

## **PROTECTION OF CHILDREN FROM CHILD ABUSE: AN INTERNATIONAL PERSPECTIVE**

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### **Introduction**

Child abuse is the physical, sexual or emotional mistreatment or neglect of a child. Child abuse can occur at home or in an organization, school, or community the child interacts with. The definition of child abuse is: “Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation, an act or failure to act, which presents an imminent risk of serious harm.”<sup>1</sup> In the United States of America (US) a report of child abuse is made every 10 seconds. According to US Department of Health and Human Sciences Administration for Children and Families, Children’s Bureau (2010), Child Malnutrition 2010, approximately 80% of children that die from abuse are under the age of 4.<sup>2</sup>

### **Factors Responsible for Child Abuse**

Children are innocent, and need guidance and protection in the present-day society where they are exposed to multi-faceted turmoil, violence and complexities, and the resultant dangers to their innocence. This situation has arisen because of various changing factors in our human society as follows:

1. Breakdown of joint family system: Earlier people lived together so someone or the other was available to

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<sup>1</sup> The Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. and 51069) as amended by the CAPTA Reauthorization Act of 2010.

<sup>2</sup> [www.childhelp.org](http://www.childhelp.org)

tend to the child and family; values were incorporated voluntarily; and responsible contribution was done in all aspects; care and grooming of generally any and every growing-up child was taken care of. To raise a child was a delight, and not a problem. *E.g.*, someone bathed the child; someone fed it; somebody took the pram and the child had an outing too. Today, it's a nuclear family, and parents are busy earning and managing careers. It then comes to who will do what and when, and the child is circumstantially left to hired and impersonal supervision, or worse still left to fend for itself sans care or guidance.

- 2.** In modern and present era, women have a dual role to play. Earlier they only looked after children and home but now they have to earn and further their own careers. They contribute to the family earnings, but simultaneously by absenting themselves at this crucial stage of the child's growth they deny the child the parental personalized attention and guidance which had been the hallmark of our traditional society. *E.g.*, leaving their child at home on the mercy of baby sitters or day care centre's where strangers are dealing with its needs, emotions, moods *etc.*, which is not desirable. The child may not be able to confide and tell its problems and feelings to the baby sitter. Baby sitters work not because they like to, but because they need to earn, hence sometimes they are frustrated and may commit atrocities on the child. When the grandparents look after the grandchild, in some cases, it works out well, but considering their old age they cannot do a lot. A child requires a lot of looking after, and hence there is a helper who may not have clean, hygienic habits or good character; he/she may be violent, and beat the child who is helpless and dependent.
- 3.** Degradation in moral values: As the greed of man is growing by the day, you cannot trust anyone. A neighbour, a close family friend, a servant, or anyone who may be likely to attack an innocent child; hence a child today needs to be protected even from their own relations and friends. The person, who is in a fiduciary capacity like a guardian, father, uncle, and neighbor *etc.*, may commit assault, exploitation and

even rape. This is a global phenomenon, and all have to concentrate in bringing an end to the ill treatment meted out to children today.

4. Unnecessary exposure to violence and sex depicted in films, advertisements and television creates curiosity and confusion, and therefore should not be seen by children unattended. They need to know the truth and explained about the scenes, the themes and hence, proper censoring is must. Crimes occur as no one explains or supervises these children.

#### **Child Abuse in United Kingdom**

The murder of Victoria Climbié by her own guardians is barbaric and inhuman.<sup>3</sup> The facts show that Climbié was tied up for long hours sometimes 24 hrs by her great aunt Marie Therese Konao. She was even hit by chain, hammer and wire. She was in constant contact with the police, social service department of 4 local authorities – the National Health Service, the National Society for the Prevention of Cruelty to Children, and local churches; and all noted signs of abuse, yet none could protect her life.

