

BREAKING MYTHS: TIME TO ADDRESS THE MULTIDIMENSIONAL CONCERNS OF CHILD SEXUAL ABUSE

Aswathy Sukumaran Ettungapady

4th Semester LL.M, Government Law College, Thiruvananthapuram

Myths are stories that resonate within a culture. Myths flow from a conceptual background of social stability, predictability, and equity. Crime is projected as an exception to this rule and the cause of rupture in the social order¹. New social problems emerge to dredge old myths to remind us of who the criminals are and how to go about solving crime problems. When crime control policy is developed based on myths or misconceptions, it has the effect of diverting resources and attention from real social problems.² Myths can be only challenged by critically processing information.³ Breaking myths is very important and in fact primordial in removing the misconceptions about crimes and thus constructing new methodologies to tackle the menace of crimes.

There are many myths associated with child abuse that has to be ruled against beforehand attempting to find a permanent solution to

this problem. The existing myths contradict the present socio-cultural moralities of the society; such is what comes to light through the endless incidents of abuse reported every year. Changing family environment, value system and increasing conflicts in the social and political scenario has effects on childhood development.

Child abuse is defined by the World Health Organisation as all forms of physical and or emotional ill - treatment sexual abuse neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. A child in the modern ages has to struggle a lot to survive in the adult world. Children go through sexual, physical, psychological abuse and neglect. Between January 1, 2019, and June 30, 2019, 24212 cases of child abuse have been registered in India, which means

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¹ GARY W. POTTER & VICTOR E. KAPPELER, THE MYTHOLOGY OF CRIME AND CRIMINAL JUSTICE 357 (4th ed. 2017).

² *Id* at 368.

³ *Id* at 371.

4000 cases in a month, 130 in a day and one in every five minutes. These are just the figures of the last six months given to the Supreme Court by the High Courts⁴. We live in a society where their vulnerability is exploited to the maximum. Seldom do the stories of child abuse and maltreatment come out in open, but when they do it gives the whole of humanity shock waves. Indian society still has to go a lot further in terms of its understanding of the rights of children and their grievances and it shall be only possible by addressing the misconceptions that persists in the society. The following are some myths that exist in the Indian society that has to be addressed *prima facie* in order to completely prevent the malice.

MYTH 1: FAMILIES ARE SAFE HAVENS FOR CHILDREN

It is considered generally that children are safest in their homes amidst their family members than anywhere else in the whole world, but a lot of incidents have shown the existence of an alternate reality. Today with the deprecating family values and morals, children are nevertheless safe and secure in their own homes.

The family is the child's first, and the longest lasting context for development. Compared

with other species, human children develop slowly, requiring years of support and teaching before they are ready to be independent. Families and parents are universally important in children's lives⁵. The immediate outcome of an unhealthy family environment results in child maltreatment. Maltreatment takes forms of neglect, physical abuse, sexual abuse and emotional abuse. Caregivers also engage in physical abuse when they seek sexual gratification from children through acts such as genital contact or pornography⁶.

"Your children are not your children.

They are the sons and daughters of Life's longing for itself.

They come through you but not from you,

*And though they are with you yet they belong not to you"*⁷.

Many parents, particularly in Indian society think that they own their children. Many incidents of abuse originate from this basic misunderstanding. Parents who are supposed to be the guardian angels of children in this earthly life turn out to be sexual predators. It is not something that people presume since it is a universally accepted fact that parent-child relationship is the most natural and unique bond that could exist. But off late, the surreal relationship once described of parents and

⁴ Nandini Priya, *Is India Doing Enough To Tackle The Rising Number Of Child Rapes?*, YOUTH KI AWAAZ (Nov. 7, 2019, 4:04 PM), <https://www.youthkiwaaz.com/2019/07/every-5-minutes-a-rape-incident-was-registered/>.

⁵ NAIMA KHATOON, CHILD PSYCHOLOGY 186 (2012).

⁶ KHATOON, *supra* note 5, at 197.

⁷ KAHLIL GIBRAN, THE PROPHET 17 (2001).

their children has also changed. It is no more shocking news when a father or an uncle sexually exploited a child or when a parent murdered their child for all selfish reasons or starved their kid to death or beat them up to death. Children face all types of physical abuse, sexual abuse, emotional abuse and neglect in families.

MYTH 2: CHILD SEXUAL PREDATORS ARE MENTALLY ILL PERSONS OR VICTIMS OF ABUSE.

Sexual abuse of children are an international problem that affects children of all ethnic, racial, and socio economic backgrounds⁸. The popular misconception that sexual exploiters are mentally ill individuals or psychopaths is also not factually right since many a time these people turn out to be respectable members of the society or the kith and kin of the victims. Most of the victims and perpetrators know each other. Majority of the perpetrators were people known to the child and strangers were a minority. Most maltreatment is intra familial.

