

School Violence, Human Rights, Dignity and Humiliation

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School Violence and Human Rights

Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.

[Mohandas Gandhi](#)

The study of school violence has evolved as a field of study primarily within the last 15 years (Furlong, Morrison, & Skiba, 2004). School violence, by definition, is circumscribed by its location in the school, at school-sponsored events, and on school-funded transportation. What constitutes school violence is not so clear-cut (Henry, 2000). Most commonly, school violence is divided into two major classes: serious violence which includes behaviors that are intended to cause physical injury to the victim and less serious forms of violence in which behaviors or actions are intended to cause distress, fear, humiliation, physical discomfort, or intimidation in the victim. The former is exemplified by assaultive behavior and the later is exemplified by bullying or harassment.

Typically, what is examined and reported by the educational establishment is violence between and among students. School-based violence prevention programs are nearly always evaluated by direct reductions in aggression or violence among students, decreases in attitudes valuing violence as an appropriate method to resolve conflicts, or reductions of known risk factors that predict violent behavior (Jimerson & Furlong, 2006). A less robust literature takes into account violence among any stakeholder in the school environment, including teachers and administrators, or even strangers entering into the school. Still less attention is paid to violence that is directly or indirectly stimulated or sanctioned by school policies or practices (e.g., corporal punishment), teacher biases, curricular materials that by omission or commission demean a particular group, inappropriate teacher behavior (e.g., inconsistent application of rules and bullying by teachers) (Drake, Price, Telljohann, & Funk, 2003), or by toxic socio-emotional

school climates (Ayers, Dohrn, & Ayers, 2001; Garborino, 1999). Finally, attention is rarely paid to how disproportionate funding may contribute not only to inadequate physical plant infrastructures but to increased disorder, anger, and indirectly to violent behavior (Kozol, 2005).

While adults in the school system universally recognize, monitor, and negatively sanction student-to-student violence of the more serious kind, less serious forms of violence, particularly non-physical aggression, are often ignored or are relegated as having inconsequential impact. Students, on the other hand, are well-aware of the hurt and torment caused by the less serious and more common forms violence such as bullying or harassment (Greene, 2006). Most school violence scholars and researchers are cognizant of the less visible forms of violence and understand that a school's interpersonal and cultural climate, as well as misguided policies and practices, contribute to feelings of fear, increased disorder, and violence (Greene, 2008). Nevertheless, scholars and researchers, for the most part, have failed to articulate a particularized positive vision as an alternative to violence. In contrast, a human rights framework, as stated in the preamble to the Convention on the Rights of the Child, strives to ensure "the full harmonious development of his or her {a child's} personality" and recognizes that "the child should be fully prepared to live an individual life in society...in the spirit of peace, dignity, tolerance, freedom, equality, and solidarity" (United Nations General Assembly, 1989).

In this article, school violence is examined through the lens of a comprehensive norm-based, human rights perspective. These reflections represents a continuing and emerging elaboration of the application of a human rights approach to this important sphere of children's lives. Within a human rights framework, dignity and honor are centrally valued.

Human Rights Documents

The first internationally recognized statement of modern-day human rights is contained in the Universal Declaration of Human Rights (Office of the High Commission for Human Rights., 1948). Ratified in 1948 and stimulated in large part by the atrocities of World War II, the UDHR recognizes the “inherent dignity” and “equal and inalienable rights” of all persons. The 30 articles of the UDHR set forth internationally agreed-upon human rights. The Convention on the Rights of the Child (CRC), which incorporates an unprecedented array of civil, political, cultural and economic rights that accrue to children, has been signed by nearly every sovereign government in the world (it has not been ratified by the United States or Somalia) (United Nations General Assembly, 1989). As such, the CRC is the most widely adopted and universally endorsed human rights treaty that has ever come before the global community (Melton, 2005). The CRC provides a moral compass for the world in dealings with children and families, and, despite the refusal by the United States to ratify the CRC, it has been cited in numerous US Supreme Court decisions as a “standard of decency” (ibid.). Accordingly, the UDHR and the CRC will be adopted as the touchstone documents throughout this commentary.

Components of a Human Rights Framework in Relation to School Violence

A human rights framework for understanding and responding to school violence is comprised of four fundamental components. First, it provides principles and norms, as well as a positive vision, for understanding and contextualizing the rights of children and their caretakers. Second, this framework makes visible multiple forms of violence, humiliation, and abuse—whether reflected in behavior, educational climate, curricula, discipline practices, or in regulations or policies—as infractions of fundamental human rights. Instead of focusing on

incidents of violence, a human rights framework monitors and assesses whether human rights are appropriately accorded within the educational setting.

