

The Amrit Foundation of India is a registered not-for-profit with the mission to build a more inclusive society. Under its Little Peepul Tree flagship programme, it works to improve the lives of persons with challenges posed by Autism, Cerebral Palsy, Down Syndrome and Intellectual Disability. In 2016, Amrit, in collaboration with Amaltas Consulting Pvt Ltd, undertook the Patang Project. Patang is a rigorous survey of the barriers faced by children with intellectual and developmental challenges and their caregivers in accessing specialised services in Delhi.

Unfortunately, Child Sexual Abuse is a problem that our society has to grapple with. Abuse of children with challenges needs a special mention because of the intersectionality not only of vulnerabilities, but also of the stigma that these children face. The purpose of this Capsule Study is to understand what is being done to empower young children with challenges to avoid sexual abuse and the perspectives of parents, NGO's/special schools, lawyers and counsellors on the prevention and handling of cases where such abuse takes place.



## Capsule Study II 'Good Touch-Bad Touch'

### How proactive are caregivers and service providers of children with challenges?

#### Background

According to WHO, "Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by sexual activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; and/ or the exploitative use of children in pornographic performance and materials."<sup>1</sup>

The picture in India is gloomy. In 2011, a total of 33,098 cases of sexual abuse of children were reported in the nation as compared to 26,694 in 2010 – an increase of 24%. And 7112 cases of child rape were reported during 2011 in comparison to 5484 in 2010 presenting a growth of 30%. Further, UNICEF found that between 2005 - 2013, 10% of Indian girls may have experienced sexual violence when they were 10 - 14 years of age, and 30% when between 15 - 19 yrs. of age.<sup>2</sup>

Children with challenges are at an additional risk because they are targeted on account of their visible 'difference' or 'vulnerability'. People with severe intellectual disabilities may not understand what is happening or have a way to communicate the assault to a trusted person. Others with a less severe disability may realize they are being assaulted, but don't know that its illegal and that they have a right to say no. Due to threats to their well-being or that of their loved ones by the abuser, they may never tell anyone about the abuse, especially if committed by an authority figure whom

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<sup>1</sup> [http://www.who.int/violence\\_injury\\_prevention/resources/publications/en/guidelines\\_chap7.pdf](http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf)

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4311357/>

they learn not to question. In addition, they are rarely educated about sexuality issues or provided assertiveness training.<sup>3</sup> Even when a report is attempted, they face barriers when making statements to police because they may not be viewed as credible due to their disability. Risk factors may include a feeling of powerlessness, communication skill deficits and inability to protect oneself due to lack of instruction and/ or resources. In addition, they are not given enough experiential opportunities to learn how to develop and use their own intuition (those who are taught can often detect between safe versus unsafe situations.) Other factors include the caretaker's failure to (i) request information on the background of all those involved in the person's life, such as professionals, paraprofessionals, ancillary and volunteer staff; (ii) become familiar with the abuse-reporting attitudes and practices of the agency; and (iii) ensure there is a plan in place for responding to reports of abuse when they occur. Also, offenders are typically not caught and/ or held accountable for these crimes, which allows abuse to continue.<sup>4</sup>

Mental health problems have been increasingly acknowledged as one of the most common consequences of child sexual abuse so that children and young people who suffer sustained assaults, particularly from someone in a position of trust, often go on to exhibit symptoms of post-traumatic stress disorder, borderline personality disorder and /or dissociative identity disorders. More recent studies have explored the impact of sexual abuse specifically on children with severe intellectual disabilities, confirming that they share some of these long-term impacts of abuse in childhood.<sup>5</sup>

The Protection of Children from Sexual Offences Act (POCSO Act) 2012 was formulated in order to effectively address sexual abuse and sexual exploitation of children. The Protection of Children from Sexual Offences Act, 2012 received Presidential assent on 19<sup>th</sup> June 2012 and was notified in the Gazette of India on 20<sup>th</sup> June 2012. The Act defines a child as any person below 18 years of age. It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography. It deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority like a family member, police officer, teacher, or doctor. The Act also casts the police in the role of child protectors during the investigative process. The Act further makes provisions for avoiding the re-victimization of the child at the hands of the judicial system. It provides for special courts that conduct the trial in-camera and without revealing the identity of the child, in a manner that is as child-friendly as possible. Above all, the Act stipulates that a case of child sexual abuse must be disposed of within one year from the date the offence is reported. The Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/ or a fine.<sup>6</sup>

However the implementation of the act remains a problem. From absence of measures to ensure that every court hearing is child-friendly, to the inability to provide support and care for all victims during the trial, various lacunae in the implementation of the law are increasingly visible.<sup>7</sup> In a study conducted on the status of implementation of the POCSO Act by the NGO Prerana, it was found that in 2018, 20 of the 36 rural police stations in 17 districts of Maharashtra did not have a woman police

