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# **CRIMES AGAINST CHILDREN: EXPLOITATIVE, EMOTIONAL AND PHYSICAL FACTORS**

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## **ABSTRACT**

This article delves into the multifaceted issue of crimes against children, shedding light on the exploitative, emotional, and physical factors that plague societies across the globe. Drawing upon a wide range of research and case studies, it examines the various forms of child exploitation, the emotional trauma inflicted upon young survivors, and the physical consequences they endure. By analyzing the complex interplay of these factors, the article seeks to raise awareness and promote informed discussions on strategies to combat and prevent such heinous crimes, ultimately advocating for the protection and well-being of children worldwide.

## **KEYWORDS**

Crimes, Children, emotional, physical, exploitative, survivors, protection, rights, online, health, reporting, violence, malnutrition, punishment, mental, bullying.

## **INTRODUCTION**

The introduction of laws addressing crimes against children, including exploitative, emotional, and physical factors, stems from a combination of historical developments, societal awareness, and legal frameworks.

Throughout history, children were often vulnerable to various forms of abuse and exploitation due to their limited legal rights and protections. Early child labor practices and the lack of child welfare laws exposed children to dangerous working conditions and neglect. The Industrial Revolution in the 18th and 19th centuries led to the widespread employment of children in hazardous factories. This prompted calls for child labor reform. Legislation gradually emerged in many countries to regulate child labor and set minimum age requirements for work.

The early 20th century saw the emergence of child protection agencies and organizations focused on safeguarding children's rights and welfare. The United Nations adopted the Universal Declaration of Human Rights in 1948, which included principles related to the rights of children. In 1989, the UN adopted the CRC, a landmark treaty that set out the civil, political, economic, social, and cultural rights of children. It explained numerous forms of abuse and exploitation, including emotional and physical abuse.

Countries around the world have developed legal frameworks to address crimes against children, including laws against child abuse, child labor, child trafficking, child pornography, and child marriage. These laws aim to protect children from exploitation, emotional trauma, and physical harm. Also, Child advocacy organizations and awareness campaigns have played a crucial role in highlighting the issues of child exploitation, abuse, and neglect.

### **RESEARCH METHODOLOGY**

The method of research used for this is qualitative of grounded nature. Various official websites like world health organization and UNICEF etc., articles, case commentaries have been referred. The grounded research methodology has helped the researcher to study the laws, measures, cases, societal facts and figures and consequences of the concern matter from the online official websites, books which have been used for qualitative research.

### **JURISPRUDENTIAL ASPECT**

Jurisprudence plays a crucial role in shaping the legal framework for addressing crimes against children by analyzing the ethical, moral, and legal dimensions of these issues and guiding the development of effective legal remedies and protections.

When dealing directly with children a one must understand the legal and ethical concerns, and their limitations, and patient/client boundaries. These include:

- Implementation of the UN Convention
- The requirements for consent
- The rights of the child
- The child's right to privacy
- Responsibilities of parents and guardians

In 1989, world leaders made historic commitments to the world's children by adopting the

United Nations Convention on the Rights of the Child. It is the most ratified human rights treaty in history and has helped transform the lives of children around the world.

## **EXPLOITATIVE FACTORS**

Child exploitation refers to the harmful and unethical use of children for various purposes, often to their detriment. Exploitative factors in crimes against children can take various forms

- **Child Labor Exploitation:** This involves forcing or coercing children into labor that is harmful to their physical or mental development. It may include long working hours, hazardous conditions, and lack of access to education.
- **Child Sex Trafficking:** Child sex trafficking is the commercial sexual exploitation of children through force, fraud, or coercion. Victims are often forced into prostitution or other forms of sexual exploitation against their will.
- **Child Pornography:** This involves creating, distributing, or possessing explicit images or videos of minors engaged in sexual activities. It's a form of exploitation as it victimizes the children involved.
- **Child Marriage:** Child marriage involves marrying children below the legal age, often without their consent. It can lead to physical and emotional harm and is considered a form of exploitation.
- **Online Exploitation:** Children can be exploited through online grooming, cyberbullying, or lured into sharing explicit content. This type of exploitation occurs in the digital realm.

Every kid has the right to be safe from violence, abuse, exploitation, neglect, and other potentially damaging behaviors. Nonetheless, millions of children in South Asia are subjected to violence and destructive behaviors, including at home, school, and in the community, which can have major long-term implications.

