

## CHAPTER II

### CHILD SEXUAL ABUSE IN INDIA

In this chapter I will examine further about Child Sexual Abuse (CSA) including a brief summary about the dynamic of CSA in India before 2005 and its forms. The influencing factors that creates significant number of CSA in India will also be discussed. This chapter will be ended with the impact of CSA in India as the beginning of India's ratification toward OPSC. There will be many data served regarding to CSA in India in order to support the argument of this research.

#### A. The Dynamics of Child Sexual Abuse (CSA) in India (2000-2004)

Child Sexual Abuse (CSA) is one of child abuse forms. There are several forms of abuse towards children such as physical abuse, sexual abuse, emotional abuse, and neglect. *Physical abuse* defines as the creation of physical injury upon a child including burning, hitting, punching, shaking, kicking, beating or otherwise harming a child. *Sexual abuse* is inappropriate sexual behavior with a child including fondling child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism, and sexual exploitation. *Emotional abuse* can also be known as verbal abuse, mental abuse, and psychological maltreatment. *Neglect* is the failure to provide the child's basic needs physically, educationally, or emotionally.

Sexual abuse towards children is a shameful criminal to wherever the state in the world happens. It doesn't always happen in rural areas but there are many big cities in the world that also have CSA cases reported. One to 10 children are likely to be abused sexually before the age of 18<sup>th</sup>. More than 50% of CSA victims know their abuser and one from 7 CSA case is conducted by teenagers during schooldays (Darkness to Light, 2015).

CSA occurs when a person under the age of 18 is made to participate in, or to help someone else participate in, any sexually explicit conduct, such as intercourse, sodomy, genitals fondling, and oral copulation. Molested and raped against children, involved in incest, or is exploited sexually, as in child prostitution and pornography is also known as CSA. When a child is developmentally not old enough to understand the consequences of being enticed, bribed, threatened, or coerced by force to engage in sexual activity, this situation is also identified as a CSA case (U.S. National Library of Medicine, 1988).

Pedophile is also known as the perpetrator of CSA. Pedophile is an individual who rather to conduct a sexual contact with children than with adults. They are known skillful to pattern plans and strategies to get along with children. An evidence stated that pedophile is likely sharing their information about children at an international level, especially through the use of Internet.

Pedophile was firstly debated widely in twentieth century and was coined in 1880s when it was spread among the medical scholars invested in diagnosing sexual violation as well as crimes. Richard von Krafft-Ebing, an Austrian psychiatrist, through his famous sexology's first book, "*Psychopathia Sexualis*", introduced the expression of "paedophilia erotica" which placing child sexual abuse in an emerging catalogue of sexual pathologies. He defined paedophilia erotica as the phenomenon of a sexually needy subject being drawn to children by a morbid disposition (Bauer, 2017).

CSA is somehow different in several parts of adult sexual abuse. In CSA, violation against the victim is rarely used. The perpetrator usually manipulates the child's trust and tends to avoid violation. A known and trusted caregiver is mostly known as the perpetrator of CSA. The most prominent dynamics of CSA is that the victim typically is not eager to disclose to other

people. Therefore, the perpetrator is tent to conduct CSA periodically and repeatedly.

CSA is a use of children for sexual purposes that benefits adults on gratification. A known male is typically identified as the perpetrator to the child. It might happen in any parts of the society but in poor family is the most commonly reported case. Children of all ages and genders may be potentially sexually abused. Children may be used for improper acts, pornography, external genital contact in form of being fondled, masturbating an adult, and being used for intercourse. The victims may also be penetrated orally, vaginally, or anally. Many of the victims are threatened not to tell other people by the perpetrator. Compensatory treats or presents may also be offered to the children by the perpetrator. Disclosure from the victim is commonly happened after a long period of time and may be pushed by retraction (Bamford & Roberts, 1989).

India is one of a country in the world which upholds their cultural values. Talking about sex is considered taboo. A very large number of people in India believe that CSA only happen in the western countries and it doesn't happen in India. The conservative preference where sex is not discussed within the family even in their children's growing years have boosted to the CSA issue. The girl whose mother never talked about menstruation with her is unable to tell her mother about her neighbor who had made sexual moves towards her. The silence triggers the perpetrator to keep conducting the crime continuously and use the girl to do further forms of sexual abuse toward children.

