

Innocenti
LECTURES

A School for Children with Rights

by
Thomas Hammarberg

INNOCENTI LECTURES are formal lectures delivered by distinguished scholars or well-known public figures on some of the most crucial welfare problems currently affecting children and families. The Innocenti Lecture carries with it a prize consisting of a modest fellowship to be awarded to a researcher from a developing country working on a research topic broadly related to the Centre's programme.

Innocenti
LECTURES

1997
Lecture

A School for Children with Rights

**The significance of the United Nations Convention
on the Rights of the Child for modern education policy**

by
Thomas Hammarberg

23 October 1997
Sala Giunta della Presidenza Regionale
Palazzo Bastogi, Florence, Italy

Copyright © 1998
UNICEF International Child
Development Centre
Piazza SS. Annunziata 12 - 50122
Florence, Italy

ISBN 88-85401-36-8

The opinions expressed
in this lecture are those of the
author and do not necessarily
reflect the policies or views of UNICEF.



Thomas Hammarberg

Thomas Hammarberg was born in Örn-sköldsvik, Sweden, in 1942 and studied in Stockholm, graduating from the School of Economics. He is presently Ambassador and Special Adviser on Humanitarian Issues to the Swedish Ministry for Foreign Affairs and Special Representative of the UN Secretary General for Human Rights in Cambodia. Since 1993 he has also acted as Co-ordinator of the multi-lateral initiative for Palestinian children and youth within the Middle East Multilateral Peace Process.

Active in the field of human rights for many years, Mr. Hammarberg served as Chairman of the International Executive Committee of Amnesty International from 1976-1979 and was its Secretary General, 1980-1986. From 1986 to 1992 he was Secretary General of Rätts Barnen, the Swedish Save the Children, and it was during this period that he took part in the drafting of the United Nations Convention on the Rights of the Child. He was elected to the United Nations Committee monitoring the implementation of the Convention in 1991 and served as its vice-chairman. He also chaired the Technical Advisory Committee for the UN Study on the Impact of Armed Conflict on Children, under the direction of Graça Machel.

In addition to publications in Swedish on refugee policy, human rights and the rights of the child, Mr. Hammarberg has been invited to deliver major lectures such as the Human Rights Lecture in New Delhi, the Benigno Aquino Human Rights Lecture, Yale University, and the Comenius Lecture, Prague. He has also lectured on the Rights of the Child in Armed Conflict (International Dialogues Foundation, Amsterdam), the Rights of the Child (Government Conference, Hanoi, Vietnam), and to the International Human Rights Colloquium, Gaza Centre for Rights and Law, and to the UNICEF Regional Conference on Global Education in Beirut.

INTRODUCTION

During an exam day in Phnom Penh, Cambodia, the school is surrounded by police. This is to prevent students from passing on questions in the written test to the relatives who are hanging in the windows, prepared to hand back the correct answers. In other schools the scene is more relaxed: teachers have already sold the right answers to the parents who could pay.

Awareness of the importance of good school results has spread in the Cambodian capital. Politicians, spurred on by the World Bank, talk about education as the means by which the country will take off economically, and parents hope that good marks for their children in school will lead to jobs and thereby security for the family.

In this Cambodia is, of course, not unique. Today, the importance of school results features in political discussions, and among people at large, in both rich and poor countries. Budget allocations for education have been increased in many of them during the last decades.

Another and more recent trend is privatisation. With growing competition in the schools, parents with the means try to put their children into high quality institutions, which are often private. Poor children do not have that choice. The dynamics of this development is to increase inequalities; competent teachers tend to go to schools with good resources and 'motivated' children, while it gets more difficult to maintain the quality of ordinary schools. All this has brought a renewed tendency for segregation into the school system in several countries.

In Cambodia, where the middle class is small, this segregation begins to develop inside the ordinary system. Poorly paid teachers offer extra tuition against payment, so it is in their interest that the pupils who can attend the supplementary lessons also have the better exam results.

There are clear signs that a two-tier system is being developed:

an elite education for some and low quality schooling for the rest. In some of the elite schools students are pushed into hysterical competition and unhealthy overwork, and in some of the under-resourced schools the teaching is so boring, badly organised and clearly meaningless that dropping-out can be seen to make sense.

A Japanese observer of the school environment in his country reported the following:

Children are thrown into this severe and endless competition for better social position at the age of kindergarten, because all educational institutions are hierarchially ranked from top to bottom according to the prestige, actually defined by the number of students whom an institution can send to a 'better' or 'famous' higher educational institution or big company. Only children who have been well trained to learn almost inhumane perseverance and self-restraint can succeed in getting ahead. ... The ability to send one's children to even a shade more prestigious school and university has become the supreme goal of the ordinary family. ... [Children] know well that if they drop out of the school system, he or she will easily be driven to the socially marginal rubble.¹

A report from Zambia pointed at other problems:

The average pupil walks seven kilometres every morning in order to get to school, has not eaten, is tired, undernourished, malnourished, suffers intestinal worms, is sweating and lacks concentration on arrival. He or she sits with 50 other pupils in a similarly poor condition. Their receptivity is minimal. The teacher is poorly educated, badly motivated and underpaid. He speaks bad English but still tries to teach in that language. ... He does not know his subjects well and uses poor teaching methods during his lessons. ... The acoustics and ventilation are bad, the room dark, there are no chalks, the blackboard shines, there are too few notepads and pencils. ... The school is an alien world, which ineffectively tries to offer knowledge of very little relevance to the pupil, his or her social environment or the society he or she will meet as an adult on the labour market.²

None of these schools seem to reflect the vision of the United Nations Convention on the Rights of the Child. A school should not be a ranking mechanism which favours or handicaps a child in the race for jobs in the future. Indeed, if the child is respected, it is a fundamental mistake to reduce childhood to a period of preparation for adult life. Also, the principle of non-discrimination is at the heart of the Convention; each and every child should have an equal right to education, and an education of quality.

But more than that, what does the Convention actually say about schools? Is there a concrete message to Governments on education policy? Can the Convention serve as a meaningful instrument for discussions about how to reform the school system?

