

EXPRESSING SUPPORT FOR THE EFFORTS OF THE PEOPLE OF
THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOC-
RACY, THE RULE OF LAW, AND RESPECT FOR HUMAN
RIGHTS AND URGING THE GOVERNMENT OF BELARUS TO
CONDUCT FREE AND FAIR PRESIDENTIAL ELECTIONS IN 2006;
AND CONCERNING THE GOVERNMENT OF ROMANIA'S BAN
ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF OR-
PHANED OR ABANDONED CHILDREN IN ROMANIA

MARKUP

BEFORE THE

SUBCOMMITTEE ON EUROPE AND
EMERGING THREATS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

H. Res. 673 and H. Res. 578

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**EXPRESSING SUPPORT FOR THE EFFORTS OF THE PEOPLE
OF THE REPUBLIC OF BELARUS TO ESTABLISH A FULL
DEMOCRACY, THE RULE OF LAW, AND RESPECT FOR
HUMAN RIGHTS AND URGING THE GOVERNMENT OF
BELARUS TO CONDUCT FREE AND FAIR PRESIDENTIAL
ELECTIONS IN 2006; AND CONCERNING THE GOVERNMENT
OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND
THE WELFARE OF ORPHANED OR ABANDONED CHILDREN
IN ROMANIA**

TUESDAY, FEBRUARY 14, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EUROPE AND EMERGING THREATS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 6:07 p.m. in room 2200, Rayburn House Office Building, Hon. Elton Gallegly (Chairman of the Subcommittee) presiding.

Mr. GALLEGLY. Pursuant to notice, I call up the resolution, H. Res. 673, for the purposes of markup and move its recommendation to the Full Committee. Without objection, the resolution will be considered as read and open for amendment at any point.

Today, the Subcommittee on Europe and Emerging Threats is marking up two resolutions. The first item on the agenda is H. Res. 673, a resolution introduced by Congressman John Shimkus, expressing support for the efforts of the people of Belarus to establish a full democracy and respect human rights, and urging the government to conduct a free and fair Presidential election on March 19.

[The resolution referred to follows:]

.....
(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. RES. 673

Expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006.

IN THE HOUSE OF REPRESENTATIVES

Mr. SHIMKUS submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006.

Whereas the establishment of a democratic, transparent, and fair election process for the 2006 presidential election in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standard by which observers determine whether elections have been conducted freely and fairly;

Whereas the election on March 19, 2006, of the next president of Belarus will provide an unambiguous test of the extent of the commitment of the Belarusian authorities to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous elections in Belarus have not met international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus did not meet international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events through-

out the country, and enjoying unimpeded access to television, radio, print, and Internet media on an equal basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign will call into question the fairness of the upcoming election in Belarus; and

Whereas the arrest or intimidation of opposition political parties and candidates, such as the leader of the Unified Democratic Forces and other people involved with the opposition, represents a deliberate assault on the democratic process: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) looks forward to the development of cordial
2 relations between the United States and the Republic
3 of Belarus;

4 (2) emphasizes that a precondition for the inte-
5 gration of Belarus into the Western community of
6 nations is its establishment of a genuinely demo-
7 cratic political system;

8 (3) expresses its strong and continuing support
9 for the efforts of the Belarusian people to establish
10 a full democracy, the rule of law, and respect for
11 human rights in Belarus;

12 (4) urges the Government of Belarus to guar-
13 antee freedom of association and assembly, including
14 the right of candidates, members of political parties,
15 and others to freely assemble, to organize and con-
16 duct public events, and to exercise these and other
17 rights free from intimidation or harassment by na-
18 tional or local officials or others acting at their be-
19 hest;

20 (5) urges the Government of Belarus to meet
21 its Organization for Security and Cooperation in Eu-
22 rope (OSCE) standards and commitments on demo-
23 cratic elections, including the standards on free and
24 fair elections as defined in the 1990 Copenhagen
25 Document;

