

**Access to Justice for Children  
in the era of COVID-19:  
Notes from the Field**

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Cover photo: Boys reach through bars at a jail for juveniles in the Delmas neighbourhood of Port-au-Prince, Haiti. (2005) © UNICEF/UNI43562/LeMoyne

# Access to Justice for Children in the era of COVID-19: Notes from the Field

FOR EVERY CHILD, JUSTICE

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## **West and Central Africa**

Regional Office (WCARO), Côte d'Ivoire, Gabon, Guinea, Nigeria

# Acronyms and abbreviations

<i>CO</i>	country office (UNICEF)
<i>COVID-19</i>	Coronavirus Disease 2019
<i>CRC</i>	Convention on the Rights of the Child (United Nations)
<i>GBV</i>	gender-based violence
<i>HQ</i>	Headquarters (New York, USA)
<i>OHCHR</i>	Office of the High Commissioner for Human Rights (United Nations)
<i>PPE</i>	personal protective equipment
<i>RO</i>	regional office (UNICEF)
<i>SDGs</i>	Sustainable Development Goals
<i>SitRep</i>	situation report
<i>SOP</i>	standard operating procedure
<i>UNAIDS</i>	Joint United Nations Programme on HIV/AIDS
<i>UNDP</i>	United Nations Development Programme
<i>UNICEF</i>	United Nations Children's Fund
<i>UNODC</i>	United Nations Office on Drugs and Crime
<i>UNOPS</i>	United Nations Office for Project Services
<i>UNSDG</i>	United Nations Sustainable Development Group

# Executive summary



Reza (name changed) finishes a metal piece in a workshop at the Malaysian Prison Department, Henry Gurney School in Sabah, Indonesia. Reza, 19, was caught dealing and using syabu (methamphetamine or meth) and he was sentenced for 3 years. (2018) © UNICEF/UN0249952/Noorani

Access to justice is both a fundamental human right and an essential prerequisite for the protection and promotion of all human rights. Children's access to justice is therefore central to UNICEF's mandate to advocate for the protection of children's rights, in line with the Convention on the Rights of the Child and other international human rights norms and standards.

UNICEF Headquarters (HQ) commissioned a global rapid analysis of UNICEF programming in the key areas of access to justice and violence against children in response to COVID-19. **These analyses are intended to highlight innovative practices, lessons being learned and results achieved for children since the onset of the pandemic that offer potential value to other country contexts.** Such information will assist UNICEF to scale up good practices, adapt programmes and develop advocacy messages and policy guidance.

This rapid analysis documents how UNICEF programming on access to justice for children is shifting rapidly to address the COVID-19 pandemic and its unique impacts on children in the justice system. This includes children diverted from arrest and detention and children in detention, including immigration detention or those detained in the context of armed conflict, military detention or on national security grounds. It includes children who have been arrested or apprehended for an alleged offence and those in pre-trial detention, as courts and the provision of essential court services, such as legal aid, are halted or reduced due to national and localized lockdowns and other preventive responses introduced to curb the spread of the pandemic.

The 'field notes' presented in this document highlight key interventions or approaches being implemented by 32 UNICEF Country Offices (COs), the seven UNICEF Regional Offices (ROs)

and UNICEF Headquarters (HQ, in New York, United States of America).

This rapid analysis documents interventions conducted between March and June 2020, highlighting the reach or scale of a few selected interventions in each region.

The **key findings** of the rapid analysis are:

- At least **37 countries** are providing for the **release of more than 11,600 children** through the use of a range of alternative measures to detention, as well as placing a moratorium on new admissions of children into detention.
- A key enabler for the release of children in detention is the **long-term investments** that UNICEF has made in strengthening diversion from arrest and detention, and alternatives to detention.
- **Five countries** are implementing innovations in their court processes through the introduction of **'virtual courts'** to ensure continuation of court services for victims, witnesses and alleged juvenile offenders.
- **Nine countries** are innovating by moving justice-related training programmes from face-to-face learning to **online learning**.
- All UNICEF ROs and many UNICEF COs are using the inter-agency **'Technical Note: COVID-19 and Children Deprived of their Liberty'**<sup>3</sup> to guide their advocacy efforts with governments.
- In several countries, **United Nations-wide advocacy approaches** are being successfully used in access to justice programming, especially the release of children and women from detention.

# Introduction



A 13-year-old girl stands in the yard of the women's prison in Pétionville, a suburb of Port-au-Prince, Haiti. (2005)  
© UNICEF/UNI43558/LeMoyné

During the COVID-19 pandemic, children around the world are facing an increased risk of abuse, violence, exploitation and neglect at an unprecedented level. Evidence from this pandemic, as well as from previous infectious disease outbreaks such as Ebola, shows that in these situations existing child protection risks are exacerbated, and new ones emerge, from both the disease and from the prevention and control measures put in place to contain it.

Children in confined and overcrowded spaces such as detention facilities are at heightened risk of contracting COVID-19. They are also more vulnerable to neglect, abuse and violence, including gender-based violence (GBV), especially when

staffing levels or care are negatively impacted by the pandemic or containment measures. This includes children detained for violations of curfew and movement restriction orders. Children in detention facilities often have inadequate access to clean water and sanitation, nutrition and medical care. These conditions are highly conducive to the spread of diseases like COVID-19.

For these reasons, UNICEF issued a call to action with three asks:

- **UNICEF has called on all governments and other detaining authorities to urgently release all children who can safely return to their families** or an appropriate alternative environment, such as extended families and other family- or community-based care.<sup>1</sup>
- UNICEF is also calling for **an immediate moratorium on new admissions of children to detention facilities**. For children who remain in detention, UNICEF is calling **for the continued protection of their health and well-being**.
- UNICEF is also calling for governments to **refrain from arresting and detaining children for violations of curfew and related movement restriction orders**.

UNICEF has partnerships with 128 governments on access to justice for children programming. With the onset of the COVID-19 pandemic, the focus of many of these partnerships began to change in order to deal with the new reality.

New types of support are being introduced as part of UNICEF's broader child protection response to COVID-19. They include the provision of personal protective equipment (PPE) for staff of juvenile detention facilities, training of justice actors in COVID-19 infection control guidelines,

and the provision of other essential supply items such as soap and food.

**The purpose of this document, 'Field Notes: A rapid analysis of access to justice for children and COVID-19', is to present the findings of a rapid analysis of interventions conducted between March and June 2020**, showing how UNICEF's access to justice for children programming has been adapting rapidly to meet the challenges of the COVID-19 pandemic and its unique impacts on children in the justice system.

The 'Field Notes' presented in this document (see section 5) highlight key interventions or approaches being implemented by 32 UNICEF Country Offices (COs), the seven UNICEF Regional Offices (ROs) and UNICEF Headquarters (HQ), in New York, United States of America. The lessons being learned are documented and analysed in a second publication, 'Access to Justice for Children in the era of COVID-19: Learnings from the Field'.

This rapid analysis encompasses data on children diverted from arrest and detention (where alternatives to arrest and detention are used) and children in detention, including immigration detention or those detained in the context of armed conflict, military detention or on national security grounds. It includes children who have been arrested or apprehended for an alleged offence and those held in pre-trial detention, as courts and the provision of essential court services, such as legal aid, are halted or reduced due to national and localized lockdowns and other preventive responses introduced to curb the spread of the pandemic.

To a lesser degree it touches upon children in contact with the justice system who face similar delays in obtaining fair, timely and effective remedies for violations of their rights.

# UNICEF access to justice for children programming



*Two children, both 16, committed minor crimes (i.e. theft of cars' spare parts), appear before a judge in the specialized Juvenile Justice Court in Aktau, Kazakhstan. (2014) © UNICEF/UN045580/Pirozzi*

Access to justice is both a fundamental human right and an essential prerequisite for the protection and promotion of all human rights. Children's access to justice is therefore central to UNICEF's mandate to advocate for the protection of children's rights, in line with the Convention on the Rights of the Child and other international human rights norms and standards.

It is also key to achieving the Sustainable Development Goals (SDGs), particularly SDG 16 on peaceful, just and inclusive societies, and its targets 16.3 (access to justice for all), 16.2 (violence against children) and 16.9 (legal identity for all), especially for the most vulnerable.

**Promoting children's access to justice is a foundational pillar and priority of the 'UNICEF Strategic Plan 2018–2021' Goal Area 3,<sup>4</sup> which builds upon decades of justice and child protection programming.**

UNICEF supports children's access to justice by strengthening national justice systems in 128 countries, aiming to ensure that every child who comes into contact with the law – whether as an alleged offender, victim or witness, or as part of civil (e.g., family related) or administrative (e.g., immigration related) matters – can claim their rights.

This includes making justice systems more responsive and protective for girls and boys, strengthening diversion from the justice system and alternatives to detention, promoting restorative justice, supporting reform of laws and policies, improving support for child survivors or witnesses of crimes, and the legal empowerment of children.<sup>5</sup> In 2019, in 65 of those 128 countries, 278,000 children benefited from access to justice interventions.

**Globally, UNICEF has 895 staff dedicated to child protection, with approximately 78% of staff self-reporting expertise in the area of justice for children located in most COs all seven ROs, and at UNICEF HQ.<sup>6</sup>**

At the country level, the legal expertise and experience of national staff forms the backbone of country programmes and is instrumental in UNICEF's ability to build strategic and valued partnerships and support changes for children in justice systems on the ground. At the regional level, specialist staff provide expert legal technical and region-specific advice, influence the development of regional child justice norms and standards, and support and share regional good practices. At the global level, expert staff provide legal technical advice and oversight,

drive the development of evidence-based global public goods and good practices, and contribute to shaping global justice normative frameworks, policies and partnerships. Unique within the United Nations system, UNICEF is also present in high-income countries through its National Committees, which extends UNICEF's advocacy and reach to cover all country income-level and legal system contexts.

This far-reaching and sustained country presence allows UNICEF to foster trusted high-level relationships with the key regional and national justice, security and social services actors, including relevant government ministries, courts, parliaments, other United Nations agencies, donors, civil society, and increasingly with the private sector also.

All these factors uniquely position UNICEF to respond on child justice, which has meant that UNICEF was often among the first United Nations agencies when the pandemic hit to be called upon or to approach governments about the rights of children in the justice system, especially children in detention. These factors are also key enablers for the results being achieved by UNICEF COs across all regions.

Building on these results, UNICEF will reimagine justice for children in a post-COVID-19 world. UNICEF will continue to advocate for the protection of the rights of children in contact with the law and will scale up global leadership on access to justice for children, including through follow-up to the 'The United Nations Global Study on Children Deprived of Liberty',<sup>7</sup> as well as the Global Focal Point for the United Nations and the Rule of Law,<sup>8</sup> the Pathfinders for Peaceful, Just and Inclusive Societies SDG 16+<sup>9</sup> and the 'Justice for Children, Justice for All' Call to Action.<sup>10</sup>

# Rapid analysis



*A 13-year-old boy who was living on the street and had been arrested for stealing a video player poses for a portrait in Makeni, Bombali district, Sierra Leone. His case was mediated by UNICEF partner Defence for Children International, who helped him be reunited with his family and go back to school. (2013)  
© UNICEF/UNI150388/Asselin*

UNICEF Headquarters (HQ) commissioned a global rapid analysis of UNICEF programming in the key areas of access to justice and violence against children in response to COVID-19.

These analyses are intended to highlight innovative practices, lessons being learned and results achieved for children since the onset of the pandemic that offer potential value to other country contexts. Such information will assist UNICEF to scale up good practices, adapt programmes and develop advocacy messages and policy guidance.

