CHAPTER VII

REHABILITATION OF VICTIMS OF
SEXUAL ABUSE
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Rehabilitation of Victims of Sexual Abuse

This chapter deals with the rehabilitation programmes for victims of sexual abuse by Government and NGOs. Girl child sexual abuse is still considered as the issue of secrecy. In India it is exclusively undisclosed and under reported due to number of factors which make the victim keep quiet feeling shame, guilty, isolated, powerless and helpless. The victims feel that they are responsible for the abuse and such feeling makes them highly vulnerable to sexual abuse within and outside the family.

The children who are victims of abuse may show number of physical, emotional and behavioral changes. They may be withdrawn or unusually aggressive. They may refuse to attend school, or have difficulty in concentrating so that their school work is affected. They show unexpected fear, disgust, guilt, anxiety, anger about particular adult or they refuse to continue with their usual social activities.

Sexually abused girl children suffer from psychological symptoms and risk of harm is greater if the abuser is a relative and the abuse involves intercourse or attempted intercourse, or if threat or force is used. The level of harm may also be aggravated because of various factors such as penetration, duration and frequency of abuse. Abuser may act alone or as part of an organized group. After the abuse they put the child under great pressure not to tell anyone about it. They also go to great lengths to get close to girl children and to gain their trust. The child may speak about receiving special attention from a particular adult, or refer to a new ‘secret’ friendship with an adult or a young person.
Rehabilitation is a process of making the victim physically, mentally, emotionally socially, educationally and economically empowered. This process also include the treatment plans that include protecting the child by stopping abuse, providing support during the resulting crises and being handled carefully to avoid magnifying children’s negative definitions of situations and help them to regain their confidence of ‘self’.

A successful rehabilitative programme is one which includes an effective prevention programme because the dynamics of girl child sexual abuse is complex, so intervention strategies need to be well planned and carried out with appropriate skills. Rehabilitation is a process which involves several tasks, planning and it also aims to reach up to all the victims who disclosed the matter and even up to those girls who failed to disclose the occurrence because of fear that disclosure will bring consequences even worse than being victimized again. This results in recurrence.

Keeping child in such a condition means giving her punishment for not doing any mistake. In this concern rehabilitation of victims of sexual abuse is very essential. So it is the duty of the guardian to make the child feel better and give her the strength to regain her confidence. One should help the child to shed her shame and guilt by telling the child that it is the abusers’ fault and not that of the child. It will help the child to respect herself and live as a normal human being.

So, it is very important that anyone who gives birth to a child has to take the full care of her. It’s not only important to feed and bathe a child, it’s also important to discipline it. A girl child is neglected in our families. She should be brought up with love and
affection equal to male child in the families so that she can gain confidence and dignity as a human being.

If a girl child is sexually abused, she is blamed as she is not a ‘good’ girl, she is a ‘bad type of girl’. It is said that sexual abuse happens to those girls who are having bad character and who are not of a very nice type. The mindset and attitude of society is to blame her as if her abuse is her fault and not that of an abuser. She is not treated as a victim but as a person at fault. These victims who suffer stigma and disrepute can be sexually abused again and again by not only one abuser but many others as it is thought that such type of girls can be used by anybody because they are of bad type. This is a critical situation in which the victim girl is not understood by anybody, she can’t raise her voice against the abuser to stop abuses and keeps mum. It gives strength to the abuser and this result in recurrence of abuse. Instead of solving her problem, she is blamed and is held responsible by her parents for the incident. It is necessary to understand agony of being victimized.

The girl children who are victims of sexual abuse are facing irreparable loss due to their sex. Some time sexual abuse results in early pregnancy and injury to her reproductive organs after incident of abuse. The whole life of the girl child becomes aimless; her future is dark due to defamation. Pregnancy from rape is mental agony and could impact her mental health. There is no social status to such girls in our society. Upbringing of girl child taught her to keep quiet without asking questions of elders and is made to feel that as a girl child she should bear the responsibility of protecting dignity of family and its honour. Such teaching makes her silent. The notion of shame and defamation are the largest culprits in keeping the girl silent about sexual abuse in our
country. Moreover girl children in Indian families find that adults often exercise a natural hold over their children, demanding complete and unquestioned obedience and the girls are taught that by obeying elders they are protecting dignity of family. Boys are not compelled, to do such things but girls in Indian families are discriminated against in this respect.

Sexual Abuse has in it pronouncedly psychological and emotional element and such abuse negatively impacts girl child’s physical, emotional and mental well being, leading to severe behavioral and psychiatric disorders and the girl child may even attempt to suicide because she, who is a victim of sexual abuse, rarely finds any support from family and society. Instead she is blamed and she is made to think that it is her fault, and there is a fear of victimization. The abuse of girl child is highly stigmatized in Indian society. Due to the male dominated patriarchal nature of Indian society, and abuse usually being associated with loss of virginity and with notions of family honor or dignity abused girls are often disbelieved or blamed for their abuse. Sex and sexuality are taboos in Indian society. More so for girls than boys, all these factors are hindrances in disclosure of incident by girl victim. The irreparable loss suffered by the girl child is the worst consequence of sexual abuse. **Timely rehabilitation is very important to come out from the trauma. Proper rehabilitation can minimize the occurrence of sexual abuse and it will also help to control and prevent the problem, whereas improper rehabilitation gives way to recurrence of the incident. So, proper and specific rehabilitation of victim is badly needed.**

The process of rehabilitation includes restoring to useful life through the therapy, education, awareness, coping strategies, counseling, and long term and short term treatment. Rehabilitation of victims of
sexual abuse is very important because proper rehabilitation helps the victims to cope with the trauma and to regain happy life.

