

## Children's Rights during the Crisis

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Children's rights are gradually developed since a few years now around the notion of vulnerability and special protection needed due to age, as a branch of human rights. The child's best interest, the core of this protection, is seriously undermined by conditions of economic shrinkage that dominate the past few years, without support mechanisms which can ensure the protection of social rights. Key elements of the latter are obviously the family and the educational environment of the child. Hence, the position of the child should be discussed within this framework.

As the school and family are struck by the economic crisis, the position of the child is rendered increasingly sensitive. Widespread unemployment, underemployment of the parents, diseases not receiving medical treatment, poor nutrition or basic infrastructural gaps at home (e.g. heating) severely undermine the quality of the child's life and its developmental prospects; physically, mentally, educationally. In the same way, difficulties in the functioning of schools, stress among the teaching staff due to uncertainties in their employment conditions, downgrading of school infrastructure or downscaling of the quality of educational work, add extra burdens on the position of the child-student, especially when the child already faces difficulties at home or has special needs (e.g. disabilities, learning difficulties, etc.).

In order to understand the various dimensions of the issue we must give answers to a series of questions: Which are the broader rights with which the child's position in home or in school is intertwined? Which are the means with which the suspension of the enjoyment of rights can be confronted?

Children's rights, as described and enshrined by the Greek Constitution and further extrapolated by the International Convention on the Rights of the Child of 1989 (validated by Law 2101/1992, Official Government Gazette A' 192) covers the following aspect: to receive proper upbringing and develop their personality, to receive education and medical care, not to be subject to psychological or physical violence, not to be obliged to work or any form of harmful compulsion, to enjoy the necessary care of the parents/family and state institutions when in their competence, usually in the educational procedure. Family and school are therefore the institutions which guarantee or mediate for the protection of the rights of the child, since the minor mostly lives in the family and school environment, especially in younger ages. On the other hand, for the same reasons, in these environments, e.g. the home and school, children's rights can be violated or threatened, often by the same people who are charged to guarantee these rights. Parents' and educators' dual position (as guarantor of children's rights, and potential offenders, directly or indirectly) is of great importance for the child's position, as it is the child which will need to seek assistance through protection agencies beyond the social sphere in which the child belongs, e.g. the public prosecutor or the Child's Ombudsman.

A key indicator in evaluating rights of the child is the *best interest of the child*, according to the Convention of the Rights of the Child. The child's interest is the criterion for the selection of rights' mode of implementation. It constitutes an important legal variable, which is used for the broad interpretation of relevant provisions for child's rights. The crucial question which remains for this evaluation is who will decide and who knows the best interest of the child, when the child itself is not in a position to express its views.

Children's rights therefore have an innate particularity for two reasons: first because they depend on parents and teachers, the rights of whom are directly affected by the economic crisis, which has consequences on children; second because the guarantors of these rights can be transformed into violators. Finally, jeopardizing or violating the rights of children is translated into social inequality in the field of social life, and the possibilities to develop their personality freely, a basic right guaranteed also by the Greek Constitution (art. 5). Children's vulnerabilities are often multiplied by other specific factors, such as the child's inclusion in a by definition vulnerable group, which, based on certain characteristics, in and of itself leads to lessened possibilities for the exercising of the aforementioned rights such as immigrants, Gypsies, refugees, but also handicapped or extremely poor.

Next we would like to present excerpts from surveys which discussed "rights in crisis" or "children in crisis" aiming at better highlighting the child's position in this course of depreciation and impairment of guarantees of children's rights.

### **Report of FIDH and HLHR<sup>1</sup>**

The responsibility of the EU may be engaged on legal grounds distinct from those of its members. By allowing its institutions and bodies (namely, the Commission and the ECB) to be placed at the disposal of a group of States seeking to incite Greece to adopt policies that will foreseeably violate its human rights obligations, the EU has violated its obligations under Article 2, 3(1), (3) and (5) and 6 of the Treaty on the European Union. Indeed, the EU has breached its obligations towards its Member States, most notably Greece, by failing to respect its own founding values, which include respect for human rights, and circumventing its own obligation to uphold human rights - as enshrined in the EU Charter for Fundamental Rights, guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and resulting from the constitutional traditions common to the Member States - and to "promote [...] the well-being of its peoples", "combat social exclusion and discrimination, and [...] promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child".<sup>2</sup>

A leading Greek psychiatrist met during the mission also highlighted the cuts made in funding for mental health service provision. These cuts have again taken place at a time when there is a greater need for mental healthcare provision. Due to the widespread and pervasive nature of the economic hardship imposed on the Greek populous, cuts in mental health spending affect everyone across all levels of society. However, they particularly impact on the most vulnerable. Children, for instance, have developed greater needs for mental health service provision as tensions in families have increased due to the economic situation. This was confirmed by several testimonies gathered during the mission, e.g. "My

<sup>1</sup><https://www.fidh.org/IMG/pdf/grece646a2014-2.pdf>

<sup>2</sup> Consolidated version of the Treaty on the European Union, 26 November 2012, Article 3, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012M/TXT&from=EN>.

wife lost her job. Ever since, when dealing with my son, I'm a little bit more aggressive every day. I have entered into a spiral of tension".

