

# NORDIC PERSPECTIVES ON HUMAN RIGHTS EDUCATION

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## CHAPTER 9

### TEACHERS AS HUMAN RIGHTS DEFENDERS

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prevent child sexual abuse

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# 9

## TEACHERS AS HUMAN RIGHTS DEFENDERS

### Strengthening HRE and safeguarding theory to prevent child sexual abuse

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#### **Introduction**

Child sexual abuse is increasingly recognised by policymakers at both national and international 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 receiving increased attention in public health strategies. The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Council of Europe, 2007) provides an international legal framework requiring criminalisation of a range of offences against children. Commonly known as the Lanzarote Convention, it is a binding treaty universally ratified by all 47 member-states. It builds on existing UN and Council of Europe standards, including the Convention on the Rights of the Child (CRC) (United Nations, 1989), providing, *inter alia*, for preventative measures, including intervention programmes, education for children, recruitment and training of persons working with children, and raising public awareness (Articles 4 to 10). It therefore has direct implications for school curricula, teacher education and teacher roles across Europe.

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. 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.

Here we emphasise teachers' professional duties as children's human rights defenders. We also recognise that students can experience schools 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 chapter, we argue that for teachers to confidently take up their role 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.

Firstly, 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). Although there is no confirmed scientific connection between displaying HSB and having been sexually abused, a significant portion of children who display HSB have undergone a range of adverse childhood experiences where sexual abuse is one of several difficulties, 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 it empowers both teachers and learners to work for societal change.

It is our intention, in theorising HRE, to apply it to real situations, where theory can be used or modified, as appropriate. We want it to have practical application. Indeed, the theory has been generated in part from empirical research. In this chapter 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' in the context of schooling.

## Harmful sexual behaviour

The primary focus of child protection globally has been on adult perpetrators and has generally failed to take into account 'children and young people who display harmful sexual behaviour' (Ey & McInnes, 2020). Harmful sexual behaviour 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 et al., 2016, p. 12).

Children and young people who display HSB make up a significant proportion of the sexual abuse statistics. Researchers estimate that between 30 and 70 per cent of all sexual abuse against children is committed by other children and young people (Gewirtz-Meydan & Finkelhor, 2020). Schools are thus a unique arena for both prevention and early intervention against HSB, and primary school teachers are particularly well positioned to act as key safeguarding actors in early prevention and intervention. 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 (Ey & McInnes, 2020).

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 (Firmin, 2019). 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 (Berggrav, 2020; Hafstad & Augusti, 2019). Teachers confirm that they find it difficult to intervene to address HSB (Draugedalen, 2021; Draugedalen et al., 2021).

We use the term ‘children’ to correspond 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 focused on primary schools (students aged 5–13), but we also draw on literature relating to adolescents, since we acknowledge the scarcity of international research on young children who display HSB.

### **Teachers’ duties in relation to child rights**

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 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. 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’ (Council of Europe, 2020, p. 11). This observation is in keeping with research in Norwegian upper secondary schools that 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 (Goldschmidt-Gjerløw, 2019; Goldschmidt-Gjerløw & Trysnes, 2020).

### **Children and young people’s perspectives on HSB and safeguarding**

A Norwegian nationwide survey of children aged 12–16 revealed some disturbing trends, relating to young people’s exposure to harm and a possible lack of safeguarding by adults, in both physical and virtual arenas (Hafstad & Augusti, 2019). Just over 6 per cent ( $n = 543$ ) reported sexual abuse by an adult, but nearly half of these 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 almost one third of these 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 the children identified as ‘most vulnerable’ are from families with low socio-economic status, and those with parents with substance abuse or psychiatric illness or who are imprisoned (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 the online experiences of 9–16-year-olds across 19 European countries. It found that students were most likely to tell no-one about negative online experiences, and if they did, it was most likely to be a parent or friend. They seldom confided in a teacher (Smahel et al., 2020).

It appears that in digital spaces, young people are generally left to themselves to navigate acceptable behaviour and that governments have often been slow to react. For example, the Norwegian authorities published four action plans to combat domestic violence, but none of these addressed digital violence (Hellevik & Øverlien, 2016). 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 among young people is easy access to pornography. Norwegian teens assert that pornography influences young people’s sexuality and sexual behaviour (Berggrav, 2020). 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 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 be judgmental, 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.

The literature examining sexual abuse of children from the perspectives of children and young people on the one hand, and teachers on the other, suggests 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 harm and, when it occurs, to protect children. We now turn to considering 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). Importantly, the CRC 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 guarantee the rights of the most marginalised. 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 students in school.

