

# Towards a new partnership between the European Union and the African, Caribbean and Pacific countries after 2020

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\* Your name and/or name of your organisation

Lumos Foundation (Lumos)

\* Country of residence or location of headquarters

United Kingdom

\* E-mail

Irina.Papancheva@wearelumos.org

Identification number in the Transparency Register (if applicable)

849607914394-57

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## Common global interests in a multi-polar world

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### 1. To which degree has the partnership been effective in tackling global challenges?

One of the issues which the partnership has not been able to tackle is the institutionalisation of children. An estimated eight million children worldwide live in residential institutions and so-called orphanages that deny them their rights and that cannot meet their needs. It is estimated that more than 80% of these children are not orphans and have at least one living parent. (1) More than 80 years of research from across the world has demonstrated the significant harm caused to children in large institutions, who are deprived of loving parental care and who suffer life-long physical and psychological harm as a consequence (2).

Evidence and experience shows that a caring and protective family, immediate and extended, is central to a child's health, development, and protection and - as such holds the key to ensuring that no child is left behind. The Convention on the Rights of the Child (CRC) affirms that, as far as possible, all children have a right to live with their families and that parents have the primary responsibility to protect and care for the child (3). The Convention and the Guidelines for the Alternative Care of Children (4) also call on States to ensure that families have access to forms of support in the caregiving role. The Guidelines state that, "[e]very child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment" (5).

Supporting families and preventing institutionalisation is a global

challenge which still needs to be better addressed and tackled at the global level. The 2030 Agenda for Sustainable Development offers an opportunity to address this marginalised group by committing states to "provide children and youth with a nurturing environment for the full realisation of their rights and capabilities, helping our countries to reap the demographic dividend, including through safe schools and cohesive communities and families" (6). It will be important that the ACP-EU partnership offers a framework for operationalising this aspect of the Agenda and supports countries to deliver on these commitments.

1. Csáky, C. (2009). Keeping Children Out of Harmful Institutions: Why we should be investing in family-based care. Save the Children, London, 2009, p7.; Better Care Network (2009) Global facts about orphanages. [http://handstohearts.org/wp-content/uploads/2011/04/Global-Fact-Sheet-on-Orphanages\\_BetterCareNetwork.pdf](http://handstohearts.org/wp-content/uploads/2011/04/Global-Fact-Sheet-on-Orphanages_BetterCareNetwork.pdf)
2. Berens, A.E. & Nelson, C.A. (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), p. 2.
3. Convention on the Rights of the Child (Adopted 20 November 1989, entered into force 2 September 1990) Vol.1577, p.3.), Art 7.
4. Guidelines for the Alternative Care of Children (2009) A/RES/64/142, p. 3, [http://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf)
5. Guidelines for the Alternative Care of Children (2009) A/RES/64/142, p. 4, [http://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf)
6. 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](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

## 2. What would be needed to strengthen results in this respect and on which global challenges could the partnership add most value in the future, in the context of the new SDGs framework and in relevant international fora?

The 2030 Agenda for Sustainable Development declares the State parties' determination "to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfill their potential in dignity and equality and in a healthy environment" (1). The following two points should be applied for children in institutional care: 1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve sustainable coverage of the poor and the vulnerable and 4.2 Ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education. Institutions provide huge risks for children's protection, put children in a particularly vulnerable situation of deprivation of their

fundamental human rights and have extremely negative impacts on early childhood development. The 2030 Agenda is built around the principle of leaving no one behind (2). It recognises the essential role that the family plays in achieving this principle and calls for greater disaggregation of data related to disability and other factors in order to meet the needs of those who are most vulnerable, including children (3). The world's most vulnerable children - those living in institutions, on the street, trafficked or separated from their families as a result of conflict, disaster, forced labour, or disability have literally fallen off the world's statistical map. Given the inextricable links between data, advocacy, and strategic action, this kind of invisibility in the data world has real life repercussions for millions of children. The partnership should proactively implement these commitments and provide a framework and guidance in ensuring SDG implementation is in line with them and other human rights principles through sharing of expertise in data collection and national monitoring mechanisms.

This question of data is especially important for the eight million children in institutions or orphanages around the world. This is an estimated figure, quoted by the UN (4), but due to the unregulated nature of residential care, the figure may be much higher. Many orphanages are unregistered and most countries lack systems to routinely collect and monitor data on institutionalised children.

