



COUNSELLING CHILDREN IN CONFLICT WITH THE LAW - A REPORT (APRIL 2018 – MARCH 2019)

While children who have offended must be held accountable for their action, every child has the capacity to learn, adopt, adapt and change.

Once trapped in the world of crime, getting out is not easy for anyone, including children. But the very purpose of the juvenile justice legislation is to provide these young people opportunities to change before it is too late. The most simplistic logic would be that if they can be influenced in a negative direction, they can also be counselled to channelize their energies in the positive direction.

This understanding has guided the interventions of HAQ: Centre for Child Rights with children alleged or found to be in conflict with the law. Starting in 2005, as of 31 March 2019, HAQ has counselled 959 CCLs (933 boys and 26 girls). Counselling services are provided on orders and directions from the Juvenile Justice Boards (JJB). Over the years many more actors have joined in providing similar services and newer initiatives are being tried by the JJBs that believe in possibility of reform and are creative and innovative in their approach to juvenile justice.

Unfortunately, in the public mind however, the contempt for children in conflict with the law has only grown in recent years as they are made out to be monsters who deserve strictest of punishments. So much so that neither governments nor other grant making agencies are taking interest in supporting programmes that can go a long way in bringing a change, both in the lives of these children and the society at large. And none realise that it is only wishful to think that long periods of incarceration will make the society a better place and teach them a lesson, while we as a nation fail to learn our lessons from countries where stricter laws and far better implementation of laws has not yielded any significant achievements.

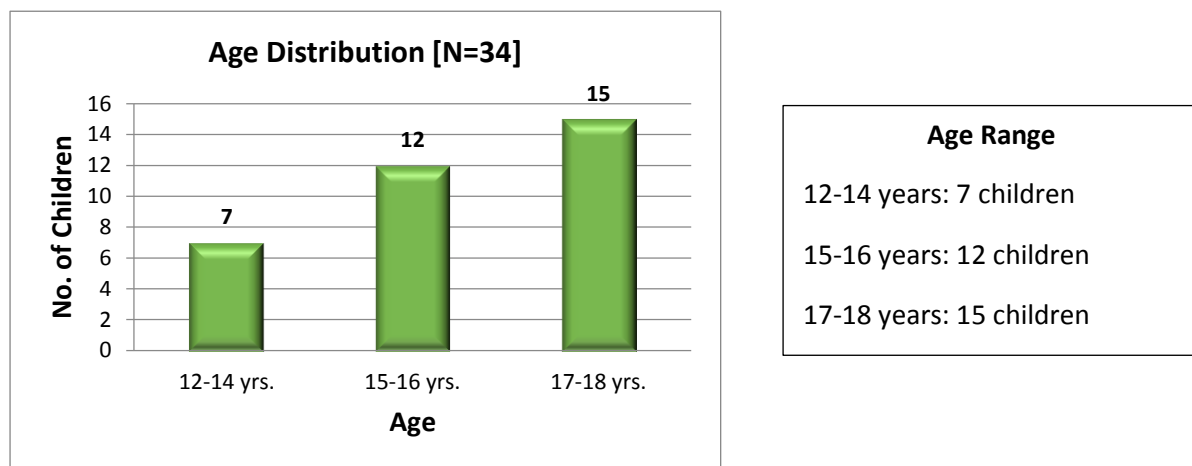
In the last few years we have seen several calls for proposals being made on violence against children, but most are in the context of gender based violence and for victims of sexual violence than for children in conflict with the law. This report is being shared to help the audience understand what HAQ and similar organisations do when they work with children in conflict with the law and with an earnest request to governments, corporates

and grant making agencies to invest in all children, including those who come in conflict with the law.

