

## Sexual Abuse

### Objectives:

- To be able to define and identify all types of sexual abuse
- To exercise self-control (do not commit sexual abuse)
- To know the consequences of sexual abuse
- To be able to understand that victims of sexual abuse need support and should not be blamed

### Expected Behaviours:

- Do not force or pressure anyone to do sexual things
- View women and girls as complete and equal human beings
- If someone is abused, they should speak out and seek help
- The victim of sexual abuse should never be blamed as it is never their fault
- Support victims of sexual abuse by comforting and talking with them if/when they desire and are ready

### Information:

#### **Definition of sexual abuse:**

- Forced sexual intercourse (even if by a fixed partner or spouse) including:
  - o Physical force (holding a person down, threatening them with a weapon, etc.)
  - o Coercion (psychological intimidation, blackmail, or emotional threats)
  - o Examples: "I will break up with you if you do not have sex with me" or "You will fail this class if you do not have sex with me"
- Unwanted sexual advances such as harassment
  - o Examples: groping and all unwanted touching, yelling sexual things at a person on the street, showing a person your genitals by force, sharing explicit images without someone's permission
- Sexual abuse of mentally or physically disabled people
- Any sexual acts with children under the age of 18
- Traditional customs that violate rights and wishes of the victim, such as forced marriage
- Sexual acts that take place when a person is incapacitated and unable to say no (often because of drugs or alcohol) even if they have agreed to engage in sexual activities previously

#### **Rates:**

Sexual abuse is extremely common. In fact, many studies show that more than 1 in every 3 women will experience physical or sexual violence in her lifetime. Exact rates of sexual abuse are hard to know, as most victims do not report the crime due to fear, shame, and guilt. It is a myth that boys and men do not also experience sexual violence; however, they are even less likely to report the abuse, especially if they were abused by a male.

**Blame:**

Often, victims of sexual abuse are blamed for the violence inflicted upon them. Others may try to shame them for the way they dressed, what they drank, where they walked, or who they socialised with and use it as a reason they were abused. These reasons, and any others, are completely false. The blame for abuse lies with the perpetrator of violence, never with the victim. Many victims feel trapped by shame and guilt for years after the abuse occurred. This can be especially true for boys, who were abused by a male, as they may worry they will not be seen as masculine, or that someone may believe they are homosexual, even though this is not true.

**Health Consequences:**

The consequences of experiencing sexual abuse are severe and can last the rest of a victim's life. They can include:

**Physical:**

- Unwanted pregnancy
- Sexually transmitted infections (STIs), including HIV
- Traumatic fistula
- Sexual dysfunction
- Death by:
  - o Suicide
  - o Unsafe abortion
  - o AIDS
  - o Pregnancy-related complications

**Mental/Emotional:**

- Depression
- Anxiety
- Insomnia
- Nightmares
- Flashbacks
- Unexplained pains
- Panic
- Suicidal thoughts

**Behaviour:**

- Boys who experience sexual abuse during childhood are more likely to perpetrate sexual violence against others as an adult
- Women who experience sexual violence are more likely to be abused again
- Substance abuse (drinking excessively and taking drugs)
- Emotional disengagement with a child born from sexual violence

## Laws in Madagascar:

### **Art. 331 of the Penal Code**

- (Law n°98-024 on 25.01.99) : Anyone committing or tempting to commit sexual molestation without use of force against the person of a child of either sex, under the age of fourteen shall be punished by five to ten years' imprisonment and a fine of 2,000,000 Ariary to 10,000,000 Ariary
- (Ord. n°62- 013 on 10.08.62) : Will be punished with the penalty in the first paragraph, the indecent assault committed by any ascendant against a person of a twenty-one-year-old minor, even over the age of 14 years, but not emancipated by marriage
- (Law n°98-024 on 25.01.99) : Without prejudice to any harsher penalty provided for in the foregoing paragraphs or in articles 332 and 333 of this code shall be punished by prison term of two years to five years and a fine of between 2,000,000 Ariary to 20,000,000 Ariary anyone committing an indecent or unnatural act with an individual of the same sex, under the age of twenty-one years

