



Protecting Children. Providing Solutions.

March 2020

## Lumos' Recommendations to the EU Framework for National Roma Integration Strategies post-2020

### 1. About Lumos

Lumos<sup>1</sup> is an international NGO founded by author J.K. Rowling, working to end the institutionalisation of children worldwide by 2050. Lumos is a founding member of the European Expert Group on the Transition from Institutional to Community Based Care (EEG) and a member of the Children's Rights Action Group (CRAG) and sits on the EU Civil Society Platform against trafficking in human beings.

### 2. Institutionalisation of children

Millions of 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. A group of experts working on this issue for the European Commission determined that an institution is any residential setting where an 'institutional culture' prevails. Children living in an 'institutional

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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> International Save the Children Alliance (2003). *A Last Resort: The Growing Concern About Children in Residential Care*. London, Save the Children UK. Cited in: Pinheiro, P. (2006). *World Report on Violence Against Children*. New York: UNICEF, p. 183.

<sup>3</sup> Eurochild (2010) *Children in alternative care: National Surveys*, p. 7, [https://www.eurochild.org/fileadmin/public/05\\_Library/Thematic\\_priorities/06\\_Children\\_in\\_Alternative\\_Care/Eurochild/Eurochild\\_Publication\\_-\\_Children\\_in\\_Alternative\\_Care\\_-\\_2nd\\_Edition\\_January2010.pdf](https://www.eurochild.org/fileadmin/public/05_Library/Thematic_priorities/06_Children_in_Alternative_Care/Eurochild/Eurochild_Publication_-_Children_in_Alternative_Care_-_2nd_Edition_January2010.pdf) [accessed 03 March 2020]

<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.

culture' are isolated from the broader community and are compelled to live with children to whom they are not related. These children, and their families, do not have control over their lives, or decisions that affect them. Crucially, the requirements of the organisation tend to take precedence over the children's individual needs.<sup>5</sup>

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.<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, increased rates of mental health difficulties, involvement in criminal behaviour, and suicide.<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, discrimination, a lack of family support services in the community and as a result of migration and trafficking.<sup>10</sup>

### 3. Institutionalisation of Roma children

Roma children are dramatically overrepresented in residential institutions compared to their share of the population as a whole in a number of EU Member States.<sup>11</sup> Moreover, Roma children in institutional care are less likely to be reunited with their families or to be adopted than non-Roma children. Consequently, they are likely to remain in institutions longer than non-Roma children.<sup>12</sup>

#### Reasons for the institutionalisation of Roma children

The underlying reasons of the overrepresentation of Roma children in institutions includes the interplay of structural poverty and discrimination the Roma community faces.<sup>13</sup> The situation of Roma

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<sup>5</sup> European Commission. (2009). Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care.

<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 (21<sup>st</sup> 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> Ibidem; Chiwaula, L. et al. (2014). Drumming together for change: A child's right to quality care in Sub-Saharan Africa. The Centre for Excellence for looked after children in Scotland (CELCIS).

<sup>11</sup> Life Sentence: Romani Children in Institutional Care, a Report by the European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011, p. 67, [http://www.errc.org/uploads/upload\\_en/file/life-sentence-20-june-2011.pdf](http://www.errc.org/uploads/upload_en/file/life-sentence-20-june-2011.pdf) [accessed 19/02/2020]

<sup>12</sup> Ibidem.

<sup>13</sup> Life Sentence: Romani Children in Institutional Care, a Report by the European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011, [http://www.errc.org/uploads/upload\\_en/file/life-sentence-20-june-2011.pdf](http://www.errc.org/uploads/upload_en/file/life-sentence-20-june-2011.pdf) [accessed 19/02/2020]

families and communities has improved over the past decade, but many Roma children still live in unacceptable conditions and face extreme social exclusion.<sup>14</sup>

**Unemployment and poverty** are significant underlying factors of institutionalisation of children among the Roma community. As many Roma live in extreme poverty and experience the highest levels of unemployment in Europe<sup>15</sup>, this may lead some to believe that placing their children in institutions is a positive choice that will provide them with a better future.

