

## **Understanding the Law**

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### **Abstract**

Child victims of crime and juveniles suspected of committing crimes are entitled to special treatment that safeguards their dignity and welfare under the (little known) provisions of the Children and Young Persons Ordinance (CYPO) 1939. This year (2009) the Department of Probation and Child Care Services (DPCCS) carried out a consultation process to update this law with technical support from unicef.

This law defines how an organized society should deal with such vulnerable children. The initial reaction to child abuse relied heavily on the strong arm methods of the criminal law which, by focusing on the criminal deeds of the offenders, overlooked the human needs of affected children. Taking care of all their needs is a complex, multi-disciplinary and long term task. This task, however, must begin with a conversation with children. But very often in the heat and excitement of criminal law and child protection, the children and their families have very little say in what happens to them. This disengagement from reality that society ensures through high profile policing, criminal courts and prosecutions is deeply disempowering for these people.

Thus, in revising the civil responses under the CYPO, an in depth discussion commenced with a group of children (7 girls who were victims of sexual offences and 6 boys who were offenders) to begin to understand what the law really meant to them in the light of their own experience. They portrayed their experience on flip charts and then discussed how they felt in their journey through the 'law'. We continued the discussion at a residential retreat at the Sarvodaya Vishva Nikethan for 1 ½ days. This was a mutually empowering encounter. The programme emphasized good communication between parents and children and the value of prevention and self care. In between work there was time for some yoga, meditation and a children's film and also an outing to the beach. The parents were also involved. The children had very clear, practical and doable suggestions for the legal service providers. They were integrated in legalese into the draft Bill.

As the children left the Vishva Nikethan, some home to their families and some back to their institutions, we could see from their sad and wistful expressions that they were going back into the real world – a world which many of us don't relate to all that well.