

# CHILDREN IN ALTERNATIVE CARE THEMATIC WORKING GROUP - WORKSHOP REPORT

PRAGUE, 7 APRIL 2011

## Strengthening the role of the children's rights NGOs in the delivery of de-institutionalization processes through the effective use of structural funds





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## INTRODUCTION

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The workshop focused on the need to support NGO's capacities to engage in an ongoing dialogue with national authorities and the EU, with respect to effective and transparent allocation of EU structural funds to contribute to the transition from institutional to community and family based care. During recent years, after the process of EU enlargement, there have been concerns raised by civil society organizations and other stakeholders in the new Member States that EU structural funds have been used to support the system of residential institutions and that the role of NGOs in the process of administration and monitoring of EU funds has been too weak. In this context, the workshop was held with the goal to share experience of NGOs in the field of deinstitutionalization (De-I) and effective use of structural funds and to discuss the existing opportunities for the NGO sector to be more proactive in challenging governments and using the guidance through the EU.

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## OPENING SPEECHES

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The presentations in the morning session aimed to set the scene and to describe the general context in which NGOs are facing challenges and opportunities for effective and transparent use of EU structural funds in support of De-I process throughout the EU, with special focus on systems of care for children in the new EU Member States.

In her introductory address **Jana Hainsworth**, Eurochild Secretary General, emphasized that the main goal of the workshop is to build NGO's capacity to have a stronger advocacy role in the administration, delivery and monitoring of EU funds with respect to de-institutionalization, particularly in relation to children. Eurochild and its members have been working during recent years in this and related fields and have accumulated a rich expertise on effective ways of transforming residential institutions into community based services for children and families at risk. In 2009 Eurochild published the report on the situation of children in alternative care (including residential, community and family-based care) in 30 European countries. Another important contribution from Eurochild was its policy position on „Quality of alternative care for children deprived of parental care“(2010). As outlined this policy position, institutional placements are not only ill-equipped to offer the necessary quality of care to children, they are also more expensive in the long-term. This is why it is important to increase and mobilise capacities of NGOs within the EU to help them to be more effective in boosting De-I.

**Jan Pfeiffer**, representing Lumos and the European Expert Group on De-I, described the De-I process since the former EU Commissioner Vladimir Špidla set up an Ad-Hoc working group (WG) to develop a report on the „Transition of Institutional Care to Community Based Care“. The background for launching this WG was a growing concern, reaching its climax in 2008, that EU structural funds have been excessively used for strengthening institutional care, instead of being invested in community based services to replace institutional care, which is not only a human rights violation but also not cost-effective. The WG included representatives of seven European umbrella NGOs and representatives from different Directorates-General (DGs) of the European Commission (Employment & Social Affairs, Regional Policy, Health and Consumer Policy, Justice) as observers. The report was finished at the end of 2009. Already in 2009 there have been some positive steps within the European Commission (EC) structures. After the well-known „Mogilino case“, DG Regional Policy (DG Regio) has suggested to the Bulgarian Government to use part of the European Regional Fund (ERDF) for refurbishing residential institutions for children. Since then debates have intensified in Bulgaria and other new Member States on how EU structural funds should be used and monitored. Since the new European Commission was appointed in 2010, there have been negotiations on the continuation of the WG activities – under which Directorate and which Commissioner will be responsible for taking the De-I agenda forward. It was decided that the Ad-Hoc group continues its activities as De-I Expert Group. Eurochild joined the De-I Expert Group as a member. The report was officially launched in May 2010 and translated by DG Regio into all EU languages. The main achievements of responding to the report have been the following:

- two training sessions on the issues of De-I have been provided for the geographic desk officers of DG Employment and DG Regio;
- members of the Expert group supported the Bulgarian government and NGOs;
- an important conference „Forgotten Rights – Forgotten Europeans“ took place in Brussels at the end of 2010 (organized by the European Office of OHCHR, in cooperation with the EC);
- comments on the Hungarian plan for „De-I programme“ and the Slovakian government programme to use 40 million Euro for social and health infrastructure have been provided by the Expert Group.

With regard to pre-accession countries, efforts have been made to negotiate with Commissioner Fule and DG Enlargement on the preliminary plans of Serbian government to invest in institutional care system.

With regard to the current situation, the report on De-I is used by some desk officers as a frame reference document when negotiating with governments. There have been meetings held by DGs Regio and Employment on this issue, and DG Sanco expressed its interest to be part of these in-service meetings. To

summarise, the De-I Expert Group does not have any official status, however its report and comments are used within EC structures. DG representatives attend, as observers, regular meetings of the Expert Group. There is an increasing understanding among desk officers that the use of structural funds (SF) for institutional care is against the interest of EU citizens and that they are obliged to control this process. Also there is growing understanding among desk officers that European Social Funds (ESF) and ERDF needs to be adequately coordinated. De-I has been announced as a priority issue in the new EU Disability Strategy. However, it has not appeared among the priorities set up in the EU Agenda for the Rights of the Child.

