

# **SAVE YOUR CHILD FROM UNICEF**

A study of UNICEF's biased and false claims about Indian parents

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“Philanthropic people lose all sense of humanity.  
It is their distinguishing characteristic.”

— Oscar Wilde

## PART I

### INTRODUCTION

In the year 2007, the Ministry of Women and Child Development published a report called “Study on Child Abuse: India 2007” (“Report”).<sup>1</sup> The Report was published with the involvement and support of a number of non-governmental organisations (“NGOs”) and some mental health consultants, led by the United Nations International Children’s Emergency Fund (“UNICEF”), Save the Children and an Indian NGO called “Prayas”.

The logos of UNICEF, Save the Children and Prayas are stamped on the Report. Their officials are named as part of its research team.

As is well known, UNICEF is an international United Nations agency and Save the Children, is an international NGO.

#### ***Position of UNICEF-Save the Children on child policy***

UNICEF and Save the Children advocate an approach to child welfare whereby the welfare of the child is framed as a question of the legal and human rights of the child; rights that it can claim directly from the Government. The idea is that children should be enabled to speak for themselves.

A key tenet of this approach to child welfare is that in societies where children are seen as the sole or primary responsibility of the family, their voice is suppressed by authoritarian parents who do not see them as individuals in their own right.

A key strategy of UNICEF, Save the Children and allied child rights bodies in propagating this vision of child welfare, is to claim that families are widely abusive of children: sexually, emotionally and physically. On this basis, the argument goes, there is urgent necessity to put in place governmental institutions and processes that will allow children to escape the family, and allow the Government to supersede the family in enabling children to do so. These Government institutions and processes are given the name “child protection”.

In the world of child rights, therefore, “child protection” is a term of art, a technical term for a certain type of governmental machinery empowered to supersede the family in taking decisions and actions about children.

#### ***Why we have made a study of the 2007 Report***

For reasons discussed in the body of our paper, we believe that the Ministry of Women and Child Development, and hence the Government of India, has endorsed and adopted the UNICEF-Save the Children version of child protection. Although their specific recommendations on child protection are yet to be fully implemented by the Government,

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<sup>1</sup> The Report is available on the internet at: <http://wcd.nic.in/childabuse.pdf>.

many steps have been taken to lay down the institutional infrastructure and legal provisions for it.<sup>2</sup>

The Report discussed in this paper spans the entire UNICEF-Save the Children framework of child protection: dealing with physical abuse, sexual abuse, emotional abuse, the case for police and Government intervention, and the reasons why the family fails to protect children, and in most cases perpetrates and abets, child abuse.

The Report is a foundational document of the Ministry of Women and Child Development. It was one of the first projects to be undertaken when this Ministry was formed in the year 2006, by taking the Department of Women and Child Development out of the purview of the Ministry of Human Resources, to be constituted into a Ministry in its own right.

At this point in time, the newly formed Ministry was looking for a framework, or a basic vision, on which to define itself, and set the agenda for women and children in India. The Report lays down some of the basic concepts based on which the Ministry has since devised policies and suggested laws regarding children.<sup>3</sup>

As we will see in the paper, the basic position of the Report is that the children of India urgently require “protection” and “rights” against adult members of society, in particular their parents, teachers and members of their community. The Report argues that governmental intervention is required because Indian families are patriarchal, violent, stifle the voice of children, leave children vulnerable to sexual abuse, and are hostile, neglectful and discriminatory of the girl child. In this manner, according to the Report, the rights of Indian children are being violated, and the safety of Indian children is being compromised.

The harsh condemnation of Indian family and society is justified in the Report by claiming that there are alarmingly high rates of abuse of children in India, with almost every other child suffering some form of abuse, the majority of which is perpetrated by family members. This is, of course, of a piece with the key tenets and strategy, mentioned above, of the UNICEF-Save the Children approach to and advocacy of child protection.

In this paper we will attempt to demonstrate how the high rates of child abuse claimed by the Report were **rigged by manipulating statistics and exaggerating the responses of respondents** surveyed for the Report.

We analyse the Report as an example of everything that is **debatable, misrepresented and blatantly false** in the UNICEF-Save the Children presentation of the state of Indian children,

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<sup>2</sup> Some of these are discussed in Part VII of this paper.

<sup>3</sup> The Report says at page 20 that: “The study has been able to throw light on many important findings that will serve as the benchmark and support the Government to formulate legislations, policies and schemes for child protection.” In its final chapter, “Conclusions and Recommendations”, the Report says (page 121) that “the purpose of the study was to establish that child abuse exists and also to provide the information base that will help government to formulate, legislation, schemes and interventions to deal with the problem.”

and their suggested solution in the form of Western-style child protection, which the Government has apparently endorsed.

We intend to take out a series of papers to engage people, especially ordinary people with children and families to care for, on the issue of Governmental interference in the raising of children, egged on by racist and anti-family international NGOs. This paper is our first step in that direction.

## PART II

### BASIC STATISTICAL ERRORS

In this part of our paper we discuss errors in the statistical methods and consequent flaws in the data gathered for the Report. Broadly, these involved the incorrect use of purposive sampling to make nation-wide claims, unsystematic and arbitrary choice of respondents, and a failure to account for admitted errors and flaws in the quality of data obtained.

#### *Misuse of Purposive Sampling*

The Report is based on a survey of 17,220 respondents of which 12,447 were children of ages 5 to (under) 18 years; 2324 were young adults of ages 18 to 24 years and 2449 were so-called “stakeholders” (including teachers and NGO workers). The Report states that a method known as “purposive sampling” was used for identifying respondents for the survey.<sup>4</sup>

For the uninitiated, purposive sampling, also known as “non-probability” sampling, is not a sampling method used to make generalisations or predict probabilities of behaviour for an entire population based on the sample, but to observe patterns in a small, well-defined class of persons. For research questions spanning an entire nation or subcontinent (such as India), purposive sampling can at best be used for preliminary studies to enable the researcher to better design his research, or articulate the types of questions he needs to ask to test his hypothesis.

But in the Report, data gathered from purposive sampling of 17,220 respondents is applied to the entire population of India, including 44 crore Indian children and their families.

The child respondents were sub-divided into five sub-groups groups of between about 2200 and about 3100 in size. Much of the data that is applied to the whole country is taken from these small sub-groups, and not even from the overall sample of children participating in the survey.

#### *Failure to corroborate findings*

Since to a certain extent, all research, even that using non-probability sampling, makes some generalisations about the group under study, even when purposive sampling is used, the convention is for the researcher to apply a combination of non-probability sampling methods and other verification procedures, to get corroboration for her findings. However, no such steps were carried out by the authors of the Report.<sup>5</sup> The Report merely quotes in support of a few of its findings, a couple of child abuse studies that were carried out on groups of children to which the respondents surveyed for the Report bore no resemblance, except that they were children.

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<sup>4</sup> Page 15 of the Report: “A multi-stage purposive sampling design was adopted for the study.”

<sup>5</sup> Page 20 of the Report: “The lack of comprehensive research studies on different forms of abuse made the corroborative analysis difficult.”

### *Arbitrary and unsystematic selection of respondents*

The selection of respondents for the Report's survey was arbitrary and unsystematic. As we will see below, very little, if any, thought appears to have been given towards developing a rationale for the selection of respondents.

Before starting the survey, a target of 18,200 respondents was set for the survey sample.<sup>6</sup> However, in the end data was obtained for only 17,220 respondents. Yet there is no explanation of how this would affect the research or what steps were taken to account for the variation.

In order to arrive at the sample,<sup>7</sup> the country was first divided into six zones: North, South, East, West, Central and North East. The Report does not explain the basis for demarcation of the zones. Two States were selected from each zone.

The selection of States and districts within States is said to have been done by comparing "literacy quartiles" and "literacy rates". Crimes against children as reported in the National Crime Record Bureau were also looked at, it is claimed that all "quartiles of offences/crimes against children" were represented in the States. Based on the above, the following States were selected: Mizoram, Assam, Goa, Delhi, Rajasthan, Uttar Pradesh, Bihar, West Bengal, Maharashtra, Andhra Pradesh, Gujarat, Kerala and Madhya Pradesh.<sup>8</sup>

Hindi-speaking States were disproportionately represented, but there is no accounting for this in the sample selection.<sup>9</sup> None of the hill states, other than Mizoram from the North East, seem to have been included. The Report says of Uttarakhand that it was ignored, even though it fell in the uppermost literacy quartile of the Central Zone, because of "problems of accessibility owing to difficult terrain and widely dispersed population."<sup>10</sup> It need hardly be said that convenience of access is no rational basis for including or excluding a State from the survey.

By cutting out Punjab, the survey practically ignores an entire religious group – the Sikhs. It is puzzling that the Report chose to ignore Punjab when the country is worrying over the drug-problem among the youth being reported from there.

In the States left out, entire linguistic communities have been ignored, such as Oriya and Tamil speakers.<sup>11</sup>

Maharashtra is said to have been chosen because it has a large number of children on the streets and at work, showing the assumption of the survey that these are groups that will show higher rates of child abuse. But there was no conscious selection of States with comparatively

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<sup>6</sup> Page 17 of the Report.

<sup>7</sup> From page 15 of the Report.

<sup>8</sup> Page 35 of the Report.

<sup>9</sup> Page 35 of the Report: 45.2% of the respondents were Hindi-speaking.

<sup>10</sup> Page 15 of the Report.

<sup>11</sup> For languages represented among the respondents, see page 35 of the Report.

lower numbers of children on the streets or at work to temper or test this assumption about abuse rates among such children.

Blocks within districts were identified based a comparison of literacy quartiles – one block was selected from the upper quartile, and the second from the lower quartile. Fifty children were selected from each block. The Report gives no explanation for looking at this particular number of children. So we are left in the dark as to why fifty, and not any other number of children, were selected per block.

The child respondents were divided into five so-called “evidence groups”: children in family environment not attending school; children in schools; children in institutional care; working children; and street children. But many of the children in schools were also children with families. Similarly for working children and street children. Some of the street and working children may also have been attending school. The Report does not clarify this aspect. So the division into evidence groups also seems to have been arbitrary.

The Report claims that the selection of child respondents for each evidence group was “as representative as possible”.<sup>12</sup> But there is nothing in the sampling methods to show how, and of what, each evidence group was representative.

Children in institutions are said to have been identified on the basis of government records “and with the help of NGOs”.<sup>13</sup> No explanation is given for these categories of selectors or these methods of selection. Schools are said to have been selected through purposive sampling, a non-probability sampling method that is, as explained above, not used to make generalised claims about an entire population.<sup>14</sup> Child respondents for the evidence group “children in family environment not attending school” are stated in the Report to have been selected by “quota sampling”, again a non-probability sampling method. Quota sampling involves sub-division of the population under study into mutually exclusive sub-groups, and a selection of candidates in proportion to certain chosen characteristics (for example, religion) in the population. But no such steps are reported here.

The Report also surveyed “young adults” of the ages 18 to 24 years about their childhood and took the views of so-called “stakeholders” on child abuse. Again, the choice of respondents in these categories was arbitrary, both as to number and type. Apart from their age, the only description of the Young Adults is that they “were engaged in work in the government and private sector, agricultural sector, business etc.”<sup>15</sup> The stakeholders selected are listed as people that “held positions in government departments, private service, urban and rural local bodies and individuals from the community”.<sup>16</sup>

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<sup>12</sup> Page 15 of the Report.

<sup>13</sup> Page 16 of the Report.

<sup>14</sup> Page 15 of the Report.

<sup>15</sup> See page 16 of the Report.

<sup>16</sup> See page 16 of the Report.

### ***Arbitrary variation in size of different classes of child respondents***

The number of child respondents varied arbitrarily from one evidence group to the other.<sup>17</sup> The evidence groups are said to be of “fairly equitable sample size”<sup>18</sup>, even though, in fact, the variation between some of these so-called “equivalent” categories was as high as 40%.

The sample size of children in the age group of 5-12 years is stated to have been consistently higher than in the other two age groups,<sup>19</sup> being 12-15 years and 15-18 years, but the Report fails to state how this variation was accounted for in the final analysis.

### ***Lack of independence, objectivity and relevant experience of persons conducting the survey***

Independence and relevant experience seem to have formed no part of the data gathering and collation for the Report. The only qualification that seems to have been required for people carrying out the survey was that they be “graduates and post graduates in the field of social sciences”.<sup>20</sup> So it is quite likely that most of the surveyors were fresh out of university, and without any experience raising or being with children.

Not only were the surveyors possibly inexperienced in interacting with children, there appear to have been no controls in place to account for the limitations in the child respondents’ capacities for understanding questions and articulating responses to them.

The surveyors were instructed not to fill in the “Information Schedule” for children in front of them, but to only take down notes while engaging children in “friendly dialogue” through group discussions and “one-to-one interactions”.<sup>21</sup> After the sessions with the children for the day were over, the interviewers were to feed data into the Information Schedule, based on notes taken. So the responses attributed to children in the Report are based on a two-fold interpretation by the surveyor of what the children said, first as interpreted in the notes taken during the interactions with the child, and second, when filling out the Information Schedule.

Also, the Information Schedule was designed in question-answer format.<sup>22</sup> So responses attributed to children interviewed were reported by the surveyors in the form of answers to specific and direct questions as listed in the Information Schedule. In other words, the data attributes answers to children, even though the interviewer did not ask any direct questions, but extracted, and hence subjectively interpreted, the answers from an apparently free-wheeling “dialogue” with the child. Part of the so-called dialogue having taken place in a group of several children, with the distractions and confusion typically attendant on any group activity with small children. We are thus looking at a data collection exercise that involved ***three layers of subjective interpretation*** by a possibly inexperienced surveyor, and no reported controls to bring objectivity into the data gathering exercise.

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<sup>17</sup> See pages 17-18 of the Report.

<sup>18</sup> See page 18 of the Report.

<sup>19</sup> See page 18 of the Report.

<sup>20</sup> Page 16 of the Report.

<sup>21</sup> See Section 2.7.2, page 17 of the Report.

<sup>22</sup> See page 158 of the Report.

The agencies, sub-agencies and national level committee formed to oversee and co-ordinate data collection at each level, were all appointed by the Government itself, in all likelihood acting on the advice of the NGOs who partnered it in preparing the Report. So there was no attempt at ensuring independence in the data gathering either.

### *The strange case of Goa*

In the State-wise analysis of severe sexual abuse of children, the Report says the lowest rate was recorded in Goa.<sup>23</sup> The Report says that this does not square with the common understanding of the situation in Goa.

We are unable to understand this statement – what is the “common understanding” of Goa to which the Report refers? We are aware that there is a general idea that Goa has a problem with substance abuse by the young and attracts paedophile sex tourism. Is the Report endorsing this understanding of Goa? If it is, then why did it not make further and better enquiries, particularly since this was a report about child abuse? If the Report does not endorse this understanding of the situation in Goa, then why does it make a reference to it?

