

# Deprivation of Social Justice among Sexually Abused Girls: A Background Study

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## ABSTRACT

The child sexual abuse is more prevalent in present days. It is seemingly the foremost prevailing psycho social problems children face with severe consequences. At a time when crime against children is on the rise in the country, Kerala record in Protection of Children from Sexual Offences Act (POCSO) 2012 cases is not encouraging of the total 3,478 crimes reported against children last year, 1101 fell under POCSO. The recent rape cases of girl child in Kathua , Unnao ,Aligarh and countless in various states of India were an ugly reminder of how children safety is still a critical issue and not a top priority in the country. The last time India reverberated with cries to make the country safer, when “Nirbhaya” was gang raped in the national capital in 2012. The reporting of case is lagging in various reasons. There are also privacy issues surrounding cases of child sexual abuse, that influence reported data. This paper is background study on the issues of lack of social justice among the sexually abused girl.

**Keywords:** Deprivation, social justice, sexually abused girl, child sexual abuse.

## Introduction

Child sexual abuse in India is rampant. It is terribly doubtless that today’s media would have a minimum of one case of child sexual offense. The latest official figures regarding the prevalence of child sexual abuse in India shows an alarming picture of crimes against children. Children are maltreated and even victimized in sexual crimes. The National Crime Records Bureau’s (NCRB) most recent records, showcasing the rate of crime against children in India in 2016-17, presents an extremely worrying statistic. Looking specifically at the incidents of rape against children, an 82 percent increase in the number of cases in one year was reported in 2016-17. Though the exact data for 2018-19 so far has not been released as yet, the year doesn’t seem to be faring any better.

Data from the Police source of Kerala state and Kerala State Commission of Protection of Rights of the Child (KeSCPCR) shows that most of the accused were relatives or persons known to the victims. The POCSO cases registered 2017 were a staggering 2611, the first two months this year alone saw 459, according to the state police statistics. Crimes against children are on rise in Kerala. According to the reports

of KESCPCR 272 children were sexually assaulted in Kerala in the first three months of 2018 itself. According to the report there were 1101 children were raped, an increase of 15% from 2016 (Total cases 2122). In the same year 2697 cases were registered under Protection of Children from sexual Offences Act (POCSO Act) 2012.

According to the NCRB's data, the state of Jammu and Kashmir did not report any case of rape against children in 2015, but the following year saw a rise to 21 different cases. The tragic, inhuman and unspeakable act of rape, torture and the murder of an eight-year-old in Kathua has shaken the entire nation. With the Kathua rape and murder case having led to an outburst of protests across the country, the reality of the extreme and unsafe character of the state for its children has come to the forefront. The eight-year-old girl, who was brutally gang-raped by eight different men in a temple in Kathua, belonged to the Muslim Bakerwals community. She was reportedly held for days in the temple and raped, in what appears to have been an effort to drive out the remaining members of the community from the region.

In Kasaragod district of Kerala, 134 POCSO cases were registered in 2017. The numbers were 103 in 2016, 78 in 2015, 73 in 2014 and 66 in 2013. These numbers are seeing a steady raise and often the perpetrators were relatives or neighbors in those cases. In the first two months of 2018 total 459 POCSO cases were registered in Kerala, of which 116 were registered in Kasaragod. According to the Annual Report of KeSCPCR on 2016-17, there are total 4275 POCSO cases were registered in Kerala State. 620 cases were convicted (14.50%). 3655 cases are still pending for trial in Courts. Only 73 cases were penalized. This is the present legal status of the child sexual abuse in Kerala. The statistics has shown the injustice towards the sexually abused children. This study focused on the issues and concerns of Social Justice towards sexually abused girls who were placed in shelter home of Kasaragod. Whatever the exact and most current prevalence rates, the fact that children are most vulnerable victim in sexual crimes. Child protection is still nowhere on the nation's priority.

