Understanding - The Protection Of Children from Sexual Offences (POCSO) Act 2012 and Child Sexual Abuse (CSA)
Who is a child?
Child is defined as ...

...Any person who has not completed eighteen years of age;

Juvenile Justice (Care and Protection of Children) Act, 2015 - Section 2(12)

This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC, 30 Years)
Rights Vs Needs/Wants
Child Rights

United Nations Convention on Rights of Children (UNCRC)

UNCRC:
- 54 articles altogether
- Articles 1-40 defines rights

Child Rights can be broadly classified into 4 sets of rights

- Survival
- Development
- Protection
- Participation

Article 41-54 defines state responsibility vis-a-vis child rights
What is Child Abuse?
Child abuse constitutes different forms:

- Emotional
- Sexual
- Physical
- Neglect

Resulting in actual or potential harm to the child’s health, survival, development or dignity.
What is Child Sexual Abuse (CSA)?

Any act, using a child for sexual Gratification of / by the more powerful person

Acts of abuse may or may not include touch

CSA takes place in the context of a relationship where responsibility, trust or power are abused by the perpetrator
Statistics on CSA

Study on Child Abuse by Ministry of Women and Child Development-2007-13 states

❖ More than 53.22% of children in India reported one or more forms of sexual abuse, 52.94% (boys) & 47.06% (girls)
❖ Both girls and boys are equally vulnerable
❖ More number of reported cases in age group 12 – 15yrs
❖ 50% of sexual offenders were known to the child or were in positions of trust

National Crime Record Bureau Statistics in 2016

→ A total 1,06,958 cases of crime against children were reported, a rise of 13.6% from the previous year (94,172 cases in 2015)
→ There has been continuous progression in crime against children
→ A total of 36,022 children abused were cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012, which accounted for 33.68% of all cases of crimes against children
→ In 95% cases of women and girl victims of rape, offenders were known to the victim

Child Sexual Abuse reported to CHILDLINE in 2017-19

14034
Child sexual abuse...

- ...happen usually to girls
- ...is easily detectable
- ...cannot be stopped
- ...does not occur in educated families
- ...always include physical contact
- ...do occur with the girls wearing revealing dresses

*Myth*
Signs & Symptoms for identification of victims of CSA

- Injuries especially in the private parts of the Child
- Child walks and sits with difficulty
- Fatigue and sleeping difficulties
Signs & Symptoms for identification of victims of CSA

- Poor attendance in class
- Unexpected behaviour
- Changes
- Regressive behaviour such as bed wetting
Signs & Symptoms for identification of victims of CSA

- Sudden dislike from certain person /places
- Sudden accumulation of gifts
- Child starts paying too much /too little attention to his/her appearance
Salient Features of POCSO Act

- Child = 18 years
- Different Sexual offences
- Mandatory reporting and recording
- False reporting
- Emergency medical care
- Compensation
- Special Court
- Presumption of guilt
- Child-friendly procedure
- Care and protection
Offences Covered in the Act

- Penetrative Sexual Assault (Sec.3)
- Aggravated Penetrative Sexual Assault (Sec.5)
- Sexual Assault (sec.7)
- Aggravated Sexual Assault (Sec.9)
- Sexual Harassment (Sec.11)
- Using a child for pornographic purposes (sec. 13)

Other than the components mentioned above, the act also recognizes that:

- Abetment and attempt to commit an offence (sec.16), even when unsuccessful will be penalized.
<table>
<thead>
<tr>
<th>Contact Abuse (Section 3, 5, 7, 9)</th>
<th>Non - Contact Abuse (Section 11, 13)</th>
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</thead>
<tbody>
<tr>
<td>Penetrative - vaginal intercourse, Anal sex, oral sex, inserting objects into vagina or any other private body part of the child</td>
<td>Exposing child to pornographic content</td>
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<tr>
<td>Touching of the child's private body parts, making the child touch the powerful person's private body parts</td>
<td>Making the child watch others while indulging in sexual activity or showing private body parts of others.</td>
</tr>
<tr>
<td>Fondling of the child's body with an intention of sexual gratification of the powerful person</td>
<td>Talking about sex and sexual activity with the child. Passing comments of sexual nature. Sending messages/images which are sexual in nature</td>
</tr>
<tr>
<td></td>
<td>Showing the child the private body parts, looking at a child's private body parts while the child is undressing or bathing for sexual Gratification</td>
</tr>
</tbody>
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Recent Amendment -

