

Access to Justice and Restorative Care Five Years of Our Work



An evaluation by:

InteGRAL Asia
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INTEGRAL Intersectional Gender Research
Advocacy and Learning

Glossary of Terms

APPI	Azim Premji Philanthropic Initiatives
CCL	Children in Conflict with the Law
CPIMS	HAQ's Information Management System on cases
CRLF	Child Rights Legal Firm
CSA	Child Sex Abuse
CWC	Child Welfare Committee
DCPCR	Delhi Commission for Protection of Child Rights
DCW	Delhi Commission for Women
FGD	Focus Group Discussion
FIR	First Information Report lodged in a Police Station
HAQ/HAQ CRC	HAQ Centre for Child Rights
IO	Investigating Officer
JJ Act	Juvenile Justice Act
NCPCR	National Commission for Protection of Child Rights
NGO	Non Governmental Organisation, not-for-profit
PIL	Public Interest Litigation
POCSO	Prevention of Children from Sexual Offences Act
UN-CRC	The United Nations Convention on the rights of children
UNICEF	The United Nations Children's Fund

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1. Executive Summary

HAQ: Centre for Child Rights is a not-for-profit organisation, and serves as a catalyst bringing together active measures in access to justice for children and restorative care. In 2018, HAQ received a three-year grant from the Azim Premji Philanthropic Initiatives (APPI) to support their work in the area of restorative care. The grant helped HAQ sustain its existing work as well as respond to the demands for support to adolescents who face sexual abuse and need to navigate the justice delivery process.

An independent evaluation of the project by HAQ was conducted by InteGRAL Asia Team to showcase their impact.. The aim of the evaluation was not only to help HAQ reflect on its previous years of existence but also chart a way forward, for the next five years. Hence, a strategy workshop was conducted to enable HAQ to envision its future and think through its focus areas.

Thus, the key objectives of this evaluation were to:

- Assess the achievements of HAQ in last five years (2018-2022)
- Assess the effectiveness of interventions with respect to the achieved outcomes
- Suggest potential ways forward and make recommendations to the organisation with a lens of sustainability

To evaluate HAQ's work, a mixed method approach was applied. Along with using qualitative means such as interviews and a study of the numbers of beneficiaries HAQ have reached, i.e. quantitative inputs, feminist and intersectional approaches were adopted. Based on the secondary research and discussions with the HAQ team, the assessment framework and tools were designed. The assessment and the tools were developed with the intention to gain insights into two key areas: a) Effectiveness of Interventions and Achievements b) Sustainability of HAQ's model.

Consequently, the key findings of this evaluation are presented under two broad categories:

a. Effectiveness of the Interventions and Achievements

HAQ is one of the few organizations in India that provides a combined restorative care and legal support to child victims of sexual abuse. Their extant knowledge in the field of child rights space can enrich other organizations working in the ecosystem. The details regarding how a child survivor can be integrated back into society is widely shared on their website and through the various kinds of work they implement. The support provided to the victims is intensive and lasts around three to four years per child. In the study, almost all parents stated that the social workers at HAQ have provided tremendous support through the social workers, lawyers and counselors. In a way, HAQ provides social capital to otherwise marginalized children and families, thus in many cases instantly improving the experiences of families in the judicial process. In addition, two changes were observed; first, parents did not blame their children for the episode of violence and second, parents of boy victims also adopted a rights-based approach, while otherwise, the trauma of boys is hushed up.

It is evident that learning on child rights is embedded in the organization, as HAQ often sets the agenda in the child rights space. Certain departments within the organization conduct internal training towards capacity building of staff members and they attend external training too. The external training that HAQ conducts for the stakeholders in the field of child rights is highly appreciated. Their training is based on data and evidence, which increases receptivity of the audience. It was also observed that training happens to be a key way of building goodwill and relationships with the authorities. Other than their strong presence on the ground they contribute to developing resources and publications with campaigns, detailed study reports of judicial data, child budgets, tracking and implementation of POCSO.

b. Sustainability of the Programme/ Model

HAQ must continue to provide support to strengthen systems in the child rights domain as always rather than be a service provider. They must continue to work on linking the micro level challenges to macro level systems. HAQ could work on their vision of setting up a Child Rights Legal Firm which will be a for profit organization working on various child rights related issues and will provide equitable support to all through differentiated fee structure by building a cadre of lawyers working on child rights. The organisation could also consider working with children in conflict with law as over the years, HAQ has developed a good understanding of the justice system. They could also propose a professional model of volunteerism and activism. Though the pandemic has opened new ways of collaboration, it will be worthwhile if the organisation brainstorms on the questions around scale and growth. In addition, HAQ could develop future leadership that helps in sustaining their incredible work in the child rights ecosystem.

A few broad recommendations for HAQ are to improve communication with all stakeholders, consider new ways of branding or rebranding, increase ease of access of learning resources created and curated by HAQ and finally, explore feminist models of growth rather than scale. The evaluation study and report conclude that an organisation like HAQ is needed for the most vulnerable i.e. marginalised children further pushed back in their lives because of a crime and combined failures of society. Therefore society needs HAQ as much as a HAQ might have to find ways to sustain itself.

2. Introduction: Understanding the Context

2.1. Background of HAQ: Centre for Child Rights and this Evaluation

HAQ: Centre for Child Rights is a not-for-profit organisation, started in October 1998 and formally registered, under the Societies Registration Act, in June 1999. HAQ finds itself in the unique position of being a catalyst that brings together active measures in access to justice for children and restorative care. Several organisations in India work in these two areas, albeit separately. HAQ's work over the years has proved to be an integrative and strategic approach to addressing issues faced by children in India.

HAQ believes that there is a need for the realisation of human rights of children through policy, law and action. HAQ, therefore, looks at the CHILD in an integrated manner, to ensure that every child's rights are recognised and promoted without discrimination. The recognition, protection, and promotion of three rights- Right to Survival, Right to Childhood and Right to Equal Opportunity- form the cornerstone of HAQ's work.

HAQ believes that these rights form the basis of all other rights, and its intent is to create an ecosystem for children to access these rights. The Organisation currently works on child rights issues in Delhi. HAQ strives to build a holistic understanding of child rights, and explore areas of concern that directly or indirectly affect children and their rights. The Organisation's work mainstreams child rights in all development planning & political agendas, locally, nationally and globally.

In 2018, HAQ received a three-year grant from the Azim Premji Philanthropic Initiatives (APPI) to support this work. The grant helped HAQ sustain its existing work as well as respond to the demand for support for adolescents who face sexual abuse and are left groping in the dark to navigate through the justice delivery process. Along with challenges faced due to the COVID-19 pandemic as well as questions of sustainability, HAQ is currently also considering the possibility of setting up a separate child rights legal firm, which can be independent of HAQ, but takes up cases that are received by HAQ for support services.

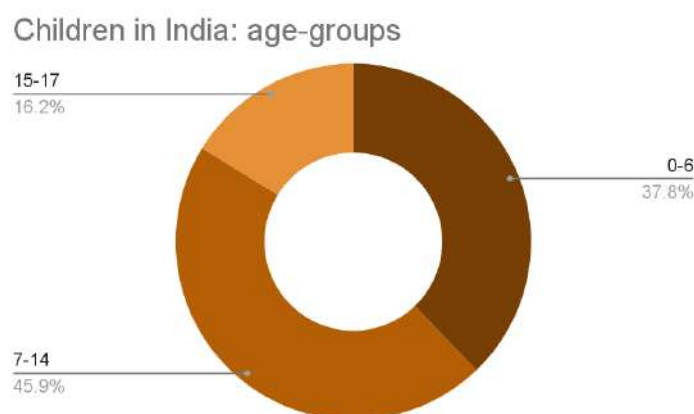
The Integral Asia Team was invited to carry out an evaluation basis this brief, and with an independent lens to showcase the impact created by HAQ. This report summarises the findings based on a qualitative and quantitative study basis, a holistic framework so prospective funders, future partners, researchers, and supporters such as APPI gain insights into the milestones accomplished so far.

2.2. A Snapshot of the Situation so far

Child Rights in India: an overview

As per the 2011 census, the Indian population consists of 440 million children (37% under the age of 18). 166 million children are within the ages of 0-6, 202 million within the 7-14 age range, and 71 million children are within the ages of 15-17 years¹.

¹ InteGRAL analysis; and Human Dignity Foundation (2015), 'Situation of Children and Child Rights in India', URL - <https://www.humandignity.foundation/wp-content/uploads/2018/11/Situation-India.pdf>



As UNICEF points out, ‘India has a wide range of laws to protect children and child protection is increasingly accepted as a core component of social development. **The challenge is in implementing the laws due to inadequate human resource capacity on the ground and quality prevention and rehabilitation services. As a result, millions of children are prone to violence, abuse and exploitation.**’²

As one of the responses to this challenge, India ratified the UN Convention on the Rights of Children (UNCRC) earlier in 1992. Fewer children under five die as the national mortality rate reduced from 117 of 1000 live births in 1990, to 39 in 2016. 92% children in 2019 were recorded to have access to clean drinking water as compared to 62% in 1992-93. Nearly all girls in the age group of 6-10 are able to attend primary school compared with 61% in 1990³.

