

CHILD SEXUAL ABUSE

THEIR PROTECTION-

OUR RESPONSIBILITY



This booklet has been made possible through the efforts of the
Department of Women and Child Development, Maharashtra,
UNICEF, Maharashtra and **FACSE**, Mumbai.

2016

Cover & Booklet Design by : **Chaitanya Modak**

CHILD SEXUAL ABUSE

Their Protection - Our Responsibility

Vidya Apte

English translation: **Madhuri Kamat**

Message

The Protection of Children from Sexual Offences (POCSO) Act was passed in 2012. It follows from the State's commitment to implement the United Nations Convention on the Rights of the Child. The Act provides child friendly investigative machinery, special child friendly procedures as well as less intimidating court rooms. It has also broadened the definition of sexual offences, placed burden of proof on the accused and has elaborated on mode/gravity of crime with provisions for mandatory punishment.

The need to urgently identify, prevent and comprehensively and concertedly address the issue of child sexual abuse in Child Care Institutions led to the Department of Women and Child Development (DWCD) along with UNICEF to organize a video conference with the District Women and Child Development Officers, Probation Officers as well as Child Welfare Committee members; joined by experts from Forum Against Child Sexual Exploitation (FACSE) and CHILDLINE. Some of the lacunae identified were the absence of guidelines as well as information and communication material for the staff of residential care institutions.

This booklet serves as a resource to prevent and address child sexual abuse particularly in institutions and supports

the implementation of the POCSO Act by equipping care givers and other adults in contact with the child with information on the law, legal procedures and the rights of the child therein.

As part of its continued engagement on the issue of child sexual abuse, DWCD brought out comprehensive guidelines on the implementation of Sec 39 of POCSO and regular training of legal, police and medical personnel as well as parents and teachers is undertaken. In addition, child sexual abuse has been brought under the ambit of the Manodhairya scheme, which provides financial aid to victims of acid attacks and rape. A mere copy of the FIR is sufficient for releasing the funds. Convergence of investigative procedures at the medical, legal and police levels allied with health, trauma counselling has enabled a shift towards a child friendly approach in dealing with POCSO cases.

We hope that the booklet becomes an important tool in converging efforts across departments of the State as well as NGOs and civil society in taking head-on the challenge of preventing child sexual abuse. For now and hereafter.

Sanjay Kumar

*Principal Secretary
Department of Women and Child Development
Government of Maharashtra*

FOREWORD

Eight years ago, in a first of its kind study by the Government of India, it was revealed that 53 per cent of the surveyed children had been sexually abused. 70 per cent did not report the abuse. This booklet is part of the continuing efforts by government and civil society to bring into the open the reality of child sexual abuse.

Child sexual abuse violates not just the child's right to safety and protection but at one go plunders the child's treasury of rights promised by the United Nations Convention on the Rights of the Child: the right to life; the right to family relations; the rights to freedom of expression, the freedom of thought, the freedom of association; the right to privacy; the right to physical, mental, spiritual, moral development; the right to education; the right to rest, leisure, recreational activities.

The State and society has the obligation to protect children from sexual abuse and sexual exploitation and provide for the physical and psychological recovery of such children, including those temporarily or permanently deprived of their family environment. The Protection of Children from Sexual Offences Act, 2012, was a much needed bulwark against the rising tide of child sexual abuse. But there is a pressing need to create linkages for training of institutional authorities working with children, legal, medical, police and investigating authorities; and for profes-

sionalizing services in areas of counselling, trauma recovery and rehabilitation, in the urban and rural areas and specifically for the differently abled and mentally challenged.

More than ever, the child's limitless faith that the home, institutions, public spaces, transport vehicles are safe must be met with transparency on our part. All those vested with the responsibility of bringing up children must acknowledge, talk, examine, debate the issue of child sexual abuse so as to address it. Meaningfully. Multi-dimensionally. This booklet shows how. At least we hope it does. We welcome your feedback on how we can do it even better.

UNICEF thanks the Department of Women and Child Development, Government of Maharashtra and Forum Against Child Sexual Exploitation: FACSE with whom we have also partnered to bring out posters and conduct training for multi stakeholders on the Protection of Children Against Sexual Offences Act. I also thank the numerous institutions, officers of the DWCD and NGOs who participated in the peer review to finalize this booklet.

Let us pledge our collective voice to End Violence Against Children as we celebrate 25 years of the adoption of the United Nations Convention on the Rights of the Child.

Rajeshwari Chandrasekar

Chief of field Office, Unicef, Maharashtra

Author's Note

We are delighted to present this booklet to you, which is a result of the collaboration between the Department of Women & Child Development, Maharashtra, UNICEF, Maharashtra and FACSE, Mumbai.

There are certain unwritten taboos in our society. One such taboo is talking openly and freely about sexuality. When the time comes, we all tend to avoid talking about it because we feel awkward. This enhances the vulnerability of children and incidents of exploitation of children for sexual thrills and sexual abuse of children have become brazenly commonplace.

This booklet is a first step in removing this awkwardness. We make no claim whatsoever to having covered everything about child sexual abuse in this booklet. But it is certainly an initiative towards making a thorough acquaintance with the subject. We hope that it will motivate people to read further and discuss the issue so as to deepen their understanding of it.

This in turn will help people to themselves sensitize children to their vulnerability, be alert so that such things do not happen to them and if it does occur, provide timely help and support to the child.

In compiling this booklet, the following material proved helpful: "I Should Know All This" by Dr. Anant and Shanta Sathe, Dhan Panthaki's "Education In Human Sexuality", "Child Sexual Abuse" by Sakshi, Delhi, and the literature brought out by Tulir, Chennai, which works on issues of child sexual abuse. Our heartfelt thanks to all of them.

While preparing this booklet the then Principal Secretary DWCD Shri. Ujjwal Uke

gave valuable suggestions. Similarly Asst. Commissioner, DWCD (Child Development) Shri Rahul More, Smt. Alpa Vora, Child Protection Specialist, UNICEF, Shri. Santosh Shinde and Smt. Kamini kapadia (Consultants, Unicef Maharashtra) as well as my colleagues from FACSE Smt. Sangeeta Puneekar and Smt. Roshni Nair have made important and useful contributions to the content of the booklet.

The Department of Women & Child Development, UNICEF and FACSE held an one-day consultation on April 26, 2013 at YASHADA, Pune, to review the Resource Kit, comprising the booklet and its accompanying posters and film, before finalizing it.

Mr. Ujjwal Uke, Principal Secretary, (Department of Women & Child Development), chaired the consultation, which saw participation from YASHADA and representatives of the Health Department; Assistant Commissioner, Women and Child Development, District Women and Child Development officers; authorities of Children's Homes, Probation Officers, as well as legal, counselling experts, members of the Child Welfare Committee and NGOs with experience of working on issues of child sexual abuse.

Our deepest gratitude to all the above for giving their valuable time to assist in giving final shape to this information booklet.

Let us all come together to provide children the assurance that this entire world itself is a safe place. This is no easy task but if we all take on the onus, it is definitely possible.

Vidya Apte

FACSE (Forum Against Child Sexual Exploitation)

Contents

1. Child Development	4
2. Brief Introduction to the Convention on the Rights of the Child (CRC).....	8
3. Child Abuse – A Study	9
4. Sexuality and Sex Education	10
5. Let Children Know This	12
6. Child Sexual Abuse	13
7. What Caregivers of Children Need to Know	16
8. Child Sexual Abuse & The Law	20
- First Information Report (FIR)	
- Child Welfare Committee (CWC)	
9. Draft Regulations for Office-bearers and Staff of Institutions	24
10. Myth or Fact?	27

1.

CHILD DEVELOPMENT

Being born and blossoming/growing up is a beautiful journey. Full of numerous surprises and excitement. By the age of twenty, the child develops physically; mental changes take place accompanied by abundant experiences! Sexuality continues its age-wise impact on all these three.

Sexuality is an integral aspect of a person's life. Everyone has sexual organs, sexual feelings, which have their own forms of expression. One could say that the child's gender education begins at birth itself.

So as to help children protect themselves, let us first understand the 4 stages of their growth:

a) 0-3 years. b) 4-6 years. c) 7-10 years. d) 11-18 years.

