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# STATE MEASURES ON CHILDREN'S RIGHTS DURING THE COVID-19 PANDEMIC

**Multi-country impact assessment: Synthesis report**

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## Abbreviations

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<b>CRC</b>	Committee on the Rights of the Child
<b>CRIA</b>	Child Rights Impact Assessment
<b>CRIE</b>	Child Rights Impact Evaluation
<b>ENOC</b>	European Network of Ombudspersons for Children
<b>GMI</b>	General Measure of Implementation
<b>HRIA</b>	Human Rights Impact Assessment
<b>OCO</b>	Ombudsman for Children's Office (Ireland)
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNICEF</b>	United Nations Children's Fund

In this report, we refer to Ombudspersons for Children as including Ombudspersons for Children and other types of independent children's rights institutions.



# Foreword



“With so many restrictions we feel like goldfish in a bowl. We are living the best age in the worst season.”

– Child consulted for the CRIA in Cyprus

While the COVID-19 pandemic has had an impact on every aspect of children's lives, there is a need to develop a children's rights-based approach to the measures implemented to protect their lives, health, and well-being. This joint initiative by the European Network of Ombudspersons for Children (ENOC) and UNICEF uses a children's rights perspective to assess State responses to COVID-19. The Multi-country Impact Assessment on Children's Rights of States' Measures Related to COVID-19 aims to provide valuable learning that is critical to ensure that children's rights are a core part of the current responses, and to prepare for future pandemics.

In April 2020, the UN Committee on the Rights of the Child warned of the “grave physical, emotional and psychological effect of the COVID-19 pandemic on children.” ENOC pledged to closely monitor the situation of all children, as well as the responses from local, national and European authorities. Similarly, UNICEF has been documenting the alarming impact of the pandemic on the world's children and young people. That impact continues to increase poverty, entrench inequality and threaten the rights of children as never before. It may be the biggest global crisis for children since UNICEF was founded 75 years ago.

States responded to the pandemic by enacting emergency legislation that was intended to protect public health, but that also had a major impact on a wide range of children's human rights. Some of these measures temporarily overturned or bypassed human rights protections for children that had long been established.

This report captures the work of experts and the Ombudspersons for Children to assess the impact on children in 13 countries across Europe and Central Asia. It does so by using Children's Rights Impact Assessments (CRIAs) and Children's Rights Impact Evaluations (CRIEs) – tools long promoted by ENOC and UNICEF – to help ensure that children's rights are respected, protected and fulfilled. Indeed, it finds that the failure of States to use these tools, coupled with gaps in data and evidence, have made it difficult to ascertain whether their decisions are delivering on human rights obligations.

The report identifies major concerns around decision-making and scrutiny and highlights the way in which COVID-19 response measures have affected children and young people of the responses to COVID-19. It finds that their fundamental rights to services and protection have all been infringed, and that those whose rights were already at greatest risk have been affected disproportionately, from children with disabilities to children on the move.

Most strikingly, it finds that children have been largely absent from the decision-making processes that have had such a profound impact on their lives. One of the greatest failings in the pandemic response has been its lack of recognition of children as rights holders rather than as passive objects of care or charity. It is time for a fundamental rethink of State decision-making structures to enable children to take an active role in their own lives and communities.



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This report suggests immediate and long-term measures that are needed to ensure the safety and well-being of vulnerable children amidst the pandemic's socioeconomic fallout. These measures should also inform the design of human rights-based structures and supports into the future.

We hope that the CRIA exercise at national level and the dissemination of the resulting reports will strengthen independent child rights monitoring mechanisms at this critical time and increase their relevant inputs to national and sub-national discussions and planning, including recovery efforts.

Realizing the human rights of children and young people is not just an aspiration. It is not simply a matter of vision, values or policy goals. Human rights are legal obligations and do not lose their significance in a time of crisis; and it is when times are hardest that their respect, protection and fulfilment must be paramount.

**Bruce Adamson**  
ENOC Past-Chair and the Children and  
Young People's Commissioner Scotland

**Afshan Khan**  
UNICEF Regional Director, Europe  
and Central Asia

# Executive summary

The COVID-19 pandemic, and measures for its containment, have highlighted the way in which decisions and restrictions can have a significant and differentiated impact on children. They are often imposed without the adequate consideration of children's rights and best interests and without children themselves being consulted. Children have experienced significant constraints on – or even violations of – their rights as a result of the measures to respond to the COVID-19 pandemic. Some of these violations pre-dated the pandemic itself, but have been accentuated by it and by the measures taken by States for its containment.

For these reasons, ENOC and UNICEF joined forces in 2021 for the Multi-country Impact Assessment on Children's Rights of States' Measures Related to COVID-19. The project has supported the development of Child Rights Impact Assessments (CRIAs) by Ombudspersons for Children's offices in 13 countries across Europe and Central Asia: Albania, Bulgaria, Cyprus, Georgia, Greece, Ireland, Kyrgyzstan, Moldova, Montenegro, Serbia, the Netherlands, Tajikistan and Uzbekistan. The objectives were to:

- ▶ pilot the CRIA methodology as a tool for use by the Ombudspersons for Children (and other relevant stakeholders) and to draw out lessons for future CRIAs;
- ▶ build the capacity of Ombudspersons for Children's offices to advocate for the use of CRIAs by government and state agencies and in general by law-, policy- and decision-makers;
- ▶ provide extended knowledge and expertise, and build the capacity of Ombudspersons for Children's offices to undertake independent CRIAs;
- ▶ demonstrate the relevance of CRIAs for policy-makers, and;
- ▶ formulate targeted recommendations for future decision-making on COVID-19 related measures and other emergency responses.

This report synthesizes the findings from all 13 countries. It concludes that the successful implementation of a CRIA as a tool to promote children's rights depends on the existing level of child rights awareness, as well as access to information and the quality of data concerning children and their rights. The CRIA methodology is likely to work best when applied in a context where CRIAs are a well-understood and established practice and where the understanding of child-rights based approaches is sufficiently robust. The CRIAs undertaken by this project represent an opportunity to discuss their institutionalization in these 13 countries and, more generally, the role of children in decision-making processes when the decisions taken affect them or have the potential to do so.

The findings suggest that governments should have a legal mandate to conduct CRIAs before adopting measures that impact children. In addition, national and local decision-making processes should be designed in such a way as to include children. No children in any of the countries participating in this project were, for example, consulted on the adoption or renewal of COVID-19 related measures.

Another key recommendation concerns the need for governments to increase and improve the quality of data and data systems. This is essential for the proper monitoring of the impact of emergency and non-emergency measures on children's rights.

The findings of the 13 CRIAs in Europe and Central Asia confirm those of many other studies and surveys about the impact of measures related to COVID-19 on the rights of children. The measures were developed with little consideration given to children; indeed, children were generally not differentiated from other groups. When they were taken into consideration, or when measures concerned them directly, children were often treated as one monolithic group, with no distinctions made about how the measures should apply to – or might affect – different groups of children.

In general, the measures used to contain the spread of the COVID-19 pandemic had a largely negative impact on the rights of children, in particular their rights to education, to the highest attainable standard of health, to protection from all forms of violence, and the right to play and enjoy recreational activities. In addition, some groups of children were more affected than others – particularly those who were the most disadvantaged and marginalized prior to the pandemic. They included children with disabilities; children living in institutions, juvenile detention centres or centres for asylum seekers; children left behind by migration, Roma and traveller children; and children living in poverty, to name but a few.



# 1. INTRODUCTION

The COVID-19 pandemic, and the response to it, have demonstrated how the decisions made and measures adopted by States can have a significant and differentiated impact on children.

Decisions have often been made without adequate consideration of children's rights and best interests and without children themselves being consulted. Children have experienced significant constraints on or violations of their rights as a result of the COVID-19 response measures. Some of these violations predated the pandemic itself, but have been accentuated by it and by the measures taken by States for its containment it.

Ombudspersons for Children and other independent children's rights institutions have a decisive role to play in a crisis like this. They monitor how children's rights are impacted by such decisions, render children's rights more visible in decision-making processes, and issue recommendations to authorities to protect and advance children's rights in all actions taken – whether in emergency and non-emergency situations.

To this end, the European Network of Ombudspersons for Children (ENOC) has identified the Child Rights Impact Assessment (CRIA) as a critical tool for its member institutions to use in the context of COVID-19 and beyond. In September 2020, ENOC issued a position statement on the use of CRIsAs and Child Rights Impact Evaluations (CRIEs), as well as a practical guide on how to carry out these assessments.<sup>1</sup> In their Statement on Children's Rights in the context of the COVID-19 outbreak, ENOC and its members pledged to closely monitor the situation of all children, as well as the responses from local, national and European authorities. They also committed to continue to share critical information, good practices and experiences to keep children and their families safe and guarantee respect for children's rights under the UN Convention on the Rights of the Child and other relevant European and International Human Rights instruments.<sup>2</sup> Similarly, UNICEF has documented and warned of the impact of the COVID-19 pandemic and related measures on children's lives – an impact that extends far beyond the immediate risks to their physical health.

These developments have informed the present ENOC-UNICEF project: the Multi-country Impact Assessment on Children's Rights of States' Measures Related to COVID-19.

## 1.1 Background

A CRIA is a critical tool to advance the implementation of the UN Convention on the Rights of the Child (UNCRC) and ensure that decisions affecting children do not violate but rather respect, protect and fulfil their rights. In its General Comment No. 5 of 2002,

the UN Committee on the Rights of the Child (CRC) identified CRIsAs and CRIEs as General Measures of Implementation of the Convention.<sup>3</sup>

<sup>1</sup> European Network of Ombudspersons for Children, 'Position Statement on ['Child Rights Impact Assessment \(CRIA\)'](#), adopted by the ENOC 24th General Assembly, ENOC, 18 November 2020; European Network of Ombudspersons for Children, '[Common Framework of Reference on Child Rights Impact Assessment – A guide on how to carry out CRIA'](#)', ENOC, November 2020.

<sup>2</sup> European Network of Ombudspersons for Children, '[Position Statement on Children's Rights in the context of the COVID-19 outbreak'](#)', adopted by the ENOC Bureau on 1 April 2020, ENOC.

<sup>3</sup> UN Committee on the Rights of the Child, '[General Comment No. 5 \(2003\) General measures of implementation of the Convention on the Rights of the Child \(Arts. 4, 42 and 44, para. 6\)'](#)', UN Doc. CRC/GC/2003/5, UNCRC, Geneva, 2003. General Measures of Implementation are, according to Article 4 of the UN Convention on the Rights of the Child, "all appropriate legislative, administrative and other measures" for implementation of the rights guaranteed by the UN Convention on the Rights of the Child.

“CRIA is a process, tool and report which supports a systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children and young people. CRIA focuses on how children’s rights were or may be affected by the decisions and actions of governments, institutions and others in the areas of law, policy and practice.”

– ENOC Synthesis report – Child Rights Impact Assessment – November 2020.

CRIAs therefore constitute both a process and a tool to ensure the compliance of legislation, policies, and budgetary and administrative decisions with the provisions of the Convention. They are central to a rights-based approach to the implementation of the Convention in that:

- ▶ they highlight the indivisibility and interdependence of children’s rights by assessing how a decision may affect a range of rights;
- ▶ they focus on the responsibility of duty-bearers to respect and ensure the realization of children’s rights in compliance with their obligations under the Convention;
- ▶ they require a participatory process: various stakeholders and sections of society, including children, are invited to reflect and give their perspectives on the impact of a decision on children’s rights;
- ▶ they are guided by the four Guiding Principles of the Convention on the Rights of the Child:
  - **non-discrimination** (Art. 2): CRIAs assess how a decision might affect the rights of the most marginalized children in society, considering its differentiated effects on various groups of children and identifying possible discriminatory effects;
  - **best interests of the child** (Art. 3). CRIAs consider whether a decision is in children’s best interests and identify whether other interests are at play (significantly, the CRC refers explicitly to CRIAs in its General Comment No. 14 on the best interests of the child)<sup>4</sup>;
  - **life, survival and maximum development** (Art. 6). CRIAs consider the impact of a decision on the whole child, both today and in terms of their future development;
  - **children’s right to have their opinions heard and taken into account** (Art. 12): CRIAs provide an opportunity for children to be heard in the decision-making process and assess whether children’s views were adequately heard before a decision was made.

Despite these considerations, CRIAs remain one of the most under-used and often overlooked General Measures of Implementation of the Convention. The many reasons for this include the following:

- ▶ CRIAs are not usually a mandatory part of decision-making processes, the adoption of policy measures or individual decisions;
- ▶ impact evaluations and the monitoring of policy outcomes remain weak dimensions of policy-making;
- ▶ the nature of CRIAs is not fully understood;
- ▶ practical tools and guidance on the conduct of a CRIA and on promising practices have, to date, been very limited;
- ▶ children’s rights are often low on the political agenda and a focus on children in policy decisions is rarely a high priority, as children have very limited political power and leverage;
- ▶ other impact assessments are more established than CRIAs and already consume resources (e.g. environment impact assessments or gender impact assessments).

<sup>4</sup> UN Committee on the Rights of the Child, ‘General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, para. 1)’, UN Doc. CRC/C/GC/14, UNCRC, Geneva, 2013.



## 1.2 Project overview and objectives

This project consisted in the development and implementation of a CRIA methodology by Ombudspersons for Children in 13 countries across Europe and Central Asia: Albania, Bulgaria, Cyprus, Georgia, Greece, Ireland, Kyrgyzstan, Moldova, Montenegro, Serbia, the Netherlands, Tajikistan and Uzbekistan. The CRIAs undertaken focused on the impact on children's rights of measures taken to contain the transmission of COVID-19 and to deal with the consequences of the pandemic. The three countries from Central Asia (Kyrgyzstan, Tajikistan and Uzbekistan) decided from the outset to focus on the impact of the measures on children left behind by migration as a follow-up to a different project financed by the European Union.

