

# **NATIONAL SYMPOSIUM**



## **REPORT**

on

**Breaking the Culture of Silence  
Against Child Sexual Abuse:  
Towards an Integrated Action  
Plan for Prevention**

**Anthropos India Foundation**

In Collaboration with  
**Save the Children,  
Child Rights and You  
Centre for Social Equity & Inclusion**



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We look forward to working with all collaborators and partners for furthering the cause of children through our network group.

**Sunita Reddy, Hari Mohan, Sanghmitra Acharya**

## Abbreviations and Acronyms

<b>AIF</b>	Anthropos India Foundation
<b>AIIMS</b>	All India Institute of Medical Sciences
<b>BBA</b>	Bachpan Bachao Andolan
<b>CBSE</b>	Central Board of Secondary Education
<b>CBT</b>	Cognitive behavioural therapy
<b>CESI</b>	Centre for Social Equity &Inclusion
<b>CRY</b>	Child Rights and You
<b>CSA</b>	Child Sexual Abuse
<b>CSM&amp;CH</b>	Centre of Social Medicine and Community Health
<b>CSR</b>	Corporate Social Responsibility
<b>CWC</b>	Child Welfare Committee
<b>DCPCR</b>	The Delhi Commission for Protection of Child Rights
<b>DSL</b>	Delhi State Legal Association
<b>GEMS</b>	Gender Equity Movement in Schools
<b>HIV</b>	Human Immunodeficiency Virus
<b>IACR</b>	Indian Alliance for Child Rights
<b>ICDS</b>	Integrated Community Development Scheme
<b>ICPS</b>	Integrated Child Protection Scheme
<b>ICRW</b>	International Center for Research on Women
<b>IEC</b>	Information, Education and Communication
<b>IIC</b>	India International Center
<b>IIDS</b>	Indian Institute of Dalit Studies
<b>INGOs</b>	International Non- Governmental Organizations
<b>IPC</b>	Indian Penal Code

<b>JAC</b>	Juvenile Aid Centre
<b>JJ</b>	Juvenile Justice
<b>MCOCA</b>	Maharashtra Control of Organised Crime Act
<b>NCRB</b>	National Crime Records Bureau
<b>NCERT</b>	National Council of Educational Research and Training
<b>NCPCR</b>	National Commission for Protection of Child Rights
<b>NGOs</b>	Non- Governmental Organization
<b>NYK</b>	Nehru Yuva Kendra
<b>OSD</b>	Officer on Special Duty
<b>POCSO</b>	Protection of Children from Sexual Offences Act
<b>RBSK</b>	Rastriya Bal Swasthya Karyakram
<b>RCT</b>	Randomized Controlled Trials
<b>RKSK</b>	Rashtriya Kishore Swastha Karyakram
<b>RSCPCR</b>	Rajasthan State Commission for Protection of Child Rights
<b>RTGS</b>	Real-Time Gross Settlement Systems
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>SCERT</b>	State Council of Educational Research & Training
<b>SDGs</b>	Sustainable Development Goals
<b>SOPs</b>	Standard Operating Procedure
<b>STC</b>	Save the Children
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	United Nations Development Fund for Women. (Currently known as UN women)
<b>WCD</b>	Ministry of Women and Child Development
<b>WHO</b>	World Health Organization
<b>ZHCES</b>	Zakir Husain Centre for Educational Studies

## Executive Summary

The world over, children face abuse in multiple forms. In some countries, strong legislation and comprehensive support systems exist to address Child Sexual Abuse (CSA) and offer rehabilitation to children in foster and child welfare homes. In India, given the conservative mind-set and the culture of silence and patriarchy, CSA continues to be a serious yet neglected problem. The vulnerabilities of children received attention through a nationwide study done on 12447 children in 2007, and recently through the specific legislation on sexual offences - the Protection of Children from Sexual Offences Act (POCSO) 2012. The law, however, is largely focussed on post-crime interventions.

The Ministry of Women and Child Development has a nationwide response help line for children called Childline 1098, where crime against children can be reported. The National Commission for Protection of Child Rights (NCPCR) set up in March 2007 is mandated to ensure that laws, policies, procedures and programmes are in consonance with the child rights perspective and conventions. There are also efforts by international organizations like UNICEF, UNIFEM, CRY, Save the Children, ICRW, civil society organisations like Butterflies, Bachpan Bachao Andolan, AICR, Haq Center for Child Rights and child rights activists, to address issues of child rights and violence against children. These efforts have ensured a focus on the issue of CSA, however, they remain isolated and limited in scale. It is important to have a coordinated, comprehensive and integrated approach to address and prevent CSA. There is a need to come together to work and dialogue with the implementing agencies and the state institutions to urge and plan immediate action. The lack of comprehensive data on prevalence, and on system based response poses another challenge. More focussed research is needed on this sensitive yet important area of concern that can inform an integrated action plan for prevention. It is important to recognize that there are graded vulnerabilities among the children belonging to different social groups, especially from marginalized communities. Those living in the fragile environments like slums, streets and shelter homes need more attention and specific responses. The area of prevention needs strengthening and a policy focus, so that educational material on CSA is mainstreamed within the school system and in the adolescent health policies.

Keeping this in view, Anthropol India Foundation in collaboration with Save Children Fund, CRY and CSE had conducted a day long national symposium titled '*Breaking the Culture of Silence Against Child Sexual Abuse: Towards an Integrated Action Plan for Prevention*' on 22<sup>nd</sup> October 2016 at JNU, New Delhi. This symposium aimed to address the issue of CSA from a systems approach and position it within the public health framework. In an effort to be solution focussed, the symposium aimed to gather recommendations for future work and suggest a way forward.

### **Symposium Proceedings**

The symposium was structured into four sessions, where experts working on child abuse and child rights flagged the issues, challenges and proposed strategies to address CSA. The

sessions were held as round table discussions and interactions. The participants of the symposium included subject experts; policy makers from Departments of Health, Women and Child Development, school education councils, Child Welfare Committees, child right activists, professionals and practitioners from NGOs, INGOs, judiciary, public health and academia including students from universities. Teachers, counsellors from schools and parents also participated.

The first session focused on understanding the differential vulnerabilities of children. Children from marginalized sections and social groups, out of school children, street children, and those living in slums are more vulnerable to abuse. The panellists reiterated the need to formulate a comprehensive strategy to enable a safe and protective environment, by strengthening social support systems, like making the crèches, *Anganwadis* functional and strong, and creation of child friendly spaces within the community-based organizations.

The second session addressed the issues of abuse in schools and transportation. The discussion highlighted the need for educational institutions to take cognisance of the issue and provide an enabling environment for children to voice their concerns and seek support. Setting up protection and response mechanisms, providing knowledge and sensitisation through curriculum, and integration of CSA within school health program were stressed upon. A call was also made to recognise the socialization processes of boys and men as equally important, such that the harmful manifestations of patriarchy can be questioned and there can be respect for women as 'individuals', and as equals.

The third session positioned CSA as a public health concern recognising that cases of CSA are not isolated individual incidents, but a problem at the population level. Many children face abuse during their growing ages. This session reiterated the need for a population level response, focusing on the prevention of CSA and post abuse, ensuring care and procedures that handle the needs of the victim sensitively. The need for mental health and counselling was noted.

Finally, in the last session, the panellists discussed the legal issues of CSA and the challenges from reporting to conviction, giving specific suggestions towards strengthening the law and its implementation.

### **Round table: Formation of Action Groups and Way Forward**

At the end of the symposium, all the deliberations were put to thorough discussion and interrogation. This session was an open forum where all were encouraged to raise concerns or questions. All the panellists and the audience revisited the discussion and aimed to arrive at some common statements and recommendations, with the aim of drafting an integrated action plan to be presented to the concerned authorities for appropriate action.

Some of the key suggestions and recommendations were as follows:

**Suggestions:**

- Protections of child rights needs an inter-sectoral approach.
- Ensuring that legislations are child friendly so that they are accessible to all children, is an immediate urgent need.
- It is frequently reiterated that we need to increase sensibility towards child rights and other crimes to prevent such crimes but evidence suggests that rather than sensibility it is a matter of integrity. Unless we start respecting the rights of the child, we cannot prevent crime against children.

**Recommendations**

- Undertake Awareness and Sensitization Programs on Child Sexual Abuse for different populations and stakeholders.
- Appoint trained, sensitized and quality support persons to create a specialized cadre of child protection personnel in the country.
- Include Child Sexual Abuse within key adolescent policies and ensure inter-departmental linkages.
- Set up systems for regular data gathering and monitoring.
- All the organization working for children should form consortium to work on different aspects collectively.
- Introduce child rights issues in school curriculum in every class and also introduce sexual health/ child protection in school health program.

