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## **The Rights of the Child as a Challenge to Human Rights Education**

Often human rights education of children does not include children's rights. Children get the impression that human rights are rights of adults and are mainly violated in faraway regions of the world. The United Nations Convention on the Rights of the Child (1989) ratified by almost all states has clarified that human rights are valid for children as well, that they have a right to be educated about these rights and to claim these children's human rights. This step has opened a new approach to children's human rights education, because rights of children belong to the social reality which children experience and, therefore, are not only theoretically learned, but can also be actively implemented. The article argues that the active exercise of their rights challenges children's evolving capacities and promotes their insight in children's and human rights.

### **Keywords:**

Human rights, human rights education, child, rights of the child, children's rights, Declaration of Human Rights, Convention on the Rights of the Child

### **1 Human Rights Education in the Universal Declaration of Human Rights (1948)**

Education about human rights is indissolubly connected with the Universal Declaration of Human Rights that was proclaimed by the General Assembly of the United Nations in 1948. Firstly, all members of the human family should know which rights they irreversibly enjoy, so that in case of violations they can complain and claim their rights. And secondly, they should know these human rights, because these rights form the basis upon which human beings have to become active in order to strive for full implementation of these rights everywhere where they are not observed, and to assist others, who are deprived of their human rights.

For these reasons, human rights education as such is one of the rights enshrined in the Universal Declaration of Human Rights. Article 26 (2) demands that education, amongst other goals, shall be directed "to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations,

racial and religious groups". Since the Declaration of Human Rights was adopted, there was consent that serious efforts must be made to make these rights known to everybody. There was consent as well, that children must be a target of prior importance, when knowledge of and insight in human rights shall be spread.

It took some time, however, until it was understood that more than thorough information of adults and younger persons was needed. Eventually the United Nation's Decade of Human Rights Education 1995 to 2004 massively contributed to reinforce the insight that mere information is not enough. It was underscored that human rights education has to be an essential component of the education process of the young person.<sup>1</sup> Thus, states were required to integrate human rights education into the curriculum of all schools. Consequently, those, who are responsible for the quality of education were urged to make sure that teachers are qualified to generate full understanding of these rights by children.

However, often the misunderstanding remained that the human rights about which children have to be enlightened, were regarded as rights enjoyed by adults and not, or at least not to the same extent, by children. Likewise, often the impression emerged that in western European states like Germany human rights are not a relevant issue in the context where children learn about these rights, but only in distant and disadvantaged regions of the world. Therefore, concerned pedagogues were looking for ways to make human rights an intrinsic concern of children. The objective of this paper is to present arguments stressing that children's human rights education should start with child rights, their violations and implementation in the daily lives of children.

## **2 Human rights Education and the Convention on the Rights of the Child (1989)**

With regard to children's human rights education it was of high importance that the United Nations prepared an international treaty that should make clear once and for all that human rights are not only the rights of adults but also the rights of human beings who have not yet reached adulthood. This clarification was given by the Convention on the Rights of the Child (CRC) adopted by the United Nation in 1989 and ratified by almost all states<sup>2</sup> (see [www.ohchr.org](http://www.ohchr.org)).

The main intention of the Convention on the Rights of the Child was not the promotion of human rights education. Implicitly, however, this convention affects human rights education in many ways. The dominant aim of this and other human rights instruments was the objective to specifically point out which requirements the Universal Declaration of Human Rights contains with regard to certain issues and groups of human beings, e.g. for the abolition of torture or the elimination of racial discrimination. In line with these intentions a working group established in the International Year of the Child 1979 prepared this convention specifying the human rights of children.<sup>3</sup> Education as well as human rights education is a significant

component of the rights enshrined in this convention. Article 28, 1 (a) obliges state parties to the Convention to provide primary education compulsory and available free to all children, and Article 29, 1 (b) stipulate that the education of the child shall be directed to the development of respect for human rights and fundamental freedoms. For this reason, the adoption of the Convention on the Rights of the Child gives remarkable support to activities promoting human rights education.

Another aspect is furthermore essential. These additional treaties impose obligations on the states acceding to these human rights conventions that were not yet operational under the Universal Declaration of Human Rights, since this Declaration was an appeal - a powerful appeal, but a declaration without a monitoring mechanism or an instrument of sanctioning contraventions. The human rights treaties put up a reporting obligation, a dialogue of a monitoring committee with the State Parties about their report, a concluding comment of the monitoring committee, and the obligation of the State Party of giving an account on measures carried out in order to better implement human rights.<sup>4</sup> State parties to the CRC have to submit a report every five years. The report has to include a section on children's human rights education and hence strengthens the discussion on problems of human rights education.