The objectives of the project were to:

- ▶ pilot the CRIA methodology as a tool for use by Ombudspersons for Children (and other relevant stakeholders) and to draw out lessons for future CRIAs;
- ▶ build the capacity of Ombudspersons for Children's offices to advocate for the use of CRIAs by Government and State agencies and in general by law, policy and decision-makers;

- ▶ provide extensive knowledge and expertise, and build the capacity of Ombudspersons for Children's offices to undertake independent CRIAs;
- ▶ demonstrate the relevance of CRIAs for policy-makers, and
- ▶ formulate targeted recommendations for future decision-making on COVID-19 related measures and other emergency measures.

The methodology used for the CRIAs was developed by ENOC on the basis of its previous work in this area, and in particular the ENOC Common Framework of Reference on Child Rights Impact Assessment.<sup>5</sup> The entire project was facilitated and guided by two international experts who developed the methodology and provided technical advice to Ombudspersons' offices involved in the project. In 10 countries where Ombudspersons were conducting a CRIA for the first time, UNICEF country offices supported national consultants in working with the Ombudsperson's office to carry out the CRIA. The initiative began in February 2021 and the final national reports were delivered in October and November 2021.

<sup>5</sup> 'Common Framework of Reference on Child Rights Impact Assessment – A guide on how to carry out CRIA'.

## 1.3 Methodological approach

The methodology<sup>6</sup> developed for this project provides specific guidance to Ombudspersons for Children in the conduct of CRIAs to examine States' measures related to COVID-19. As underlined in the *ENOC Synthesis Report – Child Rights Impact Assessment*<sup>7</sup>, produced by Lisa Payne, “CRIAs are child-focused Human Rights Impact Assessments (HRIAs)” and as such “share many HRIA features, follow similar processes and raise comparable challenges.” Even though there is no internationally agreed model or framework for undertaking a CRIA, human-rights impact assessments tend to follow similar stages to ensure the validity of the outcome.

The methodology is based on the ENOC Common Framework of Reference on Child Rights Impact

Assessment and follows its eight steps:

1. Screening.
2. Scoping.
3. Gathering evidence and consulting with stakeholders.
4. Data analysis.
5. Scrutiny of children's involvement in deciding or reviewing the measure(s).
6. Conclusion and recommendations.
7. Publishing and disseminating the CRIA.
8. Follow-up.

## 1.4 Objectives of this report

This report provides a synthesis of findings based on the CRIA reports produced by the Ombudspersons and Commissioners for Children involved in the project. It aims to:

- ▶ Review how the 13 Ombudspersons for Children have implemented the CRIA methodology developed for the project, and
- ▶ Provide an overview of the impact on children's rights of the measures assessed in those CRIAs.

The findings and recommendations of this project on the impacts of these measures are very much aligned with the many other reports published on the impact of COVID-19 measures on children's rights. In particular, the findings confirm that the implementation of the measures not only rendered the existing children's rights violations and social inequalities more visible; these violations and inequalities became yet more deeply entrenched. The report presents the overarching findings of the CRIAs, while also reflecting on the methodology and on the CRIA itself as a tool to support children's rights.

<sup>6</sup> Sedletzki, Vanessa and Véronique Lerch, *Methodology for Undertaking a CRIA of COVID-19 related State Measures ENOC-UNICEF Project*, European Network of Ombudspersons for Children, 2022.

<sup>7</sup> European Network of Ombudspersons for Children, *ENOC Synthesis Report – Child Rights Impact Assessment*, ENOC, November 2020 (European Network of Ombudspersons for Children, *ENOC Synthesis Report – Child Rights Impact Assessment*, ENOC, November 2020).

## 2. IMPLEMENTING THE CRIA METHODOLOGY – AN OVERVIEW

This section reviews how the participating Ombudspersons for Children applied the CRIA methodology developed in the context of the project, with a specific focus on the way in which children were involved in the CRIA process. Overall, the methodology led to the development of diverse CRIAs, as the methodology was translated and adapted to the different national contexts and circumstances.



Drawings by a primary school child in Cyprus<sup>8</sup>: Cyprus CRIA report

### 2.1 Nature of the impact assessments

#### Child Rights Impact Assessments (CRIAs) versus Child Rights Impact Evaluations (CRIEs)

*Ex ante* CRIAs provide an opportunity to examine **the potential impacts** on children and young people of laws, policies, programmes and services as they are being developed and, if necessary, suggest ways to avoid or mitigate any negative impacts. This is done *before* the decision or action is set in place.

*Ex post* CRIEs are conducted *after* a decision has been made or an action has been taken and provide an opportunity to consider **the intended or unintended impacts** of legislative changes, budget decisions, policies, programmes or services children and young people.

Source: ENOC Synthesis Report – Child Rights Impact Assessment

<sup>8</sup> Two drawings from a primary school in Cyprus. The top drawing says: "The coronavirus" and at the side of the drawing the virus laughs: "Ha ha!". The second drawing says "No to the coronavirus" and, at the bottom, "The coronavirus stole my opportunity to go to Troodos". Because it snowed in 2020, which is quite rare in Cyprus, children were looking forward to enjoying the snow on Troodos Mountain. However, government measures forbade them from doing so for fear that, even though it was outdoors, too many people would gather there.

The Ombudspersons for Children involved in this project used two types of impact assessments:

- ▶ **CRIEs** (which analyse the impact of the measure after it was taken). Some Ombudspersons for Children stressed that their assessments are CRIEs (Bulgaria, Greece) as the assessments were carried out *ex post*. As noted in the Bulgarian report, *"Given its functions, the Ombudsman Institution qualifies very well to apply CRIE given the Institution's position to consult and react by recommending actions rather than make political and legislative decisions. Moreover, the application of the methodology to regularly assess the impact on the rights of the child will generate data that would be of further help to enable the Institution to perform its monitoring role."*
- ▶ **A hybrid form of CRIA and CRIE**, given that COVID-19 related measures are continuously being updated and the results of a CRIA could still have an impact on the renewal of the assessed measure. For example, the Albania CRIA is a *"hybrid assessment involving CRIE for the already enacted legal and sub-legal acts and CRIA for the ones renewed over the course of pandemic situation development."* Similarly, the Ombudsman for Children's Office (OCO) from Ireland explains

in its report that *"to the extent that our CRIA looks back at the impacts of this measure, as implemented since March 2020, it is aligned with a CRIE. However, allowing that the course of the COVID-19 pandemic remains uncertain, it might also be seen as a CRIA. As such, the OCO's project can be viewed as a hybrid of a CRIA and CRIE."* The Commissioner for Children's Rights from Cyprus also qualifies its assessment as hybrid *"as it was conducted both prior to the application of the measures taken to prevent the spread of COVID-19 in Cyprus and also during the review and renewal of the measures as the pandemic progressed."*

None of the countries undertook a CRIA in the sense of an *ex-ante* CRIA (which would take place before the measure being adopted or put in place). This is the result of the general lack of a legal mandate for the conduct of CRIAs by Ombudspersons for Children, which means that those Ombudspersons participating in the project were unable to carry out a CRIA before the decision was taken. Furthermore, the emergency created by the COVID-19 pandemic required urgent measures that prioritized public health.

For ease of reference, this report uses the term 'CRIA' to refer to both CRIAs and CRIEs, and also the hybrid form of CRIAs and CRIEs.

## 2.2 Goal-setting

During the preparation phase, the participating Ombudspersons for Children established the rationale for undertaking a CRIA and reflected on the change they aimed to achieve as a result. Their goals mirrored the goals set for this project as well as their national strategies and were often categorized as short-term, medium-term and long-term goals. Typically, a short-term goal would have concerned the formation of recommendations on current and future measures related to COVID-19 and the mitigating measures that could be adopted to better protect and promote children's rights in their implementation. One of the most common long-term goals was the institutionalization of the CRIA in the decision-making process.

### Three examples of goals for the CRIAs in this project

In Georgia, the short-term goals of the CRIA report were to assess state measures taken during the pandemic related to alternative care, education, health care, awareness, protection from violence, access to various services, and family relations. The CRIA was conducted through desk-based research and the evaluation of the impact of these measures through fieldwork, focus groups and interviews with relevant groups, individuals and stakeholders.

The long-term goals of the CRIA in Georgia were:

1. to raise the accountability of state agencies to children;
2. to encourage the application of the CRIA tool at the national level, and
3. to promote monitoring of the implementation of the UN Convention on the Rights of the Child.

In the Netherlands, the goals for the CRIA report were:

1. to formulate recommendations for future decision-making on COVID-19 emergency measures that have an impact on children's rights;
2. to experiment with the CRIA as to create an instrument that works well for the Ombudspersons office and within the national context, and

3. to show how the CRIA can be a beneficial instrument for national policy-makers who need to make decisions that impact children's rights.

In Tajikistan, the goals of the CRIA report were:

1. to identify the impacts of State measures related to the COVID-19 pandemic on the rights of children and families of labour migrants, and
2. to generate evidence to support informed decision-making on the strengthening of child protection through the institutionalization of CRIA within national and subnational policy-making.

## 2.3 Definition of scope

The first important step in the methodology of this project involved the screening and identification of measures to delineate the focus of the CRIA. This included a review of all the measures that could have an impact on children's rights, the identification of the specific groups of children that could potentially be affected by these measures, and the selection of the measures to be assessed.

### Range of measures reviewed

The methodology specified that CRIAs can be undertaken on all types of measures taken to contain the transmission of the COVID-19 virus. It also encouraged the countries involved in the project to focus on one measure or a limited number of measures. The measures assessed could have included, for example, laws, regulations, ministerial decrees, programmes and budget allocations.

The approaches used in the context of the project varied, as follows.

**Broad approach:** Some Ombudspersons for Children chose to assess a larger set of measures and their impact on all children in the country. For example, the Commissioner for the Protection of Children's rights

in Cyprus considered that many measures appeared to have a significant impact on children, while specific groups of children were identified through the screening process as being affected by particular restrictions. As such, rather than focusing on a single measure, a fixed geographical area or a particular group of children, a number of thematic areas were specified. The impacts of a number of measures on these thematic areas were then assessed as follows: health; education; adequate standard of living; play, rest and leisure; protection from any form of harm; family life and alternative care; civil rights and freedoms. All of these areas were analysed and assessed against the four Guiding Principles of the UNCRC.

**Focused approach:** Other Ombudspersons for Children addressed either one or a very limited number of specific measures. The People's Advocate for the Rights of the Child from Moldova, for example, chose one very specific restrictive measure: the Order of the Ministry of Justice no. 50 of 12 March 2020 on the establishment of a special regime within the penitentiary administration system.<sup>9</sup> This suspended visits and meetings in juvenile detention centres and, therefore, had an impact on children deprived of liberty.

<sup>9</sup> National Administration of Penitentiaries, 'On establishing the special regime in the penitentiary administration system', ANP, Government of Moldova, Chisinau, 25 May 2020.

Most countries focused on **restrictive measures**, but some also considered **associated, complementary measures**. In the area of education, for example, school closure was a restrictive measure assessed by many countries, as well as accompanying measures such as online schooling. This was the case in Albania, where a special order by the Ministry of Education was adopted *“regulating the psycho-social service functioning at pre-university education institutions during the pandemic, in order to provide ongoing support through psychologists and social workers to address issues faced by children with special psycho-social needs or students with learning difficulties.”*<sup>10</sup> In the case of Montenegro, the CRIA also assessed a complementary measure that had an indirect impact on children with disabilities: the Order on Paid Leave that enabled parents of children with disabilities to take paid leave to support their children during online schooling.

The measures assessed in the project covered an array of issues, including:

- ▶ school closures and online schooling;
- ▶ restriction of movement (e.g., lockdown);
- ▶ prohibition of visits in closed settings (e.g., juvenile detention centres or care institutions);
- ▶ restriction to, or suspension of, access to social services for children and family support;
- ▶ prohibition of personal contact between a child and the parent with whom the child does not live;
- ▶ prohibition of sport/group/cultural activities and closure of (indoor and outdoor) sports facilities;
- ▶ regulations on group sizes for sports activities;
- ▶ prohibition on the use of parks and playgrounds.

The definition of the scope of the CRIA varied from country to country, for different underlying reasons. For example, if the objective was to highlight the effect of COVID-19 related measures on children as a whole in order to render them more visible in decision-making processes, a CRIA with a large scope in terms of the measures considered, the geographic area covered and the groups concerned would demonstrate the multiple effects of decisions

at a large scale. Conversely, when the objective is to lend visibility to a specific issue or to a group of children who are particularly affected yet overlooked, a CRIA that is more narrowly focused will help shed light on the specific problem and may lead to targeted advocacy for change. Given that one objective for this project was to test the CRIA as a tool, some countries chose a very specific measure to test the CRIA in this function.

Another significant factor in defining the scope of the CRIA related to the capacities and available resources of the Ombudsperson's office.

Finally, in the context of COVID-19, travel and meeting restrictions meant that the scope needed to be realistic to ensure adequate primary data collection. Focus groups and in-depth interviews had to be online or conducted with only a limited number of stakeholders.

## Thematic scope

Some countries chose to take a thematic approach and selected the measures accordingly. The Ombudsman for Children in the Netherlands, for example, chose to focus on the emergency measures related to sport and play that were put in place at different stages of the pandemic. This area was selected because the response affected *“(almost) all children, but has received relatively limited attention from policy makers, interest groups and the press. When children were concerned, the attention was mostly on school closures.”* It was also important for the team in the Netherlands to maintain a narrow focus as it was the first time they had carried out a CRIA.

## Geographical scope

Some CRIAs examined the impact of the measures across the whole country. CRIAs that encompassed a nationwide scope aimed for a balanced approach that covered different regional realities and the urban/rural divide. In Bulgaria, for example, the team ensured that visits during the consultations *“were done to social services and communities in population centres of different type (regional city/large municipality; medium-sized municipality; small municipality).”* Similarly, the CRIA in Montenegro was national in

<sup>10</sup> Government of Albania, 'On Psychosocial Service Functioning in the Context of the State of Emergency', Order No. 111 of the General Directorate of Pre-University Education, Tirana, 26 March 2020.

its coverage to reflect the specific situation in each region, including differences in the socio-economic strength of families and the availability of certain services. Other CRIAs selected specific regions. In Uzbekistan, for example, the research (focus groups and interviews) took place in one of the 14 regions as a result of time and logistics constraints, while the report as a whole is built around an online survey that covered a total of 1,800 children across the entire country.

