Children’s Rights Academic Network

2nd Annual Meeting

November 21st, 2009

Table of Contents:

Prepared by: Ben O’Bright
P. 3 – Introduction by Landon Pearson

P. 4 – Overview of the Second Annual Meeting of the Children’s Rights Academic Network

P. 5 to 39 – Participant Responses
   P. 5 to 6 - Tara M. Collins, Ph.D.
   P. 7 to 8 – Katherine Covell, Ph.D.
   P. 8 to 11 - Cheryl van Daalen-Smith, Ph.D.
   P. 12 to 13 – Myriam Denov, Ph.D.
   P. 13 to 18 – Joan Durrant, Ph.D.
   P. 18 to 20 – R. Brian Howe, Ph.D.
   P. 20 to 24 – Anne McGillivray, Ph.D.
   P. 25 to 28 – Richard Mitchell Ph.D. and Shannon Moore Ph.D.
   P. 28 to 30 – Ellen Murray, Ph.D.
   P. 30 to 31 – Kara O’Brien, Masters Student
   P. 32 to 33 – Tom O’Neill, Ph.D.
   P. 33 to 34 – Mona Paré, Ph.D.
   P. 34 to 35 – Lucy Pearson, Undergraduate Student
   P. 35 to 37 – Rebecca Raby, Ph.D.
   P. 37 to 39 – Thomas Waldock, Ph.D
At a time in Canadian history when children’s rights appear to have retreated to the back of the political agenda, I am particularly grateful to my academic colleagues for coming together to respond to what young people have to say. The 2009 Shaking the Mover’s workshop on child’s rights in education elicited rich and significant responses that we are proud to share not only with the youth who sparked them and with the scholars who are already in CRAN, but also with other academics and policy-makers who have an abiding interest in the promotion of children’s rights. Building a culture of respect for children seems a never ending task, but it is up to all of us who care about young people to ensure in whatever way we can that it happens.

- Landon Pearson
Overview

On Nov. 21, 2009, following the success of its inaugural session, members of the Children’s Rights Academic Network (CRAN) met in Ottawa, Canada to discuss and celebrate children’s rights. Developed by the Landon Pearson Resource Centre (LPRC) at Carleton University, with support from the Muttart Foundation, CRAN is Canada’s first network of academics involved in teaching, researching, and advocating for children’s rights.

In the spirit of Article 12 (Youth Participation) of the UN Convention on the Rights of the Child, CRAN’s Nov. 21 meeting was structured to respond to the youth-centred Shaking the Movers III (STM III) workshop, hosted by the LPRC in June 2009. At STM III, youth from across Canada discussed their rights to education, and analyzed how their rights were respected in their own educational institutions. A report on the findings of STM III was distributed in advance to CRAN participants, who in turn prepared written responses to the youths’ voices. On Nov. 21, four sessions were devoted to the STM III themes: the right to education and barriers to access; fostering inclusivity, acceptance and respect in schools; the civil and political rights of young people in a school setting; and finally educating young people on their rights. Each session began with an overview of youth perspectives, followed by presentations of the participants’ responses to those perspectives.

Participants discussed ways in which young people can participate more frequently and meaningfully in the educational system. They further investigated the role that CRAN could play in the development of teaching aids for schools to engage young people with their rights. Allowing children and youth to participate in rule-making, fostering diversity, consulting young people during decision making processes and changing perceptions of human rights were all topics which engaged CRAN’s members. They used current rights-respecting schools, found in Canada and the United Kingdom, as models to continue to justify rights education.

The Landon Pearson Resource Centre will continue to develop CRAN as a significant network for Canadian academics engaged in children’s rights. As the LPRC wishes to continue the fruitful dialogue that has taken place in the past two meetings, a third meeting is scheduled for 2010. This meeting will be based on the upcoming Shaking the Movers IV conference, the theme of which is child rights and the media, a theme suggested by the youth who participated in STM III. It is hoped that this theme will bring greater focus to the importance of teaching children’s rights in universities and post-secondary institutions. Finally, CRAN’s membership will expand through various outreach programs.

The report that follows is a compilation of the CRAN participants’ responses to the STM III themes. Publishing them demonstrates that youth have been ‘heard’ and their perspectives integrated into current academic debate.
Dear participants of Shaking the Movers III (STM):

Your insight, knowledge and perspectives about the role of schools at STM have illustrated the status of several aspects of CRC articles 28, 29 and 42 in Canada. Your experiences reveal the gap in practice of the Convention obligations. Rather than fostering inclusivity, acceptance and respect, there appears to be a consistent theme of discrimination, where schools can be places of conflict and perpetuate stereotypes. While there are problems, you have also highlighted some positive contributions as well as constructive solutions, particularly rights-based education.

It seems that we are not doing enough to respect and recognise differences while supporting inclusion and respect. Prejudice continues based on ethnicity, disability and obesity (p. 14) and stereotypes hamper inclusivity, acceptance and respect. For instance, the schools’ placement of labels upon students and value judgments about various students and their goals could be more respectful (p. 14). In addition, due to everyone’s cultural perspective, critical analysis is necessary to consider one’s perspective in teaching or relating to others (p. 14). It seems that our schools are not consistently respecting identity and other aspects of the child’s educational rights as the STM participants have noted. This is evident in: the calls for Aboriginal separate schools for Aboriginal students; the existence of an alternative “Black-focussed” school for students of African-origin in Toronto; and the most recent proposal for a boys-only school, due to various gaps in educational attainment in these groups. While there are limitations with some definitions of educational success, it appears we do need to better buttress the child’s identity and advance inclusivity and respect. But is separation the only answer? While separate schools may be helpful for some, much depends upon how such institutions and general public schools are organised and operate. Perhaps we should also heed the valuable lessons from last year’s STM event and advance every student’s identity for better inclusion and respect in schools.

In relation to education, inclusion is an official education goal in Ireland. However, the title of the “Delivering Equality of Opportunity Scheme” is revealing. Its prevention strategy for “disadvantaged” students seems to be concerned with providing equality of opportunity rather equality of results. A rights-based approach in the description is also absent. There are various educational challenges here. For instance, the Catholic Church, which runs 93% of schools here, has a “priority for baptised Catholics” enrolment policy, which as Donnelly explains, is problematic in “fast growing communities with a large immigrant presence and strong demand for school places, many newcomer children are turned away from Catholic schools if they cannot show they have been baptised.” For example, numerous children in Balbriggan, Dublin, were without schools in September 2007. Controversy erupted when it was discovered that a school, opened in response on an emergency basis outside of the religious arrangement, had 100% “black Irish” students. Rowe explains that the “high proportion of Irish ethnic minority families unable to access places for their children…has given rise to justifiable concerns over issues with integration and enrolment policies.” Hence, migrant children are not
having their education rights respected in some schools. The experiences of and research commissioned by the Office of the Ombudsman for Children for example, has also identified:

“certain vulnerable groups – including children in the care system, the criminal justice system, Traveller children, homeless children, immigrant and asylum seeking children, children in poverty, and children at risk of abuse or neglect – face multiple barriers to the realisation of their rights, cutting across areas such as family, health, education and material deprivation.”

Moreover, a general study has found that adults shape children’s lives and inhibit their voices in Irish education. Hence, problems in education (and other areas) exist in Ireland too and there is much work to be advanced here.

In response to these difficulties, I believe that in addition to legal guarantees for child rights, there is a serious need to promote child rights education because as one of you described: “You learn how to be expelled or suspended but not about rights” (p. 24). Child rights could transform the education institution, process and participants. It could eliminate negative, discriminatory barriers and provide support to you in schools as well as advance participation since as you stated: “You can’t be engaged when you are excluded” (p. 19). It is clear that adults and other students have to learn about the importance of listening and responding appropriately to situations as they occur in schools. You noted that rights awareness “makes children accountable to others, even as they expect others to be accountable to them” (p. 24) and also clearly identified valuable components of a rights-respecting school (p. 27). As Covell and Howe have found in their Hampshire work, not only teachers benefited, but also:

“Pupils in schools in which RRR [Rights, Respect and Responsibility] was fully implemented reported higher levels of enjoying school, a more rights-respecting, fair and caring school environment, and more supportive and cooperative relationships with their peers and teachers. Among the more intriguing findings … is the possibility that the positive effects of RRR are the most pronounced in the schools which are in the most disadvantaged neighborhoods.”

There is much to benefit from the expansion of such initiatives including a coherent approach to redress problems of discrimination in Canadian and Irish schools. All rights violations must be vigorously redressed and child rights in education strongly advanced and supported.

Many thanks for your valuable efforts at STM III.

Yours truly,
Tara M. Collins
EWI Marie Curie Fellow in Child Rights, School of Social Justice, University College Dublin
In reading the comments about inclusivity and respect in Shaking the Movers, I was struck by their consistency with comments given by the youth who participated in the focus groups for the North American Report to the UN Global Study on Violence Against Children (as noted in Seen Heard and Believed). In essence, youth are acutely aware of (1) the negative role modeling to which they are exposed by their parents and their teachers, (2) its effects in perpetuating stereotypes and discriminatory behaviors, (3) the inadequacy of the existing curricula and school practices to promote a more respectful and inclusive school climate, and (4) their own capacity to change current school practices.

The importance of the youth’s observations are underscored by recent Canadian data indicating high rates of behavior disorders, bullying, and school failure among socially disadvantaged children; increasing numbers of children with learning, intellectual, or emotional disabilities; and a growth in the numbers of immigrant, refugee, and Aboriginal children. Although most schools have policies of inclusion designed to provide a welcoming environment for all, rarely are there the supports needed for their effective practice. As indicated in the suggestions made by the youth, what is needed is fundamental change to school policies and practices, change that will evoke a respectful learning environment for each and every child.

It seems self-evident that the answer lies in school reform to consistency with the principles and education provisions of the UN Convention on the Rights of the Child. If, as is prescribed, the four principles of the Convention (articles 2, 3, 6, 12) are used to guide the interpretation of the education articles (23, 28, 29, 42), the challenges and problems noted would be addressed. In fact, as we now come to the fifth year of our study of school reform in Hampshire County, England, we have compelling data demonstrating that rights-consistent schooling can effect the sort of changes the youth note are needed.