**Way forward**

The symposium identified some immediate action points to be undertaken with specific institutions and ministries:

**On data:**

- Undertake research on the pertinent issues and gaps identified.
- Explore collaboration to analyse the rich data generated by Child Line registrations to identify processes of abuse and vulnerabilities for future interventions.

**On Resource and IEC material:**

- Review existing curricula and develop module on sexual health and prevention for Child Abuse component into the School Health Program, and advocate with the ministry of Health for its inclusion in schools and within RBSK.
- Develop chapters and modules for each class in the school curriculum NCERT/CBSE.

**On public awareness and specific programs**

- Create and display messages in public spaces and institutions related to children.
- Produce Short 1 minute films that can be screened in schools, movie theatres/ CSR of PVR films.
- Advocate with the Labour Dept. / DLSA/ NLSA to adopt few construction sites and enrol children of construction labour and provide them safe environment.

**On Networking and partnerships:**

- Partnerships can be explored with a range of organisations that bring in different skills and areas of strength such as Save the Children, CRY, CESI, Tulir, UNICEF, BBA, NCPUDR, AFCR, IACR to undertake the above mentioned advocacy and cohesive action on the issue of CSA.

The issue of Child Sexual Abuse needs to be addressed through a multipronged sustained strategy that creates protective, child friendly spaces, and an enabling environment to keep children safe; and aims to heal and rehabilitate those that go through adverse experiences so that all children can realize their full potential in every aspect of life. The discussions during the symposium bore testimony to the extent of the problem, but also to the richness of experience in addressing it. Regular discussion and follow up are required if the issue is to be addressed comprehensively, and a difference is to be made in the lives of children.



# Programme Schedule

*Organized by*  
**Anthropos India Foundation in Collaboration**  
**with Save the Children, CRY and CSEI**

Time	Programme
8.45 am to 9:00 am	<b>Registration</b>
9:00 am to 9:30 am	<b>Welcome and Introduction to Symposium</b> <b>Welcome remarks:</b> Dr. Sunita Reddy (Chairperson, Anthropos India Foundation & Associate Professor, JNU) <b>Introduction to symposium:</b> Ms. Bidisha Pillai (Director Advocacy, Campaigns and Communication, Save the Children) Ms. Komal Ganotra (Director Policy, Advocacy & Research CRY) Mr. Karandeep Bhagat (Director-Operations, CSEI) <b>Address by Chief Guest:</b> Mr. Amod K. Kanth (General Secretary Prayas Juvenile Aid Centre (JAC) Society)
9:30 am to 11:00 am	<b>Session 1 - CSA- Differential Vulnerabilities and Enabling Safe and Protective environment</b> <b>Chair:</b> Smt. Nutan Guha Biswas (Addl. Secretary, Ministry of WCD) <b>Panelists:</b> Ms. Komal Ganotra (Dir. Policy, Advocacy & Research, CRY) Mr. Satyendra Kumar (Dir. Programs and Capacity Building, CSEI) Ms. Pratima Kumari (Community representatives CSEI) Ms. Akhtari Begum (Community representatives CSEI) Ms. Ritu Mehra (Member, CWC)
11:00 am to 11:30 am	Tea Break
11:30 am to 1:00 pm	<b>Session 2 - CSA-Enabling &amp; Protective Environment (Integrating into School Curriculum &amp; Health Program)</b> <b>Chair:</b> Ms. Vidya Reddy (Director, TULIR) <b>Panelists:</b> Principals/ School Counsellors from Delhi. Mr. Govind Beniwal (ex- officio, RSCPCR) Ms. Nandita Bhatla (Advisor & Senior Technical Specialist, Violence, Rights & Inclusion, ICRW) Mr. Vasant Nitin Shukla (Artist & Film maker) Ms. Eirliani A Rahman (Kailash Satyarthi Children's Foundation)
1:00 pm to 2:00 pm	Lunch

2:00 pm to 3:30 pm	<b>Session 3- CSA- A Public Health Concern</b> <b>Chair:</b> Ms. Rashmi Sahni (Joint Secretary, Ministry of WCD)  <b>Panelists:</b> Prof. Sanghmitra Acharya (CSMCH/ JNU and Director, IIDS) Dr. Jitendra Nagpal (HOD- Mental Health, Moolchand Medicity and Program Director, Expressions India) Dr. Sujata Satpathy (Clinical Psychologists, AIIMS) Dr. Surabhi – (Medical Doc. Prayas) Prof. Minati Panda ( ZHCES / JNU)
3:30 pm to 4:00 pm	Tea Break
4:00 pm to 5:30 pm	<b>Session 4 – CSA- Legal Challenges (from Prosecution to Conviction)</b> <b>Chair:</b> Ms. Vidya Reddy (Director, TULIR)  <b>Panelists:</b> Mr. Sanjeev Jain (OSD, DLSA) Dr. Arun Kumar (Senior Advisor, RBSK) Dr. Rajinder Dhar (Addl. Labour Comm. Labour Dept. NCT, Delhi) Mr. Rakesh Senger, (Project Director, Bachpan Bachao Andolan)
5.30 pm to 6:00 pm	<b>Round Table: Formation of Action Groups and Way Forward</b>
6 pm	Vote of Thanks: Dr. Hari Mohan (EC member, AIF)

# Introduction



Not a single day goes without reports of a child being sexually abused, abandoned and neglected appear in the media. Crimes against children are on the rise. Even the infants and toddlers are not spared and are sexually abused and assaulted. Sexual assault, abuse, rape, harassment and incest are 'taboo' subjects, shrouded in silence. Only in recent years, especially post the December 12 rape case in Delhi, referred to as the 'Nirbhaya case' have these issues been increasingly publicly debated and discussed. Having a strong law is the first step, but if the cases are not being reported, then it fails in its objective. Though sporadic incidents are reported in the news daily on sexual assault of children, many cases of sexual abuse still go unreported. One of the reasons in the case of Child Sexual Abuse (CSA) is that usually, the perpetrators are known to the victim. The innocence and vulnerability of children make them easy prey. The power relation between the adult and the child further adds to the vulnerability and inability to report. Children are often unaware and confused about what is happening to them and are also threatened to keep it as secret. Even if they disclose and share their experiences with adults in the family, they are either disbelieved or elders want to keep it under the wraps, not wanting to rock the boat, for family honour and stability.

In India, given the conservative mind-set, culture of silence and patriarchy, along with terribly dismal implementation of laws, CSA remains unabated. The vulnerabilities of young children received attention through nationwide study done by the Ministry of Women and Child Development in 2007 on 12447 children. Recently, a specific legislation, POCSO "The Protection of Children from Sexual Offences Act 2012" has been passed in India. Entire legislation is focused on post-crime interventions, and there is hardly any provision in this law on "prevention".

There have been efforts on the issue of CSA. The Ministry of Women and Child Development has a nationwide help line called Childline 1098, to capture any report of crime against children. There are also efforts by the international organizations like UNICEF, UNIFEM, CRY, Save the Children, ICRW and other NGOs like Butterflies, BBA, NCPCR and CPCB and child rights

activists, to address issues of child rights and also violence against children. All these efforts are commendable. However, they remain isolated and limited in outreach. It is important to understand the issue of CSA thoroughly and also have a concerted, comprehensive and integrated approach to address and prevent CSA. There is a need to come together to work and dialogue with the implementing agencies to recognize this as a serious issue which needs immediate action. Another major challenge in this area is the lack of data. Thus, there is a need to do more research on this sensitive and important area of concern and also come up with an integrated action plan for prevention. It is also important to recognize that there are graded vulnerabilities among the children belonging to different social groups, especially from marginalized communities. Further those living in the fragile environments like slums, streets and shelter homes need more attention.

This symposium tried to address the issue of CSA from systems approach and treat it as a public health problem. The educational and training modules to enhance understanding on CSA have been designed by various organizations, but need to be integrated into the school education and health programs. Objective of the school health program is to promote positive health, prevention of diseases, early diagnosis, and treatment and follow up of defects and awakening health consciousness in children. It however, does not address many sensitive issues related to abuse and mental health of children. The education component also needs to include issues such as these. Thus we need to focus on the limitations of the on-going school health programme and come up with strategies to fill the gaps.

The need to break the taboo and the 'culture of silence' around the issue and encourage open discussion in public platforms. Documentary films, short messages through media can help to create an atmosphere of open discussion. Publicity of laws against CSA is important, along with changing the mind-set of the boys and men through socialization in schools and at homes. The issue needs a multipronged strategy, beyond teaching children 'safe and unsafe touch' such that the onus is not on children to protect themselves. To deliberate on the issue and move towards an integrated strategy needs to create a protective, child friendly environment, the national symposium was organised. The symposium had four sessions, where experts from various fields working on child abuse and child rights flagged the issues, challenges and proposed strategies to prevent CSA. The sessions were round table discussions and interactions. The participants of the symposium included policy makers from Health, Women and Child Development departments, school education councils, Child Welfare Committees, child right activists, professionals and practitioners from NGOs, INGOs, judiciary, and academia including students from universities. Teachers and counsellors from schools and parents were also invited.

