



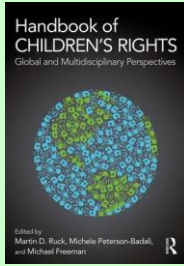
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Children's Education Rights, Global Perspectives

Laura Lundy, Karen Orr, and Harry Shier

Introduction

Education is recognised both as a right itself and an important means for the realisation of other human rights, 'enhancing all rights and freedoms when it is guaranteed while jeopardizing them all when it is violated' (Tomaševski, 2003, p. 7). Although it is not a right that is exclusive to children, it is enjoyed mainly by them and is crucial to their development and in many instances their survival and safety. Although similar provisions were laid down in the 1966 International Covenant on Social Economic and Cultural Rights ('CESCR'), the Convention on the Rights of the Child (CRC, UN General Assembly, 1989), in articulating bespoke rights for those under the age of 18, provided a fresh platform that built on agreed global aspirations for education with a specific focus on children. What emerged was a unique and extended articulation of the rights that children have in relation to their education in not one but two lengthy Articles – Articles 28 and 29. These, along with a range of other provisions in the CRC, combine to form a series of interrelated entitlements that cannot be captured adequately by the singular term 'the right to education'. In this chapter, 'education rights' has been chosen in place of the 'right to education' in an attempt to be true to the complex and multifaceted ways in which these provisions have evolved and been articulated in international human rights law and in particular in the CRC.

The chapter examines and reflects on the implementation of children's education rights from a global perspective. It begins by locating children's education rights within the CRC and the wider international human rights framework before summarising the recognition that has been given to the importance of rights in this area by the world's governments, not only within the United Nations (UN) system but also in regional human rights frameworks and national laws and constitutions. This is followed by an assessment of global progress in implementation of the CRC, drawing on international data and the concluding observations of the UN Committee on the Rights of the Child ('the Committee'). In light of the CRC's recognition of the importance of children's right to be heard on matters that affect them, we present the findings of a recent global study (Lundy, Orr, & Marshall, 2015) that sought the views of children in 71 countries on the aspects of their lives, including their education, that require further investment to ensure the realisation of their rights. The chapter concludes with an account of some of the approaches that have been adopted internationally to further secure progress in implementation. An overall picture emerges of 'universal' rights that enjoy significant global endorsement and visibility yet are characterised by diverse national practices and varying levels of commitment, posing ongoing challenges for their realisation. The topic of children's education rights is also addressed in the chapter by Covell, Howe and McGillivray in this volume.

Global Recognition

Support for human rights and education has a long history in the UN human rights treaty system, being one of the few rights with a socio-economic character to make it into the Universal Declaration on Human Rights and receiving an extensive articulation in Article 13 of CESCR (Beiter, 2006). Adaptations of the latter have been included in the Convention on the Elimination of Racial Discrimination (1965), Convention on the Elimination of Discrimination Against Women (CEDAW, 1979), and more recently the Convention on the Rights of Migrant Workers (CRMW, 1990) and the Convention on the Rights of Persons with Disabilities (CRPD, 2006). However, the most comprehensive articulation of education rights is undoubtedly the one that applies exclusively to children in the CRC (Hammarberg, 1998; Hodgson, 1996).

In fact, the drafters of the CRC found one article insufficient to capture all aspects of children's education rights, resulting in two different articles: Article 28 focuses primarily on issues of access to education while Article 29 addresses its goals. This elaboration and extension of the rights into two separate, dedicated articles of the CRC is novel and underlines the enhanced significance of the provision to children, allowing for the inclusion of a number of new clauses. Article 28, in addition to reiterating rights of access to primary, secondary, vocational and higher education, includes new provisions requiring discipline to be administered with dignity and for states to take measures to promote regular school attendance. Article 29 defines the aims of education to include high quality education as well as tolerance, equality and respect for human rights. Notably, it expands the aims of education in Article 13 of the CESCR to include two entirely new themes: one on respect for identity and culture (29 [1][c]) and the other on respect for the natural environment (29[1][e]).

The CRC has been drafted in a way that acknowledges the realities and particularities of education in individual national contexts. So, although there is a requirement to implement the rights progressively (that is, striving for continuous improvement), Article 28 in particular contains several qualifications and limitations that reflect the actual rather than the ideal situation in many of the signatory states. For example, only primary education has to be free, and States are only obliged to 'encourage' secondary and vocational education and 'take appropriate measures' that include the introduction of free education and offering financial assistance in case of need. In spite of these somewhat muted aspirations, politically negotiated compromises that reflect local realities in many countries, other provisions in the CRC have a distinctly global feel. For example, Article 28(3) requires states to 'promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods'.

Moreover, while much of the text of Article 28 reads like a lowest common denominator that falls short of the levels of provision many states make in relation to education, Article 29, in contrast, includes a very broad and ambitious account of the goals of education, addressing many current national and transnational dilemmas. For example, Article 29(1) requires education to be directed to 'the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own' as well as the 'preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin'. Together these provisions underscore the importance attributed to the role of public education in supporting key international objectives such as encouraging respect for different cultures and tolerance of diversity and the links between that and national and international peace and security.

Other parts of the CRC address education for certain groups of children (children with disabilities, child workers and children in detention) and on certain topics (health education and the use of illicit drugs). Moreover, the Committee has emphasised that students do not lose their rights when they pass through the school gate (Committee on the Rights of the Child, 2001). For instance, children should enjoy their civil rights to freedom of conscience and privacy as well as protection from abuse,

neglect and cruel, inhuman and degrading treatment, including corporal punishment. Moreover, all of this must be provided without discrimination and the child's best interests should be a primary consideration. As such, the Committee has emphasised the 'need for education to be child-centered, child-friendly and empowering' and for educational processes to be based upon the very principles the CRC enunciates (Committee on the Rights of the Child, 2001, para. 2). Central to this is respect for the child's own views about the matters affecting their education in compliance with Article 12 of the CRC (Lundy, 2007). In many respects, the most innovative contribution of the CRC to children's education rights could be argued to lie in the fact that they are located squarely in a panoply of other dedicated rights for children, thus reinforcing implicit and explicit links between access to education, the quality of education and the child's treatment in education. This is not simply due to the fact that children might be more likely to show up for and engage with schooling that is respectful of their rights, but that school is many children's first and most enduring encounter with the state and a crucial opportunity for learning about respect for their own rights and those of others including their parents and their peers (Lundy, 2005).

