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The booming silence of child abuse (our felony against our youngsters)

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Abstract

Ill-treatment to a child under 18 years old is considered child abuse. Mohandas Karamchand Gandhi, the father of the nation, once said: "India will be free when the women feel safe to walk in the streets of India at midnight". However, this endures to continue a fantasy yet to be executed and away from reality. Child sexual abuse is a grave issue in India. Children are the future of a nation and the leaders of tomorrow. They are succeeding in the architecture of society and civilization. Child sexual abuse is actuality that is highly prevalent in India. Child abuse is in the form of physical, sexual, emotional and serious global problems. Sexual abuse goes unreported and children are not given the protective assistance they are left to suffer in silence. Child abuse is harmful for the children as well as for society. A welcome development has been the enactment of a special law-Protection of Children against Sexual Offences (POCSO) 2012-criminalising a range of acts including child rape, harassment, and exploitation for pornography. Child sexual abuse is a multidimensional problem having legal, social, medical and psychological implications.

Keywords: Child abuse, child neglect, management, prevention, intervention, pornography

Introduction

Child abuse, therefore, is when harm or threat of harm is made to a child by someone acting in the role of caretaker [1] exposure by the child to violence during childhood can increase vulnerability of that child to mental and physical health problems like anxiety disorder, depression, etc., and make victims more likely to become perpetrators of violence later in life [2]. Pandemic impact on violence against children. It is often not exposed, and many children do not receive the support they deserve [3].

Besides, the situation and house quarantines aggravate this issue and may lead to negligence and abuse [4]. Child abuse affects children under the age of 18 and may be perpetrated by their parents, caregivers, or strangers. Physical, emotional, sexual, and neglect are all examples of abuse [5].

The World Health Organization (WHO) warns of an increase in child abuse considering the spread of COVID-19 and home quarantine [6, 7].

During the COVID-19 pandemic, the families suffered various economic pressures, restrictions, and lack of access to support services [8].

The pandemic created a situation for people which increased mental disorders and the severity of symptoms. Anxiety was heightened by restrictions on remaining at home and adhering to health regimens [9].

COVID-19 caused many children to spend time at home with their parents, and violence against children often occurs in the home and family [10]. Children are more likely to be abused at home as a result of these changes and extreme stress, and the bad consequences may last a long time [11]. Job loss is linked to child maltreatment, according to the findings of systematic review research conducted in the United Kingdom. Sexual abuse was shown to be less associated with work and money, but physical abuse was found to be more related to income and employment [12]. A recent study on prevalence of sexual abuse among adolescents in Kerala, reported that 36 per cent of boys and 35 per cent of girls had experienced sexual abuse at some point of time [13]. Highest sexual abuse was reported in Assam (57.27%) followed by Delhi (41%), Andhra Pradesh (33.87%) and Bihar (33.27%) [14].

Sexual abuse and sex trafficking remain highly prevalent and are among the serious problems in India. In the last two decades, an increase in the prevalence of sexually transmitted diseases has been shown in children ^[15]. Children who are victims of sexual abuse often know the perpetrator in some way ^[16]. The problem of child sexual abuse needs to be addressed through less ambiguous and more stringent punishment. The Protection of Children from Sexual Offences (POCSO) Act, 2012 ^[17].

Legal provisions were made through implementation of the Criminal Law (amendment) Act, 2013 ^[18].

The array of sexual activities thus includes fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, involving a child in prostitution or pornography, or online child luring by cyber predators ^[19].

Although sexual activity between children has long been thought to be harmless, child on child CSA experiences, such as those involving siblings, is increasingly being recognized as detrimental for the emotional well-being of children as adult on child CSA ^[20].

History

Child sexual abuse has gained prominence since the 1970s and has become notable atrocity. Use of children for sex by adults has been present throughout saga, public interest in prevention has tended to oscillate. Up until the 1930s, the psychological impact of sexual abuse was not emphasized, instead emphasis was placed on the physical harm or the child's reputation ^[21].