There are other laws available to protect children's right to safety. In order to address the issues of child protection, India has enacted a comprehensive legal framework as an endeavour to provide access to services. These four key laws include - The Juvenile Justice Act/Care and Protection (JJ Act - 2000, amended in 2015), the Child Marriage Prohibition Act (2006), the Protection of Children from Sexual Offences (POCSO) Act (2012), and the Child Labour Prohibition and Regulation Act (1986, amended in 2016). The two key acts that protect and prevent issues related to violence and abuse against children, and to focus on their protection and re-integration in society are the JJ Act and the POCSO Act.

*The Juvenile Justice Act*⁴ takes into consideration the children who are in conflict with the law. The Act emphasises the need for protection of children by serving their basic needs through ‘proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established’. The 2015 amendments to the Act included the aforementioned commitments (para 3 of this section) made when India signed up for the UNCRC.

² UNICEF on Child Protection in India, URL - <https://www.unicef.org/india/what-we-do/child-protection>

³ UNICEF article, URL - <https://www.unicef.org/india/press-releases/india-celebrates-commitment-child-rights-national-summit-every-child-india>

⁴ The Juvenile Justice Act 2015 and amendments - URL <http://cara.nic.in/PDF/JJ%20act%202015.pdf>

Several Indian States follow through the JJ Act through a specific JJ Rule Book which considers some of the regional challenges in ensuring care and protection to children. The JJ Act defines the different categories of care and support that organisations may provide, including creation of children's homes, shelters, or spaces for care, education, and protection.

An ongoing debate on the JJ Act's provision to try children within the age group of 16-18 years as an adult provided the child has the 'mental capability, understands the consequences of committing a heinous crime' and the 'circumstances in which the crime has been committed' has attracted strong views from stakeholders. While the Act does not emphasise that all children within the age-group will be mandatorily tried as adults, the provisions to decide on the trial have come under criticism. Compounded by the sheer volume of cases reported, there is a sense that courts may not be able to decide fairly on the cases. This amendment also contradicts the Act's preamble and intent of re-integrating children in conflict with the law with mainstream families and society.

*The POCSO Act*⁵, on the other hand, protects children from sexual assault, sexual harassment, and pornography and provides for establishment of special courts of trial under this Act at the State Level. An offence under the POCSO Act is non-bailable. POCSO Act aims to fast track the cases of child sexual abuse (CSA). A constant challenge in the legal ecosystem has been the recording of testimony in time, the appearance of the offender, the relevant investigation to be filed by the Police and the charge sheet on the basis of which courts can arrive at a judgement. POCSO Act's provisions require establishment of dedicated courts to fast track the proceedings, without compromising on the identity of the child, and keeping the sensitivity of the cases in mind.

In 2020, India recorded 350 cases of crime against children each day⁶. These included vastly increasing online instances of abuse also. In the ideal sense, India's 440 million children must never feel unsafe, unprotected, or exposed to sexual abuse, violence or exploitation. However, violence against children, exploitation, and abuse continues to be widespread in India. Legal and Social Bodies in the space continue to struggle with insufficiency of data to indicate the exact extent of the issues.

However, community-based efforts to address the issues are needed significantly. This has given space for organisations such as HAQ to bring about significant regional focus to address the challenges.

HAQ responds to these challenges in Delhi

At the State level, the stakeholders in the access to justice and restorative care space for children include the Child Welfare Committees, the Police, the District Child Welfare Committees, Child Welfare Boards, and Public Prosecutors. Issues in the child and adolescent age-group are compounded by merging of various government schemes that have led to lack of public welfare resources. In addition, lack of data, infrastructure, and large number of child abuse cases in Delhi are a significant challenge for the nation's capital.

⁵ The Protection of Children from Sexual Offences Act 2012 - URL <https://wcd.nic.in/sites/default/files/POCSO%20Act%2C%202012.pdf>

⁶ Press Trust of India, 'India recorded over 350 crimes against children each day in 2020, shows CRY's analysis of NCRB data', FirstPost Article, October 1, 2021, URL - <https://www.firstpost.com/india/india-recorded-over-350-crimes-against-children-each-day-in-2020-shows-crys-analysis-of-ncrb-data-10017571.html>

For example, in the Tis Hazari Courts in Delhi, there are 8 POCSO courts, but only three deposition rooms. Five rooms are still required and only one of them is being created. This lack of infrastructure has significantly slowed down the process of recording testimonies in the courts. While the law is clear on the testimony being recorded within 30 days, it takes anywhere from 6 to 15 months for this to complete.

Additional challenges include inadequate training to the Investigating Officers, who end up contacting the children, who are victims, multiple times often leading to re-traumatisation issues. Often, the CWCs are also not consulted by the lawyers. The lawyers are not sensitised to record the testimony of the children in a careful, and friendly manner.

The December 2019 shooting in Tis Hazari Courts that led to lengthy strikes by lawyers, followed by the COVID-19 pandemic, have created significant gaps at various stages of justice. Children are not being able to access resources, and if they have found support, the time that each of the stages takes for survivors to attain justice is lengthy. Even though the Courts are legally bound to dispose of child abuse cases within a 1-year time frame from the date of cognizance by court⁷, delays owed to circumstances cited here continue to pose a challenge.

HAQ's work is a response (but not limited to) these issues. HAQ works alongside District & State legal service authorities, the Judiciary (Judges of special courts that have been setup as juvenile and POCSO courts), Schools, Childcare Institutions, Delhi Commission of Protection of Child Rights, Doctors, Delhi Department for Women and Child Development, other NGOs working on child rights. 'Legal and Restorative Justice for Victims of Sexual Violence' is one of the key programs delivered by HAQ, and has been supported by Azim Premji Philanthropic Initiatives (APPI)⁸ since 2018.

HAQ mandated itself to focus on three key objectives. One, to provide legal representation and restorative care of adolescents who are victims of Child Sex Abuse (CSA). The majority of which are girls. Two, casework management and sharing of good practices with other stakeholders. Three, build a strong institution and mechanism for addressing violations of rights of adolescents who are victims of CSA.

Between November 2018 and September 2021, HAQ has provided legal support and restorative care to 244 girls and 18 boys. This support includes paralegal needs, financial needs, and legal needs. The cases where HAQ has provided legal support have seen conclusive outcomes, more convictions, and better closure for children who were exposed to child sex abuse.

In terms of restorative care, during the same period - November 2018 to September 2021, HAQ has delivered care to 1178 girls and 50 boys. These include 17 cases for long term psychiatric treatment/psychological follow up. In restorative care, HAQ covers medical needs, psychosocial needs, educational needs, shelter needs, and familial needs.

⁷ The mandated time frame in law is one year from the date of cognizance by court. Sometimes, the cognizance itself takes years, especially in cases where the accused is absconding or there are multiple accused leading to delay in completion of police investigation and filing of charge sheet. Court takes cognizance of a case only when the charge sheet is filed. While such cases are only a few, the delays do add to the child's burden.

⁸ Consolidation with Azim Premji Foundation (APF) underway

HAQ conducted training for 167 Police IOs, and has additionally reached 3573 judicial officers, counsellors, teachers, who have been made aware of the JJ and POCSO Act. The Organisation has created an MIS that is the backbone of casework management for all the cases it receives from CWCs, other NGOs, parents, etc which is emulated as a best practice in the ecosystem.

HAQ continues to manage over 1000 cases currently and has recorded data since 2005. The publication of data in a systematic way commenced in 2012 (Factbook, 2021—HAQ). The Organisation runs a series of reports and publications also to create awareness, record instances, and share its findings with data through its website and forums to inform, educate, and address the issues within the ambit of justice and care for children who are victims of sexual violence.



3. Methodology

3.1. Background of this Study and Report

HAQ finds itself in the unique position of being a catalyst that brings together active measures in access to justice for children and restorative care. Several organisations in India work in these two areas, albeit separately. HAQ's work over the years has proved to be an integrative and strategic approach to addressing issues faced by children in India.

In 2018, HAQ received a three-year grant from the Azim Premji Philanthropic Initiatives (APPI) to support this work. The grant helped HAQ sustain its existing work as well as respond to the demand for support for adolescents who face sexual abuse and are left groping in the dark to navigate through the justice delivery process. Along with challenges faced due to the COVID-19 pandemic as well as questions of sustainability, HAQ is currently also considering the possibility of setting up a separate child rights legal firm, which can be independent of HAQ, but takes up cases different from POCSO ones.

The Integral Asia Team was invited to carry out an evaluation basis this brief, and with an independent lens to showcase the impact created by HAQ. This report summarises the findings based on a qualitative and quantitative study based on a holistic framework so prospective funders, future partners, researchers, and supporters such as APPI gain insights into the milestones accomplished so far.

3.2. Objectives and Scope

This evaluation aims to determine the achievements of HAQ, organisational development, effectiveness of the interventions and provide some ideas for ways forward.

Thus, the key objectives of this evaluation are:

1. To assess the achievements of HAQ in five years
2. To assess the effectiveness of interventions w.r.t outcomes achieved
3. To suggest potential ways forward and make recommendations to the organisation centering sustainability

The scope of the assignment involved:

1. Review of secondary documents provided by HAQ along with a review of relevant reports, secondary data etc.
2. Undertake an evaluation of the program, with a greater focus on relevance, efficiency and sustainability.
3. Submission of one draft and one final report detailing methodology, findings and recommendations.

