CHAPTER 8

CONCLUSIONS AND SUGGESTIONS

"If we are to have real peace, we must begin with the children."
-Mahatma Gandhi

India is a land of paradoxes. There is no other country in the world that embraces such an extraordinary profusion of ethnic groups, mutually incomprehensible languages, topography and climate, religions and cultural practices, and levels of economic development.\(^1\) This largest democracy in the world is also home to the largest number of children in the world. Children constitute more than 400 million of the one billion plus population of India.\(^2\)

We were all children once. This is something we all have in common. Many of us have a child or are involved in the lives of children in some way. We want children to grow up, to be happy, healthy, strong and productive. We want them to thrive. Children are both the present and the future. They represent the next wave of parents, grandparents, caregivers, teachers, doctors, police officers, judges, community leaders, faith-based leaders, politicians and decision-makers. It is evident that violence against children is not an isolated event, the roots of which have a very deep permeability. Often these roots can be located in situations and conditions that helped the growth of such violence as well as nurtured such behaviour through inaction and passivity. It is within this context that some children become much more susceptible to violence, condoning it themselves, in comparison to other children. How we address the offence affecting children today will have a direct bearing on future families and societies.

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Every year, roughly 6 in 10 children between the ages of 2 and 14, or nearly a billion children worldwide, are regularly subjected to physical punishment by their caregivers. No child is immune. Those at risk cut across all boundaries of age, gender, religion, ethnic origin, disability, socio-economic status, sexual orientation and/or gender identity and expression. Gender-sensitive approaches are needed to mitigate children’s risk of violence and to address specific care and support needs. Gender discrimination is not only a cause of many forms of violence against girls, but also contributes to the broad neglect and acceptance of violence against girls as a social norm. Perpetrators are often not held to account and girls are discouraged from speaking out and seeking care, support and protection. While these problems are pronounced in the lives of girls, many forms of violence against boys also go underreported, often because of issues related to stigma and shame. The impact of this violence against children can be lifelong, and even passed from generation to generation. When young people experience violence, the likelihood of their becoming future victims and of acting violently themselves as adults increases. Victim can become perpetrator. Yet, violence is not inevitable. We can and must break the cycle. Research shows that violence can negatively impact children’s educational performance and achievement, which can have long-term economic consequences, including poverty.

Exposure to violence at an early age can impair brain development and is associated with a range of mental health problems. Violence can lead to acute and long-term problems for children’s physical, sexual and reproductive health as well as their psychological well-being. In all its forms, violence is detrimental; in the worst cases, it can be fatal. The researcher has tried to

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5 Pinheiro, Paulo Sérgio, World Report on Violence against Children. United Nations Secretary-General’s Study, August 2006, ch. 1
6 ibid
7 ibid
interpret the existing laws harmoniously so that Primary consideration should be given to the best interests of the child in all actions concerning the child, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. ‘The best interests’ determination is a key element of assistance and protection measures for child victims. The researcher apart from examining the existing laws of well developed countries like USA, UK, CANADA etc. have put special emphasis on SARRAC countries so that a better construction can be drawn for the protection of child. The attention is drawn on the Law in U.K which creates a number of offences related to “intent” for instance to give someone a substance without their consent so that a child can be framed for sexual exploitation. In India the provision of child pornography is required to be extended for critical interpretation of pseudo photograph. In keeping vision of the digital era special focus should be laid down on cyber offences. The law thereby needs to be amended in the light of Protect Act 2003 of USA and programs like CAPTA designed in USA.

