

Protection of Children from Sexual Abuse in Early Years Education in Pakistan: Challenges and Issues

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Abstract

Children are most important asset of a nation. The growth and development of a society always depends upon its children. Child sexual abuse (CSA) is becoming devastatingly prominent in schools. CSA is wide spread but largely unrecognized problem in many countries, especially in developing countries. Sexual predators choose employment in sectors that give them access to children. They choose younger victims because they are not mature witnesses, this fact saves them in prosecution proceedings. These facts make primary schools ideal targets for pedophiles. This paper discussed the provisions in the United Nations Convention on the Rights of the Child relating to the right of education and protection of children from sexual abuse. It also examined the policies and laws in Pakistan including constitutional provisions and relevant statutes protecting children from sexual abuse in early years' education and analysed gaps in the present legislative and policy framework. The conclusion and recommendations were provided on the basis of consulted documents.

Keywords: child protection, United Nations Convention, sexual abuse, child abuse

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Introduction

Children are the most important asset of a nation. The growth and development of a society always depends upon its children. They form a vulnerable group of society. Child sexual abuse (herein after referred to as CSA) tends to be a blanket term that sources a range of ambiguously defined sexual acts (Calder, 1999). Violent acts are increasing day by day among children in the world. Violence is a major threat to the welfare and safety of any society.

Researchers believe that CSA is a silent crime because it always occurs in secrecy and this fact makes it difficult to prove and prosecute (Calder, 1999). The abuse of children has always happened throughout history and beyond cultures (Radbill, 1980). CSA is a global concern. CSA has been estimated to affect 2% to 62% of female child and 3% to 16% of male child as victims (Johnson, 2004). The variation in the percentage of CSA depends on the definition of CSA according to each culture and country.

The United Nations Convention on the Rights of the Child (UNCRC) introduced important developments in child protection (Jabeen, 2013). The UNCRC is a complete document on children's rights which has international recognition (Shackel, 2003). The UNCRC is the first global instrument to recognize the child as possessing rights that is highly respected by the member State to the Convention. The member States are under an obligation to provide special protection to children by implementing the rights set forth in the convention and also to submit periodical reports to the UNCRC Committee concerning their performance in implementing the principles of UNCRC within the State jurisdiction (Mower Jr, 1997). This process imposes a duty on the member States to apply the provisions of the UNCRC and protect rights of children as a guardian within their jurisdictions. This will give special protection to children as vulnerable group of society (Sloth-Nielsen, 1995). Article 28 of the UNCRC imposes a duty on the member States to make primary education compulsory and free to all children while Article 29 (1) provides guidelines and principles for the development of child through education. Article 34 of UNCRC protects children from sexual abuse while Article 19 protects children from any kind of violence including sexual abuse and imposes liability on the member States to protect its children from violence.

In Pakistan, more than 52 % of its population consists of persons less than 19 years of age (State of Children in Pakistan, 2015). CSA is not only a serious problem in Pakistan but is also increasing on a daily basis

(Malik, 2010). This problem is hardly addressed due to the fact that this topic is a social and cultural taboo in Pakistan. CSA statistics are not officially available, this fact make it more difficult to cope with this problem (Malik, 2010).

Children spend most of their time in educational institutions outside their homes. These institutions provide children medical care, opportunities for sports, leisure activities and education. (Kaufman, 2012). Institutional CSA is wide spread not only in developing countries but also in developed countries (Gallagher, 2000). Sexual abuse causes serious effects on children at school e.g. academic achievement, behavior, social skills, understanding and participation (Mathews, 2011). It presents educational challenges for teachers and schools to address the academic, behavioral, and social needs of the children.

This silent crime is also wide spread in schools in Pakistan. Pakistan ratified the UNCRC in 1990. In 2010, Article 25-A was incorporated into the Pakistani Constitution under the 18th Amendment, which requires the government to give every child who is between five and sixteen years of age free and compulsory education. The change shows Pakistan's commitment to the implementation of UNCRC principles.

CSA is damaging the life and future of school children in Pakistan. children in early school education are facing sexual abuse by teachers / educators in schools. The forms of CSA as defined in the Pakistan Penal Code 1860 are sodomy, rape and unnatural offences which sometimes result in murder of the child (Pakistan Penal Code, 1860).

Effective policies by Government can be used as effective tools to prevent CSA in schools. (Bunnell, 2012). Teachers can play a pivotal role in a child's progress. Teachers interact with children on regular basis allowing them to notice and observe minor differences in their behavior. In addition, sometimes the child has a close relationship with teachers and is willing to reveal family life and abuse (Laksy, 2005). Schools must play a protective role with regard to children. Everyone in education field plays an important role in protecting children from sexual abuse. The school staff is responsible for the protection and safety of children. When a large part of the school day is spent at school, it is up to schools to make child protection a priority.

Literature Review

CSA consists of a variety of contacting and non-contacting acts directed to the child. It includes inappropriate comments, sexual contact, pornography, exhibitions and rape. CSA consists of violent or non-

violent acts. (Loar, 1998). Researchers in this area agree that CSA is an extraordinary problem, as detection is extremely difficult because in many cases acts are done in secret. In most cases the victim is the only witness and the offender is often a person who knows the victim well (Levy, 1989). Early childhood education (ECE) is generally considered a concern for the physical care and education of toddlers, from birth to the age of eight (Mumtaz, 2011).

