RESPONSE TO THE CONSULTATION - EU GUIDANCE ON INTEGRATED CHILD PROTECTION SYSTEMS

July 2014

KEY MESSAGES

The following summarise the key points made below for consideration of the EU upon developing guidance on integrated child protection systems:

- The EU can have enormous leverage and positive impact on improving the lives of children with characteristics or in circumstances that make them particularly vulnerable. Forthcoming guidance on integrated child protection systems should have a political weight and influence as well as offering support to member states on system reform and improvement
- Cross-sectoral cooperation is the key to ensuring children do not slip through the net as a result of lack of articulation between concerned services.
- Systems must be sufficiently resourced, human and financially, to prevent and respond to situations of risk. Prevention is the foundation of child protection systems.
- Indicators in relevant areas should be developed to measure progress achieved and data collected, ideally harmonising indicators in EU member states.
- Further research is welcome in order to understand what works, why and in which circumstances, and to provide recommendations for improvement.
- Awareness and training on children's rights is the key to developing responses that better address their needs, and in particular to involving children's opinions in child protection services.
- Ratification of international human rights instruments sows the seed for integrating a rights-based approach when developing child protection systems.
- International standards must be effectively reflected in legislation and tools developed by the Council of Europe, the UN or other relevant organisation which are used for guiding implementation.

1) Eurochild perspective

The advantages of developing integrated child protection systems – Eurochild endorses the definition in the consultation paper[1] - are well established, and risk and protective factors of

[1] "*the way in which all actors, stakeholders and system components work together across sectors to form a protective and empowering environment for all children*".

violence[2] are well-identified, ranging from the age and gender of the child to the environment he/she lives in: country, community, school, home and relationships. Addressing these factors calls therefore for cross-cutting action at several levels. A holistic child rights approach is the cornerstone to guarantee children's right to protection from violence, abuse and neglect.

The principle of indivisibility of rights applies when looking at child protection systems. Rights enshrined in the United Nations Convention on the Rights of the Child (UNCRC) and commonly divided into the "three Ps" must all be considered: protection rights are closely intertwined with provision and participation rights. A fourth "P' cuts across all of them: prevention. As highlighted in the Council of Europe Strategy for the rights of the child[3], there are not enough actions at the national level targeting prevention policies, training professionals and raising public awareness of children as genuine rights holders.

First and foremost, child protection systems must build on and relate to enabling services that address the structural causes which might lead children to be in need of protection, such as poverty and disadvantage, and provide support to children and families in finding coping strategies. The preventative dimension of health, education and care, and social and welfare services is crucial to ensuring a protective environment for children and respect for their rights.

As the main message coming out of the World Report on Violence Against Children stresses, "*No violence against children is justifiable, and all violence against children is preventable*"[4]. National child protection systems must be equipped to respond to situations of violence against children but above all, should **put in place preventive mechanisms**. **This must be done across legislative, administrative, judicial, policy-making, service delivery and institutional functions.** Eight years after the World Report, the Global Survey on Violence Against Children reveals that significant normative, policy and institutional developments have advanced national implementation of child protection measures, but at the same time recognizes that progress has been too slow, too uneven and too fragmented: ill-coordinated and ill-resourced national strategies; dispersed and poorly enforced legislation; low levels of investment in family support and gender- and child- sensitive approaches; and insufficient data and research[5].

There is strong evidence **that investing in prevention and early intervention brings benefits** not only to children but to society as a whole, with significant medium and long term savings on remedy action which is later on associated with social exclusion, conflict with justice, family breakdown or poor mental health[6]. In its "Compendium of Inspiring Practices"[7] Eurochild

[2] As per art 19 UNCRC violence refers to all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.
[3] Building a Europe for and with children" (2012-2015)
[4] Paulo Sérgio Pinheiro, 2006.
[5] Toward a world free from violence: global survey on violence against children, Office of the Special Representative of the Secretary-General on Violence against Children, October 2013.
[6] See also examples in pXIV of the Global Survey showing violence is a major drain on national economies. (idem 3).
[7] Compendium of inspiring practices in family and parenting support, 2012.

collected several examples of innovative practices of early intervention and prevention in family and parenting support with proven effectiveness in addressing social challenges and a demonstrable positive impact on the children and families they aim to serve.