What is now urgently needed is to know how SFs have been used by Member States and candidate states and what is the situation in relation to the De-I process:

- national NGOs need to establish national coalitions facilitating De-I,
- clear ownership over De-I process is needed both within the EC and within national governments,
- higher level of involvement of MEPs is needed, and
- with regard to the next financial SF period, guidelines are needed, with special focus on the need to measure the long-term impact of SFs.

In his presentation **Dainius Puras**, Associate member of Eurochild and past member of UN Committee on the Rights of the Child (2007-2011), highlighted some contextual and attitudinal challenges and obstacles for an effective De-I process, which are still strongly prevailing among many stakeholders in new and candidate EU Member States. These issues should be taken into account in all levels of the decision making by the administration, delivery and monitoring of EU funds. NGOs, when involved in this process, need to find a balance between promoting human rights of vulnerable children and having good managerial skills in this sophisticated political process.

One of largest contextual obstacles is the hierarchy within human rights in everyday practice of decision making: when economic and social rights are perceived by governments and general public as a higher priority than civil rights. This asymmetry which was remarkable in the region of Central and Eastern Europe (CEE) during communist era, has a tendency now to come back in the current crisis situation and the general disappointment of the population in the standard of living, thus leading to de-facto discrimination of most vulnerable groups by continuing their social exclusion, including through excessive use of institutional care of children at risk. In other words, when the right to survival is perceived as a higher priority than right to the holistic development of the child, institutional care may be perceived as a reasonable enough solution.

In this context many independent experts observe with concern that the second decade of transition has been marked by signs of regression in many parts of CEE (including the Member States which joined EU in 2004), compared to the first decade of enthusiastic attempts. There are many examples of demonstration services, run by NGOs and focused on family support and community care and financed by international donors in the 1990s, which are currently being closed or are threatened to closure as they have not become a sustainable part of services covered by state budget. These and other examples of relative failure of development of effective community based services for children and families at risk may be seen as a part of failure to implement modern principles of human rights and child rights in the large region of CEE (30 new democracies including 10 new EU Member States).

Despite disappointing developments during recent years with regard to using EU structural funds for strengthening of the system of residential institutions, there are many opportunities to mobilise and empower all stakeholders (NGOs, progressive governments, EU bodies) and to finally accomplish a paradigm shift in the CEE region by making a change in the new EU Member States. NGOs can have an important position in this process, as they can use their expertise and capacities and play a constructive role by supporting effective transformation of the system of services in these countries. It is important to convince national authorities and the general public in these countries that this is in their own interest to stop feeding the ineffective system of institutional care and to invest in positive social capital through modern family support services. Vicious circles of learned helplessness, social exclusion, stigmatisation and ineffective investments need to be broken in this region, and NGOs can play a crucial role as committed and competent agents of change.

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## CASE STUDIES

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The case studies focused on 3 main issues:

- a) What has been achieved in your country with regard to De-I and effective use of structural funds?
- b) What has been the role of local NGOs? Have they entered in dialogue with the national managing authorities for structural funds? Are they involved in a monitoring committee?
- c) What are the lessons learnt?

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### HUNGARY

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**Maria Herczog**, Reader at Eszterhazy College, Chair of the Family, Child, Youth Non-Profit Association and member of UN CRC, presented the situation in Hungary. A new Disability strategy in Hungary does not address the relevant issues of the system of care for children with disabilities. Another systemic problem is that basically there is no serious discourse on the issue of transformation of the system of care for children with disabilities, formal and limited consultation was organised only. In general the number of all children in institutional care under the age of 18 (including children with and without disabilities - mainly children without parental care) is approximately 17000, while 10000 children are in the foster care, and there are ap. 4000 young persons over 18 mostly in after-care. During recent years since 1997, the introduction of the Children Act the process of closing down large residential institution has been going on, with the idea of transforming them into group homes, up to 12 children in each, and strengthening the foster care system parallel to that. There is also information provided that there is a special category of 353 children with disabilities who are in need of intensive care. Despite different measures undertaken to stop institutionalization of children from 0 to 3 years of age, still there remain 614 children placed in Hungarian infant homes, and children between 3-7 are also placed into these institutions many of them in some form disabled as well, without special assistance provided.

In general there are 2226 children with disabilities in residential care. Most of them - 1826 - as indicated in official sources, present the cases of children with mental disabilities. It is important to take into account that Roma children are overrepresented in this group. Disability definition is often not clear as 38% of children in public care are attending special need's children's school, most of them Roma, while the majority of these children have developmental delays and emotional, social problems not disability.

