to prevent such exceptions, especially since Minister Mihaelescu was no longer her boss.

She told me PM Nastase was in Italy today meeting Italy's PM Berlusconi on how to accelerate Romania's EU accession. At the same time, a delegation of Italian MPs, headed by Stefania Prestigiacomo, Italy's Minister for Equal Opportunities, saw Gabriela Coman and requested 89 children. Gabriela refused, but the Italians kept making reference to the discussion between Berlusconi and Nastase. She was shocked by the way they addressed her.

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Thursday, 11 December

My secretary asked me to return a call from the Italian Child Protection Committee of the Italian Parliament. I dialled the number and an Italian woman, who gave no name, told me she wanted to have the names of the members of the Independent Panel. I told her this concerned an advisory body for the Romanian government and I could not help her. Five minutes later she called again. She had consulted with her boss and still wanted to have the names. I repeated the message. When she called back a third time, I had lost my calm and made it more clear: the Independent Panel was about Romanian children and therefore the Independent Panel spoke to the Romanians and not to the Italians. No further calls.

The Year 2004

Children's Rights are Law

UN Convention on the Rights of the Child, Article 12.1

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Wednesday 7 January

Unicef's Nigel Cantwell is in Bucharest to prepare Unicef a position on intercountry adoptions. During a meeting at the Delegation Mariela had reminded him of the clear position spelled out in the UNCRC, Unicef's cornerstone. While saying so, she reached for her 'bible': the UNCRC Implementation Handbook. Seeing the Handbook, the Romanian Unicef girl who had come with Cantwell, said that its Romanian translation was almost finalised. Before she could finish her sentence, Cantwell had slapped his hand at his forehead and interrupted:

'You are doing what?'

'We are translating it in Romanian, is there a problem with that?'

No, he had not meant that. But that was so much work...

Somehow we felt this translation would now be off the agenda.

Children's Rights are Law

Friday, 9 January

Press statement of the Italian Minister for Equal Opportunities Prestigiacomo, the one who had been so aggressive towards Gabriela Coman in December. This woman now bolstered about PM Nastase's approved 105 children for Italy, as result of her visit to Bucharest.

Fortunately Italy no longer held the EU Presidency; it had handed over the torch to Ireland. Would Focus on Romania, John Mulligan, be back?

Tuesday, 13 January

I was having a drink with some colleagues at the Commissioner's New Year cocktail, when I saw the big boss himself coming straight over to me.

'What do you do nowadays?'

'Romanian children, still.'

The Commissioner instantly exploded. He found what had happened to the 105 children a scandal. This whole children issue was unbelievable, never had he seen anything like that before. He told me to prepare a strong letter for PM Nastase. Nastase better found a good reason for these adoptions, if not accession negotiations would not be closed. I suggested the suspension of the Children First Fund in case this kind of exceptions would continue. After all, how could the Commission justify paying foster care, if these children were still exported? The Commissioner nodded in agreement. In his eyes I read both anger and sadness.

Later I had a dinner with the Baroness. At her arrival she cheerfully showed me a silk scarf all female MEPs had received from the Italian Presidency, from Berlusconi. I admired it somewhat bitterly, and after she sat down I told her about Berlusconi's deal with Nastase. She hardly found words for her disappointment with PM Nastase.

'And what about Berlusconi?' I asked.

'I feel like strangling him.'

'Good idea, use his scarf.'

Wednesday, 14 January

The Baroness' office mailed me her press release about the Italian deal. She called on the Commission to follow this up. The Romanian newspapers were also full of it. Nastase was firm: those 105 children were all true exceptional cases. He accused the Commission and some EU members of playing a ping-pong game between those who wanted intercountry adoption and those who did not. I did not dare calling Gabriela Coman. What to say?

Saturday, 24 January

On to the next scandal. The Ministry of Health had held an official investigation in a maternity clinic. According to their findings, several

children were registered as stillborn, while they were found alive and well, born underweight, in incubators. The parents, who had been told their babies were dead, had now been told to collect their children. They were reported being in shock.

The dead babies scandal was now fully out in the open. It had been taken over by the international press. I remembered clearly how we heard these things before. About pregnancies of six months being so-called aborted, but in reality the children were declared abandoned. However shocking I found all this, I was not surprised. I had read about similar practices in many countries that delivered children for intercountry adoption. This was not a Romanian thing, it was an intercountry adoption thing. In all these *leagans* and maternity clinics one could find foreign adoption agencies. During the moratorium this had continued, although formally they now focussed on prevention of abandonment.

The Delegation had recently financed projects of adoption agencies as part of 'civil society projects'. I had for years tried to convince the Delegation staff that social services were not the same as civil society projects. But since Simon had left, apart from Mariela, I had been speaking to deaf ears. Did they not understand? Did they not want to understand? I had no idea, but I was often shocked to see what the EC financed under civil society programmes, often in full contradiction with the carefully designed children programme. How could we justify funding intercountry adoption agencies to work on prevention of abandonment in Romanian maternities? The EU money and logo would help them open doors and build relations and keep them alive during the moratorium. Until adoptions would resume...

Monday, 26 January

Landaburu has been appointed Director General of DG External Affairs and replaced by the Italian Fabrizio Barbaso. Friday afternoon, his assistant showed up in my office. He said he did not understand why Verheugen was so angry about the Italian case. Did those orphans not go to nice Italian families? He had asked this question to Nancy, who had sent him on to me.

I gave him the full picture: these children were not orphans, the 1999 crisis, the Phare Children Programme, the importance of the UNCRC (*acquis*), about all the pressure (NATO/US, the Spanish and Italian Presidencies, Prodi), and also about the abandonment law and the 'dead babies' in the maternities.

I explained how inside the house opinions differed and some interpreted the Commissioner's line slightly differently. Letters drafted by me would be changed by the Italian Head of Unit, changed back by the UK Director, changed again by the Spanish Director General and then the Verheugen

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Cabinet would call the Director or me to get it back to the official Commission line. How the devil had always been in the details.

The assistant looked suddenly tired and said he now needed a weekend to digest all this. Me too. I was exhausted telling this story again, and again.

Right after the weekend he was back. He had spoken to Director General Barbato, who had immediately said he would be on the right side and stay out of this.

Wednesday, 28 January

The draft letter for PM Nastase was finalised and on the Commissioner's desk. I heard PM Nastase, the Italian Foreign Affairs Ministry and also Prodi's office had called Verheugen asking him to please not sign the letter! So they were all aware. Probably because Verheugen had given a press statement saying he would ask Romania for clarifications. But Verheugen stood firm and signed the letter.

Thursday, 29 January

The Italian deal is still all over the Romanian press. The best headlines had been in *Ziua*:

‘ORPHANS FOR A FRIEND’,
with a picture of Nastase and Berlusconi embracing, and

‘CRISIS’,
with a picture of Verheugen lighting a candle as metaphor for the death of Romania's accession.

Others headlines were:

‘Nastase opened his EU-door with Romanian Orphans’ and ‘Placement Centres as children factories for the European Union’. But the last title did not exactly cover the article's content, as the adopted children came from foster families, not *centrul de plasament*. These children were chosen on the basis of their pictures. No visits...

Sunday, 1 February

How come the international press is so silent? I felt the Italian issue could do with some European press too. Nothing about it was secret, as after all it was all over the Romanian press. I had arranged to meet some befriended journalists at a Greek restaurant.

When I entered the restaurant my friends were already waiting at a table near the window. We ordered a coffee and I gave them some Romanian press articles. Seconds later a good-looking middle-aged Mediterranean looking man entered the restaurant and took a place at the table right behind us. He wore an impressive black cape and a big black hat. Never

had I seen someone dressed like that. It was like he had walked straight out of an Al Capone movie. However, as this restaurant was full of Greek, I kind of automatically assumed he must be Greek too.

I paid no further attention to him and continued to fill in my friends on the Berlusconi story. Then I noticed the man seemed to eavesdrop on us, in a very obvious manner, as if he wanted us to notice. I saw an Italian newspaper at his table, was he not Greek? When he realised he had my attention, the man stood up, put on his cape and hat in slow motion, during which he looked me straight in the eyes. The coldest look ever. He paid and made his way out of the restaurant, but his eyes did not leave me. I played along and did the same.

My friends were shocked. And so was I. Who was that man? He looked wealthy, powerful, but mostly scary. I was sure he knew why I was there. But how did he know? Were these people tapping my phone? One thing was for sure: some were not happy and I was in their picture.

Wednesday, 4 February

On Monday I had asked for an appointment with Nancy. I explained what had happened to me on Sunday. She called the new Director, the German Matthias Ruete, who received me right away. He called the Commission's Security Service and fixed me an appointment for Friday. He told me to stay home for a while.

I had told him about Mariela's situation too, the weird threats she had received lately. He said I should ask Mariela to come to Brussels for some time.

The Italians were indeed not happy. Yesterday, a Italian colleague came to my house to tell me the Italian Foreign Affairs Ministry had called for Enrico. When the secretary said Enrico was not available, they insisted speaking to any Italian present. Passed on to my colleague, they explained they wanted to know if Verheugen's letter to Nastase would really be sent. She had told them to call Enrico later and stayed out of it.

Today more incidents happened. Twice in a row I ran into Southern looking men who attracted my attention in a non-friendly manner. They did not say anything, just made sure I got the message that I was being watched. The last incident happened when I was on my way to the office to collect some files. I went straight into Enrico's office. After I told him what happened, he asked:

'Romanians?'

'No, looked rather like Italians.'

His face went grey and he called the Security Service's Director to say they had to see me immediately. He brought me there himself. We walked in silence. The Security Director and two of his staff listened attentively but also surprised. Was I sure these men were not just making a pass at me? Very sure! The main message I got from the Security Service was that

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nothing could be done. If incidents happened again, I should contact them again. But in principle, I was told, the Commission's Security Service was only responsible for the Commission's buildings and the people inside. When I finally left, it was after seven. The Security Director insisted the two security officers walked me home. Following me at a distance.

Home, going through my e-mail, I saw the UK Daily Telegraph had published about the Italian deal:

'EC issues ultimatum to Romania: stop child export.' The article announced the European Commission had warned Romania to halt the export of children for adoption or face a bar on EU membership and the severance of aid funds.

Thursday, 5 February

Would you believe? The Cabinet sent Verheugen's letter to Nastase to the Delegation by diplomatic pouch. That is the usual procedure, as such letters are to be handed over in person. But what was not usual was that the Delegation did not receive it. So, the Cabinet faxed it again. And one of the Delegation's drivers brought it over to the Romanian Government.

Gabriela Coman called me afterwards saying the PM's office still did not have it. On top of that, a journalist who had written about it, received a letter from the Romanian Government accusing him of writing about a non existing letter, threatening to sue him.

Funny enough, while the Romanian authorities were still not sure they had received Verheugen's letter, Vali Nas published it entirely on the e-groups. *Zina* newspaper also published a Romanian translation. Even the New York Times reported Romania's entry into the European Union could be affected by the current controversy over adoptions.

Friday, 6 February

This morning I picked up Mariela from the airport. Scheele had told her yesterday she ought to fly to Brussels without delay. She had not understood why, but I had explained her that the director thought it was best for her was to leave Bucharest for a while. Because of the 'threats'. Mariela was still in denial to see those weird incidents as such.

But she agreed that getting her to Brussels, at least for a few days, would be a sign that the Commission dealt with this in all seriousness.

She had booked the first plane. We were happy to see each other again, but there was not the usual fun and laughter. This was getting serious.

We just had time to drop off her suitcase in my house, as we had to go immediately to our appointment with Director Ruete. He listened attentively. He told us to work from home for a while, in the hope things would calm down.

Saturday, 7 February

Mariela and I stayed up half the night. We discussed there were interest groups wanting to get rid of us. While we did not really believe they would physically hurt us, they clearly did not want us to stay on our jobs. But we had no intention to give in.

Sunday, 8 February

Mariela and I spent the whole day discussing about what we could do, whom should we talk to. My house, with papers all over and the phone ringing non-stop, started to look like a crisis centre.

Early evening the Baroness had called from Bucharest. Not long before she had arrived at the TV station for her press conference. She had been surprised by the excited activity there, and quickly learned that the leader of the opposition and the mayor of Bucharest, Trajan Basescu, had organised a press conference just before hers. He had distributed to the press two Government Memoranda for exceptions to the moratorium. The shocking fact was that the memoranda gave, behind each child, whose name was crossed out, the name of a foreign politician who had lobbied for its adoption, described as a personal guarantee for the quality of the adoption. A politically correct description of political pressure?

The Baroness said there were names like John Kerry, Edward Kennedy, several other US congressmen and senators, and MEPs like Jose Marie Gil-Robles, Antonio di Pietro and former EC President Jacques Santer. But she had felt most embarrassed when the press asked her opinion about the most prominently present name: EC President Romano Prodi. So were we.

The Baroness told us that, during her press conference, she had mentioned having said to PM Nastase that if PM Berlusconi had gone to PM Blair to ask for children, Blair would probably have advised him to have a whisky and go and see a psychiatrist.

Later in the evening, the Baroness called once more. She was to meet President Iliescu and asked if there was any message we would like her to pass. The question was just as important as unexpected. I looked at Mariela, who scribbled two words on a piece of paper: 'abandonment law'. This law was the root of all evil and needed to be abolished immediately. We had complained many times about it but this was the hardest stone.

Monday, 9 February

Again we had kept talking the whole night through. The Baroness had faxed us the Basescu list. It was quite something to see all these children's matched with names of foreign politicians. In fact what Basescu had given to the press were two older Government Memoranda allowing exceptions and not the most recent one with the 105 children for Italy.

We realised that it was thanks to Commissioner Verheugen and the Baroness that abuses of adoption could be stopped. But it would soon be

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the end of the Prodi Commission. In October a new Commission would be appointed. Mariela and I felt we should give a little present. We knew Verheugen was a great chocolate fan and we went out in the morning to buy a box of his favourite. We left it with a thank you message and our business cards with his secretary. This evening, I saw her mail saying the Commissioner had appreciated the chocolates and wished to meet us this week.

Thursday, 12 February

We received a copy of a letter from Unicef's Poupard addressed to PM Nastase, in which he noted that in Romania the need for intercountry adoption was declining rapidly, but that Unicef was against a full moratorium. Exceptions for adoptions by relatives, for example, should be possible. Unicef Romania would work to ensure that by end 2007 child protection conditions would be such that intercountry adoption from Romania would be rare. Within two to three years Romania could be in a position to have intercountry adoption only for exceptional cases.

I found it quite remarkable that Unicef here promotes intercountry adoptions. In other countries, like Guatemala, Unicef was quite critical. As an automatic reaction I googled 'Unicef' and 'intercountry adoption' and could hardly believe it when I immediately hit a Unicef New York press release, dated 25 January 2004, spelling out a new Unicef position on intercountry adoptions. Once again the devil was in the details: intercountry adoption was put before institutional care. The press release did not give a reason why Unicef had adopted a position. It was not connected to any meeting or event. It simply was there, out of the blue. I wondered if it was the result of Cantwell's visit to Romania.

Unicef's position on Inter-country adoption

[...]

For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption.

Over the past 30 years, the number of families from wealthy countries wanting to adopt children from other countries has grown substantially. At the same time, lack of regulation and oversight, particularly in the countries of origin, coupled with the potential for financial gain, has spurred the growth of an industry around adoption, where profit, rather

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than the best interests of children, takes centre stage. Abuses include the sale and abduction of children, coercion of parents, and bribery, as well as trafficking to individuals whose intentions are to exploit rather than care for children.

I sent a quick mail to one of the Independent Panel's experts, asking if institutions were a last resort and came after intercountry adoptions? His surprised reaction was, 'Of course not.' The Panel had been clear about that all along.

Friday, 13 February

Although a TV team was waiting to interview the Commissioner, he invited us in his office. The office was huge and beautifully decorated. I was impressed how open and informal the Commissioner was. He first inquired about our safety. Then we discussed the situation in Romania and we basically told him that the child protection reform was done and there was no longer any justification for children to be sent out of the country. This was just about politicians who were lobbied by adoption agencies and children were used as political gifts. The Commissioner replied that there was no need to preach him. He fully understood. He was very sad about the fact that Prodi's name had been mentioned as the most important lobbyist.

We told him the main problem at the moment was that the abandonment law was still in force. To justify the need to reopen adoptions and to have children given away as 'political exceptions' children kept being declared abandoned. The Commissioner nodded. No more explanations needed.

In this informal atmosphere, Mariela dared taking out our favourite front pages of *Zina* with the headlines 'Orphans for a Friend' and the one two days later with Verheugen lighting a candle. The Commissioner shook his head and smiled. He told us to take good care, this was not an easy dossier, but it needed to be dealt with. When we left his office we felt strong again. We would not let the others get us down.

Monday, 16 February

Just before Mariela came to Brussels, she had gotten a call from a Romanian NGO, *Prietenii Copiilor* (Friends of the Children), asking her to participate in a working session of an EU funded project that they were implementing with their Italian counterpart *Amici dei Bambini* (Friends of the Children).

Not being something the Delegation had financed, Mariela had asked me to find out if headquarters had granted *Amici dei Bambini* a project. I remembered that a year or something before, I had been consulted about NGO project proposals for the European Initiative for Human Rights of DG Relex and the Daphne Programme to combat violence against women

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and children. On both project lists I had noticed Amici dei Bambini. I had not heard about this organisation before, but its website made clear it was an intercountry adoption agency and I had made a formal comment about that, which Enrico had signed off. I now checked the final list of projects of these two grant schemes that were managed by the DGs for External Relations and Justice. Nothing. It had taken me half a day of calling around to figure out that in fact it was DG Enlargement that financed this Amici dei Bambini, under the so-called 'small grant scheme'.

Today we went to see the responsible colleague and asked first of all why the Romania Team had not been consulted, as should have been normal procedure. Too busy, no time, was the excuse. We told her that this Amici dei Bambini project was quite embarrassing for the EC Delegation. Amici dei Bambini had been involved in intercountry adoptions and now they had EC funding to train local authorities in the adoption field. They wanted to do the project in partnership with the National Authority. Gabriela Coman was puzzled to see that they had funding from the Commission for such a project and sent them to the EC Delegation. The task manager in Brussels was not aware of any of this. She said if we came up with sufficient grounds, the project's cancellation could be considered.

Tuesday, 17 February

Mariela wanted to use her Brussels visit to go and see Child Focus. With all the foreign paedophiles in Romania, who of course have a preference to work with children, she was wondering if a central registration of these offenders would not be needed. In case of doubt, the Romanians could then at least check. The Brussels based Child Focus, set up in 1996 as a reaction to the 'Dutroux case', supports investigations in disappearance, abduction or sexual exploitation of children.

We found the Child Focus office in an apartment building in the outskirts of Brussels. We were given a presentation of their work. And we made our point. But no, central registration of paedophiles was not their priority. They did not want a 'witch hunt'.

After three days in Bucharest, Emma arrived in Brussels with a suitcase full of notes, letters and information of all kind. Mainly related to children. We argued that stopping accession negotiations was the worst solution. She handed over a pile of papers. It were mainly letters from Romanians who had emigrated a long time ago and who obviously had an outdated view on Romania, others were from Soros NGOs, all of them complaining about Romania: no justice, no freedom of press and so on.

We found it unfair and a sign of double standards, if the EU would punish only Romania. Was Bulgaria so much different? Suspending negotiations would be good for whom? In the end, for the Romanian population, including children, EU accession was the only way forward.

Wednesday, 18 February

I went with Mariela to the Parliament to the Foreign Affairs Committee where the Baroness' report on Romania would be discussed.

The Baroness presented a summary of the report and then a few MEPs took the floor. The Dutch MEP Oostlander was the most prominent speaker. He said he had never received as many letters as now from Romanian citizens. They all agreed to his position to punish Romania by halting accession negotiations and encouraged him to remain strong. If we had not seen such letters ourselves the evening before, we would have found that hard to believe. But in the end the Baroness succeeded to replace suspension of negotiations with 'reorientation' of negotiations. More institution building, expert assistance to reform Romania's administration, instead of sheer investments was the solution.

Tuesday, 25 February

Mariela had gone back to Bucharest. It had been good and productive spending some time together. No further intimidations had taken place, so it was time to go back to work, instead of working from home.

Going through the correspondence I had to reply to, I saw German families were now writing to Commissioner Verheugen. Never before had we received mail from Germans. Before 2001 Germans had adopted only a handful of children from Romania. According to Teodorescu's 2002 report Germany had obtained one exception to the moratorium and five families were registered as prospective adopters.

Now over twenty German families had been told there was a child available for them and they had been called to Romania first week of the year. They had paid 8,000 euros as advance, half of the final costs. After they came back from Romania in January, they received a letter from their German adoption agency saying no more adoptions were allowed, no more exceptions. The adopters were told to write to Commissioner Verheugen. Pressure on Verheugen?

Today I also received a request of the President's office for a draft reply to a letter of Cappelari, the Italian to whom the Italian families who had written to President Prodi had referred to earlier and who had invited Commissioner Verheugen to a conference on adoptions recently. In the two-line letter he asked the President to call him once more, as Prodi was the only one who could help.

Saturday, 26 February

PM Nastase announced he was ready to stop intercountry adoptions altogether. Romania would follow the Greek model and not allow adoptions to non-residents.

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Wednesday, 3 March

Some Romanian journalists, amongst them Ann Mcelhinney, called Prodi's spokesman to ask why and how President Prodi asked for exceptions to the moratorium. I was asked to prepare a briefing. But some hours later the request was withdrawn by the President's press office. No reply would be given... There are strict rules in the Commission for replying to requests, but these apparently did not apply to this case.

