



Twinning Light Fiche

Project title: Developing and Solidifying the Commissionerhip for Child and Youth Out-of-Home Complaints of Israel

Beneficiary administration: The Commissionerhip for Child and Youth Out-of-Home Complaints, the Ministry of Labor, Social Affairs and Social Services, the State of Israel

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EU funded project

TWINNING INSTRUMENT

1. Basic Information

For UK applicants: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement¹ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this call.

All cooperation is subject to the requirements set out in the "Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards", publication reference 2013/C-205/05, published on the OJEU C-205 dated 19.07.2013.

1.1 Programme

ENI/2017/040-346 "Support to ENP Action Plan 2017 Israel" – Direct Management

The ENP applies to Israel although the country receives limited funding from the ENI as it is a member of the OECD and there is no Single Support Framework for Israel. In the absence of revised framework, the EU-Israel ENP Action Plan has been extended for a period of three years in January 2019 and constitutes the basis of the EU-Israel cooperation.

No Association Committee or Association Council meetings have been held since 2012, however cooperation actions and policy dialogue in several areas continued actively throughout.

The Israeli economy has showed strong resilience during the global economic downturn of last decade and despite a relative slowdown, Israel has maintained high Gross Domestic Product (GDP) growth rates (reaching 3.3% in 2018).

The EU is, and will remain for the near future, Israel's largest trading partner, currently representing 38.3% of Israel's total trade.

Institutional Twinning and Technical Assistance and Information Exchange Instrument (TAIEX) are the modalities used in ENI co-operation with Israel. Israel has made use of TAIEX and Twinning instruments to increase legislative approximation in areas such as market regulation, statistics, agriculture policy, welfare services and, most recently, environment.

Actions financed by the EU have to reflect Israel's interest and capacity to implement the jointly agreed priorities and have to follow the rules set for institutional Twinning instrument on the *EU acquis*.

1.2 Twinning Sector

Social Affairs and Employment (Children and Best Interests of the Child)

1.3 EU funded budget

200,000 euros

¹ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

2. Objectives

2.1 Overall Objective

The general objective is to support the functioning and the strengthening of the Commissionership for Children and Youth² Out-of-Home Complaints in the State of Israel.

2.2 Specific Objectives

The specific aims of the Twinning Light are to strengthen the aptitude of the Commissionership by further developing a department that is able to receive, investigate and report on the complaints of **all** children and youth in out-of-home frameworks. In addition, the Twinning Light will support the Commissionership for Child and Youth Out-of-Home Complaints in aligning its operation with the EU and other international organisations standards, guidelines, and best practices. These objectives will be achieved through four main outcomes:

- The positioning of the Commissionership as the main body and legislative authority for receiving and investigating complaints concerning minors in out-of-home care;
- Strengthening the accessibility of the Commissioner, particularly with regards to children in foster and disability placements;
- Recommendations for reform in accordance with identified gaps in the current Israeli law and regulations; and
- Improvement of the synergy and relationships between the Commissionership and relevant internal and external stakeholders.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

The European Neighbourhood Policy (ENP) applies to Israel although the Country receives limited funding from the European Neighbourhood Instrument (ENI). There is no Single Support Framework for Israel. Cooperation is based on the EU-Israel ENP Action Plan, agreed upon in 2005. Its validity was last extended in January 2019 for a period of three years. No Association Committee or Association Council meetings were held in the past seven years, however cooperation actions and policy dialogue in several areas continued actively throughout.

Institutional Twinning and TAIEX are the modalities used in ENI cooperation with Israel. Israel also participates in EU programmes (ENI-CBC; Horizon2020; Erasmus+ etc.) in various fields, including research and innovation, emissions, climate, aviation, telecommunications, education and culture.

Finally, this programme is relevant for the Agenda 2030 to which both the EU and Israel are committed. It contributes primarily to the progressive achievement of Sustainable

² Children are defined as individuals under the age of 18, while young people are defined as individuals 18 or older until the age of 21. The Commissionership for Children and Youth Complaints provides services to both populations so long as they remain in out-of-home frameworks. Children and youth with disabilities generally remain in these frameworks until at least the age of 21, when their educational curriculum generally reaches completion. There are also non-disabled youths who are served by the Commissionership due to their remaining in out-of-home frameworks for a variety of reasons until the age of 21.

Development Goals (SDG), and in particular , Goal 3 "Good Health and Well-Being", Goal 4 "Quality Education", Goal 5 "Gender Equality", and Goal 16 "Peace, Justice and Strong Institutions".

3. Description

3.1 Background and justification:

Background and Legal Framework

The Commissionship for Child and Youth Out-of-Home Complaints is an exceptionally new institution in Israel. It stands as a statutory mechanism to hear and investigate the complaints of children and adolescents living in out-of-home placements.

Currently, there are 13,500 children and youth living in out-of-home frameworks in Israel, including boarding schools, foster homes and facilities for children with disabilities (both physical and cognitive). While the majority live in boarding schools, 3,793 children and adolescents live in foster care. Additionally, out of the total amount of children in out-of-home care, 2,400 are living with a diagnosed disability. The rationalisation behind the Commissionship only addressing complaints made by children and adolescents living in out-of-home contexts is based on the recognition that the right to complain for children and adolescents living in such places differ greatly from the right of complaint of children and adolescents in general. The absence of parents or legal guardians in these settings; the vulnerability of these children and adolescents, who may have experienced physical or mental injuries due to repressive and abusive treatment at the hands of authoritative adults, or who suffer from attention deficit disorders, learning disabilities, depression, anxiety and social difficulties; the characteristics of the placements, in that the child must adapt to an institutional framework, and the multiplicity of the children, make it difficult to address and acknowledge each child as an individual; and finally, the State's increased responsibility to the children that it has removed from their homes. These are all factors in Israel's decision to create a Commissioner exclusive to children and adolescents in out-of-home care.

The Commissioner's position and capacity to receive and investigate complaints are outlined in *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel). Article 56 of this law outlines the complaints investigation mechanism. The Minister for Labour, Social Affairs and Social Services in Israel is responsible for establishing a device for investigating complaints of children and adolescents who are placed in foster care, as well as those who are in other non-home placements, in all matters relating to their daily life in out-of-home care.³ As such, the Minister is also charged with appointing a Commissioner, who is responsible for receiving and examining the complaints.⁴

The law dictates that the complaint mechanism is to be accessible to all children in out-of-home frameworks.⁵ The device for investigation must provide a way for children to submit their complaints independently, without restraint or fear of harmful implications.⁶ Additionally, the procedure for filing complaints must also be adjustable to accommodate for the language, age, maturity and if applicable, disability of the child who is the complainant or the complaint has been made on behalf of.⁷ A complaint may be filed by the child or a close friend, as well as by a legal guardian or an attorney appointed by the Court

³ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(a).

⁴ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(b).

⁵ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(d).

⁶ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(d).

⁷ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(d).

for the minor.⁸ Furthermore, no person shall interfere with the complaint being made, prevent it or cause it to be cancelled through persuasion or reward.⁹ The decision to exclude the parent(s) of the child from making an application was on the basis that this process would be abused in order to re-gain custody of their child.

