

Protection and Prevention of Children from Sexual Abuse in the Schools: An Assessment with Indian Perspectives

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Abstract

Child sexual abuse is a significant problem in both magnitude and sequelae. Children have a right to a safe school environment where they can learn to the best of their ability. Violence in schools affects children in every country, every day from corporal punishment and bullying to gun and knife crime and sexual assault. Each and every child has the right to go to school without fear and except quality learning experience without threats of violence. Child sexual abuse is more occur in place where detection is low. School related abuse can happen away from school ground, at school campus, in school vehicles or even in a teacher's or students home.

Keywords: Child Sexual Abuse; Exploitation; Abuse; Education; Sex Education.

Introduction

In a country like India the chance of a news featuring rape, eve teasing, sexual harassment and molestation cases every day are 90 percent higher than appearance of other news feature child sexual abuse is a universal problem with grave lifelong out comes. Sexual abuse in schools is hard to find there is compelling evidence to indicate that both the nature and levels of abuse require immediate action from all of us. Sexual abuse takes various forms and is perpetrated by both learners and staff in schools. It ranges from sexual harassment, touching and verbal degradation to rape and other forms of sexual violence. This also use to take place in dormitories in empty classrooms, in hallways and in schools toilets and while all learners may be victims to sexual abuse girls and disabled learners are particularly vulnerable.

Large number of children in India is sexually abused by known persons like relatives,

neighbors, at schools and in residential facilities on vulnerable children [1]. Approximately 24% had experienced sexual abuse by their teachers [2]. Teachers are the real saints who have molded child into shapes but now a day's teachers are pushing children into darkness.

Generally the primary duty of parents to protect and care of their children, sometimes such responsibility is vested to teachers, guardians, relatives, juvenile homes etc. under English law duty to take care of child is not only confined only to parents and guardian but extend to all those who are entrusted with the custody of the child [3].

Child sexual abuse occurs predominantly in domestic settings. A smaller and significant proportion of incidents occur in organizational settings such as schools. Sexual abuse is more likely to occur in places where risk of detection is low. However an actual abuse incident can occur quickly (Commonly 5 to 15 minutes), so does not always require a remote, out of the way place. In many cases other people may be nearby. School related abuse can happen away from school grounds, at school

campus, in a school vehicle or even in a teacher's or student's home. Although most do not realize it, child sexual abuse is one of the most significant risks facing children today. One in 10 children will be a victim of sexual abuse and the consequences of this abuse can be devastating [4]. Child sexual abuse is not rare. Retrospective research indicates that as many as 1 out of 4 and 1 out of boys will experience some form of sexual abuse before the age of 18 [5]. However because child sexual abuse is by its very nature secretive, many of these cases are never reported. More than half of victims experience trauma that dramatically increases their risk for Post Traumatic Stress Disorder, depression, anxiety disorders, suicide, substance abuse, teen pregnancy and school dropout. These consequences, in turn, can lead to poverty, homelessness, criminal behavior and loss of potential in life as an adult [6].

In its 2013 report India's Hell Holes: Child Sexual Assault in Juvenile Homes, the Asian Centre for Human Rights said that sexual offences against children in India have reached epidemic proportion [7].

Causes of Child Sexual Abuse in School

Child sexual 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 sexual 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 unknowingly amount to child sexual abuse and existing socio-economic conditions also render some children vulnerable and more at risk to abuse, exploitation and neglect [8].

The causes of sexual abuse vary greatly from country to country and school to school but teacher's behavior, gender stereotypes are key factors. Regardless of the legal position, however, teacher's behavior can reinforce culturally acceptable gender practices and attitudes. By not reporting or responding seriously to complaints of sexual abuse, teacher and school authorities convey the message that sexual abuse will be tolerated [9]. Victims are often reluctant to report sexual abuse because of concerns about stigmatization, lack of confidence that schools will take action, and limited willingness to confide in teachers for fear of reprisals [10].

Lack of responsibility on the part of child protection agencies. Many victims decide not to report their molesters, due to threats and lack of attention from their parents and family members. Many families feel ashamed to tell others that their children have been sexually abused [11].

