

Corridor discussion Arund DOHLE (AD) – Bogdan SIMION (BS)

EU Forum on the Rights of the Child

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AD: I don't understand what the EU is doing, you know.

BS: You are not the only one.

AD: No, really I don't understand

BS: In terms of what?

AD: In terms of policy. I feel they are incoherent. Why did they stop Romania to stop intercountry adoptions, and then they with other countries they allow it. Very incoherent.

BS: It was a very strong political will from the Baroness Nicholson. She was the Special Rapporteur for Romania, for the integration. And her – how should I put it – her “little toy” was talking about intercountry adoption. In fact she was Special Rapporteur for everything, for the EU. For corruption, for justice. For everything. Her main idea was to stop international adoption.

AD: I don't.. uh .. because it is an incoherent policy.

BS: But it is not only this. It is not that she stopped international adoptions. But because the mechanism for adoption, it is a common one for the the in-country and the international adoption. Because she had this obsession of closing down, banning international adoption, there are a lot of things in the law that make the national adoptions very difficult. For example, the child is abandoned, is abandoned in the protection system, you need to look for up to the fourth degree relative of the child. To ask the family to pick up the child. Do you know your fourth degree family, I don't.

AD: I do, I think.

BS: The fourth, so it is not mother, cousins, it goes beyond cousins in generation. For this usually for a child who is coming from a disruptive family, from a family with problems, you cannot find them. So this makes the child difficult to be adopted, even in in-country adoption. But that's how it is.

AD: And, what is the EU doing?

BS: The EU? The EU is doing nothing. They are still having this institutional memory of cases, topped on that previous period. And they are doing nothing. The Romanian officials are blocked also by the institutional memory.

So at the moment the maximum range of adoption, in 2001 I think there have been adopted around 2.500 kids internationally and about 1.100 nationally. So from 3.600 kids

adopted in 2001, last year there have been adopted 750 in-country. Even the national adoption has dropped.

AD: Should go up?

BS: It should go up

AD: How many children are now in residential care.

BS: Nowadays? Some 22.000/23.000 thousand. But still in the ... children with a placement measure about 64 thousand. Because we are not only talking about children in residential units. We are also talking about children in foster care, which should be a temporary solution. Children in simple placement, which is sometimes with the enlarged family, sometimes with other families, which are not relatives of the child. So, we are still talking about 63/64.000 kids in special protection of the State.

I don't know it is incoherent.

AD: I think DG JUST also changed their policy now. I think there is now an opening for adoption, also intercountry adoption. The Commission doesn't have the position as before.

BS: I don't know, I think there has been a lot of lobbying for opening the adoptions in Romania. There has been a lot of lobbying for a better use of adoptions in Europe, in general. I don't think DG Justice has a clear view of what they want to do. But it is obvious for me that some of the kids in Romania that deserve to have a family, or should have a chance to have a family, they are not. But it is something to do, but for the moment it's a lost battle. It's a lost battle, because nobody wants to talk about this. Not only this, but each time you try to talk about this, there is a silence.

AD: Yes, that's from both sides.

BS: Not necessarily from both sides. In Romania you have to think that the politicians are still the same as there used to be in 2001/2002 when the Baroness was here. So they know about the Dossier, or they heard about the dossier. So they don't want to do something about this. And they think that Europe has something against this. So they don't react.

But there is no serious discussion about it.

AD: But was it actually the Baroness only, or was it also Commissioner Verheugen.

BS: No, the Baroness... Verheugen was a friend with the Baroness.

AD: Verheugen was a friend of the Baroness.

BS: Yeah. He was influence by the Baroness.

AD: You mean private friend or what.

BS: Something like this. This was the obsession of the Baroness. Because I met her right when she was nominated as a Special Rapporteur in 2001. And she had then already that obsession of banning international adoptions. I mean, ok, there were questions about the process. Ok! Questions about the NGO's. Ok! Questions about corruption. Ok! Questions about money. Ok!

We agree. But if we are talking about a functional state. That eventually went into accession into the EU, it means you can solve that problem. If you have a problem with the process, with adoption, with the NGOs, with the money, solve this problem. But leave The Hague Convention produce its effects.

