

European Network of Ombudspersons for Children (ENOC)**Position Statement on 'Children and Austerity'**

Adopted at the 18th ENOC General Assembly, 24 October 2014, Edinburgh

'We want to play our part in shaping a bright future for the towns and cities in which we live. Can we do this in this time of crisis?'¹

We, members of ENOC as Independent Children's Rights Institutions (ICRIs), express our deep concern regarding the impact of austerity and poverty on the realisation of children and young people's rights. The recent financial and economic crises and state responses to them have had significant detrimental effects on children's enjoyment of a wide range of their civil, political, economic, social and cultural rights under the UN Convention on the Rights of the Child (CRC). Living in poverty does not simply affect children's experience during childhood, it also frequently serves to curtail the life chances available to them as adults.² Indeed, given the linkage between child poverty and child mortality, living in poverty will sometimes result in children not reaching adulthood at all. The child rights impacts of child poverty, including poverty created or exacerbated by fiscal austerity, are thus wide-ranging and both short and long-term in nature.

While poverty-caused child rights violations have always been an issue in European countries, it is clear that the recent financial and economic crises have resulted in an increase in levels of child poverty and social exclusion in a number of European countries.³ Post-crisis child poverty in many countries has increased even more sharply than poverty rates among the general population.⁴

The Council of Europe Parliamentary Assembly has stated that it is 'appalled by the regular reports coming from various countries of Europe about undernourished children, children being left without parental care by parents who are obliged to find employment abroad and the resurgence

¹ Yannis, age 11, Belgium, Contributor to ENOC Participation Project – 'Austerity Bites: Children's Voices'.

² Innocenti Research Centre, *Child Poverty in Perspective – An overview of child well-being in rich countries: A comprehensive assessment of the lives and well-being of children and adolescents in the economically advanced nations* (UNICEF, 2007) 5.

³ European Commission, Commission Recommendation of 20.2.2013 on '[Investing in Children: Breaking the Cycle of Disadvantage](#)', 3.

⁴ Council of Europe Commissioner for Human Rights, '[Safeguarding Human Rights in Times of Economic Crisis](#)' (COE, 2013) 23

of child labour, not to mention lower participation and performance rates of many children in secondary education'.⁵ Based on our experience in our respective countries, ENOC members strongly reiterate this concern.

In addition to the effects of parental unemployment and diminished family incomes that result directly from the crises, a range of common post-crisis fiscal 'austerity measures' have impacted negatively on children's rights in different European countries. These include, amongst others, cuts to social services and social protection programmes, the limiting of subsidies, public sector wage bills reforms, and increases in consumer-oriented taxes on basic goods.⁶ Cuts to social spending have inevitably impacted heavily on children who are particularly dependent on social programmes and services.

Rights that have been affected by child poverty and the exacerbating effects of austerity include the rights to an adequate standard of living including food, clothing and housing, to education, to the highest attainable standard of health, to legal assistance, to play, to express their views, to benefit from social security, to family life, to alternative care, to protection from all forms of physical or mental violence, and a wide range of disabled children's rights.⁷ This is made clear by the contributions of the children who have provided input into this Statement on how their lives and societies have been affected by poverty and the economic crisis.⁸

Article 4 of the CRC requires States Parties to 'undertake all appropriate legislative, administrative, and other measures for the implementation' of CRC rights. When the right at issue is economic, social and cultural in nature, States must 'undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation'. As such, resource constraints provide no excuse for violations for civil and political rights. Nor are they a justification for discrimination or a failure to ensure equality of rights enjoyment for different groups of children.

⁵ Council of Europe Parliamentary Assembly, Resolution on '[Ending Child Poverty in Europe](#)', Resolution 1995 of 2014.

⁶ UNICEF, '[A Recovery for All: Rethinking Socio-economic Policies for Children and Poor Households](#)' (UNICEF, 2012).

⁷ For more on this, see Eurochild, '[How the Economic and Financial Crisis is Affecting Children and Young People in Europe](#)', UNICEF, '[A Recovery for All](#)', COE Commissioner for Human Rights '[Safeguarding Human Rights](#)'.

