

“ABUSE AND NEGLECT IN ASYLUMS, ORPHANAGES AND CARE HOMES”

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ABSTRACT

Children are one of the most vulnerable demographic groups and are often seen as the country's future. Despite the extra safeguards the state has provided to uphold their rights, the situation and the predicament remain dreadful. Children with parents are typically seen to be under the best care, but what about children without parents who are housed in asylums, orphanages, and care facilities? Does the state not have a duty to provide security and fortification? Understanding the predicament of the children in orphanages and the different related elements will be sparked by this study. Understanding the orphanages' extent and significance is crucial before further elaborating on the subject. Orphanages are facilities that care for children without parents (orphans). However, the author believes that this is a myth because up to 80% of orphanage children have a parent who is still alive, and they end up there for a variety of reasons, including poverty, illiteracy, handicap, etc. Around 2.7 million children are currently surviving in these institutions around the world, and the number of children in these institutions is rising at an alarming rate. India has the second-largest population in the world, and 42% of its citizens are under the age of 18. Although it is customary for these institutions to offer protection, care, direction, and support to the children who reside there, the writers have spoken explicitly about the location of children in orphanages, where girls and boys are more in danger of abuse and violence.

The goal of this research paper is to shed light on the situation in orphanages, the different types of abuse that children who have been cleared of wrongdoing have experienced, sexual exploitation, the importance of families for children's development and well-being, global perspectives on the law, and potential solutions. To better understand the issue, remove obstacles in the way of the policies' implementation, and bring about a clear change, the paper will compare India and the United States of America to support the research. The research approach is dogmatic, and secondary

sources are used. The primary source of knowledge is freely accessible data found in a variety of legal databases, books, journals, essays, etc. Laws, case law, reports, and legislation are carefully considered when determining legal punishments.

Keywords: *Child abuse, violence, exploitation, care facilities*

INTRODUCTION

“Children are not mini-human beings with mini-human rights. But as long as adults continue to regard them as such, violence against children will persist.”

-Maud de Boer - Buquicchio, Deputy Secretary-General of the Council of Europe.

Children are still subjected to such brutality despite the numerous laws that are designed to protect them from abuse and exploitation. While it may sound humorous, this is the grim reality. Child abuse is a common issue that negatively affects children's health, abilities, growth, and development. Child abuse or maltreatment, in the words of the WHO, is "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, 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." However, where do these countless laws fall short in their duty to defend the rights of the tiny people?

Millions of boys and girls around the world are growing up on their own, not out of choice but rather out of need. They sometimes wind up residing on the streets, beneath bridges, or in certain facilities. The institutions where they reside may pass for orphanages, asylums, children's homes, foster homes, care facilities, youth detention centres, etc. Children need care, support, aid, and fortification from these institutions, yet despite their best efforts, they are subjected to violence and abuse as they become abusive monstrosities.

The second-largest kid population in the world is in India, where 42% of the total population is under the age of 18. Around 2.7 million children under the age of 18 are thought to be living in institutional care globally, while the quality of the data from many nations is poor and under-reporting is an issue because many institutions are not registered and the children living there are not officially counted. The majority of these kids are given to these organisations due to many reasons, including poverty, parents' incapacity to give them sufficient care, being born illegitimately, having impairments or being illiterate. There are 17.8 million children who have lost both parents out of the 153 million children who have lost a parent globally, according to estimates. These elements are thoroughly explained in the study. These abandoned children become the responsibility of society, society's children. Our cultures and traditions share a common value in the safeguarding of children. Children's development into responsible adults is a responsibility shared by society, the community, and the state in addition to their parents.

Unfortunately, there are more and more kids living in foster homes, orphanages, and asylums at an alarming rate. In the five years from 2005 to 2010, there were 269 orphanages in Cambodia, with 11,945 children living in them. This is a 75% growth. There are now much more orphanages and children in care, according to recent studies on residential care in sub-Saharan Africa. For instance, Uganda's orphanages increased from 30 in late 1992 to an estimated 800 in 2013. More than 95% of the facilities operated in violation of local, state, and federal regulations about the protection of children because they did not have the proper government licences to do so. In Ghana, orphanages have grown in number since 2006, from 99 to 114, despite a determined attempt to reduce their use and enhance family-based solutions. From 3,388 in 2006 to 4,432 in 2012, more children were living in the institutions according to records.

