

Handbook on Implementation of POCSO Act, 2012 for School Management and Staff



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Section 1
INTRODUCTION

Sexual offences are a violation of human rights. They are condemnable, reprehensible and repugnant reducing human dignity and rights of individuals. Many a times, these are acts of perversion, mixed with feelings of hatred. These can also be a result of an intention to hurt and brutalize the victims and often consequences of unsolicited gratification of personal needs of the perpetrators. Child sexual abuse can result in both short term and long term harm, including psychopathology in later life. Physical and social effects, including depression, post traumatic stress disorder, poor self esteem, anxiety disorders, general psychological distress and disorder are instilled in them. Despite of the fact that not all victims of child abuse and neglect experience behavioral disorders, studies have found that at least 25 per cent of them are more likely to experience problems in future such as committing offences, teenage pregnancy, drug abuse and mental health problems, etc.

1.1 Need of the Act

The Protection of Children from Sexual Offences Act (POCSO), 2012 strengthens the legal provisions for the protection of children from sexual abuse and exploitation. It provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. The Act provides for stringent punishments which have been graded as per the gravity of the offence.

The Indian Penal Code (IPC) does not differentiate between adult and child victims whereas the POCSO Act specifically deals with sexual offences committed against children. The POCSO Act penalises sexual offences committed against both male and female child victims whereas the IPC does not take into account rape committed on a male child. The POCSO Act provides for the establishment of Special Courts for trial of offences and incorporates child-friendly procedures for reporting, recording of evidence, investigation and trial of offences. The Rules made under the POCSO Act provide for award of compensation, including interim compensation, to a child victim on the basis of criteria such as loss of education or employment opportunities, as well as consequences suffered as a result of the abuse such as disease, disability and pregnancy.

The United Nations Children's Fund (UNICEF) defines child protection as the "strengthening of country environments, capacities and responses to prevent and

protect children from violence, exploitation, abuse, neglect and the effects of conflict.” As education systems have an important part to play in realizing child protection as children spend a significant amount of their childhood in the school environment, which is the next influential setting for the child after the family. Schools must mandatorily create and implement a Child Protection Policy and must efficiently include child protection into their processes, curriculum and staff recruitment. Bringing in the concept of child protection in education systems can lead to essential changes in the ways schools function, children’s behaviour when attending school and the method in which teachers or school authorities interact with children. It is also an important part of the Delhi Commission for Protection of Child Rights (DCPCR) guidelines, which states that both parents of students and the teachers have to sign guidelines to ensure a safe environment when the child joins a school.

Like rape, hitherto, including sexual offences against children, were dealt under IPC but a large number of offences against children were not adequately addressed by the existing laws. Such offences against children needed to be defined explicitly and countered through adequate penalties as effective deterrence. Therefore, to deal with such sexual offences against children, the Government brought in a special law “*The Protection of Children from Sexual Offences Act, 2012*”. The Act came into force with effect from 14th November, 2012 along with the Rules framed there under. The POCSO Act, 2012 provides for protection of children from offences of sexual assault, sexual harassment and pornography with due regard to safeguarding the interest and wellbeing of children.

1.2 Purpose of this Handbook

Education plays a vital role in transforming a society by making its children more aware, open minded and independent. Schools and other Institutions that provide education, have been playing a meaningful role in creating a nurturing environment for children where they can learn their core values and define their initial behaviours. On the flip side, however, they are also targeted as breeding grounds for sexual abuse and without the right preventive mechanisms, can be the unwitting accomplices to the perpetuation of Child Sexual Abuse. Educational institutions can also help in preventing the creation of future abusive behaviour in children by inculcating in them

the right attitudes and ensuring they have access to the correct information, particularly around gender, health and myths that shroud abuse.

The Act also provides for conditions of medical examination of a child in respect of whom any offence has been committed. Similarly, the Act also provides specifically certain parameters of reporting and restraint for media. It is essential that the school management and staff understand their roles and responsibilities well, in reference to the basic provisions under the POCSO Act, 2012 in order to comply with its provisions. Therefore, there is a need to prepare a Handbook about the implementation of POCSO Act, 2012 for school management and staff who happen to come in contact with the child victim early and are required to discharge a responsible duty towards the child victim. This handbook informs the end user (Staff/Management) about sexual abuse in schools and their right to an informed complaint process in seeking redress as provided under the Act and Rules framed thereunder.

Section 2

Fundamentals of Child Protection

2.1 Child Protection Policy

A Child Protection Policy is a statement of intent that demonstrates the commitment to safeguarding children from harm and makes clear to all in an institution and who come into contact with it what is required in relation to the protection of children, and that child abuse in any form is unacceptable. It consists of child safe practices that protect children from harm, abuse, neglect and exploitation in any form.

This policy is a broad term to describe philosophies, policies, standards, guidelines and procedures to protect children from both intentional and unintentional harm. It applies particularly to the duty of individuals associated with children in their care. Though the main purpose of the policy is to protect children from all forms of harm and create an enabling environment, it is also a tool to enhance the commitment of the organisation to provide a child friendly environment through sensitising persons associated and enforcing this policy. In view of this, it is expected that all the schools/institutions catering to the educational needs of children must have a child protection policy in order to ensure care and protection of each child attending the school/institution.

2.2 Definition of Child Abuse

Child abuse means any form of maltreatment inflicted on a child including physical abuse, sexual abuse and emotional abuse.

Physical abuse means use of force and / or inflicting of physical injury upon a child and includes burning, hitting, punching, kicking, beating or otherwise harming a child.

Sexual abuse includes penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment and use of a child for pornographic purposes defined in the Protection of Children from Sexual Offences Act, 2012 (POCSO) amended from time to time.

Emotional abuse includes acts or omissions by parents or caretakers that have caused or could cause distress, serious behavioural, cognitive, emotional, or mental trauma to the child.

2.3 Indicators of Abuse

Many children attending school/institution are victims of abuse. However, the victims do not share their experiences with adults on many occasions. Considering them, the school management and staff should always be alert in finding out consequences of child abuse in children. It is therefore imperative for them to understand the following check lists given in the form of indicators:

2.3.1 Physical Indicators

- Unexplained genital injury
- Inflammation of the vagina
- Vaginal or penile discharge
- Bedwetting and fecal soiling beyond the usual age
- Anal complaints (e.g. fissures, pain, bleeding)
- Pain on urination
- Urinary tract infection
- Sexually Transmitted Infections
- Pregnancy
- Presence of sperm

2.3.2 Behavioural Indicators

- Regression in behaviour, school performance or attaining developmental milestones
- Acute traumatic response such as clingy behaviour and irritability in young children
 - Sleep disturbances
 - Eating disorders
 - Problems at school
 - Depression
 - Social problems
 - Poor self-esteem
 - Inappropriate sexualized behaviours

2.4 Understanding Child sexual abuse

Child Sexual Abuse (CSA) is a broad term used to describe sexual offences against children. To put it simply, Child Sexual Abuse occurs when a person involves the child in sexual activities for his/ her sexual gratification, commercial gain or both. Section-2(1)(d) defines a "child "- as any person below the age of 18 years.

➤ Physical Contact' Forms of Abuse

In some cases, there will be clear physical contact between the offender and the child such as penetrative sex, fondling of the child's genitals or making the child touch the offender's genitals, touching any part of the child's body with sexual intent, kissing with sexual intent, etc.

➤ Non-Physical Contact' Forms of Abuse

Child Sexual Abuse can also occur without contact between the offender and the child such as showing pornographic videos or pictures to the child, using the child in pornographic material, verbal abuse, making lewd gestures to the child, playing sexualized games, stalking the child or chatting with sexual intent with the child over the Internet, etc.

The POCSO Act would still apply where the offence is committed by a child, the only difference is that the procedure would be as per the Juvenile Justice (Care and Protection of Children) Act, 2015.

2.5 Causes of Child Sexual Abuse

Like many other social problems, child sexual abuse cases is not getting better. This is because the reasons why they happen are a bit complex, and not easy to deal with. Child sexual abuse is a very secret crime, and unless the victim is bold to tell someone about it, it can be hidden for a lifetime. Children are often scared to tell anyone about the abuse. Many cases of abuse are not reported at all.