3.3. Method

A mixed method approach to determine the effectiveness of HAQ's approach was applied. Along with using qualitative means such as interviews and undertaking a study of the numbers of beneficiaries they have reached, i.e. quantitative inputs, feminist and intersectional approaches were adopted. A feminist approach to evaluation and strategy ensures that the voices of those who are traditionally at

the margins of society are fore fronted⁹. The purpose of feminist evaluations is to redistribute power, provide space for diverse voices and create opportunities to make long lasting positive changes. An intersectional approach, took into consideration the many intersecting identities of people. In the case of HAQ, we were attentive to the fact that both the organisational members and beneficiaries have different positions within the society, which might simultaneously afford or negate their privilege. A few thoughts on intersections are described in section 3.4.

3.3.1 Planning Meetings/Calls with HAQ Team

Based on discussions with the HAQ team and a set of programme documents received from them, the evaluation team finalised the plan for data collection as well as developed the framework and tools.

3.3.2 Secondary Research:

The secondary research involved a detailed desk study of the documents that were available including the Annual Narrative Reports from 2018-2021; the Letter of Interest (LOI) submitted to APPI; the programme budget as well as the results framework for the programme.

3.3.3 Design of Assessment Framework and Tools

Based on the secondary research and discussions with the HAQ team, the assessment framework (Annexures 1 & 3) and tools were designed (Annexure 2). The assessment and the tools were developed with the intention to gain insights into two key areas: a) Effectiveness of Interventions and Achievements b) Sustainability of the Programme Model.

The tools included semi-structured interview schedules with the key stakeholders and beneficiaries. These were children (adolescent boys and girls who have faced CSA) and their families; lawyers, social workers and counsellors who have either been part of trainings or the fellowship programme at HAQ, Programme Staff and Senior Leadership as well as key stakeholders in the Child Rights ecosystem including a Judge of the Juvenile Justice Board, Chairperson of the Delhi Commission for the Protection of Child Rights (DCPCR), and Chairperson of the Child Welfare Committee (CWC) and the Head of a leading legal aid NGO in Delhi. Although planned, we were unable to speak with two key stakeholders: the Police Investigating Officer and other judges. More details on the sample are provided in the next section.

3.3.4 Sampling

A purposive sampling method was used on the basis of the inputs received from APPI and HAQ. Following were the suggested key stakeholders who were interviewed as part of this evaluation. The first seven were essential and the following were considered optional for the research.

⁹ McHugh, M. C., & Cosgrove, L. (2004). *Feminist Research Methods: Studying Women and Gender*. In M. A. Paludi (Ed.), *Praeger guide to the psychology of gender* (pp. 155–181). Praeger Publishers/Greenwood Publishing Group.

No.	Stakeholders data collected as per plan	Sample Size
1	Interviews with Adolescent girls who received psychosocial + legal support / psychosocial support	16
2	Interviews with Adolescent boys who received psychosocial + legal support / psychosocial support	2
3	Government legal functionaries	5
4	Lawyers	2
5	Social Workers and Counsellors	2
6	Project Staff/ Implementation Staff	2
7	Senior Leadership in the NGO	1
Optional		
8	Childline organisations that have partners with HAQ	1
9	Other NGOs	1
10	Police Investigating Officers	1
11	Chairperson/ Members of DCPCR	1
12	District Child Protection Officers	1
13	Women and Child Department, Government of NCT Delhi	1

Table. 1: Suggested Sample for the Study

From the above suggested list, we were able to interview only two government legal functionaries owing to the fact that judges were unable to provide time for the interviews on the only Saturday that was available. From the 'optional' list, we were able to interview a partner NGO, Chairperson of the DCPCR and Chairperson of the CWC, which is under Women and Child Department, Government of NCT Delhi.

3.3.5 Visit to Site Locations and Data Collection

We held all the FGDs with children and families in the HAQ office as they were all familiar with it. The FGDs were held in the counselling room, which is a secluded and child friendly space with lots of toys and games. All adults reported taking a day off from work to be present for the FGDs. All participants were provided a travel allowance to support their journeys to the office by HAQ. The office provided a private space for us to engage in a discussion with parents. Although the HAQ team conducts home visits and is well-versed with the neighbourhoods that children belong to, we did not visit any of these places. We observed that conducting FGDs in a safe and comfortable space, far away from the children's homes, provided the families and children a sense of anonymity and freedom to speak openly. Although, in almost all cases, children did not speak during the FGDs (see 3.5 for limitations) we are yet to decipher which method would be best suited to learn more about children's lives. If we would conduct the FGDs with children without the presence of the adults, it would raise questions regarding safeguarding. Yet, children deferred to the adults to speak resulting in them being quiet.

We interviewed the judge of the JJB, the Chairperson of the CWC and the DCPCR, as well as the head of the partner NGO in their own offices. Conducting the interviews in these offices enabled us to have a deeper insight into these spaces and assess the wait times that HAQ staff have to endure before

the meetings take place. For the InteGRAL team too, entry into these otherwise restricted places was a first and a valuable learning experience.

3.3.6 Strategy Planning Workshop with the HAQ Team

In February 2022, the senior leadership attended a Strategy Planning Workshop. The objectives of this workshop were:

- (i) to take stock of HAQ's current strategic strengths
- (ii) to determine the key challenges that HAQ faces internally and externally
- (iii) to list the key strategic objectives HAQ as an organisation is set out to accomplish over the next five years and the challenges foreseen to reach these goals

The workshop, along with helping the core leadership team step back and look forward, served as a source of data regarding thoughts around future leadership and strategy. It listed the thoughts and ambitions each of the organisation's leaders had in mind, in a participatory action-oriented manner. The session was facilitated by external resources from the Peace Collective, who considered 5W1H, SWOT and other tools for the team to express, align, and agree on the various strategy and execution priorities. Section 4.2 summarises the discussion points and outcomes from this workshop while a detailed outline with key points has already been submitted to the HAQ leadership. Some insights from the workshop inform our observations shared in this document.

3.3.7 Data Analysis and Report

The data analysis framework for this report followed for this report was to highlight the outcomes and the opportunities for HAQ- so the Organisation, as well as future funders can benefit from it.

The following themes and sub-themes were researched by InteGRAL:

Effectiveness of interventions by HAQ: focussed on restorative care and what it entails for the children/adolescents and their families. The data analysis was based on the learnings from each of the stakeholders, what needs to change/get done better from the point of view of each of the stakeholders that also included legal functionaries, lawyers, social workers, counsellors, and members of staff. The discussions and research undertaken also looked impacted by HAQ through other interventions like filing of litigations, collection & publication of data, training undertaken, and current capacity building.

Project Achievements: focussed on how the Organisation's vision and work has evolved over the years while working with children, how the pandemic impacted the work and created challenges, and the actions and decisions that have led to meeting the overall internal and external goals HAQ set out to do.

Way forward for the Organisation: this area considered the funding requirements for HAQ's sustainability and growth in the coming years. HAQ's investments in future leadership, capacity building, and the relevant resources required were also analysed.

3.4 Ethical Considerations

We followed research ethics especially as we were interacting with children and families who have undergone trauma. Some of these are described below:

Informed Consent and Anonymity: prior to conducting FGDs with children and families, they were informed about the need and objectives of this research. All families and children were more comfortable with Hindi and hence, we used Hindi to describe not just why we are conducting the research, but also how. They were told that the interview would be recorded only with their consent (which in some cases was not provided and, in some cases, provided after considerable negotiation).

All participants were told that they could refrain from answering any question should they wish and they could leave the FGDs at any point if they liked. Several parents had numerous questions regarding the study and all of their questions were answered. In some cases, the Director of Restorative Care, Kavita Mangnani, shared information regarding the study, which helped reassure parents. We have saved all the recorded data in our electronic device. Only the InteGRAL team has access to this data, which will be deleted on the completion of the study. The interviews were transcribed summarily. All identifying information regarding the families and children have been erased in the transcripts. The signatures of children and families were taken. These will also be destroyed on the completion of the study. The transcripts and raw data will not be shared with any third party under any circumstance given the sensitivity of the topics discussed. Other stakeholders like judges, heads of partner organisations, chairpersons of various bodies and staff and leadership of HAQ were also provided detailed information regarding this study. We conducted the interviews and recorded them only after we received their verbal recorded consent.

Reflexivity: A key feminist ethic in research is the ability to reflect on one's own position while conducting studies no matter what the objective. Reflexivity¹⁰ involves being aware of one's positionality in society or the circumstance and applying that positionality to the method of collecting data, or analysing it. In the case of this research, we were aware of the multiple difficulties that families and children are facing on a day-to-day basis, not just prior to the incident of abuse but even after. We were aware of how our own positions as relatively privileged women would compel families and children to speak about their experiences with us. We recognised how families and children were still entitled to their privacy and dignity and were not lesser beings on account of the episode of CSA. We hoped to convey this respect throughout the data collection period though providing them information regarding their participation, being mindful of our tone of voice and being careful with our questions. Through our own data collection process, we reflected on what justice meant for families and children who were navigating a 'continuum of injustice' in their everyday life- from lack of access to dignified and safe housing, livelihoods to social mobility and conditions of basic safety within their homes for their children.

