



**Loyola Knowledge Hub for Excellence in Child Protection
(Loyola KHEChP)**

Department of Social Work
Loyola College, Chennai.

Cordially invites you to the Thematic Symposium

POCSO on Ground
Prospects and Problems

On 11th November, 2017 from 9.30 a.m - 5.00 pm
Venue: LIFE Hall, Loyola College, Chennai.



Concluding session at 3.30 pm

Hon'ble Justice. Dr. S. Vimala

Judge, Madras High Court, Member, JJ Committee.

will receive the recommendations of

Thematic Symposium and Deliver Special address

Ms. M. P. Nirmala. IAS (Retd.)

Chairperson,

Tamilnadu Commission for Protection of Child Rights

will preside



Prof. Andrew Sesuraj, M : 9444020563

POCSO on Ground - Prospects and Problems Thematic Symposium

11th Nov 2017

LIFE Hall, Loyola College

9.00 am	Registration
9.30 a.m	Welcome and Dynamics of the Symposium
Session I 10.00 am to 11.00 am	<p style="text-align: center;"><i>Roles and Challenges faced by Child Welfare Committees in effectively implementing POCSO</i></p> <p style="text-align: center;">Sharing by Child Welfare Committee Chairpersons and Members from different districts</p> <p style="text-align: center;">Chaired by Ms. Virgil D' Sami, Former Member, CWC Chennai, Executive Director, Arunodhaya</p>
11.00 am to 11.15 am	Tea Break
Session II 11.15 am to 12.15 am	<p style="text-align: center;"><i>Roles and Challenges faced by District Child Protection Units in effectively implementing POCSO</i></p> <p style="text-align: center;">Sharing by District Child Protection Officers from different districts</p> <p style="text-align: center;">Chaired by Mr. Valavan, Project Manager, Railway Children India</p>
Session III 12.15 pm to 1.15 pm	<p style="text-align: center;"><i>Roles and Challenges faced by Investigating Police Officers in handling POCSO Cases</i></p> <p style="text-align: center;">Sharing by Police Officers who have handled POCSO Cases</p> <p style="text-align: center;">Chaired by Ms. Girija Kumarbabu, Member JJB, Chennai Hon Gen Secretary, ICCW TN</p>
1.15 pm to 2.15 pm	Lunch Break
Session IV 2.15 pm to 3.15 pm	<p style="text-align: center;"><i>Roles and Challenges faced by Multidisciplinary Professionals in handling POCSO Cases</i></p> <p style="text-align: center;">Sharing by Legal, Medical and Media Professionals</p> <p style="text-align: center;">Chaired by Mr. Devaneyan, Director, Thozhamai, Chennai</p>
3.30 pm	<p style="text-align: center;">Submission of Recommendations and Valedictory</p> <p style="text-align: center;">Special Address</p> <p style="text-align: center;">Hon'ble Justice Dr. S. Vimala Judge Madras High Court, Member JJ Committee</p> <p style="text-align: center;">Presided by</p> <p style="text-align: center;">Ms. Nirmala IAS (Retd) Chairperson, TNCPCR</p>

POCSO on Ground - Prospects and Problems

11th Nov 2017

LIFE Hall, Loyola College

Without Judicial Impact Assessment, no law can change the situation of children in India claims Justice Vimala

Loyola Knowledge Hub for Excellence in Child Protection (Loyola KHEChP) of Dept of Social Work, Loyola College organised a round table discussion titled POCSO on Ground – Prospects and Problems. The discussion revolved around ground level issues in implementing Protection of Children from Sexual Offenses Act, 2012 (POCSO Act)

While addressing the concluding session of the day, Justice Dr. S. Vimala said that Developed countries do a judicial impact assessment before enacting a law to assess the Human Resources requirements, evaluate the Infrastructure necessities and financial liabilities in implementing the legislation. This is absolutely missing in India which has direct impact in the way the legislations are implemented in addressing the focus of the issue.

While highlighting the actions of TamilNadu Commission for Protection of Child Rights in addressing POCSO cases Ms. M. P. Nirmala, the Chairperson of TNCPCR said the focus should be on rehabilitation of the victim and punishing the culprit.

Prof. Andrew Sesuraj. M of Loyola College, in his opening remarks highlighted the need for training the Child Welfare Police Officers on effective implementation of POCSO Act.

Ms. Virgil D' Sami of Arunodhaya, Ms. Girija Kumarbabu, Member JJB Chennai, Mr. Valavan of Railway Children India and Mr. Devaneyan of Thozamai chaired the panel discussions. Members of Juvenile Justice Boards, Child Welfare Committees, District Child Protection Officers, Child Welfare Police Officers, Public Prosecutor, Doctors, Advocates handling POCSO Cases and Child Rights Activists participated in this discussion. Dr. Gladston Xavier, Head, Department of Social Work welcomed everyone.

A list of recommendations (furnished below) was developed to be submitted to National Human Rights Commission, State and National Children's Commissions and Ministry of Women and Child Development for effective implementation of POCSO Act.

