PREVENTING CHILD SEXUAL ABUSE

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EMPOWERING GIRLS



- Tharuni was started in 2000 to Empower Adolescent Girls & Women
- Child Labour eradicated child labour in 100 Ginning Mills, initiated compensation for child labour
- Child Marriages stopped more than 1700 child marriages & educated them, instrumental in bringing new Act & Rules
- Infanticide and Foeticide set up cradles, 'No Girl No World' campaign, auditing of medical diagnostics
- Lack of opportunities Created forums Balika Sanghas Rural Resource Centres – Mentored 20,000 rural girls to be the change agents – distributed bicycles & Tabs, Livelihood trainings, Life Skills, creating gender just communities
- Human Trafficking Work on Prevention, AHTUS <u>dhruvaht.org</u> bilingual knowledge Web Portal on Human Trafficking
- Child Abuse trained implementing officers conceptualized Bharosa Centres & running them



No Culture of Conversation

CHILD SEXUAL ABUSE



Conspiracy of Silence

STORIES OF SHAME !



SHAME ON HUMANITY. 6YEARS OLD GIRL BRUTALLY RAPED AND MURDERED BY A MONSTER IN SAIDABAD





India is home to a large number of sexually abused children.

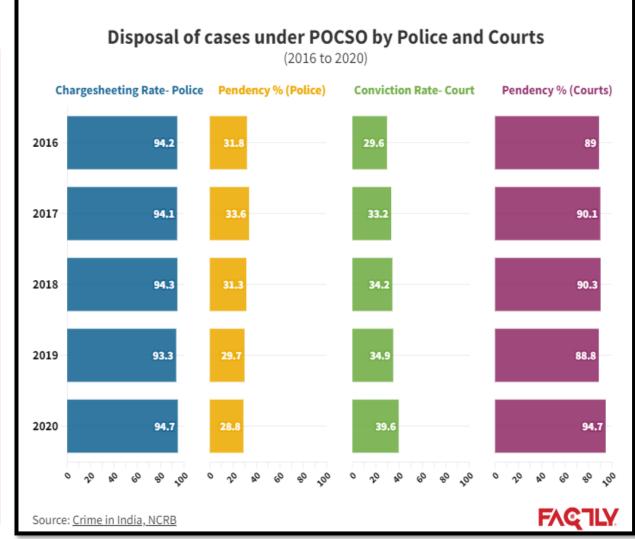
- About 13% of girls reported facing sexual abuse during the pandemic (according to survey by Protsahan, conducted in May, June and July 2020)
- In 2020, the National Crime Records Bureau registered 43,000 offences under the stringent POCSO - which translates to an average of <u>one case every 12</u> <u>minutes.</u> In 2019 and 2020, an average of 129 cases were reported under POCSO daily.

Cases reported in Bharosa, Hyderabad

Year	Child Abuse Cases
2016	175
2017	202
2018	316
2019	336
2020	252
2021	406
2022	399

POCSO PENDENCY

- According to a response in the Lok Sabha in March 2022, over 2.26 lakh cases registered under POCSO Act were pending in POCSO Courts as of 31 January 2022.
- In the same response, the Ministry of Law and Justice added that the government had rolled out a scheme to set up 1,023
 Fast Track Special Courts, including 389 exclusive POCSO (ePOCSO) Courts in 31 states and UTs to accelerate the trial and disposal of cases concerning rape and those registered under POCSO.



Reporting is still very less:

Parents/caregivers reluctant to report CSA:

- ✓ Stigma and discrimination
- ✓ Fear of legal procedures and systems.
- Children are afraid of perpetrators and/or ashamed ('it's my fault')
- <u>Grooming</u> Important to identify grooming happened or not
- Adolescent love—don't want to criminalize the 'perpetrator'



Sexual Offences Against Children

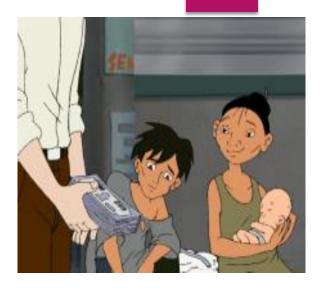
CSA can involve:



Forcing



Threatening



Tricking a child into sexual activity.

