

The last child first

From driverless cars to smart speakers, ieDecode demystifies new technology

As people across India protest the brutal rape-and-murder of an eight-year old in Kathua, we need to ask how the crisis may be transformed into a new beginning of honest critique and wide-ranging social change. Respect for children, and women, must be the leitmotif; especially honouring those who are tribal, Dalit, minority, and/or poor. The margins must move centrestage, reorienting all our priorities. Children and women ought to come first, in every decision, plan and policy, in families, boardrooms, and development paradigms. The last child has to become our first concern. Entrenched hierarchies must be overturned.

We know that sexual violence is part of the entire structure of power. Patriarchal families — embedded within intricate webs of caste, class, communal, ethnic, sexual identity and other hierarchies — are inherently undemocratic. Unquestioning obedience is expected from youngsters, silent submission from women, unwarranted space and privilege is usurped by men. Children, routinely scolded, punished, humiliated, bullied, learn shame and fear. Individual rights, the core of democracy, are flouted daily. Sexual abuse and rape are just the next logical step.

A child required to eat less, study less, talk less, work more from the earliest age onward, is vulnerable, her self-esteem low, defences lax. We need to intervene to ensure respect for her basic rights, fulfilment of basic needs, socialisation and education that builds self-confidence and skills for self-assertion. She has an inalienable right to safety, requiring systematic inputs by schools, communities, health services, police, and law. Child rights' and women's organisations have the requisite expertise to support, and lead, this effort.

Rape and child sexual abuse (CSA), far from being the "rarest of rare" crimes, are possibly the commonest of common. Indian courts heard 64,138 child rape cases during 2016 under the Protection of Children from Sexual Offences Act, 2012 (POSCO). A study across socio-economic groups found that 42 per cent children had been subjected to CSA, 15 per cent severely abused. A nation-wide Study on Child Abuse (Ministry of Women and Child Development, 2007) indicates that some 53 per cent children have faced CSA.

In 2012, the television programme Satyameva Jayate aired an episode on CSA; 1.49 million viewers responded — an outpouring of pain. Survivor testimonies, published as a booklet, Chuppi Todo, revealed that the abusers were: The victim's father (14 per cent); uncle (33 per cent); grandfather (3 per cent); brother (3 per cent); cousin (14 per cent); teacher (10 per cent); neighbour (14 per cent); domestic help/caretaker (4 per cent); religious leader (2 per cent); acquaintance (2 per cent); stranger (1 per cent). For three-fourth survivors, abuse began at less than 10 years of age.

Justice for the Kathua victim means justice for each child victim/survivor. Even as we demand justice for her, and Unnao's 16-year old survivor, allegedly raped by BJP MLA Kuldeep Sengar, newspapers report cases of rape and CSA from across the country.

On May 1, the Supreme Court (SC) expressed shock at finding that 1,12,628 cases under POCSO are pending before trial courts across the country. It had earlier noted that "implementation of POCSO is in a shambles". Despite the sheer volume as well as routine brutality of rape and CSA cases, justice remains elusive. Perpetrators enjoy impunity.

Data from the NFHS-2015-16 (National Family Health Survey) indicates that 99 per cent sexual violence cases are not reported by women survivors. Overwhelmingly, the perpetrator is her

husband. Among reasons for not reporting are low conviction rates, and lack of trust in the police.

In her classic work *Against Our Will: Men, Women and Rape*, Susan Brownmiller notes: “All rape is exercise in power, but some rapists have an edge that is more than physical. They operate within an institutionalised setting that works to their advantage and in which a victim has little chance to redress her grievance.”

The women’s movement and civil liberties groups first brought rape into the public domain, determined to fight it, to end all violence against women and children. Their concerns intersect with Dalit, Adivasi, LGBTQ, and disability rights movements.

In 1978, Rameeza Bee was gang-raped by policemen in Hyderabad; Mathura, a 16-year old tribal, was gang-raped by policemen within a police station in Maharashtra. In 1992, upper-caste men raped social-worker Bhanwari Devi (Rajasthan). A slew of such cases became the focus of intense public debate, and led to improved law — the notion of “custodial rape” was introduced; previous sexual history of the victim deemed irrelevant; definition of rape broadened; a law on sexual harassment in the workplace enacted (finally, in 2013).

The culture of impunity is reinforced by laws like the Armed Forces Special Powers Act, which enable atrocities by security forces. In Manipur, 12 activists (Meira Paibis) stripped, holding a banner screaming: “Indian Army, Rape Us!” Their action, along with Irom Sharmila’s long fast, shamed the government into initiating judicial trial of Thangjam’s case.

The Delhi 2012 gangrape and murder sparked off spontaneous protests across the country. The Varma Committee, set up thereafter, recommended police reforms — statutory procedures for managing sexual offence cases, including Rape Crisis Cells, criminalisation of marital rape, disqualification of politicians with criminal records, repeal of laws like AFSPA, and educational reforms including education of adults, gender-free socialisation, and sexuality education.

The SC (responding to a PIL pursuing justice for CSA victims, particularly an eight-month-old raped by her 28-year old cousin Delhi, January 2018) has issued directives that police chiefs should constitute Special Task Forces to investigate POCSO cases, high courts must ensure fast-track trials by designated Special Courts, and ensure a “child-friendly atmosphere”. These directives for speedy probe and trials merely rehash what POCSO already enjoins. The Union cabinet’s ordinance instituting death penalty for those convicted of raping under-12-year-olds is misconceived. It fails to understand the social foundations of rape, and undermines human rights and women’s movement struggles for a violence-free world.

POCSO requires that police, doctors, judges, lawyers and prosecutors be educated to understand, and deliver justice to, child survivors. Survivors require justice and rehabilitation. Trauma may last forever. The organisation RAHI (Relief and Healing from Incest) has its hands full supporting the healing journeys of adult survivors of child abuse.

In Sakhi Kendra, Kanpur, I meet a 19-year, who, as a child, was sexually assaulted by her father. Sakhi Kendra provided her shelter and filed for justice. The nine-year old had won the case and was assigned to a government childcare institution but insisted on staying on at Sakhi Kendra’s shelter home. With empathy and care, her wounds healed, she studied, and is today full of positive energy, rearing to transform society.

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