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**19/05/03**

## **Mission Report**

**Subject: Children in Residential Care Conference, Stockholm 12-15 May 2003**

Organisers: the Stockholm University and Unicef

Participants: over 600 participants from 80 countries

Romania was represented by a large delegation comprised of central and local authorities, NGOs (some small NGOs and SERA) and donors (Unicef and USAID) and a delegation of four youngsters brought up in institutions (altogether over 20 people). It is regrettable that the EC was not informed about this conference in an earlier stage by NAPCA or Unicef, as conferences as this are important forums for policy debates and therefore interesting for both Delegation and HQ. The Task Manager from Brussels, Roelie Post, was also present.

The seminar was opened by Queen Silvia of Sweden. In her speech, the Queen emphasised the fact that for various reasons, a number of children end up in residential care in developing countries but also in developed countries. Most of institutionalised children however have parents and they end up in residential care because their families are not given the support they need to bring them up. Some of them are orphan in particular in African countries suffering from AIDS epidemics. The Queen also emphasised the resistance and resilience of children in coping with life in institution.

The Swedish Minister of Social Affairs gave an overview of the evolution of child protection in Sweden. Some 100 years ago, Sweden was one of the poorest countries in Europe, with an economic situation that is comparable to that of Burkina Faso today. In 1930 there were 400 institutions for children. Children from unwed mothers were placed in care and then given in adoption (2.000 domestic adoptions/year), some of them being adopted internationally in Latvia. In the 40s single mothers started to receive support from the state to bring up their children; they were more accepted by the society and institutions started to be closed. Intercountry adoptions from Sweden do not occur anymore and due to a large demand for adoptable children, Sweden is now adopting over 1.000 children per year from abroad.

Some 150.000 children/year are not registered world-wide, thus being prevented to enjoy their rights. It is important that as long as there still are institutions for children, the voice of the children is heard. It is at the same time highly important that protection of children is made on

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rights based approach. These two messages have been emphasised by a majority of speakers throughout the conference.

There were three countries that were presented by as good practice cases in the way they addressed the child protection policy: Uganda, Columbia and Romania.

For **Romania**, G. Coman presented the progress that took place over years and the benchmarks. She mentioned that child protection has been a condition for Romania's accession to NATO and EU. However, nothing was mentioned about the need to reform the system due to the abuse in intercountry adoptions or the need to introduce a moratorium. A major weakness of Ms. Coman's speech was the fact that the public awareness campaign was not mentioned at all despite the fact that Romania was the only country to have such a campaign that could have served as a model for other countries present in the conference. The products of the campaign were not present at the Romanian stand with the exception of 25 information kits that I took with me to the conference.

In a bilateral discussion, which G. Coman had with the Swedish Ministry for Social Affairs, the Swedish party committed to support the Romanian Government in setting up the children Ombudsman.

The children from the Romanian delegation presented their stories during a workshop and gave a message to the conference assembly. In their statement to the conference, the children stated that a child is vulnerable and can therefore be abused in any environment: natural family, institution, adoptive family, street. The children had different backgrounds and had suffered from abuse in all these environments. Their message was that children must be heard whenever decisions about them are made and that they make an appeal for article 20 of the CRC to be respected so that children enjoy as much as possible continuity in their culture and upbringing and therefore they feel confident and more outspoken.

The presentation on **Uganda** was made by the Minister on Social Affairs and Children who has child protection also in her portfolio. Uganda has a population of 12,6 million people, of which 2,3 million children are orphaned due to AIDS. The income is of 6USD per capita/month. The main policy in child protection is focused on reintegration of children into the extended family and on income generating activities to support poor families in bringing up their children. Adoption legislation was made to make intercountry adoption more difficult in order to prevent that children are trafficked or used in terrorist activities.

**David Tolfree**, UK childcare expert, was one of the keynote speakers at the conference. In his speech, he emphasised the different interpretation that children and adults often have about the best interest of the child. While many adults think that "children only care about what they eat", many children in fact don't mind poverty. He studied and wrote a book about children in armed conflicts: in Liberia/Sierra Leone and Rwanda. While foster was highly successful in Rwanda, its results were questionable in the way fostered children were absorbed in the foster family in Liberia. Children in armed conflicts suffer deeply from separation and loss something that child care practitioners and NGOs do not pay sufficient attention to. Adoption from armed conflict areas often has nothing to do with the child's best interest as it leads to forged documents and money exchanging hands. He emphasised that it is highly important to empower children themselves to become active agents in child protection.

The **Stockholm University** (Sven Hesse) made a presentation on closure of a large institution (600 children, 300 staff) in St. Petersburg in which the university assists the local authorities with TA for the closure. The presentation was very weak and lacked a number of key elements such as elements of closure plan, resources and budgeting for the transition period etc. It was unfortunate we were not informed in time about this conference as it would have been useful for the participants to have a presentation of the EU assistance in Romania, the Children First programme in association with the public awareness campaign.

