



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

Hope and Homes for Children<sup>1</sup> 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, Kenya, India and Nepal, where we support vulnerable families, governments and local partners 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 economic and energy crisis, impose major strains on the most vulnerable children and families, and communities' abilities to support them. This is especially the case in the states which are directly impacted such as Ukraine where thousands of children were placed in institutions prior to the war and hundreds lost their parents as a result of it. It is essential for their protection and wellbeing that care reform becomes an integrated part of Ukraine's EU accession and reconstruction.

The impact of the war in Ukraine and subsequent refugee crisis have had a negative impact on the neighbouring Moldova economy and social cohesion is also threatening the resilience of the social protection system, including its ability to provide the adequate services and care to vulnerable children. In addition, an increasing number of families are becoming at risk of poverty and social exclusion, which is a leading factor for institutionalisation of children. This could be an obstacle to the completion of the ambitious reform of the care system, undertaken by the Moldovan authorities in the recent years, that resulted in a sharp decrease in the country's institutional rate.

Having been present in both countries for some thirty years, Hope and Homes for Children appreciates the Polish Presidency's commitment to accelerating their EU accession and intention to further strengthen EU's engagement with the reconstruction of Ukraine.

We make some specific proposals below in the above and other areas for ensuring that the most vulnerable children are adequately supported.

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<sup>1</sup> <https://www.hopeandhomes.org/>



**Key Recommendation N.1: 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 Polish 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**

Deinstitutionalisation has been raised as an issue of concern in the 2024 Enlargement Reports Ukraine and Moldova.

**We call on the Polish Presidency** to ensure that the development and initial implementation of a care reform strategy and action plan becomes a condition for all the candidate countries and, particularly for **Ukraine and Moldova**. This process should be supported by sufficient funds.

The Ukrainian government has just adopted its **Better Care Reform** strategy with the goal ‘to end institutional care and ensure that every child grows up in a safe and loving families.’ Now it will be crucial to ensure sufficient funding from the **Ukraine Facility** (in which children without parental care are included in its Specific Objectives) and other funding lines for the strategy implementation.

Similarly, the EC proposal for a Regulation establishing the **Reform and Growth Facility for Moldova** brings a unique opportunity for Moldova to complete its of care reform, thus becoming the first EU candidate country to have completed its care reform for children prior to its EU accession.

**We call on the Polish Presidency** to ensure that some of the funding under the Moldova Facility is ringfenced for securing service development, especially foster care and services for children with disabilities, such as rehabilitation services, early intervention services, day care, inclusive education services, comprehensive anti-poverty measures and capacity building for civil society in the light of the EU accession process. The Facility could also be used for the introduction of the European Child Guarantee or parts of it in the Republic of Moldova.

**Key Recommendation N. 2: 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 Polish Presidency to:



➤ **Ensure that the future EU cohesion policy continues to support most vulnerable children**

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 causes being poverty<sup>2</sup> According to the 2010 UN Guidelines for the Alternative Care of Children<sup>3</sup>, “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>

We call on the Polish Presidency to ensure that the strengthening of social protection systems is addressed and specific measures should be agreed in the envisaged high-level strategic debate on the future of cohesion policy.

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

Earlier this year the EU Member States had to submit their first bi-annual implementation reports. It has been reported that in a number of cases, the reports have been prepared without the meaningful participation of civil society. In line with the precedent set by the previous EU Presidency Trio, it is essential that the Polish Presidency encourages Member States’ continuous commitment to the implementation of the Child Guarantee at national level and the engagement of civil society partners.

Following the example set by the Spanish and the Belgian Presidencies, we call on the Polish Presidency to consider organising a high-level event around this topic.

➤ **Ensure the implementation of the EU Strategy on the Rights of the Child**

With the EU Strategy on the Rights of the Child 2012-2024<sup>4</sup>, 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.

➤ **Support the implementation and monitoring of the EU Recommendation on Integrated Child Protection Systems**

On the 23th April 2024, the European Commission adopted Recommendation on developing and strengthening child protection systems in the best interest of the child<sup>5</sup>. The Recommendation

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<sup>3</sup><https://digitallibrary.un.org/record/673583/?fbclid=%5B%27%5B%22%5B%5C%27lwAR1zdVbbJqsjMNtrQi8W7zCNt8EXck3UHEc0mVJuN1LFyapUYHZuzliXGYg%5C%27%5D%22%5D%27%5D&ln=fr&v=pdf>

<sup>4</sup> [https://commission.europa.eu/document/download/86b296ab-95ee-4139-aad3-d7016e096195\\_en?filename=EU%20Strategy%20on%20the%20Rights%20of%20the%20Child%20-%20Illustrated%20version](https://commission.europa.eu/document/download/86b296ab-95ee-4139-aad3-d7016e096195_en?filename=EU%20Strategy%20on%20the%20Rights%20of%20the%20Child%20-%20Illustrated%20version)

<sup>5</sup> [https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1\\_en](https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1_en)



contains a section on *Deinstitutionalisation and the transition towards quality family and community-based care and services in due consideration of the best interests of the child*. It recommends that Member States take all measures to ensure the prioritisation of family-based and community-based care for children, taking the best interests of the child as a primary consideration and invest in non-residential family- and community-based quality services. It also recommends that Member States should promote national strategies and programmes to accelerate deinstitutionalisation and the transition towards quality family- and community-based care services for children without parental care and children with disabilities. Member States are also invited to address the issue of lack of foster families, in particular for children in precarious situations or with complex needs or with a view to keeping siblings together.

