

August 2016

## **Lumos' contribution to public consultation on the European Consensus on Development (1)**

### **About Lumos**

Lumos is an international NGO<sup>1</sup>, founded by author J.K. Rowling, working to end the institutionalisation of children around the world by transforming education, health and social care systems for children and their families and helping children move from institutions to family-based care. We are a founding member of the European Expert Group on the Transition from Institutional to Community-based Care. Lumos also sits on the Leaders' Council of the Washington-Based Global Alliance for Children, a coalition of US government departments, the World Bank, the Canadian government and major foundations.

### **3) Context: why a change is needed**

The EU and its Member States are determined to implement the 2030 Agenda through internal and external actions as well as contribute to the successful implementation of the Paris Agreement on Climate Change, given the strong interlinkages. In this context, our policies, should take into account changing global conditions and trends, to ensure that they remain fit-for-purpose across the time-horizon to 2030.

The global landscape has changed significantly compared to the time of adoption of the Millennium Development Goals. While much has been achieved, with more than one billion people having been lifted out of extreme poverty since 1990, great challenges remain and new ones are emerging. At global level, more than 800 million people still live on less than USD 1.25 a day. The world is witnessing multiple conflicts and security tensions, complex humanitarian and global health crises, deteriorations of human rights, environmental degradation, resource scarcity, urbanisation and migration. Migration flows across the world will continue to have important impacts, and present both a risk and an opportunity. The EU needs to address global security challenges, including tackling the root causes of conflict and instability and countering violent extremism. Climate change can continue to amplify problems and can severely undermine progress. Important changes include demographic trends, a new distribution of wealth and power between and within countries, the continuing globalisation of economies and value chains, an evolving geography of poverty and a proliferation of actors working on development. Projections also suggest important challenges are ahead (for example, continuing unprecedented urbanisation, and other demographic challenges including ageing societies for some and the potential for a demographic dividend for others). Continued attention will be given to a democratic, stable and prosperous neighbourhood. A revision to EU development policy should take into account these trends (including anticipating those that will remain central in

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future) whilst retaining a core focus on eradicating poverty and finishing the job started by the Millennium Development Goals.

Finally, the EU Consensus needs also to adapt to the Lisbon Treaty, which provides for all external action policies to work within the frameworks and pursue the principles of objectives of Article 21 of the Treaty on European Union. In particular, coherence between the different parts of EU external action and between external and internal policies is crucial.

The EU will need to address these new global challenges, many of which require coordinated policy action at the national, regional and global levels. The 2030 Agenda provides a framework which can guide us in doing so.

(1) European Commission (n.d.) UN 2030 Agenda for Sustainable Development - Public Consultation on revising the European Consensus on Development [webpage]. [http://ec.europa.eu/europeaid/un-2030-agenda-sustainable-development-public-consultation-revising-european-consensus-development\\_en](http://ec.europa.eu/europeaid/un-2030-agenda-sustainable-development-public-consultation-revising-european-consensus-development_en) [accessed 8 Aug 2016].

**3.1 There is a range of key global trends (e.g. changing geography and depth of poverty; challenges related to climate change, political, economic, social, demographic, security, environmental or technological) which will influence the future of development and the implementation of the 2030 Agenda. Which of these do you think is the most important?**

Lumos draws the attention of the European Union to the following three global trends and opportunities:

1. The Global Goals and the 2030 Agenda for Sustainable Development were welcomed for their identification of *Leave No One Behind* as a global priority for all countries. There is however a significant risk, that the absence of adequate existing data or future indicators will make this objective hard to achieve – particularly for children living outside of families.
2. Increasing global instability, insecurity and inequality is leading to an increase in the number of people on the move, migration, refugees and human trafficking. This is putting a significant number of children at risk of exploitation, detention and separation from their families.
3. International and bilateral human rights initiatives are welcome but need to be better integrated with initiatives focused on international development and humanitarian assistance so that the increased risk to children is addressed.

Lumos' is an international NGO (1) focused on ending the institutionalisation of children around the world.

Across the world an estimated eight million children, living in large residential institutions that cannot meet their needs (2), have been left behind. One million of these children are in the European region. (3, 4) Eighty years of research has demonstrated the harm caused to children by institutionalisation. (5) These studies highlight issues for children in relation to their ability to form secure attachments conducive to healthy development, due to a lack of emotional and physical contact and a lack of stimulation and interaction in institutional environments. This inability of the institutional environment to



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meet individual needs can lead to specific developmental delays and challenging behaviours. (6) Recent research into Early Brain Development (EBD) demonstrates that institutionalisation has a severe impact on EBD and that this impact is even greater than the impact of child abuse. (7) For more information, please, check: Lumos Factsheet: How institutions are harmful to children. (8)

The 2030 Agenda is however built around the principle of *leaving no one behind* (Preamble, p. 26). To ensure that this principle is implemented, it is important that the global monitoring framework includes mechanisms to assess the most vulnerable and hard to reach populations. 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. There is only limited data about how many children live in such precarious circumstances, except for scattered estimates from some specific countries. 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. (9) Therefore it is essential for the European Union and its Member States to: 1. Ensure that children living outside of households and/or without parental care are represented in disaggregated data and 2. Improve and expand data collection methodologies to ensure all children are represented.

The increasing global instability is resulting in significant migration pressures, humanitarian emergencies and exploitation. Children, placed in institutional care, due to lack of access to family and community-based services, poverty, migration or losing their parents in armed conflicts and natural disasters are a particularly vulnerable group to detention, trafficking and other forms of exploitation. There is a strong connection between institutionalisation of children and trafficking 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 (10), and studies also show an increased risk for children from residential care backgrounds being involved in trafficking (11). 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 (12); 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 (13) and limited responses to tackling this problem effectively (14); the significant relationship between missing children and trafficking (15) means that many missing children are likely to be the victims of trafficking and other forms of exploitation. In addition, establishing institutions has become a 'business' in a number of countries, including Haiti, Cambodia and Uganda. In such cases orphanages are set up and aggressively recruit children from poor families, in order to obtain donations from overseas. The UNICEF Factsheet Residential Care in Cambodia informs that "many centres turn to orphanage tourism to attract more donors, fuelling a system that exposes children to risk." (16) It is essential therefore that any initiatives set up to address human trafficking, humanitarian, refugee and migration crises actively address the protection needs of children and the root causes of institutionalisation of children.

