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Child Abuse: Forms, Factors Responsible, and Protection Issues

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Abstract

Child abuse is a universally established phenomenon. But still there has been no understanding of this burning issue. The socio-economic transitions in India that grows the intricacies of life and the intense changes plays a major role in increasing the vulnerability of children to various and newer forms of abuse. The child abuse adversely affects overall mental and physical growth of a child and it has serious physical and psycho-social consequences. Child abuse being a multifaceted issue and great threat to a nation's growth is a matter of thoughtful concern. In almost all cases of child abuse, the offender is either known person, relative or stranger or otherwise. It becomes very difficult to detect that culprit i.e. the abuser and the reasons of abuse may be best known either to the victim child or to their parents.

Key-words: Child abuse, child maltreatment, child sexual abuse, child exploitation.

1. Introduction

Child abuse is widespread and can occur in any cultural, ethnic, or income group. It can be physical, emotional, verbal, or sexual which can also be as a result from neglect. Studies show that one in four girls and one in eight boys are sexually abused before the age of 18, and that approximately one in 20 children are physically abused each year [1]. A lot of definitions exist but it may be different in different socio-economic situations and in different cultural environment. In the Indian context, there is no uniformity and universality in the definitions of child abuse. It is also not yet to be defined. But, the World Health Organization defines child abuse as: "Child maltreatment, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity [2]. Thus, child abuse is a universally established phenomenon. But still there has been no understanding of this burning issue. The socio-economic transitions in India that grows the intricacies of life and the intense changes plays a major role in increasing the vulnerability of children to various and newer forms of abuse. The child abuse adversely affects overall mental and physical growth of a child and it has serious physical and psycho-social consequences."

2. Child Abuse Subtypes

Within this broad definition mentioned in Section 1, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation which will be discussed in later sections

2.1 Physical Abuse

Physical abuse may be defined as "any nonaccidental physical injury to the child" [3]. It may include various acts such as punching, shaking, kicking, burning, beating, hitting or other acts that harms a child. There may not be an intention to hurt by the parents or the caretaker but sometimes it may be resulted due to over-discipline or physical punishment which may not be appropriate to the age of the child.

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2.2 Sexual Abuse

Child sexual abuse (CSA) is a form of child abuse in which an adult or older adolescent abuses a child for sexual stimulation.[4] Sexual abuse refers to the participation of a child in a sexual act aimed toward the physical gratification or the financial profit of the person committing the act.[5][6]

It may be termed as inappropriate sexual behaviour with a child. It may be in form of fondling a child's genitals, intercourse, making the child to fondle the adult's genitals, incest, rape sodomy, sexual exploitation and exhibitionism.

2.3 Neglect and Negligent Treatment

Neglect can be defined as 'any serious act or omission by a person having the care of a child that, within the bounds of cultural tradition, constitutes a failure to provide conditions that are essential for the healthy physical and emotional development of a child'[7]. There are several categories of neglect: supervisory neglect, emotional neglect, physical neglect, medical neglect, educational neglect and abandonment [8].The failure to make arrangement for the basic needs of the child is termed as neglect. It may be in any form such as physical, educational or emotional. Recently to fight child rights violation, the Protection of Children against Sexual Offences Act, 2012 and Immoral Traffic (Prevention) Act have been given more teeth. An increased number of cases have been files during last year. The reason for such increasing rate is awareness about legal recourse, translating to an increase in a number of convictions. National Crime Records Bureau has spoken for the first time in 2016 on the relationship of victim and accused in rape cases. The data is a proof of the unsafe nature of child labour of any kind with the demonstrated high volume of workplace sexual abuse.

2.4 Emotional Abuse

Emotional abuse is a type of abuse that you can experience in an abusive relationship. Although it doesn't leave you with physical scars, it can have a huge impact on your confidence and self-esteem. Emotional abuse comes in many forms, which might not be obvious at first [9].

Emotional abuse is an attempt to control in just the same way that physical abuse is an attempt to control another person. The only difference is that the emotional abuser does not use physical hitting, kicking, pinching, grabbing, pushing, or other physical forms of harm. Rather the perpetrator of emotional abuse uses emotion as his/her weapon of choice [10].

It is also known as the verbal maltreatment, mental abuse and psychological maltreatment. It includes both acts and failures to act by parents or caretakers. It causes or can cause serious, emotional, behavioural, cognitive or mental trauma. It may include extreme strange form of punishment for example confinement on a closet or dark room, threatening or terrorizing a child or being tied to a chair for long periods.

