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CDENF First thematic exchange of views Summary Report

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CDENF First thematic exchange of views

COVID-19 pandemic responses: lessons learnt from management and adaptation to ensure that children are treated as rights holders during the pandemic and beyond

(held by videoconference, 26 June 2020)

Summary report¹

It is the responsibility of every Member State on all governance levels and of every international institution to analyse and to make decisions on improving every child's wellbeing.

The Steering Committee on the Rights of the Child (CDENF) held its first thematic exchange of views by video-conference on the 26 June 2020 with the aim to take stock, from a child rights perspective, of lessons learnt to date from the management of the COVID-19 pandemic in member states and enable experience-sharing on their perspectives on actions to be taken, in order to ensure that the rights of the child are upheld at all times, particularly during and after a pandemic. The meeting brought together 60 representatives from 38 member states, 9 representatives from 2 observer states, and 25 representatives of different organs and committees of the Council of Europe, international organisations and civil society organisations².

Session 1 focused on key lessons learnt from adapting to and managing the pandemic, with respect to the adequacy of integrating the safety and well-being of children and the provision of child-friendly information in COVID-19 response plans, and Session 2 focused on mapping effective COVID-19 interventions and responses by child protection and justice systems, including with respect to situations of violence and sexual exploitation and abuse.

Invited experts from the European Network of Ombudsperson for Children (ENOC), Defence for Children International, Child Rights International Network (CRIN), the University College Cork, and the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) shared their experiences and observations from the past few months and raised a number of concerns regarding children's rights in the time of the pandemic. Concrete experiences were also shared through presentations from Estonia, Greece, Ireland and several other CDENF delegations contributed with important elements of information to the exchange.

Children are believed to be the least at risk to be *infected* by the virus, but certainly not the least *affected* by the pandemic.

It became clear from the thematic exchange that the pandemic is having a **significant impact on all children across all Member States**. Overall challenges to children's rights and child protection during this period have been similar across the European continent. Despite attempts to adapt rapidly, the measures implemented to reduce the spreading of the virus have severely impacted children. The exchange also showed the difficulties in keeping children safe and maintaining their rights high on the agenda in this crisis, during which governments have had to implement measures extremely rapidly and often without considering some of the

¹ This report is based on the written contribution of Dr Susanna Greijer, independent consultant acting as rapporteur of this thematic exchange.

² The list of participants is available [here](#).

potential downsides of those same measures. The level of knowledge about the risks posed by COVID-19 to children is increasing, and while children may not necessarily be as susceptible as adults to COVID-19, the evidence is starting to show that risks are not the same for all children and young people.

The shared experiences shed light on the current situation as a significant multi-dimensional impact on the respect of children's rights. The issues raised concerned, among others, the significant **educational inequalities between children**. The rapid transformations in educational methods as a result of the closure of schools and the implementation of distance learning has revealed not only the digital divide, but has also exacerbated the pre-existing social divide.

The availability of qualitative online education during the pandemic has been unequal, countries and the availability and capacity of parents to compensate for the lack of and/or support their children's education during the lockdown has, in many cases, made the difference. For instance, living in poor or overcrowded housing, in noisy environments and without the possibility to concentrate made home schooling extremely challenging. Varying problems of access to the Internet or to adequate devices to carry out schoolwork online has also affected the possibilities of children to study effectively. As restriction measures were gradually eased, there remains serious concerns with regard to children who have fallen behind and the risk for high numbers of school drop outs, while reflections on which policy measures should be envisaged in order to address this dimension remain impacted by the uncertainty of the pandemic's continuity.

Children's rights must be prioritised as an area of investment.
What we are dealing with now
is what was poorly addressed before the pandemic.

Experts agreed that **child poverty** has increased during the pandemic. The increased economic insecurity for many families, with parents risking to lose or actually having lost their jobs, has produced negative consequences for a large number of children, with those from already low-income or socially marginalised families suffering the most. In some places, school closures have led to missing out on school meals, which to some children represented the most significant meal of the day. Some parents lost their jobs and are living the difficulties of unemployment and financial strain. Other parents have had to leave their children unattended at home to continue to go to work.

With the pandemic increasing levels of stress, fear and financial insecurity, the risks of **abuse, neglect, domestic violence, criminal exploitation or sexual exploitation of children** has also increased. Indeed, it was observed in many countries that children's exposure to violence had increased, both offline and online.

Offline, as evidenced by the **increased difficulties in relationships and conflict within the family home**, whether between children, siblings and parents, which have been reported. Many children have been locked in together with perpetrators of violence during this time, and have been unable to call for help. The same is true for domestic violence more broadly, and information was shared on how domestic violence had increased during the pandemic at a time when state interventions are significantly limited, causing such acts to be further hidden from detection. The restriction measures have made it much more difficult for the abused parent and/or child to report violence in the home. In many instances, children were exposed directly or indirectly and witnessed acts of violence against their mother.

