Research articles

Teachers as human rights defenders: strengthening HRE and safeguarding theory to prevent child sexual abuse

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Abstract

Sexual abuse is a public health issue with long-term consequences for children's lives and education. The Convention on the Rights of the Child is a key reference point in safeguarding, increasingly incorporated into domestic law. This article aims to strengthen safeguarding theory and practice by reviewing human rights education (HRE) theory and aligning it with care-based ethics. It proposes a renewed focus on HRE in teacher education that examines the teacher's role and professional responsibilities, strengthens rights-based knowledge, and explores the transformative power of rights. By empowering teachers with skills to recognise and act on harmful sexual behaviour (HSB), they can become powerful human rights defenders, protecting children against child-on-child and adult-on-child abuse. Drawing on empirical data on teachers' understandings of HSB, we apply theory, cautioning against an under-theorised approach that over-relies on rights knowledge or children's ability to claim their rights in an emotionally charged arena with asymmetrical power relations.

Keywords

Harmful sexual behaviour, teacher's role, HRE theory, transformative human rights education, ethics of care, Convention on the Rights of the Child

Introduction

Child sexual abuse is increasingly recognised by policymakers at global, regional and national levels as a public health issue with long-term consequences for children's lives and futures, and for their educational opportunities. The World Health Organization (2017) has declared sexual abuse against children a global public health issue and expressed grave concern for the consequences, both for individual child victims and societies as a whole.

Prevention of sexual abuse is currently receiving increased attention in public health strategies. The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Council of Europe, 2007), commonly known as the Lanzarote Convention, provides an international legal framework requiring criminalisation of a range of offences against children. It has been ratified by all 47 Council of Europe member-states, and is open to other States Parties to sign and ratify. The Convention's drafters took, as a starting point, existing UN and Council of Europe standards, including the Convention on the Rights of the Child (CRC) (United Nations, 1989). The Lanzarote Convention is a binding treaty that provides, *inter alia*, for preventative measures, including intervention programmes, education for children, recruitment and training of persons working with children, and raising awareness among the general public (Articles 4 to 10). It therefore has direct implications for school curricula, teacher education and teacher roles, across all Council of Europe member-states.

The CRC is frequently cited as a reference point in safeguarding policy and is increasingly incorporated into the domestic law of countries around the globe, including four of the five Nordic countries: Finland, Iceland, Norway and Sweden. According to the provisions of the Convention, States Parties have a duty to ensure that teachers are provided with appropriate support and training and to ensure that there are legal and policy frameworks to protect the children in their care from sexual abuse:

> States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. (UN, 1989: Article 19)

In other words, teachers have the role of human rights defenders in relation to the children in their care. Effectively, they are required, as part of their professional duties, to take appropriate action to prevent child sexual abuse. This role of human rights defender is not one where an individual teacher is expected to act alone; it is one where the state is required to offer appropriate support, including a thorough education of teachers in children's human rights. We are emphasising teachers' professional duties as children's human rights defenders. We recognise that schools can be experienced by students as violent places and that individual

teachers may perpetuate sexual abuse (Harber, 2005), but contend that when teachers recognise the role of children's human rights defender as central to their professional responsibilities, cultures of violence can be disrupted.

In this article, we argue that for teachers to confidently take up their roles as children's human rights defenders, safeguarding children from sexual abuse, a fresh theoretical approach to human rights education is required. We aim to strengthen theory and practice in child safeguarding by reviewing human rights education (HRE) theory. This is important for a number of reasons.

First, it is imperative to consider how HRE theory might be appropriately aligned with a broad care-based ethics that will support teachers in identifying and responding to harmful sexual behaviour (HSB). We note that HSB in a child (defined below) could also be indicative of past or ongoing adult-on-child abuse (Ey & McInnes, 2020). We acknowledge there is no confirmed scientific connection between displaying HSB and having been sexually abused. However, a significant portion of children who display HSB have undergone a range of adverse childhood experiences where sexual abuse is one of several difficulties encountered - alongside problems such as physical abuse, emotional abuse, neglect, mental illness, household alcoholism and drug abuse. Teachers who respond to HSB may therefore frequently be taking the first steps in protecting a child from a cycle of abuse. Secondly, theorising teachers' work needs to recognise the role of emotions in teaching and learning. This is critical, for across a range of social and cultural contexts, dealing with HSB among children requires teachers and other professionals to overcome cultural taboos. Thirdly, and importantly, power relationships need to be acknowledged in the sexual exploitation of children and in the initiatives taken to prevent child sexual abuse. For this reason, we caution against an over-simplistic link between children *knowing* rights and *claiming* them. Finally, in an HRE-based approach to child sexual abuse, HRE needs to be transformative. That is to say, both teachers and children need to recognise human rights as much more than society's normative principles. An HRE-based approach to HSB needs to be conceptualised in such a way that that it empowers both teachers and learners to work for societal change.

