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Family Protector or Perpetrator: An Analysis on the Role of Family in Child Sexual Abuse

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ABSTRACT

Child sexual abuse (CSA) is a serious infringement on children's physical autonomy and psychological health, with intra-familial child sexual abuse being one of its most concealed and catastrophic manifestations. Abuse performed by parents, siblings, relatives, or caretakers is exceptionally destructive owing to the breakdown of trust and emotional reliance inherent within family connections. Psychological research repeatedly demonstrates that such abuse leads to enduring trauma, including depression, post-traumatic stress disorder, interpersonal challenges, and developmental deficits. In India, data from the Protection of Children from Sexual Offences (POCSO) Act indicate that most reported cases involve perpetrators familiar to the child; however, intra-familial abuse is notably underreported due to stigma, fear of familial disintegration, and cultural pressures to maintain honour and silence. This article employs a doctrinal and qualitative psycho-legal approach, using secondary sources including academic literature, psychological research, government papers, court records, and international inquiry results. It critically evaluates the efficacy of the POCSO Act, 2012 in addressing intra-familial CSA and reveals a considerable gap between the law's progressive goal and its real consequences. The execution of POCSO, despite its complete legislative framework and child-friendly processes, is compromised in family-based abuse cases due to delayed disclosure, absence of physical evidence, trauma-induced contradictions in testimony, and insufficient training of law enforcement and court personnel. Mandatory reporting requirements exacerbate disclosures in familial contexts, often resulting in the concealment or compelled retraction of grievances. The research adopts a comparative perspective, extracting insights from foreign cases, including the United Kingdom's Independent Inquiry into Child Sexual Abuse and analogous frameworks in Australia and Germany, which prioritise survivor-centred, trauma-informed, and interdisciplinary approaches. The research indicates that India lacks comparable independent monitoring and effective rehabilitation frameworks for child survivors.. Effective child protection must extend beyond punishment to promote safety, dignity, and long-term healing for survivors.

Keywords: *Child sexual abuse, Intra-familial child sexual abuse, POCSO 2012, trauma-informed justice, victim rehabilitation, Independent Inquiry on child sexual abuse (IICSA)*

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I. INTRODUCTION

Child sexual abuse means and refers to any sexual act imposed on a child by an adult or by any person who is in a position of power, exploiting the child's vulnerability and immaturity, which is due to the lack of brain development, to make consented, concise decisions. International frameworks define Child sexual assault broadly, it often covers both contact and non-contact offences that infringe into a child's bodily autonomy. The existing research consistently shows that Child sexual abuse mostly leads to severe and long-lasting trauma for the victims, including but not limited to Depression, Post traumatic sexual disorder, relationship difficulties and developmental disruptions. Within this spectrum itself, Intra-Familial Child sexual abuse committed by Closed and Trusted people that is by parents, siblings, relatives or any caregiver becomes very brutal and devastating for the Child because it resonates as a betrayal of the child's trust and the child's emotional dependence. National Crime Records data brings into the light that in 2023 about 96.6% of reported POCSO (Protection of Children from Sexual Offences Act) sexual assault cases involved offenders familiar to the victims, with over 39,000 cases involving family members, friends or neighbours². However, these numbers are very less, despite their prevalence. Majorly, Intra-familial child sexual abuse remains underreported because disclosure of the incident threatens family honour and stability in households. Thus children often face the pressure to remain silent, recant statements, or protect their own abuser to preserve family cohesion

