July 2016

Children’s Rights along the Journey from Victims to Survivors:
Final Project Report
1.0 Introduction

1.1 Aims

The project, entitled ‘Children’s Rights Along the Journey from Victims to Survivors’ was funded under the UKIERI Thematic Partnership programme. The project had three main aims:

1. To examine the implementation of children’s rights in relation to criminal justice system responses to child victims of sexual offences in India and the UK.

2. To critically analyse the enforceability of child rights legislation and examine if there is a remedy for child victims if these rights are violated.

3. To devise, identify and develop a framework for legislation and good practice to translate these rights into enforceable obligations, including training for criminal justice system professionals working with child victims of sexual offences.

1.2 The Project Teams

The partnership brought together complementary teams from Manonmaniam Sundaranar, (MSU) Tiruneleli, Tamil Nadu, India and the University of Central Lancashire (UCLAN), Preston, Lancashire UK. The teams on both sides included a combination of experienced staff and early career researchers, from academic backgrounds in law, social work, criminology and criminal justice.

The UK Team

- **Professor Helen Codd**, Professor of Law & Social Justice, Lancashire Law School, UCLAN.
- **Professor Nigel Thomas**, Professor of Childhood and Youth Research, School of Social Work, Care and Community, UCLAN.
- **Dr. Dianne Scullion**, Senior Lecturer in Law, Lancashire Law School, UCLAN.

The India Team

- **Dr. Beulah Shekhar**, Associate Professor, Department of Criminology and Criminal Justice Sciences, Manonmaniam Sundaranar University.
- **Dr. Vijaya Somasundaram**, Assistant Professor, Department of Management Studies, Rajalakshmi Engineering College, Thandalam, Chennai.
- **Dr. Anantharamakrishnan Senthivel**, Assistant Professor of Criminology & Criminal Justice Administration, School of Criminology & Criminal Justice Administration, Tamil Nadu Open University, Saidapet, Chennai
1.3 Project Summary

This thematic partnership funding enabled the teams based in the UK and India to work together to analyse, assess and evaluate the extent to which law and the legal systems of the UK and India recognise and respond to the needs of child victims of sexual offences, with reference to the principles of access to justice and fair treatment, restitution, compensation and assistance as envisaged by the UN Declaration on Victims. The project commenced on 1st January 2015 and ended on 31st August 2016.

The research focused on identifying the rights of child victims of sex offences in the UK and India, and assessing if and how these rights are protected, implemented and enforced. After evaluating the extent to which the rights of child victims of sexual offences are protected at present, the project teams worked together to devise suggestions for future legal, policy and practice reforms for both the UK and India which will strengthen existing responses, suggest innovative future initiatives, and create a robust response to sex offending against children which focuses on the protection and enforcement of rights.

The project teams produced the appropriate documentation for the delivery of two training programmes, the UK programme targeting those working in the night-time economy and aiming to raise awareness of Child Sexual Exploitation (CSE) and to enable those concerned about CSE to take appropriate action.

Although these two strands could be seen as separate i.e. the ‘macro-level’ critique of existing legal instruments seeming separate from the training packages created, these are two complementary strands: legislative principles and examples of good practice will only have an impact on child victims of sexual offences if children’s rights are translated into direct, concrete, day-to-day interactions between professionals and children.

This thematic partnership was distinctive in that it focused on rights, considering questions of child protection and criminal justice in both countries in the light of domestic, regional and international human rights instruments, conceptualising and analysing the extent to which legislation, the legal process, and criminal justice agencies in both countries could be said to protect and enforce the rights of child victims of sexual offence.

This project was timely in the light of ongoing concerns in both India and the UK about the extent and nature of sexual offences against children, including child sexual exploitation, both face-to-face and involving the internet. In the UK, the death of the popular television presenter Jimmy Savile, and the subsequent publicity, investigation and report into the extent of his abuse of vulnerable children including the police ‘Operation Yewtree’, has led to prosecution, and in some cases imprisonment, of other high-profile public figures, for child sexual abuse which has taken place over the last thirty years. At the same time, the publication of the report into the sexual abuse and exploitation of children in Rotherham, which disclosed that more than 1400 children had been abused over a 16-year period, highlighted ongoing failures to protect children, and inadequate responses when children disclose abuse and victimisation. Although there have been a range of initiatives in the UK to encourage and support child victims, either at the time of the offence or later when disclosing historical abuse, a number of reports have indicated that child victims of sexual crimes are still in fear of coming forward and reporting abuse, and that responses to sexual crimes against children tend to be conceived as issues of social work, child protection and legal procedure, rather than as a legal rights issue.
In India, a number of recent incidents have highlighted the sexual abuse and exploitation of children and young people throughout the country, and the negative consequences often experienced by children and young people when they voice their experiences of victimisation. The UN Declaration that has been duly ratified by India promulgates access to justice & fair treatment, restitution, compensation & assistance to victims of crime. In one study, Malimath categorically stated that the Indian statues favour the accused. The Justice Verma Committee Report (2013), and other reports, have recommended that the justice system in India be made more victim-friendly. In spite of several national consultations & resulting recommendations, no legislation to protect victims has been proposed in India. However, there is a real impetus and pulse within the international community to recognise and enforce victim's rights. Many developing nations, such as India, are only just beginning to address victims’ rights, although in the absence of any legislation in India victims of crime can feel that they are being ignored. It is argued that there is a need for both legislation to protect and promote the rights of victims, and also an obligation on the government to respect the rights of the victim, and to embed these rights within enforceable legal instruments, practices and policies.

1.4 Project Outputs and Dissemination

The project produced a number of interim and final outputs, most of which are available on the project website.

