

## **National Child Abuse Study**

Priority of Child Protection lost amidst Promises of Inclusive Growth' Mr. Amod K. Kanth

Why: The National Study on Child Abuse has been taken up primarily to assess the situation of child abuse, in the light of the National Charter for Children and the National and State Commission(s) on the Rights of Child, likely to be enacted by the Parliament soon. So far no authentic data or report on child abuse is available to formulate a national level legislation and a national policy.

Prayas: This study, being undertaken by Prayas Institute of Juvenile Justice, in collaboration with the Department of Women and Child Development, Ministry of Human Resource Development, Government of India (Now Ministry of Women & Child Development) with supported by UNICEF & Save the Children Fund (UK). Contents

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### **Introduction**

Forms and dynamics of child abuse have undergone major changes in recent decades, adding multifaceted dimensions, complexities and challenges. The problem of child abuse and the web of its human rights violation embrace some of the most critical aspects of the worst forms of child exploitation and abuse on the international human rights agenda. The UN Convention on the Rights of Child, 1989 is the most important instrument in the history of child rights at the international level. The Convention has been ratified by most of the developed as well as developing countries, including India, which ratified the Convention in 1992. The four major Articles pertaining to child abuse and neglect in the Convention are: Article 3: Protect the best interests of children; Article 19: Protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, mal-treatment or exploitation, including sexual abuse while in the care of parents, legal guardians or any other person in whose care they are ; Article 34: Undertake to protect children from all forms of sexual exploitation and sexual abuse; Article 35: Take all appropriate national, bilateral and multi-lateral measures to prevent the abduction of, sale of or traffic in children for any purpose or in any form.

### **International Perspective**

- ✓ The World Health Organisation estimates that 40 million children below the age of 15 suffer from abuse and neglect, and require health and social care.
- ✓ A survey in Egypt showed 37 % of children reporting being beaten by their parents, and 26 % reporting injuries.
- ✓ 36 % of Indian mothers told interviewers in a survey that they had hit their children with an object within the last six months.
- ✓ A 1995 survey in the US showed that 5 % of parents admitted disciplining their children through hitting the child with an object, kicking the child, beating the child, and threatening the child with a knife or gun.
- ✓ Recent South African Police statistics show 21,000 cases of child rape or assault reported

against children as young as nine months old. The UN Secretary General's Study on Violence Against Children is an outcome of the gross violation of children's rights. It is a joint initiative, directly supported by the Office of the High Commissioner on Human Rights, UNICEF and WHO. The study is likely to provide an in-depth global picture of violence against children. National Perspective

✓ The situation of children in India is deplorable. Almost 100 million children in India are out of school, despite the proactive stand by the government and the successful implementation of the Education for All programme. Nearly 35 million children are homeless, according to an estimate, although there are homes for just about 36,000 children.

✓ Studies across India show child abuse to be prevalent in a rampant form. More than four lakh children in India are reported to be victims of commercial sexual exploitation. In Delhi alone, nearly four to five lakh children live on the streets, 53 % of young children suffer from malnutrition and 33 % of the 6-14 age group are deprived of schooling.

✓ An average of 44,476 children are reported missing in India every year (NHRC-UNIFEM, 2003), out of which 11,008 children continue to remain untraced. Most of these children end up in brothels or being abused by tourists.

✓ The extent of abuse inflicted on children gets reflected from the crime records data. The total crime against children showed a rising trend from 1999 to 2001, as 4,957 cases were registered in 1999 as against 6,087 cases in 2001. However, in the year 2002, such cases went down to 5,972. The total figure for crime against children for the year 2003 (2,084) is not comparable with the figures of the previous year as the figures of child rape are not included for the year 2003. Data on child rape are not collected on a monthly basis.

✓ Cases of infanticide (134) have increased by 16.5% in 2003 compared to 115 in 2002. Maharashtra reported the highest cases of infanticide (30), which accounted for 22.4% of the total infanticide cases in 2003.

✓ Cases of female foeticide have decreased by 38.1% during 2003 (52) compared to 84 in 2002. Rajasthan reported the highest number of cases of foeticide (11), which alone accounted for 21.2% of the total cases of foeticide in 2003.

