

ENOC SYNTHESIS REPORT

Mapping the impact of emergency measures introduced in response to the COVID-19 pandemic on children's rights in ENOC member states

September 2021

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ENOC is co-funded by the European Union's Rights, Equality and Citizenship Programme (REC 2014-2020). The content of this publication represents only the views of ENOC and is its sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

Contents

| | |
|---|----|
| GLOSSARY AND TERMS | 1 |
| FIGURES AND BOXES | 2 |
| EXECUTIVE SUMMARY | 4 |
| ENOC POSITION STATEMENT 2021: COVID-19 LEARNING FOR THE FUTURE | 11 |
| SYNTHESIS REPORT – MAPPING THE IMPACT OF EMERGENCY MEASURES INTRODUCED IN RESPONSE TO THE COVID-19 PANDEMIC ON CHILDREN’S RIGHTS IN ENOC MEMBER STATES | 19 |
| INTRODUCTION | 19 |
| RESEARCH OBJECTIVES | 22 |
| METHODOLOGY | 23 |
| • <i>Note on how the data is presented</i> | 24 |
| SURVEY PART 1: FINDINGS | 25 |
| SURVEY PART 2: FINDINGS | 28 |
| Thematic area 1: Impact of Emergency Measures on GMIs of the CRC | 33 |
| • <i>Emergency Measures and GMIs of the CRC: Impact on particular groups of children</i> | 34 |
| • <i>Steps taken to minimise negative impact of Emergency Measures on GMIs of the CRC</i> | 36 |
| Thematic area 2: Impact of Emergency Measures on General Principles of the CRC | 37 |
| • <i>Emergency Measures and General Principles of the CRC: Impact on particular groups of children</i> | 39 |
| • <i>Steps taken to minimise negative impact of Emergency Measures on General Principles of the CRC</i> | 41 |

Thematic area 3: Impact of Emergency Measures on Civil Rights and Freedoms
..... 42

- *Emergency Measures and civil rights and freedoms: Impact on particular groups of children* 44
- *Steps taken to minimise negative impact of Emergency Measures on Civil Rights and Freedoms* 45

Thematic area 4: Impact of Emergency Measures on Violence Against Children
..... 47

- *Emergency Measures and Violence Against Children: Impact on particular groups of children* 48
- *Steps taken to minimise negative impact of Emergency Measures on Violence Against Children* 50

Thematic area 5: Impact of Emergency Measures on Family Environment and Alternative Care..... 52

- *Emergency Measures and family environment and alternative care: Impact on particular groups of children* 53
- *Steps taken to minimise negative impact of Emergency Measures on Family Environment and Alternative Care*..... 55

Thematic area 6: Impact of Emergency Measures on Health and Welfare 57

- *Emergency Measures and health and welfare: Impact on particular groups of children*..... 58
- *Steps taken to minimise negative impact of Emergency Measures on Health and Welfare* 60

Thematic area 7: Impact of Emergency Measures on Education, Play, Leisure and Cultural Life..... 62

- *Emergency Measures and education, play, leisure and cultural life: Impact on particular groups of children* 63
- *Steps taken to minimise negative impact of Emergency Measures on Education, Play, Leisure and Cultural life* 65

| | |
|--|-----------|
| Thematic area 8: Impact of Emergency Measures on Special Protection Measures..... | 67 |
| • <i>Emergency Measures and special protection measures: Impact on particular groups of children</i> | <i>68</i> |
| • <i>Steps taken to minimise negative impact of Emergency Measures on Special Protection Measures.....</i> | <i>70</i> |
| SURVEY PART 3: FINDINGS | 72 |
| SYNTHESIS..... | 75 |
| APPENDIX 1: Jurisdictions responding to the survey..... | 76 |
| APPENDIX 2: CRC rights: Negative impact from Emergency Measures as reported by respondents | 78 |

Glossary and Terms

| | |
|------------|--|
| Convention | UN Convention on the Rights of the Child |
| CRC | UN Convention on the Rights of the Child |
| COVID-19 | An infectious disease caused by a new coronavirus first identified in December 2019. |
| CRIA | Child Rights Impact Assessment |
| GMI | General Measures of Implementation |
| NGO | Non-governmental organisation |
| NHRI | National Human Rights Institution |

In this report:

- 'Children' means persons under the age of 18 years.
- We have avoided the term 'children and young people' as in some jurisdictions 'young people' extends beyond 17 years of age.
- CRIA refers to any analysis which examines the potential impact on children of laws, policies, budget decisions, programmes and services as they are being developed. CRIA is used as shorthand for all forms of advance analysis.
- Committee, UN Committee on the Rights of the Child.
- Emergency Measure means any law, policy or action taken by government in response to Covid-19.
- Jurisdiction means a State, nation or region covered by the work of a Children's Ombudsperson or Commissioner.

Note on Ombudspersons and Commissioners

This report has been commissioned by the European Network of Ombudspersons for Children (ENOC). While we refer to 'Ombudspersons' and 'Commissioners' interchangeably in the discussion that follows, we recognise that there are distinctions between the powers and responsibilities of these institutions at national level. However, for the purposes of the matters reported on below, these differences are not significant.

Figures and Boxes

Figure 1: Impact of Emergency Measures: Overview

Figure 2: Impact of Emergency Measures: Consideration of children's rights

Figure 3: Impact of Emergency Measures on GMI of the CRC

Figure 4: Impact of Emergency Measures: Specified GMI of the CRC

Figure 5: Emergency Measures and GMI of the CRC: Impact on particular groups of children

Figure 7: Impact of Emergency Measures on General Principles of the CRC

Figure 8: Impact of Emergency Measures: Specified General Principles of the CRC

Figure 9: Emergency Measures and General Principles of the CRC: Impact on particular groups of children

Figure 10: Steps taken to minimise the negative impact of Emergency Measures

Figure 11: Impact of Emergency Measures on Civil Rights and Freedoms

Figure 12: Impact of Emergency Measures: Specified Civil Rights and Freedoms

Figure 13: Emergency Measures and Civil Rights and Freedoms: Impact on particular groups of children

Figure 14: Steps to minimise negative impact of Emergency Measures on Civil Rights and Freedoms

Figure 15: Impact of Emergency Measures on Violence Against Children

Figure 16: Impact of Emergency Measures: Specified Issues - Violence Against Children

Figure 17: Emergency Measures and Violence Against Children: Impact on particular groups of children

Figure 18: Steps to minimise negative impact of Emergency Measures on Violence Against Children

Figure 19: Impact of Emergency Measures on Family Environment and Alternative Care

Figure 20: Impact of Emergency Measures: Specified Issues - Family Environment and Alternative Care

Figure 21: Emergency Measures and Family Environment and Alternative Care: Impact on particular groups of children

Figure 22: Steps to minimise negative impact of Emergency Measures on Family Environment and Alternative Care

Figure 23: Impact of Emergency Measures on Health and Welfare

Figure 24: Impact of Emergency Measures: Specified Issues - Health and Welfare

Figure 25: Emergency Measures and Health and Welfare: Impact on particular groups of children

Figure 26: Steps to minimise negative impact of Emergency Measures on Health and Welfare

Figure 27: Impact of Emergency Measures on Education, Play, Leisure and Cultural Life

Figure 28: Impact of Emergency Measures: Specified Issues - Education, Play, Leisure and Cultural Life

Figure 29: Emergency Measures and Education, Play, Leisure and Cultural Life: Impact on particular groups of children

Figure 30: Steps to minimise negative impact on Education, Play, Leisure and Cultural Life

Figure 31: Impact of Emergency Measures on Special Protection Measures

Figure 32: Impact of Emergency Measures: Specified Special Protection Measures

Figure 33: Emergency Measures and Special Protection Measures: Impact on particular groups of children

Figure 34: Steps to minimise negative impact of Emergency Measures on Special Protection Measures

Box 1: Key findings: Part 1

Box 2: Key findings: Part 2

Box 3: Key findings: Part 3

Executive Summary

Covid-19 has had a huge impact on society globally. By April 2021, one million people in Europe had died due to the Covid-19 virus. Although research has confirmed that deaths of children from Covid-19 are rare, governments in many states, nations and regions across Europe have introduced Emergency Measures in response to the pandemic which have had a direct or indirect impact on children. Children across Europe may not have experienced high rates of mortality during the pandemic, but they have shouldered the burden of many restrictions as governments across Europe have introduced Emergency Measures in response to Covid-19.

The European Network of Ombudspersons for Children (ENOC) works to safeguard and promote children's fundamental rights. In 2021, ENOC identified the need for research to examine the impact of Covid-19 Emergency Measures on children's rights so that lessons may be learned in order to better protect children's rights during any future pandemic or public health emergency. The research, '**Mapping the Impact of Emergency Measures introduced in Response to the Covid-19 Pandemic on Children's Rights in ENOC Member States**', was carried out with ENOC members during March and April 2021.

The research made use of an on-line survey based on the UN Committee on the Rights of the Child's thematic reporting guidelines, to examine the impact of Emergency Measures in the following thematic areas:

- General measures of implementation (GMI) of the CRC.
- General principles of the CRC.
- Civil rights and freedoms.
- Violence against children.
- Family environment and alternative care.
- Health and welfare.
- Education, play, leisure and cultural life.
- Special protection measures.

The survey also examined the application of Child Rights Impact Assessment (CRIA) by governments to Emergency Measures.

A total of 32 (74%) of ENOC members completed the survey.

The survey first asked respondents to provide a general overview of the impact of Emergency Measures across all thematic areas. The majority of respondents (91%, n=29) reported that their office receives complaints from children or their representatives, and 76% of these noted an increase in complaints since the pandemic started. The evidence suggests that there have been a number of negative impacts on children's rights owing to Emergency Measures, and in particular on: education rights; mental health; violence against children; children's right to play; children's right to an adequate standard of living; and contact with their families. Many respondents (42 %, n=13) reported that their government had failed to take account of children's rights when first responding to the pandemic, while a larger number (69%, n=22) reported that governments are increasingly taking children's rights into account in the way they respond to Covid-19 through Emergency Measures.

In reply to questions on General Measures of Implementation (GMI) of the CRC, respondents reported that Emergency Measures have had a negative impact on GMI and in particular on national planning and coordination of implementation of children's rights. Respondents also noted a negative impact on the General Principles of the CRC. The evidence suggests that there has been a general lack of attention to children's rights as a guide to decision-making on Emergency Measures, and that children and/or child specialist advisers have largely been excluded from decisions about Emergency Measures. In response to questions about the impact of Emergency Measures on the General Principles of the CRC (articles 2, 3, 6 and 12), respondents reported that children were not treated as a specific audience for the purposes of consultation, or the dissemination of information about the pandemic, and that children have been treated as objects of the Emergency Measures rather than as participants in their making.

The evidence on GMI also suggests that children already seen as 'vulnerable' are more likely to be severely affected or disproportionately discriminated against through the application of Emergency Measures. In relation to General Principles, the evidence raises concerns that many groups of children have been disproportionately affected by Emergency Measures, in particular, children with additional learning needs, disabled children, children with mental illness, children with mild to moderate mental health problems, children in care, asylum seekers and refugees, children of divorced or separated parents, and children in the child justice system. It also points to the pandemic highlighting and exacerbating inequalities between groups of children.

While the evidence on the impact of Emergency Measures raises a number of concerns for progress on GMIs and respect for and fulfilment of the General Principles in ENOC member

states, it also highlights that some governments have taken some effective steps to minimise the negative impact of Emergency Measures, including: the introduction of advice and phone lines targeted at children, an increase in support for education in the digital environment, and the allocation of additional funds to support children and their families in greatest need. A significant finding from the evidence is that scrutiny by Children's Ombudspersons or Commissioners is often key to minimising the negative impact of Emergency Measures, as well scrutiny and intervention by Parliamentary Committees and NGOs.

In specific areas of children's rights, respondents report that Emergency Measures have had a negative impact across all thematic areas, including civil rights and freedoms, and in particular on children's freedom of association and assembly (article 15) as many children were only able to meet online at various stages of the pandemic. The evidence also raises concerns about the lack of regulations in some jurisdictions to safeguard children's privacy, protection of image and information rights online (articles 16 and 17). The evidence also indicates that some children have been particularly badly affected by restrictions placed on their movements, such as children in care homes and juvenile offender institutions, as well as children with additional learning needs and disabled children, with the negative impact on children's mental health identified as a particular issue for concern. The evidence on civil rights and freedoms also confirms a 'digital divide' as some children are unable to access the online space. So, while the move to online 'assembly' may, for some children, offer new opportunities to exercise their rights, for others this is no more than an illusion.

Respondents reported that Emergency Measures have had a negative impact on violence against children and that children are at an increased risk of experiencing domestic abuse, online abuse, general abuse and neglect, and sexual exploitation (articles 19 and 34 of the CRC). Disabled children, children with additional learning needs and children in care were seen as becoming more vulnerable, with some children being at greater risk of abuse and/neglect. The evidence also suggests that girls were at greater risk of increased violence or abuse. However, respondents noted that data on violence against children is often inadequate, making it difficult to determine the actual impact of Emergency Measures. While better data is required, the evidence available for the purposes for the present research suggests that in many ENOC jurisdictions, governments have struggled to maintain services to protect children who may be at significant risk of harm, and that increased time spent at home means many children have been exposed to increased levels of violence without the sanctuary of school as an escape. In addition, children's use of the internet while at home means they have been exposed to an increased risk of cyberbullying or online sexual abuse/exploitation. Respondents noted the importance of telephone helplines and online services, as of crucial importance to give children the option to seek help when they were at

risk of or experiencing abuse. Other respondents highlighted the importance of continuing services for those at risk of violence, for example keeping schools open to vulnerable children.

The survey data highlights the negative impact of Emergency Measures on children's rights in relation to family environment and alternative care (articles 9, 10, 18, 20 of the CRC). Particular issues of concern are: reduced support for parents and childcare services; children being deprived of their family environment; children being separated from their parents; reduced contact with incarcerated parents; and restrictions on family reunification. The evidence suggests a disproportionate negative impact on children in care, disabled children, and children with divorced or separated parents. In general, the survey data highlights how working parents have been left with no childcare options when schools are closed, leaving parents to care for their children, support online schooling and continue their working commitments, placing pressure on families and children, particularly those already vulnerable due to pre-existing disadvantage. Respondents identified some steps taken to support working families, which include financial aid, and in some jurisdictions, nurseries, kindergartens etc have been kept open to provide childcare: especially for parents working in essential services. Children in institutional or foster care had contact with family members and social work visits limited or in some instances terminated. Children were also reported to be unable to visit parents who were incarcerated. As the pandemic progressed, some governments took steps to ensure regular contact with family members, including facilitating contact via online services. Across several jurisdictions, children of divorced or separated parents at the start of the pandemic, were not able to have contact with both parents. However, as the pandemic progressed, some governments made it clear that children must be able to have contact with both parents.

Respondents confirm that Emergency Measures have had a negative impact on the health and welfare of some children, especially on children's mental health; children's physical health, their ability to access mental health services and general health services; children's access to sexual health services; and food security (articles 24 and 27). Respondents reported a disproportionate negative impact on disabled children, children with mild to moderate mental health problems, children with mental illness and children with additional learning needs. Child health services have been reduced, terminated or re-deployed in response to the pandemic. Children's mental health is of particular concern due to restrictions on movements, confinement to the home, not being in school and reduced opportunities to play and meet up with friends. Children's level of depression, anxiety and emotional distress was noted to have increased across many jurisdictions at a time when

children most needed access to mental health services. It was reported by some respondents that reduced opportunities for physical activity was leading to increased levels of childhood obesity and limited access to general health services reducing access to childhood immunisation. In addition, the impact of the pandemic on the economy is seen as pushing many families into precarious financial situations with a resulting negative impact on children's standard of living and food security. In the majority of jurisdictions, scrutiny by Children's Ombudspersons, phone helplines and online services as well as the allocation of additional funding were the main steps taken to attempt to reduce the negative impact of the Emergency Measures on children's rights in relation to health and welfare.

Regarding education, play and leisure, respondents reported that Emergency Measures, and in particular school closures, have had a negative impact on education, play, leisure and cultural life (articles 28, 29, 31). There are concerns about reduced access to education at all levels: secondary education; primary education; early childhood education; vocational training; and higher education. The evidence suggests a disproportionate negative impact on children with additional learning needs, disabled children, children with mental illness, children with mild to moderate health problems and children in care. Although some jurisdictions switched to on-line learning, not all jurisdictions were prepared to do this effectively at the beginning of the pandemic. The 'digital divide' (noted above) became increasingly apparent as the pandemic progressed, with many children unable to access online learning because of limited or no access to the internet or no access to technological devices. In a majority of jurisdictions, online services, allocation of additional funding and resources specifically targeted at vulnerable groups of children to respond to digital poverty were steps taken as well as interventions by Ombudspersons. Some jurisdictions prioritised the re-opening of schools as soon as possible, while in other jurisdictions, schools were kept open for vulnerable children. Respondents also reported that restrictions on the use of indoor and outdoor space, and sports activities, as well as the limitations placed on opportunities to spend leisure time in out-of-school clubs, teams etc, have all adversely affected the right to play, leisure and recreation, with concerns raised about the impact of limitations on the right to play on children's mental health and overall development. In some jurisdictions the reopening of playgrounds has been prioritised, while in other jurisdictions, efforts have been made to share play activities online and to distribute play resource packs or permitted children of certain ages to meet in groups to play.

Finally, on the theme of special protection measures, respondents once again reported that Emergency Measures have had a negative impact on special protection measures. Particular issues of concern raised by respondents are: a negative impact on physical and

psychological recovery and social integration following abuse or trauma; the right to a fair trial; and deprivation of liberty (articles 39 and 40). Respondents noted a disproportionate negative impact on children in the juvenile justice system and children with mental illness. Problems in this area included delays in court proceedings and a backlog in the juvenile justice system as a consequence of the restrictions imposed by the Emergency Measures or the pandemic in many jurisdictions. In some jurisdictions court cases continued via digital means and child related cases were prioritised. There are also concerns that during the pandemic, children denied their liberty were kept in isolation for extended periods of time, with limited opportunities for recreation and education and denied access to lawyers/social workers. Deprivation of liberty was also not seen as a last resort in some jurisdictions. However, it was noted that in some jurisdictions, steps have been taken to ensure that children were only being remanded to custody as a last resort, and time spent in detention was reduced.

Conclusions

Emergency Measures have been developed with very little consideration given to children or children's rights. Governments across the jurisdictions primarily responded to the pandemic as a public health emergency which led to a lack of attention to the physical, mental, social or economic impacts on children as a group or on particular groups of children. The consequence has been that Emergency Measures have had negative impacts on GMIs, especially planning and coordination of children's rights, and on General Principles of best interests, non-discrimination, participation and children's survival and development. The evidence demonstrates the need for concern about the current and ongoing negative impacts of Emergency Measures across all the thematic areas identified by the Committee for State party reporting purposes, and for particular concern in relation to specific groups of children who have been and will continue to be disproportionately affected by Emergency Measures.

As part of the survey ENOC members were asked to put forward three 'high level recommendations' they would make to their governments to help minimise the negative impact of any future Emergency Measures in a pandemic/public emergency. These were taken into account in the development of recommendations to be included in an ENOC Position Statement, as well as the key findings of this research and consideration to ENYA's research. The importance of a children's rights approach to public emergencies was also considered and integrated into ENOC's Position Statement. The initial Position Statement was considered by ENOC Children's Ombudspersons at the ENOC Spring Seminar in June 2021, amended by the authors, given further consideration by the ENOC Working Group

responsible for steering this project and then considered further by all ENOC members via online consultation. The Final Position Statement was agreed upon by Ombudspersons at the ENOC Annual Seminar in September 2021. The Position Statement is outlined below from page 12. The full Synthesis Report can be found from page 20.

ENOC Position Statement 2021 “COVID-19: Learning for the future

In the future all Emergency Measures in response to a public emergency which are likely to have an impact on children’s rights as guaranteed by the UN Convention on the Rights of the Child (CRC) should only be introduced where these are: necessary, proportionate, non-discriminatory and time limited. All Emergency Measures should be subject to review on an ongoing basis with the priority being to avoid or minimise any negative impact on children’s rights.

ENOC strongly recommends that the Committee on the Rights of the Child issue a General Comment on children’s rights in a public emergency to help ensure safeguards for children’s rights in the future.

ENOC also strongly recommends that all public authorities adopt a Children’s Rights Approach to the exercise of their functions at all times, including in times of public emergency, to ensure their decisions and actions are grounded in the CRC and uphold the rights of all children¹.

This ENOC Position Statement 2021 is informed by the research, ‘**Mapping the Impact of Emergency Measures introduced in Response to the Covid-19 Pandemic on Children’s Rights in ENOC Member States**’, consultation with ENOC Members at the ENOC Spring Conference and further online consultation with Members and informed by advice from the European Network of Young Advisors (ENYA). A report and recommendations concerning Covid-19 prepared by ENYA is available [HERE](#).

¹ For further information on the Children’s Rights Approach adopted in this Position Statement see: <https://childrenslegalcentre.wales/resources/> (accessed September 2021).

A CHILDREN'S RIGHTS APPROACH

ENOC has applied five interrelated principles of a Children's Rights Approach to analyse the findings from our research on Emergency Measures introduced by ENOC Member States in response to Covid-19; and, as a framework for our recommendations for action by government, public and other authorities, to help ensure that children's rights are respected, protected and fulfilled in any public emergency. The five principles are:

- **Embedding children's rights:** children's rights should inform all decisions and actions. Our research on Emergency Measures in response to Covid-19 in ENOC Member States raises serious concerns that children's rights were not prioritised when Emergency Measures were being developed/introduced, and that as a result children's rights were adversely affected. An issue of particular concern is that Emergency Measures have significantly diminished opportunities to identify children at risk of violence or abuse, or for children to access help and protection.
- **Equality and Non-discrimination to children:** children must be treated equally and should not be adversely discriminated against on any grounds, at any time. Our research reveals that children as a population and specific groups of children - in particular children with additional learning needs, disabled children, children with a mental illness, children with mild to moderate mental health problems, children in care, asylum seeking children or child refugees, children of divorced or separated parents, and children in the child justice system - were more likely to be adversely affected by Emergency Measures in response to Covid-19.
- **Empowering the child:** children should be supported to exercise all of their rights, including through the provision of information, resources and opportunities. Our research reveals that the introduction of Emergency Measures in response to Covid-19 (in particular the closure of schools and other education institutions) led to fewer opportunities for children to exercise their rights, in particular their education rights, freedom of association and assembly, and to engage in play and leisure activities.
- **Participation of children in decision making:** children's views must be heard and given due weight in any decision-making process that directly or indirectly affects them. Our research raises serious concerns about the general lack of consultation with children about Emergency Measures in response to Covid-19, and the absence of participation by children as Emergency Measures were being developed.

- **Accountability to children:** government, public authorities and private sector organisations should be accountable to children for any decisions and actions which affect their rights. Our research strongly indicates that Emergency Measures in response to Covid-19 have had a largely negative impact on children’s rights. However, it also demonstrates that accountability mechanisms that exist in ENOC Member States are often inadequate to enable children (or those who represent them) to effectively challenge the introduction of Emergency Measures. The research also reveals that monitoring of children’s rights violations is often inadequate, e.g. a lack of data on violence against children.

RECOMMENDATIONS

ENOC calls for international and European institutions, States; national, regional governments and local/municipal authorities and all other relevant authorities, and urges private sector bodies², to adopt the following recommendations to ensure they respect, protect and fulfil children’s rights in response to future public emergencies.

² UN Committee on the Rights of the Child, *General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights**, CRC/C/GC/16 2013

Embed children's rights

1. Embed children's rights in legislative, policy and budgetary decision-making, so that children's rights are given priority in decision-making at all times, including in times of public emergency.

- a. Ensure that decision-makers at all levels act in compliance with the CRC at all times, including in times of public emergency.
- b. Ensure that a **Child Rights Impact Assessment** (CRIA³) is applied to all policy, legislation and Emergency Measures to determine whether they will have any negative impact on children, and in particular, on any group of children who are already in situations of vulnerability or disadvantage.
- c. CRIA must be conducted as part of the process of developing policy, legislation, Emergency Measures, so that the assessment is properly taken into account by policy makers and not applied retrospectively to fit the already made decision.
- d. Ensure that a CRIA is conducted on any existing plans for public emergencies or develop and publish an advance plan setting out how government and other public authorities will take account of and ensure maximum compliance with the CRC in public emergencies.
- e. Identify key individuals and/or establish a team with direct and cross-cutting responsibility (e.g., an inter-ministerial group) to protect and promote children's rights and draw on external expertise e.g. Child Specialist Advisers such as Children's Ombudspersons, to inform decision making at all times, including in times of public emergency.
- f. Identify how resources will be safeguarded and allocated to the maximum extent possible to ensure children's rights are respected, protected and fulfilled in any public emergency.
- g. Ensure budget allocation is transparent and demonstrates the proportion of expenditure on children, at all times including in a public emergency.
- h. Ensure that the introduction of critical legislation that protects children's rights is not delayed, including in times of public emergency.
- i. Ensure that mitigation measures are in place so that education, social care, health care, civil and criminal justice, National Human Rights Institutions (NHRIs) and independent advocacy are available, acceptable, accessible and of good quality⁴ to children in times of public emergency.