A. FIRST AGE GROUP : 0-3 YEARS

There is a tremendous degree of emotional and intellectual growth in this period. Physical growth is dependent on nature and nurture. The bond between mother and child is strengthened by the mother breast-feeding the child. The mother's touch makes the child feel safe. The child decides whether it is a boy or a girl from the reactions of people around.

It is the age when the focus is solely on the self and getting what one wants, regardless; bawling up a fuss if denied.

The child is familiarizing itself with its body while sleeping, playing and bathing. As with other limbs, it plays with its sexual organs. This provides the joy of touch, feeling of security. Boys and girls are equally curious about each other's bodily differences. It is from this age that children learn from adults the differing behavioural patterns for boys

and girls and what is appropriate and inappropriate.

B. SECOND AGE GROUP : 4-6 YEARS

The children of this age-group are lively and boisterous. They gradually get into the routine of eating, getting on their footwear and wearing their clothes, managing to button-up on their own, and enjoying it. They befriend other kids. Children learn how to speak and behave by imitating their parents and other adults staying in their neighbourhood. How the child is brought up by its parents and elders will determine whether it is obedient or a bully, remains dependent on its parents for every small thing or is independent. These children in all innocence can be seen staring at someone and lifting the skirt, frock or towel to take a peek out of curiosity. Adults must explain that such conduct is inappropriate without flying into a rage or punishing the child.

Sometimes kids also engage in playing with sexual organs or masturbation. It is prompted by the pleasure of the touch. It has no comparison with the sexual desire of an adult.

It is the age of innocence and easy

reliance on anyone. There is a greater tendency for children of this age-group to engage in sexual misconduct. It is imperative that without frightening them, they should be adequately instructed so that such experiences do not come their way (See Chapter 5 for details).

C. THIRD AGE GROUP: 7-10 YEARS

At this age, the development of boys is muted compared to girls. Children seek appreciation from their parents and teachers at this age. Boys and girls form their own groups. It is during this age that boys and girls develop fixed notions of how boys and girls should behave, speak and dress. It is at this age that sexual curiosity awakens. If a parent or the child's caregiver seizes an opportune time and place to have a frank discussion on sexuality with the child, it could create a wonderful, candid bond between the two.

At this age itself, boys and girls must be taught about their bodily differences and hygiene for the sexual organs. Children can on their own learn respect for each other's bodies and minds if they pick up such cues from the conduct of adults.

D. FOURTH AGE GROUP : 11-18 YEARS

10 to 14 years is the tween age and 14 to 18 years is the teen age. We are going to deal with these two categories as one because there is only a fine line separating the two.

These children are at a critical standpoint, at a momentous threshold of life. They are in a spurt stage so to speak. This is the time when they begin to face life's googlies and stress makes its presence felt. Hence, it is crucial that someone explain and they understand what is happening with them as they step into this spurting age.

A lot happens in this transition phase. There are rapid bodily changes. One's own body becomes a thing of fascination. At such a time, sexual urges and consciousness are awakened. Sexual attraction emerges.

Anger-lust is aggravated. Exactly what is happening and being felt seem beyond comprehension. But there is a growing recognition of the self - one's independent identity. The distinct, all-round personality of boys and girls shapes itself. The search for the "self" begins unwittingly.

The pulls and pressures of this coming of age, i.e. the transition to puberty, are recognized and come to be experienced. The rapid changes in body and mind give rise to many dilemmas, misunderstandings, fears and anxiety. How and with whom to share this significant yet delicate topic poses a problem. This is because it is often the case that no one takes it upon themselves to discuss this issue frankly with children. Adults merely lay down do's and don'ts. But they do not explain the "what" and "why" of the situation. The knowledge obtained from friends is often inadequate and unscientific as they themselves are unaware/ignorant. Information from the media is often not only inadequate but exaggerated and misleading and the misconceptions add to the confusion in the mind. At this age, as important as it is to make children aware of all this, it is vital to encourage children to specifically take up outdoor sports.

"This bewilderment is not yours alone. At this stage in life, there are many who undergo this turmoil. So also, the dilemmas and problems you experience are not yours alone. Many others face a similar predicament. Hence, there is no need to feel disturbed or take stress." Such an explanation will prove heartening.

This age of transition entails a girl blossoming into a woman and a boy into a man. Children at this age are extremely touchy. Being quick to anger, swinging between extremes of joy and sorrow for no apparent reason, being overconfident or indecisive, getting bored, wanting to be left alone, having a fascinating curiosity about everything, are some more signs. At a time when the child steps into a grown-up's shoes, it is absolutely essential that the parent or the adult guardian is supportive and understanding.

PHYSIOLOGICAL, MENTAL AND EMOTIONAL CHANGES IN ADOLESCENTS

Let us first understand the physiological, mental and emotional changes that take place in adolescents.

PHYSIOLOGICAL CHANGES

Between the ages of 10-14, boys and girls see comparable growth. Around 12-14 years, the differences become apparent. In the case of some girls, these may be delayed.

Changes in Girls	Changes in Boys
Increase in height	Increase in height
Increase in weight	Increase in weight
Appearance of hair in arm-pits and reproductive organs	Appearance of hair on chest, in arm-pits and reproductive organs
Eruption of pimples and acne on the face	Eruption of pimples and acne on the face
Hips widen	Shoulders broaden
Nipples gradually enlarge Onset of menstruation Development in reproductive organs	Ejaculation of seminal fluid may happen Growth in reproductive areas
	Voice deepens (not necessarily of all)
	Appearance of beard, moustache

The apparent bodily changes that occur, in boys and girls, between the ages of 12-14, are known as secondary changes. The ejaculation of seminal fluid begins in boys in this phase. Sometimes they experience nocturnal emissions (wet dreams) during sleep. Occasionally, there is penis erection. This is all a natural process. Hence, there is no need for boys to get worked up. It is at this age that the gradual transformation of boys into men takes place and their bodies take on the appropriate contours.

Youth play and exercise a lot. Adults need to take care to provide them a nutritious diet.

MENTAL AND EMOTIONAL CHANGES

In this phase, there is a desire for the company of people of various genders. There is a need to get emotionally intimate with them. At such a time, wittingly or unwittingly feeling the urge for physical contact is perfectly natural (some may feel an attraction towards the same sex and this, too, is natural).

Awakening of sexual desire is an intrinsic process. But when doing any act associated with it, an important aspect

must be kept in mind - regardless of whether one feels one is “grown-up”, the capacity for making a decision and taking responsibility for it is yet to come.

At this age, there are sexual impulses and potent urges. Succumbing to passion, some feel the urge to gain first-hand experience of sexual union and intercourse, to experiment; while others feel the need to assert their manhood. There is no inkling of the consequences of giving in to the temptation of enjoying sexual intercourse or indulging in unrestrained sexual relationships as “timepass”; and this can lead to unforeseen complications. It is important to create a space where children of the same age group get the opportunity to open up and share their feelings freely.

Some make the mistake of asserting their manhood due to misconceived notions of manhood; viewing a woman as a plaything, an object of lust, harassing her, using violent coercion against her, and misbehaving with her. Many such instances could be prevented if timely and age-appropriate information is imparted.

2.

BRIEF INTRODUCTION TO THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

The United Nations passed the Convention on the Rights of the Child (CRC) on November 20, 1989. India ratified the CRC by signing it on December 11, 1992. Under this Convention's definition, a child is anyone under the age of 18.

This Convention is a precise, aptly worded, detailed directive on child rights. The Convention is broadly divided into four parts, namely, Right to Survival, Right to Development, Right of Participation, Right to Protection.

RIGHT TO SURVIVAL	RIGHT TO DEVELOPMENT
Birth, nationality, nutritious food, adequate clothing and housing	Free primary education
Adequate standard of living	Access to secondary education and vocational training
Good quality health and best possible health care	Education which will develop her/his personality, talents/abilities and mental and physical capacities to the fullest
Special care for the disabled, which will enable them to live full and independent lives with dignity	Education which will encourage peace/ tolerance and equality
Social security and child care services	Play and recreation as well as access to cultural and artistic activities
	Access to enjoy one's culture to the fullest and practise one's religious customs

RIGHT TO PARTICIPATION

RIGHT TO PROTECTION

Freedom to express opinions and to have a say in all matters affecting their lives and to be taken seriously by others

In grave situations – such as communal riots, armed conflict like war; or when children are deprived of their family environment or classed as refugees.

