

“SEXUAL ASSAULT: A NO CHILD’S PLAY”***ANALYSIS OF THE LAWS RELATED TO PROTECTION OF CHILDREN
FROM SEXUAL OFFENCES IN THE GLOBALIZING WORLD*****-DIVYANSHI PATHAK¹****Abstract**

“Child Sexual Abuse” is a term which encompasses all types and range of sexual advances towards a child who is incapacitated to comprehend, defend or resist such an abuse due to the age they are in. It may range from actually raping a child to inappropriately touching a child, which is sexually motivated.

Sexual abuse of a child effects the psychological and personality development of a child and hinders the process of healthy and safe growing-up environment. Child sexual abuse can lead to a lifelong impact if not prevented and addressed properly in a child-friendly manner.

Keeping in mind as to what is child sexual abuse, its prevalence in the global society and its implications, this paper intends to deal with the effect of globalization on the laws relating to prevention of children from sexual offences.

This paper will begin with analyzing the need for laws to prevent sexual offences against children. The United Nations Convention on the Rights of the Child (UNCRC), being a global document attempting to safeguard the rights of children, will be analyzed first in this paper; coming down to the study of the United Kingdom’s approach in dealing with the sexual offences against children, which is majorly covered under “Sexual Offences Act, 2003” from the perspective of it being a developed country.

In order to have a comparative study of the laws dealing with sexual offences against children at global level, this paper will further deal with the South African laws related to this topic, as it is being considered a developing country. Narrowing it further to India’s legal stand towards protection of 39% of its total population, by the enactment of “Protection of Children from Sexual Offences Act, 2012”.

This paper will constraint itself to the reasons behind its non- effective implementation, with the help of various judgments and opinions of the judges dealing with the cases filed under POCSO

¹ Student LL.M, Symbiosis Law School, Pune

Act, 2012; and the need for imparting sex education being at a higher pedestal than unnecessarily amending the existing laws which are well drafted.

“Sexual Assault: A No Child’s Play”

Analysis of the laws related to Protection of Children from Sexual Offences in the Globalizing world

“Children are like wet cement, whatever falls on them, makes an impression.”

-Dr. Haim Ginnot²

1. Introduction: The *Bureau of Justice Statistics Report*, states that in US 1.6% of children between the ages of 12-17 were victims of rape/sexual assault. 1 in 20 children in the United Kingdom have been sexually abused³. In India, since the inception of Protection of Children from sexual Offences Act, 2012, there have a total number of 4220 cases registered under this Act, and 3145 arrests have been made with regard the same⁴. All these numbers are real depiction as to how grave the issue of children being sexually abused throughout the globe is. These numbers are not even the exact statistics with respect to the number of children who face the evil of sexual abuse in any form, because in the UK alone, 1 in 3 children sexually abused by an adult did not tell anyone⁵. Hence, what these statistics depict is only the tip of the ice berg, and the rest lies deep beneath the ocean of practicalities for the law enthusiasts to ascertain and deal with. Apart from this, the fact of Globalization and its impact on the local municipal laws throughout the countries is also real and existing. The United Nations Convention on Rights of Child adopted in the year 1989, was a global document that made its signatories realize that as the world is becoming a globalized society, therefore we need to protect our children together. The children have to be treated as individuals whose human rights are being violated everywhere in the world where they are sexually abused.

This research paper aims at analyzing as to how the UNCRC has affected the municipal laws of the UK, India and South Africa related to protection of children from sexual offences. Secondly as to how the fact of globalization affected the framing of laws across the world. Lastly this

² Child Psychologist

³ Radford , L. et al(2011) Child abuse and neglect in UK today

⁴ <http://ncrb.gov.in/>

⁵ Radford , L. et al(2011) Child abuse and neglect in UK today

paper will throw some light on the causes failure of implementation of the well drafted POCSO Act, 2012. Finally concluding it with some suggestions.

