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Championing children's rights in times of austerity

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Rapporteur:¹ Johan van den HOUT, Netherlands (R, SOC)

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Summary

The report examines the impact of the global economic crisis and austerity measures in Europe on children's rights. It focuses on significant issues affecting children and their families that arise for local and regional authorities in Council of Europe member States, and discusses how local and regional authorities might discharge their responsibility to promote children's rights even at times of state-led austerity cutbacks in public funding and public services. It introduces a number of case studies highlighting initiatives at local and regional level that have contributed toward safeguarding children's rights during the economic crisis and the period of austerity measures.

The report recommends that local and regional authorities take all legislative or administrative steps within their capacities to institutionalise and embed a children's rights approach in the exercise of all their functions, to deliver child-friendly services and protect children in situations of increased vulnerability, tackling at the same time the impact of child poverty. It proposes to local and regional authorities to undertake children's rights impact assessment and children's budgeting, to implement a systematic approach to comprehensive data collection and dissemination, to provide training on children's rights and to engage with civil society on this issue. Finally, it invites them to ensure that adequate avenues for redress are available to children by providing channels for communication between children and their representatives and decision makers.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Championing children's rights in times of austerity

RESOLUTION 392 (2015)²

1. The prolonged economic crisis and resultant austerity measures have had a significant impact in many European States in areas of public policy and social welfare, including social programmes affecting children and their families such as welfare support, education, social services, housing and health-care.

2. As social protection systems have been undermined by cuts introduced in the name of austerity, children have been amongst the first to suffer. Children's rights are too often overlooked as governments at all levels prioritise financial cutbacks over service provision and quality. Austerity measures have reduced the capacity of local and regional authorities to undertake welfare support programmes and essential services, undermining those that are intended to meet the needs of children or to protect children from exploitation or abuse.

3. The poorest children suffer disproportionately as a result of austerity measures. The incidence of child poverty in Europe has increased during the economic crisis. This sorry situation is exacerbated as public services that are essential to mitigate the negative impact of poverty on children's well-being have been reduced in many European States.

4. A particular concern is that public services that are vital to safeguard a child's physical, mental and social development have been put at risk (education, health). Child labour has increased and protections for working age children have been reduced. Public services that offer children protection against harm are under threat. As a result children are at greater risk of exploitation or abuse. Structures that support children's participation and advocacy have been undermined. Children are now less likely to contribute to decision making that affects their lives or to be in a position to challenge decisions adverse to their interests. All of this puts children's rights in jeopardy and paints a worrying picture of the situation of children's rights generally in Europe.

5. Human rights should offer protection for those most likely to be discriminated against, excluded, or simply forgotten in times of economic crisis. Unfortunately, children's services appear to be amongst the easy targets for austerity measures and cutbacks, and children's rights suffer as a result. This is extremely troubling. As a social group children are vulnerable to violation of their fundamental rights. For some children in particular situations of increased vulnerability, the position is even worse. Sadly, not enough has been done in Europe to safeguard children from regressive policies and service cutbacks that undermine rights and guarantees to which they are properly entitled.

6. The Parliamentary Assembly of the Council of Europe (PACE) has assessed the effect of austerity measures in their Resolutions 1884 (2012) and 1886 (2012) respectively, as a danger for democracy and social rights and underlined the necessity of maintaining services particularly to the vulnerable populations in times of austerity. The Council of Europe Commissioner for Human Rights, in his Issue Paper (2013)² on "Safeguarding human rights in times of economic crisis", drew attention to child poverty as an issue which is likely to have long-term effects, as Europe risks producing a "lost generation" of disillusioned young people with potentially grave consequences for intergenerational solidarity, social cohesion and long-term political stability.

7. The Congress of Local and Regional Authorities of the Council of Europe recognises that local and regional authorities are key institutions as regards children's rights. They are responsible for a number of areas of public policy and programming that directly or indirectly impact on children or their families.

8. Convinced that local and regional authorities are well placed to champion and promote children's rights in times of economic crisis and austerity measures through decisive action, in particular in relation to policy and decision making concerning essential services, the Congress calls on the local and regional authorities of the member States to take all legislative (where appropriate) or administrative steps within their capacities to:

a. adopt an integrated approach to the planning and delivery of children's services ensuring that positive steps are taken to embed this approach in the exercise of all their functions;

² Debated and adopted by the Congress on 21 October 2015, 2nd sitting (see Document CG/2015(29)10FINAL, explanatory memorandum), rapporteur: Johan van den HOUT, Netherlands (R, SOC).

- b.* deliver child-friendly services ensuring that services intended to benefit children are both sensitive and responsive to their needs, in the planning process;
- c.* identify children at risk of discrimination or exclusion by making use of appropriate indicators and assessment tools, and give priority to action mitigating the impact of structural discrimination, by ensuring adequate resources as an aspect of budgetary allocation, working closely with civil society organisations, and ensuring that children in situations of increased vulnerability are targeted for quality public services;
- d.* undertake children's rights impact assessment (by embedding substantive and reasoned formal processes of evaluation as a key component of decision making pertaining to children's rights) and undertake open and transparent children's budgeting, paying particular attention to the need to maintain services for children at risk of compound disadvantage;
- e.* provide local and regional government employees with training on children's rights, paying particular attention to issues of discrimination, to children in situations of increased vulnerability and children at risk of exploitation and harm;
- f.* raise awareness of children's rights not only amongst their own employees but also amongst the general public, parents, children and those working with children and empower civil society organisations whose work benefits children;
- g.* deliver real accountability insisting on openness and transparency in the exercise of local and regional authorities' policy and planning functions, by establishing or maintaining proper mechanisms for children to make complaints or raise concerns, and by providing channels for communication between children and their representatives and decision makers.

Championing children's rights in times of austerity

RECOMMENDATION 382 (2015)³

1. The prolonged economic crisis and resultant austerity measures have had a significant impact in many European States in areas of public policy and social welfare, including social programmes affecting children and their families such as welfare support, education, social services, housing and health-care.

2. The poorest children suffer disproportionately as a result of austerity measures. The incidence of child poverty in Europe has increased during the economic crisis. This sorry situation is exacerbated as public services that are essential to mitigate the negative impact of poverty on children's well-being have been reduced in many European States.

3. Public services that offer children protection against harm are under threat. As a result, children are at greater risk of exploitation or abuse. Structures that support children's participation and advocacy have been undermined. Children are now less likely to contribute to decision making that affects their lives or to be in a position to challenge decisions adverse to their interests. All of this puts children's rights in jeopardy and paints a worrying picture of the situation of children's rights generally in Europe.

4. Human rights should offer protection for those most likely to be discriminated against, excluded, or simply forgotten in times of economic crisis. As a social group children are vulnerable to violation of their fundamental rights. For some children in particular situations of increased vulnerability the position is even worse. Sadly, not enough has been done in Europe to safeguard children from regressive policies and service cutbacks that undermine rights and guarantees to which they are properly entitled.

5. The Congress of Local and Regional Authorities of the Council of Europe recognises that local and regional authorities are key institutions with regard to children's rights. They are responsible for a number of areas of public policy and programming that directly or indirectly impact on children or their families.

6. Convinced that decisive action and legislative measures are required to protect children in times of economic crisis and austerity measures, in particular in relation to policy and decision making concerning essential services, the Congress calls on the national authorities of Council of Europe member States to:

a. take all legislative and administrative measures to promote non-discrimination and equality in all aspects of child-related service planning and implementation;

b. implement a systematic approach to comprehensive data collection and dissemination paying particular attention to the need for data on children in situations of increased vulnerability, where necessary introducing new social indicators, and ensuring the dissemination of data to all stakeholders;

c. ensure that policies concerning children are drawn up in consultation with sub-national public authorities and develop a national strategy for sharing responsibilities between different levels of governance.

³ See footnote 2.

Championing children’s rights in times of austerity

EXPLANATORY MEMORANDUM⁴

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⁴ This explanatory memorandum is based on the contribution of Dr Simon Hoffman, Senior lecturer at Swansea University (Wales) which is available from the Secretariat upon request.