Sexual offenders against children can be distinguished into two groups. The first group account for about 60% of officially known offenders and show no sexual preference disorder, but who, for different reasons, sexually abuse children. The other groups are those showing a sexual preference

disorder, namely paedophilia who account for about 40% of officially known offenders⁹. Statistics reflect that a great number of children are abused at home and by those they trust. Most abusers are those who are related to the child or are familiar with the family. Most abuse takes place at the home of the child¹⁰.

MYTH 3: REPORTING CHILD ABUSE DOES MORE HARM TO THE VICTIM THAN ALREADY CAUSED

Majority of cases on child sexual abuse go unreported. The victims are terrorised to communicate the traumatic experience due to many reasons. The child keeps the incident of abuse a secret especially in the Indian context. They find themselves guilty of the tragedy and end up suffering in silence. Some experience continuous harassment for years due to this. Indian family structure is very traditional and deep rooted in patriarchy providing absolutely no space to discuss sex or sexual problems. This again acts as a hostile environment to the young victim. Parents fear the stigma of the society and usually ask their children to cover up the issue. This happens especially in cases where the offender is also related to the family. For fear of humiliation and disbelief, most cases go unreported. Many countries also have accessory abuse laws, meaning that any

⁸ D. Finkelhor, *The International Epidemiology Of Child Sexual Abuse*, 18 (5) CHILD ABUSE AND NEGLECT, 409-417 (1994).

⁹ H. L. KAILA, COUNSELLING ISSUES IN INDIAN SCENARIO 105 (2010).

¹⁰ *Id* at 98.

person with knowledge of abuse who does not report it may be subject to criminal charges and civil proceedings¹¹. Such progressive laws should be implemented in India as well. The Indian legal system also has developed in the past years and has taken preventive steps to protect the victims. Under reporting the incidents of abuse help the offender in committing more offences and creating more victims in the society. The victim also loses a sense of justice and hence causes more perpetual harm.

MYTH 4: DETERRENT PUNISHMENT CAN PREVENT THE OFFENCE

Adopting deterrent punishment as a mode to put an end to the barbaric nature of offences like child sexual abuse has failed tremendously as even after elevating the punishments for the said offences there has been no converse diminution in the volume of offences reported. Deterrent punishment to graver offenders continues to be a political panacea for crime. It is an easy solution to sell because it seems logical. According to popular folk wisdom, severe punishments and the certainty of prison will deter crime. That may be common sense logic, but it is wrong. The simple fact is that prison does

not deter crime and severe sanctions probably increase the amount of crime in society. If prison terms deterred criminality, we would expect that people who go to prison would be among those least likely to return there. However, the fact is that within 3 years of release from prison 47 per cent were reconvicted for a new crime¹².

Recently there have been severe hues and cries demanding capital punishment for rape committed against children with the popular view that it can deter future offenders. But, there is no evidence that capital punishment is more effective as a deterrent than other punishments. Despite the claims of political leaders and public belief, the efficacy of the death penalty is a myth. Our often heart-felt beliefs in the safety and deterrence associated with this highest form of punishment are dangerous illusions. Not only do the myths of death penalty belie the truth, they make the nation's crime problems even worse¹³. Studies reveal that death penalty has no deterrent effect on homicides or the commission of other felonies¹⁴. So the common sense logic of deterrence is neither logical nor sensible. It is based on a fundamental misunderstanding of both criminals and crime. For deterrence to work,

¹¹ MARY ANN MASON & EILEEN GAM BILL, DEBATING CHILDREN'S LIVES- CURRENT CONTROVERSIES ON CHILDREN AND ADOLSCENTS 285 (1994).

¹² Patrick A. Langan & David J. Levin, *Recidivism of Prisoners Released in 1994*, WASHINGTON, DC: BUREAU OF JUSTICE STATISTICS, 11 (2002)

¹³ POTTER, *supra* note 1, at 354.

¹⁴ Yunker, J.A, *A New Statistical Analysis Of Capital Punishment Incorporating U.S. Post Moratorium Data*, 82(2) SOCIAL SCIENCE QUARTERLY, 297-312 (2001).

the offender must be a logical actor who understands the consequences of criminal behaviour, knows the penalties, and weighs the cost of crime against the benefits of crime¹⁵. However that cannot be said to be true in case of child sexual abusers who prey on hapless victims.

MYTH 5: CHILD SEXUAL ABUSE IS GENDER BASED.

