

# DECISION CONCERNING THE IMPACT OF THE MEASURES TAKEN TO TACKLE THE COVID-19 PANDEMIC ON THE RIGHTS OF CHILDREN IN CATALONIA

SÍNDIC  
EL DEFENSOR  
DE LES  
PERSONES

## Preamble

### The COVID-19 pandemic

On 11 March, the World Health Organization (WHO) declared that the outbreak caused by the SARS-CoV-2 virus had become a pandemic.

The rapid spread of the disease caused by this virus, known as COVID-19, and its serious impact on people's health, especially for more vulnerable patients due to previous pathologies they may have or their advanced age yet also for the public at large, is putting enormous strain on the healthcare systems of most of the countries affected including our own. As a result, these healthcare systems are plunged into a critical situation of resource availability and therefore of the ability to uphold the public's right to health and healthcare.

Given the need to address this unprecedented health emergency in a global world, most of the countries affected have decided to put in place lockdown measures to delay its spread and ease the pressure on their health systems while also enhancing care for patients seriously affected by the disease and for other people who may need care from the health system.

In a communication of 13 March the European Commission urged European countries to coordinate their actions in addressing a pandemic which also has a pan-European dimension and offered the support of Community's institutions and budget for measures agreed on at the national level.

Nevertheless, these measures have had, are having and will have serious consequences for the economy and social relations and as a result for human rights in general, over and above the right to health which is directly impacted by the crisis and the one the authorities are mainly seeking to uphold. In order to deal with these effects, extraordinary measures have been put in place by the Spanish Government and by the Catalan Government to mitigate the consequences of this serious crisis at all levels.

With this ex-officio action, and far from questioning the measures implemented or entering into arguments about this major emergency, the Catalan Ombudsman as the institution responsible for safeguarding the rights of children and young people intends to focus on safeguarding the rights of this group and the various effects that the emergency entails. It believes that the rights of children and young people should be brought to the fore in the handling of this crisis which has no immediate precedent, and that their specific needs must be addressed as far as possible with the best interest of the child taking precedence.

The main political decisions and regulatory measures implemented to date together with reports, recommendations and statements issued internationally will be mentioned in order to put forward some considerations and recommendations on the management of this emergency rooted in the unique perspective of the defence of the rights and freedoms of children and young people.

### **Main measures taken at the national level in Spain**

On 14 March, in Royal Decree 463/2020 the Spanish Government declared a state of emergency under the Spanish Constitution and Act 4/1981 of 1 June in order to address the health crisis. It introduced measures to restrict freedom of movement, temporary requisitions and compulsory personal service along with lockdown measures in education, employment, retail, recreation and places of worship.

Measures had already been taken previously at the national level through Royal Decree Act 6/2020 of 10 March and Royal Decree Act 7/2020 of 12 March with the aim of underpinning the health system, supporting families and businesses affected and ensuring social security benefits for workers in lockdown.

On 17 March, Royal Decree Act 8/2020 was enacted. It sets out and extends extraordinary emergency measures to be taken to deal with the economic and social fallout of the health crisis and provides a substantial financial stimulus package.

The first part of the abovementioned legislation concerns support measures for workers, families and vulnerable groups which are particularly affected, such as people requiring special care. It also envisages extensions to the coverage of essential public service utilities and housing protection measures for mortgage payers.

Likewise, an extraordinary social fund of €300 million has been set up by means of transfers from the Spanish Ministry of Social Rights and Agenda 2030 to the Regions to pay basic social service benefits. In addition, an amount equivalent to the surplus of the 2019 financial year may be used by local authorities across Spain to fund service benefits and financial assistance in the autonomy and care for dependency system.

The legislation also includes measures and recommendations concerning telecommuting and balancing work obligations with care for dependent persons in response to the decision to close state or state-assisted facilities including schools, homes for the elderly and day centres. This involves altering timetables and reducing the working day along with numerous other measures of various kinds which are not so directly related to the purpose of this decision.

On 22 March, the Spanish Official State Gazette published an updated compilation of the regulations concerning COVID-19 issued up to that point. The Official State Gazette Agency keeps it updated with links to Regional regulations published in the corresponding official journals.

The aforementioned regulations include provisions specifically for the care of children and young people:

- Section 7 of Royal Decree 463/2020 of 14 March declaring the state of emergency stipulates that activities exempted from the restriction on travel on public highways or in public use areas must be performed alone, except when accompanying persons with disabilities, minors or the elderly. It further specifies that the activities which can be carried out in such public spaces include assistance and care for the elderly, minors, persons requiring special care, persons with disabilities and especially vulnerable people. It also exempts from the suspension of deadlines in legal proceedings any precautionary measures in cases involving violence against women or children and young people who are minors along with any measures the courts may take to protect a child or a young person who is a minor on the basis of Article 158 of the Civil Code.
- Section 8 of Royal Decree Act 7/2020 of 12 March provides for the basic right to food of vulnerable children who are affected by the closure of schools. Specifically, it states that families of children receiving school meal benefits or assistance during the school year who are affected by the closure of schools are entitled to financial assistance or direct food distribution which will be coordinated by primary social services, schools and the relevant ministries. The beneficiaries will be the families of students in nursery, primary and compulsory secondary education.
- The second section of the Spanish Ministry of Health's Instruction of 19 March 2020, which lays down interpretative criteria for tackling the health crisis brought about by COVID-19, says that people with disabilities who have behavioural disorders, such as people diagnosed with autism spectrum disorder and disruptive behaviour, which are aggravated by the lockdown resulting from the declaration of the state of emergency may travel with a companion on public highways provided that they respect the measures required to prevent contagion.
- Also implementing this regulation, Order TMA/254/2020 of 18 March on instructions for road and air transport stipulates that journeys by car must be made alone unless accompanying people with disabilities, minors or the elderly or on any other reasonable grounds.

## **Main measures in Catalonia**

On 3 March the PROCICAT action plan, Catalonia's territorial civil defence plan for general emergencies and serious incidents in the supply of staple products, was activated in the pre-alert phase with the first confirmations of coronavirus cases in Catalonia.

On 11 March the First Minister announced the switch to the alert phase of the Plan and preventive measures were agreed such as suspending any events

attended by more than 1,000 people and restricting capacity to one third at events attended by smaller numbers (Decision SLT/704/2020).

On 13 March, shops were ordered to close except ones selling basic necessities such as food and medicine, leisure premises and ski slopes were shut and permission was requested from the Spanish Government to lock down Catalonia. The entire population was ordered to stay at home and movement outside the home was restricted, also in line with the instructions agreed at the national level.

