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## CHAPTER 9

# Vulnerable groups: Children

### **Learning objectives for Chapter 9**

After completing this chapter you should be able to:

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- *Provide a definition of who is a 'child' in international standards*
- *Explain why it is important for police officers to respect and protect the human rights of children*
- *Explain how police officers should treat child victims of crime*
- *Explain how police officers should treat children who are suspected of committing a crime*



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## Chapter 9

### Vulnerable groups: Children

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### 9.1. Introduction

Children are the future of every nation. All children have the right to be protected, and to be treated with care, dignity and respect. They are a vulnerable group in society who need special care, attention and protection. Police officers deal with children on a regular basis, on the one hand as victims of crime and abuse (requiring perhaps more attention than adult victims), and on the other as perpetrators of crime. Children who are suspected of criminal conduct should be treated with care. There are likely to be societal and behavioural reasons for childhood criminal activity, and children who are treated by police as if they were already fully-grown hardened criminals are quite likely to become such criminals. While the same legal procedure may apply as with adults, in addition there may be special rules that apply to children.

In encouraging the development and protection of children, it is vital for police to afford the community a role, through proactive liaison and recognition by police of the special role and expertise of child protection institutions, religious institutions, non-governmental organisations, community organisations, charitable organisations, and educational institutions.

The concept of 'protection of children' is well known, in a general sense, in the laws and cultures of many Commonwealth countries, and refers to all activities designed to guarantee and protect children and their rights so that they may live, grow, develop and participate optimally in society in accordance with the dignity to which they are entitled as human beings, and so that they may be protected against violence and discrimination in order to ensure the moral values and well-being of all children.

### 9.2. Children as a vulnerable group

Children are special to, and play a very important role in, every community. Police officers might see themselves as having a national duty to protect and respect children as especially vulnerable. Children can also play a very important role in community policing. If police officers have a good relationship with children, through for example school projects and sports projects, and they are trusted and respected by the children, officers may gain access to valuable information about criminal activities in the communities which can contribute to the improvement of the safety and security situation in communities.

Children are one of the most vulnerable groups in every society. The UN Convention on the Rights of the Child (1989), which has been ratified by every Commonwealth member country, defines a child as a human being under the age of 18 years.

When dealing with children (victims or suspects), police officers should always:

- be extremely patient;
- establish a relationship of trust with the child;
- be aware of the signs of abuse and exploitation;
- take into consideration that children, especially young or ignorant children, may in many instances not realise that they have been or are being abused or exploited; and
- accept that sexual and serious physical abuse of children occurring in the home is not a 'private' matter, but criminal conduct and a human rights abuse.



### 9.3. Children as suspects of crime

Children who are involved in crime have often been earlier subjected to violence and abuse, particularly within the family environment, or have been neglected (emotional or physical neglect, especially during infancy) or abandoned. This leads to children being involved in crimes such as prostitution, the sale and possession of drugs, theft and acts of violence.

Children, especially young children, are sometimes ignorant of the fact that they are being abused or exploited. Whatever the appearances, police should not take it for granted that children are willing participants in crime, for example in prostitution – the child may have little real choice, or become involved in the activity after being abused or exploited. Police must see the rehabilitation and re-socialisation of such children (rather than simply punishment) as the ultimate objective.

According to the accumulation of international human rights laws, standards and practices for the protection of children, children are to benefit from all the human rights guarantees available to adults. In addition, the following protective rules shall be applied to children:

Σ Children shall be treated in a manner that promotes their sense of dignity and worth; that facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of a person of that age.

- Children shall not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life imprisonment without a chance of release.
- Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time.
- Children shall be separated from adult detainees.
- Detained children shall be allowed to receive visits and correspondence from family members.
- A minimum age for criminal responsibility shall be established.
- Non-judicial proceedings and alternatives to institutional care shall be provided for.
- The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential.
- The use of physical restraints and force on children is to be exceptional, employed only when all other control measures have been exhausted and have failed, and shall be employed for the shortest possible time. Weapons shall not be carried in juvenile institutions.
- Discipline shall respect the child's dignity, and shall instil in the child a sense of justice, proportionality, self-respect and respect for human rights.
- Officials dealing with juveniles shall be specially trained and personally suited for that purpose.

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- Periodic, as well as unannounced, visits by inspectors to juvenile facilities shall be provided for.
  - Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.

#### **9.4. Children as victims of crime**

Police officers should provide special attention and protection to children who are victims of crime. All children should be treated equally, regardless of their social standing, and with dignity. A poor child who has been abused should be treated in the same way as a child from a rich family.

Children have to be treated with respect and dignity as human beings. Therefore, children have to be protected against torture and cruel, inhuman or degrading treatment or punishment.

Children should be protected against sexual exploitation and abuse. Police officers can play an important role in the protection of children. The State should take measures to protect children from being encouraged or forced to take part in any unlawful sexual activities or practices, prostitution, pornographic performances or material. The police should also assist the State in preventing children from being stolen or sold for any purpose whatsoever. Children should be protected from drug abuse. The State – and so the police – should take special measures to prevent children from being used to produce or traffic drugs.

#### **Governments can take the following measures in order to prevent child abuse:**

- Develop a nationwide capacity to provide a rapid, effective, and measured investigative response to crimes involving the victimisation of children.
- Enhance the capabilities of state and local law enforcement investigators through training programmes, investigative assistance, and task force operations.

#### **In order to prevent crimes against children, the police should:**

- use multi-disciplinary resource teams to investigate and prosecute crimes against children that cross legal, geographical, and jurisdictional boundaries;
- promote and enhance inter-agency sharing of intelligence information, specialised skills, and services;
- increase the provision of victim/witness assistance services;
- investigate online child pornography/child sexual exploitation; and
- investigate the possession, production, and/or distribution of child pornography facilitated by an online computer.

Police should be encouraged to enlist community and organisational support.

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### 9.5. Summary

The *Convention on the Rights of the Child* is the most widely accepted of all international human rights instruments. However, children are still forced to take part in armed conflicts, and still forced into prostitution and slave labour. In recognition of the seriousness of these issues, in the year 2000 two special 'Optional Protocols' (international instruments) to the *Convention* were promulgated on each of these issues.<sup>2</sup> Police prioritisation of child abuse and preventing police abuse of child suspects is similarly of great importance.

Children have the same basic human rights as adults, but because of their age and vulnerability they need extra measures to protect them. The police are legally and morally situated in an important role in this regard and need to see themselves as protectors of children and their rights as especially vulnerable persons. Police training should emphasise the human rights aspect of this.

### 9.6. Questions for self-evaluation

- *Who, in international law, is considered a 'child'?*
- *What are the basic human rights of children?*
- *What are the responsibilities of police officers when dealing with children who are suspected of committing a crime?*
- *Why is it important to provide special protection to children who have been victims of crime?*
- *What are some of the social and community organisations whose help the police should seek in ensuring a comprehensive response to the problem of criminal acts against children?*

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<sup>2</sup> Some Commonwealth countries have ratified these: the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (adopted and for ratification by UN General Assembly resolution A/RES/54/263 of 25 May 2000, entry into force 12 February 2002) and the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography* (adopted and opened for ratification by UN General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 18 January 2002).