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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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Introduction

It is the discouraging fact that children are victims of abuse and neglect within the family, however, many boys and girls on all continents, in all countries of the world, at every economical level and in all ethnic groups, have survived these types of family pathology. Even today, lives of many children are filled with one of the three types of the abuse: physical, emotional or sexual, and as well with neglect. Unfortunately, children experience the abuse at home, sometimes even since their birth.

Many people suffer because of the suffered abuse and neglect in their childhood and if that traumatic experience is not identified and cured, emotional and behavioral consequences can be permanent. It is traumatic to grown-ups when they are exposed to abuse and mistreatment, it can only be imagined how it is to a child who is living in such a situation and who is suffering, before the emotional development, every day's abuse and neglect. This is pointed out because the subject of our interest and protection is far more vulnerable and helpless compared to the grown up victims to all forms of the abuse, and consequently to that, the consequences of these actions are far-reaching and difficult to correct, if possible.

The occurrence of child abuse and neglect in the family therefore represents a clear example of violation and endangers his rights.

The conception of the child abuse

The child abuse within the family (in all appearing forms: physical, sexual and emotional), as well as the neglecting, is the hardest form of the family violation and violation at all, taking into the consideration the psychophysical characteristics of victims, emotional linkage, relation of trust and dependence and parental obligation of growing up and upbringing the

children. The family is, as American psychiatrist and psychoanalyst Nathan W. Ackerman points out “the basis of the age and experience, fulfillment or failure”. It is “the base of sickness and health”¹. However, by the psychologist Erich Fromm the family itself is determined by the society structure, so it is often just the carrier of the social and cultural requirements to the child².

The child cannot protect himself in the family, because it is very *vulnerable*, considering the dependant position in the family and that the parents have the power over the child. The child needs the parent's love what is the basic human need.

The younger the child, the more dependent from parents he is, because just after the birth and in the first years of his life, the child cannot survive without the tenderness and care. The child will be endangered without the home and parents who are taking care and providing the basic needs. That is why parents have special responsibility to protect the child. In other words, the younger the child, the greater the parent's duty is to protect him. The greater the need for the protection is, the greater is the possibility to be abused³.

In Serbia, the exact amount of child abuse and neglect within the family is unknown, due to a difficulty to determine it, because these forms of family pathology are difficult to discover, and those discovered should be proved. Such a situation is caused by the circumstance that child abuse and neglect is done in the closed family environment, which hides different forms endangering and wounding of physical and mental child's health. Not harmonized definitions of abuse and neglect influence the different judgment of the amount of these occurrences, because of different definitions of the authors. In addition, it is impossible to talk with, with high reliability, about the real amount and quantity of these occurrences, because, in Serbia, the unique system of following and gathering the data is not formed. However, there is a lot of basis for the hypothesis about a high amount and quantity of these occurrences in all countries.

¹ N.W. Ackerman, *The Psychodynamics of the Family Life – Diagnostic and Treatment of Family Relationships*, 1958, p. 37.

² E. Fromm, *Autoritet i porodica*, 1986, p. 15; idem, *Autoritat und Familie. Sozialpsychologischer Teil in Studien Über Autoritat und Familie*, Forschungsberichte aus dem Institut für Sozialforschung. Librarie Felix Acan, Paris 1936.

³ E.g. Children, at the age of four or younger, are most vulnerable because they are unable to defend themselves or ask for help. The data gained in the 32 U.S.A. states, indicated that 81% of the children, who died of injury from abuse and neglect, were less than four years old, 11.5% were from four to seven years old, 4.1% were eight to eleven years old and 3.4% were twelve to seventeen years old. *Child abuse*, [in:] *Encyclopedia of Educational Psychology*, 2007, available at: <http://www.sage-ereference.com/educationalpsychology/Article_n38.html> (last visited Dec. 2008).