AD: There was this difference between the Hague Convention and the UNCRC. There was this report from the European Commission, this Independent Panel. I think you know ...

BS: Yeah, yeah, I know that report

Anyway, the Hague Convention commented on the 273 law. And said it is not in line with the Hague Convention. Because it is not leaving the space for the international adoption. The CRC is saying that intercountry adoption is a protection measure.

AD: it is a child protection measure

BS: It is a child protection measure. And so on. But this is not the point, the point is, it is more a juridical point of view. It is more a philosophical point of view. What you are going to do if you are not finding somebody in the country, it is the same thing right now. We are talking about what? We are talking about principles that will go over all the EU countries and there is an interesting study case, in saying that one child from Great Brittan was placed in a family in Spain, ok?, let's talk about children in Great Brittan, in Spain, in France who wants to be placed in a family in Romania. Why they don't want to place children in a family in Romania. Because in Romania it is not sure from a child protection point of view, from the standards, from the social services, then can EU make a general standard for social services for the children. So we are sure that the same rights that are protected for children in France, in Spain, in England are protected in Romania. Is the EU prepared to put money for general standards in all the European countries. Because otherwise we can talk about the principle, you know. That the same principle applies in the UK and in Romania. But not at the same level of standards. So the standers will be higher in the UK and will be lower in Romania. But the principle is the same. Which means that the child is better protected in the UK and is less protected in Romania. Why? If we are applying the same principle.

AD: That should not be. I agree.

BS: I haven't worked in either in-country or international adoptions, but we sustain always the possibility of the child going in a non-temporary solution.

AD: It should be permanent

BS: Yes, a permanent solution. It does not matter for me. I am not a big fan of international adoptions. But it should be a permanent solution. Natural family, national adoption, international adoption, it doesn't matter. With its own standards, but leave the way for this to happen, otherwise

AD: I really wonder what's happening on the EU level. Because I see this whole De-Institutionalisation campaign, so they are closing down institutions, but then what will happen to the children.

BS: Oh, come on, how is this is a double talk. Of double standards. So we are talking of DI. I closed down more than 70 institutions in Romania, ok, I closed down more than 70 institutions, that means more than 9.000 kids. In almost 15 years. We are talking about what. Closing an institution.

AD: Lumos for example is making a huge campaign. With finance from the European Commission and Hope & Homes works on this.

BS: Closing down institutions. Period. It's not a good choice. Closing down institutions and put children in family, placement family, maternal assistant. Closing down institutions, and period, this is not the choice. And they are saying, they are covering, closing down institutions and developing community services for children. Which means what? Family-type homes? Oh come on, Just an institution. According to the BEIP study it does not matter if it is a small institution. If it is 13 or 300. It is an institution.

AD: The BEIP Study, that's really acknowledged now. Essentially you can find it in the new UN Guidelines, basically based on that, you know. I mean, it is well done.

BS: The BEIP says clearly that it is not only emotionally, it is not only psychological, it is not only attachment, there are structural modifications in the brain. There is a loss of white and gray matter in the kid's brain, so it is another form of violence. So it is an obvious violence to put children in institutions.

So, I agree with you. The EU is still, I don't know if they are still searching, but for sure they still don't know what they do. We'll see what this xxx. Romania is still having about 80 institutions that need to be closed. Large, of over 50 kids in it. They will be closed after 2020/2024 they will be closed. But the problem is not there, you know. It is when the accession of Romania started, and the discussions started in 1997, the second demand of the EU was to solve the problem of kids in institutions. But this is a way of thinking only about kids, but not about the process. The problem of children in institutions is not closing institutions, it's seeing why the kids are in institutions. Part of it is family deconstruction, so try to solve this problem. Not closing the institutions.

AD: But you did a lot of work on this, so what do you think about that?

BS: For example on the use of the Structural Funds, we found the use of the structural funds on prevention. We are talking only about prevention. So, if the child is abandoned. What should you do. Should you help the family keep the child, help her with counseling, material and so on, or put the kid in a state institution. And then solve the problem with the institutions, by closing down the institution. And don't open family-type homes. It is illogic. Incoherent. Help the family to keep the child.

