



## SEXUAL MISTREATMENT OF CHILDREN: A UNIVERSAL EPIDEMIC

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### ABSTRACT :

Sexual abuse has always been a difficult subject to talk about, and when it comes to child sexual harassment it even becomes worse. Child sexual abuse is an epidemic no one talks about. It may be easier to live in denial but child abuse happens everywhere, in your neighbourhood, in family, in institutions. Whether or not there is at least one case of child abuse in our surrounding. While great awareness and voice has been raised about sexual exploitation against women in India, much less is known about the problem of sexual abuse of children. A survey by United Nations International Children Education Fund (UNICEF) on demographic and health was conducted in India from 2005 to 2013, which reported that nearly 42% of Indian girls have gone through the trauma of sexual violence before their teenage. Childhood sexual abuse is a traumatic experience not only affect the lives of the victims but those close to the victims as well. When sexual abuse goes unreported and no assistance given to children they left suffer in silence. It is a problem that has taken roots in the society and indeed a challenging one to curb. The motivation behind this examination is to recognize the fundamental privileges of youngsters inside the subtype commonness of child abuse a „Acts or omissions by a care giver leading to actual or potential damage to health and

development, and exposure to unnecessary suffering to the child' with demonstrating an expanding pattern in India. India having a vast child population and children are being defenseless against mishandle, abuse and disregard. This paper will further explore the research on sexual abuse of children, measures and suggestions for protection of child rights regarding child abuse.

**KEYWORDS:** Child Sexual Abuse, Protection Of Child Rights. Sexual Violence

### RESEARCH METHODOLOGY:

The researchers utilized an exploratory research system based on past literature from annual reports, newspapers, magazines, interviews and publications covering wide gathering of scholastic writings.

### OBJECTIVE OF THE STUDY:

1. To research on child abuse.
2. To research about sexual violence against children.
3. To research on various measures by government and other forums to protect child rights.

### 1. INTRODUCTION OF CHILD ABUSE

Children who are the segment of society that is the most defenseless, vulnerable, and completely dependent on adults. It is the fault of grown-ups when children wind up in zones of cataclysmic events and disasters or zones of military combat activities and turn into the victims and casualties of physical, sexual, and enthusiastic savagery. In education today, as in years past and clearly in years to come, child abuse and neglect is and will be a staggering scourge.



The danger of a child being abused ascends if there is destitution, social confinement, unemployment, lodging issues, or absence of parenting abilities. The pattern is clear, kids who have poor and uneducated guardians are at high danger of being abused. Child abuse 'Acts or oversights by a parental figure prompting actual or potential harm to wellbeing and development, and introduction to superfluous enduring to the child's of worldwide concern and have been an issue. The Child Abuse Prevention and Treatment Act (CAPTA) defines child abuse and neglect as: "Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm"<sup>1</sup>

Child abuse constitutes all types of physical or potentially enthusiastic sick treatment, sexual abuse, disregard or careless treatment or business or other exploitation bringing about real or potential damage to the child's wellbeing, survival, improvement or dignity with regards to a relationship of obligation, trust or power. Despite the fact that numerous progression have been taken by government to avoid it. Measurement demonstrates that child abuse cases are expanding for as long as years. Kids encounter violence in all space most well-known to them, for example, in school, homes and group they live in. They likewise also suffer abuse and exploitation in orphanages, set up of detainment and on lanes. The wilful maltreatment of children has been perceived globally as an issue of

incredible sociological contact with lawful noteworthy and therapeutic concern.

## 2. TYPES OF CHILD ABUSE

**2.1 PHYSICAL ABUSE**-Physical abuse is generally defined as :

- "Any nonaccidental physical injury to the child" and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child.<sup>2</sup>
- Inflicting or allowing physical injury, impairment of bodily function, or disfigurement; A condition or death that is not justifiably explained, or where the history given concerning the condition or death is inconsistent with the degree or type of condition or death, or circumstances indicate that the condition or death may not be the result of an accidental occurrence.
- Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug.<sup>3</sup>
- 'Serious physical injury' means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:
  - Creates a reasonable risk of death
  - Causes serious or permanent disfigurement
  - Causes significant physical pain
  - Causes serious impairment of health

<sup>2</sup>

Childwelfare.gov,

<https://www.childwelfare.gov/pubPDFs/define.pdf>

<sup>3</sup>CHILD ABUSE INVESTIGATION: From Dispatch to Disposition By Donald A. Hayden

<sup>1</sup>CAPTA Reauthorization Act of 2010



- Causes the loss or protracted impairment of an organ or limb<sup>4</sup>

**2.2 NEGLECT**-Neglect is defined as –

- the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm.<sup>5</sup>
- Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug.<sup>6</sup>
- 'Neglected or dependent child' means a child:
  - Whose parent, guardian, or legal custodian has abandoned him or her or has subjected him or her to mistreatment or abuse, or whose parent, guardian, or legal custodian has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and to prevent it from recurring.
  - Who lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
  - Whose environment is injurious to his or her welfare.
  - Whose parent, guardian, or legal custodian fails or refuses to provide proper or

necessary subsistence, education, medical care, or other care necessary for his or her health, guidance, or well-being.