Children are the future of a nation and of the world but in many cases, they are often disadvantaged in some particular issues. Children who are orphans, left alone, and lack of care are the most potential target for crime against them. This vulnerability of being the victim to CSA are mostly contributed from their innocence, lack of experience, exposure, and inappropriate care from the caregiver. Children are often

considered that their individuality has not yet to be fully accepted. Instead, their future is often determined by adults because of the social customs to some extent. This somehow makes children weak and vulnerable for violence either it is mentally or physically.

There is vary of definition for child in the status of law in India. According to the Juvenile Justice Act of 1986, a girl child is someone below the age of 18 years. The Child Marriage Restraint Act of 1928 defined 18 years as the cut mark for the child marriage restraint. The Indian Penal Code (IPC) vide sections 375 identifies wife as someone who is not under the age of 15 years, but according to Section 376 of the IPC it is someone who is not under the age of 12 years.

According to the Community Safety Partnership (CSP) for North Lincolnshire, or the Safer Neighborhoods Partnership, there are three kind of CSA forms such as; inappropriate relationships and or boyfriend model, online, and organized exploitation, gangs, and trafficking. The *first* form allows the perpetrator to occupy the physical, emotional, financial of a young person. The victim would seemingly believe that they are in a genuine friendship or relationship with the perpetrator. Through this form of CSA, the perpetrator isolates the victim by requiring to attend parties and have sex with multiple men. The *second* form where CSA occurs through online usually enforce victims to send vulgar images of themselves to the perpetrator. The images later may be used privately or be used to share with other child abusers. The *last* form happens when a young woman associated with a rival gang is assaulted sexually as a form of disrespect to the rival gang. Trafficking through criminal networks and forced into sex with multiple men has also known as a form of CSA.

There are three forms of CSA that are mainly concerned in the Optional Protocol in the Sale of Children, Child Prostitution, and Child Pornography (OPSC); the sale of children, child prostitution, and child pornography. *The sale of children* is

defined by article 2 by the optional protocol as any act of transaction whereby a child is transferred by any person or group of person to another for remuneration or any other consideration. *Child prostitution* is defined in the OPSC in article 2 as the use of a child in sexual activities for remuneration or any other form of consideration. The provision of sexual services in exchange of goods, services or favors, and money is also considered as the act of child prostitution. Article 2 of the OPSC defines *child pornography* as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. It may be conducted in a form of live performances, photographs, motion pictures, video recordings, and the broadcasting of digital images.

According to (Ministry of Women and Children Development , 2007), the forms of CSA are assault, including rape and sodomy; touching or fondling a child; exhibitionism-forcing a child to exhibit their private parts; photographing a child in nude. Other forms of sexual abuse also include forcible kissing, sexual advances toward a child during travel, sexual advances towards a child during marriage situations, exhibitionism-exhibiting before a child, exposing a child to pornography materials.

Since 1953 reporting crime in India, for the first time, the National Crime Reports Bureau (NCRB) reported Crime against Children in 1994. According to the reports, there is no specific limitation of the definition of offences against children. Generally, a crime in which a child becomes the victim is recognized as the Crime against Children which has specifically been mentioned in the general penal code of India and the various Special and Local Laws (National Crime Records Bureau (NCRB), 1994). Sexual crimes against children that are recognized by the state are divided into two broad sections:

1. Punishable Crimes against Children under Indian Penal Code (IPC);
  - a) Kidnapping for exporting (Section 360 IPC).
  - b) Procurement of minor girls for inducement to force or seduce, to illicit intercourse (Section 366-A IPC).
  - c) Selling of girls for prostitution (Section 372 IPC).
  - d) Buying of girls for prostitution (Section 373 IPC).
  - e) Rape.
2. Punishable Crimes against Children under Special and Local Laws (SLL);
  - a) Immoral Traffic Prevention Act where minors are abuse in prostitution.