These helpless kids are defenceless because they don't know about the dirty world. In their miserable situation, when they lack the support of family and friends, they are either neglected or subjected to abuse on a physical, emotional, sexual, and psychological level. They are now under the irreparable influence, which hinders their development and growth. Developmental delays, behavioural issues, attachment disorders, a lack of life skills, institutionalisation, and trouble establishing and sustaining healthy relationships are among the most typical adverse effects that children who grow up in foster homes, orphanages, and asylums face. This puts in jeopardy not just their current existence but also the future of the country and their future. Therefore, in this essay, the author will discuss the different causes that contribute to their wretched situation, including the importance of family in a child's development, child sexual exploitation, potential remedies to the impure children's predicament, etc.

LEGAL ORDINANCES: INDIA

Children are the first and foremost people; they are the ones who are endowed with fundamental human rights that cannot be taken away from them, and they are the ones who can exercise those rights. Of India's more than 400 million people, children make up the majority. Over time, laws, institutions, and policies about the safety and protection of children have undergone a lot of significant changes. A strategy focused on rights and development is replacing one that

is based on needs and welfare. The state has a responsibility to protect children's rights under this strategy (rights holder).

The authoritative idea, which refers to the father's complete control and power over the children, existed before 1839. She or he had previously been the object of the commands and obligations, but now there has been a significant change, and he or she is in charge of leading his or her own life. The twentieth century saw a significant change in this. To make the laws more kid-friendly, there are numerous attempts in the form of legislative initiatives, introducing bills, and court interventions.

The fundamental rights and guiding principles of public policy are included in the constitution, which is the nation's "grundnorm," or the fundamental norm as it is exemplified by pure theory. By using positive discrimination, the constitution has been successful in giving children a particular status and protection. According to articles 14, 15, 16, 17, 21, 21A, 23, and 24 of the constitution, all Indian citizens, regardless of age, are obligated to uphold the rights to equality, liberty, protection of life, education, and freedom from exploitation, untouchability, child labour, and trafficking.

Article 21A (the right to compulsory education from 6 to 14 years old) was made a fundamental right after the 86th constitutional amendment act, but the right to early childhood and education for children under 6 years old has been rejected. This exclusion of groups of children is against human rights because the RTE Act should have applied to the entire educational system for children aged 0 to 18. Early childhood care and education are constitutional rights that must be upheld and the necessary arrangements for their high-quality delivery must be created. In addition to stating that parents have a fundamental obligation to send their children to school, the directive principle in the Constitution applies to early childhood care and education. Early childhood care and education should have been a fundamental entitlement, not only a guiding principle, to ensure its success.

Let's first understand the definition and extent of the child before digging deeper into the law of the land. Every human action, such as marriage, voting, enlisting in the military, being held responsible for a crime, working, etc., has some connection to one's age. But what if the same question arises? As a result of the various statutes' varying definitions of the kid, there is some grey area. No uniformity allows offenders to get away with their crimes; for instance, the Indian Penal Code (IPC) defines a kid as someone under the age of 12 whereas the Indian Traffic Prevention Act (ITPA) defines a minor as someone under the age of 18.

The Indian legal system also differs in that there is no separate law for either sexual or child abuse cases, despite the questionable distinction between the two. Although no law completely addresses all forms of child abuse, the IPC and POCSO provide the only avenues for relief. To be fair, "child abuse" and "child sexual abuse" are not defined in the IPC. The traditional line between rape and sexual abuse has not been established in Indian law, unlike many other laws. Section 375 of the IPC deals with sexual assault charges. However, the definition of rape includes two important elements: "committed by men" and "penetration," which allows criminals of male children to flee, necessitating the need for a gender-neutral definition of rape. If the offence is perpetrated by the same gender, the only recourse for male child victims is under Section 377. For males, there is no accountability or answer if the crime is perpetrated by the opposing gender.

Rape is a crime under the IPC, but lesser forms of sexual assaults against children are addressed by extremely inadequate and ambiguous laws like "outraging a woman's modesty." How do we define modesty and apply Section 354, against offending women's modesty, to children? The severity of the infraction under Section 509, which deals with obscene gestures, is lower. Even in such circumstances, the child's mentality may be damaged in the same way as rape is. After the plea of Sakshi Ngo in Sakshi vs. Union of India & Ors., the Law Commission of India, the Supreme Court accepted alternative forms of penetration other than a vaginal penis.