2. What is Child Sexual Abuse?

“Child Sexual Abuse” is a term which encompasses all types and range of sexual advances towards a child who is incapacitated to comprehend, defend or resist such an abuse due to the age they are in. It may range from actually raping a child to inappropriately touching a child, which is sexually motivated. Sexual abuse per se is a violation of the human rights as well as it is a crime that affects the victim physically as well as psychologically. Hence, committing the offence on a child has a much devastating effect, because of the vulnerability involved of this group of people. Gone are the days, when sexual assault was limited to either actually raping the child or sexually abusing the child by various ‘wrong touch’. With the ease of data and information transfer across the world, with the boundaries between the countries being easily accessible, the web of child sexual abuse has spread to take various forms like, child pornography which is at a larger scale due to the development in the technology, trafficking of children for sexual exploitation, pedophilia and the tourists in various countries being involved in it, adoption both within the country and cross borders for the sexual exploitation of children etc. It will be injustice to the truth of the matter if it is only stated that only the technological development has been a contributing factor of child sexual abuse, because the cultural aspects have also been a major contributing factor giving sanction to the sexual exploitation of the children since ages. For instance the practice of devadasi in the various Indian temples can be construed as “temple prostitution” because the girls are sexually exploited under the veil of culture and tradition.

3. Prevention of Children from Sexual offences at the Global Level:

Declaration of the Rights of child adopted by the General Assembly on 20th November, 1959, indicated that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after death.”⁶

⁶ https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.225352474.1298882344.1502271354-1373458354.1502271354

Article 2 of the UNCRC, gives the concept of protection of children from sexual offences, a globalised character, as it mandates the State parties to ensure the rights enshrined by the Convention to each child within their jurisdiction. Hence now the rights of the child is not restricted by the boundaries of the country, they are considered to be individuals whose rights against sexual exploitation has grown beyond the municipal laws, and has entered in the purview of International Laws.

But it is essential to mention that firstly, before the UNCRC came into existence, the global world was not recognizing the evil of sexual offences against children, even though it has been and it is spreading across the globe. After the UNCRC came to effect, it made an effort to widen its scope to cover all forms of sexual abuse of children. Article 34 of the UNCRC states that

“State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity.*
- b. The exploitative use of children in prostitution or other unlawful sexual practices.*
- c. The exploitative use of children in pornographic performances and materials.”⁷*

Apart from this specific Article, the convention also has some aiding provisions like Article 35 and 36 preventing trafficking, sale and abduction of children which ultimately leads to the sexual exploitation of the children. Then Article 32 takes a step towards protecting the children from economical exploitation. But all these provisions have kept their scope too focused towards involvement of children in prostitution and pornography only, leaving behind the cultural and economic constraints prevailing in almost all the countries of the world.

Protection from sexual abuse is an essential human right. Since the UNCRC recognizes to prevent the human rights of every child across the world, therefore protection of children from sexual offences becomes an inevitable part of this Convention. In Pre UNCRC era, it was a fact that, the protection of children from sexual offences was not even recognized as a Human Right, even though the earlier international documents like ICESCR could have been utilized in a manner to protect the children. This never happened because we as an international community never gave much emphasis on the need of protecting the children from sexual abuses.

⁷ Article 34, United Nations Convention on Rights of Children

3.1 Sexual abuse of children backed by cultures throughout the world:

Even when the world is divided by boundaries, yet the fact of children being exploited and being subjected to torture and harassment, under the pretext of cultural mandates, has been there in almost all the countries. In New Guinea the society has a cultural believe that the sexual maturity of the male children will not be achieved by natural factors instead it is to be achieved by cultural intervention. These cultural rituals involve various brutal practices like, beating the child, nose bleeding rituals or indulging in forced homosexuality with the adult members of the society⁸. The practice of female genital mutilation in Africa, Middle East and Asia, of the practice of devadasi in India are a few more examples of culturally backed sexual exploitation. This is clearly the violation of the human rights of the children to be protected against sexual assault. The umbrella protecting such a practice is the “culture”. There is a friction between the cultural rights of the community of following a ritual and the individual rights of the children to be living in a protected environment. When we talk of such cultural practices, these cultural practices travel along with the people, for instance due to migration, which is a very important outcome of globalization, these rituals are introduced in a society which is totally unaware of it. This phenomenon will lead to the municipal laws of that particular country to be reformed in such a manner that it is being made capable to dealing with such migration of rituals affecting the human rights of the children. Therefore there is a need of an explicit and well defined international protection which considers and tackles the sexual exploitation of the children backed by culture.

