

Children's rights in the classroom: Do student rights outweigh teacher's authority?

¹Phumuzani Mpofu & ²Tatenda Thelma Machingauta

Abstract

The overprotection and overemphasis of child rights led to the rise of a new phenomenon of children disregarding authority and rules. This research explored the implementation of children's rights in Gweru, Midlands Province, Zimbabwe and its effect on their behaviour in the classrooms. The research was qualitative supported by the transformative paradigm. The Bronfenbrenner theory was the study framework with twenty purposively selected participants for interviews and focus group. Through the thematic analysis, challenges brought by children's rights in attaining quality education include indiscipline, bullying of teachers, overprotection of rights and delinquency. On the other hand, disempowerment, disintegration of teaching and learning, irresponsibility and lawlessness were identified as the effects on children's behaviours. The study further emphasised the strategies that could be adopted to foster successful teaching and learning while observing children's rights including raising awareness, training of stakeholders and revision of policies and legal frameworks. Given the empirical results, this study stressed that overemphasis on rights without stressing responsibility is cultivating a breed of selfish and rowdy child.

Keywords: *child rights, infringement, educator, learner*

Article History:

Received: July 4, 2024

Accepted: August 8, 2024

Revised: August 4, 2024

Published online: August 18, 2024

Suggested Citation:

Mpofu, P. & Machingauta, T.T. (2024). Children's rights in the classroom: Do student rights outweigh teacher's authority? *International Review of Social Sciences Research*, 4(3), 76-98.
<https://doi.org/10.53378/irssr.353085>

About the authors:

¹Corresponding author. School of Human and Community Development, University of Witwatersrand, South Africa. Email: mpofup89@gmail.com

²Department of Psychology, Faculty of social sciences, Midlands State University, Zimbabwe. Email: tmachingaz@gmail.com



1. Introduction

Children's rights take a holistic stance to ensure children's human dignity, which is imperative as it ensures children's development to full potential. Children should not be treated as objects or property as they are humans. Globally, children have been susceptible to violence, abuse, neglect, exploitation and other forms of dehumanisation in societies (Fairhall & Woods, 2021; Chang et al., 2023). There are a number of strategies, policies and frameworks aimed at protecting children at global, African, sub-regional and national levels have been crafted.

Globally, there are instruments that seek to protect children, including the United Nations Conventions on the Rights of Children (UNCRC) and the Sustainable Development Goals (SDG Agenda 2030). The 40 substantive rights in the CRC and the 17 SDGs also provide the metrics and methodology required to monitor communities' progress in fulfilling children's rights (Lichtsinn & Goldhagen, 2023). The UNCRC lays out rights of every child, consisting of 54 articles which include civil, political, economic, social and cultural rights (Fairhill & Wood, 2012). The recognition of the child rights paradigm shift has been attested by SDG Agenda (2030) which illuminates Target 16.2, which according to the United Nations (2023) seeks to end abuse, exploitation, trafficking and all forms of violence and torture of children. The universal Declaration of Human Rights (1948), being the supreme of all global rights instruments, notes that all rights are inalienable, hence children's rights should be realized without compromise.

In Africa, the African Charter on the Rights and Welfare of the Child (ACRWC), African Union (2012) member states are obliged to undertake necessary steps in accordance with their constitutional processes, legislative and measures necessary for guaranteeing children's rights. Several African countries are signatories of the ACRWC. As articulated by Vohito (2021), 49 African Union member states ratified and accepted the ACRWC thereby obligated to align to the charter. In the local context, chapter 2, section 19, chapter 4, part 3, section 81 of the Zimbabwe's Constitution affirms the protection of children from any form of abuse. Similarly, the children's rights liberated them in their education. Children's rights compelled teachers to abandon the use of corporal punishment, which was the cause of some learners dropping out of school. Before the implementation and recognition of children's rights, some teachers would abuse children physically, sexually, emotionally and some will go to the extent of exploiting them by making them do their own personal errands (Shumba, 2001;

Melkman, 2024; Calitz & de Villiers, 2020; Hecker et al., 2023; Shumba, 2006). However, with all the privileges given to the learners and constant abuse of their rights, educators at the receiving end and guardians as support system are seemingly finding it difficult to impose measures in educational concerns. While Veritas (2023) highlight amendment of section 13 of the Child Act, which states that any parent or guardian who fails to take reasonable steps to prevent their child from committing offence shall be guilty of the offence and liable to penalties as if they were the offenders, many believe this provision will make it difficult for them to discipline their children (Chara, 2023). Congress should guarantee that parental rights are treated as fundamental rights that cannot be overridden by ideologically driven policies (Kao, 2023). Most parents are scared to report their children because they think they may have restrained them at some point. Cottrell (2001) notes that some teens erroneously believe they are protected from their parents' authority by law, and parents live by the threats of being charged with assault abuse and neglect if they attempt to discipline their teen. Common controlling comments are *"You can't touch me!"*, *"You have to support me until I'm 18."* *"I'll call children's aid on you!"* and *"I'll call the police!"*

Most children threaten their parents citing the law while some display aggressive attitudes towards parents and teachers. With these scenarios, Barker (2024) argues that teachers did not sign up to become punch bags or referees in physical altercations between pupils. They have the right to feel and be safe at work. Furthermore, teachers felt as if pupils were in charge, as they would get sworn at after challenging a number of pupils who were roaming around the school not attending lessons, with no consequences. Moshman (2023) notes that parents, administrators, teachers and the public have developed a *"that's just part of the job"* attitude. When teachers get violated, they are expected to take threats and abuse from students. Teachers are struggling to execute authority in schools as the students feel like they are the authority. Violence against teachers is now becoming a global concern (Sukyadi et al., 2018; Previl, 2023; Walker, 2022; Garg, 2017; Lokmić et al., 2013).