Experts underlined that interventions and continuity of support is crucial in such cases, including the need to put in place alternative reporting mechanisms and channels. For example, in Estonia, the authorities took a more active role in direct communication with welfare institutions and at-risk families, and case managers have been designated for specific areas and regions as contact persons. Families where cases of domestic violence had been reported in the past year were prioritised for contacts and follow-up. Practical measures mentioned included the prioritisation of the implementation of existing supervision and care orders, and also prioritising, through planning, funding and support, the return of children to school, child-care and other external supportive environments.

In parallel, where member states have released prisoners in order to reduce the spread of the virus in prisons, as the risk lessens, States need to revisit these decisions and address any ongoing threats to the safety of children that is posed by such schemes for release, and such decisions must be capable of review and reversal where appropriate.

Online, because children have been spending an increasing amount of time on the internet, and so have perpetrators. Recent data from Europol and Interpol have showed an increased in **online sexual offences** against children, notably the sharing of child sexual abuse material online, potentially also impacted by the restrictions on travel.

The Lanzarote Committee has issued a statement [on the protection of children against sexual exploitation and abuse in times of the Covid-19³](#), directed at State Parties, on means to protect and empower children and teenagers during current events.

Overall, a decrease in children's **emotional and mental well-being** has been observed, with many children suffering from anxiety, due to lack of information and uncertainty about the current situation, experiencing loneliness from being away from friends, school, sport and leisure activities, worrying about the health of family members and fear of becoming themselves sick. The lack of adequate physical activity, the absence of structure and routine also played a role.

At the same time, some countries indicated that the number of **reports to social services has gone down** during the first part of the lockdown period, potentially linked to the fact that children have been isolated during lockdown and were either unable to report themselves or were not being seen by child care professionals and teachers who usually detect anomalies in the child's behaviour or well-being. Indeed, access to social workers and health- and welfare workers and educational support workers, as well as access to children's representatives had been severely hampered in many places during this period. It was anticipated that calls for help may increase significantly as lockdown measures ease up.

It was also observed how children belonging to **vulnerable groups**, such as migrant children, children with disabilities, Roma children⁴, children in conflict with the law and children in care⁵ have been even more exposed during the pandemic and have severely suffered from the consequences of lockdown measures. It was noted that in some cases, the crisis revealed discrimination and inequalities that were previously ignored or invisible and, in many cases, it augmented them.

Children with disabilities (and sometimes their families) have been isolated, often without understanding the reasons behind the changes they have been experiencing.

³ Available at <https://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae>.

⁴ See for example a report on experiences of Roma children, prepared by Cath Larkins (University of Central Lancashire) in cooperation with colleagues in other European countries. <http://clok.uclan.ac.uk/33616/1/4%20Roma%20Children%27s%20Participation%20-%20Covid-19%20and%20the%20EU.pdf>

⁵ See also the Technical Note on the Protection of Children during the COVID-19 Pandemic: Children and Alternative Care, led by the Alliance for Child Protection in Humanitarian Action, the Better Care Network and UNICEF (available in multiple languages, at <https://www.unicef.org/sites/default/files/2020-05/COVID-19-Alternative-Care-Technical-Note.pdf>

Concern was also expressed about the restrictive measures' impact on children, bringing them in **conflict with the law**. One representative considered that children have been discriminated by states' measures both by neglect and by design. For instance, children in many countries were singled out and barred entirely from going outdoors during the lockdown, subject to fines for not respecting the measures, despite evidence proving that fines imposed on children fall particularly hard on those belonging to vulnerable groups including from poor families. In certain countries, street children, including migrant children, did not have access to accommodation facilities. With regard to detention, it is noteworthy that while 79 countries put in place "Covid-release schemes" for prisoners, only 20 countries extended those measures to cover children in detention, and even where this was the case, in practice, very few children had been released. This was because the schemes were intended for adults and did not engage with the types of sentences that children are usually subject to. It was also mentioned that solitary confinement had increased for children during this period.

Children in institutions were no longer able to go home during weekends or to receive visits from family members and have been isolated from the outside world. At the same time, residential care institutions have been under severe strain as human resources have often proven insufficient during this time, or have followed schools and closed, leaving children without appropriate care placements.

Children in divorced and separated families were identified as being facing increased risks, as the right of access of non-custodial parents has been limited by restrictions on movement and *inter parte* engagement. Also, in this case, the best interests of the child have often not received the deserved attention, coupled with a lack of clear communication and inability to convey information to parents, legal representatives and other competent authorities in a coherent manner.

