



Protecting Children. Providing Solutions.

May 2019

## Lumos' recommendations to the Finnish Presidency of the Council of the EU:

### Protect, support and empower children and their families globally

#### About Lumos

Lumos is an international NGO<sup>1</sup>, founded by the 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.

#### 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.<sup>2</sup> One million of these children are believed to live in the wider European region.<sup>3</sup>

There are numerous definitions of what the term 'institution'<sup>4</sup> 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, rigidity of routine, block treatment, social distance, dependence, lack of accountability, etc.)".<sup>5</sup> 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-

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

<sup>2</sup> 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.

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

<sup>4</sup> 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/>. 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.

<sup>5</sup>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].

long physical and psychological harm.<sup>6</sup> 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.<sup>7</sup> 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 decreased life expectancy.<sup>8</sup>

Research consistently demonstrates that more than 80 per cent of children in institutions are not 'orphans',<sup>9</sup> 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.

### International and EU 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.<sup>10</sup> The CRC and the UN Guidelines for the Alternative Care of Children<sup>11</sup> 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),<sup>12</sup> 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 children<sup>13</sup>, that their best interests must be taken into account<sup>14</sup> and that all persons with disabilities have the right to community living.<sup>15</sup>

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 Funds**<sup>16</sup>. 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.

The EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) include institutionalisation as one of the key risk factors for children in vulnerable situations.<sup>17</sup> The document highlights the importance of appropriate alternative care for children that allows them to participate in community life, and preventing family and child separation<sup>18</sup> and states that the primary

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<sup>6</sup> 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]

<sup>7</sup> 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)

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

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

<sup>10</sup> United Nations (1989) *Convention on the Rights of the Child* (Adopted 20 November 1989) Vol.1577, p.3.

<sup>11</sup> 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](http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf) [accessed 27 Jul 2017].

<sup>12</sup> 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).

<sup>13</sup> *Ibid*, Art. 7.1

<sup>14</sup> *Ibid*, Art. 7.2

<sup>15</sup> *Ibid*, Art. 19

<sup>16</sup> European Union (2013) *Regulation (EU) 1303/2013, Article 9: 9.1*

<sup>17</sup> European Union (2017), *Guidelines on the Promotion and Protection of the Rights of the Child* [https://eeas.europa.eu/sites/eeas/files/eu\\_guidelines\\_rights\\_of\\_child\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/eu_guidelines_rights_of_child_0.pdf), p. 4

<sup>18</sup> *Ibid*, p.19

consideration for expenditure should be the best interests of the child.<sup>19</sup> It further recommends the need for greater coherence in the EU's external action on children, including that carried out by Member States.<sup>20</sup> The Guidelines also underline the importance of data to design effective policy, and especially the importance of disaggregated data ("crucial") to ensure no child is left behind.<sup>21</sup>

### The role of the Finnish Presidency in promoting deinstitutionalisation of children

Finland is known for its high social inclusion and its participative society, striving to leave no one behind as far as living in a community is concerned. When it comes to deinstitutionalisation, Finland also shows strong indicators, having a very thorough strategy, including for example: numerical targets specifying the number of persons to deinstitutionalise or specific dates for completing deinstitutionalisation. Furthermore, Finland's national disability and deinstitutionalisation strategies include a pledge not to build new institutions.<sup>22</sup> Lumos welcomes these strong commitments by Finland in its deinstitutionalisation strategies.

The incoming Finnish Presidency of the Council of the EU is therefore an **excellent opportunity to showcase successful deinstitutionalisation reform, to share experience and provide inspiration for other countries inside and outside the EU undergoing similar processes**. It is also a perfect opportunity to build on the momentum generated by other recent Presidencies of the EU Council, such as the Estonian, Bulgarian and Romanian Presidencies, which have kept deinstitutionalisation high on the EU political agenda.

The timing of the Finnish Presidency will be unprecedented, as it will follow two major events in EU politics, the general European elections and the departure of the UK from the European Union. In addition to that, a key moment in shaping EU policy and legislation for the years to come, will be the finalising of the negotiations over the next Multiannual Financial Framework (MFF). The Finnish Prime Minister Juha Sipilä reaffirmed his confidence that a compromise will be found during the Finnish Presidency, thus emphasizing its crucial timing.<sup>23</sup>

Below, Lumos proposes a series of recommendations for the Finnish Presidency.

