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ARE OUR CHILDREN SAFE?

Reshma Santhosh, Research Scholar, NIMS University, Jaipur

Introduction

Children are the house of cards for sexual violence and therefore are extremely feeble.

As per the National Crime Records Bureau published, crimes against children have increased, particularly child abuses. According to the government study conducted in 2007, it has reported that 53 percent of children had faced sexual abuse and half of these were from the most secure and protected hands. Moreover, In India, 1714 cases have been reported of human trafficking. Children who are transferred, harbored with the intention of exploitation are victims of child trafficking. Female victims are been more trafficked than male victims. In the study conducted by the National Commission for Protection of Child Rights (NCPCR), about 55% of children faced such kinds of abuse. According to a study conducted by the National Commission for the Protection of Children around 25% of children have also experienced physical abuse. Also, 11% of children claimed to have been victims of emotional or verbal abuse.¹

Indian laws are considered to be the toughest law. The Indian government has formulated many regulations to safeguard the rights and well-being of the children. These laws cover a broad spectrum of challenges such as child labor, education, healthcare, and protection from abuse and neglect.

Constitution Of India

¹ Jangam Shashidhar, Child Trafficking & Laws in India, Prime Legal Leaders in the Law of Ideas (March .25,2024,12:45pm) [https://primelegal.in/2023/06/25/child-trafficking-and-laws-in-india/#:~:text=The%20Criminal%20Law%20\(amendment\)%20Act,or%20any%20form%20of%20sexual](https://primelegal.in/2023/06/25/child-trafficking-and-laws-in-india/#:~:text=The%20Criminal%20Law%20(amendment)%20Act,or%20any%20form%20of%20sexual).

The Fundamental rights outlined in the Indian Constitution are enforceable through courts and are justiciable. These rights form the cornerstone of the Constitution and ensure the dignity and freedom of every individual are protected.

Article 21 guarantees each individual to have a protected life and personal liberty. Free and compulsory education is guaranteed to every child in Article 21A . and Article 23 prohibiting trafficking and forced labor.

Children below 14 years are been restricted from working in hazardous places which is guaranteed in Article 24. Directive Principles of State Policy guide state policies, emphasizing socio-economic rights. Article 39 emphasizes policies for labor, women, and child welfare. Article 37 focuses on providing opportunities for children and youth development to prevent exploitation.

Statutory Laws in India

The Child Labor (Prohibition and Regulation) Act of 1986 and the Transplantation of Human Organs Act of 1994. Also, the Indian government has amended the Indian Criminal Code and passed other pieces of legislation to address the problem of child trafficking (IPC).²

Section 370, Section 370A of the Indian Penal Code was replaced by the Criminal Law Amendment Act of 2013 which set forth a serious threat posed by the illicit trade of humans against such trafficking of children or any form of exploitation, including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.³

Immoral Traffic (Prevention) Act,1956 helps in reducing sexual exploitation and prevents position. The Juvenile Justice (Care and Protection of Children)Act 2000 deals with the protection measures for the repatriation and rehabilitation of children.

² Ray Nilanjana, Wither Childhood? Child Trafficking in India, 29, Social Development Issues,72 (2007) https://www.researchgate.net/publication/271514898_Wither_Childhood_Child_Trafficking_in_India/citation/download.

³ Jangam Shashidhar, Child Trafficking &Laws in India, Prime Legal Leaders in the Law of Ideas(March.25,2024 12:45 pm), [https://primelegal.in/2023/06/25/child-trafficking-and-laws-in-india/#:~:text=The%20Criminal%20Law%20\(amendment\)%20Act,or%20any%20form%20of%20sexual](https://primelegal.in/2023/06/25/child-trafficking-and-laws-in-india/#:~:text=The%20Criminal%20Law%20(amendment)%20Act,or%20any%20form%20of%20sexual).

By these enactment, it has become the most holistic and encompassing legal framework that aims to protect the victims of sexual abuse. These are the most recognized legislations that stands for the protection and advocacy of children. The widespread response reported after enacting these acts have increased. These acts provide a framework for the protection of children from all forms of sexual acts of violence that include molestation and rape.

Child laws can significantly vary from country to country. It can depend on government policies, cultural norms, and societal values. But these laws must ultimately be designed to protect the child and safeguard their well-being. It should primarily identify the origin causes of the issues and prioritize the impacts caused. But they should all rely on the principle that society must ensure that the rights of children are to be upheld.

Child protection also involves taking measures to prevent and respond to abuse, neglect, and exploitation of children. Child protection can be carried out by parents, caregivers, and the community at large, as well as by government agencies and organizations dedicated to the welfare of children. Some of the key components of child protection include early identification of risks and vulnerabilities, legal and policy frameworks that support the families of the child, and effective redressal and a grievance mechanism to report cases of children facing abuse and neglect.

Children all across the world are victims of acts of violence, abuse, and exploitation. They are forced to labor in intolerable situations, assaulted sexually or subjected to violence as a form of punishment, subjected to female genital mutilation, coerced into prostitution, married off as children, and trafficked into exploitative conditions of work. When children are put in these kinds of situations, their human rights are violated in the most basic ways. They also suffer physical and mental trauma that can have long-lasting effects and, in some cases, even be permanent.⁴ Therefore Governments institutions, NGOs and international organizations can work together to protect the victims through prevent trafficking and all sexual violences

Even though many laws are brought in to prevent abuses and sexual outbreaks of violence, these issues can be operative only by implementing strict legislation. Apart from addressing such incidents and bringing those offenders into light, it is very important to bring support to those victims and help them to overcome the trauma as well as offering the victims counseling therapy, and medical care which aims to

⁴ UN Children's Fund (UNICEF), Progress for Children, A Report Card on Child Protection, <https://www.refworld.org/policy/legalguidance/unicef/2009/en/69731>, (March.25,2024).

promote recovery and resilience. It may include a supportive environment with caretaking, promotes dignity, and a sense of belonging for those who experience this trauma. Through this nurturing, help them heal and lead a fulfilling and healthy life.