These outputs include two academic articles for publication in peer-reviewed academic journals, one to be led by each team; two practice-based articles for practitioners; training module materials, and a CD/documentary to be produced by the team in India. Additional funding from UCLAN supported the employment of a graduate film-maker and a graduate research assistant, and enabled the production of a 75-minute documentary film. Alongside the full-length version, a shorter, 20-minute version was produced, which was shown at the UCLAN dissemination conference and which has been included within the UK training module as an essential learning resource.

The UK team hosted a dissemination conference at UCLAN in June 2016, which brought together academics and practitioners to discuss the project findings and explore future directions for research and policy development. The conference utilised innovative participatory methods so as to engage participants and this feedback has become an integral element of the research. A shorter event was held at the Institute of Advanced Legal Studies of the University of London. Selected PowerPoint presentations, some with embedded video, are available via the project website.
2.0 Methodology

This study used qualitative methodology to achieve the objectives. The project progressed along five distinctive stages.

2.1. Stage 1: Review and Content Analysis of Existing Legislation, Policy and Practices in the UK and India

During this first stage each team conducted a literature review to identify existing provisions under which victims' rights are recognised in each country, identifying any national, regional and international instruments under which the rights of child victims are recognised. The literature review includes the published academic and peer-reviewed literature, and also 'grey literature' such as reports published by stakeholders including NGO's.

2.2. Stage 2: Evaluation of the Extent to Which the Rights of Child Victims of Sexual Crimes are Recognised and Enforced in India and the UK

During this stage each team assessed the extent to which the rights of child victims of sexual crimes can be said to be protected and enforced, in the light of joint discussions and reflections with the other team, and in the light of team members' knowledge of provision in other jurisdictions. Each team held discussions with focus groups of stakeholders, including criminal justice & program professionals (police, prosecutors, and child protection social workers), non profit organizations, victims groups and law enforcement personnel, to identify how police officers and prosecutors are trained, and to identify any as-yet-unmet training needs. This stage also identified reparation available to child victims of sexual offences in each country, including any barriers to such reparation being obtained.
2.2.1. **Sampling Design in India:** The sampling method used for the focus group discussions in India was in the form of multistage convenience sampling. The population in India according to the Census of India 2010-11 is 1.21 billion out of which 39% are children. This implies that the stakeholders of interest to this study constitute 73 million. Choosing a multistage approach, the researchers divided the country into four different geographical regions—north, south, east and west in the first stage. At the next stage one city was chosen to represent each region. At the next stage the researchers interviewed and conducted discussions with one or two NGO representatives.

2.2.2. **Sampling Design in UK:** In the UK, a combination of convenience and snowball sampling methods were used, after a broad-brush scoping exercise to identify significant national and local stakeholders. A series of informal consultation meetings were held with these core stakeholders, from whom other potential participants were identified. The team ensured that the sample group included representatives of statutory and non-statutory organisations, policy-makers and NGO’s, and also ensured that victims and survivors’ organisations were represented. Due to the short-term nature of the project, and the ethical and practical challenges inherent in researching with children and young people, the team chose to conduct research with adult stakeholders, with a view to developing a subsequent research project co-produced with children.

Both research teams utilised their extensive network of contacts with criminal justice professionals and NGO’s, and these networks were utilized to identify and invite focus group participants.

The partnership was supported on the UK side by the extensive multimedia/IT provision available at UCLAN, including facilities for Skype conferencing and CD production, combined with state-of-the-art facilities for focus group discussions, such as the Media Innovation Studio at UCLAN.

2.3. **Stage 3: Identification of good practice in each country, and identification of future avenues for development, including assessment of training needs and planning/development of accredited training module(s).**

Focus group discussions and interviews with concerned stakeholders helped identify good practices in both countries. This provided the necessary direction to take regarding avenues of development for child-centric procedures and practices. Furthermore, it also provided the groundwork necessary to assess training needs for professionals working directly with the child victims.

2.4. **Stage 4: Production of Outputs:**

The major outputs from the study include

2.4.1. **Final project report, with executive summary, containing framework recommendations for legislation to facilitate the exercise, implementation, and enforcement of victim rights for child victims of sexual offences in each country, as appropriate.**
2.4.2. Two academic articles, one each led by the UK and India team lead, detailing the findings, outcomes and recommendations of the research, for submission to relevant peer-reviewed internationals such as the British Journal of Criminology and the Indian Journal of Criminology.

2.4.3. Publication of two, practice-focused articles, one each led by the UK and India team lead, to be published in periodicals aimed at, and read by, criminal justice professionals, such as the Police Review in the UK.

2.4.4. Outline module descriptors and framework curricula for accredited training modules to be used for the training of law enforcement officers in order to implement these laws and uphold, maintain and enforce victims' rights, both during initial police training and later, for experienced officers, as part of a Continuing Professional Development (CPD) Programme. These modules are designed to be delivered online, utilising existing expertise at UCLAN in the successful design and delivery of online learning.

2.4.5. Project website set up and hosted by UCLAN containing recommendations as to good practice in recognising, maintaining and implementing a rights-based approach when working with child victims of sexual offences and including multimedia resources for training.

2.5. Stage 5: Dissemination

The UK team held two dissemination events in the UK. The first, a one-day conference, was held at UCLAN on 8th June 2016, to disseminate the findings of the UK-based research team, and brought together experienced academics and range of stakeholder professionals and organisations working locally, nationally and internationally within the field of children’s rights, sexual abuse and victimisation. The second event was a research symposium held at the Institute of Advanced Legal Studies of the University of London on 10th June. Participants included university academic staff and government legal service staff. Findings of this study were presented and policy and practice developments related to child rights were discussed. The researchers plan to include the attendees from this event in future initiatives aimed at building sustainable links with those who attended the UCLAN conference.