As detailed elsewhere, Hampshire Education Authority has adopted the Convention as a framework for its schools, and has systematically and fully implemented its provisions and principles. The Hampshire initiative – Rights, Respect and Responsibility (RRR) -- is exemplary not only in its incorporation of specific children’s rights information across the formal curriculum, but also because of its integration of children’s rights across the hidden curriculum. Rights provide the framework for all school policies and practices. Rights are the key basis upon which school regulations, mission statements, school and classroom codes of conduct, and student activities are articulated and practiced. And in consistency with children’s participation rights, regulations and behavior codes are articulated with input from the children; classroom teaching is democratic and uses optimum pedagogies (e.g., role play and cooperative learning); and children, from age 4 years and up, are provided numerous meaningful opportunities to participate in all aspects of school functioning including budgeting and hiring. Children’s rights are taught, respected, and modeled. Positive effects have been noted among teachers and students. Teachers, even those who initially showed some resistance to the idea of children’s rights, now wholeheartedly embrace the RRR and the rights-respecting school ethos it has created. As one principal commented she introduced the initiative with concerns that there would be “a riot on my hands”, now she is sure the riot would
only occur if there was any suggestion that they revert to earlier practices. The more they have experience with the RRR, the greater teachers’ respect for the rights of the child, and the lower their levels of burnout. Teachers’ interactions with the children model respect for the rights of every child. Among these teachers there is no evidence of discriminatory or punitive attitudes or behaviors. Each child is listened to. And opportunities for voice systematically are provided through participatory pedagogies that also allow for respectful dialogue about issues of relevance and interest to the students.

Students, like their teachers, also have incrementally increased their level of respect for all others. Learning and appreciating that every child shares the same rights, the students have come to an empathic identification with other children. It is an identification that is reflected in marked increases in helping and prosocial behaviors, and a marked decrease in bullying, teasing (essentially eliminated in most RRR schools) and other forms of antisocial behavior. Most notably, the changes have been most pronounced among socially disadvantaged children.

We celebrate the twentieth birthday of the Convention this year, and we acknowledge our appreciation to its architects for providing the means to promote optimum development in every child. It would be nice if that celebration were expanded with a commitment from the Canadian Council of Ministers of Education to take seriously their Convention obligations.

Dr. Cheryl van Daalen-Smith, RN, PhD
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Embracing Children’s Rights in Canadian Pediatric Nursing – Reflections from the Classroom

My comments for this years’ 2009 meeting of The Child Rights Academic Network of Scholars meeting relates to the fourth theme of child rights education. Not only have we heard from primary and secondary students that learning about rights and the convention is necessary, we’ve also heard from university students that this should be a compulsory component to any program where students will graduate to work with children/youth. I’ve decided to share some early research regarding my experience teaching about children’s rights in a nursing program in Ontario. Over the past 8 or so years, an innovative one of its kind course (a sad fact in and of itself) has been provided to undergraduate nursing students as an elective. Embracing Child/Youth Rights in Canadian Pediatric Nursing. While it remains an elective, whose future is tentative with shifts in pedagogical practice within the school, each year without fail students write to the chair of the program requesting the course become compulsory for all undergraduate nursing students.

The brief course description is: The ethos of this course is the “respect of children and youth as human beings. Within this course students will seek to understand the lived experience of children and youth within the context of health and healing. As well, students will develop an understanding of the meaning of child/youth centered nursing practice. Students interested in understanding child and youth health from the lived experience and perspective of children and youth themselves would be most drawn to this course. As well, students interested in calling into question dominant paternalistic models of children and “pediatric” nursing would also find the focus and critiques in this course congruent with their interests.
Course Concepts Include:
Child, Children, Youth Health
Children’s Rights
Quality of Life
Social Determinants of Health
Health Promotion, Advocacy
Healthy Public Policy Community Development and Activism
Child and Youth Centeredness
Social Justice Ethics
in Pediatric Nursing
Age, Ageism, Citizenship
Consent and Capacity
Voice Thinking
Upstream
Marginalization, Oppression
and Health
The intersectionalities of
gender, race, class,
abilities, sex and sexualities,
age, religion, etc
Sizeism, Heterosexism,
Classism, Racism,
Ableism, Eurocentrism
Gender as a Social Construct
Power/Freedom/Agency/Authenticity
Intersectionality
Consciousness Raising
The Personal is Political

Given the experience students and faculty have had over the past several years a small research project has emerged in order to explore the experience of undergraduate students who have studied children’s rights as they apply to Canadian Pediatric Nursing Practice.

The Objectives of this Inquiry are:
  a. To invite reflection regarding entry to practice competencies
  b. To invite reflection regarding one’s experience with child rights curriculum through the use of the metaphoric
  c. To understand what components of a child rights curriculum is most challenging for undergraduate nursing students
  d. To illuminate instances of light-bulb learning
  e. To describe the myriad of ways that child rights in pediatric nursing curriculum for undergraduate nursing students evokes change in how children are viewed for undergraduate nursing students impacts one’s vision of future practice
  f. To describe the myriad of ways that a child rights in pediatric nursing curriculum

In this course students partner with a youth for 8 weeks and discuss the CRC, and engage in conversation regarding how it is protected and breached from their vantage point. At the same time, nursing students learn and study how to ethically partner with a youth ensuring the youth’s voice is central, heard and affirmed. Students write a learning summary after the 12 week course, and the portion of the learning summary I am analyzing for this project includes these questions:

  - What are three words that best describe your experience in this learning collective and why?
  - What meaning do these words have for you personally
  - What metaphor or symbol best represents your lived experience of this learning experience?
  - What was your biggest light bulb moment and why?
  - Where did you find yourself out on your learning-edge the most?
  - How was this experience for you?
  - How has this experience changed you and your view of children and youth?

Over 75 learning summaries are in the process of review, but some preliminary findings have emerged. The impact appears to be three fold: First of all, the course helps nursing students conceptualize their own childhood differently; Secondly the students report a changed view on children and youth who are otherwise judged and marginalized; and thirdly the students are able to articulate a desire to ensure that child rights frame their future practice with children and youth, and to some degree, students are able to map just how practicing in a way that
is congruent with the CRC is in fact congruent with the profession’s code of ethics for Registered Nurses. Their experience in learning about rights has best been captured metaphorically. While tempted to list all of their amazing metaphors for you, I resisted. ” Some powerful examples include:

• The symbol that best represents my lived experience of this curriculum is the symbol of a tree. The tree holds many meanings for me in my life and in my practice as a student and in my future as a nurse. The seed that is planted represents the beginning of my nursing path. The seed needs water and sunlight to grow much like my path through nursing school. I was lucky to have wonderful teachers who provided me with information to fuel my knowledge. The roots that grow from the seed represent everything that I have learned throughout my education in nursing. As I continue to learn the roots will develop and become stronger. It is my base and the foundation of my knowledge, my knowledge of children and youth. The trunk of the tree represents strength. It is the values and beliefs that are the representation of who I am as a nurse and what I believe in. My nursing practice is grounded according to the College of Nurses’ practice standards including the professional standards and ethics. As the trunk gets bigger the strength of my knowledge gets stronger. The branches of the tree represent my arms that will reach out to help people in need of support, health and well-being. The branches keep growing and every year more and more branches emerge representing my continuing to help.

• A symbol that resonates with me during my curriculum is of a caged bird. The cage represents society and all of the rules and beliefs associated with people and how they should be or live. The bird represents a child wanting freedom. The child does not want to go against the rules of society but wants to be free from the restrictions put onto them. The child just wants to experience freedom from hardship and suffering, and live in an environment that is safe and nurturing. I want to become a nurse that can help youth to know that they deserve freedom to live as adults who can work and live in a safe and accepting environment. I also want to be a nurse who youth can trust and work effectively with them to voice their troubles and make life more bearable for them.

• The metaphor that best represents my lived experience of this course is the line “Two roads diverged in a wood, and I—, I took the one less traveled by, and that has made all the difference” from the poem “The Road not Taken” by Robert Frost. This symbolizes my journey from thinking like the mainstream, to thinking outside the box, to thinking through a rights-based lens as a future nurse, will which positively influence my practice.

Some of the biggest realizations that students were able to reflect upon and speak about were captured in the form of a light bulb moment. For example:

• My biggest light-bulb moment occurred when I learned that aboriginal children are strangers in their own land. Canada belongs to them but they are deprived of the very basic necessities of life including the social safety net (adequate housing, food, utilities, health care, and education) that is supposed to be provided by the government. The aboriginal children and youth are faced with severe poverty resulting in sub-standard quality of life which negatively impacts their health and well-being, leading to higher mortality rates as opposed to the other Canadian children. The reason why this is a light bulb moment is because all of these issues mentioned above contradicts the United Nations Commission on the Rights of the Child (UNCRC) (1989) which states that the child has the right to a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development which most countries including Canada agreed to abide by.
• My biggest lightbulb moment was when we went on our street walk in downtown Toronto in order to experientially learn about the lives of homeless kids. As we walked further down the street our guide asked us what was the easiest thing to sell on the streets, we all concluded it was drugs. Then he asked what if the drug provider came back to us asking for the money but we spent it all. What would we give back in return. **We all were silent because we knew it would have to be our bodies.**

• The biggest light bulb moment was the very first class and the discussion around viewing children as property and changing perspective to viewing children with individual rights. In viewing children with individual rights also means we are not discriminating children based on their age. I realized children need to have the same needs as adults do and that adults have rights children need to have their rights respected as well. Students, while not yet practicing nurses for the most part, were able to predict how the immersion in a nursing course framed in child rights would impact their future practice. For example:

• This experience has greatly altered my view of children and youth, not only as a nurse but as a parent as well. I now view children as social contributors with just as much value as an adult. I never thought of these issues before, but now I am aware of them I can confront barriers such as **ageism and adultism** and attempt to make this world more child friendly for my son and the children I work with. I am blessed to have experienced this alternate world view, and I hope I can make a difference with this new attitude. My view of children is forever changed

• I look youth in the eye now when passing, and give a gentle smile letting them know they are important and meaningful “today, and not at some arbitrary magical date in the future” as Cheryl says”, and that I care for them just because I do, just because they are themselves and just being them is valuable.

• As a person, I value and respect what children bring to the world, and how I can impact them. A nurse’s job or morals should not disappear when they stamp a time card. In fact, that is when they should come to the forefront

• This experience throughout this course has changed my view on children and youth for the better. I have gained more knowledge on how important it is that children’s rights are enforced. Children and youth have the right to be heard and have the right to speak up about their experiences. As future nurses, we must look for the signs, and hear the cries of children who are being neglected. We must feed them the fuel they need so that they can all understand that they have the right to the best quality of life possible.

• As a result of my experience studying child rights, –I see children from a whole other viewpoint; I respect them, I understand them better, I want to make their experiences in healthcare better, I want to support them, but most of all, **I want to fight for them. No, better yet, help them to speak up, fight and be heard.**
The voices of youth are exceedingly clear and insightful in the Shaking the Movers III document focused upon child rights in education. This document, and the voices within it, compels adults to reflect upon and challenge our own ways of thinking, assumptions, and everyday practice. There were many themes that stood out for me in this document. Nonetheless, I would like to focus my discussion on fostering inclusivity, acceptance and respect in schools. In particular, my commentary will centre on the themes of 1) Adult (mis)perceptions of youth; 2) Empowerment versus infractions; and 3) Curriculum as a tool for inclusion.

