

CHILD RIGHTS EDUCATION IN THE INTERNATIONAL AND NATIONAL LEVEL EDUCAȚIA PENTRU DREPTURILE COPILULUI LA NIVEL INTERNAȚIONAL ȘI NAȚIONAL

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Summary: Children's human rights education refers to education and educational practices in schools and educational institutions that are consistent with the United Nations Convention on the Rights of the Child.

Education in human rights is itself a fundamental human right and also a responsibility. The Preamble to the Universal Declaration of Human Rights (UDHR) exhorts "every individual and every organ of society" to "strive by teaching and education to promote respect for these rights and freedoms.

Declaration of the Rights of the Child, Universal Right of Human Rights, The United Nations Educational, Scientific and cultural Organization Convention, The Jomtien Declaration on Education For All, Contain provisions promoting the right to education, including the right to compulsory and free primary education and access "to all" to secondary, vocational and higher education. They also contain more detailed provisions in support of the kind of education that should be made available to ethnic and other minority groups.

At the national level, the possibility for the child to have access to preschool education is emphasized, as well as free compulsory education for all children, even in cases when children may have reached the age of compulsory education, but have not been able to attend it.

Key words: Human Rights, Child Education, Jomtien Declaration, United Nation Convention.

Introduction

Historically, education as a human right was one of the last human needs to receive the attention it deserves. Two reasons may account for this. First, among the list of basic human needs, health, shelter and food have always received first call on limited resources because they were assumed to be priorities for survival. Second, economists and development specialists have only recently begun to understand the positive contribution education makes to national development.

Since 1948 a huge quantity and variety of work has been and is being done in the interests of Human Rights Education (HRE). In 1993 the World Conference on Human Rights declared human rights education as "essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace".

United Nations and its specialized agencies formally recognized the right of citizen to be informed about the rights and freedoms contained in the documents ratified by their countries, the right to human rights education itself (UNESCO 2005). Since the numerous policy documents developed by United Nations, affiliated agencies, international policymaking bodies, regional human rights and national human rights agencies have referenced HRE, proposing that the treatment of human rights themes should be present in schooling (Pearse, 1987).

The United Nations World Programme for Human Rights Education defines HRE as: *Education, training and information aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life. Human rights education fosters the attitudes and behaviours needed to uphold human rights for all members of society.*

While we are talking about the right to education, let us return to the focus of the topic childrens rights education. How is it defined at the International level?

Children's human rights education refers to education and educational practices in schools and educational institutions that are consistent with the United Nations Convention on the Rights of the Child (Krappman, Lothar, 2006).

Children's rights education is the teaching and practice of children's rights in schools, educational programmes or institutions, as informed by and consistent with the United Nations Convention on the Rights of the Child. When fully implemented, a children's rights education program consists of both a curriculum to teach children their human rights, and framework to operate the school in a manner that respects children's rights.

Education as a Human Right

Education in human rights is itself a fundamental human right and also a responsibility: the Preamble to the Universal Declaration of Human Rights (UDHR) exhorts "every individual and every organ of society" to "strive by teaching and education to promote respect for these rights and freedoms." The International Covenant on Civil and Political Rights (ICCPR) declares that a government "may not stand in the way of people learning about their rights."

Although news reports refer to human rights every day, "human rights literacy" is not widespread in the United States. Students of law and international relations or political science may study human rights in a university setting, but most people receive no education, formally or informally, about human rights. Even human rights activists usually acquire their knowledge and skills by self-teaching and direct experience (Flowers, 1998).

When Americans say, "I've got my rights," they usually think of those *civil and political rights* defined in the US Bill of Rights, which includes freedom of assembly, freedom of worship, and the right to a fair trial. Few, however, realize that *social, economic, and cultural rights* such as health care, housing, or a living wage, are also human rights guaranteed in the UDHR.

People who do not know their rights are more vulnerable to having them abused and often lack the language and conceptual framework to effectively advocate for them. Growing consensus around the world recognizes education for and about human rights as essential. It can contribute to the building of free, just, and peaceful societies. Human rights education is also increasingly recognized as an effective strategy to prevent human rights abuses.

Implementation of Children's Rights Education

Despite its demonstrated benefits, the implementation of children's rights education has not proven easy. Implementation of new school programs is a complex undertaking that often ends in failure. Given the widespread lack of knowledge of the nature of the Convention on the Rights of the Child, teachers are often resistant or reluctant to agree to teach children about their rights. Children's rights are seen to pose a threat to teacher authority or ability to control their classrooms (Covell, Howe, McNeil, 2010).