I. INTRODUCTION

1. Europe is in the grip of a deep and continuing economic crisis.¹ In the light of diverse responses from governments across Council of Europe (CoE) member States there are limitations on the extent to which it is possible or desirable to generalise on the impact of the crisis and government responses. However, a number of issues consistently emerge from the available commentaries to highlight areas of concern for social policy and governance institutions at all levels.² Across Europe a 'new political reality of austerity' has taken hold as many states have introduced austerity measures in response to the economic crisis.³ These measures are characterised by cuts in public expenditure, regressive taxation policy, and labour and pension reforms.⁴

2. The impact of the economic crisis on human rights in Europe is very troubling.⁵ From the perspective of children's rights the situation is even more worrying. Children are particularly vulnerable to being ignored and overlooked in policy and programme decision-making; and are at real risk of having their rights and interests set-aside in pursuit of other priorities. This vulnerability has been exposed during the current economic crisis, not least as there has been an increase in child poverty as austerity bites across Europe, drawing attention to unavoidable dependencies associated with childhood.⁶ Children belonging to marginalised and excluded social groups have been disproportionately affected by austerity measures as historical patterns of discrimination have been reinforced.⁷ These children are in a situation of increased vulnerability and suffer a greater risk of having their fundamental rights ignored or violated.⁸

3. Austerity measures have contributed to worsening living conditions for children as access to welfare has been reduced and the quality of services has diminished.⁹ Children in worse-off households continue to suffer unacceptable levels of deprivation as income levels drop. Social welfare systems – many of which have been unjustifiably tasked with meeting the burden of austerity policies – cannot be relied on to assist children or their families to overcome new hardships. The capacity of European central governments to maintain levels of social welfare provision has been jeopardised as austerity measures have taken priority.¹⁰ Local and regional authorities, that are closest to individuals and families most in need of support, struggle to maintain services as the impact of austerity resonates to the different tiers of government.¹¹

4. As austerity measures weaken social protection systems across Council of Europe member States, human rights offer the possibility of a normative framework for social policy and programme decision making in times of economic crisis, and the CRC provides a 'legal framework for investment in children.'¹² Institutional compliance with human rights norms holds out the possibility of protection for children against the negative impact of contractionary economic policy and austerity measures. The remainder of this part discusses the relevance of general human rights obligations and guiding principles of children's rights for

1 Commissioner for Human Rights, *Safeguarding human rights in times of economic crisis* (Council of Europe, 2013); Joseph Stiglitz, 'Europe's economic madness cannot continue' (9th January 2015):

< <http://www.theguardian.com/business/2015/jan/09/europe-economic-madness-cannot-continue-greece-elections> > (accessed 21st May 2015).

Roger Bootle, 'The eurozone's economic crisis is far from over' (12th April 2015): < <http://www.telegraph.co.uk/finance/comment/11531029/The-eurozones-economic-crisis-is-far-from-over.html> > (accessed 21st May 2015).

2 Relevant commentaries include: European Network of National Observatories on Childhood, *The impact of the economic crisis on children: lessons from the past experiences and future policies* (Florence, Instituto degli Innocenti, 9th June 2011); Ruxton, S., *How the economic and financial crisis is affecting children and young people in Europe* (Eurochild, 2012); Commissioner for Human Rights, *Safeguarding human rights in times of economic crisis* (Council of Europe, 2013); Save the Children, *Child poverty and social exclusion in Europe, a matter of children's rights* (StC, Brussels, 2014); UNICEF, *Children of the recession, the impact of the economic crisis on child well-being in rich countries* (UNICEF Office of Research – Innocenti, Florence, 2014); CARITAS Europa, *The European Crisis and Its Human Cost* (2014).

3 Ibid, Commissioner for Human Rights, p.15.

4 Parliamentary Assembly of the Council of Europe, 'Austerity measures – a danger for democracy and social rights' (Resolution 1884,, 26 June 2012); ibid n.2, Commissioner for Human Rights, p.7.

5 Ibid n.2, CARITAS and Commissioner for Human Rights.

6 Ibid n.2.

7 Ibid n.1, Stiglitz; n.2, ENNOC; and, n.4.

8 Ibid n.2, ENNO, Commissioner for Human Rights, part 1.4; UN Independent Expert on the question of human rights and extreme poverty, *The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights* (10th special session of the Human Rights Council, 2009).

9 Ibid n.2, see in particular the contributions of Tess Ridge and Dominic Richardson to the ENNOC report. In any event it is likely that the available evidence does not fully convey the negative impact of the crisis on children and families, Eurochild, p.6.

10 Ibid n.2, UNICEF and ENNOC; Fataliyeva, S., *Ending child poverty in Europe* (Committee on Social Affairs, Health and Sustainable Development, Council of Europe, 2014).

11 Ibid, Fataliyeva; and, ibid n.2, Eurochild.

12 Jane Hainsworth, 'The role of children's participation in fighting poverty and social exclusion. The experience of Eurochild members', ibid n.2, ENNOC, p.31; human rights establishing a number of 'principles and operational red lines', ibid n.2, Commissioner for Human Rights, p.39.

decision-making across all levels of government in the context of multilevel governance, including local and regional authorities. This will help to establish a normative framework for local and regional authorities' responsibilities regarding children's rights.

1.1 Human rights obligations

5. The first responsibility of all governments is to protect and promote human rights: a corollary of these duties is the obligation to avoid regressive policies or programmes that result in weakening or violation human rights.¹³ These obligations apply equally to children's civil, political, social, economic or cultural rights, including in times of austerity.¹⁴ Full realisation of children's social and economic rights may be achieved progressively but without deferring obligations of immediate effect, including obligations that concern non-discrimination, children's best interests, and securing participation.¹⁵

6. Human rights oblige relevant authorities responsible for legislation, social policy and public services to demonstrate that every effort has been made to achieve satisfaction of children's rights and to use all available resources to ensure that children are able to benefit from the rights to which they are entitled, including a minimum level of economic and social rights.¹⁶ These obligations invite rigorous scrutiny of policy and programme decision-making and budget allocation to ensure efficient use of resources to promote rights, but also as a safeguard against weakening of rights.¹⁷ In this respect, in the budgeting process the allocation of sufficient resources to ensure the maintenance of essential services for children in areas such as social care, health and housing is increasingly seen as a minimum if there is to be compliance with human rights expectations.¹⁸

1.2 Guiding principles for children's rights

7. Special attention is given to children's rights in the textual system of international human rights. The Convention on the Rights of the Child (CRC) is widely recognised as the most significant source of children's rights, providing a comprehensive list of rights granted to all children. Whilst the rights set out in the CRC are indivisible from each other and from other human rights, the Committee on the Rights of the Child (CommCRC) has identified four articles of the CRC as overarching general principles of children's rights.¹⁹ In summary:

a. Article 2: CRC rights should be available to all children without discrimination of any kind. This implies an obligation to identify children or groups of children who may need special assistance in order to access and realise their rights.²⁰

b. Article 3: the best interests of the child should be a primary consideration in all actions concerning children undertaken by a relevant authority. This requires systematic consideration of how children's rights and interests are affected by decisions or actions. CommCRC has identified considerations of vulnerability, access to education, and health as vital in any assessment of a child's best interests.²¹

c. Article 6: states should ensure the survival and development of the child to the maximum extent possible. CommCRC expects 'development' to be interpreted as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development.²²

13 Vienna Declaration and Programme of Action, 1993; Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997; Committee on Economic Social and Cultural Rights, *General comment No. 3: The nature of States parties' obligations*, 1991 (by way of example);. For discussion see: Nolan, A., and Dutsckhe, M., 2010, 'Article 2(1) ICESCR and states parties' obligations: whither the budget?', *European Human Rights Law Review*, 280.

14 Ibid. See also: European Committee of Social Rights, *Conclusions 2009*, Vol. I, para.17. Children's enjoyment of economic, social and cultural rights is 'inextricably intertwined' with enjoyment of civil and political rights: Committee on the Rights of the Child, *General Comment No.5: General Measures of Implementation of the Convention on the Rights of the Child*, 2003, para.6.

15 International Covenant on Economic Social and Cultural Rights, article 2(1); European Social Charter, articles 3 and 12; Convention on the Rights of the Child, articles 2 and 12 and more generally article 4. Ibid n.13, Nolan and Dutsckhe.

16 Ibid n.13, Committee on Economic Social and Cultural Rights, and Nolan and Dutsckhe.

17 Ibid.

18 Cutting resources available for social support programmes will not necessarily amount to a violation of rights, but failure to ensure that a child is able to benefit from social security might amount to a rights violation, ibid n.2, Commissioner on Human Rights, part 2.2.

19 Ibid n.14, Committee on the Rights of the Child, para.12.

20 Ibid.

21 Ibid. See also: Committee on the Rights of the Child, *General Comment No.14, on the right of the child to have his or her best interests taken as a primary consideration*, 2013.

22 Ibid n.19.

d. Article 12 : a child should be able to express their views freely in all matters that affect them and to have their views taken into account and given due weight according to their age and maturity (Article 12).²³ This principle emphasises the role of the child as an active participant in the promotion, protection and monitoring of their rights, and requires adequate channels of communication as well as access to relevant information to facilitate understanding and meaningful participation.²⁴

8. The CRC stands alongside other international human rights instruments from which children are entitled to benefit. At a European level there are additional protections. Children in CoE member States are also entitled to benefit from the European Convention on Human Rights and Fundamental Freedoms.²⁵ In addition, the Council of Europe has given discrete recognition to children's interests in the European Social Charter and has introduced additional guarantees against particular risks, such as sexual abuse.²⁶ The CoE *Strategy for the Rights of the Child 2012-15*²⁷ is a 'catalyst' to implementation of children's rights as guaranteed by the CRC, consistent with the Council of Europe programme *Building a Europe for and with children*.²⁸ The European Union has also adopted an approach that seeks to integrate the CRC into its policy, programmes and action.²⁹

1.3 Children's rights and multilevel governance

9. Multilevel governance is a feature of many CoE member States, although the approach to decentralisation of State power varies. Human rights obligations are as much a part of the law and policy-making framework for local and regional governments as they are for central governments.³⁰ This is significant as local and regional authorities play an important role in the everyday lives of children. Local and regional government is often given responsibility for legislation, policy, programming and implementation in areas directly and indirectly affecting the lives of children such as education, housing, social services, health, transport, environment, and leisure.³¹ Whilst the role of decentralised government is important, CommCRC has emphasised that decentralisation of responsibility for children's policy does not reduce the duty of the State Party to meet its CRC obligations. This includes ensuring that relevant authorities have the resources to discharge their responsibilities towards children.³²

