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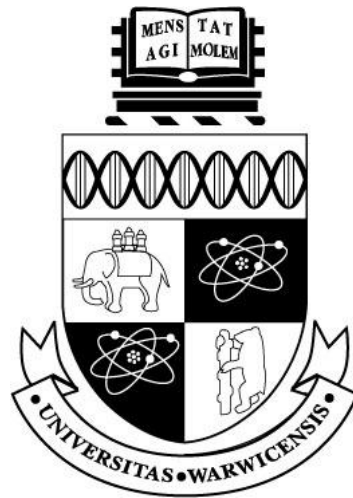
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**Educating *About, Through* and *For* Human Rights in  
English Primary Schools: a failure of education policy,  
classroom practice or teacher attitudes?**

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(28<sup>th</sup> December 1924 – 27<sup>th</sup> February 2014) who

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### **Declaration**

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree.

An earlier version of Chapter 5 of this thesis has been accepted for publication in the Human Rights Law Review.

## ABSTRACT

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This thesis explores the nature and extent of Human Rights Education (HRE) in primary education policy and practice in England. It highlights that the provision of holistic education *about, through* and *for* human rights at all levels of formal schooling is required by the international legal framework, and has been included most recently within the UN Declaration on HRE and Training (2011). The UK has signed and accepted most of the international instruments and initiatives that address HRE and therefore ought to be educating in accordance with their requirements.

The thesis investigates whether the commitment to educate *about, through* and *for* human rights is reflected in English primary education policy, and shows that this is ostensibly not the case. Following this finding, it draws upon quantitative and qualitative empirical research with primary teachers across England to gauge whether the elements may instead be reflected in practice in primary classrooms and schools. This empirical investigation shows that, despite the practice of teaching about values that could have human rights relevance, there is little evidence to suggest that primary teachers are addressing effectively the elements of the tripartite framework. Educational practice is therefore unlikely to be remedying the deficiencies in policy concerning HRE in England. The empirical research identifies a number of the barriers to effective HRE articulated by primary teachers and explores these in detail in light of the academic literature.

It therefore fills a gap in the current research by not simply addressing the pragmatic question of whether HRE *is* being incorporated into classroom practice in a manner consistent with the international framework, but also by delving deeply into the underlying reasons *why*. It concludes by arguing that stronger government policy and guidance reflecting the international requirements for HRE is needed, but unless the identified practitioner-based concerns are taken into account, the commitment to educate primary school children *about, through* and *for* human rights is likely to remain undelivered in England.

## LIST OF ACRONYMS AND ABBREVIATIONS

ACT	Association for Citizenship Teaching
CoE	Council of Europe
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms 1950
EDC	Education for Democratic Citizenship
ESC	European Social Charter
EYFS	Early Years Foundation Stage
FSM	Free School Meals
HRA	Human Rights Act 1998
HRE	Human Rights Education
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
KS1	Key Stage 1
KS2	Key Stage 2
Montreal Congress	World Plan of Action on Education for Human Rights and Democracy (1993)
NC	National Curriculum
OHCHR	UN Office of the High Commissioner for Human Rights
PSHE	Personal, Social and Health Education
RE	Religious Education
RRSA	UNICEF's Rights Respecting School Award
The Charter	Recommendation and accompanying Charter on Education for Democratic Citizenship and HRE (2010)
UDHR	Universal Declaration of Human Rights (1948)
UN Decade	UN Decade for Human Rights Education (1995-2004)
UNCRC	UN Convention on the Rights of the Child (1989)
UNDHRET	UN Declaration on Human Rights Education and Training (2011)
UNESCO	United Nations Educational, Scientific and Cultural Organisation
Vienna Congress	International Congress on the Teaching of Human Rights in Vienna (1978)
Vienna Declaration	Vienna Declaration and Programme of Action (1993)
World Programme	UN World Programme for Human Rights Education (2005-ongoing)

# CHAPTER 1: INTRODUCTION

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## 1.1 INTRODUCTION

It was in 2011 that I first became aware that the UN has an interest in the promotion of Human Rights Education (HRE). In that year, the UN Declaration on HRE and Training (UNDHRET) was adopted without a vote by the General Assembly,<sup>1</sup> thus enshrining in a dedicated and persuasive instrument the soft-law requirements incumbent upon states for the provision of effective HRE, including at all levels of formal education. This piqued my interest in whether states were complying with the requirements of the international framework regarding the provision of HRE in formal primary schooling, and I considered UNDHRET to be a plausible and useful benchmark for the current standards of HRE expected to be applied nationally.

For my prior LLM dissertation, I had carried out empirical research in eight primary schools in Scotland to gauge the extent of their compliance with the commitment to educate *about, through* and *for* human rights.<sup>2</sup> As will be explained in Chapter 2 of this thesis, this tripartite formulation has been a central and evolving feature of the HRE landscape since 1978,<sup>3</sup> and has been refined and restated most recently within UNDHRET. Its elements are complementary and mutually reinforcing, and require that learners of all ages are not simply furnished with contextually and culturally relevant knowledge about human rights, but also that they experience respect for their rights in the learning environment and are empowered with the skills necessary for translating human rights into social and political reality.

I found that whilst elements of the framework were apparent in primary classroom practice in the Scottish schools, HRE was neither consistent nor holistic. Reflecting on these findings, I was keen to not only explore further how the international framework is being implemented within formal primary education at the national

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<sup>1</sup> UN General Assembly, United Nations Declaration on Human Rights Education and Training (2011) (Resolution A/RES/66/137).

<sup>2</sup> My findings are discussed in: Struthers, A., 'Human Rights Education: educating *about, through* and *for* human rights' (2015) 19(1) *The International Journal of Human Rights* 53-73.

<sup>3</sup> UNESCO International Congress on Teaching of Human Rights, 'Final Document' (1978) (SS-78/CONF.401/33).

level in a different context, but also to begin to investigate the underlying reasons for any deficiencies in its translation from the global to the local. This led me to my current thesis, looking at HRE in policy and practice in formal primary education in England. As my prior LLM research had indicated that the requirements of education *about, through* and *for* human rights were not being met in Scottish policy or practice, I came to this project with the proposition that English primary education was unlikely to be faring any better.<sup>4</sup> I had to test this hypothesis through investigation into the policy and practice of HRE in England, and the more detailed nature of doctoral study provided scope for seeking to gain a better understanding of the extent of compliance on the ground and crucially *why* the elements of the tripartite framework may not be present in primary schools.

So, what is HRE? Arguably one of the most famous quotes relating to human rights comes from Eleanor Roosevelt in a speech delivered on the tenth anniversary of the Universal Declaration of Human Rights:

*Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.*

Roosevelt emphasised the importance of human rights not simply as an abstract, global and aspirational framework, but as a concept relevant to all people, at all stages of their lives. This thesis starts from the position that the nurturing of human rights in ‘small places, close to home’ is only possible where HRE is practiced.

According to UNDHRET, HRE ‘comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing

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<sup>4</sup> Particularly given that Scotland has a good reputation for high quality and innovative education: See Commission on School Reform, *By Diverse Means: Improving Scottish Education* (2013); & Reform Scotland & CSPP, *Commission on School Reform* (June 2012).

persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights'.<sup>5</sup>

Its importance arguably should not be underestimated. HRE enables people to recognise and understand that human rights are not applicable only to those suffering in distant war-ravaged or hunger-ridden countries, but are equal and inalienable standards that belong to everyone, simply by virtue of being human. It not only allows them to identify rights violations in their own lives, but also equips them with the knowledge, values and skills required to accept, defend and promote human rights more broadly. HRE is therefore important for building a universal culture in which human rights values and principles are central, including freedom, equality, dignity, justice and tolerance.

It is a concept that is relevant at all ages and for this reason, much has been written about the importance of its inclusion within formal education from early years to higher education. Arguably only through challenging the prejudices of children at a young age and through equipping them with the tools necessary for promoting and defending human rights will the next generation stand a chance of being able to dispel the negative societal attitudes towards, and widespread misconceptions of, human rights prevalent today. As will be discussed in Chapter 2, many of the relevant international instruments and initiatives expressly mandate the incorporation of HRE at all stages of formal schooling. And because the UK has accepted a number of these obligations, HRE should be included within classroom and school practice at each educational level, including in formal primary schooling.

As already indicated, primary education forms the focus of my research, with this thesis structured around the proposition that England is not currently complying with its international HRE commitments in primary education policy or in its schools. I begin by investigating what the international requirements regarding the provision of education *about, through* and *for* human rights actually entail, and then seek to determine whether they are reflected in the English policy landscape. Through this investigation, I identify an ostensible scarcity of relevant policy in this

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<sup>5</sup> UNDHRET, Article 2(1).

area, and therefore turn to my primary quantitative and qualitative empirical research with teachers across England to gain a better understanding of what is happening in practice. It is only through such empirical investigation that I am able to gauge whether the requirements of HRE are in fact being delivered through teaching practice in primary classrooms and schools despite the apparent lack of relevant policy.

If this is not happening, however, it becomes important to seek to determine why not, in order to contribute to a better understanding of the current practical barriers to HRE in primary schools. Whilst much of the existing academic and policy-oriented work in the field implies that the absence of concrete and consistent state policy regarding HRE is the sole, or certainly the principal, reason for the widespread insufficiencies in its implementation,<sup>6</sup> I suggest in this thesis that there may be additional deeper and more complex factors at play.

With this in mind, this chapter first considers why HRE may be an important concept for young learners, and then sets out my principal aims and research questions. It is divided into five sections. In section 1.2, I explore the case for why HRE should be delivered to learners of primary school age. Section 1.3 then outlines my research questions and provides an overview of my central argument. This is followed in section 1.4 by a summary of the chapters of this thesis, and I conclude in section 1.5 by highlighting how this research contributes to knowledge in the HRE field.

## **1.2 WHY SHOULD PRIMARY LEARNERS BE TAUGHT HRE?**

Throughout this thesis, arguments are made both by teachers and commentators in the academic literature against providing HRE to learners at the stage of formal primary schooling. Some of these arguments relate to the age and deemed maturity

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<sup>6</sup> See e.g. 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 65; 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; Gerber, P., *Understanding Human Rights: Educational Challenges for the Future* (Edward Elgar, Cheltenham 2013); & Howe, B.R. & K. Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 174-175.

of these learners,<sup>7</sup> some to the nature of the subject matter,<sup>8</sup> and some to the appropriateness in practice of certain concepts considered necessary for effective education in this area.<sup>9</sup> Much of the scholarship does, however, emphasise the importance of HRE for learners of this age. Bearing in mind that this thesis will be punctuated with contrasting viewpoints and arguments, this section provides a brief overview of some of the standard arguments in favour of HRE. Whilst these are not universally accepted, they provide plausible justification for providing HRE at all ages.

### 1.2.1 Recognition of Human Rights as Universal Standards

At a fundamental level, HRE is considered to be the means through which learners come to recognise and understand that human rights are equal, inalienable standards belonging to everyone simply by virtue of their common humanity, and that ‘they go beyond the basic rights of life and liberty to include cultural, economic, social and political rights essential for the maintenance of human dignity’.<sup>10</sup> According to Audrey Osler, they ‘emphasize our common humanity and are essentially cosmopolitan, promoting solidarity with our fellow human beings, regardless of such factors as race, nationality, or religion’.<sup>11</sup> A number of HRE documents, including UNDHRET, therefore make reference to the role of HRE in ‘raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms’.<sup>12</sup>

Whilst cultural contexts vary markedly across the world, ‘universal human rights creates a vision of a world of diversity where all humans have an equitable claim to the rewards and privileges of their social, economic, political, and cultural context’.<sup>13</sup>

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<sup>7</sup> See e.g. Chapter 5 at sections 5.3.3 & 5.3.4; & Chapter 6 at section 6.2.4.

<sup>8</sup> See e.g. Chapter 5 at section 5.3.4; & Chapter 7 at section 7.3.1.

<sup>9</sup> See e.g. Chapter 5 at 5.3.3; Chapter 6 at 6.2.2; & Chapter 7 at 7.3.1.

<sup>10</sup> Ray, D. & N. Bernstein Tarrow, ‘Human Rights and Education: An Overview’ in Bernstein Tarrow, N. (ed), *Human Rights and Education* (Pergamon Press, Oxford 1987) 3-16 at 3.

<sup>11</sup> Osler, A., ‘Human Rights Education, Postcolonial Scholarship, and Action for Social Justice’ (2015) 43(2) *Theory & Research in Social Education* 244-274 at 246.

<sup>12</sup> UNDHRET, Article 4(a).

<sup>13</sup> Abdi, A.A. & L. Shultz, ‘Educating for Human Rights and Global Citizenship’ in Abdi, A.A. & L. Shultz (eds), *Educating for Human Rights and Global Citizenship* (State University of New York Press, USA 2008) 1-23 at 3.



Without HRE, people may have little or no awareness that they have fundamental rights at all and, as noted by K.-Peter Fritzsche, ‘what good does it do to have human rights if we don’t know them, and what good does it do in turn to know them if we don’t understand them?’<sup>14</sup> HRE is also deemed to further serve as an organizing framework that prevents learners studying issues such as poverty and hunger without reference to broader principles. As Margaret Stimmann Branson and Judith Torney-Purta note:

*[S]tudents sometimes have come away from such study believing that developed countries should come to the aid of underdeveloped countries, in a spirit of charity, rather than realizing that the right to freedom from hunger is a basic human right to which every human being is entitled.*<sup>15</sup>

Human rights can thus be categorised as a common language of humanity through providing a set of principles intended to unite all people. It is considered to provide clarity beyond the complex, changing and often inadequate laws of nation states, for as Nancy Flowers observes:

*When the things we need to be fully human, such as dignity and freedom, are denied, only the language of human rights can adequately convey such a fundamental crisis. Even the language of law and constitutional rights fails us.*<sup>16</sup>

### **1.2.2 Recognition of the Importance of Human Dignity**

A number of commentators further consider the importance and centrality of the concept of dignity to provide a compelling case for HRE. According to Hugh Starkey:

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<sup>14</sup> Fritzsche, K.P., ‘What Human Rights Education is all about – 15 Theses’ in Georgi, V.B. & M. Seberich (eds), *International Perspectives in Human Rights Education* (Bertelsmann Foundation Publishers, Gütersloh 2004) 162-167 at 162.

<sup>15</sup> Branson, M.S. and J. Torney-Purta, ‘Introduction’ in Branson, M.S. & J. Torney Purta (eds), *International Human Rights, Society and the Schools* (National Council for the Social Studies, Washington DC 1982) 1-5 at 5.

<sup>16</sup> Flowers, N., ‘How to Define Human Rights Education? A Complex Answer to a Simple Question’ in Georgi & Seberich (eds), *International Perspectives in HRE* (n 14) 105-127 at 124.

*Dignity is inherent as a defining feature of human beings. Recognition as a member of the human family is acknowledgement of an equal right to dignity shared with all other human beings. Dignity, though inherent, becomes actualised through the exercise of rights and fundamental freedoms.*<sup>17</sup>

Human rights are therefore deemed to convey to their bearers ‘that they are dignified persons worthy of respect’, suggesting ‘a sense of value and...instill[ing] a sense of confidence or efficacy and empower[ing] people to act as equal and valued citizens who exercise their rights’.<sup>18</sup> Only through the provision of HRE will learners come to know about their rights and experience these in the formal school setting, and HRE is thus an important guarantee of dignity for young learners. In turn, the provision of HRE may empower learners to promote and defend human dignity more broadly,<sup>19</sup> with Ali A. Abdi and Lynette Shultz noting that ‘the potential for human rights as a common vision of human dignity to be the catalyst for change is significant’.<sup>20</sup>

According to Osler, ‘recognition of equal human dignity is essential to the human rights project’,<sup>21</sup> and it is perhaps unsurprising therefore that dignity lies at the heart of a number of the key human rights instruments, including the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.<sup>22</sup> Whilst it has been suggested that dignity is undefined within these instruments and thus remains something of an elusive concept, this is not necessarily considered problematic, for it is deemed to be acceptable that ‘different groups, particularly different cultures, might agree that there is such a thing as the dignity of the person, and largely agree on the rights that follow from it, but differ in their understanding of quite what that ‘dignity’ is’.<sup>23</sup>

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<sup>17</sup> Starkey, H., ‘The Universal Declaration of Human Rights and Education for Cosmopolitan Citizenship’ in Waldron, F. & B. Ruane (eds), *Human Rights Education: Reflections on Theory and Practice* (The Liffey Press, Ireland 2010) 15-42 at 32.

<sup>18</sup> Howe & Covell, *Empowering Children* (n 6) 34.

<sup>19</sup> Branson & Torney-Purta (n 15) at 4.

<sup>20</sup> Abdi & Shultz (n 13) at 3.

<sup>21</sup> Osler, A., ‘The Stories We Tell: exploring narrative in education for justice and equality in multicultural contexts’ (2015) 7(1-2) *Multicultural Education Review* 12-25 at 22.

<sup>22</sup> ICCPR (1966), preamble & Article 10; & ICESCR (1966), preamble & Article 13.

<sup>23</sup> Griffin, J., *On Human Rights* (Oxford University Press, Oxford 2008), 192.

### 1.2.3 Learning To Be a Good Citizen

R. Brian Howe and Katherine Covell observe that through the provision of HRE, young learners come to recognise and understand the values, virtues, and practices of effective citizenship:<sup>24</sup>

*They gain knowledge not only of their basic rights but also their corresponding social responsibilities. They develop the attitudes and values that are necessary for the promotion and protection of the rights of others, and they acquire the behavioural skills necessary for effective participation in a democratic society.*<sup>25</sup>

HRE can therefore be said to contribute towards the fostering of active citizenship, yet it goes beyond the narrow remit of traditional citizenship education, which often has a focus on national civil rights. Lynn Davies has observed in this regard that ‘Citizenship education is more concerned with the historical, political and economic realities of a specific country, while HRE puts similar knowledge, values and skills in an international context’.<sup>26</sup> Learning about human rights as opposed to simply national civil rights enables learners to recognise that they are already persons and worthy citizens ‘rather than the property of their parents or...small and vulnerable ‘not-yets’’.<sup>27</sup> HRE can thus be viewed as ‘an important pathway to citizenship and to citizenship education as a vehicle for the development of the values and practices of global citizenship’.<sup>28</sup>

### 1.2.4 Contributing to the Building of a Universal Culture of Human Rights

The provision of HRE is also deemed to be of considerable importance for equipping learners with the tools for contributing to the building and promotion of a

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<sup>24</sup> Howe & Covell, *Empowering Children* (n 6) 6.

<sup>25</sup> *Ibid*, 7.

<sup>26</sup> Flowers (n 16) at 117, quoting Davies, L., *Citizenship Education and Human Rights Education: Key Concepts and Debates* (The British Council, London 2000) at 15. See also Osler, A. & H. Starkey, ‘Learning for Cosmopolitan Citizenship: Theoretical debates and young people’s experiences’ (2010) 55(3) *Educational Review* 243-254; & Osler, A., ‘Human Rights Education: The Foundation of Education for Democratic Citizenship in our Global Age’ in Arthur, J., I. Davies & C. Hahn (eds), *The SAGE Handbook of Education for Citizenship and Democracy* (SAGE Publications, London 2008) 455-467.

<sup>27</sup> Howe & Covell, *Empowering Children* (n 6) 7.

<sup>28</sup> *Ibid*, 7-8.

universal culture of human rights,<sup>29</sup> based upon values such as freedom, equality, dignity, non-discrimination, justice, solidarity, freedom and tolerance.<sup>30</sup> Again, this is recognised and emphasised in the HRE instruments and academic scholarship in this area. UNDHRET, for example, expresses that HRE is important for ‘developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society’.<sup>31</sup> And Paul G. Lauren emphasises that:

*Never before in history has there been what is now described as such a ‘universal culture of human rights’ in which the rights of so many men, women, and children are given so much attention in so many diverse places under the watchful eyes of the world and in which the international community refers to human rights as the common language of humanity.*<sup>32</sup>

In order to contribute to the building of this culture, however, learners arguably must be enabled to speak the language of human rights. Howe and Covell note that the goal of HRE ‘is to provide the knowledge, attitudes, values, and skills that people need if they are going to build, sustain, or rebuild a society that is democratic and respects human rights’.<sup>33</sup> In this way, such education can be said to contribute to the creation of a culture in which learners are not only able to understand their rights and respect the rights of others, but are also equipped with the knowledge, values and skills required for claiming, defending and promoting human rights more broadly.<sup>34</sup> As recognised by UNDHRET, HRE thus has a key role to play in ‘contributing to the prevention of human rights violations and abuses and to the combating and

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<sup>29</sup> UNDHRET, Article 2(1).

<sup>30</sup> See e.g. Council of Europe, ‘Charter on Education for Democratic Citizenship and Human Rights Education’ (2010) (Recommendation CM/Rec(2010)7) at 7, para 2; & UNDHRET, Article 4(c) and (d). For detailed discussion of these values, see Chapter 2 at section 2.3.1.

<sup>31</sup> UNDHRET, Article 4(b).

<sup>32</sup> Lauren, P.G., *The Evolution of International Human Rights* (University of Pennsylvania Press, Philadelphia 1998), 4.

<sup>33</sup> Howe & Covell, *Empowering Children* (n 6), 7.

<sup>34</sup> UNESCO & OHCHR, ‘Plan of Action: World Programme for Human Rights Education (First Phase) (2006) at 2 & 11; Okafor, O.C. & S.C. Agbawka, ‘Re-Imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies (2001) 14(3) *Leiden Journal of International Law* 563-590 at 564; Osler, A. & H. Starkey ‘Human Rights, Responsibilities and School Self-Evaluation’ in Osler, A. (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Trentham Books, Stoke-on-Trent 2000) 91-109 at 98; & Verhellen, E., ‘Facilitating Children’s Rights in Education: Expectations and demands on teachers and parents’ in Hart, S., C.P. Cohen, M.F. Erickson & M. Flekkøy (eds), *Children’s Rights in Education* (Jessica Kingsley, London 2001) 179-190 at 187.

eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them'.<sup>35</sup>

Irrespective of these justifications supporting the provision of HRE at primary level, there is a more pragmatic and fundamental reason why it should be included in English primary schooling: states, including the UK, have signed international conventions, declarations and agreements that enshrine the various requirements for effective HRE provision. There is, therefore, a comprehensive and persuasive international framework underpinning these justifications. States *should*, therefore, arguably be providing HRE because it enables learners to recognise and understand their rights and the rights of others, and it contributes to a culture that upholds human rights values and the centrality of human dignity. States *must*, however, provide HRE in order to comply with any international obligations they have signed up to in this area.

### **1.3 WHAT WILL THIS RESEARCH DO?**

This thesis seeks to address three main and two subsidiary research questions:

#### *Main Questions*

What is the nature and scope of the current obligations at the international level regarding the provision of HRE within formal primary education, and in particular what does the agreement to educate *about*, *through* and *for* human rights require in practice?

Are these requirements translating into primary education policy in England that addresses effectively each element of the tripartite framework?

What is happening at the coalface of English formal primary schooling regarding the provision of education *about*, *through* and *for* human rights: is this practice compliant with the requirements of the international framework?

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<sup>35</sup> UNDHRET, Article 4(e); see also Georgi, V.B. & M. Seberich, 'Introduction' in Georgi & Seberich (eds), *International Perspectives in HRE* (n 14) 9-18 at 12.

### *Subsidiary Questions*

Why is current practice as it is, including consideration of the reasons provided by teachers for omitting to educate on certain facets of HRE?

In light of this policy and practice, and given the UK's international commitments in this area, should the provision of education *about, through* and *for* human rights in English formal primary schooling be as it currently is?

HRE is an under-researched area of academic scholarship. And this type of inquiry, into the reasons why HRE practice is as it currently is, has been largely overlooked within the spheres of both law and education. Yet simply addressing the pragmatic question of whether HRE is being incorporated into classroom teaching in a manner consistent with the international framework – as has been done in some existing research projects<sup>36</sup> – overlooks the important issues underlying the frequent omission of HRE from educational practice. This thesis therefore makes an important contribution to knowledge in the field by revealing and analysing in detail these problems affecting HRE implementation in primary classrooms and schools.

It has been suggested that because HRE was devised and shaped principally by lawyers and legal academics, it was initially burdened by a relentless 'focus on the law...and formal discussion of rights'.<sup>37</sup> HRE as an educational concept therefore struggled in its transition from legal doctrine to practical utility in schools. This perhaps provides some explanation as to why there have been few empirical studies into HRE in English formal education. Socio-legal inquiries into HRE in particular are few and far between, and this research therefore helps to fill this gap in the existing literature.

My starting proposition for this thesis was that the requirements of the international framework are seemingly not translating into effective HRE policy within the English formal primary education landscape. However, in order to paint a more

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<sup>36</sup> For example, Gerber, P., *From Convention to Classroom: The Long Road to Human Rights Education* (VDM, Saarbrücken 2008).

<sup>37</sup> Suarez, D. & F. Ramirez, *Human Rights and Citizenship: The Emergence of Human Rights Education* (2004) Centre on Democracy, Development and the Rule of Law, Stanford Institute for International Studies at 6.

comprehensive picture of HRE implementation in England, I then had to carry out empirical research to test whether the requirements of the framework were instead being delivered through teaching practice in formal primary classrooms and schools. This empirical investigation suggested that this was unlikely to be the case. It did identify, however, that the barriers to HRE implementation are likely to be deeper and more complex than simply a failure of government policy. My research findings suggest that there may be fundamental reasons underlying the reluctance of many primary teachers to educate in this area, relating not only to their preferences for educating on the values underpinning human rights, but also to their entrenched personal reservations about the nature of human rights and HRE. These barriers appear to be neither fully recognised, nor understood within current HRE discourse.

This research therefore argues that neither policy nor practice in English primary education is ostensibly compliant with the international requirements to educate *about, through* and *for* human rights. It also suggests, however, that whilst the absence of relevant government policy is an important factor underlying the insufficiencies in HRE delivery in primary classrooms, it is unlikely to be the sole reason. By considering my empirical data regarding why teachers may be reluctant to educate in this area in light of broader, negative societal attitudes towards human rights, this research paints a plausible and more complete picture of why education *about, through* and *for* human rights is seemingly not being implemented in English primary schools in accordance with the requirements of the international framework. It thus lays the foundations for further research in this area to determine how these problems can and should be overcome in order to pave the way for HRE in English formal education to contribute effectively to the building of a culture that is respectful of human rights.

#### **1.4 THESIS STRUCTURE**

Bearing in mind the research questions identified in the previous section, it is instructive to provide an overview of how my central argument is developed in each of the chapters of this thesis.

Chapter 2 provides the foundation upon which the remaining chapters are positioned by giving an overview of the sources of obligation at the international and regional levels relevant to HRE in formal primary schooling. In particular, I draw upon the international instruments and academic scholarship to provide a reasoned interpretation of each component of education *about, through* and *for* human rights and emphasise that the tripartite framework, as restated most recently within UNDHRET, provides a plausible standard against which to measure the extent of compliance of English primary education with the requirements of the international framework. This chapter provides the necessary tools for assessing such compliance.

Chapter 3 then examines whether, and if so how, these commitments have been translated into the policy landscape in England. I begin by tracing the history of HRE in English primary education policy, taking note in this history of the place and role of values. This is important, for the interaction – and in many cases confusion – between the concepts of HRE and values education is central to much of the discussion in the remaining chapters. I show that HRE has historically been incomplete and inconsistent in primary education policy, and suggest that its position is only likely to worsen in the face of declining Government support. Such a clear and increasing divergence between the requirements of the international framework and the national policy context sets the scene for consideration in the remaining chapters of the practice of education *about, through* and *for* human rights in English primary schools.

If HRE is not included in education policy, is it nonetheless being delivered in practice in English primary schools? This is the question that chapters 5, 6 and 7 seek to address. Before delving into analysis of my quantitative and qualitative empirical data in these chapters, however, I set out my research methodology in Chapter 4. In this chapter, I seek to position myself as a researcher and draw upon relevant methodology literature to justify the mixed methods approach adopted. I use the chapter both to justify the decisions that I made during the research process, as well as to explain how I analysed and interpreted my data.

Chapters 5, 6 and 7 then deal respectively with each element of the tripartite framework for HRE, drawing upon my quantitative and qualitative empirical data to



explore how that element is translating into practice in English primary schools. Chapter 5 on education *about* human rights reveals that some teachers are influenced by broader societal attitudes towards human rights, and thus have specific and personal concerns about the appropriateness of HRE as a subject matter for primary learners. The findings relating to education *through* human rights in Chapter 6 indicate that the fostering of rights respecting classrooms through concepts such as participation and pupil voice frequently occurs within tightly controlled boundaries, because teachers have concerns about losing control in truly rights respecting classrooms. And Chapter 7 suggests that teachers may be encouraging certain aspects of education *for* human rights in their classrooms, but are often not equipping learners with the skills necessary for promoting and defending human rights more broadly, due to their reservations about the appropriateness of certain empowerment-related concepts for primary learners.

Chapters 5, 6 and 7 further suggest that teachers seem to conflate HRE with the teaching of relevant age-appropriate values. Whilst such conflation can broaden the scope of teaching,<sup>38</sup> for the most part it leads to restricted and often ineffective educational practice. The chapters highlight, therefore, that the interpretations of HRE in primary school practice look problematic: even when teachers consider themselves to be educating efficaciously *about*, *through* and *for* human rights, key components of the framework are addressed ineffectively. Chapter 8 draws together my empirical findings and analysis to conclude that HRE should be taught to primary learners in England in accordance with the requirements of the international framework, but if it is to be taken seriously, stronger government policy and considerable re-education of teachers in the content and method of delivering education *about*, *through* and *for* human rights are required.

## 1.5 CONCLUSION

This research contributes to knowledge in the HRE field in a number of different ways. By carrying out a detailed country-specific case study regarding the provision of education *about*, *through* and *for* human rights, it shows not only that this formulation of HRE provides a useful and plausible standard against which to

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<sup>38</sup> See Chapter 5 at section 5.3.2.

measure national compliance, but also that England is unlikely to be fulfilling these requirements either in primary education policy or practice. My empirical research then delves more deeply into the underlying reasons *why* and in doing so, uncovers HRE implementation issues that are deeper and more complex than a straightforward absence of relevant government policy. This research thus remedies to a certain extent the current lack of investigation into the problems affecting HRE implementation in formal primary schooling in England. My empirical investigation further identifies confusion and misinterpretation affecting values teaching in England, thus lending support to the suggestion that HRE provides a coherent and holistic framework that may remedy some of the deficiencies of existing frameworks that currently serve as substitutes for HRE.

Some of the empirical findings from this research are especially worrying. That teachers may not be challenging patently troubling opinions and attitudes within the learning environment is a particular cause for concern. And that they often express views consistent with those commonly plastered across the front pages of right-wing tabloid newspapers is another. It is not all doom and gloom, however. Some of my interviewees were passionate about HRE, and others were amenable to including such teaching in their classroom practice if equipped with the requisite knowledge and resources to be able to do so.

Despite these glimmers of teacher enthusiasm, my empirical findings do not suggest that current practice in the provision of education *about, through* and *for* human rights is either compliant with the requirements of the international framework, or wholly effective at equipping learners with the knowledge, values and skills necessary for contributing to the building of a universal culture of human rights. Whilst an important reason for this is the absence of relevant government policy in this area, I indicate in this thesis that the influence of societal conceptions of human rights as controversial is likely to further impact upon teachers' willingness to engage with HRE. Without a change in these wider perceptions, therefore, human rights are likely to remain marginalised both within formal education and in UK culture more broadly.

Only through the combination of a stronger national policy framework for HRE and a transformation in attitudes towards human rights is the situation likely to be altered, and I argue in this thesis that formal primary education is one place where this change can begin. In order to enable the next generation to contribute to the building of a broader culture that is respectful of human rights, young learners need to be equipped with the necessary knowledge, values and skills through the provision of effective education *about, through* and *for* human rights. It is to the scope and nature of the UK's international obligations regarding HRE that I now turn in Chapter 2.

## CHAPTER 2: GLOBAL HRE OBLIGATIONS RELEVANT TO PRIMARY EDUCATION

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### 2.1 INTRODUCTION

I started this thesis with the proposition that the UK is not fulfilling its international obligations in the delivery of HRE in primary schools in England. In order to determine the nature of those obligations and understand their current form, it is necessary to place them in the context of the international discourse that has developed since 1945, when it could be said that HRE first began to take shape though may not have been articulated as such. The UK has signed up to and accepted most of the relevant instruments and initiatives and, in order to understand what action should flow from this, both the international and regional frameworks must be analysed.

In this chapter, I therefore aim to provide an overview of the sources of obligation relevant to HRE in formal primary education and to explore their scope and content. In particular, the soft-law requirement to educate *about, through* and *for* human rights, included most recently within the UN Declaration on HRE and Training (2011) (UNDHRET),<sup>1</sup> will be analysed in detail. This analysis will in turn provide the foundation for assessing in subsequent chapters the extent to which education policy and practice in England is compliant with this framework.

With this in mind, section 2.2 analyses the key instruments relevant to HRE in formal education, including primary schooling, at the global and European levels, and discusses the extent to which their obligations have been recognised and accepted by the UK. Section 2.3 then draws upon the requirements of these instruments and relevant academic commentary to provide a reasonable interpretation of the international responsibility to educate *about, through* and *for* human rights. I conclude in section 2.4 by emphasising that this tripartite framework provides a plausible standard against which to measure the extent of compliance of

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<sup>1</sup> UN General Assembly, United Nations Declaration on Human Rights Education and Training (2011) (Resolution A/RES/66/137).

the English primary education system with the requirements of the international HRE framework.

## 2.2 THE INTERNATIONAL HRE FRAMEWORK

The development of HRE at the international level since 1945 has been a somewhat cumbersome and haphazard process. Despite multiple pronouncements and declarations, dating from the Charter of the United Nations,<sup>2</sup> ‘HRE did not become the subject of a concerted global campaign until the mid-1990s’.<sup>3</sup> The relatively recent growth in the prominence of HRE and recognition of its importance, not just as an element of the right to education but also as a standalone human right,<sup>4</sup> is likely to be the result of the recent promulgation of UN initiatives encouraging states to take stock of their legal obligations and soft-law requirements in this area.<sup>5</sup>

The steadily increasing number of these initiatives, many of which are formulated as programmes over extensive time periods and are accompanied by plans of action, implementation strategies and other guidance documents, indicates that HRE is entering a new stage. As compliance with the requirements of these initiatives demands significant and often prolonged state interest, it has been suggested that HRE is ‘leaving the phase of standard-setting and seriously entering the phase of implementation’.<sup>6</sup>

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<sup>2</sup> Article 1, section 3; Keet noted in 2010 that there were ‘at least 92 provisions’ in international and regional documents addressing HRE (Keet, A., *Human Rights Education: A Conceptual Analysis* (Lambert Academic Publishing, USA 2010), 47).

<sup>3</sup> Cardenas, S., ‘Constructing Rights? Human Rights Education and the State’ (2005) 26(4) *International Political Science Review* 363-379 at 366; see also Georgi, V.B. & M. Seberich, ‘Introduction’ in Georgi, V.B. & M. Seberich (eds), *International Perspectives in Human Rights Education* (Bertelsmann Foundation Publishers, Gütersloh 2004) 9-18 at 13.

<sup>4</sup> UNESCO, ‘Strategy on Human Rights’ (2006) at 8, para 25; Human Rights Education Associates, ‘Response to Preliminary Draft of the UN Declaration on Human Rights Education & Training’ (October 2009) at 1-2; UN General Assembly, ‘United Nations Decade for Human Rights Education (1995-2004) and Public Information Activities in the Field of Human Rights’ (1997) (A/52/469/Add.1) at 7, para 16; Fritzsche, K.P., ‘What Human Rights Education is all about – 15 Theses’ in Georgi & Seberich (eds), *International Perspectives in HRE* (n 3) 162-167 at 162; Ministry of Justice *et al*, *Right Here, Right Now: Teaching Citizenship Through Human Rights* (2009) at 13; Banks, D.N., ‘Promises to Keep: Results of the National Survey of Human Rights Education 2000’ (2002) University of Minnesota Human Rights Resource Center; & Shiman, D. ‘An Introduction to Human Rights Education’ in Flowers, N. (ed), in *Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights*, Part 2 (available at: <http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-2/HRE-intro.htm> [last accessed 23 March 2013]).

<sup>5</sup> Cardenas (n 3) at 363.

<sup>6</sup> Verhellen, E. ‘Children’s Rights and Education’ in Osler, A. (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Trentham Books, Stoke-on-Trent 2000) 33-43 at 42; see also Hornberg, S.,

There is therefore a history of a developing focus on HRE at the global level. The international instruments that have been produced as the subject has evolved are key to understanding the HRE environment in which the tripartite formulation of education *about, through and for* human rights has emerged. Equally, the nature and extent of the obligations formulated in these instruments provide a sense of what one should expect from any government which signs up to them. Their relevance and importance is explicitly reaffirmed within UNDHRET.

### 2.2.1 International HRE Instruments

Whilst the Universal Declaration of Human Rights (1948) (UDHR) is advisory rather than legally binding, it has nevertheless ‘exerted a huge moral and legal influence around the world’<sup>7</sup> by providing ‘a single set of fundamental principles and norms intended to inform the laws and constitutions of all states’.<sup>8</sup> It was described by one of its principal drafters as ‘the first document about moral value adopted by an assembly of the human community’,<sup>9</sup> and some of its provisions have become so widely accepted that they are considered by many to constitute binding customary international law.<sup>10</sup>

The instrument also provides perhaps the best example of enforcement through the ‘recognition route’, where there is ‘acknowledgement but not necessarily any legalization or institutional enforcement of a class of claims that are seen as fundamental human rights’.<sup>11</sup> For these reasons, it has been deemed to constitute ‘the basis for the UN in making advances in standard setting as contained in the

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‘Human Rights Education as an Integral Part of General Education’ (2002) 48 *International Review of Education* 187-198 at 195.

<sup>7</sup> Klug, F., *Values for a Godless Age: The Story of the United Kingdom’s New Bill of Rights* (Penguin Books, England 2000), 96; see also Starkey, H., ‘The Universal Declaration of Human Rights and Education for Cosmopolitan Citizenship’ in Waldron, F. & B. Ruane (eds), *Human Rights Education: Reflections on Theory and Practice* (The Liffey Press, Ireland 2010) 15-42 at 25.

<sup>8</sup> Starkey (n 7) at 33; see also Osler, A. & H. Starkey ‘Human Rights, Responsibilities and School Self-Evaluation’ in Osler (ed), *Citizenship and Democracy in Schools* (n 6) 91-109 at 92.

<sup>9</sup> Morsink, J., *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (University of Pennsylvania Press, Philadelphia 1999), 33.

<sup>10</sup> Klug, *Values for a Godless Age* (n 7) 96; Sieghart, P., *The Lawful Rights of Mankind* (Oxford University Press, Oxford 1986), 64; & Brabeck, M.M. & D. Misgeld, ‘Human Rights Education: An Issue for Moral Education’ (1994) 23(3) *Journal of Moral Education* 235-238 at 236.

<sup>11</sup> Sen, A., ‘Elements of a Theory of Human Rights’ (2004) 32(4) *Philosophy & Public Affairs* 315-356 at 343; see also Starkey (n 7) at 32.

existing international human rights instruments'.<sup>12</sup> UNDHRET explicitly states in the main body of its text that HRE 'should be based on the principles of the UDHR and relevant treaties and instruments'.<sup>13</sup>

Appropriately, the UDHR provided the first recognition of the right to HRE as a freestanding concept. Though Article 1 of the UN Charter had promoted and encouraged 'respect for human rights and for fundamental freedoms', there was no further reference to education in human rights in that document. Article 26(2) of the UDHR remedied this by stating:

*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 UN for the maintenance of peace.*

The rights enshrined in the UDHR were subsequently codified within two legally binding international covenants.<sup>14</sup> Together, the UDHR, International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR) form the International Bill of Rights.

The HRE provision within the UDHR is replicated almost verbatim within the ICESCR,<sup>15</sup> but with additional reference to education being directed to the development of human dignity. The ICESCR provision also requires that education shall 'enable all persons to participate effectively in a free society' and includes ethnic groups within the category of those amongst whom understanding, tolerance and friendship shall be promoted.

It has been said that 'the many legally binding international human rights treaties which have followed [the UDHR] are all essentially drafted in its image',<sup>16</sup> and indeed a number of provisions that include HRE can be found within these later more

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<sup>12</sup> UN General Assembly, World Conference on Human Rights, 'Vienna Declaration and Programme of Action' (1993) (A/CONF.157/23), preamble.

<sup>13</sup> UNDHRET, Article 4.

<sup>14</sup> Vienna Convention on the Law of Treaties (1969), Part III, Section 1.

<sup>15</sup> UNDHRET, Article 13(1).

<sup>16</sup> Klug, *Values for a Godless Age* (n 7) 117.

specialist instruments, including: the Convention on the Elimination of All Forms of Discrimination against Women (1979);<sup>17</sup> the International Convention on the Elimination of All Forms of Racial Discrimination (1965);<sup>18</sup> and, though with less legal significance, UNESCO's 1960 Convention against Discrimination in Education, which incorporated verbatim the wording of Article 26(2) of the UDHR.<sup>19</sup> Each of these documents represents an expression 'not only of a moral stand but also of a legal agreement and obligation',<sup>20</sup> and signatory states are obligated to ensure that their laws, policies, and practices conform to the standards within them.

Perhaps of greatest significance from a legal perspective regarding HRE within formal primary education is the UN Convention on the Rights of the Child (1989) (UNCRC). As the most widely and quickly ratified treaty, and as the first legally binding international instrument to incorporate civil, cultural, economic, political and social rights, it 'describes an international consensus on what the rights of children are and the corresponding responsibilities for ensuring that the rights of all children are respected'.<sup>21</sup>

Article 29(1), a provision devoted solely to the aims of education, mandates that education shall be directed to:

*(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*

*(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the UN;*

*(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the*

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<sup>17</sup> Article 10.

<sup>18</sup> Article 7; for an extended list of such provisions, see UN Human Rights Council, 'Working Paper on the Draft Declaration on Human Rights Education and Training' (2009) (A/HRC/AC/4/3) at 5, para 8.

<sup>19</sup> UNESCO, 'Convention against Discrimination in Education' (1960) (14/12/1960), Article 5.

<sup>20</sup> Howe, B.R. & K. Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 25.

<sup>21</sup> *Ibid*, 13 & 25.



*country from which he or she may originate, and for civilisations different from his or her own;*

*(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; ...*

The Article represents the strongest assertion within the legally binding international instruments of the obligation to provide HRE distinct from the right to education more generally. For this reason, it has been deemed to provide ‘a foundation stone for the various programmes of HRE called for by the World Conference on Human Rights, held in Vienna in 1993, and promoted by international agencies’.<sup>22</sup>

As the right to HRE under Article 29(1) is expressed in quite broad and aspirational terms, the Committee on the Rights of the Child has provided more detail on its specific requirements within its General Comment on the right to education.<sup>23</sup> The Article is defined as instructing education that is ‘child-centred, child-friendly and empowering’,<sup>24</sup> and that provides children with life skills, strengthens their capacity to enjoy the full range of rights and promotes a culture infused with human rights values.<sup>25</sup> The Committee further advises that HRE is a life-long process that should ‘start with the reflection of human rights values in the daily life and experiences of children’,<sup>26</sup> indicating that they view age-appropriate education in this area to be relevant and important for learners at all stages of formal education.

Though such General Comments are not binding on states in the sense that treaty obligations are, they nevertheless provide persuasive ‘commentaries on the nature of obligations associated with particular treaty rights and freedoms’,<sup>27</sup> and are ‘useful

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<sup>22</sup> UN Committee on the Rights of the Child, ‘General Comment No.1: Article 29(1): The Aims of Education’ (2001) (CRC/GC/2001/1) at 5-6, para 15.

<sup>23</sup> UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22).

<sup>24</sup> *Ibid* at 2, para 2.

<sup>25</sup> *Ibid*.

<sup>26</sup> *Ibid* at 6, para 15.

<sup>27</sup> Bayefsky, A.F., *The UN Human Rights Treaty System: Universality at the Crossroads* (2001) at 3.

starting blocks for the process of delineating the definition, scope and core contents of the rights'.<sup>28</sup>

### 2.2.2 Regional HRE Instruments

Within the wider international framework, pockets of regional human rights law and policy also affect states and complement the UN treaties. One of the earliest documents to address HRE in Europe was a 1984 publication, 'Teaching and Learning About Human Rights',<sup>29</sup> which referred to the 'three essential documents' in the area as comprising the UDHR, the European Social Charter (ESC) and the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR).<sup>30</sup> Of the two regional instruments, the latter carries considerably greater legal weight and significance.

The ECHR was 'inspired by the belief that human rights and fundamental freedoms are the foundation of justice and peace in the world'.<sup>31</sup> It enshrined a number of the principles of the UDHR at the European level, thereby transforming them into positive legal obligations binding upon Council of Europe (CoE) Member States and subjecting those contracting parties to the ECHR's regional enforcement machinery. The core mission of the CoE is to promote human rights, democracy and the rule of law,<sup>32</sup> and the drafters of the ECHR viewed education not only as playing a central role in furthering this mission, but also as the most effective means by which the rights enshrined within the instrument could be promoted and protected.<sup>33</sup> It is perhaps surprising therefore that education was not addressed within the original text of the ECHR and was only added subsequently within its First Protocol.

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<sup>28</sup> Armstrong, S., 'CRC General Comment on the Aims of Education' in Interights, 'Trade and Human Rights' (2001) *Interights Bulletin: A Review of the International Centre for the Legal Protection of Human Rights* vol 13(4) at 151.

<sup>29</sup> Lister, I., *Teaching and Learning About Human Rights* (Council of Europe, Strasbourg 1984).

<sup>30</sup> *Ibid* at 10.

<sup>31</sup> Stobart, M., 'Foreword' in Starkey, H. (ed), *The Challenge of Human Rights Education* (Cassell Educational Limited, Great Britain 1991).

<sup>32</sup> See Council of Europe, 'What We Do' (available at: <http://www.coe.int/en/web/about-us/values>).

<sup>33</sup> Council of Europe, 'Charter on Education for Democratic Citizenship and Human Rights Education' (2010) (Recommendation CM/Rec(2010)7) at 5.

Furthermore, and in contrast to the ‘possibly utopian ambition’ of the UDHR,<sup>34</sup> Article 2 of the First Protocol does not ‘prescribe the content or purpose of the education and teaching to be provided’,<sup>35</sup> and ‘would not therefore be violated by the inclusion or exclusion of a particular subject on the National Curriculum, unless the subject’s omission or addition were to be so serious as to preclude the provision of proper education’.<sup>36</sup> HRE is not, therefore, an obligation incumbent upon Member States through this document.

The second ‘essential document’, the ESC, was initially drafted in 1961 though was revised significantly in 1996.<sup>37</sup> No mention is made within the original Charter to education,<sup>38</sup> and there is no direct reference to HRE. The Revised Charter does identify the need to ensure that young people grow up in an environment that fosters the full development of their personalities through education, though again no express reference is made to HRE.<sup>39</sup>

Whilst the often aspirational HRE provisions within the international instruments perhaps suggests a framework with designs beyond its means, the regional framework by contrast does not utilise its weightier enforcement machinery for the purpose of furthering HRE at all. Some explanations can be suggested for this: the perception that human rights are largely irrelevant to developed countries and ‘that serious abuses only occur in “under-developed” countries’,<sup>40</sup> for example; or the greater importance placed in Europe on civil and political rights as opposed to social, economic and cultural rights. This is perhaps nowhere more apparent than in ‘the decision of the CoE in 1950 to protect civil and political rights through a judicial format where adherence to the ECHR was ensured by the European Court of Human Rights, whereas social rights were addressed separately through the ESC’.<sup>41</sup>

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<sup>34</sup> Whitbourn, S., *Education and the Human Rights Act 1998* (NFER, Berkshire 2003), para 5.1.9.

<sup>35</sup> *Ibid*, para 5.1.10.

<sup>36</sup> *Ibid*.

<sup>37</sup> Council of Europe, ‘European Social Charter’ (1996) (18.X.1961); & Council of Europe, ‘European Social Charter (Revised)’ (1996) (Strasbourg 3.V.1996).

<sup>38</sup> Aside from a reference to young persons not being deprived of their right to an education by employment in Article 7, para 3.

<sup>39</sup> Council of Europe, ‘European Social Charter (Revised)’ (n 37) at Article 17.

<sup>40</sup> Alderson, P., ‘Human Rights and Democracy in Schools: Do They Mean More Than Simply “Picking Up Litter and Not Killing Whales”?’ (1999) 7 *The International Journal of Children’s Rights* 185-205 at 196.

<sup>41</sup> O’Gorman, R., ‘The ECHR, the EU and the Weakness of Social Rights Protection at the European Level’ [2011] 12(10) *German Law Journal* 1833-1861 at 1833.

Aside from the right to education, the ECHR expressly protects only civil and political rights.

### 2.2.3 International Soft Law HRE Initiatives

Despite suggestion that international instruments provide the ‘means through which the abstract values and utopian ideals of a preferred future can be turned into concrete proposals and precise images’,<sup>42</sup> the few HRE-related provisions in the above legally binding documents are expressed in broad and aspirational terms, with considerable scope for state interpretation of their obligations.

A number of additional instruments containing more detailed requirements for effective implementation make up an ever-increasing body of ‘soft law’ in this area. Eugeen Verhellen differentiates these documents from the body of hard law discussed above by adopting the term ‘socially binding’,<sup>43</sup> and indeed it has been recognised that whilst the term ‘soft law’ refers to a wide variety of documents, the ‘common thread among these processes is that while all have normative content they are not formally binding’.<sup>44</sup> Such soft law comprises a mixture of declarations – representing statements ‘of broad moral principles, ideals, and aspirations’<sup>45</sup> – and other initiatives containing detailed requirements for states regarding human rights responsibilities and promotion.<sup>46</sup>

Whilst some commentators take the view that effectual international law ‘requires clear guidance, uniform treatment, sanctions to deter non-compliance, and justiciability and thus can only come about through treaties, regulations, or directives’,<sup>47</sup> the UN adopts the position that soft law instruments elaborate upon the objectives enshrined within legally binding documents to the extent that the later

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<sup>42</sup> Reardon, B.A., *Comprehensive Peace Education: Educating for Global Responsibility* (Teachers College, Columbia University, New York 1988), 35.

<sup>43</sup> Verhellen, E., ‘Monitoring Children’s Rights’ in Verhellen, E. (ed), *Monitoring Children’s Rights* (Martinus Nijhoff, London 1996) 7-19 at 7.

<sup>44</sup> Trubek, D.M., P. Cottrell & M. Nance, ‘Soft Law’, ‘Hard Law’, and European Integration: Toward a Theory of Hybridity (2005) The Jean Monnet Program, NYU School of Law at 1.

<sup>45</sup> Howe & Covell, *Empowering Children* (n 20) 25.

<sup>46</sup> Klug, *Values for a Godless Age* (n 7) 146.

<sup>47</sup> Trubek *et al* (n 44) at 3; see also Joerges, C. and F. Rödl, ‘Social Market Economy’ as Europe’s Social Model? (2004) EUI Working Paper LAW 2004/8; Klabbers, J., ‘The Undesirability of Soft Law’ (1998) 36(1) *Nordic Journal of International Law* 381-391; & Smismans, S., *EU Employment Policy: Decentralisation or Centralisation through the Open Method of Coordination?* (2004) EUI Working Paper LAW 204/01.

instruments become integral to interpretation of the original documents. This can be viewed as an example of David M. Trubek *et al*'s 'hybrid' approach, in which a binary distinction between hard and soft law is considered to be meaningless when both approaches frequently operate within the same domain.<sup>48</sup>

Regarding the ICESCR, for example, the Committee on Economic, Social and Cultural Rights directs states to ensure that 'education conforms to the aims and objectives identified in Article 13(1), *as interpreted* in the light of' a number of subsequent soft law instruments, such as the Vienna Declaration and Programme of Action (1993) (Vienna Declaration) and the UN Decade for Human Rights Education (1995-2004) (UN Decade).<sup>49</sup> The Committee expressly recognises that 'while all of these texts closely correspond to article 13(1)...they also include elements which are not expressly provided for in article 13(1)' and that new obligations within the later non-binding instruments 'are implicit in, and reflect a contemporary interpretation of article 13(1)'.<sup>50</sup>

A number of soft law initiatives exclusively concern the promotion and implementation of HRE, whilst others address wider human rights responsibilities but contain detailed HRE provisions. Many of them explicitly require the inclusion of HRE at all stages of formal schooling, including primary education. The non-binding obligations contained within the most important of these initiatives can best be divided into two parts: the early initiatives governed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the later programmes adopted under the remit of the UN Office of the High Commissioner for Human Rights (OHCHR).

### ***2.2.3.1 Early UNESCO Initiatives***

The organisation originally most active in the promotion of HRE was UNESCO. Following recognition by the General Conference of UNESCO in 1948 of the importance of incorporating the UDHR 'as subject-matter in the teaching about the

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<sup>48</sup> Trubek *et al* (n 44) at 3-4.

<sup>49</sup> UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 13: Implementation of the International Covenant on Economic, Social and Cultural Rights' (1999) (E/C.12/1999/10) at 2, para 5 [emphasis added].

<sup>50</sup> *Ibid.*

UN which is given in schools’,<sup>51</sup> such teaching was subsequently promoted in a number of its instruments, including within the 1960 Convention against Discrimination in Education and in the Final Act of the International Conference on Human Rights held in Tehran in 1968.<sup>52</sup>

The first UNESCO instrument to address the teaching of human rights more generally, however, was their Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms in 1974. This early document noted the ‘wide disparity between proclaimed ideals, declared intentions and the actual situation’ regarding the teaching of international education – expressly stated to be underpinned by respect for human rights and fundamental freedoms – in classrooms.<sup>53</sup>

Whilst the term ‘HRE’ is not adopted within the 1974 initiative, this early document ‘set the trend for the declarization of HRE where the notion of HRE is constantly cross-referenced with educational constructions in declarations, conventions and covenants’.<sup>54</sup> The wording of Article 26(2) of the UDHR is quoted verbatim and reference is made to the need for states to ensure that rights ‘become an integral part of the developing personality of each child’.<sup>55</sup> It was the first instrument to mandate that teaching in this area ‘applies to all stages and forms of education’,<sup>56</sup> and provided a list of objectives for the effective implementation of such education. This included, *inter alia*, ‘understanding and respect for all peoples, their cultures, civilizations, values and ways of life’ and ‘awareness not only of the rights but also of the duties incumbent upon individuals, social groups and nations towards each other’.<sup>57</sup>

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<sup>51</sup> UNESCO, ‘Resolution on the Universal Declaration of Human Rights’, Records of the General Conference of UNESCO, 3<sup>rd</sup> Session, Volume II (1948) (Resolution 8.1).

<sup>52</sup> UNESCO, ‘Convention against Discrimination in Education’ (1960) (14/12/1960), Article 5; & UNESCO, ‘Final Act of the International Conference on Human Rights’ (1968) (A/CONF.32/41) at 15-16, para XX.

<sup>53</sup> UNESCO, ‘Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms’ (1974), preamble.

<sup>54</sup> Keet, *HRE: A Conceptual Analysis* (n 2) 67.

<sup>55</sup> UNESCO, ‘Recommendation Concerning Education for International Understanding’ (n 53) at 3, para 11.

<sup>56</sup> *Ibid* at 2, para 2.

<sup>57</sup> *Ibid* at 2, para 4.

