

Analysis of the Current Situation of Child Sexual Abuse in China

Based on the "Convention on the Rights of the Child"

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ABSTRACT

Sexual abuse on early children and its related issues such as school education, family education, and social propaganda have always been a concern and concern for various countries. "Convention on the Rights of the Child", adopted by the United Nations in 1989, clearly stated that "States parties should take all appropriate national, bilateral and multilateral measures" to prevent early children from being subjected to sexual abuse. However, due to various factors in China, children's sexual abuse in China has some commonalities as well as some characteristics. Therefore, this article is based on the "Convention on the Rights of the Child" and adopts a literature review method to comprehensively analyze the current situation of sexual abuse among children in China, including education and law. The following conclusion is drawn: Sexual abuse will cause significant physical and mental harm to early children; China's legislation on child sexual abuse is both comprehensive and controversial; Although there has been progress in parents and teachers' attitudes towards child sexual abuse, there is still room for improvement; Among the targets of child sexual abuse, girls are higher than boys, and left behind children are significantly higher than non left-behind children.

Keywords: Children, Sex education, Sexual abuse.

1. INTRODUCTION

Article 34 of the "Convention on the Rights of the Child", adopted by the United Nations in 1989, states that, "States parties undertake to protect children from all forms of sexual exploitation and abuse. To this end, States parties shall take all appropriate national, bilateral, and multilateral measures to prevent: (a) inducing or forcing children to engage in any illegal sexual activity; (b) using children for prostitution or other illegal sexual activities; (c) using children for obscene performances and portraying obscene themes. A small-scale retrospective survey in China has shown that the incidence of child sexual abuse ranges from 10% to 25%, and there is a trend towards younger age. [1] The survey also shows that among the victims under the age of 18, the number of sexual abuse is the largest, accounting for about half [2]. Due to the hidden but widespread reality of child sexual abuse in China, as well as the dual harm of sexual abuse on children's physiology

and psychology, this article will analyze the current situation of child sexual abuse in China from the perspective of the "Convention on the Rights of the Child".

2. CONCEPT DEFINITION

The World Health Organization defines child sexual abuse as follows: child sexual abuse (CSA), also known as child sexual abuse, refers to engaging immature children in sexual activities that they cannot fully understand, express informed consent, violate the law, or violate social taboos. [3] Children refer to anyone under the age of 18, unless the applicable law stipulates that the age of majority is below 18 years old. In China, people under the age of 18 belong to minors. This age division is the same as the age limit for children in the "Convention on the Rights of the Child".

Currently, international organizations generally recognize that child sexual abuse involves not only contact based sexual abuse, such as sexual

intercourse, rape, anal intercourse, sexual touch, indecency, etc., but also non-contact sexual abuse, such as exposure and peeping behavior, exposing children to sexual environments, allowing children to take pornographic photos or videos, organizing child prostitution or engaging in pornographic performances, etc. [4]

3. SEXUAL ABUSE HARMS

Child sexual abuse will cause serious, extensive and long-term harm to victims.

Firstly, due to the fact that the victim is in a period of physical growth and development, with all organs not yet fully developed, and sexual abuse is often cruel and violent, most contact based sexual abuse can cause serious damage to their body. Researchers interviewed six women who experienced sexual abuse during their childhood, five of whom suffered serious physiological damage, including uterine erosion, sexually transmitted diseases, pregnancy and miscarriage, which had a permanent impact on their bodies. [5]

The harm caused to children by sexual abuse is even more psychological. A large number of studies have shown that children who suffer from sexual abuse will have many post-traumatic psychological symptoms in their later years, such as horror, fear, inferiority, anxiety, trance, inattention, anorexia and eating disorders. The actual manifestations of these psychological symptoms include smoking, alcoholism, drug abuse, violence, dropout, lying, etc. For example, Lin Yihan, the author of "Fang Siqi's First Love Paradise", developed severe depression after being subjected to long-term sexual abuse by a tutoring teacher during adolescence, and committed suicide at the age of 26.

At the same time, the experience of sexual abuse can also make it difficult for victims, both subjectively and objectively, to successfully establish themselves in society. Firstly, due to the sexual shame and misogyny in traditional Chinese culture, many girls may suffer from a series of secondary injuries such as criticism from others and online violence after being sexually abused. During this process, the victim may also develop feelings of inferiority such as being "unclean" or "dirty", which can lead to their inability to develop intimate relationships with others and enter marriage normally. Secondly, because the criminals in the juvenile sexual abuse are often the authority figures or elders in the victim's world, they can relax their

vigilance by virtue of their status. After an event occurs, victims often lose trust in society and even develop hatred, which means the collapse of their worldview and values. Finally, if the victim does not receive the attention and assistance of their parents in the future, or is even harmed by their parents' lack of understanding, their family relationships will also be severely affected.

