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# COVID-19 & CHILD SURVIVORS OF SEXUAL OFFENCES

A Rapid Assessment Study examining the economic, social and psychological impact of the COVID-19 pandemic on child survivors of sexual offences and their families and on the ongoing trials

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# ABBREVIATIONS

<b>BBMP</b>	: Bruhat Bengaluru Mahanagara Palike
<b>CCI</b>	: Child Care Institution
<b>COVID-19</b>	: Severe acute respiratory syndrome coronavirus 2 ( SARS-CoV-2 )
<b>Cr.P.C</b>	: Code of Criminal Procedure
<b>CWC</b>	: Child Welfare Committee
<b>DCPU</b>	: District Child Protection Unit
<b>DWCD</b>	: Department of Women and Child Development
<b>ER</b>	: Enfold's Rehabilitation and Reintegration Team
<b>FI</b>	: Field Investigators
<b>ICPS</b>	: Integrated Child Protection Scheme
<b>JJ Act</b>	: Juvenile Justice (Care and Protection of Children) Act, 2015
<b>JJB</b>	: Juvenile Justice Board
<b>MTP</b>	: Medical Termination of Pregnancy
<b>NGO</b>	: Non-Governmental organisation
<b>PG</b>	: Paying Guest
<b>POCSO Act</b>	: Protection of Children from Sexual Offences Act, 2012
<b>RTE Act</b>	: Right of Children to Free and Compulsory Education Act, 2009
<b>SJPU</b>	: Special Juvenile Police Unit
<b>VC</b>	: Video Conference

# ABOUT ENFOLD PROACTIVE HEALTH TRUST

Enfold Trust works extensively with the government and other agencies to support the effective implementation of policies and laws relating to children, including the POCSO Act, 2012 and the JJ Act, 2015. Capacity building is conducted on prevention and management of sexual violence, and their roles and responsibilities under the POCSO Act, 2012 and the JJ Act 2015, and other child-related laws for adult stakeholders including school staff, parents, police, counsellors, medical personnel, social workers, judiciary and the media. Additionally, efforts aimed at creating gender equality, by strengthening or establishing child-friendly systems to respond to sexual violence efficiently and empathetically is also undertaken. Team members are also designated Support Persons under the POCSO Act, 2012, providing psycho-social support to child survivors through the medico-legal processes.

The Rehabilitation and Reintegration team at Enfold is continuously following-up with child survivors and their families, for whom support services are being provided, pursuant to the POCSO Act, 2012 and Rules. The team has also successfully facilitated the filing of writ petitions before the Karnataka High Court seeking permissions for Medical Termination of Pregnancies beyond 20 weeks. Through the convergence of multiple stakeholders, the minor girls have been able to access relief in a timely manner. During the onset of COVID the team was actively involved in providing financial, psycho-socio-legal and livelihood assistance to families whenever required.

As on 31st March 2020, Enfold has sensitized over 2,03,242 children in 670 schools; 44,944 parents, teachers and support staff; 5,652 police, doctors and judiciary personnel and 4941 social workers and counsellors in over 60 cities / rural areas of India. This includes 1550 adults reached under Enfold's Suvridha Project for children with disability

# INTRODUCTION TO THE RAPID ASSESSMENT STUDY

Enfold's Rehabilitation and Reintegration Team (ER Team) has been providing support services to children and families who report sexual violence since 2011. Team members are appointed by Child Welfare Committees (CWCs) as Support Persons under the POCSO, Act, 2012. The assistance provided to navigate the complex criminal Justice System includes:

- Preparing a child and family to report a case;
- Assisting children and families to file a complaint with the police, ensuring child-friendly procedures prescribed in law are followed and supporting the family through the various stages of investigation;
- Supporting the family through medical examinations, tests and treatment;
- Engaging with the Public Prosecutor prior to and during the judicial process, preparing and familiarizing the child with the layout of judicial settings and supporting them during the criminal trial;
- Enabling access to rehabilitation, care and protection services of the State through the CWCs, under the JJ Act, 2015, where required;
- Enabling access to compensation under different government schemes and mobilising donors who can financially support the education of few children;

- Providing support in POCSO cases where minor girls have become pregnant; and
- Providing extended psycho-social care and support for the child and the family.

With the imposition of the lockdown in late March 2020, the ER team's field work was impacted, and the team has had to reassess strategies and methods providing the same standard of support despite the limitations arising out of the pandemic. Most of the assistance was provided to children and families through telephone. Weekly telephonic follow-ups were done with families regarding their general, emotional, and financial wellbeing. Ration kits and financial assistance were provided to families in need, with the help of sponsors and donors. The calls revealed that children and families were plagued with anxiety about the lack of livelihood and the halting of the legal proceedings. The COVID situation appeared to have aggravated their existing hardships. Overnight, family members lost their livelihood and many were left without jobs, ration, money for rent and subsistence. Due to the limited operations of trial courts, the legal proceedings and hearings were postponed indefinitely. Families expressed concern about their cases.

It was in this backdrop that the ER team decided to undertake a Rapid Assessment Study to document the socio-economic and psychological impact of COVID-19 and the lockdown on child survivors of sexual abuse that they were already in contact with in their role as Support Persons, their families, as well as the legal proceedings. .

# METHODOLOGY OF THE STUDY

In order to assess the impact of the COVID-19 pandemic on children and their families, semi-structured tools were created to gather quantitative and qualitative information from the parents of children being supported by the ER team. A tool was also created to understand the impact of COVID-19 on children above 12 years living with their families or in a Child Care Institution [CCI]. Information sought pertained to both the direct and indirect impact of COVID-19.

The children and families living in Bengaluru Urban and Rural districts were interviewed via phone. Information pertaining to the status of the legal case that was already available with the team was analysed to understand the impact of COVID-19 on the cases.

During the assessment, when requirements for assistance was observed, support was provided in terms of rations, school fees, education needs, accessing healthcare, identifying employment opportunities, and rent, etc. Some of these requirements were met by donors. Those requiring psychological help, were also assisted through referrals.

The interviews were conducted between July 2020 and September 2020.

Informed consent was sought from both families and children before the questionnaires were administered to them. In respect of children in CCIs, permission was sought from the

Superintendent of the CCI and prior intimation was sent to the concerned CWC and the nodal Department. No child below the age of 12 years was interviewed and the questions posed to children were drafted in a sensitive manner. The interviews with children were administered by team members who had already established rapport with the children. No questions pertaining to their sexual assault were included in the questionnaire.

# CHALLENGES, LIMITATIONS, AND LEARNINGS

Given the limitations and restrictions to meet children and families in person owing to COVID 19, the FIs conducting the interviews faced the following challenges for the study:

- Since the information was gathered over the phone, the information could not be corroborated by observing the home environment. Face to face interviews may have yielded more information.
- In a particular CCI, only one out of two children residing there could be interviewed as many children in that institution had tested positive for COVID 19 and had to be hospitalised.
- Few respondents found it challenging to comprehend the questions posed, leading to prolonged interviews. Each interview took approximately two hours and families sometimes found it challenging to spare so much time at a stretch. FIs had to call families multiple times because either the parents or child were unavailable to engage for long periods.
- Scheduling of interviews with children living in CCIs was time consuming as several calls had to be made to the authorities concerned, to identify a mutually convenient time.

Despite the several challenges, the Study enabled the FIs to gain a deeper understanding of the needs of the children and families including the concerns and difficulties arising out of

COVID-19, -which would not have been ordinarily enquired into during regular interactions.



# KEY HIGHLIGHTS

A total of 31 children were part of this Rapid Assessment Study, of which 23 were living with their families and eight were in Child Care Institutions. For the purpose of the study, eight children each above the age of 12 years - living at home and in CCIs, and 23 families were interviewed based on a semi-structured tool to assess the impact of the COVID-19 pandemic on their lives. The key insights that emerged are documented below:

## ECONOMIC IMPACT

- Almost all 23 families interviewed stated that the biggest impact of the lockdown was upon their financial situation, which in turn affected their children's access to basic needs and services. The loss of job and consequential loss of income directly affected the family's ability to pay rent and school fees, meet day to day expenses, and for many it made it difficult for them to secure basic needs such as food.
- Families of 17 of the 23 children residing with their family were in a rented accommodation. 12 families couldn't pay any part of the rent while one child's family could only partially pay the rent.
- Five of the 31 families migrated during the lockdown. One migrated due to financial difficulties while two families had to shift their house because of the sexual abuse of their child.
- Seven families received some form

of external financial support during the lockdown period, of which six were from non-governmental organisations.