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<sup>3</sup> [http://www.tarshi.net/downloads/Sexuality\\_and\\_Disability\\_in\\_the\\_Indian\\_Context.pdf](http://www.tarshi.net/downloads/Sexuality_and_Disability_in_the_Indian_Context.pdf)

<sup>4</sup> [https://constellation.uqac.ca/3229/1/Dion\\_et\\_al2013\\_SA\\_ID.pdf](https://constellation.uqac.ca/3229/1/Dion_et_al2013_SA_ID.pdf)

<sup>5</sup> [http://www.who.int/violence\\_injury\\_prevention/resources/publications/en/guidelines\\_chap7.pdf](http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf)

<sup>6</sup> [https://en.m.wikipedia.org/wiki/Child\\_sexual\\_abuse\\_laws\\_in\\_India](https://en.m.wikipedia.org/wiki/Child_sexual_abuse_laws_in_India)

<sup>7</sup> <https://indianexpress.com/article/india/as-pocso-cases-rise-infra-implementation-remain-problem-areas/>

sub-inspector.<sup>8</sup> Data from the National Crime Records Bureau showed that in 2016, 38,947 cases of rape were registered in the country under POCSO as well as Section 376 and other related sections of the Indian Penal Code. Among these 38,947 cases, in 36,859 (~95%) cases, the accused were related to the victims.<sup>9</sup>

## Sample Characteristics

A total of 31 respondents participated in the study. Respondents include – parents of the intellectually challenged children (15), NGOs and Special schools working with children with challenges (7), counsellors (5), and lawyers (4). The age group of the children of the respondents, ranged between 4 - 18 years with the average being 10 years. Of the 7 NGOs interviewed, 4 worked with children with intellectual challenges, 1 on child abuse, 1 on child rights, and 1 works with underprivileged community groups. Three of the counsellors were counselling psychologists, 1 practiced art therapy and 1 dealt in spinal cord injuries and trauma counselling. Three of the lawyers practiced criminal and constitutional law, 1 handled case related to domestic violence and property related matters.

## Observations

**Observation 1: Parents had serious concerns about the safety and security of their children, but are uncomfortable in discussing Good Touch-Bad Touch with their children with intellectual or developmental challenges.**

All the parents in the sample had major safety concerns about their child. When possible, they did not allow their children to go anywhere alone and themselves picked up and dropped them. Most are not concerned about safety and security of their child in familiar situations (for example, at home or school). In fact, only one parent permitted their child to go out alone, only because their home is inside a school campus. However, most did not allow their child out of the home unattended. Overall, safety remains a very important aspect when it comes to the well-being of their child. Even in a small sample of this study, one parent shared the experience of sexual abuse by their child, which speaks volumes about the prevalence of this social menace. There is a need to cultivate a culture of support for the intellectually challenged.

“I feel that children with intellectual challenges are more prone to sexual abuse, so something needs to be done. It’s a big fear of parents as they are very vulnerable.”

The majority of caregivers in our sample said that they have not discussed the concept of Good Touch-Bad Touch with their child. Many felt that their child was too young to understand issues such as child sexual abuse. Some of them hinted that the intellectual disability of the child limits the understanding of the child in respect of the concept of Good Touch-Bad Touch, even if it were discussed. Having said that, most parents recognized the vulnerability of their children to abuse. The safety and security of their child was a top concern for these parents, not least because their child was felt to be more vulnerable than most to sexual predators.

“I believe my son is too small for understanding this issue so I haven’t discussed this with him.”

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<sup>8</sup> <https://indianexpress.com/article/cities/mumbai/study-on-pocso-act-implementation-out-of-36-rural-police-stations-20-dont-have-women-sub-inspector-5167395/>

<sup>9</sup> <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

**Recommendation:** Public spaces must be made safer and more accessible for children with intellectual and developmental challenges. Parents must be equipped to address the issue of sexual abuse with their children freely. Workshops for parents of intellectually challenged children to train them to communicate the key messages effectively with their child are essential.

**Observation 2: NGOs and Special Schools carry out Good Touch-Bad Touch education regularly for their young wards.**

All the NGOs and Special Schools in our sample did discuss Good Touch-Bad Touch with their students. Some themselves conduct the discussions with children, while others organize workshops and other programmes to sensitize children to this issue. One of the NGOs discusses sexual abuse as a part of the life-skills training provided to young intellectually and developmentally challenged children, for example, when discussing relationship boundaries. Various methods and strategies are deployed to communicate the issue of sexual abuse like story books, illustrations and role play. They are doing praiseworthy work when it comes to awareness regarding sexual abuse.

