Education and children’s rights

Ann Quennerstedt

1. Introduction

Most people would agree that education is of great importance to humanity. The value of education for the individual is regarded high enough to declare it as a human right. Besides the role played in the development of knowledge and skills, education is also recognised as a conduit for other human rights (Johnson 2010; McCowan 2012). It is not only the individual that gains from education, but also society, since the education of people is a matter of society’s continuity, development and prosperity (Lansdown 2001). Consequently, as a human right, education is not only essential for children and young people, but is also vital for adults and society at large.

However, for children and young people, the implications of the human right to education go beyond receiving necessary training for a good future life or for upholding and developing society. Many children and young people spend a large part of their time in educational settings, often more than with their families. The work they undertake in education is their main activity, and the educational setting is the basic platform for friendship and peer communication. It is also a place where children and young people may experience ostracism, humiliation and violence. For children and young people, education is life in all its facets. For this reason, from the perspective of children’s human rights, education is not only a question of developing skills and knowledge for the benefit of individuals or societies, but is also about living and growing together with others.

The ambition in this chapter is to, from an educational perspective, grasp the relation between education and children’s human rights and to clarify the complexity of this relation. The starting point is taken in an often used explanation of what is included in a rights perspective on education, namely a distinction between the right to education and rights in education (e.g. Lundy 2012). With the aim of further expanding what children’s human rights may mean in relation to education, I suggest three specific aspects as tools for elaboration: access to education, content of education and relations in education. The right to education will be discussed in terms of access and content, whereas rights in education will be explored from the vantage point of content and relations. This structure is developed by the use of arguments and findings in recent educational children’s rights research. This serves also to fulfil a second aim of
the chapter, which is to give a broad account of the current knowledge about education and children’s rights.

It should be noted that research into children’s rights, generally as well as within the discipline of education, is largely undertaken by researchers in Western contexts. This influences the kinds of questions that are posed and which lines of enquiry are followed, for example: since Western societies mostly have comprehensive school systems, matters of access to education receive less attention than what happens in education. This chapter also departs from such a position, but available research from other regions has been carefully sought and represent scholarly work from other perspectives. Further, since the main interest in the chapter is to explore and understand the relation between education and children’s human rights, detailed descriptions of the various studies or findings discussed are not given. Instead, references are provided for those who wish to pursue a topic further. In the last part of the chapter attention is directed more specifically towards the research field itself. The chapter therefore concludes with a critical reflection on the research undertaken so far into children’s rights issues in education, and makes suggestions for the continued study of children’s human rights and education.

Another important standpoint of this chapter that should be clarified is that children’s rights are regarded as included in the human rights, a view that is also reflected in the introduction to this Handbook. Drawing on Bobbio’s (1990) work, children’s rights is seen as a proliferation, or specialisation, of the general human rights meaning that ‘children’s rights’ is an interpretation of the human rights for a specific group of humans, namely children. The Convention on the Rights of the Child is consequently seen as the international community’s interpretation of children’s human rights. In this chapter, the various ways in which rights for children are conceptualised – children’s rights, children’s human rights, human rights for children – accordingly reflect the view that these refer to same thing.

1.1. Outlining a framework for understanding the relation between education and children’s rights

The distinction between the right to education and rights in education is illuminating in that it specifies that education is both an abstract entitlement and an everyday setting where rights are lived. However, I would argue that the right to–rights in distinction is too simplistic a frame to facilitate a deeper understanding of what a rights perspective on education could mean. One way of catering for increased complexity would be to add to the framework three basic aspects of the relation between education and children’s rights: access, content and relations. These aspects cut across the rights to–rights in distinction and elucidate the complexities.

First, one of the most basic rights issues in relation to education is access. However, even though education is declared a human right in a range of treaties, and this right is recognised as such by the states that are signatories to these treaties, many children around the world still do not have access to education and accordingly do not have any opportunity to enjoy their right to education. In regions where children have relatively easy access to education, problems with access may still arise, for example for disabled children. A comprehensive school system does not guarantee that there are no access-related rights issues to discuss.