2.5 Exploitation

Child exploitation is the act of using a minor child for profit, labor, 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. To explore this concept, consider the

following child exploitation definition.Unfortunately, there is a large market and interest in using children of all ages for cheap labor, sexual purposes, child pornography, and other purposes. Many individuals taking part in child exploitation do it because there is a large profit to be made, essentially selling the services of children, or the children themselves, to others. Others use children to create child pornography, or for personal sexual gratification. Sexual Exploitation of a Child: Sexual exploitation of a child is defined as the act of employing, using, persuading, inducing, enticing, or coercing a minor child to engage in sexually explicit conduct for the purpose of producing visual depictions. Actual acts that are considered sexual exploitation of a child include: Indecent touching or exposure of or to a child, Use of sexually explicit language towards a child, Involvement of a child in pornography, Showing a child pornographic material, Early, forced marriage, Rape, Incest, Sexual slavery Sexual exploitation of a child also includes transportation of a minor from one state to another, or to a foreign territory, with the intent of engaging the child in any of the acts listed above.Economic Exploitation of a Child: Economic exploitation of a child, also referred to as "criminal exploitation of a child," refers to the use of a child in any way for economic gain. This often includes child labor, child slavery, child sex tourism, and even the "sale" or illegal adoption of children for profit. Children are often used to help sell and distribute illegal drugs, and in some war-ridden countries, children are recruited as soldiers, and forced to fight.

3. Relationships among Different Child Abuse Subtypes

Although it is useful to distinguish between the different subtypes of child maltreatment in order to understand and identify them more thoroughly, it can also be slightly misleading. It is misleading if it creates the impression that there are always strong lines of demarcation between the different abuse subtypes, or that abuse subtypes usually occur in isolation. There is a growing body of evidence to suggest that maltreatment subtypes seldom occur in isolation; the majority of individuals with a history of maltreatment report exposure to two or more subtypes ([11], [12], [13]). Additionally, some acts of violence against children involve multiple maltreatment subtypes. For example, an adult who sexually abuses a child may simultaneously hit them (i.e., physical abuse) and isolate or terrorise them (e.g., emotional abuse). Similarly, when parents subject their children to sexual or physical abuse, how can the emotional harm and betrayal of trust implicit in these acts not also be thought of as a form of emotional maltreatment.

The cases of sexual exploitation involve perpetrators are known to the child more often than strangers. The latest finding on this is that 25 percent of rapes of children were committed by their employers and co-workers in the year 2015. This fact of the exploitation has been extracted from the National Crime Records Bureau (NCRB) 2015 data on the 8,800 child rape cases registered using the Protection of Children Against Sexual Offences Act. Remarkably, the registered rape cases were only 2 percent in which women were sexually assaulted in their workplace. In child labour cases, according to the 2007 study conducted along with the Ministry of Women and Child Development shows that boys were abused as frequently as girls. 488 cases saw the

victim raped by close persons in the family such as grandfathers, brothers, fathers and even sons. Tamil Nadu and Gujarat reported the highest number of child workplace sexual abuse cases at 55 percent and 49 percent respectively.

4. Child Abuse in India: Key Facts

In the year 2015 under the POSCO Act, the number of cases registered for child abuse raised from 8,904 in the year 2014 to 14,913. Sexual offences and kidnapping both account for 81 percent of the crimes against minors.

- As children do not know how to ward off unwanted sexual advances from their known relatives, acquaintances or workplace seniors, who they trust. So, preventive measures designed to ward off strangers (installing CCTV cameras and providing self-defence training) will be ineffective
- POSCO: State wise cases - the highest number of child abuse cases are in Uttar Pradesh led i.e. 3,078 followed by Madhya Pradesh in which there are 1,687 cases, in Tamil Nadu 1,544 cases, in Karnataka (1,480 cases) and Gujarat (1,416 cases).¹ In 94.8 percent of rape cases children are being raped by someone they knew, not strangers. These confères include neighbors whose cases are 3,149 who were the biggest abusers i.e. 35.8 percent. 10 percent of cases are those in which children being raped by their own direct family members and relatives.²
- According to a police officer turned child protection NGO Prayas, founder Mr. Amod Kanth, this exploitation is the result of child labour conditions, where elders completely control children and render them incapable of escaping from closed home environments or shops. Children are less compelled to report abuse to authorities in these cases.