RECOMMENDATIONS

Investigation phase:

Need for SOP for CWC for handling POCSOs cases with specific reference to existing mechanisms in TamilNadu

Role of CWC comes in when abuser is part of family then Children in Need of Care and Protection, invariably ought to be placed in children home. However, if converse, then children are always better placed to be in parental home if parents are able to take the lead.

Police apathy and lackadaisical approach in not registering the case under appropriate sections in POCSO Act, is a systemic issue which needs to be addressed through leadership and ongoing capacitation trainings.

Victims ought to have been medically examined in time, to ascertain the actual medical facts of the case within time.

Police to ensure the cases of child sexual abuse is brought to the attention of the CWC and FIR to be mandatorily registered at the earliest of 24hrs

Video recording of the victim child at the compliant stage is recommended to avoid multiple victimization of child victim

Training of police is mandatory to ensure the investigation of child is gathered without tutoring.

Many districts do not have reception home, such infrastructure and functional homes needs to be in place to ensure the children in care of need and protection have a safe space

Children Homes not adequately placed to support the victims, there is outstanding need to impart skill trainings and physiological support is pivotal.

Better coordination between CWC, Police and DCPO is pivotal.

Adequate and periodic training for CWC as refresher course mandatory

Recommendation for Termination of pregnancy cannot be unanimously decided by CWC but has to go through the Court

Expansion of child friendly spaces in courts and police stations is required.

Delay in recording Sec 164 statements, owing to jurisdictional issues needs to be addressed.

Ensure **medical support in hospitals** is made readily available, without any undue delay.

Better positioning of offices of CWC, JJB and DCPU. So that the three front line actors can work together coherently.

Avoid repeated questioning of the child victim from police to CWC to medical officers to ensure there is no internal disconnect between front line officers namely CWC and CPU and Police.

Take a **cautious approach** in cases where accused is just above 18 years of age; experience shows that cases where the accused are from scheduled caste or schedule tribes, there is an active interest to file under POCSO, conversely, if the accused is from other castes then owing to various factors the registration of cases under POCSO is not readily automatic.

One dedicated medical centre with authorized medical persons to be established in each District for the purposes of swiftly medically reviewing cases of sexual abuse.

Labs for DNA test to be made available at least in 4 regions across the state.

Initial/preliminary reporting to be made mandatory (sufficient for filing of charge sheet) to be given within 24 hours followed by a detailed medical report

Trial stage:

Trial in camera session is a way forward, but equally important to ensure the child is protected outside the court premises too.

Interim relief needs to be immediate, to avoid undue delay in disbursing the fund.

Award of compensation Court to include interim compensation, not only to rely on SP fund but other untapped schemes such as Nirbhaya Scheme.

Awarding of Compensation fund need not be limited but the discretion is with the court, to award more than 3 Lakhs. (Example Madurai Mahila Court recently awarded 10 Lakhs)

Consent is a non-issue in POCSO Act, judges particularly need to be aware and interpret the cases keeping the best interest of child at heart.

Trial and judicial redress is to be completed by the judiciary within the stipulated period of 12 months.

Lack of appointments of Special Judges and Public Prosecutors for POCSO Act, has meant that, **Mahila Court is taking the burden of handling cases.**

New provision on **externment of accused instead of institutionalising the victim** needs to be incorporated into POCSO Act.

Capacitation of judges needs to be ongoing and on a regular basis

Capacitation and Training:

Ensure competently and professionally trained counsellors are appointed at the District level

Ensure that **translators** are adequately trained and readily available

Ensure list of support persons on the ground are professionally sound and are bound to keep at heart the best interest of child at all times.

Adequate awareness and continuous education be imparted to family including children on child protection issues.

Adequate training is required to **doctors and nurses** and more importantly besides medical help there is a dire need for physiological care and treatment.

Human resources and functional infrastructure needs to be adequately in place.

Forensic Appreciation:

Medical examination for the POCSO cases could be conducted by all government and registered medical practitioners

One stop centre exclusively for POCSO cases in every district for 365 days

Victims / survivors need psychiatric counselling for better healing and quick social reintegration

Forensic labs to be established at least in high priority districts

Initial medical opinion should be given by the medical practitioner examining the child while the complete report can be given after due process of lab tests.

No need to wait for medical examination to register FIR

Medical Council of India can be approached for ensuring training on POCSO and can include this in the medical curriculum

Legal:

Key steps to be followed in filing FIR:

- Proof for determination of age
- Medical examination within 24 hours
- Immediate request for recording Sec164 statement
- Co-ordination between police and prosecution is vital for conviction

Media:

Identity of the child should not be revealed in the media (Identity refers not only name and photo but everything which can reveal the identity of the child such as place of the child, school name, parents name, etc.)

SCPCR :

Should be equipped with adequate infrastructure, human resources and required funds to effectively monitor the implementation of POCSO Act

They need to be assisted with proper legal advisory board, documentation section and exclusive advocates for SCPCR