Preventing reliving of trauma: Given the traumatic nature of CSA that children had to go through, we abstained from asking children and families to describe the details of the abuse. We did so keeping in mind that we did not want children to relive the trauma or be defined by the re-telling of their experience. We had confirmed that all children who were part of the sample were those who had undergone some form of CSA, which was adequate information for us to conduct the FGDs. However, in those cases where families wanted to share the details of the episode, possibly as a form of catharsis, we listened to the details.

¹⁰ Finlay, Linda (2008). Reflecting on 'Reflective practice'. Practice-based Professional Learning Paper 52, The Open University

Research with children: In some cases, the children who were part of the sample tended to be very young. One, for example, was a 12-year-old girl, which raised questions regarding safeguarding and well-being. In cases where the children were too young, we ensured that we directed most questions to adult members of their families (parents or guardians) and asked them general questions regarding their schooling experiences and plans for the future. All FGDs were conducted in the presence of parents and other adults from children's families.

3.5 Limitations

Relatively Small sample: The funding received by The Philanthropy mandates reaching out to 300 girl victims of CSA. Hence, in order to conduct this research, our normative sample size far exceeded the budget allocated to this research. Hence, we chose a select group of 16 girls and 2 boys for the FGD. All children were accompanied by their parents or other family members who were well-versed with the case and were familiar with HAQ. The children and families were chosen by the HAQ team.

On the other hand, organisational staff members, and other stakeholders from the child rights ecosystem (including heads of partner NGOs, judges, chairpersons of various statutory bodies) added up to a small total sample size. However, the interviews and FGDs were detailed and provided an opportunity to gain rich insights into the lives and thoughts of the stakeholders.

Choice of data collection method and process: We observed that children rarely spoke in the presence of their parents or other elderly family members. Barring two children, all others hesitated to speak. This could be because, culturally, children might not be comfortable speaking in front of adults or they might have been shy or self-conscious. It is also possible that the children were careful about discussing 'the case' given the narrative around legal processes being hinged on evidence as 'what people say'. Children responded to any question that was directed at them but almost never added to or corrected what the adults said. In retrospect, we could have used a more child friendly method while speaking to the children.

Sample was chosen by HAQ: Those who would be part of the study, were all chosen by the HAQ team. Hence, children and families, organisational staff members, and key stakeholders were all suggested to us by HAQ. In some cases, there was no option but to interview a single person (for example, the one and only head of programmes, or just one Chairperson of a committee). In other cases, wherever possible, we were provided a list of staff members, from which we could randomly choose who to speak to. Almost all external stakeholders spoke highly of HAQ and their work with not a single person who was not an advocate of their work. In one instance though, a police investigating officer (IO) was unable to make the time for the interview (even telephonic), which was expected given the tenuous relationship between IOs and HAQ.

Delays in conducting the assessment: This evaluation has also been delayed by a few months owing to the uncertainties posed by the COVID-19 pandemic. This delay could also have been due to other factors unknown to us (such as difficulty in prioritising the evaluation, more pressing cases to be handled, and so forth). It is possible that the research outcomes would have been very different if conducted at another time.



4. Key Findings

The key findings from this assessment have been divided into two broad sections i.e.

i. Effectiveness of Interventions which will cover the achievements of the program along with challenges faced and how these various interventions have impacted the lives of adolescent girls and boys and their families as well as the impact these interventions have had on child rights work in the country.

ii. Sustainability of the Program: This subsection will focus on what sustainability means to the organisation and how the team thinks of future plans, learning from the past, key achievements and what areas they would like to further strengthen. Thus, this sub-section assesses the theory of change of the organisation, the potential for scalability, capacity building needs as well as funding opportunities and models for their program.

4.1. Effectiveness of Interventions

The key planned activities in this programme have been as follows:

- 4.1.1. Providing legal representation and restorative care to adolescents (majority girls) who are victims of CSA
- 4.1.2. Capacity Building of Legal Functionaries, social workers and counsellors
- 4.1.3 Casework Management and Sharing of Good Practices
- 4.1.4. Building a strong institution and mechanism for addressing violations of rights of adolescent (majority girls) victims of CSA

More details regarding these activities is presented below:

4.1.1 Providing legal representation and restorative care to adolescents (majority girls) who are victims of CSA

As mentioned earlier, HAQ is one of the few organisations in India that brings together legal support and restorative care, in service of the child. At HAQ, the belief is that justice for CSA should not just end with court orders but should reintegrate the child back into their community. Restorative Care helps a child live a normal life as before if not better through empathy, respect, and equality. It is a holistic approach that helps address barriers to children's access to justice and reintegration back into their community through casework management which is critical and crucial to attaining the desired outcomes. At HAQ, Restorative care consists of aspects such as provision of emotional and psychological services, medical support, shelter protection, education support, and legal support. HAQ's extant experience in the area of restorative care is accessible on their website¹¹ for wide use. In the same document, a detailed description of the process followed from the time the case has been allocated to HAQ by CWC has been outlined. Through our conversations, we found that this process was followed in HAQ. The Director of Restorative Care, is well supported by the department in every step of the way with an MIS which is also well-suited for these needs.

No family or child is coerced to seek legal recourse but are given ample information so that they are able to make an informed choice. In case, a child is not seeking legal support, the duration of the case is about two years. In legal cases, HAQ works with each child for about 3-4 years. Hence, the support

¹¹ See e.g. <https://www.haqcrc.org/new-at-haq/access-justice-restorative-care/>

that HAQ provides tends to be extensive and time consuming. Sometimes, there is a problem that social workers face with members of the CWC, who might not be well-versed with the law. There have been times when families do not want to seek legal recourse, but are coerced by CWC, which is actually an infringement of the rights of the child. In such cases, social workers find it difficult to work with the CWC.

All children and parents had a positive view of the support provided by HAQ. Almost all of them mentioned that they were first contacted by the social workers who appeared to be warm and caring. Children reported feeling supported and comfortable with the social workers. They said they were not fearful of the social workers without mentioning if they were unafraid of the social worker or of the legal proceedings or of life in general. Families recounted how distinct their experience was prior to the intervention of HAQ and how it was after. Social workers provided children support with continuing their education, and some support with psychological services.

Receiving legal support from HAQ seems to be one of the greatest benefits to people especially those from disadvantaged backgrounds. In one specific case of trafficking, the family noted the immense difference in the attitudes and behaviours of police officers, once HAQ began to intervene. The social capital that HAQ provides to families in the form of lawyers (and social workers) seems to empower families that are otherwise harassed by various institutions. Lawyers not only provide legal support, but are accessible in case of emotional breakdowns in families. Lawyers, also, build strong personal relationships with families, which seem to be affirming to those reeling under the weight of sudden life changes. Finally, children and families mentioned that lawyers educate children about speaking truth to power, which is immensely helpful in intimidating places such as courts.

Only a few children who we interacted with seemed to have availed counselling services. This could be because most of the cases were new and counselling services were prescribed in time. It could also be because of the disruptions due to COVID- 19 pandemic, during which the office was closed. In one case, the family mentioned that the child had undergone severe psychosis due to the abuse, and it was HAQ who acquired help from a senior psychiatrist, which enabled recovery. Some children also mentioned receiving calls from social workers and counsellors regularly.

Overall, the presence of HAQ seemed to add to the life of children. The resource brokering that HAQ does for children who otherwise would have very bleak futures (given their existing life circumstances) in some ways enhances children's life trajectories. Older students who did not want to return to school were found exploring skill-based courses with the help of social workers, and children of school going age reported an interest in going to school. There were still some students who still did not want to go to school.

We also did not notice families or elders in any way blaming the child for the incident. Parents of boys also seemed to adopt a rights perspective that even boys who experience CSA deserve justice. This could be because of the engagement with HAQ, which has helped parents adopt a new narrative of who is a perpetrator and who is a victim. In some cases, we observed that parents had an outsized expectation from HAQ. They believed that 'these people can do anything for our child' and when asked what they would like from HAQ, they were unable to point it out clearly. It would help if HAQ introduces themselves clearly to the families so that there are no unrealistic expectations on the part of the parents.

Another area that might require attention is HAQ's relationship with DCW lawyers. DCW lawyers ask parents to be part of the court proceedings¹². HAQ's stand is that parents and children need not be present for immaterial hearings, in line with their belief that a court case should not disrupt children's or families' lives. However, DCW lawyers, requiring them to be present in the court compounded by an infrequency in updates from HAQ lawyers to the families, could create confusion for parents. In order to address this situation, parent meets will be resumed, and any questions or doubts that parents might have will be cleared. At the same time, HAQ recognizes the need to build a stronger relationship with DCW lawyers. Anurag Kundu, the Chairperson of DCPCR who can help iron out issues with DCW lawyers suggested that a change is on the anvil.

