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Human Rights: A Topic Too Controversial for Mainstream Education?

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ABSTRACT

Human Rights Education is important for empowering people to stand up for their rights and for the rights of others. It is considered to be the most effective means of challenging widespread negative attitudes towards human rights by introducing learners to the relevant values and concepts at an early age. This article argues, however, that even teachers who may be inclined to teach in this area are often not doing so. Drawing upon empirical research, the article considers why teachers are hesitant about HRE by exploring their conceptions of human rights as too: (i) controversial; (ii) abstract; or (iii) biased a subject for young learners. It is argued that to overcome these distorted ideas, there needs to be (a) a cultural shift in the educational landscape to ensure that HRE is mainstreamed within state educational policy, and (b) improved teacher training on HRE.

KEYWORDS: Human Rights Education, international human rights law, HRE policy, HRE practice, teaching controversial issues, human rights sensationalism

1. INTRODUCTION

Human Rights Education (HRE) refers broadly to education and training that aims to contribute to the building of a universal culture of human rights through teaching about human rights and fundamental freedoms. HRE is important not only for allowing people to recognize rights violations in their own lives, but also for empowering them to stand up for their own rights and for the rights of others. It is considered to be the most effective means of challenging widespread misconceptions about, and negative attitudes towards, human rights by introducing learners to the relevant values and concepts at an early age.¹ The provision of HRE for learners of primary school age is thus considered to be fundamentally important, for unless teaching on issues such as human rights begins at this stage of formal education, learners' attitudes, values and beliefs 'are likely to be well entrenched and difficult to change by the secondary school'.² HRE is thus necessary for shaping the attitudes that will contribute to the building of a universal culture of human rights.

It is the case, however, that the provision of HRE within formal primary schooling is generally sparse and fragmented,³ and this article explores why this is the case with regard to HRE in England.⁴ The article draws upon empirical

¹ Frantzi, 'Human Rights Education: The United Nations Endeavour and the Importance of Childhood and Intelligent Sympathy' (2004) 5 *International Education Journal* 1 at 4.

² Carrington and Troyna, 'Children and Controversial Issues' in Carrington and Troyna (eds), *Children and Controversial Issues* (1988) 1 at 7.

³ UN General Assembly, 'Final Evaluation of the Implementation of the First Phase of the World Programme for Human Rights Education' 24 August 2010, A/65/322 at 19-20.

⁴ A survey conducted by the author which sought to gauge the extent of HRE provision within English primary schools revealed that more than half of the 378 respondents do teach expressly about human rights in their classrooms. When additional survey data is taken into account, however, the picture changes somewhat. Survey respondents were asked, for example, about the content of their HRE and, whilst a considerable 55.4% were teaching about international human rights documents and 53.6% were providing education related to specific human rights, these percentages relate only to those teachers who had initially advised that they teach expressly about human rights. Thus, when the

research conducted by the author in 44 English primary schools to interrogate national practice in this area. It discusses in detail the manifestations of teachers' negative or cautious attitudes towards human rights by identifying and exploring the explicit concerns raised by them about providing HRE in their classrooms. Detailed consideration of these concerns, and of the broader negative societal attitudes towards human rights, will highlight a general need for action in this area in order for HRE to become mainstreamed within national education programmes.

The research from which the empirical observations in this article are drawn consisted of a mixed methods study into the teaching of HRE in primary schools in England. A self-completion survey was designed with the aim of ascertaining and assessing what is currently happening with regard to the teaching of HRE within primary classrooms across England. The survey received 378 responses, with respondents having the opportunity to leave contact details if they were willing to participate in a follow-up qualitative interview regarding their teaching practice and views in this area. It is this subsequent qualitative interview data that will be drawn upon to substantiate the arguments made within this article.

Semi-structured qualitative interviews were carried out with 44 teachers across 18 counties in England.⁵ Eight (19%) of these teachers were male,⁶ and the

percentages are recalculated taking this into account, only 34.1% of respondents to the survey are expressly teaching about international human rights instruments in their classrooms, and 32.5% are providing education about specific human rights.

⁵ These teachers self-selected for interview after completing an initial scoping survey. It is arguable, therefore, that those interviewed may represent only those teachers who have an interest in HRE and thus not reflect majority opinion in this area. I therefore make no claim to the sample being representative. For the purposes of the current argument, however, if these teachers do represent individuals who are particularly interested and engaged in the subject matter, it is likely that other teachers would be incorporating HRE to an even lesser extent and would have greater concerns with HRE as a subject matter for formal primary schooling.

⁶ This is 8% lower than the most recent available national statistics for gender balance in the profession at the time of my research, at 73% female to 27% male: Department for Education, Statistical First Release, *School Workforce in England: November 2012* (30 April 2013) (SFR 15/2013) at 3.

interviewees represented the full spectrum of primary year groups from early years to Year 6. Eleven head teachers, two deputy head teachers and one Higher Level Teaching Assistant were also interviewed. The qualitative interviews sought to probe more deeply into teachers' own opinions both about human rights generally and about the teaching of HRE in primary classrooms. Included within the interviews were questions exploring in depth: (i) any reservations that teachers expressed about teaching human rights; and (ii) their awareness of influences external to their own personal opinions, such as parents, the media or politics, that do or may affect their teaching practice in this area.

There is a paucity of scholarship discussing and addressing the concerns of teachers at the coalface of formal education about providing HRE in the primary learning environment. Much of the existing educational literature is relevant to the particular issues and reservations identified by teachers in the empirical research for this study, however, and will be drawn upon in this article, both to better understand the concerns of teachers in this area and to show how these can be overcome. In this regard, this article seeks to locate HRE within the context of the existing educational literature by drawing upon this literature to reach conclusions about what needs to be done in the human rights sphere. This, in turn, brings a unique educational dimension to mainstream human rights discourse.

The concerns expressed by teachers in this study are additionally not unique to England. Research carried out in Scotland⁷ and the USA,⁸ for example, has

⁷ Cassidy, Brunner and Webster, 'Teaching human rights? 'All hell will break loose!' (2014) 9 *Education, Citizenship and Social Justice* 19; and Horton, 'Teachers Afraid to Broach Human Rights in Class', *Times Educational Supplement Magazine*, 13 January 2012, available at: <http://www.tes.co.uk/article.aspx?storycode=6164893> [last accessed 23 March 2014].

⁸ Rapoport, 'We cannot teach what we don't know: Indiana teachers talk about global citizenship

highlighted similar concerns raised by teachers. Within the broader HRE discourse, too, Nancy Flowers and David A. Shiman have noted that whilst some teachers may simply feel that they lack the knowledge to teach about human rights, others will 'have misgivings about the perceived controversial nature of HRE'.⁹ The observations and recommendations made within this article are not specific to England, therefore, and can be applied to state practice more broadly.

With this in mind, this article is divided into four sections. In section two, HRE is introduced and its importance for learners of primary school age is emphasized. Section three then outlines why even those teachers who might be inclined to provide HRE are not doing so in any meaningful way. It will draw upon empirical research conducted in English primary schools to identify and explore some of the obstacles to effective HRE provision at the coalface of formal education, including teachers' conceptions of human rights as too: (i) controversial; (ii) abstract; or (iii) biased a subject for young learners. This section will consider the empirical findings in light of the relevant academic literature and will argue that the problem is not that HRE is inherently impossible to teach at primary school level, but rather that the policy framework in which teachers are operating is not supporting them to be able to tackle the subject appropriately. The final section will then suggest that in order to overcome this, there needs to be both (i) a cultural shift in the educational landscape to ensure that HRE is mainstreamed within state educational policy, and (ii) improved training on HRE in national teacher training programmes.

education' (2010) 5 *Education, Citizenship and Social Justice* 179.

⁹ Flowers and Shiman, 'Teacher Education and the Human Rights Vision' in Andreopoulos and Claude (eds), *Human Rights Education for the 21st Century* (1997) at 166.

2. HRE AND ITS IMPORTANCE FOR YOUNG LEARNERS

The provision of HRE is deemed to contribute to the development of a human rights culture based upon the values of freedom, equality, dignity, non-discrimination and tolerance.¹⁰ HRE has historically been viewed largely as an enabling right, for logically one can only recognize and act upon a violation of their rights if one has sufficient pre-existing knowledge and understanding of those rights. In 1948, however, the Universal Declaration of Human Rights emphasized the importance of HRE by establishing it as a distinct and freestanding right, with a dedicated provision asserting that:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.¹¹

In the intervening years, the right has been further refined and developed through a number of United Nations treaty provisions and HRE initiatives aimed at increasing its prevalence and prominence on the international stage.¹² HRE provisions can be

¹⁰ Council of Europe, 'Charter on Education for Democratic Citizenship and Human Rights Education' (2010) Recommendation CM/Rec(2010)7 at 7, para 2.

¹¹ Article 26(2) Universal Declaration of Human Rights 1948, GA Res 217A (III), A/810 at 71.

¹² Key binding HRE provisions also include: Article 13 International Covenant on Economic, Social and Cultural Rights 1966, 993 UNTS 3; and Article 29 UN Convention on the Rights of the Child, GA Res 44/25 (1989). Important non-binding HRE initiatives include: the World Programme for HRE (2005-ongoing); the UN Decade for HRE (1995-2004); and UN General Assembly, World

found within the core human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (1966), Article 13(1) and the UN Convention on the Rights of the Child (1989), Article 29(1),¹³ and a number of additional initiatives that carry less weight legally make up an ever-increasing body of soft law in this area.

The most recent of these initiatives, the UN World Programme for Human Rights Education (2005-ongoing) (UNWPHRE) is now entering its third phase.¹⁴ It followed on immediately from conclusion of the UN Decade for Human Rights Education (1995-2004),¹⁵ and has been labelled as a ‘world-wide educational policy’ that places considerable pressure on governments to comply with its provisions.¹⁶

The first phase of the UNWPHRE, running until 2009, focused upon HRE within primary and secondary education, and sought to promote ‘a common understanding of principles and methodologies of HRE, provide a concrete framework for action, and strengthen cooperation between organisations and governments’.¹⁷

The high-profile nature of the UNWPHRE and its comprehensive policies paved the way for the first dedicated UN declaration in this area: the UN Declaration

Conference on Human Rights, ‘Vienna Declaration and Programme of Action’, 12 July 1993, A/CONF.157/23.

¹³ Further provisions touching upon HRE are found in the Article 10 Convention on the Elimination of All Forms of Discrimination against Women (1979) 1249 UNTS 13; and Article 7 International Convention on the Elimination of All Forms of Racial Discrimination (1965) 660 UNTS 195.

¹⁴ For further information, see Gerber, *Understanding Human Rights: Educational Challenges for the Future* (2013) at 10-11.

¹⁵ *Ibid.* at 8-10.