Freedom of expression

When s/he infringes penal laws or children in the juvenile justice system

Freedom of thought, conscience and religion

Situations of exploitation; such as child labour, illicit use of drugs; or sexual abuse or exploitation, abduction, trafficking

Freedom of association and peaceful assembly

Any form of discrimination

Freedom to access information from the mass media

For survival, all-round development and conscientious participation in life-impacting decision making processes, the foremost need is to protect the child, make the child feel secure. Here, we shall delve into aspects of the right of the child to protection.

3. CHILD ABUSE – A STUDY

In 2007, the Ministry of Women & Child Development, India, with the help of NGOs conducted a study on “Child Abuse” in 13 states covering 17, 220 children. The conclusions of the study are thought-provoking. The relevant figures related to child sexual abuse are as follows:

- Children who have faced one or other form of child sexual abuse – 53%
- Children who have endured aggravated forms of child sexual abuse – 22%
- The highest proportion of this crime is in the states of Andhra Pradesh, Assam, Bihar, Delhi
- The majority of children who fall prey to child sexual abuse are found to be street children, daily wage child labourers and children living in institutions

Even taking into account that this study is limited mainly to the deprived sections, these figures are shocking. It underscores the gravity of the issue, the need for decisive action to protect the child and how imperative it is that all of us redouble our efforts.

4. SEXUALITY AND SEX EDUCATION

WHAT DOES SEXUALITY MEAN?

- Physiological and mental changes taking place from birth to attaining puberty
 - Physical attraction and coming of age
 - Self-awareness
 - Acquaintance with the other sex
-

Trust and respect are an integral part of sexuality. Sexual pleasure can lead to impregnation. The responsibility of raising the child arises here. This is often overlooked in child sexual abuse. The child is exploited like an object.

Sexuality and sexual desire is present in everyone. It would certainly prove immensely beneficial for the child to learn about this, become aware that it is a natural instinct to seek an appropriate outlet for it; through timely and appropriate modes of information.

SEX EDUCATION

A child is born as a girl or a boy. Sexuality and the pleasure of touch are present throughout each one's life-span. So there is nothing wrong in learning about sexuality. Understanding the changing nature of sexuality at different stages in life, experiencing it is a lifelong process, these are oft- ignored aspects. "Sex Education" is education about sexual intercourse is the narrow, limited interpretation, which in turn is found

objectionable. This is wrong.

If some people are opposed to the word "sex", then do not associate it with education. But whatever the term used to describe this education, its comprehensive aspect must be understood and imparted. It must assimilate the necessary knowledge that will enable children entering youth to lead a happy and contented future with their partners.

Even if gradually, it is evident that people are realizing that "sexuality" is one of the core issues of our life and the need to be enlightened about it. Providing children information tailored to them is unavoidable, but as self-evident as this may be, being a delicate issue fraught with complications, it is equally true that opening a dialogue with them about it is not so simple.

The particular society's cultural, social, religious, political role, custom and long-established practice must be kept in mind while imparting this education. Merely

It is important to understand that children with special needs are not asexual beings. Hence, children with special needs or those without, all children must continually be given sex education, suitable to their age and capacity of understanding. This will remove misconceptions about natural changes, emotions, urges and needless fear about it.

If all children receive appropriate sex education, it will reduce the possibility of sexual abuse, sexual diseases or premature pregnancy. Often, the importance of imparting this education to children with special needs does not occur to parents and teachers, and at times, the difficulty of communicating it to them in a language they understand means that it is not taken up at all.

because there are many such hurdles this question cannot be dismissed out of hand. Sexuality cannot be detached from life in this fashion.

WHAT SEX EDUCATION SHOULD INCORPORATE

- Reproductive areas and their function
- Attaining puberty – physical, mental, emotional changes and behavioural changes
- Information on Love - Friendship - Attraction
- Masturbation: Myths and Facts
- Hygiene of sexual organs
- How relationships are created in society – the innate art and skill of strengthening and maintaining ties
- Being understanding when a rift takes place or a person wants out from a relationship
- Being able to take a “no” in a relationship
- Ability to respect ties and accept responsibilities
- Acceptable modes of expressing sexual feelings
- Responsibilities arising from relationships, bonds and marriage
- Physiological and mental effects of sexual liaisons
- Information on contraceptives
- Safe sex
- Same sex relationships
- Sexual abuse
- Information on whom to approach in case of Child Sexual Abuse

Of course, it is crucial to know when and what part of this information should be shared with children, based on the age and maturity of the child.

5.

LET CHILDREN KNOW THIS

- 1. Body** - You are the sole owner of your body and nobody has the right to violate it.
- 2. Who can touch** - An older person's touch while helping bathe a young child or a doctor's touch during illness...otherwise, it is inappropriate for anyone to touch parts of the body clad in clothing.
- 3. Making a complaint** - Whenever someone's touch angers or makes you feel uncomfortable immediately go and tell someone you confide in and whom you trust.
- 4. Secret** - If anyone says, "this is our secret, don't tell anyone", then too, definitely inform someone whom you trust.
- 5. Even if it is late**, tell it, continue talking about it till you get the help you want.
- 6. No, Don't** - If you do not like or get scared of someone's touch, then yell loudly, "No, don't".
- 7. Gifts** - Some people offer food, gifts and in exchange act, speak and touch you in a way that you find distressing. Do not listen to or accept that person's gifts.
- 8. It is not your mistake at all** - Despite all your precautions, if something happens, you are not at fault. Even if someone violates you by overstepping the boundaries of touch. Even if you could not yell, "No, don't." Even if you could not get away and leave. It does not at all mean that the episode took place because you wanted it. But one must learn to say "no" and practice it.
- 9. Remember** - You matter, but given that, it matters more that you should feel protected.
- 10. Right to Equality** - Some children who may be deprived or differently-abled are entitled to the same rights as you - the right to be happy, to enjoy without encroaching, information, entertainment, recreation.

6. CHILD SEXUAL ABUSE

SEXUAL MISCONDUCT WITH CHILDREN/CHILD SEXUAL ABUSE/ CHILD SEXUAL EXPLOITATION

IN SIMPLE TERMS: Any act with a boy or a girl done with sexual intent constitutes sexual misconduct and sexual abuse. Often, the child is under the control/trusts the perpetrator. Frequently, the perpetrator has both, control/trust of the child. (We will examine this in detail while studying the law in the next chapter.)

THE REAL PICTURE

1. Both boys and girls can fall prey to sexual abuse. So also, s/he can be from any social or economic section of society.
2. Research shows that 2 out of every 4 girls and 1 out of every 6 boys fall prey to sexual abuse. (Sakshi, 2008)
3. Research also revealed that 90% of the abusers were the child's friends, relatives and persons known to the child.
4. Crimes involving sexual abuse of children occur with far more frequency than rapes on adults. This is because the accused in a crime of child sexual abuse is a familiar person, friend or relative who is always in touch with the child. This person takes advantage of the recurrent situation, opportunity and most crucially, the innocence of the child to commit this heinous act.
5. A fact of prime importance is that child sexual abuse can take many forms, not just intercourse.
6. The perpetrator of the abuse can be either a man or a woman.

FORMS OF CHILD SEXUAL ABUSE

ABUSE INVOLVING CONTACT	ABUSE WITHOUT CONTACT
Touching or fondling the child's sexual organs/making the child touch the abuser's sexual organs	An adult exhibiting sexual organs or making a child exhibit the same
An adult engaging in kissing, anal sex or vaginal intercourse with a child or making the child do so	An adult intentionally making suggestive sexual gestures or using sexual terms
Inserting fingers or objects in the anal or vaginal passage	An adult showing a child pornographic literature or visuals, sending such material/messages via internet or making the child do those acts/photographing or broadcasting the child in the act
Making the child masturbate or making the child aid one's masturbation	Offering money, gifts or other rewards as inducement in exchange for sexual favours

The common perception is that an unknown person, a stranger, a person who has lost his/her mental balance commits heinous crimes like sexual abuse. Unfortunately, this is far from the reality.

WHY DO CHILDREN NOT SPEAK ABOUT SUCH AN EXPERIENCE?

Usually, fear and shame prevents children from opening up about the sexual abuse that has taken or is taking place with them. Perhaps, because the perpetrator swore the child to secrecy or family members forbade the child from talking about it.

