

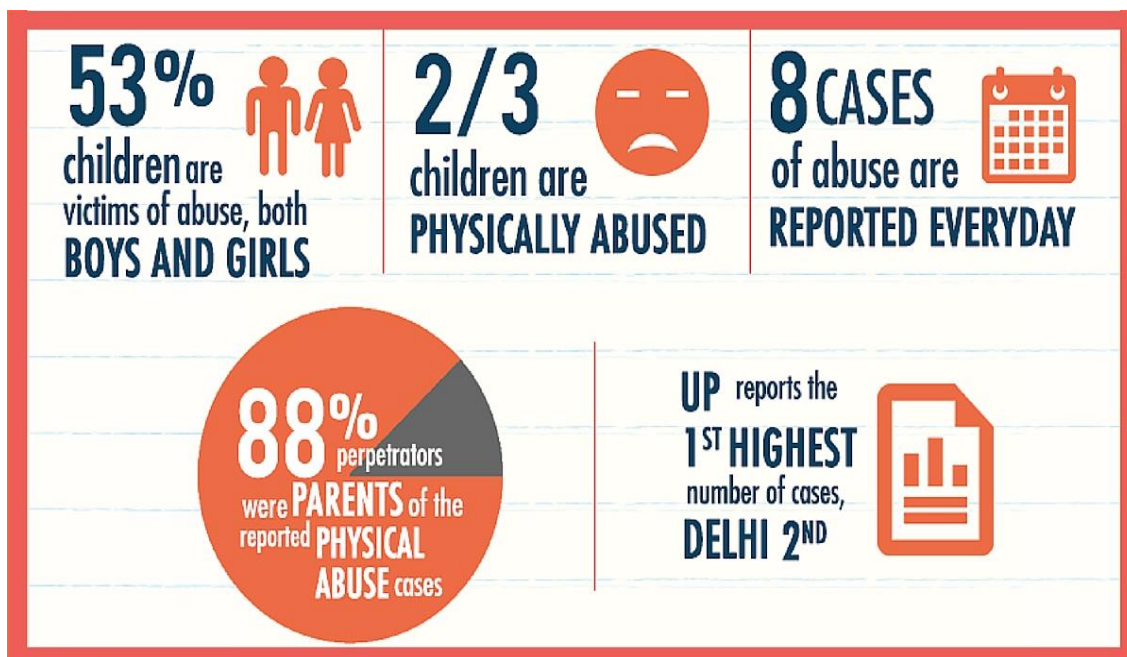
Stop the Abuse Now: Here's How You Identify Child Abuse and Report it

Do you know if your neighbour's son, your niece or the boy who lives in the shanty across your street is safe?

We read shocking stories of children falling prey to sexual abuse and molestation every day. National statistics state that about 53% children are abused. The highest number of cases were reported in Uttar Pradesh, Assam, Delhi, Andhra Pradesh and Bihar.

Many cases of child abuse are never reported because the child is reluctant to confide in anyone. Or the family of the victim may not want to confront the abuser if he or she belongs to an influential family for fear of backlash or shame.

Many cases never come to light at all because no one notices that the child has been abused.



It's time to rethink how parents and teachers and other adults often take children's safety for granted.

Identifying signs of sexual abuse early is important. Parents and teachers especially need to be very vigilant. But it is also incumbent on all of us – as neighbours, caretakers and members of a civilized society – to watch out for and report child abuse cases. Here are a few things we need to keep in mind:

Abusers don't just pick on the quiet ones: An outgoing, friendly child is also at risk. The level of vulnerability does not depend on age, gender or perceived maturity level. The risk level remains high for everyone – from toddlers to teens. Children are vulnerable in every section of society. So, while we keep our eyes open for the children on the streets, we also need to sit up and take notice of children in our midst – in our schools, families and neighbourhoods.

