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## **VIOLENCE AGAINST CHILDREN - NOT INFECTED BUT DEFINITELY AFFECTED**

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### **ABSTRACT**

A very famous poem by William Shakespeare “7 Stages of Life” includes a phase of “helpless infant” which every reader may not be find suitable to understand, agree or accept because childhood is a fleeting moment of one’s life which can’t stay for long even if one wants to. But what if it becomes a life-long nightmare? What if the protectors of child commit the ultimate betrayal? A touch from the right person embellishes the soul, but what if that touch is inappropriate? There comes “the helpless infant” which leads to the main issue “Violence against children”.

**Keywords:** Violence, exploitation, abuse, Human right, protection, children

## ***Introduction***

Violence against children is a widespread phenomenon. Interpersonal violence in family contexts is typical of childhood, whereas violence in recreational and peer context is common in adolescence and often involves new media. The risk of experiencing violence is related to many factors, including the child's age, psychological and cultural background. Data on the prevalence of violence vary from country to country depending on the documentation systems available. The number of unreported cases is estimated to be high. A meta-analysis consisting primarily of retrospective self-reported studies indicates an estimated prevalence of neglect, physical and sexual abuse ranging from 12 to 19%. Child emotional abuse is much more frequently reported, with a rate of upto 36.3%. However, the German study was unable to replicate these international findings. Child abuse is much less reported here. Violence against children has many negative effects on their physical, emotional and psychosocial development. Violence prevention therefore includes a range of international and national programs and strategies that can successfully reduce the violence against children. Programs that focus on promoting good parenting have shown particularly promising results.

## ***Notions and Perspectives of the Society***

Amidst all the rampages and brutality present in the world, isn't the word violence seems to be confusing to the world? Yes, it is for some of the population but not for another half because they are of the perspective that Violence knows no boundaries. Violence against any gender or class or age happens in every other country and can be perpetrated by peers, neighbours, intimate partners, caregivers, and strangers or even their own parents in any setting. It can be a child's home, school, community or any other place like Internet too and it leaves a permanent mark in the form of physical, emotional, psychological or sexual abuse. Child labour, child abuse, child marriage, child trafficking and Female Genital Mutilation (FGM), sexual assault, bullying and ample of other dreadful events that a child experience during and after the childhood stage which not only takes away their innocence but threaten them their entire life.

Most of the people in the society are of the notion that its propagation is not limited to any particular culture, religion, class or education. It is something more like a vicious behaviour or an aggressive act of the offender which can take any form and face. Whereas the other few deliberately blind themselves over issues as such and remain neglected and deprived towards their responsibility as a citizen.

A fundamental right for the protection of children from all shapes of violence is guaranteed by united convention on the rights of the child (UNCRC)<sup>1</sup> and other international human rights and standards as well. There has been ample of enactments time and again just to secure the childhood, the nation's future yet violence remains an all-too-real part of the child around the globe.

### ***Forms of Violence-***

**Child Sexual abuse (CSA)-** It is a form of child abuse, also known as child molestation in which an adult uses a child, with or without her consent, for sexual stimulation which encompasses sexual assault, rape, incest etc. 15% of the Massachusetts surveyed indicates that they have been abused sexually as children and the average age for reported sexual abuse is 9 today, among which 20% of the victims are even younger.<sup>2</sup>

**Child labour-** It refers to the intervention in the growth and exploitation of a child by depriving their childhood, education, potential and dignity. It is a violation of child's right as they are forced to engage in hazardous labour. According to the 2021 estimation of International Labour Organisation (ILO)<sup>3</sup>, there were approx. 218 million children aged 5-17 were indulge in some form of employment.<sup>4</sup>

**Child Trafficking-**It's that form of exploitation where children are refrained from safety and are forced to do illegal jobs into dangerous situations that includes prostitution, slavery, supplying drugs and many more. California topped the list of the highest case reported in 2019, with 1,507 cases.<sup>5</sup>

**Child marriage-** It is also a form of violence where a child, either a girl or boy below 18 years, is compelled to marry with an adult or similar age person, with or without consent. South Asia indicates the highest child marriages. According to United Nations Children's Fund

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<sup>1</sup> It is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.