Second, the right to education is not only a matter of access, but also of content. Here, the term content refers both to the teaching content (like facts and skills) and the pedagogical practices that are employed. In other words, what children and young people are given as possibilities to learn and how the teaching and learning is organised and carried out are as important for the fulfilment of the human right to education as access (United Nations 2001). It should be noted that content includes values. Indeed, one of the responsibilities of formal
educational institutions is to encourage children and young people to embrace certain central values, such as democracy and the principles enshrined in the human rights. The learning of values relies both on teaching content and pedagogical practice. For example, learning to act in accordance with human rights requires knowledge about what human rights are (facts) and teaching that respects those rights (practice).

Third, children’s relations to and with other people are essential to how they will experience their time in education and to how they will learn about social life. Some of the most important children’s rights issues in education are connected to relations. Children’s relations to and with their schoolmates are often a source of happiness and growing self-esteem, but for those children and young people who experience taunting, discrimination or violence in school, school is a fearful and dangerous place. Children’s and young people’s relations to and with their teachers also involve numerous children’s rights issues. While most teachers are eager to create a child-friendly environment, the traditions in education that form teachers’ views of children are not always in line with a children’s rights perspective. In many instances, authoritarian patterns and insufficient respect for children’s human dignity and rights characterise the relations between children and teachers.

Merging the distinction between the right to education and rights in education with the rights issues of access, content and relations could enable us to advance our understanding of the relation between education and children’s rights. I accordingly suggest that discussions about the right to education need to include matters of access and of content. The right is not only an entitlement to participate in education per se, but also to take part in a certain kind of education (with a certain content). If the importance of the content of education to fulfil the child’s right to education is not highlighted, it runs the risk of being overlooked and remaining unexamined. Talking about the child’s rights in education accentuates the here-and-now character of education as an everyday location for children’s and young people’s human rights, which is a necessary stance for research in this field. However, I would argue that the in is somewhat vague, and would benefit from an employment of both content and relations as rights-related dimensions of the everyday life of educational institutions. This is the framework that will be used in the following to clarify what the relation between education and children’s human rights might include and to make the complexity more visible.

2. The right to education: Access and content

2.1. The meaning of the right to education

At first glance the meaning of the right to education may not seem to be very complicated. This is illusory. McCowan (2010: 510) asks: ‘to what exactly does the right to education actually relate? Does it correspond to access to educational institutions, to a particular form of educational experience, or to some educational effect?’ McCowan is troubled by the almost non-existent discussion about the nature of the education that corresponds to the right, and urges us to pay more attention to the conceptualisation of the right.

It is important that both the quantitative and qualitative aspects are included in discussions about the right to education (e.g. Beeckman 2004; Johnson 2010; McCowan 2010). Some of the central quantitative aspects are that places offering education are sufficient and accessible to all children, that participation rates are high and that education is free of charge. Qualitative aspects may concern acceptable learning achievement, processes of education and a respectful educational environment. Most UN documents reflect this line of thinking. One such document is the Convention Against Discrimination in Education (UNESCO 1960, Art. 1), which
states that the term education ‘includes access to education, the standard and quality of education, and the conditions under which it is given.’ In her search for indicators with which to evaluate the implementation of the child’s right to education, Beeckman (2004) finds that those that are available consistently prioritise quantitative aspects rather than qualitative ones. When indicators do address qualitative elements they often end up turning into quantification exercises. Beeckman argues for the need to develop ways of measuring the extent to which the qualitative dimension of the right to education is implemented, for example whether teaching and learning processes are open, interactive and participatory.

In addition to the somewhat diverging messages concerning the access/content aspects of the right, as described above, there is a lack of clarity in international documents about what education is considered as a right. A shift in vocabulary over time can be noted (Johnson 2010): from the Universal Declaration of Human Rights’ provision for free and compulsory education ‘at least in the elementary and fundamental stages’ (United Nations 1948, Art 26:1, emphasis added) to the International Convention on Economic, Social and Cultural Rights’ (United Nations 1966, Art. 13, emphasis added) statement that ‘primary education’ should be free and available to all. In more recent documents (UNESCO 1990, 2000) the term ‘basic education’ has been introduced, and a distinction made between basic and primary education, with the former being the right and the latter the delivery system (McCowan 2010). Moreover, these later documents indicate that pre-primary education is also included in basic education (Mtahabwa 2010; Herczog 2012).

