

THE PSYCHOSOCIAL IMPACT OF **CHILD SEXUAL ABUSE**

AN EXPLORATORY PILOT STUDY IN DELHI

2017



SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

RESEARCH REPORT

THE PSYCHOSOCIAL IMPACT OF **CHILD SEXUAL ABUSE**

AN EXPLORATORY PILOT STUDY IN DELHI

2017

Supported By

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“Children are born free to fly in the open sky. But child sexual abuse clips their wings. Let us become the wind under their wings. Let us enable them to fly”

~ Kailash Satyarthi

Nobel Peace Laureate, 2014

ACRONYMS

AIIMS	All India Institute of Medical Sciences
BBA	Bachpan Bachao Andolan
CSA	Child Sexual Abuse
KSCF	Kailash Satyarthi Children's Foundation
IHBAS	Institute of Human Behaviour and Allied Sciences
NCRB	National Crime Records Bureau
OB/OHB	Observation Home/Observation Home for Boys
POCSO Act	Protection of Children against Sexual Offences Act, 2012
PTSD	Post Traumatic Stress Disorder
TWG	Technical Working Group
WHO	World Health Organisation
IPC	Indian Penal Code
MWCD	Ministry of Women and Child Development
JJ Act	Juvenile Justice (Care and Protection) Act, 2016

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EXECUTIVE SUMMARY

A child is a child – innocent, vulnerable, trusting and blissfully unaware of a lot of things. It is for these same reasons that children are often easy targets of abuse, as they are equally unaware of their rights and remain voiceless. Child Sexual Abuse (CSA) is a widespread, heinous and unacceptable crime committed against children that has reportedly been rising over a period of time. CSA has severe impact on a child's psychological state, health, level of independence, social relationships and education, impact that may last throughout the lifespan of a survivor. A survivor of CSA is the most affected person in that crime and needs to be provided healing, be adequately protected from any further abuse of any kind, and all possible attempts should be made to support the child's recovery, rehabilitation and integration back into the mainstream as the child knew it before the abuse.

There is another large group of children who need attention, and these are children who have been perpetrators of CSA and are in conflict with the law for sexually abusing a child or a woman. The psychosocial condition of these children needs to be given close attention so that they too have a chance of reform. Emphasis on their reformation, rehabilitation and reintegration could make a great difference to these children. If these dimensions of childhood are not attended to with seriousness and depth, CSA as a crime will continue to have the devastating and often irreversible impact it is currently leaving on young children, and recent trends in India have revealed an urgent need to improve and strengthen the response at the levels of family, community, society, government, law enforcement and the judiciary. While it remains paramount that CSA should soon be eliminated from the world, the immediate need is to respond to the needs of children reeling under its impact, as survivors and as children in conflict with the law.

The Kailash Satyarthi Children's Foundation (KSCF) works with the vision of building a child-friendly world where all children are safe, free, healthy and receiving a meaningful quality education; a world free from violence against children in all its manifestations. How a nation protects its children through effective policies and efficiently-run programmes is a major indicator of its developmental status.

CSA is amongst the most heinous of crimes against children and an extreme violation of child rights. Sexual abuse puts the child in perpetual trauma and shock affecting her/his physical, mental, psychological as well as social well-being and placing her/his overall growth and development in jeopardy. Keeping this in mind KSCF conducted a pilot study in Delhi -- National Capital Territory, to obtain a scientific understanding of the psychosocial dimensions of such a crime, and what impact it leaves on the child survivor of abuse and on the children in conflict with law and their families. The study also attempted to map the effectiveness of the available support systems. This was an exploratory, pilot study designed to map key knowledge gaps for further research and to find lasting solutions for ending this crime against children.

About 10-15 child survivors who had made formal complaints of their victimisation and 11 children in conflict with the law charged and arrested under Section 376 of the Indian Penal Code (IPC) (punishment for rape) and the Protection of Children against Sexual Offences Act (POCSO) Act were interviewed.

It is seen that the survivors of CSA suffer a range of psychological problems resulting in self-blame and self-harm, lack of confidence, fear, and attempt to suicide. The magnitude and type of problems varies with the age of the survivor. Due to the social stigma associated with talking about sex and sexuality, CSA often remains a hidden crime/incident which is difficult to uncover. Massive additional trauma is caused when the survivor and her/his family have to compulsorily come in contact with the law enforcement and legal systems, and these dealings are very frustrating and agonising. In fact, case pendency and delays in the justice system are found to be one of the major hurdles in overcoming the trauma of the incident and bringing them back into the mainstream.

In the case of children who are in conflict with the law for CSA, there is an equal need to deal with them with sensitivity and hope, so that there is a possibility of reform and recovery. For example, it has sometimes been observed that the child has become trapped as a perpetrator of CSA because of what began as a desire to explore one's own sexuality and experiment with relationships with the opposite sex. This has led to these children ending up under the legal scanner. It has to be kept in mind that not every child who is arrested on charges of CSA under IPC or POCSO is an actual perpetrator in the real sense. Even in cases where the child is actually a perpetrator of the crime, the chances for reform and integration have to be available to the fullest. It has to also be acknowledged that there can be certain risk factors that put children at risk of turning into abusers and coming in conflict with law. These include a combination of individual, familial and socio-economic factors that need to be better understood for strategies for the prevention of CSA.

The incident/crime episode of CSA not only impacts the survivor and the accused but has adverse effect on their families as well. The problem may range form of health, economy or community level cooperation. Many a time, a lack of knowledge about legal procedures and the facilities available for a child makes life even more miserable for the families. The study also found that the lack of counselling to both the categories of children is one of the greatest gaps in service delivery system.

SECTION 1

BACKGROUND

1.1 Context

The revelations of India's soul are lurking in the shadowy lives of her children. How does India treat its children? What future do they look forward to? Do the promises made in covenants and policies walk the ground for every child in India? These are disturbing and dark questions. Answers, if any, are complex and equally disconcerting. This is because the holistic development of all children has been grossly inadequate with much room for improvement on multiple fronts.

The world has to protect its children at all costs. It is one of modern society's paradoxes that children – known for their innocence and vulnerability -- are being abused and exploited relentlessly. This has to stop at all costs. The challenge is great: in India alone lives every fifth child of the world, making up 39% of the country's population. Even today, there are more than 4.3 million working children trapped in child labour, with civil society estimates that are far greater. The Child Sex Ratio has been declining and the highest rate of neonatal deaths in the world is in India. Crimes against children reported a 24% increase from 2010 to 2011, with more than 33,000 crimes reported¹. Child Sexual Abuse (CSA) showed a 142% increase in the number of recorded cases between 2015 and 2016. According to the recently published *Crime in India 2016* report of the National Crime Records Bureau [NCRB], there were 19,765 cases of child rape recorded by the police. A seminal, 13-state study by the Ministry of Women and Child Development² (MWCD) in 2007 revealed that more than half of the child respondents had faced CSA in some form or the other.

The Kailash Satyarthi Children's Foundation (KSCF) works with the vision of building a child-friendly world where all children are safe, healthy and receiving meaningful quality education; a world free of violence against children in all its manifestations. How a nation protects its children through effective policies, efficiently-run programmes and sensitised and aware communities is a major pre-requisite to realise this vision. Within this larger picture of ensuring protection in all its forms for all children, CSA looms as a grievous crime of serious impact. The World Health Organisation (WHO) defines CSA as *"the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. CSA is evidenced*

¹Children in India 2012 – A Statistical Appraisal. Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

²Ministry of Women and Child Development (2007) *Study on Child Abuse: India 2007*. Available at: <http://www.childlineindia.org.in/pdf/MWCD-Child-Abuse-Report.pdf> (Accessed: 27/04/16)

by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

- *the inducement or coercion of a child to engage in any unlawful sexual activity;*
- *the exploitative use of a child in prostitution or other unlawful sexual practices;*
- *the exploitative use of children in pornographic performance and materials*³.

CSA is amongst the most grievous of crimes against children and an extreme violation of child rights. Sexual abuse puts the child in perpetual trauma and shock affecting her/his physical, mental, psychological as well as social well-being and placing her/his overall growth and development in jeopardy. Such acts can have devastating and often irreversible impact on young children, and recent trends in India have revealed an urgent need to improve and strengthen the response (at societal, government, legal and judicial levels) to check such crime and offer effective support for survivors. Progress in this direction has been slow despite several reformatory processes, legal reforms and policy decisions that have been taken in recent years. The disclosure of abuse remains a serious challenge owing to several complex factors including the crippling stigma and shaming attached with such acts. Close relatives may struggle to deal with the news of child abuse in a supportive and effective manner, which is why it is important for family counseling and support in order to serve the child's best interests. Ironically, the justice system – meant to hand out justice -- can cause further trauma and distress to CSA survivors. Children are 'easy targets' for sexual abusers as they are young and unaware of their own rights⁴; many children are not even aware that they are being abused.

These rights of children and their violation is equally challenging when it comes to child perpetrators of the crime of CSA. It is well-known and established that children who come in conflict with the law have to be treated differently from adults who commit crime. While there are systems and procedures in place to respond to this special need, there is much more that needs to be done. It is critical to understand the psychosocial dimensions of the impact that children shoulder after having committed/being involved in CSA and coming in conflict with the law.

1.2 Literature Review

Research-based enquiry on CSA has generated a significant body of literature and knowledge. A rapid scan of relevant literature on the psychosocial impact and as related to their access to justice, has shown that there is a lot of knowledge available that can contribute to developing a better, more scientific understanding of the subject. This can further support the conceptualization and implementation of stronger programmes and initiatives for controlling this crime and supporting those who suffer it first-hand as children.

³WHO (2003): Guidelines for Medico-Legal Care for Victims of Sexual Violence

⁴Human Rights Watch (2013) *Breaking the Silence: Child Sexual Abuse in India*. Available at: <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india>(Accessed: 17/03/16)

(i) Gathering tangible, qualitative information from a CSA survivor can be challenging:

The challenge of collecting credible information and knowledge about CSA is powerfully summed up by experts with the explanation that in a scenario where sexuality is relegated from mainstream discourse, what language does a confused child have to detail abuse?⁵ Besides the “taboo” nature of the topic, limited vocabulary and frame of reference can also keep a child from honest and full sharing of such an experience.

Additionally, matters related to sex and reproduction are not very openly discussed in a typical Indian family, and this confuses a child further regarding what is right or wrong especially when the abuser is a known trusted individual. Children often refrain from disclosure because they think no one will believe them as the offender maintains a good social status and is a trusted member of the family⁶.

(ii) Full Disclosure is Difficult:

The age of the child survivor and her/his ability to fully process and comprehend all experiences are reasons that can affect disclosure. It may be that they do not know that what has happened to them is a wrongful act, even a crime⁷. A study by Arpan Foundation⁸ in which adult survivors of CSA were interviewed revealed how comprehension about the event, finding the right words to describe it, the courage, shame and guilt, led to a belief that forgetting about it would be the best way to develop a coping strategy in the long run.

(iii) Psychological Impact:

Survivors of CSA may face many cognitive and emotional adversities that can distort a child’s self-perception and that of the world around. These psychological effects can manifest immediately after abuse and persist into adulthood. People deal with trauma in different ways, however such experiences at a young age can have a severe impact on how a child develops. Immediate impact may include extreme emotional disturbance such as fear, anxiety, depression, anger, and low self-esteem⁹. Long-term effects can include negative perception of the self, confusion of sexual identity and preferences, self-destructive behaviour, inability to form productive relationships, have a healthy sexual

⁵Vasudev, S. (2002, November 18). Child sexual abuse: Male child as vulnerable to victimisation as girls. Retrieved June 25, 2016, from <http://indiatoday.intoday.in/story/child-sexual-abuse-male-child-as-vulnerable-to-victimisation-as-girls/1/218664.html>

⁶The Alternative. (2012, July 22). Child Sexual Abuse – commonly asked questions. Retrieved June 25, 2016, from <http://www.thealternative.in/society/child-sexual-abuse-commonly-asked-questions/>

⁷Human Rights Watch (2013) *Breaking the Silence: Child Sexual Abuse in India*. Available at: <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india>(Accessed: 17/03/16)

⁸Arpan- Towards Freedom from Sexual Abuse. (2014). *Recounting Abuse, Reporting Abuser- Reflections of Survivors on Mandatory Reporting*. Retrieved June 25, 2016, from <http://arpan.org.in/wp-content/uploads/2014/09/Mandatory-Report.pdf>

⁹Malhotra. S., Biswas. P. (2006) *Behavioral and Psychological Assessment of Child Sexual Abuse in Clinical Practice*. International Journal of Behavioral Consultation and Therapy: Volume 2, No 1. Available at: <http://files.eric.ed.gov/fulltext/EJ803984.pdf> (Accessed: 25/06/16)

relationship with the opposite sex or have the inclination to be promiscuous¹⁰. Most commonly experienced are anxiety and Post Traumatic Stress Disorder (PTSD) that can lead to disassociation with life events, nervousness and anxiety¹¹. Individuals suffering from PTSD many display extreme mood swings of anger or sadness; if a child does not receive adequate support in dealing with these emotions, there is a risk that she/he may turn to alternative methods of tension-reduction activities or complete avoidance¹² such as:

- Substance abuse
- Suicide
- Indiscriminate sexual behaviour
- Physical self-harm
- Eating disorders including binge eating, bulimia and anorexia.

Children who fail to disclose the incident(s)/crime may also present symptoms such as stomach ache, sleeplessness, urinary infection, bed wetting, avoiding people, withdrawing from socializing and playing with friends. Some children do not show any symptoms of abuse because they have somehow come to terms with the episode and do not want to come out in the open about it¹³.

(iv) Familial and Social Challenges Faced by CSA Survivors and their Families:

Shame and stigma is a serious problem for survivors and they may face mixed reactions from their families, local communities and society at large¹⁴. Family dynamics and social norms of the community can play a significant role in influencing these reactions. For example, children whose family background enforces rigid gender roles with a dominating male figure are not only more prone to abuse but are also least likely to disclose it. In conjunction to this many individuals who have disclosed their abuse become ostracised by their peers and neighbours¹⁵. It may also be the case that the survivor is coerced into silence by the abuser. A major finding in the MWCD child abuse survey of 2007 was that

¹⁰Vasudev, S. (2002, November 18). Child sexual abuse: Male child as vulnerable to victimisation as girls. Retrieved June 25, 2016, from <http://indiatoday.intoday.in/story/child-sexual-abuse-male-child-as-vulnerable-to-victimisation-as-girls/1/218664.html>

¹¹Collin-Vezina, D., Daigneault, I., Hebert, M. (2013) *Lessons learned from child sexual abuse research: prevalence, outcomes, and preventative strategies*. Child & Adolescent Psychiatry & Mental Health: Volume 7, No 22. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3720272/> (Accessed: 27/04/16)

¹²Malhotra, S., Biswas, P. (2006) *Behavioral and Psychological Assessment of Child Sexual Abuse in Clinical Practice*. International Journal of Behavioral Consultation and Therapy: Volume 2, No 1. Available at: <http://files.eric.ed.gov/fulltext/EJ803984.pdf> (Accessed: 25/06/16)

¹³Bhattacharya, P. (2014, July 19). Teach Your Kids to Protect Themselves, Say Experts. Retrieved June 25, 2016, from <http://www.newindianexpress.com/cities/bengaluru/Teach-Your-Kids-to-Protect-Themselves-Say-Experts/2014/07/19/article2338413.ece>

¹⁴Department of Women and Child Development (2007) *Study on Child Abuse: India 2007*. Available at: <http://www.childlineindia.org.in/pdf/MWCD-Child-Abuse-Report.pdf> (Accessed: 27/04/16)

¹⁵Alaggia, R. (2010) *An Ecological Analysis of Child Sexual Abuse Disclosure: Considerations for Child and Adolescent Mental Health*. Journal of the Canadian Academy of Child and Adolescent Psychiatry. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2809444/> (Accessed: 06/06/16)

most respondents who had experienced CSA did not report their experiences; additionally, the Human Rights Watch study¹⁶ found that many cases that were reported were eventually dropped. Children who do disclose their abuse are in an extremely vulnerable position, and the response to their disclosure can have a huge impact upon their future.