The Partnership can therefore provide a strong framework to build the capacity at the national level to establish strong indicators which monitor marginalised children, children in institutions, children with disabilities etc. and ensure that children living outside households and/or without parental care are represented in disaggregated data. The Partnership has a key role to play in the data revolution and in the recently launched Global Partnership for Sustainable Development Data. It could support the development of mechanisms to integrate household-based data with additional information on children temporarily or permanently living outside of households. In some countries, such data already exists, although, to date, this data has not been routinely collected or analysed. The Partnership would also be well placed to provide a forum for sharing good practice related to innovation in data collection and pilot programmes linked to ensuring that no child is left behind.

1. General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015), p. 2, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)
2. General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015), p. 1, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)
3. General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015), p. 7, p. 12, p. 27, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

4. P S Pinheiro, (2006) World Report on Violence against Children, UNICEF: New York.

## Human rights, democracy and rule of law, as well as good governance

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3. Have the mechanisms provided for in the Cotonou Partnership Agreement (CPA) (i.e. political dialogue, financial support, appropriate measures, suspension of the agreement) achieved meaningful improvements on human rights, democracy, rule of law and good governance, including the fight against corruption? Should the future partnership do more in this regard, and in what way?

It is essential that the perspective of children and youth, including those with intellectual and other disabilities, is taken into account and that they be given the opportunity to voice their views on issues which concern their lives. Meaningful consultation with them, including forums, public discussions and meetings, should be put in place and promoted.

4. Has the involvement of local authorities and non-state actors (i.e. civil society organisations, the media), national parliaments, courts and national human rights institutions in the partnership been adequate and useful to promote human rights, democracy and rule of law as well as good governance? Could they contribute more and in what way?

## Peace and security, fight against terrorism and organised crime

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**5. Are the provisions on peace and security in the CPA appropriate and useful and has the balance between regional and ACP involvement been effective?**

The CPA takes “comprehensive and balanced approach to migration”, manifested in three pillars, including illegal migration with trafficking of human beings being one of its components. It also states that “new or expanding security threats need to be addressed, such as organised crime, piracy and trafficking of, notably, people, drugs and weapons” (1). This could be further strengthened and detailed, addressing trafficking of children and the reasons for it. Research demonstrates an increased risk of all forms of child abuse for disabled children and higher risk for children with intellectual disabilities of sexual violence (2); many of these children are placed in residential facilities creating further vulnerability to trafficking. Institutionalisation of children often results in them being trafficked. This needs to be addressed in the Agreement.

1. Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (Cotonou Agreement) [2000], OJ L317/3, part 1, chapter 2, art 11.

2. UNICEF, Survey on child abuse in residential care institutions in Romania, 2000. For a similar study in Serbia, see Mental Disability Rights International, Torment not Treatment: Serbia’s Segregation and Abuse of Children and Adults with disabilities, 2007.; CEOP Thematic Assessment, Out of Mind, Out of Sight – Breaking down the barriers to understanding child sexual exploitation, 2011.; Stuart M., and Baines C., “Progress on safeguards for children living away from home – A review of actions since the People Like Us report”, JRF, 2004

**6. Should the future partnership provide for more effective joint action on conflict prevention, including early warning and mediation, peace-building and state-building activities, as well as on tackling transnational security challenges? Should this be done in the EU-ACP context?**

The future partnership should provide for more effective joint action on tackling transnational security challenges. It should specifically address groups who are particularly vulnerable to trafficking, including institutionalised children.

There is a strong connection between trafficking and institutionalisation of children which manifests itself in two ways: institutionalised children 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. This response also effectively penalises the child for their victimisation and does not provide solutions that address the problems or protect children. Children in institutions are highly vulnerable to being trafficked (1), and studies

