

Background

Child abuse in various forms such as physical, sexual, neglect or emotional, not only harms the child physically but also leaves a scar on his/her mental and social well being. Children due to their age, socio-economic background, sex, physical and mental disabilities are at risk of exploitation, abuse, violence and neglect as well as are susceptible to commit crimes. Children who are victims of abuse and children who commit crimes under/ due to the pressure of adults are reluctant to disclose about it. The reluctance to disclose is likely to stem from various reasons such as fear, embarrassment, lack of words or vocabulary, guilt or someone close to the child (a family member or a relative) is involved in the abuse or crime.

Further, children who have been abused are not only traumatized as a result of their experience, but are also vulnerable to further and repeated abuse and at risk of secondary victimization at the hands of the justice delivery process. A common example is the handling of cases of child victims by various authorities and stakeholders under the justice delivery system, who lacks knowledge about child psychology, child rights, and sensitivity on how to deal and communicate with the children including children with special needs and their families.

Hence, to deal with the effects of child abuse and to handle children in conflict with law, it is important to provide immediate and effective help of the experts and professionals who work in the field of child development and possess knowledge about child psychology, growth and development issues, psychological issues related to children, understand the special needs of the child and also knows the art of communicating with children. These experts & professionals can play an important role in enabling the healing process of the children and their families. Along with that, they can also aid various authorities and stakeholders to understand the reasons of committing offences by children. These experts and professionals can provide informational, emotional, psychological support and practical assistance to the child and his/her family, which are often crucial to the recovery and also help children to deal with the strains of legal proceeding.

"Children are saying something; don't just hear LISTEN to them".

Legal provision regarding Experts/Professionals

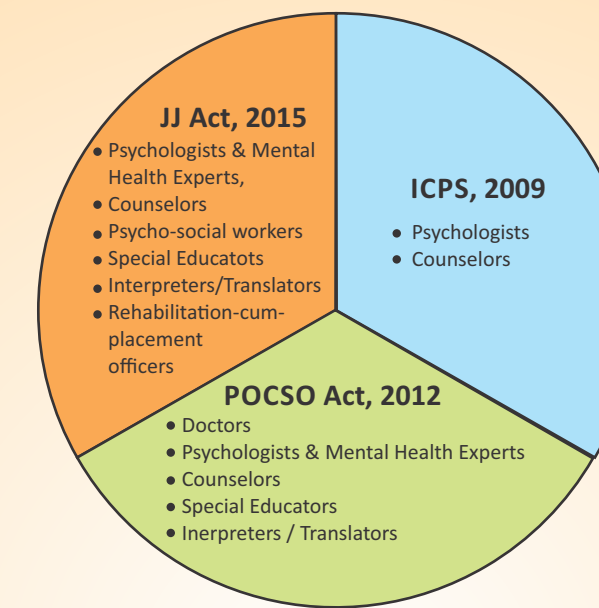
To deals with various issues of children and to provide support to the children and their families different Acts/Schemes have envisaged the role of experts/professionals at various levels. ICPS has mentioned the role of various experts and professionals such as, Psychologists and Counsellors. Protection of Children from Sexual Offences (POCSO) Act, 2012 empowers State government to issues guideline for the assistance of expert/professional. With reference to the same, the State Government has also notified the guideline for the NGOs, Professionals and Experts under POCSO Act, 2012. The key components of the guidelines were the empanelment of various experts and professionals by the DCPU, their qualification, selection and has also provided guidelines on interviewing a child.

The Juvenile Justice (Care and Protection of Children) Act, 2015 and Juvenile Justice (Care and Protection of Children) Model Rules, 2016 have also foreseen the role of various experts and professionals. These Acts have included various experts and professionals such as Mental Health Experts including Psychologists, Counsellor, Clinical Psychologists, Rehabilitation Psychologists and Psychiatric Social Worker, Special Educators (Physical and Mental Disability), Doctors, Interpreters, Translators, Rehabilitation –cum – Placement Officer. Along with this, these Acts have also mentioned the role of Support Persons, Para legal Volunteers, Person familiar with the manner of communication of the child and Social Workers to assist and/or support the child and authorities during the pre trial and trial process.

An expert is defined as a 'person trained in mental health, medicine, child development or other related discipline, who may be required to facilitate communication with a child whose ability to communicate has been affected by trauma, disability or any other vulnerability'.

