

OPENING DOORS FOR EUROPE'S CHILDREN



Maintain, strengthen, expand:

How the 2021-2027 EU budget can end the institutionalisation of children in Europe

RECOMMENDATIONS



LIST OF ACRONYMS

AMF	Asylum and Migration Fund
AMIF	Asylum, Migration and Integration Fund
CoEU	Council of the European Union
CPR	Common Provision Regulations
DI	Deinstitutionalisation
EC	European Commission
ECCP	European Code of Conduct on Partnership
ENI	European Neighbourhood Instrument
EP	European Parliament
ERDF	European Regional Development Fund
ESF	European Social Fund
ESF+	European Social Fund+
ESIF	European Structural and Investment Funds
EU	European Union
IPA III	Instrument of Pre-accession Assistance III
MFF	Multiannual Financial Framework
NDICI	Neighbourhood, Development and International Cooperation Instrument
UNCRC	The United Nations Convention on the Rights of the Child
UNCPRD	The United Nations Convention on the Rights of Persons with Disabilities

ABOUT

These recommendations have been developed by the Opening Doors for Europe's Children campaign and are based on the work of the campaign since 2016, calling for a stronger commitment to maintain, strengthen and expand the use of EU funds for deinstitutionalisation reforms in Europe.

For more detailed information, such as proposed amendments for each financial instrument in the MFF 2021-2027, please contact Katerina Nanou, Senior Policy and Advocacy Coordinator, Eurochild, +32 (0) 2 211 0559, Katerina.Nanou@eurochild.org, Hallepoortlaan 27, 1060 Brussels, Belgium, www.openingdoors.eu.

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Alemadina is 8 years old. She was placed in the Bjelave orphanage in Sarajevo, Bosnia and Herzegovina a few months before her 5th birthday. She spent nearly 3 years there, fending for herself, with none of the love or attention she needed to feel safe, let alone happy. Now she lives with Rada, an experienced, warm and caring foster mother who has a grown-up family of her own.

The original plan was to look for an adoptive family for Alemadina, but for legal reasons she couldn't be adopted. It's been decided that long-term fostering is the best option and so she will stay with Rada until she is old enough and ready to make her own way in the world.

Hundreds of thousands of children are still growing up in institutions in Europe today¹. This includes children with disabilities, children without parental care, children in the child protection system, migrant, unaccompanied and separated children². Institutions do not protect children; they harm them and expose them to the risks of violence³, abuse⁴, trafficking⁵ and severe violation of their rights⁶.

Over the last decade, the European Union (EU) has played a critical role in making progress towards the transition from institutional to family- and community-based care (also known as deinstitutionalisation). Positive examples⁷ from Romania, Bulgaria, Latvia and Lithuania, where reforms in the child protection and welfare systems have benefitted from EU funds and policy guidance, make it clear: investing in systems that support children, families and communities, not institutions, can make a significant difference to children's lives.

The proposed regulations of the European Commission (EC) on the Multiannual Financial Framework (MFF) 2021-2027 present a unique opportunity for the EU to end the institutionalisation of children and to ensure that EU funds promote social inclusion, contribute to policy coherence and better protect the rights of children who have been unnecessarily deprived of caring families and communities.

By **maintaining, strengthening and expanding investments in deinstitutionalisation**, the EU has the opportunity and means to give millions of children access to quality alternative care and a better life – not only across the EU but in all countries where EU funds reach children. This, in turn, will contribute towards a more inclusive and prosperous society in the long term.

As a coalition of 124 civil society organisations working to improve the lives of vulnerable families and children in 16 European countries, **we call on the European Parliament and the Council of the EU to take forward the renewed commitment of the European Commission**, as reflected in EC's proposals for the regulations on MFF 2021-2027.

THE MULTIANNUAL FINANCIAL FRAMEWORK 2021-2027 SHOULD:

1. **MAINTAIN** the promotion of the transition from institutional to family- and community-based care



2. **STRENGTHEN** measures that support social inclusion and integration of children in the communities by earmarking funding

3. **STRENGTHEN** the Partnership Principle and its implementation

4. **EXPAND** the EU's commitment to prohibit the use of EU funds on actions that contribute to segregation, institutionalisation or social exclusion of people

5. **EXPAND** conditionalities to all regulations on the use of EU funds to ensure they promote the transition from institutional to family- and community-based care, in line with national strategic policy frameworks.