The strategy planned by the government is aiming in Hungary to modernize care for adults with disabilities only, who are currently placed in residential institutions, by focusing on the idea of small size „group homes“. However, this may not result in basic change of cultures of services, as: a) the group homes with smaller size of adults may appear to be just a part of larger institutions, with several other „group homes“ formed in a same institution; b) the regime and philosophy of care in the „group home“ does not seem to be very different than the well-known institutional culture of services, with no serious focus on individualized approach, autonomy and participation of the clients. On the other hand, there are some positive plans in the governmental policies to have apartments for 3 to 6 persons (young adults) with disabilities in the community and other community oriented initiatives. However, all these measures are planned to be implemented over the time frame of 30 years for the 12.000 disabled persons over 18 in the care system. In the strategy the only mention of children is families taking care of disabled children and none of those living in households with disabled parents.

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### BULGARIA

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The overview of the challenging process to promote positive changes in the system of care for children with disabilities in Bulgaria was presented by **George Bogdanov**, executive director of the National Network for

Children. After ratification of the CRC in 1991, no positive changes took place during the first decade; the period 1991-2000 has been a missed opportunity. In 2000 the Child Protection Act was adopted, and the child protection activities then started with 10 years of delay. Since then child protection departments (CPDs) throughout the country have been established, children's rights have been reflected in the legislation, and alternative services for children with disabilities have been piloted. It has been recognized that large scale institutions present a serious systemic problem, with 7716 children in 137 large institutions at the end of 2009. Another challenge which has been identified is low capacity and poor case management within the CPDs, with huge work overload of the social workers (one social worker dealing with 112 cases on average). All these unsolved problems present a general context which is still reinforcing the legacy of institutional care. New opportunities for the De-I process have recently emerged, and while 5 years ago De-I was seen as an impossible mission, in February 2010 the decision has been made on the level of the Bulgarian government to close down 137 institutions within the period of 15 years. This promising agreement was reached as a result of the cooperation between the new national government, the European Commission and the coalition of Bulgarian NGOs. The funding of the De-I process is foreseen through Human Resources Development Programme, Regional Development Programme, Rural Development Programme and State budget, with a total budget for the De-I projects of 107,6 million Euro. The main idea is to transform existing large residential institutions into 120 small group homes for the children who can not be returned to their families, placed in foster care or adopted. One of decisive debates going on among stakeholders is on the size of group homes. While authorities are suggesting group homes of 14 children, the position of NGOs is that there should be 8 to 10 children maximum in each group home.

The presence of a a strong coalition of NGOs, supporting the De-I proces, is the factor which works as substantive precondition of a relatively successful De-I process in Bulgaria. NGOs have a voice, as observers, in the Monitoring Committee for the Human Resources Development Programme but does not have the right to vote for operations for the allocation of the HRDP funds. Many challenges still remain tough, and many important lessons have to be learnt. Some of the most important challenges to be mentioned are a huge resistance from the staff of the traditional institutions and the fact that local authorities have a lack of understanding about the need of De-I and low capacity for provision of social services. In this context it is of utmost importance to clearly articulate the meaning of the De-I process to all stakeholders, especially to the general public.

## CZECH REPUBLIC

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The report from the Czech Republic was presented by **Miloslav Macela** and **Clara Trubačova**, representing the Family and Benefit Schemes Division of the Ministry of Labour and Social Affairs. The process of De-I in the Czech Republic focuses on one target group – persons living in residential institutions who are under the social welfare sector. This group represents persons with predominantly mental disabilities and combined handicaps. Thus, children appear not to be the main target group, as they represent only 10% of residents in these institutions. Parts of the EU structural funds have been already allocated for the modernization of these institutions, including social care homes for children with disabilities. There is a role, although a limited one, foreseen for the NGOs in this process: NGOs are involved in the preparation or implementation of specific projects, they also have their representatives in the Monitoring Committee. In general, the role of NGOs in the De-I process is proportionate to the general position of civil society organizations in the decision making process in the Czech Republic. Some of the main challenges and obstacles complicating the De-I process are:

- the general fragmentation of the care system, with many sectors involved in terms of competence and responsibilities (residential institutions fall within the competence of educational, healthcare and social welfare sectors);
- the multiplicity of different stakeholders involved including different government departments and regional authorities, municipalities, private sector, NGOs;
- no attention has be paid to the institutional care of children at the time when priorities of operational programmes have been defined.