2.5.1 Taboo around Discussing Sex and Sexuality

In India, there is reluctance and cultural shying from discussing matters

related to sex and sexuality, particularly with children. Adults find it difficult and embarrassing to talk about the subject with children because often they themselves have not received and have no idea how to have 'the talk'. In the absence of teaching and appropriate knowledge, ignorance and myths around sexuality pervade, thus leaving children, especially adolescents, uninformed and at risk. The taboos lead to a culture of shame and silence around any issue related to sexuality, including child sexual abuse, which is shrouded in silence and often goes unreported.

2.5.2 Tolerance to Gender-Based Violence

There has always been ignorance and at times certain level of acceptance and tolerance to gender based violence against women and children in India. We assume that certain things are bound to happen and will happen to women and children if they cross the "line of morality" put forth by our patriarchal society. Representation of women in popular media and the stereotypes perpetrated by popular films play a role in desensitizing our population towards gender-based violence against women and young girls.

2.5.3 Culture that Believes and Values Adults Over Children

Children are viewed as not yet fully developed citizens. Their values and voices are mostly absent in public discourses on issues that directly have an implication on them. They are taught to 'respect' the absolute authority of adults without even the slightest critical engagement. Their opinion may be regarded as 'disrespectful.' Thus, a child who is a victim of sexual abuse is often never believes that an adult could do this to him/her. Often parents and community consider it the 'child's fault' if sexual abuse happens.

2.6 Impact of Reporting Child Sexual Abuse

➤ Victim Blaming

In cases of many sexual assaults against women and children, the media and

society at large have been quick to blame the victim, especially if the child is a girl, often with regressive statements implying that ‘the victim brought it on to herself’. A clear perspective on who is the victim and who is the offender is lost in the details, while there is too much focus on peripherals like what the victim was wearing, what time of the night it was when she went out, who was accompanying her, did she give consent to the sexual activity etc.

➤ **Real and Perceived Threat to Victim and Family**

When we put a culture of sexual taboos together with one of victim blaming it becomes clear why most victims are reluctant to report. They are afraid being stigmatized by the community. Even as society passes a moral judgment on the character and dignity of the victim, the offender who may be occupying a position of power vis-à-vis the victim, will threaten the victim and/or family with (sometimes violent and life threatening) consequences if the offence is reported. There is also possibility that the real and perceived loss of “honour” and shame entraps victims and families in a vicious cycle of blackmail and further abuse. In a culture that prides traditional notions of masculinity, boys are afraid that they will be labeled ‘unmanly’ and ridiculed if they disclose about the abuse.

➤ **Characteristics of Abusers**

) Many abusers are people whom their victims trust. 'In 90% of child sexual abuse cases, the child knows and trusts the person who sexually abuses them'. It is known from research studies that some child abusers were abused as children. 'Although having been abused as a child heightens the risk for becoming someone who sexually abuses children, the vast majority of sexual abuse victims live their lives without even sexually abusing others'

) Some abusers have mental problems and see themselves as kids too. They tend to have a strong desire for sexual things with kids. This mental condition is called pedophilia. A person suffering from that is a pedophile.

) Sexual abusers are usually men, who abuse kids they know. This makes it even more sad because the kids usually have a lot of respect and trust for them.

➤ **VICTIMS**

Sexually abused kids are often vulnerable children (e.g. kids with learning disabilities or isolated kids).

Many abused kids do not tell anyone because they think:

- it was nobody else's business
- it was serious or wrong
- it would be serious for parents to find out, especially if the abuser is known to the family
- didn't want their friends to know
- the offender will kill or hurt them, especially if they were threatened
- none would trust their story

Poverty and needy kids can also fall victim to adult abusers, who pretend to help them, but take advantage of them. This is more true with teenagers from poor or broken homes.

Circumstances of aggravation can include the:

-) offender also seriously injuring or threatening to seriously injure the victim;
-) offender being in a group of people when they commit the offence;
-) offender breaking into a home to commit the offence;
-) offender kidnapping the victim to commit the offence;
-) victim having a serious physical disability or cognitive impairment.

2.7 The Protection of Children from Sexual Offences Act, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012 deals with sexual offences against persons below 18 years of age, who are deemed as children. The Act for the first time, defines “penetrative sexual assault”, “sexual assault” and “sexual harassment”. The offence is considered graver if it is committed by a police officer, public servant, any member of the staff at a remand home, protection or observation home, jail, hospital or educational institution, or by a member of the armed or security forces.

The Act has come into force on the 14th of November, 2012, along with the rules framed thereunder. The Act is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through appointment of Special Public Prosecutors and designated Special Courts. The Act incorporates child friendly procedures for reporting, recording, investigation and trial offences. The Act provides for stringent punishments which have been graded as per the gravity of offence.

2.8 Child Sexual Offences under POCSO Act, 2012 & Punishment thereof

Offence and Description	Punishment
<p>Section 3 Penetrative Sexual Assault Inserting body part or object in a child, or making a child does this with another.</p>	<p>Section 4 Not less than seven years of imprisonment which may extend to imprisonment for life, and fine</p>
<p>Section 5 Aggravated Penetrative Sexual Assault Penetrative sexual assault by a police officer, member of armed forces, public servant, staff of remand home, jail, hospital or school. It includes penetrative sexual assault committed by any other person through gang penetrative assault, penetrative sexual assault using deadly weapons, fire, heated substance or corrosive substance, penetrative sexual assault which physically incapacitates the child or causes child to become mentally ill, causing grievous hurt or bodily harm and injury to the sexual organs of the child, making girl</p>	<p>Section 6 Not less than ten years of imprisonment which may extend to imprisonment for life, and fine</p>

<p>child pregnant, inflicting child with HIV or any other life threatening disease, penetrative sexual assault more than once, penetrative sexual assault on a child younger than 12 years, by a relative, owner / manager or staff of any institution providing services to the child, by a person in a position of trust or authority over the child, committing penetrative sexual assault knowing the child is pregnant, attempts to murder the child, by a person previously convicted for a sexual offence, penetrative sexual assault in the course of communal or sectarian violence, penetrative sexual assault and making the child strip or parade naked in public.</p>	
<p>Section 7 Sexual Assault With sexual intent touching the private parts of a child</p>	<p>Section 8 Not less than three years of imprisonment which may extend to five years, and fine</p>
<p>Section 9 Aggravated Sexual Assault Sexual assault by a police officer, member of armed forces, public servant, staff of remand home/jail/hospital/school, etc, and other acts of sexual assault by any person as mentioned in the second part of section 5, except making a girl child pregnant.</p>	<p>Section 10 Not less than five years of imprisonment which may extend to seven years, and fine (Section 10)</p>
<p>Section 11 Sexual Harassment of the Child With sexual intent:) showing any object/body part, or) making any gesture aimed at a child</p>	<p>Section 12 Up to three years of imprisonment and fine</p>

<p>) making a child exhibit her body</p> <p>) enticing or threatening to use a child for pornography</p>	
<p>Section 13 Use of Child for Pornographic Purposes</p>	<p>Section 14 (1) Imprisonment up to five years and fine and in the event of subsequent conviction, up to seven years and fine</p>
<p>Section 14 (2) Penetrative sexual assault by directly participating in pornographic acts</p>	<p>Section 14 (2) Not less than ten years of imprisonment, which may extend to imprisonment for life, and fine</p>
<p>Section 14 (3) Aggravated penetrative sexual assault by directly participating in pornographic acts</p>	<p>Section 14 (3) Rigorous imprisonment for life and fine</p>
<p>Section 14 (4) Sexual assault by directly participating in pornographic acts</p>	<p>Section 14 (4) Not less than six years of imprisonment which may extend to eight years, and fine</p>
<p>Section 14 (5) Aggravated sexual assault by directly participating in pornographic acts</p>	<p>Section 14 (5) Not less than eight years of imprisonment which may extend to ten years, and fine</p>
<p>Section 15 Storage of pornographic material involving a child for commercial purposes</p>	<p>Section 15 Three years of imprisonment and / or fine</p>
<p>Section 21 Punishment for failure to report or record a case by (i) Any person; (ii) Any person, being in charge of any company or an institution. (This offence does not apply to a child)</p>	<p>Section 21 (i) Imprisonment of either description which may extend to six months or with fine or with both (ii) Any person, being in charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub section (1) of section 19 in respect of a subordinate under his control shall be punished with imprisonment for a term which may extend to one year and with fine.</p>

Section 22

(1) Punishment for false complaint or false information in respect of an offence committed under sections 3, 5, 7 and section 9 solely with the intention to humiliate, extort or threaten or defame him.

