# Background Research Paper on Justice for Children in the Pandemic:

## *Informing a companion briefing for the Justice in a Pandemic Series*

**Marine Braun, Independent Child Rights Consultant**
**Susan Elsley, Independent Child Rights Consultant**
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This *Background Paper* builds on the *Justice for Children Call to Action[1],* which offers a new starting point to place children at the heart of an emerging global movement for justice; forwarding our collective global commitment to ensuring that all children live peaceful, just and inclusive lives and achieve their full potential. It is written to inform the *Justice for Children in a Pandemic* briefings series by the Pathfinders for Peace, Just and Inclusive Societies.

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## Executive Summary

This **Background Paper** explores the impact of COVID-19 on children's well-being in the first year of the pandemic and the effects this has on children's experiences of justice.

It is based on an understanding of justice, which aims to overcome the challenges children face in accessing legal justice and promotes justice as an enabler of children's opportunities and development to their full potential. The paper builds on the *Justice for Children, Justice for All*[2] vision to: "respond to children's distinct needs and realize their full range of rights and opportunities, to achieve peaceful, just and inclusive societies for all". It offers insights into promising practices and identifies areas for change in the light of the impact of COVID-19 on children's lives.

This Background Paper aims to highlight the key impacts of COVID-19 on the Justice Challenges facing children, and the barriers to achieving SDG16+[3] needing urgent attention. It was developed with the *Justice for Children, Justice for All* core group, and commissioned by the Institute for Inspiring Children's Futures at the University of Strathclyde, Scotland, to advise international, national and local justice leaders in government, non-governmental and civil society organisations around the world to inform their responses in this pandemic. It draws on contributions from the *Justice for Children, Justice for All Technical Working Group of global experts* as part of a consultative approach.

Impact: In this report the impacts of COVID-19 on children's well-being have been examined across four areas:

- Impacts on children's inequalities;
- Impacts on the child as an individual;
- Impacts on children, their family and communities;
- Impacts on children's access to public services.

The rapid spread of COVID-19 has brought complex challenges and rapid responses throughout the world, with children experiencing protracted periods of lockdown and isolation from other children, other family members and their communities. In addition, children are experiencing sudden and increased poverty, loss of education, poor physical and mental health, pressures on their families, a rise in new and existing vulnerabilities and social restrictions.

**Higher levels of inequalities**

Since the start of the pandemic, the situation for many children has worsened and the inequality gap is widening. COVID-19 has significantly disrupted the lives of children. Child poverty has increased with parents losing jobs and family income. COVID-19 has disrupted access to services and goods that enable children to have an adequate standard of living. Access to water, food and nutrition has been more difficult during the pandemic, cases of violence against children have exploded and the crisis has reinforced existing digital inequalities.

The situation has made the lives of already vulnerable children more difficult and their survival more challenging. It has impacted girls, children from ethnic and minority groups, children with disabilities or special needs, migrant children, children without parental care, and children deprived of liberty.

**Impact on the child as an individual**

The emergency restrictions imposed by national governments have had a major impact on the lives of children. The impact of COVID-19 has resulted in negative feelings for many children who feel isolated and has affected their mental and physical health, well-being and access to their basic rights to education, health, play, culture and leisure.

Groups of children who were already facing pre-pandemic adversities, such as children in the justice system, children in out-of-home care, children with health problems or disabilities, or those who identify as LGBTQ+, have reported higher anxiety and depression scores, and lower levels of well-being than before the pandemic.

**Impact on family and community**

The COVID-19 pandemic and related measures have increased the stress level of adults and disrupted the daily lives of families. This has led to anxiety and emotional insecurity for children. Among parents who found life more difficult in confined situations, children's psychological distress was higher, and children had more emotional and behavioural problems.

There has been an increase in the number of children exposed to domestic violence, including online and sexual exploitation. Maintaining systems that protect children has become increasingly difficult. These trends in child abuse have significant immediate and long-term consequences for the mental health and psychosocial well-being of children.

Child maltreatment has seen an increase, particularly for children deprived of their liberty or living on the streets, in institutions, associated with armed forces or groups, engaged in child labour or living in situations of conflict and fragility. This has also applied to refugee, internally displaced, migrant and stateless children who are more vulnerable to neglect, abuse and violence.

**Impact on public services**

The pandemic has caused massive disruption to universal services such as education, health care, a well-functioning child protection system,[4] and a justice system that allows litigants to seek redress or complain about the violation of their rights.

Children's access to schooling has been severely impacted. It has exacerbated existing inequalities and increased learning loss, as well as increased challenges in access to digital resources and skills. Closure of schools has meant that children have not benefited from interaction with friends and teachers.

Diminished access to health care services has had a direct effect on the physical and mental health of children. Many initiatives such as hotlines and online tools have been developed since the beginning of the pandemic.

COVID-19 interrupted formal justice services when children needed them most. There have been problems such as challenges in the use of online hearings of children, delays or interruptions in court proceedings, and which have had a greater impact on children whose rights are most vulnerable to being breached. However, the crisis also provided an opportunity to release children deprived of their liberty prematurely and to consider alternatives to detention and post-release plans for a better reintegration into society.

Informal justice services have also been disrupted but very little information is available during the COVID period.

Finally, although there continues to be problems in obtaining documents proving identity and legal status, there has been some progress in digitising services that has meant that children could access documentation.

# 1. INTRODUCTION

## 1.1. Impact of COVID-19 on children

About 1 in 3 people across the globe is a child.[5] Yet, while the sustainable development agenda pledges to *leave no one behind*, there is a stark gap when it comes to measuring, understanding, and fulfilling this global ambition for children. This gap is made worse by COVID-19.

COVID-19 is shining a light on inequalities around the globe. Both the virus, and the restrictions to control it, are disproportionately impacting on some individuals, groups and communities, revealing the disparities and social problems which already exist. These are the people to whom there is a global commitment to include, and to not leave behind, in our collective efforts to reach the UN Sustainable Development Goals by 2030.

The pandemic is having a differential impact on children. For most children, their health is less at risk from the coronavirus than adults. However, the impact of public health restrictions has meant that many children have become invisible and unheard, creating a greater risk of long-term social harms. Where children are amongst the most excluded groups, their rights are at the greatest risk of being breached, and their outcomes the poorest. This situation of heightened marginalisation is made worse by COVID-19. Unless we direct our attention to children as a global community, we will fail in our ambition to leave no-one behind.

## 1.2. A distinctive response to children

Children have specific needs, rights and capacities. They differ from adults in their physical and psychological development, their emotional and educational needs and their evolving capacities. They face particular challenges in living just and inclusive lives due to their age, maturity and status and because they are dependent on the care of adults and the communities around them. In order to fulfil their potential, they need specialised approaches to determine their best interests and realise their rights. Responding differently to children and engaging them as agents of change, is essential for the successful delivery of global goals for everyone.