NORMS ON EDUCATION IN THE CONVENTION _____

Two articles deal specifically, and only, with education. Article 28 defines education as a *right* and recommends steps for this right to be achieved “progressively and on the basis of equal opportunity”. Primary education should be compulsory and available free to all. Secondary education should be made available and accessible to every child, with financial assistance if needed. States are requested to encourage attendance and reduce drop-out rates and to take measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity. They are also asked to promote international co-operation in the field of education, not least to meet the needs of developing countries.

Article 29 is about the purpose of school education, which should be to assist the child in developing his or her “personality, talents and mental and physical abilities to their fullest potential”. Another purpose is to develop respect for human rights and fundamental freedoms. Respect for the child’s own roots is also stressed - parents, cultural identity, language and national values - but also for “civilizations different from his or her own”.

The school should also help the child prepare 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”. Finally, Article 29 stresses the importance of the school developing respect for the natural environment.

Several other articles of the Convention are relevant, for instance Article 19 about measures to protect children against all forms of physical or mental violence, injury or abuse; Article 22 about the rights of refugee children; Article 23 about the rights of

children with disabilities; Article 24 about health; Article 30 about children of minorities; Article 31 about the right to rest, leisure and play; Article 32 about child labour; Article 33 about protection against drugs; Article 34 about sexual abuse; Articles 37 and 40 about the treatment of children in the justice system and in penal institutions; and Article 38 about children in armed conflict. Indeed, the whole Convention is relevant in the discussion about a child-oriented school.

In particular, it is important to understand the significance of the articles which the United Nations Committee on the Rights of the Child has defined as ‘general principles’. The principles are formulated, in particular, in Articles 2, 3, 6 and 12. They have a message in themselves but are also useful for the interpretation of the Convention as a whole and thereby also guide national programmes of implementation. For instance, they give further dimensions to the understanding of Articles 28 and 29, and they raise crucial questions.

Non-discrimination (Article 2): No child should suffer discrimination; all children should enjoy their rights. This applies to each child irrespective of “the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”. The message is about equality of rights. Girls should be given the same opportunities as boys. Refugee children and children of indigenous or minority groups should have the same rights as all others. Children with disabilities should be given the same opportunities to lead a decent life as the rest.

- Have all children access to education without discrimination?
- Is good quality education available to all children in all areas of the country?
- Is education designed to meet the needs of each child, irrespective of his or her background or language?
- Does the school promote tolerance and understanding of children who are different?
- Does it give the children tools to oppose xenophobia and other negative attitudes in society?

Best Interests of the Child (Article 3): When the authorities take decisions which affect children, their best interests should be a primary consideration. The implementation of this article is a basic challenge to States, in particular when the interests of the child clash with other priorities in society.

- Are educational materials, school buildings and other facilities - such as health care, school meals and transport - adequate?

- Are the school curricula developed “in the best interests of the child”?
- Is meaningful vocational guidance given?
- Does the school give real life skills, including an understanding of both global and local phenomena?
- Does it develop respect for the environment?
- Are teaching methods child-friendly?

The Right to Life, Survival and Development (Article 6): The right-to-life article goes further than granting children the right not to be killed; it includes the right to survival and to development. This right should be ensured “to the maximum extent possible”. The term ‘development’ in this context should be interpreted in a broad sense, with the added dimension of quality of life. Its meaning covers not only physical health but also mental, emotional, cognitive, social and cultural development.

- What possibilities are established for early childhood development?
- Does the pre-school institution and the school facilitate the development of the child in all respects - from the right to nutrition to the right to play?
- Is discipline established with child-friendly means?
- Does the school encourage the development of the children’s personalities, talents and abilities “to their fullest potential”?

The Views of the Child (Article 12): The child should be free to have opinions in all matters affecting him or her and the views should be given due weight “in accordance with the age and maturity of the child”. The underlying idea is that the child has the right to be heard and have his or her ideas taken seriously.

- Are children listened to?
- Can they influence the structure of the lessons, the education plan or the running of the school?
- Can they complain against a decision in school?
- Does the school, indeed, encourage democratic and critical thinking?
- Does it give a deeper understanding of the essence of human rights?

Such questions emerge when we read the two education articles in the light of the four principles. In the Committee on the Rights of the Child we have used similar questions as a check-list when assessing how far a State has advanced in implementation. The Convention can be seen as a minimum list of state obligations to children. However, its construction is such that it can

also inspire a discussion that goes beyond the minimum list. The general principles, indeed, outline a direction for progressive reform.

In that spirit I will attempt a personal analysis of eight items on such an agenda for school reform: universal access, equal opportunities, the appropriate content of education, positive values, methods of learning, mutual respect, pupil participation, and the role of teachers, parents and the community. Finally, I will also make some comments on the problems of implementation and 'affordability'.³ All these issues are under debate among professionals and politicians in many countries. Is the Convention of any help in these discussions?

1. Universal Access

For obvious reasons, the Convention on the Rights of the Child gives States room progressively to achieve universal access to basic education. It is especially important, however, that national plans are developed to ensure that there is a steady progress. The World Conference on Education for All, organised in Jomtien, Thailand, in March 1990, emphasised that approach. Its recommendations were echoed by the World Summit for Children later the same year. All children should have access to basic education by the year 2000 at the latest. Another agreed goal was the "completion of primary education or equivalent learning achievement by at least 80 per cent of the relevant school age children with emphasis on reducing the current disparities between boys and girls"⁴.

In spite of the considerable progress made towards universal access, there are still 130 million children deprived of their right to basic schooling; two thirds of them are girls. One third of those enrolled never complete primary school and many of those who do are lacking the essential skills and knowledge they should have acquired. At 'Jomtien II', an international conference held in Amman, Jordan, in June 1997 to review implementation, it had to be concluded that progress was slow.

