

CHILDREN HAVE RIGHTS.

Excerpts from the book "The Foundry Worker and the Gardener" of Fr. P. Ribes, s.j. published by the Gujarat Sashitya Prakash.

Intent of this notes

To uphold the rights of the children.

Like all human beings Children have rights, irrespectively of caste, class, color, religion or economic status. Yet, their rights are not respected. Why?

It is the duty of parents, teachers and educators to uphold and respect the Children's rights.

Target Audience:

Parents, teachers, educators and persons in the helping professions.

CASE STUDIES. (A STARTER)

- Propose to the **Audience, to the Participants some of the Case Studies** suggested below – all of them
- The participants, together or in smaller groups, will discuss the selected cases
- Make sure that in each group there is someone acting as a moderator.

The points to be discussed in each casestudy are:

- 1. What right or rights of the child have been violated? How?**
- 2. What should have been done to safeguard those rights? Why?**

Case 1.

Tony, a 10-year old boy, in school, is friendly with Suresh, a good character child, the son of a sweeper. Their friendship is genuine and deep. On noticing it, Tony's parents stop him from having anything to do with Suresh, their reason being that Suresh is a sweeper's son.

1. Have Tony's parents the right to stop him from associating with Suresh?
2. Have children a right to choose their friends?
3. What advise you would give to Tony?
4. What and to tell Tony's Parents?

Case 2:

Pushpa is a 13 year old girl. Her school friends, both boys and girls, write letters to her during the holidays. Her parents censor all her correspondence. She objects to that. Because of this, her parents punish her for being disobedient and stubborn.

1. Do parents, teachers, superiors, boarding superintendents etc. have the right to censor the correspondence of their charges?
2. Was Pushpa really disobedient and stubborn?
3. Were her parents justified in punishing her? What right or rights of hers did they violate?
4. What could Pushpa and her Parents have done?

Case 3:

In school the Teacher caught Jimmy, a 10 year old, pinching something from another boy's bag. She denounced him as a robber in front of the whole class and reported the incident to the principal and to the teachers in the staff room.

1. Had the teacher the right to expose Jimmy for his fault to the entire class, the principal and the other staff members?
2. Have parents and those in charge of children the right to broadcast their children's mistakes and weaknesses? Why?
3. What should the teacher have done?

Case 4:

Blaise, a 15 year old boy, confidentially approached Dr. Deshpande. He complained of fever and general discomfort. The doctor found that Blaise was suffering from a V.D. Without Blaise knowing it, the doctor straight away informed his parents about it

1. Had Dr. Deshpande the right to disclose to Blaise's parents what he had come to know about him through his medical profession? Why?
2. Have children and youngsters a right to confidentiality? How far? Why?
3. What should Dr. Deshpande have done?

Case 5:

Sunil finished his secondary education with very high marks. He is very good at drawing and a great lover of fine arts. He wants to join a school of arts. His parents 'forced' him to take up medicine, something he does not like

1. Were Sunil's Parents right or wrong by forcing him to take medicine against wish? What right of Sunil did they violate? How and Why?
2. May parents decide their children's careers, jobs, marriages, professions or vocations? Why?
3. What could or should Sunil have done?

Case 6:

Fatima has been accused by her teacher of indulging in obscene talk. On coming to know of it, her parents are horrified. Without giving her a chance of explaining herself, blind with rage, they beat her mercilessly.

1. Had Fatima's parents any right to beat her mercilessly? What right of hers did they violate?
2. By not giving her a chance of explain herself what right did her Parents violate? Have children the right to defend themselves and being heard? Why?
3. What should they have done?
4. Have Parents the right to beat their children mercilessly?
5. Had the teacher the right to straight away report the incident to Fatima's parents? Why?
6. What should the teacher have done?

Case 7:

Zarina very clever and poor girl secured a scholarship to go to college. Her parents, being in need, without asking her, stopped her College Education and sent her instead to work as a packer. They said to her that they needed her salary to pay for the primary education of her little brothers and sisters. Had Zarina's parents the right to stop her College education and without consulting her, send her to work to earn for the family? Why?

