

## PSYCHOLOGICAL IMPACT OF SEXUAL ABUSE ON CHILD VICTIMS – A CRITICAL ANALYSIS

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### ABSTRACT

The aftermath of sexual molestation results in physical, emotional and mental affliction on a child. This article aims to focus on the mental trauma undergone by children who are victims of sexual abuse. The dynamic research in this field suggests that there are long-term harmful consequences of childhood sexual abuse on an individual's emotional well-being and overall psychic health. It is a growing evil in the society, which represents a 'harrowing abuse of power', trust, and authority with far-reaching imputation for the victims. In depth research revealed the percentage in which **66.0% children** were 'mentally disturbed' due to sexual abuse, **5.2% of children** were mildly emotionally 'disturbed', and only **24.0% of the victims** remained mentally stable after facing the sexual abuse. The harsh result is the scar on the mind, the fear of the abuser and also the overall trauma disrupts the growth and overall well-being of a child.

The adverse effect of these heinous crimes is examined with regard to the general impact on the early-life traumatic experiences, as a trigger of particular infective mechanisms, to gain understanding of the long-term implications on the victim's psychology. The impacts on the victims "psychological well-being", including short-term consequences, i.e., isolation, low self-esteem, extreme fear, stress, anxiety, and "post-traumatic stress disorder". Long-term effects enclose disrupted intimate relationships, social and emotional health issues, and more. The lack of a definitive number of implications, highlight the need to discuss and raise awareness about **child sexual abuse** which is important for parents, guardians, and concerned authorities to effectively counteract these heinous crimes against children and creating a safe environment for them to live securely<sup>824</sup>.



<sup>824</sup> Website: [indianpsychiatricsociety.org](http://indianpsychiatricsociety.org)

## **INTRODUCTION:**

The consequence of sexual exploitation scars a child's psyche, resulting in cognitive disablement, mental torment, and depression along with anxiety. The Protection of Children from Sexual Offences Act, 2012 encapsulates the provisions for protecting children from sexual assault, child pornography and ensuring that rights of child are not infringed. Although the '**Convention on the Rights of the Child**' (UNCRC) was adopted in 1989, the offences against children were not explicitly redressed by any legislation in the nation until 2012, after which the Act specifically dealt with offences against children. Surge in these cases demanded a separate statute in the best interest of children and to protect them from all forms of sexual offenses. After the 2019 amendment to the POCSO act, the punishments for sexual offenses against children have become 'more rigorous' to ensure further prevention of such acts<sup>825</sup>.

CSA is a severe public health concern, which approximately affects around 1 in 4 girls and 1 in 13 boys worldwide according to the data of **Center for Disease Control and Prevention, 2021**. The sexually intended physical contact by the abuser and also the non-contact actions are included. The former includes sexual intercourse, attempted intercourse with the child, or oral-genital contact with the penis, fingers, or any object, masturbation, and fondling the genitals or other erogenous areas through the clothing of the victim or a direct contact. The latter includes forcing a child to participate in '**adult sexual pleasure**' (such as sexual intercourse and prostitution) or exposing and forcing a child to '**adult sexual activities**', such as pornography, voyeurism, and exhibitionism. As per the Indian government report, around 23% of girls in India are sexually abused or harassed before "18 years" of age, which are the crimes reported while the actual number would be very high. The main aim and purpose of the '**Protection of Children from**

**Sexual Offences Act**' is to protect children from all forms of sexual abuse. It provided stringent punishments for committing offenses against children ranging from a minimum of '20 years of imprisonment to the death penalty' in case of aggravated penetrative sexual assault<sup>826</sup>.

## **THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012:**

This is the first legislation to comprehensively address the issue of sexual offences against the children in India. This act defines various forms of sexual abuse against children, prescribing punishments and making the entire trial process child friendly. It not only spells out the punishments for offences, but also sets out a system for support and protection of victims and improves reliable ways for catching the offenders.