<sup>2</sup> <https://www.enoughabuse.org/gtf/what-is-child-sexual-abuse.html>

<sup>3</sup> It is a specialized agency of the United Nations (UN) dedicated to improving labour conditions and living standards throughout the world.

<sup>4</sup> <https://www.ilo.org/global/topics/child-labour/lang--en/index.htm>

<sup>5</sup> <https://worldpopulationreview.com/state-rankings/human-trafficking-statistics-by-state>

(UNICEF)<sup>6</sup>, almost half of all child brides worldwide live in South Asia; 1 in 3 is in India.<sup>7</sup>

**Bullying-** It happens when someone is picked on by a group or person through force, coerce, abuse, threat, hurtful teasing. It is recognised by hostile intent and imbalance of power. Over 37% of Indian parents have admitted that India has the highest rate of children being victim of cyber bullying in 2018, so far.<sup>8</sup>

**FGM-** It is the ritual of removing or cutting partially or completely female genitals and it has been found out by World Health Organisation (WHO)<sup>9</sup> that majority of girls are cut before they turned 15. Egypt topped in 2013 UNICEF report, with highest no. of 27.2 million and Somalia with highest 98% of FGM.<sup>10</sup>

### *Indian Legislations*

- **Child Labour (Prohibition and Regulation Act) 1986-** This act was enacted on December 23, 1986 with the aim to prohibit the children below 14-15 years and who hasn't completed the process enlisted in *Part A & B of the schedule of CLPR Act*, to engage in any form of employment. It may also be called as the child and Adolescent Labour (Prohibition and regulation) act, which aims to eradicate any form of child abuse in the form of employment including domestic help in non-hazardous occupations).
- **Child marriage Restrain act, 1929 and Prohibition of Child marriage Act, 2006-** The former one was passed in 1929 to eradicate the evil which have the potentialities of threat to the health, safety and life of child and made the valid age of marriage to 18 years for girl and 21 for boys. The latter one was enacted on 27<sup>th</sup> January, 2007 with the aim to restrict the solemnisation of marriage with further additional amendments and then The child marriage restrain act, 2017 came into force in which *Section 22 states that government by repealing 1929 Act is pleased to publish the law.*
- **Protection of Children from Sexual offences Act, 2012 (POCSO)-** It came into existence on 14<sup>th</sup> November, 2012 and provides a framework to cover all forms of violence against

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<sup>6</sup> It makes efforts toward general programs for the improvement of children's welfare, particularly in less-developed countries and in various emergency situations.

<sup>7</sup> [https://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf)

<sup>8</sup> <https://firstsiteguide.com/cyberbullying-stats/>

<sup>9</sup> It is a specialized agency of the United Nations responsible for international public health.

<sup>10</sup> <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

children, i.e., penetrative and non-penetrative sexual assault, pornography, sexual harassment while protecting the juvenile interest. The foremost objective of this Act is to prioritise children safety by providing *a mechanism that renders child-friendly reporting, evidence recording, expeditious investigation and trial of offences through designated Special Courts.*

- **Section 67B<sup>11</sup> of Information Technology Act, 2000** provides provisions related to the description of child pornography and punishment for the offender under this Act.
- **Juvenile Justice Act, 2015- Section 79** of JJ Act talks about exploiting a child employee by engaging it into some entertainment programme so as to achieve economic gains and **Sec. 78** enshrined provisions for using a child for bootlegging.
- With the enforcement of **Criminal Law Amendment Act 2013, Section 370 of Indian Penal Code, 1872** was substituted with sec. 370 and 370A which provides comprehensive measures to menace human trafficking (includes exploitation of children) and **Sec. 372 & 373** deals with exchanging of girls to practise prostitution.<sup>12</sup>