also show an increased risk for children from residential care backgrounds being involved in trafficking (2). Research demonstrates an increased risk of all forms of child abuse for disabled children and higher risk for children with intellectual disabilities of sexual violence (3); many of these children are placed in residential facilities creating further vulnerability to trafficking. There is a higher prevalence of children going missing from residential care (4) and limited responses to tackling this problem effectively (5); the significant relationship between missing children and trafficking (6) means that many missing children are likely to be victims of trafficking and other forms of exploitation. In addition, the specific institutions, where trafficked children are placed, are often known to the traffickers, who will target them there. Often, trafficked children are placed in detention centres, together with adults, with extremely poor conditions and where the risk of abuse and harm is considerably higher than in traditional institutional care (7). The nexus of children fleeing conflict, systems for 'processing' migrants and asylum-seekers, and trafficking in children needs further exploration and specific responses that are led by child protection experts, rather than being solely a matter for the judiciary. The new Partnership should make sure that the connection between trafficking and institutionalisation of children is addressed in all the relevant instruments and that adequate measures are put in place. It should also make sure that international development takes full account of child protection good practice to prevent vulnerable children from being exploited, neglected or harmed. Particular attention must be paid to the protection needs of children with disabilities and those with care histories.

The Partnership needs to prioritise exploration of the nexus between children fleeing conflict zones, holding them in detention centres and trafficking.

The ACP and EU could cooperate in identifying the roots of child trafficking, conducting research on this topic and focus on prevention, including transition from institutional to community-based care as well as in providing training for police officers and judicial officials. The EU Anti-Trafficking Coordinator and the EU Civil Society Platform against Trafficking in Human Beings should be engaged with this work too. The provisions in the EU Strategy towards the Eradication of Trafficking in Human Beings should be reflected and integrated in the agreement and in the funding and actions, planned for its implementation.

1. Kane, J., 'Child Trafficking - The People Involved: A synthesis of findings from Albania, Moldova, Romania and Ukraine' International Labour Organisation, 2005.; 2. International Organisation for Migration, Protecting Vulnerable Children in Moldova, 2007.; 3. UNICEF, Survey on child abuse in residential care institutions in Romania, 2000. For a similar study in Serbia, see Mental Disability Rights International, Torment not Treatment: Serbia's Segregation and Abuse of Children and Adults with disabilities, 2007.; CEOP Thematic Assessment, Out of Mind, Out of Sight - Breaking down the barriers to understanding child sexual exploitation, 2011.; Stuart M., and Baines C., "Progress on safeguards

for children living away from home - A review of actions since the People Like Us report", JRF, 2004.; 4. EC, Missing Children in the European Union - Mapping, Data Collection and Statistics, 2013 [http://ec.europa.eu/justice/fundamental-rights/files/missing\\_children\\_study\\_2013\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf); 5. Information collected by FRANET. Hungary, Hungarian Central Statistical Office (2013): Yearbook of welfare and statistics, 2011 (Szociális Statisztikai Évkönyv), Budapest, KSH, table 5.24.; 6. Ibid; See also: House of Commons, Home Affairs Committee (2009) The Trade in Human Beings: Human Trafficking in the UK Sixth Report of Session 2008-09, Volume 1 London: House of Commons.; 7. <http://www.tovima.gr/society/article/?aid=668780>

## Sustainable and inclusive economic growth, investment and trade

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### 7. How effective has the partnership been in promoting sustainable and inclusive economic development?

The text of the consultation states that "poverty and inequalities have not been reduced as much as expected and underemployment and size of the informal economy have remained too high. Building resilience of the most vulnerable people is still a challenge."

Poverty is one of the main reasons for institutionalisation of children. Disability and lack of family support services is another one.

As the partnership has not addressed specifically the issue of institutionalisation of children, this still continues to be a problem in the ACP countries. Failure to address marginalised groups, including the eight million children around the world in institutions, will mean they are missed out of development and in playing a part in their societies. As well as being contrary to the best interests of children, institutionalisation is not an efficient way to organise services. Alternative services for all reach more people and enable a more inclusive and engaged society to emerge.

**8. Taking into account the new SGDs framework, should the future partnership do more in this respect, and what?**

The 2030 Agenda declares the State parties' determination "to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment" (1). The ACP partnership has been centered on "the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development" and provides for support "given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions of an equitable distribution of the fruits of growth" (2). The future Partnership should address families in risk of leaving their children in institutional care (economically disadvantaged families; families with disabled children and/or many children; single parents etc.) as well as families willing to reintegrate their children, who have been already left in institutional care, and to propose measures for supporting them. Such measures should include flexible employment schemes, individualised budgets and a range of social services.