Individuals who are aware that a child has experienced sexual abuse within the family exhibit a plethora of reactions. In cases of intra-familial CSA, the family is more hesitant to report the event due to fear of shame and judgment of others in the community, and a desire or duty to protect the guilty family member¹⁷. It is important to acknowledge that a whole family is impacted by CSA and that there is a need to offer family therapy in order to maintain and develop family relationships. Whether CSA is reported or not, it is safe to say that it is not only the life of the survivor that is altered but that of the family too. CSA as an incident has the potential to be, and it most often is, life- altering for an entire family.

(v) The Importance of Post-incident Counselling and Help-Seeking: Individual and Family:

Not seeking help for CSA survivors can significantly inhibit the quality of a child's development and further perpetuate the shrouded nature of CSA. Equally, in being able to identify key psychological and social factors that affect victims of CSA, it will allow the identification of gaps and needs in support mechanisms and responses.

(vi) The Justice System and Rehabilitation

There is a growing trend of improved reporting of CSA cases, and this need not necessarily mean that CSA is increasing as a crime¹⁸. Greater recognition and awareness is perhaps leading to better reporting. Despite legal and judicial reform and actions by the government in both identifying the problem and coming out with the Protection of Children against Sexual Offences (POCSO) Act in 2012 as a special legal tool to counter the crime of CSA, there are still high numbers of CSA survivors whose awful experiences remain unrecorded as a crime. In failing to identify a child who is being abused, there is an increased risk of further and more severe abuse¹⁹.

When a case is reported the child is often subjected to further experiences that he/she can find traumatic, such as invasive physical examination and being expected to recount the details of the abuse which can be extremely difficult²⁰. The justice system is arduous for most survivors who must not only deal with the trauma of sexual victimisation, but as a

¹⁶ Human Rights Watch (2013) *Breaking the Silence: Child Sexual Abuse in India*. Available at: <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india> (Accessed: 17/03/16)

¹⁷ Human Rights Watch (2013) *Breaking the Silence: Child Sexual Abuse in India*. Available at: <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india> (Accessed: 17/03/16)

¹⁸ Belur. J., Singh. B. B. (2015) *Child Sexual Abuse and the Law in India: a commentary* Available at: <http://crimesciencejournal.springeropen.com/articles/10.1186/s40163-015-0037-2> (Accessed: 26/04/16)

¹⁹ Leenarts. L. E. W., McReynolds. L. S., Vermeiren. R. R. J. M., Doreleijers. T. A. H, and Wasserman. G. A. (2013) *Associations Between Trauma History and Juvenile Sexual Offending*. Journal of Trauma and Treatment. Available at: <http://www.omicsgroup.org/journals/associations-between-trauma-history-and-juvenile-sexual-offending-2167-1222.1000S4-002.php?aid=21045> (Accessed: 27/04/16)

²⁰ Ministry of Health and Family Welfare: Guidelines and Protocols (Medico-legal care for Survivors/Victims of Sexual Abuse) <https://mohfw.gov.in/sites/default/files/953522324.pdf> (Accessed: 25/4/16)

consequence also be subjected to a lengthy legal process where they must revisit and recount their traumatic experience months or even years after the event. This can disrupt their healing process. Having taken the difficult decision to file a legal complaint, CSA survivors and their parents and families commonly face the entire gamut of cumbersome and lengthy legal proceedings for several years. The execution of law is a real problem²¹, and this leads to a significant deficit of trust in government bodies.

Effective first response and rehabilitative support over time can alleviate aspects of psychological trauma to enable survivors to move forward positively and begin to feel more and more resilient. They may even learn to actively nullify the effect of their abuse on their present and future²². The process is often long and difficult especially in cases of CSA where cognitive development has already been disrupted, making it harder for the survivor to adjust. It has been observed that current systems designed to help survivors are meagre and unsupportive often leading to the withdrawal of cases, or even a lack of reporting altogether.²³The Ministry of Health and Family Welfare (2013) has developed Guidelines and Protocols surrounding the medico-legal care of survivors of sexual assault in India. These guidelines stipulate the treatment and care that survivors are entitled to, including medical and psychological treatment, besides legal support²⁴.

The need for compliance on all stipulations in the relevant legal tools and procedures is critical today, when it comes to the treatment of children in conflict with the law for CSA. This is very important if the country has to move towards reformative justice rather than punitive justice, and is especially relevant for children so they may have another chance at life.

1.3 The Need for the Present Study

The terrible trauma of a child survivor of sexual abuse during the incident and after was one of the primary reasons behind this research study. It is also equally important to study the trauma of Juvenile perpetrators of CSA, who as children can be traumatised owing to the justice system. The continuing lethargy and insensitivity within the formal system meant to deal with such cases has been another factor There is a need for research-based evidence in order to challenge the status quo in a milieu where this crime is not being recognized sufficiently by either society or its systems, whether it is the legal framework and law enforcement machinery or just society.

²¹Singh, MM, Parsekar, SS, Nair, SN. (2014). An Epidemiological Overview of Child Sexual Abuse. *Journal of Family Medicine and Primary Care*, Oct-Dec; 3(4): 430-435

²²Malhotra. S., Biswas. P. (2006) *Behavioral and Psychological Assessment of Child Sexual Abuse in Clinical Practice*. *International Journal of Behavioral Consultation and Therapy*: Volume 2, No 1. Available at: <http://files.eric.ed.gov/fulltext/EJ803984.pdf> (Accessed: 25/06/16)

²³ Human Rights Watch (2013) *Breaking the Silence: Child Sexual Abuse in India*. Available at: <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india>(Accessed: 17/03/16)

²⁴ Ministry of Health and Family Welfare: Guidelines and Protocols (Medico-legal care for Survivors/Victims of Sexual Abuse) <https://mohfw.gov.in/sites/default/files/953522324.pdf> (Accessed: 25/4/16)

This effort is meant to create new knowledge that can contribute towards a longer-term goal of strengthening preventive and protective approaches to counter CSA. As per NCRB records, sex-related crimes against children have increased significantly during 2012-16. This fact does reflect improved reporting, but there is a need for more knowledge to understand other reasons why such crime is still unacceptably high. The table below indicates the per cent change in different types of crime against children during 2012-16.

Table 1: Crimes against children in the country and per cent variation during 2012-16

Type of Crime	2012	2013	2014	2015	2016	% Change in 2016 over 2012	% Change in 2016 over 2015
Rape	8,541	12,363	13,766	10,854	19765	131%	82%
Kidnapping & Abduction	18,266	28,167	37,854	41,893	54723	200%	31%
Buying of minors for prostitution	15	6	14	11	7	-53%	-36%
Selling of minors for prostitution	108	100	82	111	122	13%	10%
Exposure & abandonment	821	930	983	885	811	-1%	-8%
Procuration of minor girls	809	1,224	2,020	3087	2465	205%	-20%
Juveniles Justice(C&P of Children) Act	-	-	1,315	1,457	2253	-	55%
Protection of Children from Sexual Offences Act			8,904	14,913	12226	-	-18%
Unnatural offences			765	814	1247	-	53%

Acknowledging the complexities of CSA, KSCF is planning a phased approach to undertaking this research study. In the immediate short-term, an effort has been made to gather data through an exploratory pilot study (this report) while also studying existing data and literature on the subject. The entire research initiative will be carried out in three phases between 2016 and 2021.

- Phase 1: An exploratory, pilot study of a small representative sample in Delhi
- Phase 2: A year-long in-depth study that will reach out to a larger sample of respondents, drawing from the findings of Phase 1.
- Phase 3: A nationwide multi-scale study spread over three to five years, with follow-up reference to the earlier phases.

1.4 Existing Legal Framework and Support Systems

Until 2012, there was no law specifically responding to CSA in India. The POCSO Act, created in 2012, criminalises a range of abuse against children including rape, assault, exploitation for pornography, and harassment of persons under the age of 18. The Act was introduced largely in response to the MWCD report that found huge numbers of young children reporting having survived some form of CSA or the other. Before POCSO, sexual offences against children were covered by the Indian Penal Code of 1860 under Sections 376 (sexual intercourse without consent), 354 (outraging the modesty of a woman), and 377 (unnatural acts such as anal sex, homosexuality and bestiality). Aside from these three sections, other forms of sexual assault, for example non-penetrative sexual acts, were not recognised²⁵.

The Protection of Children from Sexual Offences Act, 2012

POCSO stipulates procedures that aim to make reporting and providing evidence more child-friendly in order to reduce the impact it may have on the child, such as recording the statement in a one-on-one setting outside of the courtroom so that the child does not have to be present at the trial and face her/his alleged abuser. It stipulates punishments for sexual offences against children, the establishment of special courts, and the appointment of Special Public Prosecutors besides laying down stringent timelines for the entire case to be completed. Several other care and protection measures for children are also laid out.

The reality on the ground, however, is a serious pendency in investigations with criminal trials terribly delayed for multiple reasons, many of them common with other legal processes. According to the *Crime in India 2016* report from the NCRB, conviction rates under POCSO stand at 29.6% with pendency rate being 89%. There are multiple reasons for this situation. For instance, studies are on-going to focus on the functioning of the special courts. It is not surprising that preliminary findings are not encouraging. The practice of child-friendly procedures and the creation of child-friendly environment are also highly questionable.

It is evident that these frameworks, protocols and mechanisms would need vast improvement. It is also well-known that behaviours and attitudes must shift towards greater openness and acceptance. This is critical if some hope has to enter the lives of children who have not only survived a crime as atrocious as sexual abuse but have also had the courage to file a formal complaint. This is a study that explores the broad psychosocial and legal barriers and challenges that survivors and children in conflict with the law face, and its findings are expected to generate new knowledge, and shape a deepened enquiry in coming years. Needless to say, there is great urgency to push for

²⁵ Belur, J., Singh, B. B. (2015) *Child Sexual Abuse and the Law in India: a commentary* Available at: <http://crimesciencejournal.springeropen.com/articles/10.1186/s40163-015-0037-2> (Accessed: 26/04/16)

transformational change if we are to aspire for a society that is child-friendly and compassionate where CSA becomes an evil of the past.

SECTION 2

THE PRESENT STUDY

This exploratory pilot study is the first phase of a long-term research programme to develop an in-depth understanding about psychosocial impact of Child Sexual Abuse (CSA). This study explores the experiences related to the psychosocial and emotional impact, and the available response system and service, from the perspective of children, both survivors of sexual abuse and child perpetrators who are also in angst and suffering, even if for different reasons. As is well-known, CSA has been reportedly rising over the years, affecting a child's psychological state, health, level of independence, social relationship, and her/his working relationship with the external environment at multiple levels. Such acts can have devastating and often irreversible impact on young survivors who are known to have to deal with dual stress and trauma – one, of a deeply agonising physical and mental experience, and two, the frustration of being exposed to a slow, insensitive and often unresponsive law enforcement and legal system. Recent trends in India have revealed an urgent need to improve and strengthen the response (at societal, government and judicial levels) to the sexual victimisation of children in all respects.

KSCF has taken up this study in order to respond to a serious gap in our knowledge and to furnish the evidence required to expedite action for reform in all domains of response. The present study was conducted to obtain a scientific understanding of the psychosocial dimensions of CSA as described above. Limited to the National Capital Territory of Delhi (NCT of Delhi), the pilot study was designed to generate the first level of information as regards this vexatious issue. The attempt was to understand the nuanced lived experiences of CSA survivors and children in conflict with the law while trying to uncover underlying psychosocial processes that they undergo besides mapping their experiences with the legal and other support systems after lodging formal complaints or facing the system.

2.1 Objectives

1. To generate primary data for developing an understanding of the psychosocial impact of the criminal act on the child survivor
2. To understand the psychosocial condition of children who are in conflict with the law under child sexual abuse
3. To assess felt service needs based on the perception about immediate response systems, and suggestions for improvement

2.2 Research Methodology

With an aim to develop this research programme over a three to five year period, the present study was deemed necessary as a pilot that would provide important learning's going forward. The study was conducted keeping in mind the urgency to gather this

information. It was therefore designed as a situational analysis and needs assessment study. The information gathered will be used to plan the expanded phases of this research.

A rapid literature review was conducted to develop a broad understanding of the landscape of knowledge and evidence that is currently available, and the same was utilised for data triangulation.

A Technical Working Group (TWG) was established for expert guidance and support on the development of the research tools and protocol, finalising the data analysis plan and framework, training for field staff (interviewers), and final data review. TWG members and the KSCF research team finalised the research protocol for the pilot study.

The Technical Working Group (TWG):

- Professor Nimesh Desai, Director, Institute of Human Behaviour and Allied Sciences. (Honorary Advisor & Chair, TWG)
- Dr. Rajesh Sager, Professor of Psychiatry, All India Institute of Medical Sciences (AIIMS), New Delhi
- Dr. R. P. Mitra, Assistant Professor, Department of Anthropology, University of Delhi, Delhi
- Prof. Zubair Meenai, Professor, Department of Social Work, Jamia Millia Islamia University, New Delhi
- Professor Naved Iqbal, Professor, Department of Psychology, Jamia Millia Islamia University, New Delhi
- Dr. Vibha Sharma, Associate Professor, Clinical Psychology, Institute for Human Behaviour and Allied Sciences, Delhi
- Dr. Amit Khanna, Assistant Professor, Psychiatry, Institute for Human Behaviour and Allied Sciences, Delhi

The sample size of respondents was 10-15 child survivors who have made formal complaints of their victimisation. This purposive sample of respondents was selected from the NCT of Delhi with support from the Legal Aid Cell of the Bachpan Bachao Andolan (BBA). The research team with support from the Legal Aid Cell of BBA identified and contacted 96 families of CSA survivors. These were all families who have filed a case in the court of law, as a plea of justice against the terrible crime their young child was a victim of. Hence, the sample frame consists of under trial cases only. Out of the 96 families contacted telephonically, only 14 families (15%) showed their willingness to participate in the study. The remaining 82 families either refused to participate or could not be contacted due to change of contact details (mobile number/postal address). Further, of the 14 families approached for final interactions and interview, two refused to sign the informed consent form. Even though the research team faced a challenge in terms of receiving affirmations for interviews, it was noted that overall, the families and respondents were quite cooperative, and made a sincere effort to share whatever information they could. Given that the key respondents are children and some as young as 8-9 years of age, there were long periods of silence in some of the interviews, and the sharing of experiences was limited to some extent. The research team chose not to

question the respondent and his/her family as regards direct details of the incident of abuse itself, but in some cases it came through as voluntary sharing from the family.

The survivor's family was contacted and an appointment for the interview was sought after a detailed description of the purpose of the study. An interview schedule was drawn up and adhered to.

Similarly, in order to record the lived experiences of juvenile perpetrators of CSA, 11 children in conflict with the law and charged and arrested under Section 376 of the IPC (punishment for rape) and POCSO, were also interviewed in observation homes.

In order to interact with children living in observation homes (who are in conflict with the law and arrested on the charges of rape), official permission was obtained from the Department of Women and Child Development, Govt. of NCT of Delhi and the Principal Magistrate of one of the Juvenile Justice Boards situated in Delhi. The details of the Juvenile Justice Board and the observation home where interviews were carried out cannot be specified in order to keep the identity of the respondents secure.

A semi-structured qualitative questionnaire was devised to gather information related to the experiences of respondents, based on Interpretative Phenomenological Analysis, a variant of Qualitative Analysis. Designed to provide flexibility to the interview process given the sensitive nature of the study, the questionnaire (Annexure 2) comprised open-ended questions to explore various aspects of abuse ranging from understanding the overall experience of life revolving around the abuse to the social impact of such a serious crime committed against a child. The questions were kept short and simple for the child to understand. Interviews were audio-recorded in cases where consent was provided. Interviewers were also required to summarize their subjective impressions of the interview in terms of the overall interaction, the participation of the child in the interview and that of the family. For children between 6 to 10 years, an additional attempt was made to use the House-tree-person test to explore various aspects of abuse.

Data analysis was initiated to deduce the most significant themes emerging from these traumatic, lived experiences as related to the opinions, impressions, experiences and perspective of the survivor and his/her family members/significant others. The themes deduced from the qualitative data analysis in the pilot phase will provide guidance for subsequent phases of this research initiative, including determining quantitative tools that would be used for objective measurements of psychosocial parameters of abuse specific to the Indian context.

