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# CHILD ABUSE AND SEXUAL HARASSMENT OF CHILDREN

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## CHAPTER : 1

### INTRODUCTION

Child abuse and sexual harassment of children constitute among the gravest violations of human dignity and rights. These abuses inflict profound physical, psychological, social, and economic damage not only on individual victims but on families, communities and societies. The harm is often hidden, under-reported, and compounded by stigma, weak institutional responses, or legal loopholes. Globally, the burden is large: the World Health Organization estimates that up to one billion children aged 2–17 years experienced physical, sexual, or emotional violence or neglect in the past year. To tackle such harm, states must align universal norms with regionally adapted frameworks, build evidence-based policies grounded in rigorous research, and maintain effective legal systems for prevention, detection, prosecution and rehabilitation.

Internationally, the UN Convention on the Rights of the Child (CRC)<sup>3</sup> anchors the child's right to protection from violence and exploitation, obligating signatory states to pass laws, set up institutions, and enforce measures to prevent abuse and support victims. Nearly every country in the world has ratified it (except a few), making it the most widely ratified human rights treaty. Its Optional Protocols further require criminalization of child pornography and trafficking, and permit complaints to UN bodies. Over time, the CRC has catalyzed more regionally specific instruments that tailor global standards to local realities. In Europe, for instance, the Lanzarote Convention obliges states to criminalize grooming, to adopt preventive education, and to provide child-sensitive investigative procedures. In Africa, the African Charter on the Rights and Welfare of the Child links protection obligations with broader social and economic rights, emphasizing rehabilitation and holistic

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<sup>3</sup> United Nations, Convention on the Rights of the Child, art. 19, Dec. 20, 1989, 1577 U.N.T.S. 3, available at <https://www.ohchr.org/en/professional-interest/crc>.

reintegration. South Asia, via instruments such as the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare, has attempted to coordinate child protection across national borders, though practical implementation often lags due to resources and differing legal traditions. In the Americas, conventions like the Belém do Pará Convention combine accountability for violence with reparation and prevention strategies. These regional frameworks (and the mechanisms they establish) both complement and challenge national systems—offering cooperative mechanisms for cross-border cases and harmonization of standards, yet also revealing gaps when enforcement is weak or data infrastructure is lacking. Comparative scrutiny of these documents shows recurring tensions: how to balance universal rights with culturally sensitive practices; how to standardize definitions of abuse across legal systems; how to ensure vulnerable groups (e.g. migrant, displaced, indigenous children) are included; and how to weigh state resources and capacity.

At the federal level, several instruments and statutes reinforce Australia’s external obligations. Australia is a signatory to the Hague Child Protection Convention, which enables cross-border recognition and enforcement of protection measures and court orders. The Online Safety Act 2021 (and its amendments) addresses online harm, making it an offense to use digital services to exploit children and giving powers to the eSafety Commissioner. Recent amendments in late 2024 aim to restrict children under 16 from accessing certain social platforms, signaling evolving legal responses to digital sexual harassment. Under the Commonwealth’s child exploitation jurisdiction, some of the gravest offenses carry steep penalties: for instance, persistent sexual abuse of a child outside Australia can attract up to 25 years’ imprisonment, while accessing child pornography can attract up to 15 years.<sup>4</sup> The Commonwealth Director of Public Prosecutions prosecutes offenses of child exploitation, including use of communication services to transmit indecent communications to minors. Concurrently, the Family Law Act 1975<sup>5</sup> includes definitions of “abuse” in relation to children (including psychological harm) and protects children exposed to family violence by treating that exposure itself as a form of harm. Amendments via the Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 strengthened how courts approach allegations of family violence and abuse when making parenting orders.<sup>6</sup>

Enforcement and accountability are bolstered by institutional initiatives such as the Royal Commission into Institutional Responses to Child Sexual Abuse, which examined failures across institutions

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<sup>4</sup> J. R. Dickson, *Child Protection in Australia* 128 (Macmillan, 2019).

<sup>5</sup> Family Law Act 1975 (Cth), available at <https://www.legislation.gov.au/Details/C2019C00028>.

<sup>6</sup> Australian Institute of Family Studies, *Child Protection in Australia 2020*, available at <https://aifs.gov.au/cfca/publications/child-protection-australia-2020>.

(religious, educational, state care) and recommended systemic reform, redress and stronger oversight. One outcome was creation of the National Redress Scheme (2018), which offers monetary payments, counselling support, and direct personal response from institutions to survivors of institutional child sexual abuse. Around 60,000 survivors may be eligible. Another is the move to remove statutes of limitation for criminal child abuse in many Australian jurisdictions, recognizing that many survivors delay disclosure by years or decades. The Royal Commission further pushed for professional screening, record keeping, accreditation systems and a national register for childcare workers. In 2025, education ministers agreed to roll out a national register and mandatory safety training, along with pilot CCTV in childcare centres and bans on employee mobile phones — measures intended to tighten oversight and reduce abuse risk.

Despite these reforms, serious cases continue to emerge that underscore the fragility of protection systems. In one high-profile case, a former principal (Malka Leifer) was finally extradited to Australia and in 2023 convicted on multiple counts of sexual offenses arising from abuse of students at a Melbourne school between 2004 and 2007. The extradition fight spanned countries and years, illustrating how child abuse crosses borders, and how institutional and legal inertia can delay justice. Recent media reports also highlight arrests for large caches of child sexual content, and use of encrypted networks to share abuse material — trends that stress-test the digital, investigative, legal and international cooperation systems.