✓ Incidence of kidnapping and abduction of children was around 700 in 1999 and 2000, which suddenly rose to 2,845 & 2,322 in 2001 and 2002 respectively and again went down to 765 in 2003. The highest number of cases of kidnapping and abduction of children was reported from Maharashtra and Gujarat.

✓ Cases of procurement of minor girls increased by 37.9% in 2003 (171) compared to 124 in 2002. The highest number of cases was reported from Bihar (47)

✓ Although incidence of child rape, one of the worst form of sexual abuse, has declined between the periods 1999 and 2002, from 3153 cases to 2532, the unofficial number may have been higher since many cases may have not been reported. So is the case with kidnapping and abduction. Prayas' Intervention on Juvenile Justice

✓ Prayas Juvenile Aid Centre (JAC) Society is a registered non-profit national voluntary organization, addressing the basic needs and rights of the marginalized. It represents the voices of millions of children in need of care & protection.

✓ Prayas directly reaches out to thousands of hapless street and destitute children besides the marginalized youths and women in slums everyday, through its various projects located in different parts of the country.

✓ Prayas is presently working in seven states/UTs of India: Delhi, Haryana, Bihar, Gujarat, Assam, Arunachal Pradesh and recently initiated activities in the tsunami affected areas of Andaman and Nicobar Islands, with well-tested comprehensive programmes of alternative education, vocational training, self-help groups, micro-credit, health care and nutrition, child protection & shelter facilities for the homeless children and juveniles in conflict with law, Crisis Intervention and Childline (1098) - a toll free child helpline for children in distress, etc.

✓ Prayas has been addressing the core issues of the marginalized children, youth and women and has evolved its programmes and activities through a thematic approach. The key thematic areas are: juvenile justice and child protection, including the protection of the rights of the homeless, child labour; trafficking in women and children and crisis intervention; education for the marginalized, homeless and working children in an alternative mode; health, sanitation & nutrition for the marginalized children; vocational training and life skills for children, youths and women; economic empowerment for youths and women through self-help groups, micro-credit and income generation programs as livelihood alternatives.

### **Need for a Study on Child Abuse**

The National Study on Child Abuse has been taken up primarily to assess the situation of child abuse, in the light of the National Charter for Children and the National and State Commission(s) on the Rights of Child, likely to be enacted by the Parliament soon. So far no authentic data or report on child abuse is available to formulate a national level legislation and a national policy.

Child abuse cases, in the given sense, are generally not reported due to the fact that such an offence does not figure under any law (except the Goa Children's Act), or due to the absence or inadequacy of legal provisions. It may also be on account of several cultural, socio-economic and psychological reasons. It becomes imperative to undertake a national level study on child abuse, since very few studies have been conducted in this extremely critical area. Child abuse, unfortunately, has not been viewed as a separate offence or group of offences, or state of body and mind, causing physical and emotional damage to the child. It is, at best, viewed in the context of child labour, child prostitution and child trafficking, for which legal provisions have been made.

Since child abuse as a concept and its various dimensions have not been properly established because of lack of authentic and comprehensive data, it is all the more essential to undertake a scientific national level study, to formalize a definition and concept of child abuse in the Indian context. The study will focus upon the extent, forms and nature of child abuse. The extent and application of the existing legal and constitutional provisions do not appear adequate to address the issue of child abuse. The study will give more concrete grounds for a separate legislation on child abuse, along with appropriate strategies to tackle the same at the micro as well as macro levels. Finally, the study will prove to be helpful in evolving guidelines for the prevention and control of child abuse.

### **Objectives of the Study**

#### **Overall Goal of the Study:**

**To develop a comprehensive understanding of the phenomenon of child abuse, with a view to formulating appropriate policies and programmes in order to effectively curb and control the problem of child abuse in India.**

#### **Specific Objectives:**

#### **The specific objectives of the study are as follows:**

✓ (1) To assess the magnitude and forms of child abuse in India. (2) To study the profile of the abused children and the social and economic circumstances leading to their

abuse. (3) To critically analyse the existing legal framework to deal with the problem of child abuse in the country. (4) Recommend strategies and measures for further streamlining child development policies and programmes. Coverage of the Study Sampling Design:

✓ The study will be located in India. A multi stage sampling design has been used for the study. State, district, block and respondents constitute the four stages of sampling. Selection of States: All States in the respective zones will be arranged in descending order of literacy and one State will be selected from the upper quartile and one from the lower quartile from each zone. Literacy has been taken as an indicator, as it is expected that higher the level of literacy, lesser will be the chances of child abuse.