On analysis of South-Asian countries, the researcher concluded that still girl child is forced for early marriage to settle property dispute like that of Afghanistan. The poverty being another great factor for the migration of children irrespective of sex is a major cause of child exploitation. In a nutshell, it can be said that the combination of poverty, inadequate education and extensive child labour and child mobility creates a situation that is highly conducive to child sexual abuse and exploitation. The researcher would also like to highlight the issue of ‘tourism’. No doubt tourism contributes to a great extent in the economy development of the country but in the process the issue of child exploitation is ignored. In this reference the study of Srilanka is to be taken in context, where low level of child protection, high level of family fragmentation and strong promotion of tourism have contributed to the growth of an industry that has resulted in the sexual exploitation of children in tourism. To put an end to CSA, our love for children should go beyond the
confines of our homes. Any child's abuse is our child's abuse, this is the mindset that needs to be adopted," Satyarthi\textsuperscript{8} said as part of his 'Surakshit Bachpan Surakshit Bharat' (Safe Childhood-Safe India) campaign. "This is a different fight. Children who have been sexually abused are not ready to speak up. Children fear in telling their parents about it. Even if they tell their parents, the parents do not speak up to save their prestige. Many children do not even realise they have been sexually abused."This silence on child abuse has to end now and the issue needs to be taken head-on. We have to take a resolve that we will not let one more case of sexual abuse take place now," he added.\textsuperscript{9}

After investigating child sexual abuse through empirical lens, the statistics brought about the reality of the persistence of CSA. The study reveal practical picture of implementing various child protective laws and lacuna about the information of same. What could be found from the personal encounters and response of the respondents was that the mindset of our society still focus more on the reputation and family honour rather than securing and protecting the child. Most of the child abuse victims knew the offenders i.e in most cases offence was committed by close personals. Lack of time given to children from their parents, counselling and education on child sexual abuse were some of the key factors that contributed to abuse of children. It is required that a check should be maintained about the behavior and child psychology. There is need to create a friendly and at the same time an understanding relationship with the children. Thus a collective and multi-sectoral approach is needed to prevent child sexual abuse.

The researcher has analyzed some diagnostic tool for examining CSA so that timely action can be taken for the best interest of the child.

\textsuperscript{8}KailashSatyarthi (born Kailash Sharma; 11 January 1954) is an Indian children's rights activist. He is the founder of BachpanBachaoAndolan (lit. Save Childhood Movement), the KailashSatyarthi Children’s Foundation, Global March Against Child Labour, and GoodWeave International.

\textsuperscript{9} available at www.firstpost.com, accessed on 12/11/2017
### 8.1 Diagnostic Tools for Examining Child Sexual Abuse and Follow-Up Treatment

#### Conclusion Evidence

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<th>Category</th>
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| Definite abuse or sexual contact | Finding sperm or seminal fluid in, or on, a child’s body.  
| | Pregnancy.  
| | Positive cultures for *N. gonorrhoeae*.  
| | Evidence of syphilis or HIV infection (outside perinatal transmission and or transmission via blood products or contaminated needles).  
| | Clear evidence of blunt force or penetrating trauma to the hymenal area (without history).  
| | Clear videotape or photograph of abuse or eye-witness of abuse.                                                 |
| Probable abuse             | Positive culture for *C. trachomatis*.  
| | Positive culture for HSV Type II.  
| | Trichomoniasis infection (absence of perinatal transmission).  
| | Child has given spontaneous, clear, consistent and detailed description of abuse, with or without abnormal or physical findings. |
| Possible abuse             | Normal or non-specific physical findings in combination with significant behavioural changes, especially sexualized behaviours.  
| | HSV Type I.  
| | Condyloma acumínata with otherwise normal examination.                                                        |
Child made a statement but statement is not sufficiently detailed.

| No indication of abuse | No history, no behavioural changes, no witnessed abuse.  
|                        | Normal examination.  
|                        | Non-specific findings with the same as above.  
|                        | Physical findings of injury consistent with history of unintentional injury that is clear and believable. |

Because physical findings are rare in cases of child sexual abuse, a follow-up examination may not be necessary especially if there were no findings in the initial evaluation. If, however, findings were present at the time of the initial examination, a follow-up examination should be scheduled. The timing of follow-up examinations is dependent on the nature of the injuries and the conditions being treated and health care workers are advised to use their own judgement when determining how soon after the initial visit a follow-up examination should be done, allowing for the fact that injuries in the genital area heal very quickly in children.\(^{10}\)

The following conditions warrant special mention:

- If the initial exposure to sexual abuse was recent at the time of the first examination, a follow-up visit at 1 week may be required to conduct STI testing.

