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## **Legal Evolution for Minor Victims: Cultural Dynamics & Challenges in Violence Laws**

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**Abstract**—This research endeavors to investigate the legal evolution concerning minor victims, specifically within the socio-cultural context of India, with a focused examination on the state of Punjab. In a comprehensive analysis, this study aims to elucidate the intricate interplay between evolving legal frameworks and deeply entrenched societal norms in addressing violence against minors. Through a meticulous examination of legislative developments and amendments, the research seeks to delineate the progression of laws safeguarding minor victims in India, shedding light on key milestones and legislative interventions. Moreover, the study delves into the unique cultural dynamics prevalent in Punjab, identifying how cultural factors intricately shape legal challenges in the realm of protecting minor victims from various forms of violence. By navigating these cultural complexities, the research endeavors to discern the effectiveness of existing violence laws and pinpoint potential areas for enhancement. By offering a nuanced understanding of the socio-legal landscape, this study not only contributes to scholarly discourse but also provides valuable insights for policymakers and practitioners in their efforts to ensure the protection and well-being of minor victims in Punjab and beyond. Through its interdisciplinary approach, this research aspires to bridge the gap between legal provisions and cultural realities, fostering a more holistic and effective approach towards addressing the plight of minor victims in India.

**Keywords**—Legal evolution, Minor victims, Cultural dynamics, Violence laws, Legislative developments, Socio-cultural factors, Protection laws

### **I. INTRODUCTION**

In recent years, global recognition of the imperative to safeguard minor victims from various forms of violence has intensified. However, the evolution of legal frameworks, especially considering cultural dynamics, remains intricate.

This research aims to dissect the historical and cultural complexities impacting the legal protection of minor victims.

#### **A. Background**

In recent years, global awareness of the prevalence and impact of violence against minor victims has grown significantly. This increased recognition has underscored the

urgent need for comprehensive legal frameworks aimed at protecting minors from various forms of abuse, exploitation, and neglect, including the pervasive issue of domestic violence[1]. However, despite concerted efforts to address this issue, the evolution of such laws remains a complex and multifaceted endeavour, particularly when considering the influence of cultural dynamics on legislative processes and implementations.

The intersection of legal evolution and cultural dynamics presents a nuanced challenge in the development and enforcement of laws to protect minor victims from domestic violence[2]. Cultural norms, values, and beliefs deeply influence societal attitudes towards children, family structures, and interpersonal relationships, shaping the prevalence and response to domestic violence incidents involving minors. These cultural factors can significantly impact the interpretation and application of legal provisions related to domestic violence, influencing the efficacy of protective measures for minor victims within familial settings[3].

Understanding the historical background of legal provisions for minor victims, including those affected by domestic violence, is paramount in addressing the gaps and challenges that persist in contemporary legal systems. The historical trajectory of legal evolution in this context reflects a gradual progression towards more comprehensive and rights-based approaches to safeguarding minors from domestic violence [4]. Key legislative developments, amendments, and landmark cases have played pivotal roles in shaping the current landscape of laws and regulations governing minor victim protection, with specific attention to addressing domestic violence incidents[5].

### B. Motivation

This study is driven by the urgent need to tackle the structural obstacles and struggles that minor victims of assault have while navigating the judicial system. Despite significant advancements in legislation aimed at protecting minor victims, there remains a gap between legal provisions and their effective implementation, particularly in regions marked by diverse cultural dynamics such as India, with a specific focus on the state of Punjab[6]. By exploring the intersection of cultural factors and legal frameworks, this research seeks to shed light on the nuanced challenges and complexities inherent in safeguarding the rights and well-being of minor victims [7]. Additionally, this research is motivated by the desire to contribute to scholarly discourse and policy reform efforts aimed at enhancing legal protections for minor victims and promoting a more inclusive and equitable legal system.

### C. Contribution

This research makes several significant contributions to the existing literature on legal evolution for minor victims and cultural dynamics in violence laws. Firstly, by providing a comprehensive overview of the historical development of legal frameworks for minor victims, this research offers valuable insights into the evolution of laws aimed at protecting vulnerable populations. Second, this study adds to our knowledge of the socio-cultural elements that impact the legal obstacles to resolving child abuse by investigating the impact of cultural dynamics on legislation pertaining to violence, with a focus on the Indian state of Punjab. Lastly, by identifying the gaps and challenges in existing legal frameworks, this research aims to inform policy reform efforts and advocate for

more effective strategies for protecting minor victims and promoting their rights within the legal system.