The ground for confusion is obvious. First, how are we to understand the parallel, and in meaning varying, use of basic and primary education – which is the right? Second, if ‘basic’ education most correctly defines the right, as some of the documents suggest, is pre-primary education also included in the right to education, or not? Third, can ‘basic’ education really be limited to a certain part of the education system labelled primary education (as a means of delivery of basic education)? Here, variations between different nations’ educational systems must be taken into account. For example, the transition from pre-school to primary school occurs at varying ages – between the ages of 4–7, and as Johnson (2010) points out, the duration of primary education varies between 3 and 10 years. And what about secondary education? In many nations it would be very difficult to manage with only primary education, and in those places secondary education is seen as basic.

In short, the precise meaning of the right to education is not at all clear, and the interpretations in the various international treaties and other documents actually add to the continued confusion concerning how access to and content of education relates to the right and which education corresponds to the right – basic, primary, pre-primary, or secondary.

2.2. Some specific issues relating to the right to education

When considering the meaning of the right to education, a number of specific issues can be raised. One such issue is the tension between children’s rights and parents’ rights in relation to the right to education. Education is perhaps the societal arena in which the human rights held by parents and those held by children converge most, and where the interest that parents and children have in education does not always harmonise (Marples 2005; Grover 2006). When parents send their child to school, and in doing so hand over influence on their child’s development to an educational institution, they may find that the education given to their children conflicts with their own convictions (Lundy 2005). This is especially evident in relation to religious beliefs, where parents’ right to freedom of religion and their wish to bring up their child in that belief may clash with the child’s right to an education that promotes religious autonomy.
Note here that it is not education per se that is suggested as the object of parental rights claims. The idea is not that parents should have a right to decide whether their children should participate in education or not. Instead, it is the content of education that for some is seen as a legitimate object of parental authority. The centrality of educational content in 'the right to education' is here brought to the fore.

When parents are given far-reaching authority over their children's education, for example through the design of school systems or specific legislation in these matters, and use such authority to limit the presence of life views or convictions other than their own in the child's educational surrounding, the child's right to education is violated, according to several authors (Hostmælingen 2005; Marples 2005; Almog and Perry-Hazan 2012). Englund (2010) and Grover (2006) both argue that the right to education is an entitlement to a pluralistic education that opens various perspectives for reflection and that provides a meeting point for ethnic, cultural and social groups. These authors argue that children's rights to be educated for tolerance and autonomy must trump parents' freedom rights. The standpoint of the global community on this matter is however not clarified. On the contrary, there is ambivalence both within and between various treaties, and between the treaties and how they are interpreted in human rights courts (Hostmælingen 2005; Quennerstedt 2009b; Wahlström 2009).

A second issue that is related to the right to education is educational segregation by the separation of children from mainstream education to special education institutions, for example children with disabilities or special educational needs, children belonging to an ethnic minority, or separation from school through exclusion. The Jomtien Declaration (UNESCO 1990) marked a shift in discourse, in that it accentuated and acknowledged that certain vulnerable and marginalised groups of children were not given equal opportunities to enjoy their human right to education. Some years later, the Salamanca Declaration (UNESCO 1994) discussed in more depth the implications of this for children with special educational needs. The main message of the Salamanca Declaration, which was later repeated in other human rights documents, is that all children have a right to attend a mainstream neighbourhood school – conceptualised in the term inclusive education (Miles 2009). Since then the inclusion of all children in mainstream schools has become a central feature of many nations' educational policy, despite there being a lot of uncertainty about what inclusion actually means (Allan 2010). Changing approaches over time to the education of children who need additional support has accordingly altered vocabulary and legislation, although the actual effects on educational practice seem to have been limited (Flatman Watson 2009; Runswick-Cole and Hodge 2009; Miles 2009; Allan 2010; Petriwskyj 2010). Almost without exception, this research shows that children with disabilities are still largely viewed from a deficit perspective and as deviant, and continue to suffer discrimination in the various education systems. Despite the ambition to include all children in mainstream schooling, a large number of children with disabilities, or who need additional support for other reasons, attend special schools, whether by choice or not.