10. The introduction of austerity measures has reduced the capacity of many central governments to maintain human rights protections. It is also an abdication of responsibility by central government to support decentralised authorities to implement their CRC obligations. Local and regional authorities in CoE member States have been subject to cuts in financial support from many central governments. As a consequence local and regional authorities face severe constraints and have been required to make cuts at a time of increasing demand for public services.³³ The situation is often made worse as the capacity of the non-governmental sector – an essential service provider and partner to local and regional authorities – has been adversely affected by cuts in public spending.³⁴

II. AUSTERITY MEASURES AND CHILDREN'S RIGHTS

11. The impact of austerity measures for children across Europe is varied and wide-ranging and will differ by state, and by local and regional authority. The prolonged economic crisis and continuance of austerity measures in Europe have had an impact in many key areas of provision affecting children, including social security, education and health-care.³⁵ Labour reforms in many states have led to a reduction in income for many households through lower wages or unemployment, contributing to an increase in poverty and child

23 Ibid n.19; Committee on the Rights of the Child, *General Comment No.12, The Right of the Child to be Heard*, 2009.

24 Ibid. See also: *European Convention on the exercise of children's rights 1996*, Preamble.

25 Article 1: the obligation on states to secure rights for all within their jurisdiction. This applies equally to children.

26 *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (the Lanzarote Convention): < http://www.coe.int/t/dghl/standardsetting/children/default_en.asp > (accessed 21st May 2015).

27 < http://www.coe.int/t/dg3/children/strategyconferencemonaco/Strategy151111_en.pdf > (accessed 21st May 2015).

28 < <http://www.coe.int/t/dg3/children/> > (accessed 21st May 2015).

29 For information on the EU and rights of the child see:

< http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm > (accessed 21st May 2015).

30 Often expressly provided in the foundational instruments establishing regional autonomy: Williams, J., 'Multi-level Governance and CRC Implementation', in Invernizzi, A., and Williams, J. (Eds.), *The Human Rights of Children: From Visions to Implementation* (2011), pp.239-262.

31 Ibid, and *ibid* n.10, Fataliyeva.

32 Ibid n.14, Committee on the Rights of the Child, paras. 40 and 41.

33 Parliamentary Assembly of the Council of Europe, *The impact of the economic crisis on local and regional authorities in Europe* (Doc. 12944, 1st June 2012).

34 Ibid, n.2, Commissioner for Human Rights, p.26.

35 Ibid n.2.

poverty.³⁶ This part discusses, in general terms, significant impacts affecting children's rights arising from austerity measures to which local and regional authorities in all Council of Europe member States should pay particular attention. The discussion is divided into discrete sections for presentation purposes. In reality, the results of this impact are likely to be overlapping and concurrent, producing a compound adverse impact for children.

2.1 Increased risk of rights violation

12. When social protection systems are undermined the most vulnerable social groups are worst affected as historical patterns of discrimination and disadvantage are reinforced. Children are amongst those most at risk of suffering adverse impact, especially if they are members of an already marginalised social group.³⁷ As austerity measures threaten the capacity of local and regional authorities to undertake welfare support programmes, children are amongst the first to suffer the consequences. Children's rights to protection and to be provided with services or resources that meet their needs are put in jeopardy. Limitations on the resources available to local and regional authorities to support services directly or indirectly benefitting children as austerity bites means that children's civil, economic, social and cultural rights have been given lower priority in programme decision-making and budgetary allocation processes.³⁸ Children's marginalisation and exclusion from decision-making processes and their near invisibility in political arrangements for accountability mean they are less likely to be in a position to challenge the low (or lowering of) priority given to their interests, and will not be properly empowered to argue against the violation of their rights using judicial mechanisms.³⁹

13. The vulnerability of children to violation of their rights as a consequence of austerity measures is made worse by structural inequalities affecting families, especially in households where women are the primary carers, or in lone-parent households – the majority of which comprise women and their children.⁴⁰ Reductions in financial support for childcare to facilitate women's engagement in the employment market have made the situation worse. Women are increasingly denied access to the labour market.⁴¹ As a result women's standard of living has decreased and their risk of poverty has increased, inevitably leading to a reduction in the standard of living of their dependent children.⁴²

2.2 Child poverty

14. Child poverty is amongst the most insidious, pervasive and enduring of all consequences of economic crisis: a 'sad reality' for many children in Europe.⁴³ The incidence of child poverty in Europe has increased during the economic crisis.⁴⁴ The results of the negative impact of child poverty are well known and include: poor health, lower levels of participation (generally in society and in education), poor educational outcomes, lower levels of confidence and self-esteem, higher levels of exploitation and abuse, and poor social integration, as well as increased stress.⁴⁵ As noted above, public spending cuts in many Council of Europe member States have adversely affected access to welfare support services that are essential to avoid or mitigate the negative impact on the well-being of children of living in poverty.⁴⁶

15. It is obvious that a child's right to an adequate standard of living and to benefit from social security (article 27 and 26, CRC) are undermined by cuts in social insurance and welfare assistance programmes. This is compounded at the sharp-end of service delivery as austerity measures have reduced the capacity of

36 Ibid n.2, Commissioner for Human Rights, p.16, ENNOC, especially the contribution by Tess Ridge and Dominic Richardson; World of Work Report, *Repairing the economic and social fabric: European Union Snapshot*, 2013.

37 Ibid n.2. See also: *Report of the UN Independent Expert on extreme poverty and human rights*, Magdalena Sepúlveda Carmona, 10th Special Session of the Human Rights Council, 17 March 2011, A/HRC/17/34.

38 Ibid n.2.

39 United Nations High Commissioner for Human Rights, *Access to Justice for Children* (16th December 2013, UN Human Rights Council 25th Session).

40 Ibid n.2, especially: Commissioner for Human Rights, p.23; Save the Children, *Child poverty and social exclusion in Europe, a matter of children's rights* (StC, Brussels, 2014). See also: European Women's Lobby, *The Price of Austerity, the impact on women's rights and gender equality in Europe*, 2012.

41 Ibid n.2, Commissioner for Human Rights, p.23.

42 UN High Commissioner for Human Rights, *Report on the impact of austerity measures on economic and social rights*, 2013; *ibid*, n.40, European Women's Lobby.

43 This report does not discuss the measurement or definition of child poverty. For relevant discussion see *ibid* n.10, Fataliyeva, Part 2, and accompanying references. For an account of child poverty prevalence rates in Europe, including country specific discussion, see: Fataliyeva, p.6 and Part 3.

44 Ibid n.2, especially ENNOC Ridge and Richardson, and UNICEF, p.2.

45 Ibid, n.10, Fataliyeva, p.10; *ibid* n.2, ENNOC especially Ridge at pp.15-16, and Save the Children.

46 Ibid n.2, especially ENNOC.

many social protection institutions to offset the impact of state-led austerity measures.⁴⁷ The impact of poverty and weakened public services on other CRC rights, including the right to development, non-discrimination and participation is significant, and on-going. Increasing child poverty in Europe has had a negative impact on key services (see below), but also on caregivers' access to support such as childcare, which is a vital contribution to enable parents to escape cycles of poverty and deprivation.⁴⁸ The right to an adequate standard of living, including housing, is compromised as householders default on housing payments leading to eviction, often because of unemployment.⁴⁹ Homelessness is on the increase among young people.⁵⁰

16. The child's right to nutrition and clothing is put in jeopardy as household incomes are reduced to a level insufficient to obtain minimum essential levels of both. Food and clothing insecurity is a feature in many European states and families are increasingly reliant on food banks to overcome abdication of responsibility by the state to maintain adequate levels of income.⁵¹ Children's right to play, recreation and leisure is under threat from poverty as institutional support for these activities has been withdrawn or reduced in many Council of Europe member States.⁵²

2.3 Discrimination and inequality

17. As noted above the poorest and most vulnerable children suffer disproportionately as a result of austerity measures, increasing the risk of violation of their rights. Disabled children, those living in families where there is significant unemployment, or children belonging to migrant, lone-parent or large households are all overrepresented amongst those living in poverty and severe poverty.⁵³ Children suffer such significant adverse effects as a result of austerity measures. Disproportionality visited on children who also have to endure the consequences of societal inequalities. Although in some states attempts have been made to protect social groups who are otherwise the casualties of structural and historical inequality and discrimination, in many instances safeguards intended to mitigate the impact of austerity measures have been more effective for the older population than for the young.⁵⁴ Children have been affected by the recession more than other vulnerable groups.⁵⁵ Inequalities affecting access to health and social services for children in vulnerable situations, such as Roma children, as well as other migrant children, have been exacerbated.⁵⁶ For many children the negative discriminatory impact of austerity measures will have long-term impact as they continue to experience the consequences for life: reinforced and compound cycles of inequality, discrimination and disadvantage.⁵⁷

2.4 Threats to essential services

18. Many statutory services have suffered cutbacks as a result of the economic crisis reducing access for children as well as the quality and range of services available, especially for children in situations of increased vulnerability. For example: disabled children, children of migrant populations, children living in poverty, or hard to reach children.⁵⁸ Austerity measures have undermined public services in education and health which are both highlighted by CommCRC as vital if proper recognition is to be given to a child's best interest.⁵⁹ Cuts to education budgets have been severely affected all aspects of education, curricular and extra-curricular, undermining children's education rights but also affecting the child's right to development.⁶⁰

19. In many Council of Europe member States healthcare systems have been adversely affected by austerity measures. Access to essential health and social services has worsened, including for children.⁶¹ Cuts in

47 Ibid n.2. See also: International Social Security Association, *Coping with the crisis: Managing social security in uncertain times*, ISSA Crisis Monitor Project, 2012.