International Law and Child Sexual Abuse

On 20th November 1989, the United Nations General Assembly adopted the UN Convention on the Rights of the Child. With one year 141 countries had signed the convention or had become state parties to it by ratification or accession. By signing the convention countries agreed that the state shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form [12]. Furthermore under article 19 [13] it was agreed that: State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parents, guardians or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for the identification, reporting, referral, investigation, treatment and follow up of instances of child maltreatment, described heretofore, and as appropriate judicial involvement.

Article 34 [14] requires that: children shall be protected from all forms of sexual exploitation and sexual abuse. Government shall take appropriate measures to prevent:

- a. The inducement or coercion of a child to engage in any sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;
- c. The exploitative use of children in pornographic performance and materials.

Article 39 States that [15]:

Government shall take appropriate measures to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, exploitation, abuse, torture or any forms of cruel, inhuman or degrading treatment or punishment.

Article 26(1) states that everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be made generally available and higher education shall be equally accessible to all on their basis of merits [16].

Education v. Child Sexual Abuse

Education is basic human right, an investment for the future peace and prosperity of our world. Education can protect entire generations of at risk communities from cycles of poverty. The opportunity to go to school not only opens more and new vocational opportunities, increases earning potential, improves health outcomes and promotes girls rights, but for the most vulnerable children education can be difference between freedom and lifelong exploitation. The fundamental rights in the constitution of India impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected. In India free and compulsory education of all children in the age group of six to fourteen years as a fundamental right [17] in such a manner as the state may, by law, determine. The right of children to free and compulsory education Act, 2009 which represents the consequential legislation envisaged under Article 21 A [18], means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. Children have right to be protected from being abused and forced by necessity to enter occupations unsuited to their age or strength [19], right to equal opportunities and facilities for healthy and dignified upbringing [20] and compulsory education and care in their preliminary years [21].

Right to Education Act provides for development of curriculum in consonance with the values enshrined in the constitution, and which would ensure the all round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centered learning [22].

But today education institutions are pushing children into darkness as well as failure to discharge duty under Right to Education Act and protect basic rights of children. School is the best platform of increasing awareness of protection of children from sexual abuse. But present scenario schools are not safest platform for growing awareness of their valuable rights and child development, because children still vulnerable to sexually abuse in school premises and they facing negative impact. Children who are sexually abused and assaulted experience both significant short term and long term trauma. Either it may be mentally and physically affects on children. In India students dropout rates increasing alarmingly and students are not able to reach to 10th class due to fear of child sexual abuse. Such children

may be involved in conflict with the law and push them to child labour, commercial exploitation, prostitution etc. Sexual abuse form a major barrier to children especially girl child to education and their ability to benefit from school. It is a powerful factor in influencing parents to keep girls out of school, for children themselves avoiding school and for children underperformance in the classroom.

Between 2008-2010, many incidents of molestation, sexual assault and bus mishaps involving school bus drivers and staff came to light and were reported in April 2009 had raised serious concern among parents across the city [23]. In school bus never prove molestation charges, such cases reported later and prompted the state government to get school bus operators under their purview and frame rules and ironically, since 2011 five different safety norms policies were drafted and issued. Of these four were drafted by the state transport department and one by the school education department [24]. However implementation was never done at the school level.

Education department has duty to make regular checks to schools, talk to students and ensure guidelines are followed and also the responsibility of all parents to come out and report any such incidents happening schools.

Where girls are victimized by teachers have started coming up in news now a days. Molestation and abuse are constant news from the school sides. There are cases of rape and minor girls and insane girls. Their soft and mute nature targets them for sexual assaults and girls can easily seduced or enticed are prone to rape and sexual assaults [25]. There is greater likelihood of the offenders involved in these cases are suffering from sexually transmitted illness and also HIV/ AIDS. Each and every school should take appropriate measure to control the crisis among the children. Law al so unable to reach to preventing child sexual abuse. *Ghanshyam Mishra v The State*, in this case the victim was a young girl of 10 years and the offender was an adult of 39 years he was victim's school teacher. Taking advantage of his position by inducing her to come inside the school room he committed rape. The appellate court found no mitigating factor in favour of the offender ordered for enhanced punishment from 3 years to 7 years rigorous imprisonment [26]. In this case appreciable judicial decision but victim not able to free from trauma of sexual abuse.

