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CULTURAL STIGMA AND POCSO: BARRIER TO REPORTING AND JUSTICE

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ABSTRACT

The protection of children from sexual offences (POCSO) Act 2012, modified into enacted to address the alarming prevalence of little one sexual abuse (CSA) in India. While the Act offers a sturdy prison framework for the safety of children, cultural stigma maintains to pose a giant barrier to the reporting of offences and the notion of justice. This paper explores how entrenched social taboos, very own family honor, gender norms, and victim – blaming attitudes keep away from the implementation of POCSO. Through prison analysis, case studies, and sociological insights, the paper considerably evaluates the distance among regulation and society, presenting recommendations to conquer those challenges.

INTRODUCTION

Sexual harassment and abuse of youngsters is a worldwide issue, with full-size incidence in India, specially amongst underprivileged groups. The POCSO Act turned into enacted to offer complete felony safety to youngsters below the age of 18, aiming to slash sexual offences and make sure fair justice. However, marginalized youngsters, specially form rural, tribal, and economically deprived areas, stumble upon severe obstacles that hinder their get right of entry to felony safety and justice. The Protection Of Children From Sexual Offences (POCSO) Act, delivered in 2012, turned into a landmark regulations in India geared toward addressing the developing subject of sexual abuse towards youngsters. However, notwithstanding with its progressive framework, full-size obstacles ton justice remain, specially for underprivileged youngsters, who frequently lack get right of entry to felony representation, face compounded vulnerabilities because of socio-monitory factors, cultural stigma, lack of understanding of their rights. In many instances, households from marginalized groups are hesitant to report incidents of abuse because of worry of social stress from perpetrator, who are frequently in position of power, In 2015, the National Crime Records Bureau (NCRB) suggested an alarming growth in instances under the POCSO Act, but the conviction prices remained disproportionately low. The intersection of poverty and strength dynamics leaves those sufferers in a precarious function in which justice turns into more difficult to attain. Moreover,

the confined cognizance of POCSO's provisions amongst underprivileged groups and insufficient aid structures such as counseling and rehabilitation for sufferers, in addition complicate their get admission to justice. This research seeks to take a look at those barriers, examine the efficacy of the POCSO Act in protecting the inclined youngsters, and propose systemic reform to make sure that the rights of underprivileged youngsters are upheld in instances of sexual harassment.

1. OVERVIEW OF THE POCSO ACT ,2012:

The Protection Of Children From Sexual Offences (POCSO) Act, enacted in 2012, serves as a cornerstone in shielding youngsters toward sexual crimes. It lays down stringent provisions for dealing with offences regarding youngsters and maintain little one-excellent tactics in the course of studies and trial. According to Nair & Sen (2015), the POCSO Act completed a critical characteristic in heightening popularity about sexual offences towards youngsters. Their studies, however, highlights that the implementation of the Act has now not been uniform, mainly in rural and marginalized communities, in which popularity of little one protection felony suggestions remains limited. They concluded that even as the law itself is sound, its fulfilment is predicated upon intently on good enough crook support, police training, and public popularity, which is probably lacking of plenty of regions. The POCSO Act criminalizes a huge variety of sexual offences in opposition to children, consisting of penetrative and non-penetrative sexual assault, sexual harassment, and pornography.

KEY FEATURES OF POSCO ACT INCLUDES:

Gender neutral provisions.

Establishment of special courts for quick trial.

Mandatory reporting through people and institutions.

Child-friendly procedure for recording statements and evidence.

Despite its comprehensive scope, POCSO's fulfillment is contingent at the willingness of victims, families, and society to file abuse and searching for justice ---a manner regularly stifled through stigma.

2. UNDERSTANDING CULTURAL STIGMA WITHINSIDE THE CONTEXT OF CSA:

(A) The notion of ‘family honor’ and silence-

In many Indian families, specifically in conservative and rural settings, sexual abuse is considered now no longer as a crime, however as a dishonor to the own circle of relative’s reputation. Reporting such offences is frequently visible as bringing disgrace upon the sufferer and the own circle of relatives, main to social ostracism. This cultural preoccupation with honor silences sufferers and permits perpetrators- frequently own circle of relatives contributors or relied on adults.

(B) Patriarchal norms and gender roles-

Patriarchal conditioning perpetuates dangerous stereotypes, inclusive of girl being the custodians of familiar honor and boys being proof against victimhood. Consequently: female sufferer are frequently blamed for “inviting” abuse. Male sufferers face ridicule or disbelief deterring them from disclosure. Family prioritize marriage possibilities over justice, specifically for girls.

(C) Taboos around sexuality and lack of awareness-

Sexuality is a taboo subject matter in maximum Indian families and schools. Children are hardly ever taught ton understand beside the point contact or empowered to talk up. This ignorance, compounded with the aid of using worry and confusion, prevents well timed repring.