### **Art. 332 of the Penal Code** (Law n° 2000-021 on 30.11. 00)

- Any act of sexual penetration, whatever its nature, committed on another person by force, coercion, threat or surprise constitutes rape.
- Rape is punished by a term at forced labour if it is committed against a child under the age of fifteen or against a woman who is visibly pregnant- is apparent and known to the offending party
- In other cases, rape or attempted rape shall be punished by five to ten years' imprisonment
- Anyone committing or attempting to commit sexual molestation with use of force against a child under the age of fifteen or against a woman in apparent or known pregnancy shall be punished by a term of hard labour, the penalty is imprisonment for between two to five years

### **Art. 333 of the Penal Code** (Ord. n°62-013 on 10.08.62)

- If the rapist is an adult relative of the victim or the guilty are in a position of authority over the victim in which the crime was committed; including teachers, public workers, religious leader, or if the guilty party was helped in anyway by one or more individuals, the penalty shall be hard labour for life in the case referred to in the first paragraph of the article 332, period of forced labour in time in the case provided for in the first paragraph of Article 331, in paragraph 3 of article 332, from five years to ten years, in the case for which article 331 of paragraph 3 and article 332 of paragraph 4

### **Art. 333 bis of the Penal Code** (Law n° 2000-021 on 30.11 00)

- Anyone who subordinates the fulfilment of a service or act related to his/her to the obtaining of sexual nature favours or which requires a person of favours of the same nature before making him/her obtain, either for him/herself or others, a job, promotion, reward, decoration, advantage or favourable decision will be punished by imprisonment of one to three years and a fine of 1,000,000 Ariary to 4,000,000 Ariary

- Every person who uses threat of sanction, effective sanction or severe pressure to induce a person under his authority to consent to sexual favours or to retaliate on the person who has denied such favours will be punished by two to five years of imprisonment and a fine of 2,000,000 Ariary to 10,000,000 Ariary

**Art. 334 of the Penal Code** (Law n°98-024 on 25.01.99)

- Will be considered as a pimp and punished by imprisonment of two to five years and a fine of 1 000 000 Ariary to 10 000 000 Ariary, without prejudice to any harsher penalties, if applicable, he or she:
  - Who, in any way, helps, assists, knowingly assist or protect the prostitution of others or solicits for the purpose of prostitution
  - Who, in any form, shares the proceeds of the prostitution of others or receives subsidies from a person habitually engaging in prostitution
  - Who hires, leads to, and maintains an adult person for prostitution, engage in prostitution, even with his/her consent, pressuring them to engage in prostitution or debauchery
  - Who acts as an intermediary in any capacity between persons engaging in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of other

**Art. 334 bis of the Penal Code**

(Law n°98-024 on 25.01.99)

- The penalty is imprisonment of five to ten years and a fine of 4 000 000 Ariary to 20 000 000 Ariary in the event that:
  - The offence has been committed against a minor
  - The offence has been committed through coercion, abuse of authority or deceit
  - The perpetrator of the offence is carrying an apparent or hidden weapon
  - If the perpetrator is spouse , the father, mother or guardian of the victim or belonging one of categories listed in article 333
  - The perpetrator is called upon, by his or her sanctions, to fight against prostitution, to the protection of health or to maintain law (enforcement) and (public) order
  - The offence has been committed against a person whose particularly vulnerable because of age, sickness, infirmity, physical or psychic disability, these circumstances being known to author of aggression or being apparent, then penalty may be more sever

(Ord. n°60-161 on 03.10.60)

- Subject to stronger penalties laid down by this article or by other provisions regulating public soliciting, anyone who offends against morals by inciting, promoting or habitually facilitating debauching or corruption of minors of either sex, under the age of twenty-one-years, or any occasional such acts involving persons under sixteen.