1. Had Zarina a right to higher education? Why?
2. Should the Parents have found out first her willingness to forgo her college educations?
3. What could Zarina have done?
4. What should her Parents have done?
5. To what extent may be one ordered to sacrifice his life for others?
6. Have Parents and Superiors a right to demand heroic acts from their charges? Why?

Case 8:

Little Ramesh kept all his small savings in a money box. With his savings, he longed to buy a cricket set. One day his parents took away all his savings and with that money, bought for him a new school uniform and shoes. They told him: You know that we are not rich. What for do you want a cricket set? What you need is a new school uniform. and a pair of shoes.

1. Have children a right to property or not? How far? Why?
2. Were Ramesh's parents justified in appropriating his savings? Why?
3. What could Ramesh do? What would you have advised him?

INPUT: SUGGESTED IDEAS FOR THE INPUT.

1) BASIC FACTS:

- All human beings, by the very fact of being such, have inalienable human rights.
- We call these rights '**fundamental rights**' because they are given to men by birth as an essential part of their personhood.
- **The fundamental rights human beings are not given nor can be taken away** by any human authority. Examples are: the right to life, bodily integrity, freedom, etc
- Furthermore, no one can abdicate such rights. Abdicating them would be tantamount to giving up being human.
- Fundamental rights belong to **all human beings without distinction of:**
 - **Age:** Children, even the unborn, youngsters, youth, grown-ups, old people et.
 - **Race:** Black, white, brown, yellow, etc.
 - **Caste:** Brahmins, Harijans, high, low, etc
 - **Class:** Rich, poor, farmers, industrial workers, villagers, city dwellers etc.,
 - **Education:** Literate, illiterate, skilled, semi-skilled, unskilled, etc.
 - **Creed:** Believers, Unbelievers, Christians, Hindus, Muslims, Zoroastrians, Buddhists, etc
 - **Hierarchical Status:** Superiors, inferiors, bosses, employees, rulers, subordinates, etc

- We have to concede to children all the fundamental rights to which grown ups are entitled, plus a few more, like the right to be protected, right to schooling and educations, etc.
- Occasionally, and only provisionally a few fundamental rights may be suspended or abridged, never taken away. This happens with children when, because of their tender age, they are not mature enough to exercise some of their rights.
- In a situation of real emergency, the parents or the persons in charge of those children will have to step in and arrogate some of their rights to themselves in the larger interest of their charges, with the following caveats:
 - **Only temporarily.**
 - **Only, for the shortest possible time.**
 - **Only for the benefit of the minors.**
 - **Only, with great respect for the persons of their charges.**
 - **No sooner the minor is able to exercise his rights, they should immediately be given back to him. Better sooner than later!**
- Children belong to themselves, not to us grown-ups, not even to their parents.
Children are not things, nor possessions; they are not the ‘movable’ or ‘immovable’ property of anyone!

2) **THE REALITY. What is Actually Happening.**

- Children’s rights are often, alas! too often, violated, suppressed, obliterated, abused and denied!
- To make matters worse, children cannot defend their rights: They have no voice in a court of law, **therefore:**
 - They have no legal or equitable claims.
 - They may not ask for an impartial inquiry.
 - They have no means of redress or appeal.
 - Most of the time, their pleas or representations are stifled.
 - They are not even allowed to open their mouths.
 - Financially they are insolvent, destitute and paupers
- Grown-ups, usually, act very paternalistic, maternal and protectionist towards children.
- Grown-ups seem to think that children know nothing, that they cannot help themselves, when, in fact, in the majority of cases they can very well think and act for themselves.
- It is we adults who, often enough keep them in their helpless position playing the role of ‘rescuers’ rather than helping **them** to help themselves.
- Whether in good faith or not, we suppress, oppress and do a lot of injustice to our children.
- The crux of the problem is that since, in their infancy, children are ‘helpless’ and dependent from us in everything, we may carry on considering ourselves indispensable to them even when we are not indispensable any more.
- We are loath to hand over the reins of responsible freedom to our children, a freedom to which they have a right to. This is a sign of the inborn greed we have for power to control others’ lives!

3) WHY VIOLATIONS OF CHILDREN'S RIGHTS TAKE PLACE?

A) Because of Societal Customs and Traditions:

Common Cultural Assumptions: For instance:

- A child should be seen, not heard'!
- 'Spare the rod and spoil the child'.
- 'Do not praise a child, lest you spoil him'.

