

### **1. What is child sexual abuse?**

Sexual harassment, rape, sexual assault of a child, showing pornographic videos or pictures to a child, using a 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 internet or phone etc., would amount to child sexual abuse.

### **2. What is gang penetrative sexual assault?**

When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of the persons shall be deemed to have committed gang penetrative sexual assault.

### **3. What is sexual harassment?**

Sexual harassment is committed upon a child when such person with sexual intent:

- Carries out any act with sexual connotations; or
- Makes a child exhibit his/her body; or
- Shows any object to a child in any form or media for pornographic purposes; or
- Repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- Entices a child for pornographic purposes or gives gratification therefor.

### **4. What is sexual assault?**

All acts of physical nature without penetration.

For example, stalking a child, showing dirty pictures, touching private parts of a child or making a child touch the private parts of someone else etc..

### **5. What is a penetrative sexual assault?**

Any form of penetration in private parts or other body parts or application of the mouth to the private parts of a child or forcing the child to penetrate the offender or someone else.

### **6. What is abatement?**

Anyone who intentionally instigates, aids by any act or illegal omission, the doing of that offence or be part of a conspiracy with others is a crime.

### **7. Who is a child?**

Under POCSO, any person below the age of 18 years are defined as a child. The Act is gender neutral.

### **8. What if the child-victim consents to the sexual activity?**

The laws of India do not recognize consensual sexual acts among children or between a child and an adult.

**9. What are the signs that a child is being sexually abused?**

- Child has frequent unexplained injuries especially in private body parts.
- The child walks and sits with difficulty.
- Fatigue and sleeping difficulties.
- Poor attendance of child in school.
- Unexpected behavioral changes in a child such as social withdrawal or unjustified/inappropriate aggression.
- Regressive behavior such as bed wetting and thumb sucking.
- Sudden dislike/withdrawal from certain specific people or places he/she was comfortable with earlier.
- Sudden accumulation of money or gifts.
- The child starts paying too much or too little attention to his/her appearance.

**10. What to do when a child reports sexual abuse to you?**

1. Listen to the case with patience when the child complains about a person or an incident or a physical discomfort.
2. Raise your concern with people close to the child.
3. Call CHILDLINE at 1098.
4. Ensure the child has undergone medical examination immediately after reporting the incident.
5. Report incident of abuse at the nearest police station.
6. Be sensitive while discussing the incident or its details with the child.

**11. Who are offenders of child sexual abuse?**

- Any person (irrespective of their age) who commits the offence of child sexual abuse. Under Prevention of Child Sexual Offences Act, 2012 any person (including a child) can be prosecuted for engaging in a sexual act with a child irrespective of whether the latter consented to it. In case the accused person is also a child, the procedure for prosecution will differ and will be conducted under the Juvenile Justice Act, 2015;
- Anyone who helps the offender to commit the offence;
- Anyone who fails to report the commission of an offence;
- The police officer who does not record the complaint.

**12. What to do when there is a medical emergency for the child?**

If the child victim is in need of urgent medical care and protection, take the child to a local police station. The police should arrange to take the child to the nearest hospital or medical care facility centre for emergency medical care within 24 hours of them receiving information about the crime.

The medical examination of the child should be conducted irrespective of whether FIR or complaint is registered or not by a woman doctor if the victim is a girl.

**13. Where should a complaint be filed?**

- The Special Juvenile Police Unit; or
- The local police

**14. Should the child be taken to the police station to report a case of sexual offence?**

No, the police should reach out to the child based on the child's preference and convenience.

**15. Can the police officer refuse to file a complaint?**

No, failure to record a crime is a crime as per law which is punishable by jail term of 6 months to 1 year with/without fine.

**16. What does a Special Juvenile Police Unit do?**

Special Juvenile Police Units should be present in every district and city. The law provides for a police officer who is trained as a juvenile or child welfare officer in every police station and two supporting social workers.

**17. What do the local police or Special Juvenile Police Unit (SJPU) do when the child is in need of protection?**

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 admit the child into a shelter home or the nearest hospital within or report the matter to the Child Welfare Committee and the Special Court immediately.

**18. What is does a Child Welfare Committee (CWC) do?**

CWC provides for a "Support person" to assist the child through the process of investigation and to ensure long term rehabilitation and well being of the child. CWC also has the power to take the child out of the custody of his/her family if the child has been or is likely to be sexually abused there and to decide whether the child has to be placed in a Children's Home or a Shelter Home.

**19. Who records the statement of the child?**

The police officer or the Magistrate records the statement of the child either at the station or at the place where the child resides. The police officer/ the magistrate should report the matter within 24 hours to the Child Welfare Committee and Special Court.

The child victim may take help of an interpreter/translator/special educators at any stage to understand the content and language of the FIR.

**20. Does a person who gives information believing it to be true incur any liability if it is established as false information?**

The law does not impose any criminal or civil liability on the person who gives information in good faith.

## **21. What are Special courts?**

Sessions Courts are designated as special courts by the State Government for speedy trial.

## **22. What are the services available to children who face sexual abuse under law?**

- a. **Medical care:** A child victim of sexual offences receives free medical care and treatment at any private or government hospital.
- b. **Counselling to child:** Professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development assist the child through the pre-trial and trial stage.
- c. **Free Legal Counsel:** The family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice.
- d. **Compensation:** Since various States in the country have different compensatory schemes for child victims of sexual offences, the police are supposed to inform you of the scheme. You may also seek information from childline or other local NGOs.
- e. **Shelter:** If the child victim continues to remain unsafe at home, especially in cases involving incest, the child may be transferred to a Shelter Home where all the needs of the child will be taken care of.
- f. **Education:** Post the incident of abuse, it is essential that the child's life is gradually returned to normal. Enrolling in schools and resuming their education is an important step towards rehabilitation of the child. Under the Right to Education Act, 2009, the child can receive free education till the age of 14 years.
- g. **Support Person:** The (CWC) Child Welfare Commission can provide a Support Person to assist the child victim and family during the investigation and trial of the case.

## **23. What about the confidentiality of the child victim?**

Media has to secure the identity and privacy of the child and cannot disclose or publish the identity of the child victim by mentioning name, address, neighborhood, school name and other particulars. It is a crime to publish the identity of the child.

## **24. How to contact State Commissions for Protection of Child Rights?**

Andhra Pradesh : 0863-2443223/2445030

[scpcrandhrapradesh@gmail.com](mailto:scpcrandhrapradesh@gmail.com) ; [scpcrap@googlegroups.com](mailto:scpcrap@googlegroups.com)

Telangana: 040-233733665

[tsicps@gmail.com](mailto:tsicps@gmail.com) ; [shyama2858@yahoo.co.in](mailto:shyama2858@yahoo.co.in) ; [csicps@gmail.com](mailto:csicps@gmail.com)

### **Helpline Numbers**

National Commission for Protection of Child Rights- 9868235077

Childline- 1098

### **Flow Chart of Processes**

Reporting the incident to local police/ Special Juvenile Police Unit



Recording of statement by Special Juvenile Police Unit or the Police within 24 hours



As per the circumstances of the case, take the child



A Shelter Home/Hospital

For Medical Examination by Female Doctor



Recording of the statement by the Magistrate



Special Court (Child Friendly) shall complete trial within one year