

November 19
World Day on Prevention of Child Abuse
- A REPORT -



Nothing can be more dishonest or harmful to our future generation than under playing an issue such as the abuse of children. Of all the crimes known, offences against children rank as one of the most abhorrent human right violation. Although the Constitution provides for the protection of the child against violation of its rights, abuse and exploitation is still rampant in India.

India has the largest number of working children in the world. 69% children in India are physically abused, 50,000 children were found to be missing last year says the government of India report on child abuse. Recent report published by our social welfare department shows that 53% of children are sexually abused ,which means India is in a hurry to achieve the first place beheading Thailand. Even in the state of progressive Kerala, despite their advancement in education and health care are ahead in the case of increasing instances of sexual atrocities especially against children. Kerala ranks third in this issue. It is not an exaggeration that the CRC, Indian Constitution and various legislations provides for the protection of the child against violation of its rights, abuse and exploitation. Still this crime remains the most under –reported and the innocent victims suffer this human right violation silently. In this context Jananeethi and SOS- children’s village jointly organized a one day workshop on 19th November world day on child abuse for school children on child sexual abuse.





Jananeethi (People's Justice) was registered as a Charitable Society in the year 1992. Since then the organization has undertaken enormous initiatives to fight human rights violations at different levels to enable the 'weak' and the 'disadvantaged groups' seek justice and fair access to resources. Nearing the completion of 15 years, Jananeethi still remains largely inadequate to address the ever-growing issues of injustice, abuse, discrimination and unfair means that impair the right to live with dignity, which

are enshrined in our Constitution. In an Indian context it is becoming increasingly difficult to avail 'justice', as the courts are beset with problems of cost, delay and ineffectiveness. It is the privilege of the mighty and elite few who run the show with the use of their money and power virtually beheading the rights of the poor. Ignorance about the basic rights, human rights, fundamental rights, laws of the land, compounded by the problem of illiteracy, deprives the socially and economically marginalized people of 'justice'. They are highly influenced by the political, religious and socially upward groups who keep them in state of perpetual ignorance and impoverishment and make them believe that whatever life offers them is their fate and that they have no right to question or seek for justice, equity and human rights.

Victims of torture are often left alone or face extreme social boycott while the perpetrators are often organized, justified and protected by the State. Jananeethi's primary recipients of services are battered women, disserted children, landless dalits and tribals, disabled persons, unorganized workers, and victims of torture and organized violence (both by State and non-State actors). Last year 12 child sexual abuse cases were reported in Jananeethi, legal proceedings are initiated in all, where as three of them are provided with shelter homes for their safety.

Child sexual abuse is a crime that cuts across caste and class divides and results in life long physical and psychological damage to the child. In majority of the cases, the offender is a member of child's family or some one known to the child. Since the abuser has access to the child, abuse can be continual and can range from fondling and molestation to rape for a long period of time. In most of the cases, families are extremely reluctant to report the offence,



since it involves family honour. When they do gather the courage and resolve to take up the case, the child is exposed to a humiliating and traumatic process with no guarantee of justice at the end of it.

Crime is not an offence against an individual but against the society as a whole. In the present social context children are more vulnerable to crime and it's mandatory that the state should protect the life and liberty of its citizen especially the marginalized and weaker sections. But the proved ineffectiveness on the part of the state to curb the violence against children erodes the confidence in the rule of law. The neglect and indifference towards them during



the investigation and subsequent prosecution help the offenders bypass penal provisions of law. The increasing rate of acquittal in offences against children shows that judicial responses towards child victims are not sympathetic. The right of victims is restricted to the compensation awarded to them. More over the social accusation upon the victim doubled their sufferings. The victims of these sorts of abuses are considered as a stigma on the society and are subjected to social boycott. They are again and again victimized by various institutions including media, resulting in forced alienation from society and family. For these reasons the child victims need to be attended by the State and civil society with caution and care so as their emotional integrity, social well being, intellectual sobriety and mental health are protected and well guarded. But unfortunately the problems and sufferings of child victims have not achieved sufficient attention. So, Jananeethi, being a human rights organization that has embarked several programmes in the past for promotion of child rights, badly felt the need of organizing a one day workshop exclusively for school children and teachers.