<table>
<thead>
<tr>
<th>Penetrative sexual assault - imprisonment between 20 years to life, along with a fine (if a person commits penetrative sexual assault on a child below the age of 16 years)</th>
<th>Storage of pornographic material –</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggravated penetrative sexual assault - minimum punishment from ten years to 20 years, and the maximum punishment to death penalty</td>
<td>- failing to destroy, or delete, or report pornographic material involving a child</td>
</tr>
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<td></td>
<td>- transmitting, propagating, or administering such material except for the purpose of reporting</td>
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<tr>
<td></td>
<td>imprisonment between three to five years, or a fine, or both</td>
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Mandatory Reporting

❖ It is mandatory for every individual to report the cases of child sexual abuse (Sec 19.1)
❖ It is mandatory for police to register an FIR in all cases of child sexual abuse.

Failure to report child abuse

❖ Any person who fails to report the commission of offence or who fails to record such offence – imprisonment which may extends six month/fine or both. Section 21(1)
❖ Failure of person in-charge of a company or institution to report offence allegedly committed by a subordinate – imprisonment six month/fine or both. Section 21(2)
❖ Reporting false abuse with the intension to humiliate, threaten etc. - imprisonment six month/fine or both. Section 22 (1)
❖ False complaints or information provided by a child - No punishment shall be imposed on child. Section 22(2)
❖ False complaint or false information against a Child - punishment may extend to one year – Section 22(3)
Responsible for Reporting

- Parents
- Public Servant
- CHILDLINE
- Doctors / Hospitals
- Competent authority in Schools, Hostels & CCIs
- Teachers
- Social Workers / Counselors
- Concerned Adult
- Any Child
- General Public

Punishment clause for Non Reporting

Persons in the position of responsibility such as the Principal/ Hospital Administrator, Child Care Institution Incharge etc. could be booked or charged under Abetment.
Whom to Report?

- Local Police/ Special Juvenile Police Unit
- Child Welfare Committee
- CHILDLINE 1098
- State Commission for Protection of Child Rights (SCPCCR)
- National Commission for Protection of Child Rights (NCPCCR)

- (e-box)- http://ncpcronline.info/OnlineForm/onlineform.aspx
Role of Schools in Preventing Child Sexual Abuse
Role of School in addressing CSA

**PREVENTION**
- Creating safe spaces for disclosure
- Providing awareness to teaching & non teaching staff and parents
- Child Protection Policy is a must including safe recruitment policy
- Providing awareness to children to protect themselves as well as report
- Doing regular safety audits of schools including of staff, infrastructure

**INTERVENTION**
- Noticing the signs and symptoms and identifying any victims of CSA
- Extending their support to the child to build their confidence to disclose/ refer to counsellor
- Mandatory reporting – following the protocol of reporting in school
- Maintaining confidentiality of the child victim
- Extending any other support to child or family/ accompany the child
- Ensure that child is not getting in contact abuser
- Interpreter if required
- Can support during medical examination
Supportive behavior towards child victim

Assure confidentiality to the child & talk with him/her with empathy

If the case has been reported take consent of the child

Seek help from CHILDLINE (if required)
Supportive behavior towards child victim

Medical Examination of the child

Report the offence

Maintain confidentiality of the child
Unsupportive behavior towards child victim

Blaming the child

Ignoring the child when child complaints about a person or incident

Reacting in extreme while child is disclosing the abuse
Unsupportive behavior towards child victim

- Sending the child back to the perpetrator
- Talking about the abuse to others in front of the child
- Disclosing child’s identity to the media/other people
Contact us..

• Write to: dial1098@childlineindia.org.in
• http://www.childlineindia.org.in

Thank You...!

That's all it takes to save a child in distress

Dial 1098 today, and help distressed children

India’s first 24 - hour, free, emergency phone outreach service for children in need of care and protection.

www.childlineindia.org.in