

R O M A N I A

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Roelie Post

From: Roelie
To: Mariela
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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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The Year 1999

Crisis

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.

Crisis

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.

1999

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,

Crisis

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.

1999

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.