

Wake up call to halt the evolving epidemic of sexual offence in India: Urgent need to find out the solutions

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Abstract

Violence against women is a global public health problem of epidemic proportion, requiring urgent action and India ranks 4th in the world as per recent statistics of rapes. An increasing trend in the incidence of rape has been observed during the periods 2010 - 2014. The reported figures are only the tip of the iceberg. Only 1% of sexual violence victims in India report the crime. The victims of sexual violence experience a wide range of physical and psychological problems. The number of disability-adjusted life years (DALY) lost by women for this is comparable to diseases such as tuberculosis, HIV, cardiovascular diseases or cancer. It contributed about 5% of the total global disease burden. The causes for this problem are multifaceted, so are the solutions. Fear of punishment cannot be the sole solution, as it may lead to increased rate of murder of victim to destroy evidence. Considering the rising incidences of sexual assaults in the society an attempt is made in this article to suggest some measures which can bring down these incidences. The role of yoga, meditation and moral education in different stages of life becomes very crucial in this context. But all these are long term interventions. Hence along with these measures some urgent steps need to be taken to tackle this problem. Measures like decriminalizing/ legalizing prostitution, cuddle cafe and phone sex are being used in some countries as newer approaches to satiate the desire for sex.

Keywords: Sexual assault, Rape, Prostitution, Cuddle Sex, Phone Sex.

Introduction

Violence against women is a global public health problem of epidemic proportion, requiring urgent action⁽¹⁾ and India ranks 4th in world as per recent statistics of rapes. The increasing trend from 1 per lakh to 2 per lakh population in a decade is an area of concern⁽²⁾. Image of India in the world is being negatively affected by this rising trend of sexual assault against females. Recent sexual attacks against female visitors in tourist areas and cities show that foreign tourists are also equally vulnerable⁽³⁾.

According to the latest statistics of National Crime Records Bureau (NCRB), every day 93 women are being raped in India⁽⁴⁾. An increasing trend in the incidence of rape has been observed during the periods 2010 - 2014. These cases have shown an increase of 35.2% in the year 2013 in comparison to 2012 and 9% in 2014 in comparison to 2013⁽⁵⁾. A total of 36,739 cases were registered for 36,968 victims under 'other than incest rapes' during 2014 (including custodial rape and gang rape cases)⁽⁴⁾. There were 197 victims of custodial rapes and 2,346 cases were reported as gang rape⁽⁴⁾. There were 674 incest rape cases registered for 713 victims. A total of 13,766 cases were registered for 13,833 victims of child rape during 2014, as per POSCO Act 2012 (The Protection of Children from Sexual Offences Act)⁽⁴⁾. So, the total number of rape victim was 51,514. Average age of rapist and other demographic profile of accused is not reported or displayed in the data published by NCRB.

Incidents of incest rape (rape by blood relation like father, brother) in the country have increased by 25.7%

and incidence of child rape has increased by 11.3% during the year 2014 over the previous year⁽⁴⁾. NCRB for the first time reported separate data for custodial rape, gang rape, incest rape and other rapes. There is no separate data regarding rape by defense personnel. There have been no studies to find out the prevalence of female sexual assault in India. National crime records bureau (NCRB) is the only data source, which is mainly based on first hand information report. National Family Health Survey (NFHS) 3 collected some data related to sexual violence⁽⁶⁾. There is an urgent need to devise a proper system to collect population data regarding this. Sexual violence against women could be a feasible post-MDG (Millennium Development Goal) gender indicator⁽⁷⁾.

Recently John Hopkins university has started an online course "Confronting Gender Based Violence: Global Lessons with Case Studies from India"⁽⁸⁾. The Lancet has also indicated that it could commission a landmark paper to actually gauge the burden of such acts of violence in India in the near future⁽⁹⁾.

The reported figures are only the tip of the iceberg, as many incidents remain unreported. Only 1% of sexual violence victims in India report the crime⁽¹⁰⁾. Many cases remain unreported due fear or stigma or family honor. Sometimes crime is reported to the police but the victim faces difficulty in getting the case registered or recorded⁽⁶⁾. The police response varies according to the position the perpetrators hold in the society. Inconsistent police response is also influenced by the societal patriarchal mindset⁽¹¹⁾.

Sexual assault against women in the society is widespread amongst all groups of age, social class, income and culture. Especially vulnerable are refugees, migrants, destitute, females living in institutions and in areas of armed conflict⁽⁶⁾. According to NCRB 2014, nearly 1.1% (547) of the total victims of rape were girls younger than six years, 55% (28,368) were below 18 years. About 0.2% of victims (90 cases) were women older than 60 years⁽⁴⁾.

The victims of sexual violence experience a wide range of physical and psychological problem. The rape victims are at high risk of developing reproductive health problems including HIV/AIDS or STIs⁽¹²⁾. Psychologically, the victim may experience fear, anxiety, low esteem which can also result in social adjustment problems. The most common long term issues are depression and posttraumatic stress disorder (PTSD). Rape may also result in unwanted pregnancy⁽¹¹⁻¹²⁾. Some of the victims even end their life by committing suicide and some are murdered⁽¹³⁻¹⁴⁾. The number of disability-adjusted life years (DALY) lost by women for this is comparable to other diseases such as tuberculosis, HIV, cardiovascular diseases or cancer. It contributed about 5% of total global disease burden⁽¹⁾.