The UN proclaimed in the Universal Declaration of Human Rights that a child has the right to special care and assistance. The child should be fully equipped to live an independent life in society with peace, dignity, tolerance, freedom, equality and solidarity (Universal Declaration of Human Rights, 1948). Child rights are defined as rights which are related to the protection of the child as an individual and to the creation of conditions in which every child can develop himself in full potential.

The UNCRC is the first international instrument that specifically imposes obligations on the member States to safeguard their children from sexual abuse. Articles 28 and 29 deal with right to education while Article 34 protects children from sexual abuse. Article 19 protects children from any kind of violence including sexual abuse and imposes liability on the member States to the Convention to take all necessary steps to protect children from any kind of violence.

CSA can occur at any school with children, where children and pedophiles are present. Children spend a lot of time in educational institutions. Children are vulnerable to sexual abuse at school because of the presence of motivated offenders. Some authors actively seek to manipulate institutional sessions to create an opportunity to sexually abuse children. Teachers use their position to sexually abuse children in school (Villar, Marquez & Broadbent, 2008). CSA in Schools take place secretly (Mitchel, 2010), in closed doors between teacher and child, for instance, teacher asking a student to bring books to the teacher's house or student having extra lesson with a teacher (Hobson, 2012) or a teacher takes a student into a store room and sexually abuses him. Sometimes teacher fondles student's genital organs during class (Shakeshaft, 2003). There are teachers in educational institutions who are sex maniacs (Irenyi, Bromfiel, Beyer & Higgins, 2006) and have strong sexual lust to sexually abuse children. CSA violates basic human rights of children. CSA has serious consequences on the physical, emotional, social, cognitive and psychological features of children (Hall & Hall, 2011). CSA has an effect on the educational fulfilment of students. Sexually

abused children mostly perform poorly in academic and sports activities (Bromberg and Johnson, 2001).

Mostly the Reports on institutional CSA indicates only sodomy, gang rape and cases where sodomy or rape resulted in death. Pornography and fondling are not mentioned in most of the reports as these cases are rarely registered and identified. It is another dilemma or misunderstanding of our society that we consider cases of sodomy and gang rape, and we do not pay attention to exhibitionism and pornography. While in our society every other child is victim of fondling and exhibitionism because these offences are committed secretly (Hussain, 2004).

Preventive education is most effective when it starts at the beginning of the student's educational experience, and should include the following basic principles: teaching self-defense techniques from practical perspectives, providing definitions of abuse and neglect, and promoting positive and appropriate relationships between children and adults (Tomback, 2010). An important part of preventive education is the proper reporting of CSA incidents.

Pakistan is a signatory to the UNCRC, is under an obligation protect the rights of children, including their health, education, care and protection from threats of physical or emotional harm. The Government of Pakistan is working to create a child-friendly school environment that is attractive and playful for all ECE children. (National Education Policy, 2017).

Children are the backbone of a society and their performance determines the future of a country. It is necessary that the whole society will provide children good physical and emotional health. Children are facing lot of problems such as child labor, physical, sexual and oral abuse. The most serious of these problems is sexual abuse that is mostly an unreported crime in the social or legal environment in Pakistan. Cultural and religious sensibilities make a silent impression on this subject (Perveen, 2016). The silence on this issue will result in psychological and physical harm to the victims of sexual abuse.

Research Methodology

This study will rely mainly on the literature review method. A legal historic research design was considered most suitable for the topic "Protection of Children from Sexual Abuse in Early Years Education in Pakistan – Challenges and Issues." An analysis of the policies, literature, books and relevant laws is adopted to draw the existing data.

Child Sexual Abuse

Child sexual abuse is not a new phenomenon but has gained importance from the last few years, particularly with regard to media coverage (Jewlees, 2004). Child abuse may be defined as the harm which a child suffered from another person that is forbidden, avoidable and causes immediate effects on child.

There are four pre-requisites to constitute CSA, first, intention to commit CSA, second, the pedophile know the injury which will happen to child as a result of CSA, third, the pedophile must have approach to the child to commit the sexual activity and lastly, the abuser must have control over the child (Finkelhor, 1984). CSA consists of non-contact and contact actions related to the child. These actions include inappropriate comments, touching, exchange of pornographic content and rape. It can be violent and non-violent.

CSA within an educational institution is called child sexual abuse (CSA) in schools. It is also defined as any organization involves with children, including schools, sports clubs, kindergartens, orphans, nursing homes, nursing homes, religious organizations and governmental organizations (Kaufman & Erooga, 2016). CSA is deemed to have taken place in an institutional context when the sexual abuse took place in an institution or in connection with the activity of an institution or was committed by an official of an institution or when the activities in an institution have created, facilitated the risk of CSA.

Sexual abuse has serious consequences for school going children. This fact provides teachers and academics challenges to deal with CSA victims. CSA has significant negative effects on children's school performance, behavior, social skills and attendance of sexually abused children. (Daignault & Hebert, 2004). There is lack of specific data on CSA in and around the schools. Many victims and their families are reluctant to report sexual assaults or incidents for fear of being ashamed, stigmatized or will face vengeance from the perpetrators. CSA in schools is a reality for a significant proportion of students (Eze, 2013).