5. Factors Responsible to Child Abuse in India

- **Traditional and Cultural Values:** Every now and then our traditional and cultural values allow the abuse/violence against child and result into the infringement of the very rights as a human being. And it is significant here to note that both abuser i.e. the child and abuser may seem nothing uncommon or wrong in the child being subjected to violence. They may not consider it abuse at all, perhaps viewing it as justifiable.
- **Mute spectator:** there are various norms and rules in society because of which people in our society most often silent or a mute spectator and reluctant to speak about this pertinent issue in a justifiable phenomenon.
- **Orphan Children:** In India some parents left their children orphaned only on the mercy of god. Children who are orphan or abandoned one are most exposed part of our society and are the subject of easy prey to abuse of all kinds.
- **Economic Factors:** The most responsible factor for child abuse is poverty which is a great enemy of

human happiness. It certainly destroys rights and it makes same virtues impracticable that a child can never think and others extremely difficult to possess. Often can be seen, little kids, as young as 5 years or 6 years, venture out for living with gunny bags on their backs to pick up rages in cold winter-nights when we and our children are still huddling in the comforts of our cosy beds. Very often it is a common sight that the children can be seen standing outside public places such as wedding Shamianas or restaurants and standing in a row outside a temple, with bowls in their hands waiting for left-overs. It is only the poverty and lack of nutrition etc. that frequently force vulnerable children to turn to child labour or to sexual exploitation, where they are, physically, emotionally and sexually abused.

- **Illiteracy:** In India a large number of people are illiterate. The parents who are itself illiterate cannot be able to understand the value of education. And this is a big reason that their children remain uneducated. The illiterate parents believe in the principle of more children more work more money. The uneducated children have few opportunities for their future and are therefore more vulnerable.
- **Other Factors:** Apart from these factors there are so many factors that make children vulnerable. These may include unemployment, alcohol abuse, drugs consumption etc. Further, most of the abuse is hidden. Generally, the child victim may feel embarrassed or guilty and believe that the abuse was deserved and abuse goes unreported.

6. Various Protection Issues

Millions of children all over the world are victims of abuse in various forms. They continue to be abused, exploited and trafficked. Abuse against children is certainly not a new subject. However, what we understand as abuse against children is repeatedly changing. Abuse against children occurs usually as the result of failure on the part of the parent or caregiver to ensure a reasonable standard of care and protection, child experience harm. It includes neglect or careless treatment, annoying behaviour like buying, mental and physical abuse and injury, exploitation and sexual abuse. Abuse against children may broadly be defined to include deliberate behaviour by people against children that are likely to cause physical or psychological harm. This includes physical abuse, sexual abuse and exploitation, societal forms of violence, such as exploitative child labour, and children's involvement in armed conflict.

7. The Socio-Economic Circumstances Leading to Child Abuse

Child abuse being a multifaceted issue and great threat to a nation's growth is a matter of thoughtful concern. In almost all cases of child abuse, the offender is either known person, relative or stranger or otherwise. It becomes very difficult to detect that culprit i.e. the abuser and the reasons of abuse may be best known either to the victim child or to their parents. Due to family prestige or social disgrace nobody bring forward the matter of abuse in society. It is still worst and continuing in many traditional and conventional families. The victim family do resolution on its own rather reporting to police. They think the child abuse matter as personal matter not a criminal one. There

¹Available at <https://www.savethechildren.in/resource-centre/articles/recent-statistics-of-child-abuse> assessed on 29th January 2017.

²Available at <https://www.savethechildren.in/resource-centre/articles/recent-statistics-of-child-abuse> assessed on 29th January 2017.

are so many factors like parents, family poverty, no parent, single parent etc. forced the child to do child abuse which is the form of child abuse and prohibited by law³ or to become child in conflict with law⁴ and thereby become the victim of abuse and bears the abuse in various forms.⁵ In a famous case *Sudesh Jakhu v. K.C.J.*⁶ Court laid down certain principles for conducting trial and taking evidence in child sexual abuse cases. Justice Jaspal Singh said that the Magistrate should record the victim's statement in the same language as spoken by it.

Conclusion

Child abuse is a universally established phenomenon. But still there has been no understanding of this burning issue. The socio-economic transitions that grows the intricacies of life and the intense changes plays a major role in increasing the vulnerability of children to various and newer forms of abuse. The child abuse adversely affects overall mental and physical growth of a child and it has serious physical and psycho-social consequences like high risk in physical, behavioural, and mental. The factors that may increase the risk of child maltreatment are gender inequality, socioeconomic inequality or instability, lack of basic facilities like food, house, education and health, poverty, unemployment, the easy availability of alcohol and drugs, inadequate policies & programmes to prevent child abuse, child pornography, child prostitution, child labour, social and cultural traditions that promote or glorify violence towards others, demand rigid gender roles, diminish the status of the child in parent-child relationships.

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³Child labour (Prohibition and Regulation) Act, 1986.

⁴Section 2, Juvenile Justice (Care & Protection of Children) Act, 2000.

⁵Mamta Rao, 'Law Relating to Women and Children', 2nd edn, Lucknow: Eastern Book Company, 2008, p.464.

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