

CHILDREN'S RIGHTS IN EDUCATION:

APPLYING A RIGHTS-BASED APPROACH TO EDUCATION

A Resource Guide and Activity Toolkit

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UNIVERSITY OF TORONTO
OISE | ONTARIO INSTITUTE
FOR STUDIES IN EDUCATION



Canadian International
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développement international



PREFACE: CHILDREN'S RIGHTS IN CANADA: NOT JUST AN 'OTHER' ISSUE

A central premise of this resource guide is that the best interests of children are not always — in fact, rarely — considered or made a priority in decisions that profoundly affect them. Placing the best interests of children at the heart of every decision that affects them is one of the articles of the United Nations Convention on the Rights of the Child (the Convention), a legally binding document which 193 governments have ratified. The Convention is the most widely ratified human rights document in the world. The Convention sets a range of basic standards and rights to which all children are entitled.

When the Government of Canada ratified the Convention in 1991, it committed to applying the principles of the Convention, ensuring that all laws, policies and practices are in keeping with the intentions of the Convention. As government-run institutions that are intended specifically for the education of children and youth, elementary and secondary schools are both a natural and principal setting for the recognition and implementation of the rights of children.

Schools — and teachers — have a direct and meaningful influence on children's lives, including the ways in which children perceive and understand their own rights. Educators, in particular, have a responsibility to understand and be familiar with the scope of children's rights, to facilitate the practical realization of these rights and to proactively participate in equity advocacy and in addressing those aspects of school life that are inconsistent with respect for children's rights.

For that reason, it is vital that all members of the public education sector strive consistently to create equitable and inclusive classrooms and schools, and to create conditions in which children can develop to their fullest potential and meaningfully participate in these efforts.

The articles of the Convention articulate a set of minimum standards derived from a consensus model of deliberation from participating members for what ought to be considered “good childhoods” and serve as inspirational benchmarks. Despite what many Canadians believe, in Canada, there is considerable inequity in children's enjoyment of their rights from region to region and between groups of children. These inequities are influenced by such factors as economic status, geographical location, ethnicity, race, gender, sexual identity, ability, and whether or not the child is of Aboriginal status. In fact, with a numeric score of 11.8, Canada falls in the middle third of 21 industrialized nations on the six dimensions of child well-being which include:

- Material well-being
- Health and safety
- Educational well-being
- Family and peer relationships
- Behaviours and risks
- Subjective well-being.

Three dimensions were named specifically as requiring improvement in Canada: 1) family and peer relationships (the quality of children's relationships), 2) behaviours and risks (obesity, substance abuse, violence, sexual risk taking, etc.), and 3) subjective well-being (children's own sense of well-being). Proactively increasing awareness of children's rights both among adults and children is necessary for improving Canadian children's well-being, and the education system has a pivotal role to play in this process.

Given that Canada is considered a ‘developed’ country and has a strong international reputation for both its affluence (e.g., as a member of the G8 economic forum) and its human rights record, many Canadians, including educators, also mistakenly assume that the Convention is more relevant to learning about children living in ‘other’ parts of the world than it is relevant to learning about and championing children's rights in Canada.

Certainly, there are many obstacles to achieving children's rights around the world. In taking children's rights to education as one example, millions of children cannot read or write; millions more do not attend school because there are not enough qualified teachers; and tens of millions of students leave school before grade five. These children's rights are not upheld largely due to structural social, political, and

economic issues. For example, the economic needs of individual families may require children to work, or it may be that they cannot afford school fees. Attitudes towards gender can promote the view that girls have no rights to education. Furthermore, curriculum can be written in a language unfamiliar to teachers and students, and in a world in which 50 percent of all out-of-school children live in countries affected by conflict, local security issues can compromise schooling and children's rights.

There is no doubt that there is much work to be done towards raising awareness and taking action on behalf of children's rights around the world. Yet, along with a global approach, integrating children's rights into the classrooms of industrialized countries like Canada is also an important opportunity for Canadian teachers and students to actively promote the identification and protection of children's rights here in Canada. Learning about and working against systemic barriers to the realization of the rights of all Canadian children — including those who are vulnerable, marginalized, discriminated against and/or exploited — will support and empower young Canadians to be critically reflective of both the barriers they must confront, as well as the privileges they have been afforded. The result will be a generation of more compassionate and politically engaged young people, actively participating in improving our world.