It is our intention, when theorising HRE, to apply it to real situations, where this theory can be used or modified, as appropriate. We want it to have practical application. Indeed, the theory has been generated, to a large degree, from empirical research. In this paper we illustrate our theoretical construct, drawing on data from an empirical study of teachers' understandings of child sexual abuse. Before we explore the theory and practice of a human rights-based approach to addressing child sexual abuse in more depth, we discuss the term 'harmful sexual behaviour' (HSB) in the context of schooling.

Harmful sexual behaviour

Harmful sexual behaviour (HSB) is defined as: 'Sexual behaviours of children and young people under the age of 18 years old that are developmentally inappropriate, may be harmful toward self or others, or be abusive towards another child, young person or adult' (Hackett, Holmes & Branigan, 2016, p. 12).

The focus of child protection efforts globally has generally been on adult perpetrators, thereby failing to take into account 'children and young people who display harmful sexual behaviour' (Ey & McInnes, 2020). Children and young people who display HSB make up a significant proportion of the sexual abuse statistics. Researchers estimate that between 30-50 per cent of all sexual abuse against children is committed by other children and young people (Association for the Treatment of Sexual Abusers [ATSA], 2017; Hackett, 2014; Shawler et al., 2019). Schools are thus a unique arena for both prevention and early intervention against HSB (Ey & McInnes, 2020). Primary school teachers are particularly well positioned to act as key safeguarding actors in early prevention and intervention work. We stress that HSB, sometimes referred to as child-on-child abuse, may be indicative of previous trauma and of past or current adult-on-child abuse (Creeden, 2013; Ey & McInnes, 2020; Leonard & Hackett, 2019; McKibbin, Humphreys & Hamilton, 2016).

Nevertheless, research suggests that teachers internationally are frequently unable to fulfil their intended safeguarding responsibilities. In England, research with teachers and young learners suggests that peer-to-peer sexual abuse has become normalised, so that teachers overlook it and students feel unable to report it (Allnock & Atkinson, 2019; Firmin, 2019; Waters, Anstey, Clouston & Sydor, 2021). In Norway, which has seen a rise in sexual violence and abuse, children and young people report that teachers are not doing enough to protect them from harm from peers (Barneombudet, 2018; Bergrav 2020; Hafstad & Augusti, 2020). Teachers confirm that they find it difficult to intervene to address HSB (Draugedalen, 2021; Draugedalen, Kleive & Grov, 2021; Vorland, Selvik, Hjorthol, Kanten & Blix, 2018). In South Africa, where there are concerns about an increase in various types of school-based violence, teachers have also been assessed as ill-equipped to address HSB (Makhasane & Mthembu, 2019).

In adopting the term HSB, we acknowledge there are other contesting terms in the literature, depending both on era of origin and authors' geographical positioning. HSB is a relatively new field and one where academic and clinical fields overlap (Hallett, Deerfield & Hudson, 2019). As these authors note, labelling children has sometimes been highly stigmatising, with terms such as *child molester*, *juvenile sex offender* and *perpetrator* applied. In line with the principles of the CRC, there is a growing consensus to move away from labelling the individual to describing their behaviour (ATSA, 2017; Hackett, 2014). In the UK and elsewhere in Europe, the term *harmful sexual behaviour* has started to gain momentum (Allnock & Atkinson, 2019;

Vorland et al., 2018). Hackett (2011) proposes a continuum of child sexual behaviour: normal, inappropriate, problematic, abusive, and violent. It is the behaviours in the last three categories which are labelled as harmful or potentially harmful.

The HSB literature generally makes a distinction between *children* and *young people/adolescents*, drawing the line between 12 and 13 years with the onset of puberty. However, our use of the term 'children' is in line with the CRC's definition of children as all individuals under the age of 18, except where we distinguish between younger and older students or wish to emphasise a wide age range. We illustrate our theory with empirical data from Norway, which is focussed on primary schools (students aged 5-13), but we also draw on literature relating to adolescents, since there is a scarcity of international research on young children who display HSB (Ey & McInnes, 2020).

The idea of children committing offences against other children challenges a society's traditional responses to punishment, and demands alternative prevention and intervention strategies, as the children involved are often under the age of criminal responsibility. According to child rights principles, children who display HSB are first and foremost children in need of help, not punishment. It is the duty of professionals to offer that help as early as possible. Importantly, although children and young people who display HSB are a highly heterogeneous group, there is, as highlighted above, a growing consensus among academics and clinicians worldwide that those who display HSB often have histories of trauma and abuse, with many exposed to a high degree of 'adverse childhood experiences' (Felitti et al., 1998).

