

Early childhood association advisory for school owners, teachers, and parents on preventing and handling child sexual abuse cases at preschools, daycares, and crèches.

The recent child abuse case in a 'branded' school in Karnataka is indeed shocking and many of our member schools and parents have written to us to define how to handle or the valid procedures in such cases. It is important that both parents and schools are aware of each others duties and responsibilities in helping avoid such cases and in handling such cases when they occur. Given below is our comprehensive advisory-

What is child sexual abuse?-

- The standing committee on sexually abused children (Bajpai, 2003) has defined Child Sexual Abuse as 'Any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has by design or by neglect of their usual societal or specific responsibility in relation to the child engaged or permitted engagement of that child in any activity of a sexual nature which is intended to lead to the sexual gratification of the sexually mature person.
- This definition pertains whether or not it involves genital or physical contact, whether or not initiated by the child and whether or not there is a discernible harmful outcome in the short run.'
- The NSW Child Protection Council definition states, 'child sexual assault occurs when an adult or someone bigger than a child uses his power or authority over the child and takes advantage of the child's trust and respect to involve the child in sexual activity.

Some myths to do with child sexual abuse-

1. Only strangers abuse kids sexually.- Fact- Danger from strangers is only a small part of the problem. Research evidence world over indicates that in a majority of cases, (up to 85%) the child's relatives, family, friends, or someone known and trusted by the child is involved.
2. Only men sexually abuse children- Fact- An overwhelming majority of those who sexually abuse children is men although women are the ones who spend most time with children. Only a small minority of women report to have abused children.
3. Child sexual abuse happens only in poor or problem families- Fact- Child sexual abuse cuts across classes, caste, religious and educational barriers and occurs irrespective of what the background of the abuser and the child is.
4. When children say they have been abused, it is often a figment of their imagination or fantasy - Fact- Most times, children are unable to disclose or talk about abuse. In rare instances, when they do talk, it is not their imagination or fantasy but very real; children need to be believed and supported if they talk about any sexual touching or if they express any reservations about interacting with particular adults.
5. We can tell if a child is sexually abused- Fact - Children are experts at hiding their pain. It is difficult to say from external appearance if the child is sexually abused.
 - a. However, adults need to be alert to any changes in the child's behavior, performance at school, emotionality, fear of certain places or people, resistance to go or meet some people and sleeping and eating patterns.
 - b. A traumatic experience in a child's life is often expressed through indirect means. Also many children may not show any change in their behaviors or other patterns until much later.
6. Boys cannot be abused- Fact - Although more girls are reported to be sexually abused, (one in every four) research indicates one in every seven boy's world over are abused.

Some laws and organizations that we should be aware of –

- **Teachers in Maharashtra face six months' jail if they don't report child sex abuse to cops**
- COMMISSION FOR THE PROTECTION OF CHILD RIGHTS
- WOMEN AND CHILD WELFARE GROUPS
- CHILD SEXUAL ABUSE ACT
- LOCAL NGO'S
- CHILD PROTECTION COUNCIL

India has a well defined law named POCSO- Highlights of the 'Protection of Children from Sexual Offences Act 2012':

- The Act defines a child as any person below the age of 18 years and provides protection from the offences of sexual assault, sexual harassment, and pornography.
- This is the first time that an Act has listed aspects of touch as well as non-touch behavior (e.g.: photographing a child in a obscene manner) under the ambit of sexual offences.
- The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences
- The attempt to commit an offence under the Act has also been made liable for punishment for up to half the punishment prescribed for the commission of the offence.
- The Act also provides for punishment for abetment of the offence, which is the same as for the commission of the offence. This would cover trafficking of children for sexual purposes.
- The media has been barred from disclosing the identity of the child without the permission of the Special Court.

Advice to schools-

1. Conduct regular good touch bad touch sessions with children- use this tool from utube- <http://www.youtube.com/watch?v=dWT-9MuJDRk>
2. Conduct trainings of all staff and sensitize them on what body parts can never be touched by males or staff not related to toilet duties.
3. Conduct regular checks of the cctv footage
4. Ensure that you have at least 30 days of CCTV footage for retrieval.
5. Do not leave children alone with any male staff member.
6. Get police verification done of all support staff and in case of doubt get it done for teaching staff too
7. Make all teaching and non teaching staff sign a prevention of child abuse policy which states that they will not abuse a child or mishandle physically or emotionally and if they and if a parent raises a complaint then they will be suspended with out pay during enquiry process and if found guilty there will be zero tolerance and they will be removed and handed to the police.

