

# *PARENT-CHILD RELATIONSHIP: DOES THAT PROMOTE CHILD ABUSE?*

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## **ABSTRACT:**

Child abuse takes place in every part of the world irrespective of caste, culture, age and even gender. It is a universal crisis which can be done sexually, physically, emotionally, or just neglect. And these various types of child abuse have been discussed in this article where we will get to know what the nature of such abuse is and how it is different from the other. The prevention of child abuse consists of the efforts of different people including political leaders, government, and law enforcing agencies, every individual citizen of the society, the child and the parents. And thus we will study the different efforts taken by certain law governing bodies consisting of various ACTS and welfare committees that work for the protection and safety of a child. The relationship between the parents and their child plays an important role in defining the act of child abuse. A bitter relationship of a child with the parents makes the child more prone to get abused. We often blame the parents for abusing their child but we do not try to know the depth of the factor that obliged them to behave in such a manner. There must be some factors (past or present) that must have been behind such behaviour of the parents. This study is particularly done with the objective to understand the reason or factor that leads them to abuse their child. In this study we will focus the different factors affecting child abuse from an anthropological approach. Because the problem is not the way a parent behaves but the problem is the root cause which needs to be identified and fixed. There are certain loopholes remained untouched that needs to be taken in consideration which I came across during this study, therefore the article will also recommend certain measures that should be considered.

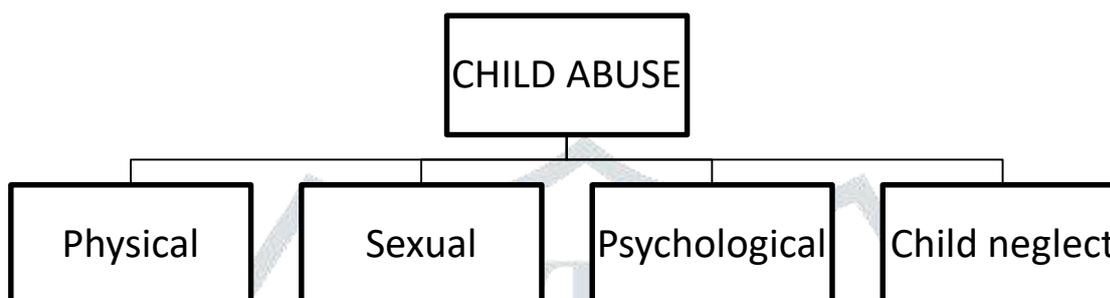
**KEYWORD:** Child abuse, child-parent relationship, National Commission for Protection of Child Rights (NCPCR), efforts of different governing bodies, recommendations.

## **INTRODUCTION:**

Abusing a child is the most ominous and heinous act any person can ever do. And it becomes more ominous if the act is done by a person known to the child. It is very important for us to understand what exactly the term 'child abuse' consists of. Child abuse is about harming a child physically, psychologically, sexually and emotionally. Child abuse is nothing but an act done by a person who is himself having psychological disorders because any sane person will never think of harming a child in any way. In India we see lots of cases in our surrounding where a child is abused, tortured, kept malnourished, beaten, exploited and neglected. This constant behaviour of physically abusing a child further transforms that child to become more violent and mentally ill, that is often termed as 'Bettered Child Syndrome'. BCS is a medical term that was introduced in the year 1962 by Dr. C. Henry Kempe and his colleagues in their paper, The Battered Child Syndrome. BCS is a medical condition that describes that there were collective injuries sustained by a child as a result of frequent act of ill-treatment or severe harm and the psychological and physical effects given by a caregiver. Another type of physical abuse is Child Sexual Abuse that is the most monstrous act done by a person. When a child goes through CSA he goes through mental and physical trauma but they are not given that required amount of care and therapeutic assistance which leaves a child with no option but to fight alone. Every abused child will show some of the signs and symptoms of being abused whether through physical aspect or through behavioural aspect. It is we who have to identify those symptoms and help that child. But, it is the disturbing truth that many cases are identified but not given importance. That is where the child neglect starts. The term 'neglect' simply means that we know that something is wrong with our child or something is harming our child (could be physically or mentally) but then also we are overlooking it as if it is not at all important. It jeopardizes the norms of the society where we live in. We see an enormous increase in the rate of child abuse every year. According to a study conducted by the National Commission

for Protection of Child Rights (NCPCR) in 2017, about 53% of kids have reported to have faced one of the other forms of sexual abuse. Violence against a child infringes their human rights.

