

Children's rights are crucial in this crisis

Implementation of the UN Convention on the Rights of the Child during the COVID-19 pandemic

The scale of the COVID-19 pandemic was underestimated for a long time in Germany – and in many other countries too. This meant that measures to contain the pandemic were initially only adopted with the short term in mind and were then gradually extended. The current focus of discussion is above all on the relaxation of measures, and economic interests play a major role in this. Up until now, the perspectives and the needs of children have occupied only a very small space in the overall discussions, despite the fact that their rights – namely to protection from violence and the right to education, play, free time, privacy and healthcare – are directly affected by the various individual measures and by the relaxation of these measures.


The National Coalition Germany acknowledges, as does the UN Committee for the Rights of the Child, that, in exceptional circumstances, international human rights standards permit measures that may temporarily place a limitation on the enjoyment of some human rights in order to protect the health of the public at large. For example, the restriction placed on freedom of assembly for a number of weeks was a measure that was needed to curb the spread of the virus. Children are members of the community which the measures are intended to protect, so both the protective measures themselves and the limitation placed on fundamental rights will affect them too. In times of crisis, the federal government must make sure that both the protective measures taken and also their subsequent relaxation are carried out in line with the best of the child as a primary concern. The consequences of each measure and of its relaxation on children and adolescents need to be weighed up in such a way as to ensure that adverse effects are avoided as far as possible.

Protection from violence is one of the most important rights of a child. There are indications that physical, psychological and sexual violence towards children and neglect of children have increased during the pandemic. The extent of the increase will probably only become clear in the course of the gradual relaxation of the measures, as most reports of cases of violence and abuse come from children's daycare centres and schools. Children from all layers of society are affected by such assaults. However, poverty and cramped living conditions tend to act as a catalyst to tensions and conflict when people suddenly have nowhere else to go. It is to be assumed that, in many families, the violence is increasing as the pandemic goes on. In the current crisis, we need to ensure that children are protected at all times, and later too we must not allow the issue to be pushed into the background, for example through cost-cutting programmes resulting from the pandemic.

The subject of inequality of education has already been addressed by the National Coalition Germany in their 2019 report to the United Nations; this problem is nothing new, but it has been exacerbated by the pandemic and people have become more aware of the issue. It is once again those children who were already worst affected by inequality of education before the pandemic who have now been most seriously impacted by the closure of nurseries and schools in March, April and May 2020, the continued restrictions on traditional classroom teaching and the sudden changeover to home schooling. This includes in particular children who are disadvantaged in structural terms, for example children who have a disability, children with a so-called "migration background" and children from families affected by poverty. The digital divide in society is only heightened when, in order to participate in remotely-held lessons and to communicate with teachers, digital devices and network connections are required to which not all children have equal access.

The closure of facilities for child and youth work, clubs, playgrounds and sports grounds have a particularly adverse effect on children. These are places where children and young people can play and do sports, run around and meet up with their friends. These places also provide children and young people with the freedom that they so urgently need when they are growing up. If children have to cope without meeting up with their friends in person due to the restrictions imposed during the pandemic, then digital spaces to communicate, meet up and connect are even more important if they are to maintain their close social relationships.

In many families, financial losses and parents losing their jobs have meant that less money has been available during the crisis, and this situation is not likely to change fundamentally in the foreseeable future. At the same time, these families are faced with quite specific additional costs during the pandemic, for example costs for providing lunch at home when children



are not having meals at their nursery or school, or for the purchase of mobile devices that are needed for digital forms of teaching and to allow children to maintain social contact. This affects children and families particularly hard who were already suffering the effects of poverty before the crisis. The high level of child poverty in Germany – already a reality before the coronavirus pandemic – now needs to be addressed under more difficult conditions.

When considered holistically, the right to develop in the best possible way and the right to the best healthcare possible – as set out in Articles 6 and 24 of the UN Convention on the Rights of the Child – not only include physical development but also intellectual, spiritual and social development. In order to justify the measures taken to curb the coronavirus pandemic, emphasis was placed above all on physical development. An all-encompassing understanding of health, however, must require all aspects of health to be considered as the basis for guiding one's actions. This also means taking into account the needs of especially vulnerable children, such as those with a disability or a chronic illness, in an appropriate way.

Throughout the coronavirus pandemic, the measures to curb the spread of infection have had a particularly harsh impact on refugee children. Their cramped living conditions in reception facilities and collective accommodation centres make it more difficult for hygiene measures to be implemented and for rules on social distancing to be complied with. It is once again becoming especially clear during the coronavirus pandemic that collective accommodation centres are not a suitable place for children to live. Children and their families would be better off being housed in a more decentralised way. The fact that children of refugees are disadvantaged when it comes to gaining access to healthcare services and, for example, may fail to attend doctor's appointments which are needed for the diagnosis of pre-existing conditions, has already been established by the National Coalition Germany in their 2019 report to the United Nations. The observance of all children's rights, including the right to access healthcare services and the right to education, must apply in exactly the same way to the children of refugees. When it comes to the social impact of the measures taken in the pandemic, it is the task of a government policy focused on the upholding of the UN Convention on the Rights of the Child to take into consideration all children and their families.

Compared to the challenges that children and young people in Germany are facing due to the worldwide pandemic, the situation for many millions of children worldwide is much more precarious. There is reason to fear that this global pandemic will set back the implementation of children's rights by years in many places in the world. Without the relevant societal and social infrastructure or even in the context of war and violence, children are one of the most vulnerable groups affected by the pandemic. With any measures for development cooperation, the federal government must explicitly ensure that children's rights are taken into consideration, indeed it is obliged to do so under Article 4 of the UN Convention on the Rights of the Child.

In situations of crisis, it becomes evident how indispensable children's rights are, particularly at the present time – the principle of the child's best interest as a primary concern must guide all decision-making where children are affected. Children must be listened to when measures are being introduced that will affect them, and their opinions must be taken into account in an appropriate way. During the coronavirus pandemic, many measures to curb the spread of infection and their subsequent relaxation have had a very direct effect on children. The anchoring of children's rights in the constitution is now more important than ever, to ensure that all state measures explicitly take children and young people into consideration. The remit of human rights and the constitution is to guarantee at all times that society's fundamental standards are being upheld. Particularly in exceptional situations, they provide a central point of orientation for all actions taken – with regard to children, this means the observance of all their rights to protection, development and participation.

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The [National Coalition Germany – Netzwerk zur Umsetzung der UN-Kinderrechtskonvention e.V.](#) is a national consortium of 104 organisations and associations concerned with the implementation of the UN Convention on the Rights of the Child in Germany. In October 2019, the National Coalition Germany published their [Report by Civil Society on the Implementation of Children's Rights in Germany](#) and their [Second Report on Children's Rights](#). The National Coalition Germany is funded through the federal government's Child and Youth Plan.

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