

# LEAP PROGRAM

## POCSO ACT



# Case study 1

Priya, studying 9th Std in a Government HR. Sec. School in Trichy, is a slow learner in Maths. The Maths teacher asked her to come home for tuition. Though initially she hesitated, finally she goes for home tuition. Taking advantage of the space, the teacher started sexually abusing her with her consent and this continues in the school too. Later he threatened her , saying that he would fail her, if she were to reveal these things to anyone in the school. After a few months, she personally shared this with her class teacher. What would you do in this case , if you are to be the class teacher?



# Case study 2

PSSS is a well known CBSE school in Chennai, which has won several prestigious awards from the Union and State Governments for the last twenty years and many prominent personalities are the passouts from the school. Celebrities in the city yearn for admissions for their children in this reputed school. Cynthia is studying 12 th std in this school and she is a good athlete and promising student for the forthcoming international level competition too. Her parents are very much encouraging to participate in all the competitions. The PET teacher has been continuously sexually abusing her for more than ten months. He had recorded her nude photos in his mobile, without her knowledge. Once she came to know this, Cynthia was very reluctant to reveal these things to any other teachers, feeling of guilt and Shame, besides retaliation from the PET teacher . She has been mentally disturbed very much. Her parents also do not know anything about this. One day all of a sudden, she collapsed in the ground. The Principal took her to the office and asked for the reason. She revealed everything to the Principal. If you are to be the principal , what would do?



## Case study 3

Vinoth is a dalit boy, studying 10th std in a Government school in Kumbakonam, staying in the hostel attached to the school. Hostel warden gave him many responsibilities in the hostel, and asked him to coordinate a number of activities in the hostel, knowing his talents and capacities. One night the hostel warden asked him to come to his residence ( a separate building). He tried to convince that boy and had sexual relationship with him. And this continued for a few months. Other hostel boys slowly came to know about this relationship and started fooling him. One of the hostel boys reported this to the School HM. The HM immediately lodged a complaint to the police, knowing the seriousness of the issue . If you are to be the investigation officer , how would handle this case.?



# Exploitation of adolescents and children

- Sexual exploitation – child trafficking
- Increasing child abuse in schools and homes
- Labour exploitation- cheap labour
- Taking advantage of their socio economic vulnerabilities and family situation
- Very fragile and submissive
- Govt taking serious view



# Recent incidents- Shocking and grim reminders

- Child sexual abuses in CBSE Schools
- Padma Sheshadri School in Cheenai
- Sushil Hari International School
- Kallakurichi school incident
- Vulnerability of children/adolescents and fear among them
- Powerful lobby/ goons running schools



# Definition

## Adolescents

Age group between 13/ 14 to 18/19

The most important age group that is largely left out

## Children

- Any person below the age of 18 years (UNCRC)
- Indian Constitution – 14 years
- The Juvenile Justice (Care and Protection) Act – 18 years (recent debate to lower the age)
- The Protection of Children from Sexual Offences Act 18 years (Child Marriage Act- 18 years)
- The Child Labour (Prohibition and Regulation) Act – 14 years



# **Women , adolescents and children – non entities**

**irrespective of their age**

**educational qualification**

**socio – economic status and**

**geographical area are vulnerable and  
considered to be soft targets**

**Deep rooted patriarchal mindset in the male  
dominated society**

**portray women and children as mere objects  
and not considered to be human beings.**





## Definition – Child Abuse

- According to **WHO**, "Child abuse or maltreatment constitutes **sexual abuse, neglect or negligent treatment or all forms of physical and/or emotional ill-treatment commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.**"



# Four Major Categories of Child Abuse

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect



# Facts on Child Physical Abuse

- **Two out of every three children are physically abused.**
- **Out of those children physically abused in family situations, 88.6% are physically abused by parents.**
- **65% of school going children report facing corporal punishment i.e. two out of three children are victims of corporal punishment.**
- **Most children do not report the matter to anyone.**

(Ministry of Women and Child Development, GoI)



# Facts on Child Sexual Abuse

- **53.22% children report having faced one or more forms of sexual abuse.**
- **21.90% children report facing severe forms of sexual abuse and 50.76% other forms of sexual abuse.**
- **50% abusers are persons known to the child or in a position of trust and responsibility.**
- **Most children do not report the matter to anyone.**

(Ministry of Women and Child Development, GoI)



# Emotional Abuse and Girl Child Neglect

- **Every second child report facing emotional abuses.**
- **Equal percentage of both girls and boys report facing emotional abuse.**
- **In 83% of the cases parents are the abusers.**

(Ministry of Women and Child Development, GoI)



# What is Physical Abuse?

- **Physical abuse** is inflicting physical injury upon a child. This may include hitting, slapping, kicking, beating or otherwise harming a child.
- The parent or caretaker may not have intended to hurt the child.
- Over-discipline or physical punishment that is inappropriate to the child's age.