Friday, 5 March

In 2002 the Italian Dr. Arisi wrote in 2002 to President Prodi for support for his adoption case. The sister of his adopted child was already in Italy, but now adoptions were blocked. We had prepared for President Prodi the usual reply saying the Commission could not help.

Now Arisi wrote again, but on paper of the adoption agency AMO. He wrote he had called Prodi's secretariat a few times and wanted to speak to him. According to Arisi, Prodi had been informed through Professor Conconi and Dr. Cappelari of all of his actions. He now asked for Prodi's help in taking an initiative to 'save the face of the Italians in Romania that have been put at shame by Minister Prestigiacomo'.

Time to ask the Secretariat-General for the previous letters. Within hours I received as reply that the letters had been allocated to the President's Cabinet, to Mr. Abou, and were still with him and no written reply had been given. The woman kindly informed me that another letter of Mr. Cappelari had been received two months later and she suggested me to contact Abou's office.

I sent an e-mail and Abou's secretary called replying these letters would be dealt with by the Cabinet. Therefore I could not have copies. Not taking no for an answer, I kept arguing, until the secretary asked:

'Are you accusing the President's Cabinet of not being transparent?'

'Not if you give me the letters.'

Monday, 8 March

Enrico has had a sudden job transfer and was replaced by the German Dirk Lange. At six he called me to discuss the briefing I had prepared for Verheugen about the reply PM Nastase had sent to the Commissioner with the justification why the 105 children had been allowed to go to Italy.

I went to his office and we had a long discussion on the children issue. The man was more than puzzled. Why was I so negative when the PM had sent so much information on the 105 Italian cases? I explained that the information as such was not the point, although it showed that most children were in foster care in Romania, but the main issue was that the letter did not explain why the children could not remain in this suitable care in Romania. I explained the UNCRC, Member State policies etcetera.

Tuesday, 9 March

I got to the office a bit late and found a message I had to call the secretary of our DG Barbaso. She told me yesterday evening President Prodi's Cabinet, Abou, had called. He had said he wanted to speak to me, as my behaviour was unacceptable. I explained what had happened and we agreed that I would return Abou's call.

Late afternoon I called Abou, prepared for a row. He told me that he did not want to give me extra work: the President and himself would deal with Romanian adoptions. Abou explained the President and himself supported some Italians from the region the President originated from. These families had their adoptions blocked; it concerned real pipeline cases and not children born during the moratorium, as was the case with the 'Berlusconi children'.

I thanked him for his concern about my workload, but explained the Romanian children, including adoptions, were my work. I asked him if he was aware most children that went for intercountry adoption nowadays were in foster care since many years. Some of these foster families had wished to adopt these children themselves, but the children were 'reserved' for intercountry adoption. Some confusion followed, as Abou understood these children were in foster care in Italy, so I explained they were fostered in Romania.

'It would be criminal to adopt internationally children that were in foster care,' was his reaction.

I brought up the Commission had a clear line on the moratorium. To my surprise Abou said the EC position was well known, as Commissioner Verheugen had informed the President and himself many times. He was well aware of all the letters, of the Independent Panel reports. He followed this affair on an almost daily basis.

Once more he insisted he did not want me to waste my time with letters that needed no reply from the DG, as these cases were dealt with by phone. If I were to insist, I of course could have the letters. I did not reply anymore. The phone call ended as it started, in a friendly tone...

Thursday, 11 March

The European Parliament voted today the 'Nicholson report' and adopted a resolution on Romania's progress:

European Parliament resolution on Romania's progress towards accession

Rapporteur Baroness Emma Nicholson

10. Welcomes the steps which Romania has taken concerning the physical situation of institutional care and the fulfilment of the National Child Protection Strategy; calls for further development of alternative

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support services for children with special needs; considers as paramount the setting-up of an effective child protection system that protects children's rights, has the interests of the children exclusively at heart and does not pander to corruption in the process; urges the Romanian Government to continue the reform process within the Commission guidelines; recognises the right of families affected by the moratorium to receive a reply to their requests; considers that the failure to reply within 3 years constitutes an infringement of the most basic human rights;

The last sentence, 'considers that the failure to reply within 3 years constitutes an infringement of the most basic human rights', had been included at the request of MEP Gil-Robles. I knew Gabriela Coman had started sending out negative replies, so that needed to be continued.

Monday, 15 March

Last Friday the Commissioner had replied to an Oral Question from MEP Gil-Robles, during the plenary meeting of the European Parliament. I received a transcript:

'I want once more to point out the position of the Commission: our policy is clear and univocally in the interest of the child. That is in contrast with a policy that concerns the interest of families who want to adopt children. This difference is crucial. When you do not take the interest of the child as central standard, but instead the interest of families interested to adopt and the NGOs that represent their interests, you create a market, and who creates a market, can, in Romania, count on it that it will lead to problems. Therefore the Commission insists that the moratorium on intercountry adoptions is necessary as long as no legislation is in force that fully complies with the international norms and standards on child protection, and as long as no administrative structures exist that guarantee the implementation of such legislation.'

Tuesday, 16 March

The Baroness met President Prodi. She had asked for a meeting after she was confronted, in Bucharest, with the fact that Prodi's name had been mentioned on the 'pressure list'. I heard the Baroness had made clear explicitly to the President and his cabinet, Abou was present too, that this kind of lobbying should never be done again by the EC's President. After the meeting Abou attempted, in vain, to confiscate the notes her assistant took.

Tuesday, 23 March

Some journalists have been looking into some of the adoption cases. Jon Swain and Ann McElhinney published an article about a girl adopted during the moratorium by a Spanish couple. The child had been in foster care and

the foster mother was heart broken. Also the girl's mother declared she had not given up her child voluntarily, but she had been obliged because she was single and poor. She was now married with the girl's father and had no other children. The girl was adopted by a 62-year-old man and his younger wife who lived in Mallorca. Not long after the adoption they split up. The girl stayed with the adoptive father.

Ann Mcelhinney also tracked the case of the Romanian twins who were abused by their adoptive father in Northern Ireland in such a way that one of the children died. The other child was re-adopted in Ireland. Ann found the Romanian mother. She was not aware of the adoption. The authorities had taken her twins when she had asked them for milk powder. She had not had the possibility to visit her children, but was going to take them back as soon as she could. She and her six other children were heart broken. The mother said the authorities did not have the right to play God and to take her children. And her child should be buried in Romania.

Thursday, 25 March

The EC Delegation in Washington asked for a briefing on the adoption issue, as a demonstration had been announced:

There is a very important rally being held in Washington, D.C. on Monday and Tuesday, March 29 and 30, on behalf of the children of Romania, whose opportunity to be adopted may be permanently denied. While Romania and Guatemala are worlds apart, the insidious influences of the E.U. anti intercountry adoption proponents, along with the misguided principles of UNICEF, is affecting every country of world, and is condemning many children from Third World Countries to death, or lives without hope.

I urge everyone who cares about preservation of adoption opportunities for children to TRY to attend these two rallies. Details and contact information is below,

[...]

The schedule is as follows:

Monday, March 29 3:00pm Demonstration at the British Embassy
British Embassy
3100 Massachusetts Avenue
Washington DC, 20008

Tuesday, March 30 10:00am Demonstration at the EU Consulate and the Ambassador to the European Union Delegation of the European Commission to the United States
2300 M Street, NW
Washington, DC 20037

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Wednesday, 31 March

The US Mission here in Brussels is still pushing for a videoconference with the US State Department. Director Ruete is trying to keep it off for the moment, but in order to be fully prepared a meeting has been called with the Independent Panel's representative. Both Ruete and Lange listened carefully to his legal explanations. Adoption should not be seen as a fairy tale, the Panel's spokesman said. The other fairy tale is that people are made to believe that there are abundant children that need to be adopted. The stories on the Internet and all the moratoria that are placed non-stop tell different stories. The children are often taken by force; rarely parents voluntarily abandon their children. They either do not have a choice or others take the decision for them.

Friday, 2 April 2004

Meeting with the US mission. Director Ruete opened the meeting by stating that one thing must be clear: Romania wants to become member of the EU and not of the US. And the Commission's mission was to make this happen. It was a difficult time, as several Member States wanted to delay the accession. It would be good to discuss to see if we sang the same hymn on this adoption matter. It was possible that we would find out that we did not, which then should be accepted as such.

The US said they were concerned that the Romanian Parliament would adopt the adoption law already next week and by limiting intercountry adoptions to grandparents intercountry adoptions would de facto become impossible. They felt some more delay would be needed and that they were concerned about the waiting US families.

According to the US-side the Baroness wanted to keep children permanently in institutions instead of intercountry adoptions. Ruete said that of course that was not true. I told the Americans that the Independent Group had confirmed that indeed intercountry adoptions may be considered as a last resort, but also that foster care and appropriate institutions are considered to be a suitable manner of care. Ruete said there was in Romania this abandonment law that made children adoptable, but that that now luckily would be abolished. The US side was clearly not happy with what he said.

Concluding it was agreed that the US and the EU would contact each other again around end of the month. Again the US side mentioned the option of a videoconference.

On the way out, one of the US political officers said to me,
'But it is a legitimate wish for couples to want to have a child.'
'Of course it is, but babies don't grow on trees, yet.'

Sunday, 4 April

Single adopter on e-group, who just adopted a Romanian child:

'I am exhausted, not by the travel, but because of the little monster. We had many good moments, but also some very tough when she wanted her foster mother and insisted to bring her back 'home'.
I have the impression I kidnapped her.'

Friday, 23 April

From the EC Delegation in Washington I received the material handed out during the manifestation on 30 March. Our fears about hundreds of protesters shouting in front of the Delegation had not come out. Only some 25 people had shown up, including representatives of 'Uniting Families Foundation'.

The information material given to the Washington Delegation contained some letters of children adopted from Romania (about 30) writing they were happy they had been allowed to be adopted. The pictures of the children showed that many of them were of Roma origin.

Interesting enough, Uniting Families Foundation was the one that in 2000 had advertised Romanian adoptions on the Internet with prices between 25.845 and 38.280 dollars (Roma children cheaper).

Tuesday, 4 May

A letter from US Deputy Secretary of State Richard Armitage to Commissioner Verheugen. This man had already been quoted some weeks ago in an article in the Herald Tribune, with as headline:

'ROMANIA: LET YOUR CHILDREN GO'

In his letter to Verheugen, Armitage now spoke of 'common interest of the EU and the US in reform of child protection and adoption'. He proposed to form 'a joint front to clarify with the Romanian PM that the EU does not ask for a ban on adoptions'.

In an earlier letter, Michael Guest, the US Ambassador, 'urged' to provide information about Roma children and special needs children. Not very diplomatic all this.

This particular attention for children of the Roma community I find somewhat worrying. The EU Charter on Fundamental Rights requests the European Union to protect cultural, religious and linguistic diversity. That does not mean that children should be free to travel and that Roma children should be adopted by Western couples. It does give Roma families the right to family life, and all other rights mentioned in this convention.

Europe is about diversity, as former EC President Romano Prodi used to say: 'In Europe we are all minorities'. Europe was not meant to be a

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melting pot, but a pluralist society with respect for each and everyone's culture and traditions.

Furthermore, the UNCRC Handbook on article 20.3 states that when considering solutions, due regard should be paid to 'the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Implementation Handbook for the UNCRC:

[...]

Unfortunately a number of countries have histories of violating this right, compulsorily removing children from indigenous or minority groups and settling them with well-off childless parents. Though well-intentioned, such actions reveal a crude racism and have caused damage to many children and adults. It should be noted that this provision reflects the right of children of minority or indigenous backgrounds under article 30 generally to enjoy their culture, practice their religion and use their language.

Continuity of upbringing implies continuity of contact, wherever possible, with parents, family and the wider community - achievable even when the child is adopted. Continuity of upbringing also implies finding a foster or adoptive home from the same cultural background, or ensuring that all or some members of the staff in an institution are from the same culture, and, preferably, that the institution itself is located in an appropriate community.

[...]

An example of compulsory removal is the placement with white adopters of hundreds of indigenous Indian children during the 1950s and 1960s, as part of the Indian Adoption Project. This practice was ended in 1978 when the US Congress passed the Indian Child Welfare Act. This law requires that Indian children be placed with extended family members, other tribal members, or other Indian families in case of adoption or foster care.

Another example is 'The Stolen Generation', the over 100,000 Australian Aboriginal children who were removed from their families by Australian government agencies and church missions between 1900 and 1969. In 1995 a National Inquiry was started to investigate the compulsory separation of Aboriginal and Torres Strait Islander children from their families, and the effects of those laws, practices and policies. It revealed that often indigenous children were removed from appalling living conditions, but that not much was done by government agencies to assist these children's families and to improve their situation. Interesting enough, it had been often the children with lighter skin that had been moved to Australian white foster and adoptive parents.

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As a result of this National Inquiry, a national 'Sorry Day' was instituted and a motion of 'deep and sincere regret over the removal of Aboriginal children from their parents', which was passed by the federal parliament.

So, after all these experiences, now Roma children should be taken from their poverty stricken families?

Sunday, 9 May

The article Jon Swain and Ann McElhinney prepared on the Spanish case was now published.

Child traffickers prey on Romania Jon Swain and Ann McElhinney, Bucharest

CATALINA OPREA has shiny new shoes. She also has a bicycle, a collection of dolls and a best dress for Sundays. This three-year-old 'rescued' from Romania and now living with a middle-class Spanish family has every material possession she could want. To the casual observer, Catalina appears to be one of thousands of abandoned children said to have found their only chance of a decent life abroad with adoptive parents. But her story of being rescued from a country where no one seems to care is a fiction. She was not taken from a children's home. She is not even an orphan. Catalina was living happily with a foster family who wanted to adopt her in her own country. Her real mother never consented to her adoption. That was decided by a court dealing with foreign adoptions without her mother's knowledge.

Tuesday, 25 May

Today Commissioner Verheugen signed the letter for PM Nastase to transmit him the fourth report of the Independent Panel. The Panel was at unease with article 39 that limited intercountry adoptions to grandparents, although it had the desired effect of limiting adoptions. And why set up all the structures to implement intercountry adoptions? But as Liliana, director of the Authority, had told the Panel during their meeting: 'For the grand parents.'

FOURTH REPORT TO THE EUROPEAN COMMISSION OF THE INDEPENDENT EXPERT PANEL

Brussels, 19 May 2004

[...]

9. Article 39, like the whole section of which it is part of, has had a considerable change, in the sense that international adoption is only to be acceptable if between grand parents and grand children. The third report, in its last comment, underlined the necessity to strictly limit international adoptions, which remains a definite and deliberate

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choice of a state. The new dispositions therefore take the remarks of the Independent Panel into account. But in the absence of any explanations in the Explanatory Memoranda questions remain:

10. Why point to the situation of grand parents? Could they not naturally become the legal guardians of their descendents? Is such an adoption, which takes out one degree of the natural order of generations, desirable? Should one not imagine such type of adoptions in the framework of other family ties (i.e. between other relatives)?
 - a. Having regard to this way of limiting intercountry adoption to rare cases, is it necessary to maintain such a detailed regulation and such important administrative support as mentioned in this law?

Conclusions

The presented texts correspond, essentially, to the formal recommendations of the experts.

The observations made in previous reports concerning the legal and administrative capacity needed to ensure the reform need to be maintained.

[...]

A fundamental change seems to have been made on the issue of intercountry adoption, meaning that this will be restricted to situations of close relatives. This change of policy will need strong political will to ensure that this rule is respected and upheld and also to prevent that it will be circumvented by practices based on other legal dispositions.

Friday, 14 May

Today we had the dreaded videoconference with the US State Department. In a small conference room Ruete, Lange, the spokesperson of the Independent Panel and myself faced three big screens: one with the US State Department in Washington, one with the US Embassy in Bucharest where also Mariela was present as observer, and one where we saw ourselves here in Brussels. It started off rather funny, when the interpreter present, announced he had read the background notes he had received and he did not understand the EU position: adoptions were good...

The discussion showed we were worlds apart, below some of the statements:

EC Brussels: The EU has supported the Romanian government over the years to improve this situation. The results have been impressive: the number of children in institutions has decreased significantly. While one of the issues was adoption of children, the EU perspective was to address the whole situation of public child care. However, we were confronted with inappropriate legislation, which was scrutinised by the European

Parliament and by the Commission's Regular Report. Following Romania's request for advice in drafting new legislation on children's rights, the Commission has set up the Independent Panel of Experts. The mechanism of independent expert groups is used by the Commission when Member States' expertise is needed in cases where there is no detailed Community legislation. For example it was used when advising candidate countries on a banking system.

US Washington: We understand the explanations. I myself am a financial economist with experience in banking. Consensus on this issue should be reached in order to bridge the EU and the US position. Romania needs a signal from the EU that there is EU flexibility. The most disturbing point is the statistics: 80,000 children in institutional care and over 6,000 abandoned children.

Independent Panel: The Panel's opinion is a legal opinion and not a political one. Also the practices in the EU Member States were a point of reference.

Intercountry adoption cannot be considered as a protection measure. Romania's situation is exceptional, as no EU Member State expatriates its children. Other Member States protect their children and deal with the issues 'sur place'. The objective of the new legislation is that Romania becomes like other Member States and does not export its children anymore. Intercountry adoptions lead to a vicious circle: too many intercountry adoptions will mean that Romania will not see the need for proper child protection. And as long as its child protection is not at European level, Romania risks to continue to use intercountry adoptions. To resolve this paradox, intercountry adoptions need to become legally more difficult.

US Washington: Interesting.

US Bucharest: If there is corruption you do not shut down business. We do not deny that corruption has led to the fact that some parents lost their children, but these were isolated cases. We should not sacrifice a generation. There are many options for national control.

Independent Panel: In Europe we focus on maintaining the link between children and their families. To place a child for adoption and terminate parental rights is an extreme measure and decreases everywhere in Europe. In practice, temporary placement or foster care is not a definite measure, but focuses on return of the child to the family, which is almost always a possible objective. The Convention on the Rights of the Child insists on the rights of the child to be raised in its family, in the original environment. Adoption is not a privileged solution. In particular paragraph 20.3 and article 21.b point to continuity in ethnicity, religion and culture, which is difficult to maintain with intercountry adoption.

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US Bucharest: Unicef's position on this is different. Unicef considers reserving intercountry adoption for extreme cases too severe. The US feels that article 20 gives different options.

US Washington: We have to look at the human dimension. So we all agree that intercountry adoption as last resort is too severe.

EU Brussels: We have to be careful in this meeting not to make a false sense of agreement. Even though this is not a practice in Europe, from a legal point of view intercountry adoption remains an option, but only when all other measures of child care have not come to fruition, including residential care. It is totally wrong if a child in foster care would be going for intercountry adoption.

EC Brussels: (US mentioned: many street children) We have to be clear about the situation in Romania. The abandoned/adoptable children are in childcare facilities or foster care and not on the streets. Street children are a different issue.

Independent Panel: But the objective is to put Romania no longer in a third world country situation. This is not fair to Romania. As candidate country it needs to respect human rights and therefore the barrier for intercountry adoption must be placed very high. This is the legal point of view of the Panel of Experts. As for the issue of flexibility, the panel is not against intercountry adoption, but the barrier needs to be put sufficiently high not to have misuse.

US Washington: We need clear standards. We have to work on corruption and we need relaxation of the laws. Flexibility is needed.

EU Brussels: We see eye to eye on certain issues. We need a long-term perception and we are clear that we do not oppose intercountry adoption as such. However, there is a sizable difference, i.e. where to put the barrier, meaning when to accept intercountry adoptions as last resort.

At home, I reread some parts of Robert Kagan's book 'Of Paradise and Power'. And I cannot but agree with his opening statements:

'IT IS TIME to stop pretending that Europeans and Americans share a common view of the world, or even that they occupy the same world. That is why on major strategic and international questions today, Americans are from Mars and Europeans are from Venus. They agree on little and understand one another less and less.'

Friday, 7 May

The Americans on the e-groups are organising another letter campaign to their senators. They say to be careful to make sure that it is adopters that

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write, and not the adoption agencies. Two adoptive mothers, owners of adoption agencies, even set up a new organisation, together with another adoptive mother, called For the Children. In this capacity they wrote letters to the Commission and the European Parliament.

But most active is Michael Guest, the US Ambassador. His time in Bucharest will run out in June, he was called back prematurely, and seems to give his last full blast. While the Commission took the politeness to postpone sending the report of the Independent Group to Romania in order to first have a videoconference with the Washington State Department, at the US' request, Michael Guest sent several letters to the Romanian authorities urging them to modify the legislation and asking how many Roma and handicapped children were adoptable. But the most tasteless thing was that he organised a garden party for ten American families and their adopted children, the same adopters that organised the manifestation and the letter campaign. The Ambassador also had invited his own parents, Unicef, Romanian Ministers and other high officials and of course the press. Only the EC Delegation was not invited. In an emotional speech Michael Guest praised his parents and wished that all Romanian children in need would be allowed to get parents like them.

Tuesday, 1 June

On 'Children Day', the Edelweiss children set up their own organisation 'A children's Voice', and held a press conference. They signed a partnership with the toll free line so that they could morally support children who would report abuses. We thought that was a good idea, but some people got angry. And those were not the staff of the institutions as one might think. Linda Robak, adoptive mother and one of the founders of For the Children, wrote a 'press advisory' (available on the ProChild e-group) on how to deal with 'A Children's Voice'. The below press article followed her guidance:

TOLL FREE HOTLINE FOR ROMANIAN ORPHANS – INTERNATIONAL ADOPTIVE PARENTS EXPRESS OUTRAGE

Stamford, CT - June 6, 2004 Thousands of international parents of children adopted from Romania expressed their outrage today at the announcement on June 1st of the establishment of a toll-free hotline by the Romanian government, whereby Romanian orphaned children in institutions may call to complain about their rights being breached (0800.8.200.200) to 'The 'Children's Voice Association', a Romanian government-funded organization in partnership with the Romanian Child Protection office and funded by the European Union. Adoptive parents from Spain, France, Switzerland, Ireland, England, Italy, and the U.S.

