

CONSULTATION OF CIVIL SOCIETY ORGANISATIONS IN THE PREPARATION OF THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA III)

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

While the proposed IPA III structure presents a comprehensive programming framework that has the potential to lead to targeted and efficient investments in the next programming period, we believe that a stronger child-rights perspective is lacking across all the thematic windows with the need to incorporate child participation as a key element in all cross cutting themes respectively. This particularly concerns the following objectives:

- **Window 1: Rule of Law, Fundamental Rights and Democracy - **Respect for Human Rights; Enabling environment for CSO; Gender Mainstreaming****
- **Window 2: Good Governance - **Promotion of Good Governance****
- **Window 3: Green Agenda and Sustainable Connectivity - Environmental Protection; **Mitigation of and resilience to climate change; Digital economy and society****
- **Window 4: Competitiveness and inclusive growth - **Economic and social development; Focus on education, social inclusion and employment policies****

Greater attention in these sub-themes needs to be focused on the fundamental rights of children in the pre-accession countries in Western Balkans – Bosnia and Herzegovina, Serbia, Montenegro and Kosovo. Although governments have made significant progress towards putting in place legal and policy frameworks (in line with the EU) which recognise children's rights, children continue to be deprioritized in national and local level action plans and budgets, amidst constant political/ethnic tensions and power struggles. This situation particularly adversely affects children from vulnerable groups who remain largely invisible to the system. Additionally, with recently emerging challenges such as natural and other disasters, as well as the ongoing refugee and migrant crisis, children's rights are additionally threatened across the region.

Some of the common issues that are particularly prevalent in Bosnia and Herzegovina, Serbia, **Albania** and Kosovo and to a lesser degree, in Montenegro, include the following:

- Uneven or poor implementation of the existing legal frameworks and policies.
- Lack of prioritization for children's rights.
- Lack of transparent budgeting for children's rights.
- Lack of reliable and comprehensive data on children across most fields, and the lack of disaggregation means that the lives of the most vulnerable children are particularly invisible.
- Absence of data collection and the lack of visibility for refugee and migrant children on the move, increasing the risks of violence, abuse and exploitation.

- Lack of inclusive education for children with disabilities, children from Roma communities or refugee and migrant children, and Ashkali and Egyptian (RAE) communities (specifically for Kosovo).
- Poor quality of education in general, as evidenced by the PISA 2018 results for all four countries.
- Overuse of institutionalisation of children, particularly those with disabilities and Roma children Ashkali and Egyptian children and lack of alternative care options for unaccompanied and separated refugee and migrant children.
- Increase in violence against children and among children, and the manifestation of violence against children in new forms, such as online, and trafficking among children on the move.
- Health care and social protection systems fail to appropriately identify and offer appropriate services to children in need; and
- Endemic discrimination and poverty, particularly against the most vulnerable populations, including Roma, Ashkali and Egyptian children children with disabilities, rural children, and children who are internally displaced, refugees and migrants, contribute to poor outcomes for these children.
- Support the development of social economy, having in mind that the cross-cutting nature of social entrepreneurship which incorporates aspects of economy, social and labor market inclusion, sustainable development, environment, agriculture, innovation, supporting social entrepreneurship development will contribute to the Competitiveness and inclusive growth thematic window.
- Expand the use of the concept of resilience beyond climate change. Given the recent earthquake in Albania, or floods that occurred over the years in a large part of the country, one of the objectives could be “Mitigation of and resilience to climate change and other natural hazards/disasters”.
- Reverse the shrinking space for civil society. While civic space challenges vary according to particular national contexts, the trend toward restricting civic space should be considered as crucial. Civil society organizations’ resilience is very important to endure the pressure of public institutions and funding constraints

Having in mind the protection challenges for thousands of refugee and migrant children arriving to or staying in the Balkans countries, it would be more impactful to have a separate protection-focused sub-theme of responding to the needs of refugees and migrants. The sub-theme on migration and border management implies the strengthening of the border management procedures and could have less of a focus on working to improve the compliance with the European standards of reception, processing and asylum.