Human rights exist to address the needs of the vulnerable (Osler, 2016) and in the context of education it is the responsibility of adult professionals to safeguard the most vulnerable children in their care. The responsibility of teachers is rooted, as we have seen, in CRC Article 19, which mandates the state and its employees to protect children from all forms of physical or mental violence (including sexual abuse). Furthermore, Article 39 requires states to promote the recovery and reintegration of a child exposed to adverse childhood experiences 'in an environment which fosters the health, self-respect and dignity of the child' (UN, 1989).

In its 2016-2021 Strategy for the Rights of the Child, the Council of Europe has given particular attention to HSB:

> The Strategy has as one of its five priority areas 'a life free from violence for all children'. Peer violence and harmful sexual behaviour by children is one theme which the Strategy mid-term evaluation process identifies as a challenge requiring further action. (Hackett, 2020, p. 5)

However, the Council recognises a particular dilemma when it comes to HSB and the lack of effective intervention: 'Children who display harmful sexual behaviour is a taboo topic, with limited available research. Therefore, not all member states have developed a specific

response to this issue' (Council of Europe, 2020, p. 11). This observation is in keeping with research in Norwegian upper secondary schools published in *Human Rights Education Review* and elsewhere (Goldschmidt-Gjerløw, 2019; Goldschmidt-Gjerløw & Trysnes, 2020; Goldschmidt-Gjerløw, 2021). This research found that teachers did not intervene consistently to address students' sexual harassment of their peers, with some so uncomfortable about dealing with sexuality they avoided the topic altogether.

Children and young people's perspectives on HSB and safeguarding

A nationwide survey of children aged 12-16 revealed a number of disturbing trends. These concerned young people's exposure to harm and a possible lack of safeguarding by adults across a range of arenas, both physical and virtual (Hafstad & Augusti, 2019). The data from Norway revealed that just over 6 per cent [n= 543] reported sexual abuse by an adult, and that 44 per cent of respondents had not yet disclosed this to anyone. A much larger proportion, 22 per cent [n= 2003], had experienced HSB and sexual abuse by a peer, but 30 per cent had not disclosed this experience. The findings showed that girls were at far greater risk of sexually abusive experiences than boys, and that most often the victim knew the abuser. The report confirms that children and young people are too poorly protected from violence and abuse, and that some groups remain especially vulnerable. Those labelled 'the most vulnerable groups' are those with a higher prevalence of cumulative risk factors (e.g., low socioeconomic status, parents' substance abuse, psychiatric illness or incarceration) (Hafstad & Augusti, 2019, p. 20).

Research among adolescents on intimate partner violence revealed a lack of protection afforded to the young people studied. There was a clear connection between partners 'sexting' (sending text messages with sexual content) and the prevalence of violence in a relationship (Hellevik & Øverlien, 2016). Similar results were detected in the international study, EU Kids Online 2020, which maps internet access, online practices, skills, online risks and opportunities for children aged 9–16 across 19 European countries (Smahel et al., 2020). It found that students seldom confide in teachers when they have negative online experiences:

> Number of children who reported that they told no one about their negative experiences ranges between 4% (France) and 30% (Estonia). Most often, children told about the negative experience a parent or friend or both (rarely did they tell a teacher or professional whose job it is to help children). (Smahel et al., 2020, p. 7)

It appears that in the new digital spaces that have emerged, young people are generally left to themselves to navigate acceptable behaviour and that governments have often been slow to react. For example, Hellevik and Øverlien (2016) observed that the Norwegian authorities published four action plans to combat domestic violence, but none of these addressed digital

violence. It was only in 2021 that a national action plan on how to prevent and intervene against internet-related sexual abuse of children was launched.

Another area of concern to young people is easy access to pornography. In a study from the UK, titles from so-called 'mainstream' pornography sites were analysed, and it was found that 1 in 8 titles contained descriptions of sexual violence (Vera-Gray, McGlynn, Kureshi & Butterby, 2021). In a mixed methods study from Norway, informants aged 14-19 years claim that pornography influences young people's sexuality and sexual behaviour. They identify a connection between the use of pornography and pressure to participate in sexual acts they perceive as degrading, violating and, in some cases, painful. The informants call for better protection from pornography (Bergrav, 2020). They also state that they want adults, such as teachers, to address these issues in safe spaces, observing that adults seldom initiate such conversations, and when they do, they tend to address the topic in a judgmental manner, inhibiting children and young people from expressing their views. The study noted that children and young people's views on pornography, and 'how sex is supposed to look and feel like', often remain unchallenged.

