

APPENDIX 5: Rest and Leisure: Children's Rights Impact Assessment (CRIA)

Subject Focus: UN Committee Recommendation 2

Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities. Such solutions should include supervised outdoor activities at least once a day which respect physical distance protocols and other hygiene standards, and child-friendly cultural and artistic activities on TV, radio and online.

This CRIA is useful to read alongside Scottish Government guidance, which can be found at

<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/> (please note, this Scottish Government guidance encompasses wellbeing frameworks used in Scotland, while the primary emphasis of this Alternative CRIA is on children's rights)

Impact Assessment by: Theresa Casey

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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name each measure (including relevant sections of legislation and guidance) being assessed and describe the overall aim	
Measure	Overall aim of the particular, relevant aspects of the measure
Coronavirus Act 2020	<p>S.52 outlines the power to restrict or prohibit gatherings or events, and the power to close or restrict access to premises. S.16 outlines that The Secretary of State may give a temporary closure direction that applies to educational institutions.</p> <p>S.37-38 outline that ministers, including in the devolved administrations, the power to require the temporary closure of a school or registered childcare provider. When a minister has given such a direction, the institution must take reasonable steps to stop people attending the premises for a specified period. The minister can also make more specific directions about particular parts of the premises or particular people. These powers may be used to require relevant providers to stay open or reopen, enable individuals or groups to attend different premises, to change term/holiday dates. The powers may also be used to require relevant</p>

	<p>institutions to provide additional services, for example, provide extended hours childcare. Ministers have to take advice from public health officials before using these powers.</p> <p>Schools remain open for those who are vulnerable and those whose parents/carers are critical to the coronavirus (COVID-19) response.</p>
Coronavirus (Scotland) Act 2020	Of relevance to play, leisure and culture, the Act relaxes timescales for applications for the Best Start Grant, allowing late applications where entitlements may have been lost as a direct result of coronavirus. The Best Start Grant – particularly the Early Learning grant – aims to provide help to those responsible for the child to provide items for play, recreation and leisure activities including changes of clothes for messy outdoor play and toys for learning and development at home (Scottish Government, 2018a).
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	<p>The Regulations place requirements on premises to close. Most relevant to United Nations Convention on the Rights of the Child (UNCRC) Article 31 are cinemas, theatres, concert halls, museums and galleries, skating rinks, gyms, swimming pools, bowling alleys, soft play areas or other indoor leisure centres or facilities, funfairs (whether outdoors or indoors), playgrounds, sports courts and outdoor gyms.</p> <p>The Regulations place considerable restrictions on movement and gatherings, giving police powers to disperse gatherings and to remove people to the place where they are living. Anyone who contravenes a direction or fails to comply with a reasonable instruction commits an offence.</p> <p>The Regulations allows for people to leave their homes provided they have a ‘reasonable excuse’ (one form of exercise a day either alone or with other members of their household, being the ‘reasonable excuse’ relevant to Article 31).</p> <p>16-and-17-year olds could be issued with a fixed penalty notice if deemed to have committed an offence under these Regulations.</p>
Children and Young People (Scotland) Act 2014	The Order suspends the legal obligation on local authorities to provide the 1140 hours of funded childcare for children aged three to five, from August 2020.

(Modification) (No. 2) Revocation Order 2020	
Coronavirus (COVID-19): Framework for Decision-Making – Scotland’s Route Map through and out of the crisis	The Framework sets out the approach, guiding principles, assessment framework and preparations for easing of ‘lockdown’ in five phases. The Framework states the intention to recognise unequal impacts, provide additional support for those who need it and to advance equality and protect human rights, including children's rights. There are a range of implications and impacts on children and young people’s UNCRC Article 31 rights from different phases: including seeing more family and friends, greater access to outdoor public spaces, fewer restrictions on time outdoors, returning to school and childcare, reopening of playgrounds and sports courts with physical distancing (phase 2), getting around on public transport (a particular feature of young people’s ability to exercise their UNCRC Article 31 rights), reopening of museums, galleries, cinemas and libraries (phase 3) with physical distancing and hygiene measures.
Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children	The guidance defines vulnerable children as ‘vulnerable’ for a range of reasons including: being on the child protection register; looked after; on the edge of care; being eligible for Free School Meals; having complex additional support needs; being affected by poverty and deprivation.’ The list is not exhaustive and recognises groups of children and young people may have increased vulnerability due to closures of early learning centres and schools.
Coronavirus (COVID-19): physical distancing in education and childcare settings	The guidance provides advice for schools and childcare settings who are providing care to children during the pandemic. The guidance recognises that it is not possible to fully physically distance within education and childcare settings with very young children and with children who have complex needs or disabilities.

Question 2: Which human rights instruments and Articles are particularly relevant to the measure(s)?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
UNCRC	Article 31 – the right of the child to rest and leisure, to engage in play and recreational activities	The United Nations Committee on the Rights of the Child’s Recommendation 2 (2020) directly concerns Article 31. The measures profoundly impact children’s Article 31 rights and, because Article 31 is expected by the UN Committee to be understood holistically, on children’s

	<p>appropriate to the age of the child and to participate freely in cultural life and the arts.</p> <p><i>... the right to participate fully in cultural and artistic life</i></p> <p><i>... the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.</i></p>	<p>rights as a whole. The realisation of children’s rights under Article 31 is fundamental to the quality of childhood, to children’s entitlement to optimum development, to the promotion of resilience and to the realisation of other rights (UN Committee General Comment No. 17, 2013b Para: 8).</p>
UNCRC	Article 2	<p>The obligation to ensure children and young people can exercise their rights without discrimination of any kind. The measures have differing degrees of short-, medium and long-term impact on the Article 31 rights of groups of children and young people including disabled and seriously ill children, children experiencing poverty and digital exclusion, children and young people with limited access to gardens, local open space and greenspace, children and young people with additional responsibilities in the home.</p>
UNCRC	Article 6 – Life, survival and development	<p>States parties should promote awareness and understanding of the centrality of play for children’s development (UN Committee General Comment No. 17, 2013b Para: 5). The measures impact on children’s developmental needs.</p> <p>With regards to the implementation of the rights of young children the UN Committee reminds that the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to a healthy and safe environment, education and play as well as through respect for the</p>

		responsibilities of parents and the provision of assistance and quality services (Articles 5 and 18). (UN Committee General Comment No. 7, 2005 Para: 10)
UNCRC	Article 12 – Participation	<p>The right to express views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. Article 31 rights are both a means of expressing views and a form of everyday participation. The measures have implications for children’s right to express views on limits imposed on their Article 31 rights.</p> <p>Children should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community. (UN Committee General Comment No. 1, 2001 Para: 15).</p>
UNCRC	Article 13 – Freedom of expression	<p>Fundamental to the right to participate freely in cultural and artistic activity, children have the right to express themselves in the ways they choose (UN Committee General Comment No. 17, 2013b Para: 20). The measures have impacted on children’s means to expression.</p>
UNCRC	Article 15 – Freedom of association and peaceful assembly.	<p>In the context of Article 31, Article 15 includes the right to exercise choice in friendships and activities. The UN Committee notes ‘State parties must facilitate opportunities to enable children to meet freely with their peers at the community level’ (UN Committee General Comment No. 17, 2013b Para: 21).</p> <p>The measures directly impact on these freedoms and are further exacerbated by digital inequalities.</p>
UNCRC	Article 17 – Freedom of information	<p>Children are entitled to information and materials which are of social and cultural benefit and which derive from a diversity of community, national and international sources. The measures impact on children’s access, through different media, to information and materials related to their own culture and to other cultures, in a language that they understand, including sign language and Braille (UN Committee General Comment No. 17, 2013b Para: 22).</p>

UNCRC	Article 23 – The rights of disabled children	The measures limit disabled children and young people’s access to inclusive environments and facilities. They restrict disabled children’s play rights which are also recognised as a means of achieving optimum development (see Article 6). They impact on disabled children’s opportunities as equal and active participants in play, recreation and cultural and artistic life (UN Committee General Comment No. 17, 2013b Para: 24).
UNCRC	Article 24 – Health	Article 31 rights contribute to the health, wellbeing and development of children. Appropriate provision to enjoy the rights under Article 31 when they are ill and/or hospitalised plays an important role in facilitating recovery (UN Committee General Comment No. 17, 2013b Para: 25). The measures have impacted on children and young people’s ability to access suitable environments, support and resources to facilitate play, culture and arts when ill, in hospital or recovering from illness.
UNCRC	Article 27 – Standard of living	Inadequate standard of living, insecure or overcrowded conditions, unsafe and unsanitary environments, inadequate may infringe upon children’s Article 31 rights. With relevance to the measures, this is especially acute for children living without opportunities or adequate space for play and recreation in their own homes (UN Committee General Comment No. 17, 2013b Para: 25).
UNCRC	Articles 28 and 29 – Education	<p>Implementation of the rights under Article 31 is essential to achieving compliance with the right provided for in Article 29. Rights under Article 31 are of positive benefit to children’s educational development; inclusive education and inclusive play are mutually reinforcing and should be facilitated during the course of every day throughout early childhood education and care (preschool) as well as primary and secondary school.</p> <p>It is noted that children and young people should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community. (General Comment No. 1, 2001 Para: 15).</p>

UNCRC	Article 39 – Recovery from trauma.	Article 31 rights can provide a valuable means through which children can externalise traumatic or difficult life experiences in order to make sense of their past experiences and better cope with their future. The sudden and dramatic impact of the measures may be traumatic in themselves and also remove elements of children’s coping mechanisms derived through play and the autonomy and freedoms associated with Article 31.
Convention on the Rights of Persons with Disabilities	Article 7 – Children with disabilities	Article 7 ensures the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. Children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right.
Convention on the Rights of Persons with Disabilities	Article 9 – Accessibility	Article 9 outlines appropriate measures to ensure persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public.
Convention on the Rights of Persons with Disabilities	Article 30 – Participation in cultural life, recreation, leisure and sport	Article 30 outlines States Parties duties to recognise the right of persons with disabilities to take part on an equal basis with others in cultural life. States Parties must take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilise their creative, artistic and intellectual potential. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture. States Parties must take appropriate measures to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities.
European Convention on Human Rights (ECHR)	Article 11 – Freedom of assembly and association	Article 11 outlines that everyone has the right to freedom of peaceful assembly and to freedom of association with others.

