

## **Child abuse and child protection: A recapitulation on Indian milieu**

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### **Abstract**

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Child abuse can be defined as harming or neglecting a child, physically, emotionally or mentally by an adult or a child for motives which are non-beneficial to the child. Of the total population of the country, 37% comprises children under the age of 18, out of which larger proportions experience deprivations such as lack of access to basic health, education and nutrition. According to the National Crime Records Bureau data, there has been a 20 per cent increase in crimes against children over 2016-2017, while the overall increase of crimes in India was 3.6 per cent. Data shows 350 crimes being committed every day against children in the country. This is a conceptual paper prepared using secondary data collected through some published articles focusing on various forms of child abuse, its prevalence in the society, its association with other social evils like female foeticide and infanticide, girl child discrimination, child marriage, trafficking of children, verbal abuse and physical abuse and the importance of child protection in the contemporary scenario. Thus, child abuse is a pressing human right issue and a national concern which has profound consequences in the physical and psychological growth and development of the child. Therefore it is of utmost importance to formulate and im-

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plement effective strategies to eliminate the persisting atrocities and prevent future injustice towards children.

**Keywords:** Child Abuse, Child Protection, Development, Causes, Strategies

### **Intruduction**

Child abuse can be defined as harming or neglecting a child, physically, emotionally or mentally by an adult or a child for motives that are non-beneficial to the child. Child abuse can be physical, sexual or emotional. Neglecting the need of the child also can be considered as child abuse. In India, there are still groups such as the Baiga where actual incestuous marriage is practiced, between fathers and daughters, between mothers and sons, between siblings and even between grandparents and their grandchildren. In India, the most accurate scientific studies, based on lengthy interviews, report that 30 percent of men and 40 percent of women remember having been sexually molested during childhood—defining “molestation” as actual genital contact, not just exposure. About half of these are directly incestuous, with the family members, the other half usually being with others, but with the complicity of caretakers in at least 80 percent of the cases. (Iravani 2011)

24, 212 cases of child abuse have been registered in India, between 2019 January-June, which means 4000 cases in a month, 130 in a day and one in every five minutes. These are just the figures of the six months given to the Supreme Court by the High Courts. According to the National Crime Records Bureau’s 2016 report, rape cases in Delhi increased by 12.4% in 2016 compared to 2015, and about 38,947 rape cases were registered in the country in 2016. If we talk about the previous figures, about 5484 cases of rape were registered in 2010. There were 7,112 cases in 2011, 36,975 in 2014, and in 2019, 24,212 cases have been registered in six months. Out of the 24,212 cases, 11,981 are currently under investigation, the police have filed a charge sheet in 12,231 cases, but only 6,449 of these cases are undergoing a trial. In 4,871 cases, the trial has not started yet. The trial court has so far ruled in 911 cases,

which is only 4% of the total number.

Child abuse has many physical and psychological consequences which will affect the health and welfare of the child. A child who becomes a victim of these abuses will remember it in detail. 81 percentages of these seductions happen before puberty and 42 percent under the age of seven. A shocking fact is that more than 50 percent of these abuses are done by family members, close relatives or caretakers. An abused child may become discontented; he or she may depart from society, think of committing suicide or become aggressive. An older child may use drugs or alcohol, try to run away or abuse others. Patterns of abusive behavior may affect the child physically and psychologically. Abused children are more likely to practice comprehensive nervousness, apprehension, unhappiness, absence, humiliation, guilt, suicidal and homicidal thoughts or get involved in criminal activities, promiscuity, and substance abuse. (Gupta, & Aggarwal, 2012).

### **Children and India**

In India, 2.5 million children die every year, accounting for one in five deaths in the world, with girls being 50% more. One out of 16 children die before they attain one year of age, and one out of 11 die before they attain five years of age. India accounts for 35% of the developing world's low birth weight children and 40% of the child malnutrition in developing countries, one of the maximum levels in the world. (Kacker, Varadan, & Kumar, 2007)

According to UNESCO report, of the total child population, 2.07 crores (6%) are infants below one year, 4.17 crores (12%) are toddlers in the age group of 1-2 years, and 7.73 crores (22.2%) are pre-schoolers in the age group of 3-5 years. The report states that only 29% of pre-primary age children are enrolled in educational institutions in India. Services under the ICDS scheme covered only 3.41 crore children in the age group of 0-6 years as in March 2004, which is around 22% of the total children in that age group. Supplementary nutrition was being provided to 3.4 crore children. Of these, 53% were reported to be under-nourished. In the present existence too, there have been

practices of female foeticide and female infanticide.