According to the WHO[8], the **most effective prevention initiatives** cut across four levels of action: 1) programmes that focus on individuals and encourage positive attitudes and behaviour in children and young people; 2) relationship approaches to influence interactions inside families and among peers; 3) community-based efforts to stimulate community action or focus on the care and support of victims, 4) societal approaches that focus on economic conditions, cultural norms, and broad social influences such as the mass media.

In agreement with the above, Eurochild believes that an integrated child protection system should be based on community and family support services. The diagram in the annex shows characteristics of care systems and an overview of differences in systems and the disadvantages of overreliance on institutional care.

2) Common challenges for an integrated child protection system that are the most important to address.

A truly integrated child protection system cannot work properly if one or more of its components are malfunctioning. While differences at national level might occur, and adequate legal and policy frameworks, appropriate resources, coordination and accountability are still challenges in many EU countries, Eurochild believes the **most common challenges are the lack of financial resources and investment in prevention and early intervention**, and **ensuring that children's right to be heard is respected.**

Child protection services should not be held hostage of the economic and financial crisis and suffer from cuts and disinvestment that might bring dramatic consequences in the future, including financial consequences, as highlighted above. Governments must **guarantee sufficient resources** to operationalise and/or develop effective national protection systems**, and in particular prioritise prevention** by addressing the root causes and risk factors that are at the origin of children coming into contact with child protection systems. Resources should also be allocated to education and training of qualified staff and support professionals with quality standards, opportunities for continuous professional development and supervision.

Although progress is being made to prevent violence against children, research indicates that while many policies are in place, more needs to be done to ensure they are fully implemented and enforced and are supported by adequate resources to create the desired impact. This in turn requires strengthening of systems to allow monitoring of policy implementation, which often takes place at the sub-national level, in addition to those allowing measurement of impact and

[8] World Health Organization, *World Report on Violence and Health,* WHO, 2002.

outcomes[9]. It implies the creation of 'competent systems', whereby individual, institutional, inter-institutional and governance competences are critically reflected upon and brought together in a coherent framework to create more effective and joined-up systems[10].

The right of children to be heard is far from becoming a reality although there is strong evidence to suggest that services can be more efficient, relevant and cost-effective if they respond directly to the needs and expectations of service users. **Embedding participation across the different services concerned with child protection is therefore key to identifying needs and ensuring they are met**. There is a wealth of qualitative evidence generated, for instance, by the Investing in Children scheme in Durham, UK, attesting to the financial and societal effects of public services' direct and routine engagement with children and young people[11].

Data needs to be collected at different levels, services must be monitored, evaluated and coordinated, children must be listened to and be given real opportunities to participate, staff must be competent and trained to anticipate possible violations - all this should be underpinned by a necessary legislative and judicial framework that takes the best interests of the child as primary consideration.

3) **Coordination and cooperation mechanisms – examples of good coordination/cooperation with other actors at national level in preventing and/or responding to violence against children and outline the formal mechanisms behind this cooperation.**

Coordination within and between the relevant actors is key for bringing together different albeit important perspectives and ensuring policies/interventions will suit the desired objectives.

Eurochild's discussion paper on "*Mainstreaming children's rights in EU legislation, policy and budget"*[12]*,* draws on lessons from practice at national level that illustrate the importance of functional coordination and cooperation mechanisms. A glimpse of two examples is given below and further information can be found in the discussion paper.

