

Brussels, 30 December 2016

## Response to the European Commission's preliminary outline of the European Pillar of Social Rights

SOS Children's Villages International is the umbrella organisation of over 130 affiliated national SOS Children's Village associations worldwide. SOS Children's Villages is a nongovernmental and non-denominational child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, and those who have lost parental care. The organisation also builds the capacity of children's caregivers, their families and communities to provide adequate care. SOS Children's Villages advocates for the rights of children without parental care and those at risk of losing parental care. Founded in 1949, our operations are guided by the spirit of the UN Convention on the Rights of the Child (UNCRC) and the UN Guidelines for the Alternative Care of Children.

SOS Children's Villages International welcomes the European Commission's proposal for a European Pillar of Social Rights, which has the potential to reduce inequalities and the social exclusion of millions of children and young people in Europe who are in situations of disadvantage, such as children and young people without or at risk of losing parental care.

Children and young people in Europe are disproportionately hit by the effects of the economic crisis. More than 26 million children in the EU are now at risk of poverty or social exclusion, which is over one in four.<sup>1</sup> Poverty and social exclusion continue to be among the main reasons for family breakdown and placement in alternative care in Europe.<sup>2</sup> Of these children separated from their family, hundred of thousands are living in institutional care.<sup>3</sup> As a result of a lack of quality care and community-based services during childhood, care leavers are often not well prepared and equipped to find employment. The gap between the estimated rate of unemployment for care leavers and the general youth population, which is still at a record high with about 4.5 million young people out of work in the EU, is close to 20%.<sup>4</sup> Furthermore, care leavers are more likely than their peers to be homeless, socially excluded, not in education, employment or training (NEET), or in prison.

The high number of children in alternative care and the poor outcomes in terms of employment and integration in society when young people leave care represent a failure of social protection systems to adequately tackle inequalities and social exclusion among children and the youth population in general. They demonstrate that there are gaps in the provision of quality social services and family support measures which eventually lead to unnecessary placements in care. They also illustrate that there is a lack of care and support services aimed at the most disadvantaged children and young people and their families in society.

We believe that the European Pillar of Social Rights can effectively contribute to breaking the cycle of disadvantage across generations, in particular for children and young people without (appropriate)

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<sup>1</sup> EUROSTAT, SILC, available at ILC\_peps01 (Accessed 8 December 2016)

<sup>2</sup> For instance, SOS Children's Villages International's country assessments based on the UN Guidelines for Alternative Care of Children show that this is still the case in Croatia, Hungary and Kosovo. SOS Children's Villages International's Snapshot Reports of Alternative Care Arrangements carried out in several countries, including Croatia, Hungary and Kosovo can be accessed here: <http://www.soschildrensvillages.org/publications/resources/care-for-me!-assessment-summaries>

<sup>3</sup> According to figures of UNICEF, 1.3 million children live in various types of alternative care arrangements in twenty countries in Central and Eastern Europe. Approximately 600.000 of these children are living in large residential care facilities - UNICEF (2010), *At home or in a home. Formal care and adoption of children in formal care and adoption*, 3.

<sup>4</sup> SOS Children's Villages International (2016), *Leaving Care and Employment in Five European Countries: An Undocumented Problem?*, [http://www.sos-childrensvillages.org/getmedia/908bc3ed-244d-48d0-b8e1-d44d8cdd8e8a/SOS-CVI\\_Leaving-Care-and-employment-report\\_Final.pdf](http://www.sos-childrensvillages.org/getmedia/908bc3ed-244d-48d0-b8e1-d44d8cdd8e8a/SOS-CVI_Leaving-Care-and-employment-report_Final.pdf)

parental care. However, there is still a risk that the initiative will not be sufficient to have a decisive impact on these children and young people. This statement sets out why the European Pillar of Social Rights should act and invest in realizing the rights of children and young people without or at risk of losing parental care. It also provides recommendations on how this can be achieved.

