

# Child Protection Strategies in the United Kingdom and India

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## Abstract

This article examines strategies that used to improve the status of children in the UK, with the objective of identifying mechanisms that are of special significance to the situation of children in India. Looking at practices in the UK is relevant, considering that much of the law concerning children in India is inherited from British jurisprudence prior to 1947. Much of the information that forms the basis for this paper was gathered in the course of five weeks spent in the UK, meeting professionals involved in child protection.

## 1. Introduction

This article examines strategies that have been used to improve the status of children in the UK, and offers insights into some of the marked differences between the ways the UK and India address the issue of child protection. In India, much of the law that governs children as victims of crime is inherited from British jurisprudence prior to 1947. While older laws have been reformed and new laws have been enacted in the UK, few changes have taken place in the Indian legal system regarding children as victims of crime.<sup>1</sup> Because of this, drawing lessons from the UK experience is relevant to our work on child protection mechanisms in India.

Although I cannot claim to understand the full complexity of child protection mechanisms in the UK, I have attempted to highlight practices that should be examined more closely in order to strengthen child protection mechanisms in India.<sup>2</sup>

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<sup>1</sup> The Juvenile Justice (Care and Protection of Children) Act (2000), first enacted in 1986, is progressive in many aspects but is limited in scope, as only children in need of care and protection and children in conflict with the law come under its purview. Goa, a small state on the west coast of India, has a special comprehensive law, the Goa Children's Act (2003), but it is unique to Goa and restricted to the state. Attempts to pass central legislation addressing offences against children are ongoing.

<sup>2</sup> This paper is based on interviews conducted with persons on the Safeguarding Children's Board, Essex, and the Midlothian Child Protection Committee - local authorities in Essex and Edinburgh. I also met police officers from Essex, London, Blackpool, and Edinburgh, a children's guardian, prosecutors, social workers involved with foster care, a head teacher, the administrator of a children's home, and academics involved in the study of child protection over a period of five weeks spent in the UK in 2008 under the UKIERI programme, with the objective of examining child protection mechanisms in the UK.

## 2. The Role of the Local Authorities

Having worked for a decade on child protection issues in Goa,<sup>3</sup> with an NGO called Children's Rights in Goa (CRG), I have identified the absence of child protection mechanisms at the local level that identify children-at-risk and safeguard their well-being. The need for such mechanisms is indicated by the large number of migrant workers and their families entering Goa everyday and living in sub-human conditions.<sup>4</sup> At the national level, this trend is overwhelming, reflected by the high incidence of child labour<sup>5</sup> and the large number of children out of schools.<sup>6</sup> Mechanisms to address these problems are still being developed.<sup>7</sup> In this context, the development of child protection mechanisms at the local level is of special significance.

At the national level, the setting up of ministries to look at children in a more holistic manner occurred around the same time in both countries.<sup>8</sup> The Department of Children, Schools and Families (DCSF), the UK government department responsible for child development, was created in June 2007.<sup>9</sup> The concerns of this department were originally addressed by the Department of Education and Skills, which was split into the DCSF and the Department of Innovation, Universities and Skills.<sup>10</sup> In India, the Department of Women and Child Development was established in 1985 as a part of the Ministry of Human Resources Development. On 30 January 2006, the Department was upgraded to a Ministry.<sup>11</sup>

At the local level, child protection mechanisms in the UK are far more developed. Area Child Protection Committees (ACPCs), now known as Local Safeguarding Children's Boards (LSCBs), were created in 1974 in response to the national outrage at the failure of different agencies to communicate with one another and prevent the death of seven-year-old Maria Colwell at the hands of her stepfather.<sup>12</sup> The ACPCs were non-statutory bodies. LSCBs were

<sup>3</sup> Goa attracts a large number of tourists, both from other parts of India and overseas. With a population of less than 1.5 million and an area of just over 3,000 sq kilometres, it is one of India's smallest states.

<sup>4</sup> The number of migrants in Goa is estimated at over 400,000, nearly a third of the population, and is growing fast. See Children's Rights in Goa, Goa Initiative for the Mainstreaming of Child Rights (GIMCR), Status of Children in Goa – An Assessment Report (2007), p.6.