## **Methodology**

This study was done at two levels by reviewing the literature at the first level and second used the qualitative information collected in the primary study from the shelter home of Kasaragod district. The study focused on the girl child victims who were sexually abused in between the year of 2014 to 2017. Among 35 sexually abused victims, 25 POCSO victims were selected for researcher's study through purposive sampling method. The literature from the government documents, document available online, books, Government publications and articles were studied to understand the existing gap in the literature. The qualitative information from the primary study conducted will be used. Especially the information of the age, type of offence victim-offender relationship and year of the case were added for the field study.

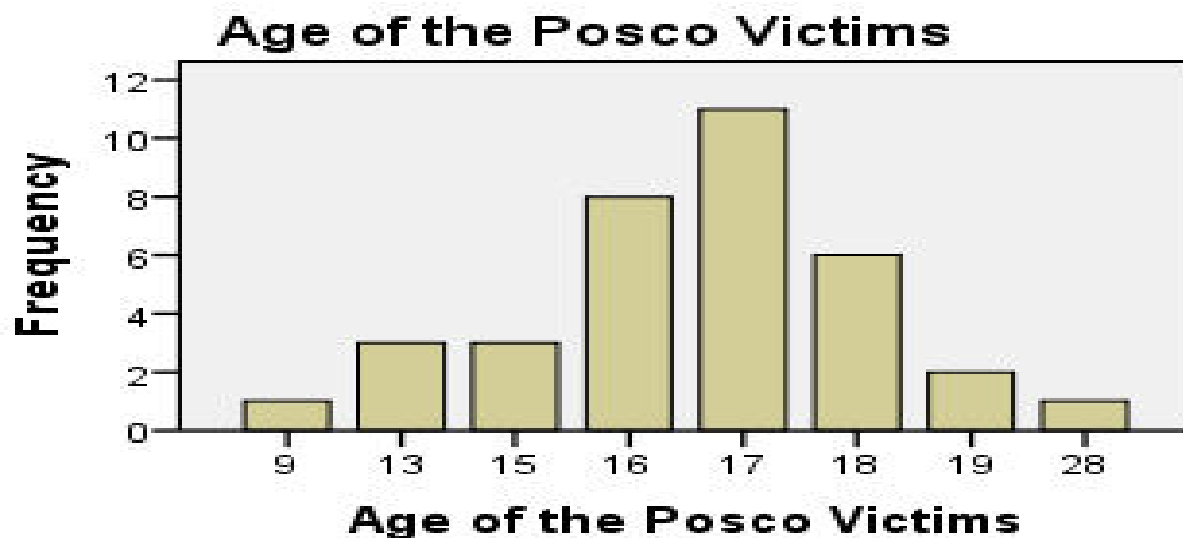
The study used mixed methods of data collection; quantitative information was taken from the Child welfare committee of Kasaragod and qualitative information were collected from the field. In-depth interviews were

conducted with the sexually abused girls, officials in district child protection unit and legal advisor of shelter home. Data collected through the participant observation method and focused group discussion. For understanding the case status of the girl children, a semi structured interview schedule was adopted.

During the field study, researcher attended child welfare session, got permission from Protection officer to visit Shelter home. They interviewed district child protection officer(DCPO). Focus group discussion with DCPO, legal advisor, Women protection officer and Child welfare committee chairperson was conducted for understanding the present situation of the POCSO victims. It was felt getting familiar to the field of researcher's study. To understand the up to date information of the children and their case status, about 25 POCSO victims who were sexually abused during 2014 to 2017 were selected for in-depth interview.

## Key Findings

### (1) Child victims age group



**Figure 1:** Age of Posco victims

The age of the sexually abused girl children ranged from 9 to 28. This is the present age of the sexually abused girls. Age at the time of commencement of the offence was under 18 year. So that the study chosen the girl children who were sexually abused under 18 years. About 68% of the victims fall under the age group of 16 to 18 years. Minor victims – 80%: Major victims – 20%. This results shown that the sexual abuse happened to minor age group most. Russel (1983) found in his study, 16% of women reported at least one experience of incestuous abuse before the age of 18. Of these women, 12% had been sexually abused by a relative before reaching 14 years of age. In this same sample of women, 31% reported at least one experience of sexual abuse by a non-relative before reaching the age of 18. 28% reported at least one such experience before reaching the age of 14. In the present study it is reported that between the age group of 16-18 the children were sexually abused more.