8. Read the POCSO act because child sexual abuse is not just about 'penetration' or 'rape'. It starts with tickling, fondling, showing obscene material etc. and then moves to other levels of abuse. Make all your staff aware of the POCSO act.

WHEN A COMPLAINT OF CHILD ABUSE COMES TO A SCHOOL, HERE ARE THE STEPS

- Meet the parent in presence of another staff.
- Ask the parent to write down the details of the complaint. (to avoid any miscommunication)
- If parent unwilling or unable to write then ask the parent to speak and you or someone from your office to write down verbatim, and then take parents signature on it
- Reassure the parent that now you will conduct an enquiry to look into the matter
- If parent says why can't you punish the culprit, quote chapter v 22.1 and 22.2 of the sexual offenses act.
- During the enquiry process of the staff, suspend the staff without pay.
- If parent wants to go to the police, do not stop. It is the parents right to file an FIR, it is also the schools duty.
- Go along with the parent and help file complaint
- While filing a complaint at the police station and for all further procedures of the police ensure that you have read chapter vi – procedures for recording statement of the child- of the act

If child comes to you with complaint that someone has abused the child -

- Write down or record what the child is saying in the presence of another staff
- Call the parents and brief them about the complaint and then follow the steps given above

Some dos and don't-

- Always keep another staff with you in all meetings
- Document or record all meetings with parents and children
- Support the parent and Always reassure the parent by saying – we are with you and we want to ensure that the right culprit is punished.
- Brief the parent about the scenario and steps that will happen when a police complaint is filed, many a times parents feel that the case became public and you should have warned us about going to the police, gently handle this.
- Take the parents permission and call a meeting and inform parents that an incident has happened without taking names and that the school is taking it seriously. Never try to hide, as it will only lead to speculation and gossip.

- If media gets in touch with you, always ask them to send you queries on email and then take parents permission before replying to the media.
- Immediately call a meeting of the concerned department staff and appraise them about the situation and instruct them to be vigilant and discreet.
- Always have proper documentation of all meetings etc.
- Never take the side of the culprit even if it is an old trusted staff member.
- Never say things like- "he is an old staff, I know him well, or he has daughters how can he do something like this"- all this amounts to abetment as per the sexual offences act
- Media is not supposed to give any details including school name so if media calls quote to them the clause from the act (chapter v-23-1)

It is important that school does not support the suspect-

- **THE LAW HAS A VERY STRICT RULE AND PUNISHMENT FOR ABETMENT SO ENSURE THAT YOUR ACTS, COMMENTS ARE NOT MISTAKEN FOR IT-**
- A person abets an offence, who-
- *First* - Instigates any person to do that offence; or
- *Secondly* - Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or
- *Thirdly* - Intentionally aids, by any act or illegal omission, the doing of that offence.

Understand the importance of reporting child abuse cases- as per the POCSO act-

- Any person, who fails to report the commission of an offence under sub-section (i) of section 19 or section 20 or who fails to record such offence under sub-section 2) of section 19 shall be punished with imprisonment of either description which may extend to six month or with fine or with both.
- 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 his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

Why does media not report the name of the school in such cases? - Because the following is guidelines are given in the POCSO act-

- No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighborhood or any other particulars that may lead to disclosure of identity of the child.
- The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and commissions of his employee.
- Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not

be less than six months but which may extend to one year or with fine or with both.

Important for parents to understand why are young kids easy targets of child sexual abuse?

- a. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...young children thrive on touch, touch is one of their most important senses in the early years and naturally they show and accept love using this sense the most.
- b. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE ...early experiences at touching and being touched are incredibly important—not only for molding later tactile sensitivity, motor skills, and understanding of the physical world but also for her very health and emotional well-being. If your child associates touch with a traumatic experience then it will impact overall development. So it is important to keep them away from all kinds of bad touch.
- c. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...kids thrive on touch and seek it from everyone, this makes them easy targets.
- d. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...they do not understand what bad touch is unless explained to recognize it.
- e. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...they lack the communication or vocabulary to share with you about what they experienced.
- f. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...many parents think kids are imagining this behavior and thus tend to ignore the child's attempts to talk about it.
- g. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...the abuser is usually someone you trust and he is confident that you will not suspect him and it will be his word against that of a small child.
- h. KIDS ARE EASY TARGETS OF SEXUAL ABUSE BECAUSE...abusers know that most parents are afraid of the social stigma and will thus not bring any action against the abuser and he can move on to the next child.