(2) False complaint or providing false information against a child knowing it to be false, thereby victimising such child in any of the offences under this Act.

(This offence does not apply to a child)

Section 22

(1) Imprisonment for a term which may extend to six months or with fine or with both.

(3) Imprisonment which may extend to one year or with fine or with both.

Section 3

Child sexual abuse cannot be ignored in Schools

Child sexual abuse is one of the most significant risks being faced by children today. More than half of victims experience trauma that dramatically increases their risk for Post-Traumatic Stress Disorder, depression, anxiety disorders, suicide, substance abuse, teen pregnancy and school dropout. These consequences, in turn, can lead to poverty, homelessness, criminal behavior, and loss of potential in life as an adult. The school is the one social institution outside the family with which nearly all children have consistent, ongoing contact. Therefore, it is particularly well-suited for identifying endangered children, including those who are being sexually maltreated. Today, many schools are striving to become more effective participants in prevention and intervention efforts designed to reduce the complex problem of child abuse.

3.1 Recognising Child Sexual Abuse

Several emotional and behavioral difficulties are commonly observed in children who are being sexually abused. School Staff/Management must not automatically jump to the conclusion that the child is being sexually abused. Often signs are ambiguous; other stressors in a child's life can produce similar symptoms.

Teachers must also be alert to behavioural indicators. These may exist independently or may accompany physical indicators. Children who witness domestic violence or violence in the community may also demonstrate this through their behaviour. Young children may exhibit certain sexual behaviour which could indicate sexual knowledge inappropriate to the child's age. A child victim of sexual abuse may also behave inappropriately with other children. Children with special needs may not be able to recognize or express verbally if they are being abused or were abused. School personnel need to be particularly alert to such children

Specific signs that may indicate sexual abuse include regressive behaviors such as thumb sucking, enuresis (bed wetting), and nightmares; sleep disturbances; persistent, inappropriate sexual play with self, peers, or toys; knowledge of sexual behavior (often evident in drawings) that is advanced for the child's age; poor peer relationships; overly compliant behavior; acting-out behavior such as delinquency or aggression (often seen in children who attempted to get help but received none); pseudo-mature behavior; school-related difficulties including an inability to concentrate, faltering school performance, reluctance to change clothes for gym class

or to participate in physical activities, and arriving at school early and staying late; running away from home; suicidal thoughts or attempts; and sexual promiscuity or avoidance of relationships.

Other possible indicators of sexual abuse include pain, itching, bleeding, torn or stained clothing; withdrawal (some children may retreat into a fantasy world or appear retarded); drug/alcohol abuse; and indirect allusions to problems at home.

Abused children sometimes present information in a piecemeal fashion to test an adult's response to what they share. Therefore, it is vital for teachers and other school staff to be provided with training not only in detecting possible abuse but in responding to intentional and accidental disclosure by children.

It is also very important to remember that some indicators, both physical and behavioural, may be indications of something other than abuse. However, any suspected child safety violation must be reported by the school staff.

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) prescribes five sexual offences against children - penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and using a child for pornographic purposes. Abetment of or an attempt to commit these offences is also punishable under the Act. These offences are gender neutral vis-à-vis the perpetrator as well as the victim. The Act requires the State Governments to designate the Sessions Court in each district as a Special Court to try offences under the Act. If, however, a Children's Court under the Commissions for Protection of Child Rights Act, 2005 or Special Court for a similar purpose has been notified in a district, then that court will try offences under this Act.

The process laid down under the Act and POCSO Rules, 2012 for recording of complaints and trial of sexual offences against children is explained below:

3.2 Reporting Procedure under the Act

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 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.

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.

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.

3.3 Procedure of Recording of Statement of Child

A. Recording of Statement of Child by the Police

Where the child's statement must be recorded?

A child's statement must be recorded at his or her residence or a place where he or she usually resides or at a place of his or her choice. Under no circumstances can a child be detained in the police station in the night. The police officer must also try and ensure that the statement is recorded by audio-visual means. (or atleast by audio means).

By whom should the statement be recorded?

As far as practicable, the statement must be recorded by a woman police officer not below the rank of a Sub-inspector. She should not be in uniform when the statement is recorded. The assistance of a qualified translator or interpreter can be taken while recording the statement. The statement must be recorded in the presence of parents or any other person in whom the child trusts or has confidence.

What steps must the police take to protect the child?

While examining the child, the police officer investigating the case must ensure that the child does not come in contact with the accused at any point. The identity of the child must also be protected from the media unless the Special Court, in the interest of the child, directs otherwise.

What measures must be taken to record the statement of a child with disabilities?

The police officer must seek the assistance of a qualified special educator or a person familiar with the manner of communication of the child or an expert in that field, while recording the statement of a child with mental or physical disability.

B. Recording of Statement of Child by the Magistrate

How must the statement be recorded?

A Magistrate recording the statement of a child under Section 164 of the Code of Criminal Procedure (Cr. PC) must record it verbatim (in the exact language spoken by the child). The statement must be recorded in the presence of parents or any other person in whom the child trusts or has confidence. The assistance of a qualified translator or interpreter can be taken while recording the statement. The Magistrate must also try and ensure that the statement is recorded by audio-visual (or audio) means. The Magistrate must also provide the child and his or her parents or representative, a copy of the police report in the matter.

What measures must be taken to record the statement of a child with disabilities?

The Magistrate must seek the assistance of a qualified special educator or a person familiar with the manner of communication of the child or an expert in that field, while recording the statement of a child with mental or physical disability.

3.4 Child Friendly Procedure under the POCSO Act, 2012

POCSO Act safeguards the rights and dignity of the child at every stage of the legal process. It provides for child-friendly procedures for medical examination; recording the statement of the child by the police and magistrate; as well as during the

examination of the child in court.

- (i) The Act also mandates Establishment of child-friendly Special Courts in every district (Section 28).
- (ii) Appointment of a Special Public Prosecutor (Special PP) for every Special Court for conducting cases only under the provisions of POCSO Act (Section 32).
- (iii) The Special Court shall create a child-friendly atmosphere and allow the child to be accompanied by a family member, guardian, friend or relative in whom the child has trust or confidence to be present in the court (Section 33).
- (iv) The child must not be brought face to face with the accused while giving her/his statement to the Police or the Magistrate, or while testifying (Sections 24 and 36).

3.5 Procedure of Medical Examination of the Child

Take the child victim for medical examination immediately

A medical examination of a child can be conducted even before a FIR is filed or a complaint is registered. It must be conducted by a registered medical practitioner in a government hospital or a hospital run by a local authority within 24 hours from the time of receiving information about the commission of offence. If such practitioner is not available, the examination can be conducted by any other registered medical practitioner with the consent of the child or a person competent to give consent on his or her behalf. If the victim is a girl child, the examination must be conducted by a woman doctor. The medical examination must be conducted in the presence of the parent or any other person in whom the child reposes trust or confidence. If a parent or such other person cannot be present, for any reason, the medical examination must be conducted in the presence of a woman nominated by the head of the medical institution.

"Forensic Medical Care for Victim of Sexual Assault – DHR Guidelines", brought out by the Department of Health Research (DHR), Family Welfare, Government of India in 2013 has suggested several guidelines aiming at forensic medical care for survivors of sexual assault. The guidelines suggest the following:

-) Whenever cases of sexual assault comes on her own to the hospital or are brought by the police, it shall be registered as MLC (Medico Legal Case).
-) The information obtained for medical examination is confidential and therefore, every effort must be made to protect the privacy and safety of the patient.
-) The victim must be given appropriate treatment and counselling as per the need. Victim must not be refused treatment and/or examination for want of police papers.
-) Exposure to sexual violence is associated with a range of health consequences for the victim. Comprehensive care must address the following issues: physical injuries; pregnancy; STIs, HIV and hepatitis B; counseling and social support, follow-up consultations and appropriate referral.
-) The examination should be conducted in private but the patient should be allowed to choose to have a support person (e.g. family member or counselor) to be present. If the patient does not request the presence of a support person, the patient should be informed that she may have a female nurse or other suitable chairperson present during the examination.
-) Each hospital can use already printed version of the Forensic Medical Form or can generate the same form through software. The form may include information such as name of the Department/Hospital/Unit including place where the examination was conducted; general information and consent; history/details of alleged sexual assault; medical, obstetrical and surgical history; general physical examination; injury examination: injuries on body (if any); local examination of genitals, anus and oral cavity; specific examinations (these examinations shall only be done whenever facilities exist and if indicated); sample collection for hospital/clinical laboratory; collection of forensic evidence/material/samples; and provisional opinion.
-) In the past, survivor examination was only done after receiving police requisition. Now, the police requisition is not mandatory for a rape

survivor to seek medical examination and care. The doctor should examine such cases if the survivor reports to the hospital first without FIR. He should then inform the police accordingly.