1 [Opening Doors for Europe's Children, Country Fact Sheets, 2014-2018](#)

2 [Opening Doors for Europe's Children, Maintain, Strengthen, Expand: How the EU can support the transition from institutional to family- and community-based care in the next Multiannual Financial Framework, 2018](#)

3 [UNICEF, "Violence against Children in Care and Justice Institutions," undated](#)

4 [United Nations General Assembly, Report of the independent expert for the United Nations study on violence against children, A/61/299, 2006](#)

5 [Kane, J., Child Trafficking – The People Involved: A synthesis of findings from Albania, Moldova, Romania and Ukraine. International Labour Office, 2005](#)

6 [European Commission, Report on the progress made in the fight against trafficking in human beings \(2016\) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 2016](#)

7 [Human Rights Watch, "It Is My Dream To Leave This Place": Children with Disabilities in Serbian Institutions, 2016](#)

[Human Rights Watch, Abandoned by the State: Violence, Neglect, and Isolation for Children with Disabilities in Russian Orphanages, 2014](#)

[Milovanovic, et al. The Hidden and Forgotten: Segregation and Neglect of Children and Adults With Disabilities in Serbia. Mental Disability Rights international, 2013](#)

[Ahern, L. & Rosenthal, E. Hidden Suffering: Romania's Segregation and Abuse of Infants and Children With Disabilities. Mental Disability Rights International, Washington D.C., 2006](#)

[The Greek Ombudsman for Children, Functioning Conditions of the Social Care Center for children with disabilities "Children's Care Center of Lechaina", 2011](#)

7 [Opening Doors for Europe's Children, Maintain, Strengthen, Expand: How the EU can support the transition from institutional to family- and community-based care in the next Multiannual Financial Framework, 2018](#)

Specifically, all internal and external EU funding regulations should:

1

MAINTAIN THE PROMOTION OF THE TRANSITION FROM INSTITUTIONAL TO FAMILY- AND COMMUNITY-BASED CARE

During the funding period 2014-2020, the European Social Fund (ESF) and the European Regional Development Fund (ERDF) regulations promoted⁸ the transition from institutional to community-based care. In 2021-2027, this commitment to deinstitutionalisation must continue and be further strengthened in both internal and external funding instruments through targeted investments. We therefore recommend the European Parliament and the Council of the EU to:

ESF+

1.1. Preserve the promotion of the transition from institutional to family- and community-based care in the European Social Fund+ (ESF+) proposed regulations

- In view of the importance of positive language and explicit reference to targeted actions that promote the transition from institutional to family- and community-based care in the ESF+ proposal, article 6 and recital 28 of the proposed regulations should be adopted.

ERDF IPA III

1.2. Ensure that the transition from institutional to family- and community-based care is included in the European Regional Development Fund (ERDF) and Instrument of Pre-accession Assistance III (IPA III) proposals

- The promotion of the transition from institutional to family- and community-based care should be retained as an investment priority in the 2021-2027 ERDF regulations under proposed Article 2 (d) on socio-economic inclusion of marginalised communities.
- Considering that countries from the enlargement region have a high prevalence of children's institutionalisation, the transition from institutional to family- and community-based care should be reflected in the IPA III regulations, specifically under the thematic priorities defined in Annexes II and III.

2

STRENGTHEN MEASURES THAT SUPPORT SOCIAL INCLUSION AND INTEGRATION OF CHILDREN IN COMMUNITIES BY EARMARKING FUNDING

In 2014–2020, at least 20% of the total European Social Fund (ESF) resources in each Member State was allocated to the thematic objective 'promoting social inclusion, combating poverty and any discrimination'⁹. During the 2014–2020 budget period, countries have actually used more than 25%¹⁰ of the ESF for this objective. This clearly shows the need for further investment of EU funds for social inclusion and poverty reduction. We therefore recommend that the European Parliament and the Council of the EU:

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1304&from=en%20http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1301&from=en>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1304&from=en%20http://eur-lex.europa.eu>