³ See ENOC Common Frame of Reference for CRIA – A guide to carry out CRIA <http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf> ; See ENOC Position Statement 2020 on CRIA: <http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>

⁴ See UN Committee on the Rights of the Child, *General comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health* CRC/C/15/2013 paras 113-116 for a full description of the Availability, Accessibility, Acceptability, Quality framework.

- j. Ensure investment and training is provided to all professionals that work with children, to identify and protect children who may be experiencing violence.
- k. Ensure all Response/Recovery Strategies consider their impact (using CRIA and CRIE) on children and specific groups of children and their rights.
- l. Ensure investment in education, social care and health services (including mental health), and guarantee intersectoral support for all children and in particular vulnerable children, making sure all services are available, acceptable, accessible and of good quality during a public emergency.

Equality and non-discrimination

2. Ensure that decisions and actions at all levels do not adversely discriminate against children and/or specific groups of children at any time, including in times of public emergency.

- a. Introduce legislation and policy to prevent discrimination against children at any time.
- b. Require action to be taken, including the allocation of additional resources and special assistance to remove or mitigate any predicted discriminatory impact of any Emergency Measures on children and/or on groups of children.
- c. Establish robust mechanisms to gather data on the impact and experiences of children (including disaggregated data on different groups of children) in times of public emergency and ensure that relevant data (quantitative and qualitative) is available to inform the development of Emergency Measures.
- d. Ensure that available information about any public emergency does not discriminate against children, or groups of children, by presenting them as a 'problem' to be addressed by Emergency Measures.
- e. Ensure that any Public Inquiry (or other public examination) into the impact of a public emergency or Emergency Measures takes into account the impact on children and children's rights, including the reasons for any adverse discriminatory impact on children or groups of children.
- f. Where there are improvements in practice and service delivery in response to a public emergency, these should be retained and built upon, rather than reverting to the situation that existed before the public emergency.

Empower children

3. Enhance children's knowledge and understanding of their rights, through education and information so that children can exercise and take advantage of their rights, including in times of public emergency.

- a. Ensure that education curricula for children of all ages, include education on human rights and children's rights, and mechanisms to claim and enforce rights, including how Children's Ombudspersons protect rights in particular jurisdictions.
- b. Take all reasonable steps to ensure that schools (and other education institutions) remain open and accessible to all children, and that any school closures are as a measure of absolute last resort and are reversed as soon as possible.
- c. Take all reasonable steps to ensure that spaces where children socialise and play remain open and accessible to all children, and that any closures are as a measure of absolute last resort and are reversed as soon as possible.
- d. Where schools (and other education institutions) are closed, provide uninterrupted substitute and high quality adapted education services (including therapeutic and support services) accessible to all children, including children with additional learning needs.
- e. Prioritise and support children from disadvantaged situations so that they have the knowledge, skills, equipment and infrastructure (e.g., broadband) to access and make effective and safe use of the digital environment (including raising awareness of the risks, e.g. cyber-bullying or sexual exploitation)⁵, including in times of public emergency.
- f. Provide children with accessible, age-appropriate and reliable information (from a trusted source) about any public emergency, so that all children are able to make choices and exercise their rights.
- g. Provide children with accessible and age-appropriate information on independent human rights institutions, advocacy services and professional legal advice, and ensure these services remain available to all children at all times.

Participation in decision-making

4. Ensure that children's views are heard and given due weight in any decision-making process that directly or indirectly affects them, so that their views are fully taken into account in times of public emergency.

- a. Introduce mechanisms⁶ to support children to meaningfully participate in the development of all policy and legislation, including Emergency Measures.
- b. Ensure Children's Ombudspersons can continue to act as independent champions for children, to speak out and advocate on their behalf during times of public emergency.

⁵ See ENOC Statement on Children's Rights in the Digital Environment <http://enoc.eu/wp-content/uploads/2019/10/ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment.pdf>

⁶For example, see Lundy's Participation Model: Lundy, L. 'Voice is not enough, conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal* (2007) 33/6, 937

- c. Where physical meeting spaces are unavailable to children, establish safe 'virtual spaces' for children to discuss common concerns and issues during any public emergency⁷.
- d. Consult with children during and after a public emergency so that their experiences inform CRIA, CRIE and crisis response plans as well as national recovery strategies.
- e. Carry out regular assessment of children's participation across all functions and ensure that this is robust and available in times of public emergency.
- f. Establish mechanisms where children from different backgrounds can contribute their views and experiences to inform governmental responses to public emergencies.
- g. Allocate and identify resources in budgets to support children's meaningful participation in times of public emergency.

Accountability

5. Ensure that government at all levels and public organisations are accountable for how they comply with children's rights at all times, including in times of public emergency.

- a. Carry out children's rights monitoring against children's rights indicators, and commit to children's rights benchmarks, including during times of public emergency.
- b. Publish regular reports on performance against children's rights indicators during times of public emergency and disseminate the findings.
- c. Encourage independent monitoring (e.g. by Children's Ombudspersons and children) including during times of public emergency.
- d. Ensure Children's Ombudspersons can continue to hold governments to account to respect, protect and fulfil children's rights in times of public emergency.
- e. Ensure all institutions where children (e.g. children in care, young offenders, asylum seekers and refugees, disabled children, children with complex mental health conditions etc.) reside are continuously monitored against children's rights indicators, especially during times of public emergency.
- f. Ensure that the family, as the environment for the growth and well-being of children, is afforded the necessary protection and assistance in a public emergency.
- g. Provide children with accessible and age-appropriate information on the process for making complaints, and ensure this process is accessible and child-friendly (and on the role of Children's Ombudspersons) to promote and protect rights, and that these remain available during times of public emergency.

⁷See ENOC Statement on Children's Rights in the Digital Environment <http://enoc.eu/wp-content/uploads/2019/10/ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment.pdf>

- h. Provide children with accessible and age-appropriate information on the process for holding government and public authorities to account for violation of their rights, and how to obtain a remedy (where available) and ensure that these processes are child-friendly and accessible and remain available during times of public emergency.

SYNTHESIS REPORT – Mapping the impact of emergency measures introduced in response to the COVID-19 pandemic on children’s rights in ENOC member states

INTRODUCTION

The European Network of Ombudspersons for Children (ENOC) is a membership body made up of 43 independent children’s rights institutions in 34 member States of the Council of Europe. The objective of ENOC members is to safeguard and promote children’s fundamental rights. Each year, ENOC identifies an issue that affects children’s rights for special attention and careful consideration in member states and at a European level. The issue identified for 2021 is *Covid-19: learning for the future*.

The authors were commissioned by ENOC to carry out research on this issue⁸. This report sets out the findings from research carried out with the participation of ENOC members to assess the impact of Emergency Measures to Covid-19 within different jurisdictions on children’s rights (where Emergency Measures means any law, policy or action taken by government in response to Covid-19).

By April 2021, one million people in Europe had died due to the Covid-19 virus⁹. Research has confirmed that deaths of children remain rare at 0.17 per 100 000 population¹⁰. There have been more deaths of Covid-19 in older children compared to younger age groups¹¹. Although some children have been admitted to hospital with Covid-19 related illnesses¹², in

⁸ Dr Rhian Croke is an Independent Children’s Rights Adviser/Researcher and Observatory on the Human Rights of Children Affiliate. Professor Simon Hoffman is professor of international human rights and a Joint Coordinator of the Observatory on Human Rights of Children at Swansea University.

⁹ WHO Europe, *Statement: Surging Pandemic surpasses, 1 million deaths in WHO European Region*.

<https://www.euro.who.int/en/media-centre/sections/statements/2021/statement-surging-pandemic-surpasses-1-million-deaths-in-the-who-european-region> accessed May 1 2021

¹⁰ Bhopal S, Bagaria J, Olabi B, Bhopal R. ‘Children and young people remain at low risk of COVID-19 mortality’. *Lancet Child Adolesc Health* 2021; published online March 10. [http://dx.doi.org/10.1016/S2352-4642\(21\)00066-3](http://dx.doi.org/10.1016/S2352-4642(21)00066-3).

¹¹ Ibid.

¹² European Centre for Disease Prevention and Control, *Rapid risk assessment: Paediatric inflammatory multisystem syndrome and SARS-CoV-2 infection in children* (ECDPC, 15 May

general children suffer less severe symptoms¹³. A small minority of children globally have suffered PIMs-TS. This condition is associated with Covid-19 and causes multi organ inflammatory syndrome in children and is considered to be a result of the immune system's response to the virus¹⁴. There is also emerging evidence that some children are suffering from the effects of long Covid¹⁵.

During the pandemic the collateral damage to children and harm to their well-being have become increasingly evident¹⁶. In April 2020, the UN Committee on the Rights of the Child (the 'Committee') issued a statement warning of the 'grave physical, emotional, and psychological effect of the pandemic on children and called for all countries to protect their rights¹⁷'. In 2020, States across Europe implemented Emergency Measures in an attempt to control the pandemic. One of the most significant effects of these Measures was school closures with nearly every jurisdiction closing schools in an effort to reduce the transmission of the virus¹⁸. This had an impact on children's access to quality education and has been identified as widening the gap in educational inequalities for many children¹⁹. Further physical distancing controls have been introduced that have resulted in children having limited contact with extended family and limited opportunities to socialise or play with friends.

2020), <https://www.ecdc.europa.eu/en/publications-data/paediatric-inflammatory-multisystem-syndrome-and-sars-cov-2-rapid-risk-assessment> Accessed 10 February 2021

¹³ Mantovani, A., Rinaldi E., Zusi C., Beatrice G., Saccomani M. D., Dalbeni, A., 'Coronavirus disease 2019 (Covid-19) in children and/or adolescents: a meta-analysis', *Pediatric Research*, 2020: 1–6.

¹⁴ European Centre for Disease Prevention and Control, *Rapid risk assessment: Paediatric inflammatory multisystem syndrome and SARS-CoV-2 infection in children* (ECDPC 15 May 2020) <https://www.ecdc.europa.eu/en/publications-data/paediatric-inflammatory-multisystem-syndrome-and-sars-cov-2-rapid-risk-assessment> accessed 10 February 2021

¹⁵ Munblit D et al, 'Risk factors for Long Covid in previously hospitalised children using the Isaric Global Follow-up Protocol: a Prospective Cohort Study'. Med Print the Preprint Server for Health Sciences. BMJ Yale. 2021 <https://www.medrxiv.org/content/10.1101/2021.04.26.21256110v1.full.pdf+html> accessed May 10 2021

¹⁶ Viner R et al, 'Impacts of School Closures on the physical and mental health of young people: a systematic review'. MedRxiv Preprint for Health Sciences. BMJ Yale. 2021 <https://www.medrxiv.org/content/10.1101/2021.02.10.21251526v1> accessed May 10 2021

¹⁷ OHCHR Human Rights Treaty Branch, *Compilation of Statements by Human Rights Treaty Bodies in the context of Covid 19* (Geneva, September 2020), <https://bangkok.ohchr.org/wp-content/uploads/2020/05/External-TB-statements- COVID-19-28apr201.pdf>. accessed April 21 2021

¹⁸ European Centre for Disease Prevention and Control, *Covid 19 and the role of school settings in Covid 19 transmission* (ECDPC 6 August 2020, Update 23rd December), <https://www.ecdc.europa.eu/en/publications-data/children-and-school-settings-covid-19-transmission> accessed January 20 2021.

¹⁹ EuroChild, *Growing up in lockdown: Europe's children in the age of Covid 19*, 2020 <https://eurochild.org/uploads/2020/12/2020-Eurochild-Semester-Report.pdf> accessed May 10 2021.

Research suggests that the consequences of the pandemic for children include anxiety, loneliness, children facing bereavement or living in fear of their parents and grandparents succumbing to the virus, and an exacerbation of mental health problems for many²⁰.

Reports of abuse and neglect of children in the home have risen during the pandemic and domestic abuse cases have increased across Europe²¹. The effective withdrawal of school as a safe sanctuary from abuse in the home has kept some children in situations of vulnerability, with limited opportunity to access help²². Furthermore, adult perpetrators and children's increased time in the digital world (due to confinement) has resulted in more sexual grooming and exploitation online²³.

Many children across Europe were already living in relative poverty before the pandemic. It is feared that this will increase due to the pandemic as some parents have lost their employment, with more children facing food insecurity and child health inequalities²⁴. Emergency Measures have had an impact on children's ability to access vital health and social care services²⁵. The Committee has stated that, 'the Covid-19 pandemic may have a significant and adverse impact on the availability of financial resources, these difficulties should not be regarded as an impediment to the implementation of the Convention²⁶. Despite this, across jurisdictions, there have been reductions or redeployment of child services and resources to adult services to respond to the demands of the pandemic²⁷.

While the Committee has acknowledged that in times of crisis it may be necessary to restrict human rights in order to protect public health; these 'must be imposed only when necessary, be proportionate and kept to an absolute minimum²⁸. It has been suggested that without

²⁰ Eurochild 2020; Council of Europe, *The Covid-19 Pandemic and Children: Challenges, Responses and Policy Implications* March 2021, <https://rm.coe.int/covid-19-factsheet-revised-eng/1680a188f2> accessed May 10 2021

²¹ Eurochild 2020; Council of Europe 2021.

²² Council of Europe 2021.

²³ Council of Europe 2021.

²⁴ Eurochild 2020; Council of Europe 2021.

²⁵ Council of Europe 2021.

²⁶ OHCHR Human Rights Treaty Branch, *Compilation of Statements by Human Rights Treaty Bodies in the context of Covid 19* (Geneva, September 2020), p.34 https://www.ohchr.org/Documents/HRBodies/TB/COVID19/External_TB_statements_COVID_19.pdf Accessed May 10 2021

²⁷ Council of Europe 2021.

²⁸ OHCHR Human Rights Treaty Branch, *Compilation of Statements by Human Rights Treaty Bodies in the context of Covid 19* (Geneva, September 2020), p.34 accessed April 21 2021. https://www.ohchr.org/Documents/HRBodies/TB/COVID19/External_TB_statements_COVID_19.pdf accessed May 10 2021

systematic research that sheds light on, for example, transmission in the school setting, it may be difficult to determine whether restrictions for example on children's rights have been proportionate²⁹. Campbell et al argue that children's interests have been subordinated to adults and that children have become the 'invisible victims of the pandemic'³⁰. Suleman et al suggest that country responses to Covid-19 have failed to acknowledge the many rights that children possess³¹. However, there is evidence of the imperative role of NHRIs globally, shifting their efforts to areas of human rights directly affected by Covid-19 to protect vulnerable groups, including children³².

RESEARCH OBJECTIVES

- To map how Covid-19 emergency legislation (Emergency Measures) (across the ENOC membership) has affected children's rights and wellbeing and what are the lessons learnt to ensure a better preparedness and capability to respond effectively to a similar challenge in the future.
- Based on the findings of the mapping, develop a synthesised report that evidences the impact of Emergency Measures on children's rights across the ENOC country membership.
- In consultation with ENOC membership and based on the findings of the synthesised report and findings of ENYA, develop a position statement that formulates recommendations on Covid-19 learning for the future.

²⁹ Croke R, Thomas-Turner R, Connor P and Edwards M, 'Utilising the international human rights framework to access the benefits of paediatric research in the COVID era: A case study on Wales'. *International Journal of Children's Rights* June 2021 https://brill.com/view/journals/chil/29/2/article-p326_326.xml accessed June 2021; Lewis S J, Munro P S, Davey Smith G, 'Closing schools is not evidence based and harms children,' *BMJ* 2021; 372: n521 23rd February 2021 <https://www.bmj.com/content/372/bmj.n521> Accessed May 10 2021

³⁰ Campbell S, Cicero Oneto C, Saini MPS, et al, Impacts of the COVID-19 pandemic on children: An ethical analysis with a global-child lens. *Global Studies of Childhood*. 2021;11(1):105-114. <https://journals.sagepub.com/doi/full/10.1177/2043610620976142> Accessed May 2021

³¹ Shazeen Suleman, MD MPH, Yasmine Ratnani, MD, Katrina Stockley, MD, Radha Jetty, MD, Katharine Smart, MD DTM&H, Susan Bennett, MBChB FRCP DTM&H DRCOG DCH Dip Psych, Sarah Gander, MD MEd, Christine Loock, MD, 'Supporting children and youth during the COVID-19 pandemic and beyond: A rights-centred approach', *Paediatrics & Child Health*, Volume 25, Issue 6, October 2020, Pages 333–336, <https://academic.oup.com/pch/article/25/6/333/5880883?login=true> Accessed May 2021

³² GANHRI, OHCHR, UNDP, *Covid-19 and Human Rights Institutions: A study by GANHRI, OHCHR and UNDP* (GANHRI, OHCHR, UNDP 2021) <https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/COVID-19-and-NHRI.pdf> accessed June 2021

METHODOLOGY

The research made use of an on-line survey based on the ENOC common framework of reference and the UN Committee's thematic reporting guidelines³³.

The thematic areas are:

- General measures of implementation (GMI) of the CRC.
- General principles of the CRC.
- Civil rights and freedoms
- Violence against children
- Family environment and alternative care
- Health and welfare
- Education, play, leisure and cultural life
- Special protection measures

The survey included a range of open and closed questions to provide a range of data to meet the mapping objectives (above). A draft of the survey was shared with the ENOC Working Group for comment which led to some amendments. This was piloted with two members of the working group to confirm functionality and accessibility.

The survey was divided into three parts:

- Part one: general questions on Emergency Measures (questions 2-10).
- Part two: more detailed questions on the impact of Emergency Measures arranged according to the thematic clusters used by the Committee on the Rights of the Child's Reporting Guidelines (questions 11-57).
- Part three: on Child Rights Impact Assessment (CRIA) or other analysis of the impact of Emergency Measures (questions 58-70).

A copy of the survey is available from the authors (s.hoffman@swansea.ac.uk). Ethical approval for the research was given by the Ethics Committee, School of Law, Swansea University.

The survey was sent to ENOC members via the ENOC secretariat. A link was provided to access the survey online via SurveyMonkey. It was completed by ENOC offices between

³³ Committee on the Rights of the Child, *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child*, CRC/C/58/Rev.3 March 2015, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/58/REV.3&Lang=en accessed May 2021

March 29th and April 23rd 2021. The survey was not anonymised although respondents were given the option not to name their jurisdiction. A total of 32 (74%) of ENOC members completed the survey, although most of the respondents completed all parts of the survey, or all questions in each part. A list of the 32 jurisdictions that participated in the research are listed at Appendix 1.

The data from the survey was collated using the SurveyMonkey online data analysis software and the data analysed and synthesised into this report.

Note on how the data is presented

When carrying out the survey, for some questions, respondents were asked to give their responses to a statement as:

- Strongly agree or agree: response set 1.
- Strongly disagreed or disagree: response set 2.

Or to indicate the impact of Emergency Measures as:

- Largely negative or some negative impact: response set 3.
- Largely positive or some positive impact: response set 4.

For the purposes of reporting, response sets 1 and 2 are described as 'agree/d' or 'disagree/d'; and response sets 3 and 4, as 'negative impact' or 'positive impact'. We have retained the distinction within response sets when illustrating the data in the figures below. The figures also show non-bias responses, i.e., neither agree nor disagree, or neutral impact.

- Response rates are indicated throughout this report as a percentage of respondents answering each question.
- Percentages are rounded to the nearest whole number
- In relation to specific questions, numbers of respondents is presented as $n=x/y$ where:
 - 'x' is the number of respondents selecting an optional answer.
 - 'y' is the total number of respondents answering the question.

Finally, with regard to discussing the 'Key Findings', in order to present the majority perspective only responses reported by > 50% of respondents were included.

Survey PART 1: Findings

The data from this part of the survey provides a general overview of the impact of Emergency Measures on the thematic areas.

Box 1

Key findings: Part 1

- In jurisdictions where respondents receive complaints from children and their representatives there has been a significant increase in the number of complaints received during the pandemic.
- There have been a number of negative impacts on children's rights arising from Emergency Measures.
- The main areas of negative impact are: education rights; mental health; violence against children; the impact on children's right to play and children's right to an adequate standard of living and children's contact with their families.
- When Emergency Measures were introduced, governments in many (but not all) ENOC jurisdictions failed to take account of children's rights.
- There is evidence that governments are learning lessons from the pandemic and are increasingly taking children's rights into account in the way they respond to Covid-19.

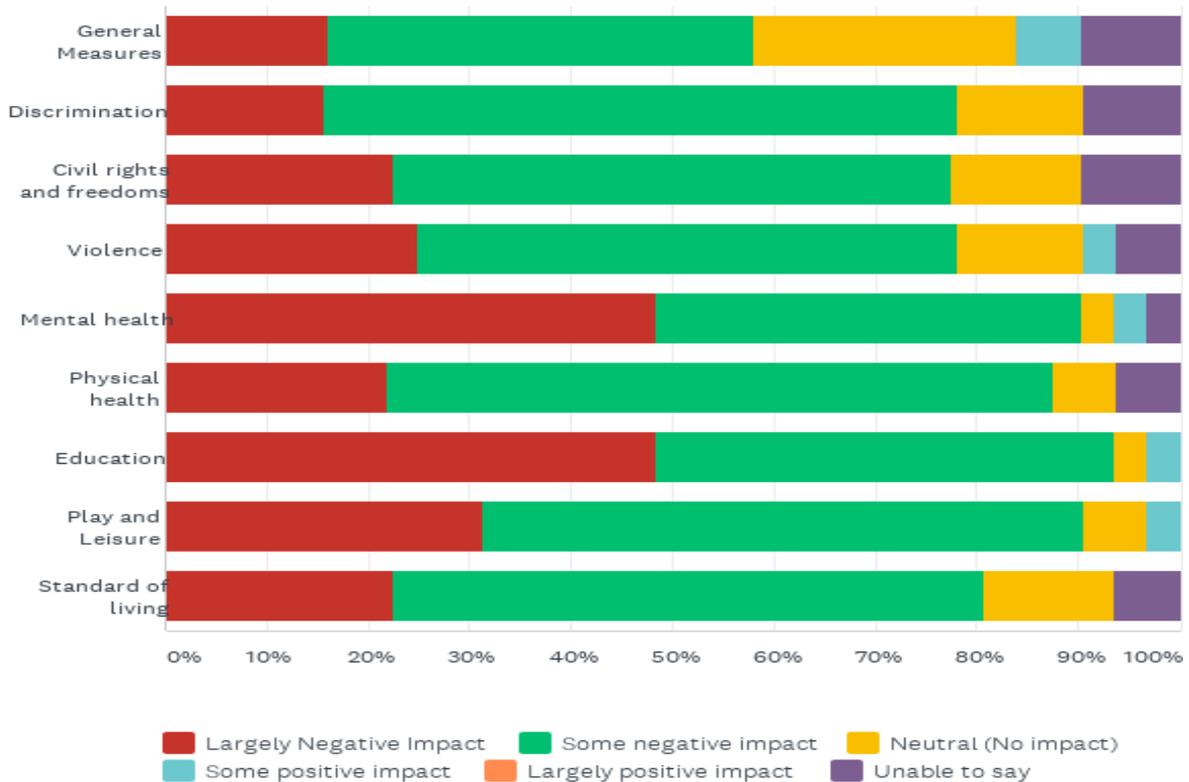
91% of respondents (n=29/32) said their office receives complaints from children or their representatives, with 76% (n=22/29) of these respondents experiencing an increase in the number of complaints they have received since the pandemic started.

A majority of respondents reported that the pandemic had resulted in a negative impact on children's rights in relation to:

- Education, 94% (n=29/31).
- Play and leisure, 91% (n=29/32).
- Mental health, 91% (n=28/31).
- Physical health, 88% (n=28/32).
- An adequate standard of living, 81% (n=25/31).
- Violence against children, 78% (n=25/32).
- Discrimination against children, 78% (n=25/32).
- Civil rights and freedoms, 77% (n=24/31).
- General measures of implementation, 58% (n=18/31).

See Figure 1.