Nearly 9 out of 10 children in Bangladesh, 8 out of 10 in Nepal, and 7 out of 10 in Afghanistan aged 1 to 14 reported receiving harsh punishment at home.

Also Bullying, a dangerous kind of peer aggression that includes cyberbullying, affects a huge number of students in the area. Bullying was reported by more than 50% of Nepalese students between the ages of 13 and 15, 30% of students in Bhutan and the Maldives, and over 40% of students in Pakistan and Afghanistan. In South Asia, 1 in 4 young women were married before

their 18th birthday.<sup>1</sup>

In the Democratic Republic of the Congo and Equatorial Guinea, the prevalence of partner violence is 70% or more, while it approaches or surpasses 50% in Uganda, the United Republic of Tanzania, and Zimbabwe.

Males between the ages of 10 and 19 who are killed by another person tend to be killed by homicide in Panama, Venezuela, El Salvador, Trinidad & Tobago, Brazil, Guatemala, and Colombia. Nigeria has 13,000 child murders, which is the most. The United States has the highest murder rate among Western European and North American nations.

In Chad, Egypt, and Yemen, more than 40% of children aged 2 to 14 are subjected to severe physical punishment. In Swaziland, 82% believe corporal punishment is required.<sup>2</sup>

A complex issue, violence against children has causes at the individual, interpersonal, communal, and social levels.

- **Age:** Younger children have access to smartphones and the internet can expose children to online predators and more vulnerable to exploitation due to their limited understanding of risks and consequences.
- **Socioeconomic Status:** Children from disadvantaged backgrounds may be more vulnerable because perpetrators may exploit their economic needs. Children who are socially isolated or have limited social support systems may be easier targets for exploitation.
- **Family Dysfunction:** Children in dysfunctional or abusive family environments may be at greater risk, as perpetrators may exploit their vulnerability. This can lead to Children with mental health challenges may be more susceptible to manipulation and coercion.
- **Lack of Education:** Limited access to education can make children more susceptible to exploitation, as they may lack awareness and knowledge about their rights.
- **Previous Trauma:** Children who have experienced previous trauma or abuse like in areas with high crime rates or limited law enforcement presence may be at increased risk, as perpetrators may exploit their emotional vulnerabilities.

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<sup>1</sup> <https://www.unicef.org/rosa/what-we-do/child-protection/violence-against-children>

<sup>2</sup> <https://www.unicef.org/mena/press-releases/new-global-data-on-violence-against-children>

Case studies and examples of exploitative are

In the United States, there have been numerous cases of adults using social media and online platforms to groom children for sexual exploitation. For instance, the case of Jared Fogle, the former Subway spokesperson, who was sentenced to prison for possession of child pornography and engaging in sexual acts with minors he met online.

Also, the cocoa industry has been criticized for exploiting child labor. Many children, particularly in West Africa, are involved in hazardous work on cocoa farms, often denied education and subjected to harsh conditions.

## **EMOTIONAL FACTORS**

Emotional abuse in the context of crimes against children refers to a pattern of behavior by a caregiver or authority figure that harms a child's emotional well-being and development. It involves consistent actions or words that undermine a child's self-esteem, self-worth, and emotional security.

Types of emotional abuse in this context include:

- **Verbal Abuse:** This involves using harsh, belittling, or demeaning language toward the child, such as insults, yelling, or name-calling.
- **Constant Criticism:** Consistently criticizing, ridiculing, or making negative comments about the child's abilities, appearance, or worth can be emotionally abusive.
- **Terrorizing or Intimidating:** Using threats, intimidation, or fear tactics to control the child's behavior can lead to significant emotional trauma.
- **Emotional Manipulation:** Manipulating a child's emotions, such as guilt-tripping, blaming them for the caregiver's problems, or using emotional blackmail, constitutes emotional abuse.
- **Gaslighting:** This involves making the child doubt their own feelings, perceptions, or reality, causing confusion and distress.

Crimes against children can have profound and long-lasting psychological effects on them. Children who experience crimes such as abuse, neglect, or witnessing violence may develop symptoms of post-traumatic stress disorder (PTSD). They can have flashbacks, nightmares, and severe anxiety. Survivors of crimes may struggle to trust others, even those who are trying to help them. This can affect their ability to form healthy relationships in the future. Children

may have difficulty regulating their emotions. The emotional effects of crimes against children can have a lasting impact, affecting their mental health, relationships, and overall well-being throughout their lives.

