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Child Rights – an Anachronism or Necessary in Contemporary Education

Within contemporary societies, the recognition of and respect for human rights is a standard, an integral part of which are the rights of children. For a long time, there were efforts to define international standards of human rights. It was only after the end of World War II that this process intensified. In 1948, the General Assembly of the United Nations accepted the *Universal Declaration of Human Rights*, in which it is clearly emphasised that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory”. Despite efforts to make the 20th century the “Century of the Child”¹, children were not always protected from harsh living conditions, the breaking of child laws or from exclusion from society. For this reason, initiatives appeared to establish an international set of rights for children – in 1959, the *Declaration of the Rights of the Child* and, in 1979, the *International Year of the Child*. In 1989, Poland, as a member country, made a significant contribution to the passing of, at the United Nations in 1989, the *Convention on the Rights of the Child*, which came into effect in 1990².

The *Convention on the Rights of the Child* brought about a change in the perception of children, who ceased to be the subject of protection guaranteed by law, but became a legal entity unto themselves. Placing children and their rights at the centre of interest to national and international committees contributed towards this change in the perception of children. This occurred because the *Convention* did not present child rights as contradictory to the rights of adults, or as an alternative to or the abolition of the rights of parents, but as an integral part of human rights. The child is regarded as an individual whose needs unfold as he/she grows and matures. The *Convention* also seeks a balance between specific child rights and the responsibilities of parents/guardians/carers or those responsible for the life, health and psycho-social development of children, giving children the right to participate in the decision-making process which affects their lives³.

¹ *The Century of the Child* is a book by Ellen Key, Swedish writer, teacher, pedagogue and women's movement activist, a forerunner to educational reform. She associated her social and philosophical ideas with the raising of the whole individual, in which the child's right to free development is respected. Poland's rich literature, the issue of child rights is included in, among other works, *Prawa Dziecka. Deklaracje i rzeczywistość. Materiały z Konferencji Rembertów 19-21 czerwca 1992 (The Declaration on the Rights of the Child and Reality. Material from the Rembertów Conference 19-21 June 1992)*, edited by J. Bińczyckiej. Warsaw 1993 as well as *Dziecko i jego prawa (The Child and Its Rights)*, edited by Elżbiety Czyż. Warsaw 1992.

² T. Lewowicki. *Wstęp do wydania polskiego (An Introduction to the Polish Edition)* [w:] S. Hart, C. Price, M.F. Erickson, M. Flekkoy. *Prawa dzieci w edukacji (Child Rights in Education)*, Gdańsk 2006, p. 7.

³ S.P. Mason, C.P. Cohen, *Dzieci w prawie o edukacji (Children's Rights in Education)* [w:] S. Hart, C. Price, M.F. Erickson, M. Flekkoy, *Prawa dzieci w edukacji (Child Rights in Education)*, dz. cyt. p. 19

Education is at the centre of the development of every country. Therefore, there is no civilised and progressive society which can take the liberty of ignoring the rights of its citizens, including the specific rights of children to an education and to the acquisition of knowledge. The rights of children still remain a relevant issue within contemporary education whose aim is to prepare children for an active life in a free society, to develop a respect for their parents, to giving them a cultural and linguistic identity and a respect for their cultural origins and the values of other people. The right to an education, being a basic right of children, is intended to contribute to the development of, in the broadest manner, the individuality, talents and physical abilities of the child; the development, within them, of a respect for human rights and its basic liberties; a preparation for life in a spirit of understanding, peace, tolerance, gender equality and friendship between all peoples; as well as developing a respect for the natural environment⁴.

The rights of children in education contribute to, in a significant manner, the raising both those rights and education, because a grounding in those child rights is the best way of guaranteeing human rights within the whole of society. Childhood development creates specific abilities. Hence child rights as individual rights, and the connection of these rights to education, take on a fundamental significance. Because, every person has the right to satisfying his/her essential need for healthy psycho-social and moral development. In this sense, education facilitates the process of complete human development in the previously mentioned areas.