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

Any strategic response by IPA III beneficiaries should be clearly rooted in a thorough situational analysis and needs assessment on the ground and linked to the existing legal and policy frameworks and strategic documents and action plans in beneficiary countries. This is particularly true for Bosnia and Herzegovina & Kosovo where policy and strategic frameworks concerning children’s rights are either non-existent (in particular for education, health and social protection sectors where jurisdiction is de-centralized to entity and cantonal levels and no state-level strategies are in place), or are not backed up by clear action plans and budgets. Finally, a meaningful involvement of civil society needs to be ensured in the process of preparation of the strategic response with clear feedback mechanism put into place.

The early involvement in all stages of the civil society organizations for the preparation of the strategic response, is very important. Clear messages should be given and clear conditions should be set by EU institutions, on the procedures for the preparation of the strategic response.

Monitoring and support by EU institutions throughout the process, can ensure the legitimacy and correct preparation of the process.

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

Although some progress was made in improving cooperation with civil society, it is important to ensure meaningful involvement and cooperation throughout the programming phase but also during implementation and evaluation of the IPA III. Specific suggestions are below:

- dedicate sufficient time between the different stages of the programming process, in order to enable representatives of CSO's to adequately respond.
- It is essential to foresee functioning feedback mechanisms between various actors (beneficiary states, EU delegations, directorates for EU integration) and the civil society, to make sure CSOs are informed of **the outcome** of their involvement and potential next steps.
- **Projects proposed by beneficiary countries should clearly define the role and involvement of civil society** in design and implementation phase. A minimum percentage of funding managed through civil society organizations should be set up in order to insure CSOs participation.
- **Funding for CSOs should be managed directly by EU structures** (Commission, EUDs) and not governmental structures. Lack of trust and working transparency mechanisms add to the political situation in the country and do not provide the needed guarantees.
- Finally, we welcome the call for flexibility in the new financing instruments, especially when responding to the complex mixed migration flows in the Balkans. The inputs by relevant civil society will remain crucial in determining ways to ensure access to flexible funding. Additionally, civil society should also be consulted to ensure that the money allocated to the national authorities to respond to the needs of refugees and migrants is well targeted and that it includes sufficient protection focus.

4. Do you have any other comment or suggestion?

The European Union is currently negotiating its budget for the next EU funding period. EU investments in collaboration with public investments can ease implementation of child rights and support children and their families to reach their full potential.

Save the Children **in Kosovo** invites the EU to support the government of Kosovo on the following investments:

- **Strengthen the national child protection system**, promoting family strengthening, social protection and inclusion and combat poverty through the modernisation of social protections systems (implementation of Child Protection Law).
- **Improve education outcomes by depoliticizing education institutions, strengthening the independence and autonomy of principles and other education officials.** work on improving physical infrastructure and in equipping all schools with modern learning materials,

work on aligning the curriculum with international standards, engaging youth in education, sports, cultural programs that enrich their learning,

- **Improve access to quality inclusive education in communities and increased access to quality ECCD services**, targeting specifically children from vulnerable groups, such as the Roma, Ashkali and Egyptian children, children with disabilities and children growing up in rural areas.
- **Empower children, youth and civil society organizations**, supporting them to fulfil child/youth full potential through civic engagement/ active participation.
- **Promote health and nutrition** toward reduction of preventable mortality/morbidity.

Save the Children **North Western Balkans** invites the EU to support the governments of Bosnia Herzegovina, Serbia and Montenegro on the following investments.