Government’s and many NGO’s at national and international level are working through their own rehabilitative programmes for sexually abused girls to overcome this problem and help the abused children to live happily which is their right as human beings. The process of rehabilitation includes - restoring to useful life through therapy, education, awareness, coping strategies, counseling, long term and short term treatment.

**Rehabilitative Programmes At International Level**

In western countries issue of child sexual abuse came in forefront in 1970. Before that the issue was considered as a secret but later the issue came to be considered as a serious crime against children. So Govt. and NGOs have done a lot and still are working with enthusiasm to prevent the problem and for the healing of victims.

**U.S.A.**

Today the United States has more children living in poverty than any other industrialized nation. More than a quarter of all children grow up in poverty. The poverty rates for African American and Latin American children exceed 40 percent. Furthermore, the United States, a country which once pioneered strategies to prevent child abuse and which now spends more money fighting the child abuse than any other industrialized country, has the highest rate of child abuse in the industrialized world.

By 1968, 44 out of 50 U. S. states had enacted mandatory laws that required physicians to report cases of suspicious child abuse. Legal action became more prevalent in the 1970’s with enactment of The Child Abuse
Prevention and Treatment Act in 1974 in conjunction with the creation of the National Center for Child Abuse and Neglect. Since the creation of The Child Abuse and Treatment Act, reported child abuse cases have increased dramatically. Finally, the national abuse coalition was created in 1979 to create pressure in congress to create more prevention of sexual abuse laws.

In 1986 congress passed the Child Abuse Victims Rights Act, giving children a civil claim in sexual abuse cases. The number of law created in the 1980 s and 1990 s began to result into greater prosecution and detection of child sexual abusers. During 1970s a large transition began in the legislature related to child sexual abuse. Megan’s Law which was enacted in 2004 gives the public access to knowledge of sex offenders nationwide. Anne Hastings described these changes in attitude towards child sexual abuse as the beginning of one of history’s largest social revolution.

**United Kingdom**

The United Kingdom has a comprehensive child welfare system according to which Local Authorities have duties and responsibilities towards children in need, in their area. This covers provisions for advice and services, accommodation and care of children who are uncared for, and also the capacity to initiate proceedings. The criterion for the latter is ‘significant harm’ which covers physical, sexual and emotional abuse and neglect. In appropriate cases the Care Plane before the court will be of adoption.

The role of Independent Visitor, a voluntary post, created in the United Kingdom under the 1989 Children Act is to befriend and assist children that need care.¹
In England, Wales and Scotland, despite the Children Act, there never has been a statutory obligation to report alleged child abuse to the Police. Northern Ireland was the exception to this legislative omission. In 2007 the Department for Children, Schools and Families created the Local Authority Designated Officer, (LADO) to whom alleged abuse should be reported. The appointee is designated to act as an independent set of eyes and ears to assess situation prior to contacting any other Agency. However, there is no statutory obligation to report alleged abuse to this officer, and no sanction on any setting or organization for failing to report 2.

Child sexual abuse is outlawed nearly everywhere in the world, generally with severe penalties, including in some cases, life imprisonment or even capital punishment. An adult’s sexual intercourse with a child not capable of consent is defined as ‘Rape’, based on the principle that a child is not capable of consent and that any apparent consent by a child is not considered to be a legal consent.

**INTERPOL** - The International Criminal Police Organization in 1971 was recognized as an international governmental organization. It acts as an information exchange and a liaison body between police forces of different countries.

**ILO** - (International Labour Organization) has sponsored some studies and conferences on child labour and child protection.

**Child Protection and Rights**

The International Convention on the Rights of the Child (1989) the convention calls to protect children from all forms of sexual exploitation and abuse, including exploitative use in prostitution and pornography (Article 34)
The optional protocol to the convention on the rights of the child, on the sale of children, child prostitution and child pornography (2000) further refines the UN CRC provisions. It insists on the criminalization of child prostitution and pornography (Article 3.1).

The International Labor Organization’s Convention 182 (1999) defines sexual exploitation as one of the worst forms of child labour.

The Convention on the Elimination of all forms of Discrimination against Women, (CEDAW) (1979). The countries that have ratified this convention are legally bound to take appropriate measures against the commercial sexual exploitation of women and applies also consequently to the girl child.

The South Asian Association for Regional Cooperation (SAARC) convention on Prevention and combating the Trafficking in women and Children for Prostitution: The convention aims at promoting cooperation amongst member states to effectively deal with various aspects of prevention, prohibition and suppression of trafficking in girl and children, repatriation and rehabilitation of victims of trafficking and preventing the use of girl and boys children in international prostitution network, particularly where the South Asian Association for Regional Cooperation (SAARC) member countries are the countries of origin, transit and destination.

International Law

The United Nations Convention on the Rights of the Child (CRC) is an International Treaty that legally obliges states to protect children’s rights. Article 34 and 35 of the CRC require states to protect children from all forms of sexual exploitation and sexual abuse. This includes outlawing the coercion of a child to perform sexual activity, the
prostitution of children and the exploitation of children in creating pornography. States are also required to prevent the abduction, sale, or trafficking of children. As of November 2008, 193 countries are bound by the CRC including every member of the United Nations except the United States and Somalia. India has acceded to the convention on 11 Dec. 1992 and accordingly a Bill was pass in Parliament of India in 2012.

Role of NGO in Healing and in Prevention Of Child Sexual Abuse at International Level

In the early 21st century the issue of girl child sexual abuse is considered a serious crime which casts lifelong effect on girl child and becomes hindrance in her development. So number of voluntary organizations in the world considering the severity of the problem started work for the rehabilitation of victims and prevention of child sexual abuse.

Child-help, USA’s National Child Abuse Hotline 1-800-422-4453 (1-800-4 A child)

Child help USA is a nonprofit organization dedicated to meeting the physical, emotional, educational and spiritual needs of abused and neglected children. Its programmes and services include this hotline, which children can call with complete anonymity and confidentiality.

