

# A CRITICAL ANALYSIS OF THE LEGAL REGIME FOR COMBATTING CHILD SEXUAL ABUSE IN INDIA

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## **Abstract**

Through this article, the author tries to discuss about the imminent need for addressing the problem of the child sexual abuse vehemently. Child sexual abuse is one of the heinous crimes which the world has been witnessing over many years.

Nowadays when we often reach out to the newspapers every morning we come across the incidents of the child sexual abuse. The children are considered to be assets of the nation and therefore it is very important that they are protected from any of the ill happenings. In order to tackle the issue many countries all over the world have adopted various measures and have enacted stringent laws which have reduced the rate of this crime. But there are some nations which lack the proper mechanism and legal regime to combat this problem which allows the culprit to roam around freely. Thus, there is a need to tackle this issue with gravity.

This article attempts to acknowledge problem of the child sexual abuse which has been persisted in the society for centuries by an analysis of the legal position of child sexual abuse in India and other nations in order to find the probable solution to this social evil.

## **Introduction**

India is one of the largest democratic countries in the world, which is also the home to the largest number of children in the world. The children constitute more than 400 million of the population of India.<sup>1</sup> Children are regarded as the future of the nation, they are often regarded as

the future building blocks of the society therefore it is very important to educate and nurture them with care and caution, but this thought is not followed in full conformity. Since centuries the problem of child abuse has persisted throughout the world. Many children face physical and sexual abuse which has a great impact on the physical and the mental development of the child and this leads to an unsafe environment for upbringing of the child.

Frequently, it has been reported that the children sexually abused in school, parks, and even at home. The children are not only abused by the strangers but more often it has been witnessed that they are abused by their next friend by bribing them or by threatening them. Such a heinous practice has been continued in the society despite of having laws and regulations for curtailing such crimes and imposing punishments on the criminals. In India around 49 percent of children are victims of child abuse. It happens so casually because it is a less acknowledged problem as it generally takes place at home and in familiar places whereby they are abused by a person in which the child place their utmost trust and belief.

The Government of India has tried to take a few steps to prevent the child sexual abuse in the country, In addition to it, Supreme Court of India has made frequent and vital amendments in order to reduce the number of victims of child abuse. In the year 2015, Justice N Kirubakaran of Madras High Court opined that castration by surgical method is a punishment for convicts of child rape. He was of the opinion that despite the presence of the stringent Protection of Children from Sexual Offences Act (POCSO) since 2012, sexual crimes on children have actually risen alarmingly from 38,172 in 2012 to 89,423 in 2014. That's more than a 130% increase in the last two years. It also means there are eight cases of sex crimes against children every day. *“Barbaric crimes should definitely attract barbaric models of punishment,”* said Kirubakaran J. Thus, it can be acknowledged that it has become a menace in the society.

Many countries all around the world have successfully been able to combat the problem. Thus there is a need to acknowledge the problem with gravity and identify the loopholes in the system and adopt successful measures applied in other countries, so as to reduce the rate of child sexual abuse in India.

### Definition of the term “*Child Sexual Abuse*”

Many attempts are made to define the term child sexual abuse, that has resulted in many definitions of the term. The standing committee on sexually abused children (Bajpai, 2003) has defined Child Sexual Abuse as,

*“Any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has by design or by neglect of their usual societal or specific responsibility in relation to the child engaged or permitted engagement of that child in any activity of a sexual nature which is intended to lead to the sexual gratification of the sexually mature person. This definition pertains whether or not it involves genital or physical contact, whether or not initiated by the child and whether or not there is a discernible harmful outcome in the short run.”* <sup>ii</sup>

The United Nations has defined child sexual abuse as,

*contacts or interactions between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in position of authority, a parent or a caretaker) when the child is being used as an object of gratification for the older child's or adult's sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressure.* <sup>iii</sup>

In such circumstances the child is never able to make a free and informed decision and can never be said to have consented.

