Organised Sexual Abuse: Social Recognition and Legal Framework

ABSTRACT

Organised sexual abuse is understood as multi-perpetrator, and often multi-victim, abuse which is continual in nature. It is perpetrated by groups of abusers who are related to one another— either through familial or professional circles or through the network created by the abuse group itself— and who come together to sexually exploit children. While it is acknowledged that several groups prefer a certain gender, the fact that such abuse is *gendered* is ignored. This paper argues that organised sexual abuse is a gendered practice and that it finds its base in the notions of masculinity and power. It focuses on the primary victims of such abuse— female children. After establishing its nature, it argues for *separate* legal recognition for organised sexual abuse. This is due to both, procedural and substantive reasons; it is different not only in its form but also in its effect. Recognition is required as the taboo around such abuse is so deeply entrenched that the society refuses to believe its existence. Such abuse was unheard of until public awareness was raised in the early 1980s; this was accompanied by widespread denial by perpetrators and their supporters. This support was extended by sceptics who feared disturbance of the social order; the moral fabric of the society would be torn if the victims were to be believed. Due to this, when victims tried to be heard, the age-old methods of credibility-discounting and victim-shaming were employed against them with a force which was greater than that exerted on other sexual abuse victims. Hence acknowledgment, let alone assistance, was far-fetched for victims of organised sexual abuse. Thus, it must be distinguished from the existing provisions of rape and sexual assault though the methods used, such as objectifying and othering, overlap. This contention is furthered by social and psychological reasons. The paper concludes by promoting further research in, and social acknowledgment of, organised sexual abuse.

INTRODUCTION

Organised sexual abuse began to receive media attention in the 1980s;[1] it was claimed to be perpetrated by paedophile or sex rings. The perpetrators were seen as persons who were abnormal, and who did not fall into the normative societal structure. These groups were considered as an *external threat* and were positioned distantly from families and other socially legitimate organisations such as schools and religious bodies.[2] This falsely portrays such abuse since there is, more often than not, a degree of familiarity that exists between the perpetrators and victims; these are socially legitimised relationships such as those between a teacher and a student, or a parent and a child. Any suspicion raised on the sanctity of such revered relationships behaves like a threat to the social order by distorting what the society believes as the truth.[3] This is one of the reasons for insufficient emphasis on organised sexual abuse despite its globally prevalent nature. Such insufficiency can be seen in both, academic and legal discourse.

In 1993, La Fontaine defined and classified organised sexual abuse;[4] it refers to multi-perpetrator, and often multi-victim, abuse which is continual in nature; it is an umbrella term which includes institutional, network, familial and ritualistic abuse. Organised sexual abuse, thus, covers a spectrum of cases which differ substantially in their specifications. It is, however, better to study incidents of organised abuse as a whole instead of strictly categorising them since they often overlap.[5]

---

[1]Jenny Kitzinger, Framing Abuse: Media Influence and Public Understanding of Sexual Violence Against Children (2004), www.jstor.org/stable/j.ctt18mbdqw (last visited Nov 17, 2019).

[2]Michael Salter, *Organized Child Sexual Abuse in the Media*, Oxford Research Encyclopedia of Criminology and Criminal Justice (2017), https://oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-113 (last visited Nov 22, 2019).

[3] It is for the same reason that incidents of incest are also difficult to expose. *See* Nisha, *The Indian Family: Too Sacrosanct to Touch? Indian Women's Movement and Civil Society's Responses to Incest Abuse*, Agenda: Empowering Women for Gender Equity 67–73 (2005).

[4]J. S. La Fontaine, *Defining organized sexual abuse*, 2 Child Abuse Review 223–231 (1993).

[5]For instance, network abuse is usually coupled with child pornography. *See* Julia Hollingsworth and Stella Ko CNN, *50 children saved as Interpol exposes international pedophile ring*, CNN , https://www.cnn.com/2019/05/24/asia/child-sex-offenders-intl/index.html (last visited Nov 19, 2019); Michael H. Keller & Gabriel J. X. Dance, *The Internet Is Overrun With Images of Child Sexual Abuse. What Went Wrong?*, The New York Times, September 28, 2019, https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html, https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html (last visited Nov 19, 2019).

