How can children's rights be used to ensure accountability and change where children live in poverty and social exclusion?

Karolína Babická International Commission of Jurists

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Session on combating child poverty and promoting social inclusion of all children

Mid-Term Review Conference for the Strategy for the Rights of the Child (2022-2027)







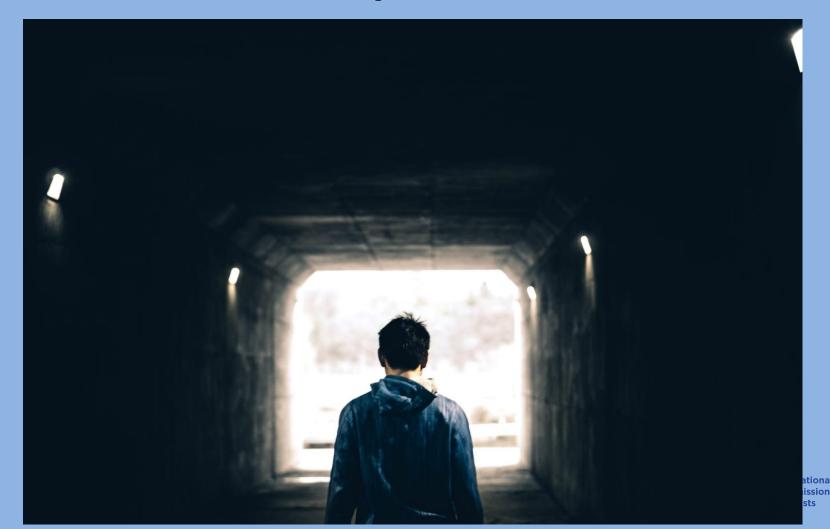


Collective complaints to the ECSR

- International Commission of Jurists (ICJ) v. Portugal (No. 01/1998)
- ICJ v. The Czech Republic (No. 148/2017)
- ICJ and ECRE v. Greece (No. 173/2018)



International Commission of Jurists (ICJ) v. Czech Republic Complaint No. 148/2017



International Commission of Jurists (ICJ) v. Czech Republic Complaint No. 148/2017

- With the support of Forum for Human Rights
- On procedural rights of children below the age of criminal responsibility, in criminal-like proceedings
- The Committee found that the failure to provide due process safeguards violated the rights of the children to social protection under Article 17 of the 1961 Charter.
- ECSR said that children, regardless of age, must be ensured adequate procedural protection (access to procedural rights: mandatory legal assistance already in pre-stage and alternative procedures like settlements and conditional termination or withdrawal of prosecution).
- Impact: 2025 completed a legislative reform in order to comply with the decision and ensure that children below the age of criminal responsibility have adequate procedural protection

ECSR: ICJ and ECRE v Greece, 173/2018

North Aegean Islands, Greece, 2018



ICJ and ECRE v Greece, 173/2018

- With the support of the Greek Council for Refugees
- Regarding: Systematic violations of the rights of migrant children: inadequate, unhealthy and dangerous living conditions, homelessness, and lack of access to adequate healthcare and education
- The complaint challenged the failure of Greece to provide for adequate accommodation and access to other rights to migrant and asylum-seeking children in reception centers in the North Eastern Aegean islands and children living in the streets of Athens and elsewhere on mainland Greece, whether with their families or unaccompanied.



ICJ and ECRE v Greece, 173/2018

- In May 2019 a decision on immediate measures which required the government to immediately provide migrant children with appropriate shelter, food, water, education and medical care; to remove unaccompanied migrant children from detention and from Reception and Identification Centers (RICs) at the borders, place them in suitable accommodation for their age and appoint effective guardians.
- In 2021, the ECSR found violation of the European Social Charter provisions:
 - Art 31(1) Right to housing, promote adequate standard of living
 - Art 31(2) Prevent and reduce homelessness
 - Art 16 Right of family for social, legal and economic protection
 - Art 7(10) Special protection of children
 - Art 11(1,3) Right to protection of health: remove the causes of ill-health;
 prevent epidemic, and other diseases
 - Art 13 Right to social and medical assistance
 - Art 17(2) Right of children to education



ICJ and ECRE v Greece, 173/2018

Impact: That decision has led to

- the abolition of detention of children under protective custody in Greece
- establishment of a National Guardianship System for unaccompanied minors.
- The Special Secretariat for the Protection of Unaccompanied Minors was established in 2020.
- Emergency Response Mechanism (NERM) Its primary goal is to identify and provide immediate housing in emergency accommodation structures for unaccompanied minors (UAMs) living in homelessness or precarious conditions.
- Improved reception capacity and conditions (according to some sources), the worst reception places in Greek islands were dismantled and the situation improved
 - **But** recently again the situation worsened (de facto detention in reception centers at the border, deplorable conditions and overcrowding)



Thank you for your attention!

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