The National Incidence Study of Child Abuse and Neglect (NIS) was mandated by the U.S. Congress to document and report on the incidence of child abuse and neglect. The reports, done NIS-3 by Andrea Sedlack and Diane Broadhurst, covered a seven-year period and reported an increase in child abuse from previous years. It is considered that 1.5 million U.S. children were abused or neglected during this period. Unfortunately, these data show that the physical abuse is almost doubled and sexual abuse more than doubled. The recent statistics available from the National Child Abuse and Neglect Data System (NCANDS) estimated 872 000 victims of child abuse in the year 2004; 1490 of these were child fatalities (death of a child caused by the injury from abuse or neglect); approximately 60% were victims of neglect, 19% suffered physical abuse, and 10% suffered sexual abuse⁴.

There are different approaches and understandings to the concept of child abuse due to the different definitions of this phenomenon. The most numerous definitions of abuse⁵ in the literature, are the Anglo-American, where this problem is completely worked out.

In psychological literature, Mavis Klein, the representative of the Transactional Analysis (TA), points out: "The child abuse is the evil used by powerful people towards the powerless, because of the need to defend their disordered"⁶.

In Serbian social theory, there are some narrower and broader definitions of abuse. In the theory, there is a broader definition which under the term "child abuse" means the child "whose normal growth and development is impossible and endangered"⁷.

The criminal law theory underlines that the abuse is when significant degree of physical and psychological harm is caused to the others, regardless of whether the abuser was performing the insensitive, merciless, inhuman or brutal harm and whether the behavior of the abuser was in the limits of the allowed right for a punishment and it was motivated for the educational

⁴ Ibidem.

⁵ The child abuse is a typical case of violence in the family, and represents the psychophysical violence over the child. Lexical determination of the term abuse is connected to the synonyms: mistreat, tyranny, evil, bad inhuman act towards someone, treat badly, in: "Recnik srpskohrvatskog knjizevnog i narodnog jezika", Srpska akademija nauke i umetnosti (SANU) 1971, no. 8.

⁶ M. Klein, *Okay Parentin: Psychological Handbook for Parents*, 1991.

⁷ By some authors, the terms abuse and neglect are similar terms which mean "harmful and non-adequate" relation to the children, they are treated as objects, not as subjects of the relation", where the abuse means "bad and inhuman active relation of the individual, group or institution and global societies towards the children...". M. Milosavljević, *Nasilje nad decom*, 1998, p. 37.

purpose. The abuse is, in principle, “the objective expression of certain psychological relation and attitude to the child”⁸.

Every state in the U.S. has a legal definition for child abuse and neglect based on the federal definitions cited in the Federal Child Abuse Prevention and Treatment Act of 1973 (CAPTA, 42 U.S.C.A.) and as amended by the Keeping Children and Families Safe Act of 2003. Child abuse is defined as any act on the part of a parent, caregiver, or other individual that results in physical and/or psychological injury, or that can present a risk of serious harm to a child under the age of 18. Such acts include sexual abuse and sexual exploitation, and failure to act to protect the child if the abuse is witnessed⁹. In the expert American practice, by the standards of the administrative agencies and professional organizations which are enrolled in the protection of abused children, the higher level of the definitions’ concretization is achieved. The higher level of the definitions’ concretization is done with the formation of the exact criteria for their recognition of these occurrences and taking protective measures¹⁰.

Almost all mentioned definitions of abuse, narrower and broader, social and family law ones, have their scientific value and necessity. The acceptance of critics surely would not bring to universally accepted one, a unique definition. That is why the decision was made, based on existing knowledge, to determine the juristic concept of the abuse taking into the consideration, in our opinion, essential elements for the definition.

The occurrence of child abuse within the family is the most distinct example of violation and endangering the child’s rights. The author would like to point out that the abuse exists when the parent, using the physical strength or superior position, malevolent treat the child, and with that endangers his life, health, physical and emotional development.

In the definition, it is pointed out, the subjective relation of the abuser towards the action of the abuse, so that the abuse is defined as the intention to cause the suffer, not taking into account the motive. It is considered that it is necessary to point out that in the case of mistreat it is meant that there is *the intention* of causing the suffer to the child.

In general, that means that parent’s malevolent acts are *repeated*. However, it can be meant that child abuse is just one act of the parent, which is so dangerous for the child and it cannot be allowed to be repeated (the intention of murder, raping, hard body injury).

⁸ F. Hirjan, M. Singer, *Maloljetnici u krivicnom pravu*, 1978, p. 270.