The Commissioner for Child and Youth Out-of-Home Complaints has the same powers as the Ombudsman of Israel, in accordance with sections 41, 43 and 45 of the *Basic Law: The State Comptroller* [1958]. Analogous to the Ombudsman, the Commissioner has the authority to investigate a complaint in any matter he/she thinks fit, and shall not be bound by the rules of procedure or evidence. Moreover, the Commissioner has the duty to bring the complaint to the knowledge of the person or entity complained against and shall give him/her/them, a suitable opportunity and timeframe to formulate a response. For the purposes of the investigation, the Commissioner can require any person or body to provide him/her, within a suitable period, and in such a manner as the Commissioner shall prescribe in the request, any information or documents likely, in the opinion of the Commissioner, to assist in the thorough investigation of the complaint.¹⁰ A person or body is required to deliver such information or documents, so as to comply with the Commissioner's request. Further to these authorities, the Commissioner also has the capacity to discretionary modify his/her powers as required to protect the child from harm and to ensure their privacy.¹¹

Once the Commissioner has made a decision on the complaint, the law requires that the results be given to the complainant.¹² A copy of the results will also be submitted to the Supervisor of the respective institute or placement in which the minor concerned resides, for the purposes of monitoring the rectification of any faults uncovered. The Commissioner may also recommend to the Director General of the Ministry, the Commissioner of Foster Licensing, the National Foster Care Supervisor, the Foster Care Framework's Director or the Framework's Supervisor, that appropriate measures must be taken to prevent harm to a child or other children, as well as to rectify the faults that were highlighted in the investigation of the complaint.¹³

Reported Statistics from the Commissionership's First Year in Operation

During its first year in operation (October 2017-October 2018), the Commissionership received 110 complaints. 67 of these were adherent to the law and therefore came under the authority of the Commissioner. From the 67 applications, four were yet to be determined before the report was finalised, and nine inquiries did not lead to investigation. From the 54 that were investigated, 38 were found to be justified, seven were unjustified, five were determined to be subjective on the part of the minor, with no harm present, two were partially justified and two arose from lack of policy.

40% of the referrals that came within the Commissionership's scope concerned offensive, insulting and disparaging language, and disproportionate or excessive punishment. 23% were made concerning the quality of food, while a further 23% referred to issues with counsellors or social workers. The smaller percentiles (under 5%) addressed situations such as lack of clothing, physical violence, preventing meetings with biological parents and physical violence at the hands of the staff in institutions.

⁸ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(e).

⁹ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(f).

¹⁰ *Basic Law: The State Comptroller* [1958] s 41(d).

¹¹ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(g)(1).

¹² *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(h).

¹³ *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel) s 56(g)(2).

From the statistics, it is known that nine of the overall applications were regarding children and adolescents in foster families. Of these, one did not mature to an investigation, six were found to be justified, one was unfounded and the other one is yet to be determined. Majority of these applications concerned minors under the age of 13. Additionally, two of the applications were made by the minor himself, three were made by a friend of the minor and four came from a foster parent. The complaints from minors in foster care under the age of six predominately came from an adult close to the minor, with the exception of a 5-year old, who made a recording using WhatsApp (encouraged by the foster father). Moreover, two of the total number of inquiries were made by children in disabled services.

The preponderance of the applications received came from minors in boarding schools. Contrary to the complaints of children in foster care, majority of the complaints from boarding schools concerned 7-18 year olds, with no complaints regarding minors under the age of six. Additionally, a voluminous number of the complaints came from the minors themselves.

The methods used to contact the Commissionship were also examined. 32 of the 67 complaints were made by telephone, 12 by email, 17 were heard on visits to boarding schools, four from WhatsApp, one from Facebook and one from Instagram. Data was also collected in order to understand how complainants found out about the Commissionship. The results reflected that finding that 61% of the applications were the result of the minor receiving information about this avenue for complaint from an adult. 25% of the complaints failed to provide information as to how the applicant knew of the Commissioner, nevertheless a small percentage of minors did state that they had found the information on the internet, social media or from posters in their boarding schools.

Statistics as of April 2019

Since October 2018, the Commissioner has received a further 108 inquiries. Of these, 75 were properly adapted to the law and for which the Commissioner had the authority to clarify. From the 75, 33 were found to be justified and another 4-10 were partially justified or subjective on the part of the child.

From October 2018 to April 2019, the demographics of what the inquiries were concerned with altered. 16% of the total 142 complaints that the Commissioner has investigated have been about offensive language, and improper or excessive punishment. 15% were related to problems with counsellors or social workers. 21% were situations that have been one-offs and therefore unable to be categorised, such as a minor being locked in a closed environment or failing to summon a minor to a meeting about their treatment plan. Issues that made up less than 7% of complains include, quality of food, lack of clothing, lack of access to medical or therapeutic treatment, clarification of rights, afternoon activities and free time, physical violence from the staff and more.

While the number of referrals increased, the statistics reflected the same results as they did in October. 87% of the referrals addressed minors in boarding schools; the majority regarding minors from the ages of 14-18, while no complaints came from a child at the of 6 and under. 91% of the inquiries about children in boarding schools were made by the minor themselves. From the 13% of complaints that concerned minors in foster care, 50% of these were concerning minors aged 7-13; 33% were about children 6 years and under; and 17% were about those aged 14-18. There referrals were equally made by minors, foster care parents and acquaintances of the minor. No complaints regarding children in foster care were made about things that happened inside the foster home, all were concerned with external factors. In addition, no more inquiries were made for or by children in disability placements.

There were also disparities in the new data as to how complainants found out about the Commissionership and what methods were used to submit an inquiry. Many stated that they knew of the Commissionership from the Commissioner visiting their placement, while a large number knew due to previous encounters or experiences with the Department. A small percentile knew of the commissionership because of a poster at the boarding school, or through an adult. An even smaller amount were told of the commissioner's existence from the Israel Council for the Child (the NGO operating as a children's ombudsman for those not in out-of-home care). Only 1% stated that they found out about the Commissioner from a social worker, the Commissionership's website or through social media. Although 66% of the complaints came through telephone calls or visits to the boarding school, there was a rise in the number of complaints that came through Instagram, totalling 5% in April as compared to 1% in October.

Conclusions

From the overall data, it can be concluded that the Commissionership is:

- Struggling to reach children under the age of 6 in boarding schools;
- Failing to connect with children in foster care;
- Struggling to reach children with disabilities.

3.2 Ongoing reforms

The Commissionership for Child and Youth Out-of-Home Complaints was initially established through *The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints* [2016] (Israel). The Commissionership formally came into operation in October of 2017. In June 2018, the Commissionership was the beneficiary of a TAIEX Workshop on Ombudspersons for Children held in Tel Aviv. This workshop, in conjunction with the inaugural annual report published by the Commissioner, illustrated the need for additional regulations to be enacted. The new conventions seek to further elucidate the role and powers of the Commissionership, as well as the rights of children in out-of-home care to access information and submit a complaint.

The Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) was introduced in early 2019. The Regulations reiterated the right of every child in an out-of-home placement to approach the Complaints Commissioner and file a complaint independently, with confidence and without fear of injury as a result of filing the complaint. Moreover, the Regulations clarify that a child in an out-of-home placement is entitled to complain in the aforementioned manner regarding all matters relating to his/her daily life.¹⁴

From the first year of operation, it was understood that children, caregivers, social workers and framework Directors were not properly informed of Commissionership and its capacity, and therefore of the complaints process. As such, the regulations sought to address this. A new procedure was introduced, in which every child who is in the out-of-home care framework will receive from their assigned social worker at the Social Services Department, a card containing all the ways in which they are able to contact the Complaints Commissioner, as well as information on how to approach the Commissioner and how to file a complaint. The information described on the card is to be given to the child in the language that he/she understands, and in a manner that is appropriate to his/her age and special needs, if any. If the child is a child with disabilities, the card and the information shall be

¹⁴ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 2(a).

delivered to the child according to the Accessibility Regulations, that is, a manner appropriate to his/her special needs. The social worker who presented the child with the card and the information should document the execution of the operation in the family file that is retained by the Social Services Department.¹⁵

In addition to giving the child this card, the regulations stipulate that a foster caregiver is to explain to the child who is placed in their care, prior to the commencement of the placement and no later than three months from the beginning of the placement, the child's right to file a complaint and the ways to file a complaint. This shall be done in a language that the child understands, and in a manner that is appropriate to their age and special needs, if any. The foster caregiver shall also provide the child with such an explanation once every three months (at least) during his/her stay in foster care.¹⁶

For a child who is placed in an out-of-home placement that is not foster care, the regulations delineate that the social worker must show the child, at the time of their absorption into the care system, where the means are available to contact the complaints officer and will instruct the child on the manner in which any such means are employed. The social worker of the framework is also bound to explain to the child, shortly before the placement and no later than three months from the beginning of their placement, the child's inalienable right to complain. Again, this is to be disseminated in a language that the child is able to understand, and in manner that mirrors his/her age and special needs, if any. Analogous to the foster caregiver, the social worker of the framework must also provide the child with an explanation of the complaints process every six months during his/her stay in the framework.¹⁷

The regulations dictate that a Director of a boarding school or disability placement is responsible for installing a telephone that is accessible to children within the framework, from which outgoing calls can be made to the child complaints officer. The framework is prohibited from listening or recording the calls. A child may also use a telephone device that belongs to him/her or any other telephone device that they have access to, in which case the framework is still prohibited from listening and recording the correspondence.¹⁸ The Director of a non-foster home also has to advertise details of the Commissioner within the framework.¹⁹

The Foster Care for Children Law, Chapter G: Supervision, Control and Handling of Complaints [2016] provided for general procedure on how complaints are to be filed and handled. The regulations seek to enumerate the process. Under section 4(b) it was added that a child who wants to file a complaint in writing and is unable to send it himself/herself shall pass it in an enveloped signed by the person assisting them who will then forward it directly to the Commissioner, without delay and without opening the envelope. Once the Commissioner has received the complaint, he/she must send receipt of it within 5 working days from the date of the delivery in a manner that ensures the confidentiality of the complaints and its contents and without risk of harm to the child.²⁰ Furthermore, the duration of the examination of any complaint must not exceed 90 days. The Commissioner must also ensure to update the child or the person who filed the complaint on his/her behalf as to the investigation that is being conducted.²¹

¹⁵ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 2(b)

¹⁶ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 2(c)(1)

¹⁷ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 2(c)(2)

¹⁸ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 3(a)

¹⁹ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 3(b).

²⁰ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 5(a).

²¹ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 5(b).

The regulations also placed restrictions on the Commissioner's investigative powers. The Commissioner cannot investigate a complaint where the main subject is a matter that is pending in court or a court has decided on its merits; that the Commissioner believes does not provide grounds for intervention; a complaint about a judicial, quasi-judicial action or a decision of a statutory committee; a complaint to which the reporting obligation applies; or a complaint that the commissioner is satisfied, after proper inquiry with the complainant, that the investigation will cause him/her significant injury that exceeds the injury caused by the Commissioner's failure to investigate.²²

Nevertheless, the regulations restated the capacity of the Commissioner to investigate complaints in a manner that he/she deems fit and without the laws of evidence.²³ The Commissioner is also able to demand any document from any person or body,²⁴ and can order that answers be given within a certain period.²⁵ However, the Commissioner is to assure to protect the privacy, safety and wellbeing of the child, and as much as possible, must refrain from exposing the information transmitted to or from the child.²⁶ During the course of the investigation, communication with the child shall be done in a form and language that has been adapted to his/her capacity to understand, according to his/her abilities and special needs, if any.²⁷ Moreover, the Commissioner is to document his/her conversations with the child and/or the complainant.²⁸

3.3 Linked activities

The Commission for Child and Youth Out-of-Home Complaints has been the beneficiary of a TAIEX Workshop on Ombudspersons for Children, organised in cooperation with the Department of International Relations in the Ministry of Labour, Social Affairs and Social Services of Israel. The workshop was held in Tel Aviv from 12-13 June 2018. It aimed to share the EUs' experience and best practices in respect to the building and running of an Office of the Ombudspersons for Children. Ombudspersons from Austria, Finland, Denmark and Lithuania participated in the TAIEX.

Each Ombudsperson for Children from each participating member-state shared how their government established their office, how it was structured, the people it served and its relationship with the legislature. They delved into how complaints are made, how investigations are conducted and how they worked with children with disabilities (both physical and cognitive). Furthermore, they discussed how the office fairs in public awareness and relations. The TAIEX was highly informative and affected change in Israel. Regulations were enacted in 2019 in order to better cement the position and authority of the Commission. Additionally, the current Commissioner remains in contact with the Ombudspersons for children who attended the TAIEX and will contact them in the event of a new case that requires a second opinion.

While the Commission for Child and Youth Out-of-Home Complaints is only a new function in Israel's Social Services, a well-known non-government organisation has acted as an ombudsman for children since the 1980s. The Israel Council for the Child operates to hear complaints from all children on various issues from their school to healthcare, and prior to the Commission's existence they would also receive objections from children in out-of-

²² Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 6(a).

²³ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(a).

²⁴ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(b).

²⁵ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(c).

²⁶ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(d).

²⁷ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(e).

²⁸ Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement) 2019 s 7(f).

home care. However, since October 2017 if the Council receives an inquiry from a child in an out-of-home framework they are obliged to forward it to the Commissioner. Contrary to the Commissionership, where complaints typically come from the child, the Council generally receives complaints from adults. The Israel Council for the Child also differs from the Commissionership in its powers to investigate. The Commissionership, as a statutory unit, is legally able to conduct extensive investigation into the complaints that it receives. On the other hand, the Israel Council for the Child is limited in its investigation procedure as an NGO.