48 Ibid n.2, Save the Children, p.V.

49 Rights by virtue of, for example: article 27 CRC; article 11 International Covenant on Economic Social and Cultural Rights. See: Commissioner for Human Rights, *Recommendation of the Commissioner's for Human Rights on the implementation of the right to housing* (CommDH, 2009), 5. The crisis has been identified as a key driver of a growth in homelessness in Greece, Ireland, Italy, Portugal, Spain and the UK: *ibid* n.2, Commissioner for Human Rights, p.19, UNICEF and CARITAS.

50 FEANTSA, *On the Way Home? Monitoring Report on Homelessness and Homeless Policies in Europe*, 2012.

51 Ibid n.2, see e.g. ENNOC, Ruxton, p.12. For a recent example: < <http://www.bbc.co.uk/news/uk-wales-30446033> > (accessed 21st May 2015).

52 Ibid n.2, Save the Children, p.V.

53 Ibid n.2, ENNOC, UNICEF.

54 Ibid n.2, UNICEF and Save the Children.

55 Ibid n.2.

56 Ibid n.2.

57 Ibid n.2.

58 Ibid n.2, especially ENNOC Richardson, and Ruxton, p.4 and p.11.

59 Ibid n.21.

60 Ibid n.2, p.1. Office of ECD, *Education at a Glance, 2013: OECD Indicators*, 2013, p. 186, Box B2.1. Ibid n.10, Fataliyeva, p.11.

61 Ibid n.2, Ruxton, p.12.

health-related spending have affected children's rights to enjoy the highest attainable standard of health.⁶² Weakened mental health, substance abuse and suicide, including amongst children, have been linked with austerity measures.⁶³

20. Cuts in essential public services that affect many children may be seen as particularly problematic for children in alternative care, separated children, or young people in detention, all of whom are highly dependent on social services. These groups are likely to suffer particular hardship where the capacity of local and regional authorities to deliver quality services is affected by austerity measures.⁶⁴

2.5 Risk of exploitation and abuse

21. The situation in which many families find themselves as a result of austerity measures heightens the risk of child exploitation. As child poverty deepens, the risk that children will be forced into the labour market in order to supplement household income increases.⁶⁵ Labour exploitation, including child labour, has increased as the economic crisis has seen the withdrawal of labour protection in many states coupled with the fact that public authorities now have a reduced capacity to conduct labour inspections.⁶⁶ Working age children, who are most likely to need protection of structural requirements such as a minimum wage, are conversely afforded fewer protections, and are more likely to be exploited.

22. Household unemployment and poverty increases the risk of child labour exploitation but also has other consequences potentially harmful to the child. Economic crisis and the impact of austerity measures increase the incidence of family stress, parental separation and sometimes child abandonment. Reductions in the availability of services aimed at supporting families through crisis or protecting children from the consequences of household stress means that children are now more likely to suffer as a result.⁶⁷ There is also a greater risk that a child will suffer abuse as cuts are made to public services. The risk of a child being left without protection has increased as many public authorities are unable to maintain adequate levels of child protection services.⁶⁸ Cutbacks mean that relevant protection institutions have limited capacity to intervene early in order to prevent child abuse.⁶⁹

2.6 Silencing

23. Children are distanced from political decision making and face considerable obstacles to making themselves heard and to participation in the political domain.⁷⁰ As casualties of multiple discrimination, children are especially at risk of being silenced and excluded from decision-making processes that affect their lives.⁷¹ In Europe generally, attention to children's participation appears to have been given lower priority as attention has turned to the economic issues and austerity. Participation is no longer a public spending and social priority. This has led to dismantling or breakdown of participation structures, and silencing of children's voice in the public domain.⁷² An aspect of silencing of children's voice is the compounding of already weak systems of redress via the legal system. Austerity measures have threatened access to justice by reducing 'legal-aid' support for litigants in many states, which compounds access to justice issues facing children, especially those living in poverty.⁷³ Moreover, civil society organisations withdrew their support to the defence of children's rights, contributing to threatening their right to be heard.

62 Article 24 CRC.

63 World Health Organisation, *Impact of economic crises on mental health*, 2011, p.11; WHO, *European Health Report 2012*, 2012, p.30.

64 Report on 'Growing with children's rights, a conference on the implementation of the Council of Europe Strategy for the Rights of the Child 2-12-2015, Dubrovnik, Croatia, 27-28 March 2014, para. 20 and 39.

65 Ibid n.2, Commissioner for Human Rights, p.18.

66 Ibid, pp.17-18.

67 World Health Organisation, *Impact of economic crises on mental health*, 2011; *ibid*, n.2., Ruxton.

68 Ibid n.64.

69 Ibid.

70 Ibid n.23, Committee on the Rights of the Child; UNICEF, 1992, *Children's Participation: From Tokenism to Citizenship*, Innocenti Research Centre, Florence.

71 Ibid n.2, Commissioner for Human Rights, p.22.

72 Ibid n.2, Ruxton.

73 CEPEJ, *Evaluation of European Judicial Systems*, 2012; *ibid*, n.2, Commissioner for Human Rights, p.21; FRA, European Agency for Fundamental Rights, *Access to Justice: An Overview of Challenges and Opportunities*, 2011.

2.7 Intergenerational impact

24. Rights violations related to austerity can have long-term effects. Children exposed to poverty and malnutrition may suffer from stunted physical growth and lasting social and health effects into adulthood.⁷⁴ Poor educational attainment associated with poverty is likely to limit their potential as human beings in society. 'Children are given only one opportunity [for] personal development; if this is lost, the consequences could last their entire lifetime.'⁷⁵

25. The rate of young people not in employment, education or training has increased across the Council of Europe regions.⁷⁶ For many children the opportunities open to them to escape poverty through employment as adults have decreased.⁷⁷ Where children grow up in poverty this can irreversibly affect their life chances. Unemployment among adolescents and young adults is a significant long-term effect of the recession.⁷⁸ As is the case globally, Europe risks a 'lost generation' of young adults with worrying consequences for intergenerational solidarity and social cohesion.⁷⁹

III. CHAMPIONING CHILDREN'S RIGHTS

26. The consequences of austerity measures for local and regional authorities depend on a multiplicity of factors which include, the extent and depth of the recession in a particular State, the type of austerity measures introduced, and the arrangements for multilevel governance prevailing in the country concerned. Variation in the nature of multilevel governance across Council of Europe member States means that the capacity for policy and programme action at local and regional level will differ. This part of the report discusses action that local and regional authorities might undertake to champion and promote children's rights. Although, as in the preceding parts the discussion is divided into discrete sections, in reality local and regional authorities should adopt a holistic approach in order to tackle the complex and overlapping problems brought about by the economic crisis and austerity measures. The discussion, in particular the recommendations, should be seen as applying simultaneously with the intention of a comprehensive approach to securing children's rights.

3.1 Institutionalise a children's rights approach

27. Local and regional authorities should take legal and/or administrative steps to institutionalise and embed a holistic children's rights approach to the exercise of all their functions. The concept of a child rights approach is too broad to be fully explored in this section. However, in general terms it is an approach that focuses on children as rights-holders and the range of rights to which they are entitled. It places the CRC at the core of policy and programme decision making and implementation and embeds children's rights as an 'integral dimension' of the functions of government, including local and regional government.⁸⁰

28. Local and regional authorities should ensure that a child rights approach extends to budget allocation and to processes of legislation, policy and programming, including implementation, monitoring and review. Officials or others responsible in these areas should be fully aware of children's rights and should have a proper understanding of the nature and implications of children's rights for the area of work with which they are concerned. Those responsible should pay attention to how best to give better effect to children's rights through their work and that of the authority, especially in relation to children's services, and should give proper consideration to children's quality of life and the opportunities provided to them, paying particular attention to children in situations of increased vulnerability (including the immediate and long-term impacts of poverty, disadvantage and social exclusion).⁸¹

29. A child rights approach demands that responsible decision-makers anticipate the impact on children's rights of proposed legislation, policy or action in order to highlight potential regressive impact and/or violation of rights, focusing their mind on the need to consider possibilities that remove, minimise or mitigate such

74 Ibid n.2., Save the Children.

75 Leonardo Menchini, 'Children at the bottom of the well-being scale and at risk of exclusion', *ibid* n.2 ENNOG, pp.11-13, at p.13.

76 International Labour Organisation, *Global Employment trends for youth 2013 – a generation at risk*, 2013; Parliamentary Assembly of the Council of Europe, Resolution 1885, *The young generation sacrificed: social, economic and political implications of the financial crisis*, 26 June 2012.