- One must not talk about it and hide it means the child is made to feel guilty and believes s/he to be at fault
- Absence of free and frank communication in the family, institution or surroundings
- Fear of not being believed by anyone, of being scolded and beaten
- Fear of falling out of everyone's favour
- Apprehension that the good ties with the perpetrator will snap
- Fear of the perpetrator/threats

- Inability to confide in anyone
- Inability to explain what happened, not knowing the precise vocabulary
- The institution/family's prestige/dignity takes precedence over the child's security
- Fear that the matter will become a police case

VISIBLE SYMPTOMS OF ABUSED CHILDREN

It is crucial and vital that parents, teachers, staff, employees of Children's Homes as well as other people who play a significant role in a child's life, are able to identify and understand signs of mental, physical or sexual abuse.

BEHAVIOURAL AND EMOTIONAL SYMPTOMS

- Being lost in thought, keeping aloof
- Biting nails
- Becoming sad and anxious
- Sudden change in behaviour
- Illusion of the perpetrator being close by
- Constant state of apprehension that something bad is about to happen
- Hating oneself
- Dip in confidence
- Inability to befriend anyone easily
- Distrust of adults

- Suddenly avoid a particular person or object or place or feel irrational fear about it
- Lack of interest in studies and slide in academic progress
- Unable to concentrate
- Jerking awake, shouting, having nightmares about the abuse
- Becoming aggressive
- Going hungry or eating too much
- Sudden usage of sexual terms and language
- Attempting sexual behaviour with other kids
- Running away
- Attempting suicide
- Becoming addicted to vices
- Becoming unemotional
- Premature habits such as masturbation, kissing, same sex sexual intercourse

PHYSICAL SYMPTOMS

- Constantly going to the toilet or bed wetting
- Tear in the vagina of girls
- Burning sensation, appearance of boils, swelling in throat, mouth, anus, reproductive organs
- The possibility of contracting sexual diseases (Venereal), HIV.
- Unexpected pregnancy in girls

With the exception of the last two physical symptoms, none of the remaining symptoms by themselves constitutes evidence of sexual abuse. As these signs could arise from other mental, emotional ill-health or physiological reasons. Hence, it is not right to jump to a hasty conclusion of sexual abuse but rather it is important to understand what the exact problem is, get appropriate cure and counselling.

If a particular symptom or many symptoms occur repeatedly then the probability of sexual abuse should be carefully verified.

It is important to keep in mind that a child can completely recover from this abuse if s/he is provided timely and appropriate help in a nourishing and carefree environment.

LONG-TERM IMPACT

If the child sexual abuse persists and the child does not get timely help, then its influence on the personality can be seen even in adulthood.

- Due to the betrayal of trust at a tender age, making friends and colleagues or other healthy relationships are difficult to form and maintain
- Lack of confidence impedes potential progress at work and in other spheres of life
- Difficulties in marital relationship.
- Undue care of one's own children and restricting the freedom needed for their all-round development
- Mental illnesses e.g. depression
- Likelihood that sexually abused children may grow up and do the same to other children

It is critical to take timely care for this. Long-term problems can be prevented if abused children receive timely and appropriate care.

7.

WHAT CAREGIVERS OF CHILDREN NEED TO KNOW

- It is important to teach children socially acceptable names of sexual organs. Moreover, we need to know what sex related terms children use amongst themselves.
- Questions by children related to sexuality should be dealt with in the same manner as other queries. That is to say, they should not be given irrelevant or undue importance nor should they be ignored.
- Language is an influential and double-edged sword. Sometimes, unknowingly, we use terms like “half-wit” and “mental”. We must be mindful of how people called such names may feel. This mindfulness should be reflected in children, too.
- Every child is different and their issues cannot be tackled uniformly. Each child’s case must be seen in its own context and from all angles to arrive at a solution. This is true of all children because every child is born unique.
- Children who may be deprived or differently-abled also enjoy the same rights as others do -the right to be happy, to take joy without encroaching, information, entertainment, recreation etc.
- It is important to remain approachable to children who are coming of age. They must be able to speak freely with you on any subject.
- If you feel that some stranger/known person is being far too attentive to a child, try and get to the bottom of it. When an adult or older child spends too much time alone with young children, then, too, be aware/ask/ be alert.
- Keep a watchful eye on money/gifts received by children. Enquire why and by whom they were given. Warn the child of the dangers associated with accepting such gifts.

IF A CHILD IS SEXUALLY ABUSED

1. Trust the Child

Children are not given to lying about sexual abuse. For the purpose of a thorough inquiry, the child must not be brought face to face with the perpetrator under any circumstances.

2. Remain Calm

Do not get panicky or agitated. When the perpetrator is a person you trust, it is natural to feel shock, fear, anger, shame and instantly express disbelief. But do not let these emotions show on the face. Do not vent your anger or other emotions in front of the child. Children will not confide in you about the abuse if they sense that it causes others distress.

3. If it has been some time since the abuse took place, do not say, “Why didn’t you tell me before?” Don’t fire off a volley of questions.

The abuser is adept at turning the situation to his/her advantage. The child may have been frightened into remaining quiet. Or children may remain silent out of shame, repression or guilt, or, it may be that s/he simply does not know how to talk about the incident. At such a time, the child needs understanding and support. S/he must be convinced that s/he is not at all at fault and that you are firmly on the child’s side and that you will take care to protect her/him.

4. Do not scold or punish

Despite all necessary warnings being given, if the child blunders bear in mind that this is not the time to scold or punish the child. If the child disobeyed your instruction, do not get angry at the child or punish the child. The child is already devastated by the abuse. So, remember that the child needs your support.

5. Rebuild the child’s confidence

Young children in such a situation become agitated or blame themselves. “I am proud that you told me about it. It takes courage to speak up about it. You are not at all at fault for any of this and we will always be with you.” In this manner, boost the child. Let the child feel reassured.

6. Do not give undue importance

Take necessary safeguards but do not give the event undue importance. Do not distinguish between the child and other children.

7. Only keep the concerned person informed

Children who have been sexually abused are very sensitive to the reactions of those around them. Frequent reference to this event in front of other children may prove harmful to the child.

8. Medical test

When necessary seek emergency medical assistance and promptly file a report about the sexual abuse. Maintain records of medical tests and treatment. This will prove immensely helpful in bringing the accused to book if the crime is registered.

9. Seek help

Children do not have the emotional capacity to deal with sexual abuse. At such a time, there is nothing wrong in seeking help from the counsellor or social worker.

10. Of prime importance

Keep the dialogue going with the child about the episode; keep it open. Always remember that the child fell prey and the culprit is the abuser.

WHAT THE COMMUNICATOR/ CONTACT PERSON MUST KEEP IN MIND

- Do not treat the child as the guilty party
- When a child comes to you, you must be patient in getting the child to open up
- Choose a location and surroundings that enables the child to open up
- In a hurry to finish the task do not finish the child's sentences for him/her
- Avoid asking leading questions
- Explore the likelihood of sexual abuse of the child who has come to you without coercion
- The dialogue should be conducted in a manner where the child can share freely without feeling intimidated
- At the outset, a terrified child may not be completely honest. Your behaviour must win her/his trust
- The child must feel reassured by your behaviour with others in his/her presence
- Do not scare the child with consequences of the incident or by making it seem s/he committed a crime
- Give the child the faith that s/he is not guilty for what happened and that the fault lies with the perpetrator and that many others have been through a similar experience
- Do not make comments on the child's case to colleagues or others in the child's presence
- When gathering details, it is advisable to seek expertise to overcome the child's fumbling due to ignorance of the exact words
- Take help from a qualified translator in the event of a language barrier between the child and you. Do not leave it open to interpretation
- If the child is able to speak about the sexual abuse, maintain calm and be attentive and empathetic to what the child has to say. Now and then, using the child's own words, make sure you have got it right before continuing further
- Avoid statements like, "Why didn't you tell this earlier?" or "Why didn't you do so-and-so, you should have."
- Take care that your behaviour and speech does not make the child

feel “You yourself are responsible for what happened.” Otherwise the child will withdraw into silence

- Resist the urge to go fishing for information that has no bearing on helping the child. Often, such questions are meant to assuage your own curiosity
- Keep a record of the information obtained from the child and give it to the next processing authority. Keep a detailed record. e.g. date, day, time, place, gestures, body language of the child or the accused. Note it down verbatim as spoken by the child or the suspect
- It is important to obtain a comprehensive background of the child sent to you
- Exercise tremendous caution while touching the child
- Prior experience and the child’s personality will determine whether the child feels comfortable speaking to a male or female staff. If it is evident that the child is not opening up to you, without feeling insulted or making it a battle of wills, the child’s case should be handed over to the requisite male or female staff
- Respect the child as an individual in his/her own right.
- Keep the sexually abused child’s information confidential. At the same time, let the child know that personal details will have to be shared while taking help from the requisite person
- The child should be told what is being done, where s/he is being taken and why, in a way that s/he understands. (e.g. before taking the child to the police station, doctor, counsellor or anyone else for help)
- As far as possible take the child and the family into confidence before taking any decision on the child or the case
- It is important to make the sexually abused child and the family fully understand the implications of filing a case and mentally prepare them for it
- The child’s welfare must be the priority and all endeavours and procedures should flow from this perspective
- As per Criminal Procedure Code, Clause 154, a First Information Report (FIR) is filed, i.e. recording the crime at the police station. Everyone needs to know that the police cannot initiate an investigation without an FIR

8.