It is important that global initiatives to implement the Global Goals are fully in line with international and European human rights agreements. 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 or other legal guardians have the primary responsibility to protect and care for the child.* (17) The CRC and the UN Guidelines for the Alternative Care of Children (A/RES/64/142) (18) also call on States to ensure that *families have*



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access to services which support them 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”. Children in alternative care have also been recognised as a particularly vulnerable group by the European Commission in its recommendation on Investing in Children. (19) The recommendation declares that “a focus on children who face an increased risk due to multiple disadvantage such as (...) children in alternative care” needs to be ensured. The UN Convention on the Rights of Persons with Disabilities (CRPD) (20) to which the EU is a signatory, clearly states that “States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others” (Art 19). For children this means being in family environment and receiving quality care and protection. The UN CRPD further states that international cooperation, including international development programmes, must be inclusive of and accessible to persons with disabilities (Art. 32). Many of the children in institutional care are in fact children with disabilities.

The same logic is enshrined in the EU Action Plan on Human Rights 2015-2019 with objective 27. Pursuing a Rights Based Approach (RBA) to Development with the following action point: “a. Implement the EU commitment to move towards a rights based approach to development cooperation, encompassing all human rights by pursuing its full concrete integration into all EU development instruments and activities, using training and guidance, capacity support, results-oriented monitoring guidelines and criteria for evaluation with a view to achieving a full integration within the assessment of the implementation of a rights-based approach to development cooperation in 2016 targeting the mid-term review; EU Member States will work towards increasingly integrating a rights based approach in their development cooperation policies”. The institutionalisation of children represents a serious breach on children’s human rights and this should be reflected in all the development policies and legislation.

The EU has recognised the harm that institutionalisation causes and has played an instrumental role in the efforts to end this form of care. By introducing an ex-ante conditionality on social inclusion (9: 9.1.) with an investment priority on the “transition from institutional to community based services” in the Regulation 1303/2013 on the ESIF, the EU has prohibited their use on the maintenance, renovation or construction of residential institutions. 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. In the interest of policy coherence and better outcomes for children, it is important that such principles are applied across all EU funding streams – wherever in the world they apply.

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

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

(3) EveryChild. (2005). Family matters: A study of institutional childcare in Central and Eastern Europe and the former Soviet Union.

(4) This is the European Region as defined by the UN, including all CEE/CIS countries.

(5) Berens, A. & Nelson, C. (2015) The science of early adversity: is there a role for large institutions in the care of vulnerable children? The Lancet. 2015.

(6) Mulheir, G. (2012). Deinstitutionalisation – A Human Rights Priority for Children with Disabilities. The Equal Rights Review, p119–121.



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(7) Nelson, C. and Koga, S. (2004). Effects of institutionalisation on brain and behavioural development in young children. Findings from the Bucharest early intervention project, paper presented at the International Conference on 'Mapping the number and characteristics of children under three in institutions across Europe at risk of harm', 19 March 2004, EU Daphne Programme 2002/3 and WHO Regional Office for Europe, Copenhagen, Denmark.

(8) Lumos, Children in Institutions: The Risks. [http://wearelumos.org/sites/default/files/Risks\\_Factsheets\\_Lumos\\_0.pdf](http://wearelumos.org/sites/default/files/Risks_Factsheets_Lumos_0.pdf) [accessed 8 Aug 2016].

(9) 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."

(10) Kane, J. (2005). 'Child Trafficking – The People Involved: A synthesis of findings from Albania, Moldova, Romania and Ukraine' International Labour Organisation.

(11) International Organisation for Migration. (2007). Protecting Vulnerable Children in Moldova.

(12) UNICEF. (2000). Survey on child abuse in residential care institutions in Romania. 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. (2004). "Progress on safeguards for children living away from home – A review of actions since the People Like Us report", JRF.

(13) European Commission. (2013). Missing Children in the European Union – Mapping, Data Collection and Statistics. [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) [accessed 8 Aug 2016].

(14) Information collected by FRANET.

Hungary, Hungarian Central Statistical Office (2013): Yearbook of welfare and statistics, 2011 (Szociális Statisztikai Évkönyv), Budapest, KSH, table 5.24. See also: Hungary, Commissioner for Fundamental Rights (2012) Report No. AJB-2731/2012, p.2., available in Hungarian at: [www.aibh.hu/documents/10180/143247/201202731.rtf/06c12e69-536a-4b7a-a09b-b3847334ee18](http://www.aibh.hu/documents/10180/143247/201202731.rtf/06c12e69-536a-4b7a-a09b-b3847334ee18) [accessed 8 Aug 2016].

Hungary, Commissioner for Fundamental Rights. (2012). Report No. AJB 1140/2012, p.8. <https://www.aibh.hu/documents/10180/143994/201201140.rtf/7add4e8-1df1-4c31-a31f-ddb399d59d29> [accessed 8 Aug 2016].

Survey available at: <http://sosparentsabusesfrance.wordpress.com/2014/03/02/sondage-sur-les-fugues-des-enfants-places/> [accessed 8 Aug 2016].

(15) 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

(16) UNICEF, Residential Care in Cambodia, [http://www.unicef.org/cambodia/Fact\\_sheet\\_-\\_residential\\_care\\_Cambodia.pdf](http://www.unicef.org/cambodia/Fact_sheet_-_residential_care_Cambodia.pdf)

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



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(18) 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 8 Aug 2016].

(19) Commission Recommendation of 20 February 2013 investing in children: breaking the cycle of disadvantage, OJ L 59, 2 March 2013. [http://ec.europa.eu/justice/fundamental-rights/files/c\\_2013\\_778\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf) [accessed 8 Aug 2016].

(20) Convention on the Rights of Persons with Disabilities (Adopted 13 December 2006, entered into force 3 May 2008), Art. 19. <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [accessed 8 Aug 2016].

### 3.2 How should EU policies, and development policy in particular, better harness the opportunities and minimise the negative aspects of the trend you identified in the previous question?

The EC Roadmap Proposal for a revised European Consensus on Development states that *“it is already an agreed objective that the EU and its Member States should ensure greater impact from development cooperation, avoid duplication of efforts and **ensure consistency of actions**”*. (1)

It further informs that the initiative is enabled by Article 21(2)(d) of the Treaty on European Union (TEU) which identifies the areas in the field of international relations where the EU is to pursue common policies and actions, with a high degree of cooperation. Article 21(3) TEU provides for ensuring consistency between the different areas of the EU external action and **between these and its other policies**. (2) In addition, Article 208(2) of the Treaty on the Functioning of the European Union (TFEU) requires the EU and the Member States to comply with the commitments and take account of the objectives they have approved in the context of the UN. (3)

The Council Conclusions from 26 May 2015 on “A New Global Partnership for Poverty Eradication and Sustainable Development after 2015” (4) state that *“special attention must be given to the most disadvantaged and vulnerable, **including children**, the elderly and persons with disabilities, as well as marginalised groups and indigenous peoples”*. It further continues that all countries *“should facilitate **investment in human capital via education, skills development and training** and to ensure access to **basic services such as health and education**”*. (p. 14)

It is therefore essential in our view that EU development policy supports the process of transitioning from institutional to family and community based systems of care. This would be a consistent next step after the EU has recognised the harm that institutionalisation causes and has included the transition from institutional to community-based services as an investment priority for the ESIF.

