

## Monitoring Human Rights in Educational Settings

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Education is both a human right in itself and an indispensable means of realizing other human rights. -- United Nations Economic and Social Council

The first internationally recognized statement of modern-day human rights is embodied in the Universal Declaration of Human Rights (UDHR). Ratified without objection by the United Nations general assembly in 1948, the UDHR recognizes the ‘inherent dignity’ and ‘equal and inalienable rights’ of all persons. The UNHR and two subsequently adopted international human rights documents—the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966)—comprise the International Bill of Rights (IBR). In addition, the Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989, incorporates an unprecedented array of civil, political, social, cultural and economic rights that accrue specifically to children. Together, the IBR and the CRC, supplemented by official commentaries, represent the most widely endorsed set of articulated fundamental human rights that can serve and have served to inform and direct educational policies and practices.

At the outset, it must be noted that international human rights covenants and conventions must be ratified by each nation state in order to attain the status of domestic law. When ratified, it is each nation’s responsibility to ensure that rights are monitored and enforced. Moreover, nations have the option to ratify human rights documents with reservations, an option that typically weakens a nation’s human rights obligations. Nevertheless, the UDHR, while universally endorsed and often described as an international moral compass, does not obligate nation states to monitor or enforce the 30 articles contained therein.

Furthermore, any reading of the international landscape reveals widespread violations of fundamental human rights among nations that have and have not ratified international human rights documents. Monitoring and enforcement of human rights treaties by individual nations as well as the United Nations are simply very weak. Indeed, it is non-governmental human rights organizations that have produced the most rigorous reports of human rights violations. If the international community does a poor job of monitoring and enforcing human rights, why is it important, or even reasonable, for educational institutions to take on this burden? The most straightforward answer is that the IBR and the CRC provide the only set of internationally endorsed standards that focus on “the best interests of the child,” a focus much needed and much abused in educational institutions throughout the world. Moreover, most nations have promulgated educational laws and regulations that overlap significantly with specific human rights articles, including laws and regulations regarding mandatory education, bullying and sexual harassment, equity standards and disability rights, and corporal punishment (Stone, 2002). Similarly, many components of existing curricula focus directly or indirectly on human rights, e.g., holocaust studies, the study of the American Bill of (Civil) Rights, the French Revolution, and the history of slavery and civil rights movements.

In addition, many of the precepts embraced in the IBR and the CRC have been independently endorsed as best practices within a large body of educational research. For example, the CRC requires that children be listened to and participate actively and meaningfully in their education. A great deal of research has demonstrated superior educational outcomes with active or participatory versus passive engagement of children in their own schooling (Davis, 2007). Similarly, the CRC’s emphasis on a holistic approach to development, embracing the child’s physical, mental, spiritual, moral, psychological and social development is widely endorsed by developmental psychologists and progressive educational leaders.

### Human Rights Obligations Pertaining to Educational Institutions

The most fundamental human rights obligation with respect to education is the requirement to provide free, compulsory, accessible, and non-discriminatory education for all individuals at the elementary school level and the requirement to progressively introduce free and compulsory education at the secondary and higher educational levels. Furthermore, education must be provided in settings that provide adequate sanitation facilities, safe drinking water, appropriate heating and cooling systems, and appropriate teaching materials.

The IBR and the CRC, and corresponding commentaries, also have much to say about the aims of education (Office of the United Nations High Commissioner for Human Rights, 2001). To wit, education must:

- be directed to the full and harmonious development of the child’s personality, talents and mental abilities;
- prepare the child to live and participate responsibly in a free society in the spirit of understanding, peace, respect, and dignity for all;
- be relevant to the circumstances of the societal and cultural context in which students are educated;
- promote among children respect for their parents and their cultural identities;

formulate and implement policies and practices based upon the dictum “best interests of the child;” ensure that children have the skills to make sound decisions, resolve conflicts, establish healthy relationships, and think critically; and

in still a lifelong respect for human rights, for diversity, and fundamental freedoms.

In addition to specifying the fundamental aims of education, human rights documents and commentaries outline three types of obligations: protection of children, direct provision of rights, and the promotion of participatory rights.

Educational institutions must first and foremost protect the child from harm, including psychological harm.

Intimidation, bullying, and other forms victimization are anathemas to a human rights education. Some types of protection, however, cannot be fully guaranteed by educational institutions alone, e.g., freedom of movement within a country, the right to asylum in case of persecution, and the right to practice a religion. On the other hand, educational institutions can educate children about these and other fundamental rights and provide time and space to discuss and analyze the rationale for such rights. Furthermore, programs, class exercises, and processes to identify and redress human rights violations can be provided as part of the educational endeavor. And, of course, a sound education is perhaps the clearest way to promote economic human rights for all.

The provision of human rights by educational institutions takes several forms, including but not limited to pedagogical practices, educational policies, curricular materials, and the establishment of rules and sanctions. Pedagogical practices must reflect the democratic and participatory processes that are articulated in all human rights documents. Inflexible and hierarchical structures and authoritarian practices are contrary to human rights education. Instead, education must be organized as a flexible, exploratory, experiential, participatory, and non-dogmatic endeavor. Rules must be experienced as fair and just by students and staff and sanctions must be consistently applied. A restorative justice model should be promoted, dictating that corporal punishment and shaming techniques are inappropriate practices. Similarly, an ethos of caring should be promoted, encouraging all members of the school community to do their best to be supportive of one another.

Respect for students and for children’s rights also dictates that students should have the right to express themselves and their points of view and that their perspectives are taken seriously. It requires that students—based upon their evolving cognitive and affective capacities—are provided with appropriate and meaningful opportunities to participate in decision-making about policies and procedures that affect their lives.

