



## Part 2: Background information

### 1. Frequently asked questions about the children's rights convention

#### What is it about?

The United Nations Convention on the Rights of the Child is an international treaty on human rights that regulates the rights of young people. It was adopted in 1989 by the General Assembly of the United Nations. The Convention consists of 41 articles on the rights of young people, one article on public awareness and education, and twelve articles on how the Convention is monitored, ratified and put into force. The Convention on the rights of the Child was adopted by more countries than any other international human rights treaty. By December 2008, 193 countries had signed and ratified the Convention.

#### What is a child according to the Convention on the Rights of the Child?

By "child", the UN means all young people under the age of 18 years, unless the age of majority (i.e. the age at which a person is legally recognized as an adult) is attained prior to this. This is noted in the first article of the Convention.

#### How does the Convention work?

The Convention is not a national law. However, the principles of the Convention must be reflected in the national legislation, in the political activity and programs of the various states. Governments must also submit regular reports to the United Nations about their progress in implementing the Convention. This system of reporting puts governments under pressure to really respect the rights of young people.

#### Does the UN Convention on the Rights of the Child really make a difference to our lives?

With the ratification of the Convention on the Rights of the Child, governments obligate themselves to respect the rights of people under 18 years of age, to allow them to participate in decisions that affect them, to secure their survival and to protect them from harm. Article 4 states that governments must advocate our economic, social and cultural rights "to the maximum extent of their available resources". Only if and when we know and understand what is written in the Convention can we work towards upholding it to guarantee that these rights determine how young people are treated.

### 2. Children's rights - part of the human rights process

The Convention on the Rights of the Child is historically the instrument of human rights which has found the greatest acceptance worldwide. It has been ratified by all countries (apart from two), thereby bringing children and their rights closer to the centre of the endeavour to establish a universal implementation of human rights. With the ratification of this instrument, national governments have committed themselves to protecting and ensuring children's rights. At the same time, they have declared themselves willing to hold themselves accountable for this responsibility *vis-à-vis* the international community.

The Convention on the Rights of the Child is based on various different cultural traditions and legal systems. It is a universally recognised collection of non-negotiable obligations and standards. It de-

termines - without any form of discrimination - the fundamental human rights for all children the world over.

- the right to survival
- the right to the development of one's full potential
- the right to protection from abuse, exploitation and harmful substances
- the right to participate fully in family, cultural or social life

Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care, education and legal, civil and social services. These standards are benchmarks against which



progress can be assessed. States that are party to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights - civil and political rights as well as economic, social and cultural rights. Two optional protocols (on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography) were adopted to strengthen the provisions of the Convention in these areas. They entered into force on 12 February and 18 January 2002 respectively.

The development of modern societies points to another question: The right to liberty supports a development of pluralist societies encouraging a high degree of secularisation and individualised lifestyles. How can these societies maintain a minimum consensus of basic values that are binding for all citizens?

Human rights and children's rights have contributed immensely to making the world a safer and more humane place to live in, and also to modernising the political, economic and cultural systems around the world. However, they must never be taken for granted, and each generation must contribute to their development, negotiate them anew and also fight for them to fulfil the pledge of human rights and children's rights in future.

Human rights, on which children's rights are based, have a long tradition. Forerunners and parallels can be found in great world religions and schools of philosophical thought. Modern human rights were first declared in the Age of Enlightenment, and were a source of inspiration for the American and French revolutions. Today, they form the basic constitutional principles in written and unwritten constitutions of modern democracies. Throughout their history, human rights have been of particular importance to protect the weak against the strong. This is why children's rights are so crucial: minors are among the groups whose legal status *vis-à-vis* the executive powers is weakest.

The human rights process, both revolutionary and evolutionary, has produced successive generations of human rights: the classic rights of liberty, social rights focusing on the value of equality, and - still under discussion - ecological and societal rights addressing issues of development and mutual dependence in an increasingly globalised

world, and, as a further implementation - children's rights.

The process of developing and expanding human rights and children's rights is still - and perhaps always will be - under way: the universal claim of human rights and children's rights have been questioned on numerous occasions, human rights and children's rights are withheld by dictatorships and autocratic regimes around the world, and the dynamic development of modern society and technology poses new questions and challenges. For example, how can the privacy of communication be protected in the era of the Internet?

Human rights have acquired increasing importance as a framework for secular ethics, as codified by the UN Charter and the Council of Europe Convention on Human Rights. They represent the only set of values that stand a chance of being universally accepted by the world community.

