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# **A Known Relationship: World Within Our Families** **(Sexual Child Abuse)**

Authored By- Sudhangee

## **Abstract**

From the day we are born, our parents teach us to be aware of the strangers we meet. That we should be careful whom we call our friend; we should be careful whom we let hold our hands. They tell us that the outside world is not as sweet as it looks like, it has its own devilish side. But about the world that lies within the families, those people are not strangers, family is supposed to be loving, family is supposed to help you walk the right path. But what if it is the one thing that deviates you from your set path. It ends up traumatizing you. Why don't we teach our kids that we need to be more careful when we are with "Family". Why don't we teach them that the world we live in with our family is more devilish than the world with strangers? In India every 15 minutes a rape is reported. In almost 94% of the cases, the offenders were known to the victims - family members, friends, live-in partners, employers or others, the data showed. So why don't we teach our kids to be safe from the ones whom we call our own. Every 4<sup>th</sup> rape victim in India is a minor, who does not know what is happening with them, because family is supposed to be loving but living with a devilish family is more traumatizing than living with a stranger. Because at least with strangers we are careful, but with loved ones we tend to be free. This study investigates rapes within families. In 15,972 of the total 33,356 rape cases reported in 2018, the offenders were either family friends or neighbor or employer or other known person, while in 12,568 cases, the offenders were friends or online friends or live-in partner on pretext of marriage or separated husband, the data states (NCRB data). At the age when little kids are supposed to be playing with their fathers, their aunts, their cousins, and 1 out of 4 is getting either sexually molested or raped by one of their role figures. And the fact that they don't even know what's happening with them is disgusting. By the time they understand what happened or is happening with them it's already late. How is a 5 year old is supposed to know what's the meaning of "RAPE", how do we expect our little

kids to stand against their fathers, brothers, all they know is , ‘ Father and Brother loves me.’ They will shut their mouth if you give them a chocolate because for them it’s all that matters. Why don’t we first teach our little kids to be aware about the ones present in our house? Why don’t we talk about sex education with our kids that might help them get aware about the devil creatures, teach our kids that if it pains and in return they offer you a chocolate to not tell about this filthy secret to anyone IS NOT OKAY. The real Satan lives with us & ready to do the satanic things to us whenever he gets a chance. Is touching your daughter okay, is touching your son okay, is touching your cousin okay when they are in the stage where they look up to you !! Why don’t we teach our kids to be safe from The ones we call family. Is keeping quiet the solution of it?

### **Review Literature:**

Below are some relevant studies that have been taken up for the purpose of literature review articles taken from some journals, books, etc which tell us some authors’ point of view towards this particular issue.

#### **1. Author: Elizabeth Ward**

##### **Book: The Father-Daughter Rape (Published – 1984)**

- ❖ In her book Elizabeth Ward said that in mostly all the cases the sexual offenders were the male figures of the family. She also stated in her book that in almost all the cases the rape victims wanted to tell it to someone, wanted to share their story but they were never heard. It is believed that the rape victim's call for help, which is frequently directed toward the mother, is ignored by the mother because acknowledging the rape poses a threat to a cohesive family structure. Rape is often prompted by the perception that women are accessible, powerless victims. It is concluded that as long as the male has power to rule, rape will continue.<sup>1</sup>

<sup>1</sup> Book- the father-daughter rape by Elizabeth Ward

## 2. Author: Johanna Stiebert

### Manuscript: **Brother, Sister, Rape: The Hebrew Bible & Popular Culture (Published: 15 February 2018)**

In both contemporary discourses and a surprising number of popular culture texts (including film and television), sibling incest between a brother and sister is a topic of titillation. What is disturbing about the vast majority of these discourses is that the “consent” of the sister is often undermined, or rendered dubious by her vulnerability. Much like the myth of the “seductive daughter,” the “up-for-it sister” is a figment of voyeuristic fantasy, a woman objectified and exploited. Also disturbing is that brother-sister relationships in the Hebrew Bible (such as Abram and Sarai, Amnon and Tamar) underscore this discourse of exploitation. In this chapter, Johanna Stiebert sets out to demonstrate that in both the Hebrew Bible and contemporary popular culture, the brother-sister relationship is eroticized, and this eroticization has overtones of rape and of legitimating rape. While one cannot assume direct influence between biblical texts and present-day cultural manifestations (notwithstanding the Bible’s considerable and abiding influence and impact), the parallels are nevertheless disquieting. Whatever the precise provenance and reason for eroticized sibling relations in both the Hebrew Bible and contemporary film and television, drawing attention to the troubling implications of these depictions (in particular with regard to compromised consent) is, argues Stiebert, the first step in detoxifying them.