- 15 of the 23 families were debt-ridden prior to the lockdown with their debts ranging from Rs.3,000 to Rs.40 Lakhs. Six families stated to have incurred further debt during the lockdown. The average debt incurred by the six families during this period was Rs. 16,000.
- The average monthly income of the children's families before lockdown was Rs. 16,978, and was ranging between Rs. 4000 to Rs. 54,000. During the lockdown, the monthly income of 16 families dropped to zero and the average monthly income sharply dropped to Rs. 4,500. The average salary during the survey period partially improved to Rs.10,470.
- The total debt load increased marginally from before the lockdown to the end of lockdown from a total of Rs.53,32,000 to Rs.54,08,000 (a difference of Rs.76,000).

## IMPACT ON EDUCATION

- 22 of the 31 children were enrolled in school before the lockdown. Of these, 17 children were attending online classes at the time of survey. The education of five children was disrupted due to the pandemic as their schools were not offering any online classes. Access to smartphones and laptops was also an issue for a few children.
- Amongst the 16 children living at home who were still enrolled at school, seven families were unable to pay the school fees.

# KEY HIGHLIGHTS

- Many parents cited the impact on education of their children as a result of the pandemic, as a primary concern. They expressed concerns about paying school fees, the fear of their children losing out on education, and difficulties in accessing online classes.
- During interviews, some children shared that they missed school and their friends. Several of them felt that the adverse impact upon their education was one of the major fallouts of the pandemic.

## IMPACT ON HEALTH

- Of the 23 families surveyed, a few families stated to have faced health challenges. Access to hospitals and treatment during the pandemic was a primary concern for families. Some reported that they either received inadequate treatment or were refused treatment by hospitals.
- Only five children living in CCIs (of the eight surveyed) reported that doctors were entering the institution for check-ups. The others expressed concern at the lack of access to healthcare.
- Only four of the 23 families possessed an Ayushman Bharat card while two other families had applied for the same
- In one institution, 64 children and eleven staff members tested positive for COVID-19.

## IMPACT UPON ACCESS TO FOOD AND FOOD SECURITY

- Only 16 of the 23 families had a ration card. In 20 of the families, only the parents had an Aadhar card while the children did not have one.

- 20 families stated that they had sufficient rations through the lockdown while three families stated that they did not have sufficient rations.
- Four families stated the rations would last only for a week and three families stated that their rations would last 2 -3 weeks. Enfold was able to provide the necessary supplies through donors and other NGOs to these families.
- Ten families stated that they would require support while nine stated that they do not need any support. Four families stated that they would require support if there was no income.

## EMOTIONAL IMPACT

- Several families shared about the emotional difficulties they had experienced as a result of the lockdown, with many stating loneliness due to social isolation and frustration at being indoors, as being dominant feelings.
- Several families responded that the financial situation and impact on children's education was the main cause of the distress. The financial struggles, difficulty in paying rent, and the impact on the children's education were the overwhelming fears faced by the families. They also expressed concern about the ongoing legal case not coming to a conclusion, and fear of contracting the virus and being hospitalised.
- Six of the eight children living with their families mentioned that they were affected by the impact of the pandemic on their education with many children lamenting on the lack of study material, lack of mentoring, and the need for electronic devices.

# KEY HIGHLIGHTS

- Many of them mentioned the lack of social interaction, being unable to go out and play, being unable to meet anybody as a cause for emotional difficulties. Nearly all of them shared they were worried that COVID-19 would affect their family.
- Two children were concerned about the possibility of the accused getting bail and one of them stated that this fear dominates over all fears. One child living at home stated to having felt terrified after receiving a call from the accused person's nephew.
- Many of the children living in CCIs shared they were missing school and their friends and were worried about the impact of the pandemic on their education.
- Studying and reading books, joining online art classes are some of the ways in which children have attempted to cope with the challenges.

## IMPACT ON LEGAL PROCESSES

- Of the 31 cases, 29 were registered pre-lockdown and only two were registered after lockdown.
- No examination-in-chief (pending in 14 cases) or cross-examination (pending in 16 cases) of the children was conducted during or after the lockdown. A majority of cases (26 cases) are pending at the evidence stage.
- In 15 cases, compensation was awarded to the child through the Abhaya Nidhi scheme before the lockdown. In two of the 15 cases, the children also received interim compensation prior to the lockdown. No applications for compensation were filed during the lockdown or immediately post the lockdown.
- 28 of the 31 children were not officially

informed regarding the application for bail by the police. In 20 of the 31 cases, no representation was made on behalf of the child in respect of opposing the bail application of the accused.

- Bail was granted to the accused in 23 cases before the lockdown. No orders relevant to bail were passed in the remaining eight cases during the lockdown.
- Only in three of the 23 approved bail applications, were the families or children officially intimated regarding the grant of bail to the accused person. None of the children living in the CCIs were intimated regarding the grant of bail applications. Nine families shared that they found out that the accused person was released on bail, when they saw him in their village or neighbourhood. One child living at a CCI found out about the grant of bail only when she saw the accused person walking into the court hall. The accused in this case was the sibling of the child.
- Several families mentioned that they were worried about the delays in the case and expressed their wish to see the accused being held accountable soon. Many families expressed concern about the accused having received bail while few other families were worried about the accused potentially getting bail.
- All the children expressed their desire to see the case getting completed quickly and seeing the accused person punished. Two children living at home mentioned that the accused getting out on bail is their biggest fear.

## CHALLENGES AND SUPPORT REQUIRED

- Several families mentioned that they required urgent financial help and jobs and identified this as an area of support from

## KEY HIGHLIGHTS

the government. Few families stated health, education, securing food and getting justice for their daughter as being utmost essential.

- Families also stated that the government should intervene to ensure a reduction in school fees being charged by private schools.
- Four families required help to ensure their child's continued education, eight families expressed their need for financial assistance, and four families required support with rations and food, which Enfold was able to provide through donors and other NGOs..
- Seven families stated they would like to talk to a counsellor. The families were referred to mental health professionals by Enfold.
- Education and safety were the main things considered 'essential' during this time by the children. Two children stated that continuation of their education was their immediate priority and two other children stated that they urgently needed books to attend classes.
- Three children stated that electronic devices needed to be provided by the government for them to attend online classes and two children requested help with admissions to continue their education.

# CHAPTER I: -----

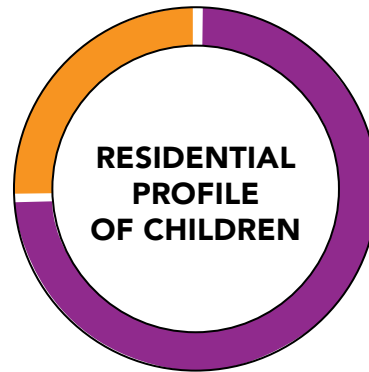
## PROFILE OF RESPONDENTS

The study focussed on the status of 31 children. Of these 23 were children living at home and eight were children living in Child Care Institutions. To understand the impact of COVID-19, the ER team interviewed:

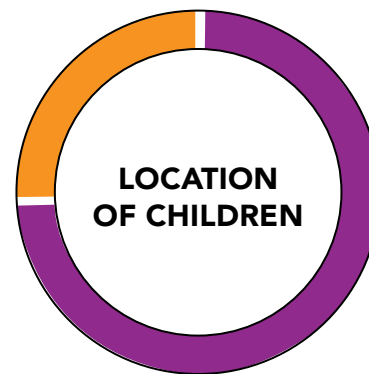
- a. Family members of 23 child survivors of sexual abuse;
- b. 16 children above 12 years. Of these eight children were living with their families, and eight were residing in Child Care Institutions.