The NSW Child Protection Council definition states, *“child sexual assault occurs when an adult or someone bigger than a child uses his power or authority over the child and takes advantage of the child's trust and respect to involve the child in sexual activity”*. In all cases the offender / abuser has more power than the child and misuses that power to take advantage of the child.<sup>iv</sup> Inherent in the various definitions are concepts of violation of trust, abuse of power, the child's inability to consent, the age differential between the abuser and the child, the cognitive, emotional, psycho-sexual development level of the child and the sexual intent of gratification.<sup>v</sup>

### Analysis of Indian Criminal Law System in Combatting Child Sexual Abuse

India is a home of approximately 400 million children. The children in India are vulnerable to various challenges and social evils in day to day lives. Malnutrition, illiteracy, trafficking, forced labour, drug abuse, sexual abuse pornography etc are very much common in India.<sup>vi</sup> A study conducted by the UNICEF after 2012 Delhi gangrape revealed that one in every three cases, the victim is a child and these incidences are increasing at a alarming rate.<sup>vii</sup> Approximately 7200 children including infants are raped every year, which is an issue of serious concern.<sup>viii</sup> Before May 2012, there were various sections of the IPC dealing with sexual offences which were also applied to the cases of child sexual abuse. This resulted in serious lapse of justice as the provisions were not sensibly sufficient for their application to cases of child sexual abuse. For example, Section 354 IPC provides for the punishment of a person for outraging the modesty of a woman by use of criminal force but if we apply this section to case of say sexual assault of an infant the serious problem which would arise is on the account of the modesty of the infant. Thus, the application of provisions dealing with adults led to several complications when applied to cases of child sexual abuse. After the 2012 Delhi gang rape case, media along with other non-governmental played a very vital role in increasing awareness about child sexual abuse in the country. The media and the NGOs stressed on the increasing rates of child abuse and on the inability of the system to protect youngsters, subsequently pressurizing and driving the legislature to deliver the issue and to act as needs be in light of a legitimate concern for the children. As a development, the legislature made a noteworthy stride and the parliament ordered its first law in May 2012 to secure child sexual abuse. The requirement for this law turned out to be more prompt after the instance of Mrs. Madhu v. Province of Haryana<sup>ix</sup> concerning Ruchika Girhotra, who was attacked by a cop when she was 14. For this situation, the denounced requested that Ruchika's folks send to Canada as she was a splendid tennis player. The case was recorded under Section 354 read with Section 50 IPC. The charged, SPS Rathore got away from prosecution for a considerable length of time despite the fact that there was an onlooker to the claimed acts. This led to harassment of Ruchika and she ultimately committed suicide. <sup>x</sup>Thus, to solve these problems, *The Protection of Children from Sexual Offences Act* was enacted by the parliament in May 2012.

The POCSO Act was drafted to strengthen the legal provision for the protection of children from the sexual abuse and exploitation. This legislation is the first enactment made which is dealing specifically with sexual offences against children. This Act also provides for the definition of child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. An attempt has been made in the legislation to define these offences for the first time in law. In addition to this the legislation provides for the severe punishments. The punishments range from simple to rigorous imprisonment of varying period.

Punishments for Offences covered in the Act are:

- a. Penetrative Sexual Assault as given in the Section 3 of the act is punishable with not less than seven years which may extend to imprisonment for life, and fine as provided in Section 4 of the Act.
- b. Aggravated Penetrative Sexual Assault as given in Section 5 of the Act is punishable with not less than ten years which may extend to imprisonment for life, and fine as given in Section 6
- c. Sexual Assault as given in Section 7 is punishable with not less than three years which may extend to five years, and fine as given in Section 8.
- d. Aggravated Sexual Assault as given in Section 9 is punishable with not less than five years which may extend to seven years, and fine as given in Section 10.
- e. Sexual Harassment of the Child as given in Section 11 is punishable with Three years and fine as given in Section 12.
- f. Use of Child for Pornographic Purposes as given in Section 13 is punishable with five years and fine and in the event of subsequent conviction, seven years and fine as given in Section 14 (1).