CHILD SEXUAL ABUSE AND THE LAW

The government, society and family are often knowingly or unknowingly responsible for violating children's rights. Often, the child due to age and circumstances remains unaware of this and even when the child is cognisant of it, s/he does not know how to put a stop to it. In recent times, even though the social worker makes children aware of their rights, fulfilling them is a task left primarily to the parents, various government apparatus, NGOs and other adults. The police machinery forms one of its important components.

Till date, the Indian Penal Code (IPC) and the Juvenile Justice (Care & Protection of Children) Act 2000 were invoked in crimes of child sexual abuse.

Due to the child's age and psyche and the developing stage of the body, sexual crimes on children have more severe consequences, impairing their personality and future. Hence, social activists had long demanded a separate law to deal with crimes of child sexual abuse. This demand stands fulfilled in the new law, The Protection of Children from Sexual Offences Act, 2012. Besides which, provisions of the Criminal Laws Amendment Act, 2013 IPC, Domestic Violence Act, 2005, along with provisions of other laws can be invoked in law suits of child sexual abuse.

The Protection of Children from Sexual Offences Act, 2012

This law is gender neutral in defining sexual misconduct or abuse in the case of children, i.e. the law is equally applicable to girls and boys. There are inclusions in the law covering all forms of child sexual abuse with or without physical contact.

Proportionate to the crime, jail, rigorous imprisonment and fines are outlined taking cognizance of all types of offences such as child sexual assault/aggression, sexual harassment, aggravated crimes, perverse abuse, rape, showing children pornographic literature or visuals, exploiting the child to create such porn, photographing them, and not just that, but also storing such literature.

A minimum of ten years rigorous imprisonment, which can be extended to a life sentence, besides fine as punishment is prescribed as punishment in aggravated crimes committed by the police, the armed and security forces, institutional office bearers or staff, i.e. any person in a position of authority trusted by the child.

Sexual Assault: 3-5 years imprisonment + Fine

Misconduct without physical contact: 3 years simple or rigorous imprisonment + Fine

Exploiting children for pornographic

purposes - Using such literature, storage, publication: 5-7 years rigorous imprisonment + Fine

Participating directly in the pornographic act using the child for pornographic

purposes: 10 years simple or rigorous imprisonment + Fine

PROCEDURE FOR REPORTING SUCH CRIMES

A person who has knowledge that such a crime has been committed or apprehends that such a crime is likely to be committed is obligated to inform the Child Welfare Committee, Special Juvenile Police Unit or local police station's Child Welfare Officer. There are provisions for punishment for not disclosing information or making a false complaint of such a crime.

No child, i.e. anyone below the age of 18, knowing about such a crime or the likelihood of such a crime can be punished for not reporting it even if this is expected of the child and s/he does not do so.

If the complaint comes to the Special Juvenile Police Unit or the local police station's Child Welfare Officer and they are satisfied that the child against whom an offence has been committed is in need of care and protection, then they are obligated after recording the reasons in writing, to make immediate arrangements to give the child such care and protection (including admitting the child into a Shelter Home or the nearest hospital) within 24 hours of the report,

as may be prescribed. They are obligated to report the matter to the Child Welfare Committee, Special Court and in the absence of either, to the Session Court within 24 hours, including need of the child for care and protection and steps taken in this regard.

In every district, one Session Court shall be designated as a Special Court. The decision shall be taken by the State Government in consultation with the Chief Justice of the High Court. The State Government shall appoint Special Public Prosecutors for every Special Court.

The court proceedings shall be in camera, i.e. not in open court but in the judge's chambers. Permission will be granted for the child's parents or person in whom the child has trust or confidence to be present with the child at this time. The Special Court shall as far as possible complete the trial within one year.

If considered necessary, the NGO or the parents can appoint a lawyer to represent the child victim.

If the Abuser is a child below 18 years of age, then the incident will come under the purview of the Juvenile Justice (Care and Protection of Children) Act 2015.

REGISTERING A COMPLAINT – FIRST INFORMATION REPORT (FIR)

1. Providing Information/filing a complaint about the incident with the police officer on duty at the nearest police station.

2. It is necessary that the complaint is made in writing but in the event the complainant is illiterate, then the police must record the complainant's oral statement in writing, read it out and get the complainant's signature on it.
3. The police must enter a summary of the complaint in the police station diary.
4. The police must provide a copy of the FIR without charging any fee for it.
5. The person who was subject to the crime, anyone else acting on behalf of this person, or anyone who witnessed the crime can register the FIR.
6. The complaint may not have all the details of the crime. The complainant may not know the name of the accused or the circumstances in which the crime took place. It is a job for the police and not the complainant to gather all these details.
7. Even if someone phones in the complaint, the police must take cognizance of it.
8. In the case of a girl/boy below the age of 18, the police must record the child's statement at her/his home and cannot summon the child to the police station for it.
9. The child's statement must be taken at a place familiar to the child, which puts the child at ease. The person whom the child trusts has the right to be present with the child at this time.
10. Do not use the language of adults. Whatever the child says must be recorded verbatim, in the language it is spoken, otherwise it may create problems during cross-examination.
11. Prior to recording the child's statement, first and foremost, the child must be removed from the place, surroundings where the child abuse was committed, whether it is the family/home, institution or a place of work.
12. While questioning the child, when necessary, if the police take help from a counsellor or a psychologist, the child will speak freely and the police will learn precisely what happened.
13. Often, the complainant finds it difficult to file a complaint about child sexual abuse out of fear of social stigma or because the abuser is a known person or close to the complainant. Hence, it is important for the police to act sensitively with the child and the complainant.
14. The police must apply the most relevant and effective legal provisions in the FIR. This depends on how seriously the police examine the gravity of the crime. For instance, if a child domestic worker dies, under suspicious circumstances, ensure that relevant sections are applied that allow for investigation for sexual abuse.
15. If the child victim and the abuser stay in the same place, the police station

and district Child Welfare Officer should be informed of it.

The case papers must contain all the relevant details. As very often it takes quite a while before the case comes up for hearing. It cannot be assumed that the police officer who registered the offence will be available at that time.

CHILD WELFARE COMMITTEE (CWC)

The proceedings to be carried out when a sexually abused child is brought before the Child Welfare Committee (CWC).

- Sensitive handling of the matter
- The meeting with the child should be done in a child-friendly atmosphere without even a hint of pressure.
- Do not make the child feel guilty and win the child's confidence so that s/he speaks freely.
- The presence of the NGO representative is required at the time when the child is produced before the CWC
- Ensure a female representative of an NGO is present if the abused child is a girl.
- Verify who is sexually abusing the child and the form of abuse.
- A child's trustworthy family member (if s/he is not exploiting the child) can be with the child.
- Get the child's age verification

and the abused girl/boy's medical examination done.

- Take care that prejudice and morality play no part in the decision.
- If the offender is a family member, straightaway shift the child to a secure location far from the family.
- The CWC should immediately initiate criminal proceedings against the offender.
- The Commissioner, Women & Child Development should be immediately informed about the suspected offender if the child is under institutional care and protection.
- The local police station must be directed to file a First Information Report (FIR) and given necessary orders for inquiry.
- As practicable, take the help of NGOs, legal experts, psychologists and the Crisis Intervention Centre.
- If necessary, the CWC can entrust the child to another suitable institution or to a trustworthy person who can ensure the child's protection.
- Ensure that checks and balances are in place to prevent any kind of child exploitation in an institution, which comes under the scope of the CWC.
- Make sure that the child's views have been taken into account in the child's rehabilitation plan.