4. LEGISLATION ON SEXUAL ABUSE OF EARLY CHILDREN

As a contracting party to the "Convention on the Rights of the Child", China has also established a protection network based on the Constitution and with numerous laws as nodes, such as the "Law on the Protection of Minors", the "Civil Code", the "Criminal Law", and the "Anti-Domestic Violence Law". In 2021, the "Law on the Protection of Minors" was promulgated after the second revision, which is regarded as the core law for the protection of children's rights and interests in China. The new "Law on the Protection of Minors" has put forward specific and clear provisions for many practical problems faced by Chinese children today, including various measures on how to provide legal protection for the serious harm of child sexual abuse.

First, Article 40 of the "Law on the Protection of Minors" clearly states that schools, kindergartens and other institutions should establish a working system to prevent sexual abuse and harassment of minors, and carry out age appropriate sex education to improve minors' self-protection awareness and ability. Some scholars have proposed that this is the first time 'sex education' has been incorporated into the law, and it is of milestone significance. However, it is worth reminding that "sex education" cannot be transformed into simply "anti sexual abuse education". It is very important to provide appropriate and comprehensive sex education for children of all ages. Secondly, Article 62 of the "Law on the Protection of Minors" stipulates that primary and secondary schools, kindergartens, training institutions and other units that have close contact with minors are not only their rights but also their legal obligations to use the information database to inquire about sexual abuse and other illegal and criminal information. And every year thereafter, the work unit needs to conduct a record query on its employees, and those who discover such crimes will be promptly dismissed. This provision can effectively prevent children from being sexually abused by acquaintances in their life,

make sexual abuse Social death, and prevent them from maiming children again. Finally, the "Law on the Protection of Minors" has also kept up with the times and separately listed a chapter on "Network Protection", strengthening the protection of children's privacy information and the management responsibility of internet platforms.

From this perspective, the "Law on the Protection of Minors" effectively responds to social changes and the need to fully implement the principle of maximizing the interests of children, providing effective legal protection for children from sexual abuse.

It is worth mentioning that the "Convention on the Rights of the Child" defines people under the age of 18 as children. However, in China, the age of sexual consent is 14 years old, which means that if a person engages in sexual activity with a minor under the age of 14, even without the use of violent coercion or other means, the perpetrator will generally be sentenced to rape. However, for minors over 14 years old but under 18 years old who have sexual relations with them, how to determine their "consent" and whether the "consent" is valid can trigger significant social debates. In recent years, some sexual abuse have taken advantage of the fact that the age of sexual consent in China is 14 years old to exploit the loopholes of the law and have sexual relations with young girls who have just turned 14, which has caused greater negative social impact. At present, many representatives of the National People's Congress and members of the Chinese People's Political Consultative Conference have proposed amending the Criminal Law to increase the age of sexual consent to 16 years or above, in order to better protect the legitimate rights and interests of minors.

5. THE CURRENT SITUATION OF CHILD SEXUAL ABUSE IN CHINA

In recent years, due to the spread of the Internet and the media's reports on children's sexual abuse cases, the relevant discussions have gradually triggered a wide range of public discussions in a scientific manner, and also stimulated the parents and teachers' awareness of the prevention of children's sexual abuse. However, there are still studies that show that parents have limited awareness and prevention awareness of sexual abuse. For example, only 30.4% of parents can realize that most of the people who commit sexual abuse on children are acquaintances. There are also

some myths about children's sexual abuse, such as boys will not be subjected to sexual abuse [6]. There is also a phenomenon of limited understanding among the teacher community, similar to that of parents. A survey of preschool teachers in Beijing shows that few teachers can recognize that children who have been sexually abused usually do not leave obvious marks. Most teachers, while advocating for sex education, are also concerned that it will let children know too much and have a negative impact [7]. The understanding of teachers in rural areas is more limited and narrow compared to that in cities [8].

