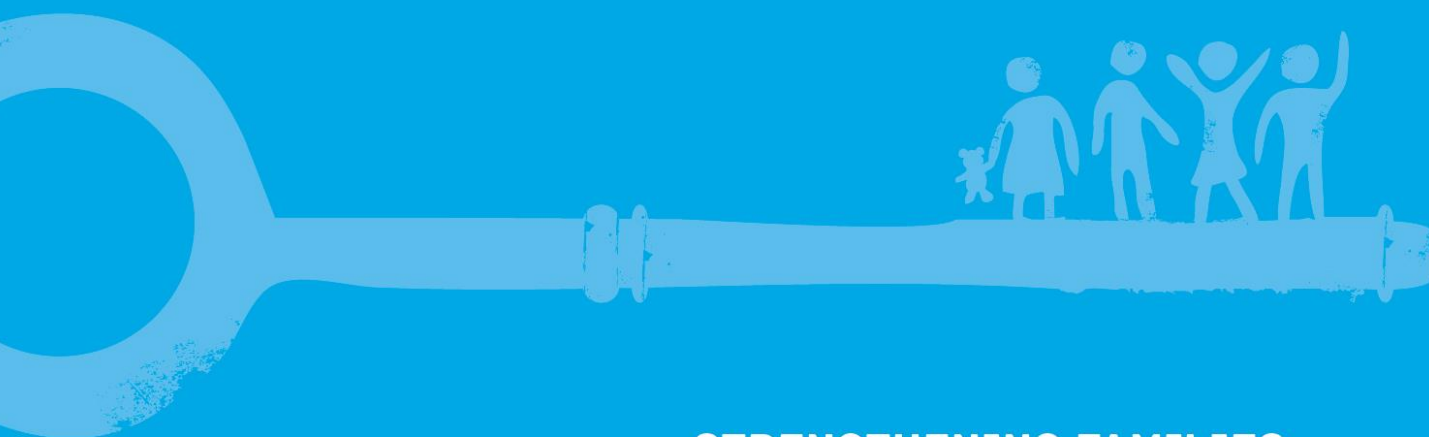


**OPENING DOORS
FOR EUROPE'S CHILDREN**

**Child Protection System Reform
in the Hellenic Republic**

Call to Action

July 2015



**STRENGTHENING FAMILIES.
ENDING INSTITUTIONAL CARE.**

This paper is developed by Hope and Homes for Children (HHC) and Roots Research Centre in collaboration with Eurochild. HHC and Eurochild jointly coordinate the Opening Doors campaign on ending institutional care, strengthening families, currently active in 11 countries including Greece where Roots is the national coordinator. Roots is a Greek NGO with over 16 years' experience of working with and for children and families with experience of the care system. HHC is an international organisation specialising in the eradication of institutional care. Eurochild is a membership network promoting children's rights and well-being in Europe.

Eurochild is an active member of the European Expert Group on the transition from institutional to community-based care (EEG) which brings together networks representing the interests of different care users, service providers and UN agencies (UNICEF & OHCHR).

This paper is published in advance of the EEG seminar scheduled to take place on 13th July 2015 in Athens.

Why reform child protection?

Over the last 5 years, living standards throughout Greece have plummeted. Unemployment, wage cuts, welfare and pension cuts have taken an enormous toll on the Greek population. Migrants, refugees, Roma, unaccompanied children, face particular hardship in a system with few if any safety nets for the most vulnerable.

In this context it might be asked why prioritise child protection reforms? The authors of this policy position argue that as the Greek authorities map out the road to long-term recovery, several key steps to reform the child protection and care system should be taken as a matter of priority. These reforms are vital, not only for Greece to comply with its human rights obligations, but also because they make economic sense and will build a more solid basis for recovery.

This call to action comprises three main elements:

1. **Elimination of old-type institutions for children** and transition towards a system based on family-based alternatives (e.g. foster care) and family-like residential care;
2. **Increased, effectiveness and efficiency of prevention services** to avoid institutionalisation, including through national legislation and policy reform;
3. **Provision of support to young people leaving the child protection system**, according to individual needs, including through social housing and employment.

In August 2012, the Committee on the Rights of the Child expressed concern in its **Concluding observations regarding Greece**¹ regarding the impact of the current economic hardship on families. Children may increasingly be deprived of their family environment and placed in institutional care, accentuating an already existing tendency. The Committee recommended that the Greek State puts in place measures to prevent further degeneration of this trend, by improving understanding of parental responsibilities, providing all forms of support to families to strengthen their parenting capacities, and identifying alternative family care options for children when necessary.

