

European Network of Ombudspersons for Children (ENOC)

ENOC Bureau Statement

“Children’s rights in the context of the COVID-19 outbreak”

1 April 2020

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While we all try to adjust to an unprecedented situation affecting countries worldwide, Ombudspersons and Commissioners for Children across Europe face a new challenge: how to continue upholding children's rights in the current context of restrictions to address the COVID-19 outbreak. The rapidly evolving situation will continue to massively affect children in general and aggravate the conditions of the most vulnerable groups. ENOC and its members will continue to closely monitor the situation of all children, as well as the responses from local, national and European authorities during and after the end of isolation measures. We will continue to share critical information, good practices and experiences to keep children and their families safe and guarantee children's rights under the UN Convention on the Rights of the Child (1989) and other relevant European and International Human Rights instruments.

Information and participation (Arts 12 and 13 UNCRC)

The virus does not discriminate. Children’s lives are also deeply affected and they can not be forgotten when official statements are released on a regular basis: clear and age appropriate information is necessary and crucial.

Attention should be paid to the dissemination of accurate information which is accessible to children and young people to counterbalance the misinformation to which adolescents are often vulnerable to. Many countries have imposed general containment measures to their population. While recognising that these are important to protect the population, it is however necessary to introduce special arrangements for children who are vulnerable and require additional care outside of the family to keep them safe and ensure their physical and emotional development.

Protection from violence and abuse (Arts 19 and 34 UNCRC)

There is a danger that self-isolation, quarantine and lock down may increase the risk of domestic and family violence and affect children in a significant way. Therefore:

- It is necessary to raise awareness against violence and abuse including physical punishment (smacking) in particular, by providing extensive information on emergency Helplines and appropriate information platforms (via social networks, radio, television, and especially during announcements made by Heads of State) throughout the duration of the COVID 19-outbreak;
- It is necessary to continue identifying as far as possible childcare professionals who can provide support;

- Recognising the important role that schools play in the care and protection of children, consideration should be given to maintaining school provision for those children most at risk.

Rights to health and development, to benefit from social security, and an adequate standard of living (Arts 24, 26, and 27 UNCRC)

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- Parents must be assisted as much as possible during this period: they should be provided with advice and support via telephone and other platforms;
- Particularly vulnerable families should benefit from family allowances or food which are no longer provided by school canteens;
- Measures must be put in place to address insecure housing, food insecurity and other aspects of poverty which are exacerbated by the current crisis.

Education (Arts 28 and 29 UNCRC)

ENOC welcomes the fact that most countries have put in place home-learning platforms. If the right to education is a fundamental right, the education sector and governments should assess the feasibility for affected families to create a home learning environment and to support their children in the learning process (lack of IT equipment, no internet connection, home working parents, non-access to reading, disparities in learning levels, etc.). Home schooling should not put additional pressure on families in the current anxiety-provoking time.

We are also particularly concerned about the impact of the COVID-19 crisis on children in the child protection system and on care professionals. The containment measures and the current anxiety-provoking context are likely to exacerbate already tense situations, and weaken this already vulnerable group of children. Children in care should be guaranteed continuous schooling, supervision and access to some leisure activities. In addition to that:

- Effective coordination must be set up at local and national level and contact information of coordinators and advice lines disseminated;
- It is essential to ensure as much as possible the continuity of follow-up measures, required by a child protection plan. Support measures provided to families, to children with disabilities, or psychological support to children must be maintained or even reinforced, if necessary via video calls;
- The protection of children and staff must be ensured by providing all the necessary prevention equipment to care centres and homes (masks, hydro alcoholic gel);
- Clear information must be available to children, to foster families and professionals, in particular regarding referrals and hotlines during the outbreak;
- Particular attention must be paid to children in care accommodated in hotels who are, in fact, particularly isolated;
- When links with the family are authorised by the court, it is necessary to guarantee the maintenance of family links, including by video calls;

- It is necessary to make available additional assistance to child welfare professionals, whether by providing childcare solutions for their children or by providing them with psychological support;
- No children should be returned prematurely to families with the aim of alleviating the child protection system. It is important to carry out thorough assessment of every case and follow the same requirements;
- When a child is infected, confinement in a suitable place is paramount. Clear instructions and protocols must therefore be set up and followed;
- Providing continuous support to young people in care who reach majority must remain the rule.

It is also necessary to secure shelter to all street children as well as to all unaccompanied children in appropriate reception places. Field activities of non-profit organisations must be maintained and workers must be provided with the necessary protective equipment. Safe accommodation must be made available, immediately, to any family or child living on the street.

In a context of drastic decrease of international flights, the expulsion of migrants, including asylum seekers, caught in immigration detention centres and waiting zones is no longer possible in a short term. Therefore, the detention measure itself has no legal basis since detention is only possible in view of imminent expulsion. ENOC has also repeatedly and explicitly expressed its firm opposition to any form of detention of children based on their immigration status, even as a last resort¹. ENOC continues to raise concerns regarding maintaining migrant children and families in detention which in the current context is not only a risk for their health and that of staff, but also an illegal deprivation of liberty and a violation of various children's rights protected by international law (in particular UNCRC Art. 2, 3, 37 and the European Convention on Human Rights Art.3 and 5).

Some maternity units have indicated that they refuse to allow women to be accompanied during childbirth in an attempt to contain the spread of COVID-19. The emotional security of the future mother is essential to ensure her well-being and therefore to guarantee the well-being of their baby. Arrangements must be put in place to ensure that women are able to access support during childbirth. Particular attention should also be paid to early childhood development. Young mothers should be supported in the first months. It is necessary to ensure continuity of care, if necessary by adapting it to the context, in order to guarantee the development of the newborn.

¹ [European Network of Ombudspersons for Children \(ENOC\) Position Statement on “Ending detention of children for immigration purposes”](#) Adopted by the 23rd ENOC General Assembly, 27 September 2019, Belfast.

We recognise that governments have a positive duty to protect human life and public health, and that some emergency powers are necessary in order to meet the challenges posed by the pandemic. However, we note that whilst international human rights law allows for interference with rights in response to emergencies, it requires very careful consideration and can only be justified when strictly required and proportionate to the emergency faced.

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Therefore **ENOC calls upon our governments, the European Commission and the Council of Europe to undertake all appropriate actions to ensure that the rights of all children, as guaranteed by the UN Convention on the Rights of the Child (1989) and the General Comments of the UN Committee on the Rights of the Child, are respected during the COVID-19 healthcare crisis.**