

# Child protection system strengthening during the time of COVID-19

## UNICEF PARTNERSHIP WITH THE JUDICIARY IN INDIA

### COUNTRY/COUNTRIES:

India

### PARTNERS:

Judiciary in India and UNICEF

### THEMATIC AREAS:

Juvenile Justice, Alternative Care

### COVERAGE OF SYSTEMS CHANGE:

Nationwide

### KEY RESULTS:

The partnership between UNICEF and the Supreme Court of India has led to several results including:

- 1) Changes in the assessment of standards of care in child care institutions, and a move towards family based care;
- 2) Implementation of new administrative data collections systems for monitoring vulnerable children at the state level; and
- 3) A shift towards a judicial system that recognises alternatives to detention such as diversion and bail.

## COVID-19 CONTEXT

India entered full lockdown due to the COVID-19 pandemic at the end of March 2020. Two months later, the country began

entering 'unlock 1.0' which meant that only containment zones would be in full lockdown until 30 June 2020 and that the rest of the country would slowly start to resume services.

During this time, a rising number of COVID-19 cases and deaths were recorded in India. Since mid-July 2020, India has recorded one of the three highest caseloads in the world along with USA and Brazil. (Johns Hopkins COVID-19 tracker).

The UNICEF India Country Office has been supporting national efforts on COVID-19 prevention and response through the Joint Response Plan to COVID-19 with multisectoral interventions to minimize the impact on children. UNICEF also works with the Government of India and specifically with the Ministry of Health and Family Welfare,

Ministry of Women and Child Development, Police, and Judiciary, among other institutions. As part of UNICEF India's COVID-19 Response Plan, UNICEF and partners have enabled results across six response pillars including child protection.

## DETAILS OF PROMISING PRACTICE/ CRITICAL POINT OF CHANGE

This case study details a groundbreaking child protection systems response through partnerships with the Supreme Court and Judiciary. Interventions were initiated just days after lockdown and have led to the protection and support of vulnerable children throughout the country during the COVID-19 pandemic.

This innovative partnership between the Supreme Court and UNICEF began taking shape in 2014. In many ways, it was prompted by the Supreme Court establishing the Committee on Juvenile Justice as a result of UNICEF's advocacy work. The Chief Justice at the time had worked with UNICEF at state level. Further to this, the inclusion of child protection key stakeholders in a consultative process of review and tracking of implementation of child protection laws, was identified as a particular strength which led a broad and encompassing remit in relation to child protection issues across the country.

The appointment of this committee was partly a response to a previous decade of weak implementation of child protection legislations across the country that saw very little change in child protection systems. UNICEF worked closely with the judiciary juvenile justice team and a countrywide review of legislation implementation was jointly initiated. A series of consultative workshops with civil society, the upper judiciary and lower judiciary were held across India for three years on different aspects of multiple legislations related to child protection. This process was vital for creating visibility of child protection issues and an important high-level push for implementation of legislation.

The COVID-19 pandemic presented an opportunity to continue working with this partnership and examine what role the courts can play for children in need of protection. The Supreme Court and UNICEF worked together to quickly develop a set of guidelines and the court issued an order on the care of children within one week of the lockdown. All stakeholders who work with children including child welfare committees, juvenile justice boards, children's courts, staff working in child care institutions and government were issued guidelines that included information on the provisional release of children in childcare institutions (CCIs) and their return to families. This work benefited from the partnership with civil society organizations (CSOs) across the country in ensuring standards of care and protection were sustained in childcare institutions.

When circumstances allowed, children in CCIs and children in conflict with the law were released across the country with clear guidance for follow-up and support. This guidance also highlighted that many of these children probably did not need to be in institutions in the first instance and gave a strong argument for family-based care. For example, 3,100 children without parental or family care have been provided with appropriate alternative care arrangements such as kinship care and foster care. This has led to over 120,000 children in CCIs from across all states being sent back to their families.

Two months after the initial order, the Supreme Court issued a second follow up order to all states on the status of children who have been sent home since the onset of the pandemic, and on the functioning of the child protection structures. This mandated the collection of state level data and UNICEF began working closely with 17 of the 35 states to support surveillance data collection efforts and advocacy.

This child protection systems response has helped more children to be safely released from institutions and improved new administrative data collection efforts for monitoring. In addition, nearly 367,500 children and caregivers in CCIs and foster care have also received information on prevention and response to COVID-19.

## LESSONS LEARNED FOR CHILD PROTECTION SYSTEMS

- **Mobilizing the Government at the Supreme Court level** led to several important reformative measures including a social audit, an assessment of standards of care in CCIs, and a focus on rehabilitation and family-based care. This high-level focus also allowed efforts to be scaled up to reach the entire country and all stakeholders.
- **A key lesson was the importance of involving the Judiciary in a shift from focusing mostly on legislative processes to also engaging in how these can be used for holistic prevention and response to violence against children.** In this way, the Judiciary in partnership with UNICEF has made strong inroads towards a multi-stakeholder approach from a previously very fragmented response system.

## LESSONS LEARNED FOR PARTNERSHIPS: COOPERATION, COORDINATION AND COLLABORATION

- **Investment in Judiciary and importance of family care over the past four years and using opportunities that presented themselves effectively to mobilize these relationships has contributed to the systems strengthening impacts seen in this case study.**
- **Continuous follow up and UNICEF's ability to play the facilitator role has been critical.** Promoting collaborative efforts through the forum to find joint solutions to problems and to open up systems that create alternatives to detention for children in conflict with the law has also been important.

- **In addition, using this high-level partnership to promote visibility** for a variety of child protection issues at national and state levels was important for continuing the impacts from the partnership.

## KEY CONSIDERATIONS AND QUESTIONS FOR IMPLEMENTATION AND FUTURE ADAPTATION

- **Challenges and questions for future implementation and adaptation include issues around sustainability particularly through institutionalizing the process of alternative care and detention decisions during COVID-19.** There is a real shift towards both family-based alternative care and greater use of alternatives to detention for children in conflict with the law. These changes, in a country where institutional reform has barely occurred, are significant. Part of this includes developing a regular system of knowledge sharing beyond just the face-to-face interactions between UNICEF and Government officials.

### KEY CONTACTS AND FURTHER RESOURCES:

For more information visit:  
UNICEF India Country Office website at  
<https://www.unicef.org/india/>

### REFERENCES:

Johns Hopkins COVID-19 Tracker. 'Cumulative Cases by Days Since the 50th Confirmed Case', Johns Hopkins Coronavirus Resource Centre, 2020, <<https://coronavirus.jhu.edu/data/cumulative-cases>>, 15 July 2020.

### SUGGESTED CITATION:

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