

Brussels, 8 April 2014

Note for the File

Subject: update on recent development child right's policies

I just heard that this afternoon there is a round table organised by Lumos (UK NGO of JK Rowling, for which the Commission did not allow me to work in 2007 - and since was taken over by the 'lobby').

Theme of the Round Table: "A Global Approach to Ending the Institutionalisation of Children: How the EU and the USA can join forces to help children in adversity around the world".

'Children in Adversity' will realign U.S. foreign assistance to prioritize children growing up in families; focus on protecting children by preserving, reunifying or creating families through kinship, domestic and international adoption; in fact it looks like it will create a mechanism similar to the infamous Romanian 'point system'.

The US is now looking for partnership with the EU, so that also EU funding can be used as incentive for intercountry adoption too.

End December 2013, I participated, at my own request since I was never included on the official list of participants, to the 8th Forum on the Rights of the Child. During this Forum. Unicef presented their view on their partnership with the European Union. It was made clear Unicef intends to become active on child protection policies in the EU Member States too. Their objective is to contribute to an *integrated child protection system*.

ACT (Against Child Trafficking) has been following closely the implementation of such integrated child protection systems in India and Bulgaria, which are sort of a blueprint of this concept.

An integrated child protection system means a child protection system in line with the Hague Convention on Intercountry Adoption, as interpreted by the US and adoption agencies. It makes adoption and intercountry adoption measures of child protection. The effect in Bulgaria and India (with EU funding) is a market driven by private adoption agencies a la Romania 1999.

This is not in line with the principles of the UNCRC. The Independent Panel set up by the European Commission in 2003 was clear in its *Opinion* that

(intercountry) adoption is not, and should not be seen as child protection. That intercountry adoption is, if all, is a measure of last resort, an extreme measure.

The UNCRC is part of the acquis since 1998. However, DG JUST is taking the point of view that it is part of the acquis, but not in a legal sense (?!).

At the same time DG JUST has over the last years actively promoted the implementation of the Hague Convention, and put it on the acquis list. However, after a letter from ACT, beginning this year, DG JUST removed it from the acquis list.

The effect of this is that accession countries, having ratified Hague, are now under huge pressure to make children available for intercountry adoption. But also member states. Latvia, Hungary, the list is growing. Portugal is now a sending country. Romania, where the result of the SERA contract are bearing fruit, opening up bit by bit.

The EU is now about to sign an exchange of letters with Unicef, without consulting the Member States/Council of this political engagement. And without proper reference to the UNCRC.

Since a few years the EU became the biggest funder of Unicef. Billions of EU funding is going Unicef's way, while Unicef and the EU do not share the same values. Unicef is pushing for the Hague Adoption Convention all over the globe. And will do that in name of the EU soon, which will give them more leverage (one of the reasons why they insist on this formal exchange of letters). It is noteworthy that there is no reference in the exchange of letters that Unicef will also become active at policy level where it concerns the EU Member States.

One way of getting to the EU Member States policies, could be through the drafting of EU Guidelines on Child Protection, which are foreseen by DG JUST for this autumn (as announced during the 8th Forum on the Rights of the Child).

My feeling is that within the EU many are confused about what is going on. Some do not dare to intervene (they don't want to follow my experience), while others push a clear agenda.

More information is available on file @ACT.


Roelie Post ~

cc. Catherine Day, Simon Mordue

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Global Alliance for Children

The U.S. Special Advisor on Children in Adversity, Dr. Neil Boothby, has spearheaded the effort to create a public-private partnership as called for in the U.S. Government Action Plan on Children in Adversity, to leverage resources outside of the U.S. Government. As a result of this effort, the **Global Alliance for Children** was inaugurated in November 2013. In addition to USAID and the U.S. Department of Labor, the Alliance includes a growing number of philanthropic and other private funders, with expertise and resources committed to the same **three objectives** of the **Action Plan**.



While clear synergies exist between the Alliance and the Action Plan, the Alliance is an independent body and will select priority countries based on input from all Alliance members. This will allow for other bilateral and Alliance philanthropic members to take the lead in countries where U.S. presence and resources are limited. The organizational structure of the Alliance currently consists of 13 members guided by a Leaders' Council and is served by a small Secretariat based in Washington, D.C.