United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is a result of a lengthy drafting process which took almost 10 years (Shakel, 2003). UNCRC is an important document on children rights which has international recognition. The UNCRC is a universally

accepted human rights instrument in the history, 193 States had ratified the UNCRC.

The UNCRC not only identifies the rights available to children but also entitles children to claim these rights in national judicial and administrative proceedings within the State jurisdiction. The UNCRC recognizes the right of better quality of life for children. The UNCRC includes all the rights i.e., economic, social, cultural, etc. which are available to children in one document (Detrack, 1999). The UNCRC establishes that a child is a right holder and lays down civil rights, rights of cultural, economic, social and political rights of the child. These rights narrate the child's needs to live a potential life. The UNCRC is applicable to every child in the world.

Article 1 of UNCRC defines a child under the age of 18 years. Article 28 of the Convention provides that member States to the convention recognize the right of the child to education and take all necessary steps to make basic education mandatory for all children free and compulsory. States must guarantee the right of the child to education. Article 29 provides guidance to the participating countries to ensure the right of the child to education through the development of the child's personality, respect for human rights and fundamental freedoms, the enforcement of his rights and the promotion of principles incorporated in the UNO Charter and its preparation. from the child to a responsible life. in a free society. States are responsible for the establishment of educational institutions within the limits set in the parameters and guidelines of Article 29 of UNCRC.

General Comment No. 1 provides a full explanation of the objectives incorporated in Article 29. These objectives are the complete development of the full capacity of the child, including the development of respect for human rights, a greater sense of identity and attachment, child's socialization and interaction with others and with the environment (General Comment No.1, 2001). Article 29 emphasis on a child-centered and child-friendly approach to ensure the education of a child in accordance with the principles laid down in Article 28. UNCRC states that schools must be safe havens for children, and a school that allows bullying or other violent practices does not meet the requirements of these articles.

The 1924 Geneva Declaration provides protection to a child from exploitation whereas the 1959 Declaration prohibits any form of exploitation. UNCRC is the first international document that specifically imposes obligations on the member States to it to safeguard their children from sexual abuse. Article 34 provides that member countries to the convention are under an obligation to protect the child from all forms

of sexual exploitation and abuse. The terms sexual abuse and sexual are not defined in the UNCRC. Article 34 should read with other provisions of UNCRC which covers the issue of sexual abuse and sexual exploitation. Article 34 has a close relationship to Article 19 which guarantees to protect a child from any kind of violence.

The UNCRC Committee in General Comment No. 13 states that violence is synonymous with physical or mental violence, including sexual abuse. It is based on Article 19 UNCRC. Sexual abuse and exploitation include the incitement or coercion of a child for illegal or psychologically harmful sexual activity, the use of children for the purpose of sexual exploitation for commercial purposes or images or recordings of sexual abuse and child prostitution, as well as sexual slavery, sexual exploitation in travel and tourism and human trafficking (General Comments No. 13, 1999).

Article 19 provides that States Parties shall take all appropriate legal, administrative, social and educational measures to protect the child from any form of physical or mental injury or abuse, neglect or maltreatment including sexual abuse in parents' care or a legal guardian or another person who cares the child. This Article amongst other Articles directly relates to violence and strongly links to other provisions of the UNCRC which relates directly to violence.

The UNCRC Committee requires that member States will adopt proactive measures to prevent violence in any form against children within their State jurisdiction. States Parties shall adopt legal definitions in their national legislation to combat violence against children in line with the guidelines provided by UNCRC. States Parties should establish a national legislative framework for child protection. The UNCRC Committee requires that the Countries member of UNCRC to draft its national, provincial and municipal laws which define frameworks to combat violence against children. States Parties to UNCRC, that have not amended their domestic laws will review their national legislation to bring their national laws in accordance with the guidelines of UNCRC (General Comment No.13, 1999). States Parties should amend their national laws to implement article 19 within the framework of the Convention in their domestic legislation to eliminate any form of violence against children.

Child Sexual Abuse in Early Years Education in Pakistan

CSA is not only a serious problem in Pakistan but is also increasing on a daily basis. This problem is hardly addressed due to the fact that this

topic is a social and cultural taboo in Pakistan. The non-availability of the statistics at government level regarding the prevailing situation of child abuse makes it more vital (F. Malik, 2010).

CSA is also widespread in primary schools in Pakistan. CSA in schools is generally a hidden phenomenon in Pakistan. Problems related to sexuality are usually kept in secret. The victim hardly accuses the perpetrators of sexual abuse and sexual exploitation. Incidents that are reported to the media are usually cases in which sexual abuse and exploitation have led to death or serious loss of victim child (Fasihuddin, 2006). CSA is not openly exposed because of the disgrace and dishonour attached to it, especially, in the case of a female who will be permanently rejected by society and even by her own family. Some research reports published in Pakistan are also showed an increase in CSA in Pakistan (Faiza, 2007). In most societies especially in Pakistan, families are always afraid to disclose any incident of CSA because of the social taboos about female's virginity and taboos related to male homosexual experience.

