



Child abuse: A review of the history and protection policies*

Maus-tratos infantis: um resgate da história e das políticas de proteção

Maltrato infantil: un rescate de la historia y de las políticas de protección

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ABSTRACT

The study presents a literature research of violence against children, intended to better understand this phenomenon and present the results to the public knowledge; the same objectives were pursued with the policies developed to deal with the violence against children, at the same time discussing the importance of the prevention and the interventions of the health professionals. The literature research was conducted on the data banks MEDLINE, LILACS and SciELO, selecting the studies with the keywords: Violence, Aggression, Child Abuse, Shaken Child Syndrome, and Pediatrics; the search was not restricted to the Spanish, English and French languages. The literature showed the importance of preventive measures and the need to discuss and reflect, among different sectors, in order to obtain policies and strategies leading to prevention, diagnostics and therapeutics. It was demonstrated the relevance of including these aspects in the training of the health professionals, which will allow them to contribute to diagnosis, treatment and prevention of child abuse, breaking the chains of predetermined fate and destiny.

Keywords: Violence; Aggression; Child abuse; Battered child syndrome

RESUMO

O estudo apresenta uma revisão bibliográfica, cujo objetivo foi conhecer e divulgar a evolução histórica da violência contra a criança, bem como as políticas desenvolvidas na atenção à violência contra menores, além de discutir a importância da prevenção e da atuação dos profissionais de saúde. A pesquisa bibliográfica foi realizada na base de dados MEDLINE, LILACS e SciELO, selecionando-se os estudos com os descritores: Violência, Agressão, Maus-Tratos, Síndrome da Criança Maltratada, Pediatria, não se fazendo restrição aos idiomas espanhol, inglês e francês. A literatura mostra a importância de ações preventivas e a necessidade de discussões e reflexões entre os diferentes setores que possam culminar em políticas e estratégias preventivas, diagnósticas e terapêuticas, além da relevância de incluir o tema na formação dos profissionais de saúde para que possam contribuir para o diagnóstico, tratamento e profilaxia do abuso infantil, rompendo as cadeias de determinação e fatalidade.

Descritores: Violência; Agressão; Maus-tratos infantis; Síndrome da criança maltratada

RESUMEN

El estudio tuvo por objetivo realizar una revisión bibliográfica, con la finalidad de conocer y divulgar la evolución histórica de la violencia contra los niños, así como las políticas desarrolladas en la atención a la violencia contra menores; además se discute la importancia de la prevención y de la actuación de los profesionales de la salud. La investigación bibliográfica fue realizada en la base de datos MEDLINE, LILACS y SciELO, seleccionando los estudios con las palabras claves: Violencia, Agresión, Maltrato, Síndrome del Niño Maltratado y, Pediatría; no se hizo restricción a los idiomas castellano, inglés y francés. La literatura muestra la importancia de las acciones preventivas y la necesidad de discutir y reflexionar, entre los diferentes sectores, para que culminen en políticas y estrategias preventivas, diagnósticas y terapéuticas. Es relevante incluir el tema en la formación de los profesionales de la salud para que puedan contribuir para el diagnóstico, tratamiento y profilaxis del abuso infantil, rompiendo las cadenas de determinación y fatalidad.

Descriptores: Violencia; Agresión; Maltrato a los niños; Síndrome del niño maltratado

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INTRODUCTION

The fast and significant growth of mortality due to external causes (accidents and violence) has raised the issue of violence as an important problem for public health, arousing great concern for the health sector⁽¹⁻³⁾.

Recently underlined by communication media, violence, which used to be understood as a problem of the police, justice system, philosophy, as well as the social field, has become a concern for the public health universe mainly because the causes are predictable and preventable^(1-2,4).

The impact of this morbidity and mortality cause is expressed in the loss of more potential years of life (PYLL – potential years of life lost)⁽⁵⁾, in addition to the impact on costs with medical assistance (treatment and rehabilitation of victims, complexity care for patients with trauma), costs with the judicial system and criminal law, social costs arising from the fall in productivity, besides the injuries and trauma resulting from a violent act that have great impact in the long run⁽⁶⁾.

In this context, the magnitude of violence in the infant-juvenile segment has aroused attention and investment of researchers, due both to the frequency with which it occurs and the scientific acknowledgement of the consequences on the growth and development of victimized children and adolescents, in addition to psychological implications on the victims and their relatives, rebounding on human, social and economic costs⁽⁷⁻⁸⁾.

The objective of this work is to identify and disseminate the historical evolution of violence against children, as well as the policies and strategies developed in the care of violence against minors, besides discussing the importance of prevention and of the action of health professionals.

