**SEXUAL MOLESTATION OF CHILDREN**

**Sexual abuse** is defined as sexual behavior which is unwanted by the person who is subject to such behavior. It is committed by persons who misuse the trust entrusted upon them. The offender is knows as a ***sexual abuser or molester***. The subjects of sexual abuse are the women, children, elderly and the mentally challenged victims. Sexual abuse and sexual molestation are used interchangeably.

According to **‘**[**1 in 6**](https://1in6.org/therapists-and-other-professionals/myths-facts/) **Survey’** :

***“[Child] sexual abuse is the result of abusive behavior that takes advantage of a child’s vulnerability and is in no way related to the sexual orientation of the abusive person.”***

According to the report of a 2018 Survey, India is the most the most unsafe country. This includes women as well as children.

Sexual molestation of children includes getting involved in sexual activity with a minor person (child). Children are unable to give consent for involvement or non-involvement in such activities. There are greater chances that molesting the children sexually may have everlasting impact on the victim.

Some forms of child sexual abuse include:

1. Exhibitionism, or exposing oneself to a minor
2. Fondling
3. Intercourse
4. Obscene phone calls, text messages, or digital interaction
5. Producing, owning, or sharing pornographic images or movies of children
6. Sex of any kind with a minor, including vaginal, oral, or anal
7. Sex trafficking
8. Any other sexual conduct that is harmful to a child's mental, emotional, or physical welfare

**The Abusers**

In more than 90% of the cases of child sexual abuse, the abusers are the known persons to either the child himself or to the family whose child has been sexually molested.

It is not necessary that the child be an adult only to be at the position of the abuser. Even people below 18 years of age prove to be well planned molesters.

They can have any relationship to the child including an older sibling or playmate, family member, a teacher, a coach or instructor, a caretaker, or the parent of another child.

Abusers can manipulate the victims to stay quiet about the sexual abuse using a number of different tactics. Usually an abuser uses their power over the victim to coerce or intimidate the child. Threats can also be made by the abusers that they will kill the child if he refuses to get engaged with the abuser.

**Effects of Sexual Molestation of Children**

The child, when subject to sexual molestation, experiences the following after effects of such abuse:

1. **Physical changes**
	* 1. Bleeding, bruises, or swelling in genital area
		2. Bloody, torn, or stained underclothes
		3. Frequent urinary or yeast infections
		4. Pain, itching, or burning in genital area
		5. Difficulty walking or sitting
2. **Behavioral changes**
	* 1. Changes in hygiene, such as refusing to bathe or bathing excessively
		2. Develops phobias
		3. Exhibits signs of [depression](https://www.rainn.org/articles/depression) or [post-traumatic stress disorder](https://www.rainn.org/articles/post-traumatic-stress-disorder)
		4. Expresses suicidal thoughts, especially in adolescents
		5. Has trouble in school, such as absences or drops in grades
		6. Inappropriate sexual knowledge or behaviors
		7. Nightmares or bed-wetting
		8. Runs away from home or school
		9. [Self-harms](https://www.rainn.org/articles/self-harm)

A study of the United Kingdom which observed eight forms of disclosure: direct, indirect verbal, partial verbal, accidental direct/verbal, prompted, non-verbal/behavioural, retracted and assisted. Partial disclosures were characterised by minimisation of the **abuse**, disclosing **abuse** of another person or disclosing other forms of **abuse** such as physical assault. Justice Gita Mittal, the then acting Chief Justice of Delhi High Court has upheld the report as under:[[1]](#footnote-2)

***“Physical or bodily signs of child sexual abuse can include stomach aches, encopresis, enuresis, adverse reactions to yoghurt or milk (due to resemblance to semen), or soreness in the genitals Responding to children and young people's disclosures of abuse CFCA Practitioner Resource-- March 2015 Australian Government- Australian Institute of Family Studies (Jensen, 2005). Emotional signs can encompass fear, anxiety, and sadness, acting out without immediate cause, mood swings and reluctance to visit the perpetrator. Behavioral signs include sexualised playing with dolls, sexual experimentation, excessive masturbation, or drawing sexual acts.”***

**Treating the Victims of Child Sexual Molestation**

The initial approach to treating a person who has been a victim of sexual abuse depends upon several important factors:

* Age at the time of presentation
* Circumstances of presentation for treatment
* Co-morbid conditions

The goal of treatment should be to treat current mental health issues, and [trauma](https://en.wikipedia.org/wiki/Psychological_trauma) related symptoms, and to prevent future ones.

**LEGISLATION IN INDIA**

In India, earlier there were no strong laws which governed the children against sexual molestation and abuse. The only law that prevailed was **Goa Children’s Act, 2003.** Even Indian Penal Code, 1960 prosecuted child sexual abuse by providing for the following sections

Section 375- Rape

Section Outraging the modesty of a woman

Unnatural offences

But recently, a legislation was enacted in the year 2012, known as **Protection of Children against Sexual Offences Act.** It provides a legal framework for the protection of children from sexual offences. Sexual offences against children include sexual harassment, child pornography etc. The Act safeguards interests of the children at every judicial step. The Act also contains penal provisions for a variety of offences. For instance the Bombay High Court sentenced the convict as follows:[[2]](#footnote-3)

***“Accused is convicted for the offences punishable under***[***Sections 376***](https://indiankanoon.org/doc/1973522/)***[2][f] & [i]***[***of the Indian Penal Code***](https://indiankanoon.org/doc/1569253/)***read with***[***Section 5***](https://indiankanoon.org/doc/84602/)***and***[***6***](https://indiankanoon.org/doc/1832444/)***of the Prevention of Children from Sexual Offence Act, 2012 and sentenced to suffer rigorous imprisonment for 10 years and shall pay a fine of Rs. 5,000/- (Rupees Five Thousand Only) in default to suffer simple imprisonment for six months".***

**CONCLUSION**

The issue of child sexual abuse is recognized by the Courts as a serious and grave issue. For instance, the Madras High Court has opined that:[[3]](#footnote-4)

***“If the children are not properly groomed by protecting them from any kind of abuse, assault etc. the fate of our future society will be a question mark. Children's welfare and protection are essential for bright future of India. Infamous Nirbhaya's cruel gang rap and murder in December, 2012 at New Delhi created unprecedented human waves of protests against sex crimes and amendments were brought in***[***IPC***](https://indiankanoon.org/doc/1569253/)***as per the recommendations of Justice J.S.Verma Committee. In spite of that, number of sexual crimes specially child sexual abuses are dangerously increasing making the country in the grip of child sexual crimes. What is necessary is a clear policy road map creating massive awareness and sensitisation. Political parties instead of trying to take political mileage out of the situation trading allegations against each other, should unite and fight against the dangerous menace of sexual crimes especially child sexual abuse by Indian as well as by foreigners.”***

Thus, the issue of sexual molestation of children must be properly addressed and proper measures must be taken to make the children of our country feel secured in every sense.

1. Court On Its Own Motion v. State on 4 August, 2018 [↑](#footnote-ref-2)
2. Shri. Kiran S/O. Prabhunath Verma v. The State Of Maharashtra [↑](#footnote-ref-3)
3. Crl.O.P.(Md) No. 11735 Of 2014 [↑](#footnote-ref-4)