In fact, the issue of human rights education is always addressed when state party reports are considered by the Committee on the Rights of the Child monitoring the implementation of the Convention. Often the debates of the Committee with Governments result in recommendations, which are contained in the Concluding Observations published after the meetings. Such recommendations may refer to strengthening human rights education in general, to explicitly include children's rights in the curriculum, or to focus on intolerance, discrimination, or xenophobia, if such behaviours emerge in the country and among children (see the treaty body database: [www.unhchr.ch/tbs/doc.nsf](http://www.unhchr.ch/tbs/doc.nsf)).

### **3 Children's Rights Education as a Door to Human Rights Education?**

The CRC and human rights education are interwoven in two ways. Firstly, the Convention explicitly reaffirms human rights education as a right of the child. As mentioned, article 29 of the Convention states: "The State Parties agree that the education of the child shall be directed to... (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations".

Secondly, there is an even more intrinsic relation between the CRC and human rights education. Although the CRC explains, that children are full holders of human rights, it has to be taken into account that the child as a human being under 18 is characterized by evolving capacities as e.g. stated in Article 5.. Also the Article 29 of the Convention referring to education pays attention to the child's development. Terms are used like "development ... to the fullest potential" (Art. 29, 1(a)), "development of

respect" for rights and principles (Art. 29, 1(b)), and "preparation ... for responsible life" (Art. 29, 1(d)). These evolving capacities and progressive developments have to be considered, when children's rights of protection, promotion, and participation are specified. Just these evolving capacities, however, are the central focus of educational activities. Above all, capacities evolve, because teachers as well as other educators and tutors systematically promote the evolving capacities of the child.

Teachers and other adults may educate the child in a way that conveys the message to the child that he or she is still unable to fully enjoy the rights guaranteed by the Convention. This would not be an attitude that corresponds with the message of the Convention, since the Convention underlines that also the child whose capacities are still evolving, is a full holder of rights. Education aims at the promotion of the competencies and motivations required for the implementation of human rights, but does it in a spirit of human rights that must already be present in the process of education.

It is important that human and children's rights are recognized as priority aims of education by the school administration, curriculum experts, teachers and others who are involved in children's education, as well as by children themselves. Article 42 of the Convention obliges State Parties to make the rights of children widely known in their country by appropriate and active means, to adults and children alike. This article as well is a cornerstone of children's human rights education.

In order to sum up: The CRC clarifies that human rights are not rights that are relevant for adults only or for disadvantaged people living outside the reality of children; they are rights of children here and now. Therefore, human rights education can start with the children and their authentic experience of being right holders themselves.

#### **4 The Deficit Model of Education as an Obstacle**

There are many indications that, contrary to these reflections, human rights education mostly does not start with paying attention to children and their rights.<sup>5</sup> Children's rights are the starting point of human rights education neither in school nor in any other institution that may have the good intention to promote children's human rights education as e.g. day-care centres for children of school age, that often offer activities complementing the educational aims of school. For instance, I usually ask my students in university seminars in Berlin (German) what they have learned in school about children's rights. The students typically respond that they got some, and sometimes very good, information about human rights in general but almost never had heard a single word about children's rights and the [CRC](#).<sup>6</sup>

One may recognize an underlying model of education in this kind of human rights education in most of our schools: They prepare for adult life and consider childhood and adolescence as a transitory period which children have to outgrow. Attention is not paid to the constructive experiences within this period of life but rather to distracting aspects of children's out-

of-school life that are regarded as endangering developmental and educational progress. Only in recent years a group of scholars has emphasized that childhood and adolescence are phases of life that should not primarily be judged by comparison with adulthood, because this comparison emphasizes what children are not yet able to do, and degrades the activities and achievements of children (James, Prout 1997; Qvortrup et al. 1994; Woodhead, Montgomery 2003).

When the view of the child as a human being "not yet being adult" prevails, childhood and adolescence are distinguished from later life mainly by deficits. It is overlooked that children live in the present, generate their views on problems, and construct competent solutions. Only when children have opportunities to be deeply involved in what they are concerned about now, they will discover the advantages and setbacks of their ways to deal with problems, which they achieve on the base of their evolving capacities. On the base of their own experience they may look for better solutions as demonstrated by the research of developmental psychologists on socio-moral development (Kohlberg, Candee 1984; Oser, Althof 2001). These researchers demonstrated that in general it is ineffective to pass on well-grounded solutions of intricate moral problems to children or adolescents. As they are lacking the theoretical background and the experiences from which these solutions are derived, they cannot intrinsically adopt the solution. Solutions that children can imaginatively use, will emerge only, when teachers arrange processes in which children are encouraged to proceed on the base of their own understanding and experience (Lansdown 2005).

