

# PSYCHOLOGICAL AND CRIMINOLOGICAL ISSUES CONCERNING THE SEXUAL ABUSE OF MINORS

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## **Abstract:**

*The cases of sexual abuse and sexual exploitation of children have increased significantly over time, and at present, the coronavirus pandemic has determined an increase of such situations. The measures that the Member States adopted in order to fight Covid-19 virus, such as isolation and quarantine, led to an increase in the cases of sexual abuse and sexual exploitation of children, both in the physical and family environment, by his/her parent himself, and also in the online environment, by strangers.*

**Keywords:** *sexual abuse, children, causes, factors, family environment, virtual environment.*

## **Introduction**

It is an undoubted reality the fact that, nowadays, as a result of technological progress, Internet has represented a solution to several of our problems. We do not challenge that it is an ingenious invention, but nonetheless, we have to be aware that its use also has a negative impact. The phenomenon of child pornography has spread using the new technology and the Internet, showing images with sexual abuses of children, as well as other extremely serious forms of sexual abuse and sexual exploitation of them, whose amplexity is very difficult to hold back.

Both isolation and quarantine, as measures adopted in order to fight Covid-19 virus led to increasing the cases of sexual abuse and sexual exploitation of children in family environment, by his own parent, but also in the virtual environment, by strangers. We need to carefully identify the risk factors, especially during a crisis period such as the one we are experiencing now, and also to adjust all the instruments held by each State separately, by reference to the gravity of the consequences made. This could be a first step in preventing such forms of criminality which continue and emphasize in time.

## **1. The children – a category with high vulnerability indicator**

In terms of the specific psychological, behavioural and age characteristics, children represent the category of high victim vulnerability persons, being almost defenceless and therefore, they can easily be engaged into victimising actions [1]. Their tender age makes them vulnerable, therefore we cannot talk about a valid consent expressed on their behalf. Moreover, we also have to take into account the constraint exerted by the adult person to which the minor child is in relation of dependence. Their dependence, specific to the tender age, makes them to adjust to the behaviour imposed by the aggressor. They become an instrument in the carrying out of the whole process, thus resulting in a series of psychological and traumatizing consequences.

The most serious forms of child victimisation are made within the family and have dramatic consequences, both immediately, on the physical and mental health, and on long term, reflected in his/her psychological and behavioural development and growing-up.

Ill sexual treatments refer to those acts by which the grown-up abuses his/her power and authority to the detriment of the child, such as pornography, abetting prostitution, sexual exploitation etc.

This problem is taken note of and publicized at high level, a series of legislative texts being drawn up in the matter in order to guarantee the child safety against any forms of violence, including of sexual nature, harming or physical abuse, ill treatments or exploitation [2].

The Convention of the European Council on the protection of children against sexual exploitation and sexual abuse, still remains the most comprehensive international legal instrument to protect the children against sexual abuse and exploitation [3], incriminating offences such as sexual abuse, children's exploitation through prostitution, offences related to materials containing images with abuse and exploitation over a child in pornographic shows, children's corruption, as well as luring children for sexual purposes (grooming). Sexual violence is in itself associated to a continuous pandemic to which they have to face not only during this crisis period of health generated by coronavirus, but also through constant effort in this regard.

## **2. Clarifications about the meaning of the terms of sexual abuse and sexual exploitation of children**

By sexual abuse of minor children, one can understand engagement in sexual activities, by adults, in order to satisfy the latter, of the still immature and dependent minors, who can neither understand very well the meaning of such actions, nor give their consent [4].

The World Health Organisation defines the abuse in a way that completely covers this concept: The child' abuse or mistreatments represent all forms of ill and /or emotional treatments, sexual abuse, neglect or negligent treatment, commercial exploitation or of any kind, made by parents or any other person found in a position of responsibility, power or trust, whose consequences cause current or potential damage over the child's health, survival, development or dignity [5].

