

SEXUAL OFFENCES: PROBLEMS AND SOLUTIONS

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ABSTRACT:

Sexual assault is a form of sexual violence, and it includes rape (such as forced vaginal, anal or oral penetration or drug facilitated sexual assault), groping, child sexual abuse, or the torture of the person in a sexual manner. The term "sexual offences" covers a variety of offences including rape, sexual assault, offences against children, and those related to prostitution, extreme pornography and the possession and distribution of indecent images. The majority of sexual offences are covered by the Sexual Offences laws. It repealed almost all of the previous statute law relating to sexual offences, its purpose was to strengthen and update the law on sexual offences and improve the protection of individuals from offenders. It outlines the law in relation to a wide range of sexual offences including non-consensual offences such as rape and sexual assault, offences against children (under 13 and under 16) and offences against vulnerable persons, including those with a mental illness or disability. An increasing number of complaints referred by the police to the CPS feature allegations of a non-recent nature. The significant passage of time does not prevent the effective prosecution of sexual offences and charges contrary to the Sexual Offences laws still used.

KEYWORDS: - Prosecution, Sexual Offences, Sexual Assault, Health, Sexual Touching, Physically Forced.

INTRODUCTION

Sexual assault is a sexual act in which a person is coerced or physically forced to engage against their will, or non-consensual sexual touching of a person. Sexual assault is a form of sexual violence, and it includes rape (such as forced vaginal, anal or oral penetration or drug facilitated sexual assault), groping, child sexual abuse, or the torture of the person in a sexual manner¹. The term "sexual offences" covers a variety of offences including rape,

¹ https://en.wikipedia.org/wiki/Sexual_assault

sexual assault, offences against children, and those related to prostitution, extreme pornography and the possession and distribution of indecent images². The majority of sexual offences are covered by the Sexual Offences Act 2003 which came into force on 1st May 2004. It repealed almost all of the previous statute law relating to sexual offences, including the Sexual Offences Act 1956 and the Indecency with Children Act 1960. Its purpose was to strengthen and update the law on sexual offences and improve the protection of individuals from offenders. It outlines the law in relation to a wide range of sexual offences including non-consensual offences such as rape and sexual assault, offences against children (under 13 and under 16) and offences against vulnerable persons, including those with a mental illness or disability. An increasing number of complaints referred by the police to the CPS feature allegations of a non-recent nature. The significant passage of time does not prevent the effective prosecution of sexual offences and charges contrary to the Sexual Offences Act 1956 and Indecency with Children Act 1960 are still charges contrary to the Sexual Offences laws still used³.

TYPES OF SEXUAL OFFENCES

Rape: forced sexual intercourse, including vaginal, anal, or oral penetration. Penetration may be by a body part or an object. Rape victims may be forced through threats or physical means. In about 8 out of 10 rapes, no weapon is used other than physical force. Anyone may be a victim of rape: women, men or children, straight or gay.

Acquaintance Rape: Acquaintance assault involves coercive sexual activities that occur against a person's will by means of force, violence, duress, or fear of bodily injury. These sexual activities are imposed upon them by someone they know (a friend, date, acquaintance, etc.).

Child Sexual Abuse: sexual contact by force, trickery, or bribery where there is an imbalance in age, size, power, or knowledge.

Dating and domestic violence: any act, attempt, or threat of force by a family member or intimate partner against another family member. Dating and domestic violence occurs in all socio-economic, educational, racial, and age groups. The issues of power and control are at the heart of family violence. The batterer uses acts of violence and a series of behaviors to gain power and control⁴.

Drug facilitated assault: when drugs or alcohol are used to compromise an individual's ability to consent to sexual activity. In addition, drugs and alcohol are often used in order to minimize the resistance and memory of the victim of a sexual assault. Alcohol remains the most commonly used chemical in crimes of sexual assault, but there are also substances being used by perpetrators including: Rohypnol, GHB, GBL, etc.

² http://dbpedia.org/page/Sexual_assault

³ http://www.cps.gov.uk/news/fact_sheets/sexual_offences/

⁴ <http://www.rapecrisisaugusta.org/dating-and-domestic-violence.html>

Incest: sexual contact between persons who are so closely related that their marriage is illegal (e.g., parents and children, uncles/aunts and nieces/nephews, etc.). This usually takes the form of an older family member sexually abusing a child or adolescent. Incest is considered by many experts to be a particularly damaging form of sexual abuse because it is perpetrated by individuals upon whom the victim trusts and depends. In addition, support can also be lacking and pressure to keep silent powerful as fear of the family breaking up can be overwhelming to other family members.

