



Protsahan
India Foundation


UNDERSTANDING REPORTING MECHANISMS TO END CHILD ABUSE

(with AV art resources for educators to use in their classrooms)


Protsahan's National Child Protection Program > Resources



VIOLENCE AGAINST CHILDREN IN INDIA



In 94.6% of cases of child sexual abuse, the perpetrators were known to child victims in one way or the other; in 53.7% of cases they were close family members or relatives/friends.




National Commission for Protection of Child Rights (NCPCR) in 2012 found that 99% of school children are subjected to physical and mental abuse by teachers.



According to CHILDLINE 1098, during two weeks of the lockdown in April 2020 the **number of calls of children in distress had increased by 50 per cent.**

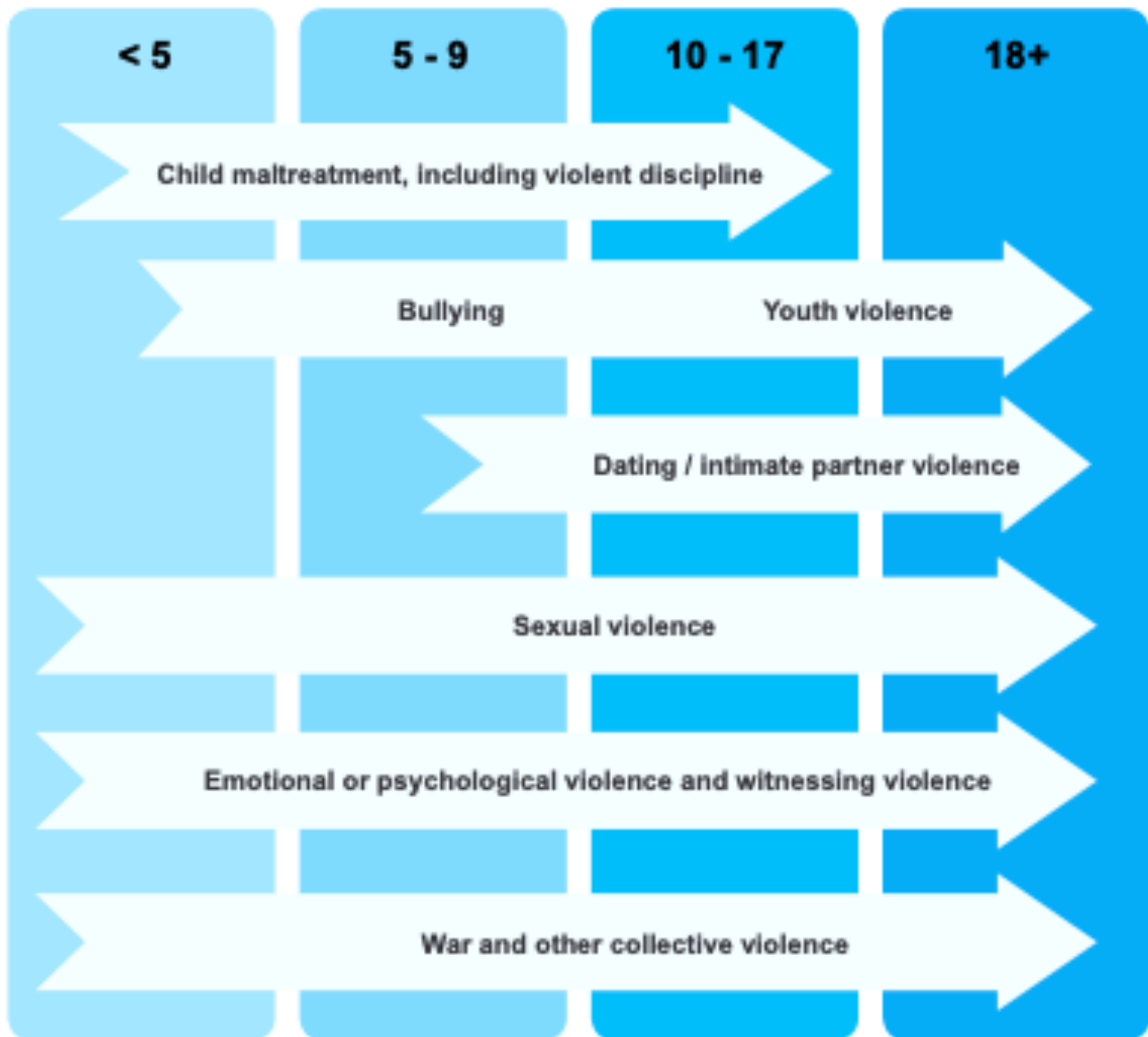


According to a recent report by U.S. National Center for Missing & Exploited Children (NCMEC) at least **25,000 images of child sexual abuse were uploaded every day from India.**



POCSO cases registered for child abuse raised from 8,904 in 2014 to 14,913 in 2015, under the POSCO Act. Sexual offences and kidnapping account for 81% of the crimes against minors

PATTERNS OF VIOLENCE VARY BY AGE



Family and communities: where domestic violence, sexual violence and corporal punishment often occurs.