¹⁶ Lenhart and Savolainen, ‘Human Rights Education as a Field of Practice and of Theoretical Reflection’ (2002) 48 *International Review of Education* 145 at 145.

¹⁷ Lawyers’ Rights Watch Canada, ‘The Right to Know Our Rights: International Law Obligations to Ensure International Human Rights Education and Training’ (2012) at 12.

on Human Rights Education and Training (2011).¹⁸ It represents the first instrument in which ‘international standards for HRE...[are] officially proclaimed by the UN’,¹⁹ and reiterates that HRE is ‘a lifelong process that concerns all ages’,²⁰ and that it ‘concerns all parts of society, at all levels...and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting’.²¹

The human rights landscape thus now contains a number of HRE provisions and initiatives explicitly directing that HRE should be provided to learners at all stages of formal education.²² In the relevant literature, too, the importance of HRE for young learners has been frequently emphasized, with some commentators viewing such teaching as of greater importance for younger learners. Judith Torney-Purta, for example, considers middle childhood to be particularly apposite for learning about human rights, for it represents ‘a period in which a variety of important cognitive competencies have been achieved, but many concepts are not yet rigid or fixed’.²³ Katerina K. Franzti, too, argues that children’s formative years represent ‘a critical period for the development of attitudes and formation of

¹⁸ UN General Assembly, *United Nations Declaration on Human Rights Education and Training* (Resolution A/RES/66/137) (2011). For further information, see Gerber *supra* n 15 at 82-94.

¹⁹ UN Human Rights Council, ‘Joint Written Statement Submitted by CIVICUS – World Alliance for Citizen Participation *et al*’ (2011) (A/HRC/16/NGO/116) 5 at para 5; see also SGI Quarterly, ‘Human Rights Education Today’ (2011) (available at: <http://www.sgiquarterly.org/feature2011Oct-1.html>).

²⁰ Article 3(1).

²¹ Article 3(2).

²² See also UNESCO, ‘Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms’ (1974) 2 at para 2; UNESCO International Congress on Teaching of Human Rights, ‘Final Document’ (1978) (SS-78/CONF.401/33) at 2, principle 8; & UNESCO, ‘Malta Recommendation on Human Rights Teaching, Information and Documentation’ (1987) at paras 1.1, 1.3 & 2.2.

²³ Torney-Purta, ‘Socialization and Human Rights Research: Implications for Teachers’ in Branson and Torney Purta (eds), *International Human Rights, Society and the Schools* (1982) 34 at 40.

personality’,²⁴ and therefore that ‘an early human rights pedagogy can contribute to inhibiting students from adopting egocentric and ethnocentric views of rights’.²⁵

By teaching HRE to this age group, therefore, the possibility that learners will have ingrained prejudices by the time in later education when these issues are traditionally confronted can be minimized. The provision of HRE is therefore important for shaping the attitudes that will contribute to the development of a human rights culture based upon the values of freedom, equality, dignity, non-discrimination and tolerance.

Ensuring young learners are aware of the rights to which they are entitled is also important for enabling them to recognize where those rights are not being met. Rahima Wade, for example, emphasizes the role that HRE must play in building bridges ‘between the abstract notion of rights and...children’s life experiences’,²⁶ with Brian Howe and Katherine Covell stressing the importance of HRE for providing learners with ‘the knowledge and critical awareness necessary to understand and question...the denial of their rights’.²⁷

It is the case, however, that the provision of HRE within English primary schools is neither comprehensive nor consistent. Despite recognition of HRE as particularly important for learners at this stage of formal education at both the international level and in the relevant literature, HRE is notable by its absence both in the new English National Curriculum and in classroom practice.²⁸ The empirical research for this study suggests, however, that a lack of direction within the

²⁴ Frantzi, *supra* n 1 at 4.

²⁵ *Ibid.* at 4.

²⁶ Wade, ‘Conceptual Change in Elementary Social Studies: A Case Study of Fourth Graders’ Understanding of Human Rights’ (1994) 22 *Theory and Research in Social Education* 74 at 85.

²⁷ Howe and Covell, *Empowering Children: Children’s Rights Education as a Pathway to Citizenship* (2005) at 33.

²⁸ See above at footnote 4.

curriculum is unlikely to be the sole, or perhaps even the principal, reason for the absence of HRE in classroom practice. The qualitative interviews revealed that there are a number of deeper underlying reasons why teachers are reluctant to include HRE within their classroom teaching. It is to consideration of these issues that we now turn.

3. RECOGNITION OF THE COMPLEXITIES OF PRACTICE

Whilst the international legal framework contains numerous provisions requiring the incorporation of HRE into state education programmes, problems of implementation remain the central concern of much HRE discourse. It has been recognized in this regard that state practice in the provision of HRE is unlikely to be driven by the international legal framework filtering down into national policy and is instead likely to be based upon the personal teaching preferences and predilections of teachers.²⁹ The classroom practice of these teachers is, in turn, affected by their own perceptions of human rights, and it is here that the complexities of HRE practice are revealed. Drawing upon empirical research conducted for the current project in 44 primary schools across England, and considering this in light of the relevant academic literature, this section explores teachers' reservations in detail, ahead of suggestion in the concluding section on how best to overcome them.

Within the qualitative interviews carried out for this project, teachers betrayed apprehension concerning the provision of HRE at primary level. The

²⁹ Struthers, 'Human Rights Education: educating *about, through* and *for* human rights' (2015) 19 *The International Journal of Human Rights* 53; see also Gerber, 'The 4th R – Human Rights Education', paper presented at Monash University in 2006, available at: <http://www.law.monash.edu.au/castancentre/conference/2006/conf-06-gerber-paper.html>) [last accessed 23 March 2015].

concerns and reservations voiced can be split into three principal categories: teachers' conceptions of human rights as too: (i) controversial; (ii) abstract; or (iii) biased a subject for young learners. Each of these will be considered in turn.

A. Human Rights: Too Controversial

There is a paucity of scholarship directly addressing the issue of the appropriateness of teaching human rights within formal education. It is the case, however, that many of the arguments in the existing literature on both Holocaust education and political education – the educational buzzword in the troubled political landscape of the 70s and 80s – are relevant to the contentious, and itself deeply political, subject of HRE. The increasing growth and prominence of HRE on the international stage has not only bolstered its profile, but has also occasioned its inclusion within the category of 'controversial issues' in formal schooling. Indeed, Andrew Pollard has expressly recognized that the concept of human rights 'raises issues which, in a primary school context, are likely to be regarded as being 'controversial',³⁰ and Alex Molnar has identified that 'the topic of human rights in the context of schools has the potential to be extremely controversial'.³¹

These comments are perhaps unsurprising given that human rights is such a controversial topic with society more widely. Teachers' attitudes towards human rights are likely to be negatively affected by the media and popular culture, and indeed, a number of the teachers interviewed for this study expressed views that

³⁰ Pollard, 'Controversial Issues and Reflective Teaching' in Carrington and Troyna, *supra* n 2 at 62.

³¹ Molnar, *We Hold These Truths to be Self-Evident: Human Rights as an Educational Problem* (1986) 43 *Educational Leadership* 71 at 72.

revealed personal opinions of human rights in keeping with those frequently associated with the right-wing tabloid press:

I do believe in freedom, but within boundaries. But the term human rights naturally gets up people's noses because you hear about prisoners who are incarcerated for terrible crimes, but actually that something's going on that's against their human rights. But in my opinion, if you've done something really awful then you...don't have the right to say 'I have these rights', because you give them up when you go to prison.³²

If somebody's done something really wrong, like if it was a murderer, would you still feel that they've got human rights? But for me it's the right to be an equal human being, unless they've done something towards another human being that may affect how much of that right is listened to.³³

[I]f you choose to break a human right, you then lose your right to have those rights.³⁴

Some teachers additionally focused on the idea that learners at the stage of formal primary schooling would misuse any rights that they were given. This opinion was often related to a perception amongst many of the interviewees that people nowadays tend to be acutely aware of their rights but do not accept their

³² Interview 4.

³³ Interview 41.

³⁴ Interview 42.

responsibilities. A number of teachers therefore expressed concern that learners would simply start demanding things and would use their knowledge of their rights to disobey teachers and other adult staff members:

The only time you hear people talking about rights is bad children saying to their teachers ‘I know my rights.’³⁵

You’d have children going ‘they’re my human rights!’³⁶

[T]hings have gone too wrong the other way...even now at this age we can get children that say ‘I know my rights. You can’t make me do nowt Mrs’.

Misconception and sensationalism surrounding human rights has been identified as both prevalent and problematic within existing academic commentary. Susan Marks, for example, noted in a 2014 article that ‘if once you had to turn in the UK to specialist sections of the progressive press to read about issues of human rights, today you are as likely to read about them on the front pages of the conservative press, both in its up-market titles and at the more populist end of its spectrum’.³⁷ Most of this commentary, she observes, is ‘pretty bilious’,³⁸ and such anti-human rights rhetoric is arguably only likely to intensify ahead of the proposed public vote

³⁵ Interview 6.

³⁶ Interview 12.

³⁷ Marks, ‘Backlash: the undeclared war against human rights’ (2014) 4 *European Human Rights Law Review* 319 at 319.

³⁸ *Ibid.*

on the Conservative Government's plan to scrap the Human Rights Act (1998) and replace it with a Bill of Rights.³⁹

Some of these tabloid stories in particular have become so notorious that it would be difficult to find a person in the UK unaware of them: the human right to a family life enabling an illegal immigrant to remain in the UK because he owned a pet cat is one such tale; a convicted serial killer drawing upon human rights as justification for obtaining access to hardcore pornography whilst incarcerated is another. These stories are frequently drawn upon to support the proposition that human rights protection has gone too far in the UK; that the human rights framework is abused by those who are unworthy, such as prisoners or those claiming on tenuous grounds that they have a right to a family life in this country.⁴⁰

Whilst many of the most sensationalized media stories concerning human rights, including the two identified above,⁴¹ have been discredited as exaggerated at best, and entirely apocryphal at worst,⁴² it is not difficult to understand why teachers would be likely to view the topic as controversial. When great swathes of the public are influenced and affected by hyperbolized or erroneous media portrayals of human rights, it is simply unrealistic to expect teachers to be immune to them. Something of a vicious circle is the inevitable result: teachers are reluctant to provide HRE in a cultural landscape that is sceptical of human rights; learners then emerge from formal

³⁹ The Conservative Party, 'The Conservative Party Manifesto 2015: Strong Leadership, A Clear Economic Plan, A Brighter, More Secure Future' (2015) at 60.

⁴⁰ McQuigg, 'The Human Rights Act 1998 - Future Prospects' [2014] 35 *Statute Law Review* 120 at 120.