In the inquiry held after her death by Lord Laming, it was discovered that there were times when Climbié could have been saved.<sup>4</sup> It was found that many organizations were badly run. The report by Lord Laming made recommendations related to child protection in England. Climbié's death resulted in the 'Every Child Matters' initiative, and the introduction of the Children Act, 2004. A very dynamic scheme introduced the creation of the contact point project, a government data base, designed to hold data, information on all children in England and the creation of the Office of the Children's Commissioner chaired by the Children's Commissioner for England. On 13<sup>th</sup> July 1999 Marie Konao requested her neighbour, Cameron, who would often look after Climbié, to take her up permanently as Manning, her boyfriend, with whom

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<sup>3</sup> [en.wikipedia.org/wiki/murderofvictoriaclimbié](http://en.wikipedia.org/wiki/murderofvictoriaclimbié)

<sup>4</sup> Victoria Climbié Inquiry Report, House of Common, Health Committee, 6<sup>th</sup> Report of Session. Available at: <http://www.publications.parliament.uk/pa/cm20203/cm/select/cmhealth/5702002.03.pdf>, retrived on 21/2/2013

she was staying did not want the child. Cameron's son Patrick and her daughter Avril observed that the child had numerous injuries – a burn on her face, a loose piece of skin hanging from her right eyelid – which Marie Konao said was self-inflicted; but Carl Manning's account was different. He said that he hit Climbie because of frequent bed wetting or incontinence. When Cameron's daughter took Climbie to a French teacher, she advised that Climbie to be taken to a hospital. In the hospital, the pediatrician was suspicious that the injuries were not accidental, and she was then placed under police protection. Ruby Schwartz consultant pediatrician diagnosed scabies, and her level of care was downgraded by Michelle Hine, a Child Protection Officer and Rachel Dewar - a police officer decided to lift police protection allowing Climbie to go home. On the 24<sup>th</sup> July 1999, she again was taken to the hospital with severe burns on her head plus other injuries; there was no evidence of scabies. Mary Rossiter felt that Climbie was being abused, but still wrote 'able to discharge' on her notes. On 5<sup>th</sup> August 1999 Barry Almeida, a social worker took Climbie to NSPCC centre in Tottenham at Haringey Social Services Department where Marie Konao said that Climbie had poured boiling water over herself to stop the itching caused by scabies, and had used utensils to cause other injuries. The police officer and social worker believed her, and she was sent home. On the 7<sup>th</sup> August 1999, Marie Konao took her to church and told the pastors that she was the mother, and that devils were inside Climbie. No one suspected her or doubted her even in the church. During October 1999 to January 2000, Manning forced Climbie to sleep in a bin liner in the bathroom in her own excrement due to frequent bed wetting. During the months of December and January social worker Arthur Worrey made 3 visits to the Marie Konao's residence, but received no answer. She speculated to the supervisor that Marie Konao had returned to France, although there was no evidence of such. The supervisor wrote on Climbie's file that they had left the area. On February 18<sup>th</sup> they wrote to Marie Konao that if they did not receive any reply from her, they would close the file. A week later on 25<sup>th</sup> February they closed the file; on the same day Climbie died. On 24<sup>th</sup> February she was taken in semi-conscious state, suffering from hypothermia, multiple organ failure, and malnutrition to

North Middlesex Hospital where she died. Manning pleaded guilty to charges of manslaughter and cruelty; Marie Konao denied all charges. Manning described Climbie as a Satan saying no matter how hard he hit her, she did not cry. On 12<sup>th</sup> January both Marie Konao and Manning were found guilty and sentenced to life imprisonment. The Judge said: "What Victoria Climbie endured was truly unimaginable; she died at both of your hands - a lonely drawn out death."<sup>5</sup>