In the strategic plans of the new Government's Social Reform, the improvement of the quality of the care system for vulnerable children was declared as one of the priorities. A significant amendment to the Act of Socio-Legal Protection of Children has been included in the set of reform measures in the social area known as "Social Reform I". The amended act is expected to become effective as from January 2012. The new strategy on De-I foresees to focus on the work with families and on the improvement of conditions for ensuring a range of services for families and children (NGOs will be among service providers). New mandatory procedures for the operation of socio-legal child protection bodies emphasize the need for a systemic work with families. Also, focus on foster care, provision of temporary foster care, creating conditions for the introduction of support and respite services to both new and existing foster families have been proposed. The Strategy of De-I acknowledges the importance of strengthening the gate-keeping mechanism, so that children could be prevented from quickly passing through the system towards residential care. The development of alternatives to residential care is perceived as a way of strengthening the system of efficient and interlinked services which are expected to effectively respond to the need of most vulnerable groups of children and families. In general, the strategic aim is to shift the core of the work to preventive and supportive services. It is also expected that the new system will trigger and drive changes in residential institutions not only in the social sector, but also in the healthcare and educational sectors.

It is obvious that this kind of systemic solution requires a unified managing structure. This is why one of the main challenges remains the hugely complicated current infrastructure of services which – as it is now – is hard to manage in a modern way. The reform described above will be implemented and funded by the "Systemic Support of Processes within the Transformation of the System of Care for Vulnerable Children and Families" project of the Ministry of Labour and Social Affairs. The project includes the following themes:

- services for children and families,
- standards for the work in the system of care for vulnerable children and families,
- substitute family care,
- provision for the reforming process on the level of the Ministry and regions,
- coordination of outcomes of projects that have already been supported,
- a national campaign focused on the issue of socio-legal protection of children.

The project will be launched in September 2011 with a budget of 220 million CZK (about 9 million EUR)

## **SLOVAKIA**

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The report from Slovakia was presented by **Vladislav Matej**, representing SOCIA (Social Reform Foundation). In general, there is an understanding in Slovakia that an overuse of institutional care for children is a serious problem, and some efforts have been undertaken to tackle it. According to statistics from 2007, there are 6.516 children institutionalized in 142 residential units in Slovakia. The total number of Children's Homes is 96 (19 of them are owned by NGOs). The average length of stay of a child in residential institution is 4, 36 years. The average amount of expenses covering placement of a child in a children's home is 10.214 Euro, while expenses for foster care of one child are in average 3 times lower. In general, there has been a positive trend during recent years, with regard to De-I. The number of children in institutional care has decreased from around 8.000 to 5.000, while the number of children in foster care has increased from 6.000 to more than 8.000.

The main tools that have contributed to positive changes have been:

- a) a preference towards family based settings and the need for family intervention included in the Family Act 36/2005;
- b) the requirement for crisis intervention to support families at risk (Family Act 36/2005), which contributes to the improvement of family conditions;
- c) changes in reducing incentives for institutional placement (decisions and requirements have been approved that placement of children in institutions must be temporary, that priority should be given

to placement of a child in professional family care and that individual social plan for family and child to promote family re-unification or to find a family type of replacement);

d) involvement and activities carried out by NGOs.

Due to these positive changes, the number of professional families has grown from 57 to 438 between 2000 and 2009, and the number of children placed in such families has increased from 116 to 815. Despite these positive steps, De-I still remains a serious systemic problem, and many issues are still to be solved. There is no national programme for De-I of children in Slovakia (as well as for other groups of persons residing in institutions). In the official language the term „transformation“ is used (instead of De-I), however, there is no official definition on what transformation means.

Resources of EU structural funds have been used to renovate the existing facilities for residential care of children. Arguments for these investments have been the following:

- to create more independent conditions for children;
- to have more space for intimacy of children;
- to introduce measures for energy savings in the facilities;
- to change classical (dormitory type) children's homes into group homes; and
- to have not more than 40 children in one building.

From a NGOs perspective, none of the 10 basic elements needed for the process of De-I to be successful (according to Prof. K.Browne) was effectively implemented in Slovakia. One of the main obstacles for more effective and transparent allocation of EU structural funds during 2006-2010 was that NGOs had no access to the Monitoring Committee, while some other groups such as the association of directors of children's homes, had a status of member within this committee and, thus, a strong influence in the process of allocation of EU funds. The situation has positively changed in 2010, after a new Government has been settled. The guidelines of the Expert group since then have been followed, and a consortium was formed, with Ministry cooperating with 3 strong NGOs.

## ROMANIA

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The situation in Romania was presented by **Stefan Darabus** (Hope & Homes for Children) and **Jane Nicholson** (FARA Foundation).

