

# Impact of Pandemic on Children's Right to Education in India: an Influence to the Reality of Discrimination Based on Sexual Orientation

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## Abstract

As we all know, each legislation is framed with many different goals so, to fulfil the objective, the word 'child' has been defined differently in different legislations based on the purpose and goal of that legislation. Education is one of the prima facie basic human right of every individual that is required for the full enjoyment of all other rights and all-around development in the society connected with present and future of a nation. Education encourages every individual liberty and empowerment while also providing significant development advantages.

In global context, a data shows that approximately 240 million children live with a cluster of disabilities. They also have dreams and future goals, so they need a quality education to evaluate their potential in this competition phase. But these children are also overlooked in the policy framing, resulting in their backwardness in social and economic contexts. In early education, approximately 49% of nations had accomplished female representation. The female disparity widens so at secondary education, despite 42% of nations attempting to achieve gender balance in secondary school education and 24% in senior secondary school. There are numerous explanations for this. Challenges to girls' learning differ by country and community, including poverty, underage marriage, and sexual identity abuse.

The impact of the COVID-19 pandemic and related closures of educational institutions are severe for most children. The efficiency of online learning is still a matter of debate and discussion. The crisis has highlighted the significance of developing a wide knowledge of classroom segregation. This paper critically examines the impact of a pandemic on basic right to education as well as on the reality of gender discrimination in connection to educational discrimination.

## INTRODUCTION

Education is simply the soul of a society as it passes from one generation to another.

– Gilbert K. Chesterton

As we all know, each legislation is framed with many different goals so, to fulfil the objective, the word 'child' has been defined differently in different legislations based on the purpose and goal of that legislation. The different

definitions of 'child' in different laws result in ambiguity and confusion but acceptable in society at large. We will see the definition of child in different aspects. When we see article 1 of the Convention on the Rights of the Child, 1989, then according to this the word "child" means every person who has not completed the age of 18 years but at same time unless under the law applicable to the child, majority is attained earlier.<sup>1</sup> A child refers to every human being below the age of 18 as per the United Nations Convention on the Rights of the Child (UNCRC).<sup>2</sup> Therefore, international laws give the child status to persons below eighteen years of age.

In Indian context, the laws of our country make provisions for child in various aspects. It is very essential to define a 'child' so that the legislation can be made reasonable to the ones who come in the category of 'child'. The meaning of the word 'child' in India is different in different statutes. When we see Section 2(ii) of The Child Labour (Protection and Regulation) Act, 1986 then it states that the word "child" refers to a person who is below the 14<sup>th</sup> year of age.<sup>3</sup> This Act mainly focuses on the restrictions and prohibitions of child engagement in work. Section 2(c) of The Plantations Labour Act, 1951 defines "child means a person who is below the age of 14 years." Section 24 of this Act further elaborates the concept of young children and states that "the child who has not completed his 12<sup>th</sup> year shall be required or allowed to work in any plantation."<sup>4</sup> So, according to this act the child is a person who is below the age of 14 years. The motor transport workers act, 1961 defines a child as someone who has not completed the age of 15. Section 2(b) of The Beedi and Cigar Workers (Conditions of Employment) Act, 1966, defines "Child as a person who is below the

fourteen years of age."<sup>5</sup> The prohibitions of child marriage act, 2006 refers "child as a person, if the person is male then he has not completed the age of twenty-one years, and if the person is female, then she has not completed the age count of eighteen." Child in The juvenile justice (Care and Protection of Children) act, 2015 means a person who is below the 18 years of age." And the very same definition of child is also given in Section 2(d) of The protection of children from sexual offenses act, 2012. According to International Standards, what makes a person a 'child' is the one and only the age of that person, so even if a person is not completed the age of eighteen years but married and has children of her/his own, then he or she is considered as a child.

Why the government give too much attention to the children. It is so because they are the future of our country. They are more vulnerable than adults to the conditions of the society that's the reason, they are more affected than any other age group by the actions taken by the governments and society. In most societies, including ours, we believe that the children are merely the property of their parents. At the same time, the children are facing abuse on the part of society. So, to protect and preserve our future, the governments pay special attention to them many a times in the form of rights given to them. A child has few rights to live their life in a reasonable manner. Right simply means the standard of authorized action within a certain boundary.<sup>6</sup> According to Salmond, a right is nothing but an interest permitted and protected by legal rules.<sup>7</sup>

The people who have not completed the age of 18 are entitled to the standards and rights given by the laws governing our country and the international legal instruments we have accepted by red pencilled them. The Constitution of India guarantees certain rights to the children specifically. These include the right to free and compulsory elementary education for all children between the 6–14-year age group (Article 21 A).<sup>8</sup> Article 24 deals with the right to be

1 Vikaspedia.in. 2022. *vikaspedia Domains*. [online] Available at: <<https://vikaspedia.in/education/child-rights/understanding-child-rights>> [Accessed 2 February 2022].

2 Google.com. 2022. [online] Available at: <[https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.thehindu.com/news/national/who-is-a-child/article3528624.ece/amp/&ved=2ahUKewjzwwq6Ktt31A-hUJzjgGHZhVAXgQFnoECDoQAQ&usq=AOvVaw3T-vGcm7f7oGPCMz6g1\\_1-X](https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.thehindu.com/news/national/who-is-a-child/article3528624.ece/amp/&ved=2ahUKewjzwwq6Ktt31A-hUJzjgGHZhVAXgQFnoECDoQAQ&usq=AOvVaw3T-vGcm7f7oGPCMz6g1_1-X)> [Accessed 2 February 2022].