Rape Abuse and Incest National Network (RAINN)

1-800-656-4673 (HOPE)

Rape Abuse and Incest National Network has a 24 hour National Sexual Assault online Hotline (Chat) staffed with trained volunteers and paid staff members who also have knowledge of sexual abuse issues and
services. All calls are confidential and callers may remain anonymous if they wish.

**National Domestic Violence / Abuse Hotline**

1-800-799-SAFE  
1-800-799-7233  
1-800-787-3224 TDD

This a 24 hour a day hotline, staffed by trained volunteers who are ready to connect people during emergency help in their own communities, including emergency services and shelters. The staff also provides information and referrals for a variety of non-emergency services, including counselor for adults and children and assistance in reporting abuse.

**Child line (UK)**

0800 1111

Child line is the free helpline for children and young people in the UK. Children and young people can call on no. 0801111 to talk about any problem to get help from counselors.

**CARI**

A NGO provides a professional child centered therapy and counseling services to children and families that have been affected by child sexual abuse. It provides services in Ireland.

**CPHCSA**

**Center for prevention and healing of child sexual abuse** is working in Philippines, Malaysia, and Vietnam.
ISPCAN

‘International Society for Prevention of Child Abuse And Neglect’

Denmark, details child protection activities. Founded in 1977 by international pioneer and visionary Dr. C. Henry Kempe, ISPCAN works to prevent cruelty to children in every nation, in every form, physical abuse, sexual abuse, neglect, child fatalities, child prostitution, emotional abuse children of war, child labour, and street children.

As the premier international network of child protection, professional ISPCAN has expanded its work tirelessly to make an impact worldwide. Participating in crafting the UN’s general comment is on Article 19 of the convention of the rights of the child, working with partners to develop the ground breaking ISPCAN child abuse screening tools translated into several languages, impacting the work of practitioners and policy makers in over 175 countries, with multidisciplinary teams trained in well over 30 countries with emerging economics, is ISPCAN’s mission to support individuals and organizations working to protect children from abuse and neglect worldwide.³

ECPAT

End Child Prostitution and Trafficking, this agency in France / Germany, is working for prevention of child trafficking with an offshoot against child sexual abuse.

Stop-it-Now

‘Stop it now’ in UK and Ireland is a major national and local campaign that aims to stop child sexual abuse by encouraging abusers and potential abusers to seek help and by giving adults the information they need to protect children effectively. It tries to prevent the sexual
abuse of children by mobilizing adults, families and communities to take action that can protect children before they are harmed.

**Vision**

Encourages adults to respectful, caring behavior with children and help other adults to create safe, stable and nurturing relationships for all children. Children grow up free of trauma from any form of violence including sexual abuse and exploitation.

**Guiding principles**

Children have right to safety and well being. Children have right to freedom from sexual harm. Public health framework programmes are developed that view child sexual abuse as a preventable social problem.

**Focus on adults and communities**

Programmes focus on adults and communities, challenging them to take responsibility for preventing the preparation of sexual abuse of children.

**Balance Accountability with understanding**

‘Stop it now’ NGO in its work with those who have been sexually abused, now supports media approaches, programmes and public policies that effectively balance accountability for the crime with an understanding of the need for treatment to prevent further sexual abuse.

A centralized telephone helpline supports the local projects and offers confidential advice and support to adults who suspect that someone they know presents a risk to a child and to those seeking help to stop their own abusive thoughts and behaviour. ‘Stop-it-now’ is also working with politicians and policy makers at national level to promote a wider understanding of child sexual abuse as a preventable public health issue.
and to increase the services available to the victims and survivors of abuse and to abusers.

**EMDR Institute**

Eye Movement Desensitization and Reprocessing (EMDR) has proved to be an effective and efficient treatment for post traumatic stress disorder (PTSD), which is an effect of child abuse. It can be particularly helpful in transforming intrusive and upsetting memories of abuse, does not require one to talk about what happened in details in recent years. The Therapists have learned how to use EMDR with children, the EMDR Institute provides referrals to EMDR trained therapist around the country and around the world.

**Faith Trust Institute**

Faith Trust Institute is an international, multi faith organization working to end sexual and domestic violence. Faith trust Institute works with many communities, including Asian and Pacific Islander, Buddhist, Jewish, Latin, Muslim, Black, and Indigenous, Protestants, Roman Catholic. Thus these western NGOs are working for the problem of child sexual abuse.

**Rehabilitative Programs by Government of India**

Girl child sexual abuse is really a horrible face of Indian Society and a problem for the human growth and creativity. Despite its ethos of non-violence, tolerance, spirituality, 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 (W.H.O.) one in every four girls and one in every seven boys in the world are sexually abused. So government of India is trying to overcome this problem in the following way.
The Indian Penal Code considers certain acts like kidnapping or maiming the child for the purposes of begging (section 363-A) and exposure and abandonment of child under 12 years by parents or persons having care of the child (section 317) as serious offences, the children Acts in particular, have provisions for punishment for cruelty to children. There are provisions for care, protection and rehabilitation of neglected and abused children. The new Juvenile Justice Act 2000 considers it necessary to provide protection and care for children who are likely to be exploited and abused. Provision of child protection will be a key intervention in the eleventh plan. ‘Child protection’ refers to protection from violence, exploitation, abuse and neglect.

There are a considerable number of central and state laws which have direct or indirect bearing on different aspects of child abuse like exploitation, cruelty and neglect. Every child has a right to protection, even if he/she is not in difficult circumstances. The eleventh plan intervention for child protection takes both a preventive and a protective approach. In the Eleventh plan Child line 1098, will be extended to rural areas and to all districts of the country.