Access to the job market is made all the more difficult for youths as the education system has fallen victim to the general collapse of social services. Teachers told FIDH that the number of children per classroom is rising and that resources (e.g. for maintenance, purchase of materials, educational activities such as study trips and cultural visits, and life-long learning) at schools and universities are decreasing, which in turn has affected the quality of the education provided. Moreover, crucially, a number of technical and vocational schools are reported to have been closed or considered for closure.

Women too are finding it extremely difficult to access the labour market since the crisis. The office of the Greek Ombudsman told the FIDH mission that pre-existing gender inequalities and discrimination in the workplace have been exacerbated by the crisis. For example, pregnant or young women who may want to have children may find it even more difficult to find, or keep, their employment, and are faced with discriminatory practices. In a report published in December 2012, the Greek Ombudsman indicated that *"the cases handled by the Ombudsman in the field of equal treatment between men and women during 2012 largely reflect the intensity of the problems brought about by the economic crisis in labour relations and the general employment situation of women"*. It came to the following stark conclusions: *"The labour rights of women have been affected in many fields..."*.

More detailed, psychologists in particular told the FIDH mission that they have seen an increase in Greek patients suffering from difficulties in dealing with the crisis.

In 'new' clinics, statistics provided by Thessaloniki's Social Clinic of Solidarity further demonstrate the daily challenges faced by Greeks in accessing basic health care: - over 75% of the clinic's patients are uninsured Greeks; - 20% of patients are children in need of basic vaccination; and - 75% of patients are people of working age, as older people are generally covered.

#### TESTIMONY: A Greek patient at the Thessaloniki Social Clinic of Solidarity

Whereas many social clinics originally aimed at serving undocumented migrants that did not have any access to services, they are now increasingly addressing the needs of Greek people who are no longer covered by Greek social security, and cannot afford the necessary health care services. One patient at the Thessaloniki's Social Clinic of Solidarity (who preferred to remain anonymous) told FIDH: "I'm coming to get vaccinations for my young children. I could perhaps get it from the hospital, but I'd have to beg for it. And if it were anything graver than a vaccination, I'd have to pay for it, and if I can't pay immediately, I'd be charged through the tax system. But I would not be able to afford it. I know many other people who are in the same situation. People with cancer are dying. **The nature of the problem is economic: we are witnessing a demolition of the public social security system.**"

#### TESTIMONY: Migrant at the Thessaloniki Social Clinic of Solidarity

FIDH also met a number of migrants in Thessaloniki's Social Clinic of Solidarity whose cases reflect the high burden they are paying for austerity, and the dramatic situations they are facing. One woman from Nigeria (who preferred to remain anonymous) told FIDH: "I was working at a cafeteria, but I lost my job in 2011. Because I lost my job, I lost my insurance in 2013. And now I have been told I have one month to leave the country. Yet, I have 3 young

children, the oldest is seven years old, and the youngest just 7 months. Because I have no money, I have also had to leave the house where I was living. I stayed at a Catholic church for a few months, and just managed to survive with little money. For my second and third children, I had to give birth while I was not insured. They asked me to bring everything to the hospital: food, nappies, etc. I signed a paper saying that I had to pay for the delivery; it was more than 250 euros, perhaps 400 euros. I gave them my contact details, and they're still asking me to pay. When I was pregnant, last year, I went to the public hospital, because I had to do some tests, but they refused to do them because I could not pay.

Kostis Papaioannou, the Hellenic League for Human Rights' representative within, and chairman for the National Commission for Human Rights' (the Greek National Human Rights Institution), also stressed that the government's own xenophobic rhetoric and complacency towards incidents involving Golden Dawn supporters (e.g. failure to properly investigate and prosecute offences) have contributed to legitimising criminal acts committed by its members. Golden Dawn asks, for instance, as stated by Mr. Tzarbopoulos, manager of the United Nations High Commissioner for Human Rights (UNHCR) office in Greece, the children of migrants not to be accepted into kindergartens and hospitals, and that the government has even started to respond to such requests, which cannot not be admissible in any democratic state.