⁹ *Child abuse*, [in]: *Encyclopedia of Educational Psychology...*

¹⁰ See D. Brieeland, J. Lemmon, *Social Work and the Law*, St. Paul, Minn.; See also D.J. Besharov, *Towards Better Research on Child Abuse and Neglect. Making Deficitional Issues an Explicit Methodological Concern*, “Child Abuse & Neglect” 1981, no. 5, pp. 383–391.

About the abuse

The discouraging fact is the realization that today in all countries in the world there are parents who are in different ways abusing the children and who are sometimes even causing the child's death¹¹.

Abused are children of all races, from all economic levels and all ethnic groups. In the family only one child can be the victim of the parent's abuse, although sometimes all the children within the multitudinous family can be abused. The parent that abuses the child do not represent the homogenous group. They differ in the way of education and level of intelligence, and are found in all races, economic levels and ethnic groups. Child abuse within families is ubiquitous, and was found in every social class, ethnic and cultural group pointed by Henry C. Kempe followed by Finkelhor and Denny.

By our research done in Novi Sad (The Republic of Serbia) at the Social welfare centre, all cases of abuse and neglect that happened from 1998 until 2003 , were analyzed in the form of interviews with experts and by reviewing documentation. In the evidence at the Centre for social welfare of the city Novi Sad there were 74 abused and neglected children. In the mentioned period, the 43 were girls or 50% and 31 boys or 41.9% from all abused and neglected children. The investigation showed that recorded cases were only within the family and that the mother is mostly the abuser 50%, then the cases where the father was the abuser 30%. Mother, stepfather and elder brother have abused one child in one recorded case 10%, while the uncle has abused, as well, one child, the girl 10%. That means that abusers in lower number of cases are elder brother, uncle, stepfather and other members of the family. As well, in lower number of abuse cases several persons were involved in the child abuse¹².

The experts in Serbia are warning that the parents who are abusing their children stress out the importance of family values in public¹³. The fact is that the abuse is more often appearing in the families that are known by criminal activities, prostitution, alcoholism or other forms, the exterior noticeable forms of the family deviation. However, the abuse exists in the, by the appearance, "happy" families and that makes it difficult to discover the abuse. Because of that, it would be wrong to consider the child abuse charac-

¹¹ E. g. "In the United States, between 800.000 and 1 million children are identified as abused or neglect each year as a result of reports to child protection agencies. Between three and five children die from fatal maltreatment each day, and homicide by parents is a leading cause of trauma-related death for children under 4 years of age". *Child abuse*, [in:] *Encyclopedia of Educational Psychology*...

¹² N. Ljubojev, *Zastita deteta od zlostavljanja i zanemarivanja*, 2008, pp. 225, 244.

¹³ N. Kapor-Stanulović, *Psihologija roditeljstva*, 1985, p. 42.

teristic only for the alcoholic population and other edge groups, although their primary noticeable deviation is transparent, so the notice of this disturbance is easier: child abuse¹⁴.

Child abuse is a heterogeneous phenomenon which produces complex and negative consequences and is influenced by various conditional factors.

With the abuse, the psychophysical child development is harmed, the body injuries are caused or the emotional and behavior consequences (depression, anxiety). Such damage to the child's health caused is most probably lifelong¹⁵.

With that, with the actions of abuse not only that the physical, but the mental health of the child is harmed and endangered. The consequences of abuse are: weak self-respect, confidence in oneself and others, lowered capability for making contacts and the problems with learning, low threshold of tolerance, expressed aggressiveness, over expressed use of primitive defense mechanism (such as rejecting, projection), neurotic disorders etc.¹⁶ Often expression of open forms of self-destructive behavior such as attempts to suicide, threats and various forms of self-harming, but also the aggressive and destructive behavioral expression at home and in the school.

Most of the abused children express huge problems in adaptation in the school. Their limited attention, often hyperactivity and cognitive impairment results in bad learning results. These children sometimes do not attend regular classes. Their aggressiveness, and in the older age, delicts make problems in the contact with the children of the same age¹⁷. In fact, abused children form basic identification with their aggressive parents.

Psychologists warn that many people that were abused in their childhood continue the negative tradition and abuse their own children¹⁸. In this way the transgeneration conductivity of abuse is expressed.

