

UNICEF UK

UNICEF, the United Nations Children's Fund, is mandated by the UN General Assembly to uphold the UN Convention on the Rights of the Child (UNCRC) and promote the rights and wellbeing of every child. Together with partners, UNICEF works in over 190 countries and territories around the world, including here in the UK, focusing special effort on reaching the most vulnerable and excluded children, to the benefit of children everywhere. UNICEF has a specific role in providing advice and assistance to governments around the world in matters relating to children's rights. Here in the UK, we work with two million children through our programmatic work with local authorities, hospitals and around 5,000 schools taking part in our Rights Respecting Schools Award (RRSA) network.

Unicef UK is submitting evidence to the Joint Human Rights Committee with the aim of ensuring that the Government's continued response to the Coronavirus pandemic realises and protects children's rights. Where possible, our submission draws on direct consultation with children and young people.

SUMMARY

The outbreak of Coronavirus is having, and will continue to have, a profound impact on all of us, none more so than children. While children have, for the most part, been spared the medical impact of the virus, lockdown restrictions have had a hugely negative effect on their rights, lives, well-being and in some cases, their safety. Social distancing measures and the lockdown of schools, businesses and other critical services have meant that children are at risk of becoming the hidden victims of the pandemic. As a signatory to the UNCRC, the UK Government is a duty-bearer for children's rights here in the UK and therefore the response to, and recovery from, the Coronavirus pandemic must protect and realise these rights.

Our submission will focus on three key elements of the Government's response to the pandemic; emergency legislation and associated child participation, the impacts upon the right to education, and the role of business in protecting children's rights. It will consider the impact that specific measures taken in these areas have had and will outline key recommendations to ensure the ongoing response to Coronavirus places children's rights at the heart of action taken.

Whilst we recognise the critical and decisive action the Government has taken to protect the health of the nation, significant challenges remain. **Unicef UK believes that greater recognition of the impact of Coronavirus on children is needed and that increased support and coordination across Government is required to protect children and their futures. All current and future measures implemented by the Government in response to the pandemic must be temporary and restrictions lifted as soon as it is safe and practical to do so.**

EMERGENCY LEGISLATION & CHILD PARTICIPATION

CHILD RIGHTS IMPACT ASSESSMENTS

Under Article 3 of the UNCRC, every policy, decision and piece of legislation must reflect the best interests of the child principle. This principle should be applied even in the case of emergency legislation, such as the Coronavirus Act 2020. In the context of the Coronavirus pandemic, the UN Committee on the Rights of the Child urged States to "consider the impact of measures on children's rights" and noted that restrictions "must be imposed only when necessary...[be] proportionate and kept to an absolute minimum".¹

The UK Government acknowledged the measures provided for by the Coronavirus Act 2020 were "strong in nature"² and Unicef UK welcomed the commitment from the Department for Education (DfE) to ensure these restrictive measures are kept under constant review. We also recognise the production of Child Rights Impact Assessments

¹ CRC Covid-19 Statement https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en

² <https://www.legislation.gov.uk/uksi/2020/445/contents/made>

(CRIAs) by the DfE on some of the specific measures contained within the Coronavirus Act, for example in relation to amendments on children's social care regulations. However, we are concerned that there has not been a consistent or systematic application of CRIAs to all policy-making within the Coronavirus pandemic.

Conducting CRIAs are an effective mechanism to ensure that children's rights and the best interests principle are reflected in law and policy development. **Unicef UK recommends that CRIAs should be produced consistently across any and all future legislation and policy-making which directly impact children. This must include those measures affecting parents, care givers and family members which have an indirect impact on children.**

Additionally, whilst we recognise the economic impact of the pandemic will have a significant and adverse effect on the availability of financial resources, this should not prevent the implementation of the UNCRC in UK legislative and financial measures. States should ensure that measures taken in response to the pandemic, including restrictions and allocations of resources, reflect the best interests of the child principle.³ This must apply to the full range of rights set out in the UNCRC: social, economic, political, cultural and civil rights.

