

## **EVOLUTION OF POCSO ACT IN INDIA: CHALLENGES AHEAD**

In earlier times, children were considered as ‘small adults’ and the idea of special rights to children was unheard of. It was in the 1840s that the idea of special protection to children first emerged in France. Laws were enacted in France since 1841 to protect children in their workplace and to grant them the right to be educated. It was only after the 1st World War that the world began to recognize the need for special rights to children. On 28 February 1924, the International Save the Children Union ratified the Declaration of the Rights of the Child during its fifth general assembly. This document was sent to the League of Nations, which adopted the “Geneva Declaration” on 26 September 1924, proclaiming that “Humanity has to do its best for the child”<sup>1</sup>.

World War II caused untold suffering to thousands of children. On 11 December 1946, the United Nations General Assembly proclaims a new ethic of protection and care of children, establishing the United Nations International Children’s Emergency Fund (UNICEF) to respond to the millions of displaced and refugee children deprived of shelter, fuel and food in the aftermath of World War II. In October 1953, the General Assembly decides to continue UNICEF’s mandate on a permanent basis (a permanent international organization), reaffirming the broader terms of reference established for the Fund in 1950.

In 1959 the United Nations General Assembly adopted the **Declaration of the Rights of the Child (DRC)**. The DRC describes children’s rights in 10 principles. However, this document was not signed by all the

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<sup>1</sup> <https://www.humanium.org> › Geneva-declaration

countries. Therefore these ten principles only provided an indicative value. The DRC paved the way to the Universal Declaration of Children's Rights, which is popularly known as the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC was unanimously adopted by the UN General Assembly on 20th November 1989. This became the first internationally binding instrument that recognized all the fundamental rights of the child. The UNCRC gave legal expression to the notion that children have independent human rights – and that those rights would be at the heart of all political, economic and social decision making. Its 54 articles describe the economic, social and cultural rights of the children. It enshrines the general principles of non-discrimination, best interests of the child, right to life, survival and development and respect for the views of the child. It then elaborates on the specific rights of civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures.<sup>2</sup>

India ratified the UNCRC in December 1992, therefore the Government of India is obligated to implement the rights contained in the UNCRC. As of 2011, the International Charter of Child Rights had been signed by 191 countries out of 193, thus giving it a wide acceptance and recognition. It has been described as “the cornerstone of a new moral ethos for children” and an instrument stressing that “respect for and protection of children’s rights is the starting point for the full development of the individual’s potential in an atmosphere of freedom, dignity and justice”.<sup>3</sup> The Government of India submitted its first Country Report on the Convention of the Rights of the Child in February 1997.<sup>4</sup>

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<sup>2</sup> Desai, Murali (2012) Child Protection Rights, in Encyclopedia of Social Work in India, New Royal Book Company, Lucknow, at page 93.

<sup>3</sup> Ministry of Women & Child Development (2000), India Report on the World Summit for Children, Ministry of Women and Child Development, Government of India, New Delhi. <http://wcd.nic.in>

<sup>4</sup> Bajpai, Asha (2008) Child Rights in India: Law Policy and Practice, Oxford University Press, New Delhi, at page 438.

Although India has today been on the trajectory of economic growth, and there have been several initiatives by the government for eradication of poverty, a significant portion of the population continues to live in poverty. Economic inequalities are rampant and children are most affected. Eight important rights in the context of children are the Right to life, Right to health, Right to safe water, Right to food, Right to education, Right to protection, Right to freedom, and Right to identity. In the context of India, the main problems affecting child rights may be elaborated as follows:

1. **Right to Life:** According to vital statistics data for 2012, the “Infant Mortality Rate (IMR)” varies from 10 to 56 in the different states in India. In rural India IMR has declined by 30% while the decline is by 28% in urban India since 2003. The IMR is a count of deaths of infants under one year of age per 1000 live births in a year. It is considered a key indicator of health services, nutritional levels, poverty and educational level of the people. Reduction in IMR is one of the “Millennium Development Goals (MDGs)” set by the United Nations with a deadline of 2015<sup>5</sup>. The decline in IMR is one positive development in the context of right to life.
2. **Right to good Health:** is a pre-requisite to right to life. A large number of children die each year in India. Lack of appropriate health care, lack of immunization, preventable diseases, unsafe drinking water, and absence of sanitation, dearth of regular monitoring of pregnancy, unsafe deliveries, and malnutrition are mainly responsible for most such deaths.
3. **Right to Safe Water:** Large portion of India’s human population is deprived of safe drinking water. In rural areas, access to potable water remains a considerable problem: 20% of the rural population does not always have access to potable water<sup>6</sup>. Because of this, it is the children living in these areas who are most exposed to various health problems linked to water, as in the absence of adequate availability of water, children are not able to maintain minimum standards of hygiene. Due to insanitary conditions and

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<sup>5</sup> Varma, Subodh, (2013 a), Infant mortality falls by 30% in past decade. Times of India, Nagpur, 22.10.2013, p-1.

<sup>6</sup> (<http://www.humanium.org/en>)

the absence of potable water, children are the worse sufferers of this adversity.

4. **Right to Food:** It is a right to not die of hunger and to not suffer from malnutrition. Although India has been producing surplus food, a significant section of the population, including children, remains undernourished. According to Global Hunger Index (GHI) Report, about a quarter of the world's hungry persons (approx. 210 million), are in India. India continues to be in the "Alarming" category of countries classified by severity of hunger. Poverty and lack of awareness about balanced diet are the main reason for this situation.
5. **Right to Education:** According to the 2011 census data, as many as 26% of the Indian population are illiterates. This accounts for the largest number of illiterate people in the world. Absence of parental literacy results in neglect of children's education. Gender based and caste based discrimination also are factors causing marginalization of children in the educational system<sup>7</sup>.
6. **Right to Protection:** According to a study<sup>8</sup> conducted by the Ministry of Women & Child Development, Govt of India, in 2007, more than 69% of children aged 5 to 18 years old are victims of abuse<sup>9</sup>. A large number of children are also victims of abuse at home and schools. There are an estimated 500,000 street children nation-wide exposed to violence and exploitation<sup>10</sup>. Hundreds and thousands of girls are trafficked and used for prostitution in brothels in cities. "Child Protection" is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and protecting them in harmful situations. It is about ensuring that no child falls out of the social security and safety net and,

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<sup>7</sup> Supra at 3, Bajpai, 2008 p-449

<sup>8</sup> Ministry of Women & Child Development, (undated), *Handbook on Prohibition of Child Marriage Act, 2006*, Ministry of Women and Child Development, Government of India and UNICEF.

<sup>9</sup> Kacker, L., Varadan, S. & Kumar, P. (2007), 'Study on Child Abuse: INDIA 2007', Ministry of Women and Child Development Government of India, New Delhi

<sup>10</sup> UNICEF (2000), *Achievements, Challenges, Aims and Strategies*.

those who do, receive necessary care, protection and support so as to bring them back into the safety net.

7. **Right to Freedom of Expression:** This right refers to the child's right to freedom of thought and expression, to have opinions, to have access to information, and to participate in decisions which affect his or her life. Children also have the right to religious freedom. The Indian constitution guarantees freedoms of expression and opinion. However, by and large, children are not allowed to express their opinion. As a cultural practice children are always told to obey elders without questioning.
8. **Right to Identity:** Only about 41% of births, mostly in urban areas, are registered in India. In the absence of birth registration, children are deprived of their rights, as they are treated as non-entities. Each child has the right to have a surname, a first name, a nationality, and to know who his or her relatives are. The right to identity also means that each child's existence and rights must be officially recognized. In India, children continue to be discriminated against because of their class, caste or religion.

Historically, child sexual abuse (CSA) has been a hidden problem in India, largely ignored in public discourse and by the criminal justice system. Until recently, child sexual abuse was not acknowledged as a criminal offence; rape was the main, if not the only, specific sexual offence against children recognised by law in India. In the absence of specific legislation, a range of offensive behaviours such as child sexual assault (not amounting to rape), harassment, and exploitation for pornography were never legally sanctioned. In the past few years activists, Non-Governmental Organisations (NGOs) and the central government's Ministry of Women and Child Development have actively engaged in helping break 'the conspiracy of silence' and have generated substantial political and popular momentum to address the issue.

