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RESEARCH ARTICLE

AWARENESS AMONG SCHOOL TEACHERS ON PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

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ABSTRACT

Protecting children from all forms of violence, abuse, and exploitation in different settings, including family, community and wider society is essential to ensure that they are given all the rights due to them. When children are protected, they develop to their full potential, but when they are exposed to risks, they become vulnerable to getting trapped in the cycle of violence, abuse, and deprivation (Dora & Kulkarni, 2012). According to Akindolie (2012), child sexual abuse is a hidden epidemic gradually eating deep into Nigeria society. Research demonstrated that the effects of Childhood Sexual Abuse (CSA) can be severe and devastating on an individual's psychological emotional, and physical well being (Kilpatrick *et al* 2003). These emotional and behavioural difficulties can lead to significant disruption in children's normal development and often have a lasting impact, leading to dysfunction and distress well into adulthood (Saunders *et al.*, 1999). The consequences of Childhood Sexual Abuse (CSA) are not limited to victims but also affect society as a whole.

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INTRODUCTION

Protecting children from all forms of violence, abuse, and exploitation in different settings, including family, community and wider society is essential to ensure that they are given all the rights due to them. When children are protected, they develop to their full potential, but when they are exposed to risks, they become vulnerable to getting trapped in the cycle of violence, abuse, and deprivation (Dora & Kulkarni, 2012). According to Akindolie (2012), child sexual abuse is a hidden epidemic gradually eating deep into Nigeria society. Research demonstrated that the effects of Childhood Sexual Abuse (CSA) can be severe and devastating on an individual's psychological emotional, and physical well being (Kilpatrick *et al* 2003). These emotional and behavioral difficulties can lead to significant disruption in children's normal development and often have a lasting impact, leading to dysfunction and distress well into adulthood (Saunders *et al.*, 1999). The consequences of Childhood Sexual Abuse (CSA) are not limited to victims but also affect society as a whole.

Child Abuse was and continues to be, one of the most heinous crimes designed and perpetuated by human beings against some of the most vulnerable and defenseless sections of the community. It is a malaise on a society that prides itself on the rule of law, democracy and the various freedoms enshrined in the Constitution. Globally, it has been recognized and seen as a particularly burdensome challenge, and numerous instruments,

from the Geneva Declaration of the Rights of the Child of 1924 to the United Nations Convention on the Rights of the Child and the Stockholm Declaration and Agenda for Action have called upon nation States to create and enhance Child Protection Systems to ensure that "in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject. In fact there is a well entrenched belief that there is no child abuse in India and certainly there is no sexual abuse in the country. Further, certain kinds of traditional practices that are accepted across the country, knowingly or un-knowingly amount to child abuse. Existing socio-economic conditions also render some children vulnerable and more at risk to abuse, exploitation and neglect (GOI, 2007).

According to the World Health Organisation, "Child maltreatment, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation".

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Childhood Sexual Abuse: Definition

Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.

There are many forms of childhood sexual abuse. The sexual abuse can involve seduction by a beloved relative or it can be a violent act committed by a stranger. Sexual abuse can be hard to define because of the many different forms it can take on, the different levels of frequency, the variation of circumstances it can occur within, and the different relationships that it may be associated with. Maltz (2002) gives the following definition: “sexual abuse occurs whenever one person dominates and exploits another by means of sexual activity or suggestion” (Maltz, 2001a, as cited in Maltz, 2002, p. 321). Ratican (1992) defines childhood sexual abuse as: any sexual act, overt or covert, between a child and an adult (or older child, where the younger child’s participation is obtained through seduction or coercion). Irrespective of how childhood sexual abuse is defined it generally has significant negative and pervasive psychological impact on its victims. (p. 33)

The impact of childhood sexual abuse varies from person to person and from case to case. Child sexual abuse is a serious violation of children’s right. The global evidence growing with an estimated 150 million girls and 73 million boys under the age of 18 having experienced force sexual intercourse or other forms of sexual abuse involving physical contact confirmed it (WHO 2006).

Addressing child sexual abuse is a challenge all over the world, but as Human Rights Watch (2013) documented in its January 2013 report *Breaking the Silence*, in India shortcomings in both state and community responses add to the problem. The criminal justice system, from the time police receive a complaint until trials are completed, needs urgent reform. Poorly trained police often refuse to register complaints. Instead, they subject the victim to mistreatment and humiliation. If the victims are poor or belong to marginalized communities such as Dalits, they often face greater mistreatment at the hands of investigating authorities. They will also be subject to threats and intimidation from both police and abusers to withdraw their complaints. Victims lack protection during investigation and trial, and support provided to victims and families, is often inadequate. The government has also failed to generate effective oversight mechanisms and enforce key safeguards, leaving children vulnerable to abuse in orphanages and other institutions.

In India most cases of child sexual abuse go unreported due to fear of social stigma and lack of faith in government institutions. According to UNICEF (2012), one in three rape victims in India is a child and more than 7,200 children, including infants are raped every year in the country.