[9] MacKay M and Vincenten J. National Action to Address Child Intentional Injury - 2014: Europe Summary. Birmingham: European Child Safety Alliance; 2014.
[10] See CORE – Competence Requirements in Early Childhood Education and Care, Prof. Dr Mathias Urban, Michel Vandenbroeck et al, p32, 2011.
[11] Cairns, 2012. For example: An initiative by a neighbourhood police team established a dialogue between them and a group of young people whose behaviour had been identified as anti-social. This resulted in the officers developing a much more sympathetic view of the young people's position, living in an impoverished community with almost no youth or leisure facilities, and a less confrontational policing style. As a consequence, the rate of 'youth related' incidents in the community requiring a police response dropped by over 80% in a twelve month period, representing a considerable saving of police resources.
[12] Eurochild, Mainstreaming children's rights in EU legislation, policy and budget - lessons from practice, February 2014.

Adoption of the French Act Reforming Children's Protection Provisions (p28)

Following a call for revision of the child protection system in France in 2005, the Act Reforming Children's Protection Provisions was drafted with the continuous involvement of all interested parties, including NGOs representing children, children's services providers, parents, and social workers, in every stage of the process. 15 working groups comprising experts from public agencies, districts, NGOs and universities were constituted by the Minister for Health and Solidarity. Once adopted, the ministry put in charge of its enforcement produced guidelines[13] to foster the practical implementation of the Act. This initiative later continued as an inclusive civil society initiative led by CNAPE (Convention Nationale des Associations de Protection de l'Enfant), geared towards evaluating implementation of the Act and developing guidelines for professionals.

Social Partnership in Ireland (p26-27)

In the context of Ireland's Framework Social Partnership Agreement 2006-2015, the Government has 'committed to involving the Social Partners to ensure meaningful input into the shaping of appropriate individual policy issues, on the design of implementation arrangements, and to provide the Partners with sufficient notice, information and appropriate process for engagement'. A Community and Voluntary Pillar includes seventeen organisations invited by the Government to provide a voice and representation for vulnerable people and communities in developing Ireland's social and economic policies.

The role of civil society and in particular of child rights networks, in contributing to reform and development of child protection systems cannot be ignored. Often it is civil society making the bridge between the relevant actors and ensuring good cooperation mechanisms are established. A project developed by our member Nobody's Children Foundation in Poland is a good example of inter-agency cooperation established at local level, where the competence for child protection often lies.

'Good Parent-Good Start' Programme

It is the first Polish programme of inter-agency cooperation aimed at preventing the abuse of young children and promoting positive parenting. Activities range from provision of information on parenting to intervention in cases of child abuse, including 'screening families for risk factors and offering support. 'Piloted' in 2007 in Warsaw, it is now being extended across the capital and into rural areas[14].

Hear Our Voices[15]

[13] http://www.reforme-enfance.fr/guides.html.
[14] For further information see link footnote 3, p41.
[15] Hear Our Voices is a cross-European project led by The University of Bedfordshire in the UK.

This project builds on years of academic research and close work with service providers and with children and young people that proved that cooperation between different authorities concerned and children's participation brought positive impacts to the children and improved efficiency in the services. It will promote the involvement of young people in efforts to prevent sexual violence against children across Europe.

5) EU support to national child protection systems

There is a clear added value from EU guidance to member states on child protections systems. We have highlighted for each of the areas below why it is important and what is the added value of the EU contribution. Overall, EU guidance should support

a) Definitions

EU guidance should support a shared understanding of child protection and the importance of integrated systems built on a child rights based approach, which takes into consideration the need to respect and fulfil, on an equal footing, protection, provision and participation rights.

While endorsing the definition of integrated child protection systems provided in the consultation paper, it is important this is widely understood and implemented at member state level because too often child protection has a narrow and punitive interpretation. Eurochild would advise to carry out an exercise involving experts (governmental & non-governmental) from across the EU to build a common glossary of terms that make sense to widely divergent national contexts and child protections systems with very different historical, cultural and social roots.

Guidance should also include indications on who might be a child at risk: in some countries, different legislation applies excluding some children from benefiting a full-fledge protection under child protection rules[16].

b) EU legislation and other non-binding actions

The EU acquis on the rights of the child, regularly updated by the European Commission child rights coordinator office, maps EU action in very different areas relevant to child protection and can be a useful tool to provide information on EU legislation and policies relevant to integrated child protection systems.