77 Ibid n.2, Save the Children, p.V, and UNICEF.

78 Ibid n.2, Ruxton, p.3.

79 Ibid n.75, PACE; World Economic Forum, *Global Risks 2014*, 9th Edition, 2014.

80 Tobin, J., 'Understanding a Human Rights Based Approach to Matters Involving Children: Conceptual Foundations and Strategic Considerations', in Invernizzi, A., and Williams, J. (Eds.), *The Human Rights of Children: From Visions to Implementation*, pp.61-98 and p.66.

81 Ibid n.2, Ruxton, p.5.

threats. Although there are different formulations of a child rights approach, the foundation of any systematic embedding of children's rights as an aspect of relevant decision-making processes is the consideration given to the CRC and other instruments that grant children rights.⁸² Equally foundational is the requirement to take account of the guiding principles for children's rights noted above: best interests, non-discrimination, participation, and survival and development. This demands that the processes and practices of local and regional authorities that support or inform decision making or implementation should draw attention to children's rights, with appropriate safeguards to ensure that relevant decision-makers are required to adopt and demonstrate a child rights approach.

30. Local and regional authorities will have a range of powers to implement a child rights approach as a formal structural requirement of decision-making processes. Institutionalising a child rights approach requires high-level leadership to secure a formal binding commitment to children's rights as a priority in the exercise of functions, and to ensure compliance. This means ensuring that mechanisms are in place to identify and highlight children's rights that are or may be affected by decisions or actions under consideration, and requiring decisions and actions to be fully rationalised and justified taking account of their predicted impact on children's rights. Whilst how this achieved will vary according to the powers available to different local and regional authorities, the following should be considered as minimum requirements for action:

a. where devolution arrangements and/or powers permit, legislation should be introduced requiring relevant decision makers (regional ministers or parliaments, officials, local elected representatives) to adopt a children's rights approach in the exercise of their functions;

b. where legislation is not an option, the authority should adopt formal undertakings requiring a child rights approach to the exercise of the authority's functions. This might take the form of: statutes, ordinances, standing procedures, charter or pledge;

c. local and regional authorities should develop and embed mandatory processes to support a child rights approach in their activities (see below: 'Support and facilitate participation'; 'Undertake child rights impact assessment'; 'Acquire and disseminate comprehensive data'; 'Undertake children's budgeting'; and, 'Provide training and raise awareness of children's rights').

3.2 Support and facilitate participation

31. Local and regional authorities should ensure effective participation by children or their representatives in decision-making processes that affect children's lives.⁸³ Participation is a broad concept impossible to discuss in the space allowed.⁸⁴ However, local and regional authorities should be aware of the need to ensure children's views and children's opinions are properly taken into account when exercising their various functions and fully cognisant of available guidance and toolkits.⁸⁵ Children should be provided with opportunities to put forward their opinions and to be listened to, and should be fully supported (through resources, information etc) and facilitated by processes, venue and space to make a contribution. Equally important is that children should have genuine opportunities to influence decisions and action.⁸⁶ It is essential that barriers to the involvement of children, who are vulnerable to being excluded from relevant participation mechanisms, are identified and removed. At times of austerity, local and regional authorities should make particular efforts to maintain or introduce mechanisms and structures that support and facilitate participation. Although these will differ depending on context, local and regional authorities should at the very least:

a. introduce or maintain opportunities for consultation with children or their representatives including by supporting or establishing forums/councils, children's parliaments, meetings or networks, or other structures that allow space for children to express their views;⁸⁷

82 Ibid n.79, p.71.

83 Children's participation in policy decision-making ultimately results in better policies: < <http://www.scotland.gov.uk/Publications/2012/06/1592/4> > (accessed 21st May 2015).

See also: ibid n.12, Hainswoth.

84 For discussion see: UNICEF, *Children's Participation: From Tokenism to Citizenship*, Innocenti Research Centre, Florence, 1992; CoE, *Building a Europe for and with children*, Child participation assessment tool:

< http://www.coe.int/t/dg3/children/participation/Newdefault_en.asp > (accessed 21st May 2015).

85 For example, Council of Europe, *Child Participation Assessment Tool*:

< http://www.coe.int/t/dg3/children/participation/Child_participation_AssessmentTool_en.pdf > (accessed 21st May 2015).

86 Lundy, L., 'Voice is not enough: conceptualising Article 12 of the UNCRC', *British Educational Research Journal*, 33/6, 927-42 (2007).

87 Ibid n.84, CoE indicator 8.

b. prioritise budgeting to support participation;⁸⁸

c. embed consultation with children as an aspect of decision-making processes,⁸⁹ ensuring that consultation is timely and takes place sufficiently early in any process so that children's views may be properly taken into account;

d. promote awareness of structures for participation, in particular by providing children and their representatives with relevant information, including information on what structures exist, how to become involved in decision making, and, how representatives are elected (if relevant);⁹⁰

e. ensure that training on participation is embedded as an aspect of training for employees; in particular those employees engaged in areas of work that directly affect the lives of children;⁹¹

f. provide children or their representatives with timely access to information to facilitate participation, including about policies or programmes, budgets, finances and resources, and social indicator data. This information should be readily available to children and other relevant stakeholders, including in a form that enables proper understanding.⁹²

3.3 Deliver child-friendly services

32. Child-friendly services should be responsive to the needs of children taking account of factors which include age, gender, religious and cultural background, family circumstance, health, disability, and environment.⁹³ They should be designed with the active participation of children and should be accessible to all children equally. Where services are not planned and delivered in a way that is child-friendly, there is an increased risk that children will not receive appropriate services and will therefore be denied relevant rights (health, social services, housing etc.).⁹⁴ As well as mitigating the risk of disconnection between rights and services, the promotion of child-friendly services is likely to deliver better planning as well as better well-being outcomes for children.⁹⁵

33. Implementing child-friendly services requires determined action by local and regional authorities. Overlooking the benefits of child-friendly services - especially in areas such as education, health and social services - is likely to result in inefficiency and increased costs as services fail to meet the needs of the children.⁹⁶ Local and regional authorities should take steps to ensure that services are delivered in a manner that treats children with sensitivity, fairness and respect and which pays attention to their personal situation, well-being and specific needs with full respect for their physical and psychological integrity.⁹⁷ Decisions on child-friendly services, on their objectives and on the services provided should be explained to children with an adequate degree of maturity.

34. Local and regional authorities are more likely to be in a position to implement child-friendly services if they adopt a child rights approach to service planning, including by ensuring children's participation in planning processes and embedding the principles of children's rights (non-discrimination, best interest, survival and development, participation) as principles of service planning and delivery.⁹⁸

3.4 Promote equality and protect disadvantaged groups

35. In times of austerity, it is particularly important to avoid discrimination and inequality with regard to the access of children and families to appropriate services, including protection services. Local and regional authorities should recognise the risk of compound discrimination and disadvantage, including by ensuring individual awareness through appropriate training (see below). Targeted quality public services are especially important for disadvantaged children. Local and regional authorities should make use of appropriate indicators to facilitate assessment of availability and service quality to all children, with particular

88 Ibid n.84, CoE indicator 2.

89 Ibid n.84, CoE indicator 7

90 Ibid n.84, CoE indicator 8.

91 Ibid, n.84, CoE indicator 6.

92 Ibid, n.84, CoE indicator 7.

93 Ibid n.64, para.16

94 Ibid. See also: ibid n.2, ENNOC especially Hainsworth.

95 Ibid, and Council of Europe, *Guidelines on child-friendly health care*, adopted by the Committee of Ministers on 21 September 2011.

96 Ibid n.64, para.17.

97 Ibid n.94; Council of Europe, *Guidelines of the Committee of Ministers on Child Friendly Justice*, adopted by the Committee of Ministers on 17 November 2010.

98 Ibid.

focus on disadvantaged or hard-to-reach groups.⁹⁹ This is a key step to ensure not only optimal arrangement but also to avoid discrimination.

36. The impact and effectiveness of services need to be fully considered, especially at times of austerity where maximisation of limited resources is vital. To this end full use should be made of equality impact assessment and child rights impact assessment (below) in order to gauge the risk of discrimination and to highlight the need, as well as the opportunities, to address discriminatory impacts. Local and regional authorities should take action to combat discrimination and discriminatory practices when identified focusing on arrangements for service delivery, intended and actual beneficiaries, and the need for substantive equality in the enjoyment of rights.¹⁰⁰ An aspect of taking action is to ensure that available resources are allocated on a non-discriminatory basis.¹⁰¹ This will need to be fully considered in budgetary allocation processes.