Legal Considerations:

- Laws are for children, not children for the laws.
- The law may consider a child answerable before the court at 14 or major at 18 or 21. In fact, most children are answerable and major before 14, 18 or 21.

Societal Models:

- "Society" defines what is proper for a boy or a girl of 10, or 14. Children have to conform to all such 'societal nonsense'.

Traditions from the Elders.

- This is how it has always been, this is how it is now, and this is how it will be in the
- This is what tradition taught us to do with our children future for ever and ever. Amen!

Social Pressures:

- Keeping up with the Joneses! All my friends do this; all the members of our family did that with their children, so we also have to do it!
- What will people say if we don't?

Old Fashioned and Overly Rigid Attitude to Ethical Norms:

- Quite often, we victimize youngsters with old-fashioned ethical values. Don't do this! Don't do that! Avoid going there! Pull yourself together. Get this into your head once for all!
- Parents, customs, society are the sole and absolute arbiters of what is or what is not correct for children. Children have to conform under pain of disapproval and punishment.

Social Stratification: Caste, Social Class, Social Grouping

- We educated, class-conscious, respectable people cannot allow our children to mix with backward class children, servants' children, children of slum dwellers, etc
- Children have willy-nilly to **play the roles demanded by the status of the families.**

Faulty and Inadequate Legal Structures:

- There are no courts of appeal for children
- There are no arbitrators between parents and children.

B) Because of Mistaken Ideas and Principles of Parents and Superiors

Inflated Sense of Responsibility:

- Many parents, teachers and superiors blame themselves for the mistakes of their charges
- Some Parents and others in authority, if those under them perform poorly, in studies or otherwise, feel responsible even guilty.
- So, to assuage their feelings of failure and guilt, some Parents/Superiors will see to it that their charges, by hook or crook, do "well" and toe the line and follow what they consider to be the strict path of rectitude.

Lack of a Sense of Humor: Coldish Attitudes: Prematurely Aged:

- Many of us grown-ups have forgotten that we had once been children.
- With age, we lost our 'child-likeness'.
- We become formal, unimaginative and stereotyped.
- We may force children to behave like grown-ups!

Legalism and Authoritarianism:

- The law comes first, children come second
- Such grown-ups will suppress the rights of children so that the law may be kept!
- Authority and submissiveness are the greatest values. Children have simply to bow to them in unquestioning obedience
- Children have to conform to the rule happens what may, even at the cost of freedom

Perfectionism:

- Only the very 'best' in everything is 'good' enough for their children. This is the way some parents, elders and superiors argue.
- They may stifle; even kill what is good and natural in their children and charges to secure the "very best" for them.
- The Spanish refrain goes: "Lo mejor es enemigo de lo bueno!" **The 'best' is the 'worst' enemy of what is 'good' "**

Security:

- Parents and Superiors are afraid of making mistakes and of allowing children and those under them to make mistakes
- The easiest and fastest shortcut to avoiding mistakes is to suppress freedom. Better security than freedom!

Objective Success Vs Successful Living:

- The task to be done takes priority over the persons who will do it
- A first class in the exams is more important than the happiness of the child.
- For many of us running institutions success, results, money, degrees, jobs, reputation, etc. are more important than the persons who run them or are part of them.
- Means become ends and ends means! Human beings and human rights will be used as means towards "success", advancement and accomplishment!

Sacrificing the Present to the Future:

- Many grown-ups live in a dreamy future and forget the real present
- They demand from their children and their charges to sacrifice their legitimate present joys and pleasures for a bright future which may never arrive or which if it arrives, it will be too late to enjoy.

An obsessive Attitude to ‘Ought’ Vs ‘Is’

- Many elders and educators have abstract and theoretical ideas about children and human nature. They rule their lives and the lives of those under them in terms of moral ‘absolutes’, namely, what things and ideal people “– ought to be”...
- They will stifle the good that ‘is’ for the good that ‘ought to be’. They will kill the joy that a child ‘has’ for the one the child ‘should have’

C) Because of Emotional Problems All of us Are Tainted With.