Adult (Mis)Perceptions of Youth

A recurrent theme from the voices of young people is the adult (mis)perceptions and constructions of youth as largely incapable of meaningful decision-making and simultaneously and paradoxically, as potentially disorderly. As these young people in the report noted:

“Adults tell us that we don’t know anything, we haven’t had enough experience. They don’t take us seriously because we are young.”

“When we voice our opinions, we get in trouble for being out of line.”

These prevailing constructions of youth represent some of our most paradoxical “common-sense” understandings and presumptions about young people more generally: that on the one hand, to be a child or youth is to be passive, innocent, and incapable of decision-making; while on the other, they are to be feared, and their “deviant” actions must be explained by reference to their inherent duplicity. It would appear that ideological norms of childhood behaviour combine either to deny children agency, or to cast them as essentially disorderly.

These realities force us to confront the profound adult discomfort with youth who attempt to challenge adult authority. It also highlights that many adults may rely upon powerful and ill-informed stereotypes of youth which have profound implications for them. This is a recurrent theme within many contexts, not just in schools. As an example, drawing from stereotypes of ‘dangerous youth’, the Canadian public has historically clamored for harsher penalties for youth in conflict with the law, often with little understanding of the contexts of the lives of such youth, alongside statistics demonstrating that youth crime is not increasing. It ultimately reveals that greater attention needs to be placed on educating adults about children’s rights and the implications of adult behaviours, responses and actions on youth in a variety of contexts.

“The Culture of Infractions”: Infractions vs. Rights and Empowerment

Related to the above-noted theme of focusing on the constructed “disorderly” nature of youth, one critical issue raised by the youth in Shaking the Movers III was the skewed adult focus on infractions within the school context, rather than rights. As these youth noted in the report:

“School should reward you for good behaviour.”
“We are focusing too much on the wrongs, on punishments and consequences and not enough on the rights.”

Focusing on the positive, and rewarding youth for their contributions and strengths seems like an obvious and essential practice, yet it is clear from the youth, that this is not occurring in schools. Heeding the advice of youth to focus on their capacities and strengths is vital to their overall sense of accomplishment and empowerment.

**Curriculum as a Tool for Inclusion**

“Review the school curriculum: issues like colonialism are not embedded in the curriculum.”

It is a harsh reality that both current and past curriculums in Canadian schools have, according to many students in this document, not sufficiently addressed issues of colonialism, gender inequality, and sexual and racial diversity. I reflect upon my own experience in school where colonial relations and the experiences of First Nations were entirely absent from the curriculum. Indeed, inclusive curriculum which addresses the historical, cultural and diverse realities of Canadian society, both past and present, *in a meaningful way* can be regarded as a potential tool for encouraging youth empowerment, inclusion, and promoting broader forms of social justice.

Education – even in the most volatile contexts of societal turbulence and civil war - has long been regarded as a tool for cultivating societal reconciliation, social justice, and peaceful civic relationships. Besides inculcating knowledge and skills essential for employment and economic growth, education has been regarded by many as an indispensable basis for diminishing divisions. Many students continue to enter into university with minimal knowledge of Canada’s colonial history. This needs to be addressed at all levels of the education system. However, as noted above, *the ways in which* such histories and complexities are included in everyday educational curriculum are vital to consider. Innovative and meaningful approaches must be undertaken to avoid tokenistic approaches that offer little depth of understanding.

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Written with Ashley Stewart-Tufescu, Erika Skaftfeld, Andrea Winther & Jennifer Anderson

**Child Rights Education in Schools**

The youth participants have identified a social imperative – the education of Canadian citizens about their human rights. It is impossible to have a well-functioning democracy if citizens lack knowledge of their civil and political rights. It is impossible to ensure a decent quality of life if citizens lack knowledge of their economic and social rights. And it is impossible to ensure strong families and healthy child development if citizens lack knowledge of the rights of children and youth.

The most powerful source of knowledge on human rights is the education system. It can have a life-long impact on individuals and a society-wide impact on policy and law. As the youth participants pointed out:

*Rights education lasts your entire life.*
If a child learns about their rights in a school setting at an early age, they are more likely to transfer this knowledge about their rights to different settings, to political processes and community processes.

Knowing your rights enables you to teach others about their rights.

The participants proposed numerous creative and feasible ways in which children could be taught about rights, from posters and modeling rights-respecting behaviour to web sites and meeting spaces to school policies and teacher oaths. All of these ideas could be implemented immediately – except for the missing link: teachers’ own knowledge of the Convention.

I am working with a team of graduate students at the University of Manitoba who are committed to promoting the CRC among people who work with young children. They wanted to begin by finding out just how much these people know about the CRC as a foundation for developing recommendations for its implementation in various settings. They administered a package of questionnaires to 500 individuals in Winnipeg: teachers, education students and education faculty; early childhood educators (ECE), ECE students and ECE faculty; social workers, social work students and social work faculty; and parents. The results of the full survey will be presented at the Early Years Conference 2010: The Rights of the Child in Victoria in February (Stewart-Tufescu, Skaftfeld, Winther, Anderson, & Durrant, 2010).

Because the education sample is most relevant to our discussion here, I will present some preliminary findings from that part of the survey. We administered the survey to teachers and education instructors/professors electronically through Survey Monkey. The survey was sent to the email addresses of 360 teachers and 102 education instructors/professors. The response rate was very disappointing. Only 29 teachers and 11 instructors/professors responded. We administered the survey to education students in their classrooms. The response rate in this setting was much higher: 146 students completed the survey. The relatively large size of the student sample renders its data more reliable than that of the teacher and instructor/professor samples. Therefore, I will present findings from the student sample here.

The Sample
We sought to sample students in the senior years of their Education programs to maximize their opportunities to have learned about the CRC in their courses. Of the 146 education students in the sample, 76% were in the fourth or fifth years of their programs (51% in the fifth year; 25% in the fourth year).

The Questionnaires
We administered three questionnaires to each student. The first was a Background Questionnaire that asked them: 1) whether they had heard of the CRC; 2) if so, where they had heard of it; 3) how much they know about it (1 = I really don’t know anything about it, 2 = I know its basic principles, 3 = I know most of its articles, 4 = I have thorough knowledge of it); 4) how often they refer to it in their work or studies; and 5) whether they would like to learn more about it.

The second questionnaire was the Children’s Rights Knowledge Scale (Campbell & Covell, 2001). This measure asks respondents to indicate whether they believe that each of 16 statements referring to the CRC is true or false (e.g., “The CRC has been signed and ratified by all countries in the world.” “The CRC requires Canada to implement more labour laws and standards to protect children in the workplace.”)

The third questionnaire was the Rights Values Survey (Covell & Howe, 2001). On this measure, respondents rate the importance of 30 rights (1 = not at all important, 2 = not really important, 3 = sort of important, 4 =
important 5 = very important). Of the rights statements, 15 refer specifically to children (e.g., “The right of children to have a say in all decisions that affect them, even if adults think they are too inexperienced.” “The right of children to play, even if their parents think they should be always studying or doing chores.”).

The Results

**Education Students’ Awareness of the CRC**

Of the students in the sample, 37% had heard of the CRC. Of these, 39% had heard of it in a course. Therefore, of the total sample of education students, only 14% had heard of the CRC in a course. The frequencies with which students had heard of the CRC from other sources are presented in Table 1.

Table 1. Percentage of Students Who Had Heard of the CRC from Various Sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>In a course</td>
<td>39</td>
</tr>
<tr>
<td>From a supervisor</td>
<td>4</td>
</tr>
<tr>
<td>From reading</td>
<td>42</td>
</tr>
<tr>
<td>From a colleague</td>
<td>15</td>
</tr>
<tr>
<td>Somewhere else</td>
<td>32</td>
</tr>
</tbody>
</table>

**Education Students’ Knowledge of the CRC**

Of the students who had heard of the CRC, 33% reported that they really did not know anything about it. The remainder (67%) reported that they knew its basic principles. None indicated that they knew most of its articles or had thorough knowledge of it. Almost none of those students who had heard of the CRC referred to it in their work or studies: 93% said “never”; 7% “sometimes”.

Of the total sample of education students, only one-fourth knew that Canada is legally obligated to comply with the CRC and one-fifth knew that the CRC is to take priority over Canadian laws. In fact, a majority of students responded incorrectly to 12 of the 16 statements (see Table 2). However, there was a strong desire among these students to learn more about the CRC; 97% stated that they would like to learn more.
Table 2. Percentages of Education Students Who Responded Correctly to Various True/False Statements about the CRC

<table>
<thead>
<tr>
<th>Statement (Correct answers are in parentheses)</th>
<th>% of Education students who responded correctly</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CRC has been signed and ratified by all countries in the world. (False)</td>
<td>56</td>
</tr>
<tr>
<td>The CRC is a moral statement and future goal. Canada is not obligated by law to comply with the CRC. (False)</td>
<td>23</td>
</tr>
<tr>
<td>If Canadian laws conflict with the CRC, the CRC is to take priority. (True)</td>
<td>19</td>
</tr>
<tr>
<td>The CRC does not address the issue of whether a child has rights prior to birth. (True)</td>
<td>35</td>
</tr>
<tr>
<td>Under the CRC, unless they are negligent or abusive, parents have the right to care for their children. (True)</td>
<td>61</td>
</tr>
<tr>
<td>Under the CRC, children have the right to provide their opinion in custody disputes and their input must be taken into account, even if one or both parents disagree. (True)</td>
<td>46</td>
</tr>
<tr>
<td>According to the CRC, parents have to allow time for children to engage in play and leisure, even if they think their child’s focus should be on studying. (True)</td>
<td>39</td>
</tr>
<tr>
<td>Under the CRC, children cannot be used as military soldiers – 18 is the minimum age at which you can join the military. (False)</td>
<td>5</td>
</tr>
<tr>
<td>Although children have many rights under the CRC, it states that children do not have to be educated about these rights because they are unable to understand them. (False)</td>
<td>41</td>
</tr>
<tr>
<td>The CRC requires Canada to implement more labour laws and standards to protect children in the workplace. (True)</td>
<td>45</td>
</tr>
<tr>
<td>The CRC does not undermine the family – it makes Canada responsible for helping families raise their children. (True)</td>
<td>54</td>
</tr>
<tr>
<td>The CRC makes Canada responsible for ensuring pregnant women have access to good prenatal care and information. (True)</td>
<td>52</td>
</tr>
<tr>
<td>The CRC gives children the right to express and have their opinions heard regarding family decisions such as vacations and budgeting. (True)</td>
<td>8</td>
</tr>
<tr>
<td>Although Canadian law makes it illegal to produce or sell pornography involving children, Canada is not obligated under the CRC to prevent children from being used in pornography as this is a common practice in some parts of the world. (False)</td>
<td>48</td>
</tr>
<tr>
<td>The CRC gives children the right to access information via the internet, subject to parental guidance. (True)</td>
<td>34</td>
</tr>
</tbody>
</table>
The CRC makes countries obligated to protect refugee children, even if that country’s immigration laws forbid the entry of such refugees. (True)

**Education Students’ Support for the Principles of the CRC**

We examined the responses of the education student sample to the child rights items of the Rights Values Survey (see Table 3). The majority of the education students considered all of these child rights principles to be important or very important with the exception of one - the right of children in trouble with the law to be sentenced differently from adults. In all other cases, the majority of students believed that the principles are important, even when they are presented in a way that puts those beliefs “to the test”.