3.5 Tackle the impacts of child poverty

37. The position of local and regional authorities may not permit the introduction of policies that reverse austerity measures. However, local and regional authorities play a major role in the arrangement and delivery of services. In this context the crippling effects of poverty need to be fully recognised as an aspect of planning and local and regional level.¹⁰² Recognition of the possibility of discrimination and/or compound impacts means that maintaining quality services for disadvantaged groups may need to take priority over the availability of services more generally.¹⁰³

38. Tackling the impacts of child poverty requires targeting resources to ensure children living in poverty have access to quality services.¹⁰⁴ Possible violation of the rights to adequate health, education, housing and social services should be seen as a primary focus of anti-poverty interventions. Such interventions should be aimed at ensuring that children living in poverty are prioritised when decisions are made about allocation of resources, especially in the allocation of resources in budgets.¹⁰⁵ Local and regional authorities should devise and publicise a comprehensive strategy best suited to addressing the impacts of child poverty in their area making use of available guidance and toolkits on tackling child poverty. Whilst responses will vary, there is no reason by local and regional authorities should not take action to:

a. ensure that the objective of tackling child poverty is integrated across all functions and is mainstreamed into planning and delivery processes adopting a comprehensive holistic approach;¹⁰⁶

b. recognise the need to maintain universal services in order to guarantee that all children receive quality essential services whilst simultaneously seeking to identify the need for special provision and targeted approaches to ensure that those most in need receive, or continue to receive quality provision, especially in relation to services having a significant immediate or long-term impact on the best interests of children and children's development and survival, including health, education and housing;¹⁰⁷

c. recognise the value of early intervention and prevention to tackle the effects of child poverty and prioritise early intervention in service planning and budget allocation;¹⁰⁸

d. ensure that children are able to participate in processes of planning for services intended to meet their needs arising from poverty;¹⁰⁹

99 UNICEF Innocenti Research Centre, *Child well-being in rich countries. A comparative overview Card 11* (2013).

100 CommCRC, on ensuring equality in times of economic crisis: *Concluding Observations, Greece*, 13 August 2012, CRC/C/GRC/2-3.

101 This is an aspect of child-friendly services: *ibid*, n.95.

102 *Ibid* n.2, ENNOC, especially Ridge. See also: Social Protection Committee, *Advisory Report to the European Commission on Tackling and Preventing Child Poverty, Prompting Child Well-being*, 2012.

103 *Ibid* n.10, Ruxton.

104 European Commission, Commission Recommendation, *Investing in children: breaking the cycle of disadvantage*, Commission Recommendation of 20 February 2013, C (2013) 778 final.

105 *Ibid* n.102. Demand for services should be seen as indicative of particular need and should send a message about resource prioritisation toward maintaining these services, for example, debt advisory services: Dubois H., *Household Debt Advisory Services in the European Union*, Eurofound, 2012: < <http://www.eurofound.europa.eu/pubdocs/2011/89/en/1/EF1189EN.pdf> > (accessed 21st May 2015).

106 *Ibid* n.2. Eurochild/EAPN, *Towards Children's Well-Being in Europe – Explainer on Child Poverty in the EU*, Brussels, 2013; Social Protection Committee, *Advisory Report to the European Commission on Tackling and Preventing Child Poverty, Prompting Child Well-being*, 2012.

107 *Ibid*, see in particular: Social Policy Committee.

108 *Ibid* n.106.

109 *Ibid* n.106.

e. ensure awareness of the increased risk of exploitation and abuse at times of austerity, and to increase knowledge and understanding of this problem among professionals working with children.¹¹⁰

3.6 Undertake children's rights impact assessment

39. The Council of Europe Commissioner for Human Rights has called on member States to conduct 'systematic human rights and equality impact assessments of social and economic policies and budgets'.¹¹¹ Impact assessment may be *ex ante* or *ex post facto*: both are essential to proper understanding of the impact of austerity measures on children. This section highlights *ex ante* child rights impact assessment as an essential tool to help decision-makers understand the consequences of intended legislation or policy, or any other decision or action affecting children. Properly executed child rights impact assessment will help local and regional authorities to avoid or mitigate the adverse effects of austerity measures and to provide protection for children's rights whenever possible. As with a child rights approach, there is no prescription for child rights impact assessment. By way of general commentary it may be said that effective child rights impact assessment includes:¹¹²

a. an initial screening process to identify proposals suitable for comprehensive impact assessment taking into account the possibility that proposals in areas seemingly unconnected or indirectly related to the lives of children may nonetheless have a significant impact;

b. consideration of evidence contributing to full appreciation and a proper understanding of the likely impact of any proposal on children and children's rights. (It should be kept in mind that the evidence may be incomplete because of unsatisfactory data collection or difficulties accessing hard to reach groups. Where there are gaps in the evidence, steps should be taken to ensure acquisition of relevant data or information);

c. an analysis of impact based on an informed understanding of children's rights. (Local and regional authorities should make full use of expertise both internal and external to the authority to develop their own understanding of the implications and obligations of children's rights);¹¹³

d. meaningful participation by children or their representatives;

e. output in the form of reasoned conclusions on the impact of the proposal under consideration. (The impact assessment should clearly identify any negative impacts and as appropriate put forward recommendations that identify alternatives to protect or promote children's rights);

f. putting in place suitable arrangements for monitoring and assessing the validity of the assessment in the light of outcomes.

3.7 Acquire and disseminate comprehensive data

40. Understanding the impact of austerity measures on children's rights is only possible where there is adequate data.¹¹⁴ In addition to supporting local and regional authorities' understanding of the impact of austerity measures, comprehensive data and effective dissemination of information contribute to transparency and accountability, are vital to meaningful participation, and help ensure optimal service delivery – including through child rights impact assessment.¹¹⁵ Local and regional authorities should make efforts to maintain disaggregated data on a range of relevant social indicators in order to ensure that the discrete and combined effects of austerity measures – as well as initiatives to offset negative impacts – are captured.

41. Where social indicators are not established, local and regional authorities should develop relevant indicators and implement data collection. With regard to certain categories of children, such as those belonging to minorities (Roma children and others) or hard-to-reach groups, particular efforts will be required to ensure that data collection is truly reflective of their situation, including any discrimination they face in

110 Ibid n.2., Ruxton. Gudbrandson, B., Report for the CoE Current Affairs Committee, '*The 'One in Five' campaign: the regional dimension*', 2012.

111 Ibid n.2, Commissioner for Human Rights, Recommendations by the Commissioner.

112 Scotland's Commissioner for Children and Young People, *Children's Rights Impact Assessment: The SCCYP Model*, 2006.

113 As part of an 'interpretive community', for discussion see; *ibid* n.809.

114 *Ibid* n.2.

115 *Ibid* n.84 CoE, and n.112.

taking advantage of rights.¹¹⁶ Particular attention should be paid to social indicators relevant to ensuring children's well-being at times of austerity, including: health, education, housing and development.

3.8 Undertake children's budgeting

42. An implication of a child rights approach to the arrangement of services by local and regional authorities, especially to tackle the impact of poverty, is that resources need to be optimally prioritised in order to best meet the needs of children. Children's budgeting involves monitoring budgets to ensure as far as possible that expenditure supports the realisation of children's rights and the improvement of outcomes for the most disadvantaged children.¹¹⁷ In order to promote effective children's budgeting, transparency is imperative: spending on children should be visible and traceable in all budgets.¹¹⁸ The amount allocated and spent on children should be identified. Indicators to evaluate the contribution to the planning process of the amount allocated should be developed. This information should be made accessible so that relevant stakeholders are able to contribute to the process of budgetary allocation. Expenditure should be monitored and reported on to assess whether relevant expenditure is effective in achieving intended outcomes.

43. An aspect of children's budgeting should be to ensure minimum levels of provision in certain key areas. Health, education and social services are likely to be amongst the services identified for protection in budgets. However, local and regional authorities should engage with children and other stakeholders to determine the service areas that require protection and prioritisation in local and regional budgets, paying particular attention to the need to ensure protection against discrimination and exclusion for more vulnerable, disempowered or marginalised groups.¹¹⁹

3.9 Provide training and raise awareness of children's rights

44. The conduct of professionals working for local and regional authorities is a key factor contributing toward the championing and promotion of children's rights. Non-discrimination, openness and transparency, participation and accountability are key principles contributing to recognition of human rights and should provide a guide to the conduct not only of institutions but also to individuals in all aspects of service planning and delivery.¹²⁰ Awareness and understanding of children's rights is fundamental to a child rights approach; respect for children's rights is fundamental to the delivery of child-friendly services. In order to embed a child rights approach and to normalise child-friendly services, local and regional authorities should ensure that employees are trained to an appropriate level.

45. Training on children's rights need not be uniform but should be appropriate to the employee and to the work situation. Local and regional authorities should not assume that only some staff will require training but should recognise the benefits of appropriate training for all employees in order to embed an institutional culture of children's rights. Local and regional authorities should also identify certain employees or groups of employees in need of special training because of the likely impact of their area of work on children. As noted above, local and regional authorities should be especially aware of the increased risk of exploitation and abuse at times of austerity and steps should be taken to increase awareness of this problem among professionals working with children, including by providing relevant training.¹²¹

46. Awareness of rights is the first step toward developing a culture of respect for rights amongst professionals and the public. It is vital to children's capacity to exercise their rights that professionals with whom they come into contact are aware of their rights. Local and regional authorities should ensure that their staff understands the importance of children's rights and how the CRC applies to their work. Local and regional authorities are in a privileged position to be able to influence and educate others. With this in mind local and regional authorities should provide information, and wherever possible education opportunities, for communities and the public in order to raise awareness of children's rights. The underpinning motivation should be to promote children's rights to their fullest extent.

116 UNICEF Regional Office for the CEE/CIS: *Romani Children in South East Europe – The challenge of overcoming centuries of distrust and discrimination*, Social and Economy Policy for Children, Discussion Paper Issue 7 (March 2007).

117 Save the Children, *Children's Budgeting at Local Level*

<<http://www.childrensrightswales.org.uk/UserFiles/resources/Children's%20budgeting%20at%20the%20local%20level.pdf> > (accessed 21st May).