This publication is one of two publications. The other publication is 'Access to Justice for Children in the era of COVID-19: Learnings from the Field'.



*Two girls stand in the concrete yard of the women's prison at Pétionville, a suburb of Port-au-Prince, Haiti. (2005)  
© UNICEF/UNI43560/LeMoyne*



# Methodology



Akram (name changed) rebuilds a fallen wall inside the Henry Gurney School, a rehabilitation institution for juvenile offenders aged 14 to 21, in Keningau, Sabah, Malaysia. (2018) © UNICEF/UN0249963/Noorani

The scope of this analysis was not to review all types of access to justice interventions, but specifically those concerned with children being released from detention as a preventive measure for COVID-19 and steps being taken to keep justice services functioning during lockdowns and social/physical distancing. The analysis highlights selected key interventions or approaches being implemented by 32 COs, the seven ROs and UNICEF HQ. This rapid analysis primarily documents interventions conducted between March and June 2020, highlighting the reach or scale of a few selected interventions in each region.

The rapid analysis reviewed the knowledge, data and evidence reported by UNICEF HQ, ROs and COs responding to child justice and child protection issues in the context of the COVID-19 pandemic. It included information extracted from COVID-19 Response situation reports and indicators (including COVID-19 Standard Indicators), CO Annual Reports 2019 and Global Annual Results Report 2019 for Goal Area 3 and other established UNICEF mechanisms and platforms for collecting and analysing data. In addition, UNICEF HQ, ROs and COs websites were used to gather further information on

COVID-19 programme priorities as well as child justice priorities and results. A range of methods were adopted for the rapid analysis, including:

- Developing tools, processes and templates for capturing and analysing knowledge, data and evidence
- Analysing knowledge, data and evidence to identify lessons learned at the global, regional and country levels
- Additional data gathering from individual ROs and COs
- Presenting the findings to UNICEF HQ, ROs and COs for review, fact checking, gap filling and validation.

This rapid analysis sought to identify key results achieved through UNICEF's partnerships with governments on access to justice for children programming. In particular, it sought to understand answers to three questions about these results:

## What was the key result achieved?

### Contribution to the result

How was the result achieved and what was the contribution of UNICEF (and partners) to the achievement of the result?

### Enabler for the result

Why was UNICEF able to achieve the result/what were the enablers or critical success factors for the achievement of the result?

### Context

Where does the key result fit within the broader context of the global results achieved by UNICEF?

## Limitations

While the rapid analysis has proven to be a valuable tool for gathering, sorting and analysing knowledge, data and evidence, it has limitations.

First, it only covers a narrow window of time; in this case March to June 2020.

Second, the rapid nature means that there is not sufficient time for in-depth analysis or primary research. It relies on gathering, sorting and analysing existing data. Consequently, COs that have achieved significant results for children may have been missed and data that is current today may be revised up or down later or be subject to further verification that may also result in changes as new information becomes available.

Third, UNICEF is fully engaged in responding to the pandemic and the ROs and COs are focused on providing humanitarian support in several countries. Therefore, in designing the rapid analysis, it was agreed to minimize contact with ROs and COs so as not to distract staff from their emergency operations.

Fourth, although COVID-19 is a global pandemic, its impact at the country level varies widely. Some countries are dealing with the first wave of the spread of the virus while others are now battling a second wave of infections. In other countries the virus is only just emerging.

This means that the humanitarian or human rights imperative for a government to release children from detention or place a moratorium on new admissions to detention will vary according to country-specific circumstances with regard to the pandemic.

# Field Notes

This section of the report highlights key interventions or approaches in various stages of implementation by UNICEF HQ, 32 COs and the seven ROs.



*An adolescent boy looks out from a louvered window in the centre “Sendero de Libertad”, Ilobasco Rehabilitation Centre in El Salvador. The centre houses 148 adolescents and young men. UNICEF works with the government and the Institute for Children and Adolescents (ISNA) to support rehabilitation and reintegration of adolescents in conflict with the law. (2014) © UNICEF/UNI186320/Heger*

## HEADQUARTERS, NEW YORK

Within two weeks of the declaration of the global pandemic by the World Health Organization, UNICEF HQ swiftly convened a global inter-agency taskforce in collaboration with the Alliance for Child Protection in Humanitarian Action and experts from more than 20 United Nations agencies, local and international non-governmental organizations (NGOs) and academic institutions to develop and publish the ‘Technical Note: COVID-19 and Children Deprived of their Liberty’ (Technical Note).

The Technical Note is a tool for United Nations agencies, child justice/child protection organizations and broader civil society organizations to use in shaping their advocacy efforts and for governments and detaining authorities to use to protect children in detention from the pandemic. It calls on all countries to deliver on their commitments as parties to the United Nations Convention on the Rights of the Child (CRC) to ensure all children deprived of their liberty have their rights protected. Specifically, it calls on all countries to release all children who can be safely released (those who are not a risk to themselves or to others); to place a moratorium on new children entering detention (including refraining from arresting children for breach of curfew/movement restriction orders); and to ramp up efforts to protect those children who cannot be released and who will remain in detention.

Immediately following the publication of the Technical Note, UNICEF’s Executive Director issued a Statement calling for the urgent and safe release of children and the use of alternative measures to detention.<sup>11</sup> To make this guidance operational, UNICEF HQ, ROs and partners, including the International Association of Youth and Family Judges and Magistrates<sup>12</sup> and the Alliance for Child Protection in Humanitarian

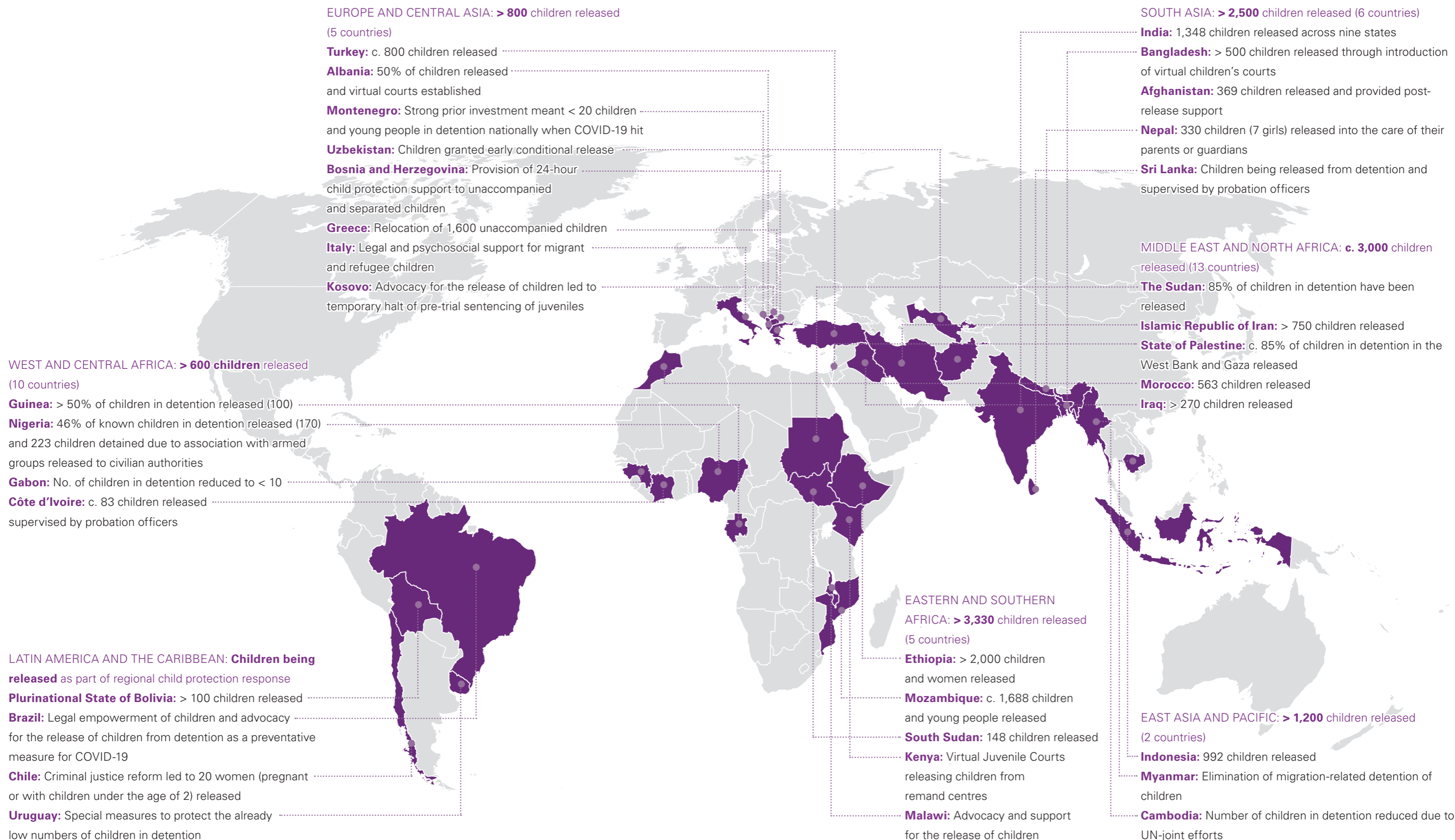
Action,<sup>13</sup> conducted a series of global webinars<sup>14</sup> with the participation of children’s rights and child justice experts to share experiences from different legal systems and different income-level country contexts on the release of children<sup>15</sup> and continuation of court services for children and women<sup>16</sup> during the pandemic.

The collective impact of these efforts is that UNICEF COs have been provided with timely and useful guidance to inform, support and accelerate their active engagement with their respective governments as they shift their Access to Justice programmes and related advocacy efforts to address the pandemic and its unique impacts on children in the justice system. All UNICEF ROs and many UNICEF COs specifically mentioned they are using the Technical Note to guide their advocacy efforts with governments, with many translating it into local languages for this purpose.

The main enablers for these results are UNICEF’s internal expert technical capacities (people and knowledge), as well as its convening power as demonstrated by the speed with which the Technical Note was developed and endorsed, and the unparalleled global reach of its Access to Justice for Children Programme.

To better understand how country-level justice programming is changing to address the pandemic, UNICEF HQ commissioned a rapid analysis to document the innovative practices, lessons being learned globally, and results achieved since March 2020. The results of this analysis (which are documented below and organized according to region and results) are already being used by UNICEF to predict field-level needs, to develop evidence-based advocacy messages and policy documents, and to improve programme effectiveness and results through the sharing of promising practices across UNICEF regions and offices.

## Key results by country on children's access to justice in response to COVID-19





## EAST ASIA AND PACIFIC

Almost two decades of continuous advocacy for reforms in access to justice for children laid the foundation for the **release of more than 1,200 children** across the region in response to COVID-19 and the increasing use of diversion from arrest and detention and alternatives to detention.

### Regional Office

Supported by the UNICEF East Asia and Pacific Regional Office (EAPRO), ten COs are engaged in efforts to strengthen justice for children during COVID-19. Recognizing the risks children deprived of their liberty face from the spread of COVID-19 in detention centres, all nine COs have advocated for the release of children from detention and for increased use of diversion and alternatives to detention. UNICEF in the Lao People's Democratic Republic was the first CO in the

region to advocate for the release of children from detention during COVID-19, successfully securing from the Government a commitment not to arrest child offenders for minor crimes. A practical example of this support is that in March, as containment measures were imposed throughout the region, EAPRO developed a rapid assessment tool for use by COs to determine the needs of each detention centre to keep children safe and supported, including training needs of personnel.