### PROFILE OF THE CHILDREN:

- All 31 children part of the study were female.
- The age range of the children was from 5 years to 21 years.
- 23 children lived in an urban location, while only eight children resided in a rural location.
- Of the 23 children living with their family, 17 children had both parents in their lives, while five children had only one parent. One was 19 years and was living with her husband.
- On an average a child living with her family, shared her home with 4.2 family members, with ten children sharing their household with five or more members.

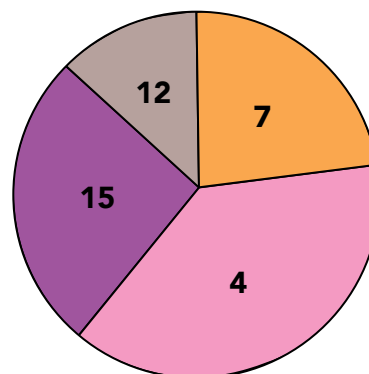


- Children living at Home - 8
- Children living in CCIs - 23



- Rural - 8
- Urban - 23

### AGE PROFILE



- 0 - 4 years - none
- 5 - 9 years
- 10 - 14 years
- 15 - 18 years
- 19 - 21 years

# CHAPTER II: -----

## SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

The survey aimed to assess the socio-economic impact of the COVID-19 pandemic on the children and their families. The below section captures the impact of the COVID-19 pandemic and the ensuing lockdown issued by the government upon the children and their families.

### 2.1 ECONOMIC IMPACT

#### 2.1.1 IMPACT UPON ACCOMMODATION & RENT

Families of 17 of the 23 children living with their family were staying in a rented accommodation. Five families were living in a family owned house. One family shared they were living in a shed.

Only four of the 17 families were able to fully pay the rent during the lockdown period. **12 families couldn't pay any part of the rent while one child's family could partially pay the rent.** One child's family had to move accommodation during the lockdown because of economic hardship and lack of employment.

Five of the children, stated to have relocated or migrated during the lockdown.

- One child had to move from her family home to a CCI.
- One girl had to move from her college hostel to a PG accommodation.
- One child and her family had to migrate from the city to another district as the earning members lost their job.

- One family had to shift their house as they felt stigmatized after the sexual abuse of their child became known to their neighbours.

- One family changed accommodation as their daughter was abused by the landlord's son during the lockdown.

The child living in the PG accommodation stated that when the lockdown was announced suddenly, her hostel gave only two hours to vacate and she was required to find another accommodation within that time. She further stated that she had adjustment issues, and faced difficulty in accessing food, resulting in drastic weight loss.

#### 2.1.2 IMPACT ON FAMILY INCOME DUE TO LOSS OF EMPLOYMENT

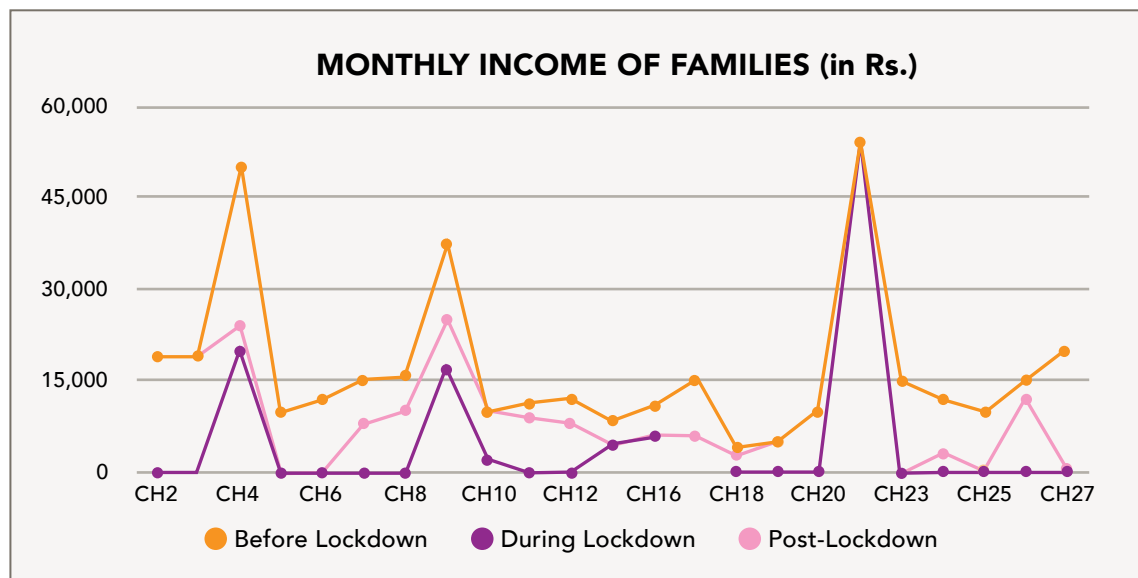
Information about the monthly income of the families of children living at home before the lockdown, during the lockdown and the current income was collected in order to assess the economic impact of the lockdown on the child and their families. The average monthly income of the children's families before lockdown was Rs. 16,978 ranging between Rs. 4,000 to Rs. 54,000. **During the lockdown, the monthly income of 16 families dropped to zero and the average income decreased sharply to Rs. 4,500. Only one family's income remained unchanged while the rest of the families saw a significant drop in family income.**

At the time of the survey, out of the 16 families whose income dropped to zero, only nine families recovered at least part of their income. Amongst these nine

## CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

families, only four families were able to earn the same income they had prior to the lockdown, while the earnings were reduced for five families. The average salary during the time of survey improved to Rs.10,470 although the full revival of income did not take place.

The total debt load increased marginally at the end of lockdown from a total of Rs.53,32,000 to Rs.54,08,000 (a difference of Rs.76,000). Six families out of the total 23 did not incur any debt before, during or after the lockdown.



Seven families received some form of external financial support during the lockdown period of whom six received it from non-governmental organisations. 15 of the 23 families were debt-ridden prior to the lockdown with their debts ranging from Rs.3,000 to Rs.40 Lakhs. Of the 15 debt-ridden families, nine of the families income dropped to zero during the lockdown and the income of three of the families remained zero even after the lockdown. Only six families stated to have incurred further debt during the lockdown. The average debt incurred by the six families during this period was Rs. 16,000.

Two children who are living at home, were working prior to the lockdown. One child living at home commenced working post lockdown.

Nearly all the families of children living at home stated that the biggest impact of the lockdown was on the financial condition of the family and this resulted in a crisis situation for them. The loss of job and consequential loss of income directly affected the family's ability to pay rent and school fees, meet day to day expenses, and secure basic needs such as food. In some families, all the earning members lost out on their income leaving the family with no providers.

	<b>DEBTS BEFORE LOCKDOWN (Rs.)</b>	<b>DEBTS DURING LOCKDOWN (RS.)</b>	<b>CURRENT DEBTS (Rs.)</b>
Total Debts	53,32,000	96,000	54,08,000
Number of families in debt	15	6	17

# CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

Financial challenges also dominated the concerns of the parents and affected their emotional well-being. Several families stated that the loss of jobs exacerbated their pre-existing financial concerns.

## 2.2 IMPACT UPON EDUCATION

The children surveyed were at varying levels of education. Majority of the children (19 of the 31) were in the middle school level, i.e., between 5th - 10th standard. Three children were at High School or Pre-University levels. One child was studying in a college and one was below 6 years of age who attended an Anganwadi centre.