The NASUWT (2023) in England found that 5% of the teachers were leaving because of poor pupil behaviour, and over 53% seriously considering leaving because of violence and abuse from pupils. According to Sibanda (2015), a number of parents expressed disgust at the lawmakers and child activists for seemingly giving children a "free play". Parents no longer discipline children in fear of violating their so-called "child rights". Te One (2011) argues that

the state undermines the sanctity of families, and parental rights to raise their children without risk of social engineering. Adults have their hands tied and are expected to tolerate children's arrogance and ill-behaviour in the name of child rights. Failure to address the complexities caused by overemphasis of child rights in schools and homes today have long-term costs for educators' retention and the education of pupils (Kükürtcüi & Erkan; 2022; Gillett-Swan & Lundy, 2021).

This study aims to investigate the effects of the implementation of children's rights on the attitudes and behaviours of students within the schools. Specifically, it determines the benefits of children's rights in their education, challenges brought about by children's rights on students' behaviours, effects of children's rights on teachers' authority within the classrooms, and strategies that can be adopted to foster successful teaching and learning while observing children's rights.

2. Literature review

2.1. Infringement of children's rights within the education system

Children's rights are debated terrain. Some think they have been taken a bit too far, while others think their implementation should be given more priority (Quennerstedt & Quennerstedt, 2014). The recognition of children's rights brought positive developments on the education of children especially the girl child in Africa. Children's rights enabled all children in the world to reach their full potential (UNICEF, 2009); for instance, historically, in most African nations, boys were given preference to continue their education when there was insufficient funding for both girls' and boys' education.

Among other rights, children's rights include the right to life, the right to education, right to healthcare, right to be heard, privacy, respect and right for adults to always do what is best for them. The United Nations Convention on the Rights of the Child (UNCRC) states four basic rights of the child to be fulfilled, namely the child's right to survival, the child's right to protection, the child's right to development, and the child's right to participation. These rights overarch every other right enlisted in the UNCRC. Similarly, while the African charter article 11(6) emphasises on the education of children who become pregnant before completing their education, Fambisayi (2020) notes the adoption of the Education Amendment Act 2020 in Zimbabwe prohibiting expulsion of pregnant girls from school.

There is a dearth of literature when it comes to the infringement of children's rights in the classrooms. In a study conducted by Zwane (2017) in South African secondary schools, educators were found unaware on positive and constructive interactions with learners. For instance, name-calling, ridiculing and degrading learners were common experiences. The Facebook post of the Progressive Teachers Union Zimbabwe (2017) highlighted a computer science teacher at Herentals Group of Colleges fined with \$150.00 in Victoria Falls, Zimbabwe for administering corporal punishment on a form 3 student for not doing his schoolwork. The teachers probably might have overdone the beating, but argument states that it has become difficult for the teachers to implement any form of punishment or be effective in teaching. While these issues point on human dignity within the schools, literature also highlights numerous cases of violence and ill-behaviours of students emphasising their rights. In the study conducted by UNISA (2022) on the problems schools encountered in implementing positive discipline, some participants cited too much emphasis on learners' rights and too little on their corresponding responsibilities, or on the rights of educators. Pindula (2023) blames the banning of corporal punishment for the lack of discipline in schools, saying it was sad that teachers have become disempowered. There has been too much emphasis on the protection of child rights to maintain a safe and dignified schooling environment for learners (Ebrahim, 2017). However, some still use corporal punishment (Vohito, 2021). Ebrahim (2017) suggests reward charts, merit and demerit systems, taking privileges, time-outs, detention where learners can do schoolwork and picking up litter as viable options. Adopted strategies are Eurocentric, which are viewed as fun and adventurous by children.

According to Ncube et al. (2014), education policies were made, revised, implemented and abolished on a continuous basis, with little or no input from educators. The voice of the educators is silenced, thus disempowering the educators yet they have a pivotal role to play. Their buy-in is needed if policies have to succeed in schools and be put into action. Little or no attention has been given to how these policies have a great impact on the relations between the learners and educators. Others referred to the "cut-and-paste approach" used based on imported Western ideas but without these being customised to local contexts and African principles. In fact, the educator's rights have been overshadowed by the child's rights such that everything is done in favour of the child. Most of these strategies infringe on the African

culture, as they overlook the values and norms. Similarly, the gap that exists then is that most of the provisions are embedded on the Western cultures, thus ignoring the African context.

Empirical evidence showed most studies on children's rights primarily focus on the protection of these rights and abuse of the rights by the adults. Literature is silent on how children are abusing these rights, which may influence how educators relate with them, hence affecting their education or the way they are taught. Not much literature, except for blogs and newspaper articles, have begun to articulate the effects of too much power given to the child, overprotection of their rights as well as the effects thereof. Literature has ignored that children have been given too much power, which has negative implications between the teacher, parent and student interactions. Hence, this study aims to give insight into what educators think of the endorsement of policies and frameworks on child rights which have a negative impact on their work.