The SDG 16 seeks to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." *The Justice for Children Call to Action*[6] offers a starting point to place children at the heart of an emerging global movement for justice; forwarding our collective global commitment to ensuring that all children live peaceful, just and inclusive lives and achieve their full potential.

As we manage the challenges of COVID-19, Justice for Children is promoting justice as an enabler of children's opportunities and development to their full potential and calls for all to go well beyond the need to overcome the challenges children face in accessing legal justice.

## 1.3. Briefing: Justice for Children in the light of COVID-19

This background Paper has been written to inform a companion Briefing to the *Justice in a Pandemic* series, led by the Pathfinders for Peace, Just and Inclusive Societies, exploring *Justice for Children, Justice for All: Applying Lessons from the Pandemic Briefing.* The Pathfinders are an alliance of high level justice actors exploring how people-centred justice can help societies deliver SDG 16 and build more just societies for the future. This background Paper builds on what we knew about children's existing justice needs pre-pandemic, as documented earlier in the *Pathfinders for Justice: Justice for Children Call to Action*[7] and *Challenge Paper*[8] (2019).

Communities and governments are wrestling with how to respond to the immediate crisis of COVID-19. They are also responding to the economic crisis COVID-19 has created, as well as attending to immediate and future social harms. The volatile, uncertain, complex and ambiguous[9] nature of our global realities under COVID-19 have brought extraordinary challenges. At the same time, these realities are accelerating innovations that previously might have taken a generation to achieve. This background Paper aims to highlight the challenges as well as provide examples of promising approaches and providing possible responses for all those with responsibilities for children - from national government to local communities. Conducted through a desk review, it faces inevitable constraints in terms of gathering comprehensive and comparable evidence and data. It draws on grey and published literature, blogs, technical briefs, reports, and statements by relevant organisations, as well as contributions from the *Justice for Children, Justice for All core group* and from the *Technical Working Group global experts* as part of a consultative approach.

This background Paper considers the impact of COVID-19 on children's well-being in the following ways:

- The impact of COVID-19 on children, their families and communities;
- The distinct response to children that is required to address the injustices they face;
- It draws on examples of emerging promising practice;
- It takes into account children's views through international surveys and literature.

This Paper builds on previous *Justice for All* and *Justice for Children* publications:

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**What is justice?**

'Justice in all its forms includes criminal, civil and administrative justice, as well as economic, social and cultural justice. To ensure this justice, children need access to universal services such as education and health care, and a justice system adapted to the rights and needs of children to prevent harm, to claim their rights, to seek redress or to complain about the violation of their rights.[10] At the same time, children have a right to be empowered to contribute to and participate in justice systems, and across all areas of their lives.

However, children do not consistently experience the justice to which they have a right. Under COVID-19, this gap is widening.'

*Justice for Children – the Call to Action, 2019, p. 4.*

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**The justice gap**

'Children and their specific requirements are often hidden or made invisible by the adults around them. Due to their dependence on others, they often face challenges in accessing their full range of rights and fulfil their needs.

With 30.9% of the global population estimated to be under age 18,[11] children and young people account for a huge proportion of our population. Our success in the delivery of the global goals - that relate to all ages - will therefore heavily rely on responding effectively and robustly to the distinct needs and rights of children.

Responding effectively to this dimension of inequality will be the only way to ensure in the Agenda 2030 that we *leave no child behind*.'

*Justice for Children – the Call to Action, 2019, p. 4.*

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**Justice as prevention**

'Children can come into contact with the law and justice systems as victims, as witnesses, and when accused of an offence, as an interested party or because intervention is required for their care, protection, health and wellbeing.

They require child-friendly and gender-sensitive justice systems that are specialised, meet their needs and ensure access to justice when their rights are violated. This is of greatest importance where children are unheard and for those who experience profound and sustained injustice.

Most importantly, children benefit from justice systems when these are focussed not only on resolution, but on prevention and protection. With justice as prevention, there is greater scope for investment that delivers outcomes that matter to communities and societies, such as fewer and less serious disputes, lowered risk of violence in all its forms, and lowered risk of rights abuses.

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Prevention provides the platform for human development, impacting areas such as health, education and social protection, which play a pivotal role in delivering better outcomes for children.'[12]

*Justice for Children – the Call to Action, 2019, p. 4.*

**The Pathfinders for Justice**
The Pathfinders for Justice has gathered data on the justice gap and the evidence needed for implementation. It is committed to supporting action in all countries and to demonstrating measurable progress.

The Justice for All Report highlights that justice is a thread across all the 17 Sustainable Development Goals. Without justice 'the world will not be able to end poverty, reduce inequality, reach the furthest behind first, create conditions for shared and sustainable prosperity, or promote peace and inclusion.'[13]

The Task Force on Justice urges all countries, and partners from all sectors, to join together in standing up for justice and to work together to prevent and resolve justice problems, while using justice systems to help people, communities, and societies to fulfil their potential.

The Pathfinders for Peaceful, Just and Inclusive Societies is working with an alliance of justice partners to explore how people-centred justice can help societies manage the fallout from the pandemic and build more just societies for the future.

The *Justice for Children Call to Action* identified *Ten Challenges* prior to the COVID-19 pandemic that need urgent attention, and deliberately focussed responses at international, national and local level. These encompass prevention efforts; the urgent challenges; and the foundations required to drive and sustain change.

**The Ten Challenges**

    A. Promote justice as an enabler of children's development

        1. Guarantee the wellbeing and inclusion of all children.
        2. Promote justice systems, whether formal or legally plural, that guarantee equal access, benefit, protection and support to children.
        3. Prevent unnecessary contact with the justice system and the criminalisation of children.
        4. Ensure the right to a legal identity for all children.

    B. Accelerate action to respond to the urgent and critical challenges

        5. Prevent all forms of violence against children.
        6. Safeguard the rights of children who have been recruited, used by or associated with armed, violent extremist and other criminal groups, or who have been accused of national security-related offenses.
        7. Eliminate arbitrary and unlawful detention and restrict the deprivation of children's liberty to exceptional circumstances.

    C. Establish and sustain the foundations for change

        8. Promote and ensure the empowerment and participation of children in all decisions that affect their lives.
        9. Secure sustained political commitment to accelerate the achievement of high-quality justice for children.
        10. Ensure responses are based on international standards and evidence-based policies.

*Justice for Children – the Call to Action, 2019, p. 6 – 7.*

## 2. THE IMPACT OF COVID-19 ON CHILDREN'S WELL-BEING

The pandemic has rekindled or redirected common justice problems[14] for people at individual and structural levels. While children are also directly or indirectly affected by these common problems, there are priority issues for children as a result of the pandemic which impact on their well-being. These include not being able to socialise, to go to school, to access public services or to be safe.