<sup>5</sup> India has 12.6 million child labourers according to the Government of India 2001 census data. See Census Data on Child Labour, available at <http://labour.nic.in/cwl/ChildLabour.htm>. Last access 8 September 2010.

<sup>6</sup> Vinod Raina, an educationist, comments that '[o]f 20 crore (200 million) children in the 6-14 age group, around three crore (30 million) remain unenrolled and about 8.5 crore (85 million) drop-off.' See V. Raina, 'Where do children go after class VIII?', Education and Livelihoods: A symposium on relating learning to the world of work, (2006) *Seminar* 563 (July), available at [www.india-seminar.com/2006/563/563-vinod-raina.htm](http://www.india-seminar.com/2006/563/563-vinod-raina.htm). Last access 8 September 2010.

<sup>7</sup> In April 2010, the Indian Parliament passed The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), making education a fundamental right for all children in the 6 to 14 years age group. Mechanisms to implement this are yet to evolve.

<sup>8</sup> According to a UK government report issued on 8 June 2007, 'The Department for Children, Schools and Families (DCSF) will be responsible for education, children and youth issues – in short, everything affecting people up to the age of 19.' Available at [www.direct.gov.uk/en/N11/Newsroom/DG\\_069007](http://www.direct.gov.uk/en/N11/Newsroom/DG_069007). Last access 8 September 2010. The portal of the Ministry for Women and Child Development states that 'the broad mandate of the Ministry is to have holistic development of Women and Children'. Available at <http://wcd.nic.in/>. Last access 8 September 2010.

<sup>9</sup> British Council portal, available at [www.britishcouncil.org/science-gost\\_4.6\\_dcsf.pdf](http://www.britishcouncil.org/science-gost_4.6_dcsf.pdf). Last access 8 September 2010.

<sup>10</sup> In May 2010, the DCSF was replaced by the Department of Education by the newly sworn in Conservative-led coalition government.

<sup>11</sup> Ministry of Women and Child Development, available at <http://wcd.nic.in/>. Last access 8 September 2010.

<sup>12</sup> D. Batty, 'Timeline: A history of child protection'. *The Guardian*, 18 May 2005, available at

established as statutory bodies under the Children Act, 2004, following serious failings on the part of the ACPCs to facilitate multi-agency working to protect children, the most glaring example being the case of Victoria Climbié.<sup>13</sup> The function of the LSCBs is to ‘lead and co-ordinate arrangements for responsive work to protect children who are suffering, or likely to suffer, significant harm.’<sup>14</sup> In Scotland, these boards are known as Child Protection Committees.<sup>15</sup> LSCBs are responsible for making child protection plans for vulnerable children, placing children in foster care, conducting case reviews, and also conducting training for care givers and professionals working with children. Professionals are employed by the government to fulfil these and other responsibilities.

Every school is supposed to have a Child Protection Officer. According to Gary Smith, the head teacher of the Market Field School<sup>16</sup> in Essex, the head teacher is often also the Child Protection Officer (CPO) in schools.<sup>17</sup> Teachers are trained to understand the warning signs of abuse and to inform children about safety precautions that they can take to protect themselves from abuse. CPOs must attend training programmes organised by the LSCB every three years. In turn, the CPOs conduct in-service training of staff, referred to as the cascade model. Detailed guidelines are given in the SET (Southend, Essex, and Thurrock) Child Protection Procedures Handbook.<sup>18</sup> The Essex Safeguarding Service provides guidance to staff in case of any problems or when clarity is required on what procedures are to be followed.<sup>19</sup>

Safety education for children comes under Personal, Social and Health Education (PSHE). It is given a time slot of 40 minutes in the weekly timetable. As an example, while I was visiting the school, a health worker had come to talk to two girls about menstruation. The head teacher informed me that teachers or health workers imparted sex education and talked to the children about staying safe.

Importantly, a budgetary allocation is made towards making child protection plans for vulnerable children, placing children in foster care, conducting case reviews, as well as conducting training for care givers and professionals working with children, so as to prevent abuse.

<http://www.guardian.co.uk/society/2005/may/18/childrenservices2>. Last access 8 September 2010.