Education that is based on such a deficit view on childhood, disregards the incentives for understanding and insight contained in the daily experience of children in family, school, day-care, and playground, and, therefore, misses the inspirations and motivations inherent in children's own activities, experimentations, and search for solutions. Children's human rights education could benefit from such a concrete approach. Human rights education based on children's everyday experience would help to step by step find a way to the more abstract aspects of human rights issues and to the universal dimensions of human rights.

## **5 Resistance to Recognize Children's Rights**

Apparently there is remarkable resistance to acknowledging that children have rights in the proper sense of the concept. The Committee monitoring the implementation of the CRC knows from numerous reports and dialogues with State Parties, that large sectors of many societies all over the world still are marked by traditional patterns of life and customary laws according to which children are not full human beings. "One should see children, but not hear them". In some communities they are regarded as the property of their fathers, who may even determine their death, if they violate the honourable reputation of the family by their behaviours. In Europe children are corporally punished and publicly humiliated. Often a welfare-oriented attitude towards children may be present, but a rights-

based attitude is rare.

Many traditions of educating children underscore parental rights and responsibilities. References to children's rights often excite indignation and the query, which obligations children have. This does not mean that relationships between parents and children are bad as many surveys confirm. Yet parents often react defensively when children's rights are debated, because they understand the demand as a kind of mistrust and are threatened by the idea that this relationship could be transformed into a rights oriented association. Thus, parents often are not strong allies when the child rights perspective shall be strengthened.

Resistance to a full acceptance of children as right holders is also observed in many schools. Many conceptions of school were characterized by an asymmetric relationship between the teacher who was considered to be the responsible person, and the ignorant child. To this day schools have a tendency to view children as dependent, inexperienced, and undisciplined who are in need of clear order and authoritative guidance. When teachers ask students to state their view, students often regard this as a mere educational trick rather than a genuine interest in the students' perspective. Studies conducted on the formal structures of students' participation in the administration of schools, the arrangement of learning and instruction, and the organization of extra-curricular activities demonstrates that a majority of students complain that the impact of their proposals is low (Fatke, Niklowitz 2003 [Children and Youth Survey on Participation in Switzerland (CHIPS)]; Lansdown 2001). Not many schools are truly child-rights oriented places.

Many teachers in Germany, when asked about children's rights, most probably will state that their schools have fairly well implemented all rights of children, their well-being and development. They are not aware of issues that would it make advisable or necessary to scrutinize violations of children's rights in their schools apart from regrettable events that fortunately hardly ever occur. Teachers may even add that in children's daily lives there are no predictable conditions or events that could serve as an 'opener' for introducing human rights. Thus, according to the judgement of many teachers, an attempt to start human rights education by addressing children's rights in school or elsewhere in their daily lives has no special advantage.

Of course, this attitude does not represent the opinion of all teachers. Anyhow, it is interesting to note that a large German project named "Learning and living democracy" (<http://www.blk-demokratie.de>), comprising some hundred schools and an impressive variety of activities promoting citizenship education, has not developed a module focusing on child's rights education.

The extent of this resistance is surprising since one strong motif of establishing a school system for all in many countries was to raise children as active citizens as we are reminded by Howe and Cowell (2005). The authors argue that children's rights education is an outstanding pathway to empower children as active citizens. They make clear that children's rights education should encompass not only the dissemination of knowledge about rights. It also has to promote children's capacities to defend these rights if they are violated. Many children observe such violations in school

and public life, and these violations could be used as a starting point of education.

## **6 Child Rights Issues in Children's Daily Lives and Schools**

Contrary to the opinion of many teachers quite a number of issues in children's lives at school are related to the rights of children as stipulated by the Convention. Here is a selection of issues, which are frequently mentioned by German children and in the literature (Hammarberg 1998; Hodgkin, Newell 2002):

Respect for the views of the child (Article 12): It was already indicated that many children are dissatisfied with given opportunities to express their own views in classroom and school. Children address, however, not only the formal structures of children's participation through a speaker of the classroom or a council of elected representatives. They also wish to be more involved with regard to the rules of life in school, classroom, and playground. Many children complain, because they do not feel individually respected, in particular when they have difficulties to meet requirements of school and learning because of hindrances, which are outside of their responsibility. Improvements should be deliberated jointly with the children.