3 The Child Labour (Protection and Regulation) Act 1986, Act No. 61, Act of Parliament (India), § 2(ii).

4 The Plantations Labour Act 1951, Act No. LXIX, Act of Parliament (India), § 24 (2c).

5 The Beedi and Cigar Workers (Conditions of Employment) Act 1966, Act No. 32, Act of Parliament (India), § 2(b).

6 Dr. N.V. Paranjape, "Studies in Jurisprudence & Legal Theory", 9<sup>th</sup> Edition, 2019, pg. 394.

7 Id at pg. 396.

8 Vikaspedia domains. English. (n.d.). Retrieved February 2,

protected from any hazardous employment until they have completed the age of 14. Article 39(e) talks about the right to be protected from being abused and forced by necessity in terms of economy to enter occupations which are not suited to their age or strength, also Article 39 (f) deals with the right to equal opportunities and facilities to develop in a healthy flexible manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against any kind of exploitation. Along with these, they also have rights as equal citizens of India, just as any other person who are above the age of 18 years like right to equality in the article 14, right against discrimination in the article 15, right to life and personal liberty as per article 21, also as per article 23, the right to being protected from being trafficked and forced into bonded labour and the right of weaker sections of the people to be protected from social injustice and all forms of exploitation as according to Article 46 etc. In this paper, we will mainly focus on right to education as a right to the children between the age of 6 to 14 years.

## Basic Right to Education

Education is one of the prima facie basic humans right of every individual that is required for the full enjoyment of all other rights and all-around development in the society connected with present and future of a nation.<sup>9</sup> Education encourages every individual liberty and empowerment while also providing significant development advantages. Despite such right, millions of children and adults continue to be denied access to education, depriving their aspect as a right of development forcing them to live and die in poverty.<sup>10</sup>

For any nation, the biggest weapon is their hands are the coming generation and an educated generation shows the strength and dedication of that country who might be economically and socially oppressed to rise out of poverty but fully determined to come out of such. Education is the first step in

understanding reflective practice, empowerment, and skills intended to promote the world. The duty to offer educational opportunities for those who've never reached to the doors of education is also component of the right to education.<sup>11</sup> In conjunction to all of these measures on access to education, the right to education entails the same need to achieve equality at all levels of the educational system, to maintain statutory requirements, and to strengthen educational quality.<sup>12</sup>

## International Instruments Highlighting the Right to Education

There are numerous human rights abuses that may well remain unanswerable unless right to education is acknowledged as the way to strengthen those certain human rights.<sup>13</sup> Throughout 1945, the UN and UNESCO have cooperated closely on contemporary issues including illiteracy, early years human rights awareness, and the abolition of educational discrimination. UNESCO's core areas of responsibility entail curriculum, research, culture, and cooperation, and even the implementation of human rights, as its name suggests.<sup>14</sup> The UN educational, scientific, and cultural organization's (UNESCO) Bill of rights protects the worldwide commitment to education as a primal human right.<sup>15</sup>

The objective of UNESCO, as per article I(1) of the Constitution, is always to "promote cooperation by creating partnerships within and between countries through education, scientific knowledge, as well as practices in order to more universal respect for equality, the respect for human rights, and social

11 Adler, Susan. "The reflective practitioner and the curriculum of teacher education." *Journal of Education for teaching* 17, no. 2 (1991): 139-150.

12 Darling-Hammond, Linda. *The flat world and education: How America's commitment to equity will determine our future*. Teachers College Press, 2015.

13 Nussbaum, Martha C. "Capabilities and human rights." *Fordham L. Rev.* 66 (1997): 273.

14 Galguera, Miriam Preckler. *Globalization, Mass Education and Technical and Vocational Education and Training: The Influence of UNESCO in Botswana and Namibia*. Vol. 31. Springer, 2018.

15 Kirkwood-Tucker, Toni Fuss, ed. *Visions in global education: The globalization of curriculum and pedagogy in teacher education and schools: Perspectives from Canada, Russia, and the United States*. Vol. 29. Peter Lang, 2009.

2022, from <https://vikaspedia.in/education/child-rights/understanding-child-rights>.

9 Brighouse, Harry. "Egalitarian liberalism and justice in education." *The Political Quarterly* 73, no. 2 (2002): 181-190.

10 White, John. *The Aims of Education Restated* (International Library of the Philosophy of Education Volume 22). Vol. 22. Psychology Press, 2010.



justice as reiterated by the UN charter.<sup>16</sup> article 1(2) of UN Charter regulates UNESCO to work more closely with countries in order to promote peoples' cooperative understanding and knowledge, to improve learning programs, to encourage the vision of equality of opportunity, and also to recommend teaching techniques better placed to prepare young for the obligations of liberty. UNESCO has enacted numerous quasi-instruments just on realizing the right to an education, supplementary to the Convention against Discrimination in Education, which is discussed in Article 4.<sup>17</sup>

## Recognition Of Education as Human Right Under the Universal Declaration of Human Rights

The Universal Declaration of 1948, the Convention Against Discrimination in Education of 1960, the International Covenant on Economic, Social, and Cultural Rights of 1966 and the Convention on the Rights of the Child of 1989 have all explicitly recognised and reaffirmed the right to education as basic human right.<sup>18</sup> Numerous more documents dealing with specific populations or subject area have acknowledged the right to education.

The right to education is explicitly mentioned in the 1948 UN universal declaration of human rights (UDHR), which declares, "Everyone should have access to education."<sup>19</sup> At least in the elementary and foundational stage, education has to be accessible. Elementary education will indeed be mandatory among all children. Technical and scientific learning should be commonly accessible, whereas higher learning must be available for everyone based on merit.<sup>20</sup> The term "compulsory" is meant to

imply that no person or body can prevent children from obtaining a primary education, the apparent inconsistency between both the right to education as well as the mandatory status of primary education can be accommodated. Given the universal declaration's idealistic character at the time of its ratification, it's absolutely remarkable that all these normative frameworks were formulated at a time when only a few countries had universal primary education, and now even fewer seemed to have effective secondary and higher programs.<sup>21</sup>

According to principles of human rights, the nation is committed to ensuring that rights are implemented, although in so many societies, families have sole responsibility for children's rights.<sup>22</sup> In societies this is not always the case, the question remains significant; nevertheless, the relationship between state and a broader family and community will now be the spotlight. Both state as well as the family always had the tendency to fail with their responsibilities to the child. As a consequence, evaluating this right raises issues about the role of the state, the parent, as well as the kid.<sup>23</sup>

In order to assess the application of right to an education, it is necessary to first examine the academic heritage in its context to determine whether such a right exists. The next step will be to see if the state accepts responsibility for enforcing the right through law, political policies, and initiatives. It will also be required to analyse the educational system's equity and justice characteristics and the importance placed on education in relation to other rights fulfilment.<sup>24</sup> Finally, one must consider whether education is included in a system of rights enforcement.