The Indian team held three dissemination events in August 2016. The event dates were decided on the basis of the availability of government officials. The researchers felt that policymakers’ presence was necessary to have the desired impact on CSA related issues. The first event was held in Chennai on August 22nd, the second in Mumbai on August 24th and the third in New Delhi on August 26th. The three events took the form of a workshop where the researchers presented the finding of the study followed by discussions with the participants and a screening of the short film ‘NO more Secrets, NO more silence’. The participants to these dissemination events included officers from women and child welfare departments, local elected representatives, civic officials, academicians, NGO representatives and police officers.
3.0 Legislation and Legal Responses in the UK & India

3.1 Introduction
As part of the research, each team produced a review of the literature in their home country. This brief comparative summary assesses the scope of the published research, and current provision, in each jurisdiction.

3.2 Background and Context
There are some core common themes underpinning the published research literature in both the UK and India on children’s rights along the journey from victims to survivors. Due to the historical background of Anglo-Indian relations, both jurisdictions share a common legal foundation. That is, both are common law jurisdictions in which law includes both binding legislative provisions and also binding judicial precedent.

That said, a core difference is that India is founded upon a written Constitution, whereas the constitution of the United Kingdom is famously ‘unwritten’ and comprises a set of constitutional principles rather than being based on one binding foundational document. Thus to some extent, it is more straightforward to identify the constitutional situation of children and young people in India than in the UK.

Both countries are signatories to the United Nations Convention on the Rights of the Child (UNCRC) although, with the exception of delegated powers given to the Welsh Assembly, in the UK this convention has not been enshrined in law, nor is it legally enforceable. Instead, many of the provisions within the convention are found within other legal instruments.

In each country, some aspects of the sexual victimisation of children have been visible in the public domain for longer than other aspects. For example, the rape of children by strangers in each country has emerged as an issue of concern, whereas others have been – and some still remain – hidden and unexplored. In each country, legal innovations have been prompted by high-profile and well-publicised cases, which have provoked an outcry from the public and which have led to new laws, policies and practices. There are some strong similarities in each country as to the nature of these concerns, such as in relation to institutional abuses, and also differences. For example, in India child sexual abuse discourse includes concerns about child marriage. Similarly, in each country the trafficking of children for sexual purposes is a concern, although in the UK this relates more to children trafficked from within the European Union, whereas in India the trafficking is domestic, within India itself. Each country, however, has concerns about the movement of children for sexual purposes.

The research in each country takes place against a backdrop of increasing levels of access to technology, the growth and development of social media platforms, and widespread smartphone ownership amongst children and teenagers, which facilitates contact between perpetrators and victims without the oversight of parents or guardians, and which allows perpetrators to adopt false personalities and profiles in order to find and

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1 The comprehensive literature reviews on which this comparative review is based can be accessed via the project website.
befriend potential victims, who may have been preselected due to their existing vulnerability as evidenced in their social media postings.

The sheer amount and scope of the UK literature is immense in comparison with that published in relation to India, and is being augmented daily, by research and peer-reviewed publications in fields as diverse as law, medicine, criminology, social policy, health, economics, medicine and technology. For this reason, the UK literature review focused primarily on researched published during the last ten years. India is experiencing a similar expansion in interest and research, but from a more recent starting point, there being little research published before the 1990s.

3.3 International Obligations, Constitutional Provisions and Rights

India ratified the United Nations Convention on the Rights of the Child in 1992 and declared a policy commitment to enforcing the same. The UK ratified the same convention in 1991. However, opinions differ as to whether the rights included in the UNCRC amount to realistic, realisable rights for children in the UK, or are more aspirational than practical (Fortin 2014), key problems being the aspirational nature of the wording within the CRC, and second, the absence of any direct method of formal enforcement available to either children themselves or the UN Commission. There has never been a court attached to the UNCRC which could assess claims of rights infringements, and there is no UK-based route to challenge akin to that embedded in the HRA 1998.

India became party to the UN Declaration of the Rights of the Child which was adopted in 1959. According to this declaration, “the child is recognized, universally, as a human being who must be able to develop physically, mentally, socially, morally, and spiritually, with freedom and dignity” (Humanium 2008). However the declaration did not provide a definition of the child or define when exactly childhood began or ended. Keeping in view the goals laid down by the declaration the Indian government adopted a resolution on the National Policy for Children in 1974 (Department of Social Welfare 1974). The policy leaned heavily towards promoting the welfare of children in terms of health and nutrition, education and development with some mention of protection from neglect, cruelty and exploitation.

The Constitution of India provides for a number of rights and privileges duly supported by legal protection. It recognizes that children have all rights as equal citizens of India, just as any other adult male or female. The Constitution has special articles and provisions for children which are backed by law, policies and programmes, these articles including rights to justice and protections from being abused.

In the UK, it is more challenging to identify specific rights of child victims, and to do so one has to consider the intersection of different categories of rights which arise from different sets of legal obligations, relating to human rights, children’s rights and victims’ rights.

In both India and the UK the concept of ‘children’s rights’ is relatively recent, the scope of such rights having emerged during the nineteenth century in the UK and the twentieth century in India, and encompassing a number of aspects of abuse and exploitation of children, combined with rights to safety, care, education and healthcare. In India, the official abolition of the Devadasi system illustrates the evolution of recognition of child rights, although this system, and its abuses, continue in practice.
Child victims of sexual offences in the UK possess intersecting rights as children, as victims, and as UK citizens protected by the European Convention on Human Rights, including mechanisms for enforcement under the Human Rights Act 1998. UK governments, through the agencies of the criminal justice system, have been increasingly focused on championing victims. The first Victim’s Charter was published in 1990 and revised in 1996, and a new Code of Practice for victims of crime came into force in December 2013 (Madoc-Jones 2015). There have been a number of calls for a legally enforceable bill of rights for victims, and demand for such an approach has received support across the UK party political spectrum. This recognition of the experiences and needs of victims, and associated research, policy and practice, stands in contrast to the situation in India where academic victimology is an emerging discipline and there is no national co-ordinated response to, or recognition of, the needs of victims.