Crimes against children can damage their self-esteem and self-worth. They may blame themselves for what happened or feel a sense of shame. Many children who experience crimes against them are at a higher risk of developing depression and anxiety disorders. These conditions can persist into adulthood. Also, Victims may face difficulties in school due to emotional distress, leading to academic challenges. They may also struggle with social interactions.

It's essential to provide these children with proper support, including therapy, counseling, and a safe environment, to help them heal and mitigate the long-term psychological effects of such crimes. Early intervention and a supportive network can make a significant difference in their recovery.

Society should Encourage teachers, healthcare providers, and caregivers to be vigilant for signs of emotional distress or abuse in children. Mandatory reporting laws should be in place to ensure any suspicions are reported to the appropriate authorities. They should Raise awareness about the importance of emotional well-being in children through public campaigns, workshops, and educational programs. Teach children about their emotions, boundaries, and how to seek help if they feel threatened. Elder should Create safe and supportive environments at home, in schools, and in communities. This includes promoting positive parenting, nurturing relationships, and fostering open communication between children and adults.

There should be Training for law enforcement, healthcare professionals, and social workers in recognizing and addressing emotional factors in crimes against children. This can improve the quality of investigations and interventions. Also, they should ensure access to mental health services for children who have experienced emotional trauma. This may involve therapy, counseling, and support groups tailored to their age and needs.

Every nation should Strengthen and enforce laws and policies that protect children from emotional abuse, neglect, and exploitation. This includes prosecuting offenders and imposing appropriate penalties. Government must focus on Educating children and parents about online

safety to prevent cyberbullying and online exploitation, which can have severe emotional consequences.

Remember that prevention and intervention efforts should be multifaceted and collaborative, involving government agencies, non-profit organizations, healthcare providers, educators, and the community as a whole. By addressing emotional factors in crimes against children comprehensively, we can work towards a safer and more supportive environment for all children.

## PHYSICAL FACTORS

Physical abuse of children refers to the intentional use of force that results in physical harm or injury to a child. This type of abuse can manifest in various forms and contexts, often associated with crimes against children

### Definition

Physical abuse involves actions that cause physical harm, pain, or injury to a child by a caregiver or adult authority figure. It can include hitting, punching, slapping, kicking, shaking, burning, or any other form of physical violence directed towards a child.

### Types of Physical Abuse:

1. **Hitting or Striking:** This involves the use of physical force to cause pain or injury to a child, such as hitting with hands or objects.
2. **Shaking:** Violently shaking a baby or young child, which can cause severe brain damage or even death (known as Shaken Baby Syndrome).
3. **Biting or Scratching:** Inflicting injuries by biting or scratching a child.
4. **Force-Feeding:** Forcing a child to eat or drink against their will, often to the point of physical harm.
5. **Tying or Restraining:** Using restraints or tying a child up in a way that causes physical harm or distress.
6. **Excessive Physical Discipline:** Using physical punishment excessively or inappropriately, such as spanking to the point of injury.

It's important to note that child protection agencies, law enforcement, and healthcare professionals are trained to identify and respond to cases of child abuse. If you suspect a child is being physically abused, it's essential to report your concerns to the appropriate authorities to ensure the child's safety and well-being.

Crimes against children can have severe physical and psychological consequences. Children may suffer physical injuries, such as bruises, broken bones, or even life-threatening injuries, depending on the nature of the crime. Similarly, in cases of sexual abuse, children may experience physical trauma, pain, or infections. This can lead to long-term health problems, including sexually transmitted infections (STIs), chronic pain, or developmental issues.

Children who experience abuse or trauma may be at higher risk of engaging in self-harming behaviors or developing suicidal tendencies. Physical symptoms like headaches or stomachaches can manifest as a result of the emotional stress caused by crimes against children. It's important to note that child protection agencies, law enforcement, and healthcare professionals are trained to identify and respond to cases of child abuse. If you suspect a child is being physically abused, it's essential to report your concerns to the appropriate authorities to ensure the child's safety and well-being.

Anyone who suspects or eyewitness's child abuse should report it immediately to the relevant authorities, such as Child Protective Services or law enforcement. Reporting can typically be done anonymously in many jurisdictions to protect the reporter's identity. If there are physical signs of abuse or injury, the child should receive prompt medical attention. Medical professionals can assess and document injuries, which may serve as crucial evidence in legal proceedings.