### Demographic scope (i.e., groups of vulnerable children and young people)

State measures related to COVID-19 impact some children more than others. The CRIA methodology for this project, therefore, encouraged institutions to differentiate between various groups of children when assessing impacts, and to identify the groups that were the most affected. Disaggregated data are essential to this purpose. The groups of children examined in the CRIAs included:

- ▶ children in alternative care;
- ▶ children in conflict with the law;
- ▶ children left behind by migration (a group covered by the CRIAs in the three countries from Central Asia);
- ▶ children with disabilities;
- ▶ children on the move (refugee children, internally displaced children, children seeking asylum, migrant children);
- ▶ children living in street situations.

In Bulgaria, for example, after a review of existing reports and a preliminary consultation with representatives of the Ombudsman institution, it was decided that the CRIA would focus on three groups of vulnerable children about whom there were the least specific data about their situation during the COVID-19-related state of emergency (see Table 1).

The OCO in Ireland assessed the impact of school closures on five specific groups of children (see Table 1) and four rights: the right to education (Art. 28); the right to the highest attainable standard of health, including mental health (Art. 24); and the right to an adequate standard of living, in particular adequate nutrition (Art. 27); and the right to protection from violence, abuse and harm (Art. 19).

In Serbia, after the screening phase, the Deputy Ombudsperson for Children's Rights chose to focus the CRIA on two groups of children: children with disabilities benefitting from the social protection services of day care; and children who maintain personal relations with the parent with whom they do not live (on the basis of a court decision or a written or verbal agreement between the parents). These children were chosen because the majority of complaints received by the Ombudsperson during the COVID-19 lockdown originated from the parents of these two groups of children. A total of 18 people contacted the Ombudsperson during the state of emergency about exercising their right to maintain personal relations with their child (17 parents and one other relative).



**Table 1. Measures assessed and focus of the Child Rights Impact Assessments on certain groups of children**

Country	Measure(s) assessed by the CRIAs	Groups of children
<b>Albania</b>	<p>Measures impacting:</p> <ul style="list-style-type: none"> <li>▪ the right and access to education;</li> <li>▪ juvenile justice and the rights of children in contact with the law;</li> <li>▪ preparedness of local self-government units/child protection units to manage emergency situations and provide access to social care services for children in need of protection.</li> </ul>	All children
<b>Bulgaria</b>	<p>Three clusters of related measures:</p> <ul style="list-style-type: none"> <li>▪ restrictions to freedom of movement;</li> <li>▪ suspension of access to educational institutions;</li> <li>▪ changes to the work routines of social services and the protection system.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Children living in poverty and segregation (i.e. children from Roma communities);</li> <li>▪ Children using social services for support in the community (including day care centres, community support centres and other forms of support provided to children and their families in cases of identified vulnerability and risk);</li> <li>▪ Children placed in residential care, including crisis centres, residential care services in the community (called family-type placement centres in Bulgaria), centres for accommodation of unaccompanied refugee children, and correctional boarding schools.</li> </ul>
<b>Cyprus</b>	<p>Seven thematic areas:</p> <ul style="list-style-type: none"> <li>▪ health;</li> <li>▪ education;</li> <li>▪ adequate standard of living;</li> <li>▪ play, rest and leisure;</li> <li>▪ protection from all forms of violence;</li> <li>▪ family life and alternative care;</li> <li>▪ civil rights and freedoms.</li> </ul>	All children
<b>Georgia</b>	<p>Three thematic areas:</p> <ul style="list-style-type: none"> <li>▪ alternative care;</li> <li>▪ general education;</li> <li>▪ protection from violence and ill-treatment.</li> </ul>	<p>When assessing the impact of measures on the right to education and the right to protection from violence, the CRIA focused on:</p> <ul style="list-style-type: none"> <li>▪ beneficiaries of residential services (social housing, small family group homes, boarding schools);</li> <li>▪ children in street situations;</li> <li>▪ children with disabilities;</li> <li>▪ children from ethnic and religious minority groups.</li> </ul>

Country	Measure(s) assessed by the CRIAs	Groups of children
<b>Greece</b>	Three thematic areas: <ul style="list-style-type: none"> <li>education;</li> <li>mental health;</li> <li>domestic violence.</li> </ul>	All children
<b>Ireland</b>	School closures (focus on the closures of primary and post-primary schools) and its impact on four rights: <ul style="list-style-type: none"> <li>the right to education (Art. 28);</li> <li>the right to the highest attainable standard of health, including mental health (Art. 24);</li> <li>the right to an adequate standard of living, in particular adequate nutrition (Art. 27);</li> <li>the right to protection from violence, abuse and harm (Art. 19).</li> </ul>	<ul style="list-style-type: none"> <li>Children experiencing mental health difficulties;</li> <li>Children experiencing homelessness;</li> <li>Children living in Direct Provision<sup>11</sup>;</li> <li>Children with disabilities;</li> <li>Traveller and Roma children.</li> </ul>
<b>Kyrgyzstan</b>	Four thematic areas: <ul style="list-style-type: none"> <li>access to medical services;</li> <li>access to education;</li> <li>socio-economic well-being;</li> <li>long-term negative psychological impact.</li> </ul>	Children left behind by migration
<b>Moldova</b>	Order of the Ministry of Justice no. 50 of 12 March 2020 on the establishment of the special regime within the penitentiary administration system, <sup>12</sup> which suspended visits and meetings in juvenile detention centres, affecting children deprived of liberty.	Children in juvenile detention centres
<b>Montenegro</b>	The following measures were assessed: <ul style="list-style-type: none"> <li>restriction of movement (quarantine, lockdown);</li> <li>social distancing rules;</li> <li>transition to online teaching and suspension of educational institutions (schools, kindergartens, resource centres, etc.)</li> <li>closure of recreational centres and prohibition of sports activities and group activities in general;</li> </ul>	Special focus on two groups of children: <ul style="list-style-type: none"> <li>children with disabilities;</li> <li>children without parental care.</li> </ul>

<sup>11</sup> Direct Provision refers to the system of supports, including accommodation, food and a weekly allowance, introduced in Ireland in 2000 for individuals and families awaiting decisions on their asylum application.

<sup>12</sup> 'On establishing the special regime in the penitentiary administration'.

Country	Measure(s) assessed by the CRIAs	Groups of children
<b>Montenegro</b>	<ul style="list-style-type: none"> <li>■ restrictions in personal contact between a child and the parent with whom the child does not live in the community (ban on contact except with members of the same household, ban on inter-local traffic, ban on contact with children in collective accommodation, etc.);</li> <li>■ restrictive measures for children living in collective accommodation (Public Institution Children's Home 'Mladost' – for children without parental care).</li> </ul>	
<b>The Netherlands</b>	<p>Emergency measures related to sport and play.</p> <p>The main focus of the CRIA was on the following regulations, which directly limit opportunities for sport and physical activity:</p> <ul style="list-style-type: none"> <li>■ closure of (indoor and outdoor) sports facilities and changing rooms;</li> <li>■ restrictions on group sizes for sports activities;</li> <li>■ social distancing rules during sports activities, and</li> <li>■ restrictions on formal matches and competitions.</li> </ul> <p>Other emergency measures may also have had an (indirect) effect on opportunities for sport and physical activity:</p> <ul style="list-style-type: none"> <li>■ restrictions on spectator presence;</li> <li>■ closures of public spaces such as parks and public playgrounds;</li> <li>■ school closures (impacting physical education);</li> <li>■ the implementation of a curfew;</li> <li>■ quarantine and isolation measures.</li> </ul>	All children

Country	Measure(s) assessed by the CRIAs	Groups of children
<b>Serbia</b>	<p>Two emergency measures were assessed:</p> <ul style="list-style-type: none"> <li>▪ suspension of access to social services for children and family support;</li> <li>▪ restriction of movement (quarantine, lockdown).</li> </ul> <p>The measures were assessed regarding their impact on two specific rights (and two specific groups of children):</p> <ul style="list-style-type: none"> <li>▪ the right of the child to maintain personal relations with the parent with whom the child does not live (Art. 9, para. 3 of the UNCRC);</li> <li>▪ the right of the child to the social protection service of day care (Art. 18, para. 3 of the UNCRC).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Children with disabilities benefiting from the social protection service of day care</li> <li>▪ Children who maintain personal relations with the parent with whom they do not live on the basis of a court decision or a written or verbal agreement between the parents.</li> </ul>
<b>Tajikistan</b>	<p>The impact of the measures was assessed through the following clusters:</p> <ul style="list-style-type: none"> <li>▪ family environment and extent of care;</li> <li>▪ basic healthcare;</li> <li>▪ education and leisure;</li> <li>▪ legal services.</li> </ul>	Children left behind by migration.
<b>Uzbekistan</b>	<p>Three measures were assessed with regards to their impact on health and child protection (especially protection from violence against children):</p> <ul style="list-style-type: none"> <li>▪ Decree of the President of the Republic of Uzbekistan, 19 March 2020, No. UP-5969: 'On priority measures to mitigate the negative impact on the economy of the coronavirus pandemic and global crisis phenomena';</li> <li>▪ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, 23 March 2020, No. 176: 'On additional measures against the spread of coronavirus infection';</li> <li>▪ Decree of the President of the Republic of Uzbekistan dated 3 April 2020, No. UP-5978: 'On additional measures to support the population, sectors of the economy, and business entities during the coronavirus pandemic'.</li> </ul>	<p>Children left behind by migration.</p> <p>N.B. Due to the limited resources and time available and restricted access to the residential care facilities, the CRIA focused on children left behind by migration living with relatives, not on those in residential care.</p>

## 2.4 Data collection

All countries used a mixed methodology when undertaking the CRIA, which included both quantitative and qualitative methods, a desk-based review of the data available to assess the measure, consultations with stakeholders, and consultation with children (see next section). The methodology included the following:

- ▶ desk-based review;
- ▶ semi-structured interviews;
- ▶ focus groups;
- ▶ surveys.

Some other stakeholders were consulted, including, for example:

- ▶ parents of children with disabilities;
- ▶ parents who migrated and left their children in their home countries (Central Asian countries);
- ▶ women victims of violence receiving shelter services;
- ▶ employees of shelters for victims of violence;
- ▶ employees of large residential care institutions and of small group homes;
- ▶ representatives of State agencies;

- ▶ representatives of key ministries;
- ▶ psychologists;
- ▶ therapists;
- ▶ teachers;
- ▶ members of school committees and school administration;
- ▶ social workers;
- ▶ decision-makers, such as representatives of the official bodies that passed the measures under assessment.

A review of CRIAs suggests that the diversity of sources and perspectives gathered is essential to ensure that the analysis reflects the complexity of the issue and adds value to existing knowledge gathered through studies and press articles, for example. One key added value of Ombudspersons' offices is their ability to reach out to a large range of stakeholders and access closed settings such as detention centres, refugee centres, care institutions and hospitals, among others. This unique feature enriches the CRIA significantly and enables institutions to sensitize various stakeholders to the effects of measures on children's rights at an early stage, including during data collection.

## 2.5 Child participation

One central aspect of a child rights approach to a CRIA process, as underlined in the methodology, is engagement with children and hearing their views on how a particular measure has affected them and their rights. No amount of quantitative data can replace their perspectives on their own experiences or their recommendations to mitigate the negative impacts of the measures taken.

The COVID-19 pandemic itself presented challenges for child participation, in addition to the limited timeframe for the project as a whole. The pandemic restricted the ability of the Ombudspersons' offices to organize consultations with children and set up spaces where they could listen to children's views in a meaningful manner. The teams in Ireland and Moldova

were unable to consult with children as a result of time and other constraints. The Protector of Citizens in Serbia found it difficult to obtain parental consent to consult children with disabilities, and so were unable to consult these children despite planning to do so.

Nevertheless, several Ombudspersons' offices were successful in consulting with children, allowing for a deeper understanding of the effects of the COVID-19 response measures on them.

These Ombudspersons' offices were able to ensure that their CRIAs were informed by children's lived experiences and their own perceptions of the impact. Children shared how they felt about COVID-19 measures, while also identifying measures that

could be adopted to mitigate the impacts of both the pandemic and pandemic-related restrictions and sharing their opinions on how shortcomings could be addressed. In Montenegro, for example, children were closely involved in the formulation of the conclusions and the recommendations; these children were from the network of 'Golden Advisors' to the Ombudsperson. Similarly, in Serbia the children from the Protector of Citizens' Youth Advisory Panel<sup>13</sup> were involved in drafting the recommendations. Seven members of the Youth Advisory Panel provided feedback on the CRIA's findings and recommendations, noting that children should be consulted before the adoption of new COVID-19 measures. They agreed that the lack of participation of children with disabilities should be carefully addressed and confirmed the need to increase the participation of children with disabilities in decision-making.

A total of 9,273 children were consulted in 11 countries. The size, age range, groups of children and consultation methods varied greatly from one country to another. The Ombudsman for Children in the Netherlands, for example, consulted 20 children via focus groups, while the Commissioner for Children's Rights in Cyprus consulted 3,320 children through surveys and focus groups, including one three-year-old – the youngest child involved in the consultations across all countries. As noted in the report from Cyprus, the input from children was essential to understanding the impact: *"of the evidence gathered, the information provided by the children themselves was perhaps the most significant."*

### Ethical principles on the involvement of children in CRIAs

The principles and tools developed for CRIAs are based, in particular, on UNICEF's Ethical Review Process for research with human subjects<sup>14</sup> and on the ENOC Child Protection Policy.<sup>15</sup> In addition, each Ombudsperson for Children's Office has its own set of ethical guidelines and child protection policy with which the CRIA had to comply. Each institution conducting a CRIA in this project and planning any

consultation with children organized an ethical review of their CRIA methodology prior to doing so, and before interviewing other stakeholders.



Focus group with children, Uzbekistan: Uzbekistan CRIA report

### Methods used to involve children

Children were consulted through three different methods:

- ▶ online surveys (with different surveys available for the different age-groups);
- ▶ focus groups;
- ▶ semi-structured interviews.