It can be:





touching



non-touching

and it can cover a range of sexual behaviors

Sexual Abuse can ALSO happen through

Verbal / Bullying with Sexual Intent

No touching but gestures (Sexually

coloured)

Using technology

Behavioral Clues that may Indicate Child Abuse

- ▶ Be aggressive, oppositional, or defiant
- Cower or demonstrate fear of adults
- Act out, displaying aggressive or disruptive behavior
- Be destructive to self or others
- Come to school too early or not want to leave school—indicating a possible fear of going home
- Show fearlessness or extreme risk taking
- Be described as "accident prone"
- Cheat, steal, or lie (may be related to too high expectations at home)

- Be a low achiever (to learn, children must convert aggressive energy into learning; children in conflict may not be able to do so)
- Unable to form good peer relationships
- Wear clothing that covers the body and that may be inappropriate in warmer months
- Show regressive or less mature behavior
- Dislike or shrink from physical contact—may not tolerate physical praise such as a pat on the back

How Grooming Happens....

Targeting

Strategies

• Vulnerable (e.g., low selfconfidence, low self-esteem)

- Less parental oversight
- Socially isolated or emotionally needy
- Caretaking (e.g., babysitting, teaching, tutoring)
- Form "special relationship"
- Become welcome in home/gain trust of parents
- Gifts, games, special times
- Isolate
- Seize on feelings of being unloved/unappreciated
- Emotional bonding and trust building
- Desensitize to sex (e.g., talking, pictures, pornographic videos)
- Use pretense ("teaching," "exploring,"
 "closeness")
- Exploit victim's natural sexual curiosity or uncertainty

• Bribes, gifts to ensure continued compliance

• Threaten dire consequences to ensure secrecy

Maintenance

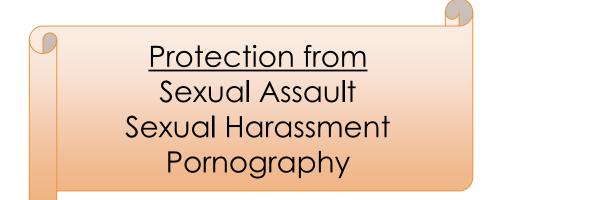
- Threaten to blame victim
- Threaten loss of "loving" relationship

P LAW

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012

What's POCSO?

Protection of Children Against Sexual Offences Act, 2012





POCSO protects children (boys and girls) below 18 years from a range of sexual offences

Severe punishment If protectors are perpetrators



POCSO calls for

Mandatory Reporting of all sexual offences by all citizens to the nearest police station Child friendly procedures to reduce trauma of victims



FEATURES

CONSENT IS IMMATERIAL IN POCSO (even if the child is between 16 to 18)

CALIBRATION OF OFFENCES

- Penetrative
- Non-Penetrative
- Aggravated
- Non-touch
- Verbal
- Use of child for pornographic purpose

NO DISCRETION to Court

•to reduce the term of imprisonment to a term less than the minimum term stipulated under the Act.

BURDEN OF PROOF

on accused to prove that he / she has not committed an offence (under Sections 3, 5, 7 & 9 – presumption is that accused has committed such offence)

SECTION 3: Penetrative Sexual Assault

Penetration of the penis or any other object into the vagina, mouth, urethra or anus of the child Or Making the child to do so

Manipulating any part of child's body to cause penetration into vagina, urethra, anus or any part of child's body or making the child do so

Applying the mouth to penis, vagina, anus or urethra of child or making the child do so to such person or any other person.

•PUNISHMENT: 7 years to life imprisonment + fine Below 12 years – hang to death (Amendment 2019)

SECTION 7: Sexual Assault

With sexual intent touching vagina, penis, anus or breast of child or making child to do so Or doing any other act with sexual intent involving physical contact without penetration e.g. Kissing, masturbating on the child etc.

• **PUNISHMENT:** 3 years to 7 years + fine

SECTION 11: Sexual Harassment

- Uttering any word or making any sound or gesture
- Exhibiting a part of the body with the intention that such word or sound shall be heard or such gestures or object or part of the body shall be seen by the child
- Making a child exhibit his body or any part of his body so as it is seen by such person or any other person
- Showing objects or media in the form of porn to the child (SMS, Facebook messages)
- Enticing a child for pornography

Repeatedly or constantly follows or watches or contacts a child either directly or through electronic ,digital or any other means

If the person threatens to use, in any form of media, a real or fabricated depiction through electronic film or digital or any other mode, of any part of the body of the child or involvement of child in sexual act

PUNISHMENT: Maximum 3 years + fine

Under POCSO The nature of offence becomes **Aggravated** based on the :

- Person who is committing the crime
- Situation in which the crime occurs
- Impact the crime has on the child

Punishment for Aggravated Offences (Sec: 5 & 6)

For **Penetrative Sexual Assault: 20** years to life imprisonment(Below 12 years – Hang unto death)