The fact that basic education is compulsory - under the Convention and most national education laws - can serve to protect the child's right to go to school. Child labour legislation should include the same dimension. The Convention states that the child should be protected from performing "any work which is likely to interfere with the child's education" (Article 32). However, several factors contribute to low enrolment and high drop-out or repetition rates. An analysis of State Party Reports on implementation and the discussions of the Committee on the Rights of the Child on these reports define some of the major reasons:

a) Parental attitudes. Parents do not always appreciate the value of education, probably because in some cases their own school experiences were negative. There is nowadays a growing awareness that a positive attitude among parents is important for whether and how children enjoy school.

b) High direct costs. Parents may not send their children to school because they cannot afford it. The direct costs can be open or hidden. There may be a school fee which is too high for poor families, uniforms may be obligatory, books and other educational materials may not be provided by the school. The provision of food for the children can be a major problem. Therefore, 'free schooling' may not always be really free. The Committee has asked Governments to estimate the *real* costs to poor families of having their children in school. Such analyses may be important for the development of a fair education policy aimed at universal education.

c) Indirect costs. There are also what economists call 'opportunity costs'. Even if education was indeed free, it might still be more economic for the family to have the child do some work, for instance taking care of smaller siblings while the parents are at work. One of the major issues in relation to child labour is the clash between the financial needs of the family and the right of the individual child to go to school. Hard labour and long working hours can hardly be combined with schooling.

d) No adjustment to working children. Aspects other than the financial ones may make work and schooling incompatible. The distance between the workplace and the school may be too long. The school may not be ready to receive children who work even part time and at home, for instance through making adjustments in its timetable. The Committee pointed at another real problem when it asked for some flexibility in school planning so that vacations could be scheduled for periods when children are expected to help their parents harvesting.⁵

e) Discrimination. There are aspects of discrimination in most school systems; sometimes they are so ugly that they repel children. Racism and xenophobia is one example. Children of minority groups may not understand the language in which they are taught. Girls may be discriminated against. It is sadly common that no adjustments at all are made to accommodate children with disabilities.

f) Bad environment, lacking facilities. A crucial aspect is distance from home; a nearby school is crucial for enrolment and atten-

dance. Safety along the road and in the school is often mentioned by children themselves as a problem. Other important factors could be dilapidated school buildings, inadequate sanitary facilities, lack of school meals and health care.

g) Violence. One of the major factors seems to be corporal punishment or other abuse from adults. Violence between children in school or on the road also seems to be a widespread problem.

h) School failures. In highly competitive schools bad test and exam results have caused children to leave. Surveys into the phenomenon of child suicides in some countries also point at failure to achieve as a serious factor in the lives of quite a number of children.

i) Inappropriate and bad quality education. The school, as it functions today, is almost irrelevant for many children in too many cases; the curricula are simply not adjusted to the reality of children's present and future circumstances. This, in combination with bad teaching methods, makes the school boring and ineffective. Why should you go to school if you learn nothing of interest or of help now or for the future?

j) Conflicts or crises. Children in areas torn by warfare or other types of conflict tend to be deprived of education, and that at a time when the school infrastructure could be most supportive. The importance of school facilities for refugee children is rightly emphasised by the United Nations High Commissioner for Refugees.

It seems that the accumulated effect of the direct costs, the opportunity costs, the lack of facilities, the poor quality of education, and other factors, to a large extent explain why children fail to attend, repeat grades or drop out. All these factors tend to apply in a discriminatory manner; they affect poor children more than rich, girls in a number of countries more than boys, disabled and otherwise disadvantaged children more than others. Those not in school are children of the poorest classes and to a large extent live in rural areas. The question of equal opportunities in these situations has been raised repeatedly by the Committee and will be discussed below.

2. Equal Opportunities

Though universal access to education can be realised progressively, there is no room in the Convention on the Rights of the Child for gradual implementation on the basis of discrimination of any

kind. 'Progressively' does not mean, for instance, boys first and then girls, or that minority children have to wait. Article 2, which embraces the general principle on non-discrimination, has no exception clause and Article 28 specifies that the concrete steps it prescribes should be taken "on the basis of equal opportunity".

It may, of course, take some time even for the most well-intentioned Government to remedy a situation of gender or other disparity in school access. However, such discrimination should be tackled with urgency and priority. The Committee on the Rights of the Child has made clear that it expects to see proof of a clear determination by State Parties in this regard.

Discrimination against *girls* in education has been a major concern of the Committee. It has asked for gender disaggregated data on indicators like enrolment, drop-out and school completion rates. Serious disparities have been exposed, not least in relation to the number completing the fifth grade or passing on to secondary education.

This problem is, of course, widely recognized. One sign was the convening of the Pan-African Conference on the Education of Girls in Ouagadougou, Burkina Faso, in March-April 1993.⁶ Though it was established that the education of girls was probably the single most important vehicle towards development and economic progress, the number of girls out of school in Africa was anticipated to grow from the reported level of 26 million to an estimated 36 million by the year 2000.

Education ministers and other government representatives of more than 40 countries agreed to make the education of girls a national priority and to develop strategies and mobilise resources to improve their opportunities for access as well as the quality of schooling. Non-formal education was seen as an important supplementary approach and it was suggested that local culture and traditions could be used as an omnibus means of improving the learning processes. Empirical research was needed to determine factors affecting the education of girls, in order to inform planners of the key areas for investment.

The Ouagadougou conference called upon regional, bilateral and international agencies and non-governmental organizations to make education for girls the number one priority in their development programmes and also to give priority to the development of rural water supplies, roads and electricity, which could ease the workload of mothers and hence their daughters. Discussions were also held on methods for recruiting more women as teachers and sensitising teachers to gender issues. Real problems were also analysed, for instance, how best to support teenage girls who got pregnant before completing their education.

A similar regional conference for Governments in the Middle East was held in Bahrain in 1995. Both there and in Ouagadougou there was an encouraging determination to move from rhetoric to concrete action, which is in the spirit of the Convention on the Rights of the Child.

Disabled children are often discriminated against in education. A UNESCO conference on this problem, the World Conference on Special Needs Education: Access and Quality, was held in Salamanca, Spain, in June 1994. It urged Governments to ensure that the education of children with disabilities is an integral part of the school system.

The two starting points were that every child has a fundamental right to education and that every child has unique characteristics, interests, abilities and needs. The combination of the principle of non-discrimination and the recognition of the uniqueness of each child became the pillars of the Salamanca Statement and its Framework for Action. To meet the special needs of children with disability or learning problems requires planned efforts by the community. The Statement makes a strong plea for inclusive education, that children with special educational needs should have access to regular schools and that child-centred pedagogy should be developed to accommodate them.