The Protection of Children from Sexual Offences (POCSO) Act, 2012³, was introduced as a comprehensive and wide response to large-scale child sexual abuse. It expanded definitions of sexual offences and mandated child-friendly procedures. Although the legislation is progressive in nature of framing. The intent and consequences of the act seem to conflict as Intra familial cases expose significant Limitations. Reporting is hindered by loyalty conflicts and fear of familial breakdown. Investigations are complicated due to lack of physical evidence, delayed disclosure and inconsistencies arising from trauma. In Psycho-legal approach it was crucial to understand that children abused by trusted adults internalise fear, guilt and shame, which shape their disclosure patterns and courtroom behaviour. The existing framework highlights the adversarial procedures, especially when cross-examination may retraumatise children and produce testimonies that courts wrongly interpret as unreliable. This whole disconnect between trauma science and legal expectations additionally aids to tougher victim rehabilitation and for the victims to move on from the incident. This paper also talks about how India's child that is

²Nat'l Crime Records Bureau, **Crime in India 2023**, vol. I, ch. 5 (Ministry of Home Affairs, Gov't of India 2024).

³ The Protection of Children from Sexual Offences Act, No. 32 of 2012, **India Code** (2012).

victim protection infrastructure lacks trained counsellors and trauma-informed professionals to support to support victims effectively. As result The process prioritises procedural legality over psychological safety

International experiences offer valuable guidance in these cases. Independent Inquiries, such as United Kingdom's IICSA and Germany's IICSA expose how institutional and familial abuse persists when systems fail to recognise patterns, protect victims or prioritise trauma-informed responses. These inquiries emphasise on a survivor-centred, multidisciplinary investigation and long-term rehabilitation models that India has yet to adopt and implement. This paper argues that

- India must establish independent mechanisms to further investigate and give a reports or a series of recommendations which will address intra-familial child sexual abuse, alongside culturally sensitive trauma-informed rehabilitation frameworks.
- Strengthening the POCSO ecosystem requires integrating psychological insights with legal reforms
- Training stakeholders in trauma-informed practices and creating safe avenues for disclosures outside adversarial settings

Only by acknowledging all these Indian Legal system can effectively protect children from the paradox of the family as blithe site of safety and potential harm

Literature review

The existing literature on child sexual abuse, particularly within families, critically highlights the deep entanglement of psychological trauma, cultural norms, and systemic shortcomings in legal responses. Varunavi Bangia had made key contributions; his analysis of sexual offences provides a crucial foundation by emphasising that Rape and Child sexual abuse stem from powerful power dynamics and gendered socialization rather than deviant Individual Behaviour. Bangia argues that adversarial criminal procedure frequently re-traumatizes victims, and its fails to account for the psychological well-being of the victim and the psychological realities of harm and silence⁴. The misalignment between legal procedure and trauma-informed needs is reinforced by administrative findings such as the Delhi High Court's addendum to the victim compensation standard operating protocol, which reveals delays, bureaucratic hurdles, and inadequate coordination that disproportionately affect child survivors. The Standard operating protocol's recognition that compensation must be accessible to the victims, even in cases of

⁴ Varunavi Bangia, *Sexual Offences: Law and Practice* (Oxford Univ. Press 2013)

acquittal, is particularly relevant to intra-familial Child sexual abuse, where family pressure often leads to withdrawn or hostile testimony.⁵

The cultural research further illuminates how Familial remains concealed. Shafe and Hutchinson demonstrate that the collectivist cultures, Patriarchal authority and concepts such like family honour suppress disclosure and normalise silencing the victims; these patterns strongly mirror Indian contexts⁶. These works show that children who are often socialized to obey elders unquestioningly, enable and facilitate abuse by relatives, while on the other hand, at the same time, they are discouraged from seeking help, complementing this cultural perspective. Rymanowicz's synthesis of empirical evidence affirms that perpetrators are predominantly known to victims, frequently relatives who exploit emotional connections, trust, and dependency through grooming behaviours⁷ however, this study is conducted in the context of the West, there still exists a gap regarding Indian perpetrator profiles and how joint family systems shape access and concealment of the incident