With the recent reported cases of child Sexual abuse and incest, we have focused on what is an unfortunate reality. Child Sexual abuse (CSA) and incest are widely prevalent in India cutting across gender, class, caste, cultural, religious, occupational and Economic backgrounds.
The Legal Protection To The Victims Of Sexual Abuse By Indian Govt.

According to The Convention on the Rights of the Child, Article 1 defines “the child” as “every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier”.

There are very few sections under the Indian Penal Code that deal with child sexual abuse. Some terrible home truths are:

- The laws for women are extended to include children.
- The major weakness of these laws is that only penile penetration is considered a grave sexual offence. The crime is considered lesser when it is oral, or through penetration with an object.
- Although section 377, dealing with unnatural offences, prescribes seven to ten years of imprisonment, such cases are tried in a magistrates court, which can impose maximum punishment of three years.
- If the abuse is repeated several times it affects children more severely, however as yet there is no law for repeated offenses against the one child.
  
  How do we apply section 354, on outraging the modesty of girl, with respect to children? How do we define modesty? These are some of the intriguing questions inadequately answered by the Penal Code.

  The gravity of the offence under section 509, dealing with obscene gestures, is less, though even in such cases, the child’s psyche may be affected as severely as in a rape.

  With the aid of public interest lawyers across the country, Maharukh Adenwala, a senior lawyer practicing in child protection laws
in the High Court, has initiated the National Campaign on Law for Child Sexual Abuse. This group will help draft a new law and circulate it among child rights groups. Once the legal work is complete, Maharukh will take the draft to a standing committee within the parliament to gain support for the new law. In addition to a book she has written on Child Sexual Abuse and Law, Maharukh is working with other lawyers on a white paper on child sexual abuse that will serve as the starting point of her work countrywide.

(The protection of Children from Sexual Offences Bill, 2012 is recently passed by the Parliament)

**National Framework**

The law in India only recognizes certain kinds of sexual abuse as an offence. The forms of child sexual abuse recognized by the Indian Penal Code are –

Outraging the modesty of a woman or a girl (section 354) Rape (section 376) ‘Rape’ as defined in the IPC is when a man has sexual intercourse with a woman against her will or without her consent and with or without her consent if she is under 16 years of age, or when she is his wife and is under fifteen years of age, Sodomy or unnatural offences (section 377).

The maximum punishment for rape is 7 years imprisonment but when the girl is under 12 or where the rapist is a person in authority (from a hospital, children’s home, a police station etc.) the punishment is greater.
The Immoral Traffic (Prevention) Act, 1956

This act covers both the sexes exploited sexually for commercial purposes and provides enhanced penalties for offences involving children and minors.

Section 3: stringent action and punishment for keeping a brothel or allowing premises to be used as a brothel

Section 4: living on the earnings of prostitution

Section 5: procuring, inducing or taking a person for the sake of prostitution.

Section 67: if any person is found with a child in a brothel it shall be presumed, unless the contrary is proved, that he has committed an offence of detaining a person in premises where prostitution is carried on

Section 6 (1B) : The punishment consists of imprisonment of either description for a term which shall not be less than 7 years, but which may be for life or for a term, which may extend to 10 years and shall also be liable to fine, with a provision for less than 7 years under special circumstances.

Section 6 (2A) : A girl child or minor found in a brothel, on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or as the case may be, has been sexually exploited for commercial purposes,
Section 21: Establishment of protective homes by the state government.

The section 23 of the Juvenile Justice Act 2000 deals with child abuse. The section provides for punishment (imprisonment up to six months) for cruelty to child if a person having the charge of or control over a child causes or procures him/her to be assaulted, or exposed in any manner likely to cause such child unnecessary mental or physical suffering. (The Goa Children’s Act, 2003)

**The Protection of Children from Sexual Offences Bill, 2012**

The Protection of Children from Sexual Offences Bill, 2012 is passed by Parliament. This Act is made to strengthen the legal provision for the protection of children from Sexual Abuse and Exploitation. At present sexual offences are covered under different Sections of Indian Penal Code (IPC). However, the penal code did not treat child which is a victim of sexual Abuse as class by itself and did not differentiate between adult and child victim. The Act seeks to protect children from sexual offences and therefore, provides for harsh punishment for various types of sexual abuse of children and is gender neutral.

The term ‘Sexual offence’ has been defined as a sex made with a person below 18 years, as an offence. Sex with minor (below 18 years) is ‘Rape’ as per this new Law. Burdon of proof is shifted to the accused in cases of sexual assault, aggravated sexual assault, penetrative sexual assault and aggravated penetrative sexual assault keeping in view the innocence and vulnerability of the child. The Act provides for the establishment of special court to try the offences of sexual abuse of children, and child’s right to privacy and confidentiality is tried to be respected and protected during the judicial process in the trial of the accused of sexual offence in respect of a child. Various forms of sexual
abuse of children, other than penetrative sexual abuse, are being covered in the Act under definition of sexual abuse and exploitation such as, Inducement and Coercion of a child in any unlawful sexual activity, the exploitative use of a child in prostitution or other unlawful sexual practices and, remarkably, the exploitative use of child in a pornographic material and performances. The definition of penetrative sexual assault is wide and expansive. Penetration of sex organ to any extent is an offence. Oral sex is also covered by this definition. The definition is vague when it says that manipulation of ‘any part of the body’ so as to cause penetration into any part of the body is a penetrative sexual assault.

Sexual assault by a person of armed forced or police personnel, by a person being on the management or staff of place of custody, care or protection of children; Hospital; an educational Institution; a public servant; staff of a Jail etc. is an aggravated sexual assault. So the persons who are on the management of remand home, protection home or observation home and commit a sexual assault of the inmate child, it will be treated as aggravated assault, inviting heavy punishment of not less than ten years Rigorous Imprisonment. Use of weapon, fire, heated substance or corrosive substance while sexually assaulting the child is also an aggravated sexual assault. Touching body part with sexual intent which involves physical contact without penetration is also a sexual assault as defined in the Act. Sexual intent is a question of fact.

