



Understanding - The Protection Of Children from Sexual Offences (POCSO) Act 2012 and Child Sexual Abuse (CSA)

CHILDLINE India Foundation

Supported by Ministry of Women & Child Development

Government of India



**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 1-41 defines rights



Child Rights can be broadly classified into 4 sets of rights

- ❖ **Survival**
- ❖ **Development**
- ❖ **Protection**
- ❖ **Participation**

Article 42-54 defines state responsibility vis-a vis child rights



What is Child Abuse ?

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

...does not occur in educated families

...always include physical contact

...cannot be stopped

...do occur with the girls wearing revealing dresses

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

KOMAL



Framework to Protect Children- Law, Policy & Programme



❖ Constitution of India (1950) guarantees

✓ *Fundamental Rights*

✓ *Right to Protection from:*

- *Trafficking & forced labor*
- *Employment in factory or mine or any other hazardous employment*
- *Abuse, exploitation & moral and material abandonment*

❖ Indian Penal Code

❖ National Plan of Action for Children, 2005

❖ Right to Education 2009

❖ National Policy for Children 2013 (4.7)

❖ Juvenile Justice Act 2015 – Section 76,77,78, 79, 81 & 82

❖ Protection of Children from Sexual Offences Act

❖ Child Protection Service scheme

❖ CHILDLINE Service



Protection Of Children from Sexual Offences (POCSO)Act, 2012 , Amendment (2019)

Salient Features of POCSO Act

Child = 18
years

Different Sexual
offences

Mandatory
reporting and
recording

Compensation

False
reporting

Special Court

Emergency
medical care

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.

Types of Sexual Abuse

Contact Abuse (Section 3,5,7,9)

Penetrative - vaginal intercourse, Anal sex, oral sex, inserting objects into vagina or any other private body part of the child

Touching of the child's private body parts, making the child touch the powerful person's private body parts

Fondling of the child's body with an intention of sexual gratification of the powerful person

Non – Contact Abuse (Section 11,13)

Exposing child to pornographic content

Making the child watch others while indulging in sexual activity or showing private body parts of others.

Talking about sex and sexual activity with the child. Passing comments of sexual nature. Sending messages/ images which are sexual in nature

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

Online abuse

Recent Amendment -

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)

Aggravated penetrative sexual assault - minimum punishment from ten years to 20 years, and the maximum punishment to death penalty

Storage of pornographic material –

- failing to destroy, or delete, or report pornographic material involving a child
 - transmitting, propagating, or administering such material except for the purpose of reporting
- imprisonment between three to five years, or a fine, or both**

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 extend 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 intention 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**
- Delhi Commission for Protection of Child Rights (DCPCR)**
 - Meri Awaaz Online App
- National Commission for Protection of Child Rights (NCPCR)**
 - (e-box)- <http://ncpcronline.info/OnlineForm/onlineform.aspx>

Role of Schools in Preventing Child Sexual Abuse



prevention is
POSSIBLE

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

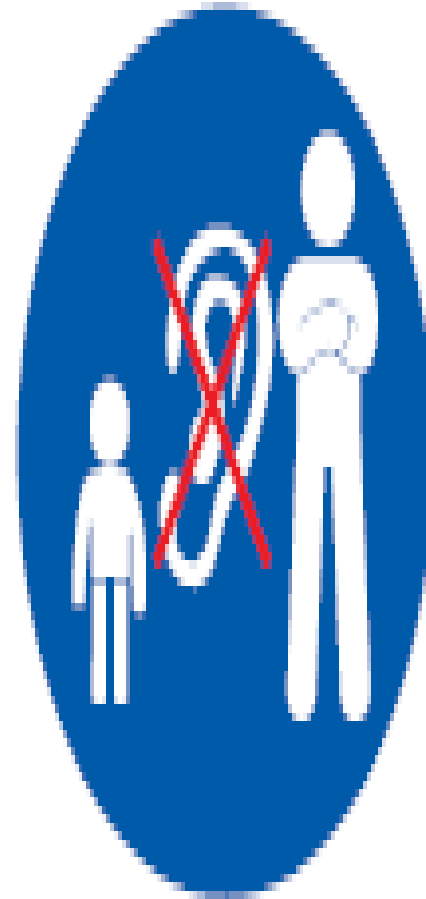


Maintain
confidentiality of the
child

Unsupportive behavior towards child victim



Blaming the child

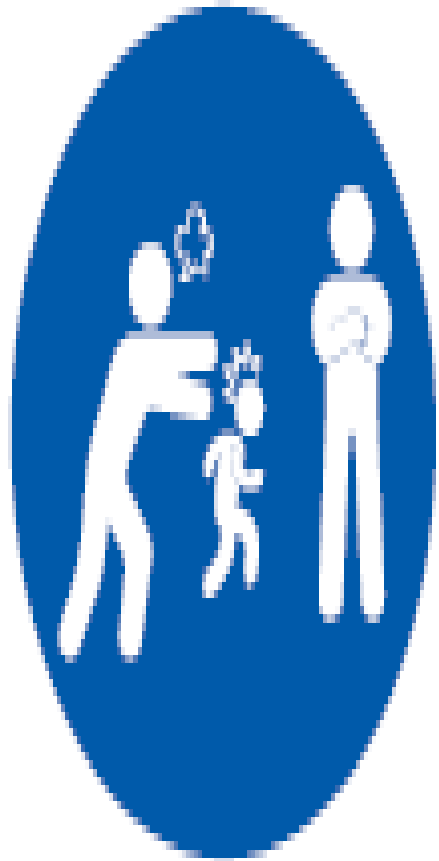


Ignoring the child when
child complains about a
person or incident

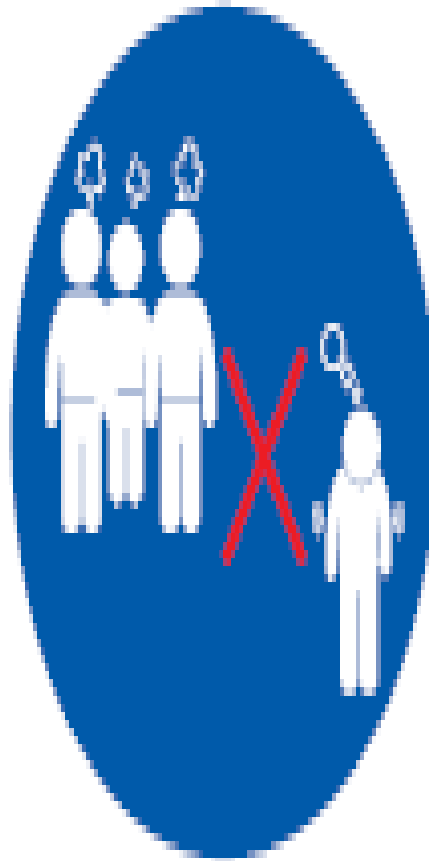


Reacting in extreme
while child is
disclosing the abuse

Unsupportive behavior towards child victim



Sending the child back
to the perpetrator



Talking about the abuse to
others in front of child



Disclosing child's
identity to the
media/other people

Contact us..



- [Write to: dial1098@childlineindia.org.in](mailto:dial1098@childlineindia.org.in)
- <http://www.childlineindia.org.in>

Thank You...!

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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