



UNDERSTANDING
POCSO

UNDERSTANDING ABUSE

POCSO, drafted to effectively address sexual abuse and sexual exploitation of children, defines different forms of sexual abuse, as listed below:

Penetrative sexual assault

Inserting any object or using any part of body to cause penetration into any part of the body of the child or making the child do so.

Sexual assault without penetration

Touching penis, vagina, anus, breast of a child with sexual intent

Making physical contact with child with sexual intent or making the child do so.

Sexual harassment

Making any sound or gesture or exhibiting any object or part of body, with sexual intent, so that it will be heard or seen by the child.

Making a child exhibit his body or make a gesture so that it is seen by the child or other person with sexual intent.

Constantly following or watching child either directly or through digital or any other means with sexual intent

Showing any object to child in any form with sexual intent or enticing child for pornographic purposes.



60 SECONDS

EVERY 60 SECONDS A CHILD WILL BE A VICTIM OF ABUSE



3.6 MILLION

THERE ARE 3.6 MILLION REFERRALS OF CHILD ABUSE IN A GIVEN YEAR

The law deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-a-vis the child, like a family member, police officer, teacher, or doctor.

CHILD ABUSE FATALITIES

4

CHILDREN
DIE IN A DAY

131

CHILDREN
DIE IN A MONTH

1580

CHILDREN
DIE IN A YEAR



Salient features of POCSO

It is gender neutral.

It makes the reporting of abuse mandatory.

It makes the recording of sexual abuse mandatory.

It lists all known types of sexual offences towards minors.

It provides for the protection of minors during the judicial process.



90%

of the child sexual abuse cases
never got reported

Provisions of POCSO

Police officers must bring every case to the attention of the Child Welfare Committee within 24 hours of receiving a report.

They must also be in plain clothes while recording the minor's statement so as to not appear intimidating.

The statement must be recorded in a place chosen by the minor, in the presence of a person that he/she trusts.

The medico-legal examination for the collection of forensic evidence must be conducted only by a female doctor, in the presence of a person that the minor trusts.

Special courts have been set up to conduct speedy, in-camera trials. These courts must ensure that:

The minor is not exposed in any way to the accused during the recording of evidence.

The minor's identity is not disclosed at any time during the investigation or trial.

The minor is not made to repeat his/her testimony in court, and that he/she can give the testimony using a video link.

The case is disposed within one year from the date of the offense being reported.

The defense routes all questions through the judge and is not allowed to ask them in an aggressive manner.

An interpreter, translator, special educator or any other expert is present in court for the minor's assistance.

Compensation for medical treatment and rehabilitation is given to a minor who has been sexually abused.



ONE IN TEN CHILDREN
WILL BE SEXUALLY ABUSED AFTER THEY TURN 18





POCSO: Punishments

1. Penetrative sexual assault:

Penetration that is peno-vaginal, peno-oral, peno-urethral or peno-anal, fingering or object penetration.

Punishment: Not less than 7 years; this may extend to life imprisonment, and a fine (Section 4).

2. Aggravated penetrative sexual assault:

Committed by a person of trust or authority such as a police officer.

Punishment: Not less than 10 years; this may extend to rigorous life imprisonment, and a fine (Section 6).

3. Non-penetrative sexual assault:

Committed by whoever, with a sexual intent, touches the vagina, penis, anus or breast of the child, makes the child touch the vagina, penis, anus or breast of such person or any other person does any other act with sexual intent which involves physical contact without penetration.

Punishment: Not less than 3 years; this may extend to 5 years, and a fine (Section 10).

4. Aggravated non-penetrative sexual assault:

Committed by a person of trust or authority such as a police officer.

Punishment: Not less than 5 years; this may extend to 7 years, and a fine (Section 10).

5. Sexual harassment:

Unwelcome sexual remarks, emails or telephone calls; taunting, jeering, demands or requests for sexual favors.

Punishment: 3 years and a fine (Section 12).



POCSO: Punishments

6. Use of minor for pornographic purposes:

Involving a child in the preparation, production and/or distribution of pornography via print, electronic, computer or any other technology.

Punishment: 5 years and a fine, and in the event of second conviction, 7 years and a fine (Section 14 (1)).

7. Attempt of offense:

Punishment: 1 year and/or fine (Section 18).

8. Abetment of offense:

Instigating a person to commit an offense; conspiring to commit an offense; intentionally aiding an offense.

Punishment: Same as that of the offense (Section 17).

9. Failure to report an offense

Punishment: 6 months and/or a fine (Section 21).

“Don't talk to strangers” isn't ENOUGH

60% of abuser are non-relative acquaintances such as family, friends and neighbors

30% of abusers are related to their victims

10% of child sexual abusers are strangers

Addressing child sexual abuse is a challenge all over the world. But in **India**, shortcomings in both **state and community responses** add to the problem. Victims who do come forward to make a complaint often suffer as a result.

-HUMAN RIGHTS WATCH



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