9.

GUIDELINES ON CHILD PROTECTION FOR OFFICE-BEARERS AND STAFF OF INSTITUTIONS

Very often, the institutional head avoids or delays making a complaint when it is the institution's staff, office bearer or person associated with it who commits the sexual misconduct, abuse or exploitation. Frequently, this arises from the fear of spoiling the institution's name. Even with all safeguards in place to prevent such incidents, no one can give a cent percent guarantee that it won't. The institutional head's main priority should be the child's best interests, which lie in taking a firm stand against the offender whosoever it may be and this will be an indicator of the institution's transparent functioning.

Your aim is to provide for the child's security within the institution as well as a healthy and secure environment outside it. A setting in which the child will be safe, no doubt, but which will not only treat the child respectfully, but enable the children in the institution to be competent and capable enough of taking care of their own safety.

For institutions to be safe spaces for children it is suggested that each institution adopts Child Protection Rules

based on guidelines suggested below.

It is our belief that every child, regardless of caste, religion, race, colour, nationality or gender, has the fundamental right to be protected against sexual exploitation and any other form of exploitation.

Therefore, we wholeheartedly adopt the following dictums:

With the objective of ensuring the child's protection, executing the child protection policy, there is no place in the institution for any person who engages in any form of child exploitation. If any institutional person commits child sexual abuse or any form of child exploitation, then punitive and legal action will be taken against that person. The child's best interests will take priority in determining the course of action.

We believe in giving the child a say and her/his participation, whatever their mode of expression. Hence, wherever possible, children will be involved.

It is binding on us to ensure that no one does the following:

- Beat, physically or mentally harass/

sexually exploit any child.

- Establish physical/sexual relationships with a girl/boy.
- Any conduct that will distress or endanger the child.
- Use any improper or sexually inciting body language or sign or a phrase with that kind of suggestive meaning.
- Use any form of coercive methods on any child being administered care and protection.
- Get personal work done from a child or compelling the child to do it.
- Participate/collude/ignore/neglect misconduct with children that is illegal and endangers the child.
- Deliberately behave in a manner that humiliates the child or shames the child into becoming withdrawn or makes the child feel inferior.
- Give preferential treatment to a select few children and discriminate against the rest.

WHAT WE MUST ALL IMPLEMENT

We work with children out of love and affection for them. In the opening pages

of this booklet, we learned about child rights. It is important to know how to actuate them in reality.

- During working hours our focus must be wholly and solely on the child.
- Every child is unique and its intellectual capacity differs. It is important for the staff to keep in mind that each child has distinct likes and dislikes.
- Every child has an independent identity. S/he has rights as well as responsibilities. Hence, our entire staff must be conscious that it is the duty and responsibility of adults to treat the children under their care with respect.
- We must spend maximum time with children. This will foster our closer bond with children and make everyone's work easier.
- We need to try and reduce our age gap with the kids through child-friendly ways.
- It is necessary that the child with whom we work should be informed of our name, our institution's name, our designation and our

responsibilities.

- It is necessary that the institution keeps organising some programme or the other for the child's all-round development. Be attentive to what the child has to say at that time. It will build the child's respect and trust in us.
- Organize programmes, create opportunities for girls and boys to mingle easily with one another, so as to foster healthy relationships and camaraderie between them. It is also possible to organize such programmes with other institutions. This will prove useful in preventing unhealthy curiosity, attraction and reckless acts arising from the lack of opportunity to mingle together.
- Sleeping arrangements should be made by age-wise grouping of children for the safety of younger kids.
- It is necessary for us to take all the children's opinions into account in determining the institution's welfare.
- Are we convinced as staff that all children have rights? We must reflect on this and regularly assess ourselves. This will help boost our responsiveness and sensitivity

towards children.

- All children must be given equal treatment, equal opportunities and equal status by staff.
- A monthly (or even more as per need) session must be organized as per the children's convenience to foster an environment where girls and boys can feel free to present their problems.
- The institution should have a suggestion/complaint box where children can make their suggestion/complaint. Any child can drop in the suggestion/complaint in the form of an anonymous note or with her/his name. A senior authority must open the box in front of the children and take note of the suggestion/complaint and take appropriate action on it. Children must be kept informed if any particular complaint needs to be examined further. Create an atmosphere of trust with the children.
- If any of our children face any kind of harassment or exploitation within or outside the institution, the concerned person must bring it to the notice of the seniors. When necessary take the help of/assist the

senior to file a police complaint.

- Staff need to understand that no child is culpable.
- Institutionalization must be the last resort for any child.
- Staff must not distinguish between one's biological and the institution's children.
- Staff have the right to give suggestions for the benefit of the child to their seniors.
- Ensure that no child in the institution or a guest is photographed or filmed without the permission of the requisite institutional authority. There should be strict censorship of photography. This material cannot be used for any other reason outside the institution without completing the required formalities. As far as possible take the child's consent for photography and show the child the photograph.
- Make sure that the child's identity and location is not exposed in the photograph.
- No staff must participate in a child marriage in the family of a relative or person known to them. If this comes to light, immediately bring this to the

notice of the concerned authority.

- It is essential to regularly hold sessions and awareness programmes to train staff and improve their responsiveness for the implementation of all these aspects.
- At the time of appointment, it is mandatory to read out these rules to every staff member and obtain his/her signature on its printed copy.
- Every person coming to the institution must be made to read the rules on child protection and their signed compliance obtained.

10.

MYTH OR FACT

1. Children frequently forget the bad experience of sexual abuse.

(**MYTH:** Sexual abuse can impair the child's full development. If an elder to whom the child is emotionally attached, shows understanding and opens a dialogue with the child, obtains timely and necessary help and the child grows up in a carefree environment, then the harmful effects of that experience will fade with time.)

2. The persons who sexually abuse children are illiterate/belong to the lower classes of society.

(**MYTH:** Reality shows that persons who engage in such abuse are to be found at every social, economic and cultural level. Educated as well as illiterate. Only the details of the incidents differ.)

3. Certain specific categories of children fall prey to sexual abuse.

(**MYTH:** The details of the incident differ. It's just that deprived sections do not enjoy any privacy and hence in their case the incidents come to light.)

4. Sometimes, the child does not feel abused but enjoys it and at such times, it cannot be called abuse.

(**MYTH:** A boy/girl coming of age may enjoy the experience but they become willy-nilly participants in that act. They have no idea of the consequences. e.g.

a girl may conceive, or when realization dawns, guilt/brooding may become part of the personality of the girl/boy. However, the exploiting person manipulates the child's innocence and hence the abuse must be called as such.)

5. Child sexual abuse is not the result of foreign culture and the influence of the media.

(**FACT:** Such incidents have been taking place here as well. It is a taboo topic of discussion in our society. But recently this has been changing gradually.)

6. Child sexual abuse is an extremely delicate and complex issue and should not be exposed publicly.

(**MYTH:** This aids only the abuser. S/he continues the abuse. The societal perspective needs to change.)

7. Sex education results in the increased rate of sexual abuse on children or provokes them into doing so.

(**MYTH:** Regardless of whether sex education is imparted or not, children have an innate curiosity/interest according to their age. There are greater dangers in taking the wrong route to satisfy it.)

8. It is often girls rather than boys who are subject to sexual abuse.

(**MYTH:** Both are subject to such abuse.

We have different social norms for boys and girls. Boys often feel inferior in admitting to any such happening.)

9. Frequently, it is children who provoke such abuse due to their behaviour, attire and gestures.

(MYTH: If this were true, how does one explain sexual abuse of a 70 year old woman or a six month old tender infant? It is natural for a girl coming of age to dress up and style herself. The abuser takes advantage of her state.)

10. The child must be under constant vigil so as to protect the child from sexual abuse.

(MYTH: This is not even possible all the time. It is more important to keep the channels of dialogue open with the child as per the age, arm the child with suitable knowledge to protect herself/himself and teach the child that there is nothing wrong in taking help from a trustworthy person when needed.)