Ethical Standards:

Acknowledging the vulnerability of CSA survivors, all necessary steps were taken during this study to protect their rights and privacy. The pilot study was guided by the TWG members, each of whom has made significant contribution to the field of research and knowledge as related to CSA. The following ethical standards were adhered to during the pilot study:

- Research protocol and tools prepared by TWG members with KSCF staff and approved by the TWG to use the same in the field

- Written informed consent obtained for each interview. Since the respondents were minors consent was obtained from either parent or a guardian. This included a, verbal explanation to the child wherever required
- Special permission was obtained from the Department of Women and Child Development, Govt. of NCT of Delhi and Principal Magistrate for interactions with children who are in conflict with the law.
- All interviewers were trained and oriented to deal with a sensitive matter like CSA and with young survivors as respondents. The training was conducted by senior faculty of IHBAS
- The confidentiality of information collected from the respondent/parent/significant other has been and will be maintained at all stages
- Each respondent was briefed as regards the interview in terms of its purpose, how the information sought would be used, and that he/she would be totally at liberty to stop the interview at any point of time in case he/she felt uncomfortable
- Careful attention was given to the physical setting for the interview. The research team took care to understand any concerns that the respondent or her/his family had as regards the location and took necessary steps to ensure that the interview was conducted at the venue most suited for the respondent
- Full contact details of the research team were provided to each respondent's family, with the verbal assurance that they could be contacted for any clarification

Data Analysis

Qualitative content analysis was conducted to identify common words/phrases in order to explore the underlying experiences of respondents, group the information into key themes/categories (Annexure 1). These themes were then analysed for inter-linkages to provide comprehensive information as aligned with the objectives of this pilot study.

2.3 Limitations of the Study

- This study is limited to reported cases and acknowledges that gaps may exist in representation due to nature of available cases to study
- Sensitivity of the subject and the challenges in conducting smooth and seamless interviews
- A conscious effort had to be made to refrain from the oversimplification of data, and acknowledge and incorporate, as far as possible, the multi-layered complexities in the experience of survivors of CSA. The data collector must be cognisant of any intended/unintended bias and be flexible in working with the respondent to extract the most authentic information
- Limitation of long-term recall of survivors (time gap between event and this assessment): Children as interviewees can find it quite difficult to recall the details of a traumatic incident and talk about it

SECTION 3

SURVIVORS OF CHILD SEXUAL ABUSE: RESULTS FROM RESPONDENT INTERVIEWS

This section presents the results and analysis of the primary data collected from survivors of CSA. The transcriptions of the interviews carried out with child respondents who are survivors of sexual abuse, and with their parents, were read carefully and analysed. Field researchers (the interviewers) also recorded their general observations regarding each case, in order to capture characteristics of family background, physical environment, body language and other subtle, subjective characteristics.

The results have been presented under two broad heads:

- I. **Psychosocial Dimensions**
- II. **Experiences with the legal and other support systems.**

The sub-section on psychosocial dimensions is further bifurcated and presented at three different levels i.e. Individual/Survivor, Family and Society.

Family Background of the Survivor

Among the survivors interviewed under the present study, the age at incidence of the crime varies from seven years to 16 years. Assessment of the economic condition of the survivor's family (based on the household assets observed at the time of interview and descriptions by adult family members) indicates that all the survivors belong to either lower income strata or lower middle income strata. These are families that live in areas of Delhi-NCR that are either slum dwellings or lower middle income colonies where there are multiple physical challenges common to unplanned urban life. The majority of survivors' parents are either illiterate or have completed elementary education, but none of the parents have studied beyond the secondary education level. The number of siblings in each of the respondent's cases ranged from none to as high as seven.

3.1 Psychosocial Dimensions

This sub-section records the psychosocial impact of CSA on survivors. All the respondents interviewed helped the research team to a great extent to understand various psychosocial factors that begin to play out at various levels (as detailed below), each contributing to the overall impact of CSA on a child. In the majority of cases, either the parents or the child survivor in presence of the parents shared details of this impact with the interviewers and research team.

3.1.1 Individual/Survivor

(i) Severity of Trauma and Stress

It is clearly evident that respondents are still undergoing or have undergone some level of stress or trauma, besides the actual trauma and pain of the abuse itself. The analysis revealed that older children were exhibiting more serious trauma/stress as compared to the younger ones. A survivor as young as nine years was found to be playful during the entire interview whereas a 16 year old survivor was going through serious mental trauma and showed signs of depression. In the words of the mother of the nine year old survivor,

"She did not go outside for two months immediately after the incidence (at the time of incidence she was seven year old). But now she is cheerful and plays all the time"

On the other hand, the 16 year old survivor said,

"I feel like committing suicide..... I keep weeping inside"

The study highlights how the magnitude of psychological impact may vary based on the level of understanding and comprehension of the event by the survivor. That young children who suffer such abuse are not always able to comprehend or find the right words and expressions to share their experience is well-known and documented in relevant literature. It has to be kept in mind that the stress and trauma of being abused at a very young age may manifest much later in the child's life. It is also important to understand that an older survivor has a greater comprehension of and is therefore more vulnerable to social conditioning and stigma.

(ii) Perceived Freedom of Movement

In the majority of cases, survivors have stopped going out of the house alone after the incident. They leave the house, either to play or attend school, in the close watch of a senior family member/elderly person. This demonstrates a sense of fear in the minds of survivors as well as family members. Some parents clearly articulated their sense of unease and how the CSA experience has had a great impact on their ability to allow the child to move around freely. This may be due to the fear of further abuse or humiliation by society or even the knowledge that the perpetrator is still around. For most respondents, this restriction has come up after the incident, and such lack of freedom was not there before.

(iii) Love and Affection Received – Before and After

Any change in a family member's behaviour affects children the most. In one of the cases, the survivor was 17 years old and said,

".....Even if they (family members) see me crying they do not stop me nor try to console me. I used to be loved so much before but now things have changed"

The same respondent also reported during the interview that,

"When I am sad I sit alone and cry"..... (started crying)

(iv) Threats Received

Almost all the survivors are in fear after the incident and feel more vulnerable than before. From the data it is evident that the survivors of CSA prefer to stay inside the house and limit their interactions with known people like family members and friends. This is as a consequence of the fear and a heightened perception of risk.

This fear significantly affects the self-esteem of the survivor. One of the survivors aged 16 years narrated,

"In the absence of my father.....the neighbours (offender's family) had set their own thatched house on fire and stated saying that I did it. When I denied the charges, I was asked by my community people to take oath of the holy book."

The father of the same survivor also stated that,

"The offender's family came for a compromise but I declined, despite knowing that they are economically much stronger than me and of criminal nature."

A 17 year-old survivor also mentioned that,

"His (the offender's) mother and sisters had come to throw acid on my face when my parents were not at home"

Threat perception can be even greater and more complicated in case the perpetrator is a close family member. In one of the cases the offender who was the survivor's own father had been and abusing her since she was just nine years old. After 1 ½ years of abuse the child's mother filed a police complaint and the offender was arrested. While talking about the kind of threats her husband was giving her daughter, she said,

"Now she (survivor) is fine now.....earlier she was scared because her father had threatened her that he will chop off her and my hands and legs and throw us in river the 'Yamuna' if she told me (mother) anything."

(v) The Fear of being Lonely

It is understood from the interviews that in most cases due to the incident having occurred and consequent involvement of the police, neighbours start avoiding the survivors' families and tend to shy away from keeping any association with their families. They (neighbours) also do not allow their children to interact with the child survivor. This is clearly because the stigma of sexual abuse is so deep that even a survivor of the crime gets no empathy. On the contrary, she/he is discriminated against.

The data reveals that the child survivor enters a new and alien phase in life after a CSA experience. New facets could include losing contact with all friends, finding the social network limited to a minimum, and getting handicapped by limited movement in the vicinity of the home. The child survivor starts feeling lonely with no one to share her/his mental state with, and no one around to play with. This can lead to a negative state of mind. One of the survivors aged 17 years said,

"I do have friends. But my mother does not let me go anywhere, because of what happened. My elder brother is not allowed as well.....my freedom is curbed. I used to spend time with my friends all the time, but now I can't do that."

In the words of another survivor,

"The intensity of such feelings increases during festivals when I see everyone around me enjoying life and having fun."

The present study indicates that a survivor of CSA suffers to a great extent because of eroding social relationships and social exclusion, all for no fault of hers/his. The study also reveals that none of the survivors have undergone any counselling sessions through the external support system. Health care facilities were limited to the extent of medical examination at the time of reporting of incidence.

(vi) Confidence Level of the Survivor after the Incident

The data reflects that very young survivors of sexual abuse do not really anticipate or understand the intensity of the incident and often overcome it through their innocence and childish resilience, by keeping themselves busy with indoor games or other such entertainment. They also refrain from sharing details of the incident as it rakes up painful and unnecessary memories of what happened. Older children realise what has happened and face the wrath of social discrimination, exclusion and stigma. As a result, even if they are ready to accept the experience and move on, these external pressures eventually break their self-confidence, self-respect and self-esteem. This also makes it difficult for them to regain trust in people. A nine year old girl said,

"I am going out..... (to her mother so that she could avoid the discussion on the incident)."

Her mother also stated that,

"..... She does not like to talk about anything related to that incident..... even to appear in court for the hearing, she (the survivor) says I will not go. I don't want to go to the court."

(vii) Future Prospects

The mother of a nine year-old survivor, while responding to the questions during the interview, reported that all teachers (in school) are aware of the incident and because of that none of them wants to provide private tuition to her child, for improvement in studies. She narrated that,

"I am worried about her studies. The teacher doesn't teach her in school, when we tried for private tuition the tutor said that your child is very weak in health/ill. If she does not study then you will blame me. I can't teach her....."

On the contrary a 16 year old survivor of sexual abuse during the interview shared that,

"I wanted to be an IPS officer. But I have asthma. So I might not clear the physical. Now let's see....."

While interviewing a 17 year old survivor it was observed by the interviewer that entire family believed that they are educated people and understand the situation well. The family had decided to move forward and not think about the negative aspects of life. The survivor was also found to be very focused on her career.

The father of the same survivor said,

"I want to fulfil her (survivor's) dreams, I know in today's world you have to be self-sufficient and not rely on your partner. So I want her to be independent."

For some survivors, the incident in itself was highly disruptive in terms of their studies, or examination schedule, and they view it as a major contributor to their reduced performance that year. They also shared how difficult it was to come out of that frame of mind and get back to studies with focus and concentration.

3.1.2 Family

Since the study has purposively explored only those cases of families who have lodged formal complaints about the crime with the legal/judicial system, it is inferred that the family is supportive of the child survivor and empathic towards her/his situation and trauma. This however, has not been easy for the family and an effort was made to understand the nuances of what the family goes through at different levels.

(i) Family Resilience and Persistence

After the incident of abuse the survivor can show signs of becoming more and more observant and sensitive as regards any change in behaviour of close family members and starts adjusting her/his own behavioural responses accordingly. In most of the cases, family members became more protective towards the child. This has sometimes led to confusion in the mind of a child who questions whether the extra attention is because of:

- emotional support or societal pressure
- parents empowering her/him to fight against all odds of society or a deprivation of personal space;
- support given in order to become a part of society or trying to hide the perceived guilt

The action and the statements made by family, especially parents, helps the child to develop an understanding as to whether she/he is receiving the affection, love and emotional support so as to be able to overcome the trauma from the incident. In the view of a father of a confident 16 year old survivor,

"She is a daughter of society. Her prestige is society's prestige. Society has to stand by her. The offender has to be punished....."

It is observed from the data that, in cases where family support was available to the child survivor, the child turned out to be confident. These survivors initially go through trauma but later they emerge out of it with the support of their family and friends. One such survivor, aged 17 years, said,

"We (the family members) have jointly decided to fight this case so that the offender can never try to tamper with the modesty of anyone else in society."

Hence post incidence, family perspective/perception becomes an important contributor to the healing process for the child survivor.

(ii) Family Opinion about Reporting CSA Cases: Social Stigma as a Driver

As mentioned earlier, these are families clearly interested in pursuing justice for a crime committed against their child. Data reveals that fear keeps many survivors from reporting the incident of abuse till the time family members find out on their own, one way or the other. Perpetrators have been using this as an exploitative weapon against survivors. It is also evident that social stigma and fear of ostracisation prevents parents from reporting CSA.

In one of the interviews, it came to light that the abuser was the father. In this particular case, the mother got a sense of the on-going abuse. She then discussed it openly with the child and asked her to reveal the facts. After receiving the confirmation of abuse she immediately confronted her husband who was the perpetrator of the offence. However, the offender denied all charges and physically abused her (the mother) in order to silence her too. Eventually, the mother was able to file a complaint.

In only one case where the survivor of the abuse was a boy it was found that the incident was reported to the parents immediately after they came back from work. However, considering there was only one male respondent, it was difficult to draw inferences from this observation.

(iii) Behavioural Changes related to the Identity of the Offender

a) *If the offender is a part of close family:*

In such a scenario, the offender continues to take advantage of the child till someone else from the family finds out. Once the family realises what is happening, they either try to stop the offender through informal counselling or start maintaining a distance from the offender. In case the offender continues with the abuse then the family members seek support from the legal system.

b) *If the offender is a stranger or a neighbour:*

It is evident from the data that if the abuser was a stranger or from the neighbourhood, the survivor informed a family member of the incident to a. In all the cases, the family then decided to report the matter and take the support of the police. Also, the survivor seems to have acted quickly and informed family about the incident within a short span of time.

(iv) Increased Financial Burden

Data reveal that incidents of CSA can lead to serious financial stress on the family in the form of loss of business/wages, expenses incurred for attending court hearings and to procure the aid of legal counsel other than the public prosecutor made available by the court.

In one instance, while accompanying one of the survivors to court, the research team observed how, due to illiteracy and ignorance, the family was tending to stay away from the public prosecutor, and refrain from dealing with him/her directly. There was another lawyer interacting with the family and giving them updates about case proceedings and other procedures, instructing them to read the First Information Report (FIR) carefully as it was lodged 2 ½ years ago, how to deal with offender's lawyer, and other such advice. While discussing this, the father said,

"I pay Rs.500/- or Rs 1000/- to this lawyer on every court date for the services he is rendering. After all he is making all this effort to help us.....Besides this I also bear the transportation cost all the time. It is a substantial amount as four of us (the survivor, her parents and her younger brother) come every time.

A 16 years old survivor while discussing her family's financial condition said,

"Once my father received a good job offer, but because of the case he lost it"

(v) Loss of Health and Time/Lack of Grit to Pursue Academics

The analysis of data also depict that the fear of social stigma affects family members by having an impact on health which again increases financial stress owing to mounting

medical expenses. . While talking about health problems that have cropped up since the day of the incident one of the mothers said,

"When all this happened, I was under tremendous mental pressure. I went for a check up to the hospital and the doctor gave me medicines after conducting some tests. I am still on medication"

In case of economically weaker families with uneducated parents it was observed that after the incident the survivor, and in some cases the sibling(s) as well, were not able to concentrate on academics or completely withdrew themselves from studies. The father of a 16 year old survivor clearly stated,

"Both my kids (survivor and her brother) lost one year of their education because of this incident. They were stressed out and could not focus on their studies."

(vi)Media Attention

Only one respondent brought up the issue of media attention. During the interview, the mother emphasised that the media needs to be involved so that such cases can be highlighted. She felt that with such attention, impartial investigation by the police can be ensured. Describing her own experience she said,

"The police took us inside the court secretly as media was there for some other abuse case.....it is not good to hide from media. ."

3.1.3 Societal Influence

Social stigma remains very high for the survivor. This was noted while interviewing the respondents. Some preferred that the interviews be conducted at home, as a "safe place" for them. They guardian/senior family member/parent requested the research team to keep the objective of the meeting completely confidential, since society/neighbours knowing the context might create trouble for them.

(i) Relocation after the Incident

It has been observed that families are trying to cope with mounting stress and often try to relocate to a new place where the neighbours would be unaware of the incident, and the child can get a second chance to live a normal life. During the present study, it was observed that the majority of respondents' families have relocated after the incident. However, the relocation did not happen immediately after the incident. It took around six months or more.

A 16 year old survivor's statement:

"Yes we have relocated because our (the offender's and survivor's) houses were in the same locality and when the fights became intolerable we had to relocate."