## II. LEGAL FOUNDATIONS FOR PROTECTING MINOR VICTIMS

This section delves into the intricate legal frameworks aimed at safeguarding minor victims, offering a nuanced examination of pertinent legislation, constitutional provisions, and court rulings, particularly within the context of India.

### A. Overview of Relevant Legislation

A comprehensive analysis of laws and statutes pertaining to the protection of minor victims is indispensable for grasping the multifaceted legal landscape surrounding their welfare. Children in India are safeguarded from sexual offences by a number of important laws, including the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Labour (Prohibition and Regulation) Act, 1986, and the Protection of Children from Sexual Offences (POCSO) Act, 2012, among others [8]. These laws outline offenses against minors, prescribe penalties for perpetrators, and establish mechanisms for victim support and rehabilitation. Furthermore, the legal framework for protecting juvenile victims is greatly influenced by judicial interpretations and decisions made by Indian courts. These decisions outline how applicable laws should be interpreted and applied.

### B. National Legal Framework

The national legal framework stands as the bedrock of efforts to protect minor victims from violence and exploitation in India. At its core, this system is based on child protection statutes like the POCSO Act, 2012, which creates dedicated courts to expedite the trial of cases involving sexual offences committed against children and guarantees their protection from harm [9]. Juvenile justice boards and child welfare committees will be set up to monitor the execution of the Juvenile Justice (Care and Protection of Children) Act, 2015, which places an emphasis on the rehabilitative and social reintegration of adolescent offenders. The rights of child victims have been upheld by Indian courts, notably the Supreme Court of India, in a number of seminal rulings that have clarified legal concepts and processes pertaining to their protection [10].

### C. Regional Jurisdictional Differences

Despite the presence of overarching national legal frameworks, jurisdictional differences inevitably exist across regions in India, exerting a significant influence on the implementation and enforcement of laws related to minor victim protection[11]. These variations may manifest in divergent legal provisions, enforcement mechanisms, resource allocation, and institutional capacities, resulting in disparities in the level of protection afforded to minor victims in different parts of the country[12]. Factors such as cultural norms, socioeconomic conditions, political dynamics, and historical legacies may contribute to these regional differences, underscoring the importance of context-sensitive approaches to addressing minor victim protection at the regional level[13].

### D. Constitutional Provisions and Fundamental Rights

Constitutional guarantees and fundamental rights serve as the cornerstone of legal protections for minor victims in India, enshrining core principles and values that underpin efforts to

safeguard their rights and welfare[14]. Children are enshrined in the Indian Constitution as having inherent dignity and rights, with the state being obligated to guarantee their safety, well-being, and growth [15]. The right to equality, life, and personal liberty, as well as the state's obligation to safeguard children from exploitation and maintain their welfare, are affirmed in important constitutional provisions, including Articles 15(3), 21, and 39(e) and (f)[16]. Furthermore, Indian courts' interpretations of these constitutional provisions have been vital in clarifying its reach and application, offering direction on matters pertaining to the protection and rights of children.

The robust legal framework is essential for safeguarding minor victims from violence and exploitation in India, promoting their rights and well-being, and ensuring their full and equal participation in society[17]. By analysing relevant legislation, constitutional provisions, court rulings, and regional jurisdictional differences, stakeholders can work towards creating an environment where minor victims are protected, empowered, and able to thrive.

### III. SOCIO-CULTURAL INFLUENCES ON VIOLENCE LAWS

This section delves into the intricate interplay between socio-cultural dynamics and legal frameworks aimed at addressing violence against minor victims[18]. It offers a nuanced examination of how perceptions, norms, values, and intersectionality considerations shape the development, interpretation, and implementation of violence laws within the context of protecting minor victims.

