

“Role of Law Enforcement Authorities to Children Exposed to Violence”

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ABSTRACT

This paper is to bring out the various violence which children are exposed and the role of Law Enforcement Authorities to protect and curb these violence. While doing so, the study also understands the challenges faced by the authorities. The children are not only exposed to violence at home, but also in schools, orphanages, residential care, on the streets, workplace, in jail, places of detention or refugee camps. Children’s exposure to such violence has the potential of causing trauma and can have negative results both in short term and long run leading to depression, anxiety, fail in school, engage in violent behaviour. Law Enforcement authorities can curb these violence, if we commit to a strong national response. If the exposure to violence is identified early, then healing the same with specialised services, evidence based treatment, proper care and support can be given to these children.

METHODOLOGY:

Study of this paper is based on doctrinal analytical method. Reference has been taken from primary and secondary sources. The primary sources consists of Text Books, International documents and Case Reports in various journals and periodicals especially AIR. The secondary sources consists of Books, Journals, Articles and Research papers published in different journals or collected from international source.

Criminal Justice is a wider term which includes the procedures and government organisations who work to uphold the law. In our country, the criminal justice system can be divided into three divisions of law viz.,

1. Law Enforcement Officers – none other than Police Officers
2. Court System – Magistrate Courts, District Courts, High Court and Supreme Court
3. Reformatations – the Prison, Jail, Parole and Probation.

Law Enforcement authorities are the first point of contact whenever there is violation of any law. The police officers visit the site of offence, investigate the crime, effect arrest wherever necessary and submit charge sheet depending on evidences and witnesses collected regarding to the crime. While this is the regular way of functioning, the enforcement authorities these days are required to handle more children who are exposed to child violence. Everyday children are getting exposed to various violence in their homes, schools apart in society. The police officers are to react to the children who are in danger. To mention a few kind of violence to which children are exposed are:

1. A child standing adjacent to a person who was assaulted

2. A child watching TV when assault took place in another room of the house.
3. A teen who was robbed at knife point
4. A 14 year girl who is a victim of rape by her own mother's boy friend.
5. A 11 year old boy alleges severe beatings by his father after serious bruising.
6. The children in Homes also suffer domestic violence.
7. A Child working in restaurant beaten up.

According to UNICEF the violence on children can either be physical or mental. The violence can be in terms of abuse, injury, neglect, negligent treatment, exploitation and sexual abuse. These violence in many cases affect the development of the child obstructing their mental, physical well being. In some cases, it may result in death of the child also.

Following are the detailed explanation for the various abuses viz.

- a. **Physical abuse** is where the child is physically harmed.
- b. **Emotional abuse** involves in a failure to provide a support and love and attachment to the child. Threatening or scaring a child, discriminating between children, ridiculing the child etc are some acts of emotional abuse. In the recent past, children face more stress and strain to perform well in the school or college examinations due to pressure from parents and relatives.

The following acts can be considered as NEGLECT viz.,

- (a) less attention,
 - (b) less appreciation,
 - (c) less food,
 - (d) fault finding,
 - (e) household work compared to other siblings
 - (f) looking after other siblings.
- c. **Sexual abuse** is involving a child in any sexual activity that he or she does not understand or is mentally prepared for such as using the child for pornography, sexual materials, prostitution and other unlawful sexual practices. Following acts can be brought within this kind of abuse viz.,
 - (a) Assault, including rape and sodomy
 - b) Touching or Fondling a child
 - c) Exhibitionism- Forcing a child to exhibit his/her private body parts
 - d) Photographing a child in nude
 - e) Forcible kissing
 - f) Sexual advances towards a child while travel
 - g) Sexual advances towards a child while marriage situations
 - h) Exhibiting before a child
 - i) Exposing a child to pornographic and dirty materials

As per the Report of Ministry of Women and Child Development 2007 the major findings were

1. Assam had the highest cases of sexual abuse of both boys and girls.
2. Goa has the lowest incidence of sexual abuse in both boys and girls.

The general perception of people is, places like Goa the incidences may be high but

On the contrary the report showed highest incidence in Assam.

The Report also gave the following statistics viz.

1. Among the child respondents, 5.69% have been sexually assaulted.
 2. The highest cases of sexual assaults with children were in children from Assam, Andhra Pradesh, Bihar and Delhi.
 3. Sexual assaults were noticed in Children on streets, at work and in institutional care.
 4. Children who did not report the matter were around 72%.
 5. The abusers in 50% of the cases, were cousins, uncles and friends and class fellows
- d. **Negligent treatment** is purposeful omission of some or all developmental needs of the child by the parents or guardian in order to harm the child. Failure to protect the child from a harmful situation or environment amounts to negligence.
- e. **Exploitation** also takes place in the form of engaging the child in some kind of labour or other activities beneficial for others. Examples are child labour, child prostitution.
- **Psychological treatment:** A repeated behaviour of parents or caretaker conveying to the child that he or she is worthless, unloved, unwanted, loud yelling, rude attitude, harsh criticism, name calling, ridiculing, destroying their favourite items or toys are considered as psychological violence to the children.

As per report released by the Ministry of Women and Child Development in 2007 with regard to child abuse, the estimated incidence of child abuse nation wide was 150 million girls and 73 million boys below 18 years of age were subjected to forced sexual intercourse or other forms of sexual violence. Children in the age group of 5 years to 12 years were at the highest risk of abuse and exploitation.

