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Child protection: New law leaves Romanian orphans abandoned, say MEPs

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Orphans in Romania who believed they had found new families abroad are facing being abandoned for a second time, due a new Romanian adoption law, according to Members of the European Parliament who organised a public hearing on 25 April.

The Romanian law on the protection of children came into force in January 2005, and follows a moratorium on international adoptions introduced to prevent child-trafficking in June 2001. It provides that international adoption will only be allowed in cases where grandparents of the child reside abroad.

Romania now faces the difficult situation of being placed under scrutiny by MEPs for measures originally passed as a response to EU pressure, not least requests from the European Parliament for the moratorium in October 2001. In a December 2004 motion, it congratulated Romania on introducing child protection standards and " strict rules to govern inter-country adoption".

The MEPs involved in the hearing, including Claire Gibault, Jean-Marie Cavada, Charles Tannock and Frederique Ries, explained that while emergency measures had been necessary, implementing this law in 2005 meant addressing one question, whilst ignoring another. Mr Cavada explained that what has arisen was "a sound decision which entailed a terrible risk", a situation stemming mainly from the fact that the moratorium was backdated to 1 December 2000, affecting several thousand pending adoption cases.

Whilst MEPs do not want to be perceived as advocating a delay in Romania's EU accession, they do however want an answer from the Commission as to why it made the particular requirements it did, with Ms Gibault noting that its views need to be "rebalanced".

This interpretation was challenged by Baroness Emma Nicholson (ALDE, UK), a leading advocate of the moratorium and previous rapporteur on Romania, who argued that the country was meeting its obligations as previously set out by the EU concerning child safety.

Taking a similar view, a spokeswoman for Enlargement Commissioner Oli Rehn noted that Romania's legislation is "fully in line with EU standards and the UN Convention on the Rights of the Child". Also, concerning the pending adoption cases, a working group was set up by Romania in August 2005 to screen all of them individually by 27 March 2006, and separately notify each applicant family. With this work completed on schedule, "Romania has cleared the complex backlog of the past".

Counter to this, a written declaration has been drawn up by the MEPs and is being circulated calling on the Romanian authorities to resume "without delay" consideration of pending cases, and to authorise international adoption where appropriate.

A conference in the European Parliament on the issue is being organised for November.



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