

Chapter 17

Childhood at Risk: Examining the Effectiveness of the Framework in Protecting Children From Sexual Offenses

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ABSTRACT

Child sexual abuse is a social evil that is frequently around the globe. They are becoming more numerous every day, which makes it difficult to evaluate the situation. The chance of negative psychosocial and mental health effects associated with child sexual abuse is unquestionably increased, but even stability processes identified a number of protective factors, including as family support. The perpetrators of this crime take advantage of their position of vulnerability, trust, and power in order to commit child sexual abuse or attempt to do so for financial gain or other purposes. Given how similar the terms “child sexual exploitation” and “child sexual abuse” are, it can be challenging to distinguish between them. Children who experience child sexual abuse suffer grave consequences. It serves as a huge roadblock to growth and advancement. Many health behaviours brought on by child sexual abuse result in negative mental, physical, and social outcomes throughout life. There are numerous circumstances that can contribute to child sexual abuse.

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LITERATURE REVIEW

The effectiveness of legal frameworks in protecting children from sexual offenses is a complex issue, with a range of factors influencing their success. Niriella (2018) and Billis (2011) both emphasize the importance of strong legal frameworks in preventing and addressing sexual violence against children, with Niriella specifically focusing on the need for prevention and enforcement mechanisms. Wunneburger (2008) and Manurung (2023) highlight the role of specific laws and measures, such as sex offender registries and the Child Protection Law, in providing protection. However, the implementation and enforcement of these laws are crucial, as Manurung (2023) notes the need for legal education and appropriate sanctions to address and prevent sexual crimes.

The legal framework for protecting children from sexual offenses in India is a complex and evolving system. Seth (2015) and Mathew (2016) both highlight the need for a more effective and coordinated approach, with Mathew specifically emphasizing the role of NGOs in providing services and improving trial procedures. The Protection of Children from Sexual Offences Act, 2012 (POCSO) is a significant step forward, but it also has some unintended consequences, such as issues with age determination and mandatory reporting (Belur, 2015). Pandey (2019) further underscores the importance of understanding the risk factors, outcomes, and protective factors of child sexual abuse in India, suggesting a conceptual framework for addressing these issues.

A range of studies have explored the issue of child sexual abuse in India and the legal framework in place to protect children. Sharma (2023) proposed a conceptual framework for understanding the risk factors, outcomes, and protective factors of child sexual abuse in India. Manral (2022) discussed the provisions of the Protection of Children from Sexual Offences Act and its application in the medical and psychological fields. Belur (2015) highlighted the benefits and unintended consequences of the Act, particularly in relation to the criminalization of sexual behavior under 18 years of age. CasimirRaj (2021) provided an overview of the different types of child abuse, including sexual abuse, and the legal framework for protecting teenagers. These studies collectively underscore the importance of a comprehensive approach to addressing child sexual abuse in India, including the need for effective implementation of the legal framework and consideration of unintended consequences.

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is a crucial legislation in India, aimed at safeguarding children from sexual assault, harassment, and pornography. It establishes special courts for the trial of such offenses and incorporates child-friendly mechanisms for reporting, evidence recording, and investigation (Mohanty 2021, Acharya 2020). The Act is comprehensive and applies to all, regardless of caste, creed, gender, or religion, with a focus on

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