Parents and teachers' limited understanding of children's sexual abuse can lead to limited education on preventing sexual abuse for young children, resulting in errors in their understanding of potential violations. A researcher interviewed 337 parents, and the interview results showed that less than half of them had provided sex education to their children. In the study of 394 teachers, about half of the teachers did not provide sex education to young children [9]. If no one constructs children's awareness of sexual abuse in advance through education, children are likely to not know how to resist in the right way when facing sexual abuse, or even not know that they are being sexually abused. The public welfare organization "Girls' Protection" in China conducted a questionnaire survey on 3,482 students, and only a few children were able to answer what "sex education" is. The majority of children did not know how to seek help and self-rescue or adopted incorrect response measures when facing different situations of sexual abuse, which often may cause secondary harm or more serious consequences.

From the perspective of the target audience, the first significant feature is that there are significantly more girls than boys who have been invaded, but the proportion of boys being invaded has also shown a significant upward trend in recent years. According to data from "Girls' Protection", in 2021, there were over 569 victims of sexually abused children publicly reported, with 462 girls experiencing sexual abuse, accounting for 81.20%; The number of boys who have experienced sexual abuse is 107, accounting for 18.80%. Due to the significant number of girls who have been violated and the vulnerability of girls to secondary attacks from public opinion after sexual abuse, there have been many public welfare organizations dedicated to girls' sex education to help girls stay away from sexual abuse. At the same time, because in the traditional sense of China, boys tend not to suffer

from sexual abuse, and there is also a misconception among the public that "boys will not be subjected to sexual abuse" [10], there is quite a lack of education on boys' prevention of sexual abuse, which also puts boys under the shadow of sexual abuse. Therefore, it is quite necessary to pay attention to the sexual safety of children of both genders.

It is worth mentioning that although there is not much difference in the affected areas between urban and rural areas for child sexual abuse victims, the incidence of abuse among left behind children is significantly higher than that of non left-behind children [11]. The research shows that the sexual abuse cases of left behind children mainly have the following characteristics: most of the perpetrators are elderly acquaintances; The proportion of rape is high; The victims are young and numerous [12]. This may be due to the fact that the parents of left behind children are often not around and cannot effectively exercise guardianship; There is often a significant gap in sex education between rural schools and urban areas; Without the care and companionship of parents, their loneliness during adolescence can easily lead them to be tempted by unscrupulous individuals. Therefore, in the future, when carrying out work related to preventing child sexual abuse, there should be a focused and planned intervention for left behind children in rural areas.

From the perspective of perpetrators of child sexual abuse, the main subjects of sexual abuse are males and acquaintances. Acquaintances mainly include family members, teachers, neighbors, etc. In the statistics of cases of sexual abuse on children under the "Girl's Protection", there were 198 cases where there was a clear identification of interpersonal relationships, among which 160 cases were committed by acquaintances, accounting for 80.80%. Among these cases where acquaintances committed crimes, the highest ranking was among teachers and students in 44 cases, accounting for 27.50%; 28 cases of crimes committed by relatives (fathers, stepfathers, siblings, uncles, etc.); 20 cases of crimes committed by netizens; 15 cases of crimes committed by neighbors and friends (including those from the same village); 33 cases of crimes committed by other life learning contacts. As authoritative figures in the world of children, teachers hold high positions in both identity and knowledge. If a teacher lacks professional ethics, intentionally lures, and uses reasons such as private tutoring, it is easy for parents of children to relax their vigilance and put them in a situation where they are alone with criminals. Children often dare

not report because of the authority of teachers, thus suffering long-term sexual abuse. The prototype of "Fang Siqu's First Love Paradise" is a typical story of teachers' immorality and aggression against girls. Other acquaintances are also prone to using children's trust and authority for harm.

6. THE EXISTING PROBLEMS OF CHILD SEXUAL ABUSE IN CHINA

Although the issue of sexual abuse in China has greatly alleviated with the development of society and changes in attitudes in recent years, there are still uneven and focused child sexual abuse problems in China.

6.1 Sexual Abuse Occurs Covertly and Is Difficult to Obtain Evidence

Firstly, the location of sexual abuse is often hidden, with indoor areas being high-risk areas. According to relevant data, in cases where there is a clear location for the crime, the main locations with a higher proportion are 73 schools, 58 victims' homes, 60 perpetrators' homes, and 42 outdoor locations [13]. It can be seen that the most private family place is also the place where parents tend to overlook but commit crimes. This will result in the occurrence of sexual abuse being unable to be stopped by others in a timely manner, making it less likely to produce eyewitnesses. However, due to the concealment of sexual assault and the lack of awareness of timely evidence collection, research shows that children victims of sexual abuse usually do not leave obvious marks on their bodies, even in some sexual abuse incidents involving sexual organ contact [14]. At the same time, research also shows that physical examination has little effect in finding traces of sexual abuse. Therefore, prevention of sexual abuse should be given top priority in the relevant work carried out. Parents and teachers should also dispel the misconception that "sexual abuse can leave traces on the body", timely detect abnormal psychological states of children, and avoid the possibility of sexual abuse in a timely manner and stop ongoing sexual abuse.