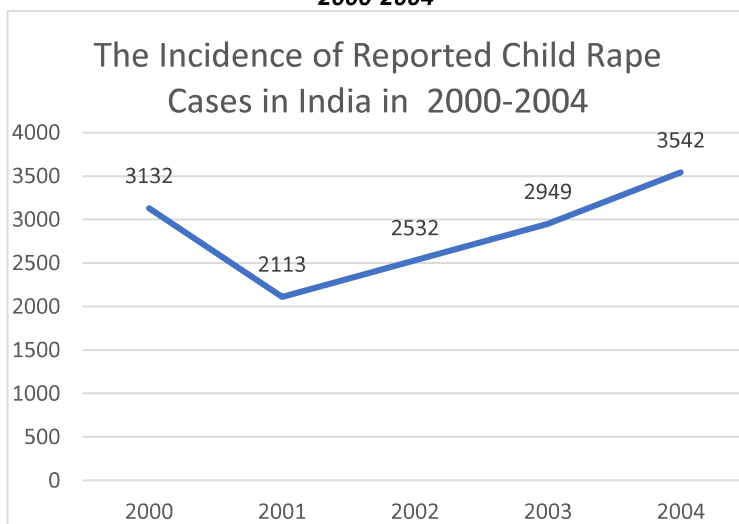
### **1. Child Rape in India**

Rape is an expression of power and dominance using sexual violence, usually by men over women, although men can also be raped. The action of forceful sexual intercourse without her concern can also be identified as rape. Rape is assaultive attack on any unwilling victim. It is an assault against women mostly during wars, against slave girls, prisoners and social group who are weak of power or status, where the perpetrators of the act uses it as the means for humiliating, degrading, and dehumanizing their victim.

Rape can be divided into several areas according to the nature of the situation or by the characteristic of the perpetrators. Martial Rape is known when a rape is happened between a husband and a wife. Ceremonial Rape happens when the perpetrator gains the victims consent through fraud during certain ritual. Rape done by a person who are employed by the state such as by the policemen, hospital staff, public servant, or jail which is known as Custodial Rape. Group Rape is a rape done by a group of people against a single victim (Inyang & Linda, 2015).

Child Rape is rape where child becomes the victim. it has serious consequence on the child physically and mentally. Studies shows that women who have been sexually abused in childhood are at risk of having HIV, STIs, unwanted pregnancy, unsafe abortion, and reproductive health problem. Mentally, the crime would lead the victim to depression or even worse suicide in the later life. Children who are abused sexually, later in life, would likely to live with a stigma such as high risk behaviors of prostitution, multiple psychological problem, feelings of vulnerability, shame, guilt, low self-esteem (Okon, Usman, Ibrahim, & Baiogun, 2017).

**Figure 1 The Incidence of Reported Child Rape Cases in India in 2000-2004**



*Figure 1 Source: NCRB Crime in India 2004*

The chart shows above is an incidence of reported child rape cases in India during the last five years in 2000 to 2004. The trend of rape keeps increasing from year to year from 2001 to 2004 as 2113, 2532, 2949, and 3542. However, from 2000 to 2001, shows a significant decrease as 3132 to 2113. There were 3542 child rape cases reported in India in 2004 which known as the highest number of rape during the five years period of time.

In total, there are 14268 cases of child rape in India reported from 2000 to 2004.

It is known that Uttar Pradesh, Madhya Pradesh, and Maharashtra are the most contributed states to the crime during the years. In 2001, Uttar Pradesh contributed 562 rape cases reported. Madhya Pradesh in sequence reported 517, 699, and 710 cases in 2002, 2003, and 2004. Maharashtra in 2003 reported 605 child cases.

**Table 1 Victims of Child Rape based on the Age**

No.	Year	Age Group		% share of child rape victims to total rape victims
		Below 10 years	10 - 16 years	
(1)	(2)	(3)	(3)	(4)
1.	1996	608	3475	27.5
2.	1997	770	3644	28.8
3.	1998	646	3507	27.4
4.	1999	731	2422*	20.4
5.	2000	744	2388*	19.0
6.	% change in 2000 over 1999	1.8	-1.4	19.0
7.	% change in 2000 over 1996	22.4	-31.3	

*Table 2 Source: Crime in India in 2000 by NCRB*

\* Age-group 11 – 15 years.