In Georgia, for example, two methods were used to consult with children, interviews and focus groups, depending on the preferences of the children.

<sup>13</sup> The Protector of Citizens established the Youth Advisory Panel (YAP) in 2010 as a form of continuous participation of children and youth in the work of the institution. The YAP convenes around 30 children who are students of both elementary and high schools across Serbia. The main purpose of the YAP is to communicate issues of concern for children to the Protector of Citizens and to voice their opinions on the activities of the Protector of Citizens. In addition, the YAP members work to promote children's rights and the concept of child participation among their peers.

<sup>14</sup> UNICEF Procedure on Ethical Standards in Research, Evaluation, Data Collection and Analysis, UNICEF, New York, 1 April 2021.

<sup>15</sup> European Network of Ombudspersons for Children, 'Child protection policy', ENOC, September 2019.

**Table 2. Number of children involved in the Child Rights Impact Assessments and methods used to involve them**

Country	Number of children consulted	Breakdown	Methods used
<b>Albania</b>	<ul style="list-style-type: none"> <li>1,507 children 10-18 years</li> <li>1,497 children 10-18 years (surveys)</li> <li>10 children in focus groups</li> </ul>	<ul style="list-style-type: none"> <li>63% girls and 37% boys</li> <li>67.8% 12-15 years</li> <li>32.2% 16-18 years</li> <li>50% urban</li> <li>50% rural</li> </ul> <p>All children involved in the focus groups were male (from the Juvenile Institute in Kavaja)</p>	<ul style="list-style-type: none"> <li>Survey (questionnaire available as a Google form);</li> <li>Focus group.</li> </ul>
<b>Bulgaria</b>	<ul style="list-style-type: none"> <li>44 children 8-18 years</li> </ul>	<ul style="list-style-type: none"> <li>28 of the 44 were boys</li> </ul>	<ul style="list-style-type: none"> <li>Semi-structured interviews</li> <li>Focus groups.</li> </ul>
<b>Cyprus</b>	<ul style="list-style-type: none"> <li>3,320 children 3-18 years</li> <li>3,314 children (surveys)</li> <li>6 children (focus groups)</li> </ul>	<ul style="list-style-type: none"> <li>1,498 in secondary education (12-18)</li> <li>1,164 children of primary school age (6-11)</li> <li>652 children of pre-school age (3-5) (through their educators)</li> <li>3 children seeking asylum (in focus group)</li> <li>3 children in alternative care (semi-structured interviews)</li> </ul>	<ul style="list-style-type: none"> <li>Surveys: Results of the survey of children in secondary education; Results of the survey of primary school children; Results of the survey of pre-school children;</li> <li>Focus groups.</li> </ul>
<b>Georgia</b>	<ul style="list-style-type: none"> <li>102 children 6-18 years</li> </ul>	<ul style="list-style-type: none"> <li>43 children living in state care</li> <li>50 pupils of public schools, including boarding schools</li> <li>9 children living in shelters for homeless children</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups</li> <li>Interviews.</li> </ul>
<b>Greece</b>	<ul style="list-style-type: none"> <li>361 children 5-18 years</li> </ul>	<ul style="list-style-type: none"> <li>56% girls and 44% boys (48 children in primary education, 266 children in secondary education and 47 refugee children in secondary education)</li> </ul>	<ul style="list-style-type: none"> <li>Surveys using Survey Monkey via schools, young advisors panels, Open Accommodation Sites</li> <li>Consultations with the Ombudsperson's young advisors.</li> </ul>

Country	Number of children consulted	Breakdown	Methods used
<b>Kyrgyzstan</b>	<ul style="list-style-type: none"> <li>435 children 5-18 years old</li> </ul>		<ul style="list-style-type: none"> <li>Survey</li> <li>In-depth interviews.</li> </ul>
	<ul style="list-style-type: none"> <li>200 children of internal and external migrants (surveys)</li> </ul>	<ul style="list-style-type: none"> <li>109 girls and 91 boys</li> <li>94 children 7-10 years</li> <li>88 children 11-14 years</li> <li>18 children 15-18 years</li> </ul>	
	<ul style="list-style-type: none"> <li>45 children of migrants, of pre-school age: 5-6 years (interviews)</li> </ul>	<ul style="list-style-type: none"> <li>21 girls and 24 boys</li> </ul>	
	<ul style="list-style-type: none"> <li>190 children of migrants of school age: 7-18 years (interviews)</li> </ul>	<ul style="list-style-type: none"> <li>97 girls and 93 boys</li> <li>35 children 7-10 years</li> <li>111 children 11-14 years</li> <li>44 children 15-18 years</li> </ul>	
<b>Montenegro</b>	<ul style="list-style-type: none"> <li>1,338 children 6-18 years</li> <li>826 children of 13-14 years in 8th and 9th grade of primary school (surveys)</li> <li>455 children 17-18 years in 3rd and 4th grade of secondary school (surveys)</li> <li>57 children in alternative care (5 focus groups)</li> </ul>	<ul style="list-style-type: none"> <li>424 girls, 402 boys</li> <li>269 girls, 186 boys</li> <li>11 children 6-7 years (6 boys, 5 girls)</li> <li>25 children 13-14 years (10 boys, 15 girls)</li> <li>21 children 17-18 years (12 boys, 9 girls)</li> </ul>	<ul style="list-style-type: none"> <li>Surveys;</li> <li>Focus groups;</li> <li>Children from the network of Golden Advisors to the Ombudsman were involved in the formulation of the conclusions and recommendations of the CRIA.</li> </ul>
<b>The Netherlands</b>	<ul style="list-style-type: none"> <li>20 children</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups took place in: <ul style="list-style-type: none"> <li>a dance studio,</li> <li>a foundation that organizes free sports activities in public parks,</li> <li>a shelter for asylum seekers, and</li> <li>a primary school.</li> </ul> </li> <li>Interview with a young person who lived in a youth care institution during the lockdowns.</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups;</li> <li>Interviews.</li> </ul>
<b>Serbia</b>	<ul style="list-style-type: none"> <li>7 children</li> </ul>	<ul style="list-style-type: none"> <li>Children from the Protector of Citizens' Youth Advisory Panel</li> </ul>	<ul style="list-style-type: none"> <li>Gave feedback on the report, in particular on the findings and recommendations.</li> </ul>

Country	Number of children consulted	Breakdown	Methods used
<b>Tajikistan</b>	<ul style="list-style-type: none"> <li>322 children 15-18 years</li> <li>40 children 15-18 years (focus groups)</li> <li>282 children (surveys)</li> </ul>	<ul style="list-style-type: none"> <li>65% boys</li> <li>35% girls</li> <li>3 cities: Dushanbe (20), Khujand (10) and Bokhtar (10)</li> <li>Working children and children left behind by migration.</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups</li> <li>Surveys.</li> </ul>
<b>Uzbekistan</b>	<ul style="list-style-type: none"> <li>1,817 children 14-18 years</li> <li>1,800 children aged 14-18years (surveys)16</li> <li>17 children (focus groups)</li> </ul>	<ul style="list-style-type: none"> <li>9 girls aged 15-17 years (focus groups)</li> <li>8 boys aged 15-17 years (focus groups)</li> <li>Only children from rural regions were involved.</li> </ul>	<ul style="list-style-type: none"> <li>Surveys</li> <li>Focus groups</li> </ul>
<b>Total number of children consulted</b>	<ul style="list-style-type: none"> <li><b>9,273 children</b></li> </ul>		

## Reaching out to children

The country teams reached out to children using different channels and by visiting them in their everyday settings, for example at:

- ▶ schools
- ▶ care facilities and juvenile detention centres
- ▶ associations for sports, cultural or recreational activities (e.g., a dance studio)
- ▶ places where children are temporarily accommodated (e.g., shelters for homeless children)
- ▶ Non-governmental organizations (NGOs) or NGO networks.

In Greece, there were consultations with the Greek Ombudsman's young advisors, who also shared and exchanged their views on the subject with their peers in the European Network of Young Advisors. In addition, three further channels were used to distribute the surveys:

- ▶ the network of collaborating bodies of the Ombudsman, which include the regional Centres for Educational Planning, which delivered the surveys to the administrative staff of every school in the country (these staff then sent the survey to the email addresses given by parents when enrolling their children)
- ▶ one survey was sent to the Network of Young Advisors of the Greek Children's Ombudsman 2021, a 25-member group from different parts of Greece (Attica and Peloponnese), as well as to former members (2020 Network), and
- ▶ the National Child Protection Sub-Working Group and UNICEF partners in most Open Accommodation Sites, which shared the survey with the children living there.

<sup>16</sup> The filter for the survey was set to enable a comparison between the 1,242 children who were living with their parents and the 558 children who had been left behind by migration.

## Challenges to child participation in CRIAs

While the importance of consulting with children is well recognized among child rights advocates such as the Ombudspersons for Children, it is not always easy to determine how best to engage with children in a meaningful manner. Some of the challenges in involving children in the CRIAs were the result of the unprecedented circumstances linked to the pandemic (e.g., public health regulations that prevented face-to-face meetings), while other obstacles were linked to a lack of experience in involving children in such processes.

### ► Limited number of children consulted

In the Netherlands the relatively small number of children consulted for the CRIA was considered one of the main limitations in the methodology. As a result of time constraints and lack of capacity within the Ombudsperson's office, it was not able to include all the groups of vulnerable children who are, in general, impacted disproportionately by crises. These include children with disabilities, children living in closed institutions, and children below the age of 9.

### ► Online consultation

Additional obstacles to meaningful consultation with children included restrictions in face-to-face meetings and a related lack of access to places such as schools, youth organizations and closed settings where children live, such as care institutions, detention centres, boarding schools, health care facilities, and refugee camps. Naturally, this made it more difficult to access children and engage with them in a meaningful way.

The Commissioner from Cyprus noted that *"the survey for secondary-school children was carried out online, which excluded the participation of children with no access to the internet."* Similarly, the report from Greece stressed that *"a challenge when conducting online surveys is the limited access to the internet of certain children due to the lack of access to computers and internet, as well as access to information in general."*

### ► Lack of practice regarding ethical review

The CRIAs were delayed in part because of the additional requirement from UNICEF regarding the need for ethical review. Not all countries provide a nationally recognized process for such a review that is available from universities, and it became necessary to use the central ethical review system as established by UNICEF. The Bulgarian team noted that not all organizations or institutions in Bulgaria have this capability, that ethical endorsements are not a common practice, and that even universities, as a rule, abstain from ensuring the ethical relevance of external projects.

### ► Collecting information from young children

Collecting information from very young children was a challenge; the research methods needed to be adapted and required certainty that the responses given were the genuine opinions of the child and not of the caregiver. In Cyprus, 652 pre-school children participated in the CRIA. The opinions of the nursery, pre-primary and pre-school children were obtained via their educators. The team was, therefore, reliant on the educators' interest in the project.

The report from Greece further notes that parents were the contact persons for the surveys and mentions that *"especially for younger children, it is possible that parents filled in the surveys, and hence may have affected the reflection of children's views."*

### ► Lack of consent from parents of children with disabilities

In Serbia, the team had planned to consult children with disabilities but did not receive consent from the parents, who felt that it was not in their child's best interests to be interviewed. Because only two parents gave consent for their children to participate in the survey, the team decided not to consult with children for that specific CRIA, and assess how best to involve children with disabilities in future consultations.

The team working on the CRIA in Montenegro decided to collect information about the experiences of children with disabilities by conducting focus groups with their parents *"due*

*to insufficient capacity to organize adequate, professional and safe direct communication with children.”*

► **Political or legal circumstances preventing child participation**

In Georgia, children living in state care and large residential institutions had no desire to talk to the representatives of the Public Defender, as a result of the tense background to the process of deinstitutionalization.<sup>17</sup> A report by the Public

Defender on this issue notes that some of the children interviewed were aggressive and in other cases responded to the interviewers with pre-prepared text.

In Tajikistan, many working children aged 15–18 years in rural areas did not agree to talk to the team of researchers and refused to be interviewed. They were afraid the interviewers were from Tajikistan's law enforcement bodies.

## 2.6 Challenges to the CRIA processes

The Ombudspersons' offices encountered various challenges and limitations in conducting the CRIs as outlined in this section.

### Public health constraints as a result of the COVID-19 pandemic

As the CRIs were carried out during a period of continuous uncertainty caused by the COVID-19 pandemic, the main challenges consisted in the inevitable process of continuous adaptation to new circumstances (extended deadlines, the national pandemic situations and states of emergency in public health). The epidemiological situation, coupled with the COVID-19 restrictions, made data collection more challenging. In response to this challenge, many countries used online surveys or carried out online interviews and focus groups.

The team from the OCO in Ireland stressed that conducting a hybrid CRIA/CRIE was a complex undertaking as *“the project was undertaken after the decisions to close schools happened in Ireland, and at a time during the pandemic when the impacts of school closures (among other measures) are still*

*being felt by children, when information is limited and still emerging, and when stakeholders have perhaps had insufficient time to fully reflect and are still dealing with the ongoing and uncertain trajectory of COVID-19.”*

### Constraints related to timing

The school year was about to end by the time most consultants were hired and started to collect the data to inform the process, and the school holidays were about to start. This made it more difficult to reach out to the children through the school system. In Georgia, some children living in care institutions spend the summer holidays with their families and could not, therefore, be interviewed or take part in focus groups.

