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BREAKING DOWN THE PROBLEM OF CHILD ABUSE WITH REFERENCE TO ITS EXISTING LEGAL STANCE

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Abstract

Child abuse in recent times has increased. The exploitation of innocent children, abusing little children can be seen everywhere. This research paper emphasizes the same, that is, Child Abuse. Children are the most honest and innocent still they are exploited. Trafficking children and using them as sex workers and as beggars can be seen easily. Although every nation has made various laws still exploitation of kids has not stopped. India has also made certain laws, but their implementation is not proper. There is very low strictness. Stats of cruelty against children can be pulled down through the proper implementation of laws. It's high time we realize that child abuse can affect a child's life and can damage their dreams. In addition to this, practices involved in a child abuse led to the infringement of basic human rights that every child is born with. Through this research paper, an attempt has been made to highlight the abuse we are doing to children and some solutions that can help to stop this problem.

Introduction

'Children are a heritage of the lord.'

Children are the most beautiful and innocent creatures in the world. They are honest and pure. Still, they are hurt and tortured at various stages in their life. Sometimes they are assaulted sexually and mentally. Physical maltreatment or sexual molestation of a child is known as child abuse. When someone causes harm to a child whether emotional harm or physical harm, it is referred to as child abuse. The harm is done intentionally by an adult or another child over a period. Lack of love and care can also hurt a child. In India, child abuse is one of the biggest social stigmas attached to society. Violence can have a deep impact on the growth of the child. Child abuse is a violation of basic human rights.

'Childhood should be carefree, playing in the sun; not living a nightmare in the darkness of the soul.' - Dave Pelzer

Childhood is the time of life in which we truly feel happy and enjoy even the smallest victories. But in the present time, everywhere we see, little children are doing odd jobs and working in the streets. Child abuse can be seen everywhere but poor kids are the ones who feel the brunt the most. They are unable to go to school due financial difficulty and even if there are some schools offering scholarships, they will still do the work to earn money for other basic necessities. They have to take responsibility for their family to earn and to feed.

The number of children being abused is increasing day by day. Sometimes caretakers and even parents are unable to treat their child in a nice way and this can result in child abuse.

Types of Child Abuse

1. *Physical Abuse* – It includes every type of violence inflicted to the body of innocent children.
2. *Sexual Abuse* – Forced sexual contact with anyone. Forcing underage children to have sexual intercourse against their will.
3. *Physical Neglect* – Lack of proper care and attention to the child. In this, proper love not given to the child.
4. *Psychological or emotional abuse* – Intentionally scaring a child or acting in an abusive or hostile manner towards a child.
5. *Psychological or emotional neglect* – Ignoring children and ignoring their need for love and attention. Lack of positive attention to a child. Sometimes children have to see the fight between their parents.

Child trafficking and the laws surrounding that

One of the major problems that is present in India is child trafficking. Child trafficking according to the United Nations is the recruitment, transportation, transfer, harbouring, and kidnapping of a child for slavery, forced labour, and exploitation. In India children belonging to the lower caste, Dalits, minorities, tribal communities are the most vulnerable. They are easy targets.

According to the 2012 Global Report on Trafficking in Persons released by United Nations Office on Drug and Crime (UNODC), 27 out of 100 victims of human trafficking between the

years 2007 and 2010 are children. 61% of children were girls out of 3.85 lakhs children who went missing over 2010-14.¹

The girls are sold and forced into prostitution and begging rackets. Their lives are exploited. Often the children of the poor are abused. Poor people live half of their life in debts that sometimes they are just so helpless that they have to sell their kids to survive. Parents of these kids are mostly betrayed by others. They have to trust the person who makes fake promises with them. Traffickers promise daily wages but all they do is the exploitation of innocent children. Lack of education and proper awareness is the main result of child abuse. In India, there is a huge need for the government to take strict actions. Thousands of kids are still working in brick factories, construction sites, etc.

'Buildings are built on big-big lands but work is done by tiny-tiny hands.'

Child trafficking can be for begging, organ harvesting, bonded labour, drug peddling, sexual exploitation, child soldiers, smuggling, etc.

Constitution of India -

Article 23 – prohibits traffic in humans and beggars, protects against exploitation, and makes the practice punishable under the law.

Article 24- protects children below age 14 from working in factories, mines, or other hazardous employment.

Indian Penal Code -

Section 366A- It's a punishable offense to induce any minor girl under 18 years of age or to force her for intercourse.

Section 366B- It's a punishable offense to import any girl under 21 years of age with the wrong intention to illicit intercourse with another person.

Section 374- if the person against his will is compelled to do labour, it will also be punished.²

¹Available at - <https://www.cry.org/issues-views/child-trafficking> (Last visited 13th August 2020)

²Available at - <https://blog.ipleaders.in/human-trafficking/> (last visited 13th August 2020)

Child prostitution and its legal stance

Exploiting and involving a child in sexual work is termed as child prostitution. In India, a huge number of children are sold in the market and then used as sex workers against their will. It feels like a nightmare to children who face these things.