Being aware of a child abuse case and not reporting it is illegal: As per Section 19 and 21 (1) of the Protection of Children from Sexual Offences Act, it is mandatory to report cases, not just for those being abused, but also those who are aware of the incidence of abuse. This extends to people working in media houses, hotels, clubs, studios, photographic facilities, and hospitals. Schools in Maharashtra are mandated to report cases of sexual abuse.

As an adult who knows of a crime against a child or the potential for one, failure to report can get you jailed for six months.



Identify and Report Child Abuse

Listen: Pay **attention** to what a child is telling you.

Think: Are your neighbourhoods, day care facilities, schools and streets **safe** from predators?

Observe: Look for **signs** of abuse, such as bruises, withdrawn behavior, or fear of certain people.

Be kind: Respect a child's **privacy** and don't publicise his/her name.

Know: **Find** your nearest child rescue centres, hospitals and police offices.

Inform: **Alert** the child's family and the police or child rescue organisations.

The process of attaining justice has sped up: After (POCSO) Act came into effect in 2012, there has been an increase in the number of cases that come to court for trial. Right after lodging a complaint with the police, an investigation is conducted within three months. A special court works on the case within a month after that, reaching a decision in less than two months.

In most cases, the abuser turns out to be someone the child trusts: A recent study by RAHAT reported that in Mumbai, 91% of cases involved a parent as the perpetrator of long term sex abuse. Examining the environment and the people around them is essential. Pay particular attention to families with a reputation for domestic violence, alcoholic parents, and children living in unsafe environments such as brothels, on the streets or orphanages. Educational institutions also need to ensure that their students are safe. In a police-led investigation in Bengaluru in 2014, 10% schoolchildren were abused by their teachers.

Beware of the 'groomers': Tulir, a Chennai-based NGO working against child abuse, noted in a report that abusers use trickery, making the child feel special and blackmail to lure children.

The report states, "This process is known as 'grooming', and refers to a series of steps an abuser takes, such as gaining access to the child, developing a relationship with the child, making the child feel special by providing extra attention and gifts, to gradually beginning to touch the child." This manipulation is why children find it difficult to say no.

Look for sudden changes in the child's behaviour around people: Depending on the age, behavioural manifestations of sexual abuse include sudden withdrawal from socialising, aggression, inappropriate sexual behaviour, and sleep and eating disorders. In many cases for younger children, an unusual fear of certain places (such as closed or dark spaces) or of certain people could be a telling sign. But most behavioral changes are subtle.

The important thing to do here is to let them take their time to trust you enough to talk about what is troubling them.

Not all bruises are from playing: While children are prone to cuts and bruises from playing rough, it's important to identify and examine marks that are in unusual places, such as thighs, torso, neck, or in and around genital areas. You can identify a child who is routinely physically abused by wounds that are in varying stages of healing.

Many cases of abuse come to light when the injured child is brought to hospital: In Mumbai, the Multidisciplinary Child Protection Centre, an initiative of Nair Hospital and UNICEF, works on the rationale of identifying signs of child abuse when the child is brought to the hospital. The centre consists of a team of doctors and social workers, and follows through the entire process of the case, from involving parents to working with the police and the legal system.

You need to get consent from the child before reporting: In most cases, you don't need to wait for evidence before you report. But it is extremely important to get consent. Mumbai-based NGO Arpan published a report, Mandatory Reporting, which analysed the motivations and deterrents of reporting child abuse cases. The study found that abuse survivors felt betrayed when the person they trusted had reported without their consent. "The decision to report is contextual and almost entirely based on the environment, both immediate and social, of the survivor," the report says.

Call the national child relief helpline, 1098: Besides filing a report with the police, you can also contact child rescue organisations that are present in nearly every state and city. For instance, Mumbai-based Arpan works entirely on CSA cases, while Save The Child has centres all over the country. There's Bosco in Bengaluru, Rahi in Delhi, El-Shaddai in Goa, Tulir in Chennai, amongst many others. These rescue centres will assist the child and the family. A national helpline number, 1098, set up by the Childline Foundation has a team of volunteers in many cities and districts of the country, who also partner with over 700 NGOs and the police.