### In education

A number of lockdown measures were agreed concerning children during the week in which the crisis broke out (the week of 9 March), such as the suspension of inter-school activities, outings, the occasional closure of some schools where a positive case of COVID-19 infection had been identified, leisure and recreation centres, and registered and school sports activities. Finally, on 12 March and as part of the PROCICAT action plan for emergencies involving emerging communicable diseases with high risk potential, the Catalan Government took the decision to close from 13 to 27 March, both inclusive, all schools in Catalonia, whether state, private, state-assisted or of any other kind, in all educational stages (Decision INT/718/2020).

This suspension covered a total of 5,492 schools and 1,565,478 students. Spain's central government was urged to take the measures required to safeguard the rights of all families.

On 17 March and to prevent discrimination on the basis of the socio-economic and family backgrounds of students, the Catalan Ministry of Education announced that any school work which may be assigned to students during this period by schools cannot be considered as class work or assessed, even in the case that guidelines and activities for students are provided and digital teaching platforms are activated (Guidelines for Schools on Activities for Students owing to Closure due to Coronavirus).

It was also agreed with Televisió de Catalunya and Catalunya Ràdio to provide content which assists with children's learning and mitigates the digital divide, as many students may not have the internet connection and computer required to do the content provided by schools at home.

On 21 March, the Online Schools Action Plan was activated to deliver online learning for students. Its purpose is to provide schools with the digital resources and tools they need to deliver continuity of learning under conditions of fairness and quality. Online learning is to be promoted in schools by bringing into play virtual environments such as the EIX portal, which is already used by many schools. The Catalan Ministry of Education said that it would make this virtual learning environment available to primary and secondary schools which do not have it.

Communication between schools and the educational community is to be stepped up through the NODES portal, which 2,000 schools already use and which will make it possible to provide resources to families.

Finally, an intensive training plan for teachers and support for schools was launched using the ODISSEA portal.

Likewise, it was stipulated that instruction resources are to be provided to vocational training students and teachers, notwithstanding the special difficulty of replacing face-to-face learning in technical workshops and classrooms in this field.

On 17 March, the postponement of school pre-enrolment and registration for all courses of study was also announced along with the postponement of the date for the university entrance exams *sine die*.

### In social policies

One of the main measures implemented under the agreement between the Catalan Ministry of Education and the Catalan Ministry of Labour, Social Affairs and Families, and in application of Royal Decree Act 7/2020, is swapping 140,000 school meal benefits for cash cards and also for the 20,000 people who use socio-educational intervention services with meal services for a total amount of €6 million to be managed by local councils and county councils.

Measures of various kinds have been taken, including closure of Child Development and Early Care Centres (CDIAP), Care Centres for People with Disabilities (CAD) and Dependency Assessment Services (SEVAD), cancellation of activities in open centres and socio-educational intervention services, the suspension of all activities in the Network of Youth Hostels and the issue of recommendations to services in basic social services areas to prioritise urgent cases involving vulnerable people and social emergency, home care services, food and children (13 March).

On 12 March, the Directorate General of Child and Adolescent Services (DGAIA) published a number of instructions to curb the spread of the virus and protect people living in child and adolescent residential facilities and their staff. In addition, visits and leave to go to the homes of relatives and group excursions and outings to the outside world as well as leisure activities outside the residential protection facility were suspended.

As for the Catalan Institute for Fostering and Adoption (ICAA), pairing of children and young people has been postponed with the exception of emergency and diagnostic or pre-adoptive placements when the newborn is coming from a hospital; follow-up interviews and home visits for monitoring placements will only be carried out in emergency cases, and phone or remote contact should be stepped up in the remaining cases. Likewise, interviews, information and training sessions, whether in groups or individually, are postponed. Accompaniment to medical visits in these cases will only be provided if strictly necessary and such visits cannot be postponed due to health reasons (15 March).

In-person visits by meeting point technical services are suspended, specialised intervention services are reorganised and contact alternatives are offered by phone or electronically. The Catalan Institute for Women and the Catalan Ministry of Labour, Social Affairs and Families is to rearrange the services they run in order to ensure care for women in situations of domestic violence with

the aim of ensuring that no woman is left unattended despite the problems in travel and face-to-face care. Lockdown, in which living together is permanent and forced and mobility is reduced or non-existent, may lead to conflict and violence and consequently it was decided to step up communication by the 900 900 120 helpline and specialised intervention services by phone.

Processing the most urgent Minimum Guaranteed Income cases is guaranteed.

On 19 March, it was agreed to set up a single joint logistics circuit for health and social affairs including residential facilities to distribute personal protective equipment and set up an emergency jobs board for people registered in the Catalan Employment Service (SOC) with appropriate professional profiles to join residential facility teams which need extra staff. When a positive test is confirmed or there are people in isolation, if the residential facility considers that it may require more resources, a second emergency circuit is activated using the logistics of the Catalan Ministry of Labour, Social Affairs and Families to enable urgent provision. A call centre has been activated to attend to any incidents or queries that professionals in residential facilities under the Catalan Ministry may have such as the application of isolation protocols, the need to take on new staff, etc.

There are 1,430 residential facilities under the Catalan Ministry, including DGAIA, mental health and disability facilities.

### **In the justice system**

On 13 March, it was initially agreed that personal and family visits in prisons would be postponed. They include visits with intimate partners, family visits with up to four people and visits with the partner and children up to the age of ten. It was agreed that visits by friends and family would be maintained by means of a visiting room with glass separation and intercom communication. It is also stipulated that the number of phone calls will be increased. Release on temporary licence is postponed. Likewise, entry and exit restrictions apply in juvenile justice prisons and facilities.

In addition, the Spanish Ministry of the Interior issued a circular to law enforcement agencies concerning the physical custody of children of separated parents. It authorised the travel of children of separated parents for the purpose of handing them over to the other parent provided that this is done with appropriate safety measures. It was also publicised by the Civil Defence Unit in the Catalan Ministry of Home Affairs on 14 March in a questionnaire on activity restrictions due to COVID-19.

However, on 18 March the High Court of Catalonia referred to the decision made by the family courts of Barcelona which urges parents to reduce travel by children and young people as much as possible, although it does say that lockdown should not entail non-compliance with court orders. Specifically, they make the following decisions and points concerning physical custody arrangements during the period for which the state of emergency has been declared:

- Firstly, it is stipulated that if either of the parents shows symptoms of contagion or has tested positive for COVID-19, it is

preferable that custody should be exercised by the other parent in the interest of the minor children in their care and to avoid the spread of the virus. The rationale is that force majeure is involved which temporarily suspends any measures agreed.

