

RELEASED IN PART

B2, B6

Brown, Melissa A

From: Bond, Michele T
Sent: Friday, March 07, 2008 8:21 AM
To: Mattingley, Donald G (Hanoi); Aloisi, Jonathan M (Hanoi)
Cc: Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Michalak, Michael W (Hanoi); Alexander, Eric M (Hanoi); Boduszynski, Monica A (Hanoi); Brown, Melissa A; Preston, Courtney M (Hanoi); Lam, Monica M (Hanoi)
Subject: RE: JCICS visit to Vietnam

Don,

Given the continuing uncertainty about what the GVN will decide to do, we and CIS will continue efforts to discourage PAPs from initiating new adoptions in Vietnam.

Michele

From: Mattingley, Donald G (Hanoi)
Sent: Thursday, March 06, 2008 8:32 PM
To: Bond, Michele T; Aloisi, Jonathan M (Hanoi)
Cc: Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Michalak, Michael W (Hanoi); Alexander, Eric M (Hanoi); Boduszynski, Monica A (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Brown, Melissa A; Preston, Courtney M (Hanoi); Lam, Monica M (Hanoi); Alexander, Eric M (Hanoi)
Subject: RE: JCICS visit to Vietnam

Michele,

We're still waiting to hear from the GVN about cases that are pending on Sept 1. This may sound horribly cynical, but my hunch is that they'll want to "reimburse" agencies -- i.e. they'll want to make sure to adopt all infants brought in by agency facilitators and infants brought in by orphanage directors and "supported" by agency money. Dr. Long admitted as much when asked about what DIA will do for agencies who lose their license to operate -- he said he'd have to ensure that they received enough compensatory referrals. This is precisely what the Holt rep said creates the problems we're seeing, and it is being endorsed by DIA.

This is a perfect example as to why we've concluded that DIA is part of the problem, not the solution. To the extent possible, we'll need to guide the GVN on how they process they after Sept 1 cases. Otherwise we'll almost certainly end up giving more IVs to children whose parents either want them back or never understood that they'd be leaving Vietnam permanently.

Don

From: Bond, Michele T
Sent: Thursday, March 06, 2008 8:33 PM
To: Mattingley, Donald G (Hanoi); Aloisi, Jonathan M (Hanoi)
Cc: Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Michalak, Michael W (Hanoi); Alexander, Eric M (Hanoi); Boduszynski, Monica A (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Brown, Melissa A; Preston, Courtney M (Hanoi); Lam, Monica M (Hanoi)
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Don,

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WCI has not been certified to do Hague adoptions. If Vietnam were to require that ASPs be Hague certified, which they can do even though they are not a Hague country themselves, that would eliminate some ASPs from Vietnam, and give us a measure of oversight over those that remain. It would cost Vietnam nothing to impose this requirement, since the ASPs are certified by their own governments, and would be a "Hague-compliant" action. It is one of the measures we think should be suggested during future talks with Vietnam about a new agreement.

Has the GVN indicated how they would handle cases that are still pending on September 1?

Michele

From: Mattingley, Donald G (Hanoi)
Sent: Wednesday, March 05, 2008 8:53 PM
To: Aloisi, Jonathan M (Hanoi); Bond, Michele T
Cc: Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Michalak, Michael W (Hanoi); Alexander, Eric M (Hanoi); Boduszynski, Monica A (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Brown, Melissa A; Preston, Courtney M (Hanoi); Lam, Monica M (Hanoi)
Subject: RE: JCICS visit to Vietnam

Hi Michele,

A few additional points --

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Difilipo made an interesting point about the availability of better orphanage care, through American ASP support, being a contributing factor to the increase in numbers of orphans that we're seeing. It's the "you build it and they will come" theory, or as he put it "a dentist opens up shop in the village and suddenly everyone has more problems with their teeth."

However, he didn't explain why the children are coming to these orphanages overwhelmingly through abandonments, why they are almost all newborn infants, and why so many abandonment stories are being fabricated. We think we know why -- because demand (backed by a lot of \$\$) for "as young as possible infants" exceeds the number of infants in orphanages, and therefore incentivizes orphanage directors and ASP facilitators to use whatever means they can (baby buying, lying to biological parents, and perhaps worse) to meet this demand. The abandonments are used because they require less documentation and provide better cover for whatever the true origins of the infant really are.

The disagreement over whether to limit adoptions in Vietnam comes down to explaining the phenomenon of abandonments and orphanages being filled with infants in Vietnam. That is why the idea to limit adoptions to older and special needs children makes sense. Until Vietnam has an effective "competent authority" in place, and until power is taken out of the hands of orphanage directors and placed into this competent authority's hands, I do not see how we can continue to process infant cases. In our field investigations, these cases are repeatedly the cause of concern, and from what we've seen they are the cases most likely to involve serious violations of the law.

Sorry to be long-winded!

regards,

Don

From: Aloisi, Jonathan M (Hanoi)
Sent: Wednesday, March 05, 2008 6:48 PM
To: Bond, Michele T
Cc: Mattingley, Donald G (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Tóth, Michelle; Michalak, Michael W (Hanoi); Alexander, Eric M (Hanoi); Boduszynski, Monica A (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle; Brown, Melissa A; Preston, Courtney M (Hanoi); Lam, Monica M (Hanoi)
Subject: RE: JCICS visit to Vietnam

Michele -

I met today for about 90 minutes with Thomas DiFilipo, Keith Wallace (Families Thru International Adoption), Carl Jenkins (World Child) and Robin Mauney of Holt. It was a good back and forth, with DiFilipo pitching the "Standards of Practice" as heralding major improvements on the ground in Vietnam. He noted that only four of the U.S. ASP's operating in Vietnam refused to sign, and noted that some ASP's "which may have been of concern" are on the list of organizations committing to make changes. He stated that the Joint Council has "no opposition to the conclusion that practices need to change" and stated that "if there are no improvements on September 1, then we would agree that inter-country adoptions should cease." In discussing those problems, there was little daylight on the core issue - payments are generating pressure on orphanage director to "find babies." DiFilipo acknowledged that lots of money is at stake, volunteering that - according to his statistics - "child welfare" projects of U.S. NGO's generate \$30 million annually in Vietnam. Was there corruption? Yes.