11. It is incorrect to say that a civilized, stable person does not commit such acts.

(FACT: One can never predict when a person, given the opportunity, will be tempted into an abuse of power.)

12. Frequently, child sexual abusers are known persons, neighbours and relatives.

(FACT: The child trusts such a person, the person has some control over the child, can often get the child alone and this is what is taken advantage of.)

13. Sexual abuse occurs only of children of working women or parents who neglect their children.

(MYTH: A child is dependent on adults in many ways so such an episode can take place in any family.)

14. It is our job to maintain the child's innocence, so it is best not to discuss the sexual misconduct.

(MYTH: If a child is given information suitable to the age, told about proper and improper touch, then the child can save himself/herself from being taken advantage of in this manner or can seek your help in time.)

15. Marrying off the girl when young is not a suitable solution to protect her from sexual abuse.

(FACT: It is not advisable to marry off a girl whose body has yet to develop fully. Married girls can also be sexually abused. Moreover, marrying before completing 18 years of age is illegal.)

16. No one engages in sexual misconduct with children of "good families".

(MYTH: The child trusts family members. Family members have some control over the child, can frequently meet the child alone and this is what is often exploited. There are numerous examples of sexual misconduct with children by parents or close relatives of children from different strata of society.)

17. Children of prostitutes are habituated to sexual experiences.

(**MYTH:** Children are ultimately children. Such an experience is equally distressing for all children.)

18. Tackling child sexual abuse is the responsibility of the NGOs and police.

(**MYTH:** As long as children are dependent on you, their protection remains equally your responsibility. You can take the help of the NGOs/police when needed.)

19. It is best not to let such an abused child mingle with other children.

(**MYTH:** Doing so will keep the child from being able to move on from the distressing experience and return to carefree ways. The child must be given necessary help but otherwise treated just like other children. Else, other children will also treat the child as if s/he is different.)

20. Just like men, women, too sexually abuse children.

(**FACT:** The number of women perpetrators is less but do exist.)

21. Sexual misbehaviour/sexual abuse/sexual exploitation mean rape.

(**MYTH:** Child sexual misconduct or abuse can be with or without touch. Bear in mind that the child's physical, mental and intellectual growth is incomplete. So even if rape does not actually take place, such behaviour can severely impact the child.)

22. Infants can also be subject to such abuse.

(**FACT:** There are numerous such examples. Hence, this gives the lie to the idea that people are sexually provoked into such behaviour.)

23. If a case is filed on the child sexual abuse, it is a blow to the family's prestige.

(**MYTH:** The accused must be punished. Not filing a complaint benefits only the abuser. This is tantamount to helping her/him instead of the child. S/he persists in committing the abuse. In addition, after filing the police complaint, is the family ready to pursue the matter? It is important to gauge whether the child is mentally prepared and prepare the child before taking the next step. A complaint is mandatory under the new law.)

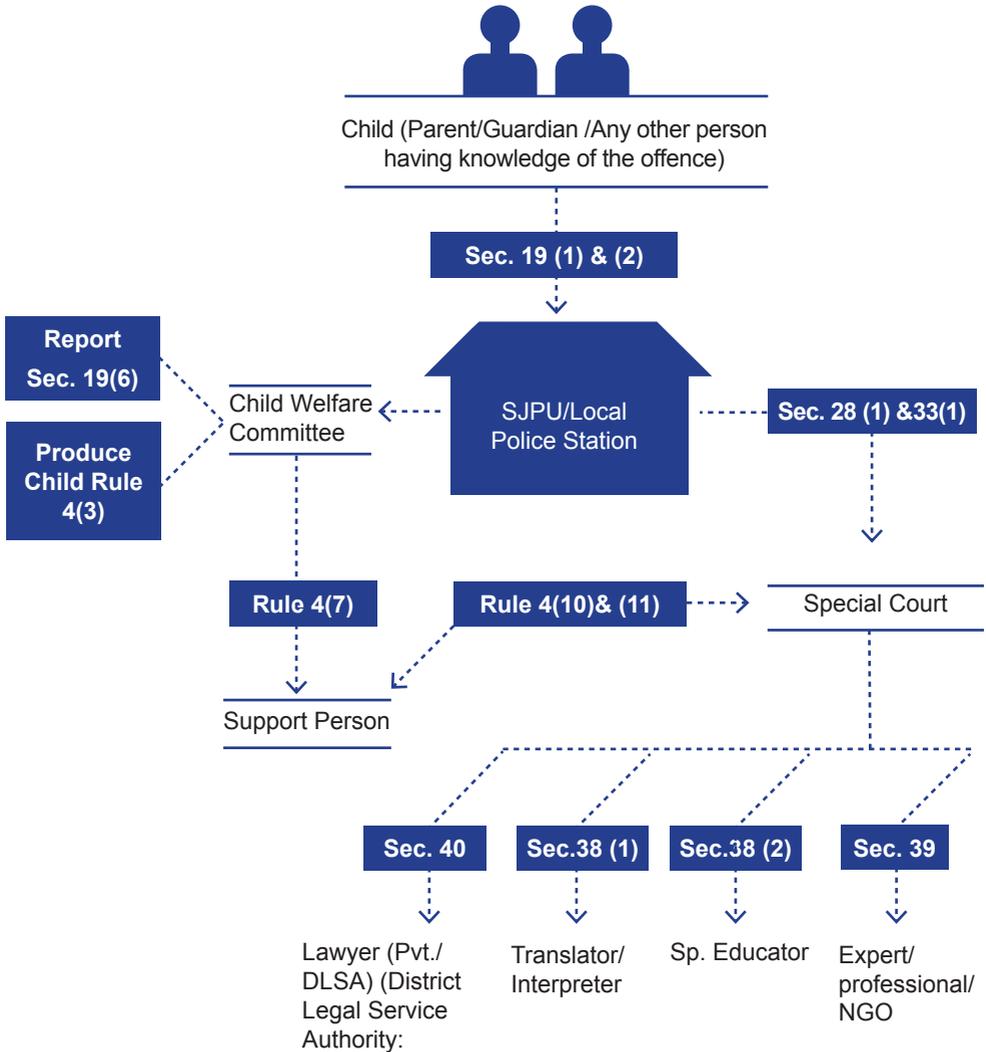
24. Often, the child weaves false tales of sexual abuse.

(**MYTH:** Keeping in mind the child's age and limits of experience, even if it occurs, the child will be unable to provide details of the sexual act. Occasionally, a parent or older person may have tutored the child but it is easy to recognize it.)

25. Sexual intercourse with a virgin girl cures venereal diseases.

(**MYTH:** On the contrary, the girl may contract the disease, which can ruin her health.)

Contact and stages of interaction between child and other stakeholders under POCSO Act & POCSO Rules



Section (Sec.)/Rules under which First Information/Constitution/Appointment is provided for.

RESPONSE TO CASES OF SEXUAL ABUSE OF CHILD/ CHILDREN IN CHILD CARE INSTITUTIONS

A child/children residing in a child care institution can be sexually abused by one or many people mentioned below

Individuals who are a part of the institution

Individuals external to the institution

A full time/part time, residential/ non residential employee of the institution

Board members & administrative heads

VISITORS

- Tuition teacher/instructor
- Interns and volunteers (local and foreign nationals)
- Instructor for extracurricular activities
- Donors (local and foreign)
- Contract workers - labourers, gardeners etc.