2.2. Theoretical framework

The study adopted the Bronfenbrenner Socio-Ecological Model of Human Development (Urie Bronfenbrenner, 1979), which is made up of five interrelated systems namely, microsystem, mesosystem, exosystem, macrosystem and chronosystem. According to Paquette and Ryan (2009), the microsystem, as the layer closest to the child, contains structures such as school, family, and childcare environments that have bi-directional influences on the child. The mesosystem comprises the linkages and processes taking place between two or more settings containing the developing person, e.g, the relations between home and school (Bronfenbrenner, 1994) while exosystem is the linkage that may exist between two or more settings, one of which may not contain the developing children but affect them indirectly such as the home and parent's workplace (Psychology Notes, 2021). On the other hand, macrosystem is the outermost layer in the child's environment comprising cultural values, customs, and laws, hence cascading influence throughout the interactions of all other layers (Paquette & Ryan, 2009) while chronosystem encompasses change or consistency over time, not only in the characteristics of the person but also of the environment in which that person lives such as family structure and employment (Bronfenbrenner, 1994).

Bronfenbrenner's Socio-Ecological Model of Human Development is relevant in this study because it highlights the interrelationship of ecological systems. As applied in this study,

it reflects how the school and home environment are related and also how the macrosystem has influenced all other systems. This study therefore gained dexterity in disentangling the nested systems comprising home, school, society, culture and laws, how they coincide and influence different aspects of the child's life. Hence, providing insight on the matter at hand.

3. Methodology

3.1. Research paradigm

This paper adopted the transformative paradigm, which proposes not only to understand reality but also to modify it, often with an express political agenda (Mattor & Ramos, 2022). The goal is specifically to help people understand and challenge power relations in the study process and make something happen while the study is in progress. Transformative paradigm treats research as an act of construction rather than discovery (Kivunja & Kuyini, 2017). As used in this study, it constructs information as the researchers interacted with the participants as they unraveled that social oppression they are faced with.

3.2. Research design

Participatory Action Research (PAR) was used in this study as it recognizes that teacher and parents are powerless and disregarded in the society, which has been largely shaped by evolution of history. Children were dehumanised in most states, which led to child rights activist advocate for the realisation of child rights. However, there is now overemphasis and abuse of rights resulting to clashes with Africanism. PAR was used because of its participatory nature which facilitated the linkage between action and research. It allowed an investigation of the stakeholders involved in child custody who shared a complex situation, how child rights disempowered both parents and teachers.

3.3. Sample selection and Instrumentation

This study purposively selected educators to be research participants in the Midlands Province of Zimbabwe. According to Zwane (2017), purposive sampling presents an opportunity for the researcher to select relevant sites and credible participants who have experienced the phenomenon under study. The study selected teachers from secondary schools and parents as key informants in the study as they exchange the role of being custodians, hence making school an extension of home.

Interviews and Focus Group Discussions (FGD) were used to gather information for this study. Semi-structured interviews were opted since they allowed the participants to narrate their experiences without any interference by the researchers. Open-ended interviews and focus group guides were used to ensure uniformity in asking questions. Probing was also applied, which allowed the participants to express their views without restrictions. For the interview, 14 participants were selected and 6 participants for the FGD. Since participants were geographically dispersed, some were contacted online. In total, 20 participants were selected for the study as well as two research instruments to ensure comprehensive and saturation of data. Consent to audio record the participants was sought to ensure data was correctly captured.

3.4. Data analysis techniques

Thematic analysis was utilised to give meaning to the participants' experiences. The researchers familiarised with the data by reading both interviews and FGD transcriptions, taking note of key ideas. Key ideas were identified and coding of the data was done as key ideas were labelled to make easy for categorisation of interrelated ideas, hence formation of themes that responded to the research questions.

3.5. Ethical consideration

The study followed several ethical procedures specifically in the data gathering process. Participants signed consent forms before participating in the study. The researchers explained the gist of the study to the participants and their rights to withdraw from the study at any given point. The study ensured participants anonymity; their identities remain anonymous all throughout the study. The FGD participants were explained that voice changing and blurring of the face are not guaranteed to comply with anonymity. However, they were assured that the recordings were kept safe and their identities were not disclosed even after the distribution and publication of the results.

4. Results and Discussion

Data were collected through interviews with teachers and their extracts presented by [T] and a focus group with parents was also convened and their extracts presented by [P] in the data presentation. The data is presented according to generated themes.

4.1. Benefits of children's rights on their education

To get balanced views on children's rights, participants were first asked about the benefits of children's rights. Most of the participants were not against the children's rights per se but were against its misuse and over emphasis.

Improvement in enrollment. Research findings revealed that children's rights liberated children coming from church sects like Johanne Masowe who were against educating their children in formal schools, as highlighted:

[T2, T5, T1] There are religious sects that were not allowing children to go to school keeping them at church shrines, but because of the rights there is improvement in enrollment of children in schools from these groups of people.

Most participants praised the advent of children's rights as most children were able to go to school as all parents were not forced to send their children to school.

It afforded equal opportunity for both boys and girls to access education. Findings from the study highlight that children's rights afforded equal opportunity for both boys and girls to access education as participants commented that,

[P5, T4, P6, T11] Many parents had a mentality that educating the girl child was a waste of resources since she would be married off, but because of the child rights they now go to school without discrimination.