Segregating and discriminative tendencies also affect the equality of access and outcomes for children from minority groups (Lundy 2012). In particular, the educational situation of Roma children has been brought to the fore. Roma children are described as those facing most inequality with regard to access to and benefits from education (O’Nions 2010). This group is disproportionately segregated from mainstream education, either within mainstream schools or by being placed in special schools (Roth and Moisa 2011; Murray 2012).

The exclusion or suspension of students from school as a response to challenging behaviour is a practice that can be questioned from the perspective of the child’s right to education (access/content) and the principle of the best interest of the child. Suspension and exclusion have negative academic and social effects and increase the risks of academic failure and drop
out, disengagement from school, alcohol and drug abuse, physical violence and other antisocial actions (Dávila and Naya 2007; Bryson 2010; Hemphill and Schneider 2013). Moreover, suspension and exclusion may augment existing disadvantages and societal inequality, since these measures are disproportionally used for students belonging to an ethnic minority group or of low socio-economic status (Osler and Starkey 2005; Quennerstedt 2009a; Bryson 2010; Hemphill and Schneider 2013). The use of suspension or exclusion as a disciplinary measure seems to have increased (Hemphill and Schneider 2013), and in some nations the state’s responsibility to provide education has been ’solved’ by the arrangement of alternative education for excluded students (Bryson 2010). On the one hand, alternative education provision may re-engage excluded children in education, although on the other hand, the students are often permanently separated from mainstream education. Bryson (2010) argues that alternative education in itself sustains exclusionary practices.

Refugee and migrant children’s right to education is another burning issue which highlights how the enjoyment of human rights still depends on citizenship status: the rights we have as humans are not necessarily the same as those we have as citizens of a state (Benhabib 2004; Vandenhole et al. 2011; Quennerstedt 2012). Examinations of the educational situation of migrant children, and especially undocumented children, show that if they are given access to public education at all it is often of inferior quality, for example due to insufficient resources or unqualified teaching staff (Bacáková 2011; Wang and Holland 2011; Vandenhole et al. 2011).

To sum up this first section on the right to education, two main aspects can be highlighted. First, there is confusion about what the right to education actually means. It is reasonably clear that the right includes aspects of both access and content, although there is more focus on access issues. Moreover, the confusion surrounding what kind of education is a right is widespread, and here international documents offer little help. Second, a range of specific issues stem from the claim that education is a right for all children and include: how children’s human rights relate to parents’ human rights, how we are to view educational segregation, and how the situation of the non-citizen child is to be dealt with. None of these issues have been resolved. In the next section we will look at education and children’s rights through a different lens – one that shifts the focus from a general international or national policy level to the everyday educational practices in early childhood education and schools.

### 3. Rights in education: Content and relations

The claim that children’s and young people’s human rights have to be considered as an aspect of the everyday life and activities in education highlights the responsibility of educational institutions to acknowledge and be responsive to the rights of children and young people here and now in practice. It is no longer only the human right to education that needs to be taken into account and interpreted, but rather the whole range of human rights. How, then, can we view the role and responsibility of educational institutions to respond to children’s human rights in education?

I suggest that a first part of this responsibility is to respect children and young people as holders and practitioners of human rights. This means seeing and meeting children as legitimate holders of rights, and allowing them to exercise their human rights in the educational setting. This role includes safeguarding respectful relations between all participants in the educational environment, and a responsibility to protect children and young people from discrimination, violence and other negative actions that infringe their human rights and dignity. I further suggest that a second part of the responsibility of educational institutions to respond to the rights of children is closely related to the specific role assigned to education by society, namely...
to educate children. This would mean that children and young people are educated as holders and practitioners of human rights by being given opportunities to develop the knowledge, skills and capacities they need to more fully enjoy and exercise their human rights.

