

Child Abuse : Trauma and Treatment

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Abstract

The subject of child sexual abuse is still a taboo in India. There is a silence around the subject and a very large percentage of Indians feel that child sexual abuse is a largely western problem and that it does not happen in India. A part of the reason for this thinking lies in our traditional conservative family upbringing and community structure which doesn't like talking about sex and sexuality at all. Parents don't like talking to their children about sexuality as well as physical and emotional changes that children go through in their growing years. Not having a proper course on sex education in our school curriculums also adds to it. As a result of this, all forms of sexual abuse that a child faces do not get reported to anyone. There are times when the child doesn't even realize that he is being sexually abused. The victims bury the incident as a painful and shameful one not to be ever told to anyone. The girl, whose family has not spoken to her about a basic biological issue like menstruation, would be unable to tell her parents about the uncle or neighbor who has made sexual advances towards her. The silence encourages the abuser to continue with his acts but leaves a lasting impression on the mind of the child.

Key Words: Child abuse, victims, family,

Introduction

The World Health Organization (WHO) defines child sexual abuse as: "the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse (CSA) 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".¹

The dynamics of child sexual abuse differ from those of adult sexual abuse. In particular, children rarely disclose sexual abuse immediately after the event. Moreover, disclosure tends to be a process rather than a single episode and is often initiated following a physical complaint or a change in behavior. The evaluation of children requires special skills and techniques in history taking, forensic interviewing and examination; the examiner may also need to address specific issues related to consent and reporting of child sexual abuse. Children, under the age of 18, contribute to 37% of India's population with large proportions experiencing great deprivations such as lack of access to basic education, nutrition or health care. A total of 14,913 cases were registered under the Protection of Children from Sexual Offences Act in

the year 2015 according to NCRB.²

The majority of the cases were registered in Uttar Pradesh (3,078 cases), Madhya Pradesh (1,687 cases) and Tamil Nadu (1,544 cases). A government of India study done in 2007 found that 53 % of the children are sexually abused. Though this government of India study was done in 2007, it was a very large study where around 12,500 children across 13 states were covered.³ So the findings remain relevant. The dynamics of child sexual abuse differ from those of adult sexual abuse. In particular, children rarely disclose sexual abuse immediately after the event. Moreover, disclosure tends to be a process rather than a single episode and is often initiated following a physical complaint or a change in behaviour. The evaluation of children requires special skills and techniques in history taking, forensic interviewing and examination; the examiner may also need to address specific issues related to consent and reporting of child sexual abuse.

Child rights in India

Asha Bajpai in her book defines any kind of physical or mental violation of a child with sexual intent usually by a person who is in position of trust and who is blindly trusted by the child a child sexual abuse (CSA). The book states that different countries have defined CSA differently. Like in Britain the child acts are governed by The Children Act of 1989. This act defines CSA as any sexual activity in which a child or any adolescents doesn't normally comprehend or gives consent or which violates the social taboos of family roles.

1. World Health Organization. Report of the consultation on child abuse prevention (WHO/HSC/PVI/99.1). Geneva (Switzerland): World Health Organization, 1999

2. <http://ncrb.gov.in/StatPublications/CII/CII2015/chapters/Chapter%206-15.11.16.pdf>
3. <https://childlineindia.org.in/pdf/MWCD-Child-Abuse-Report.pdf>

Australia defines CSA as variety of behavior which includes intercourse, intimate kissing, cuddling and penetration with an object. The book has also quoted UN definition which states that any contact or interaction with the child and an older or more knowledgeable child or adult. When the child is being used as an object of gratification for the older child or adults sexual needs.

A case study of child Beggars at Public places in India

In 1924, the league of Nations adopted the Geneva Declaration of the Rights of child, which established children rights as means for material, moral and spiritual development, special help when hungry, sick, disabled or orphaned. First call on relief when in distress, freedom from economic exploitation and an upbringing that still a sense of social responsibility. In 1948 the UN General assembly passed the universal declaration of human rights which referred in article 25 to childhood as "entitled to special care and assistance". According to UNICEF report between 2012 and 2014 more than 60,000 child trafficking cases were detected in more than 100 countries.

