CHAPTER I

INTRODUCTION

"Too often, we see that legislation is on the books but that many children remain on the margins of society — not registered at birth, not in school, too poor to see a doctor and, for that, all the more vulnerable to violence and abuse." (Rima Salah, Deputy Executive Director, UNICEF)

Childhood Sexual Abuse as a social problem: The Recognition

Childhood sexual abuse is often a significant trauma that may have an impact on the victims, throughout their lives. The phenomenon of childhood sexual abuse was repeatedly denied by public, clinical practitioners, medical experts and the like. Herman (1981) outlines “three discoveries” of the prevalence of sexual abuse in any society. Firstly, the awareness of the occurrence of sexual abuse, as a traumatic experience, in the lives of children can be traced to Sigmund Freud. When large number of female patients revealed of childhood sexual abuse, he attributed it to hysteria, which became ‘seduction theory’. To protect the patriarchal setup, Freud identified the perpetrators to other children, caretakers and distant relatives but never the father. Eventually, due to peer pressure Freud, repudiated the seduction theory and claimed his patients experiences to ‘incestous fantasies’. For decades after Freud and his reduction theory professionals maintained a ‘dignified silence’ on this topic and denied the reality and prevalence of childhood sexual abuse. Secondly during the 1940’s, childhood sexual abuse, was ‘rediscovered’ for a second time by social scientists conducting large scale survey studies of sexual practices, including Kinsley studies (Kinsley et. al,1953), These studies found that 20% to 30% of the women reported, having had a sexual experience as a child with a
male. About 4% and 12% reported a sexual experience with a relative and 1% reported such experience with a father (Herman 1981). Thirdly, Herman (1981) dated the 'third discovery' of childhood sexual experience to the 1970's and credited the feminist movement with bringing the problem into public awareness, along with other taboo issues such as wife battering and rape. This was followed by many legitimate and scientific studies of this social problem.

Child Sexual Abuse: The Concept

Child sexual abuse is the biggest kept secret in India due to societal denial, ignorance, and silence owing to the discomfort generated out of acknowledgement. It is a universal problem that occurs across gender, caste, religious, ethnic, occupational and socio-economic groups, threatening a child's right to protection as defined under different sections of the United Nations Convention on the Rights of the Child (UNCRC). Child sexual abuse directly threatens Article 19 (which describes the child's right to protection from abuse) and Article 34 (which discusses the child's right to protection from sexual abuse specifically) of UNCRC. With fear, shame, guilt and the ensuing stigma unfortunately being characteristic features of sexual abuse for boys and girls, the issues of gender stereotypes however cause various differences in the way abuse is perceived by community and the abused children themselves, and the subsequent availability and efficacy of support networks. Abuse of girls is usually kept hidden under the guise of family honor and issues of "purity", while abuse of boys is often ignored to the extent that sometimes it is even considered impossible. Also, because of the widespread ignorance and silence on the issue, a number of myths have taken root and grown in Indian society and culture. For example "boys do not get abused", "child sexual abuse happens only to children
from lower socio-economic families". To debunk such myths the respondents of this study, both boys and girls, were selected from different types of schools, which represented the larger socio-economic spectrum.

The American Psychological Association (2001) defines child sexual abuse as sexual activity between a minor and an adult. The word 'abuse' suggests a degree of violence or injury often associated with specific sexual acts, such as genital intercourse, sodomy, and the stimulation of the penis by sucking or licking by the victim. Child sexual abuse has been defined as "the involvement of dependent, developmentally immature children in sexual activities they do not fully comprehend, to which they are unable to give informed consent" (Kempe, H., 1984). Sexual abuse includes any contacts or interactions between a child (under the age of 18 both boys and girls) and an adult (who is significantly older than the victim and is in a position of power or control over the child, or may even be an acquaintance or an unknown person) in which the child is being used for the sexual stimulation of the perpetrator or another person. The activities involved in child sexual abuse include, besides actual sex action, inappropriate touching, and exposures to indecency, and forcing to participate in sexually stimulating acts. Boys were substantially more likely than girls to have experienced violence to genitals (16.2% vs. 1.7%) while girls were more likely than boys to have experienced other sexual abuse (15.3% vs. 5.9%) (Finkelhor, David and Dziuba-Leatherman, J 1994).