Sexual abuse of children is a very sensitive and shameful problem. Therefore, children cannot reveal their experiences, and even when they do, parents often hesitate to tell or share (Muhammad, 2009). In Pakistan, the child protection system is still in the development phase and there is no central database to record and assess the overall situation of CSA. This fact makes it difficult to understand the true nature and scope of CSA issues in Pakistan (Tahira, 2014).

Sahil, an NGO working with the issue of CSA in Pakistan, has assessed that 90% of cases of CSA go unreported (Cruel Number, 2017). There has been a recent increase in the reporting and publishing of CSA related news during the last decade in Pakistan, but it's only a very little increase compare with the reality.

The three main education systems in Pakistan are: public, private and Madrassa education systems. Public schools are schools funded and managed primarily by the government. Pakistan has 180,846 public institutions (NEMIS-AEPAM, 2013). According to education statistics in Pakistan, 2011-2012, there are 44,064 primary schools in Punjab. Private schools are run by individuals/private educators to provide quality education to children Islamic or "Madrassa" schools are those that emphasize on Islamic education. They also teach other subjects. These schools are funded and governed by the government (public) or by individuals or organizations (privately).

There are lot of CSA incidences in Schools in Pakistan but very few of them are reported in media due to the social structure of the country. One such example is the biggest child sexual abuse case in Pakistan

which was reported in the Kasur District in August 2015. In this incident, 280 children were sexually abused and filmed by a gang of 25 accused persons, who had sold and uploaded more than 400 video clips on the internet (Human Rights Watch World Report, 2016), in another incident, school children were sexually abused by teachers in Sargodha in 2016 (Dawn, 2016). An incident was reported in which a student was raped by a teacher in hostel at Lahore in 2018. (Daily Times, 2018). These are only a few reported cases, the reporting situation of CSA in school cases is worst in Pakistan.

Constitutional Provisions for Children's Protection from Sexual Abuse in Pakistan

The Constitution of Pakistan is the supreme law of land which governs both the federation and provinces. One of the important features of the Constitution is to safeguard and promote public welfare, which implies the safety, prosperity, health and happiness of the population of the country and also to safeguard the rights of individual citizens by protecting their lives, liberty and property (Shabbar Raza, 2014). The "Fundamental Rights" under the Constitution cover most of the provisions of UNCRC.

Article 9 deals with the security of person. The Constitution provides guidelines to the legislature to enact laws which are necessary to protect its citizens, particularly women and children. The word 'life' includes all facilities which are constitutionally and legally available to a person born in a free country with dignity. Article 25 provides equal justice or equality of legal status to citizens. This Article has three Clauses. Clause (3) is a special provision to protect women and children, it provides that the State will not be prevented by any provision of this Article for enacting any law to protect women and children.

Policy Provisions Addressing Education in Pakistan

Education is the fundamental right of all children. Only a State can provide primary education to all children in a country (Aman Ullah, 2013). Acquiring knowledge is fundamental right of every child, therefore, State is bound by the Constitution to provide its citizens all possible facilities and opportunities to receive education (Constitution of Pakistan, 1973). Education is a human right that plays a pivotal role in the development of human resources, economic and social growth and

increasing human capacity through creativity, knowledge organization and knowledge-based learning. The 18th Amendment was incorporated in the Constitution in 2010. Right to education was inserted through Article 25-A in the Constitution. The right to education is protected by the Constitution (Tahira, 2015). It is the State, responsible to promote the educational interests of underdeveloped categories, offer freedom and compulsory education and create macro-cohesion through education.

The National education policy provides that physical growth and mental development of children depend upon special care and education which requires an enabling environment. Early childhood care and education requires a coordinated approach but in developing countries it is difficult to promote ECCE due to financial problems and unawareness. Facilities and services for ECCE are grossly inadequate and insufficient in Pakistan. The situation is worst in rural schools as compared to urban school. (National Education Policy, 2017).

Pakistan is a member of the United Nations Organization. It is the religious, constitutional and moral duties of the Government of Pakistan to safeguard the rights of children and family by reviewing its legislation in line with the international standards as provided by the UNCRC. The UNCRC Committee report shows its satisfaction on the fundamental rights provided in the Constitution for the protection of children in Pakistan (UNCRC Committee concluding observations on Pakistan's 5th periodical report, 2016).

Legislative Provisions Addressing Child Sexual Abuse in Pakistan

Pakistan Penal Code defines only a few offences relating to rape and unnatural offences. Section 375 PPC defines rape. Section 376 PPC provides punishment for the offence of rape. Section 377 PPC defines unnatural offence. The Government of Pakistan enacted the Criminal Law (Second Amendment) Act in 2016. This Act introduced some new Sections in the Pakistan Penal Code such as Section 292-A which relates to the Exposure to Seduction, Section 292-B defines Child Pornography, Section 292-C provides punishment for child pornography, Section 328-A relates to Cruelty to a Child, Section 369-A relates to trafficking of human beings, Section: 377-A which defines Sexual Abuse, Section 377-B defines punishment for sexual abuse.