Child abuse exists all over the world in rich countries as well as poor countries. Since time immemorial mothers would guard their children, and protected and advised them. With education things should have improved but the statistics show an increase in child related crimes. On June 29<sup>th</sup> 2012, Justice Secretary Kenneth Clarke said: "All the people with an interest in protecting vulnerable people will agree that we have closed the gap in the law and from now on if you fail to take steps to stop a child being killed, you are equally responsible."<sup>6</sup> The new law, the Domestic Violence Crime and Victims Amendment Act, 2012 was due to come into force. According to it, anyone, who deliberately causes or allows physical harm to a child or vulnerable adult, faces up to 10 years in prison. It is effective in England and in Wales, it also enables prosecution of people who stay silent, or blame someone else. This move allows a number of cases where prosecutions could not be brought, because it was impossible to identify the individual responsible for the abuse. In a case, there was a 5 month old baby who suffered a brain hemorrhage, fractured skull, and a 2 week old baby with a broken collar bone, ribs and leg. In 2007, death of Baby Peter in North London was shocking. During the 8 months of abuse, the child suffered more than 50 injuries; had 60 visits from social workers, police and health workers. In 2009 his mother, her boyfriend, and a lodger were jailed for causing or allowing Peter's death. This little boy 17 month old died of abuse, despite being on the Council's Child Protection Register.

Children's Secretary Mr. Ed Balls observed reasons for these inhumane murders:

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<sup>5</sup> [en.wikipedia.org/wiki/murderofvictoriaclimbie](http://en.wikipedia.org/wiki/murderofvictoriaclimbie)

<sup>6</sup> [www.bbc.co.uk/news/1863734](http://www.bbc.co.uk/news/1863734)

1. Poor child protection plans;
2. Failure to implement the recommendations of the Victoria Climbié Inquiry;
3. Agencies acting in isolation without coordination;
4. Insufficient supervision by senior management; and
5. Over dependence on performance data which was not always accurate.

Thus, stern actions were taken by Ed Balls:

1. Sharon Shoesmith was removed as Head of Children's Services;
2. The education and children's services OFSTED to carry out unannounced annual inspection of services across the country.

Child abuse is thus now at the centre of legal attention in England.

### **Child Abuse in China**

Legal and education experts in China are calling for criminal law to be revised to include the offence of child abuse in China after number of incidents in which minors were physically or sexually abused has come to light. Yan Yanhong, a teacher in a privately owned kindergarten in Zhejiang province, posted a photo on line of her picking a boy by his ears. The child appeared to be shouting in the photo, and seemed to be in great pain. The police found 700 photos in Yan's e-album of children being abused in different manners including throwing into garbage cans, or having their mouths sealed with plastic tape. Yan was detained by the police. Cai Lining, Director of Judicial Department of Public Security in Wen Ling said that Yan could not be charged of committing a crime because:

1. Abuse pertains to someone who abuses a family member, but KG teacher is not a family member to the children;

2. Crimes with intentional injury deals with cases in which someone is physically injured. Inhere the child was not injured to a degree that would justify that charge;
3. An insult charge requires that the offended person sues the offender; the child cannot sue because he was not an adult.

Here, the interpretation that abuse pertains to family member is very narrow, and should include abuse by any one, and should be treated as a human right violation.

Yao Jian Long, a legal expert says that many laws forbid child abuse; but there is no clear definition of child abuse in Chinese law. According to Hou Juazha, Vice President of Yu Chang Pre - School Education College in Shanxi province: "Memories of abuse will have a negative effect on child's development. Lots of criminals were abused as children."<sup>7</sup> It seems a correct observation.

Los Angeles Times reports a grim tale of child abuse in China. A woman is to undergo surgery to remove some 26 needles stuck in her body when she was an infant. Doctors believe the needles were driven into her body when she was very small, the one in the top of her skull could only have been stuck when the bones in her head were still soft. "They wanted her dead," said Qu Rei, a spokesman at Richland International Hospital in Yunnan province, which agreed to remove the first needles in her body. Luo does not remember ever being stabbed. Relatives suspect her grandparents. They wanted a grandson instead of two granddaughters. Female infanticide is a common practice in cultures that prize boys. China's strict one child policy has exacerbated the age old prejudice by making the male heir even a more precious commodity. China's family planning restrictions have also led to a surge in child trafficking. In one incidence, Chinese police rescued 40 kidnapped infants purchased in relatively impoverished south western China, and bound for potential buyers on the country's more prosperous east coast. Thousands of baby girls are