118 Ibid n.2, Save the Children.

119 Ibid.

120 Ibid n.37, paras. 25–28.

121 Ibid n.110 and n.64, para.19.

3.10 Engage with civil society and co-ordinate action

47. Civil society is a huge resource available to local and regional authorities. Often civil society organisations are more effective as agents of positive change in children's lives than public bodies.¹²² Local and regional authorities should strive to implement and maintain links, networks and other platforms for communication and collaboration with civil society organisations and to take advantage of the experience and expertise that resides in civil society organisation on children's rights and the situation of children, especially children in situations of increased vulnerability. Civil society will also be a key partner to verify the outcome of policy or programme decisions and an essential source of data contributing to child-friendly services, children's budgeting and monitoring. Local and regional authorities should support civil society to function in times of austerity.

48. Impact assessment and children's budgeting should take full account of any adverse consequences for children of reductions in funding or other withdrawal of support from civil society organisations engaged in service provision, including advocacy, especially where organisations work with vulnerable or hard-to-reach children.

49. Effective delivery of public services demands coordination at local and regional level. Local and regional authorities can act as a hub to identify and help coordinate the delivery of services in collaboration with civil society organisations, including by supporting intervention by multidisciplinary teams. Local and regional authorities should work with other actors in order to exchange information and to support actions implemented for children. They should also be in contact with other public authorities (e.g. the police) and civil society organisations to develop protocols aiming at exchanging sensitive information. Consultation involving children and their representatives should be part of the process. Local and regional authorities are best placed to disseminate information about the risk to children's rights brought about by austerity cuts, and to contribute to an increase in knowledge and understanding of the problem among professionals working with children.

3.11 Promote accountability

50. Local and regional authorities should be accountable for decisions and actions that affect the lives of children or their families. An aspect of accountability is transparency. Local and regional authorities should act with openness and transparency when taking decisions. Another aspect of accountability is ensuring that those who have a responsibility for children and children's rights are properly held to account. Accountability and redress is a function of the judicial system. However, children encounter significant problems using the legal system to protect their rights or to seek remedies.¹²³ Local and regional authorities should support organisations that provide advocacy services for children and should make information available on how to access such services.

51. Local and regional authorities should ensure that their employees are aware of relevant organisations, especially those who are likely to be approached directly by children or their representatives, and should take steps to give children access to appropriate advice and advocacy support. Local and regional authorities should also ensure administrative accountability by implementing or maintaining adequate complaint mechanisms and ensuring that these are publicised and made accessible to children as well as stakeholders. Authorities should also recognise the important role of regional human rights institutions such as the public services ombudsman or children's commissioner (as established at local or regional level). Local and regional authorities should cooperate fully with the work of these institutions, including by complying with any request for data or information on policy or programming, and by responding positively to recommendations.

IV. GOOD PRACTICE EXAMPLES FROM CITIES AND REGIONS

52. These examples provide some practical illustration of the action that may be taken by local and regional authorities to promote children's human rights, including in times of economic crisis and austerity measures.

¹²² Ibid n.64, para.46.

¹²³ Committee on the Rights of the Child, *General comment No. 2: The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child*, para. 5.

4.1 Catalonia, Spain¹²⁴

53. The economic and financial crisis has exacerbated the chronically high levels of child poverty in Spain. In Catalonia the budget for social policies has been reduced by 20% since the beginning of the crisis, whilst child poverty has increased to more than 25%. As a result, there has been a need to undertake an integrated approach to the development of children and family policies, reducing some universal benefits and introducing more targeted allowances, such as benefits to meet housing debts of large families or the needs of families with children identified as being at risk. A range of reforms have taken place with the aim of achieving an improved infrastructure for children's services planning, coordination, provision, monitoring and evaluation. For instance, the 'Pact for Children' is an agreement signed by all social, economic, civil, institutional and political stakeholders to promote comprehensive policies for children and young people. It consists of a Monitoring Committee made up of representatives appointed by the National Children's Board and representatives of the signatory organisations to assess its implementation with a focus on social inclusion, health and quality of life of children and adolescents. The National Children Board of Catalonia, together with the Territorial Children Boards and Local Children Boards, are collective bodies which enhance, coordinate, promote and foster public policies for children across Catalonia ensuring the participation of all governmental departments, the federations of municipalities, county councils with responsibility in children policies, and the Observatory of Children Rights.

4.2 Elbasan Municipality, Albania¹²⁵

54. The Elbasan Municipality has sought to safeguard access to essential services and to protect particularly vulnerable children through the formation and coordination of multidisciplinary 'technical' teams. Access to the services provided by these teams is via the case management function of a Child Protection Unit (CPU) which is responsible for identifying children at risk of harm or exclusion. The multidisciplinary team is established to meet the identified needs of vulnerable children, and to plan services and interventions with the needs of the child in mind. Children are involved in this planning process and are supported to contribute their needs and views. In addition to dealing with individual vulnerable children the multidisciplinary teams are also established to identify the needs of children in the municipality, especially the needs of vulnerable children. In this way they are benefiting the locality by contributing to the improvement of existing services for the children but will also act in an innovative way to introduce new services to meet the needs of children in the locality. For example, the multidisciplinary teams inspire working groups to organize awareness activities on child protection.

55. These activities are especially focused on raising awareness of issues facing vulnerable communities (such as Roma communities) based on the needs of the communities concerned. A number of awareness raising activities are arranged annually to promote children's rights. These include meetings and forums with vulnerable communities, as well as summer activities for children from these communities (in summer 2014 these activities involved approximately 600 children, among which were 120 Roma children). One example of an activity that took place is 'No Child in the street' (23 April 2015). This was in response to the exploitation of children as beggars and through forced labour. A big screen in the Elbasan city centre displayed the slogan 'Stop exploitation of children', and there was an exhibition and performances related to the topic. Volunteers handed-out leaflets to passers-by and placed posters around the town, including posters and leaflets with information about penalties for those who exploit children. The event led directly to identification of children who were begging and their families. These families were offered support and services to put an end to the child begging and to return their children to education (including medical visits, food packages, clothing etc, and some parents were supported with employment or small loans). The outcome has been a reduction in the number of children begging.

4.3 Flanders, Belgium¹²⁶

56. There are different approaches to children's rights incorporation in law and policy evident at regional levels in Belgium. The Flemish community appears to have a strong legal framework for children's rights. A system of child impact assessment was introduced in the Flemish Community in 1997. This requires all proposed legislation on matters that have a 'direct' impact on children to be assessed, and measures to

124 Taken from: European Social Network, *Investing in Children Services, Improving Outcomes*, report to Eurochild seminar, Children's Rights and the Global Economic Crisis, University of Southampton, November 2014.

125 Information provided by Nadire Kreka, Child Protection Coordinator, edited by the author.

126 Information taken from: Laura Lundy, Ursula Kilkelly, Bronagh Byrne and Jason Kang, *The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries*, (UNICEF, 2013); author's collection.

mitigate or avoid negative impacts to be identified (this was extended by decree in 2008 to include impact assessment on youth up to 25 years old). The assessment, known as JOKER, was evaluated in 2012.¹²⁷ Whilst the evaluation found resource issues and application (scope and timing) as imposing limitations on the effectiveness of JOKER, it also concluded that the assessment process has some influence (albeit limited) on legislative output. The development of a more integrated approach alongside Regulatory Impact Assessment holds out the possibility that children's rights will become more mainstreamed into the policy process of the Flemish government. Another development in Flanders is the introduction of a set of indicators to monitor the realisation of children's rights in the Flemish community. The use of indicators will help the Flemish government monitor the impact of its policies on children, and to gauge children's well-being – including in times of recession. JOKER ensures that at the level of law and regulation that have a direct impact on children, children's rights will be identified as a consideration. An aspect of JOKER is to identify the negative impact of legislative proposals on children's rights and the possible steps to be taken to mitigate such impact. Child rights indicators will contribute to the information used for impact assessment, helping to improve this process.

4.4 City of Niš, Serbia¹²⁸

57. The City of Niš has established a 'Local Action Plan for Children' (LAPC) through which it connects and coordinates all social partners in the local community and involves them in dealing with children's issues and solving the problems faced by children. The local plan is a contribution to local implementation of the Serbian National Action Plan for Children, as well as implementation of national policies for children. LAPC resulted from joint work between the Multispectral Council for development of the LAPC and teams of experts. Throughout the process there was active participation by children and their families. An aspect of the LAPC is that, despite the economic crisis, the City of Niš has not made any cuts in the budget allocations for financing the needs of children and youth. The LAPC underpins a number of projects to improve the lives of children in city of Niš. This has included tackling the problem of children working and living on the street by providing premises and allocating a budget to remove children from the street. The city of Niš has also identified problems facing Roma children, such as inadequate health care, education and housing. One of the goals of LPAC is faster integration and adequate inclusion of Roma children in the system of education and health care. Special attention is given to children from refugee families and children who have been returned to Serbia under the 'readmission program'. This work includes language lessons, support with education, and workshops to help refugee children integrate with local children. The city of Niš is the first city in Serbia that has adopted a Declaration on Human Trafficking, especially trafficking of children. A working group of representatives of relevant institutions has been established to help prevent trafficking and to detect perpetrators of the crime. In 2014 Niš adopted a pact on the prevention of sexual violence against children (along with other of cities and municipalities across the region), with clear guidelines and recommendations to tackle sexual violence against children. The city is in the process of setting up a safe phone 'SOS line' for children who suffer violence or have any other problem they wish to talk about. The city of Niš is also supporting parents to return to work by offering child care support. The support, provided via a child care centre, will not only allow parents to gain employment but will give children the opportunity to experience some independence and to get used to separation from their parents, to develop individual skills and to socialize through communication and interaction with other children.