Four years later, UNESCO held an International Congress on the Teaching of Human Rights in Vienna (1978) (Vienna Congress). Its Final Document established a number of principles to guide teaching, and again emphasised that ‘human rights must be taught at all levels’.<sup>58</sup> Subsequent clarification was provided that the teaching methods adopted to comply with this principle should be both contextualised and delivered in an age appropriate manner.<sup>59</sup>

A number of similar initiatives then followed. The comprehensive Malta Recommendations on Human Rights Teaching, Information and Documentation (1987) reiterated a continuing need for a complete system of education on human rights *at all levels* of education,<sup>60</sup> and like the prior Vienna Congress, identified the importance of age appropriate teaching.<sup>61</sup>

In 1993, the World Plan of Action on Education for Human Rights and Democracy (Montreal Congress) represented both the first instrument to expressly adopt the term ‘HRE’ and the first of the UNESCO initiatives to recognise that ‘education for human rights and democracy is itself a human right and is a prerequisite for the full realisation of social justice, peace and development’.<sup>62</sup> It specifically required the teaching of human rights and democracy to be included within *all* stages of formal education.<sup>63</sup>

The subsequent Vienna Declaration of the same year was a broad initiative, born of extensive work during the World Conference on Human Rights. One of its areas of focus was HRE, with a call upon ‘all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings’.<sup>64</sup> In contrast to a number of

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<sup>58</sup> UNESCO International Congress on the Teaching of Human Rights, ‘Final Document’ (1978) (SS-78/CONF.401/33) at 2, principle 8.

<sup>59</sup> *Ibid*, annex at ii & v.

<sup>60</sup> UNESCO, ‘Malta Recommendation on Human Rights Teaching, Information and Documentation’ (1987) at paras 1.1, 1.3 & 2.2.

<sup>61</sup> *Ibid* at para 2.1.

<sup>62</sup> UNESCO International Congress on Education for Human Rights and Democracy, ‘Human Rights Teaching’ in ‘World Plan of Action on Education for Human Rights and Democracy’ (The Montreal Declaration) (1993) at 9 & 17; see also Alfredsson, G. ‘The Right to Human Rights Education’ in Eide, A., C. Krause & A. Rosas (eds), *Economic, Social and Cultural Rights: A Textbook*, (2<sup>nd</sup> edn, Martinus Nijhoff, Dordrecht 2001) 273-288 at 284, para 3.4.

<sup>63</sup> UNESCO, ‘The Montreal Declaration’ (n 62) at 7-8.

<sup>64</sup> UN General Assembly, ‘Vienna Declaration’ (n 12), Part II at para 79.

the earlier initiatives, it did not make reference to the importance of age appropriate methodologies and pedagogies within such teaching, despite requiring its incorporation into all levels of formal education.

Finally, the 44<sup>th</sup> International Conference on Education in 1994 proposed a Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy, which was adopted by UNESCO the following year. The instrument stressed the importance of incorporating ‘into curricula at all levels of education, formal and non-formal, of lessons on peace, human rights and democracy’,<sup>65</sup> and of imbuing such education with human rights values.<sup>66</sup> It further identified the need for educational programmes to be ‘suited to the age and psychology of the target group’.<sup>67</sup>

#### **2.2.3.2. HRE under OHCHR**

In the mid-1990s, responsibility for HRE shifted within the UN from UNESCO to OHCHR. Under OHCHR control, more structured, detailed and sustained programmes replaced the *ad hoc* single document-based approach favoured by UNESCO. The soft law initiatives that have perhaps had the greatest impact upon HRE globally have therefore been those adopted under OHCHR: most notably, the UN Decade and the subsequent UN World Programme for Human Rights Education (2005-ongoing) (World Programme).<sup>68</sup>

The UN Decade stimulated ‘a massive increase in pedagogical activity around human rights across the world’.<sup>69</sup> States were to follow a UN drafted Plan of Action, which mandated, amongst other requirements: an assessment of the current standards of HRE; the establishment of a national committee for HRE; state provision of the

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<sup>65</sup> UNESCO, ‘Integrated Framework of Action on Education for Peace, Human Rights and Democracy’ (1995) at para 16.

<sup>66</sup> *Ibid* at 5, para 2.4 & 10, para 14.

<sup>67</sup> *Ibid* at 10, para 14.

<sup>68</sup> Cf. Babadji, R., *Education in Human Rights in International Law: Foundations, Assessment and Perspectives* (2006) International Training Centre on Human Rights and Peace Training at 9; & UN Economic and Social Council, ‘Economic, Social and Cultural Rights: Report submitted by the Special Rapporteur on the right to education, Vernor Muñoz Villalobos’ (2004) (E/CN.4/2005/50) at para 110.

<sup>69</sup> Keet, *HRE: A Conceptual Analysis* (n 2) 76.



necessary guidance and resources for the incorporation of HRE into formal curricula; and state reporting on their activities pertaining to HRE.<sup>70</sup>

Following on immediately from conclusion of the UN Decade in 2004, and considered as an extension to the work undertaken during the preceding programme, the World Programme was labelled as a ‘world-wide educational policy’ that placed considerable pressure on governments to comply with its provisions.<sup>71</sup> Its first phase, 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’.<sup>72</sup> This framework took the form of a Plan of Action with five key components: comprehensive state educational policies; effective implementation of those policies; rights respecting learning environments; rights-based teaching methodologies; and effective teacher training in HRE.<sup>73</sup>

The high-profile nature of the World Programme and its comprehensive policies paved the way for the first dedicated UN Declaration on HRE in 2011. UNDHRET was the result of extensive work carried out by the UN Human Rights Council under its mandate ‘to promote HRE and learning’,<sup>74</sup> with the Advisory Committee striving to ‘produce a useful, practical text that takes the legal basis...as its starting point and that focuses on concrete results’.<sup>75</sup> It represents the first instrument in which international standards for HRE are officially proclaimed by the UN and ‘surpasses existing documents due to its specific HRE focus and holistic character’.<sup>76</sup> Its

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<sup>70</sup> UN General Assembly, ‘Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms (1996) (A/51/506/Add.1).

<sup>71</sup> Lenhart, V. and K. Savolainen, ‘Human Rights Education as a Field of Practice and of Theoretical Reflection’ (2002) 48 *International Review of Education* 145-158 at 145.

<sup>72</sup> Lawyers’ Rights Watch Canada, *The Right to Know Our Rights: International Law Obligations to Ensure International Human Rights Education and Training* (2012) at 12.

<sup>73</sup> UNESCO & OHCHR, ‘Plan of Action: World Programme for Human Rights Education: First Phase’ (2006) at 3-4.

<sup>74</sup> UN General Assembly, ‘Human Rights Council’ (2006) (Resolution A/RES/60/251) at para 5(a); see also UN Human Rights Council, ‘United Nations Declaration on Human Rights Education and Training’ (2007) (Resolution 6/10), preamble.

<sup>75</sup> UN Human Rights Council, ‘Working Paper on the Draft Declaration’ (n 18) at 6, para 13.

<sup>76</sup> Comment by Dr. Peter Kirchsclaeger during Teachers Without Borders Webinar on *UN Declaration on Human Rights Education and Training* (8 February 2012); see also UN Human Rights Council, ‘Joint Written Statement Submitted by CIVICUS – World Alliance for Citizen Participation *et al*’ (2011) (A/HRC/16/NGO/116) at 5, para 5; & SGI Quarterly, ‘Human Rights Education Today’ (2011) (available at: <http://www.sgiquarterly.org/feature2011Oct-1.html> [last accessed 3 April 2013]).

adoption is therefore indicative of the increasing prominence of HRE on the international stage<sup>77</sup>

UNDHRET acknowledges that HRE is ‘a lifelong process that concerns all ages’,<sup>78</sup> that it applies ‘at all levels, including preschool, primary, secondary and higher education’,<sup>79</sup> 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’.<sup>80</sup> The instrument further instructs that HRE ‘should use languages and methods suited to target groups, taking into account their specific needs and conditions’.<sup>81</sup>

HRE within soft law initiatives at the international level has thus steadily proliferated with the adoption of an ever-increasing number of comprehensive and detailed programmes spanning significant periods of time. In Europe, too, the extent of the relevant body of soft law is notable.

#### **2.2.4 Regional Soft Law HRE Initiatives**

Whilst the soft law instruments of the regional framework are subject to less rigorous monitoring than their legally binding counterparts,<sup>82</sup> it is likely that they actually play a more significant role in this area, simply by virtue of HRE being largely overlooked within the weightier European instruments. The onus is therefore on these instruments to plug the regional HRE gap.

A year after the aforementioned 1984 publication on ‘Teaching and Learning about Human Rights’, the CoE adopted the comprehensive Recommendation on Teaching and Learning about Human Rights in Schools,<sup>83</sup> described latterly as ‘the key

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<sup>77</sup> Comment by Dr. Peter Kirchsclaeger (n 76).

<sup>78</sup> UNDHRET, Article 3(1).

<sup>79</sup> Ibid, Article 3(2).

<sup>80</sup> Ibid.

<sup>81</sup> Ibid, Article 3(3).

<sup>82</sup> Council of Europe, ‘Charter on Education for Democratic Citizenship and Human Rights Education’ (2010) (Recommendation CM/Rec(2010)7) at 20, para 17.

<sup>83</sup> Council of Europe, ‘Recommendation on Teaching and Learning About Human Rights in Schools’ (1985) (Recommendation (R(85)7)).

European document on HRE'.<sup>84</sup> The Recommendation articulates within its preamble that 'throughout their school career, all young people should learn about human rights as part of their preparation for life in a pluralistic democracy', and that 'schools are communities which can, and should, be an example of the respect for the dignity of the individual and for difference, for tolerance, and for equality of opportunity'.<sup>85</sup> A number of concrete suggestions for HRE implementation are then provided.

The necessity to teach HRE at all levels is articulated in the Recommendation, where it is stated that 'concepts associated with human rights can, and should, be acquired at an early stage...within the life of a pre-school or primary class'.<sup>86</sup> It does stress, however, that deeper and more abstract notions of human rights, 'involving an understanding of philosophical, political and legal concepts' are appropriate only for later stages of education,<sup>87</sup> and that 'the study of human rights in schools will be approached in different ways according to the age and circumstances of the pupil'.<sup>88</sup> The Recommendation is one of only a small number of instruments, at either regional or international level, that explicitly acknowledges not simply that there is a need for age appropriate methodologies and pedagogies, but also that particular aspects of HRE may be suitable *only* for certain ages of learner.

A period of 25 years then passed before HRE was firmly on the agenda of the CoE again with its adoption, in 2010, of the Recommendation and accompanying Charter on Education for Democratic Citizenship (EDC) and HRE (the Charter).<sup>89</sup> Intervening documents, such as the 2002 Recommendation on EDC, had addressed EDC but had not focused upon HRE as a distinct concept.<sup>90</sup> This document did consider EDC to contribute to 'defending the values and principles of freedom, pluralism, human rights and the rule of law', but suggested only that HRE *might* form a constituent element of such education.<sup>91</sup> And a subsequent 2008 Resolution on

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<sup>84</sup> Cunningham, J., 'The Human Rights Secondary School' in Starkey (ed), *The Challenge of HRE* (n 31) 90-104 at 90.

<sup>85</sup> Council of Europe, 'Recommendation (R(85)7)' (n 83) at 1.

<sup>86</sup> Ibid at 2, para 1.2.

<sup>87</sup> Ibid at 2, para 1.3.

<sup>88</sup> Ibid at 3, para 3.1.

<sup>89</sup> Council of Europe, 'Recommendation CM/Rec(2010)7' (n 33) at 1.

<sup>90</sup> Council of Europe, 'Recommendation on Education for Democratic Citizenship' (2002) (Rec (2002)12).

<sup>91</sup> Ibid at para 2.

Youth Policy emphasised the importance of human rights as a feature of youth policy, but did not expressly outline any requirement to provide HRE.<sup>92</sup>

The Charter in 2010 was therefore important recognition of the increasing prominence of HRE at the regional level. Indeed, it is expressly highlighted within its explanatory notes that ‘the title and form of a charter was chosen to indicate a desire for a more ‘weighty’ document than those previously adopted in this field by the CoE, implying a stronger commitment’.<sup>93</sup>

The explanatory notes also identify that previous instruments in the field had addressed EDC and HRE as distinct concepts but that neither term had been defined appropriately. Definitions, if provided at all, represented ‘lengthy statements of what the term included rather than what it meant, in other words, not a true definition but a description’.<sup>94</sup> Within the Charter, therefore, EDC and HRE are defined separately, with express recognition that whilst the two are ‘closely inter-related and mutually supportive’, they nevertheless ‘differ in focus and scope’.<sup>95</sup> The core of the distinction relates to their differing remits, with EDC deemed to concern ‘the civic, political, social, economic, legal and cultural spheres of society’ and HRE addressing ‘the broader spectrum of human rights and fundamental freedoms in every aspect of people’s lives’.<sup>96</sup> HRE is defined as:

*[E]ducation, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms.*<sup>97</sup>

In contrast to the earlier regional initiatives, however, the 2010 Charter simply required the inclusion of HRE ‘in the curricula for formal education at pre-primary, primary and secondary school level’ without further stipulation regarding age

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<sup>92</sup> Council of Europe, ‘Resolution on the Youth Policy of the Council of Europe’ (2008) (Resolution CM/Res(2008)23) at para 1.

<sup>93</sup> Council of Europe, ‘Recommendation CM/Rec(2010)7’ (n 33) at 24, para 32.

<sup>94</sup> Ibid at 26, para 34.

<sup>95</sup> Ibid at 8, para 3.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid at 7, para 2(b).

appropriate pedagogies or teaching content.<sup>98</sup> This is the stage we have reached within the European sphere.

This overview of the hard and soft law instruments and initiatives governing HRE at the international and regional levels testifies to its increasing prominence. They demonstrate an obvious commitment to its provision generally and more specifically within formal primary education. However, they also betray a complex framework, lacking in sufficient definition and precision to be a clear template against which states can be judged on their HRE practice. In the absence of specific obligations and implementation requirements, it becomes a rather difficult task to assess whether national education systems are fulfilling their objectives.

It is therefore far from straightforward to determine whether the UK is complying with the array of different requirements for effective education included within the interlocking international framework. Since the adoption of UNDHRET, however, there is now a clear and plausible standard for effective HRE by which to judge practice in England; this standard providing a succinct representation and restatement of the HRE commitments in the documents discussed above. But this still begs the question: has the UK accepted the right to HRE? Has it recognised explicitly that it is committed to fulfil the internationally and regionally articulated requirements?

### **2.2.5 Recognition of the Right to HRE in the UK**

Whilst the international instruments contain ‘a number of positive obligations to guarantee the effectiveness of the right to HRE’,<sup>99</sup> domestic recognition across states is notoriously weak. Support for HRE has come predominantly from NGOs, suggesting a failure on the part of states to accept their role in the recognition and realisation of HRE as a ‘true right’.<sup>100</sup> Does the same hold true for the UK?

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<sup>98</sup> Ibid at 10, para 6.

<sup>99</sup> UN Human Rights Council, ‘Working Paper on the Draft Declaration’ (n 18) at 9, para 20.

<sup>100</sup> Ibid at 10, para 24; & Lister, I., ‘The Challenge of Human Rights for Education’ in Starkey (ed), *The Challenge of HRE* (n 31) 245-254 at 246.

The UK has explicitly outlined its commitment to using its influence to seek realisation ‘for all the people in the world’ of the social and economic rights contained within the UDHR.<sup>101</sup> However, perhaps because the ECHR does not protect these rights, or maybe because they all too often ‘look like additions or even afterthoughts’,<sup>102</sup> these second generation rights continue to hold less weight than their first generation counterparts.<sup>103</sup> In their Concluding Observations on the UK in 1997, for example, the UN Committee on Economic, Social and Cultural Rights criticised the UK’s interpretation of this category of rights as ‘programmatic objectives rather than legal obligations’.<sup>104</sup>

HRE, as a second generation right, has arguably been largely overlooked. During consultation for UNDHRET, for example, the UK actually denied the existence of a right to HRE at international level.<sup>105</sup> This stance overlooks the fact that HRE ‘is not simply an option a State can choose if it wishes, but a legal obligation’, and is also fundamentally at odds with the widely accepted interpretation of the right as freestanding.<sup>106</sup> Upendra Baxi contends, for example, that Article 26 of the UDHR ‘must include HRE as a human right in itself’;<sup>107</sup> an interpretation consistent with existing UN initiatives that seek to promote ‘HRE both as an end in itself and as a means to goals such as international security, peace building, and national development’.<sup>108</sup> Both the 1993 Montreal Congress and Vienna Declaration consider

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<sup>101</sup> Foreign and Commonwealth Office and Department for International Development, *Human Rights: Annual Report for 1999* (1999) at 15.

<sup>102</sup> Richardson, R., ‘Human Rights and Racial Justice: connections and contrasts’ in Osler (ed), *Citizenship and Democracy in Schools* (n 6) 79-89 at 84.

<sup>103</sup> The term ‘second generation’ is used to distinguish social, economic and cultural rights from ‘first generation’ civil and political rights and ‘third generation’ collective-developmental rights.

<sup>104</sup> UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations: United Kingdom of Great Britain and Northern Ireland’ (1997) (E/C.12/1/Add.19) at para 10.

<sup>105</sup> See OHCHR, ‘Human Rights Council Adopts UN Declaration on Human Rights Education and Training Appoints Mandate Holders and Members of Subsidiary Bodies’ (2011) (available at: <http://www.ohchr.org/EN/NewsEvents/Pages/Displaynews.aspx?NewsID=10885&LangID=E> [last accessed 9 June 2015]).

<sup>106</sup> UN Human Rights Council, ‘Working Paper on the Draft Declaration’ (n 18) at 9, para 20; see also International Service for Human Rights, ‘Draft Declaration on Human Rights Education Fails to Fully Acknowledge Defenders’ Role’ (2011) (available at: <http://www.ishr.ch/council/376-council/1026-draft-declaration-on-human-rights-education-fails-to-fully-acknowledge-defenders-role> [last accessed 4 January 2013]).

<sup>107</sup> Baxi, U., *Human Rights Education: The Promise of the Third Millennium?* (available at: [http://www.pdhre.org/dialogue/third\\_millennium.html](http://www.pdhre.org/dialogue/third_millennium.html) [last accessed 9 June 2015]).

<sup>108</sup> Howe & Covell *Empowering Children* (n 20) 29.

HRE to be ‘itself a human right’,<sup>109</sup> and in guidelines for national action plans during the UN Decade, HRE is described as a ‘fundamental human right’.<sup>110</sup>

Despite its denial of HRE as a freestanding right, the UK nevertheless accepted the soft-law requirements within UNDHRET.<sup>111</sup> It supported the passage of the instrument through the machinery of the UN,<sup>112</sup> and subsequently endorsed it at state level when it came into force.<sup>113</sup> In 2011, the Rt Hon Lord McNally, then Minister of State at the Ministry of Justice, stated that he was ‘delighted that the UK is supporting the UNDHRET’,<sup>114</sup> and emphasised the coalition Government’s ‘commitment to promote a better understanding of the true scope of...[human rights] so that the UK offers an inspiring example of a society that upholds human rights and democracy’.<sup>115</sup> The UK has furthermore signed and ratified all of the UN instruments discussed above that contain HRE provisions,<sup>116</sup> and explicitly supported a number of key soft law initiatives at both the international and regional levels, including the World Programme,<sup>117</sup> Vienna Declaration<sup>118</sup> and CoE Charter on EDC and HRE.<sup>119</sup>

Irrespective of its refusal to recognise the right to HRE as a freestanding human right, therefore, the UK has signed up to many of the key instruments and initiatives governing HRE. By doing so, it has intimated its commitment to complying with

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<sup>109</sup> UNESCO, ‘The Montreal Declaration’ (n 62) at 9, para 2; & Undated UNESCO document, quoted in Keet, *HRE: A Conceptual Analysis* (n 2) 70.

<sup>110</sup> UN General Assembly, ‘United Nations Decade for HRE’ (n 4) at 7, para 16.

<sup>111</sup> Reserving its position only on Art 1(1) (concerning recognition of a freestanding right to HRE) and Art 7(1) (concerning state responsibility for promoting and ensuring HRE): UN General Assembly, ‘Human Rights Council: Open-ended Working Group on the draft United Nations declaration on human rights education and training’ (28 Jan 2011) (A/HRC/WG.9/1/3) at 5, para 18.

<sup>112</sup> UN General Assembly, ‘Open-ended Working Group’ (n 111).

<sup>113</sup> Ministry of Justice, ‘UN Declaration on Human Rights Education and Training’ (Press Release, 24 March 2011) (available at: <https://www.gov.uk/government/news/un-declaration-on-human-rights-education-and-training> [last accessed 11 June 2015]).

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> The UDHR (adopted 1948); the ICESCR (signed 1968; ratified 1976); the UNCRC (signed 1990; ratified 1991); the Convention on the Elimination of All Forms of Discrimination against Women (1979) (signed 1981; ratified 1986); & the International Convention on the Elimination of All Forms of Racial Discrimination (1965) (signed 1966; ratified 1969).

<sup>117</sup> UN Human Rights Council, ‘Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development’ (2009) (A/HRC/12/36) at 7, para 24.

<sup>118</sup> World Conference on Human Rights, ‘Report of the World Conference on Human Rights: Report of the Secretary-General’ (13 October 1993) (A/CONF.157/24).

<sup>119</sup> Council of Europe, ‘Implementation of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education’ (DGII/EDU/CDPPE (2012) 17 rev.

their requirements, and has accepted the responsibility to provide effective and age-appropriate HRE at each level of formal education. As the instruments and initiatives do not distinguish between primary and secondary schooling concerning the requirement to provide holistic HRE, such education should not be limited only to the latter. For states to do so – on the basis that secondary learners are better equipped to cope with the demands of HRE – is to defy the explicit requirements of the international framework.

With this general conclusion in mind, it remains necessary to consider whether the international initiatives and instruments that the UK has accepted also provide guidance as to how HRE should be delivered across the formal education system. It is worth noting that in the remaining chapters of this thesis, I focus exclusively upon policy and practice in the English primary education system. The international obligations discussed in this chapter affect all of the home countries of the UK, however, and in this regard, my interpretation and analysis in this chapter is useful beyond the English context. In the following section, I draw upon the international instruments and initiatives, and the relevant academic commentary, to show that it is not only the principle of HRE provision at primary level that is accepted, but also the substance to be educated: through the provision of education *about, through and for* human rights. Establishing this will then provide a plausible framework for my exploration in subsequent chapters of whether the English education system is compliant with these commitments.

### **2.3 FROM PRINCIPLE TO PRACTICE: THE REQUIREMENTS OF THE HRE FRAMEWORK FOR PRIMARY EDUCATION**

UNESCO reiterated at an early stage in the development of HRE that ‘it is not enough to dispense teaching...in the spirit of a respect for human rights; human rights should also be taught as a subject integrated in the appropriate disciplines’.<sup>120</sup> Its outline for a six-year plan for HRE in 1978 expressly required inclusion of the following topics within educational curricula: the history and philosophy of human rights, deficiencies in the existing mechanisms of human rights protection and

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<sup>120</sup> UNESCO, ‘Final Document’ (n 58) at I, principle 9.



human rights law itself.<sup>121</sup> Whilst the instrument advised that such teaching should be adapted to the particular educational level of the learners, the requirement is nevertheless that an awareness of the legal authority behind the exercise of human rights is a fundamental component of HRE.<sup>122</sup>

It was recognised early in the UN's drive to improve HRE in schools, however, that education in this area had to 'appeal to the creative imagination of children',<sup>123</sup> for to teach verbatim the rights prescribed by various international instruments is not representative of the spirit and intent of HRE. HRE ought therefore to be grounded in those underlying human rights values that enable learners to make connections with their own lives. When educating about the Holocaust, for example, it is important for a teacher to not only teach the facts concerning rights violations, but also to 'encourage students to see universal principles of dignity and equality at stake in these events'.<sup>124</sup>

These components for effective HRE have developed over time and, in order to reflect their diverse requirements, a number of instruments and initiatives have adopted a tripartite formulation mandating education *about, through* and *for* human rights. The foundation of this formulation is UNESCO's 1978 International Congress on the Teaching of Human Rights – in which HRE was deemed to comprise *providing knowledge, fostering attitudes* and *developing awareness* about human rights – and it has been utilised within a number of documents since. A 1997 UN Report, for example, instructs that the three dimensions of HRE are *knowledge* ('provision of information about human rights and mechanisms for their protection'), *values, beliefs and attitudes* ('promotion of a human rights culture through the development of values, beliefs and attitudes which uphold human rights'), and *action* ('encouragement to take action to defend human rights and prevent human rights abuses').<sup>125</sup> And the World Programme similarly formulates HRE in formal

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<sup>121</sup> Ibid at Annex A, paras 3-4.

<sup>122</sup> Osler, A. & H. Starkey, *Teacher Education and Human Rights* (David Fulton, London 1996), 28.

<sup>123</sup> UNESCO, 'Recommendation Concerning Education for International Understanding' (n 53) at para 12.

<sup>124</sup> Human Rights Resource Centre, 'The Human Rights Resource Centre: Effective Practices for Learning, Action, and Change' (2000), Part I, Section B 'What is Human Rights Education?'

<sup>125</sup> OHCHR, 'Guidelines for National Plans of Action for Human Rights Education' in Report of the Secretary General of the UN (1997) (A/52/469/Add.1 and A/52/Add.1/Corr.1) at section I, part B, 13.

education as mandating ‘knowledge and skills; values, attitudes and behaviour; and action’.<sup>126</sup>

The formulation has been refined and restated most recently within UNDHRET, which states:

*Human rights education and training encompasses education:*

- (a) ***About*** human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- (b) ***Through*** human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- (c) ***For*** human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.<sup>127</sup>

As will be shown throughout this thesis, these elements are complementary and mutually reinforcing. Thus, learning *about* human rights only is inadequate, for the acquisition of human rights knowledge in isolation cannot build a culture of human rights.<sup>128</sup> To be effective, such education ought to be accompanied by the inculcating of those values and skills necessary for translating that knowledge into practice. Equally, and logically, however, the building of a culture of human rights by education *through* and *for* human rights cannot occur in the absence of fundamental human rights knowledge.<sup>129</sup> The formulation of education *about*, *through* and *for* human rights thus aims to encapsulate the holistic approach necessary for effective HRE.

A number of the regional initiatives use comparable terminology. The stated objectives of HRE within the 1984 CoE publication on ‘Teaching and Learning About Human Rights’, for example, utilise the language of *knowledge* (of *inter alia* ‘the main ‘categories’ and ‘concepts’ of human rights’), *attitudes* (stressing the importance

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<sup>126</sup> UN General Assembly, ‘Draft Plan of Action for the First Phase (2005-2007) of the Proposed World Programme for Human Rights Education’ (2004) (A/59/525) at para 4.

<sup>127</sup> UNDHRET, Article 2(2) [emphasis added].

<sup>128</sup> OHCHR, *ABC: Teaching Human Rights: Practical Activities for Primary and Secondary Schools* (2003) at 20.

<sup>129</sup> Jennings, T., ‘Human Rights Education Standards for Teachers and Teacher Education’ (2006) 17 *Teaching Education* 287-298 at 291.

of values ‘such as freedom, toleration, fairness and respect’) and *skills* (‘the action skills needed to participate in Human Rights issues’);<sup>130</sup> and subsequently teaching *about, for* and *in* human rights, with the latter equating to education *through* human rights by envisaging ‘an atmosphere which reflects a concern for the ideals and practice of Human Rights’.<sup>131</sup>

The successive 1985 Recommendation adopts a similar categorisation based upon *knowledge* (including of the main ‘categories of human rights’ and ‘international declarations and conventions’), *school climate* (denoting learning environments ‘where there is fairness and justice’) and *skills* (‘understanding the use of mechanisms for the protection of human rights’).<sup>132</sup> And the 2012 Charter on EDC considers HRE to be about *knowledge, skills and understanding, developing attitudes* and *empowering learners to contribute to the building and defence of a universal culture of human rights*.<sup>133</sup>

The tripartite formulation of HRE at both the international and regional levels has thus been evolving since 1978. Its recent replication within UNDHRET is the most definitive statement yet of the responsibility to educate *about, through* and *for* human rights, thus providing a useful and comprehensive mechanism for determining the nature of the principal soft-law requirements incumbent upon states in a structured manner. But what do these components mean? And are they clear enough to both guide and judge a state’s (in my case the UK’s) compliance? In the next section I explore these questions in relation to each of the three components. Determining their scope and nature is vital for subsequent examination in this thesis of policy and practice in English primary schools, and I therefore seek to offer a reasonable interpretation of the content of each element, drawing upon the international instruments and academic literature. Whilst recognising that there is always likely to be a wide margin of appreciation allowed for domestic interpretation, there is arguably sufficient specificity to enable judgement of any national provision.

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<sup>130</sup> Lister, *Teaching and Learning About Human Rights* (n 29) at 4.

<sup>131</sup> *Ibid* at 14.

<sup>132</sup> Council of Europe, ‘Recommendation (R(85)7)’ (n 83) at 2-3, paras 2-4.

<sup>133</sup> Council of Europe, ‘Recommendation CM/Rec(2010)7’ (n 33) at 7, para 2.

### 2.3.1 Education *About* Human Rights

Adopting a purely literal interpretation, it would seem reasonable to assume that imparting basic information about ‘the main categories of human rights, duties, obligations and responsibilities’,<sup>134</sup> ‘the main international declarations and conventions’,<sup>135</sup> the values ‘conducive to human rights’,<sup>136</sup> and ‘the institutions established for their implementation’<sup>137</sup> would suffice for compliance with the agreement to educate *about* human rights, but it is ‘a much wider concept than the study of legal and constitutional texts and mechanisms’.<sup>138</sup>

Rote learning of specific rights, instruments and protection mechanisms in isolation is therefore unlikely to be sufficient. Education that enables learners to better understand where human rights come from, why they are important and how they may affect their lives is more likely to be what is envisaged by this element of the tripartite framework; a suggestion supported by the international HRE provisions. Whilst the requirement that learners are taught basic information about the human rights framework does underpin nearly all of the relevant provisions, most extend beyond an obligation to provide only factual knowledge and instead prescribe deeper and contextually relevant understandings of human rights.

The Vienna Declaration, for example, mandates HRE that addresses concepts such as ‘peace, democracy, development and social justice’;<sup>139</sup> and UNESCO’s 1995 Declaration and Framework of Action stresses the importance of education concerning ‘the ethical, religious and philosophical bases of human rights, their historical sources, the way they have developed and how they have been translated into national and international standards’.<sup>140</sup> The World Programme category of ‘knowledge and skills’ includes contextually relevant analysis of human rights that takes into account the historical and social circumstances of the country at issue,<sup>141</sup>

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<sup>134</sup> Council of Europe, ‘Recommendation (R(85)7)’ (n 83) at 3.1, (i).

<sup>135</sup> Ibid at 3.1, (iv); see also Tibbitts, F., ‘Understanding What We Do: Emerging Models for Human Rights Education’ (2002) 48 *International Review of Education* 159-171 at 163.

<sup>136</sup> UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22) at 6-7, para 19.

<sup>137</sup> UNESCO, ‘Final Document’ (n 58) at para 3(ii).

<sup>138</sup> Stobart (n 31).

<sup>139</sup> UN General Assembly, ‘Vienna Declaration’ (n 12) at Part II, para 80; see also UNDHRET, preamble.

<sup>140</sup> UNESCO, ‘Integrated Framework’ (n 65) at 10, para 17.

<sup>141</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 14, para 8(e); see also Jennings (n 129) at 293.

and consideration of ‘chronic and emerging human rights problems’ with a view to better understanding their solutions.<sup>142</sup>

A number of the regional HRE initiatives similarly emphasise the need for contextually relevant education *about* human rights. For example, the concept of *knowledge* of human rights is stated in the 1984 CoE publication as requiring learners to:

*know what Human Rights are, according to the major contemporary statements...know the main categories of Human Rights...know the main concepts associated with Human Rights...know how to recognise an issue as a Human Rights issue, and how they might act on Human Rights questions.*<sup>143</sup>

The subsequent 1985 Recommendation reiterates a requirement for HRE to address both the ‘people, movements and key events’ associated with human rights, and ‘the historical and continuing struggle for human rights’.<sup>144</sup>

Whilst it is important for learners to be equipped with fundamental knowledge about human rights,<sup>145</sup> deeper understanding of the complexities associated with their realisation is also necessary, for to teach human rights in a vacuum is ‘a travesty of what HRE should be about’.<sup>146</sup> Without understanding the struggles, obstacles and misconceptions that have plagued the human rights movement, learners will be unlikely to be able to contextualise their knowledge in this area and to consider how that knowledge could be used to effect genuine change. And without recognition of the varied understandings and interpretations of human rights internationally,<sup>147</sup> they will be equally unlikely to fully grasp the importance of the universality and common humanity at the root of the human rights movement. It is perhaps for these reasons that David Shiman advocates that HRE should include both knowledge of rights violations and an understanding of how human rights can contribute to the peaceful

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<sup>142</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 14, para 8(c).

<sup>143</sup> Lister, *Teaching and Learning About Human Rights* (n 29) at 4, para (i).

<sup>144</sup> Council of Europe, ‘Recommendation (R(85)7)’ (n 83) at 3, para 3.1.

<sup>145</sup> Howe & Covell, *Empowering Children* (n 20) 30.

<sup>146</sup> Spencer, S., ‘The Implications of the Human Rights Act for Citizenship Education’ in Osler (ed), *Citizenship and Democracy in Schools* (n 6) 19-32 at 25.

<sup>147</sup> UNESCO, ‘Malta Recommendation’ (n 60) at 51.

resolution of conflicts,<sup>148</sup> and that Claudia Lohrenscheit considers comprehension of the inherent struggles and controversies underpinning human rights to be an integral component of HRE.<sup>149</sup>

The provision of effective education *about* human rights therefore arguably requires that learners are not only able to identify specific rights, documents and legal processes, but also that they can translate this basic knowledge into practical competency in recognising human rights issues. Ensuring that HRE knowledge is ‘applied to the common everyday experiences within a culture and understood within that context’ equips learners with a better understanding of what human rights situations look like,<sup>150</sup> and is likely to prevent the topic seeming abstract and irrelevant. And encouraging learners to view HRE not as ‘the discrete, theoretical concepts of some abstraction known as ‘human rights’ but as the integral aspects of their lives’ is, in turn, likely to be important for safeguarding purposes.<sup>151</sup> Safeguarding refers generally to measures taken with the aim of protecting children from harm or abuse,<sup>152</sup> and includes enabling learners to identify when their rights are not being met.

These suggestions are further supported by academic commentators in the field. Rahima Wade draws upon her empirical research with primary school-aged learners in the USA to emphasise the role that HRE must play in building bridges ‘between

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<sup>148</sup> Shiman, D. ‘An Introduction to Human Rights Education’ in Flowers, N. (ed), *Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights*, Part 2 (available at: <http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-2/HRE-intro.htm> [last accessed 23 March 2013]); see also Ramey, S., ‘Fighting for a Society That Respects Each Person’s Dignity’ (2012) 24(1) *Peace Review: A Journal of Social Justice* 54-60 at 56.

<sup>149</sup> Lohrenscheit, C., ‘International Approaches in Human Rights Education’ (2002) 48 *International Review of Education* 173-185 at 176; see also UNESCO, ‘Malta Recommendation’ (n 60) at para 2.5; Fritzsche (n 4) at 165-166; & Amnesty International, *Our World, Our Rights: Learning About Human Rights in Primary and Middle Schools* (2010) at 7.

<sup>150</sup> Brabeck, M.M. & L. Rogers, ‘Human Rights as a Moral Issue: lessons for moral educators from human rights work’ (2000) 29(2) *Journal of Moral Education* 167-182 at 170.

<sup>151</sup> Stone, A., ‘Human Rights Education and Public Policy in the United States: Mapping the Road Ahead’ (2002) 24 *Human Rights Quarterly* 537-557 at 540; see also Baxi (n 107); UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 14, para 8(i); & UNESCO, ‘Strategy on Human Rights’ (n 4) at 8, para 26.

<sup>152</sup> According to the most recent Government guidance in this area, it involves: ‘protecting children from maltreatment; preventing impairment of children’s health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes’. See HM Government, *Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children* (March 2015) at 5.

the abstract notion of rights and...children's life experiences',<sup>153</sup> and R. Brian Howe and Katherine Covell stress its importance for providing learners with 'the knowledge and critical awareness necessary to understand and question...the denial of their rights'.<sup>154</sup> Abraham Magendzo, in discussing the findings of his empirical study into incorporating HRE into formal school curricula, further observes that it is only when learners become 'aware of the conflicts generated as a result of the contradictions between a discourse of respect for human rights and the school, family and social realities where they are violated' that they will acquire true human rights 'knowledge'.<sup>155</sup>

The overlap with education *through* and *for* human rights is therefore significant, for if learners are unable to recognise an issue as one involving a denial of rights, then what use is the fostering of rights respecting learning environments and empowerment? These processes cannot contribute to the building of a broader human rights culture if learners are ill-equipped with the knowledge necessary to recognise a human rights issue in the first place.

Human rights are therefore 'more than content, as they are suffused with values, conflicts and ideals'.<sup>156</sup> The provision of education *about* human rights thus further requires that learners are equipped with an understanding of the values that lie at their root. Indeed, this is an express requirement of the tripartite framework as formulated in UNDHRET. What UNDHRET does not do, however, is explain the nature of these underlying values, and this is in fact a rather difficult task. The international framework provides little by way of guidance: the instruments themselves do not explicate what constitutes a human rights value, and scant further guidance can be gleaned from accompanying explanatory documents.

Only a suggested reasonable interpretation based upon the content of the instruments and accompanying guidance can be offered. It was through such

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<sup>153</sup> Wade, R.C., 'Conceptual Change in Elementary Social Studies: A Case Study of Fourth Graders' Understanding of Human Rights' (1994) 22(1) *Theory and Research in Social Education* 74-95 at 85; see also Henry, C.P., 'Educating for Human Rights' (1991) 13 *Human Rights Quarterly* 420-423 at 421.

<sup>154</sup> Howe & Covell, *Empowering Children* (n 20) 33; see also Hart, R.A., *Children's Participation: From Tokenism to Citizenship* (UNICEF Innocenti Essays No.4, 1992) at 6.

<sup>155</sup> Magendzo, A., 'Tensions and Dilemmas About Education in Human Rights in Democracy' (1994) 23(3) *Journal of Moral Education* 251-259 at 253.

<sup>156</sup> Lister, *Teaching and Learning About Human Rights* (n 29) at 6.

interpretation that the values referred to in the quantitative survey for this research were arrived at: equality, justice, non-discrimination, dignity, freedom, fairness, tolerance, respect for others and solidarity. Perhaps with the exception of solidarity,<sup>157</sup> these values are commonly found within key human rights instruments.<sup>158</sup> Article 29(1) of the UNCRC promotes the values of respect, tolerance and equality; Article 13(1) of the ICESCR mandates education addressing dignity, respect, freedom and tolerance; and Article 4 of UNDHRET emphasises the importance of respect, freedom, tolerance, non-discrimination and equality.<sup>159</sup> Audrey Osler also identifies non-discrimination, mutual respect and tolerance as the principles ‘of the UN, as specified in the UN Charter and UDHR’,<sup>160</sup> and François Audigier suggests that human rights values are centred on freedom, equality and solidarity.<sup>161</sup> Teresa Ravazzolo, too, deems dignity, equality, justice and solidarity to be human rights principles.<sup>162</sup>

These values have also been identified within explanatory documents accompanying the international instruments. In General Comment No. 1, for example, the Committee on the Rights of the Child elaborates upon the requirements of Article 29(1) of the UNCRC by emphasising that education in this area should promote a culture infused with appropriate human rights values.<sup>163</sup> Whilst the document does not specifically clarify the nature of these values, it does state that the Article protects ‘the core value of the Convention: the human dignity innate in every child’,<sup>164</sup> and

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<sup>157</sup> Solidarity is, however, included within the preamble to the UNCRC, which states that children should be fully prepared to live ‘in the spirit of peace, dignity, tolerance, freedom, equality and solidarity’, and is one of the central components (along with dignity, freedoms, equality, citizens’ rights and justice) of the Charter of Fundamental Rights of the European Union (2012/C 326/02 at Title IV, Articles 27-38). It is also a concept that is frequently referenced in the academic scholarship as an important human rights value: see e.g. Brabeck & Rogers (n 150) at 173; Fritzsche (n 4) at 164; UNESCO, ‘Integrated Framework’ (n 65) at 5, para 3.2; & Osler, A., ‘Human Rights Education, Postcolonial Scholarship, and Action for Social Justice’ (2015) 43(2) *Theory & Research in Social Education* 244-274 at 250.

<sup>158</sup> See Appendix 1 for the prevalence of the listed survey values within the UDHR, the core human rights instruments and UNDHRET.

<sup>159</sup> The World Programme also emphasised the importance of tolerance and equality: see UN General Assembly, ‘Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education’ (2005) (A/59/525/Rev.1) at para 3.

<sup>160</sup> Osler, A., ‘Children’s Rights, Responsibilities and Understandings of School Discipline’ (2000) 15(1) *Research Papers in Education* 49-67 at 56.

<sup>161</sup> Audigier, F., *Basic Concepts and Core Competencies for Education for Democratic Citizenship* (Council of Europe, Strasbourg 2000) (DGIV/EDU/CIT (2000) 23) at 22.

<sup>162</sup> Ravazzolo, T., ‘Human Rights and Citizenship’ in Osler, A., H. Rathenow & H. Starkey, *Teaching for Citizenship in Europe* (Trentham Books, Stoke-on-Trent 1995) 15-22 at 18.

<sup>163</sup> UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22) at 2, para 2.

<sup>164</sup> *Ibid* at 2, para 1.



further refers to the importance of promoting respect for differences, non-discrimination and tolerance.<sup>165</sup>

Other explanatory documents similarly restate and emphasise the importance of the values included within the main instruments and initiatives, without further discussion of their meanings. In General Comment No. 13: Implementation of the ICESCR, for example, the UN Committee on Economic, Social and Cultural Rights highlights the importance of dignity and freedom when discussing the aims of education,<sup>166</sup> but provides no further clarification on the nature of the values underpinning human rights. And whilst the draft documents preceding UNDHRET's adoption in 2011 discussed various aspects of the scope and application of HRE,<sup>167</sup> they did not elucidate the meaning of 'the values that underpin' human rights as expressed within the final wording of Article 2(2)(a) on education *about* human rights.

The international framework is thus vague on values. Some suggestion is offered within the instruments and accompanying guidance as to the meaning and nature of the values underlying human rights, but there is not enough information to reach a definitive conclusion. Only a reasonable interpretation can therefore be offered on the basis of the scant information that is provided and, as will be suggested throughout this thesis, the ambiguity surrounding human rights values may contribute to problems in educational practice.

The requirements for the provision of effective education *about* human rights are thus ostensibly both comprehensive and complex. And they are furthermore applicable at each level of formal education, including within primary schooling. It seems reasonable to suggest that a basic understanding of human rights, together with their governing legal documents, protection mechanisms and underlying values, provides the *foundation* upon which additional elements of HRE ought to be built.<sup>168</sup>

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<sup>165</sup> Ibid at 3, para 4 and 5, para 11.

<sup>166</sup> UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 13' (n 49) at 2, para 4.

<sup>167</sup> See e.g. UN Human Rights Council, 'Working Paper on the Draft Declaration' (n 18) at 9-11.

<sup>168</sup> Howe & Covell, *Empowering Children* (n 20) 30; see also UNESCO, 'Contemporary Issues in Human Rights' (2011) at 52; Hopkins, K., 'Amnesty International's Methods of Engaging Youth in Human Rights Education: Curriculum in the United States and Experiential Learning in Burkina Faso' (2011)

These further elements seek to locate HRE within a culturally and contextually relevant setting by enabling learners to see how human rights are relevant and applicable to their own lives.

### 2.3.2 Education *Through* Human Rights

Education *through* human rights is concerned with creating learning environments in which the rights of both learners and teachers are respected. If education *about* human rights equips learners with contextually and culturally relevant knowledge concerning what human rights are, why they are important and how they are relevant to their lives, then it would seem both illogical and disadvantageous for the primary classroom and school to be structured in a way that contradicts those rights, values and principles. A reasonable and plausible interpretation of education *through* human rights is therefore that it seeks to ensure that the rights and values being taught are in turn being promoted and protected effectively in the formal learning environment. It is important for these rights and values to be infused throughout the classroom and school,<sup>169</sup> with learners being encouraged to respect the rights of those around them and to support justice and equality.<sup>170</sup> This is often referred to as a ‘rights respecting’ learning environment and it has been given some substance by the international instruments.

UNDHRET frames education *through* human rights with a relatively narrow focus on the learning and teaching relationship. This is in contrast to the prior World Programme, which applies the concept broadly to include all facets of school life by emphasising a general requirement for ‘developing values and reinforcing attitudes and behaviour which uphold human rights’.<sup>171</sup> The World Programme further instructs that HRE should *inter alia* enable learners to express themselves and their opinions freely; foster equal opportunities; and contribute to a learning environment ‘characterized by mutual understanding, respect and responsibility’.<sup>172</sup>

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3 *Journal of Human Rights Practice* 71-92 at 76; & Human Rights Resource Centre (n 124) at part I, Section D.

<sup>169</sup> UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22) at 7.

<sup>170</sup> Howe & Covell, *Empowering Children* (n 20) 6.

<sup>171</sup> UN General Assembly, ‘Revised Draft Plan of Action’ (n 159) at para 4(b); see also Verhellen, E., ‘Facilitating Children’s Rights in Education: Expectations and Demands on Teachers and Parents’ (1999) 29(2) *Prospects* 223-231 at 229.

<sup>172</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 3-4 & 43-45.

The requirements of the European initiatives are comparable. The 1984 CoE publication on ‘Teaching and Learning About Human Rights’, for example, identifies that teaching *in* human rights should foster ‘an atmosphere which reflects a concern for the ideals and practice of Human Rights’,<sup>173</sup> and the successive 1985 Recommendation outlines the need for the classroom environment to foster freedom of expression, fairness and justice.<sup>174</sup> Hugh Starkey, a leading academic in the field, has summed up this instrument’s requirements as the need for human rights to be ‘accepted as the basis of relationships in the classroom and the school’.<sup>175</sup>

It is reasonable to suggest, therefore, that the provision of education *through* human rights requires the rights of everyone in the learning environment to be respected. How, then, might this agreement be likely to influence teaching practice in formal primary schooling? Two particularly important components of this element of the tripartite framework, beyond the fostering of the human rights values discussed above at section 2.3.1, are (i) truly effective pupil voice, and (ii) the provision of opportunities for genuine participation.<sup>176</sup> Whilst these concepts do not fulfil the requirements for education *through* human rights in their entirety, they are important aspects of ‘learning and teaching in a way that respects the rights of both educators and learners’, in accordance with UNDHRET,<sup>177</sup> and of education that develops values and reinforces attitudes and behaviour which uphold human rights,<sup>178</sup> as per the World Programme.<sup>179</sup>

These two concepts are frequently conflated, usually under the single heading of participation. There is arguably a subtle distinction between them, however. The term ‘participation’ is used to denote both learners simply being able to voice an opinion and to take part in the learning process, on the one hand, and to have a real

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<sup>173</sup> Lister, *Teaching and Learning About Human Rights* (n 29) at 14.

<sup>174</sup> Council of Europe, ‘Recommendation R(85)7’ (n 83) at 3, para 4.1.

<sup>175</sup> Starkey, H., ‘The Council of Europe Recommendation on the Teaching and Learning of Human Rights in Schools’ in Starkey (ed), *The Challenge of HRE* (n 31) 20-38 at 22.

<sup>176</sup> Howe & Covell, *Empowering Children* (n 20) 11.

<sup>177</sup> Article 2(2)(b).

<sup>178</sup> UN General Assembly, ‘Revised Draft Plan of Action’ (n 159) at para 4(b).

<sup>179</sup> I focus in my analysis in this section upon these concepts, as they are central to my empirical investigation into the practice of education *through* human rights in Chapter 6. As human rights values in the classroom are discussed in more detail during my investigation into the practice of education *about* human rights, they have been addressed in section 2.3.1 of this Chapter and will be explored further in Chapter 5.

and effective say in decision-making on the other. In order to differentiate between these two processes, pupil voice can be used to describe the former.

Whilst voice remains a concept of considerable importance, therefore, it is more passive, for it requires at a basic level that learners are provided with opportunities to speak freely and that they will be listened to.<sup>180</sup> Participation, meanwhile, mandates that they have a genuine say in the running of the learning environment, and that they are provided with opportunities to take initiatives, exercise responsibilities and make decisions which are respected.<sup>181</sup> Participation is thus more likely to encourage learners 'to believe, and have reason to believe, that their involvement will make a difference'.<sup>182</sup> The terms do overlap, for learners will of course frequently exercise pupil voice in an attempt to effect genuine change. Equally, however, they will often express an opinion simply to have this heard and acknowledged rather than necessarily acted upon, and this is where the subtle distinction between the concepts is important to recognise.

Both voice and participation are key components of the UNCRC. Article 12 – which guarantees children a voice in matters that affect them and decrees that their views must be given due consideration and be acted upon if appropriate to do so<sup>183</sup> – has been referred to as the 'lynchpin of the Convention'.<sup>184</sup> Whilst it must be read in light of the additional participation rights enshrined in Articles 13-17,<sup>185</sup> and the overarching principles of non-discrimination,<sup>186</sup> best interests,<sup>187</sup> the child's evolving

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<sup>180</sup> Sinclair, R., 'Participation in Practice: Making it Meaningful, Effective and Sustainable' (2004) 18 *Children and Society* 106-118 at 110.

<sup>181</sup> Audigier, *Basic Concepts* (n 161) at 26.

<sup>182</sup> Sinclair (n 180) at 111.

<sup>183</sup> Prunty, A., 'Implementing Children's Rights: Considering the Views of Children in the Individual Education Plan (IEP Process)' in Waldron & Ruane (eds), *HRE: Reflections on Theory and Practice* (n 7) 86-111 at 88; Freeman, M., 'The Sociology of Childhood and Children's Rights' (1998) 6(4) *The International Journal of Children's Rights* 433-444 at 434-435; Carter, C. & A. Osler, 'Human Rights, Identities and Conflict Management: A Study of School Culture through Classroom Relationships' (2000) 30(3) *Cambridge Journal of Education* 335-356 at 336; & Lundy, L., 'Voice is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child' (2007) 33(6) *British Educational Research Journal* 927-942.

<sup>184</sup> Prunty (n 183) at 88; & Freeman, M. 'Children's education; a test case for best interests and autonomy' in Davie, R. & D. Galloway (eds), *Listening to Children in Education* (David Fulton, London 1996) 29-48 at 36.

<sup>185</sup> Addressing: freedom of expression (Article 13); freedom of thought, conscience and religion (Article 14); freedom of association and peaceful assembly (Article 15); the right to privacy (Article 16); & the right of access to information (Article 17).

<sup>186</sup> UNCRC, Article 2.

<sup>187</sup> *Ibid*, Article 3.

capacities and right to guidance,<sup>188</sup> and the right to protection from abuse,<sup>189</sup> the Committee on the Rights of the Child nevertheless deems Article 12 to constitute ‘an integral part of the implementation of other articles’, thus considering it as deserving of greater priority than other UNCRC provisions.<sup>190</sup> It is noteworthy, too, that voice and participation are not included as central concepts within the other core international human rights treaties, suggesting that they are considered to be of particular relevance and value for children.<sup>191</sup>

Participation and pupil voice within formal education have both grown in prominence and significance since their inclusion as fundamental components of the UNCRC.<sup>192</sup> That document was instrumental in altering long-standing views of children as in need of adult protection because they lack the wisdom and rationality necessary to function in society.<sup>193</sup> It ushered in a new era where children were no longer ‘simply considered as passive objects solely in the hands of their parents and society’,<sup>194</sup> but were seen rather as ‘subjects of rights and participants in actions affecting them’.<sup>195</sup> The requirement for schools to foster participation and voice is therefore in keeping with such formulations of children that view them not as citizens in the making, or ‘not yet’, ‘in the sense that their value lies in their future as adults’,<sup>196</sup> but rather as ‘human beings’ deserving of recognition as such.

Some commentators argue that participation is ‘undertaken with the very specific purpose of enabling children to influence decision-making and bring about

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<sup>188</sup> Ibid, Article 5.

<sup>189</sup> Ibid, Article 19.

<sup>190</sup> Prunty (n 183) at 98.

<sup>191</sup> Some of these instruments do include rights to various aspects of democracy, including Article 21(3) of the UDHR and Article 25 of the ICCPR, but these articles do not focus upon or reinforce the importance of processes such as having one’s opinion truly listened to.

<sup>192</sup> Noyes, A., ‘Pupil Voice: purpose, power and the possibilities for democratic schooling’ (2005) 31(4) *British Educational Research Journal* 532-540 at 533; Shier, H., ‘Pathways to Participation: Openings, Opportunities and Obligations: A New Model for Enhancing Children’s Participation in Decision-making, in line with Article 12.1 of the United Nations Convention on the Rights of the Child’ (2001) 15 *Children & Society* 107-117 at 107; & Pais, M.S., *A Human Rights Conceptual Framework for UNICEF* (UNICEF Innocenti Essays No.9, 1999) at 5.

<sup>193</sup> Roche, J., ‘Children: Rights, Participation and Citizenship’ (1999) 6 *Childhood* 475-493 at 476-477; & Sinclair (n 180) at 107.

<sup>194</sup> David, P., ‘Implementing the Rights of the Child: Six Reasons Why the Human Rights of Children Remain a Constant Challenge’ (2002) 48(3/4) *International Review of Education* 259-263 at 259.

<sup>195</sup> Pais, *A Human Rights Conceptual Framework* (n 192) at 5; see also Verhellen (n 171) at 224.

<sup>196</sup> Flekkoy, M.G., & N.H. Kaufman, *The Participation Rights of the Child: Rights and Responsibilities in Family and Society* (Jessica Kingsley, London 1997), 17; see also Verhellen (n 171) at 223.

change.<sup>197</sup> This does not require that young learners be imbued with the same rights as adults, for as Michael Freeman argues, learners, particularly younger learners, remain in need of a certain degree of protection.<sup>198</sup> He stresses that, contrary to the views of some liberationists, children should not simply be abandoned to their rights.<sup>199</sup> They should, however, be provided with genuine opportunities for age-appropriate participation, and their capacity and willingness to engage in these processes prior to the age at which society has deemed formal participation appropriate ought to be recognised.<sup>200</sup> For example, Article 5 of the UNCRC mandates that the guidance provided to young learners to assist in the exercise of their rights must be in a manner consistent with their evolving capacities, in preparation for assuming ever-increasing responsibility in matters concerning them. Learners' rights of participation thus 'impose responsibilities on adults to provide adequate information for choices and consent and opportunities for sharing and gradually taking over decision-making'.<sup>201</sup>

The provision of effective education *through* human rights within formal schooling therefore arguably requires that democratic processes are integrated into the learning environment. According to Murray Print *et al*, this means providing learners with 'opportunities to influence their every day lives in school and the topics of learning to be addressed through formal education',<sup>202</sup> and Laura Lundy suggests that the following chronological and interrelated elements should be included:

- *Space: Children must be given the opportunity to express a view.*
- *Voice: Children must be facilitated to express their views.*
- *Audience: The view must be listened to.*
- *Influence: The view must be acted upon, as appropriate.*<sup>203</sup>

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<sup>197</sup> Sinclair (n 180) at 111; see also Print, M., S. Ørnstrøm & H. Skovgaard, 'Education for Democratic Processes in Schools and Classrooms' (2002) 37(2) *European Journal of Education* 193-210 at 205.

<sup>198</sup> Freeman (n 184) at 40.

<sup>199</sup> *Ibid* at 39-41.

<sup>200</sup> Roche (n 193) at 487; see also Flekkøy & Kaufman, *The Participation Rights of the Child* (n 196) 32; & Howe & Covell, *Empowering Children* (n 20) 124.

<sup>201</sup> Flekkøy & Kaufman, *The Participation Rights of the Child* (n 196) 38.

<sup>202</sup> Print *et al* (n 197) at 194.

<sup>203</sup> Lundy (n 183) at 933. Lundy identifies that (a) space and voice and (b) audience and influence are particularly likely to overlap. In this model, she includes voice as an element of participation, thus providing an example of the overlap between these concepts in the academic literature.

