

CHILD ABUSE

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ABSTRACT

Child abuse be the physical or psychological maltreatment of a child, can be differentiated in four leading categories, physical abuse, emotional abuse, neglect and worst of all; the sexual abuse. Child Sexual Abuse (CSA) is a kind of physical otherwise mental violation of a child with sexual intention, generally by a person who is in a position of trust or power vis-a-vis the child. World Health Organization (WHO) defines child sexual abuse because, 'inappropriate sexual behavior with a child' and 'involving a child in sexually activity so as to he or she doesn't fully comprehend, is unable to give informed consent to, or that violates the laws and social taboos of society.' India is the home to approximately 19 percent of the world's children 42% of India's total population is below eighteen years. In a shocking revelation, a Government commissioned survey has found that more than 53% of Indian children are subjected toward sexual abuse. Child abuse is shrouded in secrecy and here is a conspiracy of silence around the entire subject. In fact there is a well entrenched belief that there is no child abuse in India. A very large fraction of people feel that this is a largely western problem and that child sexual abuse does not happen in India. Following the doctrine of protective discrimination, it guarantees Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) 39(f) and reiterate India's commitment to the protection, safety, security and well-being of all its people, including children. Despite the finest intentions and policy in place, as well as two comprehensive legislations for the protection of children.

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INTRODUCTION

The UN Convention on the Rights of the Child (UN CRC) (1989) is the most widely endorsed Child rights instrument worldwide, which defines Children as all persons up to the age of 18 years.

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person. Below the age of eighteen and is a globally prevalent phenomenon. However, in India, as in many other Countries, there has been no understanding of the extent, magnitude and trends of the problem. The Growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Research regarding the causes of child abuse has recently undergone a paradigm shift. The results of research initiated by the National Research Council's Panel on Research on Child Abuse and Neglect signal the first important step away from simple cause-and-effect models. As was recognized by researchers for the National Research Council's panel, the simple cause-and-effect models have certain limitations, mainly related to their narrow focus on the parents. These models limit themselves by asking only about the isolated set of personal characteristics that might cause parents to abuse or neglect their children. Moreover, these models also fail to account for the occurrence of different forms of abuse in one child. At the same time, these models had very little explanatory power in weighing the value of various risk factors involved in child abuse. As a result, they were not very accurate in predicting future cases of child abuse. To replace the old static model, the panel has substituted what it calls an "ecologic" model. This model considers the origin of all forms of child abuse to be a complex interactive process. This ecologic model views child abuse within a system of risk and protective factors interacting across four levels: (1) the individual, (2) the family, (3) the community and (4) the society. However, some factors are more closely linked with some forms of abuse than others. The factors thought to contribute to the development of physical and emotional abuse and neglect of children.

Definition

Child abuse is doing something or failing to do something that results in harm to a child or puts a child at risk of harm. Child abuse can be physical, sexual or emotional. Neglect, or not providing for a child's needs, is also a form of abuse. However, in India, as in many other

countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. According to WHO: "Child abuse or maltreatment constitutes all forms of physical and/ or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power." Child abuse has serious physical and psychological consequences which adversely affect the health and overall well-being of a child. Most abused children suffer greater emotional than physical damage. An abused child may become depressed. He or she may withdraw, think of suicide or become violent. An older child may use drugs or alcohol, try to run away or abuse others.

Child Abuses

Socio-cultural

Explanation says those external forces or a socio-demographic variable within the society causes child abuse. This theory has 3 major sub fields 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 great propensity toward viewing such behavior as normative and inhibition against physical force may be lessened.

Psychiatric explanations the psychiatric explanation was propounded by many scholars. It links with child abuse factors such as mental illness and personality defects or intra-individual abnormalities. It also links abusive parents' own childhood experiences to the individuals' weak personality development and poor self-control. The thesis that personality disorder is responsible for child abuse was further advanced by reports that abusers often had a propensity for impulsive and/or antisocial acts that extended beyond the preventing role. 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. This explanation initially drew support from much support from many fields, including law-makers and public-interest groups because it directed most of the responsibility for abusive behavior squarely at the individual involved, and absolved society from blame in contributing to the risk of child abuse through lack of education, adequate housing, family support programmers, employment opportunities, and so on. However, recent researches have disproved the role of psychopathology in child abuse.