This is due to ambiguous legislation, and Lucama, India is a haven for child abuse. It is unusual but true that the Indian Penal Code does not recognise child sexual abuse, and there is no proper law or policy in India regarding child sexual abuse. The rules governing sexual offences are antiquated and do not directly address child sexual abuse; only rape and sodomy may result in a criminal conviction, and anything less than rape amounts to insulting modesty. There are no procedural safeguards in place to protect the best interests of the child. The laws are primarily concerned with details. Some doctors' medical reports are vague and inadequate. In the case of a sexual assault, the absence of a competent medical report works against the child who was molested. Untrained police officers conducting insensitive interviews with children creates further distress to the youngster. Furthermore, a child must testify numerous times and relive the pain, and the laws make no provision to protect the child from such trauma.

POCSO Act, 2012 is a comprehensive law that provides for the protection of children from the offences of sexual assault, sexual harassment, and pornography, while safeguarding the interests 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 designated Special Courts. The government established POCSO to reduce violence. It fails to define "child abuse." The term rape or serious penetrative assault does not afford any recourse to the male kid. There is an urgent need for gender-neutral laws against sexual assaults. The late Prime Minister Jawaharlal Nehru expressed strong support for the notion that a child is not permanently dependent but rather an essential component of our investment in the future. Therefore, it is necessary to protect the interests of the victims, witnesses, and the nation's future investment by amending the laws and statutes. Children's mental and physical well-being is ensured by doing this.

TYPES OF CRUELTIES

The emphasis of this chapter is on the parents' or caregivers' mistakes and transgressions. It details the existence and prevalence of the main forms of abuse committed by the staff members in orphanages:

- The act of the caregivers physically harming the children, or potentially harming them physically, is referred to as physical abuse. It could also involve overworking the child and hurting them in other ways, such as burning, striking, punching, shaking, or kicking them. A prominent example of physical pain is child labour, which is frequently present in these facilities. It might result from excessive punishment or bizarre physical acts of a punitive character. It is allegedly improper for children to perform tasks like cleaning, doing the dishes, washing clothes, etc. The idea that children are being used to serve selfish financial and economic goals is furthered by the fact that many orphanages enlist youngsters from low-income families and physically abuse them.
- The inappropriate sexual behaviour with children is known as sexual exploitation. It is the act of using a child for one's sexual enjoyment. The majority of children in institutions experience sexual abuse at the hands of caregivers. The ratio of girls in this situation is at an all-time high, but boys are also sexually exploited; however, because of a lack of sex education, these crimes go unreported.
- The neglect on the side of the caregivers or parents results in behavioural issues, mental trauma, cognition, etc. Emotional mismanagement is also known as verbal abuse, mental abuse, or psychological ill-treatment. This may be the result of risky or unusual kinds of discipline, such as seclusion in a dark room, disparaging remarks, rejection, etc., which create an environment that is unhealthy and unsupportive of the child's development.
- Another type of abuse is neglect, which is defined as the caregivers' incompetence, omission, or failure to sustain the child's needs and development. There are several ways that children might be neglected, including not following medical advice, not seeking the right medical attention, going without food and being hungry, and not allowing the child to develop physically. The use of drugs on youngsters and insufficient safeguards against environmental threats are two more issues that warrant attention. In addition, neglect has been linked to desertion, insufficient monitoring, poor cleanliness, and lack of education.

UNREPORTED ABUSE CASE TENDENCIES

The number of neglected and abused children is frightening, even though the definition of child abuse differs from state to state and area to region. However, due to a variety of reasons, fewer cases are documented and reported:

- The main cause of underreporting of child abuse and neglect cases is the significant difficulty in eliciting replies from kids on touchy matters due to their inability to comprehend the severity of abuse and neglect and to express their suffering. Behavioural changes, physical injuries, disharmony, etc. are frequently used to identify victims of abuse.
- The majority of the time, the abuser is near to and immediately related to the victim, which is a major contributing element to the cases that go unreported. Since child abuse is shunned and shunned crimes, many incidents go unreported due to embarrassment, disgrace, decadence, and family honour.

