

# Enfold Proactive Health Trust

Creating Safe Spaces

POCSO Study in Karnataka as Basis

Support Gaps in the system

Gaps in Convergences between CJS & CPS

Support Person Training Program

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Working for child safety and gender empowerment since 2001



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IMPLEMENTATION OF  
**POCSO ACT**  
IN KARNATAKA STATE



CHALLENGES AND FINDINGS

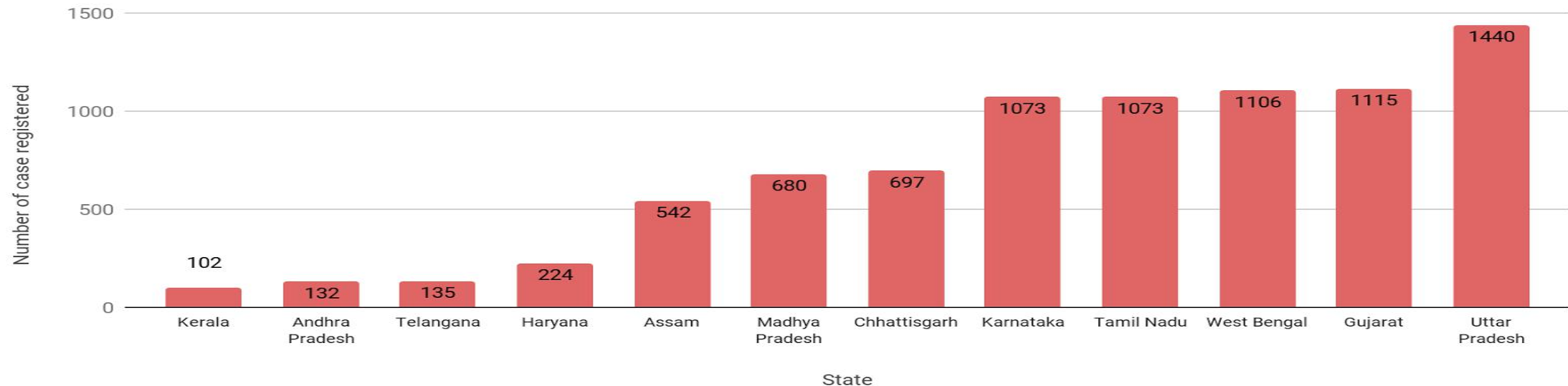


## Reason for Study in Karnataka

Government of Karnataka felt that a study on POSCO implementation is imperative, to understand the challenges that are faced in the implementation of POCSO in the state and to improve the existing system to make it more child-friendly.

Karnataka is the state with the fourth highest number of POCSO cases in India, according to the 'Crime in India' report released by the National Crime Records Bureau (NCRB) in August 2016 as shown in Graph.

**NCRB Data of 12 states registering the highest number of cases on POCSO Cases registered in 2015**



# Objectives and Outcomes of the Study

- **Objectives of the Study**

- To study the implementation of the POCSO Act on the ground and identify the gaps and challenges.
- To understand the level of awareness of the various stakeholders, regarding POCSO Act
- To understand effectiveness of current training programs, if any.

- **Outcome of the Study**

- Documentation of challenges faced by stakeholders while managing cases of sexual assault as per the law.
- Documentation of experiences of children and families who have reported sexual violence.
- Design evidence-based report with suggestions and recommendations for improvements to the existing systems



# RESPONDENTS IN THE STUDY INTERVIEWED

Families	Police	Medical officers	Public prosecutors	CWC members
98	94	32	12	14

# Methodology

- **Quantitative methods:**

- Questionnaires were designed for a one-on-one interaction, to obtain data from the stakeholders.
- Stakeholders were asked about the challenges they faced, in an open ended format and subsequently a checklist was also given on common challenges faced.

- **Qualitative methods:**

- Interactions with all stakeholders beyond the questionnaire, were also recorded by field investigators and analysed.
- Along with the list of predefined challenges, the stakeholders shared their own challenges on the ground, which added value to this Study.

# Important Issues addressed during Study

- **Sensitive interactions with children**
- **Convergence among stakeholders**
- **Medical management of cases**
  - Medical Termination of Pregnancy (MTP)**
- **Sensitive judicial systems**
  - Pending trials and conviction rates**
- **Relationship with accused**
- **Age and gender of the children**



# Findings from POCSO Study

To be considered for holistic implementation of POCSO Act:

- Challenges brought forth by all the stakeholders in the Study need to be addressed and systems to mitigate them, identified.
- Monitoring and review mechanisms can be adopted, to increase accountability by all stakeholders and a redressal portal for families in case of dereliction.
- A comprehensive and in-depth plan of action needs to be created by the Govt bodies, involving all the relevant stakeholders basing on our Study findings.
- Convergence of stakeholders to work towards the best interests of the child was the key issue that arose in this study
- Lack of proper infrastructure and shortage of staff leading to inordinate delays in the delivery of justice