Time and again, there are states that misuse their rights of sovereignty under the pretext of protection while violating basic human rights and children's rights of its citizens. It is an open question how human rights and children's rights are to be enforced and protected in a world of sovereign states including democracies and dictatorships. In order to protect peace not only *between* - but also *within* - states, it would seem that further adaptation and development of the UN Charter is indispensable.





Human rights - and the children's rights connected to them - are universal. This is the pledge by which they either stand or fall. They are indivisible, cannot be negotiated, nor reduced to the status of mere political folklore of the Western world.

Human rights are natural rights - they are inalienable. Thus no state authority has the power to grant or withhold human rights, but is instead to recognise and protect them. Human rights imply that the state serves the individual, and not the other way around. They apply to every human, regardless of age, sex, ethnic background, nationality and so forth.

However, human rights also carry responsibilities. For example, an individual's rights of liberty need to be balanced with those of his or her fellow humans: my personal freedom cannot be extended at the expense of others. For example, freedom of expression does not include the right to insult other people. In some countries, the freedom to own property, concerning the ownership of factories or other means of production, is limited by law to control management decisions concerning the job security of employees. It is difficult to find the right balance between ensuring and restricting human rights. Time and again, these questions lead to discussions that have to be settled in political decision making processes and/or in laws that need to be implemented. This also explains why different strains of human rights, as it were, have emerged in democracies around the world.





### 3. How children's rights were created

<b>1945</b>	<p>After the Second World War, many nations in the world formed a union - they founded the UN, that is, the United Nations.</p> <p>Together they wanted to support peace and liberty in the world.</p>
<b>10. December 1948</b>	<p>On this day, the United Nations adopted the Universal Declaration of Human Rights.</p> <p>These basic rights of all human beings in the world were also understood to apply to children.</p> <p>But soon it was suggested that children were something special and therefore they were in need of special protection.</p>
<b>1950</b>	<p>A first draft of children's rights was set up. For several years, the representatives of the member states discussed it in the United Nations.</p>
<b>20. November 1959</b>	<p>On this day, the United Nations adopted the Declaration of the Rights of the Child.</p> <p>Such a declaration is not binding for all states, but it has the advantage of addressing all states as a recommendation for their future policies.</p>
<b>1979</b>	<p>In the whole world, this year was celebrated as the Year of the Child. The rights of children were thought about and discussed everywhere. For the benefit of children, more and more people wished these rights to be worked out in more detail, and, more importantly, to be made more legally binding.</p>
<b>20. November 1989</b>	<p>On this day, the General Assembly of the United Nations unanimously adopted the Convention of the Rights of the Child.</p> <p>Since then, governments of almost all nations in the world have signed this Convention on children's rights.</p> <p>In doing so, they have promised to spread information on the rights of children in their countries, to apply them and to give special attention to the protection of children.</p> <p>However, in many places around the world, children still suffer serious injustice.</p> <p>Each of us is responsible and must take action if all children in the world are to enjoy their rights.</p>



#### 4. Children's rights: experiencing, getting to know and implementing them

Children should not only know what rights they have, but they should also learn how to appreciate and to use them. To achieve this, school must offer a framework that allows pupils to make a wide range of learning experiences in children's rights education. In relation to the three main categories of Education for Democratic Citizenship (EDC), these may be summed up as follows:

**Experiencing children's rights (learning through):** The pupils experience children's rights as principles that govern the classroom and school community, and so have a direct impact on them. This category has to do with the development of attitudes, values and skills.

**Getting to know children's rights (learning about):** The pupils know and understand what rights they have. Critical for this process, in which knowledge and understanding is at the centre, is the targeted and reflectively planned induction by the teacher.

**Implementing children's rights (learning for):** The children are encouraged to respect and make use of their rights in class and in school. In this way, they are trained for their future role as informed and active citizens in a democratic community (this has to do with participation, both in school and later on in adult life).

Learning in the spirit of children's and human rights ("through") and learning how to participate in a democratic community ("for") is a commitment for the whole school community. All teachers and head teachers must play their part, as must the pupils and their parents. These three dimensions of learning in EDC support and complement each other. Opportunities to initiate and implement the appropriate learning processes are described and demonstrated in this manual. In particular, the aspect "experiencing children's rights" implies a careful selection of teaching and learning methods that allow pupils to experience school as a micro-community governed by principles of human and children's rights. To achieve this, it is vital that children experience the feeling of being respected as persons, and that their opinions are heard in discussions or decision making. Experiences made by children and young people should be respected and need to be reflected upon, as it is exactly this point that links their real life experience to their knowledge and understanding of human and children's rights. For pupils to experience, get to know and implement children's and human rights - indeed to take part in a democratic community - in the exemplary framework of a school is, without a doubt, a challenging task for the whole school community. Not only teachers and school management, but also children and their parents must play a part in order to successfully achieve this. A vital component in this process is the principle of participation. In this way, many forms of participation already practiced in classrooms and school communities become part of children's rights education.