<sup>13</sup> Eight-year-old Victoria Adjo Climbié, who died on 25 February 2000 in London, was abused and murdered by her guardians. There were 128 injuries and scars found on her body. A public inquiry conducted by Lord Laming uncovered that child protection authorities had failed to intervene and stop the abuse that Victoria was subject to on twelve occasions. It resulted in the dismissal of the social worker and the manager responsible by the Haringey Council. See [http://news.bbc.co.uk/2/hi/uk\\_news/2062590.stm](http://news.bbc.co.uk/2/hi/uk_news/2062590.stm). Last access 8 September 2010.

<sup>14</sup> Department for Children, Schools and Families, available at [www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/localsafeguardingchildrenboards/lscb/](http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/localsafeguardingchildrenboards/lscb/). Last access 21 August 2010.

<sup>15</sup> In Scotland, the Child Protection Committees function somewhat differently from the LSCBs in England. One major difference is that in children’s cases in Scotland, a Reporter is appointed to speak on behalf of a child whose case has come before the Committee to represent his or her views.

<sup>16</sup> This school was judged as ‘outstanding’ by OFSTED, the Office for Standards in Education, Children’s Services and Skills, responsible for inspecting schools and other children’s services. See [http://www.ofsted.gov.uk/oxedu\\_reports/display/%28id%29/114441](http://www.ofsted.gov.uk/oxedu_reports/display/%28id%29/114441). Last access 21 August 2010.

<sup>17</sup> Gary Smith, Head teacher, personal interview, 16 July 2008, Market Field School, Elmstead Market, Colchester, Essex.

<sup>18</sup> The handbook, commissioned by the then Area Child Protection Committee of Southend (Essex) and Thurrock, is available at [www.thurrock.gov.uk/children/pdf/protection\\_procedures.pdf](http://www.thurrock.gov.uk/children/pdf/protection_procedures.pdf). Last access 8 September 2010.

<sup>19</sup> Gary Smith said that Child Protection Officers are pressed for time and need help to understand the exact procedures that require to be followed, which was provided by the Essex LSCB.

In India, a budgetary allocation is made towards the Integrated Child Development Scheme (ICDS), which is tasked with catering to all children under the age of six. The ICDS is designed to improve the health and nutritional status of children, rather than to protect them from abuse. To remedy the absence of mechanisms designed to protect children from abuse, an Integrated Child Protection Scheme (ICPS) was proposed in December 2006, but it is yet to properly get underway.<sup>20</sup>

Meanwhile, there are Juvenile Justice Boards (JJBs), each comprising a Magistrate and two social workers; and Child Welfare Committees (CWCs), each comprising five persons (expected to be committed to the welfare of children). They are responsible for the administration of the Juvenile Justice (Care and Protection of Children) Act, 2000. Ideally, there should be at least one JJB and one CWC per district / group of districts, but this is not always the case. In spite of complaints by school children on the widespread prevalence of corporal punishment, there are no mechanisms to address this issue, except in a few proactive schools. The JJB and CWC only address children who are brought before the magisterial bodies set up under the law. There are no mechanisms in schools or in local areas to monitor the well being of children.

In India, 42% of the people live below the poverty line.<sup>21</sup> Given the abysmal living conditions that India's poor are faced with, the ICDS can play an important role in giving young children a better chance for survival and development. However, poor living conditions make children more vulnerable to different types of abuse, neglect, and exploitation, making child protection a crucial issue. In the UK, the performance of the LSCBs reportedly varies from area to area. Though it is not an unqualified success story,<sup>22</sup> these bodies seem to have improved the overall levels of child protection. While it may be difficult for India to have statutory boards on the lines of the LSCBs to safeguard the rights of children, it is worth taking a closer look at the functioning of these bodies in the context of better child protection mechanisms for India.

### 3. Multi-agency working and the prevention of crime

The police officers I interviewed in the UK were extremely conscious of the fact that the protocols and detailed guidance they follow have developed as a result of tragedies in which

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<sup>20</sup> The ICPS envisages a Central Project Support Unit (CPSU) headed by a Mission Director, under the Ministry of Women and Child Development, which will spearhead the implementation process with the help of State Project Support Units (SPSUs) in all states. See 'The Integrated Child Protection Scheme (ICPS)' under 'Children Related Schemes' in the 'NGO and Schemes' section of the ministry's website, available at <http://wcd.nic.in>. Last access 8 September 2010.