**Definition of child**

The United Nations Convention on the Rights of the Child defines a child as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." Ratified by 192 of 194 member countries. Biologically, a child is anyone between birth and puberty or in the developmental stage of childhood,
between infancy and adulthood. Children generally have fewer rights than adults and are classed as not able to make serious decisions, and legally must always be under the care of a responsible adult.

Biologically, a child is generally a human being between the stages of birth and puberty. The legal definition of "child" generally refers to a minor, otherwise known as a person younger than the age of majority. "Child" may also describe a relationship with a parent or authority figure, or signify group membership in a clan, tribe, or religion; it can also signify being strongly affected by a specific time, place, or circumstance, as in "a child of nature" or "a child of the Sixties."

As per Indian law, the Juvenile Justice (Care and Protection of Children) Act 2000, revised 2006 defines a juvenile as a person below the age of 18 years. The Act intends to provide care and protection to juveniles, who violate laws in India. The Act intends to settle the issues in the best interest of children and not with an intention to punish them under criminal law.

**Definition of Sexual Abuse**

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Child sexual abuse is also defined as “maltreatment that involves the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator” Child Maltreatment, 2001.

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Sexual abuse of a child is defined by World Report on Violence and Health (2009) as “the involvement of a child in a sexual activity, that he or she does not fully comprehend, is unable to give informed consent to or that violate the laws or social taboos of society”.

**Definition of Child Sexual Abuse: Non-Contact Type**

- forced to watch sexual acts
- forced to listen to sexual talk, including comments, tapes, and obscene phone calls
- sexually explicit material such as videos, DVDs, magazines, photographs, etc.; can be in-person, on the computer via e-mails, and otherwise through the Internet
- forced to look at sexual parts of the body--includes buttocks, anus, genital area (vulva, vagina, penis, scrotum), breasts, and mouth. (An adult exposing genitals to a child accounted for 12% of substantiated abuse cases (Trocme & Wolfe, 2001).
- Sexually intrusive questions or comments; can be verbal, on the computer, or in notes.
Definition of Child Sexual Abuse: Contact Type

- being touched and fondled in sexual areas, including kissing, touching and fondling of the genitals was the most common form of substantiated abuse cases—69% of the cases (Trocme & Wolfe, 2001).

- forcing a child or youth to touch another person's sexual areas

- forced oral sex--oral sex is when the mouth comes in contact with the penis, the vagina or the anus; many children believe that oral sex is "talking dirty"

- forced intercourse--can be vaginally, anally or orally; penetration must occur; penetration can be with body parts and/or objects (the most common body parts used are the fingers, tongue and penis) Attempted and completed intercourse accounted for 35% of substantiated abuse cases (Trocme & Wolfe, 2001).

Child Sexual Abuse: The Magnitude:

World Health Organization (2000) estimates that globally, 8 per cent of boys and 25 per cent of girls below age 18 are estimated to suffer sexual abuse of some kind, every year. Child Sexual Abuse is one of the most stressful life events, and is associated with many adverse consequences, including physical and mental health problems, substance abuse and criminality. India is home to more than 375 million children, comprising nearly 40 per cent of the country's population, the largest number of minors in any country in the world. Despite its ethos of non-violence, tolerance, spirituality and a new trillion-dollar economy, India hosts the world's largest number of sexually abused children, at a far higher rate than any other country. According to the World Health Organization (2000), one in every four girls and one in every seven boys in the world are sexually abused, hardly encouraging, but still far below India's totals.
The situation in Ghana today is very problematic, as police records indicate a steady increase in the offence. For example, 384 children were sexually abused in 1991, 409 in 1992, 464 in 1993, 586 in 1994, 728 in 1995 and 2,043 children were abused between 1996 and 2000 (Ghana Police Service., 2000).

In the United States of America:

Between 244,000 and 325,000 American children and youth are "at risk" each year of becoming victims of sexual exploitation, including as victims of commercial sexual exploitation (e.g., child pornography, juvenile prostitution, and trafficking in children for sexual purposes) (Estes, Richard and Weiner, Neil 2002).

