

Prioritise deinstitutionalisation in 2021 – 2027

European Structural and Investment Funds

Briefing for Members

This memo aims to provide members with more and targeted information on how to influence the programming of post-2020 programming period. The Operational Programmes are the main tools how the European Structural and Investment Funds are implemented in Member States. Although the new Multiannual Financial Framework for 2021-2027 has not been adopted yet, the programming has been running in parallel. The next months constitute a **unique opportunity** to influence the shape of the Operational Programmes for **next seven years!** In many cases the EU funds are conditional on national co-financing (varies by category of region). National strategies and action plans should be developed too.

HOW TO ENGAGE IN PROGRAMMING

Thanks to the Partnership principle, civil society organisations are guaranteed a place at the table, and have a say in the **programming, implementation, monitoring and evaluation of the European Structural and Investment Funds**.

Member States are already working on the programming, so we encourage you to get active now, by reaching out to your respective ministries to provide your opinions about new Operational Programmes.

HOW?

- **Prepare your position paper** (see example on the next page): Provide an updated assessment on the situation in your country and develop detailed recommendations on what should be the priorities for EU funds investment. To maximize your impact, we recommend you prepare this in coalition with your partners.
- Submit this position paper to the respective managing authority in your country and ask for a meeting. You can find your respective Managing Authority for **European Social Fund plus** and **European Regional Development Fund** here: [ESF plus Managing Authorities](#) and [ERDF Managing authorities \(MA\)](#). Once you have send it to the managing authority, share it with the respective desk officer in DG EMPL and DG REGIO.
- Participate in the monitoring committees – this is a key way for you to have a say in the throughout the programming period.

IMPORTANT NOTE:

- **the Code of Conduct of Partnership Principle** needs to be respected. It forces Member States to apply partnership principle seriously. To apply ECCP is a legal obligation. Use reference to Partnership principle in your email approaching ministries.
- In order to engage in programming, stakeholders need to be informed therefore **all documents related to programming** including **draft of Operational Programmes should be uploaded on relevant web pages of Managing Authorities** or ask for these documents! ¹

WEBINAR – we would like to organise a webinar to discuss the memo in details and provide you with space for questions & answers. Please indicate your availability in [doodle by 3 March](#).

For more information, please contact Zuzana Konradova and keep us informed if you will encounter any problems in getting information or being ignored in consultation processes. The European Commission seeks for this information.

WHAT was already approved and guides the preparation of new Operational Programmes:

✓ EU framework 2021-2027

Common Provisions Regulation (CPR)

Common Provisions Regulation provides regulatory framework to guide implementation of 7 shared management funds including **ESF+** and **ERDF**. Under the proposed regulation for the CPR, there are a number of horizontal and thematic enabling conditions that will support the effective and efficient implementation of the funds for developing, and ensuring access to, family-based and community-based services:

- Horizontal enabling conditions:
 - EU Charter of Fundamental Rights:
 - UN Convention on the Rights of Persons with Disabilities:
- Thematic enabling conditions:
 - National strategic policy framework on poverty reduction and social inclusion, which includes measures to support the transition from institutional to community-based care as a pre-requisite to fulfil this enabling condition

¹ Several Member State have already done it and uploaded draft programmes on the respective websites. The transparency and stakeholders' involvement increases the ownership.

In the next period, their role is strengthened: the European Commission may be able to come back to the Member States at any time during the programming period to check whether the enabling condition is fulfilled.

Recital 11 on the partnership principle and European Code of Conduct on Partnership Principle asks for meaningful involvement of civil society organisations.

European Social Fund plus (ESF+)

ESF+ have recognized both child poverty and the transition from institutional to family- and community-based care as a cross-cutting issue. In particular, the **recital 28** and **article 6** focus on transition from institutional to family- and community-based care. The ESF+ should also promote the transition from residential/institutional care to family and community-based care, in particular for those who face multiple discrimination. The ESF+ should not support any action that contributes to segregation or to social exclusion. The **article 8** on partnership principle asks for meaningful involvement of civil society organisations as well as its capacity building.

