

Rehabilitation Working Group –Toolkit

Rehabilitation Definitions:

- **Version 1**

For victims of CSA, rehabilitation is a **process of empowering to build** physical and psychological resilience and competence that facilitates social, cultural, economic and political reintegration and recovery, despite childhood experiences of trauma, abuse and violence.

- **Version 2**

For victims of CSA, rehabilitation is a process **of empowerment that results in** physical and psychological resilience and competence that facilitates social, cultural, economic and political reintegration and recovery, despite childhood experiences of trauma, abuse and violence.

- **Version 3**

For victims of CSA, rehabilitation is a process of empowerment that results in physical and psychological resilience and competence that facilitates social, cultural, economic and political recovery **and reintegration into society.**

Rehabilitation in POCSO:

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33 Procedure and Powers of Special Court

(8) In appropriate cases, the special court may, in addition to the punishment, direct payment of such compensation, as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

POCSO Rules:

7 Compensation:

a) The special court may, in appropriate cases, on its own or on an application filed by or on behalf of the child, pass an order for interim compensation to meet the immediate needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.

C) There the special court, under sub-section(8) of section 33 of the Act read with sub-section(2) and (3) of section 357-A of the code of Criminal Procedure, makes a direction for the award of compensation to the victim, it shall take into account all relevant factors relating to the loss or injury caused to the victim, including the following:

xi) Financial condition of the child against whom the offence has been committed so as to determine his need for rehabilitation;

d) The compensation awarded by the special court is to be paid by the State Government from the victim compensation fund or other scheme or fund established by it for the purposes of compensating and rehabilitating victims under section 357-A of the Code of Criminal Procedure or any other laws for the time being in force, or, where such fund or scheme does not exist, by the State Government

Template- Under Supervision Order

Date:

To,

Probation Officer/Case Worker/ Person-in-charge of Voluntary
Organization/District Child Protection Unit Representative,

Name of the person:

Organization:

Whereas information under Sub-section 1 of Section 19 of the Protection Of
Children from Sexual Offences Act 2012, has been received from
_____(name of the Police Station) in respect of
_____(name of the Child) son/daughter/ward of
_____ residing at _____.

The custody of the above mentioned child has been given to
_____ who is the parent/guardian/fit person.

We hereby order placing of the above said child under supervision of
_____ (Name of the organization) under **Rule (7) Sub-
section (11)** of the Juvenile Justice Care & Protection Act 2000.

You are hereby ordered to submit a detailed monthly/quarterly progress report of the child to this Child Welfare Committee.

We hereby ask you to produce the said child in front of the Child Welfare Committee along with the reports.

We have enclosed herewith the copy of the bond that has been signed by the parent/guardian/fit person. You are to help the child and the family in compliance with the undertaking mentioned in the bond.

(Signature) Child

Welfare Committee Member

(Signature) Child Welfare Committee

Member

Template: Appointment of Support Person

Date:

To,

Name of the person:

Organization:

As per rules, section 4 sub-Section (7) of the Protection Of Children from Sexual Offences Act, 2012 _____ has been appointed as a support person/support organisation for child

_____ (name of the child) son/daughter/ward of _____ residing at _____ (in case the child is in a child care institution) currently living at _____

You are hereby requested to submit a monthly/quarterly progress/update report of the above mentioned child.

(Signature) Child Welfare Committee

Member

(Signature) Child Welfare Committee

Member

Template- Order for Police

Date:

To,

The Investigating Officer,

_____ (Name of Police Station)

As per rules, section 4 sub-Section (7) of the Protection Of Children from Sexual Offences Act, 2012 _____ has been appointed as a support person/support organisation for child _____(name of the child) son/daughter/ward of _____ residing at _____ (in case the child is in a child care institution) currently living at _____.

