

**Hope and Homes for Children's  
Recommendations  
to the Belgian Presidency of the Council of the EU**

Hope and Homes for Children is an international child-rights NGO advocating for and supporting the transition from institutional to family and community-based care and the reform of child protection and care systems globally. We operate in Bulgaria, Romania, Moldova, Ukraine, Rwanda, South Africa, India and Nepal, where we support vulnerable families in order to prevent the separation of children from their parents as well as governments, local partners and civil society organisations to develop quality family- and community-based services. Please find more about the harm that institutionalisation causes to children in Annex I.

The current overlapping crises, including ongoing wars, natural disasters, the COVID-19 pandemic, the refugee influx, and the economic and energy crisis, impose major strains on the most vulnerable children and families, and communities' abilities to support them. It is imperative for States to ensure that families at risk of breakdown and children deprived of family care are adequately supported based on their individual needs and circumstances.

The upcoming Belgian Presidency will play a strategic role in steering the EU agenda in the course of its mandate, setting the stage ahead for the following Presidency. This is a key opportunity to further strengthen the EU's global leadership on care reform and ensure EU policies and funding streams are supporting families, not institutions. We welcome the commitment of the Belgian Presidency to set up an ambitious European Social Agenda 2024-2029. We hope this will include support to vulnerable families and a renewed commitment to enable the transition from institutional to family and community-based care.

Strong of decades of advocacy and programmatic intervention to ensure that children grow up in families, Hope and Homes for Children addresses below its recommendations to the Government of Belgium for the upcoming Presidency of the Council of the EU.

**Key Recommendation N. 1: Lead on the implementation of key EU internal policies and funding instruments that support the transition from institutional to family and community-based care (Annex III), and ensure that children in institutions are included in relevant forthcoming initiatives**

Specifically, we call on the Belgian Presidency to:

- **Support the implementation of the European Child Guarantee at Member State level**

As of April 2023, with over a year of delay from the initial March 2022 deadline, eight EU Member States had yet to publish and kick-off the implementation of their Action Plans. In addition, it has been reported that among those countries that have published their Plans, several have done so without the meaningful participation of civil society. In line with the precedent set by the previous EU Presidency Trio, it is essential that the Belgian Presidency encourages Member States' commitment to the implementation of the Child Guarantee at national level. A high-level event around this topic would provide an opportunity for this.

- **Ensure the implementation and continuation of the EU Strategy on the Rights of the Child 2021-2024**

With the EU Strategy on the Rights of the Child 2012-2024, the EU has committed to child rights in both its internal and external action. It is of crucial importance that the Strategy is being implemented at Member States level and renewed at the end of its term.

- **Address children in institutions and the transition from institutional to family and community-based care in relevant Council policy positions and events**, such as the intended EPSCO Committee Council Conclusions and the High-Level Conference on the future of Social Europe<sup>1</sup>

The transition from institutional to community-based care has been embedded in a number of key EU policies and funding regulations (Annex III). Yet, among the estimated 900 000 children in alternative care in the EU, 340 000 are thought to currently live in institutions with one of the main reasons for this being poverty.<sup>2</sup> According to the 2010 UN Guidelines for the Alternative Care of Children, “*Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from family care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.*”<sup>3</sup> The strengthening of social protection systems should be prioritised in the budget allocation of Member States to prevent institutionalisation and build resilient families and communities. EPSCO Council Conclusions and the High-Level Conference on the Future of Social Europe would bring an opportunity to highlight the role of social protection systems in preventing family separation and child institutionalisation.

- **Ensure that the Council Strategic Agenda explicitly refers to the importance of investing in protecting and promoting children’s rights**

The European Council’s Conclusions on a new strategic agenda 2019-2024 does not explicitly refer to the importance of protecting the rights of the youngest generations. In the past Commission’s cycle, the EU has developed several initiatives on this, including the European Child Guarantee (2021),<sup>4</sup> the Strategy on the Rights of the Child (2021),<sup>5</sup> the Conference on the Future of Europe,<sup>6</sup> the establishment of the EU Network for Children’s Rights,<sup>7</sup> the EU Child Participation Platform<sup>8</sup> and the Youth Sounding Board.<sup>9</sup> The 2024-2029 Council Strategic Agenda would bring an opportunity to fill this gap and explicitly acknowledge<sup>10</sup> children’s rights, including ensuring children grow up in safe and caring families

- **Support the formal recognition of the link between trafficking and institutionalisation through the revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**

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<sup>1</sup> Frank Vandenbroucke (2023) [The EU’s social agenda beyond 2024: no time to waste](#)

<sup>2</sup> Due to critical lack of quality disaggregated data among Member States, the exact number and circumstances of children in alternative care is impossible to ascertain, the exact division between children in family and community-based, residential, and institutional care is unknown, and the number of children living in institutional care is expected to be higher.