UN Standard Minimum Rules for the Treatment of Prisoners	(Rule 105)	Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners (see Appendix 9).
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STAGE 2: EVIDENCE

Question 3a: What quantitative evidence have you used to inform your assessment? What does it tell you?			
Evidence collected	Evidence source	Explanation of the importance	What are the data gaps, if any?
<p>Children’s Parliament survey (2020a) found that being indoors more and learning at home impacts on the physical and mental health of children. Some children feel like they lack energy or do not make healthy choices. There are indications that children do not feel enough control over what they are learning or that they are not enjoying and worrying about learning at home, this is especially true for 12-14-year olds.</p> <p>Children’s Parliament also found indications</p>	<p>National Wellbeing Survey with Children 8-14 Findings Report (April)</p> <p>(Children’s Parliament, 2020a)</p> <p>Evidence collected from 3,968 children aged 8-14 in April 2020.</p>	<p>Emerging evidence from various situations around the world suggests that prolonged school closure, home confinement, and social restriction could have serious consequences for children’s physical and mental health (Graber et al, 2020). The survey findings support this.</p> <p>Girls: Children’s Parliament (2020a) also found indications that girls are doing less well than boys in a number of ways including their general mood, feeling bored, worries, feeling like they lack ‘energy’ and they are less likely to feel in current times that they will be okay.</p>	<p>These surveys were conducted using a digital, online platform. We can assume that those who participated are limited to children and young people with digital access and with access to resources or service providers that enable awareness of the survey itself. There is little evidence of measures to ensure alternative methods to participate are offered for children and young people with a range of communication requirements and/or to ensure those from seldom-heard groups are included.</p> <p>Evidence drawn from survey carried out in Scotland.</p>

<p>that older children aged 12-14 are doing less well than younger children aged 8-11 in a number of ways including loneliness, their general mood, feeling bored, being able to exercise, feeling they can express their opinions and less of a connection with family.</p>			
<p>Over two fifths (42%) of young people in the Scottish Youth Parliament et al (2020) survey stated that they were Extremely or Moderately concerned about school, college and university closures. A quarter (25%) rated themselves as Moderately or Extremely concerned about their own physical wellbeing</p>	<p>Lockdown Lowdown – April 2020 Findings (Scottish Youth Parliament et al, 2020)</p>	<p>Emerging evidence from various situations around the world suggests that prolonged school closure, home confinement, and social restriction could have serious consequences for children’s physical and mental health (Graber et al, 2020) This is reflected in ‘lockdown’ surveys in which children and young people are directly reporting their own experience of lockdown.</p>	<p>As above. Evidence drawn from survey carried out in Scotland.</p>

<p>and two-fifths (41%) are Moderately or Extremely concerned about the wellbeing of others. Almost two-fifths (39%) stated that they felt Moderately or Extremely concerned about their own mental wellbeing and, 46% stated that they felt Moderately or Extremely concerned about the wellbeing of others. Two-fifths (40%) rated themselves as Moderately or Somewhat concerned impact on their social relationships with family or friends. Over half of the respondents (58%) stated that they had some concern over their rights.</p>			
<p>A third (33%) of girls aged four to 10 said they feel sad most of the time and third</p>	<p>Research briefing: Early findings on the impact of COVID-19</p>	<p>Girls reported feeling worried, stressed, lonely and unhappy about elements of their life under lockdown (Girlguiding, 2020: 3-4).</p>	<p>7,000 girls and young women aged 4-18. No equivalent data seems to be available for boys. It is not</p>

<p>(34%) aged 11 to 14 say they feel lonely most of the time.</p>	<p>on girls and young women (UK wide). (Girlguiding, 2020)</p>		<p>clear what the background of participants is and therefore, difficult to ascertain how representative the evidence is. Again, it suggests that only girls with digital access have participated. Evidence drawn from UK-wide survey.</p>
<p>Findings reveal that 74% of parents reported that, on average, children (four to 16 years of age) took part in at least 30 minutes of energetic physical activity per day, inside or outside the house.</p>	<p>Co-SPACE Research Report 1: Findings from the 1500 participants (across the UK) on parent/carer stress and child activity (April 2020) (Waite and Cresswell, 2020)</p>	<p>The findings are below the UK Chief Medical Officer's physical activity guidelines which in summary are: for toddlers at least 180 minutes per day, pre-schoolers at least 180 minutes per day; children and young people (five to 18 years) at least 60 minutes per day across the week moderate-to-vigorous intensity physical activity, and a variety of types and intensities of physical activity across the week.</p>	<p>Participants were organically recruited and thus not a nationally representative sample. The duration of the exercise beyond 30 minutes is not reported. Evidence drawn from UK survey.</p>
<p>Play Scotland found 59% (154) play and childcare services were closed, 9.6% (26) were fully open and 31.03% (81) had limited opening. Sixty per cent (150) respondents said that outdoor play</p>	<p>Play Scotland (2020) <i>Play and childcare settings: the impact of COVID-19</i>. Edinburgh: Play Scotland.</p>	<p>Emerging evidence from various situations around the world suggests that prolonged school closure, home confinement, and social restriction could have serious consequences for children's physical and mental health (Graber et al, 2020). The survey findings indicate closure and reduced services provided play and childcare services.</p>	<p>Largely limited to adults with digital access. No evidence of measures to ensure alternative methods to participate are offered for adults with a range of communication requirements.</p>

opportunities were severely curtailed with a third (84) stating that outdoor play had been partly curtailed.			Evidence drawn from survey carried out in Scotland.
The biggest concerns for families of disabled or seriously ill children were around educating and entertaining their disabled or seriously ill children at home (74%) and their children's health and wellbeing (71%).	Family Fund Survey Findings – May 2020 (Family Fund, 2020) The survey involved 2,531 families of disabled or seriously ill children.	Disabled and seriously ill children and young people represent a group whom the UN Committee suggests require particular attention to ensure their UNCRC Article 31 rights are met. Findings from the survey reinforce the need for pro-active measures to remove barriers and promote accessibility to and availability of inclusive opportunities (UN Committee General Comment No. 17, 2013b Para: 50).	Largely limited to adults with digital access. No evidence of measures to ensure alternative methods to participate are offered for adults with a range of communication requirements, however the respondents give voice to the experience of seldom-heard children and young people.

Question 3b: What key missing information / evidence would have been beneficial to your analysis?
There is little evidence disaggregated by age, gender, living circumstances, socio-economic status, geographic location or by Scottish Government (2020m) definition of 'vulnerable'. This makes it difficult to understand the differing impact of measures on different groups of children and young people. Differences may be quite nuanced. Children with gardens for example, may have played outdoors a lot more than normal, whilst those without may have been much physically less active but available evidence does not reveal the everyday experience of groups of children and young people.
Evidence of children and young people's levels of play and physical activity at various stages of the coronavirus pandemic is difficult to find and missing for diverse sub-groups. In addition, older children and adolescents may use different vocabulary to describe informal recreational activities in the community (hanging out, for example) and it can be difficult to research. However, the spatial and UNCRC Article 31 rights of older children and adolescents should not be overlooked, particularly as restrictions on 16 and 17 years old may be enforced less sympathetically than for younger children.

Information about access to digital technologies in the home and sufficiency in relation to family needs during the COVID-19 crisis. Families report many factors in relation to digital access (see Appendix 4) which will impact on their ability to access artistic, creative, recreational and social opportunities online.
Greater evidence of children and young people’s level of engagement and satisfaction with creative, cultural and artistic activities at various stages of the pandemic and their satisfaction levels, and the reach of online creative activities, would have been useful.
It is noted that the UN Committee expects that budgets should be reviewed to ensure that the allocation for children, in respect of cultural, artistic, sports, recreational and play activities, is inclusive and consistent with their representation as a proportion of the population as a whole, and distributed across the provision for children of all ages (UN Committee General Comment No. 17, 2013b Para: 58(d)). This assessment was unable to find this type of information.