Hard-law is probably the most straight-forward way to bring national legislation in line with EU standards and consecrate children's rights and the best interests of the child principle. The Directive establishing minimum standards on the rights, support and protection of victims of crime is a good example in this regard. However, as highlighted earlier, **implementation is still**

[16] For example in Bulgaria, children in conflict with the law fall under the Act for combating the anti-social behavior of young people which relies primarily on restrictions and penalties instead of supporting the restoration and correction of unacceptable actions.

an Achilles' heel. It is thus important that the European Commission keeps a close eye on the implementation by the member states of EU law and is more assertive in initiating procedures where transposition has not/ adequately occurred.

The **accession process** is a powerful mechanism to drive reform as candidate countries must conform with the Copenhagen criteria and therefore with the EU *acquis* on children's rights. The European Commission has been instrumental in pushing for restructuring in many areas, including on child protection particularly as regards the legislative framework. Processes related to the **European Neighbourhood Policy** bear the same potential in boosting respect for children's rights as these are included in human rights dialogues with partner countries.

But the **role of the EU goes beyond core legislative action in its areas of competence** and is paramount when it comes to soft law mechanisms. For instance, the 2013 Recommendation on Investing in Children is a landmark instrument with a strong focus on prevention and early intervention based on a child rights approach. It provides member states with recommendations for action in areas critical for the success of national child protection systems, especially considering the links between poverty, inequality, and breaches of children's rights: support to parents and families; guarantee all children universal access to health, care, protection and education services; and include children in decision-making processes. All these should be implemented in the framework of broader strategies to fight poverty and social exclusion and policies fostering social cohesion. Here again, the role of the European Commission in monitoring the implementation of the Recommendation is crucial.

Many children who are in or at risk of poverty fall under the groups identified in the consultation questionnaire, with often cases of multiple disadvantage combined. EU action in different areas impacts directly or indirectly on the rights and lives of those particularly vulnerable groups of children. **Mainstreaming children's rights** in the work of the EU institutions is an indispensable condition to ensuring action is geared towards prevention of situations of poverty and social exclusion of children, which too often bring children under the umbrella of protection systems. **The successor of the EU Agenda for the Rights of the Child cannot miss the opportunity to set a framework for EU action on children's rights including guidance to mainstream child rights**.

c) **EU funding**

Funds from the European Union can bring a substantial contribution at different levels: financing projects for exchange of good practice at international and national level (for example, through the Fundamental Rights and Citizenship programme or the Open Method of Coordination peer reviews); supporting research studies and data collection to inform policy options; driving reforms through Structural and Accession funds (as was the case with Bulgaria with regard to the de-institutionalisation of children).

Hence, it is clear the **potential of EU funding to support strengthening or reforming various components of child protection systems**, from the legislative framework; the workforce competences; civil society engagement, to truly entitle children their right to be heard.

Funding should however be closely monitored to ensure it brings long-term and sustainable impact. On the other hand, action financed at national level should match the priorities elected at EU level (as appropriate with respect for the concrete situation and needs within the different countries).

d) **Research & data collection**

The EU already collects/ supports the collection of data and research in many areas relevant for child protection systems. Research by the Fundamental Rights Agency and other EU agencies provides important findings, including on the situation of groups with vulnerabilities (such as violence against women, children and the justice system, or children with disabilities) and developed a set of indicators for the protection, respect and promotion of the rights of the child in the European Union (though they are pretty much confined to the shelves). Links must also be made with socio-economic sciences research carried out under Horizon 2020, the research programme of the European Commission[17].

However, there is a need to develop specific indicators and data collection across relevant areas, as for instance well-being or early childhood indicators, without which progress cannot be measured. The EU can furthermore support additional research into what works in which circumstances and why this is needed, including involving children to gather their views on the services delivered to them. In doing so, the EU should build on the UN CRC Committee Concluding Observations that include already an analysis of member states action to implement the children's rights.