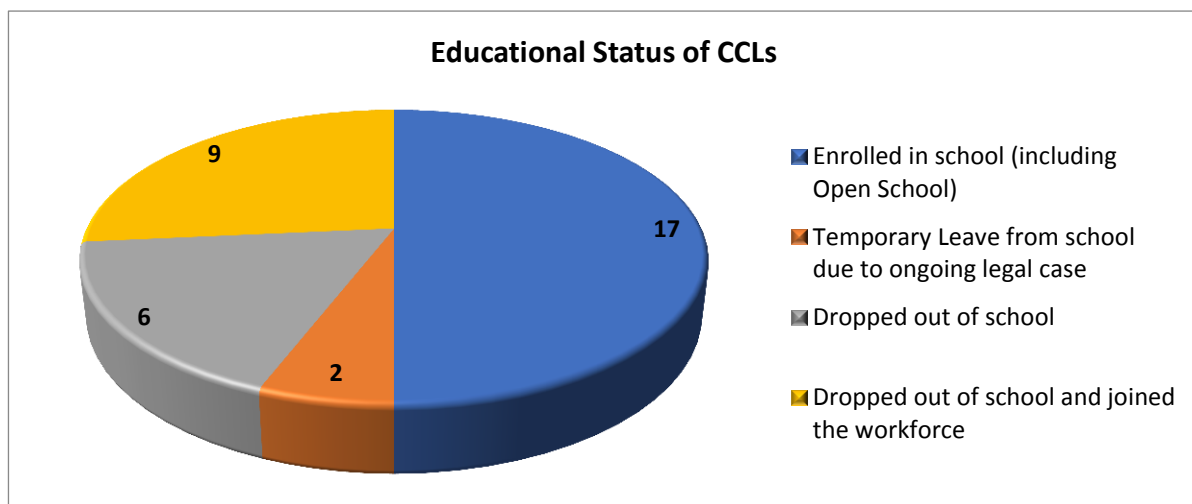
The report is based on counselling provided to 34 children referred by JJB - I, Sewa Kutir Complex, Delhi, during the period April 2018 to March 2019.¹

ABOUT THE CHILDREN IN CONFLICT WITH THE LAW REFERRED FOR COUNSELLING

1. Age Distribution:

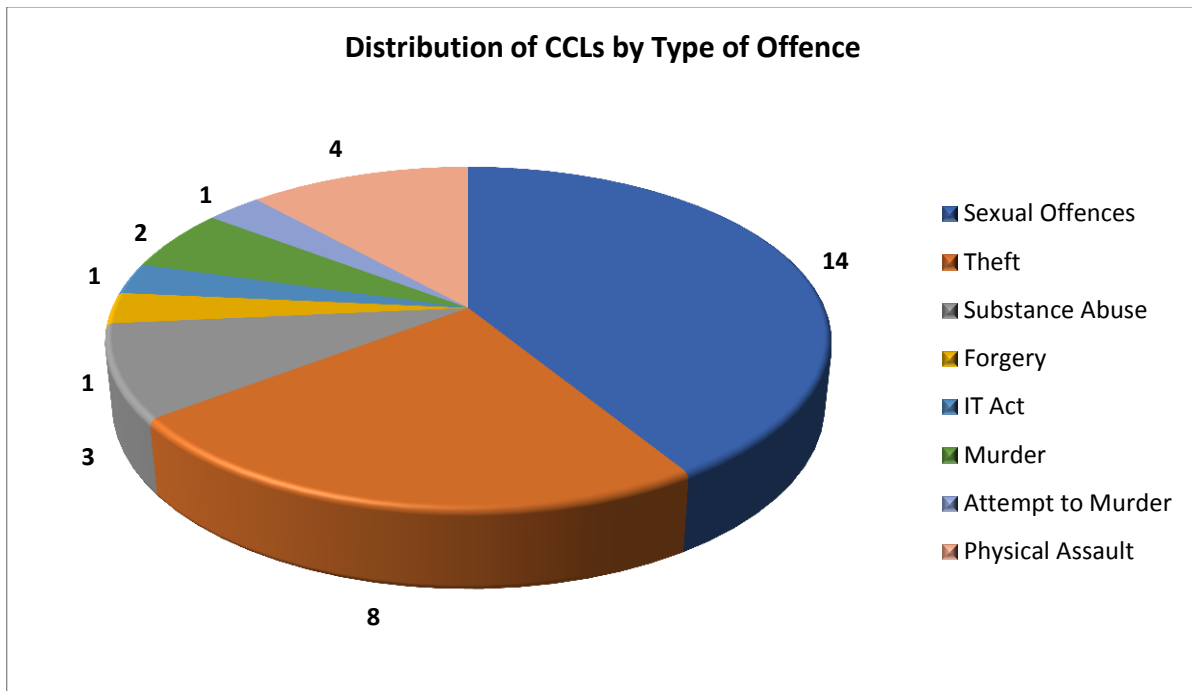


2. Educational Status:



¹ Counselling was provided by Ms. Jitsun Lamo, Consultant Psychologist at HAQ: Centre for Child Rights, who has put together all the information presented in this report based on the children she has interacted with in the last one year (April 2018 to March 2019).