- **Prioritize children's rights in national/regional strategies and policies and ensure existing legislation focusing on the most marginalized children and families is adequately budgeted and implemented:** National strategies need to be adopted by state governments, in consultation with children and civil society, that cover the broad spectrum of all children's rights, in order for them to be reflected in national legislation and budgets, and therefore also eligible for support through EU funding instruments. Implementation of existing policies and legislation on children's rights remains questionable in all three countries since interventions aimed at improving children's lives are severely under-budgeted, and therefore unsustainable in the long term. Investing in children, particularly those from the most deprived families, should be deemed a priority by all levels of government across the region.
- **Ensure that ongoing and pending reforms focusing on children are prioritized, budgeted, and supported through EU funding instruments, especially through the Instrument of Pre-Accession (IPA):** To support national governments in implementation of strategies and policies focusing on children's rights, the European Union should insist on such strategies being developed and adopted by relevant governments, and should prioritize children's rights in its own funding frameworks and instruments, most notably the Instrument of Pre-Accession. Interventions that have already been supported through EU funding instruments across the region and that have been successful in initiating reforms and bringing them to a certain stage, need sustained attention and funding to be fully completed. Civil society organisations should play an active consultative role in this process.
- **Adopt, budget for, and implement national strategies for poverty reduction, based on needs assessment and focusing on particularly vulnerable children and families:** Poverty and socio-economic deprivation clearly presents itself as one of the main drivers behind many types of inequalities and social exclusion, yet it has not been strategically dealt with by the authorities, particularly in Bosnia and Herzegovina. Any future strategies of this type need to be grounded in a detailed needs assessment carried out on the ground, focusing specifically on the most marginalized groups, and subsequently properly budgeted for and implemented. A monitoring system for tracking progress needs to be established.
- **Strengthen child protection systems to be able to respond to the needs of the most vulnerable children and families:** Child protection services at the local level need to be reformed so as to be relieved of administrative burden and be able to provide timely prevention and support services, in order to assist families at risk and prevent family breakdown. System of cash benefits for vulnerable children and families provided by the state/regional/local levels should be needs-based, universally accessible, adequately budgeted and properly monitored. Ongoing process of deinstitutionalization of children, transformation of large institutions, and development of

community-based services for children without parental care and children with disabilities needs continued funding from states and donor community to be fully completed.

- **Reform education systems, starting from the pre-school level, to become fully inclusive and adapted to the needs of all children:** Greater investments in early childhood development and learning programs are needed, particularly in BiH which remains the country with the lowest coverage of children with preschool programs in Europe. Full support network is needed at community level for inclusive education to function properly (teaching assistants, removal of physical barriers, community-based services for children). Obsolete education systems based on basic reproduction of knowledge require comprehensive reform based on student learning outcomes and contemporary teaching methodologies to better prepare children for the market economies of the future.
- **Ensure that the rights of refugee and migrant children traveling the Balkans route to protection, decent living conditions, health services, and inclusive education are equally guaranteed and enforced:** With the bulk of the migrant/refugee crisis in North West Balkans focused on Bosnia and Herzegovina and Serbia, the authorities (particularly in BiH) need to establish better response coordination mechanisms and systems for attracting and allocating funding to ensure the needs of children and families on the move are adequately met. EU funding support to the national authorities in this respect is of crucial importance.

Save the Children **in Albania** invites the EU to support Albanian government on the following:

- **Create economic opportunities and extend social inclusion services to citizens in hard to reach areas.** Most services are provided in Albania's big cities, and regions, and citizens in rural areas or mountain remote areas often lack access to such services. It should be seen more strategically the distribution of services with concrete funding support for hard to reach children, youth and their families.
- **Support the government to advance reforms on De-Institutionalisation and implementation of an action plan.** This combined with targeted individualised support in the form of benefits and social support to children in or at risk of being placed in institutional care. Children separated by their parents due to poverty is unacceptable and poverty is the number one reason in Albania for children being placed in institutional care settings. Families should be supported to be able to take care for their children.
- **Ensure access for all children 0 -6 to Early Childhood Care Services, increasing quality of services and promoting** the importance of brain stimulation and development of children at early ages 0-6.
- **Strengthen child protection systems to be able to respond to the needs of the most vulnerable children and families:** Child protection services at the local level need to be supported to provide better quality services and be able to provide timely prevention and support services, in order to assist children and their families at risk and prevent family breakdown. Development and running of community-based services for children in need and children with disabilities needs continued funding from state and donor community to fully respond to the situation at local level.
- **Empower boys and girls, and respective institutions to respect child rights to speak up and influence decision making at both local and central level.**