The tool also assisted national governments to identify the support they needed from the UNICEF CO or from EAPRO. EAPRO also issued an internal technical note, 'COVID-19 and the Rights of Children in Times of Curfew and Other Containment Measures', in early April to support COs to advocate for law enforcement agencies to refrain from arrest and detention of children for violation of curfew and movement restriction orders.

In response to the vulnerabilities faced by migrant children in the region including their increased risk of detention due to their migration status, UNICEF issued guidance on urgent actions needed to protect internally displaced children during COVID-19. Further, as an overall preventative measure for all children and to prevent stigma, discrimination and violations of their right to privacy, UNICEF EAPRO developed an internal note on 'Confidentiality and Data Sharing Related to COVID-19 Status'.

**The enabler for these efforts has been the almost two decades of investments made by UNICEF in the East Asia and the Pacific region in improving justice for children across the region.**

It has done this by maintaining high-level technical capacity in the form of international child justice experts; building the capacity of COs and partners; mobilizing resources to support this

work; investing in research and evaluation; and supporting country-level initiatives to improve how justice systems deal with children. This includes developing child-friendly and gender-sensitive procedures for investigations and conduct in courtrooms, as well as training of law enforcement, justice and social welfare officers at the country level.

UNICEF EAPRO has focused its efforts on promoting alternatives to detention and advocating for all agencies working with children as victims, witnesses and offenders, to use child-friendly and gender-sensitive procedures.

The results of this investment can be seen in 'Diversion Not Detention: A study on diversion and other alternative measures for children in conflict with the law in East Asia and the Pacific' (2017).<sup>17</sup> The report addresses bottlenecks in the implementation of diversion and other alternative measures related to juvenile justice.

The study assesses the existing policies and practices in 12 countries in East Asia and 14 countries in the Pacific. It identifies promising practices as well as areas for improvement.

The study was used by the Association of Southeast Asian Nations (ASEAN) Secretariat in its mid-term review of priority areas under the 'ASEAN Regional Plan of Action on the Elimination of Violence Against Children 2016–2025',<sup>18</sup> to examine progress on key pillars of the Plan of Action, including diversion and alternative sentencing, and to highlight the gains made in developing relevant legislative and policy frameworks.

## Indonesia



In Indonesia, the number of **children in detention has been reduced by 50 per cent** with the release of 992 children, and correctional officers are benefiting from online learning opportunities.

UNICEF Indonesia and the United Nations Office on Drugs and Crime (UNODC) successfully advocated for the Government of Indonesia's Ministerial Decree authorizing the release of low-level, non-violent juvenile and adult prisoners. UNICEF supported the development of several guidelines, including the 'Directive of the Director-General of Corrections on the Prevention of COVID-19 in Correctional Facilities'<sup>19</sup> and the 'Protocol on Release and Rehabilitation of Children'<sup>20</sup> and advocated for the Director General of Corrections in the Ministry of Law and Human Rights to put in place appropriate measures to support children who have been released, and facilitated intersectoral collaboration to ensure their safe release.

As of June 2020, this had resulted in a total of 992 children being released from detention, representing 50 per cent of the total number of children in detention in Indonesia.

The contribution from UNICEF to the achievement of this result included advocacy and the provision of technical support, such as the development and delivery of an online training programme for correction officers located in remote areas on the provision of counselling and support to children being released from detention and reintegrated into the community.

UNICEF and partners are continuing to advocate for a wider release of children and women, and the Ministry of Law and Human Rights is now

reviewing its criteria with the aim of expanding the number of children and women eligible for release. The main enabler for this result has been the strong and long-term partnership between UNICEF and the Government of Indonesia, and the collaborative nature of the partnership with the lead ministries responsible for child protection and child justice and with other United Nations agencies in the country.

UNICEF is seen as a trusted partner by the Government and a leading source of expertise on children's access to justice.

## Myanmar



In Myanmar, after much intense advocacy, **the elimination of migration-related detention of children has finally been achieved** as part of larger efforts to protect children in detention from COVID-19.

UNICEF Myanmar is advocating with the Government of Myanmar for an increase in the use of alternatives to detention and providing technical support for the reintegration of children and adolescents back into their families and communities as part of a United Nations-wide approach to detention-related issues for adults and children.

On 9 April 2020, UNICEF, UNODC, and the United Nations Development Programme (UNDP) wrote to the President of Myanmar requesting the release of detainees from the country's detention facilities in response to the COVID-19 pandemic.

**As a result, 295 children were released from the Department of Social Welfare-operated detention centres (i.e., Training Schools) on 17 April**, and approximately 300 adults and

90 pre-trial detainees who had been detained in quarantine facilities were released, most of whom were Rohingya who have since returned to Rakhine State.

UNICEF is providing case management and family tracing and psychosocial support to Rohingya families and children who have returned to Rakhine State.

Together with the International Legal Foundation, UNICEF Myanmar released a Technical Note for justice professionals on pre-trial release of children in conflict with the law during COVID-19.<sup>21</sup> This Technical Note was part of the support for lawyers to provide legal services to 126 children (83 boys and 43 girls) from January to May 2020, resulting in 47 children being released from detention (19 of whom were in pre-trial detention).

UNICEF has also successfully advocated for all children who have been arrested and detained for breaking COVID-19-related curfews to be released into the care of their families and be provided with case management support. This is part of a larger effort in Myanmar to protect the rights of children in conflict with the law.

Significantly, following concerted advocacy over several years, UNICEF has secured an agreement from the Minister of Labour, Immigration and Population for the elimination of migration-related detention of children. This new policy directive means that children will no longer be prosecuted and detained for a breach of immigration law in Myanmar. This assurance is a significant step in Myanmar's commitment and progress towards aligning with international standards on juvenile justice and Myanmar's Child Rights Law.

A key enabler for these results is ongoing technical support from UNICEF to strengthen the national child protection system so that it can

protect all children, including children in contact with the justice system. Inputs from UNICEF include building the capacity of the Government agencies, such as the police and the courts, as well as communities and civil society.

## Cambodia



In Cambodia, a United Nations-wide approach to justice is contributing to a **reduction to the number of children in detention**.

Cambodia has adopted a United Nations-wide approach to protecting the rights of children, women and people with disabilities in detention in response to COVID-19.

On 6 April 2020, UNICEF Cambodia, the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Cambodia and UN Women Cambodia wrote to the Minister of Justice requesting the introduction of alternative sentencing measures, including the release of prisoners based on their vulnerability to the virus. The letter identified women, women with children, people with disabilities, those with a chronic health condition and, of course, children, as being particularly vulnerable.

Although the Government has not explicitly released children from detention as a response to COVID-19, on 18 May 2020, the Ministry of Justice issued guidance on placing children in conflict with the law under the court's supervision (a diversion measure available to provincial courts nationwide).

**Whilst not included within the time period of this publication, as a result, 128 children in conflict with the law, including 71 girls, were placed under the court's supervision and the number of children in detention has**

**decreased from 1,753 in June to 1,586 in August 2020.**

Applying a United Nations-wide approach to justice reform has a long history of success in Cambodia. In 2015, UNICEF developed an advocacy strategy that included bringing together United Nations agencies to reset the juvenile justice law reform process that had started in 2002 but had stalled by 2010. The delay was having negative impacts on children.

This strategy was successful and in 2016 the new law was approved by the National Assembly. The number of children in detention had been reduced from 12 to 5 per 100,000 child population by the end of 2014 as a result of collaboration between United Nations agencies and other development partners, but by 2015 the number had edged upwards again, to 8 per 100,000.

Since then, ongoing collaboration has seen several key developments. UNICEF, Plan International, Children's Rights International and other partners supported the Government to develop a 'Three-Year Strategic and Operational Plan' to guide the implementation of the law. Between 2016 and 2019, 1,200 children were reached through justice and law enforcement services provided by NGO partners and provincial courts, which were financially supported by UNICEF.



## EASTERN AND SOUTHERN AFRICA


In Eastern and Southern Africa, **more than 3,330 children from at least five countries have been released from detention** as a preventive response to COVID-19.

### Regional Office

UNICEF Eastern and Southern Africa Regional Office (ESARO) is providing technical support to 21 UNICEF COs to monitor the situation of children in detention. This includes advocating for their immediate release and for moratoriums to be placed on new admissions. Several countries in the region have national diversion frameworks at police or court level with support from UNICEF, including **Kenya, Malawi, South Africa, Uganda, United Republic of Tanzania, Zambia and Zimbabwe**. As a result of this support, children are being released from detention in at least five countries. An enabler for this result is UNICEF ESARO's ongoing investments in access

to justice for children across the region to ensure children can access justice systems and receive adequate, gender- and age-appropriate assistance throughout the justice process.

### Ethiopia

 In Ethiopia, **more than 2,000 children and women have been released** from federal and regional penitentiary institutions as part of prevention measures against the risk of COVID-19.

UNICEF Ethiopia is advocating with the Federal Attorney General and Supreme Court at the national and subnational levels for the release of children and women in detention.

**This has resulted in the release of more than 2,000 children and women (including approximately 1,493 children) from federal and state penitentiary institutions, including from the Addis Ababa Remand Home, as part of prevention measures against the risk of COVID-19.**

UNICEF also supported the provision of case management training to six federal court social workers who led individual case reviews and reintegration of the children from the remand home. Personal protective equipment (PPE) was provided to the social workers so that they could conduct the work safely.

In addition, based on the 'Technical Note: COVID-19 and Children Deprived of their Liberty',<sup>22</sup> UNICEF and UNODC, in partnership, developed a briefing note on COVID-19 protection and response. It has been translated into the local Amharic language for distribution across the prison system in Ethiopia.

### Mozambique

 In Mozambique, approximately **1,688 children and young people have been released** from detention as part of the Government's amnesty for detainees as a preventive measure against COVID-19.

UNICEF Mozambique initially focused its advocacy with the Government on including children in their proposed amnesty for prisoners as a COVID-19 prevention strategy. This included advocacy for the courts to be defined as 'essential services' during the lockdown and for children's cases to be treated as urgent.


**This resulted in the release from detention of approximately 457 children aged 16–18 and 1,231 young people aged 18–21, which is around 42 per cent of the estimated 4,000 children and young people in juvenile and adult prisons. UNICEF is continuing its advocacy for the release of children and young people remaining in detention.**

UNICEF is continuously engaged with relevant authorities, including the National Penitentiary Service, Police, Ombudsman and others to monitor and prevent incarceration of children and ensure the protection of children still in detention. This is closely coordinated with other United Nations agencies, including the Office of the High Commissioner for Human Rights (OHCHR), UNODC and UNDP.

An enabler for this result is UNICEF Mozambique's strategic and valued partnership with the Government and justice administration authorities due to its proactive role and constant engagement in dialogue with them. This is the result of strong UNICEF in-house technical expertise and capacity to establish and maintain

constructive dialogue and partnerships with vast number of actors, as well as the country programme strategy which prioritizes access to justice for children.

### South Sudan

 In South Sudan, **148 children have been released from detention** in various state capitals.

UNICEF South Sudan and the United Nations Mission in South Sudan, along with the Judiciary and the Ministry of Gender, Child and Social Welfare, successfully advocated for the release of children from detention and the establishment of a data collection system to count children in detention and track their release. This resulted in the Government of South Sudan issuing an order to release children from detention as a preventive measure against the spread of COVID-19, resulting in the release of 148 children from detention in various state capitals.<sup>23</sup>

An enabler for this result is UNICEF South Sudan's continued support to the Government and Judiciary to establish a child justice system that takes into consideration the special needs of children in contact with the law.