Children in India, living in different settings, places, and communities experience from a number of violations. India has the largest number of children working in different jobs. To add to this, India has the world's largest number of sexually abused children, with a child below 16 years raped every 155th minute, a child below 10 years is abused every 13th hour and one in every 10 children are sexually abused at any point of time. India is having a highest number of children who are out of schools. In those numbers major portion is of girl children. In northern states of India parents are not aware about the importance and need of education. More than giving his/her child proper education most of the parents prefer their children to be in the working fields. A child, boy or girl is more exposed to abuse and exploitation in a work place compared to a child who attends school. The National Crime Records Bureau (NCRB) reported 14,975 cases of various crimes against children in 2005. Most subtle forms of violence against children such as, child marriage, economic exploitation, and practices like the Devadasi tradition of dedicating young girls to Gods and Goddesses, and so forth are still prevalent and protection needs to be ensured against these practices. Physical and psychological punishments take place in the name of disciplining children and are culturally accepted. Forced evictions, displacement due to development projects, wars and conflicts, communal riots, natural disasters, all of these take their own toll on children. Children are also affected by HIV/AIDS. Even those who have remained within the protective zone are at the risk of dropping out of it. (Radhika kapur, 2018)

### **Types of child abuses and the causes**

Physical forms of abuse against children can take forms of any action that is not accidental. Even if the person had not intended to hurt the child, it is considered a physical form of child abuse. The common forms of physical abuses towards children are beating, slapping, hitting, pushing, shaking, kicking, throwing, inching, biting, choking, hair-pulling, burning with cigarettes, scalding water, other hot objects or severe physical punishment. Reportedly,

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physical abuse is often caused by parents followed by school teachers and relatives predominantly. In India, the problem lies where abuse by parents at home is blended into the very tradition and thus is considered as a norm. This is supported by the belief that such practices will bring about better discipline, socially accepted behaviors and expected academic performances. The bruises will fade away, but the pain remains.

As defined by the World Health Organization, child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or that violates the laws or social taboos of society. In simple words, child sexual abuse is the forced and inappropriate sexual behavior with the child. According to the NCRB data, 32,608 child sexual abuse cases were reported in 2017 and in 2018, the cases went up to 39,827 under POSCO. In the Indian scenario, where home, the place where the child is the safest has turned into the most common setting for sexual abuses by a close relative as the abuser in most of the cases. Due to fear that is instilled in the child by the abuser or the lack of trust and bond with the parents, the child often does not complain about the incident. The family's reputation often stands in the way of a child's inherent rights and dignity. Children working as domestic laborers in households, hotels, abandoned children, children belonging to marginalized communities, those belonging to poor economic background, children belonging to single parent households are often seen as the victims of sexual child abuse. In the country, the large number of children which were reportedly found missing have been retrieved from brothel houses. Boys also hold an equal probability of being sexually abused as girls. Sexual abuse affects the social, mental and physical growth and outlook of the child.

The World Health Organization (WHO) has defined emotional abuse to include the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the

society in which the child dwells. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development.

The emotional abuse to children can negatively affect their potential growth and development, in areas such as brain development, long term emotional wounds, learning difficulties, comportment, conduct and even leads to physical and mental illness. Types of emotional abuse include manipulating the child into wrong doings, frequent criticism of the child, emotional blackmailing for concealing sexual abuses, threatening, shouting at a child, subjecting the child to jokes, using sarcasm to hurt a child, blaming and scapegoating, making a child perform degrading acts, disrespecting child's individuality and integrity, trying to control their lives, pushing a child too hard or not recognizing their limitations, exposing a child to upsetting events or situations, like domestic abuse or drug taking, failing to promote a child's social development, not allowing them to have friends, persistently ignoring them, never saying anything kind, never appreciating a child on successes or never showing any emotions in interactions with a child, also known as emotional neglect.

Child neglect is the most common forms of child abuse. Because of the nature of this form, neglect being an act of omission rather than commission, it is often ruled out. Child neglect refers to depriving a child of his basic necessities of food, clothing, shelter, hygiene, and proper care. Neglect can be physical, educational or emotional. When the basic needs of the child aren't met and they are frequently subjected to varied levels of emotional, educational or physical neglects, then the act becomes child abuse. The reasons for child neglect are varied. It may take place when the parent or the caretaker due to physical, psychological or economic insufficiency or inadequacy becomes unfit to take care of the child and provide him/her with the basic needs. In the Indian context neglect often comes associated with parents or caretakers being drug or alcohol addicts, parents' overload of work can also lead to the neglect of children., children being not allowed to socialize with peer groups

in play and other activities, when their little achievements aren't appreciated but only criticized and compared, when equal care and affection are not given among siblings, when children are unappreciated and neglected in schools or classrooms for poor academic performance, forcing children into academic streams based on the parents' preferences are also forms of neglect. Lack of concern is another reason for child neglect, this is often seen in case of families with stepchildren or children born out of illegitimacy. Poverty which comes accompanied with malnutrition in the rural India is also a reason for child neglect, as it results in the failure to fulfill the child's basic needs. A neglected child may suffer from physical as well as emotional problems like unhygienic, malnutrition, stress, allergies, depression, violent behavior, and aggression.