The Leaders' Council recently recruited Dr. Charles Gardner to serve as Executive Director of the Alliance. Dr. Gardner brings extensive overseas and domestic experience, having served in senior leadership positions in the UBS Optimus Foundation, the World Health Organization and the Rockefeller Foundation, as well as DHHS Senior Representative to South Asia (Health Attaché at the U.S. Embassy in New Delhi). He has a strong track record in building public-private partnerships and coordinating private international development donors.

The Secretariat will work with Alliance members to encourage co-funding, support global and local advocacy, and to help improve coordination in key partner countries. Small subgrants may be issued to further the Alliance's country-level work.

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RELATED RESOURCES

Together for Girls: A Public-Private Partnership

Launched in 2009, Together for Girls is a unique partnership that brings together the private sector, five United Nations organizations, and the U.S. Government.

ACTION PLAN

Learn more about the first whole-of-government strategy for children in adversity:

- [What is the Action Plan?](#)
- [What are the Plan's objectives?](#)
- [How will the Plan be implemented?](#)
- [Who will be coordinating this bold initiative for children?](#)
- [Download the Action Plan \[PDF, 2.0MB\]](#)

Initially, the Alliance will support six countries to secure national results in each of the Alliance objectives area by:

- Assisting the governments and their partners to identify measurable, quantifiable results in each of the three core Alliance areas (e.g., x percent reduction in the number of children experiencing physical violence by 2018), ideally through a new or modified national plan of action or the equivalent.
- Developing and implementing surveillance tools that will allow for baselines to be established and progress tracked against the identified results areas, as well as high quality studies to further the evidence basis for the Alliance's work.
- Coordinating government and stakeholder (multilateral, bilateral, NGO/CBO/FBO, private sector donor and community/local) programs, projects and activities to align their work in ways that will further the results to be achieved.
- Establishing a local Alliance presence/organization as appropriate.
- Advocating and educating public and private actors on the critical importance of achieving these results in order to further long-term national development goals.
- Identifying and mobilizing global and local financial resources to support the work in each of the six countries.

Global Alliance for Children partners can make a critical difference in ensuring that children grow up in healthy and safe environments. By co-investing in projects, sharing company know-how and technical expertise and building awareness around key issues, partners can achieve new synergies to extend their reach, impact and sustainability. Together, we can ensure that millions of children reach critical developmental milestones, are nurtured within protective families and are protected from violence.

In a world with many challenges (poverty, security, violence, inequality, food security, pandemics) and many more proposed solutions, the greatest challenge – and singularly the most important solution – is our children and the kinds of childhoods that they have. Our belief is that a good childhood for all children is the unifying thread, the cross-cutting solution, a way forward – a way to replace what divides us with what unites us as a world, people and institutions.

Members





Protecting Children. Providing Solutions.

Agenda

A Global Approach to Ending the Institutionalisation of Children: How the EU and the USA can help children in adversity around the world

A5G315 from 14.30 -16.30

Tuesday 8th April

A buffet lunch will be served from 13.30

14.30: Welcome and Introduction: Claude Moraes MEP, European Parliament

14.40: Deinstitutionalisation, why now? : Georgette Mulheir, Chief Executive, Lumos

14.45: Introduction to the Action Plan for Children in Adversity: Professor Neil Boothby, Special Adviser on Children in Adversity to the US Government

15.00: Discussion 1: How Deinstitutionalisation became a European Union priority:

Georgette Mulheir will introduce and moderate discussion around this theme. Specific, brief contributions are expected from:

- Lawrence Meredith, Acting Director for Directorate for Enlargement Policy and Strategy, DG Enlargement, European Commission (tbc)
- Andor Urmos, Policy Analyst, DG REGIO, European Commission
- Kiril Kiryakov, Team Leader Bulgaria, DG EMPL, European Commission
- Jan Jarab, Regional Representative, OHCHR Regional Office for Europe
- Elodie Fazi Policy Officer, DG EMPL, European Commission

15.30: Discussion 2: Towards Deinstitutionalisation as a Global Funding Priority

JoAnne Wagner, Counselor for Political Affairs, U.S. Mission to the EU, will introduce and moderate discussion around this theme. Specific contributions are expected from:

- Eileen (Helen) Gonnord, Human Rights and Democracy Directorate, European External Action Service
- Anna de Geer, CEO of the World Childhood Foundation and Charles Gardner, CEO of the Global Alliance for Children
- JoAnne Wagner, Counselor for Political Affairs, US Mission to the EU (tbc)
- Lluís Riera Figueras, Director, Directorate B “Human and Society Development”, DG DEVCO, European Commission
- Carmen Arroyo de Sande, Disability Thematic Network Coordinator, European Foundation Centre
- Georgette Mulheir, Chief Executive, Lumos

16.00: Discussion 3: Practical steps for future co-ordination

Moderated discussion chaired by Claude Moraes MEP.



