



Report of the Consultative Workshop on Paedophilia organised by CHILDLINE India Foundation on 29th April 2006, Mumbai

Background

It was one phone call on 1098, 5 years ago. A call that informed CHILDLINE about abuse of children in the Anchorage shelter run by two ex-British Royal Navy members Duncan Grant and Allen Waters. It took CHILDLINE and its associated partners five years of struggle and on Saturday, 18 March 2006, the Additional Sessions Judge P.S Paranjpe delivered a verdict convicting the two to a sentence of 6 years of rigorous imprisonment for offences related to unnatural sex and abuse of children.

The two men have been fined 20,000 pounds each, of which Rs 5 Lakh will go towards the rehabilitation of the two boys who were residents of Anchorage and whose testimony in court was crucial to the case. The court also held William Micheal D'souza (manager of the Shelter Home) guilty for aiding and abetting the crime and assaulting the children. He has been sentenced to 3 years of imprisonment.

In a thumping, landmark order Judge Paranjpe said that he intended the verdict to send a clear message to pedophiles all over the world that India is not a destination for them. He hoped that the sentence would go a long way in wiping India off the map of international sex tourism.

Objectives of the Workshop

To bring together, Social activists; child rights activists, social workers, journalists, lawyers, police personnel, educationists, responsible Indian citizens and sensitive human beings; to work together and address all the issues related to prevention, awareness of Child Sexual Abuse and the persecution of offenders.

Structure of the Workshop

The workshop commenced with the introductory address by Ms Kajol Menon, Executive Director, CHILDLINE India Foundation, on the current scenario of child sexual abuse, issues and challenges to address the same. Ms Kajol also introduced the panellists.

This was followed by a presentation on the highlights of the Anchorage shelter case by Ms. Chitrakala Acharya. (Annexure I)

Representatives of the key allied systems made presentations on the learnings drawn from the case and the role of the concerned allied systems in addressing the issue of paedophilia and child sexual abuse



Panelists:

Ms. Meher Pestonjee- Media
Ms. Nilima Mehta- Child Welfare Committee
Ms. Kalindi Mazumdar - State Monitoring Committee
Ms. Maharukh Adenwala- Judiciary
Mr. Paanmand- Department of Women and Child Welfare
Dr. Sanjay Apranti – Police
Ms. Neerja Mattoo - S.P Jain Institute of Management
Dr. (Miss) Armaity Desai chaired the panel.

Highlights of the Presentations:

Ms. Meher Pestonjee: Author and Journalist representing the media

- To take Child sexual abuse cases to a logical conclusion, they should be taken to the court of law rather than just being reported by the media.
- There is not enough deliberation on issues related to Paedophilia, however there many ethical debates on the extent of media coverage and content.
- Need for guidelines to be formulated and enforced with the media, to ensure protection of the child's identity while reporting the violence against children, by the media. Media coverage exposes the children to a whole lot of new network of Paedophilia; hence it has to be done very sensitively and judiciously.
- The key allied systems have a larger role in vigilance for protection of children from paedophiles
 - Tourism and hotel industry – hotel associations, hotel owners, the room boys, managers, owners
 - Police machinery in regular raids on hotels, suspected to be involved in such activities, in places like Maria Lodge in Colaba, Mumbai
 - Transport system - Posters and stickers on public transport on the issue to raise the awareness levels of the general public.
 - Civil society – Need for refraining from stereotypes regarding children making a fast buck out of entertaining foreign nationals / any other adults
 - Judiciary – Need to be stringent on bail options to offenders and need for vigilance on accused jumping bails
 - Health system – to investigate deeper into causal factors leading to physical and mental ill health of children referred to hospitals
 - Mechanisms need to be developed to ensure that the loopholes are plugged in, once the hype created around the issue has died away and the media coverage has been reduced

Presentation by Ms. Neelima Mehta, Child Welfare Committee, Mumbai

- Need for greater conceptual clarity on the J.J Act 2000.
- A multidisciplinary approach needs to be taken while dealing with the issue of paedophilia and every stakeholder must have the same ideological approach, this includes the educational institutions, police, state government and NGOs

