

School teachers - A focal agents of Child Rights Protection

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Abstract: Children are rightful citizens who are entitled to have same rights as any other individual. Children's rights are human rights. As human rights, children's rights are constituted by fundamental guarantees. The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child. There are various legal provisions, Policies, Government Schemes and Programmes beneficial to the safety and welfare of children in India and other countries too. However Despite the many impressive achievements recorded over the past years, there are still far too many children being denied of their rights to survival, protection, development and participation. Further Poverty, malnutrition, inadequate health care, trafficking, physical and sexual abuse etc continue to hamper the child rights in India and in other parts of the world. As Child Rights violation is a global issue, Child Rights protection is also a global need. Reflecting on the role of various stakeholders in the Promotion and Protection of Child Rights, I feel school teachers are one of the focal agents in ensuring children's rights not only within the campus of the educational institutions but also outside. However in my social work profession with teachers I found that majority of the teachers limit themselves with the teaching of subjects concerned to them but fail in their role to identify the problems of children and further fail in their responsibility of protecting children from the exploitation of their rights. Hence I Intend to highlight the need for knowledge and practice of Child Rights among School teachers and propose a strategy to equip the teachers with the knowledge and practice of Child Rights and Child Rights Protection system that would channelize the network of School teachers with other Stakeholders of Child Rights protection and thus pave the space for ensuring rights of all children.

Keywords: Child, Child Rights, School teachers, Focal Agents, Protection

I. Introduction

Who is a Child?

According to the Juvenile Justice (Care and Protection of Children) Act, 2015, "Child means any person who has not completed eighteen years of age".

What are Child Rights?

The most basic needs of children are referred to as rights. Child rights are specialized human rights that apply to all human beings below the age of 18. According to the United Nations Convention on the Rights of the Child (UNCRC 1989) Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, color, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right. The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. The four broad classifications of these rights are;

1. **Right to Survival:** A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity.
2. **Right to Protection:** A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere.
3. **Right to Participation:** A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child.
4. **Right to Development:** Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical development through recreation, play and nutrition. These four categories cover all civil, political, social, economic and cultural rights of every child.

The Global initiative to fight Child Rights Violation

The League of Nations adopts the Declaration of the Rights of the Child on September 16, 1924, which is the first international treaty concerning children's rights. World War II and its casualties leave thousands of children in a dire situation. Consequently, the UN Fund for Urgency for the Children is created in 1947, which became UNICEF and was granted the status of a permanent international organization in 1953 focusing particularly children affected by war. In 1959 the General Assembly of the UN adopts the Declaration of the Rights of the Child. The year 1979 is declared International Year of the Child by the UN. The Convention on the Rights of the Child is adopted unanimously by the UN General Assembly on November 20, 1989. Around 193 countries have ratified the convention. India ratified the Convention on the 11th of December, 1992. The Commissions for Protection of Child Rights Act, 2005, provides for constitution of National/State Commission for Protection of Child Rights and children's courts for providing speedy trial of offences against children or violation of child rights.

Initiative of Government of India to fight against Child Rights Violation

A combination of law and strong policy initiatives has given a strong thrust to the protection and welfare of children in India. The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the country has enacted special laws. The **Directorate of Social Welfare** is mandated to act upon several legislations for the protection of children: The National Policy for Children, 1974, Immoral Traffic Prevention Act, 1986, Child Labour (Prohibition and Regulation) Amendment Act, 2016, Prohibition of Child Marriage Act, 2006, The Right of Children to Free and Compulsory Education Act, 2009, The Protection of Children from Sexual Offences Act 2012 etc are few of the prime most legislations in India upholding the rights of the children. The Juvenile Justice (Care and Protection of Children) Act, 2015 is the comprehensive and principal legislation for the protection, growth and development of children. The National/State Commission for Protection of Child Rights was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005. The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective. The **CHILDLINE** launched in Mumbai in 1966, presently operating almost in 372 cities/34 states in India is a toll-free tele-helpline for children in distress across India. The Government has introduced several schemes for the development and welfare of the Children. Of those, the two-fold Schemes that concentrates on the development and well-being of the children are; Integrated Child Development Service (ICDS) and Integrated Child Protection Scheme (ICPS).

Educational policies and programmes in ensuring Child Rights

The Education Programme supports and strengthens government efforts to provide quality education by reducing gender and other social and economic disparities at the national and state levels. The Ministry of Human Resource Development (MHRD) is the nodal ministry for UNICEF's Education Programme. Through a close and productive partnership with MHRD and the Department of School Education and Literacy along with civil society, the Programme has been supporting the government of India's flagship programme Sarva Shiksha Abhiyan (Education for All) to ensure greater access to education, enrolment and improved learning outcomes for the most marginalized groups of children. While retaining a focus on elementary education for children aged 6 – 14 years under the Right of Children to Free and Compulsory Education (RTE) Act 2009, the programme is now covering a wider gamut – starting from early childhood education through elementary up to Grade 10. Child friendly schools and systems are being promoted and capacities of teachers strengthened to ensure children's right. Convergence with other programmes to combat child labour and child marriage, and universal access to improved water, sanitation and hygiene facilities, is also ensured. The state Governments and the respective education Departments have directed the educational institutions for the functioning of child rights clubs, Child Rights protection committees, and other safety measures to ensure care and protection for children.

