

# THE JAN SAHAS MODEL FOR ADDRESSING SEXUAL VIOLENCE AGAINST CHILDREN AND WOMEN IN MADHYA PRADESH



## DEVELOPMENT SOLUTIONS

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## 3. Focus Group Discussion

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Survivor leaders  
Barefoot Lawyers from Dewas and Ujjain  
OSC Staff- Jan Sahas Counselor, Caretaker and OSC Administrator  
Balika Panchayat Teachers and Balikas  
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# List of Acronyms

ASHA	Accredited Social Health Worker	PDP	Perpetrator Deterrence Program
CBD	Caste Based Discrimination	POSCO	Protection of Children from Sexual Offenses Act
CBO	Community Based Organization	PTSD	Post Traumatic Stress Disorder
CD	Copy Disc	ST/SC	Scheduled Castes and Scheduled Tribes
CEHAT	Centre for Enquiry into Health and Allied Themes	STI	Sexually Transmitted Infection
CLA	Criminal Law Amendment Act	RTI	Right to Information (Act)
CSJE	Center for Social Justice and Equality	TISS	Tata Institute of Social Sciences
CWC	Child Welfare Committee	UN	United Nations
FGD	Focus Group Discussion	WCD	Ministry of Women and Child Development
FIR	First Information Report	WHO	World Health Organization
FSL	Forensics Science Laboratory		
HRLN	Human Rights Law Network		
ICDS	Integrated Child Development Services		
IDI	In-depth Interview		
IRMA	Institute of Rural Management Anand		
ITPA	Immoral Traffic Prevention Act		
LIF	Lawyers Initiative Forum		
JJC	Juvenile Justice Court		
MLC	Medico Legal Care		
NALSA	National Legal Service Authority		
NCRB	National Crime Records Bureau		
NCPCR	National Commission for Protection of Child Rights		
NGO	Non Governmental Organization		
OSC	One Stop Center		

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# Executive Summary

The World Health Organization (WHO) defines Sexual Violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments/ advances and acts to traffic, or otherwise directed against a person’s sexuality, using coercion, threats of harm, or physical force, by any person regardless of relationship to the victim in any setting, including but not limited to home and work.”<sup>1</sup> Sexual violence takes several forms and ranges from offenses like eve-teasing, stalking to domestic violence, molestation and forced sexual intercourse. The impact of sexual violence ranges from immediate physical injuries and psychological trauma to sexually transmitted diseases, unwanted pregnancies, long term mental health issues resulting from the incident itself and associated taboos and poor social reintegration systems thereafter. The victims of sexual violence are often children and women from vulnerable groups. According to the Crimes of India 2016 statistics, there were 19,920 cases of child rape and 12,226 cases of sexual assault of children in India. For sexual violence against women, 84,746 cases of sexual assault, 27,344 cases of sexual harassment and 38,947 cases of rape were reported in India. The 2016 data also shows that 43.2 percent of rape victims are minors (i.e. girls below 18 years of age) and 42.1 percent of rape victims are women between the ages of 18 years and 30 years. Due to the multi-layered social and psychological factors at the community level and systemic gaps, very few cases of sexual violence against children and women are actually reported. Even when reported, the conviction rates are extremely feeble (24.2 percent for India).<sup>2</sup> This is because complaints often don’t get converted into FIRs, charge-sheets are not submitted post filing of FIRs, gaps exist in the evidence assimilation and many cases drop-out during the prosecution stage.

These issues exist due to deep-rooted patriarchal notions perpetuated through social and systemic structures that affect cases of sexual violence. One of the biggest challenges is the societal projection of shame and taboo on the survivors of sexual violence instead of the perpetrators. Community leaders, often the first recourse for families of survivors as well as law enforcement and medical professionals also carry similar perception biases which makes it difficult for a case to be reported. There are additional gaps in the processes for reporting, evidence assimilation, medico-legal examination and prosecution that makes

access to justice harder for the survivors. There is also a lack of awareness of the processes and requisite support systems for survivors and their families that increase the likelihood of case drop-outs and poor convictions.

According to the Crimes of India 2016 report, Madhya Pradesh had the highest number of rape cases in India (4,882 cases).<sup>3</sup> Jan Sahas has been working on addressing the issue of sexual violence against children and women in Madhya Pradesh. Since 2000, Jan Sahas was able to identify the factors contributing to sexual violence and hardships faced by survivors and have since then, implemented multiple programs to address the problem. Jan Sahas has worked through interventions targeted at survivors, their families, communities and systemic stakeholders (legal, medical and law enforcement professionals). Interventions aim to see an increase in the reporting of cases of sexual violence against children and women, successful reintegration of survivors into the society and creation of an environment that deters incidents of sexual violence. Jan Sahas has worked on community awareness and formation of survivor support platforms. These survivor support platforms are for providing peer support to survivors and counseling for survivors’ families. Additionally, they have initiated the Lawyers’ Initiative Forum that supports survivors in the process of reporting and prosecution. Other interventions focus on rehabilitation of survivors through skill development and opportunities for education. Jan Sahas also conducts sensitization workshops with response stakeholders - doctors, police and legal counselors. The organization also mobilizes systemic and community awareness through efforts like the Dignity March – a national level awareness, sensitization and empowerment march led by survivor leaders and media advocacy to stop survivor blaming and shaming. A dedicated helpline and other counseling platforms to provide support to survivors and for community awareness have also been created. Jan Sahas has also worked on advocacy with local administration for strengthening the prevention, response and rehabilitation eco-system, including strengthening of the one stop crisis centers established by the government for survivors. Jan Sahas has also implemented community-based programs for adolescent girls (Balika Panchayat) to increase awareness on sexual health and sexual violence and provide girls a platform for initiating conversations on these topics. A community cohort of youth called ‘Barefoot Counselors’ have also been trained to support increased reporting and provision of counseling to survivors.

<sup>1</sup> WHO, “World Report on Violence and Health.” Chapter 6, 2003. Accessed from <[https://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap6.pdf](https://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf)>

<sup>2</sup> Crime in India, 2016, Statistics, NCRB, New Delhi, 2017, p xix.

<sup>3</sup> Crime in India, 2016, Statistics, NCRB, New Delhi, 2017, p.145.