As per Sec. 11 of the Act, ‘Sexual harassment’ is an offence, when a person with sexual intent

1) Utters any word or makes any sound, makes any gesture or exhibits any object or part of the body with an intention that the word or
sound should be heard by the child, or the gesture, object or part of the body be seen by the child,

2) Makes the child exhibit his body or any part of the body or

3) Shows any object to a child in any form or media for pornographic purposes, or.

4) Repeatedly or constantly follows or watches or contacts a child either directly or through any means, or

5) Threatens to use in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual Act.

This definition of sexual harassment tries to cover almost all forms of sexual abuse of child found in the society.

See 13 of Act define the offence of use of child for pornographic purposes. It provides that use of a child in any form of media, for the purposes of sexual gratification including indecent or obscenity representation of a child is an offence of use of child for pornographic purposes. The expression ‘use of a child’ shall include involving child in various manners in production and distribution of pornographic material.

See 15 of the Act Provides for punishment for even storage of pornographic material involving child. As per Penal Code, if any act is an offence, the abetment of such act is also an offence. It further provides that an abetment of an offence being an offence, an abetment of such an abetment is also an offence Sec 16 of this Act provides that a person commits an offence of abetment if he instigates any person to do that offence, or engages with others in any conspiracy for doing that offence. If an act or illegal omission takes place in pursuance of the conspiracy, or intentionally aids by any act or illegal omission, he is an offender. What
amounts to instigation and also what is mean by aid and facilitate an
defined. Sec. 18 provides punishment for attempt to
commit an offence. Sec. 19 makes provision for reporting of offences.
Every person shall have to report to special Juvenile Police Unit or local
police if he knows that offence has been committed or likely to be
committed. It there is need of protection or care for the victim of child
sexual abuse; it shall be the duty of police to provide such care and
protection to the child. Sec 20 casts duties on the media, studio and
photographic facilities to report cases. It further provides that a person
being in charge of a company or institution happens to know that his
subordinate is involved in offence under this Act and fails to report the
same to police will also be punished.

The Act provides for non-disclosure of the identity of the child
victim. It also bars media from making report on any child either as an
accused or as victim in a case of sexual offence, as the disclosure may
have the effect of lowering his character or infringing upon his privacy.
Sec. 24 provides for recording the statement of a child before a magistrate
and makes it mandatory to record the statement of a child in the presence
of parents or any other person in whom the child has trust or confidence.
Assistance of an interpreter or special educator or an expert may be taken
while recording the statement if a child has a mental or physical
disability. It the statement of child is recorded by audio-video electronic
means then also the presence of parent is necessary. There is a provision
in the Act that the police officer present at the time of recording the
statement of the child should not be in uniform. Sec. 26 provides for the
accused not be in contact with the child. The police officer investigating
the offence must ensure that at no point of time the child comes in contact
with the accused in any way. Sec. 27 provides for medical examination of
the child to be conducted in accordance with Sec.164 (A) of the Criminal Procedure Code, 1973, whether or not FIR or complaint is registered for the offence. Sec. 28 provides for special court, speedy trial by sessions court. Sec. 29 says that where a person prosecuted under offence of sexual Assault, aggravated sexual assault, penetrative sexual assault and or aggravated penetrative sexual assault and the victim is a child below sixteen years of age, the special court shall presume that such person has committed the offence, unless the contrary is proved. Sec 30 provides for presumption of culpable mental state. Any offence which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state and it is for the accused to prove that he had no such mental state in respect of the act charged as an offence in that prosecution. However, the existence of mental state on the part of accused should be beyond reasonable doubt and not only a probability. There is provision in the Act for the appointment of special public prosecutors and further provides that the special public prosecutor or the counsel for the accused while recording the examination in chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court. The special court shall create child friendly atmosphere by allowing a family member, guardian, or a friend or relative in whom the child repose confidence to be present in the court. The court shall also ensure that the child is not called repeatedly to testify in the court. The Act also provides that the court shall not permit aggressive questioning or character assassination of the child and ensure the dignity of the child is maintained at all times, and the identity of the child is not disclosed at any time during the course of investigation or trial. The identity of the child includes the identity of the family, relative, school, neighbourhood or any other information by which the identity of the child is revealed. In appropriate cases the court has power to award
compensation to a child for any physical or mental trauma caused to the child or for immediate rehabilitation of such child. The Act expects the court to record the evidence within thirty days, and complete the trial within a period of one year from the date of taking cognizance of the offence. Sec. 36 of the Act casts upon the court a duty to ensure that the child is not exposed in any way to the accused at the time of recording the evidence while at the same time ensuring that the accused is in a position to hear the statement of the child.

Most important of all, the Act makes it mandatory to try the offence ‘in camera’ and in the presence of parents of the child or any other person in whom the child has trust or confidence. The child may be examined by appointment of commission also at any other place than Court Hall. Assistance of an interpreter or expert may be taken while recording the statement of the child. There is provision to the effect that the state Government shall prepare guidelines for use of non-Governmental organizations, professionals and experts or persons having knowledge of psychology, social work, physical as well as mental health and child development to be associated with the pre-trial stage to assist the child.

So the Act tries to meet the problem of Sexual Abuse of children to a great extent. How to allow sexual activity between children below 18 years of age without being criminalized was problem before the framers of the statute. The age of consent is lowered to 16 but concept of consent is made so complicated that any such consent can easily be said to be no-consent making the children involved being labeled as guilty.