The Report also says that the number of respondents included in the survey from Goa was much smaller than from other States. This should have prompted some redesign of the research, or at least exclusion of the data from Goa. But the Report includes the Goa data without any adjustment, merely stating that: “data collection in Goa began late and there were difficulties in the process.”<sup>24</sup>

### *Admitted defects in data gathering*

Some of the defects in data gathering are noted in the Report itself. At the end of the chapter on Research Methodology it is stated that the data had “impurities”; that the authors of the Report were not able to maintain a uniform standard of data collection and “quality control”; and that they were unable to do “corroborative analysis”.<sup>25</sup>

But surely this apparent disclaimer is rather disingenuous. Either the data gathered is reliable, or it is not. If there are defects in the data gathering, then the Report has to state how the analysis has been adjusted to mitigate these defects.

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<sup>23</sup> Page 76 of the Report.

<sup>24</sup> Page 18 of the Report.

<sup>25</sup> Page 20 of the Report.

## PART III

### PHYSICAL ABUSE: BIAS, EXAGGERATION AND RIGGED STATISTICS

In this part of our paper, we analyse the claims in the Report about physical abuse of children in the family. The Report also covers physical abuse of children in schools and abuse of working-, street- and institutionalised children. But we focus on the claims about abuse by family members, as the most insistent claim of the Report is that Indian families are inherently violent towards children.

#### *Misapplication of statistical principles and poor quality of data*

Since the data underlying the Report was obtained through purposive and other non-probability sampling, for the reasons discussed in Part II, it was wrong to apply its findings to the general population of children in India. So, for example, the Report is not justified in making the claim that *two out of every three children in India are “physically abused”* based on its finding that about 69%<sup>26</sup> of the child respondents in the survey were reported to have been “physically abused”.<sup>27</sup>

This restatement of a finding of 69% abuse as two in every three children being abused is in of itself a statistical misrepresentation. Such a statement purports to express the manner in which a phenomenon is *distributed* in a population. But the percentage rate of a phenomenon is *not* the same as its distribution. Certainly, *you cannot assume that a phenomenon is uniformly distributed based on its rate of occurrence*. If random sampling is used, then you may be able to make such a claim, always subject to stated limitations and margins of error. But, as already discussed, random sampling was not used in the data gathering for the survey.

To put it very simply, if you are looking at 10 families with, say, two children each, a finding that *fifty percent of the children love chocolate does not mean that one child of every two you look at in the sample will turn out to love chocolate*. If you randomly pick children in twos from the sample, some two may both report disliking chocolate, and some two may both report loving it. It is important to bear this point about distribution in mind, because implying that a horrible act like child abuse is *uniformly* found in a population compounds the accusation. It implies a situation where practically every family has atleast one abused child. It implies, not just the *existence* of child abuse, which no one would deny, but of a *nation of abusers*.

It might be said that with a high rate of 69% physical abuse being reported, the fact that the incidence of abuse may not be uniformly distributed is not of much significance. But, as it emerges below, this rate itself, along with all the other percentages and ratios claimed in the Report, are highly suspect.

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<sup>26</sup> The exact figure is 68.99% (page 44).

<sup>27</sup> Page 44 and Page 68: the first so-called “major finding” of the Report is that “Two out of every three children are physically abused.”

### ***Misrepresentation and exaggeration of own data***

The data gathering for the Report was unsystematic, arbitrary and unscientific. The reasons for this are explained in detail in Part II, and are not repeated here. But the problem in the Report is not just the failure to apply the proper statistical procedures. Even ignoring the Report's failure to gather credible data, the Report misrepresents its own data and exaggerates its findings in a number of ways.

### ***Overbroad definition of "physical abuse"***

The first is by using alarmist language such as "abuse". "Child abuse" in the common understanding refers to a situation where the perpetrator is an adult personally known and trusted by the child. Hence the term "abuse", rather than a more general term such as "violence" or "assault".

To say that the overwhelming majority of children in India are "physically abused" conveys an impression about what happens to Indian children, not in the public sphere or in their interaction with playmates, strangers or police officers, but in their personal, everyday life, in their homes, schools and communities. It conveys an impression of aggression and violence perpetrated, not by playmates or siblings, but by the child's adult custodians. Above all, since "abuse" is generally understood as referring to things happening in a child's family, *it is a direct accusation levelled at Indian parents.*

So the first manipulation in the Report is to use the expression "physical abuse" for instances where the perpetrator is *not* an adult known to the child, but *another child*, such as a playmate or sibling; or a *stranger*, such as a policeman.

Bullying by peers and police atrocities are reasonably a concern for anyone looking at the well-being of children. But, given the general understanding of the term "child abuse" as applying to what is done to a child by its adult intimates, it is blatantly misleading to club peer bullying and police atrocities with parental or school abuse. The last thing on the mind of anyone reading a report saying that two out of every three Indian children are physically abused, is that the perpetrator of the abuse was a class fellow, stranger or police officer.

The exaggeration becomes even more apparent when you realise that the so-called "physical abuse" of the Report includes, not just severe beating or causing injury, but "pushing", "slaps" and "beating" with a "stave"<sup>28</sup> or "stick".

Some people hold that children should never be slapped or spanked, but even allowing for that view, there is no warrant for labelling slapping as "abuse".

Serious allegations that the Report makes, such as that two out of every three children, or 69% children are physically abused in India, come across very differently when you realise that by "physically abused" the Report means not just severe beatings, but a whole range of

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<sup>28</sup> The word "stave" is not defined in the Report, and it is not a word commonly used, atleast not among English speakers in India. This word was probably used to bring in hitting on the palm or knuckles with a flat wooden ruler, which is known to be a form of punishment used in Indian schools.

acts from slapping, to disciplining by corporal punishment, to injury-causing assaults, in which (as we will observe later) the largest proportion of so-called abuse is *slapping*.

### ***Data misrepresented to portray Indian parents as highly physically abusive***

The Report paints a picture of deep oppression, bordering on hatred, of Indian families, especially parents, towards their children. We are told that “[Indian] fathers and mothers, consider their children as their property and assume a freedom to treat them as they like”,<sup>29</sup> that “[Indian parents] adopt harsh methods of disciplining children”,<sup>30</sup> that “children faced high level of physical abuse in families”,<sup>31</sup> and that “often the child is the easiest target for the parent to vent their frustration on”.<sup>32</sup>

Let us take a look at the evidence for these allegations.

### ***Reported rate of 89% parental abuse***

The Report states that “89% children were subjected to physical abuse by parents”.<sup>33</sup> Recall that the overall rate of physical abuse of children by family and others combined was stated in the Report to be 69%. So the claimed rate of parental abuse was clearly not calculated on the total number of children surveyed, but on a smaller sub-set of them. Stating the rate by looking at a smaller subset has the obvious effect of magnifying the figures. So it is worthwhile to investigate how the 89% figure was arrived at in the Report.

With its characteristic lack of analytical rigor (or was it deliberate obfuscation?), the Report does not state how it arrived at its claimed rate of 89% parental abuse. But other figures in the Report give us some hints.

The Report says that: “An attempt has been made to see the extent of physical abuse of children in families as compared to the physical abuse of children by others. The study revealed that the percentage of physical abuse inflicted by family members (48.7%) was higher than that of others (34.0%).”<sup>34</sup> Again, it is not stated as to how this percentage was calculated.<sup>35</sup> But since “parents” are a sub-set of “family members”, the overall rate of parental abuse cannot be higher than the overall rate of family member abuse. How then does the Report claim a figure of 89% parental abuse, while at the same time claiming nearly half that rate, 48.7%, for family member abuse?

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<sup>29</sup> Page 43 of the Report.

<sup>30</sup> Page 43 of the Report.

<sup>31</sup> Page 48 of the Report, second “Major Finding”.

<sup>32</sup> Page 49 of the Report.

<sup>33</sup> Page 47 of the Report.

<sup>34</sup> Page 48 of the Report.

<sup>35</sup> This is a major gap in the Report because we are left in the dark as to how it was possible to meaningfully compare rates of family member abuse with non-family member abuse from the child respondents surveyed. If these are overall rates, then the comparison would be skewed by the fact that those surveyed included children without family. If the base for comparison was the sub-set of child respondents who had family members, then a fair comparison would also have had to take into account the fact that children with family would be less likely to be exposed to non-family authority figures who were in a position to “abuse” them or discipline them.

We will assume that the figure of 89% abuse by parents was calculated on the number of children reporting abuse by a family member. In other words, the number of children reporting parental abuse was 89% of (48.7% of X), i.e., 43.34% of X, where X could be the total number of children surveyed, or some smaller sub-set of the total (such as the total number of children in the survey that had family (i.e. were not orphans)).

So what appears to be a staggering claim that “89% children were subject to physical abuse by parents”<sup>36</sup> turns out, if our assumption is correct, to be supported by data that only evidences *below half* of that figure, 43.34% children (whether overall, or a smaller sub-set of those surveyed), reporting physical abuse by parents.

Even though 43.34% is less than half the rate claimed by the Report, it would appear to indicate a fairly high percentage of parental physical abuse, until we recall the overbroad definition of physical abuse used in the Report. Since “physical abuse” is broadly defined in the Report to include non-severe acts, such as pushing and non-severe slapping, we are not looking at data that shows 43.34% parents severely beating or causing injury to their children. We might even be looking, based on the discussion below, at data that merely tells us of a substantial amount of non-severe slapping by mothers of children.

#### ***Data reveals severe cases of abuse are a minority***

For some reason, the Report does not give the overall breakdown of forms of physical abuse by parents. After setting out the overall figures discussed above, the Report goes on to give familial physical abuse rates only for a sub-set of the child respondents, a group of 2245 children classified as “Children in family environment, not going to school”.<sup>37</sup>

We will not apply the rates of abuse found in the sub-set to all the child respondents claiming family abuse, as children in other sub-sets (termed “evidence groups” in the Report) of the sample surveyed may also have claimed family abuse. But if the data on all child respondents claiming family abuse followed the same general pattern as the data on family abuse revealed in the sub-set, then we are looking at a very different situation as to family child abuse to the one portrayed by the Report.

Let us first look at how much severe physical abuse<sup>38</sup> is reported in the sub-set as having been caused by parents. If most of the parental abuse reported is not severe, then we are looking at highly unjustified claims by the Report about Indian parents.

In the sub-set, 14.83% of the reported in-family abuse is said to be severe.<sup>39</sup> So of the sub-set used to study familial abuse, severe abuse occurred only in a minority of cases. We will

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<sup>36</sup> Page 47 and 48 of the Report.

<sup>37</sup> The other sub-sets (or “evidence groups” as the Report calls them) into which the child respondents were divided were working children, street children, children in school and children in institutions. It is not clear why the analysis of familial abuse was restricted to the subset of “Children in family environment, not going to school” as some, and perhaps the majority, of children in the other categories (except the category of “children in institutions”) also lived with family.

<sup>38</sup> Defined in the Report as physical abuse resulting in swelling, bleeding and other serious injury. See page 51 of the Report.

assume that the relatively smaller incidence of severe abuse by family members (and thus by parents) within the sub-set also applied when you looked at all the children reporting family abuse in the survey.

### ***Data reveals the majority of cases reported as abuse are cases of slapping***

The Report on the sub-set goes on to say that 74.3% of in-family abuse was in the form of “slapping/kicking”.<sup>40</sup>

Another way the Report misleads the reader is by clubbing the data on slapping and kicking of children. Slapping and kicking have been treated as one category of physical abuse even though the two are widely different in severity and impact on the child.

In the questionnaire for children being asked about physical abuse by family members,<sup>41</sup> slapping and kicking are presented as one category. *So a child answering “yes” for slapping, is also reported as answering “yes” for kicking*, which is highly misleading. In the questions for children on physical abuse by “others”, slapping and kicking are presented as two distinct categories, but the Report does not disclose the numbers reporting kicking versus slapping.

It is not clear why slapping and kicking were clubbed except to make findings about **slapping**, which is a relatively minor category of “abuse”, look like a finding about **kicking**, an ugly and more severe form.

We have some clues as to the relative proportion of slapping to kicking from the data on young adults surveyed about their childhood experiences.<sup>42</sup> 49% young adults are reported as

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<sup>39</sup> This amounts to only 2.67% of the total number of children surveyed. Since children in other groups who had family may have also reported severe in-family abuse, this figure of 2.67% may not be the true rate of severe in-family physical abuse for the total sample.

<sup>40</sup> Page 51.

<sup>41</sup> Annexed to the Report at page 158 as Annexure 8. See especially questions 8.1(b), 8.1(c), 8.2(b) and 8.2(c). Section 8.1 of the questionnaire deals with physical abuse by family members and Section 8.2 deals with physical abuse by “others”. In Question 8.1(b) “slap/blow/kick” are given as one category, so a child answering “yes” to slap by a family member is reported as answering yes to “blow” and “kick” by a family member as well. In Question 8.2(b) (dealing with physical abuse by “others”, i.e. non-family members), “kick” is a separate category from “slap/blow”; but for some reason the Report does not give the breakdown between slapping and kicking reported for children, even for others, choosing instead to disclose only (at page 48) the aggregate figure of 63.67% slapping and kicking by others. The Report gives (at page 48) the breakdown of forms of assault by “others” as follows: slapping/kicking: 63.67%; beaten by stove/stick: 31.31%; pushing/shaking: 5.02%. At page 51, the Report also gives the breakdown of forms of assault by family members in the evidence group “children in family environment, not in school” as follows: slapping/kicking: 74.3%; beaten by stove/stick: 21.74%; pushing/shaking: 3.96%. It may be noted that on the findings of the Report itself, even though the questionnaire to children had the category “other” besides listing slap, blow, kick, stove, stick and *danda* (Hindi for stick) as methods for beating, not a single child reported a form of abuse other than these forms, despite the Report trying to alarm readers by making statements such as that “physical abuse” can include “stabbing” and “burning” (page 49, section 5.3.1) implying that the data revealed numerous instances of stabbing and burning when in fact there is not even one finding of such a thing in their own data.

<sup>42</sup> See page 65 of the Report. In addition to children, the Report also surveyed 2324 persons of the age group of 18 to 24 years asking them to report on whether they had been beaten in their childhood. The Report finds that 49% of the young adult respondents reported being beaten as children as opposed to 69% of child respondents. The lower rate of physical abuse (49%) reported by young adults than by children (69%) is attributed to the fact that the young adults surveyed were of “better” backgrounds than the child respondents.

having been beaten in childhood, the breakdown of forms of so-called “physical abuse” being: slapping - 44%; kicking - 7%; beaten by stick - 36%; and pushing – 8%.<sup>43</sup>

So what we have here is data indicating that the incidence of slapping was overwhelmingly higher, to the point of there being no comparison, to the incidence of kicking.

If we assume that this same relative disproportion applies to child respondents reporting slapping/kicking by family members, then what we are looking at is data that evidences that among the children reporting being beaten by family members, the overwhelming majority being beaten in the form of *non-severe slapping*. Since parents are a sub-set of “family members”, we will assume that the same logic applies to them.

