

## A STUDY ON CHILD ABUSE AND CHILD SEXUALITY VIOLATIONS

<sup>1</sup>Saranya devi.s,<sup>2</sup>Roja.k

<sup>1</sup> Student, BBA,LLB, Saveetha School Of Law Saveetha University Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

<sup>2</sup>Assistant Professor, ,Saveetha School Of Law, Saveetha University, Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

<sup>1</sup>Sarandivi83@gmail.com, <sup>2</sup>rojak.ssl@saveetha.com

### ABSTRACT:

Child abuse is harm to , or neglect of , child by another person , whether adult or child. Child abuse happens in all cultural , ethnic and income groups. child abuse can be physical emotional-verbal , sexual or through neglect. Abuse may cause serious injury to the child and may even result in death. A problem that is only beginning to come into light in India rape sexual abuse, and sexual harassment are worldwide issues of gender violence. Child abuse is the physical or psychological maltreatment of a child, can be differentiated into four major categories, physical abuse, emotional abuse, neglect and worst of all; the sexual abuse. Child Sexual Abuse (CSA) is a kind of physical or mental violation of a child with sexual intent, usually by a person who is in a position of trust or power vis-à-vis the child. India is the second largest child population in the world, 42% of India's total population is below eighteen years. In a shocking revelation, a Government commissioned survey has found that more than 53% of Indian children are subjected to sexual abuse / assault. Majority of these cases were perpetrated by someone known to the child or in a position of trust and responsibility, Not surprisingly, most children did not report the abuse to anyone. There is not a single law aimed at safeguarding children and protecting them against sexual abuse & assault, which is a serious lacuna against this background and is needed urgently. This paper will focus on child sexual abuse, the laws, legal loopholes, and The Protection of Children against Sexual Offences Bill, 2011.

### INTRODUCTION:

There are various types of abuse and neglect, the symptoms of abuse and neglect may vary from child to child. Child welfare information gateway, a service of the children's

bureau administration for children and families has produced a factsheet that includes many of the common signs or symptoms of child abuse and neglect. Child sexual abuse is largely a hidden crime. So it is difficult to accurately estimate the number of people who are sexually abused at some time during their childhood. It is estimated that one in six children experience sexual abuse before the age of 16. Age is the primary factor of vulnerability. Per-teen or adolescent girls are more susceptible to the calculated advances, deception, and manipulation tactics used by traffickers no youth is exempt from falling prey to these tactics. Traffickers target locations youth frequently such as social media sites, schools, malls, parks, bus stop, shelters and group homes. Runway or homeless youth as well as those with a history of physical and sexual abuse may have an increased risk of being trafficked.

Child abuse is physical, sexual or psychological mistreatment or neglect of a child or children, specially by a parents or other caregiver. child abuse has been recorded in literature, art and science in many part of the world. Child abuse is when a parent or caregiver, whether through action or failing to act, causes injury, death, emotional harm or risk of serious harm to a child. A child can be abused physically sexually or mentally. it can be in the form of neglect injury neglect or blaming forced sexual stimulation and activity incest exploitation and child sexual abuse. the children Act 1989 and its multifarious regulations principally dictate the family law response to child abuse in England and Wales. The Act was a root and branch reform of the existing law relating to children between private individuals and between parents and guardians on the one hand and the state on the other.

#### **CHILD ABUSE IN INDIA:**

India is the second most populous country in the world and is a home for 430 million children which means 42% of the total population in India. Out of the entire population of children, 50% of the population is under care and protection i.e. the protection from child sexual abuse. According to National crime records the cases of rape and murder of children is increasing every year. It is a problem which has become a growing concern in India. It is a fact that million of boys and girls are sexually abused within outside their homes y relatives or by known persons. At 55% and 49% respectively, Tamil Nadu and Gujarat reported the highest number of child workplace sexual abuse cases. In fact child abuse is a violation of the basic human rights of a child.

**WHAT IS CHILD ABUSE:**

Child abuse has many forms are physical, emotional, sexual, neglect, and exploitation. Any of these that are potentially or actually harmful to a child's health, survival, dignity and development are abuse.

**MALTREATMENT:**

Child maltreatment constitutes all forms of child abuse physical abuse, emotionally ill treatment, sexual abuse, neglect, negligent treatment and exploitation of children resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**PHYSICAL ABUSE :**

Physical abuse as a child can lead to physical and mental difficulties in the future, including striking, kicking tying and intentionally burning a child. The parent or caretaker may not have intended to hurt the child. It may, however, be the result of over-discipline or physical punishment that is inappropriate to the child's age.