The Ministry of Women & Child Development, Government of India introduced the “Integrated Child Protection Scheme (ICPS)” in 2009 to contribute to the creation of a system that will efficiently and effectively protect children, minimizing the gaps in services. It is based on cardinal principles of “protection of child rights” and “best interest of the child”. Its purpose is to reach out to all children, in particular to those in difficult circumstances, by combining the existing child protection schemes of the MWCD under one centrally sponsored scheme. The ICPS focuses its activities on children in need of care and protection and children in conflict and contact with the law<sup>11</sup> (MWCD, 2010). The movement, spearheaded by the Ministry of Women and Child Development, has led to the enactment of the Protection of Children from Sexual Offences (POCSO) 2012.

Until 2012, the only sexual offences against children recognised by the law were covered by three sections of the Indian Penal Code (IPC) not specific to children. The only crimes registered were rape (sexual intercourse without consent—section 376), outraging modesty of a woman (unspecified acts—section 354) and unnatural acts defined as “carnal intercourse against the order of nature with any man, woman or animal” (anal sex, homosexuality or bestiality—section 377). Consequently, other forms of non-penetrative sexual assaults, harassment and exploitation were not explicitly recognised as crimes and therefore not recorded (assuming they were reported).

### **Prominent Cases before and after the enactment of POCSO Act 2012:**

#### **A. Before POCSO Act:-**

- a. **Mathura Rape Case:-** The Mathura rape case<sup>12</sup> was an incident of custodial rape in India on 26 March 1972, wherein Mathura, a tribal girl who was a minor at the time, was allegedly raped by two policemen on the compound

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<sup>11</sup> Ministry of Women & Child Development (2010), *The Integrated Child Protection Scheme*, Government of India: New Delhi. [http://wcd.nic.in/icpsmon/st\\_abouticps.aspx](http://wcd.nic.in/icpsmon/st_abouticps.aspx).

<sup>12</sup> Tuka Ram And Anr vs State Of Maharashtra, 1979 AIR SC185

of Desai Ganj Police Station in Chandrapur district of Maharashtra. After the Supreme Court acquitted the accused, there was public outcry and protests, which eventually led to amendments in Indian rape law via The Criminal Law (Second Amendment) Act 1983 (46 of 1983).

- b. **Bharwada Bhoginbhai Hirjibhai v. State of Gujarat 1983** - The accused, a middle aged man had confined 2 friends of his daughter aged around 10, who had come to his house to meet the daughter, and had raped them. The trial court convicted the accused for rape, violating modesty and wrongful confinement. The High Court upheld conviction while reducing the charge from rape to attempt to rape. The Supreme Court upheld the judgment of the trial court on the ground that minor discrepancies in the evidence were not relevant. The court further remarked that corroboration for conviction in rape cases is not necessary. This judgment was relied on in later judgments to secure conviction when they were no other eyewitnesses to support evidence given by the victim<sup>13</sup>.
- c. **State of Punjab Vs. Gurmit Singh 1996** - In this case, the Supreme Court was highly critical of the acquittal of persons accused of gang-raping a 16 year old girl. The trial court had referred to the young village girl as a person of loose character who had invented the story of rape to justify spending a night out of home. It had refused to rely on her statement. The Supreme Court observed that the appreciation of evidence by the trial court was “not only unreasonable but perverse”. It held that: “The testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found

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<sup>13</sup> Thakkar M. Bharwada Bhoginbhai Hirjibhai vs State Of Gujarat [Internet]. SCR (3) AIR 753, 1983 SCR (3) 280

to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury”<sup>14</sup>.

d. **Sakshi Vs. Union of India 2004** - The NGO Sakshi filed a writ petition in Public Interest to broaden the definition of rape in cases involving children where the child is abused by insertion of objects into the vagina or insertion of the male organ into body parts such as anus or mouth. The Supreme Court rejected the Plea & dismissed the PIL. But it issued valuable guidelines for trial of rape and sexual abuse which concern children<sup>15</sup>. These are known as the Sakshi guidelines:-

