

Hope and Homes for Children response to the consultation of civil society organisations in the preparation of the instrument for pre-accession assistance (IPA III)

Hope and Homes for Children (HHC) has been active in Bosnia and Herzegovina (BiH) since 1994 to support the reform of the child protection system and the deinstitutionalisation of children. HHC BiH was also one of the beneficiaries of the IPA II funded UNICEF led programme ‘Transformation of care institutions and prevention of family separation’ (2016-2018). This document presents HHC's answers to the consultation of civil society organisations in the preparation of the instrument for pre-accession assistance (IPA III)¹.

1. Do you think that there are thematic priorities or other important elements missing in the proposed structure of the programming framework?

The proposed structure of the programming framework provides a comprehensive approach to the IPA III which has the potential to lead to targeted and efficient investments in the next programming period. At the same time, it would be important to consider introducing the following in the framework:

- **Children rights:** A strong child-rights perspective should be included across all the thematic windows, particularly under the sub-theme fundamental rights of thematic window 1 ‘Rule of Law, Fundamental Rights and Democracy’ and sub-themes ‘Economic and social development’ and ‘Focus on education, social inclusion and employment policies’ of thematic window 4 Competitiveness and inclusive growth.
- **Social protection systems reform and de-institutionalisation:** Following the IPA III proposal, thematic window 4 should explicitly include the modernisation of social protection systems (annex 2i). This should be accompanied by a strong focus on deinstitutionalisation², in line with the European Parliament and Council positions³. Indeed millions of children around the world live in institutions that expose them to a catalogue of human rights abuses and enhanced risk of violence. A number of international policy and legal instruments declare that institutional settings are a breach of human rights, including the Convention on the Rights of Persons with Disabilities (UNCPRD), to which all Member States and the EU itself, are parties. Promoting the transition from institutions to family- and community-based services is crucial both for the wellbeing of children and for the long-term benefits to society. Moreover, addressing the needs of children in institutional care supports the implementation of the Sustainable Development Goals (SDGs).
- **Mapping of needs:** A ‘mapping of needs’ should be introduced in the cross-cutting themes. This will require beneficiary countries to have a clear mapping and gap analysis of the needs (infrastructure, human capital, individual) at national, regional, local levels. This follows the intervention logic requirement of Cohesion Policy, thereby aligning accession countries with EU rules and procedures.
- **Unwelcome measures:** Some measures are detrimental to the transformation of the system and should therefore explicitly be excluded in the programming framework. Not only do they

¹ <https://tacso.eu/have-your-say-in-preparing-ipa-iii/>

² [Proposal for a regulation of the Instrument for Pre-Accession III, COM\(2018\) 465 final](#)

³ [European Parliament Resolution on the proposal for a regulation on the Instrument for Pre-accession Assistance, P8_TA\(2019\)0299](#), Amendment 99; [7456/19 Council Partial General Approach \(March 2019\)](#), p. 45



risk going against the legal obligations of the EU and Member States, they cause unnecessary harm for the individuals concerned. These unwelcomed measures include⁴:

- Investments in institutions, regardless of the size, which perpetrate institutional treatment. This may include investments for the refurbishing, building, renovating, extending of institutions or improving energy efficiency of the care settings, etc
- Housing built in segregation/isolation from the community (for example, on the outskirts of towns or in sparsely populated areas)
- Investing in mainstream services which are not accessible (such as building schools not accessible to children with disabilities)
- Congregated social housing (aimed at, for example, only people with disabilities, refugees etc.)
- Training and capacity building of staff working in institutions without a plan for transition from institutional to family-based and community-based services.

2. Do you have any specific suggestions in relation to the process of preparation of the strategic response by IPA III beneficiaries?