In June 2015, the 9th **European Forum on the rights of the child**, held in Brussels, recommended the need for integrated child protection systems where all duty-bearers (namely the state authorities represented by law enforcement, judicial authorities, immigration authorities, social services, child protection agencies) and system components (such as laws, policies, resources, procedures,

¹ issued in August 13, 2012

processes, sub-systems) work together across sectors and agencies sharing responsibilities to form a protective and empowering environment for all children.

While the responsibility for the protection and promotion of children's rights lies primarily with the State, the concerted action of non-governmental organisations is essential to assist the government so that children in danger of separation from their families are supported to stay with their parents and those already in the special protection of the State are cared for in family- and community-based settings.

We call on the Hellenic Government to take action in embarking on a nation-wide reform of the child protection and care system, aiming to eradicate child institutionalisation and to prevent the unnecessary separation of children from their families.

We call on the civil society organisations to support this call to action, by endorsing and promoting it.

International and European Framework for the Transition from Institutional Care to Family and Community-Based Care

The Greek State has important responsibilities concerning protection and promotion of the rights of children in or at risk of entering alternative care:

- Greece has ratified the **United Nations Convention on the Rights of the Child (UNCRC)**². The UNCRC, in its preamble, states that "for the full and harmonious development of his or her personality" the child should "grow up in a family environment, in an atmosphere of happiness, love and understanding". In addition, the Convention outlines a range of children's rights that, taken together, state that children should live with and be cared for by their birth families (Articles 7 and 9). It is the primary responsibility of parents to raise their children and it is a duty of the State to support parents in this role (Article 18). Children have the right to protection from harm and abuse (Article 19). Where their family cannot provide the care they need, despite the provision of adequate support by the State, the child has the right to substitute family care (Article 20).
- Greece has ratified the **UN Convention on the Rights of Persons with Disabilities (UNCRPD)**. Art. 23 of the UNCRPD provides a clear framework of reference concerning children and alternative care: "States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting".
- International standards such as the 2009 **UN Guidelines for the Alternative Care of Children**³ provide expert guidance to States and other duty-bearers on the implementation of the UNCRC. The Guidelines set the overall objective to phase out institutions as a care option for children and progressively work towards their eradication.
- All EU Member States should implement the **EU recommendation 'Investing in Children – Breaking the Cycle of Disadvantage'**⁴. The Recommendation calls on EU Member States to

²United Nations. *Convention on the Rights of the Child*. United Nations Human Rights, Office for the High Commissioner for Human Rights. November 20, 1989. Web. May 20, 2015 <<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>

³ United Nations. *Guidelines for the Alternative Care of Children*. UNICEF. Child Protection, February 24, 2010. Web. May 20, 2015 <http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf>

⁴ European Commission, *Investing in children – breaking the cycle of disadvantage*. European Commission. Justice, February 20, 2013. Web. May 21, 2015 <http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf>

stop the expansion of institutional care settings for children without parental care and promote quality, community-based care and foster care within family settings instead. Member States are encouraged to step up social investment, including through the use of EU financial instruments, to ensure that children are not locked into a life of disadvantage.

- The **Common European Guidelines on the Transition from Institutional to Community-based Care**⁵ were issued in 2012 to provide practical advice about how to make a sustained transition from institutional care to family-based and community-based alternatives.

Eradicating institutional care

Institutionalisation is increasingly acknowledged as poor policy and a violation of human rights. Scientific research into children's development shows that, particularly when it comes to very young children, even a relatively short institutional placement can negatively affect brain development and have life-long consequences on behaviour and emotional wellbeing in later life.

Preventing the separation of children from their families and putting an end to the out-dated practice of institutionalisation, on the other hand, brings a number of long-term benefits such as social adaptability and integration, higher social inclusion, poverty reduction, increased life expectancy and lower crime rates. Young people who exit the care system become truly independent, avoiding life-long reliance on State benefits, and vulnerable families are socially included. These benefits stretch over the current generation of children, youngsters and families at risk of social exclusion and have a macro-systemic positive effect on the society as a whole.

Systemic reform of the child protection and care system

A nation-wide reform of the child protection and care system, aimed at preventing the unnecessary separation of children from their families and at eradicating institutional care, should include three main elements:

1. **Elimination of old-type institutions for children** and transition towards a system based on family-based alternatives (e.g. foster care) and family-like residential care;
2. **Increased, effectiveness and efficiency of prevention services** to avoid institutionalisation, including through national legislation and policy reform;
3. **Provision of support to young people leaving the child protection system**, according to individual needs, including through social housing and employment.

These systemic reforms will result in higher quality of care for children, reduced number of children in residential care, and reduced financial impact on the society as a whole.

