

Ad-hoc position statement

“A rights-based approach is necessary to urgently address the impact of high energy prices on children and families”

17 October 2022

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The European Network of Ombudspersons for Children (ENOC) expresses urgent concern regarding the impact of high energy prices on the realisation of children and young people’s rights. The impact of the COVID-19 pandemic and the recent significant rises in the cost of living, exacerbated by the Russian invasion of Ukraine, has deepened the financial and economic crises already being experienced in Europe.

It is beyond dispute that unfettered and unmitigated energy price rises risk pushing more children into poverty and social exclusion, and those children already in poverty into destitution. The short and long-term consequences to individuals and to society will be devastating. Living in poverty does not simply affect children’s experience during childhood, it also frequently serves to curtail the life chances available to them as adults feeding the relentless cycle of intergenerational poverty and undermining social cohesion.

We recall our 2014 statement on Children in Austerity¹, our 2020 statement on Child Rights Impact Assessments², and our 2021 statement on COVID-19: learning for the future³.

We note in particular the significant increases in the cost of energy over recent months. At current forward prices, it has been estimated that energy bills will peak early next year at c.€500/month for a typical European family, implying c.200% increase vs. 2021⁴. These higher energy prices are linked to significantly higher inflation rates, price rises in relation to food and other essential goods, and are having a direct impact on children’s lives.

Alongside the impact of the rising costs on households, the increase of energy prices and commodity prices will also impact institutions which provide service and support for children such a childcare, education, and recreation and cultural activities. This will lead to higher prices of these services for children, again burdening families and households, especially those in vulnerable situations.

Poverty is the most significant human rights issue facing children across ENOC. Rights affected by child poverty include the rights to survival and development; to a standard of living adequate for the child’s physical, mental spiritual, moral and social development including food, clothing, and housing; to education; to the highest attainable standard of health; to legal assistance; to play and enjoy cultural life; to express their views; to benefit from social security;

¹ <https://enoc.eu/wp-content/uploads/2015/01/ENOC-2014-Statement-on-Children-and-Austerity.pdf>

² <https://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>

³ <https://enoc.eu/wp-content/uploads/2022/01/FV-ENOC-Position-Statement-on-COVID19-learning-for-the-future.pdf>

⁴ The Energy Affordability Crisis: Quantification, Solutions, Implications, Goldman Sachs, September 2022: <https://www.goldmansachs.com/insights/pages/the-energy-affordability-crisis.html>



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to respect for family life; to alternative care; to protection from all forms of physical or mental violence; and a wide range of disabled children's rights.

The failure to take a rights-based response by using tools such as Child Rights Impact Assessments and acting upon its findings, is having a significant detrimental effect on children's enjoyment of a wide range of their civil, political, economic, social and cultural rights. This is having a disproportionate impact on those children whose rights are most at risk.

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The United Nations has produced a number of resolutions and reports that set out budget principles from a human rights perspective. They address the role of national policies, resource mobilisation, transparency, accountability, participation, allocation and spending, child protection systems, international cooperation and follow-up in relation to investment in children. They emphasise the need to improve the quality, efficiency and effectiveness of fiscal policies and encourages Member States to intensify efforts to enhance transparency, participation and accountability in fiscal policies. Furthermore, Goal 1 of the UN Sustainable Development Goals is to end poverty in all its forms everywhere.

European institutions have recognised the importance of anti-poverty policy efforts with a special focus on children's rights, at both the national and the regional levels. The Council of Europe Strategy for the Rights of the Child 2022-2027⁵ and the European Union Strategy on the Rights of the Child and the European Child Guarantee⁶ all highlight child poverty as a priority issue.

A key policy objective in relation to the impact of energy price rises must be the protection of children already experiencing poverty or in other vulnerable situations, such as disabled children, children with disabled parents, Roma, children on the move, single parent families, children in alternative care et.al. The share of disposable income spent on energy (heating, transport, electricity) is inversely proportional to income. Poorer households spend proportionally more on energy than households with higher income, and are therefore more strongly hit by the increase in energy bills.

We note that EU Member States have deployed, or considered, a range of policies to mitigate the direct economic and social impact of high energy prices. There are two main approaches to address the short-term economic and social impact of high energy prices: price policies and income policies.