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expressed their anger and incredulousness at the toll-free hotline initiative.

[...]

These children don't need a hotline - they need care and a permanent family,' said Marco Griffini of Italy. 'How will they find out about this program - printed notices? Half of the children haven't learned to read! And who is going to assist disabled children or abused toddlers in making a call? This is unconscionable and clearly not the solution to institutionalised children's rights being violated,' said a furious Jean-Pierre Clement of France.

[...]....

Said parent Fernando Manzano of Spain, 'At a time when the Romanian Parliament is debating legislation that will permanently ban international adoptions if passed, I think all orphans should be told their government may soon violate their rights as signatories of the Hague Treaty, which gives them the right to a permanent family. I hope they also give these children a toll-free number to Baroness Nicholson, Romania's EU rapporteur, and to Amnesty International, to complain that those rights are being violated too.'

[...]

Monday, 14 June

The Romanian Juridical Parliamentary Committee agreed to the draft laws. One of the MPs had handed in a formal proposal to delete article 39, the grandparent clause. The US Embassy wrote to Gabriela Coman they had learned through the press that the laws to ban intercountry adoptions had been approved by the Juridical Committee without meaningful change, adding they were not convinced that Romania had the capacity to absorb their abandoned and orphaned children through domestic means. Le Figaro quoted De Combret saying he felt the Romanian child protection had become like a snake biting its own tail. Well, to me it looked like the adoption lobby snake was now biting its tale.

The results of this week's European Parliament elections are now known, and I was happy to see the Baroness was re-elected. She probably may well be no longer Romania's rapporteur, but at least she would still be around. The Prodi Commission will also soon end its term, so Commissioner Verheugen will end his mandate for Enlargement. I am getting quite curious who will be his successor and what his position on children will be. Luckily the Romanians seem keen to adopt the new children laws as soon as possible, and once adopted the rest of the world will need to accept that fact, no?

Tuesday, 15 June

The Independent Panel is meeting again in Brussels for two days. The Romanian side was headed by the Authority's Director Liliana, who seemed to have replaced Gabriela on this issue. The legislation had already been adopted by the Romanian Parliament in a first reading, but it had been again modified last minute and the Panel still needed to give its final blessing.

The Panel focused mainly on 'transitional measures' today: how many intercountry adoptions were in the Romanian courts, how many children and adopters had already been in contact. Where there any other cases that needed to be treated under the old laws?

The Romanian side was not very enthusiastic and at first pretended not to have answers. But the Panel made clear they would take all the time needed to sort this out. Liliana said such information might be available at the Romanian Adoption Committee, but she did not know. I offered Liliana her mobile phone and suggested her to call her boss, Gabriela Coman. Gabriela was clear: 12 adoption cases were still not finalised by the Courts. It concerned cases allowed to proceed according to the last Government 'Memorandum on exceptions' of end 2003.

Liliana said there were no other 'pipeline cases'. I gave the example of letters the Commission kept receiving of foreigners who had signed adoption agreements with Romanian lawyers, often lawyers who before had adoption agencies. And those foreigners often already paid thousands of euros, and had met the child proposed to them. What about those cases? Liliana was for once firm: the Romanian Adoption Committee was not involved in such cases; these were outside the law.

The law that now had been adopted by the Government had some new elements. Firstly, the abandonment law would be abrogated already on the date of publication, and not on 1 January 2005. Liliana informed the Panel that by now there were 6,000 legally abandoned children, compared to 3,000 a year ago. Good the abandonment law would soon be over, because six more months and there would indeed be 8,000 to 10,000 'abandoned' children as De Combret claims since some time.

A second new issue was that children under two-years-old would no longer be allowed to be placed in residential care, but instead be placed in foster care. The Panel was of the opinion that in principle this was laudable, but in their countries such prohibition did not exist and decisions were taken on a case per case basis.

Thursday, 17 June

Mariela visited a maternity today. She had been told to do so by Anne de Ligne, who had replaced Simon as head of the Phare team. She was supporting Poupard's ideas to modernise the maternities as part of prevention of abandonment.

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This maternity was indeed nicely refurbished with thermopane windows and light rooms where mothers stayed together with their babies. The first question Mariela had asked was if abandonment had increased or decreased over the last few years.

'It decreased,' was the reply of the local Health Direction person.

'Only in this maternity or in all maternities in your area?'

'In the whole area.'

'Since when?' Mariela had asked.

'Since 2001.'

Quod erat demonstrandum, Mariela announced me tonight. We were right. It was not the rooming-in that made the difference, but the moratorium.

After the maternity tour, Unicef Romania guided Mariela to Holt, one of the biggest US adoption agencies, which held office in the maternity clinic. Back in 1999 the Delegation had received a letter from them. Not complaining about the points system, but that they had not received their share of points, and asking for children. Holt had been contracted by Unicef Romania to work on prevention of abandonment. Mariela had asked about the counselling services and in which situation Holt would consider a child adoptable.

'We discuss with the mother the possibility to consent to adoption right after birth. We wait for the obligatory 45 days to pass and then she signs. We wait another 30 days, during which she may change her mind, and then the adoption file goes to the DCP.'

They just waited until all legally foreseen periods had passed. No help for the mother whatsoever, no alternatives to adoption offered. During the day Mariela had remembered that the Unicef staff member who accompanied her, was in 1999 Holt's director, the one who had signed the letter about the missing points.

She did not think it funny when during lunch Mariela had raised her glass and toasted:

'To the grandparents!'

Friday, 18 June

The united adoption lobby is in Bucharest. They had been to see Gabriela Coman and also held a press conference. As planned Mariela had met Ann and Phelim at a terrace next to where the event would take place. She told me how she saw a few middle-aged foreigners arrive and recognised some of the Romanian adoption facilitators around them.

Phelim had gotten hold of their press release, prepared by 'Amici dei Bambini' and signed by all the friends of adoption: the French Afaener, the Spanish Acabar, the Irish, Israeli and the American organisation, all called

SOS For the Children. Their joint position was that the new legislation violated the UNCRC, because according to this convention stated that

‘Adoption in a different country may be considered an alternative means of childcare as long as he cannot benefit from the same rights in an adoptive family in the country of origin’.

A fusion of the UNCRC and the Hague Convention.

Mariela had not gone to the press conference herself, but later Ann called to say Phelim and she had continued reading out the correct articles from the UNCRC until Amici agreed to correct the press release. Amici also had to admit that actually the 83,000 children in care were not orphans, and that not all of them were in institutions.

Monday, 21 June

The lobby’s press conference had had its effect. Amici dei Bambini had not modified the press release. Washington Post, New York Times, Le Figaro, all announced Romania’s permanent ban on adoptions, which as USA TODAY announced, ‘will forbid foreigners from adopting any of the country’s 84,000 orphans’.

Gabriela could hardly believe it. She spoke to most of the journalists who wrote these articles and had explained facts and figures. The misrepresentation of the truth was striking.

Tuesday, 22 June

The Strasbourg European Court of Human Rights gave its final verdict on the Tiriac children. They could stay in Romania. No breach of article 8 of the European Convention on Human Rights, the right to family life, had been established. The Court considered no actual family life had existed in this case, as the children had not lived or spent sufficient time with their adopters. Romania would have to pay a total of 35,000 euros indemnities divided over the two adoptive families for not having followed up court decisions. But that was nothing compared to the 750,000 euros these families had each asked for. This is remarkable, as these children’s adoptions had been agreed by a Romanian court, in line with the Romanian law. But the Human Rights Court had placed the children’s rights above the rights of the adoptive families, a landmark judgement that would have major ramifications for the rights of children in the 45 Council of Europe members, as the Baroness told me over the phone.

A historical day, the more because today the new laws on Children’s Rights and Adoption were published in Romania’s Official Journal, and while these would enter into force on 1 January 2005, the abandonment law was abolished with immediate effect.

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Law 273/2004

The international adoption procedure General provisions

Art. 39. The international adoption of the child whose domicile is in Romania may only be approved in case the adopter or one of the spouses in the adopting family who have the domicile abroad is the grandparent of the child for whom the petition for internal adoption initiation has been approved.

Thursday, 24 June

The Italian parliamentarians from the Bicameral Children Committee were still asking for a meeting. Now that the laws were adopted they could in any case no longer ask us to pressure the Romanians to have them changed.

Ruete, Dirk and myself would be the EC players. From the Italian side Maria Burano Procaccini, president of the Child Protection Committee of the Italian Senate, the vice-president Marida Bolognesi and one of their staff members were announced.

They had insisted on meeting with Barbaso. But he had made clear he wanted to stay out. But the day before I heard he had changed his mind after intervention of Italian Director for Human Resources, Bonucci.

In any case, when the meeting started, Ruete apologised for Barbaso's absence, he was taken up by other meetings. Procaccini was obviously irritated. Bolognesi on her side did not make any efforts either hiding her disgust and anger. A dandy-type in his fifties who accompanied them, without having been announced or introduced, pretended not to be much interested in the discussion. First I thought he was holding his mobile phone in his hand, but after a while I realised it was one of those modern 'mp3' recorders.

Ruete explained the state of play of Romania's accession to the EU, and how children's rights were part of that and that the Commission had asked for the moratorium. The Italian women were shaking their head in dismay and Procaccini almost shouted: How could the children's rights be breached, they have no future in Romania, they are in awful orphanages. I tried to explain that the EC had been supporting Romania to develop child protection like in the Member States. Ruete referred to the similar reform taking place in Italy. Dirk joined in and said the children recently adopted had been in foster care and not in orphanages. It only led to more fury.

The New York Convention does mention intercountry adoptions as a possibility so the new Romanian legislation was clearly in breach with that Convention. New York Convention? They meant the UNCRC. Whatever we said was useless; there was no understanding at all. During the meeting Bolognesi and her assistant were calling with Italy for information, while

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saying to the other side that things were going not well and those people were a disaster (our side). In her final remarks, Proccacini said she was upset Barbaso had not shown up. She would continue to fight for this crazy legislation to be reversed. My secretary accompanied them downstairs, and told me afterwards that Proccacini was using quite vulgar language and, among other things, had said she felt like slapping me right in the face. I could already imagine her debriefing of this meeting to Berlusconi and others.

Thursday, 8 July

I am in Bucharest to speak at the national conferences organised to round up the regional conferences that had been held as part of the Children First Fund. Over the last years it had become apparent that there was a sincere lack of understanding of the UNCRC and the ECHR. Several European experts spoke. The main outcome of the well-visited conference was that awareness raising on Romania's progress in child protection, and related issues such as intercountry adoption, needs to continue not only throughout Romania, but also outside Romania. There is also a need for further training of all stakeholders in child protection on the priority to support families and to work towards reintegration and on maintaining contact with the children's families. As put by Scheele, the childcare services now exist; we now need to change focus from the hardware to the software.

During the break, Poupard came to speak to me. He said he had been told I had problems with Unicef. Well, not so much with Unicef, but with the position on intercountry adoption that was on their website since January, and that was since used by the international lobby as justification for requesting re-opening of intercountry adoptions. In my opinion this position contradicts Unicef's UNCRC Implementation Handbook. Poupard gave me his best smile and said the Unicef position was for other countries, not for Romania.

Friday, 9 July

When Mariela and I had read the draft Unicef report on the evaluation of the reform, we were more than displeased: no mentioning of the problems with the 1997 legislation, foster care heavily criticised and the US approach of financing NGOs was said to have had better results than the EU approach of financing local authorities. There was no explaining why, just statements.

Unicef had this afternoon organised a meeting of the so-called Steering Committee about this report. USAID and DFID were present, and of course Poupard. Gabriela Coman, who chaired the meeting, and I took the lead and asked clarifications, but the leading researcher could not reply to our questions about the selection of the target groups, the NGOs

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interviewed, or the methodology followed. USAID and DFID remained silent.

I made quite clear that unsubstantiated criticism of the Phare programme would be unacceptable, as the report bluntly concluded that the USAID programme had been more successful as it had worked through NGOs and not through local authorities, like Phare had done. Poupard had no other reaction than to ask for formal EC comments, in writing. Will be done.

Friday, 16 July

Since the June meeting, I was following the Italians, although at a safe distance: on the Internet. The Amici dei Bambini website had reported on our meeting. A scandal, it was said, how the Italians had been treated and the EC's message was not in the best interest of the child.

The meeting had also been discussed in the Italian Chamber. The Italian man I thought had recorded the meeting was also a Member of Parliament and he had reported that, according to Signora Post, there are no adoptable children in Romania. In his opinion Brussels is vehemently convinced, especially 'Post', who has a very tough position ('molto duro'), denying evidence. They do not take the Hague Convention into consideration and erroneously interpret article 21b of the UNCRC. The chamber's president, Ms. Procaccini, would ask for a meeting with President Prodi.

They sure had not wasted time. Within a week we received from the President's office, Mr. Abou, a three page letter of Procacini with a request for 'the opinion of the experts' and the comment that the draft reply to be prepared should not refer to the meeting request, as the President himself would take that decision. And soon we were informed that President Prodi would meet the Italian Delegation already on Monday morning.

The Panel was also in Brussels to discuss the secondary legislation that had been ready miraculously fast after the Government had adopted the primary legislation in June. It was a hectic afternoon, with the Panel at one side of the corridor and me running from them to Dirk finalising the briefing. But convenient, because whenever I would add strong statements, I could check with the experts.

From our DG only Director General Barbato was invited to the meeting with President Prodi. Later I read the Procaccini letter once more and saw that the letter was sent, again, with a recommendation of Professor Conconi.

Monday, 19 July

Today President Prodi was meeting the Italian delegation of the Italian Parliament. Half an hour before the meeting DG Barbato's assistant called me. His boss needed some urgent last minute clarifications:

'Is it true that there are 86,000 children in orphanages in Romania?'

'No'

'Is the situation of the Romanian children desperate?'
'No.'

End of the day I got an e-mail from the assistant saying the meeting had gone smoothly, and could I please now prepare an official reply to the letter of Proccacini.

The website of Amici dei Bambini showed the meeting had not been what the Italians had expected. In Amici's newsflash about the meeting, President Prodi was said to have behaved as Pontius Pilate (Pontius Pilate presided Jesus Christ's trial and, despite stating he personally did not find him guilty, convicted him to be crucified).

Monday, 26 July

Scheele visited a small town, Novaci. Not only Mariela, but also some journalists had joined in on his trip. Of course the issue of adoptions was raised. Especially the recent statement Nastase had made in Washington about the possibility of intercountry adoption of special needs children. Jonathan explained that adoption should not be mixed up with medical treatment, and that in general hard cases do not make good laws.

The headlines of today were that the Head of Delegation was contradicting the PM on the issue of intercountry adoptions. 'The Novaci statement' had triggered Nastase to send a 'clarification' to the press, saying Scheele misunderstood what he had said in Washington. He had meant those special needs children who had already been taken out of Romania for medical treatment years ago, and whose legal situation was often unclear.

Thursday, 4 August

The Independent Panel finalised its fifth report. Now we had a formal opinion, based on the information provided by the Romanian side, that there were 12 adoptions to be finalised under the old procedures. All other requests would need to follow the new laws: grandparents only.

FIFTH REPORT TO THE EUROPEAN COMMISSION OF THE INDEPENDENT EXPERT PANEL

4 August 2004

Transitional provisions in the law on the legal status of adoption

1. These Articles were discussed at great length. The Panel was informed by the Romanian delegation that Article 72 (1) (petitions for approval) is intended mainly to cover cases of internal adoption. In so far as intercountry adoptions are involved here, the Romanian

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delegation estimated there are about 12 cases pending before the court where the court had not yet taken a decision.

2. Article 72 (2) (entrustment – petitions for adoption approval) is only about national adoptions. In both cases, and taking into account the expected slight number of international cases (12) the Panel found it acceptable that the previous law will be applicable.

Tuesday, 7 September

I saw an announcement that the UN Rapporteur on the Sale of Children would visit Romania. I checked with Mariela, but no visit to the EC Delegation was scheduled. So, the Delegation fixed an appointment with Juan Miguel Petit, the current UN rapporteur. Mariela and I prepared a set of documentation: our Regular Reports, reports of the Independent Panel and some newspaper articles to explain Romania's situation. During today's meeting Petit announced he would travel the country for a few days in the company of Poupard, who had organised his visit.

Tuesday, 14 September

Mariela had sent a note about a conference Amici dei Bambini would organise as part of the grant they received from DG Enlargement. Mariela and I had not done anything any more about that contract as Amici seemed not to be very active and the contract expired during summer. I checked with the contract team responsible for this project and to my surprise was told that the project duration had been extended at Amici's request. As justification they had brought up that they had to wait for the legislation to be adopted before they could organise their conference. So, Amici who coordinates the international lobby against this legislation would now hold a conference to promote that legislation? The world upside down.

The contract team had agreed to the extension of the contract again without consulting the Romania Team. Nothing could be done anymore, I was told. But I insisted that at least the Commission should ask to see the conference material beforehand.

Amici had sent the agenda, some conference papers and a TV spot prepared as part of the project. This TV spot would be aired in the five countries that would participate to the conference: Romania, Bulgaria, Latvia, Lithuania and Estonia and promote foster care. But that was not what it was: a presentation of seven young women, more girls. The first one with a completely unbuttoned shirt, without bra, the others looking like runaways or party girls. Each picture had as subtitle 'disappeared' and the date of disappearance. The final slides had as text:

'85,000 abandoned children's mothers disappeared without trace'.

Several internal meetings had taken place as result. And while many of the female colleagues I had showed this spot were not immediately

thinking of mothers or foster care, the male hierarchy did not seem to recognise any problems. My request to cancel the contract fell on barren grounds. I was so upset about the EU financing the lobby, and on top of that such campaign material, that I wrote a mail to DG Barbaso that I no longer wanted to be seen as EC Task Manager for Romanian children.

Afterwards Dirk tried to convince me to stay, but I was adamant. As a compromise, he proposed a new colleague, the Finnish Katja Tuominen, who recently had joined the Romania Team to take over gradually, but first to do the work together.

Thursday, 16 September

After five years the Prodi Commission was coming to an end. We had long feared the day we would lose Commissioner Verheugen. I carefully studied the 25 new Commissioners and their possible sides on the children issue.

The new President is the Portuguese Jose-Manuel Barroso, Portugal's former PM. He would no doubt be sensitive to the children issue, as he was Portugal's PM when Portugal made headlines with a major sexual abuse scandal. In 'Casa Pia', Portugal's most prominent state-run children's home, an organised abuse going on for thirty years had come to light. Some of Portugal's elite had been allegedly involved, a TV presenter, an ex-Ambassador, a well-known doctor and a secretary of state. Barroso had instructed a full investigation.

Enlargement would be run by the Finn Olli Rehn. He had experience in the Finnish Parliament, the European Parliament, as well as in the Commission. Italy's man was Franco Frattini, appointed as Vice-President, and charged with the Justice, Liberty and Security portfolio. He was Berlusconi's Minister of Foreign Affairs when the 105 children scandal had happened. The Commissioners of Spain and France were at less 'children sensitive' posts. Spain had the portfolio of Economic and Monetary Affairs and France's Commissioner, also Vice-President, got Transport.

I was happy to see that Verheugen had remained Germany's Commissioner, now Vice-President too, charged with Enterprise and Industry.

Monday, 20 September

Recently several people had again said the UNCRC was not EU acquis. I had ignored it at the beginning, thinking this discussion had long been resolved. But when some days ago again someone expressed doubts, I sent an e-mail to one of my DG Justice contacts. Half jokingly I told her 'To be or not to be acquis, that seems still to be the question for some'. She had replied instantly. To be on the safe side she had checked the acquis list and the UNCRC was no longer there!

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She had given me the contact details of one of her colleagues who dealt with the acquis list and after some twisting and turning he admitted the UNCRC had been taken off. It had been DG Enlargement who had wanted an updated acquis list, and during an internal meeting where also the Legal Service was present, the Convention on the Rights of the Child had been taken off the list, as it held no direct obligations for Member States related to their EU Membership. I had called the Legal Service person who had been at that meeting: no reply. I had sent e-mails: no reply.

Of course I went to see the DG Enlargement colleague who had initiated the meeting. The young man told me he had organised the meeting at Landaburu's request. I told him I was quite upset about striking the UNCRC from the acquis, as we had had internal discussions before about this. It was important for my work that the UNCRC was acquis, as otherwise there was no legal basis for the Commission's involvement nor clear benchmarks for the Commission's monitoring of children's rights. His defence was as simple as shocking: children's rights are a grey area... Speechless I left his office, but not without telling him that his position did not seem very European to me.

I had informed some of my colleagues and the hierarchy. They were all of the opinion that this needed formal dealing with. I prepared a note for DG Barbaso's signature addressed to the Director General of DG Justice.

Monday, 4 October

Just like in 1999 there was a Parliamentary Hearing to scrutinise the new Commissioners. We had provided Commissioner Rehn with an extensive briefing, including the Commission line on the children issue, including adoptions.

The Hearing could be followed online. I logged in half an hour after Commissioner Rehn's time had started just when the Baroness asked a question. She inquired about the current and future role of the UNCRC in the accession process.

Rehn replied that of course the Convention on the Rights of the Child had and would serve as basis for the monitoring of children's rights. He underlined it was important that monitoring was done in an independent manner. Then he said he did not agree to the fact that the Convention had been removed from the acquis. It needed to be placed back. So someone told him, as it was not in the briefing.