Building on EU Kids online 2009 (Staksrud & Livingstone, 2009), Livingstone and Stoilova (2021, p. 507) propose the 4 C classification of online risks: *content*, *contact*, *conduct* and *contract*. Simply put, these four categories represent the types of risk children encounter: what they actually view (pornographic content); those with whom they come into contact (adults practising 'grooming', sexual abuse or exploitation); the conduct that takes place between the child and those they encounter (sexual harassment, 'sexting'); and, finally, the contract that formally or informally is made between children and digital providers. Yet it would seem that basic digital education can go some way to protecting children online. A review of the impact of digital learning on young people found 'a positive association between digital skills and online opportunities, information benefits, and orientation to technology' (Livingstone, Mascheroni & Stoilova, 2021, p. 1).

The overall message from studies we have reviewed, examining the issue from the perspectives of children and young people on the one hand, and teachers on the other, is that teachers do not generally enact a safeguarding role. Yet of all the professionals working with children, they are the best placed both to prevent HSB and, where it occurs, to protect children. We turn next to examining how HRE might be conceptualised to enable teachers to become effective human rights defenders and enact their safeguarding role.

Theorising a human rights-based approach to safeguarding

The human rights project rests on recognition of human dignity (UN, 1948: Preamble) and human vulnerability. Human rights education in schools, drawing on the CRC, must necessarily be about realising the inherent dignity of all children and supporting the most vulnerable

(Osler, 2016; Struthers, 2020). The CRC also recognises the political rights of children and confirms that these are important to the realisation of other rights in education:

The project of enabling human rights and social justice through education is dependent on a deep understanding and application of children's human rights, particularly their participation rights, by policymakers and by teachers and other professionals working in school settings (Osler, 2016, p. 104).

These principles give strength to a human rights-based approach to safeguarding in schools and childcare settings and to approaches that ensure that the rights of the most marginalised are protected. Protecting the needs of vulnerable children is in itself a justification for HRE and for a human rights-based approach to safeguarding:

If ever there was a compelling reason for ensuring that young people are well-versed in their human rights entitlements, their protection from abuse or neglect is surely it. HRE is thus vital for 'raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms' (Struthers, 2020, p. 3, quoting 2011 UN Declaration on Human Rights Education and Training, Article 4a).

Yet at the same time 'schools … may unwittingly reinforce existing inequalities, neglect the perspectives of those they claim to serve, and be tools of violence against children' (Osler, 2016: p.107). It is this tension between human rights ideals and the everyday practices of schools that needs to be addressed when theorising a human rights-based approach to safeguarding. A clear starting point for ensuring effective HRE and strategies to address and prevent sexual abuse is the provision of opportunities for teachers to consider these tensions and deepen their own knowledge base. This is critical if they are to act as children's human rights defenders and contribute to safeguarding young learners in school.

Table 1

Human rights education and teachers' work. (Developed from Osler, 1997, pp. 192-3).

	Conforming	**Reforming**	**Transforming**
Various understandings of rights and human rights education (HRE)	Human rights are agreed international standards National values reflect human rights HRE is mandated	Democratic societies protect everyone's rights Individual breeches of rights occur HRE may need to be strengthened	Human rights are a site of struggle Ambiguities and tensions exist HRE may challenge established political interests
Teachers' role	Duty bearer (on behalf of the State) Implement mandated curriculum Transmit knowledge and values	Critique and interpret curriculum policy (read education theory) Provide students with opportunities to study how rights are protected / occasionally breeched Address 'rights gaps' Identify and support vulnerable students	Co-construct HRE with students, recognizing their diverse identities, experiences, histories Enable students to engage in critical examination of injustice in own lives and wider society Equip and enable students to act for social justice Engage with/ contribute to education theory Recognise shared vulnerabilities

Table 1 highlights three societal orientations to human rights and HRE and considers their

implications for teachers' work. Organised as *conforming*, *reforming* and *transforming*, these three orientations are not necessarily mutually exclusive and we might expect an individual teacher to identify with practices or beliefs in more than one of them. So, for example, in the conforming orientation a teacher may understand human rights to be part of an internationally agreed framework of standards. If this only leads teachers to recognise their role as implementing the mandated curriculum, they are not likely to support students in recognising the transforming potential of human rights. Yet a teacher whose professional orientation best fits the reforming or transforming column may equally recognise human rights as part of an internationally agreed framework of standards. In this sense, the orientations may be seen as a progression from left to right, across Figure 1. A transforming orientation is the orientation we would look for to enable human rights-based safeguarding processes.