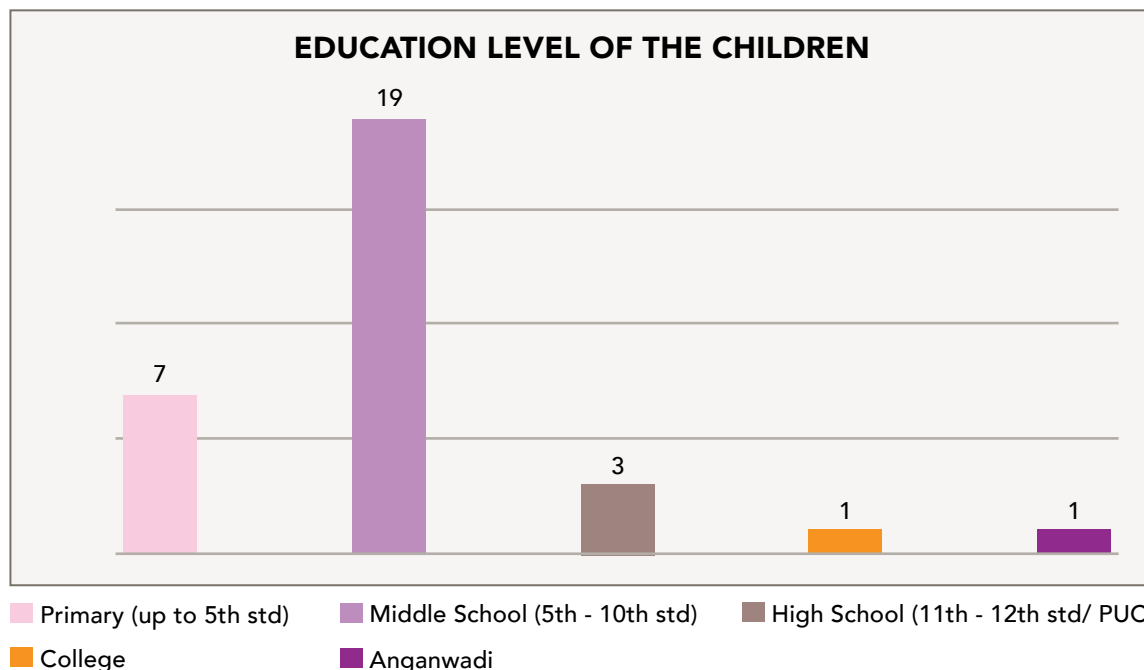
- 22 of the 31 children were enrolled in school before the lockdown. Of these 17 children are attending online classes. The education of five children was disrupted due to the pandemic as their schools were not offering any online classes.
- Nine of the 31 children had dropped out of schools prior to the lockdown.
- Five of the children attending online classes were viewing the online classes offered on Chandana TV.

Amongst the 16 children living at home who were still enrolled at school, only four families were able to pay the school fees. Two of the children were availing education through a seat under the Right of Children to Free and Compulsory Education Act, 2009 and the education of two other children was being sponsored for education by non-governmental organisations. Nine of the children's families stated that they were facing difficulties in paying school fees. Seven families stated that they did not pay the fees.

Many parents cited the impact on education of their children as a result of the pandemic to be one of their primary concerns. They mentioned their challenges in paying school fees, the fear of their children losing out on education, and the difficulty in accessing online classes.

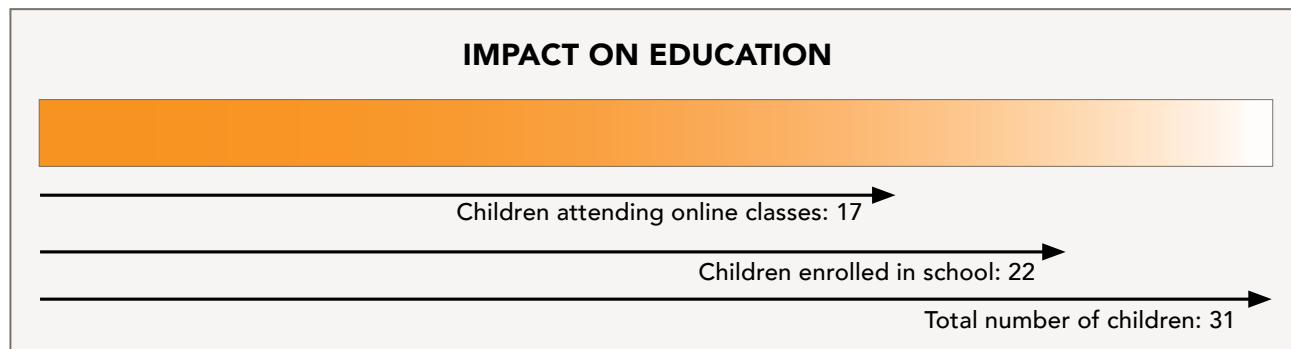
The children shared that they missed school and their school friends and several of them felt that the adverse impact upon their education was one of the major fallouts of the pandemic.

One child living at home stated that she has been unable to attend the online





# CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES



classes because her family had been unable to pay the fees. Another child lamented that her father had stopped sending her to college although she wanted to continue her education. One child stated that she was unable to concentrate in the online classes due to network issues and lack of adequate study materials.

## 2.3 IMPACT UPON HEALTH

Of the 23 families surveyed, only one family stated that there were ailing members in their family. Three stated that their family members had comorbidities. The co-morbidities mentioned were diabetes, lower respiratory tract problems, nervous disorder, thyroid, and blood pressure. Only one family stated to have faced a major health situation during the lockdown and accessed health services in a government hospital.

19 of the 23 families did not possess an Ayushman Bharat card. Two families had applied for the same. A few families shared the difficulties they faced in accessing basic healthcare services during this period.

- One family stated that their daughter faced a burn injury, but was not treated adequately at the hospital due to the fear of contracting COVID-19.

- One family stated that they could not go to the doctor for regular physical check-up although one member had a cardiac issue.
- One family stated that the restriction on taking morning and evening walks created health issues.
- Another family stated that their son had to undergo surgery at this time.

Amongst the children living in CCIs, all the eight children stated that masks and sanitizers were used within the CCI when interacting with others, and affirmed that their institutions were maintaining several safety measures against the virus such as compulsory use of face masks, washing hands, using sanitizers and hygiene measures such as daily bathing. Five of the children also mentioned awareness programs on safety within the CCI. They, however, shared a few concerns regarding access to health services within the institution:

- Two children living in CCIs stated that no doctors were permitted in the institution and only online consultations were taking place.
- Only five children stated that doctors were coming into the institution for check-ups.
- One child staying at a CCI stated to have faced health issues and being unable to go to a doctor since the CCI requires

# CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

them to quarantine for 14 days upon going out.

- In one institution the child stated that 64 children and eleven staff members had tested positive causing a huge distress to the children and disruption in the functioning of the CCI.

## 2.4 IMPACT UPON ACCESS TO FOOD AND FOOD SECURITY

16 of the 23 families had a ration card. Of the seven families that did not have a ration card only one stated to have made an application for it and having faced challenges in applying for the card.

In 20 of the families, only the parents had an Aadhar card while the children did not have one. In one family, none of the family members had an Aadhar card. One family stated to have made an application for the Aadhar card, but experienced challenges in getting it.

At the time of the interview, 20 families stated that they had sufficient rations through the lockdown while three families stated that they did not have sufficient rations. The families mentioned multiple sources for their rations, of which NGOs were mentioned as the predominant source by 18 families, followed by ration shops and regular shops stated by 12 families each. Six families also received

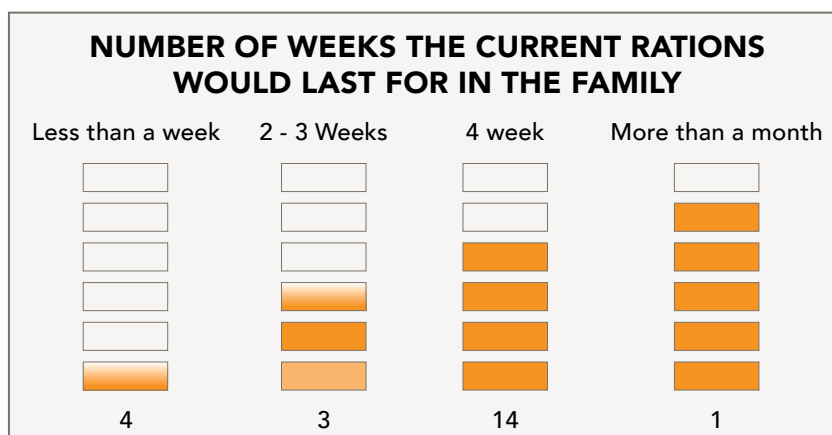
ration from other sources such as church, area counsellor, and political party workers.

One family stated that they were unable to access rations despite having a ration card. 13 families stated to have received rations for free while three families stated that they did not receive it for free. Two families stated that they received rations at subsidised rates.

The primary contents of the ration as stated by the families were rice, wheat, dal, and ragi. Few families also mentioned receiving oil, salt, and soap. From sources other than the public distribution system, the families received regular groceries such as salt, sugar, rava, sambar powder, coffee and tea powders, oil, and tamarind.