Stefan Darabus presented some data showing the improvement of the general situation in Romania during the last decade. The number of children in residential services decreased from 43.000 in 2002 to 23.000 in 2010, the number of children left in maternity wards decreased from 5.130 in 2003 to 1.400 in 2009. Since 2001, there have been 3 rounds of the Phare „Children First“ programme. During stage 1 (2001-2003) 29 institutions have been closed (budget – 19 million Euro). During this stage the strategy of the World Bank was to fund renovations of existing institutions. During stage 2 of the PHARE programme (2003-2005), with funding of 10,57 million Euro, 36 institutions have been closed. During stage 3 of the PHARE programme 25 institutions have been closed (budget – 10 million Euro). The overall results of the 3 stages of the PHARE programme can be summarized as follows:

- budget – 39,57 million Euro,
- 91 institutions closed,
- over 2.000 foster carers recruited.

With regard to the number of new placements in the community which were established: 242 family type homes, 338 apartments, 51 day centres, 34 recuperation centres for disabled children, 8 emergency reception centres, 14 mother and baby units, 3 centres for abused children, etc. In general, looking back to the previous decade, the main observations are as follows: State authorities have been the main applicants and recipients of funds on De-I. The European Union invested around 40 million Euro on De-I, but these

funds were directed to state authorities, and not to NGOs. Approximately 290 old style institutions were closed in Romania between 2000 and 2010. There are still 256 state institutions in Romania, with nearly 11.000 children living in them. A serious problem is that child care and De-I are not any more among the priorities of the government.

With regard to the role of local NGOs, they have played a major role in the development of community services, despite receiving a minimal support from both national authorities and the EU. NGOs developed family support services and prevention mechanisms which now need sustainable financing and support. It is obvious that a significant amount of social burden is faced and dealt by NGOs, although without substantial support from the state. The managing authorities for structural funds do not see the value for NGOs, as there is no funding line for NGOs to apply to.

These are the main problems with regard to activities of managing authorities:

- ➔ there is no dialogue with the NGOs;
- ➔ the managing authorities are too dispersed (under the coordination of different ministries), and their rules are often changing;
- ➔ the funding line available for NGOs is mostly on Human Resources (European Social Funds, Sectorial Operational Plan for the Development of Human Resources), therefore De-I is not directly targeted;
- ➔ the Operational Regional Plan, Priority Axis 3 (Improvement of Social Infrastructure) strongly encouraged the renovation of institutions, becoming thus a major obstacle for De-I.

Regarding the involvement of NGOs in the monitoring process, there are still many unsolved problems. The process of administration and monitoring of EU structural funds involves only state institutions (ministries and county council presidents). So far the civil society (NGOs) had no say in the way EU funding has been streamed to Romania. In general, NGOs are hardly surviving, this is why they find it very difficult to allow resources for advocacy and lobbying for EU funding. If NGOs want to have a say in the architecture of SFs in the coming years, they need to allow time and resources for this purpose. It is important also to mention, that not all NGOs are struggling for De-I. There are many NGOs which are involved in renovation institutions and bringing their resources to support institutionalization of children. NGOs should coordinate their activities much more, otherwise, they are like „a flock of sheep“, lacking influence and strength. Without serious coordination, neither state authorities, nor EU bodies will pay attention to their messages. It will be increasingly difficult for NGOs to win any real influence, if funding lines supporting NGOs are not opened. The EU should play a leading role in this respect, allowing funding to NGOs.

Some good examples of the activities carried out by „Hope & Homes for Children“ (HHC) were presented. A Memorandum has been signed with the Ministry of Labour, Family and Social Protection, covering the aim of closing all state institutions by 2020. A Public Policy on Preventing Child Abandonment is in the process of being produced, in partnership with the Romanian government. A Social Audit on the National Childcare System in Romania is being done, with the purpose of proving the value of family-based care, as well as the need to allocate EU structural funds to support De-I. An ample advocacy and lobbying programme is underway, both nationally (with the Romanian government) and internationally (with the EC) to ensure structural funding is streamed to closing institutions and developing family-based alternatives. A Working Group on De-I has been created with the mediation of the Ministry of Labour, Family and Social Protection, to steer the De-I process up to the end. The long-term strategy of HHC aims to reach the ultimate goal of closing down all institutions in Romania by 2020.

**Jane Nicholson**, representing Fara Foundation, brought to the attention of participants the fact that all positive improvements for children in care in Romania (introducing foster care, small family style homes) have been targeting the children without disabilities. With regard to De-I most EU funds have been used to refurbish existing institutions, and not to achieve De-I. The experience of Fara, which has been working in the field of rehabilitation of children who are taken from institutions, is that the scope of any single NGO to effectively participate in De-I is limited without commitment and funding from state authorities. NGOs have been and still are effectively blocked from accessing EU funds. In general, Romania lacks an adequate De-I plan. With regard to the activities of managing authorities, the application procedure is too complex and lacks transparency. Application guides are complicated, 200 pages long, and change frequently.

