



CHILD SEXUAL ABUSE : A social issue shrouded in silence

Susmita Shukla

Reaearch Scholar, Deptt. of Sociology, Banaras Hindu University, Varanasi (U.P.), India

Received- 01.08.2020, Revised- 05.08.2020, Accepted - 08.08.2020 Email : shuklasusmita98@gmail.com

Abstract: *Addressing child sexual abuse is a challenge all over the world. However in India, both state and community responses aggravate the intricacies of the problem. First and foremost, there is a serious hidden problem of under reporting or of such cases. The issue of Child Sexual Abuse remains shrouded in secrecy and shame. The POCSO (protection of children from sexual offence) act, 2012 is in itself an example of how late we have addressed this issue. There are several noteworthy barriers to crafting effective responses. Fear of social stigma or lack of faith in government institutions prevents many people from reporting child sexual abuse. As in Indian society, deep-rooted cultural norms discourage the open discussion of sex and sex related social problems.*

Key Words: child sexual abuse, challenge, community, responses, aggravate, intricacies, foremost.

The paper, in its 1st section deals with the definitions of child sexual abuse and the methodology used. In the second section, various surveys conducted by government and non-government organizations on child sexual abuse have been mentioned. Various cases drawn from secondary sources have been discussed while in third section, analysis and conclusion is made on the basis of the cases discussed.

Definition of Child Sexual Abuse- "Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this 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. This may include but is not limited to:

- * the inducement or coercion of a child to engage in any unlawful sexual activity;
- * the exploitative use of a child in prostitution or other unlawful sexual practices;
- * the exploitative use of children in pornographic performance and materials".

WHO [1999 WHO Consultation on Child Abuse Prevention (62)]

The POCSO act ,2012 defines a child as an individual below the age of 18 years. Child Sexual Abuse is defined in a comprehensive way encompassing the following:

1. penetrative sexual assault,
 2. aggravated penetrative sexual assault,
 3. sexual assault,
 4. aggravated sexual assault,
 5. sexual harassment,
 6. using child for pornographic purpose, and
 7. trafficking of children for sexual purpose
- the offence mentioned are treated as "aggravated" , when the abused child is mentally ill or when the abuse is committed by a person in apposition of trust or authority vis-à-vis the child. The act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Methodology- Case study method is used to study the problem of Child sexual abuse in holistic perspective. Cases from secondary sources have been analyzed to understand the issues related to CSA and the discrepancies at various institutional levels namely, educational institutions, community, medical institutions, child care institutions and legal institutions.



II- Various surveys and studies on Child Sexual Abuse

* The first study on CSA in India was conducted by Recovery and Healing from Incest (RAHI), an Indian non-government organization (NGO) in 1998. Majority (76%) of the participants reported being abused during childhood or adolescence.

* Save the Children, the international organization, and, Tulir-Center for Healing and Prevention of Child Sex Abuse, an Indian NGO, conducted a study in 2005 among 2,211 school going children in Chennai. About 48% and 39% of the boys and girls, respectively, reported as being sexually abused, while more than one-tenth (15%) of the participants stated as having faced severe forms of sexual abuse

* A study was conducted in 2007 by Ministry of women and child development in India covering 13 states. The study reported that about 21% of the participants were exposed to extreme forms of sexual abuse. Among the participants who reported being abused, 57.3% were boys and 42.7% were girls, about 40% were 5-12 years of age. About half of the participants were exposed to other forms of sexual abuse.

* 'Breaking the Silence: Child Sexual Abuse in India', 2013- The Human Rights Watch Report "Breaking the Silence" illustrates the gloomy picture of child protection in India particularly specially when it comes to preventing sexual abuse of minors within homes, schools and institutions. An inclusive 82 page report, along with case studies and expert comments, it verifies the prevalence of child sexual abuse across classes. Highlighting inaction against the perpetrators of child sexual abuse, HRW revealed that child sexual abuse in homes, schools and institutions for care and protection of children is quite common.

Case studies- Case 1: Discrepancy at educational level Innumerable reporting of cases of child sexual abuse in schools is an alarm that rings the warning for our unpreparedness regarding the safety of

children in school premises. One such case has been discussed.

Vibgyor high school case : In July, 2014, a six-year-old child was raped in a well known school, Vibgyor High School in East Bangalore. The girl was attacked and sexually harassed by two male teachers but remained silent for few days. The matter came into light only after the child complained about pain and was taken to doctor who later confirmed the sexual assault. The parents filled FIR on July 9, 2014. The Bangalore police arrested the Chairman of the school for allegedly concealing the information and trying to destroy the evidence. There was initial arresting of skating instructor named Mustafa on the basis of findings of child pornography in his Laptop.

Case 2 : Discrepancy at community level- In India, the process of addressing the issue of child sexual abuse is even more daunting than the rest of the world due to the taboo on discussing sex related matter and the stigma attached with it. The hush attitude of the family due to the fear of what society will say further adds to the problem. One such case is discussed in the human watch report is discussed here.