For example, capacity-building efforts for justice actors on children's rights, the South Sudan Child Act and child-friendly approaches are all aimed at reducing the number of children being detained and providing better support to children in contact with the law. In 2021, UNICEF South Sudan will initiate a pilot project to make the imprisonment of children a measure of last resort and increase the use of alternatives to jail sentences.

## Kenya



In Kenya, the creation of virtual juvenile courts is resulting in the **release of children from rehabilitation schools** and remand homes.

To guide and support the work of the different juvenile justice actors during this pandemic, UNICEF Kenya is facilitating the development of national guidance on handling children within the justice system during the pandemic.

The guidance is based on the global inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>24</sup> and will provide minimum standards and actions that each juvenile justice actor should undertake to ensure that every child that comes into contact with the justice system in Kenya has access to equitable justice. The Government of Kenya has established the National Council on Administration of Justice (NCAJ) COVID-19 Response Committee, comprising key justice agencies, to manage the sector's response to the pandemic.

Approximately 5,000 adults who had been sentenced for petty offences have been released via virtual court sessions held on Skype and Zoom. A number of children have been released from remand homes and rehabilitation schools and UNICEF is advocating for the Committee to give greater attention to the situation of children and to ensure their release from detention.

In addition, UNICEF is providing technical support for the reintegration of children back into their families and communities, and is supporting partners under the leadership of the National Council on Children's Services to develop child-friendly messages for children in institutions and other vulnerable children on how to protect themselves from COVID-19.

## Malawi



In Malawi, UNICEF is advocating for the release of children from reformatory centres and investing in partnerships to ensure that children have access to **child-friendly, gender-sensitive policing and justice service** in all 28 districts of the country.

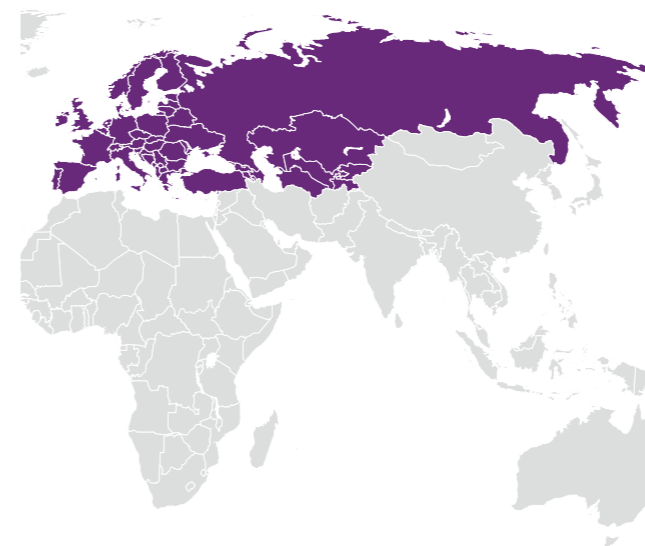
UNICEF Malawi is a key agency for child protection and a trusted partner for Government ministries, departments and agencies with responsibility for child justice and child protection.

During COVID-19, UNICEF has also been providing technical and financial support for the Malawi Police Service, the Judiciary and the Ministry of Gender, Community Development and Social Welfare to ensure continuity of access to justice for children, timely case reporting mechanisms, and protection of vulnerable groups as part of their implementation of public health measures to contain the outbreak.

Contributions from UNICEF have also focused on strengthening community-based victim support services and mechanisms for complaints and feedback, including the national Child Helpline and GBV Crisis Line.

An enabler for these initiatives has been UNICEF Malawi's ongoing investment in justice for children for over a decade, with a strong emphasis on ensuring access to justice at the village level. This has seen the maturing of effective justice coordination mechanisms at national and subnational levels, including the establishment of more than 300 Community Victim Support Units, that provide essential child protection services in local communities.

In 2019, support to strengthen data collection systems saw improved reporting on violence; over 37,000 new cases of violence were reported: 18,810 against girls, 13,237 against boys and 5,364 against women.



## EUROPE AND CENTRAL ASIA

In Europe and Central Asia, UNICEF is leading advocacy efforts for the **protection of the rights of children in detention** as part of its larger child protection response to COVID-19 in the region. This work has seen over 800 children being released from detention in Albania, Azerbaijan, Montenegro, Turkey and Uzbekistan.

### Regional Office

In March 2020, UNICEF Europe and Central Asia Regional Office (ECARO) conducted a short survey to take stock of what national authorities were doing to adjust national child justice and child protection systems and services in light of the COVID-19 pandemic. The survey identified

promising practices, gaps and constraints in access to justice for children, provided indications for how UNICEF could augment governments' responses to COVID-19, and formed the basis of the UNICEF advocacy agenda regarding children in detention. UNICEF ECARO and COs have actively used and promoted the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>25</sup> to advocate with governments in the region for the implementation of measures therein.

This work is built upon and is the result of more than 20 years of work by UNICEF ECARO in the region in contributing to reforming juvenile justice systems. This has resulted in a significant decline in the rate of admissions and the overall number of children in detention, due to high-level commitments by governments and technical support provided by UNICEF and development partners. This includes policy advocacy, which has led to legislative reforms that increased the minimum age of criminal responsibility (to 14 years in most countries), capacity-building of professionals across the justice sector, and the introduction and systematic scale up of alternatives to detention, including diverting children in conflict with the law away from judicial proceedings.

Twenty years ago, the number of children in Eastern and Central Europe and Central Asia who were sentenced and placed in a detention facility annually was 45,000. Now, the annual number is approximately 5,000 – a 90 per cent reduction of children in detention across this subregion.<sup>26</sup>

In 2019, for example, UNICEF ECARO developed and rolled out 'Child Friendly Legal Aid Guidelines'<sup>27</sup> across the region and provided technical support to **Albania, Armenia, Bulgaria, Croatia, Georgia, Kyrgyzstan, Montenegro** and **Turkey** for implementation. The guidelines have been translated into Russian and six other national languages and have been formally

adopted by local Bar Associations and/or other appropriate bodies in these countries. They have also been incorporated into the training curricula of legal professionals and other legal aid providers. Legal aid services were supported in 11 countries, reaching approximately 29,294 children through local partners, including NGOs, bar associations and lawyers.

In addition, tools to strengthen the role of national human rights institutions in supporting children's access to justice and to promote and monitor implementation of children's rights were developed and shared widely within UNICEF and among the global and regional human rights institutions and children's ombudspersons.

## Turkey



In Turkey, approximately 800 children serving a custodial sentence have been released from detention, and juvenile justice case management and training has moved online.

Directly following COVID-19 being declared a pandemic, UNICEF Turkey launched its advocacy for the immediate and safe release of children in detention as an appropriate human rights and health response. At the same time, UNICEF advocated for the provision of adequate care and access to health and water, sanitation and hygiene (WASH) services for children in state institutions and other facilities.

COVID-19 was also a factor in the Turkish Parliament's ratification of a bill to reduce the number of detainees, reduce overcrowding and prevent a potential outbreak of the virus in Turkish prisons. Approximately 800 children serving a custodial sentence were released from detention,

although some are due to return to custody once the pandemic has been brought under control. UNICEF and the Union of Bar Associations are continuing to advocate for the release of children in pre-trial detention. UNICEF proactively provided various guidelines in Turkish and supported justice agencies with in-kind support, technical assistance in advocacy, and innovative capacity-building opportunities in the form of online case management and training.

An enabler for this result is UNICEF Turkey's long history of trusted partnership with the Ministry of Justice, the Justice Academy, the Council of Judges and Prosecutors and the Union of Turkish Bar Associations.

## Albania



In Albania, the number of children in detention was reduced by half, virtual juvenile courts were established, and free legal aid was provided online to children and women.

With the pandemic looming, Albania issued an amnesty in February 2020 and UNICEF intensified its advocacy with the Ministry of Justice, the General Prosecutor's Office and the High Judicial Council, warning of the dangers of keeping children in detention, and promoting the use of alternative measures. To help authorities sharpen their response, UNICEF Albania translated the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>28</sup> into Albanian.

These efforts contributed to halving the number of children serving a custodial sentence and those in pre-trial detention, from 24 to 12. A further 70 children on probation were allowed to stay at home and maintain contact with their probation officers via telephone or electronically. The High

Judicial Council issued a decision in favour of the use of virtual courts to ensure remote and online hearings. Cases affecting children in contact with criminal, civil and administrative law were allowed to continue, ensuring children's access to justice and allowing many of those in pre-trial detention to have their 'arrest in jail' measure replaced with an 'arrest at home' order.

The Ministry of Justice also launched a platform for providing online free legal aid to children and women, which was crucial for those subjected to domestic violence and in pre-trial detention.

These advocacy efforts are part of the larger work of UNICEF Albania in supporting the development of juvenile justice legislation and policies in compliance with international standards. In 2019, for example, Albania created multidisciplinary teams, which involves lawyers and social workers working collaboratively to respond to child offending or crimes against children.

## Montenegro



In Montenegro, years of investment in diversion from arrest and detention and reform of the juvenile justice system meant that when the COVID-19 pandemic hit, there were fewer than 20 children and young adults in detention in the entire country.

As part of its larger child protection response to COVID-19, UNICEF Montenegro is advocating for high-level institutions to protect the rights of children deprived of liberty. UNICEF Montenegro translated the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>29</sup> into Montenegrin and shared it with the Ministry of Justice, Directorate for Execution of Criminal Sanctions, Supreme Court of Montenegro,

Supreme State Prosecution's office, Police Directorate and the children's correctional facility.

Since the onset of the pandemic, a moratorium has been in place prohibiting new admissions into the juvenile prison and the community-based correctional facility.

Eight out of 16 children were released from the community-based correctional facility but were later returned when all the pandemic-related restrictive measures were relaxed.

A key enabler for this result is UNICEF Montenegro's ongoing work to ensure equitable access to justice for children (across criminal, civil and administrative law) and to support the country to establish a child-friendly justice system that works in the best interests of the child, focusing on the most disadvantaged children and families.

## Uzbekistan



In Uzbekistan, children have been granted early conditional release from detention.

UNICEF Uzbekistan is working closely with the Prosecutor General's Office, the Prosecutor General's Office Academy, the Ministry of Interior, the Supreme Court and the Ministry of Public Education at the national and subnational levels. Based on the recommendations of the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty',<sup>30</sup> the Prosecutor General's Office submitted an official request to the Special Commission on COVID-19 Response in Uzbekistan to grant early conditional release to children deprived of liberty.

This has resulted in an initial early release of 6 boys out of 67 in a post-trial detention facility and



replacement of the punishment of deprivation of liberty with house arrest. UNICEF is continuing to advocate for more children to be released.

A key enabler for this result is UNICEF Uzbekistan's ongoing work with the Government of Uzbekistan to strengthen the rule of law, including promoting specialization of justice professionals who work with children in contact with the law, and a child- and gender-sensitive approach in the justice system. In 2018, UNICEF Uzbekistan supported the Ministry of Interior in establishing three pilot child-friendly interview rooms at pre-trial stage in three regions of the country, which were scaled up to 29 child-friendly interview rooms across 14 regions. The first ever child-friendly interview room at the trial stage was opened with technical support from UNICEF in one of the district criminal courts in the city of Tashkent.

