

*Title- **Legal research on Child Abuse***

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Introduction:-

Child abuse is harm to, or neglect of, a child by another person, whether adult or child. Child abuse happens in all cultural, ethnic, and income groups. Child abuse can be physical, emotional - verbal, sexual or through neglect. Abuse may cause serious injury to the child and may even result in



death. A problem that is only beginning to come into light in India rape, sexual abuse, and sexual harassment are worldwide issues of gender violence. There is very little research done in this area in India and only a few books have been written, keeping the subject even further from the consciousness of the country. However, the problem persists with staggering incidence, and Indians unique profile adds to the complexity of an already difficult subject. Fortunately, the issue of child sexual abuse is slowly becoming a more recognized issue, and for this reason, this paper will focus much on sexual abuse against minor children: the laws, victims, and perpetrators. Finally, an analysis of the aspects of Indian culture that make this issue particularly difficult to understand and cope.



Childhood should be a care-free time filled with love, and the joy of discovering new things and experiences. However, it is a dream for many children. Child abuse and neglect is an increasing social problem. The effects of child abuse and neglect are not limited to childhood but cascade throughout life, with significant consequences for victims (on all aspects of human

functioning), their families, and society. Child abuse is defined as the physical, emotional and the sexual abuse of children. It can take place anywhere in the organizations, schools, communities or even in a child's home. .

According to Journal of Child Abuse and Neglect, child abuse is "any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation, an act or failure to act which presents an imminent risk of serious harm. Child abuse is not just physical violence directed at a child. It is any form of maltreatment by an adult, which is violent or threatening for the

child. This includes neglect.

When child abuse occurs in the home and the abuser is, for example, the child's parent or care-giver, this is a form of domestic violence .

But children are sometimes abused by other adults on whom they are dependent, such as day nursery workers, teachers and sports coaches.

Sometimes abuse is intentional, but not always. If parents or caregivers are no longer able to cope with caring for the child, this can result in dysfunctional behavior and abuse.

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen and is a globally prevalent phenomenon. However, in India, as in many other countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Despite hectic planning, welfare programs, legislation and administrative action in the past six decades, a large majority of the Indian children continue to remain in distress and turmoil. In most families, the parents neglect them, caretakers batter them and in work-place employers sexually abuse them. Though this problem of emotional, physical and sexual abuse of children in India is increasing, it has failed to capture the attention of sociologists and psychiatrists in our country. The public and the government also are yet to recognize it as a serious problem. Public indignation and professional concern is yet to be translated into positive and realistic action. According to World Health Organization (WHO), Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

A child is defined by the Convention on the Rights of the Child (CRC), 1989, as "Every human being below the age of 18 years unless under the law applicable under the child majority is attained earlier. Throughout the consultation the importance of the CRC in the area of child abuse was emphasized. While Article 19 of the convention specifically addresses child abuse and recommends a broad outline for its identification, reporting, investigation, treatment, follow-up and prevention. The Child Abuse Prevention and Treatment Act (CAPTA) defines child abuse and neglect as: "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm." For CAPTA, the term child is someone who has not reached the age of 18; or (except in the case of sexual abuse) the age specified by the child protection law of the State in which the child resides; Within the minimum standards set by CAPTA, each State is responsible for providing its own definitions of child abuse and neglect. Most States recognize four major types of maltreatment: neglect, physical abuse, sexual abuse, and emotional

abuse. Although any of the forms of child maltreatment may be found separately, they often occur in combination.

Types of Child Abuse

There are many ways in which a child may be maltreated or abused, and these include ***sexual abuse, physical abuse, emotional abuse and neglect.***

Physical abuse occurs when a parent or a caregiver causes deliberate physical injury to a child

When a child is exploited for a sexual purpose or is involved in a sexual act, *sexual abuse* occurs

If a child's social and mental development is compromised by a parent, it is called emotional abuse.

Neglect of a child occurs when the parent or caregiver does not carry out necessary care and support activities necessary for a child. Let us look forward into these three important categories:-



1. PHYSICAL ABUSE:-

Physical child abuse is the non-accidental infliction of physical injury to a child.

Characterized by injury, such as bruises, lesions and fractures that result from hitting (hand, stick, strap, or other object), punching, shaking, kicking, beating, choking, burning (with open flame or hot objects – boiling water, cigarettes), throwing, stabbing or otherwise harming a child.

Physical abuse indicators include when the child:

- ▶ Reports injury by a parent or another adult caregiver.
- ▶ Has unexplained burns, bites, bruises, broken bones, black eyes, or welts in the shape of an object (wire hanger, stick, belt, etc).
- ▶ Has fading bruises or other noticeable marks.
- ▶ Seems frightened of the parents and protests or cries when it is time to go home.
- ▶ Flinches or cowers at the approach of adults.

Consider the possibility of physical abuse when the parent or other adult caregiver:

- ▶ Offers conflicting, unconvincing, or no explanation for the child's injury.
- ▶ Describes the child as 'evil,' or other negative way.
- ▶ Uses harsh physical discipline with the child.

2. SEXUAL ABUSE:-

Any sexual behavior with - or sexual exploitation of - a child.

There are three types of sexual offenses against children: Rape, molestation, distribution or production or possession of child pornography.

Any vaginal or anal intercourse with a child is rape. A child cannot legally give

consent to sexual activity. Sexual abuse is never a child's fault.

Child sexual abuse includes a wide range of behaviors, including:

- ▶ Rape: vaginal or anal penile penetration.
- ▶ Oral sex by or to any adult.
- ▶ Genital contact with no intrusion.
- ▶ Fondling of a child's breasts or buttocks.
- ▶ Indecent exposure.
- ▶ Production, distribution or possession of child pornography.
- ▶ Sexual Exploitation: Use of a child in prostitution, pornography.

Sexual child abusers can be: fathers, mothers, siblings, relatives, friends, childcare professionals, babysitters, teachers, clergy, athletic coaches, foster-parents, neighbors, and strangers.

Some signs of sexual child abuse:

- ▶ Inappropriate interest in or knowledge of sexual acts.
- ▶ Seductive behavior by a child.
- ▶ Avoidance of things related to sexuality, or rejection of own genitals or body.
- ▶ Over-compliance or excessive aggression.
- ▶ Fear of a particular person or family member.
- ▶ Uninhibited behavior.