### ***Overall picture on physical abuse from Report’s data***

Let us now step back and look at the overall picture that emerges:

- parental physical abuse rates were half or less than half of what was claimed in the Report
- of the cases categorised as parental physical abuse, the majority were cases of light slapping
- severe family-member, and therefore parental, physical abuse is reported only in a minority of cases
- 31% children interviewed reported no physical abuse, not even light slapping and caning<sup>44</sup>

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### ***Difference between disciplining and abusing a child***

In the questionnaire used for child respondents, the entire issue of physical abuse is set up as a question of how adults are disciplining their children.<sup>45</sup> So we can reasonably assume that in almost each reported case of slapping, the child was not talking about wanton and

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<sup>43</sup> See page 66 of the Report.

<sup>44</sup> Taking as valid the Report’s finding that overall 69% children reported physical abuse.

<sup>45</sup> See the questionnaire for children (Annexed at page 158 of the Report) at page 166; the questions about physical abuse are prefaced with the question: “Sometimes, a child behaves in a way which is not liked by mother, father or other elderly persons in the family. They may scold, push or even beat the child. How about you?” With this introductory question on the issue of physical abuse, specific questions about when, and by whom, the child was so beaten are asked.

malicious slapping, but of being slapped in the context of being corrected or restrained from doing something that was *bona fide* believed by the adult in question to be wrong or harmful.

Again, some people hold the view that any kind of slapping of a child, whether to discipline it or otherwise, is wrong. But even allowing for that point of view, when the data showed the majority of children do not report parental physical abuse, and that most cases of physical abuse were cases of a parent slapping with the intent of correcting an errant child, the harsh condemnation of parents in the Report is totally unjustified.

***Statistics on parental behaviour to be understood in context of their being the primary actors in the life of their children, especially when children are young***

Another point that must always be borne in mind when assessing data regarding the experiences of children is that in *any* survey of childhood experiences, no matter how you design it, the proportion of parents reported as so-called perpetrators is likely to be higher than any other class of persons.

This would be seen especially in cases where the survey is of young children (recall that the biggest group of children surveyed for the Report was of the age group 5 to 12, so the survey included more younger than older children).<sup>46</sup> The reason is simple, unless you are looking at orphans, most children live with their parents and the overwhelming proportion of children's direct experiences are either with parents, or mediated through parents.

So whether it is kissing or slapping, praising or scolding, encouraging or restricting, the maximum instances of such experiences will often be, as a proportion, higher from parents than from other categories of persons. The younger the age of the child, and especially if you are going to restrict your research to "disciplining" of children, the higher the proportion of parental actors you will find.

Since parents are the prime actors in a child's life, to say that "mostly it is parents who slap their children" is, statistically speaking, no more significant than saying that "mostly it is parents who take care of their children" and it is *not* the same as saying that "most parents slap their children".

***Children are not "stakeholders" according to the Report***

The Report also surveys a group of so-called "stakeholders" to elicit their views on physical abuse of children and measures to be taken in this regard. The Report states that the "stakeholders" sought out were "persons holding positions in government departments, private service, urban and rural local bodies and individuals from the community. Majority of respondents in this category (42.38%) were in government service, whereas 27.97% were from the private sector. Remaining 29.65% of the respondent stakeholders were from the

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<sup>46</sup> The Report says at page 18 that: "The sample size in the age group of 5-12 years was consistently higher than the other two age groups."

other categories which included parents, NGOs, community leaders, elected representatives of urban and local bodies.”<sup>47</sup>

Though the Report blames Indian parents for not treating children as individuals in their own right and for failing to give children a “voice”, the Report itself seems to fail in this regard by, very patronizingly, **not considering children as “stakeholders” in the survey.**

It is ironic that the Report does not even count children as stakeholders, while it bemoans the state of Indian children with statements about a lack of realisation on the part of parents that “children are individuals with their own rights”;<sup>48</sup> that children are “traditionally and conventionally not consulted about matters and decisions affecting their lives”;<sup>49</sup> and that “children’s views are mostly not given much importance”.<sup>50</sup>

### ***How child rights ideology actually fails to give a voice to children***

This is not just a case of the authors of the Report failing to apply their own stated principles. The apparent inconsistency is actually revealing of a deeper fallacy in the approach of the Report to child welfare.

Since the voice of the child has to be articulated by an adult, all you are achieving by silencing parents and other natural guardians in the name of being *child centric*, is that you are replacing their voice with *your own*, along with your biases, ideological beliefs and other subjective factors.

Even if you assume that all parents are biased by their patriarchy and authoritarianism, you are not solving the issue by replacing your voice for theirs; **and you are wilfully ignoring an important factor that tempers this apparently unjust hierarchy between parents and children - love.**

Going by how the Report responds when it disagrees with what stakeholders and young adults have to say about disciplining children, it would appear that the substitution of the voice of the child rights ideologue for that of the child’s parents, does not do anything to reverse the adult-child hierarchy that the Report seeks to criticise.

For instance, the Report says that both young adults and stakeholders agreed with some form of physical disciplining of children, and also that cases of physical abuse should be dealt with by family in preference to other options, such as bringing in the police.<sup>51</sup> The responses of young adults and stakeholders on these issues, as stated in the Report, also show that none of them advocated severe physical punishment, and that of the forms of physical punishment suggested, the overwhelming majority were in favour of slapping or caning, both of which followed *behind* shouting or scolding as the most favoured method of discipline.<sup>52</sup> But

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<sup>47</sup> Page 67 of the Report.

<sup>48</sup> Preface, Page v of the Report.

<sup>49</sup> Page 7 of the Report.

<sup>50</sup> Page 7 of the Report.

<sup>51</sup> Pages 66 and 68 of the Report.

<sup>52</sup> Pages 66 to 68 of the Report.

despite this rather moderate response of young adults and stakeholders, the Report makes alarming pronouncements to the effect that this indicates a “cycle of abuse” whereby victims of abuse themselves becomes abusers.<sup>53</sup>

This is not only a gross exaggeration of what the respondents actually said, but it also reveals that the authors of the Report are not really willing to recognise the child as an individual in his own right, capable to forming opinions for himself. The authors singularly fail to concede any agency on the part of the child by claiming that children who are slapped are potential “abusers”. Where is the recognition of the child as an “individual” in her own right, in such a dismissive and judgemental view of children?

Children do not blindly copy their parents’ patterns of behaviour. Plenty of people who were physically disciplined in their youth choose not to do so with their own children. In fact, if at all there is a new trend emerging in India, there is a trend away from physical to non-physical forms of moderating children’s behaviour.

We are aware of some theories in the field of psychology that children who come from violent homes repeat this pattern in their own adulthood. But that is not a theory that applies to homes where *mere slapping* is used as a form of discipline.

***Report fails to reassess its assumptions even when the data directly contradicts them***

### ***Mother-blaming***

So biased is the Report, that it holds on to its assumptions about Indian families, even when they are directly contradicted by its own findings. For instance, throughout the Report the cause for the so-called physical abuse in the family is said to be “patriarchy”<sup>54</sup> and discrimination against female children. The Report says that “Although the study had not gathered any empirical data which would indicate the possible reasons for such a high percentage of physical abuse against children, it can possibly be attributed to the following reasons: a patriarchal society that looks upon the children as the property of the father”<sup>55</sup> and “Indian society.....is patriarchal in structure where the chain of command is definite and inviolable”.<sup>56</sup>

But the data on children reported to have been physically abused by family members shows two things that squarely contradict this rationale: first, 50.9% are said to have been abused by their mothers.<sup>57</sup> Second, more boys than girls report physical abuse, both overall, and in each but two of the States represented in the sample of child respondents surveyed.<sup>58</sup>

Not only are mothers by far the majority among the alleged family perpetrators, fathers come a distant second at 37.6%.

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<sup>53</sup> Pages 66 and 68 of the Report.

<sup>54</sup> Page 43 of the Report.

<sup>55</sup> Page 48 of the Report.

<sup>56</sup> Page 43 of the Report.

<sup>57</sup> Page 47 of the Report.

<sup>58</sup> Page 45, see table called “Gender-wise % of children reporting physical abuse in one or more situations.”

When we recall that the overwhelming majority of cases labelled as “physical abuse” in the Report are cases of non-severe slapping, the picture that emerges is of some (not all or most) *mothers* slapping their *sons* to discipline them. This simply does not fit the Report’s claims of “high abuse” fuelled by “patriarchy”.

If anything, this kind of mother-blaming based on utterly lax research, and dressing up of mild everyday encounters between mother and child as “abuse”, smacks of witch-hunting and misogyny.

### ***Ugly bias against small boys***

The Report dismisses the difference in the rate of boys and girls reporting physical abuse as irrelevant. It finds that: “In the overall percentage there seems to be not much difference in physical abuse being faced by girls and boys.”<sup>59</sup>

But if you compare, State-wise, the proportion of boys to girls reported as physically abused, the variation in nearly all cases is over 10%. In many cases over 20% more boys than girls reported as physically abused.<sup>60</sup>

This is not a statistically insignificant difference. If the Report were not completely blinded by its prejudice that the only explanation for anything involving children and the family in India is “patriarchy”, then this difference should have prompted some reassessment of its understanding of the nature of childhood and family dynamics in India.

We will see later that a similar pattern emerges in the portion of the Report on sexual abuse of children, where more boys than girls are reporting sexual abuse. But again, the Report persists in its assertion that all abuse of children in Indian society is guided by discrimination against women and girls. The Report goes on to devote an entire section to gender discrimination against girls as a category of “child abuse”, while ignoring the special case of abuse of boys which appears to emerge from its own data.

**WE ARE NOT HERE MAKING THE CASE THAT THERE IS, IN FACT, A SPECIAL CASE OF ABUSE OF BOYS IN INDIA. AS WE HAVE STATED REPEATEDLY, THE QUALITY OF THE DATA AND THE DESIGN OF THE RESEARCH IN THE REPORT IS SO POOR THAT IT DOES NOT WARRANT ANY CONCLUSION EITHER WAY.**

But it is alarming that powerful international NGOs such as UNICEF and Save the Children, and the Government, acting heavily under their influence, should turn a blind eye to their own data just because it showed something about boys and not girls. This bias is particularly ugly and distasteful considering that the boys in question were very little, primarily in the tender age group of 5 to 12, *and* from humble backgrounds.

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<sup>59</sup> Page 48 of the Report.

<sup>60</sup> Page 45 of the Report, see table called “Gender-wise % of children reporting physical abuse in one or more situations”.

### ***Laws regarding physical abuse by parents***

We do not criticise the Report's findings on physical abuse to make the claim that there is no physical abuse by parents of children in India. Every now and again there are reports in the papers of children being severely injured, even to death, by a parent. Even assuming that parental abuse (real abuse, not the slapping and pushing that the Report is focussed upon) is marginal or rare, there is good reason for society to take measures against such occurrences.

If existing laws are inadequate to prosecute severe abuse of children, then a case may be made for new laws, always keeping in mind that the law should punish genuine cases of cruelty, and not accidents, and unintended injury. The latter is no idle concern, in the USA and UK, parents taking their children to hospital for head injuries and fractures are routinely charged with child abuse allegations, and have their terrified children whisked away from the hospital to foster care under emergency protection orders, based on nothing else but the fact of injury.<sup>61</sup>

If there are going to be special laws for parental physical abuse, there should also be consideration of whether provision needs to be made for giving second chances to genuinely repentant parents.

These are all issues that we can have a debate about. But there was no warrant for this pointless and judgmental Report, which apparently took over one and a half years to complete.

The cost of the Report is not stated, but going by the numerous NGOs engaged, the exercise being led by international NGOs, the number of people brought in to gather data and the time spent in preparing the Report, we are most likely looking at a hugely costly, and wasteful, exercise.

### ***Slapping of children by parents***

So far as slapping of children by parents is concerned, again, there was no need to have an expensive internationally sponsored study on this. We can say, without having gone through any surveys, that in India, as in many parts of the world, including in parts of the West, slapping or spanking your child by a parent, especially a mother, is culturally acceptable. Undeniably, some people want this to change. But that is a point for such people to convince others of in the community. There is no warrant for bringing slapping into the domain of public policy. Slapping is *not* abuse.

There is plenty of scientific research, from the West, no less, that says that children who are slapped or spanked in an otherwise loving environment, come to no harm. Plenty of parents,

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<sup>61</sup> There have been two cases of this kind recently involving Indian families in the USA – the Saha case in New Jersey (the child was in foster care for several months, though in the end the allegations of abuse were dropped) and a family in Portland, Oregon: <http://www.thehindu.com/news/international/us-govt-takes-custody-of-indian-child-arrests-father/article7486402.ece?w=spa>; <http://www.thehindu.com/news/international/us-govt-takes-custody-of-indian-child-arrests-father/article7486402.ece?w=spa>. At the time of writing the Oregon case was pending in court with the father being under court orders to stay away from the family home, and the mother being permitted to stay with the children in the family home under supervision.

mothers especially, will testify that sometimes you have to become a child to get through to a child, and that can include a well-timed slap. Slapping is not even always a “traumatic” or “negative” experience for a child. Plenty of mothers will testify to their kids bursting into giggles as soon as they start doling out the slaps.

Some young children can be quite obstinate, working themselves into hysterics when refusing to do things that they need to do for their own or another’s sake, like getting out of the bath so they don’t catch cold, or not jumping up and down on rickety furniture, or not pulling their smaller sibling’s hair. A slap can snap them out of their hysterics and tantrums.

There is a tendency these days to diagnose boisterous children as having “attention disorder” or being “hyperactive”, or both. “Attention Deficit Hyperactivity Disorder”, or “ADHD”, is a familiar term to educated parents. There are reports of intolerant schools in the West, forcing parents to consider childish high spirits as a “disorder”. The short step from there to medicating children unnecessarily is often being taken.

One way or the other, children require some control. It is, at least arguably, better and safer to handle difficult and over-excitable children with the occasional slap, than by doping them into submission.

Before taking an extreme position against slapping, people should take an honest look at the kinds of non-physical practices that are recommended to extract “good behaviour”, which is just a polite term for “obedience”, from a child. The passive-aggressive behaviour required of the parent, the regimental insistence on being “consistent” (as though this were a military drill, rather than a *relationship*) and the extensive overall control over the general behaviour of the child (rules for eating, rules for sleeping, rules for playing, rules for asking for things, rules for expressing anger or hurt) is much greater in some of these non-physical disciplining practices, than the open, honest and momentary assertion of a parent’s will over a child by a slap.

### ***Why this issue is relevant for parents everywhere***

What is telling about the UNICEF-Save the Children approach to child raising is not just what it chooses to focus upon - slapping - but also what it misses. If there has to be a discussion about parental behaviour, why should slapping and caning be the only kinds of parenting practices that are subjected to scrutiny?

What about harsh practices that are common and accepted among modern, western and (in India) westernised parents such as sleep training, where infants as young as a couple of weeks old are forced to learn to sleep “independently” by being left in their cots to “cry it out”, sometimes for hours together, to the point of them vomiting and choking with agitation. Or the practice of deliberately depriving infants of milk when they cry for it, so that they “learn” to feed according to a fixed schedule suitable for adult routines?