For Sexual Assault: 5 to 7 years

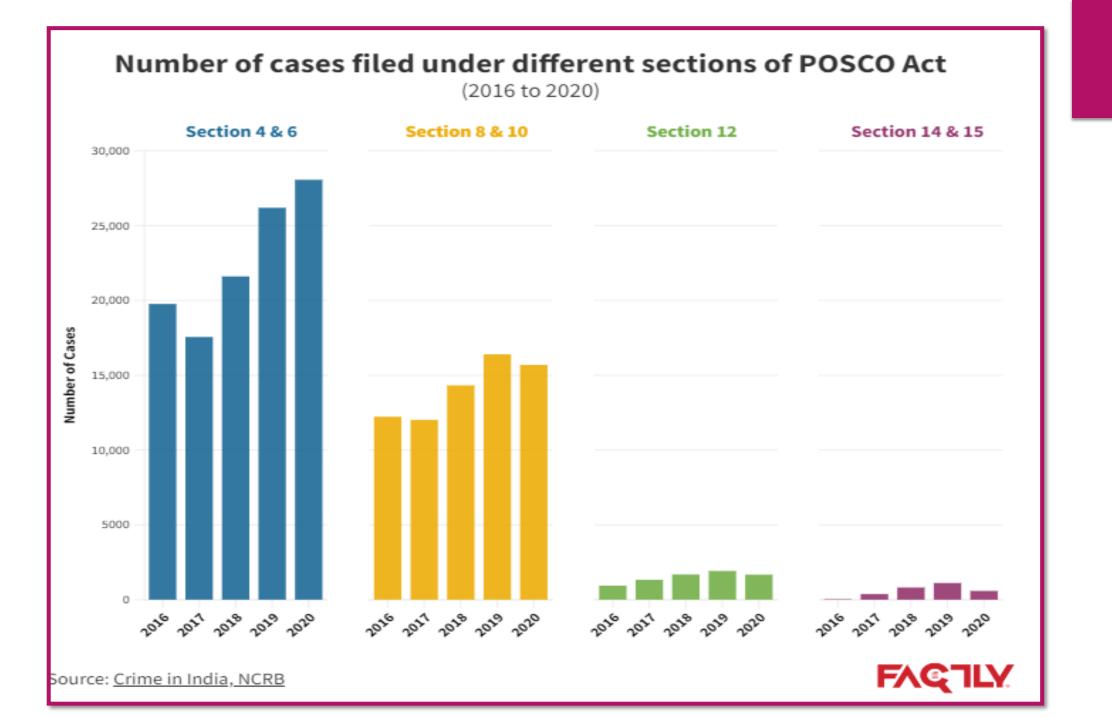
SECTION 13 & 14: Pornography

- Using children in any form of media by showing the sexual organs of the child
- Engaging children in real or stimulated sexual acts
- Indecent or obscene representation of a child
- Also storing child pornography for commercial purposes

PUNISHMENT: 5 years to 10 years + fine (Punishment depends on the act, if the person commits penetrative assault while shooting a porn film the punishment is maximum)

Child pornography is a crime in India. Information Technology Act, 2000 & Indian Penal Code, 1860 provides protection from child pornography. Child is the person who is below the age of 18 years. ... And for subsequent offence imprisonment which may extend to 5 years & fine which may extend to 10 lakhs rupees.

Sections	Assault	Punishment
Sections 4 & 6	Penetrative Sexual Assault	Minimum 10 years of imprisonment
	and Aggravated Penetrative	& minimum 20 years for victims
	Sexual Assault on Children	below 16 years of age, which can
	(Rape)	extend up to life imprisonment.
Section 8 & 10	Sexual Assault and	Imprisonment of 3 to 7 years along
	Aggravated Sexual Assault	with fine
Section 12	Sexual Harassment	Imprisonment up to three years with
		a fine
Section 14 & 15	Using child for pornographic	Imprisonment of 3 to 7 years along
	purpose	with fine
POCSO Act read	Unnatural offences	Imprisonment up to 10 years
with Section 377		
IPC		
Sections 17 to 22	Abetment, attempt to commit	Imprisonment for 1 year to one-half
	offence, reporting offences	of the longest term of imprisonment
		provided for that offence



Abetment of & Attempt to commit an offence: Section 16 & 18

The punishment for abetment of an offence under POCSO is the same as the punishment prescribed for that offence.