The UN Committee is clear that resource allocation in the context of Coronavirus must "reflect the principle of the best interests of the child". **Unicef UK believes that when a CRIA is conducted and policy is made, the UK Government should ensure accompanying budgeting decisions and resource allocation prioritise children's rights, especially for children in vulnerable situations.**

CHILD PARTICIPATION IN DECISION MAKING

Under Articles 12 and 17 of the UNCRC, children have the right to information about, and participation in, matters that affect them. Children should have access to age-appropriate, accurate and regular information necessary for their physical and mental health in a language they are able to understand. They should be heard and able to safely share their views on issues concerning them, including through existing participation and consultative platforms online. This should extend to legislation and policy-making. For example, the Coronavirus Act 2020 expires after two years and provides for six-month reviews. **Unicef UK recommends that children's views must be solicited as part of this review process and should also be taken into account in the broader response and risk mitigation measures which includes the delivery of services and future decisions. As part of the review process, parliamentary scrutiny must be enabled to ensure that all limitations to human and child rights provided for in the Coronavirus Act 2020, in particular the relaxation of child safeguarding duties, must be temporary and lifted as early as possible.**

THE RIGHT TO EDUCATION

All children have the right to a quality education, enshrined in Articles 28 and 29 of the UNCRC. Though necessary for the health of children and their families, the measures taken by the Government to halt the spread of the Coronavirus have significantly impacted the realisation of this right.

Following school closures in March⁴, it has been the most disadvantaged pupils, children with additional learning needs and those already facing barriers in accessing education - such as refugees and asylum-seekers - who have experienced the greatest challenges to learning during lockdown. Unicef UK is particularly concerned with the impact of the measures taken by the Government on children's right to education in three ways: mental health and wellbeing, inequity and learning loss, and the digital divide.

MENTAL HEALTH AND WELLBEING

The measures enacted by the Government in response to the pandemic have negatively impacted the mental health and wellbeing of children and young people. A recent poll by Unicef UK found that 81% of teachers identified mental health as a top priority upon the reopening of schools.⁵ In another Unicef UK poll conducted with First News, nearly two-thirds of children (62%) were worried about the impact of the Coronavirus on their lives, and 46% reported

³ CRC Covid-19 Statement https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en

⁴ Schools in England were closed to the majority of students on 20 March and have remained closed to most students since. Children of key workers and vulnerable children have been able to access schools throughout lockdown. Nursery, reception and Years 1 and 6 have been able to attend school since 1 June, though attendance remains relatively low.

⁵ Unicef UK conducted a poll of more than 1500 individual school staff across the four nations of the UK. Among other questions, teachers were asked to select up to five top priorities from a set list.

experiencing anxiety or worry.⁶ In a third survey commissioned by Unicef UK, more than half (57%) of parents reported their child experiencing some kind of mental health problem.⁷ One in four (27%) parents said they worried about their children's mental health every day during lockdown and 29% noted they were struggling to reassure their children.⁸

However, environments supportive of mental health and wellbeing are a prerequisite for learning. As such, as schools prepare to return in September, support for the wellbeing of children should be at the heart of the classroom and school. **Unicef UK recommends that the DfE should provide clear guidance which empowers schools to prioritise pupil wellbeing when schools re-open.**

INEQUITY AND LEARNING LOSS

The Coronavirus pandemic has both highlighted and deepened inequity in learning and access. School closures necessitated the move to online learning to ensure continuity of learning, but many children found it difficult to make this move, or their circumstances prevented them from doing so.

In the Unicef UK and First News survey, one in twelve children reported they were not being home-schooled during lockdown.⁹ Evidence from the Office for National Statistics (ONS) reinforces this claim, with 30.7% of parents who had not worked in the past seven days (24 April to 3 May 2020) also reporting that they had not home-schooled their child.¹⁰ The Institute for Fiscal Studies has reported that 'school closures are almost certain to increase educational inequalities', given the significant differences in support received by better-off and poorer students.¹¹ It is clear that children are not realising their right to education equally during this time.