Let working mothers, who may have to schedule their babies in order to meet the demands of work, consider whether having the Government lay down the law on child raising practices, say by criminalising sleep training, would help or hinder them and their children. Let parents

with high-strung children consider how they would have managed if they had had to tip toe around them; or what the cost to the child would have been if the only permitted intervention was in the form of prescription drugs. Let parents whose personalities do not lend themselves to passive-aggressive parenting techniques, or whose children's personalities would revolt against such measures, consider how they would feel if they were straight-jacketed into using only those techniques in handling their children.

## PART IV

### SEXUAL ABUSE: BIAS, DISTORTION AND RIGGED STATISTICS

In this part of the paper, we discuss the falsehoods and exaggerations in the Report about sexual abuse of children in India by family members.

#### *Misapplication of statistical principles and poor quality of data*

As explained in Part II of this Paper, since the Report used purposive sampling and other non-probability methods to obtain its data, none of its findings as regards the small pool of 12,447 children, 2324 young adults and 2449 so-called “stakeholders” apply on all fours to the entire population of 44 crore Indian children and their families. Therefore, the Report was entirely wrong in saying, based on its findings that of 12,447 children surveyed, 20.90% reported severe sexual abuse,<sup>62</sup> 50.76% reported other forms of sexual abuse<sup>63</sup> and 53.22% reported one or more forms of sexual abuse,<sup>64</sup> that “*across the country, every second child was being subjected to other forms of sexual abuse and every fifth child was facing severe forms of sexual abuse [emphasis supplied].*”<sup>65</sup>

The Report was also wrong in presenting its percentage findings on the sample of children surveyed as applying to “every second” and “every fifth” child in the country. As explained in Part III of this paper, the Report had no statistical justification for inferring a uniform distribution of abuse in the population based on the percentage findings claimed for the sample of respondents surveyed.

The claim of the Report that every second and every fifth child in India faced some form of “sexual abuse”, amounts to claiming that *every* family in the country has one child suffering non-severe sexual abuse and almost every other family has a child suffering severe sexual abuse. An outrageous claim, entirely unsupported by the data, as we will see below.

#### *Misrepresentation and exaggeration of own data*

As in the case of the data for physical abuse discussed in Part III, the issue with the findings on sexual abuse was not only a misapplication of statistical principles and faulty data, but also that the Report exaggerated and misrepresented its own data to create a false impression of alarming levels of sexual abuse in the family. The Sexual Abuse chapter of the Report is a study in how data can be manipulated to dress up and exaggerate what are really minor findings.

#### *Conflation of sexual encounters with peers and sexual assault by strangers with sexual assaults by family members, guardians and known adults*

The Report’s first step in creating an exaggerated picture of sexual abuse was to, as in the case of physical abuse, have an overbroad definition of sexual abuse. The term “sexual

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<sup>62</sup> Page 75 of the Report.

<sup>63</sup> Page 77 of the Report.

<sup>64</sup> Page 74 of the Report.

<sup>65</sup> Page 79 of the Report.

abuse” is commonly understood to refer to situations where the perpetrator is an adult known and trusted by the child. Hence the term “sexual abuse”, rather than the more generic “sexual assault” or “sexual violence”.

The immediate assumption when reading of “sexual abuse” is that the perpetrator is a parent, teacher or some other adult in the private, everyday environment of the child. Also, the term “sexual abuse” is never used when referring to sexual encounters between friends and classmates. This is what distinguishes sexual abuse from other forms of sexual violence against a child, such as rape by a stranger, and from sexual encounters with other minors of its own age.

However, in the Report, sexual abuse is conflated with generic sexual violence, assault and offences by clubbing under the heading “sexual abuse” sexual acts with peers, such as “friends” and “classmates”; by unknown adults/adults not in a position of trust such as “strangers” and “others”, and acts, which though they may constitute sexual offences or be otherwise objectionable, are not commonly understood to be acts of sexual *abuse* (i.e., involving violation by an adult of a child’s trust), such as a class-fellow or friend showing a child pornographic pictures (the single largest instance of so-called “sexual abuse” of all forms of sexual abuse reported), or forcible kissing among teenagers, or a stranger rubbing their private parts against a child while travelling on a bus. As we will see below, this conflation of sexual abuse with generic sexual violence and other acts has the effect of bumping up sexual abuse figures by several times.

### ***Reported rates of sexual abuse***

The Report divides sexual abuse into various categories of sexual abuse, ranging from severe assaults, involving sexual intercourse or oral sex; to other forms of assault involving contact with sexual organs, such as fondling sexual organs (the Report uses the term “private parts”); other contact acts such as forcible kissing and strangers rubbing their “private parts” against a child in a bus; to acts not involving contact, such as exhibitionism, showing of pornographic pictures, and taking nude photographs.

To understand how the overbroad definition of sexual abuse bumped up the sexual abuse rates in the Report, let us take a look at some of the figures for individual forms of sexual abuse stated in the Report:

- Severe sexual abuse, i.e., in the form of anal/vaginal penetration and oral sex, was the lowest of all categories of abuse at 5.69%, save being photographed in the nude, which was at 4.46%. The Report blames the family for sexual abuse even though not a single child respondent reported such assault by a parent or sibling. For further discussion of sexual abuse by family members, see the sub-section *Sexual Abuse by Family Members*, below.
- The form of sexual abuse reported in the highest proportion was viewing of pornographic pictures, at 30.22%, within which the overwhelming majority of children (66.1%) reported being shown such pictures by a “friend” or classmate”.

- The second highest form of sexual abuse reported was strangers rubbing their “private parts” during public travel, which was close to the pornography rate at 27.9%.
- All other (i.e. not counting the rubbing during public travel form) forms of sexual abuse involving contact with the child, were half, or less than half, the rates reported for pornography viewing, except for “forcible kissing”, which was about a third below. More than half the children reporting forcible kissing were teenagers, with the main perpetrators being class fellow/uncle/neighbour.<sup>66</sup>
- “Friends” and “classmates” were the largest group of so-called perpetrators in each form of sexual abuse, save one, sexual assault, where they were the second largest group

Two things emerge from the above, first that the claimed sexual abuse rates included things that, whatever objections one may have to them, either did not involve an adult or did not involve an adult having care of the child.

The second point to emerge from the above data is that the overall sexual abuse rates were driven by cases of sexual encounters between friends and peers, viewing of pornography, allegedly “forcible” kissing of teenagers, possibly by other teenagers (see footnote 66), and strangers rubbing private parts during travel. In our opinion, the only reason to classify these things in as “sexual abuse” of children is to give the *appearance* of parents and other custodians of the child being large-scale perpetrators of sexual abuse, even though the data showed no such thing.

### ***Who is the abuser, according to the Report’s data***

In order to understand just what the Report’s data showed about *actual* sexual abuse, i.e., sexual abuse by a relative or adult responsible for the child, we asked ourselves this question: who is the perpetrator in the various forms of abuse given in the Report?

Although the Report gives overall rates for sexual abuse, it does not do so for perpetrators. The Report states perpetrator-wise rates only within each category of sexual abuse. This gives the impression of the overall percentage of perpetrators being much higher than they are. For example, the Report says that 31% children reported sexual assault by an uncle/neighbour.<sup>67</sup> But this is not a percentage of the total number of children surveyed, but of the subset of children within the total sample who reported sexual assault. Expressed as a percentage of the total number of children surveyed, the rate comes down to 1.75%. So you are looking at an overall rate of 1.75%, which is presented in the Report as a rate of 31%.

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<sup>66</sup> Page 87 and 88 of the Report. For some reason the Report does not give the inter-se breakdown of these so-called main perpetrators of forcible kissing. So it could have been that maximum number of perpetrators of forcible kissing were teenage class fellows or neighbours, which, whatever the objections to such cases may be, paints a very different picture to one of “sexual abuse”, which is generally understood to involve abuse of a position of trust by an adult towards a minor.

<sup>67</sup> Page 81.

In order to better understand the perpetrator-wise figures for sexual abuse, we give below a reworking of the perpetrator-wise percentages expressed in each category of sexual abuse as percentages of the total number of children surveyed.

**WE DO NOT ANALYSE THE SEXUAL ABUSE FIGURES OF THE REPORT TO MAKE ANY CLAIMS AS TO THE REAL RATES OF SEXUAL ABUSE IN THE COUNTRY BECAUSE WE DO NOT BELIEVE THE DATA IS RELIABLE. WE ARE HERE MERELY ANALYSING THE DATA TO DEMONSTRATE HOW IT DOES NOT SUPPORT THE CLAIMS IN THE REPORT ABOUT WIDESPREAD SEXUAL ABUSE OF CHILDREN IN INDIAN FAMILIES.**

<b>Sexual Assault (anal/vaginal penetration and oral sex)</b> <b>Total: 5.69% of 12,447 child respondents<sup>68</sup>, i.e. 708.23 rounded off as 708 children</b>							
Perpetrator	Friend/Classmate	Strangers/ Faint Acquaintance	Uncle/ Neighbour	Cousin	Sibling	Parent	Employer
<b>Percentage as Reported<sup>69</sup></b>	29% (205 children)	21% (149 children)	31% (219 children)	10% (71 children)	None	None	9% (64 children)
<b>Actual Overall Percentage</b>	1.64%	1.19%	1.75%	0.57%			0.51%
Percentage reporting sexual assault if you exclude cases where perpetrator is Friend/Classmate or Strangers/ Faint Acquaintance: <b>2.86% i.e. half the total figure reported.</b> Further reduced to <b>0.56%, i.e. a tenth of the total figure reported,</b> if you also exclude the percentage reporting sexual assault by Uncle/Neighbour and Employer.							
<b>Child made to fondle perpetrator</b> <b>Total: 14.5% of 12,447 child respondents<sup>70</sup>, i.e., 1804.8 rounded off as 1805 children</b>							
Perpetrator	Friend/Classmate	Others	Uncle/ Neighbour	Cousin	Sibling	Parent	Employer
<b>Percentage as Reported<sup>71</sup></b>	38.5% (695 children)	14% (253 children)	24.9% (449 children)	11.1% (200 children)	6.7% (121 children)	None	4.8% (87 children)
<b>Actual Overall Percentage</b>	5.58%	2.03%	3.60%	1.60%	0.97%		0.69%

<sup>68</sup> Page 80 of the Report.

<sup>69</sup> Page 81 of the Report.

<sup>70</sup> Page 82 of the Report.

<sup>71</sup> Page 82 of the Report.

Percentage reporting instance of being made to fondle perpetrator if you exclude cases where perpetrator is Friend/Classmate or Others: **6.89% i.e. less than half the total figure reported.** Further reduced to, **2.60% i.e. a fifth of the total figure reported,** if you also exclude the percentage reporting this type of sexual abuse by Uncle/Neighbour and Employers.

**Child made to show private parts to perpetrator**  
**Total: 12.6%** of 12,447 child respondents<sup>72</sup>, i.e., 1568.32 rounded off as 1568 children

Perpetrator	Friend/Classmate	Others	Uncle/Neighbour	Cousin	Sibling	Parent	Employer
<b>Percentage as Reported<sup>73</sup></b>	44.4% (696 children)	13.1% (205 children)	23% (361 children)	9.5% (149 children)	4.8% (75 children)	None	5.2% (82 children)
<b>Actual Overall Percentage</b>	5.59%	1.64%	2.90%	1.19%	0.60%		0.65%

Percentage reporting being made to show private parts to perpetrator if you exclude cases where perpetrator is Friend/Classmate or Others: **5.37% i.e. less by over half of the total figure reported.** Further reduced to **1.82%, i.e. one sixth of the total figure reported,** if you also exclude the percentage reporting this type of sexual abuse by Uncle/Neighbour and Employer.

**Child forced to view perpetrators' private parts**  
**Total: 16.97%** of 12,447 child respondents<sup>74</sup>, i.e., 2112.25, rounded off to 2112 children

Perpetrator	Friend/Classmate	Others	Uncle/Neighbour	Cousin	Sibling	Parent	Employer
<b>Percentage as Reported<sup>75</sup></b>	40.7% (860 children)	16.3% (344 children)	24.4% (515 children)	9.2% (194 children)	5.5% (116 children)	None	4.0% (84 children)
<b>Actual Overall Percentage</b>	6.90%	2.76%	4.13%	1.55%	0.93%		0.67%

Percentage reporting being forced to view perpetrator's private parts if you exclude cases where perpetrator is Friend/Classmate or Others: **7.31% i.e. less than half the total figure reported.** Further reduced to **2.51%, i.e. one sixth of the total figure reported,** if you exclude the percentage reporting this type of sexual abuse by Uncle/Neighbour and Employer.

**Child made to view pornographic pictures**  
**Total: 30.22%** of 12,447 child respondents<sup>76</sup>, i.e., 3761.48, rounded off as 3761 children

Perpetrator	Friend/Classmate	Other	Uncle/Neighbour	Cousin	Sibling	Parent	Employer
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<sup>72</sup> Page 83 of the Report.

<sup>73</sup> Page 83-84 of the Report.

<sup>74</sup> Page 91 of the Report.

<sup>75</sup> Page 92 of the Report.

<sup>76</sup> Page 93-94 of the Report.

<b>Percentage as Reported<sup>77</sup></b>	66.1% (2486 children)	5.5% (207 children)	13.1% (493 children)	9.1% (342 children)	3.3% (124 children)	None	2.8% (105 children)
<b>Actual Overall Percentage</b>	19.97%	1.66%	3.96%	2.74%	0.99%		0.84%
Percentage reporting being shown pornographic pictures if you exclude cases where perpetrator is Friend/Classmate or Other: <b>8.59% i.e. less than one third of the total figure reported.</b> Further reduced to <b>3.79%, i.e. nearly an eighth of the total figure reported,</b> if you also exclude the percentage reporting being shown pornographic pictures by Uncle/Neighbour and Employer.							
<b>Child photographed in the nude:</b> reported by <b>4.46%</b> of total children surveyed. <sup>78</sup> <b>Report does not give detailed breakdown of reported perpetrators,</b> but says the “ <b>main</b> ” perpetrators reported were <b>class fellow/uncle/neighbour.</b> <sup>79</sup> Report also says that 21% of this group reported being photographed by a brother or cousin. <sup>80</sup> The overall rate comes to <b>0.93% of children photographed nude by a brother or cousin.</b>							
<b>Child forcibly kissed:</b> reported by 21.06% of total children surveyed. <sup>81</sup> <b>Report does not give detailed breakdown of reported perpetrators,</b> but says the “ <b>main</b> ” perpetrators reported were <b>class fellow/uncle/neighbour.</b> <sup>82</sup>							
<b>Child experiencing strangers rubbing their private parts against them during travel situations:</b> reported by <b>27.9%</b> of total children surveyed. <sup>83</sup> <b>Report does not give detailed breakdown of reported perpetrators.</b>							
<b>Child experiencing kissing, touching, fondling during marriage or other ceremonies:</b> reported by <b>11.32%</b> of total children surveyed. <sup>84</sup> <b>Report does not give detailed breakdown of reported perpetrators.</b>							

As the table above demonstrates, the overall perpetrator-wise percentages are, in almost every case, very small compared with the percentages as reported.