#### A. Perceptions, Norms, and Values

Perceptions, norms, and values embedded within a society play a crucial role in shaping attitudes towards violence against minor victims[19]. Cultural beliefs and societal expectations regarding gender roles, family structures, and child-rearing practices significantly influence how instances of violence against minors are perceived and addressed. For instance, in patriarchal societies, traditional gender norms may perpetuate the notion of male dominance and female subservience, contributing to the normalization or justification of violence, particularly within familial settings[20]. Moreover, prevailing cultural attitudes towards issues such as corporal punishment, child discipline, and sexual modesty may impact the recognition and reporting of violence against

minors. Understanding these cultural dynamics is essential for unpacking the complexities surrounding minor victim protection and devising culturally sensitive interventions that challenge harmful norms and promote positive social change[21].

#### B. Impact of Cultural Dynamics

Cultural dynamics exert a profound influence on the development and implementation of violence laws, shaping legal responses to minor victim protection. Legal frameworks must navigate the complexities of cultural diversity and sensitivity while upholding universal principles of human rights and justice. Cultural relativism, the belief that cultural norms and values should dictate legal standards, poses challenges in ensuring consistent and equitable protection for minor victims across diverse cultural contexts[22]. Moreover, cultural stereotypes and biases may impact the treatment of minor victims within the legal system, influencing decisions related to victim support, legal proceedings, and access to justice. Recognizing and addressing these cultural dynamics is essential for fostering an inclusive and rights-based approach to minor victim protection that respects cultural diversity while upholding fundamental human rights principles[23].

#### C. Intersectionality Considerations

Intersectionality considerations further complicate the socio-cultural landscape of violence laws, highlighting the intersecting identities and experiences that shape minor victimhood[24]. Factors such as age, gender, ethnicity, socioeconomic status, disability, and sexual orientation intersect to create unique vulnerabilities and barriers to protection for minor victims. For example, minor victims from marginalized or disadvantaged backgrounds may face additional obstacles in accessing support services or navigating the legal system due to systemic discrimination or lack of resources. Similarly, minor victims belonging to minority or indigenous communities may encounter cultural barriers or mistrust towards mainstream legal institutions, impacting their ability to seek redress for violence. Recognizing and addressing intersectionality considerations is essential for developing tailored and inclusive approaches to minor victim protection that address the diverse needs and experiences of all minor victims, regardless of their intersecting identities.