Concerns about children's well-being have been exacerbated by the COVID-19 crisis with new concerns emerging. These result from the health impacts, as well as from prevention and control measures to contain COVID-19,[15] with children at all stages of the crisis particularly vulnerable. It is unfortunately the case that crises increase children's risk to neglect and exploitation and other types of harm[16] such as violence at home, institutional or structural violence, and risky survival activities.[17]

In addition, children are experiencing sudden and increased poverty, loss of education, poor physical and mental health, pressures on their families, new and existing vulnerabilities and social restrictions. Not helping children or supporting and involving children as actors for change can propel them into the justice system, whether as victims or potential offenders.[18] Even though they are victims, these children often end up stigmatised, perceived as a threat, and, at times, are subject to deprivation of liberty.[19]

Children who are socially excluded or facing particular adversities, such as marginalised children, children from poor families, children from ethnic and minority groups, children with disabilities or special needs, children on the move or children in institutions or in conflict with the law, are often the first to see their well-being affected. As a result, they are at greater risk of not seeing their rights fulfilled in crisis situations. They can be isolated from other children, and sometimes from their parents, siblings and other family members and may need tailored support at different levels.[20]

Strategic thinking at all levels of decision-making needs to bring children's human rights and well-being more centrally to the fore throughout the COVID-19 crisis, and beyond.[21]

Two international surveys[22] were consulted in order to better capture children's views for this report on the impact of the pandemic on their well-being. As the surveys are based on convenience (volunteer) sampling and at a specific point in the pandemic, and while these findings will not be representative of the full impact of COVID-19 on children, their views are nonetheless highly instructive to decision-makers at all levels. Continuing to collect the views of wider groups of children will be important to better understand the impact that the coronavirus has had on children in the short, medium and long term.[23]

In contrast to the negative impacts of COVID-19, the pandemic has also generated new thinking and a positive momentum for change and improved justice in its broadest sense. The crisis has also increased the need for interventions - new ones but also evidenced-based interventions from pre-pandemic that have been proven relevant to improve children's well-being. Also, new promising practices have emerged. These responses are fundamental to building back better at different stages of the pandemic. Examples are highlighted in this section.

The following sub-sections give critical insights into how the pandemic has affected children's mental and physical health and psychosocial well-being on many levels. Since the current evolving literature on COVID-19 is extensive and does not focus solely on children's well-being, evidence of impacts in four areas are considered:

- Impacts on children's inequalities;
- Impacts on the child as an individual;
- Impacts on children, their family and communities;
- Impacts on children's access to public services.

## 2.1. Impact on economic justice: Higher levels of inequalities

### Rise in child poverty rates

Since the beginning of the pandemic, the situation of many children has worsened with parents losing their jobs and family income.[24] There has been a significant increase in child poverty[25] which has caused financial stress for families and pushed many households into deeper or new poverty. A UNICEF/Save the Children report states that an understanding of the impact of COVID-19 on child poverty has to be multidimensional and take into account the barriers that hinder children's ability to access health, education, nutrition, water and sanitation and housing services.[26]

Forecasts for low- and middle-income countries suggest an additional 62.8 to 86 million children were likely to live in poverty by the end of 2020.[27] This increase will have immediate and long-term impacts on the well-being of children with implications across a range of areas including children's education and their emotional development and behaviour.[28] In addition, poor children are more likely to be at risk of social exclusion,[29] of seeing inequalities reinforced and of being subjected to many forms of violence. During the pandemic, child marriage, child labour, sexual exploitation of children and child trafficking have all increased, as has the recruitment of children into criminal, armed, violent and extremist groups, domestic and institutional violence,[30] and children being separated from their families and ending up in the street.[31]

Support to children cannot be dissociated from support to families including assistance to ensure parents' access to employment and a decent standard of living.[32] Many countries and communities reacted immediately at the beginning of the pandemic and put in place practices to reduce or combat poverty and impoverishment of children. This ranged from food aid and income support, provision of digital equipment and devices to help children follow classes online, to psychological counselling and play resources.

There are examples of country-responses during the COVID-19 period to mitigate the loss of household income and ensure housing solutions for families in financial difficulty. Several countries (including the Slovak Republic and the United Kingdom) introduced temporary deferrals of mortgage payments, or temporarily suspended foreclosures (e.g., in the United States) or evictions (e.g. in France, Spain and some Canadian regions and municipalities). Other measures include temporarily reducing rent payments (e.g. Greece) or postponing utility payments (e.g. Japan). Some countries have also introduced measures to support the homeless, who are particularly vulnerable to the spread of COVID-19 (e.g. France has requisitioned hotel rooms to be used by the homeless during containment).[33]

In Finland, the city of Oulo worked closely with UNICEF Finland to establish a list of good practices in many areas (early education, student counselling, youth work, services for disabled children).[34]

## Impact on adequate standard of living

COVID-19 has disrupted access to services and goods that enable the child to have an adequate standard of living. The #COVIDUnder19 survey[35] found that some groups of children had difficulties in having access to clean drinking water. In the survey, 15% of asylum-seeking children, 9% of children from migrant communities and 8% of children from ethnic minority communities said they had access to less clean drinking water than previously.

In addition to the children already facing adversities who have seen their access to water, sanitation and hygiene further restricted, the closure of schools has resulted in many children being deprived of WASH services.[36] A UNICEF study of 60 countries identified as having the highest risk of health and humanitarian crisis due to COVID-19, found that half of schools did not have basic water and sanitation, with three out of four lacking handwashing facilities at the beginning of the public health crisis. UNICEF calls for progress in countries with lowest coverage of WASH facilities to ensure safety in schools during COVID-19 and for the future.[37]

"I can tell the government to help us with clean and safe drinking water." (Girl, 17, Zambia)
#COVIDUnder19 report, p. 17.

"We know we have to wash our hands but water is very scarce here. Therefore, it is very difficult for us to get enough water and soap to wash our hands and protect ourselves from the virus. On behalf of the children in my village, I would like to say please bring us clean water and soaps so we keep clean and protect ourselves from this virus. I wish the virus would just go away so school opens again. I want to learn and become an engineer someday, support my family." (Boy, 12, 4th grade student in the Somali region in Ethiopia)[38]

## Restricted access to food and nutrition

Accessing food and nutrition has been more difficult during the pandemic. Food items became expensive and were often scarce in shops and markets.[39] COVID-19 also impacted on the feeding of infants and young children. A Save the Children study found that mothers feared that their baby would get infected from breastfeeding and feared being separated from their baby if they became infected.[40] School closures have also had an impact on children's access to food with no school lunches available where these would usually be provided.

"I would like to go to school, then I will be able to have food for lunch." (Girl, 14 India)
#COVIDUnder19 report, p. 16.

