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COVID-19 AND CHILD PROTECTION

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'How wonderful it is that nobody need wait a single moment before starting to improve the world.'

'Even if people are still very young, they shouldn't be prevented from saying what they think.'

Anne Franck (1929-1945),
Jewish German adolescent, Author
of *The Diary of Anne Frank*



EDITORIAL

The COVID-19 pandemic: The spread of contraventions of children's rights?

Whilst the world tackles this novel disease and its complex implications for thousands, the greatest challenge will be for governments and society to fully respect all human rights, including children – often last on the pecking order.

COVID-19 is the infectious disease caused by the most recently discovered coronavirus. This new virus and disease were unknown before the outbreak began in Wuhan, China, in December 2019.

A **pandemic** is the worldwide spread of a new disease.

Source: [World Health Organisation](https://www.who.int/news-room/qa-2020-02-05)

COVID-19 decisions affect all

As Governments implement emergency measures to prevent and respond to COVID-19, UN experts have stressed that *'while (...) the use of emergency powers is allowed by international law in response to significant threats, we urgently remind States that any emergency responses to the coronavirus must be proportionate, necessary and non-discriminatory'*¹. As governments prioritise some rights, such as health, education and security through, other rights are severely restricted, for example, free movement and protection of family life.

How can the safeguards of international standards be respected in light of the flurry of top-down emergency decisions, competing interests and limited resources? How can governments ensure that no one is left behind, such as children deprived of their family or at risk of being so? How can we measure the success of public policies at this time? Whilst governments have the greatest responsibility to

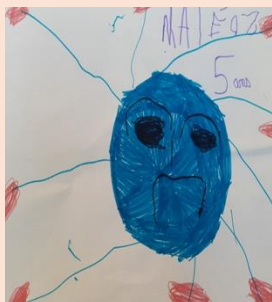
uphold rights equally for all, all of society are partners in this noble task. As such, the ISS/IRC seeks to do its part in alternative care and adoption matters by highlighting key issues.

COVID-19 affects all children and all families, especially those in vulnerable situations prior to the pandemic

Whilst some decisions particularly affect children and are necessary to combat the spread of this infectious disease – such as shutting down schools, closing parks and limiting group activities, how does a child access his or her rights, *e.g.* the rights to participate, health, education and leisure? As exercising such rights will need different and creative avenues, clear explanations are essential. A number of tools have been developed to ensure that the child’s voice is not lost and that they can become active in solutions to COVID-19 (see p. 17).

Enabling families to cope safely will require reducing stressors, such as food and economic instability, and increasing capabilities, such as positive parenting support². Upholding the principle of non-discrimination will be essential regarding families’ access to basic services, such as health and remote education.

In addition to the COVID-19 consequences on all children, it is likely that certain groups already living in vulnerable situations prior to the pandemic will be at acute risk of child protection concerns, including separation. Family environments marked by poverty, violence and limited resources will bear the full brunt of emergency measures. How can one ensure that the COVID-19 does not tip the balance towards separation? Various resources have been helpfully prepared to support parents and/or carers during this time and may prevent unnecessary separation (see p. 12).



COVID-19 creates a ‘new group of children’ living in vulnerable situations

As access to basic services, such as education and health, will be stretched to their limits, it is likely that the net of children at risk of separation and abuse will be widened. High-stress home environments augment the likelihood of domestic abuse, as well family conflict (see p. 12) and increase the challenges in terms of supervision. Increased online activities will have their own dangers, including access to material leading to sexual abuse, *e.g.* perpetrators will have access to a much larger group of children for longer periods of time. As over a hundred countries have closed down schools, the challenge will be to ensure equal access to quality education and other basic services offered by schools (see pp. 9 and 15).

COVID-19 decisions severely impact on children in alternative care and their carers

For children in alternative care, the capacities of these temporary arrangements are likewise at risk of being further stretched. As a direct consequence of COVID-19, kinship carers or foster parents – often grandparents and/or older persons – may need to (temporarily) step aside from such duties to protect their health. As schools close down, some residential care facilities have similarly followed suit leaving children without appropriate care placements. Whilst deinstitutionalisation should be generally encouraged, should it occur during pandemics and under what conditions and with limited alternatives for quality placement? Specific safeguards are needed to uphold children’s rights in these settings and ensure that any changes in placement are carefully assessed and in the child’s best interests (see p. 15).

Given the shrinking carer and workforce capacity, difficult decisions are being made hastily to return some children to their birth families, without reunification support. The work of health and social service workforce in this context is of critical importance. Substitutes for in-person support, such as home visits and counselling, will be essential to prevent breakdowns in these care settings – although admittedly less efficient and/or human. Innovative ideas are needed to support this workforce (see pp. 7 and 15).

COVID-19 bears consequences for children associated with adoption

Whilst international standards clearly do not allow for ‘new’ adoptions in emergency situations (Paras. 152 and 161 of the Guidelines for the Alternative Care of Children), less direction is available for cases in the

pipeline. In general, for all adoptions, COVID-19 limits the work of social services' workforce to undertake adoptability assessments and suitability evaluations of parents, physical meetings of matching committees and follow-up. Specifically for intercountry adoptions, with the closure of borders, gatekeeping measures, such as country visits and undertaking administrative processes will be limited. The cumulative effective of these limitations will be that some cases will be delayed, adding to the already quite lengthy adoption procedures. Should procedures be fast tracked in the interests of the child or would children actually remain in a limbo if procedures are finalised without being able to reach their adoptive families? Haiti has lessons for us³. What will be important is that children and potential adoptive parents are remotely supported and that this waiting period is used creatively (see Monthly Review No. 171 and 172 of April and May 2013). CoramBAAF have produced a number of resources, including a guidance note on managing introductions and the placement of children with their prospective adopters, where matching has already occurred⁴.

Whilst the broad impact of COVID-19 is challenging to anticipate for children and their families, decisions should be made now to prevent any unnecessary separation. Ensuring that alternative care services is classified as 'essential services' within government emergency responses⁵ and the creative use of new technologies will certainly be answers. The long-term costs of COVID-19 to children and families are significant. Thus, cross-sectoral planning that protects their economic, social and cultural rights is critical, amongst others, to reduce the risk of long-term harmful practices, such as child labour, child marriage (see p. 20) and child trafficking.

As quickly as the 30th anniversary celebrations of the UNCRC came to an end, the Convention is now facing its newest challenge with the COVID-19. We are confident that its timeless standards will stand the test and look forward to working with all actors to ensure that children and their families fully enjoy the UNCRC's protections – in the immediate aftermath of the pandemic and how ever long it will take to recover from its ravages.

The ISS/IRC team
April 2020