Question 4a: What qualitative evidence have you used to inform your assessment? What does it tell you?			
Evidence collected	Evidence source	Explanation of the importance	
This review aimed to collate the available evidence as to whether quarantine and other forms of isolation have an impact on children’s play, and to investigate whether play might mitigate any adverse effects of quarantine or other forms of isolation on children’s health and educational outcomes. We endeavoured not only to identify gaps in the	Graber et al (2020) <i>A rapid review of the impact of quarantine and restricted environments on children’s play and health outcomes</i> . Cambridge: Faculty of Education, PEDAL Research Centre, University of Cambridge.	Due to severe lockdown regulations around the world, typical play experiences have needed to adapt to school and playground closures, changes to peer interactions, and physical distancing. The review found that the literature provided evidence of changes in children’s access to play under restrictive circumstances, but less conclusive inferences regarding changes in frequency of play behaviours. These studies also indicated ways in which play might support children going through periods of isolation or quarantine, via promoting coping, expression, sociability, and skill development, but critically lacked robust investigations of play as a mechanism or intervention target in mitigating the negative impacts of restriction during childhood.	Studies pertaining to children in isolation due to infectious disease outbreaks were absent from the literature reviewed in this search. Evidence draws on a number of UK and international studies.

<p>research literature, but also to inform the foundations of policies that affect children during moments of crisis.</p>			
<p>In areas where there are high levels of poverty and disadvantage the local level responses from the voluntary and community sector to COVID-19 vary in coherence and speed of response. Where there is already a high level of community connectedness, existing infrastructure and collaborative structures it has been easier to mobilise support for vulnerable children, young people and their families.</p>	<p>Children's Neighbourhood Scotland. (2020) <i>Early insights into the COVID-19 response</i> 24 April 2020.</p>	<p>Seeks to understand how local responses are working in the current rapidly changing context and provide insights that can support the next phase of COVID-19 action at both local and national levels. This document is the first of a series that will share regular insights emerging from the research.</p> <p>Amongst the common messages of particular relevance to UNCRC Article 31:</p> <ul style="list-style-type: none"> • The boundaries between families that are coping and not coping are increasingly blurred. • Families who were managing at the beginning of the lockdown period are now seeking support. Many of the families that were 'just coping' have now become 'chaotic' families. • There is a demand for intensive and regular emotional support from families. This is being provided via the phone and video calls. 	<p>Evidence from Scotland.</p>

<p>Recent data shows that around two-thirds of primary school children are currently feeling lonely, representing an increase of approximately 50% compared to normal levels. Loneliness and social isolation adversely affect children's short- and long-term mental health the duration of loneliness, rather than its intensity, is most strongly related to poor outcomes.</p>	<p>Cartwright-Hatton et al (2020) <i>Play First: Supporting Children's Social and Emotional Wellbeing During and After Lockdown.</i></p>	<p>Evidence suggests that many children's emotional health is suffering during lockdown. These negative impacts will be greatest for children from marginalised and disadvantaged groups. Poor emotional health in childhood is linked to long-term mental and physical health difficulties, and poor academic and occupational functioning.</p>	<p>Evidence draws on a number of UK and international studies.</p>
<p>This paper sheds light on the risks that children might face during lockdowns and emphasis on how parents should be a role model for their children to cope during the time of uncertainties. Based on the synthesis of the literature, a balanced children's</p>	<p>Buheji et al, 2020. Children and Coping During COVID-19: A Scoping Review of Bio-Psycho-Social Factors. <i>International Journal of Applied Psychology</i>, 10(1): 8-15.</p>	<p>The pandemic (COVID-19) appears to have a significant impact on physical activity behaviours worldwide. In an attempt to minimize it, several countries have implemented restrictive measures of isolation and social separation. It cites studies, which already suggest the negative consequences of such measures for the general population, especially children.</p> <p>It also highlights emerging evidence suggesting that the worsening of inactivity complications and time disturbances are much likely when children are confined to their homes without outdoor</p>	<p>Scoping review using international sources</p>

<p>physical and mental wellbeing framework is proposed to foster a holistic approach towards mitigating risks and optimizing positive change, supported by parents' facilitation.</p>		<p>activities and interaction. Hence, this disturbance leads to irregular sleep patterns, and less favourable diets, resulting in increasing the child weight.</p>	
<p>To date, we have little evidence to know if, as a result of home confinement, children are spending less time active, going to bed later, and sleeping in later because they do not have to travel to school, or spending more time sedentary, especially through recreational screen time. Evidence shows that children are less active and more sedentary, with less consistent sleep patterns, on unstructured or non-school days (i.e., when they are not</p>	<p>Guan et al (2020) Promoting healthy movement behaviours among children during the COVID-19 pandemic. <i>The Lancet Child & Adolescent Health</i>, 4(6): 416–418.</p>	<p>If this pandemic has reduced healthy movement behaviours among children, the authors suggest we should be concerned for several reasons.</p> <ul style="list-style-type: none"> • Data from the pre-COVID-19 period show that, on average, only a fifth of pre-schoolers and less than 10% of school-aged children meet all the movement guidelines. Given the strong associations of health outcomes with movement behaviours, children's health will be even more compromised during COVID-19. • This period of home confinement – especially if indoors and in small spaces – could lead to higher risk of vitamin D deficiency, mental health issues, and myopia. • Although children seem less susceptible to COVID-19, maintaining or increasing levels of physical activity can reduce their risk of respiratory infections. • Benefits that help children to cope with life-changing circumstances, such as the 	

<p>physically at school) than on school days.</p>		<p>role of physical activity in resilience building, might be compromised.</p> <ul style="list-style-type: none"> • The interactive effects of each movement behaviour might be more pronounced – e.g. children who are less active and engaged in more screen time are likely to have poorer sleep. Finally, there could be potential longer-term health and economic consequences if the adverse behavioural adaptations, such as less activity, become the new normal. 	
<p>Thinking of the school as a system and supporting the view that everyone in that system has their part to play, from the individual through to government departments, will help ease the transition back to school-based learning. This briefing considers the challenges at government, community, school, family and individual child levels and offers recommendations for action to prepare and</p>	<p>British Psychological Society (2020) <i>Back to school: using psychological perspectives to support re-engagement and recovery</i>. Leicester: British Psychological Society.</p>	<p>This briefing considers the challenges at government, community, school, family and individual child levels and offers recommendations for action to prepare and support the return to school.</p> <p>The COVID-19 pandemic has forced of society to confront new and unexpected transitions. The article proposes by taking a psychological approach and thinking about the child and the school as part of a system, we can better prepare and support communities through this transition.</p>	<p>Evidence draws on a number of UK and international studies.</p>

<p>support the return to school.</p>			
<p>Young carers and young adult carers face isolation, loneliness and stress during this time. There remain issues with digital exclusion when providing online groups and 1:1 support. Services have raised some issues during lockdown, for</p>	<p>Carers Trust Scotland (2020, personal communication, 26 May) <i>Young Carers – Rights Assessment Evidence</i></p>	<p>The findings highlight the importance that alternative and creative solutions for these young people to enjoy their rights to rest, leisure and recreation, including alternative non-digital creative solutions, are explored and delivered.</p>	<p>Evidence from Scotland.</p>

<p>example young adult carers seem to be less engaged on these digital platforms than younger age ranges. The Scottish Young Carers Festival has also been cancelled this year: a crucial event that provides young carers with fun, respite and an opportunity to share their views.</p>			
<p>Powers will inevitably interfere with fundamental rights – including those of freedom of assembly, and potentially the right to private and family life.</p>	<p>Amnesty International (2020) <i>COVID Emergency Legislation Scottish Parliamentary Briefing</i></p>	<p>With regard to restrictions on events and gatherings, the briefing recommends:</p> <ul style="list-style-type: none"> • Introduction of a clause which clearly states all powers under this schedule should be exercised in accordance with the principles of necessity, proportionality and non-discrimination, compatibly with international human rights law. • Continuing monitoring and reporting on the use and impact of these powers to ensure consistency in their application and that there are no unintended consequences flowing from their use, such as disproportionate impacts on particular groups. 	<p>Evidence provided to Scottish Parliament.</p>
<p>The briefing notes the UN Convention on the Rights of Persons</p>	<p>Scottish Human Rights Commission (2020) <i>Briefing:</i></p>	<p>The briefing helps to demonstrate the interconnectedness of: movement and gatherings children and young people’s UNCRC Article 31</p>	

<p>with Disabilities (CRPD) sets out a range of duties to ensure disabled people experience their rights equally with others, in particular, Article 11 of CRPD. It notes that restrictions on movement and gatherings interfere with a number of human rights, most notably the right to private and family life (Article 8 ECHR), freedom of expression (Article 10 ECHR) and freedom of assembly and association (Article 11 ECHR).</p>	<p><i>COVID-19 Emergency Legislation Scotland.</i></p>	<p>rights and the autonomy and freedoms which Article 31 encompasses including independent mobility and freedom to inhabit local streets, open, spaces public realm and greenspaces.</p>	
<p>Joint Committee on Human Rights Briefing Note</p>	<p>Joint Committee on Human Rights (2020) <i>Briefing Note, 19 March 2020</i></p>	<p>Notes measures that could be taken to help to contain and control the COVID-19 outbreak, will necessarily engage human rights including:</p> <ul style="list-style-type: none"> • Prohibitions on public meetings and gatherings of more than a certain number of people (Article 11 ECHR freedom of assembly and association). 	