**Our Conclusions**

Our findings indicate that the goal of educating children and youth about their rights within the school system is not likely to be met unless a commitment is made by universities and Ministries of Education to first educate teachers about the CRC. Our data suggest that Education students are poorly informed about the CRC, but they are eager to learn about it. In order for schools to be rights-respecting environments, a substantial shift must be made at the policy level so that the knowledge of the next generation of teachers is brought into line with their rights-respecting values and beliefs. The first step must be to “educate the educators”. This should be done in accordance with Canada’s commitment to uphold the principles of the CRC, and the provinces’ formal approval of Canada’s ratification of this treaty.

**Table 3: Percentage of Education students who consider various children’s rights principles to be important or very important**

| The right of children to choose their own friends, even against the wishes of their parents. | 54 |
| The right of children who are abused to be removed from their abusive families, regardless of the wishes of their parents. | 91 |
| The right of children not to live in poverty, even if this means financial costs to all taxpayers including those without children. | 91 |
| The right of children in trouble with the law to be sentenced differently from adults, even if they commit serious crimes. | 43 |
| The right of children never to be hit by adults, regardless of what they do. | 80 |
| The right of children to have their own lawyer in legal proceedings that affect them, despite what their parents say. | 61 |
| The right of all children with working parents to good quality daycare despite costs to taxpayers. | 72 |
| The right of children whose parents are separated to maintain contact with both parents, even when one parent doesn’t want the child to see the other parent. | 75 |
| The right of children in custody disputes to have a say in the decision, even when their parents don’t think they should. | 84 |
The right of all children to receive an education that is right for them, despite extra costs for those who are physically or mentally challenged.  

| The right of children to be protected from work that might interfere with their education, even if their family needs the money they could earn. | 79 |
| The right of children to play, even if their parents think they should be always studying or doing chores. | 88 |
| The right of children to be protected from harmful substances, even if this means their parents must quit smoking in the house. | 98 |
| The right of children to have access to information of all kinds, even if it upsets their parents. | 58 |
| The right of children to have a say in all decisions that affect them, even if adults think they are too inexperienced. | 56 |

References


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CRAN response to child rights education

The youth participants in the session and report of Shaking the Movers III raise excellent points about child rights education. Many of the points they make are borne out in research on children’s rights education. Katherine Covell and I have done a four year longitudinal study of a children’s rights education program in Hampshire England called RRR or Rights, Respect and Responsibility. Hampshire is the largest education district in England. The words “responsibility” and “respect” were purposefully included in the name of the initiative – as well as “rights” – in order to gather wider political support for children’s rights education. Many of our findings correspond to the points made by the participants. Let me make 7 points in response, in reference both to the research and to our observations of Hampshire and Canada.

POINT 1: Participants say that there is an absence of education on the Convention and that the overwhelming majority have never learned about the Convention in school. This is absolutely true in Canada. If we look at
Canada’s reports to the UN Committee on the Rights of the Child, we see only two provinces where children’s rights education is mentioned – Nova Scotia and PEI. Even here, there is no assurance the education has been implemented in a fully effective way. Education policy-makers and educators in Canada have done a generally poor job of educating children on the rights of the child, contrary to Convention articles 29 and 42. But in Hampshire County, where child rights education is in effect, students do develop awareness and understanding.

POINT 2: Participants say children’s rights education is important because it fosters as sense of importance or value, a sense of responsibility, and respect in the classroom. This is true. Our research shows that in schools where children’s rights education is fully implemented across the whole – not just in a classroom but across the whole school – students are more likely to develop a sense of value or self-esteem, they are more likely to develop a sense of responsibility in supporting the rights of others, including minority children, and there is more likely to be respect in the classroom and school. It often is said that when people are respected, they are more likely to respect others. This is an outcome of children’s rights education. When children receive the message that they have value because they have rights, they are more likely to believe that others have value and are deserving of respect.

POINT 3: Participants say that children’s rights education offers a sense of protection and that knowledge about rights translates into other settings. This also is true. Our research shows that in schools with full children’s rights education, children are more likely to feel secure and safe in their school. We don’t know by the research whether they are more likely to report abuse or maltreatment outside of the school, although it is logical to assume they would. More research is needed on this point. Our research also shows a translation effect. As one example, in a Hampshire school with full-blown child rights education, the teachers and students got so motivated in wanting to spread children’s rights awareness that they worked to get their town officially declared as a rights-respecting community dedicated to implementing child rights.

POINT 4: Participants say the children’s rights education should be done early and in a comprehensive and age-appropriate way. This has been the approach of Hampshire and it has been shown to be effective. In Hampshire, child rights education begins in infant school or what we call kindergarten. It continues to occur in primary school and now is being expanded into secondary schools, with age-appropriate exercises and materials. The approach is comprehensive in that learning occurs not simply in a classroom but throughout the school, as indicated in posters, displays, behavior codes, and school policies and practices. And learning occurs not just through information but through modeling. Children are taught that they have a right to participate, but they are also shown the school’s commitment to the exercise of the right through the facilitation of practices such as student councils and student representation on committees.

POINT 5: Participants say that school support for child rights should be official and that student participation in decision-making should be set in policy. Again, this has been the approach of Hampshire and it has been effective. Student participation and structures to facilitate participation are part of school policy, where RRR has been put into effect. Furthermore, schools that are part of the RRR initiative are officially proclaimed RRR schools or rights-respecting schools. Our research shows this to have the positive benefit of students feeling proud and expressing pride in being an official child rights school.

POINT 6: Participants say that teachers and then parents should take the lead in children’s rights education. This is a key point. Information through brochures or web-sites go only so far in reaching and educating children. Most children are in school and students spend most of their time with their teacher. Teachers are the
natural place to begin and can be very effective, as shown in Hampshire. But as also shown in Hampshire, when schools create a rights dialogue with parents, parents can reinforce the educational message of teachers and work toward the fuller development of a children’s rights culture.

Sources:
Children’s Rights Centre, Cape Breton University, Rights, Respect, and Responsibility IV: Final Report on the RRR Initiative to Hampshire County Education Authority (September 2008)
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The Child’s Right to be Heard

The Charter and the Convention

Audi alteram partem — hear the other side — is a legal right and a principle of fundamental justice originating in Roman law. As Landon Pearson observed, being heard and being listened to are not the same thing.¹ The June 2009 workshops organized by her Centre for the Study of Childhood and Children’s Rights at Carleton University was “an opportunity for children and youth to exercise their right to take part in discussion and to share their perspectives, with the assurance that their voices would be heard and listened to”.²

Two major rights documents support this. The Charter of Rights and Freedoms protects the right to be heard as a principle of fundamental justice under s. 7, the right to freedom of conscience and religion under s. 2, and the right to equal protection and benefit of the law under s. 15. The connection between equality, dignity, and the right to be heard is reflected in a 1999 decision of the Supreme Court of Canada. “The equality guarantee in s. 15(1) is concerned with the realization of personal autonomy and self determination. Human dignity means that an individual or group feels respect and self-worth.” Human dignity is about “physical and psychological integrity and empowerment.” It is “harmed by unfair treatment”, by being “marginalized, ignored, or devalued” or “excluded by the law”.³

¹ Personal conversation. Landon Pearson writes that “respecting the child’s right to be heard is crucial for the realization of all the other rights of the child as defined by the Convention. When adults make the necessary effort to listen to children, we expand the culture of respect for human rights”; see “The Child’s Right to be Heard” (2006) Interaction, Canadian Child Care Federation v. 20 no. 3, Fall 2006 p. 8 at: http://www.cccf_tcsge.ca/pdf/interaction_focus.pdf
The Convention on the Rights of the Child protects the child’s right to be heard — and to be listened to — under Article 12. The child’s views must be given weight according to the child’s age and maturity. States parties must “assure to a child who is capable of forming his or her own views the right not only to express those views freely in all matters affecting the child, but also to have those views taken into consideration.” The right to be heard is linked with rights to freedom of expression, thought, conscience and religion set out in Articles 13 and 14. Parents can guide the exercise of rights, but they cannot prevent it. Articles 5 and 14 require states parties to respect the “appropriate direction and guidance” of parents if this is “consistent with the evolving capacities of the child”. Similarly, the weight to be given to the child’s views in Article 12 is to be “in accordance with the age and maturity of the child”. Article 3 requires that the best interests of the child be a primary consideration in matters affecting them. This does not override the rights set out in the rest of the Convention. If it did, there would be no need for a Convention on the Rights of the Child.

The right to be heard is an autonomy — or emancipatory — right. This means that “as competencies develop, so too must the child’s entitlement to take increasing responsibility for the exercise of their own rights”. It is a protective right — a silenced child cannot say what is wrong. It is, most importantly, an equality right bound up with human dignity. To be human is to be bound up in social relationships. Rights are markers of relationship. Rights are not just about autonomy. Autonomy is never ‘all there’ or ‘not there’. To have some degree of autonomy, and some degree of dependence, is what it means to be a human being. But when is there ‘enough’ autonomy? When does a child have legal capacity?

The right to be heard at school

The right to be heard applies to school discipline. Article 28 (2) requires that states parties “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.” The right is barely recognized in Canadian schools, as the schoolchildren attending the June 2009 workshops know. “When we voice our opinions, we get in trouble for being out of line” (10). “We have the right to stand up and say, ‘this is what’s wrong.’ Adults should give us that chance” (11). “The main reason behind education should be to empower children” but there is “no in-between from act to punishment, no discussion with students.” “If something happens at school and we get in trouble for it, we can’t defend ourselves properly because we don’t know our rights.” Communication “is always parent to teacher or teacher to parent communication and students are not involved in that discussion.” “People in authority don’t believe students, you need someone who is an adult to talk to them” (19). “Give us life examples,” a student pleads, “to show how we can use our rights to defend ourselves” (20).

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4 Susan Detrick, A Commentary on the United Nations Convention on the Rights of the Child (Kluwer Law International, 1999) at 222. The importance of Art. 12 is emphasized by The Committee on the Rights of the Child’s requirement that states report on how this right is incorporated into state law and how the state provides for the child’s views to be given due weight


Schools have been defined in law as places of detention. This has been used to justify limiting children’s rights at school. But even prisons protect the inmate’s right to be heard. The Charter and the Convention apply to schools. That teachers and principals do not have to listen to children is denies the rights set out in both. For children caught up in the law, denying the right to be heard, or unjustifiably limiting the weight given to their views, take on another dimension. Where a child is charged with a criminal offence, the right to be heard is absolute. Where a child is involved in legal battles not of her own making, as in custody disputes between state or between parents, the right depends on the judge and is usually limited to those over 12. Where a child is legally competent to determine medical treatment, the right may be arbitrarily denied, as in A.C.’s case, below.