- We may make our children ‘escape-goats’ for our daily angers, hurts and frustrations.
- We may boss over our children and lord it over them to ‘satisfy’ the need we have of feeling superior and important.
- We may tax others with ideals and expectations to compensate for some inferiority complex of our own.
- We may force our children to do and to become what we longed to do or be, but never managed to; a sort of vicariously fulfilling ‘by proxy ‘of old ambitions and unfulfilled dreams of our own.
- We may force them to do and to behave in a way that boosts our own self-image. We try to improve our image as parents, teachers and superiors, riding on our children’s and pupils’ success.
- Often enough we may find ourselves spanking – more honestly penalizing - our children not so much to correct them, but unconsciously, giving vent to our ‘wounded pride’.
- May be, we feel out-beaten and outdone by our children. This hurts our ego
- We feel frustrated when our children do not measure up to our unreasonable expectations; then there is the danger venting our frustrations on them.
- We might want our children to be perfect to get rid of our feelings of ‘guilt’. We punish and victimize them as a ‘vicarious’ satisfaction or atonement for our sins. (*A thing not uncommon in the case of alcoholics*)
- The cruelty and even sadism some people show by child-battering and other forms of juvenile punishment could be a psychological compensation for the impotent rage they feel against a society that treated them so cruelly and unjustly!
- Jealously at seeing children so happy and carefree may disguise itself as a ‘holy zeal’ for the good of children! **We may become the ‘children’s persecutors not because we are zealous but because we are jealous.**

NOTE;

We offer below FIVE APPENDIXES on the topic of CHILDREN’S RIGHTS. In them, you will find additional materials for your personal reflection as well for the benefit of your audiences

APPENDIX ONE; A LIST OF CHILDREN’S RIGHTS.

Instructions to the Moderator

- *By means of “Brain Storming” with the help of the participants compile a list of what they think are the basic human rights of Children.*
- *Using the blackboard will be helpful. Begin writing a few of the children’s rights on the board to start the ball rolling.*
- *Ask the participants to suggest items to be added to the list:*
- *While the list is being compiled, you may offer clarifications, answer queries and discuss any points arising from the floor.*

Children’s Fundamental Rights to Be Respected by All.

1. Right to life.
2. Right to bodily integrity
3. Right to be loved.
4. Right to.....
5. And so on.....

LIST OF FUNDAMENTAL RIGHTS OF CHILDREN

Note: *For your benefit we offer below a list of children’s rights compiled by participants on previous sessions. .*

This list may help you in the event that the list of Children’s Rights supplied by your audience is not satisfactory.

1. Right to life.
1. Right to bodily integrity.
2. Right to be loved
3. Right to grow in conscious self-identity.
4. Right to maintenance.
5. Right to housing, clothing and medical care.
6. Right to education.
7. Right to be oneself.
8. Right to choose his friends
9. Right to be trusted.
10. Right to be respected as a person.
11. Right to be taken seriously.
12. Right to a proper hearing.
13. Right to be forgiven.
14. Right to be accepted.
15. Right to be free.
16. Right to be happy.
17. Right to protection from victimization and exploitation.
18. Right to self-defense.
19. Right to question and to information.
20. Right to parental time and attention.

21. Right to assume responsibilities as it grows in age.
22. Right to choose one's vocation, work and studies.
23. Right to play and leisure.
24. Right to freedom of thought.
25. Right to freedom of expression.
26. Right to licit pleasure.
27. Right to free movement.
28. Right to property.
29. Right to express one's feelings.
30. Right to legitimate praise and recognition.
31. Right to moral support.
32. Right to be free from others' expectations.
33. Right to one's reputation & protection from evil reports.
34. Right to appeal against injustice.
35. Right of secrecy.
36. Right to free association.
37. Right to privacy..
38. Right of freedom of conscience.
39. Right, in due time, to choose its marriage partner.

APPENDIX TWO; JESUS AND CHILDRENS' RIGHTS.

Reflect on the New Testament Texts given below and find out the attitude Jesus had towards Children's Rights.