**SEXUAL ABUSE:**

Child sexual abuse is a form of child abuse in which an adult or older approximately 15% to 25% of women and 5% to 15% of men were sexually abused when they were children. A most sexual abuse offender are acquainted with their victims approximately 30% are relative of the child, most often brothers, sisters, father, mother, uncles or cousins around 60% are other acquaintances. Such as friends of the family, babysitters, or neighbours, strangers are the offenders in approximately 10% of child sexual abuse. In over one-third of cases the perpetrator is also a minor. In 1999 the BBC reported on the survey of sexual abuse in India in which 76% of respondents said they had been abused as children, 40% those stating the perpetrator was a family member.

**EMOTIONAL ABUSE:**

Emotional abuse is also known as verbal abuse, mental abuse, psychological maltreatment. Emotional abuse act or omission by the parents or other caregiver. Psychological maltreatment is the most challenging and prevalent form of child abuse and

neglect. given the prevalence of child hood psychological abuse and the severity of harm to young victims.it should be at the forefront of mental health and social service training.

### **NEGLECT:**

Child neglect is the failure of a parent or other person with responsibility for the child to provide needed food , clothing , shelter, medical, care or supervision to the degree that the child's health, safety or well being may be threatened with harm. Neglect is also a lack of attention from the people surrounding a child and the non provision of the relevant and adequate necessities for the child's survival, which would be lacking mattention , love and nature.

### **AIM OF THE STUDY:**

1. To enumerate and gain knowledge on child sex trafficking.
2. To study on child pornography.
3. To study about child sexuality violation- cases.

### **HYPOTHESIS**

**H1:** there is significant reference on the study of child abuse and child sexuality violation.

### **MATERIAL AND METHODS:**

The study is collected from the international and the nation journal, book and publication from various website which gives important on child abuse and child sexuality violation.

### **OBSERVATION:**

#### **TO ENUMERATE AND AGAIN KNOWLEDGE ON CHILD SEX TRAFFICKING:**

Child sex trafficking is a form of organised child abuse. A small but vocal group of activists support legitimising prostitution .In views of commercial sex is reacted by a split between those who label prostitution as “sex work” and those who reject such a label.To label children caught up in sex trafficking king as “sex workers” suggests that they are engaged in labor rather than suffering as victims. Many of them use the term “child prostitution.” While that term is preferable to the term “sex worker,” it is also problematic because it suggests equivalence between a child and an adult prostitute. Ordinarily, when an adult has sexual contact with a child, society recognises that as child sexual abuse, and society recognises the child as a victim. When money is ex- changed, however, some perceive the child not as a

victim but as a criminal. First, implicating the child as a criminal evoke the applicable framework of adult prostitution. It conveys that the child who is victimised is actually a willing participant in his or her exploitation. Its connection is inaccurate because it fails to reflect the reality of both children and commercial sex. Child is the victim because children are not capable of giving legal or, given what is known about the brain research, intellectual, consent to prostitution. Second, many children are driven to sex acts not only by force and coercion, but also by the need for survival.

#### **TO STUDY ON CHILD PORNOGRAPHY:**

In American term for “sexually abusive images of children” is “child pornography. latter term is understood generally to refer to “representations of a child engaged in real or simulated explicit sexual activities or representation of sexual parts of a child. In the United States, this term is as images of actual children engaged in “sexually explicit conduct.” Sexually explicit conduct in most jurisdictions is specially including “actual or simulated exhibition of the genitals or pubic area of any person. activities are severe, so the international and domestic communities have moved away from the use of “child pornography” to label such egregious images. They have adopted various terms, such as “child sexual abuse images,” “child abuse material,” “child abuse imagery,” or “sexually exploitive material.” They have done so because they have the term “child pornography” “does not accurately its content, and implicitly implies consensual activity.” the term “child pornography” is attributable to the growing recognition that images of child sexual abuse are not younger versions of adult pornography.

#### **TO STUDY ABOUT CHILD SEXUALITY VIOLATION- CASES:**

##### **Bachpan Bachao Andolan v. Union of India (UOI) and Ors:**

This petition has been filed in public interest under Article 32 of the Constitution in the wake of serious violations and abuse of children who are forcefully detained in circuses, in many instances, without any access to their families under extreme inhuman conditions.