**(2) Type of offence the child victims were undergone**

Sl. No.	Type of offence	No of CSA victim	Percentage
1.	Attempt to rape	2	8
2.	penetrative sexual assault	12	48
3.	Penetrative sexual assault & pregnant	7	28
4.	Rape	1	4
5.	sexual abuse	2	8
6.	Sexual harassment forced to attempt to rape	1	4
	<b>Total</b>	<b>25</b>	<b>100</b>

**Table.1:** Type of offence

Among the total, 76 % of the victims are suffered by penetrative sexual assault and Penetrative sexual assault and pregnant.

A survey conducted on girl students to study sexual abuse by Ganesh (1994) reveals that 83 percent of girls had been subjected to, 13 percent of these had been vocally and visually sexually harassed when they were less than ten years; 47 percent had been molested, 15 percent of these when they were less than ten years old. They were used for masturbation mostly by male relatives; 15 percent had been seriously sexually abused as children, 31 percent of them when they were less than ten years old: they had been raped, forced into oral sex or penetrated with foreign objects and 75 percent of the abusers were adult family members.

Around 50 percent of the child sexual abuse cases involved family members and close relatives that happened at home. In a survey conducted by RAHI (a Delhi-based organization) (Virani, 2000) on child sexual abuse among 600 middle and upper class women, it is reported that 76 percent of women had been sexually abused in childhood; majority (71%) by relatives and family friends; 40 percent by at least one family member. Two percent of the 457 were sexually abused before they were four years of age, 17 percent were between four and eight years of age, 28 percent between the ages of eight to twelve years and 35 percent between twelve to sixteen years of age. In most of the cases the abuser was a part of the victim's everyday life, in the form of father, brother, male cousin, uncle, male family friend, male neighbor and servant. More than 50 percent of these cases happened at home. Sexual exploitation of girls takes place

sometimes through persuasion, sometimes through seduction and sometimes using force and authority (Hunt, 2006). Deb et al (2010) also registered that sexual abuse occurs in all economic and ethnic groups.

### (3) Present Legal status of the case

Sl. No.	Present legal status of the case	Sexually Abused Child	Percent
1.	case convicted life imprisonment	2	8
2.	charge sheet submitted	8	32
3.	convicted for 10 years	1	4
4.	Disposed, charge sheet submitted	1	4
5.	Pending trial	1	4
6.	Trial	5	20
7.	Under investigation	7	28
	<b>Total</b>	<b>25</b>	<b>100</b>

**Table.2:** Legal status

80% of the cases are yet to be cleared. The lack of awareness and access to legal services are some of the problems faced by the children's family. The children who were placed in shelter home were supported with legal aid and other court procedures with free of cost by a Legal advisor. However, the legal procedures of cases at court are lagging in various reasons. This condition failed to provide adequate security and opportunities for sexually abused children.

### (4) Relationship of age of the victim and sexual offence they were suffered

Age of the victim	Type of offence						Total
	Attempt to rape	penetrative sexual assault	Penetrative sexual assault & pregnant	Rape	sexual assault	Sexual harassment forced to attempt to rape	
9	0	1	0	0	0	0	1
13	0	1	1	1	0	0	3
15	0	0	1	0	1	0	2
16	1	4	1	0	1	1	8
17	0	3	3	0	0	0	6
18	0	2	1	0	0	0	3
19	0	1	0	0	0	0	1
20*	1	0	0	0	0	0	1
<b>Total</b>	<b>2</b>	<b>12</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>25</b>

**Table.3:** Type of offence

Major penetrative sexual assault and penetrative sexual assault & pregnant cases encounters are reported among the age group of 16-18. In most of the above cases of Child Sexual Abuse (CSA), the abuser is known to the child- a family friend, sibling, relative, Cousin, uncle, etc. CSA is most happening in the family circle of the child. Abuser takes advantage of their power and position. They know children usually do what they are told by adults or elders. Most of the cases undergone by the researcher, CSA victim revealed that the abuser forcefully used actions or threats to persuade the child to take part in a sexual activity. The abuse usually takes place in the child's home or the abuser's home.