Sexual Abuse of Youth in India

With reference to the article on "Sexual Abuse of Children and Youth in India: An Anthropological Perspective" by David K. Carson, Jennifer M. Foster and Aparajita Chowdhur. According to them, the capacity of communities to prevent violence, including various forms of child maltreatment, is contingent upon the protective factors of community social control and collective efficacy. However, these investigators argue that strong interpersonal ties are not the only contributor to collective efficacy and violence prevention. Ties outside the community, including organizational ties, are also critical. Violence and child abuse prevention programs should be structured in ways that contribute to the community's own capacity to prevent these social ills. In addition, widespread public education programs concerned with various forms of child sexual abuse and exploitation need to be at the forefront of both governmental and NGO efforts. Community awareness must also be generated at the community level, with local citizens, families and schools taking ownership in playing a major role in education and prevention efforts.

Study on Child Sexual Abuse

According to the article 'Study on Child Sexual Abuse' by Selvarajah Krishnan, Nur Farah Syahirah, Nurul Syahirah and Nurul Amira; Sexual abuse is defined as a use of a child in any sexual activity with or without consent and often without child's understanding. The article has study case which was conducted by a secondary data which is compilation of journal and analysis. The findings

revealed that talking to children honestly and from an early age, about not letting others touch their private parts and telling them that it is inappropriate. The social and economic costs of child abuse and neglect are difficult to calculate. Some costs are straightforward and directly related to maltreatment, such as hospital costs for medical. In a way is a loss for the company, if their staff member being a victims, these lead to affect their company's business and performance. Found that government need to make a campaign to educated the parents also the society about protect the child. Furthermore parents need support as much as possible in order to raise their children's.

Child rights in India

In 'The Journal of Asian Studies' the article on 'Child Rights in India: Law, Policy, and Practice by Asha Bajpai' has pursued the challenging goal of integrating "the law (based on child rights in India) in theory and practice" by examining the law and its enforcement, implementation, and reform with respect to child rights in India. The major issues covered by Asha Bajpai in detail are: the right to family environment, the right to parental care, the right to protection against sexual abuse and exploitation, the right to development, the right to survival (health, nutrition and shelter), the right against economics exploitation (child labour), and juvenile justice. The study begins with an overview of child rights in general and ends with a consideration of what it would take to make child rights a reality in India. Bajpai focuses on the Indian national level, giving selective, even cursory, treatment to state-level developments. Her substantive chapters address central issues in child rights in India.

Child Development in India

In Chandra Roy's report on "Child Rights & Child Development in India: A Regional Analysis" it is compilation of all critical aspects of child abuse. According to him, "The Constitutions of India also guarantees certain child rights covering basic issues, like 'health', 'education' and protection from 'hazardous employment' and 'exploitation'. However, despite the existence of many legal provisions, the vulnerability of Indian children in different dimensions cannot be undermined. Child Abuse is emphasized as a principal inhibitor in child development. Indian Parliament at last approved "The Protection of Children from Sexual Offences Bill 2011."

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 2005). National Commission for Protection of Child Rights (NCPCR) is a statutory body under the Commissions for

Protection of Child Rights (CPCR) Act, 2005 under the administrative control of the Ministry of Women & Child Development Government of India. The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Based on my observation the commission worked as a rights-based perspective into National Policies and Programmes along with at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, the commission also functions with other institutions established by government of India like various State Commission for Protection of Child Rights, Child Welfare Committee (CWC) under MWCD and of course various State Officials as District Officers and Magistrates who are responsible for implementation of directions given by the Committee. The commission is also connected with various NGOs, Child Line etc. for providing all necessary things to children and to keep safe, or rescuing children, receiving complaints and so on.

Gaps under institutional action:

1. Police negligence

The law enforcement's play a very crucial and centric role in the all the cases analyses above. The First Investigation Report (FIR) forms the basis for the entire case to proceed but there exists circumstances where the police does not adhere to the law and refuses to file the cases. In addition, the police also succumb to bribery and aid the alleged accused in every other means possible. There are also cases where the police has presented fabricated charge sheet to the magistrate creating discrepancies in the case proceedings.

2. Medical negligence

Medical investigations and treatment determines the well-being of the victim and it is important that every child gets proper and just treatment abiding by the rules laid down under POCSO. However, it has been observed that there is much unanticipated negligence by the hospitals as well as medical officers, such as conducting MTP on a rape victim without informing or alerting any police officer.

3. CCI

CCIs act as the pillar for rehabilitative services for CSA victims but there has been massive amount of negligence on their part. Apart from the flaws in infrastructural facilities, there has been hike in cases of sexual abuse inside the premises of CCI by the staff members.