In India, the demand for children comes mainly from the local population. However, India and other South Asian countries are gradually replacing South East Asia as the venue of choice for foreigners, as there are fewer laws against child sexual abuse, and South Asian children can be bought at more affordable prices. The Convention on Rights of the Child has been rectified and supported by 178 countries including India. It given the NGOs, lawyers, government officials, and Policy officers, no choice except to take all possible measures in ensuring protection of the rights of children. We do not need more legislation's. We already have a number of laws, which are not being implemented.

Need for a study of child abuses

In India is a developing country the development of country is based on agriculture not on the industrial development and then there is the huge child labor and then there is the many of the governmental and nongovernmental organization work to reduce and remove the child abuses and there is UNICEF in the international level. The main work is to reduce the child abuses in the world. These organizations are the main motive is to spread the awareness to the individual peoples. Because in India there is not of the parents of Indian origin is not to talk personally with their children's directly. These factors are also the responsible for the abuses of the children's of Indian origin.

Status of Indian children

India is home to most children in the world. Around 19% of the world's children have their homes in the country. Child line India Foundation(2014) reveals that maximum incidences of

child abuse sexual happens in India; one out of ten children is abused at any given point in time, a child under ten years of age is abused every 13th hour. A nation-wide study commissioned by the Government of India in 2007 reveals that one in every two child is abused –either physically, emotionally or sexually (MWCD, 2007). UNICEF, in a study conducted between 2005-13 estimates that at least 42% girl children are exposed to sexual abuse before they begin teenage.

Kerala has in the recent period seen a spate in reporting of child abuse cases. Most of which also have to do with sexual abuse experiences. 55.04% of boys and 44.96% of girls in Kerala have reported the experience of sexual abuse (the actual figures, including the unreported cases would be much higher). This happens to be more than the national standards of 52.94 % among boys and 47.06% among girls¹.

Sexual offences and kidnapping form the crux of crimes (81%) against children in the country. National Crime Records Bureau(NCRB) figures for sexual abuse cases among children under the POCSO Act was 8,904 in 2014 and 14,913 in 2015; a huge jump in a short span. Among these cases of sexual offences, 94.8% rapes have been committed by persons known to the children.

World Health Organization (2014) defines Child maltreatment as: “Child maltreatment is the abuse and neglect that occurs to children under 18 years of age it includes all types of physical and/or emotional ill treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child’s health, survival, development or dignity in context of a relationship of responsibility, trust or power. Exposure to intimate partner violence is also sometimes included as a form of child maltreatment.”

Types of child abuses

Physical abuses

The Indian society, like most societies across the world, is patriarchal in structure where the chain of command is definite and inviolable. In such power structures parents, both fathers and mothers, consider their children as their property and assume a freedom to treat them as they like. Thus, not only do parents and teachers adopt harsh methods of disciplining children, there is also little opposition to this harshness.

¹ Study on Child Abuse, GOI, 2007

The underlying belief is that physical punishment encourages discipline in children and is for their betterment in the long-run. There is enough scientific proof to the contrary and evidence suggests that sometimes it is parent's inability to raise their children, and their frustrations find a manifestation in the form of beating them or causing other physical harm.

Severe physical maltreatment also takes place outside family situations and the most common and known forms of it are corporal punishment in schools and physical abuse at work place. Working children have a high probability of being abused by their employer or supervisor. The reasons could be dependence of the child on the employer and the vulnerability of the child, who is a soft and available target for the anger and frustrations of the employer. The same goes with teachers in schools and every other person resorting to physical abuse of children.

Whether it is called disciplining or venting of personal frustrations, the fact is that it is a grave violation of children's right to live with dignity and freedom from violence, their right to be loved and cared for and their right to be nurtured with respect.