		<ul style="list-style-type: none"> • Potential impact on children e.g. if schools close (ECHR Protocol 1 Article 28, Right to education; Rights of the Child). 	
<p>Children 1st's work alongside families has shown them that the coronavirus pandemic is compounding the complex issues that many families are already experiencing, adding on additional stresses and strains.</p>	<p>Children 1st's response to the Scottish Parliament Education Committee's call for evidence on the impact of the coronavirus pandemic on vulnerable children.</p> <p>Children 1st (2020)</p>	<p>The evidence reports significant concerns about the long-term effect of both the virus itself and the measures to contain it on children and families. Concern is expressed about children's experienced loss, trauma and bereavement and the impact on emotional wellbeing, with potential long-term consequences.</p>	<p>Evidence drawn from Children 1st's experience in Scotland.</p>
<p>Children in Scotland believes that the quality of childcare on offer is the vital element of expansion, and that the experience of the child is central. Children in Scotland urge Scottish Government to use the period of delay to focus on the additional recruitment required, the training and development needs of the current</p>	<p>Children in Scotland (2020) <i>Childcare expansion delay must not risk losing focus on reducing inequalities for children and families.</i></p> <p>Statement: 1 April 2020</p>	<p>Responding to Scottish Government's decision to remove the legal obligation for councils to deliver additional hours of funded childcare by the August deadline, Children in Scotland stressed the need to view future expansion as an opportunity to secure positive outcomes for children.</p>	<p>Evidence drawn from Children in Scotland's work in Scotland.</p>

<p>and prospective workforce and the opportunity to identify enhancements to the settings that will maximise the learning and play opportunities for very young children.</p>			
<p>School closures could result in increased social isolation for young people. Children whose families cannot afford access to laptops, phones or adequate internet or phone connections are likely to miss out on vital learning. COVID-19 is posing significant challenges to existing young carers. It will also draw many more young people into caring roles if the virus affects their family. It is vital that during this time the</p>	<p><i>The impact of COVID-19 on children and young people, The Children's Society (2020)</i></p>	<p>This briefing outlines key concerns and recommendations around the impact of COVID19 Of particular relevance to UNCRC Article 31:</p> <p>Friends: children will likely be spending a lot less time with friends. Time spent with friends, particularly without adult supervision, is important to children's wellbeing. In the coming months children will likely have to maintain their friendships online. For many this may prove difficult and there is the potential for negative online experiences.</p> <p>Health: The consequences for children's satisfaction with their own health is likely to be wide ranging. COVID-19 will likely affect children's mental health. Concern and worry about the virus will likely impact those living with anxiety, depression and Obsessive Compulsive behaviours. For those with hyperactivity conditions or Attention-Deficit Hyperactivity Disorder (ADHD) being restricted in movement at home may be quite challenging. And children</p>	<p>Evidence from UK-based charity.</p>

<p>Government works to support young carers COVID-19 may result in heightened feelings of anxiety and worry and could exacerbate low-mood and other mental health conditions</p>		<p>with special educational needs or learning disabilities may need additional support to adapt to changes in routine and to understand what is going on.</p> <p>School: For the 12% of young people who are unhappy in their schools it might be a relief (not to be at school). But without opportunities to socialise and learn young people will likely struggle and their wellbeing will suffer.</p> <p>Choice: Social distancing or self-isolation will reduce the choice and autonomy children and young people have over their lives.</p> <p>Both in and out of school, the absence of physical contact is also detrimental developmentally – ‘rough and tumble play’ for example is important for example, as is physical touch for all children and young people.</p>	
<p>In the current crisis, disadvantaged children are at particular risk of falling behind their wealthier peers as they are more likely to: live in overcrowded and/or noisy homes, without a quiet space to learn; be without</p>	<p><i>Briefing: Tackling the disadvantage gap during the COVID-19 crisis April 2020.</i></p> <p>Children’s Commissioner England, 2020</p>	<p>This briefing sets out how routes to achieving the goal of no child, whatever their background, falling behind in their education as a result of coronavirus – how schools can be supported to adapt and improve access to meaningful educational opportunities for disadvantaged children. Of particular relevance to UNCRC Article 31: potential for schools to make use of their space without increasing numbers of students in classrooms using sports facilities and outdoor spaces such as sports pitches which could be used to put on activities for children who</p>	

<p>adequate access to the internet; have parents/carers who are less able to support their children to learn.</p>		<p>don't have access to this type of stimulation at home.</p>	
<p>Key messages include:</p> <ul style="list-style-type: none"> • Pupil and family wellbeing: beyond learning, families are struggling with isolation and wellbeing, and would like more support and reassurances from schools. • When schools reopen: children and young people are most looking forward to seeing their friends and teachers, and parents want the primary focus of schools to be on emotional support and wellbeing. 	<p>Child Poverty Action Group and Child North East (2020)</p>	<p>Parents' and children's experiences of school closures 20 May 2020</p>	<p>2,500 parents and carers and over 1,200 children and young people took part in two surveys aiming to understand how families across the UK are experiencing school closures, particularly when living on low incomes. One for parents and carers, and the other for children and young people.</p> <p>Again, it suggests that only those with digital access have participated.</p> <p>Evidence is from UK surveys.</p>

Written submissions from culture and arts sectors.	Written Submissions to the Culture, Tourism, Europe and External Affairs Committee Agenda 11th Meeting, 2020 (Session 5) Thursday 21 May 2020 (Federation Scottish Theatre, 2020)	The Committee called for views regarding the impact of COVID-19 on Scotland's culture and tourism sectors. Written evidence provided by 10 arts and cultural organisations and individuals.	
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Question 4b: What key missing information / evidence would have been beneficial to your analysis?
<p>There is little disaggregated evidence. It is recognised that survey evidence has been gathered at speed and has depended on access to children, young people and families where this has been possible. Where evidence from children and young people is available, it is likely to have changed over the period of lockdown and into the new phase of easing restrictions and will continue to do so. As such recurring surveys such that from Children's Parliament (2020a) are gathering important information. It is also recognised that digital methods have downsides include a diminution of ability to use relationship-based approaches, ethical issues around consent and it can be difficult to gather the views of younger children through digital methods.</p>
<p>There is reason to believe that the frequency of children's play behaviours would have changed as a result of lockdown restrictions. Taken together, the variety of evidence on, for example, the increase in screen time, the decrease in sports facility use, reduced contact with friends and feelings of loneliness etc., there is sufficient evidence to overall suggest play will have decreased for a substantial number in its quality and duration and that this is likely to be differentiated in impact, with the greatest adverse effects being felt on those from disadvantaged areas (Buheji et al, 2020; Guan et al, 2020).</p>
<p>The majority of information and evidence found focused specifically on 'play' and its associated freedoms within Article 31 rather than cultural and artistic rights or children and young people's views on limitations and restrictions placed on exercising these dimensions of their Article 31 rights.</p>
<p>Children and young people, and certain groups of children and young people for example, Gypsy/Traveller communities, are subject to negative stereotyping. Media monitoring (traditional and online media including social media) data would have been useful to understand if there is substance to anecdotal evidence of negative stereotyping of teenagers in relation to breaking lockdown rules on gatherings and meeting others or physical distancing (or conversely opportunities for positive reporting on</p>

children and young people’s own alternative or creative solutions to exercise their UNCRC Article 31 rights). This also has implications for around children and young people breaching COVID-19 restrictions.

Question 5: Has a broad range of relevant stakeholders, specifically groups of children and young people, been consulted *directly* by the body who initiated the measure (e.g. Scottish Government)?

It is not always evident from available documentation what consultations have taken place. From documents and further information gathering, children and young people were not directly consulted for the measures referred to in this CRIA.

As stated below, for some measures, information gathered pre-COVID-19 from children and young people was used to inform decisions as well as other evidence. Adult stakeholders and their organisations were consulted for some measures. Details that are known of such consultations are included below.

Further information on the developing engagement between Scottish Government and adult stakeholders and their organisations is available in Scottish Government (2020u).

Measure	Groups consulted	If group consists of children and young people			Results of consultation	
		Tick	Was an age appropriate consultation process used? Yes or No	Please provide a brief description of process	What were the findings?	What is the significance to the development of the measure(s)?
Coronavirus (COVID-19): Framework for Decision-Making – Scotland’s	General public		✓	No	A consultation was launched online by Scottish Government (2020z) on the 5 May, closing on the 11 May.	Details of responses to this consultation have not yet been published; however the route map was launched on Thursday 21 May 2020.