(ii) The Outlook of Society towards the Survivor

The data also revealed that stigma and fear of social ostracisation attached with sexual abuse kept families from sharing the truth with others. They preferred to say that the child had been physically abused (beaten). One of the mothers said,

“To avoid trouble here, I told everyone around that, the police came to arrest him (offender) because of some personal dispute (physical abuse)”

(iii) Role of Neighbours in Building Pressure/Suppressing the Incident

Despite clear laws in the country and CSA being an established crime, the nature of sexual abuse is such that society tends to take law into its own hands and become the agency that pronounces justice. As a result of this attitude, the community around, and society in general makes the whole incident into a “Survivor/Survivor’s Family versus Offender’s Family” kind of battle. In one of the cases, it was found that the offender and his family built pressure on the survivor’s family and tried to harm their reputation in their community. The offender’s family kept pressurising the survivor’s family to either withdraw the case or give their consent to get the offender out on bail. In the words of one survivor,

“In all functions my family members are surrounded by the entire neighbourhood to convince them to withdraw the case”

During the study, while accompanying a survivor to the court on the date of her hearing, it was observed that the offender’s family brought many other people with them. This crowding created additional stress for the survivor and her family, because it made them anxious about why such a large number of people were gathered there.

3.2 Experiences with the Legal and other Support Systems

3.2.1 Case Pendency and Delays

“I just want it be over soon. It’s been going on for too long.”
(Statement by a 15 year old survivor)

From the available data it was observed that although the respondents reported to be satisfied with the support from the system, they were very disappointed and dissatisfied with the time being taken by the court to pronounce the final judgement. In most cases, the parent’s statement was still to be recorded, leading to the case getting dragged on for two and a half to three years. A survivor’s mother asked,

“How long would it take (it terms of time) to finish. For how many days will this case be in court?”

3.2.2 Insufficient Knowledge of the Law/Legal Proceedings

From the data it was evident that most parents or family members had little knowledge about the law and related legal procedures. A lack of education and awareness, and limited accessibility to resources often deprives communities of their rights and entitlements. As a result they know very little about the legalities and their legal entitlements in relation to the case; they only know about the court dates that they receive through court summons.

The mother of a nine year-old survivor said,

"I have neither met any lawyer nor have I come before the judge. I have no idea what goes on there..... the lawyer has been changed twice. Earlier it was a male, now a lady"

In this particular case, the interviewer was told that the lawyer used to call on the mobile of the maternal uncle of the survivor to inform them about the case date. But the survivor's family never met any of the lawyers.

The maternal uncle of the same survivor said,

"Last time when we went to the court.....We met the police, they asked us to sign and to show the summons, which I forgot at home. They (the police) told us that the summons would act as a proof that we came for the hearing, though they do not usually ask for it."

3.2.3 Lack of Counselling

It is evident from the study that the psychological condition of survivors of CSA can vary on the basis of age, education and socio-economic factors. The impact that sexual abuse leaves on the mind of a survivor is vast and unimaginable for anybody who has not had to suffer it. Thus, to deal with such a condition in order to support healing and reintegrate the survivor into the mainstream, professional counselling plays an important role and should be made available to the survivor and the family. . However, the study reveals that none of the survivors had undergone any counselling sessions with professionals, Health care facilities too were limited to just a medical examination at the time of reporting the incident. All respondents were found to be unaware of this service being offered to the survivors. In fact, this felt need is so grave that the research team was often asked if they could step in to help at psychological and legal levels.

3.2.4 Court Anxiety: A Fear of the Court and its Proceedings

It was observed from the data that the majority of respondents had negative, adverse experiences in court, but are still forced to go there. A 16 year-old survivor shared how there was no other anxiety remaining within, except that of facing legal proceedings:

"I get worried about going to the court. Initially there was a stay on the case, now it has reopened, I don't know, how it is going to impact me. I have already lost a year of my studies".

The experience as shared by a 15 year-old survivor's mother and sister:

"..... We have to shut down our shop for the entire day and go (to attend the court hearing), so it's very inconvenient. They (the police) arrested him (offender) only once. Then he (offender) came out on bail and we were unaware about it, nobody told us why"

In all the cases, none of the respondents knew the status. They just know the next date of hearing. The father of a 16 year-old survivor stated:

"In the court no one asks us anything, the dates are shifted ahead every time. We don't even get to know what is happening. They take her statement and then they give us new dates. Our lawyer takes dates and we don't know what happens"

3.2.5 Support Available and Used

a) Medical Support

All the respondents reported that the medical support provided was limited to the initial medical examination of the survivor alone. However, they were satisfied with the medical services since the medical professionals/doctors treated them with respect.

b) Transportation

Data revealed that transportation was provided by the court in the initial days only. However, after the second or third hearing the transportation facility was stopped. The survivor's family makes their own arrangements to travel to the court. With regard to awareness regarding the transport facility only one respondent reported to be aware that it is provided to get the survivor's statement recorded. Beyond that the survivor's family has to arrange for transportation on their own.

c) Financial Assistance

One respondent shared that they may get Rs.80000/- as financial support from the court. Another respondent shared that they had filled a request to the court for receiving financial support of Rs. 20000/- in order to help with the survivor's medical and educational needs. Other respondents either do not have any information on the subject or have chosen not to share it.

3.2.6 Experience with the Police

Most of the respondents reported that after narrating the incident to the first police officer, they were either directed to a female officer or were requested to wait for the same in order to lodge the FIR. It is only in a few cases that respondents were provided with a copy of the printed FIR and a copy of the medical examination reports. However, two respondents expressed their discomfort with the police while lodging the FIR. The mother of a nine year old survivor narrated,

"We were being threatened by the offender as well as the police. The police said that your daughter got saved this time, if we want we can file a case and say you are lying and trying to trap the offender.- She (the police inspector) told me all this at the police station"

A 16 year old survivor expressed,

"Lastly, our case took a very long time before there was any kind of action. We took the help of the women's helpline number and after that they (the police) registered our case otherwise the police was just not ready to help us at all"

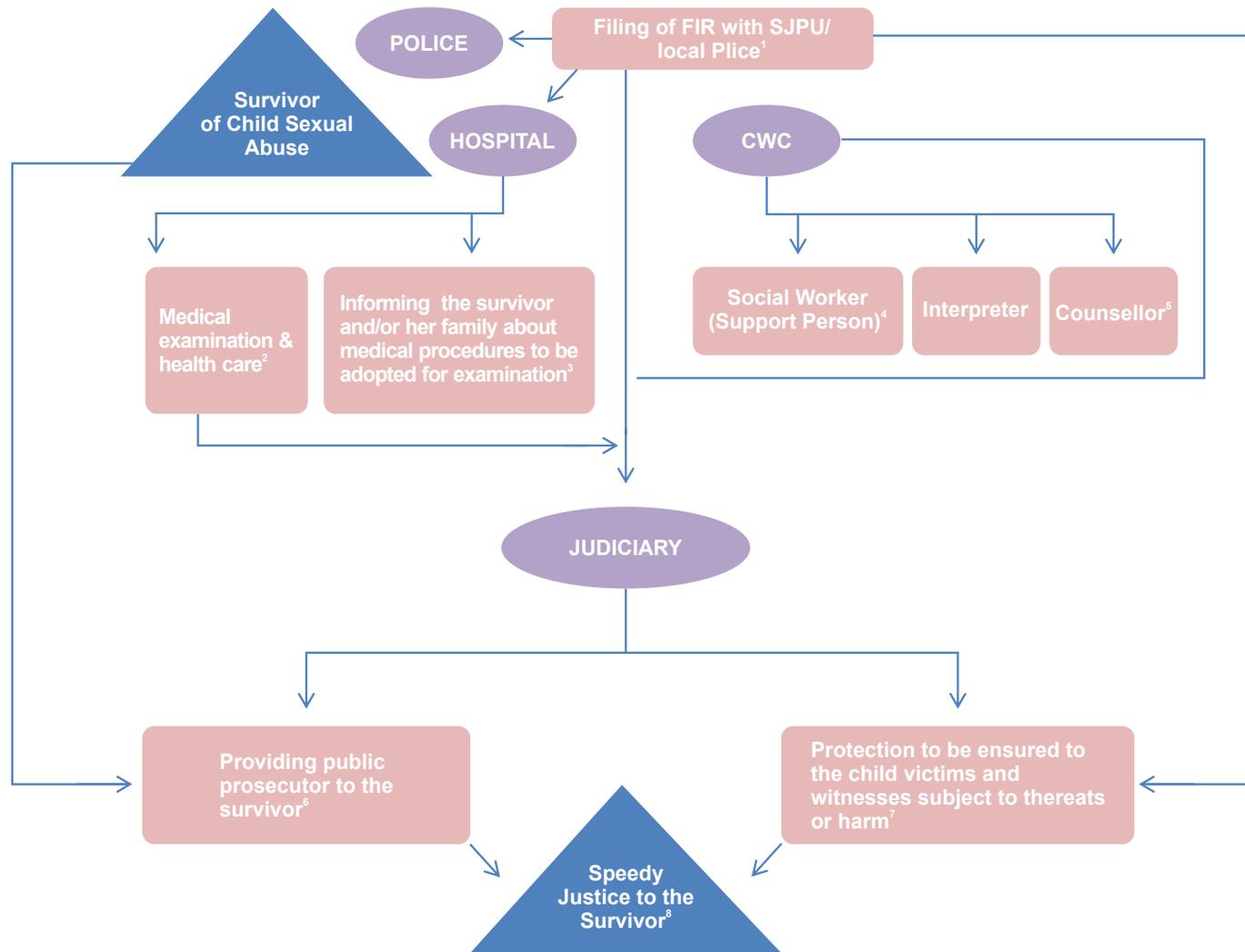
Data also indicates that the police ensured that post the FIR, they did not visit the house of the survivor. The summons of the court was posted to the nearest police station and the police intimated the survivor's family on the registered phone number to come and collect the summons.

3.2.7 Expectations of the Survivors

All respondents expressed that they want the case to end as soon as possible since they had got stressed out due to the lengthy court proceedings and that it was affecting them physically, mentally, socially, emotionally and economically.

The key themes that have emerged from this pilot exploration will be researched into more intensively in forthcoming phases of the research programme by KSCF.

Figure 1: Overall Guidelines and Experiences



¹ In 5 cases the survivor and family discussed the FIR filling process. Three of these cases confirmed that it was done by a lady police officer. In two of these cases, the family expressed dissatisfaction with the behaviour and subsequent acts of the police
² All the survivors provided with service and expressed satisfaction
³ None of the survivors was informed about the procedure of examination
⁴ Only 1 out of 10 cases acknowledged the receipt of service
⁵ None of the survivors underwent any counseling
⁶ All survivors provided with public prosecutors
⁷ Four of 10 survivors reported possible threats to them and their family members. However, no protection received
⁸ The duration of court cases varies from 1-3 years. In seven out of 10 cases parents' statement had not been recorded at the time of interview

SECTION 4

CHILDREN IN CONFLICT WITH THE LAW: RESULTS FROM RESPONDENT INTERVIEWS

As per the Juvenile Justice (Care and Protection) Act, 2016 (JJ Act) the phrase 'Children in Conflict with the Law' refers to any person below the age of 18 years who comes into contact with the justice system as a result of being suspected or accused of committing a crime²⁶. This section of the present report focuses on how, despite being in conflict with the law, all children have the right to care and protection, and be provided a chance for reformation and reintegration.

As per the recent *Crime in India 2016* report of the NCRB, the share of IPC crimes registered against children to total IPC crimes registered in the country remained stagnant at 1.1% during 2006 to 2015. However, the number of cases against children has increased from 31,396 in 2015 to 1, 06,958 in 2016. The highest share of cases registered against children were reported under the crime head 'Theft' (22%), 'Criminal trespass/Burglary' (8%), 'Rape' (5.3%) and Kidnapping & Abduction' (4%) and 'Causing injuries under rash driving/road rage' (3%). Delhi is at fourth place from the top in terms of number of cases registered against children under various sections of IPC (8,178 cases). Uttar Pradesh (16,079 cases) and Maharashtra (14,559 cases) hold the first and second position, respectively.

Under the present study, 11 children arrested on the charge of rape were interviewed. The transcriptions of the interviews carried out with the children in conflict with the law and charged under Section 376 of the IPC (which is the charge for rape) and POCSO were read carefully and analysed. The results have been categorised under four broad heads:

- 1) Predisposing Factors
- 2) Factors Leading to Vulnerability
- 3) Experience with the Legal System
- 4) Post-Incident Impact and Behavioural Changes

4.1 Predisposing Factors

4.1.1 Socio-Demographic and Economic Background

In the present study, 11 children who were arrested by the police, primarily on the charges of rape, were interviewed. Table 4.1 presents the socio-demographic and economic profile of these children. The indicators are based on data reported by respondents to the researchers at the time of interview. The five indicators presented below were used to

create thematic categories and defined at the time of coding for the purpose of analysis. The rationale behind categorising indicators is as follows:

(i) Education

The educational status of the respondents varies widely from being totally illiterate to having studied till the 12th standard. For the purpose of analysis, the respondent's educational status has been grouped into two categories. 1. Respondents who reported to be illiterate or having studied till the I to V Standard (*Illiterate/Below Primary*), and 2. Respondents educated beyond V Standard (*Above Primary*).

(ii) Work Status:

Some of the respondents reported to be working to earn a livelihood at the time of arrest. In the present study "working" is defined as a person earning money either in form of remuneration by rendering his services or profit from business. Students and persons rendering services for household chores are considered as *not working*.

It is evident from Table 4.1 that almost all the respondents were 16-17 years old. Almost equal numbers of respondents were in the category of 'illiterate/below primary' and 'above primary'. Six respondents out of 11 reported to be working. Further, the analysis also revealed that among them three respondents were child labourers, having begun working before the attainment of legal working age, i.e. 14 years.

Four respondents were migrants who came to Delhi in search of livelihood. Information on marital status of the respondents revealed that only one respondent was married.

Table 2: Socio-demographic background of the respondents

	Indicator	No of respondents
Age	16 years	4
	17 years	6
	18 years	1
Education	Illiterate / Below Primary	5
	Above Primary	6
Marital Status	Married	1
	Unmarried	10
Employment status	Working	6
	Not working	5
Migration	Yes	4
	No	7
Total No of Respondents		11

Along with the respondents' background information their family background was also assessed based on three key indicators, i.e. father's education and occupation and the economic condition of the family as presented in Table 4.2. The economic status of the family is categorised at the time of coding for analysis purpose.

(iii) Economic status of the family:

The financial condition of respondents also varies a lot, from some respondents possessing only one house in the native village without any farm land to some owning a three-floor building in Delhi. The economic condition of the family is divided into three categories: poor, average and good. For categorisation, the factors considered are total household income, owning a house and land, location of the house and land and the respondent's own declaration.

Category	Parameters
<i>Poor economic condition</i>	Family of the respondent: <ul style="list-style-type: none"> no house owned or owning a house in a native place outside Delhi not possessing any farm land, single earning person in household working as unskilled daily wage labourer total monthly family income is less than Rs. 13,000/-
<i>Average economic condition</i>	Family of the respondent, <ul style="list-style-type: none"> owning a house in the native place outside Delhi with a reasonable income; total monthly family income is Rs.25,000/- and above
<i>Good economic condition</i>	Family of the respondent: <ul style="list-style-type: none"> owning a house in Delhi, one or more family members having own profitable business ventures, such as real estate, supply of construction materials, kerosene supply business in Delhi

Distribution of respondents by economic status of their family indicates that five are from 'poor', two from 'average' and four from a 'good' economic condition category. With regard to father's education five respondents reported that their fathers are educated above primary level. More than half of the respondent's fathers are working as salaried employees or pursuing their own business.

Table 3: Family background and Economic status of the Respondents

	Indicator	No. of respondents
Father's education	Illiterate/Below Primary	6
	Above Primary	5
Father's Occupation	Salaried/Business	6
	Labourer	3
	Driver	1
	Not working	1
Economic condition of the family	Poor	5
	Average	2
	Good	4
Total No of Respondents		11

(iv)Criminal Background

In the present study an attempt was also made to understand the criminal background of the respondent and his family members. Criminal background is defined *as involvement in any activity which is in conflict with the law*. During the course of the interview respondents were asked about their own crime record other than the current charges of rape and the crime record of any of their family members. The analysis revealed that four out of 11 respondents reported having a criminal background. Two respondents also reported about the criminal background of their family members.

