

## BELGIUM - COALITIONS OF NGO'S WORKING IN THE FIELD OF CHILDREN'S RIGHTS SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW

The NGOs Coordination des ONG pour les droits de l'enfant (CODE) and the Kinderrechtencoalitie Vlaanderen (KiReCo) are networks of 42 associations with the goal of ensuring the sound implementation of the Convention on the Rights of the Child in Belgium (CRC). For a full comprehension of our concerns, we would like to draw your attention to our alternative report (available on our websites), and to mention that the Concluding Observations for Belgium from the Committee on the Rights of the Child can be found at



<https://www.ohchr.org/EN/Countries/ENACARegion/Pages/BEIndex.aspx>



For more information :

- [www.kinderrechtencoalitie.be](http://www.kinderrechtencoalitie.be)
- [www.lacode.be](http://www.lacode.be)

Contact details :

- [info@kinderrechtencoalitie.be](mailto:info@kinderrechtencoalitie.be)
- [Info@lacode.be](mailto:Info@lacode.be)

### Child's perspective in the Covid 19 crisis

The lives of children and young people have been turned upside down for the past months and everything looked different. The schools were closed, the leisure activities stopped. Seeing family and friends, playing outdoors, going on excursions: everything was forbidden. And even going outside was very limited. At home, in the youth care services, on the street, children and young people experienced the impact of the crisis, just like adults. The corona crisis had a major impact on their feelings and well-being. Among other things, they had to miss a lot and some children unfortunately also experienced more violence.

The corona crisis affects all children and youngsters and challenges their rights. The perspective of children and young people is not sufficiently addressed. Not only are children and young people not heard, but there is also a lack of attention to the crisis' impact on children's rights. The right to receive an education, to be able to play, to receive a medical treatment, to asylum, to assistance and protection against violence, etc. The consequences of the crisis are numerous and are damaging children's rights.

Moreover, the voice of children and youngsters must be given more room in developing corona

measures and an exit strategy. This is mainly possible by creating spaces of expression and letting children and young people speak for themselves. This is the only way we can learn for the future.

The Coordination des ONG pour les droits de l'enfant (CODE) and the Kinderrechtencoalitie Vlaanderen (KiReCo) are extremely concerned about the place that has been and is being given to children in the management of the COVID-19 crisis by the Belgian Government. We urge any relevant authority to acknowledge the impacts endured by children and children's rights during this crisis. We ask them to take the word of children and young people as a basis for emerging corona measures. We ask that children growing up in a vulnerable situation are taken more into account through those measures. Besides, we mainly request clear and direct information about this crisis for young people and children.

## **CHILDREN'S RIGHTS ON THE VERGE OF THE CORONA CRISIS**

Even if necessary for public health, the exceptional and stringent corona measures imposed by the government pose major challenges in the field of children's rights.

Many children 's rights have been endangered by the governments measures taken in the COVID 19 crisis, here are some examples:

- **Best interests of the child as a primary consideration;**
- **Right to participation** : children were and are deprived of (adequate) information, or are victim of misinformation. The right to participation asserts that children and young people have the right to freely express their views and that there is an obligation to listen to children's views and to facilitate their participation in all matters affecting them within their families, schools, local communities, public services, institutions, government policies and judicial procedures;
- **Right to non-discrimination** : the lockdown has aggravated all the pre-existent inequalities affecting children. Discriminations were also reported about the police being particularly severe towards children who were not complying to the lockdown;
- **Right to physical and mental health** : regarding children affected by COVID-19 but also all the children in need for any other medical treatments which were delayed due to the crisis (either by overloaded professionals or by anxious parents). Let us underline that this was critical especially for very young children. Moreover, let us not neglect the impact of this crisis on mental health with the amount of anxiety and stress it carried;
- **Right to protection** : during the lockdown, there was an increase of repressive measures, of intra-family violences, of risks due to the increasing use of Internet (harassment, sexual offenders online, etc.), ... the right to protection for children has suffered on several levels
- **Right to family** : children of parents detained in prison and deprived of visitation rights; difficult follow-up for conflicting custody situations; unequal parental leave when a child is quarantined at home,... ;
- **Right to education** : The right to education has also suffered - and still suffers - from measures taken by the government. During lockdown, there was a great disparity in the organization of education within institutions according to class groups and between institutions, a disparity reinforced by the digital divide. The confinement has therefore caused an increase in educational inequalities and an increased risk of dropping out which will be difficult to compensate at the start of the school year ... six months later;
- **Right to sport, leisure, play, recreation, and participation in arts and culture** : children were and still are deprived of some social, sporting, recreational activities, etc. Even if some activities are allowed again, they are sometimes only possible under strict sanitary conditions.