#### *Statistics and surveys reviewed by welfare organisations*

Over the last decade, recognition and impact of violence against children has grown which only results in the increase of the stats- domestically and globally. Here are some of the facts and data conducted and registered and reported by NCRB<sup>13</sup>:

- According to the National Crime Record Bureau (NCRB), 109 children in India confront one or another form of child sexual abuse every day. The same records appear a sharp rise in wrong doings against children on a yearly basis.
- According to a signatory to the UNCRC in 1992, the Indian Government promised to secure all children from all kinds of sexual exploitation and sexual abuse, a nearly 19% of the world's children find home in India.

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<sup>11</sup> It prohibits storing, private viewing, transmission or publication of material containing child pornography in electronic form.

<sup>12</sup> <https://blog.iplleaders.in/offences-against-children/>

<sup>13</sup> <https://ncrb.gov.in/sites/default/files/CII%202019%20SNAPSHOTS%20STATES.pdf>

- During 2019, a total of 1, 48,185 crime cases against children were registered which indicates an increase of 4.5% over 2018.
- 35.3% of the violence against children population including child rape was registered under POCSO Act, 2012.
- A total of 6,616 cases of human trafficking were reported out of which 2,914 victims were children.
- It's also estimated that globally, around 1 billion children aged 2–17 years, have experienced physical, emotional or sexual violence or neglect in the past years.
- In 2019, 73,138 children were reported missing including male, female and transgender, out of which total of 71,253 were traced and recovered which shows increase by 8.9% as compared to 2018.

## Conclusion

*Art. 15(3), Constitution of India, 1950*<sup>14</sup> stipulates the state government to make laws in this respective field of protecting children. With the passage of time, there have been a lot of significant reforms as to eradicate exploitation and violence against children but the stats still keep on growing exponentially and its kind a devastating to watch. It is found that either they aren't young enough to express themselves or they aren't aware of the sex education and other laws that prevail for their safety. Also, our judicial system also fails to interpret the laws made by them and failed to provide justice as in the one of the cases "*Satish v. State of Maharashtra*"<sup>15</sup> under POCSO Act, 2012. It is also found that majority of CSA cases aren't reported due to social stigma or family honour. Not only this, there are still a lot more other troubling statistics that indicate children at more risk even then previously thought. A world designed for adults is becoming a vulnerable place for children and we as a nation, as a society have an obligation to make it a safer place for children to live in peacefully. If you suspect anything like this report it whether as a private person or mandated reporter. And here comes again the question for YOU TO DECIDE, whether you want to be a part of the crowd to end or deteriorate the

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<sup>14</sup> It empowers the government to make special laws/ provisions for women and children & abolition of sexual harassment which is a clear violation of fundamental rights of equality guaranteed under Art. 14(2) & 15(3).

<sup>15</sup> This unprincipled mends came when a man under the Protection of Children from Sexual Offences Act, 2012 was acquitted, who had groped a 12-year-old girl's breast and attempted to remove her salwar

violence against children or the one who fix the violence through violence and do nothing but create violence? DECIDE.

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- Child marriage Restrain act, 1929 and Prohibition of Child marriage Act, 2006
- Constitution of India, 1950
- Criminal Law Amendment Act, 2013
- Indian Information Act, 2000
- Indian penal code, 1872
- Juvenile Justice Act, 2015
- POCSO Act, 2012

## Also see:

- <http://www.legalserviceindia.com/legal/article-11-protection-of-childrens-human-rights->

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- <https://www.helplinelaw.com/employment-criminal-and-labour/CAII/child-abuse-in-india.html>
- <https://cdn.penalreform.org/wp-content/uploads/2013/06/A-review-of-law-and-policy-to-prevent-and-remedy-violence-against-children-in-police-and-pre-trial-detention-in-Uganda.pdf>
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