For the purpose of this study, physical abuse has been defined as beating manifested as kicking, slapping, punishing through corporal punishment, beating by family members and others including peers, police, employer, caregivers, etc. It also includes beating which may result in physical impairment or damage to the child.

There is very little research on physical abuse in India. A study² of Physical and Sexual Abuse and Behavioral Problems amongst boys in a Child Observation Home in Delhi was conducted by Dr. Deepti Pagare, of Community Medicine, Maulana Azad Medical College, New Delhi, as part of her doctoral dissertation. The study revealed the following:

- About three-fourth (76.7%) of subjects reported physical abuse.
- On clinical examination, among the physically abused children physical signs were seen in 49.7% and behavioral signs in 22.8%.
- The most common perpetrators of physical abuse were fathers (55.2%) followed by policemen (29.7%).

² Pagare, D. et. al. (2004): Sexual Abuse of Street Children Brought to an Observation Home; Delhi

- Physical abuse was found to be significantly associated with domestic violence, substance use in family, step parent, substance use by child, running away from home and working status.

In order to examine the incidence of physical abuse among respondents, the questionnaire was administered to 12,447 children belonging to the five different categories including children in family environment, children in schools, children in institutions, children at work and street children. Out of the total percentage of child respondents, an overwhelming majority 68.99% reported physical abuse, out of which most of the respondents (54.68%) were boys.

Under the Child Labour (Prohibition and Regulation) Act 1986, engagement of children below the age of 14 years in hazardous occupations has been declared illegal. However, there is debate whether children below the age of 18 should be employed at all and a large section of people feel that children who do not go to school and are employed in some way are in potentially hazardous situations. Even in those occupations where the law allows children to be employed, the conditions under which these children work and the hours they are made to work are exploitative and often inhuman.

Sexual abuses

The subject of child sexual abuse is still a taboo in India. There is a conspiracy of silence around the subject and a very large percentage of people feel that this is a largely western problem and that child sexual abuse does not happen in India. Part of the reason of course lies in a traditional conservative family and community structure that does not talk about sex and sexuality at all. Parents do not speak to children about sexuality as well as physical and emotional changes that take place during their growing years. As a result of this, all forms of sexual abuse that a child faces do not get reported to anyone. The girl, whose mother has not spoken to her even about a basic issue like menstruation, is unable to tell her mother about the uncle or neighbor who has made sexual advances towards her. This silence encourages the abuser so that he is emboldened to continue the abuse and to press his advantage to subject the child to more severe forms of sexual abuse. Very often children do not even realize that they are being abused. In a study on Women's Experiences of Incest and Childhood Sexual Abuse conducted by RAHI, some of the respondents have stated that till

the questionnaire was administered to them they did not realize that they had been abused as children. They had buried the incident as a painful and shameful one not to be ever told to anyone.

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. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

- The inducement or coercion of a child to engage in any unlawful activity
- The exploitative use of a child in prostitution or other unlawful sexual practices
- The exploitative use of children in pornographic performances and materials

However, for the purpose of this study, sexual abuse is defined as severe forms of sexual abuse and other forms of sexual abuse.

Severe forms of sexual abuse include:

- a) Assault, including rape and sodomy
- b) Touching or fondling a child
- c) Exhibitionism- Forcing a child to exhibit his or her private body parts
- d) Photographing a child in nude

Other forms of sexual abuse include:

- a) Forcible kissing
- b) Sexual advances towards a child during travel
- c) Sexual advances towards a child during marriage situations
- d) Exhibitionism- exhibiting before a child
- e) Exposing a child to pornographic materials

Out of the total child respondents, 50.76% were subjected to other forms of sexual abuse that

included forcible kissing, sexual advances made during travel and marriages and exposure to pornographic materials. Out of these 53.07% were boys and 46.93% were girls. Over 50% of children faced more than two forms of sexual abuse. Amongst children facing other forms of sexual abuse, 38.24% were in the age group of 5-12 years, 34.82% in the age group of 15-18 years and 26.94% in the age group of 13-14 years. It is alarming to note that when analyzed within the age group, 63.64% child responds in the age group of 15- 18 years, 52.43% in the age group of 13-14 years and 42.06% in the age group of 5-12 years were subjected to other forms of sexual abuse.