Route Map through and out of the crisis						
Coronavirus (Scotland) Act 2020	<p>The Child Rights and Wellbeing Impact Assessment (2020q) outlines that unprecedented circumstances presented by the coronavirus outbreak have made it not possible to consult with children and young people on the proposed legislation.</p> <p>A range of relevant professionals and organisations were</p>					<p>It is not evident from available documentation what findings or evidence were obtained from consultation with professionals and organisations.</p> <p>The CRWIA (2020q) states that the Scottish Information Commissioner was consulted. No children and young people-related concern was raised.</p>

	consulted directly. ⁴					
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Question 6: Has evidence from third party consultations with children and young people been considered in the development of the measure(s)?

It is not always evident from available documentation what evidence has been considered in developing the measures.

Adult stakeholders and their organisations were consulted for some measures, who provided information about and from children and young people. Certain evidence from children and young people is referred to within the documents.

Further information on the developing engagement, between Scottish Government and adult stakeholders and their organisations, is available in Scottish Government (2020u).

Groups indirectly consulted	External source		Please provide a brief description of process	Results of consultation	
	Source of information	When information collected		What were the findings?	What is the significance to the development of the measure(s)?

STAGE 3: ASSESSING THE IMPACT

Question 7: What impact will (or does) the measure(s) have on children and young people’s rights?

⁴ List of consulted bodies: Scottish Children’s Reporter Administration, Social Work Scotland, Children’s Hearings Scotland, Police Scotland, Children 1st, Clan Child law, Children and Young People’s Commissioner for Scotland, COSLA, The Justice Social Network, Independent Care Review, Society of Local Authority Reporters and Solicitors (SOLAR), the Law Society, Scottish Courts and Tribunals Service, Community Justice Scotland, Scottish Information Commissioner, and the Office of the Public Guardian.

Measure	Type of impact <i>[please highlight]</i>	Justification for Argument	Likely or actual short/medium/long-term outcomes
Coronavirus Act 2020	Negative	<p>Schools and childcare are environments in which children have regular and reliable opportunities to exercise their rights to play and recreation. Although closures of schools could be argued to increase children and young people's play and leisure time (a component of UNCRC Article 31 defined as free or unobligated time that does not involve formal education, work, home responsibilities) can be enjoyed at home, significant barriers exist for some groups of children – particularly those with limited resources, household space (indoor and outdoor) and support. The enforced period of lockdown is also likely to have detrimental impact on leisure time for significant numbers of children and young people within certain groups for whom leisure time may be taken up with increased family and caring responsibilities, who may lack oversight from caring adults, or lack of dedicated time and space for play in staffed provision – young carers (Carers Trust), girls (Girlguiding, 2020) vulnerable children (Children's Commissioner for England, 2020; Green, 2020,) and pre-school children (Children in Scotland, 2020).</p> <p>Play and recreation are primarily social in nature and children's social interaction with their peers happens primarily via play. Again, children with</p>	<p>Long term</p> <p>Children's essential social, emotional, mental and physical wellbeing and development opportunities associated within them are limited by the lack of social context.</p> <p>Outcomes for children: potential impact on educational attainment, increased attainment gap, negative impact on mental health and wellbeing, negative impact on physical activity levels and physical health.</p> <p>(See concerns about definition of 'vulnerability' in Appendices 4 and 7).</p>

		<p>limited digital access and support to participate in alternative ways of engaging with peers remotely serve as barriers to the realisation of their right to play.</p> <p>Although schools remain open for those who are vulnerable and those whose parents/carers are critical to the coronavirus (COVID-19) response, access has been so low as to negate the massive impact on children's Article 31 rights. (See concerns about definition of 'vulnerability' in Appendices 4 and 7).</p> <p>Although cultural and artistic expression can be enjoyed in the home and online, culture derives from the community & these rights are most fully articulated and enjoyed in school, streets, community venues and public spaces, and in festivals, events and ceremonies.</p>	
<p>The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020</p>	<p>Negative</p>	<p>The Measure requires closure of premises and places restrictions on movement and association ('lockdown'). This has implications for children's access to play and recreation spaces.</p> <p>The regulations allow for people to leave their homes provided they have a 'reasonable excuse' one of which is to exercise. This presents dual problems: the first there is lack of clarity over whether playing constitutes a form of exercise and therefore a reasonable excuse; and conversely were play to be equated only with exercise, reducing play to a form of</p>	<p>Short, medium term and long term for some.</p> <p>It is likely that play behaviours have needed to alter and adapt in light of the lockdown environment, in terms of reduced access to peers and resources such as playgrounds both in community and school environments.</p>

		<p>exercise would be regressive (see: Play Strategy for Scotland: Our vision Scotland Play, 2013, Planning (Scotland) Act 2019</p> <p>The closure of locations, venues, premises and centres are often environments in which children and young people exercise their UNCRC Article 31 rights.</p> <p>Increased reliance on online environments to access opportunities, and we know teenagers in particular use this approach to keep in touch with their friends extensively if they have access to the technology and Internet services. For many this may prove difficult (see Appendix 4)</p> <p>In addition, there is anecdotal evidence and police reports that there is the potential for negative online experiences including online child sex offending. (Scottish Government, 2020t).</p>	<p>Loneliness and social isolation adversely affect children's short- and long-term mental health. The duration of loneliness, rather than its intensity, is most strongly related to poor outcomes (Cartwright-Hatton et al, 2020, Guan et al, 2020).</p> <p>Poor emotional health in childhood is linked to long-term mental and physical health difficulties, and poor academic and occupational functioning.</p>
Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020	Negative	The suspension of increased Early Learning and Childcare hours will negatively impact on the play rights of pre-school children by limiting access to space, time and support for play.	Short and medium term. Impact could be long term for some children and families.
Coronavirus (COVID-19): physical distancing in education and childcare settings	Negative	Little is known about the efficacy or impact of physical distancing on children and young people, especially children with additional support needs but there is concern that children	Short and medium term. Impact could be long term for some children and young people.

		will experience feelings of confusion, powerlessness, lack of choice and autonomy.	
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Question 8: Will there be (or are there) different impacts on different groups of children and young people?

Lack of evidence of impact on different groups of children makes it difficult to assess UNCRC Article 31 at the time of making the assessment although evidence is emerging particularly from Third Sector organisations working for and with different groups. This assessment reflects the measures as a group, listed above, rather than indicating each measure in column one.

Measure	Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
	Disabled children and young people, including those who are self-isolating and shielding.	For some children and young people who are unhappy in school there may be a positive impact at least in the short term. For some children being able to communicate online with peers enhances their participation in play with peers where lack of accessible physical spaces and inclusive policies may inhibit them. If it is the case that opportunities have increased for online activities, then there is a potential benefit in creating more, and potentially more varied opportunities. Evidence hasn't been identified that would suggest whether alternative activities have used accessible and inclusive formats or whether adaptive technologies have been made available.	The Family Fund (2020) survey indicates from their survey the mental health and wellbeing of the majority of disabled or seriously ill children, as well as parent carers, is being negatively impacted, and showing signs of deteriorating as the lockdown continues. The biggest concerns for families are around educating and entertaining their disabled or seriously ill children at home and their children's health and wellbeing. In turn, the priority items they require are things that can assist in educating and entertaining their children, as well as help meeting the cost of household essentials over the coming months.

	Young carers	Carers Trust Scotland (2020, personal communication, 26 May) welcomes that Young Scot have also included digital opportunities in the Young Carer Package and are currently developing a campaign to raise awareness of this package to ensure that as many young carers as possible access it.	Young carers and young adult carers may face isolation, loneliness and stress during this time – it is important that alternative and creative solutions for these young people to enjoy their rights to rest, leisure and recreation are explored and delivered. There remain issues with digital exclusion when providing online groups and one to one support. Young adult carers seem to be less engaged on these digital platforms than younger age ranges.
	Young (pre-school) children		Loss of access to or lack of dedicated time and space for play in staffed provision. “For the exercise of their rights, young children have particular requirements for physical nurturance, emotional care and sensitive guidance, as well as for time and space for social play, exploration and learning.” (General Comment No. 7, 2005 Para: 5)
	Children and young people without adequate indoor space, access to garden, open space locally and greenspace in particular (which is known to support mental health).	In an Australian study, Solari and Mare (2012: 464 in Brown et al (2020)) indicate the effects of housing crowding on children include “emotional and behavioural problems and reduced school performance, likely due to disrupted	Lockdown measure place additional strains on family life; exacerbate spatial or area-based inequalities; exacerbate physical and mental health implications of restrictions of children and young people’s