The sexual abuse of the child is a term which qualifies any sexual relationship, consented or not, when taking place between an adult and a minor child. Sexual relationships between an adult and a minor child are generally banned and condemned by the current societies [6]. The term of sexual abuse of the minor child is sometimes challenged, due to different reasons, some pseudo-psychiatrists construing this notion in the sense that "only the excess could be traumatising for the child and reprehensible", while others believe it as being a concept grouping all the problems regarding paedophilia, without making a distinction between the types of gravity involved [7]. On the general background generated by Covid-19 pandemic which determined an increase of the forms of sexual violence, the sexual abuse and sexual exploitation of children has multiple forms that can be encountered both in the virtual environment, by forcing a child to be involved in sexual activities broadcast by live steaming or by online exchange of materials containing forms of sexual abuse of children, or in the physical environment, by practicing sexual activities with a child or making the child take part in acts of child prostitution [8] .

## **3. Criminogenic situations. Generating causes and factors**

Sexual abuse is a phenomenon with roots in the tensions propagated from generation to generation, thus being transmitted to descendants. Of course, each

individual is influenced to a certain extent by his/her own genealogy, leaving room for the manifestation of his/her individual freedom, thus contributing to the self-construction of his/her own human being. Therefore, one can talk about the determinism of the family tree, which, although it is not a priority one, it can generate some features that would represent the prerequisite of actually acting. Moreover, the burden integrated in the social environment, such as this critical stage we are all experiencing, at world level, can irrationally and unconsciously determine an antisocial reaction, especially from the persons having a fragile structure.

The sexual abuse can be exerted both by a parent, and by a person who is not a family member, most often being a close person who can or cannot have an influence on the child.

The sexual abuse committed by the father. It represents the most often type of sexual abuse and it takes place under the form of a neurotic incest based on the father's affective insecurity. In most cases, such abuse remains a secret or, at the latest, it will be revealed during the child's teenage period. In both situations, traumas are difficult to repair and it takes huge efforts to be able to change something in someone's inner structure and the family itself. Unfortunately, in reality, traumas most often propagate in time, they even get emphasized. The lack of or incompetence of the competent authorities or of the psychological-social teams, together with the depressive or anxious opposition of the family in doing what they need to, make the disaster continue and get worse.

Beyond such situations of neurotic incest, they have also identified other types of incest, also chronic, named rigid, absolutist, totalitarian. In such cases, the father is a domestic tyrant, and the mother is either crushed by him, or let herself be dominated by some very rigid rules or rituals of the family, accomplishing them in a natural way [9]. One of the characteristics is isolation and lack of communication between the family members. When such an abuse is discovered, mother is the main ally of the father, and the incest committed is considered an invention of the daughter.

Of course, other incest takes place either in families where there is a devoted, close and altruistic organisation, or in chaotic, promiscuous, non-differentiated families.

There are cases where there is not the case of a relation of affection, just one of satisfying his own sexual impulses, a strictly perverse incest.

Among the rarest forms of sexual abuse, but with the most traumatising effects, there are the sexual abuses under the form of mother-child.

The sexual abuse committed by a stranger, called neurotic. The antecedents of a paedophile have many analogies to the ones of the neurotic-type incestuous father. Therefore, in his case also there is a dynamics of time, in terms of tensions registered along generations, the antisocial manifestation being only a symptom. In such cases, most often it is about children with the same affective deficiencies as the paedophile's himself. Generally, even if they are or not children with affective deficiencies, these children are estranged from society and just because of that, either from revenge, hate, frustration or desire to defy, they tend towards stigmatised or forbidden behaviours. But there are situations when the children are forced by their parents to have such manifestations or when children get into contact, totally by accident, with a friendly paedophile who offers them a pleasant affective experience, from which they cannot disengage anymore and cannot reveal it, for fear their parents would find out. Often the child's family has a diffuse ambiance of dissatisfaction and vague depression, quietness, social isolation, lack of joy, of enthusiastic projects, the mother and the daughter have a cold or even hostile relationship etc.