As per the document "Guidelines & Protocol, Medical-legal Care for Survivors/Victims of Sexual Violence", Ministry of Health & Family Welfare, Government of India, 2014, the following guidelines have been suggested in order to forge an interface of health system with police:

-) A standard operating procedure outlining the interface between the police and health systems is critical. Whenever a survivor reports to the police, the police must take her/ him to the nearest health facility for medical examination, treatment and care. Delays related to the medical examination and treatment can jeopardize the health of the survivor.
-) Health professionals should also ask survivors whether they were examined elsewhere before reaching the current health set up and if survivors are carrying documentation of the same. If this is the case, health professionals must refrain from carrying out an examination just because the police have brought a requisition and also explain the same to them.
-) The health sector has a therapeutic role and confidentiality of information and privacy in the entire course of examination and treatment must be ensured. The police should not be present while details of the incident of sexual violence, examination, evidence collection and treatment are being sought from the survivor.
-) The police cannot interface with the duties of a health professional. They cannot take away the survivor immediately after evidence collection but must wait until treatment and care is provided.
-) In the case of unaccompanied survivors brought by the police for sexual violence examination, police should not be asked to sign as witness in the medico legal form. In such situations, a senior medical officer or any health professional should sign as witness in the best interest of the survivor.

-) Health professionals must not entertain questions from the police such as "whether rape occurred", "whether survivor is capable of sexual intercourse", "whether the person is capable of having sexual intercourse". They should explain the nature of medico legal evidence, its limitations as well as the role of examining doctors as expert witnesses.

3.6 Emergency Medical Care and Counselling

The child victim who is in need of urgent medical care and protection, SJPU/local police shall within 24 hours of receiving information about the crime, arrange to take such child to the nearest hospital or medical care facility centre for emergency medical care {Rule 5 (1)}. The medical examination of child shall be conducted whether FIR or complaint is registered or not, by a women doctor, if the victim is girl. In case parent is not available for any reason, medical examination of child shall be conducted in the presence of a women nominated by the head of the medical institution (Section 27).

Child Victim shall be provided translator or an interpreter, having such qualification, experience to understand the content and language of FIR (u/s 19 (4)). Child may take help of interpreter/ Translator/ Special Educators under Rule 3 (7) at any stage after information is received u/s 19. The family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under the Act. They are also entitled for free legal counsel from Legal Services Authority (u/s 40).

3.7 Care and Protection of child victim

-) If the SJPU or local police has reasonable grounds to believe that the child is in need of care and protection, then, it shall after recording the reasons in writing, make arrangements to give the child such care and protection (including admitting the child into shelter home or to the nearest hospital) within 24 hours of the report {Section 19 (5)}.
-) The SJPU or local police shall report the matter to the Child Welfare Committee (CWC) and the Special Court within 24 hours including

need of the child for care and protection and steps taken in this regard {Section 19 (6)}.

-) CWC may provide a Support Person to render assistance to the child through the process of investigation and trial {Rule 4 (7)}.
-) In certain cases, children have to be mandatorily produced before CWC as per Rule 4 (3) of the POCSO Rules.
-) CWC can also order that the child be taken out of the custody of her/his family if she/he has been or is likely to be sexually abused there (Rule 4 of POCSO Rules).

3.8 Speedy Procedures of Cases

The POCSO Act requires that the evidence of the child be recorded by the Special Court within 30 days of taking cognizance of the offence. Any delay shall be recorded in writing. As far as possible, the trial shall be completed within a period of one year from the date of taking cognizance of the offence (Section 35).

3.9 Compensation for Child Victim

The Special Court may pass an order for interim compensation to meet the immediate needs of the child for relief or rehabilitation at any stage of the FIR. Such interim compensation paid to the child shall be adjusted against the final compensation, if any. The Special Court may recommend award of compensation where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or injury as a result of that offence. (Rule 7 of POCSO Rules, 2012).

3.10 Sensitisation of Child about Body and Personal Safety

Talking to children about body safety can be difficult for parents. It seems that most parents think that if they talk to their children about body safety, they have to talk to them about "sex", which is not the case. This is where the counsellor has to play a crucial role, parents who often teach their children to look both ways when crossing the street, to wear their seat belt in a vehicle, and to not talk to strangers often find it

difficult to talk to them and teach them that they have private parts in their bodies, and it is not okay for others to touch them.

-) Counselors 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.
-) Teach them to bathe, toilet, and dress themselves starting at an early age.
-) Teach them that privacy, modesty, personal behaviors, and boundaries are important.
-) 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 right away 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.
-) Ask the parents to talk to the children about personal safety during: bath time: teaching the child to wash himself or herself bed time: when they are focused on what the parent is saying new situation: before going to camp, starting school, going to day care.
-) Play "what if" games with the children if necessary and let them practice saying "NO". By role playing with children, you help them develop the skills they need in certain situations.

Section 4
Role of Schools

School that has not as the child grows and develops, they begin spending as much time at school as they do at home. The recent spate of reports of child sexual abuse in school premises or by people working in schools has been a worrying trend. In almost every case, the trauma of child is aggravated because of the school's unpreparedness in the handling cases of the sexual abuse. The tragedy is not just that the abuse took place because of a lapse in the child protection system but it is doubled by the fact that schools are often trying to silence the incident to wash their hands off it; some schools even blame the child and the parents. As a caregiver or a teacher, children and parents trust school staff unconditionally. In many instances, children open up to them about their issues even before they talk to their parents. Safeguarding this trust is the responsibility of school authorities. It is crucial that the authorities act decisively, quickly and systematically in the face of a complaint of child sexual abuse.

4.1 Child Protection Policy of the school

A school's Child Protection Policy is a statement that defines the school's commitment to safeguard children from harm and abuse. It specifies the staff and others' responsibilities and roles in the protection of children. The child protection policy has to be a strong reflection of the schools commitment to protect its children. It has to be implemented through every aspect of the school administration and management. Schools must specify how the policy will be put into action. The policy must apply to all personnel and persons related to the school and who come in direct or indirect contact with children.

Direct Contact with Children: Those personnel who are with and in the physical presence of a child or children as part of their professional or school related work, be it regular, occasional, temporary or long term.

Indirect Contact with Children: Those personnel whose work does not require them to be in the physical presence of a child but encompasses access to personal details and information, data on children including photographs, case files etc.

4.2 Proactive measures to prevent child sexual abuse

The Child Protection Policy must broadly cover the following actions:

) Schools must conduct background check & police verification for all

staff members including contract employees. In several cases of abuse that have occurred within schools, it has been observed that the abuser has had a previous history.

-) All employees to sign a copy of the terms and conditions related to child protection after they join the school. They must be provided with ID cards.
-) Clear boundaries need to be defined in interaction between staff and child. (e.g.:- No staff shall take the child to the bathroom alone without being accompanied by a helper, no teacher will lock the classrooms from inside).
-) Install CCTVs in classrooms and in school premises and ensure that their feed is monitored.
-) Lay down policies and safe boundaries around photographing children, using photographs of children, Internet and technology usage within the school premises.
-) Arrange for regular sessions on personal safety with all children (this includes talking about body parts, online safety, and protection from abuse).
-) Orient all staff members on detecting the warning signs of sexual abuse among children.
-) Train all staff members and support staff on child protection norms and child sexual abuse prevention.
-) Engage in active dialogue with parents and help ensure that parents are aware of the issues faced by children.
-) Try and recruit a full time counselor or a visiting counselor to the school.
-) Thorough monitoring of activities of all teachers, visiting faculty and strangers by their immediate supervisor; an internal vigilance committee may be constituted.
-) Ensure children leave school only with parents or authorized personnel.
-) According to Sections 19(I) and 21 of the POCSO Act, 2012, Teachers, Management and all employees of institutions need to be made aware

about the provisions of the Act, some of which cast a duty on them to report instance of child abuse,

4.2.1 In- house induction sessions should be held in Schools

It should be held for all teachers to include a specific module on gender sensitization. Sexual offences committed by the persons who are in the ownership, management of staff of education institutions and persons in positions of Trust and Authority over children are liable for higher punishment as per the provisions of the Act.