Protecting Children. Providing Solutions.

BACKGROUND

A Global Approach to Ending the Institutionalisation of Children: How the EU and the USA can help children in adversity around the world

Round Table

European Parliament (Room A5G315)

14.30 -17.30 Tuesday 8th April

Co-hosted by Claude Moraes MEP and Lumos

About Claude Moraes MEP

Claude Moraes is Labour Member of the European Parliament for London and Deputy Leader of the European Parliamentary Labour Party (EPLP).

First elected to the European Parliament in 1999, Claude was the first Asian origin MEP. He was re-elected in 2009 where he led the London list. He is currently Spokesperson for the Socialists and Democrats Group in the European Parliament for Justice and Home Affairs.

Claude was previously Director of JCWI, the national migration and refugee charity and Chief Executive of the Immigrants' Aid Trust. Before that, he was a national officer at the TUC, a representative to the European TUC in Brussels, House of Commons adviser to MPs John Reid and Paul Boateng and a CRE Commissioner.

With a legal background, Claude has campaigned, written widely and provided regular media commentary on human rights and migration issues including co-authoring the 'Politics of Migration' (Blackwells, 2003) and 'The European Union after the Treaty of Lisbon' (Cambridge University Press, 2012), as well as organising legal test cases in the UK and in the European Court.

About Lumos

Lumos is an international NGO¹ working to end the institutionalisation of children around the world. It works to transform education, health and social care systems for children and their families and help children move from institutions to family-based care. We are a founding member of the UNICEF Global Partnership for Children with Disabilities in Development and the European Expert Group on the Transition from Institutional to Community-based Care². Over the past five years, Lumos has:

- Supported 12,000 children to move from harmful institutions to families or supported independent living;

¹ Registered in England and Wales as a company limited by guarantee, number 5611912 and as a charity, number 1112575.

²The European Expert Group on the Transition from Institutional to Community-Based Care (EEG) has produced useful Guidelines and a Toolkit on the use of EU Funds which can be used by the Member States and the European Commission to implement and monitor the reform. www.deinstitutionalisationguide.eu

- Saved the lives of more than 430 children suffering from malnutrition, severe neglect or a lack of access to medical treatment;
- Trained 15,000 social workers, medical professionals, teachers, carers, civil servants and policy makers;
- Helped redirect €367 million and ensure that it was spent on community based services, rather than institutions.

To find out more, visit www.wearelumos.org

About the Global Alliance for Children (GAC)

The Global Alliance for Children is an alliance of philanthropic, multilateral and government funders working to improve the lives of young children in low- and middle-income countries. It formed in 2013 as a direct response to (1) currently fragmented efforts to address young children’s essential needs (e.g., health, nutrition, cognitive stimulation, positive parenting and protection from abuse); and (2) a scarcity of evidence-based solutions linking early child development, family care and child protection.

The growing list of Alliance Members now includes the GHR Foundation (US), Lumos Foundation (UK), World Childhood Foundation (Sweden), UBS Optimus Foundation (Switzerland), World Bank (multilateral), USAID (bilateral), US Department of Labor (government agency), Canadian Ministry of Foreign Affairs, Trade and Development (observer; bilateral), EIM Group (global investment firm), Save the Children (global NGO) and Maestral International (US).

The U.S. Special Advisor on Children in Adversity spearheaded the effort to create the GAC and it shares the same three objectives as the U.S. Government Action Plan on Children in Adversity:

1. Build strong beginnings – put in place programmes and systems that ensure children under five reach their developmental milestones;
2. Put family care first – strengthen systems that support children to live in their families and end institutionalisation of children;
3. Protect children from all forms of violence and abuse.

The GAC is in the process of selecting 6 countries around the world in which to implement the Action Plan as pilot examples. This means that those countries, if they wish to be involved, will receive greater support to implement their reform programmes for children.

