

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

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for the Rights of the Child (2022-2027)**



Building a Europe  
for and with children

Construire une Europe  
pour et avec les enfants



PRÉSIDENTIE DU / PRESIDENCY OF  
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# **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



Picture @ MSF

# 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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