⁴¹ Wagner, 'Catgate: another myth used to trash human rights', *Guardian*, 4 October 2011; and Liberty, 'Human Rights Act Myths', *Liberty*, no date, available at: <https://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act/human-rights-act-myths> [last accessed 23 March 2015].

⁴² Huppert, 'Should be repeal the Human Rights Act?', *Total Politics*, no date, available at: <http://www.totalpolitics.com/print/160582/should-we-repeal-the-human-rights-act.shtml> [last accessed 23 March 2015].

education with little understanding and acceptance of human rights; negative perceptions of human rights persist and affect the next generation of teachers; and so on.

Just such a situation is apparent from the findings of the current empirical research project, with a number of the teachers interviewed substantiating the suggestion that the nature of HRE makes its inclusion within formal education troublesome. Interviewees articulated specific concerns that they have about the appropriateness of HRE as a subject matter for learners of primary school age. Whilst some simply felt that the topic would be too dry and legal to engage learners of this age,⁴³ most were concerned about the controversial nature of the subject matter. One teacher expressed why she viewed human rights as a particularly difficult topic:

You think of people demanding things and you think of atrocities. It's always very extreme. I think human rights is an angry and demanding...and terrible things are going to happen. It doesn't have a very positive...it's probably not a soft topic.⁴⁴

Some interviewees advised that they simply avoid teaching potentially controversial topics, or certain aspects of such topics, within the school setting:

⁴³ Interviews 1, 6 and 8.

⁴⁴ Interview 1.

I would avoid that [HRE]. I think if I saw that something was what I'd call 'on the edge', I'd probably be less inclined to teach it.⁴⁵

They'll probably skew it, so you'll...find schools focusing around right to water, right to education...but they'll probably skirt...around some of the ones like right to express opinions or...some of those other ones that are slightly more controversial in wider society.⁴⁶

When you're saying stuff or doing stuff, you say 'I'm on a tricky path here, I'll stay safe' because otherwise you could open a big can of worms with something...⁴⁷

With such recognition of the controversial nature of the subject matter, it is perhaps unsurprising that some of the interviewees deemed the idea and concept of human rights too difficult for learners of primary school age. Eight interviewees, for example, identified the likelihood of young children being scared by certain aspects of human rights as a reason for not teaching in this area,⁴⁸ with this stance being particularly prevalent amongst those teachers who tended to affiliate the idea of human rights with war,⁴⁹ imprisonment,⁵⁰ or with extreme rights violations, such as torture.⁵¹

⁴⁵ Interview 31.

⁴⁶ Interview 36.

⁴⁷ Interview 17.

⁴⁸ Interviews 1, 5, 9, 15, 26, 30, 31 and 43 (8% of early years/key stage 1 teachers; 11% of key stage 2 teachers; and 33% of head teachers).

⁴⁹ Interview 9.

⁵⁰ Interviews 9, 31 and 35.

⁵¹ Interviews 1, 15, 27, 29, 35, 39 and 43

Seven interviewees also expressed concern that learners at the earlier stages of formal primary education do not yet possess the necessary maturity to deal with some of the difficult issues raised through teaching about human rights.⁵² One interviewee, for example, justified educating about human rights only the upper stages of primary schooling by identifying that younger learners would struggle to understand or appreciate the issues without the subject matter being inappropriately watered down.⁵³ Another cautioned that:

You need to be very careful with young children about painting the world as being black and white, because there are shades of grey, and I think that has to come with a level of maturity.⁵⁴

Some further identified that contextual factors can make human rights discussions inappropriate with learners, irrespective of their age group. These interviewees explained that learners in their classrooms may come from difficult backgrounds, and some of the human rights issues discussed could be uncomfortably familiar to them.⁵⁵

It comes down to their own experiences as well, and...if you look at things like prisons and stuff, there are some children that are experiencing that and

⁵² Interviews 7, 11, 12, 14, 21, 38 and 43 (8% of early years/key stage 1 teachers; 11% of key stage 2 teachers; and 33% of head teachers).

⁵³ Interview 26.

⁵⁴ Interviews 14. A similar comment was made in interview 32.

⁵⁵ Interviews 5, 9, 11, 21, 41 and 42 (16% of key stage 2 teachers and 25% of head teachers). Similar concerns were reported by Cassidy, Brunner and Webster supra n 7 at 28.

it becomes a very sensitive subject. So we have to be very aware of that. We can't start discussing prisons when somebody's father is in there.⁵⁶

I think some of the things it does raise can be potentially difficult...I was aware that actually there are some children in this class for whom they don't actually have all these human rights. And that's quite hard because I'm saying 'you have this right', knowing that actually that's not being met.⁵⁷

Teachers also voiced concern that parents would object to the teaching of human rights on the basis that it is too controversial for the formal learning environment. Fourteen interviewees reported that parents would be unlikely to object to the teaching of human rights,⁵⁸ particularly if they are informed in advance and assured that the subject matter will be age-appropriate,⁵⁹ though two of these interviewees did advise that they would deliberately avoid using the term 'human rights' for fear of a backlash.⁶⁰ The remainder of the interview sample did, however, raise concerns about parents taking umbrage with the teaching of human rights to learners of primary school age.⁶¹

Whilst a small number of interviewees flagged up the likelihood of parents challenging HRE on the basis that it is not a 'proper' subject,⁶² most of the

⁵⁶ Interview 9.

⁵⁷ Interview 11.

⁵⁸ Interviews 1, 7, 8, 11, 14, 15, 20, 22, 29, 30, 32, 33, 36 and 43 (47% of early years/key stage 1 teachers; 37% of key stage 2 teachers; and 33% of head teachers).

⁵⁹ Interviews 1, 7, 8, 14, 23, 29, 30, 36 and 43.

⁶⁰ Interviews 14 and 29.

⁶¹ Interviews 2, 4, 5, 10, 12, 13, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 31, 34, 35, 37, 38, 39, 40, 41 and 42 (54% of early years/key stage 1 teachers; 53% of key stage 2 teachers; and 75% of head teachers). Three teachers did not discuss parental concern in the interview.

⁶² Interviews 27, 29 and 34.

apprehension concerned parents objecting specifically to the controversial nature of human rights. Again, such concern was deemed to frequently stem from contextual factors: where certain topics with a human rights dimension, such as immigration⁶³ and criminal justice,⁶⁴ were considered likely to antagonize parents with particular viewpoints; or where schools were located in communities where teachers felt there was a greater likelihood of parents objecting to the teaching of human rights.⁶⁵ Parents were seen as prone to ‘instant knee-jerk reactions’ on controversial topics,⁶⁶ and thus with regard to human rights, some teachers simply considered it ‘just not worth it’,⁶⁷ or ‘safer not to teach it’.⁶⁸

Two interviewees queried whether it was acceptable for teachers to address these types of issues with young learners at all. One was reluctant to tread on parents’ beliefs, and thus considered human rights to be a subject matter that is better left to parents to teach their children.⁶⁹ Worryingly, elsewhere within her interview, this same teacher had expressly highlighted that ‘a lot of the parents have poor beliefs unfortunately’, identifying homophobic attitudes as particularly prevalent. She therefore considered it difficult to achieve the correct balance when teaching in this area:

If it was specific, so for example the rights of gay people, I think a few...of the dads would come back with a comment about that, or they wouldn’t come to us but they’d come to the child, and you’d get ‘my dad says...’ And

⁶³ Interviews 2 and 31.

⁶⁴ Interviews 27, 31 and 38.

⁶⁵ Interviews 2, 4, 7, 17, 21, 23, 24 and 41.

⁶⁶ Interview 4.

⁶⁷ Interview 42. A similar comment was made in interview 17.

⁶⁸ Interview 5.

⁶⁹ Interview 42.

you think ‘oh, now I’ve got to tell you or tell your dad that what they’re saying is not politically correct, and you’re then torn between the child’s relationship with the parent, and your relationship with the parent and that child as well. So it is hard.’⁷⁰

These empirical observations accord with much of the academic commentary in this area, where opposition to the inclusion of controversial issues within the curriculum has been consistently associated with concerns regarding the age-appropriateness of certain topics. Stradling, for example, reported in 1984 that one of the principal constraints on teachers’ willingness to address controversial issues stemmed from their own ‘perceptions of what is and is not ‘acceptable’ as a subject-matter for teaching’ at certain stages of formal education,⁷¹ and as recently as 2012, Paula Cowan and Henry Maitles observed that ‘there is much debate around ‘curricular creep’ – a fear of raising disturbing issues with ever younger pupils in the primary school’.⁷²

The research findings from this project lend weight to Tony Jeffs’ observation that concerns about the relevancy and appropriateness of teaching controversial issues in the primary school impede the willingness of teachers to engage with such issues in their classrooms.⁷³ In this regard, though discussing age-appropriateness in the context of political education, Harold Entwistle’s suggestion that the early teenage years ‘mark the point before which neither the theory nor

⁷⁰ Interview 42.

⁷¹ Stradling, ‘The Teaching of Controversial Issues: An Evaluation’ (1984) 36 *Educational Review* 121 at 124.

⁷² Cowan and Maitles, ‘Preface and Framework’ in Cowan and Maitles (eds), *Teaching Controversial Issues in the Classroom: Key Issues and Debates* (2012) 1 at 3.

⁷³ Jeffs, ‘Preparing Young People for Participatory Democracy’ in Carrington and Troyna, *supra* n 2 at 30.

practice of politics can meaningfully be introduced into the curriculum of the school',⁷⁴ echoes the sentiments of many who consider human rights to be too controversial for learners at the stage of primary education. Jeffs has specifically advised that Entwistle's observation applies not only to the teaching of politics but also to the teaching of other subject areas considered to be controversial for a young audience.⁷⁵ Children of primary school age are deemed too young to discuss controversial issues that demand 'a greater maturity'.⁷⁶

The complexity and contentiousness of human rights is consequently often expressly identified as a reason why schools shy away from substantive consideration of the topic.⁷⁷ As an example, in their empirical study on student teachers' engagement with HRE in Scotland, Claire Cassidy et al reported that:

One student had planned an integrated topic to introduce human rights issues to a primary five class (aged 9 years), but her supervising teacher consulted a colleague and decided that it was 'a bit too controversial', and despite the student having assured the class teacher that she knew what she was doing, the discussion between the two colleagues led to the student undertaking a 'non-controversial' topic.⁷⁸

The risk of parental concern or resistance as a reason for not teaching controversial topics is also highlighted as an important issue within the relevant literature.

⁷⁴ Entwistle, 'Educational Theory and the Teaching of Politics' in Heater (ed.), *The Teaching of Politics* (1969) 181 at 199.

⁷⁵ Jeffs, supra n 78 at 32.

⁷⁶ Maitles and Deuchar, "Why Are They Bombing Innocent Iraqis?": Political literacy among primary pupils' 7 *Improving Schools* 97 at 99; see also Wade, supra n 27 at 79.