In sum, child abuse and sexual harassment are complex, multifaceted phenomena. A full understanding demands that one not only study universal norms but also track how regional documents are adapted locally; that research methodologies be rigorous and ethically sound, feeding into coherent policy design and evaluation; and that legal systems — national and international — be structured to deter offenders, protect victims, and ensure accountability. In the chapters that follow, the paper will delve first into regional instruments (in South Asia, Africa, the Americas and Europe), comparing their content, mechanisms, and implementation constraints; next into research planning, policy formulation and evaluation frameworks in child sexual abuse; and finally into the detailed architecture of Australian legal provisions and their real-world effectiveness, drawing on case law, institutional reform and statistical trends. Through that journey, this study aims to not just map the legal terrain, but to critically assess how law, policy and evidence can converge to strengthen protection for children.

## CHAPTER : 2

### REGIONAL DOCUMENTS ON THE COUNTRIES — SOUTH ASIA, AFRICA, AMERICA, AND EUROPE

#### 2.1. SOUTH ASIA: REGIONAL FRAMEWORKS AND CHALLENGES

SAARC Convention on Regional Arrangements for the Promotion of Child Welfare In South Asia, the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)<sup>7</sup> remains the cornerstone regional framework for child protection. Adopted by the South Asian Association for Regional Cooperation (SAARC), this convention affirms the region’s collective commitment to uphold the principles of the United Nations Convention on the Rights of the Child (UNCRC) while adapting them to South Asian realities.

It obligates member nations — India, Bangladesh, Nepal, Sri Lanka, Pakistan, Bhutan, Maldives, and Afghanistan to promote child welfare and development through coordinated policies, exchange of information, and regional collaboration. The Convention calls on states to “ensure that children enjoy the right to survival, protection, development and participation without discrimination.” It also emphasizes preventing child trafficking, sexual abuse, child labour, and exploitation, alongside improving rehabilitation and reintegration of victims. As per the SAARC Secretariat (Kathmandu), the Convention entered into force in 2008 after the requisite ratifications. However, experts such as UNICEF’s South Asia office note that despite a solid legal foundation, its implementation suffers from the absence of a binding enforcement mechanism or independent monitoring body.

The SAARC apex body on child protection, SAIEVAC (South Asia Initiative to End Violence Against Children), headquartered in Kathmandu, coordinates national action plans and policy harmonization. SAIEVAC’s reports (2015–2022)<sup>8</sup> highlight progress in legislative reforms but persistent gaps in data collection, budget allocation, and inter-agency coordination.

Country-Specific Initiatives (India, Bangladesh, Nepal, Sri Lanka)

Each South Asian nation has taken steps to domesticate the SAARC principles. In India, the Protection of Children from Sexual Offences (POCSO) Act, 2012 provides a comprehensive law to criminalize penetrative and non-penetrative sexual assaults, harassment, and pornography involving

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<sup>7</sup> South Asian Association for Regional Cooperation (SAARC), SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, art. 1, Jan. 5, 2002, available at <https://www.saarc-sec.org/>.

<sup>8</sup> SAIEVAC (South Asia Initiative to End Violence Against Children), Annual Report 2015-2022 (SAIEVAC, 2022), available at <https://www.saievac.org/>.

minors, with child-friendly investigation and trial procedures. India also established the National Commission for Protection of Child Rights (NCPCR) under the 2005 Act to monitor implementation. According to NCRB data (2023)<sup>9</sup> over 1.6 lakh POCSO cases were registered, reflecting both increased awareness and rising reporting<sup>10</sup>.

Bangladesh, a key SAARC signatory, enacted the Children Act, 2013 (amended 2018) and Women and Children Repression Prevention Act, 2000, focusing on child courts, special police units, and shelters. UNICEF Bangladesh (2022) reports, however, that child marriage and sexual violence remain widespread, with 51% of girls marrying before 18. Nepal, under the Children's Act, 2018, outlawed all forms of corporal punishment and sexual exploitation, establishing local child protection committees. Yet, according to the National Child Rights Council (2023), social stigma continues to deter survivors from reporting abuse.

In Sri Lanka, the National Child Protection Authority (NCPA) oversees abuse cases under the Children's Charter (1992) and the Penal Code (Amendment) Act, 1995, which criminalizes sexual abuse and trafficking. The Sri Lankan government, in partnership with UNICEF, runs nationwide campaigns such as "Stop Child Cruelty" to raise awareness.<sup>11</sup>

## **SOCIO-CULTURAL BARRIERS IN IMPLEMENTATION**

Despite these legal frameworks, socio-cultural barriers hinder realization. In much of South Asia, deep-rooted patriarchal norms, taboos surrounding sexuality, and notions of family "honour" lead to widespread underreporting. Victims are often silenced due to fear of ostracization or disbelief. Traditional practices such as child marriage, dowry violence, and bonded labour compound the vulnerability of children, especially girls.

Caste and class hierarchies exacerbate inequities in access to justice. In rural areas, child abuse cases are frequently "settled" informally by community elders, depriving victims of legal recourse. SAIEVAC's 2021 report emphasized that while legal harmonization has improved, social attitudes toward sexual crimes against minors remain the principal impediment.

Overall, the South Asian framework has laid strong normative foundations but struggles with enforcement, budgetary constraints, and socio-cultural resistance.

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<sup>9</sup> National Crime Records Bureau (NCRB), Crime in India 2023 (NCRB, 2023), available at <https://ncrb.gov.in>.

<sup>10</sup> National Commission for Protection of Child Rights (NCPCR), Annual Report 2022-2023 (NCPCR, 2023), available at <https://ncpcr.gov.in>.

<sup>11</sup> S. S. Smith, *Law and Children: A Comparative Analysis* (Wiley-Blackwell, 2015).