### TYPES OF CHILD ABUSE:



1) *Physical Abuse*- Intentional use of physical force by a more powerful person than the child, causing mild to severe type of harm to a child is considered as physical abuse. This type of abuse harms the strength, growth and self-respect of the child. It includes hitting, slapping, thrashing, kicking, shaking, biting, strangling, burning, throwing children, pulling hair, scratching, and choking. A parent or a caregiver uses this form of abuse mainly with the motive of punishing the child. It is not necessary that physical abuse is done by hand only; a parent can use stick, belt, shoe, rod, wooden twig etc.

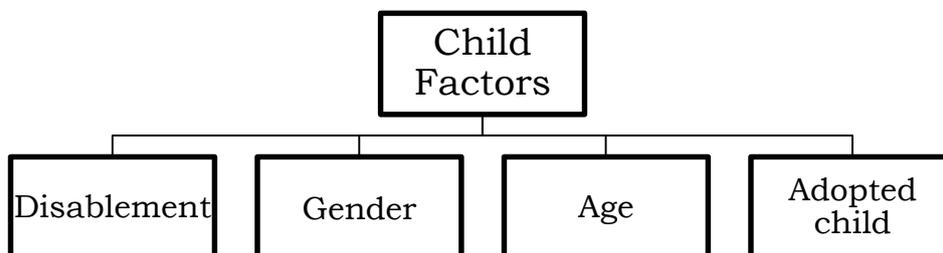
2) *Sexual Abuse*- Sexual abuse is when an adult or more powerful person than the child abuses the child with the motive to fulfil sexual needs or sexual stimulation. A sexual abuse harms a child both physically and mentally. It creates a sense of blame, hallucinations, nightmares, sleeplessness, paranoia, sexual dysfunction, suicidal tendencies, nervousness, depression, personality disorders, mental trauma etc. The person committing the act uses the child towards physical pleasure. It includes viewing a child's genitals, pressurizing a child to indulge in sexual activities, improper touching of the child genitals or making the child touch others genitals, penetrating the child, using a child for pornography etc.

3) *Psychological Abuse*- Just like any other form of abuse psychological or emotional abuse is all about trying to take control of the child by using inappropriate methods that harms the child's emotional state and well-being.<sup>1</sup> The only difference between the other forms of abuse and emotional abuse is that emotional abuse do not require physical hitting, kicking, punching or sexual acts. Rather, the abuser uses his emotions as a weapon to hurt the child.

4) *Child Neglect*- Child neglect is just when the parent fails to fulfil their responsibility to care, fulfil the needs of their child, identify their problems, solve them, give them affection, respond to their affection, providing adequate and required amount of clothes, food and drink etc. It can also be called as lack of consideration from the parent's part that harms the child both mentally and physically. A child may get an injury or fall ill but the neglected parents do not pay attention to their child's needs and requirement for medicines which may cause severe harm and in some case, death.<sup>2</sup>

## FACTORS RESPONSIBLE FOR CHILD ABUSE:

1) Child Factors- As the name suggests, the factors related to a child are included in the child factors. These factors are a child's age, his physical incapacities, gender and adopted children.



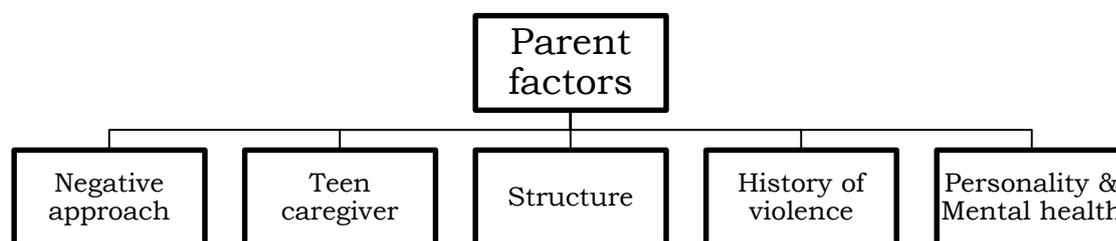
- *Disablement*: When a child is born disabled, he is considered to be a great topic of concern in the family. The family feels huge financial pressure due to the child's special needs. To meet such needs a parent often goes through mental trauma, stress and depression. And due to this stress they ill-treat their children. Secondly, when a child becomes permanently disabled it creates a sense of irritation inside parent's mind and they start neglecting their child thinking that whatever efforts they do it won't change the fact that their child is ill.<sup>3</sup> Because a disabled child do not have that proper knowledge of what is right and what is wrong for them. They are unable to understand the inappropriate behaviour done to them by others.