## Why should the European Pillar of Social Rights invest in children and young people without or at risk of losing parental care?

**Investing in children and young people without (appropriate) parental care will support the EU to implement the legal and political commitments it has made to realise the rights of all children.** The Charter of Fundamental Rights of the European Union highlights the importance of children's rights. Article 24 of the Charter states that all children have the right to protection and care as is necessary for their wellbeing. Furthermore, the Charter stipulates that the best interest of the child shall be a primary consideration by public authorities and private institutions in all decisions and actions which impact on children. The Directorate-General for Employment, Social Affairs and Inclusion, through its 2013 Investing in Children Recommendation, identifies the need to enhance family support and the quality of alternative care settings and provides guidance on how EU Member States can put this into practice. It explicitly mentions that "*poverty is never the only justification for removing a child from parental care*" and that "*children without parental care have access to quality services (both mainstream and specific services) ... including during their transition to adulthood.*" Moreover, the Regulations of the European Regional Development Fund and the European Social Fund for the period 2014-2020 explicitly recognize the transition from institutional to community-based care as a priority.<sup>5</sup> The 10 Principles on Integrated Child Protection Systems<sup>6</sup> developed by the Directorate-General Justice, state that families should be supported in their role as primary caregiver and that child protection systems should ensure adequate care through, amongst others, committed and competent professionals working with children.

**Investing in children and young people without (appropriate) parental care makes sense from an economic and social point of view.** Poverty and social exclusion are still contributing factors to family breakdown and placement in alternative care in Europe. In many cases, family separation could be avoided by ensuring that families have access to resources and social protection services, such as income support, adequate housing, day care and early childhood education and care (ECEC), and to targeted services, such as parental support and helping families to develop parental skills in a non-stigmatising way. If poor families and children do not receive appropriate support from the social protection system, the risk for children to be exposed to neglect, violence and abuse and eventually to be placed in alternative care increases dramatically. Thus, the lack of provision of social protection measures and targeted support services at an early stage often leads to the provision of child protection services at a later stage, including placement in alternative care. This is a poor use of public spending, as social protection measures and family support services are not only cheaper, they also tend to have better outcomes for children in the long-term.<sup>7</sup>

When alternative care is needed, many national care systems fail to provide quality care. Main problems include a lack of provision of individualised care that addresses the needs of children, poorly qualified and underpaid care workers and limited access to education, health care and other social services in the community. Several national care systems also continue to rely heavily on the provision of institutional care settings, which deny children of personal attention and positive, loving relationships. This is known to have damaging effects on child development – effects that last into adulthood. Not only the lack of quality care during childhood, but also the fact that young people are

<sup>5</sup> The Transition of Institutional to community-based care is explicitly referred to in article 8 of Regulation (EU) No 1304/2013 on the European Social Fund and article 5 of Regulation (EU) No 1301/2013 on the European Regional Development Fund.

<sup>6</sup> European Commission (2015), *Reflection Paper. Coordination and cooperation in integrated child protection systems*, [http://ec.europa.eu/justice/fundamental-rights/files/2015\\_forum\\_roc\\_background\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf)

<sup>7</sup> SOS Children's Villages International (2016), *Comments Paper to EU Peer Review on prevention and early intervention services to address children at risk of poverty*, <http://ec.europa.eu/social/BlobServlet?docId=15154&langId=en>

often not prepared properly to transition to independent means that many care leavers struggle for years. Young people who leave alternative care often cannot rely on the support of their family to find employment and start independent life and therefore face compressed and accelerated transitions to adulthood compared to the general youth population. This contributes directly to their marginalization from education, employment and society. Research suggests that the provision of quality care and adequate support measures to transition to independent life are crucial for young people to contribute to and be fully included into society.<sup>8</sup>

## How can the European Pillar of Social Rights deliver for children and young people without or at risk of losing parental care?