The Convention states that the disabled child should be able to enjoy “a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in society”. Education should be organised so that he or she can achieve “the fullest possible social integration and individual development” (Article 23).

The Salamanca Statement developed this point and takes a clear position against the tendency to ignore completely the right to education of children with disabilities or learning difficulties or to place them in special institutions. All children should be enrolled in regular schools “unless there were compelling reasons for doing otherwise”. This was presented as a policy of principle and general approach, though it implicitly recognized that there might be exceptions in rare cases when the impairment was very severe.

The Salamanca Statement has provided support for non-governmental initiatives on inclusive education in several countries.⁷ The groups concerned acknowledge that investments are needed for such reforms but they have also managed to show that special institutions have been costly. The campaign has spread to countries in Eastern Europe where the policy of large institutions for disabled children has been more widespread than in the rest of Europe. In the poorer countries the tendency has been for children

with special needs to have no education at all. When the Committee discussed the report from Egypt, to mention only one example, it was informed that less than one per cent of disabled children were in any form of school.

School discrimination also affects other groups of children. One pattern in some countries is lower enrolment in the countryside than in the more populated areas. The distances to school sometimes play a role, but in a number of cases the disadvantaged children have belonged to marginalised groups. A key factor here is the *language of education*. In principle, every child has the right to be taught in his or her first language. The burden of proof is on the side of the Government if it maintains that it is not always possible to fulfil this requirement; it has to show that it has done its utmost to find a solution in the spirit of the Convention.

The State Report of Mongolia admitted that there was a problem with education among cattle breeder families; in fact, school attendance had been reduced in the early 1990s as a result of economic transition problems affecting both the state and families. Now the Government has begun to take counter measures and has even, on a pilot basis, tried to reach the children in these distant communities through mobile schools.

School attendance is a problem in almost all countries with an indigenous population, and the authorities have not always given that problem sufficient priority. The dilemma tends to be aggravated by the cultural gap and distrust between the communities. Indigenous groups suspect, often with justification, that the function of the schools, as framed by the dominant circles in society, is to undermine their own culture.

An important dimension of the Convention is the requirement that a child belonging to an ethnic, religious or linguistic minority or an indigenous people has the right to enjoy and practice his or her culture, religion or language (Article 30). The discussions of State Party Reports to the Committee have in a number of cases indicated problems in this regard, also in relation to refugee children. One particular problem the Committee has raised is the right to education of asylum-seeking children who are waiting for a permit to stay in the new country; the host countries do have obligations in this regard.

In several European countries the school attendance rate among gypsy or *Roma* children is dramatically lower than for other children. In the case of Romania, for instance, less than half of the *Roma* children of school age are in school. The Committee raised this with the State Party and recommended comprehensive, systematic measures to tackle the problem, in constructive co-operation with the *Roma* population itself.

The problem is similar in relation to travelling or nomadic people in some countries. The children of such communities also have a right to education even if their lifestyle may complicate matters for the school authorities. This problem came up when the Committee had discussions with the Government of the United Kingdom.

Another such positive initiative has been taken by UNICEF in the Sudan for the nomad population. A mobile school on camels has been organised and now reaches some 4,000 children through 300 mobile units. The teachers involved are specially trained and the curriculum is adjusted to the needs of nomads. The focus is on girls and young women.

It has to be underlined that non-discrimination is not only a question of access to the schools. The quality of education does vary considerably in a number of countries; again, poor children from disadvantaged communities tend to get a worse deal. Gaps between rural and urban areas as well as housing segregation in the cities tend to create such disparities. The experience so far of privatisation of schools has also shown that it risks increasing significant differences between the haves and the have-nots.

Affirmative action is sometimes needed to prevent discrimination. The Committee has recognized that true implementation of the non-discrimination clause can require positive distinctions to compensate for the disadvantage some children experience from the start. In a number of countries, more resources are needed for schools in poor areas. Extra efforts are necessary to protect the right of girls to come to the school or to give disabled children a genuine chance of regular schooling; it is not sufficient just to state that they have the same rights as others. Information campaigns and home visits may be needed to break down the isolation and the prejudices. Children in the juvenile justice system or in other forms of closed institutions, who are often neglected in this context, also have the right to a decent education. Non-formal education might be the most effective means of reaching children working in the streets or in other places.

3. The Appropriate Content of Education

The Convention on the Rights of the Child stresses that the school should help to develop “the child’s personality, talents and mental and physical abilities to their fullest potential”. This can only happen if the curricula relate to the daily life of pupils and what is relevant for them: their immediate social relationships, food, hygiene and the environment. The key point is that the school must be *relevant* to the child, now and for the future.

This seems to be a major challenge for school reform. Education authorities are still discussing how to handle students who are not motivated at school and are therefore disruptive. One problem seems to be the artificial division between the 'theoretical' and the 'practical', another that the focus is on managing the next test rather than on genuine learning.

The challenge of making education truly relevant was discussed by the UNESCO International Commission on Education for the 21st Century. It listed "main tensions" which are, or will be, central in our time and which schools have to confront: between the global and the local; between globalisation and the unique character of each individual human being; between tradition and modernity; between long-term and short-term considerations; between the need for competition and the concern for equality of opportunity; between the expansion of knowledge and the human beings' capacity to assimilate it; and, lastly, between the spiritual and the material.⁸

UNICEF has initiated an interesting programme in the Middle East on 'Global Education', which addresses several of these issues. The programme's aim is precisely to make schools useful and meaningful, and thereby interesting, even exciting. Innovative ideas from various pedagogic initiatives have been merged into a comprehensive approach to holistic learning. There is an emphasis on life skills, on relating to the local community and its daily life, but also on relating to the world. Local, historic roots are seen as important and in a future-oriented context. A curriculum incorporating 'Global Education' is obviously better equipped to adjust to change.⁹

Some countries have adopted a statement, or even a 'charter', to summarise the aims of education. In the experience of the Committee these texts tend to overlap, at least partly, with Article 29. When discussing this aspect with the delegation of the Republic of Korea, the Committee expressed concern that the highly competitive nature of the education system in that country might hamper the development of the child "to the fullest potential of his or her abilities and talents".¹⁰ In other discussions the Committee has expressed worries about a school which seemed to push pupils towards excessive competition rather than encouraging meaningful learning. In this context, it has referred to the right of the child to rest, leisure and play (Article 31).

