A HISTORY OF CONTEMPORARY CHILD PROTECTION IN THE GLOBAL SOUTH (WITH A SPECIAL FOCUS ON SOUTH ASIA AND PAKISTAN)

Abstract

The maltreatment of children has always occurred through out the history and across cultures. Child protection first became a concern in societies of the global North, in the late 19th century. Ever since, the history of child maltreatment, and of protection, has been well documented in the global North. In comparison, the modern history of child abuse and protection in the global South starts only with the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. States' efforts to meet their UNCRC obligations have given rise to an increased interest, both practical interventions and research, in child protection. However, the history of child protection in the global South remained an under-researched and poorly documented area. This article attempts to fill this gap by compiling the history of child protection in countries of the global South.

Key words: child maltreatment, child protection, history, global South, South Asia

Introduction

According to the French historian Philip Aries, the idea of childhood did not exist in the medieval European society in that "there was no awareness of the particular of children. that particular nature nature. which distinguishes the child from the adult".¹ However, it was not the case in some other parts of the world. Analyzing the written sources including treatises, books, chapters from books and juridical literature from early days of Islam to the sixteenth century, Anver Giladi (1989) demonstrated that the Islamic civilization possessed rich and diversified knowledge concerning the physical development of children, the diagnosis and treatment of childhood diseases and child psychology.² Giladi (1989) noted that childrearing practices in medieval Islamic societies revealed a greater concern for children than in early European societies as identified by Philipp Aries.³

However, the maltreatment of children has always occurred throughout the history and across cultures.⁴ Child protection first became a public concern in societies of the global North, in the late 19th century, when children were first seen as priceless (in terms of their emotional value) and vulnerable (due to their age, size and strength) and the new concept of childhood based on the emotional value of children took shape.⁵ This concern was expressed in the form of efforts to reduce infant and child mortality, laws related to child labor and compulsory education for all children among others.⁶ More importantly, action was taken to protect maltreated children and Societies for the Prevention of Cruelty to Children were formed in various parts of the world including the United States of America in 1871 and the United Kingdom in 1883.⁷By mid-twentieth century, distinct, professionally staffed child protection services with expertise in the assessment and treatment of cases of child maltreatment have been established throughout the global North.⁸Alongside the establishment of child protection services, the history and evolution of child abuse and protection has also been documented in the global North (as shown in the sources cited above).

In comparison, the modern history of child abuse and protection in the global South goes back only to the latter half of the twentieth century. Child protection efforts gained real momentum after the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. States' efforts to meet their UNCRC obligations have given rise to an increased interest in child protection in the global South.⁹ In 1993, only four years after the adoption of the UNCRC, an increase was noted in child legislation throughout Asia.¹⁰ Similarly. protection Lachman and colleagues noted a steady increase in the number of journal articles from less developed countries published in Child Abuse & Neglect between 1992 and 2002, with more articles published in the last two years (2001-02) than in the previous ten years.¹¹ The increased representation of developing countries (69 per cent) in the World Perspectives on Child Abuse survey is yet another indication of this new interest ¹²

However, most of this research and documentation has been focused on the current situation and the history and evolution of the child protection in the global South remained and under-researched and poorly documented area. This article is an attempt to contribute to fill this gap by bringing together various written sources available related to child abuse and protection the global South.

Methods and Data

The data for this article were collected in two stages using historical analysis of published material. In the first stage, the table of content of all issues of the journal of *Child Abuse & Neglect* – the only world recognized journal fully dedicated to child abuse and protection issues starting from volume one, issue one in 1977 to 2011 (volume 35) were examined. Three types of titles were read in detail. In the first type included those articles whose title suggested that it is a historical account of child abuse and protection in some country or region (four articles). The second type was four case studies of countries or communities involving some child protection issue, especially, since they were the first case studies from those particular countries, there was a high possibility that it would include some historical information. The third included book reviews published in the journal and the references to other child protection text/classic books in these reviews and articles selected in the first two categories. A total of 19 books were included in the analysis based on the historical information available in these books

In the second stage, bibliographies of both types of articles were examined in search of a lead to some publication elsewhere, such as, an article in another journal, a published report or a chapter in a book. Then, those sources were accessed and information recorded from 24 published sources and 20 web-based/online sources such as official reports of various government and non-government organizations working on child protection issues in countries of the global South. Of these documents, those from Pakistan available in hard copies were consulted and are cited as published sources.

The data were then arranged and analyzed based on different regions, as the global South (where the majority of

the world children live¹³) is home to enormous cultural, economic and geographical diversity across the Latin American, African and Asian continents. The remaining article is an historical account of child abuse and protection in the countries of Latin America, Africa and Asia with a special focus on South Asian region and Pakistan as documented by, mostly, individual researchers and writers. This historical review suggests that child abuse did happen in almost all regions; however, there is a paucity of effort to systematically document the history of child abuse and protection in the countries of the global South.