Table 4: Criminal background of the respondents and family members

Indicator		No of respondents
Self (Respondent)	Having criminal background	4
	Not having any criminal background	7
Family Members	Family members with Criminal background	2
	Family members without Criminal background	9
Total No of Respondents		11

4.1.2 Social life of the respondents

Information was collected from respondents to assess their social life which is one of the key factors to influencing a person's psychological behaviour. An attempt was made to study the social life before and after coming to the observation home.

(i)Social and family life before coming to the observation home

The data indicates that none of the respondents were having an active social life. This might be due to family problems, their own aggressive nature or any other psychological state of mind. All the respondents reported that they did not have any friend outside the family or the extended family circle. However, a 16 year old respondent who was educated above primary level and charged with one more case of attempt to murder against him said,

"I do not have friends. Usually I spend time with my cousin brothers. We were 10-12 brothers all together. I play with them. My cousin brother's friends also come to play with us but I do not have any contact with them. We just play together."

Another respondent of the same age, educated below primary level with a criminal background also narrated a similar experience:

"I have many friends. But only one is close among them. I don't like to keep a close relationship with all. He is 17 years old and married. He has his own flower shop. He got married at a very young age because of family pressure."

In the words of a respondent aged 18 years who completed his XII Standard and was preparing for his engineering entrance examinations and has no criminal background (neither self nor any family member):

"I have many friends near my house but I am not close to any of them. Since my childhood we are staying here in the same place, that is why they are my friends."

The statement above could indicate that the respondent does not have any friends. Just a known person from the neighbourhood cannot be termed as a friend. In an ideal situation, children in these age groups tend to make more and more friends and spend time with them. However, none of the respondents reported any such inclination. Some respondents also reported about the disturbing family situations which have affected their life since childhood. In the words of a 16 year old migrant respondent,

"My mother passed away long back..... after my mother's death, my father remarried. We are three brothers and four sisters. All four sisters are from my step-mother. My step-mother never treated me and my two brothers well..... as her own sons."

A 17 year old respondent while describing the family pressure to work said,

"There was family pressure to work and earn. I started working as a store boy in a paint shop in Karol Bagh. I worked there for one month only. I left that job because I didn't find it interesting."

(ii) Social life in the observation home

The respondents were also asked questions about social life inside the observation home. One of the respondents, aged 17 years said that he was staying at the home for the last four months, but did not have any friends. In his words,

"I don't have any friend here in this facility since children staying here are either pickpockets or murderers. These kids speak more about the criminal activities they indulge in rather than anything good or positive. They keep talking about the crime hence I don't mix with them. I am not like them. I belong to a good family..... I stay here in the office and help with office work or any other task assigned by Sir (officials working at observation home)."

The above respondent belongs to an affluent family and is conscious about his social status and caste. . He wanted to be friends with people who he thinks are at par with him. Even before coming to the observation home he did not have any friends. His psychology related to caste and class consciousness is reflected in a statement which he made during the interview:

"My grandfather has hired one Rajput and one Jat Senior Advocate for my case. They assure us that I will get bail. I will get bail from the High Court as the Sessions Court had rejected my bail application."

The locality also plays a crucial role in determining the social life of a person. During the interviews, a couple of respondents reported that they came in contact with inmates at the observation home who are from their own locality or neighbourhood. While talking about the friends circle within the observation home, a 17 year old respondent from an average economy family with an education above primary level said,

"Here I have made 3-4 friends. They are from the same locality where I stay. I knew them by face but never interacted with them."

Another respondent aged 18 years from a poor family and educated above primary level narrated,

"Yes. I do have some friends here also. One of my friends is a co-accused in this case. He is also staying at this home. He has studied up to 8th standard."

Data analysis indicates that, the respondents who were interviewed do not like interacting with too many others. They prefer confining themselves to a close and small social circuit. Keeping this in mind the data was closely studied to find out what aspects of life these people share with their friends in the observation home. It is found that the main topics of discussion are crime and case proceedings. In the words of a 17 year old respondent with an education above primary level,

"Usually we talk about our cases, whether bail will be granted or not, what happens in court on the date of the hearing."

Similarly, a respondent aged 16 years who is a migrant and received education below primary level said,

"Usually we talk about each other's case proceedings, bail and related issues. We also talk about our families."

Hence, it is evident from the analysis that the respondents who are arrested with rape charges prefer keeping to themselves. They do not want too many friends and maintain friendships. At the observation home, if anything they discuss with other inmates, it is just to understand different type of cases and proceedings. This is not surprising because it is paramount in their minds. It also probably helps them with possible solutions to deal with their respective cases.

4.2 Factors Leading to Vulnerability

4.2.1 Relationship with the survivor

One of the most important factors is the relationship of a perpetrator with the survivor, particularly when it comes to CSA.

In the present study, an effort was made to find out the relationship between the respondent and the survivor in terms of age, acquaintance and proximity. These aspects were probed in order to find out the factors that led to the sexual abuse of a child by a child.

The analysis indicates that the age of the survivor varies from five years to 22/24 years. However, more than 70 per cent (8 out of 11) of the survivors were children. The data also indicates that in out of five out of the 11 respondents interviewed, the survivor was either older than the respondent or of the same age. Cross-verification of data between the age of the survivor and the choice of consensual sex in these cases indicates that age at which the survivor is giving consent for sexual intercourse is as low as 14 years.

Table 5: Survivor's age and age difference with the respondent

Indicator		No of respondents
Age of the survivor	5-10 years	2
	11-15 years	3
	16-17 years	3
	18-19 years	2
	More than 19 years	1
Age difference of survivor with the respondent	Survivor younger than respondent	6
	Survivor older than respondent	4
	Same age	1
Total No of Respondents		11
Age of the survivor where consensual sex reported by the perpetrator	14 years	1
	17 years	2
	18 years & above	2
Total No of Respondents		5

It is evident from the data that almost all the cases of sexual abuse by a child take place in neighbourhood/close proximity. Seven respondents out of 11 reported that the survivor was from their immediate neighbourhood. Two respondents reported that the distance from their house to the survivor's house was merely 1-3 Kms. Since both the child in conflict with the law and the survivor live in close proximity, the majority of respondents (8 out of 11) reported that the survivor was known to them. Five out of these eight respondents reported that their acquaintance with the survivor had been for over a year.

Table 6: Respondent's relationship with the survivor

Indicator		No of respondents
Distance between the survivor and respondent's house	0 Kms (immediate neighbourhood)	7
	1-3 Kms	2
	More than 3 Kms	2
Acquaintance	Survivor was known to respondent	8
	Survivor was unknown to respondent	3
Total No of Respondents		11
Time Span of Respondent knowing the survivor	Less than 1 month	1
	More than a month but less than a 1 year	2
	More than a year	5
Total No of Respondents		8

Though this is the background in the majority of cases, one respondent reported that he had an acquaintance with the survivor for less than a month. The particular respondent had confessed to having had sexual intercourse with the survivor but reported the same as consensual sex.

During the course of interviews five respondents confessed to having had sexual intercourse with the survivor. Cross-tabulation of those respondents was made with various economic parameters to assess the role of economy. It is evident from Table 4.6 that chances of indulging in sexual activity (which is considered as a crime under the law if the partner is minor) and accepting the same with courage is higher in case of the respondents who are earning or belonging to a family with good economic condition. The respondents who are earning usually keep a share of their income with themselves to meet their own requirements.

Table 7: Economic status of the respondents who confessed to having sexual intercourse with the survivor

Economic Parameters	Respondent who confessed to have sexual intercourse with the survivor				
	R-1	R-2	R-3	R-4	R-5
Employment status	Working	Working	Working	Not-working	Not-working
Average monthly income of self (in INR)	7,000 10,000	10,000 13,000	6,000 7,000	NA	NA
Economic status of the family	Poor	Poor	Poor	Good	Good

4.2.2 Criminal Psychology and Social Outlook

In the present study an attempt was made to assess the psychology of the respondent related to crime and its impact. The respondents were asked questions related to whether they had any previous crime record and whether the same was the case for any of their family members.

(i) Criminal background of respondents

Four respondents admitted to a previous crime record. The data indicates that the intention and courage to commit a crime cannot come instantly. After committing a few crimes over a period of time, even if petty nature, the confidence level obviously increases. If they do not get caught, then there is a manifold increase in the same confidence, soon turning into temerity. For example, a 16 year old boy was driving a public transport vehicle in Delhi and had never been caught by law enforcement agencies. He narrated.

"I was running a public transport van (Maruti van) in my locality. I was operating only within the local area. As I did not have a driving licence..... My present vehicle is 2nd hand. I do not have its papers as well with me."

It is not clear whether law enforcement agencies knowingly ignored this violation, as an underage person cannot drive a vehicle without a driving licence and valid papers for the vehicle. From his below-mentioned statement one can infer that law enforcement agencies become negligent towards public safety (which is anyway a known fact in India).

"I share a good relationship with the police persons at Narela Police station."

This boosted the confidence level of the respondent. While referring to the previous police case against him he said,

"I have been to jail earlier. About 4-5 months back. That was another case against me at Narela. I had a fight with a boy for some reason. I entered his house and beat him up. In order to stop and punish me his sister tore her own clothes and started shouting that I raped her."

Another 17 year old respondent with an education above primary level narrated an incident where the survivor's mother warned him not to roam near her house. While narrating he said,

"One day I was standing at a place in my locality with one of my friends. At that time the girl's mother came and asked me not to stand there. (The respondent was standing near the girl's home) This happened about 1 ½ or 2 months back."

One of the respondents aged 16 years reported that the present case under which he was booked is the first police case in his life. However, the data indicates that he does have criminal tendency, even though there was no police case. The respondent confessed that he had sexual intercourse with the survivor saying she was his girlfriend and that the sex was consensual. When the interviewer probed this detail further, he reported that he had recorded all the telephone conversations with the girl. He narrated,

"I have all recordings and letters sent by the girl with me. I had recorded all the conversations as her mother's background was not good. I was expecting this kind of problem."

From the above statement it is evident that he planned everything before getting into a relationship with the girl and tried to record evidence which he could use to escape in future if needed.

One of the 16 year old respondents engaged in a family business of embroidery work for women's ready-made clothing discussed his previous crime record and said,

"There are two cases on me at present. About 4 months back the person lodged a misbehaviour / molestation complain against me at the police station. In the complaint he said that I misbehaved / molested his daughter. But in fact at that time I didn't know his daughter's name even. She is 17 years old."

(ii) Criminal background of Family members

It is often seen that the criminal record of the family members has a great influence on the behaviour of adolescents living in the household. While discussing this, two respondents brought up the criminal background of their family members. A respondent described a crime incident in which he himself and his two elder brothers were involved. In his words,

"..... They were trying to kill my brother and he was screaming. I went there along with my elder brother. We had a fight with them. That time my elder brother and I had injuries on our belly and were hospitalised as those people attacked us with knives. In that case charges were framed against all three of us. We were booked under 307 (attempt to murder under IPC)."

Another respondent also reported his father's involvement in a criminal offence. The 16 year old said,

"Earlier my father was working as a truck driver with a transport company. He used to drink as well. Once he was arrested on charges of violence and assault at my native place. At the time of the incident he was drunk. This incident took place two years back."

While discussing this with the above respondent it was observed that he was very confident that he will be released as the survivor's mother would withdraw the case. A further probe on this matter revealed that the parents of the respondent were putting pressure and had also threatened the survivor's family. The accused said:

"My parents had threatened the mother of the girl. What is wrong with that? My father told her that "you give your statement in favour my son. In return my son will give you the details of the other two boys (individuals who are also a part of the crime but absconding)."

From the above discussions it is evident that a criminal background (self/family member) is one of the key factors influencing the child to commit a crime like CSA.

(iii) Hampering the modesty of a girl by treating her as a sex object

From the analysis it is evident that a psychological bent towards crime and other influencing factors affect the outlook of the child who is in conflict with the law, especially towards girls. One of the respondents said,

"Since then, my friend (who offered his house to the couple to spend time together) started blackmailing her, saying that he had made a video of the entire episode, the sex that I had with the girl. He also asked her for sexual favours. Else, he will share that video with all. But I was aware that there was no such video as I have checked his phone. The girl was not good and was in a relationship with many boys. That's why I didn't stop my friend from asking her for sexual favours."

Another respondent aged 17 years said,

"The girl was having boyfriends prior to me. We are financially sound. That's why she wants to marry me."

In both the cases presented above the respondent confessed to have sexual intercourse with the survivor which they reported to be consensual.

4.2.3 Role of Peer Group (Pressure/Support)

Friends and trusted persons play a crucial role in determining an individual's behaviour. This is easily observed among adolescents. The behaviour change can be both positive as well as negative. Some peer group members may support the individual to grow and flourish. Others can create troublesome situations for the individuals, leading them on a criminal path. The present study explored different aspects of a respondent's life influenced by peers.

As discussed in the first section, a few respondents who were interviewed started working as child labour. Moreover, they had migrated from their native places at an early age in search of work. In words of a 17 year old respondent with a poor economic family background who had migrated from the Hardoi district of Uttar Pradesh.

"I came to Delhi at the age of 12 to work. I came here to learn how to stitch ladies suits (tailoring). I came to Delhi with my Ustad (the master tailor who taught him tailoring). He is from our village but that time (the time when the respondent came to Delhi) he was working at Delhi."

A 16 year old respondent from a poor family who migrated from Sitamarhi district of Bihar has said,

"Prior to moving to Delhi, I was in Ludhiana working in a jacket-manufacturing factory for around 6 - 7 months. I went there with some of my friends from the village."

It is evident from the above that a peer group can influence young people to migrate to larger cities like Delhi from different states for earning money. The data also reveals that peers play an important role in putting pressure to indulge in sexual activities. A 17 year old respondent working in a factory described how he got in touch with a sex worker for the first time. In his words,

“One of my co-worker’s friends knew a sex worker agent. The co-worker brought the agent and a girl inside the factory on our off-day. Another person who is a rickshaw puller and used to transport goods from our factory was also there. I was not in favour of allowing the sex worker inside the factory. But somehow my co-worker friend convinced me and I agreed to open the door.”

A 16 year old respondent from a poor family narrated his experience where a girl who was almost a stranger was the survivor of CSA. The respondent was operating a public transport vehicle in a remote location of Delhi. He met the girl for the first time and decided to go out. During this time, a fellow driver’s friend came and offered to take the girl to his house. He said,

“He (the fellow driver friend) was not a very old friend. I met him about 15 days back (from the date of the incident). He offered that I could go to his house as no one would be there. I accepted his offer and went to his house along with the girl.”