# What is Child Sexual Abuse?

- These acts are committed by **a person responsible for the care of a child or related to the child**
- for example a baby-sitter, parent, neighbour, teachers, relatives, extended family member, peer, older child, friend, stranger, or a day-care provider.



# Child Sexual Abuse

- **Exhibitionism**
- **Voyeurism**
- **Kissing**
- **Touching of breasts or genitals**
- **Fondling child's genitals**
- **Making the child fondle an adult's genitals**
- **Sexual assaults (intercourse, incest, rape, sodomy)**
- **Vaginal or anal intercourse or attempted intercourse**
- **Prostitution**
- **Pornography**
- **Verbal sexual stimulation**
- **Obscene calls**
- **Letting down the bars of privacy so that the child watches or hears sexual acts**





# What is Emotional Abuse?

- **Emotional abuse** (also known as verbal abuse, mental abuse, and psychological maltreatment) includes acts or the failure to act by parents, caretakers, teachers, peers and others that have caused or could cause, serious behavioural, cognitive, emotional, or mental distress/trauma.



# Types of Child Sexual Abuse

- **Touching behaviors**
- **Non Touching behaviors**



# Touching behavior

- Fondling a child's body for sexual pleasure
- Kissing a child with sexual undertones/inclinations (intention).
- Rubbing sexual organs against a child's body.
- Sexually touching a child's body, and specifically private parts (breasts and genitals). encouraging or forcing a child to do likewise.
- Making a child touch someone else's genitals, or playing sexual ("pants-down") games.
- Encouraging or forcing a child to masturbate, with the child as either a participant or observer.
- Encouraging or forcing a child to perform oral sex (mouth-to-genital contact on or by the child)
- Inserting objects or body parts (like fingers, tongue or male organ) inside the female organ, mouth, or anus of a child;



# Non-touching behaviors

- Encouraging a child to watch or hear sexual acts either in person or lowering the bars of privacy
- Looking at a child sexually.
- Exposing one's private body parts to a child (exhibitionism)
- Watching a child in a state of nudity, such as while undressing, using the bathroom, with or without the child's knowledge (voyeurism)
- An adult making comments to the child that are sexual in nature. Commenting on the sexual development of a child
- Encouraging or forcing a child to watch pornography, giving pornographic material or using the child in pornography



## Characteristic of Children which makes vulnerability

- **Curiosity**
- **Need of love**
- **Innocent**
- **Need attention**
- **Trust very easily**
- **Inhibition**
- **Dependent**
- **Lonely**
- **Disabled children**
- **Unhappy / separated family.**
- **Over protected**
- **Low self esteem**



# Common Effects of Child Sexual Abuse

- **Distrust of others and themselves**
- **Terror and Anxiety**
- **Shame, guilt, and self-hatred**
- **Alienation from their bodies**
- **Isolation and withdrawal from people and activities.**
- **Powerlessness, depression, and extreme passivity.**
- **Anger.**
- **Obsession with sex or complete aversion to it.**
- **Questioning their sexuality and gender.**
- **Drug and alcohol use, abuse and addiction.**
- **Eating disorders**
- **Perfectionism and workholism**
- **Mental illness and suicide.**



## Tips to Help Protect Children from Sexual Abuse

- Teach children accurate names of private body parts.
- Avoid focusing exclusively on “stranger danger.” Keep in mind that most children are abused by someone they know and trust.
- Teach children about body safety and the difference between “okay” and “not okay” touches.
- **Let children know that they have the right to make decisions about their bodies. Empower them to say no when they do not want to be touched, even in non-sexual ways (e.g., politely refusing hugs) and to say no to touching others.**
- Make sure children know that adults and older children never need help with their private body parts (e.g., bathing or going to the bathroom).