In Table 4, there are 48% of the CSA victims were undergone penetrative sexual assault. 92% of the children (23) were suffered aggravated sexual abuse. The officials of Child Protection System given that the abuser is often known to the child and usually have both access to as well as authority over the child. The abuse may continue over a long period of time. Generally, the abuser uses threats or emotional blackmail to warn the child against telling anyone about the sexual abuse. This may be a primary cause for a child's silence. In the present study researchers interviewed 7 girls, were pregnant, with the repetitive sexual abuse by the known persons. It was a very difficult to the child and her family, to recover the situation and to live on the stigma the society had given.

#### (5) Offender –Victim relationship

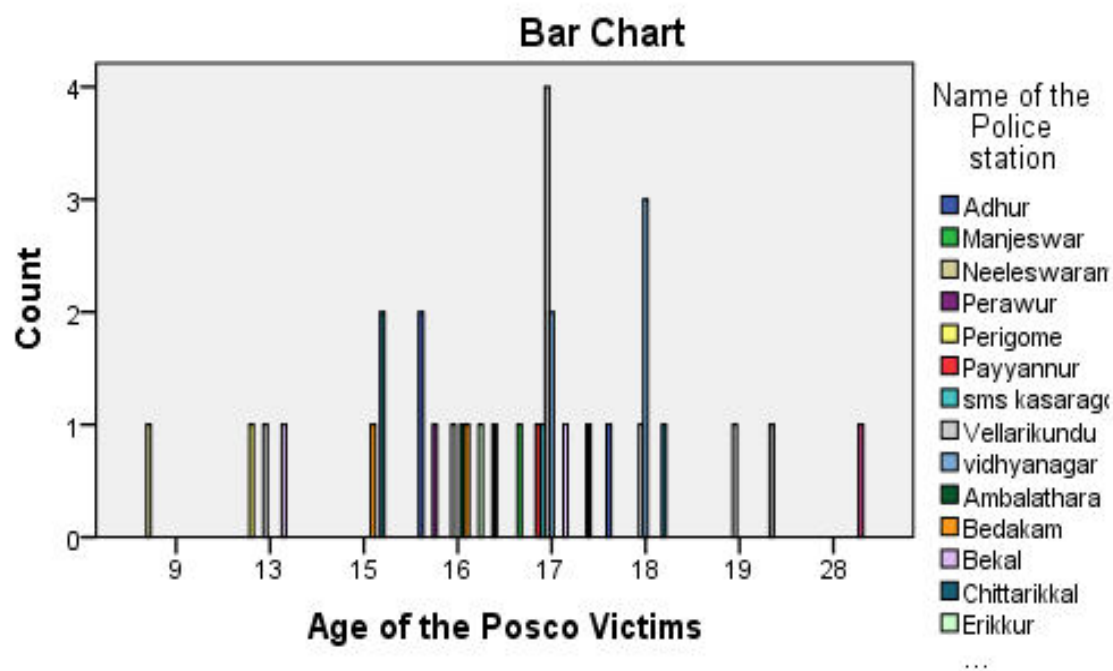
Age of the CSA victim	Relationship of the offenders												Total
	brother & neighbor	Brother in law	Cousin	Father	Neighbor	Religious member	Driver	Family friend	step father	uncle	Uncle & his relative	Unknown Offender	
9	0	0	0	0	0	0	0	0	0	1	0	0	1
13	0	0	1	0	0	0	0	0	1	0	0	1	3
15	0	0	1	0	0	0	0	0	0	0	0	1	2
16	1	0	1	1	1	1	0	0	0	0	1	2	8
17	0	0	2	0	2	0	1	1	0	0	0	0	6
18	0	1	1	0	0	0	0	0	0	0	0	1	3
19	0	0	0	0	0	0	0	0	0	0	0	1	1
20*	0	0	1	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>25</b>
<b>%</b>	<b>4</b>	<b>4</b>	<b>28</b>	<b>4</b>	<b>12</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>24</b>	<b>100</b>