[P1, P3, T9, T12] The rights are good because we have seen in the past if a girl child got pregnant whilst in school or college they would face expulsion. But now there is a policy that allows them to continue with their education.

[T10, T7, T2] Affirmative action has been introduced to close the gap in education whereby girls are enrolled in programmes with lesser points as compared to boys.

From these excerpts, children's rights ushered in equality among children without discrimination based on sex.

It reduced dropout rates and absenteeism. This study found that child's rights has led to reduction of learners' dropouts and absenteeism, as participants commented,

[T12, T8, T5] Most teachers would verbally, physically and emotionally abuse children in schools which led to high levels of dropouts and absenteeism. The

abolishment of corporal punishment is celebrated because we now see an improvement in school attendance.

[T4, T9, T1] I feel that the introduction of children's rights assisted in reducing bullying by teachers and fellow learners which could lead to learner dropout and absenteeism.

These extracts highlight that children's rights have reduced the rates of child abuse in schools which was leading to learners' dropouts and absenteeism.

4.2. Challenges brought about by children's rights in students' behaviours

The first research question was to find out the challenges that can be brought about by children's rights in the students' behaviours. The following themes were derived from the collected data.

Indiscipline. As found in this study, indiscipline emanated as a challenge brought about by children's rights. Some of the participants cited that,

[T14, 13, T1, T11] We had a girl who got pregnant and was not expelled from school because of these policies and rights. We had a challenge with her as she was caught busy having sex in the classroom, her issue went viral. What do other children learn from that?

[T3, T7, T12] They have the right to education and to make most of it, yet they abscond from lessons as well as not doing their school work, some even go for betting and engage in drug abuse during school time.

These excerpts highlight that some students have become disorderly and exert disruptive behaviours thus abusing their right to education. Indiscipline as a challenge brought by children's rights in attaining quality education was supported by an article, "*parents also complain that some of their children have become stubborn and disobedient. Among the purported cases of indiscipline is denigration of teachers, skipping of lessons, bullying and abuse of drugs*" (The Sunday Mail, 2015).

Child custodians, teachers and parents are facing the same challenge of wayward children who are arrogant and rowdy. However, Vohito (2021) cited senior school officials or teachers reported caning students and not following government regulations on the infliction of corporal punishment in schools. This is an indicator that the classroom and the stick cannot

be separated if there has to be cultured and cooperative students, it has to be there as an alternative disciplinary measure. Similarly, schools should always emphasise on student responsibility.

Bullying of teachers. Bullying of teachers has emerged as one of the major themes as some participants highlighted that:

[T2, T12, T8] A student asked me for my phone number and later he sent me a message passing sexual comments. The other day I caught him taking a picture of me whilst I was teaching. So, this freedom of bringing gadgets to school is causing chaos in the classroom as most won't concentrate.

Teachers are now facing harassment from students as illuminated in the narratives of the participants. There is distraction of learning because of some of these privileges children have been given.

[T9, T14, T6, T3] Parents should do what's best for the child, like education, protection and provision. They don't respect the adults or even listen to instruction yet they want the best. I have seen some of my colleagues being shouted at by students. And in another case where I once worked, a deputy head being booed at by the whole school just because he had said something they didn't like.

As highlighted by the participants, it is indicative that teachers are facing hard times with some students. From this study, it materialised that bullying of teachers is one of the challenges brought out by over-emphasis on children's rights. Pagones (2023) asserts that most educators were being assaulted at alarming rates and find themselves powerless against bullies due to woke school policies which offer little punishment or exclusion in favour of restorative justice policies. This has been an issue that is overlooked as most times the children have been the victims. This is in fact similar to the findings of Henebery (2019) in Australia revealing 70% of the participants bullied or harassed by a student in the preceding 12 months, which include verbal aggression, physical abuse, invasion of personal space, yelling and lying about teacher to get them in trouble. Furthermore, Henebery (2019) cited teachers left the profession because of incessant bullying.

Overprotection of rights. According to the results, overprotection of child rights has become one of the major challenges. One participant remarks that, '*...much emphasis is on the*

rights such that children are executing and claiming their rights aside responsibilities that accompany the rights. That's why there's so much chaos'. The children themselves do not fully understand the rights that they claim. For example, in a bid to protect and promote the girl child by allowing her education, one notes that:

[T11, P1, P6] This issue of allowing pregnant girls continue with school, as an educator, I don't see it work. To begin with we had a pregnant learner this other year, she was having maternal sickness in class and this would get the attention of other learners as they tried helping her and this was during a lesson.

As illuminated by the participants, the children's rights have been overprotected ignoring the impacts these rights and policies might have in the future.

Delinquency. One participant remarked,

[T13, T4, P3, P6] The right to healthcare is being abused as the children are taking drugs like mutoriro, dagga and crystal meth. Some of them you can see that this child is intoxicated with the rowdy behaviour they display during class.

As highlighted by the excerpt, some children are resorting to drug and substance abuse as a hobby. Children are developing unusual habits, as remarked by another participant,

[P5, P3, P1] My son runs away to the soccer field where he was recruited into a local soccer team. Upon discovering that he was talented I have since been releasing him after some friends made me aware that it's a right to let them play as well as nurture their talents. But now I'm having challenges with him, all he now thinks of is soccer. He runs away from home even before doing his homework and sometimes he steals my money so he can go and buy refreshments with his friends. He comes home when it's dark too tired to do his schoolwork. Sometimes he even lies that he has no homework because he wants to be released to go and play.