○ ...

In addition, there are the situations of children already in vulnerable situations on top of the health crisis.

### **VULNERABLE CHILDREN: DOUBLE THE TROUBLE OF THE CORONA CRISIS**

We stated that the corona crisis has a huge impact on children and children's rights. It is obvious that children in vulnerable situations suffer twice from this crisis. The measures taken during the crisis (during lockdown but not merely) reinforced vulnerabilities and created new situations of right 's violations :

- ➔ Children affected by poverty were confined in unsuitable or even unsanitary housing while their parents faced technical unemployment (resulting in reduction or loss of financial income while no longer or difficult access to food aid). The lockdown implied the increase of use for computers, Internet connection, etc. but not everyone can afford this type of equipment. After lockdown, other costs have risen: masks, hydroalcoholic gel, potential fines with exorbitant amount unaffordable for some families, etc.
- ➔ Many migrant and refugee children, accompanied or not, found themselves in the streets, since from the start of confinement to April 7th, only children and young people considered to be the most vulnerable received care. The already complex reception procedures have been made almost inaccessible;
- ➔ Children with disabilities have experienced the full force of this upheaval in their habits with choices that are sometimes impossible for their parents to make: confinement at home or in residence? Leading to a loss of reference points, contact with family or referents, behavioral problems and anxiety;
- ➔ Children in conflict with the law have seen their participation suspended in decisions that affect them. In addition, the presence of the lawyer before and during hearings was made difficult and alternatives to deprivation of liberty were no longer considered.
- ➔ The health crisis has also affected early childhood care since maintaining the quality of reception conditions has been made difficult by the reduction of staff in reception structures and social distancing involving few contacts necessary for useful activities and affecting the good development of young children.
- ➔ The lockdown has also led to an increase in cases of child abuse, neglect, exploitation and violence. While some campaigns have been put in place to promote the various hotlines, there has been a lack of awareness of the guidance and support's services available.

The list of examples is long and non-exhaustive...

### **CHILDREN, LARGELY ABSENT WHEN DEALING WITH CORONA CRISIS**

Too often the voice of children and young people is missing. Decisions are made above their heads. Their perspective must be given more attention in the corona measures and the exit strategy. This is mainly possible by letting children and young people speak for themselves.

Let us remind that whatever the context or the degree of urgency of the decisions to be made, the best interests of the child must be a primary consideration.

The counterparts of this fundamental principle are the rights to information and to participation, which are also essential tools for a coherent policy which respects the rights of the child. However, the regrettable lack of (official) communication directly addressed to children, in a language and a format adapted to the different degrees of maturity, is to be reported. In addition, there are still many challenges to guarantee an ethical, effective and sustainable participation of children in decisions that affect them.

Several leverages upon which children have their own word to say must be taken into account when

dealing with this crisis. The following questions mean to draw attention to those matters:

- What do children think of the crisis? What do they think of the measures taken?
- How do the authorities communicate the measures? Are those adapted to a child-oriented language? Through which channels those measures are communicated? Are those channels relevant for children?
- What kind of measures are being taken? Do they take children's interests and needs into account? Do they take children's opinions into account?

We need to know what they think about this situation, about the measures. In order to do that, we must talk to them appropriately and through relevant communication channels.

## RECOMMENDATIONS

Ensure the right to participation: take the children's perspective as a starting point for developing measures

From the start of the crisis, the Belgian government invested heavily in informing the population. Many organizations, such as 'WAT WAT', Ketnet and Awel, have translated the guidelines in Flanders as good as plausible for children and young people. Youth and youth welfare workers were important role models. In Wallonia and Brussels, some media or specific actors did the same (les Niouzz on TV, hospitals from Liège area, associations active in children's rights fields, etc.).