<sup>21</sup> M. Ravallion and S. Chen estimated that the percentage of people living below the \$1.25 a day poverty line in India was 42% in 2005. See <http://go.worldbank.org/DQKD6WV4T0> for a summary of the findings. The complete study can be found as M. Ravallion and S. Chen, 'The developing world is poorer than we thought but no less successful in the fight against poverty', Development Research Group, World Bank, available at [http://siteresources.worldbank.org/JAPANINJAPANESEEXT/Resources/515497-1201490097949/080827\\_The\\_Developing\\_World\\_is\\_Poorer\\_than\\_we\\_Thought.pdf](http://siteresources.worldbank.org/JAPANINJAPANESEEXT/Resources/515497-1201490097949/080827_The_Developing_World_is_Poorer_than_we_Thought.pdf). Last access 26 October 2010.

<sup>22</sup> Peter Connelly (referred to as 'Baby P') was a 17-month-old boy who died on 3 August 2007 in London, after suffering more than 50 injuries over an eight-month period. Councillor Claire Kober of Haringey Council issued a public statement after the case review was completed, saying: 'We accept that things went badly wrong with our child protection services in 2007. This review clearly shows there were failings by all the agencies involved with Baby Peter. There were opportunities to help this family which should have been taken.' Available at [http://www.haringey.gov.uk/index/news\\_and\\_events/statement\\_by\\_the\\_leader\\_of\\_the\\_council\\_on\\_publication\\_of\\_baby\\_peter\\_serious\\_case\\_review.htm](http://www.haringey.gov.uk/index/news_and_events/statement_by_the_leader_of_the_council_on_publication_of_baby_peter_serious_case_review.htm). Last access 8 September 2010.

children had lost their lives because of ineffective collaboration between the different authorities concerned. Interacting with police officers and social workers who work together to prevent crime by reaching out to vulnerable sections of the community was insightful. India could benefit immensely from such inter-agency collaboration models.

I had the opportunity to spend a day at the Blackpool Police Station in April 2008 and noted the strong partnership between police and social services.<sup>23</sup> The Blackpool Police are actively involved in a multi-agency programme for the prevention of crime referred to as the *Springboard* project, initiated in 2006, which was commended at the Municipal Journal Awards Ceremony in 2009 for ‘Best Achievement in Children’s Services’.<sup>24</sup> The Springboard programme was established ‘to provide a multi-disciplinary, integrated service to families which were in crisis. The expectation of this service was that the family’s needs would be met in a seamless way by practitioners who were not constrained by the traditional professional boundaries.’<sup>25</sup> The project involves identifying children and young people who are at risk of abuse as suggested by the behaviour patterns of their parents and reducing these risks by providing the necessary support before the child displays any negative behaviours.<sup>26</sup> While nearly every professional who works with children talks of ‘joint working’, at the Blackpool police station I was able to see it in practice, as police officers and social services professionals explained the working of the Springboard project. The ‘multi-agency’ approach was evident from the manner in which they gave examples of co-operative interventions such as ensuring that children had breakfast and adequate transport to school, helping families get accommodation suited to their needs, and providing counselling or assistance to children and/or parents with learning disabilities.

An evaluation by the University of Salford found that support given to 60 of the city’s most troubled families led to an 80% reduction in family breakdown and an 88% drop in children from Springboard families experiencing an episode where their children needed to be kept in residential care. There was also a 68% drop in the number of crimes committed by the 27 family members who had committed at least one criminal offence in the 12 months before being involved in the project.<sup>27</sup>

An inter-agency collaboration model of this scale would have massive budgetary implications for a country like India. However, the gains in terms of preventing crimes against children and preventing children from committing offences, rehabilitating vulnerable children, and ensuring their development into productive citizens would make it worthwhile.

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<sup>23</sup> Mova Foster, Team Manager, Children’s Services. Personal interview, 10 April 2008, Blackpool.

<sup>24</sup> Family Intervention Projects. Available at <http://www.blackpool.gov.uk/Services/A-F/ChangeforChildren/FamilyInterventionProjects.htm>. Last access 8 September 2010.