Table 9.1 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, meaning that an individual teacher might identify with practices or beliefs in more than one of them. 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 the teacher to recognise their role as implementing the mandated curriculum, they are not likely to support students in recognising the

**TABLE 9.1** Human rights education and teachers' work (model developed from Osler, 1997)

	<i>Conforming</i>	<i>Reforming</i>	<i>Transforming</i>
<b>Various understandings of rights and human rights education</b>	Human rights are agreed international standards National values reflect human rights HRE is mandated	Democratic societies protect everyone's rights Individual breaches 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
<b>Teachers' role</b>	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 breached Address 'rights gaps' Identify and support vulnerable students	Co-construct HRE with students, recognising 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

transforming potential of human rights. 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 but might extend this understanding to critique the curriculum (reforming) or to co-construct the curriculum with their students (transforming). In this sense, the orientations may be seen as a progression from left to right, across Table 9.1. 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, drawing on data gathered in 2019, from six schools in a municipality in southern Norway. A total of 19 school-based professionals, including 15 primary school teachers, participated in focus-group interviews at their



respective schools, and it is their voices we draw on here. The schools were selected to include urban and rural settings; predominantly White and ethnically diverse student populations; and a degree of socio-economic diversity. The participating teachers were self-selecting. A detailed narrative or analysis of the wider study can be found in Draugedalen et al. (2021). Here we simply seek to illustrate ways in which data from these teachers can be read through the theoretical construct we present.

### **Aligning human rights education and care-based ethics**

We assert that for teachers to be effective human rights defenders and realise a human rights-based approach to safeguarding, 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 teacher–student relationships. Relationships are based on the concept of reciprocity: 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 two principles of solidarity (what Noddings terms mutuality) and reciprocity, which 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 child and the development of societal values.

In educational settings, human rights principles are not abstract ideas to be communicated but living principles that apply in everyday interactions. The school is a key arena in which moral education occurs. Noddings’ (2013) 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. Teachers should model the 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.

In her second component of care-based ethics, Noddings (2013) emphasises that teachers engage in authentic dialogues with students, to properly understand their perspectives. This dovetails well with the principles underpinning CRC Articles 12–16 (UN, 1989), addressing 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 both teachers and students.

In the third component, the teacher should provide opportunities to practice moral, caring principles, which must be 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 final component of Noddings’s moral education is *confirmation*. In essence, confirmation requires that teachers know their students well enough to 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.

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, and of enabling them to change their negative behaviour. 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).

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, Pia 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.

*(Pia, teacher in school A)*

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

JENNY: I think that when you develop a close relation with these students 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...

LINE: 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.

Line 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.

### **Teachers’ work and the role of emotions in HRE**

Although 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) and are aware of other studies that have looked at teachers’ role, we concur with Jerome and Starkey (2021, p. 73) that ‘the teacher’s central role in children’s rights education... 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 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. 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 adopt a human rights-based safeguarding 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, to discourage sexual harassment, rape or even misogynist killings. Children who experience sexual harassment from peers, or who display HSB, may be equally prone to stereotyping by the

adults in whose professional care they are placed. If one purpose of teaching is to encourage students' critical thinking and taken-for-granted perspectives, critical thinking must be a process in which teachers engage. Following Boler (1999, pp. 176–177) 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.

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

KARIN: One can say that one has challenging students, 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 student?

RESEARCHER: But that requires a certain self-reflection in what you are saying right now?

KARIN: 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.

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**

We concur with Struthers (2021, p. 48) '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', recognising the importance of legal knowledge as 'part of the struggle for justice' that, for us, is at the core of HRE (Osler, 2010, p. 121). Legal literacy, and an understanding of the steps that individuals may take if their rights are infringed, is powerful knowledge.

While it is undoubtedly 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 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.

For effective safeguarding practices to be implemented, teachers need opportunities within safeguarding training to consider and discuss asymmetrical power differentials between adults and children, and how they might be mitigated, for example through care-based ethics and a pedagogy of discomfort. 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 LGBTQIA+ students especially vulnerable.

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 teachers in our study that support from school leaders made safeguarding duties less daunting. 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.

(Else)

Such experiences undermine teachers' confidence in their observations and judgments, with direct implications for children's protection. School-based teams that include 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, and one concluded:

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.

(Åsa)

‘Daring to see’ harmful sexual behaviour relates to both to the teacher’s confidence in their own judgement and the perceived risks in getting it wrong. Here, both emotion and power relations come into play.

## A transformative HRE and its role in safeguarding

We recognise 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 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 processes 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 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. In this future society 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 begin with an acknowledgment of a problem and the need for change. Children need to be trusted and believed when they speak out.

One of the schools in our study was modelling what we would describe as a transformative approach to safeguarding. This school adopted Noddings' (2013) practice of confirming, when addressing HSB, by guiding students to make appropriate choices:

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... if you just address it in a normal way, then I feel that they are absolutely fine with it.

(Chris)

## Conclusion

Our contribution is to provide a human rights-based theoretical framework that illuminates some of the barriers to effective safeguarding, recognises complexity and permits an informed debate on ways forward. We emphasise teachers' role as human rights defenders. Our 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. Teachers 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.

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