Law enforcement agencies will investigate the case, gather evidence, and interview involved parties. Cooperation with law enforcement is essential to building a case against the perpetrator. If there is sufficient evidence, criminal charges may be filed against the perpetrator. The child may also become involved in dependency court proceedings to determine their long-term safety and placement. Professionals who work with children, such as teachers and healthcare providers, are typically mandated reporters, required by law to report suspected abuse. Failure to report can have legal consequences. Community programs and educational efforts can help raise awareness about child abuse and provide information on how to recognize and report it. Preventive measures, such as parenting classes and support networks, can also be beneficial.

It's important to prioritize the safety and well-being of the child in cases of crimes involving physical factors. Timely reporting and coordinated intervention from various agencies and professionals are essential to protect vulnerable children from harm.

## CASE LAWS

### **Re Gault v. United States (1967)<sup>3</sup>**

The Supreme Court agreed to consider the case in order to evaluate the juvenile defendant's legal rights in delinquency hearings when jail is a possibility.

#### **Facts**

On June 8, 1964, Gerald Gault, a 15-year-old, was accused of making an indecent phone call to a neighbor. Gault and a buddy were detained at the Children's Detention Home. Gault's parents were at work at the time, and the arresting officer did not leave them any notification. Gault's mother dispatched his elder brother to seek for him, and the family of Ronald Lewis learnt of his imprisonment. Gault's first court appearance was unofficial, with no transcript or recording created and no one swore in. The court questioned Gault, and there are different stories of his confessions. Following his discharge, his parents were told of an upcoming hearing on June 15, 1964.

#### **Judgement**

The Court emphasized the importance of due process as the foundation of individual freedom and emphasized that procedural rules derived from due process are the best tools for evaluating essential facts from conflicting data. In re Gault, the Court noted that if Gault had been 18, he would have been afforded procedural safeguards available to adults. The Court examined the juvenile court system and concluded that juveniles facing delinquency and incarceration are entitled to certain procedural safeguards under the Due Process Clause of the Fourteenth Amendment.<sup>4</sup>

### **R v. Collins (1973) U.K.<sup>5</sup>**

The defendant claimed that the trial judge erred in instructing the jury on the meaning of the phrases 'trespass' and 'enter' under the 1968 Act. The defendant admits to going into the girl's room. However, the lady's bed was immediately next to the window, and the accused said that the woman spotted him, wrapped her arms around him, and followed him into the home. As a result, it seemed as though she was beckoning him inside the building. As a result, it was claimed that he was not a trespasser.

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<sup>3</sup> In re Gault 387 U.S. 1 (1967)

<sup>4</sup> <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-re-gault>

<sup>5</sup> [1973] QB 100; [1972] 3 WLR 243; 2 All ER 1105; 56 Cr App R 554

## Facts

After a late-night drinking session, Collins, a 19-year-old laborer, had access through a ladder to a very small household he knew of. He was found guilty of burglary with the intent to rape an 18-year-old woman and given a jail term. At this appeal, it was reversed.<sup>6</sup>

The survivor had seen her boyfriend, who was blond and of similar build to the defendant, a few hours before the relevant intercourse in issue. She was fairly drunk when they parted and she went to bed; she slept naked that July night in her room, which the defendant knew the location of since he had done some work in the house. At 02:00 am, the defendant ascended the ladder and, claiming great Dutch bravery, saw the sleeping woman, stripped to his socks, and rested kneeling on the sill - he "was just pulling [him]self in" to beg for sex when the survivor awoke, thinking she was meeting her partner. In bed, both of them had sex. In further dialogue, the survivor realized her error (mistake of identity) and attacked and bit her unintentional companion; no charges were filed for this reaction. He walked out of the home. The jury dismissed his claim that he would not have entered if not for the invitation. In testimony, he claimed unequivocally that he intended to "have his way with a girl" that night.