The crux of their argument with me was that, despite the bad actors and obvious problems, any decision to cut off adoptions would harm children in the system. DiFilipo stated that his goal, after returning to Washington, will be to persuade the USG not to cease processing adoptions in September. The "Standards of Practice" will improve the situation, the group argued. Maybe we should seek an "amendment" to keep things going.

In my remarks, I underscored that the Embassy implements adoption policy, we don't make it. In implementing policy, we are facing difficulties as we try to work with a dysfunctional system that is seriously flawed. We hope that the GVN demonstrated an "institutional commitment" to reform the basic system. In particular, we are hopeful that Hague, through not a panacea, will give a competent central authority the tools to manage a transparent adoptions system which conforms to international standards. I stated that there are many in the GVN who support this goal, but that the Embassy is frustrated that we have seen no evidence of action on the part of the Ministry of Justice to begin drafting legislation. Separately, I noted that the people of Vietnam are outraged at the recent killings of parents by criminals who kidnap and traffic children. I asked whether, with the explosion in abandonments, any ASP could guarantee that no child passing through their hands entered the system through the killing of a parent. (Holt said they could.) I predicted that press stories linking American adoptions to baby farming, baby selling, or worse could easily lead the GVN to cease all adoptions again. I described our need to be able to conduct credible investigations in order to ensure that such horrific abuses cease.

We discussed all these issues calmly and at some length. My guests assured me that they are pushing the Vietnamese for Hague. We agreed to collaborate actively in trying to "incentivize" the GVN to transparently move toward adoption of Hague standards.

This agreement to work together was a positive outcome of the meeting. The group also liked my repeated statement that I was sure that - at some point in the not-too-distant future -- we will have facilitated the adoption of a much-improved system here. In other words, I did not see any possibility of long-term ban on adoptions. I welcomed the "standards of practice" and said I hoped they would have the intended effect. They were a little shaken by my mention of the murder of four Vietnamese by kidnappers seeing fresh babies for the trade, and I think also by my prediction that stories about American adoptions would be hitting the domestic and international press sooner rather than later.

Among areas unresolved or of dispute, the group evidenced a belief that the Embassy is so "down on DIA" that the relationship has become counterproductive. In other words, we aren't willing to help them improve. I explained the limitations of DIA's authority and the threats that Dr. Long had made to Maura Harty about the safety of our investigators. Nonetheless, we told the group, we deal with DIA on a weekly - and often daily - basis. Our frustration is that even information on cases of criminal activity are met with a "not our business" response. While the group didn't object to my statement on the need for credible investigations, members clearly believe we are being too active in trying to track down evidence.

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Overall, I enjoyed the exchange and invited more contact. My goal was to engage in a constructive dialogue and underscore that we are working toward the same objectives. The conversation was long enough and frank enough, however, to have generated some sound bites which could be taken out of context and thrown back at me if that's the group's game. On that score, I told participants that I am Eric, Don and Monica's boss, and that I follow this issue on a daily basis. If they wish to "personalize" attacks, please address complaints to me, not them. I hope, however, that their words of thanks at the end of the constructive discussion were genuine. We'll see.

Regards, Jon

From: Aloisi, Jonathan M (Hanoi)
Sent: Wednesday, March 05, 2008 6:56 AM
To: Bond, Michele T
Cc: Mattingley, Donald G (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle
Subject: RE: JCICS visit to Vietnam

Michele –

Thanks. We will definitely reach out to the group and arrange a Front Office meeting.

Regards, Jon

From: Bond, Michele T
Sent: Tuesday, March 04, 2008 9:19 PM
To: Aloisi, Jonathan M (Hanoi)
Cc: Mattingley, Donald G (Hanoi); Jacobs, Janice L; Furuta-Toy, Julie A; Bernier-Toth, Michelle
Subject: JCICS visit to Vietnam

Jon,

As you may already know, representatives of JCICS (the Joint Council on International Children's Services), an organization of adoption service providers, are in Vietnam this week and are meeting with government officials (DIA, MOLISA, PACCOM), and visiting orphanages. JCICS' president, Tom DiFilipo, is engaged in what we believe is a good faith effort to find ways for the adoption community to police themselves, and try to compensate in some respect for Vietnamese failures to effectively monitor and enforce good adoption practices. JCICS has drafted and will publicize a voluntary code of conduct for agencies to endorse and follow; they also plan to establish and publicize a schedule of fees.

He has an appointment with Don tomorrow (Wednesday) and would like very much to meet the Ambassador and/or you, if possible. He indicated that Wednesday would suit his group best but they would adjust their schedule to accommodate an appointment on a different day if necessary. He has some ideas which could be constructive. For example, he has suggested that State/CIS officers might offer to hold a one or two day conference in each province to educate local officials, orphanage directors and so forth about U.S. adoption procedures and requirements, and to give them an opportunity to describe their own procedures. His views carry some weight in the adoption community, and I think you and Amb. Michalak would find it useful to talk to him and hear his take on what's going on in different provinces, and steps the NGOs, agencies and USG can take to get Vietnam to establish a credible adoption system.

Michele

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