Comparative criminal justice analysis and highlights how systemic barriers impede Child sexual abuse prosecution. Diesen's evaluation of European systems reveals a great number of things inclusive but not limited to Structural flaws, Multiple interrogations, delays, reliance on adult-centric credibility assessments that will undermine the child's ability and efficiency to testify effectively, leading to high acquittal rates⁸. These failings identified are completely parallel to our Indian POCSO challenges despite legislative safeguards. Our very own Government of India's 2023 POCSO consultation report highlights and confirms the inconsistent implementation, Inadequate training, and socio-economic pressures also, especially the dilemma of choice faced by families dependent on offending the breadwinners that restrict reporting and cooperation⁹

II. LEGAL ANALYSIS OF POCSO IN INTRA-FAMILIAL CHILD SEXUAL

The POCSO Act, 2012 was framed with the intention to provide a comprehensive and child friendly framework for addressing sexual abuse; however, its implementation revealed some serious problems in the cases where perpetrators are family members itself. Intrafamilial Child sexual abuse is uniquely difficult to prosecute because, as already established, the disclosure

⁵ Delhi High Court, *Addendum to the Standard Operating Procedure for Implementation of the Victim Compensation Scheme* (2020)

⁶ Vikas Choudhry et al., *Child Sexual Abuse in India: A Systematic Review*, 13 **PLOS ONE** e0205086 (2018)

⁷ Asha Rymanowicz, *Child Sexual Abuse: Why Most Abusers Are Known to Their Victims*, **BBC News** (2021)

⁸ Christian Diesen, *Children as Victims and Witnesses in Criminal Proceedings* (2002).

⁹ Ministry of Women & Child Development, Gov't of India, *Report of the National Consultation on the Protection of Children from Sexual Offences (POCSO) Act* (2023)

threatens family stability and community reputation. As ThePrint's report analysis demonstrates, children abused by relatives are often faced with sudden sense of strong emotions like disbelief, Pressure to remain silent and also there is always active coercion to retract testimony¹⁰ by family members and even externals as they prioritise reputation over victim's mental health and also they normalise these kind of incidents by saying that all women have been subjects these kind of abuse in some period of life. Mandatory reporting under POCSO further complicates these problems that is section 21 of Act¹¹. Eventhough the mechanism is framed with the intention of protecting the children its complex effects of disclosure makes families feel forced into the criminal law system which often brings a likelihood of concealment or withdrawal of cases. POCSO cases in its initial investigatory stage cause significant evidentiary barriers. Delayed disclosure is a common trauma response which leads to minimal medical evidence when the case is actually in trial but courts treat these trauma related inconsistencies as unreliability, thus having a high acquittal rates in these cases. The POCSO consultation report (2023)¹² has identified that the investigative officers of POCSO cases lack the specialised training in terms of child sensitive interviewing and trauma informed evidence collection, this weakens the case on the victim's side even before it reaches trial. The Human rights wacth repoert similarly points out the systematic failure in the procedures including but not limited to hostile questioning and lack of confidentiality, which further deteriorates the victim's interest to co-operate in matters related to family itself.¹³

The Act fails to provide a distinct procedural safeguards tailored for incest in family based settings, despite the fact that in most of the child sexual abuse cases the perpetrators are known to the child, many of them being their relatives who the child sees as a safe space.¹⁴ Another major limitation that the children may face in cases of abuse from trusted ones is that the victim rehabilitation is notably weak this often leads the child to not to trust or believe anyone even in adulthood. the child tends to misunderstand safe spaces also as a form of uncomfortable touch as they already had a experience of where a guardian or a person who had a superior position was a person of trust misused that trust for the own incest of the perpetrator, thus causing a lifelong scarring effect which is not taken care by the act to nullify this effect completely. Overall the analysis of this act show that POCSO's strongest intentions are hidden

¹⁰ThePrint, **Intra-Familial Child Sexual Abuse and POCSO: How Family Pressure Silences Victims** (India) (2023)

¹¹ The Protection of Children from Sexual Offences Act, No. 32 of 2012, **India Code** (2012).