### Bosnia and Herzegovina, Greece and Italy



In Bosnia and Herzegovina, UNICEF and partners continue to provide **around-the-clock on-site child protection support to unaccompanied and separated children**. In Greece, UNICEF is supporting national coordination efforts on the relocation of 1,600 of the estimated 4,500 unaccompanied children. In Italy, UNICEF is advocating with key stakeholders for adequate consideration of the situation of migrants and refugees.

UNICEF ECARO is scaling up efforts in **Bosnia and Herzegovina, Greece** and **Italy** in response to grave concerns for the situation of refugee and migrant children in migration facilities as part of its response to COVID-19.

In **Bosnia and Herzegovina**, UNICEF and partners continue to provide around-the-clock on-site child justice and child protection support to unaccompanied and separated children. As of May 2020, there were 368 unaccompanied children (all boys) in these centres. This support includes outreach, providing protection services and access to legal services, running of Child Friendly Spaces, and Mother and Baby Corners, and awareness raising on the need for social distancing and safe distance learning among children in reception centres.

In **Greece**, UNICEF is supporting national coordination efforts for the relocation of 1,600 of the estimated 4,500 unaccompanied refugee and migrant children from Greece to other European Union (EU) member countries and, in partnership with the International Organization for Migration (IOM), issued standard operational procedures (SOPs) for immigration and justice actors that form the basis of the relocation and reintegration effort. UNICEF is continuing to call for the immediate transfer of all vulnerable refugees, including children, to the Greek mainland due to the increased risk of infection because of inadequate water and sanitation and overcrowding at the Reception and Identification Centres on the islands.

In **Italy**, UNICEF is advocating with key justice and immigration stakeholders for adequate consideration to be given to the situation of migrants and refugees, including those hosted in the reception system as well as those outside of the formal system and living in informal settlements or in transit. This includes families with young children as well as unaccompanied children, who are at greater risk.

UNICEF is continuing to provide support to partners to ensure continuation of the child protection programmes on site and/or remotely, including legal information and counselling

through U report,<sup>31</sup> GBV prevention and response, psychosocial support and outreach to individuals at risk and migrant and refugee children living on the streets or in informal settlements.

This work is enabled through UNICEF's existing robust partnerships and programmes with justice and security agencies aimed at ending the detention of refugee and migrant children by creating practical alternatives and ensuring children's legal identity and nationality.

This work is part of UNICEF's global call to world leaders under the 'Agenda for Action for Refugee and Migrant Children'<sup>32</sup> to place children at the heart of the global compact for refugees and migration. This includes keeping families together; protecting uprooted children from exploitation and violence; helping uprooted children to stay in school and stay healthy; pressing for action on the causes that uproot children from their homes; and combatting xenophobia, discrimination and marginalization.

### Kosovo<sup>33</sup>



In Kosovo, UNICEF is intensifying its advocacy for the **release of children in detention and in 'education correctional' facilities**.

UNICEF Kosovo, in collaboration with Kosovo's Ombudsperson Institution and the Coalition of NGOs for Child Protection in Kosovo, called upon the Government to urgently release all children who can safely be returned to their families, or who can be placed in suitable alternative environments, such as community-based care, and to put a moratorium on new admissions. In response to this advocacy, the judiciary institutions have withheld all the sentencing for juveniles that are related to pre-trial detention or

'education correctional' measures. Adjustments have been made so that all juveniles in institutions can maintain regular communication with their families through online and virtual communication mechanisms and modalities.

An enabler for this effort is the investments made by UNICEF Kosovo in strengthening partnerships for justice for children over the last 10 years, including amendments to the Juvenile Justice Code, which entered into force in 2019.



### LATIN AMERICA AND THE CARIBBEAN

In Latin America and the Caribbean, **children are being released from detention** as part of the region-wide child protection response to COVID-19.

#### Regional Office

The UNICEF Latin America and the Caribbean Regional Office (LACRO) is supporting COs in their

efforts to protect the rights of children and women in detention as part of its larger child protection response to COVID-19. This includes promoting the sharing of data, evidence and knowledge across the region and between COs. In June 2020, LACRO and UNICEF HQ, in partnership with the International Association of Youth and Family Judges and Magistrates, hosted a webinar in Spanish on justice for children and COVID-19.

The webinar, reaching over 430 participants across 19 countries, highlighted the work of Argentina, Chile and Guatemala, as well as Spain and the United States. The webinar was also an opportunity to promote the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>34</sup> as a tool for advocacy with governments.

An enabler for these results is the decades of investments made by UNICEF in the Latin America and the Caribbean region in reforming juvenile justice systems. This includes the introduction and systematic scale-up of alternatives to detention, including diverting children in conflict with the law away from judicial proceedings, policy advocacy in order to raise the age of criminal responsibility, and capacity-building of professionals across the justice sector.

For example, since 2018, UNICEF LACRO together with seven COs have been developing a pilot programme to measure a set of minimum indicators on juvenile justice.

The indicators will enable the generation of internationally comparable data on children's access to justice, with the aim of informing policy reforms. The aim is also to provide a more accurate picture of the number of adolescents in conflict with the law in relation to the total volume of crime in each country, challenging misconceptions and prejudices about children and adolescents in the region.

## The Plurinational State of Bolivia



In the Plurinational State of Bolivia, over 100 children have been released.

UNICEF Bolivia is supporting the Government of Bolivia to implement a rapid response to protect children affected by the pandemic. A rapid assessment identified approximately 4,000 vulnerable children in need of care. They include children and adolescents in juvenile detention and in prisons; children stranded in Pisiga border camp; migrants, asylum seekers and refugees; and children who have recently or are in the process of being reintegrated back into their families and communities.

Together with the State Attorney General and the departmental governments of Santa Cruz and Cochabamba, UNICEF has contributed to the release of 106 adolescents (40 in Cochabamba and 66 in Santa Cruz) and continues to support five juvenile detention centres and two orientation centres to adapt the supervision of 488 adolescents in conflict with the law through the development of guidelines for the centres. The guidelines are based on the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>35</sup> and the 'Minimum Standards for the Protection of Children and Adolescents in Humanitarian Action'.<sup>36</sup>

UNICEF has acquired licenses for Zoom Video Communications, Inc., and cameras for these centres, which will allow virtual attendance at hearings, monitoring of case plans, as well as attendance at virtual classes and continued contact and communication with family members. UNICEF is also currently negotiating with the private sector to provide free telephone and internet cards to adolescents who are in detention or who need to attend their virtual hearings.

An enabler for this result is UNICEF Bolivia's efforts to ensure an effective justice system that meets the needs of children, including access to specialized child protection services and prevention programmes. In 2019, for example, UNICEF supported the Government to develop a protocol and procedures for children visiting their imprisoned parents, which, once implemented, will benefit children and adolescents across the country. Additionally, technical support was provided to the Ministry of Justice to implement alternative measures for adolescents in conflict with the law.

## Brazil



In Brazil, the legal empowerment of children remains a priority along with **advocacy for the release of children from detention** as a preventative measure for COVID-19.

At the onset of the coronavirus pandemic in Brazil, the National Council of Justice issued guidelines for the prevention of COVID-19 in the adult and juvenile justice systems. UNICEF Brazil and OHCHR provided technical assistance for the drafting of the guidelines.

UNICEF and OHCHR also endorsed a draft law to prevent the spread of the coronavirus among the prison population, particularly adolescents, women who are pregnant, and women with infants with them in jail.

Given over-crowding and limited hygiene facilities in the juvenile justice system, UNICEF Brazil initiated a programme of key messages and materials on COVID-19. Almost 7,000 information posters on coronavirus and protection against violence have been distributed to detention centres in 13 states, reaching over 9,000 adolescents deprived of their liberty. Posters are

also being distributed in Roraima, where UNICEF is responding to the Venezuelan migratory crisis.

UNICEF Brazil is also facilitating the distribution of donations of hygiene items to detention centres and food baskets to families with adolescents in conflict with the law in several cities, such as Fortaleza, Recife, Rio de Janeiro and São Paulo, with support from local partners. In Fortaleza, for example, the donations reached the homes of 200 teenagers being released from detention. In Rio de Janeiro, 30,000 soaps were donated to detention centres in partnership with Johnson & Johnson. In Boa Vista, UNICEF delivered kits with masks, gloves and alcohol to 85 professionals from the state's Children's Rights Councils.

Social media cards have also been produced and disseminated among family members of adolescents in conflict with law to raise-awareness on their basic rights, such as education, culture and sports, health care, access to basic services and keeping in touch with their family.

The enabler for these results is UNICEF Brazil's ongoing partnership with key justice sector agencies. In 2019 for example, UNICEF Brazil successfully implemented the first cycle of child protection capacity-building, training municipal managers, their teams and local duty-bearers in over 1,500 municipalities in the Amazon and semi-arid regions in the implementation of child justice and child protection systems.<sup>37</sup>

## Uruguay



In Uruguay, the Government is implementing a range of special measures to **protect the already low numbers of children in detention** during the COVID-19 pandemic.

The Government of Uruguay is implementing a range of measures to protect the rights of the 273 children who remain in detention during the pandemic. These measures are designed to enable social distancing and better hygiene and to allow for continued education and family contact.

The Juvenile Detention Centres are monitored through an inter-institutional steering group, coordinated by UNICEF Uruguay, comprising the Judiciary, the Attorney General's Office, the Ministry of Interior, and the National Institute for Adolescent Social Inclusion, as well as through follow-up meetings with new justice authorities.

The National Institute for Adolescent Social Inclusion has also developed a contingency plan that includes precautionary measures, information materials, and procedures for when positive cases of COVID-19 arise.

The enablers for these results were UNICEF Uruguay's concerted long-term efforts to ensure the protection of children in contact with the legal system. In 2017, UNICEF and the Government of Uruguay launched a strategy to reduce detention and improve the system of non-custodial sanctions for adolescents who break the law.

Three years on, the reduction of the use of imprisonment and the increase in the use of non-custodial sentences for adolescents has been substantial.

In August 2016, 67 per cent of children who were sentenced were imprisoned, while the remainder received non-custodial sentences. By August 2019, the imprisonment of children had decreased to 46 per cent of all sentences, with non-custodial sentences increased to 54 per cent.

## Chile

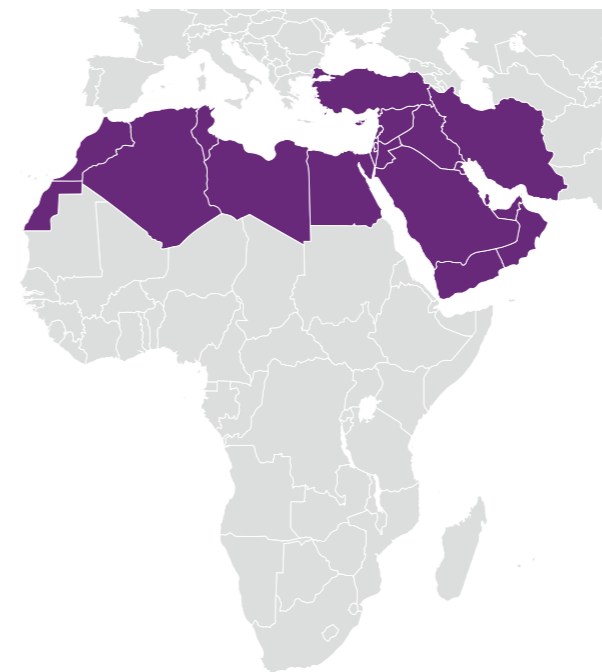


In April, the Government of Chile passed a criminal justice reform **allowing pregnant women and those with young children serving a custodial sentence to finish their prison terms at home** with their young children.