In the interest of achieving policy coherence, better outcomes for children and assuring that the EU meets its international human rights commitments, the same criteria should be applied to all the EU external funding, including the European Development Fund (EDF), the humanitarian aid and the loans provided by the European Investment Bank.

The 2030 Agenda for Sustainable Development declares the UN States 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”* (5). It further describes the role of States, *“to provide children and youth with a nurturing environment for the full realization of their rights and capabilities, helping our countries to reap the demographic dividend including through safe schools and cohesive communities and families.”* (6)



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The following two points should be specifically applied to 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. (7) 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 (8).

The Council Conclusions on "A New Global Partnership for Poverty Eradication and Sustainable Development after 2015" proclaim that, *"to achieve the objectives of reducing inequality and leaving no one behind, **relevant quantitative and qualitative indicators should be gender and age sensitive, include a human rights dimension** and, where possible, be disaggregated by income, gender, age and **other factors**."* (p. 63) They also declare that the EU *"should support efforts to **improve the coverage and quality of data** for developing countries"*. (p. 63)

It is crucial that these commitments are reflected in the EU development policy and that it provides 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 and indicators. The question of data is important for all children, but especially for those most vulnerable children, who live outside of households, including the children in institutions. 8 million children in institutions worldwide, is the estimate quoted by the UN (9), but due to the unregulated nature of orphanages and institutions around the world, 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 EU must gather and disseminate learning about international development policies and programmes which successfully ensure that children are not institutionalised – and support efforts to better understand the life experiences of children without parental care and the impact of its policies and programmes on them.

Trafficking of children and the reasons for it should also be clearly addressed in the EU development policy together with proposals for more effective joint action on tackling transnational security challenges. It should specifically address groups who are particularly vulnerable to trafficking, including institutionalised children. Finally, it should support research on the connection between institutionalisation and trafficking of children and research on the connection between unaccompanied minors, being placed in detention centres, and trafficking.

(1) European Commission. (n.d.) Roadmap Proposal for a revised European Consensus on Development [webpage]. [http://ec.europa.eu/smart-regulation/roadmaps/docs/2016\\_devco\\_003\\_european\\_consensus\\_on\\_development\\_en.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_devco_003_european_consensus_on_development_en.pdf) [accessed 8 Aug 2016].



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(2) European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992, Official Journal of the European Communities C 325/5; 24 December 2002. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2012:326:FULL&from=EN> [accessed 8 Aug 2016].

(3) European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN> [accessed 8 Aug 2016].

(4) Council of the European Union, A New Global Partnership for Poverty Eradication and Sustainable Development after 2015 - Council conclusions, 26 May 2015, 9241/15. <http://data.consilium.europa.eu/doc/document/ST-9241-2015-INIT/en/pdf> [accessed 8 Aug 2016].

(5) 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) [accessed 8 Aug 2016].

(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) [accessed 8 Aug 2016].

(7) 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) [accessed 8 Aug 2016].

(8) 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) [accessed 8 Aug 2016].

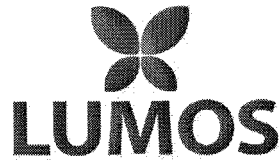
(9) P. S. Pinheiro. (2006). World Report on Violence against Children, UNICEF: New York.

#### **(4) Priorities for our future action: what we need to do**

**Implementation of the 2030 Agenda will require sustained EU efforts to promote a more just world, including a strong focus on the need to address gender equality and women's empowerment. Peace, inclusiveness, equality and good governance including democracy, accountability, rule of law, human rights and non-discrimination will need particular emphasis. The 2030 Agenda also requires recognition of the close interconnectedness between poverty, social issues, economic transformation, climate change and environmental issues.**

**To achieve poverty eradication, EU development policy will need to take into account key demographic and environmental trends, including challenges related to climate change, and concentrate effort on least developed countries and fragile states. The EU will also need to strengthen our approach to fragility and conflict, fostering resilience and security (as an increasing proportion of the world's poor are expected to live in fragile and conflict affected states) and to protect global public goods and to maintain our resource base as the prerequisite for sustainable growth. Peace and security, including security sector reform, will have to be addressed also through our development policy, as will the risks and opportunities related to migration flows. Tackling social and economic inequalities (both within and between countries) is a crucial element of the 2030 Agenda as is addressing environmental degradation and climate change. Job creation will be an important challenge in which the private sector has to play an**





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active role. Finishing the job of the Millennium Development Goals requires identifying and reaching those people throughout the world who are still not benefitting from progress to ensure that no one is left behind.

To achieve lasting results, EU development policy will need to foster transformation and promote inclusive and sustainable growth. Drivers of inclusive sustainable growth, such as human development, renewable energy, sustainable agriculture and fisheries, and healthy and resilient oceans should be an important part of our efforts to implement the new Agenda as will efforts aimed at tackling hunger and under-nutrition. Implementation of the 2030 Agenda will require a multi-dimensional, integrated approach to human development. Implementation will also require us to address vectors of change, such as sustainable urban development and relevant use of information and communication technology. Our development policy will have to engage and identify new ways of partnering with the business in order to achieve sustainable and inclusive growth, industrialisation and innovation. Implementation of the 2030 Agenda will also require cooperation with partner countries and regions on science, technology and innovation. In all aspects of our external action, the EU will need to ensure that our approaches, including development cooperation, are conducive to achieving the 2030 Agenda's Sustainable Development Goals and that the EU intensifies efforts to promote pursue coherence between our policies and our internal and external action.

#### **4.1 How can the EU better address the links between achieving the Sustainable Development Goals, the Paris Agreement on climate change and addressing other global sustainable development challenges?**

For development to be truly sustainable, it has to ensure that aid is efficient and reaches those most in need and most at risk of being left behind. The EU can secure this by taking steps to ensure that the situation of children living outside of households and/or without parental care is addressed. Steps should be taken to ensure that children living outside of households and/or without parental care are represented in disaggregated data collected as part of SDG implementation. When assessing States' progress in improving the lives of children, living arrangements and caregiving environments are key markers for vulnerability, risk, and disadvantage. Children without parental care often experience abuse, neglect, lack of stimulation, and extreme and toxic stress, all of which have a profoundly negative effect on children's health, education, development, and protection. Failure to collect this data will mean that targeted, appropriate, and accessible interventions reaching all children will not be possible.