Consultancy firms provide a proposal-writing for a fee, these firms have access to additional information not open to the public. Invitations to apply are made public at very short notice – application only open for 24 hours. Scoring system is not transparent. National Managing Authorities claim decision-making is made at regional level by 11 (regional) Intermediate Bodies. At county level, social services are uncooperative. One recent change was that from March 2011, all Structural Funds are managed by the Office of the Prime Minister.

With regard to monitoring, Fara is keen to be involved in monitoring and evaluation activities, but is currently excluded. In general, the lack of care standards and De-I plan makes monitoring and evaluation process impossible.

The suggestions for EU support for NGOs are the following: involve NGOs in planning De-I at a national and a county level; allocate SFs openly and transparently, based on the achievement of national and county De-I objectives; simplify the application process to allow NGOs to deliver care and make the scoring transparent; publish full, transparent accounts on how SFs have been used; set deadline for achieving De-I objectives; Set minimum care standards to children and young people in alternative care; establish the committee from representatives of NGOs and governmental agencies to monitor how SFs are used in De-I process; establish committee from representatives of NGOs and governmental agencies to monitor effectiveness and transparency of allocation of SFs in De-I process; allow NGOs to directly access SFs to be used for ongoing care costs; impose penalties for states and counties that fail to plan, implement and monitor progress transparently; facilitate coordination between NGOs.

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## WORKING GROUP DISCUSSIONS

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The 3 working groups focused on the following issues:

- What information and support do the national authorities need?
- What worked from experience shared?
- What resources and capacity do NGOs need to offer this support and information to the national authorities?
- What influence/pressure need to be applied at EU level?
- How can this best be achieved?

The participants of the 3 working groups discussed challenges and opportunities with regard to the dialogue between NGOs and governmental agencies.

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### **GROUP 1 - FACILITATOR: KELIG PUYET, SOS CHILDREN'S VILLAGES INTERNATIONAL**

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This group raised the issue of trust in the relations between the governmental agencies (national authorities) and NGOs. There is a need for NGOs to combine their critical approach to what is happening with the process of De-I, with a constructive approach, and to send a clear message to government representatives that NGOs will support any effective and transparent steps towards the De-I process. It is also important to express the wish to be equal partners in this process. The NGOs should try to explore the level of motivation and willingness of the authorities to proceed with the De-I process and to contribute to the good quality of mutual cooperation, based on mutual trust.

NGOs need to contribute to moving the De-I process towards proactive – rather than reactive – measures, and to give examples of best practices from other countries, for example on effectiveness of investment in family support services for families at risk as a cost-effective measure to prevent institutionalization of children.

On the other hand, the authorities, before agreeing to involve NGOs as equal partners, are interested in the NGOs background and local experience and their funding sources. Representatives of ministries and other governmental agencies will want to have safeguards to prevent any possibility of the failure of the De-I process. As this is a long-term commitment, the authorities will raise the issues of the effectiveness and sustainability of the models of transformation which will be offered by the NGOs. During the meetings with NGOs, if there is a critical mass of mutual trust emerging, and understanding that both sides are „in the same boat“ and need each other, the authorities will naturally raise the questions such as - what if this reform fails?

Both sides – NGOS and representatives of the Government need to understand that sharing the power means sharing responsibilities. The public relation issue is very important, and both authorities and NGOs need to discuss on how to advertise the De-I process and how to use mass media, understanding that one of the basic pre-conditions of success is the support from general public for the process of De-I.

Another important pre-condition of successful De-I process is a good level of data collection and monitoring. It is in the interest of all stakeholders and especially of the government as the owner of the process, to have clear indicators and to measure in an independent way the quality of the performance of the De-I process. It is also important not to forget, when planning actions and monitoring the process and outcomes of De-I, that this process is directly linked with many other governmental activities in the area of social, healthcare and education reforms.

What is needed from the EU bodies? The support from EU bodies is needed in the field of comparative data and research, strengthening motivation and putting pressure on national authorities, producing background documents that can effectively support the De-I process, providing national stakeholders with clear guidance

with regard to allocation of EU funds and other tools which could contribute to effectiveness and transparency of De-I process. There is a need for clear guidance and methodology on how activities of NGOs can be funded by EU structural funds.

The role of Eurochild, as a European network having unique expertise in children's rights and De-I issues, needs to be more important in this process. Another suggestion was that there is a need of EU regulation highlighting that all stakeholders need to be involved in decision making about how EU structural funds will be used. With regard to expertise, the EU bodies should use NGOs and their representatives as independent experts.