### 1. Ensuring that the principles and policy domains fit the needs and rights of children without (appropriate) parental care

We welcome the European Commission's preliminary outline of the European Pillar of Social Rights and acknowledge the importance of the overall approach of the Pillar to rebalance the EU's existing prioritization of economic and financial concerns with social issues. The preliminary outline sets out several elements that can contribute to tackling poverty and social exclusion of children and young people without or at risk of losing parental care. We particularly welcome the policy domains 'skills, education and lifelong learning', 'active support to employment', 'gender equality and work life balance', 'equal opportunities', 'integrated social benefits and services', 'healthcare and sickness benefits', 'disability', 'child care' and 'housing', as these domains are essential to prevent unnecessary family breakdown and to adequately support children and young people in care, including during the leaving care process. However, there are gaps in the proposed outline and there is a risk that the Pillar will not have an impact on children and young people without or at risk of losing parental care.

Therefore we call the European Commission to include the following aspects and recommendations in its policy domains:

- **Mainstream an integrated, rights-based and life-cycle approach through all policy domains, in line with the Investing in Children-Recommendation and the broader Social Investment Package**

We welcome the fact that policy domain 11 recognizes the importance of an integrated approach between social benefits, active support and social services. As an integrated approach is essential to make actual progress to tackle poverty and support social and labour market integration, particularly for the most disadvantaged, such as children and young people without (appropriate) parental care, we recommend that this element is not only a policy domain, but an overarching central criterion that should be mainstreamed through the 3 principles and 20 policy domains of the European Pillar of Social Rights, including during their implementation. Social services should not only be understood as social protection measures, but also as services of general interest, such as education, early childhood education and care (ECEC), health, housing and care, and targeted support services to ensure that children and young people at disadvantage also have access to these services of general interest. A rights based approach should also be mainstreamed as an overarching criterion to ensure that the Pillar promotes policy responses that meet the individual needs of children and young people and respect their best interest. Furthermore, it is vital that the Pillar includes a life-cycle approach as a central criterion, as reducing inequalities and breaking the cycle of disadvantage from an early age are a strategic investment in the human capital of Europe, from an economic and social perspective.

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<sup>8</sup> SOS Children's Villages International (2012), *When Care Ends. Lessons From Peer Research*, <https://www.sos-childrensvillages.org/getmedia/f7bf5ed4-e8f1-4ae9-8398-71d90c3ea83d/When-Care-Ends-S>; Stein, M. (2004), *What Works For Young People Leaving Care*.

- **Preventing family breakdown and ensuring access to quality care and community-based services for children in alternative care, including during the transition phase to employment and independent life.**

### **Preventing family breakdown because of poverty and social exclusion**

We particularly welcome the **policy domain ‘child care’** and the proposed measures in the preliminary outline. Ensuring that quality child care services are also made available and accessible for disadvantaged families, including single parent households, will allow those families to combine their work life with the care of their children and therefore prevent unnecessary family breakdown because of poverty and social exclusion. It will ensure that children from disadvantaged households can also benefit from the positive impact of early childhood education and care (ECEC) services, allowing them to have equal opportunities to do well in school and have a good start in life. However, additional measures which are often essential to prevent unnecessary placements in care are missing. We recommend these key measures as they are outlined in the Investing in Children Recommendation: parental support and helping families to develop parental skills in a non-stigmatising way to be provided through an integrated approach.

### **Ensuring all children without parental care have access to quality care**

We regret that within the **policy domain ‘child care’** there is no attention is given to children in alternative care, who are often invisible in official statistics and consequently do not benefit from social protection measures or receive quality care. Therefore we ask the European Commission to specifically refer in the policy domain ‘child care’ to the provision of quality care to children who have lost parental care. An indispensable element to put in place a system that provides quality care is the provision of trainings to care professionals to apply a rights based approach in their daily work. Training professionals to embed child rights in their work is crucial to successfully transition from institutional to community-based care. A cultural shift in the attitude of care professionals is indeed required to change institutional mind-sets and practices.<sup>9</sup> Children without parental care should not only receive quality care, but also be enabled to access quality community-based services such as education, ECEC, health, housing and social protection measures.