After this DG Barbaso signed the note for DG Justice, which had been on his desk since a few days, adding the new Commissioner had stressed the importance of this matter during the Parliamentary Hearing.

Wednesday, 6 October

The yearly Regular Report. It had not been influenced by all the negative press, but just gave the objective facts and figures.

2004 Regular Report on Romania's Progress towards EU Accession

In 2003, 503 exceptions were made to the moratorium on intercountry adoptions, including children who were already in adequate care in Romania. New legislation on Children's Rights and Adoption approved in June now limits intercountry adoption to extreme exceptions. These rules appear to meet the requirements of the UN Convention on the Rights of the Child as well as the practices of EU Member States. The priority is now the development of the administrative capacity to implement correctly the new rules.

Wednesday, 13 October

Over the last weeks a new idea had evolved in Romania. Unicef had announced the setting up of an Observatory on Children's Rights. The Observatory's role would be to report to the Romanian Parliament, as well as to the UN Committee on the Rights of the Child and other international organisations. Katja and I had worked hard on finding out what that would mean for Romania and the Commission. The first documents were somewhat puzzling: PM Nastase himself was said to have recommended establishing the Observatory, but the whole conceptual framework was written in a way that strongly criticised the Romanian policies ('The reasons for government failing children'). Most notorious was the fact that this Observatory was said to replace the High Level Group, set up by the Baroness in 2001.

Today Poupard was in Brussels again. During our meeting he expressed appreciation for the Regular Report and noted that the Commission's approach was more and more towards families, while Unicef will continue to deal with children only. He regretted the Commission did not mention in the Regular Report some important outstanding issues such as the situation of disabled children in residential care, and abandonment in maternities. A Unicef financed study on this concluded that 2,300 children were left in the maternities in 2003 only.

Dirk told Poupard that he was surprised to hear the situation of disabled children was not resolved, or at least mostly resolved. The closure of residential care institutions was a priority under the Phare Children First Fund. However, in practice the reform of most *camin spitals* was financed by the Romanian Government, through their 'National Interest Programmes' and implemented by NGOs. If this had not been successful, it would be worth finding out why that was the case. Under the Phare Children First

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programme many services have been set up for treatment of disabled children, and also many day care centres.

I asked Poupard if we could have that Unicef study on abandonment. But no, it was not yet available. It would be given to the new Romanian government once in place. I asked him if he were to include the issue of the 'dead babies' in maternity hospitals.

We then turned to the proposed Observatory. We made very clear that the Commission would continue to need to maintain an independent voice on children matters. We would continue to do our own monitoring based on the opinion of Member State experts who worked in our programmes. But Poupard seemed to ignore our comments and handed over an overview of the procedures to be followed and the people involved. What he did not say was that an American had just been appointed to prepare the Observatory. The husband of one of the US Embassy staff working on children... I flicked through the document and saw that the representation of 'civil society' was limited to one NGO, Sera, and the Federation of NGOs that Sera was chairing since a while.

Tuesday, 19 October

PM Raffarin had arrived yesterday in Bucharest in the company of some French businessmen. Several contracts had been signed, among which one for Gaz de France to acquire a majority stake in the Romanian Distrigaz.

But that was not all. According to the press Nastase had also agreed to a French proposal to set up an international committee that should evaluate outstanding adoptions, 'pipelines', at least that was what PM Raffarin had said during his press conference. Although I heard from insiders today that Nastase had said he would have to discuss that with his 'European partners'.

Thursday, 28 October

I am in Bucharest for a conference organised by the Association of Citizens Advice Bureaux, where the Baroness is the guest of honour. During coffee, this morning, she told me Poupard had come to see her in Brussels too. She had made clear she would not support the setting up of the Observatory. She had also heard the Government was not keen, so she considered it off the agenda.

During today's press conference journalists asked also questions about the children, but the Baroness told them that was not the subject of her press conference. However, she was prepared to answer questions on that afterwards.

And indeed, she took the journalists to the roof terrace, and in front of the Romanian flag, took the questions. Main theme: what was her reaction to the setting up of an international committee as PM Nastase had agreed with French PM Raffarin? The Baroness' reply was short and clear:

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‘Prime Minister Raffarin must have been misled; he must have been briefed by the wrong people.’

Thursday, 4 November

After many internal exchanges of opinions, some of them copied to me by thoughtful colleagues, we received a formal reply of the Director General of DG Justice. It was true that DG Justice, when DG Enlargement had announced they wanted to update the acquis list, after consultation with the Commission’s Legal Service, had taken the UNCRC from the acquis list, he wrote:

‘However, at the time Commission services were not aware of a Council document from 1998 on the Justice and Home Affairs acquis which listed the Convention as being inseparable of the attainment of the objectives of the Treaty on European Union and the Treaty of Amsterdam’.

DG Justice would, as we had requested, restore the UNCRC to the acquis list.

Thursday, 11 November

Since September I had noticed at several occasions that I was being followed and otherwise intimidated in a flagrant manner. I had told Dirk about it. He proposed to meet with our director, Ruete, and Bonucci, our DG’s director for human resources. Dirk had suggested me to bring along my colleague Tarja, a good friend, as support.

The five of us met and I explained I felt intimidated. I had already been to the police several times. I had started keeping notes on the intimidations and they always happened on days where important events took place in the children dossier.

Ruete asked if it would be a solution to move the children dossier to someone else. I told him I did not find that an acceptable solution. On the contrary, it should be made clear and visible that we are dealing with a Commission policy on children and not a policy of an individual person. In any case, formally the dossier had already been taken over by Katja and thus we were now two doing the job and considering this pressure I found that should stay that way.

My friend Tarja said the dossier had now clearly come down to a problem of personal security and safety, and she explained possibilities she saw. Two ways of protection should be explored: firstly, making children’s rights an overall children policy with a consistent approach for all the countries DG Enlargement dealt with for a start, and not only Romania. And also to improve communication and involvement of other DGs, informing the Member States, as well as requesting involvement of Olaf when dubious parties and objectives are found in EU financed contracts. Secondly, on concrete physical protection it should be examined again what the Commission could do.

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Ruete pointed out that building a Commission wide policy line would need time, but was a good option. I should start preparing a 'position paper'. As for security, Bonucci should once more contact the Commission's security service.

Bonucci, with whom I had already spoken before about my security, asked if I would be ready to move away from the children dossier once a 'discussion paper' would be finalised. I gave a clear no as an answer. With a clear policy there would no longer be a need to intimidate me.

After the meeting the report of the Independent Panel was given to the Member States. I had often proposed that, but the hierarchy had been reluctant.

Monday, 22 November

The Baroness had called Gabriela Coman saying it would be good if she could come to Brussels urgently. The new rapporteur Pierre Moscovici's draft report was balanced on the issue of children, but several amendments were proposed, mainly by Spanish and Italian MEPs, on allowing 'pipeline cases'.

Gabriela had arrived within days and she had appointment after appointment with MEPs. I accompanied her on a few of them.

The first MEP we met was clearly not interested. The next one, asked many questions and she was not too surprised about what we told her. This MEP said summer 2003 she had been contacted about the adoption issue by lawyers, who had presented themselves as journalists. They had behaved quite aggressively. She had realised that if this issue was of importance to lawyers it might mean money was involved.

Afterwards Gabriela and I had a coffee with Dirk. Gabriela said she found all this pressure and resistance hard to believe. She had replied to all families/persons who had registered for adoption to inform them that no adoptions were further allowed. She had started returning the adoption files. Dirk told Gabriela it would be good if she would write the Commission a letter, formally informing them that all outstanding adoption requests had received a reply.

Thursday, 25 November

Today was the meeting of the EP's Foreign Affairs Committee. Gabriela Coman and I went there together. It was not only on the Romanian, but also on the Bulgarian EP report, but as usual no particular attention was given to the Bulgarian children situation.

After Moscovici, the Spanish MEP Millan Mon took the floor. He said the blocked adoption requests concerned humanitarian cases of families in Spain and Italy. He got support from an Italian MEP who I did not recognise. They insisted a sentence would be added to the Romania report

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calling for finalising the pipeline cases, to which end an international commission would need to be set up.

The Baroness, in a final plea, said the Parliament would look ridiculous adopting this position. It would be totally contradictory to first congratulate the Romanian government with the new legislation, while at the same time asking the Romanians to deviate from it by allowing an international commission to take decisions on adoptions. She found no willing ears.

Unlike for Bulgaria, the vote on Romania was not done electronically. In what looked to me like a medieval exercise almost all MEPs raised their hand and followed the instructions of their political leaders (thumb up: yes, thumb up: no).

Monday, 29 November

Early afternoon Commissioner Rehn had his introductory meeting with the DG Enlargement's staff. After his speech, it was question time. After the first questions had passed, I raised my hand and was allowed to ask a last question. I introduced myself and asked the Commissioner on how he saw monitoring of children's rights. In the past we had witnessed some problems on that issue in Romania, and that while these were mainly solved, this could affect other countries.

His reply was more straightforward than my question. He thanked me for the excellent briefing he had received for the EP Hearing, which meant he was fully aware of the situation. Inter-country adoptions have been a problem in Romania, and it is good the Commission did not give in to proposals to liberalise them. Monitoring would need to continue in current and new candidate countries and needed to be based on the Convention on the Rights of the Child. The Commissioner concluded saying I was right: there was now a need for a coherent policy.

Friday, 3 December

No progress on Security. Bonucci's replies on Dirk's requests about the state of play were not clear. In the meantime the intimidations continue. I started preparing the 'position paper', and had it screened by some colleagues. It starts to get a face.

Wednesday, 8 December

'Don't sell me, Mr. Nastase' was the headline of several newspapers today. It was the plea of four-year-old Danut. His adoption had been allowed, as exception, through the last Government Memorandum in December 2003. Almost a year later the local Court had ruled the adoption could proceed. The child had been with a foster family for over a year and did not wish to leave them. But a Spanish family was pulling from the other side. In Spain Danut would get a brother from the Ukraine.

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Thursday, 16 December

The full European Parliament adopted the 'Moscovici report'. After the amendments of the Greens, supported by the Liberals, the report at the same time congratulates Romania for its new law, and calls for an international commission to study certain, non-defined, adoption cases.

European Parliament resolution on Romania's progress towards accession

[...]

17 Congratulates Romania on responding to international appeals and Parliament's requests by introducing national child protection standards and strict rules to govern inter-country adoption; considers that, if properly enforced, this new legislative framework should serve to protect children's rights even more effectively; points out that all families affected by the moratorium should continue to receive a reply and therefore supports the idea of creating an international commission to study certain cases in the near future;

I called Gabriela Coman to tell her the result of the EP's plenary vote. She was devastated. She said the Authority had received over the last weeks a new flow of Spanish adoption requests. They were registered, as required by law, but she had sent individual letters to all these people explaining that adoption by unrelated foreigners would not be possible under the new legislation that would enter into force on the 1st of January.

Wednesday, 22 December

In a neck-to-neck race between the Social Democrats and the Liberals, the last won this year's elections. The Iliescu-Nastase government would be succeeded by the Basescu-Tariceanu Government.

The new President, Trajan Basescu, former leader of the Democrats and mayor of Bucharest, was the one who had made public the lists holding names of foreign politicians who intervened pro-adoption.

The Year 2005

Guerrilla War

‘What is important is invisible to the eye.’
Le Petit Prince

Friday, 7 January

As anyone else I had followed during Christmas the Tsunami victims. When I had seen on CNN a blond-blue-eyed boy who lost his parents, described as a Swedish ‘orphan’, I had thought:

‘No, not again, no orphans please, no trade in children.’

It was then I realised I probably was overreacting and had become over-sensitive to the word orphan. Not long after, newspapers reported child traffickers were preying on Tsunami orphans. There was evidence of traffickers, children were taken illegally out of the area and children had been offered for sale. Unicef, UNHCR and Terre des Hommes urged no way children should be adopted from this area. Families were displaced and needed a chance to re-unite. Furthermore, the children were not in need of further traumas. The US announced to temporarily halt all intercountry adoptions from the area. Indonesia on its side announced to stop all adoption of their children. I could only conclude I was not over-sensitive after all, but rather over- experienced.

The first e-mails this year were from some former colleagues who now worked in the cabinets of new Commissioners. One of them was Nancy, now Head of Cabinet. She wrote the new Italian Commissioner on Justice, Franco Frattini had said on Italian TV the Tsunami children could be temporarily adopted in Europe. The European Commission could help

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facilitating this. Frattini had announced he would prepare a proposal for the next Commission meeting.

I quick search on the Internet learned that also Bernard Kouchner had said, on French TV, that adoption procedures should now be simplified to let the Tsunami children be brought to France. His message had been quickly rectified by a French government spokesperson.

Nancy, with her knowledge on the Romanian children, had heard alarm bells and asked for a briefing. I immediately sent out a reply with full references to the UNCRC, the negative advise of Unicef, UNCHR and Terre des Hommes and referred to the generally agreed line that intercountry adoptions from war zones or natural disaster areas should not be done within two years.

Thursday, 13 January

President Barroso signed the reply we had prepared for De Combret. In summary the President's reply said the Commission agreed with De Combret's opinion the progress in Romania was remarkable. Furthermore, it reminded that since 1993 the Commission had been of the opinion that intercountry adoption could not be the preferred solution for Romania's institutionalised children, but social assistance and child protection were to be developed. It explained the Independent Panel's expertise and said Romania's approach on intercountry adoption completed the reform, and was in line with the practices of EU member States where intercountry adoptions, if all, were the extreme exception. To finish it off it explained placement in public care as such should not be considered as abandonment. Legal abandonment, as De Combret had referred to in his letter, had been the result of the abandonment law, a law that had been abrogated when the new law on children's rights was published, on 23 June 2004.

I hoped this would show De Combret that there was a continuity of policy now that there was a new Commission and prevent resumption of correspondence.

Monday, 17 January

Romania was making it into the international media again: a 66-year- old woman had given birth after IVF treatment, the oldest mother in the world. The treatment, with donor eggs and sperm, had been done in the clinic that Mariela and I had visited end of 2000, where babies were sent for intercountry adoption and infertile women received IVF treatment at the same time. IVF treatment of women that had passed the normal fertility age was forbidden in most EU Member States. Would this become Romania's new way to provide children to infertile couples?

Interview in *Zina* with Pierre Moscovici. The reporter has asked Moscovici

is he was continuing the fight of his predecessor, the Baroness. Moscovici replied he was not. The Baroness fought for a moratorium, for a law to forbid international adoptions. We must keep in mind that there were several thousands of cases where families got in touch with the children, ties were created, and Moscovici said these human situations should be taken into account. That was why he supported the proposal made by the former PM Nastase and the French PM Raffarin for the creation of an international commission to study a certain number of situations.

This was the context in which some French experts arrived in Romania to assist implementing the new law. The Commission had proposed a so-called 'Twinning-Light', expert assistance for six months. The call for proposals sent to the EU Members had had two reactions: Italy and France. The two experts, a French judge and a director of social services, had come with a draft action plan. The most striking action they advised was to analyse the impact of article 39, the article that limited adoptions to grandparents. Mariela had asked them why they felt this was necessary. Her clear question got no clear answer.

Wednesday, 19 January

Dirk Lange had told Katja and me to put our 'position paper' on the agenda of the newly established Group of Commissioners on Fundamental Rights. Katja was in general the person responsible to follow up the work of this Group of Commissioners for DG Enlargement.

I had a look at the Group's composition. Eight Commissioners. The formal chairman was President Barroso, but in daily practice Vice President Frattini would be in charge. The first meeting of the Group had taken place in December, and the second would be in February. Today I saw the agenda: Point 3: Protection of children'.

Monday, 24 January

Poupard is in Brussels to present the Unicef abandonment report. He already had presented it in Bucharest a week ago, although the report had not been made available. The Baroness' assistant called to tell me that Pierre Poupard and Anne de Ligne wanted the next day to jointly present the Baroness the abandonment report. After internal deliberations, an e-mail was sent from Headquarters to Anne de Ligne, pointing out the inappropriateness of such a joint action. After this, Poupard cancelled his appointment with Dirk, foreseen for tomorrow. He no longer had time to present the study to the Commission

Tuesday, 25 January

Katja and I went together to Poupard's press conference, which was hosted by Unicef Brussels. Again the report was not handed out, not ready yet. So

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why present it here in Brussels? Was it because today the new Prime Minister, Tariceanu, was presenting himself here at the Commission?

Some twenty other participants watched Poupard's PowerPoint presentation full of statistics on abandonment. Research had proven the number of abandonments had remained unchanged since 30 years: 9,000 children under five yearly. Not once he mentioned that this situation on abandonment was not without hope. Unicef would assist the Romanian authorities to address this issue, after which intercountry adoptions would no longer be necessary in a few years. When question hour came, I spoke out. I told about the moratorium, the progress in child protection and explained placement of children in protection services is not the same as 'abandoning' children. And intercountry adoptions would not be phased out in a few years, as Poupard had said, but these had been halted since the end of 2001 and were now by law limited to grandparents.

There was silence in the room. Poupard said I must have misunderstood him, but I could only look at him in disbelief.

Tuesday, 1 February

Tonight I watched a French TV3 programme on adoption, with as main focus the 'Tsunami children'. The Deputy Secretary General of the Council of Europe, Maud de Boer Buquicchio, was interviewed. She held a critical discourse and was explaining adoption was not an easy solution etcetera. But she was cut off in the middle by Christine Ockrent, one of France's most popular TV presenters, who did not mention that she was married to Bernard Kouchner, who set up France's biggest adoption agency, Médecins du Monde, and who had been pro adoption of Tsunami children right after the disaster took place. Unicef France spoke about Romania's abandonment report and the risk of trafficking for children without identities.

Monday, 7 February

De Combret replied to President Barroso. He wrote he was utterly upset by Barroso's letter because of its disconnection from the Romanian reality. The same wording he had used in 2000 and before, in fact any time a new Commission official wrote to him. De Combret now sent the proof of his December statement that child abandonment was no different from that 20 or 30 years ago: a summary of the Unicef report on abandonment. And he offered President Barroso Sera's expertise of 15 years to solve that issue.

Tuesday, 8 February

The lobby is increasingly singling out the Baroness as the sole responsible for the stopping of intercountry adoption. As far as I know there has never been mention of the Independent Panel of EU family law experts. I guess that is too inconvenient. It is easier to focus on just one MEP.

For example, last week the Wall Street Journal held an article titled ‘A One-Woman War against Inter-country Adoption’, written by Diana Kunz and Diana Reese from the Center for Adoption Policy. This center since a few years actively promotes intercountry adoption and especially focuses on the EU, which they see as obstructionist. On its website there is information on a conference held last year at the New York Law School: ‘Inter-country Adoption, the European Union, and Transnational Law’. I had a look at the conference study papers. The papers are interesting, but whatever arguments are put forward, it appears the US and the EU do not have the same interpretation of the UNCRC, because the EU sees no hierarchy in care options, and thus does not see adoption as a preferred option. The difference between the US and EU is that the EU has a stronger focus on individual rights, and that social protection is enshrined in constitutions and in the European Social Charter. In the EU children have a right to be protected, so intercountry adoption as a last resort would be a breach of the Social Charter.

Friday, 10 February

Changes in the hierarchy. Ruete had followed Commissioner Verheugen and had been replaced by a Finnish Director, Timo Summa. There had been some rumours that Dirk Lange would be replaced. But the final decision still came unexpected. He was replaced overnight by Wenceslas de Lobkowicz.

This first week he asked to see me several times. The Romanian children seem his first priority. He wants to know everything about the new adoption law. He explained he has a legal background, made most his career in DG Justice, and wanted to form his own opinion. I offered to bring him into contact with the Independent Panel, but got no reaction. Also about De Combret he wants to know everything I know.

Monday 14 February

Katja and I had sent out the ‘position paper’ for internal agreement. Today it came back from DG Barroso’s office. He had put a document in the file, and suggested we would include reference to this in our paper. It contained the ‘Strategic Objectives of the Barroso Commission for 2005-2009’. Quickly read it: ‘The European Union’s strategic objectives entail the effective protection of children, with the Union acting as a beacon to the world.’ Wow, I wondered who had written that.

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STRATEGIC OBJECTIVES 2005 – 2009

Common responsibilities for common values

[...] Europe should be the point of reference worldwide for the practical application of fundamental rights. A particular priority must be the effective protection of the rights of children, both against economic exploitation and all forms of abuse, with the Union acting as a beacon to the rest of the world.

I included this text in the 'position paper' and sent it back to DG Barbaso, so that he could forward it to the Cabinet of Commissioner Rehn, who would forward it to VP Frattini's service. Katja and I had inquired in-house about why Vice-President Frattini had put child protection on the agenda of the Group of Commissioners. Apparently Baron Cardon of Lichtbuer, chairman of Child Focus had suggested him to set up a European Network for Missing and Sexually Exploited Children and to hold an international conference on intercountry adoption. VP Frattini would request of all Commission services an overview of their activities in the field of protection of the rights of the child.

That would be easy, as our 'position paper' included all DG Enlargements activities. Apart from the children programmes in Romania and Bulgaria many other activities had been undertaken such as projects for disadvantaged children, especially the Roma minority, promotion of access to education, prevention of child labour etcetera.

Monday, 21 February

After work, Katja and I watched a Finnish TV programme on Romanian children for which Commissioner Rehn's spokesperson had been interviewed. Since there was a Finnish Commissioner for Enlargement, there seemed to be increased Finnish media attention for the Romanian children. As I had been in Bucharest when this interview was filmed, Katja had prepared the speaking points and had also been present during the interview.