Courtesy: <http://www.thebetterindia.com/48798/identify-child-abuse-report/>

ABOLITION OF CORPORAL PUNISHMENT: NEED OF HOUR

Corporal punishment has been increasing day by day in spite of having tight legal provision and a number of children have been subject to punishment in schools, institutions, like hostels, ashrams, juvenile homes, and also in family, work site and community settings.

Records reveal the fact that two out of three school going children in India are physically abused according to the National Report on child abuse by the Ministry of Women and Child Development in 2007.

Boys are more in case of physical abuse than the girls; say 73% and 65% respectively.

In the family situations more than 88.6% children were abused by their parents. Many children do not report their sufferings, hence cases are not registered.

In Hotels and institutions children are abused seriously for slight mistake.

The most common reported punishment was being slapped and kicked 63.7% followed by being beaten with a scale or stick. 31.3%. For many the hurt resulted in severe physical injury, swelling or bleeding. There is serious impact on the body of the child as there has been damage of eye, mouth, and ear and there is development of fear psychology, attention, deficit disorders, and emotional turmoil and so on.

Few months back The Archbishop of Mumbai had issued instruction to the Secretary Fr. Gregory Lobo of Archdiocesan Board of Education, which had control of 150 schools to find out ways and means to tackle the menace of corporal punishment. However most of the parent was afraid of putting pressure on the teachers as their children would be victimized. Many of the school authority are in favour of abolition of corporal punishment as they know that if it continues to exist the relation would be based on metal rulers.

Few months back an investigation was carried out on the case of child abuse. In 13 states the report says that the Assam is the highest incident of sexual abuse in the schools may be referred to as corporal punishment. The study says that in Mizoram girls are subjected comparatively more than boys. The ratio has been 54.82% and 45.18 %. The Ministry of Women formed the Commission on child development reveals the fact that parents and teachers in Assam used rod often to discipline the child. The incident of corporal punishment is almost cent percentage.

As a member of Child Welfare Committee have horrible experiences of corporal punishment in Children Home. A number of cases of corporal punishment over juvenile in the Children Homes have come to the notice of the Committee. It is reported that in many Children Homes child are not in safety. Investigation report says that children had been beaten up in the Children Homes by the fathers of the Home due to slightest mistakes. Homely atmosphere has not been restored

in many Children Homes. The workers of the Child Home are not trained up to take care and protection of the child.

Now the question is: could law prevent corporal punishment!

United Nations Convention of Rights of the Children (CRC) says that Article 26(2) requires the State parties “to take all appropriate measures to ensure that schools discipline is administered in a manner consistent with the child ‘s human dignity and in conformity with the present Convention”. Article 37(a) of UN CRC requires that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

The Indian Constitution has its provisions for abolition of corporal punishment.

Article 21 of the Constitution has provided to protect to life, which has been interpreted to include the right to education for children under 14 and the right to dignity. Corporal punishment amounts to abuse and militates against the freedom and dignity of a child. It also interferes with a child’s right to education because fear of corporal punishment makes child more likely to avoid schools or to drop out altogether. Hence corporal punishment is violation of the right to life with dignity.

Article 14 of the Constitution guarantees equality before law and equal protection of the laws. Though Article 15(3) says about special provisions for child and protect them from physical abuse yet our law makers fails to give attention on this matter.