The first session focused on understanding the differential vulnerabilities of children, followed by a session addressing the issues of abuse in schools and transportation. The third session positioned CSA as a public health concern, highlighting the need to address the issue at a population level. In the final session, panellists discussed the legal issues of CSA and the challenges from reporting to conviction, giving specific suggestions towards strengthening the law and its implementation.

# Symposium Proceedings

## Welcome and Introduction to Symposium



### Welcome remarks: Dr. Sunita Reddy (Chairperson, Anthropos India Foundation & Associate Professor, JNU):

After a brief welcome note, Dr. Reddy outlined the objectives of the symposium, the programme schedule, and the intended output of the symposium.

Dr. Reddy described the relevance of the symposium title and stressed upon the need to break the culture of silence on the taboo subject of Child Sexual Abuse. She added that although CSA is a familiar issue disrupting the growth and wellbeing of a child, yet it has not received adequate attention. She further added that at the end of the symposium, all deliberations would be shaped into an integrated action plan to be shared with the concerned ministries in order to advocate for action to prevent CSA and provide strategies to build child protection. She emphasized on the need for an integrated approach to combat CSA.

Remarks by Chairperson: Chairing the inaugural session, **Ms. Nutan Guha Biswas, (Additional Secretary, Ministry of Women and Children)** began on an affirmative note stating that “child rights” is all inclusive hence it is difficult to decide where should we initiate or take the first step. Rights of a child begins in the womb itself, thus when we think of protection of a child we must focus on the rights of the fetus. It is well known that we have plethora of laws safeguarding violence against child and women, but in vain. Only one out of ten cases of child sexual abuse or violence is brought to the attention of the law enforcement. She welcomed the initiative of the symposium to bring together different stakeholders.

Stating that the protection of the child should begin at home and schools are the second place of protection, she emphasized how responsibility of any child rests with each of us; hence, all interventions against child abuse must target family, school, and community. For example, whenever we see a child selling anything on street we immediately buy something out of compassion and think our job is complete. We never think beyond that as what and how has that child landed on street? Probably that child might have eloped from any abusive home. Or that child might be a part of any trafficking brigade, which has compelled him/her to sell the items. We never imagine kind of abuse these children might be exposed to while on streets. Further elaborating on the vulnerabilities of street children she noted how these children are often picked by law enforcement and send to some protective home in guise of protection without informing them of their rights while in custody. They are afraid of these interventions and try to avoid them.. Further, the situation of these children’s home are pathetic and children try to



run away from them. Due to these reasons, they come back to the streets again. Children must be informed about their rights when taken in custody, and the protections must be adequate and safe. Now some NGOs are really doing commendable job in the field of child protection, however they have their limitations as far as finances, authority, or rights are concerned.

Most of the people ignore issues of violence against children, as they believe it is not happening to them or their immediate family members. Research suggests two out of three people have suffered any kind of abuse before the age of eighteen. Until the POCSO Act (2012) we did not have any law covering the sexual abuse of males. Ms. Biswas emphasized that saving every child is significant. She suggested we place a complaint box in every school, and in other public places where any child can drop information regarding any incident of abuse inflicted to them or any known individual. Since the domain of child sexual abuse is all-pervasive, only concerted action by parents, caregivers, and community can bring some positive result.



### **Introduction to symposium: Ms. Bidisha Pillai (Director Advocacy, Campaigns and Communication, Save the Children)**



Ms. Bidisha Pillai welcomed the delegates and briefly outlined the goal and vision of her organization and extended Save the Children's (STC's) solidarity to the symposium's agenda. In India, three core areas of STC's activities are child survival, child education and protection from harm. She added that the chief mission statement of STC is to eliminate oppression and violence against children by 2030. She mentioned that the first study on child abuse in the country was initiated by STC in collaboration with the Ministry of Women and Child Development in the year 2007. The results from this study helped push for the creation of the Protection of Children Against Sexual Offences (POCSO) Act in

the year 2012. Although still in its infancy, the enforcement of POCSO Act has brought some consciousness with respect to crime against children. Media reporting has also increased and more and more incidents are being reported and booked under this Act. She echoed the

concerns of the Chairperson of AIF and reiterated that CSA is a serious issue influencing the growth and wellbeing of the child and wished to arrive at some comprehensive evidence based action plan at the end of the symposium.

Citing the examples from the 2007 national study on CSA, she emphasized that more than 50 percent of children in India are subject to some form of sexual abuse. Sadly, these statistics are mere aggregates and we still do not have authentic data and any idea about actual incidents of child sexual abuse. Post the Nirbhaya incident, awareness and sensitivity against sexual crimes have increased and people have started voicing their concerns. However, it is not enough and still a lot more needs to be done to prevent such incidents.

Ms. Bidisha Pillai emphasized on the need to initiate a dialogue on CSA and come up with strategic planning and an integrated approach to combat CSA. She also stressed that our primary concern should be to strengthen our legislations and make the system accessible to the children. In a survey, 90 percent of the children did not know what to do in a probable case of child sexual abuse. They failed to recognize the first point of contact, or the support they can garner from the school, police, or judiciary.

#### **Ms. Komal Ganotra (Director Policy, Advocacy & Research CRY)**



Ms. Komal Ganotra (Director, Policy Research & Advocacy, with Child Rights and You) appreciated Anthropos India Foundation and Dr. Reddy for bringing together diverse stakeholders such as academicians, social activists, government, school counsellors, representatives from Judiciary to deliberate on the critical subject of child sexual abuse through this national symposium. She emphasized that although child sexual abuse is a national phenomenon yet there exists culture of silence about child sexual abuse across the country and hence it continues to plague our children influencing their growth and well-being. She added that since India is a diverse country, we need cumulative efforts of various stakeholders such as legislative, police,

legal bodies, civil society, NGO personnel, and so on.

Ms. Ganotra further pointed out that the discourse on CSA has not changed much during last decade. It is commonly believed to be a problem perpetrated by strangers, taking place outside the peripheries of home. Post POCSO Act, there has been some changes in the reporting of such incidents and thus it is an opportune time to create more awareness on the issue. Though amendments have been introduced to accommodate heinous crime of child sexual abuse, conviction is still very low.



Ms. Ganotra emphasized that a child cannot be protected only through legislations, and the entire system has to provide for and protect the child. For example, in India, a person seen in public with any number of children does not invoke undue attention from the police or other law enforcement person, unlike other countries like Australia. Thus, in our country, males can easily traffic girls from one place to another all alone. Childline is a promising initiative and a ray of hope for thousands of distressed children across the country. However, it takes minimum of thirty days to rescue a child.. Though there have been several deliberations between the government and civil society for the protection of the child, there is need to develop a better system to protect our children from all kinds of abuse

Lastly, she pointed out that a major issue in developing a child friendly system is the lack of right skill set.

The need for a committed child protection cadre in the country was emphasised by Ms. Ganotra. Currently, all child protection activities are delegated to personnel overburdened by their respective cadre, who have not received specific training. For example, it is well known that number of police personnel present are highly disproportioned to the population covered in every state. An individual who has been trained to deal with crime and criminals are delegated to deal with children. In the absence of training, his attitude virtually remains the same even when he is dealing with issues involving children. Similarly, child welfare committee members are also not specifically trained to deal with children.

#### **Mr. Karandeep Bhagat (Director-Operations, CSEI)**



Mr. Karandeep Bhagat briefly described the activities and mission statement of CSEI. CSEI is chiefly devoted to the cause of Tribals, Muslims, Dalits, and strongly support the empowerment of children and young people from these communities. For the last 30 years, CSEI has been working intensively to achieve civil and political rights for the Dalits. Mr. Bhagat emphasized that the Dalits has been subject to exclusion and discrimination from ages, which still persists. For example, if we analyse the case history of street children, we find most of them belong to these communities. We need to reconsider the vulnerability from a different angle and try to find out the role of socioeconomic, class, caste, and education in increasing the susceptibility to abuse. He raised very

pertinent concern before the panel that whether violence, assault, and abuse are an expression of power and dominance, or whether it is limited to sexual desire only. Recently some of the state has been working on these lines and have started to profile perpetrators on their caste, class, and creed. Karnataka Police was first in the country to profile perpetrators on the basis of their education and caste. Later Delhi Police also followed the suit. Interestingly, the analysis revealed that most of the perpetrators were victims themselves. Now these branding is not new and is

quite similar to the colonial practice of criminalizing certain communities. He further added that Integrated Community Development Scheme (ICDS) were devised to provide support to the marginalized communities but in vain. Some of the common preventive measures could be mapping vulnerable community or family, as prevention is better than cure.