Until 2000, there are 3499 children below the age of 10 years and 15436 children aged 10 to 16 years were reported raped in five years. Children who are in age of 10 to 16 years are more vulnerable to get raped than children who are below 10 years. Children below 10 years in 1996 known the least and children below 10 years in 2000 known the most during the five years. Children who are 10-16 years in 2000 known the least and children who are 10-16 years known the most during the years.

## **2. Selling and Buying of Girls for Prostitution in India**

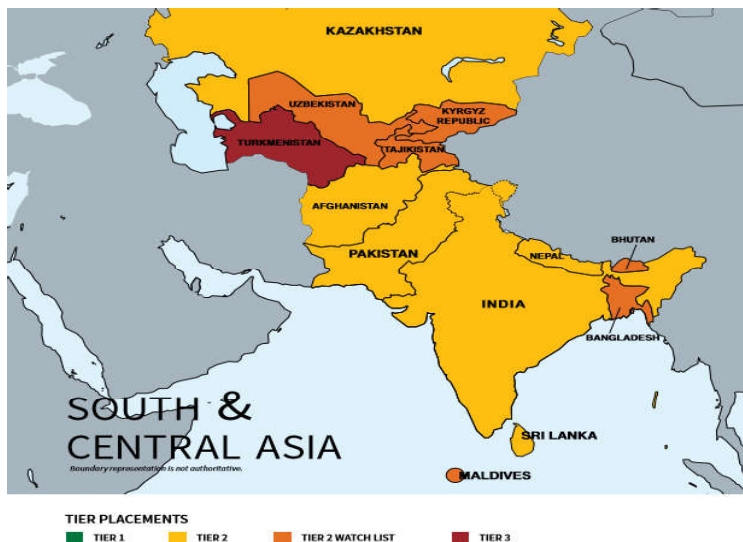
Since 1994, the National Crime Records Bureau had recognized Selling and Buying of Girls for Prostitution as a crime against children on their national crime reports in India. Selling and buying of girls is also known as human trafficking ( (Santhya, Heheebhoy, & Basu, 2014). Child sex trafficking is the recruitment, anchoring, transportation, provision, obtain, patronizing, or socialization of a child (who hasn't reached the age of 18) under certain purposes such as a commercial sex act, conducting force, fraud, or coercion. It gives a devastating long-lasting both physical and psychological trauma, disease such as HIV/AIDS, addicted to drugs, unwanted pregnancy, social ostracism, and death (Department of State of United States of America, 2018).

India is known as the origin, transit and destination state for human trafficking. There are at least 150,000 women and children were trafficked in South Asia and mostly happened from, via, and to India. Children with poor family background is the most likely at risk to be trafficked. According to the National Human Rights Commission (NHRC) Action Research Study conducted in 2005, derived social sections of society such as Scheduled Castes and Scheduled Tribes has put children in risk to be trafficked. Children in the age of 11 to 14 are the most

trafficked victim in India. They are usually abused sexually and kept in a slavery and bondage conditions.

Children from Bangladesh and Nepal are often being trafficked to and via India. There are at least 5000 and 7000 Nepalese girls are trafficked into India every year for sexual exploitation purpose. Lately, trafficking on marriage purpose is also often occurred from India to Bangladesh which usually ended up with child sexual exploitation. However, children are often trafficked within the country from one state to another state such as Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, and West Bengal ( End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), 2009).

*Figure 2 State Tier Classification in South Asia*



*Figure 2 Source: U.S. Department of State Report on Human Trafficking, June 2018*

The tiers are state classifications on the state's minimum standards on giving protection to human trafficking victim based on the Trafficking Victims Protection Act's (TVPA) by the U.S Department of State. Tier 1 shows states who fully meet the TVPA's minimum standards. Tier 2 shows states who don't fully meet the TVPA's minimum standards, but are making significant efforts to comply those standards. Tier 2 Watch List also shows countries with the same characteristics with the previous tier, but there are a few more to this tier such as the significant number of victim related to a vary of trafficking forms, the failure in providing evidence of their efforts in combating human trafficking, and the commitments of the country in making additional future steps over the next year. Tier 3 shows countries who don't fully comply the minimum standards and are not making efforts to do so.