The Committee in the concluding observations on the 5th periodical report directed Pakistan to take as a matter of highest priority to enact laws that will clearly define and prosecute child sexual abuse and

exploitation (UNCRC Committee Concluding observations on the 5th periodical report of Pakistan, 2016).

Pakistan has failed to legislate comprehensive laws to tackle CSA. Due to the lack of comprehensive laws, the Courts always feel difficult to punish the offenders (Gillani, 2009). The low conviction rate is evident of this fact. The progress of Pakistan to comply with the formal requirements of UNCRC is slow and in respect to legislation relating to CSA is even slower.

Challenges and Issues

A lack of appropriate and comprehensive policies regarding child safety will result in promotion of child sexual abuse in schools (Mototsune, 2015). CSA is a global problem. The words molestation, rape, sexual exploitation, sexual abuse, sexual harassment used to describe teacher-to-student sexual abuse in schools. It may be called “teacher sexual abuse.”

Some forms of teacher-student sexual abuse are sexual comments, jokes, delivering or showing nude photos, marks of a sexual nature, messages, convincing the child that the child is gay or lesbian, dealing with him in the way of expressing the sexual intents, intentionally touching student in a sexual way, pulling off student’s cloths, forcing student to kiss the teacher or forcing student to do some sexual act with teacher.

Sexual abuse of children happened in schools. Child students whether male or female are victims of sexual abuse in schools, they often faced touching of genital organs, kissing, forced sexual intercourse, shown pornographic photographs, listen to sexual slurs and stories. All this occurs in the hands of teachers. CSA occurred in schools in empty classrooms or in offices. Often teachers touched students during classes. It is not unfamiliar for a teacher to take a child student into a storeroom attached to the classroom and have sexual intercourse while the rest of the class does seat work. Sometimes the teachers fondled with child student’s genital organs during checking his homework. Students are always afraid to report this abuse.

Pedophiles teachers in schools use many tactics to trap students, for instance, they lie to students separate them, and force a child to have sexual contact. Teachers typically focus on vulnerable or marginalized children who feel particularly satisfied with teacher’s attention and whom no one will believe in case of reporting sexual abuse. Sexual abusers at school influence students to keep silent either by pressure,

coercion or threats. They threaten the student to fail him in exams. They use all tactics to keep student silent on sexual abuse.

In our society, mostly, children are not believed even they report sexual abuse by a teacher in their institution. Many factors involved in this mentality, such as the difference in power, the difference in teacher-child reputation, and the mentality that children are unreliable, many reports by children have been ignored or received no attention.

There is no process of scrutinizing the social activities record of the teacher during the process of his/her selection and recruitment, reliance is only placed on his/her criminal record. Thus, schools become safe havens for sexual abusers.

These laws are not adequate enough to meet the changing environment and culture of the society in Pakistan. The existing laws criminalizing CSA needs ridicule reforms. There are no comprehensive laws in Pakistan to prosecute the CSA culprits. In addition to the lack of adequate laws and policies addressing CSA in schools, also lack of a child protection system and trained specialists. Some other factors can also affect the protection of minors in Pakistan i.e., lack of research, dominant attitudes towards children's education, social stigmatization and taboos, constitute an obstacle to effective child protection.

In Pakistan, CSA data is not available. There is no official agency or data protection system dealing with child abuse and violence. The roles and responsibilities of teachers are not defined. There is no child protection system and children are totally controlled by their parents. A state or individual society cannot question parents/families about their pedagogical practices. The family is considered a totally private domain and no one else can be intercepted (Mohammed, 2009). The honour and shame of the family are very important concepts that influence the opinion of the family in the education of children.

Schools Role in Prevention of Student's Sexual Abuse by Teachers

Researchers agree that schools can prevent sexual abuse of students by teachers. A teacher cannot be allowed to sit in privacy with a student because this is encouraging to sexual abuse of the student. Majority of CSA cases happen in one mature one child situations (Mitchel, 2010). Schools should ban the activities like sending a student alone to teacher's office or house. Educational institution should provide teachers training in issues addressing sexual abuse and also its effects on survivors, consequences for abusing students and reporting cases of sexual abuse to concerned authorities (Mathews, 2011). Education and training approaches may be the most frequently proposed methods of preventing the sexual abuse of children (Wurtele, 2012). These approaches are

usually applied through personal training or online training. Personal and online training in the prevention of sexual violence against children is possible and acceptable (Rheingold, 2012).

Effective policy change is an alternative to preventative approaches to limit CSA in schools. Some researchers argued that policy change is more sustainable and affects a larger part of society than individual prevention measures (Bunnell, 2012). These approaches include education on child protection, prevention of situational crime, pre-criminal therapeutic interventions for sexual behavioral problems and sexual behavior, and subsequent inclusion of criminal law in therapeutic prevention. Relapse, criminal law and other therapeutic work with children / adolescents who are victims of sexual abuse.

All teachers should be aware of policies that guide them on their responsibility on students. They should aware that CSA is a criminal offence and when committed, this will call for immediate dismissal of the teacher from the job. The recruitment and selection process are another way of preventing CSA in schools by teachers. This method seems very effective. The screening according to includes personal interviews, professional recommendations and criminal backgrounds checks (Mitchell, 2010).