Reason being that the individual human rights shall be at a higher pedestal than the group cultural rights.

3.2 Sexual exploitation of children due to economic needs:

⁸ Sexual Use, Abuse and Exploitation of Children: Challenges in Implementing Children’s Human Rights, Roger J.R. Levesque, 60 Brook. L. Rev. 959 1994-1995

When we consider the economic needs which leads to sexual exploitation of children, then we are not restricting our field of study to only the individual economic needs, instead we have to widen the scope towards the family's as well as the country's economic dependence. With the ease of international transportation, the sex trade is booming, and trafficking of children to be utilized for the sex trade is at growth, in the era of globalization. According to a research undertaken, there are 800,000 child prostitutes in Thailand, 4000,000 In India, 250,000 in Brazil and 90,000 to 300,000 in the United States⁹. This child prostitution is not restricted to the females, but even male children are involved in it. Firstly the children are forced into prostitution either by the family themselves in order to fulfill the economic needs of the family as well as the individual. This is mostly the result of poverty and unemployment, due to which the family or a person acquainted with the children themselves push them to the pit of lifelong exploitation. Secondly, the children may land into the labyrinth of sex industry due to abduction and trafficking of children from various countries like Nepal, India etc⁷. According to an estimate done by UNICEF 7, 00,000 to 2 million women and children are trafficked per year all across the world⁸. Thirdly, one of the major consequences of globalization is the increase and ease of sex tourism, wherein a country's economy is greatly dependent upon it, like that of Thailand. Therefore, the economic condition is also a contributing factor in spreading of child sexual abuse.

3.3 Child sexual Abuse in Family and the role of International Community as *Parrens Patriae*:

A number of studies across the world depict that in most of the cases the child is being subjected to sexual abuse from the family members or from someone who is acquainted to the child, rather than strangers. The reason behind this fact is that the person who is a family member or acquainted to the child has a advantage of confidence of the child and at the same time the abuse can be kept within the four corners of the family by controlling the child and his/her environment. Apart from this, the astonishing reality that comes ahead is the fact that in most of the cases of intra familial sexual exploitation, even though the family becomes aware of the abuse, they tend to discourage the reporting of such incidents to the concerned authorities in the attempt to save the illusionary and false pride of the family. In such a scenario, the children shall

⁹ Preserving children's Rights: The Challenges of Eradicating Child Sexual Exploitation in Thailand and India, 22 Suffolk Transnat'l L. Rev. 259 1998-1999

be considered as individuals, who are in need of protection. Since the child is foremost considered to be under care of family, and then the State under whose jurisdiction it belongs to draft and implement the municipal laws in such a manner that it protects the children being the vulnerable part of the society. But, giving this protection a global effect and due to the fact that we are not recognizing the human rights of the child on the basis of nationality, but as an individual, the protection of whom is the responsibility of the international community as a whole. Therefore, we can say that in the present context, the International Community via such international conventions like UNCRC has to play the role of “*parens-patriae*”. According to the Doctrine of *Parens Patriae*, the state has the power to act as the parent of the persons who are unable to protect their interests. In the light of this doctrine, the UNCRC under Article 19 has provided that “*State Parties shall take appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*”⁹”

4. Child Sexual Abuse in the United Kingdom:

The United Kingdom earlier dealt with sexual abuse under the Sexual Offences Act, 1956, which was later on replaced by The Sexual Offences Act, 2003, which came up with stricter definitions and provisions. Under the Sexual Offences Act, 2003, there have been strict laws brought onto the law books. The Act deals with all forms of sexual abuse in a singular Act, rather than having a separate enactment to specifically deal with the sexual abuse of children. The Act deals with sexual abuse of children under the following heads:

- a. Rape and other offences against children under 13
- b. Child Sex Offences
- c. Abuse of position of trust
- d. Familial child Sex Offences
- e. Indecent photographs of children
- f. Abuse of children through prostitution and pornography
- g. Exploitation of prostitution
- h. Trafficking

i. Offences outside the United Kingdom

The Sexual Offences Act, 2003, was enacted with a main aim of defining the sexual offences against the children in such a way that it is not gender specific. So at the first glance this Act is to a large extent apt, as it deals with almost all the aspects of sexual maltreatment of children, but even this Act has a shortcoming when it specifically comes to Section 5, which states as follows:

“(1) A person commits an offence if-

- (a) He intentionally penetrates the vagina, anus or mouth of another person with his penis, and*
- (b) The other person is under 13.”¹⁰*

So, if this section is analyzed then it can be concluded that the offence of rape is not made gender neutral, because it specifically talks about penetration of the vagina, anus or mouth by the penis, hence the offender can always be a male person. Hence, the scenario of “male rape “has not been recognized.¹¹

Another problematic section of this Act is Section 15, which deals with *“Meeting a child following sexual grooming etc.”¹²* This section has been drafted in such a manner that it will come under the purview of it, also the genuine grooming done by any adult member. The effect of this section will be that the child will be deprived of the general care and protection and it will come in the way of the natural child-adult interactions, because of the fear of prosecution in the minds of adults under this section¹³.

The various positive aspects of this legislation is that it specifically deals with the offence of inter familial sexual abuse of children, and also elaborately covers the offences of pornography, prostitution, trafficking, and breach of responsibility that is posed upon the members enjoying the position of trust with the children.

In the era of globalization, the UK has tried to cover the aspect of trafficking into, trafficking within and trafficking outside the jurisdiction of UK, and has made it punishable. This aspect has an effect that it will protect the children of UK to be trafficked anywhere for being sexually exploited. Apart from this the Act, also makes its grip on the nationals of UK stronger, with

¹⁰ Section 5, Sexual Offences Act, 2003

¹¹ Male Rape and the Quest for gender-neutrality in the sexual Offences Act, 2003, Paul Powlesland, 1 Cambridge Student L. Rev. 11 2005

¹² Section 15, Sexual Offences Act, 2003

¹³ Sexual Offences Act, 2003, Arfan Khan, 68 J. Crim. L. 220 2004

making them accountable for the child sexual abuse committed by them outside the jurisdiction of the UK.¹⁴ End Child Prostitution in Asian Tourism (ECPAT), an international human rights organization, supports the concept of extra-territorial legislation against sex tourism¹⁵, and hence this provision of Sexual Offences Act, 2003, is a step towards that.

As it is globally recognized that until and unless the world as a whole will not try to protect its children as individuals, the aim set forth by the UNCRC cannot be achieved. In order to achieve this there have been a number of treaties and conventions being signed by various countries. Hence, if the regional countries will join hands to work together to eradicate the evil of child sexual offences, will be a positive step. Keeping in mind this approach, The European Children's Convention has been adopted in the year 2010. This Convention aims at

- (1) To prevent and combat sexual exploitation and sexual abuse of children, and
- (2) To respect the rights of child victims.

Apart from this the Convention envisages international cooperation to prevent the child victims of sexual exploitation.¹⁶

But, like every other country in the world, even in UK, 1 in every three children sexually abused by an adult did not tell anyone.¹⁷ The reason behind this is also the same as that present around the world, that is since 90% of sexually abused children were abused by someone they knew¹⁸, and therefore there is a pressure created by the person of trust not to disclose the matter to the concerned official.

Hence the UK, in spite of the few shortcomings in the Sexual Offences Act, 2003, is taking needy steps to combat the crime of child sexual abuse, at the national as well as the international level.