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**GROUP 2 - FACILITATOR: RICHARD CARTER, ASSOCIATE MEMBER, UK**

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The issue was raised regarding the fact that national authorities usually are cautious about possible complications during the process of De-I. This is why, if and when the dialogue is established with NGOs, and if NGOs express their wish to be equal partners in the process, the authorities will raise questions related to how professional and sustainable are activities of NGOs. Also they will be interested whether NGOs visions of De-I apply to cultural standards of the country and whether legal obligations to move De-I forward are in place. How will NGOs help with public awareness and with the development of infrastructure? How to deal with staff resistance? Regarding the cost-effectiveness, what about the need to initially increase investments (having in mind that both „old“ and „new“ infrastructure need to be supported in this stage), how long will this take? What positive outcomes may be expected by the end of a 4 years term as elections are approaching? Why should governments care if there is no public demand for action? What will be the mechanism of control? All these questions will be relevant and adequately reflecting the serious interest of authorities to be involved in the De-I process.

From the perspective of NGOs, it is crucial they are on board as serious partners from the very beginning of the process. To make this possible, it is important to build a national coalition of NGOs willing to contribute to the process of De-I. Those NGOs which are providing community based services will be motivated to receive EU funds and to have clear common standards and guidelines on funding possibilities. In this regard – when it comes to access to EU funds – the issue of transparency is of crucial importance. As one of the most important issues, NGOs should raise the question of monitoring the effectiveness of EU funds, and especially, they should address the currently existing shortcoming that long-term outcomes of EU funding are not being monitored.

The issues of De-I as a politically important process, should be raised higher on political agendas with Member States, and in the public discourse. To address these issues on national and EU levels, European networks should be better used. Tools for monitoring the long-term outcomes of how EU structural funds are being used need to be developed. The role of the Expert group, as well as the role of Eurochild within this group and outside of this group, needs to be more visible and effective. Research, statistics and information tools, both nationally and at EU level, need to be mobilized to make the De-I process more effective and more transparent.

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**GROUP 3 - FACILITATOR: EMMANUEL SHERWIN, ASSOCIATE MEMBER, UK**

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National authorities, when planning the De-I process, will need information about reliable statistical data, both quantitative and qualitative. They will be interested in information about costs and benefits of a De-I process, and a cost-benefit analysis for each type of alternative care. They may ask NGOs to share their experience with regard to cooperation of NGOs with local authorities and institutions such as schools, courts, etc. They may seek professional advice from the NGO sector in the areas such as working with foster families, small homes for children. Poverty reduction is a politically important issue. Representatives of the government may be interested in the views of NGOs on how to address family poverty in the best way. Other questions may include best practices with De-I from other countries and whether these already piloted programmes have been evaluated by researchers.

NGOs are in a good position to equip national authorities with such kind of information. NGOs need to undertake all measures to be as credible as possible, so that national authorities may rely on their expertise and experience. NGOs need to coordinate their activities, and to do their best so that they are perceived as partners, rather than competitors by the ministries and other governmental agencies. The main message from NGOs needs to be that NGOs are willing to work in partnership and that NGOs have no intention to replace the role of governmental agencies in the De-I process. It is very important for NGOs to stay with basic principles and values in the area of human rights and child rights on a strategic level and - on a tactical level - to make compromises and mutually acceptable agreements with governmental agencies regarding practical steps on the road to De-I. In the relations between NGOs and national authorities it is equally important to implement short-term decisions and to keep long-term goals.

NGOs need to equip themselves with clear definitions and to use them properly.

It is important not to forget the problems in the employment sector which may be raised with regard to the process of closure of residential institutions. The NGOs need to be seriously equipped with rational arguments in this specific field, as well as in the field of the De-I process in general and to back national authorities with all possible arguments when needed.

NGOs would appreciate if the EU could work on more effective monitoring mechanism on how EU funds are spent. One of the proposals could be that the EU sets up an independent group of experts in charge of identifying the facts of misuse of EU funds in the Member States.

NGOs recognize the value of the peer review process in order to give more visibility to good practices, as well as to practices which are far from good.

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## CONCLUDING DISCUSSION

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In addition to the suggestions raised by the three working groups, some more insights and ideas for the role of NGOs were presented during the concluding discussion.