Rehn's spokesperson was shown explaining the EU Children Programme, saying there remained much to be done, but the progress in child protection in Romania had been significant. Considering the rest of the documentary, the misery shown, this message seemed to come from another world, and I wondered how the average spectator (or politician) would react to it. Poor families were shown that were willing to sell their children for 5000 Euro. A representative of the Finnish Save the Children commented on the new legislation and condemned the suspension of intercountry adoptions. I happened to know that Save the Children Finland

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was accredited to do intercountry adoptions, which Save the Children branches in other countries were not.

Thursday, 24 February

Needless to say we were somewhat sceptical about the French ‘twinning’ proposal to analyse the effects of article 39, the grandparents clause. I had talked to de Lobkowicz and he had agreed that Katja and I would go to Paris with a representative of the Independent Panel to meet these French experts.

When we arrived today, we were told that that morning the French radio station France Inter had reported on the Romanian children. Mirel Bran was interviewed and he had said nothing had changed in Romania: still thousands of children were abandoned. A nice introduction to our meeting.

Only one of the two French experts had been able to come, the French judge unfortunately was absent. The Independent Panel expert, a judge himself, went through the draft action plan and we all commented. The atmosphere was already somewhat tense and the tension increased when we moved towards article 39. The panellist explained the background of this article and that, whether we liked this clause or not, it had the intended effect. It strictly limited intercountry adoptions. If that would not exist in Romania, a market on children risked evolving once more. He explained intercountry adoptions were not a child protection measure. The woman of the French Ministry of Social Affairs said in France adoption was seen as a child protection measure, as to underline that it was the interest of the child that counted, not of the adopters.

When we left I was sure we had been successful in explaining article 39, but would that ensure its assessment would be taken out of the action plan?

Tuesday, 1 March

De Lobkowicz himself had contacted France Inter to get a tape of the Mirel Bran interview. The French journalist who interviewed Bran, in his introduction said intercountry adoptions in Romania had been prohibited by the European Commission. Bran, interviewed from Bucharest, had said SERA accused the Commission of having wasted 160 million euros, because despite that amount of money Romania’s children were still left unprotected.

Considering the seriousness of these accusations, DG Barbaso signed a note to Commissioner Rehn announcing we would need to react.

Thursday, 3 March

De Lobkowicz had fully rewritten the draft reply I had prepared to De Combret’s reply to President Barroso’s letter. I had initially suggested not to answer any more, and to let President Barroso’s letter be the last and

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final EC position towards De Combret. But De Lobkowicz had instructed a reply at the signature of Commissioner Rehn. His rewritten draft not only quoted article 21b of the UNCRC in such a way that intercountry adoptions appeared to be allowed as a last resort, without indicating that such was no longer considered necessary in Romania. But what was worse, he had included a sentence in which Commissioner Rehn acknowledged the Unicef report, and sort of agreed with its conclusions. I went to speak to De Lobkowicz. How can a Commissioner welcome a report we had not seen? It was not an easy discussion, the man is a great speaker and argues convincingly, but he took out at least that sentence.

Thursday, 10 March

President Basescu is on official visit in Washington. Yesterday he met President Bush, who had raised the issue of 'pipeline cases'. The Romanian Ambassador Ducaru hosted a meeting with President Basescu and the adoption lobbyists. According to the press there were some twenty people, mostly adoptive parents and waiting parents, some representatives from the US State Department, and some from adoption agencies. But President Basescu did not make any promises.

Friday, 18 March

The Baroness was back in Bucharest to hold the first High Level Group meeting with PM Tariceanu. Poupard had presented Unicef's report on abandonment, but his speech had been countered by the Baroness speech that welcomed Romania's progress in child protection that was now completed with a modern law giving the Romanian children similar protection and rights as existed in other European countries.

We still do not have this report. Not even Mariela got one during the High Level Group meeting.

Monday, 21 March

Finally I received the Unicef report. My secretary had called Unicef Brussels at regular intervals, as Unicef Romania said it was not yet available, and finally obtained it. I carefully read the 130 pages.

The term abandonment was used for situations where children were in maternities or hospitals without evident medical reasons and without having been visited for seven days. Unicef's press release of 25 January had announced the abandonment rate in Romania remained unchanged for 30 years, but the actual research part of the report did not sustain this conclusion. The magnitude of child abandonment was unknown prior to 1989, as abandonment was not officially acknowledged and therefore not recorded, so how statistical comparisons were made was not clear to me.

The abandonment statistics given, 4,000 children in maternity clinics and 5,000 in paediatric hospitals, did not refer to absolute numbers of children

‘abandoned’ at a certain moment, but to the total of cases in a whole year. In this calculation no difference was made in the length of the period that the child was ‘abandoned’ (ranging from one week to much longer) or to what happened to the child afterwards (reintegration into its family, foster care, placement centre, adoption). The case studies presented showed in most cases there was no intentional ‘abandonment’ of the children, but merely a combination of factors that led to the separation of the child from its family. Lack of identity papers was mentioned as a hindrance to take newborns home from the maternity. Even if one would define children as abandoned, the report showed that the majority of the children were re-integrated into their families later and others were taken into child protection. I could only conclude this report was sensational.

In his press statements Poupard kept underlining that these abandoned children were at risk of trafficking. That was a much-heard statement since there were no longer intercountry adoptions, as if there was only trafficking when no adoptions were possible. But was it not the other way around? Had not Professor Bainham already in 2001 said that children were a popular commodity, but not when intercountry adoptions were prohibited?

And how to traffic children if movement of children was not formally allowed? How to register these children as adopted, as receiving countries would ask questions? And would parents or caregivers still ‘give’ children if they knew adoptions were not allowed?

Tuesday, 22 March

Some days ago de Lobkowicz called me into his office. He said he did not want me to think he worked behind my back, as he wanted full trust between us. He had to tell me something:

‘Guess who called me last week?’

‘De Combret?’

Bingo.

One evening De Combret had called proposing de Lobkowicz to meet in Brussels or Paris. De Lobkowicz said he had been very tough with De Combret, telling him he could not agree with a lobby that uses the ‘Iron Curtain’ as metaphor for the abolishment of intercountry adoption. He was not sure they would meet, but it was possible.

Monday, 28 March

De Lobkowicz called me in his office about some draft reply I had prepared. I had heard from one of the secretaries that a letter from De Combret had come in, but I had not received a copy. While he spoke, my eyes searched his desk, which was covered with papers. It did not take long before I noticed a letter with the Care logo and a report attached that looked like a De Combret report. I took the letter, kindly smiled, and asked de Lobkowicz if he minded if I borrowed that for a while. Back in my

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office I read it and it was the same story all over. Another offer to become benevolent research bureau for the Commission on the issue of abandonment of children. De Combret had offered the same to Landaburu three years ago. A meeting had apparently already been agreed.

I went to see de Lobkowicz again. He told me he would indeed meet De Combret for lunch here in Brussels. I found that quite inappropriate and told him so. Someone who had harassed and accused the Commission for over fifteen years should, if needed, be received in a transparent manner. Such a meeting should be held in the office, with the EC Task Managers (Katja and me) present and proper note taking. De Lobkowicz argued that by having lunch he would give less importance to De Combret's visit. I was not convinced.

Thursday, 8 April

The fight on De Combret's visit went on. I raised the issue during our team meeting and had prepared a three-page note on the background of the Commission's relation with Sera for the new hierarchy. All without success.

No other option left, I went to see the new Director Summa. While he welcomed me friendly, he did not share my opinion. There were many lobbyists around the Commission and De Combret was just one of them, and the Commission spoke to every one of them. I tried to explain some more about the children dossier, but he seemed not interested.

I left his office in a bad mood and went to see Katja. She felt it strange that the new director was not interested to discuss substance. Without hesitation she went to see Summa. I do not know what happened exactly, but as a result Summa now wants to meet the Independent Panel. And to have a meeting with Katja and me on the children issue.

Wednesday, 13 April

Katja and I were together in Romania for several meetings on the children issue and to visit some projects. But Katja also needed to have a meeting with the Secretary of State of the Ministry of Health. Having health policy in her portfolio, Katja was dealing with another practice that seemed not to be in line with European standards: Romania's trade in human egg cells. The European Parliament had adopted a resolution to call for the Commission's full investigation of this. A US/Israeli company was harvesting the eggs of students for a financial 'compensation'. These eggs could be ordered via the Internet, and shipped to New York or London for fertilisation. During the meeting it became not very clear what the state of play was. Was the laboratory closed, temporarily or permanently? This would need further follow up.

Together with Mariela we went to Brasov. First we visited a foster family. Their now 8-year-old autistic child had spent her first years in the *leagan*.

She is in foster care since three years. Last year she was proposed, as an exception to the moratorium, to an Italian family (as part of the '105 children'). The foster family, the child and the Italian family had spent three days together in a Bucharest apartment. However, the Italian family was concerned about the child's behaviour and had her tested by a Bucharest hospital. When hearing the child was autistic, the Italian family had no longer wished to proceed with the adoption.

The foster carer had received extensive training before getting her licence and proudly showed her certificates. This family was fully dedicated to the girl.

Next we visited the *leagan*. It previously held some 300 babies and toddlers, and now was in process of being closed under the Children First Fund. The number of children had already been reduced to 90, most of the others were now in foster care. One of the now empty buildings would be transformed into a treatment centre for disabled children.

Friday, 18 April

Today was the day. De Lobkowicz had decided after all not to have lunch with De Combret, but a 'normal' meeting. As a welcome, I had put two billboards of the public awareness campaign in the corridor. When Katja and I arrived, De Combret was already in de Lobkowicz' office. He was skinnier than I remembered, and was wearing big glasses. He reminded me of Woody Allen.

De Combret started off telling how he got involved in the Romanian children issue. He had seen the Romanian children on TV in 1990, on the 'Marche du Siècle' programme, and he had immediately gone to Romania to help. He quickly got to the point though. His main quest was for the Commission's support for the resumption of intercountry adoptions. He complained about the personal role of the Baroness. How dared she still go to Romania, she no longer was Romania's EP Rapporteur. He had spoken to PM Tariceanu, who had made understood he did no longer want Romania to be seen as a country of abandoned children. De Lobkowicz explained it was not the Commission's role to intervene in adoptions and that opinions on this matter were not just those of the Baroness, but also of the European Parliament that had adopted her reports collectively.

I changed the subject and explained the generally acknowledged progress. Clearly not pleased, De Combret interrupted:

'Madame, what is your name? Did we not meet before?'

'Madame Post. Yes, we met in June 1999.'

'You have been too long on your job. You have too much influence in the Commission. You should be promoted and move on.'

De Lobkowicz said such decisions were entirely up to the Commission.

De Combret went on, almost desperate, with his emotional arguments

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about abandonment. He handed de Lobkowicz the Unicef report on abandonment, as he had been told we had not yet received it.

‘Perhaps we do not have the same definition of abandonment and we should discuss that?’ I suggested. As a reaction De Combret looked at his watch and announced he had to go, as he was already late for his next meeting with Commissioner Barrot. ‘About the same subject?’ I asked, knowing Barrot was responsible for transport.

‘Madame,’ he snapped, ‘please leave that to me, you have nothing to do with it.’

At the secretariat he shook my hand and said it had been a pleasure to meet again.

Monday, 25 April

End of the day, I had invited some colleagues in my office for a glass of wine at the occasion of the official signing of Romania’s Accession Treaty. After ratification by the EU Member States, Romania would enter the EU on 1 January 2007. That was something I would not wish to let go unnoticed.

De Combret did not either. He gave a press conference in Paris. The press announcement of a few days before had announced Care France intended, at the occasion of the official signing of Romania’s Accession Treaty, to raise the problematic question of child abandonment. Fifteen years after the revolution, the number of yearly abandoned children remains stable, around 10,000 children per year. According to François de Combret, Vice President of Care France and founder of Sera it is not by closing orphanages in whatever way, with as only concern to dissimulate the abandoned children, that the problem can be solved. Care France insisted also on the role of the European Union, because the protection system was set up by the former government of Adrian Nastase under pressure of the EU.

In Bucharest the French Institute had picked this long known date to show the documentary ‘Romania, Decreteii’ about Ceaucescu’s pro-natalist policy that banned abortion, and led to abandonment of children.

So much for the French token of traditional friendship towards Romania.

Tuesday, 26 April

Today the third meeting of the Group of Commissioners took place. Katja and I had prepared DG Enlargement’s input on children’s rights. Instead of our ‘position paper’, DG Justice wanted us to fill in all information in a table. It had been almost impossible, but with ‘patience’ we had been able to fit all needed information into the desired format.

We also had prepared speaking points so that Commissioner Rehn could summarise DG Enlargement’s position paper. We received a debriefing

from the Cabinet. Unfortunately the Commissioner had not been able to make it to the meeting. DG Barbato had not intervened, and thus our speaking points had remained unused.

Friday, 28 April

I found today the long awaited report of the UN Rapporteur on the sale of children. It had been published the day of the Unicef press conference on the abandonment report in Brussels, 25 January. In it, I read that the publication had been delayed because the rapporteur, Petit, had wanted to reflect on the latest information.

Rights of the Child

Report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit

Addendum

Mission to Romania

B. Intercountry adoptions

22. In 1997, the Government of Romania, under the strong pressure of the EU Commission and Parliament, restructured the entire legislative and administrative organization of the child protection system and of the adoption system in particular. The reformed child protection system started functioning in 2000. In June 2001, after repeated efforts to analyse and identify the problem, the Government and the Prime Minister in person made a public commitment to revise the system of protection of children's rights and imposed a moratorium on intercountry adoptions.

23. The Law on the legal regime of adoption approved in June 2004 restricted the possibility of intercountry adoption to very exceptional cases. Children can be adopted internationally only by one of their grandparents residing abroad. According to the Independent Panel of Family Law Experts of EU member States, the objective of the new legislation is that Romania becomes like other Member States. Intercountry adoption leads to a vicious cycle: with too many intercountry adoptions, Romania does not see the need for proper child protection. At the same time, as long as the child protection system is not at European level, Romania would risk to continue to use intercountry adoptions without fully using the great potential for domestic adoptions.

24. Following the spirit of the Convention on the Rights of the Child that considers intercountry adoption as an alternative means of childcare, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin, the Special Rapporteur welcomes the new legislation on intercountry adoption as a firm reaction to past irregularities and distortions and as a conducive measure to develop intracountry alternatives in the best interest of children.

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[...]

69. The abolition of the law on abandonment is a positive development to limit and prevent abandonment. Earlier on, when a child did not receive family visits for more than six months, she/he was considered abandoned, hence adoptable, even though family links still existed.

The rest of the report is somewhat chaotic on the abandonment issue. On the one hand it acknowledged that most children in institutions were not abandoned, on the other hand it said that the number of children in child protection remained high, and connected this to a 'worrying high rate of abandonment'. Furthermore the Rapporteur expressed his wish that the findings of the Unicef study on abandonment, once available, would be used to design policies to address the root causes of the high number of children in the child protection system.

Wednesday, 11 May

It felt like bitten by a snake, when I received today a letter addressed to Commissioner Rehn by French EC Vice-President Barrot, Commissioner for Transport. It dated already from 20 April, but had only now found its way to my desk.

VP Barrot's letter did not mention De Combret, Sera or Care, but referred to 'some French NGOs'. Barrot wrote he transmitted Commissioner Rehn his personal opinion that intercountry adoptions should be re-opened. The yearly abandonment rate of 10,000 children, as stated in Unicef's report, justified that. The objective would be to simply authorise international adoption following the strict rules set by the Hague Convention, and not to facilitate child traffic.

Interestingly enough the formal French line seemed to be to accept Romania's status quo. The website of the French 'Mission de l'Adoption International', the French Hague Convention 'Central Authority', stated that despite actions of the French authorities, no agreement had been reached with the Romanian government concerning French adoption requests. Families concerned were suggested to reorient their adoption projects towards other countries.

'Central Authorities' for the Hague Convention are responsible for the good functioning of intercountry adoptions. Did we ever hear from these 'central Authorities'? No, only from adoptive parents, adoption agencies, NGOs and politicians.

Saturday, 14 May

Danut, the boy of the 'Don't sell me, Mr. Nastase' plea, was after all sent to Spain. Against his will, and that of his foster parents. A second court reading had confirmed the adoption was in the best interest of the child.

Wednesday, 18 May

I had been alerted that last week, during a meeting with VP Frattini and the Romanian Minister for Justice Monica Macovei, it was agreed that Secretary of State for Adoptions, Theodora Bertzi, would need to meet with DG Justice's Director General. But the staff of DG Justice had informed their him that the contact point on the adoption legislation was DG Enlargement. He had agreed that should remain that way.

As a result Theodora Bertzi had taken an appointment with Director Summa. De Lobkowicz and I were also present, although I had not been invited. After some general introduction statements of Summa, Theodora came to the point: since the signing of the Accession Treaty on 25 April the Romanians had felt an increased pressure from the side of the Americans.

The pressure focused on the setting up of an international committee to review adoption cases, as had been proposed by the French PM Raffarin. Such a committee was also supported by the European Parliament, as a result of last years Moscovici Report. She underlined that all still outstanding adoption requests had been handed in during the moratorium, so in fact should follow the new laws.

Theodora Bertzi had now come to Brussels to ask the Commission's opinion. The DCPs were in the process of finalising the re-evaluation of the 6,000 children that were on the adoption list, as foreseen by the new law. There was some delay in this. Once done, should an international committee be set up to assess the pending requests for intercountry adoptions?

I somehow felt she was hoping for a negative reply, like the Commission's position had been until now. But, Summa welcomed the idea and even said that, although quality was more important than speed, the DCP's evaluation of the children should be ready in September and that the 'pipeline cases' should be dealt with no later than December. 'The existing administrative red tape can not remain forever.'

Red tape? That red tape is a new law that protects the rights of the child.

That was not all for today. In the afternoon the Americans were back. Someone from the US mission and someone from the US State Department, dealing with migration issues. They presented the same US line as last year: the US cared about the Romanian children; children should be in permanent families and not linger in institutions. Foster care was not a good solution.

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De Lobkowicz talked about the *acquis*, but mixed up the Conventions by referring to the Hague Convention as *acquis*. I discretely corrected and explained the principles of European child protection were embedded in the UNCRC.

The Americans did not mention the outstanding adoption requests, but wanted to know if Romania's law did really need to be that strict. Could it not be more flexible? I explained the Independent Panel had found that, considering Romania's history, only a strict limitation could have the expected result of limiting intercountry adoptions to extreme exceptions. No more arguments left, the State Department person said:

'But it is such a problem, these are Ceaucescu's children.'

I started laughing out loud:

'No, Ceaucescu is long dead and buried, these are Basescu's children.'

Friday, 20 May

Finally, as a result of Katja's talk to Director Summa in April, a meeting had been organised with the informal chairman of the Independent Panel. Summa had prepared six questions and they all somehow focussed on the possibility, or the need, to change the legislation in order to become more flexible. It sounded familiar.

The expert explained the general background, the principles of European child protection and the adoption issue in general: the Romanian laws were fine for the moment, now they needed to be applied.

Then Summa came up with the 'pipeline' cases. (What pipeline, I thought, exceptions he meant?) Should a solution not be found? The expert took out the letter of Gabriela Coman from end December that she had drafted at the request of Dirk Lange. It held full statistics about foreign families that had applied for intercountry adoptions during the moratorium. In 2001 it were over 600, and in 2004 some 140, clear evidence the interest was decreasing and therefore the pressure could be expected to follow that pattern. However, if now the slightest hope would be given by allowing exceptions to the law again, this would risk reversing the trend. It would be like opening Pandora's box.

Summa then explained the Commission's dilemma. There was a need for a consistent approach for all candidate countries. What if the Ukraine would become a candidate country, where there was a big intercountry adoption market, and there was Moldova and the Western Balkans. What to do with those countries? The expert suggested following Romania's example. These countries should be provided with EU financial assistance to develop proper child protection service and complement that in time with modern legislation on children's rights.

Tuesday, 24 May

I have read the booklet of Valerie Jourdan on Romania's children. This woman had called me some months ago. She had introduced herself as representing a small NGO. While speaking I suddenly recognised her voice and I asked if we had not spoken before? After some hesitation she had confessed that, yes indeed, we had spoken before, but at the time she had presented herself under a different flag.

End last year she also had contacted Verheugen's former spokesman, who then worked in the Cabinet of Rehn, and had wanted to meet with him. He had contacted me about it, and when hearing she had introduced herself as a journalist, I had advised him to check her out. She appeared not to be an accredited journalist, so we left it there.

The booklet 'L'Abandon pour Héritage' described in seven chapters how the Romanian 'orphans' were 'taken hostage' by the European Parliament. The first chapters described the 1965 to 2004 period. The years 2000 to 2004 had a chapter each. I could not help seeing a similarity with the book I was writing, seven chapters, one per year.

Jourdan's story was mainly an 'homage' to De Combret. And a forceful attack on the Baroness, Commissioner Verheugen and Ion Tiriac. And on me:

'Will it be possible under the economic situation of Romania to find every year four thousand foster carers and social assistants and to pay them? "*That is the problem of Romania, not of the European Union*", underlined Roeli Post, charged with the dossier child protection at the European Commission. Can one reform without knowing the consequences?'

No, Romania did not reform without knowing the consequences. As of the beginning of the reform studies were available that foster care was not only a better option for children than institutions, but also cheaper. And paying foster carers is not the problem of Romania, but its noble choice and thus its responsibility. Many countries do not even pay its foster carers salaries.

Wednesday, 25 May

Katja and I now had our meeting with Director Summa to discuss our work. De Lobkowitz was there too. We spent a good part of the afternoon replying to Summa's questions: had we worked according to a policy line, were there any reports from other organisations on the Romanian reform, had evaluations been carried out, how were NGOs financed under the Phare programme? I felt like giving a beginner's course to the Phare Children Programme.