As to the obligation to maintain a minimum core of each right, the Committee on Economic, Social and Cultural Rights' Concluding Observations on Spain from 2012 are relevant. Here, the Committee expressed concern that the levels of effective protection for the rights enshrined in the Covenant have been reduced as a result of the austerity measures adopted by the State party, which disproportionately curtail the enjoyment of their rights by disadvantaged and marginalized individuals and groups, especially the poor, women, children, persons with disabilities, unemployed adults and young persons, older persons, gypsies, migrants and asylum seekers.<sup>3</sup> The Committee went on to recommend that Spain "ensure that all the austerity measures adopted reflect the minimum core content of all the Covenant rights and that it take all appropriate measures to protect that core content under any circumstances, especially for disadvantaged and marginalized individuals and groups".<sup>4</sup> It recommended that in order to do so the state "compile disaggregated statistical information with a view to identifying the individuals and groups affected and that it increase the effectiveness of its efforts to protect their economic, social and cultural rights."<sup>5</sup>

## **2. The Hellenic National Committee for UNICEF presented the annual Report "The State of the Children in Greece Report 2016 – Children in Danger", Basic Report Findings<sup>6</sup>**

The report prepared on behalf of the Hellenic National Committee for UNICEF provides a theoretical and empirical imprint of the institutional and the socioeconomic status and protection of children in Greece, through a diachronic and comparative perspective. From a diachronic perspective, analysis of the 1995-2015 data from both EUROSTAT and the Hellenic Statistical Authority confirms the dramatic aggravation of living standards of

<sup>3</sup>Committee on Economic, Social and Cultural Rights, Concluding Observations: Spain, UN Doc. E/C.12/ESP/CO/5 (6 June 2012) at para. 8.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup> <https://www.unicef.gr/uploads/filemanager/PDF/2016/children-in-greece-2016-eng.pdf>

children in Greece (for example, child poverty increased by 6,3% or, in absolute numbers, 122340 more children faced the danger of poverty).

From a more recent perspective, empirical estimation shows that in 2014 child poverty was 25,3% (424000 children), increased by 3 percent in comparison to 2010 (22,3%). The medium annual equivalent consumption expenditure in fixed rates for a family with two children was 1551 € in 2014, while that of 2010, 2359 €. In 2015, crucial material deprivation in families with children was at 26,8%. The level of material deprivation expresses the economic weakness of acquiring goods considered desirable or necessary for satisfactory living standards. This indicator distinguishes between people who can't financially cope with acquiring one specific good or service and those who don't want or need it. Crucial material deprivation is defined as the objective weakness of families to pay for at least four out of nine goods and services (e.g. rent, power, water, heating, meat, vacation, TV, car, telephone). The level of crucial material deprivation is dramatically aggravated for all household types after the crucial years of 2010 and 2011, touching 36,6% for 2015 within single-parent families and 31,3% large families (for which the special subsidy was replaced by a poor social security benefit, granted after a strict control of resources).

The situation of children is formed within turbulent social, financial, and political conditions, as a result of the recession and strict austerity measures implemented in Greece during the last years. Based on EUROSTAT data analysis, GDP is reduced by  $\frac{1}{4}$  since 2008, unemployment dramatically increased to 27% (and 50% among the youth), and one out of five citizens live in conditions of severe material deprivation.

These harsh estimations are worrying concerning the prospect of well-being and mobility of children and adolescents, especially for families of low and middle low socio-economic strata. The cost of a possible worsening of children's situation may be twofold, so much from the aspect of productivity and individual income, as also from the aspect of financial growth for society as a whole (for example, due to the non-exploitation of possibilities and talents of children from less privileged families).

Child poverty in Greece (defined as the percentage of children living in families with equivalised disposable income less than 60% of the relevant national median income) is relatively low in its starting point before the impact of total expenditure for social protection (26,5%) is calculated for the period 1995-2014 and in comparison to the European Union countries under examination.

Nevertheless, the very small reduction of child poverty is accomplished mainly through pensions (2,7%), while the effect of other social transfers is marginal when compared with relevant effects in other countries, as for example, Scandinavian countries. However, the crucial importance of other social transfers, e.g. provisions in money and materials to the family, health, welfare, housing etc., (where Greece falls short significantly) for the palliation of child poverty is confirmed by the empirical findings of the report.

More specifically, it derives from the analysis of researches ECHO and EU-SILC that other social transfers in money and in kind (namely other than pensions of the elderly and the widowed) can by themselves provide the explanation for an overwhelming percentage (up to 83%) of variability of child poverty in the European Union countries under examination.