Mechanisms in schools of Karnataka for children to Exercise their Rights:

The Government has taken the initiative to expedite the process of setting up of the Child Rights Clubs (CRCs) and Meena Clubs (for Girl Children) in every school and Makkala Gram Sabah in every Panchayath across the State to enable children to exercise their rights. Director, State Planning, Sarva Shiksha Abhiyan (SPSSA) had issued a circular on May 23, 2009, directing all the Deputy Directors of Public Instruction (DDPI) to expedite the process of setting up of **Child Rights Clubs (CRCs)** in all Schools. The **purpose** behind setting up of the CRCs is to create awareness among the children about their rights pertaining to issues such as right to livelihood, protest against atrocities and harassment, development and participation where views of children are considered in all earnestness. The clubs will play a major role in solving their problems by publicly questioning the violation of children's rights, if any in the schools.

The **Makkala Grama Sabha (MGS)** is a crucial government-mandated platform at the village level, for children to directly participate in governance by voicing their concerns to officials from the Grama Panchayath on several issues that concern them. According to a Government notification dated 22.10.2011, every Grama Panchayath in Karnataka is mandated to conduct children's Grama Sabha every year in November. As per the circular issued by the Department of Public instruction, Government of Karnataka dated on 23-07-2014, it is mandatory to constitute a Child Protection Committee (**Makkala suraksha Samithi**) at the school level at every School to prevent instances of sexual harassment and other atrocities against school children.

Child Rights violation still a Global Issue

Despite the many impressive achievements recorded over the past years, there are still far too many children being denied of their rights to survival, protection, development and participation.

Violation of CHILD RIGHTS continues to be a global issue. Millions of children worldwide face daily violations. Rarely a day goes by without a child being subjected to abuse and violations. Violation of Child Rights is one of the world's most disgraceful offences, affecting the lives of millions of children around the world and robbing them of their human rights and dignity.

- According to the WHO, up to 53,000 children are murdered worldwide each year.
- WHO estimated that 150 million girls and 73 million boys under 18 experience some form of forced sexual violence.
- 218 million children worldwide are laborers, 1.8 million Children are engaged in prostitution or pornography and 1.2 million have been trafficked.
- Worldwide 600 million children live in extreme poverty
- Up to 150 million children live on the streets in the world today
- Every year, over 13 million children under the age of 5 years die from illnesses that could have been avoided or treated
- Around the world 75 million children – More than half of them girls have no opportunity to attend primary school
- Nearly 25 million children have to work to help their families and cannot go to school
- Millions of children have been killed or injured in wars
- Millions of children have been separated from their parents.

Status Of Child Rights violations in India.

India is home to 400 million children. In India, children's vulnerabilities and exposure to violations of their rights remain spread and multiple in nature. The manifestations of these violations are various; Malnutrition, inadequate health care, feticide, infanticide, school dropout, child marriage many other forms of violence and abuse. A girl child is the worst victim as she is often neglected and is discriminated because of the preference for a boy child. Child Beggary, Child Labour, Child trafficking, Child Sexual/physical abuse etc are the heinous crimes committed against children reflecting in the intensity of Child Rights violation in the contemporary society. UNICEF (2005) report on the state of the world's children under the title "Childhood Under Threat" speaking about India, states that millions of Indian children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water. It is reported that

- In India 47 out of every 1000 live births do not complete their first year of life
- India has 10.12 million child labourers aged between 5 to 14 years (*National Census 2011*)
- Out of the 400 million children in India, every second child is malnourished
- Over 81.5 lakh children don't go to school
- According to UN India has the second highest number of child marriages
- There is an estimated 300,000 *child beggars in India*.
- 44,000 *children* disappear in *India* each year.
- In *India*, a child goes missing every eight minutes, (*NCRB*)
- With an estimated 1.2 million children are bought and sold into sexual slavery every year
- Karnataka is the third state in India for human trafficking
- 53% of children in India are subjected to sexual abuse
- About 57 rape cases on children per day and more than 2 rape cases per hour

Evidence suggests that children in need of special protection belong to communities suffering disadvantage and social exclusion such as scheduled casts and tribes, and the poor.

Situation Of Child Rights Violation In Udupi District of Karnataka.

Though the District Udupi is advancing with its fast economic and Educational development, it is not any exception to the problems of Child Rights violation. Of the Child related issues and problems in Udupi malnutrition, and school drop-outs are very prevalent among the Koraga tribes, Migrants and Construction

workers who hail from North part of Karnataka and other states. As in the other parts of India the contemporary and burning issues of physical and sexual abuses on children, kidnapping and missing of children are all issues of Child rights violation. Further children running away from home, adverse effect of marital conflicts on children, child suicide cases, decreased interest among children in the academics, Child beggary and child labour among migrant children are all serious issues to be considered for the care and protection of Child Rights in Udupi. Child related cases referred to the Child Welfare Committee in the year 2015 -2016: Single parent-13, poverty-38, Victims of Marital Conflicts-33, Differently abled-6, Sexual Offence-12, Child beggary -15, Child Labour-11, School dropouts -11, Physical abuse- 1, Child Marriage -3 Run away and missing -9, Orphan-6 and Suicide attempt- 1. Thus It is evident that child Rights in Udupi like in many other parts of India are violated.