At the end, I switched to Summa's request to Secretary of State Theodora Bertzi that the re-evaluation of the 'adoptable' children needed to be ready in September. 'That was a good thing, no?' Summa asked. I explained that this re-evaluation was a complex matter that needed sincere investigations

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of social workers and the judiciary. Parental rights might need to be re-established. In EU Member States such a process would last many months per child, and now we were asking the already overcharged Romanian judiciary to deal with 6,000 cases in less than a year. But, more important, the training of the judges on the spirit and principles of the new legislation and the UNCRC would only start in September, as part of the Phare public awareness campaign, so after the re-evaluation period. Summa's face grew dark when he said, 'So what I told that lady was wrong?'

At the end of the meeting Summa seemed rather enthusiastic. He thanked Katja and me extensively and told us to continue the good work. He would want to have another session with us in a month.

Thursday, 26 May

While leaving my office for lunch, I saw a brown envelope in my intray, with a stamp 'personal'. I rarely received snail mail nowadays, as everything was done electronically. I curiously opened it: a letter from Director for Human Resources Bonucci. He suggested me, for safety reasons, to look for another job in the Commission. And he noted that my career development (= promotions) had suffered for many reasons, but mainly because of the workload of my dossiers. An internal move would be beneficial for my career...

I decided to ignore his 'suggestion'.

Wednesday, 1 June

De Lobkowicz called Katja and me into his office. He said nothing about Bonucci's letter, but asked if I thought he was part of a network that worked against the Commission policy. I was taken by surprise and said something general about lack of trust due to non-transparency.

I told him I wanted to take unpaid leave for July and August in order to reflect on the situation. Katja on her side announced she no longer wanted responsibilities for the children dossier, out of solidarity.

Children Day in Romania. Again there was the award of prizes for the Edelweiss 'Talent Contest: third edition. But that was not what Mariela called me about. No, a Delegation staff meeting had been announced to discuss the upcoming phasing out of the Delegation. As Anne de Ligne had already told Mariela that her job could no longer be justified, she saw no reason to go to this meeting. And so she told Anne. To Mariela's surprise she had apologised and said there had been a misunderstanding. The 'administration' had changed its mind and she could stay on the job.

Tuesday, 14 June

Conference organised by Euronet, a coalition of European children NGOs, about child protection in the (now mostly former) candidate

countries in Eastern Europe. I explained the Romanian reform and the EU's contribution to that. The Polish said they were happy for Romania, but why was such support not given to Poland. Now Poland was stuck with an unreformed old child protection system. Other countries joined in, for example the Czechs complained to have too many children in care. I gave the audience figures on the children in care in EU member States and told them for example Italy is just in the middle of its reform. The big institutions set up in Eastern European countries were often blamed on the former Communist regimes, but I reminded the audience that in the West such institutions/orphanages had been established long before mainly by charities or the churches, and that most but not all had been closed down.

It was an interesting morning and it was great to exchange opinions and knowledge. At the same time I felt sad, as I realised I probably would not be able to hold on to my job much longer. After Bonucci's suggestion to move jobs, I had written him a letter recalling the history of my job and the issues at stake and had proposed to continue my job. I had sent it off this morning.

Already during the meeting my secretary called saying I needed to go and see the Head of the Personnel Unit. Bonucci had delegated my case to her. I asked Katja to come along. I was told I needed to move jobs urgently now, because of my security risks, and also because the new Head of the Romania Team and I did not have the same chemistry. Again I refused, but was told I'd better accept another job now, because as of tomorrow I had to be out of the Romania Team!

Katja and I were shocked. No word had been said about my letter to Bonucci. They just wanted me off the job. In no mood to return to our offices, totally de-motivated, we went for a coffee.

Coming out of the elevator we ran straight into the arms of DG Barbaso. I told him: 'I understand you all want to get rid of me now, as I was just removed from my job.' Half smilingly, nervous, he replied: 'But your job is over, the Romanian children job is done, it is no longer an issue.'

Katja and I both burst out in laughter.

Sunday, 10 July

Mariela called tonight. Danut's adoption had stayed in her mind. Perhaps the adoption decision could still be cancelled by the Court of Appeal. If not, this case perhaps could be brought to the Strasbourg Court on Human Rights. Mariela had found a lawyer ready to take the case, and a friend had offered to pay for that. The three of them had today visited Danut's foster family.

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After six hours of driving they had found a small countryside house with a big yard. Danut's foster mother came to the gate. They told her they had read about Danut in the newspapers, and believed there was a chance for him to come back if the foster parents were willing to contest the court decision.

The woman had invited them in and had started talking. Since Danut had been taken away, they felt like in mourning. At first, when the Nastase Government had approved Danut's adoption as an exception, they had hoped the newspaper articles were going to help them. Then they hoped the fact that Basescu had won the elections meant that Danut could stay.

The foster parents described Danut as an intelligent and a cheerful child. Danut loved telling stories, he invented one every evening. Before he was taken away, the five-year-old had said:

'You know, one day I will come back. I will come by car and I will bring lots of oranges and bananas. You won't recognise me but I will tell you: it's me, Danut.'

During the discussion, the foster mother at first was convinced that it was not possible to reverse this adoption: 'If this was the law in Romania, this was the law. If it had not been legal, they would not have let him pass the border.' But in the end, she agreed to try and fight the decision with the help of the lawyer.

Mariela and her friends had left with renewed hope, but not for long. A few hours later, on the way back to Bucharest, the foster mother called saying she had spoken with some other women in the village and did no longer want to go ahead.

Friday, 15 July

Miracles still happen. Today Unicef launched the UNCRC Implementation Handbook in Romanian. Mariela had not received an invitation, but had gone anyway. She had been amused to hear Poupard thanking the Delegation for its contribution to the publication of the handbook. For once it had not been the EU's money that had made the difference, but Mariela's perseverance in asking for it.

Friday, 22 July

After my overnight removal from my job I had taken some weeks of holiday and introduced a request for unpaid leave for July and August. Time to reflect and to focus fully on the book I started writing three years ago.

It is good to have time on my hands. Since a while I follow the work of the Belgian NGO Werkgroep Morkhoven. It is quite a story. They have somehow put their hands on massive evidence of child pornography, the so-called Zandvoort case. But instead of the Belgian justice investigating the evidence, the members of this Working Group themselves seem to

have become the centre of slander and attacks. A Belgian Princess, Jacqueline de Croÿ, joined forces with them in 2003 when she witnessed a case of child trafficking of Nigerian children and found no reveal at Justice either. She also had become victim of intimidations and threats. She set up Foundation Princess de Croÿ and now dedicates herself to the fight against paedophiles.

Having time, I had contacted the Princess and we met last Saturday. She and Jan Boeykens, from Werkgroep Morkhoven, explained their backgrounds. It was rather shocking. For years they have been bringing evidence and ringing doors, but nothing happened. I told them about my work and the difficulties I encountered. We were stunned to see the similarities: the abuse of child protection services, the biased media, the intimidations, the threats.

They told me in 1987 the Unicef Brussels office had sheltered an organisation, called C.R.I.E.S (Centre de Recherche et d'Information sur l'Enfance et la Sexualité) that facilitated children for paedophiles. It had been dismantled and one person got convicted.

We had departed as friends and I had agreed I would give them a hand. Jacqueline wanted since long to create an electronic database of all the names of paedophiles she had. This week we had spent several days typing, until our eyes were almost square. It was surreal to go through copies of paedophiles' address books and the list of C.R.I.E.S. members.

We also discussed Sounalet's case, the French paedophile to whose rescue Bernard Kouchner had come. Recently I had seen a posting on an Internet Board that alleged Sounalet had been in Romania to select children for adoption, for other paedophiles.

The Princess told me they had met Dutroux' lawyer Xavier Magnée during a presentation of his book 'Dutroux, an isolated case?' in which the Dutroux court case is described. According to this lawyer all evidence that led to other implicated persons had been classified as 'case B'. And 'case B' had been closed after Dutroux' conviction.

Why not invite this lawyer for dinner?

Tonight we indeed had dinner at the Princess' residence. She had also invited Marcel Vervloesem and Jan Boeykens from the Werkgroep Morkhoven, and some others. It was an impressive evening. Never before I heard so much horror.

Needless to say I cannot sleep.

Monday, 4 September

After 10 weeks off work, two weeks of holiday and two months of unpaid leave, I am back. DG Barbasso had sent me a letter, thanking me for my years long commitment and the successful work, but underlining three

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reasons why I had to move on: my security, my difficult relation with the new hierarchy, and the fact that I had been already more than five years on the job and therefore in need for rotation. But he had said I would now work on the evaluation of Phare Justice programmes, and placed directly under the authority of Director Bonucci.

So today I came back. I had a new office, some doors away from Bonucci's. I have been sitting in this office now for two weeks. Nobody welcomed me. In fact, I had not seen anyone at all during the first week. The head of the human resources team had come to tell me to look for a job. 'But I have a job, no?'

In the meantime, since I started working the intimidations started again. I could simply not leave the house without being flagrantly followed.

After two weeks of sitting in an office doing nothing I am fed up. I go and see a doctor. She tells me to take a looong rest, start painting, bake cookies or whatever, but not to work.

Which I will do, but of course I follow the children from a distance...

Wednesday, 14 September

The Americans do not give up. Today the Helsinki Committee held a Hearing, titled 'In the best interest of the Children? Romania's ban on intercountry adoption'.

This Washington based Committee claims to be an independent US Government agency that monitors the 56 countries that participate in the Organisation on Security and Cooperation in Europe. The Commission consists of nine members from the US Senate, nine members from the US House of Representatives, and one member each from the Departments of State, Defence and Commerce. So, although it sounds European, it is purely American. And if said to be independent, it is rather a governmental body.

Under the chairmanship of Senators Brownback and Smith, some other senators, like Bradley, defended specific 'pipeline cases'. The main criticism was on the European Union, more specifically the Baroness was scandalised and held responsible for preventing thousands of children a happy future.

The press release was pretty direct:

'The Romanian Government was told by the European Union to ban intercountry adoptions as the price for membership, and they capitulated. That the EU should demand such a policy is appalling. That the Romanians should accept it is equally troubling,' said Commission Chairman Senator Sam Brownback. 'Romania has denied thousands of children a loving home and a caring family, and the EU is at fault for letting politics get in the way of helping children.'

Tuesday, 26 September

I still follow all adoption news closely. Romania was not alone in receiving pressure. Russia and the Ukraine were trying to close down adoptions. A few cases had emerged where adopted children had been killed by their US adoptive parents. Realising the lack of post-adoption reports received, both countries stopped adoptions from the US and Italy. But on the e-groups I could see actions being prepared to get congressmen to put pressure. And Amici dei Bambini went to the Ukraine to ask the authorities to finalise pending adoptions.

And guess who advised Angelina Jolie when she adopted from Cambodia and Ethiopia? Dr. Ron Federici. That was in the news today, and Federici announced that the actress was considering taking on a Russian orphan now. In June last year, the Hawaii based adoption facilitator that Angelina Jolie had used for her first adoption had admitted to be part of an adoption ring that paid poor women 100 dollars for their children. The US adopters paid at least 10,000 dollars. Her second adoption had been troubled because the mother of Jolie's adopted child apparently had not given consent according to the rules.

Friday, 14 October

Mariela told me De Lobkowicz and Anne de Ligne had had dinner with Theodora Bertzi a few days ago. De Lobkowicz had wanted to talk about the pipeline cases, because with his legal background he was interested to understand the exact legal basis. He had concluded that there had not been a real moratorium, as many children continued being adopted. Theodora had informed him that she had set up a Romanian working group made up of representatives of several ministries and the Romanian Save the Children, which would evaluate all outstanding adoption requests once more.

Today Anne de Ligne told Mariela she would no longer have to deal with the adoption part of the children dossier. That would be given to a colleague, who dealt with Justice and Home Affairs. This way it could become part of the Phare Justice programme. The team leader of this Phare Programme was Marie-Anne Boulon, a French judge.

Tuesday, 25 October

Romania and Bulgaria's Accession Treaty included a safeguard clause that, if these countries would not continue progress in certain fields, their accession might be delayed until 2008. Therefore the Commission continued close monitoring of the situation. Those who thought the previous Regular Reports had been too positive because of me, were proven wrong today. Although formally not responsible for the children

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dossier, Katja had been this year's author of the children part of the Comprehensive Monitoring Report, a new name for the same thing:

Romania

2005 Comprehensive Monitoring Report

[...]

Child Protection

Continued progress has been made with the reform of child protection through the closure of large old-style institutions and the creation of modern child protection alternatives. Special attention has been given to the closure of large institutions for very young children and for children with special needs, and to replacing them with alternative child care. Most of the 85 large institutions have now been closed. The remaining larger homes deal mainly with disabled children or provide special residential education. The total number of children in residential care has decreased from 37 000 to 32 654. Living conditions have been substantially improved and are generally adequate. Moreover, the social assistance system has been reorganised to provide better family support.

New Legislation on children's rights and adoption entered into force in January 2005. This legislation brings Romania in line with the UN Convention on the Rights of the Child and the European Convention on Human Rights and completes the reform of child protection. Intercountry adoption, which is strictly limited to relatives, is no longer foreseen as a child protection measure. This represents a firm reaction to past irregularities and distortions and a measure conducive to developing inter-country alternative in the best interests of each child. An action plan for the implementation of the new legislation has been drawn up. As regards petitions for intercountry adoption registered before the entry into force of this new law, responses should be given without delay based on the best interest of the child and in accordance with the relevant legal provisions. The already existing working party established with the task to screen pending cases should inform the families concerned of its decisions. The main outstanding issues concern the raising of awareness of the new legislation and training among stakeholders such as judges, staff of maternity hospitals and social workers in general. Cooperation between these actors should be enhanced and an inspection body should be developed at central level.

[...]

A friend had told me that during the Commission meeting where the final version had been discussed, Vice President Barrot had made a plea to have a stronger sentence included on the 'pipeline cases'. Verheugen, also Vice-President now, had responded in strong language that Barrot or any other colleagues should be very careful when listening to the lobby. Reopening adoptions would open all kind of evil.

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Friday, 18 November

Another press release from the Helsinki Commission:

HELSINKI COMMISSION CO-CHAIRMAN INTRODUCES
LEGISLATION URGING ROMANIA TO IMMEDIATELY
REFORM HARMFUL ADOPTION POLICIES

Representative Chris Smith's (R-NJ), Co-Chairman of the US Helsinki Commission, today introduced legislation urging Romania to reform its adoption policies which have prevented thousands of children from being placed in permanent loving families in the United States and Western Europe.

[...]

Smith's bill recognizes the need and desire of the Romanian government to improve the care and well being of their children, but urges that they amend child welfare and adoption laws to decrease obstacles to both domestic and international adoption. In addition, it requests that the European Union and its member states not intercede in Romania's efforts to place orphaned or abandoned children in permanent homes.

'We can not sit by and allow petty politics to ruin the lives of thousands of children in need of a loving home,' said Smith. 'My bill urges the Romanian government to remove the restrictive laws that were prohibiting their own children access to loving families.'

I do not quite understand how a US representative can introduce legislation on Romania's children, but whatever.

Tuesday, 29 November

With all the current pressure Mariela had taken the initiative for an EC Delegation press release. After Scheele's and Headquarters' green light it was published today:

EU supports Romania's legislation on adoptions

Following recent statements urging Romania to amend its child protection and adoption laws, the European Commission would like to reiterate that, as mentioned in its Monitoring Report on Romania published in October 2005, the new legislation on children's rights and adoption, which entered into force on January 2005, is fully in line with the UN Convention on the Rights of the Child and the European Convention on Human Rights and completes the reform on child protection. Similar to the practice in EU Member States, intercountry adoption is no longer foreseen as a child protection measure. The European Commission sees no need for change of the legislation.

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Thursday, 1 December

I am back at work after three months sick leave. Simon, who was in Bucharest when I had started the children job, is now Head of Unit of the Financial Team that coordinates Phare assistance for all candidate countries. He offered me a job on minorities, civil society and human rights issues. I started part time, to slowly get used to it. It felt somewhat weird to be back, but the job looks interesting and the colleagues enthusiastic and energetic. Needless to say, in my free time, I keep following from a distance what happens on the children dossier.

I heard de Lobkowicz was in to Bucharest to discuss Romania's accession. Having a tight agenda, he had only one hour per issue (corruption, justice, public administration, Roma) with the exception of children for which he reserved more time plus dinner with Theodora Bertzi.

Mariela's Justice and Home affairs colleague had not been interested to take over the adoption part of the children dossier. He felt she had the memory and the knowledge and he could be consulted if necessary. So Mariela also assisted to the dinner, as did my successor. De Lobkowicz had gone on and on about the 'pipeline cases'.

Tuesday, 6 December

Nicholas F. Taubman, a former businessman, succeeded Michael Guest and was sworn in by Condoleeza Rice as US Ambassador. The lobby immediately had jumped on him. For example the Joint Council on International Social Services (JCICS) had sent a letter to the US Committee on Foreign Relations requesting that during the confirmation hearing of Taubman his opinion and support of intercountry adoption be explored. The full letter is on their website.

Clicking through JCICS' website, I noticed that while its name refers to international social services, in reality its only objective seems intercountry adoption. They had recently written to the US State Department. Both this letter and US State Departments' reply were online. The US was even more actively promoting intercountry adoption than I realised, and not only in Romania.

Here some quotes from the letter of the US State Department to JCIS, as on their website:

‘...’

In Eastern Europe, the primary focus of your letter, the Bureau of Consular Affairs has responded with staffing and other resources to adoption trends that would have been unimaginable during the Soviet era. In the past decade alone, Americans have adopted more than 70,000 children from the now-independent former Soviet republics and other

former East Bloc countries. This figure has increased steadily since the dissolution of the Soviet Union and, despite the serious problems that have occurred from time to time in several of these countries, continues to do so.

[...]

Romania: Since the Romanian government's imposition of its moratorium on intercountry adoptions in 2001, the Bureau of Consular Affairs' primary goal has been to assist the Romanian government in addressing deficiencies in the country's child welfare system and instituting reforms and transparency to bring that system up to international standards, thus paving the way for an eventual resumption of intercountry adoptions. As I recently stated in my testimony before the Helsinki Commission, the June 2004 passage of Romania's new and highly restrictive adoption law gave these efforts even greater urgency.

To address this situation, the US Government has held conversations with Romanian officials at all levels, including on March 2005 meeting between President Bush and Romanian President Basescu. Secretary of State Rice discussed the topic with the Romanian Foreign Minister in May 2005, and that same month, my then-Principal Deputy Assistant Secretary, Dan Smith, travelled to Brussels to press the EU for action on the issue. In June, I myself travelled to Romania and met with several high-ranking Romanian government officials including President Basescu. In late August, our Embassies in Rome, Paris, Madrid, Athens, and Tel Aviv made formal demarches to their respective host governments to try to develop a coordinated approach, as these countries also have cases pending in Romania.

[...]

Immediately thereafter, I attended a U.S.-EU Troika meeting in London, where I again voiced concern about Romania and sought assistance from EU member states to encourage a lifting of the moratorium. In all of these fora, the U.S. Government's message has been consistent and clear: Romania must resolve the pending intercountry adoption cases as soon as possible.

Regrettably, and despite our continuing best efforts, very little has changed in Romania. Officials from our Embassy in Bucharest meet regularly with their local counterparts to reiterate our concerns and obtain information about the Romanian government's latest thinking. As I noted above, we have also been working with the governments of other receiving countries, both within and outside the EU, to develop a common approach and understanding of how best to engage Romania on this issue. Those conversations are ongoing. So, too, are our discussions with our Hague Convention partners on how to encourage Romanian adherence to the Convention, which Romania ratified nearly 11 years ago.

[...]

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One of my sources told me that during Rice's visit to Bucharest today, she had told Ambassador Taubman that she welcomed the fact that at last Romania had a law, whatever the US thought of it. She remembered her previous visit to Romania early nineties when children were more or less for sale on the streets. The law was there now and the US would respect it.

Thursday, 8 December

The Romanian working group set up by Theodora Bertzi had now finalised its work. Theodora had communicated the result to the press yesterday:

'Our decision is final and clear: none of the 1.100 children will be adopted by foreign families, as we will find proper solutions to protect them, in accordance with the Romanian legislation.'

Wednesday, 14 December

The Internet Forum of Amici dei Bambini tonight held a discussion on a meeting of the Liberal group of the European Parliament. According to forum member 'Tata Massimo' MEP Luciana Sbarbati, with whom he was in contact, pleaded for the adoption exceptions. The Baroness had not been present, but had had a note distributed. 'Tata Massimo' had just received a letter from Theodora Bertzi to inform him that his adoption request could not be approved. He now asked support from other forum members, by asking them to send letters to the EP in order to prevent Romania from joining the EU. They should tell the politicians about the Romanian 'infanticidio' (infanticide? child killing?).

I spoke to the Baroness' assistant about this coordination meeting of the Liberals Group. He said that there had been large opposition against the Baroness by two new French MEPs, who were very passionate about adoptions. As a result the Liberals had decided not to support the Baroness' amendments to the Moscovici report.

Thursday, 15 December

'Silverton man faces charges of videotaped sex with son.' A friend had sent me last year a link to the US Northwest NewsChannel. Peckenpaugh, a 37-year-old man was accused of yearlong sexual abuse of the boy he adopted from Romania when the child was four. The child was now seven, and would be placed in foster care. Yesterday's Statesmen Journal reported Peckenpaugh was sentenced to 30 years in prison.