You are directed to inform about the above mentioned support person/support organization to the Special Court in writing as per rules, section 4 sub-Section (9) of the Protection Of Children from Sexual Offences Act, 2012

_____ (Name of the Police Station) is directed to hereby inform the developments, including arrest of the accused, applications filed and other court proceedings to the above mentioned support person/support organization as per rules, section 4 sub-Section (11) of the Protection Of Children from Sexual Offences Act, 2012

(Signature) Child Welfare Committee

Member

(Signature) Child Welfare Committee

Member

Support Person in POCSO

Rules 2 Definitions

f) “Support Person” means a person assigned by a Child Welfare Committee, in accordance with sub-rule (8) of Rule 4, to render assistance to the child through the process of **Investigation and trial** or any other assisting the child in the **pre-trial or trial** process in respect of an offence under the Act.

Rules 4 Care and Protection:

Sub rule 7 :

The CWC, on receiving a report under sub-section (6) of Section 19 of the Act or on the basis of its assessment under sub-rule (5), and with the consent of the child and his parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child through the process of **investigation and trial**. Such support person may be a person or organization working in the field of child rights or child protection, or an official of a children’s home or shelter home having custody of the child, or a person employed by the DCPU:

Sub rule 8:

The support person shall at all times maintain the confidentiality of all information pertaining to the child to which he has access. He shall keep the child and his parent or guardian or other person in whom the child has trust and confidence, informed as to the proceedings of the case, including available assistance, judicial procedures, and potential outcomes. He shall also inform the child of the role he may play in the judicial process and ensure that any concerns that the child may have, regarding his safety in relation to the accused and the manner in which he would like to provide his testimony, are conveyed to the relevant authorities.

Sub rule 9:

Where a support person has been provided to the child, the SJPU to the local police shall, within 24 hours of making such assignment, inform the Special Court in writing

Sub rule 10:

The services of the support person may be terminated by the CWC upon the request by the child and his parents or guardian or person in whom the child has trust and confidence, and the child requesting the termination shall not be required to assign any reason for such request. The Special Court shall be given in writing such information.

Sub rule 11

It shall be the responsibility of the SJPU, or the local police to keep the child and his parent or guardian or other person in whom the child has trust and confidence, and where a support person has been assigned, such person, informed about the developments, including the arrest of the accused, applications filed and other court proceedings.

Sub rule (12)

The information to be provided by the SJPU, local police, or support person, to the child and his parents or guardian or other person in whom the child has trust and confidence, includes but is not limited to the following: (i) the availability of public and private emergency and crisis services. (ii) the procedural steps involved in a criminal prosecution; (iii) the availability of victims' compensation benefits; (iv) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation; (v) the arrest of a suspected offender; (vi) the filing of charges against a suspected offender; (vii) the schedule of court proceedings that the child is either required to attend or is entitled to attend; (viii) the bail, released or detention status of an offender or suspected offender; (ix) the rendering of a verdict after trial; and (x) the sentence imposed on an offender

Tips to Interact with Children for the CWC:

Interviewing child victims of sexual abuse Health workers responsible for investigative interviewing of children in cases of alleged sexual abuse may find it useful to bear in mind the following: (Based on WHO and UNICEF guidelines)

- All children should be approached with extreme sensitivity and their vulnerability recognized and understood. Attempt to see things from the child survivor's point of view and sharing that understanding with the child survivor. Empathy can be communicated through verbal and non-verbal communication.
- Negative, angry, accusatory reactions can further traumatize and harm a child who has

disclosed sexual abuse, whereas a calm, affirming and supportive reaction can foster a child's feeling of safety and acceptance—both of which help the process of recovery and healing.

- Try to establish a neutral environment and rapport with the child before beginning the interview.
- When gathering history directly from the child it may be worth starting with a number of general, non-threatening questions, for example, “What grade are you in at school?” and “How many brothers and sisters do you have?”, before moving on to cover the potentially more distressing issues.
- Try to establish the child's developmental level in order to understand any limitations as well as appropriate interactions. It is important to realize that young children have little or no concept of numbers or time, and that they may use terminology differently to adults making interpretation of questions and answers a sensitive matter.

