

**CHILDHOOD ABUSE AND NEGLECT AS A RISK FACTOR
FOR
SUBSEQUENT JUVENILE DELINQUENCY: A STUDY
AMONG MALE
CHILDREN IN CONFLICT WITH THE LAW IN INDIA**

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ABSTRACT

Children who were victims of early childhood abuse inclusive of physical, emotional and sexual abuse - are more likely to suffer from post-traumatic stress disorder, commit delinquent acts, and be addicted to drugs and alcohol, compared to children who were not victimized. In this paper, an attempt is made to elucidate the relationship between early childhood abuse and delinquent behavior. A study was conducted among male delinquents (n=60) under institutional care in New Delhi, India. The results of the study clearly reveal that three- fourths of the children surveyed have experienced childhood abuse in some form, including physical, mental and sexual abuse.

Keywords: Delinquency, children in conflict with the law, child abuse

BACKGROUND OF THE STUDY

A category of children almost always overlooked while addressing the issue of marginalized children is 'Children in Conflict with the Law.' Many who believe in the maxim, 'These children get what they deserve!' want to do little about the treatment meted out to them. However, it must be understood that a juvenile, given its relative

immaturity, does not quite comprehend the consequences of its actions and is extremely susceptible to its surroundings.

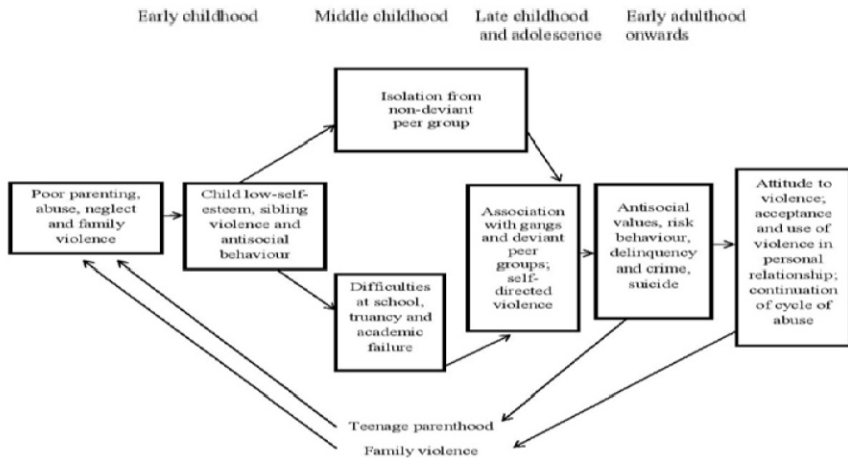
In India, the share of crimes committed by juveniles has seen a steady rise. According to the National Crime Records Bureau Report (2013), the juvenile crime rate increased by 13.6% in 2013. Juvenile justice, as opposed to criminal justice, recognizes children who come into conflict with the law as victims, taking into account the fact that children lack the maturity of adults in moral, cognitive, physical and emotional terms. It also recognizes the vulnerability of children to experimentation, victimization, and involvement in crime - and that the problems experienced in childhood or adolescence can have lifelong implications. The overwhelming majority of children coming into conflict with the law are victims of neglect, exploitation, and social and economic hardships. These children need, and have every right, to proper care, guidance, protection and the opportunity of social reintegration needs on which the juvenile justice system ought to be based.

Delinquency among juveniles is a result of social pressure from delinquent peers and parental responsibility. While parental responsibility starts from the time of conception, social pressure from delinquent peers starts when juveniles have grown up. Though social pressure from delinquent peers and parental responsibility are held important, Ronald Akers & Robert Burgess (1966) and Michael Rutter (1995:432) believe that delinquency among juveniles is a result of the troublesome environment which juveniles find themselves steeped in during their early years.