1 (6) urges the Belarusian authorities to
2 ensure—

3 (A) the full transparency of election proce-
4 dures before, during, and after the 2006 presi-
5 dential election;

6 (B) unobstructed access by election mon-
7 itors from the Office of Democratic Institutions
8 and Human Rights (ODIHR), other partici-
9 pating States of the OSCE, Belarusian political
10 parties, candidates' representatives, nongovern-
11 mental organizations, and other private institu-
12 tions and organizations—both foreign and do-
13 mestic—to all aspects of the election process,
14 including unimpeded access to public campaign
15 events, candidates, news media, voting, and
16 post-election tabulation of results and proce-
17 ssing of election challenges and complaints;

18 (C) multiparty representation on all elec-
19 tion commissions;

20 (D) unimpeded access by all parties and
21 candidates to print, radio, television, and Inter-
22 net media on a non-discriminatory basis;

23 (E) freedom of candidates, members of op-
24 position parties, and independent media organi-
25 zations from intimidation or harassment by

1 government officials at all levels via selective
2 tax audits and other regulatory and bureau-
3 cratic procedures, and in the case of media, li-
4 cense revocations and libel suits, among other
5 measures;

6 (F) a transparent process for complaint
7 and appeals through electoral commissions and
8 within the court system that provides timely
9 and effective remedies; and

10 (G) vigorous prosecution of any individual
11 or organization responsible for violations of
12 election laws or regulations, including the appli-
13 cation of appropriate administrative or criminal
14 penalties;

15 (7) encourages the international community, in-
16 cluding the Council of Europe, the OSCE, and the
17 OSCE Parliamentary Assembly, to continue their ef-
18 forts to support democracy in Belarus and urges
19 countries such as Lithuania and other Baltic coun-
20 tries and Nordic countries to continue to provide as-
21 sistance to nongovernmental organizations and other
22 Belarusian organizations involved in promoting de-
23 mocracy and fair elections in Belarus; and

24 (8) pledges its support to the Belarusian peo-
25 ple, their commitment to a fully free and open demo-

1 cratic system, their creation of a prosperous free
2 market economy, and their country's assumption of
3 its rightful place as a full and equal member of the
4 Western community of democracies.

Mr. GALLEGLY. Belarus is often described as the last dictatorship in Europe. In the past 3 or 4 years, especially since the 2004 parliamentary elections and referendum, President Alexander Lukashenko has increased repression against NGOs, media outlets and any opponents of the government, including youth groups.

Perhaps most disturbing are the cases of the forced disappearances of journalists and others who have dared to criticize the Lukashenko regime. To date, the Government of Belarus has refused to conduct an impartial investigation into the disappearances and has refused to allow independent, UN-appointed investigators to look into these cases.

The purpose of this resolution is two-fold. First, it supports the courageous people of Belarus who are trying to establish basic freedoms and democratic institutions in their country. Second, it urges Belarusian authorities to ensure fully transparent and free and fair Presidential elections on March 16. A key aspect of fair campaigns and elections is the ability of all parties to have unimpeded access to print and electronic media.

As President Bush said last year, and I quote:

“One of the roles that the United States can play is to speak clearly about the need for Belarus to be free, and to work with the people to insist that Belarus be free.”

This is exactly what we are doing with the adoption of this resolution.

My office has worked closely with Congressman John Shimkus's office on the language of House Resolution 673. I am an original co-sponsor of this legislation and urge its passage by the Subcommittee.

At this time, I would turn to my good friend, the gentleman from Florida, Ranking Member Mr. Wexler, for any statement he might want to make.

Mr. WEXLER. Thank you, Mr. Chairman. I concur with everything that you said, and I would move the process forward when the Chairman is ready.

Mr. GALLEGLY. There are no amendments. So the question occurs on the motion to report the resolution, H. Res. 673, favorably. All in favor, say aye.

[A chorus of ayes.]

Mr. GALLEGLY. All opposed, no. The motion is approved. The resolution is reported favorably.