Data disaggregation by care-giving setting/living arrangement is key to tracking progress for all children, particularly regarding Goals 1, 3, 4, 8, 10 and 16. This is critical to a) analysing how trends differ between children living outside of households and/or without parental care and the general child population; and b) ensuring that programs and policies prioritize the most vulnerable children. Data collection should reflect the goals and definitions included in the UN Convention on the Rights of the Child, the UN Guidelines for the Alternative Care of Children, and the UN Convention on the Rights of Persons with Disabilities. It is essential that the EU addresses improving and expanding data collection methodologies to ensure all children are represented. The Committee on the Rights of the Child has urged all States to develop indicators and data collection systems consistent with the Convention on the Rights of the Child. However, children living outside of households and/or without parental care are not covered in current mainstream data collection processes, which rely on household-based surveys such as the Demographic and Health Surveys (USAID) and the Multiple Indicator Cluster Surveys



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(UNICEF). Innovative approaches must be developed to assess the conditions of the world's most vulnerable children. The global monitoring framework must include mechanisms to track progress for all children, including those who are currently invisible as the result of inadequate indicators and data collection systems.

#### **4.2 How should the EU strengthen the balanced integration of the economic, social and environmental dimensions of sustainable development in its internal and external policies, and in particular in its development policy?**

EU development policy should reflect the values and principles of EU internal policy and legislation and seek to support vulnerable families and marginalised communities. The social support needs of vulnerable groups should be addressed in development policies and programmes. In the case of children in institutional care, this would mean forbidding the use of the development funding for the maintenance of the existing institutional settings and the construction of new ones and instead supporting the transition to family and community based services and services which support families at risk.

The European Union should send a clear message to EU partner countries that programmes intending to address the support needs of vulnerable children and programmes to transition from an institutional to a family and community based care system can and should be prioritised under any EU funding that they might receive.

#### **4.3 What are the main changes you would like to see in the EU's development policy framework?**

Lumos calls for EU development policy to proactively support measures to address the institutionalisation of children around the world and develop programmes that support vulnerable families and the development of strategies/action plans for the transition to family and community-based alternatives to institutions or orphanages. Connected to this, EU policy should include capacity-building measures to assist countries to more effectively measure 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 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"*. The ACP partnership has been centred 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"*.

The development framework of the EU should address families at risk of leaving their children in institutional care or orphanages (economically disadvantaged families; families with children with disabilities 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.



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The framework 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 and unaccompanied minors in the migrant flow.

The European Consensus for Development reads that *“in transition situations, the EU will promote linkages between emergency aid, rehabilitation and long-term development. In a post-crisis situation development will be guided by integrated transition strategies, aiming at rebuilding institutional capacities, essential infrastructure and social services, increasing food security and providing sustainable solutions for refugees, displaced persons and the general security of citizens. EU action will take place in the framework of multilateral efforts including the UN Peace Building Commission, and will aim to re-establish the principles of ownership and partnership.”* (21)

In case of unaccompanied minors, the linkage between the emergency aid and long-term development objectives should be ensuring that short term emergency responses (placing them in detention centres or other residential settings) turning into long term arrangements (institutional care). The framework should provide for the creation of enough family and community-based services, such as emergency foster care, to respond to the needs of these children and to serve as secure solutions in line with their best interest and human rights.

#### **4.4 In which areas highlighted above would you expect to see greater consistency between development policy and other areas of the EU external action in the implementation of the 2030 Agenda?**

Lumos expects to see greater consistency between development and humanitarian policy in the implementation of the 2030 Agenda.

We wholeheartedly agree with Commissioner Stylianides' assertion that there is a need *“to build on the links between humanitarian and development aid to ensure sustainability and resilience of affected populations. While humanitarian aid has been the primary response to emergencies, it cannot offer alone sustainable solutions. Long-lasting crises need a long-term approach. The lack of this approach has created a dependency on humanitarian aid. It has prevented the improvement of living conditions beyond the emergency phase. The transition from humanitarian aid to development is by no means a given. It is vital that humanitarian and development actors work together from the outset of a crisis”*. (1)

There are considerable concerns that reconstruction funds might be used to rebuild institutions or build new ones to respond to the needs of children separated or orphaned because of war. Examples from post-earthquake Haiti and post-Tsunami Indonesia demonstrate that orphanages proliferate after disasters, but that they are not full of orphans (in Haiti more than 80% of children in institutions are not orphans, but are there because of poverty, homelessness or inability of parents to pay for medical care or school fees(2); in Aceh province more than 90% of children entering orphanages after the Tsunami had living parents who placed them there so they could receive free education(3)).

Children in institutions are a specific vulnerable group during humanitarian crisis. They are the most likely to be left behind when populations flee and institutions often become specific targets for political motives. For example, in the occupied regions of Ukraine, rebel groups set up bases inside baby institutions; demanded social service departments provide lists of children in institutions; forcibly removed children from institutions and trafficked them across the border into Russia, whilst claiming they were rescuing them from the 'fascist junta'. These children are at significantly increased risk of



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sexual exploitation by armed forces, a major concern in many humanitarian situations. Similar anecdotal evidence exists from other conflict crises, such as Bosnia and Afghanistan.

Establishing institutions has become a 'business' in a number of countries, including Haiti, Cambodia and Uganda. Orphanages are set up and aggressively recruit children from poor families, in order to obtain donations from overseas. The UNICEF Factsheet Residential Care in Cambodia informs that "many centres turn to orphanage tourism to attract more donors, fuelling a system that exposes children to risk." (4) These children can become an easy target for trafficking. They can be taken with the purpose of being used for labour, prostitution, pornography etc. For this to be adequately and consistently tackled, we would like to see a clear link between the EU Strategy towards the Eradication of Trafficking in Human Beings and the European Consensus on Development. Making such a connection will contribute for the implementation of the SDG 16 and its target 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children".

We would like to see the EU exploring the use of bailout or budget support funding to influence the development agenda. For example in Haiti, conditionalities could be attached to budget support funding that include the prioritisation of a plan to end institutionalisation of children.

The international development policy framework should specifically call for child protection, family support and prevention of separation to be prioritised during conflict and emergency situations. Any residential care required during emergency situations must be a last resort and temporary in nature.

(1) Commissioner Christos Stylianides Keynote speech at DIHAD 2015 "Opportunity, Mobility and Sustainability: The Humanitarian Aid and Development Perspectives" (24 March 2015) [https://ec.europa.eu/commission/2014-2019/stylianides/announcements/keynote-speech-dihad-2015-opportunity-mobility-and-sustainability-humanitarian-aid-and-development\\_en](https://ec.europa.eu/commission/2014-2019/stylianides/announcements/keynote-speech-dihad-2015-opportunity-mobility-and-sustainability-humanitarian-aid-and-development_en) [accessed 8 Aug 2016].