While Fontaine defined the limits of organised abuse, he only considered children as its victims. Not only did he fail to acknowledge women, but he also did not recognise the gendered nature of the abuse. The same pattern can be seen continued in many empirical studies conducted on organised abuse since then.[6] This, however, is not the case.

GENDER AND ORGANISED SEXUAL ABUSE

Vulnerable Victims

The fact that there are women perpetrators and boy victims in some abuse groups misleads one to think that organised abuse is a gender-neutral practice. While it is true that several groups abuse boys— and few *prefer* them— it must be observed that the identity connoted to them is that of a *child*; their innocence and vulnerability by virtue of their age is the factor which makes them suitable victims. If this was the sole factor in determining the victims of organised abuse, there would not have been a large difference between the number of male and female victims. However, the latter succeeds the former by a margin.[7] This is because, for women, their gender identity plays a key role in their abuse; their vulnerability *as women* is taken into account. This is the reason for women being drawn into organised abuse even as fully-grown adults. Furthermore, the females who face abuse as children continue to do so as adults,[8] while the abuse of boys comes to a halt when they reach puberty.[9] This *continuity* can also be seen in the intergenerational nature of women's abuse; they are forced to not only submit themselves but also their kids to the abuse.[10]Another important distinction is the type of abuse which is inflicted. While boys are often victims of network or institutional abuse, girls fall prey to familial or ritualistic abuse. The latter is more frequent and severe, and is carried on for longer periods of

---

[6]While few studies state that gender is irrelevant (*see*ADAM M. TOMISON, UPDATE ON CHILD SEXUAL ABUSE (1995)), others disregard the gender of the victims in their findings (*see* BARBARA SNOW & TEENA SORENSEN, *Ritualistic Child Abuse in a Neighborhood Setting*, 5 J INTERPERS VIOLENCE 474–487 (1990); C. Cook, *Understanding ritual abuse: A study of thirty-three ritual abuse survivors*, 1 TREATING ABUSE TODAY 14–19 (1991)).

[7]45% of cases involved groups which only abused girls while 24% involved those which abused both, boys and girls. The groups which abused boys did not even reach one-third of the total reported cases. *See*PETER C. BIBBY, ORGANISED ABUSE: THE CURRENT DEBATE (1996).

[8]Sara Scott, *Beyond belief: Beyond help? Report on a helpline advertised after the transmission of a channel 4 film on ritual abuse*, 2 CHILD ABUSE REVIEW 243–250 (1993).

[9] MICHAEL SALTER, ORGANISED SEXUAL ABUSE (2012).

[10]*Id.*

time; it also results in graver psychological damage due to the harsher— often sadistic—abuse inflicted.[11]

Not only is the abuse gendered, but the procedure for remedy is, too. While institutional and network abuse with chiefly male victims usually conform to the idea of an *external* threat, familial or ritualistic abuse with predominantly female victims shatter social ideals. Due to this, there is resistance on the part of the police and social organisations to report such abuse, let alone prosecute its perpetrators.[12]The survivors are widely disbelieved and their credibility is questioned as the abuse experienced by them is considered too surreal to be true.[13] This process of credibility-discounting conforms to the traditionalist view of crimes against women wherein the victim is either seen as deserving of or provoking the abuse.[14]

Masculine Perpetrators

Feminist literature debunks the myth of a psychologically ill man committing sexual assault; the perpetrator is seen as a part of the society which legitimises male sovereignty.[15] This is an important distinction as it makes the underlying causes of sexual offending clearer. Rape and sexual assault are not simply acts of sexual desire by a person who does not understand consent, but are *masculine* acts which establish power over a weaker class, such as women or trans-genders.[16] The victims are seen as *objects*, and are devalued to the state of sub-humans; they are seen as *others*.[17] Done in a group, the abuse provides "masculine solidarity"[18] to the perpetrators, and is seen as a collective masculine performance; organised sexual abuse can also be classified as such. Such solidarity, however, exists only among the men in the abuse group. In

---

[11]Bernard Gallagher, *The Extent and Nature of Known Cases of Institutional Child Sexual Abuse*, 30 The British Journal of Social Work 795–817 (2000); Susan J. Creighton, *Organized abuse: NSPCC experience*, 2 Child Abuse Review 232–242 (1993).