4. Lack of safe environment

It is essential to provide a environment where the child feels safe and comfortable to share

his/her experiences. Disclosure is major factor in addressing cases of sexual abuse amongst children and a safe environment can ensure the child may be ready to share what s/he has undergone. As per the POCSO Act and JJ Act, starting from noting down the complaint to rehabilitation of the victims, all the rules have been critically enlisted to ensure a protective environment for the child but on multiple accounts there are police officers, medical professionals as well as staff of CCI's who fail provide one for the victims as per the cases analyzed.

Role of Family

Family plays a centric position in prevention as well as rehabilitation of child sexual abuse. In multiple cases analyzed above it can be witnessed that the perpetrator is a familiar figure to the child. There also cases where the family acts a means to further abuse of the child by selling him or her. The family forced the girl into marrying her abuser in one particular case and that is just one out of numerous similar ongoing cases in this country.

Rehabilitative measures

Psychosocial aspects

There are no traces of ensuring the psychosocial wellbeing of the CSA victims in the above- analyzed cases. The child after being exposed to such a traumatic experience requires to under counseling by well-qualified and experienced specialists who can ensure social reintegration of the child through therapeutic provisions. It was also observed that steps were taken to ensure that the children are able to go back to their respective schools and continue their education.

Institutional/Non institutional aspects:

There has been a constant focus on the institutional aspects of CSA victims under ICPS but there is a much needed paradigm shift here from a long-term perspectives. Corrective measures as well as preventive measures must be ensured through non-institutional means as well. The household of the child bears the key to providing a safe haven for the child to coexist even after the traumatic experience. There was one particular case observed where the child had voluntarily refused to go back to her house and rather opted to receive institutional rehabilitation.

Monetary compensations

Families of CSA victims are provided substantial amount of monetary compensation by the Government for the medico-legal care of the children. It can also be observed that there are local organizations part of the civil society who contribute to the cause as well providing the necessary aid up to Rs.1 lakh.

Conclusion:

The Government of India survey 2007,

the largest survey of this kind in the world, found that 53.22% of children had faced sexual abuse out of the 12000 children who were part of the survey. The data over the years have only worsened. The NCRB data for the year 2016 shows that 19,765 cases of rape under section 376 of IPC and under section 4 & 6 of POCSO were registered across the country.⁸ These are the cases that get reported and don't show the actual condition on the ground as there are many cases of CSA which don't get reported due to the social stigma faced by parents of the CSA victims. The National Commission of Child Rights is a beacon for child rights in our country. NCPCR daily receives a large number of complaints regarding various issues related to children from all over the country. Based on my observation the commission worked as a rights-based perspective into National Policies and Programmes along with at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, the commission also functions with other institutions established by government of India like various State Commission for Protection of Child Rights, Child Welfare Committee (CWC) under MWCD and of course various State Officials as District Officers and Magistrates who are responsible for implementation of directions given by the Committee.

Suggestions:

For Parents:

1. Children of any age should be allowed to be in control of their bodies and respond with their own choices when an adult or a friend tries to hug or kiss them. It's the duty of parents to let them know that.
2. Adults or parents should be aware of their inhibitions towards the topic of sexuality and that shouldn't affect their conversations with their children. Sadly, most women growing up in India would have faced sexual harassment in some form or other. These incidents, coupled with the taboo around open discussions, prime us to respond with a negative tone and body language, which kids are quick to pick up and that can have lasting impact on the minds.
3. Monitor media exposure that the children are getting through digital media. Adult contents at a very small age can have negative psychological impact on the child and in the future can make him/her prone to criminal activities.
4. Introduction of age-appropriate sex education as and when the opportunity arises. Children are more likely to retain information when given in small doses in response to their various queries, as opposed to a half an hour lecture that goes beyond their attention span.

For Schools:

A proper systematic age appropriate curriculum of sex education should be mandatory in schools to be taught to children. Teachers should be trained to be more understanding and friendly when dealing with a child who is a victim of sexual abuse. A post of counselor should be mandatory in the schools and registration of schools not having counselors should be cancelled.

1. Children spent almost 12 years of their life in school and it is in their school time that they learn things. Gender equity should be taught to them in schools. Activities where they learn to respect the other gender should be part of the curriculum.
2. Children should be encouraged to speak up.

For Government Institutions:

1. More child friendly laws should be implemented.
2. The government should ask the schools to publish the child helpline numbers on their wall for making the children aware of such a service.
3. National Level workshops should regularly be conducted where new methods for protection of children from abuses should be discussed.
4. The government should appoint people who would tour schools to make children aware about Child Sexual Abuse and government institutions and mechanisms that are there to help them.

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