Different forms of **sexual abuse** including but not limited to sexual harassment, pornography, penetrative & non-penetrative assault are defined in the Act. It establishes Special Courts for the trial of such offences and matters therein. '**Section 42 A of the Act**' provides that in case of inconsistency with provisions of any other law, the POCSO Act shall override such provisions. The 'key principles of the Act' speaks for the rights of the child such as **Right to life and survival, right to be treated with dignity and compassion, Right to be informed, Right to be heard and to express views and concerns, Right to effective assistance** – financial, legal, social and educational. The most important characteristics of the 2019 amendment to the Act include:

- It makes offenses against children "**gender-neutral**".
- The definition of 'Sexual Assault' has been extended to incorporate the administration of hormones or chemical substances to children to attain early sexual maturity for penetrative sexual assault.

<sup>825</sup> ncbi.nlm.nih.gov

<sup>826</sup> blog.ipleaders.in

- The Act defines child pornography as any visual depiction of '**sexually explicit conduct**' involving a child, including photographs, video, digital, or computer-generated images indistinguishable from an actual child.
- Those committing penetrative sexual assaults on a child below 16 years of age would be punished with "**imprisonment up to 20 years**", extending to life imprisonment and a fine. In aggravated penetrative sexual assault cases, the act increases the minimum punishment from 10 to 20 years and the maximum punishment to the death penalty
- To curb '**child pornography**', the Act specifies that those who use a child for pornographic purposes should be punished with "**imprisonment for up to five years and a fine**". It also penalizes the transmitting of pornographic material to children and proposes synchronizing it with the IT Act.
- The government has also sanctioned more than a thousand "**fast-track courts**" for speedy disposal of pending cases under the POCSO Act.

#### **RELEVANT CASE LAWS:**

There are various judgments by the court of law regarding the nature, implementation and procedure of the POCSO Act, 2012:

#### **1. Jarnail Singh v. State of Haryana<sup>827</sup>**

- In this landmark case the Apex court held that the overall process which is used to determine the child's age, which if conflicts with the law prescribed by the "**Juvenile Justice (Care and Protection of Children) Rules**", 2007, thus subsequently can be followed in the cases which falls under the POCSO Act, 2012. This case highlights the understanding for the courts in applying suitable legal provisions under **POCSO**

**Act, 2012.** Therefore, both the legislations mentioned above serve the main purpose which is the protection of rights and interest of the children.

#### **2. State of Karnataka v. Shivanna<sup>828</sup>**

- This case of 2014 which is one of the leading judgments of Supreme Court, in which it was held that the statements which are made under **Section 164 of the CrPC, 1973** does not require recording every statement under **POCSO Act 2012**. Also, it was held that the victim must be presented before the Judicial Magistrate to record the statement under **CrPC, 1973** within 24 hours of the crime, preferably to the lady magistrate. As soon as the police know about the commission of the crime, the statement by the victim should be recorded "**at the earliest**" so that there is no delay in justice.

#### **3. Attorney General of India v. Satish and another<sup>829</sup>**

- This leading case is an appeal to the Apex court against the decision in the case of **Satish Ragde v. the State of Maharashtra**<sup>830</sup>, where The Bombay High Court's Nagpur Bench held that grabbing the child's breasts without making 'skin-to-skin contact' which means no direct contact to the body of the child, will constitute only molestation under the **POCSO Act**. An appeal was filed by the '**Attorney General of India, the National Commission for Women, and the State of Maharashtra**' against this High Court decision. The Apex court in this landmark case delivered by a 3-judge bench, being dissatisfied with the above decision set aside the judgment and observed that, this case is suitable for using the "Mischief rule of interpretation".

<sup>827</sup> AIR 2013 SC 3467

<sup>828</sup> AIR 2014 SC 233

<sup>829</sup> [2021] 10 S.C.R. 955

<sup>830</sup> CA 161/2020 Bombay HC  
[blog.fnology.in](http://blog.fnology.in)

The most important ingredient for constituting the offence under **Section 7 of POCSO Act** is 'sexual intent' and not 'skin to skin' contact. Also, it highlighted that to promote justice and ensure that the rights of the victim are protected there must be constant interpretation of the law depending on the facts and circumstances of the case.

#### 4. *Nipun Saxena v. Union of India*<sup>831</sup>

- In this landmark case, the Apex Court held that when a violation under **Section 23 of the POCSO Act, 2012 is committed** the publisher of the media, studio, or photography facility will be held jointly and severally for employee's act or omission accordingly. Also, it was highlighted that the POCSO Act, 2012 focused on the "**protection of rights of children**" and by no means does it violate the Right to Privacy of a child being subjected to sexual abuse.