As a result of efforts by Jan Sahas, there is now increased reporting of crimes like eve-teasing, stalking, domestic violence and an overall reduction in the communities' tolerance for crimes of sexual violence and exploitation that provide the initial impetus to perpetrators. The conversion of complaints to FIRs has also increased to 86 percent and conviction rate is now 59 percent for cases of sexual violence and exploitation, which is much higher than the national average.<sup>4</sup>

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<sup>4</sup> Qualitative interactions with Jan Sahas stakeholders

# SECTION 1

## Introduction

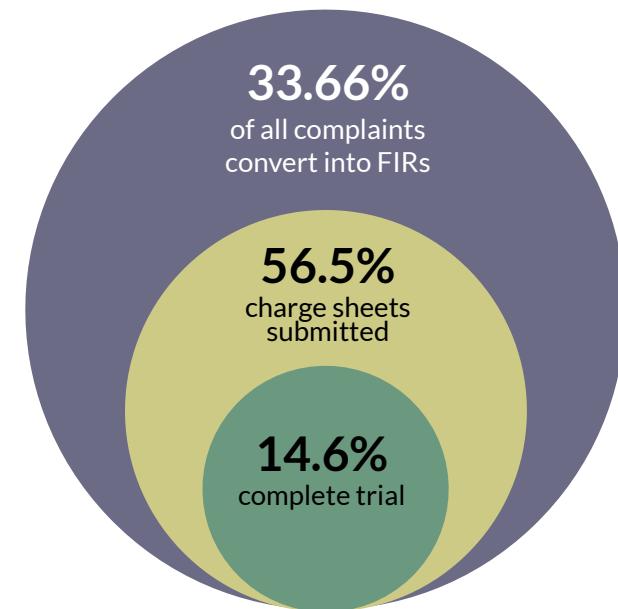
Sexual Violence is a significant cause of physical and psychological harm and suffering for children and women. Although sexual violence mostly affects women and girls, boys are also subject to child sexual abuse. Perpetrators also range from strangers to state agencies to intimate partners. Sexual assault, a form of Sexual Violence, is a term often used synonymously with rape. Sexual violence and exploitation refers to the range of all the offenses under these headings against children and women.

According to UN Women, either sexual violence by a non-partner or physical and/or sexual intimate partner violence have been experienced by 35 percent of women worldwide. It is also estimated that 650 million women and girls worldwide have been married before their legal age of 18 years.<sup>6</sup> The impact of Sexual Violence ranges from immediate to long-term physical, psychological and sexual consequences on children and women. Despite such grave consequences, the cases of sexual violence are seldom reported. This is often related to shame and feeble support systems and as a consequence poor reintegration into society. In India, women belonging to poor and marginalized groups are particularly vulnerable to violence, limiting their choices to access legal and other forms of support.<sup>5</sup>

According to the Crimes of India 2016 statistics, there were 19,920 cases of child rape and 12,226 cases of sexual assault of children in India. For sexual violence against women, 84,746 cases of sexual assault, 27,344 cases of sexual harassment and 38,947 cases of rape were reported in India. According to the same report, Madhya Pradesh had the highest number of rape cases in India (4,882 cases). The 2016 data also shows that 43.2 percent of rape victims are minors (i.e. girls below 18 years of age) and 42.1 percent of rape victims are women between the ages of 18 years and 30 years. As reported through qualitative interactions with Jan Sahas stakeholders, only 33.6 percent of all complaints in India are actually converted into First Information Reports (FIRs). Of these, only 56.5 percent cases have charge-sheets submitted, 14.6

percent complete trial and a mere 24.2 percent of this sub-group lead to convictions.

*Figure 1: Conviction in reported cases of sexual violence against children & women in India<sup>6</sup>*



<sup>5</sup> UN Women, "Facts and figures: Ending violence against women." UN Women website, updated November 2018. Accessed from <<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>>

<sup>6</sup> Jan Sahas Concept Note, Girls Claim Justice and Dignity: Initiative to address and prevent unrecognized rape, rape and sexual violence against girl children in 3 states of India."

To improve the current situation, the criminal justice system in India has made several provisions for children and women survivors of sexual violence.

- Sexual Violence offenses are punishable under the Indian Penal Code (IPC) and Criminal Law Amendment Act (CLA) 2013. The CLA 2013 has expanded the definition of rape to include all forms of Sexual Violence—penetrative (oral, anal, vaginal) including by objects/weapons/fingers and non-penetrative (touching, fondling, stalking, etc.) and recognized right to treatment for all survivors/victims of Sexual Violence by the public and private health care facilities. Failure to treat survivors is also an offence under the law. The law further disallows any reference to past sexual practices of the survivor.
- There are compensation schemes under NALSA (National Legal Service Authority) for children and women victims of Sexual Violence and acid attacks. There are also schemes for women who are rescued from caste-based commercial sexual exploitation.
- Ministry of Women and Child Development (WCD) also has a centrally sponsored scheme for setting up One Stop Centers (OSC) in every district in India. They are staffed with an administrator, a caretaker, a counselor, a nurse and a female law enforcement official. They are built within campuses of district hospitals so that the victim may get medical and psychological care around the clock. Victims are sheltered here for a period of 2 to 20 days. In Madhya Pradesh, One Stop Centers are operational in 51 out of 52 districts.
- The Protection of Children from Sexual Offenses Act (POSCO) 2012 gives provisions for punishment in cases of Sexual Violence against children. The child survivors of POSCO cases can receive legal aid from the Juvenile Justice Courts (JJC).
- POSCO cases are given maximum priority in the system and the Act prescribes to a number of special provisions for child at various points of the criminal justice system.
- As per the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 (amended in 2006) State governments are required to formulate a Child Welfare Committee (CWC) in every district for supporting child victims of sexual abuse and bonded labor.
- Despite the legal provisions, the conviction rate in India remains significantly low (see Figure 1). This has been due to:
- Existing gender, caste and other socio-political hierarchies that provide societal acceptance to incidents of Sexual Violence, especially by those belonging to higher order power structures,
- Projection of shame upon survivors and their families instead of the

perpetrators, with the resultant societal exclusion,

- Lack of awareness of what constitutes Sexual Violence and legal provisions available to survivors and their families for response and redressal and,
- Gaps in response services provided by multiple stakeholders (law enforcement officials, lawyers, medical professionals etc.) in the case of an incident.

These and related issues have led to the high incidents of Sexual Violence, low reporting and high case drop-outs during the legal process following an incident and limited opportunities for reintegration of survivors. Jan Sahas supports survivors of Sexual Violence in Madhya Pradesh through a multi-pronged approach that addresses these gaps. This approach not only provides informal support systems to survivors and their families, but also strengthens the system to enable access to justice. Jan Sahas interventions also aim to increase societal awareness about the issue of Sexual Violence and legal provisions available to survivors and shift the societal shame associated with Sexual Violence from survivors to perpetrators. Details of the Jan Sahas model are given in the following sections.

# SECTION 2

## Challenges Faced by a Survivor of Sexual Violence

Qualitative interactions with survivors indicate that girls and women lack access to basic amenities like toilets, water supply and ‘pucca’ housing within their homes and communities. Consequently, are forced to conduct activities like bathing, urination and defecation in isolation- (in fields, near water bodies, at the roadside etc.). Eve-teasing, stalking and other such acts of sexual harassment are not given due importance by community gatekeepers, this act unsaid validation and contributes to other incidences of sexual violence like molestation and rape. Due to lack of access to sources of information, community members are often unaware that these acts are also treated as incidents of Sexual Violence and carry commensurate punishment under the IPC and the POSCO Act. Deep-rooted patriarchy in the society also puts the responsibility and shame of such acts on survivors rather than perpetrators. There are multi-layered challenges that further pose as barriers to a survivor’s access to justice. All these contribute to a socio-cultural environment that punishes

survivors rather than perpetrators, thus perpetuating and strengthening the cycle of sexual violence and exploitation. The challenges faced by a survivor are articulated below through the story of an archetype – Sheetal, based on experiences shared by survivors through qualitative interactions as a part of the research. The Jan Sahas model has addressed Sexual Violence against children and women at all the levels listed below, by working with the community and systemic stakeholders along with their team. Hence, the challenges are also clubbed under community level challenges and systemic challenges. Figure 2 below is a representative journey of the various challenges faced by a survivor following an incident of sexual violence, through various touch points of the criminal justice system, to their reintegration in society. The journey has six stages as shown below. (Note: The story is based on true experiences reported by survivors, their families and other stakeholders; but is not representative of any specific case. All names used in this story are fictitious.)