The families were asked how long their current rations would last. **Four families stated the rations would last only for a week and three families stated that their rations would last 2 -3 weeks.** 14 families stated that their ration would last four weeks and one family stated that their rations would last more than a month.

The families were asked if they needed any support for securing ration. Ten families stated that they would require support while nine stated that they do not need any support. Four families stated that they would require support if there was no income.



# CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

## 2.5 EMOTIONAL IMPACT

### 2.5.1 EMOTIONAL IMPACT UPON THE FAMILIES

Nearly all families responded that the financial situation and impact on children's education was the main cause of their distress.

Several families also shared about the emotional difficulties they had experienced as a result of the lockdown, with many stating loneliness due to social isolation and frustration at being indoors, as being dominant feelings. A few families mentioned being emotionally disturbed due to the fear of the virus and being unable to move around freely. A few families also stated that they were emotionally impacted by the assault on the daughter. The concerns expressed included:

- increased exposure of children to electronic devices;
- difficulty in ensuring that children stay indoors;
- loneliness;
- having to grapple with the stigma associated with the sexual abuse after their neighbours found out about it. One family had to shift houses as a direct consequence of it. They also shared that their child was terrified of the interactions with the police after the case was filed.

One family stated that their daughter eloped with a boy resulting in emotional turmoil for them in addition to facing stigma from neighbours. Another family was forced to shift houses as their landlord's son had abused their daughter during the lockdown.

Despite the negative impact, there were also some positive results such as more family time, and being able to save money on fuel.

The financial struggles faced by the families, difficulty in paying rent, and the impact on the children's education were the overwhelming fears faced by the families, followed by the fear of the case not coming to a conclusion and fear of contracting the virus and being hospitalised.

One family stated, "there has already been a delay in trial and when [lockdown] started, everything stopped once again. We wanted the trial and judgement to end quickly to be able to move on." Three families expressed fear owing to the accused being out on bail, while two families were apprehensive about the accused being released on bail.

Many families stated that they are somehow managing with their situation and facing one day at a time.

### 2.5.2 EMOTIONAL IMPACT UPON THE CHILDREN

The survey also captured the views of 16 children above 12 years about the impact of the lockdown on them.

Six of the eight children living with their families mentioned that they were emotionally affected by the impact of the pandemic on their education. A few children expressed frustration at being unable to attend online classes due to their schools not offering them, or being unable to pay fees, or being unable to access them due to lack of a mobile phone.

## CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

Many of the children mentioned the lack of social interaction, being unable to go out and play, being unable to meet anybody as a cause for emotional difficulties. In addition:

- Three children mentioned the financial issues faced by their parents and feeling concerned about it.
- One child stated to having been sexually abused during the period of the lockdown.
- One child stated that she felt triggered by old emotions and thoughts, worried about her home, family, as well as her future and the thought of not having any friends.
- One child mentioned that without school she was subjected to stigma by the neighbours who spoke badly which consequently resulted in them moving to a new house.
- Another child mentioned that without education she is idle at home which is bringing negative thoughts to her mind.

Nearly all the children staying at home stated to have a fear of the virus affecting their family. Two children stated being concerned about the possibility of the accused getting bail and one of them stated that this fear dominates over all fears. One child living at home stated to having felt terrified after receiving a call from the accused person's nephew. The Support Persons spoke with the family and informed the Police as well regarding the incident.

The children living at home were asked the ways in which they have coped with

the above challenges. One child stated that she got a puppy and has been playing with it in order to deal with the stress. Another child stated that she has been attending online classes regularly after a sponsor gave her a mobile. Two children each shared that they found comfort in praying or their mothers.

Children living in CCIs listed the impact of the pandemic on their education, the fear of the virus, and missing their school and friends as their chief emotional concerns. Two children stated to have felt fear about the present situation, but also added that the institutional staff took care of them and alleviated their fears.

- One child stated to be concerned about her 10th standard examinations.
- Two of them were worried about how the virus would impact their lives and those of their loved ones.
- One child started to initially feel happy as schools were cancelled, but soon started missing her peers and feeling very lonely as the CCI was nearly empty.
- One child shared that she was mentally disturbed and was experiencing negative thoughts. The Support Person took the initiative to speak to the child everyday and also requested the caretaker to enable the child to access the services of the counsellor.
- One child mentioned that coping up with online classes, and studying independently without any mentoring was a challenge.
- One child stated that as opposed to being challenging, the pandemic taught

## CHAPTER II: SOCIO-ECONOMIC IMPACT OF COVID-19 ON CHILDREN AND THEIR FAMILIES

her things like how to maintain distance and on how to communicate.

Studying and reading books, joining online art classes are some of the ways children mentioned to have used to cope with the above challenges.

When asked how the children living at CCIs were spending time within the institution without regular school, nearly all the children stated to be preoccupied with studying and attending online classes. Some children started spending time painting and drawing, playing games, watching TV, attending to chores, and learning new songs.

# CHAPTER III

## IMPACT OF COVID-19 ON THE STATUS OF THE LEGAL CASE UNDER THE POCSO ACT, 2012

During the lockdown all the courts were closed and no cases were being heard. Consequently, the evidence of children were not being recorded by the courts. Cases were postponed indefinitely awaiting further orders from the Karnataka High Court. Support Persons were in contact with the Special Public Prosecutors for updates. Post lockdown, in one of the cases, the cross-examination was held via video conferencing in the building of the Commercial Tax Office. The Support Person could not accompany the family due to COVID restrictions. Courts opened for cases only on 2 November 2020.

The Support Persons were in contact with the Police Investigating Officers and the Court PCs for status updates during the lockdown, the COVID period and post-lockdown. Police were otherwise engaged with COVID duties and no cases were reported to the Support Persons during the lockdown. After the lockdown was lifted, the Support Persons followed up on two cases and visited hospitals for medical examination of the child and also to the Police Stations for follow up of two cases along with the family.

In two cases, the statement of the child under Section 164 of the Cr.P.C. were recorded during the COVID period through video conferencing. One of the statements was recorded by the Magistrate in a restaurant. Safety measures were followed by all during this

process. The second 164 statement was recorded in the police station through video conferencing with the Magistrate. Statements under section 164 of the Cr.P.C were not being recorded within 24 hours pre-lockdown or during post-lockdown.

The CWC was not holding physical sittings during the lockdown. Post lockdown, the CWC held a video conference with Support Persons for status updates of cases. CWC subsequently had video conferencing with one family for case update, supported by Support Persons.

## SUPPORT PROVIDED BY ENFOLD TO GIRLS SEEKING MEDICAL TERMINATION OF PREGNANCY DURING THE COVID-19 PANDEMIC

During the COVID-19 pandemic, cases of minor girls found pregnant were reported from other districts of Karnataka with some of them wanting to terminate the pregnancies. Some of the cases were of girls whose pregnancy was under 20 weeks and with some coordination with district and state level officers, the girls were able to get their pregnancies terminated. In some cases, with the pregnancy having exceeded 20 weeks, the girls were able to get permission to terminate after a petition was submitted to the High Court through lawyers who came forward to assist the girls and families. One of the girls was forced to continue the pregnancy and deliver a baby, as the pregnancy was too advanced and the High Court ruled against the medical termination of pregnancy. Three other cases that Support Persons from Enfold were informed about were connected with lawyers who undertook to submit writ petitions before the High Court to get permissions for minor survivors of rape to have MTPs.

### TIMELY RELIEF BY KARNATAKA HIGH COURT

In early April 2020, a CWC from a fairly remote district in Karnataka informed a Support Person from Enfold Proactive Health Trust about a 14 year old girl who was about 22 weeks pregnant. Neither the girl or her parents realised that she was pregnant until the girl was taken to the hospital with a 'bloated' stomach. The hospital informed the police and a case was registered under the POCSO Act, 2012, at the jurisdictional police station. The girl and family wanted to terminate the pregnancy for a number of reasons. The Support Person contacted lawyers who agreed to file a writ petition before the Karnataka High Court seeking permission for the girl to terminate the pregnancy.