- Who is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of his or her parent, guardian, or legal custodian<sup>7</sup>

**2.3 SEXUAL ABUSE**-The term 'abuse' here includes:<sup>8</sup>

- Inflicting or allowing sexual abuse
- Sexual conduct with a minor
- Sexual assault
- Molestation of a child
- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Incest
- Child prostitution

**2.4 EMOTIONAL ABUSE**- It means-

- “Injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition” and injury as evidenced by “anxiety, depression, withdrawal, or aggressive behavior.”<sup>9</sup>
- 'Serious emotional injury' means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:
  - Seriously impairs mental faculties
  - Causes serious anxiety, depression, withdrawal, or social dysfunction behavior

<sup>4</sup> www.childabusestories.org,state-definitions,arizona-definition-child-abuse-and-neglect,

<sup>5</sup> Patch.com - GDPR Patch.com, https://patch.com/new-hampshire/nashua/bp--definitions-of-child-abuse-and-neglect

<sup>6</sup> www.childabusestories.org,state-definitions,arizona-definition-child-abuse-and-neglect

<sup>7</sup> Childwelfare.gov, https://www.childwelfare.gov/pubPDFs/define.pdf

<sup>8</sup> www.childabusestories.org,state-definitions,arizona-definition-child-abuse-and-neglect

<sup>9</sup> Childwelfare.gov, https://www.childwelfare.gov/pubPDFs/define.pdf



to the extent that the child suffers dysfunction that requires treatment

- Is the result of sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, child prostitution, commercial sexual exploitation of a minor, sexual exploitation of a minor, or incest.<sup>10</sup>

### 3. CHILD SEXUAL ABUSE: CRIME AGAINST AN INNOCENT LIFE

India is home to 430 million children which is approximately includes one in every five children below the age of 18 years, in the world.<sup>11</sup> Malnutrition, illiteracy, trafficking, forced labor, drug abuse, sexual abuse, pornography etc. are not uncommon among the children in India.<sup>12</sup> Child abuse is a serious and widespread phenomenon that occurs both within and beyond the family system. The World Health Organisation (WHO) defines CSA as “the involvement of a child in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violate the laws or social taboos of society.” Child sexual abuse is evidenced by activity between a child and an adult or another child

who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.<sup>13</sup>

This may incorporate yet isn't constrained to: The inducement or compulsion of a child to take part in any unlawful sexual activity, the exploitative utilization of a youngster in prostitution or other unlawful sexual practices, the exploitative use of children in explicit execution and materials, female sex unaccompanied children, children in child care, adopted kids, step children, physically or rationally incapacitated kids, history of past abuse, Poverty, war/outfitted clash, mental or psychological helplessness; single parent homes/broken homes, social disconnection, parent(s) with dysfunctional behavior, alcohol or drug dependency.

The child in specific cases is compelled to keep the sexual abuse a mystery and at first feels caught and helpless. These sentiments of helplessness and the youngster's dread that nobody will trust the exposure of abuse prompt will lead to accommodated conduct. On the off chance that the youngster discloses, disappointment of family and experts to ensure and support the child satisfactorily, increase the child's misery and may prompt withdrawal.

The procedure of revelation ought to be secured however isn't done as such additionally if a child sexual affirmation has been accounted then there is a demand for an examination by the kid insurance specialists as well as the police. The youngster is brought by a relative or alluded

<sup>10</sup> [www.childabusestories.org,state-definitions,arizona-definition-child-abuse-and-neglect](http://www.childabusestories.org/state-definitions/arizona-definition-child-abuse-and-neglect)

<sup>11</sup> The Planning Commission, Government of India, “Report of the Working Group on Child Rights for the 12th Five Year Plan (2012–2017),” [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep\\_child.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep_child.pdf) (Last accessed October 7, 2015), p. 8

<sup>12</sup> United Nations Children’s Fund, “The Situation of Children in India – a profile,” May 2011, [http://www.unicef.org/india/The\\_Situation\\_of\\_Children\\_in\\_India\\_-\\_A\\_profile\\_20110630\\_.pdf](http://www.unicef.org/india/The_Situation_of_Children_in_India_-_A_profile_20110630_.pdf) ( Last accessed October 7, 2015).