School discipline (Article 28 (2)): Corporal punishment is forbidden by law in the schools of every industrialized country (except the USA and outback regions of Australia; see: [www.stophitting.com](http://www.stophitting.com) and [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)). But even in Sweden the first Children's Ombudsman, Louise Sylvander, stated: "This ban has not ended all forms of violence to children" (see: [www.stophitting.com](http://www.stophitting.com)). Additionally, quite a number of teachers administer discipline with other means that are not consistent with human dignity as well. They ridicule, humiliate, or otherwise maltreat children in front of the classroom. The consequences are negative not only for the child blamed who may be demotivated and in the long run may lose interest in learning and school. Also other children may be afraid that this treatment can also happen to them. It is advisable that teachers negotiate with the children of their classroom in which ways discipline can be maintained without negatively affecting the social climate and the joy of learning.

Violence among children (Article 19): In many schools the classroom is a place at which children are bullied or mobbed by other children. The unacceptable reasons sometimes are that these children belong to a group that is discriminated against also outside the classroom; in other cases these children deviate from norms which opinion leaders in the classroom claim to be appropriate for life style, clothing, or youth-cultural activities. Since it is almost impossible to prevent such behaviours by an order of the teacher or the head of the school, a joint action plan of children and teachers has to be elaborated in order to eliminate such behaviours.

Right to privacy (Article 16): This article demands that the child's privacy is protected in all situations including educational institutions that are



particularly in danger to violate this right, because they are closely supervising children's development and learning. Although teachers, caregivers, and other educators must have an active interest in children's progress and problems, they have to respect the right of the child to have privacy. It is well known that already young children have their secrets and feel deeply hurt, when these secrets are revealed. Even more the school-age child must be sure that communications, private thoughts and feelings, or emotionally significant occurrences are strictly kept undisclosed in classroom and school. Since in the classroom children's behavioural patterns, views, preferences, and feelings are so easily observable, schools need a culture of respect to every child's right to privacy also in the case of behaviours considered to be strange and problematic. Protection of personal data has to be an important issue in schools.

Non-discrimination (Article 2): This article obliges State Parties to guarantee that every child enjoys the rights of the Convention without any kind of discrimination, which means, "irrespective of ... race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status". In view of the heterogeneity of the children in German classrooms, permanent challenges exist to integrate all children into a jointly learning, cooperating classroom. Not only the administration of school has to care for appropriate support in order to improve these children's school achievement, but also a social climate has to be generated that facilitates the integration of children from vulnerable groups into daily activities and routines of the classroom. This goal can be achieved only if the children of a classroom understand what article 2 of the Convention asks them both to do and to refrain from. The endeavours of establishing good cooperation among all members of the classroom are a valuable lesson with regard to the goal of developing "the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups and persons of indigenous origin" as asked for by article 29 (1), of the CRC.

This list of child's rights issues in school and classroom could be easily continued. Because of the holistic nature of human rights, every issue enables an approach to the whole range of child and human rights problems. Every issue conveys the message that human and children's rights are not a matter of adults or foreign politics but the essence of everyday lives of human beings regardless of their age. For this reason, the Committee on the Rights of the Child stated in a General Comment on the aims of education that children should not only get information on human rights, but also "learn about human rights by seeing human rights standards implemented in practice" (Committee on the Rights of the Child 2001). Among these fields of practice the Committee asks to pay special attention to school, besides the home of the child and the community.

## **7 The Consideration of Children's Evolving Capacities**

A programme of human rights education based on children's endeavour to



fully implement their rights incites the objection that children themselves do not have the capacities needed for the full exercise of their rights. Those who oppose this approach to human rights education say that information given to children about human rights can be adjusted to the development of their cognitive capacities and experience. Children's attempts to actively implement their rights, however, cannot be easily harmonized with the state of their development as they become involved in real conflicts, which nobody is able to keep under control.

This consideration is not only raised by people, whose attitude to children is over-protective. Also the Convention several times points to the fact that children and their capacities are evolving. Children need direction and guidance as maintained in articles 5 and 14 of the Convention. These articles oblige State Parties to respect the responsibilities of parents in this regard. It is the parents' duty to support their children in so far as they themselves still are unable to exercise their rights. However, when the Convention addresses the obligation of parents, it is underscored that parents should give direction and guidance "in a manner consistent with the evolving capacities of the child". This formulation does not justify restricting children's activities, but emphasizes that direction and guidance have to be limited by the progress of children's capacities. Evolved capacities make possible that children themselves exercise their rights. In the same sense article 18 declares that parents' responsibility for the upbringing and development of their child has to be based on the best interests of the child, i.e. on the child's interest to exercise his or her rights.