Sheena B’s case — children’s rights and parental rights in the Supreme Court of Canada

In 1987, Supreme Court Justice Bertha Wilson called parental rights in children is “an outmoded concept” and noted “the shift in emphasis from parental rights to children’s rights”. “Parental responsibilities yes, but rights no”. The other Supreme Court judges did not agree. In 1995, the majority of the Supreme court replaced a child’s rights with parental rights. Sheena B, an infant, was apprehended by the state for medical treatment that her parents refused, for religious reasons. They argued that refusing to treat the baby was their right under s. 2 of the Charter. The majority of the court agreed that “it is the freedom of religion of the appellants — Sheena’s parents — that is at stake in this appeal, not that of the child herself. While it may be conceivable to ground a claim on a child’s own freedom of religion, the child must be old enough to entertain some religious beliefs in order to do so.” Parental rights “to rear their children according to their religious beliefs, including that of choosing medical and other treatments, is an equally fundamental aspect of freedom of religion.” Because religious freedom “does not include the imposition upon the child of religious practices which threaten the safety, health or life of the child”, the majority justified the intervention of the state under s. 1 of the Charter.

To say that there is a rights-void in an infant that must be filled with (nonexistent) parental rights denies the child’s rights. A minority of judges in Sheena B’s case agreed, taking a child-centred view. “Sheena has never expressed any agreement with ... any religion, assuming any such agreement would be effective,” they wrote. “There is thus an impingement upon Sheena’s freedom of conscience which arguably includes the right to live long enough to make one’s own reasoned choice”. To deny “necessary medical care could preclude that child from exercising any of her constitutional rights, as the child, due to parental beliefs, may not live long

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7 R. v. J.M.G. (1986), 56 O.R. (2d) 705 (Ontario Court of Appeal). When a school principal took drugs from a student’s sock, did he violate the Charter’s guarantee of protection from unreasonable search and seizure? The Ontario Court of Appeal decided that school is a “place of detention”. The principal, like a prison warden, was justified in searching the student’s clothing. See A. Wayne McKay, “R. v. JMG Case Comment: Students as Second Class Citizens under the Charter” (1987) 54 Criminal Reports (3d) 390.
9 Since The Young Offenders Act (1984). The Juvenile Delinquents Act (1908) was based on the welfare (best interests) of the child, not on rights.
enough to make choices”. They concluded that acts that deny another person’s freedom of conscience, or threaten the life and security interests of a young child, are not part of religious freedom.

**A.C.’s case — the challenge of children’s rights**

Rights are there from birth. An infant cannot assert her rights. This does not mean she has none. What about the mature child? The question was tested by A.C., an intelligent and thoughtful girl of 14 suffering from Crohn’s disease. She was denied a hearing, apprehended by the state, and transfused against her will and conscience. A psychiatric assessment showed she understood her medical condition, the nature of the treatment, her treatment choices, and the consequences of refusing a blood transfusion. A.C. wanted to choose a different treatment but, by apprehending her, the state brought her under a different set of legal rules that restrict medical choice to children over 16. If she had not been apprehended, A.C. would be a mature minor, emancipated from parental and state control in decisions involving her own body. A.C.’s case raises the question of children’s autonomy rights.

The majority of the Supreme Court decided that mature children like A.C. should have a hearing. However, unlike other mature minors, the child’s choice will not determine the outcome. The question, the court said, was whether the law balanced the “fundamental right to autonomous decision making in connection with his or her body” with the law’s “equally persistent attempts to protect vulnerable children from harm”. The Charter requires that the courts take “sufficient account” of maturity. This requires a sliding scale — the views of a child under 16 become “increasingly determinative” with the child’s ability “to exercise mature, independent judgment”. This must be balanced with the severity of the consequences. The courts will allow a child to reject treatment only if this is consistent with the best interests of the child. The “tension between autonomy and child protection is real, often dramatic, and always painful”. It is in the child’s best interests to respect and promote her autonomy. To separate best interests from autonomous claims gives “a narrow, static and profoundly unrealistic image of the child and of adolescence”. To give the child’s choice a weight commensurate with her maturity is consistent with the Charter and the Convention.

The Chief Justice, joined by one judge, did not agree that the child should be heard. The Manitoba statute is “a complete statutory scheme” that displaces the common law mature minor rule. Age is “a reasonable proxy for independence”. To deny the equality promised by the Charter, a law must create a disadvantage “by perpetuating prejudice or stereotyping”. In this case, “the distinction drawn between minors under 16 and over 16 is ameliorative, not invidious”.

Justice Binnie disagreed with both opinions. “The Charter is not just about the freedom to make what most members of society would regard as the wise and correct choice. If that were the case, the Charter would be superfluous”. The decision treats the views of the child, however competent, “merely as inputs into the assessment by a third party — the judge”. This creates a presumption of incapacity that the child cannot challenge. The “best interests of the child” test is used for children who do not have the legal capacity to decide. Can the state impose this test when its factual basis — lack of capacity — does not exist? The Manitoba statute violates the Charter’s guarantee of freedom of thought and religion, imposes a legal disability based on “an assumed developmental deficiency that does not exist”, violates the child’s Charter rights to autonomy and

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procedural fairness for no valid purpose, and discriminates against children under 16, in violation of the Charter. Protecting children is a pressing and substantial objective but the Manitoba law is not rationally connected to this objective. The irrebuttable presumption of incapacity “has a disproportionately severe effect on the rights of mature minors under 16 because they do not suffer from the lack of capacity or maturity that characterizes other minors”. Mature children do not need judges to control what they decide.

### The spirit and the challenge — concluding thoughts

Justice Binnie’s opinion in A.C.’s case offers the best fit with the spirit — and the challenge — of children’s rights. It best reflects the intention of the Charter and the Convention. It makes the clear point that the best interests of the child test cannot be used to override children’s rights. The test can be used where the child is not sufficiently mature to make her own decisions, and to assess the impact of a law on children. It cannot be used to obliterate a right of the child.

The Supreme Court discussion of rebuttable presumptions, and notions of *infantia* and capacity, reflect the old Roman doctrine of *doli capax*. This was a sliding scale of capacity based at one end on the child’s inability to speak (“*infantia*”) and, at the other end, the emergence of pubic hair as the sign of adult capacity. The infant was absolutely legally incapable. Legal capacity in an older child must be proved. The pubertal child was presumed to be legally capable, but this could be rebutted with proof of incapacity. Discriminating between children with full legal capacity makes no legal sense. The right to a hearing is a first step. What counts is the right to be listened to. Where invasion of a child’s body is threatened and the child has full legal capacity, her decision must determine the outcome.

Chief Justice McLachlin wrote in a 2002 case that “age is not strongly associated with discrimination and arbitrary denial of privilege”.13 “Age-based distinctions are a common and necessary way of ordering our society. They do not automatically evoke a context of pre-existing disadvantage suggesting discrimination and marginalization.” But they do. Such distinctions may be expedient for government administration but they cannot be justified where they deny rights. In A.C.’s case, administrative expedience trumped her rights. Where schools are seen as places of detention, where children are denied a voice in decisions involving them, and where the views of a legally capable child are ignored or treated as “input”, a fundamental right is denied. The Supreme Court has not advanced the child’s right to be heard.

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**Why Canadian Educators are violating the CRC - and Three Actions CRAN members Might Undertake in Response**

Our submission responds to “Shaking the Movers III – Child Rights in Education (CRC Articles 28, 29 and 42)” report, and also draws upon the Senate of Canada report “Children: The Silenced Citizens” from April, 2007 since both have similar educational concerns. For example, when the Senate released interim findings from that report during your retirement celebration Senator Pearson, chair Raynell Andreychuk noted:

In the course of this study the Committee became increasingly convinced that, both *in theory and in practice*, children’s rights in this country are not understood, or indeed provided (2005, Chair’s Forward, p. 1, emphasis added).

The submission also reflects the authors reaching a threshold with the continuing CRC rhetoric in Canada without seeing many measurable changes once again highlighted by young people in this year’s Movers’ III – that much is clear from numerous quite appalling statements by this summer’s participants. Our sense is still optimistic though since new actions might be called for if new outcomes are being contemplated here today - as our Buddhist friends observe ‘no change is possible without action’. Certainly, the times in which we find ourselves appear perilous with some observers suggesting the death throttle of unrestrained free market, neoliberal capitalism throughout the world this past year has only begun. We wonder how critical citizenship education and the human rights of young people might contribute to more equitable outcomes in decades to come.

We also begin with an oft-overlooked dimension of critical thinking - that of humility. We are humbled not so much by what it is we believe we know about the CRC in Canada, but by the degree of what it is we do not know about how the Convention might better work in Canada. An illustration of this point in terms of CRC Articles 42-45, is found in the Senate report:

In government, even among those dedicated to protecting children’s rights knowledge of the nearly 20-year-old Convention is spotty at best. The Committee has discovered that some government officials working towards the protection of children’s rights seem to operate in ignorance of the international tool at their disposal. In many respects, the Convention is simply not used as a means or a framework to protect children’s rights (Senate of Canada, 2007: 195).

Clearly, adults in authority within Canadian education and the sector’s inter-connected, multi-systemic, multi-disciplinary networks are violating the CRC whether unwittingly or not. This is the case particularly where Article 42 is concerned, and with respect to the kind of education found under provision Articles 28.2 and 29 specifically. In study after study - our own, from many of us around this table as well as from the ‘Silenced Citizens’ report – investigators find that when making decisions about how, when or *even if* to introduce the Convention’s principles or provisions, adult power brokers across the board and within education make
decisions based upon their own, their institutional or their ideological ‘best interests’, not those of young people. For example, this summer’s ‘Movers III’ participants spoke of the exclusion and discrimination they’ve faced within public education with regard to disability, to women’s rights, mental illness, sexism, ageism, racism, and overall cultural insensitivity. A final recommendation on p. 12 of the report requests Canadian educators to look again at:

Flexibility in curricula: Generate an open curriculum so that youth can start learning about cultural, sexual and other relevant issues, especially children’s rights. These discussions should not begin in high schools, but at a younger age (emphasis added).