The staff is directed to make any technical and conforming amendments.

Pursuant to notice, I call up the resolution, H. Res. 578, for the purpose of markup and move its recommendation to Full Committee. Without objection, the resolution will be considered as read and open for amendment at any time.

The second item on the agenda today is House Resolution 578, a resolution introduced by Congressman Chris Smith, the Chairman of the Subcommittee on Africa, Global Human Rights and International Operations, which calls on the Government of Romania to decrease the barriers to domestic and intercountry adoptions.

[The resolution referred to follows:]

109TH CONGRESS
1ST SESSION

H. RES. 578

Concerning the Government of Romania's ban on intercountry adoptions
and the welfare of orphaned or abandoned children in Romania.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mrs. NORTHUP, Mr. PITTS, Mr. PENCE, Mr. COSTELLO, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. TLAHRT, Mr. BRADLEY of New Hampshire, and Mr. FRANK of Massachusetts) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

Whereas following the execution of Romanian President Nicolae Ceausescu in 1989, it was discovered that more than 100,000 underfed, neglected children throughout Romania were living in hundreds of squalid and inhumane institutions;

Whereas United States citizens responded to the dire situation of these children with an outpouring of compassion and assistance to improve conditions in those institutions and to provide for the needs of abandoned children in Romania;

Whereas, between 1990 and 2004, United States citizens adopted more than 8,200 Romanian children, with a similar response from Western Europe;

Whereas the United Nations Children's Fund (UNICEF) reported in March 2005 that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals and that child abandonment in Romania in "2003 and 2004 was no different from that occurring 10, 20, or 30 years ago";

Whereas there are approximately 37,000 orphaned or abandoned children in Romania today living in state institutions, an additional 49,000 living in temporary arrangements, such as foster care, and an unknown number of children living on the streets and in maternity and pediatric hospitals;

Whereas, on December 28, 1994, Romania ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption which recognizes that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin";

Whereas intercountry adoption offers the hope of a permanent family for children who are orphaned or abandoned by their biological parents;

Whereas UNICEF's official position on intercountry adoption, in pertinent part, states: "For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open

to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption.”;

Whereas unsubstantiated allegations have been made about the fate of children adopted from Romania and the qualifications and motives of those who adopt internationally;

Whereas in June 2001, the Romanian Adoption Committee imposed a moratorium on intercountry adoption, but continued to accept new intercountry adoption applications and allowed many such applications to be processed under an exception for extraordinary circumstances;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 272/2004 on “the protection and promotion of the rights of the child,” which creates new requirements for declaring a child legally available for adoption;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 273/2004 on adoption, which prohibits intercountry adoption except by a child’s biological grandparent or grandparents;

Whereas there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union;

Whereas the number of Romanian children adopted domestically is far less than the number abandoned and has declined further since enactment of Law 272/2004 and 273/2004 due to new, overly burdensome requirements for adoption;

Whereas prior to enactment of Law 273/2004, 211 intercountry adoption cases were pending with the Government of Romania in which children had been matched with adoptive parents in the United States, and approximately 1,500 cases were pending in which children had been matched with prospective parents in Western Europe; and

Whereas Romanian children, and all children, deserve to be raised in permanent families: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the desire of the Government of
3 Romania to improve the standard of care and well-
4 being of children in Romania;

5 (2) urges the Government of Romania to com-
6 plete the processing of the intercountry adoption
7 cases which were pending when Law 273/2004 was
8 enacted;

9 (3) urges the Government of Romania to amend
10 its child welfare and adoption laws to decrease bar-
11 riers to adoption, both domestically and inter-
12 country, including by allowing intercountry adoption
13 by persons other than biological grandparents;

14 (4) urges the Secretary of State and the Ad-
15 ministrators of the United States Agency for Inter-
16 national Development to work collaboratively with
17 the Government of Romania to achieve these ends;
18 and

1 (5) requests that the European Union and its
2 member States not impede the Government of Ro-
3 mania's efforts to place orphaned or abandoned chil-
4 dren in permanent homes in a manner that is con-
5 sistent with Romania's obligations under the Hague
6 Convention on Protection of Children and Co-oper-
7 ation in Respect of Intercountry Adoption.