ANALYSIS LATIN & SOUTH AMERICA

For some, child abuse is embedded in certain traditional child-rearing practices such as ritualized scalding baths in native South America which, although result in bodily harm to children, are not seen as abusive as such.¹⁴ Others discuss its relationship to war, poverty and violence against children.¹⁵More recently, the focus has been on abuse and exploitation of certain groups of children such as the street children.¹⁶ In the 1990s, the issue of street children murdered on streets by police in various Latin American countries has attracted world attention.¹⁷

The first public response to child protection issues appeared in a legal framework called the "children's codes", which addressed the problems of abandoned and neglected children and juvenile offenders.¹⁸ The codes appeared in 1927 in Brazil, 1934 in Uruguay, 1935 in Chile and 1938 in Ecuador, but, practically, the process of creating state child welfare systems was not complete until the 1950s and 1960s.¹⁹ However, as Pilotti noted (1999), from the start, these systems came under criticism for being expensive and ineffective and for aggravating rather than solving the problems of children through the system's use of repressive institutionalization.²⁰ Subsequently, with the growth of NGO activism during the 1980s and the ratification of the UNCRC in the 1990s, many Latin American countries (Brazil for example) tried to address these criticisms and enacted radical legislation mandating sweeping changes to existing child-related policies and practices.²¹ However, when faced with political and financial constraints, the question of how effective such legislation is in protecting children is under serious scrutiny in contemporary Latin America.²²

AFRICA

On the African continent, child protection policy and practice has even more recently evolved. Although child maltreatment is considered to be a pervasive, serious and escalating problem requiring a public response, research and documentation in this field is scarce and in its infancy.²³ In fact, there has been resistance to the notion that child maltreatment occurs at all, and it is felt that it is "un-African" and "against our culture".²⁴ Such resistance is comprehensible in terms of the high value that traditional African culture places on a child-centered family life and traditional "over caring" child-rearing methods.²⁵

It was only as recently as the 1980s that the earliest studies of child abuse in Africa were undertaken. These include research on child abuse and neglect among the ethnic groups of the Samia of Kenya²⁶ and the Zulus of South Africa²⁷ as well as in sub-Saharan Africa²⁸ and Nigeria.²⁹ The impact of apartheid on South African children, and on black children in particular, has also been documented to an extent.³⁰Like street children in Latin America, Africa's AIDS orphans have also been a topic of heated international debate lately.³¹As a consequence of the late and slow recognition of the vulnerabilities and abuses that African children suffer, the response of various African governments and civil society organizations to child abuse

is only just evolving.³² Therefore, the development of research into the field is nascent.

ASIA

In Asia, the world's most populated continent, Amartya Sen (1990) suggested that millions of women were missing from census data and that this tells a terrible story of inequality and neglect.³³Coale (1991) refined Sen's argument by calculating the number of missing females in certain Asian societies and drew attention to unusually high sex ratios at birth and high female mortality rates in the early years of life.³⁴ This and subsequent research suggested that Sen's "missing women" and Coale's "missing females" were actually "missing girls" and helped explain excessive female mortality before birth, at birth, in infancy and in childhood.³⁵ This resonates with female infanticide as practiced in China and the Indian subcontinent throughout history, which alone could be the single most important child protection issue of all.³⁶ However, this is not the case as children in Asia face a wide range of serious protection issues.

In China, the protection of abandoned children is a major issue faced by the state and society. Since the 1980s, the number of abandoned children in China has risen sharply, giving rise to the demand for state institutional care of such children.³⁷ In fact, some researchers and analysts have described the Chinese child protection system as "the formal system of caring for orphans and abandoned children"³⁸ and analyze child protection policies in such narrow terms as establishing and reforming caring homes for orphans.³⁹In the first known study of child abuse and neglect in Indonesia, Haditono (1981) documented various forms of child abuse, neglect and exploitation, however, noted that there were no laws and no (equivalent to) child protective services in the country⁴⁰.Likewise, in analyzing Indonesia's new policy framework for child welfare and

protection, Bessell (2007) found that child protection received almost no attention from policymakers until recently and it was not until 2002 that Law No. 23/2002 on Child Protection was adopted.⁴¹ The situation is not much different in South Asian countries.

