



Protecting Children. Providing Solutions.

March 2020

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

### Support children to live in families globally

#### 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>1</sup> One million of these children are believed to live in the wider European region.<sup>2</sup>

There are numerous definitions of what the term 'institution'<sup>3</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 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>4</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>5</sup> Children who grow up in institutions can experience attachment disorders, cognitive and developmental delays, and a lack of social and life skills leading

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<sup>1</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>2</sup> Ceecis, U. (2011). *End placing children under three years in institutions*. UNICEF

<sup>3</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>4</sup> European Commission. (2009). *Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care*.

<sup>5</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]

to multiple disadvantages during adulthood.<sup>6</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 suicide.<sup>7</sup>

Research consistently demonstrates that more than 80 per cent of children in institutions are not 'orphans',<sup>8</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 trafficking.<sup>9</sup>

## 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 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>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 (Art. 7.1), that their best interests must be taken into account (Art. 7.2) and that all persons with disabilities have the right to community living (Art. 19). Furthermore, the UN Resolution on the Rights of the Child, adopted in December 2019 and co-drafted by the EU, expresses a concern that millions of children continue to grow up deprived of parental care, states that family- and community-based care should be promoted over placement in institutions and urges States to take effective action to provide support to families and to *prevent the unnecessary separation of children from their parents, including through investment in social protection services and social services* (para 34). A global coalition of 256 organisations, networks, and agencies working at national, regional and international levels on children's care worked together to propose to Member States a set of Key Recommendations to be included in this resolution, to address key challenges and opportunities in implementing the rights of children without parental care<sup>13</sup>.

The EU has recognised the harm caused by institutionalisation by introducing an ex-ante conditionality on social inclusion in the European Structural and Investment Funds (ESIF) Regulations in the 2014-2020 programming period with a dedicated investment priority on the transition from institutional to community-based care. By doing this, the EU has played a leading role in supporting vulnerable

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<sup>6</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>7</sup> Mulheir, G. et al. (2012). *Deinstitutionalisation – A Human Rights Priority for Children with Disabilities*.

<sup>8</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>9</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>10</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>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> *Key Recommendations for the 2019 UNGA Resolution on the Rights of the Child with a focus on children without parental care*, <https://bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/key-recommendations-for-the-2019-unga-resolution-on-the-rights-of-the-child-with-a-focus-on-children>

children and driving the transition from institutional to family- and community-based systems of care in a number of countries across Europe. This commitment has been further reaffirmed with the introduction of enabling conditions in the draft Cohesion Policy Regulations for the 2021-2027 programming period, and by identifying in the 2019 country reports deinstitutionalisation among the priorities for investments in Cohesion Policy Funding 2021–2027 (annex D). Moreover, the European Commission showed high political commitment for deinstitutionalisation globally by introducing a reference to the transition from institutional to community-based care for children in its proposal for the Neighbourhood, Development and International Cooperation Instrument (NDICI)<sup>14</sup>. This proposal is supported by the European Parliament and the Council<sup>15</sup>.

In addition, the 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,<sup>16</sup> and of taking into consideration the child’s best interests.<sup>17</sup> They further recommend the need for greater coherence in the EU’s external action on children, including that carried out by Member States.<sup>18</sup> Additionally, the European Parliament Resolution on the Rights of the Child, adopted in November 2019, also *highlights the importance of strengthening family- and community-based services* to allow all children to grow up not in institutions but in families and communities and of using EU funds to support the transition from institutional to community-based services, both inside and outside the EU<sup>19</sup>.

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

The priorities set by the German Government ahead of its Presidency term include a wide range of activities which could positively impact the EU’s role in promoting deinstitutionalisation around the world. Lumos calls on the German EU Presidency to make the best use of these opportunities and build on the momentum that has been created, including by the Romanian Presidency, which has kept deinstitutionalisation high on the EU political agenda. Contrary to popular belief, it is not only a challenge for Eastern and Central European countries, but also to Western Europe. Hence, the German EU Presidency could play a key role in highlighting that institutionalisation of children is a human rights issue across all countries in Europe and beyond without exception, which can be addressed by transforming economic and social policies.