Male Sexual Assault

Male victims of sexual assault are an often forgotten population—unseen, neglected, and underserved⁵.

- **Partner Rape** is defined as sexual acts committed without a person's consent and/or against a person's will when the perpetrator is the individual's current partner (married or not), previous partner, or co-habitator.
- **Battering rape-** the experience of both physical and sexual violence within a relationship. Some may experience physical abuse during the sexual assault. Others may experience sexual assault after a physical assault as an attempt to “make up.”
- **Force-only rape-** motivated by a perpetrator's need to demonstrate power and maintain control. Therefore, he/she asserts his/her feelings of entitlement over his/her partner in the form of forced sexual contact.
- **Obsessive/Sadistic rape-** involves torture and perverse sexual acts. Such rape is characteristically violent and often leads to physical injury.

Sexual exploitation by a helping professional: sexual contact of any kind between a helping professional (doctor, therapist, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient⁶.

Hate Crime: the victimization of an individual based on that individual's race, religion, national origin, ethnic identification, gender, or sexual orientation. While any targeted group can experience rape and sexual assault as a form of hate crime, there are two groups that are often noted for being victims of this particular form of hate crime.

⁵ <https://www.saving-grace.org/Surviving%20Sexual%20Assault%20Packet%206-08.pdf>

⁶ <https://patch.com/maryland/odenton/sexual-exploitation-by-a-helping-professional-should-be-a-law-in-every-state>

1. Women: Many believe that all violence against women, including rape and sexual assault, is a hate crime because it is not simply a violent act, but is “an act of misogyny, or hatred of women” (Copeland & Wolfe, 1991).
2. People in the LGBT Community: Members of the Lesbian, Gay, Bisexual, and Transgendered (LGBT) community are often targets of hate crimes, many of which include rape or sexual assault.

Sexual harassment: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which submission to or rejection of such conduct explicitly or implicitly affects an individual’s work or school performance or creates an intimidating, hostile, or offensive work or school environment⁷.

1. Quid pro quo- When a perpetrator makes conditions of employment contingent on the victim providing sexual favors. This type of harassment is less common.
2. Hostile environment- When unwelcome, severe and persistent sexual conduct on the part of a perpetrator creates an uncomfortable and hostile environment (e.g., jokes, lewd postures, leering, inappropriate touching, rape, etc.). This type of harassment constitutes up to 95% of all sexual harassment cases.

Stalking occurs when an individual follows a pattern of behavior that leaves someone else feeling afraid, nervous, harassed, or in danger.

Stranger Rape: 3 Major Categories

1. Blitz sexual assault- The perpetrator rapidly and brutally assaults the victim with no prior contact. Blitz assaults usually occur at night in a public place.
2. Contact sexual assault- The suspect contacts the victim and tries to gain her or his trust and confidence before assaulting her or him. Contact perpetrators pick their victims in bars, lure them into their cars, or otherwise try to coerce the victim into a situation of sexual assault.
3. Home invasion sexual assault- When a stranger breaks into the victim’s home to commit the assault⁸.

Short Term (Acute) Effects

Immediately following an incident (days to weeks), many survivors report feeling:

⁷ https://en.wikipedia.org/wiki/Sexual_harassment

⁸ <http://movingtoendsexualassault.org/information/types-sexual-violence/>

Shame

Survivors thinking they are bad, wrong, dirty, or permanently flawed.

Guilt

Survivors feeling that the abuse was their fault. It is very difficult for survivors to place the blame on the offender. Often the abuser was a person close to them that they want to protect. Or it may be that by placing the blame on the offender they then feel an utter helplessness in the abuse.⁹

Denial

Survivors saying, "It wasn't that bad." "It only happened once." "I am fine, I don't need anything."

Minimizing

Survivors thinking that their abuse was not as bad as someone else's. Minimizing the assault is a coping strategy. Sexual assault counselors should validate the impact of the **abuse and that it is appropriate that the survivor is upset, traumatized, or hurting from it**¹⁰.

Boundaries

Survivors can be unfamiliar with boundaries, not knowing when or how to set them or that they have a right to do so. Many survivors need support developing and practicing boundaries.

Trust

Sexual assault is a betrayal of trust. Most survivors find it difficult to trust other people as well as themselves and their own perceptions. On the other hand, they may place an inappropriate level of trust in everyone.

Safety

Often survivors have an unrealistic sense of safety, assess unsafe situations as safe, and perceive safe situations as dangerous. It is important to check whether a survivor is now in a safe environment by asking specific questions: "Is anyone hurting you or asking you to do things you do not want to do?"