The curricula must also mirror the core principle of non-discrimination. Educational materials cannot convey, through omission or commission gender, class, cultural, ethnic, disability, and religious biases. Similarly, fundamental human rights documents, the history of human rights movements, and methods to identify and remedy human rights violations must be included in the curricula. As importantly, educational processes must be designed to sensitize students to human rights violations wherever they may occur and to promote a commitment to act to redress such violations when such violations are identified (Johnny, 2005). In this sense, human rights education is empowering and transformative. While daunting, much work has already be done in reforming educational practices to embrace a human rights orientation. Programs that incorporate the principles and processes described above, such as “Communities that Care” and “Facing History and Ourselves,” have been developed, comprehensive human rights curricula have been written, and human rights oriented service learning projects and classroom activities have been described (Stone, 2002).

#### Monitoring Human Rights Obligations

Monitoring, as used herein, refers to a continuous feedback mechanism or quality improvement process through which schools can increasingly implement a human rights framework (Carvalho, 2008). As such, the monitoring process requires assessments over time in order to identify where and how improvements need to be made and whether such improvements are secured as a result of appropriate corrective action. Monitoring also must be a collaborative endeavor, a process shared by all members of the educational community, i.e., students, staff, parents, community members, and non-governmental organizations (NGOs). Indeed, participation of NGOs in the monitoring process is mandated by the CRC. It is also important to state that monitoring activity must be comprehensive and holistic. Because human rights are indivisible and intrinsically interdependent (Hunt, 2007), the monitoring process cannot cherry-pick specific rights for monitoring.

Monitoring human rights can broadly be divided into “monitoring in principle” and “monitoring in practice.” Monitoring in principle involves a comparative analysis of human rights obligations with existing educational laws, regulations, and standards. This kind of monitoring is time-consuming and requires a thoroughgoing knowledge of human rights standards as well as federal and state laws and regulations. Rather than examining state and federal laws, it is more efficient and effective to utilize local educational policies and regulations as the fundamental documents that should be examined with regard to human rights adherence. Local policies and regulations generally incorporate the vast array of state and federal laws and regulations, e.g., equity plans, special education policies and

procedures, sexual harassment policies; codes of conduct, and curricular standards and requirements. With these documents in hand, checklists, matrices, and benchmarks derived from relevant articles of the IBR, the CRC, and official commentaries can be used to assess human rights compliance. Models for doing this kind of work have been developed (Landman, 2004).

Monitoring in practice is even more daunting in that it is designed to examine the degree to which human rights principles and practices are implemented and accorded to all. Different sets of data are needed and different methodologies must be used. For example, while core curriculum standards and required texts may be useful in assessing rights in principle, monitoring rights in practice requires an examination of what is taught and practiced in the classroom. Methods to conduct these types of analyzes include surveys of all key stakeholders, interviews and focus groups, classroom observations, reviews of archival materials documenting past instances of and responses to rights violations, and ethnographies (Landman, 2004).

Multiple dimensions must be examined to monitoring rights in practice, including pedagogical methods (hierarchical versus participatory, power-sharing, and democratic), educational content (including the history of human rights movements and fundamental human rights documents), opportunities to promote human rights and remedy human rights violations, interpersonal relationships (dismissive versus respectful and supportive), restorative justice practices, safety (programs and practices to reduce bullying and intimidation), and opportunities to engage in dialogues and discussions about human rights (utilizing such methods as class debates and peer education) (Stone, 2002). As with protocols to monitor human rights in principle, many survey instruments, focus group protocols, and observational checklists have been developed to monitor rights in practice (Carvalho, 2008).

In order to determine whether human rights are provided to all, data pertaining to the provision of human rights must be disaggregated, minimally by race, gender, and ethnicity in order to determine whether discriminatory practices exist (Carvalho, 2008). Specific instances of human rights violations, systematic practices related to human rights (omissions and commissions), and structural underpinnings that facilitate human rights violations (inequities in educational funding, building maintenance, and equipment) must be monitored. Strategies to remedy each type of violation must be discussed and developed, an ongoing task that is the responsibility of all stakeholders.

#### Conclusion

An education system that incorporates and infuses a thoroughgoing human rights framework ensures that our future generations understand the meaning and importance of civil, political, cultural, social, and economic rights and that they have the knowhow and will to advocate and pursue these rights within their own communities and in the world at large. Monitoring how these rights are accorded, taught, and implemented in the school setting provides a critically important mechanism for promoting and continuously improving the ways these tasks are accomplished. If it does nothing else, the monitoring endeavor promotes an inward look by the professional educational community, students, parents, and citizens at large about how the key human rights values that have been articulated and internationally embraced are conveyed to our children and youth.

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#### Additional Resources

- Human Rights Resource Center: <http://www.hrusa.org/default.htm>: Provides a wealth of free information, curricula, and resource materials regarding human rights education.
- National Center for Human Rights Education. <http://www.pdhre.org/index.html>. A treasure trove of information and documents about human rights education.
- Office of the High Commissioner for Human Rights: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>. Offers a

wealth of information about human rights, including virtually every UN sponsored human rights documents, official commentaries, model human rights curricula, current activities, and additional literature.

**Key Terms:** human rights, education, monitoring, Convention on the Rights of the Child, empowerment

**Biographical Statement**

Michael Greene, a developmental psychologist, has worked in the governmental and not-for-profit sectors in developing evidence-based approaches to youth, family, and school violence prevention and has written numerous articles on this topic. He is the Director of Violence Prevention at The Nicholson Foundation and regularly consults on school harassment cases.

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