For the purpose of this study, sexual assault means penetration of the anus, vagina or oral sex. Out of the 12,447 child respondents, 5.69% reported being sexually assaulted. The study conducted by RAHI has also reported a 6% figure for severe sexual abuse (4% penetrating anus or vagina and 2% oral sex). Another study titled Sexual Abuse of Street Children brought into an observation home found that over 15% of the boys in the institution reported penetrative sexual abuse and the maximum proportion of abuse was reported in the age group 8-10 years (42.9%).

Of all the children reporting sexual assault, 54.4% were boys and 45.6% were girls. Out of the total children reporting sexual assault, 37.82% were in the age group of 15-18 years, 36.53% in the age group of 5-12 years and remaining 25.64% in the age group of 13-14 years. Within the age groups, the highest percentage of sexual assault (7.72%) was reported by children in the age group of 15-18 years followed by 5.57% in the age group of 13-14 years and 4.52% in the age group of 5-12 years. Further, in-depth

Emotional abuses

Emotional and psychological maltreatment of children is the most complex type of abuse - invisible and difficult to define. However, the World Health Organization (WHO) has defined emotional abuse as:

"Emotional abuse includes 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. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment"³.

The recent UN Secretary General's Study on Violence against Children has also highlighted the difficulties in defining emotional abuse. The Study says "Standard definitions are lacking, and little is known about the global extent of this form of violence against children except that it frequently accompanies other forms of abuse. For example, a strong coexistence between psychological and physical violence against children in violent households has been established"⁴.

A research study conducted by Tulir and Save the Children among Child Domestic Workers of West Bengal also gathered data on emotional abuse. The study reported that the "problem of emotional abuse of child domestic workers seems to be near universal in character, with 441 out of a total of 513 participants saying that they have faced emotional abuse. The statistics from the study reveal that children face emotional abuse in varied forms such as being shouted at (20.1%), cursed/verbally abused (11.1%), threatened (1.9%), being called a mistake (3.3%), locked in a room (1.2%), compared with other children (1.2%), blamed (0.4%) and a combination of all the above forms (23.5%).

Out of the total child respondents (12447), 48.37% children reported emotional abuse of one form or the other. Of this boys constituted 49.99% and girls 50.01%. Though aspects of girl child neglect have not been added in this section, the percentage of girls and boys reported almost equal perception of emotional abuse. The age wise break up of children facing emotional abuse of one form or the other was 47.02% in the age group 5-12 years, 25.61% in the age group 13-14 years and 27.37% in the age group 15-18 years. What emerges here is that like in many of the sub categories of physical abuse and sexual abuse, it is the younger children in the age group of 5 to 12 years that have reported the highest percentage of emotional abuse.

³ Op. cit (1).

⁴ Op. cit (3).

Detailed age-wise break up of children facing emotional abuse revealed that, while the emotional abuse of children begins at 5 years, it gains momentum in 10 years, goes on to peak in 12 years (14.12%), and after 14 years it starts going down steadily.

In India there is no clear cut perception of the extent of the emotional abuse and neither is their clarity on the damaging effects of continuous emotional abuse on the psyche of children. This study has revealed that every second child perceives himself or herself as being emotionally abused. The study has not examined the impact or the effects of the abuse on children; however, it is clear that this is an area that requires detailed study and analysis. Getting factual data on emotional abuse is a difficult task as children often do not understand that they are undergoing emotional abuse.

Neglect

Girl child neglect is the failure to provide for the all round development of the girl child including health, nutrition, education, shelter, protection and emotional development. This also includes aspects of gender discrimination. For this study, the indicators for 'neglect' included lack of attention to girls as compared to boys, less share of food in the family, sibling care by the girl child and other forms of gender discrimination.