A school which aims to be relevant would also take an innovative approach to the link between the school and the world of work. Not only ought the school to adjust its schedule in order to accommodate children who work part-time or on a seasonal basis, it should also build bridges to the labour market. Vocational training might be more useful in a job environment than in the class-

room. Further experiments with work-study arrangements and apprenticeship programmes would be in that spirit.

4. Cultural Roots and Global Values

While the Convention on the Rights of the Child seems to argue for a democratic school in which the child is an active participant, rather than a listener, it does not propose a value-less school. On the contrary, it should prepare the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. Respect for human rights and the natural environment are also mentioned specifically.

These provisions are also relevant for the pre-school stage; in fact, kindergartens or crèches have in many countries pioneered reforms, for instance in developing a relationship with the natural environment.

The Committee on the Rights of the Child has suggested that Governments specifically include human rights in the national curricula to ensure that such education is given appropriate importance. Respect for human rights should also be developed through a democratic spirit in the school itself and expressed in, for instance, teaching methods and behaviour codes.

Another important aspect is the combination of learning to respect one's own nation and culture while at the same time respecting those of others. The school has a role in preventing xenophobia. One intention of this part of Article 29 is to create better understanding for minorities, indigenous peoples, refugees and immigrants; the word 'respect' is significant in this context.

When concluding its discussion on the State Report from Croatia, the Committee recommended the Government to encourage "a culture of tolerance through all possible channels, including the schools, the media and the law. The schools should teach children to be tolerant and to live in harmony with persons from different backgrounds".¹¹

In the case of the Federal Republic of Yugoslavia (Serbia-Montenegro) the Committee likewise requested that respect and tolerance for other groups and peoples be integrated into the curricula at all levels of schooling. School curricula should aim at educating children in the spirit of tolerance of and regard for different civilisations.¹²

The Committee has emphasised the importance of learning about gender equality and that no discrimination should be tolerated in regard to the treatment of girls in school (including such

matters as the availability of separate toilets). The point about respect for the natural environment was an important innovation when the Convention was drafted; the message has since then been further amplified through the United Nations Conference on Environment and Development, held in Rio de Janeiro, 1992, (Agenda 21), which recognizes children as important actors.

5. New Methods of Learning

Few educators today deny that children should have a chance to be active. 'Learning by doing' is often much more interesting and effective than passive listening. Memorisation and raw facts are less valuable than application and processes, which enhance understanding. Schools which have tried interactive methods have tended to continue on that road: small group discussions, role playing, games, drama and simulation. It is established beyond doubt that one can combine learning with both critical thinking and having fun.

This is, of course, not only a question of effectiveness. In the spirit of the Convention, the school should be *child-friendly*. The child has the right to be curious, to ask questions and receive answers, to argue and disagree, to test and make mistakes, to know and not know, to create and be spontaneous, to be recognized and respected. There should be recognition in school of the reality that pupils are individuals and learn in different ways and at a different pace.

A child-centred school gives the teacher a new role: less of a lecturer or a classroom police officer, more of a facilitator or group leader. A modern teacher will organise activities, provide materials, stimulate, guide and give advice. The pupils should have opportunities to 'learn how to learn' as a basis for continued, life-long learning.

A good library as the centre of the school could encourage children to find out through their own initiative. The library itself should be a place of life, not a dead book museum. Reading is important. The Tamer Institute, an active non-governmental organization based in Palestinian Ramallah, has developed a fascinating reading campaign which has encouraged many children in West Bank-Gaza to become friends with books and newspapers.

There is, of course, a clear link between relevant curricula and successful learning methods. It is not by chance that schools inspired by ideas like 'Global Education' also spearhead pedagogic developments. It is also clear that privately-run schools in a number of countries have introduced innovations very much in the spirit of the Convention. Ordinary schools could also learn from a

number of non-formal education projects which aim to reach children of minorities or in difficult circumstances.

6. Mutual Respect

The inner life of the school must reflect its educational message, including the values of human rights, such as the importance of tolerance and respect for those who are different. Democratic learning requires respectful relations in the school. The Convention on the Rights of the Child states that the human dignity of the child should be respected: "States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention" (Article 28, 2).

One important task is to give children the tools for peaceful conflict resolution. It is thus most important that teachers themselves do not use violence against pupils. However, *violent abuse is a major problem in school life world-wide*. Very few Governments have taken effective measures against this. Teachers in a number of countries continue to use violence as a means of trying to establish discipline. One contributing factor is their often impossible work load, with large classes, insufficient assistance and little support from outside.

Corporal punishment in schools is explicitly permitted in a number of countries and, sadly, is seen as routine. This is in violation of the Convention. The Government in post-apartheid Namibia, however, tackled this problem and recommended a non-violent approach, 'Discipline From Within', which was praised by the Committee on the Rights of the Child. As this policy is a rare exception, the experience ought to be evaluated and the lessons applied elsewhere.

Violence committed by children against other children is partly a hidden problem, the apparent scope of which is frightening, not least in the industrialized countries. Though statistics are difficult to find, it is clear that systematic bullying does take place in a great number of schools: stronger boys intimidate weaker boys; girls are victimised and sometimes suffer sexual harassment; and even school personnel are sometimes victims of this type of violence. Psychological harassment can be as damaging, but is usually more difficult to identify and remedy.

The school should be a violence-free zone. It is totally unacceptable that children should have to go to school in fear. There should be a clear policy that school personnel intervene in all such cases, as soon as possible and preferably at a preventive stage. Adults must demonstrate that they care for people and the

environment. Each school should have a plan of action against violence and pupils should, of course, be involved in the shaping and implementation of such a plan. To be effective such plans will have to relate to - and include - parents and the community. Violence, vandalism and the breakdown of discipline in a school reflect ill on the surrounding community.

In Sweden the school authorities and the Children's Ombudsman have launched campaigns against bullying. Even so, it has now been reported again that each semester 1,500 boys and 500 girls have to get medical or dental treatment because of violent abuse from other pupils.¹³ Another survey showed that 11 per cent of the pupils had suffered bullying, 7 per cent regularly.¹⁴

Reports from other European or North American countries give similarly alarming pictures. There are also great differences between schools in the same country or even within the same city or district. There are, however, examples of non-violent schools in the worst districts - flowers in the asphalt one could call them - a fact which gives one hope.