### **Introduction:**

Sexual abuse has always been one of the biggest problems of India and further to it child sexual abuse has been a hidden problem, it has always been ignored by the society as well as in the public discourse and by the criminal justice system of India. Children are always warned about the strangers they meet outside their houses and not about the pedophile, the predators they have at their homes. According to the NCRB data, 94% of the rape cases registered every year in India, the accused is someone the victim already knows. This is a very serious issue which needs to be given a big spotlight. In this research the researcher has tried to explain why the society needs to remove the social taboo from this problem, various ways in which this crime can be stopped, various ways in which we can help the victim to overcome the trauma faced by them, etc.

### **Research Questions:**

- What is child sexual abuse & what does the society think about this issue
- What steps should be taken to make sure these heinous crimes don't happen
- Are there any strict rules against this crime

### **Objectives:**

The main objective of the study is –

- ❖ To study the harmful after effect of this crime on the victim
- ❖ To educate the children as well as the society about the consequences of this crime
- ❖ To study how this issue can be resolved

### **Significance Of The Study:**

I chose this particular issue so that I could bring everyone's attention toward what some children face in their childhood because of some of their devilish family members or friends or relatives and to familiarize everyone about the after effects of such heinous crimes on the poor victim. I will try to make you understand why talking as well as teaching the young children about "SEX EDUCATION", "Difference between GOOD TOUCH & BAD TOUCH", is necessary. In this research paper I have used functionalist, case study method and survey (questionnaire) method for better understanding of the issue.

### **Scope Of The Study:**

- ✓ In this project an attempt has been made to investigate and study various issues and dimensions related to sexual abuse done with children. This study is limited to sexual abuse, rapes of minor and child molestation within families. I have tried to give a detailed study on this issue and the after effects of this crime on the victim.

### **Research Methodology:**

- RESEARCH DESIGN

The following study is done in an analytical, descriptive way, so as to provide clarity with each topic mentioned and discussed. In this research paper the researcher has used a combination of Doctrinal and imperial method. The doctrinal method is a combination of analytical and explanatory method & in the imperial method is an adaption to the method of questionnaire.

- SOURCES OF DATA

The study was done with the help of secondary source, like surveys, articles. I have tried to be original with the content as well.

### **Cases Related To Domestic Child Sexual Abuse:**

1. Ram Dhawan versus Ramdev vs State on 17 September, 2013

CRL.A. NO. 67/20

Date of Decision: 17th September, 2013

- This is a case of rape of a minor daughter by her father and the appellant herein is the father who stands convicted for having raped his minor daughter and sentenced to undergo life imprisonment by the learned Additional Sessions Judge.

2. Amin Khan versus Aamin Khan vs State on 8 August, 2017

D.B. Criminal Appeal No. 210 / 2011

- It is submitted that there is no question to reduce the sentence passed against accused appellant for offence u/s 376 (1) IPC because it is a case in which the accused appellant, Amin Khan versus Aamin Khan had committed rape with his own minor daughter Ms. "A", who on account of such offence committed with her, committed suicide by jumping into the water tank constructed in her house. It is further submitted that though there was

some delay in lodging the FIR by the wife of accused appellant against her own husband, but that delay occasioned due to threat given to her by the appellant/husband, and she was not in a position to file complaint to the police immediately after the incident.

3. *Tasleem and Hattu vs The State (G.N.C.T Of Delhi)* on 26 February, 2015

CRL.A.393/2013

Date of decision: 26.02.2015

- This is a case of a brother raping his minor 11 year old sister and the he killed her by gagging her with a pillow. In this case it was recorded that the deceased victim used to get beaten by the offender on daily basis but never questioned his character.

**Case analysis:**

- ✓ These are few of millions of family minor rape cases that are registered in India. Many cases don't even get registered. These cases show that if the victim is aware about what is happening to them they commit suicide and if they warn the offender that they will disclose the offence they get killed by the offender. Please notice that the offender in the above mentioned cases are very well known to the victim.