### Lack of knowledge of and experience with CRIs

This was the first time the participating Ombudspersons' offices had used the CRIA tool. It was difficult, therefore, to evaluate how much time was required to undertake a CRIA and to foresee elements that could create delays or become

<sup>17</sup> The de-institutionalization process in Georgia has been difficult. On 15 April 2021, and 19 May 2021, representatives of the Public Defender of Georgia were not allowed to monitor the St. Nino boarding school in Ninotsminda, where 57 children were residing, the youngest of whom was five years old. In addition, the social worker of the State Care Agency was not allowed to monitor the facility. No social worker of the agency had entered the boarding house for 11 months, from June 2020 to April 2021). The official correspondence provided by the Agency to the Public Defender stated that the head of the institution, Archbishop Spiridon, was opposed to the visits of social workers to the boarding school, which was also confirmed by a social worker. The UN Committee on the Rights of the Child issued an interim measure on 7 May 2021, and instructed the State to immediately ensure that the relevant monitoring bodies could monitor children's rights in the boarding school. The Ombudsperson and her representatives were only able to do so when the head of the boarding school was replaced. The State Care Agency, following the court's ruling, removed most of the children from the institution and returned them either to their biological families or placed them in another form of alternative care. These events, which were widely covered by the media, have led to children in other big religious institutions feeling anxious about the entry of the monitoring team into the facility. They were emotional and had pre-set attitudes towards the communication with the representatives of the public defender and generally negative expectations about deinstitutionalization. The Public Defender's special report on the St. Nino Children's boarding school in Ninotsminda is available [here](#).

obstacles to its planning and implementation. Familiarization with the tool also required a certain amount of time, as the national teams needed to be trained to use it efficiently.

There was no other national example of a CRIA being used in most cases. The work of the Ombudspersons' offices for this project was, therefore, pioneering and they could not draw on previous experience or existing expertise at the national level. Similarly, there were very few available examples of CRIAs from other countries that might have provided comparative guidance.

This lack of knowledge about CRIAs sometimes made it difficult for the teams to differentiate between a CRIA and a situation analysis. Furthermore, there were difficulties in selecting one or a few measures and relating them to the corresponding impact on children's rights. Some country teams struggled to distinguish the CRIA from other types of studies. In some countries, the screening phase was overlooked, resulting in a lack of clarity until later in the process when measures were being assessed.

### **Distinguishing between the impact of the pandemic and the impact of measures to curb its spread**

It was particularly difficult to determine the exact contribution of selected measures to the impact on children's rights, as many measures were put in place at the same time. In some cases, it was also difficult to ascertain whether the impact was indeed a result of the actual measures or rather of the pandemic situation as a whole.

### **Lack of data**

The CRIA processes revealed ongoing, significant and concerning gaps in data that made it challenging to assess the impact of State measures related to the COVID-19 pandemic. The CRIAs also confirmed data gaps that had existed before the COVID-19 pandemic and that had already been pointed out to public authorities several times. This lack of evidence affected the ability of Ombudspersons' offices to draw an unequivocal link between the implementation of a measure and the corresponding impact.

There were notable data gaps on issues such as violence against children and domestic violence. Most CRIAs that assessed the impact of COVID-19 related measures on the right to protection from violence, abuse and harm reported anecdotal evidence of an increase in violence against children during the lockdown, but underlined that data were lacking in this regard.

### **Language barriers**

In Georgia, an Azerbaijani interpreter helped with the focus groups of principals, teachers and students from a school, and a sign-language interpreter helped with interviews in some institutions. In the Netherlands, however, the Ombudsperson's office noted that some children were not given the opportunity to express themselves in their native language.



# 3. KEY FINDINGS ON THE IMPACT OF THE MEASURES ASSESSED ON CHILDREN'S RIGHTS

The CRIAs developed in the context of this project found that most State measures related to COVID-19 were developed with little consideration given to children and did not differentiate between children and other groups of people. In Albania, for example, an act passed by the Council of Ministers aimed to reduce the overpopulation of prisons during COVID-19 by having convicts reside temporarily in their homes. However, this measure did not include specific provisions for children deprived of liberty, and there was no consideration of age when setting the criteria as to who would benefit from this special permission.<sup>18</sup> Another Act passed by the Ministry of Justice did, however, prioritize judicial proceedings that involved children.<sup>19</sup>

The CRIAs found that when children were considered or when measures concerned them directly, they were often treated as one monolithic group. There was little or no differentiation in terms of how the measures should apply to different groups of children or how they might be impacted in different ways.

The CRIA in Albania, for example, noted that the two main restrictions put in place concerning the right to education *"did not provide particular regulation for specific categories of children."*<sup>20</sup> In Bulgaria, many participating children from vulnerable groups experienced the restriction measures as injustices, and often compared them to a punishment.

*"The main reason for this is the feeling that these measures were imposed on them more strictly than it had been necessary (according to their own understanding of the pandemic situation, of course) in comparison to the other children and adults they inevitably compare themselves to."*

Some groups of children were rendered even more invisible. The CRIA carried out in Montenegro noted that: *"Children with disabilities have largely remained 'invisible' as a particular category at risk. The fact that from the very beginning of the pandemic these children were not recognized at all as a category with different needs greatly affected children and their families. The lack of special protocols for children with disabilities has significantly marginalized this category of children and made it difficult for them to access various services and facilities in the changed circumstances."*

No children in any of the participating countries were consulted prior to adoption of the measures assessed in the CRIAs. In Cyprus, based on information provided to the Commissioner for Children's Rights, children were not involved at all in the drafting, formulation or adaptation of the measures adopted to prevent the spread of the COVID-19 virus. Children repeatedly complained that their voices were not being heard, and this was a source of intense frustration for them.

<sup>18</sup> Government of Albania, Normative Act of the Council of Ministers, with the power of the law, No. 7, dated 23 March 2020: 'On the temporary home stay of convicts' further adopted by the Law No. 28/2020.

<sup>19</sup> Government of Albania, Normative Act, with the power of the law, No. 9, dated 25 March 2020: 'On the adoption of special measures in the area of judicial proceedings during the epidemic period caused by COVID-19' provided for specific measures in the field of judicial activity during the pandemic.

<sup>20</sup> Government of Albania, Order No. 135 of the Ministry of Health and Social Protection: 'On Closing Educational Institutions to Prevent COVID-19 Spread' from 9 March 2020; Government of Albania Order No. 91 of the Ministry of Education, Sports and Youth from 9 March 2020: 'On the Interruption of the Teaching Process in all Public and Non-Public Educational Institutions'.

A CRIA should not be limited to evaluating the negative potential or actual impact on children's rights but should also examine impacts that are positive or

neutral. The following sections outline any positive as well as negative impacts of specific measures.

### 3.1 Right to education

“I do not want online education; better in the classroom. If we do it again, teachers and students must have good internet and fast internet.”

– Children from Greece

Nine of the CRIAs assessed the impact of measures related to the closures of schools and the transition to online schooling: Albania, Bulgaria, Cyprus, Georgia, Greece, Ireland, Kyrgyzstan, Montenegro and Tajikistan. The CRIAs stressed that these measures affected not only the right to education (Art. 28 UNCRC) but also a wide range of other rights including: the right to the highest attainable standard of health, including mental health (Art. 24 UNCRC); the right to an adequate standard of living, in particular adequate nutrition (Art. 27 UNCRC); the right to protection from violence, abuse and harm (Art. 19 UNCRC); and the right to rest, leisure and play (Art. 31 UNCRC).

“I do not believe that any improvement in online education can replace physical presence (in the classroom).”

– Children from Greece

The CRIAs found that the impacts of these measures on the right to education were mainly negative, with some positive impacts also mentioned.

#### Negative impacts of measures related to the closure of schools and the transition to online schooling

“I was unable to study online. Only my father had a phone, and when he left for work, I could not attend the class. And therefore I could not master the subjects well.”

– A child interviewed in a focus group, Kyrgyzstan

The negative impacts of school closures and the transition to online learning observed in the nine countries include the following.

#### ► Exclusion of certain students from online learning (Bulgaria, Georgia, Greece, Kyrgyzstan, Tajikistan)

Some students were excluded from education when schooling was only available online. The CRIA in Bulgaria, for example, noted that a measure for online learning anticipated that some groups would not be able to benefit from it. Order No. RD-01-124/13.03.2020 by the Minister of Health, the first to introduce restrictions for educational institutions, laid down that remote learning would be introduced “if possible” following the necessary suspension of classes in school. Researchers who visited one of the largest Roma quarters in the country as part of the CRIA consultation process found that no online learning was happening in practice: “Because of the lack of access to devices, the internet, and sometimes even to electricity, many of the children received paper-based materials developed by the teachers and distributed by the educational and health mediators who remained active in the Roma quarter while the restriction measures were in place. Consequently, there was no communication between children and teachers for months.”

In Georgia, the CRIA found that school closures and the transition to online learning had a negative impact on all children. However, it also found that the impact was particularly severe for children living in large families and in poverty, children with disabilities and with special educational needs, homeless children, internally displaced children and refugees, children belonging to ethnic minorities, and children living in rural areas where there is no internet access.

In Greece, the CRIA found that a significant number of children living in open accommodation sites for asylum seekers did not participate in remote learning because they lacked computers and stable internet connections. Overall, the existing internet infrastructure across the whole Greek Territory was insufficient to meet the needs of online education.

Access to online schooling was especially difficult for children left behind by migration in Central Asia. In Kyrgyzstan, 36.2 per cent of the children interviewed for the CRIA were facing access problems because of a lack of financial and material means. In Tajikistan the government introduced distance learning through national television, but 79.8 per cent of children were unable to access these classes, mainly as a result of insufficient access to (and coverage of) the internet and a lack of other necessary conditions. Only 20.2 per cent of respondents' children during the pandemic were covered by distance education organized by secondary schools, mainly in the capital Dushanbe and in Khujand, as well as the Aga Khan Lyceum in Khorugh.

► **Unequal support from schools and teachers (Ireland, Uzbekistan)**

The CRIA carried out in Ireland *"found significant variations in the level of home learning supports received by children and families from schools."* Access to adequate support, including direct assistance from teachers, had also been a challenge. Children and parents living in Direct Provision reported that parents faced language barriers in providing adequate assistance to their children with schoolwork. An NGO stakeholder working with refugees also highlighted concerns about the challenges faced by children who arrived in Ireland during school closures. They noted that school closures and associated barriers would

prolong the lack of access to education for these children, who may have had limited access to education or experienced periods of disruption to their education prior to their arrival in Ireland.

In Uzbekistan, a regional key informant for the CRIA stated that *"children were monitored less by teachers during the pandemic due to schools shifting into online mode, which led to an increase in unsupervised activities among children."*

“The teachers left the children unsupervised ... children had informed teachers that they were studying online; however, they went to tutors, worked in car-wash places, etc...”

► **Dependence on parental support (Ireland)**

According to the CRIA report from the OCO in Ireland, *"children's access to education during school closures depended heavily on their family resources and the supports provided by parents/guardians and schools."* Research with parents has highlighted the importance of parental support for children's continued learning at home, particularly for children at primary level. According to the documentation reviewed and interviews with four NGO stakeholders who work with people with disabilities, people who are homeless, the Traveller community and refugees, some parents found it difficult to engage with children's online learning and that this was a barrier to children's access to education.

► **Reduced reporting of violence as a result of the lack of access to social workers and support networks (Cyprus)**

The CRIA in Cyprus stressed that the disruption of education in the physical space of the school affected the identification and disclosure of abuse by children, given that schools are among the main reporters of child abuse. Schools also function as a support network, and their closure increased feelings of despair among child victims.

## Positive impacts of measures related to the closure of schools and the transition to online schooling

### ► Active involvement of the parents in the educational process (Georgia)

Despite the challenges faced by parents in supporting their children, some stakeholders interviewed in Georgia for the CRIA stressed that *"switching to the distance learning has increased the degree of parents' involvement in the educational process of their children"* and that *"parents clearly saw the needs and abilities of their children (especially in the case of children with special needs)."* The CRIA also noted stronger cooperation between parents and schools as a result of the active involvement of parents in the educational process.

### ► Improved digital competencies (Georgia, Greece, Ireland, Kyrgyzstan)

One major positive impact of online learning during lockdown was that children improved their online and digital skills. The CRIA report from Georgia notes that teachers also improved their digital competencies via online learning, often teaching themselves. For Greece, the CRIA reported that *"the positive side of the pandemic requiring online education was that students were familiarized with digital technology and embraced the world of online learning."*

In Kyrgyzstan, 6.5 per cent of children answering a survey for the CRIA considered that online learning was an opportunity to learn about technologies related to the internet.

### ► Independent learning (Ireland, Montenegro)

The CRIA report from Ireland notes that: *"Pace of learning and school-life balance surveys conducted with children during school closures reported that children experienced less pressure associated with the school environment and a greater ability to work at their own pace, including the ability to follow their own schedules. A survey of post-primary students also reported that online learning worked well for some students with learning difficulties, as it gave them a chance to work at their own pace without external disruptions. Teachers and parents also reported that some*

*students enjoyed the less frantic pace of life, less pressure and a more relaxed and flexible learning environment."*

The CRIA report from Montenegro reports that *"the children stated as positive that they explored their own capacities with the aim to overcome boredom, by trying to acquire new skills and certain hobbies (cooking, painting, dancing) and with the same aim, to overcome boredom, they watched movies and theatre performances online. In addition, learning about the importance of spending time outside is invaluable and has aroused children's interest in nature and various activities such as: walking, hiking, cycling, and other physical activities. At a time when these activities were available to children, they were unaware of their importance, and the limitations made them look at them from a completely different angle."*

*"It is positive that the children finally received many devices. And what is even more important – both children and adults got used to them and learned how to work with the devices."*

– Municipal staff member, Bulgaria

### ► Improved computer equipment and internet connection (Bulgaria, Montenegro)

In Bulgaria, *"a major positive aspect of the situation was the swift provision of mobile devices for many children and skills to work with them including children in alternative care as well."*

Similarly, in Montenegro, some children consulted in the focus groups for the CRIA noted that the 'silver lining' of online schooling was that they received computers and benefited from a better internet connection (although only during the school year 2020-2021).

► **Better involvement of some children in the learning process (Ireland, Montenegro, Kyrgyzstan)**

In Ireland, the OCO report noted improved experiences for, and engagement by, some children who were experiencing social anxiety related to attending school, including in relation to bullying. *“Documentation reviewed suggests that some students with SEN or who experienced anxiety around school as a social setting fared better and reengaged with education following the move to online learning. This was echoed by an NGO stakeholder working with people with disabilities, who reported that some children with disabilities excelled during school closures and in the online learning environment, as they did not have to deal with social pressures associated with the school environment.”*

In Montenegro, *“children with disabilities that belong to the autism spectrum showed much greater knowledge during the final examinations than in the classroom (...) These situations have opened the possibility to accept this method of testing in the future because it is really tailored to the needs of the child, with the aim to achieve true inclusion.”*<sup>21</sup> This progress can be explained by the fact that children remain in a familiar environment during the examination.