Figure 2: Stages of a survivor journey



Reporting Crime of Sexual Violence



Police Investigation



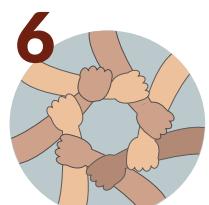
Medico Legal Examination



Prosecution



Conviction & Compensation



Reintegration

The stages of the survivor journey are further layered with challenges that exist at community and systemic levels. The information provided in this section is coded as per the legend shown on the right.



Community Challenges



Systemic Challenges



# Incident of Sexual Violence

*"Our daughter did not tell us that she had been raped because she was afraid. She was pregnant and we did not know. We got to know of it when she went into labor. That is when we went to the police to file a report." - Father of a 15 yr old survivor*

The rapist was her neighbor Jiten and was known to her family and everyone in the village since his father is a big land owner. He had teased her on the streets before but she had always ignored him.

Sheetal a 16 year old tribal girl was abducted in a van and raped when she was returning home with a friend from a farm where they worked one evening in 2007.

She was so shaken and ashamed that she took a bath before she came inside the house. Jiten had threatened to kill her if she told anybody. She had hid in a corner crying when her mother asked her what happened.

It was difficult for her to tell her mother because she was ashamed and did not have the words to explain it. She was afraid that if they found out they would blame her for what happened.



When she did tell her family they were shocked and angry but felt powerless to raise the issue with the police since Jiten was from a powerful family.

Sheetal's journey through the six stages of 1. Reporting a crime of sexual violence, 2. Police Investigation, 3. Medico-Legal Examination, 4. Prosecution, 5. Conviction and 6. Reintegration is described below:



## Reporting Crime of Sexual Violence

Sheetal was taken to the police station by her parents and brother to report the incident but when the local community came to know of the report they referred the matter to the Jaati Panchayat. Members of the Jaati Panchayat blamed Sheetal. Jiten's father was also called and told to pay money to Sheetal's family which could be used as dowry to get Sheetal married immediately. Getting no support from the Jaati Panchayat, Sheetal and her family went back to the police. Soon, word got out and the police started getting calls from the media about the case. Sheetal was scared that everyone would find out about what happened and her family's reputation would be tarnished.



## Police Investigation

The police visited the area where the abduction happened and asked people in the neighborhood if they saw or heard anything. People refused to talk to the police. Sheetal's friend was also told by her family to stay quiet. After a lot of questioning, she gave her statement. The process of collecting evidence and taking statements took many days during which Sheetal's family could do nothing but wait.



## Medico Legal Examination

Before going to the police, Sheetal's family had taken her to the block hospital. The doctor refused to treat her when they told her she was raped, unless they showed her a police report. After the FIR was filed, the police then took Sheetal to the hospital for medical examination where she underwent the two-finger test. The doctor did not attend to her wounds and did not listen to her family who requested a pregnancy test. The doctor wrote that she had been raped on the Medico Legal Case (MLC) report and gave it to the police.



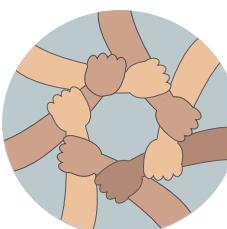
## Prosecution

Sheetal and her family received a court summon after a few weeks and were taken to the district court by the local police. They had never been to court & did not know who to talk to and what to do. They approached the guard who saw their summon and told them to wait for their Public Prosecutor (PP). While they waited in the corridor outside the courtroom Jiten was brought in by the police. The proposition of seeing him scared Sheetal as it reminded her of the horror of the incident. Jiten's family also arrived and their lawyer tried to offer Sheetal and her family money to drop the case. The public prosecutor came to them just before the court session started. Sheetal and her family had never met the prosecutor before this time or had any opportunity to discuss the case with him. It was a daunting experience for Sheetal to give her statement in a court full of strangers. It was very confusing for them as both the lawyers were dressed the same & one of them (defense lawyer) told a completely different story to the judge and asked her many embarrassing questions to try to disprove her statements. Sheetal and her parents had to go to court several times and lost out on wages as daily wage laborers on a farm. They told their relatives and neighbors how tedious and confusing it is to go to court.



## Conviction & Compensation

Finally Jiten was convicted and sentenced to five years in prison and the court gave Sheetal a compensation of 60,000 rupees. She and her family were happy and felt they had got justice. The compensation was announced in the court judgment but they did not receive it immediately. Sheetal's father would have to make many visits to a hired lawyer and the court to get the compensation 2 years later.



## Reintegration

Despite Jiten's conviction, Sheetal's family still met with snide comments and remarks from community. It was only a matter of weeks before her father and brother started blaming her for everything, she had put them through. She was taken out from school and her movement out of the house was restricted. Her family started to look for a groom for her from far off places where people would not know about the incident. Sheetal felt alone and ashamed of herself pressurized by the circumstances. She became depressed and resigned to her family's decisions as she did not want to bring them more shame.

## Stage Wise Challenges Faced by Survivors



### Reporting Crime of Sexual Violence



Often in rural areas, survivors and their families' first recourse is community leaders and not law enforcement. Local structures like Jaati Panchayats that are gatekeepers of caste and cultural norms and often encourage survivors and their families to resolve issues through the Jaati Panchayat. Patriarchy and gender dynamics may put undue pressure on them to avoid legal recourse, especially if the perpetrators are from normatively higher order power structures e.g. male members of landowning or higher caste families. Law enforcement in rural areas often is influenced by the local Panchayats, political groups and socio-cultural groups. Survivor families and community gatekeepers also have a fear of the media finding out about the incident once a complaint is filed. There is a great fear of shame that no one will marry a rape survivor. News about cases of minors is often published without anonymizing names of survivors. Police stations are often monitored by media agents and have to negotiate with them to refrain from releasing information about an incident.



### Police Investigation



When reported, police officials may not know all the appropriate sections of law applicable to cases of sexual violence and exploitation for filing FIRs. Witnesses may refuse to give statements for the fear of social exclusion, threat of violence and to avoid involvement in prosecution and case procedures. Survivors often suffer from trauma and PTSD resulting from the incident and community pressures post the incident. The trauma limits their ability to give detailed statements to the police.<sup>7</sup> Police may also not be proactive in applying a sensitized approach to interactions with survivors, thus, compromising their psychological well-being. This gets exacerbated in the case of child survivors where a more child friendly approach should be advised. The Protection of Children from Sexual Offenses (POSCO) requires the police to be in plain clothes and accompanied by a female constable, which does not always happen. This leads to child unfriendly policing. Due to long standing psycho-social norms and perceptions, police are also not seen as approachable and supportive. Arrests are also not conducted in a timely manner and if the perpetrator is granted bail, the survivor is often not notified that the perpetrator is out, despite it being a legal requirement. This compromises the survivor's safety and well-being and protection from unwanted perpetrator interactions.