Macro level Context

- Relevant sections of the J.J. Act Sec must be applied with UNCRC perspective.
- Custodial abuse has received lots of attention; however the addressal of the issue needs to be looked at.
- Identification and reporting of cases, need to develop a clear protocol and legal requirements must be clear



- Need for greater interaction between all the key stakeholders.
- Need for networking between various organization and services.
- Sensitization of the Judiciary
- Advocacy for in camera trials
- Emphasis needs to be on sensitisation rather than sensationalisation by the media
- Emphasis on confidentiality regarding the identity of the victims and their right to privacy.
- Chapter 2 of the Children's Bill 2006 is important tool for offences against children (Sexual abuse of children)
- Trauma counselling needed for child victims
- The role of the DWCD (Department of Women and Child Development) has to be increased and strengthened in the context of Inspection, Supervision and Licensing and Scrutiny
- Need for strong will, conviction to take the cases to its logical conclusion. The issue ends with the case being reported followed by the conviction.
- NGOs should stress on children's empowerment to feel confident to report abuse
- Need for addressing PTSD (Post Trauma Stress Disorder) syndrome among abused children.
- Civil society needs to play a very key role in ensuring preventive strategies against exploitation of children

Presentation by Ms. Kalindi Mazumdar representing the State Monitoring Committee

- The role of the State Monitoring Committee State Government was highlighted, which involves reviews and discussions with different groups, children / staff management separately of the institutions and mechanisms for follow-up.
- There have been instances of anonymous calls from children requesting visit to institutions
- Need for quick judicial action like in the case of Constable More's conviction.
- Need to prepare children and protect them after they have reported abuse.
- Stress on punitive action against the accused after disposition of evidence.
- Support from State government to step in after the management of the shelter is suspended, as there is a need to make children feel safe and protected.
- Rotating funds to be earmarked at the state level towards the management of the institution and upkeep of the children who feel orphaned when the Organisation head is arrested.
- Groups like Mahila Dakshata Samitis (Voluntary groups) could be involved in visiting institutions to facilitate vigilance of the institutions
- Need for solidarity by the profession, like the BATSW & MASWE in addressing such issues

Presentation by Ms. Maharukh Adenwalla – Advocate and Amicus Curie in the Anchorage Case

- Street children, institutionalised children are most vulnerable to sexual abuse, coercion and are easy to be tampered with.
- NGOs should ensure that children's voices are heard
- Need for a teamwork from the very first stage of any such case and coordination with different stakeholders



- The existing structures and child protection mechanisms within the system should be used against the offenders, hence the need for identification of the existing structures and to develop new mechanisms to correct lacunae in the existing systems.
- Addressing the issue of Child Sexual Abuse should be brought on the priority agenda of the police and key stakeholders.
- Need for sustained support by an agency to represent the child, like CIF in the Anchorage Case and professional social workers to provide support/solidarity in taking a case to its logical conclusion.
- Need to work on the rehabilitation of the children rescued from abuse.
- Need to strengthen the support systems for children who have been rescued from similar situations
- Need to create a database of multi-disciplinary professionals who could work together in cases such as the Anchorage.
- Need for the creation of panel/bank of special public prosecutors the loopholes and provide guidance
- Need to help the police with the legal aspects of the investigation.
- The Offences against Children Bill is a weak bill. GOI needs to look into it to make it more powerful.
- Need for sensitisation of the judiciary through integration of the subject in their training curriculum.

Presentation by Dr. Sanjay Aparanti, DCP, Enforcement representing the Mumbai Police Force

- A training programme to train one sub-inspector in every police station to address child abuse i.e. in 83 police stations could ensure sensitization of the police personnel towards children's issues.
- Need to involve rickshaw, taxi divers associations, hotels for drawing information on movement children being used by adults for such sexual activities
- Prominent display of precautions in guesthouses to be stressed on.
- Since Licencing is a dual licencing system, which includes renewal of licencing, the police machinery could play an important role in enforcing mechanisms/ checks to ensure that the hotels do not cater to paedophiles in any form.
- Domestic Workers Association could also be used to crack down on paedophiles.
- Zonal level meetings and presence of Zonal Deputy Commissioner of Police to interact with the NGOs is important for better networking and cooperation.
- Need to ensure that the Police is always kept in the loop in cases such as the Anchorage case.