¹⁰ ESF Transnational Platform, Social inclusion indicators for ESF investments – Areas for development in addressing the 20% social inclusion target in the ESF+, April 2018

2.1. Increase the ESF+ benchmark dedicated to social inclusion and poverty reduction from 25% to 30%

- Given that in the 2014-2020 funding period, most Member States have exceeded the 20% benchmark for social inclusion, this figure (increased to 25% in the 2021-2027 ESF+ proposal) should be further increased to 30%.
- The increased 30% benchmark should support actions that contribute to specific objectives (vii to x) in the proposed regulations of the ESF+, including: the socio-economic integration of third country nationals and marginalised communities such as the Roma; enhancing equal and timely access to high quality, sustainable and affordable services; modernising social protection systems and promoting social integration of people at risk of poverty or social exclusion, including the most deprived, and children.

2.2. Ensure that a specific amount of investments under Neighbourhood, Development and International Cooperation Instrument (NDICI) contribute to social inclusion and integration of children in the communities

Although the NDICI proposed regulations promote the transition from institutional to family- and community-based care in 2021-2027, social inclusion and investments in social protection systems should be backed up by a thematic concentration benchmark that will ensure that funds are allocated towards these objectives.

- At least 20% of the Official Development Assistance funded under NDICI regulation should be earmarked for social inclusion and human development.
- To adequately address the demographic dividend and to ensure the highest transformative potential to break the cycle of poverty and inequality, in line with the Sustainable Development Goals and the EU Consensus for Development, at least 25% of annual spending under geographic programmes should be targeting actions directly relevant to children's rights, especially those most left behind.

2.3. Earmark 30% of the Asylum Migration Fund (AMF) allocation and spending for the development and strengthening of the Common European Asylum System

Given that children count as 1 out of 3 asylum seekers reaching the EU¹¹, 30% of the allocation and spending of the AMF should be earmarked for the development and strengthening of the Common European Asylum System.

- Member States should allocate and spend at least 20% of AMF resources for the specific objective of strengthening and developing the Common European Asylum Systems (3.2 a) and at least 30% (3.2 b) for the specific objective to support legal migration and contribute to integration of third country nationals.
- 30% of the allocation and spending for the above-mentioned objectives should be invested in child-specific measures.
- Furthermore, a Member State should receive a contribution of 10,000 Euro for each vulnerable applicant who is an unaccompanied child, in addition to their allocation calculated in accordance with Article 11(1)(a), for international protection for those whom that Member State becomes responsible.

¹¹ https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Age_and_gender_of_first-time_applicants

3

STRENGTHEN THE PARTNERSHIP PRINCIPLE AND ITS IMPLEMENTATION



The Partnership Principle and the ECCP were a breakthrough in the 2014-2020 funding period by promoting the participation of civil society organisations in the design, implementation, monitoring and evaluation of the EU-funded programmes. In 2021-2027, we want to see civil society participating effectively in the entire cycle of EU-funded programmes along with other key stakeholders. We therefore recommend the European Parliament and the Council of the EU to:

NDICI

3.1. Maintain the Principle of Inclusive Partnership in the NDICI proposed regulations

- Article 8.4 prioritising Inclusive Partnership should be adopted. This will enable the European Commission to ensure that all relevant stakeholders in partner countries, including civil society, are meaningfully consulted throughout the programmes funded by the NDICI.

ESF+ ERDF CPR AMF

3.2. Strengthen the implementation of Partnership Principle and the European Code of Conduct and Partnership (ECCP) in the proposed regulations of ESF+, ERDF and Common Provision Regulations (CPR)

While we acknowledge the applicability of the Partnership Principle in the CPR, ESF, ERDF and AMF, overall, it should become more robust and strengthened in the specific funding regulations.

- Article 8.1 of the ESF+ proposed regulations should refer to *effective* (not *adequate*) participation of civil society and social partners throughout the cycle of EU-funded programmes.
- Under Article 8.2 of the ESF+ proposed regulations, at least 2% of the ESF+ funds should be earmarked under each operational programme for the capacity building of social partners and civil society organisations.
- Article on the Partnership Principle should be re-introduced in the AMF and ERDF proposed regulations.
- Under Recital 11 of the Common Provisions Regulation, the ECCP should be revised and reinstated, in line with the review of the ECCP by the Thematic Network on Partnership¹².