Child sexual abuse

It is a major public health concern and a dire human right issue which has recondite consequences in a child. It is a very intricate issue with profound damage to the child's social, mental and physical behaviour. The impact and recovery of the incident depend on all of the above variables and how they combine to influence the child's experience of abuse

According to the US center for disease control and prevention (cdc), child sexual abuse is "any completed or attempted (noncompleted) sexual act, sexual contact with, or exploitation (ie, noncontact sexual interaction) of a child by a caregiver.

Sexual abuse includes any activity with a child, before the age of legal consent which includes oral-genital, genital-genital, genital-rectal, hand-genital, hand-rectal or hand-breast contact, exposure of sexual anatomy, forced viewing of sexual anatomy, and showing pornography to a child or using a child in the production of pornography.

Skin faces the insults of child sexual abuse therefore identification of cutaneous signs is of prime importance in the diagnosis of child abuse. Clinicians, especially dermatologists, should be vigilant about the skin lesions of child abuse and its mimickers.

A history inconsistent with the physical findings is a hallmark of abuse. A note on the list of red flags in history taking such as vague explanation of injury, repeated hospital visits, changing history with time, inconsistent history should be made. Most often a person well known to the child is usually the perpetrator of the abuse. Assaultive sexual abuse is usually violent which causes the child more damage than the emotional impact of the sexual contact. No assaultive sexual abuse usually do not show physical signs of abuse. The astute physician should be more prompt to investigate these cases of abuse.. The location and bizarre patterns of these lesions, venereal disease in a prepubertal child should obviously arouse suspicion of abuse.

Cutaneous injuries account up to 90% of victims presenting with skin findings. Cutaneous manifestations of abuse could range from bruises, lacerations, abrasions, burns, oral trauma, bite marks.

Bruises

A bruise or contusion occurs mostly from blunt force trauma. Age based ten-4 rule which includes bruising on the torso, ears, or neck (ten) in a child <4 years old or any bruising in an infant 4 months old or less can be used as a tool for the identification of potential child abuse. Bruising of the genitalia and ears arouses a suspicion of sexual abuse as these areas are rarely injured accidentally.

Petechiae

Petechiae pinpoint hemorrhages (1-3 mm) in the skin caused by the extravasation of RBC. Forced oral sex can present with unexplained petechiae or bruising of the palate, specifically at the junction of the hard and soft palate.

Bite marks

All bite marks on the body mandates abuse work up.. A classic human bite mark is circular or oval leave the most prominent marks. The intercanine distance is >3cms probably caused by an adult. Bite marks should be properly examined, investigated, photographed and be subjected to DNA testing of the perpetrator's saliva. Careful examination of the penis in males, nipples in females, and digits (both fingers and toes) might reveal multiple bites with a characteristic ladder distribution. Oral cavity including lips should be examined for inflicted bruises, abrasions and haematomas. Bruises or tears of the labial or lingual frenulum can be a sign of a forced oral sex.

Sexually transmitted diseases

Diagnosis of sexually transmitted diseases in children in the perinatal period less than 3 years of age is an indication of the possibility of sexual abuse. Children presenting with Gonorrhoea, Syphilis, Chlamydia Trachomatis, Trichomonas Vaginalis, Herpes Simplex Virus Infections, Anogenital Warts (Hpv Infections) and Anogenital Molluscum Contagiosum must be investigated for sexual abuse.

A physicians awareness is one of the primary factor in the early identification of sexual abuse. Clinicians must examine the genitalia for physical signs such as acute lacerations, bruising over the hymen/penis, absent posterior hymen to come to a diagnosis of sexual abuse. Less specific findings which could be indicative of sexual abuse includes recurrent urinary tract infections, refractory constipation, repeated perineal symptoms such as pain, itching, moderate reflex anal dilatation and psychiatric complaints. A comprehensive, detailed, multipronged and multidisciplinary approach towards every case of sexual abuse in a child helps in early initiation of treatment and management.



Fig 1: An infant with mild genital discharge. Swab was positive for gonorrhea and chlamydia vaginitis



Fig 2: Male infant with penile warts



Fig 3: Condyloma young girl

Child sexual abuse

Issues of Sexual abuse

Child sexual abuse (CSA) is a ubiquitous issue with serious life-long outcomes ^[22].