Case Study : A woman who took poison in the presence of her 7 year old girl child took the promise of the child to take revenge on her father for causing the death of her mother. As the child grew in age and in schooling, she also grew in the anger and revenge of her father by not listening to him, robbing of his money, irregular to school so and so. A married neighbor took the advantage of the situation and started to abuse the child in the guise of taking care of the family. From the age of 11 the child started growing in the pleasure of relationship towards the man not knowing the negative impact of it. To keep the father out of the sight and as an act of revenge every night she would give a glass of milk to her father which contained the sleeping tablet and stay with neighbor. Every day she would dress to go to school making the father believe so but the child would roam with the man and his friends going to all pub/hotels/bars. By the age of 13 the child went through all experiences of a marital life and in the process took tablets for prevention of pregnancy and even did the abortion 2 times. When the child grew in the lust and addiction for sexual relationship, the man sensed a danger of continuing his relationship with the child. So he plotted to traffic the child to Mumbai but with the divine intervention through the notice of a passerby the child was saved from trafficking and the man got jailed. The child who is in the institutional care has sexual deviant behaviors, continues to hate the father and longs to be with the man... With the lost childhood what is the life and future of the child....?

If at all any teacher of her tender age had little sensitivity, thoughtfulness or awareness about the child's feelings/behavior/problem surely the life and rights of the child could have been protected..... How many such lost childhood cases.... those childhood that could have been nurtured, bloomed and flourished if only that child's teacher had little sensitive love for him/her.

School Teachers – A Focal Agents of Child Rights Protection

A teacher's role in the life of an individual is vital and a good teacher occupies a very significant place in the minds and hearts of young students. After parents, it is the teacher who influences a child most, and contributes to the shaping of his or her personality. Children in every society are deprived of their rights. They can be subjected to neglect, abuse, violence and exploitation anywhere. There is some abuse that may happen inside the school premises, while a lot of it is what children suffer at home and in non-school environments. A child in class may be a victim of violence/abuse/exploitation that happens outside the school. The teachers' duty to protect children does not come to an end once they are out of the school premises. Creating a safe learning environment, identifying pupils who are suffering with problems or at risk and then taking appropriate action, are vital to ensure that children are safe at home and at school. Therefore the teachers have to equip themselves to know more about the children's problems, Child Rights and the mechanisms to protect their rights. The teacher as a leader, as a torchbearer, as a mentor and as a guide must also take on the role of a caretaker, a protector and a catalyst in the protection of Child rights. They should ensure that all children are protected from all forms of exploitation, abuse, neglect, inhuman and degrading treatment. One of the significant topics that should be considered in the teacher education program needs to be the child rights.

Essentials to equip Teachers with the Knowledge of Child Rights

1. Knowledge about 'who is a Child?' and Rights of the Children.
2. Awareness of the government schemes / Programmes for the welfare of children based on Child Rights
3. Awareness about the Child Related problems and violations of Child Rights
4. Knowledge about measures taken by the Department of Education and School authorities in the care and protection of Children's Right.
5. Awareness on Legal provisions for the protection of Child Rights.
6. Knowledge about various mechanisms towards the promotion/protection of Child Rights.

Impact of Teachers Knowledge on Child Rights :

1. Knowledge about Child Rights will enable the teachers in the promotion of Child Rights
2. With the Awareness on the government schemes/ Programmes for child welfare the School teachers will be able to assist Children in their growth, well-being and development.

3. There is relationship between low awareness on Child Rights and adverse effects on handling child Rights issues
4. By taking up suitable measures for care and protection of Children in schools, the teachers can play a vital role in ensuring that all our children live in safe and nurturing environment.
5. With knowledge on Legislations for the protection of Child Rights, the teachers will be empowered to assure care and protection to all children.
6. With the knowledge on mechanisms for promotion and protection of Child Rights the school teachers can play a role of mediating agent in Child Rights protection system.

II. Conclusion

All children have the right to live in safe and dignity in a protective environment. But the sufferings and problems of children are enormous and widespread. It's evident that children around the world are economically exploited, socially discriminated, educationally deprived and physically mistreated. A Child cannot develop to be responsible and productive member of our society unless an environment which is conducive to his/her social and physical health and protection is assured to him/her. Teachers play a major role in ensuring that all our children live in safety and dignity in a protective and nurturing environment. Hence it is imperative for every teacher to be aware of the many prevailing social evils which impact adversely on the development of children, and also of the legal provisions which exist and which can help in safeguarding the interests of the child. And thus contribute to the protection/promotion of rights of our children.

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