<sup>13</sup> Childline.org.in, child sexual abuse medical procedures and protocols



by a social insurance proficient in light of the fact that an assertion has been made yet not answered to experts. Behavioral or physical pointers have been distinguished (e.g. by a parental figure, social insurance expert, instructor) and a further assessment is asked for however that likewise does not happen.

As per the record India has the world's largest number of CSA cases: For every 155<sup>th</sup> minute a child, less than 16 years is raped, for every 13<sup>th</sup> hour child under 10, and one in every 10 children sexually abused at any point of time.<sup>14</sup> Studies propose that over 7,200 children, including infants, are raped every year and it is believed that several cases go unreported. It is estimated by the government that 40% of India's children are susceptible to threats like being homeless, trafficking, drug abuse, forced labor, and crime.<sup>15</sup>

### 3.1 APPROACH TO PROTECTION OF CHILDREN

#### 3.1.1. NGOs and other forums

<sup>14</sup>India has the world's largest number of CSA cases: For every 155<sup>th</sup> minute a child, less than 16 years is raped, for every 13<sup>th</sup> hour child under 10, and one in every 10 children sexually abused at any point of time.[23] Studies propose that over 7,200 children, including infants, are raped every year and it is believed that several cases go unreported. It is estimated by the government that 40% of India's children are susceptible to threats like being homeless, trafficking, drug abuse, forced labor, and crime.[24]

<sup>15</sup>Breaking the silence. Child sexual abuse in India. USA, Humans rights watch. 2013. [Last cited on 2014 Aug 09]. Available from: <http://www.hrw.org/sites/default/files/reports/india0113ForUpload.pdf>.

India has a strong presence of non-governmental bodies, networks, community-based organizations, civic forums and peoples' campaigns. In recent years, these organizations and platform have sharpened their focus on protection issues. The news media are also increasingly alert in playing a watch-dog role. After nirbhaya case many non governmental organisations and media played a vital role by making awareness regarding protection of child's rights and increasing risk factors of sexual violence against children. A large number of NGOs are working in the field of child welfare and child protection, and many have created valuable models of prevention, intervention and rehabilitation. However, because of the huge numbers of children requiring protection, their efforts can make only a marginal impact.

#### 3.1.2.Measures by government

The ultimate responsibility of protection of children lies with the state. It is their duty to implement and adopt policies and measures regarding safety and security of nation's children. Indian government has ratified. As Indian constitution provides obligation to state to safeguard children against "exploitation, and moral and material abandonment." Government has ratified and recognised the standard of UNCRC<sup>16</sup>, in this regard National commission for protection of child rights was established

#### 3.1.3 National Legislations

- A study conducted by the UNICEF after the 2012 Delhi gang rape revealed that one in every three rape cases, the victim is a child and these incidences are increasing

<sup>16</sup> UN Convention on the Rights of the Child



at an alarming rate.<sup>17</sup> Before May 2012, many provisions of the IPC dealing with sexual offences were also applied to the cases of child sexual abuse and prosecuted under the following sections :

I.P.C. (1860) 375- Rape

I.P.C. (1860) 354- Outraging the modesty of a woman

I.P.C. (1860) 377- Unnatural offences

- However, these provisions of IPC could not effectively protect the child which resulted in serious miscarriage of justice due to various loopholes like:

IPC 375 doesn't protect male victims or anyone from sexual acts of penetration other than "traditional" peno-vaginal intercourse.

IPC 354 lacks a statutory definition of "modesty". It carries a weak penalty and is a compoundable offence. Further, it does not protect the "modesty" of a male child.

In IPC 377, the term "unnatural offences" is not defined. It only applies to victims penetrated by their attacker's sex act, and is not designed to criminalise sexual abuse of children.

- Under POSCO act<sup>18</sup> all forms of child sexual abuses are specific offences with specific punishments for the perpetrators. Earlier, there was no law covering any non- penetrative sexual act committed against boys which is now clearly defined. The new law has also laid down certain guidelines for police and court authorities to deal with the victims.