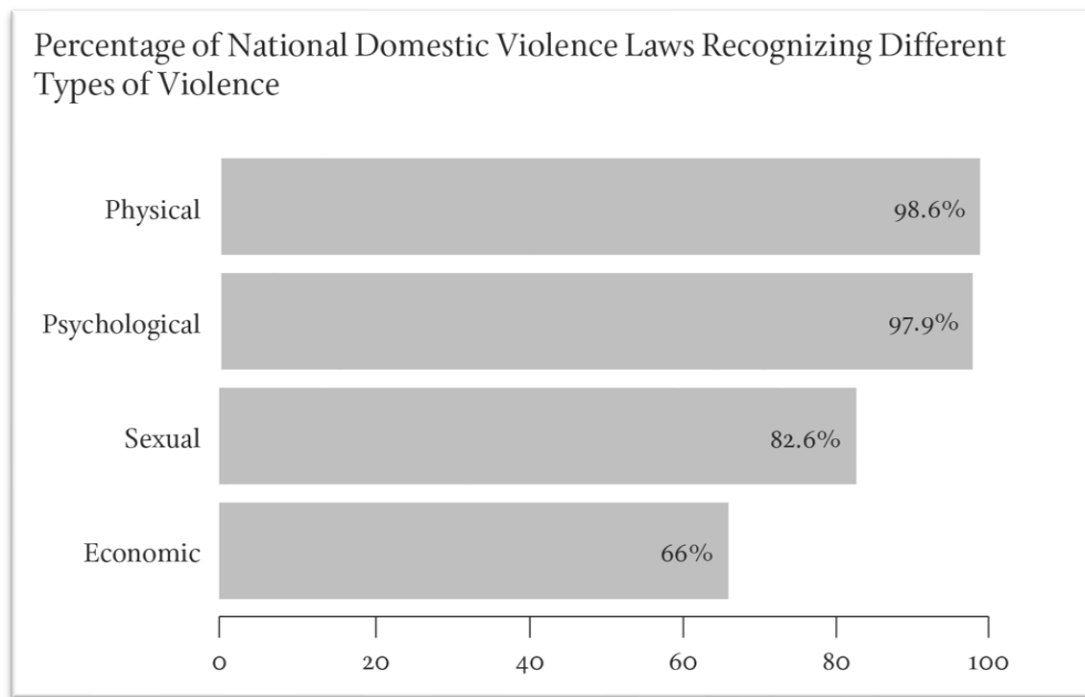


Fig. 1. Domestic Violence Law Recognition Percentage

The socio-cultural influences profoundly shape the development, interpretation, and implementation of violence laws aimed at protecting minor victims [25]. By understanding the complex interplay between perceptions, norms, values, cultural dynamics, and intersectionality considerations, stakeholders can develop more effective and culturally sensitive strategies to address the challenges and complexities inherent in protecting minor victims from violence. By promoting cultural competence, challenging harmful norms, and fostering inclusive approaches to minor victim protection, legal frameworks can better uphold the rights and well-being of all minor victims within diverse cultural contexts.

#### IV. LEGISLATIVE PROGRESSION FOR MINOR VICTIM PROTECTION

This section provides a comprehensive examination of the legislative progression for protecting minor victims, encompassing historical analysis, key milestones, legislative amendments, enforcement measures, and effective implementation strategies.

##### A. Historical Analysis and Milestones

A historical analysis of legislative developments pertaining to minor victim protection offers critical insights into the evolution of legal frameworks aimed at safeguarding their rights and well-being. In many countries, including India, the journey towards establishing robust legal protections for minor victims has been marked by significant milestones and legislative reforms. For instance, the enactment of landmark laws such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, in India represented a watershed moment in the legal response to child sexual abuse, providing for stringent penalties and expedited legal proceedings to ensure justice for minor victims. Governments have prioritised the protection of child victims and attempted to match domestic

legislation with international standards[26] in response to international agreements like the United Nations Convention on the Rights of the Child (UNCRC).

##### B. Amendments and Enforcement Measures

Legislative amendments play a crucial role in addressing emerging challenges and gaps in existing legal frameworks for minor victim protection[27]. Governments regularly review and update laws to adapt to changing societal norms, technological advancements, and evolving forms of violence against minors. Amendments may involve expanding the scope of existing laws, enhancing penalties for offenders, strengthening victim support mechanisms, or introducing new provisions to address emerging threats[28]. Moreover, effective enforcement measures are essential to ensure the implementation of legislative provisions and hold perpetrators of violence against minors accountable. This may involve establishing specialized law enforcement units, enhancing investigative capacities, providing training for law enforcement personnel, and fostering inter-agency cooperation to facilitate comprehensive responses to minor victim cases.

##### C. Effective Implementation Strategies

Effective implementation strategies are vital for translating legislative intent into tangible outcomes for minor victims. This includes ensuring adequate resources, infrastructure, and trained personnel to support the effective implementation of laws and policies[29]. Additionally, awareness-raising campaigns, community engagement initiatives, and capacity-building programs are essential for fostering a culture of child protection and empowering stakeholders to identify, report, and respond to cases of violence against minors. The many interrelated causes of child victimisation need concerted effort from a variety of sectors, including government, civil society, and community organisations [30]. By fostering partnerships and leveraging resources, stakeholders can work together to develop holistic

and sustainable solutions to protect minor victims and promote their rights and well-being.

TABLE I. LEGISLATIVE PROGRESSION FOR MINOR VICTIM PROTECTION

| Year | Legislative Development/Milestone  | Impact/Significance   |
|------|--|---|
| 2012 | Enactment of the POCSO Act, 2012   | Significantly strengthened legal protections for minor victims of sexual offenses, including expedited legal proceedings and stringent penalties for offenders.                             |
| 2015 | Adoption of the Juvenile Justice (Care and Protection of Children) Act, 2015 | Enhanced focus on rehabilitation and social reintegration of juvenile offenders, establishment of specialized child welfare agencies, and provisions for victim support and rehabilitation. |
| 2019 | Introduction of amendments to strengthen child protection laws               | Expanded scope of existing laws, increased penalties for offenders, and enhanced victim support mechanisms to address emerging challenges and gaps in minor victim protection.              |

The legislative progression for minor victim protection reflects ongoing efforts to strengthen legal frameworks, enhance enforcement measures, and promote effective implementation strategies to safeguard the rights and well-being of minor victims. By analysing historical milestones, legislative amendments, enforcement measures, and effective implementation strategies, stakeholders can identify opportunities for further progress and develop comprehensive approaches to address the challenges and complexities inherent in protecting minor victims from violence.