In theorising a human rights-based approach to safeguarding, we examine in turn the following four elements: the need to align HRE with care-based ethics; teachers' work and the role of emotions in HRE teaching and learning; asymmetrical power relations in HRE and safeguarding work; and the concept of a transformative HRE and its role in safeguarding.

In our theorising, we draw on data collected in 2019, from six schools in a municipality in southern Norway. A total of 19 school-based professionals participated in focus-group interviews at their respective schools. 15 of these were primary school teachers, and it is their voices we draw on here. The schools were selected to include various environments/student demographics: urban and rural settings; predominantly White and ethnically diverse student populations; and a degree of socio-economic diversity. The participating teachers from these schools were self-selecting. Our purpose here is not to provide a detailed narrative or analysis of the wider study, which can be found elsewhere (Draugedalen, Kleive & Grov, 2021). Here we simply seek to illustrate ways in which data from these teachers can be read through the theoretical construct we present. We discuss a number of issues: HRE and care-based ethics; teachers' emotions in HRE-based safeguarding; asymmetrical power relations in safeguarding; and a transformative human rights education.

Aligning human rights education and care-based ethics

We assert that for teachers to be effective human rights defenders and work with children to implement a human rights-based approach to safeguarding at school, this must be achieved within the framework of an 'ethics of care' (Noddings, 2013). Here children are respected and supported, with teachers accepting the role of care-givers who place their students' well-being at the heart of their professional activity and attach significant value to the relationship between themselves and their students. This relationship is one of reciprocity, where the carer-teacher is attentive and listens to and observes the needs of the cared-for student, and

the student recognises the care in his or her responses. Underpinning teacher-student relationships are the principles of solidarity (what Noddings terms mutuality) and reciprocity. These two principles also underpin human rights:

> Rights demand human solidarity … we need to be willing to recognise and defend the rights of strangers, including people with different cultures and belief systems from our own. … [And] there is the key concept of reciprocity. Person A's rights cannot be secured unless Person B is prepared to defend them, and vice versa. (Osler & Starkey, 2010, p. 48)

In discussing the concepts of mutuality and reciprocity, Noddings is interested in an educational and social outcome, namely, the development of caring individuals. Her concern is both the well-being of the individual student and the development of societal values (Noddings, 2006).

In an educational setting, human rights principles are not abstract ideas to be communicated but living principles that apply in everyday life and everyday interactions. The school is the key arena in which moral education takes place. Noddings' conception of moral education is compatible with our understanding of HRE. It has four components—*modelling*, *dialogue*, *practice* and *confirmation*—each of which can be enacted in the classroom to develop caring and responsible students (Noddings, 2013). Teachers should model the desired behaviour that they wish students to adopt. Modelling requires that teachers critically examine their own role and behaviours and identify the moral behaviours they wish to communicate.

The second component emphasises that teachers engage in authentic dialogues with students, so as to truly understand their perspectives. This element dovetails well with the principles underpinning CRC Articles 12-16 (UN, 1989), which address children's participation rights. These include the right to be heard, freedom of expression, freedom of thought, conscience and religion, and freedom of association. These rights cannot be enacted in isolation, they require a community. Teachers need to be active listeners and to create a classroom community in which dialogues can be initiated by themselves and their students.

In Noddings' third component, the teacher should provide opportunities to practice moral, caring principles, which she stresses cannot be communicated verbally, but exemplified through practice:

> A teacher cannot "talk" this ethic. She must live it, and that implies establishing a relation with the student. Besides talking to him and showing him how one cares, she engages in cooperative practice with him. (Noddings, 2013, p. 167)

The last component of Noddings' moral education is that of *confirmation*. In essence, confirmation requires that teachers know their students well enough to best understand their

true intentions in any action, and can confirm the desired intention to the student, even though the action itself may be questionable or harmful. Thus, confirmation allows students who have done wrong a chance to correct their wrongdoing, and allows the teacher to be in a position of tutoring the student to adopt alternative, more caring actions. However, this component is only possible when a positive and trusting relationship is already established through a longer process of receptive listening by the teacher:

> The one doing the confirming has to know the one who is confirmed well enough to make a reasonable, honest judgement of what the other was trying to do. When we confirm someone, we attribute to a questionable act the best possible motive consonant with reality. To do this, we must have sufficient knowledge of the other to make it plausible that this better motive was actually operating. … children and teenagers – often react with relief and gratitude: Here is someone who sees my better self! The better self, perceived through receptive listening, is thus encouraged. (Noddings, 2006, p. 113-114)

By approaching students who have engaged in a questionable act (for example, sexual harassment) with a confirming attitude, a teacher has a far greater chance of making a lasting impact on students, and of enabling them to change their negative behaviour. Here, Noddings is relying on the concept of the interdependence of all in the school community and the responsibility of the wider community to resolve uncaring behaviour. Again, interdependence is a concept underpinning the human rights framework (Osler & Starkey, 2010, p. 47).