	<p>Children and young people living with poverty.</p>	<p>sleep, lack of space to study and the impact of noise levels on concentration”.</p> <p>In the COVID- 19 context, the significance of both housing security and housing adequacy is amplified when homes must also serve as the site in which learning occurs.</p> <p>Children living in low socioeconomic areas were 12 times as likely to be living in an overcrowded situation (AIHW, 2020: 291 in Brown et al (2020)). At increased risk of experiencing overcrowding are families with low household incomes due to the high cost of housing in many parts of Australia (Easthope et al, 2017 in Brown et al (2020)).</p>	<p>autonomy and freedoms within UNCRC Article 31.</p> <p>Children and young people may experience digital exclusion; lockdown measures are places additional strains on family life.</p>
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Question 9: If a negative impact is identified for any area of rights or any group of children and young people, what are the options to modify the measure(s), or mitigate the impact?		
Measure	Negative impact	What options are there to modify the measure(s) or mitigate the impact?
		<p>The experience and expertise of the play, culture and arts sectors should be more fully utilised to help schools, childcare and community settings support young people access their UNCRC Article 31 rights. Many staff in these sectors have been furloughed and play, recreation, arts and cultural sector organisations are expressing concern for their long-term viability</p>

		<p>despite being at the forefront of efforts to ‘explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities.</p> <p>Similarly, the outdoor and adventure and residential centre provision sector (also furloughed or in crisis) is on hand to provide further support, professional expertise, and physical space on school sites and off school campuses should there be funding for this. In general, any support mechanisms that help sustain and improve physical activity levels for young people including through play will help mitigate some of the ongoing effects on mental social and emotional wellbeing as well as their physical wellbeing.</p>
		<p>Evidence gathered and information and guidance provided to facilitate playing and learning outdoors, with recognition given to the importance of children and young people’s UNRCR Article 31 rights not as a ‘luxury’ but fundamental to physical and mental health.</p> <p>Physical infrastructure and design measures should accommodate children’s play as well as activities such as cycling and active travel and access to local greenspace (some of which is in private hands or is deemed out of bounds to young people). In some settings, the entire greenspace is deemed off limits because there is a play area in situ. We need to understand when and how hard, metal and plastic outdoor equipment is or is not a risk and when and how access can be restored to play areas and – separately – to the greenspaces surrounding them.</p>
		<p>Public health messages provided to offer clear information on the social, emotional and health benefits of play, including outdoor play, embedded in a children’s human rights approach.</p>

Question 10: To what extent does the measure(s) address Scottish Government’s obligation to respect, protect and fulfil the rights enshrined in the UNCRC in Scotland?

Measure	UNCRC provision(s) being further implemented through measure	Describe how the effect will be attained through the measure	UN Documents used to make the assessment
	UNCRC Articles 3 and 6	<p>Child Rights and Wellbeing Impact Assessments (CRWIA) for the Coronavirus (Scotland) Act 2020 and Coronavirus (Scotland) (No. 2) Bill</p> <p>These focus on UNCRC Article 3 – best interests and UNCRC Article 6. This complies with Scottish Government’s obligation to respect and protect children’s rights</p>	UN Committee General Comment No. 17, 2013b

Question 11: In what way(s) will (or does) the measure promote or impede efforts to meet the National Outcomes for Scotland for children? (see https://nationalperformance.gov.scot/national-outcomes) If there are GIRFEC indicators of wellbeing that are directly relevant to your response, please note these here (https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/).		
Measure	Outline how the measure(s) will or do promote or impede efforts to meet the National Outcomes for Scotland for children	List GIRFEC indicators that are directly relevant
Coronavirus Act 2020 The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	<p>Restrictions or prohibitions on gatherings or events; closures or restricted access to premises; and temporary closure of educational institutions impede several aspects of the outcome ‘children and young people grow up loved, safe and respected so that we realise our full potential’:</p> <p>“We enhance their life chances through our early years provision and by supporting families when they need it.” Play Scotland (2020) has highlighted the negative impact childcare closures and partial closures have had on early years provision and family support).</p>	Safe Healthy Achieving Nurtured Active Respected Responsible Included

“Our children are not left worried or isolated”. Cartwright-Hatton et al (2020), CPAG (2020) and the Children’s Society (2020) report increased levels of loneliness amongst children and families. Children and young people themselves are reporting feelings of worry and loneliness (Girlguiding, 2020; Children’s Parliament, 2020a; Scottish Youth Parliament et al, 2020)

“We provide stimulating activities and encourage children to engage positively with the built and natural environment and to play their part in its care”. Despite efforts made to provide online contact with families and scale up existing initiatives, as outlined in SG response to the UN 11 recommendations and third sector initiatives such as those reported by Federation of Scottish Theatres, children and young people are reporting feelings such as boredom and listlessness (Girlguiding, 2020; Children’s Parliament, 2020a, Scottish Youth Parliament et al, 2020). Parents of disabled children and seriously ill children report their biggest concern being educating and entertaining their children (Family Fund, 2020).

“We include and involve children in decisions about their lives and world, and protect their rights, dignity and wellbeing”. The measures dramatically restrict children’s ability to exercise the freedoms and autonomy intrinsic to UNCRC Article 31, CRPD 7,9,30 and EHCR 11. In addition, children and young people were not involved in the decision-making around the measure.

“We provide the conditions in which all children can be healthy and active.” The measures restrict children’s ability to access outdoor play, physical activity and recreational activities in school and childcare environment (Waite and Cresswell, 2020). This may also impact children’s ability to meet the national daily-recommended physical activity guidelines.

	<p>“Our schools are loving, respectful and encouraging places where everyone can learn, play and flourish.” The measures restrict access to the physical school environment for all but a small minority of children. There is concern that although schools may remain ‘loving’ places, children’s perceptions of love and feeling safe may be diminished by the abrupt end to school and physical distancing measures (British Psychological Society, 2020). Cartwright-Hatton et al (2020) suggests an emphasis on play and wellbeing will partially mitigate this.</p> <p>“Our communities are safe places where children are valued, nurtured and treated with kindness.” The measure is aimed at securing the health and safety of children and young people.</p>	
<p>Coronavirus (Scotland) Act</p>	<p>Best Start Grant, allows late applications where entitlements may have been lost as a direct result of coronavirus. By extending financial assistance for early learning, play and development toys and materials, this measure may contribute to the following outcomes:</p> <p><i>We enhance their life chances through our early years provision and by supporting families when they need it.</i></p> <p><i>We provide stimulating activities and encourage children to engage positively with the built and natural environment and to play their part in its care. We provide the conditions in which all children can be healthy and active.</i></p>	<p>Safe Healthy Achieving Nurtured Active Respected Responsible Included</p>
<p>Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020</p>	<p>By suspending the increased hours of early childcare, the measure directly and negatively impacts the outcomes:</p> <p><i>We enhance their life chances through our early years provision and by supporting families when they need it.</i></p>	<p>Safe Healthy Achieving Nurtured Active Respected Responsible</p>

	<p><i>We provide stimulating activities and encourage children to engage positively with the built and natural environment and to play their part in its care.</i></p> <p><i>We provide the conditions in which all children can be healthy and active.</i></p>	Included
<p>Coronavirus (COVID-19): physical distancing in education and childcare settings</p>	<p>This measure promotes children’s health and safety by following the scientific and medical advice, and recognises that it is not possible for very young children and with children who have complex needs or disabilities (and, by implication, the relevant responsible adults) to fully social-distance within education and childcare settings. However, physical distancing impedes children and young people’s rights under Articles 13, 15 and 29 of the UNCRC.</p> <p>Adolescents’ experience greater expectations surrounding their role in society and more significant peer relationships as they transition from a situation of dependency to one of greater autonomy. (UN Committee General Comment No. 20, 2016c Para: 9)</p> <p>GIRFEC Indicators ‘Safe’ and ‘Healthy’ are supported but longer-term concerns remain about the physical and mental health implications of measures (British Psychological Society, 2020; Graber et al, 2020; Loades et al, nd) (see Appendix 2).</p>	<p>Safe Healthy Achieving Nurtured Active Respected Responsible Included</p>

STAGE 4: CONCLUSIONS AND RECOMMENDATIONS

Question 12: Please provide a summarised overview of your key findings on the impact of the measure(s) on children and young people’s rights, addressing two aims of the Alternative CRIA:

- to observe and document children’s human rights issues;
- to learn from this both in positive and negative developments

Despite the tendency to view children and young people's access to Article 31 rights as amounting to opportunities for *activities*, the COVID-19 measures impact on children's ability to exercise the **autonomy and freedoms** enshrined in UNCRC Article 31 and associated rights (UNCRC Articles 12, 13, 15, 17, EHCR 11, CRPD Article 30), and restrict access to the everyday environments and social contexts in which they would express them (UN Committee General Comment No. 17, 2013b Para: 32). The COVID-19 measures have resulted in a significant and sudden change in conditions for children and young people to play and participate in recreational, cultural and artistic activities. For adolescents this has a particular dimension highlighted by the UN Committee (General Comment No. 20, 2016c Para: 9) that "Adolescents experience greater expectations surrounding their role in society and more significant peer relationships as they transition from a situation of dependency to one of greater autonomy."

Schools and childcare are environments in which children have regular and reliable opportunities to exercise their rights to play and recreation and, yet, evidence demonstrates that with school closures, outdoor play opportunities have been significantly curtailed (Play Scotland, 2020). Although cultural and artistic expression can be enjoyed in the home and online, culture derives from the community and these rights are most fully articulated and enjoyed in school, streets, community venues and public spaces, and in festivals, events and ceremonies.