6.2 Traditional Chinese Sexual Shame Leads to a High Concealment Rate of Child Sexual Abuse

Due to China's long-standing cultural tradition, sexual shame gradually develops from the birth of children to the socialization of adulthood, especially among girls. Therefore, after many

incidents of child sexual abuse occur, many children may feel ashamed to tell others about it due to sexual shame, thus unable to receive psychological support and help from society. For parents of children, sexual shame often leads to traditional beliefs such as "being destroyed in one's lifetime after sexual abuse" and "having no innocence", especially in rural areas. A survey has been conducted on the response of parents of young children to sexual abuse, and some parents still adopt negative coping methods of "blaming" and "keeping quiet" at times [15]. Therefore, health, positive, and open sex education should be provided to children, parents, and the general public to make them understand that concealing sexual abuse is a cover for their wrongdoing and will continue to harm the physical and mental health of other children. The focus of subsequent assistance to children should be on their mental health.

6.3 Social Awareness of Child Protection Needs to Be Strengthened

In recent years, Chinese society's awareness of protecting children and keeping away from children's sexual abuse has been gradually strengthened with the publicity of the media, but it is far from enough. There are still many people who tend to deny the universality of child sexual abuse in China, believing that child sexual abuse is "rare" in China. [16] In Western regions, regardless of teachers, community workers, neighbors, or even strangers, once they detect the possibility of children being violated, they will spontaneously report it. However, in China, the protection of children has not yet risen to the status of public awareness and public concern, and is affected by traditional concepts such as "honest officials cannot stop housework". The impact of many children's sexual abuse is closed within the family, making children unable to get timely assistance.

Protecting children is a cause for all citizens and requires everyone to take action.

7. WAYS TO ALLEVIATE SEXUAL ABUSE ON CHILDREN IN CHINA

Firstly, efforts should be made to develop sex education for children of all ages. Referring to the sex education content in the more advanced Nordic region in this regard, basically let children establish a basic understanding of the body structure and a sense of protection from sexual assault in preschool; Primary school allows children to understand the

formation of sexual characteristics and cultivate healthy sexual attitudes; Middle school provides children with a preliminary understanding of sex and a series of measures to protect themselves during sexual activity; High school also talks to teenagers about sex in intimate relationships. This open and scientific sex education that adapts to the age characteristics of children does not make them "overly mature". Chinese sexologist Li Yinhe once said, "The experience of the world shows that children should mature at any time." On the contrary, rather than allowing children to obtain mixed sexual information online out of curiosity, why not teach them censored and healthy sexual knowledge in school? This can not only enhance children's awareness of their own protection and establish a correct understanding of sexual abuse, but also help children to establish healthy sexual attitudes from childhood, thus indirectly avoiding the emergence of a series of people with distorted sexual attitudes, such as pedophilia, voyeurism, exhibitionism, and sexual abuse.

Secondly, training on the first line of defense to protect children from sexual assault should be strengthened. Parents, teachers, and those who are authoritative figures in the world of children and interact with them day and night are the most likely to be the first to discover the situation where children are being sexually assaulted. It is necessary for social institutions to regularly hold public welfare lectures, and schools to regularly train teachers and promote relevant information to parents.

Furthermore, a file exchange system for sexual abuse should be established. When recruiting new employees, professional units that have close relationships with children should establish a strict admission system, investigate whether they have a history of sexual abuse, and avoid potential sexual abuse on children. For those who have experienced sexual crimes, an effective control and continuous tracking system should also be established. Clinical experience has shown that simply imprisoning offenders not only cannot change their misconceptions, but may also reinforce their ideological biases. After most violators rejoin society, they increase the risk of violent crimes, including sexual abuse [17].

8. CONCLUSION

Child sexual abuse is a major risk factor that endangers the healthy growth of children. In China, child sexual abuse presents multiple pain points and

difficulties. It is the obligation of the entire society to pay attention to the physical and mental health of children and protect their healthy growth. Therefore, for the future of China, it is necessary to make changes to the current situation through multiple efforts.

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