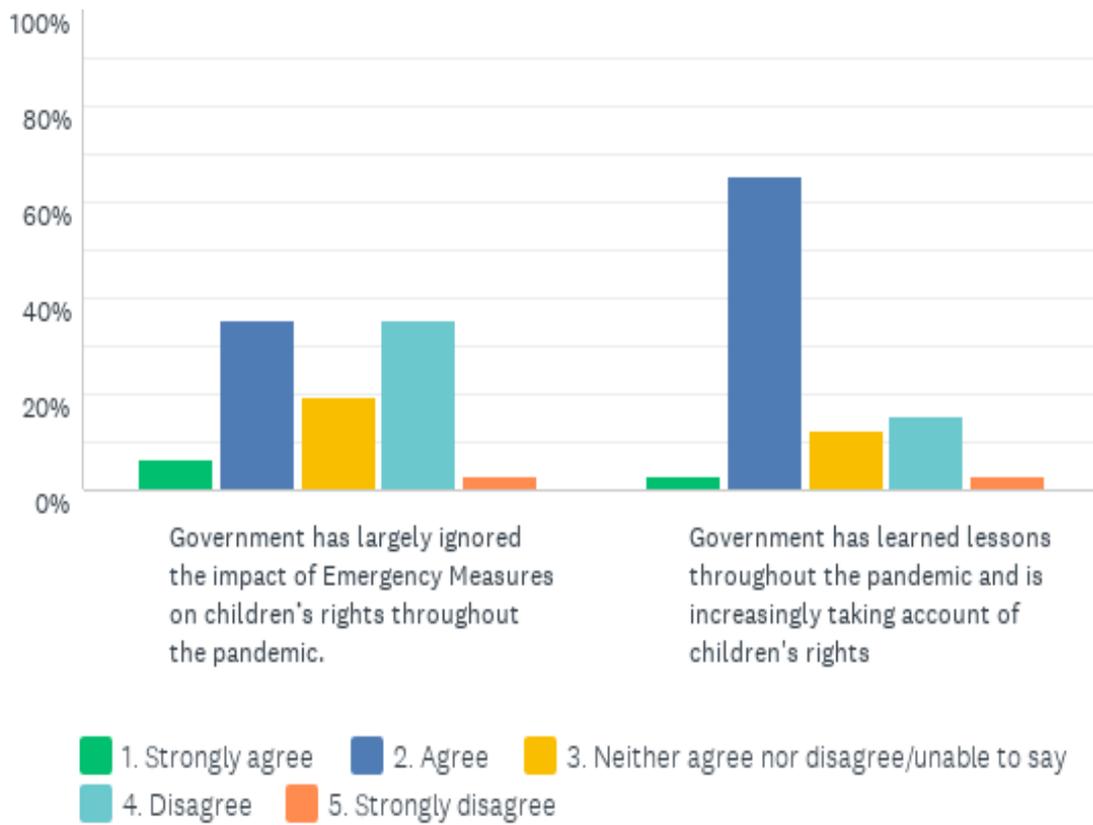
Figure 1: Impact of Emergency Measures: Overview



The survey asked respondents to identify three areas where Emergency Measures had resulted in the ‘most negative impact’ within their jurisdictions. The main areas of negative impact identified by respondents were: education rights; mental health; violence against children; impact on children’s right to play; children’s right to an adequate standard of living, and children’s contact with their families.

The survey also asked about government consideration of the impact of introducing Emergency Measures on children’s rights throughout the pandemic. 42% of respondents (n=13/31) agreed that their government had largely ignored the impact of Emergency Measures on children’s rights, however, 39% (n=12/32) disagreed. 69% of respondents (n=22/32) agreed that their government had learned lessons during the pandemic and were increasingly taking account of children’s rights in the development of Emergency Measures. See Figure 2.

Figure 2: Impact of Emergency Measures: Consideration of children's rights



Survey PART 2: Findings

The data from this part of the survey provides insights in relation to the impact of Emergency Measures on each of the thematic areas (see Methodology).

Box 2

Key findings: Part 2

General Measures of Implementation of the CRC:

- Emergency Measures have had a negative impact on the General Measures of Implementation.
- National planning and coordination of implementation of children's rights have been adversely affected by Emergency Measures.
- There has been a general lack of attention to children's rights as a guide to decision-making on Emergency Measures.
- Children or child specialist advisers have largely been excluded from decisions about Emergency Measures.
- Children already seen as 'vulnerable' are more likely to be severely affected or disproportionately discriminated against as a consequence of the impact of Emergency Measures on GMI.
- Some governments have taken steps to effectively minimise the negative impact of Emergency Measures on GMI, including: the introduction of advice and phone lines targeted at children, Covid-19 Testing made available, an increase in support for education in the digital environment, and the allocation of additional funds to support children and their families in greatest need.
- Scrutiny by Children's Ombudspersons is often key to minimising the impact of Emergency Measures on GMI.

General Principles of the CRC:

- Emergency Measures have had a negative impact on the General Principles of the Convention.
- Many groups of children have been disproportionately affected by Emergency Measures, in particular, children with additional learning needs, disabled children, children with mental illness, children with mild to moderate mental health problems, children in care, asylum seekers and refugees, children of divorced or separated parents, and children in the juvenile justice system.

- Children were not treated as a specific audience for the purposes of consultation, or the dissemination of information about the pandemic.
- Children have been treated as objects of the Emergency Measures rather than as participants in their making.
- The pandemic has highlighted inequalities between groups of children.
- The General Principles were not prioritised in the development of Emergency Measures, but this has improved as the pandemic has unfolded, including as a result of scrutiny and intervention by Children’s Ombudspersons, Parliamentary Committees and Non-Governmental Organisations (NGOs).
- Some governments have taken steps to effectively minimise the negative impact of Emergency Measures on General Principles.

Civil Rights and Freedoms:

- Emergency Measures have had a negative impact on children’s civil rights and freedoms, in particular on children’s freedom of association and assembly, and the right to privacy and protection of image.
- Freedom of association and assembly has been restricted, as many children, at various stages of the pandemic were only able to meet online.
- There has been a disproportionate negative impact on children with additional learning needs and disabled children.
- Some institutions, such as care homes and juvenile offender institutions, have restricted children’s movements during the pandemic, which in some instances is identified as a risk to children’s mental health.
- A ‘digital divide’ means some children are unable to access the online space.
- For some children the move to online ‘assembly’ offers more opportunities to exercise the right to assembly.
- There is concern at the lack of regulations to safeguard children’s privacy and information rights online.

Violence Against Children:

- Emergency Measures have had a negative impact on violence against children.
- There is significant concern that children have been exposed to an increased risk of experiencing domestic abuse, online abuse, general abuse and neglect, and sexual exploitation.
- Disabled children, children with additional learning needs and children in care are

seen as becoming more vulnerable, with some children being at greater risk of abuse and/neglect.

- There is evidence that girls are at greater risk of increased violence or abuse.
- Data on violence against children is often inadequate, making it difficult to determine the actual impact of Emergency Measures.
- In many jurisdictions, governments struggled to maintain services to protect children who may be at significant risk of harm.
- Increased time spent at home means many children have been exposed to increased levels of violence without the sanctuary of school as an escape.
- Children's use of the internet while at home confinement means children have been exposed to an increased risk of cyberbullying or online sexual abuse/exploitation.
- Telephone helplines and online services are of crucial importance to give children the option to seek help where they are at risk of or experiencing abuse.
- Some jurisdictions continued services for those at risk of violence, for example keeping schools open to vulnerable children.

Family Environment and Alternative Care:

- Emergency Measures have had a negative impact on children's rights in relation to family environment and alternative care.
- Particular issues of concern are: reduced support for parents and childcare services; children being deprived of their family environment; children being separated from their parents; reduced contact with incarcerated parents; and, restrictions on family reunification.
- There has been a disproportionate negative impact on children in care, disabled children, and children with divorced or separated parents.
- Working parents across jurisdictions were left with no childcare options when schools were closed. Working parents had to care for their children, support online schooling and continue their working commitments, placing pressure on families and children, particularly those already vulnerable due to pre-existing disadvantage.
- Steps taken to support working families include financial aid, and in some jurisdictions, nurseries, kindergartens etc have been kept open to provide childcare: especially for parents working in essential services.
- Children in institutional or foster care had contact with family members and social work visits limited or in some instances terminated.
- Children were also reported to be unable to visit parents who were incarcerated.

- As the pandemic progressed, some governments took steps to ensure regular contact with family members, including facilitating contact via online services.
- Across many jurisdictions, children of divorced or separated parents at the start of the pandemic were not able to have contact with both parents.
- As the pandemic progressed, governments made it clear that children must be able to have contact with both parents.

Health and Welfare:

- Emergency Measures have had a negative impact on children's rights in relation to the health and welfare of children.
- Particular issues of concern are: children's mental health; children's physical health, their ability to access mental health services and general health services; children's access to sexual health services; and, food security.
- There has been a disproportionate negative impact on disabled children, children with mild to moderate mental health problems, children with mental illness and children with additional learning needs.
- Child health services have been reduced, terminated or re-deployed in response to the pandemic.
- Children's mental health is of particular concern due to restrictions on movements, confinement to the home, not being in school and reduced opportunities to play and meet up with friends.
- Children's level of depression, anxiety and emotional distress was noted to have increased across many jurisdictions at a time when children most needed access to mental health services.
- The impact of the pandemic on the economy is seen as pushing many families into precarious financial situations with a resulting negative impact on children's standard of living and food security.
- Many jurisdictions changed legislation in support of a basic income, job retention schemes and moratorium on rent.
- Additionally, scrutiny by Children's Ombudspersons, phone helplines and online services as well as the allocation of additional funding were the main steps taken to attempt to reduce the negative impact.

Education, Play and Leisure:

- Emergency Measures, and in particular school closures, have had a negative

impact on children's rights in relation to education, play, leisure and cultural life.

- There are concerns about reduced access to education at all levels: secondary education; primary education; early childhood education; vocational training; and higher education.
- There has been a disproportionate negative impact on children with additional learning needs, disabled children, children with mental illness, children with mild to moderate health problems and children in care.
- Although some jurisdictions switched to on-line learning, not all jurisdictions were prepared to do this effectively at the beginning of the pandemic.
- The 'digital divide' became increasingly apparent as the pandemic progressed, with many children unable to access online learning because of limited or no access to the internet or no access to technological devices.
- In a majority of jurisdictions, online services, allocation of additional funding and resources specifically targeted at vulnerable groups of children to respond to digital poverty were steps taken as well as interventions by Children's Ombudspersons.
- Some jurisdictions prioritised the re-opening of schools as soon as possible, while in other jurisdictions schools were kept open for vulnerable children.
- Restrictions on the use of indoor and outdoor space, and sports activities, as well as the limitations placed on opportunities to spend leisure time in out-of-school clubs, teams etc, have all adversely affected the right to play, leisure and recreation.
- There are concerns about the impact of limitations on the right to play etc on children's mental health and overall development.
- In some jurisdictions the reopening of playgrounds has been prioritised, while in other jurisdictions, efforts have been made to share play activities online and to distribute play resource packs or permitted children of certain ages to meet in groups to play.

Special Protection Measures of the CRC:

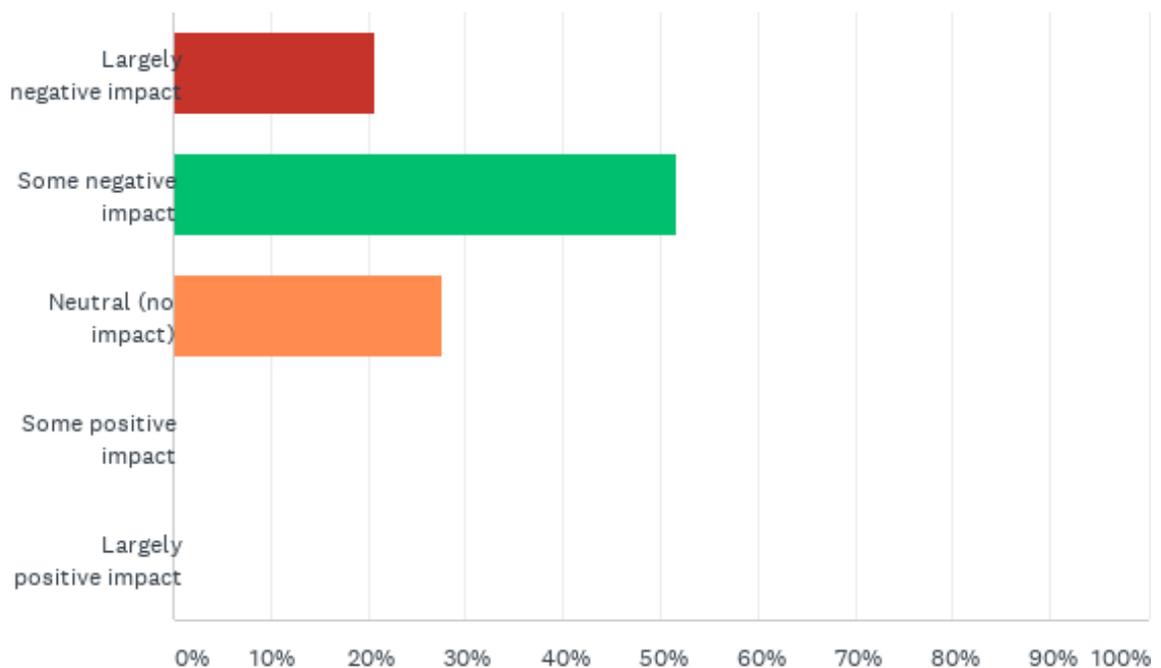
- Emergency Measures have had a negative impact on special protection measures.
- Particular issues of concern are: a negative impact on physical and psychological recovery and social integration following abuse or trauma; the right to a fair trial; and deprivation of liberty.
- There has been a disproportionate negative impact on children in the child justice system and children with mental illness.
- There have been delays in court proceedings and a backlog in the child justice system in many jurisdictions.

- There are concerns that during the pandemic children denied their liberty are being kept in isolation and denied access to lawyers, and that deprivation of liberty is not seen as a last resort in some jurisdictions.
- Some jurisdictions have taken steps to ensure that children are only being remanded to custody as a last resort, or time spent in detention reduced.

Thematic area 1: Impact of Emergency Measures on GMIs of the CRC

72.4% (n=21/29) of respondents reported that Emergency Measures have had a negative impact on General Measures of Implementation (GMI) of the Convention. Although data from Part 1 of the survey suggests there may be some perception of a positive impact on GMI (see Figure 1 above), this is not confirmed by the data in this Part. See Figure 3.

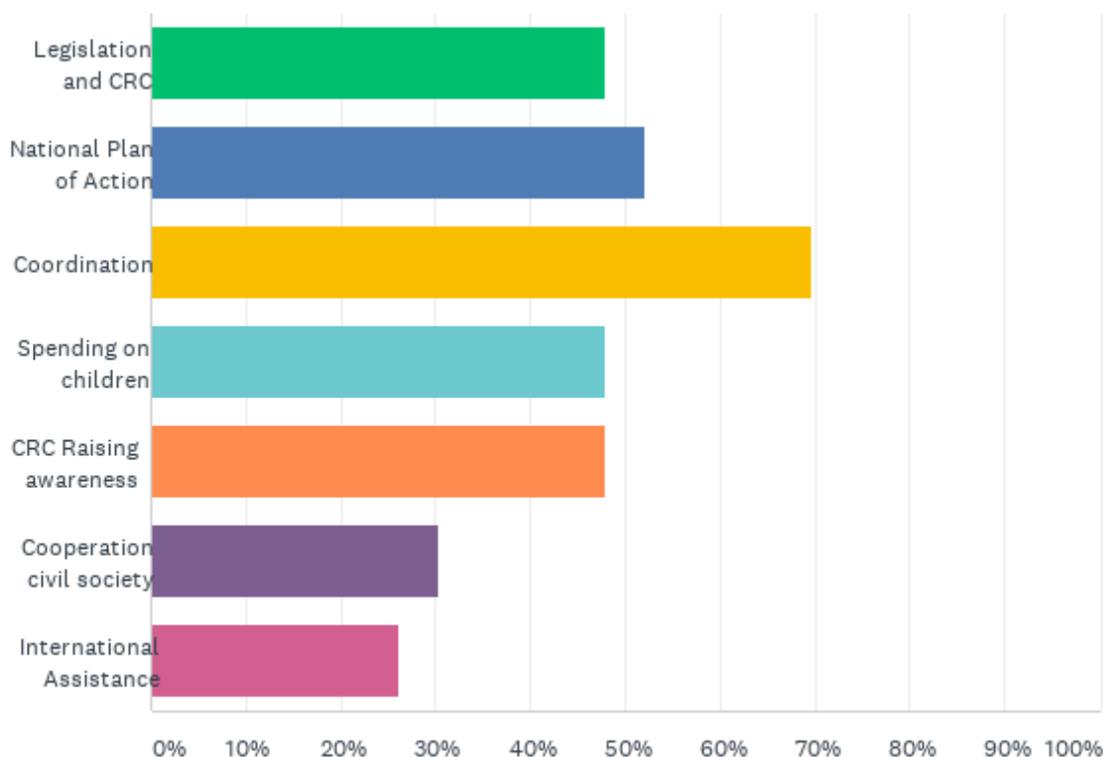
Figure 3: Impact of Emergency Measures on GMI of the CRC



ENOC members were asked to consider whether there has been any negative impact of Emergency Measures on specified GMIs: see Figure 4 for data for specified GMI. A majority (not <50%) of respondents reported a negative impact on:

- Coordination of the Convention across government (70%, n=16/23).
- National plans of action for children (52%, n= 12/23).

Figure 4: Impact of Emergency Measures: Specified GMI of the CRC

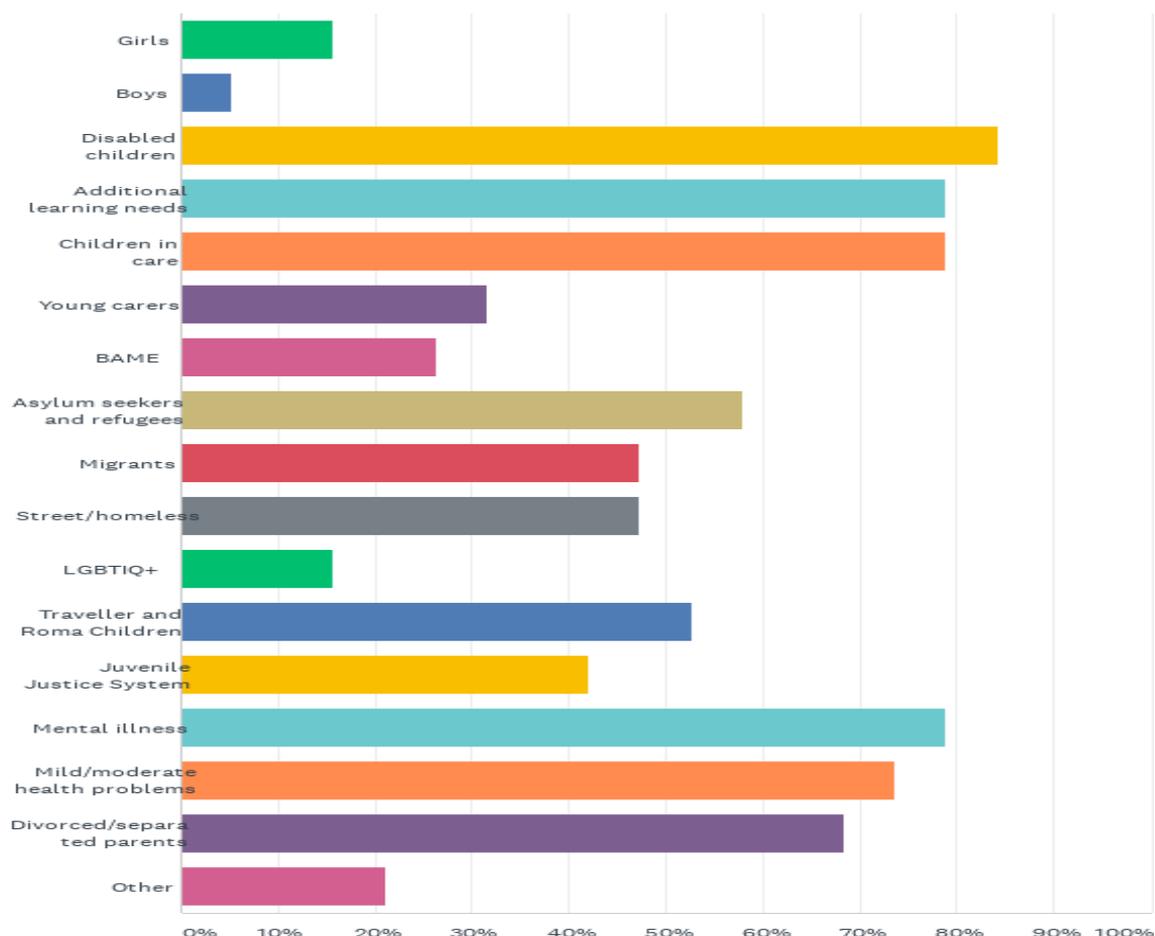


Emergency Measures and GMIs of the CRC: Impact on particular groups of children

The data reported in Figure 5 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Disabled children (84%, n=16/19).
- Children with additional learning needs (79%, n=15/19).
- Children in care (79%, n=15/19).
- Children with mental illness (79%, n=15/19).
- Children with mild /moderate mental health problems (73.7%, n=14/19).
- Children with divorced/separated parents (68%, n=13/19).
- Asylum seekers and refugees (58%, n=11/19).
- Traveller and Roma children (53%, n=10/19).

Figure 5: Emergency Measures and GMI: Impact on particular groups of children



A number of respondents elaborated in free-text responses on the challenges for GMIs during the pandemic. Many of these comments confirm the negative impact of Emergency Measures in a number of areas of children’s rights (in particular on education, children living in poverty, and participation). Comments highlight how the pandemic has diverted attention and resources away from implementation of children’s rights to adult services or to deal with the pandemic in general. Free-text responses also draw attention to the lack of attention to children’s rights as a guide to decision-making on Emergency Measures, and the lack of involvement of children or child specialist advisers in these decisions. Other problems highlighted by respondent comments include children already seen as ‘vulnerable’ are more severely affected or disproportionately discriminated against; the long-term adverse impact on family income; the lack of data to inform responses to the pandemic; the lack of remedies where Emergency Measures adversely affect children’s rights; and delays in the implementation of legislation or policy affecting children as governments focus narrowly on dealing with Covid-19.

Examples of ENOC Member Reflections – General Measures of Implementation

“Legislative and administrative processes were stopped during the first stages of the pandemic and in any event, they were affected by delays, as political attention was turned towards the pandemic.” (Basque Country)

“Several pieces of Welsh Government policy work have been delayed or in some cases the pandemic has been used as reasoning for abandoning important policy decisions which impact upon children's rights altogether.” (Wales)

“The team of health experts composed to consult the Council of Ministers undertaking all decisions related to the measures, did not include any professional with expertise on children.” (Cyprus)

“Relating to the general measures of implementation, the most problematic aspect of the emergency measures was that the impact on children was not always taken into account.” (Netherlands)

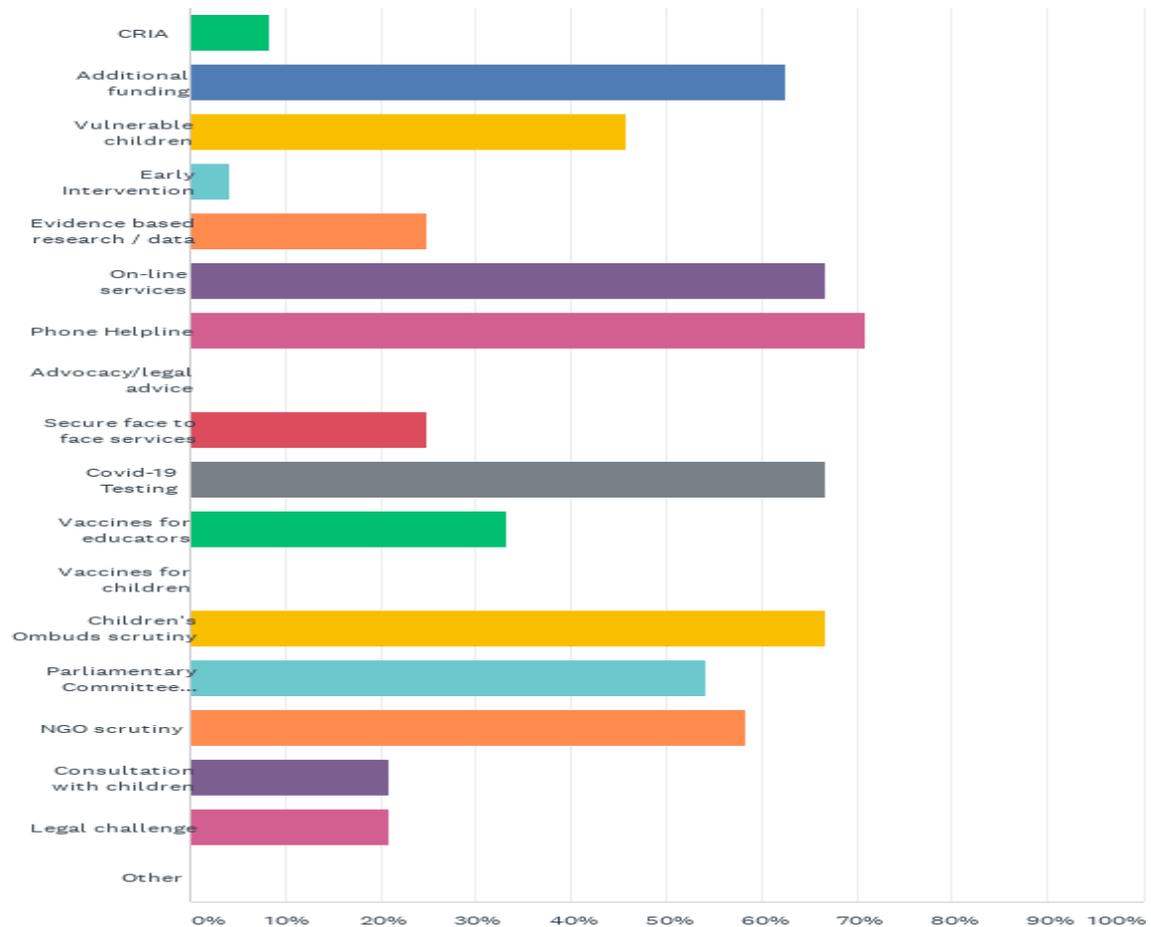
Steps taken to minimise negative impact of Emergency Measures on GMIs of the CRC

79% (n=22/28) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on GMIs.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on GMI: see Figure 6. A majority of respondents reported:

- Phone lines had been set up (71%, n=17/24).
- Online services had been introduced (67%, n=16/24).
- Covid-19 testing made available (67%, n=16/24).
- Scrutiny of government by Children's Ombudspersons (67%, n=16/24).
- Allocation of additional funding (63%, n=15/24).
- Scrutiny of government by NGOs (58%, n=14/24).
- Scrutiny of government by Parliamentary Committees (54%, n=13/24).