<sup>3</sup> [United Nations \(2010\) Guidelines for the Alternative Care of Children](#)

<sup>4</sup> [The European Child Guarantee \(2021\)](#)

<sup>5</sup> [The Strategy on the Rights of the Child \(2021\)](#).

<sup>6</sup> [Conference on the Future of Europe](#)

<sup>7</sup> [EU Network for Children’s Rights](#),

<sup>8</sup> [The EU Child Participation Platform](#)

<sup>9</sup> [The Youth Sounding Board](#)

The link between institutions and human trafficking was recognised by the UN General Assembly<sup>11</sup> in 2019 and in two reports of the UN Special Rapporteurs of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography in 2016<sup>12</sup> and 2022.<sup>13</sup> Despite the evidence of human trafficking cases connected with institutions in the European context,<sup>14</sup> the EU has never officially recognised the connection between trafficking and institutionalisation in its policies or legislation.

Hope and Homes for Children and other 11 key NGOs and networks see in the revision of the EU Anti-Trafficking Directive a long-awaited opportunity to further strengthen the Directive by adding a special mention of the phenomenon of institution-related trafficking and introducing specific measures to uphold the rights of children (at risk of) being trafficked, including children deprived of family care.<sup>15</sup>

## **Key Recommendation N. 2: Accelerate implementation of the EU's commitment to child protection and care reform in the EU's external action**

Specifically, we call on the Belgian Presidency to:

- **Support the delivery of the EU's commitment to promoting care reform in the Neighbourhood, Development and International Cooperation Instrument 2021-2027 (NDICI) and the Instrument for Pre-Accession Assistance** encouraging partner and accession countries to use EU funding for care reform

For the very first time, two key EU external funding instruments make explicit reference to care reform for children. This is an outstanding opportunity for the EU to strengthen its role as a champion of care reform across the globe and concert the international community's efforts to support vulnerable families, encouraging governments to fully reform their care systems with the support, where relevant, of EU funding.

- **Support the implementation of the Global Dimension of the EU Strategy on the Rights of the Child**

In the face of the current global challenges that will deeply impact the younger generations, the EU, as a key global player and the biggest multilateral donor for humanitarian aid and development assistance, has a key role to play in cooperating with partner countries to develop global strategies to support children today and build a prosperous future with, and for them. We call on the EU to use all the tools of the external action to this end, including its human rights and sectoral dialogues and its role in multilateral fora, such as the UN.

The EU Strategy on the Rights of the Child, adopted in 2021, sets ambitious targets to support and empower children and young people across the globe towards these very goals. The Global Dimension of the Strategy must be implemented in full throughout its lifetime, and its results must be sustained beyond, with the adoption of a new Strategy (more information on the Global Human Rights Framework could be found in Annex III). We also call on the EU to

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<sup>11</sup> [United Nations General Assembly \(2019\) Resolution on the Rights of the Child A/RES/74/133](#)

<sup>12</sup> [Maud de Boer-Bugucchio \(2016\) Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography, GA/RES/71/261](#)

<sup>13</sup> [Singhateh M. F. \(2022\) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140](#)

<sup>14</sup> [Lumos \(2020\) Cracks in the system: child trafficking in the context of institutional care in Europe](#)

<sup>15</sup> Hope and Homes for Children et al (2023) Contribution to the European Commission consultation on Fighting human trafficking – review of EU rules

deliver on its commitment to strengthen the capacity for child protection among its staff in the EU Delegations around the world.

## **Key Recommendation N.3: Ensure the transition from institutional to family and community-based care for children figures among the key areas for reform in the accession process of EU candidate countries, such as Ukraine and Moldova**

Specifically, we call on the Belgian Presidency to:

- **Ensure the adoption of a national care reform strategy and subsequent action plan, an estimated budget and an initial implementation are set as a condition for EU accession for Moldova and Ukraine**

Deinstitutionalization has been raised as an issue of concern in the enlargement packages for all the current EU candidate countries.<sup>16</sup> We call on the Belgian Presidency to ensure that the development and initial implementation of a care reform strategy and action plan becomes a condition for the recent candidate countries Ukraine and Moldova. This process should be supported by sufficient funds.