The CRC provides a globally agreed blueprint for education that emphasises its intrinsic worth and importance for the child's future as well as its wider contribution to society and the world more generally. The unprecedented speed and scale of the CRC's adoption by the world's governments is thus noteworthy (McGoldrick, 1991), particularly in relation to education. While Articles 28 and 29 were much discussed and debated during the drafting process, this was almost always in order to secure ways of extending their remit (hence the split into two provisions). The US, the one UN member state that is infamous for its failure to ratify the CRC, was actively involved in and did not disagree overtly with the education provisions (Cohen, 2006). Moreover, specific reservations (country-specific limitations to all or specific provisions in human rights treaties) to the education provisions are minimal. Apart from the Holy See (which has observer status at the UN) stating that it interprets both Articles 28 and 29 in 'a way which safeguards the primary and inalienable rights of parents', other reservations are very general (e.g. Kiribati, Malaysia) or recognise the challenges in providing universal free primary education (e.g. Samoa reserves 'the right to allocate resources to the primary level sector of education in Western Samoa' on the basis that schools in the area are not in the control of the state).

Further indication of the significance and global recognition of the need for education rights is the fact that the area has a dedicated UN Special Rapporteur (independent experts appointed by the Human Rights Council to examine specific human rights themes). The first Special Rapporteur on the Right to Education, Katarina Tomaševski (1998–2004) gained a reputation as a fierce champion of education rights, often in conflict with the UN bureaucracy she reported to, as well as those governments she accused of violating education rights (Tomaševski 2005). She is known for her influential '4-As' framework for education rights (education must be Available, Accessible, Acceptable and Adaptable) (Tomaševski, 2004), and as the founder of the International Right to Education Project (www.right-to-education.org). One of her major concerns was the growing privatisation and 'marketisation' of education, an issue on which one of her successors, Kishore Singh (2010-2016) continued to advocate strongly (Singh, 2014).

Education rights also feature in a range of other regional human rights instruments as well as national constitutions. All of the regional human rights treaties refer to education, albeit in ways that are tailored to the specific social and cultural context: the African Charter on the Rights and Welfare of the Child includes within the aims of education, 'the preservation and strengthening of positive African morals, traditional values and cultures' and 'the preservation of national independence and territorial integrity' (Article 11); Article 13.2 of the Protocol of San Salvador, an additional protocol to the American Convention on Human Rights, supplements the areas covered by Article 13 of the CDESCR with a statement that education should enable everyone to 'achieve a decent existence'; and the European Convention on Human Rights gives parents a right to have their children educated in accordance with their religious and philosophical provisions (Article 2 of the First Protocol). Given the high level of global recognition, it is not surprising that many national constitutions also include

specific education rights and that this is on the increase: in a 2011 study of national constitutions, Heymann, Raub and Cassola (2014) found that half of all constitutions introduced in the 1960s guaranteed or aspired to a right to primary education, compared to two thirds of those passed in the 1970s, three quarters in the 1980s, 95 per cent in the 1990s and 97 per cent in the 2000s. While the authors attribute this trend to Education for All and the Millennium Development Goals (see below for more on these) rather than the CRC, the specific impact of the CRC on some post-1990 constitutions such as the South African Final Constitution is clear (Woodhouse, 1999).

Global Progress and Challenges

In spite of the long history and widespread endorsement of education rights, global data paint a telling picture in relation to the ongoing challenges of implementation. In 2012, there were 58 million primary-school-aged children worldwide who were out of school (UNESCO, 2015b). Certain groups of children are particularly vulnerable to exclusion from education, such as those living in poverty/less developed countries and girls, with the intersection of the two proving to be even more problematic. For example, worldwide, the data highlight that 92 per cent of primary-school-aged boys and 90 per cent of primary-school-aged girls are enrolled in school, compared to 83 per cent and 79 per cent respectively in the least developed countries (UNICEF, 2014a). Additionally, on a global level, adolescents are nearly twice as likely to be out of school compared to children who are primary-school-aged (UNESCO, 2015b).

The barriers to access education vary across country and context. For those living in poverty, the cost of education is a major barrier, even though primary education is supposed to be free (Dakar Framework, UNESCO, 2000). Establishing an accurate cost of educating a child across countries is difficult, first because the level of school fees is inconsistently monitored across the globe (GPE, Global Partnership for Education, 2012). Additionally, it is important to consider not only the direct costs of education (e.g. school fees, uniforms, resources etc.), but also the indirect costs, such as loss of family income and the effect of the child's absence from domestic duties. Cultural practices, such as early marriage for girls can also create barriers: UNICEF (2014a) reports that 11 per cent of girls are married before the age of 15. Also many children receive their education in languages they do not speak or understand (Save the Children, 2009). Children with disabilities also face significant barriers to the realisation of their rights throughout the world. There are large discrepancies in terms of those with and without a disability reporting primary school completion: 51 per cent of males with a disability compared to 61 per cent of those without and 42 per cent of females with a disability compared to 53 per cent of those without (World Health Survey, World Health Organization, 2011). Furthermore, these problems are exacerbated by poverty, and the intersection of poverty and disability generates further disadvantage (UNICEF, 2013a). Finally, the threat of violence and physical harm is another barrier prohibiting young people from accessing their education rights. UNESCO (2015b) suggests that 50 per cent of the world's out-of-school children are from conflict-affected societies. Furthermore, for many of the world's children accessing education poses a real physical threat, with schools being targets for attacks carried out for ideological, military, political and religious motives (GCPEA, Global Coalition to Protect Education from Attack, 2014).