Osler further advises that in exercising their participation rights enshrined in the UNCRC:

*Children should expect information and support in contributing to decision-making; structures that enable them to put forward their views in all matters affecting them; and decision-making processes that are transparent, so they can see how their views influence these decision-making processes. In other words, at school as well as in other contexts in which young people are situated, they need to be recognized and treated as engaged and active citizens and holders of human rights.*<sup>204</sup>

Participation and voice will be interpreted differently across primary year groups, but at every stage their implementation ought to be both genuine and effective. Whilst this research suggests that teachers often struggle with these concepts in practice,<sup>205</sup> it is arguably important that primary learners start to feel that their contributions will be given serious consideration. Assumptions ought no longer to be made regarding their opinions, and instead, their ‘*own* views and voices have to be heard and taken into account’.<sup>206</sup> Tokenistic practices would therefore be insufficient, and may in fact be more detrimental than neglecting to foster voice and participation at all; for learners are likely to become cynical about the discrepancies between the rights being taught through education *about* human rights and the absence of respect for those rights in the learning environment.<sup>207</sup>

Since the UNCRC, there has been greater recognition that the fostering of the values and skills necessary for citizens to contribute effectively to democratic processes should begin at the early stages of formal schooling,<sup>208</sup> and this ought to be reflected in any reasonable interpretation of education *through* human rights. Roger Hart advises that ‘it is unrealistic to expect [children] suddenly to become responsible, participating adult citizens at the age of 16, 18, or 21 without prior exposure to the

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<sup>204</sup> Osler, A., *Students’ Perspectives on Schooling* (Open University Press, Maidenhead 2010), 38.

<sup>205</sup> Chapter 6 at sections 6.2.2 & 6.2.4.

<sup>206</sup> John, M., ‘Voicing: Research and Practice with the “Silenced” in John, M. (ed), *Children in Charge: The Child’s Right to a Fair Hearing* (Jessica Kingsley, London 1996) 3-24 at 3-4.

<sup>207</sup> See e.g. Osler, A., ‘Bringing Human Rights Back Home: Learning from “Superman” and Addressing Political Issues at School (2013) 104 *The Social Studies* 67-76 at 70.

<sup>208</sup> Print *et al* (n 197) at 193; Devine, D., ‘Children: Rights and status in education – a socio-historical analysis’ (1999) 18(1) *Irish Educational Studies* 14-28 at 26; & Shier (n 192) at 114. This is also reflected in the regional instruments, see e.g. Council of Europe, ‘Recommendation (R(85)7)’ (n 83) at 3, para 4.1.

skills and responsibilities involved',<sup>209</sup> and Carole Hahn reiterates that 'students learn the theory of democracy by experiencing it in practice'.<sup>210</sup> Howe and Covell, too, note that:

*The development of democratic values and behaviours requires continual experience with democracy at school. How the school and classroom operate have a profound impact on the attitudes, habits, and behaviours of the students.*<sup>211</sup>

Effective participation within formal education is thus considered to be of importance for sustaining democracy through ensuring that learners are equipped with the values and skills necessary for informed and active democratic engagement.<sup>212</sup> When afforded opportunities to translate rights into practice in the classroom and school, they are 'learning about the rights of others, about limitations on freedom, and about corresponding responsibilities that go along with rights'.<sup>213</sup> They are therefore not only learning to value and respect their own rights, but also to respect the rights of those around them and to have greater empathy for their situations. This, in turn, it has been argued is 'the basis for the development of a sense of social responsibility'.<sup>214</sup>

Participation and voice are also considered to have important educational and developmental benefits, for these processes change learners 'by developing in them new values, attitudes, skills, knowledge and beliefs'.<sup>215</sup> They are equipped with 'skills of conflict resolution, persuasion and decision-making, enabling them to acquire the confidence to express their views while respecting the views of others without fear of rebuke or ridicule'.<sup>216</sup> This in turn encourages greater identification with their

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<sup>209</sup> Hart, *Children's Participation* (n 154) at 5.

<sup>210</sup> Hahn, C., *Becoming Political: Comparative Perspectives on Citizenship Education* (State University of New York Press, Albany 1998), 247.

<sup>211</sup> Howe & Covell, *Empowering Children* (n 20) 10.

<sup>212</sup> Print *et al* (n 197) at 196.

<sup>213</sup> Howe & Covell, *Empowering Children* (n 20) 158.

<sup>214</sup> *Ibid*; see also Hart, *Children's Participation* (n 154) at 35.

<sup>215</sup> Nagel, J., *Participation* (Prentice-Hall, New Jersey 1987), 13; see also McNeish, D. & T. Newman, 'Involving Children and Young People in Decision Making' in McNeish, D., T. Newman & H. Roberts (eds), *What Works for Children? Effective services for children and families* (Open University Press, Buckinghamshire 2002) 186-204 at 189.

<sup>216</sup> Devine, D., 'Children's Citizenship and the Structuring of Adult-Child Relations in the Primary School' (2002) 9(3) *Childhood* 303-320 at 318; see also Sinclair, R. & A. Franklin, *A Quality Protects Research Briefing: Young People's Participation* (2000) Department of Health, Research in Practice and Making Research Count, London at 1; & Lundy (n 183) at 934.



community and enhances their feelings of self-respect.<sup>217</sup> Improved self-worth and self-esteem are also essential for learners to develop respect for others, and ‘if subsequent generations are to be able to take up the gauntlet and continue – even intensify – the human rights movement, both respect for others and a willingness on the part of individuals to involve themselves in the common good must guide them’.<sup>218</sup>

Fostering learners’ self-worth is also important for upholding another key facet of education *through* human rights: recognition of, and respect for, human dignity. The importance of dignity is reinforced both in the international instruments and academic scholarship, with the World Programme stipulating that HRE should contribute to the ‘full development of the human personality and the sense of its dignity’.<sup>219</sup> This requirement echoes the language of the HRE provisions in both the ICESCR<sup>220</sup> and the UDHR,<sup>221</sup> and is further reaffirmed within the preamble to UNDHRET.

James A. Banks expands upon this idea of developing human personality and dignity by suggesting that ‘in order for students to internalise the concept of human rights, they must have experiences in the school...that validate them as human beings, [and] affirm their ethnic, cultural, racial, and linguistic identities’.<sup>222</sup> Howe and Covell similarly emphasise that the learning environment should be one in which ‘different political and ethical perspectives and opinions can be expressed without threat to personal dignity’.<sup>223</sup>

In light of these requirements for effective education *through* human rights, both the structure and environment of the classroom and school become significant. If

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<sup>217</sup> Nagel, *Participation* (n 215) 14; & Sinclair & Franklin, *A Quality Protects Research Briefing* (n 216) at 1; & Shier (n 192) at 114.

<sup>218</sup> Anderson, C.C., ‘Human Rights in Elementary and Middle Schools’ in Branson, M.S. & J. Torney Purta (eds), *International Human Rights, Society and the Schools* (National Council for the Social Studies, Washington DC 1982) 49-59 at 51.

<sup>219</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 2 & 12, para 3(b).

<sup>220</sup> Article 13(1).

<sup>221</sup> Article 26(2); see also UN General Assembly, ‘Vienna Declaration’ (n 12) at Part II, para 79.

<sup>222</sup> Banks, J.A., ‘Human Rights, Diversity and Citizenship Education’ in Waldron & Ruane (eds), *HRE: Reflections on Theory and Practice* (n 7) 43-66 at 44; see also Stone (n 151) at 539; Equitas – International Centre for Human Rights Education, ‘Response to Preliminary Draft of the UN Declaration on Human Rights Education & Training’ (October 2009) at 3; & Oxfam, *Global Citizenship Guides: Getting Started with Global Citizenship: A Guide for New Teachers* (2008) at 5.

<sup>223</sup> Howe & Covell, *Empowering Children* (n 20) 125.

learners are made aware of their rights but are not provided with opportunities for putting them into practice, they may become cynical, for as Banks notes ‘attempts to teach and promote human rights in an authoritarian atmosphere will be rightfully dismissed by students as empty rhetoric and hypocrisy’.<sup>224</sup> In order to facilitate rights such as participation and voice, therefore, the learning environment should be democratically structured and non-threatening. Garth Meintjes cautions that ‘students who feel dominated or stifled by the rules and structure of the educational setting will not feel comfortable or encouraged to participate in the learning process’.<sup>225</sup> Print *et al* similarly acknowledge that ‘if we maintain an authoritarian teacher’s role...students are left without experience in formulating opinions or taking part in discussions and debates’.<sup>226</sup> Instead, teachers might therefore seek to direct not the learners themselves, but only the learning process, thus compelling recognition of the difference between authority and authoritarianism.

This does not necessarily mean that teachers, for good reasons, should relinquish all authority and decision-making in the classroom. Paulo Freire acknowledges in this regard that ‘without authority it is very difficult for the liberties of the students to be shaped’,<sup>227</sup> but cautions that if this authority exceeds its limits and denies learners their rights, then it has descended into authoritarianism. Ira Shor, too, argues that authority is a requirement for gaining respect in the classroom, but qualifies this by advising that ‘liberating educators have to use authority within the limits of democracy’.<sup>228</sup> Where teachers exceed appropriate authority, they can no longer be said to be educating in accordance with the requirements for effective education *through* human rights.

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<sup>224</sup> Banks, J.A., ‘Foreword’ in Branson & Torney Purta (eds), *International Human Rights* (n 218) viii-x at ix; see also Hart, *Children’s Participation* (n 154) at 37; Osler, A. & H. Starkey, ‘Children’s Rights and Citizenship: some implications for the management of schools’ (1998) 6 *The International Journal of Children’s Rights* 313-333 at 313 & 331; & Osler, A., ‘Looking to the future: democracy, diversity and citizenship education’ in Osler, A. (ed), *Teachers, Human Rights and Diversity* (Trentham Books, Stoke-on-Trent 2005) 3-22 at 19.

<sup>225</sup> Meintjes, G., ‘Human Rights Education as Empowerment: Reflections on Pedagogy’ in Andreopoulos, G.J. & R.P. Claude (eds), *Human Rights Education for the 21<sup>st</sup> Century* (University of Pennsylvania Press, USA 1997) 64-79 at 77.

<sup>226</sup> Print *et al* (n 197) at 205.

<sup>227</sup> Shor, I. & P. Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (Bergin & Garvey, Massachusetts 1987), 91; see also Hart, *Children’s Participation* (n 154) at 37.

<sup>228</sup> Shor & Freire, *A Pedagogy for Liberation* (n 227) 91.

A reasonable interpretation of education *through* human rights, drawing upon the international instruments and academic literature, is thus that it signifies the creation of a learning environment imbued with human rights values and in which the practice of rights, such as participation and voice, are facilitated effectively. Within such a rights respecting environment, it is expected that: the rights of both educators and learners are respected;<sup>229</sup> teaching extends beyond the formal curriculum to permeate the ‘hidden curriculum’ of classroom and school structures that ‘model democracy and respect for the rights of all’;<sup>230</sup> and the full personality and dignity of each learner is not only developed, but also respected. If learners are taught about human rights without these principles being respected, they will likely struggle to understand the discrepancy between what they are being told and what they are experiencing. As will be suggested in Chapter 6, teachers may struggle with the implementation of rights respecting learning environments.<sup>231</sup> Whilst there are, therefore, likely to be practical constraints on the provision of effective education *through* human rights, its requirements nevertheless provide valuable benchmarks towards which schools ought to be progressing.

### 2.3.3 Education *For* Human Rights

Education *for* human rights is concerned with the bigger picture of promoting and defending human rights. It seeks to imbue learners with the skills required for translating relevant knowledge and values into broader action that will contribute to the building of a culture that is respectful of human rights. To borrow the words of UNESCO, it aims to foster awareness of the ways ‘by which human rights can be translated into social and political reality’.<sup>232</sup> The concept of empowerment is thus central to the provision of effective education *for* human rights,<sup>233</sup> and though not an

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<sup>229</sup> See UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 4; Lansdown, G., ‘Progress in Implementing the Rights in the Convention: Factors helping and hindering the process’ in Hart, S., C.P. Cohen, M.F. Erickson, & M. Flekkøy (eds), *Children’s Rights in Education* (Jessica Kingsley, London 2001) 37-59 at 50; & Flowers, N. & D.A. Shiman, ‘Teacher Education and the Human Rights Vision’ in Andreopoulos & Claude (eds), *HRE for the 21<sup>st</sup> Century* (n 225) 161-175 at 164.

<sup>230</sup> Howe & Covell, *Empowering Children* (n 20) 12.

<sup>231</sup> Chapter 6 at sections 6.2.2 & 6.2.4.

<sup>232</sup> UNESCO, ‘Final Document’ (n 58) at para 3(iii); see also Ramey (n 148) at 58; Meintjes (n 225) at 67; Human Rights Education Associates, ‘Exploring Facilitators’ Beliefs about Human Rights Education: Evidence of Universal and Local Influences’, *Research in Human Rights Education Papers* (2010) at 26; Lohrenscheit (n 149) at 177; & UNICEF & UNESCO, ‘A Human Rights-Based Approach to Education’ (2007) at 12.

<sup>233</sup> Lohrenscheit (n 149) at 176.

explicit part of the human rights framework, empowerment is considered to be an important strategic accompaniment both to its key texts and to the fundamental efficacy of the human rights movement. It is, therefore, one of the core reasons for the framework being there at all.

Whilst such ideas might seem idealistic, they are arguably not beyond the scope of teaching at primary school level.<sup>234</sup> For example, a reasonable and plausible interpretation of empowerment in the context of formal schooling is that education strengthens learners' capacity to recognise and address injustice, inequality or situations in which human dignity is not being respected.<sup>235</sup> In this regard, HRE can be viewed as having roots in two broad educational traditions: the person-centred and the social reconstructionist. It provides some focus on individual worth and personal growth, but also emphasises the importance of educators engaging in 'social, political and economic debate and for classrooms to be seen as potential areas for change'.<sup>236</sup> Education *for* human rights should, therefore, encourage learners to 'develop their power to perceive critically *the way they exist* in the world *with which* and *in which* they find themselves; they come to see the world not as a static reality, but as a reality in process, in transformation'.<sup>237</sup> It should further enable learners to modify the frameworks within which they live out their lives where these are inadequate.<sup>238</sup>

If learners of this age are equipped with the skills necessary for relevant action, and can be empowered to put those skills into practice, then this is a small step towards the bigger picture of promoting and defending human rights. Fundamental elements of the concept of empowerment are therefore central to a number of existing HRE provisions – making reference, for example, to providing learners with the means by which they can take responsibility for promoting and defending their own rights and the rights of others<sup>239</sup> – and they therefore provide further guidance on the

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<sup>234</sup> Tibbitts (n 135) at 164; & Henry (n 153) at 420.

<sup>235</sup> Lohrenscheit, C., 'Dialogue and Dignity – Linking Human Rights Education with Paulo Freire's 'Education for Liberation'' (2006) 5(1) *Journal of Social Science Education* 126-134 at 126.

<sup>236</sup> Hicks, D., 'Peace and Conflict' in Carrington, B. & B Troyna (eds), *Children and Controversial Issues* (The Falmer Press, East Sussex 1988) 172-188 at 175.

<sup>237</sup> Freire, P., *Pedagogy of the Oppressed* (Continuum, New York 2000), 83.

<sup>238</sup> Singh, B., 'The Teaching of Controversial Issues: The Problems of the Neutral-chair Approach' in Carrington & Troyna (eds), *Children and Controversial Issues* (n 236) 91-106 at 104.

<sup>239</sup> UNESCO, 'Integrated Framework of Action' (n 65) at 9, para 7; & UN General Assembly, 'Draft Plan of Action' (n 126) at para 4(c).

requirements for effective implementation of this element of the tripartite framework.

The concept of education *for* human rights forms a central feature of the World Programme, for example. Within the Plan of Action for the initiative, reference is made to the capacity for HRE to play ‘a fundamental role in economic, social and political development’ and to contribute ‘to social cohesion and conflict prevention’ by developing in learners the skills necessary for carrying out these roles.<sup>240</sup> A supplementary definition tailored specifically to formal education is also provided, directing learners to organise ‘their own activities for representing, mediating and advocating their interests’.<sup>241</sup>

At the regional level, too, empowerment is a key concept, with the 1984 CoE publication requiring learners to be equipped with the skills that ‘lead to positive action, and the capacity to participate in, and change, political situations’.<sup>242</sup> And the 2010 CoE Charter on EDC similarly requires education that not only provides learners with fundamental human rights knowledge, but also empowers them ‘with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law’.<sup>243</sup>

These conceptions of empowerment share much in common with critical pedagogical theories in the discipline of education. In order to offer a reasonable and plausible interpretation of the requirements of effective education *for* human rights, therefore, it is instructive to explore the literature on critical education. This literature is particularly useful for showing how broad critical concepts of empowerment are relevant and appropriate for all stages of formal schooling, and it therefore merits consideration in some detail.

Theories of critical pedagogy have roots in Marxist critiques of education that came to the fore in the sixties and seventies. Recognising that curricula had a tendency to be fragmented and confusing, Marxists claimed that ‘by denying students the

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<sup>240</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 4-5.

<sup>241</sup> *Ibid* at 45, para 15(c).

<sup>242</sup> Lister, *Teaching and Learning About Human Rights* (n 29), quoting Crick, B. & I. Lister, ‘Political Literacy: the centrality of the concept’ (1979) 1 *International Journal of Political Education* 1.

<sup>243</sup> Council of Europe, ‘Recommendation CM/Rec(2010)7’ (n 33) at 9, para 5(g).

opportunity to understand society as a ‘totality’, educational regimes effectively act as agents of social control’.<sup>244</sup> Arguably the most prominent scholar in the realm of critical education is Paulo Freire and, whilst writing predominantly about adult education in a tumultuous period of Latin American history, his seminal literature has been applied to other contexts, including to formal education in developed societies.<sup>245</sup> In the foreword to the English translation of *Pedagogy of the Oppressed*,<sup>246</sup> for example, Richard Shaull suggests that elements of the struggle of Freire’s oppressed societies for increased freedom and the rights to participate in the transformation of their societies mirror, in certain respects, the struggle of young people in the USA to be able to speak freely and be heard.<sup>247</sup>

For Freire, education constitutes a social action with the capacity to either empower or domesticate learners. He identifies that in any given society there are multiple constructions of power and authority, and considers that educational practices largely serve only to perpetuate inequality and injustice by maintaining existing imbalances of power. In order to recognise and challenge this, learners must be empowered to become ‘active participants in shaping the economic, social, cultural, and subjective formations that affect their lives and the lives of others’.<sup>248</sup> Critical education thus engages learners in issues of social difference, social justice and social transformation.<sup>249</sup>

Whilst Ira Shor advises that ‘Freire has opened a frontier of liberating education which we will have to develop in our own places, on our own terms, in our own words’,<sup>250</sup> caution is required when applying Freire’s theories to contexts that differ fundamentally from those of his original works. Scholars have both recognised and criticised the tendency for his complex analysis to be reduced to a mere methodological process. Stanley Aronowitz, for example, highlights that in the USA,

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<sup>244</sup> Young, M.F.D., ‘An Approach to the Study of Curricula as Socially Organized Knowledge’ in Young, M.F.D (ed), *Knowledge and Control: New Directions for the Sociology of Education* (Collier-MacMillan, London 1971) 19-46 at 22.

<sup>245</sup> See e.g. Kirkwood, G. & C. Kirkwood, *Living Adult Education: Freire in Scotland* (Open University Press, Milton Keynes, 1989); & Meintjes (n 225).

<sup>246</sup> Shaull, R., ‘Foreword’ in Freire, *Pedagogy of the Oppressed* (n 237) 29-34.

<sup>247</sup> Ibid at 29.

<sup>248</sup> Freire, P., ‘Foreword’ in McLaren, P. & P. Leonard (eds), *Paulo Freire: A Critical Encounter* (Routledge, London 1993) ix-xii at xii.

<sup>249</sup> Mayo, P., *Gramsci, Freire and Adult Education* (Zed Books, London 1999), 58.

<sup>250</sup> Shor, I., ‘Education is Politics: Paulo Freire’s critical pedagogy’ in McLaren & Leonard (eds), *A Critical Encounter* (n 248) 25-35 at 35.

Freire's work has been interpreted 'not in the broader connotation of a pedagogy for life, but as a series of tools of effective teaching, techniques that the democratic and humanist teacher may employ to motivate students to imbibe the curriculum with enthusiasm instead of turning their backs on schooling'.<sup>251</sup> To fall into this trap is to do his work an injustice, for scholars and teachers who domesticate his work in this way – labelled rather unfavourably as 'pseudo-Freireans' – 'strip him of the essence of his radical pedagogical proposals that go beyond the classroom boundaries and effect significant changes in the society as well'.<sup>252</sup>

I hope, therefore, that I am able to avoid this particular indictment. I recognise that the context in which Freire was writing vastly differs from English primary schooling, and it thus seems something of a stretch to suggest that these learners may be an 'oppressed' group in the sense of his original theory. When framed in a different way, however, it becomes apparent that learners are controlled to a great extent within formal education and consequently lack certain freedoms. Whilst there is a general acceptance that adults within society need to be controlled, and that the social contract is enforced for the benefit of everyone, when this control exceeds acceptable levels, revolutionary action frequently results. This emphasises the importance of identifying the point at which control in any given society surpasses acceptable levels. In the context of schooling, however, the opportunity to challenge control is present to a far lesser extent, as it is assumed that children are controlled for reasons ultimately in their own interests. For example, schools may justify control on the basis that its absence is disruptive to the learning process, or that a lack of control can lead to safeguarding issues.<sup>253</sup>

In *Pedagogy of the Oppressed*, Freire introduces terminology that seems relevant to control in the formal school context. For Freire, the significance of critical education stems from the fact that ultimately human beings have an ontological vocation to become more fully human;<sup>254</sup> in other words, that they seek to become a fuller version of what they already are. Human beings live humanly only to the extent that they engage with the world, and are 'humanised' through reflection, action and

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<sup>251</sup> Aronowitz, S., 'Paulo Freire's Radical Democratic Humanism' in McLaren & Leonard (eds), *A Critical Encounter* (n 248) 8-24 at 11.

<sup>252</sup> Macedo, D., 'Introduction' in Freire, *Pedagogy of the Oppressed* (n 237) 11-26 at 17.

<sup>253</sup> For discussion of these issues, see Chapter 6 at section 6.2.2; & Chapter 7 at section 7.3.1.

<sup>254</sup> Freire, *Pedagogy of the Oppressed* (n 237) 43-44.

transformation of that world. Where education does not foster humanisation, therefore, it ‘serves only as an instrument of domestication’,<sup>255</sup> and any situation in which learners are ‘dehumanised’ is one that can be improved through the critical engagement and conscientization of learners in their struggle to become more fully human.

Within formal schooling, there is a danger that education will function as ‘an instrument that is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it’.<sup>256</sup> This is usually achieved through ‘banking’ education, where learners are viewed as subordinate receptacles awaiting the transmission and retention of appropriate knowledge. Teachers are deemed to ‘fill’ the students with the contents of their narration, ‘contents which are detached from reality, disconnected from the totality that engendered them and could give them significance’.<sup>257</sup> Learners are thus expected to record and retain relevant knowledge without perceiving its true meaning or significance.

Freire considers banking education to foster a ‘culture of silence’, serving only to obviate thinking and to ensure that learners are susceptible to the ideas imposed by those in dominant positions.<sup>258</sup> He warns that the engagement of students in uncritical rote learning of information can be used to obscure the education system’s ultimate aim of transforming learners into compliant automatons, thus denying them their ontological vocation to become more fully human. Within a school system that is devoted to banking pedagogy:

*Students internalize values and habits which sabotage their critical thought...Uncritical citizens who deny their own intellects and blame themselves for their own failures are the easiest to control, so it is understandable for the mass education system...to under-develop most students.*<sup>259</sup>

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<sup>255</sup> Lankshear, C., ‘Functional Literacy from a Freirean Point of View’ in McLaren & Leonard (eds), *A Critical Encounter* (n 248) 90-118 at 101.

<sup>256</sup> Shaul (n 246) at 34.

<sup>257</sup> Freire, *Pedagogy of the Oppressed* (n 237) 71.

<sup>258</sup> Mayo, *Gramsci, Freire and Adult Education* (n 249) 59.

<sup>259</sup> Shor (n 250) at 29.



Thus, the greater the extent to which learners attempt to retain the swathes of information being transmitted to them, ‘the less they develop the critical consciousness which would result from their intervention in the world as transformers of that world’.<sup>260</sup> Shor, too, recognises this particular risk, believing that ‘after years in passive classrooms, students do not see themselves as people who can transform knowledge and society’.<sup>261</sup>

Against this background, a reasonable interpretation of education *for* human rights is that it seeks to address this control and dehumanisation within formal education. And here, the notion of praxis becomes relevant: denoting the need for relevant action informed by reflection. Through praxis, learners are able to detach themselves from their immediate experiences and reflect critically upon the world around them. They then draw upon this reflection to recognise and act upon issues in that world. The overlap between critical education and education *for* human rights is clear, for a central component of the latter is that learners are able to not only recognise injustice, inequality or situations of human indignity, but are also empowered to engage in relevant action to promote and defend these, and other, human rights issues.

As part of learners’ critical engagement with the world around them, education *for* human rights is likely to require that they are equipped with the tools for questioning and challenging the views to which they are exposed. This is particularly important in light of the influential role that the family, peer group and the media play in the socialisation of young people.<sup>262</sup> Basil Singh notes that attitudes and prejudices tend to be formed early in life and ‘are strongly reinforced at home amongst friends, groups which often have more authority and influence with children than their teachers’.<sup>263</sup>

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<sup>260</sup> Freire, *Pedagogy of the Oppressed* (n 237) 73.

<sup>261</sup> Shor (n 250) at 28.

<sup>262</sup> Carrington, B. & B. Troyna, ‘Children and Controversial Issues’ in Carrington & Troyna (eds), *Children and Controversial Issues* (n 236) 1-10 at 7; Howe, & Covell, *Empowering Children* (n 20) 15; & Taylor, M.J., ‘Voicing their Values: Pupils’ Moral and Cultural Experience’ in Halstead, J.M. & M.J. Taylor (eds), *Values in Education and Education in Values* (The Falmer Press, London 1996) 121-142 at 131.

<sup>263</sup> Singh (n 238) at 97.

Katerina K. Frantzi, too, observes that ‘personal experiences, family and cultural backgrounds influence the formation of ideas, interests, character, and attitudes of children from a very young age’.<sup>264</sup> She further recognises that because socialisation begins at a young age and because learners’ attitudes are continually moulded by influences external to formal education, this affects their receptiveness to anything that schools try to implement,<sup>265</sup> particularly when conflicting views are encountered. The communications about values found in mass media are, for example, ‘often contradictory to the values of parents and teachers’,<sup>266</sup> and as this research will show, the views of parents are often antithetical to those of teachers. Such potential conflicts can be viewed as justification for excluding consideration of real world issues from formal education altogether, with Donald Thompson observing that a frequently cited explanation for their omission from schooling is the widespread belief that learners will be taught about them through other channels,<sup>267</sup> such as family, peers and the media.

A number of scholars are disapproving of such inaction, however. They tend to view the provision of education on issues such as human rights as an important means of confronting contradictions that young learners face in everyday life, for according to Frantzi, even if they ‘come to the learning environment with pre-existing attitudes, an education that touches them personally can still make the difference’.<sup>268</sup> Robert Coles observes that young learners ‘receive all kinds of moral signals, and they have to figure out which ones to consider important and which ones to ignore’,<sup>269</sup> and Singh, too, advises that ‘without the kind of contribution that teachers can make, children are likely to receive from various sources a selection of views which are in no sense exhaustive’.<sup>270</sup> One might add to this that there is the possibility for learners to be subjected to views that would be widely considered to be incorrect at best, and abhorrent at worst.

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<sup>264</sup> Frantzi, K.K., ‘Human Rights Education: The United Nations Endeavour and the Importance of Childhood and Intelligent Sympathy’ (2004) 5(1) *International Education Journal* 1-8 at 3.

<sup>265</sup> *Ibid* at 3.

<sup>266</sup> Flekkøy & Kaufman, *The Participation Rights of the Child* (n 196) 138-139.

<sup>267</sup> Thompson, D., ‘The Indirect Teaching of Politics’ in Heater, D. (ed), *The Teaching of Politics* (Methuen, London 1969) 90-104 at 90.

<sup>268</sup> Frantzi (n 264) at 3.

<sup>269</sup> Coles, R., *The Moral Life of Children* (Atlantic Monthly Press, New York 1986), 8.

<sup>270</sup> Singh (n 238) at 95.

The provision of effective education *for* human rights therefore arguably ought to assist young learners in understanding the criteria for formulating their own judgements. Whilst a teacher must not allow their learners to believe that his or her personal viewpoint 'is the only rational one, they are also under an obligation to stress that parents' and peers' views must also be subjected to the same critical scrutiny'.<sup>271</sup> Singh emphasises this point by questioning whether teachers should 'let sexism, racism, fascism or other kinds of discrimination go unchecked because they are part of the stock of views of some parents, some peer groups or some pupils' culture or religious inheritance'.<sup>272</sup>

A critical attitude towards the media is also considered to be an important facet of education *for* human rights. For Tony Jeffs, if entrusting education on real world issues 'to the family is risky, leaving it to the 'media' amounts to dereliction of duty, for the media, as constituted, are overwhelmingly part of the problem and can, therefore, hardly be conceived of as capable of contributing to the solution'.<sup>273</sup> As will be discussed in Chapter 5, sensationalism and misrepresentation surrounding human rights is intense,<sup>274</sup> and equipping learners with the tools to critically question these media messages is of fundamental importance for enabling them to see that beneath the hype, human rights are relevant to their immediate lives.

Rather than shying away from discussing real world issues in the primary school, therefore, these scholars advocate for their greater inclusion as a means of offering additional or alternative perspectives with which learners can engage. Some commentators further identify that teachers can learn from children when there is the opportunity for open and critical dialogue, and that discussing these issues in the classroom is less radical when there is reciprocity of learning.<sup>275</sup> This dialogue is important not only for enabling learners to better understand their own opinions, but also as a means of empowering them to reflect upon, critique and challenge the often conflicting messages that they obtain through the family, peer groups and the media. If learners are unable to form their own views, then the role of education *for* human

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<sup>271</sup> Ibid at 97.

<sup>272</sup> Ibid.

<sup>273</sup> Jeffs, T., 'Preparing Young People for Participatory Democracy' in Carrington & Troyna (eds), *Children and Controversial Issues* (n 236) 29-53 at 34.

<sup>274</sup> At section 5.3.4.

<sup>275</sup> See e.g. Hart, *Children's Participation* (n 154) at 21.

rights in empowering them to promote and defend human rights will be ineffective for those learners whose prejudices are already ingrained.

In the context of primary schooling, it may be difficult to envisage the ways in which these facets of education *for* human rights could be exercised relevantly and appropriately. At a fundamental level, however, this may simply comprise taking a more active approach to teaching human rights values and principles. By encouraging learners to participate in, for example, community activities relating to issues of injustice, inequality or human indignity, they are experiencing rights in a setting that is likely to foster empowerment,<sup>276</sup> and this in turn is likely to prevent the subject seeming ‘foreign, abstract, or irrelevant’.<sup>277</sup> In this regard, during discussion of a project that engaged young learners in community activities, Osler noted that:

*The visits brought the young people into contact both with local active citizens and also with the people they were working with, whether these were people with physical or mental disabilities, unemployed, victims of violence or of racism. The project participants discovered the human dimension both of [social] exclusion and of those trying to find remedies.*<sup>278</sup>

Such engagement thus has the potential to assist learners in moving from the abstract to the concrete, and to provide the foundation for them to both recognise and act upon human rights issues in their own lives, as well as in the wider community. As Hart identifies, through participation in community activities ‘which involve solutions to real problems, young people develop the skills of critical reflection and comparison of perspectives which are essential to the self-determination of political beliefs’.<sup>279</sup> Providing learners with opportunities for community engagement involving human rights values is therefore likely to enable them to better understand these issues within their own lives, and to lay the foundation for their future action in addressing the causes of those issues.<sup>280</sup>

It is this aspect of education *for* human rights that seems often to be misunderstood or overlooked within educational practice, however, with the failure of schools to

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<sup>276</sup> Osler & Starkey, *Teacher Education and Human Rights* (n 122) 170.

<sup>277</sup> Meintjes (n 225) at 74.

<sup>278</sup> Osler & Starkey (n 224) at 318.

<sup>279</sup> Hart, *Children’s Participation* (n 154) at 36.

<sup>280</sup> Print *et al* (n 197) at 203.

‘provide teachings of salience in and relevance to the child’s daily experiences’.<sup>281</sup> It is important that children learn to translate human rights knowledge into practice and engage their own values and empathy by examining real life events, such as racism or stereotyping, ‘through a ‘human rights lens’’.<sup>282</sup> This idea finds support within the literature, with Meintjes advising that ‘abstract or general ideas and concepts are important, but only to the extent that they can meaningfully be integrated into the specific and personal experiences of students’,<sup>283</sup> and Antonio Gramsci arguing that without practical experiences, learners would be unlikely to develop the skills necessary to understand society as a whole, and ‘their future attitudes towards society may become fragmentary and selfish’.<sup>284</sup> Engagement with real life issues thus has the potential to change both their attitudes and subsequent behaviour.<sup>285</sup>

The World Programme,<sup>286</sup> Vienna Declaration<sup>287</sup> and Amnesty International<sup>288</sup> all recognise that for this to happen, however, learners must first acquire the skills required to ‘promote, defend and apply’ human rights.<sup>289</sup> These skills range from basic abilities, such as confidence, expression and empathy, to more complex proficiencies in conflict resolution, advocacy, critical reflection, activism, and the ability to analyse situations in moral terms.<sup>290</sup> Instilling these skills in the primary learning environment is therefore an important aspect of education *for* human rights, for in their absence, learners are unlikely to be truly empowered to challenge and change the status quo, and to contribute to the building of a broader culture of human rights.

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<sup>281</sup> Howe & Covell, *Empowering Children* (n 20) 17.

<sup>282</sup> Flowers & Shiman (n 229) at 170; see also Howe & Covell, *Empowering Children* (n 20) 111.

<sup>283</sup> Meintjes (n 225) at 77; see also Frantzi (n 264) at 6; & Lister, *Teaching and Learning About Human Rights* (n 29) at 16.

<sup>284</sup> Ransome, P., *Antonio Gramsci: A New Introduction* (Harvester Wheatsheaf, Hertfordshire 1992), 183.

<sup>285</sup> Howe & Covell, *Empowering Children* (n 20) 111.

<sup>286</sup> UN General Assembly, ‘Draft Plan of Action’ (n 126) at para 4(a); & UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 1; see also 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 para 49.

<sup>287</sup> UN General Assembly, ‘Vienna Declaration’ (n 12) at Part I, para 33; see also Alfredsson (n 62) at 284, para 3.3.

<sup>288</sup> Amnesty International, ‘Our World’ (n 149) at 7.

<sup>289</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 73) at 1; see also UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22) at para 2; Tibbitts, F., ‘Human Rights Education’ in Bajaj, M., (ed), *Encyclopedia of Peace Education* (Information Age Publishing, Inc., Charlotte, North Carolina 2008) at 3.

<sup>290</sup> Ramey (n 148) at 58; Tibbitts (n 135) at 163; Jennings (n 129) at 290; & UN Committee on the Rights of the Child, ‘General Comment No.1’ (n 22) at 4, para 9.

There is a growing international consensus that participation in a free and democratic society is a fundamental goal of HRE,<sup>291</sup> and that the ‘empowered and active individual’ is central to its realisation.<sup>292</sup> Effective education *for* human rights is thus important for equipping learners with the skills necessary for both challenging the status quo, and for promoting and protecting human rights more broadly.<sup>293</sup> According to Frantzi, HRE should thus ‘engage people at a deeper level than mere knowledge, to the level of critical reflection and action that is required for social change’,<sup>294</sup> and Meintjes emphasises that it ought to enable learners ‘to begin the process of acquiring the knowledge and critical awareness...need[ed] to understand and question oppressive patterns of social, political and economic organization’.<sup>295</sup>

Chapter 7 will suggest that teachers often struggle with or take exception to a number of these important aspects of education *for* human rights in the context of formal primary schooling, yet their provision does not necessarily entail a fundamental undermining of authority or loss of control within the classroom. If learners are (i) equipped with skills in critical reflection and analysing situations in moral terms to be able to recognise injustice, inequality and human indignity in the world around them, and (ii) empowered, in an age-appropriate manner, through skills such as confidence, expression, advocacy and activism to take action to promote and defend human rights,<sup>296</sup> then this is likely to be a small step towards a broader change in the human rights culture.

## 2.4 CONCLUSION

In the previous section, I sought to offer a plausible interpretation of each element of the tripartite framework, drawing upon the international instruments and some relevant academic commentary. It is reasonable to argue, therefore, that when taken together, the provision of education *about*, *through* and *for* human rights in the context of formal primary education denotes teaching that furnishes learners with contextually and culturally relevant knowledge about human rights, but also extends

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<sup>291</sup> See 2.3.2 of this chapter.

<sup>292</sup> Lohrenscheit (n 149) at 176.

<sup>293</sup> Amnesty International, ‘Our World’ (n 149) at 8.

<sup>294</sup> Frantzi (n 264) at 3.

<sup>295</sup> Meintjes (n 225) at 66.

<sup>296</sup> Howe & Covell, *Empowering Children* (n 20) 70 & 182.

beyond this to ensure that the learning environment is rights-respecting and that learners are equipped with the skills necessary for translating human rights into social and political reality. Whilst each element is essential as a standalone concept with important independent content, the tripartite framework aims to provide a holistic conception of HRE. The elements are therefore complementary and, following deeper analysis of their meanings, it seems reasonable to suggest that they are also overlapping.

Print *et al* note in this regard that ‘instead of transmitting knowledge to students, the teacher must organise the teaching-learning environment as a dialogue where topics are discussed and students are given the opportunity to express and respect different attitudes, arguments and points of view’,<sup>297</sup> and Todd Jennings similarly suggests that HRE ought to encourage ‘teacher-student and student-student interactions not only *about* human rights but also [that] *embody* human rights’.<sup>298</sup> Effective teaching *about* human rights is therefore likely to be achieved by way of a learning environment that respects education *through* human rights.

Similarly, elements of the practical application of human rights would be common to education both *through* and *for* human rights. Whilst a basic distinction between the two has been identified – the former relating principally to the creation of an enabling environment for human rights in the immediate school context and the latter empowering learners to stand up for human rights in a wider cultural context – it is only by experiencing respect for their rights in the educational environment that learners will be likely to be equipped with the skills and values necessary for promoting and defending human rights more broadly. In this regard, Banks advises that ‘educators can best contribute to the promotion of international human rights by creating a school environment that respects the human rights of students’.<sup>299</sup>

In this chapter, I have shown that HRE has been a global and regional concern of international law for many years, and that these frameworks place specific demands upon states for compliance with their obligations. The nature and scope of these requirements are evident from a reasonable interpretation of the content of the

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<sup>297</sup> Print *et al* (n 197) at 194.

<sup>298</sup> Jennings (n 129) at 290.

<sup>299</sup> Banks (n 224) at ix.

instruments and initiatives themselves, thus providing a sense of what one might expect from any government which signs up to them. Throughout my analysis, the inclusion of HRE at all stages of formal schooling, including within primary education, has been a feature.

As the most recent dedicated UN instrument in this area, UNDHRET provides a useful benchmark for the current international standard of HRE expected to be applied nationally. It provides a holistic formulation of education *about, through* and *for* human rights: a framework that has been central to the development of the HRE environment. The UK showed support for its passage through the machinery of the UN and for its implementation at state level, and it thus forms a plausible and reasonable basis for gauging the extent of England's current compliance, in both policy and practice, with the agreement to provide HRE in formal primary education. It is to primary education policy that I turn first in the next chapter.



## **CHAPTER 3: FROM THE GLOBAL TO THE LOCAL: HRE IN PRIMARY EDUCATION POLICY IN ENGLAND**

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### **3.1 INTRODUCTION**

Having established in the previous chapter that the UK has endorsed a whole panoply of international instruments concerning HRE in primary schools, my aim in this chapter is to examine whether, and if so how, that has translated into national education policy. One has to be mindful, however, that the language adopted within these international instruments is not always replicated locally. The terminology of ‘values’, for example, has often been adopted as a substitute for (if not synonymous with) human rights concepts. For this reason it is important to take note of the UK’s education policy vis-à-vis values as potentially encompassing aspects of HRE.

With this in mind, the chapter is divided into five main sections. Section 3.2 provides a brief overview of the system of formal primary schooling in England. In section 3.3, I then trace the history of HRE in English primary education policy, highlighting not only explicit references to human rights, but also references to values that may be of relevance to the framework of education *about, through* and *for* human rights. Section 3.4 then provides an overview of the current place of HRE within primary education policy in England, both pre- and post- curricular reforms of 2014.<sup>1</sup> I conclude in section 3.5 by summarising the nature and extent of HRE in English primary education policy, ahead of consideration in the subsequent three chapters of educational practice in this area.

### **3.2 A BRIEF OVERVIEW OF ENGLISH PRIMARY EDUCATION**

English formal primary education begins during the school year in which a child reaches the age of five and finishes at 11 when learners move on to secondary education. Both primary and secondary learners must follow the National Curriculum (NC). This is distinct from the wider school curriculum and provides a

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<sup>1</sup> These reforms will be discussed in detail at section 3.4 of this chapter.

baseline of essential knowledge for certain key subjects.<sup>2</sup> It is divided into key stages: for primary education, the first key stage commences in year 1 and the second begins in year 3 when learners are aged seven.<sup>3</sup>

Within each key stage, schools are required to incorporate compulsory elements of the NC into their school curriculum, together with a non-statutory programme of religious education (RE).<sup>4</sup> They are additionally encouraged, but not required, to cover appropriate personal, social and health education (PSHE) topics.<sup>5</sup> English, mathematics and science make up the core subjects – obligatory for all learners between 5 and 16<sup>6</sup> – and additional foundation subjects are compulsory at certain key stages. For key stages 1 and 2, these are: design and technology; computing; physical education; history; geography; art and design; and music.<sup>7</sup> Citizenship is compulsory only at key stages 3 and 4, and does not form part of the Basic Curriculum for primary schools.<sup>8</sup> Whilst the pre-2014 NC included a non-statutory citizenship programme,<sup>9</sup> and schools were encouraged ‘to cover appropriate...citizenship topics’,<sup>10</sup> the new curriculum contains no citizenship guidance for primary teachers.<sup>11</sup> HRE also does not form part of the new NC for primary learners, and the terminology of human rights does not feature within any of the relevant subject guidance.

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<sup>2</sup> Programmes of study outline the required ‘matters, skills and processes’ for each subject and attainment targets detail the standards expected of pupils at the end of each key stage.

<sup>3</sup> Education Act 2002, s82(1)(a) & (b).

<sup>4</sup> Ibid, s80(1)(a) & (b); RE is non-statutory as it is recognised that its content must reflect local circumstances. Local education authorities have authority for its content and parents are entitled to withdraw their children from the course. A non-statutory framework for RE was published in 2010: Department for Children, Schools and Families, *Religious Education in English schools: Non-statutory guidance 2010* (DCFS, Nottingham 2010).

<sup>5</sup> Department for Education, *The National Curriculum in England: Key stages 1 and 2 framework document* (2013) at para 2.5.

<sup>6</sup> Education Act 2002, s84(2) & 85(2).

<sup>7</sup> Ibid, s84(3). Information and Communication Technology is now referred to as ‘Computing’: see Department for Education, *The National Curriculum in England* (n 5) at para 3.5, Figure 1.

<sup>8</sup> Education Act 2002, s84(3) & s85(3). The Basic Curriculum comprises compulsory subjects that are not accompanied by Programmes of Study or Attainment Targets. The only such subject required at Key Stages 1 & 2 is RE. See Education Act 2002, s80.

<sup>9</sup> Introduced in September 2000 by the joint non-statutory framework for PSHE and Citizenship in the National Curriculum 2000.

<sup>10</sup> Children, Schools and Families Committee, *National Curriculum: Fourth Report of Session 2008-09*, Volume 1 (TSO, London 2009) at 14, para 28.

<sup>11</sup> This is discussed in more detail below at section 3.4.2.1.

Schools do, however, retain flexibility for constructing their own programmes of education outside the prescribed elements of the NC, and are under a duty to ensure that their curriculum is a balanced and broadly based one which:

- (a) promotes the spiritual, moral, social, cultural, mental and physical development of pupils at the school and of society, and*
- (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.*<sup>12</sup>

### **3.3 A HISTORY OF HRE IN ENGLISH PRIMARY EDUCATION POLICY**

On a mission to the UK in 1999, the then Special Rapporteur on the Right to Education, Katarina Tomaševski, acknowledged that England's 'history of education is incomparably longer than the notion of...rights in education';<sup>13</sup> and that its education system had been shaped by 'its long historical tradition and by changes in the periods 1979-1996 and 1997-1999, rather than by new notions of...human rights in education'.<sup>14</sup> Determining the extent to which the English system has been shaped by 'human rights in education', if at all, is therefore imperative for evaluating the current place of HRE within formal primary schooling.

What then have been the main changes and key documents relevant to HRE in the policy landscape since 1988, when English formal primary schooling became more structured and centralised through the introduction of the NC? Through tracing this history, I aim to chart the changing nature of, and approach to, HRE. I will, for example, identify instances not only of the express use of human rights terminology, but also of the exclusive use of the language of values in policy documents relevant to education *about, through* and *for* human rights.

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<sup>12</sup> Education Act 2002, s78(1)(a) & (b).

<sup>13</sup> 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 4, para 6.

<sup>14</sup> Ibid at 4, para 7.

### 3.3.1 HRE from 1988 to 1997

Whilst the idea of establishing a NC had been mooted by Prime Minister James Callaghan in 1976,<sup>15</sup> the NC for maintained schools – and the accompanying key stages for measuring academic performance and pupil achievement – was not introduced until 1989 under the Thatcher administration.<sup>16</sup> Its introduction was considered by some commentators to reduce the flexibility previously afforded to schools,<sup>17</sup> limiting both ‘teachers’ and pupils’ opportunities to negotiate what and how they learn, and the pace and depth of their work’.<sup>18</sup>

Around the time of its introduction, HRE was increasing in prominence and significance on the international stage.<sup>19</sup> The focus of the NC was on traditional subjects, however, as opposed to those considered by some to be ‘intellectually vacuous or a cover for political indoctrination’.<sup>20</sup> Denis Lawton and Clyde Chitty identified some omissions:

*Important areas of human experience are almost wholly neglected. There is little or no mention...of moral education, social and personal development, economic and political understanding – all of which have acquired prominence over the last two decades in an attempt to construct a curriculum which is broad, balanced and relevant to the closing years of the twentieth century.*<sup>21</sup>

Personal and social development were subsequently added to the basic framework of the NC as non-statutory cross-curricular themes,<sup>22</sup> but no detail was provided on what teaching in these areas might entail.<sup>23</sup>

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<sup>15</sup> And a subsequent series of papers reflected serious consideration of the idea for the first time: Children, Schools and Families Committee, *National Curriculum* (n 10) at 10; & Department of Education and Science, *Better Schools – A Summary* (HMSO, 1985) at 3-6.

<sup>16</sup> Through the Education Reform Act 1988.

<sup>17</sup> Sutherland, M., ‘Educating Citizens in Europe’ (2002) 34(3) *European Education* 77-94 at 82.

<sup>18</sup> Alderson, P., ‘Human Rights and Democracy in Schools: Do They Mean More Than Simply ‘Picking Up Litter and Not Killing Whales’? (1999) 7 *The International Journal of Children’s Rights* 185-205 at 189; see also Cunningham, J., ‘The Human Rights Secondary School’ in Starkey, H. (ed), *The Challenge of Human Rights Education* (Cassell Educational Limited, Great Britain 1991) 90-104 at 103.

<sup>19</sup> As shown in Chapter 2 at section 2.2.

<sup>20</sup> Whitty, G., ‘The New Right and the National Curriculum’ in Moore, R. & J. Ozga (eds), *Curriculum Policy* (Pergamon & Open University, New York 1991) 105-121 at 111.

<sup>21</sup> Lawton, D. & C. Chitty (eds), *The National Curriculum* (Institute of Education: Bedford Way Papers 33, University of London, London 1988), 4.

<sup>22</sup> Cunningham (n 18) at 103; & Saunders, L., D. Hewitt & A. MacDonald, *Education for Life: The cross-curricular themes in primary and secondary schools* (NFER, Slough 1995), 2.

The increased prescription introduced by the NC reduced the scope and flexibility for including topics such as HRE in primary schools. Pauline Lyseight-Jones,<sup>24</sup> for example, expressed concern that its inflexibility made the inclusion of topics such as HRE more difficult,<sup>25</sup> and Jeremy Cunningham similarly cautioned that teachers would have difficulty in finding curriculum time and space for HRE.<sup>26</sup> Andrew Pollard further observed that the omission of any opportunities for HRE in the NC was antithetical to the Conservative Government's acceptance of the Council of Europe's 1985 Recommendation on Teaching and Learning About Human Rights in Schools.<sup>27</sup>

In 1989, citizenship was added to the NC as a further cross-curricular theme, driven largely by a report prepared by the Commission on Citizenship.<sup>28</sup> The Commission sought to respond to changes in England, such as increased multiculturalism, by ensuring that citizenship was on the educational agenda at all stages of formal schooling, and that it was incorporated throughout the curriculum.<sup>29</sup> They acknowledged that whilst they do not have the same meaning, 'terms such as human rights and citizenship entitlements overlap',<sup>30</sup> and citizenship was thus considered to provide a natural home for HRE.<sup>31</sup> The report affirmed that 'throughout their school career all young people should learn about human rights as part of their

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<sup>23</sup> National Curriculum Council, *The National Curriculum and Whole Curriculum Planning* (Circular 6, 1989).

<sup>24</sup> An academic and education consultant who at the time was working as a school inspector.

<sup>25</sup> Lyseight-Jones, P., 'Human Rights in Primary Education' in Starkey (ed), *The Challenge of HRE* (n 18) 73-89 at 73-74.

<sup>26</sup> Cunningham (n 18) at 103.

<sup>27</sup> This Recommendation was discussed in Chapter 2 at section 2.2.4; Pollard, A., 'Controversial Issues and Reflective Teaching' in Carrington, B. & B. Troyna (eds), *Children and Controversial Issues* (The Falmer Press, East Sussex 1988) 54-70 at 61.

<sup>28</sup> Commission on Citizenship, *Encouraging Citizenship: Report of the Commission on Citizenship* (HMSO, London 1990).

<sup>29</sup> *Ibid* at xv & xviii.

<sup>30</sup> *Ibid* at 13.

<sup>31</sup> HRE and citizenship are not always seen as natural bedfellows, with the former rooted in inclusivity and universality, and the latter arguably often concerning itself largely with national identity that can exclude or alienate certain minority groups. Such debates and analysis lie outside the scope of this thesis, but I hope to engage with them more deeply in my future work. For further discussion, see e.g. Osler, A. & H. Starkey, 'Learning for Cosmopolitan Citizenship: Theoretical debates and young people's experiences' (2010) 55(3) *Educational Review* 243-254; & Osler, A., 'Human Rights Education: The Foundation of Education for Democratic Citizenship in our Global Age' in Arthur, J., I. Davies & C. Hahn (eds), *The SAGE Handbook of Education for Citizenship and Democracy* (SAGE Publications, London 2008) 455-467.

preparation for life in a pluralistic democracy’,<sup>32</sup> and proceeded to recommend that ‘the main international charters and conventions on human rights to which the UK is signatory should provide the reference point within the classroom for the study of citizenship’.<sup>33</sup>

In a move ostensibly consistent with the requirements of education *for* human rights discussed in detail in the previous chapter,<sup>34</sup> the Commission further recognised that ‘the development of skills and experience of community are equally vital components of...educational experience’,<sup>35</sup> and that:

*Young people should leave a school with some confidence in their ability to participate in their society, to resolve conflict and, if they oppose a course of action, to express that opposition fairly, effectively and peacefully.*<sup>36</sup>

The report suggested that developing this in the school environment may involve: instilling in learners ‘the capacity to debate, argue and present a coherent point of view’; ‘taking responsibility by representing others, for example on a School Council’ or ‘protesting, for example by writing to a newspaper...’<sup>37</sup> It therefore touched upon elements of each component of the tripartite framework, but couched this in human rights language only regarding the provision of education *about* human rights.

A subsequent article by J.L. Murdoch on the Commission’s report began by lamenting the paucity of citizenship teaching within English education, describing schools as failing ‘to provide even the most basic instruction’ in this area, but considered that the Commission had struggled to formulate a framework that would rectify this.<sup>38</sup> Indeed, from a HRE perspective, the recommendations arguably did not go far enough. Whilst they explicitly addressed human rights – by recommending that learners should be familiar with the relevant instruments, as per the requirements of education *about* human rights – they did little to encourage

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<sup>32</sup> Council of Europe, ‘Recommendation on Teaching and Learning About Human Rights in Schools’ (1985) (Recommendation R(85)7) at 1.

<sup>33</sup> Commission on Citizenship (n 28) at xviii.

<sup>34</sup> See Chapter 2 at section 2.3.3.

<sup>35</sup> Commission on Citizenship (n 28) at 37.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid at 38.

<sup>38</sup> Murdoch, J.L., ‘Encouraging Citizenship: Report of the Commission on Citizenship’ (1991) 54(3) *Modern Law Review* 439-441 at 439.

holistic education in this area. Neither education on human rights values, nor the provision of education *through* or *for* human rights were included within the report's recommendations.

The pace of change in the education system between 1988 and 1996 was rapid, during which period the UK both signed and ratified the UNCRC.<sup>39</sup> Although no express reference was made to the newly ratified convention within the curriculum guidance published in 1990, both 'human rights' and 'rights and duties' were mentioned as components of the cross-curricular theme of citizenship following the recommendations of the Commission.<sup>40</sup>

Whilst the 1992 white paper 'Choice and Diversity: A New Framework for Schools' prioritised rigorous testing and academic attainment, it did include a brief section concerning the moral dimension of education.<sup>41</sup> There was no express reference to human rights within this document, though the importance of teaching values more broadly was emphasised. It reiterated that 'whatever the individual religious feelings of boys and girls, the ethos of any school should include a clear vision of the values within it, and those of the community outside';<sup>42</sup> with these values defined as including 'respect for people and property; honesty and consideration for others; trust, fairness and politeness'.<sup>43</sup> The document further instructed that instilling these values was important for encouraging learners 'to grow up understanding what is right and wrong, and journeying into adulthood not just full of exuberance or individuality, but also appreciating the needs of others and their environment'.<sup>44</sup> The paper made clear, however, that RE remained the most appropriate means for addressing them.<sup>45</sup>

English education at this time therefore prioritised the teaching of values through RE and collective worship as opposed to citizenship, or HRE as an aspect of this, and it was not until the murder of James Bulger by two primary school pupils in 1993 that

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<sup>39</sup> It was signed on 19 April 1990 and ratified on 16 December 1991.

<sup>40</sup> National Curriculum Council, *Curriculum Guidance Three: the Whole Curriculum* (1990) at 5.

<sup>41</sup> Great Britain, Parliament, House of Commons, *Choice and Diversity: A New Framework for Schools* (HMSO, London 1992) at paras 1.29-1.32.

<sup>42</sup> *Ibid* at para 1.30.

<sup>43</sup> *Ibid*.

<sup>44</sup> *Ibid* at para 1.31.

<sup>45</sup> *Ibid* at chapter 8.

calls were made for schools to address morality and fundamental values more widely.<sup>46</sup> Schools were seen as contributing to the decline of society, to the rise in youth delinquency and to anti-social behaviour, and improving the teaching of values was deemed to be of increasing importance.<sup>47</sup>

The National Curriculum Council therefore issued specific guidance on spiritual and moral development.<sup>48</sup> Spiritual development was described in its discussion paper as including *inter alia* 'recognising the existence of others as independent from oneself; becoming aware of and reflecting on experience; [and] questioning and exploring the meaning of experience...'<sup>49</sup> And moral development was deemed to comprise:

- *The will to behave morally as a point of principle...*
- *Knowledge of the codes and conventions of conduct agreed by society – both non-statutory and those prescribed by law.*
- *Knowledge and understanding of the criteria put forward as a basis for making responsible judgements on moral issues.*
- *The ability to make judgements on moral issues...*<sup>50</sup>

The discussion paper also provided examples of the types of school values that should be included within the learning environment, including: 'telling the truth, keeping promises, respecting the rights and property of others, acting considerately towards others; helping those less fortunate and weaker than ourselves; taking personal responsibility for one's actions; [and] self discipline'.<sup>51</sup> No clarification was provided as to the nature of the rights to be respected, and thus it was not clear whether this was a reference to human rights, to the rights of citizenship, or to any other category of rights.