The reducing the incidence of child sexual abuse through primary, secondary and tertiary prevention public education programs can be employed to reduce the opportunities for child sexual offending

by challenging the sex offenders often neutralising belief system, increasing the risk of their apprehension, increasing feelings of guilt for offenders and also by, alerting parents and guardians to the threats, increasing awareness in children [27]. Abuse at the schools was wider spread: emotional and psychological abuse was constant, physical abuse was meted out as punishment and sexual abuse also common today. In residential schools children are facing unhealthy conditions and corporal punishment; children were frequently assaulted, raped or threatened by staff or students [28].

Sex Education in School

A Delhi based nongovernmental organization (sakshi violation intervention centre) interviewed 350 school children and found that 63 percent of respondents had been sexually abused by a family members and studies also showed often the occurrence happened before the children reached 10 years of age. Therefore it is necessary to important sex education as early as the primary school stage [29].

A recent supreme court judgment ruled that sex education in schools cannot be brought under the ambit of fundamental rights by making it a part of the right to education. sex education is a part of health education and it is introducing reproductive health education where students are given information regarding the process of reproductive and so on, it may be taught as a part of biology teaching and it is felt that ignorance and sex can be a deadly mix and can lead to unwanted repercussions like pregnancies or AIDS [30].

School Personnel Need Training and Protective Measures

The school is the one social institution outside the family with which nearly all children have consistent, ongoing contact. Therefore, it is particularly well suited for identifying endangered children, including those who are being sexually maltreated. Today many schools are striving to become more effective participant in prevention and intervention efforts designed to reduce the complex problem of child sexual abuse. Lack of adequate training hinders teacher's ability to detect all types of abuse, but it may especially impair their ability to recognize sexual abuse, since most victims manifest no obvious external signs. In a study that asked teachers about their knowledge of various forms of abuse, only 4 percent of the polled teachers stated that they were

very aware of the signs of sexual abuse. Another 17 percent said they would be able to recognize signs that were very obvious, while 75 percent reported that they would not recognize signs at any point [31].

A joint statement on sexual abuse of children issued by the American Association of School Administrators and the National Association of State Boards of Education (1987) emphasizes that when a school employee is convicted of sexual abuse, states should disseminate information on the conviction to all public and private schools. The statement also encourages schools to participate in the National Association of State Directors of Teacher Education and Certification (NASDTEC) clearinghouse system for reporting revocations and suspensions of teaching certificates among states [32].

In Rhode Island 40 former students assert sexual abuse at a private prep school [33]. Another tragedy unfolding that could have been halted or prevented if the perpetrators were reported to law enforcement when the abuse occurred.

With the introduction of the child sexual abuse campaign in schools across Mumbai, the project has made a huge success since its inception in early 2011 [34]. The project team has been able to tap 86 schools and reach out to almost 50,000 children [35]. While the project was piloted in Mumbai, the objective is to reach out to children in different cities who remain victims of child sexual abuse [36].

India has the dubious distinction of having the world's largest number of sexually abused children with a child below 16 years raped every 155th minute, a child below 10 years every 13th hour. 53 percent of the interviewed children reported having faced some form of abuse and boys were as vulnerable to abuse as girl [37].

Police stations in the state registered over 500 cases of sexual abuse of minors in educational institutions, including 121 cases in Hyderabad alone since June this year. Last year the city police recorded 205 cases of sexual offences against children [38].

Supreme Court issue guideline to stop incidents of sexual abuse of students, "it is prime duty of schools the government and the administration to protect the precious lives of children from being scarred as a result of such dastardly acts. The more disturbing part is that educational institution has no liabilities whatsoever fixed by law in case of such offences [39]."

