

# Sex Assault and Offenders—An Overview of Victim-offender Relationship on Cases of Sexual Offences

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## ABSTRACT

Sexual crimes against women and children are one of the most common crimes that occur in India today. Everyday newspaper articles, news shows on television, and social media keep reporting about sexual assaults and rape incidents. In all these crimes being reported, one thing constantly stands out: the relationship between the victim and the perpetrator. When any person thinks about a crime as vicious as rape, they generally associate the perpetrator being a stranger but in reality, what is seen is that the assailant is most often known to the victim. The aims and objectives were to study the relationship of the victim with the offender and analyze this relation further in terms of particulars of the relationship and social demographics. This study was conducted in the Department of Forensic Medicine, Guwahati Medical College, and Hospital for a period of one year in cases of female victims of alleged sexual crimes brought for medico-legal examination. From the 140 cases studied, it was found that 129 cases had known offenders, most victims were minors, illiterate, from rural areas, and belonging to lower economic strata, severity of injuries were higher with unknown offenders. It was concluded that most sexual crimes are thought to be perpetrated by strangers, but this study shows the opposite, and the people closest to the victim are often the ones who are the perpetrators.

**Keywords:** Sexual offenses, Victim, Offender, Rape, Perpetrator, Crime.

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## INTRODUCTION

India is a country where the incidence of sexual crimes are increasing day by day and they occur irrespective of sex, age, religion, and economic status, though the scales are tipped more in the side of women and female children. Through data from police records, non-government organizations (NGOs), clinical settings and surveys, what has come to light is that in a large number of cases, the perpetrator is usually someone known to the victim; maybe family members, close relatives, friends, co-workers, neighbors, etc. However, statistics showing the percentage of stranger versus non-stranger offenders is considerably low. Usually, the maximum number of these 'known offender sexual assault' cases go unreported. The prime reason is the victim's fear of not being believed, a sense of guilt of somehow having invited the offender's attention, shame, pressure from other family members to remain quiet, to prevent bringing a bad name to the family, etc. Whatever the reason, the physical and mental trauma, humiliation, and post-assault consequences suffered by the victim are the same whether the offender is known or unknown.

According to the National Crime Records Bureau (NCRB) 2018 annual report, 33,356 rape cases were reported across India in 2018. Out of these, 31,320 were committed by someone known to the victim (93.9% of the cases).<sup>1</sup>

This study was carried out to bring to light the trend of victim-offender relationships and their effect on the nature of sexual violence. These kinds of studies will help to understand the pattern of occurrence and the background information that gives us an insight into how these crimes occur. More insight gives us more power to understand and prevent these types of crimes. It helps us help the 'survivors' (to be more accurate)

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and help law enforcement agencies apprehend the criminals and deliver justice to the survivor.

## Aims and Objectives

- To study the connection between the victims of sexual assault with the offenders being known or unknown.
- To study the demographics in cases of sexual assault concerning offenders being known or unknown, in terms of victim profile, offender profile, and degree of violence.

## MATERIALS AND METHODS

The present prospective study was conducted in the Department of Forensic Medicine and Toxicology of Guwahati Medical College and Hospital in cases of female victims of alleged sex crimes brought for medico-legal examination, mainly from Kamrup District and nearby areas; for a period of one year, that is from 1<sup>st</sup> August 2015 to 31<sup>st</sup> July 2016, was included.

## Inclusion Criteria

All-female alleged victims of sexual offense brought for

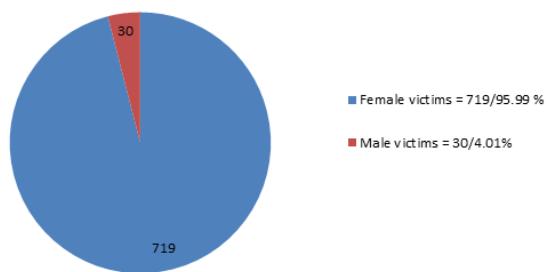
examination to the Department of Forensic Medicine, Guwahati Medical College.

### Exclusion Criteria

All male alleged victims of sexual offenses and all-female alleged victims brought for examination who were unable to communicate or unwilling to give proper history were excluded from this study.