In Kyrgyzstan, 42 per cent of the children who completed a survey for the CRIA indicated that having more time for homework and play was a positive impact.

### 3.2 Right to the highest attainable standard of health (including mental health)

A range of measures assessed in the reports are reported to have had an impact on the physical and mental health of children and caused major disruptions to their lives: lockdown measures, social distancing and online education in particular.

The CRIAs for Bulgaria, Cyprus, Kyrgyzstan, Tajikistan and Uzbekistan all noted negative impacts on children's right to health. Despite some positive impacts, such as an increased awareness of mental health with regard to children, the negative impacts predominated, such as increases in anxiety and depression, feelings of loneliness, physical pains and fatigue.

#### **Negative impacts of the measures assessed on the right to the highest standard of health**

The CRIA report from Bulgaria assessed one measure that led to the blockade of Roma quarters and the isolation of 20,000 people, including children. This blockade happened in a small area where the physical conditions were deplorable and where most of the houses lacking running water. In addition, the information provided about the virus and the overall situation was inadequate.

“Children in particular were afraid of the whole situation. Police and people with loudspeakers everywhere in the streets. I could hear parents telling their children, ‘Come inside because the police are coming to take you away ... ‘The quarter is like one big kindergarten; most of the residents here are children. But who cared?’”

– A health mediator from a Roma quarter, Bulgaria

In Cyprus, the children participating in the CRIA noted conflicts of interest and discriminatory practices inherent within specific health measures. One example was the requirement for students to wear masks, but not their teachers. Another was that students had to be subjected to rapid testing every week to be allowed to attend school, while adult employees were not necessarily required to be tested before their physical presence in the workplace.

<sup>21</sup> Zaštitnik ljudskih prava i sloboda Crne Gore, *CRIA Report*, Ombudsman of Montenegro, Podgorica, May 2021.

In Kyrgyzstan, the children who took part in the survey to collect data for the CRIA reported some impacts of online learning on their health: deterioration of their vision (45.6 per cent); headaches (38.9 per cent); and constant feelings of fatigue (26.9 per cent) and anxiety (15 per cent). The report also noted that the mental health of children deteriorated during the lockdown period, with 14 children attempting suicide in one region (Karasu) and 2 children taking their own lives.

In Tajikistan, the lockdown measures had a negative impact on the mental health and psychosocial well-being of the children left behind by migration, who experienced loneliness and sadness. The restrictions in communication with peers and migrated parents caused by the lack of mobile phones among girls during the pandemic might explain why they experienced problems with mental health and psychosocial well-being.

In Uzbekistan, children in the focus groups reported that they had *"felt lonelier"* during the lockdown. Shifting learning to an online mode was deemed one of the reasons for the sadness they were experiencing. Most children, including those left behind by migration, had no access to school psychologists during the pandemic because of extended holidays in both pre-school and secondary

educational institutions, and the shift from face-to-face to online education.

*"It wasn't very noticeable when we went to school. We used to be busy with education. When we stayed at home, we were sad and cried a lot."*

– Children from focus group, Uzbekistan

### Positive impacts on the right to the highest attainable standard of health

Some positive impacts on the child's right to health were noted in some countries. In Ireland, stakeholders from NGOs working with children with disabilities and in the youth sector mentioned that *"there appears to be an increased awareness of children's mental health issues, including children's well-being. There appears to have been an increase in the mental health literacy of children during this period – for example, in terms of coping mechanisms and how to deal with changes in their lives, with young people reaching out more, either to their peers or to services."*

## 3.3 Right to protection from all forms of violence, abuse and harm

Children are at an increased risk of all forms of violence during a pandemic, as safeguards and reporting mechanisms (such as those provided by schools) and responses to protect children can be compromised. Five countries assessed the impact of measures such as lockdown and online social services on the right to protection from all forms of violence, harm and abuse (Article 19 UNCRC): Cyprus, Georgia, Greece, Ireland and Uzbekistan.

In Cyprus, both the quantitative and qualitative data collected for the CRIA confirmed that the physical constraints placed on children within the family 'space': *"(a) increased the levels of domestic violence and sexual abuse experienced by children, (b) increased the number of children who experienced domestic violence and sexual abuse within the family unit, and (c) increased the feelings of helplessness and despair within these two groups of children by removing the safety nets normally provided."*

The CRIA report from Ireland highlighted two particularly negative impacts of school closures and other lockdown measures on children's right to protection from all forms of violence, harm and abuse: increased exposure of children to harm and abuse, including domestic violence; and reduced opportunities to identify, monitor and report on child welfare concerns. Some positive mitigating measures were identified, however, such as *"actions taken by child protection professionals to continue to provide essential frontline services and public awareness campaigns to encourage reporting of child protection concerns."*

According to the qualitative and quantitative data in the CRIA from Uzbekistan, a quarter of the children consulted had experienced domestic violence. More than half indicated that the domestic violence had started after the outbreak of the pandemic and the implementation of restrictions.

### 3.4 Right to play and recreational activities



Drawings by a primary school child in Cyprus: "Before COVID-19" and "Conditions of Covid 19"

“I have the right to have friends and do activities of interest to us together with them”

– Child from primary school, Cyprus: Cyprus CRIA report

The right to play, as stipulated in Article 31 of the UNCRC, contributes to a child’s development and well-being. One country (the Netherlands) assessed the emergency measures related to sport and play specifically. Some of the measures assessed in other CRIA reports had a direct impact on the right to play, rest and engage in recreational activities; this was the case in Cyprus, Georgia, Montenegro, Tajikistan and the Netherlands. The measures assessed included the following.

“We were all less flexible and a bit out of shape after the lockdowns.”

– A ballet student, the Netherlands

- ▶ **Prohibition of sport/group/cultural activities and closure of (indoor and outdoor) sports facilities (Cyprus, Georgia, Montenegro, Tajikistan and the Netherlands) and regulation of group sizes for sport activities (The Netherlands)**

When it became clear from several studies that the emergency measures in the Netherlands were having a profound impact on children, including on obesity statistics and mental health, there was general consent within the Ministry of Health that children should, as far as possible, be exempt from strict restrictions. For this reason, rules pertaining

to group sizes as well as the ban on playing matches no longer applied to children during the country's second lockdown.

Some children who participated in the CRIA in the Netherlands noticed the impact of the restrictions on their physical health. Some children reported having trouble sleeping because of the lack of exercise.

“I just felt stiff.”

– A 10-year-old boy, the Netherlands

In Tajikistan, 10 per cent of children interviewed had planned to participate in summer camps but were unable to do so. As a result of the disruption of their plans and even being forbidden to go outside, these children became very sad and depressed. Sitting at home all day, they said they no longer wanted to do anything.

► **Ban on using parks and playgrounds (Bulgaria, Cyprus, Georgia)**

In Bulgaria, the prohibition to visit playgrounds and parks only lasted for a short period of time (from 20 March to 1 May 2020) and was met with strong resistance from Civil Society. A month after the imposition of the general prohibition, a step back was taken to allow children aged up to 12 to visit parks with two adults at certain times of the day

following certain routes.

In Cyprus, playgrounds and parks were closed for an extensive period of time, even after most services had resumed. Play was banned in a large number of primary schools during recess for purposes of social distancing and children were, in general, confined and immobilized. The format of play changed in nursery, pre-primary and primary schools and became an individual activity. Restrictions often entailed age discrimination, since adults' extra-curricular activities were allowed in certain cases but not those of children.

A comment from a child in state care in Georgia illustrates how restrictions added to an isolation that pre-dated the pandemic itself:

“It affected the little ones more, who do not have internet to have fun. We do not have many friends, neither in the neighbourhood nor at school. Our main entertainment is the internet. Sometimes we play in the yard, we have a ball and a hammock.”

### 3.5 Family environment and alternative care

State measures related to COVID-19 affected children's rights to grow up in a family environment and to be provided with alternative care if deprived of a family environment (Articles 5, 9, 20 and 25 UNCRC).

#### Right to maintain contact with both parents

The CRIA in Serbia highlighted the impact of lockdown measures on the right of the child to maintain contact with both parents as protected by Article 9 of the UNCRC. During the state of emergency, and in particular during the lockdown period, the Protector of Citizens was often contacted by parents who do not live with their children but who have visiting rights in

accordance with final court decisions, a visiting model agreed upon with social workers, or an agreement between parents, stating that their children were deprived of the possibility to see them. In some cases, parents were unable to see their children because the timing of the curfew overlapped with the visiting time, or with the time for picking up and dropping off the children, and the authorities had failed to issue permits for movement to these parents.

Applications from parents seeking movement permits during lockdown to maintain contact with their children from whom they lived separately were considered by the relevant authorities once they had submitted complaints to the Protector of Citizens. The Protector of Citizens also supported the relevant

authorities in considering applications for movement permits not only from a parent with a final court decision, but also from those who had reached written and verbal agreements with the other parent.

### Children's rights and alternative care

Four CRIA reports (Bulgaria, Cyprus, Georgia and Montenegro) identified children in alternative care as one of the most vulnerable groups during the pandemic, and more specifically children in institutional care, whose isolation has been exacerbated in many countries. Some of the measures assessed had an impact on the child's right to special protection, such as being provided with care when the child cannot live with their parents. These measures included the following.

“I knew that the other children in my class went out... It wasn't fair.”

– 13-year-old boy from a family-type placement centre, Bulgaria

#### ► Prohibition for children to leave institutions and residential care services and for external adults to visit them (Bulgaria, Cyprus, Georgia, Montenegro)

Children in residential care in Bulgaria felt discriminated against compared to other children as they were subject to many restrictions during lockdown. They were forbidden to leave the institutions and residential care services<sup>22</sup> and external people were prohibited to enter them.<sup>23</sup> Around 3,500 children in residential care remained in complete physical isolation for more than a year and were, therefore, subjected to longer and stricter isolation than other children in the country.

In Cyprus, the CRIA noted that children “*had to be isolated, after testing positive, in a room with only their electronic devices for company and—in the case of younger children—without communication with their biological parents.*” This created feelings

of extreme sadness, boredom and frustration. This differed to the situation of a child living in a family unit in a similar situation, where the child is isolated at home with at least one adult care provider, who also provides for the child's entertainment. Children in residential institutions reported that in most cases they were not even allowed to go out into the institution's outdoor facilities.

“I could not see my friends. I felt truly alone. I could not see my mother either, I felt bad.”

– A child in State care, Georgia

In Georgia some institutions followed the lockdown measures very strictly, which led to the total isolation of some children in institutional care. Visits by family members and friends were not allowed at the beginning of the lockdown. Realizing the negative impact of this measure on the mental health of children, some institutions started to consider individual cases and allowed parents into the institution with masks and physical distancing. Such an approach was, however, not observed in all institutions.

“I was bored. I would have given anything for a 15-minute walk by the sea.”

– Child without parental care – focus group in Montenegro

Similarly to the situation in Bulgaria, the CRIA in Montenegro found that children without parental care who lived in institutions were discriminated against in comparison with the general child population. When the lockdown measures were lifted, this change did not apply to institutions of collective accommodation, which continued to be subject to restrictions. Indeed, the ban on people visiting and children leaving institutions was in place for a year and, by order of 7 May 2021, visits to children in these institutions were still limited

<sup>22</sup> Government of Bulgaria, ‘Order No. RD-01-124 of the Minister of Health regarding social distancing measures, incl. clients being forbidden from leaving the premises of residential social services’, Sofia, 13 March 2020.

<sup>23</sup> Government of Bulgaria, ‘Order No. RD-01-272 of the Minister of Health’ (Sofia, 20 May 2020) quoted in ‘Letter of Instruction No. 08-00-11691 of the Executive Director of the Agency of Social Assistance’ (Sofia, 2 September 2020) explicitly forbids external persons from visiting the residential social services. The latter guideline expired on 14 July 2020.

and could only be organized in accordance with the recommendations of the specific institution.

► **Suspension of placement of children in residential care and extension of the deadlines for the placement of children already in care (Bulgaria<sup>24</sup>)**

In Bulgaria, one order resulted in children staying longer in alternative care in the absence of a judicial decision. This is in violation of Article 25 of the UN Convention on the Rights of the Child. *"In addition,*

*on 16 March 2020, the Executive Director of the Social Assistance Agency instructed the child protection staff to suspend the accommodation of new users in institutions and services unless in cases of 'definitively proven urgency' in line with the procedure for 'temporary accommodation' set out in an order. The instructions place the newly-accommodated children in a situation of uncertainty as to the status and term of stay in residential care."*

### 3.6 Rights of children deprived of liberty

*"If there would be measures again, they should be designed differently. It is not good to sit alone; you have to walk, to be in the open. When you are indoors, you just get bored and eat."*

– 16-year-old boy from a correctional boarding school – Bulgaria

For children in conflict with the law and deprived of liberty, CRIAs shed light on the multiple ways in which their right to maintain contact with their families was impacted by measures taken at the beginning of the COVID-19 pandemic.

► **Measures prohibiting visits in closed settings such as juvenile detention centres (Albania, Bulgaria, Moldova).**

In Albania, some of the restricting measures taken by the Ministry of Justice were assessed, *"including the suspension of rewarding and special permits, banning of visits and putting on hold recreational and group activities."*<sup>25</sup> Children deprived of their liberty and serving a sentence in the Juvenile Institution in Kavaja were not

permitted to receive visits from family members for 15 months as the ban on visits continued to be implemented in the institution, even though the order by the Ministry of Justice only remained in place until 3 April 2020. Some exceptions were made so that meetings could take place in areas where social distancing could be respected. However, such areas were not provided in the Kavaja institution because of a lack of funding. As a result of a recommendation from the Ombudsperson, the ban was finally lifted in May 2021.