RATIONALE WHAT CAUSES KIDS TO END UP IN ORPHANAGES?

In these institutions, the population of kids has been rapidly expanding. For instance, India has over 440 million children, 40% of whom are at risk or are living in challenging conditions. This acceleration is caused by several different sources. Following is a more thorough discussion of those considerations:

- Many of the problems that mankind encounters can be attributed to the vicious cycle of poverty. It has been identified as the primary motivator behind the abandoning of the kids. Most nations provide parents with no other option when they cannot afford to provide for their children's basic needs. Rural communities are primarily covered under this, which is punishing poverty, homelessness, illiteracy, and disadvantaged migrant populations. According to studies, poverty rather than the absence of a family is the main factor leading to the surrender of children. In some regions of Africa and Asia, parental illness, poverty, and the inability to provide for a kid's education (i.e., supplies, transportation, clothing, etc.) are the main reasons why families give a child to an orphanage. These institutions

eventually house kids. Throughout a study of maternity facilities in Europe, 75% of staff members mentioned poverty as a potential reason for abandonment. Sri Lanka's extreme poverty led to the admission of more than 50% of youngsters to orphanages. Poverty is usually linked to chronic illnesses like AIDS and inadequate medical care. According to a recently released research on orphans in Rwanda, 40% of cases when children were placed in an orphanage were due to poverty, the death of a parent, or the parent's abandonment. A study of orphanages in Malawi produced comparable results.

- Another issue is a disease, disability, and difficulties learning. Children with physical or mental disabilities are threatened in their very life by the stigma associated with them. Social views lead families to give up on their impaired children, which harms their mentality. They believe they're cursed, unlucky, or that they can't get the right care and support because they don't have the resources. Due to ingrained cultural prejudice and ongoing discrimination, infants and young children with impairments may sometimes be abandoned, either at birth or later. A whopping 45% of youngsters in Russian institutions desert because of these attitudes. In Central and Eastern Europe and Commonwealth independent states, a child has a 46-fold greater chance of being born in one of these regions.
- There has always been sex-based discrimination. The girl kid is still referred to as the "parayadhan" in India. In India, out of the 11 million kids, 90% of the abandoned children are girls. The widespread rejection of women is the cause of the rising number of crimes against women. Some babies are killed before birth, while those who are not are left behind after delivery.
- Desertion may also occur due to recruitment, child trafficking, or other forms of exploitation. Children are viewed as a family's main source of income when the parents are unable to meet the child's needs because of their poverty, illiteracy, etc. Parents trade their children in nations like India, Nepal, China, Bangladesh, and Pakistan, where the kids are then further exploited in these institutions through child labour, prostitution, unethical adoptions, etc. In Malawi, more than half of the institutions reported actively "recruiting" children by pleading with parents to give their kids to them so they can further their agendas.
- Children leave their families due to abuse and neglect, yet conditions in institutions have gotten worse. Due to this, relatively few kids are admitted to these facilities. 14% of children were admitted owing to abuse or neglect in a survey of 11 European nations. The linked causes include abuse, addiction to alcohol, drugs, or mental disease that is not being treated, fleeing, living on the streets, destroyed families, etc. Children may occasionally be admitted to these facilities as a result of their temporary or permanent separation from their families as a result of natural disasters.
- The abuse is typically perpetrated by someone near to and immediately related to the victim, which is a major role in the prevalence of cases that go unreported. Since child abuse is shunned and shunned crimes, many incidents go unreported due to embarrassment, disgrace, decadence, and family honour.

"The children must, at last, play in the open veldt, no longer tortured by the pangs of hunger or ravaged by disease or threatened with the scourge of ignorance, molestation and abuse, and no longer required to engage in deeds whose gravity exceeds the demands of their tender years."

-Nelson Mandela, Nobel Peace Prize Laureate.

According to the author, there is an insufficient implementation of the legislation designed to protect children from abuse. The term "PROTECTION" needs to be understood in a more general sense. It should cover the preservation of basic human rights as well as not only being restricted to abuse, aggression, and assault. The true meaning of having the right to life is not just to survive, but to live it with the utmost honour and integrity.