Schools: where bullying, corporal discipline and sexual abuse often occur

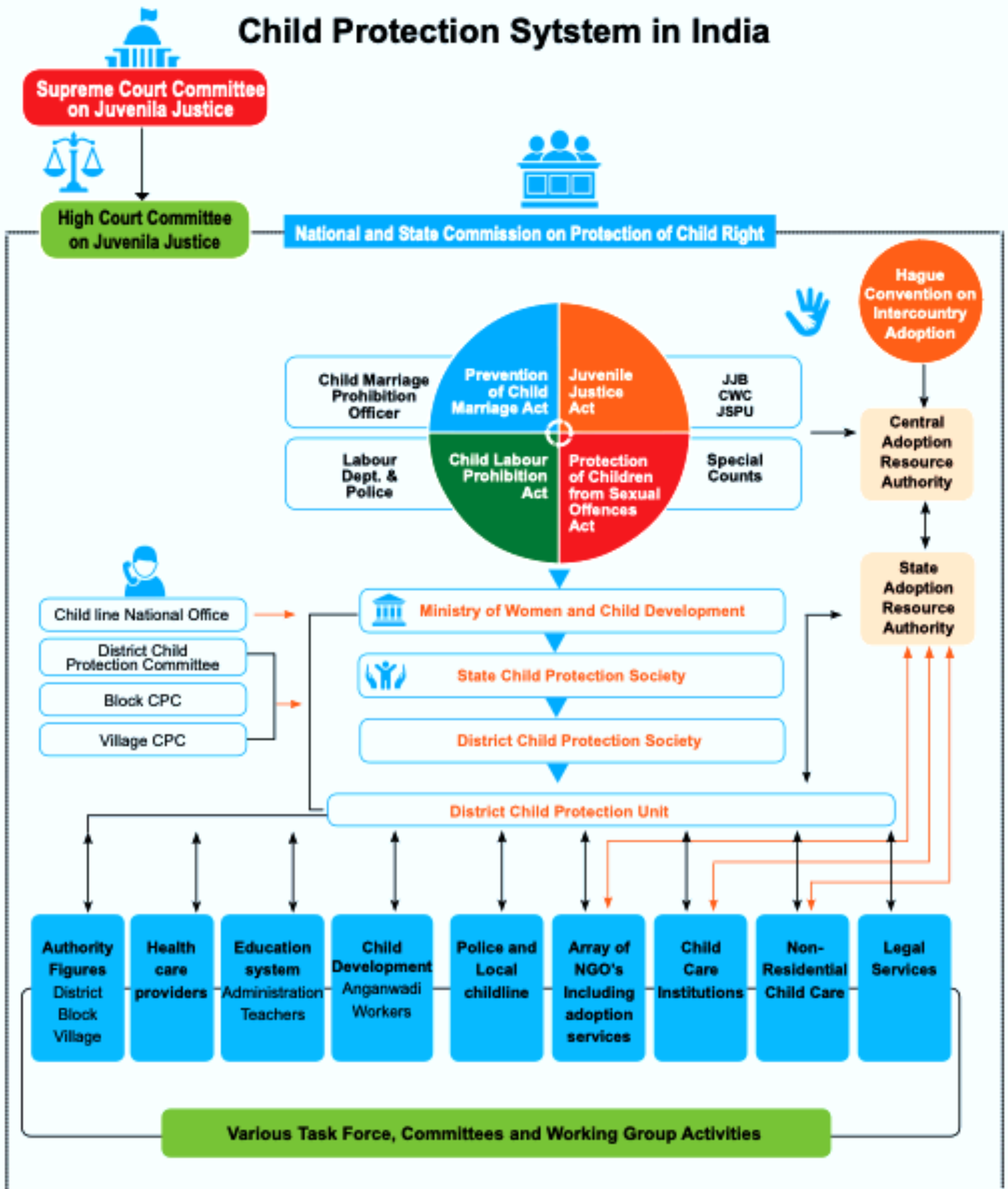
Institutions: where child maltreatment, sexual violence and abuse often occurs

Online or technologically based: especially sexual abuse (including sexual exploitation and 'grooming'), as well as bullying.