In everyday practice the acts of respecting children and educating children are intertwined. For example, the experience of being treated with respect for your human rights includes learning about what it feels like to be respected and the importance of respectful relations between humans, which in turn affects one’s own actions. Acknowledgment and respect for children and young people as rights holders is in itself educating. In the following I will discuss rights in education as largely connecting to the respect for and education of children by means of educational content and to the nature of relations in educational settings.

3.1. Respecting and educating through the choice of educational content

As mentioned at the beginning of this chapter, educational content includes facts, values and skills, as well as the processes and interactions in teaching and learning. Ideas about respecting and educating children as holders and practitioners of human rights can be incorporated into the choice of educational content in various ways. A directly visible rights-related content of teaching and learning is when rights are made an object of teaching/learning – children are educated about and in rights. This is sometimes labelled ‘children’s rights education’ (Covell 2010). Howe and Covell (2005) discuss how such children’s rights education can help children to develop (i) knowledge about their own rights and the responsibilities that accompany those rights, (ii) knowledge about general human rights principles and the underlying values and attitudes, and (iii) skills and capacities that facilitate taking positive action as a holder of rights. The purpose of children’s rights education is thus that children will develop their knowledge and gain action competence as rights holders. A recent shift in vocabulary can be noticed in this area to the extent that (in line with the standpoint declared in the beginning of this chapter) children’s rights and human rights are increasingly merged. For example, Covell et al. (2011) have in their later works rephrased their former wording to ‘children’s human rights education’, and Mitchell (2010) argues for a reconstruction of children’s rights education within the framework of human rights, thereby aiming towards pedagogical integration between children’s human rights and citizenship education. In my view, the shifting vocabulary reflects a more basic shift in thinking about children’s rights – not separating them from the general human rights.

Also, pedagogical choices surrounding the framing and presentation of objects of study other than human rights can be more or less explicitly guided by a rights perspective. One example is religious education. In-depth knowledge about, and a critical understanding of, the role of religion in today’s world is becoming increasingly necessary, and is why we need to carefully consider how religious education should be formed and presented (Jawoniyi 2012). Jawoniyi suggests that the human rights framework supports the standpoint that non-confessional and multifaith education is preferable. Another example is character and moral education. The role of education to foster a desired character and morals has always been held high, but how do we decide what ‘good’ character or morals are? In the search for a value base that guides the kind of character that we hope children will develop, Lake (2011) suggests that a human rights framework can provide a more universal way of understanding character education. Both these authors show how a children’s human rights perspective can inform pedagogical choices of various kinds.

Important parts of the educational content reside in the processes of education. This means that procedures and interactions that are employed to deal with a particular object or topic will inevitably contribute to what is learnt. I would say that this is an overlooked aspect in the
human rights documents, for example in the Universal Declaration of Human Rights (United Nations 1948) and the Convention on the Rights of the Child (United Nations 1989). These instruments elaborate on the aims of education, but do not address the kind of processes or experiences that need to occur in order to achieve those aims (McCowan 2012). There may be a risk that structures and processes in education are seen as less important for children’s and young people’s growth in knowledge and ability than the topics or objects of education. In my view, the discussion about what children’s rights mean in education needs to engage more with the significance of educational processes and raise questions about which processes are important from a rights perspective.

From a rights perspective, one valuable educational process is experience-based learning. The importance of experience for children’s learning and growing is highlighted by many educational scholars (Dewey 1938; Todd 2007; Covell et al. 2008; Quennerstedt and Quennerstedt 2013). In this, schools could make use of everyday situations to discuss ‘lived rights’ with the children. In their interactions with each other and with adults, children and young people will be faced with rights dilemmas, since human rights are not always at peace with each other. For example, how does the right to freedom of speech relate to the right to non-discrimination? In discussions based on self-experienced situations, children can be given opportunities to consider different ways of dealing with ambiguity in relation to human rights. Todd (2007) maintains that the real potential of educating children and young people as rights holders lies precisely in the capacity to extend their experience and knowledge by discussing the issues and having their ideas challenged.