IPA III

3.3. Include the Partnership Principle in the IPA III proposed regulations

- The Partnership Principle should be reflected in the IPA III proposed regulations and a specific article added specifying the actors that will work on development, implementation, monitoring and evaluation of EU-funded projects.

¹² <https://ec.europa.eu/esf/transnationality/system/files/filedepot/270/technical-dossier-n7-web.pdf>

4

EXPAND THE EU'S COMMITMENT TO PROHIBIT THE USE OF EU FUNDS ON ACTIONS THAT CONTRIBUTE TO SEGREGATION, INSTITUTIONALISATION OR SOCIAL EXCLUSION OF PEOPLE

During the 2014-2020 funding period, the ESF and the ERDF regulations both stated that funds should not support any action that contributes to segregation or social exclusion. In addition, article 7 of CPR enshrined the principle of non-discrimination ensuring that EU funds should not be used in activities that discriminate. This commitment should be retained in the proposed regulations for the 2021-2027 funding period, however, it should be further strengthened and expanded to external funding instruments as well. We therefore recommend the European Parliament and the Council of the EU to:

ERDF

4.1. Strengthen the commitment enshrined in the proposed regulations of ERDF to prohibit the use of EU funds on actions that contribute to social exclusion or segregation of people.

- To ensure that no funds are used for the institutionalisation of people, an explicit paragraph on the prohibition of investment for the maintenance, construction or refurbishment of institutional care facilities should be added under Article 6 of the proposed ERDF regulations.

AMF IPA III NDICI CPR

4.2. Expand commitment to the prohibition of using the EU funds on actions that contribute to segregation or social exclusion to AMF, IPA III and NDICI proposed regulations



- The NDICI proposed regulation should indicate the prohibition of the use of EU funds for any form of segregation, institutionalisation or social exclusion.
- The IPA III proposed regulation should specifically mention the prohibition of the use of EU funds for social exclusion or segregation of people, including building or renovation of institutions.
- The AMF proposed regulation should specifically mention the prohibition of the use of EU funds for activities that contribute to social exclusion or segregation of vulnerable groups of people, in particular unaccompanied children. Effective alternatives to institutional care and detention for children should be prioritised under this funding stream.
- We acknowledge inclusion of horizontal enabling conditions on the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities. We, therefore, recommend that investments across all policy objectives comply with these obligations.

5

EXPAND CONDITIONALITIES TO ALL REGULATIONS ON THE USE OF EU FUNDS TO ENSURE THEY PROMOTE THE TRANSITION FROM INSTITUTIONAL TO FAMILY- AND COMMUNITY-BASED CARE, IN LINE WITH NATIONAL STRATEGIC POLICY FRAMEWORKS

During the 2014-2020 funding period, the introduction of ex-ante conditionality 9.1 in the CPR ensured that when ESF and ERDF is used for the transition from institutional to family- and community-based care, they are used according to the country's national strategic policy framework for poverty reduction and active inclusion. We acknowledge that the EC has maintained and strengthened this commitment under the proposed CPR, however this commitment should be further expanded to the external instruments as well. We therefore recommend the European Parliament and the Council of the EU to:

CPR

5.1. Maintain the enabling condition 4.3 in the proposed regulation for CPR that includes measures for the transition from institutional to family- and community-based care