Out of the total number of 12,447 child respondents, the total number of girl respondents was 5981. Majority of the girl child respondents (70.57%) reported neglect of one form or the other by family members. Among the states, 81.7% of girl children from Rajasthan reported facing neglect. The other states where girl children reported high percentages of neglect were Uttar Pradesh (85.91%), Gujarat (79.92) Madhya Pradesh (79.04%) and Mizoram (78.87%).

The girl child respondents were asked a series of questions about comparisons between them and their brothers in terms of disadvantage of being a girl, less attention, less food, less time for recreation, more household work, etc. In an attempt to understand how girls perceived their self-worth, they were asked whether they sometimes wished to be a boy. 48.4% of the girls reported having gone through such feelings sometimes. Although the study did not look into the specific reasons for such a feeling, the overall gender discrimination against girls probably could be one of the reasons.

Almost 49% of girl children reported minding or taking care of their younger siblings. Among states, the highest percentage of girl children who were taking care of their siblings

was reported from Uttar Pradesh (69.04%), Gujarat (67.83%) and Bihar (65.63%).

While the overall percentage of girl children reporting getting less food than their brothers was 27.33%, there were at least five states reporting higher percentages than the average. These states were West Bengal (48.16%) followed by Assam (46.63%), Delhi (42.73%), Bihar (42.68%) and Gujarat (36.95%). The high level of malnutrition amongst women in India is probably due to the fact that females are getting less than their share of food in a household.

Some of the indicators namely, less attention than brothers, brothers dominating play and teasing sisters and parents not taking the side of the girls are perceptions indicative of gender discrimination. Many of these perceptions are not easy to quantify, but when seen together it provides a distressing situation of the girl child.

Major findings:

1. More than two out of every three girls reported facing neglect.
2. 48.4% of girls wished they were boys.
3. 70% of the girls did household work and 49% of the girls took care of their siblings. This is indicative of the fact that these girls are deprived of developmental opportunities.

Girl child neglect: young adults

The questions on girl child neglect were asked to both male and female young adult respondents. However, the responses of only female young adults have been taken. The indicators for neglect were: less attention, less appreciation, less food, fault finding, and household work compared to other siblings and looking after other siblings. The total sample size of young adults was 2,324, of which the percentage of boys was 52.5% and girls 47.5%.

In order to elicit information from young adult respondents about their treatment by family members vis-à-vis brothers, only female young adults out of the total young adult respondents were asked regarding the attention paid to them, appreciation given to them, quantity of food given to them, forced to leave tasty food for brothers, parents finding fault for no reason, amount of household work expected from them and minding siblings. A significant finding that emerged was that 74.98% of the female young adults reported getting less food than

brothers. The other important finding was that 89.22% of female young adults reported doing more household work like cleaning/dusting of house, drawing of water, etc. compared to brothers. The female young adults from Mizoram (98.92%), Rajasthan (95.06%), Andhra Pradesh (94.12%) and Gujarat (92.93%) reported highest percentage of household work among other states.

Almost 70.35% of female young adults reported minding or taking care of their younger siblings during their childhood. Amongst states, while all states reported high percentage of incidence, the highest percentage of female young adults who were taking care of their siblings was reported from Madhya Pradesh (92.3%), West Bengal (88.17%), and Kerala (81.82%) and Madhya Pradesh (80.65%). The lowest figure in this category was reported from Rajasthan (38.27%).

Other Offences against Child

Two optional protocols to the Convention on the Rights of the Child have been drafted and have entered into force. They are the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. This section of the MCC seeks to implement aspects of the latter protocol, specifically on the criminalization of three offenses: sale of children, child prostitution, and child pornography.

The criminalization of these offenses is an international obligation for states parties to the protocol. The Convention on the Rights of the Child also contains an international obligation for states parties to “protect the child from all forms of sexual exploitation and sexual abuse” (Article 34), with specific reference to child prostitution and child pornography. Similar sentiments are expressed in Article 27 of the African Charter on the Rights and Welfare of the Child.