#### 5. *Haridev Acharya and ors v. State*<sup>832</sup>

- In this leading case, the Apex court held that the provisions of the **CrPC, 1973** would apply if the **POCSO Act, 2012** is silent on whether separate incidents forming part of the same offence can be clubbed together in a single F.I.R. for further consideration. Therefore, the court directed for a single trial in the above matter.

#### **PSYCHICAL AFTERMATH ON CHILD:**

A child is mentally destroyed by the trauma of sexual abuse which results in depression, cognitive disablement and others. According to a lot of researchers, only about 20-25% children remain stable emotionally and physically after any episode of molestation. They may seem normal to the outside world, but internally they develop scars which are very difficult to heal. The immediate impacts of sexual abuse involve painful emotions, "**Post-traumatic stress**

**disorder**", cognitive distortions, and disturbed mood. The long-term and psychological harm is extremely severe which can result in even adverse consequences like mental agony and lack of self-confidence. Victims, during any sexual abuse may feel fear, anger, anxiety, self-blame, guilt, and confusion. They are unable to comprehend what happened, why it happened and what is their fault in all of this? They feel self-conscious and humiliated, unable to talk about the incident, which can result in stress and frustration (Pulverman et al. 2018).

A calamitous form of child abuse that involves any sexual activity with a child that is nonconsensual or inappropriate for the child's age causes severe trauma and can last for years. Survivors of CSA are at a very high risk for a range of adverse outcomes which may include self-harm, substance abuse and suicidal ideation. However, identifying and addressing the risk factors, such as social isolation and family dysfunction, may help prevent '**CSA**' from occurring. Awareness campaigns for children and parents can help in reducing these. Girls who experienced CSA were more likely to experience depression, anxiety, and '**PTSD**' in adulthood.

"**Childhood sexual abuse**" alters the normal developmental trajectories that are necessary for healthy socio emotional function in a child, which increases the likelihood of a child experiencing socio relational difficulties, cognitive dysfunction, depression, anxiety, internalization and externalization of problems.

These negative outcomes are exacerbated by the cumulative impact of several types of victimization, to which the child is commonly exposed in his or her family. These children are unable to express their thoughts and emotions and are trapped in their childhood trauma which is very difficult to comprehend.

A large volume of research has clearly documented that the negative effects of CSA can persist until adulthood and even for life. Associations between CSA and wide range of psychiatric outcomes, including post-traumatic

<sup>831</sup> (2019) 2 SCC 703

<sup>832</sup> (2021) 12 SCC 108

stress disorder, schizophrenia, conversion disorder, personality disorder, eating disorders, anxiety, and depression, as have been described.

More than physical injury, the mental agony undergone by the victim of such abuse haunts them throughout life making it miserable and painful for their future. They feel trapped in a cage where they have to battle it out every day within themselves and then with the rest of the world. The psychological impact on the victim is unimaginable and also is made difficult for them to survive due to taboo attached to such heinous crimes resulting in tarnishing their future as well. Therefore, for a child to get out of the whirlpool is often very difficult and it requires immense mental resilience and support from the society.

#### **SEXUAL ABUSE ON CHILDREN: SOCIAL IMPLICATIONS**

The implications of childhood sexual harassment are very alarming. Studies indicate that a significant percentage of girls are victims of some form of abuse before they reach adulthood which can have profound and long-lasting effects, leading to anxiety, depression, self-doubt, trust issues, lack of self-confidence, difficulty forming relationships, and more. The issue has significant social and cultural implications, particularly in societies that highly value **'modesty, virginity, and family honor'**. The stigma associated with being a victim of sexual abuse prevents girls from speaking out or seeking help. A survivor may feel rejection, confusion, lack of self-confidence, conduct disorder, and aggression. Survivors often feel empty from inside and they are unable to express themselves and they suffer in silence. In the later years, the survivor may also develop other extreme **"psychiatric disorders"** such as depression, low economic productivity, drug addiction and even severe medical illness<sup>833</sup>.

Families should receive prevention support and guidance through "proper risk assessment" and

"multi-level parent education". Providing **'mental healthcare services'** to the victims, their families, and their siblings, as also emphasized by, also ensures the children's mental well-being and development, especially among those who have been through any abusive exposure. A victim can also face other consequences that may further worsen the impact, including bullying. Schools and teachers can also effectively nullify these impacts by supporting and scrutinizing the victims.