The lack of access to education, exacerbated by poverty, appears to be having a consequent impact on educational attainment. For example, a review conducted by the World Health Organization (2011) highlights that those with disability have lower educational attainment and employment rates. Additionally, with regard to poverty, only 76 per cent of boys and 67 per cent of girls in the least developed countries were able to read, write and understand a simple statement (on their everyday life), compared to 92 per cent and 87 per cent of boys and girls worldwide (UNICEF, 2014a). Social disadvantage also affects educational attainment in the developed countries belonging to the Organisation for Economic Cooperation and Development (OECD), with children from disadvantaged backgrounds consistently under-performing compared to their more affluent peers (Kerr & West, 2010).

While accessing education and overcoming the numerous barriers faced by the world's children is a clear concern and priority, so too is the safety and well-being of children while in school. Research shows that millions of children face threats of violence, in the forms of bullying, sexual harassment and corporal punishment, at school. For example, a report by Child Helpline International (2013) shows that 18 per cent of the 126 million calls to the world's child helplines were about abuse and violence, almost a quarter of which were on the topic of bullying. Additionally, 88 per cent were instances of school-related bullying, most of which were perpetrated by the victim's peers (62 per cent), with 21 per cent of bullying globally also being at the hands of teachers. Sexual abuse and harassment, including by teachers, remains rife for many children (UNICEF, 2014b) as does the use of corporal punishment. Figures published by The Global Initiative to End All Corporal Punishment of Children (2015) indicate that, although physical punishment in school is prohibited in the majority of the countries of the world, there are still 73 states in which corporal punishment in education settings is not fully prohibited, despite 22 of these having policies that state that such punishment should not be enforced. And finally, with regard to well-being in school, the OECD (2012) average percentage of children reporting being happy in school is 80 per cent. Korea ranks the lowest, at 60 per cent (OECD, 2012), despite being near the top of global school rankings in terms of performance on international achievement tests (Singapore in first position, followed by Hong Kong-China, then Korea) (Hanushek & Woessmann, 2015).

A final challenge in the implementation of education rights in many global contexts is the need to reconcile parents' rights and wishes with the rights of the child in the context of the education on offer at state schools. With more global migration resulting in societies that are increasingly diverse, some parents find that elements of the education on offer in state schools (such as the curriculum, disciplinary rules or even the school-leaving age) will conflict with their own deeply held convictions or beliefs (Evans, 2008). Objections vary considerably with the social and political context: in education systems that are secular, religious parents may want a curriculum and/or rules that respect their faith (the teaching of evolution and dress codes are recurring sites of conflict). Where state education follows a particular religious tradition, parents who have no religion or are of a different or more fundamental version of religion may request exemptions and adaptations (Craig, 2003; Niens, Mawhinney, Richardson & Chiba, 2013; Perry-Hazan, 2014). Other parents may reject the state system altogether and want their child to be educated at home or in a private faith-based ethos, a response that requires the state to determine the level of monitoring and intervention appropriate to ensure the child's rights (Monk, 2009). In each case there is a tension between the right to education which places emphasis on the value of equality of opportunity (ensuring that children are not disadvantaged vis-à-vis their peers) and the parents' and child's right to respect for culture which emphasises plurality (the protection of minority identities and avoidance of assimilation) (Cullen, 1993). States that have ratified the CRC face the challenge of reconciling the potential conflicts that arise in ways that respect the child's rights, including their right to have their views given due weight on the issue (Lundy, 2005).

The Committee on the Rights of the Child and Education Rights

Insight into the state of implementation of the CRC globally can be gleaned from the ongoing commentary of the UN Committee on the Rights of the Child in its concluding observations on the progress of states parties. For education, the Committee asks for relevant and updated information on the:

Laws, policies and their implementation, quality standards, financial and human resources, and any other measures to ensure the full enjoyment of the respective rights from early childhood to tertiary and vocational education and training, in particular by children in disadvantaged and vulnerable situations. (Committee on the Rights of the Child, 2015, para. 8)

Specific issues to be addressed by the states parties are: the right to education, including vocational training and guidance (Article 28); the aims of education (Article 29) with reference also to quality of education; the cultural rights of children belonging to indigenous and minority groups (Article 30); and education on human rights and civic education. Given that states report to a common set of reporting guidelines and the Committee reports in a common format, all of which is guided by the standards in the CRC itself, it is not surprising that there is a set of recurring themes in the reports, including most commonly: access to education; children with disabilities; minority rights issues; and protection from abuse at school (Lundy, 2012).

While the themes that emerge during periodic reporting are common, the reality of the experience underpinning the identified breaches is often markedly different across regions of the world. Recent Concluding Observations from one country in each of the five recognized regions of the UN are summarised below to illustrate the varied challenges to the realisation of children's education rights that emerge in varied geographical, social and political contexts:

- Asia Pacific (Indonesia) – Education excludes children who do not have a birth certificate, refugee children and children of migrant workers; a significant number of children stop going to school owing to high education fees or other costs such as books and uniforms; pregnant girls are expelled from schools or discouraged from continuing; a high occurrence of violence at school, including on the part of the teaching personnel; a large number of teachers do not have the minimum qualifications and teachers often do not go to work.
- Eastern Europe (Croatia) – Roma children continue to be segregated in school; lack of systematic human rights education; insufficient support for children outside the educational and vocational training system; need for pluralism in the design of educational programs, with a view to encouraging child-centred learning and the active participation of children.
- Latin America and Caribbean (Venezuela) – The persistent challenges for children from rural areas, indigenous and afro-descendant children; high incidence of adolescent mothers not attending school; the military approach that permeates the educational programs of regular schools; administrative obstacles to the inclusion of refugee and asylum-seeking children in the educational system.
- Africa (Congo) – School fees and charges; restricted access to education for indigenous and poor children, girls and children with disabilities; the quality of education is low, primary school dropout rates are high; vocational training is lacking; schools for indigenous children are dependent on external funding, are unsustainable in the long run; there are disparities in terms of access, affecting in particular children in remote and poor areas, and reflected in shortages of teachers and the low level of teachers' skills and knowledge, as well as in poor facilities.
- Western Europe (Germany) – School system is divided into lower, intermediate and academic track schools. Choice has to be made at a very early age and it may be difficult to change tracks later; children from ethnic-minority backgrounds have a significantly weaker record of school achievement.