The punishment for attempt to commit an offence under POCSO is half of the punishment prescribed for that offence

<u>What is mandatory reporting under POCSO?</u>

- Section 19 of the POCSO law says that if any person has apprehension that sexual offence is likely to happen/has happened or knowledge of sexual offence taking place, then said person has to inform a) Special Juvenile Police Unit or b) Police.
- There is no timeline specified for reporting. POCSO Act is not retrospective Act. Offences committed before 14th November 2012 will not fall under the POCSO Act.



Failure to report & record

Section 21

1.Any person who fails to report commission of an offence and who fails to record such offence – Shall be punished with imprisonment which may extend to six months or with fine or Both

2.Any person being in-charge of company or institution fails to report - Shall be punished with imprisonment for a term which may extend to one year and with fine

False complaint

Section 22

1.Penalises any person who **provides false information / registers false complaint** under Sections 3, 5, 7 & 9 **with intention to humiliate, defame, extort or threaten,** the alleged accused is punishable with imprisonment which may extend to 6 months or fine of both.

2. NO PUNISHMENT SHALL BE IMPOSED ON CHILD

3. Penalises any person who provides false information / registers false complaint against child **knowing it to be false, thereby victimizing such child in any of offences** is punishable with imprisonment which may extend up to 1 year or fine or both.

Disclosure of identity of the child by Media: Section 23



- Media should not disclose any details of the child including name, family details, photograph, name of school, details of his neighborhood or community except with written permission of Special Court
- JJ ACT Section 21 also mentions the same
- Punishable with imprisonment from 6 months to 1 year or fine or both

COMPENSATION

- Section 33(8) : Special Court in addition to punishment, may direct payment of compensation to child for any physical or mental trauma caused or for "immediate rehabilitation".
- Compensation from State Government (After FIR, 25%, after charge sheet 50%, and after judgement 25% = 1 Lakh in TS)
- Victims are also entitled for compensation under the victim compensation scheme by Legal Services Authority NALSA Scheme up to Rs 1 Lakh, if SC/ST then up to Rs 8 Lakhs.

Support Persons: Section 39

- NGOs
- Professionals
- Experts
- Persons having knowledge of psychology, social work, physical or mental health & child development
- to be associated with pre-trial & trial stage to assist the child



WHAT HAPPENS WHEN A CASE IS REGISTERED UNDER POCSO?

Registration of FIR

- Police takes the statement (161 CrPc)
- Medical Examination
- Spot Investigation & Identification of the Offender
- ▶ 164 CrPc statement in front of a Magistrate
- **Evidence** in the Court

Recording the statement of the child: Section 24

BÀṡ

- As far as practicable lady police officer
- Not below the rank of PSI
 NOT IN UNIFORM
- No child should be detained in police station in night for any reason





- If the police is convinced that the child is in need of care & protection, then they would record the reasons in writing and within 24 hours make arrangement for shelter or health facilities for the child.
- Every child victim need not be produced in front of the CWC. If the police is convinced that the child is in need of care and protection only then produce the child in front of the CWC
- Within 24 hours of registering a case the police should report the matter to the Child Welfare Committee & the Special Court

AMENDMENTS TO POCSO ACT -2019

- Section-4, 5 and 6 are amended to provide option of stringent punishment, including death penalty, for committing sexual assault and aggravated penetrative sexual assault crime on a child to protect the children from sexual abuse.
- Section-9 to protect children from sexual offences in times of natural calamities and other similar situations and in cases where children are administered, in any way, any hormone or any chemical substance, to attain early sexual maturity for the purpose of penetrative sexual assault.
- Section-14 &15 are amended to address the menace of child pornography. It is proposed to levy fine for not destroying or deleting or reporting the pornographic material involving a child with an intention to share or transmit it.



BHAROSA CENTRE

AN INTEGRATED SUPPORT CENTRE FOR WOMEN & CHILDREN



"BHAROSA" - a Support Center for Women & Children

Precedence:

>Following the New Delhi 'Nirbhaya' incident, the Justice Verma Committee recommended setting up of one-stop crisis centers for distressed and rape victims.

>SHE Teams were set up in Hyderabad to specifically address the issue of sexual harassment of women in public places. As a corollary to it, the Telangana government subsequently gave the go-ahead to establish 'Bharosa' Center in Hyderabad which is a support center for women and children.

>Bharosa was set up on 7Th May 2016 in Hyderabad

Target Group:

• Bharosa" - Support Center Women & Children is intended to support women and children (below 18 years) affected by violence. Women/children facing physical, sexual, emotional, psychological and economic abuse, irrespective of age, class, caste, education status, marital status, race and culture, who have reached out or been referred to the Center will be provided with specialized services.