METHODOLOGY

This is a bibliographical study on violence against children and adolescents which was developed from January 2006 to January 2008, during the writing of a thesis to obtain the title of Doctor in Public Health by the University of Sao Paulo.

The bibliographic research was carried out in the database MEDLINE (National Library of Medicine, United States), LILACS (Latin-American and Caribbean literature on Health Sciences) and SciELO (Scientific Electronic Library Online).

The selection criterion of the articles was that they should contain in their titles, all or in part, the keywords: external causes, violence, maltreatment, mistreated child syndrome, child health, epidemiology, prevention of violence, pediatrics and nursing, without restriction to the Spanish, English and French languages, neither to the year of publication.

Those articles that carried historical referential regarding the proposed theme and tackled the policies and strategies developed in the care of abused children and adolescents are included in this work. Those identified as not related with the issue of the review or duplicates were excluded.

In addition to the articles in journals and available on data bases, books, theses, manuals and publications of the Ministry of Health, publications and manuals of organizations/associations of child protection have been used.

In the possession of the selected material, each production received a data sheet for bibliographic documentation. Then all articles, books, theses and publications have been categorized according to the topics of interest of this work (historical or political context). This phase has provided the necessary information for the preparation of the study and the selection of the texts.

The analysis and interpretation have been carried out in detail to ensure the consistency of information.

RESULTS

Short history of child abuse

Historically, violence against children has always been linked to the educational process, constituting a historical-cultural problem which has travelled all decades up to the present century in varied forms of expression⁽⁸⁻¹⁰⁾.

Child abuse is cited in the oldest books of the history of human civilisation, such as the Bible and the Koran, where the child was sacrificed to please God⁽¹¹⁾.

In the Code of Hamurabi, for example, women, sons and daughters could be sold to acquit overdue debts. Children thus sold should work for three years in the house of the purchaser or the lord⁽¹²⁾.

In ancient civilizations, maltreatment of children was already present in the form of infanticide, used to eliminate children born with physical shortcomings.

For gender balance, for religious reasons, as economic measure during scourges or for not enduring long walks, children were also killed or abandoned to die undernourished or devoured by animals. It was also the right of the father to acknowledge or not the right to live to his child⁽⁹⁾.

Since its origin, most cases of violence against children/adolescents have happened within the family environment, opposing the understanding of protection the family should bear⁽⁷⁻⁹⁾.

The sixteenth century was characterized as the time of aggression and violence against children. In this century, “colleges” emerged that sheltered poor students without family, unwanted by society, submitting them to severe maltreatment and deliberate humiliation⁽⁹⁾.

In the seventeenth century, the Christian theology, through Saint Augustine, drew up a dramatic image of childhood, where, soon after birth, the child was a symbol of the power of evil, an imperfect being, crushed by the weight of original sin. In that period, breastfeeding was considered a mother's illicit pleasure that would cause the moral loss of the child. Still in this century, the child was included in sexual plays of adults⁽¹¹⁾.

In the nineteenth century, whites babies were fed by black slaves, competing with the needs of little captives, and interfering in their chances of survival. At the end of this century, the exploitation of child labor started in England, with children of four working in factories, and of eight in coal mines, with a nearly 16 hour work day.

During the industrial revolution, from nine years old, children were let to factories, where they were chained to prevent escape. In India, the newly-born with certain shortcomings was considered an instrument of the devil and eliminated; in China the limit of children one was allowed to raise was three, and the fourth was thrown for the animals⁽⁹⁾.

Over the centuries, the representation of the child acquired new meanings. In the fifteenth century, the image of the child as naïve, innocent and good represented hope for a better life (opposition to violence)^(10-11,13). However, the counterpart of this evolution were the "colleges" in the XVI century, intended for poor students and without family, unwanted by society, characterizing a period of aggression and violence against children through maltreatment and humiliation⁽⁹⁾.

In the twentieth century, the child is considered part of humanity, and the responsibility for everything bad that could happen to him/her is transferred to the family. Currently, our century is considered the "century of the child", in which childhood is highlighted; the family becomes fully answerable for what happens to the child, and the need of maternal care and the characterization of childhood as fundamental period the existence of man are underlined⁽⁹⁾. However, the media frequently reveal child abuse, like the Candelária child slaughter in Rio de Janeiro.

Despite the valorization of children by society and public policies, violence still remains a serious threat to their life conditions, which needs study and coping strategies. Violence against children, which has been perpetuated until today, is responsible for harm and sequels that affect children and adolescents in their phase of growth and development, being the major cause of morbidity and mortality in this group^(4,9-10,13-17).