Sexual abuse may have occurred when the child:

- ▶ Reports sexual abuse by a parent or another adult care-giver.
- ▶ Has difficulty walking or sitting.
- ▶ Changes in behavior or, including discipline problems, fecal soiling, bed wetting, insomnia, nightmares, depression, changes in appetite.
- ▶ Suddenly refuses to change for gym or to participate in physical activities.
- ▶ Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior.
- ▶ Becomes pregnant or contracts a venereal disease, particularly if under age 14.
- ▶ Runs away.

3. NEGLECT:-

Neglect is a pattern of failing to provide for a child's basic needs. It is abuse through omission; of not doing something resulting in significant harm or risk of significant harm.

There are four types of neglect: physical neglect, medical neglect, educational neglect and emotional neglect.

1. Physical neglect: Failure to provide food, weather appropriate clothing, supervision, a safe and clean home.
2. medical neglect: Failure to provide the necessary medical or dental care for a child's condition.
3. Educational neglect: Failure to enroll a school-age child in school or to provide necessary special education. Allowing excessive absences from school.
4. Emotional neglect: Failure to provide emotional support, love, and affection to a child. Exposure of a child to spousal, pet, or drug and alcohol abuse.

Consider the possibility of neglect when the child:

- ▶ Is frequently absent from school.
- ▶ Is excessively hungry.
- ▶ Beggars or steals food or money.
- ▶ Lacks needed medical or dental care, immunizations, or glasses.
- ▶ Is consistently dirty.
- ▶ Has severe body odor.
- ▶ Lacks sufficient weather appropriate clothing.
- ▶ Abuses alcohol or other drugs.
- ▶ Apparent lack of supervision at home.

Failure to thrive is a condition in which children fail physically to develop to their normal full genetic potential. It may be caused by medical (organic) circumstances or parental neglect (inorganic) that prevent the child from growing as expected. The cause can be determined by monitoring a child in a hospital setting to see if they put on weight through a regular feeding schedule.

Causes of Child Abuse:-

Abusing a child is a crime that is highly derogatory and alarming in all forms of social institutions. A child is the most innocent beings of all and misleading it into the stratagem of abuse is extremely facile. When a caretaker, a person of trust or faith, a confidant or any other individual performs such malicious conduct as of abusing a child, there ought to be varied reasons behind such a conduct. These can be related to the abuser's past, his present or the child's present or permanent conditions.

The Abuser - Studies by various organizations show that people who abuse children are often the victims of abuse in their own childhood. The abuser may also be prone to substance abuse. Addiction to alcohol, drugs or similar substances generally leads to extremely violent behavior that causes the person to harm others. The economic condition of the abuser, who might be a parent, is also a prominent cause behind child abuse. Poverty stricken or indebted parents might assume children as a major cause for their complexities. Societal patterns that allow physical punishment as a means to make children disciplined is also a cause for child abuse. In this way children are



abused in schools by their teachers, by their caretakers or at home by their parents.

Unhealthy and failed relationships also lead to annoyance and bitterness in the family in which the children become the ultimate victims of their parent's incompatibility.

Domestic Violence is also a major contributor to the rise in cases of child abuse. People who abuse their marital partners are highly plausible to be violent and abusive to their child as well.

The Child -The child's physical disability or a prolonged or chronic disease makes it vulnerable to the unhealthy elements of their environment. It is easier for the abuser to harm such children due to the lack of their defensive reactions. Apart from disability, a child is also susceptible to abuse, if it is of a tender age. It is the inability of a child to fight back, retaliate, apprehend, understand or complain at an age of generally 0-6 years that makes it more prenable for the abuser. In a country like India where boys contribute to a greater sex ratio, it is also reasonable that a child becoming 'unwanted' or 'undesired' by their parents due to their sex, becomes a victim of neglect, abandonment or abuse.

Society- Lack of sexual literacy and the inability of the governmental system to incorporate sexual education in schools is one of the basic reasons behind the increasing rates of child sex abuse in India. Most of the victims of abuse are mostly unaware of what they experienced. This is because they do not get proper guidance in schools at the right age.

The ignorance of parents and the prevalent idea of sex as a taboo in India leads to a gap between the relations between children and parents. This in turn effects their ability to express their inexplicable experiences of abuse. The declining role of cultural norms in the families today, the adoption of a busier schedule that is unavoidable is also seen as a reason behind rise in immorality and disgust for children. The role of explicit posters, movies, content on the internet and the ever-expanding social media also play a dominant part in increasing the vulnerability of children and exposing them to the perilous environment. Decline in parental values and norms, inefficiency in adjusting with the nature of the infant, burden of responsibilities also acts as trigger for abuse.

The major cause of child abuse is adaptation failure or environmental maladjustment (both in family and work-place) mostly on the part of the adult perpetrators (parents, employers...) but to some extent on the part of adults responsible for family socialization as well.

The situational stresses pointed out four models of dominant causes of a child's physical abuse:

- (a) Relations between spouses,
- (b) Relations between parents and children,
- (c) Structural stresses, and
- (d) Child-produced stress.

The dominant causes of battering children were found as:

- ✓ Children constantly disobeying parents
- ✓ Quarrels between the parents and the child beaten as scapegoat
- ✓ Child not taking interest in studies
- ✓ Child spending most of his time away from home
- ✓ Child refusing to go to earn a livelihood



- ✓ Child frequently fighting with siblings
- ✓ Child frequently playing truant from school
- ✓ Child refusing to hand over his total earnings to his parents/guardians
- ✓ Receiving complaints of misbehavior from outsiders, and
- ✓ Child indulging in deviant behavior like theft, smoking, etc.

All these factors (disobeying parents, quarrels between parents, spending most of the time away from home, child not taking interest in studies or work...) do not point so much to the personality defects in the individual perpetrators as to the major factors leading to child abuse. It may, therefore, be said that though the role of the personality traits of the abusers cannot be ignored, family environment and stress-ridden family situations are more crucial factors in child battering.

The four causes of sexual abuse mostly given are: adjustment problems of the perpetrators, family disorganization, victim's characteristics, and the psychological disorders of the abusers. The four variables related to sexual abuse were: family environment, family structure, individual predispositions and situational factors.