- The need for this law became more immediate after the case of *Mrs.Madhu v. State of Haryana* involving Ruchika Girhotra, who was molested by a police officer when she was 14 years old . In this case, the accused asked Ruchika's parents to send her to Canada as she was a brilliant tennis player. The case was filed under Section 354 read with Section 509 IPC. The accused, SPS Rathore escaped prosecution for years even though there was an eye witness to the alleged acts.<sup>19</sup>

- Apart from POSCO act, UNICEF works to prevent and respond to sexual violence by engaging different government sectors - justice, social welfare, education and health as well as legislators, civil society, community leaders, religious groups, the private sector, media, families and children themselves. UNICEF supports governments in strengthening child protection systems at national and local levels— including laws, policies, regulations and the provision of comprehensive services to child victims. UNICEF also works with communities and the general public to raise awareness about the problem and address attitudes, norms and practices that are harmful to children<sup>20</sup>

- The law provides for relief and rehabilitation of the child, as soon as the complaint is made to the **Special Juvenile Police Unit (SJPU)** or to the local police. Immediate & adequate care and protection (such as admitting the child into a shelter home or to the nearest hospital within twenty-four hours of the report) are

<sup>17</sup> UNICEF, "UN in India condemns the gang rape of a student in New Delhi," December 31, 2012, [http://www.unicef.org/media/media\\_67097.html](http://www.unicef.org/media/media_67097.html) (Last accessed October 7, 2015).

<sup>18</sup>The Protection of Children from Sexual Offences Act (POCSO Act) 2012

<sup>19</sup>*Mrs.Madhu v. State of Haryana*, 1998(4) RCR 854

<sup>20</sup>[https://www.unicef.org/protection/57929\\_58006.html](https://www.unicef.org/protection/57929_58006.html)



provided. The Child Welfare Committee (CWC) is also required to be notified within 24 hours of recording the complaint. Moreover, it is a mandate of the **National Commission for the Protection of Child Rights (NCPCR)** and State Commissions for the Protection of Child Rights (SCPCR) to monitor the implementation of the Act.<sup>21</sup>

- **Telephonic help lines (CHILDLINE 1098) and Child Welfare Committees (CWC)** under the Juvenile Justice Act (2000) have been established, where reports of child abuse or a child likely to be threatened to be harmed can be made and help sought.

### 3.2 FLAWS OR LOOPHOLES

The issue of CSA is still a taboo in India. In India, majority of the people remain numb about this issue. This silence is due to the fear of indignity, denial from the community, social stigma, not being able to trust government bodies, and gap in communication between parents and children about this issue. Whose responsibility is it to ensure the safe, protective and caring environment that every child deserves? Ideally, the parents should be responsible for proper care and protection of their child. However, the child must not suffer in case the parents cannot provide care and protection. It is the duty of the proximate community and the Government at large to address the issues of care and protection. In this responsibility, the State and its institutions must function pro-

actively at all levels of governance and service.

A 2007 Indian government-sponsored survey, based on interviews with 12,500 children in 13 different states, reported serious and widespread sexual abuse, thereby putting the government on notice about the gravity of the problem. Smaller surveys conducted by nongovernmental organizations (NGOs) have also painted a disturbing picture. Children are sexually abused by relatives at home, by people in their neighbourhoods, at school, and in residential facilities for orphans and other at-risk children. Most such cases are not reported. Many are mistreated a second time by a criminal justice system that often does not want to hear or believe their accounts, or take serious action against perpetrators.

According to a 2007 study conducted by India's ministry of women and child development, 53% of children surveyed said they had been subjected to some form of sexual abuse. Campaigners say most of the abusers are people known to the victims, like parents, relatives and schoolteachers<sup>22</sup> Indian government has adopted various standards but there is a gap between adopting a policy and its implementation .many children fall through the gaps. Government should take adequate steps to implement policies more effectively. Policymakers must heard the child's voice. It is the duty of state, community ,parents and other forums to ensure the security of children.

<sup>21</sup> The Protection of Children From Sexual Offences Act, 2012. <http://wcd.nic.in/childact/childprotection31072012.pdf>.

<sup>22</sup>India child abuse 'every 15 minutes' BBC News, <https://www.bbc.com/news/world-asia-india-42193533>



Families and the community must be educated, informed and enabled so that they can provide care and protection to their children. All those entrusted with the child's upbringing and development must learn that the best approaches are non-violent.

### 3.2 EFFECTS OF CHILD ABUSE

Victims of such abuse frequently end up managing serious mental repercussions for quite a long time and physical outcomes of having been abused. There are different types of directing, psychotherapy, therapeutic and self improvement assets accessible for individuals who have been abused and need help and support for managing problems and issues they have developed because of being abuse such post-abuse issues are some of the time called 'abuse sequela' by health experts, While no treatment is equipped for deleting the impacts of abuse, such assets can give genuine and important help with limiting the negative impacts of mishandle which may not facilitate the frequency of abuse in a child's life, can prompt further types of alienation and trauma.