Finally, lawyers felt that they have to do more in terms of strategic litigation. For example, a family that is fighting a case regarding CSA, might need support with divorce proceedings if the case is of incest. On the other hand, in the case of a victim being injured in a road accident by the accused, in addition to being a POCSO case, a case under the Motor Vehicles Act too needs to be pursued, which does not technically fall under the mandate of the project. But if the child is not provided such additional legal support, the child and the family may not be able to sustain their legal battles.

Therefore, there is a need for HAQ to work towards providing holistic legal support to the child and families. In some cases, lawyers do feel that the case load is high and meeting numbers set by funders becomes a priority.

4.1.2. Capacity Building of Legal Functionaries, social workers and counsellors

The overall approach of HAQ to capacity building of their staff as well as of those outside of their organisation stems from being a learning organisation. As mentioned by Vaidehi Subramani the Chairperson of the Child Welfare Committee in Lajpat Nagar, HAQ is a futuristic organisation whose documentation and evidence gathering has been key in pushing the agenda forward for children. Therefore, the staff of HAQ come across as knowing of changes in laws, new developments in the field of restorative care and are able to provide high quality support through their counselling service. Rather, because of them being 'proactive', according to Subramani, HAQ in fact sets the agenda for others' capacity building.

Specifically, capacity building and learning in HAQ appears to take place in three ways

- (i) learning being embedded in its character. Being an organisation that sets the agenda for progress, learning is embedded in the character of HAQ. Learning and knowing are not an option but an imperative. Being aware of the changes in laws, amendments, knowing what additional changes have to be made, all originate from HAQ hence the culture of knowledge is ever present in the organisation
- (ii) Departments like the restorative care take it upon themselves to conduct training internally, periodically
- (iii) HAQ also sends staff for training to other organisations where they learn about developments in the field.

The Restorative Care Department conducts internal team training periodically. According to an assistant social worker in the organisation, team meetings and training take place every month if not

¹² DCW lawyers are there by virtue of a Delhi High Court judgement that allows the Delhi Commission for Women to run rape crisis intervention centres and provide crisis intervention services. This is a bone of contention with many in the child rights sector who feel DCW and its crisis intervention services are not trained to deal with children and their role should be limited to crisis intervention for adult survivors of rape.

every week. Need based meetings and training also take place whenever possible. All social workers within the team are given a topic that they need to work on and train other team members on. This internal training process helps to not only create knowledge around new changes but also develops their skills to conduct training outside the organisations. The director ensures that team members accompany her when she is conducting training for other organisations as a practice ground.

No specific training plan was observed within the legal team for lawyers. In one conversation with a lawyer, we observed that a high-quality hire negates the need for training as there is much learning on the job. The lawyer, who has a background in corporate law, stated that she was learning a lot in the area of child rights given her shift to the field four years ago. She stated that she has a very strong sense of purpose while working in HAQ and felt like she not only was learning about the field but also got an insight into a different way of life that parallelly exists. The law department discusses cases internally and are able to prepare for the hearings. A core provision at HAQ for lawyers is that they are able to develop skills of research and writing while practising which might not be the case elsewhere.

The counsellors at HAQ are well experienced in the counselling services. However, there is no specific inhouse training that is available for them. The counsellors are free to attend workshops that are organised on child welfare with regard to mental, physical health both at the national and international levels and implement the learnings in their area of work. The counsellors conduct various training session at school regarding POCSO, safety and wellbeing. On ground they collaborate with like-minded organisations to create awareness on CSA to the communities.

The research team, at the time of evaluation, consisted only of one person. HAQ has had difficulty hiring an additional resource to support the current research resource. With the depth of work and limitation of budget, this is a challenge. However, hiring is one for an additional resource for research and analytical writing. Interviews with the research team revealed that they were provided minimal training in writing analytically, which is one of the necessary requirements of HAQ. The in-charge of research used his skills that he knows from previous jobs to do his work and he felt like he needed support. We also learnt through our conversation with Bharti Ali, the Co-founder and Executive Director, who recently took over as the Head of Legal Assistance that several changes are being introduced to the research team including a new hire and an easy way of collecting data from lawyers, which would help in gathering quality and timely data. We were informed that the new Head of Legal Assistance has been recruited, and will join in June 2022.

There are no common formal training sessions for the members of different departments within the organisation. At present the learning and knowledge sharing takes place in an informal setting in the office. In the coming days there are plans to incorporate training sessions into the organisation's agenda to facilitate learning across the various departments.

A key function of HAQ is to conduct training for the judicial academy, police academy or legal services authorities across states. There are also training programmes for UNICEF and other such organisations. It is through these training that best practices are shared with others in the child rights ecosystem. Kundu, stated that the training of all heads of statutory bodies within the DCPCR are conducted by HAQ. He himself has been mentored by HAQ in taking cases to the High Court and Supreme Court that have helped DCPCR make history for the well-being of children. Bhavna Kalia, the Judge of the JJB in Alaknanda, stated that it was the training that was provided by HAQ that

helped her to become more effective in her role. She mentioned that Ali is always reachable through a call, if need be. HAQ, however, has no system to conduct training regularly with other stakeholders.

These trainings take place when organisations demand it. This could mean that HAQ only responds to training needs, except when it comes to building training lawyers in child rights- to build a cadre of child rights lawyers. That is where HAQ has taken a lead and conducted several training sessions for lawyers in the last three years. Applications are invited through a public advertisement and a screening committee selects the applications. Training is then conducted with the help of eminent legal luminaries, including sitting and former judges of the Delhi High Court and the Supreme Court of India.

In a recent training programme for the judicial academy, data was shared on the support provided by support persons. A judge, on account of that training, began to bring about a change in the way she asked for information about the child from the support person. The judge has now established a practice of interacting with the support person assigned to the child by the Child Welfare Committee and seeks a rehabilitation plan for the child from every support person. This act enhances the background knowledge of Judges to do better for the child. Therefore, every training opportunity is one to foster the vision of HAQ. HAQ also embeds training in almost all its programmes. Hence, they might offer training to public prosecutors or any other official and only ask them to attend.

Key feedback we heard regarding the training that are provided by HAQ is that they need to be regular and frequent. According to Subramani, *"HAQ has conducted training for lawyers on how to ask non-judgemental questions. But sometimes, our jobs are mechanical. It might be routine for the judge but for every child being questioned, it is the first time. HAQ has helped to understand this. But this has to happen more regularly, because again lawyers forget"*.

We observed that conducting high quality and effective training for various bodies and government departments is a key relationship and goodwill building tool that HAQ employs in its goal of humanising the system for all children.

4.1.3 Casework Management and Sharing of Good Practices

Partners and Stakeholders

The key stakeholders include the child at the centre of HAQ's work. The others include the families, legal representatives & functionaries, providers of psychosocial care (HAQ and non-HAQ teams included), Child Welfare Committees, representatives of other non-profits and Child Protection Bodies of the Government.

During the discussions, we observed that the stakeholders are positively invested in HAQ's work. The key strengths of HAQ's leadership and representatives include being accessible and available for support and help, sensitive and humble behaviour while engaging with families, going beyond the 'expected' support in helping children and families re-integrate, creating a sense of safety for families and giving them strength to continue their endeavours for justice and care for the child.

Other than the on-ground or physical presence, HAQ's series of publications through its websites are accessible. The Organisation provides information, data, and best practices on a wide range of issues. Some of these include - child marriage, the impact of mining on children, lessons drawn from

practices from other countries, intervention of sports related program on the well-being of the girl child, practices during the pandemic, analysis on judicial data to track implementation of POCSO Act in Delhi and other States, assessment reports on children in conflict with the law, on practices and use of counselling to rehabilitate children who are in conflict with the law, and joint papers with institutions on international participation and community engagement.

However, the website, as is, serves a limited purpose of being a resource sharing website. A minor intervention on cataloguing could help readers navigate through the available publications to find what interests them most, fairly quickly. Kundu mentions that the resources of HAQ, if easily available and accessible, can make a huge difference in terms of low-cost training tools for officials.

There is a wide range of funders that support HAQ. Their qualitative and financial investments have translated into outcomes and impact for children under various initiatives. Some of which are - national study on child trafficking, training & capacity building, review of 20 years of UN-CRC, child budget analysis, legal aid & resource centre for children in conflict with the law, handbook on children's rights to adequate housing, campaign against child trafficking, and empowering adolescents and their communities to prevent child marriages. The in-depth, yet wide ranging activities contribute directly to HAQ's vision of being a holistic support organisation for children who need justice and care.

While reflecting on publications and activities, we recognise the skill-intensive resources required to deliver each of the activities and publications. Hence, funds could be raised specifically for this endeavour.

Public Interest Litigation¹³

During the interviews, HAQ's lawyers cited the outcomes of the Public Interest Litigation (PIL) filed with regards to the rights of complainants in bail applications as a key accomplishment of the Organisation in advocating good practices that focus on the child. Prior to January 2020, and in numerous cases, bail was granted to the accused without the complainant (child/adolescent/family member/representative) being present. This deprived the complainant from stating their views before the court during bail proceedings. In May 2017, aggrieved mothers of children who survived sexual abuse, filed a public interest litigation (PIL) through HAQ and iProbono (Reena Jha & Anr. Vs Union of India & Ors). The parents and children were pained as they were not informed about bail approvals and hearings about their cases. In January 2020, as a direct outcome of HAQ's PIL, the Delhi High Court bench of Justice G.S. Sistani and Justice Anup Jairam Bhambhani issued guidelines to be followed in cases under the Protection of Children against Sexual Offences Act (POCSO Act). The provisions mandated that the presence of the victim/complainant/informant or his/her representative will be obligatory when bail applications are heard.