- Always identify yourself as a helping person.
- Ask the child if he/she knows why they have come to see you.
- Establish ground rules for the interview, including permission for the child to say he/she doesn't know, permission to correct the interviewer, and the difference between truth and lies.
- Ask the child to describe what happened, or is happening, to them in their own words.
- Always begin with open-ended questions. Avoid the use of leading questions and use direct questioning only when open-ended questioning/free narrative has been exhausted. Structured interviewing protocols can reduce interviewer bias and preserve objectivity.
- When planning investigative strategies, consider other children (boys as well as girls) that may have had contact with the alleged perpetrator. For example, there may be an indication to examine the child's siblings. Also consider interviewing the caretaker of the child, without the child present.

Give Healing statements box shown in the UNICEF manual on page 63

Pages 60 – the entire chapter gives very practical tips on communicating with victims.

Bibliography:

http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf

http://www.unicef.org/pacificislands/IRC_CCSGuide_FullGuide_lowres.pdf

Template: HIR Order

Date:

To,

Probation Officer/Case Worker/ Person-in-charge of Voluntary
Organization/District Child Protection Unit Representative,

Name of the person:

Organization:

Whereas information under Sub-section 1 of Section 19 of the Protection Of Children
from Sexual Offences Act 2012, has been received from

_____ (name of the Police Station) in respect of
_____ (name of the Child) son/daughter/ward of
_____ residing at _____.

We hereby order you under Rule (4) Sub-section (4) of the Protection Of Children
from Sexual Offences Act 2012 to conduct a detailed home study/social
investigation/social inquiry of the above-mentioned child. You are expected to submit
the report of the inquiry by _____.

(Signature) Child Welfare Committee

Member

(Signature) Child Welfare Committee

Member

HIR Formats

International Justice Mission:

HOME INQUIRY REPORT

IMPORTANT NOTE:

1. A HIR must be prepared on the letter of the organization / social worker / any other professional who has been assigned the task of conducting the home inquiry.
2. If the HIR is not the final one and another visit is required, please put the heading of the document as “ INTERIM HOME INQUIRY REPORT” instead of “HOME INQUIRY REPORT”
3. The HIR and the supportive documents sent by the agency conducting the home inquiry must be duly authorized by a representative of that agency.
4. Make a HIR as detailed as possible. If you have interviewed someone for whom a contact number is available, please mention it in the report.
5. The person conducting the HIR should be sensitive about sharing confidential information about the victim to victim’s family or community members while conducting the HIR.
6. Social worker must maintain confidentiality and neutrality when gathering information.
7. For the safety of the social worker, they must carry a court order or a letter authenticating them to do the Home Inquiry.
8. Social worker must carry valid identification papers while conducting the HIR.
9. Social worker must inform the local police station before approaching the family/village.

10. If necessary, take the help of a local NGO to assist with the Inquiry process.

INTERIM/FINAL - HOME INQUIRY REPORT

(Confidential and not for circulation)

Report to be Submitted to

—

Case No.

In the Matter of

Concern Police Station/Institute/Agency (Rescued)

Profile No. _____ **[(ID No. given at institution(if any))** **Date of Admission :** _____

Rescued / Charged U/s. _____ of ITPA/JJ
Act or other Act.