Third, a human rights framework recognizes that human rights are not passively given but rather require participatory engagement, critical reflection, and meaningful dialogue among all stakeholders. As such, a human rights framework establishes guidelines not only for the content and purpose of what is taught in educational settings, particularly as it impinges upon the rights of children, but, as importantly, for the form of the pedagogical process itself. And fourth, a human rights framework dictates responsibilities that adhere to the established rights and requires all individuals, groups, and institutions to remedy human rights violations in whatever guise they appear. Particular attention is paid to the examination of human rights' adherence in one's own community and, for purposes of this analysis, in one's own school. In addition, a human rights framework requires the adoption of social programs to prevent human rights violations and to provide corrective programs and therapeutic interventions to remedy violations when they occur.

Principles, Norms, and a Positive Vision

Non-discrimination is the most fundamental right elaborated in all modern human rights declarations, treaties and conventions (Levesque, 2001). Discrimination is characterized by more powerful groups or individuals dominating or oppressing less powerful groups or individuals. The victims of discrimination are shamed and humiliated. These feelings frequently lead to retaliatory violence, inward suffering, and lost opportunities.

Correspondingly, every human right accrues to all human beings, regardless of man-made distinction among persons. Moreover, all human rights are considered universal, indivisible, interdependent, and interrelated (United Nations General Assembly, 1999).

Consequently, a single set of human rights standards can be used by schools to assess the discriminatory impact of policies (included disciplinary policies), curricula, and educational practices. Furthermore, schools can use human rights standards to identify significant omissions in policies, curricula, and educational practices, e.g., harassment based upon looks (Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, 2001). This is not to suggest that human rights standards are static and inflexible. Indeed, the UN Committee on Human Rights continuously reviews and elaborates on the CRC. In addition, a human rights framework provides a thematic standard through which newly emerging concerns emerge in schools (e.g., mainstreaming autistic spectrum children) can be discussed and debated.

In contrast to the comprehensive vision encoded in the CRC, most school policies, curricula, and policies are established reactively in response to laws, regulations, events, and disparate ideologies that authorities adopt. For example, bullying laws in the United States were established after the discovery that the two attackers in the Columbine rampage had been chronically bullied. Laws against peer-to-peer sexual harassment in schools were also adopted in reaction to a growing consciousness steered by the feminist movement (Short, 2006).

As enumerated in the UDHR, every person has the right to life, liberty, security and safety, dignity, recognition or identity, a nationality, education, privacy, property, movement, thought, peaceful assembly, public services, health, work, an adequate standard of living, and participation in cultural and family life. With minor exceptions and adjustments based on status and developmental capacity, all of these rights, as well as additional proscribed rights and safeguards, are accorded to children in the CRC.

The CRC places special emphasis on using the standard of “best interests of the child” as the central lynchpin for examining children’s rights (United Nations General Assembly, 1989).

The CRC also highlights the child's right, in accordance with his or her capacities and to the extent the child does not impede the freedom of others, to express and manifest his or her views, opinions and beliefs; a particularly important right with regard to schooling. Furthermore, the CRC explicitly requires that schools protect children from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" (United Nations General Assembly, 1989; Article 19(1)). The UN Committee on Human Rights (UN Committee), elaborating on Article 19, suggests that the "school environment" must reflect "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" (United Nations Commission on Human Rights, 2001).

Human rights terms such as dignity, equality, respect, intolerance, decency, and harmonious development are not typically invoked in discussions of school violence. In contrast, the field of humiliation studies embraces these concepts as central tenants. A human rights framework challenges those of us in authority over children to elaborate these complex concepts and to partner with children to help us understand what they mean to them (United Nations Educational, Scientific and Cultural Organization Executive Board, 2002). From a human rights perspective, these concepts, and the normative dictates from which they derive meaning, ought to be infused throughout school policies, regulations, codes of behavior, school climates, and pedagogical practices. While human rights norms are not proscriptive in that they do not, for the most part, precisely translate into specific policies and practices, they do insert a moral dimension that should be considered in establishing policies and practices and used as a moral guidepost to assess a school's interpersonal climate.

Increased Visibility of Multiple Forms of Violence

The CRC adopts an expansive perspective on abuse and violence, including acts of commission and omission; the impact of curricula that denigrate certain peoples; norms or policies that tolerate or sustain discrimination; all forms of victimization to which a child may be subject; and pedagogical processes that impede the child's thought and expression; and obstruct the right the child to actively participate in the educational process (United Nations General Assembly, 1989). Following the tradition popularized during the third quarter of the 20th century of identifying specific forms of parental behavior such as child abuse and neglect, and identifying demeaning behavior based upon sex or gender such as sexual harassment, this expansive view serves to sensitize all members of the school community to the multiple forms of school violence; in effect making visible what was hitherto invisible and raising consciousness and ultimately stimulating action to redressing wrongs.