## Various Forms of Participation

**Participation can take on many forms. Participation can start in the classroom or school community and extend to wider society beyond school:**

1. To inform oneself about current questions and leadership
2. To write about current questions and leadership
3. To discuss current questions
4. To support particular causes within a community
5. To found an advocacy group (or political party) or to join a grassroots organisation
6. To take part in meetings of an advocacy group
7. To lead a Non-Governmental Organisation
8. To vote in elections
9. To support the candidates in election campaigns
10. To put oneself forward as an electoral candidate and after election to take up office
11. To pay taxes
12. To engage in lobbying
13. To perform military service
14. To use legal avenues e.g. contacting government officials, taking a case to court etc.

## 5. Pedagogical approach: learning by example

This manual adopts the classic inductive approach of teaching and learning through concrete examples. By studying or experiencing one or several examples, pupils may grasp a general, abstract principle or insight. This manual demonstrates the three steps that teachers need to take when teaching by example:

1. The careful selection of one or more appropriate examples; deciding on the best medium and method to introduce the example(s).
2. The creation of carefully moderated phases of discussion and reflection during which the pupils - using a given example - develop their general knowledge of a topic and its key concepts. In phases of discussion and reflection, the pupils develop their general understanding and come to grasp the key concepts that the example has demonstrated.
3. The creation of appropriate opportunities to use newly acquired knowledge and categories by applying them to new contexts (knowledge transfer).

To support the teacher in carrying out step 2, a matrix is used in all the units. This matrix addresses the three dimensions pertaining to democratic citizenship and children's rights education that are important to the unit described. Key questions are suggested to guide the pupil's reflection in class. This effort of reflection on the part of the pupils is important, as learning objectives should not stay at the back of the teachers' or pupils' minds, but need to be expressed by the pupils in their words, as something they have understood, experienced, trained in, or wish to do in future. By sharing their insights in class, pupils will benefit from one another, as will the class community as a whole.

Processes of learning will become most powerful and effective if the pupils know why and for what they are learning certain pieces of information, concepts and categories, skills, or modes and principles of behaviour in democratic communities. Phases of reflection and discussion should therefore not only draw general conclusions from concrete examples, but also address the whole process of learning. In terms of constructive learning, the pupils will become aware of their own personal approach to learning in general, and they will find out what type of learner they are, and what specific





strengths and learning needs they have. Teaching in the spirit of human rights (“through”) encourages teachers to give learners the space and time to learn according to their needs. We may then become aware of our profiles as learners as part of our identities.

Viewed from the perspective of democratic leadership, the teacher should not keep the learning objectives at the back of his or her mind but share them with the pupils, which in itself turns lesson planning into an exercise in democratic decision making.

Finally, this form of meta-learning in children’s rights classes gives a model of how to teach pupils

to organise their own processes of learning. In modern societies, processes of change - for example, technology, economy, globalisation or the environment - are becoming more dynamic and complex. This poses new challenges for future generations: in order to succeed in their jobs and to participate in decision making, they will engage in a lifelong process of learning, having to tackle problems no one in school can anticipate today. Our pupils therefore need to become experts in co-operative learning, project work, process assessment and problem solving. In this manual, we have suggested some small steps for children at the beginning of their lives as learners.

## 6. Task-based learning: accompanying learning

The units are conceived as small projects in which the pupils are confronted with problems that are typical in project work - relating to the subject matter, organisation of work, communication, time keeping, etc. By finding ways of how to identify and solve these problems, the pupils develop a wide range of competences (task-based learning).

In Unit 1, the children are given the task of creating a flower which carries their name and a photograph of themselves. It is left up to them, for example, how they will design their flower, where they will obtain the materials, how they will find a photo, how they will plan their time. This way, the children will learn a lot “on the job”, but the teacher needs to think carefully about the framing of the task, deciding questions like the following. How much time will the children have? Which materials must I provide? Should I supply some parts for the flowers ready-made? (See variations for the project laid out in Unit 1.)

This example shows that at a very early age, the children are encouraged to take responsibility for their work in class, in effect sharing responsibility with the teacher. This kind of learning experience is important if the pupils are to plan their work more independently at a more advanced stage.

