

**GOVERNMENT OF KARNATAKA
DIRECTORATE OF INTEGRATED CHILD PROTECTION SCHEME, KARNATAKA**

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**Child Protection System to prevent children from abuse in
CCIs particularly in a pandemic situation.**

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1. INTRODUCTION

As defined in the Juvenile Justice (Care and Protection of Children) Act 2015, each and every Child Care Institution (CCI) is designed and meant for providing temporary as well as long term care and protection for children in need of such measures.

When children are kept in an institution it is the responsibility of the State as well as the institution to provide the highest standard in terms of protection to the children against any kind of abuse.

During the days of crisis, such as the COVID-19 crisis, children may have to remain within the premises of the institutions or in alternative care such as foster care or kinship care. They are not permitted to go to school, step outside to play or participate in events and activities outside the premises of the institutions or their homes.

Parents/Birth Families cannot visit their children in the institution, counselors cannot hold face to face sessions, leaving children feeling more isolated and increasing their vulnerability.

In such times children of all ages, regardless of their gender, are more vulnerable to being abused by their peer groups, other children with whom they live in the institutions/ foster care/kinship care, care-givers, foster parents, staff, visiting health personnel, visitors, service providers, members of the Management and others who may come in contact with the child.

Many of these children may have experienced trauma. Such children may become further distressed emotionally and may either become victims of abuse or may turn out to become abusers themselves. Adults around these children may also try to exercise their supremacy over these children by way of abuse and violence. This can leave children permanently scarred, physically, emotionally and mentally.

Children who are victims of such abuse may be further victimised by their abusers who may exert psychological pressure or even blackmail.

Hence there is a need for the State to set up a framework where:

- PREVENTION of abuse is given primary importance.
- Providing victims with curative measures comes later.
- Every individual in the system, both adults and children are empowered to become "child abuse prevention agents - CAPA".
- All institutions in the JJ system implement an alert, ever vigilant watch-dog system. This could be a combination of human and electronic resources. for example, formation of Children's Committees, Child Protection Committees, installation CCTV cameras.

This framework shall be applicable to:

all institutions that provide care and protection to children for short or long term and includes: child care institutions (government and non-government) registered under the JJ Act, fit facilities recognised under the JJ Act, residential educational institutions, hostels, shelter homes that have been set up for providing care to children during the COVID-19 pandemic. It shall also apply to non-institutional care such as: foster families and families providing kinship care.

2. DEFINITIONS

(Most of these definitions are borrowed from other child centered Acts and Rules (refer to corresponding Acts and Rules for clarification), while a few are extended keeping in mind the pandemic situation. They will be redefined and finalised soon after the current pandemic period)

- a. **Abuse in CCIs:** All forms of child abuse that may occur in any institution that provides care and protection to children for short or long term and include:
 - i. child care institutions (government and non-government) registered under the JJ Act, fit facilities recognised under the JJ Act, open shelters under the JJ Act,
 - ii. institutions that may not be registered under the JJ Act such as: residential educational institutions, hostels, ashrama schools, religious institutions etc.
 - iii. quarantine facilities and shelter homes that have been set up for providing care to children during the COVID-19 pandemic.
- b. **Aggravated Child Abuse:** When any abuse is committed either by a public servant, member of the management, staff of a CCI/ Residential Facilities/ Fit Facility for Group Foster Care [children's home, observation home, protection home, or other place of

custody, hospital staff or educational institution] or by a visitor, external personnel or any other such persons or foster parents or kinship care givers.