- Blood tests for HIV, hepatitis B and syphilis, whether done at the initial visit or not, may require repeating at 12 weeks, and again at 6 months.

In some cases, a follow-up examination can be viewed more as a psychosocial follow-up measure to ensure that the appropriate counselling referrals have been made and that there is adequate support for the child and family. Some

\(^{10}\)http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf accessed on 04/06/2017
centers use follow-up appointments as an opportunity to provide prevention and safety teaching to children and families.

Child sexual abuse exploits and degrades children and can cause serious damage to cognitive, social, and emotional development of a child. As a society, we have a collective responsibility to prevent child sexual abuse. To accomplish this, we must initiate and support services and policies that enhance children’s development, health and safety and we must advocate for policies and programs to help meet the basic needs of children and families. We must also promote research, training, and public education to strengthen protective factors that buffer risk factors for sexual abuse while also directly addressing those risk factors. UNICEF works closely with the Indian government to strengthen systems that can respond to violence. They do by building the capacities of local governments, the police, child protection agencies and other stakeholders to ensure these groups can respond effectively to children’s unique needs in situations of violence.

Significantly, law is one of many responses to social change. In certain respects it is the most important since it represents the authority of the state and its sanctioning power. Through legislative or administrative responses to new social conditions and ideas, as well as through judicial reinterpretations of constitutions, statutes, or precedents, the law increasingly not only articulates but sets the course for major social changes. The legal response to a given social or technological problem is therefore in itself a major social action, which may aggravate a given problem or alleviate and help to solve it. Nonetheless, even when law cannot bring about change without social support, it still can create certain preconditions for social change. Clearly, the prospects for change led by law may be limited because children’s status depends on altering the connections between the family, society, and the economy more broadly. In this sense, realizing children’s rights remains contingent on other social changes.11 Both sociology and law are concerned with the nature of

11Response by Associate Professor of Sociology Erik Larson at the Macalester Roundtable.
legitimate authority, the mechanisms of social control, issues of civil rights, power arrangements, and the relationship between public and private spheres.\textsuperscript{12} The lawmakers must understand the nature of complex social ties on which the cohesion of society depends. Law has come to be seen as an independent agent of social change and social direction. The holistic approach to the solution of the problem would run through the stages of prevention, protection, preparation, prosecution, participation, and finally punishment. No law can work in isolation. The need of the hour is, therefore, a synergy of all the stakeholders: parents, teachers, community (including diverse groups such as artists and inter-religious forums), police, \textit{panchayat},\textsuperscript{13} NGOs, prosecution, government, media, corporations, industrialists, and the youth. This requires significant commitment and engagement from both state governments and civil society. The government’s recently launched Integrated Child Protection Scheme (ICPS) has presented an important opportunity to set up Child Protection systems at state, district and village levels. At the local level, this will take place through community child protection committees, networks of leaders, frontline workers and community members.

Despite progressive steps being taken, children suffer from poverty, homelessness, exploitation, neglect, preventable diseases, and unequal access to education and justice that do not recognize their special needs. Girl child today is more at risk than ever before. Inadequate public investments are a major factor accounting for the poor reach and quality of basic social services like health, education, nutrition, water and sanitation. The POCSO Act intends to protect the child through all stages of judicial process and gives paramount importance to the principle of 'best interest of the child'. The Act, which came with strong provisions, however, faced weak implementation. Thus it could not fulfil the purpose for which it was enacted in the first place mainly because of


\textsuperscript{13}Panchayat is the term used for local self-government at the village or small town level in India.
lack of awareness. The provision of establishing special courts also remained as a quote in the Act. Some district courts were made to double up as POCSO courts, with some rooms allotted for these cases. As a result, pendency of POCSO cases as well as regular cases sky-rocketed. It is submitted by the researcher that unlike other enactments, the importance of this “special statute” lies in the establishment of “special courts” for trying offenses under the Act.

The police have to play a proactive role in registering the complaints of the child, who had suffered abuse and make that child feel safe and secure. To ensure this, there is a provision under the Act that at every police station there shall be juvenile justice unit which is also provisioned under the Juvenile Justice (Care and Protection of Children) Act, 2015 or an officer of not less than a sub-inspector level, preferably a woman officer. However in practice at a number of police stations, head constables have been given the additional charge of the special officer under POCSO.