Apart from the aforesaid factors, it is argued that early child maltreatment plays a vital role in determining later delinquent behaviour (Patterson, 1982; Snyder, 1977; and Snyder & Patterson, 1986; Creighton, 2002; Dodge, A. K., et al, 2007; Geller and Ford-Somma, 1984; Shanok et al, 1979; Maxfield & Widom, 1996; and Smith and Thornberry, 1995). Child maltreatment is classified into four groups: physical abuse, sexual abuse, emotional and psychological abuse, and neglect (Krug E. G., et al, 2002 and Butchart, A., et al, 2006). However, extensive studies have clearly demonstrated

that there is a strong relationship between early child abuse and later delinquent behaviour. Many surveys of victimization reveal that the number of people who have faced any form of abuse in their childhood is ten times greater than those who have not been maltreated (Creighton, 2002). It is clearly proved that people who face early childhood abuse often tend to become victims or perpetrators themselves of crime and delinquency. Another interesting fact is that the majority of the perpetrators of early abuse are family members themselves, with two in five people maltreated in childhood corroborating these startling findings. (Hamilton and Browne, 1999). There are lots of studies reinforcing the proposition that individual members of the family directly urge children - through poor parenting, lack of monitoring and inconsistent discipline - to perpetrate antisocial behavior (Loeber & Dishion, 1983; McCord, McCord, & Howard, 1963; Forenand, King, Peed, & Yoder, 1975; Patterson, 1982; Snyder, 1977; and Wahler & Dumas, 1984). Further, it can be argued that coercive behaviour on the part of children is reinforced, time and again, through clumsy parenting practices (Patterson, 1982; Snyder, 1977; and Snyder & Patterson, 1986). The following figure establishes, in no uncertain terms, the relationship between early childhood abuse and later coercive behaviour on the part of victims-turned-victimizers; clearly depicting four developmental stages starting from early childhood to early adulthood. The results of poor parenting include abuse, neglect, and family violence; naturally leading to children growing up with a host of personality disorders, such as poor self-esteem and violent behaviour, particularly in their dealings with their siblings. These children grow up, in later years, with a propensity for delinquent behaviour. During this progression, children suffer negligence in such forms as rejection by peer groups, truancy, loss of interest in studies, association with criminal gangs, and so on.

Figure: The developmental progression from childhood maltreatment to antisocial and violent behaviour



Source: Browne & Herbert (1997); Patterson, DeBaryshe and Ramsey (1989)

It is seen from a review of literature that studies have been done to discover a relationship between child abuse and delinquency. Earlier studies relied on recollections of faded and distant childhood memories of abuse faced by adults when they were yet children. The present study has attempted to collect data and establish a link between child abuse and delinquency from juveniles currently facing trials in observation homes. The study, therefore, aims at answering the following questions:

- Are childhood abuse and neglect significant risk factors for subsequent delinquency?
- What is the nature and form of childhood abuse and neglect experienced by children in conflict with the law?

METHOD

Concept

The definition of “juvenile” in India, as laid down in Section 2 of the

Juvenile Justice (Care and Protection of Children) Act, 2000, defines a juvenile as a person who has not completed eighteen years of age.

According to the Ministry of Women and Child Development (2007), child abuse refers to any kind of maltreatment - habitual or otherwise - which may be either intended, unintended, or perceived as maltreatment. This may include any of the following:

- Physical or psychological abuse, cruelty, sexual maltreatment, emotional maltreatment, or neglect.
- Any deed or act which degrades the real worth of a child or damages the dignity of a child.
- Deprivation of any of the basic needs of a child - such as shelter, food, or not being provided proper medical care - essential for survival, leading to impairment or the death of the child.

Research Design

An exploratory research design has been undertaken in this study, given the current lack of a comprehensive study on child abuse as related to delinquency in India. Researchers in the past have mentioned child abuse as a psycho-social factor that could be related to delinquency, but there has not been an exclusive focus on this topic. In light of the lack of past research and the absence of a workable hypothesis, this study has had to adopt an exploratory approach.