A major challenge that has arisen during the pandemic restrictions is the capacity for children to have access to those who represent and protect them within the justice system; namely social workers, those who provide regular interventions and supports (education, health, development etc.), engagement with their guardian ad litem or legal representative – and all of these limitations impact negatively upon the protection and representation of children. More broadly, closures and restrictions have given rise to a lack of timely, or any indeed any access to the courts – which removes a critical platform for the protection of children.

In general, it was noted that communication with children directly has been poor during the pandemic, and that efforts to **communicate information in a child-friendly way**, as well as to seek **children's voices** about the ongoing situation, were largely insufficient. This has resulted in many children's needs and rights not being considered, e.g. the need to have social contacts with family and friends, the right to education, the right to see both parents in case they are separated or divorced, and the right to be informed about what is going on in a language that is understandable to them. This lack of appropriate communication has resulted in significant additional stress for children, which could potentially have been avoided.

Several experts reiterated how the economic consequences of the current situation will be tremendous and will inevitably have a deep and potentially long-term impact on children.

Participants from member states shared many of the concerns presented by experts and also contributed with additional information. Azerbaijan shared the result of an online survey for children carried out during the lockdown, noting the impact of children's exposure to the anxiety of their parents, primarily due to the increased **screen time** and the need for **online safety**.

Because of the new virtual nature of most children's activities during the lockdown (schoolwork, exchanges online, hobbies/leisure activities) and the limited opportunities of physical interaction, many children have been suffering from this imbalance. It was therefore underlined that emphasis should be put on the needs of both children and parents for specialised public services' support and advice, in order for children to keep on living a healthy and safe life.

At the same time, the pandemic has shown that those countries endowed with more advanced digital services have managed to be more resilient and adapt more easily in many respects, including **online schooling, care and support**. On the one hand, children were able to have access to quality electronic devices limiting their isolation and enabled virtual contacts ; on the other hand child protection staff and social workers were able to provide alternative services and solutions to children in need, at a time when physical interaction was ruled out. For example, Ireland's experience of the gradual digitalisation of the social services' system prior to the pandemic has shown its success by enabling case workers to soften the blow of the pandemic on their work. This shows how the challenges faced by disadvantaged children have been experienced as opportunities by others, depending on their geographical location. Continued training of professionals in this context was also considered very important, given the need to adapt existing working methods.⁶

Estonia's experience showed how, for instance, establishing **regional crisis boards** which include professionals responsible for child protection and child welfare can help manage the situation. Information can be centralised through such crisis boards to ensure a coherent communication, including regarding vital services that must never be discontinued or compromised even while restriction measures are in force. Digital solutions were presented as an efficient way forward, and this can include digital government services and digital court file applications.⁷

**Failing to take into consideration children's voices and experiences
by policymakers would result in the long-term perpetuation of the pandemic's
consequences**

Other States and experts underlined the importance of clarity and breadth of the communication of state-led initiatives. They identified extensive awareness raising campaigns to promote States' services available during lockdown (for example in Belgium, Estonia, Slovak Republic), the creation of **child-friendly information material** (often available in different languages) and online initiatives, as successful means to duly inform children. Moreover, **child participation** was also stimulated by the creation of online surveys.⁸

For example, Belgium organised a survey for children between 8 and 17 years old in which more than 17.000 children participated, enabling to gather information and data on their experiences and needs during the COVID-19 pandemic⁹. The questions revolved around home, schoolwork, contact with friends, children's feelings, concerns and potential ideas to improve their condition. One of the outcomes of the study, based on the results of this survey, was the idea that a **safety council for children** should be established.

⁶ For example, it was mentioned that the University of Strathclyde (CELCIS) with the multi-agency COVID-19 Case Management MOOC Taskforce, including ISS, has developed a Massive Open Online Course (MOOC) on COVID-19: "Adapting Child Protection Case Management. This one-week course is available for free in Arabic, English, French and Spanish. For more information: <https://www.futurelearn.com/courses/covid-19-adapting-child-protection-case-management>

⁷ It was also mentioned as an example the development of the he COVID-19 4P Log – a smartphone App created especially for practitioners and policy makers who are working to support children's wellbeing, to log their lived reality and experiences throughout this pandemic. This was designed to better understand the ways practitioners and policy makers protect children, provide for their unique needs, enable their participation in decisions that affect them, and prevent harm, at different stages of the current pandemic.

