

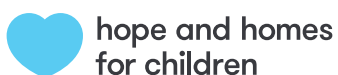
# OPENING DOORS FOR EUROPE'S CHILDREN



Strengthening Families, Ending Institutional Care.

**RECOMMENDATIONS TO THE EUROPEAN UNION ON POST-2020**

**MULTI-ANNUAL FINANCIAL FRAMEWORK**



International  
Foster Care  
Organisation



## LIST OF ACRONYMS

AMIF	Asylum, Migration and Integration Fund
DCI	Development Cooperation Instrument
DI	Deinstitutionalisation
EC	European Commission
ECCP	European Code of Conduct on Partnership
EDF	European Development Fund
EFSI	European Fund for Strategic Investments
EIDHR	European Instrument for Democracy and Human Rights
ENI	European Neighbourhood Instrument
ENPI	European Neighbourhood and Partnership Instrument
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
EU	European Union
GDP	Gross domestic product
HAF	Humanitarian Aid Fund
IPA	Instrument of Pre-accession Assistance
MFF	Multiannual financial framework
MS	Member State

## ABOUT US

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 inter national organisations and civil society across 16 European countries. For further information please see [www.openingdoors.eu](http://www.openingdoors.eu)

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Cover photo: © Steve Coffey/ HHC

*A five-year-old Edin (on the cover) lives with his parents and three siblings near Sarajevo in Bosnia and Herzegovina. Edin's father lost his job after he was injured at work. Hope and Homes for Children in Bosnia and Herzegovina is giving Edin's parents the support they need to make sure that Edin and his siblings can grow up in a family, not an institution.*



## THE COMMITMENT OF THE EUROPEAN UNION IN THE 2014-2020 FUNDING PERIOD




Across Europe, hundreds of thousands of children are growing up in institutional care. The consequences are devastating for children, their families, and the society.

During the 2014-2020 funding period, the European Union has played a critical role in making progress towards the transition from institutional to community-based care (also known as deinstitutionalisation) through the implementation of ground-breaking regulations for the European Structural and Investment Funds (ESIF). In 12 EU Member States<sup>1</sup> where the need for deinstitutionalisation reforms was identified, the EU encouraged the use of ESIF for the transition from institutional to community-based care through a specific reference in an ex-ante conditionality<sup>2</sup>. In addition, the regulations of the European Social Fund (ESF) and the European Regional Development Fund (ERDF) promoted deinstitutionalisation reforms. In particular, the ESF preamble stated that no action should contribute to segregation or social exclusion of people (recital 19)<sup>3</sup>, thus, effectively ruling out the use of EU funds to finance institutions.

Three other EU initiatives have proved to be particularly useful in the transition from institutional to community-based care:

 The European Commission Recommendation “Investing in Children: Breaking the Cycle of Disadvantage”<sup>4</sup> recognised the importance of reforming child protection systems and called on EU Member States to prioritise the use of the ESIF for the transition towards community-based care;

 More recently, the European Pillar of Social Rights<sup>5</sup> reaffirmed the necessity to provide reinforced and targeted support to children from disadvantaged backgrounds, such as children in alternative care;

 The most lately adopted EU Council Conclusion on Enhancing Community-Based Support and Care for Independent Living<sup>6</sup> showed a strong commitment of the 28 EU Member States to direct funding towards the transition from institutional to community-based care.

In terms of process, the European Code of Conduct on Partnership (ECCP)<sup>7</sup> established a common set of standards that aim to improve consultation and participation of civil society, stakeholders and service users in the process of implementing the structural funds in Member States.

Specifically for children in migration, the European Commission Communication on the Protection of Children in Migration<sup>8</sup> as well as the Toolkit on the Use of Funds for People with a Migrant background<sup>9</sup> gave a clear direction that EU funds should be used for the integration of children through access to mainstream services.

<sup>1</sup> Bulgaria, Czech Republic, Estonia, Greece, Hungary, Lithuania, Latvia, Poland, Romania, Slovenia, Slovakia and Croatia

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1303>

<sup>3</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1304&from=en>, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1301&from=EN>

<sup>4</sup> [http://ec.europa.eu/justice/fundamental-rights/files/c\\_2013\\_778\\_en.p](http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.p)

<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0250&from=EN>

<sup>6</sup> <http://data.consilium.europa.eu/doc/document/ST-15563-2017-INIT/en/pdf>

<sup>7</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.074.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.074.01.0001.01.ENG)

<sup>8</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412\\_communication\\_on\\_the\\_protection\\_of\\_children\\_in\\_migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf)

<sup>9</sup> [http://ec.europa.eu/regional\\_policy/sources/policy/themes/social-inclusion/integration-of-migrants/toolkit-integration-of-migrants.pdf](http://ec.europa.eu/regional_policy/sources/policy/themes/social-inclusion/integration-of-migrants/toolkit-integration-of-migrants.pdf)

Especially for unaccompanied children, EU funds should be directed to their placement in family-based care, taking into account children's individualised needs, and to securing effective guardianship.