Child exploitation is the act of using a minor child for profit, labour, sexual gratification, or some other personal or financial advantage. Child exploitation often results in cruel or harmful treatment of the child, as the activities he or she may be forced to take part in can cause emotional, physical, and social problems.

According to the 2008 Resolution II adopted during the 18th International Conference of Labour Statisticians, the term 'child labour' covers:

- The worst forms of child labour, including slavery; prostitution and pornography; illicit activities; and work likely to harm children's health, safety or morals, as defined in ILO Convention No. 182.
- Employment below the minimum age of 15, as established in ILO Convention No. 138.
- Hazardous unpaid household services, including household chores performed for long hours, in an unhealthy environment, in dangerous locations, and involving unsafe equipment or heavy loads.

According to the Census 2001 figures there are 1.26 crore working children in the age group of 5-14 as compared to the total child population of 25.2 crore. As per survey conducted by National Sample Survey Organization (NSSO) in 2004-05, the number of working children is estimated at 90.75 lakh.

As per Census 2011, the number of working children in the age group of 5-14 years is 43.53 lakh. According to a report published by the U.S. Department of State, "India is a source, destination and transit country for men, women and children subjected to forced labour and sex trafficking. The majority of India's trafficking problem is internal, and those from the most disadvantaged social strata- lowest caste Dalits, members of tribal communities, religious minorities and women and girls from excluded groups – are most vulnerable (www.state.gov)."

### **The need of addressing child abuse**

Neglect is the most common form of child abuse. The caregiver is the abuser of a child in 90% of child abuse cases. Failure to thrive may be a manifestation of abuse or neglect in children. Siblings of abused children are at increased risk of abuse. Intimate-partner violence is frequently a risk factor for child abuse. Fractures are present in a minority of physically abused children. Physical abuse is the most common cause of serious intracranial injuries during the first year after birth. Foster home placement is associated with a continued risk of child abuse. Many abused and neglected children are not removed from their parents or placed in foster care (Sitratullah O. Kukoyi-Maiyegun, 2020).

"The explanation says those external forces or a socio-demographic variable within the society causes child abuse. This theory has 3 major subfields 1 social situational, 2 social habitability and 3 social controls. The social-situational explanation proposes that abuse and violence arise out of two factors: structural stress and cultural norms. As the social structure in which a parent lives becomes more stress-ridden greater becomes the possibility that family violence will surface as an attempt to gain control over irritating, tense events. Cultural sanctioning of violence as an appropriate conflict resolution technique further provides a foundation for the use of corporal punishment in child-rearing. If a parent was frequently exposed to harsh physical punishment as a child, he/she may have a great propensity toward viewing such behavior as normative and inhibition against physical force may be lessened"

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(Bandura, 1973).

A parent, according to this explanation, may abuse his/her child due to unmet emotional needs and capabilities with own (parental) expectations, or emotional scars from their own abusive or deprived family background affecting their ability to care for their own offspring.

Approximately 50% of children, who have been abused, will be abused again and 10% will be at risk of death if not detected early. Hence, appropriate recognition and early intervention are crucial in order to avoid further episodes of abuse (Pau-Charles et al., 2012).

The children who become victims of these abuses will be subject to many psychological and emotional traumas which will later develop into serious psychological issues. Childhood is a period where more eighty percent of a person's personality is being developed. It is been said that before six years a person's basic character will be formed and in the later stages only slight modifications can be made to the character of a person. A child who gets abused by someone without his/ her fault will think that what happened was his/her fault which will create a guilty feeling in them. Some children may only realize that they were being abused in the later stages of life. If the abuser is/was a relative or someone close to the child it may emotionally destroy the child. So it is the need of today to address this issue as one of the greatest social evil that is prevailing today.

### **Child protection**

Children are considered as a vulnerable section of the society. They can be open to different vulnerabilities, harm, injury, violence and abuse. So as any other vulnerable section, children also need adequate support, care and protection. UNICEF uses the term 'Child Protection' to refer to preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labor and harmful traditional practices, such as child marriage. Child Protection also means protecting children from different kind of physical, psychological, emotional and social

insecurities. In the contemporary world, violations of child's right to protection takes place in every country and are massive. As a result child protection is an issue in every country and many countries are taking different measures to prevent and control child abuse.

### **Efforts taken in India to ensure child protection**

All children have the right to be protected from harm. As in every country, India also has high priority for child protection. It is studied that in most cases, violence against children in India is rarely seen, heard and reported publicly and at the same time rate of child abuse is considerably increasing, which will compel the citizens, lawmakers and government to take immediate actions as part of child protection and child abuse prevention.

