

**Lumos' contribution to the public consultation on EU funds in the area of values and mobility:
Ending volunteering in institutions for children**

1. About Lumos

Lumos is an international NGO¹, founded by author J.K. Rowling, working to end the institutionalisation of children around the world by transforming education, health and social care systems for children and their families; helping children move from institutions to family-based care. Lumos sits on the EU Civil Society Platform against trafficking in human beings and is a founding member of the European Expert Group on the Transition from Institutional to Community-based Care.

2. Institutionalisation of children

An estimated eight million children worldwide live in residential institutions and so-called orphanages that deny their human rights and do not meet their needs.² One million of these children are believed to live in the wider European region.³

There are numerous definitions of what the term 'institution'⁴ means when referring to children. The Common European Guidelines on the Transition from Institutional to Community-based Care define institutions for children "as residential setting that are not built around the needs of the child nor close to a family situation, and display the characteristics typical of institutional culture (depersonalisation,

¹ Lumos Foundation (Lumos) is a company limited by guarantee registered in England and Wales number: 5611912 | Registered charity number: 1112575

² The number of residential institutions and the number of children living in them is unknown. Estimates range from 'more than 2 million' (UNICEF, Progress for Children: A Report Card on Child Protection Number 8, 2009) to 8 million (Cited in: Pinheiro, P., World Report on Violence against Children, UNICEF, New York, 2006). These figures are often reported as underestimates, due to lack of data from many countries and the large proportion of unregistered institutions.

³ Ceecis, U. (2011). End placing children under three years in institutions. UNICEF

⁴ See for example Eurochild's definition extracted from the UN Guidelines for the Alternative Care of Children: "a residential setting that is not built around the needs of the child nor close to a family situation and display the characteristics typical of institutional culture (depersonalisation, rigidity of routine, block treatment, social distance, dependence, lack of accountability, etc.). Cited in the Common European Guidelines on the Transition from Institutional to Community-based Care. European Expert Group on the Transition from Institutional to Community-based Care, November 2012, <http://www.deinstitutionalisationguide.eu/> [accessed 06 Mar 2018]. In addition, UNICEF when defining an institution considers "whether the children have regular contact and enjoy the protection of their parents or other family or primary caregivers, and whether the majority of children in such facilities are likely to remain there for an indefinite period of time". Cited in the UNICEF Consultation on Definitions of Formal Care for Children, pp.12–13.

rigidity of routine, block treatment, social distance, dependence, lack of accountability, etc.)”.⁵ Additional characteristics include an organised routine, impersonal structures and a low care-giver to child ratio.

Over 80 years of research from across the world has demonstrated the significant harm caused to children in institutions who are deprived of loving parental care and who may consequently suffer life-long physical and psychological harm.⁶ Children who grow up in institutions can experience attachment disorders, cognitive and developmental delays, and a lack of social and life skills leading to multiple disadvantages during adulthood.⁷ Long-term effects of living in institutions can include severe developmental delays, disability, irreversible psychological damage, and increased rates of mental health difficulties, involvement in criminal behaviour, and suicide.⁸

Research consistently demonstrates that more than 80 per cent of children in institutions are not 'orphans',⁹ but are placed there due to reasons such as poverty, disability, marginalisation, a lack of family support services in the community and as a result of trafficking.

3. International policy and legal framework

A number of international and EU policy and legal instruments declare that institutional settings are a breach of human rights. The Convention on the Rights of the Child (CRC), ratified by all EU Member States, affirms that as far as possible, all children have a right to live with their families and that parents or other legal guardians have the primary responsibility to protect and care for the child.¹⁰ The CRC and the UN Guidelines for the Alternative Care of Children¹¹ also call on States to ensure that families have access to services which support them in their caregiving role. The Convention on the Rights of Persons with Disabilities (UNCRPD),¹² to which 27 Member States and the EU itself are signatories, states that children with disabilities should enjoy their human rights on an equal basis with other children¹³, that their best interests must be taken into account¹⁴ and that all persons with disabilities have the right to community living.¹⁵

⁵ European Expert Group on the Transition from Institutional to Community-based Care. (2012). *Common European Guidelines on the Transition from Institutional to Community-based Care*. <http://www.deinstitutionalisationguide.eu/> [accessed 11 July 2016].

⁶ Berens & Nelson (2015). The science of early adversity: is there a role for large institutions in the care of vulnerable children? *The Lancet*. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61131-4/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/abstract) [Accessed 16 September 2016]

⁷ Nelson, C., Zeanah, C., et al. (2007) “Cognitive recovery in socially deprived young children: The Bucharest early intervention project”. *Science* 318 (no.5858); 1937–1940 (21st December 2007)

⁸ Mulheir, G. et al. (2012). Deinstitutionalisation – A Human Rights Priority for Children with Disabilities.

⁹ Csáky, C. (2009) Keeping children out of harmful institutions: why we should be investing in family-based care, *Save the Children*, p. vii

¹⁰ United Nations (1989) *Convention on the Rights of the Child* (Adopted 20 November 1989, entered into force 2 September 1990) Vol.1577, p.3.