Report of sexual abuse from mass media in India ring an alarm necessitating some corrective actions. There is no doubt that reporting in mass media helps in sensitizing public regarding this issue but at times it seems that it also gives some provoking thought to those with perverted mentality.

Solutions: The causes for this problem are multifaceted, so are the solutions.

Role of legislation: The increasing instances of gang rape, rape by minors and, rape associated with brutality and murder points towards deteriorating moral values, delinquent mental behavior, and lack of fear of punishment. No doubt strict punishment and fast justice can deter the perpetrator, but with the abysmal conviction rate (about 16%), even strict legislations may not achieve the necessary deterrence⁽¹⁵⁾. The punishment given to the convicted involved in Nirbhaya case of 2012 is yet to be executed. This reflects negligible impact of reframing of existing laws and introduction of new laws after mass protest in Nirbhaya case. Fear of punishment cannot be the sole solution, as it may lead to increased rate of murder of victim to destroy all evidence (as observed these days). Involvement at young age as accused and also as victim highlights the need for some social reforms⁽¹⁶⁾. Recent media reports of children committing rape are worrisome.

Role of moral value and parenting skill: Today Indian society faces the consequences of psychological instability caused by increasing proportion of working

women, disintegration of joint family system, and preference for one child norm. Many a times parents are not able to spend quality time with children, hence they try to compensate it by fulfilling the undue desire and demands of the child. The materialistic outlook of the population has lead to disintegration of human values. Proper parenting skills need to be developed with emphasis on instilling human values among children. For this the parents need to spend quality time with their children. Training regarding parenting skill can be organized for the couple while the woman is pregnant. Parenting skill can even be offered as a course.

They need to teach their son to respect females. It is essential for the girl children to be trained to differentiate mischievous touch from affectionate touch, as 86 to 98 % of rapes are caused by known persons^(17,4). Repeated instructions not to get lured by the accused have to be given. Witnessing or experiencing violence as a child was found to be the foremost contributing factor influencing the behavior of accused leading to rape⁽¹⁸⁾. Hence parents need to be aware of negative impact of domestic violence and abuse on the children.

Role of alcohol: Alcohol abuse was cited as the second leading factor influencing the accused to commit the crime⁽¹⁸⁾. Alcohol operates by dropping inhibitions and impairing judgment between right and wrong⁽¹⁹⁾. Generating awareness and creating a mass movement amongst the people against the sale and consumption of alcohol will definitely help in curbing the problem.

Role of education system and spirituality: For creation of a healthy and wholesome environment in the society, we need to reform our education system. The sole purpose of today's education is to acquire knowledge to earn livelihood. Minimal emphasis is given to spiritual, moral and intellectual development.

Indian Mythological texts mention that all kinds of crime in the world are basically outcome of three fires: fire of hunger, sex and anger. If one can control these three things, most of the crimes in the world will automatically get reduced. Our old texts including Upanishads also mention the methods to control these fires. Yoga, devotion to divine power and meditation are the some of those methods. This devotion to God (either by god loving attitude or by god fearing attitude) is gradually disappearing from the society. There is no emphasis on building self discipline and discrimination between right and wrong. Hence there is an urgent need to focus on revising the study curriculum giving due emphasis to mental and spiritual dimensions of health at all levels of education.

Role of mental health: Antisocial personality is usually found to be associated with person committing such crimes. Many a times parents are aware of deviant

behavior of the person since his childhood, but they never seek any medical care because of stigma attached to mental illnesses. Timely diagnosis and treatment of deviant mental health status may help in prevention of occurrence of such cases. Psychological assessment of a child should be a part of medical checkup carried out in school health program. The same can be conducted for college students for early detection of any deviant behavior (especially in aggressive and delinquent children). Community need to be sensitized regarding social acceptance of abnormal mental status by doing intensive campaign using mass media.

The role of yoga, meditation and moral education in different stages of life becomes very crucial in this context. But all these are long term interventions, if we start working on these issues today; we will get the result after many years or decades. Hence along with these measures some urgent steps need to be taken to tackle this problem.

Role of women empowerment: The increased mobility of women for education and employment has made them especially vulnerable to such crimes. The need of the hour is training of females for self-defense and awareness regarding use of mobile applications / phone call using toll free no (like 182) to contact the police control room and seek help when they face such threatening situations.

Role of media and other recreational facilities: Rapid pace of urbanization with increasing trend of nuclear family and single child norm forces children to spend more time in watching TV and browsing internet and thereby giving them premature exposure to visual material having sexual overtones.