Also, by including instances of sexual abuse by peers and strangers, the effect in bumping up the numbers is immense. As noted in the table above, “friends” and “classmates” are the largest group of so-called perpetrators in each form of sexual abuse, save one, sexual assault, where they are the second largest group, being 0.11% behind “uncle/neighbour”.

If you exclude the instances reported as sexual abuse where the perpetrator is a friend, classmate, stranger or “other”, the overall percentage of sexual abuse reported in each category falls by half in each type of sexual abuse, save for the viewing of pornography, where it falls by over two-thirds.

<sup>77</sup> Page 94 of the Report.

<sup>78</sup> Page 85 of the Report.

<sup>79</sup> Page 86 of the Report.

<sup>80</sup> Page 86 of the Report.

<sup>81</sup> Page 86 of the Report.

<sup>82</sup> Page 88 of the Report.

<sup>83</sup> Page 88 of the Report.

<sup>84</sup> Page 90 of the Report.

It is noteworthy that in a Report that makes alarming claims about sexual abuse in the country, the highest type of so-called abuse that the data shows is viewing of pornographic pictures with a friend or classmate – 19.97%.

Sexual assault as defined by the Report (penetrative sexual assault and oral sex) is zero to below two percent for all categories of perpetrators. In the two categories of sexual abuse that involve touching the child (penetrative sexual assault, oral sex, and being made to touch the perpetrator), the overall rates of such instances in the data de-segregated by perpetrator, are below 2 percent for all classes of adult perpetrators, except the following categories – being made to fondle an uncle or neighbour: 3.60%; and being made to fondle “other”: 2.03%.

### ***The confusing category of “uncle/neighbour”***

One puzzling category of perpetrators named in the Report is the category of “uncle/neighbour”. If “uncle” was used to refer to a male relative of the child, then it is not clear why uncle has been clubbed with neighbour, who not being a relative, belongs to a different class of perpetrators altogether. But it is likely that “uncle” here does not refer to a relative at all. In India, in most vernacular languages, a male relative who is an uncle has his individual title such as “mama”, “chahcha”, “chitappa”, “taaya”, and so on. Typically, Indian children use the appellation “uncle” for grown-ups who are not their relatives.

So it is worthwhile noting that if you eliminate cases of non-family perpetrators, i.e., if you eliminate the incidents of sexual assault reported as having been caused by perpetrators falling in the category of “uncle/neighbour” (assuming “uncles” were not relatives) and “employer”, as well as those where the perpetrator is “friend”, “classmate”, “strangers” or “other”, the figures for sexual abuse in each category show another dramatic fall from the percentages reported: 1/10<sup>th</sup> of the Report’s figure for “sexual assault”, 1/5<sup>th</sup> of the Report’s figure for “child made to fondle perpetrator”, 1/8<sup>th</sup> of the Report’s figure for viewing of pornographic pictures and 1/6<sup>th</sup> of the Report’s figures for “child made to show private parts to perpetrator” and “child forced to view private parts of perpetrator”.

### ***Sexual Abuse by Family Members***

The data in the Report shows that these are the *only* results about parents, siblings and cousins<sup>85</sup> found by the Report’s own survey (for working, see table above):

- **Parents:** Of the child respondents interviewed, *not a single one* reported sexual abuse of any sort by a parent. Of the young adults interviewed<sup>86</sup> 0.12% (or 2.88 respondents) reported sexual assault by their father.

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<sup>85</sup> We have not included uncle/neighbour figures in this sub-section as we have assumed (see the discussion in the preceding sub-sections) that “uncle” did not refer to a relation, and also because the figures have been clubbed with “neighbour”, which we assume is a non-family category. For discussion of the “uncle/neighbour” findings, see the sub-section *The confusing category of “uncle/neighbour”*, above.

<sup>86</sup> For some reason the Report only records the percentages for penetrative sexual assault of young adults (at page 100 of the Report), the overall figures for which (calculated as a percentage of the total number of young adults surveyed) are 0.12% by father, 1.03% by brother, 1.85% by cousin, 0.43% by caregiver, 0.38% by teacher, 1.03% by stranger, 1.85% by “other” and 3.70 % by class fellow/friend. In the Report, these results are presented as a percentage of the number of young adults reporting childhood sexual assault, which, of course,

- **Siblings:** the following table sets out the rates of child and young adult respondents reporting one or other form of sexual abuse by a sibling:

<b>Report's Findings on Sexual Abuse by Siblings</b>						
<b>Form</b>	<b>Sexual Assault</b>	<b>Fondling of private parts</b>	<b>Being made to show private parts</b>	<b>Being made to view private parts of sibling</b>	<b>Being shown pornographic pictures</b>	<b>Being photographed nude</b>
As reported by child respondents	NIL	0.97%	0.60%	0.93%	0.99%	Exact figure not given (see first table, under this head) 0.93%, including by cousins
As reported by young adult respondents	1.03%	Not stated	Not stated	Not stated	Not stated	Not stated

- **Cousins:** the following table sets out the rates of child and young adult respondents reporting one or other form of sexual abuse by a cousin:

<b>Report's Findings on Sexual Abuse by Siblings</b>						
<b>Form</b>	<b>Sexual Assault</b>	<b>Fondling of private parts</b>	<b>Being made to show private parts</b>	<b>Being made to view private parts of sibling</b>	<b>Being shown pornographic pictures</b>	<b>Being photographed nude</b>
As reported by child respondents	0.57%	1.60%	1.19%	1.55%	2.74%	Exact figure not given (see first table, under this head) 0.93%, including by brothers
As reported by young adult respondents	1.85%	Not stated	Not stated	Not stated	Not stated	Not stated

So even though the family is blamed for sexual abuse of children, the data showed no sexual abuse by parents, except for a very small rate for the young adults surveyed. The rates of sexual abuse of various forms reported by child respondents as perpetrated by brothers and cousins are either zero or relatively low, being mostly below 1 % for brothers and well below 2% for cousins, except for the viewing of pornography with cousins, which is at 2.74%.

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has the effect of magnifying the percentages by nearly ten times as only 10.33% of the 2324 young adults surveyed reported penetrative sexual assault.

Some rates were slightly higher for young adults who reported penetrative sexual assault by brothers and cousins, at 1.03% and 1.85%, respectively.

The Report speculates that higher rates in some categories of sexual abuse reported by young adults are owing to children not being able to talk about sexual abuse experiences.<sup>87</sup> We believe that this kind of speculation is only enlightening of the bias of the authors of the Report, and their inability to look beyond their firmly held belief that abuse is rife in Indian families. The young adult rates were not, in any case, comparable with the child respondent rates as there was no parity either in the numbers, or the categorisation of young adult respondents on the one hand, and child respondents on the other, in the survey. The young adults are also said to have reported facing sexual assault at the age of 2 years.<sup>88</sup> Since adult memories do not in general stretch to that age, we are inclined to speculate that there were serious faults in the data claimed to have been obtained from young adults.

Regarding the reported instances of sexual abuse that did not involve touching, *viz.*, viewing the perpetrator's private parts, having one's own private parts seen, being shown pornographic pictures or being photographed in the nude, there is nothing to indicate from the Report, or the questionnaire used in the survey, of any filtering to distinguish between instances where the child was "forced", and where these were accidental (such as being seen during a bath, or while going to the toilet), playful (in a non-sexual way) or between consenting minors of the same age (such as viewing pornographic pictures with a cousin of the same age). Although the Report uses the word "forced", in the questionnaire the questions are put thus: "has anyone shown you such dirty pictures"; "has anyone tried to photograph you in the nude, without clothes"; "has anyone made you show your private body parts"; "has anyone shown you his/her private body parts".<sup>89</sup>

The predominant adult class of perpetrator in the Report's data was "uncle/neighbour" and in each form of sexual abuse the category of non-family perpetrators (assuming that "uncle" does not refer to a relative, see discussion on "uncle" in the preceding sub-section) is higher than the family perpetrators. But the final chapter of the Report, called "Conclusions and Recommendations", **falsely states**, in relation to sexual abuse, that "it has also very clearly emerged that the largest percentage of abusers are persons within the family..."<sup>90</sup>

Despite "friends" and "classmates" being the largest group of perpetrators, the Report says that "the study has indicated beyond doubt that schools as compared to other situations are the safest place for children".<sup>91</sup> We are not here claiming that schools are unsafe for children, but merely pointing this out as yet another example of how the claims and conclusions of the Report bear no relation to its own data.

Significantly, despite the data not showing a single case of sexual abuse by a parent from among the child respondents, and showing only 0.12% cases among young adult respondents,

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<sup>87</sup> Page 99 of the Report.

<sup>88</sup> Page 99 of the Report.

<sup>89</sup> Pages 171 to 173 of the Report.

<sup>90</sup> Page 121 of the Report.

<sup>91</sup> Page 124 of the Report.

the Report sets up the entire issue of child abuse as one of parents and the “Indian family” being the culprits.

The Report opens with various critical observations about attitudes to sex and sexual abuse in Indian society. For example, that: “The subject of child sexual abuse is still a taboo in India” (a rather weak taboo it must be if the Government is openly devoting one and a half years of research and employing large numbers of outside consultants and NGOs to speak about it); that Indians think child abuse is a “western problem” and that “child sexual abuse does not happen in India”.<sup>92</sup>

From this generalised criticism of ignorant Indians being in a state of racist denial about child abuse, the Report quickly grabs at its favourite whipping boy, the family. The Report says: “The girl, whose mother has not spoken to her even about a basic issue like menstruation, is unable to tell her mother about the uncle or neighbour who has made sexual advances towards her.”<sup>93</sup>

The authors of the Report seem to be utterly ignorant that in many parts of India, especially rural areas of the South, the onset of menses is seen as a coming of age for a girl and celebrated throughout the village with prayers and a feast. There is no silence surrounding menstruation, atleast in South India. It is really surprising that no one pointed this out when even the Minister for Women and Child Development at the time, Mrs Renuka Chowdhary, was from Andhra Pradesh in South India. Perhaps it is because neither she nor anyone else in the Ministry actually read the Report fed to them by UNICEF and allied NGOs.

The gratuitous reference to “mothers”, who are not anywhere reported as perpetrators in the sexual abuse data, is consistent with the Report’s general anti-mother bias. Recall that in the physical abuse chapter, the Report classified as “physical abuse”, slapping by mothers of their children<sup>94</sup> and we will see how in the emotional abuse chapter, the Report labels as “abusive” mothers who ask their daughters to help in household chores such as dusting and drawing of water.<sup>95</sup>

The Report also makes other gratuitous, and frankly bizarre statements, about Indian families such as alleging that there is “some deep seated fear” that moves Indian families “to keep their girls and their ‘virginity’ safe”.<sup>96</sup> This is particularly incomprehensible, even as a hypothesis; is the Report implying that non-Indian families are eager for their girls to lose their virginity? Is the Report saying that families are keeping girls safe only to protect their “virginity” and not to protect them from sexual abuse?

### ***Dismissive attitude to young boys***

Another pattern in the data is that in almost all categories of sexual abuse, the boys report higher rates of sexual abuse than the girls. Even when being forced to acknowledge that this

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<sup>92</sup> Page 73 of the Report.

<sup>93</sup> Page 73 of the Report.

<sup>94</sup> See Part III of this paper.

<sup>95</sup> See Part V of this paper.

<sup>96</sup> Page 73 of the Report.

is an issue for boys, and not just for girls, the Report merely says “There is evidence ...that boys are equally at risk.”<sup>97</sup> In fact, the numbers show boys being abused in much higher figures than girls consistently over almost every category of sexual abuse.<sup>98</sup> 14.6% more boys than girls reported severe sexual abuse of more than one form; 8.4% more boys than girls reported penetrative sexual assault, 16.8% more boys than girls reported being made to fondle perpetrator and 11.16% more boys than girls reported being forced to view perpetrators’ private parts.

Despite these findings the Report fails to look beyond its formula of the allegedly violent and abusive patriarchal Indian family as the explanation for all abuse of children.

**WE ARE NOT HERE MAKING THE CASE THAT THERE IS, IN FACT, A SPECIAL CASE OF ABUSE OF BOYS IN INDIA. AS WE HAVE STATED REPEATEDLY, THE QUALITY OF THE DATA AND THE DESIGN OF THE RESEARCH IN THE REPORT IS SO POOR THAT IT DOES NOT WARRANT ANY CONCLUSION EITHER WAY.**

But it is alarming that powerful international NGOs such as UNICEF and Save the Children, and the Government, acting heavily under their influence, should be so casual about findings just because they showed something about boys and not girls. This bias is particularly ugly and distasteful considering that the boys in question were very little, primarily in the tender age group of 5 to 12, *and* from humble backgrounds.

### ***Alleged conspiracy of silence about sexual abuse***

The Report claims that the vast majority of children who reportedly faced sexual abuse did not tell anyone about it (except, surprisingly, the strangers conducting the survey). Again, Indian society is blamed for this. Time and again the Report says that there is a “conspiracy of silence” about abuse and that it is “shrouded in secrecy.”

You don’t have to be an expert on child rights to know that given the nature of sexual abuse, children may keep silent about it for a host of reasons – confusion, manipulation, fear and guilt. This silence, this inability initially to recognise the manipulation, and then the inability to speak about it, *is* the issue with sexual abuse cases.

But is it fair to blame society for this? The silence of children, born of the manipulation of the abuser, and the fear and confusion of the child, is not a “conspiracy”. There are any number of instances of parents, especially mothers, including from socially disadvantaged

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<sup>97</sup> Page 73 of the Report.

<sup>98</sup> **Sexual abuse of boys versus girls:** Overall, of the children reporting sexual abuse, 52.94% were boys and 47.06% were girls (page 74); of the children reporting severe sexual abuse in more than one form, 57.30% were boys and 42.70% were girls (page 75); of the children reporting penetrative sexual assault 54.4% were boys and 45.6% girls (page 80); of the children reporting being made to fondle the perpetrator, 58.4% are boys and 41.6% girls (page 82); of the children being forced to view private parts of the perpetrator, 60.25% are boys and 39.75% are girls; of the children reporting being photographed in the nude 52.01% were boys and 47.99% were girls (page 85); of the children reporting being forced to view perpetrator’s private parts, 55.58% were boys and 44.42% girls (page 91); more boys than girls reported being made to watch pornographic pictures (page 94).

backgrounds, reporting sexual abuse of their children to the police, even when the abuser is a spouse or other close relative. According to the Report, where children *do* confide in an adult about sexual abuse, the largest category of adults to which they turn is their parents. This indicates that the class of adults children most trust, and to whom they feel confident reporting such incidents are their parents.<sup>99</sup>

Clearly, there is some merit in warning parents about sexual abuse, and enabling them to establish channels of communication about it with their children. More importantly, parents have to be warned to be vigilant. But why could the Report not have made the case for engaging parents and the wider community on this issue instead lashing out at Indian families' "patriarchy" being responsible for sexual abuse, which their own data showing higher rates of sexual abuse of boys, appears to contradict?