The Directive Principles of State Policy are not justiciable rights, yet no state can ignore the protection of children. Article 39 (e) directs the State to work actively to ensure that the tender age of the children is not abused. The provision as directed clearly the state to work progressively to ensure that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

The Active Laws and Legislations have been in the field track to deal with corporal punishment. Indian Penal Code (IPC) has several provisions in relating to varying degree of physical harm and intimidation can be used to prosecute perpetrators of corporal punishment against the children in an institutional setting. These include interlia:

Section 305: Abetment of suicide committed by a child; Section 323: Voluntarily causing hurt; Section 325: Voluntarily causing grievous hurt;

Section 326: Voluntarily causing hurt by dangerous weapons or means;

Section 352: Assault or use of criminal force otherwise than a grave provocation;

Section 354: outraging the modesty of women; Section 506: Criminal Intimidation;

Section 509: word, gesture or act intended to insult the modesty of Women;

Though there is exception in the Penal code yet Gujrat High Court in the judgment Hasmukhbhai Gokaldas Shah V. State of Gujarat 17 November 2008 has clearly stated that corporal punishment to child in present days ...is not recognized by law.

In theory, corporal punishment is covered by all the provisions under Indian law that punishes perpetrators of physical harm. While these provisions make no distinction between adults and children, in practice, corporal punishment in schools and other institutions tends not to be prosecuted because it is widely accepted socially and regarded as legitimate. So the provisions highlighted in the section, the criminal provisions in particular, have the potential to be used in situations of corporal punishment, but rarely are.

RTE Act, 2009

The Right to Children to free and Compulsory Education(RTE) Act,2009,which come into force with effect from 1 April,2009, prohibit “ Physical punishment” and “mental harassment” under Section 17(1) and makes it a punishable offence under Section 17(2) . This provision reads as follows:

17. Prohibition of physical punishment and mental harassment to child-

(1) No child shall be subjected to physical punishment or mental harassment

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

Section 8 and 9 of the RTE Act place a duty on the appropriate Government and the local authority to ‘ ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against the prevented from pursuing and completing elementary education on any grounds.

The RTE Act does not preclude the application of the legislation that relates to violations of the rights of the child, for example, booking the offences under the IPC and SC and ST Prevention of Atrocities Act of 1989.

The Juvenile Justice (care and Protection of Children) Amendment Act, 2015.

Corporal punishment shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both. The Act has specifically mentioned that all child care institutions including parents, guardians, teachers and employers would be included in the purview of punishment if they are liable for the offences.

Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989

Some provision of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 can be used to prosecute an adult in the general category who inflicts corporal punishment upon a scheduled caste or scheduled tribe child.

Protection of Civil Rights Act, 1955

Various provisions of the Civil Rights Act, 1955 can be used to prosecute a person, manager, trustee as well as warrant resumption or suspension of grants made by the Government to the educational institution or hostel on the ground of untouchable. Now we find that a lot of laws and legislations have been passed to deal with corporal punishment. But there are a number of loopholes in the law that aids the use of such brutal punishments in schools. A child may fail to do home work or may not be in well dress for which they are not liable for corporal punishment. No Headmasters or teachers may inflict corporal punishment for slightest mistake if it is justiciable. However, Juvenile Justice Act has totally prohibited cruelty to the children.

There are number of judicial pronouncement with regard to corporal punishment. In 2001 the Delhi High Court put question on the punishment given to the child under the School Education Rule 1973 of education in regard to PIL filed a Forum of parents and pointing out that punishment was not in keeping with child dignity. The judges ruled out that subjecting a child to physical violence in the name of discipline or education was cruelty and violated the Child Right to Life guaranteed by the Article 21 of the Constitution.” Just because child is small, he or she is denied of these rights. Even animals are protected against cruelty. Our children surely cannot be worse off than animal” the Court held the view. The Court put the question on the legality of the provision of punishment including corporal punishment that school authority can give punishment to the child in case of persisting impertinence or rude behavior towards teacher, physical violence, intemperance and serious forms of misbehavior with other students. Recently, Rajasthan High Court had pulled up the schools and served “show cause notice” to the State Government and CBSE when a petition filed the student Priya Choudhury who was allegedly thrashed by her class teacher for not completing her home work resulting in major damage to her vision in one eye. More interesting fact is that Government has soft corner with these rules of educational department. The Supreme Court has already banned corporal punishment but judgment has yet to be materialized. Even Calcutta High Court held the view that corporal punishment is illegal and directed Government to issue a notification that stern action would be taken against teachers found guilty of torturing children.