School personnel are essential in the prevention and recognition of child sexual abuse. Not only do they interact with large numbers of children and their parents, but children who disclose abuse often tell a

teacher, guidance counselor or other school employees. Currently, only about one third of educators receive child sexual abuse training, either as part of their teacher training coursework or through continuing education [40]. In fact, 24% of schools employees report that they have never receive instruction, either oral or written, on their state's mandated reporting process [41].

Child sexual abuse is a complex problem that no one sector of society can tackle it singlehandedly. Cooperation between school personnel and child protective services workers is vital but the roles and authority of both organizations must be clearly understood before a collaborative relationship can develop. More school are participating in community child protection teams which many view as a key to effective management of child sexual abuse, teams consist of relevant specialists such as educators, social workers, doctors, lawyers, police, and mental health professionals who work together in the areas of coordination, type of team effort serves as a risk management tool, which serves to decrease the chances of error when encountering child sexual abuse [42].

Tracing programme for teacher is the steps to be taken for putting an end to child sexual abuse in educational institution. There are several key points to child sexual abuse prevention at school. First of all children need to have self esteem building activities, these activities help increase their self confidence which in turn leads to an increase in their desire to take care of themselves. Secondly students need to be taught that there are good touches, bad touches and confusing touches students need to pay attention to their feelings regarding the different kinds of touches. When they have bad feelings regarding a touch, they need to understand it is okay to say no children need to know it is okay to say no even when it is an adult that is doing the touching. In addition, students need to be informed about good secrets and bad secrets. No one has the right to make someone keep a bad secret. Children need to practice saying no in an assertive manner and naming different trusted adults who they could if they have problem [43].

Adolescent for Sexual Abuse Prevention (ASAP) is a unique school programme that involves schools students, teachers, schools counselors and parents to work towards preventing child sexual abuse and intervening to effectively handle its occurrence. For the first time schools in Delhi are being offered programmes that create awareness build knowledge information and skill all of which allow adolescents and adults to play a critical role in the prevention

and appropriate handling of child sexual abuse [44]. RAHI offers various programmes to this end: those programmes are Basic orientation for Teachers / Counselor, one day follow up workshop for teachers and Counselors, basic orientation for parents, session with adolescents [45].

In school according to the United States Department of Education "nearly 9.6% of students are targets of educator sexual misconduct some time during their school career". In studies of student's sex abuse by male and female educator, male students were reported as targets in ranges from 23% to 44%. In United States school settings same sex (female and male) sexual misconduct against students by educators "ranges from 18 to 28% of reported cases depending on the study [46].

The public schools of America are the only organized social institution in which almost every child in the country comes into contact with professionals whose role is to socialize and educate them and also American schools have assumed an increasing role in the total welfare of the child, to include social skills training, values clarification, vision and hearing screening and education about personal mentally and physically healthy life styles and interactions with others [47]. This role expansion within the schools has broadened the role of professional educators from one of an instructor to that of clinically oriented professional who is involved in the emotional and mental health aspects of the child's overall educational program [48].

Teaching children about sex education in school is not very effective. Most teachers are shy when teaching children about sex education and private parts. The result is that children are also embarrassed to talk or learn about these topics and it's sad but true that some children are even afraid to tell their parents after being sexually abused because they worry their parents may shout at them [49].

Conclusion

Each and every country has duty to protect children from all crimes. Welfare of country depends upon the children so they should need to protect them.

Children are increasingly becoming victims of sexual harassment in educational institutions across the country owing to poor enforcement of laws and absence of child protection cells in schools. Adding to the woes is lack of proper access to state run child helpline. The helpline is not publicized by the school education department. If children are in trouble,

where will they go especially rural areas children? In rural area no facilitates to contact if they are in trouble. Empowered children to protect themselves and to disclose sexual abuse. Parents and teachers should be aware of child sexual abuse at school. Child sexual abuse in school is increase day by day. There is a necessary for behavioral training of teachers as well school staff (non teaching staff) to sensitize them to the issues related to children. Ineffective legislative measures in response to the spike in sexual crimes against children distract public attention from executive and judicial failures to ensure justice for child victims. Implementing effective prevention techniques for sexual abuse in school. School should adopt good practice principles and situational crime prevention measures.

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