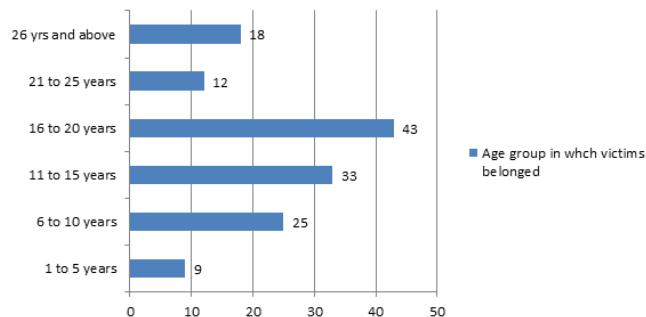
The data for this study was collected from the information gathered from police requisition and FIR copies, detailed history is taken from the victim and accompanying relatives/guardians, physical examination findings- both general and genital, dental data, radiological findings and microscope examination of slide findings for spermatozoa.

**Number of Female vs Male victims**



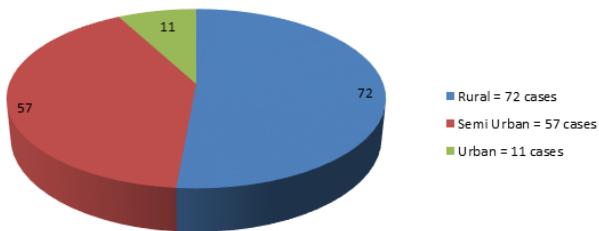
**Figure 1:** Total number of alleged victims of sexual offenses brought to GMCH and Distribution of females and males

**Age group in whch victims belonged**



**Figure 2:** Age Group-wise distribution of cases

**Area-wise Distribution of Cases**

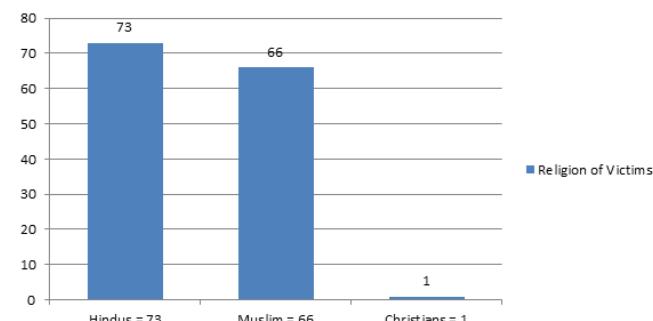


**Figure 3:** Area wise distribution of cases

## RESULTS

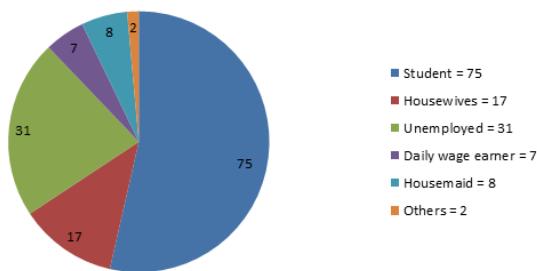
During the study period from 1<sup>st</sup> August 2015 to 31<sup>st</sup> July 2016, a total number of 749 cases of alleged sexual offenses

**Religion of Victims**



**Figure 4:** Religion wise distribution of cases

**Occupation**



**Figure 5:** Occupation of the alleged victim girls

**Table 1:** Distribution of Alleged Female Victims

Distribution of Female Victims	No of cases	Percentage
Refusal to give consent	313	43.53
Elopement and consensual sex related incidents	266	36.99
Present Study	140	19.47
Total	719	100

**Table 2:** Educational background of the alleged victim girls

Educational qualification	No of cases	Percentage
Illiterate	44	31.43
Primary	47	33.57
High School	34	24.86
Higher Secondary	13	9.28
Graduate	2	1.43
Total	140	100

**Table 3:** Marital Status of the alleged victim girls

Marital Status	No of cases	Percentage
Unmarried	110	78.57
Married	26	18.57
Widowed	3	2.14
Divorcee	1	0.71
Total	140	100