Another kind of educational process that has been suggested by many authors as valuable from a rights perspective is that of participation (see also Tisdall, Chapter 11). However, the various ways in which the concept of participation has been used to discuss rights issues lead in somewhat different directions (‘children’s participation’, ‘student participation’, ‘participation rights’ and ‘right to participation’). Thomas (2007) describes how the term ‘participation’ can refer to taking part in an activity (physical presence) or, more specifically, to taking part in decision-making. Participation can also be used to characterise a process that engages children as autonomous and knowledgeable actors, or to describe the outcome of an activity. The expression ‘children’s participation in education’ can accordingly refer to quantitative aspects of education, such as enrolment and drop out statistics, and qualitative ones, such as the extent and quality of children’s engagement in educational activities (Smit 2013). Also, when participation is coupled with the term ‘rights’ the meaning varies. The use of ‘participation rights’ indicates that there are a number of such rights that need to be considered in education, while ‘the right to participation’ suggests that children have a particular right that is called participation. Although using the term participation to specify a certain kind of process can be problematic, it is nevertheless a widespread way of approaching and conceptualising how processes in education can be rights respecting and contribute to children’s growth and learning as rights holders.

The value of participatory processes in education is mainly discussed in two ways: one that centres on the child’s right to be heard and included in decision-making in education (Bae 2010; Theobald and Danby 2011; Dunphy 2012) and one that highlights the child as a participant in all aspects of school life – planning, learning and evaluating (I’Anson and Allan 2006; Smith 2007). Like all humans, children and young people have the political right to exercise influence over their own lives by having their opinions and views taken into account and by being invited into the arenas in which public opinion is formed and decisions are made (Quennerstedt 2010). Participatory processes in education, guided by respect for children’s political rights and simultaneously aiming to provide opportunities for children and young
people to develop their knowledge and abilities as holders and practitioners of political rights, may accordingly be of great importance from a rights perspective.

3.2. Respecting and educating through the relations in education

Reflecting on relations between the participants in an educational setting is central to a comprehensive understanding of children’s rights in education. This includes the relations between children and between children and adults, in this case mainly teachers. These relations may be joyful and strengthen children’s rights and human value, but may also be detrimental, diminishing children’s and young people’s human value and even violating human rights. In the following, some of the rights issues in education that are connected to relations will be discussed as relevant aspects of respecting and educating children as holders of rights.

Friendships and positive social relationships are vital for children and young people. For children, being among friends may be the main motivation for going to school. Difficulties in making and maintaining friendships not only affect children’s well-being, but also their possibilities of academic achievement. Social relations that are affirmative contribute positively to children’s and young people’s development, learning and overall quality of life (MacArthur 2013). The Convention on the Rights of the Child states that for children, the right to life includes a right to develop (United Nations 1989, Art. 6). From such a rights perspective, we need to ask whether educational settings are places in which children experience positive social relations and human dignity, and consider the responsibility of educational institutions to support children who are struggling with friendships and are in danger of being excluded.

Regrettably, many children and young people are subjected to physical aggression, verbal aggression and/or exclusion in school. Some groups of children, such as those with disabilities, are particularly exposed to bullying and abuse (Mepham 2010). Bullying has been widely debated since the 1970s, but very few analyses of this phenomenon have been conducted from a rights perspective. Recently, it has been suggested that efforts to combat bullying would be greatly enhanced by making it synonymous with the defence of human rights (Greene 2006; Taylor 2008). Magendzo Kolstrein and Toledo Jofré (2013) make a strong case by relating the issue of bullying to the wording in central human rights instruments that all humans are equal in dignity and rights, and that no one shall be subjected to cruel, inhuman or degrading treatment (United Nations 1948, 1989). The authors maintain that in the act of bullying a person’s dignity is stripped and the victim is humiliated and degraded. They conclude that all forms of bullying undermine human rights and that some are direct or even severe violations of human rights.

Some authors highlight that the discourse of bullying is largely separated from a discourse of rights (Greene 2006; Stein 2003). The anti-bullying laws and school programmes that many nations have adopted in order to combat bullying usually focus on establishing anti-bullying policies (national/local), on individuals’ feelings and on the bully/victim. Connections are rarely made to the underlying norms that enable hostile environments in which such actions can occur and to the violation of human rights. In this sense, Stein (2003) argues that the discourse of bullying can minimise or obscure the severity of aggression and harassment. Through the discourse of rights, the violence, harassment, degrading treatment and exclusion that children and young people experience can be viewed against a different backdrop. Such change of discourse may provide new ways of addressing these problems.