The provisions of the *Convention on the Rights of the Child* define the various aspects of human rights and the need for education. This *Convention* determines and defines the rights of children to protection, care, development and participation in public life. Education includes the entirety of those social processes by which individuals and social groups consciously learn to develop their individual possibilities, talents and knowledge, as part of, and for, national and international communities. These processes are not limited to any specific activity⁵. In this context, every country should aspire to providing children with standards, enabling children to exercise their rights to an education.

Considering the above issues in the context of the question, "Are the rights of the child an anachronism or necessary in contemporary education?", it should be emphasised explicitly that "human rights begin in the smallest place closest to home – a place so small that it goes unnoticed on a map. So long as those rights have no meaning there, they do not have the slightest significance anywhere else"⁶. Therefore, it should be remembered that rights should be respected, not only in the smallest of places, but also in terms of the smallest of individuals, i.e. children who, thanks to their rights, gain the right to human dignity. Children should receive "the best of humanity", meaning the best of education systems and, in the broader sense, a respect for the rights of children by the whole of society⁷.

⁴ *Convention on the Rights of the Child* accepted by the United Nations General Assembly on 20th November 1989. [w:] *Dziecko i jego prawa, (The Child and Its Rights)* edited by Elżbieta Czyż. Warsaw 1992.

⁵ A definition of the term "education" as accepted by UNESCO.

⁶ "You and Human Rights" dated 27th March 1958 / UN booklet /- quoting Eleanor Roosevelt.

⁷ S.P. Mason, C.P. Cohen, *Dzieci w prawie o edukacji (Children and Their Rights to an Education)*, dz. cyt. n. 38-39.

A universal human right, in particular that of the child, is the right to an education, on the basis of which other rights can be exercised. It is conditional to the increasing of the quality of life, to spiritual and moral development and is an indicator to the proper functioning of a society. Favourable conditions should therefore be created where they can then be moulded into responsible individuals. The ultimate purpose of education is to secure a high standard of living for current and future generations of children and young people. The full exercising of the right of a child to an education is an essential condition to achieving this purpose, so that the meaning of “education” should extend beyond the school. It should be stressed that a person is subjected to the education process throughout his/her entire life, within various social situations.

When looking at the rights of the child, an essential aspect is a universal accessibility to education of a high standard, appropriate to the cultural needs of the individual and adapted to changing and diverse needs⁸.

The effectiveness of the process of implementing the right to education requires consistent and responsible, education politics. It is worthwhile being aware of the fact to which Pope John Paul II draws attention:

What more could one wish for the whole of mankind, for all the children of the world, if not a better future in which the rights of children will be, in reality, fully respected.

Within Polish schools, the rights of children and students are clearly defined as the fundamental right to an education, in which schools must provide conditions essential to the development of every pupil, to prepare them to fulfil their family and civil responsibilities, based on the principles of solidarity, democracy, tolerance, justice and freedom⁹.

Article 55 of the regulations, dated 7th September 1991, on the system of education extended to pupils, contains, among others, the right to understand the education curriculum, its contents, aim and requirements; the right to an open and justifiable evaluation of progress in learning and behaviour; the right to an organisation of school life enabling a suitable balance between school work and the satisfaction of personal interests; the right to edit and publish a school newspaper; the right to organise cultural, educational and entertainment activities, according to one's own needs, organisational abilities and with the approval of the principal; the right to choose the teacher to be responsible for the students representative council¹⁰. In order to comply with the regulations concerning the conditions and manner whereby students are evaluated, classified and promoted, there is a right to information on the student's level of educational achievements in behaviour and in their progress. It is essential to look at the issue of help in planning the development of and in motivating a student to progress further in their learning and in their behaviour; informing students of obligatory classes, extracurricular activities, the manner of checking on

⁸ Report presented to the Human Rights Commission by the UN Special Commentator on Access to Education (E/CN.4/1999/49, par.50.; G. Lansdown. Implementation of Convention Rights [w] S. Hart, C. Price, M.F. Erickson, M.Flekkoy. Prawa dzieci w edukacji, dz. cyt., s.41.