Schools are an ideal place to prevent CSA by educating children to protect themselves. Schools can provide children with relevant information, adequate knowledge and self-defense skills. It was also found that children under five and a half years benefit more from intervention projects in schools (Rispen, 1997). The educational heads/authorities should focus their attention on CSA in schools to eliminate the evil.

Professional Misconduct and Sexual Abuse of Students by Teacher

Professional misconduct means act of a teacher contradictory to the education standards. CSA must include in professional misconduct and professional sanctions should be imposed on teachers. The act of CSA that constitutes professional misconduct will also be included in the Pakistan Penal Code as an offence. Professional misconduct in CSA cases includes sexual abuse by a teacher, intercourse or other forms of physical relations with students, contact of a sexual nature and remarks of a sexual nature by a teacher towards the student.

An act that is treated as a professional crime of a sexual nature in which the children of a teacher are involved; a). Conduct that is detrimental to students' interests b). any intentional act or omission

intended to intimidate a student at school or outside the school or to cause him or her dread or dignity; d). Sexually transgressive behavior that violates a person's sexual honour, whether or not it is by consent, in the context of sexual exploitation. There is need to amend the Punjab Employees Efficiency and Discipline and Accountability Act to include sexual abuse by teacher as a professional misconduct (The Punjab Employees Efficiency, Discipline and Accountability Act, 2006).

Teachers accused of sexually abusing children face professional misconduct as a result of the amendments to the Punjab Employees' Efficiency, Discipline and Responsibility Act. The school in question conducts disciplinary investigations and enquiry into the allegations of guilt. If a teacher is found guilty, he must be dismissed from service. A criminal case will register against the teacher. It will consider an offence if the teacher has a sexual relationship with a child under the age of 16, even if he has given permission for sexual intercourse.

CSA will result in damaging the adulthood in most children, and most of the victims never recovered from this trauma. The same sense of betrayal and shame which resulted in incest case is also found in teacher-student sexual abuse cases (Finkelhor, 2001). The CSA victims avoid to attend school. A CSA victim may experience following effects on his academic achievement e.g., avoid the educator, refuse to attend school or class, silent in class, avoid to study, want to change school, poor academic performance, felt embarrassed and afraid, lose his/her confidence and felt afraid. The rights of a child must be protected at all costs and every child has the right to live with dignity, protection from humiliation; freedom and security, protection from any form of violence and protection from sexual abuse. A child may report sexual abuse without the help of their parents or lawyers, but it is recommended that they seek help of them.

Conclusion

Child sexual abuse by school teachers is widespread and unreported phenomenon in Pakistan. Parents send their children in schools to learn. They assume these places to be safe. All teachers are not sexual abusers but this problem exists in schools. Children are vulnerable to sexual abuse. School administration should be vigilant to student's academic and personal well-being together with keeping an eye on their safety from sexual abuse and exploitation.

The current knowledge based on the prevention, intervention and treatment of CSA in institutions/schools is limited in scope, method and

attention. Further research is needed on the prevalence of CSA and on the characteristics of the victims, the pedophiles and the abuse.

Institution/schools authorities can stop sexual abuse of children/students by teachers through annual workshops on teacher responsibilities, creating safe environments in the school and policies that clearly show consequences of CSA by a teacher. Teachers need adequate training to understand the complexity of the CSA and to meet the legal and ethical requirements for reporting suspected cases. These training programs and workshops should aim to strengthen teachers' knowledge of the social context of CSA and its indicators, reporting tasks, attitude to information obligations and teachers' knowledge of the mechanisms involved. Practice to fulfill your tasks. These developments will also allow teachers to take on their traditional academic and pastoral roles within the background of CSA.

School authorities need to provide teachers pre-service and in-service training, including teacher training to identify CSA indicators and the reporting process. It must be accompanied by a follow-up to see if teachers have sufficient knowledge of CSA indicators and reporting processes. Teachers should be trained to rely on their knowledge and skills to identify CSA indicators.

These developments in teachers training are an essential asset that will benefit sexually abused children, assist teachers to accept this part of their role, protect schools from legal liability, and develops their ability to respond to CSA in schools.

Recommendations

Pakistan may review its national legislation to bring national laws in accordance with the principles of UNCRC to protect children from sexual abuse in Schools. Criminal laws may be reformed and amended to penalize offences relating to CSA in schools. Pakistan may revisit its National Education Policy to bring the sexual offences against children by teachers in schools within the framework of professional misconduct. School authorities will conduct programs and workshop for the awareness of children to sexual abuse in schools. The students/children will know what is good and what is bad for them. Students/children need to aware that they will not allow their teachers to touch them for sexual purposes. Students/children will guide to identify their private parts of the body. Curriculum guide may develop and publish providing guidelines for teachers to prevent CSA.