The report further gave the following statistics viz.

1. The children subjected to physical abuse is reported at more than 69%.
2. The abuse of children in family environment with respect to boys was 52.91% boys and girls was 47.09%.
3. Among the children abused in family environment, above 80% were being by their own parents.
4. Every 2 out of 3 school children facing corporal punishment.

5. With reference to child labour more than 50% children work for all the 7 days of the week.
6. More than 81.16% of the girl child work in domestic households
7. Similarly the percentage of male child labourers working in tea staff or kiosks amounted to around 84%.
8. 65.99% boys and 67.92% girls live on the street being exposed to violence.
9. Children facing emotional abuse from their parents amounted to 85%.
10. The children neglected by their family members amounted to approx. 70%.
11. 48.4% of girls were discriminated from their brothers in attention, food, recreation time, household work, taking care of siblings.
12. More than 27% of girls reported they are getting less food as compared to their brothers.

Child Violence – How a Police is involved:

Any person concerned about a child being exposed to violence and abuse, might report them to police. They can be an individual or an organisation or a local authority of the government. In cases of child abuse, the police must investigate allegations of abuse if a child is suffering, or is likely to suffer, from harm. This article makes an attempt to know more about how the police can get involved, and steps they can take to protect a child in immediate danger.

POLICE ROLE IN COMBATING CHILD VIOLENCE: It is universally accepted by all that safety of children is utmost duty of every citizen. Apart from maintaining Law & order, Crime Prevention, Intelligence etc., the Police officers are the first person receiving information on any critical incidents in society whether it is an accident, breakout of fire, child violence, chain snatching or any other related crime. When it comes to the question of handling incidents of child abuse, an officer is bound to take care and handle the children with care and concern. But some children are exposed to violence or neglected by their own parents or care takers and in few cases the children are exploited by adults for their own benefits. In order to curb such violence, Police forces take the assistance of other agencies in safeguarding children and also possess a main responsibility of investigating these crimes and take protective action wherever necessary. It is becoming necessary for every Police Officer and his team to understand that his or her duty to protect children is part of their day to day business and should be able to recognise the need of any children whom they encounter. As Police Officers are vested with the power to arrest, detain suspects, investigate crimes, seek court orders, restrict an offender's activity, remove a child facing abuse to a safety place, issue notices to offenders, warning the suspects to cease contact with children, they are entitled to take emergency decisions in stressful situations keeping the long term risks the child will be exposed and the way to protect these children. However, these powers should be used by them only in cases where there is a necessity and good evidence to protect the child from further harm.

While handling the children exposed to abuses and violence, the police should try to do the following:

1. To create a safe environment to help the child to get a feel of security and stability directing educational institutions to have inhouse counsellors or tie up with social worker or service organisations who will interact with children and also indentify children committing mischief.
2. Assume primary responsibility to sensitize school authorities to call the Enforcement authorities for assistance and especially whenever they notice unauthorised persons in the school premises.
3. Conduct workshop/lectures in educational institutions creating awareness about law enforcement matters.
4. Ensuring regular patrolling services in and around educational institutions to combat the occurrence of drug activities nearby.
5. Prompt response to off-campus criminal mischief involving the students.
6. Help the child and family begin to heal and thrive.
7. By handling such children and parents more emphatically and effectively, so that their attitude towards police gets changed in future.
8. Police officers also get a feel of satisfaction in handling such children and parents.
9. Police officers should form team and convert themselves as a resource person in educating children in various schools and create a sensitisation among children so that they can prevent themselves before any such abuses take place against them.
10. Last but not the least, the authorities should regularly evaluate their program to ensure the effectiveness of their efforts and make continuous improvement or changes in their program to protect children from various abuses.

CONCLUSION:

Based on the United Nation Secretary General's Global Study on Violence against Children, this subject of Child Abuse/Violence has gained a momentum in the society and the same is being discussed in various forum and also being highlighted by media to understand the gravity of this issue and woking out various ways to overcome this problem. Simply understanding the problem by a section of society or people will not curb the problem unless awareness campaigns in all possible manner should be conducted on a continuous basis in schools, colleges, workplace etc. This continuous campaign will definitely send strong signals to the perpetrator of this offence and they will start realising that they cannot take advantage of the innocence of the child presently. We cannot totally depend on the Enforcing Authorities to resolve the issue. Every citizen should assist/help the Enforcement Authorities by bringing it to their notice wherever such abuses/violence take place so that earliest action is taken and the child is taken into safe custody and providing necessary assistance to the victimized child. This will provide a safe environment for the children wherever they are and will instill confidence in them to face & resist such challenges.

BOOKS REFERENCE:

1. Between Parent and Child –By by Dr. Haim G. Ginott
2. Indian Bar Review Vol.45 (3) 2018

E BOOKS/ E JOURNALS

1. <https://www.springer.com/gp/book/9789811074516>
2. https://www.goodreads.com/en/book/show/727587.Bitter_Chocolate
3. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5324340/>
4. https://www.researchgate.net/publication/271951215_Child_Sexual_Abuse_in_India_Current_Issues_and_Research
5. https://en.wikipedia.org/wiki/Child_abuse