**Whether Known or Unknown Offender**

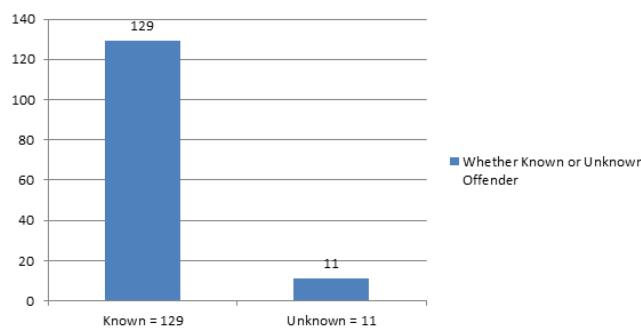


Figure 6: About the offenders

**Relationship of Offenders with Victims**

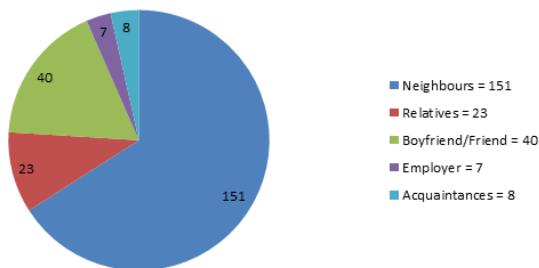


Figure 7: Victim Offender Relationship

**Age group of Offenders in years**

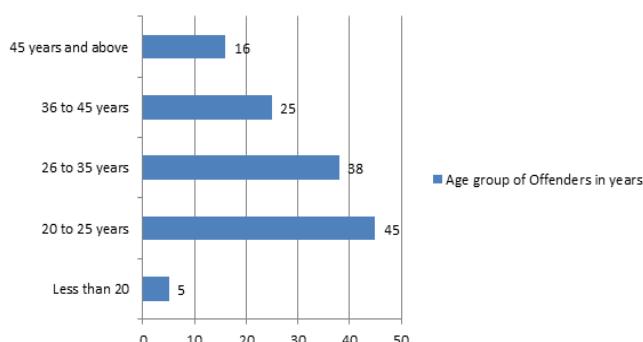


Figure 8: Age wise distribution of offenders

**Distribution of Injuries**

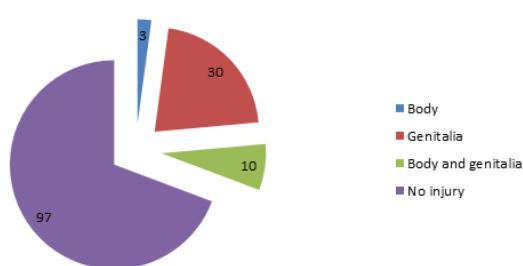


Figure 9: Distribution of injuries

**Table 4: Religion wise distribution of offenders**

Religion	No of cases	Percentage
Hindus	68	52.71
Muslims	60	46.51
Christian	1	0.78
Total	129	100

**Table 5: Occupation wise distribution of offenders**

Occupation	No of cases	Percentage
Unemployed	40	31.01
Daily wage earners	17	13.18
Business	19	14.73
Students	17	13.18
Government service	6	4.65
Professional	1	0.78
Others	29	22.48
Total	129	100

**Examination of Vaginal Smear**

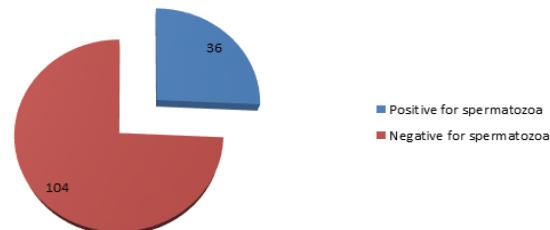


Figure 10: Examination findings of vaginal smear

were registered in the Department of Forensic Medicine and Toxicology, Guwahati Medical College, Assam.

## DISCUSSION

Though sexual assault is a crime which is not dependent on sex of the victims, yet the numbers show that females are the more vulnerable part of society with number of female victims being a lot more than males as shown in Table 1 and most female victims refusing to give consent for examination as shown in Figure 1, the true picture still remains slightly obscure.

The main aim of this study was to show the relationship between the victim and the offender. And the results sadly show, that in maximum cases the offender was very well known to the victim, with 93.14% of the cases having known offenders and only 7.86% cases where the offender was unknown as shown in Figure 2.

Many studies have proved that known offenders are common in cases of sexual assault.<sup>3-5</sup> Out of the known offenders, the maximum 39.53% cases had neighbours as offenders, friends and boyfriends constituted 31.015% cases. Relatives were next with 17.83% cases. Employers and acquaintances were almost



equal with 5.43% and 6.20% cases respectively as shown in Figure 3. These numbers show a similar pattern to the statistics shown by the latest NCRB Data.<sup>1</sup>

Known offenders are common because being known to the victim leads to easy access to her. Being in close proximity leads to knowing her routine, about when can she be found alone or without supervision. Being around her will not raise any suspicion. Cases are seldom reported in case the offender is a family member. Sometimes victims fail to recognize the unwanted actions and take them as signs of affection from a trusted relation or friend. And last of all fear of social victimization for victim where victim blaming and shaming often goes hand in hand after a sexual crime.<sup>2</sup> A point to be noticed is that known offenders tended to be less violent with the victims and the injuries sustained by the victim also tended to be less as shown by Figure 4.<sup>6</sup>