Cutting across the diverse experiences of the world's children and the challenges to the realisation of their rights are common themes of inequality and exclusion, often exacerbated for marginalised groups such as ethnic minorities, children with disabilities and those experiencing poverty. At a time of global financial crisis, these issues are even more pertinent as education is an area that inevitably requires public expenditure for the full realisation of rights. In the next section, we summarise the results of a recent study that sought the views of children across the world on the use of public expenditure for the realisation of their rights, including their education rights.

Children's Views on the Realisation of Their Right to Education

Tomaševski (2001) observed that, 'what happens in schools is seldom examined through the human rights lens, the most important reason being that the notion of rights in education is new. Evidence of abuses of education and in education is not systematically collected' (p. 43). Rarer still are studies that look at the issue of children's rights and education from the perspective of children themselves. Key exceptions are the national children's reports to the Committee on the Rights of the Child many of which raise issues related to education and schooling (Simeunovic Frick, 2011). A recent study of over 2,500 children from 71 different countries (categorised regionally, according to the United Nations Regional Groups of Member States¹), offered insight into the views of children from across the globe on the areas of their lives that they considered required additional funding and resources in order for children's rights in their country to be fully realized (Lundy, Orr & Marshall, 2015). This study, which involved face-to-face workshops/focus groups and an online questionnaire, revealed that for many children (although not all) education is a priority. Among a selection of key areas offered in the online questionnaire, 56 per cent of children chose education as one of the rights on which their government is not spending enough. Moreover, when offered free space to highlight one area of particular concern, 25 per cent identified educational matters. However, it is important to recognise some regional variations that emerged. For children in some regions (Eastern Europe and Latin America and the Caribbean) education was among their top priorities, but for others it was not; for example, the priority for Asia-Pacific was play in safe places. With regard to those who did select education as an area requiring greater spend, explanations offered involved recognition of education as an investment in society and the role of education in facilitating the realisation of other rights.

'I think education is everything. Most of the children don't know which rights they have.' (Girl, aged 16–17 years, Western Europe and others, questionnaire)

'If you are not educated you will not know that you have the right to health care.' (Africa, focus group)

'Education comes before Protection because if you are educated you will be informed on how to protect yourself.' (Asia-Pacific, focus group)

'Educated people have knowledge such that any violations of their rights they would stand up.' (Girl, 16–17 years, Africa, questionnaire)

For many children in the study, the biggest challenge was the cost of education, in part exacerbated by privatisation. Challenges included access and attendance fees, and the prohibitive expense of resources such as books, uniforms and transport:

'There is a big number of children whose parents fail to get means to take them to school and hence drop out (of) school.' (Latin American and Caribbean, focus group)

'Just because I can't afford a lot of money for school fees that means I'm not getting the same education as someone else who's got thousands which is not exactly fair.' (Africa, focus group)

'There is a high school dropout especially among girls due to lack of school fees.' (Girl, 10–12 years, Africa, questionnaire)

'Because books are expensive and some families can't afford it.' (Male, 13–15 years, Eastern Europe, questionnaire)

The challenges faced by working children and the impact of working on their education was also a common theme:

'Since it's the culture that children should look after the cattle instead of going to school, they also urge government to look into how best they can address this to parents and the community because they do not want to violate their culture.' (Africa, focus group)

'I mostly come to school very late or miss class when my mother asked me to go with her to sell beans to the market. When I tell her about missing class or going to school late, she responds that this is where we get everything that helps you to be in class . . . your pen, your book and everything you use at school, if you don't support me, you will drop out of school.' (Africa, focus group)

In some areas, school facilities were unacceptable, with physical danger, health hazards and poor sanitation presenting risks to children's safety.

'Many girl children drop out of school because of lack of toilets and running water facilities in toilets in schools. Every school should have adequate number of toilets with running water.' (Asia-Pacific, focus group)

'Because our school walls are damaged.' (Girl, 13–15 years, Eastern Europe, questionnaire)

'There is a big difference of school equipment among schools. For instance, sometimes heaters are malfunctioning. Please expand education budget!' (Asia-Pacific, focus group)

Some suggested investment in training more teachers to remedy the short supply. Many children voiced concern about how they were treated by teachers and their capacity for upholding respect for and the dignity of the child.

'Teachers should earn a good salary. They should teach and treat us with love. They should not scold me for small insignificant things (they should encourage me to be in school).' (Latin America and Caribbean, focus group)

Others felt that more money should be dedicated to increasing teachers' salaries, in order to encourage more people to enter the profession and increase the motivation of those already in the profession.

The research highlights the challenges faced by children across the globe in their attempts to enjoy their education rights to the fullest, represented not only by global statistics, but also from the perspectives of children themselves. What is apparent throughout is the high value children place on education not just for their own good but for the societies in which they live; their specific insights into their own diverse realities and sense of what needs to change for them to enjoy their rights to the full; and their willingness and capacity to be involved in the decisions that impact on their lives and futures:

'We are our first defense; we have the right to be heard. If adults listen to us their planning will become more realistic and achievable.' (Asia-Pacific, focus group)

Global Initiatives

The UN has developed a number of international activities that use mechanisms other than the treaty bodies to further the realisation of education rights for the world's children. For example, in 2012 UN Secretary-General Ban Ki-moon launched a Global Initiative on Education ('Education First'), and appointed former United Kingdom Prime Minister Gordon Brown as his Special Envoy for Global Education. The initiative's three basic priorities are: (1) Put every child in school; (2) Improve the quality of learning; and (3) Foster global citizenship (United Nations, 2012). Another well-established initiative is 'Education for All' (EFA), an ongoing global process led by UNESCO in partnership with other UN agencies, which was launched in 1990 with a 'World Declaration on Education for All' (UNESCO 1990), followed by an international 'Framework for Action' in 2000 (UNESCO 2000). Annual Education for All Global Monitoring Reports provide data that are intended to inform and motivate stakeholders in pursuit of these goals (UNESCO, 2015d; see also previous UNESCO reports each year from 2002).