This transition requires a **profound evolution in the culture of services**:

- From an **institution-based** care paradigm to a community, **family-based** care paradigm;
- From a paradigm where the **child** is a passive object of protection to a paradigm where **children** and **their parents** are considered as partners of preventative social work and child protection;

⁵ European Expert Group on the Transition from Institutional to Community-based Care. *Common European Guidelines on the Transition from Institutional to Community-based Care*. European Expert Group on the Transition from Institutional to Community-based Care, 2012. Web. May 20, 2015 < <http://deinstitutionalisationguide.eu/wp-content/uploads/Common-European-Guidelines-on-the-Transition-from-Institutional-to-Community-based-Care-English.pdf>>

- From a paradigm based on **late, reactive interventions** to a paradigm based on **proactive and preventative interventions**, aimed at avoiding unnecessary separation of children from their parents and admission in institutional care.

Recommendations

In order to commence a systemic reform of child protection and care in Greece, there are number of **priority areas in which the Greek government's coordinated interventions are required:**

- 1) **Review the relevant legislative framework**, both in terms of primary and secondary legislation, and the measures for its implementation with a view to clarify values, principles of action, as well as definitions, regulations, protocols, minimum standards and the alignment with the UN Guidelines on Alternative Care and the UN Convention on the Rights of the Child.
- 2) **Review the existing services** available for families and children at risk, particularly those services strengthening families and preventing children's separation.
- 3) **Develop a national plan to reduce reliance on institutional care** until its eradication through the development of family strengthening services and alternative family care.
- 4) Improve the mechanisms for allocation, disbursement, dissemination and absorption of **European Union Structural and Investment Funds** (ESF, ERDF) to support the transition from institutional care to family-and community-based alternatives.
- 5) **Elaborate a financial projection** for the system of social services for children to forecast expenditure over the next 5 - 7 years and demonstrate the cost-effectiveness of shifting from an institutional to a family-like paradigm.
- 6) **Strengthen the mechanism for data collection** by establishing a national central database with comprehensive and disaggregated data on children, as recommended by the UN Committee on the Rights of the Child in its concluding observations.

In addition, in line with its commitment to deinstitutionalisation, we call upon the European Union to provide emergency support to Greece to enable the Greek government to initiate the long-term reforms ***suggested as well as*** to prioritise assistance to those most in need.

Additional Resources

- Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'⁶
- De-institutionalisation Myth Buster⁷
- De-institutionalisation and Quality Alternative Care – Lessons learned and the way forward⁸

⁶ Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012), UK: Centre for Excellence for Looked After Children in Scotland

⁷ Hope and Homes for Children and Eurochild. *Deinstitutionalisation Myth Buster*. Brussels: 2014. Print

⁸ Hope and Homes for Children and Eurochild. *Deinstitutionalisation and Quality Alternative Care – Lessons learned and the way forward*. Brussels: 2014. Print

- Towards a Stronger Economic Evidence Base to Support Child Protection Reform: from institutions to family based care and community level services⁹

About Opening Doors for Europe's Children

The *Opening Doors for Europe's Children* campaign operates at EU level and in 12 countries across Europe, calling on the EU and national governments to prioritise the transition from institutional to family-based care. We believe that the end of institutional care for children in Europe is possible and within our reach – putting the best interests of children back at the heart of Europe's child protection systems.

About Eurochild



Eurochild
Putting children at
the heart of Europe

Eurochild advocates for children's rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The United Nations Convention on the Rights of the Child is the foundation of all our work.

About Hope and Homes for Children



Hope & Homes for Children

Hope and Homes for Children is an international organisation working on the eradication of institutional care in three key spheres: service development, capacity building and policy. We close institutions, reuniting children with families or placing them in alternative family-based care; we work in partnership with other agencies – including governments – to develop services such as fostering, adoption and a wide range of prevention services; and we work with governments to underpin family-based care systems through the development of policies and legislation. Our years of experience show us that our model is adaptable to different conditions in countries around the world because it covers these three vital elements of childcare reform.

About Roots Research Centre



Roots Research Center is a non-governmental, non-profit organization specialised in supporting the rights of adult adoptees to find their family origins. Our mission is to advocate for child protection system reforms in Greece. We promote de-institutionalisation reforms and reintegration of children into their families of origins or in suitable family-based alternative care. Our projects are supporting and empowering young care leavers before and after their transition towards independent living, to improve inclusion and acceptance in the community. We are a member of Eurochild and the national coordinator of the campaign *Opening Doors for Europe's Children*, led by Eurochild and Hope and Homes for Children.

⁹ Eurochild, Hope and Homes for Children and SOS Children's Villages. *Towards a stronger economic evidence base to support child protection reform: from institutions to family based care and community level services*. Brussels: 2014. Print