References

- Aman Ullah. (2013). Right to Free and Compulsory Education in Pakistan after 18th Constitutional Amendment, *South Asian Studies: A Research Journal of South Asian Studies*. 28 (2), 329-340.
- Bromberg, D.S. & Johnson, B.T. (2001). *Psychology in the Schools*: London: John Wiley and Sons, Inc.
- Calder, M.C. (1999). *Assessing Risk in Adult Males Sexually Abuse Children, in Sexual Abuse of Young Children in Southern Africa*: Russel House Publications; United Kingdom, Constitution of Pakistan, 1973.
- Concluding observations of the UNCRC Committee (2016), *5th periodical report of Pakistan* Retrieved from:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAK%2fCO%2f5&Lang=en
- Cruel Number (2015). *A Report by Sahil*: Retrieved from <http://sahil.org/wp-content/uploads/2016/04/Final-Cruel-Numbers-2015-16-03-16.pdf>
- Detrack, S. (1999). *A Commentary on the United Nations Convention on the Rights of the Child*: Published by; Kluwer Law International. The Hague, Netherlands.
- Dr. Blakemore, T., Dr. Herbert, J.L., Pro, Fiona, A., & Ms. Parkinson, S. (2017). *Impacts of Institutional Child Sexual Abuse on Victims/ Survivors: A Rapid Review of Research Findings*, Australian Centre for Child Protection, University of South Australia.
- Dryden, K. M. (2009). *Child Abuse and Neglect*: University of Wisconsin, 1-22.
- Faiza, A. (2007). Child Abuse. *Journal of Ayub Medical College, Abbottabad Pakistan*, 19(3), 1-2.
- Finkelhor, D. (1984). *Child Sexual Abuse: New theory and research*. New York: Free Press.

- Flannery, D. J., Vazsonyi, A. T., Liao, A.K., Powell, G. S. & Atha, H. (2003). *Initial Behavior Outcomes for the Peace Builders: Universal School-Based Violence Prevention Program*. Dev Psychol.
- Eze, U.O. (2013). Prevention of Sexual Assault in Nigeria, *Annals of Ibadan Postgraduate Medicine*. 11 (2), 65-70.
- Fsihuddin, (PSP). (2006). *Child Sexual Abuse in Pakistan: Role of Criminologists and Police: The Case of Saddam Hussain*. Paper presented at American Society of Criminology, Annual Meeting.
- General Comment No.1, Article 29 (1), *The Aims of Education*: (2001). Retrieved from [https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a\)GeneralCommentNo1TheAimsofEducation\(article29\)\(2001\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo1TheAimsofEducation(article29)(2001).aspx)
- Gilligan, P. & Akhtar, S. (2005). Cultural Barriers to the Disclosure of Child Sexual Abuse in Asian Communities: Listening to What Women Say. *British Journal of Social Work*, 36 (8), 1361–1377.
- Gillani, U. (2009). Child Sexual Abuse in Pakistan: The Need for an Indigenous Scientific Knowledge Base, Effective Policy Making and Prevention, *Pakistan Journal of Criminology* 1(3), 86-87.
- Hobson, C.J. (2012). *Protecting Your Children from K-12 Sexual Predators Masquerading Teachers/Educators: Action steps for parents*.
- Human Rights Watch World Report (2016). *Events on 2015, Children's Rights*. Retrieved from https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf
- Hussain, A. (2004). *The Other Side of Childhood: A research on male child prostitution at a bus stand in Pakistan*.
- Irenyi, M., Bromfield, L., Beyer, L. & Higgins, D. (2006). *Maltreatment in Organisations: Risk Factors and Strategies for Prevention*. Retrieved from: aifs.gov.au

- Jabeen, T. (2013). A History of Contemporary Child Protection in the Global South with a Special Focus on South Asia and Pakistan: *J.R.S.P.*, 50 (1), 138-159.
- Jewlees, R. *Sexual Abuse of Young Children in Southern Africa*. Edited by Rishtee, L., Davis, A., Higson-Smith, HSRC Press cape Town South Africa.
- Johnson, C.F. (2004). Child Sexual Abuse: *The Lancet*, 364 (9432), 462-471.
- Kaufman, K., Tews, H., Schuett, J. & Kaufman, B. (2012). Prevention is Better than Cure: The Value of Situational Prevention in Organizations, Creating Safer Organizations: Practical steps to prevent the abuse of children by those orking with them, 140-169.
- Levy. (1989). Using Scientific Testimony to Prove Child Sexual Abuse? *Family Law Quarterly*, 23(3), 383-409.
- Loar, L. (1998) *Child Abuse and Neglect: A Guide to Effective Advocacy*. Palmatier, L L (Ed) In *Crisis Counselling for a Quality School Community, Accelerated Development*. Washington DC.151-174.
- Malik, F. (2010). Determinants of Child Abuse in Pakistani Families: Parental acceptance-ejection and demographic variables. *International Journal of Business and Social Science* 1(1), 67-80.
- Maltz, W. (2002). Treating the Sexual Intimacy Concerns of Sexual Abuse Survivors. *Sexual and Relationship Therapy*, 17(4), 321-327.
- Mehmood, M. (2014). *Law of Crime, Pakistan Penal Code, 1860 with Commentary*: Published by PLD Publications 1-Turner Road, Lahore Pakistan.
- M. Hall, M. & Hall, J. (2011). *The Long-Term Effects of Childhood Sexual Abuse: Counselling Implications*. Retrieved from: <http://counselingoutfitters.com>
- Mitchel, M. W. (2010). *Child sexual abuse: A School Leadership Issue*. Routledge: Taylor and Francis Group.