The researcher through this chapter has tries to advocates certain pertinent points to stop the sexual offences against children.

**Raising awareness of the unacceptability of child sexual abuse, and promoting the notion that stopping child sexual abuse is everyone’s responsibility.**

All adults and adolescents need to know that child sexual abuse is a crime that often causes severe damage to children that help is available for those who seek it, and that children can never consent to sexual activity.\(^{14}\) Further, a comprehensive prevention strategy should include increasing parents and other caregiver’s awareness and knowledge of protective measures they can take on behalf of their children. A powerful public education message must be transmitted to the general public, encouraging society to recognize that child sexual abuse is both everyone’s problem and

responsibility. The goal of such public education efforts is to eliminate any
tolerance for sexual abuse or confusion over what society condones as
appropriate interactions between adults and children.\textsuperscript{15}

**Educating the public, especially policymakers, about the true nature of
child sexual abuse.**

The wide dissemination of accurate information to the public, especially
to policymakers, will help break the silence and taboo that surrounds child
sexual abuse, and may facilitate the formulation of effective solutions to the
problem.

**Rigorously evaluating and strengthening existing child sexual abuse
prevention programs.**

Current child abuse prevention programs are focused primarily on
educating preschool and elementary school children on how to recognize
instances of abuse and teaching them personal safety skills. Programs may also
focus on helping children who are victims of past or ongoing sexual abuse by
encouraging them to disclose such incidents to parents or other
responsible adults.\textsuperscript{16} Research yields little evidence that such programs actually
prevent the occurrence of child abuse. Although program evaluations
demonstrate short-term knowledge gain, they fail to establish a link between
such knowledge gain and the prevention of child sexual abuse. The lack of
conclusive outcomes does not necessarily mean that such programs are
ineffective. Rather, demonstrating effectiveness is a challenging task, mainly
because of the methodological shortcomings of existing evaluations. Such
limitations include the absence of comparison groups, lack of pre-testing on
measures of knowledge and skills, inadequate follow-up periods, and small
sample size.\textsuperscript{17} Future evaluations of existing child abuse prevention programs

\textsuperscript{15}ibid.
American Academy of Child and Adolescent Psychiatry, 42(3), 269-278.
\textsuperscript{17}Ekstrand, L.E. (1996). Preventing Child Sexual Abuse: Research Inconclusive About
Effectiveness of Child Education Programs. Washington, DC: General Accounting Office.
must correct such methodological shortcomings. Moreover, child sexual abuse prevention programs must be strengthened so that program strategies are more explicitly directed toward the goal of preventing child sexual abuse.

**Shifting the prevention of child sexual abuse from children to adults.**

Many experts are concerned that even when children retain the knowledge acquired through child sexual abuse prevention programs, such children are incapable of resisting abusive behavior directed at them by older and stronger offenders.\(^\text{18}\) Such concerns seem valid given that approximately 40 percent of child sexual abuse victims are aged 6 and younger, and thus may be especially impressionable and vulnerable to victimization.\(^\text{19}\) Adults must exercise an affirmative obligation to safeguard children from sexual abuse. Therefore, while strengthening existing child sexual abuse prevention programs, efforts must be made to create programs that shift the responsibility of child sexual abuse prevention from children to adults and public institutions. One such approach includes widespread and intensive public education, such as the use of media campaigns, to increase adult’s awareness and knowledge of child sexual abuse and to teach actions adults can take to protect children.\(^\text{20}\) The signals of child sexual abuse are often subtle and frequently defy detection even by knowledgeable parents and seasoned professionals. Additional efforts are needed, including parent education in methods for reducing the risk of child sexual abuse and training for professionals and other caregivers who work with children to recognize and appropriately respond to sexually reactive behavior. In addition, training and education of parents, caregivers, and professionals must also focus on what to do when a child discloses sexual abuse, how to report sexual abuse, and how to respond to the child’s needs when disclosure is made.