# SCRB Data Showing the Status of POCSO cases in Karnataka from 2013-2017

Classification	Number of Cases	%	Description
<b>Before completion of Trial</b>			
Under investigation	1206	27.02	Investigation Underway
Pending trial	2632	58.96	Trial Underway
<b>After Completion of Trial</b>			
Conviction	77	12.32	Where accused is convicted
Dismissed/Acquittal	449	71.84	Where accused is acquitted
False case	63	1.41	Case is considered false.
Undetected	15	0.34	Accused undetected for 6 months.
Abated	8	0.18	Where accused dies during investigation or trial
Compounded	4	0.09	Where the families compromise.
Traced	3	0.07	Where victim or accused was missing and then traced.
Other disposal	6	0.13	Case closed by quashing at start of trial or during investigation.
<b>Total number of cases</b>	<b>4463</b>		

# Support Gaps in the System on the field

- Families disclosed that systems were not child friendly.
- Hostile witnesses due to delays in process, repeat visits, statements, adjournments in courts and social pressure including threats from the accused.
- It was seen when cases dragged on the child may have inconsistent statements due to fading memories, used by the defence to weaken the cases.
- The healing process gets ignored when families are caught in the CJS. The child and family needs counselling to cope with the trauma during the process.

# Support Gaps in the System in the field... cont

- Studies conducted by Centre for Child and the Law (CCL), HAQ & Enfold Trust, found that there is lack of convergence between stakeholders.
  - It was also seen a good support system was absent more so in the appointment of Support Persons who could hand hold the child& family
- Need for enlisting more Support Persons under Rule 4 (7-10)

***Only 4-5 support persons currently recognized in Bangalore and the entire Karnataka state.***

# Support Person Training Program- Karnataka

- SP training program initiated in Karnataka with the DWCD, UNICEF & SLSA along with Enfold Trust in 4 districts. Bangalore urban/rural/Kolar/ Ramanagara.
- One day Orientation program for PLV's, PA, NGO workers, Social workers, OSC, CWC & DCPU members to explain and assess.
- Three day Intense training program for 25 shortlisted candidates on POCSO, JJ Act, Interactions with child/family, case studies/CSA/counselling/rehab/compensation/procedures etc by expert resource persons in the field from CCL, UNICEF ...
- Last day field visits to police stations/ courts/ hospitals/CWC/girls homes/ boys homes
- Next step is to issue the trainees certification letter from respective CWCs and put them on 2 cases each to take it forward in the districts with hand-holding and mentoring by current SP's.
- Have convergence meetings with stakeholders and appraise them of the roles of SPs in POCSO cases.
- Honorarium of Rs 1,000 per case can be made towards this at the end of the trial by DCPU.
- Logistics yet to be worked out. One of the first states to initiate this program.

# Support Person Intervention

- SP intervention has shown more commitment from the family towards cases, since they feel more confident having the support hence less hostile.
- SP assist in social reintegration and hence normalization of the child's routine.
- SP hand holds the child/family through the system right from the FIR, also before FIR, to the conclusion of trial and beyond if necessary
- SP acts as the liaison between the family, CWC, DCPU, KSCPCR, police, NIMHANS, SPP and court ensuring child friendly procedures are followed.
- Support systems are enhanced by calling in interpreters/mental health experts/ special educators in cases when needed.

# Support Gaps in The System

- Adolescent sexuality and subsequent POCSO cases are seen to be common in several states. In addition to consensual sex, grooming and coercion are also observed and cannot always be ruled out as false cases as several stakeholders believe.
- Counselling, sexuality education, personal safety and life skills are the need of the hour in the community
- 62% of the POCSO cases in the study was 16-18 age group that was studied. Elopement cases added to the challenges, as mentioned by the stakeholders
- Victims turned hostile due to compromises and few of them went on to get married either voluntarily or due to societal pressure.
- Other than Delhi there is no victim and witness protection system in place in other states

# Support Gaps in The System

- SOP's for all stakeholders needs to be notified. Currently KSCPCR with CCL, Enfold, NIMHANS, Police, Dept of Prosecutions, Medical doctors, SLSA are putting together SOP's for all stakeholders as guidelines to follow during procedures. This will be notified across the State.
- Ongoing training and sensitizations should have more detailed discussion on case studies and Judgements by Session Courts, High Courts & Supreme Courts .
- Enfold has recently engaged in POCSO implementation study in Ranchi district of Jharkhand. Similar issues across the board are seen. Infrastructural problems are also present. However conviction rates seem to be high



# Improving Support Systems

1. A robust support system in every district in the state can be constituted with SP's , pool of legal aid lawyers (pro bono) & NGO's assisting the family.
2. Medical practitioners to be identified for networking- for treatment and for counselling of CSA survivors
3. Convergence of stakeholders and engagement by formation of MDT approach, with the Government bodies to analyse challenges and improve strategies and procedures.
4. Enable the SPP by strengthening the police investigation and medical records to have better evidence in court for a stronger case while empowering the child to fearlessly give the testimony
5. Ongoing training and sensitization with focus on case studies and Judgements to improve justice delivery for all stakeholders
6. Support Person training programs needed in all states, to initiate better support systems for child & family

(80G) Income Tax exemption on all donations received.

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