Given this inequity in learning during school closures, it is critical that the Department for Education ensures schools have the resources to afford all children, including the most disadvantaged, the opportunity to catch up on learning. We welcome the Government's announcement of an additional £1 billion in funding for catch-up programmes. **However, we believe the Government should set out further guidance on the 'Catch-Up Package' and should enable schools to use this for mental health and wellbeing support, as well as academic. Additional measures should also be taken to prevent further learning loss including addressing the gap in support for early years, Pupil Referral Units, children in hospital and post-16 provision.**

Unicef UK recommends the DfE should develop a costed and comprehensive recovery plan that includes pastoral and academic support for all children with a focus on the most disadvantaged. This plan must be informed by children, teachers, families, and Local Authorities, with all acknowledged as key partners in development and delivery of the plan.

REFUGEE AND ASYLUM-SEEKING CHILDREN

The Coronavirus pandemic has placed an additional burden – and disproportionately impacted – the education and wellbeing of young refugees and asylum-seekers. Many of these young people lack access to technology and resources that are critical for continuing their learning. Those who are able to physically access online learning may struggle without support at home and with a language barrier, as they seek to learn remotely in their second or third language.¹²

These young people also face significant challenges in mental and emotional wellbeing. Underlying challenges are compounded by uncertainty, triggering impacts of school closures and lockdowns (linked to past experiences), and concerns about loved ones in their home countries. Social isolation and increased poverty also lead to worsening mental health conditions.¹³

⁶ Unicef UK worked with First News and Opinion Matters to conduct a poll of 755 children aged 6-16 (inclusive).

⁷ Unicef UK conducted a Censuswide poll of more than 750 parents of school aged children based on how the response to the Coronavirus has affected their children.

⁸ Unicef UK and Censuswide parent poll (see footnote 4).

⁹ Unicef UK, First News and Opinion Matters poll (see footnote 3).

¹⁰ *Coronavirus and the social impacts on Great Britain: 14 May 2020*, Office of National Statistics, 14 May 2020. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/datasets/coronavirusandthesocialimpactsongreatbritain/data/current>

¹¹ A. Andrew et al, 'Learning during the lockdown: real-time data on children's experiences during home learning', Institute for Fiscal Studies, 18 May 2020, <https://www.ifs.org.uk/publications/14848>.

¹² *COVID-19 crisis: emerging impact on young refugees' education and wellbeing in the UK*, Refugee Support Network, 23 April 2020. Available at <https://www.refugeesupportnetwork.org/resources/21-covid-19-crisis-policy-briefing-and-recommendations>.

While efforts are focused on returning to school after the lockdown, vulnerable groups of children such as refugees and asylum-seekers must not be forgotten. **The Government must ensure the specific needs and concerns of these children are included in all relevant Government responses including measures relating to mental health support, digital connectivity initiatives and schools' re-opening plans.**

THE DIGITAL DIVIDE

We welcome the significant efforts made by the DfE to get all children learning online. As of 30 June, more than 200,000 devices and more than 47,000 wireless routers had been delivered or dispatched to schools, trusts and local authorities which is a positive achievement.¹⁴

However, the delay in delivering devices has meant that even those experiencing the shortest wait could have gone seven school weeks without access to online learning. Furthermore, concerns remain about the breadth of these initiatives. For example, is it enough to provide only care leavers, children and young people with a social worker, and disadvantaged Year 10 pupils with these resources, when so many other children lack adequate support to access online learning? While over 200,000 children have been identified by schools, trusts and local authorities as in need of devices, research from 2018 suggests that 700,000 11-18 years old do not have access to internet on a computer or tablet at home.¹⁵ As the duty bearer of the UNCRC, the Government is responsible for ensuring that all children have access to education. If this education is delivered online, it follows that the Government must work to ensure all children have adequate access to technology and the internet.