Noddings' ethics of care resonates well with the principles of 'trauma-informed care', an approach originally developed among professionals working with children and young people who have had adverse childhood experiences, an approach based on clinical developments in trauma psychology and neuroscience (Bath & Seita, 2018). Levenson (2019) is among the growing number of HSB experts who advocate for a more universal trauma-informed approach in educational settings. A key message from trauma-informed care is that of the power of healthy relationships - both in healing trauma and creating resilience among those who have experienced adverse childhood experiences (Perry, 2009).

A number of teachers in our study recognised and articulated the importance of a care-based ethics, or care-based practice, although the term they used was 'help' rather than 'care'. In the quote that follows, a teacher discusses academic and social needs in tandem. She talks about 'struggling' children and highlights the importance of knowing individual children well, in the way Noddings (2013) suggests:

> Many children who are struggling both socially and academically, they also often have other things going on. Their parents often struggle too, so there is a connection that impacts the children. It is important to understand what is wrong in order to

> help. (Informant B, focus group 6)

In the extract that follows, teacher A talks about the importance of a *relationship of trust*, suggesting interdependence and reciprocity between teacher and child. Her colleague, B, responds by using the language of rights:

> A: I think that when you develop a close relation with these pupils that you see going around and are bothered by something, then most of them will be able to open up. We have also experienced children who all of a sudden just come and start talking. So, it is apparent that to have trust and a good relation is important…

> B: I try to be ahead, so I tell them about their rights, what other people are allowed or not allowed to do with them, so the children are sure that it is their body and they are in charge. But I have not been able to make them open up about things they have experienced. (Informant A and B, focus group 2)

Teacher B acknowledges that a discourse on rights has been insufficient, in her experience, to enable any child to confide in her. It would seem that by combining these two approaches—teaching child rights within a care-based ethics where relationships of trust are established—teachers create opportunities for children to 'open up'. Not only are care-based ethics and a human rights-based approach complementary but, as this case illustrates, teachers need to cooperate and share practices to find the key to effective safeguarding. It remains unclear whether Teacher B's young students did or did not learn that specific remedies exist if their rights are breached.

Teachers' work and the role of emotions in HRE teaching and learning

We have been involved in the development of a research instrument designed to assess teachers' perceptions of the principles of the CRC (Osler & Solhaug, 2018; Osler & Skarra, 2021) and we are also aware of recent studies that have looked at teachers' role in human rights education (for example, Gollifer, 2021; Jerome, 2018; Robinson, Phillips & Quennerstedt, 2020). However, we note that the focus of educational research on the CRC to date has largely been on children and on student teachers and teacher education. We concur with Jerome & Starkey (2021, p. 73) that 'the teacher's central role in children's rights education (CRE) … has been relatively unexplored in the literature'.

Zembylas (2017) has devoted attention to the role of emotions in HRE, in the context of prevailing rational understandings of human rights. He is primarily concerned with the role of emotions in creating compassion and solidarity among students. Our interest here is in the role of emotions in shaping *teachers*' approaches to both human rights and child rights education. In particular, we wish to consider what role emotions might play in enabling a care-based ethics, in selecting curriculum content, and in enabling or inhibiting teachers' readiness to act as human rights defenders and practice a human rights-based safeguarding role. The

teacher is responsible for communicating the curriculum; s/he has agency in choice of content and method. S/he thinks, acts and feels. Like Zembylas (2017) we are interested in the different ways in which emotions may be implicated in the experience of those who perceive, mobilise or claim human rights, and specifically on teachers' perceptions of their role.

In the area of sexual abuse and assault there has been a long-standing societal tendency to blame the victim. So, for example, girls and women may be advised to consider how they dress, so as to discourage sexual harassment, rape or even misogynist killings. Children who experience sexual harassment from their peers, or who display HSB, may be equally prone to stereotyping by the adults into whose professional care they are placed. If one purpose of teaching is to encourage students' critical thinking and taken-for-granted perspectives, this must be a process in which teachers themselves engage. Following Boler (1999) this implies:

> A pedagogy of discomfort … [that involves] inviting educators and students to engage in critical inquiry regarding values and cherished beliefs, and to examine constructed self-images in relation to how one has learned to perceive others. (pp. 176-177)

A pedagogy of discomfort is necessarily one that takes time. It invariably requires all actors to consider privilege, power and inequality and to acknowledge ways in which emotions can enable or inhibit learning. It applies as much to teachers' work as it does to student learning.