⁷⁷ Molnar, supra n 36 at 72.

⁷⁸ Cassidy, Brunner and Webster, supra n 7 at 29.

Stradling, for example, has identified ‘fear of disapproval by parents’ as an influential factor in teachers’ decisions regarding whether to address certain issues within the classroom,⁷⁹ and Claire Cassidy et al have recently reported that student teachers in their empirical study on HRE expressed concerns about worrying or upsetting parents.⁸⁰ The suggestion that it is the place of the family, and not the teacher, to educate young learners about controversial issues also finds support in the existing literature. In this regard, Elizabeth Frazer refers to a widespread belief that teaching about difficult issues, such as freedom and non-discrimination, should be left to the family.⁸¹

Reluctance on the part of teachers to address controversial issues on the basis that certain topics are inappropriate for young learners is frequently attributed to a desire to maintain children’s innocence. Such ideas are considered to be reflective of a broader vision of childhood innocence proposed and perpetuated by Western psychology: ‘the spaces and times of childhood are proposed as, ideally, protected from politics. Children are to be protected, in an a-political arena of thought and practice’.⁸²

Robin Alexander coined the phrase ‘primary ideology’ in 1984 to denote what ‘the primary profession usually calls its ‘philosophy’, that is to say the network of beliefs, values and assumptions about children, learning, teaching, knowledge and the curriculum’.⁸³ One aspect of this ideology, referred to as the ‘cocoon’ principle in

⁷⁹ Stradling, *supra* n 76 at 124.

⁸⁰ Cassidy, Brunner and Webster *supra* n 7 at 26; see also Holden, ‘Ready for Citizenship? A case study of approaches to social and moral education in two contrasting primary schools in the UK’ (2000) XI *The School Field: International Journal of Theory and Research in Education* 117 at 122.

⁸¹ Frazer, ‘Introduction: The idea of political education’ (1999) 25 *Oxford Review of Education* 5 at 17.

⁸² Mayall, ‘The Sociology of Childhood in Relation to Children’s Rights’ (2001) 8 *The International Journal of Children’s Rights* 243 at 246.

⁸³ Alexander, *Primary Teaching* (1984) at 14; see also King, *All Things Bright and Beautiful?* (1978) at 10-11.

Alexander's work, is the tendency for such notions of innocence to be drawn upon to justify shielding young learners from issues deemed controversial or upsetting.⁸⁴ Whilst in this metaphorical cocoon, 'young children's security should not be disturbed by confronting them with issues that a mature adult has difficulties coping with',⁸⁵ and teachers are thus deemed to have a 'responsibility to protect the young from a harsh and corrupt reality'.⁸⁶

The influence of this cocoon theory is apparent from a number of the comments made by teachers in the present empirical research project, stemming both from teachers' own reservations and concerns about how parents would react to subjects that may be viewed as destroying their children's innocence:⁸⁷

I still like to think that we keep them fairly as innocent as we can at primary school. Let them worry about themselves more, because once they hit secondary school it's a free for all really.⁸⁸

Sometimes they get given too much information. We're fighting that kind of battle that they think they're older, but really they're not. They're still children.⁸⁹

⁸⁴ Short, 'Children's Grasp of Controversial Issues' in Carrington and Troyna, *supra* n 2 at 11.

⁸⁵ Alexander, *supra* n 88 at 34.

⁸⁶ Short, *supra* n 89 at 11.

⁸⁷ Existing research has substantiated the suggestion that parents are concerned about teaching controversial issues 'destroying childhood innocence': see e.g. Holden, 'Heaven Help the Teachers! Parents' Perspectives on the Introduction of Education for Citizenship' (2004) 56 *Educational Review* 247 at 256.

⁸⁸ Interview 39.

⁸⁹ Interview 15.

They [parents] just do not want their children to know anything at all, because apparently it destroys their innocence.⁹⁰

A number of scholars have, however, questioned the veracity of the cocoon theory and its associated idea of childhood innocence. Geoffrey Short and Carole Ann Reed, for example, have argued that the notion of innocence has been overstated with regard to the teaching of controversial issues, and that there is considerable evidence to suggest ‘that children are far more able intellectually than was previously thought’.⁹¹ A study conducted by Maitles and Cowan into the teaching of Holocaust Education within primary schooling in Scotland lends support to this suggestion. The authors observed that teaching on the Holocaust provided a ‘successful, stimulating area of study’ within a primary setting.⁹²

Some scholars have additionally questioned the feasibility of the cocoon theory. Writing in 1984, for example, Alexander himself identified the growing influence of television upon children’s awareness of complex, and often controversial, world issues, concluding that “childhood innocence’ has to take quite a battering’.⁹³ In the twenty-first century, characterized by the proliferation of easily accessible digital information, children are likely to be exposed to controversial issues to an extent far greater than their counterparts at the end of the twentieth century. Alexander’s advice that teachers will ‘have to work out specific educational responses to such issues, because as specific issues these now confront children’ is thus

⁹⁰ Interview 23.

⁹¹ Short and Reed, *Issues in Holocaust Education* (2004) at 118; see also Shawn, ‘What should they read, and when should they read it? A selective review of Holocaust literature for students in grades 2 through 6’ in Robertson (ed.), *Teaching for a Tolerant World* (1999) at 423.

⁹² Maitles and Cowan, ‘Teaching the Holocaust in primary schools in Scotland: modes, methodology and content’ (1999) 51 *Educational Review* 263.

⁹³ Alexander, *supra* n 88 at 35.

arguably more applicable today than when originally penned.⁹⁴ Indeed, Cowan and Maitles observed in 2004 that ‘media saturation and social networking...has a particular – some may claim ‘spectacular’ – impact on the lives of young people’.⁹⁵

The literature addressing the question of whether teaching on controversial issues is appropriate for young learners is thus polarized. Some scholars consider the cocoon theory to be both suitable and desirable for maintaining children’s innocence for as long as possible. Others view it as inappropriate and unrealistic, particularly in the modern Information Age where ‘media images in such a readily accessible global age allow young children to see [controversial] issues, and...they are keen to discuss and try to understand them’.⁹⁶

The empirical observations outlined above highlight clear examples of teachers making statements sympathetic to the concerns of cocoon theorists about the premature erosion of children’s innocence, as well as expressly commenting that human rights is too controversial a subject for the classroom: thus providing practical examples of the reasons why teachers are reluctant to provide HRE within formal primary education. The idea that teaching about human rights is simply too controversial for the primary learning environment is arguably misplaced, however, and is affected by perceptions of human rights within British culture more broadly.

As identified above, human rights as a concept is perceived culturally as negative and controversial, and this in turn affects teachers’ willingness to engage with HRE in their own teaching practice. When human rights are portrayed as controversial within the media and popular culture, it is simply unrealistic to expect

⁹⁴ Ibid. at 35.

⁹⁵ Cowan and Maitles, *supra* n 77 at 1.

⁹⁶ Maitles and Deuchar, *supra* n 81 at 99.

teachers to automatically hold views that differ markedly from the prevailing public opinion. Concerns about teaching in this area are therefore more likely to stem from entrenched misconceptions of human rights, or deficiencies in understanding about the topic, than any inherent issue with the subject matter itself. Indeed, much of the literature shows that it is not only possible to teach human rights to learners of primary school age, but also beneficial.⁹⁷ Wade's research, for example, emphasized the importance of teachers challenging learners' existing misconceptions of human rights at the stage of primary education. And the aforementioned Cowan and Maitles study demonstrated that young learners are able to engage with difficult issues, and that such topics can provide stimulating areas of study within the primary learning environment.⁹⁸

The provision of HRE is likely to be the only way in which the widely held view of human rights as inherently controversial will change, for an early human rights pedagogy is the most effective means of shaping the attitudes necessary for building a culture of human rights. Only HRE has the ability to prevent the aforementioned vicious circle from continuing, by altering teachers' perceptions of human rights and ultimately encouraging them to see the importance of educating young learners about their rights and the rights of others. Teachers will, however, only feel confident about teaching in this area if they come to view human rights as a mainstream subject for formal education and not a controversial and troublesome topic to be avoided. Suggestions for how to change the educational landscape in this way will be discussed in detail in section four.

⁹⁷ See e.g. Stone, 'Human Rights Education and Public Policy in the United States: Mapping the Road Ahead' (2002) 24 *Human Rights Quarterly* 537; Maitles and Cowan, *supra* n 97; and Wade, *supra* n 27.

⁹⁸ Maitles and Cowan, *supra* n 97.

B. Human Rights: Too Abstract

Nineteen of the 44 interviewees in the empirical research project identified a further concern with the teaching of human rights to learners of primary school age: the deemed inability of young learners to grasp broad concepts, such as human rights, if such concepts are not directly relatable to their immediate experiences.⁹⁹ Examples of their comments in this regard include:

The bigger sort of global issue of human rights and the more kind of political difficulties worldwide, obviously those kinds of things children can't get their heads round. At this age, you have to be able to relate it to their life, otherwise it doesn't really have any meaning: it's too abstract.¹⁰⁰

I think because children of this age, their whole world is their family and their school. They find it hard to conceive of the planet Earth. You have to sort of gently introduce ideas, so that they can get a sense of the global dimension.¹⁰¹

There's no point in learning something if you can't internalize it and conceptualize it, and put it in context.¹⁰²

⁹⁹ Interviews 1, 3, 5, 6, 7, 8, 12, 13, 17, 21, 22, 24, 25, 29, 33, 34, 35, 42 and 43 (62% of early years/key stage 1 teachers; 42% of key stage 2 teachers; and 25% of head teachers).

¹⁰⁰ Interview 1.

¹⁰¹ Interview 3.

¹⁰² Interview 5.

It's got to be relevant to them and their little world at this age and it's all about them, and as they get older, they can start applying those things to 'how would I feel if I was living in that country?' and they can sort of empathize more.¹⁰³

Learners at the upper stages of primary schooling were considered to be at, or at least to be approaching, the right age for understanding and engaging with abstract issues.¹⁰⁴ One Year 6 teacher explained, for example, that she had been 'looking for topics that start to make children think outside of their own life experiences',¹⁰⁵ and considered education about human rights to be particularly apposite in this regard. A head teacher also advised that HRE only becomes relevant and appropriate when learners are able to recognize 'human rights' as a distinct concept, and that this is not likely until Year 6:

They [learners in Year 6] are less egocentric to start with, so actually they're more able to say 'right, okay, outside of myself, what's the view of the world like?' and I think they're more cognitively ready to do that...before that, I think it's got to be an absorption and immersion if you like.¹⁰⁶

The same head teacher did qualify this, however, by reiterating that not all Year 6 learners will be able to engage with human rights in this manner:

¹⁰³ Interview 29.