[12]Weasel Words: Paedophiles and the Cycle of Abuse – Trouble and Strife, http://www.troubleandstrife.org/articles/issue-33/weasel-words-paedophiles-and-the-cycle-of-abuse/ (last visited Oct 2, 2019).

[13]Deborah Tuerkheimer, *Incredible Women: Sexual Violence and the Credibility Discount*, 166 University of Pennsylvania Law Review 1 (2017).

[14]Pamela Abbott et al., An Introduction to Sociology : Feminist Perspectives (2006).

[15]Kate Millett, Sexual Politics (2016).

[16]Catharine A. MacKinnon, *Disputing Male Sovereignty: On United States v. Morrison*, 114 Harv. L. Rev. 135 (2000); Henry F. Fradella & Jennifer M. Sumner, Sex, Sexuality, Law, and (In)justice (2016).

[17]Ann Ducille, *"Othered" Matters: Reconceptualizing Dominance and Difference in the History of Sexuality in America*, 1 Journal of the History of Sexuality 102–127 (1990).

[18]Professor James W. Messerschmidt, Masculinities and Crime: Critique and Reconceptualization of Theory (1993).

those groups which involve both male and female perpetrators, the power dynamics function differently. Even within the group, male domination exists.

Female sexual offending is a product of male dominance, too;[19] the reasons underlying perpetration by men and women in abuse groups are different. Women are usually coerced through violence or threat by other men in their lives such as their fathers or husbands to inflict sexual violence upon victims.[20] Moreover, the position of women within the abuse group is lower than that of the men.[21] These aspects are often overlooked in many studies,[22] and are considered false in few. The reason for the latter is that many victims have reported that the women were just as severe as, if not more than, the men.[23] This perception, however, is because the social ideal of a woman as a carer and nurturer is discarded in acts of organised abuse. The unanticipated nature of abuse by women makes it feel crueller than that of men.[24]

It can thus be seen that gender plays a crucial role in organised sexual abuse, from the perspective of both, the perpetrators and the victims.

SOCIETY AND ORGANISED SEXUAL ABUSE

The rise of public awareness of organised abuse was accompanied with widespread denial by perpetrators and their supporters. This support was extended by sceptics who feared disturbance of the social order; the moral fabric of the society would be torn if the victims were to be believed. The False Memory Movement was launched to undermine them; its beginning was marked by the establishment of the False Memory Syndrome Foundation (FMSF). The Foundation claimed that therapists conspired to break down the institution of a family by inserting extreme memories of abuse into their patients.[25] These claims received attention from every sphere including the judiciary and academia. The FMSF *scientifically* supported its claims through its advisory board of professionals who conducted research on the syndrome. Those who

---

[19]Kathleen Coulborn Faller, *Women who sexually abuse children.*, 2 VIOLENCE AND VICTIMS 263–276 (1987); Kathleen Faller, *A Clinical Sample of Women Who Have Sexually Abused Children*, 4 JOURNAL OF CHILD SEXUAL ABUSE 13–30 (1995).
[20]SARA SCOTT, THE POLITICS AND EXPERIENCE OF RITUAL ABUSE: BEYOND DISBELIEF (2001).
[21]SALTER, *supra* note 9.
[22] For example, *see* TOMISON, *supra* note 6.
[23]SCOTT, *supra* note 20.
[24]Tracey Peter, *Mad, Bad, or Victim? Making Sense of Mother–Daughter Sexual Abuse*, 1 FEMINIST CRIMINOLOGY 283–302 (2006).
[25]Elliott, *Backlash Against Survivors: The False Memory Syndrome Foundation*, 24 OFF OUR BACKS 10–13 (1994).

criticised their work were labelled as "hate-filled True Believers, paranoid cultists, or Hitler-like zealots" [*sic*.] so that their voices were curbed.[26]