AD: Of course, we all agree on that.

BS: Yeah, but they are not doing this. If you go to the European Union and say I want to make a prevention program, they will say: you cannot spend the money on this. What do you want to do? I want to help the family. To help the kid go to school and so on.

AD: Yeah, I don't know. I don't know what to do with the EU. But you know Roelie, no?

BS: If I know Roelie?

AD: Yes

BS: I know, she wrote about me. In her famous book.

AD: And, is the book true, or not?

BS: It is a personal... it is not very interesting. It is a view. It is too emotional. And is too a personal view. It is a one angle look at what was happening there. She was influenced by all the activity that she had at that time.

AD: How influenced?

BS: She was influenced emotionally on her.... I am sure that when you are getting 10.000, 50.000 letters from the European citizens asking you to do something about the children in Romania, and you have to answer them quite quickly, emotionally you are having problems.

It is a personal view. It is interesting that she published it.

AD: That should also not be, no? How can she publish a book.

BS: I don't know. I don't know how the Commission let her publish that book. With all the comments that were inside the reunions [Meetings?]. But it does not matter.

AD: but you know, in 2006 there was this whole effort of making a European Adoption Policy. From Jean-Marie Cavada and ...

BS: Yes, the French. They wanted to do a European... But this is stupid. Europeans for the Europeans, what about, I don't know. If I am still remembering correctly, for example most of their adoptions they make from Asia. Not from Europe. So what are we going to do, and Agency for the European kids to be adopted in Europe, and Agency for the African kids to be adopted in Africa?

AD: No, I just saw that at the time and was surprised about it.

BS: I think there is too much agitation around this. And I think there are too many interests buzzing around the adoption issue.

AD: Yeah, adoption essentially is dead, you know. It has gone down 70 %, I don't know it will really ever pick up, because you know even though there are some so-called special need adoptions, I don't think that... very few people want special needs. So the new thing is now surrogacy.

BS: Absolutely. Pick up Romania, Romania right now is at medium stage. At first stage between 1999 and 2000 a lot of small children were in the system, so normally everybody went into small kids. But nowadays the system is back on the medium stage. A child that is entering into the special protection of the state, the medium stage is about 6,5 years. And the child probably will stay within the system for about 6 years. So basically the State system is kids for adoption, which is not small anymore – around five to six years old, having problems, because usually in the institutions are mostly the handicapped, not the normal ones. You cannot find kids, generally spoken, of course you can still find isolated cases of children under 3 in institutions, but still there will not be the possibility of adoption. So speaking about Romania, the kids offered for adoption, they are not attractive anymore. So, you need to find, even to tell the families what to expect to find when they are trying to adopt a kid.

AD: Who is going to pay 15/20.000 Euros for a child. I mean 20/30.000 Euros you pay now to get a child from Bulgaria

BS: They are still paying for this?

AD: Yes, of course. It is normal with adoptions. If no money would be involved, then there would maybe be less problems. But in India they are putting now a price tag of 5.000 dollar on a child for the institution. And that is a lot of money in India, you know, so you can actually smell the corruption and you can see that they will make up all the papers

BS: International adoption if it is in significant amounts, it means the State is not doing its job in child protection.

AD: Exactly

BS: So, you have to regulate especially the social assistance and services for kids and when you regulate adoptions the numbers of intercountry adoptions will go down. If the number goes up, it means that something is wrong.

AD: But in the beginning of the BEIP Federici was involved in that too?

BS: Never. I did the administration and am still doing it for the BEIP. So Federici was never around. He was in a team of American doctors who assessed two or three institutions for severely handicapped children around 1997, 1999. But he was NEVER involved with the BEIP. The only team involved with the BEIP are the professors who are still involved. Professor Nelson from Harvard, Professor Zeanah from Tulane, and Professor Fox from Maryland University. But Federici was not. Not even... but if you are looking at the papers, that resulted from the BEIP Ron never signed any scientific papers. So, he was not involved.