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<sup>46</sup> Taylor, M.J., 'Voicing their Values: Pupils' Moral and Cultural Experience' in Halstead, J.M. & M.J. Taylor (eds), *Values in Education and Education in Values* (The Falmer Press, London 1996) 121-142 at 122.

<sup>47</sup> Ibid at 122; & Pierson, C., 'The New Governance of Education: The Conservatives and Education 1988-1997' (1998) 24(1) *Oxford Review of Education* 131-142 at 138.

<sup>48</sup> National Curriculum Council, *Spiritual and Moral Development – A Discussion Paper* (NCC, York 1993).

<sup>49</sup> Ibid at 3.

<sup>50</sup> Ibid at 4.

<sup>51</sup> Ibid.



Whilst the guidance advised that spiritual and moral development applies ‘not only to RE...but to every area of the curriculum and to all aspects of school life’,<sup>52</sup> it was nevertheless criticised for again prioritising RE as the most appropriate vehicle for such education. For example, David Hargreaves, a prominent academic in the field of education, argued that RE does not provide a natural home for values education and that learners should be educated in morality extending beyond values linked to religious belief in order to ‘inculcate a respect for beliefs, values and ways of life’.<sup>53</sup> He observed that:

*attempts to bolster and rationalise RE since 1988 have failed; that morality is not as closely linked to religion...as in the past; and that moral education will in the future need to be more closely linked to civic education if it is to provide a common core of values shared across communities in a pluralistic society.*<sup>54</sup>

It looked like a positive development, therefore, that the first substantive review of the NC, conducted in 1993 by Sir Ron Dearing, reiterated a need for education to encourage learners to ‘have respect for other people, other cultures and other beliefs’ and to ‘become good citizens’.<sup>55</sup> The review nevertheless omitted to unpack these particular recommendations, and both citizenship and HRE were wholly overlooked in the final report.<sup>56</sup> The omission of any reference to citizenship, when it had recently been introduced as a cross-curricular theme, is perhaps indicative of its secondary position at this time, and indeed prompted one commentator to warn that it was ‘in danger of being pushed to the margins by subjects considered to be more important, including RE’.<sup>57</sup>

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<sup>52</sup> Ibid at 2.

<sup>53</sup> Hargreaves, D., *The Mosaic of Learning: Schools and Teachers for the Next Century* (Demos, London 1994), 39.

<sup>54</sup> Ibid, 34.

<sup>55</sup> School Curriculum and Assessment Authority, *The National Curriculum and its Assessment: Final Report* (1994) at 18.

<sup>56</sup> Ibid at 7; Saunders *et al*, *Education for Life* (n 22) 3.

<sup>57</sup> Hargreaves, *The Mosaic of Learning* (n 53) 37.

### 3.3.2 HRE from 1997 to 2003

Despite a five-year moratorium on educational reform introduced by the prior Conservative Government during the Dearing Review,<sup>58</sup> significant changes continued apace following the landslide Labour victory in 1997. Whilst the new Government viewed education largely as a tool for improving international competitiveness and economic growth,<sup>59</sup> the planned introduction of citizenship as a freestanding subject ostensibly provided a balance with its focus on fostering spiritual, moral, social and cultural development.<sup>60</sup> Thus, despite considerable opposition to its inclusion – relating not only to its deemed superfluity given the existing practice of teaching values in primary schools, but also to concerns about possible political manipulation<sup>61</sup> – the first white paper to be published by the Labour Government demonstrated its commitment to establishing citizenship as a freestanding subject.<sup>62</sup>

‘Excellence in Schools’ acknowledged that ‘a modern democratic society depends on the informed and active involvement of all its citizens’ and that ‘schools can help to ensure that young people feel that they have a stake in our society and the community in which they live’ by teaching citizenship.<sup>63</sup> The white paper further identified that young people should:

*learn respect for others and for themselves...understand the moral code on which civilised society is based...[and] develop the strength of character and attitudes to life and work, such as responsibility, determination, care and generosity...*<sup>64</sup>

Perhaps most significantly, the white paper provided for the establishment of the Advisory Group on Citizenship and the Teaching of Democracy in Schools (Advisory Group), the final report of which (the Crick Report) resulted in the introduction of a national framework for citizenship education, both as a non-

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<sup>58</sup> Pierson (n 47) at 133.

<sup>59</sup> Ibid at 139-141; & UN Economic and Social Council, ‘Economic, Social and Cultural Rights’ (n 13) at 20, para 18.

<sup>60</sup> UN Economic and Social Council, ‘Economic, Social and Cultural Rights’ (n 13) at 20, para 19.

<sup>61</sup> Sutherland (n 17) at 80.

<sup>62</sup> Secretary of State for Education and Employment, Government White Paper, *Excellence in Schools* (HMSO, UK 1997).

<sup>63</sup> Ibid at 63, para 42.

<sup>64</sup> Ibid at 10.

statutory component of primary education in 2000 and within the statutory NC for secondary schools in 2002.<sup>65</sup> Whilst it was noted at the time that the reasons for the increased emphasis on citizenship had ‘scarcely been made clear’,<sup>66</sup> Audrey Osler suggested that the change might have been driven by the perceived ‘failure of young people to understand the political structures and to fully participate in democratic and civil processes’,<sup>67</sup> and Margaret Sutherland similarly identified that it was likely to have been driven by:

*discontent with the attitudes of many young people towards society;...electoral apathy;...manifestations of ill-will toward various minority groups...and that changes in the teaching of some traditional subjects have reduced the likelihood that students can be counted on to form good citizens.*<sup>68</sup>

Although citizenship had been introduced as a cross-curricular theme in 1990, its implementation had not progressed beyond ‘uncoordinated local initiatives which vary greatly in number, content and method’,<sup>69</sup> with schools remaining heavily focused on traditional academic subjects.<sup>70</sup> It was not until publication of the Crick Report in September 1998 that its inclusion as a freestanding subject was proposed and subsequently implemented. Despite recognition that it is ‘novel to this country and...a sensitive area’,<sup>71</sup> the Advisory Group considered citizenship to represent for learners ‘an entitlement in schools that will empower them to participate in society effectively as active, informed, critical and responsible citizens’.<sup>72</sup>

The Crick Report viewed citizenship as encompassing three distinct but interdependent strands: moral responsibility, community involvement and political literacy. The first required learners to be taught about moral values, and denoted

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<sup>65</sup> Advisory Group on Citizenship, *Education for citizenship and the teaching of democracy in schools: Final report of the Advisory Group on Citizenship* (22 September 1998).

<sup>66</sup> Sutherland (n 17) at 80.

<sup>67</sup> Osler, A., ‘The Crick Report: difference, equality and racial justice’ (2000) 11(1) *The Curriculum Journal* 25-37 at 26.

<sup>68</sup> Sutherland (n 17) at 80-81; see also & Starkey, H., ‘Citizenship Education in France and Britain: evolving theories and practices’ (2000) 11(1) *The Curriculum Journal* 39-54 at 48.

<sup>69</sup> Advisory Group on Citizenship, *Education for citizenship* (n 65) at para 1.1.

<sup>70</sup> Osler, A., ‘Education policy, social cohesion and citizenship’ in Ratcliffe, P. & I. Newman (eds), *Promoting Social Cohesion: Implications for Policy and Evaluation* (The Policy Press, Bristol 2011) 185-205 at 189.

<sup>71</sup> Advisory Group on Citizenship, *Education for citizenship* (n 65) at para 1.4.

<sup>72</sup> *Ibid* at para 1.10.

instilling in them a sense of moral and social responsibility within and beyond the classroom towards both their peers and those in positions of authority.<sup>73</sup> The second mandated that they become actively involved in their communities, and that such engagement be a key element of their education. And the third provided that they must learn the skills required for effective participation in public life, including conflict resolution and decision-making relating to topical local, national and international issues.

The Report provided a series of recommendations for implementation. Not only should citizenship constitute a statutory obligation within the NC,<sup>74</sup> but the Advisory Group further suggested that: specific learning outcomes for citizenship should be provided at each key stage; prescriptive programmes of study should be avoided; and such education ought to include the ‘knowledge, skills and values relevant to the nature and practices of participative democracy...[and] the duties, responsibilities, rights and development of pupils into citizens’.<sup>75</sup>

Unlike the white paper from which it developed, the Crick Report made explicit reference to human rights. In its overview of the essential elements to be reached by the end of compulsory schooling, the report advised that Key Concepts must include *inter alia* ‘equality and diversity’, ‘fairness, justice, the rule of law, rules, law and human rights’, ‘freedom and order’ and ‘rights and responsibilities’.<sup>76</sup> In the required Values and Dispositions, learners must show ‘belief in human dignity and equality’, the ‘practice of tolerance’, ‘determination to act justly’ and ‘concern for human rights’.<sup>77</sup> And Required Knowledge and Understanding must incorporate ‘the nature of diversity, dissent and social conflict’, ‘legal and moral rights and responsibilities of individuals and communities’ and ‘human rights charters and issues’.<sup>78</sup>

The report then provided learning outcomes for each of the primary and secondary key stages. Human rights are mentioned in relation to Key Stage 2 (KS2), but only in the context of understanding the world as a global community. They are included

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<sup>73</sup> Ibid at para 6.7.1.

<sup>74</sup> Ibid at para 1.1.

<sup>75</sup> Ibid at para 4.4.

<sup>76</sup> Ibid at 44, Fig 1.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

within a list of key terms comprising ‘poverty, famine, disease, charity, aid [and] human rights’,<sup>79</sup> suggesting that they are to be taught with reference only to distant, and developing, countries.<sup>80</sup> It is only at KS3 that the requirement to learn about human rights instruments and their application nationally is introduced.<sup>81</sup>

Despite its references to human rights, therefore, the Crick Report’s conception of citizenship arguably did not do enough to establish HRE as an important element of English primary education, with Audrey Osler and Hugh Starkey noting that the report ‘falls short, in many ways, of a clearly situated human rights perspective’.<sup>82</sup> Osler further argued that the report not only fails to recognise ‘how internationally agreed human rights standards offer us agreed general principles which can be developed as the basis of shared values within a pluralist society’,<sup>83</sup> but in fact could undermine equality by focusing on the perceived differences between majority and minority communities as opposed to their commonalities.<sup>84</sup> Sarah Spencer, too, argued that despite the references to relevant human rights issues and principles within the report, there remained a sense that teaching in this area was ‘included as an option, rather than at the heart of the skills and values which young people need to learn’ during their formal education.<sup>85</sup> She cautioned that even with the introduction of citizenship, ‘the extent to which pupils will in practice be exposed to human rights knowledge, values and skills, and the responsibilities which human rights principles entail, remains uncertain’.<sup>86</sup>

Francesca Klug also criticised the Labour Government’s then emphasis on responsibilities as opposed to rights. She referred to comments made by Nicholas Tate<sup>87</sup> that ‘the new curriculum entitlement to citizenship education should

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<sup>79</sup> Ibid at para 6.12.2.

<sup>80</sup> Audrey Osler makes a similar observation in Osler (n 67) at 31.

<sup>81</sup> Advisory Group on Citizenship, *Education for citizenship* (n 65) at 49, para 6.13.2.

<sup>82</sup> Osler, A. & H. Starkey, ‘Citizenship, Human Rights and Cultural Diversity’ in Osler, A. (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Trentham Books, Great Britain 2000) 3-17 at 5.

<sup>83</sup> Osler (n 67) at 29.

<sup>84</sup> See generally Osler (n 67).

<sup>85</sup> Spencer, S., ‘The Implications of the Human Rights Act for Citizenship Education’ in Osler (ed), *Citizenship and Democracy in Schools* (n 82) 19-32 at 22.

<sup>86</sup> Ibid at 31.

<sup>87</sup> The then Chief Executive of the Qualifications and Curriculum Authority.

emphasise duties over rights’ to counteract what he referred to as the ‘me society’.<sup>88</sup> Tate’s opinion was reflective of the wider tendency for New Labour to view the rights we enjoy as reflecting the duties we owe<sup>89</sup> – the so-called ‘third way’<sup>90</sup> – and much of the contemporaneous literature expressed similar sentiments. Simon Whitbourn, for example, observed that ‘all too often the responsibilities which go with the assertion of rights are forgotten’,<sup>91</sup> and Peter Mandelson and Roger Liddle stressed that the focus of New Labour would be on mutual obligations as opposed to rights.<sup>92</sup>

This emphasis on responsibilities at a time of significant educational reform was considered by some commentators to have been unfortunate, for ‘to put responsibilities and duties above rights would be to live in countries different from those that have ratified international conventions on human rights’.<sup>93</sup> The suggestion that the exercise of rights depends upon the fulfilment of duties runs counter to the very idea of human rights, as ‘countries have not ratified international conventions on responsibilities and duties’.<sup>94</sup>

This is not to say that rights and responsibilities are not correlative, with the UDHR itself recognising that ‘everyone has duties to the community’.<sup>95</sup> The fulfilment of rights inevitably involves responsibilities upon others to respect those rights. Costas Douzinas recognises this subtle difference when he states that:

*A society based on rights does not recognise duties; it acknowledges only responsibilities arising from the reciprocal nature of rights in the form of limits on rights for the protection of the rights of others.*<sup>96</sup>

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<sup>88</sup> Tate, N., speech at IPPR Citizenship and Education Conference (16 June 1999) quoted in Klug, F., *Values for a Godless Age: The Story of the United Kingdom’s New Bill of Rights* (Penguin Books, England 2000), 55.

<sup>89</sup> Klug, *Values for a Godless Age* (n 88) 61, quoting Blair, T., *The Third Way: New Politics for the New Century* (Fabian Society, London 1998), 4.

<sup>90</sup> See Giddens, A., *The Third Way: The Renewal of Social Democracy* (Polity Press, Cambridge 1998).

<sup>91</sup> Whitbourn, S., *Education and the Human Rights Act 1998* (NFER, Berkshire 2003), para 1.15.

<sup>92</sup> Mandelson, P. & R. Liddle, *The Blair Revolution: Can New Labour Deliver?* (Faber & Faber, London 1996), 17.

<sup>93</sup> Howe, B.R. & K. Covell, *Empowering Children: Children’s Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 46-47; see also Klug, *Values for a Godless Age* (n 88) 61-66.

<sup>94</sup> Howe & Covell, *Empowering Children* (n 93) 50.

<sup>95</sup> UDHR, Article 29.

<sup>96</sup> Douzinas, C., *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Hart, Oxford 2000), 10.

A number of other prominent scholars have also acknowledged the role that responsibilities play in human rights discourse. Amartya Sen, for example, suggests that considering what one should reasonably do, as opposed to proceeding on the assumption that one owes no obligations to others, ‘can be the beginning of a more comprehensive line of ethical reasoning’ and that ‘the territory of human rights firmly belongs there’.<sup>97</sup> John Tasioulas, too, reiterates the importance of responsibilities within the human rights framework, for the obligations incumbent upon the duty-bearer provide the content of the right itself;<sup>98</sup> and Henry Shue advises that ‘it is essential to a right that it is a demand upon others, however difficult it is to specify exactly which others’.<sup>99</sup>

The role of duties does therefore feature heavily in human rights discourse; and with specific regard to HRE, it has been recognised that the responsibilities of learners in a school setting must be acknowledged just as their rights must.<sup>100</sup> Geraldine van Beuren identifies that ‘the concept of responsibility is particularly important for children as it helps educate others in the potential value of children’s contribution towards society, a potential often overlooked’,<sup>101</sup> and the 1984 CoE publication ‘Teaching and Learning About Human Rights’ advises that a school with an effective HRE regime ‘will recognise that everyone has duties and obligations, as well as rights and freedoms, and that these will include duties to the community and obligations to respect the rights and freedoms of others’.<sup>102</sup> However, neither this document nor the academic scholarship attaches *greater* significance to responsibilities than to rights, which is arguably what Labour’s policies sought to do towards the end of the 1990s.<sup>103</sup>

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<sup>97</sup> Sen, A., ‘Elements of a Theory of Human Rights’ (2004) 32(4) *Philosophy & Public Affairs* 315-356 at 340.

<sup>98</sup> Tasioulas, J., ‘Towards a Philosophy of Human Rights’ (2012) 65 *Current Legal Problems* 1-30 at 13-18.

<sup>99</sup> And indeed, Shue suggests that different duties associated with the same right may be distributed amongst a number of duty bearers. Shue, H., *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton University Press, New Jersey 1980), 16 & 52.

<sup>100</sup> Howe & Covell, *Empowering Children* (n 93) 67; Osler, A. & H. Starkey ‘Human Rights, Responsibilities and School Self-Evaluation’ in Osler (ed), *Citizenship and Democracy in Schools* (n 82) 91-109 at 103-105.

<sup>101</sup> Van Beuren, G., *The International Law on the Rights of the Child* (Martinus Nijhoff, Dordrecht 1995), 76.

<sup>102</sup> Lister, I., *Teaching and Learning About Human Rights* (Council of Europe, Strasbourg 1984) at 30. This document was discussed in Chapter 2 at section 2.2.2.

<sup>103</sup> Klug, *Values for a Godless Age* (n 88) 55; & Howe & Covell, *Empowering Children* (n 93) 9.

The thrust and recommendations of the Crick Report were significantly watered down when incorporated into the NC, with ‘the main elements of the core curriculum...but a pale reflection of the original proposals’.<sup>104</sup> The guidelines for citizenship within the 1999 NC Handbook for Primary Teachers in England did not adopt the terminology of human rights.<sup>105</sup> They were mentioned only in the guidance for citizenship at secondary level,<sup>106</sup> suggesting that teaching expressly about human rights was considered inappropriate for learners at key stages 1 and 2.

The only reference to human rights in the primary guidance is in the Statement of Values by the National Forum for Values in Education and the Community, included within the Handbook. The Forum sought to determine whether there are any values that are commonly agreed upon across society, and the Statement advises that, due to the agreed nature of the values included, schools and teachers can ‘expect the support and encouragement of society if they base their teaching and the school ethos on these values’.<sup>107</sup> Under the heading of ‘Society’, the guidance states that ‘we value truth, freedom, justice, human rights, the rule of law and collective effort for the common good’.<sup>108</sup> Whilst this is a clear assertion of the significance of human rights values, its inclusion only within guidance accompanying the NC was suggestive of its deemed lesser importance than other areas of the curriculum.

In the same year that Excellence in Schools provided for the establishment of the Advisory Group that led to the Crick report, another white paper on education was published: ‘Eliminating World Poverty: A Challenge for the 21<sup>st</sup> Century’ (1997).<sup>109</sup> In contrast to the prior white paper, it made explicit reference to ‘human rights’, in the context of a requirement to ‘give particular attention to human rights’ within international relations and development.<sup>110</sup> It proposed the use of ‘innovative strategies’ for the implementation of rights-based approaches to education in

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<sup>104</sup> Smith, T., ‘How Citizenship got on to the Political Agenda’ (2002) 55 *Parliamentary Affairs* 475-487 at 484.

<sup>105</sup> Department for Education and Qualifications and Curriculum Authority, *The National Curriculum: Handbook for primary teachers in England* (1999) at 136-141.

<sup>106</sup> *Ibid* at 126.

<sup>107</sup> *Ibid* at 147.

<sup>108</sup> *Ibid* at 148.

<sup>109</sup> Secretary of State for International Development, Government White Paper, *Eliminating World Poverty: A Challenge for the 21<sup>st</sup> Century* (1997).

<sup>110</sup> *Ibid* at 7 & 18.



developing countries,<sup>111</sup> but did little to establish HRE within the domestic curriculum in England.

1999 then saw the publication of 'Learning Opportunities for All: A Policy Framework for Education', which expanded upon this rights-based approach to education.<sup>112</sup> Whilst it was more general in application, and recognised that an understanding of human rights is integral to their realisation,<sup>113</sup> the clear focus was once again on developing countries. The promotion of a rights-based approach, mandating 'equity of access and equitable approaches to the process of delivering effective primary education' is a key feature of the document, but the implication is that the UK will support other countries in facilitating such an approach.<sup>114</sup>

This 'almost schizophrenic distinction...between abroad – where support for human rights is generally perceived as a good and noble thing – and home, where an overemphasis on rights, at the expense of responsibilities, is said to be one of the causes of social disintegration in modern Britain' was problematic.<sup>115</sup> It was highlighted by Tomaševski in the concluding comments of her 1999 report: the rights-based approach is supported and promoted at the international level 'whilst silence prevails with regard to the right to education and even more with regard to rights in education at the domestic level'.<sup>116</sup> She expressed particular concern that 'human rights' are perceived as different from and alien to the rights and freedoms that learners will recognize in their everyday lives...[and] seems identified with international issues and foreign countries'.<sup>117</sup>

The developments traced in this section from 1997 onwards coincided with periods of great social and political change in the UK.<sup>118</sup> In 1999, the MacPherson Report identified institutional racism not just within British policing, but also more broadly

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<sup>111</sup> Ibid at 25.

<sup>112</sup> Department for International Development, *Learning Opportunities for All – A Policy Framework for Education* (DFID, 1999).

<sup>113</sup> Ibid at section entitled 'Education: A Human Right'.

<sup>114</sup> Ibid at section entitled 'Equity for All Children'.

<sup>115</sup> Klug, *Values for a Godless Age* (n 88) 51.

<sup>116</sup> UN Economic and Social Council, 'Economic, Social and Cultural Rights' (n 13) at 21, para 88.

<sup>117</sup> Ibid at 20, para 85.

<sup>118</sup> Both the Scottish Parliament and Welsh Assembly had recently been established, and significant progress had been made in the Northern Irish Peace Process.

across public services, including schools.<sup>119</sup> It called for school curricula to place more emphasis on instilling in learners values of equality and non-discrimination,<sup>120</sup> and the subsequent Race Relations [Amendment] Act 2000 placed a duty upon schools to both address discrimination and promote race equality.<sup>121</sup>

Perhaps of most significance around this time, however, was the entering into force of the Human Rights Act 1998 (HRA) in 2000. With the HRA codifying fundamental rights and guaranteeing enforcement in law, ‘a new culture of human rights was introduced at one fell swoop...which hitherto was unknown in the UK’.<sup>122</sup> Jack Straw, the then Home Secretary, instructed the Task Force set up to advise the Government on implementation of the Act to raise awareness of its importance ‘especially among young people’,<sup>123</sup> and sentiment was strong at the time regarding the importance of HRE, 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.*<sup>124</sup>

After these initial flurries of activity when Labour first came to power, however, little changed on the domestic HRE landscape for a period of almost 10 years.

### **3.3.3 HRE from 2003 to 2010**

Human rights terminology continued to be conspicuous by its absence from the primary curriculum in the early 2000s. Whilst 2003 saw the publication of official guidance aimed at improving children and young people’s participation in policy-making across Government departments – and the guidance did make explicit

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<sup>119</sup> Macpherson, W., *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny* (February 1999) (Cm 4246-I) at paras 6.54-6.55.

<sup>120</sup> Ibid at para 6.56 and Recommendation 67.

<sup>121</sup> Race Relations [Amendment] Act 2000. For more discussion, see Osler, A., ‘Teacher Interpretations of Citizenship Education: national identity, cosmopolitan ideas, and political realities’ (2011) 43(1) *Journal of Curriculum Studies* 1-24 at 5.

<sup>122</sup> Smith (n 104) at 483.

<sup>123</sup> Spencer (n 85) at 19.

<sup>124</sup> Baroness Williams, House of Lords, 3 November 1997: Column 1301, quoted in Spencer (n 85) at 21.

reference to the UNCRC<sup>125</sup> – this did not translate into greater prominence for HRE within the NC.<sup>126</sup> Around this time there was, however, a clear focus on the instilling of values. In 2004, Ofsted published guidance on ‘Promoting and evaluating pupils’ spiritual, moral, social and cultural development’, emphasising such development as ‘crucial for individual pupils and...for society as a whole’.<sup>127</sup> It interpreted the meanings of these terms and provided practical examples as to how they might look in an educational environment.

According to the guidance, spirituality may encompass *inter alia* self-awareness, respect for the self and others, empathy, compassion and courage.<sup>128</sup> Moral development concerns ‘the development of pupils’ understanding of society’s shared and agreed values’,<sup>129</sup> and might include distinguishing right from wrong, expressing views on ethical issues and making ‘judgements on moral dilemmas’.<sup>130</sup> Social development requires learners to be equipped with the skills ‘for working effectively with each other’ and ‘for participating successfully in the community’, and could involve challenging values, sharing opinions, and appreciating ‘the rights and responsibilities of individuals within the wider social setting’.<sup>131</sup> And cultural development may require learners to ‘appreciate cultural diversity and accord dignity and respect to other people’s values and beliefs’ and to ‘recognise and understand their own cultural assumptions and values’.<sup>132</sup> Values relevant to education *about*, *through* and *for* human rights are identifiable from this list – respect, dignity and participation, for example – yet they are not identified as human rights values per se.

2004 also saw the publication of further guidance for use at all stages of formal education, this time by the Department for Education and Skills: ‘Working together: Giving Children and Young People a Say’.<sup>133</sup> A number of suggestions were made for ensuring effective voice and participation, as per the requirements of education *through* human rights, within the learning environment: (i) through the use of young

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<sup>125</sup> Department for Education and Skills, *Learning to Listen* (The Stationery Office, London 2003) at 3.

<sup>126</sup> Department for Education and Skills, *Learning to Listen* (n 125).

<sup>127</sup> Ofsted, *Promoting and evaluating pupil’s spiritual, moral, social and cultural development* (HMI 2125, 2004) at 4.

<sup>128</sup> *Ibid* at 13.

<sup>129</sup> *Ibid* at 15.

<sup>130</sup> *Ibid* at 17.

<sup>131</sup> *Ibid* at 21.

<sup>132</sup> *Ibid* at 25.

<sup>133</sup> Department for Education and Skills, *Working Together: Giving Children and Young People a Say* (2004). Guidance issued by the Secretary of State under s176 of the Education Act 2002.

people councils, circle time, working with peers and planned consultations;<sup>134</sup> and (ii) through the inclusion of ‘a section on consulting pupils and reporting their views about their involvement in the life of the school’ within the OFSTED schools inspection framework.<sup>135</sup>

The guidance also referred to participation beyond the classroom and school environment by advising that formal education should contribute ‘to a cohesive community’, and that learners should make ‘a difference in their schools, neighbourhoods and communities’. Its publication therefore indicated that the Government was beginning to acknowledge the effective provision of elements of education both *through* and *for* human rights to a greater extent in the context of formal primary schooling, but was still omitting to define this education in the language of human rights.

In 2008, Ed Balls, then Secretary of State for Children, Schools and Families, commissioned Sir Jim Rose to carry out an independent review of the primary curriculum.<sup>136</sup> The review was to assess both its content and suitability for learners at different stages of primary education, with the aim of reducing prescription and inflexibility.<sup>137</sup> The principal goals of the committee were to reduce the overall content of the curriculum; to facilitate the greater inclusion of life skills; and to introduce greater flexibility for teachers.

The committee deemed the overarching curriculum concept of ‘personal development’ to foster ‘inclusion, respect for the person and equality of opportunity’,<sup>138</sup> and a number of their recommendations expressly related to the instilling of values. Particular mention was made of the need for ‘a clear set of culturally derived aims and values’ and for learners to understand self-respect and respect for the rights and responsibilities of others,<sup>139</sup> with the committee emphasising that:

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<sup>134</sup> Ibid at 8-10.

<sup>135</sup> Ibid at i.

<sup>136</sup> Independent Review of the Primary Curriculum, *Independent Review of the Primary Curriculum: Final Report* (2009).

<sup>137</sup> Ibid at 2-4.

<sup>138</sup> Ibid at 80, para 3.67.

<sup>139</sup> Ibid at 39, para 2.12 & 73 at para 3.53.

*It is self-evident that the aims of education should be derived from the values we hold essential for living fulfilled lives and for contributing to the common good in a civilised, democratic society...[and] that clarity on values and aims should be the starting point for determining the primary curriculum.*<sup>140</sup>

Values were therefore viewed as core to the primary curriculum, and human rights concepts featured in the draft Programmes of Learning annexed to the report. The report recognised, for example, that history and geography could facilitate the teaching of ‘right and wrong, fairness and unfairness and justice and injustice’,<sup>141</sup> and express mention is made of the importance of exploring and understanding ‘cultures, beliefs, faiths, values, [and] human rights and responsibilities’.<sup>142</sup> Within citizenship, too, facilitating understanding of the need for rights to be balanced is supplemented with examples, including rights to learn and to be free from discrimination.<sup>143</sup> However, the review’s assertion that ‘establishing guiding principles for the education of the ‘whole child’...depends on *nationally agreed* values and aims for the whole of school education’ was indicative of a domestic agenda that failed to acknowledge at a fundamental level the relevance of broader human rights concepts.<sup>144</sup>

### **3.4 THE CURRENT PLACE OF HRE WITHIN ENGLISH EDUCATION POLICY**

These tentative advances in HRE have not been followed within the most recent curricular reforms. In response to England’s declining position within international league tables for education,<sup>145</sup> a comprehensive reform of formal schooling was initiated by the previous coalition Government in 2010 with publication of ‘The Importance of Teaching’ white paper. It reiterated a need for a reduction in the prescriptive content of the NC,<sup>146</sup> but singled out a number of subjects to be of particular importance for inclusion in the curriculum, such as sex education and music. No mention was made of HRE. Whilst human rights could be relevant to

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<sup>140</sup> Ibid at para 1.16.

<sup>141</sup> Ibid at para 3.66.

<sup>142</sup> Ibid, Annex B at 175.

<sup>143</sup> Ibid, Annex B at 178.

<sup>144</sup> Ibid at 30, para 1.16.

<sup>145</sup> See Department for Education, *National Curriculum Review Launched* (20 January 2011) (available at <http://www.education.gov.uk/inthenews/inthenews/a0073149/national-curriculum-review-launched> [last accessed 9 June 2015]); & Department for Education, *The Importance of Teaching* (TSO, 2010) at 3.

<sup>146</sup> Department for Education, *The Importance of Teaching* (n 145) at 40, para 4.2.

the articulated need ‘for an exploration of wider social issues which contribute to the well-being and engagement of all students’,<sup>147</sup> this was not expressed in human rights terms.

Based on the white paper’s recommendations, in January 2011 the Government announced its intention to proceed with a major review of the NC.<sup>148</sup> It sought to minimise prescription in both content and teaching methods, but simultaneously to emphasise more strongly ‘the fundamentals of core academic subjects and allocate them substantial time’.<sup>149</sup> Whilst the latter could imply a return to traditional methods of rote learning of core academic material, the Government stressed that schools would be provided with greater flexibility beyond the statutory curriculum to construct tailored programmes of learning that complement the requirements of the NC.<sup>150</sup>

The Expert Panel for the NC Review published an initial Framework document in December 2011.<sup>151</sup> Education is described as ‘the product of interaction between socially valued knowledge and individual development’,<sup>152</sup> with the Panel emphasising that it is the wider school curriculum – or ‘local curriculum’ – that facilitates these processes.<sup>153</sup> The local curriculum is viewed as the means through which specialist topics can be incorporated,<sup>154</sup> providing teachers with autonomy in deciding ‘how to contextualise, extend, deepen and embed the curriculum and learning experience’.<sup>155</sup>

As the report made no mention of a place for HRE in the NC, it would need to find a home within the local curriculum if it is to be studied at all. This, in turn, is dependent upon the autonomy and interest of particular teachers. However, with express acknowledgement that there was less support amongst teachers for the retention of citizenship at secondary level than for other foundation subjects,<sup>156</sup> it

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<sup>147</sup> Ibid at 46, para 4.31.

<sup>148</sup> Department for Education, *National Curriculum Review Launched* (n 145).

<sup>149</sup> Department for Education, *Reform of the National Curriculum in England* (2013) at paras 1.6 & 1.17.

<sup>150</sup> Department for Education, *National Curriculum Review Launched* (n 145).

<sup>151</sup> Department for Education, Expert Panel for the National Curriculum Review, *The Framework for the National Curriculum* (2011).

<sup>152</sup> Ibid at para 1.4.

<sup>153</sup> Ibid.

<sup>154</sup> The example given is teaching philosophy to young learners: Department for Education, *Framework for the National Curriculum* (n 151) at para 3.21.

<sup>155</sup> Ibid at para 3.22.

<sup>156</sup> Ibid at para 4.5.

seems reasonable to infer that teachers do not view citizenship – and by extension, HRE as a component of this – as a high priority.

The Panel acknowledged that one of the purposes of the curriculum review was to ‘attempt to take stock of international subject knowledge and to determine the basis on which particular elements should be included as requirements within the curriculum’.<sup>157</sup> Interestingly, the only express mention of human rights within the report is a comparative reference to the values underlying the Finnish education system (which include *inter alia* human rights, equality, and a respect for the rights and freedom of the individual).<sup>158</sup> Yet, despite the fact that Finland is included as an example of a high-performing jurisdiction, the potential significance of these values to their successful education system is not discussed, or even proposed, by the Panel. Given the resounding silence within the review to HRE as a relevant educational concept, the Government perhaps consider it to be one of their so-called ‘passing fads’ that the curriculum must avoid ‘imposing on our children’.<sup>159</sup>

Unsurprisingly, the consultation documents, published in February 2013,<sup>160</sup> were met with criticism and reproach from human rights stakeholders. Whilst the Framework Document for Consultation articulated the NC’s aim as to provide pupils ‘with an introduction to the core knowledge that they need to be educated citizens’,<sup>161</sup> 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.<sup>162</sup> The term ‘human rights’ did not feature at all, prompting the director of the British Institute of Human Rights to warn that ‘this is a worrying signal that our international promises on HRE are being weakened, a failure which risks letting down our children’.<sup>163</sup>

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<sup>157</sup> Ibid at para 1.2.

<sup>158</sup> Ibid, Annex 2 at 63.

<sup>159</sup> Department for Education, *National Curriculum Review Launched* (n 145).

<sup>160</sup> Department for Education, *The National Curriculum in England: Framework Document for Consultation* (2013); & Department for Education, *Reform of the National Curriculum in England* (2013).

<sup>161</sup> Department for Education, *Framework Document for Consultation* (n 160) at para 3.1.

<sup>162</sup> McGuffin, P., ‘Human Rights NGOs Hit Out at New Curriculum Folly’, 8 February 2013, Morning Star Online (available at: <http://www.morningstaronline.co.uk/news/content/view/full/129243> [last accessed 8 March 2013]); & Amnesty International UK, ‘UK: Rights Groups Unite to Urge David Cameron to Honour United Nations Pledge in New Curriculum’, Press Release, 8 February 2013 (available at: [http://www.amnesty.org.uk/news\\_details.asp?NewsID=20625](http://www.amnesty.org.uk/news_details.asp?NewsID=20625) [last accessed 8 March 2013]).

<sup>163</sup> McGuffin (n 162).

### 3.4.1 The Current National Curriculum

The majority of the new NC nevertheless entered into force in September 2014 omitting any reference to human rights. Its stated aim was to outline the ‘core knowledge around which teachers can develop exciting and stimulating lessons to promote the development of pupils’ knowledge, understanding and skills’.<sup>164</sup>

On my enquiring with the Department for Education, it was confirmed that:

*[T]he only area where the department makes reference to human rights is in the Citizenship Education programme of study for key stage 4...where pupils should be taught about human rights and international law. The department has not produced any guidance to support the teaching of this, just the programme of study.*<sup>165</sup>

This suggests that HRE is viewed as a concept relevant only to learners of secondary school age, in direct contravention of the obligations included within the international instruments and initiatives discussed in the previous chapter. As mentioned in that chapter, the Government cannot rely exclusively upon teaching citizenship at secondary level to show that it is fulfilling its international responsibilities in this area.<sup>166</sup> The requirement to educate *about, through* and *for* human rights does not commence when learners are aged 16. It starts as soon as they begin formal schooling; for as identified in Chapter 1, it should be embedded early in order to truly make a difference to the opinions and attitudes of young learners.<sup>167</sup> Are HRE or concepts relevant to education *about, through* and *for* human rights therefore included within the current NC for primary learners to any extent?

Owing to the fact that the empirical research for this project was conducted with teachers who were educating in accordance with the curriculum prior to 2014, the compliance of both versions of the NC with the agreement to educate *about, through*

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<sup>164</sup> Department for Education, *The National Curriculum in England* (n 5) at para 3.2.

<sup>165</sup> I asked the DfE on 12 June 2015 whether any documents had been drafted or published relating to UNDHRET, and whether they had been involved with its implementation at the domestic level. I received this reply on 30 June, with the caveat that my enquiry rested more appropriately with the Ministry of Justice. I emailed the MoJ with the same query on 1 July 2015 and am yet to receive a response. Both emails are included in Appendix 2.

<sup>166</sup> See Chapter 2 at section 2.2.5.

<sup>167</sup> See Chapter 1 at section 1.2.



and *for* human rights needs to be evaluated. This also enables comparison between the two curricula, and demonstrates clearly the changes to HRE provision brought about by the 2014 reforms.

### **3.4.2 Education *About* Human Rights**

Merely a cursory perusal of both the pre- and post-2014 NC for those subject areas in which HRE would find its most natural home – including citizenship, PSHE and RE – reveals that even formal and descriptive teaching *about* human rights is not expressly included as a requirement of the primary curriculum. Government policy is not therefore encouraging or facilitating teaching *about* human rights, as defined in Chapter 2, at this level of formal education.<sup>168</sup>

#### ***3.4.2.1 Citizenship***

Though HRE is usually considered to find its most natural home within citizenship, schools are not required to teach this subject at primary level. The pre-2014 NC included non-statutory guidance for the teaching of citizenship within primary education, but studies at the time nevertheless found that ‘material support for the development of Citizenship in primary schools has at best been minimal’.<sup>169</sup> With the new curriculum including neither express instruction to provide citizenship education, nor relevant guidance for schools on how to teach in this area, it seems reasonable to suggest that support for the development of citizenship in primary schools in England is decreasing.

Even under the pre-2014 non-statutory guidance, however, the provision of citizenship would have been insufficient for compliance with a reasonable interpretation of the requirement to educate *about* human rights as defined in Chapter 2.<sup>170</sup> The guidance outlined that citizenship education is based upon the three strands of social and moral responsibility, community involvement and political literacy, as

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<sup>168</sup> Whether teachers are in practice educating *about* human rights is a separate question, however, and will be explored in detail in Chapter 5.

<sup>169</sup> Brown, D., ‘Implementing Citizenship Education in a Primary School’ in Osler (ed), *Citizenship and Democracy in Schools* (n 82) 113-124 at 113.

<sup>170</sup> Chapter 2 at section 2.3.1.

recommended by the Crick Report. Whilst the idea of rights was introduced in the Key Stage 1 (KS1) guidance as requiring children ‘to learn about their own and other people’s feelings and become aware of the views, needs and rights of other children and older people’,<sup>171</sup> neither the KS1 nor KS2 guidance made reference to ‘human rights’. Children at KS1 were to be taught what is fair and unfair; to recognise what is right and wrong; to respect the differences and similarities between people; and to ‘consider social and moral dilemmas that they come across in everyday life’, including ‘questions of fairness, right and wrong and simple political issues’.

At KS2, human rights concepts were introduced. Learners were to be taught ‘about the wider world and the interdependence of communities within it’,<sup>172</sup> and were required to understand ‘that there are different kinds of responsibilities, rights and duties at home, at school and in the community, and that these can sometimes conflict with each other’. They were instructed to: ‘think about the lives of people living in other places and times, and people with different values and customs’;<sup>173</sup> be taught about ‘topical issues, problems and events’ and about ‘why and how rules and laws are made and enforced, why different rules are needed in different situations and how to take part in making and changing rules’;<sup>174</sup> and learn about ‘what democracy is, and about the basic institutions that support it locally and nationally’.<sup>175</sup> Learners were furthermore expected to ‘reflect on spiritual, moral, social, and cultural issues’ and ‘to appreciate the range of national, regional, religious and ethnic identities in the UK’, further recognising that ‘differences and similarities between people arise from a number of factors, including cultural, ethnic, racial and religious diversity, gender and disability’.

KS2 did therefore go further than KS1 by introducing the notion of learners having ‘rights’, though these were ‘not identified as belonging to a broader framework of

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<sup>171</sup> Department for Education, *Citizenship: Key Stage 1 Non-Statutory Guidance*, available at: <http://www.education.gov.uk/schools/teachingandlearning/curriculum/primary/b00198824/citizenship/ks1> [last accessed 5 January 2014].

<sup>172</sup> Department for Education, *Citizenship: Key Stage 2 Non-Statutory Guidance*, available at: <http://www.education.gov.uk/schools/teachingandlearning/curriculum/primary/b00198824/citizenship/ks2> [last accessed 5 January 2014].

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

human rights',<sup>176</sup> and there was no requirement for learners to understand the idea of rights in this wider context. Furthermore, the sparse and discretionary nature of the guidance concerning citizenship at primary level provided scope not only for HRE, as a non-explicit component of citizenship, to be overlooked at KS1 and KS2, but also for citizenship itself to be deemed less important than statutory areas of the curriculum.

The situation has worsened under the 2014 NC reforms. The primary curriculum now makes no reference to citizenship, let alone to HRE, and there is no relevant non-statutory guidance to direct teachers who are seeking to educate in this area. This discontinuation of the Department for Education guidance, even if this has historically remained on a non-statutory footing, sends a message to primary school teachers that the Government considers the provision of citizenship education to be of lesser importance than other subjects. This is likely to only further compound the problem of the paucity of citizenship education, and in turn HRE, within primary schooling in England.

The Association for Citizenship Teaching (ACT) has nevertheless suggested that whilst:

*Citizenship is no longer mentioned in the Primary curriculum document,...the document...does state... that schools must provide a curriculum that is 'balanced and broadly based' and 'promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences of later life'. Also the document states that Primary schools are free to include other subjects or topics in their planning and design their own programme of education. ACT advises that this is a reference to citizenship.*<sup>177</sup>

ACT therefore argues that, despite its curtailment at key stages 1 and 2, there remains scope for including citizenship education under the 2014 NC. It remains to be seen,

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<sup>176</sup> Waldron, F. *et al*, *Teachers, 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 17.

<sup>177</sup> Association for Citizenship Teaching, 'New Citizenship curriculum for key stages 3 and 4 published' (September 2013) (available at <http://www.teachingcitizenship.org.uk/news/11092013-1835/new-citizenship-curriculum-key-stages-3-and-4-published> [last accessed 19 January 2014]).

however, whether citizenship education has a strong enough presence within primary classrooms to endure in the absence of a solid foundation of Government-issued curriculum guidance.

### 3.4.2.2 PSHE

Whilst PSHE has been retained as a non-statutory component of the post-2014 NC, primary schools are not obliged to teach it. They are recommended to include PSHE on the basis that it constitutes ‘an important and necessary part of all pupils’ education’,<sup>178</sup> though the previously comprehensive non-statutory guidance on teaching in this area has been replaced in the new curriculum by sparse direction, with the Government advising that:

*PSHE is a non-statutory subject. To allow teachers the flexibility to deliver high-quality PSHE we consider it unnecessary to provide new standardised frameworks or programmes of study. Teachers are best placed to understand the needs of their pupils and do not need additional central prescription.<sup>179</sup>*

As with citizenship, the inclusion of PSHE under the pre-2014 primary NC was merely encouraged rather than required, with scope for comparable criticism to be levelled at the latter as at the former. The Advisory Group on Citizenship stressed in the Crick Report that, whilst the concepts of citizenship and PSHE are complementary and may at times overlap, they are fundamentally distinct and must be treated as such. Instead, the subjects were conflated in the NC, and the non-statutory PSHE guidance for key stages 1 and 2 was identical to that for citizenship.<sup>180</sup> The guidance did therefore touch upon issues associated with rights, though failed to locate this teaching within the wider context of universal human rights.

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<sup>178</sup> Department for Education, *Guidance: Personal, social, health and economic (PSHE) education* (2013) (available at: <https://www.gov.uk/government/publications/personal-social-health-and-economic-education-pshe/personal-social-health-and-economic-pshe-education>) [last accessed 17 August 2015]).

<sup>179</sup> Ibid.

<sup>180</sup> Department for Education, *PSHE: Key Stage 1 Non-Statutory Guidance* (available at: <http://www.education.gov.uk/schools/teachingandlearning/curriculum/primary/b00199209/pshe/ks1> [last accessed 5 January 2014]); & Department for Education, *PSHE: Key Stage 2 Non-Statutory Guidance* (available at: <http://www.education.gov.uk/schools/teachingandlearning/curriculum/primary/b00199209/pshe/ks2> [last accessed 5 January 2014]).

Osler and Starkey considered such conflation to be positive, however, arguing that making a distinction between the two subjects is vacuous and potentially detrimental.<sup>181</sup> By encouraging educators to view citizenship as principally involving the imparting of information about legal status and democracy in the absence of an accompanying values framework, such an approach fails to engage ‘learners’ cultural and personal identities or feelings’.<sup>182</sup> The authors reiterate, therefore, that HRE, as encompassing aspects of both law and values, should be addressed within both citizenship and PSHE and not be deemed exclusive to either curriculum area.<sup>183</sup> In this regard, it was a positive development for the Labour Government to advise, in relation to PSHE in the pre-2014 NC, that it ‘can...[contribute] to combating racism and promoting equal opportunities through teaching about fairness, justice, rights and responsibilities and...developing an understanding and appreciation of diversity’.<sup>184</sup>

By contrast, the newly reformed NC contains sparse direction for the provision of PSHE. As the non-statutory guidance for citizenship at primary level has been withdrawn, the paring down of the PSHE guidance means that teachers have no firm guidance for efficacious teaching in either curriculum area. Teachers are merely instructed to ‘equip pupils with a sound understanding of risk and with the knowledge and skills necessary to make safe and informed decisions’.<sup>185</sup> No reference is made to broader concepts, such as human rights, social justice or moral responsibilities, or to instilling in pupils a sense of equality and non-discrimination.

### *3.4.2.3 Religious Education*

RE is deemed to provoke:

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<sup>181</sup> Osler, A. & H. Starkey, ‘Education for democratic citizenship: a review of research, policy and practice 1995-2005’ (2006) 21(4) *Research Papers in Education* 433-466 at 441.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> UN Committee on the Rights of the Child, ‘Consideration of Reports Submitted by States Parties under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland (2002) (CRC/C/83/Add.3) at para 9.12.8.

<sup>185</sup> Department for Education, *Guidance: PSHE* (n 178).

*challenging questions about the ultimate meaning and purpose of life, beliefs about God, the self and the nature of reality, issues of right and wrong, and what it means to be human.*<sup>186</sup>

It is treated differently to other subjects within the NC and remained unchanged by the 2014 curricular reforms.<sup>187</sup> Whilst it is a core element of the basic curriculum for maintained primary schools in England, its guidance is non-statutory. Schools must, however, provide RE in accordance with the locally agreed syllabus adopted by the relevant local authority,<sup>188</sup> which sets out what pupils are to be taught and their expected standards of performance.

The Labour Government produced non-statutory guidance for RE in 2010, which remains the clearest indication of the scope and content of the subject in the curriculum.<sup>189</sup> At the time of its publication, non-statutory guidance was also available for citizenship at primary level, prompting the Government to advise within the RE guidance that ‘subjects such as RE, history or citizenship might be taught discretely but also together within a humanities framework’.<sup>190</sup> In light of the discontinuation of the citizenship guidance under the 2014 reforms, however, such thematic linking is arguably less likely to happen in practice.

Nevertheless, aspects of education *about* human rights are present within the core, but non-statutory, subject of RE. The guidance outlines, for example, that the subject should support learners in exploring ‘their roles in the spiritual, moral and cultural lives of people in a diverse society’ to enable them to develop moral awareness and social understanding, and to strengthen their capacity for making moral judgements.<sup>191</sup> RE should additionally aim to contribute to learners’ ‘personal development and well-being and to community cohesion by promoting mutual respect and tolerance in a diverse society’.<sup>192</sup>

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<sup>186</sup> Department for Children, Schools and Families, *RE in English schools* (n 4) at 7.

<sup>187</sup> Though it is currently undergoing separate reform: see Religious Education Council of England and Wales: RE Subject Review: REC project (available at: <http://resubjectreview.recouncil.org.uk> [last visited 3 July 2015]); & Religious Education Council of England and Wales, *A Review of Religious Education in England* (October 2013).

<sup>188</sup> Education Act 1996, s375(3) & Schedule 31.

<sup>189</sup> Department for Children, Schools and Families, *RE in English schools* (n 4).

<sup>190</sup> *Ibid* at 5.

<sup>191</sup> *Ibid* at 7-8.

<sup>192</sup> *Ibid* at 7.

### 3.4.2.4 *British Values*

In the summer of 2014 the then Education Secretary, Michael Gove, announced that schools should not only respect fundamental British values, but should also actively teach them.<sup>193</sup> Subsequent non-statutory guidance, published in November 2014, sought to elucidate the meaning of ‘British values’:<sup>194</sup> advising that these include ‘democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs’;<sup>195</sup> and instructing that schools should *inter alia*:

- *enable students to distinguish right from wrong and to respect the civil and criminal law of England;*
- *further tolerance and harmony between different cultural traditions...*
- *encourage respect for other people; and*
- *encourage respect for democracy and support for participation in the democratic processes...*<sup>196</sup>

These values are ostensibly unobjectionable. Indeed, a number of them are plausible human rights values – respect, tolerance, non-discrimination, participation, freedom and liberty – though are not identified as such in the guidance. Yet there has been a backlash from both the education sector and the broader media regarding their potentially discriminatory undertones,<sup>197</sup> stemming largely from the fact that the

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<sup>193</sup> Adams, R., P. Wintour & S. Morris, ‘All schools must promote ‘British values’, says Michael Gove’ (The Guardian, Monday 9 June, 2014) (available at: <http://www.theguardian.com/politics/2014/jun/09/michael-gove-says-all-schools-must-promote-british-values-after-trojan-horse-reports> [accessed 9 January 2015]).

<sup>194</sup> Department for Education, *Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools* (November 2014).

<sup>195</sup> Ibid at 5. These values were originally included in the Government’s Prevent Strategy of 2011 (HM Government, *Prevent Strategy* (Cm 8092, June 2011)), though there were differing descriptions of British values in this strategy document. In one description (footnote 37 on page 34), the description matches the one included in the 2014 DfE guidance. However, in the main body of the text on page 34, the term ‘British values’ includes ‘equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind’ which are not included within the 2014 DfE guidance. For more detailed discussion on the background to British values, see Richardson, R., ‘British Values and British Identity: Muddles, mixtures, and ways ahead’ (2015) 13(2) *London Review of Education* 37-48 at 37-38.

<sup>196</sup> Department for Education, *Promoting fundamental British values* (n 194) at 5. The values are also included in The Education (Independent School Standards) (England) (Amendment) Regulations 2014 (Statutory Instruments 2014 No. 2374), s2.

<sup>197</sup> See e.g. Burns, J., ‘Ignore Rules On Promoting British Values, Teachers Urged’ (BBC News, 30 March 2015) (available at: <http://www.bbc.co.uk/news/education-32120583> [last accessed 3 July 2015]); Vaugh, R., ‘Trojan Horse: Gove’s ‘British values’ in schools is a ‘knee-jerk response, critics warn’ (TES, 10 June 2014) (available at: <https://www.tes.com/news/school-news/breaking->

Government explicitly acknowledged that they were drafted in response to the Trojan Horse scandal in which hard-line Islamists had allegedly plotted to take over three schools in Birmingham.<sup>198</sup>

The ‘British’ in British values can arguably be interpreted with a broader or narrower meaning. It can mean values that are deemed to be unique to the citizens of Britain, or it can refer more broadly to the values with which people in this country are considered to identify. The latter interpretation, which Robin Richardson argues would have been better defined as ‘the fundamental values and principles which underlie public life in the UK’,<sup>199</sup> opens up the possibility for British values to relate to broader values frameworks, including for example, human rights.<sup>200</sup> As identified in the previous chapter, the UK has signed up to and accepted a number of international instruments and initiatives that mandate the teaching of human rights values. And in this regard, a responsibility for teachers to educate about the values respected and recognised by the UK leads naturally to an interpretation that the teaching of British values can provide a natural home for HRE.

Indeed, some rather more progressive educators have taken this approach.<sup>201</sup> The suggestion that the requirement to teach British values can support existing teaching practices in the provision of education *about* human rights was, for example, substantiated by some of the interviewees for this research project. As will be discussed in greater detail in Chapter 4,<sup>202</sup> I sent a follow-up email to my 44 interviewees to determine how their teaching practice regarding HRE had changed following the 2014 reforms. Whilst most of the teachers who replied did not make reference to British values, eight (18% of the interview sample) did identify that they

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[news/trojan-horse-goves-british-values-schools-a-knee-jerk-response](#) [last accessed 3 July 2015]); Daley, J., ‘Don’t ‘teach’ British values – demand them’ (The Telegraph, 14 June 2015) (available at: [www.telegraph.co.uk/news/uknews/immigration/10899904/Dont-teach-British-values-demand-them.html](http://www.telegraph.co.uk/news/uknews/immigration/10899904/Dont-teach-British-values-demand-them.html) [last accessed 15 August 2015]); & Jones, O., ‘Sorry, David Cameron, but your British history is not mine’ (The Guardian, 15 June 2014) (available at: <http://www.theguardian.com/commentisfree/2014/jun/15/david-cameron-british-history-values> [last accessed 15 August 2015]).

<sup>198</sup> House of Commons Education Committee, *Extremism in Schools: the Trojan Horse affair* (7<sup>th</sup> Report of Session 2014-15) (17 March 2015, HC 473) at 24, para 64; for discussion of the misreporting and misrepresentation of the Trojan Horse scandal, see Richardson (n 195) at 39-41.

<sup>199</sup> Richardson (n 195) at 41.

<sup>200</sup> For a similar argument see Osler, A., ‘Citizenship Education and the Ajebo Report’ (2008) 6(1) *London Review of Education* 11–25 at 20-21.

<sup>201</sup> I attended the ACT National Conference in London on 30 June 2015 and listened to one speaker couch his understanding of British values in a broader human rights framework.

<sup>202</sup> Chapter 4 at section 4.3.5.



consider the obligation to educate on British values to support the teaching of HRE, thus implying that some teachers are interpreting the guidance as legitimising their teaching practices in this area.<sup>203</sup> It is worth noting, however, that none of the interviewees who had previously reported that they were not educating *about* human rights advised in their follow-up email that they are now providing such education *because of* the obligation to teach British values.

As will be acknowledged in Chapter 4, my interviewees may represent those teachers with an existing interest in the provision of HRE.<sup>204</sup> It is reasonable to suggest, therefore, that some teachers with such an interest may use the British values guidance as a means of validating their existing teaching practices in the provision of education *about* human rights. It is also reasonable to suggest, however, that teachers without a particular interest in education in this area would be less likely to interpret the British values guidance as mandating teaching on broad values frameworks that are respected and recognised by the UK, such as human rights.<sup>205</sup> And this is where the potential problems lie, for the guidance is arguably open to subversive and discriminatory interpretation.

Without express acknowledgement that British values are those with which people in this country are likely to identify, teachers could interpret the guidance in a manner that is prejudicial to certain groups in society. And this risk is perhaps all the more likely given the circumstances in which British values were introduced and the scant nature of available guidance and training on their teaching. Indeed, the Government itself seems uncertain as to the meaning and nature of British values, with David Cameron adding ‘peace’ to the list during an appearance on the Today programme

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<sup>203</sup> One interviewee, however, expressed concern that the British values guidance was ‘subversive’. Of the 8 who viewed British values as contributing to their teaching practices in this area, 6 (75%) were head teachers. Because the British values obligations are directed at schools, it is likely that many schools will be implementing the requirements through extra-curricular activities, such as assemblies. This would explain the greater proportion of head teachers advising that British values has increased HRE provision compared to class teachers.