⁸ See the statements provided by children as part of the ENOC Participation Project, 'Austerity Bites: Children's Voices', which will be available at: <http://www.sccyp.org.uk/enoc/>.

When it comes to economic, social and cultural rights, States can only justify a failure to achieve those rights where the real financial, human, technological and other resources available to them (including through international cooperation in the form of loan assistance) are demonstrably inadequate. States must prioritise the most socially deprived children in their economic policymaking. Even where the full realisation of rights is impossible due to a lack of resources, States are required to move as expeditiously and effectively as possible towards that goal. Where a state seeks to take backward steps (or 'retrogressive measures') in terms of the achievement of an economic, social and cultural right, it must be able to demonstrate that it has undertaken careful consideration of all alternatives, including giving due weight to children's expressed views on the issue, and that its decision is justified bearing in mind all of the rights in the CRC.

States parties are the primary duty-bearers under the CRC. However, the impacts of austerity and poverty on the realisation of children and young people's rights have also resulted from the activities and decisions of non-state actors, including inter-governmental organisations, central banks and credit rating agencies. ENOC emphasises the importance that the role of such actors be recognised when considering measures to address post-crisis child poverty.

The Committee on the Rights of the Child has made clear that States that are engaged with international development, finance and trade organizations must take all reasonable actions and measures to ensure that such organizations act in accordance with the Convention in their decision-making and operations.⁹ This extends to inter-governmental organisations such as the EU and international financial institutions such as the International Monetary Fund (IMF). ENOC notes with regret the failure of the European Commission and the IMF to carry out child rights impact assessments of the agreements concluded with Eurozone States as part of bail-out or loan assistance arrangements, which could have served as a key tool in avoiding or ameliorating the severe impact of state performance of those agreements on children's rights.

⁹ [General Comment No. 16 \(2013\) on State obligations regarding the impact of the business sector on children's rights](#), UN Doc. CRC/C/GC/16, para 48.

Recommendations

- 1) ENOC strongly recommends that all national actions in line with the Council of Europe Parliamentary Assembly Resolution on ‘Ending Child Poverty in Europe’ and the European Commission Recommendation on ‘Investing in Children: Breaking the Cycle of Disadvantage’ be child rights-based and compliant.
- 2) ENOC recommends that the Council of Europe Children’s Rights Strategy to be finalised in 2015 should include a focus on child poverty and the ongoing effects of the crises (including austerity policies), as should the successor to the European Union (EU) Agenda on the Rights of the Child.¹⁰ ENOC calls on the European Union to ensure that children’s rights are effectively mainstreamed in all EU processes and measures that relate directly and indirectly to child poverty (including social, health, education and employment policies). This should occur during the formulation, implementation, monitoring and evaluation stages of such.
- 3) ENOC recommends that all European States prepare and adopt a national Comprehensive Strategic Plan to combat child poverty and social exclusion. This must be informed by the views and experiences of children, particularly those living in or at risk of poverty. This Plan should be part of a greater National Plan of Action on the Rights of the Child, which should have a timetable, quantifiable goals and an implementation and monitoring mechanism. The responsibilities of relevant sub-national and supra-national bodies must be clearly identified and the performance of such monitored effectively.
- 4) ENOC recommends that all European States and Institutions ensure that they collect sufficient, reliable and appropriately disaggregated data on children. This data must serve as the basis of evidence-policy-making in the context of child poverty.

¹⁰ Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, ‘[An EU Agenda for the Rights of the Child](#)’, COM(2011) 60 final.

- 5) ENOC recommends that all European States should establish 'children's budgets' which entail the identification and analysis of resources for children in national and sub-national budgets. This is necessary to ensure the effective monitoring of resource decision-making related to children.
- 6) ENOC recommends all European States ensure that all their policies, laws, and practices are compliant with the relevant instruments on the protection of children, in particular the CRC. This includes all budgetary and economic decision-making processes and outcomes at the national and sub-national levels. This will entail a continuous process of child rights impact assessment as well as child rights mainstreaming measures.
- 7) ENOC recommends that all national and sub-national public spending and other resource decision-making must be carried out so as to prioritise the needs, rights and best interests of children, with a particular emphasis on children experiencing or at risk of social exclusion. This includes such decision-making in contexts of financial and economic crisis or emergency.