# The Protection of Children from Sexual Offences Act, 2012

- Sexual offences are broadly classified in Indian Penal Code but **no specific categorization as sexual offences against children in the IPC.**
- Ministry of Women and Child Development insisted on the dire need for a separate legislation on this issue in 2005 and a bill was introduced in this regard in the same year.
- The Protection of Children from Sexual Offences Act was enacted in the Parliament in May 2012. The Rules were also framed in the same year. This is **the first domestic law against child sexual abuse in the country.**





# Salient features of the Act (POCSO, 2012)

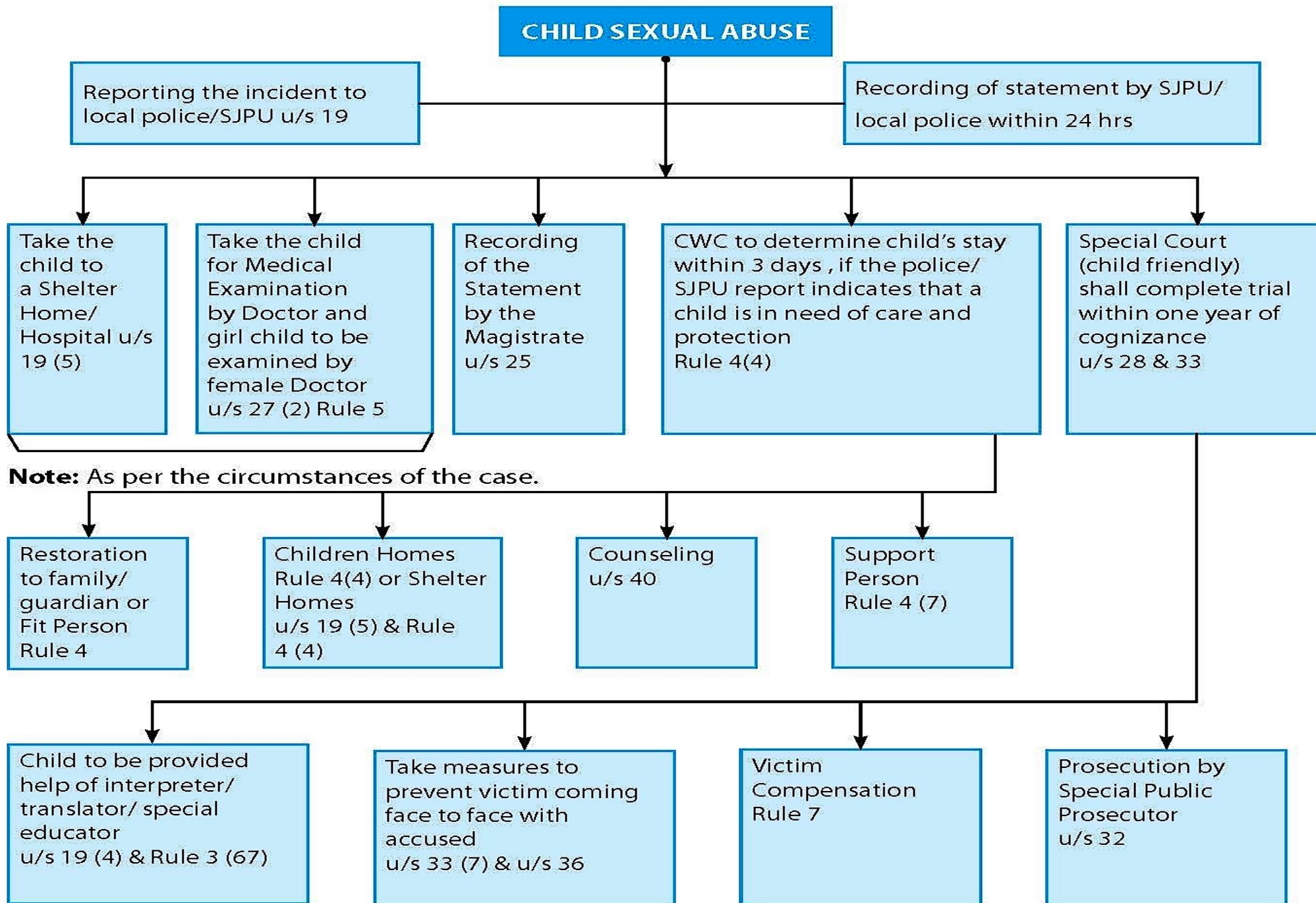
- Children below 18 years of age are covered .
- The Act defines what is **sexual assault, aggravated sexual assault and Penetrative sexual Assault and Sexual harassment** and it prescribes punishment for these offences
- Chapter 3 deals with making use of pornography through internet, electronic and print media among children and prescribes punishment for the same
- It speaks about abetment and attempt to commit an offence on sexual assault and harassment
- It provides protection to children being sexually assaulted, abused and harassed.