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Experts/Professionals in different Acts/Schemes

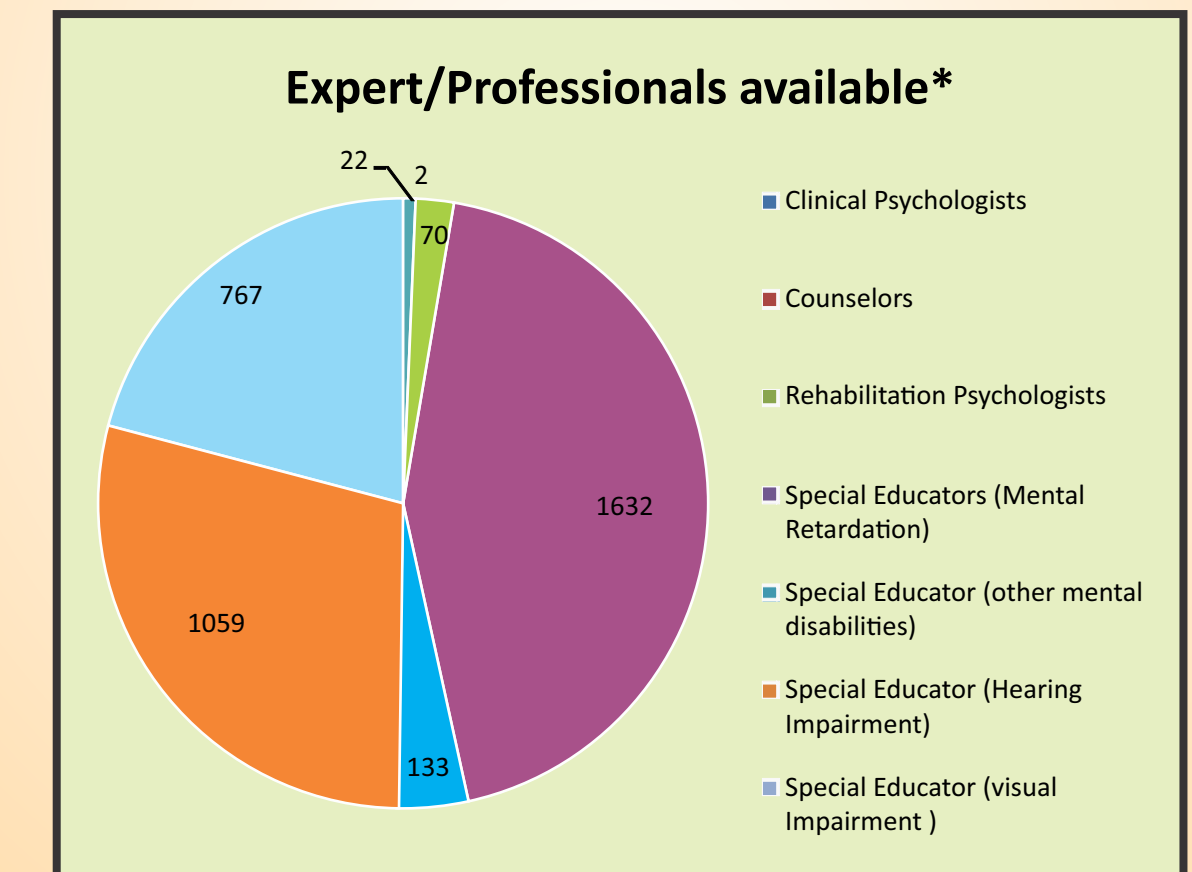


Experts/ Professionals	Key Role
Psychologist and Mental Health Experts	Psychologist and mental health experts can assist the board for conducting preliminary assessment of Children in Conflict with Law. They can also help to improve and enhance the child's overall personal and social well-being. They can also assess the child's mental status and provides intervention.
Counsellors	Counsellor's role is to provide counselling, support and group-based programs to children referred to them & help the child to recover from the trauma and develop a positive attitude towards life.
Psycho-Social Worker	A Psycho Social Worker can assist in understanding the mental status of a child and helps in the rehabilitation of the children with psychological issues. Also to facilitate access to various schemes and programs.
Special Educators	Special educators helps understand the needs of special children (both physically and mentally challenged) and facilitate communication between the child and the concerned authority
Interpreters/ Translators	Interpret/translators role is to interpret or translate oral and written communication between the child and concerned authority
Rehabilitation – cum – Placement Officer	Identify the skills and aptitude of the children placed in child care institutions through appropriate mechanism and prepares rehabilitation plans keeping in mind the nature of the offence and the personality traits of the child.