Research over the years has consistently shown that approximately one in five children will be a victim of some form of sexual exploitation before the age of 18 (Finkelhor, 1994; James, 2000; Queensland Crime Commission, 2000; Centre for Disease Control and Prevention, 2006, Mamun, Lawlor, O’Calloghan, Bor, Williams. & Najman, 2007; Price-Robertson, Bromfield and Vassallo, 2010).

According to a study published by the Ministry of Women and Child Development (2007), about 53% of the children interviewed reported some form of sexual abuse ranging from rape to somewhat milder forms such as forcible kissing. The study also interviewed 2,324 young adults between the ages of 18 and 24, almost half of whom reported being physically or sexually abused as children. What comes as no surprise is the fact that the perpetrators were family members, household staff, teachers and others known to the child and the abuse was mostly concentrated among the age groups of 5-12.

The subject of child sexual abuse is still a taboo in India. Part of the reason lies in a traditional conservative community structure that does not talk about sex and sexuality at all. Parents do not speak to children about sex and puberty changes. A girl feels shy to talk to her mother about menstruation as she is scared. How will she tell about her uncle who molests her? No complaint is filed in order to save the social image of the girl or the boy. This silence encourages the abuser to continue the abuse and to press his advantage to subject the child to more severe forms of sexual abuse. There is a permissive attitude about violence against children that allows this kind of abuse to occur at such high rates. India is not alone in that. Many other cultures, including Western cultures, hold the same attitudes. Only by challenging those attitudes, speaking out loud, taking steps individually and in groups, forcing the government to take immediate steps only will we be able to bring change (Dasgupta, 2013).

Protection Of Children From Sexual Abuse: Legal Provisions

The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

Declaring its children as the nation’s “supremely important asset” in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These include the Declaration of the Rights of the Child, Universal Declaration of Human Rights and its Covenants, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, the Hague Convention on Protection of

Children and Cooperation in respect of Inter-Country Adoption, and the Convention on the Elimination of All Forms of Discrimination against Women.

To affirm the Government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of India hereby adopts this Resolution on the National Policy for Children, 2013.

The pertaining laws dealing with sexual offences did not specifically address child sexual abuse. The Indian Penal Code, 1860, does not recognize child abuse. Only rape and sodomy could lead to criminal conviction. Anything less than rape as defined by the law, was amounted to 'outraging the modesty' of the victim. The word 'rape' is too specific; this does not even include abuse on 'boys'. There was no comprehensive law on child sexual abuse. For a girl child, Section 375 (rape) and Section 354 (outraging the modesty) are generally used, which are highly inadequate, as they do not cover the forms of sexual abuse borne by children. For lack of any specific section for boy children, Section 377 (unnatural offences) was being used for cases of child sexual abuse of boys.

Protection of Children from Sexual Offences Act, 2012

The Protection of Children from Sexual Offences Act is a major step forward in addressing sexual abuse of children, disturbingly common in homes, schools, and residential care facilities. *The Protection of Children from Sexual Offences Act, 2012 strengthens the legal provisions for the protection of children from sexual abuse and exploitation. The Act lays down stringent punishments (up to life imprisonment) for a broad range of sexual crimes such as non-penetrative sexual assault, sexual harassment, and the use of children for pornography.*

The Protection of Children from Sexual Offences Act, 2012 has been drafted to specifically address the issue of sexual offences committed against children, which until now had been tried under laws that did not differentiate between adult and child victims. The punishments provided in the law are stringent and commensurate with the gravity of the offence. The offence is considered 'aggravated' if committed by a person in a position of authority such as a public servant or member of the security forces. The law defines a child as anyone below the age of 18 years and does not differentiate between a boy or girl child victim. The law has also taken a big step forward in including not only penetrative assault under the ambit of sexual abuse but also expanded the definition to include visual, verbal and physical sexual abuse as well.

Various child-friendly procedures are put in place at various stages of the judicial process for reporting of the crime, recording of evidence, investigation and trial of offences in this Act. The possibility of establishment of Special Courts for trial of offences under the law has also been provided for. 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 offence, 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. These agencies are required to make immediate arrangements to give the child adequate care and protection such as admitting the child into a shelter home or to the nearest hospital within 24 hours of the report. The Child Welfare Committee (CWC) is also required to be notified within 24 hours of recording the complaint.

An important step forward is also the recognition of the intent of committing an offence, which has also been provided for with the possibility of punishment of up to half the punishment that has been provided for the actual committing of the crime. Abetment of the offence is also considered punishable for their role in aiding the sexual abuse of a child.

The inclusion of these provisions suggests that the Act seems to have got its initial footing right. Its aim is well laid down and its many provisions seem to have the potential to support the same. It is therefore no surprise that the Act was described by the lower house of parliament as a "landmark legislation" (Gill, 2012).

