



Protecting Children. Providing Solutions.

# The institutionalisation of children in Greece: Lumos Findings and Recommendations for Reform

## Overview

Globally, an estimated eight million children live in institutions and so-called orphanages, including around one million in the European region. Institutionalisation severely harms their health, development and educational outcomes and future life chances. More than 80% are not orphans, but have at least one living parent. The primary reasons for their separation from families are poverty, disability and a lack of access to support services in the community. In institutions children are at a significantly higher risk of all forms of violence, including trafficking, than their peers raised in families.

The European Union has recognised the harm institutions cause and addressed it as a priority in its investment policy. In 2013, it adopted the European Structural and Investment Fund (ESIF) regulation, which effectively prohibit the use of ESIF funds on renovation or construction of institutions and instead promotes the use of the funds for the transition from institutional to community-based care.<sup>1</sup> EU Internal Policy considers that, “de-institutionalisation of children through alternative care solutions and prevention activities is a case of social investment for the best interest of the child.”<sup>2</sup>

Lumos has conducted a detailed review of vulnerable children in Greece, examining the national system of health, education and social services, as well as conducting an in-depth review of seven institutions and a social work case audit. Information was gathered about the current system of residential care to identify potential alternative family and community-based services. These services would address both the needs of children currently in institutions and many others who are vulnerable or at risk of family separation.

This paper combines findings from Lumos’ review and research work by others. It presents a set of recommendations to the Government of the Hellenic Republic which should be taken together with the National Strategy for Reform of Children’s Care.

1. See Regulation (EU) No 1303/2013 (Ex ante 9.1).

2. European Commission (2015). Study on the institutionalisation of children and possible alternative care solutions in Asia, Africa and Central and South American countries, Annex B II Terms of reference.

## Key Findings

Over recent years, several studies<sup>3</sup> have illustrated that children removed from their families in Greece tend to be placed in institutions (which are larger than the EU average) for a long period of time, with low rates of reunification with birth families or placement in foster care. These findings were reconfirmed more recently in a study<sup>4</sup> by the Roots Research Centre within the context of the pan-European “Opening Doors” campaign. This study found that an estimated 3000 children were living in a patchwork of public and private institutions. This study highlighted weak or non-existent regulatory frameworks both in terms of quality assurance and in monitoring the numbers of children, including babies, living in institutions. The Lumos strategic review has produced similar findings.

The Lumos research found that child abuse and neglect (CAN) was one of the most common reasons for children to be referred to social services and/or admitted to institutions. However, responding to CAN with an institutional placement is unlikely to have good outcomes, since children in institutions are at increased risk of experiencing abuse, violence, neglect and trafficking compared to their peers who live in families. In addition, the lack of an effective mechanism for registration, monitoring or supervision of residential care facilities in Greece places these vulnerable children at even greater risk. There is a general lack of oversight by authorities of all institutions, which means that if violations take place they are often left unnoticed.

Concerns are even greater for children who live in unlicensed institutions, which are even further removed from any government controls. Children who are placed in residential institutions after a court or public prosecution order may also be placed in unlicensed institutions, after which they may also become invisible to authorities.

Poverty, lack of parental skills, parents with special needs, poor education or illnesses or inadequate housing were also important factors in children being placed in an institution. This contravenes the rights of the child to family life, as enshrined in the UN Convention on the Rights of the Child (CRC), and highlights the critical need for more community-based services to support vulnerable families in Greece. Lumos is also concerned about reports<sup>5</sup> of an increase in children living below the poverty line due to the austerity measures and the economic crisis. Such findings and the absence of systematic support for vulnerable families point to an increase in the number of children at risk of being institutionalised.

Little official data is collected about children in institutions. There is a need for a standardised, centralised, confidential system to collect data on all vulnerable children referred to the care system and/or social services. This would allow the government to monitor current structures and plan for change where necessary.

Contrary to the UN guidelines on alternative care<sup>6</sup>, many children under three are placed in institutions. In some cases, notably in disability institutions, children are sometimes placed together with adults - a significant child protection risk.

Lack of space in institutions and bureaucracy result in children and babies sometimes spending months in hospital before placement – another form of institutionalisation.

Sometimes there is lack of preparation when a child is moved to or from an institution. Children are often separated from families in distressing circumstances by police, without social workers. Siblings are sometimes separated during their placement as some facilities only accept one gender or a specific age group.