Most recently, practitioners also found even more chronic mental disorders such as **"delusions, schizophrenia, and personality disorders."** However, children who have experienced abuse involving penetration are more likely to develop these chronic psychotic and schizophrenic disorders. **'Sexually abused children'** also have low self-esteem and overly sexualized behavior, which, in many cases, results in teen pregnancy and motherhood and even an increased **'vulnerability to victimization'**. Besides, socially isolated children with a disability or emotional disorder are comparatively more vulnerable to victimization.

#### **IMPORTANCE OF MENTAL HEALTH PROFESSIONALS**

Medical professionals specialized in psychological department contribute to the healing and recovery of survivors of child sexual abuse by providing them specialized care and helping them navigate the complex challenges of trauma. They include psychologists, psychiatrists, and therapists and so on. The major contributions by these professionals include: -

- **To create a healthy and safe environment:** They provide a **"safe, secure and confidential environment"** where the survivors of abuse can openly express their feelings and emotions. They offer **'empathy, understanding and validation'**, allowing survivors to feel heard and supported during their

<sup>833</sup> ouci.dntb.gov.ua

healing journey which even leads to trauma free future.

- **To initiate psychological help for the victim:** Mental health professionals utilize various evidence-based therapeutic approaches to address the psychological effects of trauma. Techniques such as ‘**cognitive-behavioral therapy**’, ‘**eye movement desensitization**’ and reprocessing and ‘**trauma-focused treatment**’ can help survivors reframe negative thoughts, process traumatic memories and develop coping strategies.
- **To Address the PTSD symptoms after consultation:** Mental health professionals help survivors identify **triggers, manage symptoms** and work through traumatic memories to reduce the impact of **PTSD** on their lives.
- **To motivate and strengthen the survivors:** They aim to empower survivors by helping them **regain control over their lives**. They work with survivors to set realistic goals, and develop healthy coping mechanisms to foster a stronger sense of ‘**self-worth and autonomy**’.

There are **legal processes** that may call for the role of “**mental health professionals**” regulated by the court of law:

- **Need for Health Professionals in “Mandatory Reporting” of the crime:**

A child may be referred to “**MENTAL HEALTH SERVICES**” by police, child welfare committees and/or legal personnel for forensic interviewing and/or treatment of **CSA**-related problems. In such an instance, reporting processes are taken care of by the ‘**referring agencies**’. According to the Act the crimes should be mandatorily reported.

- **Mental Health doctors prove to be ‘Expert Witness’:**

According to the provisions of the **POCSO Act 2012**, every state mandatorily requires to set up ‘**SPECIAL COURTS**’ for the victims to ensure speedy and fair trial. In such serious offences the opinion of the expert is highly crucial for a fair trial. The Judge therefore may call upon mental health experts to assist in the court proceedings as expert witness which will be admitted as evidence.<sup>834</sup>

#### **CONCLUSION:**

This article navigates through the pervasive impacts of CSA which he has on his psychological health, overall development, and well-being. The basic setup of the relationship between the ‘**abuser and the child victim**’, mutate into a horrible paradigm of power, authority, affliction and also victimization. The article focuses and serves to highlight the miserable and inimical repercussions a child victim goes through which might persist for his entire life. The psychological wellbeing is utmost important in this scenario which highlights the need and importance for required interventions and support mechanisms for the best interest of the child victim. This matter is not merely of gross importance for the victims but also requires a subsequent action for empowering parents, guardians, designated authorities to counteract against it for the safety and protection of the younger generation.

There is a critical need of the hour to protect the emotional well-being of the victims and to eliminate the long-term impacts of ‘**child sexual abuse**’. By raising awareness on this issue, the society shall contribute towards a safe and secure environment for children round the globe. Although empirically witnessing the impacts of ‘**child sexual abuse**’, there are still many regions where research, its impacts, and

<sup>834</sup> ppimhs.org



causes are understudied which results in delay in eradicating this crime. As much as it is heart wrenching to see the rise in the number of “sexual assault” cases against children, the stronger is the need to deliver justice to the victims at the earliest. The society as a whole must unite and contribute to abolish this malicious crime to protect the guileless minds.