'A lot of people in our community don't want to believe that child abuse happens in their neighbourhoods but it does' - Shari Pulliam

Child prostitution is illegal still it happens. This is because we turn a blind eye towards helpless children and our laws are not that strict to prevent it. The child is kidnapped, tortured, and then is left with no choice. Some children are even sold to foreign countries and they go through this trauma during their whole life.

According to Section 372 and 373 of Indian Penal Code, 10 years of imprisonment and fine can be awarded if there is buying and selling of girls for prostitution.

Despite various laws, children prostitution in India is only increasing. India has a very high volume of child trafficking. A child disappears every eight minutes. 4 out of 10 prostitutes are children according to the Indian Government and girls make the majority in children sex trafficking. Into red-light districts in India over 2 million women and children are trafficked for sex.³

A child can become a victim of commercial sexual exploitation when they are vulnerable. It damages a child not only extrinsically but intrinsically as well. Violence from home or poverty can also be the reason for child abuse. Sometimes they are sold by their parents and sometimes they are kidnapped. They are forced to sell their bodies to survive.

Millions of girls and women must live under the darkness of human trafficking across the globe. They are forced and they must live in continuous darkness and pain. Every second of their life is in fear. Child prostitution happens in the darkness that is why it is difficult to get exact numbers of victims. Most of the victims are small girls under the age of 14. Sexual exploitation is the

³Available at - https://en.m.wikipedia.org/wiki/Child_trafficking_in_India (last visited 13th August 2020)

main reason for the buying and selling of little kids. Exploitation happens where poverty and gender discrimination exist. Child abuse is a serious crime that shatters the lives of families. This crushes little children's dreams.

There are many real cases of child abuse that have happened all over the world. Some survivors have gone through so much that their stories can break anyone's heart.

MISTREATED FROM THE AGE OF 5

Karla Jacinto belonged to a poor family in Mexico who said that she was raped 43,200 times. While telling her story she had tears in her eyes. She said she was mistreated and abused from childhood. She was rejected by her mother. She was targeted by a trafficker when she was just 12. She states that she was convinced to leave her house. Her story is filled with pain and struggle she faced during her life. She was forced to work as a prostitute, and it broke her completely.

Karla is now 23 years old and she has become an advocate against human trafficking.⁴



SURYANELLI RAPE CASE

A 16-year-old girl was kidnapped with the promise of marriage on 16th January 1996. For 40 days she was raped by 37 of the 42 accused persons. The case went to the court where Kerala High Court acquitted 35 convicts on 20 January 2005 except the prime accused Dharmarajan. Women's rights activists criticized the decision.

The Kerala High Court upheld Dharmaraja's life sentence and acquitted 7 of the 35 surviving accused on April 4, 2014.⁵

⁴Available at - <https://edition.cnn.com/2015/11/10/americas/freedom-project-mexico-trafficking-survivor/index.html> (last visited 14th August 2020)

⁵Available at - https://en.m.wikipedia.org/wiki/Suryanelli_rape_case (last visited 14th August 2020)

The pressing need to stop child abuse

'Child abuse does not go away, but 90 percent of child abuse is preventable.' – Karen Adams

Child abuse needs to be stopped. Violence not only harms children physically but mentally also. It creates a dreadful impact on the mind of a child for their lifetime.

Children need to know that they are capable of love and attention. They must be told that their dreams matter and it is totally fine to dream about anything. Being a parent is never easy but for the betterment of the child, they have to battle all the wars. Whenever their child is facing any problem, they should offer a hand to help. Adults should try to control their anger and should behave nicely with kids. Children learn everything from adults. The way we will treat our kids is the way they will treat others. Parents should get involved in children's work so that they can understand their kids properly. Caretakers should always be active to help children. Different programs should happen in schools. Children should be taught how to treat and how to react to others.

The major problem is most of the cases are not reported. So it's high time to be a responsible human. Crimes are always in front of us still, we ignore them. We should take a pledge that every crime must be reported. We should not turn a blind eye towards a victim.

Children should be kept away from drugs and alcohol. Parents should try to understand them and should try to teach them not by violence but by love. Parents often feel frustrated from workload, but it should be kept aside while talking to innocent children.

Enough education should be provided to both parents and children so that they can never discriminate against any religion or sex. Parents should love their daughters as much as they love their sons. No one is inferior.

'To terrify children with the image of hell, to consider women and inferior creation-is that good for the world?' – Christopher Hitchens

Conclusion

'The soul is healed by being with children' – Fyodor Dostevsky

Children are gifts from god. Still, the torture on them is increasing day by day. It's high time we stop child abuse and help those innocent kids. Children are the most honest creatures. Still, some cruel people are selling innocent kids in sex markets and even for labour works. Children are used for begging. It's high time to finish this cruel system. The human community has become selfish, for our interest, we can do anything. The greatest gift to us is that we can raise our voice against injustice. We must fight to save these innocent kids. We must stop child abuse. We can't just wait for the police or NGOs to save the kids. We can report every crime. Through social media, we can raise voice and help the poor children. We can provide shelter for needy children. We should educate each other and help to grow others. We are at our best when we support each other. Child abuse must be stopped

'Run to the rescue with love and peace will follow'

'Children are the hands by which we take hold of heaven' – Henry Ward Beecher