16 Bandarin, Francesco, Jyoti Hosagrahar, and Frances Sailer Albernaz. "Why development needs culture." *Journal of Cultural Heritage Management and Sustainable Development* (2011).

17 Matsuura, Koichiro. "Appendix I UNESCO Universal Declaration on Cultural Diversity UNESCO Universal Declaration on Cultural Diversity." *Diogenes* 52, no. 1 (2005): 141-145.

18 Beiter, Klaus Dieter. *The protection of the right to education by international law: Including a systematic analysis of article 13 of the International Covenant on Economic, Social and Cultural Rights*. Brill, 2005.

19 Universal Declaration of Human Rights, Article 26.

20 Bowen, Howard, ed. "Investment in learning: The individual and social value of American higher education." (2018).

21 McNeely, Connie L. "Prescribing national education policies: The role of international organizations." *Comparative education review* 39, no. 4 (1995): 483-507.

22 Flekkøy, Målfrid Grude, and Natalie Hevener Kaufman. *The participation rights of the child: Rights and responsibilities in family and society*. Vol. 4. Jessica Kingsley Publishers, 1997.

23 Delgado-Gaitan, Concha. "Involving parents in the schools: A process of empowerment." *American journal of Education* 100, no. 1 (1991): 20-46.

24 Artiles, Alfredo J. "Toward an interdisciplinary understanding of educational equity and difference: The case of the racialization of ability." *Educational Researcher* 40, no. 9 (2011): 431-445.

## Right To Education Guarantee Under Indian Constitution

The Constitutional (Ninety-third Amendment) Law suggested three distinct amendments to the constitution: 1) the addition of an article 21A; 2) a revision to article 45; and 3) the introduction of a new provision (k) to article 51A.<sup>25</sup> Article 21A clearly specified that “[t]he State should provide free and education to all children aged six to fourteen years in all these way as the State can, by law.” Although the right to education is now a basic right, it is still a constitutional process that is anticipated to be a thing of the future, determined to achieve for a nation which has seen disastrous policy for such a decade.<sup>26</sup> We can see learning isn’t really affordable, inexpensive or compulsory. Implementing a step via parliamentary enactment represents a major shift for such state-guaranteed improvement of education provided to disadvantaged groups, which have seen a legacy of rules that have repeatedly struggled to properly represent the interests of such disadvantaged minority.<sup>27</sup>

These are some of the biggest hindrances to India’s advancement as well as inability to obtain its greater standard of lack of education, particularly so when disparity among discussion, argument, as well as give a comprehensive across all government initiatives in learning, as well as especially innovation, has always been the primary founding principle for India’s underperformance in safeguarding equal and fair opportunity for education to everybody. Despite numerous commitments and rights established with in Constitution of India respecting fairness, it is constantly struggling to achieve the aspirations generated from statehood when it relates to vulnerable groups.<sup>28</sup>

25 Sripati, Vijayashri, and Arun K. Thiruvengadam. “India: Constitutional amendment making the right to education a Fundamental Right.” *International Journal of Constitutional Law* 2, no. 1 (2004): 148-158.

26 Bell, Derrick. *Silent covenants: Brown v. Board of Education and the unfulfilled hopes for racial reform*. Oxford University Press, 2004.

27 Subrahmanian, Ramya. “Engendering education: prospects for a rights-based approach to female education deprivation in India.” *Gender justice, development, and rights* (2002): 204-238.

28 Matsuda, Mari J. “Looking to the bottom: Critical legal

The scenario is significantly worse for people that live in remote rural areas. Some other key component that will always be an obstacle to almost any program is “Economic inequality,” which may have been responsible for several problems in developing countries, along with a low overall female literacy.<sup>29</sup> Over two-thirds of today’s population is poverty stricken. Amidst this same state’s attempts to make principal free education, many households are indeed reluctant to attend school. As parents understand having to work and making a wage instead of receiving an education situated another far range beyond respective regions or residences.<sup>30</sup>

## Reality Of Basic Right To Education

We will see this sub head in two contexts, one in the context of global society and another in the context of India. As we all know, the youths will be the soul of the future society, so education is the backbone of the youths to survive in the competing world. In global context, a data shows the estimation of approx 240 million children live with a cluster of disabilities.<sup>31</sup> They also have dreams and future goals, so they need a quality education to evaluate their potential in this competition phase. But these children are also overlooked in the policy framing, resulting in their backwardness in social and economic contexts. Disability is one of the most dangerous barriers to education because it robs their right to learn an also even in participation in the various race of their life.

In recent past years, various international and regional political drives have been taken up by many countries to confirm that each and every child has access to the education in the countries that left behind in comparison to others. Such efforts resulted in some success, but a data shows 120 million+ children are still out of class across the

studies and reparations.” *HaRv. cR-cll Rev.* 22 (1987): 323.

29 Patterson, James T., and William W. Freehling. *Brown v. Board of Education: A civil rights milestone and its troubled legacy*. Oxford University Press, 2001.

30 Saporito, Salvatore, and Annette Lareau. “School selection as a process: The multiple dimensions of race in framing educational choice.” *Social Problems* 46, no. 3 (1999): 418-439.