"I wish there were more help available for families going hungry. People can't go out and work and the situation is desperate. Children don't know how to wait. They only know they're hungry" (Girl, 9, Bolivia)
#COVIDUnder19 report, p. 6.

In a report from September 2020, the Committee on World Food Security affirms that to address hunger and malnutrition in the pandemic "income assistance, vouchers for household food purchases, renter eviction protections, housing assistance, and school lunch programmes have all been shown to be effective means of support in some social contexts."[41]

> In many countries, programmes were put in place to raise awareness and learn the techniques on how to grow food. For example, in the US, non-profits and families of low-income communities are growing food on their own property or are using vacant lots or land on school or church grounds.[42]

## Impact on children facing adversities pre-pandemic

COVID-19 has caused considerable disruption in the lives of children who were already facing adversities pre-pandemic, including girls, children from ethnic and minority groups, children with disabilities or special needs, children in migration, children without parental care, and children deprived of their liberty.

- **Girls suffering from gender inequalities.** Save the Children indicates that progress on gender is at risk due to COVID-19.[43] As a result of school closures, lockdown and disrupted (maternal) health care, more girls are at risk of gender-based violence including domestic abuse, forced marriage or unwanted adolescent pregnancies, not returning to school or falling into extreme poverty.[44] According to UNICEF, staying at home has affected gender equality with girls rather than boys tending to carry out most of the household tasks, childcare and care for sick relatives.[45]

- **Children from ethnic and minority groups and children of colour** appear to be disproportionately impacted by COVID-19.[46] While they suffer health inequalities and are more at risk of diseases and death,[47] they are also more affected by loss of family income, learning loss or housing insecurity.[48]

> "I would urge the government to do more for the Roma Ashkali and Egyptian communities because we are in an even more difficult economic and social situation. The pandemic has aggravated our economic situation even more as family members have lost their jobs." (Girl, 11, Albania) #COVIDUnder19 report, p. 16.

- **Children with disabilities and special needs** may need special support or additional help to adapt to the many changes and to understand how to protect themselves.[49] Children may have underlying health conditions that increase their risk of serious complications from COVID-19.[50] The closure of schools has resulted in a loss of learning, and disrupted access to health care and therapeutic support at a time when children with disabilities and their families are adjusting to major changes in daily life. The changes are particularly disruptive to children who thrive on structure and routine.

> UNICEF (ECARO) is supporting Ministries of Education in many countries in Europe and Central Asia. It has introduced distance learning in at least 16 countries, working specifically with marginalised groups – for example, working with Roma minority children and children with disabilities in Bulgaria and Montenegro, non-formal education to refugee and migrant children and families in Greece, and tools for children with disabilities and ethnic minorities in Kyrgyzstan and Uzbekistan.[51]

- **Children without parental care.** COVID-19 presents significant challenges for children in out-of-home care and for the alternative care system in general. Additional pressure may arise for children in care settings (family-based foster care or residential care) due to, for example, learning difficulties, disrupted face-to-face contact with birth families, reduced functioning of centres, problems in the availability of placements and a lack in capacity of service providers to adequately meet the additional care needs of the children.[52]

- **Children in migration.** While this group of children, irrespective of their migration status, generally face severe deprivation in terms of access to school, health care, clean water and protection services, it is clear that the virus threatens to exacerbate their already precarious existence and bring more uncertainty and potential damage to their lives. There is only limited data on the impact of COVID-19 on migrant and displaced children and their families, but they may have limited access to public health services, or fear that they will not have access to provision. They may also be excluded from public information programmes or lack the decent living conditions or financial means to manage periods of self-isolation or quarantine or to seek physical or mental health care.[53]

- **Children who live and work on the streets** are particularly vulnerable to unrealised rights and are seeing their access to services such as health, sanitation and justice reduced. They often already lack legal status, are at greater risk of violence and abuse and suffer mental issues.[54]

> In India, an organisation working with children in street situations trains children on how to inform their peers and how to identify their needs and vulnerabilities. Once trained, the peer leaders visit communities and provide other children with training in hygiene and how to reach out for support if they are victims of violence. The peer leaders conducted a survey during the onset of pandemic, which provided information on the mental health conditions of children in street situations and on instances of abuse occurring due to the lockdown.[55]

- **Children deprived of their liberty**, "who often have compromised psychosocial, physical and mental health issues, live in crowded or unhygienic conditions and are more vulnerable to abuse and neglect."[56] Those in locked facilities, including those detained with their parents or caregivers, those in immigration detention and those detained on national security grounds, are at greater risk of contracting and spreading the disease. Measures imposed to control the spread of the virus and its societal impacts are also likely to negatively affect their well-being and healthy development, including adequate care while detained, and family and community support.[57]

## Increase in the digital divide

The crisis has reinforced digital inequalities that already existed. The increased use of computers and the internet, which enable home working, online learning and maintaining online contact, has highlighted the gap between people and specifically children. These inequalities exist across all regions and countries, with differing access to devices, broadband, knowledge and skills reflected among populations.

Radically unequal access to the internet between children among differently positioned children is an issue that has been exacerbated during the pandemic. Disparities in access to technology and devices needed to ensure online learning have been widely evidenced.[58] The gap in digital access between groups of children and across socioeconomic status has had a massive impact on children's access to education, social communication, access to information, to justice and other services.[59] These inequalities have increased for specific groups such as children in migration or detention, for whom access to the internet may be even more limited or non-existent.

> "Seeing that I live in a rural community where it is hard to access internet. It is a challenge to learn online". (Girl, 17, Zambia)
>
> #COVIDUnder19 report, p. 11.

In Portugal, the non-profit organisation Lisbon Project by River Side[60] - that aims to protect and integrate the lives of migrants and refugees in the city of Lisbon - received a donation of computers from an international private school in order to ensure that more assisted migrant children have access to virtual classroom learning. They quoted on their social media that "one computer can make a significant difference in a child's education and also to their families."

In the #COVIDUnder19 report, certain groups of children disproportionately lacked access to basic internet sources. 62% of children who replied to the survey who lived in detention centres, refugee camps and homeless centres said they had no access or hardly any access to the internet. Children identifying as migrants and asylum seekers also had particularly poor digital access.
#COVIDUnder19 report, p. 11.