Girls and boys were maltreated at similar rates with the exception of sexual abuse. Girls were sexually abused at the rate of 1.6 per 1,000 compared to 0.4 per 1,000 for boys. Children ages 3-5 are most at risk of sex crimes perpetrated by babysitters (Finkelhor, David and Ormrod, Richard 2001).

A report that investigated 166 studies of sexual abuse of boys revealed that the studies were methodologically limited and definitions of sexual abuse varied widely. Prevalence estimates varied widely (by definition used and population studied), ranging from 4% to 76%. Boys at highest risk were younger than 13 years, nonwhite, of low socioeconomic status, and not living with their fathers. Perpetrators tended to be known but unrelated males. Abuse frequently occurred outside the home, involved penetration, and occurred more than once. Sequelae included psychological distress, substance abuse, and sexually related problems. The study concluded that sexual abuse of boys appears to be common, underreported, under recognized, and under treated. Holmes, William, Slap, Gail, (1998). Childhood sexual abuse was significantly associated with dissociation. Both sexual abuse and dissociation were independently associated with several indicators of
mental health disturbance, including risk-taking behavior (suicidality, self-mutilation, and sexual aggression) (Holmes, William, Slap, Gail, 1998).

Russell, (1986) 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 Canada:

75% of Aboriginal girls under the age of 18 were sexually abused; 75% of Aboriginal victims of sex crimes were females under 18 years of age; 50% were under 14 years of age; almost 25% were younger than 7 years (Alliance of Five Research Centers on Violence, 1999).

Statistics about child sexual abuse vary. Charles Whitfield says that studies show that "in the United States one girl in three or four has been sexually abused by age 18 and one boy in four to ten has been sexually abused" (Whitfield., 1995,). Bass and Thornton (1983) report that Parents United estimates that "one out of four girls and one out of seven boys will be sexually abused." (Bass., et al 1983). Jacobson,.et al 1999, estimates that 10-15 percent of "children and adolescents have been sexually victimized by an adult at least once.". "Confusion and feelings of fear, shame and regret are rampant among sexually victimized boys. Tragically, being a child-victim offered opportunities to feel good, to feel admired, loved and wanted." (Grubman,1990 & Bass, 1988),Some of their subjects felt that the only time their offender expressed love and affection was while he or she was interacting with them sexually. The victims may be afraid. Someone may discover something about them that is "wrong," "bad" or "dirty." If they enjoyed it, even a
little, they feel that it's their fault. According to Boudreaux., et al (2005), Infants and young children are more likely to be victimized by primary caregivers and other family members because of their dependence on adult caregivers and limited independent social interactions outside the home. As children develop, they grow in independence and spend increasing amounts of time outside the home and away from family; therefore older children are more likely to be victimized by people outside their home and family. However, there are many overlaps in terms of age as well as forms of violence, and in terms of perpetrators. The WHO (2006) 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.

Why Children are abused?

The number of intra-family sexual abuse cases may not be very large in the total number of child sexual abuse cases but the family environment and the work situation of the job are definitely related to the occurrence of child molestation because they either reduce normative constraints or increase the opportunities for illicit sexual contact. Surprisingly congestion in the family was not found related to sexual abuse, in many studies. The other causes of child sexual abuse were: Chronic conflict between parents and the weakening of inhibitions leading to neglecting the children, absence of affectionate parent-child relationship within the family unit that failed to give support and protection to the child, alcoholism of earning male member and lack of adequate control on the children and the alcoholic parents feeling that he is not accountable to anybody in
the role of parent/protecor, illicit relations of mother with some man and paramours hold on his mistress, dominance of step-father, and social networks or community activities. A word about relationship between alcoholism and child sexual abuse, Herman, (1981) describes alcohol abuse in the sexually abusive family as a “common but not a distinguishing factor”.