Many Indians are not as open talking about sex as are some liberal people, but that does not imply a "conspiracy of silence" about sexual abuse. The Report itself is quite coy in the language it uses. "Private parts" is a rather timid choice of words for penis, vagina, anus and breasts.

Moreover, it is not at all certain that the volume and loudness of talk about sex, and the open sexuality of liberal societies, has eliminated or deterred sexual deviance there. If anything, for many of us as parents, hearing near pornographic film songs on the radio, censorship of which is opposed by powerful film industry lobbies, and the ubiquitous advertisements for everything from cars to chocolate through highly sexual images of models, creates a pervasively unhealthy and hyper-sexualised environment for children.

### ***The scandalous "role play" and "story telling" to elicit responses on sexual abuse***

The manner in which children were surveyed on sexual abuse displays everything that is wrong about approaching the issue of sexual abuse by targeting the child, rather than adults responsible for the child.

The questionnaire for child respondents sets out fictional scenarios for sexual abuse which the surveyor is meant to narrate to the child.<sup>100</sup> These so-called "stories" include descriptions of an "uncle" touching a child "all over the body", trying to "fondle" the child, taking off the child's clothes in a locked room, touching the child's "private parts" and "doing something which hurt" from where blood came out.<sup>101</sup> In the Report's section on how to "break the ice" with children participating in the survey, the surveyors are advised to engage the children in "role play" showing a "poor family" with a drunk father trying to get "intimate" with the mother in front of the children.<sup>102</sup>

How was it permitted for such disturbing "stories" to be told and enacted before unsuspecting children as young as 5, 6, 7 and 8 years old? Imagine the horror and confusion of the younger

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<sup>99</sup> A rate of 11.6% is stated on page 81 of the Report.

<sup>100</sup> Page 158 of the Report.

<sup>101</sup> Pages 168 to 171 of the Report.

<sup>102</sup> Page 144 of the Report.

children. If such a survey had been conducted in any middle class community, parents would have been outraged.

The Government must undertake to never abuse the trust and confidence of parents and children by conducting such “research”. It has to be made clear to UNICEF, and all child rights bodies, that they do not have the liberty to outrage the innocence and modesty of little children in this manner. We will show in Part VI of this paper, that parents were in all probability not even informed of the kinds of questions, stories and “enactments”, their children were going to be subjected to in the survey.

Not only was this so-called “research” offensive and disturbing for children, it is entirely unclear to us as to why such questioning was required in the first place. This was not an exercise in sexual abuse awareness (which, in any case does not require such “role play” and stories to be told to children), nor was it an investigation into allegations of sexual abuse, where such intrusive questioning may be unavoidable. There seems to have been no point to the whole exercise other creating junk data to make misleading claims about sexual abuse for presentation in the Report.

### ***Sexual abuse in “marriage situations”***

The battering of Indian ways is carried out to absurd lengths in the portion of the Report that talks about “sexual advances during marriage situations”.<sup>103</sup> Firstly, it is not clear how this is a sensible choice as a “form of sexual abuse”, or even what it really means.

The Report defines this category as comprising cases of kissing, touching and fondling during marriage and other ceremonies. The only purpose for including this as a category seems to have been to criticise Indian marriages and ceremonies; the Report disapprovingly says that: “in a marriage situation where there is general bonhomie, teasing and jokes all around, the chances of someone taking the child’s reporting seriously are low. In many situations it is also difficult for the child to distinguish whether the incidence [*sic.*] as meant to be a joke or take advantage of the child.”<sup>104</sup> What exactly is the Report suggesting? That Indian marriages and ceremonies are a covert orgy for incest? Or that children should not be taken to attend marriages and other functions?

### ***Report’s response to young adults and stakeholders***

The chapter on Sexual Abuse ends with a gnashing of the teeth on how many of the young adult respondents and stakeholders preferred community or family intervention over police action in cases of sexual abuse of children. Considering that the study was not looking only at rape or severe sexual assault cases, or even at a majority of such cases, but at sexual encounters of a range of severity and culpability, an overall preference for community intervention over police action is not so alarming.

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<sup>103</sup> Page 90 of the Report.

<sup>104</sup> Page 91 of the Report.

In recent years all over the world there has been criticism of over-criminalising situations, especially where the perpetrator is a minor. Given the insistence of the child rights groups in India (including the ones who participated in the Report) that the 17-year-old rapist-murderer in the infamous Nirbhaya case should be let off after a couple of years in a reform home (as he was a few weeks short of majority at the time of the crime), the Report's discomfort with the response on community or family intervention once again displays the biases of its authors – any response that did not fit with their own ideas is taken as a sign of complicity in child abuse in society.

### ***Laws on sexual abuse***

As in the survey on physical abuse, it is not clear why the survey on sexual abuse was required except to make false claims about Indian families.

There have always been laws against sexual abuse of minors in India. The rules on statutory rape are based on the principle that sexual intercourse with a minor by an adult is a crime regardless of consent, whether real or imagined, on the part of the adult. If the law required changes, the case for this should have been made, instead of castigating Indian parents for a problem that concerns them about their children, atleast as much as any NGO.

Some years ago, a special law against sexual offences against children was passed in India.<sup>105</sup> It is an extremely strict law that some human rights activists have criticised for reversing the traditional burden of proof by presuming the accused to be guilty. On our reading, the new law opens up the possibility of adult care givers being prosecuted for innocent acts such as bathing a child, or cleaning it after it goes to the toilet. We also believe the new law could discourage parents from seeking help for sexually abused children, as Child Welfare Committees have been given wide powers to remove children from parental custody, and keep them in hidden locations, based on mere allegations of sexual abuse, even before an investigation into allegations has commenced, and even where the alleged perpetrator is not in the family home. This is not the place for a detailed discussion about this law. We mention it here merely to point out that Indians have accepted a strict law against sexual offences against children, which indicates their concern and ready engagement with this issue, contrary to the claims of the Report that Indians want to shroud child abuse in a “conspiracy of silence” and that they believe this is a “Western problem”.

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<sup>105</sup> The Protection of Children against Sexual Offences Act, 2012.

## PART V

### BIAS AND LIES ON EMOTIONAL ABUSE AND GIRL CHILD NEGLECT

In this part we scrutinise the Report's claims about "emotional abuse" and "neglect" of female children.

#### ***What is "emotional abuse"***

"Emotional abuse" is defined as "treating harshly, shouting, belittling, name calling and using abusive language while addressing children" and "comparison", which is described as comparing siblings or other children with each other.<sup>106</sup>

#### ***What is "girl child neglect"***

Girl child neglect is defined by the following so-called "indicators": "less attention, less appreciation, less food, fault finding, household work compared to other siblings and looking after siblings".<sup>107</sup>

Regarding this portion of the Report, we will not repeat the exercise of scrutinising the statistics as we have done on its claims about physical and sexual abuse. We believe that regardless of whether or not the stated statistics stand up to scrutiny, the matters discussed in this portion of the Report have no place in a study on abuse.

#### ***Misuse of concepts of "child abuse" and "child neglect"***

Shouting, comparing children and swearing are *not* "child abuse"; no matter what delicate sensibilities about children are offended by these things.

Telling your daughter to watch over her baby brother while he sleeps; an impoverished family making hard choices about the division of scarce food among siblings; and the manner in which a parent expresses herself to a daughter; no matter how much fault you may find in these things from the point of view of gender discrimination, these do not constitute "neglect" or "abuse".

There is absolutely no justification for giving these things the label of "abuse", a term that shouts out something sick and depraved; or "neglect", a term that implies something utterly and deliberately callous on the part of Indian parents and other adult custodians towards their children.

#### ***Prejudiced questioning; blocking of contrary viewpoint and pre-conceived anti-family assumptions***

In this portion of the Report, the authors do not even make a pretence at any kind of objectivity in eliciting responses from the respondents. Children are asked "have you ever

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<sup>106</sup> Page 105 of the Report.

<sup>107</sup> Page 115 of the Report.

been upset/angry” on being compared with other children “by your father or mother”;<sup>108</sup> “in your family have you ever been treated harshly, in favour of other children”;<sup>109</sup> “is it a matter of advantage or disadvantage to be a girl in the family setting”;<sup>110</sup> “do you sometimes wish you were a boy”, “generally do you get the same amount of attention and love from your father and mother as your brother(s) do”; “do your brothers dominate over you in play activities”; “do your brothers physically tease/punish you in day-to-day activities”, “if yes, do your parents take your side to prevent teasing/punishment.”<sup>111</sup>

According to the Report, girl “child neglect” is evidenced by so-called “indicators” such as “forced to leave tasty food for brothers” and “parents finding fault for no reason”.<sup>112</sup>

In the questionnaire for young adults we get some further insight into the kind of non-serious encounters the Report labels as “abuse”: respondents are asked whether as a child anyone called them “budhu”, “idiot”, “ganwar”, “jalil” or “pagal”.<sup>113</sup> These are expressions that are as often as not used affectionately or jokingly among Hindi-speaking Indians.

Adult respondents of 18 to 24 years of age are asked whether in their childhood their parents or relatives ever (we assume this would include even once) “asked you to leave tasty food items for your brother or sister”. Leading questions are asked such as: “In day-to day life did family members do fault finding more in your activities than that of your brother and sisters?”<sup>114</sup>

### ***Antipathy towards young boys and brothers***

The hostility of the authors of the Report to the family, and their especial antagonism against boy children, is evident in the questionnaire itself. There is no attempt to objectively assess family dynamics of the respondents surveyed. This is particularly evident in the leading questions about “brothers” and the fact that *only* girl children were asked these questions.<sup>115</sup>

Fair research would have required that brothers and parents also be asked how they perceived reported instances of boy child preference.

### ***Portraying ordinary childhood experiences as “abusive”***

Have we not all felt resentful at some point or the other about parents preferring one sibling over another, regardless of whether that sibling was a brother or sister? If a child gets into a fight with a sibling, does not each one emerge from being admonished by the parents feeling that the other one was favoured?

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<sup>108</sup> Page 168 of the Report.

<sup>109</sup> Page 168 of the Report.

<sup>110</sup> Page 159 of the Report.

<sup>111</sup> Page 159-160 of the Report.

<sup>112</sup> Page 115 of the Report.

<sup>113</sup> Page 179 of the Report.

<sup>114</sup> Page 178 of the Report.

<sup>115</sup> The “Gender Differences” section of the questionnaire for child respondents (at page 159 of the Report) specifically instructs the “researcher” that the questions are only for “girl-child”.

On the question asked of young adults about being told to leave tasty food items for a sibling, should there not have been a follow up question about why: for instance, was there a special occasion for the child for whom the treat was left, such as a birthday or a religious ceremony. In comparing how much food was given between siblings, would it not have been fair to ask whether the food was unequally divided because one child was ill, or medically advised not to take that food?

In the questions about “comparison”, was it not fair to ask why a parent was making a comparison? Whether, for instance, a parent was pointing out that one child lied, while the other did not; or that if one child worked hard like the other, then she would also do well in school; or that one child should learn to share his toys, like the other one?

We also recommend as an exercise to Hindi speaking readers, to translate the questions in the emotional abuse section<sup>116</sup> into Hindi (recall that the Report says that nearly half the respondents surveyed were Hindi-speaking). Things that sound severe in the choice of English words in the questionnaire (eg. “have you ever been shouted at and humiliated [by your mother]?”) have a completely different ring to them in Hindi (eg: “kya aapki ma chillati hai? Aur phir aapko bura lagta hai?”).

### ***Taking advantage of relatively backward social and economic status of child respondent’s families***

The Report says<sup>117</sup> that the child respondents questioned came from relatively humble backgrounds. Does not the design of the questionnaire smack of classism and a wilful blindness to the incidents of poverty? Would the authors of the Report have been able to get away with asking such intrusive and biased questions of children in a middle class family, with educated working mothers? Would they, for instance, have been able to get away with asking a child: Do you cry when your mother goes to work? Do you want your mother to stop working and stay at home with you? When you grow up, will you also leave your baby at home and go to work?

If it is unfair and prejudiced to ask a child such leading questions without considering the adult rationale for things *children* may not like, then the same applies to the kinds of questions that children were asked in the Report.

### ***Stigmatising household work as “abuse”***

The Report’s terming as “abuse” the reported phenomenon of girls being asked to do household work and help care for younger siblings is unacceptable. Why should children not assist their mothers in housework? Especially the kind of work the questionnaire speaks of: cleaning, dusting and drawing of water.<sup>118</sup> Many children delight in helping around the house and kitchen; it makes them feel like they are grown-up. If some children consider this a chore, that is no different a situation than a Western child being told to clean up its messes.

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<sup>116</sup> Pages 103 and 168 of the Report.

<sup>117</sup> Page 65 of the Report.

<sup>118</sup> Page 159, Point 2.6 and Page 115 of the Report.

While the Report takes the position that caring for baby brothers or sisters is “abuse”, most children are proud of their infant siblings: parading them around and dressing them up like dolls. If the point of the Report was to show that boys are not enlisted in household work, then calling household work *abuse* is not going to help the cause.

It may be that in impoverished families that cannot afford domestic help, mothers rely more heavily on their children to help with the housework. *But that is poverty, and not abuse.*

The Report had no business calling women needing help with household work as “abusers”. This is another example of unjustified mother-blaming in the Report, which we also noted in the chapters on physical abuse and sexual abuse where slapping by mothers has been termed “abuse” and mothers are blamed for sexual assaults on children by others.

Some NGOs argue that impoverished mothers relying on children for help in housework is responsible for low school attendance and poor results in children. If that is the case, then what we have here is a situation where a *family-centric* view has to be taken to promote schooling, and the focus has to *widen* from merely counting the number of girl children out of schools, to giving mothers the helping hand they need in the home if they are to lose the help of their children owing to the demands of school.

### ***Are we headed towards a “Cinderella Law”***

So far as the claims of “emotional abuse” are concerned, there is every reason to be concerned about the Government being convinced by UNICEF and Save the Children to treat this as a form of child abuse.

A few months ago in England, a law was proposed, popularly called the “Cinderella Law”,<sup>119</sup> which will allow criminal prosecution of parents for things such as ignoring a child, making it feel unloved, and comparison with siblings. Laws like this will empower child protection officials (and not just the allegedly “abused” children) to prosecute parents for being “unloving”.

Apart from the possibility for misuse, these kinds of laws reflect a cultural attitude towards the family, towards adult issues with depression and loneliness (that are blamed on their childhood experiences), and towards the role of psychology in addressing these issues. These ideas are not uncontested, even in the West, where they currently hold sway. This is not the place to get into this complex debate, but what is clear is that the Government appears from this Report to be convinced of this point of view. A point of view of which no one in India, other than a few extremist child rights organisations, is even aware.