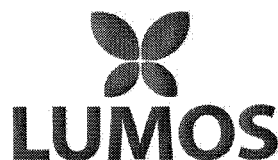
(2) L'Annuaire des Maisons d'Enfants en Haïti. (2013). Publication de l'Institut du Bien Etre Social et de Recherches. <http://www.ibesr.com/fichier/Annuaire%20Corrige%202012-2014%20version%20juillet.pdf> [accessed 8 Aug 2016].

(3) Save the Children, Indonesian 'orphans' on the increase as Tsunami pushes parents into poverty and children in institutions," Martin, F. & Sudraja, T. (2006). A Rapid Assessment of Children's Home in Post-Tsunami Aceh, Save the Children UK and Indonesia Ministry of Social Affairs.

(4) UNICEF, Residential Care in Cambodia, [http://www.unicef.org/cambodia/Fact\\_sheet\\_-\\_residential\\_care\\_Cambodia.pdf](http://www.unicef.org/cambodia/Fact_sheet_-_residential_care_Cambodia.pdf)

**4.5 In which areas does the EU have greatest value-added as a development partner (e.g. which aspects of its development policy, dialogue or implementation arrangements or in which category of countries)?**

**4.6 How can the EU refine its development policy to better address inequalities – including gender inequality – in the context of the implementation of the 2030 Agenda?**



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The European Consensus on Development states that *“EU partnership and dialogue with third countries will promote common values of: **respect for human rights**, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice.”*

It further states that *“**all** people should enjoy **all** human rights in line with international agreements. The Community will on this basis promote the respect for human rights of all people in cooperation with both states and non-state actors in partner countries”.*

Despite these commitments, this is not yet happening, as eight million children globally are still living in institutional care which is a breach of several human rights Treaties. They are facing great inequalities such as being deprived of family, parental care and of access to quality education and health care. Consequently future employment prospects for children who grow up in institutions are poor.

In their case addressing inequalities would mean making sure that a quality transition process from institutional to family and community-based care takes place around the world and that families are properly supported to keep or reintegrate their children. This would enable parents to work, while their children with disabilities receive the rehabilitation they may need, as well as access to inclusive education, health care, culture, sports etc. It would also enable families, for whom poverty has been the main reasons for leaving their children behind, to reintegrate them.

Securing data disaggregation (by age, disability, gender, care status etc) would help for the mapping of children outside family care and for tackling the reasons which have led to this situation and which are often linked to inequalities (poverty, disability, gender etc).

Tackling inequalities should not be restricted to the poorest countries, but should instead prioritise the poorest and most disadvantaged communities globally. 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 everywhere and leaving no one behind.

The Consensus declares that *“in the context of poverty eradication, the Community aims to prevent social exclusion and to combat discrimination against all groups. It will promote social dialogue and protection, in particular to address gender inequality, the rights of indigenous peoples and to protect children from human trafficking, armed conflict, the worst forms of child labour and discrimination and the condition of disabled people.”*

Institutionalisation of children should be added to the listed activities/forms of existence from which children should be protected. As already explained, it is not only a breach of children's rights and discrimination against but also a source for victims of trafficking. An in-depth research on this topic needs to be planned and undertaken. While the connection between institutionalisation and trafficking has been proven by associated research, there has not been specific research on it so far.

#### **4.7 How can the EU development policy make a stronger contribution to the security of people? How can EU development policy contribute to addressing the root causes of conflict and fragility and contribute to security and resilience in all the countries where we work?**

The Proposal for a revised European Consensus on Development states that *“the implementation of the 2030 Agenda provides an opportunity for enhancing consistency between development policy and other areas of the EU's external action – such as the management of migration flows ... and security, and the broad security- development nexus – and between these and other policies. SDG16 in*



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*particular, provides for a new international consensus on the mutual influence between security and development, and on the possible mutually supportive role of development and security actors.” In line with SDG 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children, the EU development consensus could make a stronger contribution to the security of children by directly addressing the reasons for their trafficking. 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 (1); 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 EU development policy. The Consensus 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. It should address the risks of parents and children being separated in conflict and emergencies, i.e. unaccompanied minors becoming victims of trafficking and violence. Furthermore, it should clarify that placing unaccompanied minors in institutional care is not a solution and provides for the realisation of the above mentioned risks.*

As explained under 3.1, there is a strong connection between trafficking and institutionalisation of children.

- ✓ The consensus 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 / outside of family care.
- ✓ The consensus needs to address exploration of the nexus between children fleeing conflict zones, holding them in detention centres and trafficking.
- ✓ The consensus could encourage cooperation between the EU and its external partners 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 Anti-trafficking Strategy should be reflected and integrated in the agreement and in the funding and actions, planned for its implementation.

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

**4.8 How can a revised Consensus on Development better harness the opportunities presented by migration, minimise the negative aspects of irregular migration on the implementation of the 2030 Agenda and better address the root causes of irregular migration and forced displacement?**



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The Council Conclusions on "A New Global Partnership for Poverty Eradication and Sustainable Development after 2015" (1) states that *"migration should be addressed in a holistic manner" and that "all countries need to make efforts to manage migration effectively with **full respect for the human rights and dignity of migrants**"* (p. 56). It also declares that *"the EU is committed to ensuring coherence between migration and development policies and objectives and to harness the contribution of diaspora to development"*. (p. 56)

The consensus needs to address the situation of unaccompanied minors, very common in migration and refugee flows. A total of 88,300 unaccompanied minors applied for asylum in Europe in 2015, although this number is a lot less than the number of unaccompanied children who entered the EU. (2)

In Bulgaria, for example, 1,816 asylum applications were filed by unaccompanied minors in 2015, compared to 940 in 2014. (3) Foster care is not available to non-nationals in Bulgaria, therefore all unaccompanied children who apply for asylum are accommodated in institutions. This is becoming a usual practice when dealing with unaccompanied minors. They 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 behaviour or who have been in conflict with the law. Both solutions are certainly not in line with the human rights of these children and youth.

Looking for individual solutions and providing community support to them should be done simultaneously with enhancing deinstitutionalisation reforms. The societies, accepting them, should ensure that they treat/protect them with the same principles as they would treat 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.

(1) Council of the European Union, A New Global Partnership for Poverty Eradication and Sustainable Development after 2015 - Council conclusions, 26 May 2015, 9241/15. <http://data.consilium.europa.eu/doc/document/ST-9241-2015-INIT/en/pdf> [accessed 8 Aug 2016].

(2) Eurostat (2 May 2016). Almost 90 000 unaccompanied minors among asylum seekers registered in the EU in 2015. <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf> [accessed 8 Aug 2016].