Exploring, evaluating, and strengthening new approaches to preventing child sexual abuse.

Child sexual abuse is primarily addressed by two systems – the child protective system and the criminal justice system. Both systems address child sexual abuse only after the abuse has already occurred. Moreover, both are concerned with dispensing justice rather than preventing child sexual abuse. As such, neither focuses on formulating solutions to reduce child sexual abuse or to heal the negative consequences of child sexual abuse. In addition, since the majority of child sexual abuse cases are not formally reported to either the criminal justice or child protective systems, neither the interests of justice or protection are adequately served by the current institutional response to child sexual abuse. New, cutting-edge approaches are being developed to prevent child sexual abuse. Such approaches complement the criminal justice and child protective systems, but focus more on accountability, rehabilitation, and restitution than on punishment. However, despite the great potential such approaches hold to preventing child sexual abuse, they are new and not yet fully tested. Such approaches, including fostering survivor leadership, circles of accountability and support, targeted public messages directed at perpetrators and would-be perpetrators of child sexual abuse, and child sexual offender treatment, should be further explored, rigorously evaluated, and strengthened.

Making mental health services available to all those affected by child sexual abuse.

Children who have been sexually abused may face severe and long-term psychological consequences. Mental health services, especially if timely, can help ease some of these consequences. They also may help stop the intergenerational transmission of child sexual abuse. Mental health services to those engaging in abusive behavior can help them address stressors that often lead to sexual abuse, helping end such abuse.
This study on child abuse is expected to place the subject of child abuse on the national agenda. The study also coincides with the release of the UN Secretary General's Global Study on Violence against Children. These have together created an environment wherein discussion on child abuse has been initiated, the media has started highlighting such issues and an understanding of their gravity is gaining momentum. This understanding must be translated into action, and not only the central government, but state governments, civil society, families and children themselves need to understand the rights perspective and together create the enabling environment wherein a child is protected from abuse and exploitation. The momentum needs to be sustained and should be carried forward in the form of a movement that will take all stakeholders along the road to sustainable development and create a protective environment for the children of India. The primary responsibility of protecting children from abuse and neglect lies with the families or the primary caregivers. However, communities and civil society and all other stakeholders are also responsible for the care and protection of children. The overarching responsibility is that of the state and it is the state that has to create a protective environment and provide a safety net for children who fall into vulnerable and exploitative situations.

**Develop evidence-based foundation information**

The needs include: National quantitative studies on sexual abuse of boys and girls. Studies to examine the linkages between child sexual abuse and sexual exploitation. Studies to examine the linkages between vulnerable situations of boys (labour, migration, street living) and sexual abuse and exploitation. Studies directed at boys and girls from disadvantaged groups, including ethnic minorities and disabled children.

Research on gender relations and gender socialization, including construction of masculinity, and information on male sexuality. Psychological impact of sexual abuse and exploitation on boys. Family unity and dysfunction,
roles of mothers and fathers, parenting practices, children’s participation in the family.

To assure that National Legislation fully complies with relevant international standards.

All relevant international human rights instruments are ratified; International human rights standards are fully and appropriately incorporated into national law and/or that all national law – civil, criminal, customary and other relevant law – fully complies with them, and that they can be invoked directly and enforced through the courts, including by children and/or their representatives; Boys and girls – and in particular children with relevant experiences – are involved in reviewing laws and developing legal frameworks to combat sexual exploitation.

Restatement of legal definitions

Amend and harmonize laws to bring them in line with international standards and definitions, including definitions of a child, child trafficking, sexual abuse, sexual exploitation of children, child pornography/child abusive images and sexual exploitation of children in prostitution.
Strengthen legislation related to child sexual exploitation

i. Amend laws to specifically address children in prostitution.

ii. Ensure that child victims of sexual exploitation are not criminalised.

iii. Provide appropriate penalties for perpetrators of sexual exploitation of children.

iv. Provide child-friendly services to girls and boys who are victims of sexual abuse and exploitation.

v. Include preventive measures in legislation.

vi. Amend laws to provide boys with legal protection from abuse and exploitation equal to girls, including legal recognition of rape, sexual harassment and sexual exploitation in prostitution.