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<sup>7</sup> Tougher Laws Against Child Abuse Urged, *China Daily*, Oct 30, 2012. Available at: [www.china.org.ch](http://www.china.org.ch)

abandoned every year; some are left on streets, and some even in the trash.<sup>8</sup>

### **Child Abuse in United States of America**

In United States of America (US) also child abuse is a major issue of concern. On October 9, 2012, a college coach Jerry Sandusky was jailed for life for child sex. Judge John Cleland warned 68 yrs old Sandusky that he was imposing a prison term that had the unmistakable impact of being for the rest of his life. Mr. Jerry Sandusky was convicted of 45 counts of child sexual abuse in June, after a trial in which he was found guilty of molesting 10 children over a 15 yrs period, meeting them through a charity he founded for troubled youth. Prosecutors said that Mr. Sandusky had advantages which should have led to a productive life; instead he spent his time setting up a charity that he used as a vehicle for child sex abuse. Assistant Attorney General Joseph Mc Gettiger told the Court: "Instead of being a productive citizen he worked diligently to construct a mechanism to acquire victims."<sup>9</sup>

In another incidence, a four year old girl, who was allegedly locked in the attic of her home in Hill Street when she would not sleep, had her face rubbed in vomit, her head flushed in toilet. The abuse came to light when rescue workers were called to the house after investigators said she was forced-fed food, and choked. Gaston Police Sgt William Lucas was called to Halifax Regional Medical Centre. After nurses saw what they thought were signs of child abuse so bad, even the nurses were crying. The girl's father Daniel Gibbs 32, his girl friend Phylis Evans 49, the girl's uncle Douglas Gibbs 23, and her grandmother Mary Gibbs 59 were charged with felony of child abuse. The child's biological mother Susan Harrison said the last time her daughter visited her; the little girl did not want to go back to her father's family.<sup>10</sup>

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<sup>8</sup> *Child Abuse*. Available at:  
[china.article.latimes.com/2007/sept/11worldfgneedles-sep11,2007chingchingni/timesstaffwriter](http://china.article.latimes.com/2007/sept/11worldfgneedles-sep11,2007chingchingni/timesstaffwriter)

<sup>9</sup> [www.ndtv.com/article/world/us/277589](http://www.ndtv.com/article/world/us/277589)

<sup>10</sup> [www.wral.com/news/local/story/1091010](http://www.wral.com/news/local/story/1091010) Aug 8 2005



In a booklet written for the National Center for the Prevention and Treatment of Child Abuse and Neglect, Dr. Brandt Steele revealed that child abusers had themselves been abused as children. A pattern of violence was established early in their lives and passed it along to their offspring.<sup>11</sup>

John Ruskin an English writer (1819-1900) said: "Give a little to love a child and you get a great deal back." Children make this world a happy place, but somehow all across the globe the children are abused. Homes are built for children and orphanages, but there too, they are subjected to indignity and abuse.

### **Child Abuse in India**

In India, today our children are unsafe. There are innumerable cases which high light child abuse. A series of sex abuse scandals at orphanages and shelter in India has sounded alarms over the management of children's homes many of which operate with little or no public oversight. In *Arya Anathalaya* many children are orphans, and some are from families where the father is absent, mother has to work and cannot provide adequate care. Once an 11 year old child died in the *Anathalaya*. She was placed there by her mother after her father had walked out. Krishna Shah, a social worker says that the system has broken down: "There is no effort to protect the children. If something goes wrong, option is to displace the kid further; instead the management should be removed." It is a correct opinion: why should the kid move out and readjust when he/she is not to blame? The child requires protection, and security; efforts should be made to check abuse by changing the management, which should make inspections and weekly interaction, should be done with the students to know how secure they are there.<sup>12</sup>

In Indore, a 15 yrs old girl from Dewas called up *Childline Indore* and lodged a complaint against her cousin who abused her; the cousin was a minor too, and was molesting her. The victim was hesitant to inform her

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<sup>11</sup> [www.violence.de/prescotthustler-newarticle.html](http://www.violence.de/prescotthustler-newarticle.html)

