



## Sensitization on Child Sexual Abuse through 'QUESTIONS AND ANSWERS'



### *Child Protection and Role of Schools*

#### 1.1. Why should schools have a Child Protection Plan?

It is important to understand that the whole ecosystem of child rights and child protection is becoming progressively more comprehensive and more child centric and everybody who is dealing with children is in the ambit of child protection requirements.

*School is the only place apart from home, where the child is considered to be safe and happy. Hence every school should have a Child Protection Plan.*

#### 1.2. Constitutional and Legal Provisions

Article 21 of the Constitution of India which protects the Right to Life and Dignity includes the Right to Education for children up to 14 years of age.

**Corporal Punishment is a violation of RTE:** The Right to Education Act of 2009 clearly states that education has to be free from fear and discrimination.

Children cannot learn effectively if their peace of mind is disturbed by lurking fears and adverse situations. The safety of children and realization of the Right to Education, their wellbeing and holistic development is closely linked.

Corporal Punishment interferes with a child's Right to Education because fear of punishment makes children more likely to avoid school or to drop out altogether. Hence, corporal punishment is violative of the right to life with dignity.

#### 1.3. Institutional Commitments on Child Rights

Article 19 of the UNCRC: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.. The UNCRC also states that it is the right of children to be protected from all forms of abuse and neglect.

*Making sure children are safe and protected is a critical part of their education because 12 of their formative years are spent in school. Everyone who comes into contact with children and their families has a role to play in safeguarding children.*

#### 1.4. Provisions of RTE Act 2009 on Academic Responsibilities and Child Rights.

Section 29 of the RTE Act, 2009 stipulates that : The academic authority, while laying down the curriculum and the evaluation procedure under subsection (1), shall take into consideration the following, namely:—

- ◆ Conformity with the values enshrined in the Constitution;
- ◆ All round development of the child;
- ◆ Building up child’s knowledge, potentiality and talent;
- ◆ Development of physical and mental abilities to the fullest extent;
- ◆ Learning through activities, discovery and exploration in a child friendly and child-centered manner;
- ◆ Medium of instructions shall, as far as practicable, be in child’s mother tongue;
- ◆ Making the child free of fear, trauma and anxiety and helping the child to express views freely;
- ◆ Comprehensive and continuous evaluation of child’s understanding of knowledge and his or her ability to apply the same.

*Implicit in these clauses is the need for the child to be free of fear and any ill treatment and a school ethos which is rooted in promoting all round safety and well-being of children.*

#### 2. What is child sexual abuse as per the Protection of Children from Sexual Offences Act (POCSO Act, 2012)?

Child sexual abuse is the involvement of a child in any sexual activity that:

- ◆ The child does not understand;
- ◆ The child is unable to give informed consent to;
- ◆ The child is not developmentally prepared for and cannot give consent to and
- ◆ Violates the laws or social norms of society.

Child sexual abuse occurs when a child is used by an adult or an older or more knowledgeable child for sexual pleasure. It can be physical, verbal or emotional. This may include:

- ◆ Sexual touching of any part of the body, clothed or unclothed;
- ◆ Penetrative sex, including penetration of the mouth;
- ◆ Encouraging a child to engage in sexual activity, including masturbation;
- ◆ Intentionally engaging in sexual activity in front of a child;
- ◆ Showing children pornography, or using children to create pornography;
- ◆ The adult showing his or her private parts to the child (exhibitionism);
- ◆ Encouraging a child to engage in prostitution.
- ◆ Engaging in sexual talk with a child

**3. A Teacher may feel that:**

- A) My responsibility is education not child protection.**
- B) Child abuse is not an issue in my school.**
- C) Why should I know about CSA and related Acts and Rules?**

**Educators/Teachers have a legally mandated responsibility for reporting suspected abuse or concerns of risk or ill treatment and also to keep their classrooms free of fear, trauma and anxiety.**

Risk and harm, feared or experienced by a child is as much a barrier to learning as going hungry or being in poor health. School staff are particularly important as they are in a position to identify concerns early and provide help for children, to prevent concerns from escalating.

Schools and their staff form part of the wider safeguarding system for children working complementarily with social workers, police, persons of legal and health services, both to promote the welfare of children and protect them from harm.

If school personnel have concerns that children with whom they have contact may have been abused or neglected, or are being abused or neglected, or are at risk of abuse or neglect, the matter is advised to be reported without delay to the designated authority.