ZENITH: THE TERROR OF SEXUAL EXPLOITATION

In India, the issue of child abuse has not yet been discussed or investigated. The fact that there is still a taboo surrounding the topic and that crime rates are at an all-time high are related. Parents, guardians, and other caregivers never understand the importance of sex education and never talk to their children about sex, sexuality, or the physical, emotional, and hormonal changes that occur during adolescence. There is a misconception that child sexual exploitation is a western phenomenon and is not common in India.

The youngster is not made to feel safe and open by the parents, guardians, or caregivers. For instance, a mother who hasn't even told her girl child about her period leaves the child unable to understand the sexual advances made by others. The perpetrators are encouraged to take advantage of people's ignorance by silence. The prevalence of sexual abuse was discovered to be substantially higher among the top and middle classes than in the lower or lower middle classes. The National Human Rights Commission (NHRC) sponsored a report titled *Trafficking in Women and Children in India* that reveals how popular child sex tourism has become in India. Romania undertook a countrywide assessment on "Child abuse in residential care institutions" in 2000, conducted by UNICEF. According to research, 37.5% of children living in residential care facilities report having endured violent punishment or "beatings"

(approximately two-thirds were boys and one-third were girls). In 77% of the incidents, the perpetrators were identified as residential care workers. 19.6% of respondents, roughly half of whom were male and half of whom were female, said they had been sexually blackmailed, and 4.3% said they had been forced to have sex. Older people of the same sex (50%) and older people of the opposite sex (12%), as well as institutional workers, were the reported offenders of these sexual assaults.

In terms of international law, orphans constitute a type of child trafficking. Due to the lack of formal police clearance reports required by tourism organisations or orphanages to investigate the volunteers' backgrounds and the lack of authorities to oversee their behaviour, there is a significant risk that overseas volunteers will be sexually exploited. In childcare facilities as well as tourism businesses, there are no consistent child protection regulations or codes. Some orphanages have "open door" policies that let volunteers enter and exit at their whim and remove children from the facility as they see fit. In residential care facilities, abuse is frequently widespread due to a lack of accountability and guidelines.

Orphanage residents are utilised as a technique to solicit donations or volunteer help to raise money. They can be forced to solicit money or do a performance for the centres. There are care facilities established to satisfy western preferences. To raise money from abroad, the kids are portrayed as orphans. The recruitment, transportation, transfer, harbouring, or receipt of a child for exploitation is considered child trafficking according to the United Nations (UN) Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children 2000 (Article 3(c); the UN Trafficking Protocol). Sexual exploitation, forced labour or services, slavery or acts that resemble slavery, servitude, or organ harvesting are all considered forms of exploitation in this context. The misrepresentation of the children's orphan status and their upbringing in an institutional setting results in further exploitation. Among other places, child protection organisations in Nepal have documented this practice, where it has been reported that care providers take children away from their families for the sake of education before putting them in residential care facilities to draw orphanage tourists and financial support. Children may occasionally be maintained in sick or impoverished situations to attract volunteers and donors. Additionally, kids who engage in begging or performing for visitors sometimes lack access to schooling. There is some evidence that children who volunteer are more susceptible to various types of injury, which affects their socio-emotional development. Children frequently experience abandonment after developing attachments to several short-term visitors and volunteers.

Scammers may appear as organisations that are soliciting funds for orphanages or seeking sponsorship for specific orphans. Donations might be solicited through calls, emails, or scam websites that use pictures and stories of fictitious orphans to appeal to the sympathy of the recipient. International visitors who have volunteered in orphanages have occasionally been the victims of blatant scams from corrupt orphanage managers. Although these frauds are not specifically related to kids, they nevertheless show how kids' suffering is sometimes exploited for selfish, materialistic gain.

Therefore, there is a crossover between global volunteering and kid sex tourism. To engage in sexual activity with youngsters, international volunteers across the globe. Due to this, they are vulnerable orphans living in a more miserable situation.

TRANSNATIONAL FACETS

The globally endorsed human rights treaty is the Convention on the Rights of the Child (CRC). This demonstrates the standards of the rights and obligations as well as the obligations and commitments of the parties about the rights. The rights of children everywhere, as outlined in the instrument, fall into four main categories: the right to survival, the right to develop to one's full potential, the right to protection from all forms of neglect, abuse, and exploitation, and the right to participation in family, community, and society.

Article 19.1 of the UN Convention on the Rights of the Child (CRC) states that States 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, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child."