Children’s and young people’s relations to and with adults in education are also of great importance from a rights perspective. In general teachers strive to create a warm and friendly atmosphere, where children are cared for and feel safe and happy and where learning conditions
are beneficial. In spite of this, research indicates that within education there appears to be a reluctance to adopt children’s rights thinking (Alderson 1999; Lansdown 2001; Quennerstedt 2011). The traditional view of the child as the property of its parents and as an object of the process of natural development has defined children as people with little autonomy and lacking in competence (Quennerstedt and Quennerstedt 2013). This view of the child has governed the structures and relations in education for a long time. However, the perception of the child as a dependent ‘not yet’ has been challenged by the rights discourse and by the theorising in the sociology of childhood (e.g. James et al. 1998), and the view of the child has gradually changed over the last few decades. Of course, teachers have also been affected by new thinking about children’s social status. In Hudson’s study (2012), when asked about how they view children and children’s rights, teachers expressed agreement with these principles. However, turning principles into practice seems to be difficult – Hudson identified a significant gap between what teachers talked about in relation to children’s rights and what actually happened in practice. How can we understand this reluctance to change in education?

A first aspect to consider is educational tradition. The core values that are reflected in traditional schooling are not always in line with contemporary children’s rights thinking. Educational practices are commonly underpinned by hierarchical power structures, where time, space, bodies and activities are controlled by adults (Alderson 1999; John 2001). There is a strict separation between adults and children: adults have the right to make decisions and administer discipline, while children have to accept their subordinate position and lack of power. Furthermore, the imbalance of power is often combined with a view of learning in which children are seen as passive recipients of adult wisdom. Adults’ ideas and perceptions are prioritised and form the basis for activities and interactions. Murris (2013) discusses that such ‘epistemic injustice’ often characterises the relation between teachers and children, in that children are regarded and treated as not yet full epistemic subjects (knowers) by their teachers. Research has demonstrated that children seem to be well aware of the unequal power structures and their inferior status in school and report on their experiences of this in a variety of situations (Allan and I’Anson 2004; Thelander 2009).

A second aspect to take into account when understanding the resistance in education to children’s rights-oriented change is the theoretical foundation for teacher professionalism. Developmental psychology has traditionally formed the base in education for approaching the child as a learner and, despite decades of critique from other theoretical domains, it still dominates educational practice (Osler and Starkey 2005; MacNaughton et al. 2007; Murris 2013). Accordingly, the education provided in early childhood centres and schools has been informed by general beliefs about younger children’s limited competencies, self-centredness and lack of capacity for abstract thinking. Developmental theories tend to essentialise and generalise about children and their capacities, thereby abstracting the child from his or her social context (Murris 2013). This universalist notion of child development has played an important role in teachers’ professional expertise and has equipped teachers with a ‘map’ of childhood and the child’s development of capacities and abilities at certain ages (MacNaughton et al. 2007). This view of the learning and developing child might actually weaken and undermine the notion of children’s rights.

In short, the argument in this section has been that rights in education are closely connected to respecting and educating children – in all aspects of everyday school life – as fully-fledged holders of human rights. In this, one role of education is choosing educational content. A number of aspects related to choice of content have been highlighted: educating children about rights, framing other educational content with human rights and employing educational processes that promote children’s human rights. Another role of education is cultivating respectful relations...
between all actors in education. A need to investigate the underlying norms that enable an environment in which bullying and discrimination occur has been pointed out, as has the potential of the human rights framework to work against hostility and discrimination. The seeming resistance within education to adopt a children’s rights perspective, which maintains unequal power patterns between adults and children and a view of children as ‘not-yets’, has also been highlighted.

4. Some reflections on educational research into children’s rights issues

So far in this chapter, research has been used to give substance to the exposé of what children’s human rights mean in relation to education. In this final section, a more distanced position will be taken to the research hitherto conducted. Here critical reflections are outlined and possible new routes for the future of educational children’s rights research are suggested.