Digital connectivity is not merely about access to resources, but also skills and safety. **It is therefore critical that the DfE should ensure that all digital connectivity resources provided to children and young people are accompanied by measured online safety information. These young people should be provided with details of confidential support structures, steps to report concerns on commonly used platforms, and encouraged to improve their digital literacy.**

Recognising that the digital divide is not a product of the Coronavirus pandemic, but rather a phenomenon exacerbated by it, the Government should develop and implement long-term solutions to ensure all children have access to online resources from home. This will be particularly important in the case of future disruption to education, whether through a second spike or other future widespread disruption to schooling. **Unicef UK recommends this begin with a mapping exercise to identify additional children in need of technology support, followed by a comprehensive programme with subsidies available for internet access and technology devices.**

THE ROLE OF BUSINESS

Businesses have also been impacted severely by the outbreak of the pandemic; implementing new Government guidance and measures have had repercussions for working parents and carers, and therefore children. School closures and restrictions on public movement have seen parents and carers forced to juggle work with childcare responsibilities. Moreover, the economic impacts of the pandemic will likely have a profound impact on young people's future career prospects. All of these factors have an impact on the realisation of children's rights. The Government has committed to implement the UN Guiding Principles on Business and Human Rights¹⁶ and as such, **the Government's ongoing response to the pandemic, especially to support a fair and sustainable recovery of the economy, must pay due regard to this along with General Comment 16 of the UNCRC¹⁷ which obliges member States to consider the impact of the business sector on children's rights.**

¹³ Ibid.

¹⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896820/Devices_and_4G_wireless_routers_progress_data_010720.pdf

¹⁵ https://d1ssu070pg2v9i.cloudfront.net/pex/carnegie_uk_trust/2019/02/21143338/LOW-RES-3999-CUKT-Switched-On-Report-ONLINE.pdf

¹⁶ HMG, Implementing the UN Guiding Principles on Business and Human Rights: May 2020 update, 27 May 2020, available at

<https://www.gov.uk/government/publications/implementing-the-un-guiding-principles-on-business-and-human-rights-may-2020-update>

¹⁷ UN Committee on the Rights of the Child, General Comment no. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, UN Doc. CRC/C/GC/16, 17 April 2013, available at <https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.16.pdf>.

FAMILY FRIENDLY WORKPLACE POLICIES

As a direct result of school closures, many parents and caregivers must now support their children's education at home and online, as well as provide additional emotional support. Parents juggling work commitments face huge pressures on their time and may have to leave younger children with limited supervision or to use unregulated childcare services exposing children to health and safety risks, as well as reducing the effectiveness of social distancing measures.¹⁸ **Ensuring that employers support working families is critical in ensuring the realisation of children's rights.**

The increase in flexible working¹⁹ and in fathers taking more childcare responsibilities during lockdown²⁰ has demonstrated that a more equal and balanced approach to childcare and work responsibilities is possible. The Government have introduced several welcome measures and unprecedented financial support for workers impacted by the Coronavirus pandemic, for example the Coronavirus Job Retention Scheme. However, the Government must take the positive learnings from the crisis to create a working environment that responds to the needs of working families and their children and is resilient to future shocks. **Unicef UK recommends that the Government places the rights of children and the childcare responsibilities of parents and caregivers at the heart of policy-making and legislation, notably flexible working policies.**

BUSINESS' RESPECT FOR HUMAN AND CHILD RIGHTS

The impacts created by the international outbreak of the Coronavirus pandemic has allegedly resulted in workers' rights and jobs being affected, threatening the long-term livelihoods and wellbeing of employees.²¹ This in turn has severe impacts upon children's rights, specifically their right to adequate housing and food, their right to health, and to protection from child labour.