- *A screen or an arrangement where victim or witnesses do not see the body or face of the accused.*
- *Questions put in cross examination on behalf of accused, if they relate directly to the incident, must be given in writing to the presiding Officer of the court who may put them to the victim/witnessed in a language that is clear and not embarrassing.*
- *Victims of child abuse or rape should be allowed sufficient breaks as and when required during the testimony.*

e. **Anchorage Case 2006** - Duncan Grant, a charity worker and UK citizen, had set up Anchorage shelter in Colaba, Mumbai, in 1995. Allan Waters, another UK citizen, was a visitor to the home. The pair was charged in 2001 with sexual assault after five boys complained to the police about repeated sexual and physical abuse by the men. They were acquitted by the High Court in Mumbai in 2008 for lack of evidence. But the Supreme Court overturned that decision and upheld guilty verdicts from the trial court in 2006 which sentenced the men to six years<sup>16</sup>.

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<sup>14</sup> The State Of Punjab vs Gurmit Singh & Ors on 16 January, 1996; 1996 SCC (2) 384.

<sup>15</sup> Sakshi vs Union Of India Writ Petition (crl.) 33 of 1997 [Internet]. Supreme Court of India; May 26, 2004.

<sup>16</sup> London man convicted in Indian pedophilia case [Internet]. [cited 2015 Mar 3]. Available from: <http://www.bbc.com/news/uk-englandlondon-12786203>



Increased activism around child protection issues in the media and public discourse might partly account for the Government of India passing a special law called, 'The Protection of Children from Sexual Offences (POCSO) 2012'. This Act criminalizes sexual assault, sexual harassment, and pornography involving a child (under 18 years of age) and mandates the setting up of Special Courts to expedite trials of these offences. An extract of the Statement of Objects and Reasons of the POCSO Bill, 2011 is being reproduced below for understanding the legislative intent behind the need for the enforcement of this act in the present times.

**“STATEMENT OF OBJECTS AND REASONS OF THE POCSO BILL, 2011**

1. *Article 15 of the Constitution, inter alia, confers upon the State powers to make special provision for children. Further, article 39, inter alia, provides that the State shall in particular direct its policy towards securing that the tender age of children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity.*
2. *The United Nations Convention on the Rights of Children, ratified by India on 11th December, 1992, requires the State Parties to undertake all appropriate national, bilateral and multilateral measures to prevent*
  - (a) *The inducement or coercion of a child to engage in any unlawful sexual activity;*
  - (b) *The exploitative use of children in prostitution or other unlawful sexual practices;*
  - (c) *The exploitative use of children in pornographic performances and materials.*
3. *The data collected by the National Crime Records Bureau shows that there has been increase in cases of sexual offences against children. This is corroborated by the 'Study on Child Abuse: India 2007' conducted by the Ministry of Women and Child Development. Moreover, sexual offences against children are not adequately addressed by the extant laws. A large number of such offences are neither specifically provided for nor are they adequately penalised. The interests of the child, both as a victim as well as a witness, need to be protected. It is felt that offences against children need to be defined explicitly and countered through commensurate penalties as an effective deterrence.*
4. *It is, therefore, proposed to enact a self-contained comprehensive legislation inter alia to provide for protection of children from the offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well-being of the child at every stage of the judicial process, incorporating child-friendly procedures for reporting, recording of evidence, investigation and trial*

*of offences and provision for establishment of Special Courts for speedy trial of such offences.*

*5. The Bill would contribute to enforcement of the right of all children to safety, security and protection from sexual abuse and exploitation.”*

The POCSO Act is meant to be a socio-beneficial piece of legislation, whose objective is to provide justice to the child. However, it has also opened up several debates which call for continued research to strengthen existing knowledge, information and evidence that can help inform and chart out the course of justice for children. POCSO 2012 does not use the term ‘rape’ repeatedly and also does not confine the meaning of penetrative sex to only penile penetration. Instead, it broadens the offence termed ‘penetrative sexual assault’ (under **section 3**) to include oral sex, as well as, insertion of any object into anus, mouth or vagina, in addition to penile penetrative sex. In **State vs Pankaj Choudhary 2011**<sup>17</sup>, (pre-POCSO) the accused could only be prosecuted for ‘outraging the modesty of a woman’ for digital penetration (the use of fingers) of anus and vagina of a 5 year old child. The prosecution was unsuccessful in proving rape as the High Court ruled that digital penetration was not recognised as an offence under the India Penal Code. The addition to the definition of penetrative assault has increased the cover of protection for children. POCSO also criminalizes a range of behaviours as being sexual assaults, short of penetration (**section 7**).