The analysis of family environment revealed that congestion in family was not related to sexual abuse but conflict between parents and weakening of inhibitions leading to neglect of the children, absence of affectionate parent-child relationship within the family that fails to give support and protection to child, alcoholism of the earning male member, his lack of accountability, lack of adequate control on the children, illicit relations of the mother with some man and paramour's hold on his mistress, dominance of stepfather, and social isolation of the family (that is, family not participating in social networks or community activities) were factors which were more important in sexual abuse.

The environment in the workplace also contributes to sexual molestation. Several cases of assault by employers and molestation by co-workers of the young victims when they were all alone in the house/ workplace/school were found . The loneliness of young girls makes them more vulnerable to the overtures of the perpetrators. Four important causes of emotional abuse can be identified: poverty, 'deficient' parental control and non-cordial relations within family, maltreatment faced by parents in their own childhood or intergenerational transmission of child maltreatment, and alcoholism of parents.

More than half of the abuser parents had low income (less than Rs. 1,000 per month) and 5-12 family members to support. the effect of poverty on child abuse. However, it has now come to be believed that child abuse is not exclusively a lower SES (socio-economic status) situation, though it is predominantly a lower SES problem.

Integrated Model of the Causes of Child Abuse:

The major premise of this model is the interdependence between parent, child and situation.

This model focuses on four factors in child abuse:

- (i) Family environment,
- (ii) Structural stresses,
- (iii) Individual characteristics of parents; and

(iv) Sub-cultural learning.

The model requires knowledge in five different areas:

- (i) Child development,
- (ii) Socialization processes,
- (iii) Family interactions,
- (iv) Learning principles, and
- (v) Sources of arousing anger, aggression, hatred, and so forth.

These areas point out that:

(a) Child abuse can be viewed in terms of the degree to which a parent uses negative or inappropriate control strategies with his/her child. Employing 'normal' methods (meeting all the child's needs, adequate control, positive disciplining, and clear communication) contributes to a child's (social, emotional and intellectual) development, whereas taking recourse to 'abnormal' methods (neglecting child's needs, inadequate control, negative disciplining, unclear communication, and over-reliance on coercion) in child rearing inhibits a child's development and causes child abuse.

Authoritative parenting (the commanding type of parents), authoritarian parenting (requiring complete obedience to their authority), indulgent parenting (gratifying all desires/fancies), and negligent parenting (being indifferent and unresponsive and not paying due attention) influence a child's characteristics and behavior. The authoritarian parental style is most harmful and is conducive to child abuse.

(b) Stresses also give rise to maladaptive coping responses, since abusive parents are clearly not violent under all circumstances. Factors like unemployment and dissatisfaction with job affect an individual's behavior which leads to child abuse.

(c) Individual characteristics of parents like inherent traits (irritable nature, self-centeredness, rigidity...), lack of parenting skill, and lack of resources (low prestige, little education and low income) also cause child abuse.

(d) The sub-cultural learning, that is, socialization in a violent home, or experiencing violence in childhood, is yet another cause of child abuse.

Effects/ Consequences of Child Abuse:-

Effects of child physical abuse

The consequences associated with child physical abuse go beyond what many people think of initially. Not only are there potential physical injuries like broken bones, head trauma, abdominal injuries, skin injuries, and so on, there can also be behavioral, emotional, and psychological effects from exposure to abuse of this kind. Research has found links between physical abuse, depression, and aggressive behaviors but the relationship among these variables appears different when looking at men versus women. It appears that males and females react differently to trauma, with males engaging in more antisocial behaviors and females becoming more withdrawn. Several studies have reported that child physical abuse is a noteworthy predictor of depressive symptoms. Depression can be a difficult disorder to live with as it can impact us

personally and professionally, so understanding the link between depression and childhood trauma is an important area of study.

Children who have been physically abused may still feel the effects long after their injuries have healed. Being shaken, hit or physically abused in any way as a child can lead to poor physical or mental health later in life, including depressive disorders, anxiety disorders, eating disorders, childhood behavioral or conduct disorders, drug use, suicide attempts, obesity, sexually transmitted infections and risky sexual behavior

Other long-term effects include

- Not doing as well at school or education
- Criminal risk taking behaviour
- Drug and alcohol problems.

Effects of child emotional abuse.



Emotional abuse is often considered as less grave than other forms of abuse because it has no instant physical effects. But over time emotional abuse can have very grave long term effects on a child's social, emotional and physical health and development.

- Emotional abuse and risk taking behavior: - A child who is being emotionally abused by caregivers,

parents, and siblings or in neighborhood may develop risk taking behaviors such as robbery, aggressive behavior and usually running away from home.

- Emotional abuse and mental development: - Emotional abuse can also increase the risk of developing mental health problems, eating disorders or self-harming. Some research studies propose that there's a significant correlation between emotional abuse eating and language. If emotional abuse continues when the child gets older, it can have more serious consequences. Adolescents who have been emotionally abused over a long period of time are more likely to hurt themselves like self-harm and experience other mental health problems.

- Emotional abuse and emotional development: - Emotional abuse can limit a child's emotional development, including their ability to attend, feel and communicate emotions properly, and to manage their emotions. Children who usually grow up in such places where they always have to face rebuking and belittled may experience problems like insecurity, worthlessness and anger. One of the most significant problems with emotional abuse or with children who don't get the affection and warmth which they need from their parents may find it extremely hard to develop and maintain healthy relationships with other people in their life. Lower satisfaction with life is often experienced by those adults who had been abused as a child as compared

to those who have lived a life without abuse.

- Emotional abuse and Behavioral problem: -Emotional abuse can be a significant cause for a child with problematic behavior. They might not care about the way they act or the consequences of their behavior. This is also identified as negative impulse behavior. Or they may deliberately attempt to construct an image so that people dislikes them, which is called self-isolating behavior. Some research has also shown a link between emotional abuse and attention deficit disorders.

CSA and Nervous system: - Alexander (2011)calls sexual abuse a "chronic neurologic disease" and discusses how the effects create decades of negative consequences for victims. The consequences of child sexual abuse can include depression, eating disorders, post-traumatic stress and an impaired ability to cope with stress or emotions . Child sexual abuse can have a more fundamental effect on brain functioning, where a child's brain becomes damaged by the abuse they have suffered . The effects of sexual abuse can include dissociation, memory impairment and reduced social functioning .