The Petitioner filed this petition following a series of incidents where the Petitioner came in contact with many children who were trafficked into performing in circuses. The activities that are undertaken in these circuses deprive the children of their basic fundamental rights. Most of them are trafficked from some poverty-stricken areas of Nepal as well as from backward districts of India. After detailed research and enquiry, the Petitioner found that

organized crime of trafficking of children for Indian circuses, particularly from Nepal is rampant. Mostly, these children are sold to the circus owners either by the agents or their relatives or sometimes the poor parents are lured into the web by promising high salaries, luxurious life, etc. Children are frequently physically, emotionally and sexually abused in these places. There is violation of the Juvenile Justice Act and all International treaties and Conventions related to Human Rights and Child Rights where India is a signatory.

#### **Sakshi v Union of India (UOI) and Ors:**

The petitioner tried to raise the issue that there is trend of the government authorities to treat sexual violence, other than penile/vaginal penetration, as lesser offences falling under either Section 377 or 354 of the IPC and not as a sexual offence under Section 375/376 IPC. Further, it had been found that offences such as sexual abuse of minor children and women by penetration other than penile/vaginal penetration, which would take any other form and could also be through use of objects whose impact on the victims is in no manner less than the trauma of penile/vaginal penetration as traditionally understood under Section 375/376, had been treated as offences falling under Section 354 of the IPC as outraging the modesty of a woman or under Section 377 IPC as unnatural offenses. It further argued that the narrow understanding and application of rape under Section 375/376 IPC only to the cases of penile/vaginal penetration runs contrary to the existing contemporary understanding of rape as an intent to humiliate, violate and degrade a woman or child sexually and, therefore, adversely affects the sexual integrity and autonomy of women and children in violation of Article 21 of the Constitution.

#### **SUGGESTION:**

- To educate youth about healthy sexuality. And teach how to recognize appropriate behaviour and to avoid exploitive or inappropriate behaviour towards others.
- To whom they should report what they believe is inappropriate or harmful behaviour.
- To promote programs in school . teaching children, parents and teacher prevention strategies can help to keep children safe.
- Support prevention programs. Too often, intervention occurs only after abuse is reported.

- Monitor your child's television and video viewing as violent images can harm young children
- Take regular breaks from your children. This will give you a release from the stress of parenting full-time.

### **CONCLUSION:**

According to these researchers, while reporting of child maltreatment is an important responsibility that can prevent serious harm and even death, neighbourhood residents in their study believed that this responsibility included the potential of retaliation from neighbourhood adults and children. Although citizens should never take the law into their own hands, fear of legal repercussions, and family and social incrimination or embarrassment, may play an important role in reducing and preventing child sexual abuse. Through early detection and reporting, dentists have the opportunity to prevent further injury or neglect to children suspected of having been maltreated. Childhood sexual abuse is associated with a broad array of adverse consequences for survivors throughout the life time. childhood sexual abuse is becoming more evidence now clearly demonstrates the link between child sexual abuse and a spectrum of adverse mental health, social, sexual, interpersonal and behavioural as well as physical health consequences. this understanding will assist in the identification treatment and prevention of child sexual abuse being able to disclose their experience in a safe and supportive environment and gaining access to effective services and the support they need to deal with those experience and all its effects.

### **REFERENCE:**

1. Miller BV, Fox BR, Garcia-Beckwith L."Intervening in severe physical child abuse cases: mental health, legal, and social services."  
Child Abuse Negl. Sep 1999
2. M.;Jones-Harden, Brenda.;Brown, Annie.;Gourdine, Ruby. Perspectives From the Child Welfare Community 2003
3. Harry Croft Report suspected child abuse or child May 2016

- 4.** Alexander Butchart, Harvey AP, Tilman Fürniss, et al. Geneva: World Health Organization; 2006. Preventing child maltreatment: a guide to taking action and generating evidence.
- 5.** Frank WP. Ten-Year Research Update Review: Child Sexual Abuse. *J AM ACAD/ Child adolesc psychiatry*. 2003;42(3):269–278. [PubMed]
- 6.** Bolen RM, Scannapieco M. Prevalence of child sexual abuse: A corrective metanalysis. *Social Service Review*. 1999;73(3):281–313.
- 7.** Dr.Lakshmi T and Rajeshkumar S “In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes”, *International Research Journal of Multidisciplinary Science & Technology*, Vol.3 , Issue . 3, P.No 20-25, March 2018.
- 8.** Trishala A , Lakshmi T and Rajeshkumar S,“ Physicochemical profile of Acacia catechu bark extract –An In vitro study”, *International Research Journal of Multidisciplinary Science & Technology*, Vol. 3 , Issue. 4, P.No 26-30, April 2018.