Additionally, the offences of ‘aggravated’ penetrative and non-penetrative sexual assault is made more serious and attract stronger penalties (**sections 5, 9**) when committed by a specified range of perpetrators, in a wide array of situations or conditions, and/or has a severe impact on the victim. This includes sexual assault committed by persons in authority or position of power with respect to a child, committed by persons in a shared household with the child, in conditions such as: gang rape, causing grievous bodily harm, threatening with firearm or corrosive substances, during

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<sup>17</sup> State vs Pankaj Choudhary, 17th August 2011. <http://indiankanoon.org/doc/613056/>.

communal or sectarian violence, assaulting a child under 12 years of age, or one who is physically or mentally disabled, causing a child to become pregnant, or knowingly assaulting a pregnant child, or infecting the child with HIV, repeated assaults, or accompanied by public degradation.

The definition is very comprehensive and covers a range of possible scenarios. POCSO is also forward thinking in many aspects, in that, the definition of sexual harassment includes repeatedly or constantly following, watching or contacting a child either directly, electronically or through other means [**section 11(iv)**]<sup>18</sup>—thus, covering incidents of child harassment via sexting or sexual cyberbullying. However, the interpretation of what might constitute ‘repeatedly’ or ‘constantly’ following or contacting a child with sexual intent (with the law specifying sexual intent being a ‘question of fact’) is unspecified in POCSO 2012 and consequently is potentially contestable. The Act is quite distinctive in that it penalises abetment of or attempt to commit any of the offences listed in the preceding sections (**section 16**). Another ‘extraordinary clause’ (**section 29**) in the Act is the presumption of actus reus (guilt) of the accused, until proven innocent. This matter of jurisprudence lends itself to problems in the light of some of the points raised below<sup>18</sup>

The provision of Special Courts (**section 35**) where trial proceedings may be conducted in a more sensitive manner with the victim’s testimony given either ‘in camera’ (i.e. privately), via video-link, or behind curtains or screens, is intended not only to reduce trauma but also protect the identity of the child. The Special Court plays a pivotal role in how the law and the evidence may be interpreted. Implementation of POCSO 2012 involves various criminal justice, state and third sector agencies and is very resource intensive.

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<sup>18</sup> Andrade, C., & Sathyanarayana Rao, T. S. (2013). Childhood sexual abuse and the law: more problems than solutions? *Indian Journal of Psychiatry*, 55(3), 214–215.

When the Protection of Children from Sexual Offences Bill, 2011 was introduced in the Rajya Sabha on March 23, 2011, it was referred to the Standing Committee on Human Resource Development, Chaired by Shri Oscar Fernandes, which submitted its report by June 15, 2011. The Bill sought to protect children from offences such as sexual assault, sexual harassment and pornography. India being a signatory to the UN Convention on the Rights of the Child since 1992, it is bound to take measures to prevent children from being coerced into any unlawful sexual activity.

Under the provisions of this Act<sup>19</sup>, any person below the age of 18 years is defined as a “child”. The act seeks to penalise any person who commits offences such as “sexual harassment”, “sexual assault”, “penetrative sexual assault”, and “aggravated penetrative sexual assault”, these may be discussed as under:

1. A person commits “sexual harassment” if he uses words or shows body parts to a child with sexual intent, shows pornography to a child or threatens to depict a child involved in sexual act through the media. The penalty is imprisonment for upto three years and a fine.
2. A person commits “penetrative sexual assault” if he penetrates his penis into the vagina, mouth, urethra or anus of a child or makes a child do the same or inserts any other object into the child’s body or applies his mouth to a child’s body parts. If however the child is between 16 and 18 years, it shall be considered whether consent for the act was taken against his will or was taken by drugs, impersonation, fraud, undue

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<sup>19</sup>[https://prsindia.org/sites/default/files/bill\\_files/Bill\\_Summary\\_The\\_Protection\\_of\\_children\\_from\\_sexual\\_harassment\\_Bill%2C\\_2011.pdf](https://prsindia.org/sites/default/files/bill_files/Bill_Summary_The_Protection_of_children_from_sexual_harassment_Bill%2C_2011.pdf)

influence and when the child was sleeping or unconscious. The penalty is imprisonment between seven years and life and a fine.