Although school-based 'education hubs' remain open for those who are vulnerable and those whose parents/carers are critical to the coronavirus pandemic response, uptake has been low (Scottish Government, 2020t). There is no evidence of how this is impacting on the rights of children and young people attending with specific regards to their right to rest, play and leisure and this raises additional concerns over the lack of consultation with children and young people themselves during the planning, development and ongoing evaluation of education hubs. 'Children should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community' (UN Committee General Comment No. 1, 2001 Para: 15).

The realisation of rights under Article 31 is fundamental to the quality of childhood, to children's entitlement to optimum development, to the promotion of resilience and to the realisation of other rights (UN Committee General Comment No. 17, 2013b Para: 8) (Shackel, 2015; Davey and Lundy, 2011). The measures which restrict access to Article 31 rights continue to have wide-ranging impacts on children and young people, especially groups whose rights need particular attention (Article 23; UN Committee General Comment No. 17, 2013b Paras: 48-51) and they highlight intersections of disadvantage and discrimination for children and young people across communities. The physical, environmental and social restrictions the measures imposed on children and young people, if seen in light of Article 31, are linked directly to children's health, development and wellbeing (UN Committee General Comment No. 17, 2013b Para: 8).

Expression of Article 31 in children's everyday lives is a critical factor in supporting children's development (Article 6); education (Articles 28 and 29), their ability to cope (UN Committee General Comment No. 17, 2013b Para: 53) and meaningful participation in decision making (Article 12) which also has impacts on wellbeing and coping. In times of increased stress and worry within their familial and wider community environments. The UN Committee (UN Committee General Comment No. 17, 2013b Para: 53) highlights the relevance of Article 31 to children in crisis situations, recognising that opportunities for play, recreation and cultural activity can play a significant therapeutic and rehabilitative role in helping children recover a sense of normality and joy after their experience of loss, dislocation and trauma. Engagement in play (Chatterjee, 2018) and psychosocial play programs indicate the benefits for social wellbeing and psychological health (Henley et al, 2007) and their ability to recover from adversity and enable them to come to terms with life experiences (Fearn and Howard, 2012; Collins and Wright, 2019). Engagement in creative art activities has been shown to enhance youth's psychosocial wellbeing and increase their participation in contexts of adversity (D'Amico et al, 2016).

The British Psychological Society (2020) reports that some children may have coped well during the school closures, but others may have experienced considerable trauma, loss and hardship. Restrictions on social, leisure and learning opportunities may have increased children's sense of powerlessness and for some this will have been an isolating and unpleasant experience. Children's Neighbourhood Scotland (2020) report that "families who were managing at the beginning of the lockdown period are now seeking support. Many of the families that were 'just coping' have now become 'chaotic' families." Experts in children's mental health and development, have urged that children's social and emotional wellbeing be prioritised in all decisions relating to the easing of lockdown and re-opening of schools (Cartwright-Hatton et al 2020; British Psychological Society, 2020).

Impact of the Measures

Leisure time: A potentially positive impact of coronavirus pandemic measures in relation to Article 31, is more leisure time (defined as free or unobligated time that does not involve formal education, work, or home responsibilities) resulting in less academic pressure (for some not all children), more time to relax, have fun and do hobbies (Children's Parliament, 2020a; Girlguiding, 2020; Young Scot et al, 2020). However, the enforced period of lockdown is also likely to have detrimental impact on leisure time for significant numbers of children and young people within certain groups for whom leisure time may be taken up with increased family and caring responsibilities, who may lack oversight from caring adults, or lack of dedicated time and space for play in staffed provision – young carers (Carers Trust), girls (Girlguiding, 2020) vulnerable children (Children's Commissioner for England, 2020; Green, 2020,) pre-school children (Children in Scotland, 2020).

Digital and online access: Online platforms offer educational, social and cultural benefits. Digital access is argued to be central to the realisation of Article 31 rights and to constitute an equality issue. It is recognised as offering opportunities for children and young people to establish new means of communication and social networks, through which different cultural environments and artistic forms are forged (UN Committee General Comment No. 17, 2013b Para: 12).

Scottish Government is making efforts to support Article 31 rights, particularly through online and digital interventions and to support to play, culture, youth and arts sectors (2020v). In written evidence to the Scottish Parliament Culture, Tourism, Europe and External Affairs Committee, the Federation of Scottish Theatre (2020), for example, report their members providing vital outreach services to their local and national communities:

“In addition to streaming live and recorded work, usually freely, our members are telling stories for children, contacting isolated young parents and elderly people, sharing memories and designing futures with towns and villages, establishing remote ‘film nights’ across rural communities and designing artworks to be made at home and brought together when people can again assemble. The creativity and impact of their work in these circumstances reminds us once again how vital arts and culture really are to everyone in our country.”

BBC Scotland has also responded to the pandemic including developing programmes to support learning at home (Committee briefing papers provided by SPICE, Scottish Parliament SPICE).

The many new online opportunities, created for and with children and young people, are likely to be of positive benefit in furthering Article 31 rights of children and young people who can reach them digitally and may establish new ways to continue work within Article 31 after lockdown, though Scottish arts and culture sectors report their perilous economic position (Written evidence to the Scottish Parliament Culture, Tourism, Europe And External Affairs Committee, May 2020). Creative Scotland, in its correspondence with the Committee states its primary focus is to keep funding flowing to sustain individuals and organisations through the immediate short-term impacts, with an eye to the medium to long-term recovery required. The initial response included a commitment that all funding awards already committed (including Regularly Funded Organisations, Open Project Funding, Expo Funding, the Youth Music Initiative) would be honoured – regardless of whether the funded activity was cancelled, reduced or rescheduled. Two new funds were launched – Creative Scotland Bridging Bursary to support freelance artists and creative practitioners working in the not-for-profit sector in Scotland and a Screen Scotland Bridging Bursary for Scotland’s film and TV freelance and self-employed workers.

It is not evident from the correspondence the portion of budgets, which directly benefits engagement with, and creative output, for children and young people.

Scottish Government response to the UN Committee's 11 Recommendations (Recommendation 2) relies significantly on digital and online activities, raising concern that they may not be accessible to all children for example digitally excluded children, disabled children and children with additional support needs, refugee and migrant children and other vulnerable groups (Together, 2020). Additionally, concern has been expressed that while pre-coronavirus pandemic children and young people were encouraged to seek a healthy balance in daily screen time and be aware of the risks of spending too much time online/using screens (e.g., Davies et al, 2019), children and young people are now being positively encouraged to spend increasing amount of times online for education and socialising (O'Donnell, 2020), as well as play, recreation, cultural and artistic activities.

Sedentary behaviour/physical activity: UK Chief Medical Officers (2019) warned that screen time can displace health promoting activities such as good quality, regular sleep (rest is an important element of Article 31) and quality time spent with families, which are strongly associated with healthy development (Article 6). Growing dependence on screen-related activities is thought to be associated with reduced levels of physical activity among children, poor sleep patterns, growing levels of obesity and other related illnesses (UN Committee General Comment No. 17, 2013b Para: 46). The health risks of inactivity and sedentary behaviour are increasingly understood, with sedentary behaviour in children associated with subsequent levels of cardiovascular fitness and obesity. Prolonged sitting is harmful, even in people who achieve the recommended levels of MVPA (moderate to vigorous physical activity). It's reasonable to conclude that increasing time online, engaged in screen-based activities is associated with, at the very least a risk of, increasing sedentary behaviour. This is coupled under lockdown measures with limits on time outdoors for exercise and restrictions on the types of recreational activity permitted.

While the coronavirus pandemic measures are undertaken to protect life, the longer-term health of children and young people is at risk from reduced opportunity to meet physical activity guidelines. Physical activity in children and young people is strongly associated with play and recreation as indicated in the UK physical activity guidelines. 'Free' outdoor play is particularly linked to increased physical, social and emotional health (Brussoni et al, 2015; Tremblay et al, 2015). It is not known what impact the measures have had on children and young people's ability to regularly achieve the physical activity targets.

It would be reasonable to expect that children and young people living in a home without adequate indoor space, a garden, access to outside space, or safe open space nearby would find it particularly difficult to meet the guidelines.

- For toddlers at least 180 minutes (three hours) per day in a variety of physical activities at any intensity, including active and outdoor play.
- Pre-schoolers at least 180 minutes (three hours) per day in a variety of physical activities spread throughout the day, including active and outdoor play.
- Children and Young People (five to 18 years) at least 60 minutes per day across the week moderate-to-vigorous intensity physical activity, and a variety of types and intensities of physical activity across the week to develop movement skills, muscular fitness, and bone strength; and should aim to minimise the amount of time spent being sedentary, and when physically possible should break up long periods of not moving with at least light physical activity.

Mental health: Emerging evidence from various situations around the world suggests that prolonged school closure, home confinement, and social restriction could have serious consequences for children's physical and mental health (The Children's Society, 2020) This is reflected in 'lockdown' surveys in which children and young people are directly reporting their own experience of lockdown (Children's Parliament, 2020a; Scottish Youth Parliament et al, 2020; Girlguiding, 2020).