- Apart from this case, in situations of shared physical custody parental responsibility should be exercised by the parent who has custody at that time so as to comply with the decisions of the health authorities, save in cases backed by supporting documents.
- Contact with the non-custodial parent must be enabled, particularly by electronic means, Skype, Facetime, or video call on WhatsApp, provided that the routines and sleep timetables of the children are not disturbed. Parents are also encouraged to come to agreements as the courts will only deal with cases of particular risk.

### **Main measures in local authorities**

Local authorities throughout Catalonia have issued orders, decisions and communications about prevention and safety measures in their municipalities to curb the spread of COVID-19.

These measures involve protection, such as closing establishments, suspending activities, remote procedures in municipal offices, disinfection tasks, etc., and also social measures including handling as an intermediary donation of equipment and materials, volunteer work, blood donation campaigns, stepping up home meal services and home care, managing free meal cards, etc. Some local authorities have also agreed to implement reductions in and exemptions from municipal taxes and fees during this period and bring in tax relief measures to alleviate the economic impact on their town's business community and the public at large.

Finally, national regulations allow local authority staff who had not previously worked from home to telecommute, especially people who have children of school age or under 18 who are affected by the closure of schools, along with the introduction of other flexible work measures.

Barcelona City Council, for example, issued a mayoral order on 14 March establishing preventive, protective and organisational measures in response to the COVID-19 virus and setting up a committee to coordinate and monitor the evolution of the virus in the city in conjunction with the authorities in charge of the Basic Municipal Emergency Plan.

Likewise, on Saturday 21 March, 50 Catalan mayors, almost all of them from the Barcelona metropolitan area, asked the First Minister of Catalonia for more support and coordination in supplying the meals service to children in receipt of free school meals and users of social and educational intervention services. Organisations including the provincial councils, the Catalan Association of Municipalities, the Catalan Federation of Municipalities and the Barcelona Metropolitan Area had already noted at the coordination meeting with local authorities on March 19 the lack of coordination in managing assistance and in particular in distributing the cash cards that had been announced. It was

pointed out that they did not have the personal details of the people they need to contact in order to organise the distribution of the cards securely, and indeed the cards had not even reached local authorities such as Barcelona according to a statement made by its mayor on 23 March. Some town and county councils also criticised the fact that this assistance is not managed by schools but rather by the social services, which are already under enormous pressure in dealing with social emergencies.

In the case of Barcelona, an agreement has been reached with the Barcelona Education Consortium under which the latter will distribute the assistance in line with the safety protocols set by the health authorities. The CCOO trade union argues that there will be safety issues for families and staff in the distribution of the cards.

### Reports and statements with reference to children's rights in the COVID-19 crisis

The United Nations High Commissioner for Human Rights Michelle Bachelet warned on 6 March that all measures taken to curb the spread of the COVID-19 disease should always place safeguarding rights at the centre. In this respect Bachelet said that it was crucial that the actions taken did not lead to greater discrimination against the most impoverished and vulnerable groups, and specifically demanded that the closure of schools should not disproportionately affect women and that care should be taken to avoid stigmatisation and xenophobia.

On 16 March, a group of United Nations human rights experts (including UN special rapporteurs and independent experts) urged member states to avoid overreach of security measures in their response to coronavirus by ensuring that measures are proportionate, necessary and non-discriminatory.

The WHO together with the International Federation of Red Cross and Red Crescent Societies and UNICEF published a package of measures to prevent the spread of coronavirus in schools and among children and young people.

It says that it is not possible to determine the extent of infection by this virus among children, the role that children play in transmission, whether they are less likely to be infected by the virus or whether they have a different clinical presentation of the disease. The reasons for this are not known, but it is clear that children tend to have less severe symptoms of the disease than adults, although the risk of acquiring the virus and leading to complications is not zero. Recommendations are also provided to avoid negative effects on children's learning and wellbeing in the event of school closures along with measures to protect children if schools remain open (Key Messages and Actions for COVID-19 Prevention and Control in Schools [March 2020]). Meanwhile, an article dated 16 March on children's cases in China in the leading journal *Pediatrics* found that severe cases were mainly infants under one or other children who were immunosuppressed or had other previous problems.

There are some disputes between WHO officials who did not see an increase in the transmission of the virus in schools and other educational facilities, and therefore saw no reason to close them since this might have a negative impact

on the overall health of children and young people, and officials who considered it to be a key factor in transmission.

On 6 March, UNESCO also said that education continues to be the main means of social mobility for people at risk of exclusion and calls on all governments to take all possible measures in the coronavirus crisis to ensure the closure of schools does not add to the already existing social divide. It urged ministries of education to continue education remotely to ensure inclusion and fairness and called for children and young people not to be forced to set the right to health against the right to education.

UNICEF has published several articles and pieces of advice on how to address the coronavirus crisis by safeguarding the emotional wellbeing, safety and security of children and young people, providing accurate information and ensuring continuity in their learning when there is no school via radio or online (UNICEF Executive Director's Statement on the COVID-19 Pandemic on 18 March)

On 18 March the European Union's Fundamental Rights Agency (FRA) announced that although it appreciates the threat to health and life posed by COVID-19, it is nevertheless drawing up a report on the impact of responses to the virus on fundamental rights, such as freedom of movement and assembly, and also on discrimination and hate speech, which it will publish at Easter.

Furthermore, Save the Children has drawn attention to the psychological impact of the pandemic on children, especially those who have to be confined or isolated or separated from parents and families for health reasons. It also warns of the risk posed to many vulnerable children by the closure of schools, which for them are a resource to ensure learning and also for food and other factors for protection.

On 19 March, Human Rights Watch published an extensive report on the challenges posed by the coronavirus crisis for safeguarding rights and issued recommendations to governments and other social stakeholders to deliver this respect for human rights. The concerns raised in the report include the protection of institutionalised individuals, the right to education when schools are closed, discrimination in the impact of the crisis on women and girls, and ensuring that the right to health is extended to all without any kind of discrimination.

## CONSIDERATIONS

The global health emergency we are now facing is uncharted waters for our country. It has forced the various tiers of government to take measures very quickly, especially ones aimed at curbing the spread of the virus and protecting people's health, and in particular those most vulnerable to serious infection by this pathogen: the oldest and weakest.

This crisis has led the Spanish Government to decree a state of emergency, lock Spaniards down in their homes and restrict the movement of people. Nevertheless, it would be hazardous not to acknowledge that the exercise of other very important rights may be jeopardised. Furthermore, it is essential to

draw attention to the rights of people who are already routinely discriminated against in our society in the exercise of their rights either due to their situation or because of their condition or nature.

In this respect, the United Nations International Covenant on Economic, Social and Cultural Rights specifies that the right to the highest attainable standard of physical and mental health obliges States Parties to adopt measures for the prevention, treatment and control of epidemic, endemic, occupational and other diseases. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the covenant, has stated:

“The right to health is closely related to and dependent upon the realisation of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health.

