

Learning to Live Together: children's rights, identities and citizenship

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Assignment 0

Getting it right. Towards a rights based approach to education, based on the UN Convention on the Rights of the Child.

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0. Introduction

The UN Convention on the Rights of the Child (United Nations 1989, CRC) is a binding international contract in the framework of the United Nations, and thus obliges legally the ratifying nations – indeed all UN members besides the United States and Somalia – to implement its provisions. This is a major milestone to recognise children, i.e. everyone under the age of 18, as citizens with human rights, and consequently responsibilities. Through this convention, children are conceived as subjects of society – like all human beings – and not anymore as mere objects of protection (Verhellen 2000). This shift in conception of young people under 18 has major consequences for their place and consideration in society, and in particular for the field of education. However, this is only the theory – in practice, the way education is organised in many countries and contexts is still very much based on the consideration of *needs* (and not always primarily the needs of the child, but also needs of the economy or the educational institutions) and not of *rights* of the children. For example, Osler and Starkey (2005:67, referring to Tomaševski) state “the Department of Education and Skills (DfES) rarely makes reference to rights in education in the context of England”. Children would be considered as pre-citizens, whose incompetence has to be addressed through education and who have to be prepared for a future role in society, rather than essential members of society with specific characteristics and a potential to contribute to the collective like any other social group (Osler and Starkey 2005).

The implementation of a rights based approach in education is a challenging endeavour, not only because the conceptual move from seeing children as objects of care to subjects of society *in their own right* is far from being common sense in many societies, but also because the human rights framework itself is complex in its internal interlinkages and possible contradictions. This short essay will examine the role of rights to, in and through education as an essential contribution to the implementation of the CRC and to quality education, which is, as lined out in article 29 of the CRC, truly emancipatory learning enhancing the potential and participation of the learner in the creation of a more just and sustainable world .

Osler and Starkey (2005) propose to categorise the rights in the CRC according to protection, provision and participation, and suggest that three other Ps – policy, pedagogy and principle – are paramount in the implementation of children’s rights in education. I will attempt to use these Ps to outline implications in the implementation of rights through, in and to education by schools and more in general the educational system. I will start with reflections on the aspect of *rights through education* (the way human rights are promoted or not through the educational system), considering that without broad awareness of the rights, their implementation is futile. Furthermore, we will consider *rights in education*, which highlights the question of implementation of rights in schools, and finally move to the *right to education*, which is only one – though important – provision of the CRC, with a particular focus on the right to quality education.

1. Rights through education – human rights as principle

Education has a paramount role in the implementation of the historical conceptual shift from seeing children as citizens to-be to social subjects with specific rights and responsibilities. This shift in mindset is far from being achieved. As stated above, education is still broadly seen as an approach to address incompetencies of young learners (Osler and Starkey 2005),

or to meet societal needs, e.g. regarding labour markets rather than an approach to build full citizens (King and Palmer 2008). Article 29 of the CRC puts human rights at the very centre of education, including the learning *about* human rights and responsibilities, as outlined in UN human rights agreements. Part II of the CRC details how the implementation of the convention should be assured, including (Article 42) through making “*the principles and provisions of the Convention widely known [...] to adults and children alike*” (United Nations 1989:12). These *provisions* of human rights education and information about the convention – to learners and teachers alike – are essential to implement a rights based approach to education. However, in order to become common sense and practice, they also have to be implemented. Therefore, article 12 on *participation* has a central role to play: According to children’s freedom of expression and the right to be considered in decision making processes is indeed their recognition as citizens with political rights. The implementation of these rights in school context, for example through formalised consultation and co-decision mechanisms, is essential to strengthen human rights through education, with a learning effect not only on children but on all actors involved. Considering the particularly vulnerable situation of children, *protection* from human rights violations, for example from bullying (article 16) or harmful material in media (article 17) is important in order not to counter human rights education through lived experience.

Promoting a human rights based approach at the very centre of education, going far beyond human rights as just another learning topic, as overarching and legally binding *principle*, broadly owned, applied and promoted in the whole curriculum as well as in the philosophy and functioning of an institution seems to be the basis of any meaningful application of the CRC in education, and the best way to learn about rights through education.