In this chapter’s portrayal of the relation between education and children’s rights, little attention has been paid to the intensity of research interest into the various themes presented. However, two earlier review studies of children’s rights research by Reynaert et al. (2009) and Quennerstedt (2011) have identified the following research focal points:

- the child’s *right to participation* (alternatively ‘participations rights’) in education,
- the tension between *parental rights and children’s rights* in the right to education,
- *implementation research* (in relation to the Convention on the Rights of the Child), for example in the case of disabled children, ethnic minorities or the right to participation,
- *teachers’ views* on children’s rights and structures in education that undermine children’s human rights.

In all these matters our knowledge has been significantly extended and refined by the research that has been conducted. But other aspects of the relation between education and rights that have been pointed out in this chapter have received little attention in research, and, as a consequence, the knowledge about these matters is limited. These include:

- *what the right to education means*, what is included in the right and which concepts embody the right to and rights in education,
- the *significance of educational content* (topics and processes) in relation to the right to and rights in education.
- the *significance of relations* in education (to peers and adults) for what is learned.

An emerging interest in these later issues may be seen to represent new lines of inquiry in educational children’s rights research that could open up new areas of research and contribute with important insights. This is particularly the case with regard to educational content; an area that is still largely unexplored from a rights perspective. These issues may also represent a more critical and specifically educational approach to the study of children’s rights, and answer the calls from within the field for more critical investigations.

Reynaert *et al.* (2009) raise our awareness of a problematical general characteristic of children’s rights research, namely that it is part of an international consensus building around children’s rights. ‘Children’s rights’ are presented in an unambiguous way, and a notion of social consensus is constructed. The authors’ argument that the Convention on the Rights of the Child has been placed at the centre of children’s rights as a definition and an instruction for policy and practice, without being questioned or analysed, is a warning that should be taken
seriously. Continuing this line of argument, I have elsewhere suggested that the change sought for by Reynaert et al. needs to include a more critical stance towards the Convention as well as more theory driven research, where research questions are formulated in relation to theory rather than in relation to the Convention (Quennerstedt 2013). A critical perspective is also a starting point for this Handbook (see introduction). Both these approaches offer ways of breaking consensus, opening the field to contesting views and standpoints and facilitating constructive debate and new thinking.

Another change of direction that would make a significant difference is bringing the study of children’s rights closer to particular academic domains. The top-down approach that is often employed in this field of research runs the risk of neglecting the expertise and specific knowledge interest that is at hand within a certain discipline. The context in which the rights are studied is then viewed as just an arena for implementation. Questions about children’s rights are constituted as universally valid and equally relevant in all settings. I would instead suggest the opposite approach, namely that research into children’s rights should depart from the particular knowledge interest of a certain academic field. The matter of human rights for children in relation to education accordingly needs to be incorporated into the core interests of educational research, and questions formulated from such a merged position. This would mean that questions about children’s rights in e.g. law studies are substantially different from those raised in e.g. educational studies, because these disciplines have differing knowledge interests.

The work on participation issues, parents’ rights–children’s rights issues, implementation matters and teachers’ views is not over. On the contrary, much remains to be done. However, this work would benefit from a more Convention-critical and theory driven approach. The exploration of deeper meanings of the right to education has only just begun, as has the significance of educational content to respond to children’s and young people’s human rights in educational settings. All this work could be given a new orientation if perspectives were changed, from a children’s rights perspective on education, to an educational perspective on children’s rights.

**Questions for debate and discussion**

- How can we understand the dominance of Western scholarship in the field of children’s rights? And what can the consequences of this be?
- How can educational processes be discussed as significant to the role of educational institutions to respond to children’s human rights?
- What is the difference between the role of education to respect children as rights subjects and to educate children as rights subjects?

**References**


Bacákova, Marketa (2011) Developing inclusive educational practices for refugee children in the Czech Republic. *Intercultural Education* 22(2), 163–175.


UNESCO (1960) *Convention Against Discrimination in Education*.