On the move and on the streets: where vulnerable children may be exposed to violence



Child Protection System in India





The violence prevention strategy in schools In India focus on these areas

01
Corporal Punishment

02
Bullying including Cyberbullying

03
Child Sexual Abuse, and a Crosscutting

04
Referral to Services and PSS

**Pratsahan's Adolescent Girl Framework
 Empowering the Agency of Girls in Underserved Communities
 Through The Lens of Intersectionality**

The HEART Model



TO REPORT CHILD SEXUAL ABUSE INCIDENT

यदि आप खतरे में हैं और आपको मदद की ज़रूरत है तो आप निम्नलिखित को संपर्क कर सकते हैं



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CHILDLINE : 1098



NCPCR HELPLINE:
0986823507

DLSA HELPLINE: 1516

DCPCR: 011-23862686,
23862691



POLICE: 100

INDIA SPECIFIC KEY LEGISLATIONS ON ENDING CHILD ABUSE

Right of Children to Free and Compulsory Education (RTE) Act, 2009, prohibits 'physical punishment' and 'mental harassment' under Section 17(1) and makes it a punishable offence under Section 17(2) as per the service rules.

Juvenile Justice (Care and Protection of Children) Act 2015:

- ⊙ Sec 2 (24) defines corporal punishment: means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child;
- ⊙ Sec 75. Punishment for cruelty to child. Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both (exempts parents from being criminalized in case they are not in a condition to take care of the child)
- ⊙ Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees.
- ⊙ Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees
- ⊙ Sec 82. Corporal punishment in CCIs. (1) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both. (2) If a person employed in an institution referred to in sub-section (1), is convicted of an offence under that sub-section, such person shall also be liable for dismissal from service and shall also be debarred from working directly with children thereafter. (3) In case, where any corporal punishment is reported in an institution referred to in sub-section (1) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person in-charge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh rupees.

INDIA SPECIFIC KEY LEGISLATIONS ON ENDING CHILD ABUSE

Prevention of Children from Sexual Offences Act (POCSO) 2012

Implementation of the POCSO Act – Goals, Gaps and Challenges, Study of Cases of Special Courts in Delhi and Mumbai 2012-15, HAQ Centre for Child Rights, Forum Against Child Sexual Exploitation, UNICEF, 2017

- ⊙ Children are defined as persons below the age of 18 years.
- ⊙ The Act is gender neutral, i.e., it recognizes that the victims and the perpetrators of the offence can be male, female or third gender.
- ⊙ It raises the age of sexual consent from 16 years to 18 years, by making all sexual activity with a minor a statutory sexual offence.
- ⊙ The POCSO Act broadens the understanding of rape (penetrative sexual assault) from penilevaginal penetration to penetration by specific body parts or of objects into specified parts of the child's body, or making the child to so penetrate. It also penalises the person who may not engage in the penetration but may cause the penetration of a child by another person or cause the child to penetrate another.
- ⊙ The Act recognizes that sexual abuse may involve or may not involve bodily contact; it categorises these offence as 'sexual assault' and 'sexual harassment'.
- ⊙ Under the Act, penetrative sexual assault and sexual assault becomes aggravated and is punished more severely when committed - – by specified persons such as a police officer, member of the armed forces or security forces; public servant; management or staff of place of custody or care and protection, hospital, educational or religious institution, upon a child therein etc.; –in specified situations such as offence committed more than once or repeatedly; on a child with physical or mental disability or resulting in physical or mental disability; on a child below 12 years of age, etc.
- ⊙ The Act lays down special procedures to be followed by the investigating agency when recording the child's statement and by the Special Court during the child's deposition.
- ⊙ Reporting to the police about commission of a sexual offence is mandatory under the Act for everyone, and the legislation includes a penal provision for non-reporting.
- ⊙ The Act contains provisions to ensure that the identity of a child against whom a sexual offence is committed is not disclosed by media.
- ⊙ Children are to be provided other special support in the form of translators, interpreters, special educators, experts, support persons and NGOs during the pre-trial stage and trial stage.
- ⊙ Children are entitled to legal representation by a lawyer of their choice or free legal aid.
- ⊙ The Act also contains rehabilitative measures, such as compensation for the child and involvement of the Child Welfare Committee.

KEY FEATURES OF POCSO

1. Defines any person below the age of 18 as a child
2. Addresses various forms of sexual abuse, sexual assault, sexual harassment and pornography
3. Considers certain acts as 'aggravated assaults' when a child is abused by a person in a position of trust or authority
4. Prescribes guidelines for key players such as police, courts, medical institutions, psychologists and counsellors
5. Aims to create child-friendly special courts
6. Allows for a support person appointed by the Child Welfare Committee (CWC) or the family to be present during the child's evidence recording process
7. Section 42 A of the Act provides that in case of inconsistency with provisions of any other law, the POCSO Act shall override such provisions.
8. To monitor the implementation of the Act, the National Commission for the Protection of Child Rights (NCPCR) and State Commissions for the Protection of Child Rights (SCPCR) have been made the designated authority. Both being statutory bodies.