As human-rights-based approaches gained influence in international cooperation and development in the 2000s (United Nations, 2003; UNDP, 2006), concern was expressed that the EFA process was taking the global education campaign away from its human rights base and regressing to needs-based

thinking (Beiter, 2006; Tomaševski, 2001). To address these concerns, UNESCO and UNICEF produced a new framework document entitled 'A Human Rights-Based Approach to Education For All' (Lansdown et al., 2007) based on three key education rights: (1) The right of access to education; (2) The right to quality education; and (3) The right to respect in the learning environment. More recently, a new Declaration was agreed, and draft Framework for Action proposed, at Incheon, South Korea, in May 2015, both of which express the UN agencies' and participating states' shared commitment to move towards 'inclusive and equitable quality education and lifelong learning for all' by 2030 (UNESCO, 2015a, 2015c).

In a separate development, eight Millennium Development Goals (MDGs) were agreed upon at the UN Millennium Summit in 2000, where all UN member states agreed to work towards achieving them by 2015. These goals cover various aspects of human development besides education, but the most relevant to this chapter are Goal 2: 'Achieve universal primary education by 2015', and Goal 3: 'Promote gender equality and empower women' (Hulme, 2009; Jones, 2008). As the MDGs expired at the end of 2015, the UN launched a new process to develop 'Sustainable Development Goals' (SDGs), agreed by the world's governments as new targets for 2030. Goal 4 of the SDGs is to 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. Since the EFA goals and MDGs/SDGs are often no more than restatements of legal obligations the same governments have already acquired when they ratified the CESCR and CRC, and a monitoring mechanism is already in operation, the question arises of why these additional processes are needed. Colclough (2005) points out that the EFA goals and MDGs do not represent legal obligations on governments like the provisions of human rights treaties, but are expressions of political will and commitment. States that have not successfully met their obligations, instead of being named and shamed as rights violators, can be recognised as, and supported in, working on an agreed plan to achieve firm targets by fixed dates. The legal and political processes are thus intended to be complementary and mutually supportive.

Besides these global education initiatives undertaken by the United Nations and its agencies, many other initiatives have been taken by governments (national and local), NGOs and partnerships between the two. Some are global in scope, others regional or national, and a few, though operating at local level, have achieved wider impact through effective dissemination. Of the many groups and organisations promoting the right to education, two with high global profiles are the Johannesburg-based Global Campaign for Education,² which focuses on the right of all to free, quality public education; and the London-based Right to Education Project,³ concerned with promoting mobilisation and accountability. The latter project, as part of the drive for accountability, has encouraged the monitoring of education rights, and developed a comprehensive set of education rights indicators to enable this (Right to Education Project, 2013), as traditional education indicators based on development targets are seen as inadequate to monitor the realisation or violation of human rights (Beeckman, 2004; de Beco, 2013). There are also a number of important regional initiatives including CLADE in Latin America;⁴ ANCEFA in Africa;⁵ and Action Aid's 'Promoting Rights in Schools' programme, implemented widely in Africa and Asia (Action Aid, 2011).

Considering the promotion of Human Rights Education (HRE), it is worth noting that, as with education rights generally, this has been the subject of various UN global initiatives, including the UN Decade for HRE (1995–2004), the World Programme for HRE (2005–ongoing), and the UN Declaration on Human Rights Education and Training (United Nations, 2011; Gerber, 2011). Gerber (2013) has provided a detailed account and critique of this process and suggests that the UN sees HRE as a tool to prevent human rights abuses. She concludes, however that, 'the UN's attempts to use prophylactic measures to prevent human rights violations have not been as successful as the medical profession's use of prophylactics to combat diseases' (Gerber, 2013, p. 2).

Many countries have distinctive national HRE initiatives; more than can be listed here, but the following are interesting examples: the Cambodian Child Rights Foundation's 'Child Rights Mainstreaming' model (Child Rights Foundation, 2004); the Indian Institute of Human Rights

Education's 'Schooling for Justice and Rights' model (People's Watch, 2008); Colombia's 'Education for the Exercise of Human Rights' programme (Ministerio de Educación Nacional, 2010); and the UK Ministry of Justice's 'Right Here Right Now' initiative (Bowring 2012; Hunter & Evans, 2010). Despite such initiatives, a recent UNICEF-sponsored investigation of Children's Rights Education in 26 more developed countries found that in only 11 of them did children have a legal entitlement to learn about their rights as part of the school curriculum, and in many countries they were not taught about the universal human rights they held under the CRC, but were led to believe that rights were a kind of reward for fulfilling certain responsibilities (Jerome, Emerson, Lundy & Orr, 2015, p. 8).

Finally there are 'whole school approaches' to human rights. There is no established definition of what constitutes a whole-school approach, but a central idea is that: 'Schools "practise what they teach" by modelling the . . . knowledge and values taught in the formal curriculum in actions in their institutional, social, community and evaluative practices' (Shallcross, Loubser, Le Roux, O'Donoghue & Lupele 2006, p. 286). Implementation of this concept often requires radical transformation of the school, covering everything from curriculum and pedagogy to school ethos, governance and environment (physical as well as socio-cultural), and above all the nature of human relationships among and between the actors involved: students, teachers, non-teaching staff, managers, governors and parents. Other core elements have been identified as strong leadership buy-in, and engagement of all the actors who make up the 'school community' (Henderson & Tilbury, 2004; Shallcross et al., 2006).