By paragraphs 19 and 20 of the aforementioned treaty, this convention seeks to offer the children who have been forcibly or unintentionally separated from their families extra protection and security. The state has a greater responsibility to take the necessary action to safeguard the children from the violence that is adhered to them in these institutions. According to the Preamble of the CRC, "... the child, for the full and harmonious development of his or her personality, should grow up in a family setting, in an atmosphere of pleasure, love, and understanding." Children are protected from exploitation under Articles 34 and 35 of the CRC, particularly prostitution, pornography, and trafficking. There is a special international statute, known as (OPSC) Article 3 to Acknowledge CRC, that addresses child sexual abuse. Additionally, it highlights the responsibility placed on the state to rehabilitate and rescue the kids who have been the victims of brutality, cruelty, and exploitation. According to article 43, the state must form a committee, and according to article 44, the committee must produce a report on the actions they took to stop child abuse, recover from it, and the progress they made. A dignified life is guaranteed to impaired children under Article 23.

REQUISITE OF FAMILY AND EVOLUTION OF CHILD

“We have to wipe their tears and transform their gloomy faces into happy ones. We have to kindle the flame of hope and a better tomorrow in them.”

-The First Lady of Pakistan, Begum Sehba Pervez Musharraf, 2005

The kind of environment that kids grow up in has a big impact on their well-being and development. There is a substantial body of research that supports the idea that the more depressive symptoms, aggressive behaviour, resentment, developmental delays, attachment disorder, lack of life skills, effort in forming and maintaining relationships, etc. that are widely seen in orphans are caused by the lack of a healthy environment, family, or early institutionalisation. In-depth discussion of these variations :

- Orphans and emotions: The most important factor is age. The amount of data indicating that orphanages are most detrimental to a child's mental health while they are young has been overwhelming. The first five years of a child's life are a critical time for their physical, mental, psychological, social, and cognitive development. However, they go through the hardships of life alone and without any emotional support. Orphanages don't even make a little dent in this area. Numerous factors contribute to this, including inadequate understanding, societal beliefs that children require emotional care, trouble recognising mental illness, and incapacity to deal with issues.

Children may occasionally receive discipline for displaying negative emotions. The elementary education of children and meeting their fundamental needs are given more importance in Indonesian institutions, which implies that the mental health of orphans receives little to no attention. In the vast majority of facilities, it was discovered that violence, particularly physical and psychological punishment, was frequently used. Government childcare facilities frequently operated in a militaristic manner with "call-up," "line-ups," and "public hearings," as well as pushups, rollovers, crawling, and running as punishments, and in one case, collective beatings. The importance of adhering to religious teachings and standards was stressed by faith-based institutions with strict regimes of rules and practises, particularly some of the more traditional Islamic-based child care facilities. Children surely experience public humiliation and insult, which lowers their sense of dignity, confidence, and self-worth.

- Orphans and bereavement – Children grieve the loss of their family and parents much as adults do. In contrast to adults, kids lack the wisdom and insight to move on from the loss. Their internal issues, which continue to fester, will damage not only their youth but also their future. As a result, they have no desire to eat, are weak, are unable to pay attention, are depressed, are angry, etc.

These youngsters are at risk of physical and sexual abuse because of their unrequited affections and emotional vulnerabilities, which may lead them to be more trusting of strangers and make them easy prey for drug abuse and sexual exploitation.

- Orphans and societal change: Although the consensus on orphans is that they should be supported and protected, the admittance of youngsters to these institutions represents a complete turnabout. After their parents pass away, middle-class or upper-middle-class kids may move in with relatives, be forced to live alone, be separated from their siblings, or wind up in orphanages.

Many children would struggle to adjust to new developments, it is feared. Mine (1988) makes it abundantly evident that failing to adjust to social change on an individual's part, rather than the social change itself, is what may lead to psychological issues. Social change and the ensuing need for adaptation lead to stress, much like grief. According to Mind (1988), this stress may manifest as symptoms of disobedience, anxiety, depression, and other behavioural disorders. Learning issues may be brought on by the same symptoms. Children who are angry, scared, or depressed may have trouble focusing in class and perform poorly as a result. The child's psychological issues will worsen if the family and school systems fail to detect these indicators and address them.