⁹ An Act dated 7th September 1991 on the education system (Dz. U. 2004. No.256, poz. 2572, z późn. zm.).

¹⁰ Article 55 of 5 Acts dated 7th September 1991 on the education system (Dz. U. 2004 N0.256, poz. 2572, z późn. zm.).

these achievements and the manner by which annual gradings are assessed from those compulsory and extracurricular requirements.

The regulations also relate to the issue of openness of the assessments, which must be justified at the request of the pupil or the parents, as well as understanding the curriculum, its contents, purpose and requirements; the right to openness and justification in the assessment process of the pupil's learning behaviour; the right to an organisation of school life enabling a suitable balance between school work and the satisfaction of personal interests; the right to organise cultural, educational and entertainment activities, according to one's own needs, organisational abilities and with the approval of the principal; providing students with the possibility of overcoming any shortfalls resulting from a mid-term assessment, if such a shortfall would make it impossible for the student to continue learning within that class or a higher one.

It is not possible to omit the need for educational requirements to adapt, in response to psychological-pedagogical opinion derived from specialists, to the psychophysical and educational needs of pupils, where disorders, developmental deviations or specific problems make it impossible for them to meet those requirements. This may relate to exemptions from physical education, computer science or information technology, based on a doctor's opinion. It may also relate to exemptions from learning a second language, based on psychophysical and pedagogical assessment, for students with hearing problems or with severe dyslexia.

Let us now look at the issue of annual examinations aimed at assessing prize winners and finalists of competitions and subject Olympics, or the sitting (for various reasons) for external tests or examinations or exemptions from tests, high school examinations or specific sections of the examinations in special or health-related cases¹¹. Compliance with the above laws on rights, including the rights of children, in Polish schools, includes adherence to those provisions within pre-schools and public schools (the rights of pupils must coincide with the provisions of the *Convention on the Rights of the Child*). Similar conditions and methods are carried out by pre-schools, schools and public institutions, enabling the maintenance of a sense of national, ethnic and linguistic identity for ethnic minority students and for communities speaking regional languages (students also have the right for their school to ensure such conditions for the maintenance and development of their national, ethnic and linguistic identity and for their own history and culture).

The regulations also speak of the conditions and manner of organising religious education in public school (religious or ethics education in schools, if parents or adult age students express a wish for it – non-participation in religious or ethics classes cannot be used as a reason for discrimination under any circumstances)¹².

¹¹ State Education Ministry directive, 30th April 2007 regarding conditions and methods of examining and classifying students and the conducting of tests and examinations in public schools (Dz. U. 2007, No.83 poz. 562 z późn. zm.); State Education Ministry directive, 14th April 1992, regarding religious education in public schools (Dz. U. 1992, No.36, poz. 155 z późn. zm.)

¹² State Education Ministry directive, 21st May 2001, regarding regulations for pre-schools and public schools (Dz. U. 2001, No.61, poz. 624 z późn. zm.); State Education Ministry directive, 14th November 2007, regarding conditions and methods, in pre-school, schools and public institutions enabling the maintenance of a sense of national, ethnic and linguistic identity for ethnic minority students and for communities speaking regional languages (Dz. U. z 2007, No. 214 poz. 1579).