The EC Opinion on Ukraine's membership to the European Union states that *'the high institutionalisation rate of children<sup>17</sup> must be tackled as a matter of urgency'*. The European Commission President Ursula Von der Leyen has further committed, on 2 February 2023, to supporting Ukraine with financial and technical assistance to *'design a modern childcare strategy'*. The Belgian Presidency should actively support, in the course of the EU accession and measures for the reconstruction of the country, the inclusion of crucial elements enabling care reform, such as an independent legislative and policy review of the current Ukrainian child protection and care system and the establishment of robust data management system for children deprived of family care.<sup>18</sup>

Likewise, the European Commission's Opinion on Moldova's membership application to the European Union highlights concerns over the high number of children and babies with disabilities in institutional care. Any funding regulations in both countries, existing or new, should exclude the possibility to build and refurbish institutions.<sup>19</sup>

## **Annex I**

### **The harm of child institutionalisation**

An estimated 5.4 million children in the world,<sup>20</sup> of whom 345 000 in the EU,<sup>21</sup> still live in institutions. The majority of these children are not 'orphans'; approximately 80% have at least one living parent.

Whilst numerous definitions exist of what an 'institution' for children is, Hope and Homes for Children considers an institution **any residential setting where children and young people are subjected to an 'institutional culture'**, characterised by features such as depersonalisation, rigidity of routine, lack of individual support or personal treatment,

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<sup>16</sup> [European Commission \(2022\) Enlargement package](#)

<sup>17</sup> Some 100 000 children were associated with the institutional care system prior to the war.

<sup>18</sup> European Commission (2022) Opinion on Ukraine's application for membership of the European Union

<sup>19</sup> European Commission (2022) Opinion on Ukraine's application for membership of the European Union

<sup>20</sup> [UN Global Study on Children Deprived of Liberty \(2019\)](#)

<sup>21</sup> Lerch, Véronique and Anna Nordenmark Severinsson (2019) Feasibility Study for a Child Guarantee: Target Group Discussion Paper on Children in Alternative Care.

residents' lack of control over their lives and over decisions affecting them, and lack of prioritisation of their individualised needs.<sup>22</sup>

**Over 100 years of research from across the world demonstrate the significant harm caused to children living in institutions**, as they are deprived of stable, continuous and loving family care and may consequently suffer life-long harm.<sup>23</sup>

Children in institutions are often subject to physical, sexual and emotional abuse at the hands of peers, visitors or staff.<sup>24</sup> Growing up in an institution is strongly linked with negative impacts on children's development, especially their physical growth: analyses of growth data from institutions show that children lose on average 1 month's growth for every 3 months spent in an orphanage.<sup>25</sup> Institutionalisation also impacts children's socio-emotional development and mental health. It harms children's ability to form attachments<sup>26</sup> which are critical to healthy development.<sup>27</sup> The impacts of institutionalisation can continue beyond childhood and lead to multiple disadvantages during adulthood.<sup>28</sup> Life-long impacts of institutionalisation include severe developmental delays, disability, irreversible psychological damage and poor health.<sup>29</sup>

## Annex II

### The global human rights framework

Global human rights frameworks have recognised the harm of institutions, and the need to transform care systems to better meet the needs of children and families. According to the **Convention on the Rights of the Child (UNCRC)**<sup>30</sup> the family is the "*natural environment for the growth and well-being for all its members and particularly children*". The UNCRC also recognises the right of the child not to be separated unless it is in their best interests and the duty of the state to assist the parents in the performance of their child rearing responsibilities (Art. 18).

The preamble of the **Convention on the Rights of Persons with Disabilities (UNCRPD)** affirms that the "*family is the natural and fundamental group unit of society*." Institutionalisation breaches the right of persons with disabilities to live in the community (Art. 19).<sup>31</sup>

In the 2019 **Resolution on the Rights of the Child**, the United Nations General Assembly<sup>32</sup> "expresses deep concern on the potential harm of institutionalization and institutional care to children's growth and development" and urges states to "progressively replacing institutionalization with quality alternative care, including, inter alia, family and community-based care and, where relevant, redirecting resources to family and community-based care

<sup>22</sup> Hope and Homes for Children (2022) Families. Not institutions

<sup>23</sup> Hope and Homes for Children (2022) Families. Not institutions

<sup>24</sup> Gray, A.P. and Cote, W. (2019) Cultural connectedness protects mental health against the effect of historical trauma among Anishinabe young adults. *Public Health*, 176, pp.77-81.

<sup>25</sup> Dana E. Johnson. 'Medical and Developmental Sequelae of Early Childhood Institutionalization in Eastern European Adoptees', in *The Minnesota Symposia on Child Psychology. Vol 31: The Effects of Early Adversity on Neurobehavioral Development*, ed. by Nelson (Mahwah, NJ: Lawrence Erlbaum Associates Publishers, 2001)

<sup>26</sup> van IJzendoorn, M.H., Bakermans-Kranenburg, M.J. et al (2020) Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development. *The Lancet Psychiatry*, 7(8)

<sup>27</sup> IOM. (2007). Protecting Vulnerable Children in Moldova.

