

CHILD ABUSE AND PORNOGRAPHY

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Abstract

The legality of child pornography was finally conveyed by the United Nations in the year 2008 and the revelations made thereafter came as shock to worldwide. It was found out that 94 countries had no laws against crime of such gravity and those countries which had certain laws, the laws were inadequate to tackle the issue. What came as a bigger shock was the fact that in nearly 138 countries child sexual abuse was not even considered as a crime. At that time only five countries namely – Belgium, France, South Africa, Australia, The United States had stringent laws to deal with the present issue. But in later reports by the International Centre for Missing and Exploited Children (ICMEC), there was observed a positive increase in the number of countries which implemented the new laws relating to child pornography.

In a survey by the World Health Organisation (WHO), it was found that nearly 73 million minor boys and 150 million minor girls went through one or another form of sexual abuse. The highest rate of such abuse was recorded in the United States and many Asian countries including India.

Keywords: child sexual abuse, child pornography, internet, abusers, international protocols, Indian laws, POCSO act.

Introduction:

Here are some statistics to make you realize the gravity of this issue. Over 25 million photographs are analyzed by the national center for missing and exploited children in a year that makes it to more than 480,769 pictures a week. If this does not give a wakeup call to us then what will? Child sexual abuse in India is one of the biggest social-stigma and had always remained an unseen issue. Ignored mainly by the public at large and also by the criminal justice system. It should not come to us as a surprise that India is home to approximately 19% of the World children population and nearly 41% of that population account for less than 18 years of age which means they are minor. According to a survey conducted by a national agency, nearly 50% of India's child population needs from protection from physical and sexual assault. Girls are more prone to both these forms of abuse however boys are no safe than girls.

The World Health Organisation defines child sexual abuse (CSA) as an indulgence of a child in any physical activity which the child doesn't fully apprehend and is not in a position to give informed consent to it or for which the child is not developed or which violates the laws.

Albeit child pornography remains the legal expression for this issue the subject matter is one of the most violent and horrific forms of abuse for this reason the usage of the term child sexual abuse has begun. Child pornography as defined by the Optional Protocol to The Convention on The Right of Child on The Sale of Children, Prostitution, Child Pornography means depiction by any means of a child engaged in any sexual act or depiction of any sexual part of children with sexual intent.

Child Sexual Abuse is a problem of international magnitude and while its physical harms are somewhat known to the masses but this is not just it. CSA is a much wider and complex issue which is inclusive of: exposing oneself in front of children, masturbating in front of minor or forcing the minor to masturbate, having intercourse in presence of a child, vernal course of any kind with a minor including anal, vaginal, oral, obtaining obscene pictures or videos on a minor, sending salacious text messages to a minor or any other pursuit which is injurious to the child's mental and physical health.

Victims of Child Pornography:

An unforeseen and unacceptable repercussion of the digital era is the unprecedented and illegitimate upsurge in the trade of child sexual abuse content. It is crucial to distinguish child pornography from the increased popular preserve shut of the period time pornography. Child pornography is the sexual exploitation of a minor who isn't even capable enough to give valid consent, and each such image obtained graphically memorializes the sexual abuse of that child and present it on a platform where it can be accessed by anyone and everyone. Each child involved in the manufacturing of such a photo/video is a sufferer of sexual abuse. The manufacturing of infant pornography creates an eternal file of a child's sexual abuse. When these snap images are placed on the Internet and disseminated online, the victimization of the youthful human beings continues in perpetuity. While some child sexual abuse snap photographs depict these young people in pinnacle notch misery and that sexual abuse is self-evident, other pictures can also moreover depict children that show complacent. However, just due to the fact an infant looks complacent does not in any way imply that sexual abuse did no longer occur. It is observed in most minor pornography cases, the abuse is no longer a one-time event, but then again ongoing victimization that progresses over months or years. It is become popular for producers of child pornography to groom victims, or domesticate a relationship with a toddler and in many instances sexualize the contact over time. The grooming approach fosters a false day trip of having authority over a child to desensitize or smash down a child's resistance to sexual abuse. Therefore, even if a minor appears complacent in any such lewd image, it is imperative to take into account that the abuse has happened though it may have commenced years ago and the obtained photograph is just a result of long inflicted misery on the child.