Some tips for parents in keeping their child safe from child sexual abuse-

1. Look for safe schools, daycares and crèches rather than 'sought after ones', or 'cheap ones'.
2. Check the following before enrolling your child-
 - a. Do they have a prevention of child sexual abuse policy?
 - b. Do they make staff sign a zero tolerance policy?
 - c. Are all the support staff police verified? Check the documents.
 - d. Do they have CCTV coverage of important areas and those areas that have nooks and crannies?
 - e. Do they check the CCTV footage every week?
 - f. Do they store CCTV footage for 30 days?
 - g. Are they aware of the POCSO act?
3. Conduct regular good touch bad touch sessions with your child, don't leave it only to the school to conduct.
4. Regularly speak to your child and listen for instances of any adult playing with your child alone.
5. Always respect your child and never say, you are lying.
6. It is your right to file an FIR in the police station.
7. Police should come to your house in plain clothes to interview your child. A woman officer has to be sent.

8. Child sexual abuse is on the rise, especially in India. Apart from ensuring that we know where children are all the time and with who they are all the time, parents should also ensure that 'people' who look after their children respect children. Increase in the easy availability and accessibility of porn on mobile phones etc. has led to young children being easy targets for 'fulfillment'.

Some dos and don'ts for parents-

1. In most cases of sexual abuse the family knows the abusers. So ensure that you really 'know' people before trusting your child in their care.
2. Working parents especially find it difficult to keep children in a safe environment, so make the rules clear to the daycare or person who takes care and to your child.
3. Some children keep quiet about being abused because the offender threatens them. This is why parents should not threaten children. When you threaten children it makes them soft targets of all kinds of threats. And then makes them susceptible to danger.
4. Read the POCSO act because child sexual abuse is not just about 'penetration' or 'rape'. It starts with tickling, fondling, showing obscene material etc. and then moves to other levels of abuse.

Disbelief- shock- anger- guilt-depression are the common reactions of any parent when and if they come to know that their young child has been sexually abused. Here are some things to keep in mind-

1. If you are in doubt that your child is being sexually abused, it can be through your child's talks, or you saw your child do something during play or noticed redness in the child's genitals, however you came to know about it, it is important that you act on it.
2. Talk and find out more from your child, ask probing questions- so you play with uncle and then he tickles you on your wee-wee, and then what happens? Etc.
3. Do not make the child feel guilty or dirty about it but do prepare the child to say 'NO'- well, mummy and daddy don't like you playing with uncle in this way so mummy and daddy will talk to uncle about it but till then if uncle meets you, say you don't want to play.
4. Sit as a couple and family to discuss the way ahead.
5. It is not very wise to 'let it go', take action against the offender.
6. When the abuser is a servant, parents are worried that the servant may take revenge. Well, fear is a two-sided sword; if you take action at least you have made others aware about the person and also made the person aware that action can be taken against him.
7. If you don't report how are you sure that this servant will not share this fear of yours with the next servant?
8. If it is someone from the school or daycare, all the more reason to approach the school or daycare and seek their intervention.
9. Most parents are afraid of reporting it to the police for fear of interrogation of the child, daily visits to the police station and the name of the child being splashed in media. Here are three things you should know as per the POCSO Act-

- a. A lady police has to come home and ask questions to your child. The child does not have to go to the police station. She can be plain clothed.
- b. You do not have to visit the police station if you so wish. You can also seek help from NGO's in case of doubt.
- c. The POCSO Act clearly defines that the media cannot disclose the identity of the child in any manner. So name of child, family, school, building, area, nothing can be quoted by the media. This is your right. Make use of it.

For more details on the POCSO (Protection of Children from Sexual Offences) Act log on to www.npscindia.com or www.arpan.org.in

Released in the interest of parents and schools/daycare/crèches by

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