At first there was wide criticism for increasing the age of consent to 18. As per added proviso, it will be taken into consideration whether
the consent obtained by using means of deceit, force or inducement, if the child is between 16 and 18 years of age. This is an attempt to decriminalize consensual sex of a child above sixteen even if he is a minor. The Act further provides that non resistance is not necessarily consent. Cases would not be rare where the parents of a girl between 16 and 18 years would force the girl to complain against the offender of sexual assault and the burden to prove that it was a consensual sex would be heavy on the accused to discharge. So the age of consent is reduced to 16 from proposed 18 but unequivocal voluntary consent is made very difficult to prove as consent, keeping a hanging sword on the head of the young lovers almost making premarital sex a taboo.

The difficulties of law are better revealed when the law is implemented. Let us wait and watch.

**NGOS Working for Girl Child Sexual Abuse In India**

**Arpan**

Arpan is a registered organization based in Mumbai with a mission to prevent the occurrence of child sexual abuse and heal those who have been affected by it. Founded by Pooja Taparia, Mumbai, it began in year 2003, with passion and conviction and a trained team of dedicated professionals, clinical and counseling psychologists. Arpan began working on the issue of child sexual abuse (CSA) in year 2006. Today Arpan works in a focused manner only on CSA.

The impact of child sexual abuse stays with the child for a long time beyond the immediate trauma. Intervention is needed to prevent child sexual abuse and heal its ill effects in the lives of the victims and survivors.
**Interventions Undertaken By Arpan Are**

**Prevention** – Empowering adults and children with skills to protect children from sexual abuse and **Healing** – Enabling Victims and survivors of abuse to heal and live beyond the trauma of their abuse.

**Core Activities of Arpan Include**

- Spreading awareness amongst various stakeholders of children, parents, teachers, NGO professionals and staff to provide them with prevention and intervention skills.
- Teach personal safety skills to children in schools so that they can protect themselves from sexual abuse.
- Heal child victims and adult survivors through counseling and therapy so that they are able to get healed and live beyond the trauma of their abuse and have a right to life with the dignity.
- Build practitioner capability to deal with child sexual abuse cases to facilitate better healing of victims and survivors.

Arpan also addresses various stakeholders in a child’s life to inform and train them on child sexual abuse. Prevention and intervention skills are imparted through awareness and training sessions customized as per the target audience. Arpan also constantly tries to bring forth the reality of child sexual abuse, its ill effects myths surrounding it, prevention methods in society through newspapers and magazines.

**Teaching Children Personal Safety Skills In Schools**

This is comprehensive programme that trains parents, teachers, and school counselors on prevention and intervention skills with the main
focus on teaching children personal safety skills through role play, oral and written material.

**Healing Programmes**

Counseling for victims, adult survivors, family members and abusers themselves along with helping the victims get healed. It is important to extend help to the abuser as well. It is seen that therapeutic intervention can help abusers stop abusing children in future. As a method of prevention, healing services are offered for abusers also.

**Building Practitioner Capability**

While there are numerous counselors, very few really have the ability to deal with cases of trauma. Most often children and adults are traumatized due to being sexually abused and need specific therapeutic skills to help get healed. Arpan conducts a study group on trauma for practitioners in the field of mental health and social workers to gain skills on dealing with cases of trauma.

Activity based therapy for sexually abused and trafficked minors. It is seen that alternative therapies like yoga, dance, art and craft help to heal traumatized victims and survivors. Arpan extends its healing programmes to sponsor therapeutic activities like yoga to victims of sexual abuse.

Thus Arpan, an NGO is working in Mumbai with a mission to prevent the occurrence of child sexual abuse and heal those who have been affected by it.⁴

**Recovering And Healing From Incest (RAHI)**

**RAHI** – is another NGO working towards prevention and intervention in the area of incest and child sexual abuse (CSA) in New Delhi. It functions
as a counseling and support centre as well as education, training, research and communication centre in the field. It was set up in 1996 on the basis of a MacArthur’s Foundation Fellowship

Anuja Gupta, founder of RAHI, started her NGO to help overcome the torment of incest. She has rehabilitated thousands of victims of incest, a social evil that has been swept under the carpet by middle and upper class South Asian households.

For all those who scoffed at the hint of incest in an upper class Indian family in Mira Nair’s ‘Monsoon Wedding’ here are some sobering statistics. Social scientists are now coming to believe that sexual abuse of children in India is far more prevalent than most people realize. The enormity of the problem can be realized by the fact that in India alone, at least 25 percent of the adult population has been molested before the age of 16. At least 27 million females are adult survivors of child sexual abuse. Incest is the most common form of child abuse. This and many more factors inspired Anuja Gupta to set up an NGO called RAHI for recovering and Healing from incest.

**RAHI Focuses On** –

- Student community education,
- Capacity building,
- Support services: healing connections,
- Research and communication

**Vision and Mission**

**Vision** – Is to build an India without child sexual abuse.

**Mission** – RAHI’s mission is to visualize the issue of incest and child sexual abuse, build resources within the country for effective prevention
and intervention and provide girl survivors quality support and therapeutic services.

Goals

- RAHI’s main goals are to
- Facilitate the recovery of girl survivors of incest / Child Sexual Abuse
- Reduce the risk of incest / Child Sexual Abuse in the country.
- Equip individuals and groups to be effective incest / Child Sexual Abuse interventionists.
- Build a body of incest/ Child Sexual Abuse literature in the Indian context.

To achieve these goals, RAHI uses combined strategy of awareness raising, capacity building and individual healing.

Programmes

Ever since its inception, RAHI is working closely for communities which are relevant to its mission. These are mental health, social work, student and survivor communities.

Student Community Education

RAHI’s Peer Education Programme (PEP) is a unique student-peer intervention strategy aimed at building resources within the student community for incest/CSA prevention and healing. It works with young girls on college campuses to bring about change at grass root level. These girls are selected and trained as peer educators on the subject of incest/CSA. The PEP seeks to effectively utilize that which comes to young girls-most naturally-learning from, confiding in and supporting each other.
**Capacity Building**

RAHI’s capacity building work aims at equipping social workers and mental health professionals with skills in the area of incest/CSA that will help them to be more effective in their work with girls and children.