"BHAROSA" - a Support Center for Women & Children

Objectives:

► To provide integrated support and assistance to women affected by violence, both in private and public spaces under one roof

► To facilitate immediate, emergency and non-emergency access to a range of services including medical, legal, psychological and counselling support under one roof to fight against any forms of violence against women

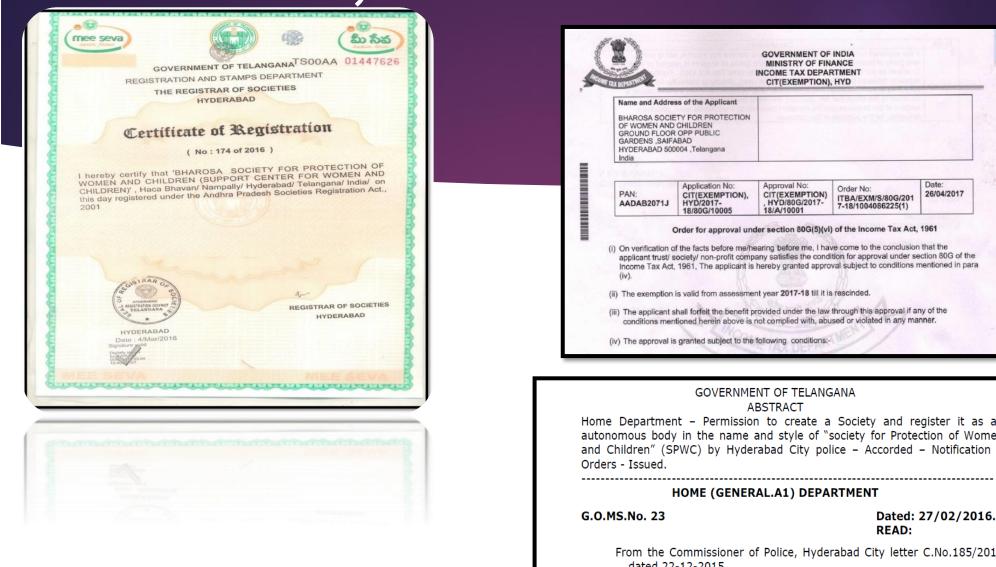
►To work towards a balanced society where equality between men and women exists by resolving conflict within the families and society at large which helps in creating a safe city for women

➢Bharosa- Support Centre for protection of Women and Children is offering Psychological, Legal, Medical, Police and Prosecution services all under one roof.

- Conduct Medical Examination in Bharosa
- Video- conference facility for 164 Cr.PC statement recording
- Record 161 Cr.PC statements by lady police office
- >One of its kind Child Friendly Court
- **Funded by DWCD**, Telangana State, Hyderabad & Corporates
- >It has been registered as a Society to become financially self-sufficient.
- ➤Tax exemption under 80-G and 12-A of IT Act
- > Paperless centre

>BHAROSA Centre is being replicated in all the districts of Telangana

BHAROSA



Date Order No: 26/04/2017 ITBA/EXM/S/80G/201 7-18/1004086225(1) Order for approval under section 80G(5)(vi) of the Income Tax Act, 1961 (i) On verification of the facts before me/hearing before me, I have come to the conclusion that the applicant trust/ society/ non-profit company satisfies the condition for approval under section 80G of the Income Tax Act, 1961, The applicant is hereby granted approval subject to conditions mentioned in para (iii) The applicant shall forfeit the benefit provided under the law through this approval if any of the conditions mentioned herein above is not complied with, abused or violated in any manner.

GOVERNMENT OF TELANGANA

Home Department - Permission to create a Society and register it as an autonomous body in the name and style of "society for Protection of Women and Children" (SPWC) by Hyderabad City police - Accorded - Notification -

HOME (GENERAL.A1) DEPARTMENT

Dated: 27/02/2016. READ:

H

From the Commissioner of Police, Hyderabad City letter C.No.185/2015 dated 22-12-2015.