¹⁰⁴ Interviews 2, 5, 7, 12, 14, 17, 18, 22, 24, 29, 30, 33, 39, 40 and 43.

¹⁰⁵ Interview 2.

¹⁰⁶ Interview 5.

It's like any other knowledge, the children have to be at the stage where they've enough background information, enough experience to be able to put it into context, and...even with some of our Year 6, if you start talking about...any of the...documents or official lines on that, what context have they got to put that into?¹⁰⁷

These empirical observations, in particular the suggestion that only learners in the upper stages of primary education have the ability to understand and engage with abstract issues, are again consistent with much of the existing literature on the teaching of controversial issues. Phil Johnson, for example, has argued that 'upper primary school-aged children show the capacity to think in surprisingly complex ways, and they are prepared to grapple with complex and difficult social issues'.¹⁰⁸ With specific regard to the teaching of human rights, Martin D. Ruck et al have reported that 'by 10 years of age children are able to hold both concrete and at least rudimentary abstract views about various aspects of rights',¹⁰⁹ and Wade has emphasized that the upper primary school years represent an 'optimal period for the development of attitudes toward global issues in general and human rights in particular'.¹¹⁰

Some scholars have sought to offer explanations for observations such as these. Gary Melton, for example, has proposed that as young learners mature and

¹⁰⁷ Interview 5. A similar comment was made by a year 6 teacher in interview 2.

¹⁰⁸ Johnson, 'Understanding the Role of Emotion in Anti-Racist Education' in Holden and Clough (eds), *Children as Citizens* (1998) 141 at 144.

¹⁰⁹ Ruck et al., 'Adolescents' and children's knowledge about rights: some evidence for how young people view rights in their own lives' (1998) 21 *Journal of Adolescence* 275 at 285; similar ideas were put forward by Gary Melton in Melton, 'Children's Concepts of Their Rights' (1980) 9 *Journal of Clinical Child Psychology* 186.

¹¹⁰ Wade, *supra* n 27 at 79.

develop, they progress from an egocentric stage, ‘based on perceiving rights in terms of what one can have or do, characteristic of young children’,¹¹¹ to a stage of abstract thinking in which rights are related to broader moral considerations.¹¹² Melton maintains that ‘it is only when children begin to interact fully with peers and egocentricity is diminished that a child can be expected to develop a morality of reciprocity in which he is sensitive to the roles, needs, and rights of others’.¹¹³ This idea is in keeping with Frantzi’s observation that during ‘middle childhood’, defined as being from approximately age nine to eleven:¹¹⁴

Children develop empathy...usually in accordance to the development of their pro-social behaviour. In that way, their care and concern may extend beyond their immediate situations to unfortunate people around the world. This has obvious implications for human rights instruction...they can develop empathy for suffering distant others and be motivated to engage in pro-social actions driven by these feelings.¹¹⁵

Arguments in support of the idea that learners at certain stages of formal education are unable to engage with abstract issues extending beyond their immediate sphere of influence are rooted in developmental theory. In this regard, whilst it has been recognized that Jean Piaget’s [1896-1980] methodology was not as rigorous as it

¹¹¹ Ruck, *supra* n 114 at 276.

¹¹² Melton, *supra* n 114 at 188-189.

¹¹³ *Ibid.* at 186.

¹¹⁴ Frantzi, *supra* n 1 at 5.

¹¹⁵ *Ibid.*

should have been, thus casting doubt upon many of his findings,¹¹⁶ there are many who argue that his theory of sequential developmentalism remains fundamentally correct and influential. The theory proposes that children pass ‘through a naturally ordered sequence of physiological, psychological and social development where while the rate of development will vary from child to child the sequence and stages will be the same’.¹¹⁷

In the educational literature, sequential developmentalism is commonly associated with the concept of ‘readiness’, denoting ‘the idea that children’s capacity to cope with specific sorts of learning is determined by the developmental stage they have reached’.¹¹⁸ Learners at any given stage cannot be taught conceptions of a higher stage, for their ability to learn particular cognitive content is directly related to their level of intellectual development.

Subsequent educationalists have developed these theories further, and continue to rely upon them to argue that difficult abstract issues are beyond the comprehension of learners at the early stages of formal education.¹¹⁹ Robert L. Selman, for example, in the course of a study on children’s social-perspective taking, identified that below the age of six, children are largely egocentric, and it is only between the ages of six and 10 that they gain an awareness and understanding of differing perspectives.¹²⁰ Between the ages of 10 and 12, they are likely to be able to view situations from the standpoint of a third person, though it is only at the stage of secondary education that ‘they finally come to terms with the full complexity of

¹¹⁶ Burgess, ‘Perceptions of the Primary and Middle School Curriculum’ in Carrington and Troyna, supra n 2 at 74.

¹¹⁷ Alexander, supra n 88 at 22; see also Piaget, ‘Cognitive Development in Children: Piaget’ (1964) 2 *Journal of Research in Science Teaching* 176 at 178; and King, supra n 88 at 11.

¹¹⁸ Alexander, supra n 88 at 22.

¹¹⁹ Carrington and Troyna, supra n 2 at 6.

¹²⁰ Selman, *The Growth of Interpersonal Understanding* (1980).

human behaviour and acknowledge, for example, the impact of...social class and other forces over which the individual has no control'.¹²¹

At the stage of primary education, therefore, children are only just beginning to make the transition from 'an individual-based, concrete perception of rules and morals as external guides to behaviour to a more abstract perception of rules and morals as issues of principle, necessary for the functioning of society'.¹²² Age is thus considered to be 'the most powerful determinant of concepts of rights',¹²³ for the realization and understanding that human rights are universal standards belonging to all people is 'not established until early adolescence, when the child develops more abstract thinking'.¹²⁴ At primary school age, therefore, children are considered to be in a transition phase where rules and morals are becoming of central concern as they start to think about the world beyond their own immediate sphere of experience.

There remain, however, a number of theorists who seek to justify their support for teaching abstract issues to young learners by discrediting these developmental theories. They argue, for example, that methodological flaws in Piaget's work mean that his findings cannot be generalized to other contexts. In this regard, Anthony McNaughton has advised against teachers and curriculum developers relying upon Piaget's theory of sequential development to argue that abstract issues should not, and indeed cannot, be taught to young learners, observing that if teachers 'ignore the challenge to try to change a student's level of thinking teachers and others may have unwittingly confused a description of what Piaget

¹²¹ Short, *supra* n 89 at 14.

¹²² Flekkøy and Kaufman, *The Participation Rights of the Child: Rights and Responsibilities in Family and Society* (1997) at 101.

¹²³ *Ibid.* at 103.

¹²⁴ *Ibid.*

found to be the case with the students he studied with a claim about what ought to be the case'.¹²⁵

Alexander, too, identifies inherent deficiencies with sequential developmentalism, considering it to represent 'not so much an *understanding of children* as a *definition of childhood*, and what we need to be wary of in practice is the risk of the developmental emphasis ruling out alternative forms of 'understanding' and alternative ways of perceiving and interpreting children's behaviour'.¹²⁶ In this regard, Geoffrey Short draws upon research conducted by a number of theorists to argue that children actually have a deeper and more abstract understanding of political, race and gender issues than Piaget's sequential stages would imply.¹²⁷ He laments that 'Piaget and some of his apostles have *indirectly* bolstered, or at least done nothing to undermine, primary teachers' reluctance to broach controversial issues with their pupils'.¹²⁸ Short further discredits Piaget's view that children's development cannot be accelerated through each of his defined cognitive stages, cautioning that 'if primary teachers accept Piaget's explicit reservations regarding the value of formal instruction, the likelihood of them exploring their pupils' capacity to understand controversial issues is bound to diminish'.¹²⁹

This literature is significant for the purpose of considering the empirical observations from the current research project in light of the relevant theoretical background; and in this particular regard, the aforementioned refutations of

¹²⁵ McNaughton, 'Cognitive Development, Political Understanding and Political Literacy' (1982) 30 *British Journal of Educational Studies* 264 at 269.

¹²⁶ Alexander, *supra* n 88 at 24.

¹²⁷ Short, *supra* n 89 at 17-24.

¹²⁸ *Ibid.* at 16.

¹²⁹ *Ibid.* at 25.

sequential developmentalism find little support. This is perhaps unsurprising, given that:

The universalist notion of child development promoted in developmental psychology has equipped teachers with a map or model of childhood and the development of capacities and abilities at certain ages which has then constituted an important part of the teacher's professional expertise.¹³⁰

A number of the interviewees referred to the perceived inability of learners at particular stages of primary education to understand abstract concepts, thus lending support to the argument that developmental readiness for engaging with such issues is paramount. Piaget's theory that children pass through developmental stages at different times thus substantiates observations made by interviewees in this research project that only certain ages of learner will be able to understand and engage with human rights issues:¹³¹

You'd get one or two quite bright children who might sort of take that on, but it has to mean something. It has to relate to their life.¹³²

The higher ability probably could do it more.¹³³

¹³⁰ Quennerstedt, 'The Construction of Children's Rights in Education – A Research Synthesis' (2011) 19 *The International Journal of Children's Rights* 661 at 670.

¹³¹ Interviews 1, 8 and 12.

¹³² Interview 1.

¹³³ Interview 8.

When you start to explore individual rights of the child and how they're not applied consistently in our modern world, I think you need to be like seven and above to grasp that.¹³⁴

The empirical observations identify that many of the interviewees consider human rights to be too abstract for learners at the stage of primary education. This in turn accords with much of the relevant literature in this area: in other words, teachers ostensibly think like the sequential developmentalists.

It is the case, however, that such perceptions of human rights as too abstract for young learners tend to be based on understandings of human rights as a distant concept unrelated to the lives of learners in primary classrooms. The interviewees in this study, for example, tended to view human rights as relating to broad and contentious issues such as war, immigration, incarceration and torture, as opposed to the immediate rights of the learners in their classrooms. Relating human rights to the experiences of learners is, however, considered to be the most effective HRE pedagogy.¹³⁵ If teachers' reservations about abstraction are to be overcome, therefore, they must come to understand human rights as an issue that directly affects the learners in their classrooms. Only through an understanding of the importance of HRE as a means for learners to recognize rights violations in their own lives and for empowering learners to stand up for human rights will teachers come to acknowledge the necessity of its provision with young learners.

In order for teachers to acquire this understanding and acceptance of the importance of HRE in the face of broader antithetical societal attitudes, however,

¹³⁴ Interview 26.