### **Supporting young people leaving care in their transition to employment and independent life**

We recognize the importance of the policy domain **‘active support to employment’** and welcome its focus on tackling long-term unemployment, in particular for young people and people with low skills. Particularly the proposed measure to ensure that all people under the age of 25 years receive *“a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education”* has the potential to support care leavers in their transition to employment and independent life. However, for this to happen, this measure needs to be targeted, tailor-made to the specific needs of each individual and try to reach also those young people who are most invisible, for example those not registered in the system. Furthermore, it needs to be rooted in an integrated approach, which amongst others needs to contribute to the removal of barriers for care leavers to access education and training opportunities, makes sure that care leavers receives appropriate financial assistance and ensures that adequate

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<sup>9</sup> In 2015-2016, SOS Children's Villages International has undertaken an EU funded project called “Training Professionals Working with Children in Care” in partnership with the Council of Europe, Eurochild and partners in Bulgaria, Croatia, Estonia, France, Italy, Latvia, Hungary and Romania. The project aimed to improve the living conditions and life prospects of children and young people living in alternative care, by providing care professionals with continued training in how to apply a child rights-based approach to their work with children. For more on the next steps that EU Member States need to undertake to develop a child care service workforce capable of applying a child rights-based approach to their work, please SOS Children's Villages International (2016), *European Recommendations on the Implementation of a Child Rights-based Approach for Care Professionals working with and for Children*, <http://www.sos-childrensvillages.org/getmedia/2a751100-f8ec-463e-bf78-87014d22edeb/European-Recommendations-on-child-rights-based-care.pdf>.

housing is made available in areas that meet the employment and education needs of care leavers.<sup>10</sup> Furthermore, finding decent employment is also strongly connected to the ability of care leavers to care effectively for themselves, which means that they need to be able to develop secure, positive social and support networks. Therefore it is necessary that social protection systems support this primary focus on relationships for the young person, both within their care experience and beyond.<sup>11</sup> These issues need to be reflected in the policy domain 'active support to employment' to ensure that this policy domain will effectively support care leavers to access the labour market.

In relation to supporting employability of young people leaving care, we acknowledge the importance of the inclusion of the policy domain "**equal opportunities**". Marginalisation, discrimination, social exclusion and sometimes racism represent main factors that hinder young people with a care background from finding decent employment. Therefore, we ask the European Commission to add 'care status' as one of the main reasons that hinder people to access the world of work throughout the European Union.

## 2. Ensuring effective implementation of the European Pillar of Social Rights

The preliminary outline of the European Pillar of Social Rights remains rather vague on how it will be put into practice and how these social rights will be ensured. With regard to the implementation of the Pillar, we call the European Commission to:

- **Strengthen the social dimension of already existing EU processes and instruments**

Rather than creating parallel processes, the implementation of the European Pillar of Social Rights should build on already existing mechanisms, such as the European Semester and Europe2020. To achieve the Pillar's aim to rebalance economic and social concerns, it is key that the European Commission's Country Specific Recommendations (CSRs) have a specific focus on social matters. Strengthening the accountability of EU Member States to implement the CSRs and to reach the Europe2020 targets on employment, education and poverty is a critical element.

The European Commission should continue to promote the exchange of knowledge to tackle poverty and social exclusion encouraged e.g. by the Dutch Presidency of the Council of the EU through the collection of best practices which were published as an addendum to the Council Conclusions in June 2016.<sup>12</sup> Furthermore, the European Commission should continue to organise Peer Reviews in the frame of the Social Open Method of Coordination to foster exchange on what works in terms of policy design and implementation to tackle poverty and social exclusion. We recommend that the lessons learnt from Peer Reviews are taken in due account by Member States to ensure that best practices in social policy design and implementation are scaled up according to local needs across EU Member States.