¹¹ United Nations (2009) *Guidelines for the Alternative Care of Children* (2009) A/RES/64/142 http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf [accessed 27 Jul 2017].

¹² United Nations (2007), *UN Convention on the Rights of Persons with Disabilities* (Adopted by the UN General Assembly, 24 January 2007, A/RES/61/106).

¹³ *Ibid*, Art. 7.1

¹⁴ *Ibid*, Art. 7.2

¹⁵ *Ibid*, Art. 19

The 2030 Agenda for Sustainable Development is built around the principle of *leaving no one behind*¹⁶ and describes the role of States “to provide children and youth with a nurturing environment for the full realisation of their rights and capabilities... including through safe schools and cohesive communities and families.”¹⁷

In addition, the recently updated “EU Guidelines for the Promotion and Protection of the Rights of the Child (2017)” highlight the importance of appropriate alternative care for children that allows them to participate in community life, of preventing family and child separation,¹⁸ and of taking into consideration the child’s best interests.¹⁹ They further recommend the need for greater coherence in the EU’s external action on children, including that carried out by Member States.²⁰

4. Ceasing EU funding for institutional care

In 2013, the European Union took a major step towards ending the institutionalisation of children with the introduction of an ex-ante conditionality on social inclusion (9: 9.1.) in the Regulation 1303/2013 on the European Structural and Investment Funds²¹. The ex-ante conditionality includes measures which effectively prohibit the use of ESIF to maintain, renovate or construct residential institutions. It also encourages Member States to prioritise programmes to support the transition from institutional to family and community-based care.

5. The relationship between orphanage volunteering and child trafficking

The proliferation of orphanages in a number of countries has been fuelled in part by a growing trend in recent decades of volunteering in, and donating to, orphanages. Indeed, volunteering in orphanages has become so popular—and such a lucrative industry—that orphanages are sometimes established simply to provide a volunteering ‘experience’.²² This practice is harmful for children on a number of levels.

Children need continuity of sensitive care. The constant turnover of volunteers, offering love and care for a few days or weeks, results in children who are not able to form proper attachments, essential to healthy development.²³ Often volunteers will not understand that an orphanage is harmful for

¹⁶ United Nations (2015) General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015)

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E [accessed 18 May 2017]

¹⁷ United Nations (2015) General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015), p. 7,

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E [accessed 18 May 2017]

¹⁸ European Union (2017), *Guidelines on the Promotion and Protection of the Rights of the Child* p.19.

https://eeas.europa.eu/sites/eeas/files/eu_guidelines_rights_of_child_0.pdf [accessed 06 Mar 2018]

¹⁹ Ibid, p. 21

²⁰ Ibid, e.g. p. 13

²¹ European Union (2013) *Regulation (EU) 1303/2013*, Article 9: 9.1

²² Punaks, M & Feit, K (2014) *The Paradox of Orphanage Volunteering: Combatting Child Trafficking Through Ethical Voluntourism*, Next Generation Nepal. See also Lumos (2017) *The Case for an Australian Modern Slavery Act: Recognising the relationship between trafficking and exploitation of children in orphanages as a form of modern slavery*. Submission to the Inquiry into establishing a Modern Slavery Act in Australia (Submission 200)

http://www.aph.gov.au/sitecore/content/Home/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Submissions

²³ Better Care Network (2016) Orphanage Volunteering – Why to say no. <http://bettercarenetwork.org/sites/default/files/Orphanage%20Volunteering%20%20Why%20to%20say%20no.pdf> [accessed 5 July 2017]. See also Lumos (2016) *Orphanage Entrepreneurs: The Trafficking of Haiti’s Invisible Children* https://wearelumos.org/sites/default/files/Haiti%20Trafficking%20Report_ENG_WEB_NOV16.pdf [accessed 31 Mar 17]

children. Orphanage directors may threaten and punish children if they ‘speak out’ to volunteers about abuse. Therefore, smiling children may mask the reality of life in the institution. Volunteers can also misinterpret the affection children show them as a ‘need’ for their presence as a volunteer, whereas it is in fact demonstrating that their ability to form secure attachments has been damaged.²⁴

In many countries, orphanages may not undertake background checks on volunteers, nor do they have adequate systems in place to protect children under their care. As a result, some child sex abusers pose as orphanage volunteers to gain access to vulnerable children, which has in many cases led to serious sexual and other abuse.²⁵ Even well-intentioned volunteers rarely have the appropriate skills to provide care for vulnerable children: many speak of having witnessed abuse of children without having been taught how to respond, while others say they were asked to provide medical care for children, without having received appropriate training.²⁶

Finally, the large sums of money associated with volunteering and the demand for volunteer placements in orphanages have driven a trend of trafficking of children into orphanages, unnecessarily removing children from their families and placing them in situations of potential harm, abuse and exploitation.²⁷

6. Lumos’ recommendations for EU-led volunteering schemes

European volunteering schemes such as European Voluntary Service (EVS), EU Aid Volunteers and the European Solidarity Corps allow for the expression of solidarity between people of different backgrounds, different ages and across cultural divides. They also provide an opportunity for cultural and social exchange between countries that cannot be offered at national level. For example, volunteering in a social service in another country can give young people the chance to experience different models and approaches around Europe, to explore and exchange good practice and to use their experiences to potentially improve services back home.

The first consideration of any volunteering activity should be that it should be beneficial for society, and as a minimum should not cause harm to the volunteers or the recipients of their services. This is reflected in the *Council Recommendation on the mobility of young volunteers across the European Union*, which encourages organisers “to cooperate in providing assurances about the protection of young volunteers and service recipients.”²⁸

Furthermore, any activities relating to children must also comply with Article 24 of the EU Charter on Human Rights, which states that “Children shall have the right to such protection and care as is necessary for their well-being,” and that “In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.”²⁹

²⁴ Lumos (2016) *Orphanage Entrepreneurs: The Trafficking of Haiti’s Invisible Children*. op. cit. pp 17 – 25

²⁵ Van Doore, K, Martin, F & McKeon, A (2016) *Expert Paper: International Volunteering and Child Sexual Abuse*, Better Care Network; Better Volunteering Better Care (2014) *Collected Viewpoints on International Volunteering in Residential Care Centres*

²⁶ Lumos (2016) *Orphanage Entrepreneurs: The Trafficking of Haiti’s Invisible Children*. op. cit. pp 17 – 25

²⁷ Punaks, M & Feit, K (2014) *The Paradox of Orphanage Volunteering* op. cit. See also Lumos (2016) *Orphanage Entrepreneurs: The Trafficking of Haiti’s Invisible Children*, op. cit.

²⁸ European Union (2008) *Council recommendation of 20 November 2008 on the mobility of young volunteers across the European Union*. Rec B(8). [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008H1213\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008H1213(01)&from=EN) [accessed 30 Jan 2018]

²⁹ European Union (2012). *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02

Overall, the activities to which European volunteers contribute must be carefully selected and appropriate, should be in line with EU values and legislation, and should contribute to the development of sustainable and inclusive societies, based on respect for fundamental human rights.

Recommendation 1: Ensuring volunteers are not placed in institutions for children

As outlined above, institutions represent a breach of children’s rights and pose a serious risk for their development, wellbeing and protection. Volunteering in institutions can cause harm to children in various ways, ranging from attachment disorders to serious cases of physical and sexual abuse, as well as trafficking of children to fill institutions.

The EU has recognised the harm caused by institutions and has demonstrated its commitment to facilitating the process of transition from institutions to family- and community-based care across the EU through the Regulation 1303/2013 on the ESIF. In order for the EU to be coherent in its policy and action, the same principle should be applied to all existing and future programmes, tools and initiatives both inside and outside the EU.

Allowing or encouraging volunteers to take part in placements in institutions for children would contradict the above policy, would contravene the CRC and UNCRPD, and could result in serious harm to the children as set out above. It could also effectively normalise this harmful practice in the eyes of the volunteers: they could even go on to provide or support similar services themselves.

Lumos recommends that, in all EU-run volunteering schemes, **volunteers are not placed in institutions for children.**

Recommendation 2: Child Protection

Placing volunteers in any setting where they work directly or indirectly with children (even when not institutions) raises potential child protection issues which need to be considered and prevented well in advance of the placement. Volunteers must not have direct contact with children unless they have completed adequate child protection training and vetting procedures, and should not have direct contact with children unless they have relevant qualifications and skills. This is particularly important for volunteers working with children with disabilities, who are at greater risk of harm from unskilled volunteers. Volunteers in these settings require an even more specialised skill set, so must have received appropriate training and certification before undertaking such placements.

The above measures are essential for the initiative to be in line with Article 24 of the European Charter of Fundamental Rights: in all actions concerning children, their best interests must come first and they must be protected from harm.

Lumos recommends that any volunteers coming into direct contact with children must have completed adequate child protection training and vetting procedures.

Volunteers should not have direct contact with children **unless they have relevant qualifications and skills**. In particular, **volunteers working with children with disabilities must have specialist qualifications and skills** to enable them to provide the additional support needed.

Furthermore, volunteer placements with children require **on-going supervision, to ensure that child protection policies are being effectively implemented.**

Recommendation 3: Inclusion of all young people

Many young people leaving institutions and alternative care have not had the same educational and social opportunities as those that have grown up in families or family-like care. They also lack the continued family support that other young people benefit from after they have reached the age of eighteen. Furthermore, many of them may have disabilities and may therefore require additional support to have the same access to volunteering opportunities. With the right support, these young people can make a valuable contribution to EU volunteering schemes, including the new European Solidarity Corps.

Lumos calls for young people leaving alternative care, especially those leaving institutions, to be provided with the necessary additional support to allow them to participate in EU volunteering schemes.

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