Another child residing in the institution

Persons coming in contact with the children outside the institution

- School staff
- Staff in coaching classes, training centers, extra curricular activity centers

- Any other person whom the child meets outside the institution

A family member, if the child goes home during holidays

Members in the community where the child lives

In case of sexual abuse, a child/children may share/complain/disclose about the incident of sexual abuse to the following individuals

Disclosure of the case of abuse

Peer in institution

Peer outside institution

Family member

Outsider/visitor who has/had visited

Child Welfare Committee

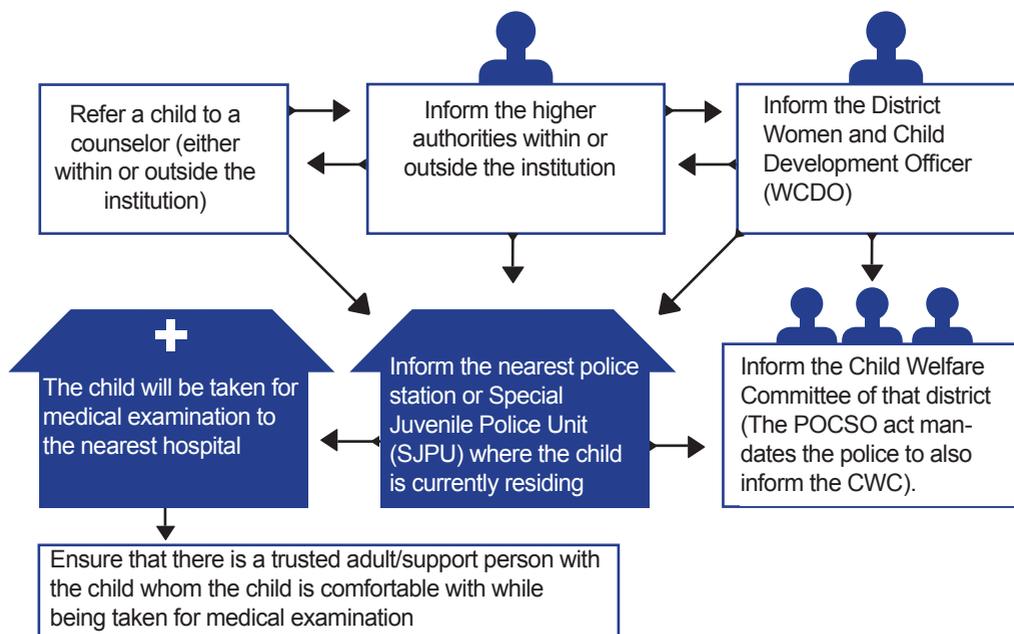
Counsellor

School Teacher



Steps to be followed post disclosure of sexual abuse by a child/children

Section 21 of POCSO Act provides for Mandatory reporting of sexual offences and individuals/organizations failing to do so are punishable under the Act



- Ensure that the police come to the institution or a place of child's choice to record the statement of the child.
- As far as possible a woman police not below the rank of PSI should record the statement of the child.
- Police should not be in uniform while recording the statement of the child
- Wherever possible the statement should be recorded in front of the counselor, a social worker or a support person.
- Ensure that the statement of the child is recorded in simple language as narrated by the child. Ensure that throughout the process there is a trusted adult with whom the child is comfortable. Kindly ask the child and let the child decide who this adult should be. Seek help of a legal expert. Each district
- the DCPU shall maintain a register with names of legal experts.
- If an interpreter, special educator or any other expert for support is needed kindly seek their help. The DCPU shall have a list of these professionals.
- For a child/children with special needs ensure that you contact the DCPU to get experts as interpreters.

Post the above procedure assess the psychological and medical needs of the child and make arrangements to cater for the same

Addresses of some organizations working on child sexual abuse and exploitation in Maharashtra

Majlis Legal Centre

A 2/4 Golden Valley, Kalina, Mumbai 400098
Tel: - 91-22-26662394 / 26661252
Fax: 91-22-26668539
Email: majlislaw@gmail.com
Website: www.majlislaw.com

Prerana

Ground Floor, Khetwadi Municipal School
(Dagdishala)
Behind Alankar Theatre, 1st Lane,
Khetwadi, Grant Road (East),
Mumbai 400 004
Tel: - 22 2387 7637
Email: contactprerana@gmail.com

Arpan

9/3, Cama Industrial Estate,
Valbhatt Road, Goregaon (E),
Mumbai – 400 063
Tel: 26862444 / 26868444
M : 9819051444 for counseling support –
9819086444 / 9820135567
Email: pooja@arpan.org.in
website: www.arpan.org.in

Balprafulta

Krishnamai Satavse
Plot No. 5/1, 11-B-11 Vishakha Soc.,
Goregaon East, Mumbai – 400065
M : +919619730382

CCDT

Director Programs
Committed Communities Development Trust
Ground Floor, 42 Chapel Road
Bandra West, Mumbai - 400050.
Phone: +91 22 6688 1900/01
Web: www.ccdtrust.org

CHILDLINE India Foundation

406, Sumer Kendra, 4th floor,
P.B. Marg, Worli, Mumbai - 400018
Tel: 022 4903509 Childline: 1098

Childline

West Regional Resource Centre,
Unit No. 204/A, Seconf Floor,
Parvati Industrial Estate premises,
New Sunmill Compound,
Senapati Bapat Marg,
Lower Parel (W), Mumbai 400013
Tel: 022 2498 9630

Karve Institute

Aalochana
Building No.5, 2nd Floor,
Panchadri Society, Ashok Path,
Off Law College Road,
Pune - 411 004
Tel:- 2544 4122

Pravin H. Patil

Co-ordinator, KGPP
Dhanegaon, Po-Sonwati,
Tq. & Dist. -Latur.
M : - 9975998550/ 7588063604

While all police stations address complaints under POCSO; here is a list of police stations that have a Special Cell for Women and Children.

Special Cell for Women and Children

Kandivali Police Station,
Swami Vivekananda Road, Opp. Shatabdi
hospital, Kandivali (W), Mumbai – 400067
Tel: -022 – 24691753
M : - 9322208796

Special Cell for Women and Children

Vakola Police Station
Nehru Nagar Road, Amdabad Road, Vakola
(E), Santacruz,
Mumbai – 400 055
Tel: - 022 – 26685236
M : - 9870716282

Special Cell for Women and Children

Dadar Police Station
Bhawani Shankar Road,
Shaitan Chowky, Dadar (W),
Mumbai – 400 028.
Tel: - 022 – 24691681
M : - 9221493193

Special Cell for Women and Children

Vikhroli Police Station, 1st Floor,
Kannamwar Nagar, No. 2,
Vikhroli (E), Mumbai -400083
Tel: - 022 – 25782240 / 25786991
M: - 9702110897

Special Cell for Women and Children

Kurla Police Station,
Near Bhabha Hospital, Serveshwar Marg,
Kurla (W) – 70
Tel: - 022 – 26500478
M : - 9322379509

Special Cell for Women and Children

CBD Belapur Police Station
Sector-1, Opp. CBD Belapur Bus Depot,
Navi Mumbai – 400614.
Tel: - 022 – 2758 0255
M : - 8108740748 / 9967400924

Special Cell for Women and Children

Office of the Superintendent of Police,
Beside Collector Office Wardha

Special Cell for Women and Children

Office of the Superintendent of Police, Pune
Rural, Local Crime Branch, Chavan Nagar,
Pashan Road, Pune – 411008.
Tel: - 0950 – 2565 1353
M : - 9767502284 / 9890668228

Special Cell for Women and Children

Nashik Taluka Police Station
Campus, Gangapur Road,
Nashik – 422 002.
Tel: - 095253 – 2309710

Special Cell for Women and Children

Gangapur Police Station,
Below Yashwantrao Chavan Pratishthan,
Nasik branch, Anandvali, Nasik - 422012.

Special Cell for Women and Children

Shahar Police Station,
Near Bus Stand, Shivirth Road,
Dhule – 424001.
M : - 9552221557 / 9765536657

Special Cell for Women and Children

Office of the Superintendent of Police
Yavatmal
Tel: - 07232 – 243220 Extn: 225

Special Cell for Women and Children

Office of the Superintendent of Police
Aurangabad (Rural), Near Hudco T.V. Cen-
tre, Aurangabad – 431 003.
Tel: - 0240 – 2392633 / 2380978
Extn : 221

Let us all work together to protect all children.

For more information contact:

FORUM AGAINST CHILD SEXUAL EXPLOITATION (FACSE)

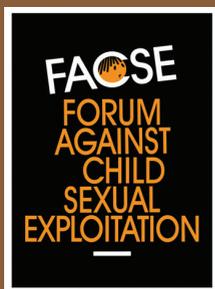
email: facse95@gmail.com

Tel. : +91 98699 89841

Forum Against Child Sexual Exploitation is a state-level forum. NGOs, organizations, counsellors from various fields, journalists, people from cultural fields and others are members of FACSE.

To raise public awareness on child sexual abuse, FACSE's work takes the form of training, theatre, publishing and distributing posters-newsletters-booklets; organizing public programmes and lobbying for changes in the law.

FACSE not only handles cases of child sexual abuse, but also teaches children how to guard themselves against it and take precautions for their own safety.



unicef 
unite for children