CORE PREMISES OF CHILDREN'S RIGHTS EDUCATION

1. As educators of children and youth, Canadian teachers should be familiar with the intention and the specific articles of the Convention as part of their professional practice. They should be prepared to teach these rights through their classroom instruction. They are also encouraged to participate in guaranteeing the realization of children's rights in school and society by evaluating their own assumptions and practices; by advocating for equitable and just policies and practices; and by confronting violations of children's rights when they witness them.
2. Rights-based education is a useful framework for understanding and enacting our legal and moral responsibilities to children and youth in our classrooms. Rights-based education provides a framework for learning about and working against structural barriers that contribute to the violation of human rights (in local, regional, national, and international contexts).
3. There is a range of approaches to children's rights education and each one should be thoughtfully and critically considered by teachers. For example, there is an important difference between teaching children about rights as something they will hold as adults, versus something that they do hold as children. And, there is an important difference between teaching children about rights as things that can be violated, and also teaching them that rights can and should be affirmed, respected, and upheld.
4. Democratic pedagogy is central to children's rights education. Children's rights education involves both teaching about children's rights and creating opportunities for children to enact their rights in classrooms, schools, and communities. In this way, children's rights education is both a curriculum topic and an approach to teaching and learning in schools.
5. Adopting a children's rights approach to education can be challenging and will at times be uncomfortable because it involves acknowledging that children are not citizens-in-waiting, but instead are individuals who hold rights now, including the right to have a voice in participating in decisions that affect them (e.g., what they should learn in school). It also involves enacting critical reflexivity and rethinking deeply embedded notions about the roles of teachers and of students in the teaching and learning process.
6. Children's rights education can be taught across grade levels (K-12) and spaces already exist in the current curriculum policy for teaching and experiential opportunities.
7. The aims of children's rights education reconcile closely with the aims of global education and provide another pathway to teaching with a global perspective. At the same time, it is vital that teachers recognize that it is equally important to integrate children's rights education in relation to personal, local (rural and urban), and domestic circumstances and contexts.
8. All curricula can be viewed and implemented through a children's rights lens.

INTRODUCTION

Purpose and Target Audience

Through consultation with OISE instructors, this guide is premised on the assertion that introducing children's rights education and the Convention on the Rights of the Child are extremely important components of the professional preparation and learning of teacher candidates. Offering background information, detailed activities, and an annotated list of additional teaching resources, the guide supports OISE instructors in integrating the Convention and related global education themes into their instruction of teacher candidates.

Ultimately, this guide seeks to enable teacher candidates to creatively and confidently develop K-12 student voice and agency, and to confront and take action on rights-related and equity issues in school and society. Simultaneously, this resource aims to cultivate teacher candidates' knowledge, skills, and dispositions to advocate for and comprehensively address rights and equity-oriented issues that arise in their classrooms, schools, and curriculum.

Organization

This guide is comprised of five sections:

Section 1: Children's Rights and Education: Background and Context

Section 2: Rights-Respecting Classrooms: Considerations for Teaching and Learning

Section 3: A Whole-School Approach to Children's Rights: Rights Respecting Schools (RRS)

Section 4: Activity Toolkit: Classroom Teaching ABOUT and FOR Children's Rights

Section 5: Appendix: The United Nations Convention on the Rights of the Child in Plain Language

Annotated Bibliography of Resources on Children's Rights Education

The first two sections delineate background, contextual, and theoretical parameters for understanding and teaching children's rights education. Section 3 focuses on the whole-school approach to children's rights and outlines the rationale, history, and framework of UNICEF's Rights Respecting Schools. Section 4 includes an activity toolkit which comprises a set of lesson plan activities that you can enact with teacher candidates, and which they can consider for use in their own teaching practice. Finally, the annotated bibliography of resources offers suggestions for further reading and classroom activities.

ACTIVITY 2:

MEDIATING CONFLICT BETWEEN RIGHTS IN SCHOOLS

Objectives:

- To identify and understand the potential for tension/conflict between children's rights within educational settings.
- To apply the 'best interest of the child' principle to mitigate tension between rights of the child within educational settings.

Time: 90 minutes

Resources:

- Instructional Diagram: Article 3 of the Convention
- Flip chart/chalkboard/whiteboard/overhead
- Markers/chalk
- Copies of the United Nations Convention on the Rights of the Child in Plain Language
- Instructional Diagram: Views of the Child
- Handout: Rights in Conflict — Mitigation through the Best Interests of the Child

Suggested Pre-Activity Reading:

Best Interests of the Child: Meaning and Application in Canada (2009, February), childcarecanada.org/documents/research-policy-practice/09/07/best-interests-child-meaning-and-application-canada.

Instructions:

1. Share the following:

Article 3 of the United Nations Convention on the Rights of the Child states: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.**"*

Explain to teacher candidates that this article is established by the United Nations Committee on the Rights of the Child as one of the **overarching principles of the Convention as well as a right**, and it is intended to guide and inform all provisions of the Convention and how they are implemented.