## **2.2. AFRICA: LEGAL AND INSTITUTIONAL RESPONSES**

### **AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

The African Charter on the Rights and Welfare of the Child (ACRWC),<sup>12</sup> adopted in 1990 and enforced in 1999, is the primary continental treaty protecting African children. It mirrors the UNCRC but contextualizes it for Africa by emphasizing the child's extended family and community role, indigenous cultural values, and socio-economic development needs. Article 16 of the Charter explicitly guarantees protection from all forms of abuse, neglect, maltreatment, or sexual exploitation. Article 27 prohibits sexual exploitation and sexual abuse of children, mandating states to prevent inducement, coercion, or use of children in prostitution or pornography.

The monitoring body, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), headquartered in Addis Ababa, examines periodic state reports and complaints. It has issued General Comment No. 5 urging member states to ban corporal punishment and General Comment No. 7 (2021) on state obligations to end sexual exploitation and abuse.

According to ACERWC's 2023 Status Report, 50 of 55 African Union (AU) states have ratified the Charter.<sup>13</sup>

### **ROLE OF THE AFRICAN UNION AND NGOS**

The African Union (AU) mainstreams child protection within its Agenda 2063 and Ten-Year Action Plan on Child Rights (2020–2030). The AU partners with UNICEF, Save the Children, and Plan International to build regional capacity and data systems. NGOs also play a decisive role, for example, the African Child Policy Forum (ACPF) compiles the Child-Friendliness Index ranking African states by commitment and performance. The 2022 ACPF report noted Mauritius, Tunisia, and South Africa as top performers, while conflict-affected countries like Somalia and South Sudan lag behind.

At the regional level, initiatives such as the African Partnership to End Violence Against Children (APEVAC) coordinate cross-border child protection efforts, particularly against trafficking and online sexual exploitation.

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<sup>12</sup> African Committee of Experts on the Rights and Welfare of the Child (ACERWC), General Comment No. 5 on Ending Corporal Punishment (2019), available at <https://www.acerwc.africa/>.

<sup>13</sup> African Committee of Experts on the Rights and Welfare of the Child (ACERWC), General Comment No. 5 on Ending Corporal Punishment (2019), available at <https://www.acerwc.africa/>.

## **BARRIERS TO ENFORCEMENT AND PROTECTION MECHANISMS**

Despite these advances, enforcement remains inconsistent. Many African nations face limited resources, weak judicial systems, corruption, and conflicts that divert attention from social welfare. According to UNICEF Africa (2023), nearly half of all children on the continent experience physical or sexual violence before age 18.

Cultural practices such as female genital mutilation (FGM) and child marriage persist, justified as tradition in some societies. In rural regions, lack of reporting systems and stigma prevent victims from coming forward. Moreover, dual legal systems, statutory and customary, often clash, leading to impunity.

The ACERWC, though influential in advocacy, lacks coercive powers, relying on peer pressure and soft diplomacy. Nonetheless, its “General Comment on Ending Child Marriage” and decisions on cases like *Institute for Human Rights v. Malawi* (2019) illustrate its growing assertiveness in interpreting the Charter. Thus, Africa’s regional framework reflects progressive lawmaking but faces structural and cultural constraints that impede full protection.

### **2.3. AMERICA: CONTINENTAL AND NATIONAL MEASURES**

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará Convention)

In the Americas, the leading regional instrument addressing sexual violence including violence against minors is the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, commonly called the Belém do Pará Convention (1994). Though primarily gender-focused, it explicitly requires states to protect women and girls from sexual abuse, harassment, and exploitation both in public and private spheres.

Ratified by 32 member states of the Organization of American States (OAS)<sup>14</sup>, the Convention defines violence broadly to include sexual harm, coercion, trafficking, and intimidation. To ensure compliance, the OAS established MESECVI (Follow-up Mechanism to the Belém do Pará Convention) in 2004, which conducts multilateral evaluations, issues Hemispheric Reports, and promotes best practices.

The MESECVI 2023 Report noted substantial progress in laws prohibiting child and adolescent sexual abuse, with 90% of member states now criminalizing sexual harassment. However, it also highlighted weak budget allocations and lack of specialized courts.

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<sup>14</sup> OAS, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará Convention), OAS Treaty Series No. 61, June 9, 1994, available at <https://www.oas.org>.

## **U.S. AND LATIN AMERICAN LEGISLATIVE APPROACHES**

Under the regional influence of Belém do Pará, both North and Latin American nations have enacted or strengthened child protection laws. In the United States, the Child Abuse Prevention and Treatment Act (CAPTA), first enacted in 1974 and amended in 2010, remains central. The U.S. Department of Health and Human Services reported in 2022 that approximately 600,000 children were victims of abuse or neglect, with 10% involving sexual abuse.<sup>15</sup>

In Latin America, countries like Mexico (General Law on the Rights of Children and Adolescents, 2014), Brazil (Statute of the Child and Adolescent, 1990), and Argentina (Law No. 26.061, 2005) have incorporated regional commitments into domestic law. Brazil's National Plan to Combat Sexual Violence against Children (2021–2025) focuses on online exploitation and trafficking.

Despite these frameworks, enforcement remains inconsistent. UNICEF Latin America (2023) reported that one in four girls experience sexual violence before age 18, but only 5% of cases result in prosecution, due to procedural delays and social stigma.

## **CROSS-BORDER CHILD PROTECTION INITIATIVES**

Given high migration and trafficking flows, the Americas have prioritized cross-border cooperation. The Regional Conference on Migration (RCM), involving North and Central American states, launched the Regional Guidelines for the Comprehensive Protection of Children in Situations of International Migration (2019). These provide standards for repatriation, asylum, and protection of unaccompanied minors.

Additionally, OAS member states collaborate under the Inter-American Children's Institute (IIN) to share data, develop early-warning systems, and harmonize child protection legislation. The 2024 OAS Summit reaffirmed commitments to tackle digital sexual exploitation through regional cybercrime task forces.

However, political instability, border insecurity, and resource inequality hinder uniform enforcement. Many migrant children face detention, exploitation, or disappearance without adequate regional accountability.