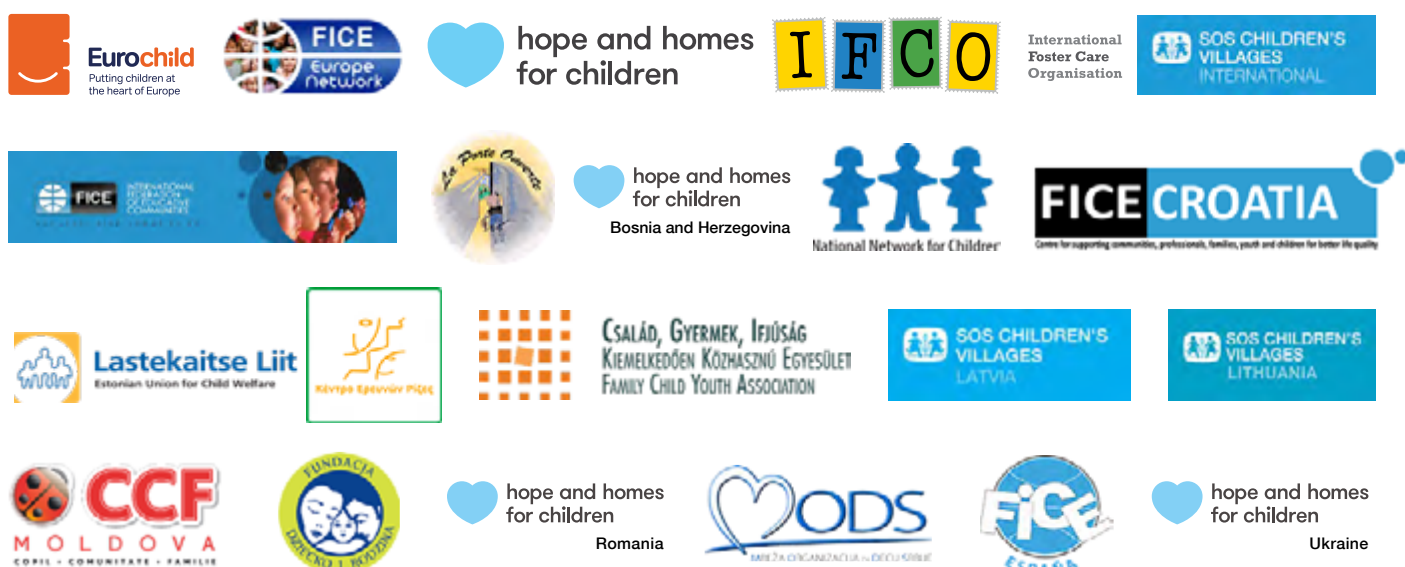
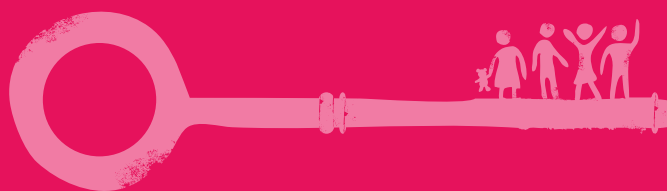
- The enabling condition 4.3 calls for a national strategic policy framework on poverty reduction and social inclusion, that amongst others, includes the transition from institutional to community-based care. In addition, measures for the shift from institutional to community-based care are now prioritised to all EU Member States and not only to countries with identified need. The CPR proposal also requires that civil society participates in the design and implementation, monitoring and evaluation of the national strategic policy frameworks.

IPA III NDICI

5.2. Expand conditionality to access EU funds to promote the transition from institutional to family- and community-based care, in line with national strategic policy frameworks.

- A new article should be added in both IPA III and NDICI proposed regulations, mentioning that EU funds should be used in line with relevant policy frameworks to ensure that activities are not implemented on an ad-hoc basis.

The Opening Doors for Europe's Children is a pan-European campaign that aims to support national efforts to develop child protection systems that strengthen families and ensure high-quality family- and community-based alternative care for children, by leveraging EU funding and policy and building capacity in civil society. It is a partnership between five international organisations and civil society across 16 European countries. For more please see www.openingdoors.eu



International partners:

Eurochild
 FICE Europe
 Hope and Homes for Children
 International Foster Care Organisation
 SOS Children's Villages International

National coordinators:

FICE Austria (Austria)
 La Porte Ouverte (Belgium)
 Hope and Homes for Children Bosnia and Herzegovina (Bosnia and Herzegovina)
 National Network for Children (Bulgaria)

FICE Croatia (Croatia)
 Estonian Union for Child Welfare (Estonia)
 Roots Research Center (Greece)
 Family Child Youth Association (Hungary)
 SOS Children's Villages Latvia (Latvia)
 SOS Children's Villages Lithuania (Lithuania)
 CCF Moldova (Moldova)
 Child and Family Foundation (Poland)
 Hope and Homes for Children Romania (Romania)
 The Network of Organizations for Children of Serbia – MODS (Serbia)
 FICE Spain (Spain)
 Hope and Homes for Children Ukraine (Ukraine)