2. Present the teacher candidates with the following scenario:

A gay male student approaches his school principal about his intention to start a gay/straight alliance at school. He explains to his principal that he has heard a number of homophobic jokes in the school, to the point that he is concerned that homophobia is normalized and accepted. The student also explains that he has been the victim of bullying, and he feels that a gay/straight alliance group would create the opportunity for dialogue and transformative attitudes. The school principal explains that she is very concerned that such a group would 'out' gay students and/or place gay students, including him, at further psychological and physical risk of being targeted by bullies, and so she cannot permit this group to form. After the student expresses his frustration, the principal concedes that the group can be created, but under a name that leaves out the word 'gay'.

3. **Invite teacher candidates to participate in a think-pair-share** and to consider the following questions:

What children's rights are in tension/conflict in this situation? What do you believe would be in the best interests of this student and why? How could the principal and the student resolve this issue in a way that respects the rights you have identified?

4. **Invite students to report back some of their responses and concerns to the class.**
5. **Distribute copies of the Convention in plain language** (see Appendix) and ask teacher candidates to brainstorm which articles delineate what is and which articles delineate what is **not** in the best interests of the child. Chart the responses.

Response Key: Articles Identifying **What Is** and **What Is Not** in the Best Interests of the Child

In the Best Interests of the Child	Not in the Best Interests of the Child
To receive an education (Article 28)	To be exposed to any form of violence (Article 19)
To have family relations (Article 8)	To be wrongly separated from his or her parents (Article 9)
To know and be cared for by parents (Article 7)	To be subjected to any traditional practices prejudicial to the child's health (Article 24)
To be heard in matters concerning him or her (Article 12)	To perform any work that is hazardous or harmful (Article 32)
To be respected and seen as an individual person (Article 6)	To be exploited or abused (Articles 33-36)
	To be denied a voice and opinion in matters affecting their lives

6. While validating and engaging with students' responses, **ask teacher candidates the following questions:** *What does the 'best interests of the child' mean to you? In what ways is this notion difficult to apply in practice? Who typically determines the best interests of the child, and which children's rights may challenge this trend? What alternative processes could you implement to determine the best interests of the child in this case?*
7. Explain to the teacher candidates that **there will be many occasions in their teaching experience when the best interests of the child will not be clear when dealing with tension between conflicting rights.** Nevertheless, the principle of the 'best interests of the child' can be a useful tool for deliberating and making decisions about what to do in such instances.
8. **In their groups, ask teacher candidates to brainstorm ideas on the potential for conflict among different stakeholder groups** in the education sector that might result from efforts to uphold conflicting children's rights. **Provide them with an example from the response key (below)** of a potential conflict that could occur within educational contexts. **Solicit their responses in the whole group, and provide the remaining examples** from the response key (if not already identified by students).

Response Key: Examples of tension between different groups

Group	Example Conflict
Interests of one child and interests of peers	A student identified as a 'bully' could be expelled (losing his/her right to education) while his/her peers continue to be at risk (losing the protection from harm)
Schools and school board	Schools allocate resources on a per capita basis and certain schools have higher needs
Teachers' unions and school boards	Teachers go on strike for better teaching resources to improve students' quality of education, but while on strike, students lose their right to education
Minority groups and the school, board or ministry	Zero-tolerance school safety policies implemented by school boards, which arguably discriminate against disenfranchised youth (e.g., racialized and disabled students, according to the Ontario Human Rights Commission)

9. **Ask students** to work together in selecting one of their examples on which to **write a case study** of a situation describing conflict in rights affecting children within a classroom or school context. Before students begin, introduce them to the following case study example to help them think about the types of scenarios that may arise.

CASE STUDY EXAMPLE: A 14-year-old female student, new to Canada, has been hand-picked by the team captain to join the co-ed intramural soccer league. The student's parents, however, are not willing to allow her to participate. They are concerned because participation would involve their daughter fraternizing with boys which conflicts with their family values, and because they rely on her to come home right after school to care for her younger siblings while they work evening jobs to supplement their income. This student has been experiencing social anxiety and has a hard time fitting in at school — which has also affected her grades. Joining the team is an opportunity for her to make friends and to be a part of the school's athletic community (and would also potentially contribute to her gaining a greater sense of self-efficacy and academic achievement). The student approaches you and asks if there is anything that you can do to help. What do you do?