A little clarification about isolation too, isolation contributes to sexual abuse in many ways. The isolation may be social or physical. The loneliness of the victim in the house with her male employer when his wife and children are away, or with the employer when other employees have gone to their homes, or with the teacher when there are no other students present, make the victims more susceptible to the overtures of the perpetrator. Thus, isolated within the house or within the work-place predicts danger. Justice and Justice (1976) have referred to this type of isolation in child sexual abuse in the family.

In social isolation the family withdraws from the world around. This isolation limits the degrees of scrutiny the family is subjected to and exempts parents from evaluation by kins, neighbor’s, caste members and friends. Social isolation in which the parent lives with a sole child (daughter or daughter-in-law) and the loneliness and the exaggerated importance of the elderly male member or the dominant paternal figure ruling with an iron hand in the family build together. Isolated from each other by fear, but dependent upon the relationships in the family as the sole source of human contact these adult males may turn to the female children to reduce their sense of personal isolation. Increase in intra-familial intensity offers the opportunity to the male member for lapse in judgment. Henderson, (1972) has referred to this type of social isolation in incest analysis.
It is difficult to diagnose psychological disorders in child sex abusers, but it is true that the maladaptive personality characteristics of both individual adults as perpetrators and children as victims do contribute to sexual abuse. For example a study found sexual per activity (as revealed by family members), social inadequacy and immaturity to be at the heart of the problem. Seven abusers were found sexually hyperactive or pedophilic (the tendency to engage in multiple sexual aberrations) has also confirmed the strong possibility of this type of maladaptive personality type in sexual abuse. Five abusers came from “socially deprived” backgrounds, that is, they felt deprived of affection, attention, and intimacy. Four were emotionally dependent. Bauman also has described the presence of dependence problems in sexual offenders. The offenders were dependent upon their wives as though they were their mothers. The response of each male is passive behavior and occasional sexual dominance, over the weaker members-the children. Control and anger play a crucial role in this child molester's behavior. In seeking out a child, he discovers an individual he can control. This also demonstrates to his wife that he does not need her. Groth, AN., (1982) has also identified recurrent feelings of adequacy, immaturity, helplessness and isolation in adult sexuality. One widower and one deserter employer felt sexually estranged. Two were prone to alcohol abuse. Ferocity too, has described the sex offenders as being prone to alcohol abuse. The individual predispositions of the perpetrators of child sexual abuse may be described as: sexual hyperactivity (pedophilia) (7), social inadequacy (5), emotional dependence (4), immaturity (3), sexual estrangement (2) and proneness to alcohol abuse (2).

Who are the Perpetrators?

Why men sexually abuse children has been one of the foremost questions guiding research on sexually deviant behavior in the twentieth century. As with most forms of
deviant behavior, there are various explanations as to the etiology and maintenance of sexual offending. Within the specialist literature, biological, psychological and sociological theories have been designed to explain the onset of deviant sexual fantasies and behavior. However, owing to the heterogeneity of the perpetrators of such abuse and the complex nature of this behavior, no one theory adequately explains: (a) the motivating factors that lead an adult male to have sexual relations with a child and (b) the sustaining factors that contribute to the continuance of such relations (Bickley., et al, 2001).
The involvement of perpetrator in Child Sexual Abuse

Figure 1
Child Sexual Abuse: The Consequences

Consequences of child sexual abuse range "from chronic depression to low self-esteem to sexual dysfunction to multiple personalities. A fifth of all victims develop serious long-term psychological problems, according to the American Medical Association. These may include dissociative responses and other signs of post-traumatic-stress syndrome, chronic states of arousal, nightmares, flashbacks, venereal disease and anxiety over sex or exposure of the body during medical exams" (Child Sexual Abuse, 1993).

The victims of child sexual abuse felt embarrassed, disgusted, unhappy, depressed, tormented, guilty and sometimes suicidal. What more is that some male victims in our study themselves became the abusers of sex (Child Sexual Abuse, 1993).

The re-victimization in the male victims is directed towards other children-both males and females. But this also does not mean that all males so victimized will become child molesters; only that it may increase the risk. Yet this is a bilateral risk, for the male once-victim-now-perpetrator not only victimizes a child but continues his own victimization in this way (Child Sexual Abuse, 1993).