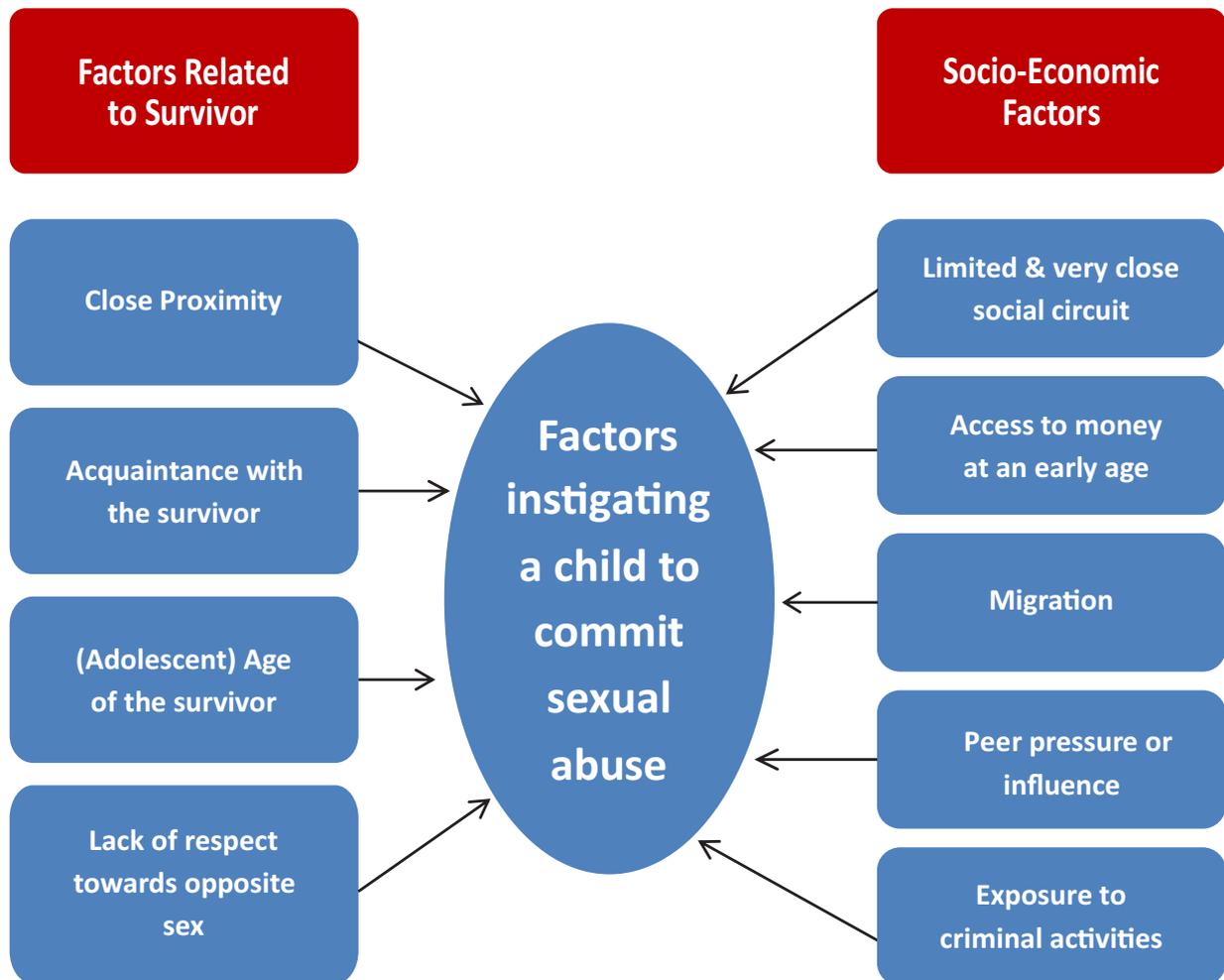
The respondent took the girl to his friend’s house and had sexual intercourse with her which he reported to be consensual.

One of the 16 year old respondents from a family of average economic status and having education above primary level expressed his deep anger and frustration towards his friends.

“----- But it’s a jail. I got into this problem because of my friends. It’s a great learning for me. After going out I will not keep any relationship with my friends at all. I will concentrate on my studies.”

From the data it is evident that peer group has a strong influence on the respondents -- whether it is a matter related to migrating to a new place at a very young age or getting involved in sexual offences. Anxiety and excitement to explore one’s own sexuality was observed among the respondents covered in this study. In the case of respondents who were working, this anxiousness was greater. Of course, the respondents who are illiterate or educated below primary level and those who are from poor economic backgrounds are more vulnerable to such influence of friends and trusted persons. Also at times the feeling of being accepted by a group also leads to children falling prey to criminal acts.

Figure 2: Factors instigating a child to commit sexual abuse



4.3 Experience with the Legal System

4.3.1 Fear of the Police

Fear of the police, the courts and punishment has clear and obvious psychological impact on a child in conflict with the law. The condition becomes worse in the case of children as they are neither fully mature nor psychologically strong enough to deal with the situation. It is ironical, but they may find themselves prepared for committing the crime but are grossly ignorant and unprepared for the terrible consequences that follow. Most of them face severe physical and mental torture at every stage, starting from the police to inmates with whom they stay at observation homes.

The analysis of data indicates that the police are not very friendly towards children who are in conflict with law. Seven respondents shared their experience at the time of arrest and the police proceedings that ensued. Out of the seven respondents, six reported that the approximate time when the police arrested them or police proceedings were carried out was in the evening or late evening. The only respondent who was arrested in the morning hours from hospital was under severe trauma at the time of arrest as his elder

brother was murdered five days ago by a group of people and he was attacked by the same group a couple of hours before his arrest. Police action may be justified in a few cases, but not for all.

At the same time the data also reveals that two out of these seven respondents were both migrants, and arrested from the crime spot.

Table 8: Police action against the respondents and migration status

Parameters	Respondents who discussed on the following parameters						
	R-1	R-2	R-3	R-4	R-5	R-6	R-7
Approximate time of arrest / Police proceedings	Morning	Evening	Evening	Evening	Evening	Evening	Evening
Place of arrest	Hospital	Home	Crime spot	Home	Home	Home	Crime spot
Migration status	Non-Migrant	Non-Migrant	Migrant	Non-Migrant	Non-Migrant	Migrant	Migrant

(i) Absconding in fear of arrest

Children, given their age, may not have the ability to differentiate between right and wrong, especially in cases where the child is involved in an activity that can harm another person and is against the law. Further, with the fear that often descends, this confusion can increase. In such a confused state of mind some children try to escape from the police by absconding from the place of stay not knowing that such an act is in itself a crime under the IPC. A 17 year old respondent with a good economic background and an education above primary level said,

“A couple of days back my brother told me that they (the survivor’s family) are planning to arrest me in connivance with the police. At that time all my family members had gone to my native place in Bihar to attend a marriage ceremony. My brother and I were alone at home. Then I went to Narela to one of my relative’s homes, and stayed there to hide from the police and avoid arrest.”

Another respondent of the same age and economic status and a similar educational profile narrated,

“When the police came to arrest me, I was on the roof of our house. I ran away to my relative’s place in Noida. I stayed for the next six days in my aunt’s (father’s sister) house. During this period my family managed to arrange anticipatory bail.”

From all of the above it is clear that higher education levels or family status do not make any difference in the case of children absconding from the police in fear of arrest. Adults also abscond from police in fear of arrest. However, the immature state of mind and inability to differentiate between right and wrong make children more vulnerable.

(ii) Medical problems arise while in Police custody

During the interview period, the research team came across a 17 year old respondent who was arrested on the charge of rape and shifted to the observation home 12 hours before the interview. During the interview the respondent stated that his entire family was getting victimised because of some dispute over a house property. His elder brother was murdered five days before the date of the interview. While describing the kind of problems he faced in police custody, he said,

"Yesterday the police slapped me on the left side of my face. Since then, I am not able to hear properly from that ear. Last night it was bleeding also."

In a case of elopement the respondent had also faced a similar kind of situation. He said,

"..... They (police personnel) beat me up so badly that I lost hearing in my left ear for 20 days. Now, it is relatively better. But I am still not able to hear properly from that ear."

(iii) Fear/anxiety regarding transfer of the case from the Juvenile Justice Board to the Sessions Court

Since the JJ Act has been amended in India and provisions made under the law that children in the age group of 16-18 can be tried as adults if accused of heinous crimes like rape and murder, all juveniles are in fear of getting transferred to the Sessions Court for trial as an adult because all the respondents were from the 16-18 age group. During the interview, intensive probes were used to understand the actual reason for fear. It is understood from the data that the fear was not so much because of what is described above, and the transfer of the case to the Sessions Court. The fear is more due to the fact that they know of the ruthless treatment a rape accused is subjected to at the hands of other inmates at Thira Jail. Two respondents were initially sent to Thira Jail and later shifted to the observation home on the direction of the court. Both the respondents were migrant workers. In the words of a 17 year old respondent from Uttar Pradesh,

"In Thira, people (the inmates) beat me up badly because I was booked under 376 (Rape under IPC). They tease me all the time. The police do not know what happens inside the locked room. I did not get sufficient food to eat. They give food just to survive not to completely fill the stomach."

Another respondent from West Bengal aged 16 year said,

"..... Every day the inmates of Tihar used to beat me up badly and punish me even for minor things. One day I was resting in my cell. The inmates came and started beating me very badly."

A 17 year old migrant respondent was not sent to Tihar but was threatened by the police personnel after his arrest saying he would be sent there. The respondent said,

"The policeman told me that he is going to send me to Tihar. The prisoners staying there will do all sorts of bad things (sexual exploitation) with me." He also told me that I have to clean their clothes and utensils."

This fear created by the police about Tihar Jail was so terrible that the respondent attempted to commit suicide on the same night. He narrated,

"At night when they (the police personnel) took me out for dinner, I cut my hand with the help of a knife at the restaurant. I got the knife at the restaurant (cut mark on left hand seen by the researcher)."

It is evident from the data that there is terrible terror among respondents about the ill treatment that they may receive at Tihar Jail if they get convicted as adults. Further, the finding also suggests that migrant respondents are dealt with in a very different way by the police as compared to their non-migrant counterparts.

4.3.2 Court proceedings and punishment

From the analysis of data it appears that respondents do not get any formal information/update on their cases. They get informal updates from family members visiting them at the observation home or the officials at court /observation home. As far as information from visiting family members is concerned, the respondent may fail to interact freely with them because of guilt, traditional family norms and a confused and disoriented state of mind. A 17 year old respondent described that in his family children do not discuss matters related to sex with the father, grandfather or any elder person. At the same time he also reported that his grandfather invariably visits him at the observation home. So, the respondent must be struggling to ask for updates on his case. In his words,

".....How can I speak with my father and grandfather on these aspects.....these days, my grandfather and uncle (father's younger brother) come to meet me. I discuss the case with my Uncle (father's brother)."

Another 17 year old respondent while talking about the status of his court case on the basis of the court hearing said,

"I have a government lawyer. In court, no one sought any information from me. I shared my part and then I came back. Don't have any idea what happened afterwards."

A respondent reported that for him the only source of information was the guard/police constable who stands in court. He provides him updates on the case as he has access to the case files. The respondent narrated,

"Due to the absence of a charge sheet the judge had asked to give another date for my hearing. My last hearing date was 31st Aug'16. Now it is 14th September..... The uncle standing near the lockup room at court has seen the charge sheet and said there is nothing in my file and I will be released once the police file the charge sheet."

Most of the respondents reported that they were provided with a counsel by the court. However, few also reported that they hired a private counsel. During the process of interview an attempt was made to gather information on the experience of the respondent at court. A respondent aged 16 years who had migrated from Bihar narrated his experience in the court as below,

"Till date I have gone thrice to the o court for hearings. Out of these three hearings, I met with the judge on the 2nd hearing. Every time the Judge checks the file and then sends me back to this jail."

The same respondent also said,

"My statement has not yet been recorded. It is on one occasion when the judge asked me whether my family members are present in the court room or not.. My brother could not come since he has to earn and support his family."

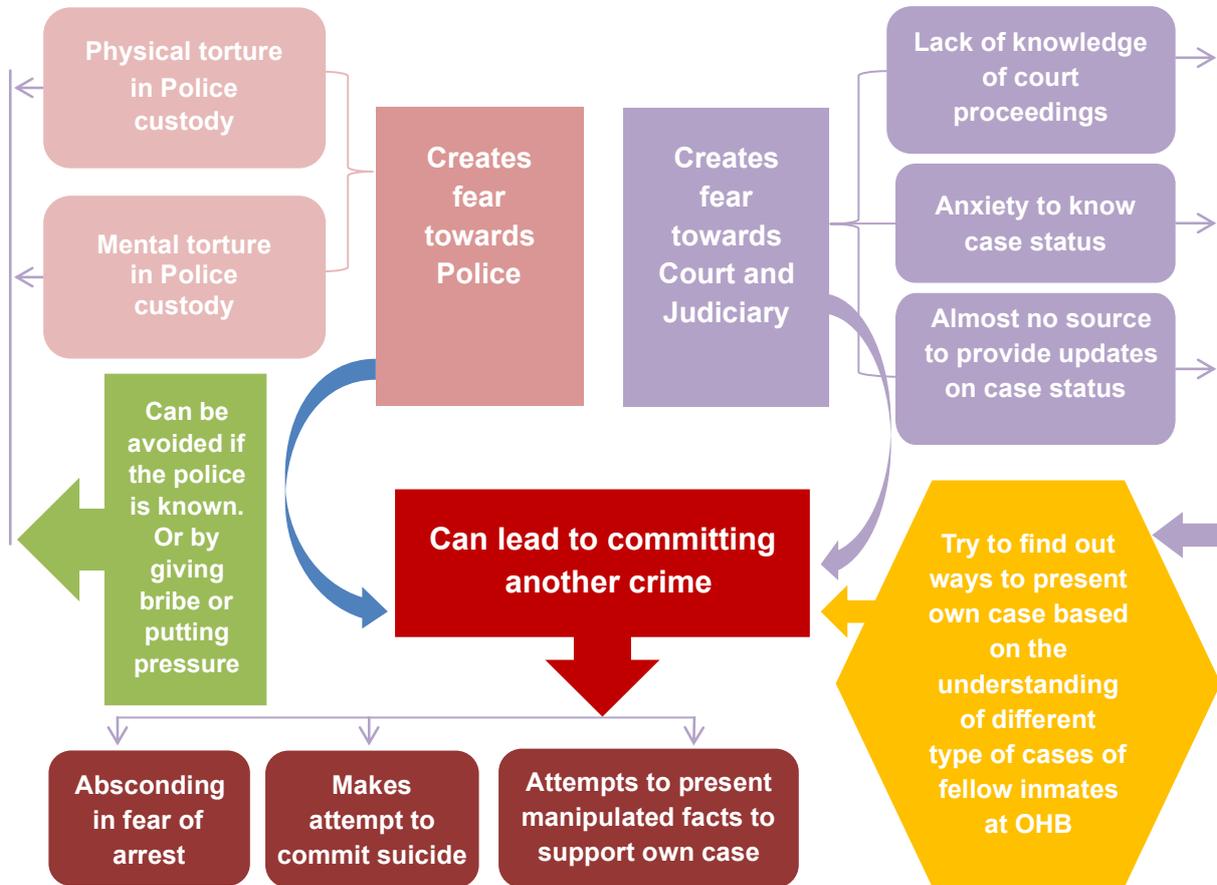
Another respondent aged 17 years discussed how his bail application was rejected by the judge because of his caste/community. He shared that people from the caste/community to which the respondent belongs were aggressive in nature. In the recent past their community has been in the spotlight due to their involvement in many criminal offences. The respondent himself narrated,

"The Judge said..... 'He is a XXXXXXXX (Name of the caste/community not disclosed). Despite the fact that he is a child, his level of anger is too much. He may cause harm or kill them (indicated towards the survivor's family). How can I give him bail?' Then he cancelled my bail."

From the above discussions it can be inferred that respondents do not have actual knowledge about the court proceedings. Even in the above case where the respondent reported that his bail application was cancelled because of his caste/community does not seem to be factual. There must be other reasons behind it. Whatever the reason, the respondents have the right to know the proceedings of their cases. Without this knowledge and information, they can make assumptions that could be true or false. These assumptions may even create anger and frustration against the judiciary and the law and order system.

Figure 3: Experiences with the Legal System

Experience with Legal System



4.4 Post Incident Impact and Behavioural Changes

4.4.1 First time disclosure/Confession of crime

It is not uncommon for adolescents to be reticent about sharing their concerns with parents or any other family member because of hesitation and fear. As discussed in earlier sections, the inability to decide between right and wrong among children also hinders this process. During the interviews, respondents were asked whether they discussed the crime/ incident or shared their concern with any family member. The data indicates that five out of the 11 respondents did not discuss anything at all with their family members.

A profiling was done to map the socio-economic and behavioural pattern of these respondents and it is presented in Table 4.8. As indicated in the table, three of them either have a previous criminal background or their family members had a criminal background. In the majority of cases the survivor was known to the respondent. It is also evident from the data that four respondents out of five were either both working and earning money, or belonged to a family with good economic condition. The majority of respondents who did not discuss the matter with any family member are educated above primary level.