It was agreed by workshop participants that one of the main problems which needs to be addressed in all possible ways is that EU formally has no mandate over the process of EU structural funds being used by Member States, including in the field of transformation of institutional care. In such situation, when most of decisions and tools within EU are non-binding, there is a need of effective synergies of different national and international tools in this field. For example, the UN Convention on the Rights of Persons with Disabilities (CRPD) (as it was ratified by the European Union) may be effectively used as a binding treaty, with regard to the right to independent living in the community (Article 19) and other rights enshrined in the CRPD. Article 32 of the CRPD (International cooperation) is also very relevant to the process of using EU funds with respect to reducing the phenomenon of overuse of institutional care in many new EU Member States. The UN Convention on the Rights of the Child (CRC) could be more effectively used as a binding Treaty (as all EU Member States have ratified the CRC). While reporting to the Committee on the Rights of the Child, the national authorities are collecting all existing data on both children in residential institutions and on services available to children at risk at the level of community care. They need to respond to the additional list of issues by the UN Committee, and to update all information on recent legislative and other measures undertaken by the authorities. After the dialogue, when the Committee on the Rights of the Child submits its Concluding Observations (and for new EU Member States they usually include recommendations on the need to move forward the process of De-I), there is a good opportunity to all interested stakeholders in the country to jointly plan and implement measures to support De-I. The NGOs could effectively use this process of reporting on the CRC and the implementation of the Concluding Observations for raising the issue of rational and transparent allocation of EU funds.

All participants of the workshop have agreed that Eurochild is in a very good position to have a more visible role in the De-I process at EU level, for example, through highlighting examples of good practice across Europe.

Despite acknowledging the fact that monitoring of the use of EU structural funds in respective Member States remains within the competence of Member States, and not the EU, it is important to continue working with all levels of EU bodies, including the European Parliament, the European Commission, and different DGs.

It needs to be brought to the attention of all EU structures that human rights issues and the need to use EU funding in effective and transparent ways are of higher priority and under higher level of control in pre-accession countries, than in post-accession countries.

Another suggestion would be to look for possible allies in other areas (such as agriculture, environment protection, railways, etc.) and to use examples of similar situations when the issue was effectively raised at EU level despite the fact that it was within the scope of national competencies.

One of the ways to address the problem of effective use of EU structural funds in the process of De-I would be the involvement of the Members of the European Parliament elected in the new Member States and to ask them to join, formally or informally, the coalition of NGOs and to contribute to healthier use of EU structural funds.

Participants also shared their concern on the fact that the issues of prevention of institutionalization of children are not adequately addressed in the European Commission's agenda on the rights of the Child and that important issues concerning rights of children throughout the EU can not be left to national competence. Good examples, such as the European Commission Communication on Roma, need to be taken into account when lobbying on mainstreaming De-I process in all possible actions at EU level.

## ANNEX: PARTICIPANTS LIST

Surname	Name	Organisation	Country
Avelar	Josiane	CEBI foundation	PT
Bacci	Flavio	Fondazione Albero della Vita	IT
Bassola	Eszter	Office of the Parliamentary Commissioner for Civil Rights	HU
Bogdanov	George	National Network for Children	BG
Bulai	Ines	Fara Foundation	UK/RO
Carter	Richard	Associate member	UK
D'Addato	Agata	Eurochild	EE
Darabus	Stefan	Hope and Homes for Children	RO
Delap	Emily	EveryChild	UK
Dybaylo	Vasylyna	Partnership for Every Child	UA
Fonseca	Olga	CEBI foundation	PT
Gardiner	Chris	IFCO & VZD	CZ
Guma	Almandina	SOS Children's Villages Albania	AL
Hainsworth	Jana	Eurochild	EE
Herzog	Maria	Eurochild & FCYA	HU
Ivanova	Vyara	National Network for Children	BG
Jorgensen	Geert	Joint Council for Child Issues	DK
Kacirkova	Petra	LUMOS	CZ
Kempainen	Martti	Central Union for Child Welfare	FI
Kennedy	Jean Anne	IFCO & Power4Youth	NL
Kola	Ana	Society Our Children Opatija	HR
Kukk	Kersti	Power4Youth	EE
Macela	Miroslav	Ministry of Labour and Social Affairs	CZ
Nadvornik	Ondrej	People in Need	CZ
Negro	Alessandro	Amici dei Bambini	IT
Nicholson	Jane	Fara Foundation	UK/RO
Pazlarova	Hana	Charles University Prague	CZ
Pfeiffer	Jan	Lumos	CZ
Puras	Dainius	Associate member	LT
Puyet	Kelig	SOS Children's Villages International	EE
Sakaliene	Dovile	Human Rights Monitoring Institute	LT
Sanderova	Lucie	Domus - Center for Family	CZ
Sciberas	Ruth	Foundation for Social Welfare Services	MT
Sherwin	Emmanuel	Associate member	UK
Simokovic	Lea	MDRI-S	SB

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Theodoropoulou	Mary	Roots research centre	GR
Trubacova	Klara	Ministry of Labour and Social Affairs	CZ
Verbych	Zoryana	Partnership for Every Child	UA
Vladislav	Matej	SOCIA	SK