

Brussels, 13 June 2005

Note for the attention of Mr. Augusto Bonucci

I refer to your note of 25 April 2005 in which you propose internal mobility as a reaction to my concern about my safety.

I would like to recall the situation. On 11 November 2004 a meeting took place with you, Director Ruete, Head of the Romania Team M. Lange, Ms Hognas and the undersigned (see attached minutes). During this meeting it was agreed that the response to my concern for my personal safety would be twofold:

Personal security: renewed contact with the COM Security Service in order to identify protection possibilities and

Transparency: in order to get a consistent approach to children's rights to prepare a "discussion paper" and to find a way to work towards a COM position on this issue. It was strongly believed that once in the open and generally agreed, the situation would become less personalised. Also it was noted that pressure would be less if the dossier would be shared between a number of people. Also the need for a re-active approach of the COM to misleading or false press articles was discussed.

Since that meeting the following has happened:

Security

A meeting took place between directors of ELARG and the COM Security Service. However no debriefing was done. As a result another meeting took place, end December, between HoU Lange, Director Bonucci and the undersigned. It was said that no de-briefing had taken place, as it appeared that indeed no security measures could be taken. However, the Security Service would contact the "Procureur du Roi". It was agreed that Director Bonucci would contact the Security the same day to ask if contact had been taken with the "Procureur du Roi". The undersigned is not aware what the result of that

Intimidations of the undersigned have continued over time, always at moments that were strategically important for the children dossier.

Staffing

Since November 2004 Ms. Tuominen got appointed as formal Task Manager on children's rights, while in practice the work was done jointly by the undersigned and Ms. Tuominen. The co-operation has been excellent and Ms. Tuominen has gained in-depth knowledge of the children dossier. She has, unfortunately, also been able to witness the security issue of the undersigned.

Since the change of Commissioner, and with the new hierarchy, both Ms. Tuominen and the undersigned noticed a lack of communication and transparency and felt that their professional expertise was not fully recognised or welcomed. Ms. Tuominen has therefore announced she no longer wishes formal responsibility for the children dossier, also considering the security risk, as well as the fact that it became increasingly difficult to defend the COM position.

Discussion Paper

In November 2004 the new President of the Commission had established a Group of Commissioners on Equal Rights, Anti-Discrimination and Fundamental Rights. Commissioner Rehn is a member of this group. During the 2nd meeting of this Group DG JLS announced its intention to draft a COM Strategy on children and, therefore, all COM services were requested to share their experience on this issue. A position paper was prepared by Ms. Tuominen and the undersigned, with contribution of other ELARG Services, and agreed at all levels. However, this paper was not distributed to the members of the Group of Commissioners but only to DG JLS. Instead a summarizing table was prepared by DG JLS on the basis of contributions of all DGs concerned. Unfortunately the issue of “development of child protection in Romania and Bulgaria” was omitted in this table.

Despite the availability of speaking points, DG ELARG did not present its position during the Group of Commissioner’s meeting on 20 April 2005. During this meeting it was decided that every DG concerned would appoint an official contact point for JLS in view of preparing the COM Strategy.

DG RELEX had set up an informal inter-institutional working group on children’s rights in September 2004. However, DG ELARG was not invited to the first two meetings. Since February 2005 DG ELARG was added to the participants list and it was agreed that Ms. Tuominen and the undersigned would represent DG ELARG, as they had coordinated the ELARG position paper on children’s rights too. A meeting of this working group took place last week, where it became clear that DG JLS was organising workshops with civil society and a Hearing in the EP as preparation for the COM Strategy, without informing other COM services about this. This situation has now been corrected by DG JLS and all COM Services will now be part of the preparations, in the first place. The members of the RELEX inter-institutional group would serve as contact point, until further decision taken. The workshop with civil society is foreseen for 22 June.

The Romanian children dossier

Since January 2005 there is increased pressure to re-open intercountry adoptions. This pressure is partly done by misleading media-coverage or other by the use of other broad communication tools. Like in 1999 the Phare children programme is being attacked, this time questioning its effectiveness. DG ELARG has not reacted to this nor countered any of this information lately in a formal manner.

Conclusion

The recent proposal for internal mobility comes at a time where DG ELARG would in a normal situation, considering the ongoing fragility of the dossier, have an interest to maintain the acquired experience on the Romanian children dossier. This appears not to be the case.

The COM in general is in need of expertise on children's rights in order to draft a COM Strategy.

Considering the above, the undersigned feels that she is no longer welcome in DG ELARG to contribute positively to the issue of children's rights and, therefore, proposes DG ELARG to explore if DG JLS is in need of expertise on children's rights and child protection.

Roelie Post