- *Gender*: Gender is also a factor that can probably affect the rate of child abuse. A girl child is more prone to get abused than a boy is. In a country like India where girls are still observed as burden to family, is often maltreated, abused, indulged in heavy loading household work, beaten and used for sexual pleasures. Gender based differences are also made as the girls are not given the love, care and attention as the boy gets and also they are not given the opportunity to study in their choice of schools. A girl child is likely prone to go through sexual abuse by different men. And this is the shocking truth that the mothers of the girl child do not stand by the girl even after knowing what is going on with the baby.

- *Age*: Age plays a vital role in the child abuse. Because a child from his birth to the age of 3 years are likely to get maltreated or neglected than a child more than 3 years of age. But this does not change the fact that beyond the age of 3 a person still gets abused. The main reason for age being a factor in child abuse is the child's developmental status. The child's small physical size and requirement for continuous care could be possibly weak from a parent's side that leads to certain injuries or illness. One of the examples of such neglected approach of the parent is Shaken Baby Syndrome and physical neglect.

- *Adopted child*: An adopted child is often mistreated by his adopted parents because the parent may not consider him to be their own child because he is not related to them by blood. They often use their adopted child to complete their household work and daily routine chores. They pay less attention towards the adopted child as they feel a sense of detachment to the child. While abusing the child (mentally or physically) they know that the child has no one of his own whom he can complain about whatever appropriate actions are going on with him. And the abuser takes advantage of this fact.<sup>4</sup>

2) Parent Factors- The factors that are associated with the family of the abused child also play a vital role in determining the reason that leads to child abuse. Family's history, criminal records, behaviour of parents and age of parents are some of the examples of family factors leading the child abuse.



- *Negative parenting approaches:* When a parent has a negative attitude towards the child it plays a supporting role in child maltreatment. A parent's lack of interest and knowledge to understand the needs of the child and know how to treat them may result in impractical outlooks and end in unsuitable ways. Research on maltreatments have shown that parents often lack in understanding the needs of child and often neglect them such as when a child is ill and needs to go to a doctor, the parents are having a negative approach towards the situation as they do not want to go under the burden of parenting duties and due to this a child remains untreated and may get severe harm.

A child when suffers from different medical conditions such as dyslexia and autism they are unable to see things with right direction. The parents who worry a lot about their child's academic performance become harsher towards their children when they fail to identify the symptoms their child gives regarding their special needs.<sup>5</sup>

- *Teenage caregiver-* When a young or a teenage between the age of 13 to 19 becomes a caregiver of their siblings it becomes a more challenging job for them because they are themselves a child only and have no sense of responsibility as an adult does. They are on the stage to understand their personal needs and when at that time they get someone else's responsibility they gets more confused as to how to handle such situations. And due to such confusion they often treat their sibling in an abusive manner (intentionally or unintentionally).

- *Structure-* The family structure where a single parent is taking care and responsibility of a child is more prone to do child abuse. A number of reasons such as lower family status, below poverty line, backward classes and single earning mother give rise to abuse of children. The single parent tends to abuse their child due to the stress and tension they have since they have no one to share their stressed life with; unlike the family having two biological parents together.

- *History of violence-* It is observed by many researchers that the maltreating parents were the victims of abuse and neglect themselves. They have gone through the physical, mental and emotional torture which built a sense a retaliation and hatred in their mind and that provokes them to abuse their child.

A family having a history of substance abuse is a contributory factor to child abuse. As the parents are more likely to be alcoholic and drug addict which creates a negative development of the parents and also influences a child in a negative manner. The parents who are a drug addict often neglects their child since they are themselves not in their senses.