Figure 6: Steps to minimise negative impact of Emergency Measures on GMI



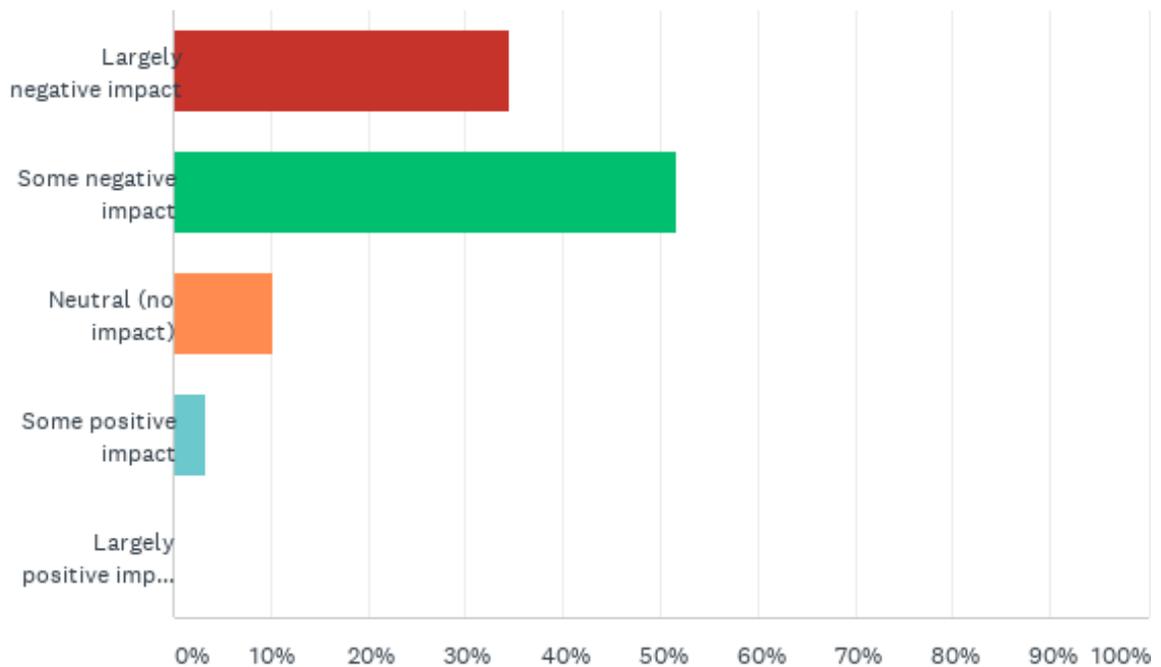
83% (n=19/23) of respondents reported that the measures taken had 'some effect' to minimise the negative impact of Emergency Measures on GMI.

Free text comments confirm that Emergency Measures have resulted in increased scrutiny by Children's Ombudspersons, and, in some jurisdictions, the introduction of advice and phone services targeted specifically at children, an increase in support for education in the digital environment, and the allocation of additional funds to support children and their families targeted at those in greatest need.

Thematic area 2: Impact of Emergency Measures on General Principles of the CRC

86% (n=25/29) of respondents reported that Emergency Measures have had a negative impact on the General Principles of the CRC. See Figure 7.

Figure 7: Impact of Emergency Measures on General Principles of the CRC

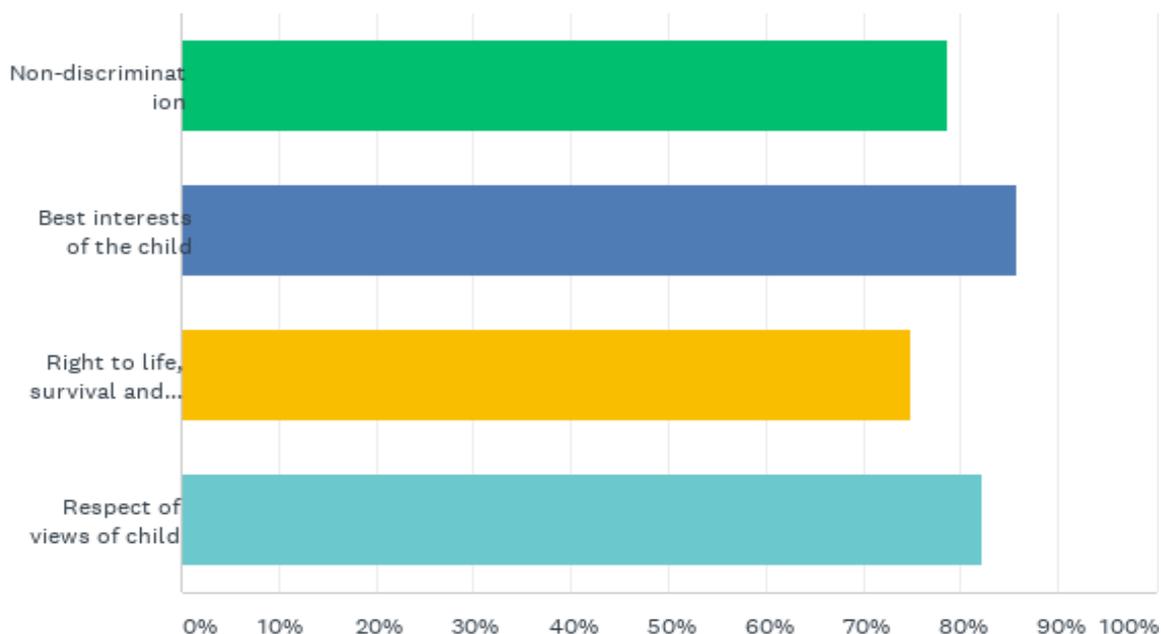


Asked about the impact on each of the General Principles of the CRC, a majority of respondents reported a negative impact on:

- Best interests (86%, n=24/28).
- The right to be heard (82%, n=23/28).
- Non-discrimination (79%, n=22/28).
- Survival and development (75%, n=21/28).

See Figure 8.

Figure 8: Impact of Emergency Measures: Specified General Principles of the CRC

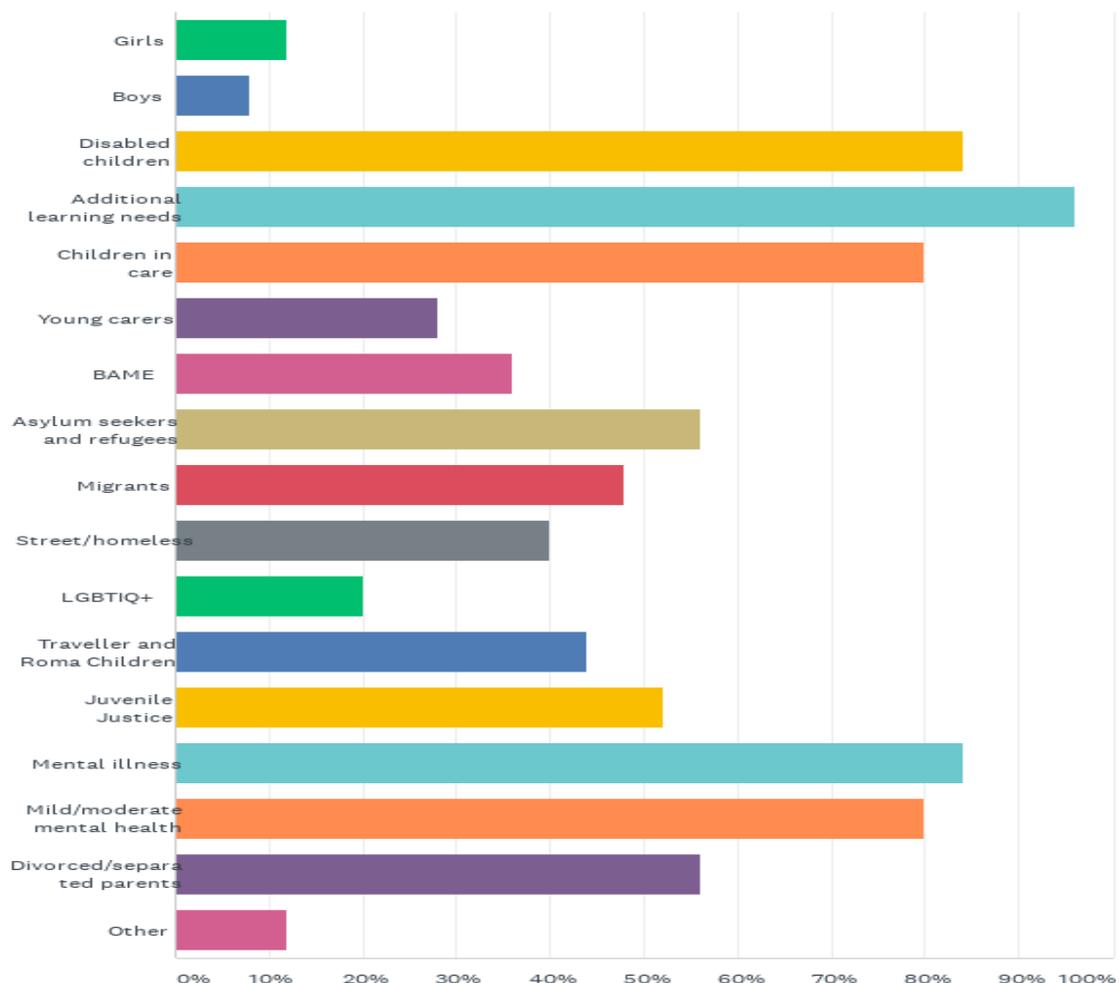


Emergency Measures and General Principles of the CRC: Impact on particular groups of children

The data reported in Figure 9 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Children with additional learning needs (96%, n=24/25).
- Disabled children (84%, 21/25).
- Children with mental illness (84%, 21/25).
- Children with mild to moderate mental health problems (80%, n= 20/25).
- Children in care (80%, n= 20/25).
- Asylum seekers and refugees (56%, n=14/25).
- Children of divorced or separated parents (56%, n=14/25).
- Children in the juvenile justice system (52%, n=13/25).

Figure 9: Emergency Measures and General Principles of the CRC: Impact on particular groups of children



In free text comments, respondents confirmed the adverse impact of Emergency Measures on General Principles. They raise the issue that children for the most part were invisible, and their interests neglected in the development of Emergency Measures. Comments noted that children were not treated as a specific audience among citizens for the purposes of consultation, or the dissemination of information about the pandemic, and that children were treated as objects of the Emergency Measures rather than as participants in their making.³⁴ Many respondents commented that, with regard to General Principles, the pandemic has

³⁴ 24,000 + children across Wales were consulted for their views on their experience of the pandemic, as part of an online survey conducted by Children’s Commissioner for Wales, views of children were reported to have influenced governmental decision making. <https://www.childcomwales.org.uk/coronavirus-our-work/coronavirus-and-me-results/> (accessed May 2021). In Flanders 44, 000 children were consulted, 17, 000 under 12 year olds and 27, 000 + 12 year olds, the results showed how children and young people were experiencing the crisis and what their needs were. <https://www.keki.be/en/children-and-covid19> (accessed October 2021)

highlighted inequalities between children including between groups of children, but also between children living in poverty and between children in cities and in non-urban areas. It was also noted that the shift toward crisis management has disproportionately affected some groups of children (including as noted above, Figure 9).

Examples of ENOC Member Reflections – General Principles

“Emergency Measures have had disproportionate effects on different groups of children. The State should have prioritised actively identifying individual groups of children that were particularly vulnerable and taken measures to ensure that they were not disproportionately affected and discriminated against ...” (Iceland)

“Children were mostly treated as objects of the emergency measures rather than as participants in their making.” (Bulgaria)

“Decision-makers should have engaged with children and considered their views throughout the decision-making process, yet children’s views were at times completely absent from decision-making.” (Scotland)

“Little attention to the best interests of children when closing schools (instead of shopping centres etc).” (Estonia)

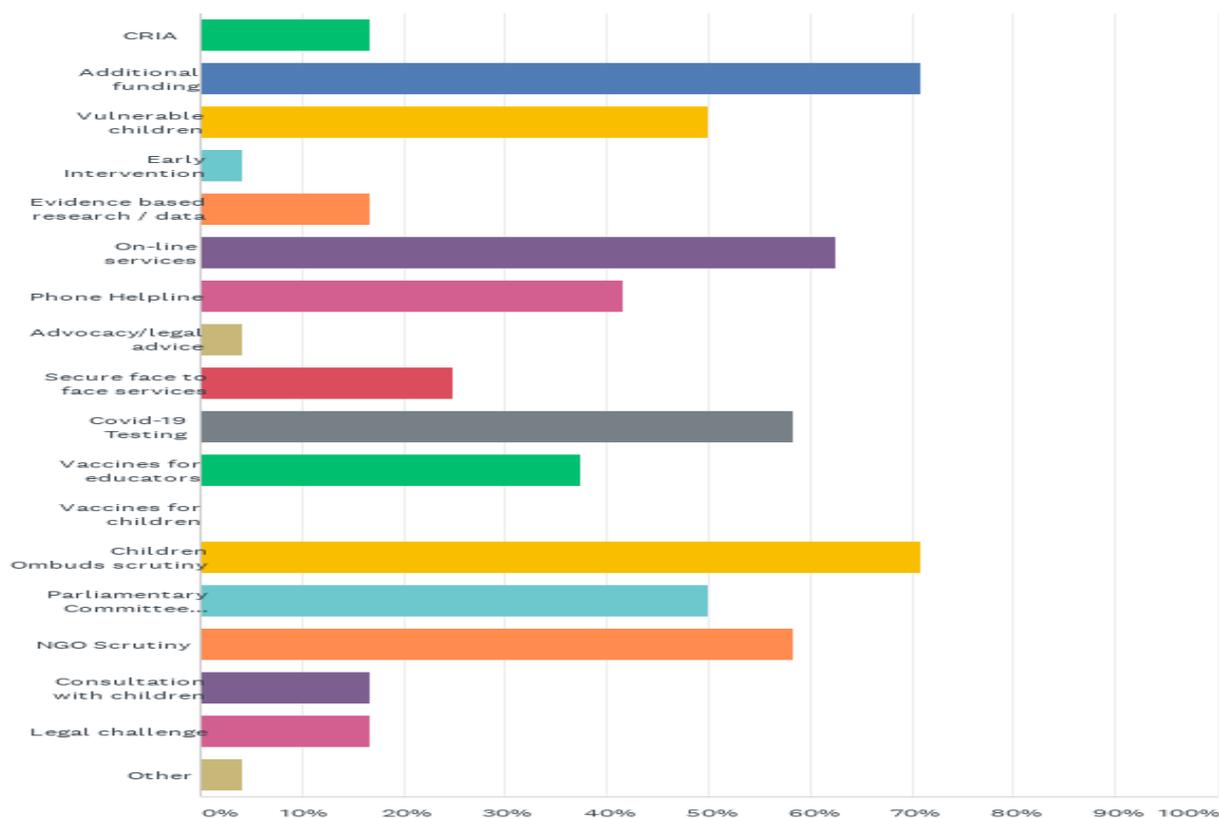
Steps taken to minimise negative impact of Emergency Measures on General Principles of the CRC

86% (n=24/28) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on the General Principles of the Convention.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on General Principles: see Figure 10. A majority of respondents reported:

- Scrutiny by Children’s Ombudsperson (71%, n=17/24).
- Allocation of additional funding (71%, n=17/24).
- Online services had been introduced (63%, n=15/24).
- Scrutiny by NGOs (58%, n=14/24).
- Covid-19 testing made available (58%, n=14/24).
- Scrutiny by Parliamentary Committees (50%, n=12/24).

Figure 10: Steps taken to minimise the negative impact of Emergency Measures



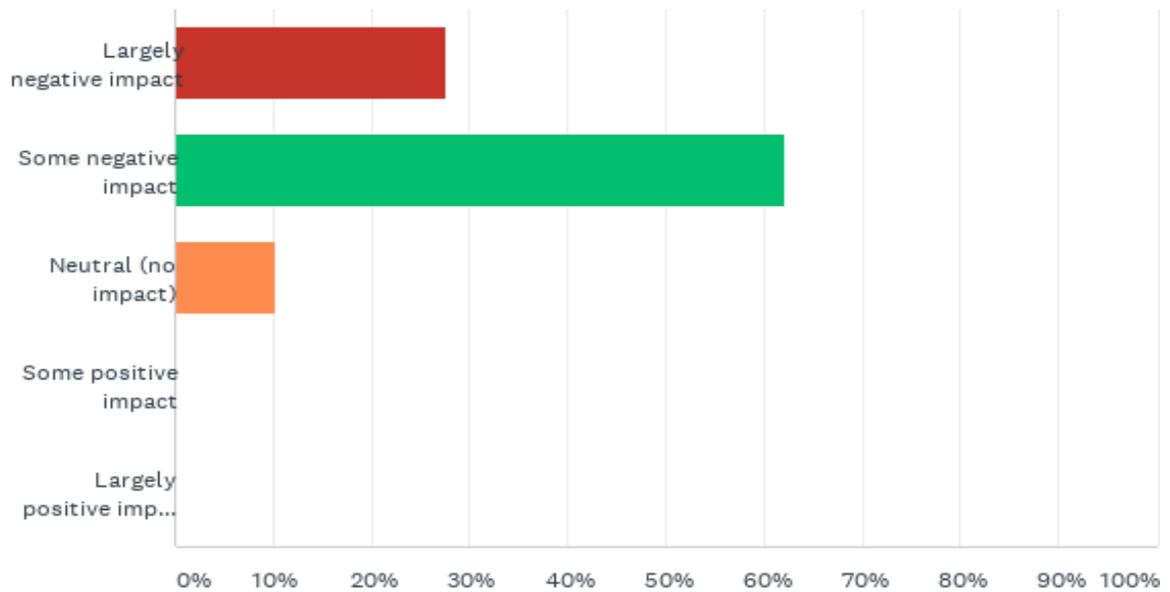
96% (n=24/25) of respondents reported that the steps taken had some effect in minimising the negative impact.

Consistent with the data discussed above, the free text comments submitted by respondents suggest that the General Principles of the Convention have not been prioritised during the pandemic, although it is also suggested that this has or is improving as the pandemic unfolds. Comments also suggest that the reason for this is often likely to be scrutiny and intervention by Children’s Ombudspersons, Parliamentary Committees and NGOs. Some respondents raised concerns that interventions aimed at minimising the impact of the pandemic/Emergency Measures on General Principles (and other thematic areas) were insufficient to meet the needs of all children.

Thematic area 3: Impact of Emergency Measures on Civil Rights and Freedoms

90% (n=26/29) of respondents reported that Emergency Measures have had a negative impact on children’s civil rights and freedoms. See Figure 11.

Figure 11: Impact of Emergency Measures on Civil Rights and Freedoms

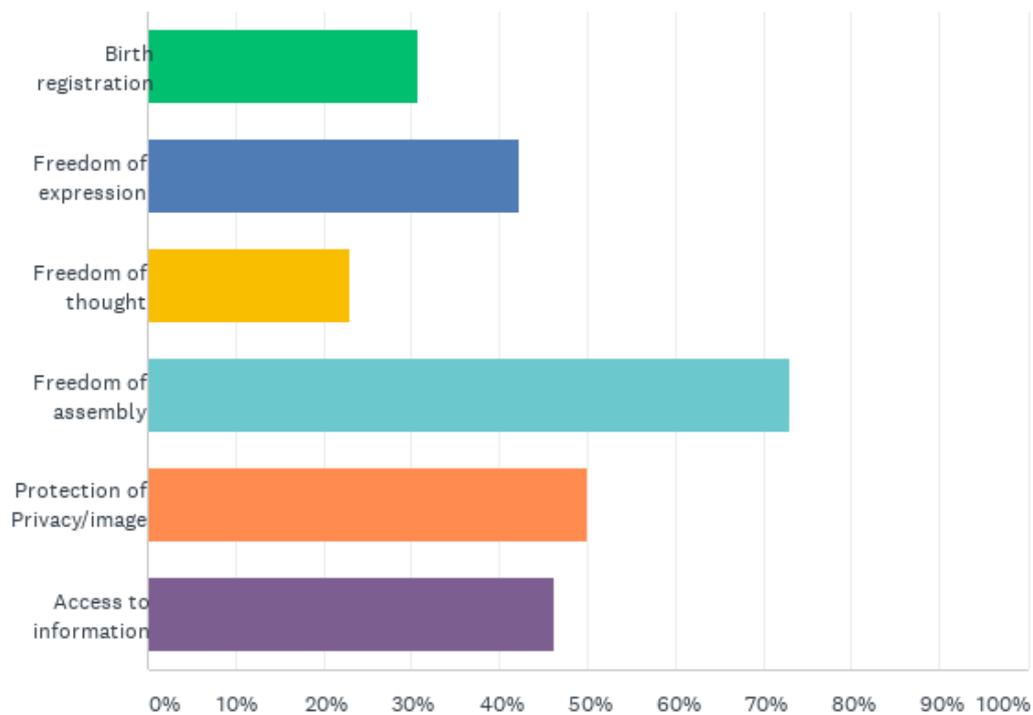


A majority of respondents reported a negative impact on:

- Children’s freedom of association and assembly (73%, n=19/26).
- Children’s right to privacy and protection of image (50%, n=13/26).

See Figure 12.