- Self harm: - aggression towards self as in self-blame, self-harm and suicide are common consequences of sexual abuse. A study found participants sexually abused in childhood were more than twice as likely to consider committing suicide in later life.

- Sexual health: -Being sexually abused as a child, especially when that abuse is not discovered, can lead to confused ideas about relationships and sexual behavior.

- Emotional and Physical damage: - Sexual abuse can also have physical consequences for children, from sexually transmitted diseases to pregnancy. These physical effects add to the significant emotional and psychological damage inflicted by the abuse .

- Guilt and shame: - Children who are sexually abused can be manipulated by their abuser to believe that the abuse is their fault. The feelings of shame and guilt that come from the abuse can reduce the likelihood of that child telling anyone about the abuse .

- Post Traumatic stress disorder: - Some people block out the abuse – meaning that they don't remember parts of their childhood. It can also lead to symptoms of post traumatic stress disorder. If a child doesn't tell anyone about the abuse, if it isn't discovered or when children don't receive the right kind of help and support, the damage can last a lifetime. Effects of neglect

Children who have been neglected may experience short-term and long-term effects that last throughout their life. Children who don't get the love and care they need from their parents may find it difficult to maintain healthy relationships with other people later in life, including their own children. Children who have been neglected are more likely to experience mental health problems including depression and post-traumatic stress disorder. Young people may also take risks, such as running away from home, breaking the law, abusing drugs or alcohol, or getting involved in dangerous relationships - putting them at risk from sexual exploitation.

Effects on relationships and attachment

A parent or carer's behavior has a big impact on a child. It can also affect the relationship between parent and child. This relationship, or bond, between a child and their primary caregiver - usually mother or father but sometimes another family member - is described by attachment theory. When a child is neglected they don't

usually have a good relationship or bond with their parent. Mental health professionals would describe this as a poor attachment. Poor attachment can significantly affect the relationships that people have throughout their lives, including how they interact with their own children. Early intervention can change attachment patterns, reducing harm to a child and helping them to form positive attachments in adulthood.

Effects on brain development

The initial years of a child's life have a big impact their brain development. That is why neglect can be so harmful; a child's experiences can change their thought processes and neural pathways.

In malnourished child, neural cells can become feeble or damaged and this can lower the function of the brain.

Poor relationship, attachment or minimal interaction with a parents or caregivers can



change how their brain develops emotional and can affect verbal pathways.

Neglect can alter the way a child's brain or mental functioning works. This can lead to an increased risk of mental health issues like depression in later life as well as cognitive disorders including memory impairments. Neglect can also cause panic disorder, post traumatic stress disorder (PTSD) and attention deficit and hyperactivity disorder.

The impact of child abuse is daunting and it can severely impact the development of the child. The child abuse can affect every aspect of individual's life ranging from, physical, social, emotional and intellectual. It can lead to aggressive behavior either towards others like fighting, hurting; harming others or it can lead aggression towards self as in the form of Self harm and Suicidal behavior.

Physical Health Consequences

Some long-term physical effects of abuse or neglect may occur immediately (e.g., brain damage caused by head trauma), but others can take months or years to emerge or be detectable. There is a straightforward link between physical abuse and physical health, but it is also important to recognize that maltreatment of any type can cause long-term physical consequences.

1. Diabetes
2. Lung disease
3. Malnutrition
4. Vision problems
5. Functional limitations (i.e., being limited in activities) Heart attack
6. Arthritis

7. Back problems
8. High blood pressure
9. Brain damage
10. Migraine headaches
11. Chronic bronchitis/emphysema/chronic obstructive
12. pulmonary disease Cancer
13. Stroke
14. Bowel disease
15. Chronic fatigue syndrome

Child abuse and neglect also has been associated with certain regions of the brain failing to form, function, or grow properly. For example, a history of maltreatment may be correlated with reduced volume in overall brain size and may affect the size and/or functioning of the following brain regions.

The amygdala, which is key to processing emotions

The hippocampus, which is central to learning and memory

The orbitofrontal cortex, which is responsible for reinforcement-based decision-making and emotion regulation

The cerebellum, which helps coordinate motor behavior and executive functioning

The corpus callosum, which is responsible for left brain/right brain communication and other processes (e.g., arousal, emotion, higher cognitive abilities)

Psychological Consequences

Child abuse and neglect can cause a variety of psychological problems. Maltreatment can cause victims to feel isolation, fear, and distrust, which can translate into lifelong psychological consequences that can manifest as educational difficulties, low self-esteem, depression, and trouble forming and maintaining relationships. Researchers have identified links between child abuse and neglect and the following psychological outcomes. Diminished executive functioning and cognitive skills.

Disrupted brain development as a result of maltreatment can cause impairments to the brain's executive functions: working memory, self-control, and cognitive flexibility (i.e., the ability to look at things and situations from different perspectives) Children who were maltreated also are at risk for other cognitive problems, including difficulties learning and paying attention

Attachment and social difficulties. Infants in foster care who have experienced maltreatment followed by disruptions in early caregiving can develop attachment disorders. Attachment disorders can negatively affect a child's ability to form positive peer, social, and romantic relationships later in life.

Post traumatic stress. Children who experienced abuse or neglect can develop post traumatic stress disorder (PTSD), which is characterized by symptoms such as persistent re-experiencing of the traumatic events related to the abuse; avoiding people, places, and events that are associated with their maltreatment; feeling fear, horror, anger, guilt, or shame; startling easily; and exhibiting hyper vigilance, irritability, or other changes in mood

PTSD in children can lead to depression, suicidal behavior, substance use, and oppositional or defiant behaviors well into adulthood, which can affect their ability to succeed in school, and create and nurture important relationships.

Behavioral Consequences.

Victims of child abuse and neglect often exhibit behavioral difficulties even after the maltreatment ends. The following are examples of how maltreatment can affect individuals' behaviors as adolescents and adults.



Unhealthy sexual practices. Studies suggest that abused or neglected children are more likely to engage in sexual risk-taking as they reach adolescence, including a higher number of sexual partners, earlier initiation of sexual behavior, and transactional sex (i.e., sex exchanged for money, gifts, or other material support)

Juvenile delinquency leading to adult criminality.