**Table.4:** Relationship of the offender

Table no.4 shows that more than half of the percentages of the victims are sexually abused by their close family members and neighbors. It shows that even their family members also not protective to girls nowadays and about one fourth of the victims are sexually abused by unknown persons. The world Health Organization(WHO) estimates that 150 million girls and 73 million boys under 18 have experienced forced sexual intercourse or other forms of sexual violence involving physical contact, though this is certainly an underestimate. Much of this sexual violence is inflicted by family members or other people residing in or visiting a child's family home - people normally trusted by children and often responsible for their care. From the table 64% of the offenders were close family members of the child.12% of the offender were neighbors. Only 24% of the total offenders were unknown persons.

**(6) Case registered in Police stations**

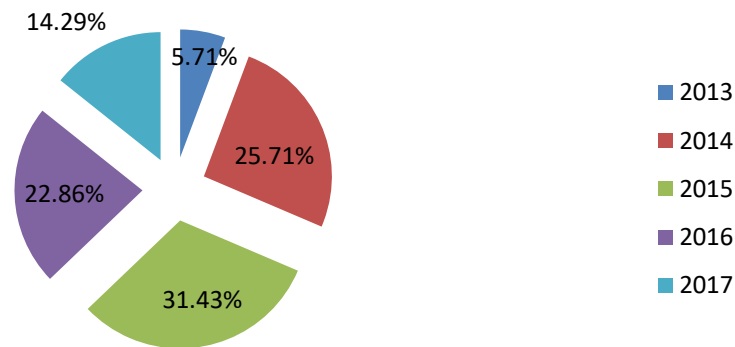
**Age & Police station**



**Figure 2:** Case registered in Police station

From the quantitative data availed from the Child Welfare Committee, the POCSO cases registered from 2014 to 2017 in 17 Police stations were analyzed. Among 25 respondents' cases, more than half of the victims belonged to the areas of Adhur, Bedakam, Bekal, Kumbla, Vellarikundu and Vidhyanagar.

### Year of Admission in the center



**Figure 3:** Year of admission in shelter home

Graph shows that most of the victims (31.43%) were placed in shelter home in 2015. Table.7 below shows the case statistics, which discusses the types of offence in each year.

#### (7)Year wise case distribution of the victims of sexual offence

Year of registration	Attempt to Rape	Penetrative Sexual Assault	Pregnant	Rape	Sexual assault	Sexual Harassment forced	Total	%
2014	1	2	1	0	0	0	4	16
2015	1	5	3	1	0	1	11	44
2016	0	3	3	0	2	0	8	32
2017	0	2	0	0	0	0	2	8
<b>Total</b>	<b>2</b>	<b>12</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>25</b>	<b>100</b>

**Table.5:** Year of registration & Type of offence

The 76% of the cases encountered in the year 2015 and 2016. In the year 2017 shows very less Child sexual abuse victims were placed in shelter home compared to previous years. It does not mean that cases are less. The POCSO cases registered 2017 were a staggering 2611, the first two months this year alone saw 459, according to the Kerala State Police Statistics (March, 2018). Crimes against children are on rise in the state and Kasaragod District. According to the Kerala State Commission for Protection of Child Rights, in Kasaragod 134 POCSO cases were registered in the year of 2017. Among 134 POCSO cases, 8 girl child cases were only reached in the observance of CWC for ensuring the care and protection.



