



UNIVERSITY OF
LIVERPOOL

School of Law
and Social Justice

Coronavirus Research by the European Children's Rights Unit

The Impact of COVID-19 on Children



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Coronavirus (COVID-19) #LivUniCOVID
Research and response

Ten Briefing Papers

Introduction

Members of the [European Children's Rights Unit](#) have produced a series of briefings outlining the impact of Covid-19 on different aspects of children's lives and rights. They highlight the profound and distinct effects and potential legacy of this pandemic for children and explore how legal protections and processes available to children can be strengthened.

The [Coronavirus Act 2020](#) was passed by Parliament on 25th March 2020 to afford the Government and public authorities a range of emergency powers to cope with the Covid-19 pandemic, whilst other legislation has been amended in response to the crisis. Such measures, whilst accepted as a short-term necessity to control the spread of Covid-19, risk seriously undermining children's basic rights to education, access to justice, protection from harm and their physical and mental health, not just now but for many years to come.

The European Children's Rights Unit briefings cover the following topics:

1. Protecting Children Online During Covid-19 - Katrina Miles
2. The Impact of Covid-19 on Children with Special Educational Needs and Disabilities - Seamus Byrne
3. The Impact of COVID-19 on Educational Inequality and the Attainment Gap: Protecting Disadvantaged Children - Matilda Clough
4. The Impact of Covid-19 on Children's and Families' Access to Justice - Kerry Barry and Deborah Lawson

5. The Coronavirus Act 2020 and Child Detention under the Mental Health Act (MHA) 1983 – Nazia Yaqub
6. The Impact of Covid-19 on asylum seeking children – Helen Stalford
7. Children’s Freedom of Assembly During COVID-19 – Aoife Daly and Rachel Heah
8. COVID-19 and Safeguarding Children’s Rights in Research – Leona Vaughn
9. COVID-19 and International Child Abduction: Children’s Stories – Allison Wolfreys
10. The Impact of COVID-19 on Young Trans People – Hannah Hirst

Taken together, these briefings highlight some overarching concerns about the impact of Covid-19 on children’s rights in the UK.

1. Our briefings identify **numerous instances of a watering down of children’s rights standards, or rolling back on guarantees of young people’s safety and welfare**. Whilst this is presented as a necessary response to this crisis – to save time and money, or to accommodate public health measures – this misunderstands the nature of children’s rights. The UK Government and all public authorities are bound by their international obligation to uphold children’s rights, most notably those contained in the [UN Convention on the Rights of the Child](#) and the [European Convention on Human Rights](#) (incorporated into UK law by virtue of the Human Rights Act 1998). Many of the rights in these documents exist not as aspirational standards when times are good, but as minimum levels of protection and welfare that must be

guaranteed at all times. The very essence of such rights is to ensure that even in the face of competing demands, the most vulnerable and at risk are cared for. Crucially, any decision which rolls back these rights should be carefully justified and must be proportionate. Our briefings show that the suspension of normal services by public authorities in response to COVID-19 has ushered in a range of practices which have the potential to disproportionately impact on children's rights or where children's rights and welfare have not been considered at all.

2. We are concerned that **COVID-19 emergency measures risk disproportionately impacting children** (as compared to adults), and that their effects have not been appropriately categorised as a children's rights issue. Children have limited means by which to make claims in their own right and, therefore, depend on strong legislative, policy and procedural mechanisms being in place to hold adults to account. An emergency measure affects a much greater proportion of a child's life than an adult. In addition to this, the burden of C-19's social, economic, legal and policy effects will be borne by children for years to come. We are particularly concerned that the impacts of COVID-19 on children have been minimised if not obscured by claims regarding children's apparent resilience to COVID-19 infection and symptoms.
3. Furthermore, it is **the most at risk children who will feel the effects of reduced public services and regulatory shortcuts**. We see this is in relation to access to education, special educational needs measures, child protection, and children in care. It is children living in poverty, with disabilities, with uncertain immigration statuses and those who are at risk of violence who will be most impacted. We are told that [we are all in this together](#), but our briefings demonstrate the ways in which it is the most marginalised children who are being asked to bear

the greatest burden.

4. The potential for **short term measures to become embedded in long term changes to our regulatory framework poses a real risk to children's rights and welfare**. This is a particular concern when set against a background of ongoing [austerity measures](#) which pre-date the COVID-19 pandemic and that have led to numerous contractions in social and welfare provision for children.
5. **Core principles of the child law framework are absent from these emergency measures**. The [Coronavirus Act 2020 allows for](#) emergency changes to suspension of children's social care provision, their access to justice and their educational rights and yet contains no reference to the paramountcy of their welfare or to the primacy of their best interests. These are fundamental principles of our child law framework and operate to ensure that the imperative to safeguard children and to protect their rights remain a key consideration, not just in times of personal and family crisis, but in this period of global crisis. In short, this is not a time to dispense with children's rights; it is a time when children's rights should be at the forefront of decision-making.
6. The [Coronavirus Act 2020](#) Act was **passed with limited Parliamentary scrutiny**, no assessment of the impact of its measures on children, and no consideration of how the emergency nature of the changes implemented should be balanced, now and for the foreseeable future, against the need to uphold children's rights. There is incontrovertible evidence that strong investment in children's rights, by way of investment in children's services and support, places children on a stronger life trajectory and mitigates the need for remedial measures (and spending) further down the line. Investment in children not only reaps benefits for children; it benefits societies and offers the most

secure means of building economic and social stability.

7. The United Nations Committee on the Rights of the Child (CRC), the body responsible for monitoring implementation of the UN Convention on the Rights of the Child, has issued a [statement and a series of recommendations](#) drawing attention to the ‘grave physical, emotional and psychological effect of the COVID-19 pandemic on children’ and calling on states to ensure that children’s rights are not undermined by efforts to tackle this pandemic. With that in mind, in addition to the recommendations set out in the briefings, we recommend the following:

Recommendations

1. **Transparent and rigorous child rights impact assessment of further legislative and policy changes:** The emergency nature of this pandemic reinforces rather than obviates the need to undertake this. This has already occurred in [Scotland](#) and a comprehensive template and procedure has already been developed and applied by the [DfE](#) in other contexts.
2. An **express commitment** to upholding children’s welfare/best interests and participatory rights in any ensuing legislative or policy measures so that **such rights retain their legislative foothold**.
3. Where statutory services have been suspended, reduced or moved to remote/online platforms, clearer guidance on how children’s best interests/welfare should be assessed needs to be formulated.
4. A clear statement and guidance on achieving **proportionality in decisions concerning children**. Specifically, for areas in which

children's best interests remain a primary consideration (such as immigration and asylum), clear guidance is needed on how such interests will be weighed (and protected) against growing public health and economic factors.

5. Further consideration and **guidance is needed on how to facilitate children's participation in decision making, both on Covid-19 related measures and in relation to legal and administrative processes concerning them.** This is particularly crucial in the context of justice proceedings that have been suspended or moved to remote/online platforms.

We would also draw attention to the following extremely valuable work which identifies legal and policy strategies to address the specific impacts of COVID-19 on children:

- [Report by The Children's Society](#)
- Legal webinars by the [Children's Rights Group at Doughty Street Chambers](#)
- [Assessment of sites of vulnerability for children by the Children's Commissioner](#)
- [Children should not bear the burden of the pandemic recession bulletin by the Children's Commissioner for England](#)

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<https://www.liverpool.ac.uk/law/research/european-childrens-rights-unit/>