In negotiation:

The European Parliament proposes to establish a “**Child Guarantee**” under article 5 (23(i), EUR 5 900 000 000 shall be allocated for measures falling under the European Child Guarantee referred to in Article 10a.

3a. Within the specific objectives for the social inclusion policy area set out in points (vii) to (x) of Article 4(1), Member States shall allocate at least 5 % of their ESF+ resources under shared management to targeted actions aiming at implementing the European Child Guarantee, in order to contribute to children’s equal access to free healthcare, free education, free childcare, decent housing and adequate nutrition.

European Regional Development Fund (ERDF)

According to **Recital 5** Member States should also respect the obligations of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. *The Funds should not support actions that contribute to any form segregation.*

✓ LESSONS learned from this programming (2014-2020)

The EU has its own considerable body of policy and legislative commitments on the transition from institutional to family- and community-based care for all persons that are rooted in international human rights treaties including the UNCRC and the UNCRPD, which the EU and most of its Member States have ratified. The EU’s role in delivering change for children left to languish in institutions cannot be understated, but the job is far from done.

The transition from institutional to community-based care is not only an issue related to poverty. An overarching poverty reduction and social inclusion strategy should also incorporate the **national strategy and action plan for deinstitutionalisation**.



Given the promising nature of the thematic ex-ante conditionalities, and the poor experience of countries like Hungary or Greece, we recommend they are strengthened through **rigorous monitoring in both the regulatory and programming phase to ensure they are respected and that investments contribute to broader policy frameworks and their principles applied universally across all relevant EU funding instruments.**

In the next funding period, it is essential that the European Code of Conduct on Partnership (ECCP) is respected at national level. This will ensure that, for the use of EU funds, specific measures are in place to secure the implementation of the ECCP and, therefore, the transparent and meaningful representation of stakeholders, including civil society and service users. Additionally, civil society role and the European Commission's role in the Monitoring Committees should be strengthened for the same reasons.

✓ Existing **EU RECOMMENDATIONS**/ investment guidance, annexes D in Country Reports

In the 2019 Country Reports, the European Commission included a new section, '**Annex D: Investment Guidance on Cohesion Policy Funding 2021-2027**', which identifies investment priorities for Member States when designing their Operational Programmes for the next period. The identification of investment needs is based on the shared understanding that investments should have as high an impact on economic, social and territorial cohesion as possible.

Eurochild made an analysis and prepared investment guidance on EU funding 2021-2027 in [2019 Eurochild report on the European Semester](#) for 22 countries. Otherwise they are included in Annex D - **Policy Objective 4: 'A more social Europe – Implementing the European Pillar of Social Rights'** of [2019 Country Reports](#).

✓ Your **RECOMMENDATIONS** what should be funded

Following the recommendations from **annex D** and your experience and expertise elaborate more on the items that aim at transition from institutional to community based care.

Example Position Paper – Croatia

To influence programming of Operational Programmes 2021 – 2027
as well as
become a member of monitoring committee of respective OP

Organisation: FICE Croatia

Represented by: your name and email

Children at risk of poverty or social exclusion: 23,7 %²

Number of children in alternative care: to be added

Number of children in institutional care: 1.667³

DI progress in Croatia:

Just our suggestion

Although the process of deinstitutionalisation (DI) has started in Croatia in 2006, the transition from institutional to family- and community- based forms of care shows slow signs of progress. This is mainly due to a lack of commitment from the State, a lack of know-how in the area of community-based social services by the state providers, prejudices against foster care and inefficient use of EU funding to support DI reforms.

The 2017 Report of Children's Ombudsman showed that in Croatia the main factor for separation of children from their parents was poverty. In addition, the report showed that there is an increasing number of children in institutions, that children under the age of 7 years old are still placed in institutions, that there is insufficient number of foster families and that there is lack of community based services, especially in rural areas.