Mt. 19/13-16;	“Let little children come to me..” <u>Right of children to meet their friends.</u>
Lk. 18/15-17.	“do no stop children come to me” <u>Right to be accepted.</u>
Mt. 21/15-16.	“The children shouted, Hosanna!...” <u>Right to express and to enjoy.</u>
Mt. 18/2-5	“The greatest in the Kingdom is a child..” <u>Right to be praised.</u>
Mt. 18/6-7	“If anyone should scandalize one these...” <u>Right to be protected.</u>
Lk. 2/48-50	“Why did you look for me...I have to be...” <u>Right to assert oneself.</u>
Mt. 5/42-43	“Give her something to eat.” <u>Right to physical care and sustenance.</u>
Mt. 7/9-10	“Would you give your children a snake..?” <u>Right to be cared for.</u>
Mt. 18/10	“See that you do not despise any these little <u>Right to be respected.</u>
Mk. 9/42	“If anyone should cause one of these ones To turn away from me...” <u>Right to be defended.</u>

APPENDIX THREE; DOES OUR EDUCATIONAL SYSTEM SAVEGUARD OUR CHILDREN'S RIGHTS???

- Describe in a forceful way what our 'school system' does to our children, to their right to a humane education and to an integral development as free individual persons.
- Much of our educational systems, methods and goals are sheer manipulation and brainwashing. Consider:
 - our methods of education;
 - subject matter,
 - endless and numberless exams and tests,
 - competitiveness,
 - irrelevance,
 - repetitiveness,
 - no play time,
 - no leisure,
 - memory work,
 - just information,
 - no formation,
 - little personal thinking,
 - no questioning,
 - little initiative,
 - overcrowded classrooms,
 - just formal training,
 - little care for the feelings of the students,
 - no value education,
 - no personality training,
 - disregard for emotional life,
 - luck of social concern
 - injustices done to those who can't afford joining our educational Institutions
 - harm done to those unable to proceed to further studies.
 - many of our children because of our 'school system' remain stunted
 - from the start many are marked out for failure and frustration
 - others are condemned to a sort of bonded labor without job opportunities.
- **Is there anything we could do to fight for the educational rights of our children**

SUGGESTED ACTIVITY.

Symbolic Representations of what our Educational System Does to our Children and to their Educational Rights.

- ✓ Ask the participants to find symbols to express what our educational system does to our children and to their educational rights.
- ✓ The participants can present their symbols, by way of posters, captions, mimes, photo language or any other means of their own choice.

The Symbols could be for instance:

- * A steam-roller
- * A bulldozer.
- * A printing machine
- * A wine press.
- * A rubber stamp
- * Molten metal poured into moulds.
- * A Mill
- * A stone-crushing machine.
- * Spray painting.
- * Putting on uniforms.
- * A tape recorder.
- * Computerized assembly lines.

APPENDIX FOUR; PERSONAL REFLECTION AND PRAYER:**Note for the Moderator:**

You may lead your audience in prayer and personal reflection.

- Decide the length of time for your reflection cum prayer exercise.
- Choose the subject matter for the prayer exercise.
- Suggested matter could be:
 - Appendix Two: **Jesus and Children's Rights.** (Any of the texts quoted)
 - Kahlil Gibran's poem.: **Speak to us of Our Children.**" (Cf r. below)
- Quiet down.
- Singing of Hymns/bhajans
- Opening prayer (by the moderator)
- Paraphrasing and Commenting on the chosen. Texts.
- Sharing of reactions, insights, prayers and feelings.
- Praying for our children. Petitions and spontaneous prayers.
- Final Hymn.

CHILDREN

From "THE PROPHET" of Kahlil Gibrain.

Read, reflect, share, discuss and pray on the Beautiful Text of Kahlil Gibrain,

And a woman who held a babe against her bosom said, "Speak to us of Children."

And he said:

Your children are not your children.

They are the sons and daughters of Life's longing for itself.

They come through you but not from you,

And though they are with you,

Yet they belong not to you.

You may give them your love

But not your thoughts.

For they have their own thoughts.

You may house their bodies

But not their souls,

For their souls dwell in the house of tomorrow, which you cannot visit, not even in your dreams.

You may strive to be like them,

But seek not to make them like you

For life goes not backward nor tarries with yesterday.

You are the bows from which your children as living arrows are sent forth.

The archer sees the mark upon the path of the infinite, and He bends you with His might that His arrows may go swift and far.

Let your bending in the archer's hand be for gladness;

For even as he loves the arrow that flies, so He loves also the bow that is stable.