Such an atmosphere of non-acceptance cages the victims in their abuse, and makes them believe that that is what constitutes life. A survivor, Renee, thought that sexual abuse was a part of life because she experienced it everywhere. [27] This belief is strengthened by the continuity of their abuse. Unlike rape and other forms of sexual assault, organised abuse is characterised by its continual nature. Even after a girl grows up, and has a different life, she is pulled back into periodic episodes of abuse. Sarah, a woman who was abused as a child, continued to receive threats as an adult. She complied with the orders as she feared the abuse group.[28]

LEGAL POSITION OF ORGANISED SEXUAL ABUSE

India

Sections 294, 354(A)-(D), 375, 376A, 376B, 376C, 376D, 499, 503 and 509 of the Indian Penal Code, 1860, contain provisions for prevention of rape and sexual assault against women. These provisions, however, are only partially applicable to organised sexual abuse since the *continuity* of the harassment is not acknowledged. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a progressive legislation which covers institutional abuse but only at the workplace. It does not contain any provisions for children; they are the primary targets of organised abuse; only child workers abused *at the workplace* can avail the remedies provided in this Act. The Indecent Representation of Women (Prohibition) Act, 1986, only regulates representation of women in the media; while pornography is carried out in certain cases of organised abuse, it does not characterise the entire ordeal; it is a *part* of the abuse, and not the abuse itself. The Protection of Children from Sexual Offences Act, 2012, on the other hand, is more complete. It identifies the gruesome methods in which children can be abused, and the role that centres for care play in child sexual abuse. It also recognises abuse of

---

[26]K. S. Pope, *Memory, abuse, and science. Questioning claims about the false memory syndrome epidemic*, 51 Am Psychol 957–974 (1996).

[27]At home, her step-father ensured submission of her mother through violence, and had unrestricted access to Renee's body. He provided her to sexual abuse at a photo studio which, at times, was sadistic in nature. In her school, the male teachers and deputy head principal would sexually abuse her and other girls in her class. Salter, *supra* note 9.

[28]When Sarah tried to resist her abusers, they threatened her either telephonically or physically; she once returned to her home to find an animal part on the bed, along with a cup filled with animal blood and organs with a sticker which read "drink me" on the table. *Id.*

victims through means other than direct abuse by the perpetrator.[29] Protection of Children from Sexual Offences Rules, 2012, has the provision for abuse within the home of the child under Rule 4. The Protection of Children from Sexual Offences (Amendment) Bill, 2019, contains provisions for child pornography. The problem that arises, however, is that the *continuity* of the abuse is not recognised.

Organised abuse strips a person off their dignity as they lose the sense of autonomy and individuality.[30] Dignity is a non-derogable right and is recognised in international conventions.[31] In India, too, living with dignity is considered as a Fundamental Right under Article 21 of the Indian Constitution.[32] Organised abuse also violates the right to equality as it is an offence committed against classes of persons i.e. children and women. However, due to the lack of a proper framework, the Court is unable to prosecute perpetrators when cases of such abuse are presented before it. The Delhi High Court's ruling in *Sudesh Jhaku v. K. C. J.*[33] is instructive in this regard. KCJ was the Under Secretary in the Ministry of Home Affairs, and a married man with three kids. His youngest child, B was sexually abused by him and several of his colleagues since she was six years old; the trial took place two years after commencement of such abuse. KCJ took his daughter to work, wherefrom he and his friends took her to a room in the Pavilion Restaurant where they watched pornographic content, consumed alcohol, and performed sex orgies. In such a situation, B was also forced to drink alcohol, after which her clothes were stripped, and fingers were thrust into her vaginal and anal cavities. Revolted by this, the Court condemned KCJ's acts and decreed that this constituted the offence of rape. However, the fact that this offence was an *ongoing* one was not recognised by the Court. None of the accused were charged with any aggravating punishment, and their offences were treated as single instances of rape.

---

[29] Protection of Children from Sexual Offences Act, s. 3.
[30] A person lives with dignity when they identify themselves in their social context as a free and autonomous human being. *See* Philip Hodgkiss, *A moral vision: human dignity in the eyes of the founders of sociology*, 61 THE SOCIOLOGICAL REVIEW 417–439 (2013).
[31] Universal Declaration of Human Rights, Art. 1.
[32] Minerva Mills v. Union of India, AIR 1980 SC 1789.
[33] 1998 Cri LJ 2428.

