

UN Committee on the Rights of the Child: COVID-19 Statement

On 8 April 2020, the United Nations Committee on the Rights of the Child published a statement that expresses concern about the situation of children globally, particularly those in situations of vulnerability, due to the effects of the COVID-19. The Scottish Government recognises the need to embed human rights of the child in taking measures to tackle the public health threat posed by the COVID-19 pandemic. The table below sets out our approach to the COVID-19 response, particularly in relation to the 11 areas highlighted by the Committee.

Area	Recommendations	Scottish Government Response
1	Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child.	<p>Children's rights and wellbeing matter now, more than ever. A children's rights approach is being embedded into our response to COVID-19.</p> <p>Officials are establishing a systematic rights-based approach to the COVID-19 response, including monitoring, reporting and reviewing mechanisms for emergency powers.</p> <p>We are working with third sector organisations to monitor and/or support strategies to mitigate the economic and social impact of the COVID-19 pandemic and to protect children, particularly those living in poverty.</p> <p>Child Rights and Wellbeing Impact Assessments are being prepared for key policies and legislation to gauge the impact on children's rights and wellbeing and mitigate any negative impacts. A CRWIA was published for the Coronavirus (Scotland) Act 2020.</p>

2	Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities.	<p>The Scottish Government is committed to giving young people all over Scotland a chance to take part in the arts, as demonstrated through our Time to Shine youth arts strategy. Officials are working with Creative Scotland to explore the barriers to young people experiencing culture at this time.</p> <p>We are working with key partners to support families with play and learning at home during the current restrictions including through the Parent Club website. The website provides advice, information and resources for families, including advice and links to provide ideas and encourage parents to keep children physically active. We are also developing an online platform which will include digital content for children and families to keep physically active.</p> <p>We also recognise that young carers may need extra support to take a fun break from their caring role. Young Scot has been working closely with the Scottish Government to adapt its young carer package to help support young carers as they self-isolate or physically distance. This has included launching new digital opportunities which young carers can access safely at home.</p> <p>The Scottish Government has provided funding to a number of youth work organisations to support their work in engaging with young people through digital means. We have also invested in YouthLink Scotland to support the skills and capacity of the youth work sector through digital youth work training targeting youth workers across</p>
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3	<p>Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction.</p>	<p>Enabling families to have access to digital technology also plays an important role in ensuring that children and young people can participate online, access the support they need, carry out school work at home and connect with family and friends.</p> <p>We are working with local authorities to identify those in need of further support with regard to digital devices and/or connectivity. The Children and Families Directorate has provided funding that will enable Children 1st and Aberlour to be part of the <i>Connecting Scotland</i> pilot, which will commence shortly. The pilot will provide laptops suitable for education purposes and 6 months data via a sim to families highlighted by Children 1st and Aberlour as being particularly in need.</p> <p>The Scottish Government's "Connecting Scotland" project is currently working with industry and other partners to identify and support digitally excluded households, whether that be through devices, connectivity or skills.</p> <p>One Parent Families Scotland, Barnardo's and Action for Children have also received funding from the Immediate Priorities Fund to help provide direct support to families during the COVID-19 pandemic, including addressing</p>

		<p>digital access. This investment is part of the Scottish Government's wider £350 million Communities Funding.</p> <p>We are working with Education Scotland in exploring a range of options to support the learning of our children and young people at this time. Education Scotland is helping local authority officers and teachers ensure learning continues during this challenging period.</p> <p>Closing the Poverty-related attainment gap remains the defining mission of the Scottish Government. We recognise the challenges that this unprecedented situation presents, in particular for vulnerable children and families from the most deprived backgrounds. That is why we are continuing with our commitment to invest £182 million from the Attainment Scotland Fund in 2020/21. It's also why we have committed to extend funding for the Scottish Attainment Challenge at current levels beyond the lifetime of this parliament and into 2021/22.</p> <p>On Friday 1 May, the Deputy First Minister announced that over £250 million in Pupil Equity Funding will be made available to schools over 2020/21 and 2021/22 meaning that, for the first time, PEF allocations have been confirmed for two years, to provide more certainty for head teachers and aid learning during the Coronavirus (COVID-19) pandemic.</p> <p>The Scottish Government is providing local authorities/schools with flexibility to redirect Attainment Scotland Funding aimed at closing the attainment gap to</p>
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help mitigate the impacts of school closures on our most disadvantaged families. This plays an important part in mitigating the impact of home learning arrangements that may prove more challenging for our most disadvantaged families to adapt to. Examples include providing tablets to support digital learning at home and transport to enable learners to attend hubs and supporting home-school link workers to maintain regular contact with children.