4.2.2 School/Classroom Environment

Schools must ensure and promote a harmonious school/classroom environment and inclusiveness.

4.2.3 Provision for guidance and counselling facilities in schools

Teachers in general should be trained to attend to adolescent (gender) related issues, conduct of adolescent education programmes and special activities that promote gender equality and sensitivity.

4.2.4 Programmes for empowerment of girls

Camps on sensitization of girls on health and sanitation issues, karate/ self defence training of girl students should be conducted at regular intervals. Programmes like folk dance, nukkad natak, poster competitions, quiz, debate, exhibition can also be conducted to foster gender equality.

4.2.5 Rules for Residential Schools

Training programmes for House Masters / House Mistress that inter-alia, cover emotionally disturbed students, counselling of students and preparing children for meeting challenges of adolescences. Personal care and guidance to girl children needs to be given, female Matron be provided for girls' dormitories.

4.2.6 Constitution of School Complaints Committee

There should be a committee consisting of Principal/Vice- Principal, one male teacher, one female teacher, one female student, one male student and one non-teaching

staff member must be set up to serve as complaints and redressal body. An improved response system and alert administrative machinery is required to take immediate action on reported cases of misbehavior.

4.2.7 Use of Complaint / Suggestion box

It should be provided in each school so that students can make written complaints. Any complaint of sexual abuse, whether received through the drop box or otherwise needs to be acted upon immediately.

4.2.8 Provision for CCTV cameras

It should be made in school premises at all strategic places along with the warning.

4.2.9 Monitoring and Identification of Children

Close monitoring of academic performance and psychological behaviour particularly in cases of sudden decline in performance, lack of interest, depression and aloofness should be noticed to give proper counselling to the children. Informal conversations with the students by way of discussions with peers and planned observations in hostels, classrooms and playground can also be helpful.

4.2.10 Toll Free number and child helpline

It may be provided and made known and displayed on notice board along with names of teachers designated to handle such cases. Centralised Child helpline number 1098 must be popularised and displayed at prominent places in the schools. School management and staff are expected to create awareness and participate in averting such offences as part of their foremost duty.

4.3 Teaching Children to Identify Good touch and Bad Touch

) Teach the child the basic concepts of good touches, bad touches and confusing touches. Use the words "sexual abuse" when talking with the child because if a child is victimized, they need to be able to tell you that they were "sexually abused". A child without the language to describe their victimization is a child

whose case is weakened in the court. Children need to hear information more than once. Discuss with the children "the problem that children might have" by introducing the concept of different touches. A one-time discussion is soon forgotten, repetition allows them to retain what they have learned.

-) Teach the child about 3 different types of touch: good touch, bad touch, and sexual abuse touch. "Good touches" are those touches that make us feel happy, safe and loved. Good touches can make us feel warm inside or can make us feel like a smile. Emphasize that most of the touch we get is good touch, also explaining them the importance of it. "Bad touches" are those touches that hurt us like kicking, hitting and biting. "Sexual abuse touch" is defined as "forced or tricked touch of private body parts." The key words are forced and tricked. A force is when someone makes you do something you don't want to do or don't understand. A trick is when someone lies to you, fools you, pretends or calls something a game, that really isn't a game, so that they can touch your private parts or has you touch theirs. Explain that sexual abuse is confusing because it doesn't necessarily hurts; the touch may feel good too, and that is confusing to children.
-) Use the words "sexual abuse" to eliminate unnecessary confusion. The effort to call sexual abuse by another name (such as inappropriate touch) may become counterproductive – leading more confusion for children. After all, we can be assured that the sexual abuse offender will not call what he/she is doing as sexual abuse. By giving the child the correct language, you give them the power to discriminate between what is right and what is wrong.
-) Teach the child that they have the right to trust their own feelings and to ask questions when they feel uncomfortable or confused by someone's behavior. Talk about times when they may have had an anxious feeling (forgetting homework, losing something, frightened by a loud noise, etc.). Discuss the importance of paying attention to our feelings in situations when we are feeling uncomfortable.
-) Teach the child to say "NO!" to sexual abuse. Teach them that they can say "NO!" to anyone who might want to sexually abuse them; even if the offender is an adult; even if the offender is someone they know.

-) Teach the child that it is very important to tell a trusted adult if someone sexually abuses them or hurts them in any way. Teach them that they can tell another person if they are not believed. Discuss and identify trusted adults in their life.
-) Teach the child that if sexual abuse happens to a child, it is NEVER the child's fault. Older children may come up with ways in which it could be the child's fault; explain to them that sexual abuse is against the law and children are not responsible when someone breaks the law and sexually abuses them.
-) Teach the child that a person who sexually abuses a child can be anyone. Most children, and even adults, think that the offenders are usually strangers. Children need to know that they have the right to say "NO!", and tell even when the offender is someone they know, love or even live with.
-) Discuss with children that talking about sexual abuse can be very difficult, but that the abuse won't stop until they tell someone. An abused child doesn't start to feel better until they tell someone. Remind them that it's never too late to talk about sexual abuse.
-) Let the child know that if sexual abuse happens to them, they are still a good person, they will still be loved by their family and friends, and that they will always be loved no matter what.

Section 5
Therapeutic Interventions for Children

5.1 Needs of Children after Sexual Abuse

Following the experience of sexual abuse, children may have immediate response needs that require service providers to mobilize crisis intervention support. Specifically, the need to ensure children's physical and emotional safety needs are met and access to timely health care is ensured. Children may require additional care and support to help them recover and heal and to positively and fully engage in daily life. Longer-term needs include:

5.1.1 Psychological needs

Children will need support to feel safe and trusting of adults again; to understand their feelings about the abuse; and to cope with post-traumatic stress symptoms that surface (flashbacks of the abuse, obsessive thoughts of the abuse, self-respect issues).

5.1.2 Social needs

Children (and families) will need help to recover and heal from the impacts of sexual abuse on the family and familial relationships; to ensure that they are able to go back to school and participate in community and social events; and to develop and sustain positive and trusting relationships with peers and adults in the community.

5.1.3 Care arrangements

Children will need a secure place to recover if abuse happened in the home and children cannot return.

5.1.4 Legal/Justice needs

Children have a right to justice and may need support while the legal investigation and the prosecution of their cases occur.

5.1.5 Other protection interventions

Children who are separated or unaccompanied or who are facing other protection risks require targeted protection interventions.

5.2 Therapeutic Intervention for children in School

- i. Therapeutic intervention in the form of counselling services must be made available to every child and the availability of such intervention should be made apparent through relevant signage and indicators.
- ii. It is desirable that institutions designate an area/space as a counselling centre. This centre shall be a child friendly space with adequate provisions to protect the privacy of a child who has come to share his/her grievances.
- iii. Each institution should employ at least one expert and may make use of the services of para counsellors as and when required in addition to a career counsellor.
- iv. The Counselling centre must have the capacity to cover the needs of special children and/or disabled children.
- v. If requested by family members, in case of an incident of abuse, the institution may provide access and information about the availability of counselling services for the family within the institution.
- vi. Confidentiality must be maintained at all times during counselling and any other therapeutic intervention. The institution shall be liable for any breach of confidentiality of the identity of the child or details of the issues brought to the counsellor.