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Availability of Experts/Professionals in Rajasthan

In compliance with the guidelines notified by the State Government under POCSO Act, 2012, the experts and professionals under various Acts/Schemes should be registered with Rehabilitation Council of India (RCI), Government of India. Accordingly, there are about **94 registered Psychologist** and **3591 registered Special Educators** available across Rajasthan.



*The above data is prepared as per the updates on 11th March 2017 at RCI Website.

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Need of the Experts/Professionals

Lack of information about the legal system, its working and procedural and legal delays often leads to secondary victimization of the children leaving them helpless and hopeless. Hence, the need of experts and professionals were felt, to deal with various issues of the child abuse, to facilitate the communication between children and concerned authority and also to facilitate the rehabilitation and reintegration of the child in his/her family and community.

More specifically experts and professional are needed to deal with the following issues of the children and related concerned authorities -

- To help children deal with the trauma of abuse and foster healing.
- To Help children tell their story leading to the concern.
- To provide counselling, support and group –based programs to children and his /her family.
- To provide support to the child during the pre-trial and trial process.
- To assess the special needs of the children and help authority to understand the same and further help to facilitate the case.
- To facilitate the communication between the concerned authority such as police, judge etc. and child.
- To interpret and translate communication between the police or support persons etc. and child and his/her family.
- To familiarize the children to the court proceedings and court environment.
- To assist the concerned authority to conduct the preliminary assessment with regards to the child mental and physical capacity to commit an offence and ability to understand the consequences of such offence.
- To assist Child Welfare Committee (CWC) in its inquiry regarding child victims of sexual abuse.
- To facilitate the rehabilitation and reintegration of the child into his/her family/community.
- Help child to benefit from welfare schemes.
- To prepare individual care plan of the child for their rehabilitation and reintegration into the society.

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How absence of Expert/Professionals impacts children and their case

- Impedes the healing process of the child victims
- Increase the chances of re-victimization of the child
- Difficulty in assessing and understanding the needs of special children.
- Hinders the communication between the concerned authority such as police, judge etc. and child
- Difficulty in conducting preliminary assessment with regards to the child mental and physical capacity to commit an offence and ability to understand the consequences of such offence.
- Hampers or delay the rehabilitation and reintegration of the child into his/her family/community
- There will not be any support to the child during the pre-trial and trial process.
- Authorities are also facing the problem of non availability of experts and professionals to fulfil the obligations mandate in laws.

Gaps and Challenges

Though various Acts/ Schemes have envisaged and defined the role of experts and professionals, but unfortunately, very few experts and professionals are available across Rajasthan to deal with the issues of child abuse and the ones who are available are either not trained in dealing with the child issues or lacks necessary skill and motivation to work with such children. Thus, it poses a big challenge for the concerned authority to provide the services of professionals to children and their family. Some of the major challenges in this regards are as follows:-

- Available experts and professional are not yet empanelled by DCPU.
- Lack of availability of experts/professional especially interpreter and translators.
- Untrained experts/professionals to deal with the issues of children
- Inadequate guidelines regarding their qualification, recruitment and roles.
- We still have professionals who don't recognize their obligations under the mandatory reporting law.

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Way forward

- Empanelment of available experts and professionals at district levels by District Child Protection Unit (DCPU)
- Effective training programs should be conducted for the available experts and professionals to deal with children and their issues in a sensitive manner
- Professional degree/diploma courses such as counseling courses, course for social workers, interpreters and translators etc should be started by the college, university and other institutes to cater the gap of professionals.
- Motivate youth to work in the area of child protection and create resources to generate more and more career and job opportunities in the field.

How to reach Experts/Professionals

All the relevant information of registered experts and professionals such as their name, address, area of expertise and their contact details is provided in the below mentioned link of Rehabilitation Council of India (RCI):

www.rehabcouncil.nic.in



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SITUATION ANALYSIS

"EXPERTS & PROFESSIONALS IN RAJASTHAN"



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