The Scottish Government has published 'Coronavirus (COVID-19): supporting pupils, parents and teachers - learning during term 4': [comprehensive guidance](#) to help support continuity for children and young people's learning for the term ahead.

National Parent Forum of Scotland have also published term 4 [guidance](#) for parents and carers. This provides an overview of the measures in place and steps being taken, at a national and local level, to support children and young people, including those with additional support needs.

The Parent Club website also provides advice for parents and carers about home learning. This includes specific pages with advice about supporting children and young people with additional support needs.

Information on the continued provision of care and support for children and young people with complex additional support needs can be found in the 'Coronavirus

		(COVID-19): school and early learning closures - guidance about key workers and vulnerable children’.
4	Ensure children continue to receive nutritious meals provided through school feeding schemes.	<p>The ‘Coronavirus (COVID-19): school and early learning closures - guidance about key workers and vulnerable children’, provides information to support local authorities in the continued provision of free school meals.</p> <p>We have provided our local authority partners with £30 million of new investment from the Scottish Government Food Fund to support families unable to access food as a result of COVID-19 and are working with them to ensure that this provision is continued in a way that meets local needs and circumstances, as well as the latest health protection advice.</p> <p>Our latest returns from local authorities show that over 150,000 children and young people are receiving a meal provision, either through a voucher, direct payment, home delivery or at an educational or early years setting.</p> <p>In some local authority areas more than one approach is being put in place due to the multiple complexities associated with reaching all vulnerable children and young people.</p> <p>We firmly believe that this flexibility is key in order for our local authority partners to support all vulnerable families, whether they be in a remote, rural or urban location.</p>

		<p>We are aware that some low income families have significant overdrafts and therefore a direct payment may not provide the means to access food as intended.</p> <p>It is recognised that in the current circumstances some families will become eligible for free school meals. Local authorities have the power to provide free school meals to families who would not normally be eligible but are experiencing financial hardship as a result of COVID-19.</p>
5	<p>Maintain the provision of basic services for children including healthcare, water, sanitation and birth registration.</p>	<p>By using the strength of universal services such as maternity, health visiting and family nurse partnership, we have established routes and relationships with all children, families and pregnant women across Scotland, who are able to offer support and advice at this challenging time in multiple ways.</p> <p>Health Visitors and Family Nurses exercising the function of the named person are focussing on higher risk families and younger children.</p> <p>Multiple workstreams have been established to consider the secondary health impacts for children and young people, and where actions taken to address the pandemic emergency are widening inequalities. The Scottish Government is working alongside Public Health Scotland and Child Health Commissioners to drive this forward.</p> <p>On birth registration, the focus of services in this area at the moment unfortunately has to be on the registration of deaths and still-births. However, the Scottish</p>

		<p>Government and National Records of Scotland recognise the importance of birth registration and will make announcements on resuming birth registration as soon as we can.</p>
6	<p>Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown.</p>	<p>The Scottish Ministers are clear that the Children (Equal Protection from Assault) (Scotland) Act should continue to have full effect in November 2020, as originally planned.</p> <p>Additional supplementary child protection guidance, including in relation to children affected by domestic violence, was disseminated to stakeholders on 31 March 2020. This guidance advises on how processes can be streamlined and modified to take account of current challenges without compromising actions to protect children and young people, consistent with children’s rights. The guidance is clear that the pandemic must not affect the protections afforded to children.</p> <p>The guidance also notes the continuing importance of the ongoing support of a named person or first point of contact and underlines that local areas must ensure that parents and carers are clear about how they can get advice or raise concerns in relation to their children.</p> <p>We have also developed guidance to assist children’s residential care services during the pandemic, and continue to work closely with Police Scotland and other key stakeholders to resolve any issues as they arise for those caring for looked after children and young people.</p>