5. Child Sexual Abuse in India:

¹⁴ Section 72, Sexual Offences Act, 2003

¹⁵ Preserving children's Rights: The Challenges of Eradicating Child Sexual Exploitation in Thailand and India, 22 Suffolk Transnat'l L. Rev. 259 1998-1999

¹⁶ Introductory note to the Council of European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Susan H. Bitensky, 49 Int'l Legal Materials 1663 2010

¹⁷ Radford, L. et al(2011) Child abuse and neglect in UK today

¹⁸ Radford, L. et al(2011) Child abuse and neglect in UK today

Child Sexual abuse has been prevalent in the country like India since ages. Even though The United Nations adopted the UNCRC way back in 1989, India being a very late entrant in enacting a statute with respect to protecting its children from sexual offences, came up with its “Prevention of Children from sexual Offences Act, 2012”. The two major concerns about child sexual abuse in India has been, firstly the children being forced into the sex industry as India being a hub for sex tourism. There are a number of reasons behind India being a hub for sex tourism, a few of them will be, firstly, a huge population living in poverty force their children to enter into the sex industry in the hope of surviving themselves and then become accustomed to the amount of money flowing in because of it, so much so that they become ignorant of the fact that their children are exploited on daily basis for it. Secondly, the lack of education and especially sex education amongst the adults as well as the children makes them unaware of the fact that protection against sexual exploitation is essential human rights of every individual. Children being an individual shall not be considered as a commodity via which the family can earn their livelihood, instead they shall be protected against the predators. Thirdly, even after the adoption of the UNCRC and India being a State party to it, and ratifying it on 12th November 1992, there was lack of initiatives being taken by the legislature as well as the executives and due to which for nearly 22 years, the children of India continued to live in a country which remained without any specific laws dealing with the issue. So, indirectly we have deliberately allowed our children to be a victim of sexual assault. Fourthly, Apart from the crimes like child prostitution, or indulging those in pornography, or being the victims of pedophilia, a major percentage of the children are being sexually abused in the family itself or by someone acquainted to the child. Since the matter of trust gets involved, these cases gets uninformed and therefore the offenders remain unpunished. As of 2007, India was home to the world’s largest number of sexually abused children. It is researched that in every 155 minutes, a child aged between 10 to 16 is raped, and in every 13 hours a child below the age of 10 is raped. In India, reportedly, 53% of the children are sexually abused¹⁰.

Before the enactment of POCSO, 2012, the only laws dealing with sexual offences was the Indian Penal Code, 1860. This piece of legislation was totally ineffective in dealing with protecting the children from sexual offences. The Act never recognized a male child under the section dealing with rape, i.e. section 375. The statute lacked in dealing with intra familial sexual exploitation. Therefore, by not recognizing incest as a form of sexual maltreatment of the

children, India lacked in complying with the standards set by the UNCRC, for protecting the children globally.

The infamous case of *Sakshi v. Union of India and Ors.*¹⁹ A non-governmental organization brought to the notice of the Apex court that the present definition of rape under IPC is very narrow. This case concluded with the Supreme Court trying to filling the state of absence of laws in the area of child sexual offences, by stating that the definition of rape under section 375 in the IPC will include all forms of penetration, rather than only restricting to penile penetration.²⁰

The enactment of POCSO Act, 2012, is a positive step towards protecting the children. Although this legislation makes an attempt to cover as many aspects of sexual maltreatment, and turns out to be a perfectly drafted legislation, yet it is lacking in the implementation. The Act recognizes four types of sexual abuses, and they are²¹:

- a. Penetrative Sexual Assault (Section 3)
- b. Aggravated Penetrative Sexual Assault (Section 5)
- c. Sexual Assault (Section 7)
- d. Aggravated Sexual Assault (Section 9)
- e. Sexual Harassment (Section 11)
- f. Using children for pornographic purposes (Section 13)
- g. Abatement of committing the above mentioned crimes (Section 16)

These offences are not made gender specific and therefore it starts with keeping its best foot forward that is protecting the children irrespective of their genders. The act is also positive because apart from only dealing with rape or any kind of penetration as the only form of sexual abuse, it has dealt with all ranges of sexual abuse under the head of Sexual Harassment and Sexual Assault. The Act, attempts to create a friendly environment during the trails of the cases, by specifically providing for the procedure to be following, right from the stage of reporting of offences, during the trails and taking the statements of the children. The Act has provided for making Special courts which shall deal with the offences committed under POCSO Act, 2012,