5.3 Impacts of Sexual Abuse on Caregivers

When non-offending caregivers first find out about their child being sexually abused, they will experience a wide range of feelings. The following emotional reactions are normal responses to a child disclosing sexual abuse. Caregivers may feel: anger, disbelief, shock, worry, deep sadness, and fear. Caregivers may not know what to do or where to seek help. They may want the problem to “go away” or not even realize that sexual abuse can cause harm and that their child needs care. They may become angry and scold or beat the child. Some caregivers blame themselves for not paying attention to their child’s behaviors or may feel they have failed as parents and have not protected their child. Some parents may wonder why their child chose to disclose to others and not them directly.

Some caregivers also feel conflicting emotions, especially if the accused perpetrator is someone that is a trusted and close friend or family member. Caregivers may experience betrayal, confusion and disbelief. In addition to a wide range of emotional experiences, parents may also experience insomnia, change of appetite or other physical complaints that are a result of the stress and fear associated with learning their child has been abused.

Caregivers also need support in coping after a disclosure of child sexual abuse, because they suffer emotionally and because the child needs the caregiver's support and attention to facilitate their own healing. Caregivers need to be aware that believing their child and standing by him or her is crucial for their child's recovery. Therefore, responding to cases of child sexual abuse requires service providers to have strategies and skills for positively involving non-offending caregivers in the child's healing and recovery.

5.4 Handling Child Sexual Abuse issues with children and survivors of sexual abuse

Effective communication skills are fundamental to delivering good care. The heart of compassionate and effective service provision relies on the service provider having the appropriate knowledge, attitudes and skills to communicate trust, comfort and care to children. It is through the dynamic process of communication (verbal and non-verbal) that positive, helpful relationships are developed and healing starts to occur. Health and psychosocial service providers can impact a child's healing based on their responses to a child's disclosure of abuse—in other words, what service providers say and how they say it.

For example, if a child discloses sexual abuse and perceives he/she is being blamed for the abuse by the service provider, the child may experience deeper levels of shame, anxiety and sadness. This may result in the child refusing to share further information or even deny the abuse altogether in subsequent interviews because he/she does not feel safe. However, if a service provider communicates immediate belief, care and empathy, the child survivor may be willing to engage further, thus helping the provider to offer appropriate care and treatment.

It is a common mistake to assume that children (from the age of six or so) are too young to be aware of what is going on around them or too young to be adversely affected by dangerous or distressing experiences such as sexual abuse. Children who have experienced abuse may find it extremely difficult to

talk to others about what they have experienced. Some will find it difficult to trust adults, especially those they do not know well. Others will be afraid of being overwhelmed by their emotions if they express them to an adult, while some may use particular behaviors to “test out” whether adults will react critically or sympathetically toward them. For example, children may refuse to speak or they may react strongly (yell or scream) when questioned. The ability to communicate effectively with children is crucial to sharing information, as well as for encouraging further communication and protecting and assisting these children. Accurate and truthful information can be empowering to children and facilitates their involvement in subsequent decision-making.

5.5 Child-Friendly Communication Techniques

Children, ages six years and older, who are able to communicate verbally can benefit from the following strategies:

- J Talk with children about their life, school, family and other general topics before asking direct questions about their experiences of abuse. This helps the counsellor to gauge the child’s capacity to be verbal and helps a child feel at ease with them.
- J Use as many open-ended questions as possible. Avoid multiple-choice or yes/no questions, which can be confusing and lead the child to give inaccurate responses.
- J Avoid using the words “why” or “how come.” This will result in answers frustrating for you and the child: “I don’t know,” for example, or a shrug of the shoulders, or silence. Instead, ask for the child’s opinion as to why something is so: “What do you think the reason is...?” In addition, “why” questions can come across as blaming, such as “Why didn’t you...” for example.
- J Use words that encourage the child to continue talking:
 - “Tell me more about that...”
 - “What do you mean by...”
 - “Give me an example of...” or “Describe for me...”
 - “Go on...”
 - “And then what happened...?”
- J ***Don’t put words in the child’s mouth.*** Whether using verbal or non-verbal techniques, service providers need to be careful not to put words in a child’s mouth. For example, do not say, “Did he put his hands on your breasts?” Or if using a doll to help a child communicate what happened, do not point to the breasts on the doll and ask, “Did he touch you here?” Instead, ask the child to show you where he/she was touched. Other examples of useful questions or statements:

- Has anyone ever touched you in a way that makes you confused or frightened?
- Share with me how you were touched.
- Tell me what happened next.
- Use your own words. It is okay to go slowly.

J) *Choose the right words.* Children, especially those under the age of six, take words literally, so the counsellor must be sure to use concrete language herself. For example, if you ask a young child, “Did he drive you away in his car?” the child may answer negatively—if the actual vehicle was a truck.

J) *Empower children.* After children describe events or occurrences in their lives and talk about their reactions, they must be reassured that they “did the right thing” by telling another person about these events. It may be helpful to allow them the opportunity to explore their ideas and solutions: “What would you tell other kids to do if they were in the same situation?” If they are unable to reply, you can offer them paper and crayons and see if they want to draw their ideas.

5.6 Child-Friendly Non-verbal Techniques to Communicate

Children who have been sexually abused can benefit from non-verbal techniques to facilitate information sharing throughout all stages of the child’s care and treatment process. Non-verbal techniques can be used during assessment interviews with child survivors (for example, to help a child share his/her story or clarify specific information) and as part of psychosocial care (by helping children express their feelings through art, play and other activities). Children may find it easier to express emotions through drawings or stories, especially younger children and children not used to expressing emotions or answering questions. Children express emotions, thoughts, ideas and experiences both during and after the non-verbal communication activity. The ability to understand and use nonverbal communication, or body language, is a powerful tool that can help to connect with child, express what you really mean, and build better relationships.

5.7 Types of nonverbal communication

There are many different types of nonverbal communication. Together, the following nonverbal signals and cues communicate your interest and investment in others.

- **Facial expressions-** The human face is extremely expressive, able to express countless emotions without saying a word. And unlike some forms of nonverbal communication, facial expressions

are universal. The facial expressions for happiness, sadness, anger, surprise, fear, and disgust are the same across cultures.

- **Body movements and posture-** Consider how your perceptions of people are affected by the way they sit, walk, stand up, or hold their head. The way you move and carry yourself communicates a wealth of information to the world. This type of nonverbal communication includes your posture, bearing, stance, and subtle movements.
- **Gestures-** Gestures are woven into the fabric of our daily lives. We wave, point, beckon, and use our hands when we're arguing or speaking animatedly—expressing ourselves with gestures often without thinking. However, the meaning of gestures can be very different across cultures and regions, so it's important to be careful to avoid misinterpretation.
- **Eye contact-**Since the visual sense is dominant for most people, eye contact is an especially important type of nonverbal communication. The way you look at someone can communicate many things, including interest, affection, hostility, or attraction. Eye contact is also important in maintaining the flow of conversation and for gauging the other person's response.
- **Touch-** We communicate a great deal through touch. Think about the messages given by the following: a weak handshake, a timid tap on the shoulder, a warm bear hug, a reassuring slap on the back, a patronizing pat on the head, or a controlling grip on your arm.
- **Space-**Have you ever felt uncomfortable during a conversation because the other person was standing too close and invading your space? We all have a need for physical space, although that need differs depending on the culture, the situation, and the closeness of the relationship. You can use physical space to communicate many different nonverbal messages, including signals of intimacy and affection, aggression or dominance.
- **Voice-**It's not just what you say, it's *how* you say it. When we speak, other people "read" our voices in addition to listening to our words. Things they pay attention to include your timing and pace, how loud you speak, your tone and inflection, and sounds that convey understanding, such as "ahh" and "uh-huh." Think about how someone's tone of voice, for example, can indicate sarcasm, anger, affection, or confidence.

Section 6

Prevention of Child Sexual Abuse in Schools

Education plays a vital role in transforming a society by making its children more aware, open minded and independent. Schools and other institutions that provide education therefore, are vital in the role they play in creating a nurturing environment for children where they can learn their core values and define their initial behaviours. On the flip side however, they are also targeted breeding grounds for sexual abuse and without the right preventive mechanisms, can be the unwitting accomplices to the perpetuation of Child Sexual Abuse.

Schools are uniquely placed to break the patterns of violence by giving children, their parents and communities the knowledge and skills to communicate, negotiate and resolve conflicts in more constructive ways. However, patterns of violence are often entrenched in school culture, sometimes as a matter of policy supported and promoted by certain theories about childhood development and learning. Educational institutions can also help in preventing the creation of future abusive behaviour in children by inculcating in them the right attitudes and ensuring they have access to the correct information, particularly around gender, health and myths that shroud abuse.