Several studies have documented the correlation between child maltreatment and future juvenile delinquency and criminal activities children who experience maltreatment in the form of physical and emotional abuse are more likely to develop antisocial behaviors and form relationships with other antisocial people there is a difference between girls and boys in the way child maltreatment influences delinquent behavior. In the study, girls tended to express internalizing behaviors (e.g., depression, social withdrawal, anxiety), while boys tended to express externalizing behaviors (e.g., bullying, aggression, hostility) leading up to adult criminal behavior

Alcohol and other drug use. Adults who had been maltreated as children are at a significantly higher risk of substance use disorders than adults who have not been maltreated Future perpetration of maltreatment. Although most children who have experienced abuse and neglect do not go on to abuse or neglect their own children, research suggests they are more likely to do so compared to children who were not maltreated

Societal Consequences

Although the physical, psychological, and behavioral consequences of child abuse and neglect weigh heavily on the shoulders of the children who experience it, the impact of maltreatment does not end there. Society pays a price for child abuse and neglect in

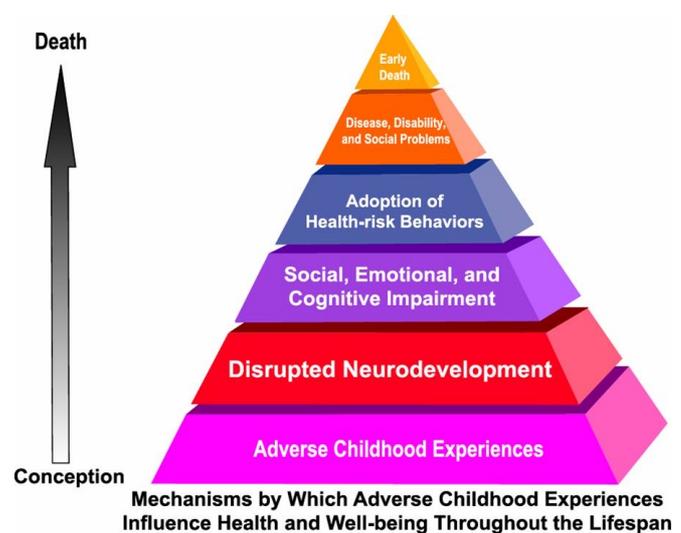
both direct costs (e.g., hospitalizations, foster care payments) and indirect costs (e.g., long-term care, lost productivity at school, juvenile and criminal justice systems costs).

Preventing and Reducing the Long- Term Consequences of Maltreatment

By reducing the incidence of child abuse and neglect through primary prevention approaches and providing comprehensive, trauma-informed care when it does occur, communities can limit its long-term consequences. In trauma-informed care, service professionals acknowledge a child’s history of trauma and how that trauma can have an impact on the symptoms — or consequences — being experienced by the child. Communities can ensure that public and private agencies have the tools—such as assessments, evidence-informed interventions, and properly trained staff—to provide children and their families with timely, appropriate care to prevent child maltreatment and alleviate its effects.

Communities can also promote a variety of protective factors for children. Protective factors are conditions or attributes of individuals, families, communities, or society that promote well-being and reduce the risk for negative outcomes, including the long-term consequences of Individual level

- Sense of purpose
- Agency (self-efficacy)
- Self-regulation skills
- Relational skills
- Problem-solving skills
- Involvement in positive activities
- Relationship level
- Parenting competencies
- Positive peers
- Parent or caregiver well-being
- Community level
- Positive school environment
- Stable living situation
- Positive community environment



Prevention of Child Abuse:-

India’s Protection of Children Against Sexual Offences Act of 2012 (POCSO) and Immoral Traffic (Prevention) Act have been recently strengthened in their aim of fighting child rights violation. There has also been a corresponding increase in the number of child abuse cases filed, due to awareness about legal recourse, translating to an increase in a number of convictions. In 2016, the National Crime Records Bureau also spoke about the relationship of victims and accused in rape cases.

Impact of child abuse

In case of both physical and emotional trauma, the immediate impact is immediately felt. However, it can also result in lasting lifelong physical and psychological trauma. Other children, families, and society also experience this trauma in the way the afflicted child communicates with them. Research has indicated direct neural impact

from abuse – as seen in the emotional lobe, memory centre, decision-making centre and other brain functioning areas. As adults, victims of childhood abuse are more vulnerable to mental health trauma.

Preventing children abuse

i. The role of parents: Parents must educate children about sexual advances or threats and protect them from abuse through the concept of unacceptable “bad touch”. This communication must be constant, friendly, and frank, and teach children how their sexuality works so they don’t unknowingly harass others.

ii. Donate money to NGOs

NGOs like Save the Children have dedicated services fighting child sex abuse, and providing rehab to victims of abuse. It conducts pan-India programs engaging parents, teachers, communities and even children about sexual abuse. Adolescents are involved in elaborate projects on Sexual and Reproductive Health (SRH).

iii. Reporting incidents of child abuse

a. Online system for children to report sexual abuse

The Ministry of Women and Child Development’s ‘e-box.’ is an online reporting system children enabling children to report incidents of inappropriate touching and molestation, anonymously if they choose. These reports are received by the National Commission for Protection of Child Rights.

b. Report it to police

Police officers are legally bound to address child abuse complaint. Further, the POCSO (Protection of Children from Sexual Offences) Act makes it illegal to witness and not report suspected child abuse and not report it. The POCSO Act has increased cases brought to trial.



Case on Child Abuse :-

*Kerala boy assault: Arun Anand charged with murder, says Kerala government to High Court
The seven-year-old victim had succumbed to injuries on April 6 2019.*

KOCHI: The state government submitted before the Kerala High Court that offense under Section 302 (murder) of the IPC has been invoked against Arun Anand, the accused in the brutal killing of a seven-year-old boy in Thodupuzha.

When the suo motu proceedings initiated by the High Court to consider setting up an effective mechanism against every kind of child abuse in the backdrop of Thodupuzha incident came up for hearing, the government informed that the investigation in the case was progressing in the right direction and the accused was in judicial custody.

The division bench headed by the Chief Justice Hrishikesh Roy issued a notice to the state government, State police chief and Idukki district police chief, directing them to file a statement within four weeks. Court initiates suo motu proceedings based on letter. The boy,

who was attacked by Arun Anand, his mother's partner, succumbed to injuries on April 6 2019.