Role of Governmental Organization for the Protection of Child

National Government Agencies

- National Agencies need to ratify the UN Convention on the Rights of the Child (CRC).
- An effective legal system needs to be introduced to check employment of children below 14

years through proper legislation.

- Economic sanctions to be enforced on countries that allow the employment of children for the manufacturers of export products.
- Proper monitoring and implementing authorities to be set up to implement various acts passed by the National Government.
- National Social Welfare schemes to be introduced to supplement income for poor families whose children are removed from work sites

NGO's

- NGOs have a key role in raising awareness and informing people about the misuse of children, denial of their fundamental rights of shelter, food and education. UNICEF has clarified the role of NGOs as essential players in many of the intervention stages with direct involvement in identification and rescue operations.
- Assist governmental agencies in implementing various pieces of legislation
- Identify areas where child labor exists and bring to the notice of Government.
- Undertake advocacy with national governments for the implementation of strict legislation to ban child labor.
- Organize rehabilitation centers to shelter children removed from work sites.

Other Bodies for Protection of Child Rights in India

The Constitution of India

The Constitution is the fundamental law of the country, reflecting the underlying and unifying values of society. It spells out the basic rights of each person; it serves as a framework for all other laws and policies. The following provisions in the Indian Constitution clearly spell out the vision of the framers for making basic education available to the children of India.

Art. 21A. The State shall provide free and compulsory education to all children between the age of six to fourteen years in such manner as the State may, by law, determine. (The Eighty-

sixth Amendment Act, 2002)

Art. 41. Right to work, education and public assistance in certain cases. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Art. 45. Provision for free and compulsory education for children.

(1) The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, free and compulsory education for all children until they complete the age of fourteen years.

(2) The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years. (The Eighty-sixth Amendment Act, 2002).

Art. 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. The State shall promote special care of the educational and economic interests of the weaker sections of the people, and, in particular, the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Art. 51 A (k). Mandate to parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years. (The Eighty-sixth Amendment Act, 2002)

International Conventions and Declaration

United Nations Convention on the Rights of the Child. - Over history there have been a number of international treaties and documents that outline the rights of a child. Prior to World War II the League of Nations had adopted the Geneva Declaration of the Rights of the Child in 1924. The United Nations (UN) took its first step towards declaring the importance of child rights by establishing the United Nations International Children's Emergency Fund in 1946 (The name was shortened to United Nations Children's Fund in 1953, but kept the popular acronym UNICEF). Two years later the UN General Assembly adopted the Universal Declaration of Human Rights, making it the first UN document to recognize children's need

for protection.

The first UN document specially focused on child rights was the Declaration on the Rights of the Child, but instead of being a legally binding document it was more like a moral guide of conduct for governments. It was not until 1989 that the global community adopted the United Nations Convention on the Rights of the Child, making it the first international legally binding document concerning child rights. The convention consists of 54 articles covering all four major categories of child rights: Right to life, Right to development, Right to protection, and Right to participation. It came into force on the 2nd September 1990.

National Policies and Legislations addressing Child Rights

India is home to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

Declaring its children as the nation's "supremely important asset" in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These include the Declaration of the Rights of the Child, Universal Declaration of Human Rights and its Covenants, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and the Convention on the Elimination of All Forms of Discrimination against Women.

The National Policy for Children, 1974 recognized that programmers for children should find prominent place in national plans for the development of human resources, so that children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society. The Policy also laid emphasis

on equal opportunities for the development of all children during the period of growth.

The National Charter for Children, 2003 adopted on 9th February 2004, underlined the intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation⁵.

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS



The National Commission for the Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission's mandate to ensure that all laws, policies, programs and administrative mechanisms were in consonance with the child rights' perspectives as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Childhood across the world, has broadly been construed in terms of a 'golden age' that is synonymous with innocence, freedom, joy, play and the like. What makes a person 'child' is the person's age, even if the person is under the age of 18 years, or, is married and has children of his/her own, s/he will be treated as child. Children's rights are defined in various ways, and are inclusive of a wide spectrum of civil, cultural, economic, social and political rights. Rights tend to be of two general types, those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harm perpetrated on children because of their dependency. These have been labeled as the right of empowerment and the right of protection.