V. CHALLENGES IN SAFEGUARDING MINOR VICTIMS

This section delves into the multifaceted challenges encountered in safeguarding minor victims, exploring enforcement obstacles, community engagement and support mechanisms, and policy enhancements for legal safeguards.

A. Enforcement Obstacles and Mitigation Strategies

Enforcing laws aimed at protecting minor victims presents numerous challenges, ranging from gaps in legal frameworks to resource constraints and institutional barriers. One significant obstacle is underreporting, where many instances of violence against minors go unreported due to fear, stigma, or lack of awareness about available support services. Additionally, limited access to justice, particularly in marginalized communities, can hinder efforts to hold perpetrators accountable and provide redress to minor victims. Mitigating these challenges requires a multi-pronged approach, including enhancing legal literacy and awareness among communities, strengthening law enforcement capacities, and establishing specialized units to investigate and prosecute cases of violence against minors. Moreover, victim-centered approaches that prioritize the safety, well-being, and participation of minor victims in legal proceedings are essential for building trust and facilitating their access to justice.

B. Community Engagement and Support Mechanisms

Community engagement plays a vital role in creating a protective environment for minor victims, fostering trust, and promoting their access to support services. However, cultural norms, social stigma, and mistrust towards authorities can pose significant barriers to community engagement efforts. Building partnerships with community leaders, organizations, and grassroots initiatives is crucial for raising awareness about minor victim issues, challenging harmful norms, and mobilizing collective action to prevent and address violence against minors. Additionally, establishing community-based support mechanisms, such as counseling services, helplines, and peer support groups, can provide essential resources and emotional support to minor victims and their families. Empowering communities to take ownership of minor victim protection initiatives can enhance their resilience and capacity to respond effectively to instances of violence and exploitation.

C. Policy Enhancements for Legal Safeguards

Policy enhancements are essential for strengthening legal safeguards and addressing emerging challenges in protecting minor victims. This may involve reviewing and amending existing laws to close gaps, enhance penalties for offenders, and improve victim support mechanisms. For instance, improving the rights and welfare of minor victims and promoting their recovery and social reintegration may be achieved by the incorporation of victim compensation, witness protection, and rehabilitation programmes within legislative frameworks. It is possible to design policies and implement targeted interventions based on evidence if we engage in research and data collecting to learn more about the incidence and causes of violence against children. Additionally, fostering inter-agency collaboration and coordination, both at the national and local levels, is crucial for ensuring a comprehensive and integrated response to minor victim protection across different sectors and stakeholders.

TABLE II. CHALLENGES IN SAFEGUARDING MINOR VICTIMS

| Challenges                   | Description   | Strategies   |
|------------------------------|---|--|
| Enforcement Obstacles        | Gaps in legal frameworks, underreporting, limited access to justice | Enhancing legal literacy, strengthening law enforcement capacities, victim-centered approaches               |
| Community Engagement         | Cultural norms, social stigma, mistrust towards authorities         | Building partnerships, raising awareness, establishing support mechanisms                                    |
| Policy Enhancements          | Gaps in existing laws, inadequate victim support mechanisms         | Reviewing and amending laws, investing in research and data collection, fostering inter-agency collaboration |
| Resource Constraints         | Limited funding, inadequate infrastructure                          | Advocacy for increased funding, resource mobilization efforts, public-private partnerships                   |
| Data Collection and Analysis | Lack of reliable data, challenges in data sharing                   | Improving data collection mechanisms, promoting data sharing protocols, investing in research                |
| Interagency Coordination     | Fragmentation of services, lack of coordination                     | Establishing interagency task forces, developing coordination mechanisms, fostering collaboration            |

|                   |  |  |
|-------------------|--|--|
| Capacity Building | Lack of trained personnel, skills gaps | Training programs, capacity-building workshops, professional development initiatives |
|-------------------|--|--|

The endeavour to safeguard minor victims demands collaborative endeavours involving various stakeholders such as governments, civil society organizations, communities, and individuals. Through concerted actions directed at identifying and addressing enforcement obstacles, fostering community engagement, and strengthening policy safeguards, stakeholders can collectively forge a protective environment. In this environment, minor victims receive the requisite support, empowerment, and accessibility to justice and recovery services they need.