Figure 12: Impact of Emergency Measures: Specified Civil Rights and Freedoms

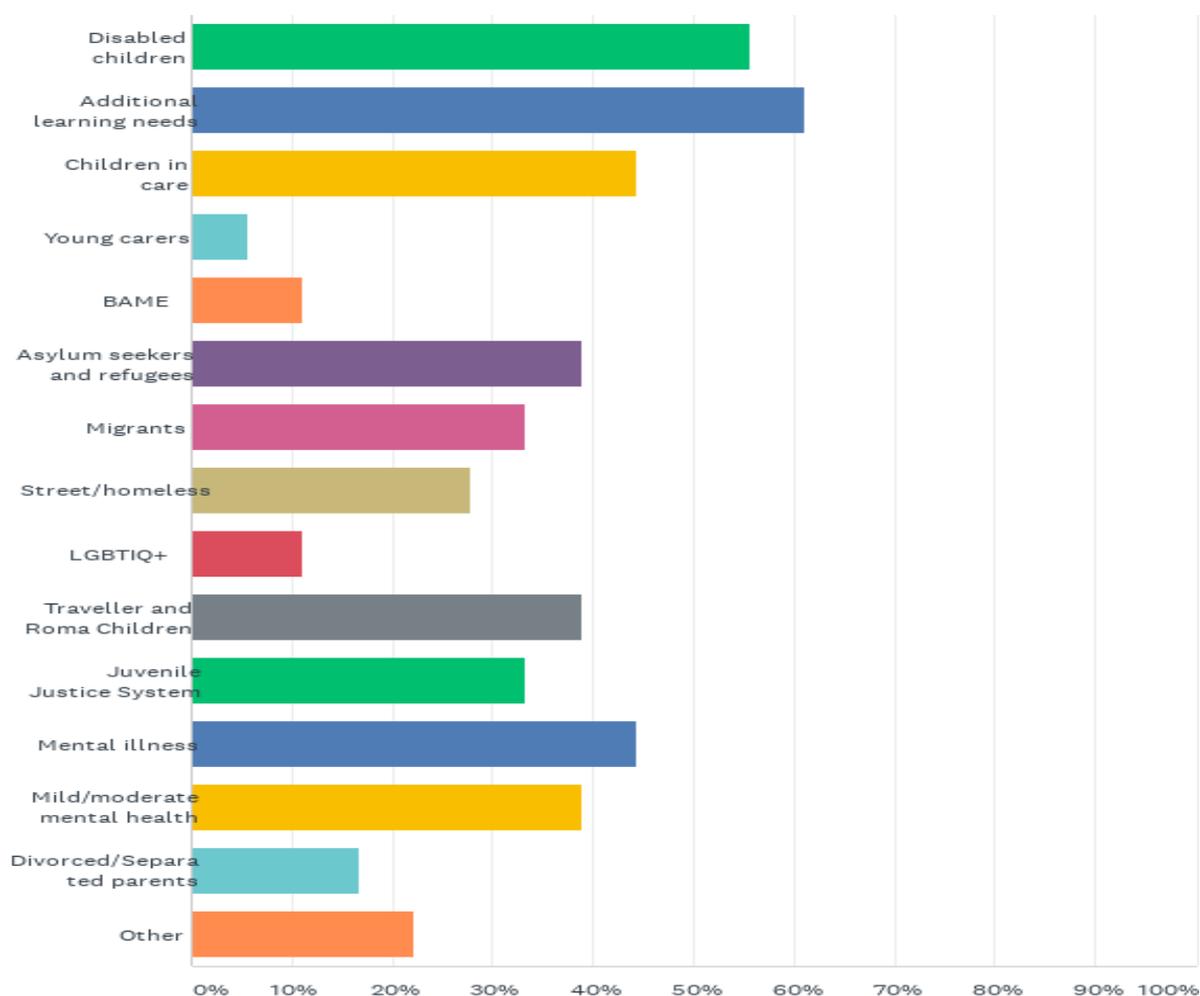


Emergency Measures and civil rights and freedoms: Impact on particular groups of children

The data reported in Figure 13 shows that a majority of respondents reported that the civil rights and freedoms of the following groups of children were disproportionately affected by Emergency Measures:

- Children with additional learning needs (61%, n=11/18).
- Disabled children (56%, n=10/18).

Figure 13: Emergency Measures and Civil Rights and Freedoms: Impact on particular groups of children



In free text comments many respondents confirmed the impact of Emergency Measures on children’s freedom of association and assembly, as many children, at various stages of the pandemic were only able to meet online. Some respondents reported that both care and juvenile offender institutions had disproportionately restricted children’s movements giving rise to a potential risk to their mental health. Some jurisdictions reported the lack of opportunity for children to participate in religious services/meetings. In other jurisdictions, it

was reported that children were stigmatised for breaching restrictions or arrested. Respondents also commented on the lack of measures to safeguard children’s privacy and information rights online despite learning and other activities increasingly being moved to the online space. Some respondents suggested that legislation or resources to protect children online, or to guarantee their civil rights and freedoms, had been delayed or were inadequate during the pandemic. It was noted that the move to digital spaces might have increased the opportunity to exercise the right to assembly, but at the same time there was recognition of a ‘digital divide’ with some children not having access to digital technologies.

Examples of ENOC Member Reflections – Civil Rights and Freedoms

“Legislation was brought in to stop gatherings outdoors and this applied to children. Children were arrested and detained for failing to isolate and breaching the regulations.” (Jersey)

“Some care places wished to restrict children’s movement more than prescribed by emergency measures or by using unacceptable means (e.g. to ‘lock down’ the care place premises).” (Estonia)

“... Covid-19 has amplified the lack of measures to safeguard children’s rights online.” (Iceland)

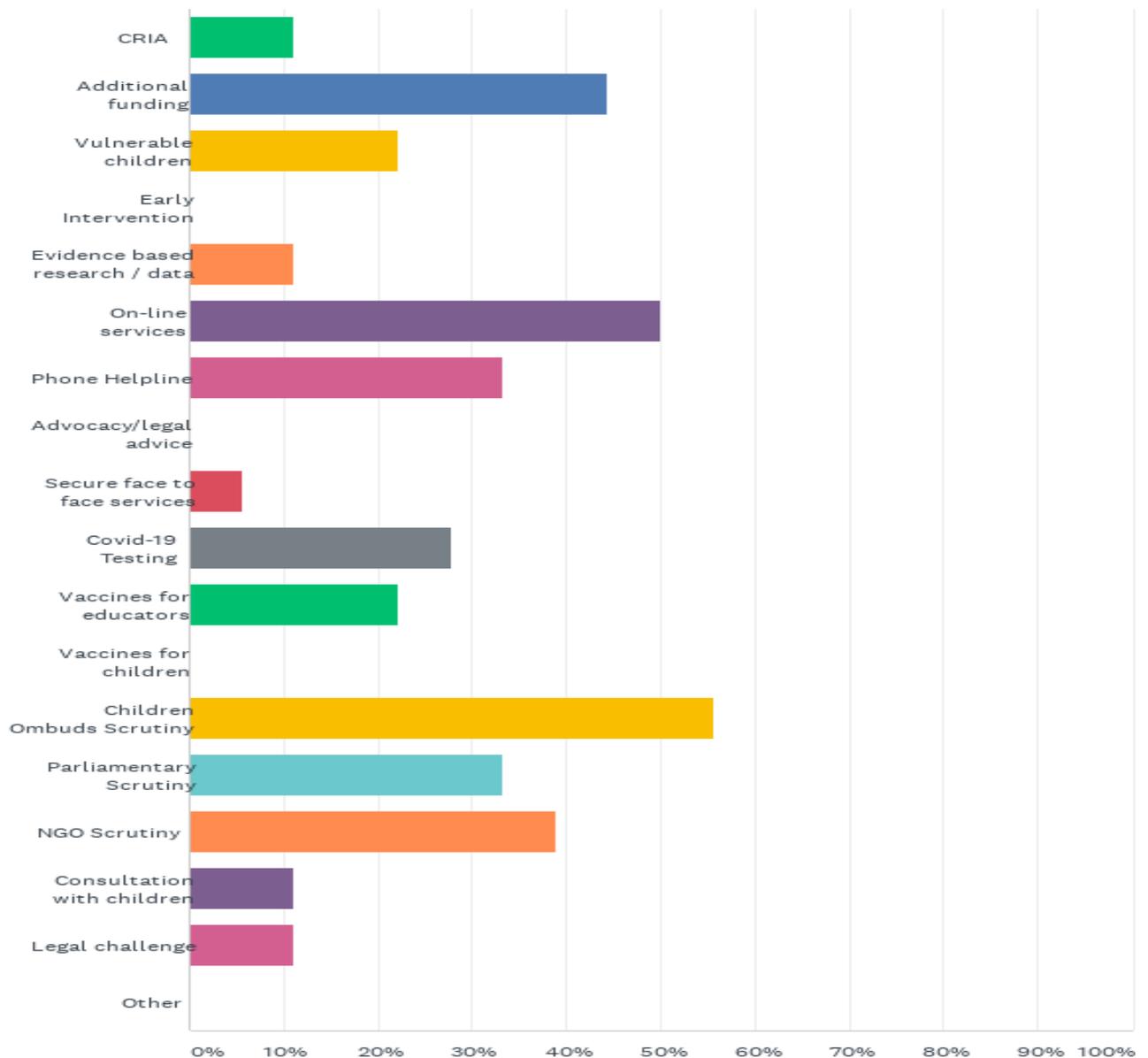
Steps taken to minimise negative impact of Emergency Measures on Civil Rights and Freedoms

63% (n=17/27) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on civil and rights and freedoms.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on Civil Rights and Freedoms: see Figure 14. A majority of respondents reported:

- Scrutiny by Children’s Ombudsperson (56%, n=10/18).
- Online services made available (50%, n=9/18).

Figure 14: Steps to minimise negative impact of Emergency Measures on Civil Rights and Freedoms



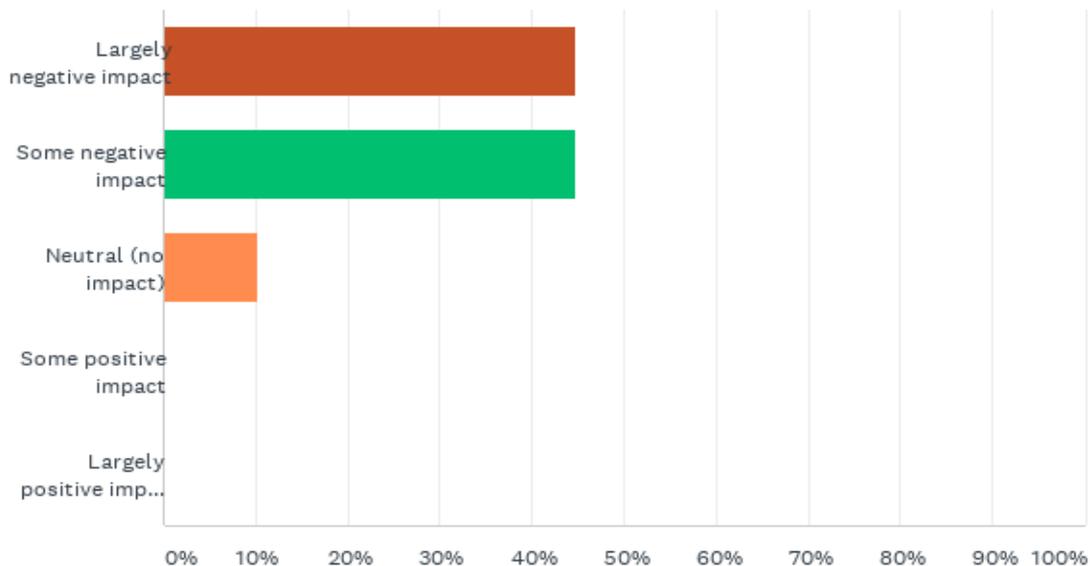
71% (n=12/17) of respondents reported that steps taken had some effect on minimising the negative impact of Emergency Measures.

Free text comments from a majority of respondents suggest that as the pandemic progressed, additional resources were allocated to support access to online services for children, while some comments highlighted digital poverty as a problem restricting access to the digital environment for some. A number of comments suggest the need for stronger regulation to support children’s online safety.

Thematic area 4: Impact of Emergency Measures on Violence Against Children

90% (n=26/29) of respondents reported that Emergency Measures have had a negative impact on violence against children. See Figure 15.

Figure 15: Impact of Emergency Measures on Violence Against Children

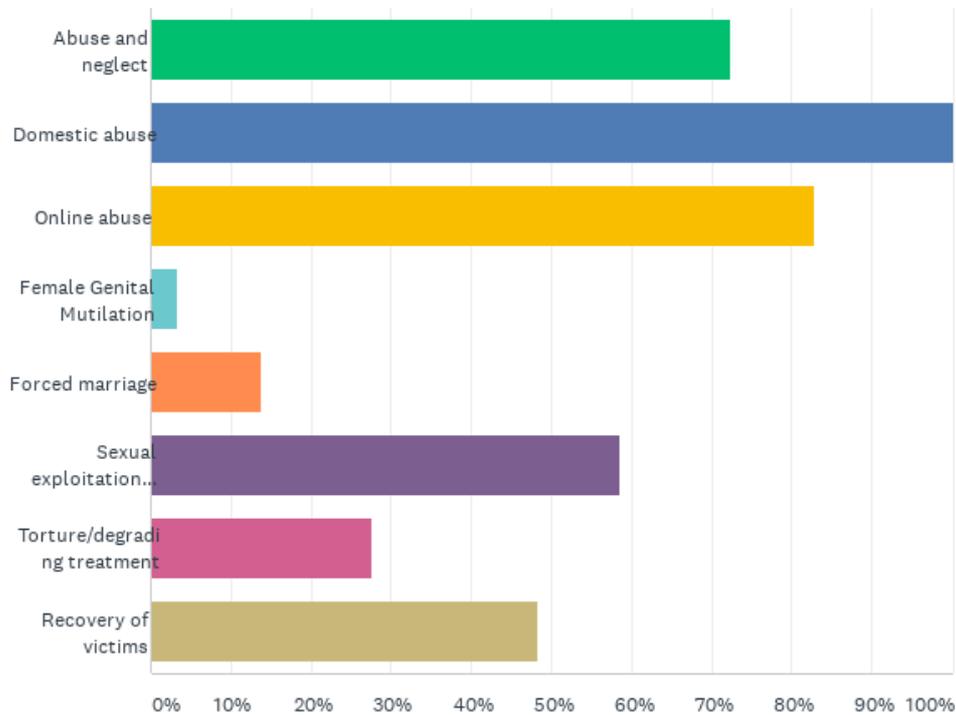


Asked about the impact of Emergency Measures in particular areas of violence against children, a majority of respondents reported a negative impact on:

- Children experiencing domestic abuse (100%, n=29/29).
- Online abuse (83%, n=24/29).
- General abuse and neglect (72%, n= 21/29).
- Sexual exploitation and abuse (59%, n=17/29).

It is extremely concerning that almost a third of respondents reported that there had been a negative impact on children experiencing torture, inhuman or degrading treatment. See Figure 16.

Figure 16: Impact of Emergency Measures: Specified Issues - Violence Against Children

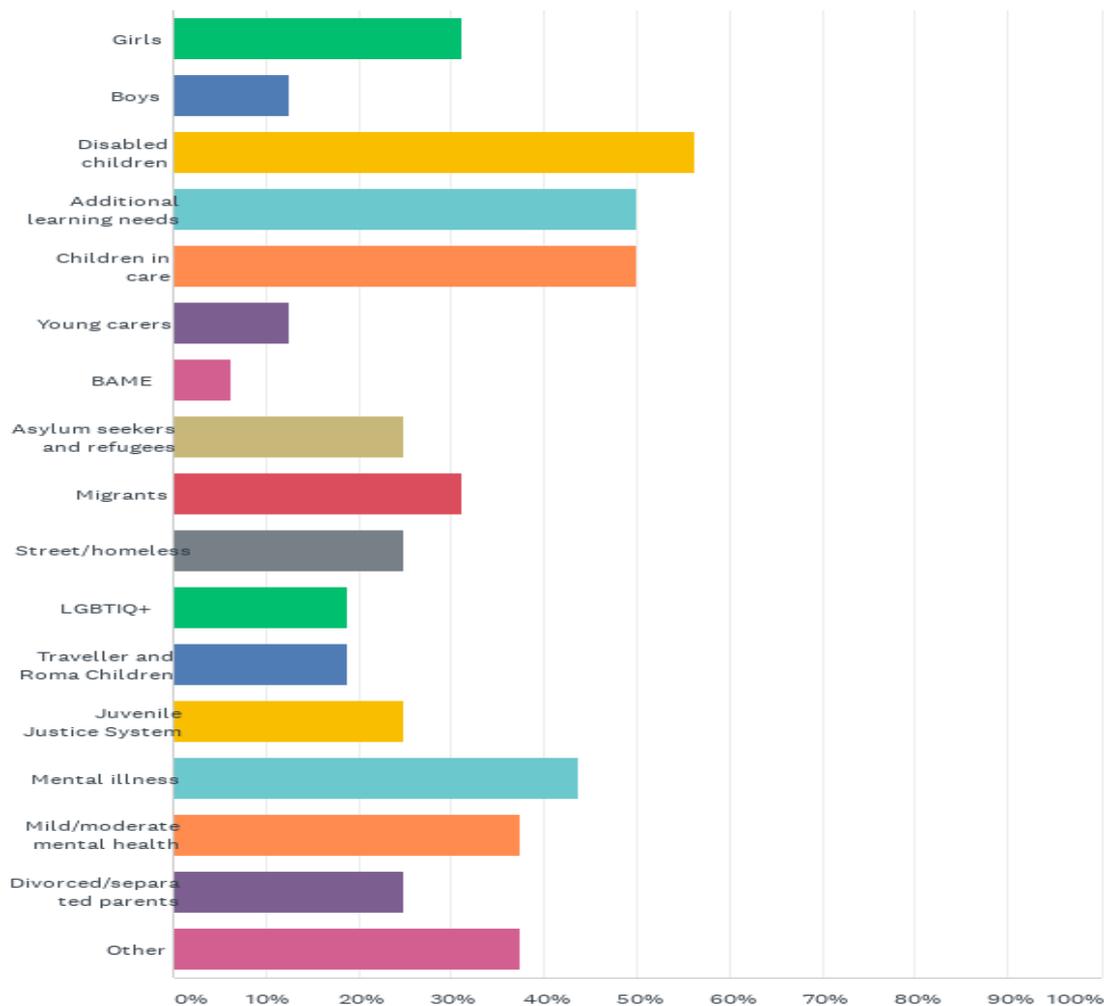


Emergency Measures and Violence Against Children: Impact on particular groups of children

The data reported in Figure 17 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Disabled children (56%, n=9/16).
- Children with additional learning needs (50%, n=8/16).
- Children in care (50%, n=8/16).

Figure 17: Emergency Measures and Violence Against Children: Impact on particular groups of children



Disabled children, children with additional learning needs and children in care were seen as becoming more vulnerable, with some children being at greater risk of abuse and/neglect. The evidence from some jurisdictions also suggests that girls were at greater risk of increased violence or abuse. Respondent free text comments suggest that in some jurisdictions there was inadequate data on children facing violence, making it difficult to determine the impact of Emergency Measures. Comments also confirm that in the majority of jurisdictions government struggled to maintain services to protect children who may be at significant risk of harm (domestic abuse, abuse and neglect, sexual abuse and sexual exploitation). Respondents commented that the increase in time spent at home had resulted in many children being exposed to increased levels of violence without the sanctuary of school as an escape. It was also noted that children’s increased use of the internet during home confinement has resulted in increased cyberbullying or online sexual abuse/exploitation. The problems caused by children being confined to the home, and

unable to access protection or support services was described by one respondent as 'double vulnerability'.

Examples of ENOC Member Reflections - Violence Against Children

"Protection from abuse, significant increase of domestic violence and insufficient response from services." (Greece)

"Reporting by children, identification by professionals and court decisions were affected by the measures." (Cyprus)

"School closures led to fewer referrals due to a decrease in time that professionals are spending with children and families, thereby weakening protective measures." (Jersey)

"Children are spending more time on-line which increased the risk of grooming and other abuse." (Finland)

"No statistics." (Luxembourg)

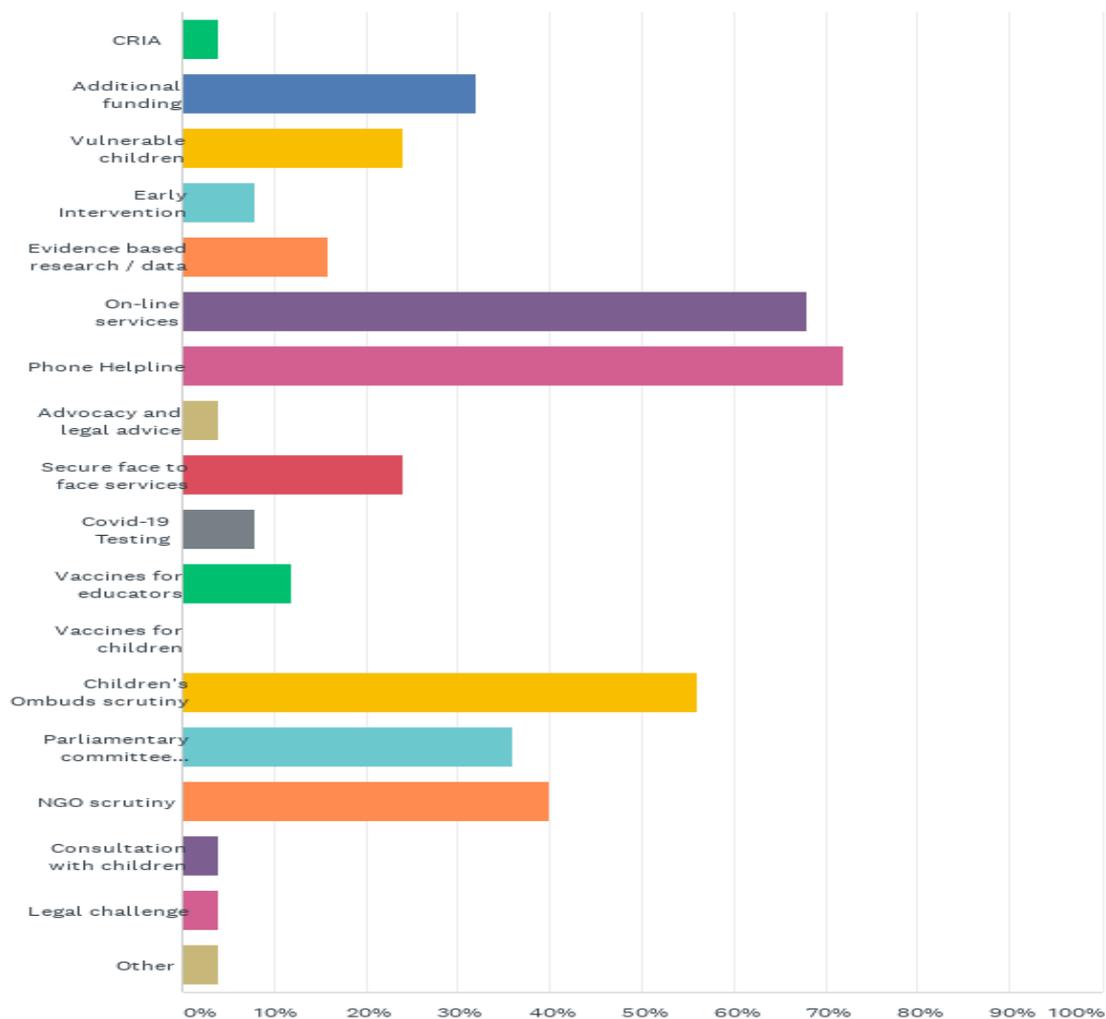
Steps taken to minimise negative impact of Emergency Measures on Violence Against Children

80% (n=24/30) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on violence against children. See Figure 18.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on violence against children: see Figure 18. A majority of respondents reported:

- Introduction of phone helpline (72%, n=18/25).
- Online services (68%, n=17/25).
- Scrutiny by Children's Ombudsperson (56%, n=14/25).

Figure 18: Steps to minimise negative impact of Emergency Measures on Violence Against Children



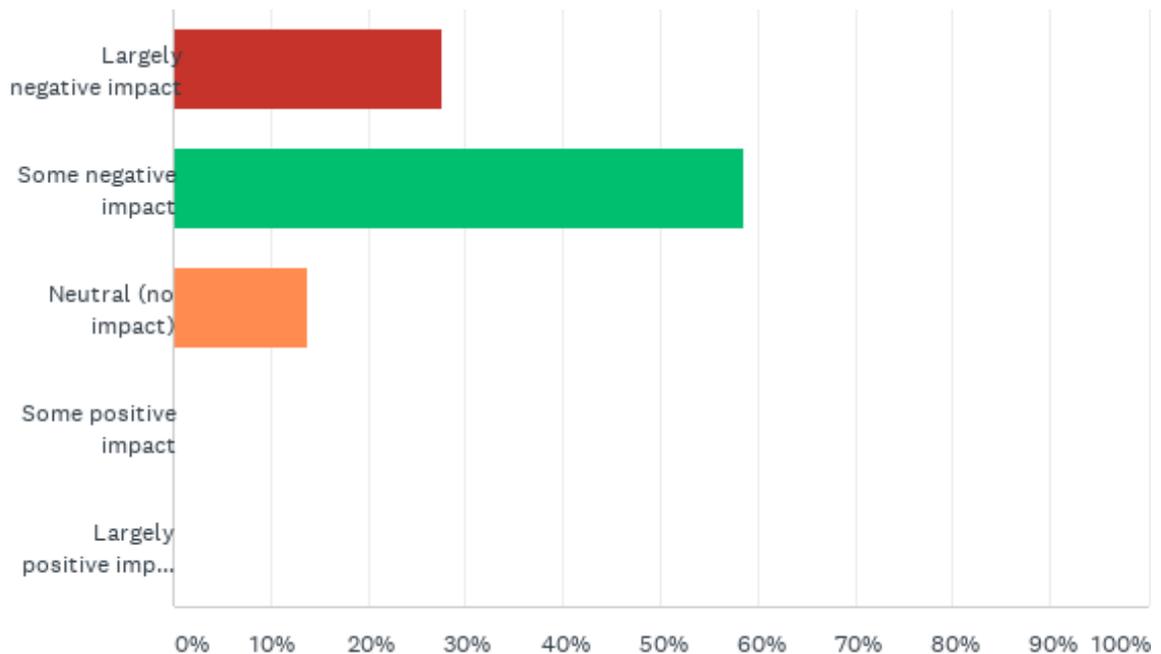
71% (n=17/24) of respondents reported that the steps taken had 'some effect' to minimise the negative impact of Emergency Measures on violence against children.

