

Linking other Stakeholders **associated with dealing of CSA**

By

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Objectives

- To understand the **roles of various members** in Child protection system under POCSO Act, 2012
- To understand the **possible linkages** of Health care provider with this Child protection system

Why Child Protection System?

- Traumatized after CSA
- Vulnerable for further / repeat abuse
- Risk of secondary victimisation at the hands of Justice delivery system

Child Protection System

- POCSO **Act**, 2012
- POCSO **Rules**, 2012
- **Model Guidelines by WCD** Ministry under Section 39 of POCSO Act, 2012 released in September, 2013

Other than/ In addition to

- **Doctor** – Care giver /Evidence collection / Prevention / Protection
- **Counselors, Psychologists, Psychiatrists**

Exercise

- List the other **members** of Child Protection System and their **possible roles**.

Child Protection System

- Special Juvenile Police Unit or local police
- Members of Child Welfare Committees
- Interpreters, translators and special needs educators
- Social workers, support persons and NGO workers
- Child development experts
- Advocates - legal aid lawyers and public prosecutors
- Judges and staff of Special Courts

Special Juvenile Police Unit or local police

- Act sees the Police in the **role of Child protectors**
 - Urgent arrangements of care & protection of child
 - obtaining emergency medical treatment for the child
 - placing the child in shelter home should the need arise
 - Support services including counseling
 - Right for legal advice / lawyer
 - **Inform Child welfare committee** within 24 hours
 - accused is in same/shared household of child
 - child is in child care institution without parental support
 - child does not have any home and parental support

Members of Child Welfare Committees

- Powers in Sec 31(1) of JJ Act 2000 – within three days
- On its own **OR** Social worker/Probation officer /NGO
- Opinion / Preference of child (Best interest of child)
- **To find out**
 - child's physical & emotional state
 - child needs urgent medical/mental health intervention
 - child needs shelter
 - to hear child's version
 - to get insight into child's relationship with parent/guardian/ trusted person
 - to support the child to participate in decision making
- **Child protection plan / Individual care plan**

Interpreters, translators and special needs educators

- DCPU to maintain **register** available to all stakeholders
- Interpreters / Translators – know the language by vocation/ profession / residence
- Sign language interpreter / special educators – qualifications from recognised university / Rehabilitation Council of India
- Gender **preferred by child**
- Should be unbiased, impartial / **No conflict of interest**
- Can be engaged in Pretrial / Trial proceedings

Support persons, Social workers and NGO workers

- Support persons – provide information, emotional & psychological support & practical assistance
 - Could be appointed either by CWC or Child/family
 - list to be maintained by DCPU and CWC
- Social workers / NGO –
 - Can act as Support persons
 - Can help in creating Public awareness
 - Can help in Training

Child development experts

- Trained to work
 - with children with physical or mental disabilities
 - evaluate child's physical & mental development
 - facilitate communication with the child
- Can be engaged in Pretrial / Trial stage

Advocates - legal aid lawyers and public prosecutors

- District Legal Services Authority will have the list
- Before Trial / During Trial
 - Legal representation
 - Legal Counseling
 - Legal Advice

Judges and staff of Special Courts

- Special Courts for speedy trial
- Accused **not seen by child**
 - but accused can hear the child – video conferencing or single visibility mirrors or curtains
- **In camera trial** – parents or trusted persons
- Issue **Commission** if not possible to bring child
- **Interpreter** or **Translator** ... recording evidence
- Mental / Physical disability – **Special educator**
- Pretrial / Trial stage – **assistance of experts**- child

Child friendly court - Kakradooma



Child friendly court - Kakradooma



Vulnerable Witness Deposition complex

- 17/09/2014
- Saket Court complex, New Delhi

Role of Doctors under the POCSO Act

- **Dual Role for Doctors:**
 - They are in a position to **detect** that a child has been or is being abused (for example, if they come across a child with an STD)
 - They are also often the first point of reference in **confirming** that a child has indeed been the victim of sexual abuse.
- Doctors and other medical professionals are involved at the stage of **providing emergency medical care** to the sexually abused child as well as at the stage of **conducting medical examination**.

Role of Counselors?

- First line of counseling – **Treating Doctor**
- Actual – **Clinical Psychologist**
- Therapeutic Counseling **V** Forensic Counseling

THANK YOU