The school is, of course, a social arena; the relationships developed there are important for each child. Studies have shown how important the school can be in providing a support structure and safety net for a child in crisis. In areas of armed conflict or social turmoil, the school can be a pillar of strength when parents can no longer cope as caregivers and protectors.

Also, in more normal situations, the school is an important social environment, which can supplement the family as a point of stability for the child. This role, however, requires that the school has personnel educated for this wider responsibility. When countries in Europe, east and west, have cut budget allocations to schools in recent years, the consequences have been precisely to reduce their capacity for social support. Extra teachers assisting children with problems have been the first to be dismissed. In poorer countries such personnel have never been recruited. The consequence is a reduction of the potential role of the school in contributing to a better and fairer society; opportunities are thereby missed to tackle social problems early and economically.

7. Pupil Participation

The Convention on the Rights of the Child argues for a democratic school. Article 12 not only says that the child should have the opportunity to express herself or himself, but also that these views should be given "due weight". The school is of course an important arena for providing this right; it is not by chance that the

Committee on the Rights of the Child in discussion after discussion has asked government delegations to explain how Article 12 is implemented in their school system.

Again, there should be a link between the message in school textbooks about democratic values and human rights and daily life in the school. Judging from the State Party Reports on the Convention, this is a slow process. Sweden is no exception in that regard and there is now another round of discussions about 'pupil democracy'. It is stipulated by Swedish law that pupils should be able to influence their own education in accordance with their age and maturity. The national curriculum encourages students to take personal responsibility for their studies and working environment, to exert progressively more influence on their education and the activities of the school, to learn about the principles of democracy and to take part in democratic co-operation. Teachers are encouraged to contribute to a democratic atmosphere and to welcome pupil participation.

This policy has been developed on the basis of three key arguments. First, that participation is a human right, a point which was further emphasised in the Convention. Second, that it is an important task for the school to make students understand and respect democratic values. It is all the more important that these values are prominent in school. The third argument is about pedagogic effectiveness, that participation is a condition for an interactive learning process.

Certain structures have been developed to give a framework for democratic procedures in the schools. Each class is recommended to have 'class council' meetings run by the pupils themselves and each school to have a 'school council'. The students are also encouraged to appoint 'environmental representatives' among themselves to monitor the general working conditions in the school.

Evaluations of these steps have not indicated a huge success. In general, pupils still feel they have little influence in school. They consider themselves badly informed about curricula and education targets and that consequently they can hardly have a meaningful say. However, four pupils out of ten think they actually can influence work during lessons. The formal structures have had problems. They have been accused both of 'tokenism' - with the pupils having no genuine influence - and the precise opposite - with elected pupils having been given responsibilities which are too heavy. The attitudes of teachers have not always been constructive.

A major conclusion has been that the democratic spirit must develop during ordinary work in the classroom itself. Though the formal structures can be supportive, it seems clear that informal

dialogue in the classroom is the starting point. Regular evaluations and exchanges about previous lessons are important in order to allow students to be involved in the planning of their learning.

There are interesting examples of schools where the teachers have made efforts to open a genuine discussion on the question of what knowledge the pupils wanted to obtain, and thereafter, to allow lessons to be directed according to that response. The experience is that such attempts can break a vicious circle of boredom and hostility.

The emphasis in Sweden on the continuous classroom dialogue, rather than on the formal structures also seems to be the result of a changing concept of democracy. There is now a stronger emphasis on 'direct' participation when possible, rather than on 'indirect' representation. Pupils want to have a direct influence on their own learning situation, here and now. This makes teachers even more important for the functioning of school democracy and, indeed, the experience is that their role is crucial.

However, there is also a more political and formal aspect of pupil participation. This is how the chairperson of the Pupil's Organization in Sweden defined his vision of the democratic school, distinguishing between power, participation and influence:

A democratic school gives the pupil power over his or her own learning process. It allows pupils to participate in the planning, implementation and evaluation of their education. It gives pupils an influence on larger issues of education policy.

A democratic school gives pupils power over the administrative aspects which are directly relevant to them, for instance the purchase of learning materials. It enables pupils to participate in the decision-making process of the administration of the individual school. It also gives them influence over the political decisions which determine the framework of the school's overall activities.¹⁵

It goes without saying that physical abuse violates the spirit of democracy. It is also important that there is the possibility of appeal against repressive decisions. A pupil who has been expelled from school should be able to have his or her case reviewed. A good school should always endeavour to be a model of fairness.

The evaluations in Sweden have given a mixed feedback, but no one has concluded that the direction itself is misguided; it is

more a question of refining the approach. But how relevant is this experience to other cultures? There were no differences in the Swedish evaluations between the responses from immigrant children and others, but that does not prove that the experience can be universally applied.

One conclusion in Sweden which appears to be generally applicable, however, is that the knowledge and attitudes of the educators themselves appear to decide the pace. Progress in any country is unlikely to be faster than the teachers can manage or accept. They are, of course, also influenced by the community in which they live. Here is an obstacle but also an opportunity. Teachers, after all, are progressives in many societies.

8. The Role of Teachers, Parents and the Community

Teachers could find their job description in the Convention on the Rights of the Child. Its principles about non-discrimination, the best interests of the child, child development and respecting the views of the child are all crucial ingredients in the conduct of educators. Hardly any profession is so important in realising the idea of children's rights. It would, indeed, be interesting if teachers developed a more detailed interpretation of the message of the Convention for themselves, a teachers' version. This could be the basis for a manual for teacher education and training.

Obviously, the Convention encourages the changing role of educators from 'lecturers' to 'facilitators'. Their skill is to encourage and assist pupils in the learning process, rather than to know all the facts. It is to help introduce democratic attitudes and prevent violence. It is also to make the school relate to the community and the outside world in a constructive way.

Teachers represent adult society and its pledge through the Convention, to young people. It is one of the political contradictions of today that so much emphasis is given to the importance of education and so little is done to give teachers status, support and reward. Their advice is too often ignored, or not even asked for, when decisions are taken about educational policy. They are typically underpaid.