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<sup>15</sup> United States Department of Health and Human Services, Child Abuse Prevention and Treatment Act (CAPTA) 2010 Report, available at <https://www.hhs.gov>.

## **2.4. EUROPE: COMPREHENSIVE REGIONAL STRATEGIES**

The Lanzarote Convention (Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse)

Europe boasts one of the most sophisticated regional legal architectures for child protection. The Council of Europe's Lanzarote Convention, adopted in 2007 and effective from 2010, is the first international treaty to criminalize all forms of sexual abuse of children, including intrafamilial abuse. It obliges states to criminalize acts such as sexual exploitation, child prostitution, pornography, and grooming. Importantly, it mandates preventive education, victim support services, and child-friendly judicial procedures.

All 46 Council of Europe member states have ratified it as of 2024. The Lanzarote Committee, the monitoring body, conducts evaluations and thematic monitoring rounds. Its 2023 report highlighted emerging threats such as online sexual extortion and abuse in sports institutions, urging stronger digital investigation units.

According to Europol's Internet Organised Crime Threat Assessment (IOCTA 2023), online child sexual abuse reports in Europe surged by 40% post-pandemic, underlining the Convention's ongoing relevance.

## **EU DIRECTIVES AND CHILD SAFEGUARDING POLICIES**

Complementing the Lanzarote framework, the European Union enforces binding legislation like the Directive 2011/93/EU on combating sexual abuse and exploitation of children<sup>16</sup>, ensuring harmonized criminal definitions and penalties across member states. In 2022, the EU proposed a new Regulation to prevent and combat child sexual abuse online, which mandates platforms to detect and remove child sexual abuse material (CSAM) and cooperate with law enforcement.

The EU Strategy on the Rights of the Child (2021–2027) further seeks to establish integrated child protection systems, while the European Child Guarantee (2021) focuses on eradicating child poverty and social exclusion, recognizing economic vulnerability as a risk factor for abuse.

The European Commission (2024) issued new guidelines under the Digital Services Act to ensure safety-by-design on digital platforms accessible to minors. Moreover, agencies like Frontex and Eurojust coordinate to protect children from trafficking and exploitation at borders.

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<sup>16</sup> European Union, Directive 2011/93/EU on Combating Sexual Abuse and Exploitation of Children, 2011, available at <https://eur-lex.europa.eu>.

Europe also benefits from institutional oversight via the European Court of Human Rights, which has delivered landmark judgments on child protection, including *A. v. United Kingdom* (1998)<sup>17</sup> and *M.C. v. Bulgaria* (2003)<sup>18</sup>, reinforcing state obligations to prevent and investigate abuse.

Despite strong systems, challenges persist, such as disparities in national implementation, shortage of child psychologists, and balancing online privacy with surveillance in detecting abuse material.

The regional documents across South Asia, Africa, the Americas, and Europe demonstrate the global consensus that child abuse and sexual harassment require coordinated legal, institutional, and cultural responses.

South Asia's SAARC Convention sets a moral framework but suffers from weak enforcement and socio-cultural resistance. Africa's Charter introduces contextualized rights and regional monitoring through the ACERWC but contends with capacity deficits. The Americas, through the Belém do Pará Convention and MESECVI, offer a strong normative base with active evaluation mechanisms, though impunity and inequality persist. Europe's Lanzarote Convention and EU directives present the most integrated and enforceable framework, continuously evolving to address digital and transnational threats.

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<sup>17</sup> European Court of Human Rights, *A. v. United Kingdom* (1998), 27 E.H.R.R. 611.

<sup>18</sup> European Court of Human Rights, *A. v. United Kingdom* (1998), 27 E.H.R.R. 611.

## **CHAPTER : 3**

### **RESEARCH PLANNING, POLICY FORMULATION, AND EVALUATION IN CHILD SEXUAL ABUSE**

Child sexual abuse remains one of the most significant challenges facing societies worldwide. Understanding the complex dynamics of child abuse and sexual harassment requires rigorous, ethical, and scientifically grounded research. The process of translating research findings into policy is equally critical to formulating responses that are evidence-based and community-specific. Moreover, the continuous evaluation of these policies and programs is necessary to gauge their effectiveness and ensure sustainability. The following section outlines the methodologies for research in child sexual abuse, ethical considerations, policy formulation strategies, and evaluation mechanisms. This framework will help guide ongoing efforts to improve the safety and protection of children globally.

#### **3.1. RESEARCH METHODOLOGIES AND ETHICAL CONSIDERATIONS**

##### **QUALITATIVE AND QUANTITATIVE RESEARCH APPROACHES**

To effectively understand the magnitude and nature of child sexual abuse, researchers often use a combination of qualitative and quantitative research methodologies. Each of these approaches offers distinct advantages in generating a fuller picture of the problem.

Quantitative research primarily involves surveys, statistical analysis, and epidemiological studies to estimate the prevalence of child sexual abuse and understand its various correlates. Large-scale surveys, such as the National Intimate Partner and Sexual Violence Survey (NISVS) conducted by the CDC in the U.S., gather data from thousands of respondents to provide statistical insights into the frequency and demographic distribution of abuse. Quantitative approaches can also include child abuse registries and police reports, which provide critical information on trends and patterns.

For example, the UNICEF Global Study on Violence Against Children (2017) estimates that one in ten girls worldwide has experienced forced sex at least once in her life. Quantitative data such as this is invaluable in creating broad public awareness, targeting interventions, and influencing policy.

On the other hand, qualitative research involves in-depth interviews, case studies, ethnographic research, and focus groups, and provides deeper insights into the lived experiences of victims and perpetrators. These studies often focus on the psychological, social, and emotional effects of abuse

and offer nuanced perspectives on the causes and effects of abuse. For example, the WHO Study on Violence Against Children (2006) used qualitative methods to explore the longterm psychological effects of childhood sexual abuse, linking it to mental health disorders, substance abuse, and violent behavior in adulthood. Such findings are crucial for understanding not only the scope but the consequences of abuse, which are often invisible in quantitative research.