At the level of classroom, children's rights education may be put into effect through:

Teaching children what their rights are under the Convention on the Rights of the Child explicitly and implicitly through rights-respecting practices

Integrating children's rights into all teaching materials and curricula

Ensuring that children are able to participate meaningfully in all aspects of classroom functioning

Using rights-consistent democratic teaching practices such as role-play, small group learning and project-based learning

Creating and posting a charter of classroom rights and corresponding responsibilities at the start of the school term with the input of students

Referring to the charter throughout the school term when there are behavioural problems or infringements of a child's right

Informing parents of the children's rights initiative and the rationale

Using a self-assessment tool for evaluating progress in classroom implementation

At the level of the school, children's rights education may be implemented through:

Teachers and principal developing a strategic plan for implementation over time

Providing teachers and staff with training about the Convention, rights-consistent teaching and discipline practices and about implementation in classrooms

Incorporating children's rights into the school mission statement and policies

Incorporating children's rights into school curricula and teaching materials

Ensuring and expanding opportunities for child participation in the school

Ensuring the comprehensive use of charters of rights and responsibilities in classrooms and playgrounds

Informing parents of the children's rights initiative and the rationale

Using a self-assessment tool for evaluating progress in school implementation

The Right to Education International Commitments

After the Second World War the Universal Declaration of Human Rights (1948) recognized education as a fundamental human right. The Universal Declaration of Human Rights (UDHR) is a document that acts like a global road map for freedom and equality, protecting the rights of every individual, everywhere. It was the first time countries agreed on the freedoms and rights that deserve universal protection in order for every individual to live their lives freely, equally and in dignity.

Subsequently, the Declaration of the Rights of the Child, adopted by the United Nations under Resolution 1386 (XIV) of November 1959, established that free and compulsory basic education should be an essential building block for the promotion of a child's "general culture and enable him and her, to become a useful member of society".

In a similar vein, the International Covenant on Economic, Social and Cultural Rights (1966) underscored that education should be "directed to the full development of the human personality and the sense of its dignity, shall strengthen the respect for human rights and fundamental freedoms, and enable all persons to participate effectively in a free society" (Article 13.1).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention Against Discrimination in Education (1960) supported the need to make education a developmental priority and a basic human right.

Many elements contained in the UNESCO Convention are reiterated in Article 28 of the CRC, which states that:

28.1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

Make primary education compulsory and available free to all;

Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

Make higher education accessible to all on the basis of capacity by every appropriate means;

Make educational and vocational information and guidance available and accessible to all children;

Take measures to encourage regular attendance at school⁵ and the reduction of drop-out rates.

28.2. States Parties shall 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.

28.3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 of the CRC contains more detailed provisions in support of the kind of education that should be made available to ethnic and other minority groups. The need to provide an education that values and develops respect for the "child's parents, his or her own cultural identity, language and values" is considered an important aspect of any educational service.

Other aspects of education were spelt out in subsequent UNESCO instruments, including the Recommendation Concerning the Status of Teachers (1966) which recognized that "advance in education depends largely on the qualifications and ability of the teaching staff" and that "teaching is to be regarded as a profession".

The Recommendation Concerning Education for International Understanding, Cooperation and Peace and Education Relating to Human Rights and Fundamental Freedoms (1974), which stated that education should enhance international understanding and instill a sense of civic duty. The Revised Recommendation Concerning Technical Vocational Education (1974), which recognized education as a lifelong process, and the Recommendation on the Development of Adult Education (1976), which urged that appropriate structures be set up to meet the educational needs of adults, with a special focus on women.

The World Conference on Education for All, held in Jomtien (Thailand) in March 1990, gathered most of the major actors around the same table at least to begin to ask some of the important questions. For the first time in history, over 155 governments attended a meeting whose sole purpose was to discuss the world's current educational crisis, with a special focus on basic education.

The Jomtien Declaration on Education For All is concise and to the point. Its 10 articles clearly reiterate the right to "education for all"; moreover, they underscore the importance of education not only as a child right or human right (for individual growth) but also as a necessity (for national economic development).