“The right to health includes ensuring that health services are: available and sufficient in quantity; accessible to everyone without discrimination of any kind; respectful of ethical and culturally appropriate codes; and scientifically and medically appropriate and of good quality.”

The Syracuse Principles, adopted by the United Nations Economic and Social Council in 1984 and the United Nations General Committee on Human Rights on emergencies and freedom of movement, provide guidance and recommendations to governments when they apply human rights restrictions on the grounds of public health or national emergency. Any measures implemented to protect people that restrict rights and freedoms must be lawful, necessary and proportionate. States of emergency should be limited in duration and in their restriction of rights given the disproportionate impact on certain specific population groups or more marginalised groups.

The 1989 United Nations Convention on the Rights of the Child says that in all actions taken by States Parties concerning children, where this means people under the age of 18, the best interests of the child shall be a primary consideration.

### **1. Best interests of the child and the right of children to participate and to be heard (Articles 3 and 12)**

The Catalan Ombudsman believes it is crucial to stress that the best interest of the child must be taken into account in the management of the health crisis and in the measures put in place to protect the population and safeguard the right to life and health of all people.

In the legal instruments mentioned in the preamble to this Decision, the child or adolescent as a person with rights is rendered invisible.

They are directly impacted by measures such as the closure of schools and the banning of the additional educational and free time activities they had undertaken as they are considered to be the main transmitter of the virus.

Equally, their needs and risks in this respect are not clearly specified in any of the abovementioned legal instruments, other than the guarantee of their right to food if they are in families which are beneficiaries of free school meals.

The group of children and adolescents as people with rights is often unseen, and the Catalan Ombudsman has previously indicated in its reports and decisions the need to respect the rights to participation and to be heard of children and young people in the political and social decisions which impact them as people with rights.

In this case, the urgency and exceptional nature of the situation means there is an even greater failure to mention children in decision-making and provide a clear and meticulous justification of how conflicting rights have been weighed up to ensure that the best interest of the child has been factored into each of the measures put in place.

The Catalan Ombudsman's report on the media's treatment of children and young people found that the main violation in the image the media provides of children is that they are treated as passive actors from an adult-centred perspective.

Children and young people are often only allowed to participate in matters not seen as socially significant in recreational issues and in which their opinion cannot substantially change the decision made by the adult.

They are perceived as the object of regulation and protection to give effect to measures decided by and explained to adults, and to address a problem which, in this case, also has a major impact on the adult population. Children's participation and voice, which is already meagre in all the decisions which affect them in ordinary life, is even more uncertain in an emergency. Children are resituated in the private sphere, where the upbringing and education of children has been placed for many years under the authority of the *paterfamilias*, and not as a legal person in a society in which there is room for everyone living in it as people with full legal personality.

The most appropriate and proportionate technical decision remains the complete lockdown of children and young people in their homes for best management of this crisis. The Catalan Ombudsman does not dispute this measure or the list of exemptions to it which some critical sectors have compared, in some cases ironically (pets), with the needs of children. However, the Catalan Ombudsman does believe that the authorities should send a message to children and young people describing the measures affecting them, inviting them to participate and explaining the factors involved. Their specific needs should also be compiled using their representative bodies, the media or in the way most accessible to them.

Norwegian Prime Minister Erna Solberg's decision to hold a press conference especially for the country's children to talk about the COVID crisis and explain the situation and measures taken is a good practice in this respect. At this press conference, among other things the Prime Minister told them: "These have been special days. Many children think it is scary. It is OK to be scared when so many things happen at the same time. Even if your school has been contaminated, it

will go well with nearly everyone. The same with Mummy and Daddy, if they are infected.”

The Prime Minister was accompanied at the press conference by the Ministers of Education and of Family and Children. The three leaders answered questions posted via a television programme and a Norwegian newspaper both aimed at children.

Likewise, the Prime Minister of Canada, Justin Trudeau, during his seventh daily press briefing on Canada’s response to the COVID-19 pandemic, directly addressed the children of the country to thank them for their cooperation and to ask them to follow the rules of social distancing: “Thank you for helping your parents work from home, for sacrificing your usual day, for doing math class around the kitchen table, and for trusting in science.”

In this respect, the special broadcast of the *infoK* TV programme on 20 March in which some children asked First Minister Torra questions about the coronavirus crisis is extremely welcome.

## **2. Right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health (Article 24)**

Even though the health of the public has been the main reason why all the measures related to the COVID-19 crisis have been and are being taken, little has been said about the right to health of children and young people other than their purported role as transmitters of the disease to the rest of the population.

Most published information about the impact of the disease on children and young people indicates that it does not affect them or is especially mild among children and young people, even among newborns. Indeed, the figures published by the Spanish Ministry of Health’s Health Alert and Emergency Coordination Centre show that as of 22 March 2020, only one child aged 10-19 has died, although 34 children aged 0-9 have died, one of them in an ICU, and 15 young people aged 10-19 have been admitted to hospital with COVID-19.

However, on 16 March the WHO warned that the virus can also become critical and serious and even cause death in the case of children and issued specific guidelines for the care of the elderly, children and pregnant women.

In particular, a WHO specialist doctor said that “it is important that we treat children as an at-risk population”. She also noted the higher impact the virus may have on child populations with high HIV prevalence or malnutrition. Special attention should also be paid to children with previous pathologies.

Thus, for example, specific recommendations have been issued for children with inborn errors of metabolism (Recommendations issued by the Spanish Association for the Study of Inborn Errors of Metabolism and the Spanish Society for Inborn Errors of Metabolism [AECOM and SEEIM]), for children with diabetes (issued by the International Diabetes Federation on COVID-19) and for children at risk of immunosuppression among others. In terms of prevention of the disease in newborns during pregnancy and postpartum, the Spanish Society of Neonatology and the WHO recommends that breastfeeding should be

maintained, although it should be ensured that hands and facemasks are kept clean among other recommendations if the mother or a family member gets the disease.

Specific recommendations have also been issued by hospitals specialising in paediatrics with regard to children and young people with ED (eating disorders) and ASD (autism spectrum disorder). This is the only group specifically covered by the Instruction of 19 March 2020 laying down interpretative criteria for the management of the health crisis caused by COVID-19 and who are allowed to travel on public highways as long as they comply with the measures to prevent contagion.

Aside from any direct impact which COVID-19 may have on the physical health of children and young people, which certainly seems to be slight in most cases, and its specific impact on certain groups of children who are particularly exposed to the virus, the lockdown measures imposed as a result of the spread of the virus particularly affect the emotional health and therefore the overall development of children.