Sample and sampling

The geographical location of the present study was two observation homes located within the National Capital Territory (NCT), Delhi. Observation Homes I & II for Boys are short-stay homes for residing juveniles in conflict with the law. Juveniles are remanded in these homes until such time that an enquiry is pending in the Juvenile Justice Board under the aegis of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006. At the time that data was being collected, Observation Home for Boys-I housed 62 delinquent males, while Observation Home for Boys-II housed 117. The sample was limited solely to male delinquents, an adequate sample of female delinquents being unavailable in the Observation Home for Girls. A

scrutiny of the crime rate relating to juveniles shows that female delinquents scarcely contribute to the crime rate. A purposive sampling method was used to select respondents from these homes. The researchers initially approached the participants, explained to them the objectives and purpose of their research, and gave them the assurance that any information obtained from them would be kept confidential. Further, written consent was obtained from the officers in charge, on behalf of the children, of both homes. Additionally, the respondents were informed that they could choose to terminate the interview at any point of time if they were not inclined to continue. Of the total number of respondents, only 60 agreed to participate in the study and data was collected from them. A social worker accompanied the researchers as they went about collecting information pertaining to early abuse. A semi-structured interview schedule was constructed incorporating all the variables of the study, and a pilot study conducted. After a thorough perusal of the results of the pilot study, a few items were deleted and a few others inserted (Cronbach's alpha $\alpha = 0.82$).

Data analysis

The data collected was processed using the Statistical Package for Social Sciences (SPSS), version 20.1. Descriptive statistical analyses such as frequencies and cross-tables and inferential statistical test like chi-square were carried out to analyze the relationship between the types of family structure and child abuse.

FINDINGS AND DISCUSSION

Table 1 - Profile of the respondents

Variables	Frequency(N=60)	Percentage (%)
Age Group (Years)		
9-11	9	15.0
12-14	25	41.7
15-17	26	43.3
Educational Status	23	38.3

Illiterate Primary school	9	15.0
Secondary school	28	46.7
Sr. Secondary school	0	00
Living With Both parents	7	11.7
Foster parents	4	6.7
Friends	13	21.7
Guardians	8	13.3
Homeless	4	6.7
Single parents	24	40.0

From the table above, it is seen that nearly 85 % of children who are in conflict with the law are in the age group 12-17 years, that is, they all are adolescents. A higher percentage (39) is illiterate, and only 46.7% have completed secondary school. It was also found that only 11.7% live with both parents, while 40 % live with single parent. The rest stay with friends (13.3%) or live on the streets (40.0%).

Table 2 - Nature of Offence

Variables	Frequency(N=60)	Percentage (%)
Duration of stay in the Observation Home		
< I month	23	38.3
1-3 months	24	40.0
3-5 months and more	7	11.7
No. of times brought to the Observation Home		
Once	6	10.0
Twice	20	33.3
Thrice	14	23.3
More than three times	19	31.7
	7	11.7

Nature of Offence		
Arson	6	10.0
Assault	8	13.3
Causing grievous injury	9	15.0
Murder	6	10.0
Rape	11	18.3
Robbery / Theft	20	33.3

It is found that nearly 40% of respondents have been staying in the observation home for a period ranging from one to three months. Of the rest, most have been in the home less than a month. A large percentage (33.33%) has been brought to the home for the first time, while almost as many (31.67%) have been brought there around three times. The principal reason for the respondents being remanded to the observation home is theft (33.33%), followed by rape (18.33%). It is noted from the results that nearly 60% of all respondents were apprehended for committing serious offenses including murder, rape, and robbery.

Table 3 - Child Abuse

Childhood Abuse	Forms of abuse		
	Physical Abuse	Psychological Abuse	Sexual Abuse
Yes	47 (78.3%)	58 (96.7%)	21 (35%)
No	13 (21.7%)	2 (3.3%)	39 (65%)

This table shows the responses of the sample on a history of childhood abuse with respect to the forms of abuse. Nearly 80% of all respondents have experienced physical abuse. 96.7% reported psychological abuse and 35% sexual abuse.