In the UK, prior to the enactment of the Human Rights Act 1998 the process whereby individuals could seek to have their rights enforced, or to seek recognition that their rights had been infringed, involved applying to the European Court of Human Rights in Strasbourg. The Human Rights Act 1998 introduced the ability for individuals and organisations to challenge public bodies in the UK courts. The rights guaranteed under the ECHR are wide-ranging, although it has been criticised for not giving specified, designated rights to children as a group. That said, it is argued that all the rights within the Convention are equally applicable to children and, by extension in this context, child victims of sexual offences. The article which is of most relevance to child victims is Article 3, which outlaws inhuman and degrading treatment or punishment.

### 3.4 Criminal Law in the UK & India

According to the National Crime Records Bureau’s annual crime reports, cases in India in which children are victimised can be categorized under two broad sections (Bajpai 2015) i.e. crimes against children which are punishable under the Indian Penal Code (which includes murder; feticide; infanticide, kidnapping and abduction) and those which are punished under special laws and local laws (such as the abuse of minors in prostitution). Children can, of course, be victims of other offences such as rape, but statistics on ages of complainants in these cases are not available.

The legal situation in the UK in relation to children who experience sexual victimisation comprises a wide range of offences, some of which can only be committed if a child is the victim, and others which only apply if a child who falls into a specific vulnerable group is the victim, or if the alleged perpetrator falls into a group of individuals, such as teachers, for whom specific offences based on breach of trust come into play. The majority of sexual offences involving children are now contained within the Sexual Offences Act 2003, some sections of which have been amended recently so as to redefine all offences which previously referred to child prostitution as ‘child sexual exploitation’ and to remove references to ‘child pornography’ to redefine such images as child abuse imagery. Previous statutory provisions remain relevant to historical abuse cases. A key difference between the criminal law in the UK and the criminal law in India is the inclusion of offences of child sexual exploitation, and the inclusion of the ‘breach of trust’ offences which create specific offences if there is a relationship of trust and responsibility between an adult and a minor.
3.5 Research into Sexual Offending Against Children in India & the UK

It is notoriously difficult to estimate the extent and prevalence of sexual victimisation of children (Bolen, R. & Gergely, K. 2014). Indeed, the same can be said of all sexual offences, including those involving adult victims (Horvath & Brown, 2009; Brown & Walklate, 2011). The research in both countries highlights the relative lack of visibility of sexual offences against children, especially as most child sexual abuse take place within family and kin networks. In India, sexual victimisation in all its contexts is largely invisible, mirroring the situation in the UK until pioneering work during the 1980s raised public awareness of the nature and prevalence of child sexual abuse (CSA).

Research in both countries indicates a high incidence of CSA (Leach and Sitaram 2007) (Karthiga, Tamilselvi and Ravikumar 2014); (Krishnakumar, et al. 2014) (Kamimura, Ganta and Thomas 2015) and at the same time, low levels of reporting, although the level of reporting is proportionately much higher in the UK than in India (Mukherjee, 2006; Modak, 2009; Somasundaram, 2014). The landscape of reporting in the UK has shifted significantly during the last thirty years, leading to many more complaints coming to light, and many more prosecutions, for both current and historical offences.

In the UK child sexual exploitation (CSE) has become a focus of recent research, policy and practice, understanding of this having evolved from earlier work on child sexual abuse and the commercial and sexual exploitation of children. As yet, this issue has not been explored as a specific aspect of the sexual abuse of children in India.

In both countries, levels of reporting have been increasing, but it is unclear whether this reflects an actual increase in offending or increased awareness amongst victims, increased willingness to report abuse to the police, and improved responses on the part of police and other criminal justice agencies. Research in India is emerging which identifies the long term trauma-related impacts of child sexual abuse on children, reflecting similar research which has emerged from the UK, the US and Australia. In both the UK and India the treatment of complainants has been referred to as ‘secondary victimisation’, although police, prosecutors and courts in the UK have developed approaches and responses designed to better respond to the needs of complainants.

The amount and scope of information and research about CSA in India is still in its infancy. Carson et al (Carson, Foster and Tripathi 2013) summarized the current state of knowledge about CSA in India, many of the elements they identified being of equal relevance to the UK. For example, the incidence rate of CSA in India is much higher than acknowledged in official records, with higher rates for children on the streets and those in institutional care. Although there are many fewer children living on the streets in the UK than India, the vulnerability of those in institutional care is common to both settings. Researchers have found variations in CSA across states and regions in India: this is less apparent in the UK, but the UK represents a tiny geographical area in comparison. In India girl children and adolescents are targeted much more frequently for sexual abuse than boys, whereas in the UK this is contested. However, in both countries the clinical consequences and psychosocial impacts of sexual abuse pose a serious threat to individual, family and community well-being, sexual abuse often going hand in hand with other forms of abuse. In the UK as in India, sexual abuse in families occurs across all socioeconomic levels and across all religious traditions. They conclude by arguing that the prevention of CSA requires changes at the family, community, state and national level and that children’s
rights must be at the forefront of all local, state and national government laws and priorities.

Both countries are experiencing an increasing number of sexual offences being recorded by the police, but this does not reflect the actual prevalence of sexual offending against children, which has been recognised as a widespread global problem (Bolen, R. & Gergely, K. 2014). Even if victims are increasingly likely to recognise abuse, and disclose the abuse to police, associated issues arise in relation to the decision to prosecute and the likelihood of conviction. This ‘attrition rate’ (sometimes called ‘the justice gap’) may mean that, even where disclosures are made, police charging and later prosecutorial decisions may mean that even if an offence is recorded, it may not lead to a conviction (Brown, 2011; Angiolini, 2015). The precise dynamics of these decisions to charge, or discontinue, cases are difficult to deduce from the published research and there is little or no published research on this in India, where the focus of the research has tended towards disclosure and reporting rather than on tracking police and prosecutorial outcomes after the abuse has been reported.