## Available Services for Victims

### **Toll-free number: 147 et 511**

- These are phone number that **one can freely call** 24h/24h via a landline or mobile phone to declare a non-consenting sexual act or to have counselling about a sexual crime perpetrated by others.

### **Counselling and legal advice centre or Trano Aro Zo (supported by UNDP and UNFPA)**

- Generalities: A Counselling and Legal Advice or CECJ is a structure whose mission is the psychosocial, legal and medical support of a victim of gender-based violence (GBV) and his/her family. The goal is to help and support the survivor(s) and/or his/her family to learning new things, take new actions to meet their needs or to resolve their problems in facing a difficult situation. It is up to the counsel to accompany and supervise survivors from the detection phase until the final declaration has been rendered by the court.
- Mission: Prevent aggression and violence against women and girls through awareness raising of the population and to promote wider knowledge on (human) rights; protecting survivor(s) from further acts of violence committed by the perpetrator through psychosocial and legal services, medical and legal assistance, family and community mediation.
- Objectives: Mobilise the local population to break their silence and provide free services that meet GBV survivors care standard.
- Target population/beneficiary: Victims of GBV.

### **Vonjy Center (Supported by UNICEF):**

- Generalities: First service of comprehensive assistance and support for children (boys and girls) victims of sexual violence in Madagascar, by providing psychosocial care services by social workers, medical care by doctors of the hospital and judicial by the police; computerised and networked registration and management service. (This is an undeniable advantage for the data management in real time but also to prevent any form of forgery and malfeasance of the forensic expert reports of the victim, essential for the procedures of complaint and prosecution of the perpetrator).
- Objective: To facilitate access to care services for the child or the victim of sexual violence and to avoid double victimisation
- Target population/beneficiary: Children or young people or anyone who is/has been sexually assaulted (fondling, rape, incest, assault, harassment).
- Location: Antananarivo, Maternity of Befelatanana ; Toamasina, Hopitaly Be; Majunga, Hopitaly Androva PZaGa; Nosy-Be, Hopitaly Be Andavakotoko; Toliara.

### **AroZaza (UNICEF: <http://www.arezaza.mg/>):**

- Prevention, protection and denunciation of crimes against minors as defined in the Cybercrime Act.

## Vice squad

## Youth Friendly Clinic

### Communication about Sexual Abuse:

If someone says they have been attacked or abused, the most important thing is not to blame them. Do not ask questions about where they were, who they were with, or what they were wearing. This is irrelevant to the fact they were abused. Victims of sexual abuse often feel they have lost control; because of this it is extremely important not to tell them what to do or how to feel, as this can intensify this feeling. Give him or her the space to talk about their feelings as they feel ready. Let them know you will support them if they decide to go to the police, but do not pressure them. This can be a scary and emotional process, and must be done on their terms.

### Summary and Key Messages:

- Sexual abuse is **never** a victim's fault
- Clothing, age, behaviour, communication, or any other reason is never to blame for sexual violence
- The rights of other human beings should always be respected and they should never be abused by anyone
- There are many physical, mental, and behavioural consequences of sexual abuse which can last for many years
- If someone has been sexually abused, they should speak-up and tell the police, their family or teachers
- Friends should support each other through this process, not judge and offer guidance and assistance when needed
- The victim of sexual assault should seek support and know that they do not have to process what happened or try to heal alone

### Sources:

[http://apps.who.int/iris/bitstream/10665/77434/1/WHO\\_RHR\\_12.37\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/77434/1/WHO_RHR_12.37_eng.pdf)

<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

Code Pénal Malagasy mise à jour en 2005

<http://www.arozaa.mg/>

[http://www.arozaa.mg/index.php/pages/centre\\_vonjy](http://www.arozaa.mg/index.php/pages/centre_vonjy)

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