31 Human Rights Watch. 2022. *The Education Deficit*. [online] Available at: <<https://www.hrw.org/report/2016/06/09/education-deficit/failures-protect-and-fulfill-right-education-through-global>> [Accessed 4 February 2022].

world.<sup>32</sup> Despite of the advantages, the warning bell is also alarming in the ears of UN and global political experts also indicate that the global progress of basic education in this digital era has lag behind millions of children and youths in which most of them are facing dropping out of schools and the rest in the schools facing unsuitable learning conditions. We feel a big rope gap between the promises and the reality of governments worldwide. There may be a reason they used to choose big goals, but their institutions are not capable of implementing them. This education deficit is not only disrespecting the basic fundamental right of education but at the same time it is also very harmful for sustainable development in the global society along with dire consequences to the future generations. 196 member states have signed the legal duties towards the protection of the right to education of the children in their territories but data predicts after research in approx 40 countries, the governments are failing in their core obligations regarding basic and primary educations.<sup>33</sup> Now, approx 124 million children who are between the age of 6-15 years have either never initiated the school or have dropped from the school, and in 2011, it was approx 122 million. Among this, approximately 31 million girls do not attend the primary school and 34 million are absent even in secondary school worldwide.<sup>34</sup>

According to UNICEF, the policies are not only the reason for the lack in the education but also the lack of proper trained teachers, not adequate materials and instruments mainly for the basic education in the primary schools, not a proper shift of the classes and also the poor facilities related to sanitisation make the learning teaching very difficult for many

32 The Education Deficit- Failures to Protect and Fulfill the Right to Education through Global Development Agendas 2022. [online] Available at: <<https://www.hrw.org/report/2016/06/09/education-deficit/failures-protect-and-fulfill-right-education-through-global>> accessed on 04.02.2022> [Accessed 4 February 2022].

33 Unicef.org. 2022. *Education*. [online] Available at: <<https://www.unicef.org/education#:~:text=UNICEF's%20work%20in%20education,in%20languages%20students%20can%20understand>> [Accessed 4 February 2022].

34 UNESCO. 2022. *What you need to know about the right to education*. [online] Available at: <<https://en.unesco.org/news/what-you-need-know-about-right-education>> [Accessed 4 February 2022].

children. The outcomes are grave and dangerous. As per UNICEF, there is an estimation of 617 million children around the globe are not able to get the minimum efficiency levels in reading and solving the mathematical problems and the big irony is that the two thirds of them are in the schools. International organisations should do frame policies and do keep check and balance on the improvements of that policies in different national territories on a periodical basis.

When we talk about the concept of basic education in India then the present Education System in India has become one of the important concerns and the problems regarding it are alarming. The structure of outdated education system will definitely be modified by implementation of the new educational policy but it is not an easy task for our educational system to accept the certain revolution in the field of the basic education. The institutions like corruption, bribery, and inequality between rich and poor are easily seen in this system, which is why the system is not too ideal. Now a day in basic teaching we are facing lack of practicality, the teachers used to come in the class read out the materials and leave the class.<sup>35</sup> It simply shows we are doing the work not for the benefits of the students but doing on the basis of our comfort zone. All the concepts are mugging in the mind of the child. In developing countries like India, the students also well as their parents have a sort of poor decision-making skills. We used to treat English not as a language but as a quality and at same time we used to prefer the two subjects' science and maths as your intellect.<sup>36</sup> If a student is good in these two then they are brilliant and rest are negligent in nature. In most of the cases, the parents do not support their children in their decisions due to may be a certain pressure regarding unemployment in future but they should give their child a little freedom to think about themselves independently.

It is also a main cause in our traditional societies that we ignore the children's unique talents. It is not

35 The Education Crisis: Being in School Is Not the Same as Learning 2022. [online] Available at: <<https://www.worldbank.org/en/news/immersive-story/2019/01/22/pass-or-fail-how-can-the-world-do-its-homework>> [Accessed 5 February 2022].

36 Ibid

only bad for them but also a societal loss because we are preventing their intellects from coming into the society and will result in degrading the intellectual properties of India. We all need to provide value education and life skill classes not only to the students but also to the teachers. The teachers must be the talent based instead of degree based. A data shows one of the reasons of poor quality of education in primary schools is the habitual absence of approx 25 % of teachers.

The ASER 2020 report shows that the schools in India saw high dropout rates and degrading enrolment rates not after this pandemic but even before the COVID-19 pandemic.<sup>37</sup> It also revealed that the total 5.3% of children aged 6–10 years who belongs to the rural areas have not registered in school this year, this data was about 1.8% in 2018. As per the census of 2011, there is a population of roughly 300 million of children in between the age group of 5 to 16.<sup>38</sup> And we talk about Swachhta Abhiyan in our country then a study of 188 government-run primary schools shows that 59 % of the schools had no pure and fresh water for drinking and 89% are without toilets or with a very bad toilet conditions.<sup>39</sup> These issues not only harm the educational sector but also results in the poor management of health sector in our country. In this digital world, the district information system for education (DISE) data revealed that out of 10 schools in the country, only 6 have access to electricity and especially the Bihar is in the worst condition with only 11% of its schools which have access to electricity.<sup>40</sup> Suppose India does not proceed fast to tackle these problems. In that case, we will not be able to contribute a very

good amount to economy and a very effective quality of value to the global society. It is not only in the context of India. Now we will see the comparison of India with other developed and developing countries.