Mr. Bhagat emphasised that instead of branding the perpetrators, we also need to watch vulnerable cohort and take adequate actions for prevention. Working with children who are vulnerable will help to prevent the danger of them becoming prey to perpetrators and further exploitation. Most of the government's efforts are divested towards protection post accident which is inadequate. We have invested little in devising preventive measures so as to prevent such incidents from happening in first place.

### **Address by Chief Guest: Mr. Amod K. Kanth (General Secretary Prayas Juvenile Aid Centre (JAC) Society)**



Mr. Amod K Kanth (General Secretary Prayas Juvenile Aid Centre Society) was the guest of honour of the symposium and delivered the key note address. Mr. Kanth was the lead investigator in the 2007 national study on child sexual abuse study and he shared rich insights from the study and his experiences. He shed light on the methodology of this ground-breaking study in the country which was also a part of United Nations Global study on Child Abuse. He highlighted some of the contributions of this study particularly in designing POCSO. The Juvenile Justice (JJ) Act is believed to be child centred, and POCSO is a further improvement. Indian Penal code or Criminal Code Procedures were ill equipped to deal with crimes against children. POCSO

Act not only defined sexual assault but also brought non-penetrative offences/abuse amidst its preview and made it a criminal offense. Before POCSO, only rape (vaginal penetration) or outraging modesty of a woman were culpable crime, today it is the most comprehensive law and probably the best in the world. The biggest drawback of POCSO is that it fails to protect the rights of male child.

Mr. Kanth emphasized that nobody wants to talk or even initiate a dialogue on the critical issue of child sexual abuse. The biggest problem is that most of the perpetrators are either close family members or a popular person in the family or community. They take advantage of this perception and so when a child is abused, the family is afraid to confront it. Nonetheless, POCSO has raised some hope and has raised awareness against such crimes. It is to be understood that child rights and needs are synonymous and whenever rights of the child are violated he has all rights to seek a legal course as per the United Nations Convention on the Rights of the Child 1992. However, there are some issues, which disrupt the fulfilment of the above convention. For example, a child cannot sign or engage a lawyer. Child must have a guardian. Similarly, as

per the court ruling inside the school premises the principal and the staff are the guardian of the child. As soon a child goes out of school compound, the transporter automatically becomes the guardian of the child. The question is, can law make it mandatory for the schools to take up guardianship and be held responsible for any mishap? Although there are concerns against sex education in schools but it is imperative to teach these to the children so as to protect their childhood as well as integrity.

Statistics provide a framework to take adequate course of action. For example, recently there is increased reporting of such incidents which is suggestive of a positive change in the mind set of people. If people do start to notice child abuse, gradually some affirmative actions would follow. As currently it is not just a 'culture of silence' but a 'conspiracy of silence' against child sexual abuse.

### **Session-1: Differential Vulnerabilities and Enabling Safe and Protective Environment**

**Ms. Ganotra** opened the session by emphasizing on the vulnerability of children at various settings. She argued that India is a vast society with immense diversity. People belong to different socio-cultural settings and each setting provides a variegated nature of environment to children. It's important to explore through research that how vulnerable, safe or protected are children in various settings.



**Ms. Akhtari Begum** (Muslim woman rights activist and chief functionary of 'Ezad' Patna, Bihar) pointed out that vulnerability of children is a concern for the entire nation. However, people look at the problem of child rights, protection and vulnerabilities in different ways in different communities. She said certain communities are tagged as being more and naturally biased towards children and women are seen as sex objects, and this preparation starts from childhood. Due to this, even when people from that community raise their voice for equal rights for children they are often ignored and discarded. The stereotypes and rigid mind sets need to be challenged. She said though this sounds difficult but if all stakeholders participate in this mission of dispelling stereotypes at the level of state, schools, colleges, universities and organizations then one can expect some success.

Ms. Akhtari Begum emphasised the need to move away from stereotypes and rigid, judgemental assumptions. People have value-laid judgments about certain communities and therefore even relevant issues remain unattended since they are assumed to be a part of the culture of that community. She said it's important to have fact based, practical knowledge about communities rather than accepting baseless stereotypes. She gave examples from the Muslim community, saying how Muslims are often feel marginalized since they are attributed with stereotypical statements like being sexually ready , interested in red-light areas etc. She challenged these baseless assumptions and emphasized upon rebuilding the ideological frameworks and practical evidence.

**Mr. Satyendra Kumar (CESI)** has been working in the field of human rights and policy advocacy. His cardinal work is on Dalit, Adivasi, children and youth. Mr. Kumar highlighted the fact that though there have been reports highlighting the vulnerabilities of children but few mention the identities of these vulnerable children. He explicated that understanding the background do these children indicates the larger problems of community marginalization and child exploitation of various communities. He observed through his study of identifying the identities of vulnerable children that maximum children who form the strata of being unprotected came from Dalit and Muslim communities. He argued that identity is unavoidable - no matter where a child travels his/her identity shall follow. Most of these children and their communities are unaware of the forms of sexual abuse. The norm of early marriages can increase vulnerability to multiple forms of sexual violence. Certain spaces which commit to providing training and residential spaces to children like tribal welfare schools, homes for children, have become sites of sexual violence. It is important to identify these spaces and advocate for normative frameworks that recognize and plan for prevention and redressal of this issue .

POCSO needs to strengthen its measures to educate people about its importance and effect. Delhi State Legal Authority (DSLAI) is providing mass legal education in 1000 public schools in Delhi. It is imperative that legal education on child rights can be built into the school curriculum.

**Ms. Pratima Kumari,** (Dalit woman activist and chief functionary 'Gaurav Gramin Mahila Vikas Manch' in Patna, Bihar) located the problem of child abuse of children in the way officials and other personnel in power perceive and handle the issue. She accorded with the previous speakers on the lack of awareness about protection measures and added that even when protective measures are followed or police is approached, there is disappointment at the level of the providers. She stressed on the role and attitude of the bureaucrats and high ranked police officials and said that rather than rescue and protection, there is exploitation and harassment at the hands of the law enforcement agencies.

In addition to sensitization of the police and other officials related to child protection, there is a need to relook at the education system and identify loop holes in it. Only the legal framework is not enough to protect the people, thus efforts of capacity building and awareness are required.



**Ms. Ritu Mehra** (Member Child Welfare Committee) has ten years of experience of working with socially excluded and under privileged communities. She started with an in-depth analysis of the problem and argued that the definition of 'vulnerability' needs to be re-understood.

She said a child is vulnerable at all those spaces where she or he feels unsafe and is not able to trust his/her guardian. She observed that one of the most vulnerable groups are children of migrant families. She said that these groups are deprived of livelihoods and proper work. When parents work, their children are generally alone at home which makes them more vulnerable than the rest. Most children in these communities are exploited either sexually or physically abused.

She pointed to gaps at the judicial level and lamented at the delays, leading to complainants becoming tired of the system and withdrawing cases. Further the psychology of a child is impacted, by repeating the similar incidents again and again before different authorities. She said there are several lacunae in the implementation of law. At the level of conviction, a person faces three situations: trauma factors, threat factors and fear factors. These situations further deepen the concern of wellbeing of the child and his/her family. She pointed to the 'silence,' which is created around the issue. The government has created certain laws, but their implementation is ineffective and this makes a child more silent than vocal. Compensation is often not received on time and people feel exploited at various levels. She asserted for a need to strengthen the support from various institutions like media, family, households and schools to give protective environment to the child. She argued for a comprehensive approach bringing awareness, sensitization and implementation together, which can make people realize that a child is an important member of our society and his/her safety should be a prime concern for all members of society.

Calling for strengthening the implementation of laws, and streamlining of procedures, Ms Mehra recommended that one stop enquiry can save children from humiliation and also further trauma and harassment they face. Strategies to make homes, communities, school and public spaces child protected and friendly spaces are important for prevention. Children cannot be the main stakeholders in their own protection as they cannot register a complaint and need somebody elder/ adult to register. Thus concerned action plans should be drawn up for how households, resident welfare homes, media and schools can be capacitated to make efforts for child protection.

The discussion flagged few critical points; Can we define vulnerability from child's perspective (between the age groups of 5-10 and 10-14 years old) and from an adult's perspective? What are the vulnerabilities at home, at school, in transport, in public spaces? We also need to see the vulnerability across groups: SC/ ST/ OBC/ General and also religious basis. The other criteria can be the settlement patterns, those who are in JJ clusters, slums, and migrant workers. The vulnerabilities can be more with the occupational backgrounds, like 'nat' communities who are the street dancers, construction workers, domestic workers. Better understanding of vulnerability can only help in taking an appropriate action.

Based on the speakers' arguments, towards the end Ms. Ganotra commented that issues of child rights cannot be dealt unless we have some concrete ground level approach. The protection of child should not be left to children themselves. We need to encourage the children to speak against and distinguish between safe and unsafe touches. She accorded with Ms. Ritu and Ms. Pratima that despite legal frameworks educated people lack sensitivity towards such issues. Further, the state is also non-responsive and not adequately equipped to deal such issues. She stressed that it is very important to raise voice against child sexual abuse as only dialogue can leads towards solution. Besides, we need to understand that child sexual abuse is not a linear issue but rather has a cross-sectional in nature.