The World Health Organization (WHO) defines CSA as “the involvement of a child in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violate the laws or social taboos of society”^[23].

Prevalence

Despite years of lack of any specific child sexual abuse laws in India, which treated them separately from adults in case of sexual offense, the 'Protection of Children Against Sexual Offences Bill, 2011' was passed the Indian parliament on May 22, 2012, which came into force from 14 November 2012 ^[24].

In India, every second child is being exposed to one or the other form of sexual abuse and every fifth child faces critical forms of it ^[25].

A survey by United Nations International Children Education Fund (UNICEF) on demographic and health was conducted in India from 2005 to 2013, which reported that ten per cent of Indian girls might have experienced sexual violence when they were 10–14 years of age and 30% during 15–19 years of age. Overall, nearly 42% of Indian girls have gone through the trauma of sexual violence before their teenage ^[26].

CSA: An unseen issue

The issue of CSA is still a taboo in India. In India, majority of the people remain numb about this issue. This silence is due to the fear of indignity, denial from the community, social stigma, not being able to trust government bodies, and gap in communication between parents and children about this issue ^[27, 28]. CSA victims and their families experience the panorama of legal proceedings that can continue for several years. Adding to the problem, the execution of laws and initiatives in India is a challenge and there is lack of funding for programs for child safety ^[29].

Psychological

Child sexual abuse can result in both short-term and long-term harm, including psychopathology in later life. Indicators and effects include depression, anxiety, eating disorders, poor self-esteem, somatization, sleep disturbances, and dissociative and anxiety disorders including post-traumatic stress disorder ^[30].

Teenage pregnancy and risky sexual behaviors may appear in adolescence. Child sexual abuse victims report almost four times as many incidences of self-inflicted harm ^[31–32].

Sexual abuse of children in Hyderabad schools on the rise

Children are becoming victims of sexual abuse in educational institutions, both government and private schools, as a consequence of lax law enforcement. IN a recent case, Naga Madhu, a child helpline team member working with Divya Disha, a non-governmental organization that works to protect children's rights, stated that 4 to 6 girls were rescued less than a month ago from a government school in Secunderabad who were being sexually abused by their teacher. "The teacher was touching the girls inappropriately and the girls reached out to the child helpline a few days later," Madhu explained.

"The number of sexual abuse cases in government schools is slightly higher ^[33].

Over 99% crimes registered in 2020 under POCSO Act were against girls

More than 99 per cent of crimes registered under the POCSO Act in 2020 were against girls, according to NCRB data which showed that girl child continues to be part of one of the most vulnerable sections of the society ^[34].

The deafening silence of child abuse

'18 month old raped in Kolkata', 'Teenagers rape toddler in Delhi — but mostly, they silently wrap up inside themselves. This is the story of some of those untold stories, the ones that were desperately locked away in the dusty attics of childhood, untouched and uncleaned ^[35].

Delhi HC enhances compensation for child sexual abuse survivor, awards Rs 10 lakh more

Observing that special courts can award compensation of more than Rs 10.5 lakh to victims of child sexual abuse, the Delhi High Court Thursday directed a compensation of Rs 10 lakh to be paid to a minor girl for the mental trauma and bodily injury endured by her as a result of sexual assault ^[36].

Telangana: Minor girl delivers baby in government hospital

In a shocking incident, a teenager gave birth to a baby girl in Domakonda mandal of Kamareddy district. According to police sources, the girl delivered the baby in the Government Hospital in Domakonda on October 21. When contacted Bhiknoor Circle Inspector A Thirupathiah has said that a case has been

registered and investigation is on. “We will thoroughly investigate the case [37].

Children who experience sexual, physical abuse or neglect likely to die in adulthood: Study

Children who experience sexual or physical abuse or are neglected, more likely to die prematurely as adults, according to a new study analysing data from the 1950s to the present by researchers at UCL and the University of Cambridge. The study, published in BMJ Open, found that adults who reported experiencing sexual abuse by the age of 16 had a 2.6 times higher risk of dying in middle age - that is, between 45 and 58 - than those who did not report sexual abuse [38].