**NGOs**

An important segment of RAHI’s activities has been its training work with NGOs and mental health professionals over the last ten years using its own skills as well as those of international experts. With NGOs so far, its work has focused on helping them to have an in depth understanding of the issue and draw links between incest/CSA and the impact such violence has on a girl’s sexual, reproductive, mental and emotional healing. RAHI reaches to both grass root and urban NGOs in India.

**Incest Course**

This is offered to counseling students, practicing psychologists, counselors and social workers in Delhi and other cities. This is a 1 to 3 day course entitled Incest / Child Sexual Abuse, Occurrence, Impact and Treatment. It provides a theoretical framework for the understanding of incest/CSA and its traumatic factors and presents different perspectives on its immediate and long term effects.

**Support Services: Healing Connections**

Healing connections is RAHI’s series of individual and groups services designed to meet the unique needs of girl survivors. They combine eclectic psychotherapeutic approaches and experimental techniques with traditional healing methods to include psychodrama, body work art and craft, meditation and massage.
Support Group

Circle of strength is RAHI’s 12 week facilitated support group offering 36 hours of therapeutic work. In this group girls explore together the effects of abuse on their lives and honour and what they did to survive. Through this process girls are able to develop inner strengths, build heal their relationships, feel a greater sense of self and engage with their environment with renewed confidence, mastery and responsibility.

Individual Counseling

RAHI provides one to one counseling for girl-survivors to talk about their abuse and related issues to an experienced counselor. The clients are girls from age 17 onwards including college students.

Consultation and Supervision

RAHI offers its consultation and supervision to other individuals and groups working with incest survivors. It works closely with individuals and organizations interested in starting survivor groups in other parts of the country. It is involved in conceptualizing and planning stages and offers clinical supervision and guidance for the running of the groups. RAHI also provides individual supervision to mental health practitioners and other NGOs on their incest/child sexual abuse cases.

Research and Communication

A significant work has been done in research and communication. The research work focuses on providing evidence of the problem of incest/CSA in the Indian context. It gathers such evidences from survivors who avail of their support services as well as through generating research project.
The communication work focuses on mainstreaming the issue of incest/CSA and bringing it out in the larger public domain. It is aimed to draw and sustain public attention on the issue through using a variety of communication means that are acceptable to audience. This range from posters, post cards, broachers and ribbons to public events films, publications and theater.

RAHI also organizes workshops on incest and sexual abuse and provide training for counselors, individuals and organizations working with girl children.5

**Forum Against Child Sexual Exploitation (FACSE)**

This forum is a 12 year old network of individuals, professionals and organizations working to eliminate sexual exploitation and abuse of children. The forum is a direct outcome of the consensus that emerged from a Maharashtra level brainstorming meeting on the issue in April 1996 in Mumbai. With this understanding and background FACSE was started with two broad objectives:

1. To create awareness about the issue of child sexual abuse among different target groups as well as the general public.
2. To lobby for necessary changes in the law.
3. To handle individual cases of child sexual abuse.

**Vision** –

- To create awareness about the issue of child sexual abuse among different target groups as well as the general public.
- To lobby for necessary changes in the law.

**Mission** – networking and mass awareness
**Services Offered** – trainings, workshops on issue of child sexual abuse, generation of Information, Education and Communication (IEC) material on the same.

**Brief Project and Achievement**

**Creating Awareness** – IEC (Information Education and Communication) materials like broachers, posters, leaflets, translation of booklets and articles to be published in regional languages like Hindi and Marathi.

- Compilation of all the efforts activities of FACSE since its inception.
- Taking part in campaigns against child Trafficking, Prevention of child abuse and neglect in India.
- Being part of other larger forums working on the issue of child rights.
- Making a pathway into the legal perfective of existing laws of CSA by conducting extensive workshops where participants were city/civil court judges, public prosecutors and other lawyers and professionals.
- Dealing with a few of child sexual abuse cases as an outcome of preventive work

The forum members are NGO representatives, professionals such as doctors, lawyers, counselors, psychiatrists, psychologists, media persons and other concerned individuals from varied fields. The intention is to involve more and more people from different professions and backgrounds to broad base the forum as issues cut across all sectors of society, caste and religions.⁶
TULIR

Center for the Prevention and Healing of Child Sexual Abuse (CPHCSA) is a registered, non-governmental organization / committee to work against child sexual abuse in India.

Tulir, in Tamil means the first tender leaves of a plant; leaves suggesting a period symbolizing children and the belief in the resistance and resurgence of the human spirit

Mission / Objectives

- To support and participate in local, national and international efforts to promote and protect the rights of children.
- To raise awareness on child sexual abuse.
- To work towards improving policy and advancing practice to prevent and address cases of child sexual abuse with special emphasis on the psycho-social well being of children.
- To provide direct intervention services in the areas of prevention and healing of child sexual abuse.
- To undertake research, documentation and dissemination of information on child sexual abuse.

Services And Programmes Of TULIR

Personal safety education is a school based curriculum that empowers children to participate of their own in three integral components of the methodology of providing age appropriate information, developing decision making skills and promoting self esteem to translate learning into practice. Besides, it strengthens those that are professionally, socially and morally responsible for the protection of children, i.e. the government schools and the larger community.
**Training and Consultancy**

**TULIR** – CPHCSA training programmes are designed to meet the requirements and needs of various professions, professional sectors and include sensitization and skill building programs for teachers, social workers and other multi disciplinary stake holders crucial to an effective response.