This child abuse may transform into Post Traumatic Stress Disorder which is the level of apparent individual threat, the formative condition of the child, the relationship of the victim to the perpetrator, the level of help the casualty has in his everyday life, Guilt, Resilience later in life. Statistics demonstrate that females are significantly more likely than guys to create PTSD because of encountering child abuse. Inspecting particular kinds of abuse, deadly instances of physical abuse and neglect are no doubt among youthful newborn children,

and this seems to remain constant crosswise over nations and societies.

In the United States in 2003, 78.7% of youngsters who were killed by guardians or different parental figures were under 4 years old. Reliably in the United States, kids under 1 year old are those destined to be murdered by guardians or different parental figures this focuses out that over the globe, newborn child deadly physical abuse. There are characteristic and clear organic vulnerabilities of newborn children: their physical improvement enables them to be all the more effectively lifted, dropped, tossed, or shaken, and generally little force is required to cause serious or deadly harm. The shortcoming of their neck muscles elevates the danger of cerebral injury, the main source of attack for newborn children<sup>23</sup>

### 4. CONCLUSION

One of the main things that is essential is to show guardians what is harmful for kids. This incorporates how they act, how they respond, how they think and how they develop. In the event that a parent has a decent understanding of these couple of issues they will probably be able to respond to circumstances all the more properly. The guardians likewise need to hone what they have realized in a precisely observed circumstance. This should be possible by carrying on or demonstrating situations to with the guardians, by and by so they can perceive what it would seem that to respond properly to circumstances.

<sup>23</sup> Susanne Babbel, who are the perpetrator of child abuse, psychology today (6.may.2011)  
<https://www.psychologytoday.com/blog/somatic-psychology/201105/who-are-the-perpetrators-child-abuse>.



While honing these abilities a parent may need to rehearse their compassionate aptitudes, once a parent acknowledging how their extreme discipline influences their kids to feel, they may understand that they have to learn these abilities and actualize them.

A couple of practices that are decidedly connected with the improvement of sympathetic comprehension:

1. Responsive, nonpunitive, nonauthoritarian conduct of moms toward their preschool kids
2. Disclosing to kids the impacts of their conduct on others
3. Calling attention to youngsters that they have the ability to make others cheerful by being kind and liberal to them
4. Parental demonstrating of compassionate, mindful conduct
5. Disclosing to children who have harmed or others why their conduct is harmful and giving them recommendations for offering some kind of reparation to those hurt
6. Urging school-age youngsters to talk about their sentiments and issues.

Teachers assume a vast part in the aversion of youngster manhandle and disregard. An educator needs to guarantee security, structure, consistency and consistency in their classroom. Not only an instructor need to comprehend what to do when faced with a circumstance of child abuse and disregard yet they have to realize what to do with that kid when they know about it. There are numerous things that a teacher can do to help an understudy who is in a harsh situation. It is so critical to seek these youngsters out; they require a man to be there, a man that can be their emotionally

supportive network since they don't have anyone else there.

Some awesome thoughts that will help an educator in helping an understudy that has been mishandled. The thoughts are-

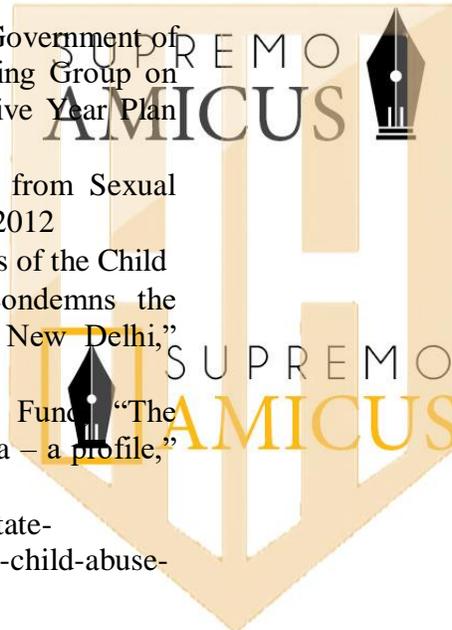
1. Put aside a place in the classroom for kids to "assemble themselves together" or quiet down
2. Give the kid his own particular arrangement of cards with pictures of various inclination states and urge them to put the card that mirrors his inclination state on the corner of his desk so you can easily see it.
3. Plan together with the class for times when somebody moves toward becoming overpowered.
4. Give the kid an assignment, for example, conveying a "note" in a fixed envelope to another educator with whom you have made earlier courses of action
5. Common outcomes, for example, doing incomplete homework amid break are very effective if applied to all youngsters.
6. Continuously hinder improper conduct and divert the kid. A grin consoles the tyke that you are not at risk, that he or she is still safe.

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