GENERAL PRINCIPLES OF POCSO

The Protection of Children from Sexual Offences Act, 2012 mentions important general principles which are to be followed by anyone, including the State Governments, the Child Welfare Committee, the Police, the Special Courts, NGOs or any other professional present during the trial and assisting the child during the trial. These include:

1. **Right to life & survival** – The child must be shielded from any kind of physical, psychological, mental, emotional abuse & neglect
2. **Best interests of the child** – The primary consideration must be the harmonious development of the child
3. Right to be treated with **dignity** and **compassion** – Child victims should be treated in a caring and sensitive manner throughout the justice process
4. Right to be protected from discrimination – The justice process must be transparent and accountable; irrespective of the child's cultural, religious, linguistic or social orientation
5. Right to **special preventive measures** – It suggests, that victimised children are more likely to get abused again, thus, preventive measures and training must be given to them for self-protection
6. Right to be informed – The child victim or witness must be well informed of the legal proceedings
7. **Right to be heard** and to express views and concerns – Every child has the right to be heard in respect of matters affecting him/her
8. Right to effective assistance – financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's **healing** must be provided
9. Right to **Privacy** – The child's privacy & identity must be protected at all stages of the pre-trial & trial
10. Right to **compensation** – The child victim may be awarded compensation for his/her relief and rehabilitation



ALWAYS REMEMBER!

- **POCSO PROTECTS:** Pocso ensures safety and dignity of the child
- **POCSO IS GENDER NEUTRAL**
- **POCSO BELIEVES:** When a child confides in you to make a disclosure of abuse, it is your duty to tell the child, "It's not your fault and I believe you."
- **POCSO MAKES REPORTING MANDATORY:** Report the incident to the right trusted authority that upholds the "best interests of the child." under all circumstances to help the child heal
- **CONSIDER INSTITUTIONALISATION AS THE LAST RESORT:** First focus on medical aid to the child, legal compensations, solutions based in restorative justice practices and bringing the perpetrator to justice as critical steps, rather than immediately and forcibly putting the child victim away in a shelter home.



BREAK THE SILENCE. END CHILD SEXUAL ABUSE.

चुप्पी तोड़ो । बाल यौन शोषण रोको।

10 SENTENCES THAT CAN TURN A VICTIM INTO A SURVIVOR.

1. I BELIEVE YOU. (मुझे तुम पर विश्वास है।)
2. THIS WAS NOT YOUR FAULT. (यह आपकी गलती नहीं थी।)
3. YOU DID NOTHING WRONG. (आपने कुछ ग़लत नहीं किया।)
4. I'm proud of you for opening up. (मुझे आपके बोलने पर गर्व है।)
5. I'm right here for you. (मैं तुम्हारे लिए यहीं हूँ।)
6. This doesn't define you. (यह आपको परिभाषित नहीं करेगा।)
7. HEALING IS POSSIBLE. (शिफ़ा मुमकिन है। / यह घाव भरा जा सकता है।)
8. What they did was wrong. (उन्होंने जो किया वह गलत था।)
9. You are worthy of unconditional support and love. (आप बिना शर्त समर्थन और प्यार के योग्य हैं।)
10. You're so much more than that. (आप इससे बहुत अधिक हैं।)



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यौन उत्पीड़न से बच्चों के संरक्षण का अधिनियम (POCSO Act, 2012)



- नाबालिग बच्चों के साथ होने वाले यौन अपराध और छेड़छाड़ के मामलों में सख्त कार्रवाई के लिए।
- 18 वर्ष से कम उम्र के किसी भी व्यक्ति के गुप्तांगों पे छूना, उन्हें अपने गुप्तांग दिखाना, उनसे अपने गुप्तांगों को छूने के लिए कहना, या उन्हें पोर्नोग्राफिक पिक्चर दिखाना - सब POCSO कानून के हिसाब से दण्डनीय अपराध हैं।
- इसकी शिकायत व्यक्ति स्वयं, उनके टीचर, डॉक्टर, या कोई भी अभिभावक कर सकता है।
- चाहे आप 18 साल से बड़े भी क्यों न हों, यदि जब आप नाबालिग थे, तब आपके साथ यौन हिंसा हुई थी, तो आप उसकी शिकायत कभी भी दर्ज कर सकते हैं।
- यदि किसी भी वजह से आप पुलिस के पास नहीं जा सकते - तब भी मदद निम्नलिखित तरीकों से पहुँच सकती है-
 1. 18 साल से काम उम्र के लोग यौन उत्पीड़न और शारीरिक या मानसिक हिंसा के बारे में **1098** पर फ़ोन करके जानकारी दे सकते हैं
 2. यदि आपकी उम्र या पीड़ित व्यक्ति की उम्र 18 साल से ज़्यादा है तब आप **1091**, **घरेलु हिंसा** के मामले में **181** या **011-26942369, 26944754** पर फ़ोन करके ना ही उचित जानकारी बल्कि तुरंत मदद भी पा सकते हैं