In Cambodia, for instance, the average monthly salary for a teacher is USD 20, on which it is impossible to live. They are therefore forced to have other jobs as well. This in turn affects the quality of education, even if many teachers try to give their best in the classroom. The situation is not very different in a number of other poor countries. Even in the richer countries teachers have a relatively low status. One consequence seems to be a reduction in their capacity to change and adjust to societal developments.

Parents are given a key responsibility in the Convention for the upbringing of children. They should not be seen as bystanders in the world of education; every school would benefit from a constructive relationship with its parents. In fact, good schools tend to treat them and other family members as 'members' or partners of the school. Such schools usually function better than others.

Also, for pedagogic reasons it is important that teachers and parents understand one another; much of learning takes place in the home. As values play a large part in a good school, it is essential that parents take part in that discussion. The State should welcome and promote the formation of associations, like parent-teacher associations, which aim at improving the contacts between parents and schools.

The community as such is not separate from a school which is in the best interests of the child. It was suggested above that the school should make adjustments to accommodate part-time working children and that the step from the school room to the job market should be gradual. Indeed, it is sometimes said nowadays that the future classroom will have no walls. Learning, to be both relevant and interesting, should sometimes take place in the community itself. Also, of course, the community has to come to the school. Information technology has already torn down other walls.

MEASURES FOR IMPLEMENTATION ---

The Committee on the Rights of the Child has several times recommended that specific Governments review their education systems. For instance, it did so in the case of Jamaica with this motivation: "The lack of adequate schooling facilities, the reduction of the educational budget, the low status of teachers, leading to a shortage of trained educators, and the insufficient measures taken to ensure vocational training are matters of serious concern".¹⁶

But, is the school which is emerging out of the ideals of the Convention achievable in the real world? Can it also be developed in poor countries, such as Jamaica and Cambodia? Though the Convention gives States room to achieve universal access progressively, State Party Reports do point to a lack of financial resources as the major hindrance to implementation.¹⁷ Indeed, the cost of education is a heavy burden on every State's budget; poor countries are particularly disadvantaged in their efforts to reach the target of education for all.

It is, however, striking that there are great discrepancies among the developing countries. Some give a much higher priori-

ty to education than others. This is also reflected in the statistics. Sri Lanka and Zimbabwe, for instance, have enrolment rates which are impressive in relation to their general economic standard. In its concluding observations after the discussion of the State Party Report of Mongolia, the Committee noted with satisfaction that the government had decided to allocate 20 per cent of its national budget to education.¹⁸

The World Bank stresses, in a recent report, the need in many countries to give higher priority to education but also to direct the present education budget more to basic schooling. The bank also suggests new approaches to school management, type of buildings, timetables and class sizes in order to save resources for the important items of expenditure.¹⁹

Privatisation may be seen as a solution to the problem of resources. In many countries, however, private schools are subsidised by the State or local authorities. The World Bank warns against privatisation of the primary school, which seems to be best organised by the authorities. The bank is more open to private approaches, including fee systems, at higher levels of education as long as poor students are given opportunities to obtain financial support.

There is also a trend in some countries to move responsibility for schools from State to regional or local authorities. This is probably sound in many cases and will, hopefully, enhance the relationship between the school and the surrounding community, which in turn may even produce extra resources. However, the Committee has warned that such decentralisation might lead to different standards in different parts of the country and has suggested measures to ensure a minimum level. In this context, the Committee has also pointed out that the regional differences tend to discriminate against children in minority areas.

The Convention also makes clear that there is an international duty to assist:

State Parties shall promote and encourage international co-operation 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. In this regard, particular account shall be taken of the needs of developing countries (Article 28, 3).

Some donor countries have reviewed their development co-operation programmes in the light of the Convention, though

many have not. At the same time, several developing countries have taken action themselves and specified their views on co-operation when reporting on the Convention and the follow-up to the World Summit for Children; Vietnam and Namibia are examples.

Still, the State Party itself always has obligations. Rich or poor, it should allocate the maximum amount of its resources to the implementation of the Convention: priority should be given to children. The Committee has put questions to Governments about the budget allocations to areas such as education. Have they demonstrated the *political will* to give the most possible to develop schools in the spirit of the Convention?

Also, finance is not everything. A good education law, for instance, is essential as are appropriate school curricula. The organization of the school system is an important factor in itself, a good structure can save money. It is important that there is room for self-evaluation and innovation within the system. The competence of teachers, managers and other school staff is absolutely key; which in turn requires that they are shown respect by the political authorities. Experience shows that community involvement does make a difference. Budget problems can be compensated for by creative approaches, such as reaching beyond schools with para-professional educators and distance learning.

This is probably a key point: education has to be affordable. Importing models from the rich countries will not be sustainable or even suitable for a number of countries in the south, such as Cambodia. Development has to start from the community, using local means and methods. There is a significant link here between what is locally relevant and what is affordable. In fact, the school emerging from the Convention appears to be not only less wasteful, but also more easily financed. An important part of the idea itself is to make the vision 'do-able', to mobilise the determination to make it happen.

SOME CONCLUSIONS

The general, global long-term trend is to give education more priority, though there have been some, probably temporary, cut-backs in the shadow of structural adjustment and economic reform policies in both rich and poor countries. One reason, of course, is the growing understanding of the connection between investments in education and economic growth.

In that discussion, it is important that the World Bank, The Economist and other such influential voices stress the importance of primary education. However, even if they are listened to,

it is not certain that we will move towards a school in the spirit of the Convention. The distortions in some of the elite schools, where there is often no lack of financial resources, is a warning signal.

That is why my conclusion is that the check-list produced through the Convention is not only relevant, but also of the greatest importance. It is important that it is established that learning is a right and that this *right* applies *without discrimination*.

It is important that childhood is no longer seen as only a preparatory period for adulthood but as having a value in itself, and that the child also has a right to leisure and play. It is important that a holistic view of the child is developed in which it is stressed that he or she should have space to *develop*, that his or her *opinion* should count and that, therefore, the child is a subject in the learning process, not an object to be stuffed with facts.