Magnitude of the Problem

There are few abuses which are universally condemned for violation of human rights. But in reality it is commonly practiced as child abuse. Centuries of experiences indicate that children have been subjected to physical, sexual and emotional abuse as well as neglect. The forms and dynamics of child abuse have undergone major change in recent years. The problem of child abuse is a clear replica of human rights violation and is a matter of worst forms of "child exploitation and abuse". Child abuse today does not only refer simply to physical, emotional, economic, substance abuse, sexual abuse and trafficking but also many other dimensions of violation of basic rights and non-fulfillment of the needs of the child.

⁵ TheNationalPolicyforChildren2013

India records 19% of the world children and 1/3rd of the country's population i.e. 440 million children are below 18 years and nearly 40% of the children are in need of care and protection⁶

It clearly shows the magnitudes of the problem. Children are considered as most disadvantaged and vulnerable section of the society. National Study on child abuse a study conducted by Prayas, indicates that it has covered 13 States of India with a sample size of 12447 children, 2324 young adults in both rural and urban areas and 2449 stakeholders⁷ National Study on Child Abuse recorded its findings very exhaustively on various forms of abuse of children⁸

Child Prostitution

Child Prostitution is one of the worst forms of child labor. It means the use of child in sexual activities for remuneration or any other form of consideration. So this is another kind of abuse and exploitation of child for remuneration in cash or in kind usually but not always organized by an intermediary. However, child prostitution is inadmissible, it tantamount to exploitation and victimization of the child precisely, because it undermines the child's development. It is detrimental to the child both physically and emotionally and it violates the child rights.²⁸ The child prostitutes get infected with disease like Sexual Transmitted Diseases (STD) and even the HIV infection (AIDS). The United Nations Convention on the Right of the Child, 1989 defines child prostitution as sexual exploitation of a child below the age of 18 years for remuneration in cash or in kind. It is also important to note that child prostitution, in present days, is very closely related to child pornography. The First World Congress held in Stockholm in 1996 against commercial sexual exploitation of children described child pornography as any visual or audio material which uses children in a sexual context. It consists of "the visual depiction of a child engaged in explicit sexual conduct, real or stimulated, or the lewd exhibition of the genitals intended for sexual gratification of the user"⁹.

⁶ The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) Received the Assent of the President on 30-12-2000 and Published in the Gazette of India, Ext., Pt.II,S.1. dated 30.12.2000.

⁷ Study on Child Abuse: INDIA 2007 Ministry of Women and Child Development, Govt. of India.

⁸ "National Study on Child Abuse": conducted by Prayas in collaboration with the Ministry of Women and Child Development , GOI, supported by UNICEF and Save the Children Fund, UK-Executive Summary Report-2005.

⁹ *Supra* note 12, p.463.

Besides, in 1999, the ILO adopted the Convention concerning Prohibition and in media Action for Elimination of Worst Forms of Child Labour which addresses among other issues, sale and trafficking of children, child prostitution and child pornography¹⁰.

Problems - India and worldwide

After centuries of being shoved under the carpet, the truth is out. India has the largest number of children (375 million) in the world, nearly 40% of its population. 69% of Indian children are victims of physical, emotional, or sexual abuse (or read it as every 2 out of 3). New Delhi, the Nation's capital, has an over 83% abuse rate. 89% of the crimes are perpetrated by family members. Boys face more abuse (>72%) than girls (65%). More than 70% of cases go unreported and unshared even with parents/ family.

Nearly five children die every day in America from abuse and neglect.³ In 2010, an estimated 1,560 Children died from abuse and neglect in the United States.⁴ In the same year, Children's Advocacy Centers around the country served over 266,000 child victims of abuse, providing victim advocacy and support to these children and their families. In 2011, this number was over 279,000.