Though there are many innovative and inspiring education rights projects to be found around the world, there are only a few that meet these criteria. One of the best known is the UNICEF UK 'Rights-Respecting School Award' (UNICEF UK, 2010, 2013b). Another influential scheme, also in the UK, is Hampshire County Council's 'Rights, Respect and Responsibility' (RRR) programme (Covell & Howe 2008; Hampshire County Council, 2009). Though operating in just one English County, its influence comes from being extensively reported and cited in the academic literature (it is also unique in being managed and implemented by local government, whereas all the others are promoted and run by NGOs). Published independent evaluations of both programmes (Sebba & Robinsom, 2010; Covell and Howe, 2008) are overall very positive, having found improvements in pupils' levels of engagement, behaviour, participation, well-being, belonging, relationships, enjoyment of school, and understanding of rights and responsibilities, as well as teacher related benefits, such as increasing their sense of achievement and reducing risk of burnout. However, Trivers and Starkey (2012) suggest that some of the schools involved were in fact watering down human rights principles, and teaching children to understand rights as privileges dependent on good behaviour. Children were learning to be 'responsible' in the sense of being conformist, but not how to organise and challenge rights violations; thus human rights talk was being used to engender conformity rather than emancipation. In a similar vein, Howe and Covell (2010) critiqued their own earlier work on RRR, showing how deficient implementation had in some cases led to 'mis-educating children about their rights' (Howe & Covell, 2010, p. 91). Thus, while these whole-school approaches should be the way forward for children's rights education, this evidence suggests there is still some way to go to overcome the barriers that hinder their effective delivery.

Conclusions

Egregious breaches of children's education rights have come to the fore in recent times. The shooting of Malala Yousafzai in Pakistan, the abduction of over 270 girls from their school in Nigeria by Boko Haram and the bombing of a UNICEF school in Palestine are among the latest events that have received significant global attention and condemnation. Enabling children to attend schools where they are safe to learn continues to be a critical step in the realisation of children's education rights. However, the CRC also recognises that getting children to school does not in itself achieve the realisation of their rights to, in and through education and provides an international legal framework that guides 'both the end and the means of education' (Tomaševski, 2001, p. 3).

What is apparent from the international data, the work of the Committee on the Rights of the Child, and the recent study of children's views discussed here is that there is no country in which all children receive acceptable education in safety and security, with equal access to good quality teaching and learning and in an atmosphere that respects their identity, culture and values. Moreover, there are some groups of children (e.g., those in detention, children with disabilities and many indigenous children) who experience fundamental and persistent disadvantage, and some contexts (such as conflict, forced migration and extreme poverty) that pose significant challenges for implementation. Eleanor Roosevelt, one of the architects of the UDHR, asked:

Where, after all, do universal human rights begin? In small places, close to home — so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. (cited in Black, 2010)

The challenges of implementation of universal rights are as diverse as the 'small places' in which children live their lives and receive an education. In a context where resources are scarce, the main issues may be ensuring that children receive a minimum quality of basic education in safe buildings with properly trained teachers (Wilson, 2004a). In countries with significant resources, the quality of education for many may be undermined by discrimination and/or threats to children's safety in the form of bullying (Greene, 2006). The curricula that children follow must be relevant to and reflect their life circumstances: the emphasis on tackling obesity in health education in affluent contexts is irrelevant to children who walk miles to school and may be too hungry to learn when they arrive. In a similar vein, delivering the aims of education in a context that is relatively homogenous is quite different from situations where there is a disadvantaged minority or children from many different cultures and languages. In particular potential conflicts between parents' values and/or beliefs and what is offered in state schools can vary considerably from region to region and often religion to religion (Lundy, 2005; Wilson, 2004b).

The fact that global consensus was achieved on education rights in the CRC at all is notable given the scale of the challenge and the diversity of the nations and cultures that embraced it. It is arguable that, in its formulation, ambition (in Article 28) and precision (in Article 29) were sacrificed for the sake of global consensus: Article 28 guarantees access to limited educational opportunities while Article 29 defines the aims of education in the broadest of terms. While states are afforded considerable discretion as to how they respond to implementing education rights in practice, the existence of a worldwide accord on the need for and content of children's rights and education is an achievement in and of itself, irrespective of patchy, unsatisfactory or reluctant implementation. Much progress has been made in education through rights-based advocacy and monitoring, and it appears that there continues to be a high degree of support for education rights not just among NGOs but also the world's governments. The challenges in this area mirror those in other areas of human rights, and the proposed solutions remain the same. Education rights will only be realised in situations where states parties embrace them in law and policy and allocate sufficient expenditure; where they are understood and accepted by educationalists; and where children are aware of their rights and in a position to claim their rights when they are ignored, and seek redress when they are breached. Few countries, if any, can claim to be in this position. While the starting points and the route to be travelled vary in different national contexts, the CRC provides a consistent and clear destination, the point at which all children are able to develop to their fullest potential through education that is respectful of their rights.

Notes

1. www.un.org/depts/DGACM/RegionalGroups.shtml.
2. www.campaignforeducation.org.
3. www.right-to-education.org/.
4. www.campanaderechoeducacion.org.
5. www.ancefa.org.