<sup>204</sup> See Chapter 4 at section 4.3.4.

<sup>205</sup> Some teachers at the ACT Conference, in a panel discussing the British values guidance, voiced this concern. Those in attendance were, again, likely to be teachers with an interest in education in this area, but two teachers expressly identified that teachers with less of an interest may be likely to interpret the British values guidance in a subversive and discriminatory manner.

on Radio 4,<sup>206</sup> despite no reference being made to peace in the relevant curricular guidance.

The scope for interpretation does mean, however, that the guidance need not be viewed as precluding teaching on values not included on the list, but rather could be understood as a list of values that the Government considers as important for learners to understand and accept. And in this regard, it can perhaps be seen as a positive development that human rights values are included on the list of values to be taught in primary schools, even if they are not explicitly couched in language of rights. It remains to be seen how they are interpreted, and whether they undermine rather than promote human rights values such as respect, dignity and equality by encouraging differential treatment of certain groups of learners.<sup>207</sup>

#### *3.4.2.5 Concluding Remarks*

Whilst the new guidance on British values arguably facilitates teaching on certain human rights values, it does not recognise these values as stemming from universal notions of rights. Their teaching does not require learners to have an understanding of: the broader framework of human rights; the international documents in which these values are prevalent; or the protection mechanisms which seek to guarantee them for all human beings.

Nicky Morgan, the current Education Secretary, has recently supported the introduction in English schools of ‘Speak Truth to Power’, a programme run by the American human rights organisation RFK Human Rights. Whilst it offers lessons addressing topics such as slavery, religious freedom and political repression,<sup>208</sup> there is no suggestion that this programme will be implemented on a formal curricular footing. It is likely to be simply an option for schools, and will therefore arguably

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<sup>206</sup> Radio 4, ‘Today’ (broadcast on Monday 29 June 2015). See also footnote 195 above discussing the varying descriptions included within the *Prevent Strategy*.

<sup>207</sup> The interaction between HRE and the British values guidance is a subject that I am going to pursue in detail in my future research.

<sup>208</sup> Coughlan, S., ‘Schools to offer human rights lessons from US Kennedy project’ (BBC News, 14 September 2015) (available at: <http://www.bbc.co.uk/news/education-34226332> [last accessed 14 September 2015]). For more information about the programme, see Robert F. Kennedy Human Rights, ‘Speak Truth to Power’ (available at: <http://rfkcenter.org/what-we-do/speak-truth-power/> [last accessed 14 September 2015]).

attract the attention of those schools already interested in HRE rather than those currently not engaged in this area. Whilst the Education Secretary's involvement in promoting the programme could suggest interest in HRE at a policy level, leaving such education to outside organisations to run in an *ad hoc* manner with interested schools is once again indicative of a fundamental lack of government commitment to HRE.

In the absence of explicit statutory requirements to provide basic and fundamental education *about* human rights to learners of primary school age, therefore, it is unlikely that the majority of teachers would be educating in this area in a deeper and more contextually relevant manner in accordance with the international requirements for HRE outlined in the previous chapter.

In light of recent academic suggestion that many states are beginning to place greater emphasis on the links between citizenship and HRE and that there 'is a growing consensus internationally that human rights principles underpin education for citizenship in multicultural democracies',<sup>209</sup> the new NC arguably represents a backwards step regarding the provision of both citizenship and HRE at primary level. The withdrawal of the non-statutory guidance for citizenship, together with the considerable paring down of the non-statutory PSHE guidance, means that the scope for educating *about* human rights has been significantly curtailed by the 2014 reforms.

### **3.4.3 Education *Through* Human Rights**

With recognition that 'theoretical teaching on the values of human rights and democracy serves little purpose if these values are not also put into practice',<sup>210</sup> it is clear that HRE at the national level should extend beyond learning *about* human rights to experiencing those rights in the learning environment.

Education *through* human rights is, however, rather more difficult to recognise and evaluate in formal education policy. Within both the HRE discourse and in relevant

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<sup>209</sup> Osler & Starkey (n 181) at 436.

<sup>210</sup> Verhellen, E. 'Children's Rights and Education' in Osler (ed), *Citizenship and Democracy in Schools* (n 82) 33-43 at 42.

policy guidance, the concept of a rights respecting classroom is most commonly measured by evidence that children are immersed in the language of rights and that they are able to exercise their rights to *inter alia* freedom of expression, opinion, and participation.<sup>211</sup> Class charters referring expressly to human rights and to learners understanding the reciprocity between rights in the classroom, for example their right to free speech being balanced against another's right to an education, are also indicative of rights respecting learning environments.<sup>212</sup>

It has been suggested that the idea of learners being able to participate freely in classroom decision making without being ridiculed or silenced – in other words, ‘participation in decision making in a constructive, accepting environment – would require a significant change of ethos in many schools’.<sup>213</sup> Thus, with the introduction of citizenship as a non-statutory subject in the NC for primary schools in 2000, it was acknowledged that ‘schools which view Citizenship as more than an additional aspect of the formal curriculum will need to review their structures and organisation’.<sup>214</sup>

Some elements of the pre-2014 NC encouraged the participation of learners in the classroom and school. The KS1 guidance for citizenship and PSHE advised, for example, that learners should ‘contribute to the life of the class and school’, and the KS2 guidance built upon this idea with suggestion that learners ‘take part more fully in school and community activities’ and ‘take more responsibility, individually and as a group, for their own learning’.<sup>215</sup> Learners were also expressly encouraged to participate in, for example, ‘the school’s decision-making process, relating it to democratic structures and processes such as councils, parliaments, government and voting’.

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<sup>211</sup> See e.g. Sebba, J. & C. Robinson, *Evaluation of UNICEF UK’s Rights Respecting Schools Award* (Final Report, September 2010); Lundy, L., ‘Voice is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child’ (2007) 33(6) *British Educational Research Journal* 927-942; & Alderson, P., ‘School Students’ Views on School Councils and Daily Life at School’ (2000) 14(2) *Children and Society* 121-134.

<sup>212</sup> See e.g. UNICEF, ‘Rights Respecting Schools Award: Charter or agreements in Rights Respecting Schools’ (available at [http://www.unicef.org.uk/Documents/Education-Documents/RRSA\\_guide\\_to\\_creating\\_charters.pdf](http://www.unicef.org.uk/Documents/Education-Documents/RRSA_guide_to_creating_charters.pdf) [last visited 3 July 2015]).

<sup>213</sup> Spencer (n 85) at 28.

<sup>214</sup> Brown (n 169) at 116.

<sup>215</sup> Department for Education, *Citizenship: Key Stage 1 Non-Statutory Guidance* (n 171); Department for Education, *Citizenship: Key Stage 2 Non-Statutory Guidance* (n 172); Department for Education, *PSHE: Key Stage 1 Non-Statutory Guidance* (n 180); & Department for Education, *PSHE: Key Stage 2 Non-Statutory Guidance* (n 180).

Drawing upon the outcomes of the ‘Every Child Matters’ agenda,<sup>216</sup> the non-statutory RE guidance also advised that teaching should develop ‘a sense of self-awareness, belonging and identity that manifests itself in positive participation in school and community life’.<sup>217</sup> And of further significance is the only express mention of the term ‘human rights’ within any of the relevant subject guidance, both statutory and non-statutory, for primary education in England. RE is deemed to provide:

*opportunities to promote an ethos of respect for others, challenge stereotypes and build understanding of other cultures and beliefs. This contributes to promoting a positive and inclusive school ethos that champions democratic values and human rights.*<sup>218</sup>

As outlined above, Michael Gove emphasised that schools are instructed to both respect and promote British values.<sup>219</sup> The promotion of these values has been discussed under education *about* human rights, but it seems reasonable to suggest that respect for these values would be a facet of education *through* human rights too. If values such as tolerance, non-discrimination, respect, participation and freedom are to be promoted, learners must logically experience respect for them in the learning environment. The guidance does allude to this at certain points, for example in its reference to schools ‘encouraging respect for other people’,<sup>220</sup> and ‘ensuring that all pupils within the school have a voice that is listened to’.<sup>221</sup> As emphasised previously, however, this guidance does not draw upon notions of universal human rights, and does not couch education in this area in the express terminology of rights.

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<sup>216</sup> Every Child Matters (ECM) was a Government initiative for England and Wales (launched in 2003) that aimed to both protect children and maximize their potential. For more information see: Chief Secretary to the Treasury, *Every Child Matters* (September 2003) (Cm 5860). The terminology of ECM has been largely dispensed with since 2010.

<sup>217</sup> Department for Children, Schools and Families, *RE in English schools* (n 4) at 26.

<sup>218</sup> *Ibid* at 8.

<sup>219</sup> At section 3.4.2.4.

<sup>220</sup> Department for Education, *Promoting fundamental British values* (n 194) at 5.

<sup>221</sup> *Ibid* at 6.

### 3.4.4 Education *For* Human Rights

In the pre-2014 NC, ideas consistent with education *for* human rights were included within the non-statutory guidance for citizenship and PSHE at key stages 1 and 2. The KS1 guidance for both subjects advised, for example, that learners should begin to ‘take an active part in the life of their school and its neighbourhood’, and further encouraged learners to take part in discussions ‘about topics of school, local, national, European, Commonwealth and global concern’.<sup>222</sup> The KS2 guidance sought to instill deeper skills of empowerment and critical thinking by suggesting that pupils should begin ‘to understand that their own choices and behaviour can affect local, national or global issues and political and social institutions’,<sup>223</sup> and encouraged learners to develop ‘their sense of social justice and moral responsibility’.<sup>224</sup>

Following withdrawal of the non-statutory citizenship guidance, and the paring down of the PSHE guidance, the newly reformed NC makes no reference to concepts relevant to education *for* human rights. However, through the currently unchanged non-statutory RE guidance, ideas consistent with this element of the tripartite framework remain in the primary curriculum. RE is considered to contribute to community cohesion, for example, by providing ‘a key context to develop young people’s understanding and appreciation of diversity, to promote shared values and to challenge racism and discrimination’.<sup>225</sup> Pupils are prompted to ‘consider their responsibilities to themselves and to others, and to explore how they might contribute to their communities and to wider society’, and emphasis is placed upon the importance of taking appropriate action and putting principles into practice.<sup>226</sup>

The non-statutory guidance further emphasises the role of RE in developing ‘identity, cultural diversity and community cohesion...to help young people make sense of the world and give education relevance’,<sup>227</sup> and emphasises the importance of facilitating integration and the promotion of shared values,<sup>228</sup> and challenging

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<sup>222</sup> Department for Education, *Citizenship: Key Stage 1 Non-Statutory Guidance* (n 171); & Department for Education, *PSHE: Key Stage 1 Non-Statutory Guidance* (n 180).

<sup>223</sup> Department for Education, *Citizenship: Key Stage 2 Non-Statutory Guidance* (n 172); & Department for Education, *PSHE: Key Stage 2 Non-Statutory Guidance* (n 180).

<sup>224</sup> *Ibid.*

<sup>225</sup> Department for Children, Schools and Families, *RE in English schools* (n 4) at 7.

<sup>226</sup> *Ibid* at 8 & 33.

<sup>227</sup> *Ibid* at 5 & 23.

<sup>228</sup> *Ibid.*

prejudice.<sup>229</sup> With the apparent aim of instilling a more critical and questioning approach in learners, the guidance additionally advises that pupils should be encouraged to explore their own beliefs in light of what they have been taught about religious belief and faith, and to consider ‘how these impact on personal, institutional and social ethics’.<sup>230</sup>

As with education *about* and *through* human rights, the British values guidance is also relevant. Whilst it does not make explicit reference to human rights, the guidance can be interpreted as loosely encouraging empowerment and critical thinking. The guidance advises, for example, that learners should understand ‘how citizens can influence decision-making through the democratic process’,<sup>231</sup> and have ‘an understanding of the importance of identifying and combatting discrimination’.<sup>232</sup> In their latest inspection framework document, Ofsted also recognise that through acceptance and engagement with British values, learners ‘develop and demonstrate skills and attitudes that will allow them to participate fully in and contribute positively to life in modern Britain’.<sup>233</sup>

### 3.5 CONCLUSION

Recognising that ‘within the discipline of education the curriculum is often a dominant factor in relation to children and their needs’, Dominic Wyse argued in 2001 that ‘the education system in England has come under sustained attack from the children’s rights lobby, but in spite of this it appears to continue to repeat the mistakes that haunt its past’.<sup>234</sup>

It seems the trend is continuing. Through tracing the history of HRE in English education policy, and through analysing its current position within the NC for primary schools, it is apparent that HRE is, and has been since the introduction of the NC in 1988, conspicuous largely by its absence. And where it has featured

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<sup>229</sup> Ibid at 7-8.

<sup>230</sup> Ibid at 8.

<sup>231</sup> Department for Education, *Promoting fundamental British values* (n 194) at 5.

<sup>232</sup> Ibid at 6.

<sup>233</sup> Ofsted, *School Inspection Handbook: Handbook for inspecting schools in England under section 5 of the Education Act 2005 (as amended by the Education Act 2011)* (January 2015) at 36.

<sup>234</sup> Wyse, D., ‘Felt Tip Pens and School Councils: Children’s Participation Rights in Four English Schools’ (2001) 15 *Children & Society* 209-218 at 210.

explicitly in policy documents, this has related predominantly to education about rights elsewhere, particularly in developing countries. This tendency to focus upon HRE in the Global South is problematic, frequently propagating a ‘them’ and ‘us’ belief that Western societies have rights and non-Western societies do not.<sup>235</sup> The UK is not alone in this,<sup>236</sup> with the CoE acknowledging as far back as 1984 the propensity for European states to include only ‘material about other countries and other times, comfortably locating denials of Human Rights in other places and other periods’.<sup>237</sup>

The inclusion of HRE within education policy relating to developing countries is indicative of Government recognition that such education is both valuable and beneficial for young learners. It is arguably even more objectionable, therefore, that HRE is almost completely overlooked within the domestic primary curriculum. If the Government considers HRE to be a valuable addition to formal education in other countries, then it should also form a central feature of the primary education policy landscape in England.

The picture that emerges of the HRE policy framework (such as it is) in England is one that has remained fragmented, incomplete and inconsistent, however. Sporadic minor flurries of activity related to periods of political change seem to be the closest that the English education system has come to a framework of rights education. According to the 1999 report submitted by Tomaševski regarding the UK’s implementation of economic, social and cultural rights,<sup>238</sup> education policy documents tend not to ‘use human rights language nor do they mention international human rights law’, and the system has been evaluated as failing to recognise learners as the subjects of ‘the right to education *and of human rights in education*’.<sup>239</sup> The review

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<sup>235</sup> Alderson (n 18) at 196; Flowers, N. & D.A. Shiman, ‘Teacher Education and the Human Rights Vision’ in Andreopoulos, G.J., & R.P. Claude (eds), *Human Rights Education for the 21<sup>st</sup> Century* (University of Pennsylvania Press, USA 1997) 161-175 at 169; & Krappman, L., ‘The Rights of the Child as a Challenge to Human Rights Education’ (2006) 5(1) *Journal of Social Science Education* 60-71 at 61.

<sup>236</sup> Howe & Covell, *Empowering Children* (n 93) 14.

<sup>237</sup> Lister, *Teaching and Learning About Human Rights* (n 102) at 12; see also Shiman, D., ‘Teaching Human Rights: Classroom Activities for a Global Age’ in Starkey (ed), *The Challenge of HRE* (n 18) 189-204 at 190.

<sup>238</sup> Discussed above at section 3.3.

<sup>239</sup> UN Economic and Social Council, ‘Economic, Social and Cultural Rights’ (n 13) at 9, para 29 & 21, para 90 [emphasis added].



of policy provided by this chapter provides no evidence to suggest that the situation has changed.

HRE as a concept relevant to learners in England has been shaped to a great extent by changes in the political tides: with each change of government comes a change in the education policy landscape concerning human rights. It is difficult to entrench areas such as HRE when some governments see benefit in its provision and others consider it to be superfluous to requirements. And in this regard, the newly reformed NC is moving the English education system further from compliance in policy terms with the agreement to educate *about, through* and *for* human rights. With the absence of express reference to human rights or HRE, and given the withdrawal and paring down of the citizenship and PSHE guidance respectively, the current Government's lack of commitment to HRE seems undeniable. Whilst the new British values guidance does include some human rights values consistent with the requirements of the tripartite framework, the guidance makes no reference to human rights, and it remains to be seen to what extent it will be successful in promoting rather than undermining a number of these values.

There is arguably therefore a clear and increasing divergence between the requirements of the international framework for HRE and the national policy context. Education policy has largely not made explicit reference to human rights, and where it has addressed HRE concepts, this content has been vague. Whilst these policy documents have touched upon values to a greater extent, with potential for overlap with human rights values, there has similarly been little interpretation or explanation of the nature of these values. Where discussion of values has ostensibly been used in place of HRE, including within the recent British values guidance, these values have been neither fully explained nor placed in the broader context of universal human rights.

The previous chapter identified that education *about, through* and *for* human rights in accordance with the requirements of the international framework mandates: teaching on human rights and the values that underpin them in a contextually and culturally relevant manner; facilitating these rights and values in the learning environment; and empowering learners to promote and defend human rights beyond the four walls of

the classroom. This chapter has shown, however, that education policy in England has predominantly addressed only teaching on values more broadly. And whilst these values have frequently overlapped with human rights values, explicit connections have not been made between this teaching and HRE.

In order to address whether the absence of clear policy regarding the provision of education *about, through* and *for* human rights is remedied in practice, therefore, there is a need to consider what teachers are doing at individual school level. Given the supposed flexibility in the NC, both pre- and post- 2014 reforms, it is important to develop a better understanding of classroom practice in the provision of each element of the tripartite framework. If teachers are in fact seemingly educating effectively *about, through* and *for* human rights, even despite the omission of these concepts from the education policy landscape, then it is arguably largely irrelevant that they are not explicitly included in the curriculum. It is the practice of HRE that truly determines whether England is fulfilling its international commitments, and empirical investigation into classroom and school practice in primary schools is therefore vital for addressing my research questions. What then is happening regarding the provision of education *about, through* and *for* human rights in primary schools across England? It is this question that I seek to investigate in the Chapters 5, 6 and 7. Before this, however, chapter 4 sets out my research methodology.

## CHAPTER 4: RESEARCH METHODOLOGY

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### 4.1 INTRODUCTION

In order to address the question of what is currently happening regarding the provision of education *about, through* and *for* human rights across England, it was necessary to carry out empirical research with primary teachers. Empirical inquiry is essential for addressing this question, for to assess only legal instruments, policy guidance and relevant theory is to overlook the reality of educational practice in this area. Without understanding the practice of HRE in primary schools, it is impossible to meaningfully determine how education *about, through* and *for* human rights *is* being taught, and the reasons underlying any ostensible deficiencies in practice. To tackle these questions, this thesis adopts a predominantly inductive theoretical approach – generating new theory from my analysis of the empirical findings – with chapters 5, 6 and 7 drawing heavily upon the quantitative survey and qualitative interview data collected through my mixed methods research study.

This chapter explains my research methodology and seeks to justify the decisions I made during the process of planning and carrying out the empirical study. The chapter is split into five sections. I reflect in section 4.2 on my own position as a legal researcher, and former legal practitioner, and consider how this may have influenced or impacted upon the research process. In section 4.3, I then explain my mixed methods study in some detail and justify the decisions that I made during this process. Section 4.4 then sets out the process I went through in order to ensure that all of the necessary ethical approval was in place for the study, and considers the steps taken to confirm that my interviewees were fully informed about the research process and its implications.

### 4.2 MY POSITION AS A RESEARCHER

Throughout the process of my empirical research, I was aware of my own position as a white, middle-class, female researcher in my late twenties, with an academic home in the discipline of law as opposed to education. My background has been

exclusively in law, with an LLB, Diploma in Legal Practice,<sup>1</sup> qualification as a solicitor in Scotland and LLM. Both my personal and professional backgrounds were therefore liable to influence the research process, and I made every effort to bear this in mind during the course of the study.

The first issue regarding my position as a lawyer rather than a teacher relates to the idea of power in the research process. There is a presumption often stated in the literature in this area that researchers are in a position of power relative to those being interviewed.<sup>2</sup> Whilst this did not appear to influence my interactions with the interviewees, I nevertheless felt that I needed to make teachers aware of my legal background in order to avoid any potential deception regarding my positioning as a researcher. However, I also emphasised at the beginning of the interviews that my doctoral study represented something of a hybrid between the academic fields of law and education. Whilst I was not trying to place myself as ‘one of them’ by doing so,<sup>3</sup> it was a subtle attempt on my part to make my interviewees rather more at ease by signifying that the interview would not be overly legal or jargonistic; a technique considered to be employed by solicitors and other legal practitioners to maintain their position of power over the so-called ‘layman’.

I was also aware of how my background and experience limited to a certain extent my ability to truly understand the pressures of professional life in formal primary education. Having not experienced the demands of being a teacher – and having little familiarity with the necessary choices made by teachers in their professional life on a daily basis – I came into this project with the express intention to avoid criticising teachers personally for any perceived deficiencies in the practice of education *about, through* and *for* human rights at the classroom and school level. Any empirical data in this study indicating that primary practice is not in accordance with England’s HRE commitments in this area is therefore used to suggest what may need to be done at state level to improve the situation, rather than as a means of criticising individual teachers or schools.

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<sup>1</sup> This is the Scottish equivalent of the English Legal Practice Course.

<sup>2</sup> Das, C., ‘Considering ethics and powers relations in a qualitative study exploring experiences of divorce among British-Indian adult children’ (2010, COMCAD Working Papers, No. 76, Bielefeld); & Given, L., *The SAGE Encyclopedia of Qualitative Research Methods* (Vol.2, Sage Publications, London 2012).

<sup>3</sup> Letherby, G., *Feminist Research in Theory and Practice* (OUP, Milton Keynes, 2003), 115.

### 4.3 RESEARCH METHODS

I adopted a mixed methods approach in this research, as I felt this method was best suited to addressing my research questions. A self-completion survey was created and opened on 13 June 2013 and remained available for completion until 10 January 2014.<sup>4</sup> At the time of its closure, the survey had received 378 responses. This scoping survey had the aim of ascertaining what is currently happening with regard to the teaching of HRE and values within primary classrooms across England. Respondents had the opportunity to leave contact details if they were willing to participate in a follow-up interview regarding their teaching practice and views in this area.

The qualitative interviews were semi-structured in design and were carried out between 3 October 2013 and 12 February 2014.<sup>5</sup> All those who left their details for a follow-up interview were contacted,<sup>6</sup> though not all of the 82 survey respondents who did so were subsequently willing or able to be interviewed. In total, I interviewed 44 teachers across 18 counties in England. Eight (19%) of these teachers were male,<sup>7</sup> and the interviewees represented the full spectrum of primary year groups from Early Years Foundation Stage to Year 6. Eleven head teachers, two deputy head teachers and one Higher Level Teaching Assistant were also interviewed.

The benefits of mixed methods studies have been emphasised within the existing methodological research. Gajendra K. Verma and Kanka Mallick have identified, for example, that:

*It is common for...[quantitative surveys and qualitative interviews] to be used in the same study; the questionnaire often providing what are often called the 'hard data', and the*

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<sup>4</sup> I discuss in detail the content of the survey below at section 4.3.1.

<sup>5</sup> Details of the year group taught by each interviewee and the date of their interview is included in Appendix 3. A copy of the interview schedule is included in Appendix 6 and an overview of the types of questions asked is discussed in detail at section 4.3.3 below.

<sup>6</sup> Though some of the contact details were incorrect or incomplete meaning that respondents could not in fact be contacted.

<sup>7</sup> 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.

*interviews making it possible to explore in greater detail and in depth some particularly important aspects covered by the questionnaire.*<sup>8</sup>

I felt that conducting a quantitative scoping survey alone would provide insufficient data regarding the underlying reasons for teaching practices in this area. Equally, however, carrying out detailed qualitative interviews without any background information through which the interview data could be contextualised would have limited any scope for making tentative generalisations.<sup>9</sup>

#### **4.3.1 Quantitative Data: Self-Completion Survey**

By distributing a self-completion scoping survey prior to conducting in-depth interviews, I sought to collect a large amount of quantitative data on basic aspects of what is currently happening regarding HRE provision in English primary schools. The data was useful for three particular reasons. Firstly, from a research process point of view, it provided me with my sample for the follow-up interviews.<sup>10</sup> Secondly, the collection of a large quantity of relevant data provided me with useful background information on the nature and extent of teaching in this area, thus enabling me to make tentative generalisations about HRE provision in England.<sup>11</sup> And finally, I wanted to avoid having to ask my interviewees – whose available time was inevitably limited – simple, fact-finding questions. Having basic information about their teaching practice to hand thus allowed me to probe more deeply into the reasons for such practice and into their thoughts and opinions on HRE.

A copy of the survey is attached in Appendix 4, but in summary the questions served as indicators for establishing the following: (i) whether values are being taught in primary classrooms and what particular values are focused upon; (ii) whether education *about, through* and *for* human rights is currently being incorporated into classroom teaching; (iii) if so, how this is being done, and if not, why this is not being done; and (iv) whether teachers are referring to the international HRE framework and to human rights terminology. To increase the likelihood of a greater response

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<sup>8</sup> Verma, G. & K. Mallick, *Researching Education: Perspectives and Techniques* (The Falmer Press, London 1999), 122.

<sup>9</sup> Bryman, A., *Social Research Methods* (4<sup>th</sup> edn, Oxford University Press, USA 2012), 645-646.

<sup>10</sup> *Ibid*, 644.

<sup>11</sup> *Ibid*, 645-646.

rate, I kept the survey relatively short and used closed questions. Respondents were then provided with the opportunity to elaborate on some of their closed answers by way of a textual response box. Four of the survey questions required respondents to assess their teaching practice by determining either the accuracy of statements or the frequency with which specified topics are addressed in their classrooms using rating scales.

The survey was hosted by the website SurveyMonkey. I considered an online survey to be appropriate for the target population of primary teachers in England as all teachers are given a school email address. Sampling issues arising from discrepancies in internet access and availability did not therefore arise. In order to obtain the greatest number of responses and to build as representative a sample as possible, I engaged in extensive promotion and distribution of the survey link. I commenced this process by emailing every local authority in England requesting that they forward the survey link onto all maintained primary schools within their control.<sup>12</sup> Only a small number of local authorities responded saying that they were willing or able to do so.<sup>13</sup> A greater number advised that they were unable to contact the schools directly with the link but that I could contact the schools myself, and most provided me with a list of the schools under their control.<sup>14</sup> For these local authorities, and also for those that did not respond to my original email request, I then emailed individually the head teacher of each school within their control requesting that the survey link be distributed to all teaching staff members.

The survey was thus distributed to a reasonable section of the sampling frame<sup>15</sup> – H. Russell Bernard defines this as ‘a list of units of analysis *from which* you take a sample and *to which* you generalize’<sup>16</sup> – which in my case was all maintained primary schools in England. Though some head teachers may have acted as gatekeepers and neglected to forward the survey link on to their staff, the scope and volume of

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<sup>12</sup> I emailed only a selection of London Borough Councils. A maintained school is one that is funded by the local education authority.

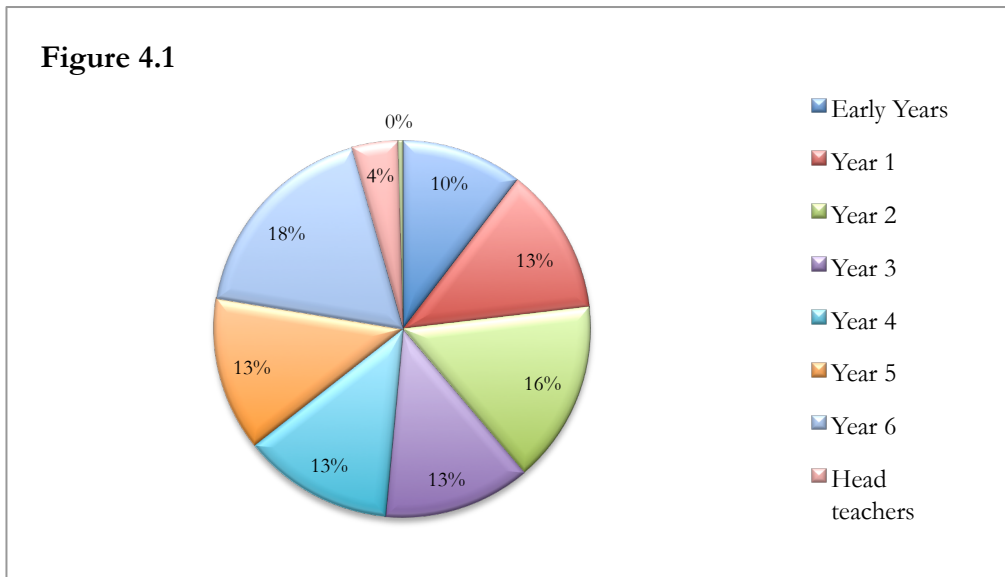
<sup>13</sup> These were: Bath and North East Somerset, Buckinghamshire, Bromley, Cambridgeshire, East Riding of Yorkshire, Peterborough, Portsmouth, Royal Borough of Kensington and Chelsea, Sheffield and Southend.

<sup>14</sup> These were: Brent, Derbyshire, Devon, Essex, Gloucestershire, Harrow, Herefordshire, Hertfordshire, Lancashire, Leeds, Somerset, Waltham Forest, West Sussex and York. This information is also publicly available through local authority websites.

<sup>15</sup> With the exception of primary schools in some London boroughs.

<sup>16</sup> Bernard, H.R., *Social Research Methods: Qualitative and Quantitative Approaches* (Sage Publications, California 2000), 147.

responses suggests that a large and diverse sample of teachers completed the survey. Figure 4.1 shows a relatively even split of respondents across the primary year groups<sup>17</sup> – head teachers were also able to complete the survey and a small number did so<sup>18</sup> – and a table showing the counties represented by the respondents is included in Appendix 5. Whilst certain local authorities clearly promoted the survey to a greater extent than others, responses were received from teachers in 28 of the 48 ceremonial counties of England.<sup>19</sup> Those counties with the highest response rates represented an appreciable geographic split: West Sussex [12%] in the South East; Gloucestershire [9%] in the West Midlands; Devon [8%] on the South West coast; and Lancashire [7%] in the North of England.



Whilst I did not actively distribute the survey link to primary schools not under local authority control, one teacher from an independent school did leave contact details for a follow-up interview, indicating that the survey had reached some such schools. I decided not to exclude this teacher from the follow-up interviews, particularly as her school followed the National Curriculum. However, as the survey did not query specifically whether respondents taught at local authority maintained schools, the

<sup>17</sup> Regarding the data on school year taught, where teachers indicated that they taught more than one year, they were included within the total for each year group specified in their response. Figure 4.1 thus represents percentages of a total of 515 year group entries and not percentages of the 374 individual responses to the survey question.

<sup>18</sup> The nominal category of 'Other' [representing 0.4% of respondents] included a Head of Reading and Planning, Preparation and Assessment and a specialist teacher in a Speech and Language Base.

<sup>19</sup> Those counties not represented are: Bedfordshire, Berkshire, Cheshire, Cornwall, Cumbria, East Sussex, Isle of Wight, Kent, Leicestershire, Lincolnshire, Merseyside, Norfolk, Northumberland, Nottinghamshire, Rutland, Shropshire, Suffolk, Surrey, Wiltshire and Worcestershire.



differences in approach between state-funded and private schools is not identified as a research variable within this study. Similarly, whilst the number of teachers from schools with a religious character represented in the qualitative interviews (19, or 43% of the sample) indicates that a significant proportion of survey responses were received from teachers in denominational schools, the survey did not specifically query this. Again, therefore, the differences in approach between denominational and non-denominational schools does not constitute a research variable in this study.<sup>20</sup>

Whilst my method of survey distribution did limit the scope for sample bias – emailing every school within a county if the local authority was unwilling to contact them directly – I acknowledge that the survey sample cannot be said to be representative due to sampling limitations and high non-response rates.<sup>21</sup> For example, some of the local authorities or head teachers who said that they would distribute the survey may have neglected to do so and, of course, a number of those to whom the survey was distributed will have chosen not to respond.<sup>22</sup> As Alan Bryman highlights, '[t]he significance of a response rate is that, unless it can be proven that those who do not participate do not differ from those who do, there is likely to be the risk of bias'.<sup>23</sup> It is arguable, for example, that teachers with strong opinions either in favour of or against HRE would be more likely to respond to my survey than those with less polarised views. The likelihood of teachers with moderate views responding was increased, however, through local authorities and school management directly requesting that teachers spare a small amount of their time to complete the survey.<sup>24</sup>

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<sup>20</sup> I am hoping to carry out more detailed research into the differences in HRE provision between denominational and non-denominational schools in my future academic career.

<sup>21</sup> For further information on sampling and sample bias, see Oppenheim, A.N., *Questionnaire Design, Interviewing and Attitude Measurement* (2<sup>nd</sup> edn, Pinter Publishers, London 1992), 42-44; Bryman (n 9) at 199-206; & Corbetta, P., *Social Research: Theory, Methods and Techniques* (SAGE Publications, London 2003), 224-225.

<sup>22</sup> For detailed discussion of non-response error, see Corbetta, *Social Research* (n 21) at 224-225.

<sup>23</sup> Bryman, *Social Research Methods* (n 9) at 235.

<sup>24</sup> I was copied in to some such emails and also advised by a number of head teachers that they would forward the link on to their teaching staff with a request for participation.

### 4.3.2 Quantitative Survey: Analysis of Data

The closed questions on the survey were effectively pre-coded and thus by answering them using the options provided, respondents were assigning themselves to a pre-existing coded category. The SurveyMonkey software then enabled straightforward analysis of this data. However, for a number of the pre-coded survey answers, it was beneficial to analyse the data for variations across the spectrum of primary year groups. SurveyMonkey was unable to do this and I therefore had to carry out this analysis manually. Each survey response was analysed individually and the data entered in a table that identified the year group of the respondent and their pre-coded answer to the particular question. Patterns, trends and correlations in the answers to these survey questions could then be identified across the spectrum of year groups.

As the survey additionally contained optional open questions, where textual responses were provided, these had to be post-coded. To do this, I examined all the textual responses and used thematic analysis to group the themes emerging from these replies into distinct categories. According to Virginia Braun and Victoria Clarke, this type of analysis involves ‘searching across the data set...to find repeated patterns of meaning’,<sup>25</sup> and thus after I had familiarised myself with the data, I was able to identify these categories and assign numbers to them. Each textual response could then be coded with the number of the relevant corresponding category, enabling the answers to the open questions on the survey to be processed quantitatively.

### 4.3.3 Qualitative Data: Semi-Structured Interviews

Additional justifications for using a mixed methods approach apply to my second stage: qualitative interviewing. The interview data was not only used to facilitate understanding of a number of issues relevant to those topics covered in the survey but not explored directly, but also to provide further elaboration and contextualisation of certain findings from the survey.<sup>26</sup> Providing a context for the

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<sup>25</sup> Braun, V. & C. Clarke, ‘Using Thematic Analysis in Psychology’ (2006) 3(2) *Qualitative Research in Psychology* 77-101 at 86.

<sup>26</sup> Bryman, *Social Research Methods* (n 9) 634.

basic information about HRE gleaned from the survey was necessary for revealing the explanations underlying the quantitative data and for enabling wider theoretical inferences to be drawn from the findings. To borrow the words of Irving Seidman, '[a]t the root of in-depth interviewing is an interest in understanding the lived experience of other people and the meaning they make of that experience'. I wanted to really understand teachers' practices in this area, and drill down into the personal reasons underlying their action, or in many cases inaction, regarding the provision of education *about, through and for* human rights.<sup>27</sup>

Semi-structured interviews are recognised as a means of allowing a researcher to 'keep more of an open mind about the contours of what he or she needs to know about, so that concepts and theories can emerge out of the data'.<sup>28</sup> The emphasis must therefore 'be on how the interviewee frames and understands issues and events – that is, what the interviewee views as important in explaining and understanding events, patterns, and forms of behaviour'.<sup>29</sup> The use of semi-structured interviews thus enabled me to maintain a degree of structure and ensure that all relevant issues were covered with each interviewee, whilst at the same time permitting further questioning for clarification and elaboration on certain answers.<sup>30</sup> This not only provided interviewees with a degree of flexibility to describe how they view their teaching practice in this area, but also allowed them to freely express their opinions more generally. Whilst this technique can raise 'problems concerning the way in which the responses can be utilised and compared',<sup>31</sup> I sought to maintain enough consistency in the core subject matter of each interview to justify the conclusions and inferences drawn.<sup>32</sup>

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<sup>27</sup> Seidman, I., *A Guide for Researchers in Education and the Social Sciences* (3<sup>rd</sup> edn, Teachers College Press, New York 2006), 9.

<sup>28</sup> Ibid, 12.

<sup>29</sup> Ibid, 471.

<sup>30</sup> Hakim, C., *Research Design: Successful Designs for Social and Economic Research* (2<sup>nd</sup> edn, Routledge, London 2000), 35; May, T., *Social Research: Issues, Methods and Process* (4<sup>th</sup> edn, OUP, Maidenhead 2011), 134; Goode, W.J. & P.K. Hatt, *Methods in Social Research* (McGraw-Hill, New York 1952); Savin-Baden, M & C.H. Major, *Qualitative Research: The Essential Guide to Theory and Practice* (Routledge, London 2013), 359; & Sayer, A., *Method in Social Science* (revised 2<sup>nd</sup> edn, Routledge, Oxford 2010), 165.

<sup>31</sup> Burgess, R.G., 'The Unstructured Interview as a Conversation' in Burgess, R.G. (ed), *Field Research: A Sourcebook and Field Manual* (Routledge, USA 1982) 107-110 at 109.

<sup>32</sup> May, *Social Research* (n 30) 93; & Gerber, P., *From Convention to Classroom: The Long Road to Human Rights Education* (VDM, Saarbrücken 2008), 132.

A copy of the interview schedule is included in Appendix 6. Whilst the semi-structured nature of the interviews meant that the schedule was not rigidly adhered to, it does provide the general order of questioning followed in each interview. In summary, the first part of the interview aimed to probe more deeply into the teacher's survey responses. Interviewees were asked in detail about the values taught in their classrooms and about the practice of such teaching. Similar questions were then asked about HRE. If teachers had indicated in their survey that they do not teach about human rights, I queried the reasons for this. I also sought to ascertain their views on the appropriateness of using human rights language with their particular year group. Teachers' survey responses on rights respecting learning environments and on empowerment in the classroom and school more widely were then explored and their views elicited on the importance and relevancy of these ideas to primary education.

The second part of the interview sought to probe more deeply into teachers' opinions both about human rights generally and about the teaching of HRE in primary schools. To avoid assuming that participants defined and understood 'human rights' in the same way as myself, I commenced this part of the interview by asking what teachers took the term 'human rights' to mean. It was important to engage in such a bottom-up framing of the issue, rather than imposing a top-down assumption of what teachers understand by human rights, in order to develop a more comprehensive picture of understanding and practice in this area. This was then followed by questions concerning any reservations that they had about HRE and about 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. The final question sought to ascertain what teachers consider to be the benefits, if any, of providing HRE.

Most of the interviews took place at the interviewees' schools, with two being conducted in teachers' homes and one in a coffee shop. Three teachers were interviewed by telephone due to their unavailability during the time that I was in their county. Where interviews were conducted in schools or in teachers' homes, this may have contributed to countering the problem of researcher power identified in section 4.2. In their own domain, teachers are more likely to be comfortable and confident,

though conversely in the workplace they may also be more concerned about being overheard by colleagues.<sup>33</sup> Only one teacher from each school was interviewed, except in the case of one primary school where a class teacher and the head teacher had both requested an interview. For ease, and to make optimal use of their available time, they were interviewed together. All interviews were audio recorded for accuracy and subsequently transcribed in full.

It must be acknowledged that a particular limitation of this research was the restricted time that teachers had to spare for interview. As the majority of the teachers were interviewed in school, this had to be during a free – and usually limited – time slot within their working day. Typically, this was in their lunch hour, during a period in which their class were in another lesson, such as PE, or at the end of the school day when they were, presumably, tired and eager to get home. In these circumstances, my opportunities for interrogating deeply the meanings of certain things or for following up interesting points with detailed further inquiry were limited.

#### **4.3.4 Qualitative Data: Justification of Sampling Method**

I acknowledge that because the interviews were conducted with participants who had indicated a willingness to be contacted in their survey, sample justification issues arise. This is particularly so given that the interviewees not only self-selected through their expression of interest for being interviewed, but also through their initial decision to complete the survey. As a result, it is arguable that those interviewed may represent only teachers who have an interest in HRE and thus not reflect majority opinion in this area. A.N. Oppenheim has advised, however, that ‘exact representativeness is not usually necessary’,<sup>34</sup> and whilst I make no claim to the sample being representative, the fact that 55% of the interviewees had advised in their survey that they do teach expressly about human rights, and 43% that they do not,<sup>35</sup> suggests that it was not only those teachers currently providing HRE who self-selected for interview.

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<sup>33</sup> See e.g. Elwood, A. & D.G. Martin, ““Placing” Interviews: Location and Scales of Power in Qualitative Research (2000) 52(4) *Professional Geographer* 649-657 at 651.

<sup>34</sup> Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (n 21) at 68.

<sup>35</sup> One interviewee had not answered this particular question on the survey, thus representing 2% of the sample.

Additionally, the nature of my research questions means that potential sample bias is not necessarily problematic, for to borrow the words of Bryman, my findings aim to ‘generalize to theory rather than to populations’.<sup>36</sup> Thus, whilst a teacher’s level of enthusiasm will dictate the extent to which they address HRE in their classroom and therefore affect the question of whether it *is* currently being taught, such enthusiasm is not detrimental to eliciting information from teachers that facilitates analysis of the deeper contextual issues affecting whether it *should* be taught. The extent of enthusiasm for HRE is also unlikely to significantly affect teachers’ awareness or understanding of external influences upon their teaching practice. Furthermore, even if some of my interviewees are rather more enthusiastic about HRE than an average teacher would be, this does not necessarily undermine my research findings. If these more engaged teachers express concerns about certain aspects of HRE provision, it is reasonable to suggest that such reservations would be present to a greater extent amongst a wholly representative sample of teachers.

However, by using a sample of self-selected interviewees, I additionally had no control over factors such as the geographic location and catchment area of their schools, or the year groups taught by them. Whilst I am making no claim to the sample being representative, it ended up having quite a wide geographic spread: Devon [16% of interviewees] in the South West; Yorkshire [16%] in the North East; Lancashire [14%] in the North West; Warwickshire [9%] in the West Midlands; and Hertfordshire [7%] and West Sussex [7%] in the East and South East respectively. Appendix 7 shows the full geographic spread.

Similarly, regarding school catchment areas and diversity across social and economic backgrounds, the sample reflected an acceptable spectrum. The number of pupils eligible for free school meals (FSM) is frequently used as an indicator for economic and social disadvantage,<sup>37</sup> and Appendix 8 shows the 2012 percentages of pupils

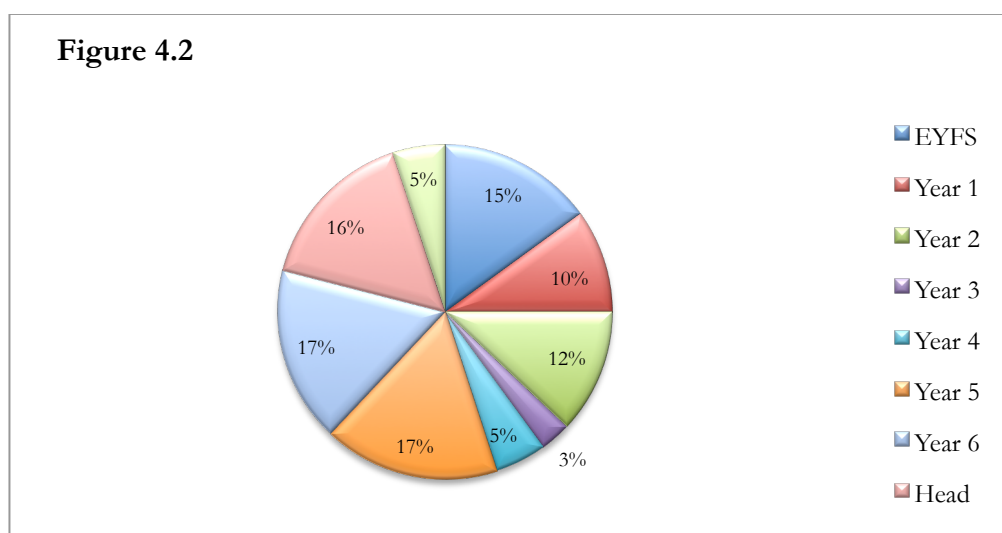
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<sup>36</sup> Bryman, *Social Research Methods* (n 9) 406.

<sup>37</sup> Department for Education, *Impact Indicator 7: Attainment gap at age 11 between free school meal pupils and their peers* (2015) (available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404714/KS2\\_Impact\\_indicator\\_7.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404714/KS2_Impact_indicator_7.pdf) [last accessed 25 August 2015]).

eligible for FSM at the schools in this research.<sup>38</sup> The average was 19%, and the national average for the same year was 26%, demonstrating that there was considerable variation in economic and social status across the interviewees' schools.

Finally, with the exception of years 3 and 4, the interviewees represented a relatively even spread across primary year groups, as shown in Figure 4.2.



#### 4.3.5 Qualitative Interviews: Analysis of Data

A slightly different approach was adopted for coding the interview data than for the textual survey response data. The task was, of course, a considerably greater one given the sheer volume of data obtained through the 44 in-depth interviews. All interviews were transcribed verbatim in full, thus enabling me to subsequently analyse the transcripts and design a coding frame identifying the codes relevant to each area of questioning.<sup>39</sup> I created 140 Word documents with titles corresponding to each of the codes, and the relevant sections of the transcripts were then cut and pasted into the appropriate document. Despite the semi-structured nature of the interviews, the schedule was consistent enough to enable coding on each broad area of questioning.

<sup>38</sup> 2012 was the most recent data available at the time that my interviews were carried out. This information is publicly available: Department for Education, *School and College Performance Tables* (available at <http://www.education.gov.uk/cgi-bin/schools/performance/group.pl?qttype=GOR&superview=pri&view=cqs&set=1&sort=&ord=&tab=33&no=F&pg=5> [last visited 14 February 2014]).

<sup>39</sup> This coding framework is included in Appendix 9.

To begin the coding process, I read through each transcript and noted down any interesting and potentially significant initial observations. In order to assist with the identification of broader themes within the data, both within single interviews and between the interviews, I then re-read the transcripts and used coloured pens to represent particular codes emerging from the data. All data relating to the developing of pupil voice, for example, would be coded in red, all data concerning teacher apprehension about parental reaction to HRE in blue, and so on. Through this process, I was able to begin designing the coding frame, based on the observations arising from the data. Here I was using inductive theoretical analysis – drawing upon the grounded theory approach developed by Barney G. Glaser and Anselm L. Strauss<sup>40</sup> – in order to develop codes from the data itself, rather than seeking to slot them in to an existing theoretical framework.

I then re-read the transcripts in detail, this time cutting and pasting relevant sections into the Word documents corresponding to each code. My coding process used a mixture of: structural coding, based upon the semi-structured interview questions; basic descriptive coding, summarising the topic being discussed by the interviewee; and more theoretical values coding, aiming to capture and label the values, attitudes and beliefs of the interviewees. During this process, themes emerged. Analysis of how these themes connected with one another in turn established the foundations for exploration in this thesis of the theoretical significance of my findings concerning the practice of education *about, through* and *for* human rights in English primary schools.

As this research is limited to local examination of HRE in English formal primary schooling, it is clear that my findings are not generalisable to other contexts. Comparable study would need to be conducted to understand the nature of, and influence upon, practice in other settings. I also acknowledge that this research has been carried out over a period of great educational change in England. Following completion of my empirical research, the new National Curriculum (NC) entered into force in September 2014, thus significantly altering the educational landscape. As has been suggested in Chapter 3, however, this is likely to have been a change for

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<sup>40</sup> See Glaser, B. & A. Strauss, *Discovery of Grounded Theory: strategies for qualitative research* (Aldine Publishing Co., New York 1967).



the worse.<sup>41</sup> The new NC has moved English education further from compliance with the requirements of the international framework and from any coherent and holistic approach to educating *about, through* and *for* human rights. The fact that English education is moving further from HRE compliance means that my research data is not invalidated. The problems identified in this thesis are unlikely to be alleviated by the 2014 reforms.

Indeed, this is supported by my research. In June 2015, I sent a follow-up email to all 44 of my interviewees enquiring whether their teaching practice regarding the provision of HRE had changed following the 2014 reforms. I received 31 replies,<sup>42</sup> with twenty-two teachers (71% of those that replied) advising that their teaching practice has not changed; four (13%) reporting that they are providing less HRE;<sup>43</sup> and four (13%) that they are providing more. Of those providing more, two advised specifically that this was not related to the reforms, but rather to changes in their RE provision or to global events.<sup>44</sup>

Eight of the interviewees' follow-up responses also made reference to teaching in this area through the Government's new British values guidance.<sup>45</sup> This guidance was published in November 2014 and therefore post-dated the empirical elements of this research, but as has been suggested in Chapter 3,<sup>46</sup> it has since influenced teaching practice to the extent that some teachers view British values as a vehicle for including areas such as HRE in their classrooms. The potential for discriminatory and subversive interpretation of the guidance has also been identified, however. Whilst this project did not therefore explicitly address the teaching of British values, the current discussions surrounding what these are and whether they interact with

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<sup>41</sup> See Chapter 3 at section 3.4.

<sup>42</sup> I received one automatic reply advising that the email could not be delivered, suggesting that this interviewee was no longer teaching at that school. One interviewee replied but advised that she had not been teaching since the 2014 reforms so was not in a position to comment.

<sup>43</sup> One of these teachers advised that the reason for the decline in HRE related to Ofsted's downgrading of the school to 'Requiring Improvement'. Two thirds of all lesson time was therefore being devoted to Literacy and Maths, with no time for PSHE-related subjects, including HRE.

<sup>44</sup> As has been discussed in detail in Chapter 3 at section 3.4.2.3, the provision of RE is non-statutory. Schools must provide RE in accordance with the locally agreed syllabus adopted by the relevant local authority, and therefore its teaching is not consistent across primary schools in England.

<sup>45</sup> Department for Education, *Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools* (November 2014).

<sup>46</sup> At section 3.4.2.4.

human rights values means that this research is both topical and has the potential to contribute to these wider debates.

#### 4.4 ETHICS

Whilst the inclusion of children as participants in this research would have permitted a deeper exploration of how HRE is received and understood by primary learners, I felt that this dimension was not necessary to address my research questions. Empirical research that (i) assesses the practices of education *about, through and for* human rights in the classroom, (ii) explores the influences upon teachers; and (iii) probes teachers' opinions and perceptions of human rights, is necessary for understanding the provision of HRE in English primary education. Research with children, however, is a stage removed from analysis of HRE policy and the influences upon teaching practice that form the core of this research.

Though this research did not therefore involve children, ethical issues are nevertheless pertinent. I submitted the relevant ethics forms to the Law School Ethics Officer for consideration in my first year of study, and copies of these forms are included in Appendix 10. I further obtained enhanced Criminal Records Bureau (CRB) clearance through the University of Warwick. Whilst a CRB check is not required for research that does not directly involve children, it is good practice to obtain such clearance when conducting research in schools.<sup>47</sup>

I also followed appropriate ethical procedures during my interviews. Interviewees were asked to sign a Consent Form indicating their willingness to participate, and I sought their permission to use audio recording equipment. They were additionally provided with an Information Sheet outlining the nature of the research and specifying contact details for both the Law School Ethics Officer and myself, should they have any queries or concerns.<sup>48</sup>

No teachers or the schools at which they teach are identified by name within this research.

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<sup>47</sup> Some schools enquired in advance whether I had valid CRB clearance.

<sup>48</sup> Copies of the Consent Form and Information Sheet are also included in Appendix 10.

## 4.5 CONCLUSION

In this chapter, I have sought to position myself as a researcher with a background in law and legal practice, and to flag up the potential impact of this in the research process. I have also outlined my research methods in detail and attempted to justify the decisions that I made throughout this process, such as in choosing a mixed methods study, in allowing my sample to self-select and in electing not to interview children as part of the data collection process.

With this research methodology in mind, it is to the question of what is currently happening regarding the provision of education *about, through* and *for* human rights across England that I now turn in chapters 5, 6 and 7.

## CHAPTER 5: EDUCATION *ABOUT* HUMAN RIGHTS

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### 5.1 INTRODUCTION

Chapter 2 of this thesis provided an overview of the key international and European instruments governing HRE, and showed that the UK has accepted the soft-law requirement to educate *about*, *through* and *for* human rights. Chapter 3 identified, however, that this requirement has not translated into domestic education policy that explicitly addresses human rights and their underlying values. Whilst government policy has touched upon aspects of the internationally promoted tripartite framework, this has tended not to be couched in the terminology of rights, and draws only upon the language of values more broadly.

Despite this failure of policy, as it might be interpreted, it is nonetheless arguable that the National Curriculum (NC) has offered opportunities for individual primary schools and teachers to fulfil the international demands of HRE in their teaching practices. In order to test this possibility I conducted quantitative and qualitative studies to investigate how each element of the tripartite framework is being addressed in primary school practice,<sup>1</sup> and cross-referenced this with existing literature related to primary education and HRE matters. This and the subsequent two chapters therefore consider how education *about*, *through* and *for* human rights is seen both from teachers' and academic commentators' perspectives. Each of these chapters seeks to not only determine what is currently happening regarding practice in these areas, but also to better understand why such practice is the way it is.

It is to education *about* human rights that I turn first. As reiterated in Chapter 2, the international framework requires learners to be provided with an understanding of specific human rights, their relevant instruments and protection mechanisms and their underlying values. It further emphasised, however, that such education involves more than absorbing this basic information. Learners should also understand human rights within a culturally and contextually relevant setting, enabling them to view the concept as an important element of their own personal experiences.

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<sup>1</sup> See Chapter 4 at section 4.3 for more detail on the description and justification of my methodology.

With these international suggestions in mind, this chapter is structured as follows: (i) section 5.2 draws upon my quantitative and qualitative empirical data to provide an indication of the current extent of education *about* human rights in primary classroom practice in England; and (ii) section 5.3 explores and analyses the justifications provided by teachers in the empirical research for the absence of certain elements of education *about* human rights from their classroom practice. These justifications are investigated in detail in this section, and are cross-referenced with the existing literature related to each of the topics discussed.

## **5.2 THE CURRENT PRACTICE OF EDUCATION *ABOUT* HUMAN RIGHTS IN ENGLISH PRIMARY SCHOOLS**

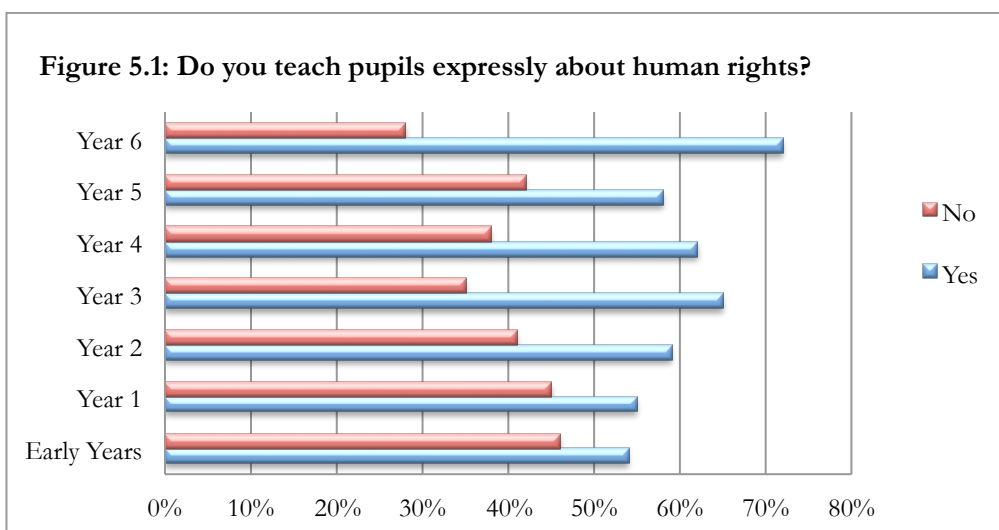
This section considers (i) the extent to which human rights is included within primary classroom teaching, and the nature of this teaching; and (ii) the scope of teaching on the values underlying human rights, that were revealed by my quantitative survey and qualitative interviews. I then draw tentative conclusions concerning the extent to which teachers in English primary schools are educating *about* human rights.