When it comes to sexual abuse the emphasis is more on girl child than boys in the traditional society, or at least that is the norm. But in reality a boy child is as much as victimised as a girl child. Males may underreport child sexual abuse due to socialisation factors that show that boys be self-reliant, that sexual involvement is normal for boys, that homophobia is masculine and that being vulnerable is feminine, weak or socially unrecognised¹⁶. Regarding female perpetrators it was found boys ten times more likely than girls to be sexually abused by their mother, or other figure. However boys were mostly exploited by men, making them more likely than girls to be abused. Boys were also more likely than girls to be abused by multiple victims, and to be abused by professionals outside

home¹⁷.the abusers are perverts who neither have a gender preference nor an age preference. From new born babies to young kids are all under their radar.

MYTH 6: CHILDHOOD SEXUAL ABUSE LESS TRAUMATIC AND EASILY FORGOTTEN.

It is an age old practice where adults refuse to acknowledge that children have feelings and they easily forget the experiences of childhood with passing time. Children's reactions to the experience of sexual abuse vary widely. It is well documented that whereas some sexually abused children suffer minimal effects, others suffer severe and sometimes long-lasting psychiatric symptomatology¹⁸. Emotional difficulties commonly reported include anxiety, sadness, anger, shame¹⁹. Sexually abused children may also develop distorted cognitive views that lead to sexual dissatisfaction, extreme distrust of others and feelings of self-blame²⁰. Self-devaluation, dependency, mistress, re-victimisation, withdrawal from people, emotional trauma, deviant behaviour, and interpersonal problems are some other ill-effects of sexual abuse²¹. Post-Traumatic

¹⁵ POTTER, *supra* note 1, at 362.

¹⁶ DR. M. B. ALLEN SELVAKUMAR, CHILD EXPLOITATION: EXPOSING THE UNSEEN 161(2013).

¹⁷ *Id* at 161.

¹⁸ Beitchman, J. H et al., *A review of the short term effects of child sexual abuse*, 15 CHILD SEXUAL ABUSE AND NEGLECT 537-556 (1992).

¹⁹ Conte, J.R., & Schuerman, J.R., *Factors associated with an increased impact of child sexual abuse*, 11 CHILD ABUSE AND NEGLECT, 201-211 (1987).

²⁰ ESTHER DEBLINGER AND ANNE HOPE HEFLIN , *TREATING SEXUALLY ABUSED CHILDREN AND THEIR NON-OFFENDING PARENTS : A COGNITIVE BEHAVIOURAL APPROACH*, (1996).

²¹ KAILA *supra* note 9, at 99.

Stress Disorder²² (PSTD) is a common condition that many victims of abuse go through. There is in fact considerable evidence that a significant proportion of sexually abused children referred for mental health services suffer at least partial symptoms of PTSD²³.

CONCLUSION

Children are abused daily and systematically throughout the world. The actual cause of child sexual assault is not the lack of adequate laws. There are laws abundantly in India to recognise child rights and offer them protection starting from the Constitution itself to special laws. But unfortunately these cannot protect the child from sexual assault. Raising the punishments is also a futile remedy. We cannot categorise or compartmentalise the offenders as well. There are juvenile delinquents to adults who commit sexual assault on young children. In *kathua* case the perpetrators were all elite members of the society. In *Valayar* case the offenders were the close relatives of the deceased victims. It is the most disturbing reality of our times that children are not even safe in their own homes. Law has its limits. It cannot teach parents or caregivers to care and

love their children. Addressing these myths related to law and the offence itself is very important in order to understand the multidimensional aspects and concerns related to child abuse as well as to forestall this social scourge.

The most significant factor to maximise development of a child in the environment appears to be those, which promote an atmosphere of security, of basic trust between parent and child. Homes should not be intimidating. Family networks are central to early child development²⁴. Social protection activities like home visits should be implemented in India as well where social service workers shall regularly visit children and report any case of abuse. Finally, it is high time that awareness and alertness is spread among children as well as parents and other stakeholders. With the changing social values and deteriorating morality alternative solutions has to be found in order to restore order in the society. In addition, the first step is by educating ourselves about the root cause of the problem and then finding a remedy. Because the future of the world: the future of the children is at stake.

²² Hereinafter referred as PTSD

²³ D. V. McLeer et al., *Post Traumatic Stress Disorder in Sexually Abused Children: A Prospective Study*, JOURNAL OF THE AMERICAN ACADEMY OF CHILD AND ADOLSCENT PSYCHIATRY 138, 119-125 (1988).

²⁴ DAVID SKUSE et al., CHILD PSYCHOLOGY AND PSYCHAITARY: FRAME WORKS FOR CLINICAL TRAINING AND PRACTICE, (3rd ed., 2017)