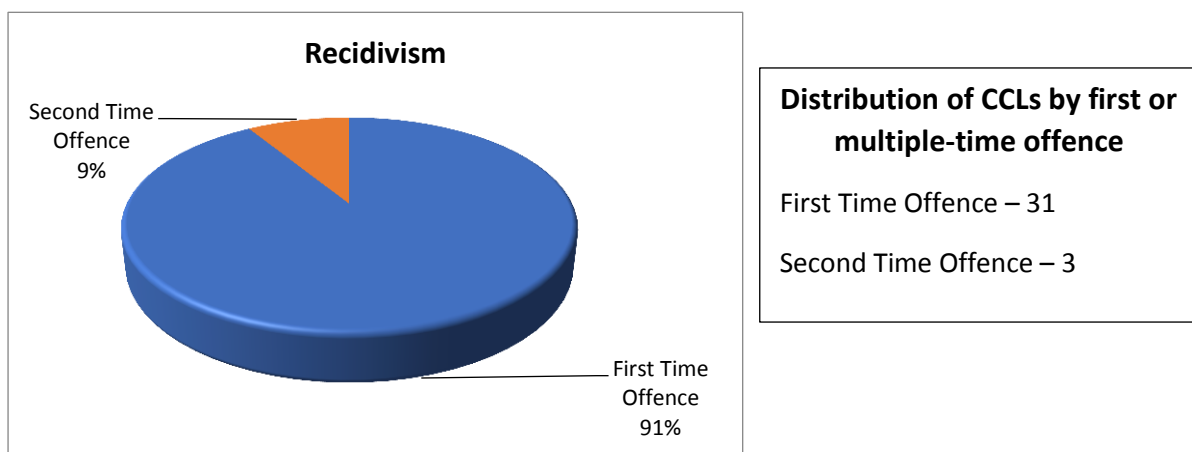
3. Type of offence (alleged or proven):



While the maximum numbers of children referred to the counsellor are booked for a sexual offence, this is their first time to have come in conflict with the law. Only 3 out of the 34 CCLs referred for counselling are recidivists, with previous history of coming in conflict with the law.

4. Recidivism among CCLs:

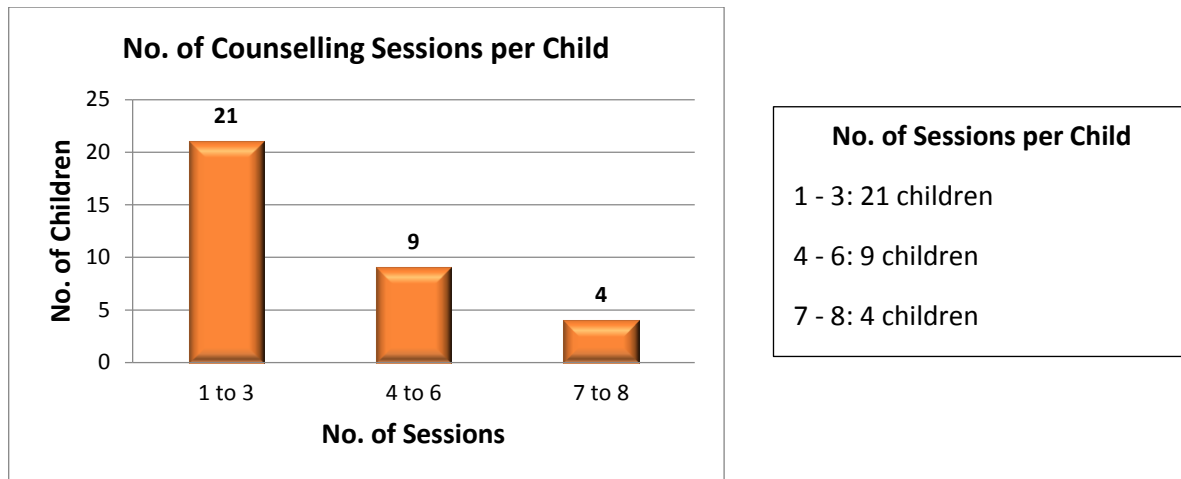
The following is the distribution of first time and repeat offending / alleged offending among CCLs referred for counselling:



Deconstructing recidivism among CCLs, one out of the three had come in conflict with the law for the same offence, i.e., Forgery and both cases were under inquiry by the Board. In the case of other two, the past and present offence was different. For one, the past offence

was to do with theft and current offence was Attempt to Murder, and both cases were still pending before the Board. The other CCL's past offence was Forgery and current offence was Causing Voluntary Hurt/Physical Assault and he was held guilty for both the offences.