*"When we find that FIRs are missing applicable sections of law, we have to get them added. Many times the police may not know which sections apply to a crime." - Dewas District Court Lawyer, LIF member since 2010*

*"Police investigation needs to be more robust. In many cases police is just acting as a recording agency. They only take statements and no evidence is collected." - Dewas District Court Judge*

<sup>7</sup> Section 161 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') titled "Examination of witnesses by police" provides for oral examination of a person by any investigating officer when such person is supposed to be acquainted with the facts and circumstances of the case. The police statement recorded under Section 161 Cr.P.C can be used at trial. Scope and Relevance of Statements Recorded Under Section 161 and 164 of Cr.P.C., B. Sobha Kumari and Senior Civil Judge Rajam, 2017, Accessed from "<https://districts.ecourts.gov.in/sites/default/files/scjrajam.pdf>



## Medico Legal Examination



Lack of awareness on the legal provisions for survivors of sexual violence amongst doctors limits proper care of survivors:

- A female family member is legally allowed to accompany the survivor during the MLC (medico-legal case) examination but many times this is denied if the hospital staff is not aware or informed about the provision.
- Doctors are often unaware of the POSCO provision for mandatory medical care for minors irrespective of whether or not an FIR is presented.
- Despite the Supreme Court announcing the two-finger test -a violation of women in 2013, many medical centers still perform the test to check for rape that often leaves survivors feeling violated again.

Doctors want minimum involvement in rape cases to avoid entanglement in legal proceedings. This results in the fact that they do not check survivors thoroughly for physical injuries or give them proper treatment and only examine the survivor for evidence of rape. STD testing is often not conducted either. The MLC report has 16 pages, but doctors usually only fill out half a page. Survivors often have to face trauma and PTSD due to the incident of sexual violence, hence, there professional counseling and other medical psychological services are required. These are not available or offered to survivors during the MLC process. Sections like psychological evaluation on the MLC report are never filled or have generic vague comments. In the cases of

adults, and sometimes minor survivors as well, doctors often write “habituated to sex” on the MLC report which can be misinterpreted and misused in court.

DNA tests are the strongest evidence in rape cases but are seldom conducted because they are either denied or not given priority by the police. They have been made mandatory for all POSCO cases but priority is given to cases of minors under the age of 12 due to limited funds. Doctors also lack training in collecting medical samples for forensic and DNA tests. Forensic reports (FSL) verify the presence of semen but the results take 1-2 years to come to court because labs are overburdened. This also leads to the evidence becoming immaterial.

The MLC report is given to the police directly as a part of the charge-sheet. Hence, survivors and their legal representatives are unable to use the same to prepare for court proceedings.

*“One survivor told us that she felt like she was raped again during a two finger test.” - Counselor, Jan Sahas*



## Prosecution



Public prosecutors are overburdened with cases, as a consequence, survivors are often unable to get the requisite legal aid. Additionally, survivors and their families are unaware of the legally provisioned support available of them e.g. interim compensation, a public prosecutor, witness protection from police (on request) and are hence, unable to avail them. Courtrooms are often unable to provide survivors and witnesses with safe spaces for unbiased participation in the legal proceedings. Witnesses and survivors may be faced with threats of violence and offers of negotiations from the perpetrator's family outside courtrooms. Additionally, unfamiliarity with members of the courtroom may cause further psychological trauma to survivors, especially when being questioned by the defense attorney.



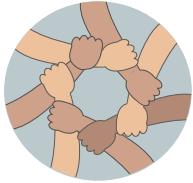
## Conviction & Compensation



Despite several compensation schemes available to survivors of sexual violence, they are often not delivered on time and are poorly executed. The process of claiming compensations is tedious for the survivors. It requires a significant amount of paperwork and multiple trips to court and bank. Many times, survivors are unable to claim compensation due to lack of court funds. The lack of knowledge of need to have a bank account as to receive compensation also delays the process further.

*"Even an educated person might stutter in court while making a statement. And here we are dealing with people from villages who have little or no education." - Indore District Court Lawyer, LIF member since 2013*

*"Many a times police does not believe victims and suspect the complaint to be falsely made for claiming compensations. We meet such survivors and assess if their cases are genuine. Sometimes we have to remind the police that the shame and social stigma that one suffers after reporting a rape out weights any monetary compensation" - Jan Sahas Counselor*



## Reintegration



In cases of acquittal, survivors and their families have to face societal shaming and exclusion. Their life in the community is compromised by threats of violence and attacks on their homes. Even when convictions are obtained, the blame at the societal level tends to focus on the survivor and their family rather than the perpetrator. This may be done in unintended ways by exerting psycho-social pressures. The criminal justice system lacks resources to monitor every case and many who fall victim to an array of issues of sexual violence, their cases remain unaddressed. Survivors are often alienated by their families after incidents of sexual violence. This may result in early marriage and school drop-outs, further perpetuating the cycle of exploitation.

*"Most survivors continue to feel excluded and rejected from their communities and many end up questioning themselves. The community makes it hard for survivors to stand up for themselves and fight for justice and dignity. When rape survivors attempt to commit suicide it is the systems failure, but more so the community's." - Ashif Shaikh, Founder Jan Sahas*

# SECTION 3

## Theory of Change

**Jan Sahas has designed a multi-pronged intervention strategy that addresses all the aspects of a sexual violence and exploitation survivor's journey with the eventual aim of justice and effective reintegration into society.** To enable an understanding of the Jan Sahas interventions and resultant impact on addressing sexual violence against children and women, a **Theory of Change framework** has been used. A Theory of Change is a comprehensive description of how and why a desired change is expected to happen in a given context. It helps explain the relationship between a development problem