¹³⁵ Howe and Covell, *supra* n 28 at 111.

there needs to be a perceptible shift in the educational culture. Much of the existing literature shows that it is possible to teach learners of primary school age about abstract issues such as human rights,¹³⁶ yet teachers in England are not doing so because the framework in which they are operating is not currently supporting them to be able to tackle HRE appropriately. Teachers therefore need to be equipped with the tools for translating broad, abstract conceptions of human rights into age-appropriate and accessible teaching. They also, however, need to come to view HRE as a natural part of their teaching practice, and this is likely to be achievable only through focused and targeted change in England, both concerning the relevant policy context and the training of teachers in the skills necessary for overcoming the obstacles to educating in this area. These suggestions will be explored in more detail in section four.

C. Human Rights: Too Biased

The final principal issue relating to teachers' conceptions of human rights as an inappropriate subject matter for primary education is the deemed potential for bias. Twelve interviewees raised express concerns about the political nature of human rights,¹³⁷ with some examples of comments in this regard including: that human rights immediately brings to mind 'Amnesty, Greenpeace, people demonstrating';¹³⁸ that 'it would just make us wary of engaging with the topic because it's politically

¹³⁶ See e.g. Wade, *supra* n 27; and Frantzi, *supra* n 1.

¹³⁷ Interviews 6, 7, 14, 21, 27, 28, 31, 32, 34, 38, 40 and 41.

¹³⁸ Interview 29.

charged’;¹³⁹ and that ‘I wouldn’t want to explore anything that was political within primary’.¹⁴⁰

Twenty-six interviewees expressed reservations about the ability of teachers to deal with human rights in a neutral manner,¹⁴¹ particularly as it can be such ‘an emotive topic’,¹⁴² and is ‘so much tied up with you and your beliefs’.¹⁴³ Two interviewees provided relevant examples:

You end up teaching that democracy is the right way, and I’ve started to feel a bit uncomfortable about that, because...I don’t want to influence. I just want to open their eyes, so therefore who I am to say that democracy is the right way?¹⁴⁴

There was this big thing about...Belsen, and I found it very difficult to tell the children what had happened without actually saying ‘this is the most heinous crime ever imagined’...and you can’t do that. So it’s very difficult.¹⁴⁵

What could very easily happen with teaching about human rights is indoctrination...so let’s say that someone says that racism isn’t wrong. Okay, so what would happen is that ‘racism is wrong. You have to learn it’. That’s the way it would be taught...Actually, I think a debate around that is needed,

¹³⁹ Interview 27.

¹⁴⁰ Interview 31.

¹⁴¹ Interviews 2, 3, 4, 6, 9, 12, 16, 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 40, 41 and 42.

¹⁴² Interview 2. A similar comment was made in interview 40.

¹⁴³ Interview 18. A similar comment was made in interview 41.

¹⁴⁴ Interview 2.

¹⁴⁵ Interview 4.

because I don't think you can say that intrinsically racism is wrong. You can say that as a society, we've formed a set of values that have concluded that racism is wrong...¹⁴⁶

Concerns about appearing neutral are seemingly translating at the coalface of formal education into teachers being loathe to promote democracy, denounce Nazi atrocities or confirm that racism is unacceptable. Whilst alarming, this position is perhaps unsurprising in light of additional interviewee comments explaining that primary school teachers are in 'a unique position of authority and influence',¹⁴⁷ and that the learners in their classrooms are particularly impressionable.¹⁴⁸ In other words, there may be reticence in imposing moral judgements on pupils, and some teachers therefore tended simply 'to steer away from' teaching about issues such as human rights.¹⁴⁹

Some interviewees' opinions regarding their perceived inability to teach neutrally in this area concerned broader contextual factors. One interviewee, for example, highlighted the difficulty of teaching about human rights when there are conflicting school principles, in particular within denominational schools:¹⁵⁰

¹⁴⁶ Interview 27.

¹⁴⁷ Interview 1. A similar comment was made in interview 2.

¹⁴⁸ Interviews 2, 14, 15, 18, 19, 20, 25, 28 and 42.

¹⁴⁹ Interview 14. Similar comments made in interviews 2 and 31.

¹⁵⁰ This interview pre-dated the decision of the Church of England in July 2014 to allow women bishops.

Say if I was teaching from a Church of England stance on women bishops, and I was saying there should be equality. So it would all depend...what party line I was meant to be promoting.¹⁵¹

Another interviewee considered that a teacher's ability to address a topic such as human rights objectively depended to a great extent upon his or her own personal experiences regarding the subject:

So I might be able to talk about something like that [asylum seekers] quite objectively, whereas something else that I might have had dealings with, you become much more emotional and subjective.¹⁵²

Many of the interviewees did not, however, view teacher bias as problematic for the provision of HRE. A number of these interviewees felt that the nature of the subject matter itself removed the potential for biased teaching or indoctrination, with such views predominantly based upon one of two premises: (i) that human rights is about agreed fundamental human values, and thus there can be no inappropriately biased way of teaching it;¹⁵³ and (ii) that human rights is an objective framework agreed to by the majority of the world's countries, and thus teaching about it is an inherently neutral undertaking.¹⁵⁴ Regarding the first of these premises, teachers argued that:

¹⁵¹ Interview 6.

¹⁵² Interview 12. Similar were made in interviews 16 and 41.

¹⁵³ Interviews 3, 6, 16, 19, 27, 34, 38 and 39.

¹⁵⁴ Interviews 11, 16, 17 and 27. Similar arguments were made by teachers in Robert Stradling's study *supra* n 76 at 126.

How would you do it neutrally really, because I can't see...I suppose some people would argue, but is the right to be looked after...is that something that we'd argue about?¹⁵⁵

There are these common features that all come together. No matter where you come from, there are these things that sit in the middle that everybody has a right to. And who would argue with that?¹⁵⁶

And on the second premise, interviewees expressed that:

Human rights isn't that controversial because it's been agreed by 186 or whatever countries, so it's something that most people agree on.¹⁵⁷

Human rights are human rights and that's the end of it. Whether you agree with it or not, that's a personal opinion, but if it's a human right and it's agreed upon throughout Europe or throughout the world, then that's that.¹⁵⁸

In this regard, nine interviewees viewed the neutrality of the human rights framework as a means of equipping learners with the facts, thus enabling them to form their own opinions on the relevant issues.¹⁵⁹ These teachers considered that by providing learners with impartial human rights information, they would not only learn about

¹⁵⁵ Interview 3.

¹⁵⁶ Interview 40.

¹⁵⁷ Interview 11.

¹⁵⁸ Interview 17.

¹⁵⁹ Interviews 2, 4, 21, 28, 35, 36, 39, 41 and 43.

important human rights issues of which they may have had no prior knowledge,¹⁶⁰ but would also be likely to develop for themselves a ‘real sense of justice, of what’s right and wrong’.¹⁶¹ Seven teachers also suggested that exposing learners to conflicting arguments on particular human rights issues would have a similar effect.¹⁶² This idea again finds support within the relevant literature, with Charles Beitz observing that:

[H]uman rights have become “a fact of the world” with a reach and influence that would astonish the framers of the international human rights project. Today, if the public discourse of peacetime global security can be said to have a common language, it is that of human rights.¹⁶³

Whilst one interviewee suggested that teachers who were biased against human rights ‘wouldn’t skew it, they just wouldn’t do it’,¹⁶⁴ other interviewees simply had faith in teachers’ professionalism: that even if they had strong opinions about human rights, they would understand and accept that it was inappropriate for them to educate in a biased way,¹⁶⁵ or to take a stance on a human rights issue without emphasizing to learners that this was simply their own personal opinion.¹⁶⁶

As with the opinions of the interviewees in this research project, the literature on neutrality in the teaching of controversial issues such as human rights is

¹⁶⁰ Interviews 2, 35, 36, 39 and 43.

¹⁶¹ Interview 2.

¹⁶² Interviews 24, 30, 35, 39, 41, 42 and 43.

¹⁶³ Beitz, *The Idea of Human Rights* (2009) at 1.

¹⁶⁴ Interview 36.

¹⁶⁵ Interviews 3, 5, 13, 14, 15, 24, 26, 29, 30, 34, 35, 38 and 39.

¹⁶⁶ Interviews 9, 21, 23, 24, 29 and 43.

divided. In support of her assertion that HRE should be taught to learners of primary school age, for example, Frantzi has observed that:

Children have a particular openness, an increased concern and interest for other people, and particular receptiveness to social information, their attitudes are open to influence, they are willing to learn and inquire naturally about everything around them...they are interested in fairness, and can take up responsibilities according to their developmental stage.¹⁶⁷

Critics of this position argue, however, that it is precisely because young learners are open to influence that HRE should not be taught within primary education. In this regard, and following from the discussion above about the developing capacities of young learners, it is often assumed that because ‘the powers of reason take time to develop in children, ...until those powers have developed their beliefs remain vulnerable to manipulation’.¹⁶⁸ Much of the literature addressing the teaching of controversial issues focuses upon the concern that teachers are deemed to occupy a unique position of authority and influence.¹⁶⁹ Any expression of a teacher’s opinion or preference can therefore ‘constitute a serious misuse of the teacher’s power and control over knowledge and values in the classroom’,¹⁷⁰ for at this stage ‘young children can only be socialized, indoctrinated or trained’.¹⁷¹

¹⁶⁷ Frantzi, *supra* n 1 at 4.

¹⁶⁸ Curren, ‘Cultivating the Intellectual and Moral Virtues’ in Carr and Steutel (eds), *Virtue Ethics and Moral Education* (1999) 67 at 72.

¹⁶⁹ Stradling, Noctor and Baines, *Teaching Controversial Issues* (1984) at 8.

¹⁷⁰ Harwood, ‘To Advocate or Educate’ (1986) 14 *Education 3-13* 51 at 53.

¹⁷¹ Spiecker, ‘Habituation and Training in Early Moral Upbringing’ in Carr and Steutel, *supra* n 173 at 210.

Ira Shor has dubbed this particular phenomenon ‘authority dependence’.¹⁷² Frantzi, too, has identified the extent and degree of authority dependence within education as problematic. Referring to Stanley Milgram’s controversial 1968 experiment on the power of authority, she emphasizes the willingness of individuals to blindly follow authority, either because their sense of personal responsibility is limited, or because they simply defer to the deemed superior knowledge of the authority figure.¹⁷³ Shor and Paulo Freire recognize that this authority dependence is further compounded by the idea of value-free knowledge. Official knowledge handed down through formal education is considered to be value-neutral and to represent the accepted knowledge of any particular society, with the curriculum supposedly ‘normative, neutral and benevolent’.¹⁷⁴ Learners are thus encouraged ‘to observe things without judging, to see the world from the official consensus, to carry out orders without questioning, as if the given society is fixed and fine’.¹⁷⁵

Under these conditions, therefore, learners are particularly susceptible to indoctrination, and much of the literature on formal education expressly identifies this risk. Målfrid Flekkøy and Natalie Kaufman argue, for example, that when only one point of view is presented, and young learners are not afforded the opportunity to challenge or query that stance, their capacity for exercising independent thought and judgement is curtailed. This in turn undermines basic respect for their rights of dignity and integrity. Ominously, the authors also caution that:

¹⁷² Shor, ‘Education is Politics: Paulo Freire’s critical pedagogy’ in McLaren and Leonard (eds), *Paulo Freire: A Critical Encounter* (1993) at 29.