3.6 Who protects child victims and their rights in India and the UK?

In both India and the UK a number of different statutory and non-statutory organisations and agencies are involved in responding to the needs of child victims of sexual offences, each country having child protection services which work to protect and safeguard children. It is difficult, however, to reflect on the impacts of specific actions and processes in India, as little evaluative research is available.

In the UK, there are many organisational, institutional and policy initiatives to respond to the needs of child victims of sexual offences. For example, all police receive initial training in working with children and victims of sexual offences. Specially-trained police can be brought in to investigate sexual offences against children, including historic abuse, and child victims can received specialised support from SARCS, ChISVAs, Victim Support and the Witness Service. Specific provisions exist in order to assist child victims to give evidence, such as screens, video links and pre-recorded evidence. In the UK, the policing of sexual offences against children has developed a proactive rather than purely reactive stance, with the police instigating investigations into online abuse, child abuse imagery, CSE and CSA, rather than relying on disclosure and complaints before taking action.

In India, NGO’s play a much more fundamental role in assisting child victims than in the UK, as in the UK a number of state-funded services have developed to respond to the needs of child victims during the criminal justice process, such as ChISVAs. Training on sexual offences and child victims is an embedded and comprehensive component of initial police training and ongoing continuing professional development. That said, some of the organisations in the UK, such as Victim Support, began as grassroots local voluntary organisations and have evolved into agencies which are national in scope and which now receive a significant amount of state funding. Similarly, local safeguarding children boards have developed from multi-agency co-operation on relation to child protection more generally. In both countries some of the most significant work with children and young people who have experienced sexual victimisation is carried out under the auspices of non-statutory organisations (NGO’s), some of which are commissioned in the UK by statutory bodies to provide specific services.
### 3.7 Children’s Rights Along the Journey

The history of the development of rights for child victims of sexual offences in both countries has been prompted, supported and accompanied by a combination of high-profile cases, media publicity and, sometimes, celebrity involvement and campaigning. For example, in India a turning point for the amendment of rape laws in India was the Mathura rape case (Khullar, 2005), which led to the amendment of the rape laws in 1983. In both the UK and India, in 1986 and 2012 respectively, prime-time television programmes have raised public awareness of child sexual abuse, and led to increased disclosure and reporting. Similarly, both countries have seen the emergence long-term campaigns against historical institutional abuses of vulnerable children.

Many of the concerns being expressed in India have been expressed since the 1970s and 1980s by those working with children in the UK, which in the UK has led to a wide range of policy and practice initiatives. There is thus no shortage of responses to child victims, but there are debates as to whether these are effective. The National Curriculum in state schools require age-appropriate education about sex and relationships, and ChildLine staff (now part of the NSPCC) go into schools regularly to educate children and raise awareness. Researchers in India have highlighted the need for comprehensive education and awareness programmes to educate children, youth, parents and other caregivers about the nature and prevention of sexual abuse and other forms of abuse and neglect (Carson, Foster and Tripathi 2013). Children in India do not have a holistic view of what constitutes abuse: many schools in India do not provide sex education and rarely create awareness of CSA (Karthiga, Tamilselvi and Ravikumar 2014). In rural areas school teachers possess low awareness and believe sex education can be detrimental to students (Somasundaram and Shekhar 2015). This has been argued to reflect the way children are perceived and treated in India, combined with poor levels of understanding of sexuality and sex, within a framework of patriarchal assumptions about gender roles which provide males with routes to sexual access and which deny women and girls the ability to challenge abuse and speak out.

The POCSO Act has been welcomed as a step forward in India, although it is not without its critics and its impact is largely unevaluated. It has been criticised for criminalising all sexual behaviour between those aged under 18, creating mandatory reporting requirements, and also the inexact nature of age determination in a country where many people do not register births. (Belur & Singh: 2015).

Victim services are another gap in India, with recent cases illustrating how victims may be re-victimised while an offender is on bail or after release (Akhef 2015). Unlike the UK, which has enforceable bail conditions and post-release supervision of sex offenders via the MAPPA process and the Sex Offender Register, in India there are no databases or monitoring systems. Victims of CSA in India may continue to live in fear even after the perpetrator is convicted and jailed. (Belur and Singh: 2015) suggest mandatory linking of the UID (12 digit individual identification number by the Unique Identification Authority) with victim and offender data for age determination purposes and the same could be suggested for tracking criminal records, but the challenges of this kind of registration are substantial as there are many people in India for whom there are no official records in existence. The criminal justice system in India has been recognised as weak, and criticism has been levelled at human rights groups which focus more on the rights of perpetrators than victims, with the courts suggesting ‘chemical castration’ of those who offend.
sexually against children, but this fails to recognise the dynamics and nuances of child sexual abuse (LiveLaw News Network 2015).

3.8 Conclusions

In India, research into children’s rights for child victims of sexual offences is still in its early stages. The focus tends to be on attempting to assess prevalence of child sexual abuse in particular, and there is little available literature which evaluates the impact of legal, policy and practice initiatives, beyond encouraging reporting. In contrast, over the last thirty years in the UK there has been no shortage of published research into child sexual victimisation, there are some evident gaps, such as research into the experiences and needs of children with disabilities, Gypsy/Roma/Traveller children, and children in Black, Asian and Minority Ethnic Communities in the UK (Franklin et. al., 2015).

A key issue in the literature published in both countries is the place of the voices of children themselves, or more accurately the absence of their voices. Although child victims have been described as ‘experts on their own experience’ (Barnardo’s., Personal Communication with the author. October 7th 2015) the focus of research tends towards ‘working on’ children rather than ‘working with’ children (Greenfields, Working with, not working on: Theory and practice of collaborative community research programmes. 2013). There is wide variation in the role of children in the development of policy, and it appears that lip-service may be being paid to consultation with children about policies which have already been devised and proposed, rather than children having a role from the beginning, at the centre of policy and practice debates.