#### **4. The traumatic consequences of sexual abuses committed on children**

The specialised research has shown that sexual abuses can engage serious physical lesions and not only, certifying that the persons who were abused in childhood come to suffer later from important and lasting psychic disturbances [10].

The traumatic consequences felt by the children victims of sexual experiences to which they were submitted, appear as a result of the fact that, in such situations, these children conform themselves the abusive situation as their only alternative. Their vulnerability and dependence make them submit to the law of the toughest.

Even if it is about a child assaulted by a family member or by a stranger, such abusive experiences maintain a real traumatic character.

- all children feel affected by such experiences, having the feeling that they are no longer normal children. They feel "stained", "marked", their body preserving the traces of denigration.

- the child feels blamed and stigmatised in the entourage he/she belongs to, as a result of the reactions created by such manifestations. The child victim is often blamed by the people around him/her, which only makes his/her fears and worries increase.

- the abused children live in constant fear of a new aggression on behalf of the aggressor. Such fears often manifest themselves by sleeping disorders, especially nightmares.

- the children who were exposed to sexual aggressions for a long time show signs of depression and anxiety. The child seems sad, preoccupied and withdrawn. Depression can manifest concealed as tiredness or illness. Certain children manifest their anxiety and despair by self-mutilation or suicide attempts.

## **5. The development of the feeling of guilt. The process of depersonalisation**

Children are not born guilty, they get blamed through an interactional process with grown-ups. In this case, the grown-up uses his dominant position towards the child, presenting the sexual manifestation itself as a beneficial element for both of them. Also, the grown-up shows "concern" towards an eventual exposure of such relationship which would attract drastic consequences on them. There are here the two points of the feeling of guilt. On one hand, the fear of the danger created for himself/herself, on the other hand, the fear for the danger created for those around them. The society does not help too much, too, from this point of view. As a result of revealing such situations, the society remains frozen in its tendency to give more attention and credit to the grown-up aggressor than to the child victim. Both the family members, and the authorities involved, judges, prosecutors, police agents, physicians, social security workers, are reserved in giving credit to the child's stories, making him/her feel responsible for what happened. Frequently, the child is transmitted, through different verbal or non-verbal ways, the fact that he/she is not believed and that he/she is the author of some inventions. And this can only increase more the feeling of guilt the child is experiencing.

At the same time, sexual violence leaves a mark on the today's minor's affective structure or the grown-up of tomorrow. We witness an on-going process of depersonalisation where the lack of self-esteem plays a significant part. Both the feeling of guilt felt by the child, and the hostile attitude of his/her own family or the negative reaction of his/her entourage, create deep effects in the child's personality and identity. The impact on the psychic of the child is extremely overwhelming, these children being overwhelmed by the feelings and experiences they go through, losing their self-confidence, self-respect and self-esteem. As a consequence, they will be in permanent search of their own identity and they will face serious problems of socialisation. As a product of some abusive systems and due to lack of a proper social life, the children-victims of sexual abuses will manifest behaviours by which they will repress anger, frustration and any other hostile feelings accumulated. Such attitudes, sexualised or not, accentuate their already created deficient image into the opinion of the others.

## **Conclusions**

Child victimisation can cause serious consequences into the society structure on long term. There is an early growing-up, at this level occurring a blockage regarding his/her own sexual identity and affectivity. Children victims of sexual abuses feel this trauma at the level of the whole process of psychological and social development, which is deeply shaken concerning the moral marks of evolution.

Most frequently, children are assaulted by persons around them, whom they trust, whom they show attachment to or whom they feel dependant of. That is why such aspects can make it difficult to track down this type of criminal offence and therefore to prevent or fight it. The problem of the sexual abuse of children increased during the Covid-19 pandemic, both due to the physical isolation, when the children do live together with their abusers, and due to the increase of online activity. Thus, the present reality we are facing is the one placing the children in the virtual space where they spend most of their time and, most often, without supervision. The family environment, where the child should benefit from the safest protection, becomes a risky online or offline environment.

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