Member States such as Bulgaria, Romania, Latvia, and Lithuania have started using the European Structural and Investment Funds to return children to their families of origin or to access family and community-based services. This has been aligned with deinstitutionalisation strategies and action

plans to ensure that investments continue in the future and that children benefit from these reforms in the long run.

However, deinstitutionalisation as part of a wider child protection system reform agenda is a long-term process requiring greater and further sustained investment. The role of the EU in the next programming period will be crucial for the national governments to follow through on their commitments and to ensure that children grow up in inclusive, prosperous societies.

## **THE NEXT MULTIANNUAL FINANCIAL FRAMEWORK (MFF) SHOULD STRENGTHEN THE TRANSITION FROM INSTITUTIONAL TO COMMUNITY-BASED CARE.**



The pivotal role of the EU towards children's deinstitutionalisation and the strengthening of child protection systems should be maintained and reinforced in the next funding period after 2020. Social inclusion of people and the transition from institutional to family and community-based care must remain a priority under the cohesion policy.

The thematic ex-ante conditionality 9.1, which ensured the allocation and disbursement of funds for the deinstitutionalisation reforms in line with a national strategic policy framework for poverty reduction and measures for the transition from institutional to community-based care, was vital for the sustainability of reforms at national level. This particular ex-ante conditionality needs to be retained for the coming financial period, strengthened through effective monitoring and extended to all EU Member States.

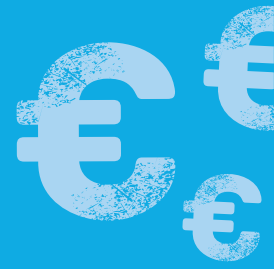
In addition, the prioritisation of the transition from institutional to community-based care and the prohibition of using funds for the segregation of people needs to be included

in all regulations on the use of internal and external EU funds. For example, the Instrument of Pre-accession Assistance (IPA), the European Neighbourhood Instrument (ENI), the Asylum, Migration and Integration Fund (AMIF) and the Humanitarian Aid Fund (HAF) should follow the same principles enshrined in the ESIF regulations.

Finally, civil society and service users should participate more meaningfully during the entire cycle of EU funding programmes, including improving the working arrangements of the committees responsible for the monitoring of the Operational Programmes, to ensure better accountability and transparency.



**FOR THE NEXT MULTIANNUAL FINANCIAL FRAMEWORK,  
WE ARE CALLING ON THE EUROPEAN UNION TO:**



- 1.** Continue promoting the transition from institutional to community-based care through targeted investments via the European Structural and Investment Funds
- 2.** Strengthen and expand the existing ex-ante conditionality 9.1 of the Structural and Investment Funds – which refers to deinstitutionalisation
- 3.** Ensure that EU funds are used in line with deinstitutionalisation strategies and action plans at national level
- 4.** Ensure that EU internal and external funding follows the same principles of the European Social and European Regional Development Fund regulations to promote the transition from institutional to community-based care
- 5.** Improve the implementation of the European Code of Conduct on Partnership

Specifically,

**1**

Continue promoting the transition from institutional to community-based care through targeted investments via the European Structural and Investment Funds:

- A.** During the funding period 2014-2020, the European Social Fund and the European Regional Development Fund regulations promoted the transition from institutional to community-based care and stated that funds should not support any action that contributes to segregation or to social exclusion<sup>10</sup>.

<sup>10</sup> ESF Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1304&from=en>, ERDF Regulations <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1301&from=EN>

In the next funding period, this commitment must continue and be further strengthened by **making deinstitutionalisation an investment priority under the thematic objective of promoting social inclusion, combating poverty and discrimination** of the relevant ESIF instruments. Specifically, it should be clearly spelled out that EU funds must not be invested in segregation or social exclusion, such as in residential care settings with institution-like features.

