

## **The impact of austerity measures on children and their rights**

### **What is austerity?**

Austerity is a political response to the economic crisis that began in 2008. Austerity measures were largely applied from 2010 to 2013 and included:

- 1) public budget contractions affecting social spending (including stricter accessibility conditions for a number of social benefits);
- 2) regressive taxation measures (which may add extra burden for low-income families);
- 3) labour market reforms (slowing or reversing salary adjustments to inflation, altering employment protection regulations);
- 4) structural reforms to pension plans.

### **How does austerity typically affect children?**

Austerity measures can prevent the realisation of relevant human rights. Children's well-being and rights are affected by financial, social and labour-related dimensions of the crisis. Rising unemployment levels and reduced incomes increase the risk of families slipping into poverty.

Children have suffered more than adults, but the crisis has not hit all children equally. Vulnerable children, such as Roma, children of single parent households, and children on the move, tend to suffer more.

The [percentage of children at risk of poverty](#) and social exclusion varies from country to country. In 2013, it ranged from 13,0 % in Finland, 13,4 % in Norway, 15,5% in Denmark, 16,2 % in Sweden and 16,6% in Iceland to more than 30.0 % in Bulgaria, Italy, Ireland, Greece, Spain, Latvia, Lithuania, Hungary, Malta, Portugal, Romania, United Kingdom and Serbia.

According to the 2012-2013 Eurostat statistics, in the 28 EU countries, children living in a **household with a very low work intensity** (in average below 20% of the parent's potential) are 56,7% more likely to be at risk of poverty or social exclusion than those living in a household with a higher (55-85%) work intensity. Children of parents with lower educational levels (pre-primary, primary and lower secondary at highest) are more likely to be at risk of poverty or social exclusion (62,3%) than those of parents with a higher education (upper secondary and post-secondary non-tertiary education 32,3%, tertiary education 10,6%).

In the 28 EU member states, children whose parents are **born in foreign countries** face a greater risk of poverty: the average risk of poverty for children of foreign parents is 32,2%, whereas the average risk of poverty of children is 18,3%.

Children **of single parents**, especially single mothers, face a higher risk of poverty or social exclusion than average<sup>(1)</sup>

According to recent Eurostat data on children at risk of poverty or social exclusion, there are **no significant differences** between female and male children.

Poverty is also linked to lack of access to services, including childcare, high-quality education and adequate housing. Poverty can prevent participation in social and cultural activities.

### **How are children's rights in times of austerity safeguarded by law?**

Two key documents of the Council of Europe—the European Convention on Human Rights guaranteeing civil and political human rights and the European Social Charter guaranteeing social and economic human rights—are important instruments in safeguarding the rights of children in times of economic crisis and austerity measures.

According to the 2011 review of the application of the provisions of the **European Social Charter** belonging to children, families and migrants, it was agreed that only roughly half (48,4 %) of the measures taken by the states are in conformity with the Charter, whereas the rest were either not in conformity, or sufficient information to take a decision was lacking.

In 2012, the European Committee of Social Rights found austerity legislation **in Greece** allowing the establishment of fixed-term "special apprenticeship contracts" for workers between ages 15-18

without regard for the main safeguards provided for by labour and social security law, in breach of the Social Charter. The Greek government argued that the legislative measures were part of a package adopted as a response to the economic crisis, but the European Committee of Social Rights did not accept this argument.

The **European Convention on Human Rights** covers children as any other rights holders. The states are allowed to keep a wide margin under the Convention concerning general measures of economic or social strategy. However, the European Court on Human Rights delivered a number of judgments related to children's rights during the economic crisis. In the **Saviny v. Ukraine** <sup>(2)</sup> case on the removal of seven children from their blind parents into public care due to the parents' alleged inability to take care of them, the Court found a violation of Article 8 (right to private and family life). Violation of the same article was found in the **Wallova and Walla v. the Czech Republic** <sup>(3)</sup> case where a couple's five children had been taken into the care on the grounds of the unsatisfactory nature of their accommodation due to insufficient resources.

Economic difficulties may also create a situation in which public authorities are less likely to have the means to secure fundamental rights and freedoms. <sup>(4)</sup> In **Nencheva and Others v. Bulgaria** <sup>(5)</sup> fifteen children and young adults had died in a home for children with severe mental disabilities in extremely poor conditions. The Court found a violation of Article 2 (right to life).

#### [Useful resources on children and austerity](#)

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(1) EAPN and Eurochild, Towards children's well-being in Europe. Explainer on child poverty in the EU, 2013, p.27

(2) *Saviny v. Ukraine* (no. 39948/06, 18.12.2008)

(3) *Wallova and Walla v. the Czech Republic* (no. 23848/04, 26.10.2006)

(4) Implementing the European Convention on Human Rights in times of economic crisis. Written by judges Laffranque (Chair), Raimondi, Bianku, Nußberger and Sicilianos, assisted by R. Liddell. 25 January 2013, p. 2

(5) *Nencheva and Others v. Bulgaria* (no. 48609/06, 18.6.2013)