We call on the Polish Presidency to work closely with the European Commission and the Member States for ensuring the implementation of the Recommendation and an effective reporting and monitoring framework.

- **Ensure that children in institutions are addressed during the implementation of the Directive 2024/1712 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**

The Preamble of the recently adopted Directive 2024/1712 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims<sup>6</sup> acknowledges the particular vulnerability of children placed in institutions to trafficking in human beings (7). Member States are encouraged to ensure that national child protection systems develop specific plans to prevent the trafficking in human beings, including that of children in residential or closed-type institutions (33). This aligns with the *EC Recommendation on developing and strengthening integrated child protection systems* which also encourages Member States to ensure that national child protection systems develop specific plans to prevent trafficking in human beings, including that of children in residential or closed-type institutions in the process of transition. Furthermore, the Directive contains strengthened measures for safeguarding human (including child, disability and gender) rights and improving prevention responses while identifying, protecting, and supporting victims of trafficking.

We call on the Polish Presidency to ensure that all relevant implementing measures address the nexus between child institutionalisation and trafficking, and entail action points for breaking it, including through moving away of institutions towards family and community-based care.



### **Key Recommendation N. 3: Accelerate implementation of the EU's commitment to child protection and care reform in the EU's external action**

The leadership of the European Union in ensuring that children's rights are upheld globally has been a powerful force for good. At a time when millions of children across the world are deprived

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<sup>6</sup> <https://eur-lex.europa.eu/eli/dir/2024/1712/oj>



of the most basic conditions they need to survive, including the right to grow up in a safe, healthy and loving family environment, , we specifically call on the Polish 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 supporting the transition to community-based care systems. This is an outstanding opportunity for the EU to strengthen its role as a champion of child protection and 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. In addition, we call on the Polish Presidency to uphold the rights of all children, including those deprived of family care, as well as to support the development, strengthening and reform of child protection and care systems globally in in multilateral fora, such as the United Nations and the discussions around the Global Sustainable Development Agenda.

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 deliver on its commitment to strengthen the capacity for child protection among its staff in the EU Delegations around the world, as recommended in the Youth Action Plan.

## **Annex I**

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



An estimated 5.4 million children in the world,<sup>7</sup> of whom 345 000 in the EU,<sup>8</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, residents' lack of control over their lives and over decisions affecting them, and lack of prioritisation of their individualised needs.<sup>9</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.

Children in institutions are often subject to physical, sexual and emotional abuse at the hands of peers, visitors or staff.<sup>10</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>11</sup> Institutionalisation also impacts children's socio-emotional development and mental health. It harms children's ability to form attachments<sup>12</sup> which are critical to healthy development. The impacts of institutionalisation can continue beyond childhood and lead to multiple disadvantages during adulthood.<sup>13</sup> Life-long impacts of institutionalisation include severe developmental delays, disability, irreversible psychological damage and poor health.<sup>14</sup>

## Annex II

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<sup>7</sup> <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>

<sup>8</sup> Lerch, Véronique and Anna Nordenmark Severinsson (2019) Feasibility Study for a Child Guarantee: Target Group Discussion Paper on Children in Alternative Care.

<sup>9</sup> [Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care](#), 2009

<sup>10</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>11</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>12</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>13</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>14</sup> G. Mulheir et al (2012) 'Deinstitutionalisation – A Human Rights Priority for Children with Disabilities' *Equal Rights Trust Review*, 9 (2012)



### **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 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>15</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>16</sup>, requiring Member States to

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<sup>15</sup> [https://ec.europa.eu/regional\\_policy/en/information/publications/legislation/2015/european-structural-and-investment-funds-2014-2020-official-texts-and-commentaries](https://ec.europa.eu/regional_policy/en/information/publications/legislation/2015/european-structural-and-investment-funds-2014-2020-official-texts-and-commentaries)

<sup>16</sup> [https://commission.europa.eu/funding-tenders/find-funding/funding-management-mode/common-provisions-regulation\\_en](https://commission.europa.eu/funding-tenders/find-funding/funding-management-mode/common-provisions-regulation_en)





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>17</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>18</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.”*

In the **EU Strategy on the Rights of Persons with Disabilities 2021-2030**<sup>19</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>20</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>17</sup> [EU \(2021\) Neighbourhood, Development and International Cooperation Instrument 2021-2017](#)

<sup>18</sup> <https://eur-lex.europa.eu/EN/legal-content/summary/ipa-iii-the-instrument-for-pre-accession-assistance-2021-2027.html>

<sup>19</sup> <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>

<sup>20</sup> [EU \(2020\) Action Plan on Human Rights and Democracy 2020-2024](#)



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