An Advising Committee has also been established in Israel. This Committee, which comprises not-for-profits organisations who work in the field of children's rights, legal representatives from the Ministry of Social Services, managers and directors from the Ministry of Social Services, former managers of boarding schools, academics and children who were previously in out-of-home care, meet once every quarter. They discuss policy issues that emerge from the cases that come before the Commissioner, deliberating solutions and approaches that should be employed. For example, the last year has seen many cases of secular children being placed in religious institutions. These children struggle in an environment with such strict rules that are not compatible with the education and upbringing they were previously receiving. The Committee concluded that in order to prevent this situation from occurring, more say should be given to the child as to where they would feel most comfortable being placed.

3.4 List of applicable *Union acquis/standards/norms*

For reference purposes, the documents establishing EU's legal framework on the subject of the Twinning Fiche are listed below.

- *The Treaty on European Union (2009)*
 - Article 3(3) – Establishes the objective of the EU to promote the protection of the rights of the child
- *Charter of Fundamental Rights of the European Union (2000/C 364/01)*
 - Article 1 – Human dignity
 - Article 2- Equality
 - Article 3 – Right to the integrity of the person
 - Article 4- Prohibition of torture and inhuman or degrading treatment or punishment
 - Article 10 - Freedom of thought, conscience and religion
 - Article 11 - Freedom of expression and information
 - Article 12 – Freedom of assembly and of association
 - Article 14 – Right to education
 - Article 17 – Right to property
 - **Most importantly and most applicable to this Twinning Light**, Article 24 - The rights of the child
 - Article 26 – Integration of persons with disabilities
 - Article 35 – Right to health care
- *United Nations Convention on the Rights of the Child (1989)*
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography

- Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (2010/48/EC)
 - Article 7 – Children with disabilities
 - Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment
 - Article 16 – Freedom from exploitation, violence and abuse (in particular subsection (8) makes crucial reference to the measures that Member States must undertake in order to protect children with disabilities)
 - Article 17 – Protecting the integrity of the person
 - Article 21 – Freedom of expression and opinion, and access to information
 - Article 24 – Education
 - Article 25 – Health
 - Article 28 – Adequate standard of living and social protection
- Commission Recommendation C(2017)2600 final of 26 April 2017 on the European Pillar of social rights
 - Chapter 3, Article 11(a) - Children have the right to affordable early childhood education and care of good quality
 - Chapter 3, Article 11(b) – Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.
- Commission Recommendation (2013/112/EU) of 20 February 2013 on Investing in Children: breaking the cycle of disadvantage
- Commissioner proposal (COM(2008)426 final of 2 July 2008 on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation
- Council Conclusions of 8 March 2010 on the eradication of violence against women in the European Union
- Council Conclusions of 6 December 2012 on combating violence against women and the provision of support services for victims of domestic violence
- Commission Communication (COM(2011)66 final) on 17 February 2011 on Early childhood education and care: providing all our children with the best state for the world of tomorrow
- Council conclusions on "Integrated early childhood development policies as a tool for reducing poverty and promoting social inclusion", 21 June 2018

3.5 Results and Indicators of Achievement

The envisaged results of the Twinning Light have been divided into four components as follows:

A – Positioning of the Commission as the main body for receiving and investigating complaints concerning minors in out-of-home care

B – Strengthening the accessibility of the Commissioner, having particular regard to younger children, children in foster care, and children in disability placements

C – Mapping and analysis of the Israeli legal framework pertaining to the Commission, with recommendations for strengthening it

D – Enhancement of the synergy between the Commission and relevant internal and external stakeholders

Indicators will be subject to a joint review during the inception phase of the Twinning light.

Component A – Positioning of the Commissionership as the main body for receiving and investigating complaints concerning minors in out-of-home care

Background and Justification

As the Commissionership is still a moderately new body in Israel, it is not perceived or even known as the main figure for receiving and investigating the complaints of children and youth in out-of-home care.

The most recent data reported displayed that 66% of the referrals made for children in foster care were by either the foster care parents or an acquaintance of the minor. The conclusion that can be drawn from this is that foster children rely on the adults in their lives to inform them of their rights. This indicates the importance of generating public awareness of the Commissionership. If the adults who come into contact with children in out-of-home care have a sound understanding of the Commissionership, the complaints procedure and decision making process, they will be able to deliver the correct information and direction to minors.

The significantly small percentage of minors who knew of the Commissionership through the internet, social media or advertising demonstrates the inability for minors to independently obtain information. Although the regulations did outline that the directors of non-foster homes must advertise the details of the Commissionership within their framework, this does not address the need for widespread advertisement. The new regulations fail to accommodate for children in foster care and leave the way in which the Commissionership will be advertised to the discretion of the director, a dangerously ambiguous duty. Children, especially younger ones, require constant reminders of their right to complain and without both constant online and offline advertising targeted towards them they are likely to forget of its existence.

Mandatory Result 1

MR1: Strategies to increase awareness among children in out-of-home care and adults who are exposed to children in out-of-home care are adopted.

Indicators of achievement:

IA1: Level of incorporation of EU expertise on communication tools.

IA2: Extent to which the communication of the Commissionership is reaching to its direct beneficiaries.

IA3: Strategy to increase awareness among children in out-of-home care and adults is drafted and adopted.

Component B – Strengthening the accessibility of the Commissioner, having particular regard to younger children, children in foster care, and children in disability placements

Background and Justification:

Both the law and regulations dictate that the Commissionership is to be accessible to *all* children. In reality, this is not the case.

The statistics collected have displayed that no children from a boarding school under the age of 6 made an inquiry or complaint. This demonstrates that younger children within these placements are either not being properly informed of the Commissionership or are not being given the proper tools and assistance to make a complaint. While the regulations did provide for the introduction of the information card to be given to every minor prior to their placement, it does not account for children who are unable to read. Furthermore, the period of six months may be an extensive time length to be reminded of the Commissionership for a young child. If they are experiencing something that they believe may be worth making an inquiry about and are unable to read or remember how and where to contact the Commissioner, a young child will be left to its own and its grievances unattended.

The statistics also reflected a seriously low number of complaints from children living in foster care compared to those made by children living in boarding schools. This data delineates how the contextual difference between these children impacts their ability and/or willingness to formally submit a complaint. A minor living in foster care lives in an intimate family setting. Although the foster parents would have to inform the child of their right to complain and how to do so, there is no procedure that exists to ensure that this is occurring in practice, and this does not actively diminish the apprehension a child in foster care may have. Whether or not they are presented with information on how to complain, a child will find it difficult, for numerous reasons, to submit a formal complaint against a person with whom they are living so closely with.

The small number of inquiries (a total of 2 out of 142) made by children in disabled services reflects the need for specific strategies to be created and implemented, so as to ensure that these children can be properly addressed, heard and their complaints be investigated.

Moreover, even when strategies are developed to connect with younger children, children in foster care, and children with disabilities, there is no way to define and methodically measure whether or not the Commissioner operates as an effective complaint tool for not only these target groups, but for all children.

Mandatory Result 2

MR2: A set of mechanisms to increase the accessibility of the Commissionership for the target groups (younger children, children with disabilities, and children in foster care) is adopted.

Indicators of Achievement:

IB1: Increased expertise on methods on how to communicate with and investigate the complaints of younger children in boarding schools, children in foster care, and children with:

- Autism;
- Disabilities that fall at the end of the spectrum;
- Combined cognitive and physical disabilities.