On 18 March, the journal *FAROS* warned that lockdown may impinge on children's health and wellbeing more than the rest of the population because children are in the process of developing and are more dependent on their surroundings to regulate their emotions and behaviour. The need for habits and routines is especially critical in the case of children along with the need for outdoor motor activity and peer interaction.

- Changes in and absence of orderly habits impact health for the whole population, but especially in the case of children and young people and very significantly in the early age groups from 0 to 3 years.
- Physical movement and the outdoor environment are also crucially significant in the case of children and young people because they are at a time of growth, and contact with nature and physical exercise also help with emotional control and balance.
- Instability and uncertainty generate restlessness, distrust and discomfort among children. Children are in the process of developing and forming their personality and learning to control their reactions and emotions and it is harder for them to adapt to change and uncertainty.
- Finally, sharing time and interaction with peers as a factor in personality building and development are critical and schools are at the core of this process, especially when there are no other children in the family to interact with during the lockdown period.

Tools and recommendations are provided to lessen these adverse effects. However, the special vulnerability of this group needs to be taken into account as noted by Hospital Sant Joan de Déu, which specialises in paediatric health, in its journal on child and youth health.

Meanwhile, on 23 March the Catalan Ministry of Health took the decision to merge management of hospital ICUs throughout Catalonia to deal with the health emergency and said that deliveries and paediatric care are to be brought together in a group of hospitals to isolate them from COVID-19.

The Catalan Ombudsman believes that this is an appropriate measure to specifically address the health of children and young people in the management of the health crisis.

However, there needs to be improvement in the information directly provided to this group, and in terms of the disease the protection afforded to children and young people against infection and the guarantee of comprehensive healthcare for children and young people during the coronavirus crisis.

As for specific needs in the development and health of children and young people, some voices call for prudent but specific adjustments to the lockdown measures so that children and young people can perform some kind of outdoor activity or physical exercise if there is not enough room available in their home while maintaining safety distances and depending on the age and needs of the child.

It should be noted that in addition to the right to health, Article 31 of the Convention specifically includes the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child.

The Catalan Ombudsman believes that the regulation and control of these cases may be difficult and may jeopardise the measures for protection against and containment of the spread of the virus. Nonetheless, it underscores the requirement that these specific needs should be assessed in order to prudently yet specifically fine-tune the lockdown measures so that children and young people can carry out some outdoor activity and physical exercise while maintaining safety distances and according to the age and needs of the minor. Whatever decision is taken about this issue, the grounds for it must be set out while also taking into account these needs and rights, and it should be explained to the people concerned, mainly children and young people.

### **3. Right to education on the basis of equal opportunities**

The right to education of children and young people is one of the rights most directly impacted by the measures to curb the spread of COVID-19. The closure of schools and the suspension of all types of educational, leisure, sports and cultural activities have confined children and young people to their homes with their families.

The right to free and compulsory education for all is a basic right that has temporarily been put on hold.

Schools as an institution are also one of the most important instruments for ensuring social cohesion and inclusion. Education remains one of the main factors enabling social mobility, and school is also a venue where all children and young people, including ones with special educational needs and notwithstanding the difficulties still present in the education system in

adequately addressing them, may benefit from an inclusive space of sharing and learning.

Schools are additionally an institution for protection and identifying risks in cases of children experiencing neglect or mistreatment, male violence or sexual abuse, and provide a place where all children and young people can interact together as peers within a common and stable framework.

The Catalan Ombudsman has noted in its decisions and reports and additionally in its prevention, detection and coordination protocols in cases of child and youth abuse that school is a setting where every child spends many hours of their lives. It is also a crucial factor in identifying and addressing situations which would otherwise go unnoticed and where many children can find the place of trust and peacefulness they lack in their homes.

The major educational and social role played by leisure, cultural and sports organisations alongside schools should also be highlighted. They contribute to learning and sharing as well and like schools have also been suspended.

UNESCO recently noted that as a result of the COVID-19 crisis, some 363 million students worldwide have been left without schooling. UNESCO's recommendations for safeguarding the right to education in the formal and strict sense as the transmission of learning and knowledge are to set up learning and community venues mainly based on using technology.

The use of technology in learning does indeed foster continuity of learning and contact with the school setting from the students' homes.

However, using technology in the classroom had previously led to complaints to the Catalan Ombudsman on the grounds it entailed socioeconomic discrimination among students and also among schools which leads to greater school segregation. The Regional Minister of Education is aware of this digital divide between students and schools and has said that any school work assigned during the lockdown period will not be considered as class work or assessed.

However, as it becomes apparent that the lockdown is likely to last longer than the fortnight initially envisaged, the Catalan Ministry of Education has sent a series of recommendations to schools and the families concerned and has also offered training in digital tools to teachers in order to meet current needs.

In addition and as the Spanish Ministry of Education has done, an agreement has been reached with the Catalan Broadcasting Corporation for publicly-owned media to make available learning contents aimed at children and young people to ensure more universal access for families who do have radio or television but do not have any other technological devices.

The Online Schools Action Plan aims to mitigate the difficulties of some schools and their educational communities in continuing with quality learning under conditions of fairness. This boost to teacher training and the digital upgrading of many schools may undoubtedly help to enhance fairness between students and schools, not only during the coronavirus crisis but also in the future since there are many schools and families that have already integrated digital tools

as a regular learning method, while others have not been able to access them until now. It should be borne in mind that digital literacy and skills are included in schools' Learning and Knowledge Technology Plans.

However, it is difficult to ensure fair continuity of learning among students once they leave their school setting since family and housing problems and difficulties do not provide a level playing field. Consequently, and even though the activities proposed are designed to ensure that students can perform them independently, several teachers at highly problematic schools have said they have difficulties in contacting families to give them information and guidelines about the activities proposed by the Catalan Ministry.

In terms of learning tools in the digital environment, suggestions have already been made to the Catalan Ministry concerning the use of free environments such as the ones afforded by Google tools alongside other measures. The use of such environments poses challenges in the use and protection of data that will now have to be addressed urgently as there is a pressing need to access tools which were not used in many schools; indeed, this challenge had already become apparent in schools which had been using them previously.

It remains to be seen how the rest of the roles which are carried out by schools for children and young people in addition to formal learning can be balanced and accomplished if the lockdown and therefore the closure of schools is prolonged over time.

The best tools for not losing contact with and mentoring and monitoring students in terms of emotional growth, interaction and protection have to be evaluated with educational teams as this is also a mission of schools in their students' development.

Particular attention should be paid to monitoring and appropriate measures to mitigate the impact of school closures on continuity of learning by students from more disadvantaged families and to providing accessible and tailored materials to students in need.