Along with you, we’ve observed that fundamentals of the treaty have been omitted from much of the discussion/discourse in Canada relative to childhood and youth studies. Across Canada and in national or international conferences where Canadians present their ideas, for example, we hear experts using phrases like ‘the problem of children’s rights’, or ‘the issue of child rights’ as though international law, an accumulating body of Canadian and international research, and domestic policy documents are irrelevant. The experiences of Movers III participants echo a young woman from the Senate Committee hearings who said:

The adoption of the Convention and its very existence seems to me, a bunch of words written on a piece of paper, a lot of them have not been implemented in my life, and I have not seen any evidence of those rights actually affecting me … It is also interesting when you consider the idea that those people that have those rights have no idea that they even exist. Let me tell you a little bit about my life experiences. Racism is a huge part of my life and a part of everything I have achieved or been denied (Ms. Hawa Mire, Senate of Canada, 2007, pp. 197-198).

These young people’s reflections are underscored by UK law professor Michael Freeman, editor of the Int. J of Children’s Rights (2007: 7-8) who argues:

What the excluded often most lack is a right that one rarely finds articulated. It is Hannah Arendt who has explained this ‘right’ better than anyone. Her context is very different from ours. Commenting on the Holocaust, she observed that ‘a condition of complete ‘rightlessness’ was created before the right to live was challenged’ [citing Arendt 1986: 296]….The most fundamental of rights is the right to possess rights.

Hard words to hear yet again in Canada, but a fundamental position articulated by Freeman, by the Senate Report, by the UN’s Concluding Observations and again by the young people involved in ‘Movers III’ leads us back to today's CRC Articles and Canadian public education. We’re confident that human rights remain an important and powerful discussion within and across all disciplines in Canada, nonetheless, perhaps most particularly within critical citizenship education. We believe the CRC has the potential for young people to experience active, democratic citizenship more meaningfully in equitable relationships with teachers and other adult power brokers in their communities because the treaty protects, recognizes, and affirms special status especially when compared with adult rights within our Charter of Rights and Freedoms. It’s true that many ideas to do with ‘child rights’ exist in different fora and the idea of ‘child rights’ is embedded in the Charter, but CRC education and the texts under consideration today have a greater potential to hold adult power brokers accountable with international obligations and the crafting and re-drafting of domestic legislation. We argue in our publications that while young people are vulnerable in terms of how institutional, social and political power plays out, the Convention has the potential to even the playing field – but must be understood and
operationalized. And this is not possible without Canadians being educated in its basic principles. This is de facto what we’re saying here today.

In our view, Canada’s education system at all levels perpetuates this silencing of its younger citizens and a large-scale lack of knowledge regarding the CRC. While they’ve been the first generation in Canadian history with a set of human rights to call their own, more than 90% of our undergraduate students in over six years confirm that they have never heard of the CRC until our courses. We have found many students frustrated, even angry at this. Students have petitioned our department at Brock to designate a ‘core course’ on the CRC---unfortunately without success so far. Any notion of starting to educate children about their rights within Kindergarten classes would likely be met with controversy, nay-saying and most likely derision in many Canadian jurisdictions, but this is already taking place within numerous UK and European states under the rubric of citizenship education – and without an accompanying revolution. This kind of citizenship education is also what numerous studies from the sociology of childhood research indicate as well as what the young people quoted in Shaking the Movers III argue needs to happen in Canadian education. Children and young people are far more competent than many of our dominant age and stage theories assume them to be, and they are quite able to learn about concepts related to rights such as fairness, freedoms related to speech, privacy, religion and the press, and active, participatory forms of rule-making and local citizenship when they are invited or allowed so to do – results from Ellen Murray’s early-level curricula have also shown this.

**Three Actions for CRAN**

Here are three suggestions that we as a network of academics interested in ‘child rights’ might do in the coming year to change this depressing lack of knowledge of the Convention within and through Canadian education.

1. **Re-read the Basics of the CRC in Canada**

Understand the Senate 2007 Report and its two dozen recommendations, and re-read the UN Committee 1995 and 2003 feedback with many of the same recommendations to use these as talking points for any actions we might undertake with our colleagues, members of political parties, the public, our students, or research participants. We’re suggesting that by treating these documents as though they were actually frameworks for research, teaching and action we might influence those within our own circles, or those with other kinds of authority within and beyond our networks. The omission of what these legal documents actually contain contributes to the gross lack of knowledge and consequentially there is still an erroneous assumption that everyone in Canada is familiar with ‘child rights’. As we’ve seen repeatedly research does not indicate this, and without a clear understanding of what the texts framing the discourse articulate, top levels of federal, provincial and territorial governance down to those that work directly within education systems will remain in ignorance.

2. **Act to Realize CRC Article 42**

Attempt in new ways within the institutions we find ourselves working to do research, and to develop and teach core courses on the Convention fundamentals particularly for those of us teaching students who are planning a career with children and young people. While we’ve done only one exploratory study on this, we found the notion of making core courses on CRC basics has occurred in just a handful of Canadian post-secondary departments across the country. This is not the case in UK universities.

3. **Become more Political**
Yes, please, let’s get more political. Maybe mobilize the Provincial Advocates for Children and Youth and get them to use the Convention or the Senate report more actively – perhaps create someone with a portfolio in their offices solely to do with the CRC and its uptake in government and within educational systems. In other recent examples, the CCRC is testifying as one of ten interveners in the Omar Khadr case being argued before the Supreme Court last week, and Dr. Blackstock I also hear you’ve chosen to take the feds to court. On the local level, write letters to newspaper editors, and set up appointments with area MLAs and MPs - my new area NDP MP Mac Allen and I meet next week to talk about Omar, the CRC, and the Senate Report in the wake of National Child (rights) Day, and Recommendation 22 from the Senate Report that suggests responsibility for the Continuing Committee of Officials on Human Rights (p. 229) be transferred immediately from Canadian Heritage to the Department of Justice. Political effort is increasingly called for in a politico/legal context that blithely and without consequence violates international agreements such as the CRC. A couple of weeks back a small group of young environmentalists were thrown out of Parliament after disrupting Question Period with the chant “Our voices are not being heard - Sustainability is the defining issue of our generation”. These actions appear to us as hopeful signs in our lazy hazy democracy of the moment.

In closing, I’m certain none of us believe that Canadian education is not already highly politicized - how could we make sense of the fact that the CRC has remained mostly outside of provincial curricula for almost two decades despite the dedicated actions of most of us sitting right here? Critical pedagogues within McGill University’s Paulo and Nita Freire Project argue that educators need to make the political more pedagogical and the pedagogical more political. We consider that collectively if we engage in these three actions perhaps a different generational outcome 20 years from now might be on the table.

Dr. Ellen Murray
Professor, Department of Child and Youth Studies
Mount Royal University

Theme: Child rights education

Greetings to all youth and others who gathered at the 2009 “Shaking the Movers III” event. I read with great interest your thoughts surrounding the theme of child rights education in particular, and in response I offer the following comments for your consideration…

According to comments published in 2009 “Shaking the Movers III” report, some youth say you have never had meaningful opportunities in school to learn about your human rights or to put those rights into practice. I find this situation disturbing since November 20th, 2009 marks the twentieth anniversary of the international adoption of the United Nations Convention on the Rights of the Child (CRC). In keeping with Article 42 of the CRC both adults and children alike ought to have opportunities to know about the human rights expressed within the document. Additionally, Article 29 of the CRC addresses the goals of education, which include the development of children to their fullest potentials and their preparation for responsible life in a free society – and that includes awareness and experience of their human rights. While twenty years have passed since Canada made a commitment to ensure that all children and youth are treated with dignity and respect, it seems as though Canada does many things very well for many children and youth, although it is possible to do more when it comes to educating child and youth about their human rights.
Why is child rights education important? I believe child rights education is important because children and youth, regardless of their age or grade level, are emerging citizens of the school, home, and community. Child rights education needs to be increasingly promoted and implemented in schools, and it should aim to help prepare children for responsible citizenship, by providing first-hand opportunities to learn about rights and responsibilities. In my opinion, children and youth need to acquire some understanding of the concepts relating to human rights, in order to begin experiencing them in a meaningful way. For example, child rights education should involve teaching and learning how to respect and protect human rights of all people. It should be about helping children and youth to develop to the point where they understand human rights and where they feel that they are important and should be respected and defended.

The CRC reaffirms human rights of provision and protection rights, and with the inclusion of participation rights for children and youth, it recognizes them as developing persons who are capable of eventually participating in civic life. I think that for children and youth to begin developing skills of responsible citizenship and learning to exercise rights with appropriate guidance and direction within their capacities, they need to recognize consequences of their choices and actions. Giving children and youth ongoing opportunities to exercise their participation rights – such as expressing opinions, helping make decisions, group membership, and privacy – needs to be emphasized in the content and strategies of child rights education. From my teaching experiences of both teaching in the public school system and conducting classroom-based research, I learned from the children and youth that ownership of their human rights can best be achieved by experiencing them, but first they need to learn about their rights.

What are some benefits of child rights education? Through my teaching and rights-related research, I also learned that according to some parents and educators, a key benefit of child rights education is an apparent growth of responsible citizenship by young people. Based on my experience, in order to realize this benefit children and youth need to be offered meaningful opportunities to develop their citizenship skills such as expanding conceptions of rights and responsibilities, as well as fostering a sense of respect for the rights and dignity of oneself and others. While the CRC does not directly address child or youth responsibilities, young people can be taught about their rights, some of which also carry responsibilities in practice. For example, a primary social responsibility of all persons is to respect the rights of others.

What are some challenges of child rights education? When teaching and conducting rights-related research, I also came to understand that a potential challenge of child rights education is resistance by some parents and educators to recognize the rights of the child. However, once they have practical information about the CRC, and its potential use within our communities, they may become enthusiastic supporters. Accurate information on the rights and responsibilities of adults with regard to children may also help to alleviate concerns. For example, Article 18 of the CRC emphasizes that families are primarily responsible for the upbringing and appropriate socialization of their children; and it implies that governments must respect the rights and responsibilities of parents and caregivers when providing direction and guidance to their children and youth to exercise their rights. Again, resistance may change to support when they become aware of the potential merits of promoting and implementing children’s rights education, such as having children and youth learn about mutual respect and their rights and responsibilities both at school and at home.

In closing, I truly believe that in order to help children and youth begin feeling ownership of their rights and to support their democratic action, we need to implement child rights education in schools. This approach
should espouse a specific mandate of providing first-hand educational opportunities to learn about rights-related issues, as well as mutual respect for others and their human rights. Perhaps when children and youth improve their understanding of respect, rights and responsibilities, then they may begin to see themselves as both the beneficiaries of rights as well as protectors and advocates of human rights.