Moreover, the added value of the EU comes from supporting the harmonisation of indicators across the EU to compare situations, drawn lessons learned and foster exchange of good practices. A key area where the EU could lead by example is tracking expenditure on children.

e) **Capacity building**

Capacity building is crucial across a number of professional categories. Continued EU support to training, including on children's rights, such as seminars for judicial entities (lawyers, judges, prosecutors) or border guards, is most important to learn about other experiences and inspire policy and practice reform and in bringing countries up to speed who are lagging behind in developing adequate legislative frameworks.

Furthermore, as mentioned above, the EU can support national level efforts to strengthen staff competences, by raising the educational level and/or providing continuous development training, without which potential risk situations are more difficultly and later identified.

[17] Currently important research is being conducted under http://fp7-myweb.eu/ project assessing the feasibility of a European Longitudinal Study for Children and Young People.

f) Awareness-raising

This is a key component to improve the performance of child protection systems. It entails engaging different actors and at different levels: public authorities and service providers' staff at national, regional and local level; communities and the society at large and most importantly the children, activating article 12 of the UNCRC. It implies all understand firstly, children's rights and the special protection they are entitled too; secondly, why is important to set-up multifaceted frameworks and the major role of preventive action, and finally, the services at hand to support children and families in case their rights are breached.

The EU's added value is to **bring a strong and united voice for the promotion and protection of children's rights** by:

- **supporting the dissemination and implementation of international standards**, such as those of the Council of Europe (the Lanzarote Convention, the child-friendly justice guidelines, the recommendation on the participation of children and young people and other social and health recommendations, the recommendations on integrated strategies to tackle violence against children, on positive parenting, and the Council's work on corporal punishment), or the UN guidelines on alternative care, **and embedding them throughout its work**.
- **Encouraging the ratification and implementation of international human rights standards** – of particular relevance to child protection are the Lanzarote Convention and the new Optional Protocol to the UNCRC on a Communications Procedure, considering its potential to lead states to improve their national protection systems and introduce changes that prevent the need to make use of the complaints process.

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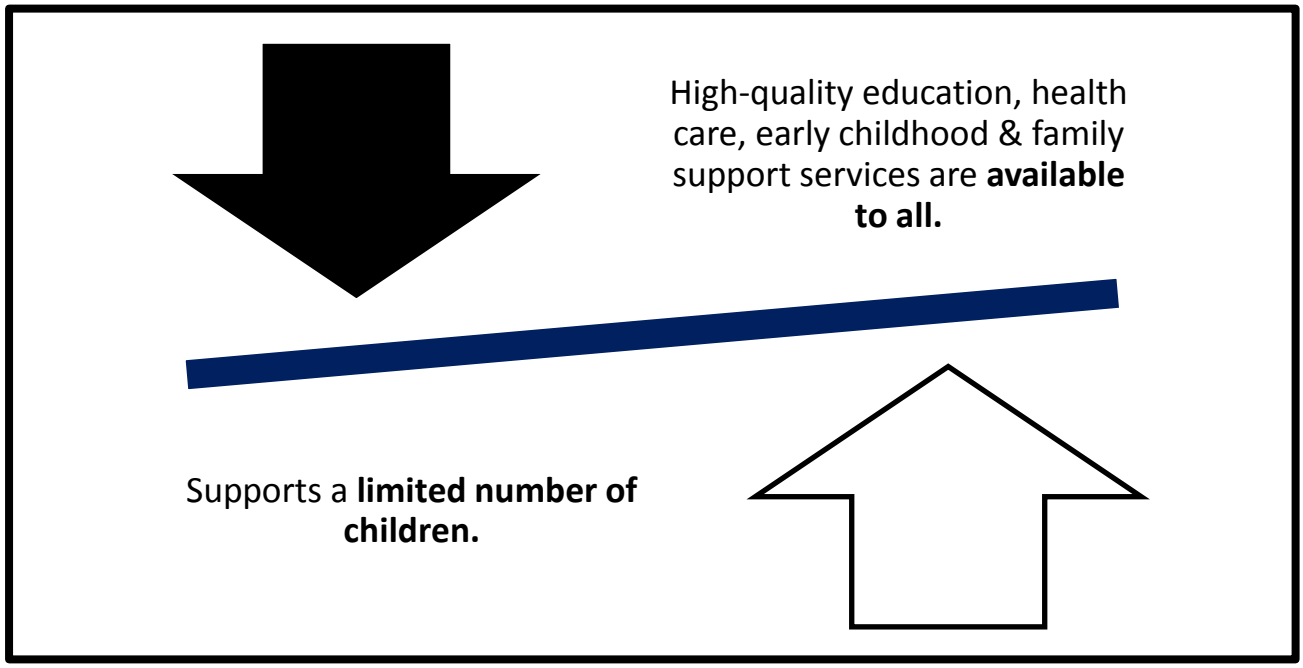
Eurochild is a network of organisations and individuals promoting the rights and welfare of children and young people in Europe. The network currently has 170 members in 35 European countries. Our work is underpinned by the United Nations Convention on the Rights of the Child.