As Karnataka High Court had issued guidelines on 23/3/2020 on the facility for e-filing and video conference in the current situation, a Writ Petition was filed electronically by lawyers in Bangalore. All documents were received by the lawyers through email, and the writ petition drafted by the lawyer. All the necessary documentation was managed electronically. The writ petition, along with supporting documents of identifications, medical reports, FIR copy, etc, was received by the High Court through e-filing on 4 April 2020.

The High Court heard the case on 7 April 2020 and passed an order for the termination. This was an exceptional situation when the final order was passed, without an

interim order, by the High Court in the interest of time. The matter was disposed of seamlessly within two days. The girl had the termination on 15 April 2020, has been discharged and gone back home.

Compensation ordered by the HC was transferred on 17 April 2020 to the girl's bank account. The entire journey of the child visiting the hospital for a check up to a case being registered, 164 statement being recorded, a writ petition filed before the HC, order passed, pregnancy terminated and interim compensation received was within a record period of 18 days.

Despite the child and her family living in a remote area where there was very limited phone and internet connectivity, coordination between the CWC and police enabled the process of sharing the documents electronically, meeting the family and having the necessary documents signed, scanned and mailed back to the lawyers. Being able to transfer money electronically to the family proved to be a big help and ensured that the order passed by the High Court could be executed.

*Yet, so many gaps on the ground...*

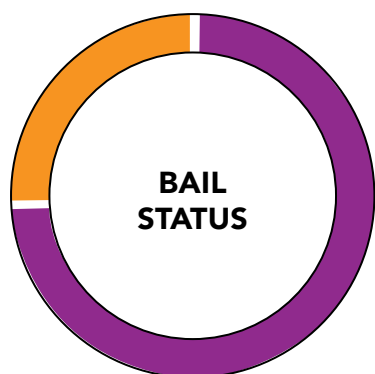
The team from Enfold Proactive Health Trust, Bangalore has been supporting pregnant girls seeking termination of pregnancy during the lockdown. On 8 May, a Support Person from Enfold was contacted by one CWC regarding a 12 year old tribal girl from a very poor family, who was 12 weeks pregnant. Despite the pregnancy

being well within the 20 week timeframe, she was made to go back and forth between two medical facilities and the Sessions Court. The jurisdictional taluk hospital refused to conduct the termination, as they 'did not have facilities and necessary medicines'. The girl was referred to a taluk hospital in a neighbouring taluk, but was sent back to the first hospital by them. Despite the clear provisions in the MTP Act, 1971, the doctor refused to conduct the MTP without a court order. The police submitted a petition before the Sessions Court on 14 May, which was dismissed by the court stating it had no jurisdiction in the matter. However, they wrongly directed the District Medical Board to examine the child and opine if the pregnancy can be terminated. Ultimately, the Support Person requested the Director ICPS, DWCD Karnataka to intervene by reaching out to the Director Health and Family Welfare. The child's termination was finally completed on 22 May, two harrowing weeks after she approached the system for help. While the unwavering support of a proactive police inspector, the Director and coordination by the CWC members and Support Person led to this outcome, the failure to apply the statutory provisions of law and the delay caused untold distress to the child and her family. Interim compensation for the child had not yet been paid till the time of the publication of this Study report.

# CHAPTER III: IMPACT OF COVID-19 ON THE STATUS OF THE LEGAL CASE UNDER THE POCSO ACT, 2012

## 3.1 STATUS OF CASE

Of the 31 cases, 29 were registered pre-lockdown and only two were registered during lockdown. In the 29 cases, the statements of the child under Sections 161 and 164 of the Code of Criminal Procedure, 1973 had been recorded and medical examination was completed before the lockdown. For the two cases filed during lockdown, the statements under Sections 161 and 164, Cr.P.C and the medical examination were completed during the lockdown. The recording of the statement under Section 164 was delayed although it is legally mandated that the statement be completed immediately and within 24 hours in cases of rape.<sup>1</sup>



- Application pending - 8
- Bail grante - 23

Prior to the lockdown, the examination-in-chief of the child had been conducted in 17 cases and the cross-examination in 15 cases. No chief-examination or cross-examination was conducted during or after the lockdown.

In 15 cases, compensation was awarded to the child through the Abhaya Nidhi scheme before the lockdown. In two of the 15 cases, the children also received interim compensation prior to the lockdown. No applications for compensation were filed during the lockdown or immediately post the lockdown.

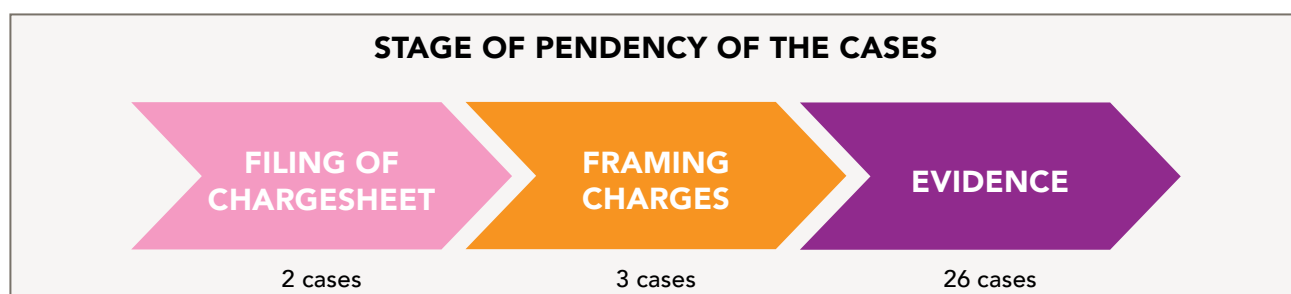
Two cases are pending for filing of chargesheet while three cases are pending for framing of charges. A majority of cases (26 cases) are pending at the evidence stage, and with the restrictions due to COVID-19 the pendency is likely to go up.

## 3.2 BAIL TO ACCUSED

All accused persons in the 31 cases moved applications for bail. Bail was granted to the accused in 23 cases before the lockdown. No orders relevant to bail were passed in the remaining eight cases during the lockdown.

28 of the 31 children were not officially intimated regarding the bail application being moved by the accused, and only three were officially informed. In 20 of the 31 cases, no representation was made on behalf of the child in respect of opposing the bail application of the accused. In 11 cases, a representation was made on the child's behalf by the Special Public Prosecutor (in nine cases) or a High Court lawyer in two cases.

Only in three of the 23 approved bail applications, were the families or children



<sup>1</sup>State of Karnataka vs Shivanna, SLP (CrI.) No. 5703/2011 [decided on 25 April 2014]



# CHAPTER III: IMPACT OF COVID-19 ON THE STATUS OF THE LEGAL CASE UNDER THE POCSO ACT, 2012

officially informed regarding the grant of bail to the accused person. None of the children living in the CCIs were intimidated regarding the grant of bail applications. **Nine families shared that they found out that the accused person was released on bail, when they saw him in their village or neighbourhood.** In three cases, the family stated that the accused person got in contact with the family directly either in person or through a call. In one of these cases the accused person came to the school of the child to threaten her. In three cases the families were informed by a neighbour or by Support Person or by some other person. **One child living at a CCI found about the grant of bail only when she saw the accused person walking into the court hall.** The accused in this case was the sibling of the child.

## 3.3 CHALLENGES AND CONCERNS REGARDING THE LEGAL PROCESS

The families of children staying at home were questioned regarding their fears and concerns about the ongoing case.

19 of the 23 families affirmed that they had received threats or requests to compromise the matter or withdraw the case. None of these were during the lockdown. 14 were offered money to withdraw or compromise the matter. Six families stated that they were threatened with death. One family stated that the accused also threatened to do an acid attack. Preserving family respect was also stated as a reason given by the accused person when asking them to withdraw the matter to three families.

The children living in the CCIs were shielded from communication from the accused persons and did not receive any threats. One child in the CCI however, was threatened by her own mother in

open court to withdraw the matter as the accused person was her boyfriend. In this case, the judge admonished the mother and warned her from making such threats to the child.

Only four of the 19 families officially reported receiving such threats and requests and all four reported this to the Support Person. One family reported that even the Support Person received threats.