According to Convention on the Rights of the Child (An International Agreement for Child Rights), which is prevailing in 194 countries including India, every child has the right to survival, protection and education. The UN-CRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children. Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights. These include the right to:

- Life, survival and development
- Protection from violence, abuse or neglect
- An education that enables children to fulfill their potential
- Be raised by, or have a relationship with, their parents
- Express their opinions and be listened to. (UNCRC, 2000).

This International treaty has great influence and significance in every country including India to ensure child protection and prevention of child abuse. Apart from the International treaties, The Government of India also has introduced a program called Integrated Child Protection Scheme (ICPS).

Proposed in 2006 and implemented in 2009, The ICPS works for children in difficult circumstances as well as other vulnerable children through government civil society partnership which include state child protection committees like State Child Protection Society, State Adoption & Resource Agency, State Project Support Unit and State Adoption Recommendation Committee and at the district level by district child protection societies like District Child Protection Unit, Child Welfare Committee, Juvenile Justice Board, Special Juvenile Police Unit, Sponsorship Foster Care Approval Committee and District Inspection Committee. The major purpose of ICPS is to build a protective environment for children in need of care and protection. Another significant and influential effort from Indian Government to ensure child protection was the enactment of Juvenile Justice (Care and Protection of Children) Act, 2015.

**The Juvenile Justice System in India is made on the basis of three main assumptions:-**

1. Young offenders should not be tried in courts , rather they should be corrected in all the best possible ways,
2. They should not be punished by the courts , but they should get a chance to reform
3. Trial for child in conflict with law should be based on non-penal treatment through the communities based upon the social control agencies.

There is also a board for juvenile called Juvenile Justice Board, functioning in India which works for children who are in conflict with law and also aims in inquiry and hearing of them. In addition to this Indian constitution also has provided some basic rights and provisions especially for the welfare of children and they are as follow:

1. Right to free and compulsory elementary education for all the children under the age of 6 to 14 years.( Article 21A)
2. Right to be protected from any hazardous employment under the age of fourteen age. (Article 24)

3. Right to be protected from being abused in any form by an adult. (Article 39(e)).
4. Right to be protected from human trafficking and forced bonded labour system.( Article (Article 39)
5. Right to be provided with good nutrition and proper standard of living.(Article 47)
6. Article 15(3) of the Constitution of India provides special powers to State to make any special laws for the upliftment and the betterment of children and women.

Thus Juvenile Justice Act 2015 consisted of all the basic rights and provisions provided by the Indian constitution for the well being of children. The other major effort taken by India to ensure child protection and prevention of child abuse is National Child Policy, drafted by women and child development ministry of India for the protection of children. According to this policy all institutions and organizations in government and private sector must have a code of conduct for preventing and controlling child abuse and exploitation. Also employee's language and behavior are strictly monitored and controlled by this policy. The other major requirement of this policy in all organizations is the designation of a staff member to ensure the protection of children as well as to report any abuse. Childline, a service of Ministry of Women and Child Development has brought a tremendous breakthrough in the protection of children and prevention of child abuse. The major reason for this tremendous effect is this nongovernmental organization operates a telephone helpline called childline 1098 for hearing children in distress. The major concern of childline is the protection of rights of children under the age of 18 and they are providing protection and care especially for those children who are in need. Studies show that this organization rescues 30000 children annually.

### **Conclusion**

Children in most segments of the Indian society are traditionally and conventionally not accessed about the problems and decisions affecting their

lives. In the family and household, the neighborhood and wider community, in school or at the work place, and across the settings of social and cultural life, children's viewpoints are mainly not given much importance. If they speak, they are usually not heard. The impositions of restrictive norms especially are put into practice for girl children. This restricts the children's access to information and to choice, and often to the possibility of seeking assistance and support from the external environment (Radhika kapur, 2018)

Risk assessment is a complex procedure and requires the necessary skills and tools. Training and education will enable identification of risk factors and recognition of signs of child abuse; and it will provide the necessary knowledge about how to take the appropriate action, including reporting and involvement of the appropriate agencies. (Babakhanlou, R., & Beattie, T, 2019).

During this study we arrived in the inference that, like childline many organizations are functioning in India for the protection of children. Even though, as already mentioned, in most cases, violence against children in India is rarely seen, heard and reported publicly and at the same time the rate of child abuse is considerably increasing. In such a situation policies and efforts for ensuring child protection and prevention of child abuse has real significance and is an urgency of the contemporary India. The Indian society expects or demands the children to be obedient and well mannered. Any form of disobedience by the children will lead to punishments and parents often resort to physical forms of abuses for correcting the behavior. This many a time leave scars in the minds of the children which take a lot of time and effort to be removed permanently.

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