1. General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (25 September 2015), p. 2, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

2. Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (Cotonou Agreement) [2000], OJ L317/3, chapter 1, art 1.

**9. How effective has the partnership been in supporting macroeconomic and financial stability? In which areas would there be added value in ACP-EU cooperation on macroeconomic and financial stability?**

**10. How effective has the partnership been in improving domestic revenue mobilisation, in promoting fair and efficient tax systems and in combatting illicit financial flows? Would there be added value and more efficiency in stronger ACP-EU cooperation on these matters?**

**11. Has the partnership been able to contribute substantially to mobilising the private sector and attracting foreign direct investment?**

12. How could the potential of the EU and ACP private sector be better harnessed? What should be the main focus of EU and ACP private sector cooperation in a post-Cotonou framework, and what might be the role of ODA in this?

13. In this setting, what opportunities do you see for the new, digital economy?

14. To what extent has the partnership been able to contribute to increase agricultural development and trade?

15. What has been the contribution of the partnership trade preferences to the integration of ACP countries in the world economy and to its development goals?

16. Is there still a need for specific provisions on trade cooperation in the post-Cotonou framework, also taking into account the ACP countries which have not signed an EPA? If so, what could/should they cover?

## Human and social development

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17. Has the partnership delivered on its human development objective in an effective and efficient way, in particular on poverty eradication, and also concerning gender equality and empowerment of women? How could it be improved?

The Partnership was intended “to improve the coverage, quality of and access to basic social infrastructure and services and take account of local needs and specific demands of the most vulnerable and disadvantaged, thus reducing the inequalities of access to these services” (1). Furthermore it was intended to support measures and operations aimed at: a) protecting the rights of children and youth (...) c) helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential; and d) reintegrating into society children in post-conflict situations through rehabilitation programmes.” (2).

Yet millions of children are still living in institutional care. For example, according to research, carried out by the Institute of Social Welfare and Research (IBESR), in 2013 there are approximately 760

institutions (orphanages) in Haiti, housing approximately 32,000 children and over 80% of these children have at least one living parent. The primary reason for their admission to an institution was poverty and a lack of access to basic health care, education and social services.

(3)

The IBESR research identified approximately 140 institutions that require 'immediate closure' due to the extremely poor conditions in the institution that place children at risk of severe harm. (4) However the scale of the problem and the lack of sustainable alternative services in the community means that there is no support in place for families and no appropriate family placements for children to move to if they are not able to return to their families.

Similar situations can be witnessed in many of the ACP countries.

Therefore an explicit reference to the transition from institutional to family and community based care should be included in the updated agreement as a priority. This would provide a base for the creation of national and local deinstitutionalisation strategies and action plans and for using the available funds in a way which supports families and contributes to poverty eradication. When receiving the necessary services parents should be able to keep their children with them. They should not be put in situation of having to chose between their disabled children and employment. This would be in line with the EU comittments in other policy areas e.g. the European Structural and Investment Funds (ESIF). 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 (ESIF). The Investment priorities under this ex-ante conditionality include "...the transition from institutional to community-based services". (5) In effect with the adoption of the Regulation it is forbidden for the ESIF to be used for the maintenance or renovation of existing and the construction of new large residential institutional settings. It would be in the interest of EU policy coherence and of putting the best interest of the child first to integrate a similar mechanism for all the other EU funds, including the European Development Fund. If the EU has recognised that institutions are harmful for its citizens, the same principle should apply to the rest of the globe.

1. Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (Cotonou Agreement) [2000], OJ L317/3, art 25.

2. Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (Cotonou Agreement) [2000], OJ L317/3, art 26.

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

4. L'Annuaire des Maisons d'Enfants en Haïti, (2013), Publication de l'Institut du Bien Etre Social et de Recherches, <http://www.ibesr.com/fichier/Annuaire%20Corrige%202012-2014%20version%20juillet.pdf>
5. Ex-ante conditionality 9: 9.1, REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 17 December 2013, Official Journal of the European Union L 347/449, p. 129

**18. Taking into account the new SDGs framework, what are the main challenges related to human development that the future partnership should focus on?**

The core principle of the post-2030 agenda is leave no-one behind. However so far eight million children in the world have been left behind and have been deprived of their human rights and development. Making sure that the harmful practice of institutionalisation of children is ended once and for all is a key challenge to be addressed by the partnership and to be given the focus it requires. The transition from institutional to family and community-based care, the provision of wide range of services for children with disabilities and support for disadvantaged families, prevention of institutionalisation and inclusive education should be included in the agreement along with a commitment to creation of the necessary policy and legal base for their launch and advancement.