10. **Solicit teacher candidate responses** to the following discussion questions:

- What are some possible actions that you could take in this situation as a teacher who is charged with the responsibility of respecting children's rights to provision, protection, and participation?*
- What are some possible consequences or outcomes of these actions in this case?*

11. **Returning to instruction #9**, ask teacher candidates to now create a **case study** of a situation in which there is conflict in rights affecting children within a classroom or school. Explain that they are to conduct an assessment of the situation, applying the 'best interests of the child' principle. To conduct the assessment they should identify two or three potential action responses to the situation and the possible consequences or outcomes of these responses.
12. Explain to teacher candidates that they should also **pay special attention to Article 12** of the Convention which states that the views of the child be given due weight in accordance with the age and maturity of the child. In light of this, it is important for teacher candidates to consider the following distinctions between younger children and adolescents. (*These are intended only as a guideline, but remind students that many factors impact the extent to which, and how, children's views are implemented.*)
13. **Display the following diagram** for students' consideration as they develop their case studies and conduct their assessments.

Instructional Diagram: Views of the Child

- Children 16 years and older, are normally assumed to be sufficiently mature to make decisions, such as those relating to their caregivers.
- Children between 14 and 16 years are presumed to be mature enough to make a major contribution.
- Children between nine and 14 years can meaningfully participate in the decision-making procedure, but their maturity must be carefully assessed on an individual basis. However, care must be taken with younger children and they may require specific assistance to ensure they can express themselves clearly and freely.
- Children younger than nine years have the right to give their opinion and be heard.

UNHCR Guidelines on the Formal Determination of the Best Interests of the Child:
[iin.oea.org/2006/Lecturas_Sugeridas_2006/00-69422.pdf](https://www.unhcr.org/2006/Lecturas_Sugeridas_2006/00-69422.pdf)

14. **Distribute the handout *Rights in Conflict – Mitigation through the Best Interests of the Child***. For the time being, refer teacher candidates to **Part 1: Case Study – Rights in Conflict**. Have the groups include as much detail as possible in their case study: age of students, socio-economic demographics, cultural demographics, school environment, ability/disability of students, and any relevant history leading to the issue/conflict.
15. Once the groups have written their case studies, have them **exchange case studies with another group**.
16. Refer teacher candidates to **Part 2: Assessment of Options** on the handout. Each group should analyze its given case study by identifying the rights in conflict; identifying the considerations to be taken into account when making a decision on the best interests of the child; and, to mitigate the conflict, identify which process they would engage in to include the voices of the children.
17. **Debrief teacher candidates' case study assessments** and use the following questions as a guide:

Discussion Questions:

- *When confronted with a conflict across children's rights, how did you weigh the consequences of particular actions to come to a decision concerning which rights might be more and which rights might be less in the best interests of the child? What tensions and struggles did you experience in this process?*

- *Did the action responses that you developed differ from the types of responses that you have seen implemented in your own experience in schools? Which elements were the same, and which were different?*
- *Which values and beliefs underlie the decisions that you made regarding the best interests of the child in these cases? To what extent do you see schools generally upholding or disregarding similar values and beliefs in their common institutional practices? What factors do you think contribute to that? What opportunities can you and your students create together for your school community to critically engage with these values, beliefs, and practices?*
- *What struggles, if any, did you experience when determining how to implement the views of the child in your action responses? Who else from the community did you include in the discussions on determining the best interests of the child, and why?*

Resources for Teacher Candidates

Teach students how to resolve conflict in a way that respects the rights of others with resources from UNICEF.

Elementary and Secondary Resources:

<http://globalclassroom.unicef.ca/pdf/EDUCATION%20ENGLISH-5.pdf>

Materials: Activity 2**HANDOUT****Rights in Conflict: Mitigation through the Best Interests of the Child****Part 1: Case Study – Rights Conflict in Schools**

The first part of this activity involves writing a case study of a situation in a classroom or school in which there is conflict in rights between individuals and/or groups.

Conflict: *Identify the groups in conflict (between individual students, a student and the class, student and school policy, etc.).*

Issue: *Briefly outline the situation (without listing the rights in conflict).*

History: *Briefly outline the context.*

Assessment of Child's/Children's Age and Maturity: *Provide information which will help the adults assess the weight of the views of the child (age of students, socio-economic demographics, cultural demographics, school environment, ability/disability of students).*

Part 2: Assessment of Options

In your groups complete the following chart:

Identify the rights which are in conflict and how they conflict:			
	Option 1	Option 2	Option 3
<p>Possible Action-Responses: <i>Outline possible responses and how these take into account the best interests of the child.</i></p>			
<p>Possible Consequences/ Outcome:</p>			
<p>Views of the Child: <i>Based on the framework on the views of the child (see page 51) and the information you have on the children involved in the conflict, how will you ensure their views are considered?</i></p>			
<p>Views of relevant stakeholders: <i>Outline with whom you could also consult on this decision and why. (Examples include: parents, various school staff, other students.)</i></p>			