<sup>12</sup> [www.ndtv.com/article/india/children-homes-under-abuse-spotlight-242203](http://www.ndtv.com/article/india/children-homes-under-abuse-spotlight-242203)

family about the incident. In Mhow, a school girl was molested by a family friend; incident took place 2 yrs ago, but was reported after the telecast of *Satyamev Jayate*, a serial hosted by Aamir Khan.<sup>13</sup>

### **Urgently Needed Measures to Protect Children from Abuse**

1. **Need for Teachers and Parents to be Counseled Periodically:** Teachers should love teaching, and be tolerant; and should never inflict pain for correcting a student. China has no law concerning child abuse. In a case a KG teacher burnt 7 children with a hot iron on the face because they had been naughty. In one incident, a father was not talking to his child because he needed glasses. The father shouted: "How could you have been so careless? You should have protected your eyesight."<sup>14</sup> The examples indicate that the parents need counseling today, and some check is required to be kept on them so that they are more mature and understanding towards their children.
2. **Need for Redefining Child Abuse:** There is need to give a precise and clear definition of 'child abuse' and make laws strict, punishment deterrent and only then we can secure the future safety of the children worldwide.
3. **Need to Protect and Give Personalized Care to Children:** In India, we believe in 'doing our duty' - *kartavya ka palan*. When we do our duties sincerely, the rights will automatically come for all. If this policy is rigidly followed and duties are performed sincerely, the children will be safe.
4. **Need to Report Cases of Abuse to the Authorities:** A Chinese proverb says: "There is only one pretty child in this world and every mother has it." Thus, a mother must report a human right violation, assault or any other crime happening to her child to the police immediately. The mother or the other family members of the child must understand the gravity of the crime, and report the matter to the police so that

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<sup>13</sup> *Times News Network* June 30, 2012.

<sup>14</sup> *Abuse in Rural China*. Available at: [ingredinchin.com/2011/1/1](http://ingredinchin.com/2011/1/1)

it is not repeated again. But it has been found that many parents keep silent, and this encourages the criminal to get away. According to *Times of India, Bangalore*<sup>15</sup> in the past 6 months Ms. Ramaiah Hospital reported 9 cases of child sex abuse of which 7 victims were under 15 years of age; many such cases have gone unreported. "Most families of victims of child abuse live in a culture of denial and the conspiracy of silence. But such disturbing experiences can impact the child adversely; affect their personal function, and the type of person they grow up into."<sup>16</sup> There is no need to be afraid to discuss the matters, in fact if the facts and circumstance of the relating to the crime are known to others precautions will be taken. It will help in crime prevention.

**5. Need to Have Friendly Relationship with the Child:** According to a recent survey by *Prayas* and UNICEF, more than 53% of children in India face one or more form of sexual abuse. The *Report* says that 2 out of every 3 children are physically abused, and 54.68% are boys. "Most children report to their elders when they are physically abused, but elders keep to themselves when sexually abused. Families should break the barriers between them and their younger ones, so that children can speak freely about such traumatic experiences."<sup>17</sup> Every person should be gentle towards a child but it seems the grownups have no time or patience to look, listen or understand the problems of the child. As per the existing laws, it is not mandatory to report a case of child abuse.

However a Bill 'Protection of Children Against Sexual Offences Bill, 2011' was passed in the *Rajya Sabha* and the *Lok Sabha* in May 2012; but is awaiting approval of Cabinet Committee and President's consent. The Bill seeks to protect children from sexual offences and pin the burden of proof on the accused. Bills such as these help children who

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<sup>15</sup> *Times of India, Bangalore*, 27<sup>th</sup> June 2012.

<sup>16</sup> Dr. Shekhar Seshadri, Professor, Department of Adolescent and Child Psychology, Nimhans.