Details of Agency/NGO/Police Station/Individual doing the HIR:

HIR Team:

HIR
Date/Time:

HIR
Location:

Rescue
Date:

Rescue
Location:

Victim
Name:
(include
alias)

Age:

*Include any comments on
age:*

Languages
Known:

Religion:

Address and
Information:

Address 1:

Address 2:

Brief case narrative/ account/ history:

Background information (including education) and relevant comments from the victim:

Education: Certificate, highest Standard completed, etc.:

<p>Family Information:</p> <ul style="list-style-type: none"> - Name -Occupation -Salary -Education -Contact details -Other <p><i>-Disrupted Family life(separation, step father/ mother/ single parent etc)</i></p> <p><i>-Financial issues(lack of job, debt etc)</i></p>	<p><i>(Father)</i></p>	
	<p><i>(Mother)</i></p>	
<p>Any statements made by family members during visit.</p>	<p><i>(Siblings)</i></p>	
	<p><i>(Husband, children, other relevant persons)</i></p>	

<p>Protective Factors:</p> <p><i>-Family Strengths</i></p>		
<p>Risk Factors:</p> <p><i>-Disrupted Family life(separation,step father/ mother/ single parent etc)</i></p> <p><i>-Domestic Violence</i></p> <p><i>-Physical Abuse</i></p> <p><i>-Substance Abuse</i></p> <p><i>-Family Illnesses(including mental health issues)</i></p> <p><i>-Current Stressors</i></p> <p><i>-Any others</i></p>	<p><i>In POCSO cases, a lot depends on who the perpetrator is. If it's case of incest, then the child falls in the high risk category. Access to the child by perpetrator needs to be examined.</i></p>	
<p>Quality of victim's relationship with family:</p>	<p><i>(If applicable) Family's willingness to accept victim. Future plan for the victim as per the family. Does the family perceive victim as trouble or benefit to home?</i></p> <p><i>Another factor that is significant is whether child has attempted to run away from the home/</i></p>	

	<i>or siblings are missing/ or attempted to run away.</i>	
Dependence on prostitution:	<i>(If applicable) Include instances of money sent home, proportion to family income of amount sent home:</i>	
Circumstances of victim leaving/being trafficked:	<i>(As applicable) Describe family awareness of prior prostitution / Reaction upon departure (search, contact, complaint):</i>	
Circumstances of how the abuse was discovered and dealt with	<i>(As applicable) List date victim left home, circumstances and means of leaving home, and instances of contact with family after arriving in city:</i>	

Home Information:	<i>Are they land/home owners? Renters? How much is cost per month? Total family income? Ability of family to provide for victim?</i>
	<i>Describe conditions surrounding home (attach any photographs):</i>
	<i>Describe conditions inside home (attach any photographs):</i>

Document Verification:	<i>List any available school records, village panchayat certificates, ration cards, voter ID cards, birth certificates, pan cards, or photographs of the victim. Also, include the date of the document and the age listed on the document. If available, list ID documents for family members as well. Attach copies of any documents to the end of HIR.</i>
Information from other sources: <ul style="list-style-type: none"> - <i>Panchayat</i> - <i>Police</i> - <i>School</i> - <i>Neighbors</i> - <i>Friends</i> 	
Information about Trafficker	<i>(As applicable) Describe family's knowledge of traffickers' identity, residence, other occupations, interaction(s) with parents/ victim, and any notable matters regarding social status: Relationship to victim is key</i>

Perpetrator	
	<i>Describe frequency and duration of traffickers' visits to area:</i>

Analysis	<i>(Circle) Is family fit for custody of the victim? Yes / No / Unsure</i>
	<i>Describe and explain reasons for fitness/unfitness:</i>

List and explain any factors affecting likelihood of victim returning to prostitution:

If needed, include any other notes:

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HIR Prepared by: Name and Signature		Date	
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PRERANA

HIR FORMAT

Note: This is a generic form for the organization and is not project specific. However, it takes into account the needs of all the projects being run under Prerana's banner. Thus, please donot make any changes in the generic format and kindly see if your project related information can be put under any of the headings already provided in the format. If not, please add the additional information towards the end of the format. Also please do not delete any headings. If some heading is not applicable to your project, please leave out that headline when you are drafting your HIR

HOME INVESTIGATION REPORT

Confidential and not for circulation

IMPORTANT NOTE:

1. A HIR must be prepared on the letter head of the organization/social worker/any other professional who has been assigned the task of conducting the Home Investigation.
2. If the HIR is not the final one and another visit is required, please put the heading of the document as “INTERIM HOME INVESTIGATION REPORT” instead of “HOME INVESTIGATION REPORT”.
3. A HIR must be dated, signed, and sealed by the person who has drafted the HIR.
4. A HIR must contain the dates and locations of the home visits, interviews, and a list of copies of all documents gathered during the investigation.
5. The HIR and the supportive documents sent by the agency conducting the Home Investigation must be duly authorized by a representative of that agency.

Refer: Post Rescue Operations; page 84: Patkar, Priti and Patkar, Pravin; 2004.

6. Make a HIR as detailed as possible. If you have interviewed someone for whom a contact number is available, please mention it in the report.

Name of the Child:

Age:

Education: Mention the name of the school and address if available, alongwith the standard in which the child is/was studying. If the child is a dropout, please mention the standard during which the child dropped out. If the child is illiterate or has never been to school, please do not leave out this subhead and provide all this information under the subhead.

Religion:

Native Place Address (as per the child):

Native Place Address (as per any official documents available):

Languages Known:

Family Constellation:

Brief Case Narrative/Account/History:

Current Status of the Child: This will include details such as where is the child residing and what is the child doing. For example; the child is currently enrolled in standard X through the NIOS and is residing at Prerana’s Naunihal and Pratishtha Training Centre at Kharghar.

Case Referred By and Reason for Referral: This will also include the reason as to why you are conducting the Home Investigation. For example;

“Case Referred By: Ms. GD¹ and Ms. KJ – Members, Child Welfare Committee of Mumbai Suburban. According to reports submitted to the CWC, Ms. N was brought under the custody of the CWC and sent to reside at XYZ Shelter Home as she was in “moral danger” (Child in need of care and protection) vis-à-vis a boy named SHJ. She was brought to the CWC by her parents as well as a third gender person by the name of A, who happened to be a neighbour. Recently, the representatives of XYZ Shelter Home submitted a report to the CWC stating that they could only house orphans and thus they could no longer keep Ms. N in their shelter home as both her parents are alive. This report also stated that since SHJ had moved base to a locality in Navi Mumbai around 1 ½ months back, Ms. N was now out of “moral danger” and could be restored back to her family. The case was referred to Prerana to conduct a Home

¹ Please note that the above example is an authentic case and thus all names of persons and places have been changed or withheld in order to protect the identities of the persons. However, in an actual HIR, you must mention all these details without concealing anything (unless you are putting an HIR as a sample HIR for a donor or report).

Investigation in order to gain a third party perspective on whether Ms. N's family is fit to take the custody of the child as well if the surrounding environment is conducive for the growth and development of the child.

Home Investigation Team: Mention names and designations or the name of the organization that they represent.

Date of Conduction of Home Investigation: This could either be one date or several dates. If it is one date, you can mention it just once at the outset. If it is several dates, then put this subhead separately when you are mentioning the different areas that you visited on different dates or if you visited the same area on different dates.

HIR Prepared On: Mention date.

Address of Home Investigation: Same as above. This could be either one address or several addresses. Details will be case specific.

Time of Home Investigation: AA:BB am to CC:DD pm

Brief Profile of the Area Visited: This should include the principal occupation of the people in the locality, socio-economic profile of the area, families residing in the neighbourhood, etc.

Description of the Family Home: Mention dimensions of possible and the possessions both tangible and otherwise. For example; television and electric supply.

Rent of the House:

People present at the time of the HIR: Though a lot of people were present at the initial introduction stage, the interviews with each of the people concerned were conducted one at a time in a separate room.

1. NMM – landowner of the land where the family of the G/C works.
2. DH – NMM's friend.
3. DSP – Police Patil.

Interview with NMM:

Interview with DH:

