

## Consultations on Issues and Challenges in Implementing the Standard Operating Procedures and Guidelines under POCSO Act 2012

### Objectives

Four multi-stakeholder consultations were organised during the reporting period across the different districts of Karnataka to discuss

- Issues and hurdles faced in handling cases of sexual violence against children
- Concerns regarding networking with other stakeholders
- Problems encountered with current cases that they are handling
- Any best practices

### Participants

The programmes were attended by 192 participants across the districts. The participants included Sr. Child Welfare Officers of the Special Juvenile Police Unit, members of the Child Welfare Committee, District Child Protection Officers, Special Public Prosecutors of courts established for POCSO Cases, representatives from the Dept. of Health and Family Welfare, and civil service organisations working in the area

### Details of the Programme

It has been 10 years since the Protection of Children from Sexual Offences Act, 2012 came into existence. Various stakeholders are responsible for its implementation and the Act details the role and responsibility of each of the stakeholders. Towards this, the Karnataka State Commission for the Protection of Child Rights, on 13th October 2019, released a 'Standard Operating Procedures and Guidelines under POCSO Act 2012', a standard operating procedure which was made in consultation with the concerned stakeholders.

The Karnataka State Commission for the Protection of Child Rights with the support of Vihaan, organised four multi-stakeholder Consultations on the Issues and Challenges in Implementing the Standard Operating Procedures and Guidelines under POCSO Act 2012.



A presentation on the analysis of the data collected regarding cases of child sexual abuse handled by the police from 2017 to 2021 set the context for the consultations. Key highlights of the presentation were:

- Of the 2303 cases reported in Bengaluru Urban and Rural only 3% of the cases were offences against boys. 10 years since the enactments of POCSO and families are still reluctant to report sexual offences against boys.

- The number of cases reported in 2020 is just as much or slightly lesser than the number of cases reports from 2017 -2019, reiterating the fact that sexual abuse against children happens within the four walls of places supposed to be 'safe' for children and by people they know.
- Offence against girl children in the age group of 13 – 18 years is the highest across, these number coincide with the number of girl children reported missing in the same age group reconfirming the fact that a number of these cases could be 'romantic relationships and consensual'.
- Coordination with CWC needs to be strengthened. The CWC does not receive information on all cases of POCSO registered, thereby having little or no access to support services available.
- Support Persons have been assigned in 15% of the cases, leaving a large number of children and their families without any support to navigate through the criminal justice system.
- 75 cases in Bengaluru City and 43 case in Bengaluru District are still under investigation, a gross violation of the POCSO Act, which mandated that chargesheets are filed with 60 days.
- 961 cases are pending trial, reasons for which must be identified and address jointly by the police and prosecution.
- Although there are schemes and protocols in place only 108 children have received compensation. Moreover, there is no provision for interim compensation to be awarded to the victims.

Each of the stakeholders were given time to share their concerns and difficulties faced when handling cases through discussions. They also suggested ways in which these hurdles can be overcome, strengthening coordination between the police and prosecution to ensure timely scrutiny of charge sheets, reducing the number of cases pending trial and preparing guidelines for medical termination of pregnancy were some of the key takeaways.



### Outcome

The Commission have committed write to each of the stakeholders recommending action to be taken. As an outcome of the consultation, the Commission will coordinate with the Dept. of Health and Family Welfare to formulate guidelines for medical termination of pregnancy and ensure that SAFE Kits are made available at the government hospitals for medical examination of victims of sexual violence.