Efforts also have to be stepped up to ensure that students at risk of dropping out of school are supervised and monitored so that the shutdown does not lead to them dropping out permanently.

Social and health services need to be notified and work done together to address situations where follow-up may be required if there is an absence of protection or instances of domestic violence. Greater efforts need to be made with families requiring support by tailoring options to their needs while assessing increased human resources in school settings that call for greater monitoring and attention.

#### **4. Rights of children with disabilities to enjoy a full life and to receive appropriate care (Article 23)**

On 20 March, the WHO published a number of recommendations concerning people with disabilities as a particularly vulnerable group and at greater risk of infection than the wider population. The WHO says that caregivers and services

for people with disabilities should be given priority as recipients of personal protective equipment distributed by government such as facemasks and gloves.

The document includes provisions for proper care of the group at home and for the physical and mental health of people who live together. It also stresses accessibility to the messages and information conveyed by the authorities during the crisis through measures which take into account sensory and intellectual disabilities and cognitive impairment.

It is recommended that dedicated helplines should be set up for queries and specific rehabilitation needs since people with disabilities generally require greater monitoring, health supervision and care. As mentioned above, the special needs of students when taking classes from home also need to be taken into account.

Aside from the exemption made as part of the Instruction of 19 March 2020 laying down interpretative criteria for managing the health crisis brought about by COVID-19 for children and young people with ASD and behavioural disorders aggravated by the lockdown in terms of freedom of movement, no other exemption is specified for children with disabilities who require some form of specific care due to the lockdown.

In this respect, the decision to close the Child Development and Early Care Centres, Care Centres for People with Disabilities and Dependency Assessment Services should be noted.

A similar measure was taken on 11 March in the Region of Madrid by a Decision on 11 March by the Directorate General of Public Health of the Region of Madrid, and in Navarra by Provincial Order 132/2020 of 17 March.

It has to be assessed how the care previously provided by these services to children using them is to be covered.

Meanwhile, on 13 March the Catalan Committee of Representatives of People with Disabilities (COCARMI), the main advocacy platform for the group, warned of the need for a specific protocol for care and support for people with disabilities as they are a particularly vulnerable group and at greater risk of contagion.

Likewise, on 24 March the Catalan Autism Federation complained that families with children with ASD are insulted when they go out into the street accompanying children with ASD. These children need to have very stable routines and the fact of being deprived of them may lead to significant behavioural disorders. Consequently, they have been exempted from the complete lockdown measures set by the Spanish government.

Given that disability is a vulnerability factor and calls for specific measures, there is a need to assess whether this group, and especially children with disabilities and their usual caregivers, have been taken into consideration in the measures implemented to curb the spread of COVID-19.

It is also essential to provide appropriate information tailored to the needs of this group and to prevent incidents of discrimination from occurring.

Likewise, support for families must be ensured by adapting the services which children and young people used to benefit from to meet their current needs with all due safety.

#### **5. The right to protection against all forms of physical or mental violence. Institutionalised children and the right to maintain ties with their parents (Articles 19 and 20)**

Temporary or permanent separation of the child or young person from their family environment when their best interest makes this advisable should be done under the most favourable conditions. Many recommendations have been made in this respect by the Catalan Ombudsman to ensure that if the child cannot be taken in by an alternative or extended family, they are able to live in a place as similar as possible to their family setting.

The measures put in place to curb the spread of COVID-19 and which affect outings and activities in residential facilities, the interruption of visits in meeting point services, the restriction on visits and outings by family members to the facility and Child and Adolescent Visitation Venues as well as home follow-up visits impact the right of the child to communicate, interact and receive visits from family members unless it is in the best interest of the child.

These restrictions on visits and outings from protection facilities have also been introduced in other regions, for example by a Decision of the Governing Council of the Balearic Islands of 16 March 2020 and a Decision of 13 March 2020 by the Regional Ministry of Social Services and Citizenship of La Rioja, which suspended the system of contacts with minors in the care of the Region of La Rioja except in duly justified emergency cases. However, the right of the child to maintain regular contact with their parents and to maintain ties with them should be assessed.

Furthermore, in its Instruction 3/2020 of 12 March the DGAIA lays down safety and protection measures to be implemented in residential facilities of all kinds coming under the DGAIA in relation to COVID-19. The measures include not sharing spaces, not sharing cleaning utensils, clothing and towels, ventilation of common areas, interpersonal distance and heightened cleaning. Preventive isolation is also envisaged following the recommendations issued by the Catalan Ministry of Health.

Social educators at a number of Residential Centres for Educational Action (CRAE) have started up a campaign to complain about their poor conditions. This has previously been noted by the Catalan Ombudsman in measures concerning shortcomings in the working conditions of this group. However, their statements of 23 March report such shortcomings have been exacerbated by the management of the coronavirus crisis.

The group says that the CRAEs are overstretched due to the lack of preventive measures tailored to their special situation. The measures proposed by DGAIA include ensuring staff who are vulnerable due to previous conditions do not carry out direct care tasks, putting in place hygiene measures and

implementing the measures indicated by their primary healthcare centre in the event of symptoms.

The CNT trade union argues that these instructions are abstract and insufficient and they also hand over the implementation or otherwise of the measures to the organisations running the CRAEs.

They complain that in most facilities there are no risk assessments, there are no facemasks or gloves or protocols against possible contagion, and preventive quarantine is not observed. They report a case at the El Mas CRAE of a young person confirmed as positive who remained in the facility in contact with the staff and with the other young people admitted. They also complain that lockdown is implemented using 24-hour staff shifts.

First of all, it is clear that every institutionalised child is at a much greater risk of catching the disease due to living in close proximity to other people. It is therefore essential to step up precautions and implement health and safety measures for children and young people in institutions and the staff who look after them.

Secondly, the emergency should not be doubly detrimental in terms of what placement in a residential facility already means in the life of a child or young person.

Given the special vulnerability of this group, educational and leisure activities should be maintained as far as possible. It should also be ensured that they can keep up visits and ties with their parents and relatives despite the restrictions and limitations on entering and leaving the facilities by setting up alternative communication mechanisms and continuing visits with appropriate safety measures.

Consideration should be given to situations of neglect and abuse suffered by most of the children and young people who are admitted to a facility in the protection system along with the need to safeguard their right to physical and psychological recovery in an environment which fosters their health, self-respect and dignity in accordance with Article 39 of the Convention.

In this respect it would be advisable to enhance educational and psychological support to address the implementation of the lockdown which may hinder the process of emotional recovery which some of these children may be engaged in.

In the case of young people in juvenile justice facilities, the entry and exit restrictions that apply in prisons are reportedly applied.