ORDER:

EXECUTIVE BODY

SI. No.	DESIGNATION	DESIGNATION IN THE SOCIET
1	Director General of Police, TS	Chair Person
2	Additional Director General of Police, (Law & Order), TS	Vice – Chair Person
3	Additional Director General of Police, Women Safety , TS	Member Secretary
4	Inspector General of Police, P&L, TS	Joint Secretary
5	DIG / SP (Women Safety)	Treasurer
6	SP, Women Safety - Bharosa, TS	Member
7	Technical Partner (Tharuni)	Member
8	Commissioner of Police, Hyderabad	Member

GOVERNING BODY

SL.NO	DESIGNATION	DESIGNATION IN SOCIETY
1	Minister for Home Affairs, TS.	Ex-Officio Chairperson
2	Principal Secretary, Home, TS	Ex-Officio Vice Chairperson
3	Director General of Police, TS	Chair Person
4	Additional Director General of Police (Law & Order), TS	Vice – Chair Person
5	Inspector General of Police, Women Safety, TS	Member Secretary
6	Inspector General of Police, P&L, TS	Joint Secretary
7	DIG / SP (Women Safety), TS	Treasurer
8	Commissioner of Police, Hyderabad City	Member
9	Principal Secretary, Women & Child Welfare, TS	Member
10	Principal Secretary, Health & Family Welfare, TS	Member
11	Secretary, State Legal Services Authority, TS	Member

SUPPORTING INSTITUTIONS



Department of Women & Child Welfare, Telangana



Judiciary



Department of Health & Family Welfare, Telangana



United Nations Development Programme



National Mineral Development Corporation



Hospitals





Corporates



SERVICES PROVIDED IN BHAROSA



BHAROSA

How Bharosa Works

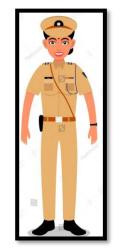




Receptionist gives an Unique Number to the case after takina details



Psychologist counsels the victim to see that she is out of trauma & then prepares her for statement recording and medical examination Also understands the needs of the victim



The lady **police officer** records the 161 CrPc statement



The **Medical Officer** and **ANM** take up the medical examination of the victim and collect the forensic evidences

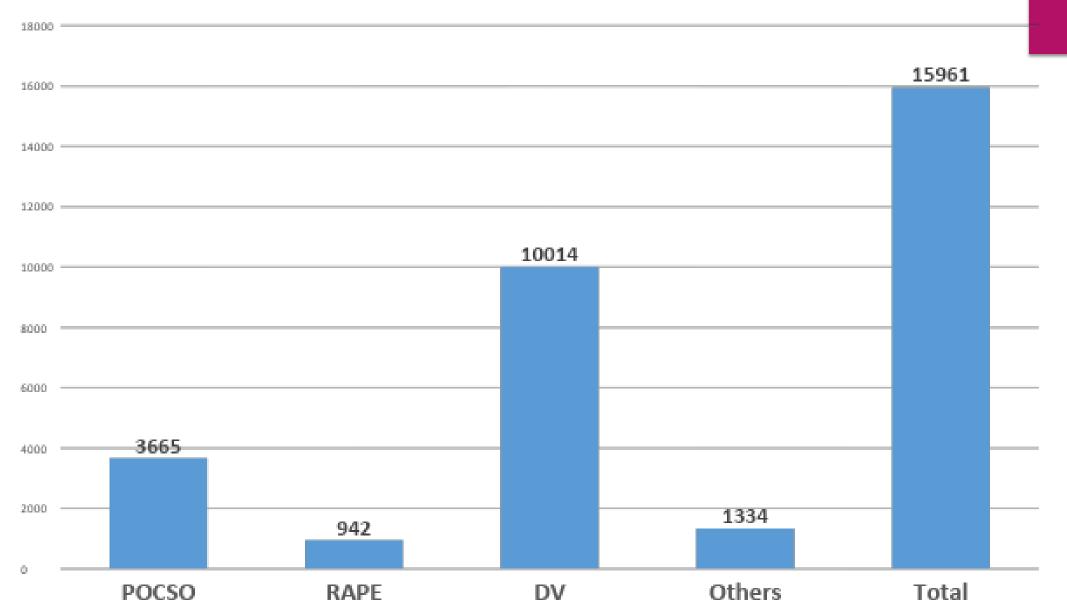


The Legal officer will assist the child in legal proceedings – Recording of judicial statement(164 CrPc), briefing the victim & witnesses, tries for conviction



Support Person helps the victim in getting the needs of the victim fulfilled (Producing before CWC, Shelter, Admission to school, Compensation, Livelihood, safety & security, Court, -during Court Procedures). She supports the victim until the case comes to logical end