POCSO से जुड़ी कुछ ज़रूरी बातें



1. कोई पुलिस अधिकारी FIR दर्ज करने से इनकार नहीं कर सकता है, अगर उनके पुलिस स्टेशन के अधिकार क्षेत्र के बाहर होने वाले अपराध की सूचना दी जाती है। फिर भी वह FIR दर्ज करने के लिए बाध्य है और इसे संबंधित पुलिस स्टेशन को अग्रेषित करें।
2. बलात्कार या छेड़छाड़ की घटना के काफी समय बीत जाने के बावजूद पुलिस FIR दर्ज करने से इनकार नहीं कर सकती। यदि पुलिस आपको बताती है कि वे आपकी प्राथमिकी को दर्ज नहीं कर सकते हैं क्योंकि आपने इसकी रिपोर्ट नहीं की है, तो मत मानिए।
3. **किसी भी परिस्थिति में बलात्कार पीड़िता की पहचान उजागर नहीं की जा सकती।**
4. महिलाओं को आपराधिक प्रक्रिया संहिता की धारा 160 के तहत पूछताछ के लिए पुलिस स्टेशन नहीं बुलाया जा सकता है। यह कानून भारतीय महिलाओं को पूछताछ के लिए शारीरिक रूप से पुलिस स्टेशन में उपस्थित नहीं होने का अधिकार प्रदान करता है।
5. बलात्कार के मामले को खारिज नहीं किया जा सकता है, भले ही डॉक्टर का कहना है कि बलात्कार नहीं हुआ था। बलात्कार की शिकार महिला को आपराधिक प्रक्रिया संहिता की **धारा 164 ए** के अनुसार चिकित्सकीय जांच करने की आवश्यकता होती है, और केवल रिपोर्ट ही प्रमाण के रूप में कार्य कर सकती है।

A QUICK VIDEO RESOURCE GUIDE FOR TEACHERS TO APPROACH THE TOPIC OF CHILD RIGHTS AND CHILD ABUSE TO CREATE AWARENESS IN THEIR CLASSROOMS

CHILD SEXUAL ABUSE - NCPCR VIDEO 1 (HINDI)



CHILD SEXUAL ABUSE - CHIDLINER VIDEO 2 (HINDI)



A QUICK VIDEO RESOURCE GUIDE FOR TEACHERS TO APPROACH THE TOPIC OF CHILD RIGHTS AND CHILD ABUSE TO CREATE AWARENESS IN THEIR CLASSROOMS

CHILD MARRIAGE - VIDEO 3 (HINDI)



CHILD MARRIAGE - VIDEO 4 (HINDI)



A QUICK VIDEO RESOURCE GUIDE FOR TEACHERS TO APPROACH THE TOPIC OF CHILD RIGHTS AND CHILD ABUSE TO CREATE AWARENESS IN THEIR CLASSROOMS

MENSTRUAL HYGIENE - VIDEO 5 (HINDI)



MENSTRUAL HYGIENE - VIDEO MIME 6 (HINDI)



A QUICK VIDEO RESOURCE GUIDE FOR TEACHERS TO APPROACH THE TOPIC OF CHILD RIGHTS AND CHILD ABUSE TO CREATE AWARENESS IN THEIR CLASSROOMS

MENSTRUAL HYGIENE - VIDEO 7 (HINDI)



GENDER EQUALITY & FEMALE FOETICIDE - VIDEO 8 (HINDI)



A QUICK VIDEO RESOURCE GUIDE FOR TEACHERS TO APPROACH THE TOPIC OF CHILD RIGHTS AND CHILD ABUSE TO CREATE AWARENESS IN THEIR CLASSROOMS

POCSO LAW WHAT CHILDREN NEED TO KNOW — VIDEO 9 (HINDI)



POCSO LAW WHAT TEACHERS NEED TO KNOW — VIDEO 10 (HINDI)