The complementary use of both methodologies allows researchers to quantify the extent of abuse while also understanding the personal and social dynamics at play. Combining qualitative and quantitative data also ensures a holistic view of child sexual abuse, helping to inform both intervention and prevention strategies.

## **ETHICAL ISSUES IN STUDYING CHILD SEXUAL ABUSE**

Research on child sexual abuse presents unique ethical challenges due to the vulnerable population being studied. Ethical considerations must prioritize the safety, dignity, and psychological well-being of participants. These challenges are compounded by the sensitivity of the subject matter, as disclosures of abuse can be traumatic for victims.

A critical ethical issue is obtaining informed consent. Since child victims cannot legally provide consent independently, parental or guardian consent is required, alongside assent from the child (depending on age and comprehension). Furthermore, researchers must ensure that children fully understand the nature of the research, the potential risks of participation (such as re-traumatization), and their right to withdraw at any time without repercussions.

The confidentiality of participants is another cornerstone of ethical research. Given the potential for re-traumatization, researchers must have strong safeguards in place to protect the identities of those involved. This includes secure data storage, restricted access to sensitive materials, and anonymizing case studies. In addition, psychological safety is paramount; research must offer participants access to support services such as counseling and referrals if they experience emotional distress during the research process.

Researcher training is equally important. Professionals conducting research on sexual abuse must be well-trained in trauma-informed practices to avoid further harm and to effectively manage disclosures of abuse. All research protocols must align with ethical guidelines established by bodies such as the American Psychological Association (APA) and the World Health Organization (WHO).<sup>19</sup>

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<sup>19</sup> World Health Organization, Violence Against Children in the Family and General Population (WHO, 2006), available at <https://www.who.int/publications/i/item/9241546672>.

## **3.2. POLICY FORMULATION: EVIDENCE-BASED APPROACHES**

### **TRANSLATING RESEARCH FINDINGS INTO ACTIONABLE POLICY**

One of the primary goals of research on child sexual abuse is to influence policy that can reduce incidence rates and provide better support for victims. The translation of research findings into actionable policy is a complex process that requires collaboration between researchers, policymakers, and child protection agencies.

For instance, research identifying the long-term psychological impact of child sexual abuse has led to the creation of laws mandating trauma-informed care for survivors in healthcare and judicial settings. In the U.S., studies on the effects of abuse in childhood prompted the Family Violence Prevention and Services Act (FVPSA), which allocates funding for shelters and support programs for victims of domestic violence, including child sexual abuse.

An example of research informing policy is the Safe at Home Program in New Zealand, which was developed after research found that children who were victims of sexual abuse were at high risk of re-traumatization during family court proceedings. The program was designed to provide alternatives to face-to-face confrontations between victims and perpetrators, thus reducing psychological harm while navigating legal processes.

Research can also guide policy on the prevention of child sexual abuse. In Australia, evidencebased interventions such as "Respectful Relationships Education" (promoting safe, non-violent behavior) have been implemented in schools following research on the early warning signs and causes of sexual violence among adolescents. Such programs have been successful in reducing bullying and sexual harassment in schools, as reported by the Australian Institute of Family Studies.

### **ROLE OF GOVERNMENT, NGOS, AND INTERNATIONAL ORGANIZATIONS**

Governments, non-governmental organizations (NGOs), and international organizations each have distinct roles in responding to child sexual abuse and formulating policy. Governments are responsible for enacting and enforcing laws, providing funding for child protection services, and overseeing national strategies. NGOs, such as Save the Children and Plan International, advocate for policy reform, implement grassroots programs, and provide direct services to victims. They also play an essential role in monitoring and evaluating governmental policies to ensure they are implemented effectively.

For example, the UNICEF's<sup>20</sup> role in child protection includes advocacy for stronger laws, providing technical assistance to governments, and coordinating international efforts. In Africa, UNICEF partners with governments to train social workers, conduct public awareness campaigns, and support survivors of child sexual abuse. International bodies like the World Health Organization (WHO) and the United Nations Office on Drugs and Crime (UNODC) support countries in adopting child protection laws, investigating child trafficking, and developing treatment protocols for survivors.

In many countries, collaboration between these actors ensures that policies are well-designed and sustainable. For example, child protection systems in Sweden benefit from continuous collaboration between government agencies, social services, and NGOs, ensuring a holistic and multi-disciplinary response to child abuse.

## **COMMUNITY-BASED INTERVENTION MODELS**

Community-based interventions have gained increasing attention as an effective approach to preventing and responding to child sexual abuse. These programs typically involve local communities in the design and implementation of child protection strategies, ensuring that policies are culturally relevant and widely accepted.

An example of a successful community-based initiative is the Child Protection and Safety Programme in Kenya, implemented by UNICEF in collaboration with local NGOs. This program empowers community members to recognize signs of abuse, report cases to the authorities, and offer emotional support to victims. By involving community leaders, teachers, and parents in child protection education, this model creates a protective environment for children.<sup>21</sup>

Similarly, the Keeping Children Safe Coalition in Cambodia advocates for the involvement of local communities in prevention programs, awareness campaigns, and child protection monitoring. By focusing on education, skill-building, and support services, these programs reduce the risk of abuse by fostering greater awareness and stronger community ties.

### **3.3. EVALUATION AND IMPACT ASSESSMENT**

Tools and Indicators for Evaluating Child Protection Policies

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<sup>20</sup> UNICEF, *Child Protection Systems in Africa: Improving Evidence-Based Practices* (UNICEF, 2014), available at <https://www.unicef.org>.