In accordance with the Act 'On the adoption of special measures in the area of judicial proceedings during the period of epidemic situation caused by COVID-19', court hearings on administrative, civil and criminal matters, scheduled at all courts, were temporarily postponed for an unspecified period. The deadlines for filing lawsuits, complaints and any procedural action in administrative, civil and criminal matters were also suspended. Trials involving minors, however, were prioritized during the pandemic.

In Moldova, the People's Advocate for the Rights of the Child focused its CRIA on the Order of the Ministry of Justice no. 50 of 12 March 2020 on the establishment of the special regime within the

<sup>24</sup> Government of Bulgaria, 'Order No. RD-01-0497 of the Executive Director of the Agency for Social Assistance, Sofia, 16 March 2020, provides guidelines for suspension of placement of children in social services for residential care except for cases of "proved emergency". The order is revoked with Order No. RD-01-0881 of 27 May 2021.

<sup>25</sup> Government of Albania, 'Order of the Minister of Justice, No. 91, 'On taking measures in Institutions of Execution of Criminal decisions for preventing spreading COVID-19' (Tirana, 9 March 2020); Government of Albania, 'Order No. 92, 'On taking measures in the GDP and institutions of execution of criminal decisions for the prevention of the transmission of COVID-19' (Tirana, 9 March 2020).



penitentiary administration system<sup>26</sup> which, among other restrictions, stipulated the suspension of visits and meetings. The CRIA found that it was not only the passing of the act that led to the negative impact on the rights of the children deprived of liberty, but also the failure to apply mitigating measures (such as increasing the number of phone calls and calls through other digital tools between children and their families). Some detainees reported being unable to call their families because they did not have a certain phone card, while others reported that their letters were not sent to their

families. These impediments had a significant and negative impact on the psycho-emotional state of the detained children. Some compensatory measures were taken, such as allowing children to receive parcels with supplies and food products. The Ombudsperson also recommended increasing the number of phone calls allowed by the account of the National Administration of Penitentiaries and to ensure Viber, Skype or Messenger communication between detained minors and their relatives to the greatest extent possible.

### 3.7 Access to social services and other family support services

Access to services is the gateway for the State provision of support to families, helping to ensure that children have access to an adequate standard of living, protect children from violence, and allow for the implementation of child protection measures.

#### ► **Suspension or restriction of access to social services for children and family support (Bulgaria, Georgia and Serbia)**

In Bulgaria, the provision of social support services was heavily impacted by the measures introduced and the requirements for changes in the work organisation, especially the transition to online services.<sup>27</sup> Social services representatives consulted for the CRIA reported that they applied the guidelines in their own way due to the lack of clarity of the guidelines and the lack of support

<sup>26</sup> 'On establishing the special regime in the penitentiary administration'.

<sup>27</sup> Petrova, N., Yankova, D. and Peneva-Kovacheva, Zv. (2020). Community social services in a state of emergency. Report from a survey. Social Activities and Practice Institute, Sofia; and Todorova, V. (2020). Analysis of the impact of the emergency legislation on the COVID-19 pandemic concerning the access to rights of children and families in vulnerable circumstances. Legal analysis commissioned by UNICEF Bulgaria.

to implement them. One service suspended completely the mobile work on site but almost doubled the amount of consulting clients online. Another service chose to suspend group activities but not the direct work with children and families even when it sometimes included visits at home.

As highlighted in the CRIA report from Georgia, some state agencies such as social services and childcare services, began to work remotely from March 2020, with a few exceptions. This, together with the suspension of public transport, had a negative impact on all children, including children with disabilities and special educational needs, as well as victims of violence. The transition to remote work hindered the timely detection of violence against children and the provision of rehabilitation assistance to its victims.

The report also finds, however, that the remote provision of services actually increased their availability for some children. For example, children's access to the services of educational institutions and to the Resource Officer's Psycho-Social Rehabilitation Services increased. In particular, children living in rural areas, who might have had to travel long distances to receive these services, found online provision much more accessible.

The CRIA report from Serbia noted that children with disabilities were more socially excluded during lockdown, as well as after the state of emergency had been lifted *"since it was not possible to transform the daily care needed to conserve and develop their potential into online activities."* The report stresses that they remained in a position of social exclusion to a certain extent as the services were not fully re-established.

► **Lack of support in accessing social and family benefits (Kyrgyzstan)**

The focus group convened for the CRIA in Kyrgyzstan found that many families of migrants complained about the lack of support from the state when applying for and receiving benefits.

Obstructions included a lack of information about the procedures for receiving the benefits and registering. Hardly any of the migrants' families had heard that it was possible to issue and receive the documents by filing their applications electronically.

“Not all children of migrants receive benefits because of migrant parents travelling abroad. Firstly, they are not informed that it is necessary to issue guardianship. Secondly, even if they know this, they leave this question 'for later', since they leave urgently. Thirdly, the process of registration of guardianship goes through the judicial authorities, and this requires additional time. They do not want to 'run around with papers' between various administrative bodies. Registration has financial costs.”

– Municipal employee, focus group in Kyrgyzstan

## 4. LESSONS LEARNED AND RECOMMENDATIONS

As demonstrated by the CRIAs conducted by the Ombudspersons' offices, state measures related to COVID-19 were developed with little consideration for children. Children were not differentiated from other groups of people, and when they were considered at all, or when measures concerned them directly, they were often treated as one monolithic group. There was little or no mention of specific and vulnerable groups of children. The implementation of the measures not only rendered existing children's rights violations and social inequalities among children more visible, but also exacerbated them still further.

This situation would be improved in the future by conducting a CRIA prior to the implementation of restrictions, and the measures that are already in place should be systematically assessed in terms of their impact on children's rights. In general, the institutionalization of CRIAs by governments would greatly improve the respect, protection and promotion of children's rights.

Two sets of lessons learned and recommendations are proposed in the conclusion of this report: first on the methodology of the CRIA as a tool and second on the different measures and rights assessed in the CRIA reports.

### 4.1 Lessons learned on the Child Rights Impact Assessment (CRIA) methodology

One of the aims of this project was to pilot the CRIA methodology and learn from this experience in order to reinforce advocacy for its wider and better use by policy-makers. The following points summarize the main lessons learned by the countries participating in this project and the factors that can ensure a quality and effective CRIA.

#### Access to information

Information on the measures implemented may not always be public, especially where emergency measures are concerned. The Bulgarian team noted that *"many of the relevant Letters of Instruction – the preferred text genre in the structure of the Agency for Social Assistance which regulates the functioning of social services in Bulgaria – are not available publicly, so in this regard we largely rely on information provided by the experts from the municipalities and the social services directors within the consultation process."* One of the first prerequisites for the realization of a CRIA or a CRIE is, therefore, the transparency of the process and the openness of the decision-makers to conducting a CRIA and/or to make all the necessary information available for a CRIE.

In Cyprus, for example, the public authorities were slow to provide information and in one case rejected a request to communicate with professionals. As an independent institution, the Commissioner for the Protection of Children's Rights was reliant upon various other services (public or NGOs) when collating the information needed to assess the impact of the measure under scrutiny by the CRIA.

#### Lack of or incomplete data

CRIAs highlight the need to improve the quality of data and data collection systems to ensure the realization of children's rights. A successful CRIA depends on access to sufficient and reliable quantitative and qualitative data on children's lives: data that cover all of their rights and that can help to identify disparities in outcomes for different groups of children. In its General Comment 5, the CRC made it clear that it is essential to establish data collection systems and indicators to monitor progress on the realization of the UN Convention on the Rights of the Child.

The team from Montenegro stressed that, despite noting the impact of restrictive measures on the mental health of children, it was impossible to make a comparative analysis with the pre-pandemic situation because of a lack of similar studies.

Likewise, the Office of the Public Defender of Georgia noted as a limitation for its CRIA report that her office *“was not provided with complete, comprehensive and specific statistical information by the agencies.”* In addition, different agencies use different methodologies, making it difficult to compare the data effectively.

The CRIAs aimed to examine the impact of the measures on some of the most marginalized children, who are often invisible in statistics. It is not surprising, therefore, that there is a lack of data for these children. The team in Bulgaria focused the assessment on vulnerable children, for whom there is a critical lack of specific data about their situation during the state of emergency. The CRIA itself is, therefore, an important opportunity to highlight the need to collect and analyse data for these groups. Disaggregated data are essential in order to observe the impact of measures on different groups of children.

### Knowledge of child rights

Successful implementation of the CRIAs depended on the existing level of child rights awareness in the country. It can be challenging for stakeholders to participate in a CRIA process if they do not already have a strong understanding of children's rights and child rights-based approaches.

The OCO from Ireland mentioned the issue of training and capacity-building specifically in its recommendations: *“Implementation of this CRIA suggests that an understanding of children's rights and the application of a child rights-based approach to decision-making needs to be strengthened, including among public bodies. In addition, the OCO recommends that attention needs to be given to how expertise on children's rights in the statutory and non-statutory sectors in Ireland might be mobilised and integrated effectively into decision-making affecting children in emergency situations.”*

### Lack of knowledge and experience regarding CRIA as a tool

The CRIA methodology is likely to work best when applied in a context where CRIAs are a well-understood and established practice and where the understanding of children's rights under the CRC and of child rights-based approaches is sufficiently robust. More capacity-building is needed to compensate for this lack of experience in carrying out CRIAs.

### Interlinked rights

The cluster of rights set out in the reporting guidelines by the CRC did not seem to be considered helpful by the countries in preparing their CRIA reports. The report from Cyprus is the only one to organizing the analysis according to the cluster of rights as follows.

- ▶ Civil rights and liberties: Articles 8, 13, 14, 16, 17, 28, 37, 39
- ▶ Family environment and alternative care: Articles 5, 9, 10, 18, 19, 20, 21, 25, 27, 39
- ▶ Health and well-being: Articles 6, 18, 23, 24, 26, 27, 33
- ▶ Education, leisure and culture: Articles 28, 29, 30,
- ▶ Special protection measures: Articles 22, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40

One major challenge concerned the presentation of the analysis, as multiple rights were often impacted as the result of a measure, or the impact of a measure on one right had an effect on another.

## 4.2 Recommendations on the methodology

### Recommendations to Ombudspersons for Children and independent children's rights institutions

- ▶ **Adapt the methodology to the national context, specific needs and objectives.** Some Ombudspersons for Children will develop their own national CRIA methodology or will support the relevant public authorities to develop such a tool.
- ▶ **Consider using the CRIA methodology to conduct CRIAs on a range of measures that could have an impact on children's rights.** When advising on draft legislation or decisions or considering the effect of measures already adopted on children's rights, a CRIA will facilitate a clear and systematic overview of the multiple ways in which children's rights will be affected and, therefore, give visibility to a population group that is often overlooked in policy-making in particular.
- ▶ **Advocate for a legal obligation for governments to conduct a CRIA before measures impacting children are put in place.** Clarity is necessary on how, when and where a CRIA is best integrated into the policy-making environment, as well as recognition that producing a CRIA has resource implications. CRIAs should be conducted as early as possible in the decision-making process.
- ▶ **Clearly distinguish between the different existing tools:** CRIA, CRIE and possibly a hybrid CRIA/CRIE. Decide which of these tools can best be used by the Ombudsperson's office.
- ▶ **Develop a clear vision of the objectives of the CRIA in terms of the change sought.** This will help determine the scope of, and approach to, the CRIA. It is important that organizations conducting a CRIA or a CRIE adapt the methodology to their needs and objectives. In some cases, a more rapid CRIA might be useful. The CRIAs conducted in this project took time (some almost six months) and were resource-intensive in terms of time, financing and personnel). More attention could also be given to how CRIAs can be implemented in emergency situations where major decisions need to be made quickly and, potentially, in the absence of complete information. A quicker and more flexible version of a CRIA could focus on existing research and information together with consultation with stakeholders, including children.

- ▶ **Assess the timeline for the CRIA,** based on the urgency of the topic, national policy context, and advocacy opportunities. This will help to define the scope of the CRIA and ensure that the process remains swift, as opposed to longer-term studies.
- ▶ **Assess the capacities and resources of the Ombudsperson's office** to determine the scope of the CRIA and the level of data collection that can be realistically undertaken.
- ▶ **Ensure that children are involved in the CRIA,** with due regard to safeguarding and ethical requirements. Meaningful child participation is a critical component of a quality CRIA.
- ▶ **Ensure that the CRIA is evidence-based, relying on available information and data.** If data are lacking, this in itself can be an important finding. It is important to draw on existing networks and previous work by Ombudspersons, NGOs and other authorities.
- ▶ **Develop an advocacy strategy building on the CRIA.** This should include the dissemination of the CRIA report in various settings and with key decision-makers in order to highlight the value of the CRIA for quality decisions and to promote reforms and the adaptation of decisions based on findings.

### Recommendations to governments

- ▶ **Increase and improve the quality of data and data systems for the proper monitoring of the impact of emergency and non-emergency measures on children's rights.** As noted above, many CRIAs faced difficulties assessing the impact of the measures on children's rights because of a lack of data or incomplete data, notably on violence against children.
  - The CRIA from Ireland "suggests that shortfalls in data regarding children may present a barrier to quantifying the impacts of school closures on children and their rights. The OCO recommends that work is undertaken to identify what the specific shortfalls in data are in this regard so that relevant gaps and deficits can be addressed."

► **Increase knowledge of children's rights and a child rights-based approach to decision-making**

- The OCO in Ireland recommends in its reports that *"an understanding of children's rights and the application of a child rights-based approach to decision-making needs to be strengthened, including among public bodies. In addition, the OCO recommends that attention needs to be given to how expertise on children's rights in the statutory and non-statutory sectors in Ireland might be mobilized and integrated effectively into decision-making affecting children in emergency situations."*

► **Redesign the national decision-making process to include children.** All the CRIAs pointed out that no children were consulted in the development, renewal or evaluation of the COVID-19 related state measures. Most CRIAs in this project made a recommendation concerning this aspect.

