

GÜNTER VERHEUGEN

MITGLIED DER EUROPÄISCHEN KOMMISSION

B-1049 BRÜSSEL

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Mr Richard L. Armitage  
Deputy Secretary of State  
Washington  
USA

09 JUIN 2004

Dear Mr. Secretary of State,

Thank you for your letter of 4 May 2004 on the issue of intercountry adoptions from Romania.

I would like to clarify that the European Commission is not against intercountry adoption as such. However, the UN Convention on the Rights of the Child foresees that inter-country adoption may be considered only if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin. This "last resort" provision is consonant with the provision in the UN Convention that refers to "the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background".

All Member States of the EU have ratified the UN Convention on the Rights of the Child and therefore should respect the above mentioned principles. Therefore the Commission considers that the moratorium on intercountry adoptions is necessary as long as no legislation is in force that fully complies with this convention, and as long as no administrative capacity exists to implement this legislation.

Following Prime Minister Nastase's request for legal advice on children's rights and adoption, the Commission set up an Independent Panel of EU Member State experts on family law. In its latest report, which I have forwarded to Prime Minister Nastase, the Panel noted the fundamental change made by Romania on the issue of intercountry adoption. The proposed approach to pursue on the policy of intercountry adoptions with a very limited exception was considered essentially in line with the UN Convention on the Rights of the Child.

Our primordial focus must be on getting the system of child care in Romania right so that we get to the usual situation in the Member States of the EU where international adoptions are the exception. Therefore, the EU has supported Romania in its efforts to improve the quality of public care for children. This meant that large residential establishments were closed down and replaced with a selection of child protection alternatives ranging from smaller homes and foster care to day-care centres. Of course there remains work to be done, but Romania surely has come a long way in resolving the issue of children in public care.

I have been informed that recently a videoconference on this issue was held between the Washington State Department and my services, and that it was considered useful to have both sides express their respective positions.

Yours sincerely,