<sup>28</sup> van IJzendoorn, M.H., Bakermans-Kranenburg, M.J. et al (2020) Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development. *The Lancet Psychiatry*, 7(8)

<sup>29</sup> G. Mulheir et al (2012) 'Deinstitutionalisation – A Human Rights Priority for Children with Disabilities' Equal Rights Trust Review, 9 (2012)

<sup>30</sup> United Nations (1989) Convention on the Rights of the Child, United Nations

<sup>31</sup> United Nations (2006) Convention on the Rights of Persons with Disabilities

<sup>32</sup> United Nations General Assembly (2019) Resolution on the Rights of the Child A/RES/74/133

services, with adequate training and support for caregivers and robust screening and oversight mechanisms”

The 2019 **UN Global Study on Children Deprived of Liberty**<sup>33</sup> also details the human rights violations in institutions for children, including the deprivation of liberty and, in certain cases, torture.

## Annex III

### The EU's leadership in achieving care reform

The EU is an established global leader in the area of child care reform. The EU has played a pivotal role in supporting structural reforms of the care systems in EU members and candidate countries, including Bulgaria and Romania. In the former, this has led to transitioning the children from all but four institutions (scheduled to be closed this year) to family and community-based care. In the latter, the reduction of the number of children in institutions became a condition for its EU accession which has resulted in the closure of the old-style institutions and the development of family and community-based services.

The EU has further strengthened its commitment to deinstitutionalisation in 2013, with the adoption of the **European Structural and Investment Funds Regulations (ESIF) 2014-2020**,<sup>34</sup> introducing the ex-ante conditionality on social inclusion 9.1, which contained measures on the transition from institutional to community-based care. This was followed by the enabling condition 4.3 in the **Common Provision Regulation (CPR) 2021-2027**,<sup>35</sup> requiring Member States to develop a national strategic framework for poverty reduction and social inclusion, including “*measures for the shift from institutional to community-based care.*”

In the EU external action, the **Neighbourhood, Development and International Cooperation Instrument (NDICI)**<sup>36</sup> seeks to support, in its geographic and thematic programming, “*the promotion of the transition from institutional to community-based care for children, as well as the promotion of new initiatives to build stronger child protection systems in third countries.*”

**The Instrument for Pre-Accession Assistance (IPA III)**<sup>37</sup> highlights that: “*Interventions in this area shall aim at modernising social protection systems to provide effective, efficient and adequate protection throughout all stages of a person’s life, promoting the transition from institutional to family and community based care fostering social inclusion, promoting equal opportunities and addressing inequalities and poverty (Annex II).*”

The EU’s commitment to child care reform has also been enshrined in key EU policies. In the **EU Strategy on the Rights of the Child 2021-2024**,<sup>38</sup> “*the European Commission invites Member States to promote national strategies and programmes to speed up de-institutionalisation and the transition towards quality, family- and community-based care services including with an adequate focus on preparing children to leave care, including for unaccompanied migrant children.*” According to the **global dimension of the strategy** “*The EU will support actions to address the issue of street children as well as invest in the development of quality alternative care and the transition from institution based to quality family and community based care for children without parental care and children with disabilities.*”

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<sup>33</sup> [United Nations \(2019\) Global Study on Children Deprived of Liberty](#)

<sup>34</sup> [European Structural and Investment Funds Regulations \(2014-2020\)](#)

<sup>35</sup> [Common Provisions Regulation \(2021\)](#)

<sup>36</sup> [Neighbourhood, Development and International Cooperation Instrument \(2021-2017\)](#)

<sup>37</sup> [The Third Instrument for Pre-Accession Assistance \(2021-2027\)](#)

<sup>38</sup> [EU Strategy on the Rights of the Child \(2021\)](#)

In the **EU Strategy on the Rights of Persons with Disabilities 2021-2030**<sup>39</sup> *“The Commission calls on Member States to implement good practices of deinstitutionalisation in the area of mental health and in respect of all persons with disabilities, including children to strengthen the transition from institutional care to services providing support in the community.”*

The **EU Action Plan on Human Rights and Democracy 2020-2024**<sup>40</sup> includes the commitment of the EU to *“Support the development of quality alternative care and the transition from institution based to quality family and community based care for children without parental care.”*

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<sup>39</sup> [EU Strategy on the Rights of Persons with Disabilities \(2021-2030\)](#)

<sup>40</sup> [EU Action Plan on Human Rights and Democracy \(2020-2024\)](#).