## THE ACTUALITY OF GENDER-CENTRED EDUCATION

In early education, approximately 49% of nations had accomplished female representation. The female disparity widens so at secondary education, despite 42% of nations attempting to achieve gender balance in secondary school education and 24% in senior secondary school.<sup>41</sup> There are numerous explanations for this. Challenges to girls' learning differ by country and community, including poverty, underage marriage, and sexual identity abuse. Whenever it comes to schooling, low-income households frequently prefer males.<sup>42</sup>

Education is both a platform for social transformation and a prerequisite for realizing equal protection. It promotes productivity, enhances intellectual and non-cognitive abilities, and allows a person to continue building overall experience and abilities across their existence.<sup>43</sup> This even improves female empowerment and opportunity to find solid, well-paying careers, so minimizing their potential to community alienation. In nations where equitable education and training is guaranteed, as is the case mostly in significant portion of Eurozone Members, equal rights for women in training and education policy infrastructure operation are being made.<sup>44</sup>

37 Menon, Sharanya. "Education in India needs an overhaul." *The Times of India* (2020).

38 India, T. and Banerji, R., 2022. *The challenges of basic education in India | What does India think? | European Council on Foreign Relations*. [online] Ecf.eu. Available at: <[https://ecfr.eu/special/what\\_does\\_india\\_think/analysis/the\\_challenges\\_of\\_basic\\_education\\_in\\_india](https://ecfr.eu/special/what_does_india_think/analysis/the_challenges_of_basic_education_in_india)> [Accessed 5 February 2022].

39 Medium. 2022. *Primary Education in India: Progress and Challenges*. [online] Available at: <<https://medium.com/@SaaksharOrganisation/primary-education-in-india-progress-and-challenges-c318b5c41d9e>> [Accessed 6 February 2022].

40 Statista. 2022. *Topic: Education in India*. [online] Available at: <<https://www.statista.com/topics/6146/education-in-india/>> [Accessed 6 February 2022].

41 Jayaweera, Swarna. "Higher education and the economic and social empowerment of women—the Asian experience." *Compare* 27, no. 3 (1997): 245-261.

42 Shabaya\*, Judith, and Kwadwo Konadu-Agyemang. "Unequal access, unequal participation: some spatial and socio-economic dimensions of the gender gap in education in Africa with special reference to Ghana, Zimbabwe and Kenya." *Compare: A Journal of Comparative and International Education* 34, no. 4 (2004): 395-424.

43 Renzulli, Joseph S. "Reexamining the role of gifted education and talent development for the 21st century: A four-part theoretical approach." *Gifted child quarterly* 56, no. 3 (2012): 150-159.

44 Bennett, John. "Starting strong: The persistent division between care and education." *Journal of early childhood research* 1, no. 1 (2003): 21-48.



## Scenario of Developed Nations

Girls in developed economies today have even more education than males, but they will still receive less, remain underrepresented as governance, and become less likely to expand in industry by becoming entrepreneurs, according to a worldwide research organization.<sup>45</sup> Despite their higher education, young women in Canada, Japan, Norway, and Australia earn about 15% less than males, and according to Paris-based UN Conference on trade cooperation. Despite stronger rules regarding working mothers, visibility in workplace pay discrepancies, and affirmative action policies to increase the number of women on directors and in senior jobs, overall pay disparity has remained frustratingly stable throughout the last millennium, as per the OECD.<sup>46</sup>

Women's rights activists and scholars had couched and criticized traditional male superiority behaviors, stressing that gender disparity would be neither fundamental nor ideal. Social scientists had witnessed a broad array of family units, including institutional influences across the globe, challenging every attempt of to theorise a universal basic dichotomy or male privilege. In Indonesia, for instance, markets trade had been constituted a female realm. In Latin America, the Oneida have historically seen structured conservatism (for the formulation of communal choices) mostly as a female's sphere.

As a consequence, female's marginalization from political square cannot be considered consistent or ubiquitous across existence. Females tend to be more at higher risk of discrimination, instability, and relatively high employment in Non - European nations, according to figures of social integration, economic growth, and work conditions indexes.<sup>47</sup>

45 Chaaban, Jad, and Wendy Cunningham. "Measuring the economic gain of investing in girls: the girl effect dividend." *World Bank Policy Research Working Paper 5753* (2011).

46 Monroe, Kristen, Saba Ozyurt, Ted Wrigley, and Amy Alexander. "Gender equality in academia: Bad news from the trenches, and some possible solutions." *Perspectives on politics* 6, no. 2 (2008): 215-233.

47 Reneflot, Anne, and Miriam Evensen. "Unemployment and psychological distress among young adults in the n ORDIC countries: A review of the literature." *Interna-*

Females are also slightly more likely than men of the same value of learning toward being jobless. This stands in contrast to the Eurozone's substantially higher success levels for girls and young women in terms of completing school, acquiring access to quality education, and engaging in continuous improvement.<sup>48</sup> More females at better situations will emerge as one outcome of the above.

## Scenario Of Other Major Islamic Nations

Gender prejudices can still be found in educational content. Many stereotypes are also included in courses, with biased imagery minimizing overall position of women providing evidence.<sup>49</sup> This seems to be particularly true while depicting males and females within professional environments.<sup>50</sup> How and where to effectively integrate genders in the education curriculum is also related towards the context of gender preconceptions. Gender disparity is a typical charge leveled toward Islam, or in many Islamic nations, a significant gap in educational possibilities among girls and boys is regularly featured like evidence. Learning is considered one of the best most important factors influencing economic and social, cultural, and ideological innovation; however, those who make up a majority with that societal structure are refused this fundamental basic right, it comes as no surprise that human rights advocates will find reasons for said imbalance.<sup>51</sup>

Religion, notably Islam, has now been recognized

*tional Journal of Social Welfare* 23, no. 1 (2014): 3-15.

48 Gafni, Hadar, Dan Marom, Alicia Robb, and Orly Sade. "Gender dynamics in crowdfunding (Kickstarter): Evidence on entrepreneurs, backers, and taste-based discrimination." *Review of Finance* 25, no. 2 (2021): 235-274.

49 Good, Jessica J., Julie A. Woodzicka, and Lylan C. Wingfield. "The effects of gender stereotypic and counter-stereotypic textbook images on science performance." *The Journal of social psychology* 150, no. 2 (2010): 132-147.

50 Howlett, Neil, Karen J. Pine, Natassia Cahill, İsmail Orakçioğlu, and Ben C. Fletcher. "Unbuttoned: The interaction between provocativeness of female work attire and occupational status." *Sex Roles* 72, no. 3 (2015): 105-116.