The PIL emphasised on Rules 4(11) and (12) of POCSO Rules, according to which, the police must inform the survivor's family about the arrests, bail hearings, the grant of bail etc. This provided an opportunity for the victim and/or the representative to put forth their point of view during the bail hearing, adding another layer of safeguard for victims, their families, and the community especially in cases where there was a threat to the child as witness.

¹³ For details of the Key and Additional Directions ordered, please see the HAQ Factbook, 2021 - URL <https://www.haqcrc.org/new-at-haq/2021-factbook-access-to-justice-restorative-care/> - pages 25-28

During the final stages of the argument on the PIL before the Delhi High Court, lawyers cited that the POCSO Act addressed heinous crimes against children, and these directions must also be extended to the said Act. Consequently, the final judgement announced on 27th January, 2020, recognised and included the provisions to extend the directions to offences under the POCSO Act as well. In May 2020, Justice Prabha Singh issued further guidelines on the matter for Courts, Judicial Functionaries, Investigating Officers, Representatives of Complainants to follow.

In our view, the gap created by orders passed by Duty Session Judges or those unfamiliar with the POCSO Courts, will continue to create challenges for complainants despite the directions from the Delhi High Court. The judicial functionaries will need to consider training or orientation on POCSO Act best practices and decisions on the PILs such as this one, to ensure that Duty Session Judges do not deviate. At the same time, we must recognise how impactful HAQ's PILs tend to be¹⁴.

Some of the litigations that HAQ is planning to take on in the near future is challenging the amendment to the JJ Act where 16–18-year-olds are subject to psychological assessment to determine if they should be tried as adults. Another one is the Amendment to the JJ Act (2021) that makes crimes against children non cognizable.

Another litigation in Delhi High Court, which will be intervention on behalf of a collective - NCAC (National Coalition for Advocating Adolescent Concerns) highlights concerns emerging from declaring child marriages null and void ab initio.

HAQ plans to challenge a recent Supreme Court judgement depriving a 20-year-old daughter the right to maintenance from father for her education simply because she does not wish to keep any relationship with the father. This can have a huge implication on the right of unmarried daughters to receive maintenance from their parents. Children may not want to keep a relationship with their parents for a myriad of reasons, but it does not take away their right to maintenance, especially for education support till they are able to earn for themselves.

4.1.4. Building a strong institution and mechanism for addressing violations of rights of adolescent (majority girls) victims of CSA

The overall strategy of HAQ while intervening in the child rights space is to strengthen the judiciary's capacities and responsibilities by establishing models that are replicable. For example, providing support for children who are victims of CSA, through a restorative care lens. Their experiences and insights are well documented and freely available, with the belief that these are for everyone's use to strengthen the child rights space.

In some cases, HAQ also participates in prevention mechanisms, by joining other organisations on special projects. Similarly, HAQ partners with organisations when it can see that there are some larger issues where collaboration will be useful. Partnerships in HAQ are determined based on the larger goal one wants to reach and on conviction. Hence there are instances when HAQ has taken cases even at the risk of doing it alone or when there was no funding. In other cases, HAQ is never quick to partner with other organisations or take on an issue without adequate data. There are also instances

¹⁴ We have come to know that subsequent to Reena Jha, similar orders were passed by the High Courts in other states - UP, Maharashtra, and very recently in Karnataka, quoting Reena Jha.

where HAQ has taken the time to gather enough data and evidence to make a case for certain changes. This takes time, but the data is able to convince people who might otherwise not see the need for change.

In the near future HAQ would also like to support Children in Conflict with the Law (CCLs). However, there is considerable opposition to the idea (more in sec 4.2.1.) collecting evidence and demonstrating to the larger ecosystem why it is imperative to work with all children, is the way in which HAQ would like to create a solid foundation to begin.

HAQ factsheets and the imperative role

HAQ’s practice to record data and present it as factsheets across 10 key facets of its work since 2012 is an asset for stakeholders. Between 2012 and 2021, the factsheets have shared data and analysis-drawing insights from profiles of 417 children. The factsheets have been an important source of information on cases referred to HAQ. The primary audience for these factsheets includes the HAQ legal teams, social workers, counsellors, members of staff, DCW lawyers, CWC members, judicial functionaries, and members of the Police Department. Researchers and other organisations also refer to HAQs publications and factsheets to understand the space in detail.

We found that this annual practice by HAQ’s research and field teams is directly contributing to filling the information gaps that might exist to initiate some important changes in the field.

The factsheets provide snapshots from extant data on the trend of the case referrals: how children/their families reach HAQ - directly, through CWCs/Courts and so on. Profiles of those perpetrating abuse are reported, including details of proximity with the child. The factsheets record the time taken, the challenges, and the closures of cases - from the point of being reported, for FIRs to be filed, for Investigating Officers to record testimonies, to further course of action by the courts - in issuing definite orders to either charge the accused /bail the accused/investigate further/dismiss the case. HAQ’s impact and psychosocial support offered to children/their families is also recorded. This information is organised across 10 factsheets that are circulated through publication on HAQ’s website and through email to relevant stakeholders.

The release of factsheets by HAQ each year is much awaited by stakeholders in the child rights space. Three examples on the basis of how the factsheets serve as effective analysis are presented below:

<i>Factsheets outline concerns on how information on children is dealt with insensitively</i>	<i>Factsheets bust myths: children are exposed to abuse in their homes, neighbourhoods too...</i>	<i>Factsheets inspire dialogue to share a ‘lot more’ care and support the children can be offered</i>
HAQ’s advocacy has focussed on keeping the child’s identity confidential for reasons of safety and protection. HAQ found that between 2012-15, the child’s identity was disclosed in over 40% cases. HAQ continued, through its work with functionaries and	HAQ busts a commonly held myth that perpetrators of child sex abuse are unknown to the child. The data draws attention to vulnerabilities within the family and neighbourhood of children. Data on accused mapped to	HAQ’s support goes beyond advocacy and legal work. The factsheet on Psychosocial Impact and Support indicates that of the 417 child profiles recorded, 160 have been provided financial support, 269 children/families have received psychological

<p>publications, to drive the importance of confidentiality in matters of identity. The data analysed in the factsheets between 2014-17, in 47% cases the child was indirectly identifiable as the name of a relative or school was disclosed.</p> <p>However, in 2021, HAQ records that between 2019-2021, the number of children whose identities have been directly or indirectly disclosed is zero. These are some encouraging trends in this space.</p>	<p>proximity with the child indicates 87% accused are known to the child; 55% are neighbours; of close relatives - 77% are uncles/aunts (paternal or maternal), and 59% person cases report accused biological fathers (33% cases have step fathers as accused).</p> <p>This data has helped raise questions around what safety might mean for a child.</p>	<p>support¹⁵, and 121 cases have received paralegal support.</p> <p>This data brings back the focus and need for HAQ's work on restorative care, that it is much more holistic than just legal support.</p>
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Table 2: Summary points from three factsheets from HAQ’s Factbook 2021 served as examples

We found that each of the ten factsheets performs a crucial role in filling the data-analytical gaps. The three examples above highlight how HAQ has been able to conceptualise, develop, deploy and evolve its efforts while looking at the challenges faced by the child through various lenses. The factsheet is a unique document in its accuracy and granularity on issues that need attention.

During the discussions, it was indicated that the compilation and final release of the factsheets are delayed often. We recommended that HAQ invests in research and analytical skills, technical writers, in order to mitigate some of these issues. Drastic delays may make the factsheets redundant to some of the intended audience. Other organisations in the space could consider the Factbook 2021 as a multi-lens framework to develop their data gathering tools and to frame stakeholder reports for whom timing becomes even more crucial.

4.2 Sustainability of the Model

The following section provides some findings around the sustainability of HAQ. The insights presented here are gathered from a variety of sources including interviews with the senior leadership team, staff, children and families, other stakeholders and the strategy workshop described in Section 3.3.6.

4.2.1 Evolving theory of change

HAQ: Centre for Child Rights works for the rights of children from a systems perspective. Accordingly, it started work with prevention of child marriage and child labour. Today, it provides comprehensive support services for children from prevention of violence to holistic support for victims of CSA. It also works with children in conflict with the law.

¹⁵ HAQ provides emotional/psychological support in three ways - Primary care - Emotional concerns and anxieties identified and handled by social worker; Secondary Care - Counselling need identified and met through HAQ in-house counsellor; Tertiary Care - Assistance provided for psychiatric treatment/psychological follow-up

Through its theory of change¹⁶, HAQ endorses- ‘Child marriage is a violation of rights and children must be protected. Patriarchy and social norms remain the key drivers of child marriage. The 3S model is based on interventions at three levels in order to address and impact child marriage, namely: Self, Society and System. When the individual is empowered, at the societal level communities are mobilised, and mandated structures are activated and held accountable. Thus, through a harmonious coherence between these three levels, child marriages can be prevented. This requires skilful facilitation as well as certain processes and forums to ensure proper institutionalisation and sustainability.’