In addition to it the Act recognizes that the intention to commit an offence, even when unsuccessful for whatever reason, needs to be penalized. The attempt to commit an offence under Act has been made liable for punishment for up to half the punishment prescribed for the commission of the



offence. The Act also provides of punishment for abetment of the offence, which is the same for the commission of the offence. The Act also covers the trafficking of children for sexual purposes. The Act has shifted the burden of proof on the accused in matters pertaining to the heinous crimes. In addition of making the laws severe the legislation has also made provisions to prevent the misuse of the law by imposing the punishment of 6 months for making a false report.

### The Problem of Tacking the Issue by the Society

The main concern of in regards to what occurs after aa child has been sexually abused holds essentialness for his/her prosperity as well as for the security of other children, on the grounds that if the culprit is never distinguished or on the off chance that/she permitted to move free, there are high odds of further abuse. Many a times, the complaints of the children are basically dismissed by the relatives, police and the therapeutic specialists. In a large portion of the cases, the culprit is frequently a relative or a man depended with care and authority of the youngster. In such cases, the kid would forgo talking up due to consistent danger of the relatives. For a situation under the steady gaze of the Delhi court, the blamed was indicted for having kidnapped and assaulted a 6-year young lady who was individual from his family. The blamed has before assaulted another young lady for his family however the case was not detailed due to the disgrace appended as the relative's trust that announcing a case will convey disgrace to their family. Additionally, there have been situations where the moms didn't make any move as a result of dread of being tossed out of the house by the in-laws. In other cases, the relatives dread of being excluded from the general public. People do not report the crime of sexual abuse due to the social stigma and in order to protect the family's reputation in the society. But looking at the after effects of the child's sexual abuse and its probability of happening the same to other children it should be reported. The guardians of the victims should make use of available legal options and should make sure that the culprit is punished and the victim has been given the justice.<sup>xi</sup>

### Judicial Activism Addressing the Cases of Child Abuse

The courts in India have always tried to deliver justice to the people in the largest possible manner. The courts have always tried to look into the cases taking into account the principles of natural

justice, gravity of the offences and its effect on the society at large. Below are the few instances wherein the court have looked into the matter of the child sexual abuse.

One of the important cases in relation to the child sexual abuse is *Sakshi v. Union of India*.<sup>xiii</sup> In this case, Section 375 Indian Penal Code was the main concern of debate. The learned counsel for petitioner appealed for the interpretation of the provisions of the IPC in the current scenario. The learned counsel argued that term “sexual intercourse” in Section 375 must include all kinds of sexual penetration. In this connection a special reference was made to the United Nations Convention on the elimination of all forms of discrimination against Woman, 1979 and also Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20<sup>th</sup> February, 1989 and especially to Articles 17(e) and 19. In this case, the judges sought refuge behind the strict interpretation of penal statutes and the doctrine of state decisis. While the case was ongoing the court directed the Law Commission of India to respond to the issues raised in the petition. The Law Commission, under the chairmanship of Justice P. Jeevan Reddy, responded by saying that the 156<sup>th</sup> Law Commission Report had dealt with these issues. The Supreme Court, however, agreed with Sakshi that the 156<sup>th</sup> Report did not deal with the precise issues raised in the writ petition. In August 1999, it directed the Law Commission to look into these issues afresh. After detailed consultations with the organisations, the Law Commission released its 172<sup>nd</sup> Report on the Review of Rape Laws, in 2000. The Law Commission recommended changing the focus from rape to ‘sexual assault’, the definition of which goes beyond penile penetration to include penetration by any part of the body and objects.<sup>xiii</sup> Also in the case of *Nishu v. Commissioner of Police, Delhi and others*<sup>xiv</sup>, the petitioner was a minor girl who was kidnapped and raped by a group of nine people. One amongst the nine people was a constable of Haryana police. The prosecution in this case failed to present any medical report or a copy of the FIR under Section 376 D of the IPC and relevant provisions of the POSCO Act. The court in this case said that it would be inappropriate to exercise jurisdiction under Article 32 as the case has been investigated by the Haryana Police. In *Avinash v State of Karnataka*<sup>xv</sup>, the appellant had kidnapped and raped the victim multiple times. The charge sheet was filed against the victim under 366 of the IPC and the Section 4 of the POSCO Act. The High Court in this case emphasized over the age of the victim

