

(R)

AS(B)
A. S. (B)
Kangra

No.WCD/DCPU (Kgr) POCSO-Vol-I-16/17 - 3126
O/o District Child Protection Officer
Kangra at Dharamshala
District Kangra (H.P)

To
Dy. Director of
Higher Education
07 SEP 2024
Diary No. 4935
Kangra at Dharamshala

The Deputy Director,
Higher Education

The Deputy Director
Elementary Education

Date: Place-Dharamshala
07/09/2024

Subject: - Regarding ATR on recommendations-"Issues in the implementation of the POCSO Act, 2012 and Measures for strengthening the same".

Madam/Sir,

In the reference of letter No.WCD-SCPS (F)-11/1-2024-(NHRC)-2316-2384 dated 22-08-2024, (copy enclosed) under which certain recommendations and directions in regard of Child Sexual Abuse (CSA) has been issued to various departments by National Human Rights Commission (NHRC) to comply. Hence you are requested to issue the necessary directions to all the schools of district Kangra, mentioned in point no 02 of the enclosed letter.

Encls -As above

Yours faithfully,


District Child Protection Officer
Kangra at Dharamshala

No. EDN. KGR-G-6 (Sexual Harassment) 2024 -
o/o the DDHE, Kangra at Dharamshala 10 SEP 2024
6204
Dated: -

Copy to: -

All the Principals / Headmasters, GSSS / GUS
with Kangra & All the Principals / Headmasters Private
schools affiliated with HPBOSE, CBSE, ICSE, AIT Kangra
for compliance please.
Deputy Director of Higher Education
Kangra at Dharamshala 176215

No. WCD-SCPS (F)-11/1-2024 (NHRC)-2361-2384
 Directorate of Women and Child Development, HP.
 4th Floor, Multi Storey MC Parking Complex,
 Bye Pass Crossing, Tutikandi, Shimla-171004.



LPO
 22/8/24

To

1. All District Programme Officers,
Himachal Pradesh
2. All the District child Protection Officers
Himachal Pradesh

Dated: 22/8/24

Subject: Regarding ATR on recommendations- "Issues in the implementation of the POCSO Act, 2012 and Measures for strengthening the same".

Madam/Sir,

On the foregoing subject, it is to bring to your notice that a meeting of NHRC's Core Group on Children on "Issues in the Implementation of the POCSO Act, 2012 and Measures for Strengthening the same" was held on 31 January 2024, under the Chairmanship of Sh. Rajiv Jain, Hon'ble Member, NHRC (Copy Enclosed) under which certain recommendations has been issued to various Departments. To comply with the recommendations issued to Women and Child Development, you are directed to take necessary action as under:-

Sr.No	Recommendations of NHRC	Directions to comply with recommendations of NHRC
1.	Classify child sexual abuse as a public health issue to acknowledge its widespread impact on children's well-being.	<p>Classifying child sexual abuse (CSA) as a public health issue is essential due to its extensive and profound impact on children's well-being. By recognizing CSA as a public health issue, we can better understand its scope, address its root causes, Therefore, you are directed to prepare IEC material on the following points and disseminate while organizing camps at Schools, Block Level, Village Level.</p> <ol style="list-style-type: none"> 1. CSA is alarmingly common, affecting millions of children worldwide. Studies indicate that a significant percentage of children experience some form of sexual abuse before the age of 18. 2. Long-term Health Effects - Survivors of CSA often suffer from a range of long-term health problems, including mental health disorders (such as PTSD, depression, and anxiety), substance abuse, and chronic physical conditions. 3. Developmental Impact: CSA disrupts normal childhood development, leading to difficulties in learning, social relationships, and emotional regulation. This can result in lower educational attainment and economic prospects in adulthood. 4. Economic Costs: The societal costs of CSA are substantial, including healthcare costs, legal and criminal justice expenses, and lost productivity. Addressing CSA as a public health issue can help allocate resources more effectively to prevention and intervention efforts.