- c. **Complaint mechanism:** Means all channels (complaint box, telephone line or oral information) that are available for any individual (adult or child) to inform the authority or Child Protection Committee of a possible abuse or an incident of abuse. Complaints narrated by the child to foster parents or kinship parents or adopted parents or any other adult or child shall also be considered as a complaint given to the Child Protection Committee.
- d. **Confidentiality:** Children's right to privacy and confidentiality as prescribed in JJ Act 2015, shall be complied with for all children the same shall be applicable to a child who is a Victim, Complainant or a Witness. If the complaint is made by an adult and he/she wishes to remain anonymous, it shall be respected.
- e. **Child Abuse:** All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, verbal abuse resulting in actual or potential harm to the child's physical and mental health, survival, development or dignity in the context of a relationship of responsibility, trust or power.
- f. **Offender:** A person who is in a position of trust/power -engages in any sexual behavior or physical and psychological abuse directed at dependent, developmentally immature children and adolescents who are under care and protection of such person.
- g. **Child Care Institute (CCI):** A Children's Home, Open shelter, Observation home, Special home, Place of safety, Specialised Adoption Agency, registered under the JJ Act or a fit facility recognised under the JJ Act for providing care and protection to children, who are in need of such services. These could be established or maintained by the State Government or through a non-governmental organisation
- h. **Child protection:** Preventing and responding to all forms of harm, abuse, neglect, violence, maltreatment and exploitation of children in all settings including Child Care Institutions, schools, hospitals, crèches, families and communities
- i. **Child Protection Committee:** An alert system which includes human and electronic mechanisms to prevent abuse and be vigilant so as to detect any abusive acts and behaviour by staff and visitors and external personnel within the premises of CCI and Residential Facilities covered by this framework.
- j. **Complaint Box:** A secured box kept in the premises of an institution which is easily accessible to every child
- k. **Display of contacts :** A display board containing the contact phone numbers of ChildLine 1098, Police help line, designated professional counsellor, visiting doctor/

nearby Doctor, members of Child Protection Committee and Child Welfare Committee (CWC), Juvenile Justice Board (JJB) that shall be displayed in such a place where it is visible to all children at all times.

- l. **External Personnel:** Any person who visits the premises or enters the CCI / Residential Institution for children who is not employed directly or indirectly by the CCI / Residential Institution including the Government officials, CWC members, Assigned Support persons, Police officers, ChildLine 1098 staff, and other officers who come for regular visits and volunteers who engage the children in various activities.
- m. **Residential facility:** Means institutions where children stay and which may not be registered under the JJ Act such as: residential educational institutions, hostels, ashrama schools, religious institutions etc. It also includes quarantine facilities and shelter homes that have been set up for providing care to children during the COVID-19 pandemic.
- n. **Staff:** All members of the management board or employees (whether full-time, part time or short-term contracts, volunteers) of the CCI / Residential Facility for children.
- o. **Visitors:** persons who visit the premises of any Institution such as parents, Guardians, service providers, vendors, bankers, donors and any other resource persons, regardless of gender.
- p. **Witness protection / protecting the complainant:** The complainant and the witness shall be provided with the required protection for his/her life and liberty by the State during the process

3. PROTECTION OF CHILDREN

Protection of children is a holistic term that refers to upholding all rights of children. Health and Survival rights; rights to protect against any exploitation, right to development and education and right to express and to participate in decision making all needs to be protected.

Rights of the children have to be adhered to in all times and more so in a situation of crisis. It is proved by several incidents and case studies of crimes against children that a large number of such violations are committed by those who are looking after, supervising or taking care of children. That means those who are known to children tend to commit such crimes and also may easily get away using their authority.

Abuse or exploitation of children may occur as described herein below;

- 1. **Physical Abuse:** Abuse that results in actual or potential physical harm, permanent or temporary, from an interaction or lack of interaction, which is reasonably within the

control of a parent or person in a position of responsibility, power or trust. This may be a single incident or repeated incidents. The possibilities of food poisoning, falling into drains or water tanks (underground or overhead); falling or tripping on hard objects and injuring, self-harm, tendency to run away from the institutions, have to be considered.

2. **Sexual Abuse:** Any kind of physical, mental or verbal abuse, where the offender uses a child for his/her sexual gratification, either in actual or by exhibiting any part of the body and/ or through pictures and videography.
3. **Verbal Abuse :** words that are used intentionally to demean the image of a child (by using foul language, irritable or bad words) and/or to exhibit sexual desires and/or prurient in nature and/or oral explanation of a sexual act and words which depict the names of the parts of body in a lustful way.
4. **Emotional Abuse:** Verbal abuse, mental abuse, bullying and psychological maltreatment. It includes commission and/or omission by parents and/or caretakers, Staff, Visitors, External personnel that have caused or could cause serious behavioral, cognitive, emotional, or mental trauma.