UNICEF and the International Labour Organization (ILO) have warned against the risks of rises in child labour as a result of the global pandemic.²² The disruption in supply chains, halt in manufacturing, and economic insecurity can result in losses in the household income. These circumstances, combined with temporary school closures, might push children into hazardous and exploitative work; those already working may do so for longer hours or under worsening conditions. Gender inequalities may be exacerbated, with girls expected to perform additional household chores and agricultural work.

Unicef UK welcomed the Government's recent guidance on "modern slavery reporting during the Coronavirus (COVID19) pandemic"²³ that clearly recognises the importance of health and safety of workers and the payment of orders already in production as a way to address modern slavery risks. However, the pandemic has shown a greater need for business resilience to crises. Comprehensive human rights and environmental due diligence (HREDD) enables them to build more resilient supply chains and equip them to respond to future crises while protecting the environment and the rights of individual and groups, including children. However, there is not a current legal requirement in the UK for companies to conduct HREDD and as such, only a few businesses undertake this.²⁴

We welcome the calls of the Prime Minister to "build back better" in order to "create a fairer, greener and resilient global economy".²⁵ But in order to do this, Unicef UK believes the Government must introduce a

¹⁸ Institute for Fiscal Studies, How are mothers and fathers balancing work and family under lockdown?, 27 May 2020, available at <https://www.ifs.org.uk/publications/14860>.

¹⁹ Working Families, COVID-19 and flexible working: the perspectives from working parents and carers, available at <https://workingfamilies.org.uk/publications/covid-19-and-flexible-working/>

²⁰ Institute for Fiscal Studies, How are mothers and fathers balancing work and family under lockdown?, 27 May 2020, available at <https://www.ifs.org.uk/publications/14860>.

²¹ Channel 4, Revealed: shocking conditions in PPE factories supplying UK, 16 June 2020, available at <https://www.channel4.com/news/revealed-shocking-conditions-in-ppe-factories-supplying-uk>; HRW, Brands abandon Asia workers in Pandemic, 1 April 2020, available at <https://www.hrw.org/news/2020/04/01/brands-abandon-asia-workers-pandemic>; BHRRC, UK: Garment workers in Boohoo supply chain allegedly forced to work during lockdown, subject to wage theft, poor working conditions & COVID-19 risk, available at <https://www.business-humanrights.org/en/uk-garment-workers-in-boohoo-supply-chain-allegedly-forced-to-work-during-lockdown-subject-to-wage-theft-poor-working-conditions-covid-19-risk#c211661>.

²² UNICEF, ILO, COVID-19 and child labour: a time of crisis, a time to act, June 2020, available at <https://data.unicef.org/resources/covid-19-and-child-labour-a-time-of-crisis-a-time-to-act/>.

²³ HMG, Modern Slavery reporting during the coronavirus (COVID-19) pandemic, 20 April 2020, available at <https://www.gov.uk/government/publications/coronavirus-covid-19-reporting-modern-slavery-for-businesses/modern-slavery-reporting-during-the-coronavirus-covid-19-pandemic>.

²⁴ Corporate Human Rights Benchmark, Key Findings 2019, available at <https://www.corporatebenchmark.org/sites/default/files/2019-11/CHRB2019KeyFindingsReport.pdf>.

legal requirement for companies to conduct HREDD which integrates children's rights and ensures companies are held accountable when failures to uphold human and child rights, and environmental abuses, occur.

CONCLUSION

Frequently, the impact of the Coronavirus pandemic is viewed as having a secondary impact on children. However, both the immediate responses to - and long-term effects of - the pandemic will have a lasting effect on children and their futures, and a direct impact on the realisation of some of their most fundamental rights. **The Government has taken critical and decisive action so far in response to the outbreak, but as lockdown measures begin to ease, Unicef UK believes it to be vitally important that children and their rights are placed at the heart of the recovery phase and beyond.**

21/07/2020

²⁵ Business Green, Boris Johnson: 'we owe it to future generations to build back better', 28 May 2020, available at <https://www.businessgreen.com/news/4015783/boris-johnson-owe-future-generations-build>