In children’s rights education, as a branch of EDC, the teacher will act within a wider spectrum of roles and activities. Teaching “about” children’s rights corresponds to the classic function of instruction and information - by means of a lecture, a reading task, a video clip, etc. Teaching “through” and “for” children’s rights, on the other hand, requires the

teacher to reflect his or her behaviour and his or her personality as a role model. Children will perceive an adult’s message as credible if his or her behaviour supports it, for example, by the tone of voice and level of understanding, tolerance, fairness or encouragement. As all units in this book show, the methods of teaching and learning correspond closely with the subject matter. The approach of task-based learning requires careful planning and preparation by the teacher, who may then seem more inactive in class. However, while the pupils are working, the teacher should watch them closely, as he or she will identify and respond effectively to their competences and learning needs in terms of knowledge and understanding, skills training, and values.





## 7. Teaching children's rights: key questions to guide the choice of teaching methods

In this handbook, we have described a number of small projects for children's rights education in such a way as to promote an underlying approach of task-based learning, focussing on problem solving, interactive and pupil-centred learning, and school as a model of society that orientates itself towards the principles of human and children's rights. The teacher may transfer this approach to

other tasks and topics. The teaching methods of this approach constitute an important part of the message. The competence to choose methods that support content and learning should be apparent throughout this book. The following key questions may serve as a guideline when planning further projects of this kind:







Key questions	References to the modules of this book
Are the topics and methods appropriate for the pupils' level of knowledge, attitudes and expectations?	The teacher must decide this himself or herself, and decide which type of guidance the pupils need.
The structure of pupils (for example, gender, ethnic background, learning needs) defines the learning conditions in class. Has the teacher considered these specific conditions in his or her choice of methods?	Only the teacher can answer this question. Maybe the specific learning conditions or the make-up of a particular class require a teaching unit to be modified in order to deal with certain questions or meet specific needs.
Do the chosen methods arouse and maintain the pupils' interest and willingness to learn?	The approach of task-based learning in these modules ensures active pupil participation in lessons.
Do the chosen methods give pupils the opportunity to personally take initiative and allow them to organise and steer their own learning?	All teaching modules have been designed as projects. Pupils are responsible for their own work, including time management. The risk of failure corresponds to risks found in real-life situations - and if reflected upon with empathy, offers an important learning opportunity.
Do the methods allow the pupils to reflect on their personal experience and actions?	All modules include a debriefing phase, and in some of these, the pupils are asked to reflect on their learning experience.
Do the methods encourage the pupils to view problems and questions from different perspectives?	E.g. In Unit 1 - I have a name: children become aware of how they perceive each other and realise that each individual is a unique personality. E.g. In Unit 8: a chosen children's right is analysed from different points of view.
Do the methods support critical thinking and discussion in class?	All modules include discussion and critical thinking.
Do the methods allow for learning by "mind, heart, and hand"?	Creating a work of art, creating a treasure box, acting as a witch or wizard.
Do the methods allow the pupils to experience their competencies?	Learning in different settings (individual work, co-operative learning, class discussions). Projects lead to visible results. Reflection on their own learning helps pupils to become aware of how they have progressed and the goals they have achieved.
Do the methods allow for different types of learners to learn in different ways (constructivist learning)?	Individual learning settings and a wide range of activities allow different types of learners to work and develop according to their needs.
Do the methods train the pupils to develop basic skills (E.g. collecting information, giving a presentation, planning a project, working in a team)?	Project work is an ideal way of developing basic skills, including collecting information, giving a presentation, planning a project, working in a team.



## 8. "But that means that I have the right to have a break, doesn't it?" Children's rights in the classroom

The teacher, Sadina Siercic has prepared the classroom carefully. The children are seated in groups. Their desks serve as group tables and on each, large envelopes have been placed. At one table, there are the rabbits, at another the bears, and the tigers are seated around the third. Full of excitement, a rabbit opens the envelope on his table. The teacher asks the 8-year-old to read the lines aloud to the class.

The rabbit reads, "Children have the right to the highest level of health and medical care attainable", and sits down again. "There is a number too," the teacher calls. "We're not doing arithmetic, but the number is important!" Obediently, the rabbit stands on his hind legs again and reads, "Article 24". The teacher is pleased. The rabbit may come to the board in front of the class. Article 24 is shown on a piece of coloured paper shaped like a balloon. The boy can then fix this balloon to the board.