## Judgement

The appeal was granted, and the conviction was reversed. According to Davis LJ, in order to be a trespasser under Section 9(1)(a) of the Theft Act 1968, a person must either enter knowing that he is trespassing or act carelessly as to whether he is a trespasser or not. For the purposes of criminal culpability, an accused should be evaluated on the facts as he thought them to be, including any errors in his civil liability. Because of the architecture of the room, the defendant may have thought the girl was welcoming him inside when she wrapped her arms around him.<sup>7</sup>

## In re Winship (1970)<sup>8</sup>

In this case, the Court ruled that the standard of proof in juvenile delinquency proceedings should be "beyond a reasonable doubt," the same as in adult criminal trials. This decision emphasized the importance of protecting the rights of juveniles and ensuring that they receive the same level of due process as adults in the criminal justice system

<sup>6</sup> [https://en.m.wikipedia.org/wiki/R\\_v\\_Collins](https://en.m.wikipedia.org/wiki/R_v_Collins)

<sup>7</sup> <https://www.lawteacher.net/cases/r-v-collins.php>

<sup>8</sup> 397 U.S. 358 (more)

**Facts of the case**

Samuel Winship was charged as a juvenile delinquent when he was twelve years old for breaking into a woman's locker and taking \$112 from her wallet. Additionally, it was claimed that if Winship had committed the conduct as an adult, it would have constituted theft. A Family Court declared Winship guilty while admitting that the evidence did not prove his guilt beyond a reasonable doubt by relying on Section 744(b) of the New York Family Court Act, which mandated that decisions of a juvenile's guilt be based on a preponderance of the evidence. Before the Supreme Court granted certiorari, the New York Court of Appeals and the Appellate Division of the New York Supreme Court both rejected Winship's appeal of the court's adoption of the lower "preponderance of the evidence" burden of proof.

**Judgement**

The Court ruled by a vote of 5 to 3 that for determining the guilt of criminal charges, the strict "reasonable-doubt" standard must be applied to both adults and adolescents. The Court observed that by establishing guilt only on a "preponderance of the evidence," as is typical in civil proceedings, courts were depriving criminal defendants of a crucial constitutional safeguard against their fate being wrongly decided due to fact-finding errors. The Court ruled that simple differences in age among criminal defendants do not justify the adoption of differing requirements of proof as long as they all fear loss of liberty as a possible sentence.<sup>9</sup>

**FINAL RESULTS AND FINDINGS**

- Nearly 3 in 4 children - or 300 million children - between the ages of 2 and 4 regularly endure physical punishment and/or psychological violence from their parents and guardians.
- One in five women and one in thirteen men say they were victims of sexual abuse as children between the ages of 0 and 17.
- 120 million girls and young women under the age of 20 have experienced some form of forced sex.
- The consequences of child abuse include impaired physical and mental health throughout life, and social and occupational consequences that can ultimately slow a child's economic and social development.

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<sup>9</sup> <https://www.oyez.org/cases/1969/778>

- Child abuse is often hidden. Only a small proportion of child abuse victims receive support from medical professionals. An abused child is more likely to abuse others as an adult, so violence is passed from generation to generation. It is therefore essential to break this cycle of violence and in doing so, create positive multi-generational impacts.
- Preventing child abuse before it starts is possible and requires a multidisciplinary approach.
- Effective prevention methods include supporting parents, teaching positive parenting skills and improving laws prohibiting violent punishment.
- Ongoing care for children and families can reduce the risk of abuse recurring and minimize its consequences.<sup>10</sup>
- Forced sex has occurred in the lives of around 15 million young females aged 15 to 19.
- Approximately 10% of the world's youngsters do not have legal protection against physical punishment.
- Bullying affects one out of every three students aged 13 to 15.
- One in every four children under the age of five, or 176 million, lives with a mother who is a victim of intimate partner abuse.<sup>11</sup>

## CONCLUSION

The overall significance of the study on crimes against children, considering exploitative, emotional, and physical factors, lies in its potential to inform policies, interventions, and awareness campaigns.

The study's findings can guide the development of targeted intervention programs to support child victims and prevent further victimization. This includes therapy, support groups, and educational initiatives. As child exploitation often transcends borders, this study can encourage international collaboration to combat these crimes effectively. It can also assist law enforcement in identifying patterns and trends related to these crimes, aiding in the apprehension and prosecution of offenders.

Therefore, it is crucial for society to prioritize prevention, early intervention, and support systems to protect children from such harm and ensure their well-being. Collaboration among

<sup>10</sup> <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>

<sup>11</sup> <https://www.unicef.org/protection/violence-against-children>

law enforcement, child protection agencies, and communities is essential to combat these crimes effectively and provide a safer environment for all children.

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