## 1.2.    Impact on social justice: the well-being of the child as an individual

Emergency restrictions used to prevent and control the spread of disease imposed by national governments have had a major impact on children's lives. In different phases and depending on the country, national and local restrictions have required children and their families to stay at home, interrupted their schooling, required social distancing and restricted walking and playing in public spaces and outdoors. In addition, 'non-essential' services have been closed and essential services, such as children's services, have been limited to online support. These political responses to COVID-19 have resulted in many children experiencing negative feelings and affected their mental and physical health and well-being[61] and access to their human rights to education, health, play, culture and leisure.[62] Access to, and utilisation of, children's mental health support and services has never been more necessary.[63]

### Negative effects of restrictions

As a result of measures imposed at population level, some children have become isolated, lonely and cut off from their friends and other family members. In the early stages of the pandemic, time spent at home had positive effects for some children because they were able to take refuge from external pressures such as school and peer relationships.[64] Those children reported that they were surrounded at home by family members and were able to relax or learn new hobbies.[65] These positive effects did not necessarily exist for the majority of children and are likely to have disappeared or diminished as restrictions continued with many children finding themselves socially isolated.[66]

"I've been locked in the house for over two months now. It's just my mum going in and out every day. And I am not always chatting to my friends. I think it has affected a lot of young people's mental health in this time because we can't really go out and socialise, give each other hugs, and give people support."
(Girl, 15, UK) World Vision Report, p. 10

It is accepted that the stress and uncertainty associated with COVID-19 has potentially had significant negative effects on children's mental health[67] including an increase in negative feelings[68] such as anxiety, stress, sadness and fear, changes to sleep patterns and appetite, as well as an increase in more challenging behaviour for some children.[69]

"Now, more than ever, teenagers are suffering from anxiety. We have to do too much work for school. My eyebrows began to fall off because I'm so worried I won't pass my course. There are many who think about suicide… some demand too much from us… I have no internet connection and can't talk to my friends, that makes me feel very depressed… I feel bad not being able to see my family and friends."
(Girl, 14 ,Costa Rica) #COVIDUnder19 report, p. 2.

Restrictions on face-to-face contacts, school attendance and opportunities for play, leisure and physical activity have had an impact on children's participation in the wider peer community. Children have suffered from not meeting their friends, family members who do not live in their homes and supportive adults, such as teachers, social workers and club/activity leaders, who have an awareness of individual children's well-being. The time spent at home has forced them to online learning and in general to maintain, when possible, online social relationships, leading to loneliness as the main result, which can be defined as a lack of desired and perceived social relationships.[70] It is suggested that it is of utmost importance to support alternative ways of encouraging children's relationships including facilitating access to play and leisure and exploring innovative solutions in terms of offline activities.[71]

## Impact on children facing serious adversities pre-pandemic

Groups of children, such as children in the justice system, children in out-of-home care, children with health problems or disabilities, those identifying as LGBTQ+,[72] who were already facing serious and complex adversities prior to the pandemic, have reported higher anxiety and depression scores, and lower levels of well-being than before the pandemic.[73] Reduced well-being in children has had an associated significant impact on their inclusion. Particularly vulnerable groups of children have suffered from exacerbated effects such as feeling unsafe.

> In a study led by Save the Children in 46 countries with data from over 13,000 child responses on the hidden impact of COVID-19 on child protection and well-being, it appeared that: "children with disabilities were more than three times more likely to show an increase in bed-wetting (7%), and unusual crying and screaming (17%) since the outbreak of COVID-19, than children without disabilities (2% and 5% respectively)."[74]

> The #COVIDUnder19 survey found that: "almost one-quarter of migrant children (24%) and those living in a detention centre, refugee camp or homeless centre (23%) felt less safe at home/ where they lived, and 22% of children who were seeking asylum felt less safe at home/ where they lived."[75]

> In Uganda, a local organisation (Loving Hands Children and Women Organisation) has helped children deal with mental health challenges created by isolation and domestic violence at home. Through a peer-to-peer mentoring programme, it has helped resolve cases of anxiety in children and in girls worried about gender stereotypes and their education.[76]

> In the Netherlands, the city of Rotterdam supported the release of an app ('Grow-It') with the Erasmus Medical Centre in order to let children and young people play a game designed to strengthen resilience and stress-coping strategies and monitor their mental health and situation at home.[77]

## Increased need for physical activity

The World Health Organisation (WHO) recommends that children aged 3-17 years old should participate in at least sixty minutes of moderate- to vigorous-intensity physical activity daily.[78] Emergency measures have seriously impacted on children's and adolescents' opportunities and willingness to exercise and take part in physical activities[79] with restrictions on outdoor activities, closure of schools and parks and the cancellation of youth sports, clubs and activity classes.

Evidence about the physical behaviours of children and adolescents shows differences across countries. This may be related to country-wide factors such as different policy restrictions and the number of COVID-19 infections and because physical activities such as non-organised sports, habitual physical activity and

sexual activity are often context driven. Activities may have increased in some cases and decreased in others, with the associated impacts on children's health,[80] recognising that the ability to engage in physical activity can mediate stress and promote well-being.

> Toolkits and material have been published online to help motivate children, young people and adults to keep moving. Examples include yoga and keep fit classes, dance routines, resources to play inside and video/movie making. In Africa, adolescents have created videos of the Jerusalema dance, to raise awareness about the climate change emergency, and to call on children and young people to protect the environment.[81]Other activities, like walking, cycling, gardening or playing outside have increased, depending on place and context.[82]

## Increased physical health problems

Children's physical health has been impacted by COVID-19. Several studies indicate that many children have suffered from symptoms related to COVID-19 and some are at serious risk of disease.[83] Research from the UNICEF Innocenti Research Centre suggests that the risks largely depend on where children live and how vulnerable they are to disease and ill health. It states that this is: "evidenced by the higher proportion of COVID-19 cases among the under-20s in low- and middle-income countries: around 11 per cent of the national caseload, compared with 7 per cent in high-income countries. This figure varies widely across countries, from 23 per cent of the national COVID-19 caseload in Paraguay to 0.82 per cent in Spain."[84]

With COVID-19 putting enormous pressure on already weak or overstretched health systems, the number of children who are unvaccinated and under vaccinated from other diseases is expected to increase. This threatens to exacerbate ongoing measles epidemics or new HIV infections as well as add to inequalities and put the lives of many children at serious risk of disease or death.[85] In addition, according to a study covering 118 low- and middle-income countries undertaken by the Johns Hopkins Bloomberg School of Public Health, "an additional 2 million under-five deaths could occur in twelve months due to reductions in routine health service coverage levels and an increase in child wasting."[86]

Efforts to mitigate the transmission of COVID-19 are disrupting food systems, upending health and nutrition services, devastating livelihoods, and threatening food security. More children, already experiencing vulnerabilities prior to the pandemic, are becoming malnourished due to the deteriorating quality of their diets and the multiple shocks created by the pandemic and its containment measures.[87]

Finally, children in confined and overcrowded spaces such as camps, slums, institutions or detention facilities are at heightened risk of contracting COVID-19. The children 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.[88] Moreover, children in detention are likely to have poorer baseline health.[89]

> Of the children who responded to the #COVIDUnder19 survey:
>
> - 20% of all children said they had less food since coronavirus with 65% saying this had not changed.
> - 23% of 8-10 year olds reported they had less food compared to 17% of 13-17 year olds.
> - 19% of children who were living at home reported they had less food compared to 9% of those living in residential care.
> - 38% of children from the migrant community said they had less food since coronavirus while 48% said this remained the same as before.