<sup>25</sup> M. Ravey, M. Murphy, T. Long, D. Fallon, Evaluation of the Blackpool Springboard Project, University of Salford (2008), p.18, available at <https://member.lgiu.org.uk/whatwedo/cst/projects/Documents/APPG%20evidence/Blackpool%20springboard%20project.pdf>. Last access 8 September 2010.

<sup>26</sup> ‘MJ Awards, Best Achievement of the Year in Children’s Services, Blackpool Springboard Initiative’, Note submitted by Blackpool Council Children and Young People’s Department, p.3. Available at [http://admin.localgov.co.uk/his\\_localgov/view/images/uploaded/Image/childrensblackpool.PDF](http://admin.localgov.co.uk/his_localgov/view/images/uploaded/Image/childrensblackpool.PDF). Last access 8 September 2010.

<sup>27</sup> Children and Young People Now, available at <http://www.cypnow.co.uk/Archive/901592/Joint-Working---Family-aid-yields-stunning-results/>. Last access 8 September 2010.

#### 4. The Role of Law Enforcement

The police officers who I met in the UK appeared to be highly motivated and were extremely conscious of the need for a child-centric approach. The manner of functioning of the UK police appears to be quite different from that of the police in India, reflected in two key areas of difference between practices followed in the UK and India.

First, police in the UK must apply and be accepted to work in the Child Abuse Investigation Unit (CAIU). They are selected only if they are found to be fit for the position after a screening process.<sup>28</sup> Specialised training is then given to them. In India, police officers are assigned to their respective departments and are transferred to different departments periodically. This may include a unit for women and children, where there is one. In Goa, being part of the Women and Child Protection Unit of the Goa Police holds little attraction for police officers, and is often viewed as a ‘punishment posting’. The police officers I interacted with in the UK appeared committed to investigating crimes against children, and were well informed about protocols to be followed when addressing cases of child abuse.<sup>29</sup> The factor of ‘choice’ could have an important bearing on the manner in which child victims are treated and on the quality of investigations. Despite this, however, the number of convictions secured in cases of abuse in the UK was an area of concern expressed by police officers, prosecutors, and social workers that I interacted with.<sup>30</sup>

The second point of difference is that police officers in the UK may, in certain situations, issue ‘cautions’ to offenders. In such cases, the offenders would not be prosecuted, but the commitment of an offence would appear in the criminal record of the person concerned for a period of three years. A person who receives a caution does not have to register him/herself as a sex offender. An intelligence report would be maintained and would be accessible at the county level. If required, it would also be accessible at a national level. It would stay on the person’s record for three years and after that would show up in the police database as a ‘spent caution’. Detective Sergeant Simon Willett stated that, in the UK, cautions can be issued only in certain circumstances.<sup>31</sup> Generally speaking, he said, cautions are given in cases of minor offences, provided that the offender makes a full confession. Cautions may also be given in certain cases – for example, if there is consensual sex between a girl and a boy of similar ages (say a 12 year-old girl and a 14 year-old boy in a non-exploitative relationship). However, he pointed out, in the

<sup>28</sup> Laura Jeffries, Detective Inspector. Personal interview, 7 April 2008, Metropolitan Police, London.

<sup>29</sup> Protocols have been well codified, as in the guidance issued by the Office for Criminal Justice Reform. See Office for Criminal Justice Reform, *Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and using special measures* (London: Great Britain, 2007), available at [http://www.cps.gov.uk/publications/docs/achieving\\_best\\_evidence\\_final.pdf](http://www.cps.gov.uk/publications/docs/achieving_best_evidence_final.pdf). Last access 8 September 2010.

<sup>30</sup> An analysis undertaken by the National Society for the Prevention of Cruelty to Children (NSPCC) found that, in the year ending 31 March 2003, 5,989 incidents of child abuse were reported to the police in England and Wales. In contrast, there were just 775 convictions for child abuse in 2003. Cited in Crime and Society Foundation, *Does Criminal Justice Work? The ‘right for the wrong reasons’ debate* (2006), available at [http://www.crimeandjustice.org.uk/opus297/DCJW\\_Exec\\_Summary\\_Final.pdf](http://www.crimeandjustice.org.uk/opus297/DCJW_Exec_Summary_Final.pdf). Last accessed 8 September 2010. An NSPCC freedom of information request to all of England and Wales’s 43 police forces revealed that 21,618 alleged sex crimes involving children were reported to police between April 2008 and March 2009, reported by BBC News on 25 January 2010. How many of these complaints will result in convictions is to be seen. See ‘60 sex offences against children a day – NSPCC’, *BBC*, 25 January 2010. Available at [http://news.bbc.co.uk/2/hi/uk\\_news/8477726.stm](http://news.bbc.co.uk/2/hi/uk_news/8477726.stm). Last access 8 September 2010.