It should be borne in mind that the main purpose of the activities conducted in juvenile justice facilities is the social integration and reintegration of young people who have been convicted by implementing essentially educational and responsibility-based measures, along with the custody of all minors and young people who have been detained under precautionary and final orders.

The principle of resocialisation stipulates that any activity at the facility in which a detention measure is carried out is to be guided by the standard that

the detained minor is a legal person and continues to form part of society. Consequently, life in the facility should be based on life in freedom and the negative impact that internment may have on the minor and their family should be reduced as much as possible. Efforts should also be made to promote social ties, contact with family members and other people who are close to them along with the cooperation and participation of public and private organisations in the process of social integration, especially ones which are geographically and culturally closest (section 55 of the Criminal Responsibility of Minors Act 5/2000 of 5 January).

Here it should also be noted that in the case of young people imprisoned for committing crimes, the restrictions on outings and visits would have to be assessed and weighed up against the needs of preserving public health and also the principle of resocialisation of the offending minor.

On 24 March, the Catalan Ministry of Justice reported that Catalan prisons are launching a pilot plan for inmates to contact their families by video conference while the lockdown lasts.

The Catalan Ombudsman believes that it would be advisable to study the channels available to broaden this mechanism of communication and maintenance of ties with family members to all facilities, especially juvenile justice facilities, and to communications between inmates and their children under the age of 18, as long as this would be in the best interest of the child.

## **6. Telecommuting, the invisibility of childcare and the risk of perpetuating the gender impact**

Telecommuting, together with other measures to make the working day more flexible and to balance work and family life, has proved to be one of the most effective ways of meeting the need for attention and care for dependent children in view of the closure of schools. This has been reflected in Royal Decree Act 8/2020 of 17 March on extraordinary emergency measures to address the economic and social impact of COVID-19.

The Catalan Ombudsman points out that this type of measure may render the task of caring for children, one which requires full attention and dedication, invisible.

Domestic and care work, which has traditionally been assigned to women and historically excluded from any socio-economic analysis in addition to not being socially recognised or financially rewarded, may once again be made invisible at this exceptional time, since neither the people hired to perform this task (domestic service) nor facilities such as day-care centres and schools can perform it.

It should also be noted that in the current social emergency, domestic service, which is also mainly provided by women, is not sufficiently protected against suspension and termination of contracts as is also the case with other unstable jobs.

As has been mentioned above, childcare and the task of caring, which are absolutely fundamental to human and social development, still tend to be left to women even today in our modern societies. This is shown by numerous studies which demonstrate that women spend twice as much time on this crucial aspect for supporting society. Consequently and in addition to being hidden, care and attention for children in this situation will also probably be mostly performed by women.

Accordingly, mechanisms need to be put in place to ensure that the measures provided for in Royal Decree Act 8/2020 to safeguard childcare in this emergency do not once more have a gender impact and to prevent the perpetuation of gender inequality which is already present in the labour market.

Leave of absence currently provided for in labour law to balance work and childcare is based on ordinary situations where day-care centres and schools are operating. Hence balancing work and family life is envisaged as part of a social structure which has these public services for the care of children and young people.

Similarly, no distinction is made in the approach or leave available based on family situation, single-parent family, parental separation, number and age of dependent children, disabilities, contagion by the disease and the need for isolation of the parents/children, etc. The variability of options and cases and the urgency of the situation call for a partnership between businesses and employees and the public in general to come to agreements which ease work obligations and do not lead to undue conflict in the courts later.

Indeed, sections 5 and 6 of Royal Decree Act 8/2020 of 17 March are a plea for balance and proportionality between the demands of workers and the requirements of the company's operations. However, attention must be drawn to the need to safeguard the right to care and attention of dependent children and young people and to the inequality which may emerge in this area as a result of family structures, existing needs and the scope and type of work normally performed by carers.

Accordingly, the Catalan Ombudsman calls on the public authorities to ensure that telecommuting is not simply seen as something that makes it possible to combine childcare and work, as this would render care tasks invisible again and result in an absence of protection or inadequate care for children who require the time and attention of their caregivers. Furthermore, it should be ensured that measures to make working hours more flexible and responsive are not detrimental to women.

People having to work from home and look after children to ensure their care, protection and wellbeing during this health emergency cannot be required to be equally productive as employees as before. Likewise, how these situations can be addressed for social responsibility purposes needs to be assessed.

The failure to acknowledge care tasks and the invisibility of children in the measures implemented to balance work and family life when the social structure which supports the care and education of children, i.e. schools, is not available infringes the rights of these children and young people who are not

guaranteed care by their parents during lockdown in terms of time and attention.

### **7. Double and triple vulnerabilities. The right of all children to an adequate standard of living (Article 27).**

In addition to the special vulnerabilities and shortcomings specified, the effects of the measures agreed on impoverished families with difficulties in providing decent housing, utilities and meeting basic needs are doubly or triply challenging when they have young children who are not in school.

Lockdown in over-occupied homes with poor lighting and ventilation leads to severe socio-economic discrimination among families over and above any which already exists under ordinary circumstances.

Measures such as the maintenance of social services to deal with cases of social emergency have been implemented. Measures have also been put in place including deferment of rent payments for flats owned by Barcelona City Council and free school meal assistance has been maintained through meal cards. Also under discussion is a proposal made to the national government to suspend housing rent payments for people who have been most impacted by the consequences of the pandemic. Extraordinary measures are also planned to ensure access to basic services, mortgage payments, unemployment benefits and tax payments among other issues.

Nonetheless and in situations of economic and social insecurity, school provides children with a stable environment and meets their material and emotional needs which in spite of the measures taken to mitigate the situation are even more difficult to cater for in families living in very insecure conditions.

Furthermore, information provided by the Catalan Institute for Women suggests that cases of domestic violence have gone up, judging by the fact that phone calls received during the period of lockdown have doubled. The risk of crises and violence occurring or increasing in families which are already vulnerable in this respect, and which have been identified by social services, is high during a lockdown.

Specific mention should also be made of migrants without relatives, runaway adolescents, former wards in the 18-21 age group and adolescents who are potential trafficking victims.

Consequently, rather than decreasing during this period, greater commitment and effort should be put into identifying situations of risk and lack of protection for children and young people and providing economic and social support to the most vulnerable families whose insecure financial situation or social difficulties mean they are unable to deliver an adequate level of wellbeing for the children in their care.

At this time and notwithstanding the problems of coordination and face-to-face contact, the social services need to have the resources to cope with a significant increase in their workload and provide appropriate follow-up while taking the requisite safety measures. For this purpose, an Extraordinary Social Fund has

been set up under Royal Decree Law 8/2020 of 17 March, prioritising care for families with dependent children.