IB2: Improved capacities of foster caregivers, social workers and supervisors for implementing the devices of accessibility.

IB3: Methods (including guidelines and protocols) to define and measure the efficiency of the Ombudspersons for Children in the EU are drafted and adopted.

Component C – Mapping of the Israeli legal framework pertaining to the Commissionership, with recommendations for strengthening it

Background and Justification

As the Commissionership is a new body, so too are the laws and regulations that govern it. Nevertheless, for laws and regulations to be introduced and amended, an event must occur that's highlights its necessity. For example, the *Child Custody Regulations (Complaint Mechanism for Children in Out-of-Home Placement)* were the outcome of the first year statistics. Insofar, this is a retroactive model of law-making. With the assistance of the European member-state, the Commissioner will be able to recognise future challenges that the law and regulations fail to account for through the comparison of European and Israeli law, identifying gaps, what works and will be compatible with the Israeli legal system and society.

Another issue with the Commissionership only having been operating for two years is that there are no precedents to refer to when effecting a decision. An example guide is therefore required to understand and refer to other Ombudspersons for Children decisions in cases that may arise in Israel, how the Ombudsperson came to that decision, the steps taken and how it was implemented. This handbook will serve as persuasive precedent for the Commissionership in the future.

Mandatory Result 3

MR3: Recommendations for the introduction of new laws and/or regulations, and the reform of existing laws and/or regulations are drafted.

Indicators of achievement:

IC1: Mapping and analyses of existing laws and regulations.

IC2: Recommendations are made based on expertise gained from EU States' cases and issues that would be likely to arise in Israel.

IC3: Production of a precedent handbook detailing the decisions made by Ombudspersons for Children in the EU.

Component D – Enhancement of the synergy between the Commissionership and relevant internal and external stakeholders

Background and Justification

In its current practice, there is a need to examine the limitations of and strengthen the network of relevant internal and external stakeholders who are involved in the field of children in out-of-home placements. As the Commissioner's decision is not legally binding, there is no legitimate requirement on foster parents, out-of-home care supervisors, managers and headmasters to put the Commissioner's resolution into action. Incentive is therefore required for the people who are directly responsible to implement and enforce the decision.

Prior to the Commission's conception, the Israel Council for the Child was responsible for receiving the complaints for children in out-of-home care. As a result, many people are still under the impression that they are still the authority for such complaints and consequently they are still in reception of these. Currently, no procedure exists to track the amount of complaints they receive of this nature, and how they inform the complainants of the Commission. Tightened relationships are therefore required with this non-government organisation so that no children slip through the cracks of the referral process.

As previously mentioned, children, especially younger ones and those with severe disabilities, rely on people in their environment to inform them of the Commissioner and their right to complain. Therefore, there need to be trainings provided to teachers, school counsellors and even other schoolchildren's parents on how to handle and direct concerns from children who are placed in out-of-home care. To do this however, would require close coordination with the Ministry of Education. Additionally, there are other Ministries who are involved in cases of children in out-of-home care and it would also prove to be a positive venture to establish relationships with these Offices for the purposes of sharing information, resolving social service cases and making informed decisions.

Mandatory Result 4

MR4: Proposal for administrative mechanism to improve the Commission's efficiency and its adoption

Indicators of Achievement:

ID1: Methodologies to enhance the commitment to the Commission and the implementation of the Commission's recommendations formulated.

ID2: Transfer of expertise on ways to promote discussion and cooperation with other Ministries and Government Officials that are involved with children in out-of-home care.

ID3: Tools to measure stakeholders' readiness to engage in proposed mechanism are developed.

3.6 Proposed Activities

Component A – Positioning of the Commission as the main body for receiving and investigating complaints concerning minors in out-of-home care

Activity A.1	Positioning of the Commission
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Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • Presentation of the current promotion, advertising and awareness of the Commission in Israel and the challenges that surround the Commission's positioning
Methods	Video Conference
Resources	MS: Project Leader BC: Commissioner and Project Leader
Duration	Minimum 1 working day
Output	<ul style="list-style-type: none"> • Activity report
Indicators of Achievement	IA2 and IA3

Activity A.2	The Position of the Ombudspersons for Children in Europe
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • Presentation of the EU experience in different Member States with how they establish awareness, advertise and promote the ombudspersons for children, explanation of the results they have seen from this and the challenges • The difference, if any, in how European Member States they approach and raise awareness among adults vs children
Methods	Expert Mission
Resources	MS: 1 Expert BC: Commission Staff and Relevant Stakeholders
Duration	Minimum 2 working days
Output	<ul style="list-style-type: none"> • Activity report • Comparative analysis and recommendations on where the Commission can improve in raising awareness
Indicators of Achievement	IA1, IA3

Activity A.3	Survey (children in out-of-home care)
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • A survey to deduce the amount of children in out-of-home care who are aware of the Commission at the commencement of the Twinning Light Project • (Survey to be created by Expert)

Methods	Survey
Resources	MS: 1 Expert BC: Project Leader
Duration	Minimum 2 working days for Expert to create the survey Minimum 5 working days for Israeli Project Leader to send out survey and collect/analyse responses
Output	<ul style="list-style-type: none"> • Activity report detailing the results of the survey
Indicators of Achievement	IA2 and IA3

Activity A.4	Survey (adults who come into contact with children in out-of-home care)
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • A survey to deduce the amount of adults who come into contact with children in out-of-home who are aware of the Commissionership at the commencement of the Twinning Light Project • (Survey to be created by Expert)
Methods	Survey
Resources	MS: 1 Expert BC: Project Leader
Duration	2 working days for Expert to create the survey 5 working days for Israeli Project Leader to send out survey and collect/analyse responses
Output	<ul style="list-style-type: none"> • Activity report detailing the results of the survey
Indicators of Achievement	IA2 and IA3

Activity A.5	Furthering Online Promotion of the Commissionership
Time Schedule	Q2
Subject	<ul style="list-style-type: none"> • Building a strategy for the further production and dissemination of online advertising materials for the Commissionership, that can be targeted towards both adults and children
Methods	Expert Mission

Resources	MS: 1 Expert BC: Commissionership staff
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • A tangible work plan for the Commissionership to refer to and implement • An activity report
Indicators of Achievement	IA2, IA3

Activity A.6	Advancing Advertising Materials and Promotion of the Commissionership in out-of-home Frameworks
Time Schedule	Q3
Subject	<ul style="list-style-type: none"> • Creating a work plan targeting the advancement of production and dissemination of advertising in out-of-home frameworks (particularly boarding schools and disability placements) with intrinsic recommendations as to how to target this information towards younger children and children with disabilities
Methods	Expert Mission
Resources	MS: 1 Expert BC: Commissionership Staff and Relevant Stakeholders
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • An activity report • Work plan
Indicators of Achievement	IA1, IA2, IA3

Activity A.7	Survey (children in out-of-home care)
Time Schedule	Q4
Subject	<ul style="list-style-type: none"> • A survey to deduce the amount of children in out-of-home care who are aware of the Commissionership at the conclusion of the Twinning Light Project • (same survey from the beginning of the Twinning Light Project can be used)
Methods	Survey