Policies and strategies developed in the child and adolescent abuse care

An important event in the progress of the battle against child abuse occurred in 1846, in the United States of

America (USA), when the Society for prevention of cruelty to animals had to rescue the girl Mary Ellen, whose stepparents severely abused her.

The allegation used for intervention was that the child was a member of the animal kingdom and, therefore, the case could be governed by laws that punish cruelty to animals⁽¹¹⁾. In the same year, the Society for the prevention of cruelty to children was founded in New York. From this date on, still in the nineteenth century, other companies with the same goals were founded in the USA.

The first international demonstration of interest in the rights of children and adolescents occurred in 1924, with the Geneva Declaration⁽¹⁸⁾.

30 Years later, in 1959, the General Assembly of the United Nations proclaimed the Universal Declaration of Children's Rights, whose main objective was to ensure a happy childhood, with the right to protection of its physical, mental and social development, to alimentation, housing and appropriate medical assistance, to love and understanding on the part of the parents and society, the right to be protected against abandonment and exploitation at work, acknowledging the need for child protection, because of its physical and mental immaturity. The rights and freedoms set forth in this Declaration touch upon: "the right to special protection for the child's physical, mental and social development, the right to nourishment, housing, adequate medical care, love, understanding by parents and society, the right to be protected against abandonment and exploitation at work"^(8,18), and the child should not "be abandoned, beaten or exploited, work when this hinders his/her education, health and moral, mental or physical development"⁽¹¹⁾.

In 1961, the American Academy of Pediatrics acknowledged the battered child syndrome, identified by a series of signs of violence⁽¹¹⁾.

1979 Was declared the "International Year of Children's Rights" and consequently the Convention on the Rights of the Child is realized.

In recent decades, the acknowledgement of the need to protect children and adolescents, in order to contribute to their growth and development, has expanded the policies and strategies directed to the emerging issue of violence against children and adolescents.

In Brazil, the Federal Constitution⁽¹⁹⁾ determines, in its Article 227, that "it is the duty of the family, society and the State to ensure the child and adolescent, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community conviviality, in addition to keeping them safe from every form of negligence, discrimination, exploitation, violence, cruelty and oppression".

In 1989, the Statute of the Child and Adolescent (ECA in Portuguese), approved by the National Congress in 06-

30-89 and converted into Law No 8069 in 06-13-1990⁽²⁰⁾, became the legal instrument for ensuring citizenship to children and adolescents. With the implementation of the ECA (a single instrument throughout Latin America), the law assures absolute priority to the child/adolescent by the family, society and the State, changing the design of child and adolescent care.

The ECA disposes of the protection of the child and adolescent against any form of maltreatment and determines penalties for both who act and who do not denounce, by instituting a Tutelary Council as a permanent autonomous and non jurisdictional body in charge of ensuring compliance with the rights of the child and adolescent defined in this law⁽²⁰⁾.

Specifically in relation to violence, the Statute, in its Article 5, deals with child and adolescent protection from negligence, discrimination, exploitation, violence, cruelty, oppression and all the assaults, by action or omission, on their fundamental rights.

In Article 70, it determines that “it is the duty of all to prevent the occurrence of threat or violation of the rights of the child and adolescent”. In the same sense, Article 4 lays down that “it is the duty of the family, the community, of society in general and the public power to ensure with absolute priority the enforcement of rights fixed in the Statute”.

In Brazil, the consolidation of child and adolescent protection through the enactment of the ECA has brought progress in legal treatment, contributing to the consolidation of social awareness, the ECA being considered as an instrument for guaranteeing well-being in childhood and youth.

In addition to the Child and Adolescent Statute, the Criminal Code also provides for penalties for child abuse, with sanctions that vary from fine or two months to one year of detention, which may be increased to one to four years if serious physical injury is inflicted, and for four to twelve years in case of death⁽¹⁹⁾.

In this move towards the protection of the child and adolescent, the Ministry of Health has drawn up, in 1993, a preliminary proposal for prevention and assistance for domestic violence.⁽²¹⁾

In the attempt to contribute to the reduction of violence against children, in October 1998, the Brazilian Society of Pediatrics set up a campaign for the prevention of accidents and violence in childhood and adolescence, having as fundamental axis the legal precepts of the Child and Adolescent Statute⁽²²⁾.

In 1999, the Ministry of Health, through the Department of Health Policies, established norms for the prevention and treatment of the harm resulting from sexual violence against women and adolescents⁽²³⁾.

