

Press Release

January 9th, 2013

Report on the Rights of the Child

The Catalan Ombudsman urges the Catalan Government to prioritize policies aimed at vulnerable children

The Catalan Ombudsman and the Deputy for the defence of children's rights have delivered to the President of the Parliament of Catalonia the Report on the Rights of the Child 2012. This report complies with the article 29.2 of the Law on the rights and opportunities in childhood and adolescence.

- It shows that the government has not preserved child policies and benefits, especially those aimed at children in a vulnerable situation.
- It shows that the suspension of some benefits and services, the general cuts in certain benefits and the increase of the fees to access certain services (school bus or kindergarten) have worsened the vulnerability of children living in impoverished environments.
- It suggests that spending is prioritized on policies aimed at vulnerable children.
- It suggests that the lack of financial resources for families with children be a main criterion for the access to emergency assistance and social services.
- It warns of the risk to devalue the quality of the system of juvenile justice and the success of individual rehabilitation programs.

The report highlights situations of violation of children's rights in Catalonia, particularly worsened by the economic insecurity of families because of the crisis and the austerity policies of the government, which have meant not only cuts in benefits and services to address these situations, but a set-back in some cases.

These shortcomings have affected important rights such as the right to an adequate standard of living, the right to education, the right to leisure, in addition to worsen child poverty.

The previous report on children's rights (2011) recommended that the government strengthen its efforts to combat situations that, because of the economic vulnerability of families, affect children's rights. However, this report shows that most of these recommendations have not been fulfilled by the government.

1. Budgetary restrictions in the field of childhood

Children-aimed benefits which concentrate most of investment such as the Universal Financial Assistance for the Care of Children and the integration minimum income (RMI) have been suspended or have seen their overall amount significantly reduced. Several municipalities have also closed services aimed at helping parents, such as the family spaces.

With regard to the budgetary restrictions in the field of education, the report shows that such reductions may endanger the right to education in terms of quality and equality of opportunities, particularly in the case of the reduction of economic resources in centres with a less privileged social composition and a bigger concentration of specific educational needs. Such measures have also affected the right to the full development of children with disabilities in schools. Similarly, over recent years, the financing of aid for school canteen has been reduced and, what is more, investment has not been adapted to the existing social and economic needs.

2. Child poverty

The above actions are particularly serious for children living in underprivileged environments. In five years, child poverty in Catalonia has increased from 21% to 26.3% as a result of the economic crisis which has unfolded since 2007 and continues to grow. In this context, the Catalan Ombudsman warns that public administrations have not set clear and effective criteria to avoid that austerity and budgetary cuts cause a serious setback in benefits and services intended for children in poverty.

For this reason, the Catalan Ombudsman has repeatedly warned to the competent public administrations against the complete or partial reduction, of specific budget items of benefits and services targeted to children, without discriminating positively in favour of children with harder economic deprivation and their families.

Moreover, these measures may cause difficulties for social services professionals and public administrations when it comes to detect, prevent and take action in situations of unprotected children.

The Catalan Ombudsman's report on the rights of the child also draws its attention to the fact that children in seriously deprived family environments see their access to certain benefits denied under the argument that "a mere economic problem does not mean that a family unit is at social risk". The Catalan Ombudsman alerts that delinking the consideration of poverty from that of social risk negatively affects many deprived children from gaining access to benefits such as non mandatory lunch service aid or social emergency aid.

The lack of financial resources should be one sufficient criterion for accessing to existing aids and benefits; however, a report of social risk arising from a misconduct of parents or guardians is also currently required. Therefore the Catalan Ombudsman proposes promoting urgent and appropriate amendments in criteria and indicators so the way to receive some aids be paved.

Likewise, the Catalan Ombudsman also proposes that administrations review indicators involving the fact that bad parenthood's consequence be the deprivation of aid intended for the child. Not modifying such criteria causes, de facto, a double penalty for the child.

3. Children deprived of a family environment

With regard to children and adolescents fostered by the Government some shortcomings that may infringe their rights have also been detected, including the stay in foster care or residential resources not suitable for them. These situations occur mainly due to lack of the resource proposed, which is often a lack of external foster families. After almost twenty years of having launched policies to provide external foster families, their availability should be much higher, based on a dissemination policy of this need (due to citizenship great ignorance on the matter), as well as an increasing awareness, promotion, support of the existing ones, etc., actions that have not been performed.

We must also call attention to an issue of extreme rights infringement, such as the excessive lapse of time in which girls and boys remain ran away from resource protection, a situation that should lead to adopt urgent measures to locate and protect them. Authorities involved, though, do not take action urgently enough, which may endanger their physical and mental integrity.

4. Juvenile justice

Another noteworthy matter of this Report refers to the juvenile justice system in Catalonia. Due to the current economic context, in 2012 it has been reduced the number of places of the educational institution Montilivi, the inclusion flat has been removed, as well as all units of the centre Tilers, apart from the therapeutic unit. Such decisions may be against the interests of the juvenile justice model in Catalonia, which so far has been of high quality and taken as a reference, based on the recovery and reintegration of conflictive adolescents.

Therefore, the Catalan Ombudsman requested to suspend these decisions until new centres are created or necessary improvements are made and while the capacity of centres with no plans to be closed is not enlarged.

In this context, the Ombudsman considers absolutely necessary to maintain the drive of open environment and mediation to prevent from relapse, ensuring the individualization in the treatment and preventing from overcrowding.