⁸ See also for example the #CovidUnder19 initiative, a survey developed with children and translated into 22 languages is online to meaningfully involve children in responses to the Covid-19 pandemic. Available at: <https://www.qub.ac.uk/research-centres/CentreforChildrensRights/NewsEvents/COVIDUnder19-GlobalChildrensConsultation.html>

⁹ Available online at the following links: <https://www.kinderrechtencommissariaat.be/jongerenovercorona>
<https://www.keki.be/nl/coronakinderrechten>

The "Supporting Children" campaign of the Irish Government¹⁰ aims at supporting vulnerable children. This project was coupled with local initiatives. The campaign included an active child protection and welfare component

The discussion also focused on other **innovative ideas** and **proposed solutions** to some of the many and serious issues addressed during the exchange, in order to identify concrete measures that could be prioritised to respond more adequately to similar situations in the future.

One of the issues recurrently raised is the need to **listen and take into account children's views** and allow their voices to feed into government planning and measures.

Moreover, to tackle these issues, which go far beyond national borders, it was suggested that all States need to **cooperate closely**, and that extensive **awareness raising campaigns** are needed.

It was also underscored how important is always to **make resources readily available to children**, and in particular during lockdown. As children find themselves more isolated and less able to call for help during lockdown, it is imperative that resources, such as awareness information and means to signal abuse or call for help, are incorporated into daily online exchanges with and material for children, for instance for instance in online school material. It was emphasised that helplines allowed social workers to identify cases of violence against children and to process them as 'business as usual'. Moreover, as soon as a signal for help is emitted by a child, **prompt intervention responses** are needed. The need to acknowledge children as victims of domestic violence in their own rights, even if the violence has not concerned them directly was also emphasised, while, protection orders and risk assessment measures should be available for children and their own levels of risk and safety needs must be addressed by the authorities.

The need to intensify efforts to **reach out to vulnerable groups of children**, such as children in detention¹¹ or in institutions, street children and migrant children was also highlighted. It was suggested that the already existing tendency to reduce institutional care should be intensified, to quickly minimise those settings in which many children are residing all together.

The pandemic resulted in several services for children becoming unavailable. This led to a discussion about how to ensure that **specialised support system for children in need** is upheld throughout periods of restriction measures, such as during the pandemic. It was recognised that the shutdown of certain services for children, including rehabilitation services or special schools in some countries, had been overhasty. Children in care are among the group of children that have suffered the most from the reduction in services and travel restrictions, for whom specific and tailored measures should have been put in place, taking into account their rights and specific needs. The availability, consistency and responsiveness of support systems and services were cited as being crucial to support children during this time.

The COVID-19 pandemic and changes to the operation of the justice have also exacerbated existing challenges, with delays owing to restrictions of access to courts and children's hearings. Regarding **access to justice**, experts underlined the importance of considering children's cases as urgent cases that should be prioritised, and access must be guaranteed where interventions are in the best interests of the child. This must also ensure that the associated supports and access are facilitated, arrangements must be made to allow children to meet with their legal representation, guardian ad litem, social worker or other such support

¹⁰ Available at: <https://www.gov.ie/en/campaigns/42dcb-supporting-children/>

¹¹ Attention was drawn on the work of the Working Group on Alternatives to Immigration Detention of the United Nations Network on Migration which recently released practical recommendations with guidance for States and stakeholders on preventing and responding to COVID-19 in the context of immigration detention. For more information, see https://migrationnetwork.un.org/sites/default/files/docs/un_network_on_migration_-_press_release_-_wg_atd_policy_brief_2.pdf

to fully inform the courts or other decision-making body of their current circumstances and evolving needs. It was also suggested that in person hearings may be replaced by virtual meeting rooms while courts are closed. In the case of children with divorced or separated parents, states should generally ensure the established access routines through the respect of all existing court orders and agreements, unless exceptional circumstances arise which prevent access as usual (e.g. health of the child, health of the non-custodial parent, location of access, need to limit exposure to and contact with third parties). If exceptional circumstances arise, the State must provide support to the parents/guardians to facilitate them to make alternative arrangements, through negotiation and agreement, ensuring a children's rights centred approach in all decisions taken.

Experts agreed that children's rights need to be put at the forefront of member states' **recovery plans** at the present time, as well as of **future strategies and policy actions** to tackle whatever kind of emergencies states may be facing.

They took note that the Steering Committee for the Rights of the Child will continue to exchange on COVID-19 pandemic responses and enable experience sharing on what measures are effective from a child-rights perspective, including when examining the implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021) and the preparation of the new strategy beyond 2021.

Although this pandemic brings numerous challenges, it is also an opportunity for all stakeholders – political decision-makers, governments, local authorities, civil society, the private sector, international organisations – to ensure that their efforts and decisions, which will shape the medium and long-term impact on children, are firmly grounded on and respect the rights of the child.

Lastly, it was therefore recalled that:

Children's rights must be upheld at all times, even during times of emergency, and measures that may hamper children's rights must never be prolonged longer than what is strictly necessary.