From the view of transgenerational poverty transference, there are enormous inequalities in child poverty between low and highly educated families. More specifically, poverty of

children coming from families with low education (elementary or junior high school) ranges in exceptionally high levels through time, reaching up to 60% over the past years.

In the frame of the present refugee and migratory movement towards Europe, it is necessary to refer to basic international and European legislation, relevant to international protection and the rights of children on the move, with special reference, among others, to the Geneva Convention and European Union Regulation 604/2013 (Dublin III).

If we are to evaluate the overall situation as it is seen in policy practice across Europe, there is a clear emphasis on border security vis a vis safety of persons which both ignores national, European and international legislation and results in the questioning the fundamental principle of refugee law of non-refoulement to an unsafe country and finally in violating rights of children in movement.

**Furthermore, the Report contains important policy suggestions for improving children's situation in Greece:**

Children do not have the control over the circumstances of life and largely depend on parents for their present and future welfare. The family of origin constitutes the basic determinant for the welfare and development in the early years of children's life, as well as for the formation of their future outcomes (i.e. education, occupation, income, etc.).

Therefore, the report suggests that a public social investment through universal benefits and services needs to be implemented to mitigate the significance of family and, more broadly, social origin in reproducing poverty and inequality in the Greek society.

Greece is characterized by a pension-centric social protection system that is marginally efficient in reducing child poverty. In contrast, the EU countries emphasizing on other social transfers without means-testing noticeably reduce child poverty. This finding indicates the necessity of embracing policies that focus on social transfers in cash and in kind based on the principle of universalism, or, in other words, social citizenship.

The direction of social reform needs to turn to the vulnerable families with children and, particularly, the increasing lone-parent families and the extended families. Even under conditions of fiscal discipline the socioeconomic support of family budgets needs to take priority through social provisions in kind and in cash, parental leaves (not only for mothers but fathers as well irrespective of the working sector), tax reliefs for economically susceptible families with children, etc.

Promoting the equality of opportunities among genders and integrating women in the labor market can be of benefit to both the family and the Greek society as a whole. The dual-earner households face a significantly lower poverty and deprivation risk, while the female labor force participation can boost the socioeconomic development through the utilization of the potential of a large part of nonactive but employable population. Yet, the critical element is the return of women-mothers in the labor market after a certain adequate age of the newly born child and under favorable conditions (e.g. flexicurity).

The harmonization of family and work life can be reinforced by developing the public childcare structures that focus on the cognitive development of children (without disrupting the emotional bond within the family).

The family attachment issue is crucial and, thus, it needs to be taken into account during the planning and implementation of supportive policies to families (e.g. generous parental leaves from work can contribute to reinforcing the emotional bond between parents and children).

**Needs that are identified in the field of child protection** concern the **creation of a solid structured institution which can coordinate policy implementation and projects** oriented towards children's rights between all Ministries and institutions involved, as well as between various administration levels; central, peripheral, and local, and necessary resources should be made available in technical and financial level, as well as in human resources.

In addition a **National Action Plan for Children's Rights needs to be adopted**, which will include specific timetables and measurable targets and goals, in order to efficiently monitor the progress made in regards to exercising rights for all the children in Greece.

It is also necessary to develop a child-centered fiscal policy, which would be imprinted in **child friendly budgets** and in **formulating a specific budget-line for funding the totality of children-related state policies**. Finally, the **amelioration of the system of trusteeship of unaccompanied minors and of minors separated from their families**, in order to render it functional, substantial, and effective, while also raising the availability of space for unaccompanied minors in reception centers.

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### **Research team**

The research team of the project **Teacher Support Confronting Social Inequalities (TOCSIN)** consists of **5 partners**:

- The Laboratory of Theoretical and Applied Pedagogy at the Department of Early Childhood Education of the University of Thessaly (LAB.T.A.P. UTH), which is the project coordinator. The Scientific Coordinator of the project is Prof. Domna Kakana, an ex-faculty member of the University of Thessaly and a current faculty member of the Aristotle University of Thessaloniki.
- The Department of Early Childhood Education of the National and Kapodistrian University of Athens (F.E.C.E. UOA) with its Scientific Coordinators, Assoc. Prof. Alexandra Androussou and Assistant Prof. Vassilios Tsafos.
- The Department of Early Childhood Education of the University of Western Macedonia (D. P. E. UOWM) with its Scientific Coordinator Prof. Sofia Avgitidou.
- The Hellenic League for Human Rights (H.L.H.R) with its President, Prof. Konstantinos Tsitselikis.
- The Social Research Science Institute of the University of Iceland (SSRI-UOI) with its Director, Dr. Guðbjörg Andrea Jónsdóttir.

For more information: <http://tocsin.uth.gr>