In determining their response to rising energy prices States should ensure that they follow the UN Principles of Child Rights Budgeting: Effectiveness, Efficiency, Equity, Transparency, and Sustainability. They should use tools such as Child Rights Impact Assessments, assess how budgets affect different groups of children and ensure that their budget decisions lead to the best possible outcomes for the largest number of children, paying special attention to children in vulnerable situations.⁷

The Committee on the Rights of the Child recognises that the business sector's impact on children's rights has grown in past decades because of factors such as the globalised nature

⁵ <https://rm.coe.int/council-of-europe-strategy-for-the-rights-of-the-child-2022-2027-child/1680a5ef27>

⁶ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en

⁷ <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting>

of economies and of business operations and the ongoing trends of decentralisation, outsourcing and privatising State functions that affect the enjoyment of human rights⁸.

Business enterprises can play a role in the provision and management of services such as energy. ENOC emphasises the importance that the role of such actors be recognised when considering measures to address child poverty. It is important to emphasise that States are not exempted from their obligations under the UNCRC. They must adopt specific measures that take account of the involvement of the private sector in service delivery to ensure the rights enumerated in the UNCRC are not compromised.

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In this context, we, members of **ENOC**,

Having considered States' obligations:

- to respect and ensure, in accordance with Article 2 of the UNCRC, all the human rights enshrined in the UN Convention on the Rights of the Child (UNCRC) “to each child within their jurisdiction *without discrimination* of any kind...”,
- to ensure that, in accordance with Article 3 of the UNCRC, “*the best interests of the child* are a primary consideration in all actions concerning children,”
- to ensure, in compliance with Article 6 of the UNCRC, “to the maximum extent possible *the survival and development* of the child.”
- to ensure to the child who is capable of forming his or her own views *the right to express those views* freely...” and provide him or her with the “opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law” in accordance with Article 12 of the UNCRC.

Along with:

- The obligation on the State to undertake all appropriate legislative, administrative, and other measures for the implementation of UNCRC rights (Art 4);
- The right to respect for private and family life (Art 8 ECHR and Art 16 UNCRC);
- The right of disabled children to enjoy a full and decent life (Art 23 UNCRC, Art 7 UNCRPD);
- The right to the highest attainable standard of health (Art 24 UNCRC);
- The right to benefit from social security (Art 26 UNCRC);
- The rights to an adequate standard of living (Art 27 UNCRC);
- The right to education (Arts 28 and 29 UNCRC);

⁸ <https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.16.pdf>

- The rights enshrined in the European Social Charter (Arts 16, 17 and 30).

Taking into account

- General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4).
- General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.
- General Comment No.14 on the rights of the child to have his or her best interest taken as a primary consideration (art.3, para 1).

Agree that the following measures and recommendations should be endorsed, implemented and supported at European and national levels:

1. That **European Institutions** should **develop rights based collective intervention actions** to address increased energy costs, support low-income families and ensure security of supply at prices that are accessible to vulnerable households;
2. That all **European States prepare and adopt national comprehensive strategies to combat the energy price rises** and mitigate their poverty impact in line with the UN Principles of Child Rights Budgeting and using Children's Rights Impact Assessments and other tools;
3. That all European States and European organisations **intervene urgently** and use all available resources **to mitigate the impact of energy price rises** and reduce the final energy price paid by families, particularly those in vulnerable situations;
4. That all European States implement urgent legislation to ensure a sufficient response to the crisis and **secure future energy storage** to secure energy supply;
5. That all European States urgently implement rights-based **income policies** to ensure that children benefit from direct financial support, particularly those families and children in vulnerable situations;
6. That European State responses **are informed by the views and experiences of children**, particularly those living in or at risk of poverty;



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7. That all European States and Institutions ensure that they **collect sufficient, reliable and appropriately disaggregated data on children**. This data must serve as the basis of evidence-based policy making in the context of child poverty;

8. That all European organisations and States view the cost of living crisis in light of, and inextricably linked to the climate crisis, and along with short term mitigations, **pursue long term measures** aimed at energy security and sustainability.