Article 1.1 stresses the right of all individuals to a basic education: Every person, child, youth and adult - shall be able to benefit from educational opportunities designed to meet [his or her] basic learning needs. These needs comprise both essential learning tools (such as literacy, numeracy, and problem solving) and the basic learning content (such as knowledge, values, and attitudes) required by human beings to be able to survive, to develop their intellectual capacities, to live and work in dignity, to improve the quality of their lives, to make informed decisions, and to continue learning. The scope of basic learning needs and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time.

The Article 10 advises in a categorical, if rather utopian, tone that: "All nations must work together to resolve conflicts and strife, to end military occupations, and to settle displaced

populations. Only a stable and peaceful environment can create the conditions in which human beings, child and adult alike, may benefit from the goals of this declaration”.

Albania Framework

Albania as a post-communist country in 31 years of democracy has made great progress in the right to education. This is clearly seen in the Constitution of the Republic of Albania, which represents the highest law of Albania as a democratic country.

The constitutional right to education is seen as a duty right, where on the one hand everyone enjoys the opportunity to be educated, and on the other hand some obligations are foreseen to implement this right, obligations which fall on the state, parents but and the children themselves. Parents are required to register their children in school, to attend at least the legally required cycle (Omari, Anastasi, 2017).

While the state mechanism has the obligation to provide the necessary infrastructure free of charge to enable the exercise of the right to education. The duration of compulsory education is provided by a special law and this cycle is offered free of charge in public educational institutions. In addition, general secondary education is provided free of charge (Article 57)

In law no. 69/2012, dated 21.06.2012 “On the pre-university education system in the Republic of Albania”, as amended, is sanctioned:

In the Republic of Albania, the right to education of Albanian citizens is guaranteed to foreigners and stateless persons, without discrimination based on gender, race, color, ethnicity, language, sexual orientation, political or religious beliefs, status, economic or social, age, residence, disability or for other reasons defined in the legislation Albanian.

In public schools’ compulsory education and higher secondary education are free” (Article 5). “Forms of education in schools are: full-time education, timely education of partial and distance education.” (Article 16)

The same law states that, in the activities of the institutions of the pre-university education system, the interest of the student is primary. In the pre-university education system, the rights of are respected, protected and promoted human freedoms in general and children's rights in particular. The principle of inclusion of students is applied in educational institutions. Every student is provided with the right to quality education, as well as equal opportunities for education. Students from families in need, students with disabilities and those with disabilities special care is provided to the students, according to the provisions of this law.” (Article 6)

In law no. 18/2017, dated 23.02.2017 "On the rights and protection of the child" determines the responsibility of local bodies and educational institutions for the education of children.

The local self-government bodies, the ministry responsible for education and the institutions responsible under them shall take the necessary measures to assist the parent or guardian in exercising this right, in case there is a need for material assistance or support programs.” (Article 20).

To enable the child access to pre-school education, as well as free compulsory education for all children, even in cases when children may have reached the age of compulsory education, but have been unable to attend it (Article 18)

Instruction number 16 dated 3.08.2016 for the school year 2016-2017 provides for the appointment of assistant teachers in those schools where there are such children, according to the recommendations of multidisciplinary commissions at the regional directorates.

Meeting the needs and requirements for education in the mother tongue of national minorities, in accordance with the relevant convention and EU legislation.

Priority should be given to school enrollment, children from disadvantaged backgrounds, Roma, Egyptians, people with disabilities, returned from emigration, and children who are victims or potential victims of trafficking in human beings.

The Code of Ethics of Teachers in public or private pre-university education, approved by the Ministry of Education and Science on 12.11.2012, occupies a crucial place. This code is designed to help the teacher make the right decisions in the ethical dilemmas he faces while practicing his profession. The code is based on its two basic principles which are:

the principle of commitment to the student and;

the principle of commitment to the profession.

Conclusions

In Conclusion we can say that child education's right is a human Right, and all these documents represent a worldwide consensus on an expanded vision on basis education and a renewed commitment to ensure that the basic learning needs of all children, youth and adults are met effectively in all countries.

The CRC establishes for the first time in an international instrument promoting the right to education, that school discipline should be administered "in a manner consistent with the child's human dignity". This innovation has ramifications that clearly go beyond the provisions of earlier instruments prohibiting cruel and degrading treatment of children in schools.

At the national level in Albania, constitutional provisions, normative legal acts, regulations issued, emphasize the right to education, giving you the opportunity to educate every child regardless of social status, origin, race, religion or health problems.

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