As the focus of this UKIERI-funded project is children’s rights, the invisibility of real, enforceable rights for child victims runs throughout the literature, both in terms of whether or not children possess genuine rights, and also in terms of the proportion of the research literature which adopts perspectives drawn from social work, psychology and criminology, but does not interpret andconceptualise the issues in relation to rights, and rights infringements. Whilst the right of the child to be heard is entrenched in the UNCRC, for example, much of the research is ‘about’ and ‘for’ children rather than produced ‘by’ and ‘with’ them. Where children’s voices are visible, there is an ongoing lack of evidence that they are really being listened to and heard by legislators, policy-makers and practitioners. Future research needs to develop co-productive participatory approaches, so as to create a meaningful body of literature on the rights of children who have experienced sexual victimisation, working with children to understand the journey ‘from victims to survivors’ and develop genuine and effective future child-centred policy and practice responses in both India and the UK.
4.0 The focus groups

4.1. Background and Introduction

Focus group discussions (FGDs) were employed to assess the implementation of policies and laws protecting child victims of sexual abuse in India and the UK.

Focus groups allow interviewers to study people in a more natural conversation pattern than typically occurs in a one-to-one interview. In combination with participant observation, they can be used for learning about groups and their patterns of interaction. An advantage is their fairly low cost compared to surveys, as one can get results relatively quickly and increase the sample size of a report by talking with several people at once. Another advantage is that they can be used as an occasion for participants to learn from one another as they exchange and build on one another's views, so that the participants can experience the research as an enriching encounter. This was considered pertinent in view of the sensitive nature of this research and its impact on the lives of victims.

4.2 Methodology

Focus group discussions in India were conducted in three cities and one town in an attempt to cover as much cultural diversity as possible. The sampling method used for the focus group discussions in India was in the form of multistage convenience sampling. The population in India according to the Census of India 2010-11 is 1.21 billion out of which 39% are children. This implies that the stakeholders of interest to this study constitute 78 million. Choosing a multistage approach, the researchers divided the country into four geographical regions and from each region stakeholders were interviewed in one main city in the region. Focus groups were conducted in Delhi in the North, Mumbai in the West and Chennai and Tirunelveli in the South. Due to some practical difficulties the Kolkata focus group could not take place. Pertinent questions that were decided based on the literature review were posed to the participants and responses recorded. The responses were then transcribed and analysed.

The UK Focus group discussions involved three focus groups with representative stakeholders and two interviews with relevant professionals with experience of working with child victims or young people, some of the professionals also having experience of working with perpetrators. The groups included representatives of both local and national organisations and agencies, including third sector organisations. The focus group discussions were guided by a set of outline questions for discussion, which were informed by a review of the UK literature and informal meetings with stakeholders including representatives of local and national statutory and non-statutory organisations, and individuals involved in child protection. The focus groups were recorded, transcribed, and then the content analysed and coded manually in order to identify key thematic findings.

4.3 Findings

The shared pattern of concerns identified by participants in the Indian Focus group discussions were the creation of awareness among children and parents, proper implementation of government child protection schemes and sensitization of the criminal
The core themes that evolved out of the UK Focus group discussions were education and awareness, the need for improved services, and concerns around the court system, concerns around young people’s vulnerability and the abuse of young males.

4.4 Analysis and Reflection on the Results

The focus group discussions uncovered some significant issues both common and unique to the countries. Common threads emerge in the issue of awareness, improvement of existing services that lend support to victims of child sexual abuse and sensitization of the criminal justice system. However beyond these themes the issues deviate towards different levels. While the UK has in place well established networks of victim support services India is still laying the foundations of such support. This fundamental difference may seem to imply that India can follow in UK footsteps however the paths of each country in terms of dealing with child sexual abuse are unique given the different socialization patterns and family systems in both countries.

4.5 Awareness and Education

Regarding awareness of sexual abuse most stakeholders in UK uniformly agreed that UK children were better aware than before. On the other hand Indian stakeholders were equally unanimous and could not stress enough the lack of awareness among Indian children and the urgent need to address the problem. In both countries however the stigma surround child sexual exploitation and the tendency to blame the child continue to exist. India harbours the issue on larger scale than UK. UK stakeholders were looking beyond simple awareness among children to increasing this awareness to children aged as young as five or six years. They also believed misconceptions surrounding child sexual exploitation and peer abuse were not sufficiently addressed.

UK stakeholders examined issues such as educating and treating sex offenders, potential offenders and providing avenues for change in their attitudes and thinking. The Indian stakeholders were more focussed on getting justice for the victims and plugging the loopholes in the criminal justice system that allowed the perpetrator to escape punishment.

One of the themes discussed by the UK stakeholders was the vulnerability of certain groups of children marginalised due to dysfunctional family or social circumstances and those in care facilities. Indian stakeholders also identified similar groups such as street children and those in care institutions. The responsibility of protecting such groups lay with professionals who worked with such groups. In India the stakeholders pointed out the failure of the state child support systems to do their job. They emphasised how mostly effective work was being done only by NGOs with the necessary professional expertise.

The UK stakeholders also discussed the fear of the unknown among children which caused them to withdraw their allegations after disclosure. The Indian counterparts felt disclosure and reporting itself was a huge hurdle to be crossed that did not have the necessary support required. UK stakeholders were concerned about the rigidity regarding provision of services up to the age of eighteen. They raised realistic concerns about how
young people continue to remain vulnerable in those age groups and require support. Both country stakeholders felt that family support was insufficient or did not exist in most cases of abuse within the family. UK participants identified a definite gap between the need and the processes and responses of the mental health services. It was perceived that mental health professionals lacked awareness of the inter-relationship between sexual abuse, exploitation and substance abuse.