5. Counselling sessions held and attended by the CCLs:



No. of Sessions per Child
 1 - 3: 21 children
 4 - 6: 9 children
 7 - 8: 4 children

The number of counselling sessions per child depends on the child's need as much as the child's interest and factors such as feasibility and affordability. Out of the 34 children, four (4) discontinued the counselling sessions midway. Of these four, three (3) dropped out because they didn't think counselling was of any utility. One (1) CCL dropped out because of poor economic conditions as the child and his family could not afford the long distance travel expenditure likely to be incurred for attending regular counselling sessions.

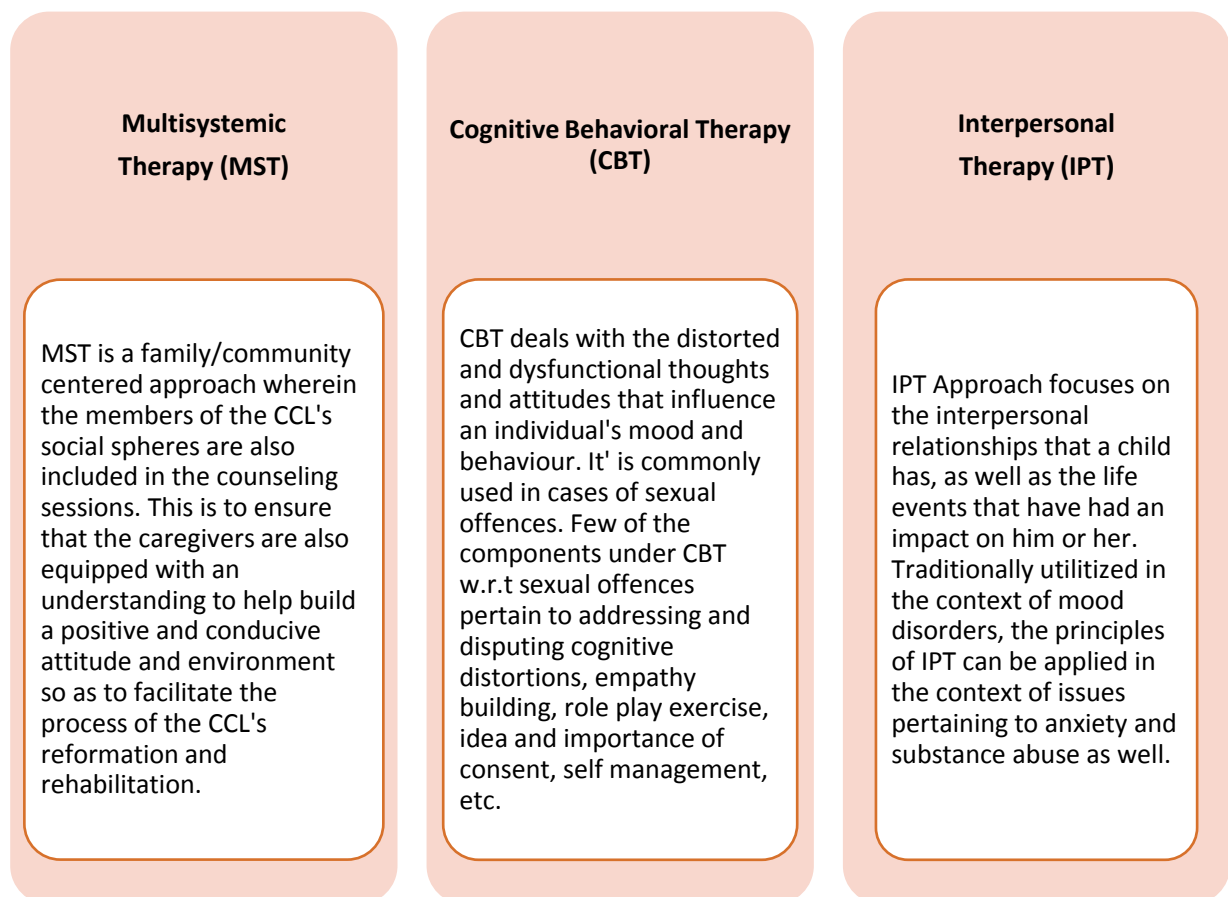
The following section reflects the broad needs of the CCLs that were identified by the counsellor and the subsequent areas of intervention that became the anchor:

Needs Identified	Intervention
Insight about the rationale for counselling	Psycho-education in the initial stages of counselling.
Affordable legal aid services	Disseminating information pertaining to legal aid services and their credibility and affordability, in consideration of the low economic status of the family.
Identifying and addressing the current mental health needs of the CCL	Therapeutic intervention.
Cognizance of the CCL about the nature of offence and identifying any emerging cycle that has been giving impetus to	Therapeutic intervention.

maladaptive and offensive attitudes and behaviours	
Necessary networks available for facilitating the transition beyond the JJB	On the basis of the CCL and family's interests, requesting the Board for orders for school admission or re-enrolment of CCL as the case may be / enrolment into a vocational training programme.
Lack of family involvement and support	Family counselling sessions.

6. Therapeutic Approaches:

The following are the main therapeutic approaches that have been used during the counselling sessions:



7. Outcomes:

The present section pertains to the outcomes of the counselling services that were provided to the CCLs. Although the focus of the report is on the visible outcomes, there are often

impacts that may remain covert.

The visible outcomes may be understood as follows:

- The first outcome pertains to the consistency and willingness of the child to attend the counselling sessions. It is very openly communicated to the child that if he or she is not interested in attending the sessions, they have the agency to turn down the opportunity and refuse the counselling services. Even though the need for attending counselling sessions is ordered by the Board, the goal of the counsellor is not to force the child into attending these sessions if he or she is not able to see any utility or relevance in doing so. This is important because the core of a therapeutic alliance is built on authenticity, and if the child is not able to find meaning in engaging with the counselling process, forcing the child will only be counterproductive. Moreover, it is only fair to provide children the right to express their willingness and exercise agency. Therefore, when a child decides to engage and continue with the counselling sessions, it may be seen as a positive outcome with respect to his/her journey into developing insight and effort towards reformation and rehabilitation.
- The second visible outcome pertains to the child's engagement and reflection on the emergent themes during the counselling sessions. This is significant because one of the goals of counseling is to facilitate an environment wherein the child himself or herself reaches a point of insight and realisations. Such development requires the child to reflect and share his or her reflections on the critical themes that are pre-determined or that emerge during and from the sessions. The aim of counselling cannot be about adopting a shaming and reprimanding approach; rather it is to help facilitate a deeper understanding within the child about the various aspects of the current context that brought him or her in contact with the law.
- Another visible outcome is related to the participation and active engagement of the immediate family members in the counselling process. The first step towards involving the immediate family members is initiated by the counsellor. In the case of family members as well, they are provided with the agency to freely communicate their unwillingness to engage in the sessions. Therefore, the frequency and nature of participation from the family's side is a reflection of a positive outcome of the approach to the counselling process, which has far greater implications for the holistic reform and rehabilitation of the CCL.
- Another important outcome pertains to the initiation, motivation and engagement of the child to look into various means of getting back to the mainstream social settings such as formal education, vocational training or joining the workforce. This is a very important step towards their rehabilitation and requires awareness and accessibility to various means that can help in the transition from the juvenile justice system to the

active and meaningful social settings in the child's environment. As per the individual needs of the child and his or her familial and other socio-economic conditions, the best possible option is jointly identified amongst a range of choices, which is then recommended to the Board, who then provides further necessary support required by the child to undertake this road to transition.

It is to be noted, that to gauge a deeper and more thorough understanding of long-term outcomes of counselling sessions and other interventions provided by the juvenile justice system, with respect to the reform and rehabilitation of CCLs, a more comprehensive and longitudinal observation is required along with setting up of post-intervention support and monitoring structures.

Furthermore, to determine the long-term efficacy of services that are provided by the juvenile justice system, one requires to go beyond the realms of basic enrolment to formal education, or vocational training or workforce; and need to map the recidivism rates and the nature and quality of engagement of the child in the active social settings once he or she moves on from the juvenile justice setting.