Just before I had a discussion over lunch with two other friends about adoptions. They were utterly surprised to hear that even single men were allowed to adopt. I explained that the system had worked in such a way that it was up to the receiving country to decide if the adopter was suitable. Especially in the US there was hardly any control. The so-called home studies were mostly done by the adoption agencies.

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The Romanian newspapers had taken over the news. The official reaction of the local DCP where the child originated from was that they had never had any reason to question the suitability of the adopter. He came with good references and the post adoption reports had been no reason for alarm.

So good post adoption reports seem no guarantee. In any case, the post adoption reports I have seen over the years were so basic and unprofessional that they could not be considered of much use. Some did not even have a picture of the child. Others just a handwritten sheet saying the child was fine. I remember one, from France, where a report was drawn up on the basis of a half-an-hour interview by a social worker, without even talking to the child separately.

And what if the Romanian authorities had been concerned after the adoption, due to a negative post adoption report? They could not have done anything, as those children were no longer under Romania's jurisdiction. As Mariela often says, post adoption reports are like sweeteners, meant to give the sending country a good feeling.

Friday, 16 December

The Moscovici Report, largely debated in the European Parliament over the past few days, had been endorsed by the large majority, and now included the amendment handed in by the Greens to continue examining the 'pipeline cases'.

The European Parliament thus ignored the conclusions of the Romanian working group that Secretary of State Theodora Bertzi had presented them.

Romania's readiness for accession to the European Union

Adopted 15/12/2005

(2005/2205(INI))

[...]

Notes with satisfaction the improvements made by the Romanian authorities in the area of the protection of children and urges the Romanian Government to settle the cases of applications for international adoption made during the moratorium of June 2001, ensuring that all cases are examined in the light of the UN Convention on the Rights of the Child and the Romanian Law on the Legal Status of Adoption, with the goal of allowing inter-country adoptions to take place, where justified and appropriate, in those special cases;

[...]

Tuesday, 20 December

Mariela called on the last day before the Christmas break. Theodora had told her she had just received an e-mail from the Cabinet of Commissioner

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for Transport, Jacques Barrot, asking detailed questions about pending adoptions.

The Year 2006

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‘All that is necessary for evil to succeed is for good men to do nothing.’

Edmond Burke

Wednesday, 11 January

Full time back to work. My new job is not bad at all. Initially it was about coordination of Phare projects for Roma/minorities, civil society and human rights for all candidate countries. But at my request social policy was added to my job description. Perhaps we could do some Phare programmes for children, like in Romania, in other countries.

It is a small world. Michael Leigh, our director in 2001 is back, now as Director General. Today he had an introductory meeting with all staff of DG Enlargement, a few hundred people.

During question time, I could not help but raise my hand. Old habits. I reminded him in a coconut shell what had happened since he had left the DG on the children issue. Progress was achieved in Romania, new legislation in place, that Commissioner Rehn was of the opinion that a coherent approach was needed for other countries too. And that Vice President Frattini had taken the excellent initiative to draft an EU Strategy on Children, for which we had prepared a ‘strategy paper’ with the strong support of the former Director General, Barbaso. Leigh thanked me for bringing him up to date and ensured his full commitment to the issue.

Thursday, 26 January

The Baroness has been in contact with Harry Potter author J.K. Rowling since the latter expressed her public dismay at the practice of keeping

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children in cages in institutions in the Czech Republic. She had decided to use her fame to try and solve this issue. The Baroness had contacted her about this at the time.

Now J.K. Rowling and the Baroness had joined forces and established the Children's High Level Group to support similar reforms as Romania was going through at a European level. The last two days the Baroness and J.K. Rowling were for 24 hours in Bucharest. Needless to say a big media event. They had visited a maternity, met with some of the Edelweiss winners and of course met with the President and the Prime Minister. A fundraising dinner/auction had concluded their visit; during an evening long TV appeal funds were raised in Romania for Europe's children.

Monday, 6 February

The new EC President, José Manuel Barroso had an introductory meeting with the staff of DG Enlargement. Catherine Day, in 1999 Director in our DG, moderated the event in her new role of Secretary General of the Commission. It was interesting to listen to his views. I especially found his outline of the process to get to an European Strategy for Sustainable, Competitive and Secure Energy interesting. A Green Paper, a discussion document intended to stimulate debate and launch a process of consultation at European level, had just been drafted.

Of course there was question hour. After the first questions had passed, I raised my hand, and Catherine gave me the floor. I introduced myself in my new role, and said I had a question about children's rights. I commended the President for the strong adherence to this issue in his Commission's Strategic objectives where it was announced that the EC should function as a beacon to the World. I continued praising Vice-President Frattini's initiative to prepare an EU Strategy on Children's Rights. But, I wondered out loud, would it not be appropriate to first have a Green Paper that set out the issue more in general.

President Barroso replied that for him indeed the issue of the rights of the child was highly important. As for my suggestion for a Green Paper, he was not in a position to give a direct reply, but he would certainly take up the issue with VP Frattini.

Wednesday, 9 February

I have been to the police again today. Since I took up full time working, the intimidations have restarted. And since my question to President Barroso its frequency changed from three times per week to twice per day. I have informed my direct boss Simon. He immediately sent a mail to Bonucci requesting him to contact the EC security service.

Wednesday, 15 February

I have had enough. The intimidations have taken such a shape that I see no other way than to put myself on sick leave again. Neither the Belgian Police, nor the EC Security Service feel they can help me. They only say I should continue reporting and be careful. But experience has learned that when I do not work, the intimidations stop. So I stop working.

Tuesday, 8 March

Bucharest Daily News has contacted all MEPs and asked for their opinion on intercountry adoption. Today's article 'European parliamentarians break the Nicholson monopoly on international adoptions' quoted some of them. According to French MEPs Claire Gibault and Jean-Marie Cavada,

'Most of the EP members have now found out what reality is, and consequently changed their minds.'

Also the British Charles Tannock and the Belgian Frédérique Ries were quoted as being pro-adoption. Rapporteur Pierre Moscovici had told Bucharest Daily News that the vote on his December report marked a turning point in the position of the EP. The Unicef abandonment report 's findings that 10,000 children were abandoned yearly and that child abandonment was no different than 30 years ago, had helped these MEPs change opinion.

The main theme of the article was that the change of opinion in the EP was being unnoticed in Bucharest. Well, that the Bucharest Daily News now had solved.

Thursday, 6 April

The US House of Representatives unanimously passed a resolution, at the initiative of Senator Christopher H. Smith, Co-Chairman of the Commission on Security and Cooperation in Europe (the Helsinki Commission):

Resolution 578

- (1) supports the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;
- (2) urges the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;
- (3) urges the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestically and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;
- (4) urges the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

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(5) requests that the European Union and its member States not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Senator Brownback of the Helsinki Committee commented that Members of Congress and the US Helsinki Commission would vehemently oppose any effort to replicate the Romanian model in other countries.

Tuesday, 25 April

Some days ago the Baroness had forwarded me an invitation from the British MEP Charles Tannock titled 'SOS children in Romania'. Tannock organised a meeting on this subject together with his colleague MEPs the Belgian Frédérique Ries, and the French Claire Gibault and Jean-Marie Cavada and with adoptive parents with their children, from France and the US, pending parents from UK, Italy, France and Spain, and a few Romanian NGOs.

It seemed an open invitation, so I had decided to go. I expected a large room and many participants, instead I was directed to a small meeting room.

Among the twenty or so lobbyists, I recognised Marco Cappelari, the Italian who had lobbied former EC President Prodi in 2003. He recently set up "Amici dei Adozione", a national pro adoption lobby group that was now haunting Prodi in his new capacity of Italian Prime Minister. And the French Jean-Pierre Clement, who was wearing his Afaener 'hat', and not the one from Codegaz, the humanitarian NGO of the French gas company Gaz de France that financed Romanian adoption NGOs in the past. And Fernando Manzano from the Spanish Acabar, the 'adoptive parent organisation' that seemed to have taken over from Adecop. The list of participants listed five times simply 'NGO Romania', although those I recognised were all from American NGOs, registered in Romania.

Next to the chair, MEP Tannock, was a woman I recognised as Linda Robak from the US For the Children. The other two adopters who had set up this lobby group, and that owned adoption agencies, were no longer vocal. But Robak was, she seemed to feel in charge of the meeting. Some of the adopters had brought their children along, who sat bored stiff listening for four hours.

I flicked through the information folder that was available to participants; the first document was De Combret's latest Sera report, for this event translated in English. To my amazement it called to re-open the *leagans* under justification of the high number of abandonments.

The Baroness was present and defended Romania, so did the Portuguese MEP Ana Gomes. As nobody from the Commission had come, I also asked the floor and reported on the progress in Romanian child protection.

Just a few MEPs came and went. Not a big success, I would say.

Some quotes from the press conference:

MEP Gibault: When adopting my children I did not want to prove anything to anyone, but despite this I testify of an important fact, that is the relative unimportance of the bloodlink, and that there is a very restrictive place for the biological bond of maternity. And also, when hearing people speak this morning, I am surprised of this ideological obstination to consider, whatever the context, that a child is never better off as with its biological parents. So, bit by bit I discovered and I became conscious, thanks to Jean-Marie Cavada and François de Combret, of the situation of the abandoned orphans in Romania and I decided thus to make my point of view known.

MEP Cavada: We launched a Written Declaration and we noted the eagerness and the speed of Mr. Tannock, and I thank him in public, to join our signatures and today we are between 90 and 100 signers of a declaration that needs to have 360. But that is not the essence.

It is to show, and I conclude, that it would be grand and intelligent at the level of Brussels to give the example to the Romanians, and to say 'We indeed now will start the following stage and will widen, or rather reconsider, on the aspect of the prohibition of the international adoptions, to go towards the happiness of these children.'

There is only the obstinacy, which is stupid. The problem in this case is that pride is one thing, but the misfortune of the children is irremediable for a very significant number of them. And that is not acceptable for a Union which, since 1957, can make circulate lorries, goods, finances, anything one wants, but not the care of the youngest among us, who will one day be adult members of the Union, and it is in this state that I ask it to you [the signing of the Declaration].

US - SOS For the Children Linda Robak My name is Linda Robak. I am the executive director of a group called For the Children SOS. We are not even of non-profit status. we are a grass roots advocacy group for the abandoned children. We are made up of NGOs, adoptive parents and parents who have now waited years to finalise the adoptions of their children. We work and hold hands with our sister or brother groups in Spain, Italy, France, Ireland, Israel and several other countries. We are all of one voice.

Many times it has been said that intercountry adoption was the victim of corruption. And I will be the first one to agree. The corruption has ended now with intercountry adoption, because there is no intercountry

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adoption. Corruption in Romania is supposed to be addressed as part of acceding into the European Union. So if all corruption is cleaned up in Romania, enough to be accepted as a member, than it certainly should be cleaned up with children and child welfare legislation. So these issues should now be in the past.

MEP Tannock: I would say the reality is that this issue in my case was one that I was totally unfamiliar with until six months ago when I had people coming to see me, wearing my hat of vice president of the Human Rights Sub Committee. The issue of children was a very specific one on which most of us were not experts at the time. Now it has become a much bigger issue, thanks to the work of people as Linda, who has drawn it to our attention, and other people from other countries who have come to see us in our offices, in particular Israeli and American families and their representatives.

MEP Cavada announced to organise an EP conference on adoption in November.

At home I checked out MEPs Cavada and Gibault, who seemed the strongest defenders of reopening adoptions. Gibault was a successful orchestra conductor, and Cavada's last occupation had been Director of Radio France. He was best known for his production of the French TV programme 'La Marche du Siècle', the programme that De Combret claimed had alerted him to the Romanian 'orphans'.

Monday, 8 May

Cavada's announcement that he and some other MEPs had launched a 'Written Declaration' to call on Romania to deal with 'pipeline cases' was alarming. Such a Declaration, while non-binding like the US Resolution, if signed by the majority of the EP Members, would mean a strong political sign towards Romania, the Commission and the Council.

The Baroness and MEP Ana Gomes had stuck their heads together and had gone to Bucharest to check out the state of play of child protection. A photographer accompanied them, so that they could show the other MEPs, that the progress was real and that intercountry adoptions were not needed.

Both MEPs had expressed their positive opinion on the changes. The Baroness once more reminded that Romania could be a model for other Eastern European countries.

Friday, 12 May

Just a few days before another Commission report on Romania's progress would come out, the US NGO Mental Disability Rights International (MDRI), published a report about disabled children in Romania:

'Hidden Suffering: Romania's Segregation and Abuse of Infants and Children with Disabilities'.

It is all over the news, and Rosenthal, MDRI's founder and director, said on CNN that this report meant to make the EU change its mind on Romania's progress. Each and every child needed to be de-institutionalised.

The Romanian local authorities vigorously denied the situation of the 'hidden children'. MDRI claimed to have monitored the Romanian children for 18 months. But, the report had been drafted almost a year ago, and one of the homes they reported on had been closed months ago.

Inspired by the MDRI report, *Jurnalul National* published each day of this week front-page articles with headlines like 'Romanian Auschwitz'. Another article questioned the Phare Children First programme, asking what happened with the money.

The same newspaper had published last year a series of articles supporting the Unicef abandonment report. Adriana Oprea Popescu, the journalist who had signed this daily avalanche of articles, also published an open appeal to PM Tariceanu to modify the adoption law, so that intercountry adoptions could be allowed again.

It was all going around in circles.

Friday, 29 May

Since I was taken off the children job last year in June, Wenceslas de Lobkowicz and Anne de Ligne had organised an evaluation of the Children Phare Programme. This despite the positive evaluation reports that already existed, from internal and external evaluators. Their evaluation had as objective: lessons learned of Romania.

Beginning of the year my successor had invited me to the kick-off meeting of this evaluation with the contractor. The French team leader was a typical NGO person without much experience on policy issues. His Romanian experience had been ended abruptly some years ago because, as I had heard from some French NGO-women with large Romania experience, this man and his partner had allegedly facilitated a wrongful adoption for a Swiss adoption agency.

During the kick-off meeting I had explained the guiding principles and methodology of the Phare children programme. For example why the policy choice was made to work with the DCPs rather than NGOs, why closure of institutions had been at the heart of it. The Frenchman had had no questions at all.

Now my successor had sent me the draft evaluation report. I almost did not recognise the Children First Programme. It looked like the evaluators had only taken the Phare 1999 Children Project as a basis, and not the later ones in which the approach had been shifted from closure/restructuring to closure only.

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Reading the report I did not get the impression that focus groups had been organised, as was announced in the project description, or that any other systematic approach had been followed. The report was more a transcript of interviews with a few NGOs and other organisations, such as USAID. The choice of NGOs was remarkable, as the main voice was given to Sera and another small NGO I never heard of. USAID was quoted saying that Children First was political, and their ChildNet social...

The evaluation report stated that the objective of the Phare Children Programme was to prove that institutionalisation is wrong. That is untrue. The objective of the Romanian Government since 2001 was to close large old-style institutions and to create alternative care, like EU members had done before. That is the objective Phare supported. Every child protection system is in need of some form of institutions, in preference organised as family type, as not all children can or should be placed with families. In any case, the 'institutions' created with Phare funding were for 12 children maximum; in other countries these are not called institutions, but foster homes or group homes. However, the evaluation report stated foster care was still institutional care. The evaluators seem to ignore foster care is part of modern child protection.

Another comment was that not many *camin spitals* had been closed under the Children First Programme. Well, that can be explained easily. Through Children First only projects that created family-type homes for 12 children maximum could be financed. The projects that were received from the DCPs often had not fulfilled this criterion. However, Sera and other NGOs did agree to finance such projects, very often with funding from the Romanian Government. That is one of the reasons why there are still *camin spitals* for large groups of children, sometimes even in the building of institutions closed with Phare funding. Under Children First there has been a careful approach not to use closed buildings for residential care again. Needless to say, the evaluators had taken over, without any sound criticism, Unicef's abandonment statistics.

I had sent my comments to my successor and some modifications had been requested. Mariela also had sent her comments, which were, not surprisingly, similar to mine.

My colleague Tarja copied me her comments. As she worked on the Phare Economic and Social Cohesion Programme (ESC), she had protested to the evaluator's statement that no vocational training for young people coming from institutions had been financed by Phare. However, the Phare ESC programme had these as one of the target groups. And so did other social sector Phare programmes. One should not just look at the children issue in isolation. Wise words.

Monday, 12 June

Full-page advertisement in the European edition of the Financial Times, signed by '33 charities concerned with Romania'. Mainly small UK charities, but Amici dei Bambini was also among them, and six of the NGOs signed with 'anonymous'.

FINANCIAL TIMES
Paid advertisement

Romania's concealed childcare crisis

[...]

The Problems:

[...]

Guantanamo for babies

Thousands of children a year are abandoned. The Romanians typically adopt a small fraction of these. Many then enter a legal 'no man's land' where, because they do not have birth certificates or consent from the abandoning parent, they cannot be fostered or adopted, and often are not eligible for medical treatment or education.

Crammed into hospitals, these 'unofficial' (not included in government statistics) abandoned babies are often confined to steel cribs 23+ hours a day for months or years. Without normal stimuli, without the ability to crawl, play, interact or be loved, they suffer immense, often irreversible psychological and physical damage.

[...]

What can be done today:

[...]

Open 'Controlled' Inter-country Adoption:

Inter-country adoption was halted in 2001, then fully closed in 2004. The result is that many thousands of children languish in institutions with no hope of domestic adoption, especially Roma children.

If after a suitable period (eg. four months) domestic adoption has not proved possible, the Government should allow inter-country adoption in order to stop the developmental damage caused by institutionalisation.

We also feel that it is cruel to deny more than 1,000 adoptions that have been pending since 2001, where for some of these children the adoptive parents are the only parents they have known.

So, they want the children after four months now, less than the six months the abandonment law foresaw...

Tuesday, 13 June

Press conference in the EP in Strasbourg: MEP Jean-Marie Cavada, MEP Claire Gibault and François de Combret. Clearly an attempt to gain more signatures from MEPs for the 'Written Declaration' still open for signature. The Baroness and MEP Ana Gomes had been there, but hardly any other

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MEPs. And not much press. The press conference could be downloaded from the EP's website. I listened and concluded MEPs Gibault and Cavada repeated the same they had said in April, during the Tannock Hearing. Below some quotes:

MEP Jean-Marie Cavada: Thank you for your attention for a serious topic, a cancer in the heart of Europe, which affects several countries, but one in particular, and I am talking here about intercountry adoption.

François de Combret, magistrate with the French Court of Audit: Intercountry adoption is necessary. Until the year 2000, 5,000 children were adopted from Romania. So 30,000 children are kept in Romania that could have been adopted.

There is no country for a child. A child is a child of the world. It is not a question of pride or patriotism. We must look for the best solution for the child and nothing else matters.

MEP Jean-Marie Cavada: A Europe which, for fifty years, has encouraged the movement of goods and persons for primarily economic reasons and created one currency, but which would accept that the movement of children waiting for an adoptive family can be prohibited, will never be the Europe its founders dreamed of. It will never be the common space that makes room for its children. It will likely seem a cold space, afraid of ethno-cultural mixing, including that of the populations that make it up.

Friday, 16 June

I have been playing Sherlock Holmes again, to find out who was behind the FT article. Such advertisements must cost a lot of money; normal tariff appears over 100,000 euros. The formal organiser seems a certain Robin Nydes, an American investment banker, who now lives in London with his wife, the glamour writer Tilly Bagshaw who fundraises for him on her website. End nineties he was making a rapid career in the investment business, one of the highest earners with an extravagant lifestyle. The last years there was no news on him.

This Nydes had set up an NGO the day after the FT Advertisement: Frodokids (Foundation for the Relief of Disabled Orphans).

Friday, 30 June

During the Tannock meeting in April, the Brussels correspondent of Le Monde had come to speak to me. She had been asked, last minute, to report on this meeting. She was confused by the different opinions given during this meeting. I had explained the history in brief and we had

exchanged phone numbers. Le Monde had not published anything about the Tannock meeting.

Today she called me for more information, off the record. She was preparing an article about the EP 'Written Declaration' still open for signature, which needed to be published before 3 July, the final date for signature being 4 July. She was struck by the enormity of the pressure that now was also on her. She had spoken, *inter alia*, to De Combret and to a French family. I explained that to allow further 'pipeline cases' the adoption law would need to be changed, to allow flexibility. I also explained that meeting children, and making adoption promises to adopters and children alike, before the authorities had allowed their adoptions, was against the law. Some children were even claimed by two foreign families at the same time, so what would the European Parliament and the other lobbies suggest the Romanians to do? Like Salomon's judgment, to decide the only fair solution would be to cut the children in two?

Tuesday, 4 July

Today, the European Commission adopted its Communication 'Towards an EU strategy on the Rights of the Child'. It had been a much longer and more difficult process than VP Frattini must have had in mind. Instead of a few months it has taken 18 months. The internal consultation procedures and working group have ensured that the document became more balanced. Katja has kept her foot down and had made sure that there was nothing even slightly promoting intercountry adoptions. Her text on DG Enlargement's activities on monitoring children's rights and the need to enhance the effective protection of children was strong. It had been an incredibly tough struggle though.

The first table of proposed initiatives had had as only concrete issue the organising of a conference on intercountry adoptions with the European Parliament. That had been rapidly taken off the agenda, as one of the Commissioners had warned that such an event might attract child traffickers. At a later stage the draft strategy had had a subchapter on residential care and adoptions. Katja had explained that these two issues were not necessarily linked and the issue had disappeared again.

At a certain stage a change of approach had taken place, following which no longer a draft strategy was under preparation, but just a 'communication' that would announce a strategy. The final version of the Communication announced the drafting of a 'Green Paper' by end 2008.