**Lack of access to quality housing** is another challenge the Roma community faces. Roma tend to live in segregated communities in substandard, remote areas which are not connected by public transport, in low quality housing. Living conditions in the Roma settlements often lack basic facilities, such as running water and electricity. This leads to both Roma parents leaving their children in institutions and child protection units taking away Roma children and placing them with foster families or other forms of care.<sup>16</sup>

Another problem the Roma community faces is **limited access to inclusive education**. Roma children are at high risk of being placed in 'special' or segregated Roma only schools.<sup>17</sup> Some of these operate within an institution and offer a reduced curriculum for children with mild mental disabilities.<sup>18</sup> Research has shown that Roma have relatively greater difficulties adapting to school environments due to language barriers or discriminative attitudes.<sup>19</sup> The placement of a child in special schools can have little relation to the child's abilities, and in many cases it occurs without the parents' informed consent.<sup>20</sup> However, some parents are in favour of their children's attendance in special schools or segregated education since special schools tend to offer meals and provide the children with books and other school materials.<sup>21</sup>

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<sup>14</sup> Communication from the Commission to the European Parliament and the Council. Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020. COM(2018) 785 final.

<sup>15</sup> Ringold, Orenstein & Wilkens (2005) for World Bank: Roma in Expanding Europe- breaking the poverty cycle, available at: [http://www.policy.hu/olmazu/useful\\_rep/Roma%2520in%2520expanding%2520Europe.pdf](http://www.policy.hu/olmazu/useful_rep/Roma%2520in%2520expanding%2520Europe.pdf)

<sup>16</sup> European Roma Rights Centre, Bulgaria Helsinki Committee, Milan Šimečka Foundation and osservAzione, June 2011, LIFE SENTENCE - Romani Children in Institutional Care

<sup>17</sup> The Ostrava case: Eighteen Romani children forced to attend segregated schools in the Czech Republic, available at: <http://www.errc.org/cikk.php?cikk=2591>

<sup>18</sup> European Roma Rights Centre, Bulgaria Helsinki Committee, Milan Šimečka Foundation and osservAzione, June 2011, LIFE SENTENCE - Romani Children in Institutional Care, p. 53.

<sup>19</sup> OSI (2007) Equal Access to Quality Education for Roma, available at:

[http://s3.amazonaws.com/rcpp/assets/attachments/595\\_621\\_EN\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/595_621_EN_original.pdf)

UNICEF (2006) Romani Children in Southeastern Europe, available at: [http://www.unicef.org/ceecis/0703-CEECIS\\_ROMA\\_en.pdf](http://www.unicef.org/ceecis/0703-CEECIS_ROMA_en.pdf)

<sup>20</sup> Petra Hoelscher, UNICEF Regional Office for CEE/CIS, Romani Children in South East Europe *The challenge of overcoming centuries of distrust and discrimination*

<sup>21</sup> Ibidem.

Other drivers of institutionalisation of children among the Roma community are single parenthood and unwanted pregnancy<sup>22</sup>, and limited access to health care and services.<sup>23</sup> Moreover, discrimination based on ethnicity can affect Roma children's chances of adoption negatively.<sup>24</sup>

#### 4. International and EU policy and legal framework

##### The EU's commitment to ensuring children's right to family life

A number of international and EU policy and legal instruments declare that institutional settings are a breach of human rights. The United Nations 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>25</sup> The CRC and the UN Guidelines for the Alternative Care of Children<sup>26</sup> also call on States to ensure that **families have access to services which support them in their caregiving role**. In addition, the European Parliament "Resolution on children rights in occasion of the 30th anniversary of the Convention on the Rights of the Child"<sup>27</sup> (November 2019) calls on the Member States **"to ensure that unnecessary family separation is prevented, and that family- and community-based services are strengthened to allow all children to grow up not in institutions but in families and communities"** and on the Commission **"to use EU funds to support the transition from institutional to community-based services, both inside and outside the EU"**.<sup>28</sup>

The EU's commitment to deinstitutionalisation has been clearly reflected in its policy actions. In 2013, the European Union acknowledged the harm of 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. The ex-ante conditionality includes measures which effectively prohibit the use of ESIF to maintain, renovate or construct residential institutions and encourages Member States that have not yet made the transition, to prioritise programmes that support the transition to community-based services.

##### The EU's commitment to foster Roma integration

The EU has recognised the disadvantaged position of the Roma community and has made an effort to promote Roma integration through several policy initiatives.