(3) Bulgarian Helsinki Committee (2014). Annual Monitoring Report on Status Determination Procedures in Bulgaria. [http://www.bghelsinki.org/media/uploads/documents/reports/annual\\_rsd\\_reports/2014\\_annual\\_rsd\\_monitoring\\_report\\_en.pdf](http://www.bghelsinki.org/media/uploads/documents/reports/annual_rsd_reports/2014_annual_rsd_monitoring_report_en.pdf) [accessed 8 Aug 2016].

##### **(5) Means of implementation: how do we get there?**

The principle of universality underpinning the 2030 Agenda will require a differentiated approach to engagement with countries at all levels of development. Official Development Assistance will continue to play an important role in the overall financing mix for those countries most in need



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(particularly the Least Developed Countries). The EU and its Member States should continue to progress towards achieving their commitments. However, in all countries our development cooperation will need to take account of other sources of finance, including by leveraging other (non-Official Development Assistance) sources of finance for poverty eradication and sustainable development. The delivery of the 2030 Agenda means that our work helping countries raise their own resources (domestic resource mobilisation), the provision of aid for trade, blending\* and partnering with the private sector should be priority areas of focus. The Addis Ababa Action Agenda, an integral part of the 2030 Agenda, provides a framework for our efforts, including for our work supporting the right enabling policy environment for sustainable development in our partner countries. The implementation of the 2030 Agenda and the Paris Agreement on climate change under the United Nations Framework Convention on Climate Change should be closely coordinated given the strong interlinkages. Engagement with middle income countries, notably the emerging economies, will be important to the implementation of the 2030 Agenda, considering the role they can play in promoting global public goods, what they can achieve within their respective countries on poverty eradication and sustainable development, and the example they can set within their regions as well as their role in regional processes. Here differentiated partnerships can play an important role (examples include different forms of political, economic, and financial investment as well as cooperation in science, technology and innovation). Specific attention and focus should also be given to Least Developed Countries, as acknowledged by the Addis Ababa Action Agenda.

The EU's implementation of the 2030 Agenda provides an opportunity for enhancing consistency between the different areas of the EU's external action and between these and other EU policies (as outlined in the Lisbon Treaty and in EU's Comprehensive Approach to external conflict and crises). The EU will continue to pursue Policy Coherence for Development as a key contribution to the collective effort towards broader policy coherence for sustainable development. In our external action, the EU needs to consider how we can use all policies, tools, instruments at our disposal coherently in line with the integrated nature of the 2030 Agenda.

\* Combining EU grants with loans or with equity from other public and private financiers with a view to leveraging additional resources.

### **5.1 How can EU policies, and EU development policy in particular, help to mobilise and maximise the impact of the increasing variety of sustainable development finance, including in particular from the private sector?**

EU policies and EU development policy in particular, can help to mobilise and maximise the impact of the increasing variety of sustainable development finance via first securing consistency and coherence among themselves.

While Lumos welcomes the statement in the Council Conclusions in *A New Global Partnership for Poverty Eradication and Sustainable Development after 2015* that, “Corporate Social Responsibility (CSR) (...) should be a central element of private sector investments. It should include respect for and implementation of internationally recognised guidelines and principles, such as the UN guiding principles on business and **human rights**.” (p. 44), it is important to stress that it remains the core responsibility of the State to provide services for its population. It is important that private investment is in line with the international and European human rights policy and legislation and does not favour initiatives not complying with them.





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Given that the EU has explicitly recognised the harm, caused by institutional care and has forbidden the ESIF to be used for supporting it, the same principle should be applied to the development funding. The EU should make sure that the principles, enshrined in its internal policy, are duplicated or used as a base for the development ones. The finance regulations and decisions, including from the private sector, should reflect these principles. The EU should raise awareness among private donors about them and send a message about respecting them.

There are certain tendencies, documented by many organisations, including Lumos, regarding private/individual donor funding.

Establishing institutions has become a 'business' in a number of countries, including Haiti, Cambodia and Uganda. Orphanages are set up and aggressively recruit children from poor families, in order to obtain donations from overseas. The sums involved can be staggering.

The disproportionate influence of private/individual donor funding can manifest itself in various ways, including:

- ✓ Concerned foreign trusts, foundations and individual philanthropists can have a disproportionate effect on policy and funding priorities of government and the international community during and post emergency. It is reported that in Cambodia in 2013, millions of US dollars of private funding poured into orphanages in the country, making it extremely difficult for the Cambodian government and local civil society to focus on community based responses. The UNICEF Factsheet "Residential care in Cambodia" (1) informs that while some residential care facilities are government-run, they are mostly managed by private or faith-based non-governmental organisations, and almost all residential care centres are funded by individuals from overseas.
- ✓ **Initial Lumos data from Haiti suggests that the same money currently spent on keeping 30,000 children in harmful institutions could provide community services to support 300,000 children in their families.** This shift of policy and resources could ensure that, by 2030, there are no more children in institutions in Haiti. The vast sums invested in building, renovating and running institutions can instead provide poverty relief, basic health and education services.

Lumos recommends that the consensus sends a message for the EU to:

- ✓ Forge links with other major humanitarian aid donors, such as the European Investment Bank, the World Bank, UN Agencies, international NGOs and bilateral government donors, jointly to plan and implement change for children, ending institutionalisation and reinvesting funds previously earmarked for institutions into early childhood development, inclusive education and services that protect children from violence, abuse and neglect.
- ✓ Ensure that child protection, family support and prevention of separation is prioritised during conflict and emergency situations. Any residential care required during emergency situations must be a last resort and temporary in nature.
- ✓ Recognise that cases of **extremely poor conditions in institutions (malnutrition, hygiene, abuse, lack of child protection, poor healthcare)** should be considered emergency requiring a humanitarian response



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(1) UNICEF, Residential Care in Cambodia, [http://www.unicef.org/cambodia/Fact\\_sheet\\_-\\_residential\\_care\\_Cambodia.pdf](http://www.unicef.org/cambodia/Fact_sheet_-_residential_care_Cambodia.pdf)

**5.2 Given the evolving availability of other sources of finance and bearing in mind the EU's commitments on Official Development Assistance (e.g. Council Conclusions from 26 May 2015 on "A New Global Partnership for Poverty Eradication and Sustainable Development after 2015", and inter alia, paragraphs 32 and 33), how and where should the EU use its Official Development Assistance strategically and to maximise its impact?**

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 SDGs to address poverty and exclusion wherever it occurs.

**5.3 How can the EU better support partner countries in mobilising their own resources for poverty eradication and sustainable development?**

Lumos welcomes the declared commitment of the EU and the Member States, in the Council's conclusions (1), to *"improving and mainstreaming support for **capacity development** in all areas of the global partnership through a multi-stakeholder approach"* as well as the statement that local and subnational authorities will *"also be at the forefront of implementing the Post-2015 Agenda"* (p. 21). Lumos agrees that *"development of capacity in partner countries is a key factor for improving development effectiveness"* (p. 21).