○

Mr. GALLEGLY. Since the fall of Communism in 1989, there has been little improvement in the condition of Romanian children in state-run orphanages and other institutions. UNICEF has reported that more than 9,000 children are abandoned each year, and according to the European Union approximately 49,000 children lack permanent homes.

On January 1, 2005, a new law in Romania resulted in a prohibition of intercountry adoptions except in rare cases of a child's biological grandparent. This law went into effect despite a waiting list of thousands of children without a mother or father. At the time of the enactment, about 1,500 adoption applications were already registered with the Romanian Government, including 200 that had been matched with their new parents.

I am a co-sponsor and strong supporter of H. Res. 578. Allowing intercountry adoptions offers the advantage of a family to children whose prospects in this world are otherwise very bleak. For the sake of all those children in need of a stable family and a stable home environment, Congress should go on record in support of improved care for Romanian children and for Romania to ease the barriers for international adoptions.

I urge the passage of H. Res. 578 and will now recognize my good friend, Congressman Wexler.

Mr. WEXLER. Thank you, Mr. Chairman. With your permission, I will take a moment or two on this bill.

I join you in support of House Resolution 578 and also want to commend Congressman Smith for his efforts to address this important issue. There is no one in the Congress that is more genuine about resolving these types of issues than Congressman Smith.

In January, I traveled to Romania to meet with officials to discuss my deep concerns about this very issue, as well as to advocate for constituents of mine, the Springer family, who have made every effort to reunite their Romanian adopted daughter, Gabriella, with her biological twin sisters. This is a heartbreaking situation for the Springer family, as well as the hundreds of other American pipeline families, as well as a larger group of European, Israeli and Australian pipeline families, whose adoption process has been halted under the Romanian law that bans intercountry adoptions.

During my visit, I had the privilege of meeting with Romania President Basesu and other Romanian officials involved in this issue to urge them to address the pipeline cases, as well as reexamine intercountry adoption as a positive way to ensure that Romanian children are placed in loving stable homes with the best opportunity for a healthy and productive life.

During my meetings Romanian officials expressed their desires to address this issue, past problems, explaining them in terms of their experiences, with intercountry adoptions as well as, what they perceived to be, their inability to change their laws in light of their pending accession to the European Union and what they perceive to be pressure from the European Union that might be on its surface opposite to what we are asking today.

I believe that, as one of America's staunchest allies in Europe, Romanian officials and people truly want what is best for their own children. To this end, I am hopeful that this resolution today will send a positive signal about our desire to see that these out-

standing cases are resolved as well as about our willingness to work with Bucharest to address this issue.

One last comment, if I could. The President of Romania is an extraordinary ally of America in many, many different ways. I think, in addition to this resolution, we should examine ways in which we can positively, rather than negatively, affect the ability of the Romanian President and those that he needs to work with in order to result in a positive declaration by the Romanian Government which would allow intercountry adoptions when it is in the best interests of the children. That should be the only standard.

I would respectfully suggest that once the European Union, I believe in April, announces whether Romania will be given a 2007 or 2008 date, that within that window of opportunity, those 4 to 6 weeks subsequent to that announcement, we could hopefully apply positive pressure to reach a just and fair conclusion. Thank you, Mr. Chairman, for indulging me the time.

Mr. GALLEGLY. I thank the gentleman from Florida. The question occurs on the motion to report H. Res. 578. All in favor, say aye.

[A chorus of ayes.]

Mr. GALLEGLY. Any opposed? The motion is approved. The resolution is reported favorably.

The staff is directed to make any technical and conforming amendments, and with that, I want to thank you all for participating today, and the Subcommittee stands adjourned.

[Whereupon, at 6:16 p.m., the Subcommittee was adjourned.]

