

# Protecting Children's Rights in the Aftermath of Covid-19

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# What We Know

- ‘Children are not the face of this pandemic. But they risk being among its biggest victims.’ ([UN Policy Brief](#) (April 2020))
- Current and predicted impacts include
  - a sharp predicted increase in child poverty globally
  - huge losses in child learning worldwide due to school closures and digital exclusion
  - risks to child safety posed by lockdown and ‘shelter in place’ measures;
  - Wide-ranging implications for child health and survival
- **At best**, we have seen a ‘rapidly evolving situation [that] will continue to massively affect children in general and aggravate the conditions of the most vulnerable groups’ ([ENOC](#) (April 2020))
- **At worst**, governments’ responses [have laid bare and exacerbated pre-existing long-time structural inequalities and social vulnerabilities.](#)

# What We See (or Some of It)

- School closures
- Reduced access to food for children
- Rising deprivation in households for children
- Disproportionate impact on socially vulnerable children (e.g., disabled children, children in poverty, children in direct provision)
- Impacts of poor housing on 'homebound' children
- Evidence indicating increase in domestic violence/child abuse
- Family rights impacts (custody arrangements, lack of contact with family carers, etc)
- Mental health impacts due to lockdown conditions & lack of peer interactions

# CRC Rights and COVID-19

- Right to a standard of living adequate for the child's development (Article 27), incl adequate **housing & food**
- Right to freedom from all forms of **violence, injury** or **abuse**, neglect or negligent treatment, maltreatment and **exploitation** (Article 19)
- Right to benefit from social security (Article 26)
- **Family** rights (Article 9)
- Freedom of **association** and **assembly** (Article 15)
- Right to **play** (Article 31)
- Right to freedom of thought, conscience and **religion** (Article 14)
- Right to **information** (Article 17)
- Right to the highest attainable standard of **health** (article 24)
- Rights of **children in care** (Article 20)
- Rights of children **deprived of liberty** and **access to justice** (Article 37)
- Right to **education** (Article 28)

# And Let's Not Forget

- General Principles
  - Article 3(1): **Best interests** a 'primary concern' in 'all actions concerning children' (incl COVID-19 policy/law/regs)
  - Article 6: right to life, survival and development
  - Article 12: right to **express their views** in 'all matters affecting the child' (including COVID-19-related matters)
  - Article 2: **non-discrimination**....(BAME, socio-economic status, health condition, disability, nationality, etc). Requires **identification** of and **special measures of support** for disadvantaged groups of children

# What Has the Committee on the Rights of the Child Said?

Advised a range of measures, incl

- Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child.
- Ensure that **online learning does not exacerbate existing inequalities** or replace student-teacher interaction
- Activate immediate measures to ensure that children are fed **nutritious food**
- **Maintain the provision of basic services for children** including **healthcare**, water, **sanitation** and birth registration
- **Define core child protection services as essential and ensure that they remain functioning** and available, including home visits when necessary, and provide professional **mental health services** for children living in lockdown.
- Protect children whose **vulnerability** is further increased by the exceptional circumstances caused by the pandemic
- **Release children in all forms of detention**, whenever possible
- **Prevent the arrest or detention of children** for violating State guidance and directives relating to COVID-
- Disseminate accurate, accessible, child-friendly **information** about COVID-19
- Provide opportunities for children's **views to be heard/taken into account** in COVID-19 decision-making processes

UN Committee on the Rights of the Child '[COVID-19 Statement](#)' (8 April 2020)

# The Test to Be Applied?

- ‘The Committee recognizes that **in crisis situations**, international human rights law exceptionally permits **measures that may restrict the enjoyment** of certain human rights in order to protect public health. However, **such restrictions must be imposed only when necessary, be proportionate and kept to an absolute minimum**. Additionally, while acknowledging 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 Convention. Nevertheless, **States should ensure that responses to the pandemic, including restrictions and decisions on allocation of resources, reflect the principle of the best interests of the child.**’

UN Committee on the Rights of the Child ‘[COVID-19 Statement](#)’ (8 April 2020)

# Where Do We Go from Here?

- Some International Accountability Avenues
  - Ireland's next report to Committee on Rights of the Child is [due](#) in Oct 2021...
  - European Committee of Social Rights considers the Ireland's record on health social security and social protection rights under the European Social Charter 1961 in **2021**...([info](#) here)
- Domestic Accountability
  - Making use of the new Programme for Government
  - Ombudsman for Children
  - The potential of constitutional – and legislative change?
- Child rights:
  - moving past protection and participation to economic and social rights...
  - Moving past reactive as a framework for post-COVID policy/law/budget decision-making