This reform seeks to prevent the spread of COVID-19 inside prisons. Many children live with their relatives during their mother's incarceration, and in response, UNICEF Chile produced evidence about the importance of children staying with their mothers and the risks of remaining in detention, which led to the successful overturning of the practice of separating children over nine months of age from their imprisoned mothers during COVID-19.

As an immediate result, 20 women who were either pregnant or had children under the age of 2 were released and are now serving the rest of their sentences at home. This measure will positively impact on the development and well-being of their young children who will be able to grow up with their families at home, and not inside a prison. The passing of this law was enabled by ongoing advocacy by UNICEF over the past 10 years to improve the protection of the rights of children in contact with the law.

While it is only effective during the current COVID-19 global outbreak, this law sets the stage for wider criminal justice reforms seeking to permanently ban pregnant women and mothers with infants under 2 years old from serving time in prisons. This is an example of UNICEF justice work spanning the humanitarian and development nexus.



## MIDDLE EAST AND NORTH AFRICA

In the Middle East and North Africa, it is estimated that **more than 3,000 children have been released from detention** in response to COVID-19.

### Regional Office

In March 2020, the UNICEF Middle East and North Africa Regional Office (MENARO) launched coordinated efforts to support the work of COs in mobilizing justice sector agencies to take urgent action to protect children in detention from COVID-19 and identify areas needing further support. This included promoting initiatives to mitigate the negative health outcomes of the pandemic for children in detention and to use the opportunity to accelerate justice sector reforms. Countries were encouraged to use alternatives to deprivation of liberty and to reintegrate released children, across the region, including in countries where reforms were stalled or where certain groups of children had traditionally not benefited

from progress or reforms in the justice sector. This included situations where children on the move faced deprivation of liberty, such as along the East Africa–Gulf migratory route and in Libya. It also included children detained on national security grounds.

Following actions taken by 13 governments in the region, and complemented by UNICEF's advocacy and technical support, it is estimated that more than 3,000 children have been released from detention. Countries used a variety of measures to release children from detention, including pardons, amnesty, conditional or unconditional release and, in a rare case, temporary leave arrangements. These countries include **Algeria, Djibouti, the Islamic Republic of Iran, Iraq, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, State of Palestine, Sudan, Tunisia** and **Yemen**. UNICEF MENARO has been advocating and providing technical support for the acceleration of investments in justice system reform for children over the long term. This includes supporting country- and regional-level initiatives to develop guidelines to improve cross-sectoral coordination, undertake policy and legal reforms, and support the justice and law enforcement sectors to improve justice for child victims, witnesses and offenders. This positioned UNICEF as the leading voice in the region on child justice trusted by governments, especially in relation to justice issues, which are sensitive.

UNICEF's work on justice for children is part of MENARO's broader work to protect the rights of millions of children throughout the region. Almost half of all children in the region have their rights violated because of conflict and disaster. While the region is home to only 6 per cent of the world's population, it accounts for 40 per cent of the global population that requires humanitarian aid; this is the highest concentration of people affected by conflict or disaster in the world.

## The Sudan



In Sudan, 85 per cent of **children in detention have been released** as a preventative measure for COVID-19.

The Government of Sudan has issued three directives and guidelines for the release of children from detention as a response to COVID-19. The directives are for the release of children in conflict with the law, aged 12–18 years old. This includes directing the police and prosecutors to release children from detention in response to COVID-19 and to use alternative measures to detention, including diversion outside the judicial system. This has resulted in 883 of the 1,043 children in detention being released.

UNICEF Sudan's contribution to this result was its direct advocacy and its simultaneous work across several government agencies to build commitment around the need for urgent COVID-19 response actions for children in detention. Following the issuing of the directives and guidelines, UNICEF Sudan continues to provide technical support for implementation and follow-up. It is also raising community awareness about how to protect vulnerable children during the pandemic and supporting family tracing and reunification.

A key enabler for this result is UNICEF Sudan's sustained investments in capacity-building for justice actors on diversion as an alternative to arrest and detention and the implementation of pre- and post-trial alternative measures to detention. This specifically includes promoting the rights of children with disabilities and ensuring they have equal access to diversion and alternatives to deprivation of liberty.

## State of Palestine



In the State of Palestine, 85 per cent of **children in detention in the West Bank and Gaza have been released** as a preventative measure for COVID-19.

UNICEF State of Palestine is working with key line ministries for the release of children in detention as a preventative measure for COVID-19. In the West Bank, the Chief Justice issued a circular requesting judges to release children, pending a risk assessment. In parallel to these efforts, on 23 March 2020, the President issued a pardon for all those convicted of a non-serious crime (i.e., excluding murder, rape) who had served at least half of their sentence.

These efforts have resulted in the release of 75 out of 87 children in detention in the West Bank, and 37 out of 45 children in Gaza – or 112 out of 132 (85 per cent) in the State of Palestine. The remaining children in detention are there for serious crimes such as rape and murder or because of security concerns.

The United Nations is advocating with Israeli authorities for the release of Palestinian children held in Israeli prisons and detention centres, highlighting the risks to the health and rights of children who remain in detention mainly in Israel, and calling for a moratorium to be put on new arrests and admissions into detention facilities.

An enabler for the release of children from detention in the West Bank was UNICEF State of Palestine's ongoing work to ensure the protection of the rights of children in contact with the law. Provisions in the Juvenile Protection Law, which introduced diversion and alternatives to detention and allowed for early release for children who demonstrate good progress, was an important

enabler to operationalize release of children in compliance with the national legal framework.

Pre-existing inter-agency coordination and an operational justice case management system ensured speed and efficiency of the process. The Juvenile Justice Technical Committee was relied on as an important coordination structure which facilitated rapid individual assessments and action for each child.

## The Islamic Republic of Iran



In the Islamic Republic of Iran, **more than 750 children have been released from detention**.

UNICEF Iran has been collaborating with the Prisons Organization and the Judiciary, in all 31 Juvenile Correction and Rehabilitation Centres (JCRCs), on a range of measures to protect children and mothers deprived of their liberty.

UNICEF Iran has supported enhancing the capacity of social workers and mental health experts of the Prisons Organization for provision of psychosocial support services during COVID-19 to 1,108 children. Furthermore, UNICEF has supported training of judges, prosecutors, social workers, law enforcement officers and lawyers on justice for children affected by migration in priority provinces.

On 29 February 2020, the Head of the Judiciary issued a circular on the prevention of a COVID-19 outbreak in prisons to all judges, encouraging them to apply alternative measures to detention to the extent possible during the COVID-19 pandemic. The government has also pardoned and permanently released 36 children from JCRCs and has temporarily released a further 714 children in post-trial detention. UNICEF

Iran has continuously advocated, during technical discussions with the Judiciary and Prisons Organization, for better follow-up and reintegration assistance for released children, as well as for the permanent release of children who were only temporarily released.

An enabler for this result is the ongoing work of UNICEF Iran to strengthen the capacity of the justice system to work with children in judicial proceedings, and to provide diversion programmes and other alternative measures and post-release services, including care and protection against secondary victimization.

## Morocco



In Morocco, **563 children deprived of their liberty have been released** as a preventive measure for COVID-19.

UNICEF Morocco has focused its advocacy on the release of children from detention and the need for a prohibition on new admissions to juvenile justice facilities, building on the 'Technical Note: COVID-19 and Children Deprived of their Liberty'<sup>38</sup> and the call of the UNICEF Executive Director for the release of children in detention. UNICEF Morocco sent letters to 14 high-level institutions, including the Judiciary, Parliament, National Human Rights Council and the Chief of Government and, as a result, on 18 May 2020, the Office of the Public Prosecutor issued a directive to all prosecutors in the country on how to protect children's rights during the COVID-19 pandemic, directly based on the recommendations found in the Technical Note.

This was the first legal document in Morocco to call broadly for the release of children from detention and for the protection of children's rights

during the pandemic. This advocacy contributed to the release of 563 of the estimated 1,600 (35 per cent) children deprived of their liberty.

An enabler for this result is the ongoing work of UNICEF Morocco in supporting the strengthening of access to justice for children through legislative advocacy, capacity-building and intersectoral cooperation, particularly for diversion and alternative measures to detention. In 2019, for example, these efforts contributed to the continued increase in the number of children in conflict with the law who benefited from non-residential alternatives to detention, with 76 per cent benefiting from non-residential alternatives to detention at pre-trial, and 62 per cent at trial.

Further, following the First National Conference on Alternatives to Institutionalization/Detention held in Rabat on 12–13 November 2019, with the support of UNICEF, the Public Prosecution Office published the first instructions to all prosecutors in the country on how to give primary consideration to the interests of the child in judicial proceedings. This groundwork has been instrumental in guiding justice partners in their response to the pandemic in 2020.

## Iraq



In Iraq, **more than 270 children have been released from detention** and UNICEF is continuing to advocate for the release of all children in detention as a preventive measure against COVID-19.

UNICEF Iraq's continued advocacy and collaboration with the Ministry of Justice is seeing the gradual release of children from detention as part of a broader child protection response to COVID-19. A total of 270 children have been

released from pre- and post-trial detention as of June 2020. High-level advocacy and technical support from UNICEF was a central factor in the Government defining and gradually broadening the criteria for release of children.

The initial criteria applied to only 50 children in pre-trial detention for non-violent crimes and crimes unrelated to national security. The criteria have now expanded to include children who have served one-third of their custodial sentence and who are eligible for a Presidential Amnesty.

An additional 400 children serving custodial sentences and who have served at least one year of their sentence will be released under these modified criteria.

UNICEF and partners have also dedicated attention to the reintegration of children released from detention. This involves design and support of multisectoral services, delivered remotely at first and with a gradual transition to face-to-face support where possible. UNICEF, in collaboration with the Child Protection Sub-Cluster (Child Protection Area of Responsibility) and with various implementing partners,<sup>39</sup> has supported the provision of case management services and adaptation of referral pathways.

An enabler for this result has been the intensive work of UNICEF Iraq in advocating and providing technical assistance for the use of alternatives to detention. In 2019 in Iraq, the use of diversion and alternatives to detention resulted in 74 per cent of children in conflict with the law being diverted or given alternatives to detention, representing a 45 per cent reduction against the baseline.

Partnerships with civil society organizations and coordinated approaches through the Child Protection Sub-Cluster have been enablers for providing reintegration after release.



## SOUTH ASIA

Across the South Asia region, **more than 2,500 children have been released from detention facilities**. This is providing a strategic opportunity to institute alternatives to detention and diversion programmes and to better support the rehabilitation and reintegration of children in conflict with the law and reduce reoffending.

### Regional Office

The region has seen the release of more than 2,500 children from juvenile detention facilities in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka.

Post-release planning and reintegration is vital to ensure that the home situation is safe for the child and to reduce reoffending. The release of children has provided a strategic opportunity to institute alternatives to detention, diversion

programmes and better approaches to support the rehabilitation of children in conflict with the law. An enabler for this work is the ongoing efforts by UNICEF's Regional Office for South Asia (ROSA) to ensure that justice systems are designed for the benefit of all children in contact with justice authorities and that these children are better served and protected.

UNICEF ROSA works with the justice sector agencies to put in place child- and gender-sensitive procedures for child victims and witnesses of crime. This includes ensuring that all children, including excluded and marginalized children, are informed about their rights and about the avenues to seek redress for violations.

A key priority for UNICEF in South Asia is raising the minimum age of criminal responsibility in line with international norms. The age of criminal responsibility across the region remains quite low, ranging from 7 to 15 years of age. Currently, Maldives is the only country in the region with an age of criminal responsibility (15 years) that is in line with the recommendation of the United Nations Committee on the Rights of the Child (minimum of 14 years).