In most situations, the child or teacher can neither recognise early behaviours and therefore prevent the onset of sexual abuse nor do they know what to do once it has occurred. Various cases of abuse of children on the way to and from school, underline the fact that a wide variety of cases occur on the buses and transportation of children to school which neither the school nor the parent are in a position currently to prevent.

Apart from schools, there is a strong need for guidelines which will prevent sexual abuse within institutions which house children in need of care and protection and other registered or unregistered institutions where children spend a significant part of their day. Hence all stakeholders must form a part of the preventive system. There should be Institutional-based Child Sexual Abuse Preventive Programmes.

6.1 Capacity Building Activities

1. A uniform and standard teacher training module must be developed and adopted by the institution which may cover a broad spectrum of child protection issues ranging from recognising suspicious behaviours, being aware of a child who

displays erratic and/or unusual behaviour and the ability to engage a child and create a safe environment as well as the legal mechanisms covering the issue of child sexual abuse.

2. Training should include knowledge of the relevant child care legislation, national and local agency policies, procedures and protocols (as well as a knowledge of the local network within which they work) and skills in the use of these.
3. All schools and educational institutions must adhere to this Uniform Training module.
4. Training materials should be simple, easy to understand and given to all personnel who hold a position of authority and influence over the child.
5. If the need arises, these courses must be refreshed each academic year and a refresher course will be conducted annually to remind the staff and teachers of procedures and updates on new developments.
6. A full day orientation on Child Protection issues for all new recruits [staff, teachers, trainees and volunteers] shall be held within 1 month of joining.
7. The Delhi police and SJPU shall also undergo a specially customised training in order to upgrade their knowledge of laws as well as to sensitize them towards child friendly behaviours.
8. At least one training session shall include a group session along with parents, local police and school/institution personnel.

6.2 Child Protection Safeguards

1. As part of the framework for child protection, each institution shall have a standard and uniform Child Protection Policy applicable to all persons employed by the institution as well as those who visit the institution from time to time. This policy shall take a child rights based approach.
2. This policy document will be signed by all personnel, outside instructors, visitors and anyone who is put in a position of responsibility and authority over children.
3. These policies should broadly outline the responsibilities and role of each stakeholder in the institution and lay down guidelines on how to report any concern or incident of abuse.

4. The policies should ensure that all persons are committed to the prevention of child abuse.
5. The Child Protection Policy should be summarised and a one pager must be displayed at the reception or main lobby area of the institution along with the 1098 Child line number and be available in English as well as Hindi.
6. Children should be given appropriate training and orientation on the institution's protection policy and complaints & reporting mechanism.
7. The policies should outline a zero tolerance policy towards Child Abuse which will result in the immediate dismissal of any employee convicted of an offence under POCSO and/or any other sexual or violent crime under any other law for the time being in force.
8. The institution shall develop and implement guidelines for the prevention of ragging within its premises.
9. The Child Protection Policy shall become a part of the Human Resource policies of the institution.
10. Complaints mechanisms for children must be established and made known to children and their parents/guardians. The mechanism so established shall be effective and impartial whereby children can notify complaints or concerns regarding their treatment or conditions of placement.
11. Children and their parents/representatives should be informed of the outcomes or resolutions of their complaints and should get the information they seek from time to time.
12. All decisions taken by the management against a complaint of sexual or physical abuse should be given in writing to the parents/representatives of the child on behalf of whom the complaint has been made.

6.3 Recruitment Process in Schools

No candidate with a criminal record of sexual and/or physical violence will be recruited for any position within an institution. In furtherance of the same, all selected candidates must provide a signed affidavit to the institution that they have not been accused of offences under POCSO, the JJ Act and any other sexual and/or violent crimes under any other Act for the time being in force ii. The affidavit may also contain information pertaining to his/her character and background. In addition, two references

(including a character certificate) may be provided by the person seeking employment.

iii. A thorough investigation shall be conducted by the institution into the prior employment and engagement of the person, including a police verification and checking of the references provided.

iv. During such time as the references can be checked by the institution, and/or the verification can be completed, the person may be employed and will be kept in probation.

v. In case of police references, all information shall be provided only from the available records.

vi. All affidavit and/or references shall be obtained in writing and maintained as part of the records of the institution.

vii. All candidates, along with the appointment letter will be presented with a copy of the institution's child protection policy document and will be required to sign it.

viii. In case of an employee or other person providing child services being accused of an offence under POCSO, the JJ Act or any other sexual crime or violence, the person so accused shall be removed from active duty with immediate effect pending enquiry as per the due process established by law

6.4 Constitution of Committees

1. Every institution shall constitute or designate, from an existing Management Committee or otherwise, including the School Management Committee, a Child Abuse Monitoring Committee (CAMC) whose primary responsibility shall be prevention of child abuse and the monitoring and implementation of these guidelines within the institution.
2. At least one member of the committee shall be an independent person, with experience of child rights issues to ensure that the Committee works in an impartial manner. In case of a school, this could also be a parent on the School Management Committee.
3. In case of a school, the CAMC may also have two student representatives. In co-ed schools, one boy and one girl would be included.
4. To this end, the Committee shall meet as frequently as required.
5. The Chairperson of the Committee shall appoint one representative who will be responsible for communication and reaching out to the community, police, SJPU and Child Welfare Committees.
6. All incidents of child abuse shall be reported to the Committee and the committee shall be responsible to make all persons and children within the

institution for availing of services or providing services to the institution, aware of the procedure of reporting incidents of child abuse.

7. There shall be at least 2 parent-teacher meetings a year to ensure parents are aware of child protection policies and implement them within family environments as well.
8. Every institution shall have a suggestion/complaint box at a prominent place within the premises.
9. Each class will have a children's committee which acts for peer to peer sharing and learning. This committee shall meet as frequently as desired to discuss ideas relating to prevention of child sexual abuse and the implementation of these guidelines.
10. Confidentiality of cases will be maintained in case they are brought to the notice of the children's committee and reported to the concerned teacher or care giver.

6.5 Awareness and Education

1. Institutions should have standard and uniform training modules on sexuality and gender education where the thrust has to be inculcation of respect for another person especially that of the other gender.
2. Training modules focussing on children should be developed or adopted which teach gender awareness and notions of sexual activity and appropriate sexual behaviour.
3. In schools teachers should promote group interactive practices so that the idea of a male child having masculinity and which necessarily implies an implied repudiation of femininity or sensitivity is discouraged. The attempt of education should be to liberate children from social constructs and not to reinforce them.
4. The training should remove the taboo on gender sensitisation and education such that it does not allow abusers to hide behind the shame that is usually associated with a victim. Schools must encourage learning modules which are uniform, consistent and rendered in child friendly language. Moreover, they must be clinical and objective, allowing no space for it to be misunderstood.
5. Training modules must be age appropriate.

6. Training modules can also be in electronic form so that it is easy to use and understand.
7. Children must be trained to recognise predatory and suspicious behaviour and what constitutes abuse.
8. The staff of the institution must develop a manual in child friendly language to be used specially in relation to sexuality topics and abuse. This ensures that children are able to express themselves in a comfortable manner and are not ashamed of using certain taboo words and expressions.
9. All residential institutions must have adequate extra-curricular and vocational activities to create an environment for the overall growth and development of a child. For this purpose, institutions can use the services of NGOs, the community and other individuals trained to provide such courses and activities.
10. A time table must be developed within residential institutions for extra-curricular and vocational activities being conducted after school hours. This schedule must be displayed at prominent places within the institution and every child should be made aware of the same.
11. Children should be taught "Safety Rules" such as moving in groups, alerting school personnel if a stranger is on school premises, and reporting situations that threaten their own and others safety, etc.