“The issue of sexual abuse is taught as a part of life skills training in our NGO. The concept of good touch and bad touch cannot be taught in isolation to the other things in life. The concept of touch stems from relationships, hence we focus on teaching our students about relationship boundaries.”

**Recommendation:** NGOs and Special Schools are more often than not, the only source of credible information that is available to the child regarding this issue. Help with regard to material resources could be provided, so that an evidenced set of messages can be passed on to the children.

**Observation 3: NGOs and Special Schools are assertive in initiating action when it comes to cases of sexual abuse.**

All the NGOs and Special Schools had come across cases of sexual abuse and had played an active role in taking action. All of them were aware of the POCSO Act and other legal provisions related to sexual abuse which they used to support and encourage parental action whenever a case of sexual abuse was brought to their notice.

A particular provision of the POCSO Act makes reporting of known sexual offences against children mandatory, failing which those knowing, but not reporting cases may face legal punishment. It seems to be working in this regard. A few of the NGOs were very directly involved, having taken the cases to court themselves, and others had supported and encouraged parental action.

“We have been called to courts for such cases, for talking to the victim since they struggle in communicating. We also have taken up cases to courts ourselves.”

**Recommendation:** NGOs and Special Schools taking action against sexual offences should be supported with resources and incentives so that reporting of such cases becomes more commonplace.

**Observation 4: Sexual Abuse has a greater impact on Children with Challenges.**

All the counsellors in our sample agreed that, sexual abuse can have a lasting detrimental effect on the psyche of a child, but the damage is even greater in an intellectually or developmentally challenged child. Coping in such a situation becomes extremely difficult due to the already present challenges that affect their emotions and behaviour. Such an event makes the child more prone to

stress and depression and can trigger behaviours such as bed wetting, being phobic with strangers, social withdrawal etc.

Counsellors shared that a direct implication of child sexual abuse is the increase in the severity of their already existing challenges. Sometimes, these mental challenges are also carried forward to adulthood if not attended to at the correct time.

“Child Sexual Abuse does have a great impact on children, especially on those with challenges. It’s a very traumatic experience which is extremely difficult to deal with. It affects their cognitive abilities, their emotional capabilities, their relationships later in life and it is also reflected in their behavioural pattern.”

**Recommendation:** In the road to recovery of a sexually abused challenged child who has undergone such a traumatic experience, provision must be made for long term counselling and therapy of the child.

**Observation 5: Handling sexual abuse cases of Children with Challenges is different from handling sexual abuse cases of children who are not intellectually challenged.**

One of the primary impediments faced by children with challenges is their inability to communicate effectively which (i) makes them prone to sexual predators and (ii) complicates the case complicated if sexual abuse has indeed occurred. All the lawyers interviewed, stated that they the major difficulty that they face is because the child is not able to describe the incident properly and often misses out on important details that might be critical to the case on a legal point. One of the lawyers shared that the parents are often themselves reluctant to share the details of the incident, as a result of the intersectionality of stigma (stigma of sexual abuse and the stigma of having a child with an intellectual or developmental challenge).

“They do not open up easily, so for them talking about the experience is difficult. It’s easy to cover up their cases because they can’t produce a precise verbal narrative of the incident.”

**Recommendation:** Provisions and arrangements must be made especially for children with challenges who have experienced sexual abuse. Although POCSO Act does detail child-friendly provisions, there seems to be a need for additional and alternative provisions for children with intellectual and developmental challenges and measures to ensure that the provisions are acted upon.

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## Study Methodology

The capsule study was undertaken between 11<sup>th</sup> June and 30<sup>th</sup> July 2018 and captured data from 31 respondents. For taking the sample, information from Sweccha - the Services Bank facility of Amrit Foundation of India was used; other contact information was arranged through the internet. The study covered the south, north and west Delhi parts.

An open-ended survey was conducted with parents, NGOs, counsellors and lawyers. The questionnaire was translated into Hindi for ease of non-English speaking respondents. Informed consent was taken before each interview was conducted. Along with this method, a field diary was also maintained in order to record all the first-hand information which was received during the interview. Data was transferred to Microsoft Excel (year 2007) for cleaning and analysis. Respondent names and locations were replaced with index numbers to ensure confidentiality of the responses collected.

Since the issues probed were sensitive, the study faced the following limitations:

- Hesitation on the part of parents to answer questions related to child sexual abuse.
- Difficulty in getting interviews from NGOs, as they were reluctant to discuss child sexual abuse.
- Difficulty in getting appointments with counsellors and lawyers who worked with children with challenges on sexual abuse.