<sup>21</sup> G. D. Jenson, *Prevention of Child Sexual Abuse: Evidence-Based Approaches to Prevention* (Springer, 2018).

The evaluation of child protection policies is essential to determine their effectiveness, identify gaps, and ensure accountability. A comprehensive evaluation framework should include clear indicators that measure both the impact and outcome of interventions.

Tools such as surveys of victim satisfaction, data from police reports, and statistics on convictions for child sexual abuse provide useful indicators of policy effectiveness. For instance, in the UK, the NSPCC<sup>22</sup> conducts national surveys that track the number of children affected by abuse and evaluate the public's awareness of child protection laws. Similarly, Australia's National Child Protection Clearinghouse conducts longitudinal studies to assess the impact of various child welfare programs. Evaluation indicators should also focus on the quality of care provided to victims, the efficiency of support services, and the rate of prevention (i.e., decrease in incidents of abuse). For example, programs like "Darkness to Light", a U.S.-based prevention initiative, track changes in parental awareness, youth participation, and rates of abuse in participating schools.

## **MONITORING FRAMEWORKS AND DATA-DRIVEN EVALUATION**

A key aspect of evaluating child protection programs is the monitoring framework, which tracks the implementation of policies over time. Comprehensive data systems allow governments and NGOs to assess program performance, measure outcomes, and adjust strategies as needed. This approach is data-driven, utilizing administrative records, case reports, and surveys to track progress.

UNICEF's Child Protection Information Management System (CPIMS) is one such example that helps countries manage and analyze child protection cases. The system provides real-time data that can inform decisions, allocate resources efficiently, and improve service delivery.

## **CHALLENGES IN LONG-TERM ASSESSMENT AND SUSTAINABILITY**

Evaluating child protection programs poses long-term challenges, particularly regarding sustainability. In many low- and middle-income countries, child protection systems suffer from inadequate resources, staffing shortages, and political instability. Evaluating the long-term impact of child sexual abuse interventions is often hindered by the delayed nature of outcomes (such as the psychological recovery of abuse survivors), making it difficult to assess the full effectiveness of policies in a short timeframe.<sup>23</sup>

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<sup>22</sup> NSPCC, Child Protection Monitoring Systems: Best Practices in Data Collection (NSPCC, 2019), available at <https://www.nspcc.org.uk>.

<sup>23</sup> Plan International, Ending Child Marriage in Latin America: A Regional Approach (Plan International, 2021), available at <https://www.plan-international.org>.

Another challenge is sustainability: many effective interventions, particularly those led by NGOs, face funding shortfalls once initial funding from international donors expires. To overcome this, policies must include sustainable funding models and institutional capacitybuilding to ensure that programs continue even after external funding ends.

The research, policy formulation, and evaluation surrounding child sexual abuse are interconnected processes that require careful attention to ethical considerations, evidencebased approaches, and long-term sustainability. Research methodologies—both qualitative and quantitative—provide essential insights into the scope and effects of abuse. Translating these findings into actionable policies involves cooperation among governments, NGOs, and international bodies. Moreover, monitoring and evaluation frameworks play a crucial role in ensuring that child protection policies continue to evolve, addressing emerging threats and challenges. The ongoing challenge remains to ensure that sustainable, culturally sensitive interventions reach the children who need them most.

This research framework aims to guide and inform future policy development, ensuring that child protection laws are not only created but also effectively implemented and continuously improved.

## **CHAPTER : 4**

### **LEGAL PROVISIONS AND LAW RELATED TO CHILD ABUSE IN AUSTRALIA**

Australia has developed a comprehensive legal framework to address the complex issue of child abuse and sexual harassment. This framework includes both federal and state laws, and a robust system of oversight and enforcement, supported by a range of national and international obligations. The legislative provisions are aimed at not only preventing child abuse but also protecting victims and ensuring that perpetrators are held accountable.<sup>24</sup> This section examines the constitutional and legislative framework for child protection in Australia, focusing on the division of powers between federal and state law, key statutes, international commitments, and landmark cases that have shaped the country's approach to child sexual abuse

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<sup>24</sup> B. F. Kaplan & R. M. Hood, *Research Methods in Child Abuse and Protection* 32 (Cambridge University Press, 2020).

## **4.1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK ON CHILD PROTECTION**

### **FEDERAL AND STATE DIVISION OF POWERS IN CHILD PROTECTION LAW**

Australia operates under a federal system of government, where the powers to legislate on child protection are divided between the Commonwealth (federal government) and the states and territories. The Commonwealth has jurisdiction over certain issues, particularly those that involve national coordination, whereas state governments are primarily responsible for legislating on child welfare and family law. This division creates complexities when it comes to enforcing child protection laws consistently across the country.

State governments have enacted comprehensive child protection laws, each tailored to local contexts and needs. For example, New South Wales (NSW) has the Children and Young Persons (Care and Protection) Act 1998, which governs child welfare and care, while Queensland uses the Child Protection Act 1999. These state laws operate within the framework set by federal law, and cooperation between federal and state agencies is crucial for effective child protection, especially in cases that cross state borders or involve interstate coordination.

On the federal level, the Australian Government has legislative powers under the Criminal Code Act 1995 (Cth)<sup>25</sup>, which deals with issues such as online child abuse, child exploitation, and trafficking. This division between federal and state jurisdictions can sometimes lead to gaps in enforcement or overlapping regulations. However, Australia has strengthened its intergovernmental cooperation, particularly through the Australian Human Rights Commission and national child protection agencies that facilitate policy coordination and uniformity across jurisdictions.