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3. National Centre for Social Solidarity (2010). Working Report on the Health and Social Solidarity Services. Subject: Responsiveness on the requests of protected care to the children at risk. The establishment of a central report, management and surveillance system: <http://www.ekka.org.gr/files/4filoxenia2912.pdf>, European Network of Ombudspersons for Children-ENOC (July, 2011). The rights of children living in institutions. Report on a study of the European Network of Ombudspersons for Children (ENOC): <http://enoc.eu/wp-content/uploads/2015/02/2011-ENOC-report-on-children-in-instit-care.pdf>, Greek Ombudsman (March, 2015). Special Report - The rights of children who reside in institutions: Findings and recommendations of the Independent Authority “the Greek Ombudsman” on the function of the child protection institutions: <http://www.synigoros.gr/resources/docs/575568.pdf>

4. “Roots” Research Center, Opening Doors for Europe’s Children (2015). Mapping institutional and residential care for children in Greece: [http://www.openingdoors.eu/wp-content/uploads/2015/09/Data\\_institutionalised\\_children\\_Greece.pdf](http://www.openingdoors.eu/wp-content/uploads/2015/09/Data_institutionalised_children_Greece.pdf)

5. Hellenic National Committee for UNICEF (March, 2014). The situation of Children in Greece 2014. The consequences of the economic crisis to children: <https://www.unicef.gr/uploads/filemanager/PDF/2014/children-in-greece-2014.pdf>

6. United Nations General Assembly (2010). Guidelines for the Alternative Care of Children, A/Res/64/142. United Nations, New York.

Children in Greek institutions lack appropriate individualised contact and personalised care. In some cases, there is no personal care plan or dedicated case-worker for each child; even if they do exist, the shift work of carers and a general under-resourcing of residential care leads to an impersonal upbringing. Many children, therefore, are raised in institutions without appropriate supervision or enough psychosocial support. As a result, they acquire limited social and educational skills, which impacts on their ability to integrate successfully into society.

Residential institutions are run by different agencies, with state-run agencies being in the minority. The absence of regular administrative data collection, or of a single supervisory body and quality standards which apply to all agencies, is a concern. Private legal entities providing organised social services, which include those which provide residential care for children, are obliged to obtain a licence to operate, as established in Law 2345/95.

This law does not, however, lay down any standards for establishing and operating an institution. Instead, it refers to a Ministerial Decision which was issued almost 20 years after Law 2345/95 was introduced. This had many flaws, prompting justified criticism from various stakeholders. The Ministerial Decision was repealed in January 2015 but has not been replaced with another framework for operational requirements of residential care facilities in Greece. As a result, some private institutions are operating without a licence or a defined operating framework.

Family-based alternative care services in Greece are underdeveloped and placement of children in foster families is rare, with only a few dozen cases each year. There are not enough options for emergency placement and social services lack emergency authority to take action to protect children. This results in some children remaining in families where they are at risk of abuse.

The media has reported that living conditions in some residential institutions for children in Greece are poor and, in some cases, deeply concerning. For example, reports have brought to light the use of caged beds for children with disabilities<sup>7</sup>, which is in violation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

Feedback from Lumos' wider network of stakeholders has provided additional evidence of violations of the human rights of children living in some institutions in Greece. These include:

- o The use of restraints on children living in institutions for children with disabilities;
- o The use of various types of physical and severe psychological discipline; and
- o Neglect of children.

It is noted that these situations are often said to be the result of a lack of capacity of institution staff to meet the individual needs of children.<sup>8</sup>

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7. Hadjimatheou, C. (2014) The disabled children locked up in cages. BBC Magazine. <http://www.bbc.co.uk/news/magazine-30038753>

8. The Special Rapporteur on Torture Juan E. Mendez recently outlined the different forms of ill-treatment which children in institutions may be subjected to, "even where the purpose or intention of the State's action or inaction was not to degrade, humiliate or punish the child", see A/HRC/28/68, para 50 – 58.

## Recommendations

The implementation of these recommendations will require, in some cases, regulatory and procedural reform, and in other cases a shift in attitude and an increase in professional knowledge and skill. This reform of services should take the form of a multi-disciplinary National Action Plan involving all stakeholders and be financed through European Union funding.

### **Service provision for children in Greece must be improved to ensure that no children require placements in large institutions. This reform of services should tackle four main areas:**

- Improving the accessibility of universal services, to ensure children with disabilities and other vulnerable children and families can access them.
- Diversifying and increasing the capacity of specialised services to ensure they reach those children who need them.
- Identifying children in need who are not currently coming to the attention of services.
- Putting in place a sufficiently-resourced, dedicated team to manage a process of change that would ensure, over time, all children currently in institutions would move to family-based or family-type placements that better meet their needs, respect their rights and ensure they can develop to their full potential.