- Orphans and physical work – there is a lack of educational resources, inadequate mealtimes, a lack of power in dorms, and needing to get up early to complete tasks before heading to school. Before morning classes began, youngsters in some institutions were entangled in chores like cooking and physical training. When they arrived in class, they were worn out and unable to concentrate. There have been times when kids were unable to spread their beliefs. When kids disobeyed, they were warned, instructed, or given a punishment assignment, like cleaning the bathroom or digging a pit, etc.

The requirement for a ventilator for the patient is analogous to the necessity for the family during childhood. The child's personality and development are bolstered by love, a sense of community, enduring relationships, and shared cultural, traditional, and historical experiences. Particularly in their early years, between birth and age three, children crave human engagement. They talk, look for their parent's eyes, and listen for their sounds. A child's brain development may be harmed if they and an adult do not have a loving, responsive, and reciprocal relationship. Biological, foster, and adopted children fare better in terms of their physical, intellectual, and developmental results than children in institutional care.

USA AND INDIA

In the USA, there are two levels of law: state and federal. In contrast to India, the Child Abuse Prevention and Treatment Act in the United States has a definition of the word "child abuse." A lot of criticism was levelled at the growing number of cases. They have also been charged with meddling with families unnecessarily by conducting hostile investigations into parenting styles. The enormous number of children placed in foster care, the length of time they stayed in care, and the number who drifted from foster homes to foster families without being released for adoption or returning to their parents raised public concern during the 1970s. With the passage of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the federal government mandated that states make "reasonable measures" to stop out-of-home placement, encourage family reunions, or locate the children's permanent homes.

The reforms have not been fully implemented. The courts are not prepared for the new responsibilities that were given to them in 1980. The agency's ability to continue operating was constrained by the funding. The social security statute was amended in 1993 to address these issues. The CPS personnel has been hired to increase the mechanism's effectiveness. The validity of the claims, the identification of the offender, and the conditions of the children must all be determined by CPS staff. The public's willingness to embrace such a system will largely depend on its ability to guarantee that safety while also acknowledging and respecting parents' obligations to raise their children.

RECOMMENDATIONS FOR PUTTING A FULL STOP TO CHILD ABUSE

- With sufficient facilities and support, many kids who would have otherwise been left behind by their parents would have grown up in their families. In the paper, the importance of the family has been vividly illustrated. In addition, raising a child in a family is generally less expensive than in institutional care. More services like free lunches and education should be made available to the lower strata of society. Due to their urgent need for financial support, children with disabilities will experience a decrease in the number of institutionalised children. The governments must make bigger political and financial commitments as a result. Because the family is such an important social institution, it is important to invest in it.
- Without parental care and guidance, children cannot survive, and teenage requirements are not met by institutional care. Consequently, there is a requirement for an institutional care substitute. Adoption must be created, controlled, and upheld by international standards, as must fostering, kinship care, and other positive care choices. It is important to make an effort to give the child a sense of permanence, a "primary attachment figure," and the opportunity to be with individuals they know and trust. A final resort should be institutional care.
- The majority of violent acts are committed by employees, according to records. So, following a thorough background check, there needs to be a tight screening and recruitment process. To deal with the orphans, the personnel needs to be effectively taught human rights and nonviolent disciplinary tactics. There need to be separate employees for counselling, cleaning, and health care. The status quo of the institutions will improve as a result of this.
- Another strategy for reducing child maltreatment is to have facilities independently audited and monitored by certified bodies with access to all areas and the flexibility to speak with staff members and children in private. These organisations ought to have the authority and resources necessary to keep an eye on things and swiftly look into any claims of violence. Ombudspersons, impartial commissions, and citizen or police review boards, among others, may be among these organisations. Special instructions on self-defence techniques and troubleshooting procedures should be given to the kids.
- The worldwide Guidelines for Alternative Care for Children are a crucial resource for enhancing child welfare and protection. In national strategies, laws and policies, budgetary allotments, plans for the development of human resources, and the creation of care services, governments should accept and implement them. It should be a top priority to make sure that young children under three may remain with their families or have access to excellent family-based alternative care. In all areas, including physical and mental health, nutrition, cleanliness, respect for children's privacy and dignity, lack of overcrowding, recreation, and mobility, the situations and conditions in these institutions should adhere to the CRC and other international benchmarks.

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