

**Reaching the heights for the rights of the child**  
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[SESSION 8. PUBLIC SPENDING AND THE RIGHTS OF THE CHILD: CHILD BUDGETING]

**AUSTERITY MEASURES AND THE PROTECTION OF CHILDREN'S RIGHTS**  
**UNDER THE EUROPEAN SOCIAL CHARTER**

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## I. PRELIMINARY REMARKS: EFFICIENCY AND EFFECTIVENESS IN TERMS OF SYNERGIES BETWEEN CHILDREN'S RIGHTS INSTRUMENTS

- The European Social Charter is the major European Treaty in the field of the rights of the child (one half of its 31 provisions concern the protection of children). Consequently:

\* **EFFICIENCY** → Not necessary to adopt a new specific European Convention in this field, but to positively exploit the international instruments already existing. In connection with **SUFFICIENCY**: using available resources in the realisation of children's rights set forth in such instruments by avoiding public spending in drafting new instruments.

## I. PRELIMINARY REMARKS: EFFICIENCY AND EFFECTIVENESS IN TERMS OF SYNERGIES BETWEEN CHILDREN'S RIGHTS INSTRUMENTS

\* **EFFECTIVENESS** → The “core” provision of the Charter for the protection of children is its Article 17. It integrates into the Charter the rights which are guaranteed by the UN Convention on the Rights of the Child.

- Accordingly, consideration of standards of the UN Committee of the Rights of the Child as well as the standards and reports of the CPT and other European bodies (including the ECtHR or the GRETA).

## II. PUBLIC SPENDING ON CHILDREN AS A PRIORITY NOT TO BE RELEGATED UNDER THE PRETEXT OF THE ECONOMIC CRISIS

- Recalling the main jurisprudential principles of the ECSR (Summarised in its recent ***Contribution on Economic Insecurity and Children's Rights***, adopted during its session held in Strasbourg on 26-28 January 2016):
  - **Crisis and vulnerability**
  - **Children and heightened protection**
  - **Complementarity of levels of protection**
  - **Children's rights impact assessment** (following the guidance of the Committee on the Rights of the Child, the ECSR considers that proper application of the provisions of the Charter conferring rights to children must be determined according to the principle of the child's best interests (General Comment No. 5).
  - **Our business: Investing in children's rights.**

### III. SPECIFIC PRIORITY AREAS TO BE FOCUSED ON

- The above mentioned children's rights impact assessment relates to the following specific areas to be focused on (once again, reference to ***Contribution on Economic Insecurity and Children's Rights***):

- 1) **The right to benefits:** to ensure that the rights of the Charter are effectively **guaranteed** at a period of time when beneficiaries need the protection most → **to uphold the rights that give children and families entitlements to benefits, such as housing, health, social assistance and other forms of economic protection** (such as birth grants, additional payments to large families or tax relief in respect of children)
- 2) **The right to education and protection of health:** health education at school must be a priority.
- 3) **Protection of the most vulnerable children:** children from vulnerable families, children belonging to minority groups, children with disabilities and irregularly present children.

## IV. FURTHER EFFORTS IN THE NAME OF THE CHILD'S BEST INTEREST

- **Further acceptance of international commitments in the field of children's rights (as a part of domestic law) as an essential way of spending on children:** For example, **Accepting further paragraphs and provisions** (to overcome the “anomaly” of the “à la carte” system established by the Charter), **especially Articles 7 and 17.**
- **Further awareness of mainstreaming children's rights:** For example, Decision on admissibility of 26 June 2007 on CC **No. 41/2007** *Mental Disability Advocacy Center (MDAC) v. Bulgaria* (Article 17 and E; educational segregation of children living in Homes for Mentally Disabled Children):
- **Further emphasis in shared responsibilities and positive obligations:** For example, Decision on admissibility and the merits of 19 March 2013 on CC **No. 82/2012** *EUROCEF v. France* (suspension or suppression of family allowances in cases of truancy).

**THANK YOU**