The EU should support and provide training in partner countries on international human rights legislation and how it can be best implemented, including a module on deinstitutionalisation/transition from institutional to family or community-based care. Sharing good practice and awareness raising about how supporting vulnerable groups to exercise these rights would lead to sustainable development could also have positive impact. Blending funding programmes in which partner countries use their own resources or providing partial complimentary funding for them, while making sure that they support projects, contributing to poverty eradication and sustainable development, could also be considered.

The EU should offer training and expertise on and support for the creation and implementation of deinstitutionalisation reforms as well as on the better use of domestic public finance in the partner countries, together with partners from civil society who hold this expertise.

The EU should also support countries to monitor children outside of family care and disaggregate data by care status /living environment. This would help for having a more precise statistics on these children and for providing them with the support they need for their protection and wellbeing.

Lumos agrees with the Council (2), stressing *"the importance of mainstreaming sustainable development in domestic public finance"* (p. 25). Sustainable development can only be achieved globally if each country contributes to it at local and national level. Even processes, started with



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external/EU funding, such as, for example, deinstitutionalisation of children, should be later on financed by the state. Social services and child wellbeing and protection are a responsibility of the government. Furthermore, only tendencies which are reflected in the local and national policy and funding can be sustainable and have longer life-cycle.

(1) Council of the European Union, A New Global Partnership for Poverty Eradication and Sustainable Development after 2015 - Council conclusions, 26 May 2015, 9241/15. <http://data.consilium.europa.eu/doc/document/ST-9241-2015-INIT/en/pdf> [accessed 8 Aug 2016].

(2) Council of the European Union, A New Global Partnership for Poverty Eradication and Sustainable Development after 2015 - Council conclusions, 26 May 2015, 9241/15. <http://data.consilium.europa.eu/doc/document/ST-9241-2015-INIT/en/pdf> [accessed 8 Aug 2016].

#### **5.4 Given the importance of middle income countries to the implementation of the 2030 Agenda, what form could differentiated partnerships take?**

As stated above, 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 SDGs to address poverty and exclusion wherever it occurs. It is important therefore that EU foreign policy initiatives including bilateral agreements between the EU and third countries address the needs of marginalised children, in particular those in institutions.

#### **5.5 Given experience so far in taking into account the objectives of development cooperation in the implementation of EU policies which are likely to affect developing countries (e.g. Policy Coherence for Development: 2015 EU Report), how should the EU step up its efforts to achieve Policy Coherence for Development, as a key contribution to the collective effort towards policy coherence for sustainable development? How can we help ensure that policies in developing countries, and internationally contribute coherently to sustainable development priorities?**

The *Policy Coherence for Development: 2015 EU Report* mentions children only in the context of asylum and international protection by saying that: “specific measures will be included for children and other vulnerable groups of persons”. The text refers to families only in relation to food security: “the role of small and family farms in food and nutrition security” (1) This certainly provides a too narrow perspective and is not enough Supporting families and children is key for achieving sustainable development. Leaving them behind is certainly not in line with the 2030 Agenda for Sustainable Development. In order for the EU to step up its efforts to achieve Policy Coherence for Development, it should take the most vulnerable children, those outside family care, on board and address their needs. It should also look at ways to support families in risk of leaving their children behind, as well as those willing to reintegrate their children. The EU should ensure that all the policies and programmes which are supported internationally by its funds are in line with its own policies and legislation, and have an integrated human rights approach. Respect for the fundamental human rights in practice is the first step towards implementing the sustainable development priorities.



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(1) European Commission. (2015). Policy Coherence for Development: 2015 EU Report. Luxembourg: Publications Office of the European Union. [http://ec.europa.eu/europeaid/sites/devco/files/pcd-report-2015\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/pcd-report-2015_en.pdf) [accessed 8 Aug 2016].

#### **(6) The actors: making it work together**

An important feature of the new Agenda is that all governments, developed and developing, will need to work with a wide range of stakeholders (including the private sector, civil society and research institutions) to improve the transparency and inclusivity of decision-making, planning, service delivery, and monitoring and to ensure synergy and complementarity.

The EU must continue to work collaboratively with others and contribute to a coordinated approach. The Addis Ababa Action Agenda puts national plans for implementation (including associated financing and policy frameworks) at the centre. To maximise our impact, EU development policy should be based on a strategic and comprehensive strategy for each country, which also responds to the country-specific context.

Our partner countries' implementation of the 2030 Agenda will inform our overall engagement and our development cooperation dialogue with them and will help shape our support for their national efforts. The EU should also help partner countries put in place the necessary enabling policy frameworks to eradicate poverty, tackle sustainable development challenges and enhance their policy coherence.

There is a need for a renewed emphasis on the quality of development cooperation, including existing commitments on aid and development effectiveness made in Paris, Accra and Busan\* and through work with the Global Partnership for Effective Development Cooperation.

An updated EU development policy should also provide a shared vision that guides the action of the EU and Member States in development cooperation, putting forward proposals on how to further enhance coordination, complementarity and coherence between EU and Member States. Strengthening Joint Programming will be an important part of this. Improving the division of labour between the EU and its Member States in order to reduce aid fragmentation will also contribute to increased development effectiveness.

\* See Paris Declaration on Aid Effectiveness and the Accra Agenda for Action and the Busan Partnership for Effective Development Cooperation

#### **6.1 How should the EU strengthen its partnerships with civil society, foundations, the business community, parliaments and local authorities and academia to support the implementation of the 2030 Agenda (including the integral Addis Ababa Action Agenda) and the Paris Agreement on climate change?**

The EU should strengthen its partnerships with all stakeholders by putting in place mechanisms for adequately involving them in the 2030 Agenda implementation process Creating a Code of conduct on partnership which describes the way the EU and the national governments should involve partners



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would be a sensible step in this direction. This could be based on the model used for European Social and Investment Funds. Indeed, more cross fertilisation and sharing of experiences across different sectors of EU policies would certainly support the implementation of 2030 Agenda in a coherent way.

#### **6.2 How can the EU promote private sector investment for sustainable development?**

Child protection and welfare should remain a primary obligation and responsibility of States. The EU can still promote private sector investment for sustainable development via awareness-raising and programmes that support pilot programmes and innovation in this field. The EU should also ensure that institutions are added to the European Investment Bank's List of Excluded Activities, so that there is consistency between bank's policies and the existing EU legislation (ex-ante conditionality 9.1 on social inclusion in Regulation 1303/2013).