Table 9: Profiling of the respondents who did not discuss the matter with any family member before police action

Indicator	Respondents				
	R-1	R-2	R-3	R-4	R-5
Having criminal background (Self/family)	Yes	Yes	Yes	No	No
Acquaintance	Known	Known	Known	Known	Unknown*
Migration	No	No	Yes	No	Yes
Employment status	Not working	Working	Working	Not working	Working
Family economy condition	Good	Good	Average	Average	Poor
Education	Above Primary	Above Primary	Illiterate / Below Primary	Above Primary	Illiterate / Below Primary

*reported as sex worker

Those respondents who reported that they disclosed/confessed the crime before any family member were further probed to find out whom the matter was disclosed to for the first time. Out of six respondents, three disclosed/confessed the crime before their parents, two in front of the older brother and one to his uncle (father's younger brother). In the words of a 16 year old respondent who shared his concern with his elder brother,

"Eight months back when the problem started I told my elder brother everything. He then intervened and asked me to stay away from the girl. I also started avoiding her. The girl used to call me once in a while."

A respondent aged 17 years who confessed the crime in front of his parents said,

"When I reached my village my parents beat me up and scolded me. I told them everything."

The analysis of data also reveals that after parents, the older brother if there is one is the most trusted person for the respondents.

4.4.2 Tendency to shift the blame on the survivor

The analysis of data indicates a clear tendency among the respondents to shift the blame on the survivor in order to prove that they are innocent. Out of 11 respondents eight held the survivor responsible for framing rape charges against them. The nature of allegations made is presented in Table 4.9.

Table 10: Nature of allegations made against the survivors

Type of allegations	No of respondents		
	Who confessed to sexual intercourse with the survivor	Who did not confess to sexual intercourse with the survivor	Total
The survivor approached me first (in case of consensual sex)	2	1	3
The survivor took my name although I am innocent	1	3	4
The survivor was a sex worker	1	-	1
Total	4	4	8

A 16 year old respondent educated above primary level with a good economic family background said,

"Initially the girl forced me to stay in the relationship. It started from her end. Then I agreed.....Yes. She also drinks (alcohol). Once we had beer together."

Another respondent aged 16 years with a poor economic background and education below primary level narrated that,

"The girl (14 years of age) asked for my mobile number through one of her friends. Initially I avoided her and whenever we met I didn't give my mobile number. Since I was driving a public vehicle on a specific route it was very easy for her to reach me. But one day I shared my mobile number. After that, she (the survivor) started calling me and wanted to be my friend. She used to say that, "I like you very much and want to be your friend."

In both the instances detailed above, the respondent confessed to sexual intercourse with the survivor. However, besides them, four other respondents who reported that they did not indulge in any sexual intercourse with the survivor also made allegations against the survivor. One of the respondents studying in standard 11 with a good family economic status and educated parents above primary level said,

"..... The girl (the survivor) used to talk to other boys as well but she took my name. I don't know why. She might be in a relationship with other boys as well.....someone does it and someone else is suffering for it."

The data also revealed that one of the respondents who did not put the blame on the survivor showed a reasonable level of confidence on the survivor. In the words of a 17 year old respondent educated above primary level with a decent economic family background,

"If she would be asked in the absence of her family, she will definitely tell the truth. I didn't have any physical contact with her ever. Now, her family is putting pressure on her to give a statement of rape, which is not true."

It may be noted that no specific questions on the above discussed aspects (such as character and behaviour of the survivor in the case or how the relationship built up between the respondent and the survivor) were asked of the respondents during the interview. This information emerged spontaneously. This highlights a typical psychology of boys to shift blame on the girl.

4.4.3 Level of anxiety associated with the case

An attempt has been made under the present study to assess the level of anxiety and worry related to the crime and police action among respondents. The respondents were probed in various ways and several probing questions were asked during the interview. However, only few of the respondents reported the problem of sleep disturbances and eating difficulties they had in the initial days. In the words of a 16 year old respondent,

"I am missing my parents badly. I am more attached to my mother. If it (thoughts about parents) comes to my mind during lunch/dinner time, then I cannot eat properly."

The same respondent also said,

"I am feeling guilty now. Because of my wrongdoing my family is suffering. Why did I go that day to have sex with that girl?"

Another respondent aged 17 years from a family with average economy and educated above primary level narrated,

"I could not sleep properly for eight days after the incident. I was crying all the time."

A respondent from a poor economy family who came to the observation home three weeks ago from the date of interview said,

"After the Police brought me here, for two days I could not eat or sleep properly."

It is evident from the data that the level of anxiety/stress was not rampant among the respondents. Of course they have a certain level of anxiety which lasts for a few days.

(i) Adjustment with anxiety over a period of time

The respondents who reported any kind of problem related to anxiety/stress were further probed to understand their current psychological situation and adjustment with the initial stress situations discussed above.

A respondent aged 17 years staying at the observation home since the last four months said,

"I was very disturbed and tense during the initial days, I am still tense. I have stopped hoping for bail. I did not eat lunch and dinner during first 15 days. I ate only breakfast. After 15 days, when my body started aching, I started eating."

The same respondent also said,

"Even now I finally get sleep only late at night. I am still disturbed and tense. But now I am used to it or it is better than the initial days in this facility."

From the analysis of data it appears that respondents arrested for sexual offences have gone through anxiety/stress in the initial days, i.e. since the initiation of criminal proceedings. However, all of them also recovered from the situation in couple days. Between the time of deep stress and coming out of it, there is an intervening phase of struggle and adjustment. While narrating his experience a 17 year old respondent from a poor family with a lower education level said,

"I used to be tense because of my family. If I get sleep easily after dinner then it is fine, otherwise I used to cry till midnight because of the mistake I made on that day (the day of the incidence)."

Therefore, stress is certainly a reality for these children and a major psychological result of the situation they are in. The stress may lessen with time, but that is also because of conditioning and the human nature to adjust to any situation.

Later, respondents reach a state of mind where they start making rational decisions by considering various factors. While discussing family members and those visiting him at the home, a respondent said,

"I have asked my father not to bring my brothers (younger than the respondent) here to meet me. It's a jail and it will have bad impact on them."

The above statement indicates the state of mind of the respondent. He has come out of a stressful phase and is now fairly able to take decisions about right and wrong. In order to avoid any adverse impact on his younger brothers, he wants them kept away from the jail campus. The second possibility is that he might not have the courage to face his brothers who are younger than him. In both the circumstances, the respondent has taken a rational and thought-through decision. These types of decisions are hard for a child in a stressed state of mind.

4.4.4 General Concerns and Worries

During the interview the respondents were asked whether any of the family members got affected due to the police case against them on the charges of sexual assault and arrest. Broadly the responses came under three categories i.e. affected in terms of health, economy and social life. The responses of each respondent are tabulated below to assess

how different aspects of life are getting affected by background characteristics of the respondent. The empty cells in Table 4.10 imply that the respondent did not discuss that particular aspect.

Table 11: Impact of the police case against the respondent on his own family members

Respondents	Whether anyone in the family is affected by the police case & arrest of the respondent			No. of aspects affected (Out of 3)
	Health	Economy	Social Life	
R-1	-	Yes	Don't know	1
R-2	-	Yes	Nobody is aware about the incidence	1
R-3	Yes	Yes	Yes	3
R-4	-	Yes	Yes	2
R-5	Yes	Yes	No	2
R-6	No	No	Nobody is aware about the incidence	0
R-7	Yes	Yes	Yes	3
R-8	Yes	Yes	Yes	3
R-9	Yes	-	No	1
R-10	-	Yes	Nobody is aware about the incidence	1
R-11	Yes	Yes	-	2
Total No. respondents reported to be affected	6	9	4	
Total No. respondents reported not to be affected	1	1	2	

From the analysis it is evident that more than half of the respondents (6 out of 11) reported that two or more aspects of their family life are affected due to the incident of crime. Most of these respondents are from families with poor economic condition and working to earn livelihoods. Further, this group of respondents are not having any criminal background and education doesn't seem to play any role in this regard.

Table 12: Respondents reporting two or more aspects of family life affected due to the crime by background characteristics

Indicator		No of respondents
Education	Illiterate / Below Primary	3
	Above Primary	3
Economic condition of the family	Poor	4
	Average	1
	Good	1
Employment status	Working	4
	Not working	2
Migration	Yes	2
	No	4
Criminal background	Criminal background	2
	No criminal background	4
Total No of Respondents		6

While narrating how his mother got affected due to his behaviour and the police case, one of the respondents aged 16 years with a previous crime record said,

“My mother is stressed. She faints and has fever very frequently. We have consulted doctors as well. Mostly these problems started after the first case. She took a promise from me that I will not get involved in this kind of thing again. But unfortunately I did commit the mistake again and landed up in trouble.”

In the words of an 18 year old respondent,

“..... They are going through tremendous mental pressure. My father is diabetic. Due to this tension his sugar levels have shot up.”

A 17 year old respondent has narrated how the present police case has badly affected his family’s economy. His mother who is the only earning member in the family and an asthma patient was badly affected. Her health condition had worsened, making her incapable of attending office. The respondent narrated,

“She is an asthma patient. Now her respiratory problems have increased. She has also lost weight due to tension..... economically too, we are affected. My mother was on leave for a month due to her health condition. During this period she didn’t get her salary. Now I am not sure what is the condition? Also, I am not sure whether she has started going to work again.”

Another 17 year old respondent described how his brother left his job because of him. He said,

“My elder brother was working earlier with DLF but had left his job after this incident.”

While describing the changes that took place in society and his neighbourhood after his arrest, a 17 year respondent and a native resident of Delhi said,

"My entire family got affected. They are facing humiliation in our society. People are saying bad things about me and my family."

On the other hand a 16 year old migrant respondent with a low educational level and working felt that no one is getting affected because of the case. He is the only respondent who reported in such a manner. In his words,

".....I don't think that my family or any of the members of my family is affected by this case. Only I am unable to contribute to my family income. That is the only problem. As I am in jail they are a little tense."

(i) Worries related to impact of the case on the future and career

During the interviews, an attempt was also made to understand anxieties that respondents have related to the impact of the present case and concerns related to their own future and career prospects. This aspect was categorically emphasised as the respondents interviewed were children. This was done irrespective of the facts like case proceedings, genuineness of the case and background of the respondent. In the words of a 17 year old respondent,

"I know my image is spoiled now. But I am helpless. I cannot do anything. In future....."

Another respondent who reported that he did not have sexual intercourse with the survivor said,

"My life is totally spoilt. I had a dream to join the Indian army. Now that has gone because of this case. I am sure I will not be able to fulfil my dream ever. Now I will go to Tihar Jail and this will surely have an impact on my future life."

From the above statement it is observed that there is remorse regarding how the respondent can no longer realise his dreams.

In the words of a 17 year old respondent having an education above primary level,

"I would be punished for rape and have to spend around 7 years behind the bars. Although things won't change much, I would not be able to speak with confidence in front of a group of 10-12 people. They may quote my imprisonment story to humiliate me and reject whatever I say."

It clearly appears from the above statements that respondents were worried about the impact of the present case on their future. In such situations they need rigorous counselling sessions as the psychological pressure may lead to depression. The mental pressure may also force them to indulge in crime once again after acquittal. One of the

respondents with a good family economic background and an education above primary level said,

"Now the girl's side is not listening. If I get punished by the court, on my return after 7 years I will take revenge and ensure that someone in her family should suffer and go to jail."

4.4.5 Activities and Entertainment at the Observation Home

The respondents were asked about their daily routine at the observation home. It is reported that diverse recreational facilities were available at the observation home for inhabitants, such as equipment for playing different games, a well-managed playground, television with cable connection and other conveniences. During an informal discussion with the superintendent of the home the research team was told that in Delhi, homes maintain a certain level of quality but in other states the quality of homes is very poor. The home where respondents were interviewed also reported that teachers come every day and take classes. The overall routine life of inhabitants at the home seems to be disciplined. This is one of the important factors towards reformation of the children who are in conflict with the law. However, the analysis of data indicates certain aspects which may hinder the aim of reformation of such children.

(i) Moral Lessons and Value-Based Teaching

Almost all respondents reported that they are taught about good ways to lead life and contribute to the family's and country's well-being with various examples through narratives and stories. A 17 year old respondent narrated,

"In the morning class teachers used to teach us moral aspects of life - how to build your life and how to live within society in a respectful way. They also taught us the importance of family and the advice given by family members."

In the words of a 16 year old respondent,

"At 10.00 am I go to attend the moral teaching class. There ma'am tells us good moral stories. We are also told about how our families get affected because of our wrong doings."

Another respondent aged 18 years while describing activities inside the class rooms said,

"At 10.00 am the classes start here. I attend those classes. They (the teachers) usually tell us moral stories to do good work and make our families feel proud. How to move on in life forgetting the past. In these classes they tell us very nice things about life."

(ii) Television Viewing Habit

The respondent also discussed that watching television is also one of the ways of entertainment at the home. The respondents were asked what programme they prefer to watch on television. Data indicates that most of the time inhabitants including the

respondents watch crime-based programmes on television. A respondent aged 17 years said,

"I like movies and Savdhan India (a crime based show). Earlier also I was watching Savdhan India with family members at my home. Particularly my father loved watching Savdhan India."

Another respondent while discussing the source of entertainment available at the observation home reported that some inmates operate the remote control of the television. All are not allowed to do so. As a result one has to watch programmes of their liking. By following this tradition, even respondents who were not fond of watching crime based programmes earlier, started developing interest in it. In his words,

"We do not have much freedom to watch TV. Older inmates and dormitory heads operate the remote. I love to watch movies. But here I am watching Savdhan India. I like that also. Good stories....."

One of the respondents who came to the observation home three weeks prior to the interview date said,

"I don't like to watch TV much. But I do watch. Earlier I used to watch cartoon a lot. I really like watching cartoon characters. The channels which I used watch at my home are POGO, Cartoon Network, Hungama, NICK, etc. But now I am watching serials like Savdhan India, Crime Petrol, etc. Most inmates watch these serials."

From the above discussion it is evident that children who are already in conflict with the law are being exposed to crime-based television programmes at the observation home. There is absolutely no control in terms of viewing television programmes. Television programmes can influence a child's psychology more than classroom teaching. In this situation, the entire idea behind the reformation of children who are in conflict with the law can get adversely affected by such exposure.

SECTION 5

FINDINGS AND CONCLUSION

This report summarises findings from a pilot study designed to explore the nuances and complexities of Child Sexual Abuse in India from the perspective of child survivors, perpetrators, their families and significant others as lived experiences. As explained in earlier sections of this report, the aim of this study was to focus on the major psychosocial dimensions of such a crime, and what impact it leaves behind on the survivor and young perpetrator and their respective families, and the way the legal system and other support systems that have been created to curb and minimise this terrible crime are being received. The purpose was also to map key knowledge gaps for further research that can generate evidence to support the elimination of this unacceptable crime against children.

Since the study has focused on two different target groups, the findings are also presented in two parts. Part 1 presents findings from data analysis of interviews with survivors of CSA and Part 2 presents the same as related to children who are in conflict with law.

Part 1: Survivors of Child Sexual Abuse

Psychosocial Dimensions

- CSA is largely a hidden crime/incident, and is difficult to uncover. This might be due to the crippling social stigma attached to sexual abuse and rape, and the nature of this crime that is a clear and terrible violation of human rights, privacy and sanity
- The study corroborated how children suffer from a range of psychosocial problems that may vary with the age of the survivor.
- In the case of older children (above 15 years) self-blame and self-harm was identified as one of the major consequences of sexual abuse.
- An erosion of confidence and the prevalence of fear leads to non-disclosure of the incidence immediately after the abuse. Many survivors wait for a long time to disclose the abuse if the perpetrator is a close family member. However, they can disclose the abuse with a little support from even one trusted family member. Not only this, the trusted family member plays a key role in bringing the survivor back from the trauma and moving towards healing, rehabilitation and safety
- Since fear is one of the commonly perceived psychological phenomena among CSA survivors, the perpetrator often tries to heighten the level of fear by giving direct threats (to both the survivor and her/his family).
- Curtailed movement and freedom, a perception of future threat, and many other such serious issues come up and become life-altering for children and their families. There is also the fear of loneliness, social exclusion and ostracisation.
- Convenient and immediate access to children makes them vulnerable towards sexual abuse. This is true in the case of both known and unknown persons as perpetrators. Due to their immature mental state children often find it difficult to judge between right and wrong.

- The study found that an incidence of sexual abuse affects the family as well. Besides an emotional setback, the family faces a lot of financial stress and loss of health. The incident also directly affects survivors and their siblings with respect to loss of time/attention for pursuing academics.
- Sexually abused children feel unloved. This is a serious observation and points to how the family itself can trigger long-term adverse impact on the survivor's self-esteem and confidence.
- A sensitive and informed approach taken by the families can have a positive and lasting impact on the child.