### **5.2.1 Teaching Expressly About Human Rights**

Question 4 of the survey asked teachers whether they teach pupils expressly about human rights. Whilst 60% of respondents provided a positive response to this question, there were variations in the prevalence of this teaching across the spectrum of primary year groups.<sup>2</sup>

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<sup>2</sup> The percentages shown are of the total number of respondents for each year group.



The data shows that the proportion of teachers who expressly address human rights is greater in year 6 than in Early Years Foundation Stage (EYFS) and beginning of KS1 (see Figure 5.1).<sup>3</sup>

Of the 44 teachers subsequently interviewed, 55% had reported in their initial survey response that they teach expressly about human rights, and 43% that they do not.<sup>4</sup> As with the survey data, a greater proportion of year 6 teachers interviewed were teaching expressly about human rights (65%) than teachers of EYFS and KS1 learners (an approximate 50-50 split). The interview sample was thus broadly representative of the survey sample in this respect. In the interviews, roughly half (49%) of the interviewees indicated that they teach expressly about human rights,<sup>5</sup> and the remaining 51% considered any teaching in this area to be incorporated implicitly through other means within the classroom or school.<sup>6</sup>

Survey questions were included that probed more deeply into the nature of teaching *about* human rights at primary level. Of those teachers who are teaching expressly about human rights, the data from Question 5 showed that most reported doing so within PSHE (94% of respondents), with such teaching also common within RE (60%) and citizenship (59%).<sup>7</sup>

<sup>3</sup> Between years 2 and 5, the range of responses is broadly similar, with human rights being taught in approximately 60% of cases.

<sup>4</sup> One interviewee (2%) had not answered this question in the survey.

<sup>5</sup> Interviews 1, 2, 5, 9, 10, 11, 16, 18, 19, 20, 21, 23, 24, 26, 32, 33, 34, 35, 36, 37 & 41.

<sup>6</sup> Interviews 3, 4, 6, 7, 8, 12, 13, 14, 15, 17, 22, 25, 27, 28, 29, 30, 31, 38, 39, 40, 42 & 43.

<sup>7</sup> Question 5 asked teachers 'If [you do teach pupils expressly about human rights], under which curriculum areas do you do this?'

A similar pattern is shown in the qualitative data. Of the teachers interviewed, 23 had reported in their survey that they educate about human rights in PSHE (representing 96% of those who are currently teaching expressing about human rights), with 14 (60%) referring to RE and 12 (50%) to citizenship. In the interviews, 16 teachers said that they teach about human rights within relevant topic work,<sup>8</sup> including India,<sup>9</sup> the Victorians,<sup>10</sup> WWII,<sup>11</sup> or slavery,<sup>12</sup> and five discussed the topic when teaching on influential people such as Nelson Mandela and Martin Luther King.<sup>13</sup> Seven reported that rather than simply including discussion of human rights within other teaching areas, they teach it as a freestanding lesson or topic.<sup>14</sup> This ranged from standalone lessons on the UNCRC or wants and needs,<sup>15</sup> to a whole unit on human rights.<sup>16</sup> All seven of these teachers taught at the upper end of the primary school.<sup>17</sup>

Whilst only 49 teachers provided a textual response to Question 5 of the survey concerning the 'other' areas in which human rights are discussed, coding of this data revealed that 39% of these respondents consider informal teaching, such as during assemblies and themed off-timetable weeks,<sup>18</sup> to be appropriate for addressing human rights. Other responses included reference to cross-disciplinary teaching (16%) and to UNICEF's Rights Respecting School Award (RRSA) (10%).<sup>19</sup>

The qualitative interview data again supported these textual survey responses, with a number of interviewees referring to teaching on human rights through informal teaching practices. The most commonly identified of these were: (i) charity work;<sup>20</sup>

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<sup>8</sup> Interviews 1, 5, 8, 13, 17, 18, 19, 21, 22, 23, 26, 30, 32, 36, 37 & 39.

<sup>9</sup> Interviews 13, 18 & 37.

<sup>10</sup> Interviews 5, 17, 26, 30 & 36.

<sup>11</sup> Interviews 19 & 21.

<sup>12</sup> Interviews 23 & 26.

<sup>13</sup> Interviews 14, 20, 23, 37 & 40.

<sup>14</sup> Interviews 2, 11, 17, 18, 33, 34 & 41.

<sup>15</sup> Interviews 33, 36 & 41.

<sup>16</sup> Interview 2.

<sup>17</sup> Three teaching Year 6; two teaching Year 5; and two teachers having combination classes of Year 4/5 and Year 5/6.

<sup>18</sup> Off-timetable weeks or events are periods in the timetable where learners do not attend their normal lessons and instead focus on a particular topic or theme.

<sup>19</sup> The RRSA is an award developed by UNICEF which 'recognises achievement in putting the UNCRC at the heart of a school's planning, policies, practice and ethos'. For more information see <http://www.unicef.org.uk/rrsa>, and for an evaluation of the RRSA, see Sebba, J. & C. Robinson, *Evaluation of UNICEF UK's Rights Respecting Schools Award* (Final Report, September 2010).

<sup>20</sup> Interviews 9, 10, 21, 22, 29, 36 & 43.

(ii) assemblies;<sup>21</sup> (iii) annual events such as Holocaust Memorial Day or Remembrance Sunday;<sup>22</sup> and (iv) RRSA.<sup>23</sup>

Towards the end of the survey, a further question probed whether teachers feel required by the NC to teach about human rights,<sup>24</sup> with 55% answering No and 45% Yes. When this data was analysed for variations along the spectrum of primary education, however, the findings demonstrated that the responses were not consistent across all year groups.

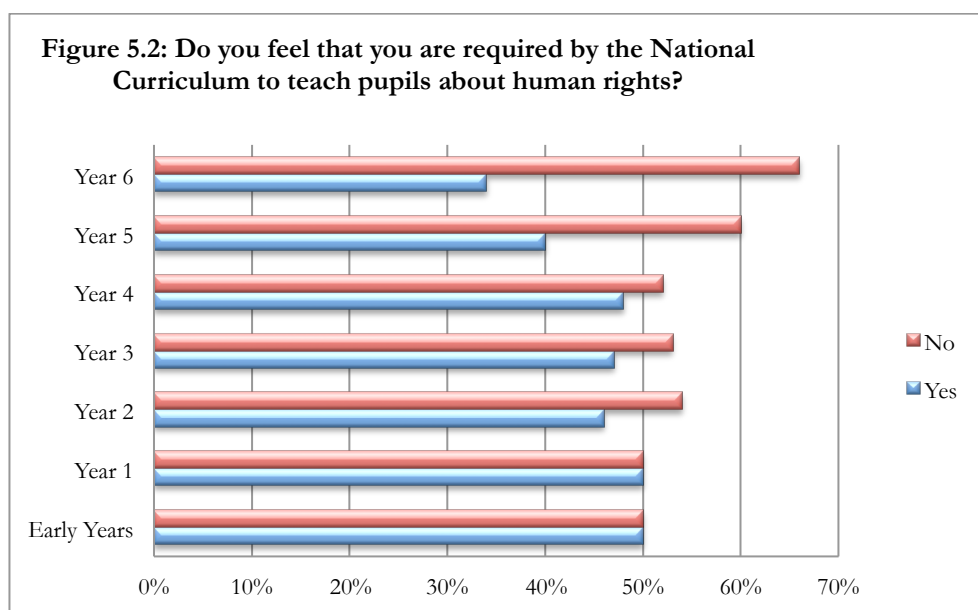


Figure 5.2 indicates that a greater proportion of EYFS and year 1 teachers consider themselves to be required by the NC to educate about human rights than teachers of years 5 and 6.<sup>25</sup> The survey responses of the interviewees showed a similar pattern, with a greater proportion of EYFS and year 1 teachers (70% and 57% respectively) considering themselves to be required by the curriculum to teach about human rights than year 6 teachers (23%).<sup>26</sup> One potential explanation for the difference with EYFS teachers lies in the fact that they follow a separate curriculum and, as will be discussed in the next chapter, this curriculum emphasises concepts such as

<sup>21</sup> Interviews 9, 14, 30, 39 & 43.

<sup>22</sup> Interviews 8, 10, 16 & 23.

<sup>23</sup> Interview 19, 24 & 32.

<sup>24</sup> Question 8: 'Do you feel that you are required by the National Curriculum to teach pupils about human rights?'

<sup>25</sup> Between these two extremes, teachers of Years 2-4 felt required to teach about human rights in approximately 47% of cases.

<sup>26</sup> The percentages for the teachers of other year groups showed less of a trend. The percentages of interviewees who considered themselves to be required by the NC to teach about human rights were: year 2 – 50%; year 3 – 100%; year 4: 40%; year 5 – 50%; and head teachers – 29%.



participation and decision-making which are relevant to HRE.<sup>27</sup> The difference between years 1 and 6 is rather more difficult to understand, however, for as identified in Chapter 3, rights concepts featured to a greater extent at KS2 than KS1 in the pre-2014 PSHE/citizenship guidance.

These findings are also particularly surprising in light of the above analysis of Question 4,<sup>28</sup> which indicated that teachers of year 6 pupils are in fact more likely to teach expressly about human rights than those teaching EYFS and KS1. This suggests that whilst year 6 teachers educate *about* human rights to a greater extent, this will tend to be through personal choice rather than a belief or understanding that they are required by the NC to do so.<sup>29</sup> By contrast, those EYFS and KS1 teachers that are educating in this area are more likely to feel compelled to do so by the curriculum.<sup>30</sup>

A filter question for survey respondents who advised they are compelled by the NC to teach human rights then queried under which subject area(s) they feel required to do so. 168 teachers provided a textual response to this question.<sup>31</sup> The curriculum area referred to with the greatest frequency across all primary year groups was PSHE (averaging 63%<sup>32</sup>), followed by citizenship (22%) and RE (20%). This demonstrates that a number of those teachers who indicated in Question 5 that they teach about human rights within these three subject areas in fact feel required by the NC to do so. The clear differences in teaching practice within the same key stage suggest, however, that certain teachers interpret specific curriculum content as relevant to human rights and others do not. This is perhaps unsurprising given the opaque references to human rights concepts in the PSHE and citizenship guidance discussed in Chapter 3.<sup>33</sup>

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<sup>27</sup> See Chapter 6 at section 6.2.2. Department for Education, *Statutory framework for the early years foundation stage: Setting the standards for learning and care for children from birth to five* (March 2014).

<sup>28</sup> Probing whether respondents teach expressly about human rights.

<sup>29</sup> 72% of year 6 teachers are expressly educating about human rights in their classrooms, yet only 34% feel that this is required by the National Curriculum.

<sup>30</sup> In EYFS, for example, 54% of teachers are teaching expressly about human rights, and 50% feel that this is required by the curriculum. The figures are similar for year 1, at 55% and 50% respectively.

<sup>31</sup> These responses were post-coded using the coding frame in Appendix 11.

<sup>32</sup> Of those teachers who provided a textual response to Question 8.

<sup>33</sup> See Chapter 3 at section 3.4.

Question 6 of the survey asked those teachers who had advised that they teach about human rights to which topics they explicitly refer. The survey listed five human rights topics, requesting teachers to tick all that apply. Three of these topics were referred to by more than half of the teachers providing HRE: international human rights documents, such as the UNCRC (55%); the work of organisations active in the promotion of human rights, such as Amnesty International or smaller local charities (54%); and specific human rights (53%). Teaching about organisations relevant to human rights protection, such as the UN, and teaching specifically about the Human Rights Act 1998 (HRA) were both less prevalent, with only 35% and 11% respectively of respondents making reference to these.

This data was analysed for variations across the year groups.<sup>34</sup> Whilst the responses to Question 4 had revealed that teachers of pupils in year 6 were more likely than those teaching EYFS and KS1 to address human rights, there was no particularly marked variation in the types of topic being addressed at either stage, nor within any of the stages in between. The results were fairly consistent,<sup>35</sup> with only slightly more upper KS2 teachers educating about specific rights, the HRA and organisations relevant to human rights protection than teachers of younger year groups. The percentages for EYFS are fairly high across the categories, particularly in comparison to the KS1 figures, which may again be related to the separate curriculum followed by these teachers.<sup>36</sup>

Despite the fact that more than half of the survey respondents advised in Question 4 that they currently teach expressly about human rights, when the additional survey data regarding the nature of this teaching is taken into account, the picture changes somewhat. Whilst 55% of respondents were teaching about international human rights instruments and 53% were educating on specific human rights, these percentages relate only to those teachers who had initially reported that they teach about human rights. When the percentages are recalculated taking this into account, only 34% of survey respondents are teaching about the instruments and 33% educating about specific rights.

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<sup>34</sup> The results can be found in Appendix 12.

<sup>35</sup> Where teachers indicated that they taught more than one year group, they were included within the total for each year group specified in their response. The sample size for the table in Appendix 12 is thus 453, with 233 individual responses to the question.

<sup>36</sup> See Chapter 6 at section 6.2.2. Department for Education, *Statutory framework for the early years* (n 27).

As identified in Chapter 2, the provision of education *about* human rights in accordance with the international framework requires both teaching about human rights, their instruments and their protection mechanisms and about the values that underpin them. My empirical data suggests, however, that only a small minority of teachers are educating about the rights and instruments, and that they are likely to be doing so infrequently. If these findings are reflective of the position in England more generally, then teaching on this facet of education *about* human rights is unlikely to be sufficient for compliance with the UK's international HRE commitments in this area. Are the requirements then being addressed through the other principal facet of the obligation: namely, through teaching on the values underlying human rights?

### **5.2.2 Human Rights Values Within the Primary Learning Environment**

Education policy relevant to education *about*, *through* and *for* human rights is often couched in the language of values as opposed to rights. Given the express requirement within the international framework for education *about* human rights to teach about their underlying values, it was important to explore the interaction between HRE and values within formal primary schooling practice. Question 2 of the survey thus sought to investigate the extent and nature of teaching about human rights values within primary classrooms. It used a rating scale to determine the frequency with which respondents addressed the following values in their teaching: equality, justice, non-discrimination, dignity, freedom, fairness, tolerance, respect for others and solidarity.<sup>37</sup> As discussed in Chapter 2, these were selected as representing the types of values included within international human rights instruments and reinforced in academic scholarship as of particular importance to HRE.<sup>38</sup> Solidarity is included to a lesser extent in the international instruments, but is frequently referenced in the literature as an important human rights value.<sup>39</sup>

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<sup>37</sup> It is worth noting at this juncture that this research was conducted before the British values guidance was published, and whilst some of the British values overlap with the values included in my survey (see Chapter 3 at section 3.4.2.4 for more information), they will not be discussed further in this chapter.

<sup>38</sup> See Chapter 2 at section 2.3.1.

<sup>39</sup> The preamble to the UNCRC, for example, states that children should be fully prepared to live 'in the spirit of peace, dignity, tolerance, freedom, equality and solidarity'. See also Brabeck, M. M. & L. Rogers, 'Human Rights as a Moral Issue: lessons for moral educators from human rights work' (2000)

The survey data provided some useful preliminary findings regarding the teaching of these values. Respect for others was the most prevalent value, with 87% of respondents addressing this ‘very often’. This was followed by fairness (addressed very often by 82%), then tolerance (66%) and equality (51%). At the opposite end of the spectrum, non-discrimination was addressed very often by 46% of respondents and freedom by 22%. The latter was addressed occasionally by 38% of teachers and was not addressed at all by 3%.<sup>40</sup> Similarly, dignity was addressed only occasionally by 33% of respondents and not at all by 8%.<sup>41</sup> The teaching of solidarity showed a more even split across the four rating scale categories (addressed ‘very often’ by 23%; ‘often’ by 30%; ‘occasionally’ by 35%; and ‘not addressed at all’ by 12%).

The nine values listed in Question 2 may be useful indicators for the prevalence of teaching on certain human rights values in primary classrooms. However, closed questions, by their very nature, are limiting for respondents who wish to elaborate upon their answer with a different or fuller response. Question 3 of the survey thus provided teachers with the opportunity to indicate if there were any additional values central to their classroom teaching that they would add to the list. 248 teachers provided a textual response to this question, and in total listed 136 terms that they considered to be values central to their classroom teaching. These terms are recorded in full in Appendix 13, but some examples include: resilience, courage, teamwork, happiness, humility, perseverance, self-worth, acceptance, love, kindness and forgiveness.

The fact that the list includes a number of ‘values’ that would not be considered as such through an intellectual interpretation of what values are is suggestive of clear problems of understanding in this area. Some, such as patience and honesty, are virtues. Virtues are considered to be intrinsically good, and thus desirable for their

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29(2) *Journal of Moral Education* 167-182 at 173; Fritzsche, K.P., ‘What Human Rights Education is all about – 15 Theses’ in Georgi, V.B. & M. Seberich (eds), *International Perspectives in Human Rights Education* (Bertelsmann Foundation Publishers, Gütersloh 2004) 162-167 at 164; UNESCO, ‘Integrated Framework of Action on Education for Peace, Human Rights and Democracy’ (1995) at 5, para 3.2; & Osler, A., ‘Bringing Human Rights Back Home: Learning from “Superman” and Addressing Political Issues at School (2013) 104 *The Social Studies* 67-76 at 75. See also footnote 157 in Chapter 2.

<sup>40</sup> It was addressed ‘often’ by 34%.

<sup>41</sup> It was addressed ‘very often’ by 30% and ‘often’ by 30%.

own sake,<sup>42</sup> whereas values are things that society as a whole attaches importance to. The former are individualistic, but at the same time are also shared as objective moral truths,<sup>43</sup> and in this regard, are idealistic and aspirational.<sup>44</sup> The latter are not aspirational like virtues, but are believed to be universally accepted, if not practiced, in a given society. Other items listed by the respondents are neither values nor virtues, including democracy, basic needs, health and wellbeing, security and sustainability.

These findings are suggestive of confusion surrounding the concept and formulation of ‘values’. Values are relevant to each element of education *about, through* and *for* human rights as formulated under the international framework, however, and are therefore of obvious importance to HRE. If, for example, values are being used as a vehicle to educate in each of these areas – and if this teaching is effectively addressing the human rights values discussed in Chapter 2 – then whether teachers are educating on the values listed within the UDHR and UNCRC by making express reference to these instruments becomes of lesser importance.<sup>45</sup> The apparent misunderstandings of the nature of values within the survey responses indicates, however, that it is problematic for the international framework to state simply that human rights values are to be taught, without any further demarcation as to what these values are. I have sought to provide a reasonable interpretation of this in Chapter 2, but my survey findings are indicative of a fundamental lack of understanding of values.

In the qualitative interviews, I therefore sought to probe more deeply into the teaching of human rights values in primary classrooms, and a number of the interviewees emphasised the importance of such teaching at primary level.<sup>46</sup> Six

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<sup>42</sup> McElwee, B., ‘The Value of the Virtues’ (2015) 27 *Utilitas* 61-81 at 62; cf. Halstead, J.M., ‘Values and Values Education in Schools’ in Halstead, J.M. & M.J. Taylor (eds), *Values in Education and Education in Values* (The Falmer Press, London 1996) 3 at 5, who considers values to be things which are ‘good’ in themselves.

<sup>43</sup> McElwee (n 42) at 64 & 73.

<sup>44</sup> Cf. the work of Alasdair MacIntyre, who considers virtues to be defined to a great extent by local social or cultural perspectives. See e.g. MacIntyre, A.C., ‘How to Appear Virtuous Without Actually Being So’ in Halstead, J.M. & T.H. McLaughlin (eds), *Education in Morality* (Routledge, London 1999) 118-131.

<sup>45</sup> This argument is equally relevant to education *through* and *for* human rights, which also address human rights values. It is being dealt with here, however, due to the express requirement within education *about* human rights to teach on their underlying values.

<sup>46</sup> Interviews 1, 4, 5, 6, 9, 12, 13, 14, 17, 19, 23, 27, 29, 31, 32, 33, 34, 36, 39, 40, 41, 42 & 43.

suggested that a solid foundation of values is necessary for the development of good people, which in turn is crucial for creating a positive and successful society:<sup>47</sup>

*Education should be all about making a person a better person...I feel [the curriculum is] heavily weighted to just remembering stuff and getting through, so in my opinion it should be weighted the other way...because then you've got the conscience; they've got the ability and...maturity to deal with stuff.<sup>48</sup>*

*I think it's giving them a moral sense of purpose about being responsible for others as well as themselves...It's no good sending out highly clever people if they're not able to take responsibility and be aware of others...<sup>49</sup>*

*It's the human as a whole rather than just a score on a piece of paper, and I think that's what is really important. We're building children and humans. We're not just building robots. You need to give them everything, not just one thing.<sup>50</sup>*

Interviewees identified particular values (if they can be described as such) to be of relevance to primary education, including *inter alia*: generosity,<sup>51</sup> kindness,<sup>52</sup> resilience,<sup>53</sup> responsibility,<sup>54</sup> friendship,<sup>55</sup> humility,<sup>56</sup> perseverance,<sup>57</sup> courage,<sup>58</sup> happiness,<sup>59</sup> determination,<sup>60</sup> appreciation<sup>61</sup> and compassion.<sup>62</sup> Some said that these values are implicitly taught through the creation of values-based classrooms<sup>63</sup> or through the school ethos:<sup>64</sup>

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<sup>47</sup> Interview 9, 17, 19, 31, 40 & 42.

<sup>48</sup> Interview 17.

<sup>49</sup> Interview 19.

<sup>50</sup> Interview 42.

<sup>51</sup> Interview 6.

<sup>52</sup> Interviews 4, 8 9, 25 & 38.

<sup>53</sup> Interviews 15, 38 & 41.

<sup>54</sup> Interviews 15, 19, 25, 32, 34, 36 & 41.

<sup>55</sup> Interview 23.

<sup>56</sup> Interviews 25, 40 & 41.

<sup>57</sup> Interview 41.

<sup>58</sup> Interview 25.

<sup>59</sup> Interviews 19, 25, 32 & 34.

<sup>60</sup> Interview 19.

<sup>61</sup> Interview 38.

<sup>62</sup> Interviews 25 & 40.

<sup>63</sup> Interviews 1, 3, 4, 5, 7, 8, 12, 14, 18, 19, 20, 28, 29, 31, 32, 34, 35, 36, 37 & 42.

<sup>64</sup> Interviews 2, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 24, 25, 26, 27, 28, 30, 31, 32, 34, 36, 38, 39, 40, 41, 42 & 43.

*It's actually something that is far more subtle and all pervading than a curriculum subject.*<sup>65</sup>

*It's just sort of something that underpins everything that I do...*<sup>66</sup>

Often the values formed part of an overarching framework within the school, such as a mission statement ('Respect, Achieve, Encourage and Learn'<sup>67</sup>) or motto (RESPECT as an acronym for Respect, Empathy, Sharing, Politeness, Equality, Caring and Tolerance<sup>68</sup>). In five instances, their teaching was related to behaviour management.<sup>69</sup> One head teacher explained, for example, that the introduction of a school values framework had markedly improved behaviour,<sup>70</sup> and a class teacher emphasised that teaching about values provides learners with a better awareness of how their behaviour impacts upon others.<sup>71</sup> Interviewees further referred to values being inculcated through personal reflection,<sup>72</sup> restorative justice,<sup>73</sup> and systems of rewards and sanctions.<sup>74</sup>

### **5.2.3 Summary of Education *About* Human Rights in Primary Classroom Practice**

Analysis of both the quantitative and qualitative data indicates that only a minority of teachers are educating about specific human rights and the relevant international instruments in their classrooms. And it further suggests that a greater proportion of year 6 teachers are teaching expressly *about* human rights than EYFS and KS1 teachers. Only KS2 interviewees were providing freestanding lessons on human rights, for example.

The survey data further indicates that education concerning the values underlying human rights is inconsistent in primary classroom practice. Whilst all of the listed

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<sup>65</sup> Interview 5.

<sup>66</sup> Interview 8.

<sup>67</sup> Interview 10.

<sup>68</sup> Interview 16.

<sup>69</sup> Interviews 3, 4, 10, 12 & 24.

<sup>70</sup> Interview 15.

<sup>71</sup> Interview 36.

<sup>72</sup> Interviews 10, 12, 24 & 26.

<sup>73</sup> Interview 9, 10 & 26.

<sup>74</sup> Interviews 3, 10, 16, 30 & 43.

values are prevalent within both the relevant international instruments and HRE discourse, they are seemingly not all being taught to the same extent within primary classrooms. Respondents reported that they encourage values such as respect, tolerance and fairness to a greater extent than justice, freedom and dignity. Both the quantitative and qualitative data further suggest that there is confusion surrounding the term 'values', with teachers including a plethora of disparate concepts under this heading.

The empirical data thus indicates that whilst some teachers may be providing education *about* human rights to a certain extent within their classrooms, this teaching practice does not accord with the requirements of the international legal framework. Only half of the teachers in both data sets were educating using the express terminology of human rights, and key human rights values were absent from a number of their classrooms.

This finding does not, however, answer the question why such education *about* human rights is, as often as not, absent. Given the leeway offered in the curriculum for primary teachers to teach human rights related matters, the lack of explicit policy acceptance of contemporary HRE responsibilities might not be the end of the story. Consequently, my research explored this dimension to determine whether there might be other factors involved in deficiencies concerning educating *about* human rights. It is to this issue that I now turn in the remainder of this chapter.

### **5.3 ANALYSIS OF RESULTS: WHY ARE TEACHERS NOT EDUCATING ABOUT HUMAN RIGHTS?**

Controversial issues have been described as those 'on which society at large (or the local community, or even the school itself) is clearly divided and for which different groups offer conflicting explanations'.<sup>75</sup> Robert Stradling explains that issues are likely to be considered as controversial if they cannot be settled by an appeal to

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<sup>75</sup> Stradling, R., 'The Teaching of Controversial Issues: An evaluation' (1984) 36(2) *Educational Review* 121-129 at 121. A similar definition is provided by D.W. Dewhurt: Dewhurt, D.W., 'The Teaching of Controversial Issues' (1992) 26(2) *Journal of Philosophy of Education* 153-163 at 163.



objective evidence, and includes within this category ‘the major political, social and economic issues of our time or of any previous era’.<sup>76</sup>

It is perhaps unsurprising, therefore, that there remains much debate surrounding the appropriateness of teaching these so-called controversial issues to young learners. Indeed, as D.W. Dewhurt observes, ‘the teaching of controversial issues is itself a controversial issue’.<sup>77</sup> Some commentators and teachers alike subscribe to the view that ‘contentious subjects should normally form no part of the curriculum for pupils below the age of 16 and should be rigorously excluded from primary schools’,<sup>78</sup> often citing reasons such as students’ potential ‘emotional distress and complaints from administrators, parents, or communities’.<sup>79</sup> Others, however, argue that controversial issues address aspects of social life which learners ‘should know something about if they are adequately to handle the diversity of values, conflicting ideologies and opposing moral standpoints which they are liable to confront before and after leaving school’,<sup>80</sup> and that consideration and discussion of controversial issues is likely to facilitate tolerance, critical thinking, reasoned discussion and active participation in society.<sup>81</sup> Whilst this academic commentary does not relate exclusively to primary education, there is no suggestion that these observations are not applicable to learners at all stages of formal schooling.

The rise in HRE’s prominence on the international stage,<sup>82</sup> together with the increased notoriety of human rights in the UK’s mainstream national media over recent years,<sup>83</sup> suggests the subject might be included within the category of ‘controversial issues’ in formal schooling. Andrew Pollard asserted as early as 1988 that human rights ‘raises issues which, in a primary school context, are likely to be

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<sup>76</sup> Stradling, R. *et al*, *Teaching Controversial Issues* (Edward Arnold, London 1984), 2.

<sup>77</sup> Dewhurt (n 75) at 163.

<sup>78</sup> Marks, J., *Peace Studies’ in Our Schools: Propaganda for Defencelessness* (Women and Families for Defence, London 1984), 1.

<sup>79</sup> Kubota, R., ‘“We Must Look at Both Sides” – But a Denial of Genocide Too?: Difficult Moments on Controversial Issues in the Classroom’ (2014) 11(4) *Critical Inquiry in Language Studies* 225-251 at 225-226.

<sup>80</sup> Dewhurt (n 75) at 163.

<sup>81</sup> Kubota (n 79) at 225; Misco, T., ‘The Importance of Context for Teaching Controversial Issues in International Settings’ (2012) 42(1) *International Education* 69–84 at 70; Barton, K. & A. McCully, A., ‘Teaching Controversial Issues...Where Controversial Issues Really Matter’ (2007) 127 *Teaching History* 13-19 at 13; & Hess, D.E., *Controversy in the Classroom: The Democratic Power of Discussion* (Routledge, Oxon 2009), 16-17 & 28-30.

<sup>82</sup> As shown in Chapter 2.

<sup>83</sup> This will be discussed in more detail at section 5.3.4 below.

regarded as being ‘controversial’<sup>84</sup>, though provided no explanation as to why this should be the case. And in their 2014 empirical study, Claire Cassidy *et al* observed that the student teachers interviewed about their opinions on teaching in this area ‘elevated the notion of HRE to something controversial’ due largely to their perceptions that parents would view the topic in this way.<sup>85</sup> Some guidance on HRE for teachers also expressly articulates that educating about human rights is a controversial undertaking because, for example, opinions can differ ‘on how human rights should be upheld, when it is acceptable to restrict them, and how to balance conflicting rights’.<sup>86</sup>

The suggestion that human rights falls within the category of controversial issues is substantiated by my quantitative and, in particular, qualitative data. I will briefly outline the findings from the survey where these are relevant, though will focus predominantly upon exploring and analysing the observations from the interviews in light of the existing academic literature. Whilst there is a paucity of scholarship directly addressing the issue of the appropriateness of HRE within formal education, many of the arguments in the literature on topics such as Holocaust education and political education are relevant.

My empirical findings suggest that a number of issues impact upon teachers’ willingness to engage explicitly with education *about* human rights. The issues raised by my interviewees fell into four particular areas of concern: (i) how teachers’ theoretical conceptions of human rights affect their practice in the teaching of human rights values; (ii) whether primary learners are able to engage with abstract issues beyond their immediate sphere of experience; (iii) whether it is appropriate for learners to engage with HRE given the potentially difficult nature of the subject matter; and (iv) whether human rights can, or indeed should, be taught in a neutral manner. Each of these will be analysed in turn, with my empirical data being cross-referenced with the academic literature relevant to the particular concerns raised, but

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<sup>84</sup> Pollard, A., ‘Controversial Issues and Reflective Teaching’ in Carrington, B. & B. Troyna (eds), *Children and Controversial Issues* (The Falmer Press, East Sussex 1988) 54-70 at 62. See also Molnar, A., ‘We Hold These Truths to be Self-Evident: Human Rights as an Educational Problem’ (1986) 43(8) *Educational Leadership* 71-72 at 72.

<sup>85</sup> Cassidy, C., R. Brunner & E. Webster, ‘Teaching human rights? ‘All hell will break loose!’ (2014) 9 *Education, Citizenship and Social Justice* 19-33 at 27.

<sup>86</sup> Amnesty International, ‘Teaching Controversial Issues’ (2011) (available at: [http://www.amnesty.org.uk/sites/default/files/teaching\\_controversial\\_issues\\_2.pdf](http://www.amnesty.org.uk/sites/default/files/teaching_controversial_issues_2.pdf) [last accessed 20 July 2015]); & Citizenship Foundation, *Teaching about controversial issues: guidance for schools* (2003), 2.

I introduce this section by first considering the more general findings relating to the appropriateness of HRE as a subject matter for primary learners.

### 5.3.1 Appropriateness of HRE as a Subject Matter for Primary Learners

Given the predominantly closed nature of the survey questions, it was not possible to interrogate deeply the reasons why some teachers are not educating expressly *about* human rights in their classrooms without running the risk of planting ideas in respondents' heads. A filter question on the survey did, however, seek to glean additional information from those who had advised in Question 4 that they do not teach expressly about human rights. Question 7 probed the reasons for this, and invited teachers to tick all that apply from six possible explanations, with an optional textual response box for 'other' reasons. By far the highest number of respondents to the question identified 'lack of direction within the curriculum' (73%), followed by 'absence of available time' (55%). The other categories were: lack of appropriate resources (42%); lack of relevant training (41%); insufficiency of personal knowledge (32%); and personal reservations about teaching human rights (6%).

Once again, scrutinising the survey data for differences between year groups was a valuable exercise.<sup>87</sup> Whilst there are no obvious patterns in this data, a particular trend is apparent in both the incidence and content of the textual responses providing 'other' reasons for the absence of HRE. Seventy teachers provided a textual response to Question 7. Of the 23 responses provided by EYFS teachers, 83% identified the age of their learners as a reason for not teaching about human rights. 71% of the year 1 and 74% of the year 2 responses similarly referenced concerns with age-appropriateness. Taken together, textual responses from teachers of these year groups constituted 93% of all those that identified age-inappropriateness as a reason for not providing HRE. Examples of such responses included:

*Children too young to understand discussions about human rights.*<sup>88</sup> (Reception)

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<sup>87</sup> The results can be found in Appendix 14.

<sup>88</sup> Survey Response Jul 6, 2013 3.33 PM.

*Human rights is a tricky subject for 6-7 year olds to grasp in a 'direct reference' kind of way.<sup>89</sup> (Year 2)*

At the opposite end of the spectrum, whilst a considerably smaller number of upper KS2 teachers provided a textual response to Question 7 (four year 5 and six year 6 teachers), none made reference to the inappropriateness of human rights for the age of learners in their classroom.

These findings are consistent with a number of the observations relating to age-appropriateness made in the interviews. As with the survey data, many interviewees identified pragmatic obstacles to HRE, including: (i) insufficiency of personal knowledge;<sup>90</sup> (ii) lack of confidence;<sup>91</sup> (iii) lack of relevant training;<sup>92</sup> (iv) absence of available time;<sup>93</sup> (v) lack of direction in the curriculum;<sup>94</sup> and (vi) absence of available resources.<sup>95</sup> The interviewees did, however, additionally disclose a range of opinions regarding the suitability of human rights as a subject matter for primary education. Just two interviewees considered such teaching to be apposite only for secondary level,<sup>96</sup> with the remainder of the sample deeming HRE to be appropriate for primary learners, or for learners at KS2 at least.

Sixteen interviewees (36%) considered teaching on human rights to be suitable for all stages of primary schooling,<sup>97</sup> with 4 head teachers emphasising that they regard this stage as particularly apposite for such teaching.<sup>98</sup>

*This is when you've got eager beavers who want to be good citizens, who are a bit more cynical by the time they're doing it at secondary.<sup>99</sup>*

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<sup>89</sup> Survey Response Jul 22, 2013 11:38 AM.

<sup>90</sup> Interviews 1, 4, 6, 20, 27 & 42.

<sup>91</sup> Interviews 4, 5, 6, 22 & 27.

<sup>92</sup> Interviews 20, 31, 39, 41 & 42.

<sup>93</sup> Interviews 1, 4, 5, 6, 7, 12, 20 & 39.

<sup>94</sup> Interviews 3, 7, 17, 20, 26, 30, 31, 34, 38, 39, 41, 42 & 43.

<sup>95</sup> Interviews 18, 22, 24 & 26.

<sup>96</sup> Interviews 15 & 20.

<sup>97</sup> Interviews 8, 9, 10, 11, 14, 16, 17, 19, 21, 24, 28, 30, 32, 35, 36 & 37.

<sup>98</sup> Interviews 10, 19, 21 & 28. Such comments are supported in some of the literature: e.g. Holden, C., 'Keen at 11, cynical at 18' in Holden, C., & N. Clough (eds), *Children as Citizens: Education for Participation* (Jessica Kingsley, London 1998) 46-62 at 46; & Wade, R.C., 'Conceptual Change in Elementary Social Studies: A Case Study of Fourth Graders' Understanding of Human Rights' (1994) 22(1) *Theory and Research in Social Education* 74-95 at 79.

<sup>99</sup> Interview 19.

*They have already formed some quite extreme opinions by the time they go to secondary school. Catch them when they're young.*<sup>100</sup>

A commonly identified reason for including HRE at all stages of primary education related to the issues of safeguarding discussed briefly in Chapter 2.<sup>101</sup> Some interviewees viewed the provision of HRE as integral to the effective realisation of safeguarding measures.<sup>102</sup> One emphasised this point with a frank and personal account of her own experiences, querying why anyone would deny that children ought to learn about human rights when recognition of the existence of those rights may be the only way by which they will come to identify rights violations in their own lives:

*Children don't know if they're being abused, because that's their family life...but when we're feeding that information that it's your right to be treated well, I'm hoping that children are less likely to be abused. And I get really upset about it, because me and my family went through it. My husband did it to me and to my boys, and you just don't think you dare say to anybody, because nobody will believe you. And so if we keep just, I call it planting the seed,...I'm going to keep telling you this is your right to be treated well and...certainly I know we had a year 6 child who left us last year, and she was able to say something...All of a sudden she just came and said 'so if somebody is doing X, this isn't right, is it?' and I said 'no, it's not love, so what are you going to do about it? You have a choice and we'll support you'.<sup>103</sup>*

Comments from other interviewees concerning safeguarding included:

*If they're not getting the rights that they've got, then they need to know, don't they? And it might take them 'til they're 8/9/10 to realise that they're not getting it, but at least by then they'll understand they're not getting it.*<sup>104</sup>

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<sup>100</sup> Interview 21.

<sup>101</sup> See Chapter 2 at section 2.3.1.

<sup>102</sup> Interviews 9, 10, 11, 16, 19 & 35.

<sup>103</sup> Interview 16.

<sup>104</sup> Interview 9.

*From a safeguarding point of view, I think it should be introduced really early actually...I think even toddlers should know of the right to say no if something makes you feel awful.*<sup>105</sup>

Eleven of the interviewees who considered HRE to be suitable for primary learners did reiterate a requirement for the topic to be addressed in an age-appropriate manner.<sup>106</sup>

*[I]f they asked you how a television worked when they were 5, you wouldn't go 'oh my God, I have to tell them all about the rays and things', you just go 'well, you push a button and some pictures come up'...It's the same with human rights. You would go with where your children are at, at their level and the age they're at, and if you think it was appropriate for them.*<sup>107</sup>

*We don't have any problems with dealing with any aspects of human rights...you've got to answer it sensitively and appropriately to their ages, but generally we don't have any problem.*<sup>108</sup>

The remaining 26 interviewees (59%) considered explicit teaching on human rights to be appropriate only for learners at KS2,<sup>109</sup> and in particular years 5 and 6:<sup>110</sup>

*I wouldn't want to do it with the very young ones...Maybe year 5, so I think the last 2 years of primary it would be appropriate.*<sup>111</sup>

*At KS2 you could touch on it I think. So years 5 and 6, but any lower than that I'm not sure.*<sup>112</sup>

What, then, were the reasons given by teachers for not considering education *about* human rights to be appropriate for all ages of primary learner?

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<sup>105</sup> Interview 35.

<sup>106</sup> These 11 interviewees represented: 38% of EYFS/key stage 1 teachers; 32% of key stage 2 teachers; and 8% of head teachers.

<sup>107</sup> Interview 8.

<sup>108</sup> Interview 10.

<sup>109</sup> Interviews 1, 2, 3, 4, 5, 6, 7, 12, 13, 18, 22, 23, 25, 26, 27, 29, 31, 33, 34, 38, 39, 40, 41, 42 & 43. [These 26 interviewees represented 46% of EYFS & KS1 teachers, 63% of KS2 teachers, and 58% of head teachers].

<sup>110</sup> Interviews 2, 3, 5, 6, 7, 9, 12, 18, 22, 26, 27, 29, 31, 38, 40, 42 & 43.

<sup>111</sup> Interview 3.

<sup>112</sup> Interview 12.

### 5.3.2 Teachers' Theoretical Conceptions of Human Rights

A key issue affecting the provision of education *about* human rights in English primary classrooms related to teachers' theoretical conceptions of human rights. The human rights movement represents 'the most common and influential form of the view that all human beings everywhere have certain fundamental entitlements',<sup>113</sup> and it is now a discourse of such significance that it has been described by one prominent theorist as having 'the status of an ethical *lingua franca*'.<sup>114</sup> Charles R. Beitz recognises, however, that 'although the idea and language of human rights have become increasingly prominent in public discourse, it has not become any more clear what kinds of objects human rights are supposed to be, why we should believe that people have them, or what follows from this belief for political practice'.<sup>115</sup>

Exploring the conceptual foundations of human rights enables theorists to propose the nature of their underlying values. And whilst there are many different conceptions, a general distinction can be made between those that tend towards the positivist tradition and those affiliated more with naturalist theories. As a simplified summary, the former view considers human rights to exist by virtue of their inclusion within relevant international instruments, whereas the latter conceptions in their various forms consider human rights to derive their authority from a deeper order of values.

There was an interesting split in my empirical data between teachers' conceptions when asked directly about the meaning of the term 'human rights', on the one hand, and their understanding of human rights when engaging in general discussion of their teaching practice, on the other. When questioned on the former, many teachers referred to examples of specific rights with which they are familiar. Some mentioned a generic category of 'basic rights' or 'basic needs',<sup>116</sup> whereas others identified

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<sup>113</sup> Nussbaum, M.C., *Creating Capabilities: The Human Development Approach* (Harvard University Press, USA 2011), 102.

<sup>114</sup> Tasioulas, J., 'The Moral Reality of Human Rights' in Pogge, T. (ed), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford University Press, Oxford 2007) 75-101 at 75.

<sup>115</sup> Beitz, C.R., *The Idea of Human Rights* (Oxford University Press, USA 2009), preface at xi.

<sup>116</sup> Interviews 11, 22, 36 & 39.

particular protections, including rights to: education,<sup>117</sup> shelter,<sup>118</sup> food,<sup>119</sup> clean water,<sup>120</sup> free expression,<sup>121</sup> opinion,<sup>122</sup> liberty,<sup>123</sup> family life,<sup>124</sup> and health.<sup>125</sup>

This data is indicative of positivist thinking, and it finds support within academic scholarship in this area. On a strict interpretation of positivism, human rights are simply what they are proclaimed to be within the international instruments: after all, the UDHR simply declares certain values to be human rights.<sup>126</sup> The UDHR's preamble 'does not seek to locate the universality or significance of the value of equal human dignity in further considerations of human nature or divine gift; it is simply asserted as a fundamental value in its own right'.<sup>127</sup> As J.W. Harris recognises, therefore:

*A practising lawyer might claim that he has a straightforward response to any challenge centring on the on the ontology of human rights. Human rights exist because there they are in the canonical text.*<sup>128</sup>

Whilst few modern theorists adopt this crude legalist approach, associated principally with Jeremy Bentham, some less strict variations of it remain influential. One frequently cited reason for the enduring influence of positivist approaches is that they are considered to more accurately reflect the intentions of the founders of the human rights movement. They 'disowned the thought that human rights are the expression of any single conception of human nature or human good',<sup>129</sup> believing that there could be no consensus on such issues. Instead, they 'aspired to a doctrine

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<sup>117</sup> Interviews 1, 7, 8, 10, 12, 25, 26 & 40.

<sup>118</sup> Interviews 1, 3, 13, 21, 26, 28, 33, 37 & 40.

<sup>119</sup> Interviews 3, 6, 7, 13, 21, 26, 28, 33, 37, 38 & 40.

<sup>120</sup> Interviews 7, 13, 26 & 33.

<sup>121</sup> Interviews 1, 3, 6, 10, 17, 21, 31, 33, 35 & 37.

<sup>122</sup> Interviews 8, 15 & 21.

<sup>123</sup> Interviews 12, 21 & 33.

<sup>124</sup> Interviews 10 & 33.

<sup>125</sup> Interviews 8, 25, 26, 33, 37 & 42.

<sup>126</sup> Scholars of the positivist persuasion have tended to identify the UDHR as the most appropriate instrument for providing authority on human rights, for the major international human rights documents are intended to give legal effect to its provisions.

<sup>127</sup> Beitz, *The Idea of Human Rights* (n 115) 20.

<sup>128</sup> Harris, J.W., 'Human Rights and Mythical Beasts' (2004) 120 *Law Quarterly Review* 428-456 at 429.

<sup>129</sup> Beitz, *The Idea of Human Rights* (n 115) 8; see also Ravazzolo, T., 'Human Rights and Citizenship' in Osler, A., H. Rathenow & H. Starkey, *Teaching for Citizenship in Europe* (Trentham Books, Stoke-on-Trent 1995) 15-22 at 18.



that could be endorsed from many contemporary moral, religious, and cultural points of view'.<sup>130</sup>

A number of theorists have advocated, or at least acknowledged, the positivist approach. Whilst of the naturalist persuasion himself, James Griffin nevertheless argues that 'if one wants a *practical* route to a law of peoples...then one would promote, perhaps with minor amendments, the UN list of human rights'.<sup>131</sup> He continues that 'international discourse needs a largely agreed list of human rights; whether it needs an agreed justification of the list is another matter';<sup>132</sup> further observing that the list has been largely agreed for more than fifty years and thus it can reasonably be argued that international law has its own coherent conception of human rights.

In conceptualising human rights, James Nickel focuses principally upon the UDHR and the major instruments that followed it. He argues that the UDHR declares 'the specific and numerous rights of lawyers, not the abstract rights of philosophers',<sup>133</sup> and observes that it has been 'amazingly successful in establishing a fixed worldwide meaning for the idea of human rights'.<sup>134</sup>

Other theorists also offer conceptions that reject the idea that human rights derive their authority from a deeper order of values. Joseph Raz argues that many naturalist theories offer a way of understanding human rights 'which is so remote from the practice of human rights as to be irrelevant to it'.<sup>135</sup> And Beitz similarly considers that naturalist conceptions do not take sufficient account 'of the functions that the idea of a human right is meant to play, and actually does play, in practice',<sup>136</sup> arguing that human rights norms must be recognised as providing the basis for deliberating about how to act.<sup>137</sup> For positivists, therefore, the only place to find the answer to what human rights are, and what values they encompass, is within international doctrine itself.

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<sup>130</sup> Beitz, *The Idea of Human Rights* (n 115) 8.

<sup>131</sup> Griffin, J., *On Human Rights* (Oxford University Press, Oxford 2008), 25.

<sup>132</sup> *Ibid.*

<sup>133</sup> Nickel, J.W., *Making Sense of Human Rights* (2<sup>nd</sup> edn, Blackwell Publishing, Singapore 2007), 7.

<sup>134</sup> *Ibid.*, 9.

<sup>135</sup> Raz, J., 'Human Rights Without Foundations' in Besson, S. & J. Tasioulas (eds), *The Philosophy of International Law* (Oxford University Press, Oxford 2010) 321-337 at 323.

<sup>136</sup> Beitz, *The Idea of Human Rights* (n 115) 8.

<sup>137</sup> *Ibid.*

However, it was largely only in their responses to the question concerning the definition of human rights that interviewees associated human rights with the specific rights enshrined by its governing framework. In their general discussions of human rights within their teaching practices, they displayed rather more naturalistic conceptual leanings. Some interviewees did in fact express views in keeping with naturalist theories in their definition of human rights, either by referencing values-based entitlements that are not currently recognised as human rights – such as rights to be looked after<sup>138</sup> and loved,<sup>139</sup> – or by referring to broad conceptions of human rights as couched in the values at their core, including equality,<sup>140</sup> fairness,<sup>141</sup> freedom,<sup>142</sup> or respect.<sup>143</sup> Examples of definitions that suggested an understanding of human rights as rooted in their underlying values included:

*I think rights is something that you have: they're not earned; they're not bought; they're not inherited...And basically they cannot be taken away from you...*<sup>144</sup>

*It would be about equality, about fairness, about justice, about people having the opportunity to be able to become fully human...[A]nd understanding tolerance, forgiveness,...a sense of justice and fairness, and having a sense of responsibility for yourself and your actions, and how they impact on other people.*<sup>145</sup>

*Human rights for me is linked to dignity and respect, so in order to be able to live a dignified life as a human being, you need all of your basics...but you also need to be valued as the unique being that you are.*<sup>146</sup>

*I think that all humans are entitled to certain things in life and, no matter where they live or what they do, they are entitled to believe what they want to believe in, they're entitled to be treated by other people with respect, to get on with their own lives, not to be hurt by*

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<sup>138</sup> Interviews 3, 8 & 10.

<sup>139</sup> Interviews 3, 7, 13, 38 & 40.

<sup>140</sup> Interviews 9, 10, 14, 16, 18, 19, 23, 24, 28, 34 & 41.

<sup>141</sup> Interview 3, 6, 14, 22 & 24.

<sup>142</sup> Interviews 2, 4, 12, 15, 17, 19, 21, 23, 29, 30, 31 & 33.

<sup>143</sup> Interviews 6, 7, 8, 12, 19, 26, 28 & 41.

<sup>144</sup> Interview 32.

<sup>145</sup> Interview 14.

<sup>146</sup> Interview 26.

*anybody else, that people shouldn't be awful to other people, that they should be kind and nice and loving, and that's what is part of being human.*<sup>147</sup>

Most interviewees, however, betrayed their naturalistic views in their discussions of HRE in the learning environment, with a number of comments supporting the idea that human rights are not defined and delimited by their proclamation within international instruments but are instead directly related to the values at their root. In this regard, one interviewee suggested that primary education is particularly apposite for the provision of HRE through the teaching of values because primary schools teach 'the whole child':

*I don't think [secondary schools] teach the whole child. It's very much 'let's look at this from maths, let's look at this from...', so I think it's easier in a primary school. I also think that's why we tend to do it as values-based education rather than specific human rights lessons, which is the way it might be done in a high school.*<sup>148</sup>

Other interviewees echoed this idea that HRE is actually encompassed within the age-appropriate teaching of values.<sup>149</sup> One explained, for example, that whilst the language of human rights is introduced only at year 6, their underlying values, such as 'the right to be treated equally with respect and with fairness',<sup>150</sup> are taught throughout the primary school. Other interviewees made similar comments:

*I think to be quite honest that teaching children values is the fundamentals of human rights. And if you're doing that, you're sort of promoting human rights...*<sup>151</sup>

*With the younger ones, we talk about respect for others and we talk about being fair...As they get older, we talk to them...about their rights and responsibilities.*<sup>152</sup>

*I think I'd come at it from the other end, so we'd look at the values and say, when we know more about them, these are our basic human rights.*<sup>153</sup>

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<sup>147</sup> Interview 8.

<sup>148</sup> Interview 12.

<sup>149</sup> Interviews 1, 3, 4, 10, 13, 15, 25, 29, 30, 34, 36, 38 & 40.

<sup>150</sup> Interview 5.

<sup>151</sup> Interview 10.

<sup>152</sup> Interview 15.

Some interviewees suggested, therefore, that the issue is one of semantics,<sup>154</sup> for they consider HRE to be simply another name for the instilling of ‘those values that actually underpin all the human rights’.<sup>155</sup> One teacher expressed that she was unsure how the two ideas could be separated, admitting that she did not know ‘how you would help them to understand the difference between using rights respecting language and not just the language of values’.<sup>156</sup> Other relevant comments included:

*It’s very difficult to untangle what you perceive to be human rights and what we’re already doing, because we’re just not calling it that.*<sup>157</sup>

*We wouldn’t call them the language of human rights, but that is effectively what it is...so it’s all about respect for each other...and tolerance and harmony.*<sup>158</sup>

*I think the values do encompass what you’re talking about, in the language children can use.*<sup>159</sup>

Such observations find support in theories of the naturalist tradition, where human rights are deemed to derive their authority from a deeper order of values. These theorists argue that defining human rights by reference to their expression within international instruments cannot reveal their true nature, for:

*Quite apart from jurisprudential problems arising from supposedly text-bound information, human rights proclamations have always spoken indicatively, not imperatively. None of them purport to create new rights. They proclaim that certain rights are enjoyed by all human beings. We cannot understand or interpret the text itself without making assumptions...about what such claims might mean.*<sup>160</sup>

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<sup>153</sup> Interview 4.

<sup>154</sup> Interviews 1, 3, 6, 10, 14 & 29.

<sup>155</sup> Interview 10.

<sup>156</sup> Interview 6.

<sup>157</sup> Interview 1.

<sup>158</sup> Interview 3.

<sup>159</sup> Interview 3.

<sup>160</sup> Harris (n 128) at 430.

Theorists of the natural tradition criticise positivist conceptions of human rights for neglecting to consider the reasons why any right should be included within the framework in the first place. John Tasioulas, for example, argues that a ‘supposed right does not automatically become a genuine demand of human rights morality merely by being set down in an official instrument, however impressive or widely adhered to’,<sup>161</sup> and Griffin posits that it is not enough for international institutions to simply declare agreement on certain rights. They must instead aim to incorporate particular extra-legal ethical standards,<sup>162</sup> for ‘the creators of international law do not, and cannot plausibly, say that what they deem to be a human right *is* a human right, that on this subject they are infallible’.<sup>163</sup>

Many theorists draw upon naturalist conceptions in their work, with Maurice Cranston going so far as to assert that human rights represent ‘the twentieth-century name for what has been traditionally known as ‘natural rights’’.<sup>164</sup> Natural rights refer to those rights ‘that we possess independently of our social relationships and undertakings, and more generally, of any conventionally established rank or status’,<sup>165</sup> and thus naturalist conceptions of human rights have as their foundation the idea that such rights are possessed by all human beings simply by virtue of their common humanity.<sup>166</sup>

Such conceptions ‘regard human rights as having a character and basis that can be fully comprehended without reference to their embodiment and role in any public doctrine or practice’,<sup>167</sup> and thus the aim of the human rights framework is to embody in law and practice the values of this independent normative order, which provides ‘the source of their (moral) authority’.<sup>168</sup> Determining human rights values cannot therefore simply be an exercise in interpreting them from international doctrine. The task of the naturalistic theorist is instead to identify the relevant basic

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<sup>161</sup> Tasioulas, J., ‘Towards a Philosophy of Human Rights’ (2012) 65 *Current Legal Problems* 1-30 at 2.

<sup>162</sup> Griffin, *On Human Rights* (n 131) 54.

<sup>163</sup> *Ibid.*

<sup>164</sup> Cranston, M., ‘Are There Any Human Rights?’ (1983) 112(4) *Daedalus* 1-17 at 1.

<sup>165</sup> Beitz, *The Idea of Human Rights* (n 115) 51.

<sup>166</sup> Simmons, J.A. (ed), *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge University Press, Cambridge 2001), 185.

<sup>167</sup> Beitz, *The Idea of Human Rights* (n 115) 49-50.

<sup>168</sup> *Ibid.*, 74.

values and then to determine which of the entitlements included in the human rights framework embody or can be derived from them.<sup>169</sup>

Some examples may serve to elucidate the nature of these theories. According to Griffin, human beings are distinct from other animals through their ability to deliberate, assess, reflect on their past and conceptualise their future, and under his account, human rights are protections of the normative agency of human beings, or of their very 'personhood'.<sup>170</sup> Tasioulas, meanwhile, adopts a more pluralistic approach, where a broad range of basic components of human wellbeing can generate human rights, such as accomplishment, friendship and pain avoidance.<sup>171</sup> For Tasioulas, 'human rights are universal moral rights, but their grounding values are not restricted to an independently specifiable subset of universal prudential values'.<sup>172</sup>

Tasioulas himself adheres to a somewhat naturalist conception of human rights, considering them to be grounded in the concept of dignity – denoting 'the equal intrinsic objective worth of all human beings'<sup>173</sup> – and in universal human interests. He does, however, disagree with those theorists who ground human rights in *specific* interests, such as personhood or freedom; instead considering the concept of human interest itself to be the most appropriate foundation. He bases this upon 'a proper respect for pluralism, for the fact that different individuals and societies may legitimately order objective values in different ways, without committing any mistake'.<sup>174</sup> For Tasioulas, this ensures that human rights are adaptable to changing social conditions, and that strained interpretations are not necessary for justifying even the most basic of human rights protections, such as torture.<sup>175</sup>

Whilst these examples are brief summaries of complex natural theories, the basic premise upon which they rest is that human rights are rooted in certain values. At a more rudimentary level, this is the idea expressed by my interviewees. Teachers considered values to be at the heart of any teaching practice relating to rights,

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<sup>169</sup> Ibid, 50.