- Mathews, B. (2011). Teacher Education to Meet the Challenges Posed by Child Sexual Abuse: *Australian Journal of Teacher Education*, 36 (11), 13-32.
- Sadrudin M. (2011). Study on the Important Issues of Child Rights in Pakistan, *The Dialogue: A Quarterly Research Journal*, VI (1), 13-30.
- Mototsune, T. (2015). *Ontario College of Teachers Cases of Teacher Sexual Misconduct*: Electronic Thesis and Dissertation Repository.
- Mower, A.G. Jr. (1997). *The Significance of the Convention: The Convention on the Rights of the Child: International Law Support for Child*. Greenwood Press London United Kingdom.
- Muhammad, T. (2009). Child Protection in Pakistan. In Dubowitz, H & Merrick, J (Eds.). *International Journal of Child Health and Human Development*, Special Issue on: *International Aspects of Child Abuse and Neglect*. New York, USA: Nova Science Publishers, Inc.
- Mumtaz, A. (2011). Early Childhood Education in Pakistan: An International Slogan Waiting for National Attention: *Contemporary Issues in Early Childhood*. 12(1), 86-93.
- National Education Policy (2017-2025)*: Ministry of Federal Education and Professional Training Government of Pakistan.
- News Desk. (2018, April 30). *Teacher 'rapes' boy at Lahore Cadet School*: Daily Times. Retrieved from <https://dailytimes.com.pk/234124/teacher-rapes-boy-at-lahore-cadet-school/>
- Perveen, S. (2016). Child Sexual Abuse in Pakistan—A Fatal Analysis: *Journal of Pioneering Medical Sciences*.
- Pro. Kaufman, K. & Erooga, M. (2016). *Risk Profiles for Institutional Child Sexual Abuse-A Literature Review*, Royal Commission Australia, 1-133.
- Radbill, S. (1980). *Children in a World of Violence*: In “The Battered Child, 3rd ed”. Henry Kempe and Ray Helfer, Chicago. University of Chicago, Press.

Ratican, K. (1992). Sexual Abuse Survivors: Identifying Symptoms and Special Treatment Considerations. *Journal of Counselling & Development*, 71(1), 33-38.

Report of the Independent Expert for the United Nations Study on Violence against Children: A/61/299. Retrieved from: <https://undocs.org/A/61/299>

Rispens, Jan, Aleman, Andre & Goudena, P. P (1997). Prevention of Child Sexual Abuse Victimization: A Meta-Analysis of School Programs: *Child Abuse & Neglect*, 21(10), 975-987.

Sajjad, A. N. (2016, August 05). *Child sex abuse scam at Sargodha School: Dawn*. Retrieved from <https://www.dawn.com/news/1275587>

Rizvi, S. R (2014). *Constitutional Law of Pakistan: Text, Case Law and Analytical Commentary*. Published by Vanguard Books (Pvt) Ltd Lahore Pakistan.

Shackel, R. (2003). The UN Convention on the Rights of the Child: A Review of its Success and Future Directions: *Australian International Law Journal*, 21-60.

Shakeshaft, C. (2004). *Educator Sexual Abuse: Department of Foundations, Leadership and Policy Studies*. Greenwich, CT: IAP.

Sloth-Nielsen, J. (1995). Ratification of the United Nations Convention on the Rights of the Child: Some implications for South Africa: *SAJHR Law*, 11, 401-420.

Tahira, B. (2015). Article 25-A: Implications of Free and Compulsory Secondary Education in Pakistan, *VFAST Transactions on Education and Social Sciences*, 6 (1), 1-7.

Tahira, J. (2014). Child Protection Data: an analysis of Newspapers Coverage of Child Protection Issues in Pakistan, *South Asian Studies, A Research Journal of South Asian Studies*, 29 (1), 125-136.

The Criminal Law (Second Amendment Act), 2016 (2016, March 24).

The Punjab Employees Efficiency, Discipline and Accountability Act 2006 (2006, October 17).

The State of Children in Pakistan, (2015, July)

Tomback, R. M. (2010). *Personal Body Safety: Child Abuse and Neglect Prevention Curriculum*. Maryland: Hardford County Public Schools.

Understanding Child Sexual Abuse in Institutional Contexts, Report by Royal Commission Australia. Retrieved from www.childabuseroyalcommission.gov.au

Universal Declaration of Human Rights (1948) Retrieved from https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

World Health Organization (WHO) Report (1999) Retrieved from http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf

World Health Organization (WHO) (2004). *Preventing Violence: A guide to implementing the recommendations of the World report on violence and health*. Geneva. Retrieved from http://www.who.int/violence_injury_prevention/media/news/08_09_2004/en/

Wurtele, S. K. (2012). Preventing the Sexual Exploitation of Minors in Youth-serving Organizations: *Children and Youth Services Review*, 34(12), 2442-2453.

Citation of this Article:

Ali, M. I. (2018). Protection of children from sexual abuse in early years education in Pakistan: Challenges and issues. *Journal of Early Childhood Care and Education*, 2, 113–134.