Free text comments confirm that phone helplines and online services were of crucial importance for children during the pandemic: providing an option for children to seek help due to an increased risk of violence. Some comments suggest that some governments sought to encourage people to contact appropriate services about any concerns that a child is at risk of abuse or neglect. Other comments highlighted the importance of continuing services for those at risk of violence throughout the pandemic and keeping schools open to vulnerable children.

Thematic area 5: Impact of Emergency Measures on Family Environment and Alternative Care

86% (n=25/29) of respondents reported that Emergency Measures have had a negative impact on family environment and alternative care. See Figure 19.

Figure 19: Impact of Emergency Measures on Family Environment and Alternative Care

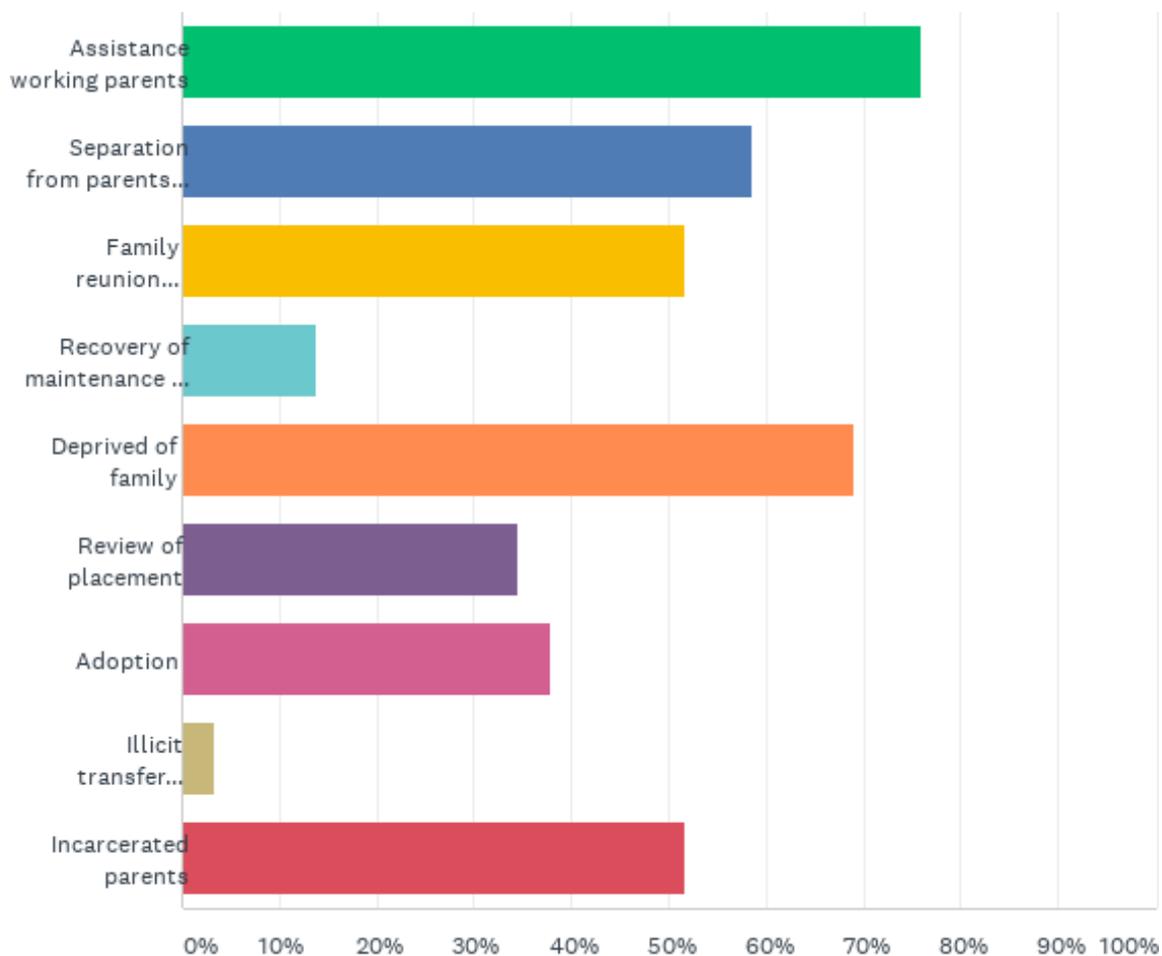


Asked about the impact on each of the Emergency Measures in particular areas of the family environment and alternative care, a majority of respondents reported a negative impact on:

- Assistance to parents and childcare services (76%, n=22/29).
- Children being deprived of their family environment (69%, n=22/29).
- Children separated from parents (59%, n=17/29).
- Children's contact with incarcerated parents (52%, n=15/29).
- Family reunification (52%, n=15/29).

See Figure 20.

Figure 20: Impact of Emergency Measures: Specified Issues - Family Environment and Alternative Care

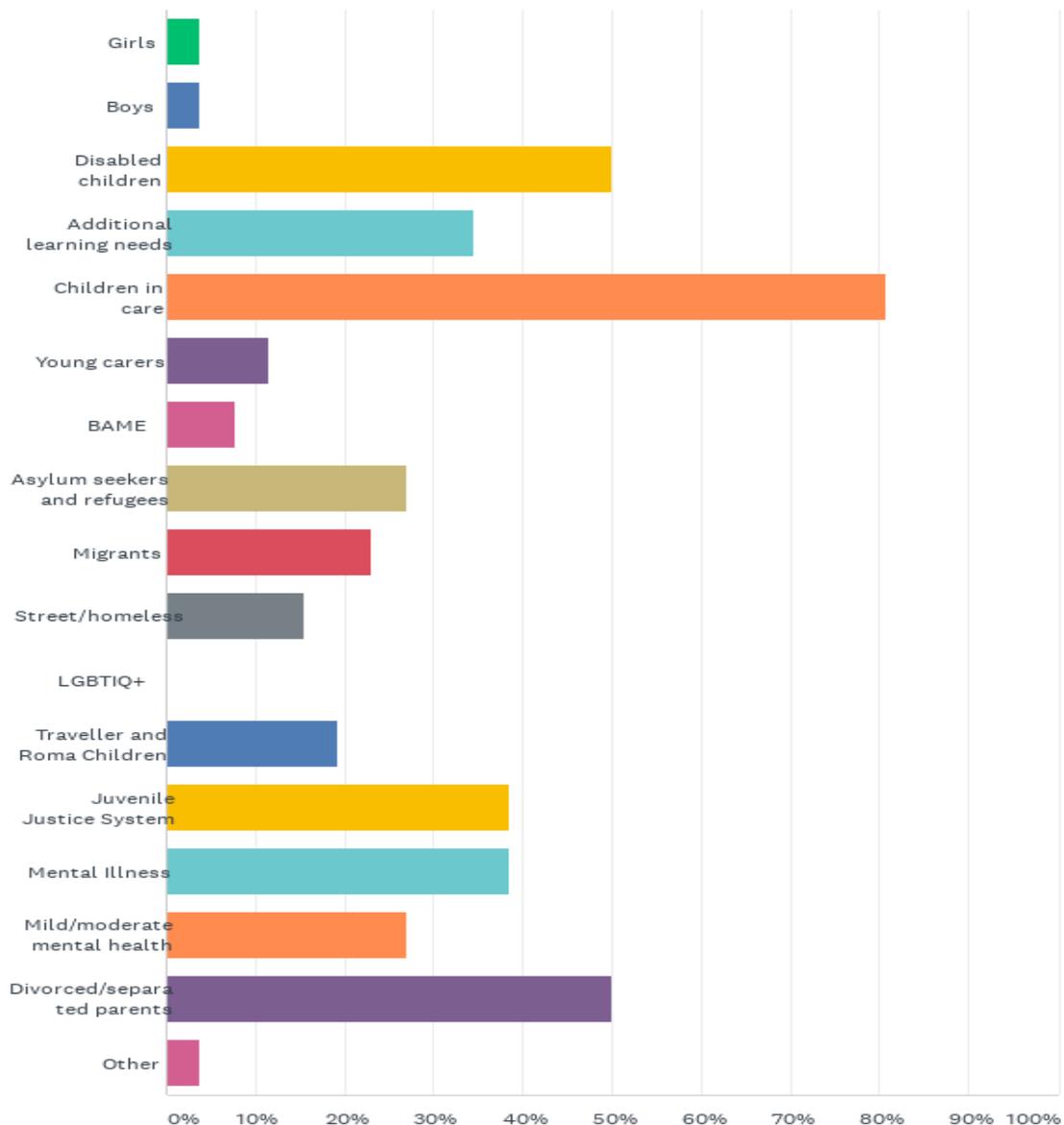


Emergency Measures and family environment and alternative care: Impact on particular groups of children

The data reported in Figure 21 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Children in care (81%, n=21/26).
- Disabled children (50%, n=13/26).
- Children with divorced or separated parents (50%, n=13/26).

Figure 21: Emergency Measures and Family Environment and Alternative Care: Impact on particular groups of children



The free text comments from respondents suggest that due to the pandemic many working parents across jurisdictions were left with no childcare options when schools were closed. In addition, parents were unable to rely on grandparent's help, as this group was especially vulnerable to Covid-19. Working parents had to care for their children, support online schooling and continue working commitments. This caused increased pressure on families and children, particularly those already vulnerable. Comments also highlight how children in institutional or foster care had contact with family members and social work visits, limited or in some instances terminated. Across many jurisdictions, respondent comments illustrate how children of divorced or separated parents were not able to have contact with both parents. Children were also reported to be unable to visit parents who were incarcerated.

Due to limits placed on international travel, family reunification and inter-country adoption was adversely affected in some jurisdictions.

Examples of ENOC Member Reflections - Family Environment and Alternative Care

“Covid-19 restrictions have impacted on the ability of children living in different households to have contact with both of their parent(s), or in the care of the State, to access face to face social work and care supports and maintain regular face to face contact with their family.” (Ireland)

“There were situations where one of the parents hindered contact with the other parent, with whom the child is not staying, due to the threat connected to the spread of the virus.” (Poland)

“The adoption families have not been able to get their children from abroad. Family reunification has been blocked.” (Finland)

“Children that have parents that are incarcerated, the prisons in Iceland did not allow visitations from children because of Emergency Measures due to Covid-19.” (Iceland)

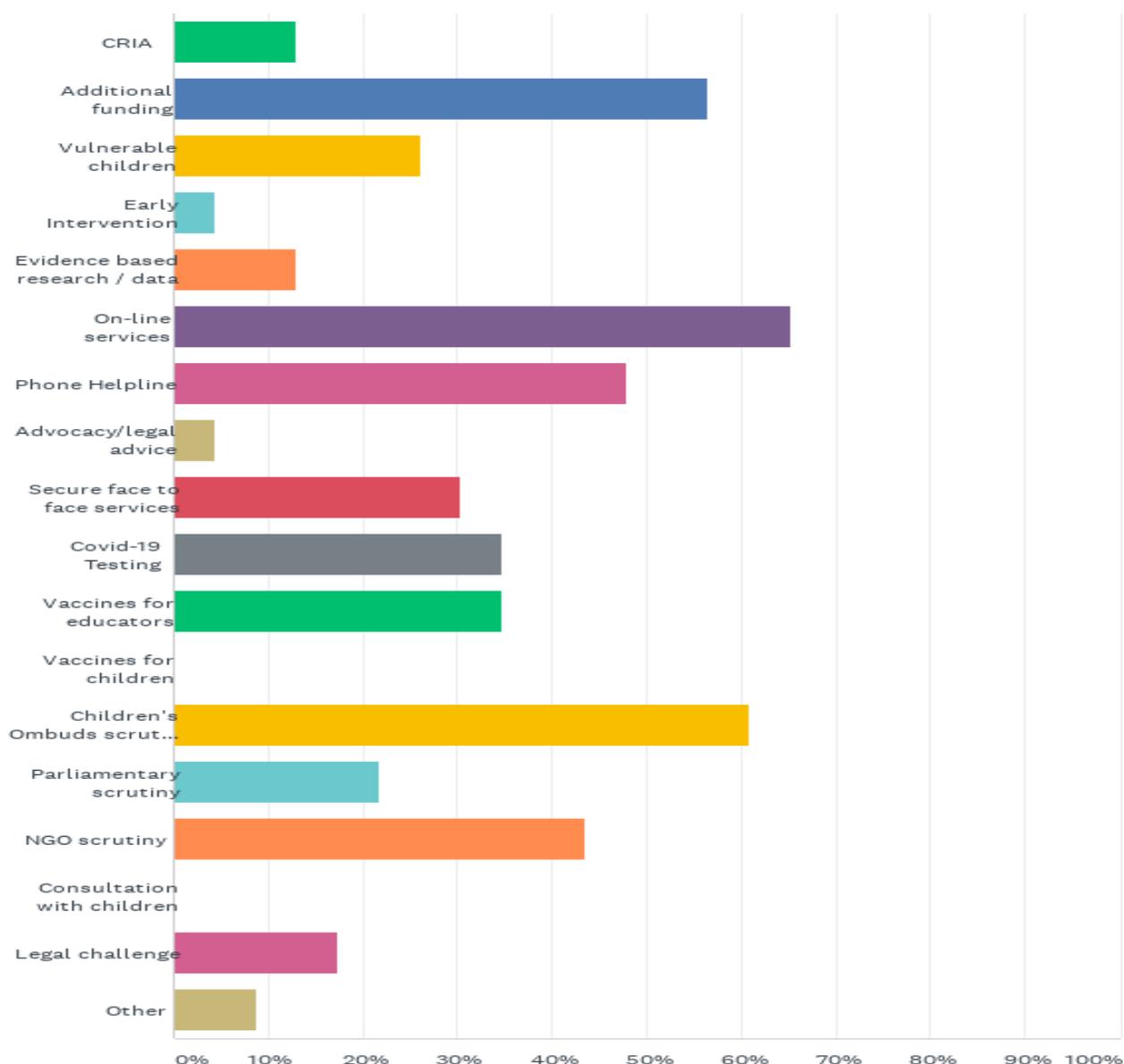
Steps taken to minimise negative impact of Emergency Measures on Family Environment and Alternative Care

75% (n=21/28) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on family environment and alternative care.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on family and alternative care: see Figure 22. A majority of respondents reported:

- Online services (65%, n=15/23).
- Scrutiny by Children’s Ombudsperson (61%, n=14/23).
- Additional funding (57%, n=13/23).

Figure 22: Steps to minimise negative impact of Emergency Measures on Family Environment and Alternative Care



75% (n=18/24) of respondents reported that the measures taken had 'some effect' to minimise the negative impact of Emergency Measures in relation to family and alternative care.

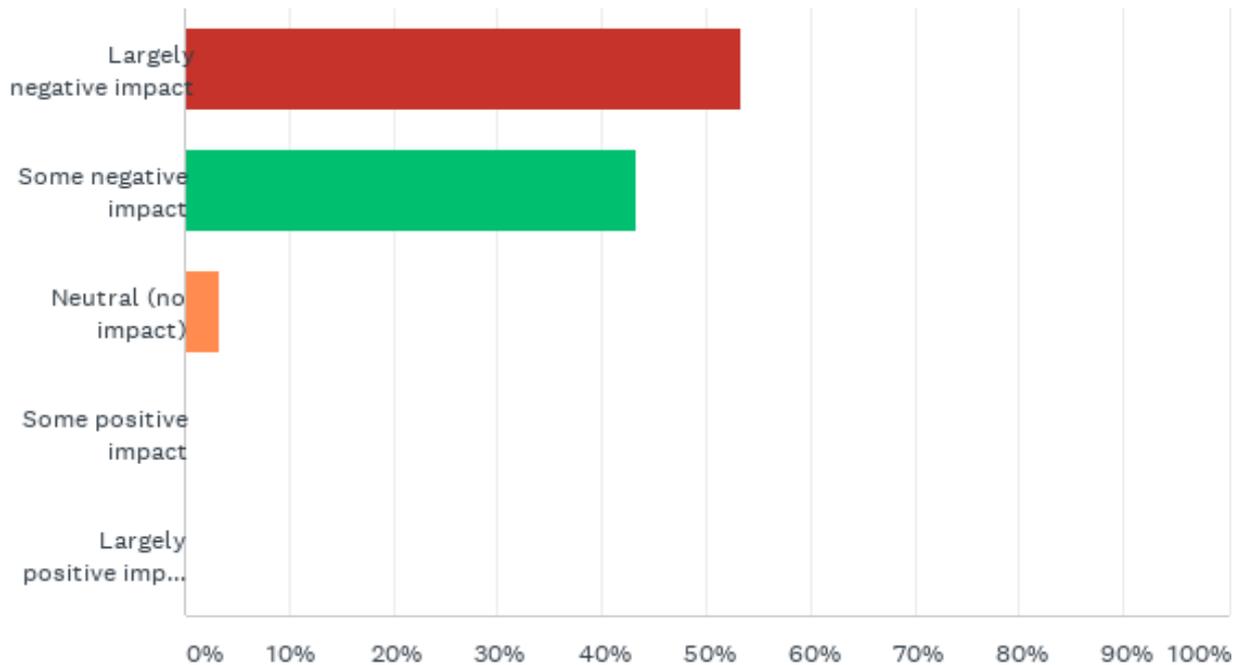
Free text comments suggest that in many jurisdictions, attempts were made to support working families with financial aid, and that in some instances nurseries, kindergartens etc were kept open to provide childcare: especially for parents working in essential services. Some comments note the importance of ensuring that children in institutions have regular contact with family, including in some instances by facilitating contact via online services. As

the pandemic progressed, governments made it clear that children of divorced/separated parents must be able to have contact with both parents.

Thematic area 6: Impact of Emergency Measures on Health and Welfare

97% (n=29/30) of respondents reported that Emergency Measures have had a negative impact on children’s health and welfare. See Figure 23.

Figure 23: Impact of Emergency Measures on Health and Welfare

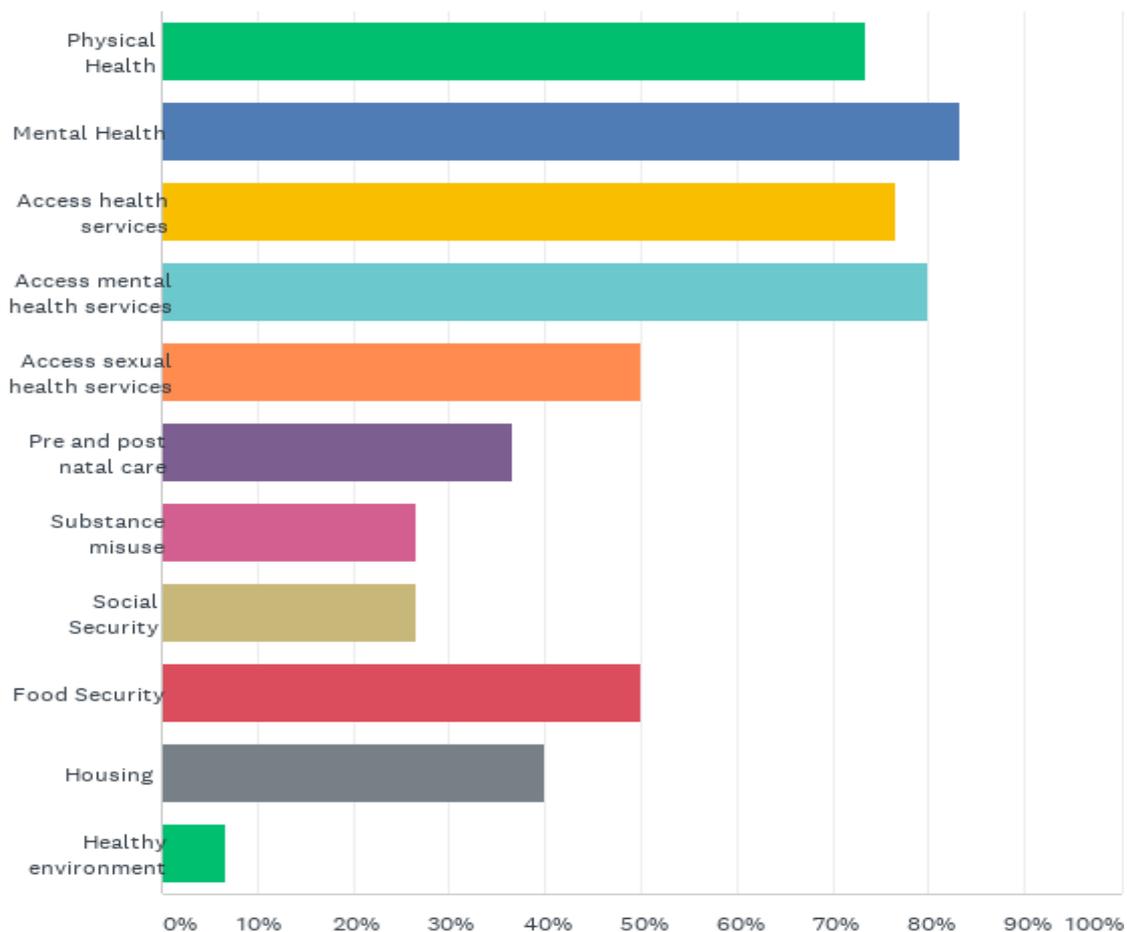


Asked about particular issues, a majority of respondents reported a negative impact on:

- Children’s mental health (83%, n=25/30).
- Ability to access mental health services (80%, n=24/30).
- Ability to access health services (77%, n=23/30).
- Children’s physical health (73%, n= 22/30).
- Ability to access sexual health services (50%, n=15/30).
- Food security (50%, n=15/30).

See Figure 24.

Figure 24: Impact of Emergency Measures: Specified Issues - Health and Welfare

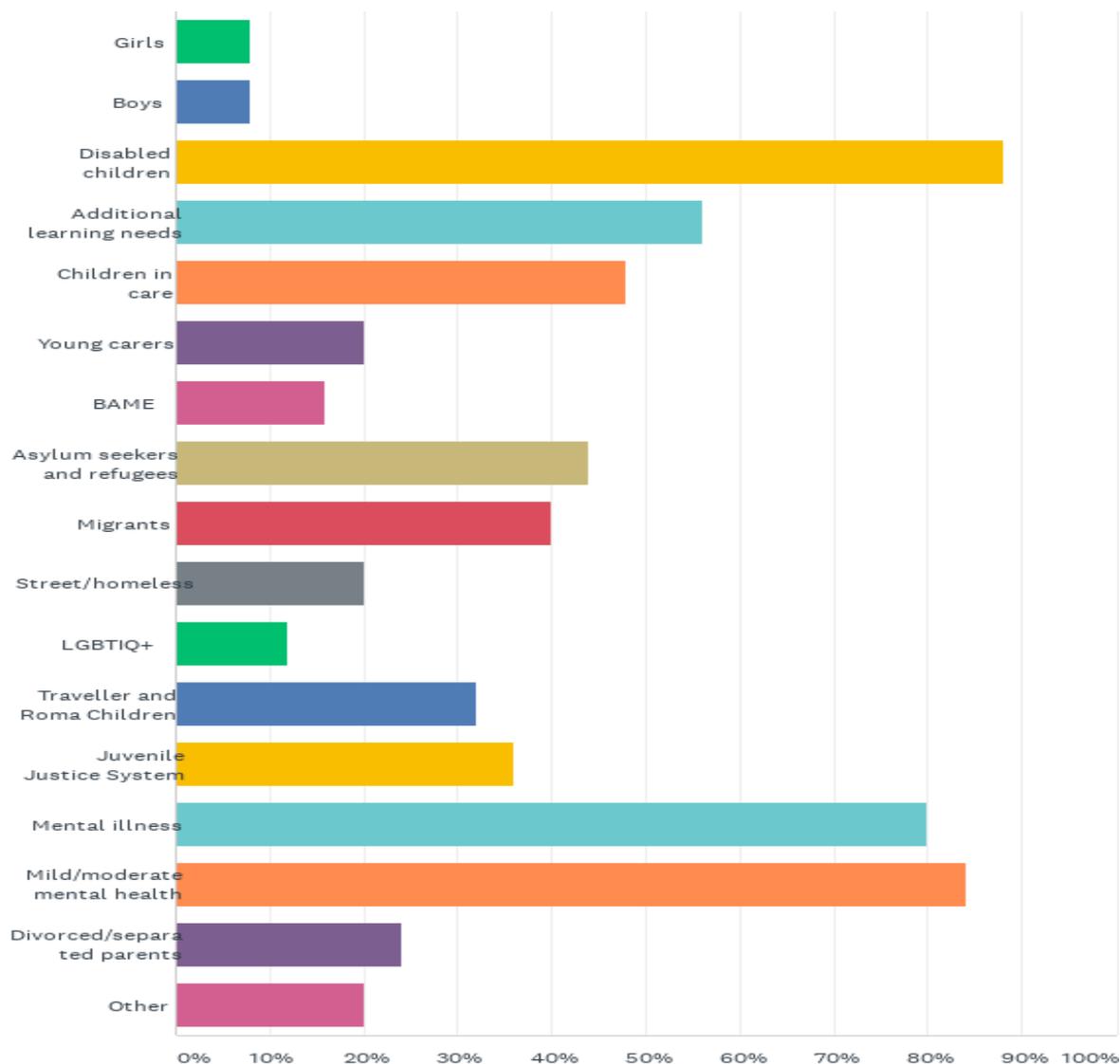


Emergency Measures and health and welfare: Impact on particular groups of children

The data reported in Figure 25 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Disabled children (88%, n=22/25).
- Children with mild to moderate mental health problems (84%, n=21/25)
- Children with mental illness (80%, n=20/25).
- Children with additional learning needs (56%, n=14/).