Ensure that the following activities are penalized under the law: Recruiting a child into prostitution or causing a child to participate; Coercing a child into prostitution or profiting from or otherwise exploiting a child for that purpose; using a child in prostitution; Attempting or aiding or abetting or any other act of complicity with these offences.

Report and investigate crimes against children

Establish comprehensive legal procedures for reporting, investigating and prosecuting crimes related to child sexual abuse and sexual exploitation. Establish and support mechanisms for reporting abuse and exploitation. Service providers and others in regular contact with children should be aware of them and trained to use them effectively. The general public should be able to report suspected or real cases of abuse and exploitation of children without fear of repercussions. Follow-up (including investigations, as necessary) should be timely and effective and sensitive to the needs and rights of those affected.

There should be mechanisms in place for children to report suspected or real cases of abuse and exploitation and these must be child- and gender
sensitive. Follow-up by professionals should be timely and child- and gender-sensitive.

Establish collaboration agreements, protocols and viable networks to build coordination and service referral for victims among government agencies, civil society organizations and service providers.

**Family unity and capacity**

Focus policies on (1) building family capacity to protect and care for children, including livelihood options; (2) building knowledge of child rights, child development, child participation and child protection issues; and (3) health care and social intervention services.

Give special attention to disadvantaged communities, minorities, indigenous groups and households headed by females and children. Further, strengthen family support systems by developing programmes to intercede with families, particularly those in especially difficult circumstances, including female-headed households, disadvantaged and minority groups, and families with children with disabilities.

**Implementation of policies**

Develop comprehensive implementation strategies involving all stakeholders, including ministries, donor partners, civil society actors and children and adolescents, with appropriate indications of funding, time frame and work plans to address child sexual abuse and exploitation.

**Expand awareness of sexual abuse**

Conduct awareness campaigns in schools, communities and families, with children’s participation and the assistance of national media, on sexual abuse and related issues, including gender discrimination and imbalance, children’s rights and harmful traditional practices, among others.
Provide information and education on sexual health and sexual abuse in schools and in training curricula for professionals, including social workers, teachers, police, health practitioners and journalists.

Develop interventions to address family dysfunction, including domestic violence, abuse and alcoholism. Assist families to build their awareness of child vulnerability, keep children in school and increase household income.

**Strengthen community protection**

Establish community-based protection networks for boys and girls, with emphasis on building community ownership, creating vigilance on abuse and exploitation, reducing risk factors for children, and addressing social and economic inequalities.

**Strengthen human resources**

Establish job competencies and training standards for all persons working with abused and exploited children.

Develop comprehensive training programmes based on certifiable skills development.

Develop mechanisms for monitoring work quality and addressing the needs of staff, particularly in situations where staff are working directly with children.

Based on the findings of the study, the following recommendations for addressing the issue of child sexual abuse are proposed:

**8.2 THE RESEARCHER HAS PUT FORTH CERTAIN RECOMMENDATIONS WHICH CAN BE BROADLY CLASSIFIED UNDER TWO HEADS:**

**8.2.1 General Recommendations**

- Policy and Legislation
The present National Policy on Children 1974 needs revision and there is a clear and established need for a separate National Child Protection Policy. In addition, every state should set up a State Commission for the Protection of Rights of the Child and formulate Plans of Action for Child Protection at the district and state levels. There is also a clear and established need for a National Legislation to deal with child abuse. The proposed legislation should address all forms of sexual abuse including commercial sexual exploitation, child pornography and grooming for sexual purpose. It should also deal with physical abuse including corporal punishment and bullying, economic exploitation of children, trafficking of children and the sale and transfer of children.

- **Outreach And Support Services**

  The study has revealed that the majority of abuse cases take place within the family environment, the perpetrators being close family relatives. A child who has been abused or continues to be in an abusive situation, needs a variety of services, including professional help in the form of trauma counseling, medical treatment, police intervention and legal support. Such a system should be established under the scheme on child protection. Migration and rapid urbanization have forced a very large number of children onto the streets. Such children survive by begging, working, scavenging, rag picking, etc. It is essential to provide outreach services to these children through bridge education, night shelters and vocational skills, so as to get them off the streets, reduce their vulnerability and enable them to sustain themselves.