Training workshops are also extended to organizations working on varied issues. Child labour, Child rights, HIV/AIDS Preventive institutions-equippping them with the skills and knowledge required to effectively respond to the sexual abuse.

**TULIR** – CPHCSA believes in sharing its knowledge, resources, expertise with other organizations for better relief of child sexual abuse, by providing consultancy in research and practice areas for other organizations working on issues.

A multi disciplinary approach is the basis of therapeutic services for abused children and is premised on the holy healing and teaching model along with socio legal assistance.

**Research and Documentation**

Research and documentation projects are undertaken with an aim to expand knowledge base, advance practical and better strategy within the Indian context to combat child sexual abuse.

To assist other researchers and practitioners, Tulir – CPHCSA has resource library of a collection of books, studies and multimedia resources, focused on child sexual abuse.
Advocacy and Networking

Since attitudinal change is only possible with information, creating and raising awareness and sensitization is the work of TULIR-CPHCSA. It works towards achieving this goal by periodically organizing public awareness, sensitization and campaigns and by making use of different platforms to bring the issue to the forefront of public consciousness and includes joining with individuals, groups and organizations, and networking with different professional sectors enforcement, judiciary, health care and education.

Partnering with media and writing on the issue to provide and sensitize visibility to the issue is a constant ‘Awaaz’, the quarterly newsletter of Tulir-CPHCA is another vehicle of advocacy and networking of spreading awareness.

Thus Tulir – is a registered, non-government, nonprofit organization committed to working against child sexual abuse in India.\(^7\)

Muskaan, PUNE

Muskaan is a campaign formed by the coming together of some Pune based organizations and individuals who feel strongly about the issue of child sexual abuse. These include child rights and girls groups as well as activities, social workers, counselors, doctors, media people, lawyers, teachers and parents.

In the last two and half years, Muskaan has conducted approximately 30 child sexual abuse awareness workshops and training programmes at various schools, college and NGOs in PUNE. During this period Muskaan has also organized discussion forums with counselors, psychiatrists and NGO activists who have had experience of dealing with
CSA cases and with educationist who are involved in sexuality education to adolescents.

**Aims and Objectives of Muskaan**

- To network and continue advocacy with organizations working on similar issues.
- To work towards holding the abuser accountable for violating the child’s rights.
- To lobby for changes in the legal system with reference to CSA.
- To undertake research and documentation on the issue.

Above discussion indicates that prevalence of child sexual abuse is accepted in the western countries and it became public issue in 1970’s and 80s. The Govt. and NGOs of various western countries have taken steps to protect the children from sexual abuse by enacting laws.

The NGOs in western countries are also working for the prevention and healing of child sexual abuse. Their mission, their objectives, and guiding principles and the services rendered by them are really appreciable. Their innovative ideas of diagnosis, treatment and giving help are really helping the victims, survivors and even abusers. The workshop, awareness camps and counseling work done by them will definitely be helpful in the problem. Hence, the rehabilitative work of the NGOs in western countries is a commitment work for the issue as they realized that “No violence against children is preventable. There should be no more excuses.” (Paolo Sergio Pinheiro, author of “world Report on violence against children”).

In India the issue of child sexual abuse is still secretive and socially unspeakable. It is a hidden fact in Indian society, even though some
studies show the prevalence of child sexual abuse in India. Taboos, traditions in Indian culture hide the issue.

But the research work of some N.G.O’s found that the abuse of children in India is far more prevalent than most people realize. The enormity of the problem can be realized by the fact that in India alone, at least 25 percent of the adult population has been molested before the age of 16. At least 27 million females are adult survivors of child sexual abuse. It is prevalent in all societies from poor to so called respectable families. (RAHI)

The studies by NGOs also found that

- **Sexual abused** can result in both short term and long term harm, including psychopathology in later life. Psychological, emotional, physical, and social effects include depression, post traumatic stress disorder, anxiety, eating disorders poor self esteem, dissociative and anxiety disorders, general psychological distress and disorders such as somatization, neurosis, chronic pain, sexualized behavior, school/learning problems, and behavioral problems including substance abuse.

- **Physical Harm**
  
  Depending on the age and size of the child, and the degree of force used, child sexual abuse may cause internal lacerations and bleeding. In severe cases, damage to internal organs may occur, which in some cases, may cause death.

- **Infections**
  
  Child sexual abuse may cause infections and sexually transmitted diseases. Depending on the age of the child, due
to lack of sufficient vaginal fluid, chances of infection are higher.

Even though sexual abuse is a subject of social issue most people would rather not think or talk about and it continued to be shrouded in myth, secrecy and taboos, despite its invisibility, it is prevalent in India.

Dealing with the victims of sexual abuse requires a multidisciplinary approach. Their treatment includes protection of child by stopping the abuse, providing support during his/her need helping the family and intervention. It needs to be handled carefully to avoid magnifying children’s negative attitudes.

Louise Arbor, former U. N. High Commissioner on Human Rights has rightly stated “A veil of silence covers violence against children, yet abuses are so pervasive that no country can ignore them and no society can claim to be immune from them.”

R.Mukharjee, in his book ‘Democracy A failure, shefoercacy the solution for Human Welfare’ Stated that “The Govt. should take all responsibility of economical and social rehabilitation of such victims not only merely by giving service or the like, but by encouraging the man who would like to marry her. Similarly from society’s end, she should not be looked down upon. On the contrary she should not be talked about or sympathized with but should be given normal treatment to enable her in doing her duties and obligations in society in normal way”. He calls it ‘operational rehabilitation’.

Hence, this is the time for proper rehabilitation of victims of sexual abuse which would help to control and prevent the issue of girl child sexual abuse. So Rehabilitation work by NGOs and Government is an urgent need of the victims to feel free in their homes and in society
where they break their silence and live without pressure. Early treatment is essential to counter the consequences.
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