## **RECOMMENDATIONS**

To help draw attention to the rights of children and young people in the management of this unprecedented health crisis, in fulfilment of the roles entrusted to it, and without questioning the measures which based on scientific and technical knowledge have been taken by the various authorities with the urgency required by the situation, in this decision the Catalan Ombudsman **recommends:**

### **TO ALL AUTHORITIES AND INSTITUTIONS INVOLVED**

1. Ensure that the best interest of children and young people is factored into all decisions taken by the authorities and institutions involved.

#### **Best interest of the child, participation and right to be heard**

2. In this respect, and especially in terms of the decisions which most directly affect them, the authorities should convey and explain in language that is understandable and tailored to the various age groups the reasons for the decisions taken, the impact on their rights and how the consequences of the measures implemented have been assessed in order to determine whether they are proportionate and necessary.

3. Evaluate the options available to enable children and young people take part in making these decisions and put forward suggestions, concerns and ideas, whether through participation forums existing for this purpose such as the National Council for Children and Young People, Municipal Councils for Children, Youth Councils, etc., or other channels considered apposite.

4. In relation to travel, and notwithstanding the fact that regulation and control of these cases may be problematic and jeopardise measures for protection and curtailing the spread of the virus, the specific needs of children should be assessed in order to carefully adapt the lockdown measures so that children and young people can perform some outdoor activities and physical exercise while maintaining safety distances and depending on the age and circumstances of the minor.

### **TO THE CATALAN MINISTRY OF HEALTH**

#### **Comprehensive healthcare for children**

5. Continue to prioritise healthcare for children and young people. In this respect, the announcement by the Catalan Ministry of Health of the adaptation of health and hospital settings to care for this segment of the population which requires separate continuity of care alongside the treatment of COVID-19 is to be welcomed.

6. Properly inform people that children and young people have to be protected in this pandemic as well insofar as the WHO describes them as a population at risk, focusing especially on particularly vulnerable groups, children with diabetes, metabolic problems, behavioural disorders, risk of immunosuppression, newborns and pregnant women.

7. Widely and effectively publicise through the media and other channels accessible to most people recommendations and advice about how to deal with the lockdown in such a way as to lessen its impact on managing and controlling emotions and on the overall development of children and young people.

8. Evaluate in conjunction with doctors and technical specialists in paediatric healthcare and other professionals involved the possibility of providing for some type of exemption from safety measures in keeping with the need to contain the virus and appropriate public health guarantees to meet the specific needs of children for movement and contact with the outdoor environment based on their age and personal circumstances. If this is considered advisable, raise the issue with the competent authorities.

## TO THE CATALAN MINISTRY OF EDUCATION

### **The right to quality, inclusive education under fair conditions. The safeguards of the school as an institution**

9. In line with the efforts the Catalan Ministry of Education says it is already making to safeguard the right to free and compulsory education for all students while maintaining the quality of education and the fairness and inclusiveness of the system, also ensure support and follow-up for students whose family and socio-economic circumstances and special educational needs may mean they have greater difficulty in gaining access to and keeping up their learning.

10. Leverage the accelerated drive to extend the use of digital technologies for learning to the entire educational community, which is expected to continue once the current emergency has been overcome, to examine the expediency of providing a system of proprietary digital tools which also ensures secure data use and protection.

11. In addition to continuity in students' formal learning, give guidance to teaching staff to ensure all students are monitored and mentored, especially students at risk of dropping out of school.

12. Likewise, work with social and healthcare services to monitor families at risk while complying with the public health safety measures prescribed.

13. In terms of the absence of peer-to-peer interaction in the school, and especially for students who have greater difficulties in maintaining contact due to their personal or surrounding circumstances, guidance to teachers should include using digital or phone tools to mentor and achieve continuity in work in the educational community and not just on an individual basis.

14. The materials and tools provided should be as accessible and tailored as possible to students with disabilities.

## TO THE CATALAN MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILIES

### Children and adolescents with disabilities. Addressing specific needs

15. Assistance and support for families including students with disabilities should be ensured so that they can be monitored and gain access to any home care services they may require under secure and safe conditions.

### Institutionalised children and young people. Safety and protection, maintaining ties and psychological and emotional support

16. Expedite safe systems for communication and maintaining ties for children and young people in institutions, whether in protection or juvenile justice facilities or as the children of inmates, as well as for the Child and Adolescent Visitation Venues and meeting points, provided that this is in the best interests of the child and is accompanied by appropriate safety and protection measures.

17. In relation to harmonious interaction and daily life in residential facilities, prisons and juvenile justice educational facilities where the risk of infection by COVID-19 is greater than in a family household, take every precaution and provide clear instructions and protocols for the protection of staff and the children and young people admitted.

18. Plan specific emotional and psychological support measures for children and young people who as a result of the lockdown and their previous emotional distress may be more likely to experience mental health and emotional stability problems.

19. While complying with the Catalan Ministry of Health's instructions and protocols, ensure that all these protection and safety measures for community interaction in the facilities interfere as little as possible with the performance of the everyday educational and free time activities of the children and young people living there.

## TO THE CATALAN MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILIES

### New forms of work and flexibility measures. Raising the profile of and enhancing care and attention for children and young people. Gender bias

20. Ensure that the new forms of working and work-life balance measures do not add to the existing gender bias in care and domestic work roles.

21. Pay special attention to the different kinds of family setups and personal circumstances so that the measures do not entail fresh discrimination (single parents, parental separation, job insecurity, disability, illness, etc.).

22. Monitor the measures taken in the various sectors with special reference to telecommuting. Flexibility measures implemented, such as telecommuting, should be monitored for both public and private sector staff.

This remote working tool should not be used to the detriment of the task of caring for dependent children and young people. The authorities should leverage the circumstances and collective social awareness in the fight to combat the spread of the disease to underscore social and economic responsibility in caring for dependent persons and children by raising its profile and acknowledging its time and monetary value.

#### TO THE CATALAN MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILIES AND LOCAL AUTHORITIES

#### Double and triple vulnerability. Economic and social insecurity and the risk of being left unprotected

23. Last but not least, the social services (equipped for this purpose) should be coordinated and mindful of pre-existing social emergencies and ones triggered by the health crisis and the package of measures taken to this end, with special concern for the children and young people concerned.

24. In this respect, efforts have been made to increase resources and staff and keep domestic violence services operational in order to address the greater risk the lockdown entails for the most vulnerable families in terms of this problem. This health emergency should be considered as a social emergency so that all the situations identified can be carefully monitored and distress which might otherwise remain unseen inside the locked down households of Catalonia can be brought to light.

Barcelona, 27 March 2020