As parents, they may want to support their child and not infringe on their rights, which is commendable. However, the experiences of the participants indicate that some parents are facing hard times due to delinquency of their children; they are no longer controllable. This study established delinquency as a challenge. Congruently, a trade unionist was quoted, "If you

go to any school in Harare or anywhere in Zimbabwe now, we have learners who are on drugs. We have learners who are partaking sex sessions in schools and you want us to accept that. That is totally unacceptable. As teachers we have a role to make sure that we build the country, morally and socially,” (Midlands Observer, 2023). This study finds empirical evidence that schools are struggling with delinquency such as drug and substance abuse, illicit sex, and fights among students. Most of these waywardness acts are being committed during or after school.

4.3. Effect of children’s rights on the educators’ authority within the classroom

Disempowerment. From this research, it was found that disempowerment hampers educators’ ability to support and foster growth in learners.

[T1, T7, T14, P4, P2] When learners are given schoolwork they won’t do it, knowing that the educator will not punish them. Hence it will affect the pass rate. Sometimes the children will end up in drug abuse, alcohol, smoking etc. The problem is that mostly it is the teacher who gets blamed if the children fail, yet they don’t even see that our hands are tied.

[P6, P5, P3, P1] As a parent I’m failing to control my child, she told me that if ‘you beat me I will report you to the police and you will get arrested’. These children just threaten us as parents but don’t even think of what will happen after I get arrested as I’m the breadwinner. I pay their fees only for them to be playful and waste my hard-earned money. Imagine if they can’t respect me as a parent what more the teacher. These children have too much power.

From the narratives of the participants, it can be alluded that the educators had been disempowered. They cannot fully enforce support and growth of the child as they have become powerless and less respected. It is palpable from this study that disempowerment of teachers and parents is one effect of too much emphasis on children’s rights. Similarly, “*some advocates critical of children’s rights argue that the state diminishes the role of parents by granting children a voice in decisions that affect them. Thus, it is argued, undermines the sanctity of families, and parental rights to raise their children without risk of social engineering (Te One, 2011).* This is the exact opposition of Pindula (2023) that banning of corporal punishment develops lack of discipline in schools, proclaiming how teachers have become disempowered. The teacher and parental rights have been eroded, as children do as they please knowing that they always have the state and CSOs behind them.

Disintegration of teaching and learning. Teaching and learning has been disintegrated as T7 highlighted that, *‘they have the right to education and to make most of it, yet they abscond from lessons as well as not doing their schoolwork’*. Other participants remarked that,

[T4, T2, T10, T13] I gave my students CALA work to do over second term holidays and third term is almost over, they have not submitted anything, I have grown tired of asking them to submit. There’s no way I can make them submit and no punishment I can give them. In the end my superiors will see me as incompetent.

[T12, T9, T5] The right to be treated fairly no matter where they are from, educators spend most times in disciplinary hearings instead of attending classes. I’m talking from experience, there was a time I spent almost the whole week attending disciplinary hearings daily and had no time for my classes, attending to case after case with no rest.

Teaching and learning has become disorganized as teacher can hardly foster support and growth of learners due to non-cooperation and disruptions. Steiner (2023) avows that inside the education system itself, the fundamental cause of poor outcomes is that education policy leaders have eroded the instructional core and designed the education system for failure. This study argues that student discipline inside the classrooms is becoming challenging with too much protection given to the students. Instead of teachers focusing on the instruction, they have to implement discipline measures in order not some students disrupt the entire class.

Irresponsibility. A participant reported that, *‘I have heard much being talked on child rights, but the same people don’t teach these children their responsibilities’*. Much of these rights are enforced aside responsibilities.

[T7, T11, T1, P3] I once heard that children need to be protected from hurt, exploitation and abuse. Parents put their children into boarding school where the school ensure that they are protected, there is a security guard and a durawall as a measure of security but many times the children escape at night going to night clubs. It is risky here because of the location of our school, they can be attacked as they walk past the bushes to the main road

From these extracts, children are being irresponsible, not realising the consequences of their actions and how they are misapplying their rights. This has disrupted educators’ passion for work as some level of negligence of work is highlighted as one participant remarks that:

[T12, T7, T10] As for me, I don't even bother, if I say something and the learner does not listen it's not my fault because at the end of the day, I'm not the one who will sit for national examinations and fail.

It can be inferred that teaching and learning within the classrooms has been challenged nowadays with students and teachers becoming passive and careless about the consequences of their actions. This study established that irresponsibility has been developed among students hampering their ability attaining quality education. As aptly asserted by Sibanda (2015), parents and the community are no longer disciplining children in fear of legal measures while students have the tendency to become lazy. With parents not knowing how to impose discipline among their children, nobody teaches children on their responsibility more than their rights.

Lawlessness. Some participants annotated that,

[T11, T14, T8] I was in a disciplinary hearing where a case was reported of children playing truth or dare games whereby, they dare each other to do naughty things in front of other students such as kissing or fondling.