<sup>31</sup> Simon Willett, Detective Sergeant. Personal interview, 16 July 2008. Child Abuse Investigation Unit, Shrub End Police Station, Colchester, Essex.

case of, say, a 17 year-old boy and a 13 year-old girl, the matter would be viewed differently.

In India, once the police register a case, they must follow a fixed procedure prescribed in the Criminal Procedure Code (CrPC). The police must register a First Information Report (FIR) upon receipt of a complaint. After this, the investigating officer conducts an investigation and files a charge sheet, where the case is then referred to the designated court for prosecution.

The system of issuing cautions is controversial. Many conscientious police officers believe that issuing cautions is in the victims' favour in cases where hard evidence is virtually absent; the child would be saved the agony of a potentially failed prosecution and the caution against the offender would remain in the police database. However, leaving the decision of whether or not to prosecute a suspected offender to the discretion of police officers is an issue that needs to be thoroughly scrutinised. Recently, the British media reported that a quarter of alleged child abusers avoid court action and are issued with police cautions instead. Figures provided by 33 police forces show that 8,043 people who allegedly committed sexual and physical abuse offences against children were charged from January to April 2010, while 2,764 were given a caution. The statistics include 20 cases of rape of girls under 16 years old and eight suspected offenders who attacked young boys.<sup>32</sup> In India, the National Crime Records Bureau reported that only 36.6 per cent of persons arrested for crimes against children (this includes all crimes, not just sexual and physical abuse) were convicted in 2008.<sup>33</sup> Perhaps the conviction rate of crimes against children is an issue that requires urgent attention across the globe.

In India, there is a need to highlight the importance of addressing cases of child abuse, so that a crime against a child is viewed as a serious offence. The mindset of viewing child protection work as a 'punishment posting' needs to be challenged. Specialised training is essential for police officers entrusted with child protection work. The development and use of appropriate protocols in cases of child abuse could help in reducing the trauma child victims face in their pursuit of justice.

## 5. Assistance to victims

In the UK and in India, providing support services to victims at the time of trial is an issue that needs attention. It has been adequately demonstrated that if a victim is provided with support at the time of trial, the child is better equipped to face court proceedings.

In the UK, at the trial stage, support may be provided to child victims by voluntary initiatives such as the NSPCC or Victim Support, but is not a mandatory requirement. The NSPCC has a young witness project staffed by volunteers. Referrals are made to them and a volunteer is allocated to the victim. When the child gives testimony, the volunteer is present in court to provide support to the victim. The Office for Criminal Justice Reform has formulated non-

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<sup>32</sup> *The Mail Online* reported that these figures were provided to *The Sun* by 33 British police forces in a response to a Freedom of Information request. See 'Quarter of child abusers escape court action and get police cautions instead', *The Mail Online*, 23 September 2009, available at <http://www.dailymail.co.uk/news/article-1215444/Quarter-child-abusers-escape-court-action-police-cautions-instead.html#ixzz0ISB0e63.E>. Last access 8 September 2010.

<sup>33</sup> National Crime Records Bureau, *Crime in India 2008*, Ministry of Home Affairs (2008), p.98. Available at <http://ncrb.nic.in/cii2008/cii-2008/Chapter%206.pdf>. Last access 8 September 2010.

statutory guidelines prescribing National Standards for Young Witness Preparation.<sup>34</sup> A study commissioned by the Ministry of Justice evaluated the impact of witness support schemes on young witnesses. Ninety-six per cent of scheme-supported witnesses said the supporter made them feel more confident about going to court. The study concluded that there was a need for a more coordinated national approach that ensures services are consistently available to all young witnesses.<sup>35</sup>