¹⁹Sakshi v. Union of India (2004) 5 SCC 518

²⁰Shri Ram Jethmalani, *Introduction to LAW COMM. OF INDIA, ONE HUNDRED AND SEVENTY SECOND REPORT ON REVIEW OF RAPE LAWS (2000)*, available at <http://www.lawcommissionofindia.nic.in/rapelaws.html>

²¹Prevention of Children from Sexual Offences Act, 2012

and also envisages a maximum time limit for collection of evidences and completion of the trial, to be that of 30 days and one year, respectively. Apart from all this, yet another positive aspect of this law is, that it considers the presence of “*culpable mental state*” and the burden is put on the shoulders of the accused to prove the contrary. This is a step away from the general trend of “*presumption of innocence*” in the other criminal laws of the country.

There is no specific mention of prostitution and trafficking children for indulging them in the act of prostitution has been specifically dealt under The Immoral Traffic (Prevention) Act, 1956.

But, the major problem with the statute, in comparison with the Sexual Offences Act, 2003 of the United Kingdom is that in the era of globalization, where the inter-country transportation has become really easy and widespread, there should have been a provision, making the nationals of India, travelling abroad and committing the offence of child sexual harassment, accountable even when they return back to India. Apart from this POCSO Act, 2012, took care of the inter-familial sexual abuse, but has a major loophole by not creating an exception for married couples, in which the wife is below the age of 18 years. This loophole is leading towards a situation where the legally wedded husband can be prosecuted for raping the wife, even though the wife has consented for it¹¹. Now, moving forward to the implementation aspect of the law, that is where there is a huge gap which needs to be bridged. It will not need a much better statute in the country, but the proper implementation, cooperation from the police, politicians and the social response. The lack of resources is also a major issue in failed implementation of the law. There is a lack of awareness amongst general public as well as the police officials about the rights of the child under the Act, as well as the various offences that has been mentioned in the Act. Apart from this, the major problem that is being faced is that, most of the cases are not registered, due to the fact that either in most of the cases, the offender is the family member; hence it is the family itself which refrains from registering the crime. The Act, places a responsibility on the child, apart from “any person who has an apprehension that an offence under this Act is likely to be committed or has been committed” to report the crime to the local police station or the Special Juvenile Police unit, but the reality remains that in most of the cases, even if the child wishes to complain about the same, the family makes him/her pressurized by the fear of their family member being punished. This fear in the mind of child, leads to the non-reporting of the crime.

The cases, where the children are kept in various protection houses, the children tend to flee from those seemingly “protection house” either because there is lack of resources or maltreatment in

the protection house itself. The famous case of “Apna Ghar Rohtak Shelter House” case, where more than 100 inmate children were sexually abused¹².

The fact that the children are not imparted with sex education at the tender age, is also a reason behind the failure of this Act, because the child is not aware that the sexual abuse is an act infringing their human rights, and has been criminalized in the country.

6. Child Sexual abuse in South Africa:

“A better society will and must be measured by the happiness and welfare of the children, at once the most vulnerable citizens in any society and the greatest of our treasures.”- Nelson Mandela

In case of children, the situation is more vulnerable and in case of South Africa the condition of child sexual abuse is more or less same like the other countries of the world. But a heinous incident in the year, 1999 , where a 14 year old girl was gang raped by six young men, after rape the girl’s throat was slit and she was stabbed an additional 50 times, naked and injured, she crawled to her neighbors and a day later , she died¹³. This horrific incident promoted sexual violence struggle prevention activists to push the South African Govt. to pass a new and more comprehensive Sexual offences Act, which not only included the definition of new crimes relating to sexual offences and also the protection of victims through the reporting, investigation and trial processes.

The Criminal Law [Sexual Offences and Related Matters] Amendment Act No. 32 of 2007, the Children’s Act No. 38 of 2005 and the Children’s Amendment Act No 41 of 2007. These Acts not only provide detailed definitions of what legally constitutes rape and create a range of sexual offences specifically related to children punishable, but also they, set out relevant mechanisms for child protection and support via amendment Act 32 of 2007.