It is important that the education policies that are developed should be *in the best interests* of the child, which means, among other things, that violence must be prevented in school, that learning should be oriented towards life skills relevant now and for the future, that human rights and democratic values are emphasised and that the child should be assisted in understanding both his or her local roots and global connections.

Several of these points could also have been made without the Convention. The discussion between educators, school politicians and, in some countries, parents and even children, was, of course, already happening before the Convention was adopted. Indeed, among many teachers all over the world there is a passion for child-oriented schooling and some of them have pioneered reform.

Still, the experience of those of us who have tried to monitor the application of the Convention is that this treaty has the potential to make a unique contribution in every country. Already the notion that education is a human *right* has added a fundamental dimension to the discussion on education policy. The child-centred, holistic view is an important element for attitudinal change. The “best interests” principle introduces a child dimension into methods of political decision making. In other words, the Convention can help to define key issues from a child’s perspective. It is, therefore, a useful agenda for a child-friendly school.

All the experience so far shows that the child-friendly school also provides the most effective learning. It is in that sense ‘productive’. But that is not the point. Such a school would be good for children. It will also be an essential building bloc for a society which combines dynamic development with tolerance and mutual respect - a better society.

Notes

1. Professor Masa-aki Fukuda, Faculty of Law, Hitotsubashi University, Tokyo, in a paper entitled The UN Convention on the Rights of the Child and the Situation of Children in Japan, 1996.
2. Jörgen Christensen, Education officer for Sida in Zambia. The excerpt is from an article in the Sida magazine, Omvärlden No 8/96. Translation by Thomas Hammarberg.
3. My comments are largely based on the experience of the Committee on the Rights of the Child, of which I was a member 1991-97, on a lively discussion in my own country, Sweden, and on several visits to Cambodia during the last 18 months.
4. World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990's, p. 20. World Summit for Children, United Nations, New York, 30 September 1990.
5. Concluding observations of the Committee on the Rights of the Child: Honduras. CRC/C/15/Add. 24, para 31.
6. The conference was organised under UNESCO's Priority Africa Programme and the UNESCO/UNICEF Joint Committee on Education in co-operation with the Government of Burkina Faso. A report was published jointly by UNESCO and UNICEF: *"The Education of Girls: The Ouagadougou Declaration and Framework of Action"*.
7. One such initiative is the Centre for Studies in Inclusive Education (CISE), 1 Redland Close, Elm Lane, Redland, Bristol BS6 6UE, United Kingdom.
8. *Learning: The Treasure Within*. Report to UNESCO of the International Commission on Education for the Twenty-first Century. Paris 1996. The "main tensions" were listed in the introduction by Jacques Delors, pp 16-18.
9. Graham Pike, David Selby and Frank Dall have written on this interesting approach to modern learning. See for example: Dall, Frank, *Education and the United Nations Convention on the Rights of the Child*. UNICEF - ICDC 1993; Dall, Frank and Cummings, W.K., *Implementing Quality Primary Education for Countries in Transition*. UNICEF, 1995; Pike, Graham and Selby, David, *Global Teacher, Global Learner*. Hodder & Stoughton, 1988; Selby, David, *Earthkind, a Teacher's Handbook on Humane Education*. Trentham, Stoke-on-Trent, 1995; Greig, S., Pike, G. and Selby, D., *Greenprints for Changing Schools*. Kogan Page, London, 1989.
10. Concluding observations of the Committee on the Rights of the Child: Republic of Korea. CRC/C/15/Add. 51.
11. Concluding observations of the Committee on the Rights of the Child: Croatia. CRC/C/15/Add. 49, para 30.
12. Concluding observations of the Committee on the Rights of the Child: Federal Republic of Yugoslavia. CRC/C/15/Add. 49, para 30.
13. The Swedish daily Dagens Nyheter reported on these data from 1995 on 13 October 1997. The survey was carried out by Peter Lindström at the Police Academy, who stated that the situation remained the same.
14. These figures were published by the Children's Ombudsman 1997 and are based on a survey by the Swedish Institute for Public Health.
15. Tägtström, Christopher, *Elevinflytande är en rättighet!* Krut nr 79, Stockholm 1995. The quote is translated from Swedish by Thomas Hammarberg.
16. Concluding observations of the Committee on the Rights of the Child: Jamaica. CRC/C/15/Add. 32.
17. At the time of writing, in October 1997, 109 State Party Reports have been received, of which 79 have been processed by the Committee on the Rights of the Child.
18. Concluding observations of the Committee on the Rights of the Child: Mongolia. CRC/C/15/Add. 48, para 3.
19. *Priorities and Strategies for Education*. A World Bank Report. 1995

UNICEF
International Child Development Centre
Florence, Italy

The UNICEF International Child Development Centre (ICDC) in Florence, Italy, is an international knowledge base and training centre focusing on the rights of children. It was established in 1988 to strengthen the capacity of UNICEF and its cooperating institutions to promote a new global ethic for children and to respond to their evolving needs. A primary objective of the Centre is to encourage the effective implementation of the 1989 United Nations Convention on the Rights of the Child (CRC) in both developing and industrialized countries.

- **Information management** is at the heart of the Centre's approach. The Centre systematically filters existing information and its own research results to produce key findings, policy studies and case materials on key aspects relating to children's rights.
- **Research**, particularly to explore both critical and front-line issues, is carried out to further the understanding, development and monitoring of children's rights. Special attention is paid to problems of equity, economic affordability and the financing of social programmes to benefit children.
- **Capacity building** is a third important component of ICDC's activities. The emphasis is on improving understanding of the principles of the CRC to enable UNICEF staff to promote its implementation more effectively.

The Centre disseminates the results of its activities through seminars, training workshops and publications targeted at executive decision-makers, programme managers, researchers and other practitioners in child-related fields, both inside and outside UNICEF. The government of Italy has provided core funding for the Centre since its establishment, and other governments, international institutions and private organizations have provided supplementary funds for specific projects. The Centre benefits from the counsel of an International Advisory Committee, chaired by UNICEF's Executive Director.

Designed by
Bernard Chazine

Phototypesetting - Photolithography
Bernard & Co. - Siena

Printed in Italy by
Arti Grafiche Ticci - Siena

April 1998

Innocenti
LECTURES

A School
for Children
with Rights

by
Thomas Hammarberg