#### **6.3 How can the EU strengthen relations on sustainable development with other countries, international financing institutions, multilateral development banks, emerging donors and the UN system?**

The EU can share its policies and legislation linked to sustainable development and human rights and suggest coordinated action. It could prepare a guidelines document, providing recommendations in different areas. The EU could also refuse to match funding which is not in line with its policy and legislative instruments. The EU is well placed to be a leading voice in this area and raise awareness of the harm caused by funding practices which promote the institutionalisation of children and adults and instead share examples of good practice, expertise and offer advice. (1)

(1) For more information please see European Expert Group on the Transition from Institutional to Community-based Care (2012). Common European Guidelines on the Transition from Institutional to Community-based Care. <http://deinstitutionalisationguide.eu/wp-content/uploads/Common-European-Guidelines-on-the-Transition-from-Institutional-to-Community-based-Care-English.pdf> [accessed 8 Aug 2016].

#### **6.4 How can the EU best support partner countries to develop comprehensive and inclusive national plans for the implementation of the 2030 Agenda?**

The EU could share its own principles, values and instruments, addressing social inclusion, and advice on how partner countries can develop comprehensive and inclusive national plans for the implementation of the 2030 Agenda. The creation of a toolkit, containing brief descriptions of these instruments and explaining how they link to Agenda 2030 and how they can be translated into action in partner countries would be useful. Capacity building in the partner countries is key for the development and the implementation of plans and strategies, including on deinstitutionalisation and data collection about marginalised groups which would contribute for achieving better social inclusion and respect for human rights.



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The EU should further modify its external funding according to these values, principles and instruments so that it reflects the commitments the EU has made in its internal funding and contributes to achieving policy coherence for development.

**6.5 What are the best ways to strengthen and improve coherence, complementarity and coordination between the EU and the Member States in their support to help partner countries achieve poverty eradication and sustainable development?**

The coordination between the EU and Member States could best happen via structured dialogue, involving the EC, the national governments, the partner countries and the NGO sector. It would be very helpful if the EU produces guidelines for the Member States, advising on where and how best to direct their efforts and funds. The EU should send a message to the Member States that their support should be in line with the existing EU and international legislation and secure respect for human rights.

The creation of a Global Partnership for Poverty Eradication and Sustainable Development could be a stimulus for the EU and its Member States to better coordinate and synchronise their efforts.

**6.6 How can EU development cooperation be as effective as possible, and how can we work with all partners to achieve this?**

The EU development cooperation could be as effective as possible, when it is done via coordinated and joint effort, involving all stakeholders. Setting up thematic working groups and structured dialogues with wide representation could be a way for achieving this. Civil society organisations should be actively involved with any such formations and their contribution should be taken on board. EU development cooperation should contribute to meeting the needs of the local populations in a quality way which provides for social inclusion, equality and respect for human rights. In the case of children in institutional care this would mean encouraging governments to develop deinstitutionalisation strategies and action plans, while using the existing expertise and experience in this area, and providing funding for the creation of family and community-based services.

The Global Partnership for Poverty Eradication and Sustainable Development after 2015 could be a platform for discussion and coordinating efforts for achieving greater effectiveness.

**6.7 What further progress could be made in EU Joint Programming, and how could this experience be linked with other EU joined-up actions in supporting countries' delivery of the 2030 Agenda?**

There are key areas in which the EU is lacking data such as the link between trafficking and children in institutional care, as well as how this links to migration. This nexus needs further exploration and specific responses that are led by child protection experts, rather than being solely a matter for the judiciary. Therefore, there is an obvious need to look at this issue and understand it better as well as to support research on the connection between children in institutional care and unaccompanied migrant minors in detention centres and trafficking. This, again, could be an object of EU Joint Programming in line with the above quoted SDG 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.

## **(7) Keeping track of progress**

The EU will need to contribute to the global follow-up and review process for the 2030 Agenda. Keeping track of progress in a systematic and transparent way is essential for delivering the 2030 Agenda. The EU is actively contributing to the setting up of a Sustainable Development Goal monitoring system at global, regional and national level. Demonstrating results and impact from our efforts and the promotion of transparency will be important priorities for EU development policy, as part of a wider move to strengthen accountability, follow-up and review at all levels.

**7.1 How can the EU strengthen its own use of evidence and analysis, including in the development field, to feed into its regular review on the Sustainable Development Goals to the UN?**

**7.2 How can the EU help to ensure the accountability of all actors involved in implementation of the 2030 Agenda, including the private sector? How can the EU encourage a strong and robust approach to the Follow Up and Review of the 2030 Agenda from all actors?**

Lumos welcomes the commitment of the EU and its Member States to the establishment and implementation of *“a strong monitoring, accountability and review framework, which should be an integral part of the Post-2015 Agenda”* (1) (p. 59). Lumos agrees with the conclusion that *“there should be one overarching framework that covers all aspects of the sustainable development goals and targets and all means of implementation, including all aspects of financing”* (p. 59).

The EU can help to ensure the accountability of all actors involved in the implementation of the 2030 Agenda via revising its policies and legislation, identifying the gaps and making sure they are covered in a way which provides for the implementation of the 2030 Agenda. The EU could introduce new funding line or couple its funding programmes with the SDGs and the 2030 Agenda principles. It is crucial that the EU makes sure that the overarching principle of leaving no one behind is taken into account and enshrined in all the related policy and legislative initiatives.

The EU should enforce the creation of reporting mechanisms in all its Member States which allows all actors to share their experience with the implementation. These mechanisms should be simple and easily accessible. A wide information campaign would encourage the societies to be actively involved in both the process of implementation and the process of reporting.

The EU's active involvement with the Global Partnership for Poverty Eradication and Sustainable Development after 2015 could also be a way for helping ensure the accountability of all actors.

Finally, the EU has a role to play to support partner countries and their statistical authorities to better monitor implementation of the SDGs and disaggregate data. Particular attention should be paid to ensuring that countries monitor all vulnerable populations including children living outside of family care.



Protecting Children. Providing Solutions.

(1) Council of the European Union, A New Global Partnership for Poverty Eradication and Sustainable Development after 2015 - Council conclusions, 26 May 2015, 9241/15, <http://data.consilium.europa.eu/doc/document/ST-9241-2015-INIT/en/pdf> [accessed 8 Aug 2016].

### **7.3 How should EU development cooperation respond to the regular reviews on progress of the partner countries towards the 2030 Agenda goals?**

The EU should take into account the regular reviews on the progress of the partner countries towards the 2030 goals and respond to them in various ways. The EU should address the areas in which its partner countries are lagging behind and recommend that the necessary policies and legislation are put in place. The EU should shape its funding programmes in a way which addressed these areas and/or recommend to these countries to use its funding for achieving better progress. The EU should provide expert support and guidance for resolving the obstacles in front of better implementation. The EU should also include the implementation of the 2030 Agenda in its human rights expert talks and dialogues with all partner countries.