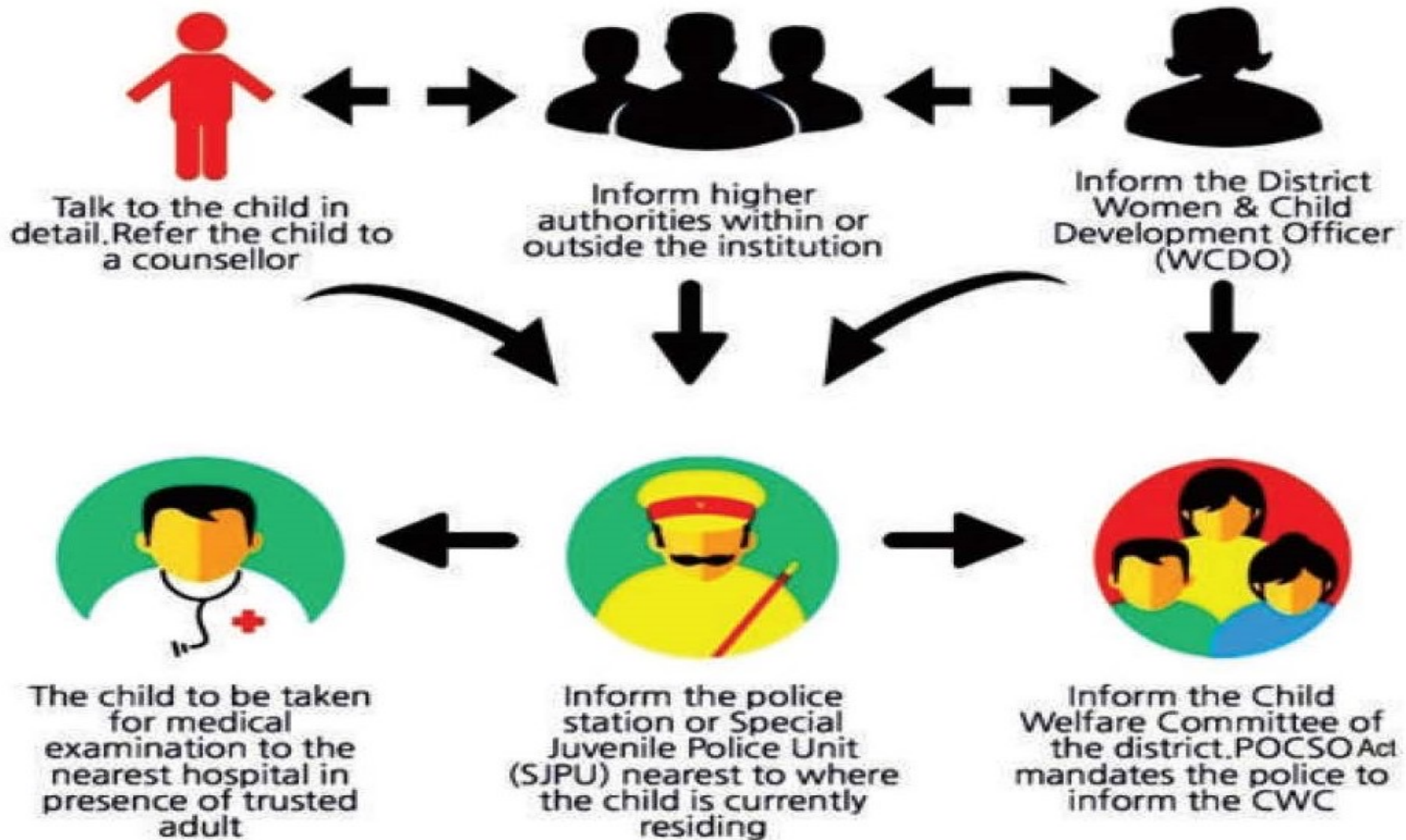
- **Stringent punishments prescribed for the offences.**
- **These offences are non – bailable**
- **Chapter 5 deals with the reporting of these cases, while chapter 6 speaks about the procedure for recording statement of the affected children.**
- **The Act specifically mentions about setting up of special courts to try these offences booked**
- **Chapter 8 deals with the powers of the special court, the procedures and recording of evidence**