Resources	BC: Project leader
Duration	Minimum 5 working days for Israeli Project Leader to disseminate survey and collect responses
Output	<ul style="list-style-type: none"> Comparative report detailing the results of this survey against the results of the survey conducted at the beginning of the Twinning Light regarding children in out-of-home care
Indicators of Achievement	IA1, IA2 and IA3

Activity A.8	Survey (adults who come into contact with children in out-of-home care)
Time Schedule	Q4
Subject	<ul style="list-style-type: none"> A survey to deduce the amount of adults who come into contact with children in out-of-home who are aware of the Commissionership at the conclusion of the Twinning Light Project (same survey from the beginning of the Twinning Light Project can be used)
Methods	Survey
Resources	BC: Project leader
Duration	5 working days for Israeli Project Leader to disseminate survey and collect/analyse responses
Output	<ul style="list-style-type: none"> Comparative report detailing the results of this survey against the results of the survey conducted at the beginning of the Twinning Light regarding adults who come into contact with children in out-of-home care
Indicators of Achievement	IA1, IA2 and IA3

Component B – Strengthening the accessibility of the Commissioner, having particular regard to younger children, children in foster care, and children in disability placements

Activity B.1	Study Visit in Israel to a Boarding School and Disability Placement
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> A study visit to an Israeli boarding school and disability placement for the purpose of introducing the local social services, the staff and the children, to the EU expert
Methods	Project Leader Mission
Resources	MS: Project leader

	BC: Commissionership staff, supervisors and staff of the particular boarding school and disability placement
Duration	Minimum 2 working days
Output	<ul style="list-style-type: none"> • Activity report
Indicators of Achievement	IB1

Activity B.2	The EU and the Target Groups
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • Presentation of the target groups that the Commissionership of Israel is struggling to reach and why • Presentation of the relationship that the different EU member states have with these groups, exhibiting the States where they have been able to establish connections with these groups
Methods	Project Leader Mission
Resources	MS: Project leader BC: Commissionership staff, supervisors of boarding schools and disability placements, foster care organisation representatives, NGOs, researchers, and social workers
Duration	2 working days
Output	<ul style="list-style-type: none"> • Activity report
Indicators of Achievement	IB1 and IB3

Activity B.3	Ombudspersons Relationship with Foster Caregivers, Social Workers and Supervisors
Time Schedule	Q2
Subject	<ul style="list-style-type: none"> • Drafting a strategy on ways to ensure that foster caregivers, social workers and supervisors are providing children in out-of-home care with appropriate information, as well as ways to motivate these roles
Methods	Expert Mission
Resources	MS: 1 expert BC: Commissionership staff
Duration	Minimum 4 working days
Output	<ul style="list-style-type: none"> • A strategy • Activity report
Indicators of	IB1, IB2 and IB3

Achievement	
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Activity B.4	Study Visit to Frameworks of an EU Member State
Time Schedule	Q3
Subject	<ul style="list-style-type: none"> • A study visit to an EU Member State that has excelled in connecting with and investigating the complaints of younger children, children in foster and children with disabilities, to meet the children themselves and staff of these facilities, talk with them and ask about their experience
Methods	Study Visit
Resources	BC: Commissionership staff
Duration	4 working days
Output	<ul style="list-style-type: none"> • Study visit report
Indicators of Achievement	IB1, IB3

Activity B.5	The Complaints of Young Children, Children in Foster Care and Children with Disabilities
Time Schedule	Q3
Subject	<ul style="list-style-type: none"> • Learning methods and techniques on how to appropriately connect with and interview young children, children in foster care, children with autism, disabilities that fall at the end of the spectrum and combined cognitive and physical disabilities • Establishing a training program for the Commissionership and all relevant stakeholders on how to approach and question the target groups
Methods	Expert Mission
Resources	MS: 2-3 experts, each in the field of the different target groups BC: Commissionership staff, supervisors of boarding schools and disability placements, foster care organisation representatives, social workers
Duration	Minimum 5 working days
Output	<ul style="list-style-type: none"> • Activity report • Training program
Indicators of Achievement	IB1 and IB3

Activity B.6	Training of Foster Caregivers, Social Workers and Supervisors
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Time Schedule	Q4
Subject	<ul style="list-style-type: none"> • Training the foster caregivers, social workers and supervisors on the devices of accessibility • Implement the strategy to motivate these roles through the training provided
Methods	Workshops conducted by Commissionership Staff
Resources	BC: Commissionership staff
Duration	Minimum 4 working days
Output	<ul style="list-style-type: none"> • Activity report • Training program
Indicators of Achievement	IB2

Activity B.7	The Effectiveness of the Commissionership
Time Schedule	Q4
Subject	<ul style="list-style-type: none"> • Presentation of methods used to define and measure the effectiveness of Ombudspersons for Children in EU member-states
Methods	Expert Skype Conference
Resources	MS: 1 expert BC: Commissionership staff
Duration	Minimum 2 working days
Output	<ul style="list-style-type: none"> • Activity report • Recommendations as to how the Commissionership can adopt methods to define and measure its own effectiveness
Indicators of Achievement	IB1, IB2 and IB3

Component C – Mapping of the Israeli legal framework pertaining to the Commissionership, with recommendations for strengthening it

Activity C.1	The Legal Environment of the Commissionership and the European Member State
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • An introduction of the legal authority of the Commissionership in Israel in regard to the legislation and regulations • A detailed presentation of the legal environment that the ombudsperson for children in the EU Member State

	<p>operates in</p> <ul style="list-style-type: none"> • A presentation of example cases/complaints that the Member State receives (preferably cases that are focused on younger children, children in foster and children with disabilities) – how these are addressed, investigated and decided upon in accordance to the law
Methods	Expert Mission
Resources	MS: 1 expert BC: Commissionership staff
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • Activity report
Indicators of Achievement	IC1, IC2

Activity C.2	Precedent Handbook
Time Schedule	Q2
Subject	<ul style="list-style-type: none"> • Creation of a precedent handbook that details complaints, their subsequent investigation and decision made by the Commissionerships counterparts in the EU in order to form a case guide for the Commissioner to refer to in similar instances
Methods	Expert Analysis
Resources	MS: 1 expert
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • Activity report • Handbook
Indicators of Achievement	IC3

Activity C.3	Mapping
Time Schedule	Q3
Subject	<ul style="list-style-type: none"> • Comprehensive mapping of the current Israeli law and regulations that are directly concerned with, or supplementary to, the Commissionership • Close analysis of the relevant law and regulations, its relationship to the practice of the Commissionership
Methods	Expert Skype Consultations and Analysis
Resources	MS: 1 expert BC: Commissionership staff
Duration	To be defined according to needs

Output	<ul style="list-style-type: none"> • Comprehensive mapping of the law and regulations • Activity report
Indicators of Achievement	IC1