South Asia

The countries of South Asia host a variety of indigenous social, religious and legal traditions related to children. However, there is one thing that they seemingly all share, that is, denial of child abuse.⁴²Although the historical records of incidence and prevalence of child abuse are almost non-existent, various pieces of legislation relating to as far back as the year 1860 point to the existence of different forms of child maltreatment, and to children's need for protection on the Indian sub-continent. Such legislation includes Chapters XIV and XVI of the Indian Penal Code 1860 (later named the Pakistan and Bangladesh Penal Code in their respective countries). Chapter XIV deals with the crimes of selling, hiring out, distributing, exhibiting or circulating any obscene object to a child. Chapter XVI is related to offences affecting the human body, such as kidnapping, abduction, slavery and forced labour. Other laws related to child protection are the Reformatory Schools Act 1897, the Child Marriage Restraint Act 1929, the Children (Pledging of Labour) Act 1933, and the Employment of Children Act 1938, which clearly point to the diversity and seriousness of the risks faced by children in the region at the time of their inception. Some of these laws have been retained and others have been amended.⁴³In addition, almost all national constitutions in South Asia make special provisions for children.44

However, none of the issues that the laws and the constitutional provisions cover were researched, documented and responded to in policy and practice until recently. Save the Children, Sweden conducted, in 2010, by

far the most comprehensive research relating to child protection issues at the regional level.⁴⁵ This research provides an assessment of child protection systems from all countries in South Asia. It covers definitional issues, situational analyses, legal frameworks and national-and community-based child protection systems. However, it does not provide any historical accounts of the issue either at the regional or a specific country level.

Amongst South Asian countries, Sri Lanka (which has the most child-centred concerns and egalitarian approach to family relations in the region) was the first country to formally recognize child abuse. According to de Silva (2007), the first published cases of physical abuse appeared in the late 1980s, however, child sexual abuse was documented as early as in 1940s.⁴⁶ Similarly, de Zoysa (2002) found that by 1965, the Sexually Transmitted Disease Control program of Sri Lanka was aware of the existence of an informal network involved in commercial sexual exploitation of boys.⁴⁷ Further, researchers have also documented the tourism in Sri Lanka for child sex.⁴⁸ In the 1990s, the Sri Lankan government took various steps such as amendment in the Penal Code and establishment of the National Child Protection Authority (first of the kind in the region) to deal with the issue.⁴⁹

From India, researchers (mostly, pediatricians) studied kidnapping, the rape of children and the physical abuse of abandoned children in the late 1970s.⁵⁰Child labour in India has been a topic of interest in terms of children's safety and well-being⁵¹. However, it was only as recent as in 2007, that the Indian Ministry of Women and Child Development has conducted, by far, the largest (anywhere in the world) national study of child abuse. This study covered 13 states with a sample size of 12,447 children, 2,324 young adults and 2,449 other stakeholders. It covered different child protection issues including physical abuse, sexual abuse, emotional abuse and

discrimination against girl children.⁵²In Bangladesh, Therese Blanchet (1996) in her Lost *Innocence, stolen childhood*, details the neglect, abuse and exploitation of children in that country⁵³.

In addition, through out the south Asian region, there are widespread traditional practices, which are injurious to children. The "Devadasi" system in India, which was legally banned in 1982 though and the "Deuki" system in parts of Nepal allows children and women to be offered to temples, who, then become sex slaves to pilgrims and priests, many end up becoming commercial sex workers later in life.⁵⁴ Another traditional practice is child marriages throughout the region.⁵⁵ These marriages give rise to a host of child protection issues such as physical health and safety, education and development of the child to its full potential.

Pakistan

In Pakistan, although child rearing practices are those that pamper children⁵⁶, but, it is no denying a fact that the history of child abuse and protection issues started with the inception of the country in 1947. No childrenspecific historical accounts are available, yet, it is well established a fact that children were a main victim of the violence that erupted at the partition. Ever since, Pakistani children have been victims of wars (1971 for example), natural disasters (floods and earthquakes) and internal displacement due to violent conflicts in their areas (Swat for example).

Historically, the most systematic collection and publication of data on child protection issues has been that on child labour⁵⁷ in early 1990s and on child sexual abuse⁵⁸ in the late 1990s onwards. According to the national child labor survey of 1996 (only one of its kind), the ratio of economically active children was found to be 8.3 per cent (3.3 million) of all child population aged 5-14 years.⁵⁹While, child labour has been long acknowledged

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and extensively studied and debated in Pakistan, it was not accepted as a child protection issue until recently.⁶⁰ That child labour is a protection issue, started with the gradual recognition of the situation of children in hazardous occupations such as child domestic labour⁶¹, bonded labour or child trafficking to the Gulf States for camel racing.⁶²

