

IS A CHILD REALLY SAFE? - ANALYSIS OF DETERIORATING SOCIAL VALUES, MORALS AND CHILD ABUSE IN THE SOCIETY

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Abstract

The responsibility of care and protection of children has always been with families and communities. In India, in pursuit of economic security, both parents are forced to earn. They depend on or trust their neighbours, friends or relatives to take care of their children in their physical absence. In some cases, in absence of moral persuasion, and vulnerable nature of the child, the caretaker himself becomes a perpetrator and abuse the child. The social face of the perpetrators includes male parents, family members, teachers, caretakers, law enforcement authorities and in some cases other children too. This study reports neighbours (36%) and close family members (10%) as the most potent perpetrators along with habitual abusers.

The evil of child sexual abuse is rooted deep and preventive and protective measures should be in fore front than the reparation measures. Regularization of awareness, prevention, management and monitoring of such child abuse cases and highest deterrent punishment to the perpetrators will support eradication of this menace in the society. A secure society will give the child a secure future and it is our responsibility as a human being and as a part of this society.

Introduction

The upbringing of the child in a proper environment promoting their health, education and mental development is an important commitment for all human beings, especially the girl child. She is considered as a treasure of the nation, as she represents tenderness, delicate emotions, love, sympathy etc. Her physical, mental, moral, spiritual and social growth reflects the prosperity of the land. We understand that the girl child's status in a nation reflects its developmental prominence in the World. Without reservations the violence against them cuts across boundaries of geography, race, class, religion and culture. It occurs in homes, schools and streets; in places of work and entertainment, and in foster care and detention centres. It can be said that there is no such place considered safe for the girl child nowadays.

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Deteriorating Society values and social morals

Indian society is assumed to strongly uphold the family value and culture and since Vedic ages has given much importance to the position of parents in the family. The Vedic culture believed that parents were the apt person to take care of the child and the child were kept under strict supervision of the parents. The society had set up norms to take care of children this is reflected in the following sloka.

***“Laalayet panch varshaani dash varshaani taadayet
Praapyetu shodashe varshe putram mitravadaacharet”***

i.e. One should up bring a child with love and utmost care during the initial five years, followed by maintaining strict discipline during the next ten years. After the child reaches sixteenth year of his age he should be treated like a friend.¹

Traditionally in India, the responsibility of care and protection of children has been with families and communities. A family that is meant to look after its children well has seldom has the realization that children are individuals with their own rights. While the Constitution of India guarantees many fundamental rights of the children, the approach to ensure the fulfilment of these rights was more needs based rather than rights based. The transition to the rights based approach in the Government and civil society is still evolving.

In India in many urban and rural families, to maintain their economic conditions, both parents are forced to earn. They believe and depend on the neighbours, friends or relatives to take care of their children in their physical absence. As this situation puts the child under the care of a person who are believed to be trustworthy, are taken advantage by them and considering their innocence are easy target for manipulation and abuse. The child victims are threatened by the perpetrators, and even if the child musters enough courage to convey the ordeal to its parents are suppressed by the parents for fear of social isolation. In many such cases of child victim, this has been the situation pan India. In many cases the child does not even realize that the she has been or is being abused.

The range of perpetrators has gone beyond habitual offenders or paedophiles and has nowadays included the very parents, family members, teachers, caretakers, law enforcement authorities and other children, whom we considered as protectors of children.² Contrary to popular

¹ <http://mcjoshi21.blogspot.in/2012/06/to-days-subhashita.html> assessed on 10.3.2017

² Krug EG, Dahlberg LL, Mercy JA, Zwi AB, Lozano R, editors. Geneva: World Health Organization; 2002. [Last cited on 2014 Aug 09]. World report on violence and health.:

belief that a molester is a sleazy character, a stranger lurking near a school yard luring a child with sweets, nevertheless 75.85% of sex crimes against children are committed by someone whom the child knows, loves and trusts. Report of victimized child show that 45% of the abusers are relatives, fathers, brothers, uncles, etc. and 30% to 40% of the abusers are people known to the child such as baby sisters, teachers, clergymen, doctors etc.³

One of the most abominable and unfortunate act is the sexual offence committed on children by their relatives or neighbours. Sexual offences by close relatives (incest) against their children are the most shocking crimes against humanity, conscience and morality. The moral, ethical and social considerations involved in the abuse of a child by known persons render a horrific picture. It is so outrageous for normal sensibilities, so as to trigger public, institutional and judicial reactions of repugnance ordering on violence.