Presentation by Mr. Paanmand, District Women and Child Welfare Officer, State (DWCD)

- The DWCD has a Zilla Mahila Vikas Mandal, which caters to children in need for care and protection, and children in distress, 10,000 children have benefited from these schemes, the final objective is rehabilitation.
- Need to upgrade existing government institutions.
- There is greater transparency with regards to the functioning of government institutions in recent times.



- CHILDLINE 1098 posters have been displayed in all government institutions in the state
- There is facility of a Complaint box, in the custody of the Probation officer.
- Regular inspections of institutions should be made mandatory.
- Joint inspections of institutions can be instituted with NGOS.
- Need for NGOs to incorporate changes / recommendations made by inspecting committee in the functioning and management of government institutions.
- The DWCD issued notices asking for non-registered organizations working with children to report to the district officer but there was no response.
- Transit homes / camps needed for street children to minimize the burden on the state run institutions.

Nirja Mattoo

- S.P Jain Institute of Management is keen to play a key role in social sector as an academic institution and make their students sensitive managers when they join corporates.
- The institute has 40 reports on children on various issues and would be happy to share the same with CHILDLINE and any other developmental activities
- The institute has offered the venue for issue based workshops, NGO melas and participate in field studies

Interactive session:

Summary of key issues thrown up in the interactive session:

- **Stand on issues:** The message that the accused cannot get away with child sexual abuse in India is more important than the punishment and compensation
- **Information sharing on such issues:** NGO network should be informed and involved in cases such as these through network meetings and other forums
- **Reporting:** The state government should make reporting an interesting tool for information rather than cumbersome and time-consuming data compilation through filling large number of formats.
- **Strategies to rehabilitate survivors:** Creative mediums could be used for drawing out and healing the scars of abuse of the children rescued in the Anchorage case and also to evolve mechanisms for their rehabilitation
- **Role of the state in child protection:** Need for proactive action by the state against unregistered homes, in its capacity and role as the state guardian of the child and also take on a pro-active role to either ensure licensing of an institution or close it down.
- **Broadening the scope of intervention of the police:** The anti- trafficking cell needs to be sensitized towards the issue of Paedophilia relating to foreign tourists
- **Childcare and protection mechanisms for children in institutions:** It should be mandatory to have professionals in government institutions that cater to the psychological needs of the children who have been abused. If the facility does not exist within institutions, then linkages should be drawn with external child guidance clinics, psychologists etc for such services to children in both government and non-government institutions



Moderator: Dr (Miss) Armaity Desai

Dr Desai invited the audience to present pragmatic solutions and develop an action plan to take the learnings from the consultative to the logical next step of implementation and policy advocacy.

Framework for follow-up plan to the consultative workshop:

Police

- Design a Plan of action for sensitization of 83 officers, appointed in each police station on a monthly basis.
- Working committee comprising of representatives of CHILDLINE India Foundation, Ms. Swati Mukherjee (The Vatsalya Foundation), Ms. Neelima Mehta (CWC), and Ms.Zarine Gupta (Salaam Baalak Trust), Ms. Asha Rane (Hamara Club) to meet with Dr.Apranti to discuss the plan of action, course content and necessary processes and protocols for the same
- Display of CHILDLINE 1098 posters/ stickers in all police stations would be finalized in consultation with CHILDLINE India Foundation
- Development of awareness material on Paedophilia, which could be disseminated to all police stations, and the Child Welfare Officer in all police stations. This could be done in co-ordination with organizations working on the issue of child sexual abuse
- Institutionalization of processes within the police system wherein, in case of absence, Station House Officer substitutes the Child Welfare Officer Officer in addressing issues of child sexual abuse.
- Integrate the medical processes in the investigation process of the police system to inform about physical and mental implications of CSA.
- In every police station the ACP is responsible for tracking girls from brothels. A class –1 officer can enter any place and evacuate any place housing girls. Inspector of Police has been made the special officer by the social service cell so that they can conduct the raids. Similar arrangement can be made available for children.
- A ward wise list of organizations to be available at all police stations to facilitate better networking, co-ordination and expertise in dealing with cases of child sexual abuse.
- Statement of the persons accompanying a mentally challenged child, in instances of child sexual abuse should be recognized and treated as substantial evidence or information.
- NGOs can help in filing the charge sheet and put it up through the Social Service Branch and passing the chargesheet through the DCP could be institutionalized and mechanisms for monitoring and implementation of these new systems and protocols
- Circulate database and profiles of Paedophiles and ensure circulation of information to all airports
- Every six months list of officers to be collected and training to be arranged for those who have not received it incase of transfers of police officials.
- The Social Service Branch should function in civil dress code rather than uniforms and have one child friendly section
- A Special Juvenile Police Unit to be stationed in the proximity of an NGO
- Component of Child Rights to be included in the training curriculum of the Police. Inspector community to be included in the training
- Model child friendly police system to be set up on a pilot basis, with child friendly seating and other environmental arrangements