On the board there is space for many balloons. Together, the balloons will carry a basket with the words "Children's Rights" written on it. The teacher is as happy as the little rabbit: "This is one of the rights that you have," she calls to the children. She continues, "In all your envelopes there are many more rights. Each right is a balloon." The children have understood. Now many hands are up in the air. They are all eager to open an envelope, read and come forward, fix the balloons to the board to let the basket fly and to be praised.

This goes on for the next forty-five minutes. Now it is a bear's turn. A young lady-bear's turn, to be precise. She has drawn Article 30. She reads, "Children belonging to a minority have the right to enjoy their own culture, to practise their own religion and to use their own language." From the next table a tiger adds, "Children have the right to rest and leisure, to engage in play and to take part in cultural life and the arts - Article 31."

The third-grade pupils are in a cheerful, enthusiastic and active mood. There is a lot of movement and whispering, and everyone wants to be listened to.

Is this good teaching? Is this a good lesson on children's rights? How relevant is this lesson for the pupils present? How are their competences being developed? Perhaps I should mention that I observed this lesson in Goražade in autumn 1998.

Goražade is an Eastern Bosnian town that was cut off from the outside world, isolated and almost forgotten during the war. It nearly suffered the same fate of ethnic cleansing as Srebrenica. In view of this background, and given that the observed lesson took place only a few years after the Dayton peace agreement, to see topics like freedom of religious belief and protection of minorities addressed in this school in Goražade was an exciting experience and no easy task for pupils and teachers.

Let us look at one more detail from this lesson. Shortly before the bell rings, the teacher asks her third grade pupils what they had learned. A witty rabbit girl raises her hand and remarks, "Now I know that there is this Article 31 which says that I have the right to rest and leisure. That means that now I have the right to have a break, doesn't it? Well, now I am tired and I need a break!" The whole class begins to laugh. The teacher joins in with laughter at first, then looks thoughtfully at the class.

What happened? How did it continue? The teacher found herself confronted with a great difficulty. The pupil had not only learnt something in her lesson, but had also made an interesting attempt to apply it to an everyday situation. I could not read the thoughts of this teacher, but could only guess how difficult this situation must have been for her. It also made me reflect: is the Convention, that was conceived as a judicial instrument, intended to be used in this way? Should it be possible - as it is following the constructivist paradigm - that each person should be able to construct his or her own interpretation of it? What happens in the classroom, if this is allowed to happen?

At this moment, Sadina Siercic, the third class teacher from Eastern Bosnia, did not have the time to engage in reflection on complex judicial or societal issues. She had put a new concept out to the class and knew now that a deciding moment had been reached: she would now be setting a milestone for her class. She would now decide whether children's rights would remain a happy balloon lesson - without a direct impact on every-day thinking - or whether here in Eastern Bosnia, on this springtime morning lesson in the late 1990s, something would happen that we all wish for: a real examination and application of the children's rights convention! Sadina Siercic reacted in the following way: she looked at the class and then turned to the



girl and said: “Yes, you are right. Yes, Article 31 exists and guarantees you and other children rest and balance. This means that I need to think very carefully about how much homework I give you and others. I need to think about whether it is fair for pupils who finish their work during lesson time to have nothing to do at home and whether those who work more slowly and perhaps more carefully during lessons should have to take home more homework and therefore have less time to rest and recuperate. Yes, I need to think about such things, because I know about Article 31.” However, Sadina Siercic had not yet finished. She continued: “I need to tell you something else. You also know about Article 28. This Article guarantees your right to education. For you and for your friends this means that until the break, it’s education time!”

The class was quiet. The pupils were not very satisfied with this answer. So what had happened? An eight-year-old girl had made an effort to understand an internationally valid convention, ratified by her country and accepted as state law. But more than this, she had tried to connect the children’s rights convention to her everyday, lived experience

and even to apply it. She had tried to interpret it and had applied it to the right area of her life - as school is precisely the place where a child can contact his or her state directly. This is the place in which it is decided how the state encounters the child and how the child encounters the state.

And the teacher? This teacher had met her pupil on the same level. She had permitted what we call “empowerment”, whilst at the same time trying to react appropriately. Sadina Siercic from Goražade, together with her pupils, had begun to carve out a new path. She had - in a way more or less comprehensible to an eight-year-old - shown that there are within the Convention on the Rights of the Child, competing articles. Articles that, whilst not negating each other, have to be understood as interdependent. At any rate: in this class, on this particular morning, the children’s rights convention had been employed as an instrument - not merely one that needs to be known about, but one that should become an applicable value system that can help individuals evaluate their own actions within a larger context.