¹² Ministry of Women & Child Development, Gov't of India, *Report of the National Consultation on the Protection of Children from Sexual Offences (POCSO) Act* (2023)

¹³ The Protection of Children from Sexual Offences Act, No. 32 of 2012, **India Code** (2012).

¹⁴ Aman Amrit Cheema & Anushka Jain, *Child Incest: Is It Time to Relook at the POCSO Act, 2012?* (2017–2018).

in theoretical protections and it fails in reality, where children are most vulnerable. Further it raises a question If a child cannot trust people within their own families where will they run for shelter and comfort. This signals the urgent need for trauma-informed, family-sensitive reforms by the act

III. PSYCHOLOGICAL AND SOCIAL DIMENSIONS OF INTRA-FAMILIAL CHILD SEXUAL ABUSE

The major intersection of psychological trauma and social stigma exists in the cases of intra-familial child sexual abuse. Victims are forced to grow up in a household where the abuser is also present, which creates a very hostile environment; they are silenced more easily and have less opportunities too report it. This in turn, ruins the childhood of the victim, which every child deserves. Intrafamilial abuse typically begins earlier and lasts longer than abuse done by strangers. The psychological impact of this is so severe as the survivors of child sexual abuse are often subjected to chronic anxiety, sleep disturbances, mistrust and self-harm behaviour. The way Intra-familial offenders use the manipulative nature of grooming the child this which will cause ongoing thought distortions and self-identity issues, will also cause relational harm and often isolate the child completely.¹⁵

The short-term effects of child sexual abuse can be identified in phases, in the initial phase the victims face an overwhelming number of emotions. Their immediate response will be the feeling of shock disbelief and numbness, further there will be recurrent flashbacks that the victim will be trying to deal with. The survivor tends to have shame and guilt as their major reactions making them have increased fear and anxiety which will cause self-doubt. This is because they feel dirty or being contaminated by the abuse. Subsequently in the second phase that is the in the weeks and months to follow after the incident the survivor will have somatic symptoms reflecting effects of physical violation and emotional trauma, they will also have the constant fear of being re-victimised, anxiety, mood swings, depression, recurrent flashbacks, dreams with violent content, and preoccupation with thoughts of assault, The survivor will also set boundaries and avoid intrusive demands, having the fear of being vulnerable again. The survivor will also have a constant question of “WHY ME” this response is prevalent in this period. The question arises because they struggle to discover the reason for the assault and blame themselves for not trying enough to resist the abuse

The long-term and enduring impact of child sexual abuse on survivors, which continues

¹⁵ *What Are the Effects of Child Sexual Abuse?*, **Bravehearts** (last visited Dec. 13, 2025), <https://bravehearts.org.au/about-child-sexual-abuse/what-are-the-effects-of-child-sexual-abuse/>.

throughout their adulthood, has been well-documented in research in psychology. Childhood sexual abuse is proven to have short and long-term negative consequences to the victim. Physical consequences of such abuse include injuries, unintended pregnancy, and genital infections. Those who were sexually abused in childhood are more inclined to develop behavioural and psychological problems such as sleep disturbance, social-related difficulties, eating disorders, self-esteem issues, fear and anxiety, depression, and post-traumatic stress disorder. Victims also tend to develop as asexual beings, not attracted to sexual things due to the trauma they have endured. Childhood sexual abuse also increases the risk of future abuse, where the victims are more likely to suffer from domestic violence in their adulthood. From the areas of offence characteristics, those who experience childhood sexual abuse are more likely to commit sexual offences, compared to those without a history of such abuse¹⁶

These dynamics create profound barriers to recovery, and survivors thus develop complex coping issues. With little reassurance at home, survivors might not struggle as much as they might struggle for decades. If not attended to the combination of psychological damage and family-driven stigma may go deep; even when help is offered, victims may disengage due to shame or mistrust.