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<sup>22</sup> European Roma Rights Centre, Bulgaria Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011, LIFE SENTENCE - Romani Children in Institutional Care

<sup>23</sup> UNICEF (2006) Breaking the Cycle of Exclusion, available at : [http://www.unicef.org/ceecis/070305-Subregional\\_Study\\_Roma\\_Children.pdf](http://www.unicef.org/ceecis/070305-Subregional_Study_Roma_Children.pdf)

<sup>24</sup> Life Sentence: Romani Children in Institutional Care, a Report by the European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011, [http://www.errc.org/uploads/upload\\_en/file/life-sentence-20-june-2011.pdf](http://www.errc.org/uploads/upload_en/file/life-sentence-20-june-2011.pdf) [accessed 19/02/2020]

<sup>25</sup> United Nations (1989) *Convention on the Rights of the Child* (Adopted 20 November 1989, entered into force 2 September 1990) Vol.1577, p.3.

<sup>26</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>27</sup> (2019/2876(RSP)) [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.pdf)

<sup>28</sup> [P9\\_TA\(2019\)0066](#), para 43

In light of the Europe 2020 strategy, which set a target of reducing the number of people threatened by poverty or social exclusion, the European Commission adopted **the EU Framework for National Roma Integration Strategies** in April 2011. The framework focuses on fostering Roma integration through four key areas: **education, employment, healthcare and housing**. In 2013, the Council of the EU issued a Recommendation providing guidance to Member States to enhance their Roma integration strategies. In the same year, the EU introduced a **specific ex-ante conditionality** for the allocation of the Structural and Investments Funds, which requires an appropriate national Roma integration strategy to be in place for using funds for Roma integration.

More recently, the European Parliament called on the Member States and the Commission to **explicitly consider children as a priority when programming Roma integration strategies**.<sup>29</sup>

## 5. Lumos' recommendations to the EU post-2020 equality and inclusion policy

These recommendations are based on the 'Roadmap for Roma policy – tackling discrimination and social-economic exclusion beyond 2020' and the previous 'EU Framework for national Roma integration strategies up to 2020'.

Following the EU's acknowledgement of the harm caused by institutionalisation and its commitment to supporting the shift from institutional to family- and community-based care, as well as the EU's intention to foster Roma integration and inclusion, **Lumos recommends that the next Framework:**

1. **Addresses Roma children's right to live with their families or, when this is not possible, in family- or community-based care.** Lumos welcomes the fact that the *EU Framework for national Roma integration strategies up to 2020* addresses drivers of institutionalisation, such as poverty and reduced access to education, health care and housing. More specifically, Lumos welcomes the fact that the Framework acknowledges that Roma children tend to be overrepresented in special education and segregated schools, which is one of the main underlying reasons of institutionalisation. However, given the high share of Roma children in institutions and the harm this causes in itself, it is important to not only address the drivers of institutionalisation, but also specifically mention institutionalisation of children as one of the challenges the Roma community faces. **We therefore recommend that the new Framework raises awareness about institutionalisation of Roma children and reiterates *all* children's right to family life.**
2. **Recommends the creation of a range of services targeted at family-reunification or preventing family separation.** The overrepresentation of Roma children in the public care system is one of the consequences of discrimination against the Roma community and the inability to address deprivation, structural disadvantage and prejudice within mainstream services. We therefore suggest that **the new Framework recommends that national Roma**

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<sup>29</sup> (2019/2876(RSP)) [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.pdf)

**integration strategies include targeted actions to create a range of services for the transition from institutional to family- and community-based care, focused on the special needs of the Roma communities.** These services should include: free legal advice to families under risk of leaving their children in an institutional setting or other forms of care, work with families under risk of child removal for child protection reasons and work with parents who have placed their children in an institution or other form of residential service for achieving child re-integration with the family.

- 3. Monitors progress on the transition from institutional to family- and community-based care among Roma communities.** Lumos welcomes the intention for the new initiative to present a common indicator framework for Roma equality and inclusion to better monitor progress. However, too often, children outside of households are not counted in monitoring frameworks. To have a real idea of the progress being made when it comes to Roma equality and inclusion, it is crucial to include the most vulnerable and hard to reach children in the monitoring framework. When children are counted, they are more likely to be included in government programmes which help to ensure they grow up healthy, safe, and better-prepared to contribute positively to their societies. Therefore, **Lumos suggests that the common indicator framework for Roma equality and inclusion includes indicators on Roma children in institutional care and the transition from institutional to family- and community-based care.**

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