2. Rights in education – a pedagogy of emancipation

As stated above, the application of the CRC in education can’t be limited to learning *about* human rights – not only because learning should always imply an element of application and doing in order to be meaningful, but also because the rights have all an independent value by its own. The CRC gives young learners political rights to be heard and to *participate* in matters of their concern (article 12) – and their education certainly falls in this category. Co-decision mechanisms, both in terms of institutional processes as well as regarding the learning set-up in the sense of a Freirian emancipatory and dialogical pedagogy (Freire 2005), can contribute to fostering the development of full and responsible citizens. However, they cannot be separated from rights related to *provision* and *protection*: Democracy is meaningless, if learners with special characteristics, for example refugees or disabled students, are not provided particular care to participate (e.g. articles 22 and 23). Also, protection from violence, may it be through students, teachers or other adults within or beyond the school setting, is a precondition for a meaningful participation in school life and the exercise of rights.

The implementation of rights in education is the central element of a rights-based *pedagogy*, as it can enable children “*to address questions of identity, rights and participation*” (Osler and Starkey 2005:89).

3. The right to education – shaping educational policies

Without access to education, both learning about human rights and the application of rights in schools is futile: The *provision* of education as a right of the child features prominently in the CRC (article 28) and implies for example free and compulsory primary education. This goes along with the *protection* of children from anything that would contradict this right to education, for example child labour (article 32) or participating in wars (article 38). However, making schooling compulsory and increasing enrolment rates in formal education, as it is constantly happening all over the world¹ is not enough: The quality of education and schools is at least as important than the bare enrolment. The right to the mother language, even if not majority in a given context (article 30), the right to information and the freedom of expression (article 13), the central role of human rights principles in education (article 29) or the right to have one's views taken into account (article 12) are features of participation that have to be fully embraced by a given educational system in order to make the right to education meaningful – indeed, these participatory principles are central elements if not preconditions for quality education. Enrolment in an institution which does not respect these principles, and all others outlined in the CRC, might after all be in contradiction with article 3, which states that the best interest of the child should be the primary consideration. Regarding the board damage that is done through formal education to generations of children through a system that produces constantly losers and reaffirms social barriers (Jain, S. et.al. 2003), we cannot separate this right to education from an urgently needed broad societal debate on educational *policies*. In a context where education is primarily considered as a means to provide survival skills in a ever more competitive economic system, we should not boldly ask for “education for all” as the answer to a “right to education”, but rather re-create educational institutions in line with the provisions and philosophy of the CRC.

4. Conclusion

Rights through and in education and the right to education are closely interlinked when looked at through the lens of the CRC: Rights related to protection, provision and participation are necessary elements of each of these aspects, and they overlap largely both in the theoretical reference to particular parts of the CRC, as well as regarding the concrete provisions in their application they require. However, there seems to be a distinction within the discussed triplet when it comes to the other Ps of *principle*, *pedagogy* and *politics*: Rights through education imply putting human rights at the very heart of education, as overarching *principle* regarding content as well as methods and the institution itself. Rights in education refer to the application of rights in the institutional *pedagogy*. And the right to education requires changes in *policies* (or maybe even *politics*, going beyond the topical and technical issue of educational policies to the bigger picture of setting societal debates). Schools play and should play an important part in the application of these rights. However, a qualitative shift towards a truly human rights based education has to be based on a broad public debate. This would include a shift in the collective mindset of seeing schools mainly as training camps for labour markets and social requirements towards a concept of social orchards stimulating the flourishing of varieties of humans which all play crucial roles in the social system. Schools can stimulate this process, but all of us have to embrace it in order to become meaningful.

¹ See for example UN Fact Sheet on Millenium Development Goal 2 „Achieve Universal Primary Education“ at http://www.un.org/millenniumgoals/pdf/MDG_FS_2_EN.pdf (accessed 4 November 2012)

	<i>Implementation of rights</i>	<i>Characteristics of rights</i>
<i>Rights through education</i>	<p><i>Provision</i> of human rights education</p> <p><i>Participation</i> as active learning of human rights</p> <p><i>Protection</i> from HR violations</p>	Human rights as overarching <i>principle</i> of education.
<i>Rights in education</i>	<p><i>Participation</i> in decision making</p> <p><i>Provision</i> of particular care for students with special characteristics</p> <p><i>Protection</i> from situations countering the exercise of rights</p>	Application of rights as central element of a rights-based <i>pedagogy</i> .
<i>Right to education</i>	<p><i>Provision</i> of access to education</p> <p><i>Protection</i> from situations harmful to the right access education</p> <p><i>Participation</i> as precondition for quality education</p>	Rights-based reforms of the educational system through <i>policies</i> towards quality education for all.

Table 1: The rights triplet and the “six Ps”

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