<sup>17</sup> Dr. Saldanha, S. of *Enfold Trust* which organizes sessions on Human Sexuality and Life Skills.

face sexual abuse greatly. “The government should not waste time to make this bill a law.”<sup>18</sup>

Sometimes the father, mother or family members are perpetrating child abuse. In India, in March, a severely battered toddler, Baby Falak, died in a hospital in the Indian Capital Delhi. She was brought in with serious injuries, including human bite marks all over her body in January 2012. In Bangalore, in April 2012 there was the case of a three month old baby Afreen who was battered by her father who allegedly wanted a son. She died after attempts to revive her failed.<sup>19</sup> Sometimes there is child abuse in shelter homes. Child abuse in Haryana in Rohtak Shelter Home on June 13, 2012 has been reported by Saurabh Malik/TNS. At *Bal Kunj*, Chhachroli, in Yamuna Nagar, 12 children shifted from shelter *Apna Ghar* in Rohtak. Narrated tales are published about the children being physically abused, brutally beaten, often kept naked, and made to consume liquor, and regularly work as farm labourers by Jaswanti who ran *Apna Ghar*. Things were hardly better at *Nari Niketan* in Karnal. Five girls residing over there alleged that they were sexually molested, and made to suffer abortion by giving tablets and inserting foreign objects into private parts. The stories narrated by the inmates at Mother Teresa’s Missionaries of Charity were appalling. The Investigating team found ‘frozen blank expressions, presumably due to addiction to white powder’.<sup>20</sup>

**6. Need for Moral and Value Based Education:** There has to be a socio-legal and moral perspective and approach to stop child abuse. Children must be taught to respect humanity in their tender age only. Imparting education about sex at right time through scientific education will save a lot of children from becoming victims of sex related crimes. There is also a need to protect childhood; teach them about morality and fitness, to exercise; good and friendly personal relations with parents or grand-parents; importance

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<sup>18</sup> *Ibid.* [articles.timesofindia.indiatimes.com/2012-06-27/Bangalore/324404061](http://articles.timesofindia.indiatimes.com/2012-06-27/Bangalore/324404061)

<sup>19</sup> [www.bbc.co.uk/news/world-asia-india18328061](http://www.bbc.co.uk/news/world-asia-india18328061)

<sup>20</sup> [www.tribuneindia.com/2012/20120614/main4.hr.m](http://www.tribuneindia.com/2012/20120614/main4.hr.m)

of brothers and sisters; to share their fears and thoughts with them and other cousins and relations, etc. It is said that the people today don't talk much with each other, and there is a fall in human and moral values. We must strengthen the bonds of love in the family. Princess Diana, Princess of Wales said: "Hugs can do a great amount of good, especially for children."

The world overall is suffering when children are not be given proper upbringing and care. No society where children are neglected can achieve peace or prosperity. Children are the future policy makers, parents, leaders and philosophers. To educate them properly is the principal duty of the society. Barbara Bush, the former First Lady of US said: "You have to love your children unselfishly. That is hard, but that is the only way." Child abuse must end immediately. The human rights of the children must be respected.

- 7. Need for Special Courts to Deal with Matters Related to Children:** Special courts should be established to deal with child abuse, and if required the courts should take *suo moto* action to help these innocent victims. Human Rights Education will be a great asset to achieve this goal.

Children are used in warfare. Millions of children are victims of armed conflict. Millions are used as cheap labour. Do we care for our children; do we make any budgetary allocations for children, their protection, welfare, health and development? Is the implementation of laws proper? Are we following the Directive Principles of State Policy? Are we aware of Art. 15 of the Constitution of India which says that special provisions can be made for women and children? If lack of governance harms children, its dangerous and quick action is urgently required to be taken.

### **Conclusion**

The future of any society rests on the children, as only they bring new energy, new ideas, new vision, and rejuvenate the environment. Any society which ignores,

neglects and fails to look after the interests of the child, will suffer. Every person must raise a child, or sponsor a child, or help in educating the child. The destiny of a nation will be determined by what kind of education is imparted to the young ones. Education should be wholesome, meaning it must include - moral, ethical, cultural, religious, technical, and research; then and then only our progress will be meaningful. They need protection, love and care, and the society must invest in the welfare of the children for future security. A dysfunctional home environment, families facing uncertain times, marital discord, exposure to violence, makes children a vulnerable group. The institution of marriage and joint family system must be strengthened to make childhood of the children healthy, happy and secure.