Often this hint at evolving capacities is interpreted to the contrary. There are educators who have a tendency to conclude from the progressing evolution of capacities that children should not be confronted with problems that challenge their capacities too early. In fact it is not easy to refute the argument of these protective caregivers that the child does not yet have a clear view of many problems and their implications. Therefore, they define the child as a young human being in need of education rather than as a right holder. Of course, these educators know that children have to be prepared for the time of formally recognized adulthood when they have to exercise rights on their own. Thus, they create opportunities in order to train children, but they are always concerned that domains of training are well protected. Students' councils in schools often are a battlefield of risk protection and full participation.

The age for the full exercise of rights - 18 years - is a compromise. Many arguments justifying that children need direction and guidance can be raised with regard to adults beyond the age of 18 as well, because also they often lack knowledge and experience. This observation demonstrates that a fixed age for the enjoyment of rights often does not do justice to the developmental progress; some children are capable of exercising rights on their own already at a young age, others are capable only later and may not be competent enough to fully exercise their rights, when they have reached formal adulthood. This consideration, however, does not yet hit the core of the problem. Even if the age of maturation would be established as 25 or even 30, quite a number of people beyond that age would not have acquired the competencies to exercise their rights. The solution is not another age limit, but the insight that human beings, whether young or old, at least in some situations, are lacking information, capacities, or

experience needed to come to the most productive implementation of rights under prevailing conditions.

We have to conclude that the problem of the child, who is a right holder on the one side and a human being in need of support on the other side, is not only a problem of the child but also a problem of every human being. Without any doubt, there are differences between adults and children because capacities are evolving, and, as a rule of thumb, adults will understand problems of human rights implementation better than children. Still, adults as well as children are dependent upon a mixture of acquired capacities and mutual support, when they exercise their rights. In this regard, the child is not a fully prepared human being, but is a complete human being, and the same is true of the adult. Or: The "condition humaine" of the child is the "condition humaine" of the adult (Meilrieu 2002). Children and adults have to develop their knowledge, competencies, and motivation, and both are dependent on shared expertise, joined efforts, and mutual assistance.

For this reason, the consideration of the child as a human being with evolving capacities reveals an essential aspect of human rights education in general. Human rights education cannot suppose that young or old people just learn their lessons on human rights and afterwards are well prepared to implement human rights. Human beings always need to be integrated in a network of exchange and common efforts in order to compensate for the incomplete state of their ever-evolving capacities and always limited experience. Children make clear what concerns human beings in general. Thus, an individualistic misunderstanding of human rights seems to be avoided more easily, when children and their rights explicitly are included in all efforts to strengthen human rights education.

To extend human rights education to children and their rights does not only demand that other problems are dealt with - problems that belong to the social reality of children. It does not only require that methods be applied which respect to children's ways of thinking and learning. Children's learning and practice of their rights also teaches a lesson that should be heard by human rights activists and pedagogues. The lesson tells us that we need each other. When we implement human rights. With regard to this insight, children's active involvement in their rights can generate a strong fundament for powerful human rights education in general.

## Notes

<sup>1</sup>The intensified emphasis on human rights education has stimulated quite a number of materials, programmes, and publications. An overview is given in the database on human rights education ([www.unhchr.ch/hredu.nsf](http://www.unhchr.ch/hredu.nsf)).

<sup>2</sup>In 2005 only Somalia because of lacking international representation and the United States because of fundamental objections against what they regarded as a disbalance of parents' and children's rights did not accede to the Convention.

<sup>3</sup> Predecessors of the Convention were the Declaration of the Rights of the Child adopted by the United Nations in 1959 and the Declaration of the

Rights of the Child adopted by the League of Nations in 1924.

<sup>4</sup>One may argue that also the United Nations' human rights treaties do not establish institutions provided with a mandate to sanction State Parties when they violate rights that they are obliged to respect as a result of their accession to the treaty. However, their monitoring procedures create a forum where the implementation of the respective rights is investigated and publicly discussed. The observations stated at these meetings often had impact on internal policy and international cooperation.

<sup>5</sup>Also the recommended Handbook Compass - A Manual on Human Rights Education with Young People (2002) makes children and their rights not a primary focus of the educational concept elaborated in this volume.

<sup>6</sup>Since no worldwide systematic study on the content of human rights education and the ways, in which this education is carried out, is available, I mainly refer to my two-year experience as a member of the Committee on the Rights of the Child and my involvement in child rights activities in Germany.

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