¹⁴ See generally L.H. Pelton (ed.), *The Social Context of Child Abuse and Neglect*, 1981.

¹⁵ N. W. Ackerman, *Treating the Troubled Family*, 1966, p. 306.

¹⁶ See generally B.J. Cling (ed.), *Sexualized Violence against Women and Children: A Psychology and Law Perspective*, 1994.

¹⁷ The investigation Typology of the family and persons of the underage delinquents, by Goran Knezevic gave an important information about the majority families of the underage sinners where they were recruited. Most of them are from the family type – cold and abandoned who were characterized with the absence of intimacy, understanding, the presence of the conflicts, inconsistence and ambivalence. Adolescent who have been physically abused are more likely to be involved in smoking, drinking, delinquency, and suicide attempts. See E. Deykin et al., *A Pilot Study of the Exposure to Child Abuse or Neglect on Adolescent Suicidal Behavior*, "American Journal of Psychiatrist" 1985, no. 142 pp. 1299–1303.

¹⁸ Psychological studies confirm that the transgeneration transmission of the abuse exists in the family. In other words, the transmission in the family exists, through the generations, the form of the abused parent. But, that does not mean that *a priori* "the violence gives birth to the violence", because that would be too simple but that "the violence can born the violence" and that "the abused children can become parents abusers". A. Lakic, *Zlostavljanje dece transgeneracijska transmisija nasilja u porodici*, [in:] *Primarne funkcije porodice i poremećaji u ponasanju mladih*, 1996, p. 235.

Phenomenon forms of abuse

The abuse is manifested through the phenomenon forms of physical, sexual and emotional abuse. In the theory, it is generally accepted that these are occurring forms of abuse.

It is considered that the sexual and physical abuse is *always* connected with emotional abuse, while the emotional child abuse can be expressed as a separate entity¹⁹.

Child abuse was brought to public and professional attention when it was identified in the medical and social work literature in the U. S. and Europe during the 1960s and 1970s. The landmark publication by pediatric C. Henry Kempe and his colleagues defined the term "battered child syndrome" and is frequently viewed as initiating the field²⁰. The International Society for Prevention and Child Abuse and Neglect since it was founded in the late 1970s, draws the worldwide attention to the problem.

In this work, the main point will be on child abuse in the family with defining the phenomenon forms.

1. Physical child abuse is considered the discovery of modern medicine which was enabled thanks to the development of modern radiological technology, as well as other diagnostic methods. This phenomenon becomes the subject of interests of physician experts, especially pediatricians, radiologists and psychiatrist, who have first described the consequences of physical child abuse to the health and development.

Physical abuse, compared to the other forms of abuse, at the beginning, has drawn the attention of expert and social public. In the modern physician literature the attention of physician experts is focused on physical abuse since 1962²¹, when the research by the Henry C. Kempe and his colleagues led to the discovery of „battered child syndrome”, giving the detailed evidence of repeated multiple bone fractures of children suspected of being abused.

The physical child abuse in the family concerns physical acts of the parent or guardian, done with the intention, with the use of physical force,

¹⁹ The physical force is always needed to do the emotional abuse of the child. As mentioned before, during every form of the abuse the child's natural state of dependence and weakness against him is used. The child is, due to the unbalanced power compared to the grown ups, emotionally tied and dependant from them, in a vulnerable condition. For example, verbal abuse does not have to be followed by the physical force. Some authors have right to make a conclusion that "clinical evidence of the fractured radius do not exclude the possibility that the child was neglected or emotionally abused". C.M. McNeese and Hebler, *The Abused Child*, CIBA, 1997, no. 5 p. 29. Once again, to point out, it is considered that it is impossible that the child is sexually and physically abused, without the emotional abuse.

²⁰ Landmark article *The Battered Child Syndrome* by C.H. Kempe, F.N. Silverman, B.F. Steele, W. Droege and H.K. Siler first described this phenomenon, "Journal of the American Medical Association" 1962, no. 181, pp. 17-24.

²¹ See H.C. Kempe, R.E. Helfer (ed.), *The Battered Child*, 1981, p. 440.

with or without use of other tools, which cause or have the possibility to cause the physical injuries or sometimes even the death of the child.