12 Bharosa Centers Consolidated Cases up to 17.04.2023



Abstract of Compensation Details of all Bahrosa Centres Up to 17.04.2023					
S No	Name of Bharosa Centre	Opening Year	Compensation Applied	Compensation Received	Total Amount Sanctioned in lakhs
1	Hyderabad	07.05.2016	528	282	73,75,000
2	Vikarabad	13.07.2018	309	130	51,95,000
3	Warangal	29.06.2020	540	213	49,82,500
4	Sangareddy	28.09.2020	136	98	39,50,000
5	Nalgonda	09.08 2021	136	23	5,75,000
6	Suryapet	13.08 2021	р	95	27,52,500
7	Siddipet	08.03.2022	82	45	13,90,000
8	Khammam	18.03. 2022	58	10	1,87,500
9	Mahabubabad	20.05.2022	28	12	5,50,000
10	Jogulamba Gadwal	23.06. 2022	54	26	9,25,000
11	Medchal Malkajigiri	08.03.2022	37	19	4,40,000
12	Medak	07.08.2022	25	18	5,12,500
	TOTAL		1,933	971	2,88,35,000

Abstract of Victim Assistant Fund Details of all Bahrosa Centres Up to 17.04.2023					
S No	Name of Bharosa Centre	Opening Year	Victims	Amount Received	
1	Hyderabad	07.05.2016	207	20,35,600	
2	Vikarabad	13.07.2018	25	1,54,600	
3	Warangal	29.06.2020	29	1,70,000	
4	Sangareddy	28.09.2020	10	55,000	
5	Nalgonda	09.08 2021	18	95,000	
6	Suryapet	13.08 2021	14	88,000	
7	Siddipet	08.03.2022	9	85,000	
8	Khammam	18.03. 2022	11	55,000	
9	Mahabubabad	20.05.2022	2	15000	
10	Jogulamba Gadwal	23.06. 2022	5	45,000	
11	Medchal Malkajigiri	08.03.2022	0	0	
12	Medak	07.08.2022	6	60,000	
	TOTAL		336	28,58,200	

VICTIM REHABILITATION

- Victim Assistance Fund One Crore Rupees Corpus (Donation from NMDC) – managed by a Committee – Interest from this Fund - to provide instant help
- Skilling Supporting victim s & their family members Job placement & Skilling for Entrepreneurship – Linking up
- ► Support for **MTPs or deliveries** and restitution of the new born.
- ► In-patient care in Corporate Hospitals
- Creation of Victim Support Groups for victims and their families.
- Workshops for parents to overcome the discrimination & trauma.

THARUNI AS TECHNICAL PARTNER







As **Technical Partner for Bharosa, THARUNI NGO (www.Tharuni.org)** - **conceptualized** the idea, helped in setting up a world class unique center and **handholding** the program since SEVEN years voluntarily.

CHILD FRIENDLY COURT Special Court for Trial of Offences under POCSO Act



CHILD FRIENDLY COURT

➢As per the guidelines of the Supreme Court and POCSO Act.

Different from other Child Friendly courts in the country.

➢ Highlights of the Child Friendly Court

Two Entrances
Child Friendly waiting area.
Video Linkage Room.
Child Friendly Court hall.
one way mirror room for accused.

Legal support officer to take the case to Logical Conclusion.

➢World class infrastructure.