- B.** In the 2014- 2020 period, at least 20 % of the total ESF resources in each Member State was allocated to the thematic objective "promoting social inclusion, combating poverty and any discrimination". **This minimum benchmark should be increased to 30%.** During the 2014-2020 budget period, countries have actually used 25% of the ESF for this objective, which clearly shows the need for investment of EU funds for social inclusion and poverty reduction.
- C. The increased 30% should be used across all investment priorities:** active inclusion with a view to improve employability; socio-economic integration of marginalised groups; combating all forms of discrimination and promoting equal opportunities, and enhancing access to affordable, sustainable and high-quality services. During this funding period, it has been noted that allocated spending under this objective have mainly addressed unemployment and the active inclusion of people in the labour market. Although we fully recognise that access to employment is a crucial step for tackling poverty and social exclusion, access to affordable, sustainable and quality services is also crucial and goes hand-in-hand with the poverty reduction and social inclusion targets. Furthermore, investments to fight discrimination as well as investments related to socio-economic integration of marginalised communities can support families significantly, in particular families at risk of separation.
- D.** During the 2014-2020 funding period, the European Social Fund was distributed to all Member States according to their GDP. In the next funding period, **ESF should be allocated not only on the basis of GDP per capita, but also according to indicators showing the need for social inclusion and social investment.** To this end, the EU should make use of available indicators, such as the Social Scoreboard for the European Pillar of Social Rights<sup>11</sup>, to identify gaps and needs for investment in social inclusion measures and to make use of the annual monitoring cycle provided by the European Semester process.

## 2

Strengthen and expand the existing ex-ante conditionality 9.1 of the Structural and Investment Funds which refers to deinstitutionalisation.

The ex-ante conditionality 9.1 of the Common Provision Regulations of the European Structural and Investment Funds, when applied for deinstitutionalisation reforms, has been useful in ensuring sustainability of investments by engaging EU Member States to link spending to an overarching policy national strategic framework for poverty reduction that will include measures for deinstitutionalisation. In the next funding period, this ex-ante conditionality must be maintained, strengthened and expanded by taking into account the following:

<sup>11</sup> <https://composite-indicators.jrc.ec.europa.eu/social-scoreboard/>

- A. The transition from institutional to community-based care is not only an issue related to poverty. In the next Multiannual Financial Framework, **ex-ante conditionality 9.1 should be updated to require an overarching poverty reduction and social inclusion strategy**. This strategy should also incorporate the national strategy and action plan for deinstitutionalisation.
- B. Institutional care is wrongly perceived to be confined to eastern European countries while is, in fact, a pan-European problem with many children growing up in institutions also in countries such as France, Belgium or Germany<sup>12</sup>. During the funding period 2014-2020, only 12 countries were identified by the European Commission as countries with a need for deinstitutionalisation reforms. In the next funding period, the requirement to set up policy frameworks promoting the transition from institutional care to community-based care **should no longer be limited to countries with identified needs, but to all EU Member States**.
- C. The ex-ante conditionality 9.1 has played a crucial role during this funding period to make sure that funds are used in line within a deinstitutionalisation policy framework. However, the ex-ante conditionalities have been seen as a one-off exercise as the European Commission examines whether a Member State has fulfilled the ex-ante conditionalities only up to a certain date. This doesn't ensure that policy frameworks are properly implemented, nor that funding will be used accordingly. The European Commission needs to have a regular update on data and policy development. For the next funding period, the **ex-ante conditionalities must be monitored not only in the programming phase, but also during the implementation period**. We recommend monitoring of the fulfilment and actual implementation of this ex-ante conditionality to take place through the annual European Semester cycle. In addition, the results of the monitoring procedure can be presented during the Annual Inclusive Growth Conference.

# 3

Ensure that EU funds are used in line with deinstitutionalisation strategies and action plans at national level.

To make sure that EU funds are invested in sustainable reforms at national level benefitting all children in the short and the long term, and covering targeted services for children and families at risk they must be in line with deinstitutionalisation strategies and action plans. This will lead to systemic changes and improve the effectiveness of EU spending:

- A. EU funds should be invested in sustainable reforms at national level in line with deinstitutionalization strategies and action plans. By doing so, they trigger systemic changes and improve the effectiveness of EU spending which brings EU added value. EU and Member States should ensure that EU funds are used to support national deinstitutionalisation strategies and action plans which are aligned with: the Charter of Fundamental Rights and international human rights norms; the UN Convention on the Rights of the Child; the UN Convention on the Rights of Persons with Disabilities; the UN Guidelines for the Alternative Care of Children; the EC Recommendation “Investing in Children: Breaking the Cycle of Disadvantage” and the European Pillar of Social Rights.

<sup>12</sup> In France, according to the [latest UN report](#) on people with disabilities, 100,000 children are institutionalised. In Belgium 13,000 children are segregated in institutional care settings ([Opening Doors for Europe's Children Campaign data](#)).

In the development of deinstitutionalisation strategies and action plans, **civil society and service users should be meaningfully consulted.**

- B.** The Commission should encourage civil society to develop coalitions at national level in order **to effectively monitor the use of EU funds and the implementation of reforms**, also beyond the official Monitoring Committees of the Operational Programmes.
- C.** The EU should encourage Member states **to ring-fence domestic budgets** to ensure that the child protection system and new services continue to be sufficiently maintained by domestic means after the EU-funded intervention has ended.