51 Chimombo, Joseph PG. "Issues in basic education in developing countries: An exploration of policy options for improved delivery." *Journal of international cooperation in education* 8, no. 1 (2005): 129-152.

as a central hindrance to female's growth. Girl's pursuit of knowledge would either be staunchly opposed in several parts of Africa and South Asia, thus according research; or if it is passionately resisted in several regions of East Asia and Africa, so according researchers. In several circumstances, schools and instructors are mostly entitled to their own interpretations. Identity inequalities will only be integrated or integrated into to the curricular explicitly though educators and school management there at organizational level.<sup>52</sup> Nevertheless, among the most pressing issues is motivating instructors and school authorities and making this a regular component of its program at all levels of education.

In terms of academic participation, girls fall trailing boys, contributing approximately 54% of it out of young kids throughout Countries in the middle east,<sup>53</sup> a fraction which has been continuous since 2000. Seven of such 10 countries only with poorest rates among children school enrolment are Islamic. Nigeria, Pakistan, Ethiopia, Niger, and Yemen are some regions where abuse of women, especially teenage girls, is widespread.

Malala Yousafzai's relatively close strike by such a Taliban gunman in Pakistan reminds us of all the tough circumstances within which girls in several Islamic states enter class. Her continued battle promoting girls' and child's<sup>54</sup> future all across globe garnered her with Nobel Peace Prize. Recently, 276 young girls have been detained over analogous circumstances. Humanist learning being recognized as a vital challenge for Islam by the captors as from extremist Boko Haram organization.<sup>55</sup> In Nigeria, frequent attacks had forced several families to pull their children from education. In those other states,

52 O'Malley, Michael P., and Colleen A. Capper. "A measure of the quality of educational leadership programs for social justice: Integrating LGBTIQ identities into principal preparation." *Educational Administration Quarterly* 51, no. 2 (2015): 290-330.

53 Abu-Ghaida, Dina, and Stephan Klasen. "The costs of missing the Millennium Development Goal on gender equity." *World Development* 32, no. 7 (2004): 1075-1107.

54 Walters, Rosie. "'Shot Pakistani girl': The limitations of girls education discourses in UK newspaper coverage of Malala Yousafzai." *The British Journal of Politics and International Relations* 18, no. 3 (2016): 650-670.

55 Freamon, Bernard K. "The Reemergence of Slavery and Slave Trading in the Muslim World." In *Possessed by the Right Hand*, pp. 464-516. Brill, 2019.

school have indeed been forced to shut down due to threats of insurgent assault.<sup>56</sup>

## Scenario Of Other African Countries

Young girls across Africa seem to be 1.5 substantially less likely than young males to have been engaged or enrolled in education. Irregular academic opportunities, forced marriage percentages amongst young females, and underpaid support or housekeeping chores are just a few of the components that lead to this disparity.

In Central Africa, 44% of females between the ages of 20 and 24 had married while she reached 15.<sup>57</sup> In Gambia, Guinea, and Senegal, nearly two-thirds of married girls got betrothed to such a man at least ten years old, as per UNICEF. Throughout the globe, Western Africa provides residence to such majority of adolescent weddings.<sup>58</sup> The much more devastated nations were Niger and Mali, with incidence rates from 77 and 61%, respectively.<sup>59</sup> This significance of social convention and customs, that influence the decision for marry one's child, underlies such inequality. Raising a child from a previous relationship is often seen as a huge embarrassment. Indeed, the younger a girl got married, the higher the possibility of being impregnated inside the matrimony.

Those certain underage wedding contribute to disparities for teaching and learning: 366 of the 916 women who married at such an early age across Mali used to have to leave school, whereas 294 and many never studied.<sup>60</sup> Girls have much less access

56 Grynkewich, Alexis G. "Welfare as warfare: How violent non-state groups use social services to attack the state." *Studies in Conflict & Terrorism* 31, no. 4 (2008): 350-370.

57 Ordioni, Natacha. "Poverty and Inequalities in Rights in Africa: A "Gendered" Perspective", *Mondes en développement*, vol. no. 129, no. 1, 2005, p. 93-106.

58 Unicef.org. 2022. [online] Available at: <[https://www.unicef.org/wca/media/3886/file/Les\\_filles\\_adolescentes\\_en\\_Afrique\\_de\\_l'Ouest\\_et\\_du\\_Centre.pdf](https://www.unicef.org/wca/media/3886/file/Les_filles_adolescentes_en_Afrique_de_l'Ouest_et_du_Centre.pdf)> [Accessed 9 February 2022].

59 Le Monde.fr. 2022. *Mariages d'enfants au Mali et au Niger: comment les comprendre ?*. [online] Available at: <[https://www.lemonde.fr/afrique/article/2018/11/29/mariages-d-enfants-au-mali-et-au-niger-comment-les-comprendre\\_5390415\\_3212.html](https://www.lemonde.fr/afrique/article/2018/11/29/mariages-d-enfants-au-mali-et-au-niger-comment-les-comprendre_5390415_3212.html)> [Accessed 9 February 2022].

60 Ibid.



to schools over boys, whether it's at the primary or secondary stage, with such disparity for higher schooling during 2017. The lack on opportunities for education to girls have implications also for nation's progress. According to the same 2018 World Bank study, there is still a continuing education gap across African among young teenagers: Girls between 15 to 24 used to have an educational attainment of 72%, comparable with 79% among boys, a 7-point difference.<sup>61</sup> Disparities mostly in delivery of basic services, including such schooling, are thus apparent.

In Niger, for instance, about 70% of disadvantaged girls haven't ever reached primary school. With just an average schooling duration only of 18 months, Niger seems to have the lowest level of education system in the world.<sup>62</sup> As just a consequence of such disparities, a substantial portion of viable human development was wasted. As girls to advance inside the economic and social spheres, girls deserve access to the highest, inclusive education.