However, when the administration allowed activities or trips for example, those were mainly measures tailored to the adults. The official Public Health communication did not speak about children or young people. When asked whether children were allowed to play and whether we could inform them about this, the government informed us that playing was not allowed in public spaces. The government's communication on info-coronavirus.be paid no attention to it, in that far that parents usually had to rely on their interpretation. For example: can a young person like an adult exercise with another person? Can a young person go to a store? What are essential trips for children and young people? Can skating and roller skating be compared to cycling and walking? In our opinion, this stain way to communicate incited that it was not always clear, especially for young people, to what was actually allowed and what not.

The guidelines did not sufficiently take into account children and young people and especially children and young people in a vulnerable situation.

Ensure the right to participation: Children and young people have the right to express their views on this corona crisis and how to deal with it

Due to the major impact of the crisis, it is also important to overhear children and young people about what is difficult and what can or should be done differently. So they directly involve them in the agreements at home, in the facility, in the emergency shelter at school.

Many children and young people are not individually heard or involved in this. But also as a society, we gave too little attention to their voice in this crisis. Their perspective was not yet sufficiently covered. The guidelines were mainly tailored by and to adults.

Since the end of the lockdown, we noticed that their perspective was more taken into account:

- Playgrounds were reopened;
- Summer camps took place;
- The schools are still completely open now for all the students.

These are all positive things which show that the perspective of children was taken into account, but we still have a long way to go.

#### Focus on child-oriented and direct information through adequate channels

More attention should be paid to direct information for children and young people, tailored to their needs.

Making information "child-oriented"<sup>1</sup> means adapting the information to the age and maturity, language, gender and culture of the child or young person. It means that you disseminate information in various forms, with verbal, visual and written support. But also that you choose channels (YouTube, TikTok) and sources ("influencers") that children and young people often consult. And let us not forget to involve children and young people while developing and evaluating the communication material.

There is a lot of information about corona available through the WAT WAT channel for Youngsters, at Awel and Karrewiet for Children, or through Les Niouzz. However, it was not clear for many children and especially young people what was allowed and what was not. Politicians should communicate more directly with children and young people, and explicitly name this target group in the messages of the Security Council, with more emphasis on what is allowed and what is not allowed.

For example, we urge the various authorities to communicate clearly about what is not allowed in the outdoor areas. But especially about what is allowed. Preferably with clear pictograms about the guidelines in places where children and young people come together and play.

#### Focus on correct information toward parents, children and young people and in maintaining the connection with children and young people

The school, youth work, CLB/PMS, and youth aid must keep a sufficient and regular connection with children and young people, also to keep an eye on their mental well-being. Parents, brothers and sisters, family and friends are essential to discuss personal feelings. Parents and those responsible for education must be given the right tools and support to start conversations with children and young people about corona and the impact on their immediate environment. Involvement of partners with expertise in parenting support, is much than needed in order to learn how to talk to your child about the corona crisis, for example.

Many schools, teachers, CLB/PMS staff and pedagogical counselling services and youth workers are now bringing children online together or are visiting vulnerable children and young people. This means already a lot to those children and young people. Seeing each other, even on a laptop screen, is a powerful stress and anxiety reliever. However, not everyone has a laptop and an internet connection, and virtual interactions are not and will not be enough on the long run.

#### Ensure the right to protection measures for children and young people against violence & the Child reflex

During the Covid crisis aid workers signalled a rise in domestic violence. In the very short term, more risk factors for violence in families emerged. Stress, anxiety, financial insecurity, constant coexistence, underpowered housing: these were all factors that played a role in escalating family situations where there was already unrest. At the same time, protective factors have disappeared or diminished, such as social contacts, social control, face-to-face counselling for the family, places to escape for a while, like a school.

It should therefore not come as a surprise that children and young people in vulnerable situations were more exposed to violence. Services in the field such as Awel and 1712, the reporting point for

---

<sup>1</sup> Definition: Council of Europe Committee of Ministers Guidelines on child-friendly justice, adopted on 17 November 2010, guideline 2.

domestic violence, were also receiving more reports of violence.

In any case, awareness is needed about abuse and violence, and information about emergency helplines such as 1712 or 103, nupraatikerover.be, Awel and Tele-Welcome, via accessible information platforms such as radio, children's and youth TV and social media should be widespread to the extent possible, in order to reach all sections of the population. It is essential that these services continue to operate in a very accessible manner, with the necessary capacity to answer all emergency calls.