Did I say the part on DG Enlargement's actions on children's rights was strong in pointing out the need for child protection? Well, that was true. But no longer. After the full internal consultation with all those involved in the drafting of the communication had been finalised, the document was up for discussion by the Cabinets of the Commissioners. Although the

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Rehn Cabinet had previously approved the text, now the Head of Cabinet had taken out the whole DG Enlargement text: not relevant. A year's work down the drain.

The final Communication on Children's Rights that was adopted by the Commission was a somewhat theoretical text. Mariela had searched it for the word 'family': only once in 'violence in families'. I did the same on 'child protection': not once, as it had only been in Katja's text on enlargement and that had been taken out.

What struck me most, however, was that the Communication announced that the Commission would 'promote and strengthen networking and children's representation in the EU and globally, it will gradually and formally include them in all consultations and actions related to their rights and needs'.

That sounds very nice. And yes, children can be consulted, but they are not normally represented in political decision-making processes. If that's what we want, then why not let them vote.

President Barroso and Vice President Frattini had given a press conference on the Communication on Children's Rights, and one of the journalists had used this opportunity to ask about the Romanian children. According to the press, the two had said the Romanian authorities had well tackled the children rights problem.

Thursday, 10 July

Despite the progress reported by the Baroness and Ana Gomes, after a forceful lobby from especially MEPs Cavada and Gibault, the European Parliament adopted today the Written Declaration. Signed by 408 of its 732 members. It is quite rare that EP Declarations receive so many signatures.

WRITTEN DECLARATION 0023/2006
pursuant to Rule 116 of the Rules of Procedure
by Claire Gibault, Jean-Marie Cavada, Antoine Duquesne, Charles
Tannock and Enrique Barón Crespo
on international adoption in Romania
Lapse date: 3.7.2006

Written declaration on international adoption in Romania

The European Parliament,

[...]

E. whereas the children whom these applications concerned had already, over a long period, established contacts with their future adoptive families, and whereas this moratorium has therefore placed

- them for a second time in the situation of being abandoned,
- F. whereas, in paragraph 23 of its resolution on the extent of Romania's readiness for accession to the European Union, adopted on 15 December 2005, Parliament urged the Romanian Government 'to settle the cases of applications for international adoption made during the moratorium of June 2001',
 - G. whereas the Romanian Government has to date not responded to this call,
- 9. Calls on the Romanian authorities to take due account of Parliament's opinion and to consequently resume without delay consideration of pending cases, in the best interests of the children, and to authorise international adoption where appropriate;
 - 10. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.

Thursday, 27 July

Just before President Basescu's visit to the US, this time the US Senate unanimously passed another Resolution. Senator Mary Landrieu had taken this initiative. It was similar to the one passed by the US House of Representatives, in April.

According to the Bucharest Daily News, President Bush and President Basescu had discussed the possible lifting of the visa obligation for Romanian citizens. President Bush had said the visa regime for Romanian visitors might become a bit more flexible, but he had not given his green light. However, according to some members of the Romanian delegation, the visa obligation would not be lifted as long as the moratorium on international adoptions would remain.

Thursday, 7 September

Shocking documentaries on ITV and CNN, made by Chris Rogers.

ITV Website

Romania failing its children, Wed Sep 6

[...]

They are the Romania of today. A country on the brink of entry into the European Union, a country that promised the horrific maltreatment of its orphans would be consigned to the past.

Our correspondent Chris Rogers and cameraman Tony Hemmings travelled to the country to expose the emptiness of that promise.

[...]

And even more shockingly, Chris and Tony exposed the trade in children who are sold because their mothers can't afford to keep them. Because the trade is illegal, anyone, including paedophiles can buy them.

OK, let's legalise the trade again ;-)

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Sunday, 24 September

Bob Graham, a British journalist, had presented himself to me a while ago. He had already spoken to Mariela and others in Bucharest. He said he wanted to help to get some unbiased publicity for the child protection reform. He had announced to come to Brussels and said he wished to meet me, but he never did.

Today the Baroness sent me an sms saying I'd better buy the Sunday Times: article 'Romania's orphans claim years of abuse' by Bob Graham. When I saw the article with the picture of a baby-behind-bars, I felt sad. Graham had followed up on the 'Brasov scandal'. Some youngsters living in Tiriac's family-type homes had written to the European Parliament recently, complaining about their bad treatment and expressing their wish to have been adopted internationally. Someone had showed them evidence that some American, French and Italian families had wished to adopt them in 2000, and that this had not happened because of the Baroness. However, Theodora Bertzi told me that such requests for these children did not exist. Perhaps Bob Graham knew Tiriac had just won a libel court case against the French weekly Le Point that had accused him of corruption:

Sunday Times, 24 September Bob Graham, Brasov, Romania

[...]

The accounts have helped to reopen [in the EP] a debate about inter-country adoption which has been pivotal to Romania's childcare policies.

[...]

The Brasov' orphanage is owned by the country's richest man, Ion Tiriac, the former tennis star. A former manager to Boris Becker, Tiriac is acknowledged as the country's leading philanthropist. There is no suggestion of any wrongdoing on his part.

Wednesday, 27 September

The Commission report on Romania's accession had come out with a positive assessment: Romania was sufficiently prepared for accession to the EU. Commissioner Rehn was today at the EC Delegation in Bucharest and spoke to the staff. During question hour Mariela had thanked him for his support on the children issue. He had replied that that had indeed been necessary, as the European Parliament was divided on the issue.

Monday, 9 October

The Financial weekly *Saptamana Financiara*'s front page titled 'Romanian orphans, millions of euros at stake', saying this was not charity, it was business.

In a four-page-long article this financial weekly exposed De Combret by describing his business connections, and how in 1997 he made French President Jacques Chirac intervene to have Tabacaru appointed as secretary of state, his likely involvement in the FT paid article of 12 June, and his press conference in the EP on 13 June. Also, how President Barroso and Vice-President Frattini had supported Romania by stating Romania had tackled the children rights problem. As well as how nevertheless the majority of the European Parliament signed a Declaration that asked for 'suspended' adoptions to be finalised without further delay.

The journalist had sent a list of questions to Sera Romania, after which De Combret had called him. De Combret had claimed not to be behind the FT article and that it had been pure coincidence that article was published just before the EP conference he had organised the day after. But Bogdan Simion, when called by the journalist, had admitted Sera could be among those who signed the FT article anonymously. Furthermore De Combret had said the Baroness was crazy, PM Tariceanu his friend but blackmailed by the triplets Nicholson-Rehn-Scheele.

Saptamana Financiara (The Financial Weekly)
By Robert Veress

Millions of euros at stake

Many European organisations make a forceful lobby for the resumption of international adoptions

[...]

'The Brussels bureaucrats cover up a 150 million euros hole'

Ms. Nicholson is helped by some bureaucrats from Brussels who refuse to see the truth. There is an official, a lady from the Netherlands whose name I can't recall right now... She is convinced that in Romania the problem of children has been solved. I went to her and explained that indeed some progress had been made nevertheless there are still many children suffering. I asked her to come to Romania and see for herself. She replied there was no need to. She said: 'You are wrong. My experts state the contrary.' These so-called experts are former public officials converted into consultants; they are summoned by the aforementioned lady and are told: 'Go to Romania, do as you please, and afterwards give me a report in which you should say this and this.' And the consultants subsequently tell that lady exactly what she wants to hear. I also appealed to that lady's superior, who is a Prince, de Lobkowitz. I arranged a meeting, and to my big surprise, when I entered the office, the Dutch lady was present as well. I asked to speak to him in private, but he

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refused, arguing that the lady was entitled to speak to me on the respective issue. So again I spoke in vain, the conclusion was the same. Unfortunately, these European bureaucrats are embarrassed to admit that Romania's case is seriously faulty: during seven years, between 1990 and 1997, the EU had pumped around 150 million euros in Romania, for the protection of abandoned children. And you know what had been done with that money? They painted the walls of the orphanages. Nobody knows where the money went, a big chunk of it anyway, who took profit from it. And therefore you have to claim that the problem has been solved in order to avoid answering for not checking how that money has been spent.

Tuesday, 10 October

The final French evaluation of the Phare Children Programme still contained all the unfounded statements. And, would you believe, MEP Cavada sent an e-mail to the Delegation asking if there was an evaluation report available, and if yes he would like to receive that before end of October. Anne de Ligne had suggested Mariela to send him the evaluation report, but Mariela had transferred the request to Scheele, who in his turn sent it on to Headquarters, to de Lobkowicz.

It could have worked, Cavada could have 'killed' the Phare Children First Programme during his November conference, and prevent other countries benefiting from lessons learned from Romania.

But it did not work, because Mariela held a surprise for them. She had suggested the National Authority on Child Protection to ask for a professional evaluation of the impact of the Children First programme. A UK child welfare expert and a professor from the Bucharest Social Work University had developed the methodology and did the reporting, while local experts had done the field visits. Also interviews were held with beneficiaries and focus groups.

Today she sent the 'Impact Study' to the whole hierarchy in Brussels. She also sent it to former Head of Delegation Fokion Fotiadis, Simon Mordue and me, telling us to be proud of the seeds we had planted, as they now were carrying fruits. The impact study concluded that the general impact of the Children First Programme was positive.

CHILDREN FIRST Impact Study

Phare Children First programmes have resulted in the closure of 91 placement centres for children in Romania, over the period 2001 to 2006, from which over 10,000 children have been de-institutionalised.

[...]

As of March 2006 Romania had in place a wide range of modern childcare services. Many of these were funded under the Children First programmes.

[...]

Discussions with a sample of current users to ascertain their views

A total of 509 users - young people, parents and young mothers - participated in focus groups and another 88 were interviewed individually in order to collect their views about the services available and the impact on their lives.

These consultations demonstrated a high level of satisfaction with what was being provided and – where this applied - the processes involved in transferring from old style services to what is now available. By example:

- 79% stated that their current situation is the best possible place for them to be
- 82% said they were very happy with where they are living/attending
- 85% indicated that their placement is helping them to achieve their potential

Particularly satisfied were the parents of children attending recovery and day care centres.

- 98% stated that their child attending the centre is really important for the child
- 74% indicated that without the child attending the centre it would either not be possible for the child to be at home or harder for the family to stay together.

Following Mariela's transmission of this study to Brussels, it was this what was sent to MEP Cavada. Hope it can be of use during his November conference.

Friday, 20 October

Theodora Bertzi is in Brussels to talk to as many MEPs as possible in order to gain their understanding for the Romanian situation. At the same time, MEPs Gibault and Cavada are in Bucharest.

The Romanian press is full of the first visit MEP Gibault made to Romania. She had wished to visit with some French TV reporters

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Romanian child protection facilities. She had not asked for formal authorisation. Some Romanian journalists had waited for her and wished to join the French delegation. But that was not to Gibault's liking. She had been quite '*desagréable*' with them, saying they worked for the government. The Romanian journalists had not given in.

The two MEPs had also asked for an appointment with PM Tariceanu, who had told them in clear language that Romania would continue to apply the laws. That was it.

During an evening TV talk show, to which Theodora contributed by mobile phone during our dinner here in Brussels, Gibault said she had been too emotional, and was not used to this kind of media attention of the 160 journalists that had wanted to accompany her (there had been three Romanian journalists...).

Likely because there were Romanian witnesses during her visits to the children, during her press conference, in which Cavada had joined her, Gibault admitted to have been impressed by the enormous progress that Romania had achieved. She said she would be happy to transmit that message to her colleague MEPs.

Cavada had said that the problem of abandoned children and adoption was not a Romanian problem, but a problem of the EU. The EU had not yet regulated the issue of the freedom of children.

Tuesday, 7 November

Another article mentioning De Combret, this time in *Gandul*. 'The export of Romanian children continues' was the headline. According to the National Authority for Child Protection NGOs took some 70 children out of the country, between 2000 and 2005, for medical treatment, and the Romanian authorities had no information about these children.

Some of the children Sera had taken out of the country for short medical treatment, had seen their treatments prolonged indefinitely and the French court had given guardianship to French citizens. Strangely enough, the legal representation of the children was not clear, as according to the Romanian authorities it were either the children's parents or the DCPs, but according to the French authorities it were the French citizens looking after the children that represented them legally. Children of the world?

2006

Thursday, 9 November



A European policy on adoption ?

Participants:

Franco Frattini (*European Commissioner, It*),
Hans Van Loon (*General Secretary of the Hague Convention, NL*),
Melita Cavallo (*Ministry of Justice, It*),
Helen Jones (*Department of Health, UK*),
Claire Brisset (*Children's Representative, Fr*),
Violetta Stan (*Child Psychiatrist, Ro*),
François de Combret (*CARE, Fr*),
Pierre Poupard (*UNICEF, Ro*).



09/11/06
European Parliament
Room ASP 3G3

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Theodora Bertzi and Mariela are in Brussels for this conference. Although the conference title refers to 'A European Adoption Policy', it appeared mainly to be about Romania. The Baroness is not in Brussels; she was not invited to speak on this conference, organised by the Alliance of Liberals and Democrats for Europe of which she is also part. But Richard Alderslade, before as WHO expert in Bucharest, would speak in his current capacity of CEO of Emma and J.K. Rowling's Children High Level Group. And Theodora had insisted Mariela was on the official programme as speaker too. When we arrived in the Parliament this morning we saw the programme had been changed. Richard Alderslade and Mariela were no longer allowed to speak.

Some forty, fifty people were present in the conference room. Among them I recognised Pierre Poupard (Unicef), Jean-Pierre Clement (Afaener/Codegaz), Robin Nydes (representing 33 "Charities concerned with Children in Romania"), Bob Graham (journalist) and Chris Rogers (ITV). As Mariela said, it was like the last act in a theatre play, where all characters come on stage.

De Combret was not there yet. Paul, the Baroness' Head of Office, said he saw no other MEPs in the room. I saw nobody from the Commission either.

MEPs Cavada and Gibault chaired. They held their usual discours. The most flagrant I found Gibault's interpretation of the UNCRC by quoting sub article 1 of article 27, as justification for intercountry adoption, but omitting sub articles 2 and 3.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Then Cavada welcomed EC Vice-President Frattini, who had just entered, as 'our friend'. Frattini's speech was somewhat incoherent. He fully adhered to the Commission line that Romania's legislation was in line with the UNCRC and that the abandoned children were no orphans. At the same time he called for Greece's signing of the Hague Convention, as the only EU Member State that had not ratified it. Only if all EU Members had

ratified a convention it may become part of the European acquis, and then gives the Commission competence to propose European legislation on the subject. And he called for the pipeline cases to be dealt with, without further delay and in the best interest of the child, hereby de facto adhering to the EP's Written Declaration.

Fratini announced he felt the right to a family was not well dealt with in the EU. Foster care might be legally acceptable, but socially it was not entirely satisfactory. There were currently no common EU rules, but he would contact the EU Member States and place this on the political agenda. And he would ask the children's opinion, children from outside the EU.

Afterwards a 19 year-old young man spoke, he was indeed saved from a horrible institution beginning nineties and adopted by a UK couple. I have the book his adoptive mother wrote about him, how she had taken him to the UK for medical treatment and then adopted him, despite her promise to the UK Embassy that she would bring the boy back to Romania and the opposition of his UK doctor. The young man reported on his recent visit to Romania and called for reopening of adoptions.

Then a documentary was shown made by ITV's Chris Rogers, mixing up old and new images. Having seen enough, I left the conference room. In the hall I saw a Romanian teenager crying. A young man was with her. I heard her say she simply could not face the horror images of the children. Thinking she was an adopted girl too, I went to see her and comforted her. I said much had improved in Romania and not all was like shown in the documentary, and that I hoped she would not be left with this image of Romania. After which the young man became angry, and said I had no right to speak to her and dragged her away.

I later heard the girl was raised in the Tiriuc family-type home and had been brought to Brussels to promote adoptions.

Friday, 10 November

Gandul

European official sent out of the debate on Romanian adoptions

Roelie Post, one of the representatives of the European Commission, who worked during eight years on the Romanian system of child protection, was sent outside by Europarliamentarian Jean-Marie Cavada, during a debate where Romania was discussed.

Cavada accused Roelie Post of the fact that she had aggressed Larisa, one of the youngsters from Romania because of speaking of institutionalisation.

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Roelie Post has said to be convinced that she has been removed because Jean Marie Cavada knows her opinion on Romania and its child protection system.

Saturday, 11 November

Only Bob Graham reported on the EP conference, and so did Amici dei Bambini's website. For the rest it remained unnoticed in the international press.

The Romanian media were firm in their conviction of this conference. Romania had been treated unfairly.

Adevarul

Cavada and Gibault confuse Romanian Orphans with Goods

[...]

The French MEP Cavada was very tensed, repeating extremely serious statements about the Romanian authorities whom they believe to be lying and presenting incorrect reports, and threatened journalists that they would be sued if they make the slightest reference to the possibility that their motivation is related to lobby groups for intercountry adoption.

[...]

During dinner with Theodora, Mariela and some of the other Romanians that had come over for this conference, I heard De Combret had also delivered his speech:

'Next year there will be free movement of persons, goods and services. If intercountry adoption is not allowed it means children cannot travel. It is like an iron curtain.

[...]

I HAVE A DREAM. I see children with their arms lifted looking for love. And far away I see families with their arms wide open. We must have a European adoption agency.'

Epilogue

I understand that it may be hard to believe that a set-up as described could be true. That is why I felt such a detailed reporting was needed. I may have misinterpreted some events. I do not, and that is for sure, know the whole story. But what I wrote, is what I witnessed and how I perceived what happened.

I do not think many of those involved were aware of what was going on exactly.

The distortion of the reality and the chaos created attempted to influence the European Union's institutions and risked destabilising Romania's fragile democracy.

Romania's democracy proved strong enough to withstand pressure and political corruption. The country deserves credit for that.

The European Commission's structures and procedures, and its many competent officials, ensured that children's rights prevailed. Despite some individuals that put their own country's interest first.

However, the majority of the European Parliament was misled by the adoption lobby, even from within.

The last twenty years the demand for intercountry adoptions increased. Whereas before adoption was often a wild adventure for a humanitarian cause, under the Hague Convention it became a merely administrative matter for childless couples, where all the work is done by specialised adoption agencies.

The Hague Convention seems to have fully overtaken the Council of Europe's Convention on Adoption. I hope the current revision of the latter will undo this and redefine intercountry adoptions the way it should be: an exceptional situation that formalises an existing long-term relationship ensuring the continuity of the child's upbringing, if considered in the child's best interest. Although, recently the Council of Europe seems to have joined the Unicef position that intercountry adoption is a valid option.

Intercountry adoptions have been scrapped from Romanian law now and this law needs to be respected. The hope of the lobby is that when Romania is a Member State, 1 January 2007, it will feel free to re-open

Epilogue

intercountry adoptions. I have full confidence that Romania will not do that. Otherwise the sky will be the limit.

I hope that politicians will return to the 1999 Resolution of the Council of Europe's Parliamentary Assembly (page 81), and reflect on how to reduce the demand for children and stop the pressure to 'save' children from poor countries. There is work to be done. Not only on raising awareness of the true meaning of the UNCRC and the ECHR, but also on creating policies that will allow Europe to deal with its demographic crisis caused by a downward birth rate trend.

Now that Romania closed its doors, the demand for children has moved to other vulnerable countries. I hope these countries will feel strong enough to follow Romania's example and place the rights of their children first: the right to be protected and raised in their country; the right of their families to receive support and the obligation of the State to provide this.

The Children's High Level Group set up by Baroness Emma Nicholson of Winterbourne and J.K. Rowling will further promote the rights of children. They will support governments interested to develop child protection. No more children in cages, no more children in large institutions, especially not the very young. And no more misuse of these children's images.

For long it was difficult to understand the issue of intercountry adoption. The worldwide campaign with one-sided information on this controversial issue has influenced many. Not many knew the wheeling and dealing behind it.

But now you know.

ACRONYMS & INITIALISM

Acabar	Asociación Coordinadora de Afectados por el Bloqueo de Adopciones en Rumania (Coordination Association of Affected by the Blockage of Adoptions in Romania)
Adecop	Asociación de Cooperare cu Poporul Colombian (Association for Cooperation with the Colombian People)
Afaener	Association des Familles Adoptives d'Enfants Nés En Roumanie (Association of Adoptive Families of Children Born in Romania)
AiBi	Amici dei Bambini (Friends of the Children)
AMO	Attraverso il Mondo per un Sorriso (Through the World for a Smile)
CoE	Council of Europe, international organization of 46 member states in the European region, not to be confused with the European Council of the EU, as it is not part of the EU
DG	Directorate-General of the European Commission
DCP	Department for Child Protection
DFID	UK Department for International Development
DG	Directorate-General of the European Commission
EC	European Commission
Echo	European Humanitarian aid Office
EP	European Parliament
EU	European Union
Europol	European Police Force
FOR	Focus on Romania
JCISC	Joint Council on International Social Services
MDRI	Mental Disability Rights International
MEP	Member of the European Parliament
NGO	non-governmental organisation
Olaf	European Anti Fraud Office

Acronyms & Initialism

Phare	Poland Hungary Assistance for the Reconstruction of the Economy (since 1997 for all EU pre-accession financial assistance)
PM	Prime Minister
RAC	Romanian Adoption Committee
Sera	Solidarité Enfants Roumains Abandonnés (Solidarity with Abandoned Romanian Children)
Taiox	(EC) Technical Assistance and Exchange Office
UNCRC	UN Convention on the Rights of the Child
Unicef	United Nation's Children Fund
US	United States of America
USAID	United States Agency for International Development
WHO	World Health Organisation (specialised UN Agency)