Maximum victims were unmarried as shown in Table 2, coming from poor backgrounds as shown in Figure 5, most being less than 15 years of age as shown in Figure 6, having less or no education as shown in Table 3 and from rural backgrounds as shown in Figure 7, can be explained by a single fact; that is, lack of awareness. Lack of awareness in recognizing the crime, recognizing that they are victims, and lack of awareness of their rights and the fact that they can complain and take the help of law, all contribute to their being abused and assaulted.<sup>7</sup>

There was not much difference in the religion aspect of both victims and offenders as shown by Figure 8 and Table 4. Maximum offenders being young and unemployed explains that they had ample time on their hands to commit these crimes as shown by Figure 9 and Table 5. Out of the vaginal smears examined, most turned out to be negative as shown by Figure 10, which can be explained by either the use of condoms or absence of penetrative sex.

## CONCLUSION

What has been seen in the general thinking is that sexual assault is generally associated with perpetrators who are vicious strangers with no mercy for their victims. But according to this study and many other studies like it, the threat of sexual assault usually comes from the people nearest to her. What prompts these people to take advantage of their victim's familiarity with them to molest her? The answer lies in the general male thinking, especially in India, that females are inferior to them and are meant for their pleasure and service. They do not respect women, nor do they give much importance to the women in their lives. This has resulted in sexual assault and rape to become the commonest crimes against women and children today. This trend of crimes, combined with very less reporting of these crimes to the authorities and the very low conviction rate has become a cause of grave concern to civilized society.

India is a country where the wheels of law and justice turn very slow. But lately, things have been changing. Out of the few things that have been done, some significant ones are

the Protection of Children against Sexual Offences Act 2012, change in the definition of rape, increases in the degree of punishments, etc. As seen in this study, the maximum victims were children. Before the POCSO Act, there was no act or law specifically targeted against sexual crimes against children. Child sexual abuse was prosecuted under Sections 375/354/377 of the Indian Penal Code (IPC). However, these IPCs could not effectively protect the child due to various loopholes. The Act provides for a variety of offenses under which an accused can be punished. It recognizes forms of penetration other than peno-vaginal penetration and criminalizes acts of immodesty against children too. The Criminal Law (Amendment) Act 2013<sup>8</sup> proved to be a landmark change in rape laws. Before the amendment, rape definition included only peno-vaginal penetration, but after the amendment of the definition, penile penetration to any extent, penetration by any other object and also touching of his mouth to the vagina, urethra, anus of the woman constituted rape and became punishable by law. This new definition was very much needed because in many incidences of sexual assault, there was no actual peno-vaginal penetration, but the women got molested sexually, and because there was no penetration and no evidence of any of the other acts like touching, fondling, kissing, etc the culprit got away unpunished, because, according to the old definition, rape had not occurred. This had worked in favor of the perpetrators. But the new definition remedied that. The new Criminal law (Amendment) Bills of 2018<sup>9</sup> has increased the punishments for rape and 2019<sup>10</sup> has made the law gender-neutral. It is hoped that this increase in the severity of punishment for rape would act as a deterrent to the perpetrators. The gender-neutral laws will be beneficial to the victims of the third sex and also in cases where perpetrators are women, who till now, could not be punished for any act of sexual violence as there was no law citing women as perpetrators.

After this study, they know the victims and their perpetrators, a few measures that can be implemented. In schools, sex education should be taught to children at very young levels also. All schools, colleges, and workplaces should have plans and programs to manage sexual harassment and any form of sexual assault that may occur on the premises. In villages, where the reach of social media is less, trained workers must give audio and visual presentations to the people, especially to the women, educating them of their and their children's rights, no matter who the perpetrator is. Society has to be taught to change their perception that a victim of sexual assault is somehow at fault and stop the misplaced blame game. Boys right from a very young age must be taught to respect females, and this should start in their homes, with their mothers, sisters, and any females who are around them. Female children must be given a chance to better their future through education, which also teaches them to stand up for themselves, know their rights, and fight for themselves whenever necessary. Better facilities are required for providing necessary assistance and rehabilitation to a survivor of sexual assault. Properly trained counselors are required to give them

the support and advice to deal with the trauma and mental anguish. The fear that exists in the public's mind towards the police and the judiciary system must be removed. They have to be assured that the police are there for their assistance. And the whole procedure of filing a report and getting assistance thereafter must be made transparent and convenient so that the victim who is already suffering need not undergo further harassment. A fast and effective justice system should be in place so that victims get their due justice at the right time.

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