Guardians are appointed by the Children and Families Court Advisory and Support Services (CAFCASS), a government agency in cases of children involved in family proceedings. I had the opportunity to meet Lydia Gladwin,<sup>36</sup> a children's guardian and officer of the court. According to her, after the first hearing of a case, the judge/magistrate can decide whether or not to appoint a guardian for the victim. The role of the guardian is to represent the child and ascertain what the child wants, and to develop a strategy for a care plan that would suit the child. Perhaps establishing such a support service for child victims involved in court proceedings could be considered. Facing a trial without such support can be traumatic, as highlighted in a report on the 'hostile cross-examination' that a four-year-old child was subjected to two years after she had been raped.<sup>37</sup>

In India support for child victims has received little attention. However, in Goa there is a Children's Court<sup>38</sup> in which the judicial process is more child friendly, as the child victim does not have to face the accused.<sup>39</sup> The judge and the lawyers wear ordinary clothes rather than their gowns, and the child is allowed a support person, who can be present during the trial. Although this initiative is praiseworthy, a comprehensive programme for providing assistance to victims is urgently required at the national level in India.

## 6. Conclusion

The situation in the UK is not ideal,<sup>40</sup> but tragic deaths of children have resulted in attempts to improve child protection mechanisms.<sup>41</sup> Some of the changes that have come about are relevant

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<sup>34</sup> Office for Criminal Justice Reform, *Achieving Best Evidence*, Appendice F, pp.17-18. See fn.29.

<sup>35</sup> J. Plotnikoff and R. Woolfson, *Evaluation of young witness support: Examining the impact on witnesses and the criminal justice system* (London: Ministry of Justice, 2007), Section 2.1. Available at <http://www.justice.gov.uk/publications/docs/MoJresearchSummary2Mk2.pdf>. Last access 8 September 2010.

<sup>36</sup> Lydia Gladwin, Children's Guardian. Personal interview, 15 July 2008. Children and Family Court Advisory and Support Service, Margareting, Essex.

<sup>37</sup> M. Phillips, 'Child victims SHOULD have a voice in court but the grilling of the Baby P rape girl was an unnecessary abuse', *The Mail Online*, 4 May 2009, available at <http://www.dailymail.co.uk/debate/article-1177021/MELANIE-PHILLIPS-Child-victims-SHOULD-voice-court-grilling-Baby-P-rape-girl-unnecessary-abuse.html#ixzz0zDxyltGP>. Last access 8 September 2010.

<sup>38</sup> The Children's Court was set up under Section 27 of the Goa Children's Act, 2003, a state law unique to Goa, which attempts to make the United Nations Convention on the Rights of the Child (UNCRC) legally enforceable.

<sup>39</sup> This is in keeping with Section 32.1(m) of the Act. The accused sits behind a curtain, so that (s)he can hear what the victim says without the victim being forced to see him/her.

<sup>40</sup> Many problems remain and several notable cases demonstrate continuing shortcomings. For instance, a detective sergeant's account of working for five years with the Hackney Child Protection Team is illustrative of the problematic nature of child protection work and the difficulties in prosecuting offenders. Amelia Hill, 'How can a child be beaten to death, yet no one is jailed for murder?', *The Observer*, Sunday 17 January 2010, available at <http://www.guardian.co.uk/society/2010/jan/17/child-abuse-police-book/print>. Last access 8 September 2010.

<sup>41</sup> Batty, 'Timeline'. See fn.12.

for India. The Juvenile Justice (Care and Protection of Children) Act, 2000, was enacted to safeguard the interests of children in need of care and protection or in conflict with law. It attempts to foster the rehabilitation of children in conflict with law rather than punish them, and provides state care to children who have no one to care for them. Based on the above comparisons, it can be concluded that the following mechanisms are of special relevance to the situation of children in India:

- The Local Safeguarding Children's Boards established by the local authorities, which have trained social workers to intervene in cases of children at risk.
- Teachers appointed as child protection officers in schools, trained to identify children who may be having problems and to liaise with the LSCBs and the police.
- Multi-agency coordination and collaboration to prevent crimes against children.
- Establishing specialised units to investigate child abuse cases, recruiting committed police personnel, and imparting special training to them.
- Witness support schemes (not a statutory requirement yet), which play an important role in ensuring that children testify effectively during court proceedings. This is vital to ensure the successful prosecution of offenders.