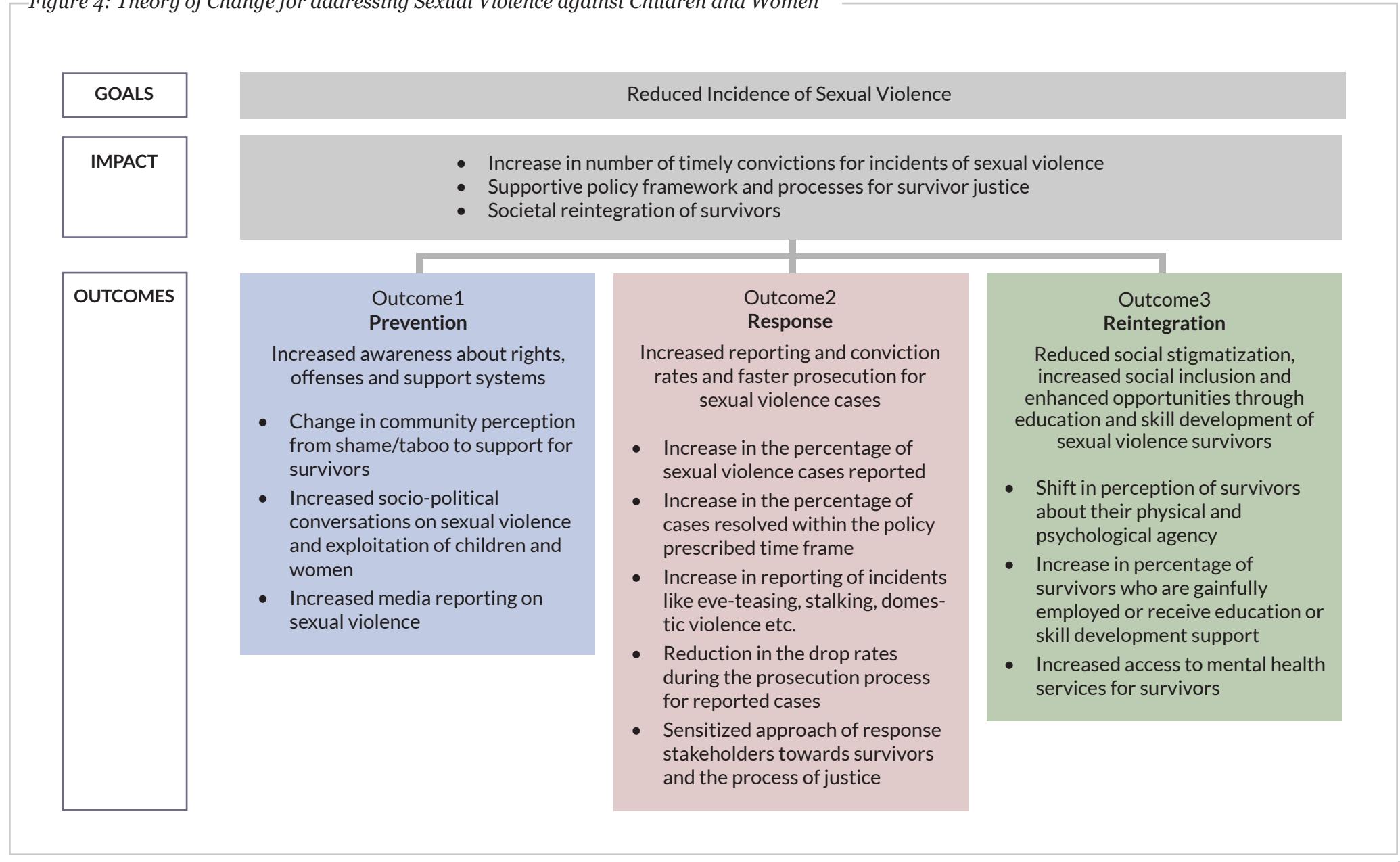
being addressed and the strategies used to address it. Theory of Change defines long-term goals, and then maps backward to identify all the conditions (outcomes) that must be in place, and how these relate to one another causally for the goals to occur. This linkage, then provides the basis to identify what type of activity or intervention will lead to the identified outcomes. Thus, a precise linkage between activities and the achievement of the long-term goals is defined and understood.

Figure 3: Overview of Theory of Change for addressing Sexual Violence against Children and Women



A consultative Theory of Change for addressing Sexual Violence against Children and Women was developed. This details the impact, outcomes and activity pathways that could be leveraged to address the issue through a comprehensive lens.

Figure 4: Theory of Change for addressing Sexual Violence against Children and Women



Multiple pathways can be accessed to achieve these outcomes, targeting community and systemic structures. These have been outlined in figure 5.

*Figure 5: Pathways for addressing Sexual Violence against Children and Women*

Prevention	Response	Reintegration
<ul style="list-style-type: none"><li>• Community awareness on nature of offenses and instances of violation of rights</li><li>• Capacitating youth to become community based actors for increasing awareness and vigilance against sexual violence</li><li>• Creating mechanisms for support and creating awareness about how to access them in case of an incident</li><li>• Encouraging community members to report incidents and access the criminal justice system for recourse</li></ul>	<ul style="list-style-type: none"><li>• Counseling for survivors and their families</li><li>• Creating community based structures for reporting of incidents (including filing an FIR)</li><li>• Provision of legal aid to familiarize survivors with the justice process (prosecution, schemes available)</li><li>• Counseling and guidance through the prosecution period to avoid deterrence from threats and provide support for negotiations</li><li>• Sensitizing and training stakeholders of the criminal justice system on sexual violence including police, doctors, lawyers and judges</li><li>• Monitoring cases and documenting survivor experience with the legal aid and justice processes to identify any violations</li></ul>	<ul style="list-style-type: none"><li>• Community awareness on psycho-social impact of sexual violence on survivors and the need for societal reintegration</li><li>• Supporting survivors for continuing education</li><li>• Supporting survivors through skill development for livelihood generation</li><li>• Guidance for utilization of compensation money for survivor reintegration</li><li>• Rehabilitation of survivors in need of shelter into homes and hostels (through Child Welfare Committees and other mechanisms)</li></ul>

# SECTION 4

## The Jan Sahas Model

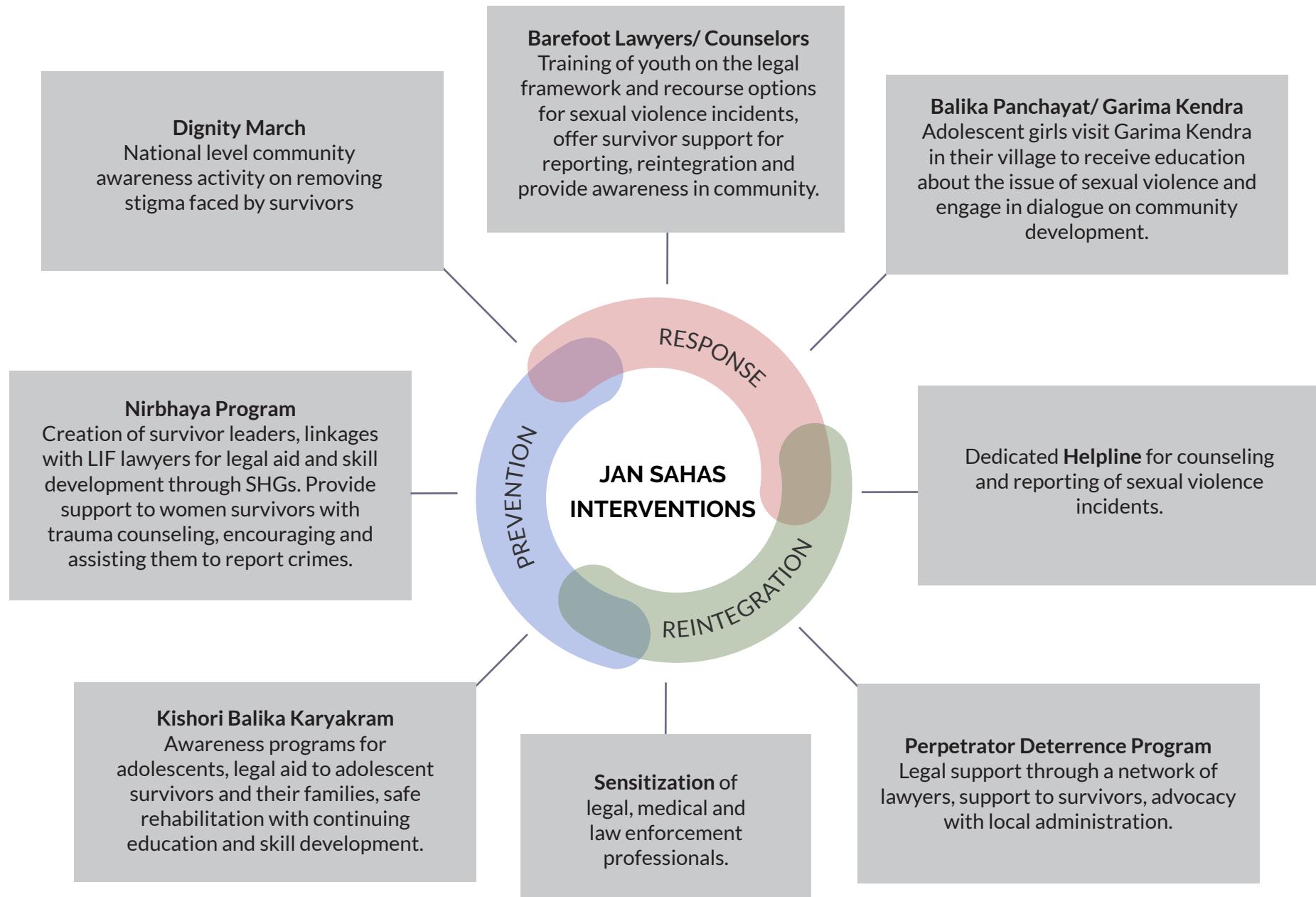
Jan Sahas has developed a model that uses a combination of the above-mentioned pathways to achieve the desired outcomes. Through their work since the year 2000, they learned that children and women from marginalized communities were more often victims of sexual violence and exploitation and did not have equal access to the justice system. The organization has been able to address some of the key challenges by working with community members of vulnerable and marginalized groups. This allowed them a platform to address some critical systemic gaps over time and achieve some of the desired outcomes outlined in Figure 6. The organization's evolution has been documented as Annexure 1. Through their evolution, Jan Sahas has been able to demonstrate some strategies that have worked towards **prevention of incidents of sexual violence and exploitation, successful response to survivors and societal reintegration of survivors.**

