



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: BALLB**

**Semester-X**

**SUBJECT: PENOLOGY AND VICTIMLOGY**

**SUBJECT CODE: BAL-1001**

**NAME OF FACULTY- DR. SHIV KUMAR TRIPATHI**

## Lecture-36



## I. THE RIGHT TO SAFETY

1. Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.
2. Professionals who come into contact with children should be required to notify appropriate authorities if they suspect that a child victim or witness has been harmed, is being harmed or is likely to be harmed.
3. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child. Such safeguards could include:
  - (a) Avoiding direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;
  - (b) Using court-ordered restraining orders supported by a registry system;
  - (c) Ordering pre-trial detention of the accused and setting special “no contact” bail conditions;
  - (d) Placing the accused under house arrest;
  - (e) Wherever possible and appropriate, giving child victims and witnesses protection by the police or other relevant agencies and safeguarding their whereabouts from disclosure.

## II. THE RIGHT TO REPARATION

4. Child victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive.
5. Provided the proceedings are child-sensitive and respect these Guidelines, combined criminal and reparations proceedings should be encouraged, together with informal and community justice procedures such as restorative justice.
6. Reparation may include restitution from the offender ordered in the criminal court, aid from victim compensation programmes administered by the State and damages ordered to be paid in civil proceedings. Where possible, costs of social and educational reintegration, medical treatment, mental health care and legal services should be addressed. Procedures should be instituted to ensure enforcement of reparation orders and payment of reparation before fines.

### III. THE RIGHT TO SPECIAL PREVENTIVE MEASURES

7. In addition to preventive measures that should be in place for all children, special strategies are required for child victims and witnesses who are particularly vulnerable to recurring victimization or offending.
8. Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks that child victims may be victimized further. These strategies and interventions should take into account the nature of the victimization, including victimization related to abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies may include those based on government, neighbourhood and citizen initiatives.

### IV. IMPLEMENTATION

9. Adequate training, education and information should be made available to professionals, working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes in order to protect and deal effectively and sensitively with child victims and witnesses.
10. Professionals should be trained to effectively protect and meet the needs of child victims and witnesses, including in specialized units and services.
11. This training should include:
  - (a) Relevant human rights norms, standards and principles, including the rights of the child;
  - (b) Principles and ethical duties of their office;
  - (c) Signs and symptoms that indicate crimes against children;
- (a) Crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality;
- (b) Impact, consequences, including negative physical and psychological effects, and trauma of crimes against children;
- (c) Special measures and techniques to assist child victims and witnesses in the justice process;
  - (d) Cross-cultural and age-related linguistic, religious, social and gender issues;
  - (e) Appropriate adult-child communication skills;
  - (i) Interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child;
  - (j) Skills to deal with child victims and witnesses in a sensitive, understanding,

constructive and reassuring manner;

(k) Methods to protect and present evidence and to question child witnesses;

(l) Roles of, and methods used by, professionals working with child victims and witnesses.

12. Professionals should make every effort to adopt an interdisciplinary and cooperative approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, education, health, legal and social services. This approach may include protocols for the different stages of the justice process to encourage cooperation among entities that provide services to child victims and witnesses, as well as other forms of multidisciplinary work that includes police, prosecutor, medical, social services and psychological personnel working in the same location.

13. International cooperation should be enhanced between States and all sectors of society, both at the national and international levels, including mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of transnational crimes involving child victims and witnesses.

14. Professionals should consider utilizing the present Guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses involved in the justice process.

15. Professionals should be enabled to periodically review and evaluate their role, together with other agencies in the justice process, in ensuring the protection of the rights of the child and the effective implementation of the present Guidelines.