In South African laws, child is defined as a person under the age of 18 years. And according to the act of 2007 i.e. “Sexual offences Act” includes all form of Sexual penetration and is gender-neutral meaning “any person” can commit the act of rape or can be raped. Like the laws in India as well as in the UK, the South African laws also provides a gender neutral sexual abuse laws, as well it also deals with the sexual maltreatment committed by the family member of the child.

But the children in South Africa cannot remain to be prevented from the sexual abuses, until the cultural practice of female genital mutilation is still prevalent and is not dealt with the present laws in force in the country.

7. Effect of child sexual abuse:

The effect of sexual abuse is drastic. It can have a immediate as well as the long term impact on the child. The various psychological outcomes of the child sexual abuse are:

- (1) Posttraumatic stress
- (2) Cognitive disorders
- (3) Emotional pain
- (4) Avoidance
- (5) Impaired sense of self
- (6) Interpersonal difficulties.²²

Researchers and evidence shows that such abuses have long lasting psychological consequences that differently impact the social development of girls and boys. Where generally female victims can lead to depression, anxiety disorder, substance abuse, suicidal tendencies and unwanted pregnancy and boys in terms are prone to manifesting behavior, Such as truanting, gang involvement and crime. The Children needs to be protected from all such consequences, as the overall development of children is a necessary aspect of the human rights being enshrined upon and recognized for them by the UNCRC.

7. Suggestions: There can be a few suggestions in order to deal with the issue of child sexual exploitation in the globalizing world, and they are as follows:

1. The various countries shall enter into various bilateral treaties so that they can cooperate in curbing the problem of child sexual abuse. This can be helpful especially in case of the countries like India, Nepal, and Sri Lanka etc. from where the maximum numbers of children are trafficked in order to be supplied to the sex trade. So together these countries can protect the children.

2. Making all the laws related to child sexual abuse to be gender neutral.

²² Immediate and Long term impacts of Child Sexual Abuse, John N. Briere & Diana M. Elliot, The future of Children, Vol. 4, No. 2, sexual Abuse of Children (Summer-Autumn, 1994), pp. 54-69

3. The countries to make their nationals responsible for the offence of child sexual abuse committed outside the jurisdiction of their country. This provision will be really helpful in curbing down the sex tourism, because even if the person will escape from the laws of the country to which (s)he has travelled, (s)he can still be prosecuted in his/her own country.

4. Imparting sex education to the children from the tender age, so that they are aware of as to what is meant by sexual abuse, and to make them aware and courageous to report any such offences.

5. The State shall work in the area of providing employment and eradication of poverty so that the families don't push their children towards prostitution.

6. Cooperation from the police as well as the political personalities in preventing the sexual abuse of children, and to provide support to the victims as well as their families.

7. Create awareness amongst the public about "what is child sexual abuse", and the aspect that it is a punishable offence.

8. The society shall create an environment which is not towards the further victimization of the victim, instead an environment in which the child victim is supported. This support will assist the children to not fall for the various psychological impacts that follow the sexual abuse.

8. Conclusion: In the world which is presently "one world" in the pretext of globalization, we cannot be ignorant of the fact that children have a basic human right to be protected by the family, State as well as the world. It is also their human right to be living in an environment which is free from sexual maltreatment, so that they grow up to be healthy individuals contributing to the development of the world as a whole. After a comparative analysis the three countries, we conclude that many a times the sexual exploitation has been backed by the economical, social and cultural aspects prevailing in almost all the countries. So apart from dealing with the sexual offences under the various laws, we have to deal with those cultural and economical conditions which back this exploitation. The proper implementation of laws is also one aspect that needs to be looked upon in almost all the countries. There has to be a strict and effective mechanism at the international level, to deal with the instances of child sexual abuse. There is also a need to recognize the concept of "man rape" which also forms a major part of child sexual abuse, because by not including "man-rape" we are neglecting a group of victims based on their gender.