<sup>170</sup> Griffin, *On Human Rights* (n 131) 13.

<sup>171</sup> Tasioulas, J., 'Taking Rights out of Human Rights' (2010) 120(4) *Ethics* 647-678 at 662.

<sup>172</sup> Ibid at 663.

<sup>173</sup> Tasioulas (n 161) at 7.

<sup>174</sup> Ibid at 29.

<sup>175</sup> Tasioulas (n 171) at 663.

understanding human rights to be synonymous with the teaching of those values that are deemed to be important for primary learners. It is likely to be for this reason that nine interviewees said that human rights are simply embedded within the classroom or school ethos:<sup>176</sup>

*[H]uman rights in terms of everyday life is what schools are all about. You know, the right to learn, the right to feel safe; all of those underpinning ideas are just part and parcel of what we do every day...I think it is something that is a high priority generally in society and then because schools reflect what we want a healthy society to be, it is taught in the hidden curriculum.*<sup>177</sup>

*It's almost completely and utterly embedded within everything else that we do.*<sup>178</sup>

My empirical data suggests that teachers' theoretical conceptions result in some human rights values being included within primary teaching, such as fairness and tolerance, and others being largely excluded, including freedom and justice. The findings also indicate, however, that teachers include a broader spectrum of values within the remit of HRE than would be included within a positivist conception drawing only upon human rights as defined by the international framework. For the strictly positivist teacher, HRE would consist simply of teaching on the values enshrined within the UDHR.

My interviewees considered the provision of education *about* human rights to extend beyond teaching simply on the human rights values included within the international instruments, however; instead including a wide range of values under the remit of HRE. Some of these values are traditionally associated with the human rights framework, including respect, tolerance and equality, whereas others, such as kindness, courage and humility, are not. Encouraging teachers to educate *about* human rights in accordance with positivist theories would therefore run the risk of narrowing the core of values currently considered necessary for effective education. Indeed, current teaching practice in this area is arguably broader even than the values associated with naturalist conceptions of human rights. Teachers are ostensibly

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<sup>176</sup> Interview 5, 16, 19, 23, 24, 36, 38, 40 & 41.

<sup>177</sup> Interview 5.

<sup>178</sup> Interview 38.

instilling certain values and personal qualities in their classrooms, such as resilience and happiness, that would not reasonably be recognised or appreciated in human rights terms, and thus that arguably lie outside any sensible categorisation of human rights values.

### 5.3.3 Ability of Young Learners to Grasp Abstract Ideas

Despite the fact that it was not possible within the survey to interrogate deeply the reasons why some teachers are not educating expressly *about* human rights, seven of the 70 textual responses to Question 7 did identify one specific issue as being of particular relevance:<sup>179</sup> certain ages of primary learner are unable to engage with abstract issues beyond their immediate experience. EYFS and KS1 teachers provided five of these responses,<sup>180</sup> including that:

*Younger children have a hard time with the idea of local community, let alone county, country, and world, and abstract concepts.*<sup>181</sup> (Years 1-2)

*Understanding and applying the values...is the first step – when they are older, they will understand these to be the rights of a human.*<sup>182</sup> (Year 2)

These observations are supported by my interview data. Nineteen interviewees (43%) made reference to the inability of learners to grasp concepts, such as human rights, if they are not directly relatable to their immediate experiences:<sup>183</sup>

*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.*<sup>184</sup>

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<sup>179</sup> Question 7 asked teachers who had reported that they do not teach about human rights what their reasons were for this.

<sup>180</sup> The two other responses were from year 4 teachers.

<sup>181</sup> Survey response Jul 15, 2013 9:38 AM.

<sup>182</sup> Survey response Jul 8, 2013 8:04 AM.

<sup>183</sup> Interviews 1, 3, 5, 6, 7, 8, 12, 13, 17, 21, 22, 24, 25, 29, 33, 34, 35, 42 & 43 (62% of EYFS/key stage 1 teachers; 42% of key stage 2 teachers; & 25% of head teachers).

<sup>184</sup> Interview 1.



*I think because children of this age, their whole world is their family and their school...You have to sort of gently introduce ideas, so that they can get a sense of the global dimension.*<sup>185</sup>

*It's got to be relevant to them and their little world at this age...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 empathise more.*<sup>186</sup>

Learners at upper KS2 were nonetheless considered to be at, or at least to be approaching, the right age for engaging with abstract issues.<sup>187</sup> One year 6 teacher explained that she had been 'looking for topics that start to make children think outside of their own life experiences',<sup>188</sup> and considered HRE to be suitable for this. A head teacher also said that HRE only becomes relevant and appropriate when learners are able to recognise 'human rights' as a distinct concept, and that this is not likely until year 6:

*[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...*<sup>189</sup>

As emphasised in Chapter 3, values have frequently been viewed as surrogate concepts that facilitate the teaching of concepts relevant to HRE in the primary classroom. It was important, therefore, to question interviewees in greater detail on their teaching of values, in order to seek a better understanding of why some values are taught more than others in the primary learning environment. Interviewees were therefore questioned on the nature and extent of their teaching of the values listed in Question 2 of the survey, and the findings support the quantitative data showing that some of these values are more prevalent within primary classrooms.<sup>190</sup> Interviewees tended to prioritise fairness, respect for others, tolerance and equality. By contrast, freedom, justice, dignity, non-discrimination and solidarity were encouraged to a

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<sup>185</sup> Interview 3.

<sup>186</sup> Interview 29.

<sup>187</sup> Interviews 2, 5, 7, 12, 14, 17, 18, 22, 24, 29, 30, 33, 39, 40 & 43.

<sup>188</sup> Interview 2.

<sup>189</sup> Interview 5.

<sup>190</sup> The survey data was discussed above at section 5.2.2.

lesser extent, and reservations were raised regarding the appropriateness of their inclusion at primary level.

Taking the most prevalent values first, the importance of fairness was emphasised by 14 interviewees.<sup>191</sup> Some identified fairness as a particularly significant value for young learners, and one to which they are naturally drawn, because they are faced with it in their everyday interactions. Teachers therefore tended to relate fairness to the immediate experiences of the learners, as opposed to understanding the value on a broader level:

*Kids get really quickly issues of fairness...because that's their life. They're constantly going 'that's not fair...we all want to be treated the same'...*<sup>192</sup>

*Children are particularly keen on fairness. They sort of recognise if anything's not fair or not...so I think that fairness is something that's there all the time.*<sup>193</sup>

Respect, too, was considered important, with 15 interviewees emphasising the need to encourage respect for others, and often respect for oneself, in the learning environment.<sup>194</sup> Interviewees again tended to interpret the value as referring to respect for other learners through actions such as taking turns and not physically hurting one another.<sup>195</sup> As with fairness, therefore, the teaching of respect tended to relate to the immediate experiences of the learners, rather than to any broader notion of the concept:

*There's a lot of respect that goes on...Knowing how you work in yourself, and understanding your own emotions and being able to understand them in others...*<sup>196</sup>

*It tends to be respect for others in the sense of not barging into each other...rather than any ingrained sort of racism or gender-bashing or anything like that.*<sup>197</sup>

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<sup>191</sup> Interviews 3, 8, 9, 15, 17, 20, 22, 23, 29, 30, 31, 33, 37 & 41.

<sup>192</sup> Interview 3.

<sup>193</sup> Interview 8.

<sup>194</sup> Interviews 3, 8, 9, 15, 17, 19, 20, 21, 23, 29, 30, 35, 37, 40 & 42.

<sup>195</sup> Interviews 29, 30 & 42.

<sup>196</sup> Interview 21.

<sup>197</sup> Interview 35.

Similar observations can be made regarding equality and tolerance. Whilst nine interviewees reiterated the importance of equality for primary learners,<sup>198</sup> seven of these teachers referred directly to the immediate learning environment:<sup>199</sup>

*We do have a very strong equality policy in which the main issues are SEN and equality.*<sup>200</sup>

*Equality is throughout the school...[T]hey're used to seeing other children around, and so they're taught all the time about accepting each other for each other's behaviour.*<sup>201</sup>

And with tolerance, eight interviewees expressly identified this as a key value for primary learners,<sup>202</sup> but the emphasis was again predominantly on its inculcation within the learning environment:<sup>203</sup>

*Things like tolerance and fairness are huge because that's what children struggle with. I mean they're huge all the time in terms of playground issues.*<sup>204</sup>

*[T]hey are extremely tolerant because we have a system in class...where they have to work with all children all the time.*<sup>205</sup>

The interview data thus suggests that fairness, respect, equality and tolerance were all considered to be important because these are the values with which learners are most commonly confronted in their day-to-day interactions. By contrast, the less prevalent values were those considered to be more abstract and have less relevance to the immediate experiences of primary learners.<sup>206</sup>

As previously explained, the values in the survey were selected on the basis of their prevalence within key human rights instruments and their centrality to HRE discourse. The interview data indicates, however, that teachers considered some of

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<sup>198</sup> Interviews 1, 2, 6, 8, 9, 12, 13, 21 & 38.

<sup>199</sup> Interviews 2, 8, 9, 13, 21, 36 & 41.

<sup>200</sup> Interview 21.

<sup>201</sup> Interview 13.

<sup>202</sup> Interviews 3, 8, 9, 10, 20, 23, 33 & 37.

<sup>203</sup> Interviews 3, 8, 20, 21, 23, 33 & 37.

<sup>204</sup> Interview 3.

<sup>205</sup> Interview 23.

<sup>206</sup> Interviews 8, 25, 26, 30, 33, 36, 37 & 43.

these values to be abstract and difficult for young learners to grasp, and that it is therefore more appropriate to start with the values that they do experience:

*It's the same with anything really, it's like geography...you discuss what it is locally and...then it builds up because it doesn't mean anything to them; it's not within their realm of experience.*<sup>207</sup>

*I think some things come up with the older children more because they're looking towards the future, they're looking towards more of the outside world and the younger children tend to be more insular and more involved in what they're doing.*<sup>208</sup>

In this regard, some interviewees considered certain values listed in the survey, such as freedom,<sup>209</sup> dignity,<sup>210</sup> and justice,<sup>211</sup> to be too abstract and complex for primary learners. Freedom was identified as particularly problematic.<sup>212</sup>

*[T]hey don't understand what freedom is, or what not to have freedom is. They don't realise what they're living...*<sup>213</sup>

*The younger children can't necessarily understand what it's like to not have freedom, because they've no experience outside of their own lives...And even my year 6s don't really...get that yet.*<sup>214</sup>

Dignity was also viewed as a difficult, and somewhat vague, concept.<sup>215</sup> Whilst some teachers reported that they do educate about dignity,<sup>216</sup> there were varied interpretations regarding its meaning, with one teacher admitting that he wasn't certain 'what dignity was and what it stood for'.<sup>217</sup> Other interviewees articulated their own interpretations of the value:

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<sup>207</sup> Interview 8.

<sup>208</sup> Interview 30.

<sup>209</sup> Interviews 8 & 37.

<sup>210</sup> Interviews 1, 3, 6, 8, 13, 34 & 37.

<sup>211</sup> Interviews 11, 38 & 40.

<sup>212</sup> Interviews 8, 10, 12, 16, 17, 22 & 37.

<sup>213</sup> Interview 8.

<sup>214</sup> Interview 22.

<sup>215</sup> Interviews 3, 9, 16, 23, 29 & 34.

<sup>216</sup> Interviews 9, 16, 23, 29 & 30.

<sup>217</sup> Interview 17.

*[D]ignity is a very big word and I think children understand it instinctively, that their dignity may have been offended if somebody looks at them in a funny way...<sup>218</sup>*

*It quite often comes up when they're dressing for PE and it's talking about... 'your body is private', but for older children, dignity can mean such a lot more.<sup>219</sup>*

Interviewees similarly interpreted justice in different ways. Whilst four teachers related the concept to fairness within the learning environment,<sup>220</sup> others betrayed a more abstract understanding.<sup>221</sup> The latter were in turn those who tended to consider justice to be a complex and abstract concept, more appropriate for learners at the later stages of primary education:<sup>222</sup>

*Whereas I think fairness, that's a word that younger children would understand, they might not understand what justice was.<sup>223</sup>*

*But it's year 6 that they actually get that – freedom and justice.<sup>224</sup>*

These findings are again indicative of interviewees' confusion in understanding and interpreting values. And non-discrimination suffered similar problems. Whilst six interviewees reported educating about this value,<sup>225</sup> some considered the need for its teaching to depend upon the location and ethnic make-up of particular schools.<sup>226</sup> Others indicated, however, that the abstract notion of discrimination is not something with which younger learners would have a great deal of understanding or familiarity.<sup>227</sup>

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<sup>218</sup> Interview 3.

<sup>219</sup> Interview 34.

<sup>220</sup> Interviews 1, 2, 4 & 17.

<sup>221</sup> Interviews 3, 11, 13, 16, 22 & 38.

<sup>222</sup> Interview 11, 13, 16, 22 & 38.

<sup>223</sup> Interview 22.

<sup>224</sup> Interview 16.

<sup>225</sup> Interviews 3, 15, 26, 29, 35 & 38.

<sup>226</sup> Interviews 1, 33, 35 & 36.

<sup>227</sup> Interviews 2, 11 & 20.

*[F]rom my experience, children aren't actually racist...so it's a very white area here...but there are obviously a couple of children in the class who aren't white, and the children might not have even noticed that.*<sup>228</sup>

It is perhaps unsurprising, therefore, that a number of the interviewees are not using the express terminology of these values in their classrooms. Some said, for example, that they do not use the terms freedom,<sup>229</sup> dignity,<sup>230</sup> non-discrimination<sup>231</sup> and justice,<sup>232</sup> and instead refer to the more basic values deemed to be at their root.<sup>233</sup> Interviewees therefore tended to fall back on the values with which they are more comfortable, such as fairness and respect:

*You wouldn't use some of those words with the younger children: you talk about people being fair and people being equal, respecting each other.*<sup>234</sup>

The empirical observations suggest, therefore, that those values that are relatable to the immediate experiences of learners are more likely to be taught, including fairness, respect, tolerance and equality. By contrast, values deemed to be more abstract, such as freedom, justice, non-discrimination and dignity, are encouraged to a lesser extent owing to the perceived inability of young learners to relate these values to their lives and day-to-day interactions. These findings further reinforce the suggestion that there is confusion surrounding the concept and formulation of values, however. It seems strange, for example that teachers appear to consider non-discrimination as problematic, but not equality, when these two concepts are so closely linked.

The interviewees' opinions, in particular the suggestion that only learners in upper KS2 are able to understand and engage with abstract issues, are consistent with much of the academic commentary in this area. For example, following empirical study into the attitudes of primary learners in Australia towards other ethnic groups, Phil Johnson argues that upper primary school-aged learners 'show the capacity to think in surprisingly complex ways, and...are prepared to grapple with complex and

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<sup>228</sup> Interview 2.

<sup>229</sup> Interviews 6, 8, 16, 21, 22, 23, 27 & 37.

<sup>230</sup> Interviews 3, 16, 19, 21, 23, 27 & 29.

<sup>231</sup> Interviews 3, 23, 27 & 13.

<sup>232</sup> Interviews 2, 3, 9, 16, 22, 23 & 27.

<sup>233</sup> Interviews 3, 5, 6, 9, 12, 13, 16, 17, 19, 21, 23, 25, 29, 34, 40 & 41.

<sup>234</sup> Interview 21.

difficult social issues'.<sup>235</sup> With specific regard to HRE, Martin D. Ruck *et al* draw upon the findings of their empirical study into the development of knowledge about rights from childhood to adolescence to argue that 'by 10 years of age children are able to hold both concrete and at least rudimentary abstract views about various aspects of rights',<sup>236</sup> and Rahima Wade relies upon her similar empirical investigation to suggest that upper primary school represents an 'optimal period for the development of attitudes toward global issues in general and human rights in particular'.<sup>237</sup>

Some scholars have sought to offer explanations for interpretations such as these. Gary Melton, for example, carried out semi-structured interviews with learners across the spectrum of primary year groups and concluded that as young learners mature and develop, they progress from an egocentric stage 'based on perceiving rights in terms of what one can have or do, characteristic of young children',<sup>238</sup> to a stage of abstract thinking in which rights are related to broader moral considerations.<sup>239</sup> He 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'.<sup>240</sup> This idea is in keeping with Katerina K. Frantzi's observation that during middle childhood:<sup>241</sup>

*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.*<sup>242</sup>

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<sup>235</sup> Johnson, P., 'Understanding the Role of Emotion in Anti-Racist Education' in Holden & Clough (eds), *Children as Citizens* (n 98) 141-153 at 144.

<sup>236</sup> Ruck, M.D. *et al*, 'Adolescents' and children's knowledge about rights: some evidence for how young people view rights in their own lives' (1998) 21(3) *Journal of Adolescence* 275-289 at 285; similar ideas were put forward by Gary Melton in 'Children's Concepts of Their Rights' (1980) 9(3) *Journal of Clinical Child Psychology* 186-190.

<sup>237</sup> Wade (n 98) at 79.

<sup>238</sup> Ruck (n 236) at 276.

<sup>239</sup> Melton (n 236) at 188-189.

<sup>240</sup> *Ibid* at 186.

<sup>241</sup> Defined as being from approximately age nine to eleven.

<sup>242</sup> Frantzi, K.K., 'Human Rights Education: The United Nations Endeavour and the Importance of Childhood and Intelligent Sympathy' (2004) 5(1) *International Education Journal* 1-8 at 5.

Arguments in support of the idea that younger learners are unable to engage with abstract issues extending beyond their immediate sphere of experience are often rooted in human development theories. Whilst it has been recognised that Jean Piaget's methodology was not as rigorous as it should have been, thus casting doubt upon many of his findings,<sup>243</sup> 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'.<sup>244</sup>

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'.<sup>245</sup> According to this theory, learners at any given stage cannot be taught conceptions of a higher stage, for their ability to learn cognitive content is directly related to their level of intellectual development.

Particular aspects of the Piagetian approach are in keeping with work of the American educationalist John Dewey. Like Piaget, Dewey considered the educational growth of children to occur through invariant, ordered sequential stages.<sup>246</sup> Where his approach differs, however, is in its emphasis on the importance of social factors. Dewey considered morality to be socially conditioned, and argued that in the early stages of childhood, children are concerned principally with their own actions and in gaining the approval of others.<sup>247</sup> Frantzi's suggestion that learners are able to engage with abstract human rights issues only in middle childhood when they experience an 'awakening morality and conscience, when

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<sup>243</sup> Burgess, H., 'Perceptions of the Primary and Middle School Curriculum' in Carrington & Troyna (eds), *Children and Controversial Issues* (n 84) 71-90 at 74.

<sup>244</sup> Alexander, R.J., *Primary Teaching* (Holt, Rinehart and Winston, London 1984), 22; see also Piaget, J., 'Cognitive Development in Children: Piaget' (1964) 2 *Journal of Research in Science Teaching* 176-186 at 178; & King, R., *All Things Bright and Beautiful?* (John Wiley & Sons, Chichester 1978), 11.

<sup>245</sup> Alexander (n 244) 22.

<sup>246</sup> Archambault, R.D. (ed), *John Dewey on Education: Selected Writings* (University of Chicago Press, USA 1974) 205-211.

<sup>247</sup> Dewey, J., *Human Nature and Conduct: An Introduction to Social Psychology* (Modern Library, New York 1922) 314-316.



children care about other people and are considerate of their happiness' derives from Dewey's theory.<sup>248</sup>

Subsequent educationalists have developed these theories further, and continue to rely upon them to argue that abstract issues are beyond the comprehension of learners at the early stages of formal education.<sup>249</sup> Robert L. Selman, for example, in the course of a study on children's social-perspective taking, identified that below the age of 6, children are largely egocentric, and are typically unable to comprehend experiences from any vantage point except their own.<sup>250</sup> It is only between the ages of 6 and 10 that they gain an awareness of differing perspectives and begin to acquire the ability to view experiences from the standpoints of others,<sup>251</sup> though they are only able to understand concrete experiences in this way. Between the ages of 10 and 12, they are likely to be able to view situations from the standpoint of a third person. Only at the stage of secondary education, however, will they normally be able to 'think in the abstract and so discuss political and other concepts without having recourse to their own experience',<sup>252</sup> and to understand the impact of forces such as gender and class upon human behaviour.

At the stage of primary education, therefore, children are deemed to be 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'.<sup>253</sup> The realisation and understanding that human rights are universal standards

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<sup>248</sup> Frantzi (n 242) at 5.

<sup>249</sup> Carrington, B. & B. Troyna, 'Children and Controversial Issues' in Carrington & Troyna (eds), *Children and Controversial Issues* (n 84) 1-10 at 6.

<sup>250</sup> Selman, R.L., *The Growth of Interpersonal Understanding* (Academic Press, New York 1980); see also Hart, R.A., *Children's Participation: From Tokenism to Citizenship* (UNICEF Innocenti Essays No.4, 1992) at 31-32.

<sup>251</sup> Similar views are expressed by Roger Hart: Hart, R.A., 'The developing capacities of children to participate' in Johnson, V., E. Ivan-Smith, G. Gordon, P. Pridmore & P. Scott (eds), *Stepping Forward: Children and young people's participation in the development process* (Intermediate Technology Publications, London 1998) 27-31 at 29.

<sup>252</sup> Short, G., 'Children's Grasp of Controversial Issues' in Carrington & Troyna (eds), *Children and Controversial Issues* (n 84) 11-28 at 12-13; see also Hart, *Children's Participation* (n 250) at 32-33.

<sup>253</sup> Flekkoy, M.G. & N.H. Kaufman, *The Participation Rights of the Child: Rights and Responsibilities in Family and Society* (Jessica Kingsley, London 1997), 101.

belonging to all people is supposedly ‘not established until early adolescence, when the child develops more abstract thinking’.<sup>254</sup>

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 that methodological flaws in Piaget’s work mean that his findings cannot be generalised to other contexts. In this regard, Roger Hart identifies that Piaget’s work failed to recognise the social character of cognitive development, highlighting that adults and older learners may significantly influence the rate of development of young learners.<sup>255</sup> And Anthony McNaughton advises against teachers relying upon sequential developmentalism 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...[they] may have unwittingly confused a description of what Piaget found to be the case with the students he studied with a claim about what ought to be the case’.<sup>256</sup> He adds that ‘Piaget’s designation of stages of development in moral judgements...was not meant to contain...moral education within a particular age range...’<sup>257</sup>

Robin Alexander identifies further 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’.<sup>258</sup> Geoffrey Short, too, argues that children have a deeper and more abstract understanding of political, race and gender issues than Piaget’s sequential stages imply,<sup>259</sup> and laments that theorists of this mould ‘have *indirectly* bolstered, or at least done nothing to undermine, primary teachers’ reluctance to broach controversial issues with their pupils’.<sup>260</sup> Short further

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<sup>254</sup> Ibid, 103; for discussion of empirical evidence supporting this claim, see Melton, G.B. & S.P. Limber ‘What Children’s Rights Mean to Children: Children’s Own Views’ in Freeman, M. & P. Veerman, *The Ideologies of Children’s Rights* (Martinus Nijhoff, Dordrecht 1992) 167-187.

<sup>255</sup> Hart (n 251) at 28.

<sup>256</sup> McNaughton, A.H., ‘Cognitive Development, Political Understanding and Political Literacy’ (1982) 30(3) *British Journal of Educational Studies* 264-279 at 269.

<sup>257</sup> Ibid at 274.

<sup>258</sup> Alexander, *Primary Teaching* (n 244) 24.

<sup>259</sup> Short (n 252) at 17-24. See also Arthur, J. & Carr, D. ‘Character in learning for life: a virtue-ethical rationale for recent research on moral and values education’ (2013) 34(1) *Journal of Beliefs and Values* 26-35 at 34.

<sup>260</sup> Short (n 252) at 16.

discredits Piaget's view that children's development cannot be accelerated through each of his defined cognitive stages, cautioning that if primary teachers accept this stance, 'the likelihood of them exploring their pupils' capacity to understand controversial issues is bound to diminish'.<sup>261</sup>

As with some of the theorists discussed above, prominent educational philosopher, Jerome Bruner, argues that children pass through identifiable sequential stages of development but does not rule out the possibility of abstract issues being introduced with learners at earlier stages, if such teaching is related to their immediate experiences:

*The fundamental ideas in...the humanities are both powerful and simple and...their key concepts and principles are imitated even in the behaviour of very young children...[T]he task facing teachers...is not the simplification of abstruse scholarly subject-matter, but rather a development of principled understanding of what is essentially simple and fundamental to human experience.*<sup>262</sup>

The contrasting viewpoints in this literature are significant for the purpose of considering my empirical observations in light of the relevant theoretical background. Twenty-eight of the interviewees (64%) indicated that they considered teaching on human rights to be beyond the capacity of EYFS and KS1 learners.<sup>263</sup> Teachers referred to the perceived inability of these learners to understand abstract concepts, thus supporting the argument that developmental readiness for engaging with such issues is paramount:<sup>264</sup>

*I'm not sure they really got...how big it was with the global element in KS1, but the KS2 were very interested in it.*<sup>265</sup>

*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 7 and above to grasp that.*<sup>266</sup>

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<sup>261</sup> Ibid at 25.

<sup>262</sup> Entwistle, H., 'Educational Theory and the Teaching of Politics' in Heater, D. (ed), *The Teaching of Politics* (Methuen, London 1969) 181-201 at 185.

<sup>263</sup> Interviews 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 13, 15, 17, 20, 22, 24, 25, 26, 29, 31, 33, 34, 35, 38, 39, 40, 42 & 43 (69% of EYFS/key stage 1 teachers; 68% of key stage 2 teachers; & 50% of head teachers).

<sup>264</sup> Interviews 1, 8 & 12.

<sup>265</sup> Interview 24.

Whilst the work of Bruner, and a number of the theorists discussed above, identifies that difficulties relating to abstraction can be overcome, my empirical findings nevertheless highlight that many of the interviewees consider human rights to be too abstract for younger primary learners. In other words, teachers ostensibly think like the sequential developmentalists.

Bruner's work does, however, pose a vital question: is there a way of teaching human rights that makes them accessible and understandable for primary learners? There are good reasons to argue that the answer to this is yes. Perceptions of human rights as too abstract for young learners tend to be based on understandings of such rights as distant and unrelated to their lives. Interviewees viewed human rights as relating to broad and contentious issues such as war,<sup>267</sup> incarceration,<sup>268</sup> or torture,<sup>269</sup> as opposed to the immediate rights of their learners. Whilst these categories could be applicable to the domestic context, comments linking human rights to atrocities and to people abroad in less fortunate circumstances indicates that they were directed more towards distant settings.<sup>270</sup> According to one interviewee, 'we don't have to think about it here...that's probably why it's not in the curriculum, because we just have our human rights'.<sup>271</sup> Audrey Osler and Hugh Starkey identify this as symptomatic of Western European democracies, that 'the term human rights is often linked in the media and thus in the public mind to such violations of civil and political rights as those exposed by Amnesty International or Human Rights Watch'.<sup>272</sup> It is likely, therefore, that teachers struggle to relate human rights to their own context and experiences, let alone those of their learners.

If teachers' concerns about abstraction are to be overcome, therefore, they would have to understand human rights as an issue that directly affects both themselves and the learners in their classrooms, for:

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<sup>266</sup> Interview 26.

<sup>267</sup> Interview 9.

<sup>268</sup> Interviews 9, 31 & 35.

<sup>269</sup> Interviews 1, 15, 27, 29, 35, 39 & 43.

<sup>270</sup> Discussed below at section 5.3.4.

<sup>271</sup> Interview 1.

<sup>272</sup> Osler, A. & H. Starkey 'Human Rights, Responsibilities and School Self-Evaluation' in Osler, A. (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Trentham Books, Stoke-on-Trent 2000) 91-109 at 91.

*[H]uman rights are neither abstract nor some remote set of inspirational principles. They have a tangible meaning and a relevance to everyday life...*<sup>273</sup>

Much of the existing literature shows that it is possible to teach learners of primary school age about abstract issues such as human rights,<sup>274</sup> yet my empirical findings suggest that teachers may not be doing so because the framework in which they are operating is not supporting them to be able to tackle HRE appropriately. Teachers would have to be equipped with the tools for translating broad, abstract conceptions of human rights into age-appropriate and accessible teaching. This is a matter of practice to which I will return in my conclusion to this thesis.

#### **5.3.4 Difficult Nature of the Subject Matter**

A number of interviewees articulated specific concerns about the appropriateness of HRE for primary learners. Whilst some simply felt that the subject would be too dry and legal to engage learners of this age,<sup>275</sup> most were concerned about its controversial nature. This is perhaps unsurprising in light of broader societal attitudes towards human rights. Teacher opinion is likely to be affected by the media and popular culture, and indeed some comments reflected this:

*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.*<sup>276</sup>

*[I]f you choose to break a human right, you then lose your right to have those rights.*<sup>277</sup>

*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*

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<sup>273</sup> Pais, M.S., *A Human Rights Conceptual Framework for UNICEF* (UNICEF Innocenti Essays No.9, 1999) at 1.

<sup>274</sup> See e.g. Wade (n 98); & Frantzi (n 242).

<sup>275</sup> Interviews 1, 6 & 8.

<sup>276</sup> Interview 4.

<sup>277</sup> Interview 42.

*they've done something towards another human being that may affect how much of that right is listened to.*<sup>278</sup>

Some teachers also focused on the idea that primary learners would misuse rights. This opinion was often related to a perception that people tend to be acutely aware of their rights but do not accept their responsibilities. Interviewees expressed concern that learners would use their human rights knowledge to disobey teachers and other staff members:

*The only time you hear people talking about rights is bad children saying to their teachers 'I know my rights.'*<sup>279</sup>

*[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.'*<sup>280</sup>

Misconception and sensationalism surrounding human rights has been identified as both prevalent and problematic in existing academic commentary. Susan Marks noted in 2014 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'.<sup>281</sup> Most of this commentary, she observes, is 'pretty bilious',<sup>282</sup> and such anti-human rights rhetoric is arguably only likely to intensify ahead of the proposed referendum on the Conservative Government's plan to scrap the HRA and replace it with a Bill of Rights.<sup>283</sup>

Some of these tabloid stories have become so notorious that it would be difficult to find a person in the UK unaware of them: the 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 pornography whilst incarcerated is another. These stories are frequently drawn

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<sup>278</sup> Interview 41.

<sup>279</sup> Interview 6.

<sup>280</sup> Interview 16.

<sup>281</sup> Marks, S., 'Backlash: the undeclared war against human rights' (2014) 4 *European Human Rights Law Review* 319-327 at 319.

<sup>282</sup> Ibid.

<sup>283</sup> Commission on a Bill of Rights, *A UK Bill of Rights? The Choice Before Us* (volume 1, 2012).

upon to support the proposition that human rights protection has gone too far and is abused by those unworthy.<sup>284</sup>

Whilst many of the most sensationalised media stories, including the two identified above,<sup>285</sup> have been discredited as exaggerated at best, and entirely apocryphal at worst,<sup>286</sup> it is not difficult to understand why teachers would be likely to view human rights as controversial. When great swathes of the public are influenced by hyperbolised 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 emerge from formal 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.

One interviewee articulated 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...angry and demanding...and terrible things are going to happen. It doesn't have a very positive...[I]t's probably not a soft topic.<sup>287</sup>*

Some interviewees said that they simply avoid teaching potentially controversial topics, or certain aspects of such topics:

*I would avoid [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.<sup>288</sup>*

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<sup>284</sup> McQuigg, R.J.A, 'The Human Rights Act 1998 - Future Prospects' (2014) 35 *Statute Law Review* 120-132 at 120.

<sup>285</sup> Wagner, A., 'Catgate: another myth used to trash human rights', (*The Guardian*, 4 October 2011 (available at: <http://www.theguardian.com/law/2011/oct/04/theresa-may-wrong-cat-deportation> [last accessed 17 September 2015]); & 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].

<sup>286</sup> Huppert, 'Should we repeal the Human Rights Act?', *Total Politics*, no date, available at: <http://www.totalpolitics.com/print/160582/should-we-repeal-the-human-rights-act.html> [last accessed 23 March 2015].

<sup>287</sup> Interview 1.

<sup>288</sup> Interview 31.

*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...*<sup>289</sup>

*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.*<sup>290</sup>

Given these comments it is perhaps unsurprising that some of the interviewees deemed the subject too difficult for primary learners. Eight identified the likelihood of children being scared by certain aspects of human rights as a reason for not teaching in this area,<sup>291</sup> with this stance particularly prevalent amongst those teachers who affiliated the idea of human rights with war,<sup>292</sup> imprisonment,<sup>293</sup> or with extreme rights violations, such as torture.<sup>294</sup>

Solidarity, included in the survey as a human rights value, was also viewed as controversial by a number of interviewees.<sup>295</sup> There are conflicting views generally on its desirability, for it can be either unifying or dividing value, depending upon the particular formulation of the common interest around which individuals are coalescing, and this was reflected by some interviewees:

*I think that feels a bit more rebellious than we would encourage...for me it felt a bit more like 'right, this is my decision and I'm going to force it on you'...*<sup>296</sup>

Three interviewees considered solidarity to have negative connotations, associated with the unions or civil unrest.<sup>297</sup> Whilst eight others, upon further reflection in the interviews, considered that it could relate to supporting each other at sporting events,<sup>298</sup> teamwork<sup>299</sup> or standing up against bullies,<sup>300</sup> there remained a general

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<sup>289</sup> Interview 17.

<sup>290</sup> Interview 36.

<sup>291</sup> Interviews 1, 5, 9, 15, 26, 30, 31 & 43 (8% of EYFS/key stage 1 teachers; 11% of key stage 2 teachers; & 33% of head teachers).

<sup>292</sup> Interview 9.

<sup>293</sup> Interviews 9, 31 & 35.

<sup>294</sup> Interviews 1, 15, 27, 29, 35, 39 & 43.

<sup>295</sup> Interviews 3, 8, 18, 22, 27, 33, 34, 37 & 42.

<sup>296</sup> Interview 34.

<sup>297</sup> Interviews 7, 16 & 34.

<sup>298</sup> Interviews 3, 20 & 23.

<sup>299</sup> Interview 10, 13, 16 & 17.



unease about its inclusion in formal schooling. One teacher identified solidarity as divisive in a multi-ethnic learning environment:

*We have to be very careful because we've got a lot of Polish children and we don't want to have any racial divides...so we try to perhaps not...go on to that theme, and you can say that would stop racism..., but I do think the more we try to say 'we all stand together', the more you fire them up too much.<sup>301</sup>*

Seven interviewees expressed further concern that primary learners may not yet possess the necessary maturity to deal with the difficult issues raised through HRE.<sup>302</sup> One teacher justified educating about human rights only at KS2 by identifying that younger learners may struggle to grasp the issues without them being inappropriately watered down.<sup>303</sup> 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.<sup>304</sup>*

Some interviewees further identified that contextual factors can make HRE inappropriate for primary learners:<sup>305</sup>

*[I]f you look at things like prisons..., there are some children that are experiencing that and it becomes a very sensitive subject...We can't start discussing prisons when somebody's father is in there.<sup>306</sup>*

*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.<sup>307</sup>*

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<sup>300</sup> Interview 7.

<sup>301</sup> Interview 7.

<sup>302</sup> Interviews 7, 11, 12, 14, 21, 38 & 43 (8% of EYFS/key stage 1 teachers; 11% of key stage 2 teachers; & 33% of head teachers).

<sup>303</sup> Interview 26.

<sup>304</sup> Interviews 14. A similar comment was made in interview 32.

<sup>305</sup> Interviews 5, 9, 11, 21, 41 & 42 (16% of key stage 2 teachers and 25% of head teachers). Similar concerns were reported by Cassidy *et al* (n 85) at 28.

<sup>306</sup> Interview 9.

<sup>307</sup> Interview 11.

Interviewees also voiced concern that parents would object to HRE on the basis that it is too controversial for the primary school.<sup>308</sup> Fourteen teachers (32%) reported that parents would be unlikely to object to such education,<sup>309</sup> particularly if they are informed in advance and assured that the subject matter will be age-appropriate,<sup>310</sup> though two of these did say that they would deliberately avoid using the term ‘human rights’ for fear of a backlash.<sup>311</sup> The remaining 26 interviewees (59%) did, however, raise concerns about parents taking issue with the provision of HRE.<sup>312</sup>

Whilst three interviewees flagged up the likelihood of parents challenging HRE on the basis that it is not a ‘proper’ subject,<sup>313</sup> most of the apprehension concerned parents objecting to its controversial nature. Parental concern was again deemed to often stem from contextual factors: where certain topics with a human rights dimension, such as immigration<sup>314</sup> and criminal justice,<sup>315</sup> were considered likely to antagonise parents with particular viewpoints; or where schools were located in communities where teachers felt there was a greater likelihood of parents objecting.<sup>316</sup> Parents were seen as prone to ‘instant knee-jerk reactions’ on controversial topics,<sup>317</sup> and thus some teachers simply considered it ‘just not worth it’,<sup>318</sup> or ‘safer not to teach’ about human rights.<sup>319</sup>

Two interviewees queried whether it was acceptable for teachers to address HRE at all. One considered teaching in this area to be better left to parents,<sup>320</sup> but the same teacher later highlighted that ‘a lot of the parents have poor beliefs’, identifying

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<sup>308</sup> This thesis discusses parental concern from the perspective of how teachers may alter their teaching practices due to potential negative parental reaction. For discussion of parents having legal rights under international law to object to teaching practice, see Lundy, L., ‘Family Values in the Classroom? Reconciling Parental Wishes and Children’s Rights in State Schools’ (2005) 19 *International Journal of Law, Policy and the Family* 346-372.

<sup>309</sup> Interviews 1, 7, 8, 11, 14, 15, 20, 22, 29, 30, 32, 33, 36 and 43 (47% of EYFS/key stage 1 teachers; 37% of key stage 2 teachers; and 33% of head teachers).

<sup>310</sup> Interviews 1, 7, 8, 14, 23, 29, 30, 36 & 43.

<sup>311</sup> Interviews 14 & 29.

<sup>312</sup> 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 EYFS/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.

<sup>313</sup> Interviews 27, 29 & 34.

<sup>314</sup> Interviews 2 & 31.

<sup>315</sup> Interviews 27, 31 & 38.

<sup>316</sup> Interviews 2, 4, 7, 17, 21, 23, 24 & 41.

<sup>317</sup> Interview 4.

<sup>318</sup> Interview 42. A similar comment was made in interview 17.

<sup>319</sup> Interview 5.

<sup>320</sup> Interview 42.

homophobic attitudes as particularly prevalent. She considered it difficult to achieve the correct balance if she were 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...and you'd get 'my dad says...' And 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.'*<sup>321</sup>

The other teacher expressed that:

*I work more towards cultural understanding, but even then it's quite hard...because it's linked to stereotypes...and in some cases people don't want their children to think positively about other cultures,...And I think it's the same with human rights. It's coming up against people who don't want their children to agree with you, or even to think about it for themselves. I'm not sure how to navigate that kind of area, or whether I have the right to.'*<sup>322</sup>

Whilst the risk of antagonising parents did not deter most interviewees from educating *about* human rights to a certain extent, it was apparent even from the responses of those who saw parental concern as a minimal risk that they still took precautions to prevent potential negative reaction; thus reinforcing the suggestion that human rights is viewed as a controversial subject for primary education.

These empirical observations accord with much academic commentary, where opposition to the inclusion of controversial issues within formal schooling has been consistently associated with the deemed age-appropriateness of certain topics. Stradling, for example, reported that one of the principal constraints on teachers' willingness to address these issues stemmed from their own 'perceptions of what is and is not 'acceptable' as a subject-matter for teaching',<sup>323</sup> and as recently as 2012, Paula Cowan and Henry Maitles noted that 'there is much debate around 'curricular

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<sup>321</sup> Interview 42.

<sup>322</sup> Interview 41.

<sup>323</sup> Stradling (n 75) at 124.

creep’ – a fear of raising disturbing issues with ever younger pupils in the primary school’.<sup>324</sup>

My research findings 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.<sup>325</sup> 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 practice of politics can meaningfully be introduced into the curriculum of the school’,<sup>326</sup> echoes the sentiments of many who consider HRE to be too controversial for younger primary learners. Jeffs has specifically advised that Entwistle’s observation applies not only to the teaching of politics but also to the teaching of other controversial topics.<sup>327</sup> Learners of primary school age are deemed too young to discuss issues that demand ‘a greater maturity’.<sup>328</sup>

The complexity and contentiousness of human rights is consequently often identified as the reason why schools shy away from substantive consideration of the topic.<sup>329</sup> In their empirical study on student teachers’ engagement with HRE, for example, 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.*<sup>330</sup>

The risk of parental concern as a reason for not teaching controversial topics has also been noted in these studies. Stradling identifies ‘fear of disapproval by parents’ as

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<sup>324</sup> Cowan, P. & H. Maitles, ‘Preface and Framework’ in Cowan, P. & H. Maitles (eds), *Teaching Controversial Issues in the Classroom: Key Issues and Debates* (Continuum, London 2012) 1-9 at 3.

<sup>325</sup> Jeffs, T., ‘Preparing Young People for Participatory Democracy’ in Carrington & Troyna (eds), *Children and Controversial Issues* (n 84) 29-53 at 30.

<sup>326</sup> Entwistle (n 262) at 199.

<sup>327</sup> Jeffs (n 325) at 32.

<sup>328</sup> Maitles, H. & R. Deuchar, ‘Why Are They Bombing Innocent Iraqis?’: Political literacy among primary pupils’ (2004) 7(1) *Improving Schools* 97-105 at 99; see also Wade (n 98) at 79.

<sup>329</sup> Molnar (n 84) at 72.

<sup>330</sup> Cassidy *et al* (n 85) at 29.

influential in teachers' decisions regarding whether to address certain issues in the classroom,<sup>331</sup> and Cassidy *et al* reported that student teachers in their empirical study on HRE expressed concerns about worrying or upsetting parents.<sup>332</sup>

Similarly, suggestion that it is the place of the family, and not the teacher, to educate about controversial issues is also reflected in the literature, and is often related to the 'lingering traditional view' of children as essentially the 'property and responsibility of their parents'.<sup>333</sup> Elizabeth Frazer refers to a widespread belief that teaching about issues such as freedom and non-discrimination should be left to the family,<sup>334</sup> and R. Brian Howe and Katherine Covell note resistance to HRE on the basis that 'allowing children to know and to discuss their rights was inappropriate because such education would undermine family and adult authority...and invite an undue degree of state intrusion into the family'.<sup>335</sup>

Teachers' reluctance to address controversial issues with young learners is frequently attributed to a desire to maintain their innocence. Some time ago Roger Hart wrote that 'there is a strong romantic tradition in the West which sees childhood as a special period where innocence, spontaneity, fantasy and creativity reign'.<sup>336</sup> Even earlier, in 1984, Robin Alexander coined the phrase 'primary ideology' 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'.<sup>337</sup> One aspect of this ideology, referred to by Alexander as the 'cocoon' principle, is the tendency for notions of innocence to be drawn upon to justify shielding young learners from controversial or upsetting issues.<sup>338</sup> Whilst in this metaphorical cocoon, 'young children's security should not be disturbed by

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<sup>331</sup> Stradling (n 75) at 124.

<sup>332</sup> Cassidy *et al* (n 85) at 26; see also Holden, C., '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* 117-130 at 122.

<sup>333</sup> Howe, B.R., & K. Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 151; see also Print, M., S. Ørnstrøm & H. Skovgaard, 'Education for Democratic Processes in Schools and Classrooms' (2002) 37(2) *European Journal of Education* 193-210 at 200.

<sup>334</sup> Frazer, E., 'Introduction: The idea of political education' (1999) 25 *Oxford Review of Education* 5-22 at 17.

<sup>335</sup> Howe & Covell, *Empowering Children* (n 333) 4.

<sup>336</sup> Hart, *Children's Participation* (n 250) at 20.

<sup>337</sup> Alexander, *Primary Teaching* (n 244) 14; see also King, *All Things Bright and Beautiful?* (n 244) 10-11.

<sup>338</sup> Alexander, *Primary Teaching* (n 244) 34.

confronting them with issues that a mature adult has difficulty coping with,<sup>339</sup> and teachers are thus deemed to have a ‘responsibility to protect the young from a harsh and corrupt reality’.<sup>340</sup>

The possible influence (or accuracy) of this cocoon theory is apparent from comments made by my interviewees, stemming both from their own reservations and from concerns about how parents might react to subjects that could be viewed as destroying their children’s innocence.<sup>341</sup>

*I still like to think that we keep them...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.*<sup>342</sup>

*[Parents] just do not want their children to know anything at all, because apparently it destroys their innocence.*<sup>343</sup>

Scholars, however, question the veracity of the theory. Geoffrey Short and Carole Ann Reed argue that the notion of childhood 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’.<sup>344</sup> In her study into the ability of primary school-aged learners in the USA to engage and discuss complex issues of race and equality, for example, Jane Bolgatz observed that ‘not only did the students remain engaged and calm...but also they were able to move the discussion to sophisticated levels’ that would exceed general expectations of learners at this age.<sup>345</sup> She concluded that if given the opportunity, primary-aged learners are able to handle controversial issues and are intellectually

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<sup>339</sup> Ibid, 34.

<sup>340</sup> Short (n 252) at 11.

<sup>341</sup> Existing research has substantiated the suggestion that parents are concerned about the teaching of controversial issues ‘destroying childhood innocence’: see e.g. Holden, C., ‘Heaven Help the Teachers! Parents’ Perspectives on the Introduction of Education for Citizenship’ (2004) 56(3) *Educational Review* 247-258 at 256.

<sup>342</sup> Interview 39.

<sup>343</sup> Interview 23.

<sup>344</sup> Short, G. & C.A. Reed, *Issues in Holocaust Education* (Ashgate, Hampshire 2004), 118; see also Shawn, K., ‘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, J.P. (ed), *Teaching for a Tolerant World* (National council of Teachers of English, Illinois 1999) 422-436 at 423.

<sup>345</sup> Bolgatz, J., ‘Revolutionary Talk: Elementary Teacher and Students Discuss Race in a Social Studies Class’ (2005) 96(6) *The Social Studies* 259-264 at 262.

engaged and challenged by them.<sup>346</sup> A small Scottish study by Maitles and Cowan into the teaching of Holocaust Education lends further support to the suggestion that young learners can engage with controversial issues through its finding that the topic provided a ‘successful, stimulating area of study’ within a primary setting.<sup>347</sup>

Some commentators have additionally questioned the feasibility of the cocoon theory. Writing in 1984, 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’.<sup>348</sup> In the twenty-first century, characterised by the proliferation of easily accessible digital information, children are likely to be exposed to controversial issues to a far greater extent. 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 more applicable today than when originally penned.<sup>349</sup> 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’.<sup>350</sup>

The literature discussing whether teaching controversial issues is appropriate for young learners is thus polarised. 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 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’.<sup>351</sup>

My empirical observations 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

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<sup>346</sup> Ibid at 263.

<sup>347</sup> Maitles, H. & P. Cowan, ‘Teaching the Holocaust in primary schools in Scotland: modes, methodology and content’ (1999) 51(3) *Educational Review* 263-272. It should be noted that all of the teacher participants in the study taught learners aged nine or above.

<sup>348</sup> Alexander, *Primary Teaching* (n 244) 35.

<sup>349</sup> Ibid.

<sup>350</sup> Cowan & Maitles (n 324) at 1.

<sup>351</sup> Maitles & Deuchar (n 328) at 99.

reasons why primary teachers may be, and indeed in some cases are, reluctant to educate *about* human rights.

The idea that HRE is simply too controversial for the primary learning environment is arguably misplaced, however, and is affected by broader cultural perceptions of human rights. Teachers' concerns are more likely to stem from entrenched misconceptions of human rights, or deficiencies in understanding about them, than any inherent issue with the subject matter itself. Indeed, much of the literature discussed above shows that it is not only possible to teach HRE to learners of primary school age, but also in fact beneficial.<sup>352</sup> Its provision is in turn likely to be the only way by which the widespread view of human rights as controversial will change, for an early human rights pedagogy is the most effective means of shaping the attitudes necessary for building a broader human rights culture. Teachers will, however, only feel confident about HRE if they come to view human rights as a mainstream subject for formal education and not a controversial and troublesome topic to be avoided.

### 5.3.5 Neutrality of HRE

A further issue concerning the provision of education *about* human rights that was considered problematic by a number of my interviewees related to potential teacher bias. Twelve teachers raised concerns about the political nature of human rights,<sup>353</sup> with examples of such comments including that human rights immediately brings to mind 'Amnesty, Greenpeace, people demonstrating',<sup>354</sup> that 'it would just make us wary of engaging with the topic because it's politically charged',<sup>355</sup> and that 'I wouldn't want to explore anything that was political within primary'.<sup>356</sup>

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<sup>352</sup> 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 & Cowan (n 347); & Wade (n 98).

<sup>353</sup> Interviews 6, 7, 14, 21, 27, 28, 31, 32, 34, 38, 40 & 41.

<sup>354</sup> Interview 29.

<sup>355</sup> Interview 27.

<sup>356</sup> Interview 31.



Twenty-six interviewees (59%) expressed reservations about the ability of teachers to deal with human rights in a neutral manner,<sup>357</sup> particularly as it can be such ‘an emotive topic’,<sup>358</sup> and is ‘so much tied up with you and your beliefs’.<sup>359</sup>

*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?<sup>360</sup>*

*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.<sup>361</sup>*

*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, 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...<sup>362</sup>*

Concerns about appearing neutral are seemingly translating in primary classrooms and schools 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 that primary teachers are in ‘a unique position of authority and influence’,<sup>363</sup> and that their learners are particularly impressionable.<sup>364</sup> In other words, there may be reticence in imposing moral judgements on pupils.

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<sup>357</sup> 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 & 42.

<sup>358</sup> Interview 2. A similar comment was made in interview 40.

<sup>359</sup> Interview 18. A similar comment was made in interview 41.

<sup>360</sup> Interview 2.

<sup>361</sup> Interview 4.

<sup>362</sup> Interview 27.

<sup>363</sup> Interview 1. A similar was comment was made in interview 2.

<sup>364</sup> Interviews 2, 14, 15, 18, 19, 20, 25, 28 & 42.

Some interviewees' opinions regarding their perceived inability to teach neutrally in this area concerned broader contextual factors. One highlighted the difficulty of providing HRE when there are conflicting school principles:<sup>365</sup>

*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.*<sup>366</sup>

Another considered that the ability to address a topic such as human rights objectively depended upon a teacher's own relevant experiences:

*So I might be able to talk about something like [asylum seekers] quite objectively, whereas something else that I might have had dealings with, you become much more emotional and subjective.*<sup>367</sup>

Some interviewees did not, however, view teacher bias necessarily as an issue. They felt that the nature of the subject matter removed the potential for biased teaching, with such views based predominantly upon one of two premises: (i) that HRE is about agreed fundamental human values, and thus there can be no inappropriately biased way of teaching it;<sup>368</sup> and (ii) that human rights is an objective framework, agreed to by the majority of the world's countries, and teaching about it is therefore an inherently neutral undertaking.<sup>369</sup>

Regarding the first of these premises, teachers argued that:

*How would you do it neutrally really...I suppose some people would argue, but is the right to be looked after...is that something that we'd argue about?*<sup>370</sup>

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<sup>365</sup> This interview pre-dated the decision of the Church of England in July 2014 to allow women bishops.

<sup>366</sup> Interview 6.

<sup>367</sup> Interview 12. Similar were made in interviews 16 & 41.

<sup>368</sup> Interviews 3, 6, 16, 19, 27, 34, 38 & 39.

<sup>369</sup> Interviews 2, 4, 11, 16, 17, 21, 27, 28, 35, 36, 39, 41 & 43. Similar arguments were made by teachers in Robert Stradling's study: Stradling (n 75) at 126.

<sup>370</sup> Interview 3.

*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?*<sup>371</sup>

And on the second premise, interviewees said that:

*Human rights isn't that controversial because it's been agreed by 186 or whatever countries...*<sup>372</sup>

*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 the world, then that's that.*<sup>373</sup>

Nine of these teachers viewed the neutrality of the framework as a means of equipping learners with the facts, thus enabling them to form their own opinions on the issues.<sup>374</sup> They considered that through HRE, learners would not only learn about important issues of which they may have had no prior knowledge,<sup>375</sup> but would also be likely to develop for themselves a 'real sense of justice, of what's right and wrong'.<sup>376</sup>

Whilst one interviewee suggested that teachers who were biased against human rights 'wouldn't skew it, they just wouldn't do it',<sup>377</sup> others simply had faith in teachers' professionalism: that even if they had strong opinions, they would accept that it was inappropriate to educate in a biased way,<sup>378</sup> or to take a particular stance without emphasising that this was a personal opinion.<sup>379</sup>

As with the opinions of the interviewees, the literature on neutrality in the teaching of controversial issues is divided. In support of her assertion that HRE should be taught to primary learners, Frantzi observes that they:

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<sup>371</sup> Interview 40.

<sup>372</sup> Interview 11.

<sup>373</sup> Interview 17.

<sup>374</sup> Interviews 2, 4, 21, 28, 35, 36, 39, 41 & 43.

<sup>375</sup> Interviews 2, 35, 36, 39 & 43.

<sup>376</sup> Interview 2. Seven teachers also suggested that exposing learners to conflicting arguments on human rights would have a similar effect: interviews 24, 30, 35, 39, 41, 42 & 43.

<sup>377</sup> Interview 36.

<sup>378</sup> Interviews 3, 5, 13, 14, 15, 24, 26, 29, 30, 34, 35, 38 & 39.

<sup>379</sup> Interviews 9, 21, 23, 24, 29 & 43.

*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...*<sup>380</sup>

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'.<sup>381</sup> Commentators therefore focus upon the unique position of authority and influence occupied by teachers,<sup>382</sup> and argue that any expression of their opinion or preference can 'constitute a serious misuse of the teacher's power and control over knowledge and values in the classroom'.<sup>383</sup>

Ira Shor dubbed this phenomenon 'authority dependence',<sup>384</sup> and Frantzi identifies the extent and degree of authority dependence within education as problematic. Referring to Stanley Milgram's controversial 1968 experiment,<sup>385</sup> she emphasises the willingness of individuals to blindly follow authority, either because their sense of personal responsibility is limited, or because they defer to the deemed superior knowledge of the authority figure.<sup>386</sup> This authority dependence is further compounded by understandings of the curriculum as normative and neutral.<sup>387</sup> Official knowledge handed down through formal education is considered to represent the accepted knowledge of society, and learners are thus encouraged to accept it without question or challenge.<sup>388</sup> Under these conditions, they are particularly susceptible to indoctrination.

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<sup>380</sup> Frantzi (n 242) at 4.

<sup>381</sup> Curren, R., 'Cultivating the Intellectual and Moral Virtues' in Carr, D. & J. Steutel (eds), *Virtue Ethics and Moral Education* (Routledge, Oxon 1999) 67-81 at 72.

<sup>382</sup> Stradling, *Teaching Controversial Issues* (n 76) 8; & Stradling (n 75) at 126.

<sup>383</sup> Harwood, D., 'To Advocate or Educate', (1986) 14(1) *Education 3-13* 51-57 at 53.

<sup>384</sup> Shor, I., 'Education is Politics: Paulo Freire's critical pedagogy' in McLaren, P. & P. Leonard (eds), *Paulo Freire: A Critical Encounter* (Routledge, London 1993) 25-35 at 29.

<sup>385</sup> See Milgram, S., 'Obedience to Authority: An Experimental View' (Harper & Row, USA 1974).