IV. COMPARATIVE AND INTERNATIONAL PERSPECTIVE (IICSA)

The issue of Child sexual abuse is prevalent not only in India but all throughout the globe. Other countries, when they encountered similar challenges they had the solution ready by setting up Independent Inquiries, that is, the Independent Inquiry on child sexual abuse (IICSA), the United Kingdom (2015-2022) heard thousands of testimonies and they gave so many recommendations. Its final report urged some of the biggest systematic reforms for example, Ratifying the Lanzarote convention on child protection and enacting stronger victim rights and safeguards¹⁷. IICSA has also called for better funding of child victims. Multidisciplinary support teams, and mandatory specialized training for police and judges. In Australia the royal commission into the institutional responses to child sexual abuse (2013-2017) similarly gave such suggestions which was incorporated and brought in national redress schemes with trauma-informed care standards. Similarly even Germany has IICSA set up for the recommendations and better enforcement of child protection laws.

These examples emphasise the value of an independent oversight mechanism, a general body

¹⁶ Yeong Yeong Lim et. al, Typologies and Psychological Profiles of Child Sexual Abusers: An Extensive Review (Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8146192/>)

¹⁷ List of recommendations | IICSA Independent Inquiry into Child Sexual Abuse <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/interim/recommendations.html>

with powers to investigate failures across the system, will recommend exceptional changes that uplift the laws for better enforcement. India currently lacks such a broad inquiry. We find that survivors and experts have often argued the need for a dedicated national commission or task force on child abuse, as exists in Western literature; such a body in India could collect data, conduct investigations and push reforms. For example, they could improve training, remove reporting obstacles and fund rehabilitation. They can also foreground the victim's voice and use it to examine the systemic issues beyond individual cases. An inquiry could break the silence that families enforce. For instance, IICSA's "Truth Project" gave victims a platform to share experiences anonymously, a model that could inspire an equivalent system in India also. International guidelines also stress child-centred justice; the UN's guideline¹⁸s on child-friendly justice emphasise minimal retraumatisation. A principle that India could work better on by specialising in victim support services

V. FINDINGS AND DISCUSSION

The main finding that this research indicates is that there exists a distressing disconnect between the law and reality on the ground. On paper, POCSO provides comprehensive protection, speedy trials and strict punishments. In practice, however, intra-familial cases routinely go through the cracks. The low conviction rates and rising reported crimes demonstrate the legal deterrence is weak. It is also observed that familial secrecy and power dynamics undermine justice. When a child is pressured to keep quiet, it becomes nearly impossible for the legal system to catch up. Even legislative frameworks like mandatory reporting have a limited effect if families actively decide to suppress the complaint. In many cases a coerced withdrawal of the complaint often done by the family ends the case. But however it only ends leaving the survivor with no justice and greater trauma

In addition to that, systemic shortcomings are present everywhere. It is found that poor inter-agency coordination is common. Police, social workers and mental health professionals often operate in solo. Victims may be shuffled through courts without getting consistent counseling or support. While the Juvenile Justice Act¹⁹ theoretically lays down that counselling and rehabilitation are mandatory for the victims, in practice most of the states in India lack the resources for counselling or safe houses. Subsequently, children returning to the same family environment remain vulnerable to re-victimisation. These findings align with HRW conclusion

¹⁸ United Nations Econ. & Soc. Council, **Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime**, Res. 2005/20, U.N. Doc. E/RES/2005/20 (July 22, 2005).

¹⁹ *Juvenile Justice (Care and Protection of Children) Act*, No. 2 of 2016, § 35, Acts of Parliament, 2016 (India).

that India's responses are insufficient²⁰

VI. RECOMMENDATIONS

To tackle all these layered problems, the most likeable comprehensive reforms that are possible in the legal, social and psychological spectrums are:

- Establish an independent national commission on child sexual abuse : taking inspiration from IICSA of the UK and Germany or Australia's royal commission. This body would have the mandate to review cases, majorly cases pertaining to intra-familial abuse; they could recommend policy changes according to the current trends rather than sticking to the framework and conditions of 2012 when the legislation had come into force. This body could also ensure accountability across all institutions. This commission should consist of experts in law, experts in child psychology, and advocates who have already advocated for child sexual abuse cases to ensure a balance between victims and offenders. A true data-collecting mechanism with anonymity protection which can help gather unreported cases and data which will in turn break the "CONSPIRACY OF SILENCE"

- Strengthen and enforce mandatory reporting and executive training: While POCSO mandates reporting by all adults, in reality family members ignore this duty. The government should run awareness campaigns for clarifying any questions on sensitive topics and more. Further, they should also clarify that failure to report child sexual abuse is itself a crime. More importantly, police and judiciary must be trained for child-sensitive procedures. Courts should prioritise evidence and child welfare by minimising adjournments. The special juvenile police units should proactively protect whistleblowers within families.

- Improve victim support and rehabilitation: States must implement holistic care for the child victims, like education, counselling and vocational training. By providing adequately funded child care institutions and child protection units Schools should incorporate age-appropriate sex education and inclusion information about how and where to report abuse safely. Also India currently has no uniform compensation scheme for CSA survivors. The recommendation this research would put forth is that India could establish a dedicated, uniform Child victims compensation programme, guaranteeing some timely monetary assistance for medical and psychological care. This has to be administered with sensitivity that the victims should not go through any more hindrances such as red taping. Training of the compensation

²⁰ Breaking the Silence: Child Sexual Abuse in India | HRW <https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india>

authority under Section 396 of the Bharatiya Nagarik Suraksha Sanhita²¹ in child abuse issues would ensure that these filings would be handled efficiently and empathetically.

- Cultural changes and stigma reduction: India being a country heavily influenced by culture and beliefs need a core change in their cultural stigma. This can be achieved through long-term educational programmes for the upcoming generations, change is a very huge step to take; training the younger generation about sexual abuse and how to react or address these kinds of situations will make space for a better environment within future households and society. For the current people in the existing society, campaigns through television, the internet and community events should be made widely available to emphasise the fact that abuse is never the child's fault; no matter the dress, no matter the place, no matter the circumstances, child sexual abuse is never the child's fault. This should be told to each and every family, and people should encourage open dialogue in families. Religious and community leaders should be sensitised and enlisted to oppose abuse explicitly and condemn it. Children need to know "signs" of abuse and feel believed and supported if they speak out.

Some of these recommendations are already existing policies that need implementation. However, the state must ensure funds for counselling, special schools and skill training as envisioned in model rules; thus, they need to incorporate these aspects for airtight legislation and more efficient enforcement of the same.

VII. CONCLUSION

Child sexual abuse in India is like a hidden epidemic, especially in family-related cases. Not only in India but throughout the globe, children's own homes have become their dangerous space. It is evident that neither law nor society alone can fix this; a complete effort of coordinated psycho-legal action only can change all this. The POCSO framework provides such a strong theoretical base for child protection, but with dynamical implementation with respect to intra-familial matters, many children have been entrapped in their own house because of this. Psychological research proves lifelong harm due to the same, yet our justice system and social norms are neglecting this. Thus needing urgent changes from all fronts. To truly protect children, India must strengthen enforcement of child-friendly laws and do all that is required need for trauma-informed practices and break the silence cultivated by families.

Ultimately, an abused child needs not only punishment of the offender but also the empathy and

²¹ The Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 396, **India Code** (2023).

help from society. As a survivor put it, sexual abuse was seen as a “sunk cost” by her family.²² implementing the above recommendations as a form of legislative reform can ensure that when abuse does happen, children can find the safe space and support and not silence, both from the law and their loved ones

²²Shreya Atrey, *Child Brides and the Capacity to Consent: A Comment on Independent Thought v. Union of India*, **Oxford L. Blogs** (Oct. 12, 2017), <https://blogs.law.ox.ac.uk/centres-institutes/centre-criminology/blog/2017/10/child-brides-and-capacity-consent-comment>