The long expected Law on foster care came in force in January 2019. However, neither the legislation nor the UNICEF campaign promoting foster parenting (run in August 2018) have brought more foster parents to the system. On the contrary, the number of foster parents has been constantly decreasing. In January 2018 there were 1,496 foster parents while in August 2019 there were 1,400 foster parents. There is no registration for special foster parent (for children with severe physical and/or emotional/behavioural problems).

² Eurostat 17.12.2019

³ It shows the number of children in state homes for children without adequate parental care and homes for children and youth with behavioral problems.



Keeping in mind that in the 2014-2020 programming period DI reforms were slowed down due to delays. There was a lack of capacities at ministries to support grantees in particular civil society organisations and provide adequate assistance.

Add more

Common Provisions Regulation (CPR)

Common Provisions Regulation provides regulatory framework to guide implementation of 7 shared management funds including **ESF+** and **ERDF**. Under the proposed regulation for the CPR, there are a number of horizontal and thematic enabling conditions that will support the effective and efficient implementation of the funds for developing, and ensuring access to, family-based and community-based services:

- Horizontal enabling conditions:
 - EU Charter of Fundamental Rights:
 - UN Convention on the Rights of Persons with Disabilities:
- Thematic enabling conditions:
 - National strategic policy framework on poverty reduction and social inclusion, which includes measures to support the transition from institutional to community-based care as a pre-requisite to fulfil this enabling condition

In the next period, their role is strengthened: the European Commission may be able to come back to the Member States at any time during the programming period to check whether the enabling condition is fulfilled.

Recital 11 on the partnership principle and European Code of Conduct on Partnership Principle asks for meaningful involvement of civil society organisations.

European Social Fund plus (ESF+)

ESF+ have recognized both child poverty and the transition from institutional to family- and community-based care as a cross-cutting issue. In particular, the **recital 28** and **article 6** focus on transition from institutional to family-and community-based care. The ESF+ should also promote the transition from residential/institutional care to family and community-based care, in particular for those who face multiple discrimination. The ESF+ should not support any action that contributes to segregation or to social exclusion.

The **article 8** on partnership principle asks for meaningful involvement of civil society organisations as well as its capacity building.

In negotiation:

The European Parliament proposes to establish a “**Child Guarantee**” under article 5 (23(i), EUR 5 900 000 000 shall be allocated for measures falling under the European Child Guarantee referred to in Article 10a.

3a. Within the specific objectives for the social inclusion policy area set out in points (vii) to (x) of Article 4(1), Member States shall allocate at least 5 % of their ESF+ resources under shared management to targeted actions aiming at implementing the European Child Guarantee, in order to contribute to children’s equal access to free healthcare, free education, free childcare, decent housing and adequate nutrition.

European Regional Development Fund (ERDF)

According to **Recital 5 Member States should also respect the obligations of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. The Funds should not support actions that contribute to any form segregation.**

✓ Existing **EU RECOMMENDATIONS/** investment guidance, annexes D in **2019 Croatia Country Report**

Policy Objective 4: A more social Europe – Implementing the European Pillar of Social Rights

- ensure equal access to and provision of inclusive quality education at all levels, including investments in infrastructure and equipment, but especially in early childhood education and care, in particular for vulnerable groups and in less developed areas
- upskill and reskill the labour force through adult learning; modernise equipment and infrastructure;
- provide support to education and training of teachers and trainers.
- improve social services and infrastructure of centres to support vulnerable groups and families;
- improve the transition from residential/institutional care to family and community-based care;

✓ **FICE Croatia (together with other NGOs) RECOMMENDATIONS** for using ESF+ & ERDF

- Implement partnership principle rigorously and engage civil society in the processes
- Use **THE CHECKLIST** to ensure that **OP contributes to independent living by developing and ensuring access to family-based and community-based care**
- (for example: take measures to avoid the delays when allocating funding to implement the Deinstitutionalisation reform in Croatia. Funding should be available to NGOs and transparent evaluation procedures should be in place)
- **Topics that should be funded**