*Section 21(1) of the POCSO Act, 2012 requires mandatory reporting of cases of child sexual abuse to the law enforcement authorities, and applies to everyone including parents, doctors and school personnel. Failure to report a suspicion of child abuse is an offence under the Act. The legislation makes it clear that the reporting obligation exists whether the information was acquired through the discharge of professional duties or within a confidential relationship.*

**4. It is a worry to me that I will become involved in complicated procedures and hassles if I report a concern. Is it true?**

You will not be alone in dealing with disclosure. Your role as a teacher is to report the matter to the competent authority if you have a suspicion or concern that a child has been harmed or may be harmed.

In case of disclosure you have to follow the reporting regulations set out in your school.

Usually these are as follows :

- ◆ Listen to the child, reassure them that it is a good step to disclose and that they are going to be safe.
- ◆ Do not promise confidentiality but respectfully explain that it is necessary for safety and will be only to those who need to know.
- ◆ Report to the designated person or school head in your school, the helpline or police.
- ◆ Keep a record of all conversations and actions taken. Do not delay.
- ◆ Do not investigate. Your role is to hand over to professionals whose work is to safeguard children.

## **5. How can I create a safe environment in my school as the School Head / Teacher?**

### **5.1. The basic minimum requirement is as follows:**

- ◆ Ensure that a child protection plan or policy is in place which lays down a clear reporting and response mechanism.
- ◆ Designate one staff members lead Child Protection in charge and a deputy to fill in whenever required.
- ◆ Be aware of child protection laws and related guidelines and child protection referral agencies.
- ◆ Ensure that your students and parents are aware of safety rules and school policies. School Management Committee members must also be familiar with the above.
- ◆ Establish and promote a school culture where children feel safe, respected and listened to. Personal and emotional learning, behavior programs, anti-bullying awareness, participative activities and student forums will enhance the protective factors in student's personalities like self-confidence, resilience and trust.
- ◆ Arrange for sessions on Personal Safety for all students on a regular basis. Prevention and early reporting of sexual abuse is far better than detection.
- ◆ Infrastructural safety, hygienic and clean surroundings in midday meal spaces, classrooms, toilets and playgrounds is also part of school safety.

## **5.2. How to report the cases of Child Sexual Abuse?**

Procedure for reporting of cases, recording of statement of child, under POCSO Act

Who can report?

Any person (including the child) who has an apprehension that an offence under the POCSO Act is likely to be committed or has knowledge that an offence has been committed has a mandatory (does not apply to children) obligation to report the matter. An express obligation has also been vested upon media personnel, staffs of hotels, lodges, hospitals, clubs, studios, or photographic facilities, to report a case if they come across materials or objects that are sexually exploitative of children.

Failure to report is punishable with imprisonment of up to six months or fine or both. This penalty is, however, not applicable to a child.

### **5.3. Whom should the case be reported do?**

A case must be reported to the Special Juvenile Police Unit (SJPU) or the local police. The police or the SJPU must then record the report in writing, ascribe an entry number, read the report over to the informant for verification, and enter it in a book. A FIR must be registered and its copy must be handed to the informant free of charge.

#### 5.4. Language of the report :

If a case is reported by a child, it must be recorded verbatim and in simple language so that the child understands what is being recorded. If it is being recorded in a language that the child does not understand, a qualified translator or interpreter must be provided to the child.

#### 6. What are the amendments made to POCSO Act/Rules in 2018?

##### Amendments to POCSO Act 2012

- ◆ The ordinance proposes to amend Section 376 of Indian Penal Code. The amended provision proposes to increase the minimum sentence of rape from 7 to 10 years.
- ◆ The ordinance proposes to incorporate Section 376 (3) which provides that punishment for rape of girl below 16 years shall not be less than 20 years but may extend to imprisonment for life.
- ◆ The ordinance proposes to insert Section 376AB to provide that whoever commits rape of women below 12 years of age shall be punished with rigorous imprisonment for life and with fine or with death.
- ◆ The ordinance proposes to punish gang rape of woman below 16 years of age with rigorous imprisonment for life and with fine.

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*Every single minute matters, every single child matters, every single childhood matters.*

— Kailash Satyarthi

#### 7. Children's Body and Personal Safety

##### 7.1. Role of the Teachers

- ◆ Teachers should make sure that parents begin to teach their children about body safety between the ages of 3 and 5.
- ◆ Teach children proper names for all body parts, including names such as genitals, penis, vagina, and private parts.
- ◆ If the parent or educator is uncomfortable with the language or the words, encourage them to use colloquial words like susu place/potty place, especially when the child is young. As the child grows older, they can introduce proper words. However the colloquial words have to be clearly understood as referring to the genitals and do not convey a sense of shame or dirty – words like flower, parrot, shame-shame, chee-chee etc should not be used.
- ◆ Teach them that it is not okay for anyone to invade their privacy or boundaries.