- **Tracking Missing Children**

  Children go missing for a number of different reasons. Difficult and abuse situations at home often force children to run away; economic compulsions make them move to urban and semi-urban areas in search of a living; and sometimes they are trafficked for domestic work, other forms of labour or commercial sexual exploitation. Annually, large numbers of children
go missing and there is little attempt to track them or trace them. Such children are most vulnerable to all forms of abuse and exploitation. Not only should they be tracked but existing mechanisms for their rescue, rehabilitation, repatriation and reintegration should be reviewed and strengthened while keeping in view the best interests of the child.

➢ Shared Responsibility

Child protection is a shared responsibility, and for any intervention to be effective, there should be a synergy between efforts being made by different stakeholders to address the issues. There is a need to create a mechanism that will make such a synergy possible. These may include child protection mechanisms at village, block, district and state levels which involve parents, elected representatives of urban and rural local bodies, teachers, anganwadi workers, medical practitioners, police and social workers and responsible members of public among others.

➢ Capacity Building

All the above recommendations regarding formulation of a new policy, legislation, scheme and strengthening of the service delivery mechanism, assume the creation of a cadre of trained personnel, sensitized to child rights and protection of children. In order to create this cadre, in the first instance, schools of social work and universities should offer specialized courses on child rights, protection and counselling. Further, child rights and protection issues should be integrated into the curricula of administrative institutes, police training academies, law colleges, medical colleges, teacher training schools, etc. so that the professionals passing out of these institutions have both the sensitivity and the knowledge to deal with these issues. Capacity enhancement and skill up-gradation of those who are already working in this sector are also essential. Further, there is a need to regularly up-grade the skills and capabilities of the civil society organizations. Parents and caregivers are primarily responsible and accountable for the safety and security of the
children in their care. There is a need to enhance parenting skills, knowledge of the subject and sensitivity, which will help them to handle situations of child sexual abuse. Life skill education of children to enhance their knowledge and capacity to deal with abuse is essential. It is proposed that this should become an integral part of the school curriculum. Thus it should soon be implemented.

➢ Advocacy and Awareness

The media should be used to spread awareness on child rights. Debates and discussions with participation of children can be a regular feature on electronic media in order to enhance people's knowledge and sensitivity on child protection issues. While media coverage of child protection issues is desirable, it is essential that the coverage is done in such a way that it prescribes to high ethical standards of reporting such as avoiding disclosure of the identity of the child victim to reduce the child's trauma and prevent re-victimization of the child. It is also essential to obtain informed consent of the child in cases of reporting. All these measures will protect the child from the stigma attached to abuse and prevent sensationalization of the issue. The Ministry of Information and Broadcasting and media self-regulatory authorities should take necessary action.

➢ Child Participation

Children's voices need to be heard by everyone. All fora addressing issues of child rights should have adequate children's representation with the opportunity for them to express their views. For example, school curricula should be developed with the active participation of children; children should be involved in development of the district child protection plan, children should be involved in management of schools and institutions, etc. Children’s participation in meetings held by village education committees on issues dealing with school functioning, governance and maintenance of facilities at school, should be encouraged.
8.2.2 Specific Recommendations

Apart from the general recommendations, there are certain specific recommendations regarding different evidence groups, that emerged from the study are as given below:

➤ **Children in Schools**

The study has indicated beyond doubt that schools as compared to other situations are the safest place for children and therefore efforts should be made to increase the enrolment and retention of children in school by adopting innovative, child friendly methods of teaching. Adequate infrastructure including sanitation facilities, keeping in the mind the special needs of the girl child, will encourage enrolment and retention of girl children in schools.

➤ **Children at Work**

There should be better coordination at national, state, district and block/ward levels for the following:

Rescuing children from banned occupations and their repatriation and mainstreaming into appropriate education streams. Poverty alleviation schemes specifically targeting families of working children, repatriated working children and children at-risk of falling into child labour.