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<sup>119</sup> This was widely reported in the British media and also discussed among academics. Some examples are the following: <http://www.independent.co.uk/life-style/health-and-families/features/the-cinderella-law-emotional-correctness-gone-mad-9231233.html>; <http://www.bbc.com/news/uk-27693587>, <http://theconversation.com/cinderella-law-proposals-are-unhelpful-and-draconian-25106>.

## PART VI

### MISLEADING PARENTS AND MANIPULATING CHILDREN

#### *Failure to take informed consent*

Apart from its errors in data gathering and wilful misrepresentation, the authors of the Report also breached their own “Ethical Guidelines” regarding informed consent from the respondents surveyed.<sup>120</sup> The chapter on Research Methodology refers to informed consent having been taken from the child respondents and their parents.

“Informed consent” indicates that consent was taken not just in relation to participation in the survey, but as to the purpose and substance of the research. In plain English, this means that the respondents and, where they were children, their parents, were required to be frankly informed as to what the respondents were going to be questioned about and why.

However, the consent form for parents gives no description of the research intended to be conducted.<sup>121</sup> It merely seeks the consent of parents to conducting a group discussion and interview with the children, with an undertaking that personal information of the respondents will be destroyed at the end of the study.

#### *Misleading respondents as to the nature and intention of the research*

The consent form refers to an “Information Sheet” given to the parents (though it is really not clear how many, if any, of the parents were literate). Very suspiciously, this Information Sheet has not been annexed to the Report. A glaring gap in disclosure which gives rise to doubts as to whether any material information about the research was given to parents of the children surveyed.

The Report refers to something called an “Information Schedule”;<sup>122</sup> this is the term used for the questionnaire that was administered to child respondents surveyed for the Report. If by the “Information Sheet”, the consent form meant this questionnaire,<sup>123</sup> then we might be looking, not just at a failure to obtain informed consent, but a much more culpable breach of ethics, *viz.*, deliberately misleading child respondents and their parents as to the nature of the research being conducted.

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<sup>120</sup> The Report’s Ethical Guidelines listed at Annexure 6 (page 152 of the Report) say: “10. No participant should be made to participate without having first given informed consent. 11. It will be important to explain ..... what use the research will be put to when it is completed. The researcher needs to positively ‘sell’ his/her research to adults and children in the community.”

The “Informed Consent Form” given to children to sign states “I understand why this research is being done and what kind of questions will be asked” (page 157 of the Report).

In the checklist on seeking consent of child respondents in the survey (page 154 of the Report) it is stated: “seek the informed consent of children” and “seek consent from parents and caretakers”.

<sup>121</sup> Pages 155 to 157 of the Report.

<sup>122</sup> Page 17 of the Report.

<sup>123</sup> Page 158 onwards of the Report.

The questionnaire states the purpose of the research as follows: “We are studying the situation and difficulties faced by our children in the country. It is important that information on children’s background, health and other childhood experiences is gathered. This will greatly help in having programmes and schemes for their betterment.” This suggests a run-off-the-mill inquiry into the health and background of children, which is anything but what this research was about. Given that the Report itself states upfront that it was prompted by a belief that there is widespread, hidden abuse by Indian parents of children, informed consent required that this belief be conveyed to the respondents, or if this would be confusing for little children, to their parents and guardians.

### ***Can young children meaningfully give consent?***

Even if consent had been taken, and the Report makes much of the fact that consent forms were also given to the children interviewed, given that this is supposed to be a Report about respecting the child as an individual, it is surprising that its authors should believe that it is ethical to claim that they had consent of children for their research, especially when their child respondents were as young as 5, 6, 7, 8, 9 and 10 years old.

If this research respected small children as individuals, then it should have stated honestly at the outset that there is *no* equivalent to obtaining adult consent or adult comprehension of questions asked from small children for *any* research, and that the reader must always have that caveat in mind when noting the responses of children in the Report. This is the reason why the law does not recognise a child as a competent contracting party.

The claims of the Report to “ethical” research and being respectful of the child are particularly hypocritical when we recall the kinds of role play and scenarios of imagined sexual abuse and bloody sexual assault that were put to the children, as young as 5 to 12 years in age, in the part of the questionnaire dealing with sexual abuse. As discussed in Part IV of this paper, if the authors were concerned about sexual abuse, they should have made the case for new or stronger sexual assault laws regarding children in India. There appears to have been no reason to survey children on this issue, and in this intrusive manner, except to manipulate their responses to make exaggerated and biased claims about abuse of children in India.

## PART VII

### CONCLUSION

As stated in the Introduction, we have surveyed the Report in this paper as an example of the biased approach of UNICEF, Save the Children and other child rights NGOs towards Indian families, especially parents, and the falsity of their claims about pervasive abuse of children by Indian parents.

#### *False and exaggerated claims about abuse in Indian families*

We have shown you that the Report used the wrong statistical methods for the kinds of nation-wide claims it was seeking to make. We have shown you that the data gathered was unreliable, based on woefully unsystematic and arbitrary sampling.

Even accepting the Report's highly suspect data at face value, we have shown how it does not support the Report's claims of alarming levels of child abuse in Indian families.

Regarding physical abuse, we have shown you that, at best, the data shows a tendency among Indian parents, mostly mothers, to lightly slap their sons. We have shown you that the Report's data shows that severe physical abuse by parents occurs in only a minority of cases. We have shown you that on the Report's data, the majority of persons interviewed about how to discipline children preferred scolding and non-physical means.

We have shown you that the data reveals zero to negligible rates of parental sexual abuse. We have shown you that once you eliminate cases of sexual abuse by friends, class-mates, peers, strangers and non-family adults, the rates of sexual abuse shown in the data fall to a fraction of what has been claimed.

We have shown you that the Report uses overbroad definitions of abuse by including cases that are never understood to be "abuse", such as watching pornographic pictures with a friend or class fellow, having strangers on buses rub their private parts against you, being physically or sexually abused by a stranger, neighbour, faint acquaintance or other person not in a position of trust or authority, being compared with another child by a parent, being told to help with household work such as dusting or minding a younger sibling, or being slapped by your parents. We have shown you that these overbroad definitions of abuse have the effect of inflating the rates of physical and sexual abuse claimed in the Report.

None of the Report's data even remotely suggests a crisis of child abuse in Indian families, yet the Report concludes with blatantly false statements, defied by its own reported data, such as "it has also very clearly emerged that the largest percentage of abusers are persons within the family or persons in position of trust and authority"<sup>124</sup>, "the majority of abuse cases take place within the family environment, the perpetrators being close family relatives"<sup>125</sup> and,

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<sup>124</sup> Page 122 of the Report.

<sup>125</sup> Page 122 of the Report.

most unjustified of all, “the results of the study suggest that somewhere parents have not lived upto ...expectations”.<sup>126</sup>

### ***Hostile and prejudiced view of Indian society***

What the Report chooses to ignore when it looks at Indian parents and family life, is revealing of its limited understanding of what it really means by “child protection”. Is there not something to be said, from the point of view of the happiness and security of children, for the fact that Indians are still largely family-minded; that the culture still favours marriage as the foundation for raising children; and that despite rapid modernisation we have not adopted the highly atomised, materialistic and individualistic cultures of some Western societies?

How does this state of affairs in Indian society compare with, for instance, Scandinavian societies, where the overwhelming majority of children are born out of wedlock; with children having to accommodate, in their hearts and their homes, a stream of changing boyfriends and girlfriends of their birth parents? How does the state of affairs in India compare to the total material and spiritual isolation of second and third generation impoverished single mother families found in countries like the UK? Children of such families literally have no one to call their own, apart from their deeply vulnerable mothers.

When looking at Western child protection laws and policies, we must bear in mind that these were evolved as a response to a special vulnerability among Western children that was brought about in great part by the breakdown and rejection of the institution of the family in that part of the world.

In the context of what those societies have lost and are denying their children owing to the breakdown of family life there, and what we Indians continue to give to our children in our commitment and belief in family, UNICEF’s and Save the Children’s pre-occupation with slapping, scolding and giving the girl child household chores in India is laughable.

We, ordinary parents and families in India, have to insist on a sense of proportion among child rights ideologues when they condemn our child raising practices. We have to be more assertive about the value of what we give to our children, even while we keep our minds open to change, where appropriate.

### ***Child protection measures do not have to rest on an ideological hostility to families***

We can agree to bring in measures against child abuse and exploitation, but we must not concede the anti-family ideology of UNICEF and Save the Children.

As we have argued in Parts III and IV of this paper, the alleged concerns of the Report – responding to sexual and physical abuse of children – could have been dealt with adequately, and better, by making the case for amendments to existing laws, or introducing new laws to deal with genuine cases of crimes against children.

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<sup>126</sup> Page 123 of the Report.

There have always been laws in India against sexual interference with a minor (such as the laws on statutory rape) and children are not excluded from the purview of laws dealing with physical injury and other malicious assaults. Contrary to what the Report claims, it has never been the case that Indian laws have left children unprotected from their purview.

If there was a need for improving the existing laws, then a case may have been made for that. As stated, in Part IV of our paper, a strict law on sexual abuse of children was recently passed in India, which indicates the public's concern and ready engagement with this issue, contrary to the claims of the Report that Indians want to shroud child abuse in a "conspiracy of silence".

Instead of engaging with the *real* issue, which is how best to respond to the instance of child abuse, the Report states its aim was to "establish that child abuse exists".<sup>127</sup> Why did the authors of the Report feel it necessary to establish something that no one denied?

We believe the only reason for the entire project was to portray Indian parents as being abusive, and as failing their children. The target of the Report was, in fact, *not* Indian children, but Indian parents.

#### ***Why would the Report deliberately misrepresent Indian families as abusive?***

The question may be asked as to why the Report would deliberately misrepresent Indian families as being abusive when the data suggested otherwise. The answer to that lies in the biases evident in the Report. The opening line of the Report's chapter on "Research Methodology" gives the game away by stating: "The study assumes that child abuse in India, as in other developing societies, is a phenomenon which is widespread...".<sup>128</sup>

This bias against Indian and other developing societies is typical of the mindset of UNICEF, Save the Children and many child rights activists in India. They assume that people from third world countries and traditionally-minded people are innately abusive of children. Being "highly moralistic" is taken as an "indicator" of being an abusive parent.<sup>129</sup>

Naturally, such a prejudiced and hostile attitude to parents and families, especially towards impoverished parents, whose only joy and reason for living is often nothing but their children, would not find much support in India. Hence reports such as the one under discussion that try to present ordinary parenting situations as ones of gross abuse.

As discussed in Part I of our paper, the whole approach of child rights as articulated by UNICEF-Save the Children is to enable the Government to supersede parents and take over the power of making decisions about children because parents are seen, in the words of the Report, to look upon children as "their property" to be treated "as they like".<sup>130</sup> In addition,

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<sup>127</sup> Page 121 of the Report.

<sup>128</sup> Page 13 of the Report.

<sup>129</sup> Page 43 of the Report.

<sup>130</sup> Page 43 of the Report. In our view, this characterisation of Indian families itself reveals a fundamental misunderstanding about family life in the Report. Families are not a mere aggregation of independent individuals. Filial ties are made up of a sense of belonging and oneness among the individual members of the

poor parents are seen as not having the wherewithal to make the right decisions for their children. “Economic stress” is listed in the Report as an “indicator” of parental and familial abuse.<sup>131</sup> In the Report’s chapter on emotional abuse, matters that could be influenced by economic hardship, such as distribution of food among siblings, or relying on daughters to help with housework, is labelled as “abuse” and “neglect”.

Even the choice of the evidence group “Children in Family Environment, Not Going To School”, which was primarily used to study patterns of child abuse by family members, demonstrates the bias of the Report that poor families, and more particularly poor parents, abuse their children. Well off, westernised families in India are not likely to have children that do not go to school.

In another example of its classist bias, the lower rate of physical abuse reported by young adults reflecting on their childhood, than by the child respondents, is attributed to the fact that the young adults surveyed were of “better” backgrounds than the child respondents.<sup>132</sup> As discussed in Part V of this paper, the questions asked of respondents relating to so-called “emotional abuse” in the family also indicate a bias against impoverished families. To anyone acquainted with the pattern of life in poor or rural Indian homes, the questions on emotional abuse, indeed the entire approach to the issue of emotional abuse and girl child neglect, showed that the Report had only impoverished and socially backward families in mind when studying these so-called categories of “abuse” and “neglect”.

### *Stigmatising the poor*

Is the Report making a case that poor families are inherently abusive? This is no idle speculation - there is a high correlation in Western countries having severe child protection regimes, between poverty and unfair accusations of child abuse.

Impoverished families, especially impoverished black families in the United States, and working class single mother families in the United Kingdom, claim they are more frequently targeted than better off families by overzealous child protection authorities.

Anti-CPS (“Child Protection Services”) and Anti-SS (“Social Services”) websites and community groups have mushroomed in the US, UK and other developed countries, with most of their members being impoverished and socially disadvantaged people.

Their palpable resentment and fear of social workers in the child protection system should lead us in India to question whether the Western approach to child protection, as advocated by UNICEF, Save the Children and the Report, actually benefits or compounds the problems of impoverished children.

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family. To liken the sense of filial possession to “property ownership” is perverse. What is family if you take away the sense that our parents, children and siblings belong to us, as we belong to them?

<sup>131</sup> Page 43 of the Report.

<sup>132</sup> Page 65 of the Report.

### ***Government policing of ordinary family life***

The scrutiny of ordinary family life by the Government in the Report is also disturbing. The Report's inquiries into slapping by mothers, and sibling comparison by parents, show that unbeknown to the millions of families and children in India, the Government, in the name of child welfare, is entering upon areas of everyday, personal life that have never previously been understood to be in the domain of governmental scrutiny.

The National Commission for the Protection of Child Rights ("NCPCR"), a body constituted at the recommendation of UNICEF and allied parties, openly states that its agenda is to intervene in families and communities. Its website states: "In order to touch every child, [NCPCR] seeks a **deeper penetration to communities and households** and expects that the ground experiences gathered at the field are taken into consideration by all the authorities at the higher level [emphasis added]."

If the so-called "ground experiences" are going to be gathered from the field in the biased and unscientific manner of the Report, then we have a taste of what to expect from the NCPCR. Since the inception of the NCPCR, UNICEF, or one or other like-minded NGO has sat in on virtually every meeting of the NCPCR, and been involved in virtually every report and recommendation issued by this body.

Bear in mind that the NCPCR was set up by the Ministry of Women and Child Development to implement the agenda of the so-called "rights based" approach to child welfare with the active instigation of UNICEF. As stated in Part I of this paper, in the world of child rights, "child protection" is a term of art, a technical term for a certain type of governmental machinery empowered to supersede parents and take decisions and actions about children in the name of "child rights". So the assault on the family in the name of rights-based child protection has begun in India.