A number of states have already put pressure on schools not to resort to corporal punishment in the schools, but results are very poor. In Tamil Nadu Education Dept. has revised the rule that saying that students should be given opportunity to undertake corrective measures. In 2003, Goa Assembly passed Children’s Act to ban corporal punishment.

Now the major question is: how far our children are really involved with indiscipline and misbehavior to the parents and teachers! It is reported that our children are becoming rowdy, indiscipline, aggressive and violent. They do not listen well to their teachers in the class room. They are gossiping and do not pay attention at all to their teacher's teaching. They do not obey their parents and teachers. The incident of quarrel between classmates for Tiffin Box in Guwahati School few months back, gave a shock to any conscious people of the city. In many cases they have to resort to corporal punishment.

However, under no circumstances corporal punishment could be justified as it is against the dignity of the child and right to life. Our teachers and parents should not be angry with the child. For slightest mistake many teachers have come out with iron hand to punish the child for indiscipline and misbehavior. The writer remember the incident of slapping of iron hand of a teacher who was gigantic figure and tall man slapped him and others who were late by 10 minutes for taking drinking water outside the class room. Moreover, a number of children run away from their own home and school, Children Home due to corporal punishment given them by their teachers.

Anyway, corporal punishment can never be routine work of a teacher nor it can be credit to a good teacher who is successful in making discipline to the students. It is matter of appreciation that most of the state governments are taking initiative in bringing out comprehensive laws to deal with the problem of corporal punishment of the schools.

Dr. Abdul Halim
Member, CWC Nalbari

Child Protection Day Celebration:

Assam is the first state in India to have officially declared “**Child Protection Day**” to be celebrated every year on 4th March vide notification no. SWD/699/2006/Pt.V/78, dated 3rd December 2013, considering it to be an appropriate platform to raise our voice against all forms of violence and discrimination against children and also to mobilize, create and enable space for collective thinking and sharing among all concerned stakeholders and duty bearers.

Child Protection Day on 4th March 2017 was celebrated by State Child Protection Society, Assam. This year at State level Child Protection Day was celebrated with District Child Protection Unit; Kamrup (Metro) in Champabati High School, Ganeshpara. The Deputy Commissioner Kamrup (M) inaugurated the programme. Child Protection Day on 4th March 2017 was also celebrated by all the district units of State Child Protection Society on the same day.

Glimpses of Child Protection Day Celebration





Glimpses of District Level Orientation Programmes on Child Protection Issues



Editorial

Assam is the first state in India to have officially declared “Child Protection Day” to be celebrated every year on 4th March. Child Protection refers to the protection of children from violence, exploitation, abuse and neglect. We all want our children to be protected and have a holistic growth and development. But are they really protected from all forms of abuse and exploitation? What about those children who are already living in the most vulnerable condition? Who will ensure their protection?

It is clear that the scourge of child sex abuse has touched every segment of society. It has occurred within families – it has also occurred in public schools, child care institutions, and it affects people of all backgrounds, occupations, and faiths. It is essential that we realize the full scope of this plague in our communities and of the failures in addressing this evil throughout society.

In the face of the destructive crime of sexual abuse, which robs children of their innocence and can leave behind substantial emotional and spiritual scars, the priority of us all must be to do everything we can to prevent it and help survivors to heal.

Physical abuse or corporal punishment is also very much rampant in our societies. In the name of disciplinary action children are beaten black and blue and sometimes the children even succumb to death.

Child Protection is everyone’s business. All have to be conscious of the rights of children. The perpetrators need to be punished. This month’s CPB focuses on Child protection from corporal punishment and other forms of abuse.