		<p>We have provided £60,000 to Childline to adapt and respond to rising demand, and ensure continued service to meet the growing counselling need from children and young people.</p> <p>We have provided £15,236 to Stop it Now! Scotland to adapt their service delivery to respond to the increased risks currently facing children across Scotland and develop tailored resources to replace outreach work.</p> <p>On 27 March, Minister for Mental Health Clare Haughey announced a further £3.8 million to begin to increase the capacity of NHS 24's telephone and online services. This includes £2.6 million to expand the NHS 24 Mental Health Hub and Breathing Space telephone helpline and web support service and £1.2 million to provide extra capacity for Computerised Cognitive Behavioural Therapy (CCBT). Information about these expanded services will come on line as they become active.</p> <p>On 3 May, we announced £105,000 funding to the organisation Young Scot to support them to add content to their existing webpage focussing on general wellbeing and mental health. This will be a universal offer, available to all children and young people, and will connect the general population level information and link to practical support. There will also be appropriate links and signposting for young people who may be experiencing mental ill health or distress, to ensure young people can access the right support for their circumstances.</p>
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<p>7</p>	<p>Protect vulnerable children from the exceptional circumstances caused by the pandemic.</p> <p>These include children with disabilities; children living in poverty; children in street situations; migrant, asylum-seeking, refugee and internally displaced children; minority and indigenous children; children with underlying health conditions including HIV/AIDS; children deprived of their liberty or confined in police lock-up facilities, prisons, secure care centres, migrant detention centres or camps; and children living in institutions.</p> <p>States should respect the right of every child to non-discrimination in its measures to address the COVID-19 pandemic as well as take targeted measures to protect children in vulnerable situations.</p>	<p>Ministers are clear that we must continue to focus on ensuring that all children and families who need additional support during the crisis can access that support, including through local hubs, other community and place-based initiatives, and local 3rd sector activity.</p> <p>The Children and Families Directorate is working with partners to establish robust processes for monitoring the impact of the pandemic on the needs of children and young people who are at risk or who may become ‘at risk’ as a result of the crisis. On 24 April we published the Supporting Vulnerable Children and Young People - Data Intelligence Report. This report provides a clear commentary about the impact of the COVID-19 outbreak for children at risk and their families and on the ways that services are adapting and responding to the crisis.</p> <p>The Scottish Government is aware that the current situation may be placing additional strain on young carers. We established a new fund of £500,000 to help local carer organisations and young carer services transition to supporting carers remotely. This will include tailored advice and training to help them understand how best to keep in touch with carers and young carers in their communities</p> <p>The Coronavirus (COVID-19): staying at home and away from others (social distancing) guidance has been</p>

amended, allowing vulnerable people, including those who are autistic or have learning disabilities to exercise more than once per day to enable them to keep to their routines and ease their anxiety.

On 24 March, we wrote to NHS Boards stating that people with learning disabilities and autism are exempt from the COVID-19 'no visitors' policy. This means children with learning disabilities are able to be supported by their families in hospital.

Commissioned by the Scottish Government, the Scottish Commission for Learning Disabilities has a hub of resources available to people with learning disabilities and those who support them. These resources include easy read materials on the virus and government advice, self-help guides for supporting your mental health and a clinical guide for supporting someone with a learning disability in hospital. These are available on the Scottish Commission for Learning Disabilities website and the easy read Government advice can be found on Ready Scotland.

The Scottish Government is in weekly contact with all 5 secure care centres to offer support, share intelligence and good practice guidance and seek assurances about the wellbeing of young people and staff. These discussions have yielded practice and process improvements around access to PPE and testing for staff and young people. Other innovations include young person-friendly explanatory material about the pandemic impacts developed by Kibble and shared with other

		<p>providers to support young people, and the purchase and sharing of new technology to support young people to maintain and develop family contacts. New residential care guidance, with relevance for secure care, was developed and published on 23 April.</p>
8	<p>Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families.</p>	<p>A number of short-term prisoners nearing the end of their time in custody are to be released early, under measures designed to help tackle the coronavirus (COVID-19) outbreak. The plan will help prison and healthcare staff to continue to manage safely all those who remain in their care during the outbreak and follows measures taken across the world including elsewhere in the UK.</p> <p>Regulations have been laid before Parliament so that release can start from 4th May. The scheme will be limited to those sentenced to 18 months or less and who on 4th May have 90 days or less left to serve. The release of prisoners under the regulations will be subject to exclusions to ensure public protection, such as those who are imprisoned for life or with convictions for sexual offences, domestic abuse or terrorism offences.</p> <p>The early release regulations make specific provision so that they include the release of young offenders. Those in prison custody who are designated as young offenders can be considered as eligible for release providing that they fulfil the rest of the criteria set out in the regulations.</p>
9	<p>Prevent the arrest or detention of children for violating State guidance and directives relating to COVID-19, and</p>	<p>We are sympathetic to the concerns of stakeholders, around the definition of a child. However, the emergency Coronavirus legislation is for temporary measures that</p>