These strategies have targeted stakeholders at the community level (survivors, their families and social communities) and systemic stakeholders - law enforcement, medical and legal professionals.

*Figure 6: The holistic survivor support model of Jan Sahas*



Figure 7: Jan Sahas Interventions



Some of the outcomes achieved by Jan Sahas through these interventions are given in Figure 7 below.

Figure 8: Jan Sahas - Outcomes Achieved<sup>8</sup>

Prevention	Response	Reintegration
<ul style="list-style-type: none"><li>• Increase in reporting of incidents like eve teasing, stalking, domestic violence etc through helpline number. (These add up to 35% of all FIRs)</li><li>• Decrease in communities tolerance for crimes and increase in reporting, many times from children and youth.</li><li>• 100 boys from Bachada community currently being provided education and skill development</li><li>• 12 girls rescued from caste based prostitution from the Bachada community with their cases filed under POSCO</li><li>• Decrease in number of girls going into caste based prostitution due to increased education and awareness</li><li>• Reduction in child marriages</li></ul>	<ul style="list-style-type: none"><li>• Conversion of complaint to FIRs is 86% in Madhya Pradesh (MP)</li><li>• Conviction rate of sexual violence cases is 59% in MP against the national rate of 24.2%</li><li>• 178 cases from the convicted cases in MP have received final compensations</li></ul>	<ul style="list-style-type: none"><li>• Decrease in number of girls going into caste based commercial sex trade due to increased education and awareness</li><li>• Reduction in child marriages</li><li>• 523 survivors have availed education schemes with Jan Sahas' help</li><li>• 100 boys from the Bachada community being provided education and skill development</li></ul>

<sup>8</sup> All facts, numbers and figures in this section are as per data reported to researcher by Jan Sahas

# System Level Interventions

## Dedicated Helpline Number

Jan Sahas launched a ‘National Helpline’ for girls and women survivors of rape and sexual abuse in order to provide support both online and in-person. This includes information and advice related to police, medical, legal as well as counseling. Barefoot lawyers from the community are also made aware of this service and often used by them to offer assistance in their communities.

Furthermore, if a person reaching out via the helpline needs intensive field outreach then the caller is referred to the respective district team for immediate assistance such as shelter, food; counseling and legal support. A team of field workers, counselors and lawyers are stay in touch with the survivors and their family if required any assistance is required at any stage.

*“One time, the police refused to file an FIR and we had to wait for 3-4 hours. I kept on insisting that they take the complaint as there can be legal actions against them if they refuse. They were compelled to file the FIR when I called the helpline and someone reached out to inquire what the problem was.” – A Barefoot Lawyer*

## Counseling Support

Jan Sahas counselors remain connected with survivors even after the trial period and encourage their families to use compensation received from the court as an enabler for the survivor’s reintegration through education, skill development or other means. OSCs and CWC are also staffed by Jan Sahas councilors to provide psychological and legal advice to survivors and their families. Where OSCs do not exist, Jan Sahas staff directly assist cases and

11 OSCs supported by Jan Sahas counselors; counseled 2352 survivors; Madhya Pradesh has the second highest number of functional OSCs (in 18 of 51 districts)<sup>9</sup>

ensure survivors receive the requisite medical attention and counseling services at the block hospitals.

## Lawyers’ Initiative Forum

A voluntary network of lawyers called the Lawyers’ Initiative Forum (LIF) supports survivors throughout the legal process from reporting to prosecution. LIF’s efforts include support for documentation of cases, providing required information at all stages and familiarizing survivors with the courtroom environment. They also provide support for registering cases of caste-based commercial sex workers, especially those under POSCO. This ensures that the survivor is not blamed anyhow, rather treated with sensitivity. LIF lawyers are further trained by advocates and judges. LIF libraries with computers, books and documents with the latest citations from high courts and supreme court have been established. Where needed, survivors are rehabilitated in homes and hostels through CWC and WCD. For minors, CWC ensures parents visit them with the survivor at regular intervals to ensure that the atmosphere at home is safe. In case of reports of physical violence, survivors are shifted to homes where they stay till 18 years of age.

1522 lawyer members of LIF; LIF lawyers have provided legal aid to 5463 cases of sexual violence; 19 LIF offices set up in 7 districts in Madhya Pradesh

<sup>9</sup> List of functional Sakhi-One Stop Centres: (As on 10.1.2018), Accessed from “<http://nari.nic.in>”

# Survivor Level Interventions

## Survivor Support Platforms

Jan Sahas has facilitated creation of a survivor support network for peer support to survivors and counseling for survivors and their families. Members reach out to other survivors and their families and provide social and psychological counseling, and encourage and assist them to report incidents of sexual violence and exploitation. The program also supports survivors with skill development and to create 'Self Help Groups'. It also encourages survivors to become survivor leaders and create awareness in community about their rights, issues of sexual violence and exploitation and support available.

5463 survivors are part of the Survivor Support Network; 657 survivors have emerged as survivor leaders; 2 Survivor Networks started in 2018 as paid fellowships for creating awareness and reintegration of survivors

## Kishori Balika Karyakram - Adolescent Girls Program

A team dedicated to carrying out various activities under prevention, response and reintegration functions holistically under the Adolescent Girls Program of Jan Sahas. The team works closely with the CWC and is supported by LIF for legal aid.