References

- ActionAid. (2011). Promoting rights in schools: Providing quality public education. Johannesburg: ActionAid International.
- Beeckman, K. (2004). Measuring the implementation of the right to education: Educational versus human rights indicators. *International Journal of Children's Rights*, 12, 71–84.
- Beiter, K. D. (2006). The protection of the right to education by international law. Dordrecht: Martinus Nijhoff.
- Black, A. (2010). *The Eleanor Roosevelt Papers 1945–1948*. Charlottesville, VA: University of Virginia Press.
- Bowring, B. (2012). Human rights and public education. *Cambridge Journal of Education*, 42(1), 53–65.
- Child Helpline International, (2013), Briefing paper on bullying. Available to download from: www.childhelplineinternational.org/media/57468/chi_briefing_paper_bullying.pdf.
- Child Rights Foundation. (2004). *Experience in Child Rights Mainstreaming in the Education System*. Phnom Penh: Ministry of Education Youth and Sports.
- Cohen, C. P. (2006). Role of the United States in the Drafting of the Convention on the Rights of the Child. *The Emory Int'l L. Rev.*, 20, 185.
- Colclough, C. (2005). Rights, goals and targets: how do those for education add up? *Journal of International Development*, 17(1), 101–111.
- Covell, K., & Howe, R. B. (2008). *Rights, respect and responsibility: Final report on the County of Hampshire Rights Education Initiative*. Sydney, Nova Scotia: Cape Breton University Children's Rights Centre.
- Craig, E. (2003). Accommodation of Diversity in Education—A Human Rights Agenda. *Child & Fam. LQ*, 15, 279.
- Cullen, H. (1993). Education rights or minority rights? *International Journal of Law, Policy and the Family*, 7(2), 143–177.
- De Beco, G. (2013). Human rights indicators: From theoretical debate to practical application. *Journal of Human Rights Practice*, 5(2), 380–397.
- Doek, J. E. (2011). The CRC: Dynamics and directions of monitoring its implementation. In A. Invernizzi & J. Williams (Eds.), *The human rights of children. From visions to implementation* (pp. 99–116). Farnham, UK: Ashgate.
- Evans, C. (2008). Religious education in public schools: An international human rights perspective. *Human Rights Law Review*, 8(3), 449–473.
- Gerber, P. (2011). Education about human rights: Strengths and weaknesses of the UN Declaration on Human Rights Education and Training. *Alternative Law Journal*, 36(4), 245–249.
- Gerber, P. (2013). *Understanding Human Rights: Educational Challenges for the Future*. Northampton, MA: Edward Elgar.

- Global coalition to protect education from attack (GCPEA) (2014). *Education under attack 2014*. Available to download from: www.protectingeducation.org/sites/default/files/documents/eua_2014_full_0.pdf.
- Global Initiative to end all corporal punishment of children (2015). *Towards non-violent schools: prohibiting all corporal punishment*. Global report 2015. Available to download from: www.endcorporalpunishment.org/pages/pdfs/reports/Schools%20Report%202015-EN%20ingles.pdf.
- GPE (Global Partnership for Education) 2012. *Results for Learning Report 2012: Fostering Evidence-Based Dialogue to Monitor Access and Quality in Education*. (November). Washington, DC. Available to download from: www.globalpartnership.org/content/results-learning-report-2012.
- Greene, M. B. (2006). Bullying in schools: A plea for a measure of human rights. *Journal of Social Issues*, 62(1), 63–79.
- Hammarberg, T. (1998). *A School for Children with Rights: The significance of the United Nations Convention on the Rights of the Child for modern education policy*. Florence: UNICEF Innocenti Research Centre.
- Hampshire County Council. (2009). *Rights, Respect and Responsibility (RRR)*. Winchester, UK: Hampshire County Council.
- Hanushek, E.A., & Woessmann, L.W. (2015). Universal Basic Skills: What countries stand to gain. Available to download from: www.keepeek.com/Digital-Asset-Management/oece/education/universal-basic-skills_9789264234833-en#page2.
- Henderson, K., & Tilbury, D. (2004). *Whole-school approaches to sustainability: An international review of sustainable school programs*. North Ryde, NSW: Australian Research Institute in Education for Sustainability.
- Heymann, J., Raub, A., & Cassola, A. (2014). Constitutional rights to education and their relationship to national policy and school enrolment. *International Journal of Educational Development*, 39, 121–131.
- Hodgson, D. (1996). The international human right to education and education concerning human rights. *International Journal of Children's Rights*, 4, 237–262.
- Howe, R. B., & Covell, K. (2010). Miseducating children about their rights. *Education, Citizenship and Social Justice*, 5(2), 91–102.
- Hulme, D. (2009). *The Millennium Development Goals (MDGs): A short history of the world's biggest promise*. Manchester, UK: Brooks World Poverty Institute, University of Manchester.
- Hunter, C., & Evans, L. (2010). 'Right Here Right Now' Review (Ministry of Justice Analytical Report). London: Ministry of Justice.
- Jerome, L., Emerson, L., Lundy, L., & Orr, K. (2015). Teaching and learning about child rights: A study of implementation in 26 countries. Geneva: UNICEF.
- Jones, P. W. (2008). The impossible dream: Education and the MDGs. *Harvard International Review*, 30(3), 34–38.
- Kerr, K., & West, M. (2010). *Insight 2, Social inequality: can schools narrow the gap?* British Educational Research Association. Available to download at: www.bera.ac.uk/wp-content/uploads/2014/01/Insight2-web.pdf.
- Lansdown, G., Craissati, D., Banerjee, U. D., King, L., & Smith, A. (2007). *A Human Rights Based Approach to Education For All*. New York: UNICEF.
- Lundy, L. (2005). Family values in the classroom? Reconciling parental wishes and children's rights in state schools. *International Journal of Law, Policy and the Family*, 19(3), 346–372.
- Lundy, L. (2007). 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942.