COURT ROOM

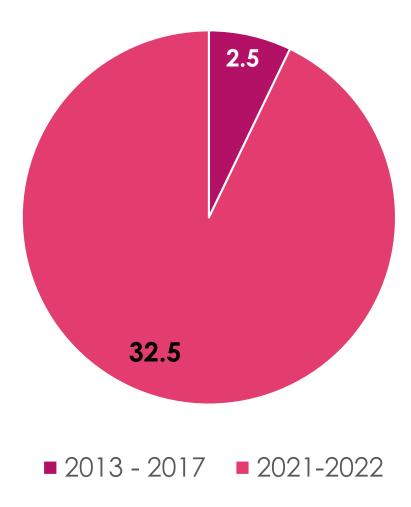


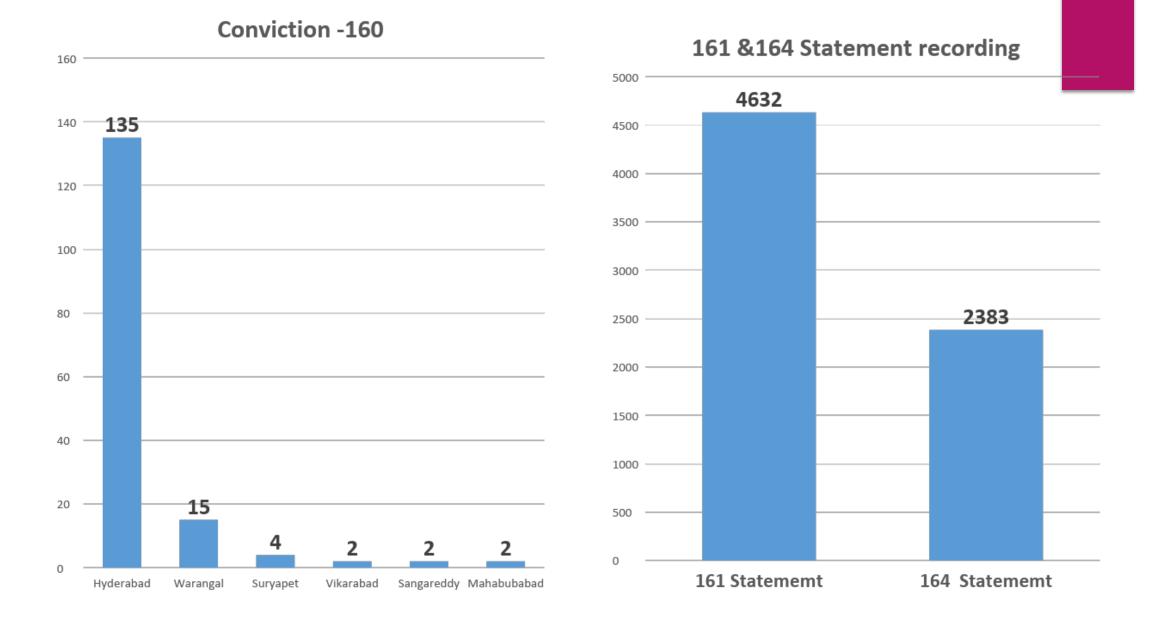
Accused Room -One Way Mirror Room

Increase in the % of conviction 52 POCSO

STATUS OF CASES IN BHAROSA COURT (April 7th 2018 to Feb 2022)

Case Status in Special POCSO Court	
Convictions	135
Life Imprisonment	13







POINT NO. 42 OF THE JUDGMENT MENTIONS THAT :-

"In fact, it would be in the interest of children and women, and in the interest of justice if one stop centres are also set up <u>in all the districts of the</u> <u>country as early as possible....</u>

One such centre which has already been set up is "BHAROSA" in Hyderabad. <u>THIS CAN BE USED AS A</u> <u>MODEL FOR OTHER ONE STOP CENTRES IN THE</u> <u>COUNTRY</u>

> Nipun Saxena Vs.Union of India, Ministry of Home on 11th Dec,2018

Writ Petition (Civil)No.565 of 2012,W.P.(Crl.)Nos 1,22 148 of 2013,SLP (Crl.) Crl.M.P.No.16041/2014 and W.P(C) No.568 of 2012 decided on 11.12.2018

WHAT CAN BE DONE?

What to tell parents/caregivers...

- Do not ignore or undermine a child's statements and innocuous remarks.
- Believe what your child tells you.
- Do not to blame the child.
- Tell the child that the abuse was not the child's fault. Explain to the child about the measures that are being taken to make the child feel safe at home and at school.
- Show openness to the child sharing his/her experiences by saying," When you want to tell me about what happened, how you feel about it, I am ready to listen."
- Get the child back to maintaining regular home (mealtime, bedtime) and school routines. (Normalizing process is essential to recovery)
- Discussion on how to report to relevant authorize (Child Welfare Committee if necessary), and access and medical/ psychological help systems.
- Ensure that the child is provided with emergency medical services (EMS) (within 24 hours of filing the FIR) provided by state Registered Medical Practitioners (RMP) in government hospitals.
- Seek counselling from child mental health experts in government institutions to ensure that psychosocial assistance and healing interventions are provided to the child; and that evidence gathering and other legal processes are embedded within the healing context

NO CHILD SHOULD BECOME A VICTIM

- Having strict boundaries
- Never say 'YES' to strangers
- Assess the Risk learn to avoid the risk or manage the risk smartly
- ► Learn to say "NO" NO means NO
- Safety is Important
- Believe in your family they are your well-wishers.
- Seek HELP –call 100 /1098



NO CHILD SHOULD BECOME AN OFFENDER

- What is legal consent is important for adults – For Minors there is no 'Consent'.
- Sexual Intent body language also matters.
- Know the Law & Punishments severe, cannot get away with, a black mark in career, social stigma, No normal Life once caught – for few moments of craziness lifelong suffering!
- Have control on Self and on Emotions.
- Respect others privacy, boundary, their Rights.



HELP IS AVAILABLE

Contact Child Help Line -1098



► Police -100

- ► SHE Teams -040-27852355, WhatsApp 9490616555
- ► FB: SHETEAMHYD,
- ► Tweet: @HYDSHETEAM
- Install HAWK Eye Mobile App
- National Women Help Line -181

