

**A**gainst  
**C**hild   
**T**rafficking

Permanent Bureau  
Hague Conference on Private  
International Law  
Scheveningsweg 6  
NL - 2517 KT THE HAGUE

Brussels, 10 May 2010

Dear Mr. Van Loon,

We write to you in a follow up of the Strasbourg Conference organised by the European Commission and the Council of Europe in December 2009. During this conference Mr. William Duncan invited those concerned about abuses, to furnish information for the Third review meeting of the Special Commission to review the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, to be held in June 2010.

Our organisation, ACT Against Child Trafficking, has been set up in 2007 as a direct result of Romania's implementation of the Hague Convention (1997). In Romania, the Hague Convention's implementation did not prevent the sale and traffic of children, but created a full fledged demand-driven market. Due to conflicting views on the interpretation of the Hague Convention and the underlying UNCRC, the European Commission in 2002 established an Independent Panel of EU Family Law Experts. This Panel was to report to the Commission and the Romanian authorities on whether the Romanian draft legislative package on children's rights and adoption complies with international standards laid down in the UN Convention on the Right of the Child and the European Convention on Human Rights. The principal criterion (benchmark) for judging Romanian legislation is whether the proposed legal framework would ensure respect of children's rights at a level comparable to that provided by legislation in the present EU Member States. The Panel concluded that intercountry adoption is a very last resort and should only be considered if any suitable means of foster, adoptive or residential care cannot be found in the country of origin of the child and only if it is manifestly in the best interests of the child. It must be clear that residential care comes also before (intercountry) adoption – see article 21(b) of the UN Convention on the Rights of the Child. As a result Romania's new child rights laws do no longer foresee intercountry adoption by unrelated foreigners.

Vested interests of State parties and adoption agencies, however, generate continuous and ongoing pressure on Romania to re-allow intercountry adoptions. In light of this, the European Commission has felt it necessary to second EC civil servant Ms Roelie Post, in the best interest of the service, to ACT.

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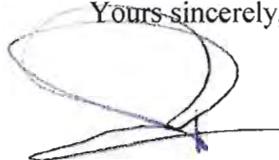
Over the last years, ACT has closely monitored the global intercountry adoption system, and has reported its findings to the Central Authorities of the countries concerned. For example in November 2008, a 1600 page report was sent to Australia about trafficking from India, China and Ethiopia. We also already in 2006 informed Ms. Jennifer Degeling about our concern regarding trafficking in India, a country that ratified the Hague Convention in 2003.

Furthermore, ACT has done in-depth field research in Ethiopia in summer 2009 and uncovered clear trafficking for adoption. Since many years ACT helps victims of trafficking to bring their cases to court, for example concerning children sent from India to several receiving Hague countries (Australia, Belgium, Canada, Denmark, France, Germany, Ireland, Italy, The Netherlands, Spain and the US).

It has now come to our knowledge that the Australian government has contributed funds for a discussion day on abduction, sale and traffic. We assume that this initiative was, at least partly, inspired by our reporting. Thus, considering ACT's knowledge and expertise, we hereby request observer status for ACT at the Hague Convention Special Commission.

Thank you in advance for your timely consideration. We trust you understand the importance of this request, and are looking forward to contribute to the proper application of the UN Convention on the Rights of the Child.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Roelie Post', written over a horizontal line.

Roelie Post  
Director Child Rights Policy

A handwritten signature in blue ink, appearing to be 'Arun Dohle', written in a cursive style.

Arun Dohle  
Director Research & Documentation