3. The act penalises “aggravated penetrative sexual assault.” Such an offence is committed when a police officer, a member of the armed forces or a public servant commits penetrative sexual assault on a child. It also includes gang penetrative sexual assault and assault using deadly weapons, fire or corrosive substance. The act also covers assault by staff of private hospital and staff of an educational institution if the child is in that institution. Penetrative sexual assault shall be considered aggravated if it injures the sexual organs of the child or takes place during communal violence or the child becomes pregnant or gets any other threatening disease or is below 12 years.
4. It also covers cases where the offender is a relative of the child through blood or adoption or marriage or foster care or is living in the same household. A person commits “sexual assault” if he touches the vagina, penis, anus or breast of a child with sexual intent without penetration. If the child is between 16 and 18 years, it shall be considered whether the consent was taken against the child’s will or by threat or deceit. The penalty is imprisonment between three to five years and a fine.
5. The offence of “aggravated sexual assault” is committed under similar conditions as for “aggravated penetrative sexual assault”. The penalty for the offence is imprisonment between five to seven years and a fine.

6. A person shall be guilty of using a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification through representation of sexual organs of a child or using a child in sexual acts or other types of obscene representation. The penalty is rigorous imprisonment for upto five years and a fine. On subsequent convictions, the term of imprisonment is upto 7 years and fine.
7. The act also includes penalties for storage of pornographic material and abetment of an offence. An offence committed under this Act shall be reported to either the local police or the Special Juvenile Police Unit who has to report the matter to the Special Court within 24 hours. The police also have to make special arrangement for the care of the child. In case a person fails to report a case, he shall be penalized.
8. The act also includes penalties for making false complaints.

Each district shall designate a Sessions Court to be a Special Court. It shall be established by the state government in consultation with the Chief Justice of the High Court. The state government shall appoint a Special Public Prosecutor for every Special Court. The Court shall, as far as possible, complete the trial within one year. The trial shall be held in camera and in the presence of the child's parents or any person trusted by the child. The guardian of the child has the right to take assistance from a legal counsel of his choice, subject to the provisions of Code of Criminal Procedure, 1973. If an offence has been committed by a child, it shall be dealt with under the Juvenile Justice (Care and Protection of Children) Act, 2000.

The health and security of the county's children is integral to any vision for its progress and development. The law on Child Sexual Abuse "The Protection of Children from Sexual Offences Act, 2012" defines different forms of sexual abuse, including penetrative or non-penetrative assault, as well as sexual harassment and pornography. It includes children friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. Doctors, nurses and other health sector professionals are important stakeholders in the prevention and response to sexual violence against children and they can understand and appreciate the linkages among prevention, intervention, and treatment. The multi-sectorial approach to the problem will be conducive to the justice delivery process, minimize the risks of health problems, enhance the recovery of the child and prevent further trauma.

POCSO 2012 has undoubtedly made a significant contribution to tackling the problem of Child Sexual Abuse in India. It has identified and criminalised a range of unacceptable sexual behaviours that pose a threat to children. The number of reported cases is increasing rapidly, indicating that the law has made a substantial contribution in educating the public, sensitizing the criminal justice system, and making the reporting of Child Sexual Abuse not just acceptable, but also mandatory.

Implementation of POCSO 2012 involves the participation of various criminal justice enforcement authorities along with state and third sector agencies and is very resource intensive per se at the actual ground level. The law has some unique features and is very comprehensive. However three main issues may be identified in the letter and spirit of the law which could create potential problems for implementation in the Indian context. The issues are: inflexibility regarding age of consent for sex under 18 years of age; mandatory reporting obligations and the inexact nature of age determination.