<p>ensure that any child who was arrested or detained is immediately returned to his or her family.</p>	<p>are urgently needed to deal with the Coronavirus outbreak, and to mitigate the disruption it is causing. This is about maintaining the safe and stable application of current law and policy. It would not be appropriate to try to resolve a complex, cross-cutting range of issues in an emergency bill.</p> <p>Defining a child as under 16 is, e.g., in line with when a person can marry, vote in Scottish elections and leave home. In Scotland, most parental responsibilities and rights end when the affected child turns 16.</p> <p>It is for the Chief Constable to determine the operational approach that police officers should take in exercising the powers in Schedule 21 of the UK Government's Coronavirus Act 2020 and also in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.</p> <p>Police Scotland have produced operational guidance on the proportionate application of these powers for dissemination to constables along with proactive communications and social media highlighting that, even in these exceptional times, their approach to policing will remain governed by consent, with "soft enforcement" as the default setting.</p> <p>Police have the power to instruct adults to take steps to stop their children (those under 16) breaking these rules; adults may be fined or prosecuted where they do not take reasonable steps to encourage their children to abide by these regulations. And, where they encounter three or</p>
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		<p>more people are gathered they may direct the gathering to disperse.</p> <p>Police Scotland recognises that the vast majority of children do not engage in criminal or other antisocial activity. However, if such activity occurs, the police will work with local communities and relevant partners to understand why these issues arise and to determine the causes of such behaviour. This includes activities that encourage positive outcomes for children and improve the quality of life for communities as a whole.</p> <p>In determining whether to arrest a child, police officers will take full account of the provisions contained in the Criminal Justice (Scotland) Act 2016 (“the Act”) and the guidance set out in the Care and Welfare of Persons in Police Custody; the Criminal Justice (Scotland) Act 2016 (Arrest Process); and Offending by Children Standard Operating Procedures.</p> <p>Section 50 of the Criminal Justice (Scotland) Act 2016 states that “a constable must take every precaution to ensure that a person is not unreasonably or unnecessarily held in police custody”. Compliance with Section 50 is the responsibility of all police officers involved from the arresting and enquiry officers to the custody officer. This “beyond all reasonable doubt” test applies to children and adults alike.</p>
10	Disseminate accurate information about COVID-19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children including	Scottish Ministers consider it of paramount importance at this time to ensure that children and young people can source clear, and accessible information about the virus

	<p>children with disabilities, migrant children and children with limited access to the Internet.</p>	<p>and for their voices to be heard in the decision making process.</p> <p>We are working with Children in Scotland, Children's Parliament, Scottish Youth Parliament, Young Scot and others to ensure clear and consistent messaging is developed and communicated to children and young people about COVID-19. Young Scot have received £46,992 from the Immediate Priorities Fund to enhance its digital capability over the next six months to inform young people and encourage them to support the movement to flatten the curve of Coronavirus in Scotland. This investment is part of the Scottish Government's wider £350 million Communities Funding.</p> <p>The Parent Club website has clear information for families. The Scottish Government marketing team are working with their partnership agency to explore further opportunities to produce and disseminate, through partner organisations, key information to parents within minority and seldom heard groups.</p>
11	<p>Provide opportunities for children's views to be heard and taken into account in decision-making processes on the pandemic.</p>	<p>The First Minister has answered video questions from children and young people about COVID-19 on 3 occasions (23 March, 7 April and 29 April). The videos have been released on the Young Scot YouTube channel and shared across Scottish Government, including Parent Club, and relevant partner social media channels.</p> <p>The Scottish Youth Parliament, in partnership with Young Scot and YouthLink Scotland, delivered "<i>Lockdown Lowdown</i>", an online survey developed by young people</p>

		<p>for young people, to help identify what they need from the Scottish Government, the NHS, COSLA, local authorities and others.</p> <p>The Children's Parliament has delivered the "Children and the Coronavirus: How are you doing? (April 2020)", an online survey of nearly 4000 children, aged between 8 and 14 years old, from across Scotland on their concerns about COVID-19.</p> <p>The reports from both surveys have been shared widely with Scottish Government officials and will inform ongoing policy development.</p> <p>COVID-19 - Communications with Children and Young People Working Group (Children in Scotland, Children's Parliament, Scottish Youth Parliament and Young Scot) is set up as a mechanism for highlighting emerging issues. Their work will enrich communication between the Scottish Government and children and young People.</p>
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