It is important to point out that the physical child abuse considers conscious and willing behavior of the parent or other persons who are taking care of the child, and in principle, means that the harm and malicious acts are *repeated*. However, it can be mentioned that the physical child abuse in the cases of only one act of the parent or the guardian, is so dangerous to the child that the repeating of such an act cannot be allowed (e.g. the attempt to kill a child, causing serious physical injury). Visual consequences of the physical abuse can appear immediately after such a malicious behavior of the parent.

The most frequent forms of physical child abuse are: clapping with the hands and legs, pulling the hair, hitting with the belt, stick, cord and similar objects, kicking, biting, throwing, twisting parts of the body and face, harming with sharp and dull objects, strangling, burning (with the cigarette, a match), burnings done with hot water, etc.²² However, the physical abuse also considers the physical acts such as: binding, closing or closing in the dark room, closing in the cupboard, complete limited movement, etc. All these physical acts provoke or can provoke physical injuries or in most extreme case the death of the child²³.

Although the physical child integrity is integrally protected, a set of rights which especially protect some elements of his physical integrity: the right to live, the right on health in constricted sense etc. Closing the child in the house is the harm of his rights for free movement and can exceptionally be limited only for safety reasons.

2. Sexual abuse in general, especially children, is one of the hardest aspect of sexual deviations, which can cause serious consequences on physical, psychological, moral and social development of the victim. In the theory, evidence exists to show that at least 20% of American women and 5% to 10% of American man experienced same form of sexual abuse as children²⁴.

²² Munchausen's Syndrome by Proxy, an illness fabricated by a parent that can cause harm to a child, is also generally included in the spectrum of child maltreatment. Fatal maltreatment in which a child dies from a repetitive pattern of abuse or neglect, is often separate category in the literature. J. E. Korbin, *Child Abuse*, [in:] *Encyclopedia of Anthropology*, 2005, available at: <http://www.sage-erefence.com/anthropology/Article_n164.Html> (last visited Dec. 2008).

²³ "Child physical abuse damages children physically, emotionally, and socially. Physical abuse may lead to bruises, cuts, burns, fractures, internal injuries or, in the most extreme cases death". B. D. Perry et al., *Child Physical Abuse*, [in:] *Encyclopedia of Crime and Punishment*, 2002, available at: <http://www.sageerefence.com/crime_punishment/Article_n56.html> (last visited Dec. 2008).

²⁴ D. Finkelhor, *Current Information on the Scope and Nature of Child Sexual Abuse. The Future of Children Sexual Abuse*, n. 2, 1994, pp. 31–53.

During centuries, the sexual abuse within the family is present, especially girls, and is spread over all countries. Today, approximately 150.000 confirmed cases of child sexual abuse were reported to child welfare authorities in the U. S. during 1993. This number represents about 15% of the more than one million confirmed cases of all child abuse and neglect²⁵.

Sexual child abuse concerns attempts to or performed sex, as well as other means of activities with the child which are done for the sexual purposes, using the force or without it by the parent or by guardian.

Sexual child abuse is a traumatic event so that only one incident is enough to the victim, who has survived it, and leaves hard and long-lasting psychological and social consequences. However, sexual abuse is rarely happening only once, it is repeated several months or even some years²⁶.

Sexual child abuse within the family is the problem to which full attention should be dedicated, those who have survived have long-lasting consequences in the way of disrupted memory, guilty conscience, self-blaming and a need for a several years of a therapy²⁷.

3. Emotional abuse is most difficult to determine, and often needs the expertise of experts from the field of mental health about the intensity, chronicity and consequences of parent's behavior²⁸. It is necessary to underline that it is mostly repeated form of behavior, so it is important to notice the cumulative consequences of the parent's doing and not doing to the child. The consequences most often are not visible immediately, they are rather expressed after systematical child abuse, after long period.

As there is not a general accepted definition or meaning of the term of physical and sexual child abuse, there is not a uniquely accepted and determined meaning of the emotional child abuse. In the literature is specially noted the obstacle considering the definition of the emotional abuse. Child abuse literature often gives the impression that the authors regard the terms emotional abuse and psychological abuse as synonymous, or that the latter, psychological abuse, subsumes the former and many other types of abuse²⁹.