Peer interaction through play and current levels of loneliness: Children's social interaction with their peers happens primarily via play (Cartwright-Hatton et al, 2020) something the measures deprive them of. Evidence showing an increase of approximately 50% in loneliness compared to normal levels (Dodd, cited in Cartwright-Hatton et al, 2020) and loneliness features significantly in the survey results reported above. Loneliness and social isolation adversely affect children's short- and long-term mental health (Loades, cited in Cartwright-Hatton et al, 2020). The duration of loneliness, rather than its intensity, is most strongly related to poor outcomes.

These negative impacts will be greatest for children from marginalised and disadvantaged groups. Poor emotional health in childhood is linked to long-term mental and physical health difficulties, and poor academic and occupational functioning.

Play and UNCRC Article 31 rights as mitigating factors: Play is beneficial during times of anxiety, stress and adversity. It supports children's coping and resilience (Lester and Russell, 2008). The coronavirus pandemic has prompted new research reviews one of which, a rapid review from the Play Education and Learning Research Centre (PEDAL, University of Cambridge), is the first to map literature on the impact of restrictive environments on children's play experiences and on ways in which play may mitigate the adverse effects of such restrictions. The review notes the hidden, yet potentially profound and long-lasting, impacts on their health and education. The review considered how quarantine and related restricted environments affect play in children and young people and the ways play and related activities might mitigate the impact of quarantine and restriction on children/young people's health and education.

The review concludes that “Notably absent from this literature search was research that investigated play and quarantine in long term, disease-outbreak-related situations that could provide insights regarding the integrity of play amidst the current pandemic” (Graber et al, 2020).

It is the conclusion of this assessment that measures have a significant impact on children and young people’s Article 31 rights, with the potential for long term harm to their physical and mental health. Actions to mitigate the impact of the restrictions on children and young people do not take sufficient notice of advantage to be gained and the limitation of harms through the obligations to respect, protect and fulfil children and young people’s Article 31 rights.

The mitigation of the harm by interventions to support play need also to be considered in terms of the possible onward benefits to addressing other rights which need to be seen as interconnected and indivisible. What might be added here is the health benefits including in terms of the ability to fight off diseases now and in the future, the ways in which play – especially in greenspace – can support better mental health, (Buheji et al, 2020), (and the manner in which self-directed, free play, and supported play is connected to learning and wider human development).

Question 13: Based on your key findings what recommendations should be made and to whom should they be addressed?

Summary of recommendation	Body addressed to (e.g. Scottish Government)
<p>Children and young people should be empowered to exercise their rights to participate and express their views, perceptions, opinions and priorities based on their experience of the coronavirus pandemic, with attention given to the autonomy and freedoms within their UNCRC Article 31 rights. The voices of children and young people should be listened to, valued and acted upon Special attention should be given to enabling and listening to the voices of disadvantaged and marginalised groups of children, bearing in mind and taking measures mitigate digital exclusion.</p>	<p>Scottish Government, public bodies</p>

<p>Public health messages to families and all sectors working for and with children and young people should provide clear information on the social, emotional and health benefits of play, including outdoor play, and clear guidance on the objective risks to children while playing. These should be embedded in a children's human rights approach.</p>	<p>Scottish Government, public health bodies, Education Scotland, Creative Scotland</p>
<p>Decision-makers should take a risk-benefit approach when making decisions about children's social interaction and play in schools, childcare and community settings. The Health and Safety Executive endorsed 'risk-benefit approach', aims not to eliminate all risk but to strike a balance, maximising benefit whilst ensuring that children are not exposed to unnecessary harm. Children can, and should, be a part of assessing the risks. Guidance should be developed for use of outdoor play spaces as soon as possible.</p>	<p>Scottish Government, Care Inspectorate, Education Scotland, Third Sector</p>
<p>The experience and expertise of the play, culture and arts sectors should be fully utilised to help schools, childcare and community settings support young people with their mental health during and after the pandemic, and to tackle the anticipated rise in mental health needs beyond the pandemic.</p>	<p>Scottish government, public health bodies, Creative Scotland</p>

<p>Question 14: The COVID-19 response is likely to have several phases, with varying degrees of restrictions, and uncertainty about their removal and possible re-impositions. What (if any) additional concerns about children and young people's rights do you anticipate in the coming phases?</p>	
<p>Potential concerns about children and young people's rights</p>	<p>What recommendations do you have that could mitigate these concerns?</p>
<p>Physical distancing will continue to restrict children and young people's ability to exercise their Article 31 rights</p>	<p>All children must have sufficient and plentiful time in the course of every day at school, and childcare if they attend, to play with their peers, even while physical distancing remains necessary. (See Play Strategy for Scotland: Our Action Plan (2013) for definitions of high quality play opportunities and the 'sufficiency' principle.)</p>

<p>causing significant impacts on mental health and wellbeing.</p>	<p>Special attention be given to the needs of children and young people who remain in categories required to shield or self-isolate, recognising that realisation of rights under Article 31 is fundamental to the quality of childhood, to children’s entitlement to optimum development, to the promotion of resilience and to the realisation of other rights. (UN Committee General Comment No. 17, 2013b Para: 8)</p>
	<p>Schools should be appropriately resourced to support children’s emotional wellbeing during the transition period when social distancing measures are still in place. In the short-term, schools should be guided to focus on encouraging play and supporting children’s social and emotional wellbeing.</p>
	<p>The experience and expertise of the play, culture and arts sectors should be fully utilised to help schools, childcare and community settings support young people with their mental health during and after the pandemic, and to tackle the anticipated rise in mental health needs beyond the pandemic.</p>
	<p>Research should be undertaken to understand the impact of restrictions or other isolating circumstances on children’s play behaviours and how play might mitigate adverse effects on children’s physical and mental health outcomes. This should include a review of the many initiatives and innovations made by the play, cultural and arts sectors during the first phases of the 2020 crisis in order to understand successes in reaching and supporting children and young people, challenges and gaps.</p>
<p>Children and young people’s access to the benefits and freedoms of outdoor environments will remain diminished to the detriment of health, wellbeing, learning and happiness.</p>	<p>Playing and learning outdoors should be recommended in schools and childcare.</p>
	<p>Resources should be made available to ensure that adaptations are made, in partnership with children and young people, to re-imagine outdoor play, recreational and social spaces to support health while retaining and fully supporting play and social value.</p> <p>There are opportunities to reconsider the role of many different kinds of public and private spaces in response to the Pandemic. In the same way as some roads and other spaces are reconfigured for pedestrians and cyclists, many diverse spaces have the potential to be re-purposed in order to function as play contexts (including, for example, pedestrianised streets, greenspaces, and other locations in and near schools and urban residential and</p>

	shopping areas). This kind of repurposing should be decided upon by engaging with the views and priorities of children and young people.
Children and young people's access to recreational, cultural and artistic activities, and locations and venues, will remain restricted to the detriment of identity, belonging and community. There is a danger that adult cultural and artistic sectors will be privileged over those of children and young people, especially if valued in terms of economy.	The play, culture and arts sectors should be resourced to develop and implement imaginative and creative ways to support children and young people's access to outdoor environments and to fully re-inhabit the public realm, including through physical infrastructure and design.
	The re-opening and re-imaging of children and young people's access to and engagement in cultural and artistic activities should be driven by the views and priorities of children and young people themselves.
	Budgets should be reviewed to ensure that the allocation for children and young people, in respect of cultural, artistic, recreational and play activity, is inclusive and consistent with their representation as a proportion of the population as a whole.
	Consideration should be given to the cost of measures required to ensure access for the most marginalized children, including the obligation to provide reasonable accommodation to ensure equality of access for children with disabilities. (UN Committee General Comment No. 17, 2013b Para: 57(d))
	<p>There should be investment in measures to challenge widespread cultural attitudes which attach low value to the rights provided for in Article 31, including:</p> <ul style="list-style-type: none"> • Public awareness of both the right to and the significance of UNCRC Article 31 for children of all ages in contributing to the enjoyment of childhood, promoting the optimum development of the child and building positive learning environment (UN Committee General Comment No. 17, 2013b Para: 56 (b)) • Measures to challenge the pervasive negative attitudes, particularly towards adolescents, which lead to restrictions on the opportunities for the enjoyment of their rights under Article 31. In particular, opportunities should be created for children to represent themselves in the media. (UN Committee General Comment No. 17, 2013b Para: 56(b))

<p>Parents and carers will require ongoing support to cope with the longer-term impacts for families beyond the current crisis.</p>	<p>Support to parents and carers in relation to Article 31 should be evaluated and modified for future phases, with involvement of expertise from a range of disciplines.</p> <p>Caution should be exercised that social media campaigns do not over-simplify messages or portray children and young people’s behaviour as a problem rather than as their way of communicating mood and feelings.</p> <p>Support to parents and carers should use the opportunity to increase knowledge and understanding of children and young people’s human rights. Parents are known to play an important role modelling function during this time of stress and to be critical as gatekeepers in children’s lives more generally.</p>
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