Secrecy about the abuse is enforced by the perpetrator through threats and denial. "The powerful sense of isolation was a direct consequence of being attacked and then being left alone afterwards, with a threat (Timms.,et al 1990).These types of threats are commonly reported - the perpetrator doesn't want anyone else to know what happened. The abuser may also isolate the victim, or tell the child that no one will believe him. (Lew., 1990), Janice Doane and Devon Hodges (2001), drawing on the work of Jennifer
Freyd, point out that, "When those around her act as though nothing has happened, the child learns to minimize the experience of abusive behavior;"

Finkelhor (1994) has maintained that the subsequent assaults of the molesters are to be seen as a result of the male victim’s efforts to control the pain and anger by moving against another. This stands in contrast to the female’s internalization of pain and acceptance of responsibility for the victimization. The 16 female victims of sex abuse in their study became aggressive and hostile. However, it appeared that sexual assault had diminished self-esteem in all cases of female victims.
Adapted from Petty (2001)

The consequences of child sexual abuse
James., et al (1983) have pointed out how a victim of sexual abuse develops a negative feeling against herself or himself. Two female respondents in their study said that they felt to be less worthy than other girls. Three respondents had even developed self-hatred for themselves. But nobody had attempted to commit suicide because of the feeling of self-blame or self-hatred.

Haj-Yahi., et al (2001) found that in many places, adults are outspoken about the risk of sexual violence their children face at school or at play in the community, but rarely do adults speak of children's risk of sexual abuse within the home and family context. Where children cannot speak about sexual abuse they have suffered, adults do not speak about the risk of sexual violence in the home, and where adults do not know what to do or say if they suspect someone they know is sexually abusing a child. Most children do not report the sexual violence they experience at home because they are afraid of what will happen to them and their families, that their families will be ashamed or reject them, or that they will not be believed. Adults may also fail to report such abuse. In communities and families with rigid norms about masculinity, femininity and family honor, boys who disclose sexual violence may be viewed as weak and unmanly, and girls who disclose sexual violence risk being blamed and frequently beaten and killed. The consequences of violence against children include both the immediate personal impacts and the damage that they carry forward into later childhood, adolescence and adult life. The violence that children experience in the context of home and family can lead to lifelong consequences for their health and development. They may lose the trust in other human beings essential to normal human development. Learning to trust from infancy onwards through attachments in the family is an essential task of childhood, and closely related to the capacity for love, empathy and the development of future relationships. At a broader
level, violence can stunt the potential for personal development and achievement in life, and present heavy costs to society as a whole.

Perry, (2001) Impacts and consequences are complicated by the fact that, at home, children are victimized by people they love and trust, in places where they ought to feel safe. The damage is particularly severe in the context of sexual abuse; particularly as the stigma and shame surrounding child sexual abuse in all countries usually leaves the child dealing with the harm in solitude. Loss of confidence and belief in the human beings closest to the child can instill feelings of fear, suspicion, uncertainty, and emotional isolation. He or she may never again feel safe or secure in the company of the parent or family member who perpetrated the violence. A growing body of evidence suggests that exposure to violence or trauma alters the developing brain by interfering with normal neuro-developmental processes. Evans., et al. (2005) suggest that where family violence is acute, children may show age-related changes in behavior and symptoms consistent with Post-Traumatic Stress Disorder (PTSD) and depression. Physical and sexual victimization are associated with an increased risk of suicidal thoughts and behavior, and the more severe the violence, the higher this risk.