➤ **Children in Institutions**

India continues to use institutionalization as a method of providing services to children in difficult circumstances. Although internationally it is now an established fact that institutionalization is not in the best interest of the child, yet, in countries like India, where the number of children in need of care and protection is very high and the non-institutional methods of care are not developed, the institutionalization of children will continue till alternatives are identified. In the light of this the following recommendations are made:
1. Juvenile Justice Boards, Child Welfare Committees and Special Juvenile Police Units should be set up in each district and manned by sensitive and trained personnel.

2. In existing institutions, standards of care should be established and maintained. Institutions under the Juvenile Justice (Care and Protection of Children) Act 2015 are corrective institutions. Children in conflict with the law in these institutions should be provided with all the opportunities to reform and develop into responsible citizens. The present state of the existing institutions leaves a lot to be desired.

3. The study reveals that often caregivers of the institutions are also abusers. This behaviour of the caregivers destroys the faith and trust of the child and completely alienates him/her from society itself. This should be prevented by strict monitoring and supervisions of homes, maintenance of detailed records of children, deinstitutionalization of children, wherever possible, and training and sensitization of caregivers in institutions.

4. Every home should have a management committee whose members, along with members of the community and civil society, should be involved in the efficient running of these institutions and prevention of abuse. Children should also be encouraged to participate in the management of the institutions. All children have the right to live in safety and dignity in a protective and nurturing environment, both at home and in the community. This is possible by creating awareness of their rights, especially their right to protection, in parents and other stakeholders, putting in place laws to punish those who abuse and exploit children and taking appropriate action to strengthen accountability on the part of government and nongovernment agencies and the civil society. For the first time, in India, an effort has been made to understand the extent and magnitude of different dimensions of abuse of children in the country with the hope that the findings will pave the
way towards a better understanding of the factors leading to abuse of children and measures to prevent them, thus creating a such a caring and nurturing environment.

On the analysis of the various case laws it is found that the conviction rate under POCSO is very low which leaves an unsavoury image of the way the criminal justice system is being administered and creates alarm in the mind of the general public that child victims of rape and sexual offences are not getting justice. In fact, in most acquittals, it was found that the prosecutrix (the alleged victim) - considered the ‘sterling witness’ in court parlance had turned hostile. Simply put, the testimony of the alleged victim was found to contradict the legal position of the prosecution. It is to be emphasized that every stage of the judicial process was intended to be child-friendly but in reality there something that hasn’t exactly happened. While most courts have a ‘vulnerable witness deposition room’, from where victims interact with judges or prosecutors, the process is lengthy and tedious.\(^{21}\) However it is very pleasing that recently the court in its judgment in the case of Independent Thought V Union of India and Anr.\(^{22}\) ended the decades-old disparity between Exception 2 to Section 375 IPC and other child protection laws. The judgment gave a reasonable and appreciable solution to the question raised by the researcher in the present research work. The researcher here finds very apt, to quote the wise word of Justice Lokur “A child remains a child whether she is described as a street child or a surrendered child or an abandoned child or an adopted child. Similarly, a child remains a child whether she is a married child or an unmarried child or a divorced child or a separated or widowed child. At this stage we are reminded of Shakespeare’s eternal view that a rose by any other name would smell as sweet — so also with the status of a child, despite any prefix”.


\(^{22}\)MANU/SC/1298/2017
Thus it is concluded that a holistic approach of one and all is required to protect the best interest child. Although, a plethora of documents in the form of provisions have been laid down but somewhere it’s not fulfilling the criteria in making full justice to the child sexual abuse victims and abusers are successful in escaping from their crime. A culture of silence around this major issue, rampantly increasing of child sexual abuse cases, no proper implementation of law and lack of adequate mechanisms especially in underprivileged sections to control sexual abuse of children are some of the significant challenges of this modern era.

Therefore, stringent measures should be taken in order to prevent and control child sexual abuse. Apart from statutory provisions and legislations by perceiving warning signs of the children, parents can prevent the child from being abused. It is the need of hour to eradicate this problem of child sexual abuse by joining the hands of entire humanity.

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