Adolescent Girls Program currently functions in 15 districts of Madhya Pradesh

## Perpetrator Deterrence Program (PDP)

The main agenda of the PDP is to increase the conviction rate in cases of sexual violence against children and women. The PDP refers to the entire process of deterring the perpetrators of sexual violence and exploitation by ensuring that there is conviction in all cases of sexual violence. A main focus of the program is the provision of legal support to survivors with the help of lawyers and legal experts. PDP supports survivors with legal aid from reporting till prosecution. Additionally, Jan Sahas works with community stakeholders to help build 'Community Based Organizations' to support survivors in reporting the incident of sexual violence and exploitation and to encourage localized advocacy to increase reporting.

PDP currently functions in 20 districts of Madhya Pradesh

# Community Level Interventions

## Balika Panchayat Program

The Balika Panchayat program engages adolescent girls from communities through village level educational centers (**Garima Kendra**). Girls visit the Centre six days a week after school and are educated on issues of sexual violence and forms of exploitation, child labor, sexual abuse, conversations with parents on these issues, using the helpline numbers (Child Line) and the process of legal recourse, starting with how to file an FIR. The teachers at the Garima Kendras are young women from local communities who are trained and employed by Jan Sahas. Books and other resources on the issues of sexual violence and exploitation along with a wide range of topics are provided at these centers.

*“Education in school is different from education here (at Garima Kendra). In school, we only talk about the subjects but here we talk about various things related to protecting ourselves and supporting each other.” - A Garima Kendra student*

The Balika Panchayat enables girls to respond to incidents like eve-teasing and acts as a platform for girls to express basic needs of the community like construction of roads, water supply and drainage. The local ASHA also visits the center to provide necessary information on menstrual health and hygiene. Sensitization sessions are held in schools in the villages for equal treatment of students irrespective of gender and caste.

425 Balika Panchayats formed by 7234 adolescent girls, 53 Garima Kendras across 15 districts

## Barefoot Counselors/ Lawyers

Jan Sahas conducts a 3-day training every 3-6 months for interested youth (both male and female) on the processes and provisions of the criminal justice system. These trainings are conducted by legal counselors and practitioners and information on the legal framework and additional recourse platforms like helplines is provided. They are also trained to provide psycho-social support to survivors within their communities. These youth are termed as ‘barefoot lawyers’ and help spread awareness within their communities, while being empowered to respond to incidents of sexual violence against children and women. Many times they are the first in their communities to reach out to survivors and their families in case of an incident of sexual violence. They support the families through the prosecution process and work towards minimizing the drop out of cases under prosecution. In some cases, barefoot lawyers are involved from the beginning of cases and help them file FIRs at local police stations. Barefoot lawyers also aid in the reintegration process of survivors and their families through demonstrating and advocating social inclusion of survivors in their communities.

# Policy Level Interventions

## **Advocacy with Local Administration and Sensitization of Response Stakeholders**

Jan Sahas works to encourage the local administration to strengthen the response eco-system. Public engagement is done to increase awareness and strengthen an environment of prevention. Advocacy for survivors entails support for reintegration through education and skill development. This is done so that the eco-system can be extended beyond only the provision of compensation to survivors. Jan Sahas engages with the State Police Department on trainings for the police staff to act on incidents like eve-teasing and stalking. Jan Sahas also works for sensitization of doctors in Government hospitals to deal survivors of sexual violence and exploitation. Lawyer trainings are conducted every 3-4 months on dealing with cases of sexual violence and exploitation. Special emphasis is given to dealing sensitively with the cases of sexual violence and exploitation of minors.

93 Public Prosecutors engaged for sensitization;  
Supported Madhya Pradesh Police Department in training 745  
staff across 11 districts and camps at 423 schools and colleges in 19  
districts to familiarize students with the police's role

## **Dignity March**

National level awareness, sensitization and empowerment march led by survivor leaders has been organized to encourage women survivors to speak about their experiences of sexual violence and exploitation and put an end to the widespread culture of victim-shaming.

## **Media Advocacy**

Media advocacy at a regional and national level is also done to increase the criminal justice system's vigilance against crimes and sensitivity towards survivors.

# SECTION 5

## Learnings and Recommendations

*"Most people think the system is completely unsupportive. They think that all policemen and public prosecutors only work for money and bribes. But we don't believe this because there are so many good people in the system too who are sensitive to the issue of Sexual Violence against children and women and want to work in a just way." - Ashif Shaikh, Founder, Jan Sahas*

Community Level	Policymakers and Government	Medical Examination Teams/Hospitals	Law Enforcement and Police	Political Leaders
Awareness campaigns to change prejudices and biases aimed at shaming perpetrators instead of the victims of sexual violence and exploitation.  Capacity building and counseling of survivors and their families, the community on rights, self-defense, legal processes, redressal and coping mechanisms.  Empowering youth and community (women and children) to become social advocates assisting victims and their families.	Specific programs directed towards survivors of sexual violence and exploitation (children and women) on skill- building/education and timely compensation to be implemented on ground.  Focus on inter-ministerial, inter-departmental, and inter-agency convergence to work on sexual violence.  Improving the infrastructure and building rooms/safe spaces for survivors and their families in police stations and courts.	Capacity building of doctors and hospital staff to collect medical samples, on POSCO provisions, rigorous check for injuries and ensure the MLC report is thoroughly filled.  Reduce the cost of conducting DNA tests for the victims.	Building capacity of police personnel and lawyers for effective investigations (including that of eve-teasing and stalking cases that are reported), prosecution, safeguarding evidence, protection of witnesses and to expedite case proceedings.  Conducting workshops with on ground law enforcement officers/ police officers to sensitize them for proactive and friendly policing.	Media campaigns at state and/or national level on eradication sexual violence from society.  State and local leaders to prioritize sexual violence in the political agenda.
			Convergence among various police departments to expedite intelligence gathering and in-turn prosecution.  Ensure that fast-track courts and children's courts are established and functioning under the POSCO Act and NCPCP <sup>10</sup> respectively, as well as special courts under ITPA. <sup>11</sup>	

<sup>10</sup> Government of India, "National Commission for Protection of Child Rights" 2013. Accessed from <<http://ncpcr.gov.in/index1.php?lang=1&level=0&linkid=12&lid=44>>

<sup>11</sup> The Immoral Traffic (Prevention) Act. 1956. Accessed from <[http://tcw.nic.in/Acts/Immoral\\_Traffic\\_Prevention\\_Act\\_\(ITPA\)\\_1956.pdf](http://tcw.nic.in/Acts/Immoral_Traffic_Prevention_Act_(ITPA)_1956.pdf)>

# **ANNEXURE 1**

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GROWTH & EVOLUTION OF JAN SAHAS