Pursuant to reporting this matter, in all four cases the police and Special Public Prosecutor were informed. The only outcome of reporting the matter was in two of the cases the police warned the accused family not to repeat the threats and requests.

The families were asked about the child's experience of the legal process during the lockdown.

- One family stated that the child was happy that there is no court since it made her nervous.
- Four families stated that the children were concerned regarding when the case would get over.
- One family stated that their daughter was worried because the accused had already threatened in order to make her withdraw the case.
- One child was worried that once school starts she will have to take leave to give testimony.

The families were asked what the primary concerns were regarding the impact of the pandemic on the ongoing case and trial. Several of them mentioned that they were worried about the delays in the case and expressed their wish to see the

## CHAPTER III: IMPACT OF COVID-19 ON THE STATUS OF THE LEGAL CASE UNDER THE POCSO ACT, 2012

accused being held accountable soon. Many families expressed concern about the accused having received bail while few other families were worried about the accused potentially getting bail.

The children were asked if they had any questions or concerns regarding the case. **All the children expressed their desire to see the case getting completed quickly and seeing the accused person punished.** Two children living at home mentioned that the accused getting out on bail is their biggest fear and one child merely stated that she is concerned about the future. Amongst the children living in CCI, five children stated that they do not have any fear or concerns.

- One child stated that she has no concerns, but wants the perpetrator to be punished.
- One child stated that they would like to know more about the case and wishes to see the perpetrator punished.
- One child expressed concerns about when the hearings will be held since the case has already been stretched beyond two years and stated that she would like to know the conclusion of the case in order to move on.

Amongst the children in the CCI, two of the children whose cross-examination was over were not concerned about the legal process as their role was complete. **Four children were not worried about the case and the remaining two children were anxious to complete the evidence as soon as possible.**

# CHAPTER IV

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## CHALLENGES AND SUPPORT REQUIRED

Every family except one, stated that they had been contacted by a stakeholder regarding their well-being during the time of the lockdown with a Support Person contacting 21 of the 23 families.

Apart from the Support Person, three families were also contacted by the school, whilst three other families were contacted by Asha Workers. The gram panchayat and police contacted one family each, while the BBMP officials were mentioned by two families.

The families were asked what plans they had for themselves and their children within the next six months to one year and what concerns they had. **The families overwhelmingly mentioned the children's education, and alleviating their financial situation as their primary concerns for the near future.** Few parents stated that they don't have any plans and take it one day at a time. Two families stated that they are waiting for justice for their daughter. Two families stated they wanted their daughters to get married.

When asked about the plans for themselves within the next one year and regarding their concerns, nearly all the children living at home stated that completing their education was most important. Two children mentioned that they would also like to step out of their home. One child stated that she would like to study hard and have her name come in the newspaper.

Several of the parents mentioned urgent financial help, and jobs as being the most essential requirements for the time

being. A few parents mentioned health, education, and securing food for their families. Two families mentioned that getting justice for their daughter was essential for them. One family mentioned that obtaining their daughter's Aadhar card was their priority at the moment. One family stated that they were greatly disturbed that the children were unable to go out and play and hence required free internet connection and also stated that vaccines were an urgent requirement so that children may go out and play and go to school.

Several families mentioned that they required urgent financial help and jobs and identified this as an area of support from the government. They expressed their difficulties in paying rents and need for loans with low/no interest. Families also stated that the government should intervene to ensure a reduction in school fees being charged by private schools.

- One family stated that all they want from the government is justice for their daughter.
- One family stated that the father's salary was being delayed by the government resulting in difficulties.
- One family stated that the government should give laptops for online education.
- One family stated the government should work towards reducing sexual assault cases invoke towards more awareness program.
- One family stated that they need help from the government to get documents for their house and also stated that

## CHAPTER IV: CHALLENGES AND SUPPORT REQUIRED

they feel scared because the accused is roaming around the same village and hence require the government help their child join a private school.

The families were asked if they have any requirements at home which the Enfold team can temporarily help with. Seven of the families stated that they do not need any help at the moment. Four families stated help with the child education would be appreciated. Eight families requested financial help as money was their most immediate concern and four families requested help with rations and food. One family asked for help obtaining an Aadhar card for their daughter.

The families were asked whether they would like to be connected to a counselor or therapist to talk and sort out their issues and fears. 17 families stated that it was not required but they appreciated the efforts of Enfold to reach out and talk to them. Six families stated they would like to talk to somebody. One family stated that they sometimes feel helpless another family stated that therapy like yoga, meditation or other such activities for children would be useful. One family stated that it would be nice if somebody could talk to their daughter once in a while and console her. A Support Person from the Enfold team has been speaking to this child on a bi-weekly basis.

Education and safety were the main things considered 'essential' during this time by the children.

- Two children stated that continuation of their education was the most immediate priority and two children stated that they urgently need books to attend classes.
- One child stated that her family's safety

was most important to her and another child mentioned that protection of health was essential during this time.

- One child staying at a CCI mentioned the need for nutritious food while another stated wanting to talk to her mother and have biriyani.

The children were asked what the government, in their opinion, should do to address their concerns. **Three children stated that they needed electronic devices needed to be given for them to attend online classes.** One child stated the accused requires to be punished and two children mentioned about their family members getting a job.

The children were asked if they had any requirements at home that the team could help with to temporarily ease the situation. Two children stated that getting a mobile would ease their difficulty. Four children mentioned education of which two of them asked for help with respect to admission and one child wanted help in convincing her father to send her to college.

# CHAPTER V

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## CONCLUSIONS AND RECOMMENDATIONS

### 5.1. CONCLUSIONS

**1.** The Rapid Assessment Study exposed the severity of the financial burdens faced by families and their exacerbation by the COVID-19 pandemic. Several families faced serious financial challenges as a result of the lockdown and are yet to fully recover from the aftermath. Many families lost their jobs and sources of income with no warning, leaving them with no means to pay rent, school fees or even secure basic rations for the family.

**2.** The ongoing rehabilitation efforts by Support Persons for the families have been seriously impacted by the pandemic. Their focus and attention had to be diverted from healing, rehabilitation and reintegration to ensuring enabling access to basic needs for the children and their families.

**3.** The responses of the family and children made it clear that unless the basic needs of the family are met, all the strides made towards the rehabilitation of the child would be rendered futile.

**4.** Education was another area severely impacted by the COVID situation. Schools and colleges closed down resulting in children being cooped up inside the house. While many schools offer online classes, access of child survivors from low income families to such classes has not been easy due to the lack of a smartphone or electronic devices, or data connectivity issues. This has given rise to anxiety among the parents and the children themselves about academic setbacks.

**5.** The reduced social interaction due to

the COVID-19 restrictions had a huge impact on the psycho-social well-being of most of the children and their families, as it triggered anxiety, depression and uncertainty.

**6.** The legal process with respect to the ongoing POCSO cases, came to near halt during the lockdown period. This will further delay the healing process for children and their families some of whom expressed the desire for speedy disposal of the case and punishment and accountability of the offender.

The responses from the interviews of the families and children call for the government and child protection agencies to ensure that:

### 5.2 RECOMMENDATIONS

#### 5.2.1 RECOMMENDATIONS FOR HON'BLE HIGH COURT OF KARNATAKA

**1.** The Hon'ble High Court may consider issuing the following instructions to the Special Courts under the POCSO Act, 2012:

» Direct Special Courts to prioritize the cases of sexual offences against children as delays will impede the healing process and also place children and their families at continued risk of threats and pressure from the accused.

» Direct Special Courts to complete recording the evidence of the child in an expedited manner and without any delay. Delay in recording the child's evidence will exacerbate the trauma

# CHAPTER V: CONCLUSIONS AND RECOMMENDATIONS

and impede the healing process.

» Consider recording the testimonies of the child in places other than the court as provided for under section 37 of the POCSO Act 2012.

» Direct Special Courts to proactively consider awarding of interim and final compensation in cases pending under the POCSO Act, 2012 and ensure its timely disbursement, considering the severe financial hardships faced by families due to COVID-19.

» Direct Special Courts to ensure that the child and their guardians are informed about bail proceedings of the accused and that families are given an opportunity to make a representation.