In addition to outlawing serious physical forms of violence, the CRC forbids any act “unlawful attacks on his or her {the child's} honour and reputation” (United Nations General Assembly 1989; Article 6), a description that incorporates most forms of bullying and harassment. The adoption of this standard in policies and in the creation of educational curricula should raise consciousness about the destructive effect of such behavior and reduce its likely occurrence (Greene, 2006). Indeed, in its commentary, the UN Committee states that “a school which allows bullying or other violent and exclusionary practices” is in violation of Article 29 of the CRC (United Nations Commission on Human Rights, 2001).

Similarly, the UN Committee has explicitly forbidden corporal punishment in schools based on the requirement that “school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention” (Article 28) and that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”

(Article 36) (United Nations Committee on the Rights of the Child, 2006). In combination, Articles 6 and 28 categorizes as a human rights violation punishment that “belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child” (ibid.).

With respect to curricula and textbooks, the UN Committee suggests that children need to learn about their rights and curricular guidelines ought to reflect this recommendation. Elaboration of human rights should be incorporated into the curriculum at all levels of education (United Nations Committee on the Rights of the Child, 2003). By extension, the use of curricula and textbooks that include stereotypical portrayals, systemic disregard for or marginalization of specific groups of peoples, or that incorporate racial, sexual, or religious biases is a human rights violation. Furthermore, the pedagogical techniques adopted in schools must “respect their {children’s} rights, dignity, and self respect” (United Nations Committee on the Rights of the Child, 2003) and must encourage “non-hierarchical, democratic, collaborative learning environments, respect for the experience of participants and recognition of a variety of points of view, encouragement of reflection, analysis, and critical thinking” (Human Rights Resource Center, 2000). Training must be offered to enable educators to provide this kind of human-rights informed pedagogy (United Nations Committee on the Rights of the Child, 2003).

Finally, in order to ensure that education is provided in ways consistent with a human rights orientation, data must be collected and disaggregated to ascertain whether the standards elucidated above have been met. To be consistent with the right of children and youth to be respected and listened to, students should participate in the planning and collection of such data. Moreover, students need to be consulted through forums, ethnographies, and surveys to ascertain their perspectives about any potential human rights violations (United Nations Secretary General, 2007).

Participatory Engagement

A human rights framework requires that education must be child-centered and that children's ideas, perspectives and engagement should be welcomed by the educational establishment. Children should be encouraged to actively participate through the use of interactive teaching methods in order to promote the internalization of a human rights perspective. Several curricula that provide activities that are engaging and instructive in how conflicting interests and moral dilemmas can be resolved within a human rights perspective are available (see, the activities and resources described *The Human Rights Handbook* (Human Rights Resource Center, 2000); Idaho's k-12 human rights curriculum (Bock & Prinzing, undated), and *Compasito: Manual on Human Rights Education for Children* (2007). Of course, diversity, dignity, respect, non-violence, and cooperation are essential threads that run through such activities. So, too is a focus on conflicts that are fueled or influenced by interpersonal power differentials "enabling learners to examine discourse and power structures critically and creatively...human rights education opens a dynamic and evolving space which can accommodate diverse and changing communities and contexts without, though, imposing a specific mode of action on them" (Human Rights Resource Center, 2000).

Action and Remedies Required

From a human rights perspective, knowledge without application is an empty endeavor: "the ultimate aim of human rights-based programming {is} to align the universally accepted human rights values with consistent action" (Human Rights Resource Center, 2000). This perspective incorporates a high standard of personal, group, and institutional responsibility to act upon human rights infractions when they are identified and to simultaneously advocate for an ever increasing incorporation of human rights in multiple domains of life. As Elenor Roosevelt

stated in a speech at the United Nations: “human rights that do not become a part of the rhythms of community life have no meaning” (Melton, 2003, p. 246). A human rights perspective also requires not only an appreciation of the terrible violences that have occurred or are occurring in foreign lands, but, more fundamentally, requires individuals and groups to confront injustices, and repudiate humiliation as a dynamic tactic, in their own communities. One way to engage young people in such struggles is to provide a structure and process whereby students identify violence-related human rights infractions in their own schools and communities, followed by an analysis of the problem, leading to the identification of response strategies, engagement in a response, and analysis of its effectiveness (Human Rights Resource Center, 2003).

In addition, the CRC requires the adoption of prevention, intervention, and treatment programs (Article 19). Of course, the programs must respect the child’s dignity and participation and must be implemented in a non-hierarchical manner and reflect the additional rights as enumerated by the CRC (Melton, 2005).

Summary

A human rights framework provides a set of norms that elucidate multiple forms of violence. By virtue of making visible what was previously invisible, consciousness is expanded in promoting understanding that violence, humiliation, and abuse is manifested in a wide range of direct and indirect behavior, educational climates, policies, practices, and curricula. By making these violences visible, through the active participation of students in their own learning experiences, and in critiquing and generating human codes of conduct, students, staff, and administrators learn to recognize, analyze, and find just solutions to these problems. In short, a human rights framework provides a positive and expansive alternative to the frequently adopted

punitive and circumscribed focus on the most serious physical forms of student-on-student violence.

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