To find out more about the GAC and the US Government’ Action Plan for Children in Adversity, visit: www.childreninadversity.org

Institutionalisation

An estimated 8 million children worldwide live in some form of institutionalised residential care, contrary to perceptions, 90% of those children are not orphans. Research from across the world has demonstrated the significant harm caused to children by such institutionalisation.³ The harmful effects include:

- Impaired early brain development, leading to delayed cognitive and physical development and, in some cases, resulting in the onset of an intellectual disability;

³ “Deinstitutionalisation – A Human Rights Priority for Children with Disabilities”. Georgette Mulheir Equal Rights Review, Volume 9 – 2012 http://www.equalrightstrust.org/ertdocumentbank/err9_full.pdf contains a detailed summary of global research

- Attachment disorders, which may result in the development of autistic behaviours, self-stimulation, self-harming, aggression to others or cruelty to animals;
- Poor cognitive processing, resulting in educational under-achievement;
- Poor physical health, including chronic infections; Non-organic failure to thrive;
- Unusually raised anxieties, specifically the fear of being abandoned and the fear of being alone, resulting in nightmares and sleeping disorders;
- Eating disorders; Enuresis;
- Difficulty understanding right from wrong, resulting in behaviour such as lying and stealing;
- Difficulties in forming healthy emotional relationships as adults;
- Increased risk of child abuse and neglect; and significantly reduced life chances and, in some cases, life expectancy;
- One study suggests that children brought up in institutional care are 10 times more likely to be victims of prostitution and 500 times more likely to commit suicide;
- Disabled children in institutional care are particularly vulnerable to more severe forms of violence, abuse and poor quality, depersonalised care.

The European Union Response

This year will see the 25th anniversary of the fall of the Berlin Wall. The events of 1989 exposed one of the most horrific legacies of the communist systems, namely the plight of hundreds of thousands of children living in large institutions across Central and Eastern Europe. Since then, most countries in the region have begun to tackle the issue, but much remains to be done. There is still significant resistance to reform and many countries in the region still believe that some children must live in institutions.

The EU has played a pivotal role in changing attitudes and shifting systems of care and support from institutions to community services. Nevertheless, at the same time, European Union structural funds have in the past been used to renovate and build new institutions. The intentions of this process were good, but failed to understand that institutions cannot provide proper environments in which to raise children. Investments in institution buildings have not resulted in a significant improvement in children's health, development, future life chances and access to rights. For example in Bulgaria in 2007, €140,000 of European Aid funding earmarked for deinstitutionalisation was spent on renovating one institution for children and adults with severe disabilities. In spite of improvements to the building, in 2010, the same institution was the subject of an investigation into high levels of mortality due to malnutrition, which was highlighted in a report of the UN Committee against Torture. Meanwhile, in one county in the Czech Republic from 2008 – 2012, more than €5.6 million of EU Funds was spent on renovating baby institutions, children's homes and institutions for children and adults with disabilities. In spite of this expenditure, the Czech Ombudsman has since highlighted bad practice and child protection concerns in these institutions.

Since 2009, many partners, including Lumos, have advocated for changes in legislation which would ensure that EU Funds support the reform of the care systems in the Member States and are not used to maintain outdated and harmful institutional models of care. This has resulted in a very major shift in emphasis in how EU structural funds can be used. On 20 November 2013, Universal Children's Day, the European Parliament confirmed new regulations which will mean that countries should use structural funds for deinstitutionalisation and which effectively forbid the use of funds to renovate or build new institutions. This is a welcome precedent that should be extended to the regulations of other funding streams that the European Union uses to support countries elsewhere in the European Region or worldwide. Institutionalisation is harmful to all children anywhere in the world. Europe's overseas development programmes and neighbourhood programmes related to children should all

aim to end institutionalisation and should promote the transition from institutional to community based services and supports.

Objective of the Round Table

This Round Table provides an opportunity to share experience and expertise on the international funding of programmes for children. The meeting aims to:

- highlight the major progress which these EU and US initiatives represent;
- explore the need for policy coherence across different funding streams both within Europe and globally and;
- identify how the USA and EU could work together at the global level to further this important human rights issue.

It is hoped that colleagues from the US government, EU structures and NGOs can develop a common agenda aimed at promoting strong beginnings for children, ending institutionalisation and protecting them from harm and abuse.

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