

Session: Frameworks, mechanisms and solutions. How can children's rights be used to ensure accountability and change where children live in poverty and social exclusion?

Scheduled time: around 11:30

Speaker: Rafael Cid (Gentium)

Time allocated for the speaker: 7 minutes

Speaker notes

Initial words / thanks to the organization

1. Introduction / Purpose of the intervention

I am here to share the experience of around 1800 children who are trying to get the light back to their homes and neighborhood through enforcement of their rights as children to live a life in dignity and to be protected from poverty and social exclusion.

Through this intervention I will introduce how a specific mechanism (the collective complaint procedure before the ECSR) and, thus, a particular framework (the European Social Charter), have supported these children so far and what else is needed to get something that should not be complex in 2025: bringing back light to their households, hoping that this experience is useful for other children throughout the CoE countries and the CoE institutions to maximise the impact of its work in the future.

2. Who are these children

They live 15 km away from the center of Madrid, along a 7 km stretch of an old animal trail, where an informal neighborhood was established in the 1960s. Many of them are migrants or Roma. They were already living in poverty before October 2020, but the power outages dramatically worsened their situation.

3. What happened on 20 October 2020

The energy company installed some mechanisms throughout the electricity network to which houses were irregularly connected, preventing electricity from reaching the affected area in a consistent manner in one part of the neighborhood and from reaching at all Sector 6.

This happened during the worst phase of the COVID-19 crisis, when, as you certainly remember, thousands of people were dying, and social distancing measures—impossible to implement without electricity—seemed to be the only way to reduce the risk of mortality.

4. The mechanism and the framework

The 1,800 children, along with the affected adults, their neighborhood associations, and the support of multiple CSOs, decided to use—for the first time against Spain—the collective complaint mechanism before the ECSR.

These 1,800 children alleged violations of up to 12 rights under the European Social Charter (ESC) and requested the Committee to implement immediate measures to guarantee stable, safe, and consistent electricity in their households while the case was being decided.

5. What have children obtained from the collective complaint mechanism so far?

First, a request by the ECSR to the Spanish relevant authorities for coordinated action to implement the requested immediate measures. This request was sent to the Spanish Government on 19 October 2022, 2 years and half ago.

Second, a remarkably well drafted landmark decision issued by the Committee who, among other considerations, makes clear that no relocation plan which has as a result that, 4 years after the initial power outages, still most of the children are living without electricity, and is aimed at be completed in 2034, is not sufficient to prevent a violation of children's rights.

6. What have children not obtained from the collective complaint mechanism so far?

A solution. Some have been relocated. Most, those who remain, are still living without electricity. Immediate measures, as reflected by the ECSR in its final decision, were not implemented.

4 and half years after the initial power outages, competent authorities still reject to use the available mechanisms under Spanish legislation to request the energy distribution company to adapt the electricity network so that families can legally connect and pay for the consumed energy. They are still focused exclusively on the relocation of the affected population (at least publicly).

7. How can the CoE further contribute to reach a solution?

First, through the recommendations to be issued by the CoM in the coming months, ensuring that they are clear in what follows from the ECSR conclusions: that no relocation plan is enough to stop the violations still occurring in Cañada Real.

Second, through keeping the pressure during the decision's implementation process.

We, CSOs, have a long way to go these months in trying to get the ECSR decision implemented. We are facing an open opposition by the competent authorities, the ones with the mandate / power to take action, with repetitive claims about the non-binding nature of the decision.

In order to preserve children's rights as a meaningful tool to get children out of poverty and social exclusion, we need this case to end with stable, constant and safe energy in Cañada Real. If this does not happen, then the whole human rights framework will be exposed to discredit and disaffection by all victims, particularly extremely vulnerable children. We, the people, as claimed in the UN Declaration of Human Rights back in 1950, cannot afford it in these troubled times.

8. Bonus track: importance of the case from a wider CoE perspective

[still to be prepared]