The discussion highlighted that the need of the hour is to devise an inter sectoral coordination where different institutions can come together and deal with these issues at their levels. She outlined that chief cause of the failure of different approaches is a lack of linkage between these sectors. Protection should be promoted as a pre-requisite of existence everywhere, it should be assumed as a practice, a thought and a way of living.

## Session 2: CSA-Enabling Protective Environment (Integrating into School Curriculum and Health Program)



The second session, **chaired by Ms. Vidya Reddy (Director of TULIR)**, witnessed a rich discussion of the possibility of incorporating contents on prevention of child sexual abuse into the school curriculum and health program.

Ms. Reddy began her session with a disavowal of national statistics methodology, especially with regard to CSA. She argued that any statistics are easily manipulated and misinterpreted and as such, do not help their cause. However, she admitted that there is no denying of the appalling statistics on the prevalence of CSA- around 30 percent of children less than 18 years of age have been sexually abused. A large number of the victims often give up once the case is filed due to complicated legal system or else the case takes a long time to settle. The fact remains that unlike adults, children often do not come forward to report their abuse. Ms. Reddy insisted that we need to be alert to the silences maintained by children on such matters. They have to be probed and urged to disclose.

Secondly, she stressed on the vulnerability of children and how they cannot be expected to be the main stakeholders in their protection. Thirdly, Ms. Reddy highlighted the need to focus on men and boys who experience abuse. She pointed out that according to the ICRW study, "Why do men and boys commit rape", India had a terrible record in all respects and was touted to be even more regressive than countries like Uganda, Croatia and Rwanda. Ms. Reddy argued

that our child protection policies need to be reoriented to focus on how institutions recognize and deal with cases of abuse.

Statistics do not uncover the larger reality, that is, cases of CSA often go unreported. Around 12-24 percent may disclose abuse; a miniscule of it may actually report it and an even smaller portion persist with the court proceedings.

**Mr. Govind Beniwal, ( ex-officio of RSCPCR),** agreed with Ms. Reddy on the need to revisit the National Crime Records Bureau (NCRB) data, which is full of discrepancies. In 2014, only 191 cases were filed but the number of cases reported should have been higher, around 2234



cases. The problem, according to Mr. Beniwal, stems from the limited threshold for filing cases of abuse. Only the most heinous cases are filed but the multiple cases of sexual harassment are hardly accounted for. Mr. Beniwal lamented that repression, whether at school or family, is accepted in society. In schools, particularly, corporal punishment is being accepted as part of discipline.

Mr. Beniwal insisted that the education system needs to be sensitive to the differential levels of teaching and understanding at classes 6, 7 and 8. In addition, there is a need for capacity building and orientation of child welfare committee, *tehsildars* (Mandal Revenue Officers), parents and other stakeholders like district magistrates, the police and all other government functionaries. Recently, it was mandated that the foundation courses of IPS and IAS officers will include a chapter on child rights. It is imperative that *Anganwadi* workers and their supervisor's training modules are further sensitized, especially regarding the issue of how to report the cases. Since *Anganwadi* workers have to contact ten families every month, they play an important role in breaking the wall of silence by sensitizing the family and instructing them as to where to report cases of abuse. Moreover, Mr. Beniwal revealed a disconcerting fact that how the POCSO Act is currently being misused. In the Northern belt states, many elopement cases are filed under the POCSO Act. Often, it turns out that it is a case of consensual elopement and it is the girls' family, which reports these cases.

The POCSO Act has issued guidelines on medical screening but there is a need to go beyond it. Disability is another issue that needs to be included in national child health programmes.



The Nehru Yuva Kendra (NYK) at the community level has so far not included child sexual abuse cases under its purview. In addition, instances of internet related sexual violence are being noticed but not reported under POCSO Act, despite outlining Section 13 and Section 14. State level functionaries are not very comfortable in dealing with these matters and need to be assisted. What is being accessed on internet should also be regulated. Finally, the youth should be roped in so that they can sensitize the community. Scouts and NCC cadets need to be trained to discuss such issues, especially on personal safety. As in the case of NYK, it should be include in *Rastriya Bal Swasthya Karyakram* (RBSK) too.

Mr. Beniwal concluded on the note that rather than criticism, the organizations must lend a supporting hand to the state governments working in this field. The child rights organizations and activists should put forth their recommendations about protective action plans to the government.

**Ms. Nandita Bhatla (Advisor & Senior Technical Specialist, Violence, Rights & Inclusion, International Centre for Research on Women -ICRW)**, lamenting the apathy of the state, she said, that, even recently proposed *Rashtriya Kishore Swastha Karyakram* (RKSK) is not comprehensive and the issues of abuse and violence is missing from it, Ms. Bhatla added that as an organization, they have been working on primary preventive measures for children. ICRW has started a program to discuss gender equity and violence related issues in government schools.

Unlike Ms. Reddy, Ms. Bhatla argued that the data on child sexual abuse is important; it can either desensitize you or overwhelm you, but it is definitely an important indicator. Citing the study from the Gender Equity Movement in School (GEMS) programme in Jharkhand, she said that around 18 percent girls and 23 percent boys had experienced sexual violence from teachers and peers in the last six months. Sexual exploitation is very prevalent among young boys- in a retrospective study with men (above 18 years of age) around 57 percent reported having experienced some form of sexual violence between the ages of 12-15 years and around 40 percent have experienced more than one for of sexual abuse. In various other studies with children in schools, it is standard to get figures of around 50-60 percent.

Ms. Bhatla pointed out that there are several myths surrounding the discussion of sexual abuse, such as it is inappropriate to talk about sexual abuse with children, that schools are safe, that corporal punishment is accepted or that boys don't get sexually bullied. These myths need to be challenged. Today, it is not enough to tell children about safe and unsafe touch.

It is also important to list out myths and misconceptions regarding violence in school curricula and also add sensitization material. It is important to share the extent of the problem, across globe, as it will give the confidence to the child that it is not happening to her/ him and it is a problem that needs to be confronted. Otherwise, the child will think it is happening to her/ him only and will feel scared/ guilty, ashamed or hurt. Alongside it is important that adults around the child build trust and openness to listening to the child, so that they do not feel hesitant to report any incident to them.

**Ms. Bhatla** pointed out that there is cluelessness about what to do when a child reports being abused. We not have trained counsellors who can deal with such cases. The teachers feel that they will have to take care of the matter if a child discloses about being abused. There is a need to invest in training of counsellors. Adults need to be more sensitive to what children disclose such as when they insist that do not like going there. Building trust between children and adults is very difficult. Children prefer talking to peers and are hesitant about reaching out to teachers. The word sex is discomforting for parents and teachers and they often mistake sex education for sexuality education. Ms. Bhatla insisted that protection programmes need to be broadened and monitoring and accountability systems need to be expanded to include, not just National Crime Records Bureau (NCRB), but also the Child Welfare Committee (CWC) and counsellors. In addition, there is an urgent need to focus on the rehabilitation of families and children. Lastly, we tend to alienate boys in school. One of the recommendations put forth recently was to have only women teachers in school as a measure to make them safer. But in such a case, not only are we perpetuating the stereotype, we also ensure there will be no positive male identification models for the young boys.

The school counsellors from G D Goenka Public and Ryan International Schools too participated in the session and shared their rich experiences. They highlighted that the schools machinery leave no stone unturned to cater to the needs of the children. Citing the example of child abuse, they emphasized that the school is very particular about the security of the children and hence, there were so far no sexual abuse cases in the premises. Although they do not have any specific forums, yet teachers are equipped to deal with children who often change role as counsellors also when required. In case of intended molestation or abuse, the child is put to guard and specific counselling sessions are held. Similarly, in case of absenteeism from classes without prior applications, incidents are pursued with the family in order to find the actual cause. They added that they also have an efficient machinery to monitor children while coming and going out of schools through Closed Circuit Television (CCTV) cameras and a set of nanny, attendants, and guards in school vans and buses. There are sessions on safe and unsafe touch for the children and many children have been found to be raising voices after such sessions.

The teachers are watchful of the behaviour of the children and whenever any deviance or “strange” behaviour is noticed they raise an alarm and the case is put forward for adequate action.

**Mr. Vasant Nitin Shukla (Artist and film maker)** has been working on child rights issue since last three and half years and is currently working on a film on child sexual abuse. He began his remarks citing the ‘oppressor-oppressed’ theory and added that repression works both ways. He explained the ‘oppressor-oppressed’ theory through the film ‘Spotlight’. In the film, the priest abused the children believing that he was “teaching” them. He justifies his actions as an act of kindness feeling nothing wrong in it. The child who has experienced sexual abuse grows up feeling numb. He may not share his things with anybody else or he may not lead a normal life. He may suppress the whole chapter of his life and will not want to face it. Mr. Shukla stated that we need a new curriculum to restore touch since touch has been destroyed.