The timing of the German Presidency will be a key moment in shaping EU policy and legislation for the next seven years to come, as one of its priorities will be to lead on the finalisation of the negotiations and adoption of the next Multiannual Financial Framework (MFF) 2021-2027.

Below, Lumos proposes a series of recommendations for the German 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.**

The MFF 2021-2027 negotiations are expected to be concluded during the German Presidency of the Council. The MFF is of great importance for achieving the EU’s shared objectives and delivering on the

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<sup>14</sup> [Proposal for a regulation on the Neighbourhood, Development and International Cooperation Instrument, COM\(2018\) 460 final](#), Annex II and III

<sup>15</sup> [European Parliament Resolution on the proposal for a regulation on the Neighbourhood, Development and International Cooperation Instrument, T8-0298/2019](#), Amendment 337 and 481; [Council Partial mandate for negotiations 10305/19](#), Annex II and III

<sup>16</sup> European Union (2017), Guidelines on the Promotion and Protection of the Rights of the Child p.19. [accessed 06 Mar 2018]

<sup>17</sup> Ibid, p. 21

<sup>18</sup> Ibid, e.g. p. 13

<sup>19</sup> [P9\\_TA\(2019\)0066](#), para 43

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 EU 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 of the German Presidency will be vital in this key period to ensure that it continues to do so in the years to come.

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” encourages the Member States not to invest in the building and maintenance of residential institutions, but in family- and community-based care alternatives. This commitment has been further reaffirmed with the introduction of enabling conditions in the draft Cohesion Policy Regulations for the 2021-2027 programming period. One of the fulfilment criteria under enabling condition 4.3 linked to the existence of national policy framework for social inclusion and poverty reduction in the Common Provisions Regulation (CPR) “includes measures for the shift from institutional to community-based care.”<sup>20</sup> Furthermore, in the 2019 country reports deinstitutionalisation was identified as being among the priorities for investments in Cohesion Policy Funding 2021–2027 (annex D).

The proposed ESF+ Regulation 2021-2027 also contains strong references to the deinstitutionalisation process (Art.6.2 and Recital 28).

Regrettably, the transition from institutional to family- and community-based care has **not** been included in the proposal for a Regulation on the ERDF. However, the European Parliament has concluded its position on all three files by upholding and strengthening the Commission’s proposals on the transition from institutions to family- and community-based services (for the CPR and ESF+ files), as well as adding the reference to the transition (to the ERDF file).

**Lumos calls** on the German Presidency to support 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 German 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 German 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>21</sup> demonstrate the EU’s

<sup>20</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>21</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.

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>22</sup> and the thematic programmes.<sup>23</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 to ensure 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 to the EU, where they would need to comply with internal standards, policies and legislation, including 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 German Presidency to support that the transition from institutional to community-based care for children is preserved in the final NDICI Regulation.

**Lumos calls** on the German 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 German 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 and ensure that they receive the same level of care as national children**

Germany will be leading the Council of the EU through a critical period and migration will remain high on the EU agenda in the years to come. Children are particularly vulnerable in this crisis, and are at high risk of abuse, trafficking and institutionalisation. Migrant and refugee children should be treated as children first, with their rights protected by the UNCRC. This has already been acknowledged by the EU. The European Commission Toolkit on the use of EU funds for the integration of people with a migrant background (including AMIF) encourages Member States to place “unaccompanied children in family-based care, such as foster care, and according to the child’s individual needs”. Moreover, the recently adopted EP Resolution on the Rights of the Child calls on the EU and the Member States to

<sup>22</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>23</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

step up action to end the detention of children in the context of migration across the EU, and to work out community-based alternatives to detention. While 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>24</sup> In addition, research points at 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>25</sup> In many countries, children with a migrant background are over-represented in residential care. For example, in Germany, out of the 95,582 children living in residential care, 46,088 are children with at least one parent of foreign origin. This accounts for almost half of the children in residential care.<sup>26</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 to help young people settle, thrive and explore life within and beyond the placement.<sup>[3]</sup> Responses to children in migration should be integrated into national child protection systems, and provided in line with the UN Guidelines on Alternative Care. The rights and care standards applied to children in migration should be the same as those applied to all European children who live outside families.