The European Commission should also make the scoreboard of social and employment indicators binding in order to deepen the social dimension of the Economic and Monetary Union.

- **Develop further indicators, comparable evidence-based data and research to adequately screen, map and monitor social performance of EU Member States.**

The European Commission proposes that the principles composing the Pillar will be implemented by benchmarks which should help to screen and map social performance of participating EU Member

<sup>10</sup> SOS Children's Villages Latvia (2014), *Supporting Young People Leaving Care* in EU Alliance for Investing in Children, *Implementation Handbook. Putting the Investing in Children Recommendation into Practice*, <http://www.alliance4investinginchildren.eu/wp-content/uploads/2015/03/EU-Alliance-Implementation-Handbook.pdf>.

<sup>11</sup> Scottish Government (2013), *Staying Put Scotland. Providing Care Leavers with Connectedness and Belonging*, <http://www.gov.scot/Resource/0043/00435935.pdf>.

<sup>12</sup> Council of the European Union (2016), *Integrated Approaches to Combating Poverty and Social Exclusion. Best Practices from EU Member States - Addendum to Council Conclusions on 'Combating Poverty and Social Exclusion: an Integrated Approach'*, <http://ec.europa.eu/social/BlobServlet?docId=15732&langId=en>.

States. Benchmarking could indeed support Member States to improve and reform their employment and social protection systems, however it is necessary that high enough standards are put in place to ensure that well working systems are not comprised. Furthermore, to develop these benchmarks and to make sure that they can be used to screen and monitor social performance of EU Member States, there is a need to further develop social indicators and comparable evidence-based data research connected to the principles and policy domains of the Pillar. It is vital that benchmarking, screening and monitoring are considered as a minimum framework to implement the Pillar, which should be complemented by EU legislation where needed.

- **Use EU funding to realise the implementation of the Pillars' principles, benchmarks and policy recommendations**

EU funding, such as the European Structural and Investment Funds (ESIF), the Fund for European Aid to the most Deprived (FEAD), the EU Programme for Employment and Social Innovation (EaSI), Erasmus+ and Horizon 2020, should support the implementation of the Pillar initiative and help EU Member States to deliver on social rights. The European Commission should ensure that initiatives to tackle youth unemployment, such as the Youth Guarantee, are delivered in a way that meets the needs of the most disadvantaged, such as care leavers. Taking into account that Civil Society Organisations (CSOs) have a good understanding of the situation on the ground and the practical knowledge and experience to address poverty and inequalities, they should be recognized as implementing partners of innovative grass-roots projects to realise the objectives of the Pillar through EU and national funding. EU funding can also be used to conduct cross-country research on areas that are listed in the principles and policy domains to promote what works well in different EU Member States and to address gaps in policy design and implementation.

## Conclusion

Investing in children without or at risk of losing parental care does not only contribute to the better protection of the rights of these children. It is also essential to achieve better economic and social outcomes for children and societies in the long term.

To ensure that the European Pillar of Social Rights adequately supports children without or at risk of losing parental care it is essential that the policy domains include measures to:

- Prevent family breakdown because of poverty and social exclusion
- Ensure all children have access to quality care
- Adequately support young people when they transition from care to employment and independent life

An integrated, rights and life-cycle approach targeted to the needs of the individual should be mainstreamed through all policy domains of the European Pillar of Social Rights, in line with the Investing in children Recommendation and the broader Social Investment Package.

The implementation of the European Pillar of Social Rights should strengthen the social dimension of already existing EU processes and instruments, such as the European Semester, Europe2020 and the Social Open Method of Coordination. The Pillar should also adequately screen, map and monitor the social performance of EU Member States by further developing indicators, comparable evidence-based data and research. Additionally, EU funding should contribute to putting the Pillar's principles and policy recommendations into practice.