[T7, T12, T4] I spent the whole week looking for a student who I had to pass money that was sent by his parent, only to find him later on after some days at the hostel. He doesn't attend school claiming he won't be having lessons. These children are now doing as they will despite the regulations of the school.

As highlighted in the narratives of the participants, it can be presumed that children in schools behave as they will and unruly despite the regulations that have been set to guide them. In simpler terms, schools are becoming unsafe places for both teachers and children. Learning has been seriously compromised. In these circumstances, Pindula (2023) argued that the government and the parents connived to say kids should not be disciplined. In fact, Ndlovu (2022) asserts that the total withdrawal of corporal punishment has seen a quantum leap of deterioration of discipline among students in schools, hence resulting in an array of problems, including poor academic performance. Lawlessness in communities and schools has been the order as most children think they are untouchable.

4.4. Strategies to foster successful teaching and learning while observing children's rights.

Raising Awareness. The participants shared the following strategies.

[T8, T10, T13] Incorporate every stakeholder parent, teacher and learners themselves. Making learners to be aware of their rights and making them to be aware of how they can abuse their rights.

[T1, T6, T9] The problem is that most of us teachers are not even well informed of these rights, as long as something has nothing to do with my teaching of geography there is no point for me to know about it. So, I think we need awareness of the legislations and policies on child rights

According to PTUZ (2015), children should be taught rights and responsibilities as responsibilities make one accountable for their actions. However, Thompson (2017) stated that *“there’s also the concern that raising children’s awareness of their rights might instill in them the sense of entitlement and selfishness. Critics say, ‘They will think they can do whatever they like,’ ‘Children need to learn not to be selfish, and how to care about other people. Rights don’t teach them that.’* Thus, more emphasis should be put on raising awareness on the responsibilities that are involved with child rights. As some participants highlighted that they had no idea on the complete provisions of children’s rights, awareness on the rights and responsibilities should be done for stakeholders involved as custodians.

Training of stakeholders. With regards to training of stakeholders, the following suggestions emerged.

[T7, T13, P1, P2] Educational programmes for parents, teachers and children, even policy makers to inform every stakeholder involved as well as enhance their knowledge of child rights.

[T5, T14, T10, P2, P6] Psychosocial education of parents, teachers, children on child rights and responsibilities. We all need to be informed so that we each know how to conduct ourselves.

There is a need for training and information dissemination to all stakeholders to avoid chaos and misconduct. It can be presumed that most educators and parents are not well-informed on child rights. According to Reyneke (2013), *“no guidelines are provided to ensure that school governing bodies, which consist mainly of lay persons, and sometimes even illiterate people, and not experts in children’s rights, properly afford learners the opportunity to participate in accordance with the constitutional standards.”* There has to be some level of involvement of children, parents and teachers in training as well as coming up with school regulations. Educators need to be equipped with ways of handling children that are non-

derogatory. PTUZ (2015) suggests education ministry to reduce the teacher pupil ratio as some have over 60 pupils in a classroom as well as help teachers with ways and means on how to maintain discipline.

Revision of policies and legal frame works. Most participants mentioned that:

[T7, T10, T13, P2, P5] We are the custodians of these children; I don't understand why we are left out during the consultations of these legal frameworks. Teachers and parents are the ones who have to deal with these children when the policy makers and those who lobby for them are busy enjoying their lives and grants, they get for pushing for these useless policies.

[P1, P3, T8, T13] We need to be consulted on the regulations that are best for our children. The government won't be there when we are facing trouble with our children.

Custodians of children feel overpowered as they are not given the opportunity to decide on what is best for their children. In simple terms, those who spend most times with children are excluded and not consulted on the formulation of appropriate laws. Despite this, many government actors and agencies today are working overtime to substitute a parent's decisions with the government worker's own view of what it is best for a given child, from schools to hospitals to child welfare investigators (Neonadmin, 2017). Educators are not often consulted on the drafting of policies. As their right is often usurped by government and CSOs, there is no space for educators and caregivers to participate in the process. States should at least do a monitoring and evaluation of child-related legal frameworks as well as regular reviews and updates where necessary to ensure full realisation of child rights in the educational, home and social environment.

5. Conclusion

This study showed that children's rights liberated many children in Zimbabwe. While both boys and girls were able to access education without discrimination, some children are misusing these rights making educators challenged on the proper educational strategies in the classrooms. Given the limitations on the number of participants, geographical scope of the study and the personal circumstances of the participants, the results of this study do not generally reflect the situation in the entire country. However, the study posits that student misconducts are happening as children are supported by legal rights and privileges without

inculcating to them the value of responsibility. With these findings, this study recommends the state and child rights advocates to collaborate with the child custodians in policy making. Similarly, stakeholders' participation is necessary from drafting to passing of the bills and policies. As the rules had been in place, it is necessary to provide educational programs and resources for educators and parents.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was not supported by any funding.