**Analysis:**

**Chapter 1**

**What is child sexual abuse & what does the society think about this issue**

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.<sup>2</sup> In the cases of domestic child sexual abuse, the abuser is someone from your own family, someone we already know, someone we call our own. In almost all these cases the rape victims wanted to tell it to someone, they wanted to share their side of the

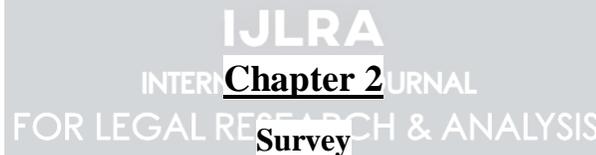
<sup>2</sup> What is child sexual abuse, GUIDELINES FOR MEDICO-LEGAL CARE FOR VICTIMS OF SEXUAL VIOLENCE- WHO

<https://endsexualexploitation.org/issues/child-sexual-abuse/>

story but they are never heard. The first call of the child who just became the victim is always her/his mother, but the mothers usually try to suppress this because of the society's negative stigma, or because of the fact that it will pose as a threat to the family. As per the survey that the researcher did, most of the people agreed that the accused should be handed over to the police ignoring his/her relation with the abused victim. But it is a well known fact that more than half of the domestic sexual child rape cases are suppressed. We have always taught to our kids that there's always danger outside our homes, but instead we should teach the little kids that no matter where they go they will always find danger, they we are always vulnerable to threats.

In this domestic child abuse physical force/violence is very rarely used when this, rather the perpetrator/abuser always tries to manipulate the child's trust and hide the abuse.

- The abuser is typically a known and trusted caregiver someone the child loves and calls their own.
- Child sexual abuse often occurs over many weeks or even years.
- The sexual abuse of children frequently occurs as repeated episodes that become more invasive with time. Perpetrators/abuser usually engages the child in a gradual process of sexualizing the relationship over time (i.e. grooming).



The questions that were asked in the survey are as below:

1. Are you aware of the fact that in almost 94% of the rape cases in India, the offenders were known to the victims - family members, friends?
2. Were you ever sexually abused by any of your known in your childhood?
3. Did that abuser tell you that it's a secret that should be kept between you and them?
4. Do you know any child who has been sexually abused by their family member or someone known to them?
5. How old was the child when they were sexually abused?
6. Do you think a police complaint should be filed if the molester is the victim's father, brother, sister, or any relative?
7. Have you ever had a conversation with your kids or your siblings about sex education?
8. As per your knowledge, was the victim aware of the crime that was being done to them?

9. How according to you are the victimized children affected? ( physically, mentally, emotionally )
10. How would you react if you get to know that your child's father/sister/brother/a family member/a family friend were the one who sexually abused the victim?

- Below is the result of the survey.
- The above survey tells us that 2 out of 10 people are exposed to sexual abuse at a very young age.
- Almost everyone who was a part of the survey says that the offender should have been sent to jail, or should have been prosecuted.

#### Questionnaire Results

- <https://docs.google.com/spreadsheets/d/1Euzb-Tf83IgQIXl2LzcmkhFxp0ogw9wP/edit?usp=sharing&ouid=100510860283935301064&rt=pof=true&sd=true>



#### **What steps should be taken to make sure these heinous crimes don't happen**

- When rapes happen, almost all of the time the victim is called out. The victim is questioned, that what she/he was wearing at the time the crime happened, where were they going, what was their relation to the accused/offender. The victim is always forced to bow down in front of the society. The accused is never questioned. But keep in mind it's not the fault of the sufferer rather we should question the mentality of the offender and the society.
- But when it comes to child sexual abuse, be it rape or molestation, children are innocent, they will do what they are asked to do, they will follow you if you offer them something sweet. So if one day one of the child's cousin asks them if they want to play with them the child will never say no because they know they are always safe at home, that no harm will happen to them when they are inside their homes. The child could never have judged what she/was getting into when their cousin slowly started moving their hand down their pant,

they could have never judged that the cousin they love has a devilish side which will lead the child to live a traumatized life their whole life if they don't stop them then and there. Many children don't disclose the abuse in front of anyone because of the fear of the abuser or because the abuser told them not to.

- So the question that arises here is how can we stop these crimes, how can we catch these offenders then and there and make them suffer for what they were going to do.
- i. The little children should be taught the difference between “Good Touch & Bad Touch”, at a very young age.
- ii. Each and every school should introduce self defense as one of the main practical subject in the academic curriculum.
- iii. The children should be taught that they need to be careful with everyone and not just with strangers. Because most of the crimes happens at the home.
- iv. If the child comes and tells his/her mother about what happened to them, the mother shouldn't simply tell the child that it's okay instead she should take a legal action then and there.
- v. We need to spread more awareness about this issue so that the “social-taboo” about the issue changes and that many more children develop the courage to talk about to what happened to them.

In cases where the children don't come forward and disclose the abuse we should always keep a check on them & see if there is any change in their day to day lifestyle as well as look for various indicators which show the signs of sexual abuse.