**(8)Year wise case status (2014-2017)**

Year of registration	Case convicted for life term	Charge sheet submitted	Convicted for 10 years	Disposed charge	Pending trial	Trial	Under investigation	Total
2014	0	2	1	0	0	1	0	4
2015	2	1	0	1	1	2	4	11
2016	0	4	0	0	0	2	2	8
2017	0	1	0	0	0	0	1	2
<b>Total</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>25</b>

**Table.6:** Year of registration & Present legal status of the case

In the year 2015 more number of girl child victims were placed in shelter home. In the year 2016 has more number of cases in which only the charge sheets are submitted. The cases registered in the year 2014 to 2016 are still being as trial cases. Only in 8% of the cases, court penalized for life imprisonment of the offender. 28% of the cases are still under primary investigation by Police, not yet submitted the charge sheet in Court. In 36% of the cases, victims are awaiting the trial in court. Among 25 respondents, 21 (84%) respondents are still undergoing case proceedings in various legal status of the cases. 60% of the CSA victims were placed in shelter home during 2014 & 2015. Table.8 shows that among 60% of the CSA cases from 2014 & 2015, 48% of the CSA victims are still being in contact with court procedures and facing difficult to cope up the traumatic events they were undergoing. It is heartbreaking on the concern of the girls who were in shelter home repeatedly victimizing in contact of their bitter experience.

**(9) Age wise case distribution**

Age	Year of registration				Total	%
	2014	2015	2016	2017		
9	0	1	0	0	1	4
13	0	1	1	1	3	12
15	0	1	1	0	2	8
16	1	3	4	0	8	32
17	0	3	2	1	6	24
18	2	1	0	0	3	12
19	1	0	0	0	1	4
20*	0	1	0	0	1	4
<b>Total</b>	<b>4</b>	<b>11</b>	<b>8</b>	<b>2</b>	<b>25</b>	<b>100</b>

**Table.7:** Age & Year of registration

In the year 2015 almost all the age classification of the study falls as victims of CSA. Most of the CSA victims (68%) are in the age group of 16 to 18 years. This age group included in the middle adolescent period, where they are facing vital physical, emotional - health issues.

## Discussion

Exploring the first hand experiences of sexually abused children was challenging. The in-depth interviews took a long time, as it takes time to gain trust and sometimes the respondents needed to travel back in time to share their personal experiences of sexual exploitation. The successful reintegration of sexually abused children is also challenging. The vulnerability of sexually abused children, including pregnant child and minor mothers, added responsibilities of taking care of their children makes coping very difficult. The discussion with officials of child protection system reported that the lack of information about the available child protection services and absence of adequate support mechanisms to address the physical, psychological and traumatic conditions of the sexually abused children further add to the difficulties for the successful rehabilitation. The continued stigma towards the sexually abused children and their family and non-acceptance at the community level leaves them in isolation.

In most of the above cases of Child Sexual Abuse (CSA), the abuser is known to the child- a family friend, sibling, relative, cousin, uncle, etc. In the present study 64 percent cases of sexual abuse, the perpetrators are male adults in the family and close relatives. CSA is most happening in the family circle of the child. From the study reported that, the abuser usually violated a relationship of trust with the child.

## Conclusion

The study confirms that child sexual abuse is a complex cross-cutting issue linked to role conflicts of children, absence of congenial parent-child relationships, alcoholism, stepparent relationship, financial constraints and discrimination. The study has shown the deprivation of Social Justice among Sexually Abused Children in their entire life. The victims of Child Sexual Abuse need integrated support from all stakeholders to convert themselves into bold survivors. There should be needed standard operational procedures for every stage of intervention including recovery and rehabilitation. In-depth training on standard operational procedures (SOP), attitude & team building should be the part of induction and refresher trainings for all the stakeholders of the intervention processes. Mental, physical, medical and emotional needs are to be addressed immediately based on the gravity of trauma they have been facing with. Instead of labeling them by placing in shelter homes for long period, to establish sustainable practices with livelihood opportunities and skill training for sexually abused children to create new identity for a new life. Continuity of Education, Motivational training, Goal Setting with Career Guidance is important for the recovery of victim child. Recovery and reintegration services for child victims are very important because one has to survive within the community itself.

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