Portrayal of erotic and sexually explicit material in cinema and television for cheap popularity has made negative impact on young minds. It is high time for censor board to restrict erotic scenes and item songs in movie and television. Mentally healthy adults having better judgment power can differentiate wrong and right, they realize that real life is different from reel life. Whereas young adolescent and people with sexually perverted mentality lack that judgment, they get easily swayed by the reel life and try to emulate the same in personal life (Incomplete awareness regarding sexuality makes them more vulnerable). There is a need to raise a voice to regulate broadcasting of shows in TV and scenes in movie. The timing for adult scenes can be restricted to late night. By the time there is a control over broadcasting; parents can try to have a control over the remote of their TV in order to choose the program to be watched by the children. The parent needs to sit with the child to monitor his activities when he makes a search in internet. Appropriate use of modern technology for benefit of society will definitely help in controlling the problem to a large extent.

Lack of recreation facilities like playground and parks prevents the young adolescents from getting engaged in healthy life style including sports and physical exercise. Hence their energy may get directed towards undesirable and antisocial activities. Emphasis should be given to provide facilities for physical exercise for all ages.

Role of measures to decrease vulnerability: Globalization has caused a significant change in the Indian culture. There is increased social acceptance of late night party, DJ, dating in the past few yrs. The youngsters need to be sensitized regarding the limitations of relationship between opposite sexes. Females need to maintain decency, take proper care of their attire and avoid late night outings to decrease their vulnerability.

Role of age of marriage: Late marriage is stated to play some role; early marriage in early 20s to satisfy sexual need is suggested as a solution by some people⁽¹⁹⁾, but early marriage will invite problems related to population explosion, so it can't be a feasible option.

Role of some other alternatives: In earlier times people had better control over their physical desires, exposure to media was limited, still there existed a system, the system of prostitution which means there always existed some need. Prostitution in India can be traced back to ancient times⁽²⁰⁾. Prostitution has been present in societies across the world for thousands of years⁽²¹⁾. During twentieth century, emergence of problems like STD, HIV, and Child trafficking gained prominence. Hence various countries wanted to take some action for its control; they had adopted one of the two broad approaches to control it: either 'abolition' or 'regulation' of prostitution⁽²²⁾. There are pros and cons attached to each approach. Countries like Japan, Latvia, Australia, Spain, Germany, Denmark and Netherland where prostitution is either legal or of limited legality, show a declining trend of sexual violence⁽²³⁻²⁴⁾. More recently another possibility has been explored – legalization or decriminalization and some countries have shown a declining trend after decriminalizing it.

As prostitution has demerits like HIV, child trafficking, forced entry from very early age attached to it, one needs to give a serious thought before decriminalizing prostitution in India. But even after enforcement of strict laws like prevention of immoral traffic act (PITA), suppression of immoral traffic act (SITA), immoral traffic prevention act 2006 (ITPA) prostitution still persists in the society. If a sex worker consistently uses barrier method or tries to have one to one relationship preferentially, then it may be of some help, provided the sex workers are adults and have not been forced into the trade (which is very difficult to ensure).

There is a need to find some other alternatives to prostitution. Developed countries like Japan, USA, Singapore, and London came up with cuddle cafe as an alternative⁽²⁵⁾. Recently sex over phone (phone sex or telephone sex) has become popular⁽²⁶⁾. Phone sex is a conversation between two people on the phone where one or more of the individuals are describing the act of sex. Phone sex takes imagination on both parties' part⁽²⁷⁾. Phone sex service providers typically advertise their services in men's magazines, in pornographic magazines and videos, on late-night cable television, and online⁽²⁷⁻²⁸⁾.

Phone sex appears to be much safe in comparison to prostitution. Unlike prostitution, phone sex has no hazard of HIV/STI, child trafficking and unwanted pregnancy. The amount of money spent is also quite less. It has nothing to do with age and look of phone sex operator⁽²⁹⁾. It is still uncertain if such alternative to physical sex are going to impact the incidence of rape in the society. For this we need to monitor the trend of sexual offences in countries like Japan, China, Korea, and Thailand where these facilities are available and widely used. The current statistics show a declining trend in all these countries⁽²⁴⁾. Legalization of phone sex would bring economic benefit for governments by imposing suitable taxes on such services.

The use of pornography and sex toys for masturbation is not new. Indians reacted to recent ban of pornography stating pornography is somehow helpful in decreasing crime because it provides some means to channelize sexual desire. So the ban was imposed on child porn sites only. Some people may find phone sex a better option to pornography because of the two way interaction and added effects of moaning sounds of a feminine voice (it makes the sexual act more realistic), some use it along with pornography.

Use of phone sex is not a solution to the sexual crimes against women nor is it an alternative for those who rape an infant or toddler or commit incest rape. However it may have some role in providing sexual gratification for those in need. It can add a new dimension to the life of people living with HIV, disabled persons, couples staying apart, unmarried adults, divorced, vulnerable groups like truck drivers, migrant laborers, military personnel and transgender.

Conclusion

Strengthening implementation of existing laws, improvement in mental health, inculcation of moral values, better education of children, improved policy with accountability (administration, police, judiciary and other departments of government) and awareness among parents are the need of the hour. Last but not the least, improved literacy with better employment facility and control over population growth will no doubt help the nation in solving many problems including sexual violence.

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