➤ **Below are some indicators of child sexual abuse given by WHO<sup>3</sup>**

1. Behavioral Indicators

- Poor self esteem
- Signs of depression
- School performance gradually falling down
- Eating disorders
- Difficulty in socializing
- Sleeping disorders
- Regressive behavior

1. Physical Indicators

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<sup>3</sup> WHO- World Health Organization ( specialized agency of the United Nations responsible for international public health ) > [www.who.int](http://www.who.int)

- Pregnancy
- Vaginal or penile discharge
- Pain on urination
- Presence of sperm
- Unexplained genital injury
- Recurrent vulvovaginitis<sup>4</sup>

Aside of the above mentioned indicators; there are many long term as well as short term effects of childhood sexual abuse. The victim starts to blame themselves for what happened to them, they start to show higher levels of depression, guilt, shame, self-blame, eating disorders, somatic concerns, anxiety, dissociative patterns, repression, denial, sexual problems, and relationship problems. These victims also start having suicidal thoughts as well as their sleep cycle is affected. Survivors of sexual abuse may experience difficulty in establishing interpersonal relationships. Symptoms correlated with childhood sexual abuse may hinder the development and growth of relationships. These children should immediately be given medical help which will help them cope with the trauma they went through.

#### **Chapter 4:**

#### **Are there any strict rules against this crime?**

Child Sexual Abuse has recently been publicly acknowledged as a problem in India. In 2012 POSCO Act, 2012<sup>5</sup> was introduced by the Ministry of Women and Child Development in India which criminalized a range of acts including child rape, harassment, and exploitation for pornography. The law edicts setting up of Special Courts to facilitate fast trials in child sexual abuse cases. This was a very strong move and a step forward by the government in securing children's life as well as their legal rights and further protecting them from sexual abuse. Before introducing POSCO Act in 2012 all the child sexual offences were recognized by the law under three sections of Indian Penal Code (IPC) which were not specifically for children.

The only crimes that were given recognition were rapes<sup>6</sup> under section 376 of IPC,

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<sup>4</sup> Vulvovaginitis- inflammation of your vulva and vagina.  
Definition by [www.webmd.com](http://www.webmd.com) >women's health> guide

<sup>5</sup> Protection of Children from Sexual Offences (POCSO) Act, 2012.

<sup>6</sup> What is Rape- sexual intercourse without consent

outraging modesty of a woman under section 354 of IPC and unnatural acts defined as “carnal intercourse against the order of nature with any man, woman or animal”<sup>7</sup> under section 377 of IPC.

The Protection of Children from Sexual Offences 2012’ criminalizes sexual assault, sexual harassment, and pornography involving a child who is under the age of 18 years and directs the setting up of Special Courts to expedite trials of these offences. Under POSCO Act, 2012 whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fact.<sup>8</sup>

### **Conclusion:**

The researcher would like to close her paper by stating that this is a serious crime and that it needs a lot of support from the society. We need to bring out the predators and start protecting our own. Let’s make our children aware of serially uncomfortable behavior shown by any of predators known or unknown, so they can sound the alarm and reach out to the much required help at earliest possible point in time. Let’s start teaching our kids to be strong to fight against the demons we live amongst.

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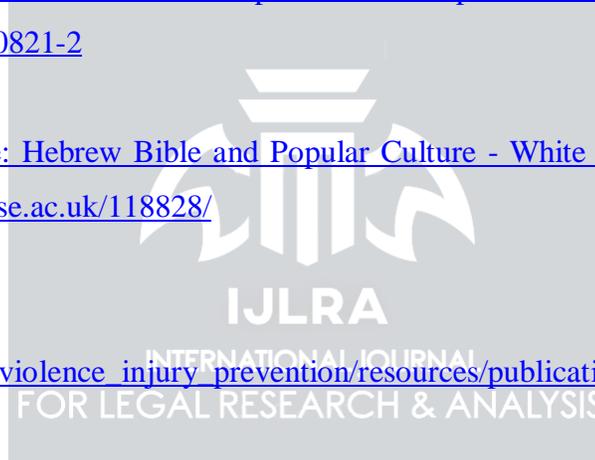
<sup>7</sup> anal sex, homosexuality or bestiality

<sup>8</sup> *WHAT ARE SOME PUNISHMENTS GIVEN UNDER POSCO ACT, 2012?* [https://www.latestlaws.com/bare-acts/central-acts-rules/children-laws/protection-children-sexual-offences-act2012/#:~:text=%2D%20\(1\)%20Whoever%20commits%20aggravated,also%20be%20liable%20to%20fine%2C](https://www.latestlaws.com/bare-acts/central-acts-rules/children-laws/protection-children-sexual-offences-act2012/#:~:text=%2D%20(1)%20Whoever%20commits%20aggravated,also%20be%20liable%20to%20fine%2C)

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