► **The CRIA from Bulgaria recommended that:** *"more effort should be made to involve children in the discussion of measures at political level and even more so – in seeking and analysing the feedback from them about the measures whose implementation directly affects them. Establishing permanent mechanisms to consult with children*

*on political decisions (so that it also functions in emergency time) could be a working solution."*

In Serbia, members of the Youth Advisory Panel agreed in their feedback on the recommendations of the CRIA report that the lack of participation by children with disabilities should be carefully addressed and that the participation of children with disabilities in decision-making should be increased.

► **Develop a legal mandate for governments to conduct CRIAs before measures impacting children are put in place.** As noted, clarity is needed on how, when and where a CRIA is best integrated into the policy-making environment, together with a recognition that producing a CRIA has resource implications. CRIAs should be conducted as early as possible in the decision-making process.

- The OCO in Ireland, for example, *"recommends that serious attention is given to the introduction of CRIA and CRIE, including the attendant matter of how CRIA can be used effectively in the context of emergency situations where very significant decisions need to be made quickly and potentially in the absence of complete information."*

## 4.3 Recommendations emerging from key findings on the impacts of the measures assessed on children's rights

When assessing the impacts of the state measures in response to COVID-19, the Ombudspersons for Children analysed their findings with the objective to suggest either mitigating measures or measures for future emergency situations. Some of their recommendations extend beyond emergency situations as the impacts of the measures on children's rights either revealed or accentuated existing inequalities or violations of children's rights. The resulting recommendations are not exhaustive and do not represent all recommendations made in the CRIA reports. They serve to illustrate the types of recommendations for each area assessed.

### Recommendations on the right to education

The Ombudspersons' offices that assessed the impact of measures on the right to education

concluded that governments should implement measures such as school closures only as a last resort and should explore other alternatives first. They should also ensure that online learning does not exacerbate existing inequalities.

- The OCO from Ireland recommended in its CRIA report that: *"Given that the trajectory of COVID-19 remains uncertain, the OCO recommends that national policy in this area needs to maintain a focus on keeping schools open, with adequate resources allocated to support their remaining open safely. Any prospective future school closures should be approached as a measure of last resort, with contingency plans in place to support reopening as soon as possible and with particular attention given to children who will be most adversely affected by schools being closed."*

- ▶ The OCO also recommended the conduct of a comprehensive child rights-based evaluation of the impacts of school closures and corresponding mitigating measures on children to inform the development of measures to further mitigate the negative impacts and harness learning for the future.
- ▶ The CRIA report from Greece recommended that every alternative measure should be exhausted before closing schools and enforcing online education exclusively. Some of the alternative measures suggested included: smaller classes, social distancing, hygiene procedures, frequent testing for the virus, rolling breaks, etc. *"If not possible given the circumstances, the hybrid model of face-to-face classes along with online education (3-4 days live and 1-2 days via internet rotating between sections). Face to face learning must be the utmost priority and valued as an extremely important aspect of life for children in terms of education, mental health, and intervention in cases of domestic violence."*
- ▶ Similarly, the CRIA report from Bulgaria recommended that the first and most important priority is to keep schools open, regardless of the effort required.

### Recommendations on the right to the highest attainable standard of health

Many of the CRIAs stressed the impact of all COVID-19 related measures on the health of children, and particularly their mental health. The lack of available mental health services for children was already an issue in most countries before the COVID-19 pandemic and became more visible during its course.

- ▶ The CRIA report from Greece recommended *"to ensure the appropriate and adequate staffing of mental health services and the institutionalization of special protocols addressing times of crisis."*
- ▶ The CRIA report from Uzbekistan recommends the creation of *"a 'hotline' for children at the Republican Center for Psychological and Pedagogical Diagnostics and Vocational Guidance of Schoolchildren, as well as at the regional Centers for Social and Psychological Support of Children, to effectively rehabilitate children and provide psychological assistance to children*

*who have experienced various types of violence and who find themselves in crisis situations (migration, repatriation, epidemics, natural and human disasters, and others), and to provide active assistance to their parents and relatives."*

### Recommendations on the right to protection from all forms of violence, harm and abuse

The CRIA reports recommended that governments ensure the maintenance or reinforcement of existing services and programmes to protect children from violence and create additional frameworks and campaigns to respond to and raise awareness of violence.

- ▶ In Cyprus, the Commissioner for Children's Rights recommended the establishment of *"a framework for response which defines how the various agencies must collaborate to respond to reports of violence, including response in times of crisis. The framework must provide for immediate investigation of allegations of violence and the provision of support to the victims even in times of emergencies."*
- ▶ The CRIA report from Greece suggests awareness campaigns targeting the general public to enhance community involvement in detecting and reporting cases of domestic violence, specifically against children, and particularly during times of lockdown and school closure. Similarly, the CRIA report from Cyprus encourages the government to run campaigns on the zero tolerance of violence during the crisis and stresses the importance of reporting abuse and of making information about services (hotlines, shelters, counselling) known to the general public through a variety of means (social media, health facilities, school facilities, etc.).
- ▶ The CRIA report from Uzbekistan recommends that *"in times of crisis, such as a pandemic, governments should prioritize maintaining or adapting critical prevention and response services to protect children from violence, including designating social service workers as essential and ensuring they are protected."*

### Recommendations on the right to play and engage in recreational activities

Play and recreational activities are essential to the well-being and development of children. COVID-19 related measures affecting play and other recreational activities impacted not only the right to play but also other rights such as the right to the highest attainable standard of health.

- ▶ The CRIA report from Cyprus recommended taking all necessary steps to ensure that playgrounds and parks remain open and that their closure is a last resort. It supported its recommendation with a statement by primary care paediatricians who called for the reopening of playgrounds and parks in urban areas based on *"preliminary evidence that children and young people have lower susceptibility to SARS-CoV-2 and a lower probability of being an infected contact, while they play a lesser role in transmission of SARS-CoV-2 at a population level."*<sup>28</sup>

### Recommendations on children's rights in relation to the family environment and alternative care

Children in alternative care were impacted disproportionately by COVID-19 related measures because of their isolation. In addition, children left behind by migration did not always have a clear legal status, and the countries of Central Asia that participated in this project called for improvements in the guardianship process for this vulnerable group.

- ▶ The CRIA report from Uzbekistan recommends improving the process of issuing documents for the appointment of guardianship and trusteeship, reducing bureaucracy, and optimizing the work of guardianship and trusteeship authorities. Similarly, the CRIA report from Kyrgyzstan recommends simplifying guardianship procedures on the one hand, and, on the other, a stricter compliance with the procedures.
- ▶ The CRIA report from Georgia recommended that the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking establish a multidisciplinary team, composed of professionals, to take direct responsibility for the professional and informative support of state care institutions in the context of the global pandemic or in situations of crisis.

### Recommendations on the rights of children in contact with the law

Children in juvenile detention centres were affected disproportionately by COVID-19 related measures and lived in isolation, deprived of contact with their families and friends outside the centres for a long period of time. The CRIA reports recommended releasing children from juvenile detention centres and providing those who are not released with the means to maintain regular contact with their families.

- ▶ The CRIA report from Moldova recommended that the Ministry of Justice develop the necessary regulatory framework to diversify methods to ensure contact with the family using modern technical solutions. It also recommended that the National Administration of Penitentiaries take practical steps to strengthen its efforts to maintain contact between children, whether convicted or in pre-trial detention, with their families in a pandemic context, and to prevent the infection of minors with COVID-19. The report also stressed that decision-makers should consider releasing children from all forms of detention as a matter of priority via similar emergency measures.
- ▶ The CRIA report from Albania recommended that the Ministry of Justice and other competent bodies in the administering of criminal justice for children prioritize the protection of children as a separate group in the drafting and implementation of measures in response to emergency situations. Restrictions should provide for a differentiated approach to the management, rehabilitation and reintegration of children.

### Recommendations on the right to access social services and other family support services

Access to essential social services was interrupted by COVID-19 related measures, especially those restricting freedom of movement. Some children were particularly impacted by these restrictions: children with disabilities, children left behind by migration, and other vulnerable children dependent on these services.

<sup>28</sup> European Confederation of Primary Care Paediatricians, *'Respect Children's Rights in the COVID-19 Pandemic!'*, accessed 16 August 2021.

- ▶ The CRIA report from Bulgaria recommended to the Ministry of Labour and Social Policy, the Agency for Social Assistance, the State Agency for Child Protection, and local municipalities that *“the instructions about the reorganization of the social services operation in an emergency situation should not be confined to prohibitions and restrictions alone but should also give guidelines and ideas as to what should be done to ensure the needed attention and attendance for beneficiaries and support to the teams in the new working conditions. It is necessary to think about that in good time and to plan and identify the sources of additional funding to enable the planned reorganization.”*
- ▶ The CRIA from Serbia recommended that the Ministry of Labour, Employment, Veteran and Social Affairs ensure access to day care services for all children with disabilities in accordance with the prescribed standards. In the event of the reintroduction of lockdown measures, the day care staff should develop individual support plans for the children.
- ▶ The CRIA report from Tajikistan recommended the development and implementation of shock-responsive social protection programmes. *“The Ombudsperson for Human Rights in the Republic of Tajikistan should intensify information work among families and children of labour migrants so they are aware of and can access services available and strengthen the provision of legal assistance to them.”*
- ▶ The CRIA report from Uzbekistan recommended that the government include the families of left-behind children *“into population target groups, in case of pandemics, to facilitate the provision of social support from different state funds.”*

## 5. Conclusions

This report has synthesized the findings from Child Rights Impact Assessments (CRIAs) across 13 countries in Europe and Central Asia, to build a picture of the impact of State measures to contain the COVID-19 pandemic on the rights of children. It has confirmed that the CRIA is an efficient tool that can support policymakers in assessing the potential impact on children of any measure or policy they adopt.

In line with previous work by ENOC and UNICEF, this report has highlighted the need to design policy and practice response to ease the impact of the pandemic in a way that specifically protects children's rights and well-being. This represents a major finding, not only for the response to the COVID-19 pandemic, but also for State policy responses and containment measures for public health crises in the future.

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# Annex 1: Participating institutions

Country	Name
<b>Albania</b>	Avocati i Popullit (People's Advocate)
<b>Bulgaria</b>	Омбудсман на Република България (ombudsman.bg)
<b>Cyprus</b>	Commissioner for Children's Rights
<b>Georgia</b>	Office of the Public Defender of Georgia
<b>Greece</b>	Greek Ombudsman, Deputy Ombudsperson on Children's Rights
<b>Ireland</b>	Ombudsman for Children (OCO)
<b>Kyrgyzstan</b>	Office of the Ombudsman of the Kyrgyz Republic
<b>Moldova</b>	People's Advocate for the Rights of the Child
<b>Montenegro</b>	Protector of Human Rights and Freedoms of Montenegro
<b>Serbia</b>	Protector of Citizens of the Republic of Serbia – Deputy Ombudsman for Children's Rights
<b>Tajikistan</b>	Ministry of Labour, Migration and Employment of the Population of the Republic of Tajikistan and Office of Ombudsperson for Children's Rights
<b>The Netherlands</b>	Ombudsman for Children
<b>Uzbekistan</b>	The Commissioner of Uzbekistan for Children's Rights

## Annex 2: Links to the national CRIAS<sup>1</sup>

COUNTRY	LINK
<b>Albania</b>	Avocati I Popullit, <a href="#">Child Rights Impact Assessment</a> , December 2021
<b>Bulgaria</b>	Ombudsman of Bulgaria, <a href="#">CRIA report</a> , Sofia, October 2021 (online available in Bulgarian)
<b>Cyprus</b>	Commissioner for Children's Rights, The impact on children's rights of the measures adopted during the SARS-CoV-2 pandemic – <a href="#">CRIA report of the Commissioner for Children's Rights</a> , Cyprus, 2022 (Report in <a href="#">Greek</a> )
<b>Georgia</b>	Public Defender (Ombudsman) of Georgia, Special Report – <a href="#">Child Rights Impact Assessment of COVID-19 Related States Measures in Georgia</a> , Tbilisi, 2022 (Report in <a href="#">Georgian</a> )
<b>Greece</b>	Greek Ombudsman, <a href="#">Impact evaluation of COVID-19 restriction measures on Children's Rights – Greece</a> , Athens, April 2022 (Report in <a href="#">Greek</a> )
<b>Ireland</b>	Ombudsman for Children's Office, <a href="#">Child Rights Impact Assessment – The Impact of School Closures on Children's Rights in Ireland</a> , January 2022 (Executive summary <a href="#">as gaeilge</a> )
<b>Moldova</b>	Avocatul Poporului, <a href="#">Child Rights Impact Assessment in the Context of the COVID-19 Pandemic</a> , Chisinau, 2021 (Report in <a href="#">Romanian</a> ), (Report in <a href="#">Russian</a> )
<b>Montenegro</b>	Protector of Human Rights and Freedoms of Montenegro, <a href="#">Impact of COVID-19 prevention measures on the mental health of children in Montenegro (observed through the exercise of the right to education, leisure and protection of violence against children)</a> , Podgorica, August 2021 (Report in <a href="#">Montenegrin</a> )
<b>Serbia</b>	Protector of Citizens, <a href="#">Special Report of the Protector of Citizens on the Effect of COVID-19 Prevention and Control Measures on Children's Rights</a> , Belgrade, January 2022 (Report in <a href="#">Serbian</a> )
<b>Tajikistan</b>	Ministry of Labour, Migration and Employment of the Population of the Republic of Tajikistan, Research Institute of Labour, Migration and Employment of the Population, Ombudsperson for Child Rights and UNICEF, <a href="#">Impact Assessment of the COVID-19 Related Measures to Children's Right to Protection</a> , Dushanbe 2021
<b>Uzbekistan</b>	Commissioner of Uzbekistan for Children's Rights (Ombudsperson), <a href="#">Child Rights Impact Assessment of COVID-19 on children affected by migration in Uzbekistan   UNICEF</a> , November 2021 ( <a href="#">Country Summary Report</a> ), (Report in <a href="#">Russian</a> ), (Report in <a href="#">Uzbek</a> )

<sup>1</sup> links to the Kyrgyzstan and The Netherlands national CRIAS were not available at the time of the publication of this report

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