**Lumos calls** on the German Presidency to ensure that future EU funds directed towards migrant and refugee separated, and unaccompanied children should only be spent on the provision of family- and community-based care and not on segregated residential settings.

**Lumos calls** on the German Presidency to support measures addressing the situation of unaccompanied migrant and refugee children in the EU, making sure that their rights are safeguarded. They should be provided with the same access to alternative family and community-based care arrangements as national children.

#### **Recommendation 4: Support a Council Recommendation on a European Child Guarantee and ensure that an adequate budget is linked to it**

Almost 25 million children live in poverty or social exclusion across the European Union<sup>27</sup>. At particularly higher risk of social exclusion, are children in vulnerable situations and disadvantaged groups such as children living in institutional care, children in migration, children with disabilities or Roma children. Poverty is also a significant underlying factor that causes children to end up in institutions across the world<sup>28</sup>. Many parents struggle to provide food, housing, medicine and access

<sup>24</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>25</sup> Missing Children Europe (n.d.) "Missing unaccompanied migrant children" <http://missingchildreneurope.eu/Missingunaccompaniedchildren> [accessed 27 Jun 2017]

<sup>26</sup> Véronique Lerch and Anna Nordenmark Severinsson: Feasibility Study for a Child Guarantee Target Group Discussion Paper on Children in Alternative Care, 2019, p. 23 file:///C:/Users/CharlotteBoetticher/Downloads/FSCG%20-%20TG%20paper%20alternative%20care%20-%20Final.pdf [accessed 16 Mar 2020]

<sup>[3]</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>27</sup> European Agency for Fundamental Rights: Combating child poverty: an issue of fundamental rights (2018), p.3 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-combating-child-poverty\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-combating-child-poverty_en.pdf)

<sup>28</sup> Williamson, J., and Greenberg, A. (2010), Families, not orphanages, Better Care Network working paper, p. 8.

to education for their children, and are led to believe that placing them in institutions is a positive choice that will provide them with a better future.

The EU has committed to supporting the eradication of child poverty by developing a Child Guarantee that ensures children in the most vulnerable situations have access to key social rights and social services. Lumos welcomes the prioritisation for a European Child Guarantee from the European Commission as announced by its President Ursula von der Leyen, the European Parliament and the interest from the Council of the EU.

**Lumos calls** on the German Presidency to support within the Trio-Presidency with Portugal and Slovenia a Council Recommendation on an EU framework for a European Child Guarantee that sets minimum targets for the EU in universal access to healthcare, education, housing, nutrition and childcare. It should include a particular focus on reducing social and territorial inequalities, such as segregated and deprived areas, and ensure equal access to non-segregated, quality and affordable services to vulnerable children, such as children in institutions or at risk of institutionalisation. Moreover, the Council Recommendation on a Child Guarantee should have a clear evidenced-based implementation plan which can be monitored. The robust monitoring mechanism should be linked to the European Semester process, the European Pillar of Social Rights and the social scoreboard poverty indicator.

**Lumos calls** on the German Presidency to ensure that the Council Recommendation on the Child Guarantee is properly financed by allocating both national and EU funds. Therefore, 5,9 billion or 5% of the budget for the European Social Fund+, as proposed by the European Parliament, should be allocated to it.

### **Recommendation 5: Ensure that the EU does not promote volunteering placements in institutions for children**

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>29</sup> Institutions may not undertake background checks on volunteers, nor 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>30</sup> Even well-intentioned volunteers rarely have the specific skills, experience or qualifications needed to work with vulnerable children.<sup>31</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

<sup>29</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*. Op. Cit.