The results also reveal the forms of physical abuse faced by children in conflict with the law. Beating (38.29%) was the major form of physical abuse suffered by respondents, including slapping, hitting, and relatively milder forms of physical assault. Other more common forms of physical abuse comprised different forms of torture, severe beating and physical injury (19.14% each). Beating is carried on to the point

where the victim suffers marked hurt and pain. Punishment encompasses any form of physical violence used to scold or discourage a child, such as caning and using hot objects to scald the victim, followed by beating and punishment (17.02%), and beating and severe punishment (6.38%). Therefore we see that children who experienced physical abuse had been beaten in various ways, but not to the extent that they suffered traumatic injury, or were punished with the use of excessive force.

Results showed that the perpetrators of physical abuse were relatives (uncles or cousins) or guardians of the victims, accounting for 27% of the cases reported. A large percentage of the respondents have been abused by neighbors (51%) and parents (76.59%), with 17.8% being physically abused by their elder brothers. A high percentage (48.9%) of those physically abused had been victimized by their own parents, thus confirming the fact that physical abuse continues to be an intra-familial issue of concern because of the social sanction it has. The results of the study clearly confirm and support the findings that individual members of the family model antisocial behaviour and approve of children resorting to the same, a phenomenon observed throughout the world (Patterson, 1982; Snyder, 1977; and Snyder & Patterson, 1986).

As for psychological abuse among those who have a history of child abuse in the form of neglect, the majority were deprived of love and care (38.29%), followed by separation from home and parents (21.27%). Most of the other respondents faced the deprivation of basic needs (19.14%) and abandonment (12.76%). These children have been robbed of basic needs like education, recreation, wish fulfillment, love and care - especially from parents and, specifically, from the mother. Many were also separated from home and parents, having been sent away to another city in search of work, or to live with a guardian or relative. The perpetrators of psychological abuse include parents (father, mother, and foster parents), relatives (siblings, cousins and so on) and unrelated guardians. It is unfortunate that the maximum degree of psychological abuse, as well as neglect, is inflicted by parents (72.41%), followed by relatives (24.13) and unrelated guardians (6.90%). It indicates that abuse is still a closed-door phenomenon, with victims and perpetrators related by blood ties.

Of those who faced sexual abuse, incest (36.36%) was the major form of sexual abuse faced by respondents, followed by intercourse (31.81%) and fondling (22.72%). The perpetrators of such physical abuse are relatives or guardians, with a large number victimized by neighbors (36.36%).

Table 4 - Relationship between living structure and child abuse

Child Abuse	Types of Family Structure						χ^2	p
Physical Abuse	5 (10.6%)	19 (40.4%)	1 (2.1%)	3 (6.5%)	7 (14.9%)	12 (25.5%)	15.66	0.008*
Sexual Abuse	3 (14.3%)	5 (23.8%)	2 (9.5%)	1 (4.8%)	6 (28.6%)	4 (19.0%)	8.35	0.138
Psychological Abuse	5 (8.6%)	24 (41.4%)	4 (6.9%)	4 (6.9%)	8 (13.8%)	13 (22.4%)	8.82	0.116

*<0.05%

The table above establishes the relationship between living structure and child abuse. The living structure of the respondents was divided into six groups: with both parents, foster parents, friends, guardians, homeless, and single parents. The majority of the respondents who lived with foster parents faced all forms of abuse. Amongst those who faced abuse, the maximum faced physical abuse (40.4%), followed by psychological abuse (23.8%) and sexual abuse (41.4%). These results also substantiate the earlier findings of several researchers (Benedict, M. I., Zuravin, S., Brandt, D., and Abbey, H., 1994; Benedict, M. I., Zuravin, S., Somerfield, M. and Brandt, D., 1996; Miller, 2011). A portion of the respondents who lived with a single parent had experienced physical abuse (25.5%), psychological abuse (19.0%) and sexual abuse (22.4%). Again, in the case of the homeless, nearly all had faced some sort of child abuse, with physical abuse (14.9%) and psychological abuse (28.6%) topping the list. There are far fewer victims of child abuse among the many respondents living on the streets.