ORCID

Phumuzani Mpofu – <https://orcid.org/0000-0002-5671-9263>

References

- African Union (2012). *African charter on the rights and welfare of the child*. African Union. <https://au.int/en/documents-45>
- Barker, M. (2024, March 31). *Pupils violence and abuse driving teachers from profession*. BBC News. <https://www.google.com/amp/s/www.bbc.com/news/uk-wales-68073213.amp>
- Bronfenbrenner, U. (1994). Ecological models of human development. *International Encyclopaedia Education*, 3 [2nd Ed]. Oxford, Elsevier.
- Calitz, K. & de Villiers, C. (2020). Sexual abuse of pupils by teachers in South African schools: The vicarious liability of education authorities. *South African Law Journal*, 137(1). <https://hdl.handle.net/10520/EJC-1c03ba2cc3>
- Chang, E.S., Monin, J.K., Isenberg, N., Zelterman, D. & Levy, B.R. (2023). Implicit and explicit dehumanization of older family members: Novel determinants of elder abuse proclivity. *Stigma Health*, 8(1), 40-48. <https://doi.org/10.1037/sah0000370>
- Chara, T. (2023, August 13). *Let kids grow up safely*. The Sunday Mail. <https://www.sundaymail.co.zw/let-kids-grow-up-safely>

- Cottrell, B. (2001). *Parent abuse: The abuse of parents by their teenage children*. Health Canada.
- Ebrahim, S. (November 9, 2017). *Discipline in schools: what the law says you can and can't do*. Mail & Guardian.
- Fairhall, N. & Woods, K. (2021). Children's views on children's rights: A systematic literature review. *The International Journal of Children's Rights*, 29(4), 835-871. <https://doi.org/10.1163/15718182-29040003p>
- Fambisayi, R. (September 7, 2020). *Zimbabwe's education law now does more for children, but there are still gaps*. The conversation. <https://theconversation.com/zimbabwes-education-law-now-does-more-for-children-but-there-are-still-gaps-145265>
- Hecker, T., Masath, F. B., Ssenyonga, J., Nkuba, M., & Hermenau, K. (2023). Teacher violence: A global perspective on prevalence, contributing factors, consequences, and prevention. In S. L. Moeschberger & L. E. Miller-Graff (Eds.), *Psychological perspectives on understanding and addressing violence against children: Towards building cultures of peace* (pp. 189–207). Oxford University Press.
- Henebery, B. (18, July, 2019). *Bullying against teachers: what can be done?* The Educator. <https://www.theeducatoronline.com/k12/news/bullying-against-teachers-what-can-be-done/264550>
- Garg, M. (2017). Rate, reasons and results of teachers' violence on student: Triangulated perspectives of students, teachers and parents. *International Journal of Social Science and Economic Research*, 2(12), 5853-5873.
- Gillett-Swan, J. K., & Lundy, L. (2021). Children, classrooms and challenging behaviour: do the rights of the many outweigh the rights of the few? *Oxford Review of Education*, 48(1), 95–111. <https://doi.org/10.1080/03054985.2021.1924653>
- Kao, C. (2023). *Safeguarding parental rights and protecting children from federally mandated gender ideology*. The Heritage Foundation. <https://www.heritage.org/gender/report/safeguarding-parental-rights-and-protecting-children-federally-mandated-gender>
- Kivunja, C.J. & Kuyini, A. B. (2017). Understanding and applying research paradigms in educational contexts. *International Journal of Higher Education*, 6 (5). <https://doi.org/10.5430/ijhe.v6n5p26>

- Kükürtçüi, S.K. & Erkanii, N.S. (2022). The effects of children's rights and democracy education on children's democratic behaviors. *International Journal of Progressive Education*, 18(1), 174-193.
- Lichtsinn, H. & Goldhagen, J. (2023). Why the USA should ratify the UN Convention on the Rights of the Child. *BMJ Paediatr Open*. 7(1), e001355. <https://doi.org/10.1136/bmjpo-2021-001355>
- Lokmić, M., Opić, S. & Bilić, V. (2013). Violence against teachers- rule or exception? *International Journal of Cognitive Research in science, engineering and education*, 1(2).
- Mattor, J. & Ramos, D. (2022). Paradigms and approaches in educational research. *International Journal for Innovation Education and Research*, 10(4), 250-256.
- Melkman, E.P. (2024). Educators' experiences of coping with cases of child abuse and neglect: Challenges and supports. *Child Abuse & Neglect*, 147, 106553. <https://doi.org/10.1016/j.chiabu.2023.106553>
- Moshman, R. (2023, September, 24). *Student violence against teachers has become the norm and that's not okay*. Bored teachers. <https://www.boredteachres.com/post/student-violence-against-teachers-has-become-the-norm-and-that's-not-okay>
- NASUWT (2023, September, 12). *Violence and abuse of teachers on the rise, new NASUWT research shows*. NASUWT. <https://www.nasuwt.org.uk/article-listing/violence-and-abuse-of-teachers-on-the-rise.html>
- Ncube, A.C., Tshabalala, T., Mapolisa, T. & Khosa, M. T. (2014). An evaluation of the extent of involvement of educators in the formulation of national education policies in Matabeleland North Province. *Nova Journal of Humanities and Social Sciences*. 3(4), 1-6.
- Ndlovu, D. (May 7, 2022). *Corporal punishment needed in schools*. The Sun. <https://thesunnews.co.zw/corporal-punishment-needed-in-schools/>
- Neonadmin (16, March 2017). *Parental rights: Protecting children by empowering parents*. <https://parentalrights.org/>
- Omodan, I. B. (2020). The trajectory of transformative research as an inclusive qualitative research approach to social issues. *Multicultural Education*, 6(3), 34-44.