		<p>5. Prevention and Intervention: Viewing CSA through a public health lens emphasizes the importance of prevention and early intervention. Public health approaches can lead to the development of comprehensive strategies to prevent abuse and support survivors, including education, community programs, and policy changes.</p> <p>6. Stigma Reduction: Treating CSA as a public health issue can help reduce stigma and encourage more open discussion and reporting. This can lead to increased awareness, better support for victims, and a cultural shift towards zero tolerance of abuse.</p>
2.	Use technology for risk assessment and legislative evaluation to improve interventions and policy frameworks.	<p>Using technology to enhance risk assessment and legislative evaluation for the Protection of Children from Sexual Offences (POCSO) can significantly improve interventions and policy frameworks. You are directed to take necessary steps on the following points :-</p> <p>1. Monitoring: - Directions be issued to Education Department to use IT Devices in schools & colleges to monitor unusual activities or behavior that could signal abuse.</p> <p>2. Integrated Databases:- Deputy Commissioners be requested to create a centralized database to collect information from various agencies (e.g., child protection services, police, healthcare providers) from where information could be easily accessible.</p> <p>3. Public Awareness Campaigns: - Use social media and digital platforms to raise awareness about POCSO, reporting mechanisms, and support available for victims.</p>
3.	Publish reports on child sexual abuse cases to enhance transparency and accountability.	You are directed to send the cases of your respective District to this Directorate, w.e.f. April, 2023 to March 2024.
4.	Emphasize concerted action and multi-sectoral collaboration to combat child sexual abuse under the POCSO Act effectively.	<p>Effectively combating child sexual abuse under the POCSO (Protection of Children from Sexual Offences) Act requires concerted action and multi-sectoral collaboration. This approach involves the coordinated efforts of various stakeholders including government agencies, law enforcement, healthcare providers, educational institutions, and non-governmental organizations. Therefore, you are directed to co-ordinate with stakeholders mentioned below to combat child sexual abuse under the POCSO Act effectively:-</p> <p>1. Government Agencies: Must ensure robust implementation of the POCSO Act through stringent policies, effective monitoring, and provision of adequate resources for child protection services.</p> <p>2. Law Enforcement: Needs specialized training to handle POCSO cases sensitively and efficiently, ensuring swift and just legal proceedings.</p> <p>3. Healthcare Providers: Should be equipped to provide immediate medical care and psychological support to</p>

		<p>victims of child sexual abuse, facilitating their recovery and rehabilitation.</p> <p>4. Educational Institutions: Play a critical role in educating children about their rights and personal safety, as well as in identifying and reporting abuse cases.</p> <p>5. Non-Governmental Organizations: Can offer crucial support through advocacy, awareness campaigns, and direct assistance to affected children and their families.</p>
5.	Compliance of CSAM-School education as specified in CSAM advisory issued by the Commission be also ensured.	CSAM advisory has already been issued to you vide letter dated 02-01-2024 for taking necessary action and with a direction to circulate the said advisory to District Authorities for taking necessary action. You are again directed to implement the advisory regarding Child Abuse Sexual Material (CSAM) in true letter and spirit and also ensure that school education as specified in CSAM advisory be complied.
6.	In cases of abuse of minor victims, the administration should provide not only legal assistance but also counseling to the victims to get over the trauma and ensure their well-being as provided in the CSAM policy.	Ensure that sensitive counseling services be provided to the victims to get over the trauma and also take necessary action as per CSAM policy for the well being of the victim.

You are further directed, to send the para-wise action taken report to this Directorate on or before 25-08-2024, positively, so that consolidated report could be sent to the National Human rights Commission, New Delhi.

Encls:- As above



(Rupali Thakur)
Director

Women and Child Development
Himachal Pradesh, Shimla-171001
Phone No. 0177-2622033

Endst. No. As above. 2385

Dated:-

Copy to: The Secretary (SJ&E) to the Government of Himachal Pradesh with reference to letter No. SJE-A- A (3)-2/2014-L dated 8th July, 2024 for information please.



(Rupali Thakur)
Director

Women and Child Development
Himachal Pradesh, Shimla-171001
Phone No. 0177-2622033

अनिता सिन्हा, भार.र.से.
संयुक्त सचिव
ANITA SINHA, IRS
Joint Secretary (P&T)



राष्ट्रीय मानव अधिकार आ
मानव अधिकार भवन, सी-ब्लॉक, जीपीओ कॉम्प्लेक्स,
आईएनए, नई दिल्ली-110023 भारत
NATIONAL HUMAN RIGHTS COMMISSION
Manav Adhikar Bhawan, C-Block,
GPO Complex, INA, New Delhi-110023 India
Ph. No. (O) 011-24663217 / 24663269

D.O. No. R-32/5/2020-PRPP(RU-2)

24th June 2024

31/7/24 Dear
AcS (Home)
Sury (SE)

O/o the Chief Secretary
Dy. No. 5.610.016/1
Dated. 02.07.24

The National Human Rights Commission is mandated under the Protection of Human Rights Act, of 1993, to protect and promote the human rights of all the people in the country.

2. In order to fulfill the mandate, a meeting of NHRC's Core Group on Children on "Issues in the Implementation of the POCSO Act, 2012 and Measures for Strengthening the same" was held on 31st January 2024, under the chairmanship of Shri Rajiv Jain, Hon'ble Member, NHRC. A list of recommendations emanating after due deliberations are enclosed herewith for necessary action deemed appropriate.

3. You are also requested to kindly direct the concerned authorities dealing with the matter to submit a report on action taken/ proposed to be taken on the recommendations, within a period of eight weeks, for information of the Commission.

With regards,

Yours sincerely,

(Anita Sinha)

Encl.: As above.

All Chief Secretaries / Administrators (State and UTs)

27/7/24
S. A. K.

National Human Rights Commission

R-32/5/2020-PRPP(RU-2)

A Core Group meeting to examine the "Issues in the Implementation of the POCSO Act, 2012, and Measures for Strengthening the same" was held on 31st January 2024 under the Chairmanship of Shri. Rajiv Jain, Hon'ble Member, NHRC.

1. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Home Affairs)

- i) Publish reports on child sexual abuse cases to enhance transparency and accountability.
- ii) Audio and video evidence recording by police to ensure compliance with protocols and protect victims' rights.
- iii) Conduct thorough medical and forensic examinations in cases of child sexual abuse and provide specialized training for police personnel.
- iv) Training police officers in handling cases related to the Protection of Children from Sexual Offences (POCSO) is crucial for ensuring effective and sensitive investigation and protection of minors.
- v) The number of Central and State Forensic Science Laboratories should be increased in the country for proper forensic examination.
- vi) In case audio-video evidence is permissible to be recorded by Police, it must ensure compliance with the protocols and rights of victims.
- vii) A uniform portal on victim's compensation should be developed at District, State and National levels. The data should be reflected at the District, State, and National level.
- viii) Police should adopt a child-friendly approach while subjecting the victim to examination. There should not be any gender disparity between/within the POCSO preamble, and the male victims should be given the same treatment and personal safeguards as their female counterparts.

- ix) A conducive setting should be provided and Police officials or specialized personnel must handle these cases and the statement of the child should be recorded at an appropriate place.

2. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Women and Child Development)

- i) Classify child sexual abuse as a public health issue to acknowledge its widespread impact on children's well-being.
- ii) Use technology for risk assessment and legislative evaluation to improve interventions and policy frameworks.
- iii) Publish reports on child sexual abuse cases to enhance transparency and accountability.
- iv) Emphasize concerted action and multi-sectoral collaboration to combat child sexual abuse under the POCSO Act effectively.
- v) Compliance of CSAM - School education as specified in CSAM advisory issued by the Commission be also ensured.
- vi) In cases of abuse of minor victims, the administration should provide not only legal assistance but also counseling to the victims to get over the trauma and ensure their well-being as provided in the CSAM policy.

3. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Law and Justice)

- i) One of the recommendations is that while awarding compensation to the victims, the State Government should ensure that schemes are aligned with the law on the subject, as it has been observed that victim compensation schemes of some State governments relating to minor victims are not aligned with the law on the subjects, particularly in offences related to rape.
- ii) In some instances, the victim is entitled to compensation based on an administrative decision also, as under the NALSA scheme, SC/ST Act & Rules, etc. In these matters, the administration should ensure timely disbursement of compensation.

- iii) Instances have been noticed, wherein administration, as well as DLSA, wait for the completion of the trial for disbursement of compensation, whereas it is payable at different stages including soon after the offence, intermediate stage, and final stage. The purpose of compensation would be suitably served only if it is disbursed in a timely manner. Hence, one should not wait for grant/sanction of compensation only after completion of the trial.

4. Approved recommendations emanating from the meeting of the Core Group on children (All States and UTs)

- i) It mentions that injury and penetration are necessary to constitute an eligible victim for compensation. The State governments should review their schemes, particularly this aspect.
- ii) In some of the schemes, example in Uttar Pradesh, 'injury and penetration' are necessary to constitute eligibility to victim for compensation. The State governments should review their schemes, particularly with regard to this aspect.
- iii) The Commission notes significant delays in the Award of compensation to minor victims. States should improve their administrative process for sanction of compensation, and align them with the provisions of compensation in Acts like the POSCO Act, SC/ST Act, etc.
- iv) Section 33 (8) of the POSCO Act and Rule 9 of the POSCO Rules have provisions wherein the Special POCSO Court is empowered to grant compensation which the States should utilize.