Data from another of the focus groups exemplifies how teacher emotions come into play. This teacher appears to have found a more caring human rights-based approach to safeguarding by engaging in a pedagogy of discomfort:

> A: One can say that one has challenging pupils, but what is it about them that make them challenging? Am I not adjusting my lectures well enough to their needs? Am I not seeing enough? Instead of saying: 'He just has to pull himself together!', how do I really adjust to the pupil?
>
> Researcher: But that requires a certain self-reflection in what you are saying right now?
>
> A: Yes, that may be the most important mission we have. You know, like when we talk about regulation of emotions with children, then you need to control your own feelings and situation before you can help a child in… in an emergency situation then you need an absolute control over your own emotions. (Informant A, focus group 4)

The teacher's professional learning has come about by first acknowledging the emotional impact on herself as teacher, and then adjusting and regulating her feelings so she is able to focus on the child's needs.

Addressing asymmetrical power relations in HRE and safeguarding work

We concur with Alison Struthers 'that when children are taught about their rights in practical

- rather than aspirational - terms, they are better able to apply a human rights lens to their own lived experiences' (Struthers, 2021, p. 48). We have previously emphasised the importance of legal knowledge as 'part of the struggle for justice' that, for us, is the very purpose of HRE (Osler, 2010, p. 121; Osler, 2016). Legal literacy, and an understanding of the steps that individuals may take if and when their rights are infringed, is powerful knowledge:

> Children must be legally literate and develop the legal knowledge and skills necessary to identify breaches of rights, recognise them as such and, where appropriate, seek legal means to enforce them. (Lundy and Martinez Sainz, 2018, p. 17)

We agree with Struthers (2021) that 'reactive safeguarding processes, that rely on adults observing and actioning signs of abuse and neglect' on an *ad hoc* basis will almost certainly be insufficient. We recognise that busy primary school teachers, for example, pursuing professional practices that focus, first and foremost, on communicating knowledge and enabling children to acquire a range of literacy, numeracy and social skills may or may not identify behaviours in an individual child that indicate abuse or neglect, or record them in such a way that patterns of concern are identified between professionals. While it is undoubtably true 'that when children are taught what breaches of human rights actually look like, they are better able to recognise and report violations in their own lives' (Struthers, 2021, p. 46) we would urge caution in assuming that this is likely to be a *sufficient* strengthening of safeguarding procedures with regard to sexual abuse. Prevailing societal attitudes mean that victims of sexual abuse, even when they recognise violations of their rights, frequently delay *reporting* abuse, sometimes for years, and may be tutored by abusers to believe that any wrongdoing is their own fault (Halvorsen, Solberg & Stige, 2020).

We join with Struthers (2021) in advocating for stronger links to be made between children's safeguarding and HRE. However, adding basic HRE knowledge to teachers' current limited safeguarding training will probably have minimal impact. Provision of safeguarding training for teachers and education for children are listed as part of a broader intervention programme to protect children against sexual abuse and exploitation under the binding Lanzarote Convention, across all Council of Europe member-states. It follows that, under the Convention, member-states will be required to develop such programmes and that progress in doing so will be monitored.

We contend that for human-rights based safeguarding education and training to be effective it not only requires that all parties, including children, understand what breaches of human rights look like and the remedies available to them, but that such programmes explore the asymmetrical power relations that frame current HRE and safeguarding work. As we have previously argued: 'HRE must necessarily address human vulnerability and societal injustices and power differentials. … To claim full rights at school, for example, vulnerable students need

the support of those in power, including teachers' (Osler & Skarra, 2021, p. 194). For effective safeguarding practices to be implemented, teachers need opportunities to consider and discuss these power differentials, and how they might be mitigated, for example through care-based ethics and a pedagogy of discomfort, as discussed above.

Other asymmetrical power relationships are those existing between students. We know that girls are at greater risk of sexually abusive behaviour than boys (Hafstad & Augusti, 2019). The tendency to blame the victim leaves girls and LGTB+ students especially vulnerable, along with any student encountering transphobia. These power differentials are ones that teachers need opportunities to consider, discuss and reflect on.

Asymmetrical power relations also exist between teachers and school leaders and administrators. Teachers need the active support of school leaders to implement effective human rights-based safeguarding. Without support from school principals, and an assurance that a teacher will be taken seriously by senior school administrators, children are left vulnerable. The CRC and the broader human rights framework do not address power relationships in their provisions, yet forms of HRE that ignore power relationships are unlikely to support societal change or transformation (Osler, 2015).