POCSO ACT 2012

The early man used to have sex without any legalized relationship resulting in procreation of children. The said system was legalized by the bond called as Marriage to maintain relation among the male and female in a systematized way and manner to form a organized relations. This scenario continued and a concept of family is developed among the human kind, from which the society, caste, religion etc., emerged. As the civilization grew, the man has developed culture and adapted the qualities of humanity, emotions, sentiments, etc. While it is so, as the generations passed, the man has again went back to the stage of unruly, inhuman sexual desires which are effecting the society by way of heinous crimes. One of such heinous crimes in society is sexual abuse and harassment. In view of the growing child sexual abuse cases in the country and due to lack of specific legislations, it has become necessary to establish a statute for protecting the rights of children from sexual abuse, by way of POCSO ACT 2012. Before the POCSO Act enactment in 2012, there were only some laws available for protecting the rights of children such as Goa's Children's Act, 2003 and Rules, 2004. Under the Indian Penal Code, 1860, child sexual abuse offence was taken under Sections 375, 354 and 377. In the said code there was no provision for protection of male children from sexual abuse or to protect their modesty.

In India, since several decades, rape has become very common crime against women and children. In the year 2012, the Nirbhaya gang rape case was also a basis for the Enactment of this Act. To protect the rights of children from sexual abuses (both Boys and Girls) and assaults, with the collective efforts of NGOs and Ministry of Women and Child development, the POCSO Act 2012 was enacted by Union of India with more clear Provisions consisting of 46 sections in it. It was published in the Official Gazette on 20th June 2012 but came into force on 14th November 2012. The POCSO Act cannot be called a complete code in itself and provisions of the Code of Criminal Procedure, 1973, Indian Penal Code, 1860, Juvenile Justice Act, and Information Technology Act, 2000 also are overlapping the Act by with the procedure and specify the offences.

The Definition of a Child

1. According to Section 2(1)(d) of the POCSO Act contains the definition of child. It states that, “ a child means any person below the age of eighteen year”. This implies that offences perpetrated against anyone of the age less than eighteen years are punishable under the POCSO Act.
2. According to Child Labour (Prohibition and Regulation) Act 1986, whose age is less than 14 years.
3. According to Juvenile Justice (Care and Protection of Children) Act, 2015, whose age is less than 16 years.
4. According to Factories Act, 1948 whose age is less than 15

years.

Offences covered under the act

1. Penetrative sexual assault (Section 3)
2. Aggravated Penetrative Sexual Assault (Section 5)
3. Sexual Assault (Section 7)
4. Aggravated Sexual Assault (Section 9)
5. Sexual Harassment of the child (Section 11)
6. Use of child for Pornographic purposes (Section 13)

Penetrative Sexual Assault (Section 3): It is an offence where the penis or any other object or any of the body part is penetrated to any extent into the vagina, anus, mouth or urethra of the child or the child is made to do the same to the perpetrator or to any other person. It also covers the use of mouth or touch by mouth into the private parts of the child or making the child to do the same to the perpetrator or any other person.

***Punishment: Under Sec. 4 of the Act, it is 7 years to imprisonment for life and fine**

As per the Amendment of IPC 2018, Provision is made even, death penalty can be given to the perpetrator, if the crime is committed against the child, who is below the age of below 12 years only for female child.

Aggravated Penetrative Sexual Assault (Section 5)

Penetrative Sexual Assault becomes aggravated in the following circumstances:

1. When the Offence committed by a person in position of trust or authority
2. When the offence is Committed by person in Management or staff of Educational Medical, Religious Institution
3. When it is Committed by persons in Management or Staff of Jail, Remand Home, Protection Home, Observation home etc.,
4. When it is a Gang assault
5. When it is done by one person repeatedly, it becomes aggravated
6. When the Offence causes grievous hurt to the child
7. When Offences causes Physical and Mental Disability
8. When the Offence is committed taking advantage of child's Mental and Physical
9. Disability
10. When the Offence is committed more than once

***Punishment: Under Sec. 6 of the Act, it is minimum 10 years of imprisonment, which can go for life time and also liable for fine.**

Sexual Assault (Section 7): Sexual assault means touching by mouth to the child, the vagina or mouth or any other private part of the child or child is made to do the same to the perpetrator or to any other person.