- Lundy, L. (2012). Children's rights and educational policy in Europe: the implementation of the United Nations Convention on the Rights of the Child. *Oxford Review of Education*, 38(4), 393–411.
- Lundy, L., Kilkelly, U., & Byrne, B. (2013). Incorporation of the United Nations Convention on the Rights of the Child in Law: A Comparative Review. *The International Journal of Children's Rights*, 21(3), 442–463.
- Lundy, L., Orr, K., & Marshall, C. (2015). *Towards better investment in the rights of the child: The views of children*. Available to download from: www.childrightsconnect.org/wp-content/uploads/2015/03/ReportonChildrensViews_InvestmentinChildren.compressed.pdf.
- McGoldrick, D. (1991). The United Nations Convention on the Rights of the Child. *International Journal of Law, Policy and the Family*, 5(2), 132–169.
- Ministerio de Educación Nacional. (2010). *Programa de Educación para el Ejercicio de los Derechos Humanos*. Bogotá: Ministerio de Educación Nacional.
- Monk, D. (2009). Regulating home education: negotiating standards, anomalies and rights. *Child and Family Law Quarterly*, 21(2), 155–184.
- OECD, (2012). *PISA 2012 Results: Ready to learn, Students' engagement, drive and self-beliefs, Volume 111*. Available to download from: www.oecd.org/pisa/keyfindings/PISA-2012-results-volume-III.pdf.
- Niens, U., Mawhinney, A., Richardson, N., & Chiba, Y. (2013). Acculturation and religion in schools: The views of young people from minority belief backgrounds. *British Educational Research Journal*, 39(5), 907–924.
- Perry-Hazan, L. (2014). Court-led educational reforms in political third rails: lessons from the litigation over ultra-religious Jewish schools in Israel. *Journal of Education Policy*, 30 (5), 713–746.
- People's Watch. (2008). *Schooling for justice and rights: Human rights education in schools in India, a model*. Madurai: People's Watch.
- Right to Education Project. (2013). *Right to Education: Indicators*. London: Right to Education Project.
- Save the Children (2009). *Steps towards learning: A guide to overcoming language barriers in children's education*: www.savethechildren.org.uk/sites/default/files/Learning_LR_1.pdf.
- Sebba, J., & Robinson, C. (2010). *Evaluation of UNICEF UK's rights respecting schools award (RRSA)*. Falmer: University of Sussex.
- Shallcross, T., Loubser, C., Le Roux, C., O'Donoghue, R., & Lupele, J. (2006). Promoting sustainable development through whole school approaches: An international, intercultural teacher education research and development project. *Journal of Education for Teaching*, 32(3), 283–301.
- Simeunovic Frick, S. S. (2011). *Children's Rights Experienced and Claimed: Children's Reports to the UN Committee on the Rights of the Child*. Münster: LIT Verlag.
- Singh, K. (2014). *Report of the Special Rapporteur on the Right to Education (No. A/69/402)*. New York: United Nations.
- Tomaševski, K. (2001). Education: From lottery back to rights. *International Children's Rights Monitor*, 14(3), 14–17.
- Tomaševski, K. (2003). *Education denied: Costs and remedies*. Zed Books.
- Tomaševski, K. (2005). Globalizing what: Education as a human right or as a traded service. *Indiana Journal of Global Legal Studies*, 12(1), 1–78
- Trivers, H., & Starkey, H. (2012). The Politics of Critical Citizenship Education. In R. C. Mitchell & S. A. Moore (Eds.), *Politics, Participation & Power Relations* (pp. 137–151). Rotterdam: Sense Publishers.
- UN Committee on the Rights of the Child. (2015). *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child*. *CRC/c58/Rev. 3*.

- UN Open Working Group. (2014). Open Working Group proposal for Sustainable Development Goals. New York: United Nations.
- UNESCO. (1990). World declaration on education for all. Paris: UNESCO.
- UNESCO. (2000). The Dakar Framework for Action: Education for All: Meeting Our Collective Commitments. Paris: UNESCO.
- UNESCO. (2015a). Education 2030: Towards inclusive and equitable quality education and lifelong learning for all (Incheon Declaration) (No. ED/WEF2015/MD/3). Paris: UNESCO.
- UNESCO. (2015b). Fixing the broken promise of education for all: Findings from the global initiative on out-of-school children, executive summary: www.uis.unesco.org/Education/Documents/oosci-global-exsum-en.pdf.
- UNESCO. (2015c). Framework for Action, Education 2030: Towards inclusive and equitable quality education and lifelong learning for all (No. ED/WEF2015/MD/2). Paris: UNESCO.
- UNESCO. (2015d). *Global Monitoring Report 2015, Education for All 2000–2015: Achievements and Challenges*. Paris: UNESCO <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>.
- UNICEF Canada. (2012). *Rights respecting schools: Toolkit for Canadian Schools*. Toronto: UNICEF Canada.
- UNICEF (2013a). *The state of the world's children 2013: children with disabilities*: www.unicef.org.uk/Documents/Publication-pdfs/sowc-2013-children-with-disabilities.pdf.
- UNICEF UK. (2013b). UNICEF UK Rights Respecting Schools Award: A good practice review. London: UNICEF UK.
- UNICEF. (2014a). *The state of the world's children in numbers 2014: Every child counts, revealing disparities, advancing children's rights*: www.unicef.org/sowc2014/numbers/documents/english/SOWC2014_In%20Numbers_28%20Jan.pdf.
- UNICEF. (2014b). *Children in danger: Act to end violence against children*: www.unicef.org.uk/Documents/Publications/Unicef_ChildreninDanger_ViolencereportW.pdf.
- United Nations. (2003). Statement of common understanding on a human rights-based approach to development co-operation. New York: United Nations.
- United Nations. (2011). United Nations Declaration on Human Rights Education and Training (UN resolution No. A/RES/66/137). New York: United Nations.
- United Nations. (2012). *Global Education First Initiative*. New York: United Nations.
- United Nations Committee on the Rights of the child. (2001). *General Comment No. 1 (2001), Article 29 (1): The Aims of Education*: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G01/412/53/PDF/G0141253.pdf?OpenElement>.
- United Nations Committee on the Rights of the Child. (2008). *Concluding Observations: United Kingdom, Great Britain and Northern Ireland*: www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf.
- United Nations Development Programme. (2006). Applying a human rights-based approach to development cooperation and programming. New York: UNDP.
- United Nations General Assembly. (1989). *Adoption of a Convention on the rights of the child*. New York: Author.
- Wilson, D. (2004a). A Human Rights Contribution to Defining Quality Education. UNESCO Education for All Global Monitoring Report, background paper. Paris, UNESCO
- Wilson, D. (2004b). Educational rights of persons belonging to national minorities. *International Journal on Minority and Group Rights*, 10, 315–379.
- Woodhouse, B. B. (1999). Recognizing children's rights: lessons from South Africa. *Human Rights*, 26(15), 15–18.
- World Health Organization (2011). *World report on disability* www.who.int/disabilities/world_report/2011/report.pdf.