While a key principle for the next programming period is simplification, it is essential that this does not lead to ad-hoc and unsustainable investments. In circumvent this, we propose that the process of the preparation of the strategic response by the IPA III beneficiaries includes:

- **Link to the strategic policy frameworks:** In order to achieve policy coherence and ensure efficient and result-orientated investments, the strategic response should not just make a link to the sectoral context, but rather be developed in line with strategic policy frameworks. This would align beneficiary countries with the ‘enabling conditions’ of Cohesion Policy’ in the 2021-2027 period, formerly known as ex-ante conditionalities in the 2014-2020 period. In a staff working document, the European Commission concluded that ex-ante conditionalities “ExAC brought added value for the EU, Member States and regions, and for citizens and businesses operating in the EU” and that, “they ensured a direct link between the investments co-financed by the ESI Funds and EU level policies”. Furthermore, the document states that, “had it not been for ExAC, these changes and reforms might not have happened in some Member States or might have happened at a much slower pace”.⁵
- **Mapping of needs:** As described under question 1, beneficiary countries should submit a comprehensive mapping of needs (infrastructure, human capital, individual) and gap analysis. The list of actions proposed for IPA III support should be aligned with this mapping of needs.
- **Meaningful participation of civil society organisations (CSO), including by setting up a consultation body:** CSO's should be actively involved in the programming, implementation and evaluation. It is particularly essential to include CSOs as early as possible in the process (including problem analysis, sector assessment and coherence and synergy with other policies and strategies) and second part of the process which includes list of actions which should be undertaken. CSO actively participated in the process of creation of strategic documents, laws,

⁴ See also: European Expert Group on the Transition from Institutional to Community based care with Hope and Homes for Children (2019) [Checklist to ensure EU-funded measures contribute to independent living by developing and ensuring access to family-based and community-based services](#)

⁵ European Commission (2017) Commission Staff Working Document: The Value Added of Ex ante Conditionalities in the European Structural and Investment Funds, 3 March 2017, SWD(2017) 127, p.19



action plans and other important document at national, regional and local levels, and have established cooperation with the government institutions. Moreover, they have access to key data from the ground. By ensuring meaningful participation of CSOs, IPA III investments will more efficiently support the structural reforms of beneficiary countries. Concretely, a consultative body/platform should be created to share the relevant information, ideas for intervention and suggestions in order to provide material in qualitative and quantitative way.

3. Do you have any specific suggestions relating to how support of civil society is reflected in the programming framework?

As explained under question 2, it is important to ensure the meaningful participation of civil society organisations throughout the programming, but also the implementation and evaluation of the IPA III. In the context of the programming, it is particularly important that representatives of CSO's be included in process of needs assessment, otherwise there is a risk that some important priorities are not identified. There should also be a timely exchange of information of all relevant actors (e.g. DG NEAR, EU delegations, beneficiary country) with civil society organisations on the programming, implementation and evaluation of the IPA III. This includes providing enough time between the different stages of the programming process, in order to enable representatives of CSO's to adequately respond.

4. Do you have any other comment or suggestion?

We would like to conclude by raising one more point:

- The assessment and selection of the proposed actions should not only be based on part 2 of the strategic response, but also on part 1. In this way, the consistency of the action with the sector context and relevance with the enlargement process will be ensured.

We would like to share the following documents:

- [Joint Position paper](#) between European Disability Forum, Hope and Homes for Children, Inclusion Europe, Lumos and Unicef (October 2018) on the European Commission proposal for the Instrument for Pre-Accession III in the 2021-2027 Multiannual Financial Framework,
- Opening Doors for Europe's Children Campaign (2018) [Maintain, Strengthen Expand: How the EU can support the transition from institutional to family- and community-based care in the next Multi-Annual Financial Framework](#)
- 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](#)
- European Expert Group on the Transition from Institutional to Community based care (2014) [Toolkit on the Use of European Union Funds for the Transition from Institutional to Community-based Care](#)
- European Expert Group on the Transition from Institutional to Community based care with Hope and Homes for Children (2019) [Checklist to ensure EU-funded measures contribute to independent living by developing and ensuring access to family-based and community-based services](#)

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Hope and Homes for Children is a global expert in the field of deinstitutionalisation. Our mission is to be the catalyst for the eradication of institutional care across the world. We work to protect children from the harmful effects of institutional care and to ensure they have the opportunity to grow up in a secure and caring family environment and to fulfil their potential. Working in partnership with governments and civil society organisations, our model is creating the conditions for long-term reform.

Hope and Homes for Children has been active Bosnia and Herzegovina since 1994. All HHC BiH programmes are focused on replacing institutional care with family-based solutions for children without parental care, such as reintegration of children with their biological families, local adoption, fostering, supporting young adults leaving the care system.

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Organization in special consultative status with the United Nations Economic and Social Council since 2019.