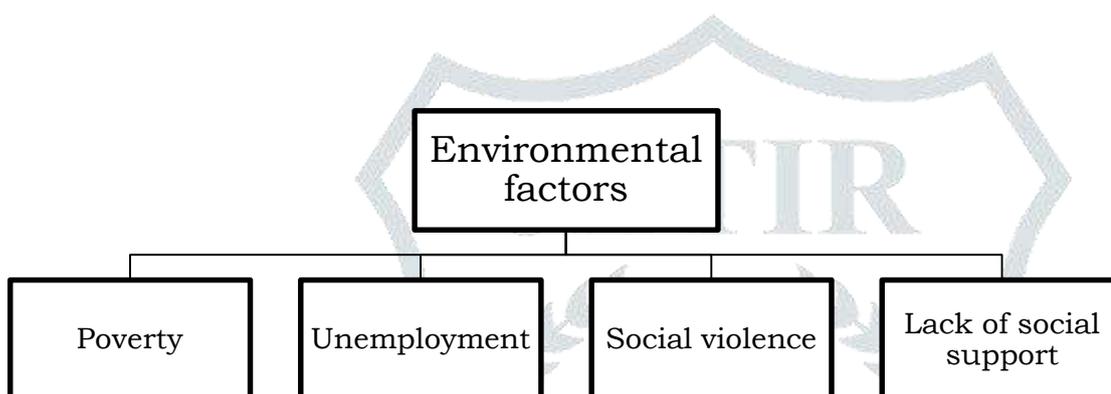
Family where domestic violence takes place traumatises a child both mentally and physically. Mentally, they go through the trauma when they witness one of their parents going through domestic violence. And

physically they are also beaten badly themselves.<sup>6</sup> The parents are also unsympathetic towards their child due to their own fear and due to this they get neglected.

- *Personality and mental health*- A parent having personal characteristics such as compulsive nature, low self-confidence, over possessive, over aggressive, inferiority complex, nervousness, depression and rebellious behaviour are more likely to abuse their child as they are over indulged in themselves and neglect their child.

A parent goes through lot of mental pressure regarding financial problems, losing a job, physical illness and marital problems which makes a parent more prone to abuse their child.

3) Environmental Factors- The factors affecting a parent or a family from beyond the reach of parents are considered under environmental factors such as poverty, unemployment and societal norms etc.



- *Poverty*- Poverty has been always a contributory factor towards different crimes one of which is child abuse. Neglect starts first from the family living in poverty. For an instance when a girl gets sexually abused or maltreated by someone more powerful and wealthy than the family (when the girl is working as a domestic labour), the parents often neglect such acts in fear of losing their source of income.<sup>7</sup>

- *Unemployment*- With unemployment come lots of mental stress such as depression, substance abuse and social neglect. And this stress isolates them from the reality that they have to take care and responsibility of their child in a proper manner.

- *Social violence*- Children living in hazardous neighbourhood disrupts the mental ability of the child to think in a positive manner and they get in a higher risk to get abused.

- *Lack of social support*- In support of the above factor of ‘social violence’ we see that there is always a lack of support from the society. When there is a case of rape, the society instead of supporting the child victimizes that child in a negative manner. And this provokes that person to further become more violent and abusive.<sup>8</sup>

## EFFORTS TO ENSURE CHILD PROTECTION:

1) *The Protection of Children from Sexual Offences Act, 2012*

Till the year 2012, the only acts those were measured among sexual offences were covered by three sections of the Indian Penal Code (IPC) not precise with children, Section 375, 354 and 377. The crimes that were been registered were the crimes of rape, outraging modesty of a women and sexual relation with bisexual and homosexual. And then in May, 2012 India's Parliament took a major step to introduce an act for the welfare of the children namely "The Protection of Children from Sexual Offences Act, 2012". The structure of this law seek out to put children first by making it easy to use by comprising of mechanisms for child-friendly reporting, record of evidence, inquiry and immediate trial of crimes through Special Courts. There were certain ambiguities over the age at which a person can legally have sex and get married. For the boys the age was 21, but it did not define the sexual consent of the boy until the new law was passed after which it was set to be 18 years for both boys and girls. Earlier, girls might marry at 18, while the Indian Penal Code set their age of approval as 16, except they were married, in which circumstance it was, surprisingly, 15.<sup>9</sup>

#### 2) *National and State Commissions for the Protection of Child Rights*

The NCPCR was set up in the year 2007 and the major duties it monitored were to propose new legislations, examine existing laws and policies, and investigate suspected incidents where children's rights are violated. This act is playing a major role in improving the status of the child in India. The major issue is that the state commissions are not accurately self-governing bodies, as foreseen by the law. The state government regulate their financial activities (funding), and often schedules are not obvious. The government has also charged the commissions to regulate the execution of the Protection of Children from Sexual Offences Act, 2012.