This could likely be because the absence of a parent in itself is a cause of neglect and emotional anxiety for a child unable to gain the love and

affection of a missing parent. As each parent has a specific role to play in a child's life, the absence of either could be a source of emotional and psychological distress for the child. The difference in the kind of abuse suffered could mean that the child was exposed and vulnerable in the absence of a protective parent figure. The incidence of child abuse is also high among respondents staying with friends. The high percentage of abuse faced by respondents living with guardians and relatives could mean that those who are sent away from home to live with others (relatives or guardians) are not only distressed at being away from home and separated from family, but are also forced to come to terms with a lack of care on the part of their guardians. A comparison, in terms of abuse, of the data for respondents staying with both parents and those staying with guardians reveals that the rate of all forms of abuse is much higher in the first case. This may point to the fact that parents - especially, fathers - may be much more responsible for inflicting psychological abuse than causing other forms of distress. In a typical Indian family structure, the physical beating of children is accepted and even condoned and could possibly explain why respondents did not associate it with anxiety or emotional distress, even though they had routinely faced physical abuse (Barnett, Miller-Perrin & Perrin, 1997; Watts-English, Fortson, Gibler, Hooper, & De Bellis, 2006; Straus & Donnelly, 2005). Similarly, the findings of the present study also emphasize the significant association that exists between physical abuse and the children's living structure ($\chi^2 = 15.66$, $p = 0.008$).

IMPLICATIONS

The implications of the findings are important both for a rehabilitative model as well as a socio-legal one. For rehabilitative measures, some knowledge of the background and risk factors that have driven a juvenile towards delinquency can enhance the procedure of treatment, making corrective therapy more client-centered and definitive.

From a socio-legal viewpoint, the link between child abuse and juvenile delinquency can only re-emphasize the need to strengthen

legal provisions concerning child abuse. The fact that much of the abuse is within the framework of the family calls for special attention from all sectors of society in helping deal with this multi-consequential concern.

The findings of the study make clear that delinquency is not an uncommon or restricted phenomenon among children, calling for immediate attention from the government and private organizations working in the field to introduce more appropriate policies that will help save young people caught up in these unfortunate circumstances. There is a lack of a client-centered approach in the system, with the legal framework failing to make adequate provision for looking into the causes of delinquency during the juvenile's rehabilitation. Probation officers focus more on monthly visits and reporting rather than individual case plans and referrals. Moreover, a risk-assessment of the juvenile is not made. Special rehabilitation programmes for delinquents - entirely different from those intended for adult criminals - need to be provided, taking into consideration the delinquent understanding of these acts, and reasons for committing them, as well as the nature of the kind of harm they are vulnerable to.

A review of literature makes it plain that the theoretical backdrop of most rehabilitation programmes is unidirectional, focused on a single approach. It has now been established that juvenile delinquency is a complex and multidimensional fact that needs to be addressed from all possible viewpoints. Moreover, the high incidence of child abuse, including psychological distress and feelings of neglect, would mean that these unconscious processes and cognitive dispositions have to be modified if rehabilitation is to be successful. Behavior modification alone cannot suffice, especially in cases where cognitive dissociation is involved. Only when the juvenile's basic perceptions and thinking patterns have changed will he be able to develop alternate coping mechanisms. Under such circumstances, only a shift in behavior will always be temporary, thus keeping the rate of recidivism high.

This paper has tried to address the importance of childhood risk factors with respect to juvenile delinquency. Irrespective of the fact that

various limitations were in place, a definite relationship between the two variables could be corroborated. A comparative analysis of the incidence of childhood abuse among male juvenile delinquents and non-delinquents further clarifies the significance of this determinant. Also, psychological tools may offer an in-depth analysis of the consequences of child abuse on the personality of the individual and how that is, in the final analysis, related to juvenile delinquency.

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