Visual media is a forceful medium and can pass the message clearly and effectively. One minute short films on child rights, prevention of child abuse, and child protection should be made. They should convey the message with subtlety yet clearly, and should be showed in schools, in all the film theatres in the intervals, so that it becomes a national message. This will help spread awareness of child abuse, the laws and its prevention.



**Ms. Eirliani Rahman (Kailash Satyarthi Children's Foundation)** pointed out that at a recently held Pune convention; a teacher raised a question that if an 8-year-old boy enjoys sexual experience, is it considered to be abuse. She replied that what matters is that how old the child is, not whether it is enjoyable or not. Children do not have vocabulary from age 4 years onwards to describe their emotions and such experiences adequately. Ms. Rahman added that usually the perpetrators of these

crimes are people we know, and this adds confusion and conflict in the mind of the child. Unfortunately, incest is under-reported and hence, it appears that the magnitude of child sexual abuse committed by strangers is huge. Secondly, she insisted that men and boys are abused by even their grandmothers and mothers. The CSA prevention programme has conducted 24 studies among 5800 people in countries like Spain, Germany, and Turkey. Through information-based videos and discussion, children were trained in behavioural skills, active roles, and these methods have been found to be effective.

Ms. Rahman stated that a strategy their organisation undertakes is to encourage mothers to refrain from asking direct questions, and to gently probe their children, at different intervals, regarding their day. A positive environment and communication is thus fostered. Mothers are also trained to monitor their children and keep an eye for regressive behaviour such as bed-wetting, eating more than usual, thumb sucking, displaying too much knowledge about sex, etc. In Singapore, parents are taught to recognize these signs. They are urged to get involved in schools as well. The positive outcome of such an approach is that children learn how to protect themselves and disclosure is urged. Since parents become more alert, cases of abuse are quickly discovered.

The question of whether the sexual experiences are enjoyable is often debated. Here it is to be analysed and questioned whether the child's innocence is robbed, though the physical experience may be 'enjoyable'? A child who is below 14 years and biologically (hormonally) not ready for such acts should be 'protected' from such 'abuse' should not be treated as an adult. This is 'abuse' as the child cannot give consent and cannot comprehend the situation and hence these acts are based on coercion.

Responding to the discussion, the Chair, Ms. Vidya Reddy put forth a few concluding remarks. Referring to the adverse childhood experiences study by the Child Development

Committee, she observed that sexual violence needs to be understood as a continuum of adverse experiences. Reddy added that children will not stop surfing pornography sites since we are in a sexualized society. The website “letstalkaboutit.com” gives children a perspective on exploring sexuality. She also stated that the security approach in the schools fails since there are “professional perpetrators” i.e. individuals may purposely get hired as guards and teachers in an attempt to have proximity to children. There is a need for strengthening child protection services, to lay out a code of conduct, and to sensitize them as to how complaints of child sexual abuse is to be dealt with.

### Session 3: Child Sexual Abuse – A Public Health Concern



The third session reflected on child sexual abuse as a public health concern. The **Chair Ms. Sahni (Joint Secretary, Ministry of Women and Child Development)** stated that child sexual abuse is a global problem, though there are variations with regard to age, environment, or gender. However, child sexual abuse cases tend to cut across all classes, genders and communities. Preventing and tackling CSA is now included among the Sustainable Development Goals (SDGs), namely the provision 8.7.

In 2012, the law related to CSA was introduced, which helped sensitize the police, parents and teachers. However, there are several issues in its implementation.. Ms. Sahni pointed out that the adverse effects of child sexual abuse are being recognized in the medical discourse as well.

She underlined that child sexual abuse is gender neutral; in the sense that both boys and girls experience it in equal measure. She reiterated that our society has conditioned us to discourage boys from crying or displaying any emotion. Therefore, we tend to ignore the fact that even they undergo trauma. Ms. Sahni added that we have become so hypersensitive to the abuse of women and girls, that we ignore the misuse of sexual harassment laws by them.

Children tend to harbour a lot of inhibition about disclosing their experience of abuse. So far, there has been no right kind of counselling. Even if a child does reveal it to someone, the latter may take advantage of the disclosure. As such, the child loses support and goes into a shell. The WCD is working to strengthen the designated child helpline - 1098.

**Prof. Sanghamitra Acharya (CSM&CH, JNU and Director, IIDS)**, commented that it is heartening to know that efforts to throw light on CSA have succeeded, instead of trying to brush them under the carpet. She pointed out that the culture of silence has originated in the very society we live in. While girls are instructed to return home before sunset, boys are taught to continue gallivanting after sunset.

This wall of silence needs to be addressed through curriculum in schools to curriculum at the university level. However, in the school, we are always socialized to repress these incidents in the inner recesses of our mind. The first lesson that we learn as children is to keep mum about instances of abuse. The curricula of educational institutions should help us become more equipped to deal with circumstances in our life. The problem is we are trained to be literate but we are not educated about the child rights and nuances of child sexual cases. Education with sensitivity is very important. Therefore, the teachers, counsellors, NCERT and SCERT curriculum framers should draw up such modules. During the 1980s, the curriculum was centred on the family life and sex education. Unfortunately, there was vitriolic opposition from the schools and families. In today's age of the internet, children are exposed to all kind of uncensored explicit violent content. Hence, it is an absolute necessity to connect with stakeholders to develop a child-friendly curriculum, which can be transacted in the classroom. Sex, for example, is a word we do not talk about with children; and thus it need to be addressed with sensitivity. Prof. Archarya mentioned that print and other media like films and advertisements are not sensitizing people about child sexual abuse. Adults tend to also prompt children to go into denial of the abuse experienced. . In such a scenario, she reflected, can peers be change-makers? There is a need to find ways and means to do so .

Prof. Archarya underlined that CSA is not a homogenous entity, since children from particular background are more vulnerable to abuse. The larger quantum of reporting of cases is usually from the marginalized background. In light of these differential aggregates — disabled, tribal, Dalits, etc., the national study conducted in 2007 needs to be revisited.

Prof. Acharya concluded with a series of thought provoking questions ---- how should an individual who was a paedophile in the past should be treated? What are the ways of rehabilitation of perpetrators? How should we re-assimilate the child who has experienced sexual abuse into the classroom or society? Also, how equipped is the health system itself to deal with these cases? Is there any kind of procedural implementation? What does POCSO say about perpetrators? How can counsellors to be trained to integrate and reduce stigmatization?. It is important to deliberate on and address these questions such that appropriate changes can be advocated for in policy and programming.

**Dr. Surabhi, (Medical Doctor, Prayas),** explained the organisational procedure to deal with cases of CSA. She stated that it is mandatory to take account of the child's history of sexual abuse, if any, before proceeding to subject the child to an examination. The organisation also asks the victim's consent as well as the consent of the parents. She detailed how procedures need to be standardised to maintain sensitivity in dealing with CSA.

**Prof. Minati Panda (ZHCES, JNU),** shared insights from her research on why economically weaker children face problems in school. Prof. Panda stated that teachers are part of the oppressive system. In fact, we are all oppressors and we participate in the system since childhood. The teacher talks about sexual violence as if she has not experienced it herself and maintains



a facade of purity. The manner in which this information is passed on, the child will be scared to share the experiences. Hierarchy and power is experienced in each of these relationships of abuse. Abuse, she reiterated, is not gender neutral and boys too suffer from abuse. However, all social communicative tools to discuss these issues are closed down.

Prof. Panda emphasised that it is important to be extremely sensitive to the interactional context. Any interaction, which is asymmetrical by way of power and hierarchy creates a psychology of silence. If the teacher denies that she has experienced any violence and maintains a moral facade, then the child will retreat into a shell. We cannot target particular offenders, but we can target the particular community, which fosters such perpetrators.

**Prof. Sujata Satapathy (Clinical Psychology Department of Psychiatry, All India Institute of Medical Sciences (AIIMS)) who could not be present for the symposium, however, sent her comments.** She emphasized the immediate and long-term adverse consequences of CSA. A survivor's journey of psychosocial adjustment in a given socio-economic-familial context has been found to result in adverse psychological consequences ranging from minor mental health problems such as adjustment issues, stress and anxiety disorders, and specific phobias to severe mental illness such as psychosis. Apart from a variety of psychopathology, the impact on emotional functioning in the form of fear, anger, hostility, guilt, shame and range of behavioural disturbances like aggressiveness, hyper sexuality, oppositional or withdrawn behaviour are significant. In addition, long-term repetitive, intra-familial abuse and neglect may disrupt normal attachment behaviour in children resulting in a complex array of emotional deficiencies and behavioural symptoms.. These consequences present a complex interplay of individual, family and social factors that affect parents'/guardians' decision on treatment seeking. These also impact the clinician's inability to access cases that require urgently attention, and the assessment of the mental health impact for early interventions. Age, gender, financial condition of the family, social support and family environment, actions against the perpetrator, and trauma treatment are the key determining factors in the development of psychopathology or building survivors' adaptive coping and resilience.