## India



In India, **1,348 children across nine states have been released from detention** following an Order by the Supreme Court of India.

Following high-level advocacy by UNICEF India with the Supreme Court of India, the court issued a comprehensive Order on the protocols for management of COVID-19 for children in the care of the State and especially for child-care institutions. The Order, issued on 3 April 2020, includes the release of children in pre-trial detention as a

preventive measure in response to COVID-19. This has led to 1,348 children in nine states being released into the care of their families. The absence of a national and robust data collection system means that there is no reliable national data on the total number of children in detention or the number of children being released under the new Order.

The Order also encourages the return of children in child-care institutions, who need care and protection, to their families or family-based care. This has resulted in nearly 200,000 children being returned to their families and communities across all states, demonstrating the need for more sustained work on promoting family-based alternative care solutions.

Implementation of the order required a range of measures and was done through online meetings, convened by the Juvenile Justice Boards in each state, whose role is to review cases of children being held in institutions. To ensure due diligence was followed in each case, a social investigation report was prepared prior to the meetings of the Juvenile Justice Boards.

Where possible, children were consulted and asked if they wanted to go back home and if it was safe for them to return. UNICEF is supporting social workers in remote post-release follow-up and case management so that cases are regularly monitored, and risks of reoffending are reduced. UNICEF is also working to improve access to justice for children who are impacted by violence, by facilitating access to psychosocial support and by supporting improved case work for their trials through capacity-development of partner organizations on remote case management techniques.

A key enabler for this dialogue was the ongoing partnership between UNICEF and the Government of India. For example, in 2019 this

partnership saw the mainstreaming of children's access to justice in national laws and justice system reforms more generally.

## Bangladesh



In Bangladesh, over 500 children in detention have been released through the **introduction of virtual children's courts**.

UNICEF Bangladesh is supporting the Supreme Court of Bangladesh to establish virtual children's courts. This has empowered the children's courts to expedite the release of children in conflict with the law from juvenile detention facilities to avoid their possible infection with COVID-19.

The President of Bangladesh issued an Ordinance to introduce virtual courts on 9 May 2020, and Bangladesh's first-ever virtual children's court began operating on 12 May 2020. Over 500 children have been granted bail through virtual court hearings and subsequently reunited with their families.

The aim is to reduce the number of children in these juvenile detention facilities to a maximum of half the capacity these facilities were built to hold, for the duration of the pandemic. UNICEF advocated for the introduction of the virtual courts.

UNICEF also provided technical and logistic support to the operation of the virtual children's courts and to the Department of Social Services, including deployment of additional social workers, to strengthen post-release support for the children and their families – a key factor in reducing the risk of reoffending.

An enabler for this result is the ongoing work of UNICEF Bangladesh in providing intersectoral

and coordinated technical assistance to departments and ministries in justice and child protection to strengthen the administration of justice for children in Bangladesh. This includes the Department of Social Services under the Ministry of Social Welfare, the Law and Justice Division under the Ministry of Law, Justice and Parliamentary Affairs, as well as the Supreme Court Special Committee on Child Rights.

A key element in this work has been ensuring that the needs and vulnerabilities of children with disabilities are given special consideration by welfare and justice sector agencies.

In 2017–2019, UNICEF Bangladesh supported the renovation of 16 children's courts to make them accessible for children with disabilities. These courts now have waiting rooms where children and parents can wait separate from the public, with accessible toilet facilities, drinking water and books.

In 2019, UNICEF Bangladesh contributed to increasing the justice system's capacity to administer the Children's Act. An assessment of the child protection system gauged readiness to implement the Act and the findings suggested a lack of collaboration among duty bearers, insufficient human resources and overburdened courts. These findings will now guide the development of a costed action plan. To aid interpretation of Act provisions, 102 children's court judges, judicial magistrates and public prosecutors, and 1,452 newly appointed police officers were trained in child-friendly procedures.

## Afghanistan



In Afghanistan, **369 children have been released from detention and provided with post-release support**, whilst legal aid is being strengthened across the humanitarian, peacebuilding and development nexus as a measure to protect them from the pandemic.

UNICEF Afghanistan and its partners advocated with the Ministry of Justice and the Office of the Vice President for the release of children from detention due to the threats COVID-19 posed to their health and well-being. The President of Afghanistan issued three Presidential Decrees between 26 March and 21 May 2020, providing for the release of children and adults from detention as a prevention and containment measure against COVID-19.

This has resulted in the initial release of 369 children from detention and their return to their families. Each child was linked to a social worker and provided with post-release case management support. Key professionals were trained via online learning to perform their duties in the best interests of children. Children in detention due to alleged association with armed groups or on national security grounds were not included in the Presidential Decrees.

Despite the challenges posed by COVID-19, UNICEF is continuing to support the Ministry of Justice to provide legal aid to children across the humanitarian, peacebuilding and development nexus and to ensure their protection from the pandemic. The trusted collaboration and long-running partnership between UNICEF and the Government of Afghanistan was a key enabler for this result. For example, in 2019, UNICEF and UNDP supported the drafting of a Law on the

Protection of Children's Rights in Afghanistan, which mandates free legal aid for all children in conflict with the law, including children detained on national security grounds.

## Nepal



In Nepal, a total of 330 children (7 girls) have been released from eight correction homes into the care of their parents or guardians.

The Government of Nepal has taken several key steps to protect the rights of children in detention facilities as part of its public health response to COVID-19. The Office of the Attorney General, on 20 March 2020, issued directions to the crime investigation authorities to, depending upon the gravity of the case and nature of the accusation, release child suspects already arrested and to halt further arrests.

The directions also instructed police and government attorneys to use diversion procedures wherever possible. At the same time, the Supreme Court instructed all 77 District Courts to implement the legal provisions allowing the release of children being held in pre-trial detention for minor offences, handing them over to their parents or guardians.

The Office of the Attorney General, on 16 April 2020, further urged the respective agencies to release children being held in correction homes to their parents or guardians as per the provision of the Act Relating to Children (2018), and to allow payment of fines in lieu of imprisonment for less serious offences pursuant to National Criminal Procedure Code (2017). As of 22 June 2020, a total of 330 children (7 girls) children had been released from eight correction homes and received by their parents or guardians.

A key enabler for this result is UNICEF Nepal's advocacy and partnership with security and justice actors. UNICEF has continuously advocated for non-custodial measures for children in conflict with law, which is included in the Act Relating to Children. UNICEF has been supporting police, public prosecutors, court officials and judges to strengthen child-friendly and gender-sensitive services to protect children in contact with the justice system. This includes capacity-building of the security and justice authorities; support for exchanges between justice stakeholders and the public through outreach activities; coordination among justice actors; establishment of dedicated facilities for children in police offices, prosecution offices and courts; monitoring of detention and correction facilities; and family reintegration services for children in conflict with law.

UNICEF has a partnership with four security and justice institutions: Nepal Police, Office of the Attorney General, National Judicial Academy, and Child Justice Coordination Committee.

## Sri Lanka



In Sri Lanka, children are being released from detention facilities and monitored through probation.

UNICEF Sri Lanka is engaged in high-level advocacy at the national and sub-national levels for the protection of the health and well-being of children in detention facilities. UNICEF is working closely with provincial probation authorities to monitor the situation of 33 children who have been released into the care of their parents or guardians.

An enabler for this result is UNICEF's ongoing work with partners to strengthen the juvenile justice system, at the national, regional and

community levels so that children can thrive within supportive family and community environments that protect them, and that provide them with safe and equal access to essential justice and welfare services. Sri Lanka strengthened the capacity of justice professionals, including police, to interact with girls and boys, by providing them with gender-sensitive and child-friendly skills and knowledge training.



## WEST AND CENTRAL AFRICA

In West and Central Africa, more than 600 children across 10 countries have been released from detention as a preventative measure against COVID-19.

### Regional Office

The UNICEF WCARO is coordinating advocacy efforts with UNICEF COs in the region for the release of children from detention and their safe reintegration as part of the response to COVID-19.

This has been at the forefront of the broader child protection response, particularly in ongoing engagement with the ministries of justice in the region. This has already resulted in the release of children from detention in 10 countries: **Benin, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Gabon, the Gambia, Guinea, the Niger** and **Nigeria**. Discussions with the relevant ministries in **Mauritania** are ongoing.

UNICEF West and Central Africa is providing tailored technical support to all affected countries in the region for coordination, monitoring and programmatic response through the creation of an online resource library, regular webinars, and individualized support.

An enabler for this rapid humanitarian response is the ongoing work of UNICEF WCARO in supporting child protection services for children who have been forced to move within a country as well as across borders, including promoting fast-track case management, family tracing and reunification. This work includes supporting all 24 governments in the region in the development and implementation of their COVID-19 response plans and ensuring that every child's right to be protected from violence, abuse and exploitation is upheld, and that they have access to justice and other essential services.

## Guinea



In Guinea, more than half of detained children have been released from detention in response to COVID-19.

UNICEF Guinea is advocating with the Minister of Justice for the release of children in conflict with the law as part of the humanitarian response

to COVID-19. This has resulted in the release of more than half of detained children, with approximately 104 children (5 girls) released into the care of the SOS Mineurs, a long-term partner of UNICEF, or 'one-stop social welfare shops' that have been put in place with the support of UNICEF and then reintegrated with their families.

UNICEF is continuing its advocacy for the release of more children, including those detained in remote parts of the country.

An enabler for this rapid humanitarian response is the ongoing work of UNICEF Guinea in supporting the Government to develop a child-friendly legal system, including a juvenile justice system.

In 2019, UNICEF Guinea supported the Government and the National Assembly in revising and adopting Guinea's Children's Code, considering the recommendations of the Committee on the Rights of the Child related to the prohibition of child marriage (especially for girls), the judicial protection of children in conflict with the law, and the protection of children against violence.

## Nigeria



In Nigeria, **46 per cent of known children in detention have been released** as part of national efforts to protect children from COVID-19.

Since the onset of the COVID-19 pandemic in April 2020, UNICEF Nigeria has successfully engaged the Controller General of the Nigerian Correctional Services, the Federal Ministry of Women Affairs and the Presidential Committee on Correctional Service Reform and Decongestion to conduct a rapid assessment to identify children in borstals (correctional facilities for children

and young adults aged 16–20) and correctional centres who can be released and to support their reintegration. This followed several in-person and virtual exchanges to advance the decongestion order for children deprived of their liberties using the inter-agency 'Technical Note: COVID-19 and Children Deprived of their Liberty'.<sup>40</sup>

As a result of UNICEF engagement, 170 children (29 girls, 141 boys) have so far been released out of the 373 children identified in custodial settings in 8 of the 36 states in Nigeria.

This is approximately 46 per cent of all (known) children in detention as identified by UNICEF as of July 2020. A further 223 children in detention due to their alleged association with the non-state armed groups in Borno state, the epicentre of the conflict in north-east Nigeria, were handed over to civilian authorities in March 2020.

The release pre-dates the declaration of COVID-19 lockdown in Nigeria; however, the timing of the release is very likely linked to the pandemic in anticipation of the decongestion order by the Government. Most of the children have been reunited with their families and are benefiting from socioeconomic reintegration support, while others remain in Bulumkutu Interim-Care Facility due to restrictions of movement and other measures imposed by the State to mitigate the risk of spreading the virus.