### **This will require reform at a number of levels:**

#### **National legislation:**

- Draft a new Ministerial Decision on care institutions, particularly focusing on the need for the transition from institutional to family-based care and the importance of developing community-based services to support children and families.
- The Decision should include a provision for the development of a regulatory framework that includes all state and privately-run residential care units in line with the UN Guidelines on Alternative Care for Children. It should also include the adoption of a monitoring and data collection mechanism to gather information about children living in alternative care, including foster care.
- Alongside this process, the Government should develop and implement a national action plan on the protection of the rights of the child, ensuring the full and correct implementation of the CRC. This should be done in consultation with all children's rights civil society actors operative in the country.

#### **Child protection:**

- Put in place effective prevention programmes for early identification of families at risk and intense intervention in order to circumvent the need for removing children from natural carers.
- Develop a comprehensive system for assessment of and intervention in cases of children at risk of abuse.
- Also develop alternative family-based care, such as foster care and individualised care plans for each child at risk.
- Ensure that mechanisms are in place to explore family reunification or alternatively identify permanent secure placements in family-based care settings.<sup>9</sup>

## Health:

- Improve training of health professionals and put in place systems to assist in identifying children at risk. Put in place systems to promote alternative temporary family-based placements to prevent children at risk being hospitalised for long periods.
- Develop a mechanism for mandatory cooperation and referral between health, education and social protection specialists, in cases of risk of harm to children as well as other vulnerable children. Teams of social workers, health professionals and teachers should be trained in multi-disciplinary groups on child protection.
- Examples of key services which should be urgently developed are: a standardised programme for identification of families at risk with new-borns; a comprehensive, universal programme of home visits for all families with new-borns, with specially trained personnel who can identify disability and developmental delay; a nationwide universal programme for screening families at risk within primary health care services for children and; an intermediate structures for temporary placement of children in families (either new-borns abandoned or children in danger removed from family in order to eliminate the necessity for hospitalisation of children in need of an alternative placement.)

## Education:

- Develop individual education plans and ensure inclusion in formal education structures of all children with severe disabilities. Introduce a monitoring system for all children with disabilities to ensure the efficacy of their individual education plans.
- Deliver mainstream programmes in schools to strengthen children's awareness of their own rights.
- Train teaching personnel to identify children at risk of or experiencing violence, neglect or abuse.
- Include mandatory modules on inclusive education in curricula for the training of all teachers.

## Social services:

- Establish a comprehensive, community-based, independent social services system and increase the autonomy and capacity of social workers to take action to protect children.
- Put in place a comprehensive standardised system to respond to allegations of child maltreatment, neglect, torture and other forms of abuse.
- Make private adoption illegal and instead ensure that all adoptions in the country are implemented by the official authoritative agencies in a timely, efficient and effective manner. The government should ensure effective monitoring of adoptions taking place in the country and act firmly to ensure that the adoption process never involves financial gains for anyone involved, in line with UN CRC, Article 21(a) and the Hague Convention.

## European Union funding:

- Regulation 1303/2013 on the European Structural and Investment Funds (ESIF) contains an ex-ante conditionality on social inclusion (9: 9.1.) with an Investment priority on "the transition from institutional to community-based services". In line with these Regulations, Greece should insure that EU funds are spent on the transition process in a co-ordinated way. The Common European Guidelines prepared by the European Expert Group on the Transition from Institutional to Community-Based Care provide a template to follow.<sup>10</sup> Lumos urges the government to fully engage with civil society in the preparation of the Social Inclusion Strategies and the Operational Programmes as well as in their implementation, monitoring, and evaluation and in the preparation of Progress Reports linked to the ESIF. This would ensure that Greece is in line with its commitments as defined in the European Code of Conduct on Partnership.<sup>11</sup>

10. [www.deinstitutionalisationguide.eu](http://www.deinstitutionalisationguide.eu)

11. European Commission. (2014). The European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds. Luxembourg: European Union.



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### About Lumos

Lumos is an international NGO, founded by the author J.K. Rowling, working to end the institutionalisation of children around the world by transforming education, health and social care systems for children and their families and helping children move from institutions to family-based care. We are a founding member of the European Expert Group on the Transition from Institutional to Community-based Care. Lumos also sits on the Leaders' Council of the Washington-Based Global Alliance for Children, a coalition of US government departments, the World Bank, the Canadian government and major foundations.

To find out more, visit [www.wearelumos.org](http://www.wearelumos.org)

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