Causes

There are many interacting causes of child abuse and neglect. Characteristics or circumstances of the abuser, the child, and the family may all contribute. In many cases the abuser himself/herself was abused as a child. Substance abuse has been identified as a key factor in a growing number of cases. In some cases abusers do not have the education and skills needed to raise a child, thus increasing the likelihood of abuse, and providing inadequate parental role models for future generations. Children who are low birth weight, ill, disabled, or otherwise perceived as different are more likely to be the targets of abuse.

Economic Cost of Child Abuse

Going by the current statistics on the prevalence of child abuse and the effects it can have for a victim, one can imagine the quality of nation building that is happening in the country now.

¹⁰ Ibid

The cost of overcoming the abuse experience on an individual survivor is immense. A child is very rightly considered resilient, however the toll consistent abuse experience can take on in a young and vulnerable child is enormous. The scars of an abuse experience can take a lifetime to Overcome; perhaps even that is not adequate. In such a scenario, the impact of having half a Population as survivors of abuse (MWCD, 2007), can be colossal to the nation.

Furthermore, in the current context of nucleated existence where families are shrinking in size and resources, it creates a huge burden for the parents of nuclear families to ensure the protection of their child from any form of abuse, especially when every one child out of two is abused in the country. In many cases the perpetrators maybe the parents themselves or people close to the family. In such a scenario wherein multiple dynamics are at play and support of any kind is almost non-existent, to get these children back up on their feet can become a herculean task.

The additional burden of costs borne due to unresolved issues, psychological problems of the abuse survivors as adults, loss in productivity and the cycle of violence that such experience can initiate is unfathomable. Though actual statistics on such costs and economics for India is unavailable, a look at the global costs would reveal the extent of damage incurred. The global economic impacts and costs resulting from the consequences of physical, psychological and sexual violence on children are estimated to be as high as \$3 trillion.

Research proves that the cost incurred for intervention in cases of abuse in comparison to prevention programmers is far more (Pereznieto, 2014). Another fact is that work on the Preventive and responsive aspect for child abuse is very low and scattered. And what little does happen, most often occurs without adequate documentation.

India has in recent years jacked up its efforts in combating the malaise of child abuse, most of it is at the intervention level, i.e. as a consequence of the abuse event occurring. However, there is a critical need for the preventive efforts also to be made more robust and responsive in our society.

This way we may not be able to eradicate child abuse but definitely lower the incidence.

The role of the state in ensuring the rights of the child is established without doubt. However, it is also imperative to understand that ensuring the child his/her rights is not just limited to

the state and its machinery but by the significant adults around the children, each by the basic virtue of being a responsible member of the society.

Suggestions

In India, the number of children needing care and protection is huge and increasing. Uncontrolled families, extreme poverty, illiteracy result in provision of very little care to the child during the early formative years. Even services that are freely available are poorly utilized. The urban underprivileged, migrating population (a very sizable number) and rural communities are particularly affected. In large cities, there are serious problems of street children (abandoned and often homeless) and child laborers, employed in menial work. Children in difficult circumstances such as children affected by disasters, those in conflict zones, refugees, HIV/AIDS need appropriate care and rehabilitation¹¹

Conclusion

Therefore here concluded the research paper that ideally, the parents should be responsible for proper care and protection of their child, every birth should be planned and all births registered. However, the child must not suffer in case the parents can't provide care and protection. It is the duty of the proximate community and the Government at large to address the issues of care and protection. The magnitude and seriousness of the problems of underprivileged children are too great to be tackled through "external" measures. The child must be the responsibility of the parents, the family and the proximate community. The families and the community must be educated, reformed and empowered so that they can provide care and protection to their children. Parenting skills, alternative forms of discipline and basic support to vulnerable families must be expanded. In India, the Government cannot afford to separate children from their vulnerable families and place them in institutions. Such approaches are also being challenged in more developed countries as well.

There is the many of the neglects and over many of the abuses are to be affected the child and then there is many of the NGO's is to be embellished by the government and then there is also the many of the conventions is to formed by the international communities and there is also the many of the protections is to be given by the our constitution of India.

¹¹ Srivastava RN. Child protection: whose responsibility?