6.6 Transport Facilities for Children

1. At least one female ward/guard should be present on the bus until the last child is dropped home, irrespective of whether the child is male or female.
2. The child and women helpline numbers, the number of the police stations in the locality as well as the contact details of the SJPU and DCPU must be prominently displayed inside the bus in English as well as Hindi.
3. The School's child protection policies and protocols for reporting offences must be prominently displayed in English as well as Hindi inside the bus.
4. Any and all reports of bullying and/or physical dominance reported or seen in the bus must be quelled immediately and the victims separated immediately from the perpetrator.
5. While dropping off a child at a bus stop/public place, the bus must wait until the parent/caregiver is present. For this purpose, all teachers/guards travelling on

the bus should have the phone numbers of the parent/caregiver as well as the emergency contact person to facilitate easier communication.

6. School buses and vans which are not in use shall be locked and parked in the school allotted parking facility and the keys shall remain with the school administration.
7. Old school buses and vans which are in disrepair or a dilapidated condition shall not be parked or housed anywhere on school premises.

6.7 Travel, Picnics and Outdoor Activities

1. Parents/guardians and caregivers must give their permission in writing before children can be taken out of the institution premises for activities and outings.
2. The exact route, destination and timings must be communicated well in advance to parents/guardians and caregivers as well as Delhi police/SJPU at the destination.
3. Participants must be made aware at least 3 days prior to the program, of safety precautions, helpline numbers etc.
4. The relevant applicable guidelines mentioned in Chapter IX will also apply to this chapter.
5. In case of public transportation, the school must ensure that all local rules in force applicable to public vehicles are adhered to.
6. In case of outstation travel, at least one female teacher or care giver must accompany the group for the duration of their stay, except if it is an all-boys trip.
7. Whenever possible, no outing or trip should be initiated after dark.
8. No outing or trip should be made compulsory for children.

6.8 Online Safety Provisions

1. Internet safety protocols must be established and implemented in schools
2. Teachers/staff should not be allowed to email or call children except and unless it is related to school work.
3. All emails sent to children by teachers/staff should be copied to the parent/guardian or caregiver unless a teacher or staff member is suspicious that a parent/guardian/care giver is abusing the child.

4. Teachers should not engage in any relationships with students on social media platforms unless in officially approved group settings.
5. No child must be recorded in any manner that makes them uncomfortable and children must always be asked permission before taking of any photographs/recording videos

6.9 Residential Facilities & Infrastructure

1. Residential Facilities, including bathrooms in a school/educational institution shall be maintained separately for boys and girls and at a suitable distance from each other.
2. The corridors and landings shall be well lit and airy and have convenient exits.
3. Dead-end hallways and staircase hideaways should be eliminated, and restrooms should be located closer to administrators.
4. CCTV cameras must be installed and maintained at appropriate public spaces within the premises.
5. There must be at least one full time warden for each hostel; and in the case of a female hostel, it must be a female warden.
6. All staff, cleaning persons, administrative staff etc. in the female hostel are required to be female.
7. Strict rules and timings will be adhered to for hostels and male visitors should not be allowed in female hostels, or vice versa after dark.
8. Child and women helpline numbers and the numbers of the local police/SJPU must be prominently displayed inside dormitories. There must be at least 2 phones for the use of students within easy access.
9. Dormitories must be divided by age and care must be taken to see that no opportunities are left open for older children to be left alone with younger children without the supervision of a teacher/counsellor.
10. A hostel committee shall be formed whose functions are similar to the Child Abuse Monitoring Committee.
11. All gates should be duly manned by security personnel. Registered visitors can be given a pass or badge to display prominently to let staff and students know that they have been acknowledged by the administration.

12. Schools should ask parents to give the names of adults who are allowed to pick up a child, and require those individuals to show identification to school personnel when signing a student out. In case of a visitor, other than the parent or guardian or care giver of the child, taking a student outside the class or school premises, a proper check, including a phone call to the child's parent, guardian or care giver, must be done by the class teacher prior to sending away the child.
13. In case of a child in need of care and protection, or any child without a known relative, the phone call should be made to a responsible person from the place of residence of the child.

6.10 Family & Community Awareness

1. In case of a child who is allegedly abused, once the family of a child is contacted, the concerned CWC, if it sees fit to do so, may organise a counselling session within the concerned institution with the child and family. The family shall be counseled on matters of child protection including abuse and how to recognise the symptoms and behaviours.
2. The institution must afford access to communication, such as telephones, for children to use in case of an emergency. Children and women helpline numbers, as well as the numbers of the DCPU, Delhi police and SJPU must be displayed next to the phone.
3. Local Residents welfare associations, community associations, traders associations etc. should be approached by institutions and the police in order to help build awareness and spread the message.
4. Certain days such as Children's Day, World Disability Day and World Day for Prevention of Abuse and Violence against Children can be used to run community programmes through skits, plays and musicals.
5. Neighborhood watches teams can be formed to patrol/keep a vigilant eye out for predatory behaviour or inform the residents welfare association about strangers in the locality who display suspicious behaviour.
6. As frequently as possible, Parent-Teacher Associations of various schools should set aside time to have a meeting and exchange ideas and strategies on how best to be involved in creating more awareness.

6.11 Monitoring of Implementation of the Guidelines

1. The appropriate authority shall review the implementation and impact of the guidelines annually based on surveys and other monitoring mechanisms.
2. The appropriate authority shall revise the guidelines, if so required, annually.
3. A comprehensive report based on institutional data and other means may be released by the appropriate authority in order to better understand the scope and depth of the issue and develop better solutions.

6.12 Role of the Institution in Post Occurrence Intervention

1. All institutions shall maintain the contact details for the nearest local police station, hospitals, Special Juvenile Police Unit and Child Welfare Committee.
2. In case an offence against any child is apprehended by or comes to the notice of the management or staff of an institution or any other person, such person shall provide the relevant information regarding the offence to the Child Abuse Monitoring Committee who will depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.
3. The institution shall, within a period of twenty four hours, intimate the emergency contact person, a responsible family member or guardian of the child, of the offence and ensures that such person is aware of the reporting procedure to be undertaken by the institution.
4. Exception: In case the offence has or apprehended to have been perpetrated by a family member or such emergency contact person, the institution shall inform any other family member or guardian.
5. In case the offence results in a medical or health related emergency, it shall be the responsibility of the institution to ensure that the child is taken to the nearest health centre for treatment immediately.
6. If there is a requirement for any forensic test or DNA profiling, the institution shall ensure that at all times through that process, a responsible adult with whom the child is comfortable, accompanies the child.
7. The institution shall ensure that a competent person, preferably from the Child Abuse Monitoring Committee, takes over the supervision and responsibility of filing the FIR. A copy of the FIR shall be maintained by the institution.

8. The institution shall be liable for any breach of confidentiality of the identity of the child and details of the offence during the reporting procedure.
9. In accordance with the Protection of Children from Sexual Offences Act, 2012, if the statement of the child is to be recorded within the institution, adequate arrangements shall be made such that the child is in a comfortable and friendly environment enabling him or her to disclose all the necessary information.
10. The institution shall, based on the recommendation of the Child Abuse Monitoring Committee, suspend the accused pending the outcome of the enquiry.
11. An enquiry, in accordance with the Child Protection Policy of the institution, shall commence no later than 24 hours after the incident has been reported.
12. A report shall be prepared by the institution upon immediate conclusion of the enquiry with a copy being given to the parent/guardian, and the Child Abuse Monitoring Committee.
13. The whole redressal mechanism within the institution, must, as far as practicable, not stretch beyond a period of 15 days.

References:

1. <http://www.childlineindia.org.in/child-protection-policy-in-all-schools.htm>
2. Guidelines for Prevention of Child Abuse-Delhi Commission for Protection of Child Rights
3. http://delhi.gov.in/wps/wcm/connect/DOIT_DCPCR/dcpcr/what+s+new/guidelines+for+the+prevention+of+child+abuse
4. http://cbse.nic.in/circulars/POCSO%20Circular_2015.pdf
5. <http://nipccd.nic.in/reports/posco/edu.pdf>
6. The Protection of Children from sexual Offences Act,2012
7. http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf
8. <http://www.eschooltoday.com/child-abuse/sexual-child-abuse/causes-of-child-sexual-abuse.html>
9. <http://nipccd.nic.in/reports/posco/dcp.pdf>
10. <http://www.ncpcr.gov.in/showfile.php?lang=1&level=1&sublinkid=1290&lid=154>
11. https://www.unicef.org/pacificislands/IRC_CCSTGuide_FullGuide_lowres.pdf