Activity C.4	Recommendations
Time Schedule	Q4
Subject	<ul style="list-style-type: none"> • Following the mapping, a report by the EU Member State will be created detailing any recommendations for the introduction of new laws or regulations, or reform of existing laws and regulations, for the purpose of enhancing the Commission
Methods	Expert Analysis
Resources	MS: 1 expert (same expert who conducted the mapping)
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • Activity report • Recommendations for introduction new laws and/or regulations, if any • Recommendations for reform of existing law and/or regulations, if any
Indicators of Achievement	IC2

Component D – Enhancement of the synergy between the Commission and relevant internal and external stakeholders

Activity D.1	The Relevant Internal and External Stakeholders
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> • Presentation by the Commission informing the EU Member State and the relevant expert of the existing stakeholders in children in out-of-home care in Israel and their relationship with the Commission • The challenges that the Commission faces in regard to these stakeholders
Methods	Video Conference
Resources	MS: Project leader BC: Project leader
Duration	Minimum 1 working day
Output	<ul style="list-style-type: none"> • Activity report
Indicators of	ID1, ID2, ID3

Achievement	
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Activity D.2	Identifying and Assembling the Relevant Internal and External Stakeholders
Time Schedule	Q1
Subject	<ul style="list-style-type: none"> An opportunity for the EU representative to identify and meet the relevant internal and external stakeholders involved in children in out-of-home care, and to understand their roles
Methods	Expert Mission and Forum
Resources	MS: Project leader, 1 expert BC: Commissionership staff, representatives from relevant internal and external stakeholders
Duration	3 working days
Output	<ul style="list-style-type: none"> Activity report
Indicators of Achievement	ID1, ID2

Activity D.3	Study Visit to the Relevant Ministries, Organisations, Policy Makers, Lawyers and Judges in an EU Member State
Time Schedule	Q2
Subject	<ul style="list-style-type: none"> A study visit to understand the Ombudspersons for Children in the EU's relationship and cooperative practice with internal and external stakeholders involved in children's rights and complaints
Methods	Study visit
Resources	BC: Commissionership staff
Duration	4 working days
Output	<ul style="list-style-type: none"> Study visit report
Indicators of Achievement	ID1, ID2, ID3

Activity D.4	Building Cooperation
Time Schedule	Q3
Subject	<ul style="list-style-type: none"> Building a work plan and cooperative work tool to engage stakeholders with the Commissionership, for the underlying purpose of implementing the Commissionership's recommendations
Methods	Expert Consultations (by Video conference)

Resources	MS: 1 expert BC: Commissionership staff
Duration	To be defined according to needs
Output	<ul style="list-style-type: none"> • Activity report • Cooperative tool • Work plan
Indicators of Achievement	ID1

Activity D.5	The Commissionership and other Government Ministries and Officials
Time Schedule	Q4
Subject	<ul style="list-style-type: none"> • Workshops with other Government Ministries involved in children in out-of-home care aimed at establishing communications, cooperation and initiatives
Methods	Expert Mission
Resources	MS: 1 expert BC: Commissionership staff and relevant Ministry representatives
Duration	4 working days
Output	<ul style="list-style-type: none"> • Activity report
Indicators of Achievement	ID2

3.7 Means/input from the EU Member State Partner Administrations

3.7.1 Profile and tasks of the PL

The Project Leader will be based in the Member State and will be responsible for the overall management of the project and the coordination of activities performed, ensuring the overall quality of the services provided on site. He/she will have the overall responsibility for the implementation of all Twinning activities.

The tasks and profile of the Project Leader:

- University degree in law, public policy, social work, education or another relevant discipline or equivalent professional experience of 8 years;
- A minimum of 3 years of relevant professional experience in law, public policy, social work or education;
- Extensive experience in investigating the complaints of children;
- Experience with and/or knowledge of issues surrounding children with disabilities, children in foster care and group homes;
- Sound knowledge of EU Acquis on the rights of the child;
- Well-developed professional skills in policy advancement, strategic planning, managing resources and budget;

- Working knowledge of written and spoken English.

3.7.2 Profile and tasks of the short-term experts

Short-term experts are expected to advise on the methodologies that are most compatible to the Commissionship for Child and Youth Out-of-Home Complaints in Israel and to provide support in the development of such techniques. The Twinning Contract will elaborate as to the precise number, tasks and working days of short-term experts.

The general profile of the short-term experts' pool should include the following profiles and expertise:

- University degree in law, public policy, social work, education, communication or another relevant discipline or equivalent professional experience of 8 years;
- At least 3 years of relevant professional experience in law, public policy, social work, education, psychiatry or within the medical profession;
- At least 3 years of relevant profession experience in communication campaigns;
- Sound ability to teach and advise;
- Familiarity with case studies of children's rights, especially in regard to children with disabilities, children in foster care and group homes;
- Understanding of research in the relevant topics;
- Proven experience in children's law, policy advancement for children's rights, experience working with governments and NGOs in the field of children's complaints;
- Working knowledge of written and spoken English.

4. Budget - Maximum Budget available for the Grant

200,000 euros

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office)

The Implementing Agency which will be responsible for the tendering, contracting and accounting of this Twinning Project is the Delegation of the European Union to the State of Israel. The person in charge is:

Estelle Kadouch

Operations Section

European Initiative for Human Rights and Democracy

Institutional Building Instruments (Twinning and TAIEX)

Delegation of the EU to the State of Israel

Address: 5-7 Shoham St, Ramat Gan, Israel

Postal Address: P.O. Box 3513, Ramat Gan, 52136, Israel

Email: Estelle.KADOUCH@eeas.europa.eu

Assistance to the Delegation in the management and administration of the Twinning Programme is provided by the Programme Administration Office (PAO) (within the Ministry of Labor, Social Affairs and Social Services):

Renee Techelet

Director of International Relations
Ministry of Labor, Social Affairs and Social Services
State of Israel

Address: 39 Yirmiyahu Street, Migdaley Habira, Jerusalem, 91012, Israel

Tel: +972-2-5085409 | +972-50-6211127

Email: ReneeT@molsa.gov.il

5.2 Institutional framework

The Commission for Child and Youth Out-of-Home Complaints of Israel was established by the Foster Care for Children Law in 2016. Section 56(a) gave the Minister of Social Affairs and Social Services (Haim Katz, MK) the authority to institute a mechanism for investigating complaints of children who are placed in out-of-home care. The Minister was charged with appointing a Children's Complaints Supervisor who is responsible for receiving and examining the complaints. The Minister appointed Simona Steinmetz as the Complaints Supervisor, or otherwise the Commissioner for Child and Youth Out-of-Home Complaints. Simona Steinmetz holds this position today.

The Commissioner answers directly to the Director General of the Ministry of Labor, Social Affairs and Social Services, Dr. Avigdor Kaplan, and the Director General reports to the Minister of Social Affairs and Social Services.