as it is the deciding factor and the court set aside the conviction in support of getting reliable evidence and disposing the case in accordance with law.

In many cases it has been observed that the courts have shown an inclination towards taking punitive measures against the convicts under the Section 12 of the POSCO Act, 2012 to give strong message to the society in order to combat the evil of child sexual abuse. However, such an action can be only taken by the courts after the reliable piece of evidence is provided by the police and the medical experts. But it has been often observed that the police and the medical experts are lacking this competence. For example, in one of the cases a girl was abused by her father since she was 12 years of age. The court in this case by looking into the investigation found out that the investigation was done in a casual manner and the medical report and the investigation various loopholes, the court refused to proceed over this matter. And in very many cases the inadequacy and the delay in the investigation leaves the culprit free. Thus, it is important that the investigative agencies must perform the function in the efficient manner in order to improve the justice delivery system.

#### Analysis of Legal Regime for Combatting Child Sexual Abuse in Various Countries

At global level, child sexual abuse is recognised as a serious crime against children. There are many legislations drafted in various countries to protect the children from sexual abuse but the laws vary from country to country. The components of the meaning and understanding of the child sexual abuse varies to a large extent. Child sexual abuse can be also referred to as the statutory rape wherein, there is a violation of every child's right when an adult tries to have a sexual intercourse with a minor who is *doli incapax* for giving consent.<sup>xvi</sup> In this section the author has examined the laws of different countries where the frequency of the child sexual abuse is very high and also where the frequency is quite low.

#### South Africa

One of the top five nations which have the highest rate of the child sexual abuse is South Africa. According to the report by trade union Solidarity Helping Hand of 2009, one child is raped every three minutes in South Africa.<sup>xvii</sup> More than 67,000 cases of rape and sexual assaults against children were reported in 2000.<sup>xviii</sup> Chapter 3 of the Criminal (Sexual Offences and Related



Matters) Act, 2007 deals with the offences against the children in South Africa. It mainly focusses upon the following<sup>xix</sup>:

- a) Statutory rape which includes acts of consensual sexual penetration.<sup>xx</sup>
- b) Statutory sexual assault which includes acts of consensual sexual violation.<sup>xxi</sup>
- c) Sexual exploitation and sexual grooming of children.<sup>xxii</sup>
- d) Exposing children to explicit pornographic content and using children for pornographic purpose.<sup>xxiii</sup>
- e) Forcing and casing child to witness sexual acts, self-masturbation and display of genital organs.<sup>xxiv</sup>
- f) Sexual exploitation of disabled children in the ways mentioned above.<sup>xxv</sup>

In addition to it in order to ensure the security of the children the Supreme Court of South Africa made it illegal for a person who was previously convicted of a sexual offence, to loiter near public places like schools, playgrounds etc. in order to protect children from any incidence of sexual assault.

#### United Kingdom

In United Kingdom (UK) around 54,000 sexual offences against children were recorded by the police in the UK in the year 2015-2016. The Sexual Offences Act of 2003 deals with following sexual offences<sup>xxvi</sup>:

- a) Trafficking children for the purpose of sexual exploitation.
- b) Child sexual abuse by means of prostitution and pornography which includes encouraging or facilitating prostitution or pornography.
- c) Sexual abuse of children with mental disorder.
- d) Voyeurism, exposure of one's genitals to the child and engaging in sexual acts in public lavatory.