The court initiated proceedings based on a letter inviting attention to the horrendous case. The letter had stated: "It is with no uncertain pride that we have long proclaimed to the world that Kerala is 'God's own country'. However, a few events of the recent past show that sometimes 'Devils' also have their way. When that happens, the High Court has a definite role to play, as the vanguard of the liberties of our citizens, particularly our precious children; and as the protector of our ethos long cherished by us as a community."



Although the act of abusing a child in any form- neglect, physical abuse, sexual abuse, cyber-bullying or sending and receiving explicit content, emotional abuse or exploitation- is a crime, parents often refrain from filing a police complaint even if the child has brought the incident to their attention.

The main reason is the social stigma and isolation which follows in the wake of a complaint. 93 per cent of abuse victims personally know their abuser, who might be a family member, family friend, teacher, parent of another kid or someone in a position of power.

In such cases, many parents desire to avoid embarrassment or confrontation.

The harassment and intimidation of those who complain also serve as a deterrent to others. In October 2018, the sexual abuse of children in a Chennai school was reported and what followed was nothing less than a nightmare for the two families who filed the complaint. They were harassed and intimidated by the school, with no help from the police.

"The investigating officials in the case are unnecessarily harassing us by showing the children at least 40 to 50 photos and confusing them by telling them that they would have seen sexual activities of their parents and told imaginary stories," said one complainant.

What can parents do to prevent or identify child abuse?

Be aware of children's surroundings and be an integral part of their lives to establish a strong trustworthy bond with them. This will help alert parents to any change in their behavioral patterns in case anything goes wrong.

Be attentive to kids and don't brush off their talk as childish banter. In several instances, the statements of young kids have helped nab abusers or form a case against them. In the case of the Kerala boy's murder, it was the victim's four-year-old brother who disclosed to the authorities that his brother was abused.

Keep a check on children's mobile phones and internet usage. Having the internet at one's fingertips has made it very easy for sexual predators to trap innocent kids and exploit them. The Madras High Court's order to ban TikTok followed by its removal from the Google and Apple app stores can be seen as a stepping stone towards regulating the use of the internet by kids.

Teach kids the concept of good touch and bad touch at an early age.

How can schools and the government help?

All institutions must install CCTV cameras on their premises.

Schools must go through a screening process to flag any unusual behavior.

Staff must be sensitized to equip them to handle complaints responsibly.

Undue delays in investigation and trial processes must be avoided.

Child Protection Law and Policy: India

A. Legal and Policy Framework

The Constitution of India provides that the state, as a directive principle of state policy, must seek to ensure “that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.” The rights to equality, to protection of life, to personal liberty, and against exploitation are enshrined in articles 14–17, 21, 23, and 24 of the Constitution. Article 15, which protects against discrimination on various grounds, contains an important proviso that “nothing in this article shall prevent the State from making any special provision for women and children.

In addition to the above domestic laws, the government of India ratified the United Nations (UN) Convention on the Rights of the Child on November 12, 1992.

On April 26, 2013, the government of India adopted a new National Policy for Children, 2013, which replaced the 1974 child policy. The new policy lays down the guiding principles that must be respected by national, state, and local governments in their actions and initiatives affecting children. The National Policy states that the “safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions schools, hospitals, crèches, families and communities.

B. Administrative Responsibility

SAFE TOUCH vs UNSAFE TOUCH

As a parent, it is your duty to coach your child on the basics of safe touch and unsafe touch. This guide should help you.

BEWARE AND BE AWARE

- 1** Know what's safe: Physical contact is an essential part of human experience and bonding. Using the sense of touch to communicate with parents, friends and other loved ones on your own terms is what can be classified as 'safe touch'. As long as the contact makes you feel loved, protected and comfortable, it's fine.


- 2** Know what's unsafe: Steer clear of any physical contact that makes you cringe, gets you uncomfortable, angry or disgusted.


- 3** Remember, even someone you know quite well may try to engage you in unwanted physical contact.


- 4** It could be a friendly neighbour, a family friend, your sports coach, someone you trust or a random stranger.


- 5** They might ask you to keep it a secret.


- 6** They might probably give you gifts in exchange.

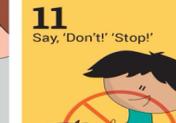

- 7** They might even threaten you by using coercion.


- 8** An uncomfortable encounter with unwanted physical contact might leave you feeling angry, guilty and shameful. But, remember, you are not responsible for it. You do not deserve it. IT IS NOT YOUR FAULT!


- 9** Say no, loud and clear. Push them away.


- 10** Confide in someone you trust - a parent, teacher or friend.


- 11** Say, 'Don't!' 'Stop!'


- 12** Run away from people who touch you in 'unsafe' ways.



Infographic contributed by ParentCircle 

The government of India has “assigned focal responsibility for child rights and protection to the Ministry of Women and Child Development (MWCD),” and has given it key responsibility for overseeing implementation of the National Policy. Pursuant to principles in the National Policy, the Ministry developed and released a National Plan of Action for Children (NPAC) on January 24, 2017. One of the key priority areas in the Plan is “protection” and the objective is to “protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking.”

II. Federal Laws

A. Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015, which received presidential assent on December 31, 2015, repealed and replaced a 2000 Act by the same name. In September 2016, the government issued the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, which set out some of the procedures for implementing the Act.

The passing of the law was prompted by the public outcry surrounding the release of a minor involved in a gang rape after completion of a three-year term in a juvenile home. The law deals with two categories of children: “those who are in conflict with the law (CICL), and those who need care and protection (CNCP).”^[17] The law was enacted to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established here under.

B. Commissions for Protection of Child Rights (CPCR) Act, 2005

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. The NCPCR, which is under the Ministry of Women and Child Development, has the mandate to ensure that all “laws, Policies, Programs, 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. The Child is defined as a person in the 0 to 18 years age group.” It also “enquires, investigates, and recommends action against perpetrators of child abuse and neglect.”

More specifically, the National Commission has the following functions and powers:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
- Prepare and present annual and periodic reports upon the working of these safeguards
- Inquire into violation of child rights and recommend initiation of proceedings in such cases

Undertake periodic review of policies, programs and other activities related to child rights in reference to the treaties and other international instruments

Spread awareness about child rights among various sections of society

Examine and recommend appropriate remedial measures for all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence/riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution

Undertake and promote research in the field of child rights

Inspect institutions meant for juvenile/children

Inquire into complaints of deprivation and violation of child rights, non-implementation of laws and non-compliance policy decisions, guidelines or instructions

Undertake other necessary functions for the promotion of child rights. The Commission has the power of a civil court and all criminal cases brought to the same has to be forwarded to a concerned Magistrate who has jurisdiction to try the same.