Legal and other support systems

- Case pendency and delays are found to be one of the major hurdles in bringing the survivor and her/his family back to the mainstream. None of respondents were found to be happy with this. This is a serious barrier in the nation's ability to curb such crime, and most of the cases recorded here have been pending in courts as complaints for over two years, even though POCSO stipulates fast-track justice.
- Very low levels of legal literacy and a lack of knowledge about legal procedures and the facilities available to a complainant of CSA make life miserable for the family. There is a serious lack of awareness about laws of the land, guidelines and entitlements. In battling a crime like CSA, this can be very disempowering, particularly for a family that has taken up the fight for justice on such a sensitive and private matter
- It is found that none of the survivors of CSA have undergone any counselling sessions by a professional. Explicit within POCSO guidelines, this facility is a grave felt need, but it has not been made easily available. Considering the vulnerability of a child, this is a crucial component to pull the survivor out of trauma and lead life with repaired and high self-esteem.
- The perceived negative image of the police and judiciary system makes the survivor and the family afraid to approach them freely. This image is built on practical experiences faced by some members of society, and on story-telling and narratives.
- Children do not want to go and attend the case hearing -- this is a significant observation that reflects the importance of having child- friendly courts and proceedings in place. These gaps must be recognised and worked upon.

Part 2: Children in Conflict with the Law

Predisposing Factors

- A sub-optimal social life and the lack of emotional support are the main hindrances for a child who ought to lead a healthy social life. These social interactions may be poor due to family problems, the child's own aggressive nature or any other psychological state of mind. All the respondents reported that they have hardly any friends outside the family/joint family circle.
- Even within the observation home such children prefer to confine themselves in a closed and small social circuit. It is found that the main topics of discussion with friends in the observation home are about cases and case proceedings. Without any support or professional control over these interactions, children continue to

languish in hopelessness and are not being assisted to rise above their traumatic situation.

- Lack of respect towards the opposite sex is a key behavioural issue found among children. Affluent family status along with a consciousness about class and caste adds to this feeling of superiority in some children.
- About two-fifths of the children involved in sexual abuse cases have a previous criminal record.

Factors Leading to Vulnerability

- An age difference between the perpetrator and the survivor does not seem to play any role in influencing a child to commit CSA. However, there is a tendency to abuse children who are younger.
- In case of consensual sex, the age at which the survivor gives consent for sexual intercourse is as low as 14 years.
- Chances of sexual abuse committed by a child on an unknown child/ adult are negligible. Most incidents of CSA take place in the neighbourhood/close proximity.
- Exploring one's own sexuality is natural in adolescence. This happens with both boys and girls. The study found that access to money and the freedom to spend it could act as a push factor among boys to explore their own sexuality more boldly than normal.
- The intention and courage to commit a crime does not come instantly. Over a period of time, after committing a few crimes that may be petty in nature, the confidence level increases. Not getting caught boosts that confidence further. As adolescents are tempted to explore their own sexuality they become most vulnerable in terms of going against the law.
- Peer group influence pushes adolescent boys to take unanticipated risks in life. The study explored that peer group pressure works as a stimulant for boys to migrate from a smaller place to larger cities and also to experiment with sexual abuse. Being illiterate or minimally educated, and with a poor economic background, these children are vulnerable.
- Psychologically, children of adolescent age might find themselves prepared for committing the crime but not for the consequences of the crime. While committing a heinous crime like sexual abuse, they hardly think about these consequences. A lack of maturity or group pressure and a false sense of masculinity may be some of the reasons behind this behaviour.

Experience with Legal System

- Despite significant progress in the creation of child-friendly laws and systems, police action suggests that law enforcers do not know how to differentiate between an adult criminal and a child criminal. In maximum cases, the police ill-treat the child who is in conflict with the law and this behaviour is against the procedure laid under the JJ Act to deal with the children who are in conflict with the law. This study noted how almost all police proceedings were reported to be carried out in the evening/late evening hours.
- It was also noted that migrant children are dealt with in a very different way by the police as compared to their non-migrant counterparts.

- Due to the recent amendment in the JJ Act, children in observation homes live in fear of being tried as adults and the ruthless treatment a rape accused is subjected to at the hands of other inmates in a formal jail. A few children in conflict with the law reported that they were sent to an adult jail immediately after their arrest. These children act as the source of information for others. Despite all this, they get hardly any effective counselling in observation homes.
- The anxiety related to their case proceedings always remains with these children as they do not get information about the case from any trusted person. Many a time, they hesitate to ask family members who visit them. Although they acknowledge the assignment of a public counsel for their case, they say they never get any update from him directly.
- In the absence of any information these children keep assuming many things and draw conclusions on that basis. These assumptions could be wrong, and can create unnecessary anger and frustration against the judiciary, and the law and order system.

Post Incidence Impact and Behavioural Changes

- The level of anxiety/stress is not as serious among the respondents as one would have expected, but this could be because they are not communicating it. There is of course a certain level of anxiety that lasts for some days, but they seem to be able to overcome it gradually.
- The guilt of committing a sexual crime, fear of the reaction and losing family and community support keeps children from sharing their concern with family members or any trusted adult person.
- The incident/crime has highly adverse impact on the life of family members. It may be in the form of ill health, economy or community- level problems. Most affected are those families where the economic condition is already poor, and the child was working to augment livelihood.
- In such situations, children need to undergo rigorous counselling sessions as psychological pressure may lead depression. The mental pressure may also force them to indulge in crime once again after acquittal.
- Although attempts are being made by the government to make observation homes more child-friendly and homely, the reality on ground is somewhat grim because of a lack of monitoring and accountability.

Conclusions

This study has mapped key psychosocial dimensions of CSA as the impact it has on survivors and perpetrators of the crime. The study has highlighted more than 20 crucial themes related to psychosocial dimensions of CSA and the legal support system available for survivors. Similarly, 12 crucial themes related to the children who are in conflict with the law for CSA have also been highlighted. The list of themes is presented in Annexure 1. These details can be utilised to develop an in-depth understanding of the lived experiences of these children, which can then be used for healing, rehabilitation and reintegration. The same can also be used to devise solutions and strategies for the ultimate elimination of CSA.

This enquiry needs to be deepened with further research. All these themes need to be cross-checked and validated with a much larger number of survivors and children in conflict with the law. With such deepened enquiry, viable recommendations for strengthening the preventive, protective and justice-based approaches to CSA can emerge. That this is an urgent and emergent need for a rights-based approach and to build a society and environment where children feel safe and protected is undisputed. Even one child facing sexual abuse is an unpardonable crime, and eliminating this crime is now non-negotiable.

ANNEXURE 1

LIST OF THEMES

Part 1: Survivors of Child Sexual Abuse

Dimensions		Themes
Psychosocial Dimensions	Individual/ Survivor	<ul style="list-style-type: none"> i) Severity of Trauma / Stress ii) Perceived Freedom of Movement iii) Love & Affection Received – Pre & Post incidence iv) Threats Received v) Feeling / Fear of being Lonely vi) Confidence Level of the Survivor in Post Incidence Scenario vii) Future Perspectives
	Family	<ul style="list-style-type: none"> i) Persistence of the Family against all odds ii) Attitude of the Family Towards Reporting of CSA Cases due to Social Stigma iii) Behavioural Changes due to the Background of the offender iv) Increased Financial Burden v) Loss of Health & Time / Attention for Pursuing Academic vi) Media Attention
	Societal Influence	<ul style="list-style-type: none"> i) Post Incidence Relocation ii) Outlook of Society towards Survivor iii) Role of Neighbours in Building Pressure / Suppressing the Incidence
Experiences with the Legal and other Support Systems		<ul style="list-style-type: none"> i) Case Pendency and Delays ii) Insufficient Knowledge on Law / Legal proceedings iii) Lack of Counselling iv) Fear of Court & it's Proceedings v) Support Available and Used <ul style="list-style-type: none"> a) Medical Support b) Transportation c) Financial Assistance

	vi) Experience with Police vii) Expectations of the Survivors
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Part 2: Children who are in Conflict with the Law

Dimensions	Themes
Predisposing Factors	i) Socio-Demographic and Economic background ii) Social life of the respondents
Factors Leading to Vulnerability	i) Relationship with the survivor ii) Criminal psychology and social outlook iii) Role of peer group members (Pressure / Support)
Experience with Legal System	i) Fear of Police ii) Court proceedings and punishment
Post Incidence Impact and Behavioural Changes	i) First time disclosure / Confession of crime ii) Tendency to shift the blame on the survivor iii) Level of anxiety associated with the case iv) Worry and concerns about various aspects v) Moral teaching Vs. TV programme watching habit at OHB

ANNEXURE 2

DATA COLLECTION TOOL

Interview Guide for Survivors of CSA

Question 1: Would you like to tell me about yourself as a child? In what class do you study? What subjects do you like?

Question 2: Can you describe your experience of the last few days/weeks/months? (Depending on when the abuse happened)

In case the child is not able to understand then you can simplify the question by asking "How do you feel?"

If the child is distressed /uncomfortable then again assert that "we are there to understand his/her inner subjective state and would help out to the best extent possible and within all capacity".

If the child remains silent or is reluctant, then ask the child again if he is comfortable and would want to talk? Be prepared to go back to Q1 and talk about general and non-threatening themes to develop better rapport that gets the interview flowing or engage the child in simple play with colour and sheet. A non-response from the child can become frustrating for both the child and the interviewer. Try facilitating the Interview through the Caregiver and if that also fails ask the child if he would like to be spoken to at any other time suitable to him/her.

Question 3: How long had the abuse been happening?

Question 4: When did you decide to tell someone about the abuse that you were going through?

Question 5: What was your immediate response mechanism? Or who did you first share this information with?

Question 6: (In case of long standing abuse) What influenced your decision to inform someone?

Question 7: How did that person react to this fact?

Question 8: How did this person respond to your 'distress call'?

Question 9: How did you feel about sharing the information with that person?

Question 10: When and how did your family members come to know about the abuse?

Question 11: How did your family react to it?

Question 12: When did you decide to inform the Law enforcement agencies?

Question 13: How did you feel about informing the law enforcement agencies?

Question 14: How did you feel when the law enforcement officials visited your residence?

Question 15: Can you describe in detail the overall experience of engaging with the law enforcement agency?

Question 16: In your opinion if at all, in what way could the process of investigation by the law enforcement officials be any different?

Question 17: Can you elaborate your experience of going through the Medical examination?

Question 18: How did it influence your subjective experience?

Question 19: In your opinion if at all, in what manner could the procedure for Medical examination be any different?

Question 20: What was your experience of being taken to the Courts?

Question 21: Were you at any stage approached by the Media?

Question 22: If yes, how did you feel about it?

Question 23: How did you deal with media attention?

Question 24: your opinion, do you think your case was dealt with sensitively and humanely by the law enforcement agencies at all levels and the media? (Some modification required for age group 6-12 & 13-18)

Question 25: What has been the impact of this overall experience on your life?

Question 26: Have you experienced any change in the way you perceive the society/world around you?

Question 27: Can you elaborate further?

Question 28: Have you experienced any change in the way the society/world around you looks at you?

Question 29: Can you elaborate with examples?

Question 30: Do you recognize any changes within yourself as a child or person?

Question 31: What meaning do you derive from your overall experience?

Question 32: Could the abuse be prevented in any way?

Question 33: Why do you think the abuse happened? Would you hold anyone responsible for it?

Question 34: Have you experienced any change in your behaviour/ experienced any psychological/physical symptoms at any stage?

Question 35: Have you experienced anxiety/ worry, low mood, fainting spells, eating difficulties, sleep disturbances during this period?

Question 36: How long did these symptoms persist?

Question 37: How was your functioning and daily rhythm during this period?

Question 38: Have you experienced suicidal/aggressive/homicidal thoughts in the recent past?

Question 39: How are you feeling currently?

Question 40: Do you still get suicidal/aggressive/homicidal thoughts?

<p>If yes, then the Interviewer would need to tell the child that they will ask the In-house Mental Health specialist to get in touch with him/her and ask the caregiver to provide constant support and vigil for the child.</p>

Question 41: Is there anything you want to clarify from me?

Question 42: "Is there anything more you'd like to share with me today?"

Interview Guide for Children in Conflict with the Law

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Understanding the Psychosocial Dimensions

Introduction & Informed Consent

Hello ! My name is I am from Kailash Satyarthi Children's Foundation, New Delhi. We are conducting a research study on psychosocial dimensions of the children staying at this home. As a part of this, we are interviewing children like you.

We will not ask you for your identity but your views on the aspects we are going to discuss are important to us. Please be assured that confidentiality of the information provided by you will be maintained strictly and will be used for research purposes only. You are free to stop the interview at any time or ask any question in between if you want. The interview will be for about 20 minutes.

May I now begin the interview?

Respondent agrees for interview : 1

Respondent doesn't agree for interview : 2 → CLOSE

Date:

Signature of the Interviewer

Questionnaire Approved
V Singh
22/08/16



Sh. VISHAL SINGH
Principal Magistrate
Juvenile Justice Board-1
Sewa Kaur Complex,
Kingsway Camp, Delhi-110009



Sh. VISHAL SINGH
Principal Magistrate
Juvenile Justice Board-1
Sewa Kaur Complex,
Kingsway Camp, Delhi-110009

Interview Questions

- Q01: Tell me something about yourself. How old are you? (Probe: where are you from / native place / place of stay before coming to home; who all are in your family; how educated you are; how is the economic condition of your family?)
- Q02: Do you have friends? (Probe: About inmates and before coming to the home, their socio economic background, behaviour, etc.)
- Q03: Do you play? Which sport you like most? (Probe: About the sports and recreation facilities available at home for inmates)
- Q05: Can you tell me your daily routine at this place? Tell me what all you do starting from morning to evening.
- Q06.1: Could you please let me know the role of police at the time of investigation? (Probe: Whether received cooperation from police, level of satisfaction with the conduct / behaviour of police with him and his family members? Whether have / had any unfulfilled expectations from police in terms of investigation / support?)
- Q06.2: Did you share your concerns with the family members / friends? What was the kind of support that you have received from your family members / friends?
- Q06.3: Did you have / had your own lawyer or court has arranged lawyer for you? How satisfied are / were you with the lawyer? Did he/she regularly give you information / updates on the case to you / your family members?
- Q06.4: Do you think that your family members / friends are also affected because of all this case and its proceedings? If yes, then please let me know who is in your family got affected and in what way? (Probe: Health, Education, Economy, etc.)
- Q08: How do you think the society or the people around you look at you today? (Probe: whether he/she feels that life changed for him/her, If Yes, in what way has life changed)
- Q09: Do you have any concerns related to your future?
- Q10: What are your concerns about yourself, here in the facility? (Probe: any problem they are facing and want to report)
- Q11: Have you ever been a victim of sexual abuse? (Check if the respondent is comfortable in talking about it)
- Q12: Have you ever experienced anxiety/ worry, fainting spells, eating difficulties, sleep disturbances? If yes, then kindly let me know your experiences. (Probe: when was the problem experienced, whether someone helped / assisted during this period, type of help / assistance received, duration / persistence of such experiences, effects of these experiences on his/her behaviour)
- Q13: How are you feeling currently? (Probe: what facilities are provided to deal with the current problems)

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Questionnaire Approved

Vishal

22/08/16

Sh. VISHAL SINGH

Principal Magistrate
Juvenile Justice Board-I

Juvenile Justice Complex,
Kingsway, Delhi-110009



Sh. VISHAL SINGH
Principal

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- Q14: Do you perceive any change within yourself as a person after coming here (to home)?
(Probe: to justify the response)
- Q15: What are your plans once you go out of this home? (Probe: study, work, relocation from the place of residence, etc.)
- Q16: Is there anything more you would like to share with me today?
- Q17: Is there anything you want to know from me?

Thank you so much for your time

Questionnaire Approved
Singh 22/08/16



Sh. VISHAL SINGH
Principal Magistrate
Juvenile Justice Board-I
Sewa Kutir Complex,
Kingsway Camp, Delhi-110009



Sh. VISHAL SINGH
Principal Magistrate
Juvenile Justice Board-I
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