4.5 Osnabrück, Germany¹²⁹

58. The district of Osnabrück has implemented a 'baby visiting service' under the management of the youth department of the Osnabrück district. The service guarantees that all parents of newborns (approximately 3000 per year) have the option to be visited at home by a baby visiting service. The visitor will explain all the support available for young families in the Osnabrück district as well as in the respective municipality/local authority. The service is operated out by the 21 municipalities/local authorities belonging to the district. All parents will also receive a bag with gifts, information materials and an education voucher. The visitors will facilitate further assistance and support where required. The baby visitor service is part of a wider 'Early help/support' service introduced by the Osnabrück district. All parents receive the same offer, and this includes parents in difficult life circumstances. This early contact makes it possible to facilitate further support where required. Within the context of Early Help, parents can receive support in regard to their parenting capacity and skills, especially in relation to bonding, education and relationship building. The service benefits families in difficult circumstances as access to further assistance is triggered at a low threshold, and is delivered at home. The universal service ensures that issues facing families in difficulty can be identified and

¹²⁷ Desmet, E., Op de Beeck, H. and Vandenhole, W., *Evaluation of the Child and Youth Impact Assessment (JoKER)*, Kenniscentrum Kinderrechten (KeKi), Ghent, 2012

¹²⁸ Information provided by: Dušica Davidović, Member of Niš City Assembly, edited by the author and approved by respondent.

¹²⁹ Information provided by Rainer Dieckmann, Head of Youth Services, Osnabrück, edited by the author.

interventions provided at an early stage to children who may be vulnerable to exclusion from essential services.

4.6 Wales and the City and County of Swansea, UK¹³⁰

59. In May 2012 the National Assembly for Wales enacted the Rights of Children and Young Persons (Wales) Measure 2011. The Measure is primary legislation that applies in Wales that obliges the Welsh Ministers (the Welsh government) to have 'due regard' to the CRC in everything they do. The Welsh Ministers have the power to introduce policy and to initiate legislation having a direct impact on children in areas such as health, education, social services transport and the environment. The City and County of Swansea followed this model in 2014 when it introduced a policy framework obliging the City's Cabinet (the lead policy-making body) to have due regard to the CRC when introducing council policy.

60. Both the Welsh Government and the City of Swansea have introduced a 'children's scheme' which sets out how they will comply with the obligation of due regard. Included in the schemes are Child Rights Impact Assessments (CRIA) that establish a process for assessing the impact of policy, and in the case of the Welsh Government, legislative proposals. Since enactment of the Measure in Wales the Welsh Government has established a team of officials responsible for promoting implementation of the due regard duty across all the functions of the Welsh Government. The Welsh Government has also required all officials to undergo training on the CRC. This has resulted in a stronger focus on children's rights in policy and law-making processes. Whilst the impact of the Measure is not yet fully understood, it has drawn attention to the particular needs of children in specific policy areas where austerity is having an impact.

61. The Welsh Government has recently reviewed its plan to tackle child poverty. This has included a specific focus on child rights issues, including general principles, identification and targeting of services to the benefit of specific vulnerable groups at risk of multiple disadvantage, and more explicit links to other policies which might benefit children from social groups facing discrimination. The Measure has had an impact on other legislation, for example, the recently introduced Social Services and Wellbeing (Wales) Act 2014 requires persons exercising functions under the Act to have due regard to the CRC. By virtue of the 2014 Act the 22 local authorities in Wales will be required to have 'due regard' to the CRC when exercising their social services functions. This will ensure a rights-based approach to dealing with children from vulnerable families who will require the input of social services. The City and County of Swansea has also taken the step of requiring a 'due regard' approach to all its policy-making functions. An aspect of this approach is CRIA, and in the case of Swansea this includes establishing participation structures to enable children to have a voice in decision-making processes that affect their lives. Once again, it is too early to determine the impact of Swansea's approach on outcomes, but it is apparent that the introduction of a binding duty on the City's leading policy-making forum has resulted in a greater visibility and consideration of children's rights in policy-making processes.

V. CONCLUSIONS

62. In order to champion and promote children's rights at times of austerity, there is a series of legislative and/or administrative steps that local and regional authorities (within their capacity) are encouraged to take. These include the following:

a. Institutionalise and embed a children's rights approach to the exercise of all their functions. A children's rights approach should be signalled at the highest level of local or regional government. Local and regional authorities should consider how best to formally implement a child rights approach to the exercise of all their functions and should adopt an appropriate mechanism. Once adopted, positive steps should be taken to embed a child rights approach to the exercise of all functions.

b. Support and facilitate participation. Local and regional authorities should support structures and mechanisms for children's participation in decisions that affect their lives, including decisions on services. Steps should be taken to ensure that all children are able to participate and that opportunities are provided for children to express their opinions and to be listened to. Children should be provided with information to enable them to make an informed contribution to policy decision-making. Local and regional authorities should ensure that children's views are properly taken into account and that they have real opportunity to influence decisions.

¹³⁰ Information taken from author's own records and research.

c. Ensure access to and protect quality child-friendly services, especially for children from disadvantaged or marginalised social groups. Local and regional authorities should take positive steps to ensure that services intended to benefit children meet the needs of children. Children should be supported to meaningfully participate in service planning processes and service monitoring. Authorities should be conscious of the increased risk that children from disadvantaged or marginalised groups may have difficulty accessing, or may be excluded from services. Authorities should take action to ensure access to quality services for all children.

d. Recognise and tackle the impacts of child poverty. Local and regional authorities should recognise the pervasive and crippling impacts of poverty and child poverty. Mechanisms should be established to identify children or groups of children at risk of disadvantage and exclusion by reason of poverty. Authorities should prepare and adopt a comprehensive strategy addressing the impacts of child poverty, making every effort to maintain services that benefit children living in poverty. Early intervention should be seen as a priority. Where appropriate, services should be targeted at children who are living in poverty and consideration should be given to optimal use of resources and budget allocation to benefit children who are disadvantaged by poverty.

e. Implement a systematic approach to comprehensive data collection and dissemination. In order to ensure proper understanding of the impact of austerity measures on children, including those living in poverty, local and regional authorities should undertake comprehensive disaggregated data collection paying particular attention to the need for data on children in situations of increased vulnerability, where necessary introducing new social indicators. They should ensure dissemination of data to stakeholders, including children, in a form which is understandable to them.

f. Promote non-discrimination and equality in all aspects of service planning and implementation. Local and regional authorities should make use of appropriate indicators and impact assessment tools to identify children at risk of discrimination or exclusion. Priority should be given to action to tackle discrimination and to mitigating the impacts of structural discrimination, including by ensuring adequate resources as an aspect of budgetary allocation.

g. Protect children in situations of increased vulnerability. Local and regional authorities should pay particular attention to the risk of rights violation in the case of children in situations of increased vulnerability. Steps should be taken to identify children at risk, including by working closely with civil society. Priority should be given to services that offer protection from exploitation or harm, and to ensure that children in situations of increased vulnerability are targeted for provision of quality public services.

h. Make full use of mechanisms and policy tools to ensure that children's rights are recognised and prioritised for resources and action, including by (but not limited to):

- *Undertaking children's rights impact assessment.* Local and regional authorities should embed formal processes of child rights impact assessment as a key component of decision-making. Children's participation in the process of impact assessment should be supported and facilitated. The outcome of child rights impact assessment should be made public.

- *Undertaking children's budgeting.* Local and regional authorities should be open and transparent in their budget processes and should ensure that resources allocated to children are identifiable in budgets. Budget allocations should pay particular attention to the need to maintain quality services for children. Priority should be given to maintaining quality services for children, especially to those at risk of compound disadvantage.

i. Raise awareness of children's rights issues and provide training on children's rights. Local and regional authorities should take steps to raise awareness of children's rights not only amongst their own employees but also amongst the general public, parents, children and those working with children. Training on children's rights should be seen as a priority for all employees and should be at a level appropriate to the employee and to the area of work, paying particular attention to the issue of discrimination, to children particularly exposed to exploitation and to the rights of children in situations of increased vulnerability.

j. Engage with civil society and co-ordinate action. Effective dialogue and channels of communication should be established and maintained with civil society. Local and regional authorities should wherever possible support and empower civil society organisations whose work benefits children. Local and regional authorities should coordinate action and resources in order to benefit children. They should disseminate information in order to support and facilitate collaborative work. If need be, after consultation with the children and their parents, local and regional authorities should negotiate protocols to ensure exchange of information with the partner organisations.

k. Ensure adequate avenues for redress and accountability. Local and regional authorities should be open and transparent in the exercise of their functions, including policy and programme planning functions. Children's participation and advocacy should be supported by establishing or maintaining proper mechanisms for children to make complaints or raise concerns.

l. Adopt an integrated and comprehensive approach. Local and regional authorities should regard all the above recommendations as applying simultaneously.