3. BARRIER TO REPORTING UNDER POCSO:

(A) Fear of reprisal and social isolation-

Victim and their households frequently worry backlash from the community, specifically in close-knit rural settings. Cases regarding effective perpetrators- instructors, relatives, or nearby leaders – similarly discourage reporting because of worry of retaliation.

(B) Secondary victimization through authorities-

Despite the Act’s child-pleasant procedure, sufferer frequently face opposed police behavior, repeated questioning, and a loss of sensitivity. This secondary victimization discourages others from coming forward.

(C) Inadequate support system-

There is a dearth of an educated counselors, guide persons, and rehabilitations mechanisms, in particular in rural areas. Victims are frequently left to address trauma alone, deterring others from reporting comparable abuse.

(D) MISUSE OF MANDATORY REPORTING-

Mandatory reporting u/s 19 of POCSO Act calls for any man or woman privy to abuse to report it. While well-intentioned, that has had accidental consequences:

Health experts and instructor fear criminal entanglement.

Adolescents in consequential relationship face criminalization, which discourages looking for clinical or criminal help.

4. CASE STUDIES AND EMPIRICAL EVIDENCE:

(A) Delhi High Court Case (2017)-

In this case, a 13 year old girl was raped by her uncle over numerous months. Her father and mother decided to not to file a case against the accused (her uncle) just because of the fear of societal stigma or community backlash. But when the girl become pregnant the matter came into the light. The courtroom docket criticized the parents for delaying the matter, however it additionally highlighted how the stigma can override the legal obligations.

(B) Childline India foundation data-

According to Childline India Foundation data, it specify that child sexual abuse is very remarkable issue. Scrutiny of 8,000 sexual abuse cases reveal that 35% of sexual abuse were committed by neighbors, 25% committed by strangers, and 11% committed by family members. Data also revealed that 86% of the survivor of sexual abuse were girls. Yet more than 35% of the families denied to pursue any legal actions just because of fear of social stigma, shame and retaliation.

(C) NCRB Data-

National Crime Records Bureau records imply that at the same time as pronounced cases beneath POCSO have increased over 1.7 lakh cases between 2012 - 2022, thus this means that awareness among people is increasing day by day rather than decrease in cultural barriers. But the conviction rate of accused remain low (30-35%) this is due to hostile witness and retraction of statements.

5. INTERSECTIONAL IMPACT: CLASS, CASTE AND DISABILITY:

(A) Caste and marginalization-

Dalits or tribal children face double appearance-based discrimination. When they are sufferer of abuse, the intersection of caste – primarily based totally prejudice and stigma regularly results in their lawsuits being unnoticed or poorly investigated.

(B) Children with disability –

Protection Of Children From Sexual Offences Act 2012 mandates a unique procedure for the children with disability, however, their implementation is weak. Such children are at higher rate of risk to abuse and they are not even able to talk or communicate their trauma, making stigma even more impenetrable.

6. ROLE OF ISTITUTIONS:

(A) Police and judiciary-

Judiciary plays a very important role in protecting the abuse from sexual abuse by proving the training and education on child psychology and gender sensitivity. Victims frequently face intimidating environments and procedural delays.

(B) Schools-

Schools are important in preventing and reporting. However, because of the stigma related to sex education and fear of counterblast, many of the schools avoid to implementing panoramic child protection policies.

(C) Media-

While media perform a very crucial function in awareness, sensational reporting, however sometimes it often violates the confidentiality of victims, which results in bearing the societal stigma by the victim's family.

7. RECOMMENDATIONS:

(A) Community awareness and engagement-

- * Grassroots campaigns need to undertaking dangerous norms and promote talk on children sexual abuse.
- * Involvement of non secular and community leaders can assist lessen stigma.

(B) Comprehensive sex education-

- * Must implement different procedures for children of appropriate age to education them about the sex abusing which helps the children to recognize the abuse.
- * Focus on physical autonomy, consent and secure and safe touch.

(C) Victim – centric legal procedures-

- * Must ensure child pleasant infrastructure in courts and police station.
- * Locate trained and educated child psychologists and help persons at each steps.

(D) Strengthening support system-

- * Expand get entry to counseling and rehabilitation services, particularly in rural areas.
- * Encourage NGO partnerships for awareness and support.

(E) Legal reforms-

- * Revisit the software of obligatory reporting in consensual adolescent relationships.
- * Introduce provisions for network – primarily based totally restorative justice in suitable cases.

CONCLUSION

The Protection Of Children From Sexual Offences Act 2012, marks a important legislative in protecting the children from sexual offences. This study take a look at highlights the systemic, socio – economic and procedural demanding situations that hinder get entry to justice for inclined children. Delays in courtroom docket proceedings, insufficient forensic evidence, and shortage of mental guide have been located to be key barriers. Socio financial demanding situations including monetary constraints and social stigma similarly compound the problems confronted through sufferers and their families, frequently main to case withdrawal or compromised testimonies. A holistic approach regarding criminal reform, network sensitization, and systemic support – is vital to dismantling boundaries to reporting and making sure that each child gets justice, care, and dignity.

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