HAQ’s evolving theory of change and work has created engagement within the functions and functionalities of judicial and legal systems. HAQ has emerged as a knowledge organisation that has created linkages between micro and macro levels of the children’s ecosystem. These linkages through which information and data flow, have proved to be credible sources of evidence generation - that feed into further analysis and informed decisions about children. During the strategy workshop, it came out quite clearly that HAQ prides itself in credible activism that holds quality and integrity as its most important yardsticks for making decisions.

Taking these past experiences forward, HAQ is contemplating setting up a Child Rights Legal Firm (CRLF), the brainchild of Anant and Bharti.

The core leadership (and some lawyers within HAQ) also resonate with the idea of the CRLF. CRLF is envisioned as a for-profit model that takes on cases regarding the violation of child rights but also represents cases of those children that do not have the finances to hire lawyers. The earnings from some cases will subsidise others. Therefore, the cases that will be represented will be beyond POCSO cases. The CRLF then will be the foremost entity that champions the rights of all children. The organisation will provide continuous mentoring to lawyers to take on cases of children and create a network to foreground the issues regarding the violation of child rights. Although the idea is still in its nascent stage, there are some logistical questions and planning required.

Another question that HAQ is working with is representing CCLs. Currently, HAQ primarily works with children whose rights have been violated as in CSA, child labour, child marriage and so forth. They would now like to turn their attention towards those who are caught in petty crimes. The challenge to start this very useful work is the lack of funding available to support CCLs. According to Kalia, the narratives set by the media after the Nirbhaya rape case has vitiated any reasonable conversation that can be had regarding children and their circumstances that lead them to crime. HAQ however would like to embark on this journey, by first representing children who are caught for petty crimes gradually moving to representing children accused of heinous crimes.

Finally, among the precepts that remain such as never providing services to people but supporting the judiciary to work for their betterment, another pressure that is being felt is regarding adopting a market language and professionalising HAQ, as opposed to continuing to be a space for activism. It is the spirit of activism that has allowed them to take on a stand based on their convictions and not depend on funding that would set the agenda for them. However, this conversation is part of a larger conversation around the country wherever voluntarism and activism has been replaced by apolitical technocrats who are increasingly guided by donor beliefs. Given the reputation of HAQ as being

¹⁶ HAQ (2018), ‘Towards ending child marriage’, a report, p. 3

guided by a strong ethos of excellence and original thought, HAQ could come up with a solution that could be emulated by others.

4.2.2 Scalability of work

Several questions were considered when it came to the scalability of HAQ's work or HAQ itself. Although HAQ has a solid reputation for being the torchbearers in the child rights space, scale is something that has been on the organisation's mind, after about two decades of being in existence. Scale for HAQ, so far, has meant that the research-based publications that share data and analysis pertaining to child rights and the overall space will continue to be created and shared, collaborations and impact litigations will continue too. The pandemic did boost its online reach to a larger audience.

In all our conversations and time spent with HAQ we concluded that the organisation currently is grappling with what it means to scale. On the one hand, they feel like they have done enough and more to support Delhi and NCR, and the pressing needs of children all over the country requires them to support other states, and on the other, there are doubts regarding marketization of their work and adopting a technocratic model that might deeply impinge on their identity and character as fearless activists.

For this, we suggest a feminist model of scaling. This idea is partly captured in Gugelev and Stern's, 'What's your Endgame?' Framework¹⁷. HAQ's approach to the work is that of rights based, and conveys an 'activist' persona, rather than of a 'social entrepreneur'. Thus, HAQ, from a perspective of scalability may find itself in a unique position of being able to scale with a dual model. Scaling the 'services' - open source, have legal service offerings, legal-first aid courses at affordable costs. The idea would be to embrace an ecosystem model of growth rather than scale. Scale in traditional business parlance would mean reaching more customers at a less cost. Ecosystem models of growth would mean strengthening existing organisations in various geographies, building partnerships and thus preserving the nature of local organisations. This in turn would allow for the preservation of HAQ's nature. Along with strengthening such partnerships, HAQ could also focus on reaching more children through their impact litigation and advocacy rather than directly supporting children.

4.2.3 Capacity Building needs and resources required

An investment in talent in the form of creating legal first aid for those who will be meeting families and children will be immensely helpful. Often, social workers who are visiting parents and children find it difficult to suggest next steps. Hence creating a legal first aid, which can be like a ready reference for those on the field will enable them to guide distraught parents and children more effectively. Currently, HAQ is creating a short video that will provide this information. They have the video clips and the expertise inhouse and will be shortly creating it.

Another area that HAQ will benefit from, is to invest in analytical writing training. This is a key criterion of HAQ's reports and investing in either high quality research team members or investing in training will allow them to maintain the quality of their numerous documents that are released through the year. At the time of writing this report, a positive change that has been initiated in the legal department has been a change in the way in which information is collected from lawyers after court

¹⁷ Gugelev, Alice and Stern, Andrew (2015), 'What's Your Endgame?', *Stanford Social Innovation Review* Winter 2015, pgs 39-47

hearings. Not too long ago, lawyers would have to feed in data into the CPIMS, which would cause delays. The method followed is to use an email chain identified by the CaseID. Lawyers now only have to update developments in the case using the email chain, which will then be taken by the research team (or interns) and entered into the CPIMS. The change seems promising, as access to emails seems easier than access to CPIMS.

HAQ's office being an inclusive office space is a strategic requirement - to create a more engaged workforce, who must potentially share information among themselves. Given that frequent and timely communication within the organisation has been a challenge, an intentional change in physical office space, could increase interdepartmental communication. This will not be a replacement for official and formal team meetings, but will complement organisational efforts.

4.2.4 Access to funding opportunities

The 2019-20 amendments to India's Foreign Currency Regulatory Act (FCRA- licensing regime that permits non-profits to receive donations from foreign sources) made changes to accounting, regulatory, and reporting structures impacting organisations directly. The Government of India is strict on FCRA compliances including frequent filing, disclosures, and spending of funds which has led to many organisations losing the licence. Although widely controversial, contested and often viewed as a tool to control organisations that question the government, the new regulations are an impediment to impactful work. HAQ's concern with losing the FCRA approval from the government will immediately prevent it from receiving funds from its foreign donors. A 'funding-gap' will need to be filled by donations raised from within the country.

Within India, giving in the social space is mainly a result of the Corporate Social Responsibility (CSR) mandate by the Government to private companies. Under CSR laws, companies must spend a portion of their profits to support non-profit causes. Given that CSR managers are not fully inclined or skilled in development sector work, the focus on disbursement usually focuses on tangible 'outcomes', preferable with the year of spending. Hence capacity building, research, and longer-term impact programs do not feature in the list of preferred CSR activities in India.

HAQ receives most of its funding from philanthropic and international organisations. They are also approached by certain organisations (UNICEF) requesting to carry out a few important projects due to their expertise in the field. The current source of funding was received from APPI to implement the program "Access to Justice and Restorative Care" that supports victims of CSA. Some earlier donors are the Human Dignity Foundation, UNICEF, American Jewish World Services, and Ford Foundation among others. The current ones include Terre des Hommes (Germany) and Malala Fund. Due to the uncertainties with regards to the renewal of the FCRA, a team meeting was held, to inform all staff about the challenges. All staff members came up with ideas to raise funds such as increasing visibility of the organisation through marketing. Although there is some sense of anxiety over the renewal of FCRA and the source of funds, there is also an excitement to work on new sources of funding.

HAQ could leverage this as an opportunity to engage in peer-to-peer (retail fundraising) strategies. Small donation sizes raised from individuals are 'unrestricted' in nature, i.e. do not come with expenditure riders like CSR funds. HAQ can spend funds raised for capacity building, research, and other initiatives. HAQ will need to generate a volume of individual donors in the coming years to make this sizable, however, given the limitations imposed on large-size donations/grants, this is a feasible way forward.

4.2.5. Future leadership

HAQ's current leadership has earned respect and positive equity- internally and externally¹⁸. The organisation has also served the ecosystem by being a pipeline of highly trained personnel who serve in partner organisations, funding bodies, and government bodies that further enrich the child rights space. In our own experience, one stakeholder, who we interviewed at the Alaknanda JJB, was an ex-staff of HAQ. Another conversation that is continuously encouraged within HAQ is the future ambitions of staff members. Several social workers in the Restorative Care team are encouraged to apply for positions in bodies such as a Child Welfare Committees as chairpersons or members. Therefore, although HAQ supplies high quality personnel to the ecosystem, it seems like they rarely benefit from the efforts of others. HAQ finds it hard to hire highly qualified and competent professionals due to budget constraints. Therefore, there seems to be an imbalance in how much HAQ enriches the ecosystem but fails to get enriched by it. Therefore, one viable solution for this situation is to raise funding demands in order to be able to initiate lateral hires into HAQ.

In the case of future leadership, as mentioned earlier, efforts are made to nurture young talent and leadership. Another area HAQ needs to consider on priority is who will take HAQ forward. Through subsequent strategy workshop sessions, the creation of a 'second line' of high potential staff members would serve well.