**The States thus selected are as follows:**

North Zone : Delhi & Rajasthan

Central Zone : Madhya Pradesh & Uttar Pradesh

Eastern Zone : West Bengal & Bihar

Western Zone : Maharashtra, Goa & Gujarat

Southern Zone : Kerala & Andhra Pradesh

North Eastern Zone : Mizoram & Assam

Selection of Respondents

For the purpose of this study, a child has been defined as a person not exceeding 18 years of age.

**The following categories of respondents have been identified for the study:**

- ✓ Street children
- ✓ Working children
- ✓ Children in schools
- ✓ Children in institutional care
- ✓ Children in family groups not attending school
- ✓ Process Involved in Developing the Protocol

Attempt will be made to have a representation of girls, particularly in (a), (b) & (d). Besides, we also need to accommodate the views of those individuals who are studying or are working – are in business (self-employment), are in offices, in factories, or working in agricultural farms. Given this, a substantial number of young adults (age 18 – 21 years) will be included in the sample. (g) Yet another category of respondents will be stakeholders, which will include school teachers, police officers (sub inspectors and above), municipal committee members, panchayat members, welfare officers, etc. From each category from (a) to (g), 50 respondents will be selected. Thus, from each block, there will be  $7 \times 50 = 350$  respondents. This will give us a targeted sample of  $350 \text{ respondents} \times 48 \text{ blocks} = 16,800$  informants, which will be, hopefully, a dependable representation of the ‘study universe’ and which will provide us with dependable insight into the phenomenon of child abuse.

**Expected Outcome of the Study**

The study is expected to lead to the following outcome:

- ✓ Defining child abuse in the context of the prevalent situation reflecting from the study.
- ✓ Emergence of a national scenario on child abuse. Likely coping strategies on child abuse based on adults and children’s perspectives.
- ✓ Need and justification for legal measures to tackle the problem at the national level
- ✓ Training of various stakeholders on issues related to child rights and abuse

- ✓ **Formulation of a national level plan of action to address child abuse**
- ✓ **Developing schemes, strategies and programmes based on targeted interventions at the state level.**
- ✓ **Developing IEC materials on child abuse to be used in schools and other institutions**

### **Process Involved in Developing the Protocol Meeting**

A series of meetings of the Core Research Team were held at the Department of Women and Child Development and Prayas Head Office to discuss about the objectives, outcome and duration of the Study. It was decided that a two-day National Consultative Workshop would be held in Delhi to orient the partners on the objectives and purpose of the Study. The Two-day National Consultative Workshop, sponsored by the Dept. of Women and Child Development, was held on 20th & 21st April, 2005 at Vigyan Bhawan Annexe, to discuss about the concept, nature and forms of child abuse and the broad methodology for conducting the National level Study. Present Status of the Study and Future Course of Action

The study was formally launched on 1st September 2005. A series of meetings took place to finalise the information schedule for the three categories of respondents, in which experts from various disciplines were made to participate. The children and the young adults' schedule was pre tested on a small sample in Delhi, which was conducted in October 2005. The items in the schedule were modified after the pilot survey. A two-day Training of Trainers Programme was conducted to familiarize the project staff with the concept of child abuse, the methodology of the study and the field instruments, on 28-29 October, 2005. The Project Director of the National Study participated in the South Asia Conference on Child Abuse and Neglect, organized by the International Society for the Prevention of Child Abuse and Neglect on Nov 16-18, 2005 at Singapore. The Conference provided an opportunity to interact with experts from the region working on different aspects of child abuse and neglect. Before the data collection begins, Zonal level Training of Investigators workshops will be conducted in each zone between December 2005 and January 2006, under the supervision of the Zonal Advisors, identified from each of the six identified zones. The first of these workshops has been completed. The survey would take place between January and April 2006. Data entry, tabulation and analysis will take place between May and July, 2006. The findings of the study would be shared and discussed with experts in a one-day workshop to be held in the month of August. The final report would be prepared thereafter.