# PROCESSES UNDER POCSO ACT



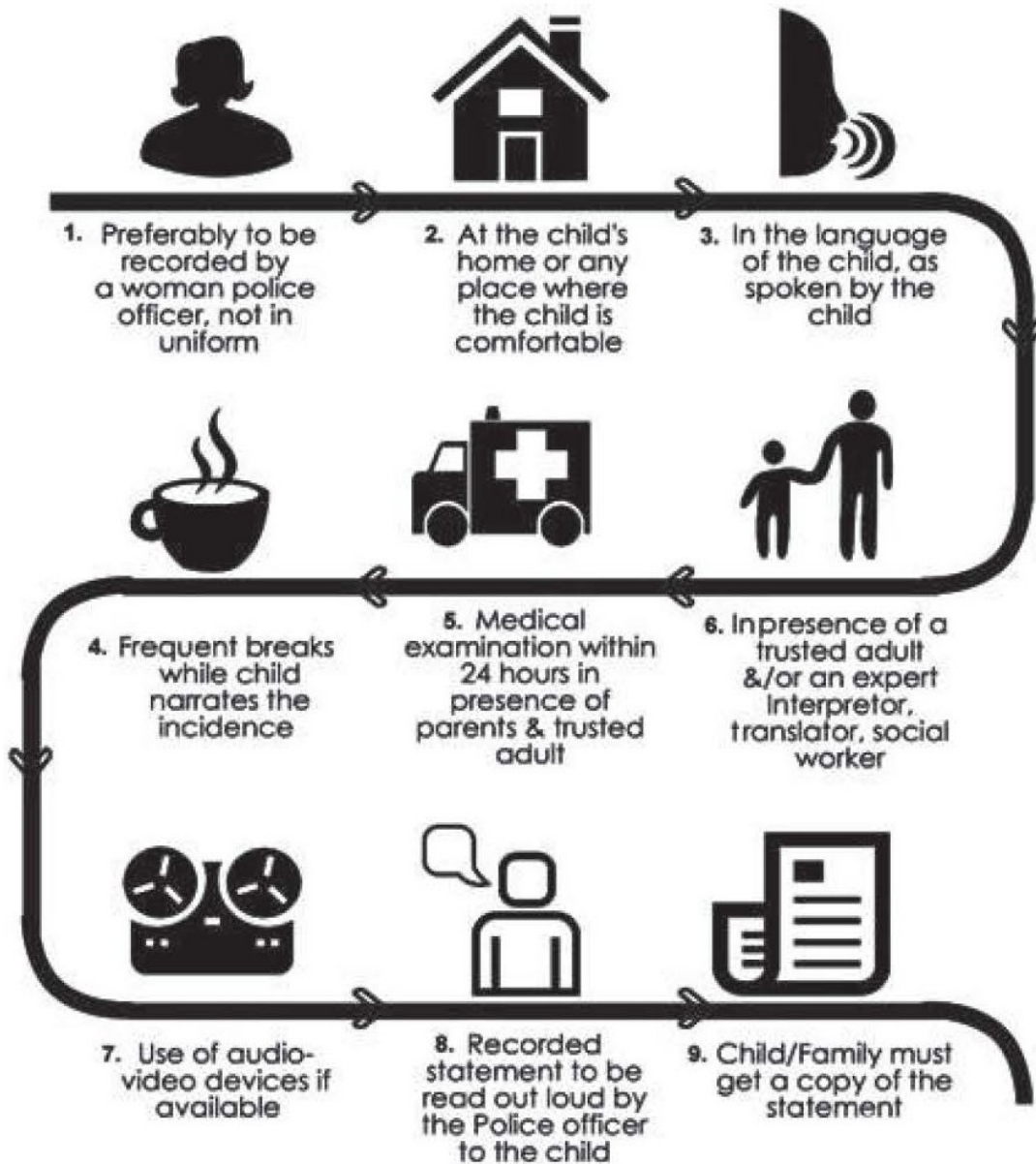
**When a child share/complains about an incident of CSA to anybody in an Institution, adopt the following procedure:**



**Note: It is mandatory to report child sexual offence to the nearest police station. Individuals/institutions failing to do so are liable for punishable under the POCSO Act, 2012.**

# Recording the statement of a child

## 9 things to Remember



## ✓ Do's

### Adopt supportive behaviour towards child victims



Listen to the case with patience when the child complains about a person or an incident or a physical discomfort