Figure 25: Emergency Measures and Health and Welfare: Impact on particular groups of children



Free text comments confirmed the negative impact of the pandemic on child health services which were reduced, terminated or re-deployed to deal with the pandemic. Children’s mental health was noted as an issue of particular concern before the pandemic but exacerbated by the impact of Emergency Measures as a result of restricted movements, confinement to the home, not being in school and reduced opportunities to play and meet up with friends. Children’s levels of depression, anxiety and emotional distress were noted to have increased across many jurisdictions, with children unable to access mental health services at a time when they most needed these services. Some comments highlighted how children were unaware of where to go for help and that online services may be unsuitable for children with mental health problems. Free text comments also drew attention to reduced opportunities for physical activity and play as leading to increased levels of childhood obesity, and limited

access to general health services as reducing access to childhood immunisation. Comments also highlighted how the impact of the pandemic on the economy has pushed many families into precarious financial situations, impacting on children's standard of living and food security.

Examples of ENOC Member Reflections - Health and Welfare

"Pandemic endangered the mental health of minors, especially in conditions of isolation."
(Georgia)

"There is an increase in the mental health hospital placements, as well as overall increase in adolescents who seek mental help." (Latvia)

"Children's physical and mental health has been severely affected by the pandemic. Access to urgent medical care and paediatric care dropped." (Scotland).

"Children in poverty caused by the economic crisis had created serious challenges for many families." (Catalonia)

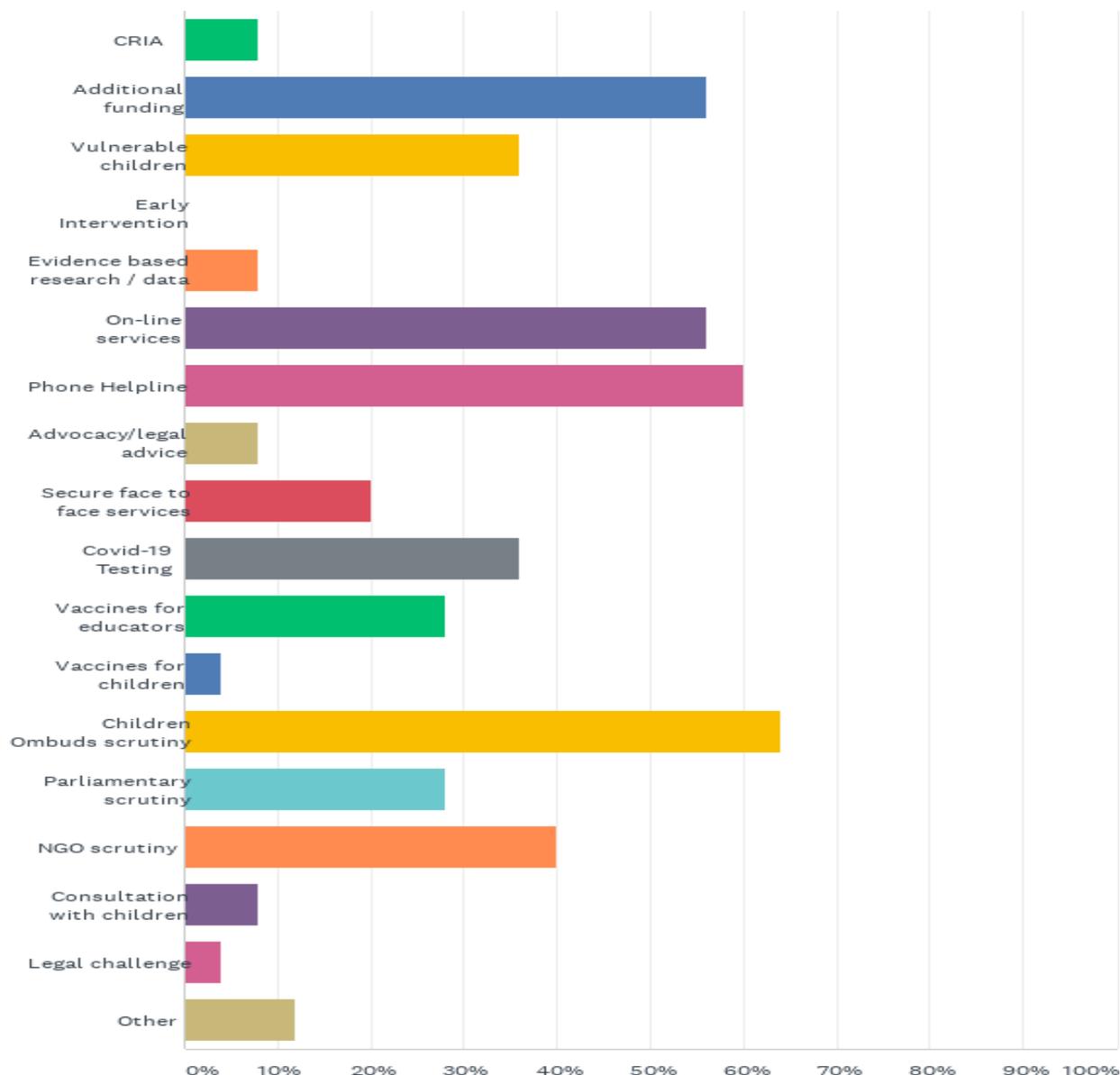
Steps taken to minimise negative impact of Emergency Measures on Health and Welfare

76% (n=22/29) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on health and welfare.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on health and welfare: see Figure 26. A majority of respondents reported:

- Scrutiny by Children's Ombudsperson (64%, n=16/25).
- Phone helplines (60%, n=15/25);
- Online services (56%, n=14/25).
- Allocation of additional funding (56%, n=14/25).

Figure 26: Steps to minimise negative impact of Emergency Measures on Health and Welfare



79% (n=19/24) of respondents reported that the steps taken to minimise the negative impacts of Emergency Measures on health and welfare had some effect.

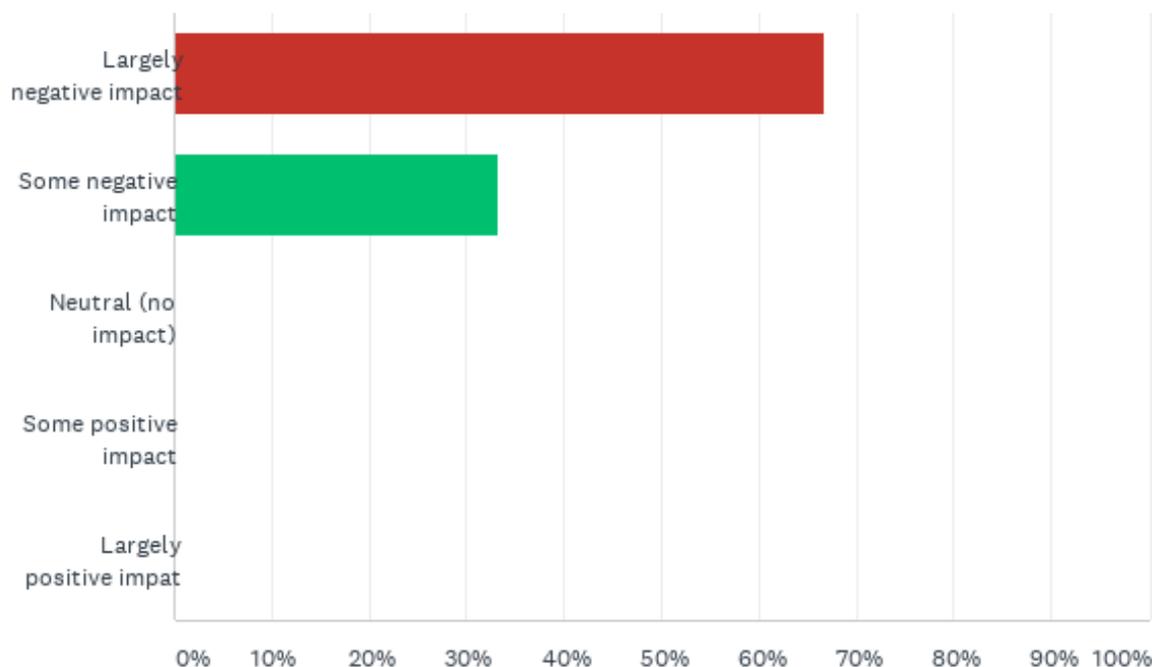
Free text responses, note that many jurisdictions changed legislation in support of a basic income, job retention schemes and moratorium on rent. Free school meals were offered during term time even with school closures and into the summer holidays in some jurisdictions to support vulnerable children. In other jurisdictions, NGOs intervened to help families with food and hygiene materials. Several jurisdictions commented on the development of phone and online services to support children facing psychological problems and advertised these services through media and website campaigns. However, one

jurisdiction noted the barrier of digital exclusion and/or meaningful interaction online with children facing such challenges. Some jurisdictions noted how Covid-19 face to face services improved as the pandemic progressed.

Thematic area 7: Impact of Emergency Measures on Education, Play, Leisure and Cultural Life

100% (n=30/30) of respondents reported that Emergency Measures have had a negative impact on education, play, leisure and cultural life. See Figure 27.

Figure 27: Impact of Emergency Measures on Education, Play, Leisure and Cultural Life

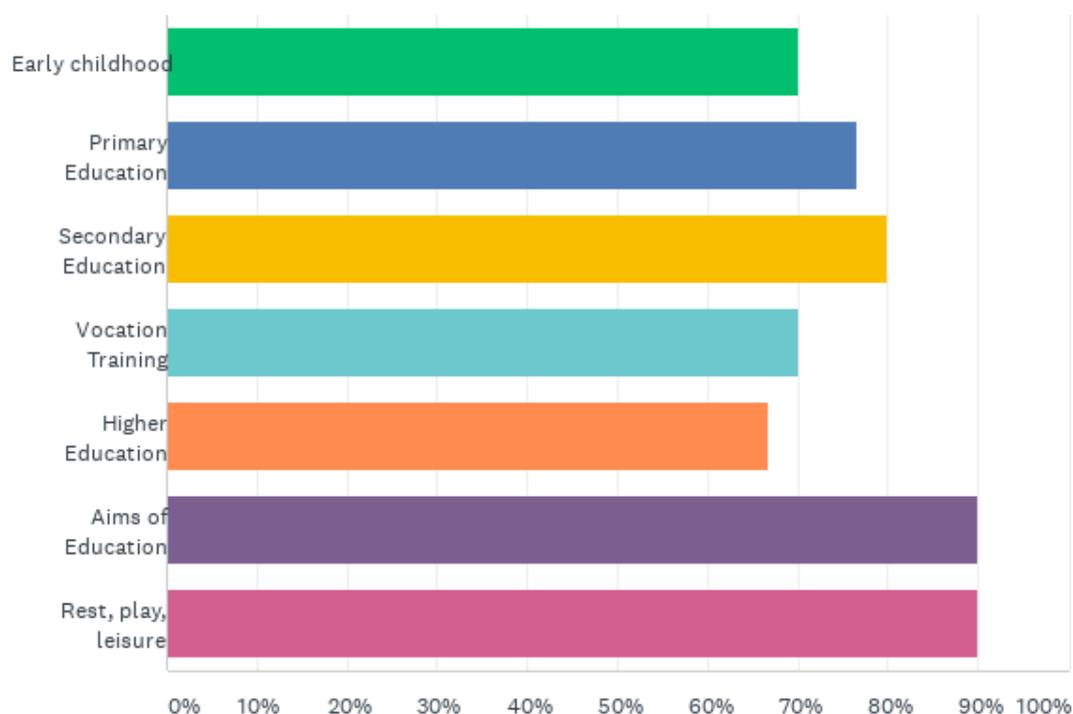


A majority of respondents reported a negative impact on:

- Aims of education (90%, n=27/30).
- Play, rest and leisure activities (90%, n=27/30).
- Access to secondary education (80%, n=24/30).
- Access to primary education (77%, n=23/30).
- Early childhood education (70%, n=21/30).
- Vocational training 70%, n=21/30).
- Access to higher education (67%, n=20/30).

See Figure 28.

Figure 28: Impact of Emergency Measures: Specified issues - Education, Play, Leisure and Cultural Life

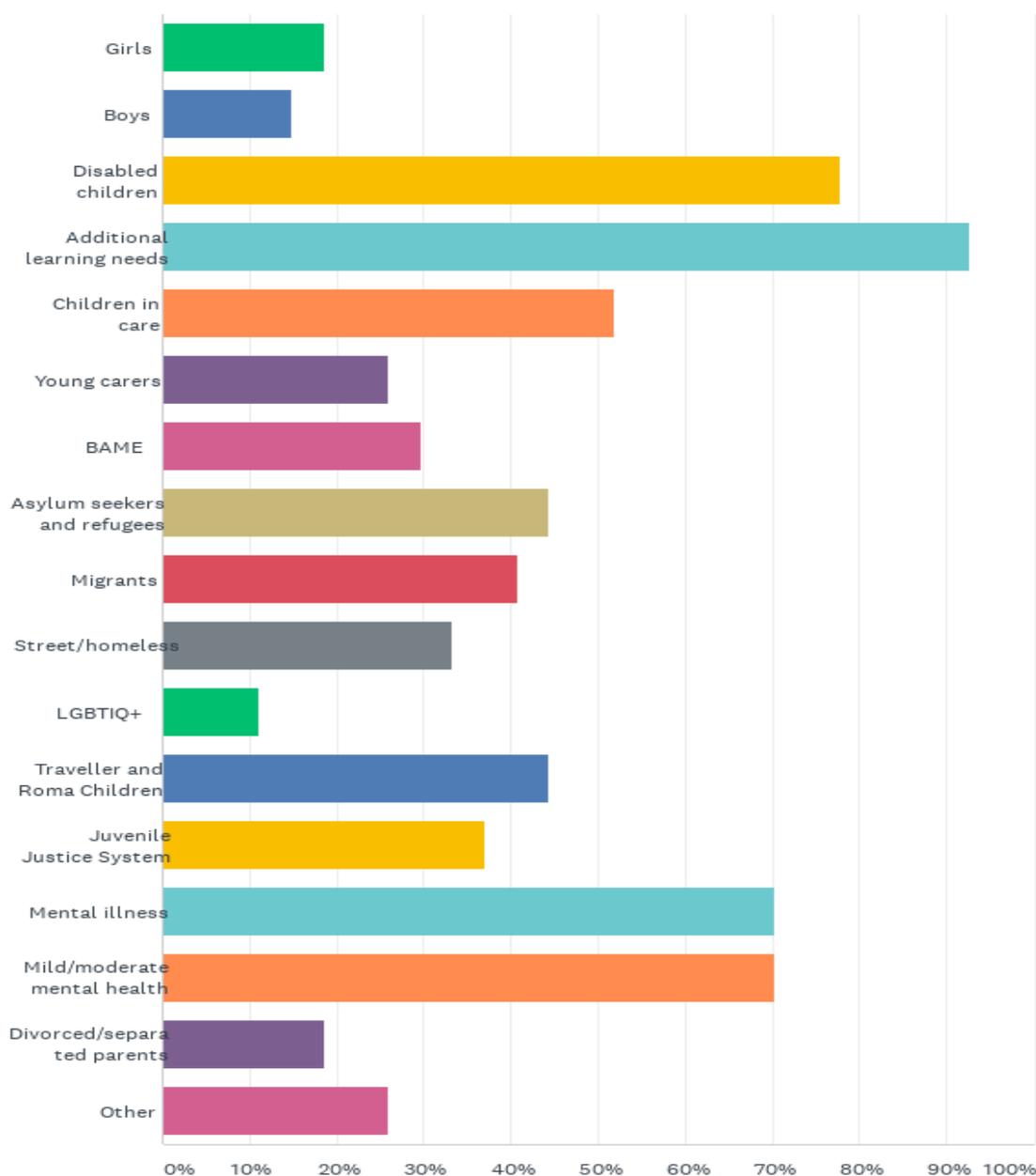


Emergency Measures and education, play, leisure and cultural life: Impact on particular groups of children

The data reported in Figure 29 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Children with additional learning needs (93%, n=25/27).
- Disabled children (78%, n= 21/27).
- Children with mental illness (70%, n=19/27).
- Children with mild to moderate mental health problems (70%, n=19/27).
- Children in care (51%%, n=14/27).

Figure 29: Emergency Measures and Education, Play, Leisure and Cultural Life: Impact on particular groups of children



Free text comments confirmed that school closures across the majority of jurisdictions resulted in a negative impact on the right to education. Although some jurisdictions switched to on-line learning, not all jurisdictions were prepared to do this effectively at the beginning of the pandemic. Comments suggest that the ‘digital divide’ became increasingly apparent during the pandemic, with many children unable to access online learning because of limited or no access to the internet or no access to technological devices. Respondents also noted that some parents did not have the skills necessary to assist children with online education, and that some children had no space within the home to study and concentrate. Respondents across jurisdictions noted how children with additional or special needs were

particularly negatively affected. Other comments highlighted how the pandemic had an impact on children who were already at risk of dropping out with some children leaving earlier than anticipated. Comments also highlighted the negative impact of Emergency Measures on children's right to play and opportunities for recreation, with restrictions being placed on the use of indoor and outdoor space, and sports activities, as well as the limitations placed on opportunities to spend leisure time in out-of-school clubs, teams etc. Limitations on children's right to play were noted to affect their mental health and overall development.

Examples of ENOC Member Reflections - Education, Play and Leisure

"Distance learning has proved to be ineffective in providing children with educational services of appropriate quality. Low-income and large families have been unable to provide the gadgets for distance learning." (Ukraine)

"When schools were closed there was difficulty in reaching vulnerable families. Also, the quality of education was not equal for all children." (Malta)

"Negative impacts on children in this area were not fully taken into account in decision-making." (Slovak Republic)

"Children's rights to play and leisure was also affected, with the restrictions regarding the use of indoor and outdoor space, no sports activities, children could not play with other children." (Croatia)

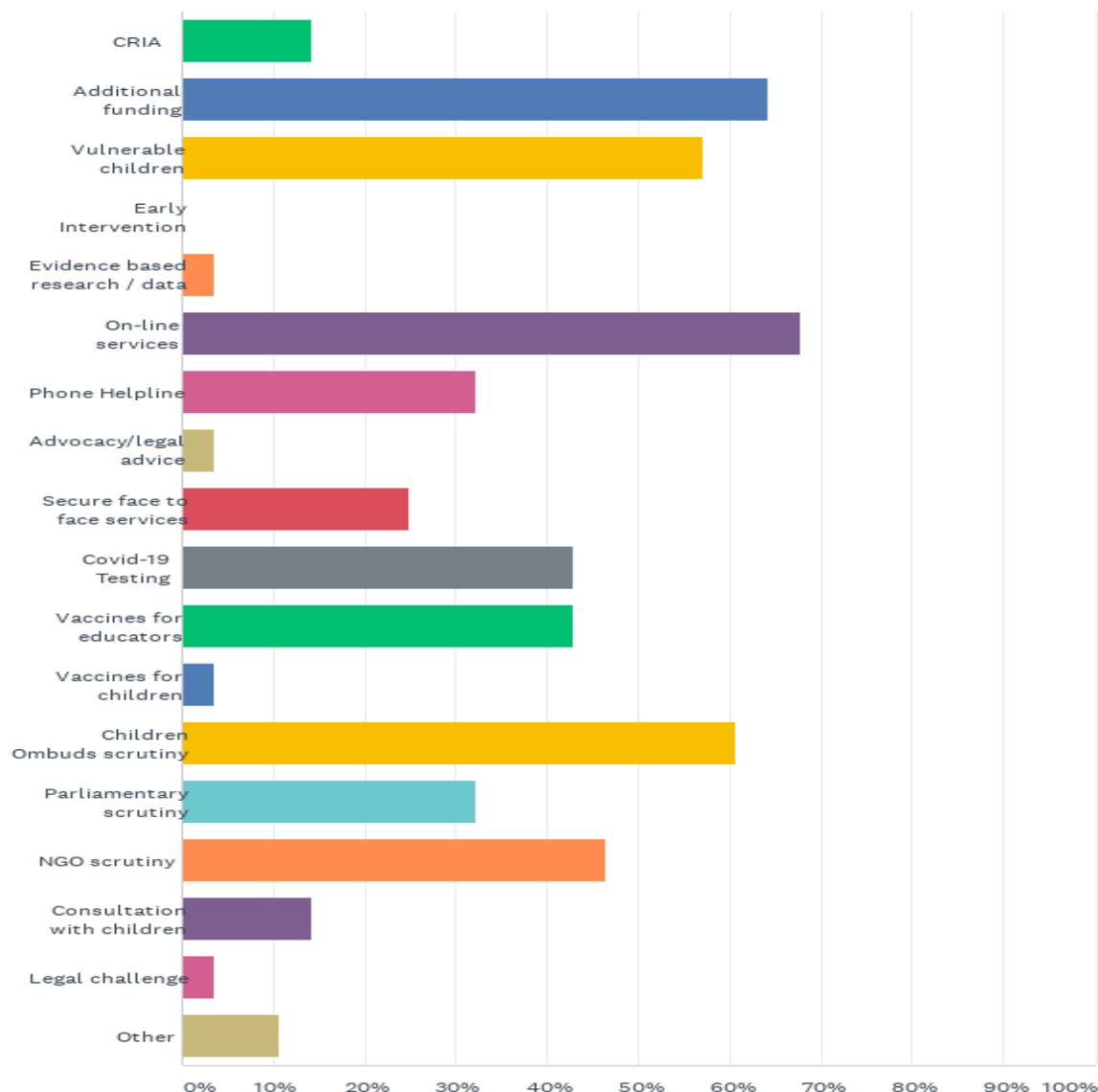
Steps taken to minimise negative impact of Emergency Measures on Education, Play, Leisure and Cultural life

93% (n=28/30) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on education, play, leisure and cultural life.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on education, play, leisure and cultural life: see Figure 30. A majority of respondents reported:

- Online services (68%, n=19/28).
- Allocation of additional funding (64%, n=18/28).
- Scrutiny by Children's Ombudsperson (61%, n=17/28).
- Resources targeted at vulnerable groups of children (57%, n=15/28).