¹⁷³ Frantzi, *supra* n 1 at 1.

¹⁷⁴ Shor and Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (1987) at 123.

¹⁷⁵ *Ibid.* at 12-13.

In countries with compulsory education systems, all children can be the subjects of constant exposure to official values and opinions from a tender age...and for eight to ten years. There can be little doubt that anyone who seriously wanted to brainwash a population would start when the children are young and impressionable.¹⁷⁶

There are a number of different approaches that teachers may take when addressing ostensibly non-neutral topics. Doug Harwood draws upon the work of prominent educational theorist, Lawrence Stenhouse, to advise in favour of the ‘neutral-chair’ role, where the teacher ‘ensures that all viewpoints are represented, either through pupil-statements or published sources. Teacher organizes and facilitates pupil contributions by observing procedural rules, but refrains from stating her own position’.¹⁷⁷

Adopting a neutral approach to teaching within the classroom ‘is often seen as a means of developing the autonomy of pupils and thereby avoiding indoctrinating them into the values, morals or beliefs of the teacher or of society’.¹⁷⁸ Teachers are deemed ‘to occupy a position of authority over their pupils and therefore any views they express will carry extra weight and unduly influence them’.¹⁷⁹ The neutral chair approach is therefore considered to prevent learners, and in particular young learners, simply imitating the teacher by adopting their stated viewpoint, and is deemed to equip them with the critical thinking and expression skills required to

¹⁷⁶ Flekkøy and Kaufman, *supra* n 127 at 36.

¹⁷⁷ Harwood, *supra* n 175 at 52.

¹⁷⁸ Singh, ‘The Teaching of Controversial Issues: The Problems of the Neutral-chair Approach’ in Carrington and Troyna, *supra* n 2 at 93.

¹⁷⁹ Stradling, *supra* n 76 at 126.

state and defend their own viewpoint. It is additionally considered to avoid conflicts where parents take a different view to the teacher but are unable to challenge the teacher's position.

Commentators have argued, however, that there are problems with the adoption of a neutral approach. Teachers in Stradling's study, for example, reported that they found neutrality difficult to sustain, for it 'often threatened the rapport they had built up with a class and seemed to cast doubt on their personal credibility'.¹⁸⁰

At a deeper theoretical level, Bruce Ackerman has cautioned that 'the fool who yearns for Neutrality indulges a special kind of silliness...There can be no politics without vision, no philosophy without commitment'.¹⁸¹ Basil Singh advises that Ackerman's caution is equally pertinent to education, for 'neutrality could destroy some of the most cherished ideals in education, such as the respect for evidence and the respect for others',¹⁸² and Bernard Crick, too, argues that 'some bias and some confusion of roles cannot be avoided, so to go to drastic extremes to avoid them is usually to create a cure far worse than a mild disease'.¹⁸³ Writing specifically on primary education, Alexander has further emphasized that 'the teacher who argues '[w]e mustn't impose our values on the children' displays not so much neutrality, as professional self-deception'.¹⁸⁴ It is perhaps for these reasons that two interviewees within this research project expressed that neutrality was neither realistic nor desirable when teaching in this area,¹⁸⁵ with one emphasizing that:

¹⁸⁰ Ibid.

¹⁸¹ Ackerman, 'What is Neutral about Neutrality?' (1983) 93 *Ethics* 372 at 372.

¹⁸² Singh, *supra* n 183 at 91.

¹⁸³ Crick, 'On Bias' (1972) 1 *Teaching Politics* 3 at 12.

¹⁸⁴ Alexander, *supra* n 88 at 32.

¹⁸⁵ Interviews 8 and 35.

I don't think you necessarily could be neutral about things anyway, and I think part of doing things sometimes with people is...knowing that people aren't neutral.¹⁸⁶

Some of the relevant literature also identifies as problematic the suggestion offered by interviewees within this research project that teachers can avoid accusations of bias by providing young learners with the facts on a particular issue, thus enabling them to form their own opinions. Stradling, for example, has cautioned that when teaching about contemporary controversial issues, the principal source of information is likely to be the mass media, which in turn is 'likely to be biased, incomplete and often contradictory'.¹⁸⁷ He further adds that 'even where it is possible to establish some facts about the issue it is likely that some sort of selection process has taken place based on someone's subjective interpretation of what is and is not relevant, important or accurate'.¹⁸⁸

Bruce Carrington and Barry Troyna further identify an arguably more fundamental problem with the adoption of a neutral approach. They consider that, in the context of formal education, neutrality 'can result in a weak relativistic ethic being espoused in the classroom; an ethic informed by the conviction that all opinions are equally valid and 'anything and everything goes''.¹⁸⁹ This is especially problematic when it is arguably morally objectionable for teachers not to take sides on a particular issue. As an example, in a neutral classroom environment, racist or prejudiced views expressed by learners would be 'legitimated (and thereby condoned

¹⁸⁶ Interview 8.

¹⁸⁷ Stradling, *supra* n 76 at 126.

¹⁸⁸ *Ibid.*

¹⁸⁹ Carrington and Troyna, *supra* n 2 at 4.

by default) because they...[are] treated as having the same validity as other views expressed during classroom debate'.¹⁹⁰

For Singh, the purpose of open discussion on controversial topics is to encourage learners to make independent justifiable judgements, and in such circumstances, neutrality can only be a fiction. Whilst teachers should seek to outline both sides of an argument to young learners in a balanced way, encouraging them to make up their own minds on the issues presented based upon rational justification, in certain situations it becomes appropriate for teachers to address 'the rights or wrongs, good or evil of certain moral judgments and in particular their possible harmful consequences on others'.¹⁹¹ It is noteworthy in this regard that five interviewees in this study expressly identified that most members of the teaching profession would be favourably disposed towards human rights.¹⁹²

If ever there was a group of people who should be up for it, it ought to be teachers.¹⁹³

You'd like to think that people who go into teaching wouldn't have the negative views that you wouldn't want children to hear.¹⁹⁴

In the context of classroom teaching, therefore, Singh advises that whilst teachers should understand and accept that there is no 'correct' values framework, 'there are

¹⁹⁰ Ibid.

¹⁹¹ Singh, *supra* n 183 at 101.

¹⁹² Interviews 8, 18, 19, 21 and 22.

¹⁹³ Interview 8.

¹⁹⁴ Interview 18.

ways of arguing reasonably and rationally, which at least will exclude some ways or some possibilities'.¹⁹⁵ This view is in keeping with Carrington and Troyna's suggestion that within formal education it is 'more appropriate to give primacy to truth and justice rather than neutrality',¹⁹⁶ and accords too with Jeffs' view that 'ignorance serves the interests of no party, and if teachers don't believe in the intrinsic value of education as a force for good it is difficult to know what justification they have for their existence'.¹⁹⁷

Both my empirical findings and the academic scholarship demonstrate that there is an array of opinion in this area along a spectrum that varies according to context, and this is further evidence of the complexities of practice in the provision of HRE. It seems many teachers are less likely to include HRE in their classrooms as a result of their concerns regarding their ability to maintain neutrality.

As with issues of controversy and abstraction in the teaching of human rights, however, apprehension about neutrality does not mean that the provision of HRE is inherently impossible. The concerns of teachers about bias in this area can be overcome, or at least alleviated. Much of the concern surrounding the neutrality issue is arguably related to perceptions of human rights as an area of teaching in which teachers' opinions are likely to be deeply entrenched, thus making learners particularly susceptible to indoctrination. Once again, however, this perception is influenced by broader negative cultural attitudes towards human rights in the UK, and neutrality becomes less of an issue when HRE is viewed in the context of learners' own experiences. Equipping young learners with the tools to recognise

¹⁹⁵ Singh, *supra* n 183 at 93.

¹⁹⁶ Carrington and Troyna, *supra* n 2 at 4.

¹⁹⁷ Jeffs, *supra* n 78 at 40.

human rights violations in their own lives arguably has less scope for teacher bias than encouraging learners to think in a certain way about, for example, the specific issue of a prisoner's right to vote.

Concerns about neutrality thus stem from broader societal attitudes towards human rights, and from teachers' own lack of knowledge and understanding about what HRE is for. Much of the relevant literature discussed above shows that teaching about potentially polarizing issues such as human rights is not only possible, but also in fact beneficial.¹⁹⁸ The educational framework in England is, however, currently failing to support teachers in being able to adequately tackle the subject matter. If teachers were more familiar and comfortable with HRE, and if it was legitimized as an appropriate topic for formal education, they would be less concerned about the potential influence of their own views on susceptible young learners in the classroom. As will be discussed in detail in the next section, it is only through a cultural shift in the educational landscape and an increase in the nature and extent of HRE within teacher training that this familiarity with and acceptance of human rights as an appropriate subject matter for formal education is likely to occur.

4. WHAT IS NEEDED TO IMPROVE THE SITUATION?

The empirical research project undertaken by the author reveals the complexities of practice in the provision of HRE. Teachers are personally influenced by human rights misconceptions or sensationalism in the media, and tend view human rights as too controversial, too far removed from the immediate experiences of their learners, or too difficult to teach in a neutral manner that does not unduly influence the

¹⁹⁸ Frantzi, *supra* n 1.

learners in their classroom. They furthermore view the topic as particularly likely to antagonize parents. With recognition of these factors, it becomes apparent that even if teachers were inclined to provide HRE, such complexities of practice are likely to prevent them from doing so to any meaningful extent within their classroom teaching.

Whilst much of the relevant literature discussed in this article refutes or allays a number of the concerns expressed by teachers in the course of the empirical research, this scholarship is largely irrelevant to teaching practice. Academic scholarship is unlikely to affect the opinions and concerns of those at the coalface of formal education. What is needed instead is a suitable national policy response. As emphasized in the introduction, the issues identified within this article are not unique to England, and thus the recommendations made in this section are applicable to state practice more broadly.

In order to address and overcome the concerns expressed by teachers about providing HRE in their classrooms, two particular reforms are necessary: firstly, a cultural shift in the educational landscape is required to ensure that HRE is mainstreamed within state educational policy and is not subject to the whims of politicians seeking to appease the electorate; and secondly, improved training on human rights and HRE should be implemented within national teacher training or education programmes.