The Act offers for stronger protection to the children. The Act of 2003 amended various provisions and the important amendment was the change in the definition of the child wherein they amended the age from 16 to 18.<sup>xxvii</sup> It also created new offences related to child prostitution<sup>xxviii</sup> and making indecent photographs of children<sup>xxix</sup>, sexual activities with a child family member<sup>xxx</sup>, and 'meeting

a child following sexual grooming.<sup>xxxii</sup>The new types of offences against children included the abuse of the position of trust, which include sexual activity with a child<sup>xxxiii</sup> or in his presence<sup>xxxiii</sup> as well as ‘causing a child to watch a sexual act’<sup>xxxiv</sup>.

In addition to this the accused cannot take a plea that the child consented for the sexual act. Any sexual intercourse and other non-penetrative activities like sexual assault, or causing or inciting a child to engage in sexual activity. These cover a range of both physical and non-physical contact.

### Germany

Germany has very stringent regulation with regards to the child sexual abuse Germany follows legal codes and procedures which give more protection to children as compared to many other countries. According to the Section 176 of the German Criminal law, children under 14 years of age are considered *doli incapax* for giving consent to any kind of sexual activity. Under Section 174, engaging in sexual activity with a person below 18 years is also punishable in certain circumstances for e.g. when the child is adopted and is in a state of dependence. The criminal procedure also guarantees maximum child protection. Responsible police officers themselves interrogate the child as soon as they receive any complaint.<sup>xxxv</sup>

### Canada

Keeping in mind the end goal to manage this genuine social evil prevailing in Canada. The Criminal code and the Canada Evidence Act are two government laws covering criminal equity matters. The revision to these laws in January 1988 made child sexual abuse offences accordingly extending the open door for courts to take the declaration of child in instances of their sexual mishandle. These are the offences related to children covered under the Canadian Criminal Code in relation to Sexual interference, Invitation to sexual touching, Sexual exploitation of a young children, Anal intercourse, Bestiality, Offences involving parents or guardian in sexual activity of a child, Exposing genitals to a child, Vagrancy, Offences in relation to child prostitution, Incest, Indecent acts, Sexual assault, Sexual assault with a weapon or with a threat of causing bodily harm, and Aggravated sexual assault.

The consent of the child is not a ground of exception in this legal system of Canada. Under Canadian law, children above 12 years but below the age of 14 years are considered incapable of giving consent to any sexual activity. Furthermore, the consent given by persons above 14 years

of age but below the age of 18 is considered invalid if the other person engaged in the sexual act is in a place having their trust and authority on them. An offender cannot take a defense that he believed that the child was older; this defense can only sustain if he/ she took reasonable steps to find the age of the concerned child. The victims are additionally ensured at the season of the indictment. Certification of a child's declaration isn't required nor conviction of the blamed. Distribution of the data about the child which would distinguish the child casualty is restricted. A child also testify outside the courtroom of a judge or jury who will meticulously watch the child while he/she is giving the declaration. Video cuts recorded by the tyke for declaration inside a sensible time are likewise acceptable. Different establishments additionally exist for the security of the youngster. The child welfare frameworks secure children, while the criminal equity framework shields the general public from potential wrongdoers. Both of these foundations work next to each other to complete the double duty to at last accomplish a similar objective of ensuring individuals from the general public. Further, prosecution under Criminal law is composed in a way to ensure the child as well as to protect the privileges of the denounced keeping in mind the end goal to adjust the enthusiasm of both the concerned parties

#### Netherlands

Netherlands is the country which has the lowest rate of child abuse in the world. The rate of child sexual abuse in Netherlands is approximately ranging to 4%/. One of the main reason for the lowest rate of child sexual abuse is the policy in the country. In this country there are various Advice and Reporting Centres on Domestic Violence and Child Abuse (AMHK) and the children or adults who suspect sexual abuse are given a reporting code. These centres are easily accessible and are child friendly.<sup>xxxvi</sup> The centers on the admission of the case, investigate the circumstances, it also ensures that the court takes adequate action in order to protect the interest of the child. Child abuse in the country is primarily seen as a family related, medical or psychosocial problem. The main laws governing child abuse are as follows:

- i. The UN Convention on the Rights of the Child which was ratified by the Netherlands in March 1995. Articles 4, 5, 6, 18, 19 and 27 of the Covenant are relevant to deal with the instances of child abuse.<sup>39</sup>
- ii. Dutch civil Law

An important advancement in the area of child rights was the inclusion of an additional reference in Article 247 which reads as *“Parents are under an obligation to take care of their children and to raise them without using either mental or physical violence or any other type of humiliating treatment”*. This has resulted in reduction of child sexual abuse cases.<sup>xxxvii</sup>

In addition to the above the action plan for year 2012 to 2016 was initiated by the government in November 2011. Its primary objectives were:

- To prevent parents from abusing their children.
- To encourage reporting of cases of child abuse.
- To put an end to existing abuse.
- To limit the damaging consequences of abuse.<sup>xxxviii</sup>

### Conclusion

After exhaustive examination of Indian Criminal law, legal choices and the laws of different nations, it could be inferred that the present law is deficient in many regards. Besides, when law is clear at specific occurrences, the rules set down are not entirely actualized by the Police, specialists and the courts which truly hamper equity for the child who is the victim of such a heinous crime. The specialist advances for additionally changes in the tenets and strategy under law and their strict usage for promoting the interest of the child victims. The Government can likewise oblige a portion of the standards from the laws of alternate nations which are more child friendly and work towards the headway of equity. These changes may include setting up of focuses and goals like those in Netherlands who will accept the accountability of regulating that entire equity is done to the tyke and the kid isn't additionally exploited by the legal procedure. Also, its important to make child pornography and voyeurism entirely culpable in each frame. It should be seen that the working of kid welfare organizations are more successful with the goal that it goes in consonance with the legal framework to secure casualty's advantage and the enthusiasm of the Society as seen in legal regime of Canada. Finally, the Government should set out a few standards with a specific end goal to secure the interest of the vulnerable witnesses.