The psychological treatment/intervention studies in the past 30 years focused on Cognitive Behaviour Therapy, especially 'Trauma focused and abuse-focused' CBT has proven to be effective. Unfortunately, no such study is reported from Asian/ SAARC region, therefore, no such literature is available on cultural adaptation of these forms of CBT in India.

**Ms. Alka, school counsellor,** shared that prevailing taboos around CSA result in the instances of child sexual abuse being brushed under the carpet. She agreed with Prof. Panda that purity facade is indeed maintained and chastity is deemed important, which deters disclosure.

Ms. Alka also a school counsellor, narrated an incident where a student whom she had counselled and who had revealed that she was abused, started avoiding her after the disclosure. She raised the issue of counsellor being ill-equipped to deal with several practical scenarios that emerge related to CSA. She narrated another scenario where a child was being molested by

her cousin. On account of family honour, the mother stopped the entry of the nephew into the house and thus, the culture of silence was maintained.

A peer educator, who was a child labourer earlier, was participant at the symposium and he shared his experience. He pointed out that sexual abuse of women rag pickers at *Azadpur Mandi* was quite common. There are more than a hundred children currently at the *mandi*. They are subjected to several forms of harassment like dupatta pulling or are thrown in front of vehicle. In 2009, after he got educated, he tried getting those children out. He tried to build a rapport with the children and tried to mobilize parents in one and a half years. He could finally get six girls admitted in class six. He stated that he was continuing his efforts to teach kids in community.

Concluding the session, the chair drew attention to specific recommendations. Bringing child sexual abuse into the public domain is a big step and while media can play a critical role, it needs to act responsibly. Currently, media tends to sensationalize cases of abuse, revealing every detail of the victim's life. She reasserted that self-defence skills should be learned by both girls and boys. She added that the functionaries handling the government helpline 1098 need to react appropriately, and ensure that they do not refer the children to the same individual who has abused them, including police officers. Confidentiality must be maintained around disclosure and subsequent action. She reaffirmed that the government is dedicated to ensuring child rights and that the National Action Plan and Disaster Management Plan will involve the convergence of all ministries.

#### Session 4: CSA – Legal Challenges (from Prosecution to Conviction)



**Ms. Vidya Reddy**, chaired the fourth and final session, invited the speakers to share their reflections on the obstacles confronted during the implementation of POCSO. The experts shed light on laws and legislations related to child sexual abuse.

**Mr. Jain (Additional Districts and Session Judge, Special Secretary, DLSA)**, began his discussion with an interesting argument from the book "Against our Will: Men, Women and Rape" by Susan Brown Miller. In the book Brown Miller has pointed out that sex abuse is not only a question of perversion or lust, but it is a conscious process of intimidation by which all men keep women in a state of fear. He added that in any society, governance rests on 'element of fear'. Similarly, sexual exploitation is tool used by men to perpetuate fear among the women. Even in war, the women belonging to the defeated country are objects of oppression and treated as trophy objects. Parents and relatives sexually abuse children to punish them.

He further added that all laws are made on the assumption that majority will follow and abide by it. Although there are strong laws on CSA in the country, yet the phenomenon has gone unchecked as CSA mostly takes place inside or in the vicinity of the house of the child.





For law enforcement, it is very tough to curtail offences occurring inside the four walls of the household and hence, a plethora of legislations has failed to prevent such offences be it child sexual abuse, violence against women and so on. Consequently, these offences are seldom reported to the law enforcement authorities, justifying the low national statistics.

Cases are not reported to the police since the offences are committed by close relatives. Sexual abuse perpetrated against girls is still considered a stigma, keeping in mind how under the patriarchal system, chastity is deemed important and women are regarded as property. However, child sexual abuse perpetrated against boys is equally a concern and needs strict action.

Once the abuse is reported; several challenges are confronted. Legal services do not have skilled counsellors and the existing counsellors lack credibility as there are no standardized protocols or training modules for counsellors. Often the child does not get psychosocial support and cannot be prepared for testimony. There are also lapses in collection of evidence and victim protection. In rape cases, the victim has to shuttle between different departments while the accused roam freely. Hence, in eight select government hospitals and in all court complexes of Delhi, the Delhi State Legal Services Authority has launched one stop centres during the last seven to eight months, so that the victim may directly reach the hospital or the police station. These also provide daily essential such as food and clothes. A supportive atmosphere is fostered.

Mr. Jain also pointed out that both forensic evidence and testimony of child are taken into account in CSA cases. However, there are several problems. Nearly forty police stations were investigated whether they adhered to the guidelines for preserving biological and chemical samples. In more than 60 percent of the cases, there is a delay of more than ten days. The refrigerators were not working and in fact, they were used for beers and cold drinks. The samples were not sent to the lab on time. Forensic scientists therefore cannot give conclusive evidence. The problem is compounded further when the child gives shaky testimony.

The DLSA provides legal aid to both, the victim and the perpetrator. Once the medical treatment is started, the magistrate and other stakeholders come into the picture. Witness protection is another big issue. The DLSA provides witness protection, by changing identity of the victim, by issuing different identity cards, mobile number, besides providing police protection. DLSA also provides compensation and medical support to the victims. The DLSA also hires translators and interpreters since there are cases from all parts of the country. Other steps taken include training of judicial officers, training of advocates, counsellors and prosecutors. Once a month, the DLSA holds meetings with forensic experts, lawyers, NGOs and rape crisis centres. During October 2016, a mass legal literacy programme on POCSO and other Acts were undertaken in government schools, to provide information about child rights, how to report abuse and the ill effects of drug abuse.

Mr. Jain pointed out that the pendency in special courts is higher. There are few judges, around 450 and the average pendency rate is 300 cases in POCSO courts. Once an FIR is registered, the case cannot be quashed by anyone except the court. The prosecutor is independent and a neutral agency. There is no time limit, which has been placed for determining the court cases as well as no targets. Technicality cannot be the ground for curtailing court procedures.

**Dr. Rajinder Dhar (Additional Labour Commissioner, NCT, Delhi)**, urged to look at the intersections between sexual abuse and trafficking. He said that many children are abused when they are trafficked. Trafficking is seen as child labour issue, whereas sexual exploitation can be part and parcel of their everyday life, yet go unrecognized.

Article 24 of the Constitution dictates that no child labour under the age of 14 years should be allowed. Under Article 39, no children are to be hired. The Child Labour Act outlines the right to education, protection of children from sexual abuse.

**Mr. Rakesh Senger (Project Director, Bachpan Bachao Andolan)**, stated that around 25-30,000 households in Delhi need domestic workers. Very often the cases of forced domestic



labour overlap with those of sexual abuse. Domestic workers are not recognized and the Domestic Workers' Bill has not been passed yet. In cases of kidnapping and missing children, the children are often shunted around by placement agencies for domestic work. They are often sexually abused at the placement agency and in the house of the employer.. In cases of trafficked children, often the police allow the accused to take away the victim, stating that the adult is a relative. Mr. Senger thus questioned the weak implementation, saying that despite several SOPs, laws and systems, there is hardly any support to the victim.

Mr. Senger argued that a child friendly system has to be fostered and awareness should be spread through the social media. The community should be made legally aware about places of frequent sexual abuse. Convergence, between different stakeholders is necessary to address the issue comprehensively.

In the process of reporting and filing of a Case, the Independent Officer discourages the victim to file an FIR in the first place and is only bothered about the case to be dismissed or out of court settlement. They often tells the child not to report the abuse since they will have to come three times to the court. As such, the child gets scared. Independent Officers are often accused of misleading reports. Mr. Senger further reported that the public prosecutor is not

taking action according to the 2009 judgment. Thus, the district court needs to set procedures and ensure that processes are adhered to. He concluded by stating that legal action comes later, but prevention and protection must come first.

Mr. Dharmesh Sharma, (Additional Districts and Session Judge, Member Secretary, DLSA), who was supposed to chair the session could not come due to last minute change in schedule. The following details were shared by Dr. Dharmesh, Secretary, DLSA through email.

Mr. Dharmesh gave the definition of rape u/s 375 of Indian Penal Code as it stood prior to its amendment on 03.02.2013 defined the offence *inter alia* in a situation where sexual intercourse was done with a woman less than 16 years of age. After its amendment on 03.02.2013, the age of consent has now been increased to 18 years. Though the rape was already defined prior to its amendment covering children as well, yet it was not gender neutral and the whole criminal jurisprudence was adult centric i.e. focusing more on an adult offender and victim of crime. Another area of work is providing adequate compensation. The Delhi State Legal Services Authority is the Nodal Authority to provide compensation to the children victim of sexual abuse or crime.