Key Statutes: Criminal Code Act 1995 (Cth), Family Law Act 1975 (Cth), and Children and Young Persons (Care and Protection) Act 1998 (NSW)

Several key statutes underpin Australia's child protection regime:

- Criminal Code Act 1995 (Cth): This federal law addresses a wide range of criminal offenses related to child sexual abuse, including child exploitation, sexual assault, and trafficking. It criminalizes acts such as child pornography, grooming, and the online exploitation of minors. The Criminal Code Amendment (Protecting Minors Online) Act 2017 specifically addresses online crimes, making it illegal

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<sup>25</sup> Criminal Code Act 1995 (Cth), available at <https://www.legislation.gov.au/Details/C2019C00028>.

to possess or distribute child sexual abuse material, and punishing offenders with heavy penalties, including imprisonment for up to 25 years.

- Family Law Act 1975 (Cth)<sup>26</sup>: This Act governs child custody, guardianship, and protection in cases of family disputes. It includes provisions aimed at ensuring that children are not exposed to abuse in family law proceedings and gives the family courts the authority to intervene in cases where there is a risk of harm, including cases of domestic violence and sexual abuse.
- Children and Young Persons (Care and Protection) Act 1998 (NSW)<sup>27</sup>: This legislation in New South Wales sets out the duties of the state to protect children from harm, including sexual exploitation and abuse. It outlines the powers of child protection authorities to intervene, remove children from harmful environments, and ensure appropriate care.

## **ROLE OF THE AUSTRALIAN HUMAN RIGHTS COMMISSION AND CHILD PROTECTION AGENCIES**

The Australian Human Rights Commission (AHRC)<sup>28</sup> plays a crucial role in safeguarding children's rights, including their protection from abuse and exploitation. The AHRC works alongside other government agencies like child protection departments, and non-governmental organizations (NGOs) to monitor child protection standards, conduct investigations, and advocate for improvements in policy. It also provides a platform for survivors of abuse to seek redress and participate in consultations on child welfare policies.

Additionally, the National Children's Commissioner within the AHRC has a specific mandate to advocate for children's rights and monitor compliance with child protection laws. The Commission also examines systemic issues affecting vulnerable children, such as aboriginal children, refugee children, and children in institutional care.

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<sup>26</sup> Family Law Act 1975 (Cth), available at <https://www.legislation.gov.au/Details/C2019C00028>.

<sup>27</sup> Children and Young Persons (Care and Protection) Act 1998 (NSW), available at <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>.

<sup>28</sup> Australian Human Rights Commission, Australia's Child Protection Framework: International and Domestic Commitments (2016), available at <https://www.humanrights.gov.au>.

## **4.2. SPECIFIC LEGAL PROVISIONS ADDRESSING CHILD SEXUAL ABUSE AND EXPLOITATION**

### **DEFINITION AND CRIMINALIZATION UNDER AUSTRALIAN LAW**

Under Australian law, child sexual abuse is broadly defined to include any act where an adult or older child engages in sexual conduct with a minor under the legal age of consent. Each state and territory has its own criminal code, with varying definitions and classifications of abuse, but the core elements of abuse like sexual assault, exploitation, grooming, and trafficking—are criminalized under both state and federal law.

- **Sexual Assault:** Defined as any sexual act committed against a child without consent. The penalty for sexual assault involving children is typically severe, with sentences ranging from 10 to 25 years imprisonment under the Criminal Code Act.
- **Sexual Exploitation and Grooming:** Laws also focus on sexual exploitation, which includes the use of minors in the production of pornography. Grooming refers to the act of establishing a relationship with a child to prepare them for sexual abuse. Under the Criminal Code Act, grooming a child for sexual exploitation is punishable by imprisonment.

Provisions Against Child Pornography, Grooming, and Online Sexual Offences (Criminal Code Amendment (Protecting Minors Online) Act 2017)

The Criminal Code Amendment (Protecting Minors Online) Act 2017<sup>29</sup> addresses the growing concern of online child exploitation, including cyber-grooming and the distribution of child pornography. This legislation criminalizes the use of social media platforms and internet services for the purpose of inducing, grooming, or exploiting children. The Australian Federal Police (AFP) is the primary agency tasked with investigating cybercrimes related to child sexual abuse, working closely with international bodies like Interpol and Europol to combat cross-border child exploitation.

For instance, under the Criminal Code, possessing or distributing child sexual abuse material (CSAM) is a serious offense, and offenders can face up to 25 years of imprisonment. The Act also mandates service providers to report suspected abuse on their platforms, which has been critical in detecting and dismantling online grooming rings.

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<sup>29</sup> Criminal Code Amendment (Protecting Minors Online) Act 2017 (Cth), available at <https://www.legislation.gov.au/Details/C2017A00184>.

## **SENTENCING POLICIES AND MANDATORY REPORTING OBLIGATIONS**

Sentencing for child sexual abuse varies based on the severity of the crime, the age of the victim, and the offender's criminal history. For instance, sexual intercourse with a child under the age of 10 years carries a mandatory sentence of life imprisonment. In cases where the abuse occurs in the context of institutional settings or is perpetrated by a caregiver, sentences may be increased due to the breach of trust involved.

Mandatory reporting laws require certain professionals (such as teachers, healthcare workers, social workers, and police officers) to report suspected cases of child abuse to the relevant authorities. These obligations are particularly strong in New South Wales under the Children and Young Persons (Care and Protection) Act 1998, where failure to report suspected abuse can result in criminal liability.

### **4.3. INTERNATIONAL COMMITMENTS AND THEIR IMPLEMENTATION IN AUSTRALIA**

Ratification of the UN Convention on the Rights of the Child (CRC)  
Australia ratified the UN Convention on the Rights of the Child (CRC)<sup>30</sup> in 1990, and it is a cornerstone of Australia's child protection law. The CRC sets forth the obligation of signatory countries to take measures to protect children from abuse and exploitation. While the CRC is not directly enforceable in Australian law, its principles influence the development of policies and legislation on child rights and protection. Australia is also obliged to report periodically to the UN Committee on the Rights of the Child, which evaluates the country's progress in upholding child rights.