School authorities, teachers' community and parents are often in blissful ignorance of the adverse effects on children due to unwarranted sexual advances and misconduct of elders and family members. Jananeethi found extreme urgency in organizing sensitization programmes for teachers, managements, parents and children with regard to the offence, its impacts on children, the right-violations involved and the legal remedies thereof. It was in this context Jananeethi together with the SOS Village, Mulayam, Thrissur organized one-day workshop for student representatives from various city schools.

The workshop was organized on Monday, the 19th November, 2007 at the Social Action Centre Conference Hall, Thrissur. More than two hundred students and 24 teachers participated in the workshop. Incidentally, November 19 is observed as the International Day Against Child Sexual Abuse world-wide.

The workshop was inaugurated by Professor (Dr.) P. Bhanumathi of Sree Kerala Varma College and also Member of the Juvenile Justice Board, Thrissur. In her inaugural address she called upon the student community to open up their mind when incidence of

sexual atrocities occurred. She also cautioned the parents and teachers who often neglect or suppress misdeeds or sexual offences against children for various reasons. She said that any parent or teacher who does not act upon such atrocities or report the occurrence of such acts shall be liable to be punished as accomplices or co-accused.



After inaugural function, there were three technical sessions on separate areas of concern. The first session was started with Prof. N.N Gokuldas, who spoke to the children on Substance Abuse. Prof. Gokuldas, retired from Sree Krishna College, Guruvayoor, is currently involved himself in several initiatives against substance abuse among school going children, other than his most passionate services among HIV infected people, Hemophiliac patients, and chronically ill people under pain and palliative care.

Professor explained to them the harmful effects of consumption of alcohol and high dosage drugs that leads to several forms of cancer.

The second session started with Adv. Faritha Ansari, senior law officer of Jananeethi. Adv. Faritha who has handled hundreds of complaints and petitions on child sexual abuses and family problems where children are often silent victims delivered her lecture on legal implications, infringements of rights, human rights ramifications of child abuses. Being a research scholar on the topic “Child Sexual Abuse –A Study in Socio-Legal Perspectives”, Advocate Faritha emphasized on the vital need for legal action in relevant cases. Loopholes existing in the present penal provisions were thoroughly explained with the help of judicial decisions. She further stressed that despite the plethora of laws, child abuse has not been recognized as a separate category of crime. It is disheartening, but true that the Indian Penal Code also does not recognize child sexual abuse. Only rape and sodomy can lead to criminal conviction. Any thing less



than rape, as defined by law, amounts only to outraging the modesty of women. These laws are problematic when applied to an adult woman, but they are even more difficult when applied to children. The provisions of the law relating to sexual assault against adult women, also apply to cases of child abuse. The legal definition of rape excludes several other forms of sexual assault and abuse that can injure the bodies and minds of children. So these provisions do not cover the abuses faced by a boy and more over, intercourse is often interpreted to mean with an adult. Another loophole is that the offence under Sec.354 of IPC is a cognizable offence, but is also bailable, which allows the foreigners to simply leave the country even before prosecution begins. In the circumstances Adv. Faritha explained to them the dire need to establish children's courts and also to introduce a new law to safeguard children from the shackles of sexual atrocities.

After lunch two short films directed and produced by Chethana Film Institute on Child Sexual Abuse was screened for them, based on which some of the students interacted by asking intelligent questions which was much thought provoking. Later Dr. Shylaja Ramkumar joined to present her paper on Emotional Problems faced by children. Dr. Shylaja is a child psychiatrist and is quite popular among younger generation as she has been delivering lectures to several institutions of higher education. She explained the repercussions of sexual attacks on children and young women and also the long standing stigma and psychological hang-over in children who are subjected to sexual misbehaviour and ill treatment.



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Welcoming the participants and invited guests to the dynamics of the day, Mr. N. Girijavallabhan, the Director of SOS Children's village, Mulayam, Thrissur in the beginning had explained the importance of the campaign against child abuse. Ms Pavizham Narayanath, co-ordinator of family strengthening programmes of SOS Children's village proposed vote of thanks.

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