- 40% of asylum-seeking children said they had less food since coronavirus; 44% said they had the same as before.
- 24% of children who identified as having a disability said they had less food since coronavirus compared to 18% of children without disabilities.

#COVIDUnder19 report, p. 15.

While these numbers are not generalisable to the general population of children, they nevertheless offer a glimpse into the impact of COVID-19 on some children around the world.

## 2.3. Impact on social justice: the well-being of families and communities

### Higher levels of family stress

The COVID-19 pandemic and related measures have increased stress levels for adults and disrupted the daily lives of families. Increased workloads, long hours behind the screen, difficulties in going to work, managing household chores and helping children with school at home have meant that many parents have become more anxious, critical and irritated.[90] This has resulted in parental 'burnout'[91] as well as higher stress in single-parent families and greater anxiety and conflict for separated parents around shared parental arrangements. This has created anxiety and emotional insecurity for children.[92] Among parents who have found life more difficult in confined situations, children's psychological distress was higher, and children had more emotional and behavioural problems.[93]

In addition to the already established helplines for parents and children, some countries have created additional helplines for parents, adolescents and children impacted by COVID-19 effects. For example, in the Republic of Macedonia, the UNICEF Office collaborated with the Ministry of Health and with the University Clinic of Psychiatry to provide extra mental health and psychosocial support to adolescents and their parents and parents of children with disabilities impacted by the crisis.[94]

### Increased risks of violence, exploitation and abuse

The media and children's organisations have highlighted an increase in the number of children exposed to domestic abuse. This has included acts of violence, neglect, and challenges to children's physical and mental health.[95] There has been an increase in the number of children in vulnerable situations, especially those who were not seen to be at risk in the pre-pandemic period.[96] Maintaining the systems that ensure children's protection has become increasingly challenging. Areas of child protection concerns which have been exacerbated by the impact of COVID-19 along with domestic abuse include online exploitation[97] and sexual exploitation.[98] Overall, maintaining the systems that ensure children's protection has become increasingly challenging.

A Save the Children study on the hidden impact of COVID-19 on child protection and well-being, undertaken in 46 countries with data from over 13,000 child responses (11 – 17 year olds), found that: "Nearly one-third (32%) of the households had a child and/or parent/caregiver reporting that violence had occurred in the home, including children and/or adults being verbally or physically abused. Just over three quarters of the children (77%) reported that they knew methods to keep themselves safe online, including information they should and should not share and/or how to change whom they share content with."[99]

Such trends in child maltreatment have significant immediate and long-term consequences for children's mental health and psychosocial well-being. Beyond physical injury, disability and death, violence can cause stress that hinders brain development and damages the nervous and immune systems. This stress is in turn associated with delayed cognitive development, poor school performance and dropouts, mental health problems, suicide attempts, increased health risk behaviours, revictimisation and the perpetration of violence.[100]

> "Father stays at home and every time he beats us for some reason or the other. No one in the family has any work. When there is food shortage, we all including my mother gets bitten by my father." (Boy, 12 India) #COVIDUnder19 report, p. 16.

Cases of abuse have taken place in a domestic environment under the care of parents and other family members, but they also have had an impact on children who are exposed to violence outside the home in these times of COVID-19. This is especially true for children who are deprived of their liberties or who are living on the street, in institutions, associated with armed forces or groups, engaged in child labour or living in situations of conflict and fragility as well as refugee, internally displaced, migrant and stateless children.[101] For example, children placed in institutions or detention facilities are more vulnerable to neglect, abuse and violence, including gender-based violence (GBV), especially when the presence of educational or supervisory staff or care are negatively impacted by the pandemic or containment measures.[102]

Many children have turned to digital solutions to learn, socialise and play during COVID-19 with a resulting increased exposure to risk.[103] The prevalence of online sexual exploitation of children has increased as a result of COVID-19.[104] Children's increased use of the internet, often unsupervised, has enabled perpetrators of abuse, resulting from children's increased emotional vulnerability and isolation, and disruptions to reporting services.[105]

> "In case of quarrels or violence in the family I cannot ask for help because they cannot help me to go in another place. This is an issue, all the people are in quarantine. Many emergency phone numbers for certain issues are not working at the moment, or you keep calling and nobody answers." (Girl, 10, Moldova)
> #COVIDUnder19 report, p. 6.

> **Children taking action in their communities**
> "In Brazil, children and adolescents have participated in virtual gatherings to discuss issues related to physical and psychological violence, and collectively suggest strategies to prevent violence. They are producing podcasts and videos to encourage other children to exercise preventive and safety measures in their day-to-day lives."[106]
>
> "In Sierra Leone, youth leaders are receiving training on mental health, psychological first aid and violence reporting. They return to their communities with the goal of helping other children." (Restless Development Sierra Leone)[107]

> **Children expressing themselves through arts and other means**
> "In India, one group organised a poster-making competition to encourage children to describe the different forms of domestic violence, how to recognize it and how to act against it. The winning posters were then used to raise awareness among the wider population."[108]
>
> "Over 150 children from different regions participated in a virtual exhibition through an interactive website featuring what children had to say about how COVID-19 had affected their lives. This included paintings, videos, articles, audio clips and recommendations on moving forward. Over 3,000 adolescents in 15 States and areas[109] documented their experience of the pandemic to create a time capsule. Adult leaders of the initiative have seen how drama and documenting children's experience of the pandemic have given children a sense of belonging and a connection with adolescents living in other countries."[110]

## 2.4. Impact on social justice: COVID-19 and the response of public services

The pandemic has caused massive disruption to universal services such as education, health care, a well-functioning child protection system,[111] and a justice system that allows litigants to seek redress or complain about the violation of their rights.

### Impact on schools and education

The pandemic has had the effect of exacerbating existing inequalities in education. This depends on many factors, such as the child's age, the ability to learn online, the child's socioeconomic status, the child's level of education and measures imposed on schools and education services.[112] At the height of the initial lockdowns, one third of the world's schoolchildren were unable to access remote learning, and school closures affected almost 90 per cent of students around the world.[113]

> "One thing I have been finding difficult, and I know a lot of other children have [as well], is the transition from face-to-face learning, [i.e.] learning in a classroom, to learning online. Some of the schools don't enforce online learning. Some teachers don't set any work because they have a family to look after or they are finding the transition hard." (Girl, 17, UK) World Vision Report, p. 9.