ANNEX – Diagram

Characteristics of care Systems

Based on Institutional Care	Based on family & community based care



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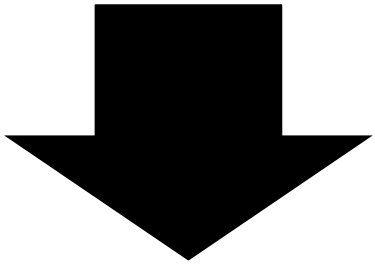
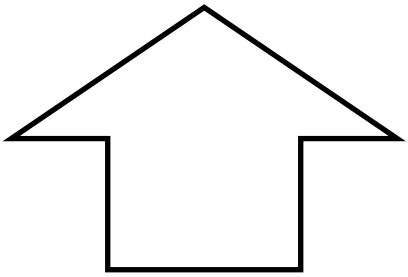


There is a strong social **welfare system prevents poverty. Only those children with complex needs end up in the public care system.**

It is quite **random how they get into the care system.** Certain groups are over-represented due to social class, ethnic background, disability. This isn't necessarily reflect more need but rather more intolerance in society.



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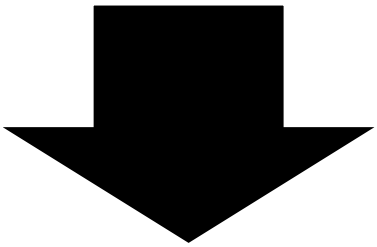
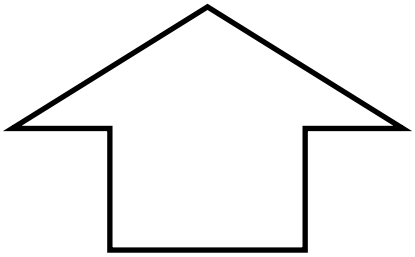


Low cost universal services are complemented by early intervention, timely, targeted & specialized services for at risk groups.

Individual cost per child in the care system can be very high, yet still produce poor outcomes.



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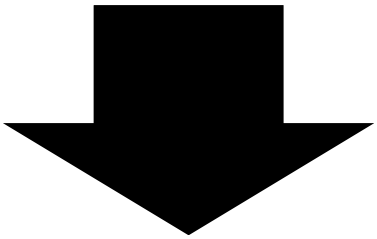
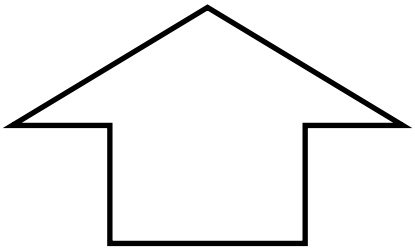


Takes a strengths-based approach that **focuses & builds on families own resources.** Demonstrates inter-service collaboration that engages with families, building their resilience.