**2.** The High Court may also consider issuing Standard Operating Procedures [‘SOP’] for the guidance of Special Courts, such as those passed for the District Judiciary by the Karnataka High Court<sup>2</sup>, for conducting proceedings in a manner that balances the need to contain the pandemic whilst also ensuring adherence to child-friendly procedures. In particular, access to legal aid, support persons, and special educators or translators where required should not be compromised during the pandemic. The special needs of vulnerable categories of children such as children with physical and intellectual disability, children from marginalised communities, homeless children, migrant children, etc., should also be considered.

**3.** Good practices evolved during the pandemic such as recording of statements under Section 164, Cr.P.C through video-conferencing should be continued in future as well, while

ensuring adherence to mandatory procedures.

**4.** Timely recording of the statement under Section 164, Cr.P.C should be ensured as children face a lot of pressure not only from the accused, but even their own families to withdraw or compromise the matter.

## 5.2.2 RECOMMENDATIONS FOR THE DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT

**1.** Undertake a mapping exercise to ascertain the access of children in the child protection system (child survivors, children in need of care and protection, and children in conflict with the law) to existing social protection schemes, ration cards, Aadhaar Card, Ayushman Bharat Card, etc. Based on this, liaise with relevant Departments to ease the process for children and families to register for and obtain relevant documents in a time bound manner.

**2.** A mechanism to identify, train, monitor and remunerate Support Persons needs to be in place in all districts in Karnataka.

**3.** Coordinate with the Department of Health to ensure psycho-social support services to families of children in the child protection system through Counsellors attached to the DCPU and within CCIs and external experts at regular intervals. The Departments are urged to come together:

» to ensure continuing access to health, including mental health, to children in CCIs;

» to ensure that quarantine and social isolation measures do not impact access to mental health care;

<sup>2</sup> Standard Operating Procedures for District Judiciary, Karnataka High Court (28.5.2020), Available at: <https://indiankanoon.org/doc/2622362/>

# CHAPTER V: CONCLUSIONS AND RECOMMENDATIONS

» to ensure regular screening of children in CCIs as mandated by the Supreme Court in *In Re: Contagion of COVID 19 virus in child protection*.<sup>3</sup>

**4.** Coordinate with the Department of Education to ensure that children in the child protection and JJ system are not deprived of education during the COVID-19 pandemic. The Departments are urged to come together:

» to ensure the continued enrollment of children in education and re-enroll children who have dropped out earlier or during lockdown back into the education stream. This calls upon the departments to actively and continuously track children and follow-up on their educational status.

» to ensure that no child is prohibited from accessing education due to non-payment of fees.

» to create public campaigns to make digital devices available to children for the purpose of education and to also ensure that all children receive it.

» to ensure all children have access to books and study materials required to effectively attend online classes and continue their education.

» to ensure that vocational learning is not interrupted or halted

» to fulfil the right to education under the RTE Act, 2009 by enabling online classes for all children between the age of 6-14 years.

**5.** Consider the enhancement of the amount paid to children under the Abhaya Nidhi scheme from Rs 5,000 to Rs 10,000 after documents are submitted

to the DCPU, considering the impact of the pandemic on the financial health of families.

**6.** Organise training for staff at CCIs to monitor the psychological wellbeing of children and identify symptoms of distress and anxiety, as well as train them to respond appropriately.

**7.** Fill existing vacancies, so that children in CCIs are kept engaged and their basic needs are met.

## 5.2.3 RECOMMENDATIONS FOR CHILD WELFARE COMMITTEE:

**1.** Seek the assistance of the DCPU to facilitate the access of children and families to available social protection schemes to ensure their rehabilitation as per Section 30(xiii), JJ Act, 2015.

**2.** Proactively seek follow-up reports and consider placement of a child under sponsorship as per Rule 24(5), JJ Model Rules

**3.** Proactively order for Aftercare support under Rule 25(2) for child survivors under the POCSO Act who are found to be children in need of care and protection..

**4.** Continue the practice of remote conferencing with children and families which was adopted during COVID 19, even beyond the pandemic, in suitable cases.

**5.** Ensure that the copy of Support Persons appointment letters are sent to the Special Court through the police. This would make it easier for a Support Person to enter the court premises with the children during their evidence.

<sup>3</sup> Suo motu Writ Petition (C) No.4/2020, order dated 03.04.2020 at para 9

# CHAPTER V: CONCLUSIONS AND RECOMMENDATIONS

## 5.2.4 RECOMMENDATIONS FOR DISTRICT CHILD PROTECTION UNIT:

1. Liaise with relevant Departments to ease the process for children and families to access available social protection schemes.
2. Proactively identify and expand the pool of sponsors and Support Persons, as well as organisations offering aftercare support, and make the lists available to the CWC.
3. Prepare a list of counsellors and mental health experts for consultation when needed for children.
4. Process and award financial relief to children and families under Abhaya Nidhi scheme immediately after the case is registered.
5. Streamline the process of speedy awarding of relief under the Abhaya Nidhi scheme through convergence between respective CWCs, Support Persons, and DCPUs.
6. Facilitate aftercare for children leaving CCIs pro-actively by instituting a weekly or bi-weekly follow up of such children along the lines of the mandate issued in *In Re: Contagion of COVID 19 virus in child protection*.<sup>4</sup>

## 5.2.5 RECOMMENDATIONS FOR STATE & DISTRICT LEGAL SERVICES AUTHORITY:

1. Ensure timely disbursement of interim and final compensation to children and families.
2. Ensure that the pandemic situation does not impact the quality and effectiveness of legal representation for

children and that they are represented at all stages of the legal process, including when bail applications are made by the accused.

## 5.2.6 RECOMMENDATIONS FOR POLICE/SJPU:

1. Sustain the practice followed during COVID-19 of recording the statement of the child under Section 161 of the Cr.P.C outside the police station as it is in accordance with the POCSO Act and also eases the pressure on children and their families.
2. Ensure that the number of times that a family is called to the police station is kept to a minimum during the pandemic and thereafter.
3. Continue with the practice of police officers calling the families to collect the information rather than have them visit the stations so that they are not made to repeatedly visit a police station, unless absolutely necessary.

## 5.2.7 RECOMMENDATIONS FOR STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS: (RULE 12 -POCSO RULES 2020, SECTION 44 OF THE ACT)

1. Examine the impact of COVID-19 on child survivors across the State and set up a compliance dashboard to track the adherence to child-friendly procedures, directions of the Supreme Court, High Court, Central Government, and State Government which are relevant to child survivors under the POCSO Act, 2012 and in the juvenile justice System.
2. Seek information from CWCs, JJBs, police, and SJPU regarding procedures adopted during COVID-19, and data on the status of cases of child survivors during COVID-19. Frame suitable

<sup>4</sup>Suo motu Writ Petition (C) No.4/2020, order dated 15.07.2020 at page 4



# CHAPTER V: CONCLUSIONS AND RECOMMENDATIONS

recommendations to ensure compliance with child-friendly procedures and practices that may be continued beyond the pandemic.

**3.** Review the measures adopted by the State Government to respond to COVID-19 and its impact on children in the child protection and juvenile justice system and make suitable recommendations to ensure that children's rights are protected.

**4.** Urge the Hon'ble High Court of Karnataka and the High Court Committee on Juvenile Justice to ensure that priority is given to cases concerning children by the judiciary.

## 5.2.8 RECOMMENDATIONS FOR CIVIL SOCIETY & DONORS

**1.** Civil society organisations should consider undertaking similar rapid assessment studies to understand the impact of COVID-19 specifically on children from vulnerable groups and donors should support such studies.

**2.** Civil society and donors should enable provision of digital devices and free wireless connectivity services to children and families in low income residential localities and Child Care Institutions so as to ensure that children are able to effectively access online education as well as remote recreational programs and mental health support as appropriate.

**3.** Civil society and community groups should, with support from donors, consider developing online and in-person educational and life skills programs for children in CCIs and vulnerable children within the community to support their social and emotional learning, as well as

skill building and interest in art, music, theatre, etc.

**4.** Donate to the Juvenile Justice Fund under Rule 83(3) of the JJ Model Rules, 2016, so that this fund could be utilized for the rehabilitation of child survivors of sexual abuse.