In 2001, the Ministry of Justice, through the Secretary

of State of Human Rights, outlined a National Plan of coping with Child and Juvenile Sexual Violence⁽²⁴⁾.

In the same year, the Ministry of Health published the National Policy for Reducing the Morbidity and Mortality Rate of Accidents and Violence⁽²⁵⁾, Decree No 737, published in the Official Gazette of the Union on May 18, 2001, as a guiding instrument for the health sector in this context, with proposals for specific actions for federal, state and municipal administrators, the guidelines of which are: promoting the adoption of safe and healthy behavior and environment; monitoring of the occurrence of accidents and violence; systematization, enlarging and consolidating pre-hospital care; interdisciplinary and intersectoral assistance to victims of accidents and violence; organizing and consolidating recovery and rehabilitation care; training human resources; supporting the development of studies and research.

More recently, still concerned with the sub-notification of child and adolescent abuse, and to guide the practice of services for prevention and treatment of domestic violence, the Ministry of Health, through the Department of Health Policies, published the manual “Notification of maltreatment against children and adolescents by health professionals: a further step in citizenship in health”⁽²⁶⁾ in 2002, Decree No 1968, published on 05-25-2001, which disposes of the notification to the competent authorities of cases of distrust or confirmation of child and adolescent abuse attended by the National Health Service, and proposes a compulsory notification record in the intent to:

- “provide a work tool that contributes to enlarge the knowledge on one of the greatest barriers to growth and development of Brazilian children and adolescents: intra-family violence and all forms of maltreatment”;
- “submit a proposal to create a notification and servicing system for the issue of maltreatment”.

Trying to minimize the sad reality of violence against children and adolescents, government bodies and universities have developed preventive, diagnostic and therapeutic actions, particularly in large urban centers. In this movement, laws, investigations and punishments are improved.

The importance of prevention and the performance of health professionals in facing violence against children and adolescents.

In face of the history of violence in society since its origin, prevention is of vital importance in the battle against child abuse, reviewing the multiple factors which determine it, investing in the family and delegating not only to the State, but to society as a whole, the task of protecting the child⁽²⁷⁾.

Prevention, whether primary (elimination or reduction of risk factors), secondary (detection of children at risk)

or tertiary (monitoring of the victim and his/her attacker), can be developed by health professionals through educational activities in schools, kindergardens and health services, individual guidelines during the pre-natal care, mobilization of existing resources in the neighborhood of families (daycare, schools, health centers) in order to promote a support network and the prevention of recidivism, participation in the elaboration and implementation of proposals of programs for victimized child and adolescent care, and the inclusion of the issue in the curricula of undergraduate and specialization courses.

In this complex context of victimized child assistance, the training of health professionals becomes also fundamental⁽²⁸⁻³⁰⁾ in order to fulfill the professional, legal and moral responsibilities, familiarize with indicators of abuse and neglect, early acknowledgement and notification, identification, treatment, evaluation and referencing to other specialized professionals, in a consistent and agile manner, providing, in addition to the attention to basic needs, the emotional support and calling attention to never omit acts of violence against children, since the Child and Adolescent Statute, in its Article 245, penalizes with a fine of 3 to 20 times the reference salary, applying the double in case of recurrence, if “the physician, professor or the answerable for a health care establishment, school, pre-school or daycare does not communicate to the competent authority the cases of which he/she has knowledge, whether a suspicion or confirmation, of child or adolescent abuse”⁽²⁰⁾.

Effective policies in monitoring the problem are also important in order to identify behavior patterns of the event, create research hypotheses, serve decision making,

evaluate prevention and care programs, to quickly issue updated periodical reports, in addition to producing reliable and advisable information.

CONCLUSION

Despite political initiatives developed until now to face maltreatment in childhood and adolescence, it is necessary to stress the importance of intensifying preventive actions, and the need for integration of the various social segments, allowing a debate between the different sectors that may culminate in preventive, diagnostic and therapeutic policies and strategies in a wider social and inter-institutional support network.

In this context, the importance of including the issue in the training of professionals who, directly or indirectly, deal with children and adolescents should be stressed, since the scientifically prepared professional has much to contribute to the diagnosis, treatment and prophylaxis of child abuse, assisting and protecting the child, breaking the chains of determination and fatality.

The importance of a deep understanding of the factors that contribute to the occurrence of violence against children and adolescents, as well as the different forms of expression and consequences, thus contributing to orienting specific prevention and intervention measures and policies is also highlighted. Therefore, specific studies become essential.

As this is a bibliographic review, the limitation of this study should be considered. However, we believe that this limitation does not affect the interpretation and discussion of the posed issues.

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