**Thomas Hammerberg**, Sweden – Children's rights – international perspective

In his speech, Thomas Hammerberg said that although in the beginning of the 1990s, the slogan was "children First" in real life, children rights stayed at the bottom of the political agendas of governments. Disabled children suffer from abuse and neglect in almost every country in the world. Children are abused in every environment. Although CRC has been ratified by all governments with the exception of US and Somalia, there is a need to draft an action plan for its implementation and governments must set up children ombudsmen. He concluded by saying that CRC goes beyond charity.

**Rosemary Mc Creery**, now Unicef Russia, who set up the Unicef Romania office early nineties, gave one of the best speeches of the conference. She pointed out the negative effects of institutionalisation. Institutions are a parallel world, they do not prepare children for life. Children lose contact with their parents, they become victims of trafficking and are not listened to. Institutions violate the principles and several articles of the CRC. And they are expensive. Children without families and children in institutions are not necessarily the same. In the CEEs, most institutionalised children come from families who felt or were persuaded that placing a child in institution was the best thing for that child. The number of children in care in the region has increased while the birth rate has decreased. Some 1,5 mil. Children are in care in the region.

When institutions are built, they become magnets. This has been proved. Institutions offer jobs to people and the supply leads to the demand. These are places where children often are abused and neglected by staff or older children which leaves long lasting damaging effects, while in the community there are people who would be happy to bring up children with very few resources needed.

Institutions are used as intermediaries for intercountry adoptions (eg Guatemala, Cambodia, Romania, Russia). This prevents the possibility for children to benefit from local solutions. De-institutionalisation is a new concept also in industrialised societies.

The weakness of the CRC is that it lacks guidelines for its implementation. The solutions should be:

- children must be heard
- residential care must be only the last resort
- there should be international standards for residential care
- returning children to their family and community should be the ultimate purpose
- new institutions must be no longer created (another speaker said that authorities must refuse proposals from donors to fix or create institutions).
- governments should policies to support families in bringing up children

Council of Europe –standards for institutions –Soren Kindlund and Helle Niit

At the Council of Europe a Steering Committee on Social Cohesion for child care institutions was set up, whose ToRs were to give advice to MS's on how to decrease no of children in residential care and to ensure that human rights for children in residential care are respected. In this framework, the Declaration of human rights for children in care will be issued this year.

The CoE standards will refer to the right of children to have regular contact with the family of origin, the right to cultural background and religion, the right to identity, the right of participation in the decision making process, the right to complaint, the right to be informed about rights. The following provisions will be included:

- Institutions should be close to the natural family to allow contact with family and friends
- Individual care plan – respect for child autonomy, preparation for future life, outside the institution
- Stability of living units and mixed living units
- High professional standards for the staff
- NGOs should not release governments from fulfilling their duties towards children in need of care

The guidelines will be completed by an explanatory memorandum

### **Workshop on Adoption**

This workshop was lead by the president of a Swedish adoption NGO, and it was not as expected a professional debate on domestic / intercountry adoption and the place of adoption in the framework of the CRC.

### **Conclusions**

The closing of the conference was done by UK (David Tollfree) and US (David Tobias). Institutions should be the last resort and they should not be the answer for HIV children either. There should be a move from pilot projects to national policies to replace institutions with family type solutions. The gap between legislation to protect children and its actual implementation must be addressed.

The UK speaker reiterated the message that child protection should have a rights centred approach and that children should be heard and involved. The US speaker advocated for the need to reform the foster care system (better training, support and monitoring of the foster parents). However, this is very much a US problem where the foster care system is indeed poorly organised rather than a global problem.

In the end, the participants were asked if they had anything to add to the draft statement of the conference. The Uganda minister proposed that the statement should also advocate that countries that have not ratified the CRC should do so. However, the response was that this should be done through other means and cannot be inserted in the text of the statement. A representative of the Brazil government stated that not only the children voices should be heard but also the voices of mothers or caregivers. They both insisted on the idea of awareness raising.

I took the floor and said that indeed closing of institutions cannot be successful without the participation and understanding of the entire society: parents and children, professional

groups, public opinion and mentioned the fact that the EU funded in Romania a large public awareness campaign having this purpose.

Secondly, I added that the recommendations of the Stockholm statements on research on the reform in childcare should also have a statement that research should be in compliance with international ethical standards, CRC and human rights provisions. I had discussed this with several Unicef representatives and key speakers in the conference who had agreed to my proposal. It seemed that this proposal was agreed but the final statement has not yet been distributed.

Mariela Neagu  
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**Annexes : List of participants ; Programme ; Draft statement of the conference**