According to the U.S. Department of State report on human trafficking in 2018, India is classified in tier 2 of the tier placements. Protection against human trafficking victim hasn't yet met the minimum standards of TVPA and is inconsistent. A penalization is sometimes subjected to the victims through arrests for the crimes reported. The efforts made by the government is significantly not proportional with the scale of trafficking issue in India. However, several steps have been made by the government such as increasing its budget in providing shelter to the female and child trafficking victims. A revise on a draft anti-trafficking bill was also conducted in order to strengthen its efforts in combating human trafficking in India.

**Table 3 Number of Selling and Buying of Girls for Prostitution Cases Reported in 2000-2004**

<b>No.</b>	<b>Year</b>	<b>Selling of Girls for Prostitution</b>	<b>Buying of Girls for Prostitution</b>
1	2000	15	53
2	2001	8	6
3	2002	5	9
4	2003	36	24
5	2004	19	21
		<b>83</b>	<b>113</b>
<b>Total</b>		<b>196</b>	

*Source: Table 2 NCRB Crimes in India in 2000-2004*

Studies about human trafficking on children is still barely found widely in India. Many cases are left unreported. The trends of buying girls for prostitution is higher than the trend of selling girls for prostitution in 2000 to 2004 in India as 83 and 113 cases reported. In 2000, there are 53 girls are bought for prostitution in India which is known as the highest during the five years. The highest number of selling of girls for prostitution is 36 reported cases in 2003. In total, there were 196 cases reported in 2000 to 2004.

### **B. The Factors of High Incidence of CSA in India**

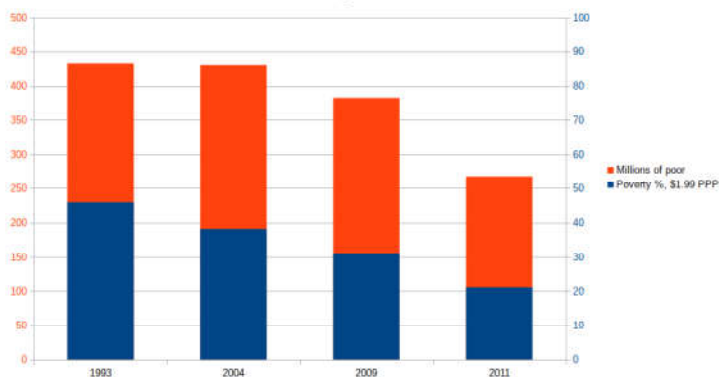
The mass incidence of child sex trafficking in India has become a significant and major issue to the policy makers to be as soon as possible to put more concern on the case. Especially the case of CSA has been occurred in India since a long time ago and many cases are left unreported. The issue is considered

as an entrenched issue in the society. Half of the children's population in India which accounts more than 40% of the country's total population don't have proper access to education, nutrition, and health. Therefore, the issue should be undertaken seriously by the policy makers (Carson, Triipathi, & Foster, 2013). There are at least three main factors the reason why CSA happen in India; poverty, cultural beliefs, and family secrecy.

### 1. Poverty in India

Poverty in India is signed by spatial inequality where the geographical area is huge, the ecological and the culture is diverse, and the social stratification is deep rooted. Poverty contributes differently in significant number in different regions. There are four categories of spatial poverty trap: remote, low potential or marginal, less favored and weakly integrated with significant overlap among the four according to (Scott, 2006).

**Figure 3 Poverty Rate in India 1993-2011**



*Figure 4 Source: World Bank \$1.99 PPP Poverty Line*

Poverty causes children not only have inadequate access towards their needs as children but also causes them to suffer from CSA. The severity of Child Abuse and Neglect (CAN), including CSA would likely to happen when there is a greater

economic problem in the family. It is found that children who are mostly at risk as CSA victim are those who are from a poor family. It is stated by (Pelton, 2015) that poverty and low income strongly influence the occurrence of child abuse and neglect including CSA as well as to the severity of the abuse (Bywaters, Bunting, Davidson, & Hanratty, 2016).

Korbin (2003) believed that poverty and inequality is the root factors to the occurrence of child abuse including CSA. Socio-cultural factors such as poverty, multiple care-giving of children, blurred family roles and boundaries across generations, and social isolation trigger the high incidence of CSA in India. Poverty will lead to inadequate health-care service as well as low educations and job opportunities. It is a major factor that block the access of a family to a proper shelter, medical care, and child's nutrition. Low literacy rates is also the result of poverty.