The first step in this direction however is making sure that all those invisible children are put on the world's statistical map. The Partnership should ensure that its member countries put in place strong indicators which monitor marginalised children, children in institutions, children with disabilities etc. and ensure that children living outside of households and/or without parental care are represented in disaggregated data both globally and nationally. It could establish and support the development of mechanisms to integrate household-based data with additional information on children temporarily or permanently living outside of households.

## Migration and mobility

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**19. Has the partnership been a useful vehicle for discussing migration issues and has it positively contributed? Has Article 13 CPA been fully applied?**

20. Should a future partnership do more in this regard, and on which particular aspects should it focus (legal migration and mobility, addressing root causes of migration, return and readmission, tackling human trafficking and smuggling, international protection)?

An issue which needs to be addressed in a future partnership is the situation of unaccompanied minors, very common in migration and refugee flows. These minors are usually placed in shelters, which are, in effect, large residential care institutions. Since those shelters are often “open” many unaccompanied minors escape from them after a short stay (usually with contact with a trafficker or a smuggler). Another problem, linked to unaccompanied minors, is that they are often placed together with adults which also is a risk for their safety and protection. In some EU countries they are sometimes placed in institutions or detention centres, built for youth with challenging behavior or who have been in conflict with the law. Looking for individual solutions for these children and providing community support to them should be done simultaneously with enhancing deinstitutionalisation reforms in the ACP countries. European and other societies, accepting them, should ensure that they treat/protect them with the same principles as they would citizens of their own countries. Given the trauma many of these children would have experienced, it is especially important that they are not victimised further.

## A stronger political relationship

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21. How effective has the political dialogue been and at which level is it the most effective: national, regional and through the joint EU-ACP institutions? Should the scope of political dialogue be widened or narrowed?

22. Would a stronger involvement of EU Member States, associating their bilateral policies and instruments to the political dialogue at national level, enhance the dialogue's effectiveness and efficiency?

23. Has the fact that the agreement is legally binding been instrumental to its implementation as compared to other regional partnerships based on political declarations?

## Coherence of geographical scope

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24. Could a future framework be usefully opened up to other countries than the current members of the ACP Group of States? Which countries would that be?

25. What kind of framework should govern EU and ACP relations? How could an ACP-EU successor framework relate to the more recent EU regional partnerships with Africa, Caribbean and Pacific States? Could a future ACP-EU framework include distinct partnerships with regional partners?

26. Is there scope for building in more structured relationships with Asia, Latin America, the Middle East and North Africa?

## Cooperation tailored more towards groups of countries with similar development level

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27. Is the current system of allocation of development resources, based on need and capacities as well as performance, sufficient for channelling funds towards those countries where the highest impact can be obtained? Should allocation of resources continue to prioritise countries most in need, including fragile states?

It is important for the most marginalised in all societies to be addressed when allocating development resources. It would be unfair on extremely marginalised children and other disadvantaged groups in one country, if only those in a similar situation are prioritised as they live in a poorer country. Keeping this in mind and applying it to the way resources are allocated would be in line with the principles of the 2030 Agenda to address poverty and exclusion wherever it occurs.

28. What kind of cooperation could help to cover the specific needs of more developed ACP countries with a view to attaining more equitable and sustainable growth?

## Strengthen the relationship with key actors

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**29. Has the current model of stakeholder engagement been conducive to attaining the objectives of the partnership in an efficient way? Which actors could play a more significant role in the implementation of the partnership? How could this be addressed?**

The involvement of civil society in the partnership is essential for having a democratic and transparent process based on equality and solidarity. A new tool, the European Code of Conduct on Partnership, has been put in place in the current cycle of the ESIF. According to the Code civil society must be involved at any stage of planning, implementation and monitoring of the Partnership Agreements between the EU and its Member States and the country Operational Programmes for spending the funds. (1) A similar mechanism could be integrated in the EU-ACP partnership, making sure that civil society organisations are involved in the decision making process on how funds are spent, in the implementation and in the monitoring.

1. Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds,  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0240&from=EN>

**30. What could be done to promote effective and efficient involvement of both international and domestic private sector, civil society, social partners and local authorities in the partnership?**

As referred to in question 29, Lumos recommends that a mechanism should be put in place to allow for civil society engagement in decision making processes on how funds are spent and be part of the drafting, implementation and monitoring of bilateral agreements. It is key that processes are transparent, providing CSOs full insight into negotiations and outcomes.

Where NGOs, private trusts, foundations, or other private actors, are given a formal role to implement (part of) an agreement linked to targeting children, either through financial or technical support, it is key that any resources should be used to support the transition from institutional to family and community-based care. All parties involved in the Cotonou agreement should be restricted from using any resources for the construction, maintenance or refurbishment of institutions or orphanages or for any measures which might hinder the prevention of the institutionalisation of children.

31. Should the partnership be open to new actors as referred above?

A similar mechanism to the European Code of Conduct on Partnership, as found in the Commission delegated Regulation (EU) of 7.1.2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (1), could be introduced. It would oblige governments to involve civil society in the design and implementation of all the actions linked to the partnership, including the spending of the European Development Fund. It is essential as well to have a tool ensuring that self-advocates and children are consulted for actions which have impact on their lives, including those with intellectual disabilities. The target groups of the envisaged actions should be part of the decision making processes linked to them and of a large consultation process, aiming to identify their needs.

1. Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds,  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0240&from=EN>

32. In this regard, should the possibility of opening up the partnership to 'associated members' or 'observers' be considered?

33. How could a new framework promote triangular and South-South cooperation, including the increased involvement of ACP States as development actors in support of other ACP countries?

## Streamline the institutional set-up and functioning of the partnership

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34. Has the joint institutional set-up (with the ACP-EU Council of Ministers, the ACP-EU Committee of Ambassadors, and the Joint Parliamentary Assembly) been effective in debating and promoting common views and interests and in providing political guidance and momentum to the EU-ACP partnership and the implementation of the CPA?

35. What is the added value of the joint ACP-EU institutions as compared to more recent regional and regional economic community frameworks for dialogue and cooperation?

36. What institutional arrangements would most effectively help address common challenges and promote joint interests?

37. Should a higher degree of self-financing of this functioning (ACP-EU Joint institutions and ACP secretariat) by the ACP States be required?

## Better adapted and more flexible development cooperation tools and methods

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38. Is there added value in having a dedicated financing instrument in support of the ACP-EU partnership? If so, what are the reasons and how would it differ from other external financing instruments funded by the general budget of the Union? Is this instrument flexible enough, especially to address crisis situations? Can this instrument be deployed differently?

We would recommend that a special instrument, uniting the purposes of the development and humanitarian aid, is put in place, as often what is initially seen as a development issue becomes even more acute in times of humanitarian crises. Likewise, the measures, taken during a humanitarian crises, could lead or contribute to existing human rights breaches such as the institutionalisation of children. Placing orphans in institutions, after a crisis situation, is a common response. A special instrument could address this interrelation between development and the humanitarian aid in these countries and provide for continuity, flexibility and sustainability. Such a tool should be in line with the international human rights legislation and lay down principles/criteria to best achieve inclusion and leave no one behind.

39. What is the added value of the EDF's co-management system involving national authorities in the programming and management of aid programmes, as compared to other EU cooperation instruments in non-ACP countries?

40. Does the current set-up of the programming process and implementation of activities lead to real ownership by the beneficiaries? What could be improved? How can the EU and Member States maximise the impact of joint programming?

41. Does the variety of existing tools adequately support the EU and ACP common principles and interests and are there gaps that should be addressed? How do you assess the effectiveness and efficiency of various implementation modalities?

42. Should a higher degree of self-financing from the ACP States be required for activities to ensure ownership? Would this apply to all countries? On which principles should this be based?

43. How can the expertise of the EU and its Member States be better mobilised, particularly in the middle-income countries?

## Contact

✉ [uropeaid-01@ec.europa.eu](mailto:uropeaid-01@ec.europa.eu)

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