Once a photo is on the Internet, it is irretrievable and can proceed to float into forever. The everlasting document of a child's sexual abuse can alter his or her mental status and it may continue to be like this forever. Many victims of toddler pornography suffer from imperative damage of helplessness, fear, humiliation, and lack of understanding and being manipulated given that their snapshots are in hands of others to view in perpetuity. Experts and victims agree that victims depicted in little one pornography frequently go thru a lifetime of re-victimization through a way of grasp the snap pics of their sexual abuse are on the Internet forever. The young adults exploited in these snap photos choose to continue to be with the permanency, longevity, and circulation of such a file of their sexual victimization. This often creates lasting psychological injury to the child, inclusive of disruptions in sexual development, self-image, and growing trusting relationships with others in the future.

Unfortunately, rising features expose an increase in the range of photographs depicting sadistic and violent child sexual abuse, and make larger the extent of photos depicting very youthful children, consisting of minors and infants.

International legal instruments dealing on the issue:

Some prominent international conventions which provide strict and binding law against child pornography are

1. Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution, child pornography- to help cater to the issue of child sexual abuse United nations adopted this protocol in the year 2000. The prime objective of this instrument is to criminalize the various violations of children's rights such as selling children for sexual and non-sexual purposes such as *organ selling, illegal adoption, forced labor*, etc, also any person accepting the child for such activities is liable to be punished. This protocol also makes it necessary for the Governments of various ratifying countries to provide legal or any other form of assistance required by the child victim.
2. The convention on cybercrime also known as the Budapest convention, 2001- it is the first-ever and instrument of one of a kind which aims specifically at protecting against cybercrimes namely misuse of devices, child pornography, system and data interference, hate crimes, and also any sort of violation of network security.
3. The council of Europe's convention on the protection of children against sexual exploitation and sexual abuse, 2007- this convention simply makes vernal activities with a child below the legal age of consent as a criminal offense (even the abuse suffered by a child at home under force or coercion) irrespective of the circumstances in which such conduct has happened. Presently 47 countries have ratified this convention and India is not among those countries.

Laws to Combat Child Sexual Abuse in India:

Up until very lately, child sexual abuse was not recognized as an offense and there were no laws to tackle the situation however with the efforts of various NGOs and the Ministry of Women and Child Development the *Prevention of children against sexual offenses act (POCSO)* of 2012 was passed by the legislature which provides for strict punishment for the abusers of children. It is a gender-neutral act and covers only child survivors and adult offenders. Some notable provisions are:

The *POCSO* act criminalizes sexual abuse, sexual harassment, pornography involving a child (below 18 years of age). The act also dispenses severe punishment to the abuser ranging from fine to rigorous imprisonment of a varying period which is decided by the court, the gravity of the punishment increases if the abuser is someone with whom the minor had a relationship of trust.

The act broadened the scope of penetrative sex, it is now inclusive of the insertion of any object into the mouth, vagina, anus of a child victim along with penile penetration. Oral sex was also covered under it.

Special courts were introduced under the act to provide for more sensitive in-camera trial proceedings of the case, which saves the victim from any sort of trauma from the mishap and also protects the identity of the child.

Under the act, the attempt to commit an offense against the minor is also liable to be punished with half the sentence as in the case of committing the offense. The media is also barred from revealing any information about the child such as name without permission of the special court.

Other provisions dealing with the issue:

Section 67 of the IT dispenses strict and rigorous punishment for a person who produces, publishes, or transmits child pornography in any electronic form.

Section 372 and 373 of IPC provides punishment for buying and selling of minors with the intention of prostitution, respectively.

Section 366A of IPC makes forcing or seducing minor girls to have illegal sexual intercourse punishable.

Conclusion:

child sexual abuse being a social taboo and an issue cloaked in secrecy makes it necessary for parents/guardians to understand the magnitude and gravity of the situation and create a safe and protected environment for the child where they don't feel hesitant to talk about any issue they might be facing. Very often it is seen that the abuser is someone the child and the parents of the child know. These offenders have access to being close to the child which they start misusing for abusing the child and start normalizing sexual contact with the kid. They manipulate these young and innocent minds to not speak up about the issue by using their position of trust.

With all these factors prevailing it becomes our duty as vigilant citizens/parents/neighbors to keep an eye out on such abuses. And maintain an active interaction with our kids against any form of abuse only then we can keep these young and brilliant minds safe.

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