NGOs

- Annual programmes/ issue based workshops / melas etc should organized to maximize sharing knowledge amongst each other
- Willingness among NGOs to offer services and expertise, when referrals are received
- Access to services of the multi-disciplinary team in addressing cases of child sexual abuse -

Civil Society

- Mahila Dakshiti Samiti could be activated to look into issues of CSA and child protection or have some kind of a parallel system for children.

State Government

- Appointment of a counselor for every state run institution should be made mandatory.
- CHILDLINE 1098 should be compulsorily displayed in all children's institutions and one telephone to be installed in every institution to enable access to 1098 for any kind of assistance.
- Proactive stand and action should be taken against unlicensed shelter home by the state.
- Adequate professionally qualified individuals and committees needed for overseeing the licensing process for residential care institutions and adequate stress to be laid on implementation of programmes along with budget utilisation and routine scrutiny of records and documentation
- Need for have multiple teams within the Board of Control for Orphanages and Childrens' Homes to ensure that licences are issued to the organizations within reasonable time. This will minimize delays in initiating need-based services and will bring the management of the institutions under the direct supervision and monitoring of the state.
- Need for a larger team responsible for monitoring licensed institutions to ensure qualitative review of the management of the institutions
- An aggressive awareness drive on schemes being offered by the state government should be undertaken through the mass media.
- Government schools should be targeted to increase awareness about Child Sexual Abuse on CSA
- Co-ordination and networking between NGOs and the different allied systems should be facilitated through issue based workshops and melas
- Need Assessment study should be undertaken at the state level to understand the number of institutions and services required to be initiated at the state level

Law & Judiciary

- Formation of a panel of Special Prosecutors at the state level to be able to take up cases of child sexual abuse.
- Field exposure visits of personnel from the Judiciary to NGOs

Conclusions:

The key findings of the workshop are:

- The control mechanisms for residential care institutions regulations does exist in Maharashtra government, however the operation mechanism is inadequate resulting in very long time gap between assessment of organizations and issue of licences to institutions, hence the delay in the same coming under the purview of the state.
- Need for gradation of Standard parameters for quality care service delivery with appropriate infrastructure within residential institutions for different sectors and socio-economic segments
- The perspective of the police on child trafficking and child abuse is restricted to girl child prostitution. The police shared that they have never recorded a single case of paedophilia. The police force needs to be sensitized to the issue of paedophilia.
- Need for a multi-disciplinary team to work in close co-ordination in cases of paediphilia
- Media needs to be sensitized on presentation of cases of paedophilia in the media
- Critical sectors like Tourism, Transport, which are involved in this issue need to be sensitized as they do not perceive it as a social issue
- The mechanism for implementation of the Juvenile Justice Act / Other Acts related to crimes against children needs to be strengthened and needs to be given more teeth
- Medical investigation of children when referred for health problems needs to be more comprehensive so as to include possibility of abuse and hence the need to train medical professionals to identify cases of abuse
- Need for training school teachers in creative mediums of awareness about sexual abuse among school children

Follow-up Plan of Action:

CIF will facilitate the development of specific action plans to take the recommendations of the workshop to the next level.

Acknowledgements:

All the panelists who agreed to share their valuable experiences and inputs towards the issue of paedophilia

Dr (Miss) Armaity Desai for agreeing to moderate the workshop

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