There was consensus across the focus groups in the six schools that support from school leaders made safeguarding duties less daunting or overwhelming (Draugedalen, Kleive & Grov, 2021). Without support, teachers reported a sense of isolation and uncertainty. In one case, a teacher described what happened when she observed HSB among students:

> I have contacted the principal, I have contacted the assistant principal, and of course I have discussed it with my colleagues. And I have contacted the Child Welfare Service. But the problem is that I feel we are not being heard. Maybe in the Child Welfare Service, but not in school. It is not taken seriously. (Informant A, focus group 5)

Asymmetrical power relationships between teachers and school principals undermine teachers' confidence in their observations and judgments, with direct implications for children's protection. School-based teams that included other professionals, such as a school nurse, helped alleviate unequal power differentials, allowing children's needs to be more easily addressed.

In a separate discussion about HSB and reporting processes, two teachers observed how within their school there was no clear action plan, due in part to poor communication and cooperation between professionals:

> B: Some want to bring the concern directly to the school's welfare teacher, while others notify the assistant principal, and others again the principal. It varies a lot

> depending on how the individual teacher feels.

> A: We're vulnerable, right? From the start we (teachers) must dare to see. But then there is the issue of how the information and concern is received. That the relation between us adults will determine further outcome of the process. We choose people we confide in, who are available to us and that we trust. (Informant A & B, focus group 1)

'Daring to see' harmful sexual behaviour relates to a teacher's confidence in their own judgement and perceived risks in getting it wrong. Since teachers may fear acting alone, both emotion and power relations come into play.

A transformative HRE and its role in safeguarding

We assert that 'transformative HRE involves critical examination of the present and the past, so that teachers engage in a process of self-reflection and support learners in reimagining and creating a just future. Importantly, it requires teachers to support students in *acting* for justice' (Osler & Skarra, 2021, p. 192). We are concerned here with longer-term societal change and whilst we recognise that education alone cannot be expected to achieve this, it has an important contribution to make. Legal knowledge has a part to play, but it coincides and interacts with the knowledge that children bring to the process of learning, namely their own everyday experiences of justice and injustice. Ultimately, both teachers and students need to be empowered to recognise themselves as agents of change and to see alternatives to the everyday injustices in their own lives and in the lives of those they observe.

Alongside human rights knowledge (and especially knowledge of legal standards and their remedies), teachers need to embrace the role of human rights defender of the children they teach, practising an ethics of care, and acknowledging the emotional as well as the rational elements of human rights and the impact of their own emotions on their everyday work.

We contend that human rights-based safeguarding practices need to be situated in the wider societal context of teaching and learning that acknowledges power differentials between adults and children, between children, and between teachers and their senior colleagues. A recognition of these power differentials is a first step in working to ameliorate them and to move towards a situation in which children are better protected and positioned. We envisage a context where children recognise sexual abuse as a violation of their rights but where teachers, as human rights defenders, cooperate in building communities. We envisage a future society in which abused children will not be stigmatised but supported to tell their stories and trusted and protected when they report their concerns.

A transformative human rights-based approach to safeguarding starts with the teachers' willingness to recognise that abuse happens. Societal change and eventual transformation begins with an acknowledgment of a problem and the need for change. Children need to be

trusted and believed when they speak out:

> I believe that as primary school teachers we are significant others, we are so important to these children that it is very likely that it is us they contact if we are willing and able to see and believe them. (Informant A, focus group 1)

One of the schools from the study was modelling what we would describe as a transformative approach to safeguarding. This school adopted the practice of confirming (Noddings, 2006) when addressing HSB, by guiding students to make appropriate choices:

> C: … Just like, when a small child touches itself. … Then you can talk to that child about it, and you can do that without making such a big deal about it, right? You can reassure the child that it is completely okay to do that, but not when the class is gathered in assembly. … Just like you say that we do not pick our noses when we eat. It is almost like, if you just address it in a normal way, then I feel that they are absolutely fine with it. (Informant C, focus group 3)

Concluding thoughts

We propose a theoretical human rights-based approach to safeguarding by emphasising teachers' role as human rights defenders. This framework aligns HRE with care-based ethics; addresses the role of emotions in teachers' work as it relates to child rights and safeguarding; considers the role of asymmetrical power relations when talking about rights; and proposes a transformative HRE.

Teachers are in a unique position to implement an important safeguarding role in schools and we recognise the importance of early intervention, starting in primary school. They also have professional, legal and moral obligations in the context of the Convention on the Rights of the Child. We recognise that some teachers may start from a conforming orientation to HRE, while others will see their role as one of reform, rather than transformation. We wish to confirm these different starting points, and to acknowledge that an individual may move from conforming to reforming and transforming in the course of a day's work, or indeed a single conversation. The approach may be incremental. Elements of all three orientations may operate simultaneously and constructively. Our contribution here is to provide a theoretical framework that illuminates some of the barriers to effective safeguarding, recognises complexity, and permits an informed debate on ways forward.

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