Sexual abuse of children is increasing daily. There is no security of the life of the child either in the home or outside. Furthermore, this situation is not recent as there were reports of infanticide, cruelty, humiliating punishment, neglect, abandonment, sexual abuse and other forms of violence against children which date back to ancient civilizations.⁴ Recently, documentation of the magnitude and impact of violence against children shows clearly that this has evolved into a very substantial and serious global problem.⁵ It occurs in every country in the world in a variety of forms and settings and is often deeply rooted in cultural, economic, and social practices. The practices of child abuse have been the gradual metamorphosis being practiced since the so-called civilized society came into being. As the child is considered a national asset or representativeness of wellbeing, they fall prey or targeted, as a mode of punishment, offense or revenge among other reasons.⁶

Convention on child rights considering the best interest of the child has included the parents also as one of the protectors of the child. The articles dealing with child abuse and rights of them and their parents are stated below.

Article 3 (2) ; *States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.*

Article 18; *1. States Parties shall use their best efforts to ensure recognition of the principle that*

<http://whqlibdoc.who.int/hq/2002/9241545615.pdf>) lastly assessed on 5.9.2016

³ David Finekelhor, Source Book on Child sexual abuse, sage publication (1986).

⁴ Ten Bensel RW, Rheinberger MM, Radbill SX. Children in a world of violence: The roots of child maltreatment. In: Helfer ME, Kempe RS, Krugman RD, eds. The battered child . Chicago, IL, University of Chicago Press, 1997:3–28.

⁵ Krug E et al. (Eds) (2002). World Report on Violence and Health . Geneva, World Health Organization.

⁶ Dr.A.H.Mondal article- Abused child hood A socio-legal study pg 38-45 book law and child part I

both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19; *1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.⁷

Child abuse in India- A statistical overview

Integrated overview of statistics on the child rape cases in India has recorded 2113 cases registered in 2001 and 7112 cases in 2011. It is evident that there is increase of 336% of child rape cases from 2001 to 2011⁸. In 2012, total number of child rape cases in India increased and was 8541 with Tamil Nadu contributing 3.42% and within Tamil Nadu, Tiruchirappalli district's contribution was 0.2%⁹ respectively. In 2013 total number of rape cases registered against children had a significant jump and it was 12,363 and Tamil Nadu's contribution was 3.39% and likewise Tiruchirappalli accounted for 0.4%¹⁰. The above statistics revealed in NCRB is only the tip of an

⁷ <http://www.hrweb.org/legal/child.html> (8 of 23)12/23/2003 2:19:28 AM Convention on the Rights of the Child assessed on 23.12.16

⁸ 2013 India's Hell Holes: Child Sexual Assault in Juvenile Justice Homes page 8
<http://www.achrweb.org/reports/india/IndiasHellHoles2013.pdf> assessed on 2.8.2016

⁹ <http://ncrb.nic.in/StatPublications/CII/CII2012/Statistics2012.pdf> assessed on 24.12.2016 Trichirappalli is added as one among 53 mega cities with population more than 10,00,000

¹⁰ <http://ncrb.nic.in/StatPublications/CII/CII2013/Statistics-2013.pdf> assessed on 24.12.2016

enormous ice-berg called abuse against children.

Since there was an alarming uptrend of human failure as a secure society to protect its child from fellow humans, in 2012, to protect the rights of child victim from sexual offences during process of trial the legislation “*The Protection of Child from sexual offences Act, 2012*” was enacted adhering to the principles enunciated in CRC.