4.6 Implementation and improvement of existing services

While UK stakeholders were concerned about improvements to the existing state sponsored as well as non-government services for victims, most Indian counterparts wanted the entire state mechanism of child protection to be revamped and made more effective. They raised serious concerns about the appointment of persons with lack of expertise in dealing with child victims as child protection officers or in-charge of care institutions. Lack of support from indifferent law enforcement officials was also an issue discussed. The Indian stakeholders felt awareness was acutely lacking in both the criminal justice system and the law enforcement.

4.7 Support from courts or the Criminal Justice System

UK focus group participants felt that their criminal justice system had improved over the last twenty years. It had shifted from being entirely offender-centred to more victim-centred. However, the process of justice continued to be adversarial and a traumatizing deterrent to victims giving evidence. The focus group discussions identified children as feeling that they were not consulted in relation to criminal justice processes, such as in relation to special measures in court proceedings, where assumptions were made as to what children would want, or would be in their best interests, rather than asking children what they would choose themselves. The Indian counterparts on the other hand were emphatic about the failure of the criminal justice system in terms of being child friendly and supportive. Instead child victims and their caregivers who had the courage to report and register their complaints routinely experienced secondary victimization within the justice system. This had become a major deterrent to victims and families from seeking justice in India. The criminal justice professionals themselves lacked the necessary awareness to understand the needs of child victims even more so in the case of sexual abuse. Research has indicated that while the UK justice system has made definite inroads of progress towards becoming more responsive to child victims, the India justice system had still a long way to go.

4.8 Areas of improvement

Focus group participants in both countries identified certain areas of improvement that could enhance the response of each country towards child sexual exploitation. Both country participants opined that training of professionals and networking between agencies supporting child victims could be improved. Most of the UK participants acknowledged the improvements in the country’s education and awareness programs,
police and justice system responses, victim support services for children and young people who are victims of sexual offences. The participants suggested extending the umbrella of education and awareness programs to potential perpetrators. Indian focus group participants suggested training and awareness programs for all criminal justice professionals including police officers. While UK participants recognized the importance of networking between agencies lending support and services to victims, they raised concerns that sometimes the victims may be overwhelmed by too many agencies. The Indian participants felt that networking was insufficient among the Indian agencies working to support child victims. Although the Integrated Child Protection Scheme of the Indian government envisaged a convergence of services for children, the implementation of the scheme is far from satisfactory. The participants identified the basic cause as the failure of the government to appoint trained and professionally qualified officials to oversee the operational implementation of the scheme at all levels.
5.0 The training modules

5.1 Background
At the project planning stage, funding was sought for a jointly-devised training/continuing professional development module to be delivered to police officers and other related criminal justice professionals. During the research, it became clear that whilst there is a need for police training in India, police in the UK already receive extensive training in responding to child victims, and to victims of sexual offences including children. This reflects the development of improved police responses to rape and sexual assault prompted by feminist campaigns during the 1970’s, and the commitment of police forces throughout the UK to responding effectively to child sexual abuse, and, more recently, child sexual exploitation. Analysis of the literature, informal stakeholder discussions, and the UK focus groups identified that the most significant need to training in the UK relates to child sexual exploitation. Initiatives in Rochdale and Oxford, which have developed in the wake of high-profile police operations and prosecutions for organised sexual exploitation, have sought to up-skill those people who may encounter victims of CSE, but who may not know the signs, or know how to act if they have concerns.

5.2 The UK Training Module – ‘Eyes & Ears’
With this in mind, the UK team devised a CSE awareness module, entitled ‘Eyes and Ears’, which is designed to be used to train individuals and organisations who work in occupations or settings in which they may encounter children and young people who are experiencing Child Sexual Exploitation (CSE), or at risk of CSE. In particular, these materials are aimed at people working in the food retail, hospitality and transport sectors, especially in the night-time economy, including those managing and working in licensed premises (pubs, bars and clubs); bed and breakfasts/guest houses/hotels; food outlets (especially cafes and takeaways open late at night); taxi and minicab services, and bus and train workers. People working in these settings can be useful ‘eyes and ears’ and play a key role in helping to alert relevant authorities, and protect children and young people. The training pack contains materials for trainers and participants, including PowerPoint slides, links to the project video film, fictional scenarios for discussion, and a ‘Useful Contacts’ sheet for participants to take away. The workshop is based on 2½ hours contact time, plus 2 fifteen-minute refreshment breaks between the three parts. The workshop activities can be adjusted according to the number of participants. The pedagogical focus of the module is on discussion and understanding.

After completing this training participants will be able to:

- Display an understanding of the nature and scope of child sexual exploitation and how they may encounter it
- Identify the key signs and indicators that a child or young person may be being exploited sexually
- Respond appropriately to a young person who discloses that they are experiencing CSE
- Take action if they know or suspect a child or young person is being exploited sexually
The project, while initially based on face-to-face delivery, can also be delivered online. Interest in delivering the module has been expressed by local NGO’s and agencies working with vulnerable children and young people.

5.3 The Indian Training Module – ‘Empower our Protectors’

The CSA awareness training module devised by the Indian team is directed at frontline professionals. Given the acute lack of awareness among stakeholders it is of utmost importance to train the frontline professionals on effective ways of dealing with victims of CSA. The module aims to train police officers making them aware of the seven critical needs of victims- safety, support, information, access, continuity, voice and justice. As first responders to a vast array of human events, police officers are the gateway to safety, support, information, and justice for victims of crime. The training module presents general victim-focused information, concepts, principles, and approaches. In order to adequately meet the needs of victims, it is important for them to understand the needs and key elements of a successful victim response. The training module will be offered through police training institutes in the country. It will consist of a one day workshop with two sessions. During one of the sessions the film on CSA prepared by the Indian team ‘No more secrets, no more silence’ will be screened. Pamphlets on CSA will be provided to all participants for future reference.