#### 3) *The Integrated Child Protection Scheme*

The Ministry of Women and Child Development took a great initiative to expand the child protection measures in India and improve them. Therefore, in the year 2009 the ICPS was launched. The main objective was to reinforce existing establishments and programs and introduce new programs. Mostly determined of these was a proposal to engage the social workers and create committees in every region of the country to precisely look after the rights of the children. ICPS was not the only welfare scheme in India for which the Indian Government was stressed to implement. Transforming good policies into operative actions is the bigger challenge faced by India. A government study of the schemes at the end of the year 2011 observed that since many states have given low importance towards the protection of child, they have been sluggish to submit proposals for funding from the central government. And once they receive it, they are again slow on spending that amount. The ICPS is comparatively still a new program, and it can make a transformation. According to the government, while 100,000 children have already been straightaway helped from the scheme, but still there is an extensive route to plan for positioning a safe place for the children.<sup>10</sup>

#### 4) *Child Welfare Committees*

The CWC was established in the year 2000 by the Juvenile Justice (Care and Protection of Children) Act. It should be mandatorily set up in every district with a chairperson and four other members those have the past experiences on how to deal and behave with children. Even after India having a number of richer cities then also the CWC are unable to provide proper resources required to protect the welfare of children. CWC are amongst the most important instruments of child protection in India. They are visualized as the most powerful quasi-jurisdictional bodies that work for the child's protection. The protection policies made for a child depends upon the relationship between the CWC and local government officials. The former chairperson of the CWC once said that:

"CWC members are habitually not the right people. They are by and large political appointees. Some happen to be good, but they are not attentive on the children. If you really want to do the right thing for the children, then you have to fight the state government. You have to struggle."

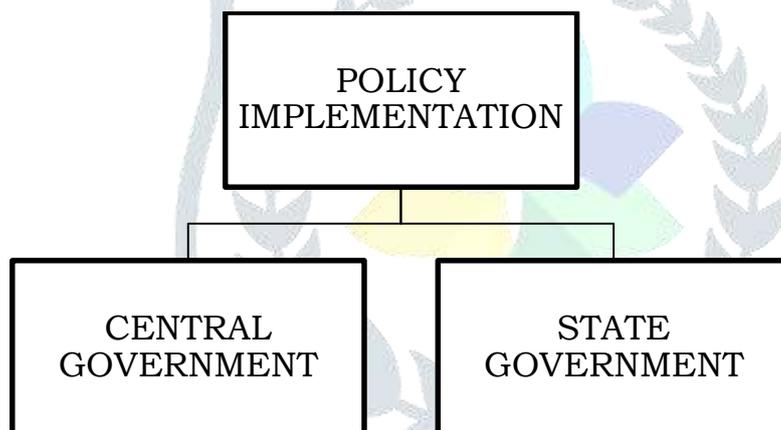
#### 5) *Juvenile Justice Act (Care and Protection of Children), 2015*

The basic law governing the protection of children in India is the Juvenile Justice (Care and Protection of Children) Act, 2000 amended in 2015. The National Crime Records Bureau (NCRB) data indicated that there has been a rapid increase of offences committed by the juveniles, particularly in the age group of 16-18. For instance we take the case of 'NIRBHAYA' of the year 2012; one of the perpetrators was of the age less than 18. In this case the boy was tried as juvenile and was sent to reformation home for about three long years and then he was released in December, 2015. Due to this case the public was in great aggression as they wanted the age of the juveniles to be lowered so that the boy gets the punishment. This act considers two types of children: one those are in conflict with the law and others those are in need of care and protection. This law has created the CWC and special Juvenile police divisions.<sup>11</sup> It also recognized and created rules and regulations for nursing of child's domestic care amenities and drew some least possible principles for their care.

## RECOMMENDATIONS:

The Government of India has worked really hard to have taken such a major decision while enacting the Protection of Children from Sexual Offences Act, which appropriately addressed the extensive level of abuse against a child. Still, there are certain measures that should be taken into consideration while protecting a child's welfare, rights and health. These measures are to be specifically taken on different laws, policies and acts. There are various loopholes in the implementation of these acts, policies and laws and these limitations have made a child more susceptible to child abuse.

The Central Government and the State Government are both responsible for the implementation of the policies. And both the government needs to take some measures.