Kara O’Brien
Masters Student
University of Connecticut

Response to the participants of ‘Shaking the Movers III: Child Rights in Education’

First, by way of introduction, my name is Kara O’Brien. I am a second-year Masters student at the University of Connecticut, and I was delighted to learn about the ‘Shaking the Movers II’ participants’ recommendation to discuss child rights in education this year, as well as to read the results of your discussions. In my own experience, I was approximately twenty years old when I learned about the Convention on the Rights of the Child in detail, having very little exposure to the idea or concepts of children’s rights in formal schooling. Currently, I am working on a Masters thesis focusing on the implementation of the Convention in Prince Edward Island, the province where I was born and raised. As a result of my research thus far, I also am advocating for the introduction of a Child & Youth Advocate in the province as Prince Edward Island is currently the only province in Canada without such an institution. Finally, I appreciated learning what artifacts you brought to the workshop reflecting who you are, and so in the spirit of reciprocation, if given the opportunity, I would bring a small plastic wind-up toy in the shape of two red shoes that a close friend gave me in preparation for a trip to Kenya several years ago. I have kept them with me ever since as a reminder that “every step counts.”

There are too many comments and ideas that struck me to address them all. One comment, in particular, caused me to reflect deeply on fundamental issues of rights and responsibilities, particularly in formal education systems: “It seems like a teacher is there to teach, not to be a human being” (11). Related to this, I appreciated reading in a ‘Solutions’ section that, “We want respect to be mutual, so that everyone is on an even playing field.” I believe reciprocal respect is essential between all people. Reducing or eliminating the current hierarchy in classrooms could be a necessary step forward in education reform. It appears we are slowly moving away from the model of a teacher as a controlling agent or disciplinarian in the classroom to the understanding of a teacher as a facilitator, and a classroom as a community of learners. This pedagogy is beginning to appear in universities. Thus, hopefully, students will bring it into classrooms when they begin their own teaching careers. Of course, more needs to be done. I believe a less hierarchical approach is also more consistent with the spirit of the Convention by recognizing that every individual brings a wealth of knowledge and experience with them into the classroom. The role of educators becomes as much to communicate knowledge as to empower the community of learners to feel comfortable enough to share their diverse knowledge and experiences in order to enrich the entire community. As a result of this sharing, the community is enriched, as are its members, and it becomes more inclusive and productive. Ideally, this will also respond to some of the concerns voiced in the section, “Fostering inclusivity, acceptance, and respect in schools.”

Given the emphasis placed on Article 12 of the Convention throughout these workshops I also would like to comment on your ability to propose creative solutions to some of the concerns you have raised. Currently, I am
taking a class in the MBA (Masters in Business Administration) program called ‘Innovation and Change’. One of the greatest challenges in creating positive change is identifying specific areas that need to be affected. You’ve done this brilliantly. For example, suggestions to create a peer support and mentoring program between students, so that more experienced students can “show younger students where everything is and draw them into the school community” (11). You could start a pilot project between two classes, and, expand the program if it is successful. With respect to flexibility in curricula, this can be a difficult and contentious issue, but positive action is not impossible. A group of university students I currently work with were similarly concerned that children’s rights are not included in school curricula. We contacted a local middle school and pitched the idea of creating our own workshops while working with grade six students throughout the year. It was an excellent opportunity for all of us, learners and facilitators, to learn from each other. Some of our workshops were adopted into teachers’ lesson plans and a new group of students were introduced to their rights much earlier than any of us had been in the past. It is a small step, but we believe it was in the right direction.

It is clear that you are already aware that individual action is important, but systemic issues can be more difficult to address meaningfully both in accessing the people with power and being taken seriously. This report is being taken seriously. Articulating concerns and solutions is a first step. Creating a common vision and engaging members of your community who may be interested in pursuing positive change - peers, teachers, parents, councilors or others - is a possible next step. Throughout your work I encourage you to remember that ‘every step counts.’ I believe it’s faulty to believe that young people can change the whole world by themselves, but you can be a positive change agent, and by partnering with experienced and knowledgeable people you can shake the movers and move the world.

Finally, what comes across most in reading the report from the Shaking the Movers III workshop is the need to return to the question of what the purpose of our formal and informal education systems are today. Given the number of calls for a more flexible, inclusive, and open environment, it is clear there is a very different vision for formal education, and I believe it has many merits. In today’s increasingly knowledge-driven economy in which migration flows are increasing at national and international levels, and technology is rapidly changing, your ideas caused me to return to questions posed decades ago, but still requiring a more creative response: “[W]hat is the goal of education? Are we forming children who are only capable of learning what is already known? Or should we try to develop creative and innovative minds, capable of discovery from the preschool age on, throughout life?” (Davidson, 1986). Overall, there appears to be a more holistic vision associated with formal education in this report.

--- This theme is also welcome as I currently work in the Office of the UNESCO Chair & Institute of Comparative Human Rights at the University of Connecticut. For the United Nations Educational, Scientific and Cultural Organization (UNESCO), the right to education is regarded as, “a key right that unlocks the implementation of many other human rights. It is education that provides people with opportunities to create a better life, and lays the foundations of democratic citizenship.”

A response to “Shaking the Movers Part 3”

I’d like to focus my response to “Shaking the Movers Part 3” on the issue of “fostering inclusivity, acceptance and respect in schools”. This entails how we – students, teachers, parents and administrators – account for and manage differences of all kinds in our schools. These may include differences in culture, ethnicity, phenotype, genotype, gender, sexual orientation, and many others that I may have missed here or will arise in the future.

One of the youth participants to the workshop is quoted as stating that “acceptance, respect and inclusivity form a triangle with unity in the middle”. This is an honourable sentiment, but it is also a utopian one. It is “utopian”, because it is a vision of a potential future divorced from a pragmatic method of its realization. Child and youth utopianism challenges adult complacency and our own failure to live up to our ideals; but I argue that as educators who have taken on a human rights perspective, we should not allow ourselves to become intoxicated with it.

Too much unity can be a dangerous thing, if as a value it comes to be privileged over these various differences. The young participants in this workshop are acutely aware that differences between people can become poisonous and exclusive, but they still need our help figuring out how to deal with these differences. “We are not born with hate, we learn to hate” says one participant; a sentiment right out of Rousseau and the 18th century enlightenment. The lessons of evolutionary psychology and anthropology tell us that this cannot be true; children do learn how to hate, it is true, but the capacity for making difference, for defining one self or one’s group as distinct from the other is innate. We are born with the capacity to hate. We are also born with the capacity for love, empathy, altruism and sociality, but children have to learn that as well, and this is where our role as adult human rights educators comes in.

There is ample sociological research that shows that many teachers currently elide the issue of difference in their own classrooms by simply refusing to accept that it exists. By claiming to run colour and diversity blind classrooms, these teachers hold all students to standards that may not be achievable to some students because of their ethnic or class background, or their disability. It is these teachers that are blinded instead to the challenges that many different students face in their classrooms. It is because of this blindness to difference, I would argue, that we now have increasing demands for segregated forms of education; relevant historical differences, different learning styles, different student needs that are shaped by their cultural or class backgrounds cannot be addressed in education systems that uphold the illusory value of “unity”.

Article 29 of the CRC states that one of the aims of education ought to be “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”. I am not sure how closely the authors of the CRC chose those words, but let me propose that this is not a utopian aim; it is a call for a “responsible life in a free society”, not unity within a free society. Understanding, peace and tolerance do not elide differences, they provide methods for acknowledging and resolving them. To understand is to recognize the other as a subject, with their own desires and interests, to live in peace means that we do not impose our desires and interests through any mode of violence upon them, to be tolerant means that we
acknowledge that despite our striving for unity differences will remain – profound and often painful ones. That pain is an innate part of the process of maturation, and a price we pay, willingly, to live in a free society.

Mona Paré
Assistant Professor
University of Ottawa

The Right to Education and respect for the views of the child

The importance of education is uncontested. The right to education is guaranteed by many human rights conventions in addition to the CRC. It is an exemplary right to demonstrate the interrelatedness and interdependence of human rights. Without the right to education many rights, including those related to work, political participation or freedom of expression, become meaningless. In turn, other rights are required for the full exercise of the right to education, including rights related to identity, health and an adequate standard of living.

While the right to education is a key right for the exercise of all other rights, it is crucial to read articles 28 and 29 in light of the principles of the CRC, and notably article 12 related to participation. Participation is the principle that best characterizes the Convention on the Rights of the Child (CRC). According to article 12 children need to be able to express their views freely in all matters affecting them and their views should be considered according to their age and maturity. In particular, children should be heard in administrative and judicial proceeding.

The report from the third “Shaking the Movers” workshop shows the importance that children themselves give to article 12. While articles 28 and 29 were considered, participation was discussed in relation to all the themes examined at the workshop. These themes included barriers to access; fostering inclusivity, acceptance and respect in schools; civil and political rights in the school setting; and child rights education. It is quite indicative that participation was mentioned by participants in relation to each theme, and not only in the context of civil and political rights.

Indeed, barriers to education include issues related to acceptability and adaptability of education, for example cultural and gender sensitivity, and special needs of particular groups. These issues, in turn, are related to the topic of inclusiveness and acceptance in schools. According to youth, freedom of expression is important in this context. They should be able to stand up and say that something is wrong. They should be able to communicate directly with school administration, and be included in discussions together with teachers and parents on issues of common interest, including codes of conduct and curriculum. In addition, they feel that one of education’s main goals should be to empower to children. Learning empowerment starts at school, and it is impossible to learn it if schools do not create an environment that encourages all students to speak up. This entails measures to involve children who are often excluded, including through child rights education. The participants recognized that not all children have the same chance to participate, because they might be shy or disabled or because teachers might have set views as to which students should participate and who are most capable of expressing themselves and representing other students.
Right to education and children’s participation are at the heart of my research interests and activities. In my doctoral work I attempted to give meaning to the right to education for one vulnerable group: street children. I found that suitable education programmes cannot be developed without considering street children’s life experiences and their maturity, which should allow them to contribute to programmes that are adapted to their particular situation.

My current research project seeks to find out the concrete meaning of participation rights in the context of the education of children with disabilities (another marginalized group). The Convention on the Rights of Persons with Disabilities reinforces children’ participation rights contained in the CRC. It does so by reaffirming children’s right to express their views, and by recognizing that States Parties have an obligation to consult children with disabilities through representative organizations in the development and implementation of legislation and policies related to the convention, and in all relevant decision-making processes. Preliminary research results show that there are significant differences between provincial (Ontario) and international norms. However, the analysis of legislation, jurisprudence and literature shows positive developments, such as Supreme Court case law (Eaton case), the interpretation of the Ontario Human Rights Code by the Ontario Human Rights Commission, and the political engagement of the federal government towards children (“A Canada Fit for Children”).

However, to find out what participation means in practice, the research cannot be complete without the voices of students with disabilities themselves. I am planning to organize group discussions with children with disabilities in a range of school settings. Participation of children with disabilities in this research is vital, not only to obtain data on the level of participation in schools and in education-related administrative processes, but also to demonstrate that children with disabilities can, and should, be treated as full subjects, who are able to contribute to their own development and that of society.