Raise your concern with people close to the child



Call CHILDLINE at 1098



Ensure the child has undergone medical examination immediately after reporting the incident



Report incident of abuse at the nearest Police Station



Be sensitive while discussing the incident or its details with the child

**X Do Not**

## Do not adopt unsupportive behaviour towards child victims



**Blaming the child**



**Ignoring when the child complains about a person or an incident or a physical discomfort**



**Reacting in extremes when the incident is reported**



**Sending the child back to the person/ place where the abuse happened**



**Asking the child not to seek help from others**



**Disclosing the child's identity to other people or to the media**



**Not providing medical attention to the child**



**Not taking action even when one is aware of the abuse being taking place**



**Not reporting the incident at the Police Station**

# The Juvenile Justice (Care and Protection of Children) Act 2000 and Amended Act

- **Relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child – friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions.**
- **“Juvenile” or “Child” - a person not completed eighteenth year of age.**





## **JJ Boards and Observation Homes**

- **Juvenile Justice Boards are to be constituted to deal with matters relating to juveniles in conflict with law.**
- **Pending an inquiry before JJB, the juvenile in conflict with law is to be kept in an Observation Home. Observation Homes are to be established and maintained by the government or by voluntary organizations. On completion of inquiry, the juvenile in conflict with law may be kept in a Special Home.**



# Child Welfare Committees

- **Child Welfare Committees are to be constituted to deal with matters relating to a child in need of care and protection.**
- **Any child in need of care and protection may be produced before CWC by police / Special Juvenile Police Unit, any public servant, CHILDLINE or any other voluntary organization, any social worker or public spirited citizen so authorized by the State Government, or by the child himself/herself.**
- **Pending an inquiry before CWC, the child in need of care and protection is to be kept in a children's Home; On completion of inquiry, the child is to be kept in a Children's Home, if the child has no family or support.**



# Childline – Special Homes – Restoration of a Child

- **Childline** has been authorized under the JJ Act to produce a child before CWC.
- **Observation Homes, Special Homes and Children's Homes** are to provide facilities of care, treatment, education, training, development and rehabilitation. The main functions of these Homes is to protect the child and ultimately restore him/her to a family environment. “Restoration of a child” means restoration to a parent or restoration to family environment through adoption or foster – care.
- A **Special Juvenile Police Unit** is to be established in each district to deal with matters under this Act. Every police station to have at least one officer designated as “Juvenile or child welfare officer” and receive appropriate child – related training and orientation.



# Child Rights today

- Awareness among the public/ Visibility
- Media Focus on Child rights Violations
- The State takes serious view and new legislations
- Interventions/ intense debate / perspective building by Civil Society Groups at National and international Levels
- UNCRC- its reach



# LETTER OF HIS HOLINESS POPE FRANCIS (FOR THE PROTECTION OF MINORS, 2 February 2015)

- Everything possible must be done **to rid the Church of the scourge of the sexual abuse of minors** and to open pathways of reconciliation and healing for those who were abused.
- To take whatever steps are necessary **to ensure the protection of minors and vulnerable adults in the institutions and ministries** and to respond to their needs with fairness and mercy.
- It is the responsibility of **Diocesan Bishops and Major Superiors** to ascertain that the safety of minors and vulnerable adults is assured in parishes and other Church institutions.



# Concrete Measures Proposed

- **Guidelines that describe proper ethical and professional conduct for all who serve in our institutions, whether they employees or volunteers (Schools, Parishes, Associations, and all other forms of ministry)**
- **Systematic training and ongoing formation programs that inculcate respectful ways of relating to others**
- **Protocols that respond adequately to every allegation of sexual abuse**



# Possible Interventions at different levels

- **Gender sensitization programs for staff /volunteers/students**
- **Training inputs on child protection / UNCRC / JJ Act / POCSO**
- **Women leadership Training programs at different levels**
- **Life skill Training / psycho – social interventions for victims**
- **Individual counselling to adolescents affected**
- **Child Protection policy and Gender policy in all institutions**
- **Setting up internal committees to look into the matters**
- **Help activating available child protection structures at district level (Childline, CWC, JJ Board, DCPU, ICPS)**



# Child Friendly Campuses

- Perspective Building for teachers and Brothers on child rights
- Say No to corporal Punishment
- Trying to understand the causes for children's particular behaviours/ their socio economic and cultural background
- Efforts to bring out their dormant potentials and talents and involve the children in all activities/ programs





# Thank you