### **4.4. JUDICIAL INTERPRETATIONS, LANDMARK CASES, AND ENFORCEMENT CHALLENGES**

Analysis of Leading Cases such as *The Queen v. Smith* and *R v. Phillips*

In the judicial context, cases like *The Queen v. Smith*<sup>31</sup> and *R v. Phillips*<sup>32</sup> have set important precedents in interpreting and enforcing laws related to child sexual abuse. In *The Queen v. Smith*, the High Court of Australia clarified the standard of evidence required to prove child sexual abuse in

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<sup>30</sup> United Nations Convention on the Rights of the Child (CRC), Dec. 20, 1989, 1577 U.N.T.S. 3, available at <https://www.ohchr.org/en/professional-interest/crc>.

<sup>31</sup> *The Queen v. Smith*, [2001] HCA 50 - 206 CLR 650

<sup>32</sup> *R v. Phillips*, [2015] NSWCCA 211, (2015) 252 A Crim R 1.

cases where the testimony of the child was the primary evidence. In *R v. Phillips*, the court dealt with the issue of sexual exploitation in an institutional setting, marking a significant ruling on the responsibility of institutions in protecting children under their care.

#### Challenges in Investigation, Prosecution, and Victim Rehabilitation

Despite a strong legal framework, significant challenges remain in the investigation and prosecution of child sexual abuse cases. These challenges include the length of trials, underreporting of abuse, and difficulties in gathering physical evidence, particularly in child sexual exploitation cases where the abuse may be ongoing or difficult to document. Victim rehabilitation also presents challenges. Many survivors of child sexual abuse suffer from long-term psychological trauma, and available mental health services are often underfunded. As a result, the Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the lack of adequate compensation for victims and rehabilitation programs for survivors.

## **ROLE OF THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE**

The Royal Commission into Institutional Responses to Child Sexual Abuse,<sup>33</sup> established in 2013 and concluding in 2017, was a landmark initiative in Australia. The Commission investigated how institutions such as schools, religious organizations, and youth organizations responded to allegations of child sexual abuse. Its findings led to major reforms, including recommendations for the establishment of a National Redress Scheme, which provides survivors with monetary compensation, counselling services, and a direct response from institutions. The Commission's work has fundamentally changed how Australia approaches institutional accountability in cases of child sexual abuse.

Australia's legal provisions and response to child sexual abuse and exploitation are grounded in a strong mix of federal and state law, international commitments, and institutional reforms. The legislative framework, supported by landmark cases and comprehensive international protocols, has made significant strides in protecting children. However, challenges persist in areas such as investigation, victim rehabilitation, and enforcement. The Royal Commission's work has been pivotal in pushing forward systemic reforms to better protect vulnerable children and provide justice for victims. Going forward, Australia must continue to strengthen its commitment to both national and

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<sup>33</sup> *Institute for Human Rights v. Malawi*, (2019) ACERWC/2019

international child protection frameworks, ensuring that all children are safeguarded from sexual abuse and exploitation.

## **CHAPTER : 5**

### **CONCLUSION AND SUGGESTIONS**

Child abuse and sexual harassment remain significant global challenges that require sustained efforts across legal, social, and institutional domains. This research paper has examined the various dimensions of child abuse, the legal frameworks designed to combat it, and the strategies employed by governments and organizations worldwide to address these issues. In light of the complex nature of child abuse and sexual harassment, it is clear that both preventative and responsive measures must be reinforced, and a more integrated approach is needed for long-term effectiveness.

Firstly, prevention should be prioritized. As highlighted throughout the paper, education plays a crucial role in preventing child abuse and sexual harassment. School-based programs aimed at increasing awareness about personal safety, consent, and healthy relationships must be scaled up. These programs should include teaching children how to recognize and report abuse, as well as educating adults, such as teachers, parents, and caregivers, about warning signs of abuse and their responsibilities under mandatory reporting laws.

Moreover, the implementation of mandatory reporting laws must be strengthened across all jurisdictions. While many countries have established legal obligations for professionals to report suspected abuse, enforcement remains inconsistent. Governments should enhance training for teachers, healthcare workers, and law enforcement to recognize indicators of abuse and respond appropriately. Ensuring that reporting mechanisms are easily accessible and that professionals are protected from retaliation for making reports would significantly improve child protection systems.

Secondly, support for survivors needs to be prioritized. Child abuse and sexual harassment often leave long-term emotional and psychological scars. Therefore, victim services must go beyond immediate safety and focus on the long-term recovery of survivors. Governments should increase funding for mental health services, counseling, and social reintegration programs for survivors. Additionally, the criminal justice system should offer specialized support for children navigating the legal process, ensuring that their testimony is treated with care and that they are protected from further trauma during investigations and trials.

International cooperation is also critical in addressing cross-border child exploitation and trafficking. Countries must collaborate through mechanisms such as the United Nations, Interpol, and regional child protection frameworks like SAARC or the African Charter on the Rights and Welfare of the Child. Harmonizing laws, sharing data, and creating consistent global standards for child protection will help address exploitation that often spans multiple countries and regions.

Finally, governments and international bodies must work to strengthen the accountability of institutions. Institutional abuse, such as that found in religious organizations or educational institutions, must be more rigorously investigated. Recommendations from initiatives like the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia should be fully implemented to ensure that organizations are held accountable and that there are robust safeguards in place to prevent future abuses.

Therefore, the challenge of combating child abuse and sexual harassment requires multifaceted strategies that combine prevention, support, education, international cooperation, and accountability. A holistic, child-centered approach that integrates all these elements can create a safer environment for children worldwide, fostering their well-being and protecting their rights from exploitation and abuse.