Child sexual abuse and exploitation is even complex. The laws such as the Pakistan Suppression of Prostitution Ordinance 1961 (which prohibits the attraction, attention by words, gestures, willful and indecent exposure of the body for the purpose of prostitution of a girl under 16 years of age) indicate the existence of the problem. However, traditional attitudes related to "chastity" and "family honor" make it difficult for cases to be reported⁶³, especially in a female child, "who will be permanently rejected by the society and even by her own kith and kin".⁶⁴ The reports of NGOs working on child sexual abuse and exploitation, however, indicate that the problem is on the rise. SAHIL, a non government organization, working in the area of child abuse, recorded 2303 cases of child sexual abuse (newspaper reports confirmed from police) in the country in the year 2011.⁶⁵ Further, in the North West Province of and neighboring Frontier Pakistan. Afghanistan, rich men use young boys for sexual pleasure and many consider it "normal" rather a symbol of "power" and "status" and not a child protection issue.⁶⁶

In contrast, recognition of some other child protection issues was more rapid, even dramatic. For example, in the aftermath of the serial killings of 100 children in Lahore (the provincial capital of the Punjab and the second biggest city in Pakistan) in 1999, the protection of destitute, abandoned, runaway, homeless and street children became one of the most prominent child protection issues in Pakistan.⁶⁷This episode also highlighted the issue of violence against children, especially the use of corporal punishment as a disciplinary measure in various settings

including the home, school and work place, which caused children to leave these places and end up on the streets to become the victims of a serial killer.⁶⁸

Some other sources of information regarding child abuse include recent situation analyses or rapid appraisals of various child protection issues such as those relating to the camel jockeys⁶⁹, juvenile justice⁷⁰ and the commercial sexual exploitation of children.⁷¹.In addition, Pakistani children, especially female children, are also subjected to harmful traditional practices such as *vani/swara* (the exchange of females for the settlement of disputes), honour killings and forced and/or early marriages⁷², however, without any documentation of the history, incidence and prevalence of these issues. According to UNICEF, in the 2000-09 periods, 16 per cent of urban and 29 per cent of rural Pakistani women aged between 20 and 24 years were married before they were 18 years old.⁷³

Conclusion

This review has demonstrated that child abuse has been happening in the countries of the global South since long. Various pieces of legislation, from as early as the nineteenth century, indicate to the existence of various forms of child abuse. Such abuses range from childrenrelated cultural traditions (such as scalding baths in the Latin Americas and girls infanticide due to son preference in the Asian countries) to day to day practices (such as the excessive use of corporal punishment for discipline purposes) throughout the region. I acknowledge the limited scope of my research, that is, sources published and cited (though traced and consulted in original) in the journal of Child Abuse & Neglect. Yet, this material covered a wide range of disciplinary backgrounds including child protection, child rights, medicine, law, social work, social development and psychology among others. Therefore, it is not without reasonable basis to conclude that the history and evolution of child abuse and protection issues in the

global South lack a systematic research and documentation.

It is worth mention, though, that it is not just the historical documentation of child abuse which is lacking. In fact, it is lack of awareness, thus, acknowledgement of many practices being harmful to children. Corporal punishment, mentioned above, is but one example. Further, in many countries of the region, existing children-related legislative and policy frameworks do not cover child abuse and protection directly and/or in its own right. For example, the Constitution of Pakistan guarantees people (children are not mentioned separately) fundamental rights. Article 9 provides for the security of the person and Article 11 prohibits slavery and forced labour. Further, protection of marriage, family, mother and child is an acknowledged principle of policy under Article 35 of the Constitution (Government of Pakistan 1973). However, most of these principles of policy are simply aspirations of the state.⁷⁴ Only a few are covered by other laws, for example, protection from exploitative labour or protection of destitute and abandoned children. Further, Pakistani legal system is based on a common law regime, but marriage, family and children-related legislation is mostly enacted according to *shari'a* law which can have serious implications for children in relation to issues such as parentage, age of majority, marriage and corporal punishment.⁷⁵

Further, almost all countries of the global South (with the exception of Somalia), being party to the UNCRC, have international legal obligations. However, many like Pakistan, have common law regime, which requires enabling legislation to make the international conventions part of the domestic law. In the absence of such legislation, the UNCRC acts as a policy guideline on all children-related issues in the official rhetoric. However, in the actual formulation and implementation of child protection policy, a substantive commitment to the UNCRC is lacking. Many child-related issues such as child labour, corporal punishment and early marriage are conceptualized in socioeconomic, cultural and religious terms rather than as child protection issues, which, in turn, affects perceptions of common people, policymakers and researchers, thus, excluding these issues from research and documentation. However, to understand these issues in historical and contemporary perspectives is a must, if the global South commits to safety, security and well-being of its children.

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⁷⁴Anees Jillani, *Pakistani Laws and the Convention on the Rights of the Child. A Study Conducted for the United Nations Children's Fund* (Islamabad: UNICEF, 1989).

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