A child may become a victim of any of the above forms of abuse by members of peer groups, leaders/monitors in the children's groups, staff, parents, and or caretakers, visitors, relatives, service providers, volunteers, donors, etc.

4. MECHANISM FOR IMPLEMENTATION

To implement the above effectively, the following mechanism is prescribed

- a. A Child Protection Committee shall be formed comprising 3 children from above the age of 6 years and 2 Staff members [if the CCI/ Residential Facility has an existing Children's committee as prescribed under the JJ Act and Rules, it can be activated for the purpose];
- b. The Child Protection Committee shall be trained / informed about the need for primarily PREVENTION of any abuse of children and receiving complaints to take action in consultation with the Person in charge of the Institution and the concerned CWC.
- c. The activities of the Child Protection Committee shall be reviewed on a daily basis in a crisis situation.
- d. The members of the Child Protection Committee are to be informed that they are **NOT** all pervasive and final authority.
- e. The Person in charge of the CCI/Residential Facility must keep the CCTV system always operational and check it on regular intervals (at least once a day) as per the protocol established by the CCI/Residential Facility and report to the Child Protection Committee.
- f. The Child Protection Committee proceedings are to be recorded and be available for review

- g. Twice a year, the Child Protection Committee should conduct exercises /drills of evacuation and alternative arrangements (in case of fire, earthquake, infection in the premises or any such possibility of mishap where children may need to be protected with quick notice)
- h. All staff shall be trained in first aid and also particularly preventing deaths due to drowning, poisoning and respiratory problems. All children shall receive such training based on their ability to comprehend and apply. These will be organised at individual CCI/Residential Facility level by the management;
- i. The ICPS Directorate shall train the management using appropriate methodology and technology (either centrally at state level or by DCPU at district level) and the content of such training shall be made available in print form to the members.

5. Mandatory directives to make Child Protection Committees to be functional to protect the children in CCIs/ Residential Facilities

Formation of the Child Protection Committee:

- 1. The Child Protection Committee shall comprise of 3 child representatives and 2 staff representatives
- 2. The management in a meeting of all the inmates of the institute/CCI and the staff members introduce the concept of need for formation of a Child Protection Committee
- 3. Calls for nominations / volunteers
- 4. If the situation arises conducts simple majority voting
- 5. The minutes of the Child Protection Committee will be minuted and will be reviewed by the Head of the CCI/ Residential Facility periodically

The teams / staff which are maintaining or managing CCIs/ Residential Facilities must note that child protection is not a unilateral activity or a process. Child protection also cannot be imposed by the higher ups. Child Protection is a process which involves both adults and children.

- 1. A board shall be displayed in the premises visible to all indicating the posts, filled/vacancy, name of the person, qualification, joining date and additional charges if any, contact number
- 2. Children shall be educated about the current crisis situation and the lockdown [individual sessions have to be done to make them understand the situation from an appropriate manner using suitable aids such as charts, video clippings. Counsellors or a case worker and a CWC member must be present in this process]; Group counselling sessions on the subject is also possible by institutions.
- 3. Children shall be updated with the current situation in the world outside the CCI [specifically in a situation like Coronavirus outbreak];
- 4. Children shall be given an option of choosing to go back to their birth family or kinship;
- 5. Children shall be allowed to contact their family members and/or directly with CWC, volunteers, assigned support persons, counsellors on a regular basis (once in 15 days),

over the phone. The frequency of these calls may have to be increased during situations like the current lockdown period (once in a week or whenever such need arises).

6. Children whose siblings are sheltered in any other CCIs/ Residential Institutions shall be allowed to contact each other over the phone frequently. For this purpose a roster can be prepared and/or calls can be made as per the imminent necessity.
7. Children shall be made aware of the existing CCTV network and its utility
8. Complaint boxes shall be made easily accessible to every child and shall be opened and checked frequently (once in two days) while complying with the confidentiality clause.
9. Children shall be allowed to access phone always
10. Children shall be informed about working of CHILDLINE 1098
11. Children shall be given information on other helplines like 100, 104
12. Efforts of reunification with the family shall continue to happen both by the CCI and CWC
13. As it is a lockdown situation, except going out to school and other external activities, following a routine shall be given importance
14. Children shall be given awareness on all kinds of abuse including sexual abuse and bullying. The content for these sessions shall take into consideration the age, maturity level, emotional & psychological state of the child
15. Children with disability shall be provided with the awareness on Sexual abuse via a compatible communication method like sign language, Braille script etc.
16. Very few visitors shall be permitted to visit the CCI/Residential Facility during the lockdown and the pandemic period
17. A separate arrangement for sleeping and bathing shall be made for younger children.
18. Actions taken against any abuser shall be made known to the children and other adults
19. Children and adults shall be given awareness on POCSO Act
20. Children shall be made to engage in such activities whereby they can express their previous and ongoing experience of any kind of abuse
21. Mental health services shall be made available to children who are affected by abuse or trauma.
22. A professional counsellor shall be made available to talk over the phone/ digital medium to any child who is in need and wants to talk.
23. Parents/Guardians of a sexually abused child may be advised to avail the services of a mental health professional.
24. Any wound, bruises on the body of a child, loss of appetite, disturbance in sleep, variations in speech and other behavioural changes shall be monitored closely and interaction shall be initiated with the child to find out whether he/she is facing any abuse.
25. Children shall be given awareness on bodily and mental changes and requirements during puberty.
26. Menstrual cycles of children shall be monitored regularly and all menstruators shall be given menstruation education and how to manage their menstruation hygienically. Menstruators shall also be taught to track their periods using a period calendar. Every menstruator shall be provided access to menstrual hygiene products. The staff shall help the menstruators keep track of their periods by maintaining a register of all menstruators. Children shall be trained to dispose sanitary wastes in a proper way.

27. Children shall be taught to take care of their own bodies (e.g., bathing or using the toilet) so they do not have to rely on adults or older children for help.
28. Children shall be educated about the difference between good secrets (such as birthday surprises) and bad secrets (those that make the child feel unsafe or uncomfortable).

6. Prevention of abuse of children placed in Non-Institutional Care

As stated above, the children placed in Non-Institutional Care with Fit Persons, Foster Family Fit Facility for Group Foster Care or in Kinship Care are also vulnerable to abuse.

1. All foster parents, kinship caregivers and Caregivers in a Group Foster Care facility shall be trained in first aid and also particularly preventing deaths due to drowning, poisoning and respiratory problems. Children placed in non-institutional care shall also receive such training based on their ability to comprehend and apply. These shall be organised by the District Child Protection Units;
2. Children shall be educated about the current crisis situation and the lockdown to help them understand the situation. These sessions may have to be virtual conducted by the Social Worker or Protection Officer- NIC.
3. Children shall be updated with the current situation in the world outside the CCI
4. Children in non-institutional care shall be given an option of returning to their birth family wherever possible;
5. Families where children are placed must be made aware of the importance of reporting any concerns, they have about children's safety during the lockdown
6. Children shall be allowed to be in touch with their birth family and/or directly with CWC, volunteers, assigned support persons, social workers, counsellors on a regular basis (once in 15 days), over the phone. The frequency of these calls may have to be increased during situations like the current lockdown period (once in a week or whenever such need arises).
 - Children whose siblings are placed in other care arrangements shall be allowed to contact each other over the phone frequently.
 - Wherever possible families should be encouraged and facilitated to use technologies like video calls and apps.
7. Children shall be made aware of all helpline numbers such as 1098, 100, 104.
8. Foster Family/Fit Persons should be made aware of the reporting procedure if they suspect that the child in their care has been used.
9. The DCPUs shall closely monitor non-institutional care arrangements of children who live with families in containment zones and provide necessary support to these families, including remote counseling services. These monitoring reports should be shared with the CWC. The CWC shall make informed decisions on whether to withdraw the child out of the non-institutional care arrangement.