Boycott by Community: case of 12-year-old in Varanasi - Abida, a 12-year-old girl was gang raped by three men while returning home from school in the city of Varanasi in Northern India. Her father, Ahmed went to report the incident to police as he was afraid that others girls who used the same way for school will be attacked if the men were not arrested. But instead of praise, he met with criticism for reporting the case and the family was ostracized by the community. The community shunned the child because she was a rape victim and blamed the family for making her so-called disgrace public. The parents of his elder daughter's fiancé cancelled the engagement because they felt that public knowledge of the attack had brought shame to their family.

After the incident, the child has stopped to go out and have lost weight too. She was provided



counseling by NGO, The People's Vigilance Committee for Human Rights but no governmental support or counseling was available.

Case 3: Discrepancy in the legal system-

Already, child sexual abuse is one of the most under reported crimes due to the stigma attached with it and the discrepancies in the legal system further stop victims and family to report the incidents. The judgmental and unsympathetic attitude of the police and a long prosecution process adds to the pain of the victim.

Mandeep's case - The case of Mandeep illustrates how police failures can have catastrophic consequences. When Mandeep, 15, was hospitalized with burn injuries from a suicide attempt at her home, in Uttar Pradesh, she explained to medical workers that she took this step after a 35-year-old neighbor forced her to have oral sex with him on June 12, 2011. She died a week later. Her family told Human Rights Watch that two weeks earlier, she had successfully fought off her abuser, but when she went to a police station, officers there accused her of lying. The family took up the issue with the head of the village, but he advised them not to make a formal complaint and instead reach some sort of informal settlement. After she was attacked for the second time, Mandeep did not tell anyone in her family what had happened to her and the next day doused herself in kerosene and set herself alight. According to her uncle, she felt there was no one she could turn to. She did not say what had happened to her out of shame. She was burning for one hour. Mandeep's family then took her to hospital, where she survived for eight days. During this time, a journalist videoed Mandeep naming the man who she said had attacked her and briefly describing what had happened. She said, "He caught me while I was returning from the field. He did it in my mouth and threatened to shoot my mother and father." Her father said that doctors, policemen, and the other community members tried to dissuade him from pursuing the case, warning that the alleged perpetrator might attack the family.

Case 4: Discrepancies in medical examination- Insensitive medical examination can further traumatize the victims. In India, there is lack of training to medical professionals for handling the cases of child sexual abuse victims. Although the inhuman two finger test has been banned in rape cases, medical professionals have to go a long way to attain the right empathetic attitude in dealing with child sexual abuse victim.

Case of a three-year-old in Bangalore- Sara, an Indian national, suspected her husband of raping and sodomizing their three-year-old Daughter in June 2012, in their home in the southern city of Bangalore. Based on her suspicions, Sara first took her child for an examination at a private hospital, which runs its own "child response unit," where she said doctors found evidence of abuse, including traces of sperm. Following this, she then took the case to the police, attracting a huge amount of media interest. Her husband, who says he is innocent, was arrested. The police insisted that the child be seen by doctors in a government hospital, who in contrast to the behavior of doctors at the private hospital failed to handle the case in a sensitive manner. Sara told Human Rights Watch that hospital authorities, instead of keeping her in a separate room, made the child wait for several hours in an adult labor ward. The sight of blood and women in pain was terrifying for the child. The doctor was also insensitive. It was very difficult for my daughter. They pulled her legs back and she screamed. I was holding her head. It was very stressful. Even I was screaming. When they finally got the swabs they needed the doctor dropped them on the floor. She picked them up and just looked at them. "This is vaginal, this is anal," she said. It was horrible. The doctor was very young. I don't think she knew much about rape. She kept asking if there was any bleeding, if she had a problem walking. For six to eight hours after the examination, my daughter did not urinate because it was hurting her so much after they pulled her legs back.



Discrepancy in Child Welfare Centre -

Case of Apna Ghar, Rohtak , Haryana. This case is an example of systemic failure in Child Care Institutions. Three girls escaped from the welfare home and reported to the child line about the case. Immediate action of the NCPDR officials led to the disclosure of the inhuman sexual torture children were subjected to in the institution. The girls were subjected to sexual violence and were physically abused too. They even were forced to have sex with strangers.

III- ANALYSIS AND CONCLUSION-

Based on the cases discussed in the second part of the paper, it can be argued that even after so much awareness created on the issue of child sexual abuse, there is a long way to go and free our society from the evil of child sexual abuse.

In all the cases, reporting was done but the victim and their family faced innumerable problems nonetheless. Social ostracism from community, discouraging police, insensitive medical professionals, unprepared academic institutions, ill functioning child care institutions and juvenile rehabilitation centre are some of the aspects of the multi-dimensional problem of child sexual abuse. It is quite clear that children are sexually abused by relatives at home, by people in their neighborhoods, at school, and in residential facilities for orphans and at many other such at-risk places for children. Most of the cases remain unreported.

Therefore, this issue is multidimensional and needs to be understood in holistic way taking all the responsible institutions and agencies into consideration. We need to focus more on the creating awareness in society to switch to the prevention mode instead of focusing more on intervention and rehabilitation mechanism. There is also a strong requirement to establish an integrated mechanism to cater the needs of the sexually abused children in a more child friendly manner.

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