# 4

Ensure that EU internal and external funding follows the same principles of the European Social and European Regional Development Fund regulations to promote the transition from institutional to community-based care:

- A. The same principles and criteria established by the EU for the ESI Fund regulations** – which effectively prohibit the use of EU funds for the maintenance of existing orphanages or other institutions or the construction of new ones, and identify the transition from institutional to family and community-based care as an investment priority – **should be transposed to all EU funding streams.** In particular the European Development Fund (EDF), the European Asylum Integration Fund (AMIF), the European Fund for Strategic Investments (EFSI) as well as external instruments such as the European Instrument for Democracy and Human Rights (EIDHR), Development Cooperation Instrument (DCI) the Instrument for Pre Accession Assistance (IPA), the European Neighborhood Instrument (ENI), the EU humanitarian aid and the loans provided by the European Investment Bank need such a similar logic.
- B. An equivalent policy measure that embodies the philosophies of the thematic ex-ante conditionality 9.1**, ensuring that a policy framework for deinstitutionalisation is in place, **should be transposed to all EU funding streams.** This will prevent the use of EU funds on an ad-hoc basis, and promote the overall coherence and sustainability of the child protection and care system reform.
- C. All EU funds for children in migration should be used for strengthening child protection systems** that will allow migrant and refugee children to enjoy the same protection as all other children in the country. Specifically, in the case of unaccompanied or separated children, the provision of quality family and community-based care should be guaranteed<sup>13</sup>. Funds should not finance parallel child protection systems specifically for migrant and refugee children, but should be used to strengthen and to increase the capacity of the existing system so all children can access the same services regardless of status.

<sup>13</sup> [Opening Doors Position Paper to the EU for the next MFF](#)



# 5

## Improve the implementation of the European Code of Conduct on Partnership<sup>14</sup>.

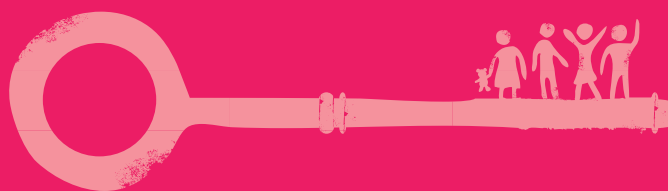
The European Code of Conduct on Partnership was a breakthrough in the 2014-2020 funding period. However, civil society and service users are still not consulted systematically and meaningfully on the use of ESIF:

- A.** EU and Members States should ensure **fair representation and active and meaningful participation and involvement of civil society organisations and service users** during programming, implementation, monitoring and evaluation of EU funding programmes.
- B.** EU should encourage Member States **to make full use of article 17 of the ECCP** and the possibility to use technical assistance to build the capacity of NGOs so that they can “effectively participate in the preparation, implementation, monitoring and evaluation of programs”. This can be done through workshops, training sessions, supporting networking structures and by covering the costs for various meetings.
- C.** The new ESIF Regulations should **introduce ECCP as an ex-ante conditionality to ensure its effective implementation**. Failure of Member States to respect the ECCP should be sanctioned by payment suspensions as provided for in the guidance related to the EU Charter of Fundamental Rights<sup>15</sup> and the European Structural and Investment Funds.
- D.** The European Commission should ensure that **Monitoring Committees operate in a more transparent and meaningful way**. Civil society organisations should be equally represented and be considered as equal stakeholders with voting rights and the advisory role of the European Commission should be strengthened and expanded.
- E.** The new ESIF Regulations should **establish an efficient complaints system in all EU Member States**. As recommended by the European Ombudsman: “the Commission should launch an online platform where civil society, particularly small organisations which do not easily come into contact with the Commission, could report abuses of funds and Charter violations and submit complaints and shadow reports on complaint-handling mechanisms and Member States’ compliance with the European Code of Conduct on partnership”.

<sup>14</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.074.01.0001.01.EN](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.074.01.0001.01.EN)

<sup>15</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0723\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0723(01))

The negotiations for the next Multiannual Financial Framework present a unique opportunity for the EU to champion the transition from institutional to family and community-based care as a human rights cause. The EU has the chance and means to give millions of children within and beyond its borders access to a better life – no longer confined to institutions, but growing up with the love and support of their families and communities, included in the society.



#### International partners:

Eurochild  
FICE Europe  
Hope and Homes for Children  
International Foster Care Organisation  
SOS Childrens 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 Childrens Villages Latvia (Latvia)  
SOS Childrens 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)