	2000 Bhopal Declaration of Dalit Agenda 2002	2005	2010 POSCO Act 2012	Scavenging Act 2013	Nirbhaya Act 2013	2015	2018
Focus Area	Manual scavenging and caste based discrimination	Land Rights Atrocities Sexual Violence against Dalit Children & Women	Atrocities Bonded Labor Caste Based Prostitution Commercial Sexual Exploitation Sexual Violence against Dalit Children & Women		Atrocities Bonded Labor Caste Based Prostitution Commercial Sexual Exploitation Sexual Violence against Dalit Children & Women	Atrocities Bonded Labor Caste Based Prostitution Commercial Sexual Exploitation Sexual Violence against Dalit Children & Women	Atrocities Bonded Labor Caste Based Prostitution Commercial Sexual Exploitation Sexual Violence against Dalit Children & Women
Teams		Center for Social Justice and Equity (CSJE)	Balika Panchayat Program, Barefoot Lawyers Training		Program for Adolescent Girls, Nirbhaya Program		Perpetrator Deterrence Pro- gram, Survivor Support Network
Activities	Community empowerment and awareness to end manual scavenging	<ul style="list-style-type: none"> <li>- Baseline Survey of possession of allotted land</li> <li>- Collection of relevant documents for claiming land &amp; filing RTIs</li> <li>- Application to Revenue Officer</li> <li>- Barefoot Lawyer Training for legal awareness of Atrocities Act</li> <li>- Community exhibitions on atrocities</li> <li>- Dalit Helpline</li> <li>- March led by Dalits across MP and neighboring states end atrocities</li> </ul>	<ul style="list-style-type: none"> <li>- Establishment of LIF</li> <li>- Awareness to end Caste based Prostitution</li> <li>- Self Help Groups of Women</li> <li>- Garima Shakti Sangathan was started to get all women out of manual scavenging</li> <li>- Multi state march led by sexual violence survivors</li> </ul>	<ul style="list-style-type: none"> <li>- Survivor counseling, Rehabilitation and reintegration</li> <li>- Association with One Stop Centers</li> <li>- Mahila Helpline</li> <li>- Engaging boys and young men for prevention of caste based prostitution in their communities</li> <li>- Tie up with Anganwadis</li> </ul>	<ul style="list-style-type: none"> <li>- Paid fellowships for survivors to practice and promote constitutional rights</li> <li>- Dignity March led by sexual violence survivors</li> </ul>		
Stakeholders	Victims of manual scavenging and CBD from Dalit and Tribal communities	Media, Revenue Department, Police, Independent Lawyers, Public Prosecutors, Police, District level ST/SC commissions, Women's Right Commission, Child Rights Commission	LIF, Child Line, Police, Legal Aid Authority, Child Welfare Court, District Monitoring and Vigilance Committee, Dalit Vanchit Vikas Manch, CEHAT, HRLN Community Based organizations: Udaan, Buniyad, Yuva Vikas Mandal		ICDS, Ministry of Health, Ministry of Women and Child Development, Human Rights Watch, MP State Government Community Based organizations: Udaan, Buniyad, Yuva Vikas Mandal		
Outcomes		<ul style="list-style-type: none"> <li>- Conception of LIF</li> <li>- Increase in caseload and diversity</li> <li>- Allotment of teams for different issues</li> <li>- Growth in manpower of Jan Sahas</li> <li>- Media coverage of issues</li> <li>- Increase in pressure on state government</li> <li>- Awareness of rights amongst people</li> <li>- Jan Sahas expanded to more than 8 districts</li> <li>- March led by Dalits covered 5 states</li> <li>- 4000 acres of land acquired (Till date)</li> </ul>	<ul style="list-style-type: none"> <li>- Technical up-skilling of Jan Sahas team</li> <li>- Infrastructural growth of Jan Sahas</li> <li>- State and national level support from the criminal Justice system</li> <li>- March led by survivors reached 18 states</li> <li>- Increase in associations with experts from fields for law, health, research etc</li> </ul>	<ul style="list-style-type: none"> <li>- Manifold growth of Jan Sahas team</li> <li>- Other organizations learned from the Jan Sahas model</li> <li>- Inception of the Survivor Network</li> <li>- Media coverage of the march against manual scavenging at National Level</li> <li>- Increase in support (interns) from institutions like TISS, Azim Premji Institute, IRMA and Law colleges across the country</li> </ul>	<ul style="list-style-type: none"> <li>- Dignity March/ Garima Yatra reached 24 states and engaged 25,000 survivors, 2,000 stakeholders, 200 policymakers and 2,000 lawyers from across the nation</li> <li>- Conversion of complaint to FIRs is 86% and conviction rate is 59% in MP against a national conviction rate of 24.2%.</li> </ul>		

# **ANNEXURE 2**

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## METHODOLOGY

# Methodology

Development Solutions, a research and consultancy organization conducted a study to document the Jan Sahas model during April and May 2019. The process documentation used a qualitative methodology supported by secondary research. Primary data was collected through in-depth interviews (IDI's) and focus group discussions (FGD's) with survivors of sexual violence and with stakeholders involved in providing systemic support. A stakeholder workshop with the Jan Sahas team was also conducted to deduce the vision of the organization, their learning, challenges and the interventions. Data collection was undertaken in Dewas, Madhya Pradesh. A total of 13 IDI's/Diads and 4 FGD's were conducted. A workshop with Jan Sahas team was also conducted

in Dewas with a focus on documenting the process, best practices, strategy, key activities and interventions and challenges and learnings.

Secondary data included statistics on the incidence rates, convictions rates, cases reported, media reports, number of stakeholders trained and directly or indirectly involved and building of survivor support network. Tools were developed in-house for the IDI's and FGD's.

A theory of change was also developed in consultation with Jan Sahas to define the key activities, outcomes and goals of the Jan Sahas model and to guide the process documentation.

The following qualitative interactions were conducted:

Stakeholders	Areas of Inquiry	Methodology	Number of Protocols
Vision Stakeholders			
Jan Sahas Team	Understanding the MP Model: <ul style="list-style-type: none"> <li>• Rationale, expected outcomes/goals</li> <li>• Conceptualization, envisaged and actual implementation</li> <li>• Stakeholders and their roles</li> <li>• Outcomes and achievements, gaps and challenges.</li> </ul>	Workshop	2
Jan Sahas Founder		IDI	1
Implementation Stakeholders			
LIF Lawyer	<ul style="list-style-type: none"> <li>• Perception of the model, rationale for its introductions and its purpose</li> <li>• Process of implementation</li> <li>• Training- efficiency and process</li> <li>• Difference/change in reporting of cases, collecting and presenting evidence.</li> <li>• Difference in conviction rates and speedy convictions of perpetrators</li> <li>• Support system for survivors</li> <li>• Reintegration in the community</li> </ul>	IDI/ Diad	2
Sub- Inspector		IDI	1
Public Prosecutor		IDI	3
Judge		IDI	1
CWC		Diad	1
Media Reporter		IDI	1
Barefoot Lawyers		FGD	1

Stakeholders	Areas of Inquiry	Methodology	Number of Protocols
Beneficiaries			
Survivor Leaders	<ul style="list-style-type: none"> <li>Perception of the model, rationale for its introductions and its purpose</li> <li>Process of implementation</li> </ul>	FGD	1
Parents of Minor Survivors	<ul style="list-style-type: none"> <li>Support system for survivors- legal, medical, social and counseling support</li> <li>Support from the system and Jan Sahas</li> <li>Reintegration in the community</li> <li>Use of helpline numbers</li> <li>Monitoring and tracking of cases by Jan Sahas.</li> </ul>	FGD	1
Balika Panchayat	<ul style="list-style-type: none"> <li>Monitoring and tracking of cases by Jan Sahas.</li> <li>Perceived gaps and challenges in the model and its implementation.</li> <li>Recommendations for improved survivor support</li> </ul>	FGD	1
Commercial Sex Work Survivor		Diad	1

## Execution of Assignment