#### **Recommendation 1: Maintain and strengthen the shift from institutional to family-and community-based care as an investment priority in the Regulations for the next programming period.**

Lumos acknowledges the fact that the Multiannual Financial Framework 2021-2027 will be of special significance for the current Presidency Trio, including Finland.<sup>24</sup> The MFF is indeed of great importance for achieving the EU's shared objectives and delivering on the commitments made by the Union. These objectives include our core values such as the protection of human rights and the promotion of equal opportunities for all citizens without discrimination. The progress of deinstitutionalisation reforms across Europe in recent years is one concrete way in which the European Union has demonstrated its ability to deliver on these objectives, and the support and example of the Finnish Presidency will be vital, in this key period, to ensure that it continues to do so in the years to come.

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<sup>19</sup> Ibid, p. 21

<sup>20</sup> Ibid, e.g. p. 13

<sup>21</sup> Ibid, p. 24

<sup>22</sup> Fundamental Rights Agency Report 2017: <https://fra.europa.eu/en/publication/2017/independent-living-structures>

<sup>23</sup> Debate on the future of Europe: answers by Juha SIPILÄ, Finnish Prime Minister: [https://multimedia.europarl.europa.eu/en/debate-on-the-future-of-europe-answers-by-juha-sipila-finnish-prime-minister-1166911-V\\_rv](https://multimedia.europarl.europa.eu/en/debate-on-the-future-of-europe-answers-by-juha-sipila-finnish-prime-minister-1166911-V_rv)

<sup>24</sup> Trio Programme <http://data.consilium.europa.eu/doc/document/ST-14518-2018-INIT/en/pdf>

In the current funding period 2014-2020, the ex-ante conditionality on social inclusion in the Regulation 1303/2013 on the ESIF (9: 9.1.), with its investment priority on the “transition from institutional to community-based services,” effectively prohibits the use of ESIF for the maintenance, renovation or construction of residential institutions.

This commitment to end the institutionalisation has been reaffirmed in the Commission’s proposals for Cohesion Policy Regulations for the next programming period 2021-2027. Ex-ante conditionalities have been replaced by enabling conditions which will apply to all Member States and will require an ongoing assessment. One of the fulfilment criteria under the enabling condition 4.3 linked to the existence of national policy frameworks for social inclusion and poverty reduction in the Common Provisions Regulation (CPR) “includes measures for the shift from institutional to community-based care.”<sup>25</sup>

The proposed ESF+ Regulation, states, that the “Member States and the Commission shall also support specific targeted actions (...) within any of the objectives of the ESF+, including the transition from residential/institutional care to family and community-based care.”<sup>26</sup>. In addition, Recital 28 suggests that “ESF+ should also promote the transition from residential/institutional care to family and community-based care, in particular for those who face multiple discrimination” and that that “ESF+ should not support any action that contributes to segregation or to social exclusion”.<sup>27</sup>

Regrettably, the transition from institutional to family- and community-based care has not been included in the proposal for a Regulation on the ERDF.

**Lumos calls** on the Finnish Presidency to ensure that the enabling condition 4.3 in the European Commission proposal for a Common Provision Regulation 2021-2027 is maintained together with its fulfilment criteria on “the shift from institutional to family and community-based care”.

**Lumos calls** on the Finnish Presidency to ensure that the Article 6.2 and Recital 28 in the proposal for an ESF+ Regulation 2021-2027 promoting “the transition from institutional care to family and community-based care” is maintained.

**Lumos calls** on the Finnish Presidency to ensure that in the proposal for a Regulation for the ERDF 2021-2027:

- a) investments in the transition from institutional to family and community-based care are promoted, and;
- b) investments in institutional care for children are explicitly prohibited.

## **Recommendation 2: Prioritise the deinstitutionalisation of children in all EU external instruments.**

It is also vital to ensure that children’s rights are protected and promoted outside the EU. The EU Guidelines on the Promotion and Protection of the Rights of the Child<sup>28</sup> demonstrate the EU’s

<sup>25</sup> European Commission (2018) Proposal for a Regulation COM(2018) 375 final of the European Parliament and the Council of 29.5.2018, 2018/0196 (COD), ANNEX IV: Thematic enabling conditions applicable to ERDF, ESF+ and the Cohesion Fund – Article 11(1), p. 28

<sup>26</sup> European Commission (2018) Proposal for a Regulation COM(2018) 382 final of the European Parliament and of the Council of 30.5.2018, 2018/0206 (COD), Article 6, p. 29

<sup>27</sup> Ibid, p.20

<sup>28</sup> European Union (2017) *Guidelines on the Promotion and Protection of the Rights of the Child*. Op. cit.

commitment to protecting and promoting children's rights and supporting family- and community-based care not only in Europe but globally. Lumos was therefore pleased to see that the current Presidency Trio of the EU, including Finland, decided to include among its priorities "The Union as a strong global actor."<sup>29</sup>

With the publication of the European Commission Proposal for a Regulation establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) 2021-2027, the EU commitment to promoting the transition from institutions to family- and community-based services for children has been for the first time extended to its external action. The Proposal for a Regulation includes the transition from institutional to community-based care for children as an area of cooperation both for the geographic instruments<sup>30</sup> and the thematic programmes.<sup>31</sup> This is a very welcome development, as EU support in this area has the potential to contribute to transforming systems of care across the world and ensuring that all children can realise their right to live in a family. Lumos therefore strongly recommends that this text is preserved in the final Regulation.

Unfortunately, the transition from institutions to family- and community-based services was absent from the European Commission Proposal for a new Instrument for Pre-accession Assistance Regulation (IPA III). This is particularly concerning given that many of the beneficiaries are countries where institutions are still prevalent for both children and adults, and that they are preparing for accession into the EU, where they would need to comply with internal standards, policies and legislation, including the shift towards ending institutional forms of care. Steps have been taken in both the European Parliament and the Council to rectify this omission and include the transition from institutions to family- and community-based services among the activities to be financed by this instrument. Lumos calls on the Finnish Presidency to ensure that these positions are taken into account in the inter-institutional negotiations, so that the transition from institutions to family- and community-based services is included as an action in the final IPA III Regulation.

**Lumos calls** on the Finnish Presidency to ensure that the transition from institutional to community-based care for children is preserved in the final NDICI Regulation.

**Lumos calls** on the Finnish Presidency to ensure that the transition from institutional to community-based care for children is included as a priority area in the final IPA III Regulation.

**Lumos calls** on the Finnish Presidency to raise awareness of children in institutions and to send a message that all future EU external assistance initiatives and funding instruments, including those directed at migration and other humanitarian crises, should prioritise actions linked to the transition from institutions to family- and community-based care.

### **Recommendation 3: Protect migrant and refugee children from institutionalisation**

Finland will be leading the Council of the EU through a critical period and it is likely that migration and the current refugee crisis will remain high on the EU agenda as has been the case in recent years.

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<sup>29</sup> Trio Presidency Programme <http://data.consilium.europa.eu/doc/document/ST-14518-2018-INIT/en/pdf>

<sup>30</sup> European Commission (2018) Proposal for a Regulation COM(2018) 375 final of the European Parliament and the Council of 29.5.2018, 2018/0196 (COD), ANNEX IV: Thematic enabling conditions applicable to ERDF, ESF+ and the Cohesion Fund – Article 11(1), p. 28

<sup>31</sup> European Commission (2018) Annexes to the Proposal for a Regulation COM(2018) 460 final of the European Parliament and of the Council of 14.6.2018, p. 12

Children are particularly vulnerable in this crisis, and are at high risk of abuse, trafficking and institutionalisation.

Unaccompanied migrant and refugee children should be treated as children first, with their rights protected by the UNCRC. While both migrant and refugee children arriving on European soil should have their rights protected in the same way as European children, the reality has been very different. Children should not be detained for immigration related-purposes, yet, unfortunately, many children are placed in detention facilities on arrival.<sup>32</sup> In addition, research points towards unaccompanied children who go missing after having been placed in institutions before they have been registered by authorities, making them easy prey for traffickers.<sup>33</sup>

Family- and community-based care has the potential to better meet unaccompanied migrant and refugee children's needs, to help them integrate into the community and help young people settle, thrive and explore life within and beyond the placement.<sup>34</sup> The rights and care standards applied to children in migration should be the same as the response to all European children who live outside families.

Lumos acknowledges the decision of the Finnish Presidency to set migration high on the agenda<sup>35</sup> and calls on the Presidency to ensure that the EU's values of human rights and respect for human dignity are extended to all migrant and refugee children within and at Europe's borders.

**Lumos calls** on the Finnish Presidency to support measures addressing the situation of unaccompanied migrant and refugee children in the EU, making sure that their rights are safeguarded.

**Lumos calls** on the Finnish Presidency to ensure that future EU funds directed towards migrant, separated and unaccompanied children should only be spent on the provision of family- and community-based care and not on segregated residential settings. There are positive examples of family-based responses to unaccompanied children in Europe<sup>36</sup> which could be used as models for good practice.

#### **Recommendation 4: Protect children from being trafficked**

There is a strong connection between trafficking and institutionalisation of children. Children in institutions are at high risk of becoming victims of trafficking and often when child victims are recovered from traffickers they are placed (back) in institutions by the responsible authorities. This creates a vicious circle for trafficked children and additional risks to their peers in institutions.

<sup>32</sup> European Union Fundamental Rights Agency (2018) *Migration to the EU: five persistent challenges*. February 2018. <https://fra.europa.eu/en/publication/2018/five-persistent-migration-challenges> [accessed 07 Jan 2019]

<sup>33</sup> Missing Children Europe (n.d.) "Missing unaccompanied migrant children" <http://missingchildreneurope.eu/Missingunaccompaniedchildren> [accessed 27 Jun 2017]

<sup>34</sup> Nidos, SALAR, CHTB, (2015) Reception and Living in Families-Overview of family-based reception for unaccompanied minors in EU Member States. Available at: <http://www.scepnetwork.org/images/21/276.pdf> [accessed 04 Mar 2019]

<sup>35</sup> Speech by PM Juha Sipilä <http://www.europarl.europa.eu/news/en/headlines/priorities/future/20190123IPR24127/finnish-prime-minister-calls-for-a-more-united-eu-of-concrete-actions>

<sup>36</sup> For example, the NIDOS programme in Netherlands <http://www.scepnetwork.org/images/21/276.pdf> page 67 and Metadrasi in Greece <http://metadrasi.org/en/campaigns/foster-care-for-unaccompanied-separated-children/>

Lumos' research in Haiti has identified evidence of orphanages which are trafficking children. Orphanage 'entrepreneurs' recruit children by misleading parents about the care that will be provided or even paying them to give their children away and use the children to solicit donations from well-meaning donors. Little of the funding received is spent on care for the children, who are in turn placed at risk of serious abuse and neglect.<sup>37</sup> The same pattern of orphanage trafficking has been identified in a number of other countries.<sup>38</sup>

**Lumos calls** on the Finnish Presidency to ensure that the relationship between institutionalisation and trafficking remains high on the agenda in discussions on measures to prevent trafficking of human beings, particularly children.

### **Recommendation 5: Ensure that the EU does not promote volunteering placements in institutions for children, including through the European Solidarity Corps**

Evidence gathered over recent years shows that the practice of volunteering in institutions for short-term placements is harmful for children on a number of levels. Children need continuity of sensitive care. The constant turnover of volunteers, offering affection and care for a short period of time, means that children only receive pockets of affection, without consistent and stable support. This harms their ability to form secure attachments, essential to healthy development.<sup>39</sup> Institutions may not undertake background checks on volunteers, nor do they have strong child protection systems in place to prevent, recognise and respond to abuse. As a result, some child sex abusers have used residential institutions to gain access to vulnerable children.<sup>40</sup> Even well-intentioned volunteers rarely have the specific skills, experience or qualifications needed to work with vulnerable children.<sup>41</sup>

In addition, the large sums of money associated with volunteering and the demand for volunteer placements in "orphanages" are also a driver of the above-mentioned phenomenon of trafficking children into institutions, unnecessarily removing them from their families and placing them in situations of potential harm, abuse and exploitation.<sup>42</sup>

The recently-established European Solidarity Corps, for which the new Regulation for the 2021-2027 period is currently being negotiated, provides an opportunity for raising awareness among young people about human rights, social inclusion and how to best achieve them in practice. However, encouraging young people to volunteer in institutions would effectively validate this harmful practice and normalise it in the eyes of the volunteers. As such, placements in orphanages and other residential institutions for children should be ruled out from the scope of the European Solidarity Corps.

<sup>37</sup> Lumos (2016) Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children

[https://wearelumos.org/sites/default/files/Haiti%20Trafficking%20Report\\_ENG\\_WEB\\_NOV16.pdf](https://wearelumos.org/sites/default/files/Haiti%20Trafficking%20Report_ENG_WEB_NOV16.pdf) [accessed 31 Mar 2017]

<sup>38</sup> 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/Modern\\_Slavery/Submissions](http://www.aph.gov.au/sitecore/content/Home/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Modern_Slavery/Submissions)

<sup>39</sup> 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](https://wearelumos.org/sites/default/files/Haiti%20Trafficking%20Report_ENG_WEB_NOV16.pdf) [accessed 31 Mar 17]

<sup>40</sup> 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*

<sup>41</sup> Lumos (2016) Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children. op. cit. pp 17 – 25

<sup>42</sup> 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.

It is also crucial to ensure that, in any placements where volunteers will be working with children, the appropriate safeguarding policies and procedures are in place, and volunteers do not have direct contact with children unless they have completed adequate child protection training and vetting procedures.

**Lumos calls** on the Finnish Presidency to ensure that the Regulation for the European Solidarity Corps 2021-2027 explicitly rules out placements in orphanages and other residential institutions for children, and that child protection and safeguarding measures are put in place for all placements involving children.

### **Recommendation 6: Invest in inclusive education**

The UN Convention on the Rights of the Child (UNCRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Universal Declaration of Human Rights all recognise the right to education for everybody, and the UN Convention on the Rights of Persons with disabilities (UNCRPD)<sup>43</sup> emphasises that inclusive education is key to achieving the right to education for all. Nevertheless, across Europe and around the world, a significant number of children with disabilities still live in residential ‘special education schools,’ often far from their home, due to a lack of inclusive education.

Inclusive education is a key resource to counter exclusion, it benefits all learners without discrimination towards individual or group, and in doing so is one of the main vehicles towards social inclusion. Inclusive education is also a key pillar of the deinstitutionalisation process; through establishing inclusive schools in communities, families can be kept together, and the institutionalisation of children can be prevented.

**Lumos calls** on the Finnish Presidency to promote inclusive education inside and outside Europe while ensuring equal access to quality education for all children, including children with disabilities and refugee children.

### **Recommendation 7: Ensure that all children are included in the data underpinning the Sustainable Development Goals (SDGs)**

A cornerstone principle of the 2030 Agenda is to *leave no one behind*. To ensure that this principle is implemented, it is important that the global monitoring framework includes mechanisms to assess the most vulnerable and hard to reach populations. There is very limited data about the world's most vulnerable children including those living in institutions, on the street, trafficked or separated from their families as a result of conflict, disaster, forced labour, or disability. This kind of invisibility has real life repercussions for millions of children and can effectively hinder the achievement of the Sustainable Development Goals (SDGs).<sup>44</sup> If these children are not included in the data, they are

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<sup>43</sup> United Nations (2006) Convention on the Rights of Persons with Disabilities (Adopted 13 December 2006, entered into force 3 May 2008), Art. 24. <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [accessed 30 March 2018].

<sup>44</sup> According to UNICEF's 2015 Progress for Children report, “as the world prepares for a new development agenda, data and evidence will only increase in importance and national systems must be strengthened to meet new demands. The new data agenda will need to harness the potential of new technologies to collect, synthesize and speed up the use of data, and also reinvigorate efforts to ensure complete and well-functioning registration systems. The new data agenda will need to provide insight into the most vulnerable children, relying on

statistically invisible and at serious risk of being left behind. When children are counted, they are more likely to be included in government programs which help to ensure they grow up healthy, safe, and better-prepared to contribute positively to their societies. This is recognised in the EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) which underscores the importance of disaggregated data for effective policy making.<sup>45</sup>

**Lumos calls** on the Finnish Presidency to lead the European Union in making sure that children living outside households and/or without family care are represented in disaggregated data. Data disaggregation by care-giving setting/living arrangement is key to tracking progress for all children, particularly regarding Goals 1, 3, 4, 8, 10 and 16. This is critical to a) analysing how trends differ between children living outside households and/or without family care and the general child population; and b) ensuring that programs and policies prioritize the most vulnerable children. Data collection should reflect the goals and definitions included in the UN Convention on the Rights of the Child, the UN Guidelines for the Alternative Care of Children, and the UN Convention on the Rights of Persons with Disabilities.

**Lumos calls** on the Finnish Presidency to support the improvement of data collection methodologies internationally to ensure all children are represented. At EU level, it is crucial that Eurostat includes an indicator on children temporarily or permanently living outside households and families.

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household surveys that provide data regardless of whether or not a child attends school or is taken to a health facility, as well as developing new approaches for collecting information about children who are homeless, institutionalized or internally displaced.”

<sup>45</sup> European Union (2017), Guidelines on the Promotion and Protection of the Rights of the Child, op. cit., p. 24