- Pagones, S. (May, 5, 2023). *Violence against school teachers' soars, but woke schools still won't discipline bullies*. New York Post. <https://nypost.com/2023/05/05/violence-against-teachers-soars-but-no-discipline-bullies/>
- Paquette, D. & Ryan, J. (2009). *Bronfenbrenner's ecological systems theory*. https://dropoutprevention.org/wp-content/uploads/2015/07/paquetteryanwebquest_20091110.pdf
- Pindula (23 May, 2023). *Drug peddlers flood Zimbabwean schools with marijuana, mutoriro*. Pindula <https://www.google.com/amp/s/www.pindula.co.zw/2022/05/23/drug-peddlers-flood-zimbabwean-schools-with-marijuana-mutoriro/amp/>
- Previl, S. (2023 September 30). *Student violence on teachers is a growing concern. What can be done?* Global News. <https://globalnews.ca/news/9971377/teacher-abuse-canada-protection/>
- Psychology Notes (2021, May 3). *What is Bronfenbrenner's ecological systems theory?* The Psychology Notes Headquarters. <https://www.psychologynoteshq.com/bronfenbrenner-ecological-theory/>
- PTUZ (2015) Post 15 of January 2015: corporal punishment. Facebook. <https://m.facebook.com/4087249091843226/posts/ppost-15-of-january-2015corporal-punishment-section-53-of-the-constitution-abolis/84242456579144488/>
- PTUZ (2017). Teacher fined for \$150-00 for corporal punishment. Facebook. <https://m.facebook.com/progressiveteachersunionofzimbabwe/posts/teacher-fined-150-00-for-corporal-punishment-030717a-computer-science-teacher-at/1500500430006763/>
- Quennerstedt, A., & Quennerstedt, M. (2014). Researching children's rights in education: Sociology of childhood encountering educational theory. *British Journal of Sociology of Education*, 35(1), 115-132. <https://doi.org/10.1080/01425692.2013.783962>
- Reyneke, M. (2013). Childre's right to participate: implications for school discipline. *De Jure Law Journal*, 46 (1).
- Shumba, A. (2001). "Who guards the guards in schools?" A study of reported cases of child abuse by teachers in Zimbabwean secondary schools. *Sex Education*, 1(1), 77-86. <https://doi.org/10.1080/14681810120041733>

- Shumba, A. (2006). Perceptions of child abuse by teacher trainees in Zimbabwean schools. *Journal of Psychology in Africa*, 16(1), 127–134. <https://doi.org/10.1080/14330237.2006.10820113>
- Sibanda, O. (2015). *Juvenile crime: Results of poor parenting*. The Chronicle. <https://pressreader.com/zimbabwe/chronicles>
- Steiner, D. (July 20, 2023). *America's education system is a mess, and its students who are paying the price*. The 74. <https://www.the74million.org/article/americas-education-system-is-a-mess-and-its-students-who-are-paying-the-price/>
- Sukyadi, D.; Malihah, E.; Hufad, A.; Utami, L. and Munggaran, R. (2018). Violence Against Teachers - Why Does It Happen?. In 2nd International Conference on Sociology Education - Volume 1: ICSE; ISBN 978-989-758-316-2; ISSN 2184-2728, SciTePress, pages 401-406. DOI: 10.5220/0007099204010406
- Te One, S. (2011). Defining rights in theory and in practice. *He Kupu*, 2(4), 41-57.
- The International NGO Council (2012). *Violating children's rights: harmful practices based on tradition, culture, religion or superstition*. [Report].
- The Midlands Observer (October 23, 2023). *Corporal punishment important: Teachers*. <https://themidlandsobserver.co.zw/corporal-punishment-important-teachers/>
- The Sunday Mail (30 august, 2015). *Indiscipline soars as corporal punishment is 'banned'*. <https://www.sundaymail.co.zw/indiscipline-soars-as-corporal-punishment-is-banned>
- Thompson, R. (4, September, 2017). *EYPS best practice: All about children's rights*. Nursery World. <https://www.nurseyworld.co.uk/features/article/eyfs-best-practice-all-about-children-s-rights>
- UNICEF (2009). *UNICEF UK rights respecting school award: A quick guide*. <http://www.unicef.org.uk/rrsa>
- UNISA (2022). *Protecting and promoting children's rights in SA schools research, postgraduate studies, innovation and commercialisation portfolio*.
- United Nations (2023). *Take action for the sustainable development goals*. <https://www.un.org/sustainable-development/sustainable-development-goals/>
- United Nations (n.d.). *Illustrated universal declaration of human rights*. <https://www.ohchr.org/en/universal-declaration-of-human-rights/illustrated-universal-declaration-human-rights>

- Veritas (2023, June 20). *Constitution of Zimbabwe: consolidated as at 2023*.
<https://www.veritaszim.net/node/6427>
- Vohito, S. (2021). The African children's charter and ending corporal punishment of children in Africa: A work in progress. *African Human Rights Law Journal* 21(1) 74-98.
<http://dx.doi.org/10.17159/1996-2096/2021/v21n1a5>
- Walker, T. (2022 March 18). *Violence, threats against teachers, school staff could hasten exodus from profession*. NEA News. <https://www.nea.org/nea-today/all-news-articles/violence-threats-against-teachers-school-staff-could-hasten-exodus-profession>
- Zwane, R., P. (2017). *Educators' understanding of the learners' right to human dignity in secondary schools*. [Dissertation] University of Pretoria.