- <sup>i</sup> “State of Worlds Children”, Report, UNICEF (2011)
- <sup>ii</sup> Dr. Maitra Shubhda, “*Understanding Child Sexual Abuse*”, Child Line India, <http://www.childlineindia.org.in/Understanding-Child-Sexual-Abuse.htm>.
- <sup>iii</sup> (UNICEF, 2003).
- <sup>iv</sup> *Supra 2*
- <sup>v</sup> A .Bajpai, “*Child Rights in India: Law, Policy and Practice, New Delhi*”, Oxford University Press UNICEF. The State of the World's children, NY, USA (2003)
- <sup>vi</sup> United Nations Children’s Fund, “*The Situation of Children in India – a profile*”, May 2011, [http://www.unicef.org/india/The\\_Situation\\_of\\_Children\\_in\\_India\\_-\\_A\\_profile\\_20110630\\_.pdf](http://www.unicef.org/india/The_Situation_of_Children_in_India_-_A_profile_20110630_.pdf).
- <sup>vii</sup> UNICEF, *UN in India condemns the gang rape of a student in New Delhi* (December 31, 2012), [http://www.unicef.org/media/media\\_67097.html](http://www.unicef.org/media/media_67097.html).
- <sup>viii</sup> *Ibid*
- <sup>ix</sup> *Mrs. Madhu v. State of Haryana*, 1998(4) RCR 854
- <sup>x</sup> Mathur Avarnita, *When a 14 year old girl killed herself after being molested and harassed by cop: 10 things to know about the Ruchika Girhotra case*, India Today (23 September 2016), <http://indiatoday.intoday.in/story/ruchika-girhotra-molestation-sps-rathore-haryana/1/771442.html>.
- <sup>xi</sup> MOHAMED THAVER, SADAF MODAK, TABASSUM BARNAGARWALA, *SEXUAL ABUSE OF BOYS: SHAME, POOR AWARENESS BEHIND UNDER-REPORTING*, INDIAN EXPRESS(AUGUST 8 , 2017), <HTTP://INDIANEXPRESS.COM/ARTICLE/INDIA/SEXUAL-ABUSE-OF-BOYS-SHAME-POOR-AWARENESS-BEHIND-UNDER-REPORTING-4786889/>.
- <sup>xii</sup> *AIR 2004 SC 3566*
- <sup>xiii</sup> Manjeet Sahu, *Change in definition of Rape in India*, Legal Service India (October 31, 2011), <http://www.legalservicesindia.com/article/article/changing-definition-of-rape-in-india-880-1.html>.
- <sup>xiv</sup> 2014 (3) ACR 2516 (SC)
- <sup>xv</sup> 2004 (13) SCC 375
- <sup>xvi</sup> Richard Nyamanhindi, *Hidden in plain sight: Child sexual abuse in Zimbabwe*, UNICEF, [http://www.unicef.org/zimbabwe/resources\\_15420.html](http://www.unicef.org/zimbabwe/resources_15420.html).
- <sup>xvii</sup> IACCINO LUDOVICA, *CHILD SEXUAL ABUSE: TOP 5 COUNTRIES WITH THE HIGHEST RATES* (FEBRUARY 12, 2014) <HTTP://WWW.IBTIMES.CO.UK/CHILD-SEXUAL-ABUSE-TOP-5-COUNTRIES-HIGHEST-RATES-1436162>.
- <sup>xviii</sup> *Ibid*
- <sup>xix</sup> Criminal (Sexual Offences and Related Matters) Act, 2007. <http://www.justice.gov.za/legislation/acts/2007-032.pdf>.
- <sup>xx</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 15.
- <sup>xxi</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 16.
- <sup>xxii</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 17.
- <sup>xxiii</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 18.
- <sup>xxiv</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 19.
- <sup>xxv</sup> Criminal (Sexual Offences and Related Matters) Act, 2007, Section 20.
- <sup>xxvi</sup> Sexual Offences, Government of UK, [http://www.cps.gov.uk/news/fact\\_sheets/sexual\\_offences/](http://www.cps.gov.uk/news/fact_sheets/sexual_offences/).
- <sup>xxvii</sup> Sexual Offences Act 2003, Section.45(2).
- <sup>xxviii</sup> Sexual Offences Act 2003, Ss 47-50.



<sup>xxix</sup> Sexual Offences Act 2003, Section 45.

<sup>xxx</sup> Sexual Offences Act 2003, Section 25.

<sup>xxxi</sup> Sexual Offences Act 2003, Section 15.

<sup>xxxii</sup> Sexual Offences Act 2003, Section 16.

<sup>xxxiii</sup> Sexual Offences Act 2003, Section 18

<sup>xxxiv</sup> Sexual Offences Act 2003, Section 12.

<sup>xxxv</sup> Beate Galm, Regine Derr, National report on *Combating Child Abuse and Neglect Child Protection in Germany* (2011), [https://www.dji.de/fileadmin/user\\_upload/bibs/DAPHNEGermanReportLayoutFIN.pdf](https://www.dji.de/fileadmin/user_upload/bibs/DAPHNEGermanReportLayoutFIN.pdf).

<sup>xxxvi</sup> Mariska de Baat, Peter van der Linden, Klaas Kooijman, Caroline Vink, *Combating child abuse and neglect in Netherlands*. Nederlands Jeugd instituut ( December 2011), [www.nji.nl/.../\(301995\)-Daphne\\_report\\_Netherlands.pdf](http://www.nji.nl/.../(301995)-Daphne_report_Netherlands.pdf)

<sup>xxxvii</sup> *Ibid*

<sup>xxxviii</sup> *Ibid*