C. Protection of Children from Sexual Offences Act (POCSO), 2012

The Protection of Children from Sexual Offences Act (POCSO), 2012, and the rules framed under the Act establish specific offenses to protect children from sexual assault, sexual harassment, and pornography, and provide for the establishment of special courts for the trial of such offenses. The Act seeks to safeguard the interest of the child “at every stage of the judicial process, by incorporating child friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences” through the special courts. The NCPCR is “mandated to monitor the implementation of the Act” by Section 44 of the POCSO and Rule 6 of POCSO Rules.

Section 19 of the POCSO Act makes it mandatory for any person, including the child him/herself, to report that an offense is likely to be committed or has been committed. Section 21 of the Act makes the failure to report punishable, except that the child victim cannot be punished for such failure. According to one article, under this act, various child friendly procedures are put in place at various stages of the judicial process. Also, the Special Court is to complete the trial within a period of one year, as far as possible. Disclosing the name of the child in the media is a punishable offense, punishable by up to one year. The law provides for relief and rehabilitation of the child, as soon as the complaint is made to the Special Juvenile Police Unit (SJPU) or to the local police. Immediate & adequate care and protection (such as admitting the child into a shelter home or to the nearest hospital within twenty-four hours of the

report) are provided. The Child Welfare Committee (CWC) is also required to be notified within 24 hours of recording the complaint.

III. Data Collection

The National Crime Records Bureau (NCRB) is the government agency at the Union level with the mandate for collecting and analyzing crime data, but “is only one available source of data that regularly monitors and tracks crimes against children.” A handbook by the NCPCR on ending violence in India notes that this data is gathered by the National Crime Records Bureau (NCRB) in their annual publication called Crime in India. The NCRB reports on the number of registered crimes against children in India, as defined under various laws such as the IPC and the Protection of Children against Sexual Offences (POCSO) Act, 2012. The publication also tries to disaggregate the data for a few crimes by the age and gender of the victim, type of offender, place of residence (state and city) and disposal of such cases by the police and courts. However, and for reasons noted above, it may not give a true sense of the scale of the problem because registered crimes may be a gross underestimate of actual acts of violence against children.

The other data sources available are the National Family Health Surveys and the India Human Development Surveys both of which report on physical and sexual violence against adolescent girls. However, these are periodic and sample based surveys and cover only one form of violence. Childline India collects self-reported data on all forms of violence experienced by children through its helplines, but it is constrained by children’s capacity and willingness to report such acts.

Indian Resources -:

Child Abuse Prevention

Childline India - 1098

<http://www.childlineindia.org.in>

Childline India Foundation - Support for Child Protection and Child Rights in India. 1098 is the India's first 24 hours helpline for children in distress. We work for the protection of the rights of all children in general. But our special focus is on all children in need of care and protection, especially the more vulnerable sections, which include: Street children and youth living alone on the streets

Save The Children

<https://www.savethechildren.in>

Bal Raksha Bharat, commonly known as Save the Children India

Our work in the areas of Child Education, Health & Nutrition, Child Protection and Humanitarian Response & Disaster Risk Reduction has benefitted lakhs of children in India. Last year alone we reached 22.51 lakh children through our programs.

Arpan (Mumbai)

<http://www.arpan.org.in>

Arpan's mission is to empower individuals, families, communities and society with prevention and intervention skills to reduce the occurrence of child sexual abuse and heal its psychological, social, sexual and physical consequences.

Tulir Cphesa

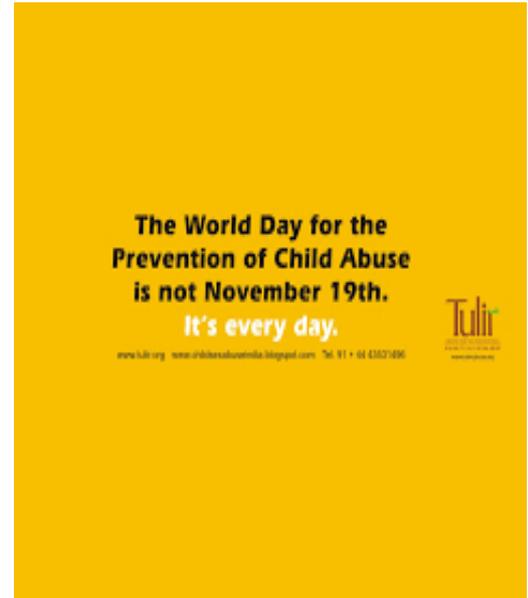
<http://www.tulir.org>

Tulir – Centre for the Prevention and Healing of Child Sexual Abuse (CPHCSA) is a registered, non-governmental, non-profit organization committed to working against child sexual abuse in India.

Indian Council For Child Welfare Tamilnadu

<http://www.iccwtnispcanarc.org>

Asian Online Resource Centre (ARC) has been created to promote the well-being of children. Our objective is to enhance the capacities of stakeholders working for children through knowledge and information online so that Child abuse and neglect can not only be prevented but also responded effectively using evidence – based and scientific approach. Our online support service will cater to continuum of professionals or stakeholders to build up the expertise in whole of Asian region working towards prevention of child maltreatment



National Tracking System for Missing & Vulnerable Children

<http://trackthemissingchild.gov.in/trackchild/index.php>

Track Child portal provides an integrated virtual space for all stakeholders & ICPS bodies which includes Central Project Support Unit (CPSU), State Child Protection Society/Units and District Child Protection Units (DCPU), Child Care Institutions (CCIs), Police Stations, Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), etc. in the 35 State/UTs.

Surman Sansthan

<http://www.surmansansthanglobal.org>

Surman Sansthan has been working for providing shelter and other necessary amenities for destitute, abandoned children and women of the society from last 17 years.

Cry (Child Rights & You)

<https://www.cry.org/vision-and-mission>

To enable people to take responsibility for the situation of the deprived Indian child and so motivate them to seek resolution through individual and collective action thereby enabling children to realize their full potential

To make people discover their potential for action and change

Initiative/Approach towards Child Abuse:-

A) Individual's approach towards Child Abuse:- Talking to a child about sexual abuse.