Child Sexual Abuse: The Legal Position

Each child has the right to his or her physical and personal integrity, and protection from all forms of violence. Children, as human beings, are entitled to enjoy all the rights guaranteed by the various international human rights treaties that have developed from the Universal Declaration of Human Rights 1956. The International Covenant on Economic, Social and Cultural Rights () includes a provision requiring that children be protected from economic and social exploitation. Committee on the Rights of the Child (2006) “Addressing the widespread acceptance or tolerance of corporal
punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies and all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.” The breadth of this obligation has been emphasized by the Committee on the Rights of the Child. All children who have been exploited will suffer some form of physical or sexual harm. Agencies have a duty to work together to safeguard them and promote their welfare, but in order to do this effectively, people first need to be able to recognize when children have been abused and to understand the particular vulnerabilities to which this makes them susceptible. The full range and scale of all forms of violence against children are only now becoming visible, as is the evidence of the harm it does. There can be no compromise in challenging violence against children. Children’s uniqueness – their human potential, their initial fragility and vulnerability, their dependence on adults for their growth and development – make an unassailable case for more, not less, investment in prevention and protection from violence. In recent decades some extreme forms of violence, many children are routinely exposed to physical, sexual and psychological violence in their homes and schools, in care and justice systems, in places of work and in their communities. All of this has devastating consequences for their health and well-being, now and in the future.

Child Sexual Abuse: The Prevention Methodology

Although child abuse, or at least public attention to it, is considered by some to be a relatively a new phenomenon, that is not the case. Historical review of the
circumstances under which parents have lost their children or their autonomy over them indicates its presence since colonial times. Such circumstances always have occurred and some form of community sanctions employed. Present day arrangements for dealing with child mistreatment - both legal and social services responses - have roots in the nineteenth century. Impingement on parents’ rights has called for legal responses, while removal of children from mistreating parents has called for social service responses to substitute for the parental care.

At the 1999 Regional Office consultative meeting, entitled “Prevention and Management of Child Sexual Abuse,” participants from 28 countries representing all the African sub regions reported that Child Sexual Abuse is a serious concern in African countries. There is an enormous burden of sexual violence and harassment in secondary schools, with both boys and girls experiencing some form of sexual abuse.

The legal apparatus empowering states and localities to remove children from their parents’ custody first arose in situations where the children’s own behavior brought them into conflict with the community. Children, formally accused of no crime, could be removed to the reformatory and their parents held legally responsible. The doctrine of ‘parent’s patriae’ i.e. the state is the ultimate parents of children-means that the State’s rights supersede those of individual parents; this doctrine was invoked as the legal base on which such intrusion into family life could be justified. In time these statutes were amended to include parental failure that did not necessarily manifest itself in children’s delinquent behavior.

At first the preoccupation was with the moral failures of parents and with physical abuse. Physical neglect of children was gradually incorporated into the law towards the end of the nineteenth century, while only in recent decades has their emotional
mistreatment been considered. Children adjudicated under these laws could be sent to
orphanages or to foster homes, rather than to reformatories. At the turn of the century,
juvenile court was established in countries across the nation as the legal institution for
handling child abuse and neglect as well as juvenile delinquency. Previously, children's
cases were handled either in criminal or probate courts. It should be noted that throughout
this time a parallel legal system, the poor laws, which regulated the dispersal of public
relief parents as a means of and as a condition of grading relief from economic
destitution. The philosophy underlying this practice changed early in the twentieth
century, but it was not until the initiation of federal involvement in poor relief, through
the AFDC program, that the actual practice has slowly eroded. Although less directly,
poverty continues to be a major cause of family dissolution.

Along with the evolution of legal response to the problems of child mistreatment,
the social service response has developed gradually. Child Welfare, as it relates to abuse
and neglect, has generally consisted of two parallel and often poorly integrated systems,
one concerned with child protection and the other with the provision of substitute care.
Until very recently, the functions of practice in child protection were to investigate and
validate complaints of child mistreatment and when so validated to see that the situations
were adjudicated and, if necessary, the children protected through removal from their
parents. A return of those children to their parents was not considered an integral function
of child protection. Rather, once children passed into the substitute parental care system,
management of their lives, including return to their parents, was delegated to the foster
care system. Although the provision of social services to forestall or eliminate the need
for removal of children has for many decades been an ideology of child protection, the
actual provision of such services has been ambiguous and haphazard.
Present Study

The present research attempts to focus the various forms of child sexual abuse prevalent in urban and rural areas in Tamil Nadu, the magnitude of the various forms of child sexual abuse, the causes and consequences of child sexual abuse and the perceptions of police and the criminal justice system, by the child sexual abuse. Earlier researches conducted in the present research area of interest are reviewed in the next chapter.