²⁵ See generally D. Finkelhor, *Child Sexual Abuse: New Theory and Research*, 1984.

²⁶ D. Finkelhor, *The International Epidemiology of Child Sexual Abuse*, "Child Abuse & Neglect" 1994, no. 18, pp. 409–417.

²⁷ See N. Ljubojev, *Seksualno zlostavljanje deteta u porodici*, "Pravni život" 2008, no. 10(57), pp. 405–417.

²⁸ In the Centre for social welfare in Novi Sad, Republic of Serbia, during 1998 to 2003, there was recorded only one case of the emotional abuse, which is the data which points out more the non-understanding of this phenomenon, which is not defined with strictly developed expert standards, but rather on its non-existence and adequacy of the family surrounding to the emotional development and child's life. However, from the description of some cases in the files it was possible to read that the children were closed, thrown out from the houses and that in other ways were emotionally abused. N. Ljubojev, *Zastita deteta od zlostavljanja i zanemarivanja u porodici*, 2008, pp. 225, 236.

²⁹ See K. OHogan, *Emotional and Psychological Abuse: Problem of Definition*, "Child Abuse & Neglect" 1995, no. 19(14), pp. 449, 461.

Within the first definitions that have tried to precisely define the meaning of the psychological child maltreatment, was surely the definition of by James Garrbarino: "Psychological maltreatment is a concerted attack by an adult on a child's development of self and social competence, a pattern of psychically destructive behavior and it takes five forms : rejecting, isolating, terrorizing, ignoring, corrupting"³⁰.

In our opinion, emotional child abuse concerns the action and non-action of the parent or the guardians, such as throwing away, insulting, isolation, terrorizing, verbal attack and similar ones, which can provoke serious and long-lasting breakdowns in the child's emotional development³¹.

Most abundant ways of the emotional child abuse are: depriving of love and care, abandoning the child, closing (in dark room, basement, cupboard), emotional coldness, absence of the communication with the child, permanent insulting (pejorative names and attributes), permanent laugh at the child (to the appearance or other characteristics of child's personality), the presence of child abuse in the family (mother, brothers, sisters), bringing to the social unexpected and destructive behavior, terrorizing, isolation, etc.³²

Conclusion

In the family the child cannot protect himself, because he is vulnerable within it in dependant situation that's why he needs the parent's love which is the basic human need. Child's natural state of dependence, infirmity and sensibility in abusing family atmosphere is used against it. The fact is that the child abuse conducted by parents has for a consequence that the child is facing the confusion of a loyalty, confidence and emotions. What is defeating for the child is the violation of the trust relationship between the child and the parent. Vulnerability of the child requires special protection from damaging parents' acts which are endangering his life, development and health.

³⁰ See generally J. Garrbarino et al., *The Psychologically Battered Child*, 1986. In the one of their practice guidelines, the American Professional Society on the Abuse of Children (APSAC) 1995, have system of six main categories of parental behavior deemed emotionally abusive: spurring terrorizing, isolating, exploiting, corrupting, denying emotional responsiveness, and mental health/ medical/ legal neglect. Several of the overall forms constitute actual behaviors. There are list of behaviors which are included within each of the six behaviors which are included within each of the six forms of maltreatment. M.R. Brassard,L.K. Donovan, *Defining Psychological Maltreatment*, [in:] M.M. Freerick et al., *Definition,Classificants, and a Framework for Research*, "Child Abuse & Neglect" 2006, pp. 151–197.

³¹ N. Ljubojev, *Vidovi emocionalnog zlostavljanja deteta u porodici*, "Socijalna misao" 2004, no. 3–4, pp. 33–50.

³² See geneally R.P. Rohner, E.C. Rohner, *Antecedentes and Consequences of Parental Rejection: A Theory of Emotional Abuse*, "Child Abuse & Neglect" 1980, no. 4, pp. 189–198.

In the family, only one child can be the victim of the parent's abuse, although that can be all the children of the many-member family. Abused are the children of all races, all economical levels and all ethnic groups.

The investigation, done in Novi Sad (Republic of Serbia), at the Centre for social welfare, from the 1998 to 2003, within the registered cases, child abuse was only occurring within the family. The investigation was done on the specimen of 74 children, who were abused and neglected, during the mentioned time, on the territory of the town of Novi Sad.