## **Impact of Pandemic on the Children Education**

The impact of the pandemic can be seen in both positive and negative way on the education of children. In this pandemic time, the students shifted from physical learning which seems to be more interactive that to being seated behind the screens for hours a day. The Governments worldwide have executed measures to restrict the spread of COVID-19, including school closures, quarantine at home and lockdown in the territories, all of which have had temporary impacts on children and their households. The impact of the COVID-19 pandemic and related closures of educational institutions are

severe for most children. The efficiency of online learning is still the matter of debate and discussion. In the conclusion of the debates and discussion, the experts found that it is beneficial for students who have continued access to internet connections and computer-based devices. Online teaching and learning were also not quite flexible for the teachers as they were not receiving the needed training to do execute courses in online mode.

Initially, most governments have decided to close the schools for short term to reduce the impact of the pandemic. Later it was recontinued for a few grades, which increased the number of rates of infection and then closed again. Though schools are closed, classes through various online education platform like online classrooms, radio programs etc came into existence for flexible teaching and learning. The positive response on the other side is that a number of students didn't have the resources to take online classes flexibly in remote areas. Many students are in struggle to obtain the gadgets which is necessary for online classes. Teachers who are all experience in classroom teaching are really new and uncomfortable to this digital teaching, but they are learning the new techniques and handling it in the current situation. But there is also a negative side to learning and teaching, many teachers along with this temporary job are looking for an alternative job to support their families in this pandemic. Parents are supporting their children throughout the pandemic, but there are some parents who are not able to provide the appropriate gazettes to their children shows their feeling of helplessness to help their children in their regular and proper education. But there are many government programmes are working for the well-being of the students so that they have their good health at their palace without affected their education.

We are not ready for this, but it came, so we have to go through this together, but we have to update the infrastructure and should think of ways to undertake the situation and providing education to every child amid the pandemic if we face something precisely like this in the future to aid the forthcoming generation. Stay home, Stay safe.

61 World Bank. *Global investment competitiveness report 2017/2018: Foreign investor perspectives and policy implications*. The World Bank, 2017.

62 Christian Hallum, Kwesi W. Obeng, *The West Africa Inequality Crisis*, Oxfamilibrary.openrepository.com. 2022. [online] Available at: <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620837/bp-west-africa-inequality-crisis-090719-en.pdf>> [Accessed 9 February 2022].

## Role and Responsibilities of the UN and Other International Organizations in Protection of Children Rights

UNICEF seems to be the only institution officially recognized throughout the convention on the rights of the child as something of a supplier on technical assistance and advice, as it's the only UN body tasked with safeguarding overall rights of every child, worldwide, including some most underprivileged.<sup>63</sup> UNICEF has always been governed only by Convention on the Rights of Child, that endeavours towards strengthen right of children into universal guiding norms as well as universal norms of behaviour regarding children.

Taking into consideration that perhaps the inhabitants of a UN had already reiterated expressed commitment for basic human rights<sup>64</sup> as well as the integrity of respect of living beings throughout the Charter Of UN, and also have committed for encourage social development and sustainable living standards within complete independence.<sup>65</sup> Acknowledging that now the UN had already asserted or rather concurred that everyone should be empowered to all the other liberties as well as rights laid down in throughout the Universal Declaration of Human Rights and also the International Agreements on Civil Liberties, regardless of ethnicity, appearance, gender, speech, faith, ideology or other viewpoint, governmental or cultural heritage, belongings, prenatal or some other condition.<sup>66</sup>

Considering that perhaps the UN had affirmed that childhood being subject for particular care and

support. Believing that perhaps the household, being culture's fundamental group as well as the global ecosystems for something like the development and well-being of its individuals, especially children, ought to be given the appropriate support and aid so that one can properly undertake its obligations well within society. Acknowledging that perhaps the kid must develop up in a loving environment, inside an atmosphere like peace, affection, as well as compassion, and for full as well as balanced evolution during his or her character.<sup>67</sup>

Envisage also that kid should indeed be adequately competent for live a peaceful life in public and therefore should be nurtured throughout the atmosphere of something like UN Charter's goals, notably harmony, integrity, respect, liberty, opportunity, and cooperation. Taking into consideration having a size Geneva proclamation of such rights of the child 1924 as well as the proclamation of the rights of the child adopted by the UN on November 20, 1959, and incorporated there in the universal declaration of human rights, the international convention rights, withinside the international covenant on economic, social and cultural rights and withinside the statutes and applicable contraptions of specialized groups and worldwide agencies worried with the welfare of children.<sup>68</sup>

Bearing in thoughts that, as indicated withinside the declaration of the rights of the child, "the child, via way of means of purpose of his bodily and intellectual immaturity, wishes unique safeguards and care, consisting of suitable criminal protection,<sup>69</sup> earlier than in addition to after birth." Keeping in mind that "the kid, due to his physical and mental immaturity, requires particular protections and treatment, particularly adequate procedural safeguards, during birth," as stated throughout the declaration of the rights of the child.

63 Bell, Bill, Rachel Brett, Rachel Marcus, and Sarah Muscroft. *Children's Rights: Reality or Rhetoric? The UN Convention on the Rights of the Child: The First Ten Years*. International Save the Children Alliance, 275-281 King Street, London W6 9LZ, England, United Kingdom, 1999.

64 Beigbeder, Yves. "Advocating Children's Rights." In *New Challenges for UNICEF*, pp. 145-176. Palgrave Macmillan, London, 2001.

65 Lauren, Paul Gordon. *The evolution of international human rights*. University of Pennsylvania Press, 2013.

66 Jones, Phillip W. *International policies for Third World education: UNESCO, literacy and development*. Routledge, 2018.

67 Zembylas, Michalinos. "Emotional ecology: The intersection of emotional knowledge and pedagogical content knowledge in teaching." *Teaching and Teacher Education* 23, no. 4 (2007): 355-367.