Lucy Pearson
Student, Queen’s University
Written with aid from “A Young Children’s Understanding of Their Citizenship Rights and Responsibilities” by Brian Howe, Katherine Covell and Justin K. McNeil

Rights and Citizenship Education in Schools

In recent years, in England, a growing concern over the twin problems of school discipline and pupil disengagement from schools and communities led to an introduction of compulsory citizenship education in schools. However, there was little evidence that this education was meeting its desired goals. In fact, OfSTED, the body responsible for assessing the performance of schools in England, had identified citizenship as the ‘worst taught subject in secondary schools’ (cited Pike, 2007 p.476). So what exactly wasn’t working? Three major problems were indentified: lack of teacher training for citizenship education; lack of democratic schooling or a democratic school ethos; and an apparent difficulty that educators (among others) have with accepting the current citizenship status of children rather than just seeing them as ‘citizens of the future’. Thus, in order to reverse the unsuccessful experience of citizenship education Hampshire introduced in 2004 a citizenship education initiative based on the work of Katherine Covell, Brian Howe from Cape Breton University, Nova Scotia, beginning in the infant, primary and junior schools: ‘Rights, Responsibility, and Respect’ (RRR).
The first R, Rights, refers to teaching children their rights described in the CRC. The second R, Responsibility, describes the responsibilities that are inevitably linked to rights. For example, all children have the right to play and thus also have the responsibility not to interfere with the play of others by bullying them. The third R, Respect, appears to be learned spontaneously when the first two are taught. Where RRR is fully implemented, the rights and corresponding responsibilities of the Convention are integrated across the curriculum and reflected in content, pedagogy, policy and practice. Pupils learn about their rights and responsibilities through participatory learning in and out of the classroom. The Hampshire RRR initiative, then, represents a radical departure from traditional approaches to citizenship education. It embraces whole school reform. Examples of such reform include classes critically discussing and democratically agreeing upon: a class charter of rights and responsibilities; decisions about class projects; fundraising; recreational facilities; lunchtime clubs and field trips. Students have also maintained control over the content of the school newspapers in addition to being able to present school information to their school board of governors.

After a recent study of this method of citizenship education the data strongly suggests that the rights-based whole school approach of the RRR initiative is a viable and effective form of citizenship education. RRR appears to promote moral values relevant to citizenship, caring and responsible behaviours and concern for the rights of others. The combination of rights knowledge and the practice of participation promotes in children self-regulation and increased engagement in citizenship issues. With this initiative the citizenship status of pupils is respected, pupils are taught about their rights under the UN CRC and democratic participation is made meaningful in classroom and school functioning. The research also indicates that young children can, if fact, understand their rights and responsibilities in ways that are meaningful to their everyday behaviour and that rights-based whole school reform has the capacity to improve pupil learning and citizenship behaviours.

Rebecca Raby, PhD.
Associate Professor, Child and Youth Studies
Brock University

Session 3: Civil and political rights in the school setting

In the Final Report on Child Rights in Education, one participant felt the student agenda should list rights, not rules. Another stated that “You learn how to be expelled or suspended but not about your rights.” Through my own research I have examined school codes of conduct, led focus groups with secondary students on the topic of school rules and conducted interviews with teachers and administrators (all from two distinct regions of southern Ontario). My research included investigating the extent of young people’s participation in the creation and review of school rules and my findings resonate with many comments in the Final Report on Child Rights in Education. I will discuss four key challenges to overcome in seeking such participation.

1) Beliefs about young people: Embedded within the CRC are various forms of rights, including rights to protection and participation. These rights can be in tension with each other. Rights to protection can generate rules governing children’s behaviours that children themselves may not agree with, such as mandatory school attendance. This caretaker approach suggests that adults know what young people need better than young people do. In contrast, rights to participation suggest that young people do have an idea of
what they might need. But to genuinely embrace participation adults need to recognize that young people might not always advocate for what adults think best. This conundrum arises in the CRC through the idea of participation being linked to the “evolving capacities of the child,” but also raises similar questions: who is it that decides that a child has sufficient capacity to genuinely shape decisions that affect them? In my interviews with school staff, secondary students were commonly positioned as unreliable - students have an inherent desire to break rules, their practical needs are merely excuses to break rules, students would make up ‘crazy’ rules, etc. We need to re-examine the common beliefs we have about children and teenagers that thwart the possibility of their genuine participation.

2) **Child-adult inequality:** Reflected in the beliefs about young people is an ongoing emphasis on their unequal status which is frequently framed in terms of adult authority. Adult authority is supported through some school rules and staff comments which contend that students must respect and obey adult authority. While adults sought obedience and often interpreted obedience as a sign of respect, students commonly expected mutual respect between staff and students. They also expected teachers to follow the same school rules that the students do. Staff were quite legitimately concerned about their own legal responsibilities for the safety of their students, but when some emphasize their status over students’ and link obedience to respect, it becomes difficult to imagine genuine student participation.

3) **Inability to imagine possibilities for participation:** Despite many comments suggesting that students would be unreliable participants in the creation of school rules, staff tended to support the idea of increased student participation, yet they lacked familiarity with the scope of what such participation can look like. They worried that student participation meant one student would make up their own rules, or students would make up inappropriate rules. For the most part, students were also keen on the idea of participation but were similarly unable to imagine teachers and administrators yielding any control, that their peers would make good decisions, and what such participation could even look like. Yet the idea of such participation is not new - we just have to look to democratic schools for some great examples of widespread, genuine and successful student participation in decision-making around school rules and their enforcement – participation that also requires guidance and skill-building. Most students and staff have little experience with such possibilities. They are also challenged by the current scale of mass schooling, with very large schools and central administration at the board and even provincial levels. See the table below for a table of degrees of potential student involvement in school decision-making.

4) **Rule-breaking as unsuccessful participation:** In the face of schools that rarely include any genuine avenues for student participation, lack of communication around student rights (e.g. to appeal), numerous top-down, unexplained rules, and staff who often fail to believe that students may ever have a genuine reason to break rules, many students frequently conclude that in order to meet their own academic and personal needs they must break rules and simply hope they will not be caught. Such tactics, while sometimes satisfying for students, also reinforce discourses of student irresponsibility mentioned in number one – repeating a circle which challenges movement towards student participation.

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Once again, I’d like to commend all of those involved with the workshop and subsequent publication and dissemination of the report, *Shaking the Movers III*, and celebrate with everyone here the developing consciousness that policies and practices ought to be guided by the voices of children and youth. Youth perspectives during the workshops in the four thematic areas are enlightening and informative. In my comments, I’ll first respond to youth perspectives, with a particular focus on the experience of marginalization in the educational system, whether this results from barriers to access (theme 1) or non-inclusive policies/practices (theme 2). After identifying related youth commentary in the Report, I’ll take the liberty of transitioning to an area of policy and practice where concerns about marginalization are often magnified; in this regard, my case study relates to children and youth in the child welfare system. While Articles 28 and 29 are the focal point of the above themes, the significance of the educational system is such that it bears upon many other Convention Principles and Articles as well. The potential of this system to have a profound and positive effect on children’s lives, – allowing for the broader realization of Convention rights – is belied by the experience of marginalization in whatever form this takes; this experience undermines the developmental potential of children (Article 6), and in the case of children in care, also the potential for reintegration and recovery (Article 39).

**Youth Perspectives**

With regard to access issues and barriers (theme 1), youth brought up the lack of resources as a factor inhibiting educational attainment (p.9). In addition, the lack of a stable school environment resulting from placements in different foster homes was explicitly mentioned by youth in care (p.9). I found it very revealing that youth identified the need to meet the mental health (p.10) and emotional needs (p.11) of students if barriers were to be
‘broken down’. A clear message from youth was that empowering children required schools to go well beyond the provision of educational support; there was reference to teachers providing ‘emotional support’, and acknowledgement of the roles of both counselors and social workers (p.11).

In their discussion of theme 2 (fostering inclusivity, acceptance, and respect), other factors related to marginalization were mentioned by the students, notably discrimination. Indeed, their level of sensitivity to various forms of discrimination was demonstrated by the reference to ‘subversive discrimination’ affecting students living in poverty, including a pertinent example of such marginalized students being excluded by the arranging of expensive field trips (p.14). Regarding organizational and curriculum issues, their sensitivity was apparent as well; they disliked the ‘labels’ associated with streaming or tracks (p.14), and called for anti-stigma campaigns to be worked into curriculum (p.15).

**Marginalization, Education, and Child Welfare**

A child’s right to education should be achieved on the basis of equal opportunity, making education available and accessible to all (Article 28), with the aim of promoting a child’s development to the fullest potential. There are many reasons why equal opportunity does not yet exist for children in care, and I’ll only mention only a few here. First and foremost, – and echoing the youth’s observations – the educational system as presently constructed does not provide the kind of broad-based supports that children need, a reality that has particular significance for children in care, since their need for such supports is pronounced because of the instability often associated with their lives outside of school. Lack of resources (poverty), unstable family lives, and changing schools too often – indeed, these can be realities for children in care. Some studies have suggested an average of approximately four placements for children in care. Suffice to say that increasing levels of broad-based supports, related to their ‘emotional needs’ (youth commentary), would constitute the way forward. An evolution towards ‘full-service’ schools would have special significance for children in care. Recall that our obligation towards marginalized kids is not only to allow for their development to the fullest potential, but also to promote reintegration and recovery (Article 39); clearly, the educational system is all-important in this regard.

With regard to identification and curriculum streaming, it has been pointed out that there is little recognition of the lived experience alluded to above. Instead of the provision of supports to increase the likelihood of participation in the ‘regular curriculum’, disproportionately children in care end up in special education streams; one study found 36% of children in care identified as special education students, compared to 5% of the general student population (Mitic and Rimer, 2002). It has been pointed out that the ‘two extremes’ model – the regular curriculum or special education stream (serving students with learning disabilities, for example) – does not serve children from such backgrounds well, since their real ‘deficits’ are social or experiential (McPhee et.al., 2007). These realities would have to be taken into account for the system to be more ‘inclusive’.

Of course, the educational system does not exist in a vacuum, and it goes without saying that children in care need supportive ‘home’ environments and advocates willing and able to support them as they navigate through the educational system. They face discrimination in all of its forms, including the ‘subversive’ discrimination mentioned by youth in the workshop. And challenges continue to exist in areas like education. As I have noted in the past, schools may be reticent about taking children in care, assuming that these children will pose a variety of ‘problems’. Rather than expressing sensitivity towards conditions and experiences, and promoting positive, empowering environments, issues tend to be ‘individualized’, with the child being viewed as the ‘problem’. From discipline practices (like the excessive use of school suspensions) to the ability to access
services in relation to their needs, children in care do not experience school ‘just like everybody else’ (Waldock, 2007). Often without parental support, children in the child welfare system need ‘advocates’ to make sure their rights are acknowledged and defended. The failure of the child welfare system to empower caregivers is a ‘story’ too long to tell, but it is important to recognize that the nature of this system bears on the issue of whether or not these children truly have ‘equal opportunity’ to realize their potential in the educational system.

References