A. Mainstreaming HRE within Educational Policy

Concerning the first of these recommendations, the United Nations noted in the 'Final Evaluation of the Implementation of the First Phase of the World Programme

for Human Rights Education’, (‘Final Evaluation’) that among the most commonly identified gaps in national implementation of HRE is ‘the absence of explicit policies and detailed implementation strategies for HRE’.¹⁹⁹ England provides a clear example of this failing: information and guidance concerning human rights and HRE within English educational policy is fragmented and sparse. Statutory enactments relating to education do not, for example ‘use human rights language nor do they mention international human rights law’,²⁰⁰ and the education system has been evaluated as failing to recognize learners as the subjects of ‘the right to education and of human rights in education’.²⁰¹

A visible example of this failing is the new National Curriculum, the majority of which entered into force in September 2014. The consultation documents that preceded the 2014 reforms were met with severe criticism and reproach from relevant human rights stakeholders.²⁰² Whilst the documents were deemed to provide pupils ‘with an introduction to the core knowledge that they need to be educated citizens’,²⁰³ the draft curriculum was denigrated as a backwards step that not only ‘fails to adequately enshrine the teaching of human rights’, but also misses internationally agreed targets on HRE.²⁰⁴ Despite this criticism, and a warning from the director of the British Institute of Human Rights that ‘this is a worrying signal

¹⁹⁹ UN General Assembly, supra n 3 at para 65.

²⁰⁰ UN Economic and Social Council, ‘Economic, Social and Cultural Rights: Report submitted by Katarina Tomaševski, Special Rapporteur on the right to education: Mission to the United Kingdom of Great Britain and Northern Ireland (England) 18-22 October 1999’ (1999) E/CN.4/2000/6/Add.2 at 21, para 90.

²⁰¹ Ibid. at 9, para 29 and 21, para 90.

²⁰² Department for Education, ‘The National Curriculum in England: Framework Document for Consultation’ (2013); and Department for Education, ‘Reform of the National Curriculum in England’ (2013).

²⁰³ Department for Education, ‘The National Curriculum in England: Framework Document for Consultation’ (2013) at para 3.1.

²⁰⁴ McGuffin, ‘Human Rights NGOs Hit Out at New Curriculum Folly’, *Morning Star Online*, 8 February 2013; and Amnesty International UK, ‘UK: Rights Groups Unite to Urge David Cameron to Honour United Nations Pledge in New Curriculum’, *Amnesty Press Release*, 8 February 2013.

that our international promises on HRE are being weakened, a failure which risks letting down our children',²⁰⁵ the new curriculum contains no references to human rights or HRE.

Educational policy is, of course, political and this is part of the problem: with each change of government comes a change in the educational policy landscape. Given this politically motivated policy context, it is perhaps unsurprising that there is a paucity of HRE instruction in classrooms across England. It is difficult to entrench areas such as HRE within both the national curriculum and teaching practice when certain governments are predisposed to its benefits and others consider it to be superfluous to requirements.

The political nature of human rights itself has also been emphasised through the current debates concerning the Conservative Government's plans to replace the Human Rights Act (1998) with a Bill of Rights.²⁰⁶ At the time of the HRA's introduction in 2000, sentiment was strong regarding its importance for young people, with Baroness Williams asserting that:

I can think of nothing more appropriate at the beginning of a new government than to accept the need for a culture of human rights among our children...because this is the bedrock upon which a culture of human rights will be built in this country.²⁰⁷

²⁰⁵ McGuffin, *ibid.* at 199.

²⁰⁶ The Conservative Party, 'The Conservative Party Manifesto 2015: Strong Leadership, A Clear Economic Plan, A Brighter, More Secure Future' (2015) at 60.

²⁰⁷ Baroness Williams, House of Lords, 3 November 1997: Column 1301, quoted in Spencer 'The Implications of the Human Rights Act for Citizenship Education' in Osler (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (2000) 19 at 21.

This cultural change has not yet been achieved in formal education, and scrapping the HRA is only likely to have further negative effects upon HRE in educational policy and practice. Young learners can only recognise violations of their human rights by understanding and accepting those rights, and by limiting national rights protections it is even less likely that learners will be equipped with the knowledge and skills that would facilitate such understanding.

With both educational policy and domestic human rights legislation subject to the whims of politicians, the potential for HRE to be ingrained within formal primary schooling in England is both limited and problematic. These problems need to be addressed. The most effective solution would be to remove politics from education completely and to set up a politically neutral governing body accountable to teachers and to the public rather than to politicians. But any such suggestion seems naïve and idealistic in the current political landscape. A more realistic goal, however, is the deeper entrenching of HRE within the current educational policy landscape, so as to make it more difficult for successive governments to simply overlook the topic completely and to offer HRE greater protection from the whims of politicians regarding domestic reform of human rights legislation. HRE should therefore become a statutory subject area within the National Curriculum and this change should be accompanied by the publication of relevant policy documents and guidance for teachers on how to teach effectively in this area.

In the absence of this entrenching of human rights concepts and language within mainstream educational discourse, not only will teachers continue to rely upon their own personal reservations about teaching in this area as justification for their inaction, but HRE will also remain susceptible to the whims of successive

governments and their Education Secretaries. If ingrained within the educational policy landscape, it will be more difficult, though of course not impossible, for political parties to simply remove HRE from the remit of formal primary schooling. If teachers, parents and learners become familiar with and accustomed to teaching in this area, and if the important benefits of HRE become a reality, there will be greater pressure on political parties to keep HRE within the curriculum. Until HRE is viewed as an acceptable, conventional and non-controversial area of educational practice, however, it will remain on the margins of educational practice and will be addressed only by those teachers with a personal interest in its furtherance.

B. Improved HRE within Teacher Training Programmes

A further reform that would be likely to stimulate this mainstreaming of HRE within state policy is the second suggestion made above: improving training on human rights and HRE within national teacher education programmes. In this regard, it has been recognized that in order for human rights and HRE to permeate both the formal curriculum and the ‘hidden curriculum’ of the classroom and school environment,²⁰⁸ these concepts must constitute central features of national teacher training or education programmes. Indeed, in a recent report written by the author on HRE within teacher education in Scotland,²⁰⁹ it was identified that the omission

²⁰⁸ Including, for example, UNESCO supra n 23 at 4, para 24; and Council of Europe, ‘Recommendation on Teaching and Learning About Human Rights in Schools’ (1985) Recommendation (R(85)7 at 16.

²⁰⁹ [name removed for anonymity], *Building Blocks for Improving Human Rights Education within Initial Teacher Education in Scotland*, Centre for Human Rights in Practice, University of Warwick (2015), available at: http://www2.warwick.ac.uk/fac/soc/law/research/centres/chrp/projects/hrededucation/building_blocks_report.pdf [last accessed 23 March 2015].

of HRE from teacher education is the principal reason for its paucity in schools,²¹⁰ for to be able to provide effective HRE teachers must themselves receive comprehensive training in ‘the necessary knowledge, understanding, skills and competencies to facilitate the learning and practice of human rights in schools’.²¹¹

In accordance with the provisions of various international human rights instruments and initiatives, therefore, HRE should constitute a compulsory element of state programmes of teacher education, and states are required to promote ‘adequate training in human rights for teachers, trainers and other educators’ in order to meet their international obligations in this area.²¹² Following the first phase of the UNWPHRE on primary and secondary education, a plethora of resources is now available for teachers, making the provision of HRE more accessible than at any time previously. A number of NGOs and human rights organisations have produced comprehensive and accessible resources for use in primary classrooms,²¹³ and the Office of the High Commissioner for Human Rights maintains an easily accessible database of resources for HRE.²¹⁴

It remains the case, however, that HRE is sparse or quite simply non-existent within the majority of national programmes of teacher training.²¹⁵ In the ‘Final Evaluation’, for example, the United Nations noted that the overall approach to

²¹⁰ Ibid. at chapter 1. See also Gerber, *From Convention to Classroom: The Long Road to Human Rights Education* (2008) at 252; and Waldron et al., ‘Teacher, Human Rights and Human Rights Education: Knowledge, Perspectives and Practices of Primary School Teachers in Ireland’, Dublin: The Centre for Human Rights and Citizenship Education (2011) at 49.

²¹¹ UN General Assembly, supra n 3 at para 54.

²¹² UN General Assembly, supra n 19 at Article 7(4).

²¹³ Including Amnesty International, Save the Children, UNICEF and Oxfam.

²¹⁴ Office of the High Commissioner for Human Rights, Database on HRE and Training (available at: <http://hre.ohchr.org/hret/intro.aspx>). For commentary and critique of the database, see Gerber supra n ? at 160-162.

²¹⁵ Gerber, supra n 215 at 225; Waldron et al., supra n 215 at 49; and Lapayese, ‘National Initiatives within the UN Decade for Human Rights Education: The Implementation of Human Rights Education Policy Reforms in Schools’ (2004) 3 *Educational Research for Policy and Practice* 167 at 179.

HRE within teacher education or training is ad hoc, as well as ‘haphazard, optional and variable in terms of quality and time, and with limited access to materials and tools’.²¹⁶ In the majority of countries that responded to the evaluation, training in HRE is elective and only a handful of countries were considered to have teacher education programmes that came close to complying with the requirements of the international legal framework for HRE.²¹⁷

In the absence of instruction on human rights and HRE within their teacher training or education programmes, the concerns expressed by teachers regarding educating in this area are unlikely to be addressed or allayed. The current situation will then continue, with teachers at the coalface of formal education being inhibited either by their own concerns regarding the provision of education about human rights to young learners on the one hand, or by the prospect of antagonizing parents through teaching in this area on the other hand.

The troubling attitudes towards human rights revealed in the empirical research for this article will therefore continue, with teachers unwilling to teach that democracy is a good thing, or that racism is a bad thing, for example. Learners will then continue to emerge from formal education having received little or no HRE, and widespread negative – or perhaps in many of the examples identified in this research, ignorant – attitudes towards human rights will be likely to persist. The English education system is failing to challenge some patently troubling attitudes towards these difficult issues, and the vicious circle outlined above is therefore likely to endure.

²¹⁶ UN General Assembly, *supra* n 3 at para 62.

²¹⁷ The *Building Blocks* report identified that the provision of HRE in teacher education in Scotland is similarly fragmented and inconsistent.

If combined with an improvement in the mainstreaming of human rights and HRE within educational policy and practice, however, it is likely that increasing the extent of HRE provision within teacher training or education programmes and better signposting to teachers the plethora of existing available resources in this area would gradually lead to a cultural shift regarding education in this area. Teachers would be equipped with the tools to enable them to be more critical and questioning of populist and reductive human rights rhetoric, and through increased familiarity with relevant resources and materials, would start to view HRE as part of their natural role in the classroom. Learners in turn would consider instruction in this area as a standard part of their education, and parents, too, may begin to accept the legitimacy of HRE if it came to be viewed as a mainstream subject area as opposed to a controversial political topic.

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