68 Reardon, Betty A. "Learning our way to a human future." In *Betty A. Reardon: A Pioneer in Education for Peace and Human Rights*, pp. 121-142. Springer, Cham, 2015.

69 Hafen, Bruce C., and Jonathan O. Hafen. "Abandoning children to their autonomy: The United Nations Convention on the Rights of the Child." *Harv. Int'l. LJ* 37 (1996): 449.



Reliving this same regulations of that same UN declaration on social and legal principles pertaining towards the protection as well as the welfare of children, with specific reference to nurture setup as well as implementation on such a regional and international levels;<sup>70</sup> a UN Benchmark reasonable level regulations for such execution of young offenders (The Beijing Rules) and the declaration on the safety of women and children in cases of emergency and armed insurrection has been identified. Recognizing the importance of global cooperation for improving the standard of living of children in every country, particularly in the developing countries, taking into consideration the significance of every person's culture and ethnic value systems for something like the safeguard as well as amicable development of young children.<sup>71</sup>

## Children's Human Rights Protection in India

A child's privilege towards security is unalienable. It covers not even just infants who are really in various circumstances but have been exposed to torture, assault, even expropriation, but which also children who aren't really in either of these negative conditions but still deserve protection in ensure that it remains within the welfare benefits and safe haven. It's really about minimizing the exposure to every form of damage as well as in precarious environments.<sup>72</sup> Children's rights as well as safeguarding are guaranteed under the constitution's several clauses. Due to their tender age and immaturity, children require extra attention and safety.<sup>73</sup> Humans possess distinct legal credentials and privileges which

are recognized both domestically and globally. The supreme court has recognized children's right to something like a substantial measure, including several sections relating to compulsory primary learning, childhood autonomy as well as growth, cultural non-discrimination, and the ban of underage labor in factories, industrial facilities, and hazardous conditions.<sup>74</sup> The state has the power to enact necessary legislation to implement for safeguard right of children; hardly a court may compel the authorities to do so because all of those are basically directions. Such directions therefore, encouraged the court to issue historic decisions in favor of children's rights, which have resulted in constitutional reforms, such as with the 86<sup>th</sup> constitutional amendment, which declared the right to basic education a natural freedom.<sup>75</sup>

## CONCLUSION

The crisis has highlighted the significance of developing a wide knowledge of classroom segregation. In such a virus outbreak, home-schooling context, referring to the legal exclusion procedure only provides a very limited perspective of the conditions in why kids are expelled from education.<sup>76</sup> Effective exclusion occurs when students have been unable to attend schooling due to the lack appropriate online technology or suitable assistance for their unique educational requirements. With the pandemic combining social and educational exclusion, change needs concentrate far too much on the official expulsion process.<sup>77</sup>

70 Dillon, Sara. "Making legal regimes for intercountry adoption reflect human rights principles: transforming the United Nations convention on the rights of the child with the Hague convention on intercountry adoption." *BU Int'l LJ* 21 (2003): 179.

71 Dalrymple, Joyce Koo. "Seeking asylum alone: Using the best interests of the child principle to protect unaccompanied minors." *BC Third World LJ* 26 (2006): 131.

72 Philip, Damas, and Md Israt Rayhan. "Vulnerability and Poverty: What are the causes and how are they related." *ZEF Bonn, center for Development Research, University of Bonn* (2004).

73 Hafen, Bruce C., and Jonathan O. Hafen. "Abandoning children to their autonomy: The United Nations Convention on the Rights of the Child." *Harv. Int'l. LJ* 37 (1996): 449.

74 Breen, Claire. "Chapter One. Difference or Discrimination? Exploring the Concepts Underpinning Children's Rights, Discrimination and the Need to Acknowledge Difference." In *Age Discrimination and Children's Rights*, pp. 1-43. Brill Nijhoff, 2006.

75 Post, Robert C., and Reva B. Siegel. "Protecting the Constitution from the people: Juricentric restrictions on Section Five power." *Ind. LJ* 78 (2003): 1.

76 Koskela, Teija, Kaisa Pihlainen, Satu Piispa-Hakala, Riitta Vornanen, and Juha Hämäläinen. "Parents' views on family resiliency in sustainable remote schooling during the COVID-19 outbreak in Finland." *Sustainability* 12, no. 21 (2020): 8844.

77 García, Emma, and Elaine "COVID-19 and Student Performance, Equity, and US Education Policy: Lessons from Pre-Pandemic Research to Inform Relief, Recovery, and

However, the epidemic legislation procedure demonstrates the importance from not overlooking the details of something like the systematic method, as they serve as important soft force outlets for moulding and persuading chief teachers' and institutions' perceptions of that when segregation is justifiable. This really is notably clear in the possibly controversial modifications towards the Education Census's reasons for elimination. Furthermore, epidemic legislative process beyond the framework of absence demonstrates the extent toward which absence as a result should not be viewed as separation from of the management of academic materials, EHCP implementation tasks, and education attainment.<sup>78</sup>

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Rebuilding." *Economic Policy Institute* (2020).

78 Pearce, Rebecca. "Supporting children and young people with obsessive-compulsive disorder in schools: the role of the Educational Psychologist." PhD diss., Cardiff Uni-

The speed by which laws reforms have been made mostly to relieve and expand responsibilities due to kids demonstrates the legislation's able to react quickly to emerging issues. Unsupportable consequences, including such parental figures being compelled to de-register with these kids for non-attendance misunderstanding and misinterpretation of either the guiding legislative structure, are said to have been preventable with good guidance. If we keep relying solely on amendments on legislative and quasi recommendations to constrain unrestricted head teachers' as well as establishments' unjustified expressions of flexibility, then end up failing to learn from the past of both the established unreasonable statistics about expulsion of education.<sup>79</sup>

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versity, 2021.

79 Jessop, Bob. "The rise of governance and the risks of failure: The case of economic development." *International social science journal* 50, no. 155 (1998): 29-45.