## **2. The Practice of Cultural Beliefs in India**

Every hour, at least four children become the victim of CSA in India (BBC News, 2017). Thousands of children are raped every year yet many cases are left unreported. Children tend to keep their CSA experience and not to tell anybody because of their cultural beliefs. People in India believe that children are parents' personal property and they don't have rights. Children are often being blamed for making their parents make abuse them. In some cases, children are also being blamed when they become the victim of CSA because they entice the adults to do that for them. Therefore, children tend to be abused and get less access to education, nutrition, health care especially for female children because of their lower social stratification.

Indian culture believes that parents play a dominant role in their children lives. The practice of how parents raise their children will also relate to CSN. Parents who are indifferent about their children would likely neglect and ignore their child's basic physical and emotional needs. There are also parents who

act authoritarian who see their children as their personal property rather than seeing them as young people who are in need of parents' love, care, and protection. However, there are also parents who are indulgent who don't provide protection and boundaries in and out of the family. These three types of parenting styles, as opposed to a more authoritative style which shows firm and follow through of discipline balanced with choice and flexibility, put children at greater risk, including for various forms of abuse and neglect.

The practice of family secrecy also becomes the reason why children barely disclose about their abuse and make such issues left unreported. Family private matters should only be known and dealt by the family members. It is considered taboo to let other people who are not part of the family members know about the family's private matters. Family is the identity of the children. Therefore, anything that would probably damage the reputation of the family would rather be kept hidden from other family members. This practice allow the perpetrators to continue its action repeatedly with the victims. It also indicates the failure of care-giver to provide protection to the children and devastates the children as the victims.

### **C. The Impacts of Child Sexual Abuse (CSA) in India**

CSA is a global issue and happen around the world not only in rural areas but also in urban areas. The innocence of children sometimes put them in harm. Children around the world should have enough and proper access to education, health care, and protection. Sexual abuse against children is unique and different with adult sexual abuse. Children as the victim barely disclose about their abuse immediately after the occurrence. Some children don't even know that they have been abused. The disclosure often follows with more than single episode and is triggered by physical complaint. The impact of being a victim of CSA is unimaginable because of the "blaming the victim" norm.

The impacts caused by CSA are vary. It can impact children's physiological, psychological, and social levels until sexual behavioral patterns. On physical impact, children may suffer from pregnancy, tears to vaginal or anal area, transmitted with sexual transmitted diseases, infection from repeated urinary, and psychosomatic illness. Children may also suffer from psychological impact such as; fearing of people or places, nightmares, eating and sleeping disorder, anxiety, over-caution, dependent behavior, indifference, frequently facing daydreaming, self-secession, trust issue in self and others, regressive behavior such as thumb sucking, soiling, and bedwetting, even suicide.

***Figure 5 Impacts of CSA based on the Time Period***

Immediate effects of CSA	Intermediate effects of CSA	Long-term effects of CSA
Shock	Altered	Anxiety disorders
Dissociation	self-perception/body	Eating disorders
Confusion	image issues School/	Depression
Guilt	learning problems	Suicide
Fear	Behavioral problems	Parasuicide
Phobias	Sleep disturbances	Schizophrenia and delusional disorder
Hypervigilance	Age-inappropriate sexual behavior	Antisocial/borderline personality
	Conduct problems	Substance use
	Aggression	Adjustment problems
	Substance abuse	Intimacy issues/sexual problems
	Prostitution	Interpersonal problems and relationship problems
	Social dysfunction	

Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5810157/>



Withdrawal from the society, behavior of over pleasing self, increased hostility, aggression, and significant change in academic life are social impact of CSA. Trauma in victim sexual mannerism is also the impact of CSA such as over dressing, under dressing, sexual anxiety, and repetitive sexual behavior such as hyper-masturbation, repetitive sexual play, sexual abusive language use, or sexual attack towards others, and even sexual identity anxiety or confusion.

There are also long term impact of CSA on the victims such as low self-confidence, reluctant to sex, guilt, confused sexual behavior, shame, reluctant to intimate relationship, depression, isolation, antisocial behavior (drugs, alcohol), insensitive sense of boundaries make them vulnerable to future abuse to re-enacting their own abuse (arpan, 2006).