Figure 30: Steps to minimise negative impact on Education, Play, Leisure and Cultural Life



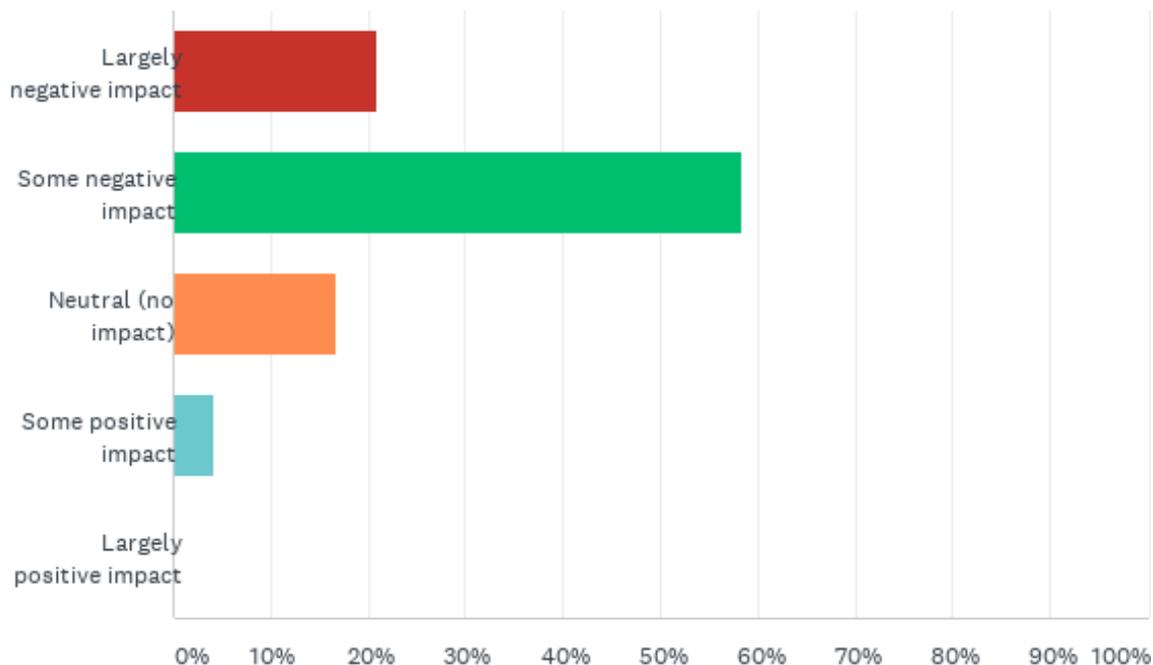
75% (n=21/28) of respondents reported that the steps taken had some effect on minimising the negative impact of Emergency Measures.

Comments from respondents suggest that some jurisdictions prioritised re-opening schools as soon as possible, while in other jurisdictions schools were kept open for vulnerable children. In some jurisdictions educators were vaccinated early in the process to support schools opening. Comments suggest that many governments sought to support children affected by digital poverty. Respondents highlighted how in some jurisdictions, playground reopening was prioritised, while others shared play activities online or distributed play resource packs, and others permitted children of certain ages to meet in groups to play.

Thematic area 8: Impact of Emergency Measures on Special Protection Measures

79% (n=19/24) of respondents reported that Emergency Measures have had a negative impact on special protection measures. See Figure 31.

Figure 31: Impact of Emergency Measures on Special Protection Measures

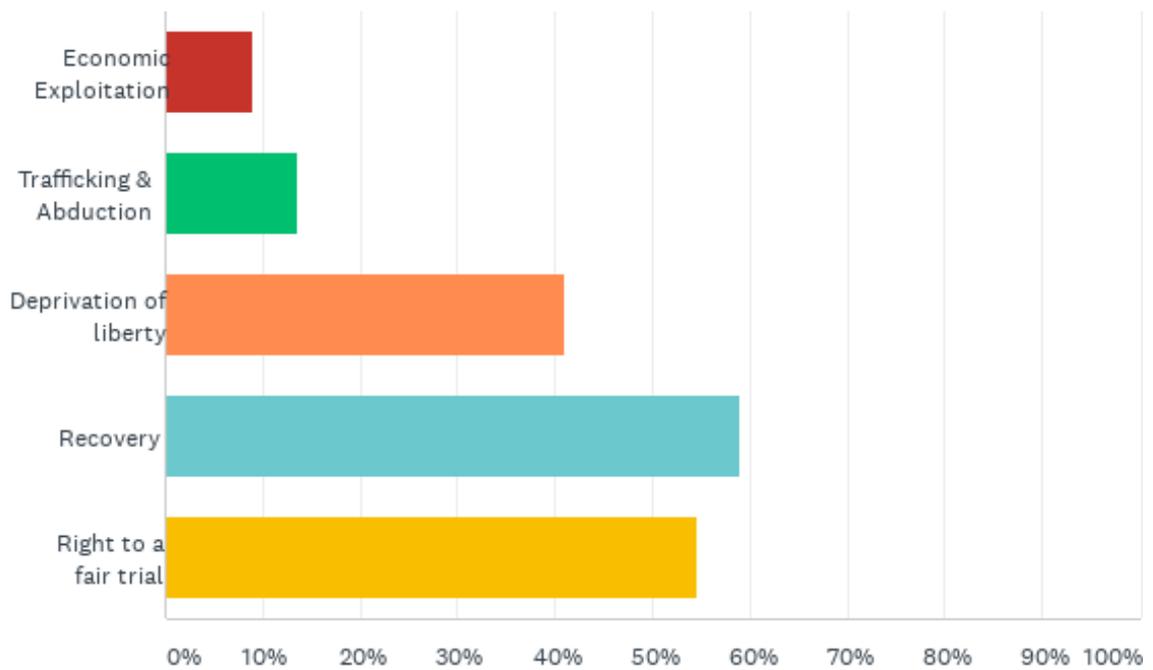


A majority of respondents reported a negative impact on:

- Physical and psychological recovery and social integration (59%, n=13/22).
- Fair trial (55%, n=12/22).
- Deprivation of liberty 41%, n =9/22).

See Figure 32.

Figure 32: Impact of Emergency Measures: Specified Special Protection Measures

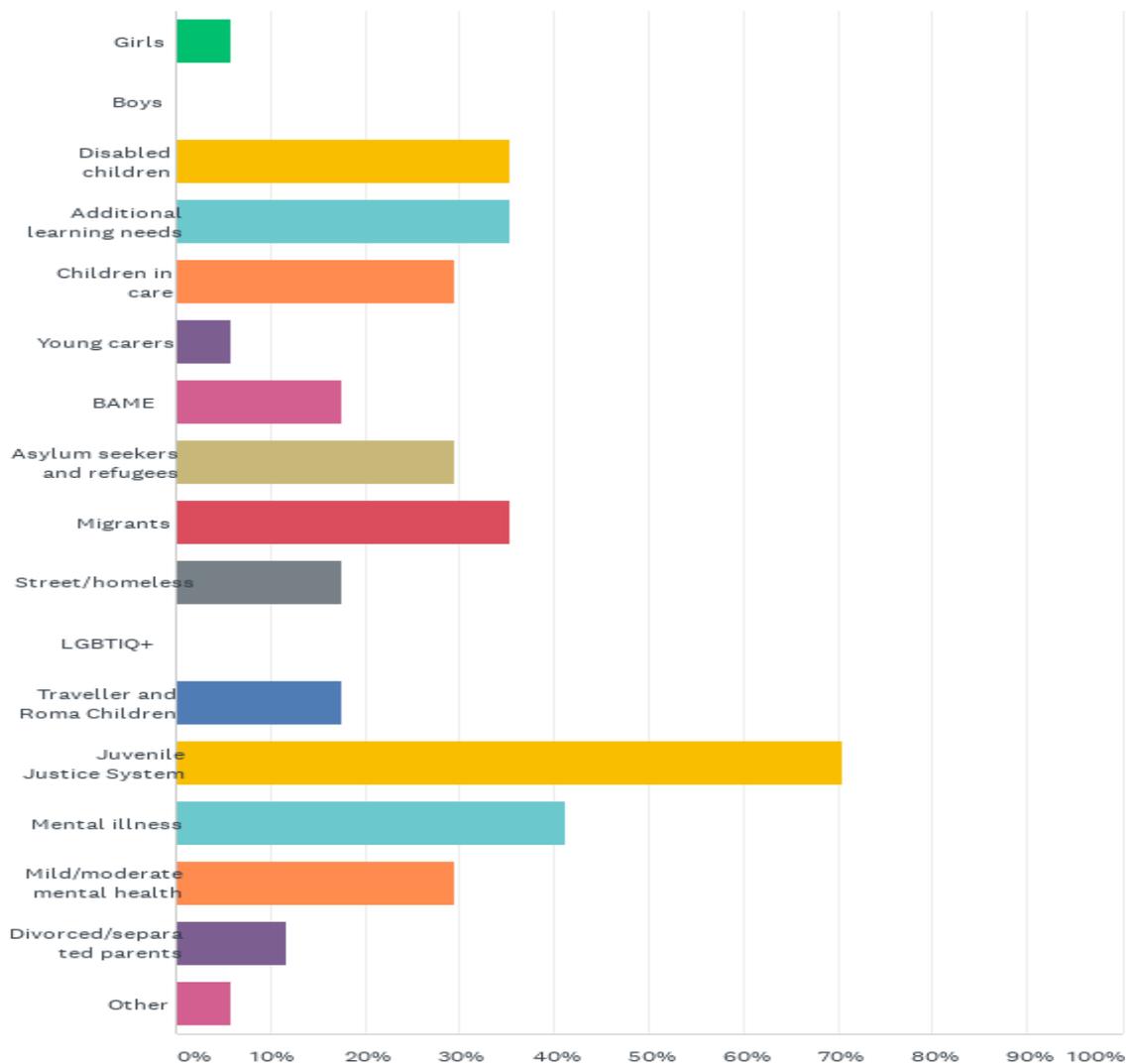


Emergency Measures and special protection measures: Impact on particular groups of children

The data reported in Figure 33 shows that a majority of respondents reported that the following groups of children were disproportionately affected by Emergency Measures:

- Children in the juvenile justice system (71%, n=12/17).
- Children with mental illness (41%, n=7/17).

Figure 33: Emergency Measures and Special Protection Measures: Impact on particular groups of children



Comments from respondents highlighted delays in court proceedings and a backlog in the juvenile justice system as a consequence of the restrictions and the pandemic. Comments also highlighted children being kept in isolation, lack of access to lawyers, lack of attention to deprivation of liberty as a last resort as issues in some jurisdictions. The introduction of legislation allowing children to be detained for breach of public health measures was also identified as an issue. Free text comments also raised concerns about those at risk, during the pandemic, migrant and trafficked children, and the risk of exploitation as children are forced to work due to economic hardship caused by the pandemic.

Examples of ENOC Member Reflections - Special Protection Measures

“Courts violated reasonable deadlines for consideration of cases concerning children due to the introduction of quarantine restrictions.” (Ukraine)

“Welsh children placed in English Youth Offender Institutions faced over 23 hours per 24-hour period confined to their rooms for the first few weeks of the pandemic.” (Wales)

“Children deprived of their liberty in residential care, mental health wards, and Youth Offender Institutions experienced significant reductions in access to education and recreation.” (Scotland)

“An increasing number of cases where children are being deprived of their liberty where there is evidence that it is not the last resort.” (Jersey)

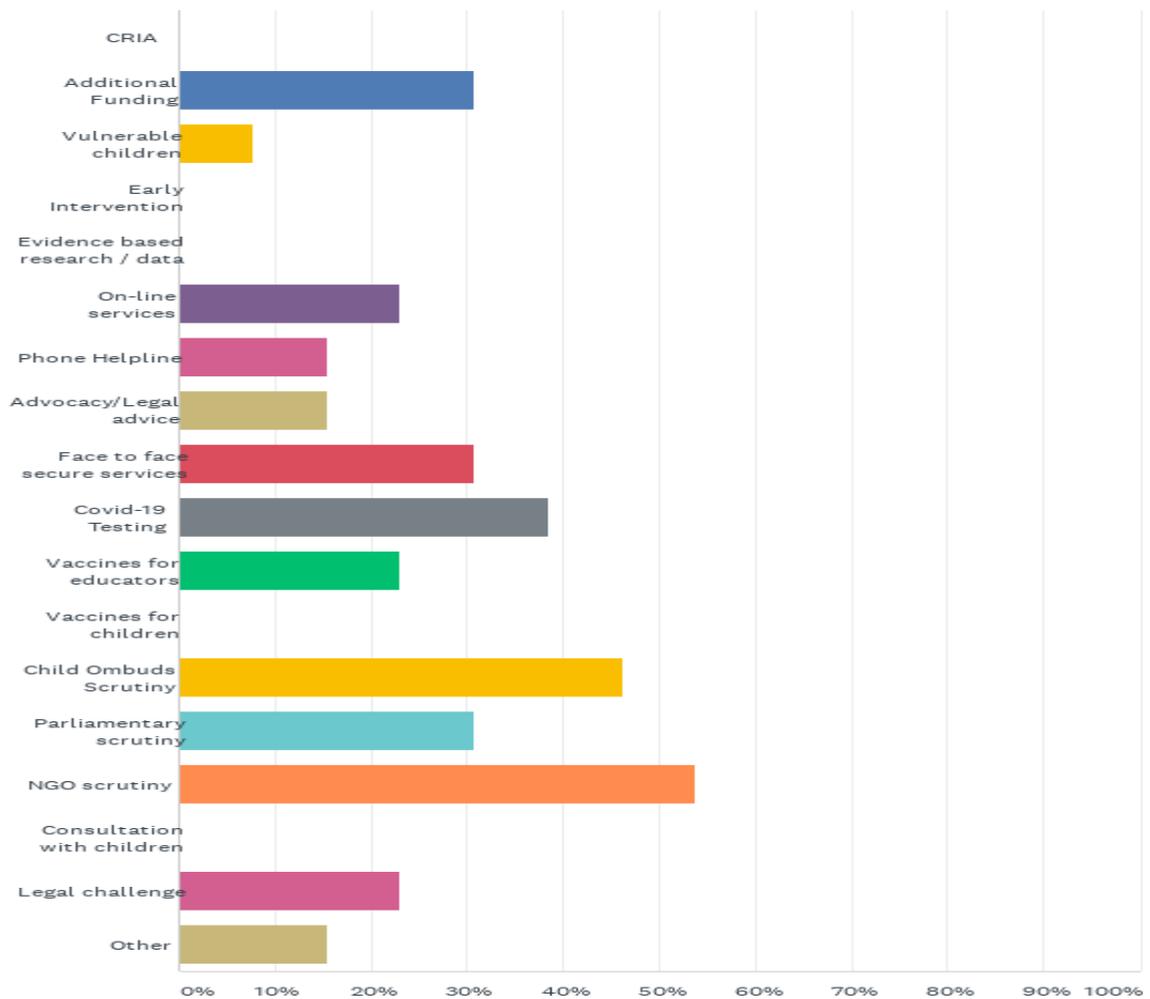
Steps taken to minimise negative impact of Emergency Measures on Special Protection Measures

57% (n=12/21) of respondents reported that their government had taken some steps to minimise the negative impact of Emergency Measures on special protection measures.

Respondents identified a number of steps taken to minimise the negative impact of Emergency Measures on General Principles: see Figure 34. A majority of respondents reported:

- Scrutiny by NGOs (54%, n=7/13).
- Scrutiny by Children’s Ombudspersons (46%, n=6/13).

Figure 34: Steps to minimise negative impact of Emergency Measures on Special Protection Measures



75% (n=9/12) of respondents reported that the steps taken had some effect on minimising the negative impact of Emergency Measures.

In free text responses, some jurisdictions noted that children were only being remanded to custody as a last resort, detention was either prohibited or time spent in detention reduced. Some jurisdictions also commented that court cases continued via digital means and child related cases were being prioritised.

Survey PART 3: Findings

This section reports on findings from jurisdictions where a CRIA was applied to Emergency Measures. For the purposes of this research CRIA is considered as any analysis which examines the potential impact on children of laws, policies, budget decisions, programmes and services as they are being developed. The focus is on the effectiveness of CRIA to mitigate any adverse impacts on children from Emergency Measures.

Box 3

Key findings: Part 3

- A minority of governments examined the potential impacts of the Emergency Measures on children: CRIA was not consistently applied to Emergency Measures.
- Where CRIA was applied to Emergency Measures this was often at an advanced stage of policy development and an 'afterthought'.
- Children were not given accessible and inclusive information to enable them to participate in CRIA of Emergency Measures.
- For the most part children were not consulted where CRIA was carried out on Emergency Measures.
- Insufficient resources were allocated to support CRIA on Emergency Measures.
- Findings from CRIA were rarely taken into account in a way which removed or minimised potential negative impacts of Emergency Measures.
- There is evidence from some jurisdictions that later in the pandemic CRIA contributed to positive change.

Access ENOC's position statement on CRIA See ENOC Position Statement 2020 on CRIA: <http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>

62 % (n=16/26) of respondents reported that their government did not apply CRIA to Emergency Measures: 38% (n=10/26) of respondents reported that their government had, to some extent, examined the potential impacts on children. The jurisdictions where government gave advance consideration of the impact of Emergency Measures on children were:

- Estonia

- Finland
- Malta
- Netherlands
- Northern Ireland
- Norway
- Scotland
- Sweden
- Ukraine
- Wales

None of the respondents reported that CRIA had been carried out on all Emergency Measures.

- 56 % (n=5/9) reported CRIA on very few Emergency Measures.
- 44% (n=4/9) reported CRIA on some Emergency Measures.

On the stage at which CRIAs were applied to Emergency Measures, respondents reported that this was undertaken:

- Mostly at an advanced stage of development: 70% (n=7/10).
- Mostly too late in the development of Emergency Measures: 30% (n=3/10).

Free text comments confirm that CRIA was often implemented too late in the development of Emergency Measures to ensure proper consideration of children's rights: they were described as an 'afterthought'.

On the evidence, used to inform CRIA on Emergency Measures: 86% (n=6/7) of respondents reported that relevant quantitative and qualitative evidence was not taken into account when the CRIA was carried out. Free text comments on this issue suggest a lack of transparency about evidence used to inform Emergency Measures, and that even where evidence was available this did not necessarily influence policy decisions.

50% (n=4/8) of respondents, reported that CRIA on Emergency Measures was not an evidence-based analysis; the same proportion reported that for some CRIA, there was an evidence-based analysis.

On children's involvement in CRIA on Emergency Measures, 75% (n=6/8) of respondents reported that children were not given accessible and inclusive information for any CRIA.

Other issues raised by the survey data on CRIA on Emergency Measures:

- 56% (n=5/9) of respondents reported that children were not consulted for most CRIA and 44% (n=4/9) reported they were not consulted on any CRIA.
- 33% (n=3/9) of respondents said that all CRIAs were made publicly available, while 44% (n=4/9) reported that some were made publicly available, and 22% (n=2/9) reported that none were publicly available.
- 75% (n=6/8) of respondents reported that CRIAs were undertaken by officials with relevant expertise.
- 100% (n=8/8) of respondents reported that insufficient resources were allocated to support CRIA on Emergency Measures.
- 75% (n=6/8) of respondents reported that findings from the CRIA on Emergency Measures were taken into account in the development of those measures in 'some cases', whereas 13% (n=1/8), said this happened in all cases, and 13% (n=1/8) reported it had not happened at all.
- 67% (n=6/9) of respondents reported that children's views were not taken into account in the development of Emergency Measures.
- 75% (n=6/8) of respondents reported that only in a few cases were the findings from CRIA taken into account in a way which removed or minimised potential negative impacts of Emergency Measures.

However, there was evidence from some jurisdictions that CRIA contributed to positive change but not until later in the pandemic (see Page 80).

Examples of ENOC Member Reflections: CRIA

"For the first raft of emergency measures in March and April 2020, the Scottish Government was challenged on its lack of CRIAs – in response they have developed a more systematic approach to undertaking them. Emergency legislation and rapid policy changes have increased the government's focus on the need for effective CRIA to better understand the impact of decisions on children's rights." (Scotland)

"We have seen some improvement. At first, the government spoke hardly at all about children. Now, the impact on children is recognised by the government, albeit not properly assessed." (Netherlands)

"As the pandemic has progressed, there has been more evidence of CRIAs being used to influence Cabinet decisions and these have drawn on a wide range of evidence, including children's views and experiences." (Wales)

"There has been increased understanding for the obligation to assess the consequences the measures will have on children's rights measures have to be necessary and proportional if they restrict children's rights." (Norway).

"A CRIA on reopening schools was completed after the Children's Commissioner suggested that the Government complete one." (Jersey)

SYNTHESIS

Findings are set out in Boxes 1, 2 and 3 above. Emergency Measures have been developed with very little consideration given to children or children's rights. Governments across the jurisdictions primarily responded to the pandemic as a public health emergency which led to a lack of attention to the physical, mental, social or economic impacts on children as a group or on particular groups of children. The consequence has been that Emergency Measures have had negative impacts on GMIs, especially planning and coordination of children's rights, and on General Principles of best interest, non-discrimination, participation and children's survival and development. The evidence demonstrates the need for concern about the current and ongoing negative impacts of Emergency Measures across all the thematic areas identified by the Committee for State party reporting purposes, and for particular concerns in relation to specific groups of children who have been and will continue to be disproportionately affected by Emergency Measures. Appendix 2 provides an additional summary of children's rights which respondents have confirmed have been most adversely affected by Emergency Measures.

As part of the survey ENOC members were asked to put forward three 'high level recommendations' they would make to their governments to help minimise the negative impact of any future Emergency Measures in a pandemic/public emergency. These were taken into account in the development of recommendations to be included in an ENOC Position Statement, as well as the key findings of this research and consideration to ENYA's consultation. The importance of a children's rights approach to public emergencies was also considered and integrated into ENOC's Position Statement. The initial Position Statement was considered by ENOC Children's Ombudspersons at the ENOC Spring Seminar in June 2021, amended by the authors and then given further consideration by the ENOC Working Group responsible for steering this project and then considered further by all ENOC members via online consultation. The Final Position Statement was agreed upon by Ombudspersons at the ENOC Annual General Assembly in September 2021. The Position Statement is included in this report after the Executive Summary on page 12.

APPENDIX 1: JURISDICTIONS RESPONDING TO THE SURVEY

| List of Jurisdictions | |
|------------------------------|------------------------|
| 1. | Albania |
| 2. | Basque Country (Spain) |
| 3. | Bulgaria |
| 4. | Catalonia (Spain) |
| 5. | Croatia |
| 6. | Cyprus |
| 7. | Estonia |
| 8. | Georgia |
| 9. | Greece |
| 10. | Finland |
| 11. | France |
| 12. | Iceland |
| 13. | Ireland |
| 14. | Italy |
| 15. | Jersey |
| 16. | Latvia |
| 17. | Lithuania |
| 18. | Luxembourg |
| 19. | Malta |
| 20. | Moldova |
| 21. | Netherlands |

| | |
|-----|------------------|
| 22. | Northern Ireland |
| 23. | Norway |
| 24. | Poland |
| 25. | Serbia |
| 26. | Scotland |
| 27. | Slovak Republic |
| 28. | Slovenia |
| 29. | Srpska Republic |
| 30. | Sweden |
| 31. | Ukraine |
| 32. | Wales |

APPENDIX 2: CRC RIGHTS: NEGATIVE IMPACT FROM EMERGENCY MEASURES AS REPORTED BY RESPONDENTS

| Right | Percentage of respondents who indicated negative impact |
|---|--|
| Children experiencing domestic abuse (art.19) | 100% (n=29/29) |
| Aims of education (art.29) | 90% (n=27/30) |
| Play, rest and leisure activities (art.31) | 90% (n=27/30) |
| Best interests (art.3) | 86% (n=24/28) |
| Children's mental health (art.24) | 83% (n=25/30) |
| Online abuse (art.19) | 83% (n=24/29) |
| Right to be heard (art.12) | 82% (n=23/28) |
| Ability to access mental health services (art.24) | 80% (n=24/30) |
| Access to secondary education (art.28) | 80% (n=24/30) |
| Non-discrimination (art.2) | 79% (n=22/28) |
| Ability to access health services (art.24) | 77% (n=23/30) |
| Access to primary education (art.28) | 77% (n=23/30) |
| Assistance to parents and childcare services (art.18) | 76% (22/29) |
| Survival and development (art.6) | 75% (n=21/28) |
| Children's physical health (art.24) | 73% (n=22/30) |
| Children's freedom of association and assembly (art.15) | 73% (n=19/26) |
| General abuse and neglect (art.19) | 72% (n=21/29) |
| Early childhood education (art.28) | 70% (n=21/30) |
| Vocational training (art. 28) | 70% (n=21/30) |
| Coordination of the Convention across Governments (arts 4, 42.44.6) | 70% (n=16/23) |
| Children deprived of their family environment (art. 20) | 69% (n=22/29) |

| | |
|--|-----------------|
| Access to higher education | 66.7% (n=20/30) |
| Sexual abuse and exploitation (art.34) | 59% (n=17/29) |
| Children separated from parents (art.9) | 59% (n=17/29) |
| Physical and psychological recovery and social integration (art.39) | 59% (n=13/22) |
| Right to a fair trial (art 40). | 55% (n=12/22) |
| National plans of action (arts 4, 42.44.6) | 52% (n=12/23) |
| Children's contact with incarcerated parents | 52% (n=15/29) |
| Family reunification (art.10) | 52% (n=15/29) |
| Children's right to privacy and protection of image (art. 16 and 17) | 50% (n=13/26) |
| Ability to access sexual health services (art.24) | 50% (n=15/30) |
| Food security (art.27) | 50% (n=15/30) |
| Deprivation of liberty (art. 37 b-d) | 41% (n=9/22) |