***Punishment: Under Sec. 8 of the Act, it is minimum 3 years of imprisonment, which can go upto 5 years, and also liable for fine**

Aggravated Sexual Assault (Section 9)

1. When the Child is below the age of 12 years,
2. Offender is a relative of the child
3. Attempt is made to murder the child after the offence is committed and child is made to strip and or Parade Naked in Public after offence.

4. When it is Committed by a person who has been previously convicted of having committed such an offence either under the law or any other law Offence is committed in court of communal or sectarian violence.

***Punishment: Under Sec. 10 of the Act, it is minimum 5 years of imprisonment, which can go upto 7 years, and also liable for fine**

Sexual Harassment of the child (Section 11): Using of words, gestures or language with the sexual intent on the child or making the child to watch or doing him or touching him any private parts falls under the preview of S.H.S.H also covers online SH where the child is made to watch the pornographic material

***Punishment: Under Sec. 12 of the Act, it is minimum 3 years of imprisonment alongwith fine.**

Use of child for Pornographic purposes (Section 13): Where the children are used in recording through audio visual media through any pornographic material.

***Punishment: Under Sec. 14 (1) of the Act, it is minimum 5 years, if it is convicted for 1st time. If it is repeated offence, under Sec. 14 (2) it is for 7 years of imprisonment with fine**

If alongwith pornographic purposes any of the offence as per the act are committed with the child, the punishment increases as per the gravity of the offence.

***Section-15 Punishment for storing Pornographic material involving a child for commercial purposes-3 years**

Punishment in POCSO Act as per the Amendment of 2019: The death Penalty was introduced for ag.P.S A in Section 6 of the Principal Act and the minimum Punishment was changed from 10 years to 20 years of rigorous imprisonment. Cases are filed against the accused under sec/. 354,375,377 of IPC. The punishments vary as per the gravity of the crime if the accused is found guilty.

*As per the report of (NCRW) National Crime Records Bureau till last year, 64,138 cases were reported as per POCSO ACT only 3% were heard. In most of the cases the accused is the relative, family members, friends who are well known to the victim.

Role of Parents

1. Parents should explain about good and bad touch at home.
2. Parents should talk to the children in friendly manner and enquire about their day to day activities
3. While talking to the children parents should keep in mind that it is mere interaction with kids and not interrogation
4. Monitor usage of cell phone by the children,
5. Never use bad words in front of the children as they follow our footsteps
6. Whenever the child abuse is noticed, without any delay, immediately lodge a complaint.

CSA-Research

Research designed at pinpointing the danger aspects for childhood sexual abuse (CSA) is decisive for the development of preventative ideas. Child sexual abuse (CSA) is recognized as a grave violation of human well-being and the law, no community has yet developed operations that assure that none of their youth will be sexually abused. CSA is, an all over the place problem that affects more than 1 out of 5 women and one out of 10 men worldwide. While the effects of CSA may not always be

initially visible, survivors of CSA still carry the threat to their well-being. The traumatic experience of CSA is one major risk factor in the development of mental health problems affecting both the current and future well-being of victims.

Conclusion

Child abuse is the greatest shame to society. A child can be physically, sexually and emotionally abused. Any form of abuse can impact the mental health of a child.

Child sexual abuse (CSA) is a worldwide issue with serious long-term consequences. The incidence of CSA was found to be high not just globally but also in India. Even the lowest prevalence of CSA still includes a significant number of victims. The victim's psychological, physical, behavioural, and interpersonal health are all negatively impacted. CSA is a global issue with serious long-term effects. Abused child may feel guilty, humiliated, and ashamed. The child may be afraid to tell anyone about the abuse, especially if the abuser is a parent, other relative or family friend. According to studies, around 8,300 children, including infants, are raped annually, and it is likely that many more incidents go unreported. According to government estimates, 44% of children in India are vulnerable to dangers like homelessness, human trafficking, drug misuse, forced labour, and criminality. Every second child in India experiences some kind of sexual abuse, and every fifth child experiences severe forms of it.

Conflict of Interest

Not available

Financial Support

Not available

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