<sup>30</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>31</sup> Lumos (2016) *Orphanage Entrepreneurs: The Trafficking of Haiti’s Invisible Children*. op. cit. pp 17 – 25

children into institutions, unnecessarily removing them from their families and placing them in situations of potential harm, abuse and exploitation.<sup>32</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. Instead, 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.

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 German 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.

**Lumos calls** on the German Presidency to raise awareness of the harm and the risks linked to volunteering in institutions for children.

### **Recommendation 6: Protect children from being trafficked**

In recent years, the phenomenon of ‘orphanage trafficking’ has come under increasing scrutiny. This is generally defined as the trafficking of children from vulnerable families into residential institutions for the purpose of financial exploitation<sup>33</sup>. In some cases, children are actively ‘recruited’ into orphanages, often using false promises of education and food.<sup>34</sup> Once inside the orphanages and other institutions, children can be further exploited, whether sexually or by being forced into labour such as begging on the streets and dancing for tourists to earn money, or through illegal adoption. Additionally, a lack of basic child protection procedures in many residential institutions creates an environment that can be taken advantage of by those with harmful intentions. Some ‘orphanages’ are profit-making ventures and exist to attract the lucrative international flows of volunteers, donations and other funding.

Furthermore, children in institutions are at high risk of becoming victims of onward trafficking, and child victims of trafficking are often placed (back) in institutions by the responsible authorities, creating a vicious circle for trafficked children and additional risks to their peers in institutions.<sup>35</sup>

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<sup>32</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.

<sup>33</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade (2017). *Hidden in Plain Sight An inquiry into establishing a Modern Slavery Act in Australia*. Parliament of the Commonwealth of Australia. 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>34</sup> Doore, K.E.V. (2016). Paper orphans: Exploring child trafficking for the purposes of orphanages. *The International Journal of Children’s Rights*. Volume 24, Issue 2.

<sup>35</sup> European Commission: Report on the progress made in the fight against trafficking in human beings (2016) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52016SC0159>

**Lumos calls** on the German Presidency to recognise the risk of trafficking for children that are in institutional care, including the role of the EU and the Member States in preventing ‘orphanage trafficking’, and to ensure that this issue remains high on the agenda of discussions to combat trafficking of human beings, particularly 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 crucial 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>36</sup> If these children are not included in the data, they are statistically invisible and at serious risk of being left behind.

Furthermore, data disaggregation by care-giving setting/living arrangement is key to tracking progress for all children, particularly regarding SDGs 1, 3, 4, 8, 10 and 16. This is critical to a) analyse how trends differ between children living outside households and/or without family care and the general child population; and b) ensure that programmes and policies prioritise the most vulnerable children. To monitor governments’ effectiveness in delivering on children’s rights, 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. Moreover, in the recently adopted UNGA Resolution on the Rights of the Child, States are urged to improve data collection, information management and reporting systems related to children without parental care in order to close existing data gaps and ensure that quality data guides policymaking.<sup>37</sup>

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 underscore the importance of disaggregated data for effective policy making.<sup>38</sup>

**Lumos calls** on the German Presidency to lead the European Union in making sure that children living outside households and/or without family care are represented in disaggregated data.

**Lumos calls** on the German Presidency to support the improvement of data collection methodologies internationally to ensure all children are represented. At EU level, it is crucial that

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<sup>36</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 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>37</sup> United Nations (2019), Resolution adopted by the General Assembly on 18 December 2019. Rights of the Child, A/RES/74/133, p. 11.

<sup>38</sup> European Union (2017), Guidelines on the Promotion and Protection of the Rights of the Child, op. cit., p. 24

Eurostat includes an indicator on children temporarily or permanently living outside households and families.

## About Lumos

Lumos is an international NGO, 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 is a founding member of the European Expert Group on the Transition from Institutional to Community Based Care (EEG), sits on the EU Civil Society Platform against trafficking in human beings and is a member of the Child Rights Action Group (Crag).

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