AD: And you know Maureen Flatley, she is an American child advocate, lobbying on children's rights. She was in Romania, in Siret, together with Ron.

BS: She was lobbying for the adoptions?

AD: No, she basically said that she closed down Romania's adoptions, and people say a lot of things, but that is what she is saying, together with Ron

BS: No....

AD: I was not there, I can only rely on what people tell me.

BS: I know, I know, Ron he adopted three kids from Siret, handicapped children, but no he was never involved in the BEIP. Regarding BEIP, BEIP was started to be a study for helping the adoption process. But in fact, BEIP it was built at the demand of the Secretary of State at the time in 1997, Cristian Tabacaru, He needed a scientific argument ..

AD: Maureen was a close friend – Her name was Maureen Hogan – that was her name before

SB: Ah Maureen Hogan, yes.

AD: She was a friend of Tabacaru or

SB: I know Cris [Tabacaru], we were at the same school. We are friends. Ah, she was with Mary Landrieu, I think, the Senator from the US. Yes I know her.

AD: She was with Landrieu?

SB: Yes. But the BEIP became to be a scientific argument for the Romanian government to accept the professional foster care. Because he was having huge difficulties in

inventing the foster care in 1997 when he proposed this to the government. And that's why he proposed BEIP.

AD: We get that now in India too, foster care. So, basically based on the BEIP and all.

BS: But the foster care, it was invented in 1997 by Cris, he changed the old communist law. At the beginning the government did not want to invent a new profession, but all kinds of interesting things.

AD: Is Francois de Combret still involved with SERA?

BS: Francois left CARE when SERA merged with Care France in 2002; Francois left in 2005/2005, I think. I haven't heard from Francois in the last 3 too 4 years. Something like this. He is no longer involved. Not with SERA, not with Care.

AD: Strange

BS: Why?

AD: If somebody is so engaged.

BS: Yes, somebody so engaged, somebody who was so well painted because of his involvement, he did not want to hear about Romania anymore. It is true he put his energy for this for so many years, but it ends up so badly for its image that he did not want to hear about anymore about Romania.

AD: Strange. Sad.

BS: The European Union bureaucrats wanted that.

AD: But what would be their interest?

BS: What? The interests of the bureaucrats?

BS: What are you saying about a European Program that is not so good and it is bringing technical assistance and it is bringing technical assistance from the European countries into an emerging country, this is not for the European public servants.

AD: Let's see. Let's see.

BS: Anyway, nice meeting you. It was very helpful the inquiry you did two years ago.

AD: how did it help. I am curious

BS: Well, it was interesting, because I did not know that from the level of the General Secretary of the European Commission, and the General Secretary of the European

Commission can get interested in throwing out a small Romanian NGO from a European funded project.

AD: So they tried to throw you out, or what? But at our request they tried to throw you out.

BS: It was Catherine Day who did this abuse against this DG. She asked the DG to make everything possible to cut us out with the partnership with the Ministry of Labour. Because of the institutional memory that she has, when she used to be Phare's Executive in 1997-1999.

AD: And then, how did you manage?

BS: No, we did not manage. There were from the Commission came a lot of inquiries towards all the Ministries, including the Police, the Interior Minister, the Special Services, and so on. From this inquiry, they responded to the European Union, and because nothing came up, they could not throw us out. Of course, we got a blockage of something around six to eight months for the program, but we carried on and we even got the certificate of merit from the European Union, because that program was the first and to my knowledge the single one made up between a partnership with a Ministry and an NGO. But those were interesting times.

There was a conference in Bucharest organized by the DG Employment together with Unicef and DG Employment came and said: Gabriela Coman was invited to talk, as being the ex-Secretary of State for Child Protection. I was invited as president of the Federation for NGO's in Child Protection and DG Employment said to Unicef, if they are coming, we are not coming. Nice!

So, Unicef took up the strong decision, to say to us, you can not come too our conference, even when you are on the speakers list. Life is interesting sometimes. Life is very odd.

AD: Anyway. Nice meeting you.