Need for Separate Law

The victims of organised abuse usually suffer from psychosocial impairment and psychopathology,[34] which is rarely addressed due to inaccessibility. The abuse tends to have a long-term mental effect on the victims as it is done by multiple perpetrators with a use of force or manipulation, for long periods of time, and usually involves family.[35] They develop symptoms of complex post-traumatic stress disorder and/or a spectrum of dissociative disorders, particularly Dissociative Identity Disorder (DID).[36] The latter is usually induced in the victims by the perpetrators through several methods in order to avoid detection.[37] It often happens in contexts of familial abuse; a survivor, Jo, explains what was expected of her—[38]

It wasn't only a question of telling, you had to not draw attention to yourself... you're not a trouble maker or having problems, but you're not drawing to attention to yourself the other way as well. You've got to be fairly average, particularly not be noticed, and not just in terms of what happened. [*sic.*]

Such circumstances result in the victim leading two lives— one within the sphere of abuse, and one without. They adapt to what is expected of them not only physically, but also mentally. This results in dissociation.[39] This hold the abuse has on their mental health is strong both during and after the abuse.[40]

Patriarchy is permitted in the household through the liberal idea of a private sphere as the unit of a family is not held accountable for any of its actions which do not affect the "public."[41] It is for this reason that detection of abuse in familial settings is problematic. This situation is capitalised

---

[34]Mary C. Zanarini et al., *SEVERITY OF REPORTED CHILDHOOD SEXUAL ABUSE AND ITS RELATIONSHIP TO SEVERITY OF BORDERLINE PSYCHOPATHOLOGY AND PSYCHOSOCIAL IMPAIRMENT AMONG BORDERLINE INPATIENTS*, 190 The Journal of Nervous and Mental Disease 381 (2002).
[35]S Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 American Journal of Preventive Medicine 430–438 (2005).
[36]Michael Salter & Juliet Richters, *Organised abuse: a neglected category of sexual abuse with significant lifetime mental healthcare sequelae*, 21 J Ment Health 499–508 (2012).
[37]Alison Miller, Healing the Unimaginable: Treating Ritual Abuse and Mind Control (2011).
[38]Salter, *supra* note 9.
[39]*Id.*
[40]A girl, Colleen, was continually raped and abused by the staff of her child care centre. The children were *threatened* for non-disclosure on days that their parents came to visit. The threat was in the nature of death— a chicken's neck was snapped, and was thrown in the air before being shot down. The power of their influence was so high that Colleen followed instructions even in *absentia*. On the day she was told not to drink water from a list of places, she only drank from the toilet. *Id.*
[41]Carole Pateman, The Sexual Contract (2014).

by abusers; they indulge in role play to make the victims believe that officials from the police, health and child care service departments were abusers. [42] The reason such a method works on them is that there are no pro-active efforts to detect such abuse; any help taken or attention received is a result of their actions. In this way, the perpetrators remain safe once they achieve the compliance of the victim through either violence or manipulation. In a few cases, the victims are *tortured*[43] into compliance.[44]

Another factor which must be considered is the power that most abusers hold in the society; the reach of the network of the abuse group is deep. In the case of *Sudesh Jhaku v. K. C. J.*[45], the main perpetrator of the abuse, the father of the victim, held an important position in the government. Organised abuse also functions as a way to further professional and personal goals by strengthening relationships among perpetrators.[46] Due to this, reporting the abuse becomes complicated.

THE WAY FORWARD

Instead of being provided with care and protection, the victims are usually pushed into prisons or on to the streets. They require long-term therapeutic support which is suited to their complex needs.[47] Furthermore, it is necessary that not just one limb of protection is advanced to them; their victimisation must be identified by all sectors— such as judicial and medical— simultaneously.[48] There must be a separate legal framework for organised sexual abuse as it differs both, substantively and procedurally; it is different not only in its effect but also in its form. Pro-active measures must be provided by the law to detect and deter organised sexual abuse. The treatment of victims after discovery of abuse, and the result of trial after subsequent prosecution, should be different from the current norms. The victims should be placed in special

---

[42]A boy, Sky, was electrocuted in his house by 5 people— of which a few were from his family— before abuse. They came dressed as medical health professionals and police officers which had him believe that everybody from these professions were abusers. SALTER, *supra* note 9.