The parents that abuse their children do not represent the homogenous group, they differ in the way of their education and level of intelligence, and can be found within all races, economic levels and ethnic groups.

The child abuse is phenomenologically divergent occurrence which produces varied and complex consequences and which is influenced by different conditional factors. With the abuse the psychophysical development of the child is harmed, leaving body injuries and emotional or behavior consequences.

The transmission often exists in the family, through the generations, the pattern of the abused parent. That does not mean that the violence gives birth to violence, because it would be too simple to claim. However, violence can born violence, and the abused children very often become the parents that abuse.

In the literature, the concept of the child abuse is defined in different ways, but the author opted to determine the important elements for juridical definition of the concept. The author defines that child abuse exists when the parent using its physical strength and powerful position, maliciously treats the child, with what the child's life, health, physical or emotional development is endangered.

The abuse is manifested through occurring forms of physical, sexual and emotional abuse. In theory, it is generally accepted that these are the apparent forms of the abuse. It is impossible that the child is sexually and physically abused without, on that occasion, not being emotionally abused. That's why it is considered that the sexual and physical abuse is always connected with emotional, while the emotional one can be expressed as a separate entity.

Emotional child abuse means acts and non-acts of the parents or the guardians, such as abandoning, insulting, isolation, terrorizing, verbal attack and the like, which can provoke serious and long-lasting disturbances in the child's emotional development.

Sexual child abuse means the attempts and carrying out sexual relation, as well as other means of activities with the child which are done for sexual purposes, using the force or not.

In the end, physical abuse of the child within the family means physical acts of the parent or guardian, with the intention, using physical force, with or without using other objects, causing or can be causing physical injuries or sometimes even the death of the child.

Streszczenie

Maltretowanie dzieci w rodzinie

Słowa kluczowe: maltretowanie dziecka, przemoc w rodzinie, prawa dziecka, wykorzystywanie seksualne i znęcanie się fizyczne.

Wykorzystywanie dzieci w rodzinie stanowi najbardziej bolesną formę przemocy, biorąc pod uwagę właściwości psychofizyczne ofiar, emocjonalny związek, relacje zaufania i zależności oraz obowiązki rodziców wobec dzieci. Zjawisko to stanowi wyraźny przykład naruszenia i zagrożenia praw dziecka. Autorka artykułu określa istotne elementy prawnej identyfikacji tego zjawiska: z krzywdzeniem dziecka mamy do czynienia, gdy rodzice źle je traktują i używając siły fizycznej i swej pozycji, powodują zagrożenie życia, zdrowia, fizycznego lub emocjonalnego rozwoju dziecka.

Nadużywanie przejawia się w ogólnie przyjętych w teorii formach: fizycznej, seksualnej i emocjonalnej przemocy, która jest indywidualnie definiowana w tym badaniu. Należy zauważać, że seksualne i fizyczne znęcanie się są zawsze związane z maltretowaniem emocjonalnym, podczas gdy przemoc emocjonalna, czyli takie zachowanie lub zaniechanie rodzica lub opiekuna jak wyrzucanie, obrażanie, izolowanie, zastraszanie, ataki werbalne itp., może pojawić się indywidualnie. Przemoc seksualna dotyczy usiłowania lub odbycia kontaktów seksualnych z dzieckiem, jak również innych form czynności o charakterze seksualnym z udziałem dziecka, przy użyciu siły lub też bez, dokonywanych przez rodzica lub opiekuna. Fizyczna przemoc wobec dziecka to fizycznie działanie rodzica lub opiekuna z użyciem siły fizycznej, z użyciem lub nie innych narzędzi, powodujące lub mogące spowodować rany fizyczne, a czasem nawet śmierć.

Autorka zaznacza, iż dzieci wszystkich ras o różnym poziomie ekonomicznym i ze wszystkich grup etnicznych są narażone na maltretowanie. Maltretowanie jest złożonym problemem, który prowadzi do różnorodnych negatywnych konsekwencji, ponieważ szkodzi rozwojowi psychofizycznemu dziecka, powodując rany cielesne oraz emocjonalne i wychowawcze konsekwencje.