## VI. IMPACT ASSESSMENT ON MINOR VICTIM RIGHTS

This section conducts an in-depth assessment of the impact on minor victim rights, emphasizing psychosocial implications, societal response, and awareness. It explores the complexities of addressing minor victimization within the context of legal frameworks and cultural dynamics, shedding light on critical areas for intervention and improvement.

### A. Psychosocial Implications

The experiences of minor victims of violence can have profound psychosocial implications, often extending far beyond the immediate physical harm inflicted upon them. Anxiety, despair, PTSD, and poor self-esteem are just some of the emotional and psychological difficulties that children and adolescents who have been victims of abuse may face. Their general happiness, success in school, connections with others, and opportunities for the future are all negatively impacted by these psychosocial implications. Victims of assault may already be in a very vulnerable state, and the humiliation and discrimination they face may make it more harder for them to reach out for assistance. Understanding and addressing the psychosocial needs of minor victims require comprehensive and trauma-informed approaches that prioritize their safety, dignity, and recovery. This includes providing access to mental health services, counselling support, and psychosocial interventions tailored to their specific needs and circumstances. Additionally, promoting resilience-building activities and positive coping strategies can empower minor victims to navigate their trauma and rebuild their lives in the aftermath of violence.

### B. Societal Response and Awareness

The societal response to violence against minor victims plays a crucial role in shaping perceptions, attitudes, and behaviours towards them. Societal attitudes and norms regarding gender, age, power dynamics, and victim-blaming can significantly influence how minor victims are perceived, treated, and supported within their communities. Negative societal attitudes and misconceptions may contribute to victim-blaming, disbelief, and reluctance to report instances of violence against minors, thereby perpetuating cycles of abuse and impunity. To combat damaging stereotypes, encourage empathy and unity, and equip communities to combat violence, it is crucial to raise awareness and educate about the rights of minor victims, the effects of violence on children and adolescents, and the support services that are available. Moreover, engaging key stakeholders, including media outlets, religious and community leaders, educators, and policymakers, can amplify efforts to raise awareness,

challenge stigma, and mobilize collective action to protect minor victims and uphold their rights.

TABLE III. IMPACT ASSESSMENT ON MINOR VICTIM RIGHTS

| Impact Assessment    | Description  | Strategies  |
|----------------------|--|---|
| Psychosocial Impacts | Emotional and psychological effects of violence        | Trauma-informed approaches, mental health support |
| Societal Response    | Community attitudes towards minor victims              | Awareness campaigns, challenging stigma           |
| Awareness            | Knowledge of available support services                | Education initiatives, stakeholder engagement     |
| Advocacy Efforts     | Efforts to promote minor victim rights and protections | Lobbying, policy advocacy, legal reforms          |

Assessing the impact on minor victim rights is crucial for informing interventions and creating a supportive environment for their well-being and recovery. Continued efforts in advocacy and awareness-raising are essential to further advance the protection of minor victims.

## VII. CONCLUSION

In conclusion, this research illuminates the intricate landscape of legal evolution concerning minor victims in India, examining the interplay of cultural dynamics and challenges within violence laws. The need of strong legislative frameworks and community involvement in addressing the complex needs of juvenile victims is highlighted by key results. The implications for policy and practice highlight the importance of trauma-informed approaches, stakeholder collaboration, and awareness campaigns to safeguard minor victim rights effectively. Recommendations for future action include enhancing legal literacy, strengthening victim support mechanisms, and implementing evidence-based interventions tailored to the cultural context. By integrating these insights into policy formulation and practice, stakeholders can foster a protective environment where minor victims are empowered, supported, and able to access justice and recovery services in the face of violence.

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