While children from disadvantaged backgrounds,[114] on the move, or in detention are less likely to have the capacity to switch to remote learning due to access to resources and a good learning environment, younger children or children with disabilities find it more difficult to concentrate in front of a computer.[115] In countries that closed schools, many education providers took action to mitigate the negative impact by scaling up options for distance learning. This has included the use of televised lessons and digital platforms. There have been initiatives to ensure that educators can still report and follow up on cases of violence, including cyberbullying.[116] In addition, educators and school premises – especially when the school is closed to students - can also play an important role in the public health response and act as agents of public health emergency management.[117]

While some are still sceptical about the unplanned and rapid move to online learning, others have found it an excellent opportunity to change approaches and models and believe that a new hybrid model will emerge.[118]

> Many online platforms have responded by offering free access to their services with the resulting increase in the number of students using resources. This has been the case for an Indian highly valued edtech company.[119]

Partnerships between schools and the media have been established to encourage virtual learning for children[120] and provide resources such as radio-based educational broadcasts.[121]

In Cameroon, girls are being trained to become community leaders, so that they, in turn, can reach out to out-of-school children, who are among the most marginalised.[122]

"I like the online lessons; I have problems with anxiety, so being able to turn off my microphone and/or camera sometimes makes me feel much safer and makes it easier for me to pay attention...Personally, I've found that less extra murals and not having to spend time travelling leave me more time for hobbies and sleep." (Girl, 15, South Africa) #COVIDUnder19 report, p. 2.

Schools are not solely about learning; they are also an important part of communities because of the relationships between children and supportive adults. In addition to this they are also part of the response to tackling children's deficits in access to WASH services and to food.

"I wish I could go to school, but our school is closed and I feel sad and upset that I cannot go to school. I miss my friends in school. When we were in school, we used to play different games with my friends. I often think of them. Before the coronavirus, the school fed us meals each school day, but now the school feeding program has stopped. I hope it will start again soon. Schools are closed but the mobile reading camp still comes to our village once a week. The librarian lends us storybooks that we can take home to read. I borrow different storybooks from the reading camp. I find it fun reading stories to my family at home. It also helps me improve my reading skills." (Boy, 12, Ethiopia)[123]

In South Africa there was a fair amount of child rights specific litigation[124] during the COVID-19 pandemic, relating to the right to nutrition and education including reinstatement of the national school feeding scheme, in relation to the re-opening and subsidisation of Early Childhood Development centres, and regarding processes for the return to school for children with disabilities. These cases were largely successful.

## Restricted access to healthcare

Access to all healthcare services has decreased, particularly during intense periods of COVID-19 restrictions. Additional barriers have included increased health care costs, reduced household incomes and increased difficulties in physically reaching health care facilities with long queues, and medical centres and pharmacies running out of medicines. For some, the fear of being infected and stigmatised has aggravated the situation.[125]

25% of children with experience of Covid-19 and 21% of children with no experience of Covid-19 said that since Coronavirus began, they were now less able to access medical help. #COVIDUnder19 report, p. 8.

"They should pay more attention to children now especially the ones going back to school. Some children can't afford to buy face masks which is bad. The government should provide face masks and other things to ensure children's safety during this time of coronavirus. Face masks on the market are for adults and few being tailored are for children." (Girl, 15, Zambia) #COVIDUnder19, p. 5.

## Increased need for mental health services

The crisis has increased the need for mental health support and services with an increase in calls reporting concerns for children's safety and well-being to helplines.[126] Some children have been seeking support, sometimes for the first time, when usually they would have been able to rely on supportive adults such as teachers, youth workers, club and community leaders, and friends.[127] On a positive note, some recent UK research showed that children who had not experienced mental health challenges prior to the pandemic, and who were struggling during the public health restrictions, bounced back once they were able to return to school.[128]

Children who were already facing adversities, whether or not they had already been receiving support from one or more services, may have developed additional family support and/or protection needs. Identifying children's mental health and well-being needs as public health restrictions are reduced, will be essential, in order to provide support for the child's individualised needs even where temporarily limited to online contacts.[129]

> In the UK, in Leeds, an online service was set up for children to receive psychological counselling or simply to chat with someone.[130]

> In Italy, Milan works extensively to provide early childhood services (serving 33,000 children), having created 70 digital platforms for personal support, with suggestions tailored for each child by their educator or teacher.[131]

## Support to families

Support to parents and children is needed both as prevention and response measures, for example in the case of parental stress over parental custody disputes; anxiety due to daily pressures; or due to changes in routines due to physical or social distancing. As a result of COVID-19 there has been significantly higher reporting of separation of children from their parents or caregivers, and violence in the home.[132]

Across the globe, numerous initiatives were taken to support families through helplines or by email.

> In Germany, the city of Leipzig set up a phone hotline for parents. In Spain, 15 guides were published by the city of Madrid to help families cope with a range of issues including emotional support for children, family coexistence during confinement, family grief, and violence prevention. In Slovenia, Ljubljana's kindergartens offered online counselling to families; city services did so for both parents and children by telephone or email.[133]

Online toolkits are also available to help parents, caregivers or other adults to cope with the situation.

> In the U.S. the public service for Disease control and Prevention published a COVID-19 Parental Resource Kit: Ensuring Children and Young People's Social, Emotional, and Mental Well-being;[134] another similar initiative delivers tips on positive parenting during COVID-19.[135]

## 2.5. Impact on criminal, civil and administrative justice: COVID-19 and justice system responses

COVID-19 has changed and disrupted children's access to justice and justice service provision. Given the particular and complex adversities of these children, and the impact of public health restrictions on these children's lives, access to the justice system and the mechanisms for claiming and redressing human rights are more important than ever. The direct or indirect effects of COVID-19 have strengthened vulnerabilities and widened inequalities among children in contact with the law. In order to fully meet the needs, rights and well-being of children in contact with the justice system, effective justice responses and services need to be accessible and available. This has been a particular challenge in the current emergency situation.[136]

### Reduced and limited functioning of formal justice systems
Children face challenges in accessing justice when coming into contact with the justice system, whether in administrative proceedings, or as victims, witnesses or offenders, in both criminal and civil disputes.[137]

There is evidence of children experiencing curtailed access to, and reduced functioning of, justice systems arising from COVID-19. These are due to resources being diverted away from formal justice systems towards more immediate COVID-19 public health measures.[138] Services such as hotlines, crisis centres, shelters, legal aid and social services have been at risk of being scaled back due to pandemic emergency responses and social distancing requirements in the light of COVID-19.[139] This has contributed to cancellations, delays in, and extended length of court proceedings. These delays are a particular and serious concern for children on remand for criminal offences, who are accused, in detention, but who have not yet had their case heard in court. Children in detention can also be required to spend long hours, sometimes up to 23 hours a day, in isolation to comply with social distancing restrictions.