A key enabler for these results is UNICEF Nigeria years of investments in modelling enhanced child protection systems and strengthening the capacity of the justice and social welfare systems to serve children. Two States, Lagos and Cross River are spearheading the pathway with ongoing efforts to strengthen capacities of government and key stakeholders, including justice and social welfare services to prevent and respond to violence against children.

At the same time, enhanced partnerships between federal and state Ministries of Women Affairs, National Human Rights Commission, Ministry of Justice and the judiciary have been instrumental in data collation which were used to successfully advocate for the release of the children deprived of their liberty.

Stronger working relationships between UNICEF Nigeria and UNODC, among others, during the pandemic have also been instrumental in efforts to secure the release of children detained with adults in correctional facilities.

## Gabon



In Gabon, **the number of children in detention has been reduced** to fewer than 10 as a protective measure against COVID-19.

UNICEF Gabon is focusing its child protection response to COVID-19 on alleviating the burden of the pandemic on the most vulnerable children, such as children deprived of their liberty, trafficked and migrant children, and children experiencing homelessness.

In April 2020, when the pandemic and lockdown began in the country, UNICEF Gabon supported the training of 40 specialized officers from the Penitentiary Administration from nine prisons across the country. The training covered the care, protection and referral of children in accordance with the national COVID-19 prevention guidelines and child protection standards.

This has resulted in 67 children (6 girls) being released from detention as a protective measure against COVID-19, and there are now fewer than 10 children in detention in the eight regional prisons (no data are available for the prison in

the capital city). These children are waiting for their cases to go before the Court of Appeal, as there have been delays due to court lockdowns following court personnel contracting the virus.

An enabler for this response is the ongoing work of UNICEF Gabon in strengthening the network of partners and services for children in contact with the justice system. Gabon has invested in strengthening the ability of justice professionals through training to understand and use diversion as a first choice and to use alternatives to detention. This work has been built on long-standing work in Gabon to bring legislative and policy frameworks on children's access to justice in line with international children's rights norms and standards.

## Côte d'Ivoire



In Côte d'Ivoire, approximately **83 children have been released from detention facilities** into the care of their families as a preventive measure for COVID-19.

UNICEF Côte d'Ivoire is continuing its advocacy with the Ministry of Justice to better protect children in detention as part of its broader child protection response to COVID-19.

An enabler for this result is the ongoing work of UNICEF Côte d'Ivoire in strengthening justice and protection services, including for child victims, witnesses and survivors. In 2019, 4,429 children (1,182 boys and 3,247 girls) who had experienced violence were reached by justice, health or social work services.



# Key successes

This section of the report highlights the key observations from the rapid analysis. The lessons being learned from the access to justice for children programming and COVID-19 are documented and analysed in a second publication: 'Access to Justice for Children in the era of COVID-19: Learnings from the Field'.<sup>41</sup>



Md. Sohel Mahmood (name changed), 12, plays with his pigeons in Khulna, Bangladesh. He studies in grade four and loves pigeons. He was arrested for stealing pigeons with support from UNICEF and has been released from jail. After counseling and months of education, he has managed to make a better life for himself. (2013) © UNICEF/UNI146674/Kiron

## Enablers for change: Trust, expertise, longevity and creativity

Trust, expertise, longevity and creativity have positioned UNICEF as a leading voice on child justice and are the key enablers for the results that are being achieved by UNICEF country offices (COs) across all regions. As the leading agency on child justice across the world and with its long-standing 'trusted partner' status with justice and security ministries and agencies, UNICEF was among the first United Nations agencies to be called upon or to approach governments when the pandemic hit to address the rights of children in the justice system, especially children in detention.

In **Indonesia**, for example, the longevity of the partnership between the Government and UNICEF is a key enabler for the results being achieved. Approximately 50 per cent of children have been released from detention in response to COVID-19. Since 2004, UNICEF has supported and invested in reform of Indonesia's juvenile justice system, including in research on alternatives to detention, a situation analysis of children in conflict with the law, and piloting court and community-based diversion models which had never been used before. UNICEF supported advocacy and legal drafting of Indonesia's Juvenile Criminal System Law in 2012 and supported capacity-building for implementation when the law entered into force in 2020.

In **Malawi**, a key enabler is the trust that has been built between law enforcement and UNICEF. UNICEF's existing strong partnership with the Malawi Police Service has enabled quick adaptation and response during COVID-19. The trusted relationship also means that UNICEF can swiftly call on counterparts at the National Police Headquarters when dealing with complex and sensitive issues, including children on the move

during COVID-19. Due to previous investment in child-friendly and survivor-centred policies and guidelines, these could be quickly referenced and reinforced in the tailored standard operating procedures (SOPs) for dealing with vulnerable groups during COVID-19. The investment from UNICEF in the Safe Schools programme and youth outreach have increased visibility of the Malawi Police Service and built trust at the community level, which is especially important during the pandemic.

UNICEF's creativity as an enabler for change is reflected in the innovations across the regions. For example, in **Albania**, traditional juvenile courts are being replaced by virtual courts and free legal aid is being provided online to vulnerable groups, particularly children and women. A further four countries – **Bangladesh, India, Kenya and Nigeria** – are innovatively adapting their court processes through the establishment of virtual juvenile or children's courts to ensure access to justice for child victims, witnesses and alleged juvenile offenders. Eight countries are innovating by moving justice-related training programmes from face-to-face learning to online learning: **Albania, Bangladesh, Brazil, India, Indonesia, Montenegro, Turkey and Uzbekistan**.

## United Nations-wide approaches are being successfully utilized

In several countries, UNICEF is partnering with a range of United Nations agencies on programming for access to justice for children, leveraging the weight of an interagency United Nations voice and reflecting the United Nations common approach to mainstreaming child justice within United Nations efforts on rule of law and access to justice. In **Cambodia**, a United Nations-wide approach to justice is giving cause for optimism that children will be released from detention.



Boys play football at a rehabilitation centre in Ruyigi, Burundi. The centre was built with UNICEF support, with the aim to offer a location for the detention of children and youth that operates independently from adult prisons. Local partners, with UNICEF assistance, provide psychosocial support for detainees in addition to offering life skills education. (2019)  
© UNICEF/UNI213068/Prinsloo

In addition, **Afghanistan, Brazil, India, Montenegro, Mozambique, Myanmar, Nigeria** and the **State of Palestine** are applying United Nations-wide approaches with UNAIDS, UNDP, UNODC, United Nations Office for Project Services (UNOPS), UN Women and OHCHR being cited as key partners in various aspects of access to justice programming, and they have been especially successful in securing the release of children and women from detention.

### Children in detention are being released as a preventative measure for COVID-19

Thousands of children have been released from detention across at least 37 countries through a range of actions such as the use of alternative measures to detention, parole, amnesty, conditional release, and there have also been initiatives prohibiting new admissions of children into detention. Key interventions in 34 of these countries (overseen by 32 COs) are documented in this rapid analysis, many of which are within reach of achieving comprehensive national and sub-national coverage.

For example, in the West Bank in the **State of Palestine**, approximately 86 per cent of children in detention have been released as a preventative measure for COVID-19. In the **Sudan**, it is 85 per cent and in **Morocco**, 60 per cent. In **Albania** and **Indonesia**, the number of children in detention has been reduced by 50 per cent, and in **Mozambique**, 42 per cent of children and young people have been released from detention.

### A key enabler for the release of children in detention is UNICEF's long-term investments in diversion and alternatives to detention

UNICEF's long-term investments in strengthening diversion and alternatives to detention is a key enabler for the release of children from detention as a preventative measure for COVID-19.

For example, in **Montenegro**, years of investment in diversion and reform of the juvenile justice system meant that when the COVID-19 pandemic hit, there were fewer than 20 children and young adults in detention in the entire country.

In **Uruguay**, following the launch of the Government's and UNICEF's collaborative strategy to reduce detention and increase the use of non-custodial sanctions for adolescents who break the law, the imprisonment of children was reduced from 67 per cent of all children sentenced in 2016 to 46 per cent in 2019, such that the proportion of children serving non-custodial sentences increased from 33 to 54 per cent of all children sentenced.

In the Eastern and Southern Africa Region, several countries have national diversion frameworks at police and court level with support from UNICEF, including **Kenya, Malawi, South Africa Uganda**, the **United Republic of**

**Tanzania, Zambia** and **Zimbabwe**. In **Morocco**, approximately 60 per cent of children deprived of their liberty have been released as a preventative measure for COVID-19.

An enabler for this result is the ongoing work of UNICEF Morocco in supporting intersectoral cooperation for diversion and alternative measures to detention, legislative advocacy and capacity-building.

In the **Sudan**, 85 per cent of all children in detention have been released as a preventative measure for COVID-19, again a key enabler being UNICEF Sudan's sustained investments in capacity-building of justice actors on using diversion instead of arrest and detention, and the implementation of pre- and post-trial alternative measures to detention. Other country examples include **Albania, Bangladesh, Cambodia, Indonesia** and the **State of Palestine**.

### The release of children from detention is providing an impetus for system-wide reforms

COVID-19 is also providing an impetus for other types of change. In **Chile**, following re-energized advocacy efforts by UNICEF and partners, new justice reform allows sentenced mothers to finish their prison terms at home with their young children. In **Myanmar**, after much intense advocacy work, the elimination of migration-related detention of children has finally been achieved. In **Turkey**, COVID-19 was a factor in the decision of the Parliament to ratify a bill to reduce the number of detainees in a bid to reduce overcrowding and prevent a potential outbreak of the coronavirus in Turkish prisons.

# More action is still needed



Boy grips the bars of his cell at the Central Prison in Sana'a, Yemen. (2010) © UNICEF/UNI103801/Lopez

UNICEF has called for governments and detaining authorities to urgently release all children who can safely return to their families or to an appropriate alternative environment, and to place a moratorium on new admissions of children to detention facilities. This call has been positively received in many countries.

Despite the progress and successes summarized in section 6, many children unnecessarily remain in detention. Certain categories of children, such as children in military detention, those detained in the context of national security concerns and children in detention due to their alleged association with armed groups (for example, in the **Middle East and North Africa Region**) are not included in release measures or remain least able to access measures made available to other children. Continued attention is required to ensure their release, that their rights are upheld and, where necessary, that they benefit equally from child-friendly and gender-sensitive justice systems and processes.

Intensified action is also required to accelerate justice sector reforms for children, particularly in countries where those reforms have stalled. A new and concerning phenomenon requiring close monitoring is the arrest and detention of children for violation of curfew orders and movement restrictions orders related to the pandemic.

Another key concern is that very few countries can collect and disaggregate child justice data by sex, age or disability. In fact, many juvenile justice systems lack the capacity to gather, sort and analyse key data at all. In Brazil, children are being released from detention, but the absence of data collection systems means that the number of children released is currently unknown.

In India, children are being released from detention following an Order issued by the

Supreme Court of India, but the process for collecting data is cumbersome and time consuming, with data only available from some jurisdictions. In Sri Lanka, children are being released from detention in some geographical areas, but no data are available on the situation of children nationally.

Children are being released from migration facilities across Europe, Africa, the Middle East, the Americas and Asia, but there are no data available on the actual number of children released.

This underscores the problem of the continued lack of data on the number of children in detention, most recently highlighted by the 'United Nations Global Study on Children Deprived of Liberty',<sup>42</sup> which creates a major gap in understanding about the scope of the problem and the impact of UNICEF's interventions. Intensified action is thus still required to address the lack of disaggregated data on child justice, including children in immigration detention.

More detailed actions born out of the experiences of responding to the pandemic are proposed in 'Access to Justice for Children in the era of COVID-19: Learnings from the Field'.<sup>43</sup>

# Endnotes

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