[43]Usha Razdan, *TORTURE OF THE GIRL CHILD: STATE SPONSORED REPRESSION*, 54 JOURNAL OF THE INDIAN LAW INSTITUTE 43–66 (2012).

[44]A girl, Lauren was given food and money in exchange of sexual acts. She lived with her grandparents who not only abused her but also provided her to other members of the family. If she did not comply, she had to starve. SALTER, *supra* note 9.

[45] 1998 Cri LJ 2428.

[46]SALTER, *supra* note 9.

[47]Salter and Richters, *supra* note 37.

[48]Michael Salter, *Organized abuse in adulthood: Survivor and professional perspectives*, 18 JOURNAL OF TRAUMA & DISSOCIATION 441–453 (2017).

remand homes until the trial ends, and be given therapeutic treatment which begins from discovery. They should be kept away from their perpetrators, and must be provided with procedural safeguards similar to those available to victims under the Draft Juvenile Justice (Care and Protection of Children) Model Rules, 2016 in cases of complaints.[49] For this purpose, a specialised team must be constituted to handle organised abuse cases. Post-conviction, the victim must be provided with long-term recreational services, and be kept away from the convicts even after release. Furthermore, the punishment which is given to the convicts must be different since the abuse inflicted is long, frequent and continual. It also conforms to the concept of power rape as there exists a clear power differential between the perpetrators and victims either in lieu of age or gender or both. Moreover, intergenerational and ritualistic abuse must act as aggravating factors which determine the fate of the convict. However, the State must also recognise that perpetrators of such abuse are usually survivors themselves, and provide them with the therapy that they require. It is only after such treatment is received, that the State can judge if the convict has the capacity to be rehabilitated into the society. Organised sexual abuse must be given the recognition of organised crime, and the State must thus take on the responsibility to eradicate it.

CONCLUSION

Organised sexual abuse is a broad term which covers a range of behaviour under it. Though the types of organised abuse often overlap, only a few of them are acknowledged as they conform to the archetype of sexual assault i.e. perpetrated by someone who does not form part of the legitimised societal structure. However, most cases of organised abuse threaten the moral fabric of the society as they occur in revered relationships; their prevalence is seen as a reflection of the society. Due to this, they often go unnoticed or dismissed. Western countries attribute it to developing ones[50] and *vice versa*.[51] It is the victims of abuse who are most affected by this process of shifting responsibility as their voices are suppressed, and needs disregarded, in the name of society. They develop complex mental illnesses which are further used by organisations such as the False Memory Syndrome Foundation to discount their credibility.

---

[49] Draft Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Rule 54.
[50] SALTER, *supra* note 9.
[51] For example, *see* Team PB7, *Indian orphans sexually abused by western paedophile ring*, POINT BLANK 7 (2014), http://www.pointblank7.in/?p=1867 (last visited Nov 29, 2019).

Such disregard is reflected in legal systems as well. Victims of organised abuse are not adequately accommodated in the law as their experiences and needs are distinct. Societal change— from the grassroots— is a long process during which the victims have no recourse. Legal acknowledgment, on the other hand, not only facilitates social change, but also protects the victims despite it.[52] There must thus be a separate legal framework for organised sexual abuse. This framework must recognise the gendered nature of organised sexual abuse; gender plays a role not only in the context of the victims, but in that of the perpetrators, too. Furthermore, it must be sensitive to the victims' state of health— physical and mental— and provide them with advanced therapeutic treatment. This recognition must be accompanied with increased research in organised sexual abuse as awareness forms the base for change.

[52]In the context of homosexuality, *see* Mayur Suresh, *This is the start of a new era for India's LGBT communities | Mayur Suresh*, THE GUARDIAN, September 6, 2018, https://www.theguardian.com/commentisfree/2018/sep/06/india-lgbt-homophobia-section-377 (last visited Nov 29, 2019).