Other important concerns include limited access to lawyers or representatives, online hearings which have been taking place only exceptionally during periods of confinement and other restrictive measures. Communications from the Secretariat of the Council of Europe revealed that in a number of European countries "when [child protection hearings] did take place, they often took place online and from the child's home, making it difficult for service providers to assess whether parents are listening and/or influencing the child."[140] Findings in Scotland[141] indicate the challenges "range from material challenges, such as having appropriate equipment and internet access to participate and a safe place to participate that will protect the privacy and confidentiality of the proceeding, through to practical elements of enabling preparation for a Hearing, supporting active participation during the course of it, and aiding any need for clarification about what was discussed and decided in it."

> In Albania, a decision from the High Judicial Council promoted the use of virtual courts to ensure remote and online hearings. Cases affecting children in contact with the 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."[142]

Information submitted by States Parties to the Lanzarote Convention[143] indicates that measures have been taken to ensure that access to justice for all children is maintained even in times of confinement, including for child victims of sexual exploitation and sexual abuse.[144] This has been done mainly by maintaining the possibility for child victims and their legal representatives to have access to the courts for hearings, trials and mediation, especially with regard to the most serious forms of sexual violence against children.

In Croatia, families that were known to social welfare centres because of the risks they posed to the safety of children were increasingly monitored. The teams at social welfare centres were responsible for contacting parents and monitoring the dynamics of family relations through daily monitoring by telephone or other means of telecommunication, and, if necessary, taking emergency measures to protect children in situations threatening their lives and safety.[145]

## Delays and cancellation of training of justice professionals

The impact is also evident on the quality of justice through delays in or cancellation of training of justice professionals. Even though these may be provided online, the skills to address, actively listen to and be understood by children can be more difficult to learn online. Moreover, some professionals lack motivation to train over online training sessions.[146]

## Isolation and loss of family visits

Children deprived of their liberty under criminal or administrative proceedings are particularly at risk. Not only are they generally cut off from their communities, but they have also missed out visits from family members, friends and legal representatives. Restrictions due to COVID-19 have made social contacts, and access to education, mental health services and support more difficult for children in institutions and facilities. The Council of Europe Commissioner for Human Rights has stated that any restrictions to family visits and outside contact should be mitigated by alternative arrangements, including extended access to phone or video communications.[147]

In Brazil, UNICEF collaborated with key justice sector agencies and initiated several actions, namely the production of social media cards and distribution to families of adolescents in conflict with the law to raise-awareness about their basic rights and allow them to stay in touch with their family members.[148]

## Alternatives to detention

Some concepts and approaches that were applicable before COVID-19 may no longer be so relevant and appropriate post-COVID-19, while others are more important than ever. Resistance to the use of alternatives to detention, face-to-face training as the predominant form of capacity building, and the operation of juvenile courts in person therefore appear limiting and outdated.[149] Meanwhile, diversion, post-release support and social work for children within the justice sector, and the need for free child-friendly legal aid continue to be highly, if not more, relevant.[150]

The current situation offers a unique opportunity for governments to release children and juveniles in custody or detention and prefer alternative measures to detention, including diverting children in conflict with the law away from judicial proceedings.[151] UNICEF (ECAR) reports that, in the Europe and Central Asia region it covers, as a result of nearly two decades of work in reforming juvenile justice systems, there is a scale up of community-based responses that serve as alternatives to detention and a significant decline in the rate and overall number of children in detention. In 2020, the number of children in detention had been reduced to 5,000, which is almost 90% less than calculated in 2000, when 45,000 children were in detention.[152]

Post-release planning and reintegration is vital for the children released from detention, and their families. It contributes to reducing the risk of reoffending, and to supporting children's well-being. While several countries, such as Morocco, Bangladesh and India, succeeded in providing quality services and support to the children and families served by their projects, others still face major challenges in implementing effective programmes for social reintegration of children.[153]

> Beyond litigation, the International Legal Foundation partners at PDS-Nepal subsequently did a series of radio rights education programs to reach communities about issues including juvenile justice despite the lockdown.[154]

## Customary and informal justice systems

While challenges which have arisen in formal justice systems during COVID-19 are easily identifiable, this is not the case for customary and informal justice systems. There is a paucity of literature and research on children in these informal justice systems in general and this is accentuated during the current crisis.

The main justice challenges identified regarding the rights of children in relation to informal justice systems are related to the respect of their procedural rights, including the right to be heard, the right to a fair and impartial hearing, and the right to protection from arbitrary, cruel or inhuman punishment.[155] Children, who are often viewed as property under customary norms and traditional values, rather than as subjects of rights, may have their rights to participation disregarded and may not see their best interests taken into account in matters that affect them.[156]

A seminar held in September 2020 by the International Development Law Organization (IDLO) on women's access to justice highlights that "despite their perceived advantages, many customary and informal justice systems produce discriminatory and harmful outcomes for women and girls."[157]

## Discrimination in legal identity or status

Legal identity remains of crucial importance during public health emergencies; individuals need to prove who they are to access public services and any other service they need.[158] COVID-19 affects both birth and civil registration service delivery and the use of services. As families' demands for birth registration decline, the number of children without birth certificates is increasing rapidly. According to UNICEF, registration centres and service points are less available or inaccessible for reasons related to budget shortages, closure of services, backlogs in registration file management, reduced operating hours and staff presence. Some civil registration points have been insufficiently equipped to meet safety and hygiene requirements. Use of services has been affected because of fear of contamination or lack of transport, particularly in the remote areas. Use of health services has also declined.[159]

Children who lack proof of their identity, age or status or whose births are not registered are more vulnerable to marginalisation, abuse, and associated protection risks such as child marriage, child labour, forced recruitment to armed groups and forces, and trafficking.[160] Without proof or registration, they are in acute need of access to justice.

> While national birth and civil registration reforms have been postponed or put on hold in most countries with the COVID-19 pandemic, the focus on the modernization of civil registration systems towards digitisation is a continental priority and key to universal birth registration.[161]

## 3. CONCLUSION

This report has found that COVID-19 has had a significant impact on many children's lives around the globe, and importantly, many initiatives and interventions are relevant to addressing the impacts of COVID-19 on children's well-being. Responses that will contribute to building back better will need to take *all* children into account and engage them as actors of change. Examples of promising practice show how to put the child at the centre. This requires disaggregated data at international, national and local level so that all children can participate and be targeted by the actions.

Children must be at the heart of responses to COVID-19: their well-being needs to be at the forefront of strategic thinking in all levels of government and with their human rights protected throughout the stages of the epidemic.[162]

Unless we direct our attention to children as a global community, and at national and local levels, we will fail in our ambition to leave no-one behind. Learning from past epidemics highlights that children and families' needs and well-being must be taken into account in the development of economic, social and health protective strategies across sectors and in collaboration with communities.

Not taking assertive action results in children experiencing damaging impacts which restricts their capacity to fulfil their potential, and compromises both children's and whole communities' post-epidemic recovery.

## ENDNOTES

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