¹⁸ InteGRAL's interviews, Feb-Mar 2022 for this report

5. Conclusion and Recommendations

Through this evaluation, we aimed to look at the following aspects¹⁹: the achievements of HAQ, what are some ways in which HAQ can plan for the future and what support and resources does it need. Stakeholder interactions with children and adolescents who have been exposed to abuse and their families speak of HAQ with tremendous confidence, almost as a ‘force behind them’ that helps them find ‘comfort’, ‘justice’, and ‘re-integration’. It becomes clear during the conversations with the Leadership and Staff at HAQ that their approach and outlook is that of empathy, and activism - lending care and strengthening the voices - for those who have been affected.

HAQ is responding to the challenge of delayed justice, lack of empowerment to victims and their families, paucity of systems & resources that must otherwise prevent victims from falling through the cracks owed to financial/socio-political circumstances, and working with competing forces for whom legal services may only be a means of income and not justice. The Organisation advocates through its publications and work that these challenges need to be addressed. HAQ’s approach is not to fault other stakeholders working in the space; instead to be a supportive, effective, and empowered actor in the overall system of restorative care and justice for children who have been exposed to CSA. HAQ’s focus is to bring back the adolescents to the ‘mainstream of living’, counselling them to ‘put behind’ the trauma and aim for a positive life ahead that includes completing education, finding gainful employment, and being an effective contributor for self and family.

Following are some recommendations for HAQ based on our evaluation:

Restorative Care and Access to Justice:

- Continue to communicate with parents on a regular basis so that they know what to expect from HAQ. The expectations from families currently interacting with HAQ remain quite high. The commendable empathy and consistent behaviour of ‘understanding’ that HAQ staff have demonstrated while interacting with families have raised the bar. The stakeholders believe that HAQ can support ‘more’ and with almost ‘anything’. This creates a future where, through interactions, the teams can set the expectations on what HAQ can do effectively for them, while ensuring that the stakeholders move forward towards their own independent future, rather than creating constant dependence on HAQ. The approach of HAQ as a friend in need, *saathi* for children/adolescents, their families
- Focus on developing a relationship with DCW lawyers as an integral part of the support to children. Although perceived as ‘opponents’, other ‘government’ or DCW lawyers are not viewed by HAQ as competitors. The HAQ leadership is aware of the confusion created in the space by lawyers who deter families from speaking to HAQ, often referring to this support as ‘private lawyers. A breakthrough is sought in this framework to clarify the understanding that HAQ is willing to be a ‘need-based’ support where families already have legal aid at their disposal (can focus only on psycho-social support, while the Legal Firm carries forward the mandate to provide legal support.)
- Create a legal first aid kit to enable children, parents and staff of HAQ to anticipate what are some next steps and options available

¹⁹ Drawing on HAQ’s strategy meet notes - the SWOT, Feb 2022, and MIT Paper on challenging spaces for non-profits to operate, and possible strategic frameworks to consider, Gugelev and Stern’s paper titled ‘What’s Your Endgame’, in Stanford Social Innovation Review Winter 2015

- Be mindful of the caseload for each lawyer. Evaluate if the numbers decided by funders and donors is taking precedence over what the real needs of the children and families are.

Fundraising:

- HAQ is not immune to the pressures in the development sector. An increased vigilance on how non-profits perform, prudence on foreign funding through FCRA channels through constant amendments to the Act, and competition for fundraising in a 'complex space' poses several challenges. Hence HAQ needs to focus on fundraising.
- HAQ could consider instituting a fundraising team that solely looks at various sources of funding through grants or donations within India. In addition, HAQ could consider hiring a professional fundraising consultant, who would seek funding from diverse sources.
- The CRLF could be a viable option as a revenue source in the future. If the CRLF is registered as a company instead of a charity, a stream of business can contribute to its revenue.
- Focus on marketing some of the work that HAQ has accomplished to create visibility that might aid fundraising.
- Possibly use the existing network of high-profile well-wishers to influence the conversation around the renewal of the FCRA

Improving visibility of the organisation:

- Closely related to fundraising, is increasing the visibility of the organisation. This could be done through investing in some form of marketing of one's work and by use of media and technology to reach wider audiences
- Work around the website to make it a comprehensive and easy to navigate repository of information in the child rights space
- Invest in training writers and researchers who will create impactful and timely reports. Change the layout and presentation of the documents to make them more engaging. Include a few pages as summaries that are aimed towards a non-expert audience.
- HAQ might want to consider if it would want to market itself to families and children directly. This is one of the suggestions received from a stakeholder who thinks that children have nowhere to turn to. However, HAQ might want to consider if this is an objective it wants to work towards and proceed accordingly.

Staff well-being, organisational development and leadership:

- HAQ needs to prioritise organisational communication on a regular basis. This needs to take place at the core leadership level as well as organisation-wide. It could take the form of monthly organisational meetings and weekly departmental meetings.
- Raise adequate budget for annual organisational step backs and retreats
- Allot time and resources for staff well-being and HAQ-community care. HAQ's current caseload is 1000+, and is likely to grow given its holistic support offerings to care legally as well as psycho-socially for the children and their families, hence staff well-being has to be prioritised
- Be attentive to developing the second line of leadership even if it might mean making a new hire

- HAQ's model and work has tremendous scope to scale: it sets out with the principles of being unique by providing Justice AND Care support. HAQ has been able to accomplish exactly what it set out to do through its framework, offerings, operations and impact.

The following are some recommendations for donors and partners:

- Continue funding of HAQ as at this point, there is no substitute working at the level that they are
- Provide support for meaningful growth of the HAQ; keeping in mind preservation of their own character yet ensuring they reach more children and families
- Approve budgets for lateral high-quality hires
- In general, come together as funders and donors to protect activist organisations like HAQ who are increasingly being coerced to adopt an apolitical approach to inherently political work



6. Annexures

Annexure 1. Framework for data collection & interview questions

The table cover the theme, sub-themes, and questions

<i>Themes</i>	<i>Sub-themes & interview questions</i>
<i>Effectiveness of Interventions</i>	1. Restorative Care:
	Numbers
	What restorative care entails? How programmes provide restorative care?
	What we heard from parents and adolescent girls? (What works, what needs to change, some suggestions): Feedback on the psychosocial support and legal representation received
	Experiences of adolescent boys and their families in the programme (receiving support)
	2. Capacity Building:
	Relationships/ Communication/ Processes
	Decision Making
	Future Leadership
	Training of legal functionaries: What did it entail; what did participants report w.r.t learning (increase in knowledge and skills as well as attitudes); how has the training been useful in their work; feedback for improvement
Fellowship for lawyers, social workers and counsellors: What did they do during the fellowship; how was it useful; feedback for improvement; did it help their careers; how did the fellowship help them contribute towards work on child sexual abuse and child rights	
Filing a Public Interest Litigation: What did this involve, achievements and what could have been done better	
Publication of annual Factsheets: What factsheets were developed; who was the intended audience; how were these disseminated; what did it help achieve; what could have been done better.	

	<p>Staff annual retreat and National Stakeholder Meet:</p> <p>i. What did the retreat involve, what did the staff report learning in the retreat; how was the retreat useful to them?</p> <p>ii. When was the Stakeholder Meet planned; what were the key objectives; were these objectives achieved and how? What did this meet help achieve</p>
	<p>Case management, monitoring and review: What is the process for undertaking this; what is working well; what challenges are faced and what support is required; what can be improved.</p>
<i>Project Achievements</i>	<p>How has HAQ’s vision of work with children and their families evolved?</p> <p>How has the Covid-19 pandemic affected their work and raised questions on their sustainability</p> <p>Has funding from other sources influenced the work of the NGO.</p> <p>Strategic Leadership</p> <p>Documentation/ Evidence Gathering/</p> <p>Capacity Building of others in the child rights space</p> <p>Relationships/ Communication/ Processes</p> <p>Decision Making</p>
<i>Way Forward</i>	<p>Strategic Partnerships</p> <p>Future Leadership</p> <p>Scalability</p> <p>Evolving Theory of Change</p> <p>Funding and Sustainability</p> <p>Capacity Building needs and sustainability of the project</p> <p>Resources required</p>

Annexure 2: Tools for Data Collection

No	Stakeholder	Tool
1	Interviews with Adolescent girls who received psychosocial + legal support / psychosocial support	FGDs Each FGD will last about 45 mins and will be conducted with the child and their family.
2	Interviews with Adolescent boys who received psychosocial + legal support / psychosocial support	FGDs Each FGD will last about 45 mins and will be conducted with the child and their family.
3	Government legal functionaries	Interviews
4	Lawyers	Interviews
5	Social Workers and Counsellors	Interviews
6	Project Staff/ Implementation Staff	Interviews
7	Senior Leadership in the NGO	Interviews
	Optional (we can interview at least three groups of people from this list)	
8	Childline organisations that have partners with HAQ	Interviews
9	Other NGOs	Interviews
10	Police Investigating Officers	Interviews
11	Chairperson/ Members of DCPCR	Interviews
12	District Child Protection Officers	Interviews
13	Women and Child Department, Government of NCT Delhi	Interviews

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