Professionals decision-making authority is unquestioned & there is **a strong interventionist approach.**



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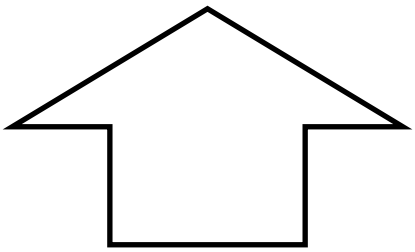
Embraces the **culture of the community.**

There is often pervading prejudice that **stigmatizes families living in poverty.**



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Foster parents & foster families (lay people) are fully prepared & supported through an infrastructure of high quality services. **Kinship care is developed**, with professionalised support.

Group homes & small-scale residential care are a complementary service in cases when it best serves the child's needs.

Professionals are not trained to empower & support capacity of clients.

7

There are **a range of services that responds to individual child's needs** including day-care, outreach, foster care.

Not responding to **individual needs.**

8

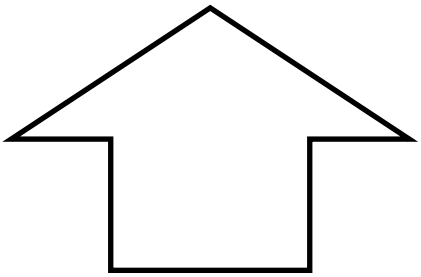
Children in the public care system bring in **additional services to the communities** where they live.

No services that reach out to the communities.

9

Provides opportunities for the **child to be heard & to be taken seriously in decisions that affect them.**

There is **no flexibility in the system** (usually residential) or choice of options to meet the child's needs.



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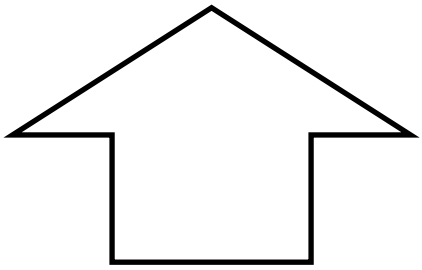
Personal care plans anticipate the child's needs & long-term perspective, including early preparation for leaving care.

Personal care plans are either non-existent or a simple administrative procedure, with no adapting the place to the child's needs.



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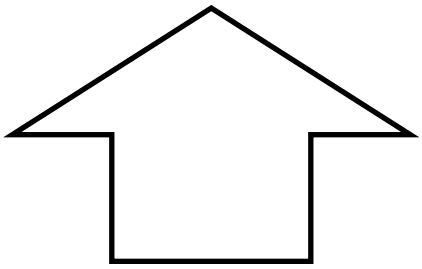
Effort is invested in maintaining biological family ties and supporting reintegration if in the best interest of the child.

The child may be 'forgotten' in the care system.



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There is a clearly accountable, transparent, professional adoption framework that in appropriate situations can free up children for adoption in a timely way.

The national and/or international adoption system is highly vulnerable to **abuse and corruption.**

1

3

Money follows the child

Services – usually residential care – get the money, usually allocated per child. No financial incentive to promote the best interest of the child. **The children are 'out of sight / out of mind'**

Based on Institutional Care	Based on family & community based care
Limited number of children	Available to all
Certain groups (not necessarily more needed) get more often into de System	Welfare system prevents poverty
Individual cost	Low cost
Strong interventionist approach	Focuses and builds on families own resources
Stigmatizes families living in poverty	Embraces the culture of the community
Professionals are not trained	Foster parents & foster families (lay people) are fully prepared & supported
Not responding to individual needs	There are a range of services that responds to individual child's needs
No services that reach out to the communities.	additional services to the communities where children live.
There is no flexibility in the system	Provides opportunities for the child to be heard
Personal care plans are either non-existent or a simple administrative procedure,	Personal care plans anticipate the child's needs & long-term perspective
The child may be 'forgotten' in the care system.	Effort is invested in maintaining biological family ties
adoption system is highly vulnerable to abuse and corruption.	Clearly accountable, transparent, professional adoption framework
No financial incentive to promote the best interest of the child.	Money follows the child