Promisingly the National Crime Rate Bureau, a statistical listing unit of the crime rates in India had listed the POCSO Act, 2012, in its compendium 2014 for first time. Cases registered under POCSO Act 2012 in whole of India records around 8904 cases, with Uttar Pradesh, West Bengal and Tamil Nadu, accounting to majority of such cases with 3637, 1058, 1055 cases respectively. Likewise in 2015 cases there was an uptrend in the number of cases filed under this act i.e., 14762 cases, with Uttar Pradesh, Madhya Pradesh and Tamil Nadu again accounting for 3078, 1687, 1544 cases respectively¹¹. The most horrifying report is that 94.8% of rape cases involving children are by someone they knew, not strangers. These acquaintances include neighbours (3,149 cases) who were the biggest abusers (35.8%). 10% of cases saw children being raped by their own direct family members and relatives¹².

Child to grow with “ABC” (Aware-Beware-Careful)

In the words of, Benjamin Franklin “An ounce of prevention is worth a pound of cure.” A child to be well informed about the societal change. The prevalent situation is understood by the law makers and the relevant laws are to be reinforced by the governments in the state and regularly monitored by the judiciary. The state is responsible to extend the protection measures to the children. Nevertheless, prevention is better than cure. The state need to address the issue, propagate a continuous and compulsory awareness programmes to the vulnerable people in the society.

The Protection of children from sexual offences Act, 2012 Section 43 recommends, that the Central Government and every State Government shall take all measures to ensure that the provision of the act is given wide publicity through media including the television, radio and print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of the act.

In addition a regularised mandatory special awareness programme has to be scheduled in schools, college and public places on child protection and laws. The Teachers too necessitate participation in the awareness programs as they are the persons who can understand and influence the children and train them on prevention and handling such situations i.e., stressing on “good and

¹¹ National Crime Record Bureau (NCRB) Report 2014, Ministry of Home Affairs, Government of India 01.01.2014-31.12.2014

¹² 2016, recent statistics of child abuse <https://www.savethechildren.in/resource-centre/articles/recent-statistics-of-child-abuse> assessed on 30.12.2016

bad touch” and behaviour of potential abusers they might face. The teachers should teach the children that the body belongs to them and no one has the reason to touch them other than the persons in the safe circle (parents). The State should compulsorily monitor that in all schools this programme is implemented seriously and continuously.

A responsible state should form units/centres in all zones of human habitation and staff personnel like Child Protection Officers, assisted by teachers and social workers (NGOs). These centres should be responsible for education and prevention of child abuse. They should also be competent in handling a child victim till the end of trial and monitoring of compensatory measures, rehabilitation and acceptance into the society.

In the words of Kofi Annan, *“There is no duty more important than ensuring that child rights are respected, that their welfare is protected, that their lives are free from fear and that they grow up in peace”*.¹³

Conclusion

The evil of child sexual abuse is rooted deep in the society in many forms. It is time to dig up this to protect our children. No violence against children is justifiable, and all violence against children is preventable. The preventive and protective measures should be in fore front than the reparation measures. *“There is a large gap between what we know about violence against children and what we know should be done. We know that violence against children often causes lifelong physical and mental harm. We also know that violence erodes the potential for children to contribute to society by affecting their ability to learn and their social and emotional development. Given the importance of children to our future, the current complacency cannot continue – we must place “preventing” violence against children among our highest priorities*¹⁴. Regularization of awareness, prevention, management and monitoring of such child abuse cases and highest deterrent punishment to the perpetrators will support eradication of this menace in the society. A secure society will give the child a secure future and it is our responsibility as a human being and as a part of this society.

¹³ Kofi A Annan, Secretary-ex-general of the United Nations, by way of foreword in “the state of the world's children 2000”

¹⁴ James A. Mercy, Editorial Board of the UN Secretary-General’s Study on Violence against Children

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