Role of Family, School and Society

Prevention of child abuse and neglect has taken on many forms since the 1960s when C. Henry Kempe identified the Battered Child Syndrome. Policy makers, legislators, professionals, and concerned citizens have struggled to find effective ways to prevent violence against children. The term "prevention" has several meanings. Prevention can be used to represent activities that promote an action or behavior. The term is also used to represent activities that stop an action or behavior. A dictionary defines prevention as "stopping or keeping from doing or happening; hindering."

Several Child Sexual Abuse (CSA) prevention efforts target parents and guardians, given that parents are in unique position to educate and protect their children from sexual victimization. Understanding the efficacy of these efforts in raising parents' awareness of Childhood Sexual Abuse (CSA) and preventing CSA occurrences is vital important to anti-sexual violence field. One study of 5,241 respondents found that awareness and concern about child sexual abuse is relatively high among U.S adults (stop it Now! 2010). Studies have shown that 95% of adults understood that most sexually abused children are victimized by someone they know, and 64% understood that many sexually abused children are victimized by other adolescents (Stop it Now! 2010). Several studies found that parents supported CSA prevention efforts spear headed by doctors, teachers and schools (Babtsikos, 2010).

Primary prevention of Childhood Sexual Abuse (CSA) involves preventing the occurrence of sexually abusive acts by taking action before the sexual assault occurred (CDCP, 2004). Parents and caretakers are often the first educators of children, and thus are in unique position to foster primary prevention of CSA. The notion of parents as agents in child sexual abuse prevention is relatively neglected area of research within the child maltreatment literature, research has generally been focused on the provision of parenting intervention to improve

parent child functioning and a decrease risk or actual occurrence of physical and emotional abuse within families (Macmillan *et al.* 2009). It is unfortunate that parents and guardians do not have enough information to help prevent this social canker from spreading. While at work, the lives of their children are entrusted in the hands of relatives, lesson teachers, swimming instructors, domestic staff and family friends, who at one way or the other secretly abuse them.

Public awareness of the problem of child sexual assault has grown to a point whereby concerns have emphasised the need for widespread preventative programs to be implemented. Accordingly, school-based personal safety programs have emerged increasingly over the last two decades. Bravehearts (2012) strongly believes that one of the best tools we have against child sexual assault is through building resilience in our children. Educating children in personal safety is not about making children and young people responsible for their own safety, but should be focused on providing children with protective, effective and interactive educations that increases their resiliency and decreases their vulnerability to sexual harm.

Parent and family protective factors that may protect children include secure attachment with children, parental reconciliation with their own childhood history of abuse, supportive family environment including those with two-parent households, household rules and monitoring of the child, extended family support, stable relationship with parents, family expectations of pro-social behavior, and high parental education. Social and environmental risk factors that may protect children include middle to high socioeconomic status, access to health care and social services, consistent parental employment, adequate housing, family participation in a religious faith, good schools, and supportive adults outside the family who serve as role models or mentors (Family Support Network, 2002). Some recent studies have found that families with two married parents encounter more stable home environments, fewer years in poverty, and diminished material hardship (Lerman, 2002).

School teachers are reasonably well-informed about sexual abuse but may have an inaccurate knowledge about the age group of victims and abuses. The results of various studies on parents' and teachers' knowledge and practice shows that parents' and teachers' knowledge and practice are inadequate to protect the children and pupils from childhood sexual abuse (Okoroafor, 2012;) These results also indicate the content, attitudinal and skill areas that parents and teachers need in order to educate and protect the children. Study by Maria (2006) shows that male teachers are less well-informed and less likely to believe a child disclosure of sexual abuse than their female colleagues. To help children in the prevention of sexual abuse teachers must know the nature and importance of this problem, approaching it in a sex education context (Lopez & Fuertes, 1999). Many school teachers have expressed training needs to approach sexuality topics with little children in several studies (Mbanaja, 2004, Veiga *et al.* 2006). The Standing Committee on Human Resource Development (2012) also felt that it was necessary to sensitise and inform children, teachers and parents about sexual offences. It could be done through sex education in schools.

National Strategic Plan on Vulnerable Children April 2012 - March 2017 suggested to accelerate the up-scaling of psychosocial support services, through mainstreaming psychosocial support in pre-service training programmes for service providers such as police social workers, nurses, teachers, as well as in major programmes and services or interventions targeting vulnerable children. A guide to inter-agency working to safeguard and promote the welfare of children (2013) sets out the duty of schools and colleges in safeguarding and promoting the welfare of pupils under section 175 of the Education Act 2002. The same duty applies to independent schools, academies and free schools under section 157 of the same act.

Above discussion reveals that there is a lack of awareness among school teachers on Protection of Children from Sexual Offences Act, 2012. Schools should be aware of the critical importance of promoting the emotional health and wellbeing of children and young people if they are to achieve their potential rather than focus exclusively on attainment. It is therefore essential to create a safe environment in school for whole school staff and pupils. A culture of openness and transparency should be promoted which in turn encourages vigilance and a sense of shared responsibility for the safeguarding of pupils. Present study looks in these aspects and brings out the status of awareness, perceptions and participation of school teachers on protection of children from sexual.

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