⁹ <http://www.thehindu.com/news/national/karnataka/helpline-launched-for-women-to-report-sexual-assault-cases/article4269699.ece>

¹⁰ <http://www.thehindu.com/news/national/karnataka/helpline-launched-for-women-to-report-sexual-assault-cases/article4269699.ece>

Isolation

This is a big issue for adult survivors. Many feel that they do not deserve support that they are tainted, and that others will not want to be their friends or lovers. Often, survivors from marginalized communities do not want to expose their experiences for fear of bringing further judgment and attack on their community. Many survivors have been shunned from their families and/or communities.

Amnesia

A survivor may not remember what happened. In the long-term, if it happened before the development of language, the survivor may not have a verbal memory¹¹.

Dissociation

A survivor may have dissociated during the sexual assault incident(s). They may describe "floating up out of their body" or "looking over their own shoulder" during the abuse. Dissociation can happen even when the survivor is not being assaulted/abused; an event or memory can bring up emotions which trigger dissociation.

Anesthesia

The body is where the sexual abuse took place and many survivors feel betrayed by their bodies in various ways. They may have tried to numb/dissociate from their bodies in order not to experience the feelings brought on by the abuse.

Physical

Survivors may have somatic (body) complaints, eating disturbances, anxiety, difficulty concentrating, and physical symptoms related to areas on their body affected by assault.

Emotional

Survivors may be very expressive (anger, sadness), disoriented (disbelief, denial), or controlled (distant, calm).

¹¹ <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

Cognitive

Survivors may be unable to block out thoughts of the assault, or alternately forget entire parts of it. They may constantly think about things they should have done differently; emotion and intellect may be conflicted. Nightmares are common. Survivors may also have thoughts of being in a similar situation and "mastering" the traumatic event.

Other related issues that may emerge are eating disorders, sexual difficulties, physical changes, substance abuse, self-harm, suicidality, anger, and mood disorders such as depression and post-traumatic stress.¹²

Social -Sexual violence also has social impacts on its victims, such as the following: Strained relationships with family, friends, and intimate partners

- Less emotional support from friends and family
- Less frequent contact with friends and relatives
- Lower likelihood of marriage
- Isolation or ostracism from family or community

Health Risk Behaviors - Sexual violence victimization is associated with several health risk behaviors. Some researchers view the following health behaviors as both consequences of sexual violence and factors that increase a person's vulnerability to being victimized again in the future.

- Engaging in high-risk sexual behavior
 - Unprotected sex
 - Early sexual initiation
 - Choosing unhealthy sexual partners
 - Having multiple sex partners
 - Trading sex for food, money, or other items
- Using harmful substances
 - Smoking cigarettes
 - Drinking alcohol

¹² <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

- Drinking alcohol and driving
- Taking drugs

- Unhealthy diet-related behaviors
 - Fasting
 - Vomiting
 - Abusing diet pills
 - Overeating

- Delinquency and criminal behavior

- Failure to engage in healthy behaviors, such as motor vehicle seat belt use¹³

Sexual Offences Solutions

1. Know that silence does not equal consent.
2. Don't blame rape victims for the violence perpetrated against them.
3. Take responsibility for your own sexuality; don't let it be defined by your partner, the media, or anyone else.
4. Do not use alcohol and/or drugs to get someone to have sex with you.
5. Do not participate in sexist behavior by objectifying or stereotyping women.
6. Teach everyone you know about the myths and realities of sexual violence.
7. Interrupt rape jokes.
8. Challenge images of violence against women in advertising, pornography, professional wrestling, and other forms of media.
9. Support women and men working to end sexual violence by volunteering your time, donating money, and/or lobbying legislators.
10. Recognize that sexual violence will not end until men become part of the solution¹⁴.

CONCLUSION

Sexual assault can happen to anyone in our community. This includes people who are young or old, male or female, from any cultural background, wealthy or not so wealthy, married or not. Anyone can be a victim of

¹³ <https://www.cdc.gov/violenceprevention/sexualviolence/consequences.html>

¹⁴ <http://pavingtheway.net/comprehensive-sex-education-as-a-sexual-assault-prevention-tool-2/>

sexual assault. Most victims of sexual assault know the person who assaulted them, such as a family member or friend or someone from work, school, church or another social group. A person you don't know or have just met can commit sexual assault. Women and men as victims of sexual assault are treated equally under the law. Throughout this site, the term sexual assault will be used, however, we know that sexual assault takes different forms¹⁵.

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