5.3 Counterparts in the Beneficiary administration**5.3.1 Contact person****Simona Steinmatz**

Commissioner of Child Complaints

Israeli Children's Ombudsman

9 Ehhad Haam St.

Tel Aviv, Israel

Tel: +972-50-6223776

Email: simonas@molsa.gov.il

5.3.2 PL counterpart**Michal Ben-Moshe Stromza**

Senior Projects and Policy Manager

Israeli Children's Ombudsman

9 Ehhad Haam St.

Tel Aviv, Israel

Email: MichalBen@molsa.gov.il

6. Duration of the project

8 months

7. Sustainability

The exchange of knowledge and practice with the counterparts of the EU Member-State is expected to provide the Commissioner for Child and Youth Out-of-Home Complaints, internal stakeholders within the Ministry of Labour, Social Affairs and Social Services, as well as external stakeholders involved in children in out-of-home frameworks with in-depth knowledge and expertise. These insights will enable all of the results to be collaboratively achieved and for changes to be made in the day-to-day work of the Commissioner, the legal framework, the complaints procedure and in enacting strategies. Moreover, if it is required, a second Twinning Light will be applied for.

8. Crosscutting issues (equal opportunity, environment, climate etc...)

Following the adoption in 2014 of the Tool-box "*A Rights-Based Approach, encompassing all human rights, for EU development cooperation*"²⁹ and the subsequent adoption in 2014 of the related Council Conclusions, the European Commission committed to move towards a Rights-Based Approach in all its external action. In consequence, this Twinning Light project must be designed according to a Rights-Based Approach (RBA).

The Twinning project will have to report against relevant quantitative and qualitative indicators.

The European Commission considers the **rights of the children and of persons with disabilities** as crosscutting issues, which must be reflected in all the activities it supports. A child protection policy has to be in place for any project activities that involve interactions with children³⁰.

Gender equality is an integral part of the RBA, encompassing the promotion, protection and fulfilment of all human rights. Gender equality constitutes a fundamental human rights principle and a common value of the European Union (EU Treaties, EU Gender Action Plan 2016-2020).

Moreover, EU-funded actions should whenever relevant, include conflict sensitivity and environmental issues.

9. Conditionality and sequencing

N/A

10. Facilities available

For the entirety of the Twinning Light project, the office of the Commissioner for Child and Youth Out-of-Home Complaints will be made available to support the implementation of the Twinning. Moreover, seminar rooms, computers and other technological equipment in the Ministry of Labor, Social Affairs and Social Services will be at the service of the EU Member-State and the Beneficiary.

ANNEXES TO TWINNING FICHE

²⁹ <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209489%202014%20INIT>

³⁰ In line with the principles of the UN Convention on the Rights of the Child.

1. Logical framework matrix in standard format
2. Implementation Chart

ANNEX 1: Logical Framework Matrix

Developing and Solidifying the Commissionerhip for Child and Youth Out-of-Home Complaints of Israel - IL 17 ENI SO 02 19 TWL				
Total budget: 250,000 EUR			Duration: 8 months	
Overall Objective	Objectively Verifiable Indicators	Sources of Verification	Risks	Assumptions
<p>The general objective is to support the functioning and the strengthening of the Commissionerhip for Children and Youth Out-of-Home Complaints in the State of Israel.</p>	<ul style="list-style-type: none"> • Improved perception and awareness of the Commissioner; • Enhanced accessibility of the Commissioner; • Analysis of the current Israeli law and regulations; • Enriched stakeholder cooperation 	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Data/Statistics of the Complaints received following the Twinning project 		<p>Israel interest in learning from EU experience remains high</p>
Specific Objectives	Objectively Verifiable Indicators	Sources of Verification	Risks	Assumptions
<p>The specific aims of the Twinning Light are to strengthen the aptitude of the Commissionerhip by further developing a department that is able to receive, investigate and report on the complaints of <i>all</i> children and youth in out-of-home frameworks.</p> <p>In addition, the Twinning Light will support the Commissionerhip for Child and Youth Out-of-Home Complaints in aligning its operation with the EU and other international organisations standards, guidelines, and best practices.</p>	<ul style="list-style-type: none"> • The positioning of the Commissionerhip as the main body and legislative authority for receiving and investigating complaints concerning minors in out-of-home care; • Strengthening the accessibility of the Commissioner, having particular regard to children in foster and disability placements; • Recommendations for reform in accordance with identified gaps in the current Israeli law and regulations; and • Improvement of the synergy and relationships between the Commissionerhip and relevant internal and external stakeholders. 	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Data collected from surveys • Data from experts reports 	<p>Risk that relevant stakeholders are resistant to the implementation of mechanisms developed by the Commissionerhip</p>	<p>The government is committed to support the Commissionerhip, including through adoption of legislative reform.</p>
Mandatory Results	Objectively Verifiable Indicators	Sources of Verification	Risks	Assumptions
<p>Component A MR1: Adoption of strategies to increase awareness among children in</p>	<p>IA1: Level of incorporation of EU expertise on communication tools. IA2: Extent to which the communication of the</p>	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Surveys 		

out-of-home care and adults who come into contact with children in out-of-home care	Commissionership is reaching to its direct beneficiaries. IA3: Strategy to increase awareness among children in out-of-home care and adults is drafted and adopted.			
Component B MR2: Adoption of a set of mechanisms to increase the accessibility of the Commissionership for the target groups (younger children, children with disabilities, and children in foster care)	IB1: Increased expertise on methods on how to communicate with and investigate the complaints of younger children in boarding schools, children in foster care, and children with: • Autism; • Disabilities that fall at the end of the spectrum; • Combined cognitive and physical disabilities. IB2: Improved capacities of foster caregivers, social workers and supervisors for implementing the devices of accessibility. IB3: Methods (including guidelines and protocols) to define and measure the efficiency of the Ombudspersons for Children in the EU are drafted and adopted.	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Surveys 		
Component C MR3: Recommendations for the introduction of new laws and/or regulations, and the reform of existing laws and/or regulations	IC1: Mapping and analyses of existing laws and regulations. IC2: Recommendations are made based on expertise gained from EU States' cases and issues that would be likely to arise in Israel. IC3: Production of a precedent handbook detailing the decisions made by Ombudspersons for Children in the EU.	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Experts' reports • Surveys 		
Component D MR4: Proposal for administrative mechanism to improve the Commissionership's efficiency	ID1: Methodologies to enhance the commitment to the Commissionership and the implementation of the Commissionership's recommendations formulated. ID2: Transfer of expertise on ways to promote discussion and cooperation with other Ministries and Government Officials that are involved with children in out-of-home care. ID3: Tools to measure stakeholders' readiness to engage in proposed mechanism are developed.	<ul style="list-style-type: none"> • Interim quarterly reports from this Twinning Light • Experts' reports 		

ANNEX 2: Implementation Chart

Twinning Project Timeframe												
Year	2020	2021										
Project Phase	Tendering and Contracting	Implementation										
	Months 6 to 12		1	2	3	4	5	6	7	8		
		Positioning of the Commissionship	Indicators		x	x	x	x	x	x	x	x
			Activities	x	x	x	x	x	x	x	x	x
		Strengthening the Accessibility	Indicators		x	x	x	x	x	x	x	x
			Activities	x	x	x	x	x	x	x	x	x
		Law and Regulatory Reform	Indicators		x	x	x	x	x	x	x	x
			Activities	x	x	x	x	x	x	x	x	x
		Stakeholders	Indicators			x	x	x	x	x	x	x
			Activities		x							x