We wish to emphasise that we are not making a simplistic claim here about the private sphere being off limits to discussion. Nor are we claiming that families should be above questioning because of "patriarchal" notions about the sacredness of family life, or any other reason.

People have strong ideas about raising children and gender discrimination; and questioning of family dynamics in this context is legitimate. But this is something for us to discuss, advocate and campaign about *in society*. There is no call for bringing in the Government, and its policing apparatus, on these issues.

The authors of the Report are well aware of this, which is why they brought gender politics and family dynamics under the heads of "abuse" and "neglect". Once you accept that something is abusive or neglectful, then it is hard for anyone to object about using the Government to address it.

Not only is this an unfair attempt to gain the upper hand in a debate over a cultural issue, it will also not be effective. The law and police are blunt instruments. They are not the proper tools for unpicking the complex and finely balanced things - personalities, attitudes, fears and aspirations - that make up family dynamics.

Moreover, laws do not change attitudes. All that will be achieved is the criminalisation of family life.

UNICEF, Save the Children and local Indian NGOs supporting their line on child rights, first have to convince people on the ground of their philosophy. And they have to do so in a transparent manner, engaging educated people like us who hold the opposing view, and not just bamboozling impoverished, socially backward families into accepting their agenda offered in the guise of charity and welfare measures.

### ***Playing politics through children; manipulating their responses***

What is particularly distasteful about the Report is the manner in which the child respondents were surveyed to unwittingly incriminate their parents for acts and attitudes (such as slapping, scolding, disciplining and help with household chores) that are not immoral; that neither the children surveyed, nor their parents, nor the public at large, perceives as abuse; and that were not intended with any malice by parents towards their children.

Not only were children duped into unknowingly condemning their own parents, no provision seems to have been made, when processing their responses, to account for the limitations inherent in their still developing capacities of comprehension and articulation.

In this respect, the Report abysmally fails to uphold its own stated commitment of placing the child at the centre of child welfare policy. The entire Report was an exercise in placing the authors' prejudiced and debatable child protection ideology at the centre of child welfare policy through covert, motivated and fraudulent research practices, not to mention the pervasively careless and shoddy statistical analysis underlying all of its claims.

The exaggeration and misrepresentation of the responses of the children surveyed, to give a false impression of pervasive abuse of children by Indian families, is a sorry example of the UNICEF, Save the Children and its supporting Indian NGOs playing politics through children. *That*, if anything, is abuse. Abuse of trust, and abuse of innocence.

### ***Hostility to boys and mother-blaming***

The hostility towards young boys in the Report; the failure of its authors to take note of the pattern that emerged in their own data of more boys than girls being physically and sexually abused; and the stigmatisation of mothers as “abusive” and “neglectful” for ordinary acts like slapping a child, being reticent about talking of sexual matters, and seeking the help of daughters in minor household chores, shows a perverse and irrational attitude towards women and little boys.

If this is truly the attitude of the Ministry of Women and Child Development towards Indian mothers and boys, then steps must be taken by ordinary citizens to force the Ministry to explain itself. In particular, mothers must join forces to ensure that they are not subjected to overzealous and biased policing by the Government over the manner in which they choose to raise their children.

### *Child protection is an industry, not just an ideology*

The negative portrayal of Indian families, and of family life in general, is not just a matter of ideological belief, but also part of the economy of child rights that has been fostered by UNICEF and Save the Children all over the world. They fund local child rights groups, they design public policy courses for child welfare, they fund government projects for child welfare, and they advise philanthropists and businesses wishing to contribute to child welfare.

So at each step of the way, whether you are teaching or studying child welfare; forging a career in the world of child rights; a public servant working in child welfare; or a philanthropist, you are presented with the UNICEF-Save the Children version of anti-family child welfare policies and their exaggerated claims of child abuse.

The Report itself testifies to how UNICEF-Save the Children set up a self-perpetuating cycle of highly partisan child protection ideologues to devise, teach, advocate and implement child related public policy measures. In its concluding chapter, the Report recommends so-called “capacity building” for the formulation of “a new policy, legislation, scheme...[by] the creation of a cadre of trained personnel, sensitized to child rights and protection of children. In order to create this cadre, in the first instance, schools of social work and universities should offer specialized courses on child rights, protection and counselling. Further, child rights and protection issues should be integrated into the curricula of administrative institutes, police training academies, law colleges, medical colleges, teacher training schools etc. So that the professionals passing out of these institutions have both the sensitivity and the knowledge to deal with these issues.”<sup>133</sup>

Here you have in clear language the blueprint for implementing the version of child protection favoured by UNICEF, Save the Children and allied NGOs. Trained exclusively in their child protection ideology, and without any significant counter discourse or questioning of the factual basis of its claims, you create an environment where almost every professional coming in contact with children, parents and the child protection system is biased in favour of the system and against the parents.

The names of the government servants, NGOs and child rights activists who participated in the Report are listed there itself. If you follow the work of any one of them, you will see that most of them are adept at mouthing the UNICEF-Save the Children line on child rights: it gets their names into international reports of the UNICEF, they are admiringly quoted as beacons of light in an otherwise anti-child society, they retire from government to plum posts in corporate sponsored charitable foundations, and so on. So advocating this version of child rights is not even just a matter of ideological narrow-mindedness, but also one of career advancement.

Each time a case of foreign child protection authorities taking children of Indian families abroad into foster care has been reported in the media, Save the Children’s India desk has made it a point to come on national television to support the removal of the children, and

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<sup>133</sup> Page 123 of the Report.

advocate for a similar system in India. We have been closely following such cases, and seen that in each case either the parents are winning the cases against them abroad, or analysis of the case documents shows the allegations to be completely unfair, biased, and often racist. In each case the forced confiscation of the children into foster care has been found to be nothing but a totally unnecessary and traumatic experience for the children.

Save the Children has sided against Indian families abroad without making any attempt to contact the affected parents or children, or ascertain the facts of the case. Their partisanship in the matter is abundantly clear, and it is they, UNICEF, Save the Children and allied child rights NGOs who are, at the moment, the chief public interlocutors with the Indian Government on child-related policy.

### ***The dangers of Western-style child protection***

The agenda of UNICEF, Save the Children and other child rights NGOs in India is to establish a Western-style regime of child protection in this country. As stated in Part I of this paper, in the UNICEF-Save the Children vision of child rights, the issue of child welfare is set up as a question of legal and human rights that the child can claim directly from the Government, and the institution of child protection authorities with the power to supersede the family in taking decisions about children is justified as the necessary machinery for giving effect to these child rights. In its Conclusions and Recommendations, the Report says that “there is a clear and established need for a separate National Child Protection Policy. In addition, every state should set up a State Commission for the Protection of Rights of the Child and formulate Plans of Action for Child Protection at the district and state levels.”<sup>134</sup> The Report also asks development of “standard protocols on child protection mechanisms at the district, block and village levels” to “build a protective environment for children in the country”.<sup>135</sup>

The language and view point of child protection is thus already an integral part of Indian child welfare policies.

Severe child protection regimes that allow child protection officials to confiscate children from their parents can be found most Western countries, including the United States of America and the United Kingdom. In our opinion, child protection in these countries has been an unmitigated and cruel disaster. We hold this view based on our direct experience of Indian families with child protection services in Norway, the UK, USA and Ireland.

Ever since the dramatic case in 2011 of a Bengali family in Norway having their children forcibly taken into foster care by Norwegian child protection authorities,<sup>136</sup> we have been working with Indian families similarly threatened with child confiscation abroad. We have also been closely studying the rules, procedures, philosophy and judicial decisions of child protection officials and family courts in this field.

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<sup>134</sup> Page 121 of the Report.

<sup>135</sup> Page 122 of the Report.

<sup>136</sup> Commonly known as the “Bhattacharya Case” or the case of the “Norway Foster Kids”.

We have observed in Western child protection regimes, a systemic preference for removing children from families, rather than enabling families to provide better for their children; findings of parental abuse or neglect on woefully inadequate evidence, including hearsay, conjectures and speculations, that would be inadmissible in other types of legal proceedings; rubber-stamping by courts and lay tribunals of the findings of care workers who function for all practical purposes as adversaries of the parents in care proceedings; bullying and intimidation by child protection officials acting under cover of their powers of child confiscation; parents being blamed for developmental and other disorders in their children; the misinterpretation of medical evidence, or the application of medical theories that are vigorously contested within the medical community, in findings of abuse, neglect or the like against parents; parents with mild mental disabilities such as learning disorders being denied the right to raise their children; and poor parents and parents belonging to racial minorities or socially disadvantaged classes being targeted by overzealous and culturally biased child protection officers.

In countries such as the UK, the role of child protection agencies in preventing child abuse has taken the form of social workers being empowered to remove children from parents, even when they are thriving with their parents and there is no allegation of actual harm, based on assessments of risk of *future* harm. Assessments of risk of future harm are made based on so-called indicators of parental incompetence such as having a minor learning disability, or being short tempered, or having a history of depression. Based on these so-called indicators of risk of future harm, social workers are actually empowered not just to remove children from families, but even to identify pregnant women and remove their babies to State custody within minutes of birth.

In this context, plans expressed in the Report for having a “Scheme on Child Protection” that would “identify vulnerable children and families” are worrisome. We have in the West a live example of how such schemes have unleashed a virtual pogrom against families, where almost anything a parent does or doesn’t do can land the family in a situation where the children face enforced confiscation by the State.

The “indicators of abuse” listed in the Report confirm every apprehension that we are looking at plans to implement a child protection regime in India that would catch innocent families in the net. Indicators of physical abuse as listed in the Report<sup>137</sup> include the child “seems frightened by parents”, “often late or absent from school”, “plays aggressively”, has “little respect for others”, and also its opposite: “overly compliant, withdrawn, gives in readily and allows others to do for him or her without protest”, “has difficulty getting along with others”, “[refusing] to undress for gym”, “[giving] inconsistent versions about occurrence of injuries” and “comes early to school, seems reluctant to go home afterward”. Indicators of parents being abusive include “economic stress”, “highly moralistic”, “easily upset, have a low tolerance for frustration”<sup>138</sup>, “blames child for injuries”. As anyone can see, these are highly

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<sup>137</sup> Page 43 to 44 of the Report.

<sup>138</sup> Some critics of Western child protection claim that case workers are instructed to deliberately provoke parents to see how they respond. Most parents, unaware of the consequences and already antagonised by the

subjective assessments. Even if made correctly, they cannot reasonably be taken as establishing that the child is abused or that the parents are abusive.

In our opinion, the issues with Western-style child protection are not individual instances of a well-intentioned mechanism gone wrong. We believe these problems are built into the understanding of the child and family that underlies Western-style child protection. A hostile and suspicious approach to the family, which is fed by the general understanding that there is rampant and hidden “abuse” in families, particularly by parents.

***UNICEF and Save the Children have begun to lay the foundations of an oppressive Western-style child protection regime in India***

If the Report is anything to go by, the Ministry of Women and Child Development, and hence the Government of India, has endorsed and adopted the UNICEF-Save the Children version of child rights. Although Western-style child protection has not yet been fully instituted in India, many steps have been taken to lay down the institutional infrastructure and legal provisions for it.

Lobbied by UNICEF and allied NGOs, Parliament amended India’s juvenile justice laws to provide for a network of child welfare committees (“CWCs”) empowered to intervene for children “in need of care and protection”. The legal definition for children “in need of care and protection” under the amended laws is quite loose. On our reading, CWCs have wide powers to intervene in cases of “slapping” or “girl child doing housework” under some of the heads of child “in need of care and protection” enumerated under the law.

As in the case of Western child protection bodies, although these CWCs are given wide powers of taking over the custody and guardianship of a child, their members are not required to have any legal or investigative expertise. They also operate away from the public eye under cover of secrecy laws that were meant, in the West, to protect the privacy of children, but have in fact served to give a free reign to incompetent, corrupt and misguided child protection officials. The head of the family courts in England, a senior judge,<sup>139</sup> has repeatedly expressed the need for full transparency in the British child protection system.

The manner in which our laws were amended to bring in secrecy provisions from Western models of child protection, without even any consideration of how they have caused systemic dysfunction there, shows how lax our Parliament and Government have been in properly

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unwarranted intrusion into their homes by case workers, respond with anger and frustration, and are promptly reported back as fulfilling the indicator for abuse.

<sup>139</sup> Sir James Munby on the need for judgments and case documents in child protection cases to be made public <https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Speeches/pfd-speech-society-editors-11112013.pdf> (Note that in the British system, child protection cases are dealt with by the family courts and the “Court of Protection” deals with cases regarding incapacitated adults). See particularly, pages 3, 8 and 9 of the speech. Sir James Munby repeated his call for transparency in child protection cases in the context of the case of a pregnant Italian woman on a visit to Britain who was forced by child protection authorities to undergo a C-Section, with the baby being immediately removed for adoption: <http://www.telegraph.co.uk/news/uknews/law-and-order/11043704/New-plan-to-end-secrecy-in-family-courts.html>.

evaluating and applying Western-style rules for child protection in India.<sup>140</sup> There seem to be only advocates for this version of child welfare, and very little questioning of it from responsible quarters in India.

Not only does this place us in danger of repeating the mistakes of Western-style child protection, it also hinders us in India from enlisting resources that exist here, which may not exist in the West, for the support and protection of children. A glaring example of this is the provision in our juvenile laws (included at the instigation of UNICEF and allied NGOs) for what is to be done with children found by CWCs to be “in need of care and protection.” The options listed are adoption, placement in a shelter (institutionalisation) and foster care. There is not even a mention of placement in the extended family. How did this happen in India, of all places, when the extended family is so much a part of our social fabric?

***The need for ordinary citizens to organise against UNICEF and Save the Children in India***

The answer lies not just in the biases of the UNICEF and other NGOs that have monopolised the conversation in India on child welfare, but also because no one really questions measures suggested in the name of child welfare. There is an assumption that activists and organisations devoted to the cause of children must be noble, and that their suggestions can only be good for society.

In our opinion this assumption is proving to be dangerous not just for families or parents, but also for children. Children placed under state protection have fared terribly in the West – most of them face a fate of total social isolation, unemployment and drug addiction. Many of the girls supposedly “protected” by the State, end up in prostitution. Most children in State care attain majority as school drop outs, and many proceed swiftly on a path that lands them in prison. There are alarming reports of the wide powers given to child protection officials to remove children from their families, being misused to funnel children into adoption rackets and seedy paedophile rings.

So we cannot afford to allow UNICEF, Save the Children and other NGOs to continue on the course they have set for Indian children and Indian families. This paper is our first step in building an informed critique of their approach to child rights and child protection.

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<sup>140</sup> A few months ago in New Delhi, there were reports in the newspapers of the Chairman of the Delhi Child Welfare Committee objecting to the police publishing photos of missing children. The police responded with surprise saying that the publication of these photos within the first few days of a child’s going missing was the key factor in at least half the cases where they were able to trace lost children. This is an example of how counter-productive a formulaic approach to child welfare, especially confidentiality laws, can be.