### 1) *CENTRAL GOVERNMENT:*

- To make sure that the National Commission for the Protection of Child Rights have the adequate amount of resources to observe the efficiency of the Protection of the Children from Sexual Offences Act. The members allotted to work in this should be specialists in child protection and they should have an effective investigative unit behind them.
- To analyse the usefulness of the Protection of Children from Sexual Offences Act during a reasonable period. It should also pursue amendments in discussions with women's and children's rights, and public rights protesters concerning about the inadequacies in the law.
- To inspire all State Government and union regions to create their own commissions for the protection of child rights and support their hard work.
- Develop and improve the level of training given to paediatricians and gynaecologists on identifying and conducting the cases of child sexual abuse. The lawyers and experts should be consulted to develop a compulsory gender-sensitive training unit for medical students on how to treat and inspecting the victims of child sexual abuse.

- The State Government should also develop certain guidelines for the police, government and private social workers, child welfare committee members, doctors dealing with children and judges to appropriately implement the Protection of Children from Sexual Offences Act.
- To safeguard that all institutions that are guarding children are focusing on the systematic and periodic reviews and guideline of domestic care amenities.
- To develop and distribute guidelines for school supervisors and teaching staff on guarding children from sexual abuse, identifying abuse, communicating to victims in a suitable manner, when the abuse is discovered it should be properly treated, and taking appropriate action when accusations arise.
- To formulate a wide-ranged law on human trafficking particularly covering all forms of child trafficking.
- While consulting the women's, children's and health rights professionals, multi-disciplinary centres should be established in at least one government hospital in every district of a country.
- For children that suffer sexual abuse or are witness of sexual abuse should be placed under trained professionals that will provide combined, complete, gender-delicate, and comfortable treatment for a child going through forensic inspections, counselling sessions, and recovery.
- The national scheme for compensation of rape for the victims should be properly developed and executed.
- Central Government should enlarge and endorse the Child Helpline 1098, so that it gets to function in every district, and the telephone operators should have the training to deal with cases of child sexual abuse.

## 2) *STATE GOVERNMENT:*

- State government should also provide high level training to the police on how to sensitively deal with children and handle the cases of child sexual abuse so that they do not re-traumatize the victims and their families.
- To inspire the police to identify the local cases of child sexual abuse, if any and take rapid action towards it.
- To create a separate "children's court" that would handle the cases related to children differently including the professionals in it.
- To ensure that the welfare committees have been appointed with qualified and self-governing individuals to serve the children. And to ensure that these committees have adequate resources for its members so that they can take-out their duties and roles towards the children suffering from child abuse.
- To make sure that the members of the welfare committees are safe and trustworthy to interview a child suffering from child abuse.
- To properly implement the Protection of Children from Sexual Offences Act giving priority to training of police, court workforces, government and private social workers, child welfare committee members, and doctors who are working with the cases of child abuse.
- To make sure that the child welfare committee offices are safe and comfortable for interviewing a child.
- To propose certain guidelines for schools and other educational institutions to prevent the abuse of children in any manner.
- To prepare a policy that the police should not at any cost discourage a complaint or terrorise the complainants. And if anyone does so then strict actions should be taken.
- The implementation of the Integrated Child Protection Scheme should be made mandatory. The government officials those are working on the children's residential care facilities should be forbidden from being selected as members of child welfare committees to escape any type of struggle.
- Self defence programs, skills for protection from sexual abuses should be significantly developed in the students as a part of their education system.
- Trustworthy staffs should be appointed for the child rights commissions such as guards, cleaners, cooks, along with positive disciplining.

## CONCLUSION:

Child abuse is a very severe, heinous and an extensive problem that is always hidden to a large extent. A child always craves for the attention, love and care of others. The mind and heart of a child is very sensitive, whatever he sees or whatever he feels directly affects his behaviour. It is an act of failure from a parent's side who actually fails to provide care and shelter to their child in a positive manner. Usually the crime is done by people known to the victim such as the neighbours, friends, relatives, teachers and parents. The children who are mostly prone to be assaulted are orphans, physically & mentally weak where the assaulters take advantage of their conditions. But on the contrary, every coin has two sides. It's the same in this case as well. Every child when being abused by his own parents tells two different stories: One, how much the child has suffered; and two, what were the reasons that made a parent abuse their own child. The factors that may affect the way a parent behaves are their own abusive history which made them into such a person, poverty and unemployment, lack of support from society and disturbed relationships of the spouses. The State and the Central Government should adopt certain recommendations and amendments should be made in the existing laws and policies. To end this shocking nature of crime we must start identifying and treating the individuals who are suffering from any past abusive injury so that they don't further conduct any act of abuse towards a child.

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