The school community and, in particular, the teacher must be aware, that children's rights, the same as human rights, are not dependent on any factors such as duties performed. It is therefore not possible to deprive a child of its rights or to suspend them. If children do not carry out their responsibilities, they can be punished by a lack of rewards, a denial of privileges, but never of their rights. This results from the simple fact that the rights of students arise from documents effective internationally, part of human rights, in particular, the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *Convention for the Protection of Human Rights and Fundamental Freedoms*, and the *Convention on the Rights of the Child*. Within the Polish education system, the following are regarded with the utmost importance: the development of interests, abilities and talents; the right to freely express one's thoughts, beliefs, in particular concerning school life, one's world view and religion; the right to live without violence or subjective treatment within the teaching process; the right to influence school life through the student council or forming school clubs and, finally, the right to privacy.

When looking at the issue of child rights in education, one needs to be aware that it is a constant, current issue. "If children are bad, (it is) not because they know their rights, it is because those rights were, at some time, neglected". The above statement complements the truth resulting from the fact that every child has individual needs and has individual characteristics and interests. In looking at it this way, the state must find a response within the organisation, structure and ethos of its education system. The education system should create conditions such that the school will be pleasant for the child, encouraging the child to pursue his/her interests, attitudes and to be creative - a school in which children will be listened to and respected. In this type of school, children should be involved, as much as possible, in classroom group tasks, be taught to make independent decisions and to develop their psycho-social abilities. In view of the fact that children, in many countries, are perceived as "passive recipients of the wisdom and experience of adults", a child's right to clearly express his/her own view becomes particularly valid".

Taking into consideration the social benefit of education, directed towards the future, we should aspire to develop those abilities a child will need in adult life. This relates to the development of communication skills – the ability to ask questions and to formulate personally relevant propositions, the development of thought and training in making judgements on matters which the child will encounter in adult life. Respect for this right should be an essential element within the state's education and economic policies. Schools should also develop a child's ability to communicate. They should be taught how to negotiate and resolve conflicts which will, from the perspective of his/her future profession, contribute to a more democratic workplace.

It is important, in respecting the rights of the child, that the education system helps in the understanding of the principles and practice of making democratic decisions. This is especially essential in countries where democracy is threatened. The school, through the experience acquired during the course of learning, should make the child aware of his/her rights and obligations, as well as the limits of those rights and the rights of others. The school should also create condition suitable to the

making of democratic decisions, teaching compliance with democratic principles and social norms. Children, who are aware that their own views are respected, will be capable of developing, within themselves, the ability and willingness to listen to others, hence understanding the values and principles of democracy.

The ideal is a school managed democratically, where harmony prevails between teachers and students and in which children engage in the school community's life. We should also take care to ensure that the school is a place in which children learn to respect their own views, where they have the ability to participate in decision-making, as well as to contribute to the school's structures and norms. A school, modelled on the participation of students in the creation of its educational atmosphere and in the planning of any changes, is something which still needs to be realised. This is because, in our times, education is often treated as a passive and blinkered process, rather than as an interactive one.

In non-democratic countries, child rights are contravened extremely often, perhaps because individual freedoms, in this context, are viewed as a threat to that type of existing order. A good school should promote positive models of cooperation, exposed to the initiatives of the children, in which they are involved in the school council, the student council and in peer, self-help groups. Mediators have a valuable role in resolving issues within a school community, for example, peer violence. A good school will endeavour to systemically eliminate violence by imposing penalties on students engaging in it.

School discipline should always be enforced with reference to the imperative which is human dignity. It is essential that all conflicts be resolved peacefully and that the young person be introduced to the responsibility of avoiding crisis situations. The acknowledgement of human rights takes on special significance in countries where education is compulsory and children cannot abandon their education, even when their rights are not respected at school¹³.

Within contemporary societies, it is invariably necessary and always relevant that the rights of the child be recognised, promoted and complied with, particularly from the widely-understood aspect of education.

¹³ G. Lansdown, *Wdrażanie praw zawartych w Konwencji (Implementing the Rights Contained Within the Convention)* [w:] S. Hart, C. Price, M.F. Erickson, M. Flekkoy, *Prawa dzieci w edukacji (Child Rights Within Education)*, dz. cyt., p. 41.