For families who have it difficult, youth care, from home counselling to residential youth care services, must be and remain available and accessible, especially during a period of lockdown. Crisis youth care must also remain available and offer a solution in case it no longer works at home. In order to pick up signals, active connections must be set with vulnerable families, for example by telephone, via Skype, WhatsApp, Messenger, Instagram and via messages to those families, experiencing difficulties.

The right of children to protection against violence was strongly limited by the lockdown, in particular when they much less went outside. The reopening of schools and playgrounds where children and young people can escape from a difficult home situation is a meaningful tool for help and provide opportunities to find support.

We request that the child reflex or even the violence reflex in first-line organizations such as CAWs, PCSWs, GPs, teachers, youth welfare and out-of-school childcare to be accelerated. Organizations that have an accessible approach should be given tools to talk regarding violence in families. The Child Abuse Confidence Centers have the necessary expertise to further expand this.

We draw attention to a coherent approach to violent situations in which justice, police and assistance are coordinated. This implies strengthening the current chain approach to domestic violence. In order to be able to support, monitor, evaluate and adjust these processes in practice, we request a restart of the Flemish Child Abuse Forum and the further refinement of the Child Abuse Protocol.

#### Protect the right to education by preserving schooling for every child

The school plays a very important role in the lives of children and young people. It is not only the place where children learn. They also have social contacts, play there, relax and find support. The fact that the majority of children and young people couldn't go to school and had to take digital lessons also had an effect on their stress level and on being able to follow lessons. Not to mention, once again, that not everyone has a laptop and an internet connection...

It is positive that the Minister of Education, together with the educational networks and unions, decided for a complete reopening of the schools after summer holidays. Now the second wave is coming, experts and policy makers are emphasizing that schools are not to be closed. Only when the situation, gets extreme, there will be a lockdown of the schools. We applaud this decision.

#### Evaluate digital teaching and school safety regulations for the future

Given any eventual subsequent corona waves or health crises, schools would do well to seriously evaluate and improve their distance learning, in case it is needed again. Here as well, it is necessary that children must be heard about the difficulties they can face in order to access digital training. The feedback from parents and students is crucial. We realize that the school context often differs a lot, but we still request to develop a common vision and to make agreements about a common approach.

#### Pay special attention to children and young people in a vulnerable situation

We demand to prioritize and put maximum attention to children and young people in vulnerable situations (children affected by poverty, migrant and refugee children, children in conflict with the law, etc.), to all children with specific learning needs, who are in a difficult home situation and for students who do not find their niche so that they do not fall behind even more.

For children and young people in a difficult home situation, in addition to material support, intensive tailor-made guidance is required. If they are too small and live with many people, taking lessons or doing homework is not easy. Provide an environment where children and young people can do school work when it is too busy to work at home.

We advocate outreaching play and leisure activities for those children and young people in their neighbourhood. For example, clear streets in their neighbourhood or open up school playgrounds, set up temporary playgrounds for the youngest, and ensure that young people can do enough leisure activities there.

Playground activities and summer camps must also be financially viable and accessible to everyone. Socially vulnerable children and young people also deserved a perspective on fun activities and social contact with peers. But unfortunately, they were left out.

Unlock more spaces for play, cultural activities, relaxation and meeting, since the 1.5 m distance rule remains

More spaces need to be opened up to allow play and meeting at a distance of 1.5 m. In order for children and young people, and in particular teenagers and young people over 12 years of age, to fully enjoy their right to play, the various authorities must be more ambitious and not just make spaces and playgrounds accessible again. They need to look further and not just draw down on the corona measures. Ideally, sports grounds, football pitches, school playgrounds open up again to the general public and not only to members of the sports club or the students of the school. Some schools are experimenting with an open playground after school hours. Parents can reserve a playtime slot. Why not opt more resolutely for more play streets or play fabrics with challenging movement and play impulses at a distance of 1.5 m?

\* \* \*

For all the above reasons, CODE and KiReCo urge governments to take action to fully guarantee children's rights. Through their role in monitoring the proper application in and by Belgium of the International Convention on the Rights of the Child, our coordinations are particularly vigilant to violations of children's rights caused by the crisis and stand up to denounce the situations of vulnerability and social inequalities created and reinforced by this particular context. Children should not under any circumstances be collateral damages of this crisis.