As parents, you have to take the initiative in teaching your child the difference between safe touch and unsafe touch, while taking care not to alarm him unduly.

Start by explaining how certain parts of her body – the mouth, chest, genital area and buttocks - are private and should not be touched by anyone other than the parents and primary caregivers, for purposes of cleaning. Don't use made-up names for private parts. Teach your child the real terms – penis, testicles, vagina, breasts, etc. – so that she understands that she can be open about discussing these areas.

Teach your child the No, Go, Tell routine. He must shout 'No' if someone touches his private parts or even if he feels uncomfortable, Go/ run away from that place and Tell a trusted person about the incident. Help your child choose three elders to reach out to for help at any point of time.

Sex abusers manipulate children by telling them to keep secrets. Remind your child frequently that no adult, including you, should ever ask her to keep secrets.

Establish a relationship of faith and trust with your child. Let him know that if he comes to you for help, you will take him seriously, and you won't get angry with him.

What to do when your child complains of sexual abuse

Your immediate reaction when a child complains to you about sexual abuse is key to her recovery and subsequent well-being.

B) Media initiative on Child Abuse:-

#Justice4EveryChild Telethon: An Initiative For Child Victims Of Sexual Abuse

#Justice4EveryChild campaign aims to raise funds to support child victims of sexual abuse and rape who are fighting their cases in court

New Delhi Television Limited (NDTV), in collaboration with Kailash Satyarthi Children's Foundation, a non-profit organization founded by Nobel Peace Laureate Kailash Satyarthi has initiated a year-long campaign #Justice4EveryChild to support child victims of sexual abuse and rape who are fighting their cases in court. The campaign aims to intervene in 5,000 cases of child sexual abuse and rape in 100 Fast



Track Special Courts (FTSCs) across the country with the highest backlogs of POCSO (Protection of Children from Sexual Offences Act, 2012) cases across India.

Child sexual abuse and rape is a national crisis. According to the National Crime Records Bureau (NCRB) Report for 2019, three children are raped and five children are sexually assaulted every hour in India. Justice For Every Child is a national campaign that will ensure victims of child sexual abuse and rape get legal representation, mental health support, rehabilitation and compensation to enable them to heal and continue their lives with dignity and freedom.

Conclusion:-

Child abuse and neglect can have devastating and long-lasting effects on a child and can result in detrimental societal impacts, including high costs for services and increased involvement in the juvenile and criminal justice systems. However, communities can act to stem the effects of maltreatment and even prevent it. Evidence-based services and supports can promote protective factors that mitigate the effects of maltreatment as well as provide families and communities with the tools to stop maltreatment before it occurs. Child welfare agencies can work with families and communities to spearhead initiatives that build upon strengths and address needs.

India's legal stance on child abuse and prevention

Solutions to end violence, abuse and exploitation

Progress has been made in generating social awareness, enhancing legislation and nurturing action towards ending violence, abuse and exploitation of children, but more needs to be done to ensure survivors and their families benefit from sensitive, timely and efficient protection and services. UNICEF focuses on implementation of key child protection legislation and promotion of practices that protect children from violence, abuse and exploitation.

Building on increasing awareness towards child abuse in India, UNICEF can play a major role in enhancing two missing elements of the government action: prevention and rehabilitation of survivors of child abuse and exploitation.

Prevention is central to UNICEF programming as it is the most effective way to deal with child sexual abuse and exploitation. Ensuring India's children are sufficiently protected requires more than the existing investment, which too is focused on post-incident responses. UNICEF takes a broad view of the range of support services that provide healing to victims/survivors and their families including focus on counseling, restorative justice programs, support for school continuation, employment and social protection. Priority is given to promoting social protection programs which incentivize the reduction of child labour and child marriage.

Leading child rights NGO Save the Children as a major key independent child protection body. It has extensive experience in partnering with civil society organization, child-led initiatives, governments and other key stakeholders. Leveraging its strong alliances with local governance, the NGO can provide intervention in

situations where child labour and abuse is suspected, and stop all forms of violence against children. The NGO is also fighting for a blanket ban on child labour in all forms to ensure that children are not exposed to harmful workplace circumstances which result in abuse. Donate online to do your part in preventing child abuse in all forms.

Child Sexual Abuse is a bane of Indian society and hence the Act was introduced in 2012. However, no law can be implemented effectively and efficiently, without the dedicated and coordinated efforts of the investigating and implementing agencies. A multi lateral approach is required in this regard, and the onus lies with the state governments, police department, judicial system, and medical fraternity to implement the act with urgency and to approach these cases with urgency, empathy, and compassion. Speedy trials are possible only if the judges, their staff, prosecution, police, and defense coordinate with each other, failing which concept of special courts will be defeated. Further, doctors need to be trained to understand the intricacies and help in proper scientific collection of various evidences while examining the child victim of sexual abuse. In recent years, there is an increase in the number of cases being reported and the same is due to the awareness which was able to be created through various awareness programs along with NGOs and Friends of the Police. To improve the rate of conviction, it is important to boost up both investigation and trial in court so that the survivor is not put under pressure to turn hostile.

My views on Child Abuse:-

- ✓ According to me Strict laws should be made in account of child abuse.
- ✓ People should promote awareness regarding child abuse.
- ✓ No means no policy should be applicable to all whether girl or boy.
- ✓ People should take this as a serious problem.
- ✓ We should fight against injustice to children of any caste ,class ,color or religion.
- ✓ Nobody deserves this ill treatment.
- ✓ If you suspect abuse or neglect is occurring, report it—and keep reporting it—until something is done. Contact child protective services (in your local phone book) or your local police department
- ✓ Call or write your candidates and elected officials to educate them about issues in your community and the need for child abuse prevention, intervention, and treatment programs.
- ✓ Contact your local school district and faith community to encourage them to sponsor



- classes and support programs for new parents.
- ✓ Anything you do to support kids and parents in your family and extended community helps to reduce the likelihood of child abuse and neglect.
 - ✓ Be a good neighbor. Offer to baby-sit. Donate your children's used clothing, furniture, and toys for use by another family. Be kind and supportive, particularly to new parents and children.
 - ✓ So everyone should Shout Out against Child Abuse !!!!

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Thanking You.