At the end of the workshop the police officers should be able to provide:

- **Safety**: to the Victims to protect them from re-victimization and educated on how to decrease the likelihood of re-victimization without making them feel responsible for the incident.
- **Support**: current and accurate referral information about available victim services.
- **Information**: to victims about their rights, the resources available to them, and keep victims apprised of the status of their investigation.
- **Access**: Information in the local language and formats that are easily understood.
- **Continuity**: Collaborate with NGOs and criminal justice professionals as necessary to ensure that victims receive consistent information and support throughout their involvement with the justice system.
- **Voice**: empower victims by encouraging them to ask questions and listening to their concerns.
- **Justice**: Victims need to feel that the police are doing the best they can for them, working in victims’ best interests, and holding offenders accountable.
6.0 Recommendations

The concept of ‘victims’ undertaking a journey to become ‘survivors’ of sexual offences has provided an underpinning framework for the research. This journey is not one, focused route along a straight path; rather, for many victims, the process of becoming ‘survivors’ entails experiences akin to traffic jams, diversions, road blockages, and getting lost. Some victims never reach the end destination, or, when they think they have reached it, find that they have not made as much progress as they thought. Towards the end of the project, the project teams explored an idea of ‘resolution’ for victims, as a goal: this may include criminal justice system responses, but may not, and the nature of this ‘resolution’ may vary from individual to individual.

6.1 Recommendations for the UK

The situation in the UK for child victims of sexual offences differs significantly from the situation of child victims of sexual offences in India. In the UK, the police were challenged in the 1970s over their responses to rape and domestic violence allegations made by adult women, and this in turn has led to a much higher level awareness of child sexual abuse (CSA) and, more recently, CSE. UK policies and practices, whilst far from perfect, have developed immeasurably over the last thirty to forty years. In relation to CSA, CSA, and internet-based offences, policing in many UK forces has shifted away from purely reactive policing based on victim disclosure, to proactive policing involving undercover operations, cyber-surveillance, and international operations in which UK police work with European forces, the FBI, and police in other jurisdictions, to entrap, prosecute and convict organised groups of people who abuse children sexually, not just in the UK but around the world.

6.1.1 Evaluation and Evidence-based policy and practice

Alongside this has come a plethora of initiatives developed by charities, social work child protection departments, educational departments, and campaigners. One of the core themes which emerged from the UK focus groups in this research was the sheer scale and number of initiatives and programmes which exist. However, many of these are either not evaluated systematically in terms of impact, or are only evaluated to a limited extent, or over a short follow-up time. Thus the first recommendation for the UK is that all projects and programmes should have some element of evaluation of effectiveness and impact built in from the outset. There are straightforward, ‘out of the box’ solutions which organisations can adopt, with limited input from professional researchers, so if cost is an issue providers may still be able to assess, evaluate and demonstrate effectiveness. This is essential in order to justify future funding, especially in the context of the ‘Austerity Agenda’ and uncertainties over the relationship between the UK and the European Union, which has provided funding for security, welfare and social projects for many years. The focus should be, therefore, not on ‘doing lots of things’ but on doing the right things.’

6.1.2 Children’s Participation

Alongside this, children’s own views have often gone unheard. Research and programmes have tended to assume what is good for children without engaging children themselves. Research on children and young people’s participation has shown however,
that young children may be able to play an active role in research and policy formation, and therefore policies and practices should be designed with children contributing as active and valued co-producers.

6.1.3 Holistic Responses to Sexual Offences
Much of the focus of campaigns and education around CSA and CSE have prioritised criminal justice system-based responses, where children and young people are encouraged to recognise, disclose and report offences to the police. However, although a robust legal and criminal justice system response to sexual offending is essential, it may not meet the needs of victims. Particular problems arise where cases are dropped by the police or CPS due to lack of evidence, where children and young people may then feel that they have not been believed. Similarly, where it has not been possible to identify, arrest, charge or try a suspect, as happens where a perpetrator has died, for example, or is too elderly or ill to be fit to plead, then children and young people may feel that they have not received any kind of legal recognition of their victimisation. With this in mind, further research is needed to explore complementary approaches, such as forms of restorative justice and restorative practices.

6.2. Recommendations for India

6.2.1 Awareness for Prevention
The literature survey in this study revealed the lack of awareness in stakeholders and the children about what constitutes child sexual abuse. Creating awareness about rights of children is required to break the perceptions and expectations of unconditional obedience from children. The awareness campaign must penetrate through the rigid confines of patriarchy and gender bias that surround the Indian family structure. A better understanding of sexuality and sex needs to be imparted at the grassroots level. The educational system has to be revamped to provide sex education in a more effective way. It is only when the silence around the abuse is broken can prevention of CSA happen in any form in India.

6.2.2. Awareness to deal with the Aftermath of CSA Incidents
Research has indicated, and focus group participants also stressed, how child victims of sexual abuse in India undergo secondary victimization at the hands of the criminal justice system, support services and the society. The need of the hour is to stop this victimization. Hence frontline professionals require to be made aware of the needs of child victims of sexual abuse. This study provides a specific training module addressing this need for the frontline professionals.

6.2.3. Awareness about the Rehabilitative Process
Among the concerns voiced during focus group discussions was the elusiveness of victims in terms of follow up toward rehabilitation. Many a time the caregivers chose not to bring back the child for follow up sessions. Victims’ families did not have sufficient awareness that the process of recovery can be painstakingly slow and gradual and may take weeks or months or even years depending upon the extent of abuse. Hence this is an important gap which needs to be taken care of. Regular awareness programs via social media maybe required to educate stakeholders on the importance of rehabilitating CSA victims.
6.2.4 Victim Support Services
Victims in India do not have access to victim support services as available to their western counterparts. This research study should give impetus to the Indian government to improve the implementation of existing child protection schemes. The system and structure exist but it simply does not work the way it is supposed to. Perhaps the government can partner with NGOs who are already doing important work in providing support to child victims and establish a more effective network of support for child victims of sexual abuse.
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