The Protection of Children from Sexual Offences (POCSO) Act 2012, which was brought into force w.e.f. 14.11.2012, prior to the infamous Nirbhaya case, brought about a change in the perception, attitude and disposition towards cases of rampant sexual abuse of children. The POCSO Act 2012 brings to the fore “child friendly jurisprudence” to sensitize all the stakeholders in the system of Administration of Criminal Justice. The POCSO Act is based on three principles: First, finding out when the child recognizes abuse viz. how one becomes aware, and how disclosure is made about sexual abuse; secondly, how the victim child resisted the attempts and thirdly, how the matter is reported and to whom.

There are several issues concerning the enforcement of the POCSO Act. For instance, dealing with issues of teenage love affairs, cases of incest, restorative justice apart from welfare and rehabilitative measures for the victims of crime. The real issue is how to educate our young students in the schools about issues of physical or sexual experimentation, sex education and the repercussions of teenage pregnancy.

The symposium concluded with vote of thanks by Dr. Hari Mohan, EC member, Anthropos India Foundation.



### **Round Table: Formation of Action Groups and Way Forward**

At the end of the symposium, all the deliberations were put to thorough discussion and interrogation. This session was an open forum where all participants were encouraged to raise concerns or questions. All the panellists and the audience revisited the discussion and aimed to arrive at some common statements and recommendations with the view to formulate an integrated action plan to be shared with the concerned ministry for appropriate action. Some of the key suggestions and recommendations included:

#### **Suggestions**

- Protections of child rights need an inter sectoral approach i.e. different stakeholders must integrate and come together to protect the interests of the children. It is important to work both on prevention as well as response to CSA. All institutions that cater to children, including schools, need to integrate matters of CS within their curricula. General public awareness about the issue and laws can be enhanced through use of media. On the other hand, the officers and authorities charged with the task of responding to CSA must receive continual and specific training.
- Our utmost concern should be to make all legislations child friendly and make it accessible to the children. For example, often-in cases involving children, children fail to provide proper testimony due to fear or absence of awareness of legal provisions. Hence, judges are forced to let go of the perpetrator despite his involvement in crime. Guidance and support to children is a key concern to ensure that they are not further traumatised.
- It is frequently reiterated that we need to increase sensibility towards child rights and other crimes to prevent such crimes but evidence suggests that rather than sensibility it is a matter of integrity. Unless we start respecting the rights of the child, we cannot prevent crime against children.





## Recommendations

### **Undertake Awareness and Sensitization Programs:**

State government, DLSA and agencies working in the field of child rights must organize awareness programs in community, in schools, with parents, and among service providers, law enforcement agencies (police) and officials as well. The awareness programs must go beyond the children, and include all genders. These must provide information on the issue, awareness about the laws and legal provisions, and about the response mechanisms available.

Sensitization programs for children and key adults on specifics of 'safe' and 'unsafe' touch and a comprehensive understanding of sexuality must build on a foundation of gender equality and comprehensive understanding of violence. The educational and training modules to build understanding on CSA have been designed by various organizations, but need to be integrated into the school educational curriculum and the school health program. The objective of the school health program is to promote positive health, prevention of diseases, early diagnosis, and treatment and follow up of defects and awakening health consciousness in children. Thus integration of this issue within this program needs to be more explicit.

The taboo and 'culture of silence' around the issue must be addressed through encouraging open discussion in the public platforms. Messaging through media must be undertaken to create a public discourse and create attitude change.

### **Setting up Special and Fast Track Courts:**

In keeping with the sensitivity of the issue, courts with specific provisions must be set up to provide due respect and protection. There should be separate court rooms with separate entrances and waiting hall for victims. The accused must be out of sight of the testifying child. In cases of incest, the child must be separated from family if they are unsupportive. The child testimony hearing be done in-camera as per Section 37 of POCSO Act. The bail must be cancelled by the judge when there are evidences of threat or pressure by accused that might influence cooperation of the child.

A culture of greater accountability must be maintained in these special courts. Examination of witnesses should be done on day to day basis. Delay between hearings must be minimized. As per the Act the cases must be concluded within a year but it is observed that it takes more than three years to dispose of the matter.

**Appointing trained, sensitized and quality support persons:**

A cadre of support person who are trained to interact with children and well acquainted with relevant laws is an immediate need, and they must be appointed by the Child Welfare Committees. The Department of Women and Child Development must maintain a list of such support persons, and relevant guidelines and operating procedures must be displayed prominently. Regular capacity building on the issue, assessment using appropriate tools and response must be undertaken for the support persons.

Recruitment and training of child counsellors and case management personnel must be undertaken on an urgent basis for victims to have a sensitive response and healing environment. These need to be present at key institutions such as schools, care homes and health facilities.

**Include Child Sexual Abuse within key adolescent policies and ensure inter-departmental linkages:**

Specific adolescent focused national health programs such as *Rashtriya Kishore Swastha Karyakram* and education policies must have an explicit mention of CSA, and provisions must be specified for its operationalization and monitoring. To ensure a comprehensive response, a mechanism for inter-sectoral coordination where different institutions can come together with their specific strengths is necessary. One stop crisis centres must be created and monitored closely.

**Set up systems for regular data gathering and sharing**

Periodic national surveys with adequate methodologies are necessary to ensure attention, ensure accountability and track progress on the issue. Mechanisms for collection and analysis of systems level and service statistics must be created, such that data is collected, analysed and shared routinely. Review of implementation of the POCSO Act must be done periodically to strengthen the law and plug theoretical and operational loopholes.

**Way forward**

The symposium identified specific immediate action points to be undertaken by Anthropos India Foundation with specific institutions and ministries:

**On data:**

- Ministry of Women and Child Development/ Childline/ NCPCR/ DCPCR/ CWC:  
Propose to take up research on the pertinent issues identified through the symposium. Collaboration can be set up to analyse the data generated by Child Line registrations to identify the vulnerabilities for future interventions.

**On Resource and IEC material:**

- Ministry of Health and Family Welfare/ *Rastriya Bal Swasthya Karyakram*/ School Health Program: Review existing curricula and develop module on sexual health and prevention for Child Sexual Abuse into the School Health Program. Advocate with the Ministry of Health for inclusion of the modules in the school program and also bring into the component in RBSK)
- NCERT/ CBSE/ SCERT: Develop lessons on child rights, cybercrime, child abuse for specific classes in the school curriculum NCERT/ CBSE)

**On public awareness and specific programs**

- Media and CSR of cinemas: Produce short one-minute films to be shown in schools, movie theatres. These films could be conceived by AIF and other experts and made by interested film makers. Subsequently, advocacy with PVR Cinemas and other CSR should be undertaken to showcase films during the intervals in the movie theatres.
- Labour Dept. / DLSA/ NLSA- Advocacy to adopt few construction sites and enrol children of construction labour and provide them safe environment.

**Networking and partnerships:**

- Explore partnerships with Save the Children/ CRY/CESI/ Tulir/ UNICEF/ BBA/ NCPUDR/ AICR for carrying out the above activities.

The issue of Child Sexual Abuse needs to be addressed through a multipronged strategy that creates protective, child friendly spaces, and an enabling environment to keep children safe; and to heal and rehabilitate those that go through adverse experiences so that they can realize their full potential in every aspect of life. The intense discussions during the symposium bore testimony to the extent of the problem, but also to the richness of experience in addressing it. Regular discussion and follow up are required if the issue is to make the progress that is needed, and a difference is to be made in the lives of children.

### **Rapporteurs:**

Dr. Sonal Pandey (Post Doc. Fellow, JNU)

Ms. Malavika (PhD scholar, JNU)

Ms. Kaushiki Das (PhD Scholar, JNU)

Dr. Nikunj Makwana (MPH Scholar, JNU)

Ms. Priyanka (PhD Scholar, JNU)

\*Anthropos India Foundation (AIF) is a not-for-profit organization in service since 2012, committed to support Anthropological research and development in the country. Our basic objective is to promote applied and action research so as to bring Anthropology into the mainstream planning and development. Led by anthropologists and social scientists, AIF made a humble beginning with action and applied researches on topics of contemporary relevance. AIF promotes Visual Anthropology and photo documentation. AIF also provides consultancy, advocacy with focus on children, women and marginalised communities.

Anthropos India Foundation

Phone- 011-26782372

anthroposif@gmail.com

www.anthroposindiafoundation.com, Facebook/ Twitter: AnthroposIndia







## **Anthropos India Foundation**

Flat No. 526, Sector-E, Pocket-2, Vasant Kunj, New Delhi.

Phone: +91 11 26782372

Email: [anthroposif@gmail.com](mailto:anthroposif@gmail.com)

[www.anthroposindiafoundation.com](http://www.anthroposindiafoundation.com)

Facebook/ Twitter: AnthroposIndia