- ◆ Explain that it is not okay for others to look at or touch their private parts. Explain that these parts are private and need to be kept private.
- ◆ Let your child know that saying “NO” is okay and the right thing to do.
- ◆ Do not force the child to give hugs or kisses to people they do not want to. Respect their right to tell “anyone” that they do not want to give them a kiss or a hug.
- ◆ Let the child know that he or she should tell the parents as soon as possible if anyone attempts to look at or touch their private parts. Assure them that you will listen to them, believe them and keep them protected.
- ◆ Reassure the child that most touch are okay touches, but that they can say “NO” and need to tell parents about any touches that are confusing or that scare them.

## 7.2. Teach children the three Body Safety Rules

### I follow Personal Body Safety Rules

**Rule 1** : Clothing rules—I keep my private parts covered in front of others. Though we don’t cover our mouth, it is private too.

**Rule 2** : Touching rules—I don’t touch my private parts in front of others.

**Rule 3** : Talking rules— I talk about private parts with Safe Adults. I ask questions and discuss concerns regarding these parts with them.

A Safe Person follows Personal Body Safety Rules for themselves and for others. I am a Safe Person. I follow these rules and I do not touch or talk or behave in an unsafe way with others.

### If someone breaks Personal Body Safety Rules, I can say

- ◆ ‘NO’ to that person.
- ◆ ‘GO’ away from that person as and when I can/ Go offline if it’s happening online/ on phone

‘TELL’ a safe adult about this person because he/she is doing something unsafe and has to be stopped.

*If I have a problem or a damage to my safety I can call 1098 for help.*



### 7.3. Impact / Indicators of Sexual Abuse

Children who have been, or are being, sexually abused may show identifiable physical or behavioural signs.

- ◆ Act out, displaying aggressive or disruptive behavior;
- ◆ Be destructive to self or others;
- ◆ Come to school too early or not want to leave school / home—indicating a possible fear of going school / home;
- ◆ Be a low achiever (to learn, children must convert aggressive energy into learning; children in conflict may not be able to do so);
- ◆ Be unable to form good peer relationships;
- ◆ Wear clothing that covers the body and that may be inappropriate in warmer months (be aware that this may be a cultural issue as well);
- ◆ Show regressive or less mature behavior;
- ◆ Dislike or shrink from physical contact—may not tolerate physical praise such as a pat on the back)
- ◆ Excessive crying
- ◆ An increase in irritability or temper tantrums

- ◆ Fears of a particular person or object
- ◆ Bedwetting or soiling of pants
- ◆ Unexplained pain, swelling, bleeding or irritation of the mouth, genital or anal area
- ◆ Sexually transmitted infections (sores, a discharge, frequent itching of the genitals)
- ◆ Unexplained difficulty in walking
- ◆ Increase in headaches or stomach ache

### 8. Jaago! Badlo!! Bolo!!!

The Departments of Police, School Education, Health & Medical, Women and Child Welfare have come together along with NGOs working in the sector and a year long campaign “**Jaago! Badlo!! Bolo!!!**” is launched in October, 2017.

Child Safety & Security is our concern.

Let schools be moulded into Learning Hubs where children lead a Happy and Secure Childhood.

*“There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.”*

— Kofi Annan

## Abbreviations

CCIs	Child Care Institutions	MLC	Medical Legal Care
CEDAW	The Convention on the Elimination of all forms of Discrimination Against Women	NCPCR	National Commission for Protection of Child Rights
CPCR	Commission for Protection of Child Rights	NFHS	National Family Health Survey
Cr. PC	Criminal Procedure Code	NGO	Non Government Organisation
CRIN	Child Rights Information Network	OP3CRC	Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure
CWC	Child Welfare Committee	OPs	Optional Protocols
DCPU	District Child Protection Unit	POCSO	Protection of Children from Sexual Offences Act
DHR	Department of Health Research	PTSD	Post Traumatic Stress Disorder
FIR	First Information Report	SCPCR	State Commission for Protection of Child Rights
ICDS	Integrated Child Development Services Scheme	SJPU	Special Juvenile Police Unit
ICPS	Integrated Child Protection Scheme	UNCRC	United Nations Convention on the Rights of the Child
IO	Investigation Officer	UNICEF	United Nations International Children's Fund
IPC	Indian Penal Code		
JJ Act	Juvenile Justice (Care and Protection of Children) Act		



### **United Nations Convention on the Rights of the Child (UNCRC) in 1992 declared the following Child Rights :**

**Survival rights:** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

**Development rights:** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

**Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employ-

ment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

**Participation rights:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their capacities develop, children should have increasing opportunity to participate in the activities of society, in preparation for adulthood.