<sup>386</sup> Frantzi (n 242) at 1.

<sup>387</sup> Shor, I., & P. Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (Bergin & Garvey, Massachusetts 1987), 123.

<sup>388</sup> *Ibid*, 12-13; see also Apple, M.W. & J.A. Beane (eds), 'The Case for Democratic Schools' in Apple, M.W. & J.A. Beane, *Democratic Schools: Lessons from the Chalk Face* (Open University Press, Buckingham 1999) 1-28 at 15.

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,<sup>389</sup> 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 organises and facilitates pupil contributions by observing procedural rules, but refrains from stating her own position.*<sup>390</sup>

Adopting a neutral approach to classroom teaching ‘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’.<sup>391</sup> The neutral chair approach is considered to prevent learners, in particular young learners, simply imitating the teacher by adopting their stated viewpoint, and 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 identify problems with the neutral approach, however. Basil Singh advises that ‘neutrality could destroy some of the most cherished ideals in education, such as the respect for evidence and the respect for others’,<sup>392</sup> and Bernard Crick 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’.<sup>393</sup> Alexander further emphasises that ‘the teacher who argues ‘we mustn’t impose our values on the children’ displays not so much neutrality, as professional self-deception’.<sup>394</sup> It is perhaps for these reasons that two of my interviewees expressed that neutrality was neither realistic nor desirable when teaching in this area.<sup>395</sup>

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<sup>389</sup> Stenhouse, L., *Authority, Education and Emancipation* (Heinemann, London 1983).

<sup>390</sup> Harwood (n 383) at 52.

<sup>391</sup> Singh, B., ‘The Teaching of Controversial Issues: The Problems of the Neutral-chair Approach’ in Carrington & Troyna (eds), *Children and Controversial Issues* (n 84) 91-106 at 93.

<sup>392</sup> *Ibid* at 91.

<sup>393</sup> Crick, B., ‘On Bias’ (1972) 1(1) *Teaching Politics* 3-12 at 12.

<sup>394</sup> Alexander, *Primary Teaching* (n 244) 32.

<sup>395</sup> Interviews 8 & 35.

*I don't think you necessarily could be neutral about things...and I think part of doing things sometimes with people is...knowing that people aren't neutral.*<sup>396</sup>

Bruce Carrington and Barry Troyna identify an arguably more fundamental problem with the adoption of a neutral approach. They consider that 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''.<sup>397</sup> This is especially problematic in situations where it is arguably morally objectionable for teachers not to express an opinion.<sup>398</sup> As an example, in a neutral learning environment, racist or prejudiced views would be legitimised because they are 'treated as having the same validity as other views expressed during classroom debate'.<sup>399</sup>

The purpose of open discussion on controversial topics is arguably to encourage learners to make independent justifiable judgements, and in such circumstances, it is likely that neutrality can only be a fiction. According to Singh, whilst teachers should seek to outline both sides of an argument in a balanced way – encouraging learners to make up their own minds 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'.<sup>400</sup>

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 education *about* human rights. 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 abstraction and controversy in the teaching of human rights, however, apprehension about neutrality does not mean that the provision of HRE should be seen as inherently impossible. It may be a matter of technique or

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<sup>396</sup> Interview 8.

<sup>397</sup> Carrington & Troyna (n 249) at 4.

<sup>398</sup> Kubota (n 79) at 234.

<sup>399</sup> Carrington & Troyna (n 249) at 4; see also Harmin, M., 'Value Clarity, High Morality: Let's Go for Both' (1988) 45(8) *Educational Leadership* 24-30 at 25.

<sup>400</sup> Singh (n 391) at 101.

guidance, much the same as with other purportedly controversial subjects like sex education.<sup>401</sup>

Much of the concern surrounding neutrality is arguably related to perceptions of human rights as a topic about 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 cultural attitudes towards human rights in the UK, and neutrality becomes less problematic when HRE is viewed in the context of learners' own experiences. Equipping young learners with the tools to recognise 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.<sup>402</sup>

Concerns about neutrality are thus likely to stem from broader societal attitudes towards human rights, and from teachers' own lack of knowledge and understanding about the purposes of HRE. Much of the literature discussed above shows that teaching about potentially polarising issues such as human rights is not only possible, but also in fact beneficial.<sup>403</sup> However, the English education policy framework discussed in Chapter 3 provides little support for teachers to enable them to tackle the subject matter adequately. It is at least arguable that if HRE was legitimised as an appropriate topic for formal education through reference in the NC, teachers would be less concerned about the potential influence of their own views on susceptible young learners. It remains to be seen whether the explicit adoption of 'British values', as a subject that must be taught at both primary and secondary level, will provide the confidence to teach in subjects that connect closely with some human rights matters.<sup>404</sup>

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<sup>401</sup> For more detailed discussion on this, see Chapter 8 at section 8.3.

<sup>402</sup> There are links here with the complex issue of the role of religion in faith schools, and in particular the Trojan Horse scandal discussed briefly in Chapter 3. Detailed investigation of the similarities or contrasts between HRE and religious issues lies outside the scope of this thesis, but is an issue that I hope to return to in my future work.

<sup>403</sup> Frantzi, *supra* (n 242).

<sup>404</sup> For discussed of the British values guidance, see Chapter 3 at section 3.4.2.4.

## 5.4 CONCLUSION

My empirical findings suggest that the complexities of practice make education *about* human rights a difficult enterprise. Many teachers I interviewed are personally influenced by human rights misconceptions or sensationalism in the media, and tend to view human rights as too far removed from the immediate experiences of their learners, too controversial, or too difficult to teach in a neutral manner. They furthermore view the topic as particularly likely to antagonise parents, something largely to be avoided.

A number of my interviewees also said that they consequently either water down their provision of education *about* human rights, or they avoid using the terminology of human rights altogether and instead provide education in this area through informal teaching practices or the general ethos of the classroom or school. This chapter has shown that teachers in both of these situations consider themselves to be providing HRE, yet in many instances they are drawing only upon broad values frameworks or narrow behaviour management processes. Furthermore, due to concerns about appearing unbiased, some interviewees can be seen to be providing education *about* human rights that is so ostensibly neutral as to challenge the internationally accepted values that underpin them. The quotes from teachers concerning their perceived inability to pass judgement on democracy, racism or Nazi atrocities cannot be taken as indicative of a whole system, but they raise serious questions about English primary education and its ability to address some patently troubling attitudes towards teaching in this area.

My empirical findings also indicate that many teachers tend towards a naturalist conception of human rights, relating the teaching of values that are commonly found within the international instruments and accompanying literature to the immediate experiences of their learners, rather than to any broader, abstract understanding of these values, and that teachers therefore conflate the idea of HRE with the teaching of relevant age-appropriate values. These teachers present a broader, but arguably weaker, understanding of human rights. They include a wider range of values in their teaching practice than would be the case if they were educating in accordance with the strict letter of HRE provisions or even with naturalist conceptions of human



rights; instilling values, such as humility and kindness, which arguably lie outside any sensible categorisation of human rights values.

Teaching values in accordance with a human rights framework that derives authority either from positivist interpretations of the international framework, or from naturalist conceptions that derive their authority from a more amorphous source of values, could thus result in certain values identified as significant by my interviewees disappearing from classroom practice because they fall outside a reasonable interpretation of human rights values. The current practice of education *about* human rights in primary classrooms in England is thus arguably, in certain respects, broader than the requirements of the international framework. Teachers' conceptions of human rights are seemingly related more to a belief in the benefits of teaching about values, rather than to any broader notion of national or international HRE policy.

This conflation of values education and HRE – resulting in teachers considering themselves to be providing HRE when teaching about values – does lead to problems, however. Teachers are able to pick and choose the values that they consider to be relevant and appropriate for a formal primary setting, with the potential result that certain values are prioritised, including fairness and tolerance, and others are addressed infrequently or overlooked completely, such as freedom and justice. The more complex and abstract values associated with the human rights framework are thus likely to be insufficiently addressed (if at all), yet teachers will feel like any requirement to teach in this area has been fulfilled.

Furthermore, if teachers are not consciously educating in accordance with the requirements of the internationally promoted HRE framework, any express teaching about specific human rights and their relevant instruments and protection mechanisms is likely to be somewhat serendipitous. My empirical findings, though limited, suggest that education *about* human rights is not being taught comprehensively and consistently, and it therefore cannot be suggested that this element of the tripartite framework is being realised in English formal primary education. It is doubtful, therefore, that in many situations young learners are being equipped with the knowledge and understanding required to recognise human rights or violations of those rights.

Whilst there is arguably a degree of recognition in formal primary practice of some of the concepts associated with education *about* human rights, my research offers a number of potential reasons for England's ostensible lack of compliance with the international requirements: that teachers' theoretical conceptions of human rights result in confusion about values and the omission of certain important human rights values from classroom teaching; that their conceptions of human rights are influenced by the media and popular culture; and that their own concerns about educating in this area often prevent them from doing so.

I now turn to consider the second element of the international framework for HRE: the provision of education *through* human rights.

## CHAPTER 6: EDUCATION *THROUGH* HUMAN RIGHTS

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### 6.1 INTRODUCTION

In learning environments that facilitate education *through* human rights, it is expected that freedoms including expression and opinion are encouraged, the rights of everyone are respected, and teaching and learning contributes to the full development of the human personality and the sense of its dignity.<sup>1</sup> Genuinely empowering active participation should be facilitated, with learners' contributions given serious consideration and acted upon when appropriate to do so. This vision implies that classroom and school practice ought therefore to lead to 'respect for the human rights agreed by the UN, and the encouragement of negotiation, accountability, reasonable equality and respect between teacher and pupils, and formal ways of involving everyone in schools in making certain decisions'.<sup>2</sup>

Chapter 2 identified that the benefits of rights respecting learning environments are promoted within both the international instruments and academic commentary. In particular, they avoid the potential for learners to become cynical about the gap between the knowledge they are acquiring through education *about* human rights, and any lack of respect for their rights in the classroom or school. According to Audrey Osler and Hugh Starkey, 'talk of children's rights will appear hypocritical while these rights are denied them in the school community in which they spend so much time and on which, in many cases, they place their hopes for the future'.<sup>3</sup> Bearing in mind the lack of specific support for concepts associated with education *through* human rights at the national policy level in England, discussed in Chapter 3, the important question is therefore whether teachers and schools are meeting the requirements of the international HRE framework in this area through teaching practices and the learning environment.

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<sup>1</sup> UNESCO & OHCHR, 'Plan of Action: World Programme for Human Rights Education (First Phase) (2006) at 2 & 12, para 3(b). See Chapter 2 at section 2.3.3.

<sup>2</sup> Alderson, P., 'Human Rights and Democracy in Schools: Do They Mean More Than Simply "Picking Up Litter and Not Killing Whales"?' (1999) 7 *The International Journal of Children's Rights* 185-205 at 185.

<sup>3</sup> Osler, A. & H. Starkey, 'Children's Rights and Citizenship: some implications for the management of schools' (1998) 6 *The International Journal of Children's Rights* 313-333 at 331.

As part of my analysis of education *about* human rights in the previous chapter, I suggested that primary teachers are tending to conflate the idea of HRE with the teaching of relevant age-appropriate values.<sup>4</sup> There is evidence to suggest that complex and abstract human rights values, including freedom and justice, therefore receive less attention than values such as fairness and equality. This finding is relevant and important to the practice of education *through* human rights in the formal learning environment and the overlap between these two elements of the tripartite framework is clear. To avoid repetition of analysis, however, the findings on the practice of the human rights values discussed in the previous chapter will not be discussed further here.

Some additional elements of rights respecting learning environments, such as freedom of thought, conscience and religion,<sup>5</sup> freedom of association and peaceful assembly,<sup>6</sup> and the right to rest, leisure and play<sup>7</sup> are also not discussed in this chapter, though are relevant to the practice of rights in the primary school.<sup>8</sup> As suggested in Chapter 2,<sup>9</sup> the practice of participation and the encouragement of pupil voice in the classroom and school are the rights most commonly associated with rights respecting learning environments in the literature and these were the rights that my interviewees discussed to the greatest extent when questioned in this area. These two concepts therefore form the focus of my empirical analysis in this chapter regarding the extent to which their practice in English primary education accords with the requirements of the international HRE framework. Where insufficiencies are identified in this practice, I investigate the potential reasons for this.

The chapter is split into two main sections: (i) in section 6.2 I draw upon my empirical research findings to gauge the extent of the current provision of voice and participation in English primary classrooms and schools, and explore the reasons for the apparent absence of certain key components; and (ii) in section 6.3 I then draw

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<sup>4</sup> See Chapter 5 at section 5.3.2.

<sup>5</sup> UNCRC, Article 14.

<sup>6</sup> *Ibid*, Article 15.

<sup>7</sup> *Ibid*, Article 31.

<sup>8</sup> In my future research, I would like to further explore the practice of these additional rights in the formal learning environment.

<sup>9</sup> At section 2.3.2.

some tentative conclusions about the current scope and nature of education *through* human rights in English primary schooling.

## **6.2 THE CURRENT PRACTICE OF EDUCATION *THROUGH* HUMAN RIGHTS IN ENGLISH PRIMARY SCHOOLS**

Both the quantitative survey and qualitative interviews sought to elicit information for better gauging whether the practice of education *through* human rights in English primary schools is likely to accord with the requirements of the international HRE framework. In particular, both data sets provide information concerning the extent of participation and pupil voice in primary education in England. I will discuss participation and voice in the classroom environment first, before considering these rights within the school more broadly. Each section will describe current practice in this area, and will consider any deficiencies in that practice in light of the academic literature related to these topics.

### **6.2.1 Participation and Pupil Voice in the Classroom**

Question 9 of the survey used a rating scale to determine the accuracy of a number of statements relating to rights respecting classrooms.<sup>10</sup> Most accurate were those statements concerning freedom of expression and pupils being listened to in the classroom. 92% of survey respondents agreed that it was very accurate that pupils' opinions are listened to and given due consideration,<sup>11</sup> and 80% said they afforded pupils the opportunity to speak and express themselves freely in the classroom.<sup>12</sup> The question additionally probed whether a class charter expressly details the rights of those in the class and whether pupils participate in its drafting. 56% of teachers reported that class charters are used,<sup>13</sup> and 64% said that pupils help to draft these charters and include the rights that they consider to be most important.<sup>14</sup> 52% of respondents also indicated that classroom decision-making is conducted democratically,<sup>15</sup> with a slightly smaller percentage (43%) reporting that learners are

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<sup>10</sup> The rating scale contained the options 'very accurate', 'somewhat accurate' and 'not at all accurate'.

<sup>11</sup> 8% advised that this was somewhat accurate and 0.3% that it was not at all accurate.

<sup>12</sup> 19.6% answered somewhat accurate and 0.3% 'not at all accurate'.

<sup>13</sup> 32.3% answered somewhat accurate and 11.8% not at all accurate.

<sup>14</sup> 25.2% advised that this was somewhat accurate and 11.3% not at all accurate.

<sup>15</sup> 44.2% answered that it was somewhat accurate and 4% that it was not at all accurate.

involved in classroom decision-making, such as about which topics would be studied and how free time would be spent.<sup>16</sup>

The responses to Question 9 were analysed for variations across the spectrum of primary year groups and, whilst the findings were largely consistent, some differences can be observed.<sup>17</sup> Of particular significance is the finding that teachers of EYFS and KS1 reported the highest percentage of pupil participation in classroom decision-making. 65% of EYFS and 58% of year 1 teachers agreed that it was very accurate that learners are involved in decision-making, compared to 44% of year 5 and 37% of year 6 teachers. This finding indicates that as learners progress through primary education, their ability to actively participate in classroom decision-making lessens.<sup>18</sup>

The qualitative interview data largely supports these findings. A majority of the 44 interviewees (33, or 75%) said that learners are able to express themselves freely within the classroom and that their opinions are listened to and given due weight and consideration.<sup>19</sup> Whilst some interviewees indicated that they are usually happy for learners to take lessons off-topic,<sup>20</sup> others explained that if something was raised that deviated from the subject at issue, it might not be addressed at that precise moment, but would be acknowledged and returned to at a more appropriate time.<sup>21</sup>

A significant majority of the interviewees (89%) also reported the existence of class charters expressly detailing the rights of those in the class,<sup>22</sup> with 70% further explaining that the learners in their classroom help to draft these.<sup>23</sup> Some teachers said that the charters are drafted in age-appropriate language, or ‘child-friendly

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<sup>16</sup> A slightly higher percentage, 46.7%, advised it was somewhat accurate and 10.1% reported it was not at all accurate.

<sup>17</sup> The results of this analysis can be found in Appendix 15.

<sup>18</sup> This will be explored in more detail in section 6.2.2.

<sup>19</sup> Interviews 1, 3, 4, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42 & 43.

<sup>20</sup> Interviews 9, 21, 37, 39 & 42.

<sup>21</sup> Interviews 21, 38, 40, 41 & 43.

<sup>22</sup> Interviews 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42 & 43.

<sup>23</sup> Interviews 2, 4, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 40, 41, 42 & 43.

speak',<sup>24</sup> and others emphasised the requirement that charters be phrased in positive language:<sup>25</sup>

*Always they'd rather go 'we won't do this', and you have to turn around and say 'well, if we're not going to do this, what are we going to do?'... And you think it's more that adults put the negative slant on it, but it's not.*<sup>26</sup>

Some interviewees stressed the importance they placed upon involving learners in the drafting process:

*If they're involved in [drafting class charters], they have some ownership of it...*<sup>27</sup>

*[Y]ou get them to help you come up with a set of rules, and they're just more involved, and it can be in their own language so it means more to them.*<sup>28</sup>

By contrast, some of the teachers who reported that they had class charters but did not involve learners in the drafting process simply linked these to broader school charters or behavioural policies.<sup>29</sup>

Most of the interviewees agreed that decision-making is conducted democratically in their classrooms, and that learners are able to participate in the process. The majority (64%) explained that decision-making is facilitated predominantly through offering learners the opportunity to select the areas of most interest to them at the beginning of relevant topic work.<sup>30</sup> Some teachers did go further, however, either by allowing learners to select the actual topics for study,<sup>31</sup> or by asking them for input on areas of the curriculum beyond topic work,<sup>32</sup> such as in RE,<sup>33</sup> history<sup>34</sup> and

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<sup>24</sup> Interviews 3, 7, 13, 21 & 23.

<sup>25</sup> Interviews 9, 10, 13, 15, 22, 24, 25, 38 & 40.

<sup>26</sup> Interview 8.

<sup>27</sup> Interview 14.

<sup>28</sup> Interview 29.

<sup>29</sup> Interviews 3, 5, 16 & 21.

<sup>30</sup> Interviews 2, 4, 7, 8, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 25, 27, 30, 31, 32, 37, 38, 39, 40, 41, 42 & 43.

<sup>31</sup> Interviews 19 (this teacher permitted the selection of mini-topics), 26 & 35.

<sup>32</sup> Interviews 5, 7 & 9.

<sup>33</sup> Interview 7.

<sup>34</sup> Interview 9.

geography.<sup>35</sup> One teacher explained that he was more likely to hand over decision-making if it relates to an issue that the learners have a particular interest in:

*If it's something they care about, if it's something they're passionate about, I'll kind of hand over the discussion...and the decision-making to them.*<sup>36</sup>

The most frequently cited means through which decision-making is carried out in the classroom is through the use of democratic voting.<sup>37</sup> Interviewees used classroom voting for making decisions on issues such as: topic choice;<sup>38</sup> activity choice;<sup>39</sup> classroom procedures;<sup>40</sup> and the selection of class councillors.<sup>41</sup>

### **6.2.2 Deficiencies in Participation and Pupil Voice in the Classroom**

The above quantitative and qualitative data presents an ostensibly positive picture of pupil voice and active participation within primary classroom practice. It suggests: (i) that young learners are frequently offered opportunities for free expression and that their opinions are listened to; (ii) that class charters are a common feature of the primary classroom environment and that learners often help to draft these; and (iii) that democratic processes, such as voting, are often used to enable learners to participate in decision-making. When the qualitative data is analysed further, however, it indicates that voice and participation in the classroom environment may often be occurring within tightly controlled boundaries.

An example of this is the suggestion made by a number of interviewees that they facilitate pupil voice through allowing learners to speak freely within designated time slots in the school day: most commonly in so-called 'circle time' or equivalent initiatives.<sup>42</sup> Permitting learners to express their opinions only during specific periods of time is suggestive of the extension of teacher authority beyond acceptable levels,

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<sup>35</sup> Interview 9.

<sup>36</sup> Interview 17.

<sup>37</sup> Interviews 17, 20, 21, 22, 25, 27, 30, 33, 34, 35, 36, 37, 39, 40 & 41.

<sup>38</sup> Interview 40.

<sup>39</sup> Interviews 17, 21, 33, 35 & 43.

<sup>40</sup> Interviews 26, 39, 41 & 42.

<sup>41</sup> Interviews 20 & 33.

<sup>42</sup> Interviews 1, 13, 14, 17, 18, 22, 23, 28, 29, 31, 32, 35, 38, 42 & 43. For criticisms of Circle Time as a means through which learners can truly voice their opinions, see Osler, A., 'Children's Rights, Responsibilities and Understandings of School Discipline' (2000) 15(1) *Research Papers in Education* 49-67 at 59-60.



for it indicates that at other times in the school day, the opportunities for learners to express their views are restricted.

Certain interviewee comments furthermore suggested that there were ‘correct’ things that learners are supposed to say, implying conversely that there is also ‘incorrect’ expression. One teacher observed, for example, that ‘the best children will know the sort of things they’re meant to say’ when discussing their school motto,<sup>43</sup> and another suggested that ‘if they’re aggrieved in some way, they’ll stand up and say and then they’ll find out whether they’re right or wrong’.<sup>44</sup> When discussing the need for pupil voice, an interviewee qualified this by explaining that learners ‘need to know how to do it and how to say it, and what would be appropriate to say, and to whom’,<sup>45</sup> and another stated that she would not discuss further with any learner an issue that she would consider to be unacceptable, such as racist or prejudiced comments.<sup>46</sup>

One teacher also indicated that, whilst not the case at her school, developing pupil voice at primary level is often simply a token gesture.<sup>47</sup> With this observation in mind, it is perhaps unsurprising that other interviewees said that, quite aside from encouraging free expression, most learners are not yet at the stage where they can exercise this right responsibly, and thus largely have to be reined in rather than encouraged to speak out:<sup>48</sup>

*I think the last thing we’re saying is ‘say what you like’. We’re almost doing the exact opposite. I think we’re always reining them in before you let them go off again. And so I think the children are very keen to say exactly what they think about everything, and I think that certainly lower down the school, we spend more time curbing it than encouraging it.<sup>49</sup>*

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<sup>43</sup> Interview 6.

<sup>44</sup> Interview 20.

<sup>45</sup> Interview 6.

<sup>46</sup> Interview 23.

<sup>47</sup> Interview 3.

<sup>48</sup> Interviews 3, 6, 20, 29, 30, 33, 34, 37 & 42.

<sup>49</sup> Interview 6.

*They find it difficult if an idea pops into their head not to say it. So from the time they start school, you're almost trying to educate them on how to not just blurt their opinions and ideas out all the time...*<sup>50</sup>

*[S]ociety at the moment does seem to think we have the right to say anything...and not to be inconvenienced at all, ever, and we sometimes see that in our children...so you sometimes feel as though you're giving them too much voice...So it's quite an interesting thing to give them the power and the confidence and the self-esteem to have a voice, but then to filter out what you're not supposed to listen to...*<sup>51</sup>

*The ones who are too confident, you just need to say 'take a step back' every now and again.*<sup>52</sup>

Nine teachers quite pragmatically admitted that they do not always have the time within a school day, or space within the curriculum, to encourage free expression and subsequently explore the issues raised.<sup>53</sup> Others highlighted that sometimes decisions simply have to be made and in some instances these will conflict with what the learners want:<sup>54</sup>

*It's not always done because sometimes it's like, 'we need to make a decision', and I make that decision and get on with it...*<sup>55</sup>

Some interviewees, particularly those teaching younger learners, additionally expressed reservations about the effectiveness of voting in the classroom. Three teachers suggested that learners often do not grasp the concept of being able to vote only once, and that they tend to just vote for all the options they find appealing.<sup>56</sup> Another had a more fundamental problem with voting, however, viewing the whole process as divisive and 'almost party political'.<sup>57</sup>

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<sup>50</sup> Interview 29.

<sup>51</sup> Interview 34.

<sup>52</sup> Interview 20.

<sup>53</sup> Interviews 9, 16, 17, 18, 20, 22, 24, 34 & 43.

<sup>54</sup> Interviews 3, 17, 38 & 39.

<sup>55</sup> Interview 17.

<sup>56</sup> Interviews 29, 33 & 34.

<sup>57</sup> Interview 27.

Nine interviewees indicated that whilst learners are frequently provided with opportunities for decision-making, the teacher has often made decisions that will influence the process, or they will in fact have already decided upon the ultimate outcome.<sup>58</sup> This implies that learners are not being truly listened to, and certainly indicates that their views are not being given due weight and consideration in accordance with the requirements of Article 12 of the UNCRC. Relevant comments in this regard included:

*I did give them some sort of suggestion...so they've run with those, but as far as they're concerned, they've chosen the parameters of the topic...It's really my choice...but I try to let the children think it's theirs...Try to let them think that they're picking their topic...<sup>59</sup>*

*I think a lot of times we guide the children to things...There are certain choices that children can make. There are meant to be.<sup>60</sup>*

*Again, I do sort of nudge, 'ooh, we could look at...'...We're going to do Chinese New Year and I know that some will suggest they want to do food tasting...and I've already planned for that, but they feel they've got their own decision because they've suggested it.<sup>61</sup>*

*[T]hey're given 3 choices that fit with what I need to do anyway...I can't just go with their opinions because as a professional, I have certain things that I have to do with them...so it's not that democratic. They have a discussion, but actually it will go the way I see best for their learning really.<sup>62</sup>*

For these teachers, therefore, either because there was deemed to be insufficient space or time for genuine learner involvement or because such processes were considered to be ineffectual or inappropriate for learners of primary age, opportunities for truly democratic participation in the classroom were limited. This is again suggestive of an extension of teacher authority beyond the levels envisaged by the international HRE framework.

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<sup>58</sup> Interviews 2, 6, 7, 12, 21, 25, 29, 31 & 32. Teachers making decisions in this manner was also common with regard to the drafting of class charters, with 6 interviewees admitting that they shape the charters in some way: interviews 7, 16, 22, 23, 25 & 29.

<sup>59</sup> Interview 2.

<sup>60</sup> Interview 6.

<sup>61</sup> Interview 25.

<sup>62</sup> Interview 29.

Some academic commentary on this subject has discussed a number of the issues raised by this empirical data. Of particular relevance for assessing the effectiveness of participation and the involvement of learners in decision-making in the formal school setting is Roger Hart's 'Ladder of Participation'.<sup>63</sup> The lowest rung on this ladder is 'manipulation', where learners are involved in a process but are unaware of the reasons for, or outcomes of, their involvement. In such situations, they are being used essentially as pawns in an adult-driven process.<sup>64</sup> Next is 'decoration', where children are visibly involved in a process, for example engaging in an awareness raising activity, but have little understanding of the cause and have had no genuine input into the process or its organisation. Unlike manipulation, adults do not pretend that the learners inspired the cause, but rather use them to further it in an indirect way.<sup>65</sup>

'Tokenism' then describes situations where learners are afforded certain participation rights but these are exercised within defined, adult-controlled boundaries. The ability of learners to effect real change is thus limited. In such situations, 'children are apparently given a voice, but in fact have little or no choice about the subject or the style of communicating it, and little or no opportunity to formulate their own opinions'.<sup>66</sup> Hart observes that tokenism is particularly prevalent in the Western world, where progressive ideas about children and childhood are widespread yet are often not fully understood.<sup>67</sup> Learners' involvement 'serves to reassure adults present that their views are being taken into account without any meaningful attempt to actually do so',<sup>68</sup> leading to the participation serving a merely symbolic function. Teachers are nevertheless likely to feel satisfied that they are complying with best practice in this area.<sup>69</sup>

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<sup>63</sup> Hart, R.A., *Children's Participation: From Tokenism to Citizenship* (UNICEF Innocenti Essays No.4, 1992). Hart's Ladder was influenced by the earlier work of Sherry R. Arnstein, who developed a ladder of adult participation in 1969: Arnstein, S.R., 'Eight Rungs on the Ladder of Citizen Participation' (1969) 35(4) *Journal of The American Institute of Planners* 216-224.

<sup>64</sup> Hart, *Children's Participation* (n 63) at 9.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> McNeish, D. & T. Newman, 'Involving Children and Young People in Decision Making' in McNeish, D., T. Newman & H. Roberts (eds), *What Works for Children? Effective services for children and families* (Open University Press, Buckinghamshire 2002) 186-204 at 190.

<sup>69</sup> Hart, *Children's Participation* (n 63) at 9.

Next comes ‘assigned, but informed’ participation. Here, adults select and plan the particular project or activity, and the learners volunteer their involvement. The adults respect their views and they have a meaningful role to play throughout. ‘Consulted and informed’ then denotes the situation where a project is again designed and run by adults, but learners are consulted and fully involved in the process, with their opinions being given genuine weight and consideration. Following this is ‘adult initiated, shared decisions with children’, where projects are initiated by adults but decision-making is shared fully with the learners. They are involved in each step of planning and implementation. ‘Child initiated and directed’ participation occurs where children develop and carry out complex projects,<sup>70</sup> and finally ‘child initiated, shared decisions with adults’ denotes the situation where a project is designed and managed by the children, and adults play a supportive role.

Examples of stages on the lower rungs of Hart’s ladder are apparent within the responses of my interviewees. The finding that teachers sometimes provide learners with opportunities for decision-making when they have in fact either already decided upon the ultimate outcome or have limited the category of acceptable outcomes represents at best an example of tokenism, and at worst, mere decoration. The relevant rung on the ladder in such situations would depend upon the nature and extent of the learners’ input into the decision being made. Where they have some limited choice in the outcome but only within adult-controlled boundaries, their involvement is likely to be tokenistic. In situations where the outcome has already been decided, however, their involvement is arguably liable to attract the lesser label of decoration.

In such situations, their views are not truly being taken into account in the decision-making process. This is a phenomenon which has been recognised as problematic by various authors.<sup>71</sup> James A. Beane and Michael W. Apple refer disparagingly to this as ‘the ‘engineering of consent’ towards predetermined decisions that has too often created the illusion of democracy’ rather than a true respect for learners’ decisions.<sup>72</sup>

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<sup>70</sup> Ibid at 14.

<sup>71</sup> See e.g. Lundy, L., ‘Voice is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child’ (2007) 33(6) *British Educational Research Journal* 927-942 at 936.

<sup>72</sup> Apple, M.W. & J.A. Beane (eds), ‘The Case for Democratic Schools’ in Apple, M.W. & J.A. Beane, *Democratic Schools: Lessons from the Chalk Face* (Open University Press, Buckingham 1999) 1-28 at 10.

In rather more flowery language, Freire also recognises this engineering of consent as problematic, advising that teachers can be:

*Authoritarian in sweet, manipulating and even sentimental ways, cajoling the students with walks through flowery roads, and already you know what points you picked for the students to know. But, you don't want them to know your plans, your map.*<sup>73</sup>

As suggested in Chapter 2, the exercise of participation and decision-making in primary schools will realistically be tempered by the constraints of the formal learning environment.<sup>74</sup> The above examples of engineered consent, however, arguably go beyond these necessary limitations on truly participative processes.

The interview data further indicated that activity involving the drafting of class charters can be decorative or tokenistic. Osler and Starkey have highlighted the benefits of effective class charters:

*At some point, usually at the beginning of the school year, the teacher needs to discuss with the children what rights and responsibilities mean when applied to the life of the school and classroom. Very often this is an opportunity to draw up a class charter or contract to ensure that the life of the class is guided by the respect of rights and acceptance of responsibilities. In this way children get to learn about rights through the experience of living within the spirit of human rights.*<sup>75</sup>

The authors emphasise that charters introduce learners to the notion of a contract where both parties have rights and responsibilities, and that they have benefit through making 'explicit what is too often hidden'.<sup>76</sup> Whilst charters may thus appear simply to be a list of rules for classroom practice, they actually encapsulate the underlying values 'on which the life of the class is based, and in particular the idea that freedom is not about a lack of regulation, but comes from an understanding of rights and responsibilities'.<sup>77</sup> My interviewees admitted, however, that they often

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<sup>73</sup> Shor, I., & P. Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (Bergin & Garvey, Massachusetts 1987), 91.

<sup>74</sup> See Chapter 2 at section 2.3.2.

<sup>75</sup> Osler & Starkey (n 3) at 317.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid at 317-318.

shape charters to include elements important to them rather than their learners<sup>78</sup> – indicating decoration or tokenism depending upon the degree of teacher involvement – or that after the initial process of their drafting, the charters tend to ‘merge into the wallpaper’.<sup>79</sup>

Further instances of tokenism are apparent in my research data. For example, the above finding that teachers offer learners the opportunity to voice their opinions only during designated time slots is indicative of tokenism. The learners are provided with the opportunity to express their opinion, but their input occurs only within tightly controlled and adult-imposed boundaries. This accords with the observations of Dympna Devine in her 2002 empirical study into participation in Irish primary schools: ‘the absence of children’s voice in most decisions regarding the organization of their time and space is contrary to the notion of children as social actors with the right to have their views expressed and heard’.<sup>80</sup> Confining expression only to certain times and spaces in the classroom is therefore unlikely to be compliant with the requirements of the agreement to educate effectively *through* human rights.

The qualitative data further suggests that examples of decorative or tokenistic practices are in fact likely to increase rather than decrease as learners progress through the stages of primary education. A number of my interviewees reported that control over learners’ activities increases and the opportunities for truly effective participation lessen as they progress from EYFS to the end of KS2.<sup>81</sup> One teacher provided anecdotal evidence to support this claim, by highlighting that at EYFS, learners are provided with open and unsupervised access to child-friendly scissors. As they progress further up the school, however, that access is curtailed, with learners having to obtain permission from the teacher for use of the scissors. The same teacher observed:

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<sup>78</sup> Interviews 7, 23, 25 & 29.

<sup>79</sup> Interview 22. Similar comments were made in interviews 16 & 29.

<sup>80</sup> Devine, D., ‘Children’s Citizenship and the Structuring of Adult-Child Relations in the Primary School’ (2002) 9(3) *Childhood* 303-320 at 312.

<sup>81</sup> Interviews 4, 8, 10, 14, 15, 24, 25, 26, 28, 29, 33 & 34.

*So it's like in that respect, we're empowering them when they're 3 and then gradually, as the years go by, 'we don't want you to be independent, we just want you to do as you're told'.<sup>82</sup>*

Other teachers similarly reported that participation and decision-making decrease and control increases as learners progress through the stages of primary education:<sup>83</sup>

*The children in nursery and reception, they get a phenomenal amount of choice and direction in their own learning...they're encouraged to be extremely independent in their learning and to self-direct...<sup>84</sup>*

*I think 4 and 5 year-olds want to and can have a big say in their learning, and...if you tap into their interests and their needs, you can get some fantastic learning going on and I see more evidence of that happening with 4 and 5 year-olds than I do with 10 and 11 year-olds and I ask why? So if you have an expectation that 70 or 80% of what a 4 year-old does should be child-initiated, why should only 1% of what 11 year-olds do be child-initiated?<sup>85</sup>*

*In foundation stage curriculum, we're supposed to go with the children's interests quite a lot...I think as you get older, you have less freedom because you're tied down more to the curriculum...I would say the younger children, their opinions are included more.<sup>86</sup>*

Some suggestions can be offered for these findings. For example, a particular and explicit focus at EYFS is learning through games and play, which will characteristically involve a greater degree of learner choice. The Government-issued EYFS guidance advises, for example, that learning and development at this stage 'must be implemented through planned, purposeful play and through a mix of adult-led and child-initiated activity'.<sup>87</sup> It then expressly states that 'as children grow older, and as their development allows, it is expected that the balance will gradually shift towards more activities led by adults, to help children prepare for more formal

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<sup>82</sup> Interview 4.

<sup>83</sup> Interviews 8, 14, 25, 28 & 29.

<sup>84</sup> Interview 14.

<sup>85</sup> Interview 28.

<sup>86</sup> Interview 29.

<sup>87</sup> Department for Education, *Statutory framework for the early years foundation stage: Setting the standards for learning and care for children from birth to five* (March 2014) at 9.



learning'.<sup>88</sup> Equally, at the opposite end of the spectrum, some interviewees suggested why learner participation at the upper stages of primary schooling is curtailed. For these learners, the focus is very much on academic attainment, in particular on jumping through hoops in preparation for SATs,<sup>89</sup> leaving little time or space within the school day for participatory engagement.<sup>90</sup>

There may, however, also be deeper underlying reasons for the lessening of participation. My research findings suggest, for example, that teachers can be worried about losing control with older learners in their classroom through meaningful participation and pupil voice. Ten interviewees made comments in keeping with this suggestion:<sup>91</sup>

*The worst thing for some teachers is a lack of control. And when you start straying and talking about how people feel about things...and dealing with that, you start to lose control.*<sup>92</sup>

*It's always quite scary if you've got a big group of children and it's kind of handing over, not the power, but the lesson plan almost to them, because that's what you do if you're having a very open discussion, because obviously it can go anywhere. You can guide it, but it's quite a daunting task for a lot of teachers.*<sup>93</sup>

*If you give them the wrong sort of power, for some children you just know what they'll do with it...I think it's unfortunate, so you have to try and find other ways in to letting them express themselves or feel they're empowered or for them to take control of what they're doing.*<sup>94</sup>

One interviewee further suggested that providing learners with opportunities for expressing their opinions encourages dissent, and that this can be detrimental in an educational environment:

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<sup>88</sup> Ibid.

<sup>89</sup> Interview 34.

<sup>90</sup> Interviews 4, 25, 26, 28, 33 & 34.

<sup>91</sup> Interviews 1, 2, 3, 4, 7, 8, 10, 12, 22 & 35.

<sup>92</sup> Interview 4.

<sup>93</sup> Interview 1.

<sup>94</sup> Interview 8.

*We don't want too many people grumbling about everything...you know, this isn't fair and this isn't fair. It's impossible to run a school if you've got too much dissent...*<sup>95</sup>

This comment ostensibly reflects antipathy towards dissent in the primary school, and arguably reinforces a perceived need for strict discipline within the formal learning environment. It is, however, perhaps unsurprising that teachers emphasise the importance of quelling potential dissent in light of the stringent requirements for pupil behaviour outlined within the Ofsted inspection framework. 'Behaviour' is one of the areas upon which inspectors will make key judgements,<sup>96</sup> and schools will only be judged as 'outstanding' if learners are considered to be 'self-disciplined'.<sup>97</sup> Teachers are thus likely to view any dissent in the classroom as negative and to suppress it accordingly.

Teacher concern about loss of control in the classroom is also discussed in the academic scholarship, with 'issues related to empowerment, democracy and the nature of children's experience frequently perceived as a threat to teacher authority and control'.<sup>98</sup> For many teachers, the idea of providing young learners with a voice and enabling them to exercise active participation represents something of a daunting prospect. Teachers are not alone in this, however, with a number of adult professionals:

*just not able (or used?) to dealing with children as partners. Practices of speaking with children, listening to them and involving them in the process of coming to a decision is unknown to too many professionals.*<sup>99</sup>

Osler and Starkey further note that school managers may also be uncomfortable with truly effective participation, for through the exercise of pupil voice learners 'may challenge some traditions and injustices that adults have not questioned or recognised'.<sup>100</sup> Acknowledgement and acceptance that learners ought to participate and be actively involved in decision-making processes would therefore require a

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<sup>95</sup> Interview 3.

<sup>96</sup> Ofsted, *School Inspection Handbook: Handbook for inspecting schools in England under section 5 of the Education Act 2005 (as amended by the Education Act 2011)* (January 2015) at 34.

<sup>97</sup> *Ibid* at 52.

<sup>98</sup> Devine (n 80) at 317; & Hart, *Children's Participation* (n 63) at 37.

<sup>99</sup> Roche, J., 'Children: Rights, Participation and Citizenship' (1999) 6 *Childhood* 475-493 at 478.

<sup>100</sup> Osler & Starkey (n 3) at 314.

significant change in the attitudes of many adults in the school community.<sup>101</sup> In a study into children's rights in Northern Ireland, for example, Laura Lundy identified teacher concern that giving learners control would 'undermine authority and destabilise the school environment',<sup>102</sup> and R. Brian Howe and Katherine Covell similarly acknowledge that a principal concern of teachers is that 'if children are aware of their rights, then teachers, parents and other adults will lose their authority and their ability to control children'.<sup>103</sup> Garth Meintjes, writing in the specific context of HRE, also observes that 'educators professionally involved in formal education are seldom familiar with or comfortable in a classroom with a human rights ethos'.<sup>104</sup>

Such concerns about loss of control in the classroom are arguably misplaced, however, and are dismissed or allayed within much of the academic literature in this area. Murray Print *et al* argue, for example, that in a classroom environment where participation and voice are encouraged, the teacher does not *lose* authority or control, but rather these processes are redefined to *include* learners.<sup>105</sup> There is no existing empirical evidence to suggest that young learners have become defiant and demanding when provided with opportunities for exercising their rights, and in fact, Priscilla Alderson draws upon her empirical research to conclude that young learners talk about 'wanting to be heard more and respected, not so much to make demands as to contribute ideas and helpful suggestions'.<sup>106</sup> Howe and Covell, too, advise that when equipped with knowledge of their rights in a formal education setting, learners do not become demanding and self-centred,<sup>107</sup> noting that in the years since the UNCRC was drafted, 'no reports have appeared demonstrating that awareness of rights has led children into defying the authority of parents, religious leaders, or

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<sup>101</sup> Brown, D., 'Implementing Citizenship Education in a Primary School' in Osler, A. (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Trentham Books, Stoke-on-Trent 2000) 113-124 at 122.

<sup>102</sup> Lundy (n 71) at 929.

<sup>103</sup> Howe, B.R., & K. Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 5.

<sup>104</sup> Meintjes, G., 'Human Rights Education as Empowerment: Reflections on Pedagogy' in Andreopoulos, G.J. & R.P. Claude (eds), *Human Rights Education for the 21<sup>st</sup> Century* (University of Pennsylvania Press, USA 1997) 64-79 at 72.

<sup>105</sup> Print, M., S. Ørnstrøm & H. Skovgaard, 'Education for Democratic Processes in Schools and Classrooms' (2002) 37(2) *European Journal of Education* 193-210 at 207.

<sup>106</sup> Alderson, P., 'School Students' Views on School Councils and Daily Life at School' (2000) 14(2) *Children and Society* 121-134 at 131; see also Knuttson, K.E., *Children: Noble causes or worthy citizens?* (UNICEF, Florence 1997).

<sup>107</sup> Howe & Covell, *Empowering Children* (n 103) 5.

teachers’.<sup>108</sup> Indeed, the authors observe that ‘where there is evidence that children have taken action after learning about their rights, such action has been pro-social, and for the most part other-oriented’.<sup>109</sup>

Apprehension about loss of control is often related to the common perception amongst teachers that HRE is concerned only with rights and not responsibilities.<sup>110</sup> Teachers therefore worry that the recognition of learners’ rights will infringe or be in opposition to their own rights.<sup>111</sup> This argument is particularly common with regard to young learners, owing to ‘the tendency in many societies for young people to be characterized as irresponsible and thereby more likely than other groups to insist on claiming their rights without any consideration of the rights of others’.<sup>112</sup> Again, such reservations were apparent in my interview data.<sup>113</sup> However, such concerns overlook the basic fact that in a rights respecting classroom, *all* rights are respected, including the rights of the teacher. Whilst not necessarily phrased in the terminology of ‘responsibilities’, therefore, in rights respecting classrooms learners understand that although they are able to exercise their own rights, they must also respect and uphold the rights of others. Osler and Starkey identify a number of the responsibilities which ought to be shared by both adults and learners in the context of formal education, including *inter alia* to: ‘contribute to the common good’; ‘consider the impact of their actions on the security and welfare of others’; and to ‘be active participants in governance’.<sup>114</sup>

This element of reciprocity is a common thread throughout the literature, with the ‘weak conceptualization of the reciprocal nature of human rights’ frequently cited as a deficiency in both educational curricula and conceptions of HRE more generally.<sup>115</sup>

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<sup>108</sup> Ibid; see also David, P., ‘Implementing the Rights of the Child: Six Reasons Why the Human Rights of Children Remain a Constant Challenge’ (2002) 48(3/4) *International Review of Education* 259-263 at 262.

<sup>109</sup> Howe & Covell, *Empowering Children* (n 103) 6.

<sup>110</sup> Carter, C. & A. Osler, ‘Human Rights, Identities and Conflict Management: A Study of School Culture through Classroom Relationships’ (2000) 30(3) *Cambridge Journal of Education* 335-356 at 347.

<sup>111</sup> David (n 108) at 261; & Osler (n 42) at 55.

<sup>112</sup> Osler, A., *Students’ Perspectives on Schooling* (Open University Press, Maidenhead 2010), 120.

<sup>113</sup> Interviews 1, 4, 6, 7, 11, 12 & 16.

<sup>114</sup> Osler & Starkey (n 3) at 329.

<sup>115</sup> Waldron, F. *et al*, *Teachers, 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); see also Bayefsky, A.F., *The UN Human Rights Treaty System: Universality at the Crossroads* (2001) at 17; Osler, A. & H. Starkey, *Teachers and Human Rights Education* (Trentham, Stoke-on-Trent 2010), 48; Wade, R.C., ‘Conceptual Change in Elementary Social Studies: A Case Study of Fourth Graders’

Not only are teachers' conceptions of rights as one-sided inaccurate, therefore, but they arguably also 'underestimate young people's capacity and willingness to acknowledge their responsibilities'.<sup>116</sup>

#### *6.2.2.1 Deficiencies in Classroom Practice: Human Rights Language*

In light of these findings, it is perhaps unsurprising that analysis of the quantitative and qualitative data regarding the use of human rights language in the classroom reveals further concerns with the practice of education *through* human rights. The statements in Question 9 relating to the practice of human rights in the learning environment, and in particular the use of human rights language in the classroom, were considered by most survey respondents to be only somewhat accurate. 57% reported that it was only somewhat accurate that pupils use the language of human rights in the classroom, with 23% considering this to be not at all accurate. Similarly, 53% said that it was somewhat accurate that pupils express any dissatisfaction with classroom practice using the language of rights, and a notable 33% reported that this was not at all accurate. Many of the respondents were therefore not facilitating the use of explicit human rights terminology in their classrooms.

As with the survey data, fewer teachers in the qualitative interviews reported as accurate the suggestion that their learners either use the language of rights in the classroom, or express dissatisfaction with classroom practice using such terminology. Some interviewees did say that certain aspects of human rights language may be used in the classroom environment.<sup>117</sup> Five teachers mentioned use of the term 'the right to an education', for example.<sup>118</sup>

Twenty-six teachers (59% of the interview sample) expressly indicated, however, that rights language would not be utilised in their classrooms.<sup>119</sup> Some specifically emphasised that learners would not express dissatisfaction with classroom practice

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Understanding of Human Rights' (1994) 22(1) *Theory and Research in Social Education* 74-95 at 88; Osler (n 42) at 55; Hart, *Children's Participation* (n 63) at 7; & Audigier, F., *Basic Concepts and Core Competencies for Education for Democratic Citizenship* (Council of Europe, Strasbourg 2000) (DGIV/EDU/CIT (2000) 23) at 26.

<sup>116</sup> Osler (n 42) at 55.

<sup>117</sup> Interviews 2, 7, 11, 23, 24, 32, 35 & 36.

<sup>118</sup> Interviews 2, 7, 11, 16 & 21.

<sup>119</sup> Interviews 1, 2, 3, 5, 6, 7, 9, 10, 16, 17, 18, 20, 22, 26, 29, 30, 31, 33, 34, 37, 38, 39, 40, 41, 42 & 43.

using the language of rights.<sup>120</sup> Others explained that class charters would not be drafted in the language of rights.<sup>121</sup> Whilst five interviewees suggested that the language of rights may be appropriate at later stages of primary education or beyond,<sup>122</sup> most explained that learners are likely to understand the concept of rights at the level of how should they be treated within the classroom,<sup>123</sup> but not ‘human rights as maybe an adult would understand it’:<sup>124</sup>

*I don't say 'we all have the right to be listened to' but it's sort of trying to engender those behaviours. You don't use that language...<sup>125</sup>*

*I think they would say 'they are disrupting me and I want to get on'. I don't know if particularly they'd use the term 'it's my right'...They've got the idea but they haven't got the terminology.<sup>126</sup>*

Others said that learners do use the language of rights, but their comments indicate that their understanding of rights in this context differs from human rights as widely recognised:

*They'll say 'it's my right to be able to understand and concentrate in the classroom'.<sup>127</sup>*

*I link it with emotional expression...in that they were quite mature and able to say 'you're in my space'...<sup>128</sup>*

Some teachers in this regard equated the idea of human rights language in the classroom with learners expressing that something was ‘not fair’:<sup>129</sup>

*This language of rights thing...I mean, they'd very quickly tell you if something wasn't fair or equal.<sup>130</sup>*

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<sup>120</sup> Interviews 2 & 22.

<sup>121</sup> Interview 22.

<sup>122</sup> Interviews 2, 11, 24, 27 & 41.

<sup>123</sup> Interview 1, 3, 6, 8, 9, 10, 16, 17, 18, 21, 22, 28, 29, 31, 37, 38, 39 & 40.

<sup>124</sup> Interview 8.

<sup>125</sup> Interview 1.

<sup>126</sup> Interview 17.

<sup>127</sup> Interview 13.

<sup>128</sup> Interview 41.

<sup>129</sup> Interviews 2, 30, 31 & 33.

*They would say 'it's not fair' or 'I feel that I haven't been treated fairly'.<sup>131</sup>*

Primary learners were thus generally considered to have a grasp of what is right and wrong regarding the way they are treated, but were deemed unlikely to either recognise or express this using the language of human rights. In a number of cases, this was deliberate on the part of interviewees because they considered the language of rights to be inappropriate or adversarial in a learning environment:

*They would start demanding things: 'I have the right to a drink or to go outside'. It's a language thing. I think we probably do quite a lot of it, but you wouldn't phrase it as 'it's your right', because it's quite a sort of demanding way of saying it. It's almost quite argumentative...<sup>132</sup>*

*Children are so powerful. They already know how to manipulate adults. So you give them the human rights thing and they can pick out and use it to their advantage.<sup>133</sup>*

These findings are not only indicative of teachers' reluctance to expressly utilise human rights terminology in the context of formal primary schooling, but also arguably suggest underlying fear or wariness of young learners. This provides a further potential explanation for some interviewees' concerns about losing control within their classroom, discussed above at section 6.2.2.

It was identified in the previous chapter that teachers tend to use the language of values as opposed to rights,<sup>134</sup> with further suggestion that their conceptions, or in many cases misconceptions, of human rights are often drawn from broader negative societal attitudes.<sup>135</sup> It is perhaps unsurprising, therefore, that some teachers appear not to be drawing upon the language of rights in their classrooms. As will be suggested in the conclusion to this thesis, however, the pluralities of understanding and implementation that result from the avoidance of human rights language in

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<sup>130</sup> Interview 2.

<sup>131</sup> Interview 31.

<sup>132</sup> Interview 1.

<sup>133</sup> Interview 16.

<sup>134</sup> At section 5.3.2.

<sup>135</sup> At section 5.3.4.

primary schools is likely to constitute a considerable barrier to the provision of HRE in accordance with the international legal framework.

### **6.2.3 Participation and Pupil Voice within the School**

It is plausible to suggest that the provision of effective education *through* human rights necessitates a willingness on the part of schools to involve learners in a non-tokenistic manner in relevant dialogue, decision-making and activities. Question 11 of the survey therefore sought to gauge the extent and degree to which respondents consider the concepts of participation and voice to be fostered within their broader school environment. A rating scale was again used to determine the accuracy of certain statements relating to the extent to which learners are able to participate in school dialogue and decision-making and the degree to which they have a genuine voice in the running of the school. The responses to the statements in Question 11 were more consistent than the responses to other rating scale questions in the survey, with ‘very accurate’ representing the highest scoring category for each statement.

91% of respondents agreed, for example, that pupils are afforded the opportunity to sit on a pupil council,<sup>136</sup> with 86% reporting that the elections for these councils are carried out democratically.<sup>137</sup> A smaller percentage (69%) said that the pupil council is actively involved and listened to when decisions are made about the running of the school, with 28% reporting that this was only somewhat accurate. Regarding pupils being given a voice in the running of the school generally, 69% considered this to be very accurate and 30% to be somewhat accurate.

That the presence of school councils in English primary schools represents the norm is strongly implied from the survey data. This in itself is a positive finding, for as Osler noted in 2000, school councils can ‘give pupils a sense of agency and a means by which they can identify their role in the process of change’.<sup>138</sup> Drawing upon empirical research conducted in primary and secondary schools, she noted that some primary learners saw councils as providing opportunities for making teachers listen to

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<sup>136</sup> 7.2% answered that this was somewhat accurate and 1.6% that it was not at all accurate.

<sup>137</sup> 10.4% advised that this was somewhat accurate and 3.5% not at all accurate.

<sup>138</sup> Osler (n 42) at 57.



them more, and for encouraging mutual respect between teachers and learners.<sup>139</sup> By ensuring that learners have a formal process for making their views heard, the school demonstrates that it is affording learners both dignity and respect by listening to their opinions.<sup>140</sup>

The survey data not only indicated the prevalence of school councils, but also suggested that democratic processes tend to be in place for their elections. When this data was analysed for variations across the spectrum of primary year groups, however, a discrepancy became apparent: fewer upper KS2 teachers reported that it was very accurate that the pupil council is actively involved and listened to when decisions are made about the running of the school.<sup>141</sup> Only 60% of year 5 teachers and 65% of year 6 teachers considered this to be very accurate, in comparison to 73% of EYFS teachers and 77% of year 1 teachers. This is once again indicative of a lessening of participation as learners progress through primary education.

My qualitative data again supports the findings from the survey. 91% of the interviewees reported the existence of a school council,<sup>142</sup> with 41% adding that each primary year group is represented.<sup>143</sup> 59% said that classes elect their councillors,<sup>144</sup> and 30% specifically identified that such elections are conducted democratically.<sup>145</sup> In some schools, candidates are required to make speeches or presentations,<sup>146</sup> or to run campaigns.<sup>147</sup>

Interviewees also reported that their school councils are heavily involved in decision-making, with 39% emphasising that the council has considerable influence and directs many important decisions:<sup>148</sup>

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<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> This information can be found in Appendix 16.

<sup>142</sup> Interviews 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42 & 43.

<sup>143</sup> Interviews 1, 2, 3, 5, 6, 7, 10, 11, 13, 17, 19, 21, 22, 23, 26, 28, 29 & 42.

<sup>144</sup> Interviews 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 30, 32, 38, 39, 40, 41 & 42.

<sup>145</sup> Interviews 3, 8, 14, 16, 17, 21, 22, 23, 24, 30, 32, 38 & 39.

<sup>146</sup> Interviews 5, 11, 14, 16, 17, 19, 21, 23, 24, 28, 32, 39, 40, 41 & 42.

<sup>147</sup> Interviews 6, 9, 11, 16, 18, 21, 24, 26 (only in Year 6) & 28.

<sup>148</sup> Interviews 2, 5, 8, 10, 11, 14, 17, 18, 24, 26, 31, 32, 33, 34, 35, 38 & 41.

*They have a massive voice at this school... [T]hey have had a genuine input into some of the big decisions.*<sup>149</sup>

*The Head values them, so I think that they feel that they've got something important to do...*<sup>150</sup>

*They change a lot of things. There is positive change there and they take recognition for that.*<sup>151</sup>

18% of the interviewees said that the council itself initiates action in the school,<sup>152</sup> whilst 32% indicated that there is a balance between the council initiating action and senior management requesting their input.<sup>153</sup> Examples of council action included: purchasing new resources or equipment;<sup>154</sup> suggesting school improvements;<sup>155</sup> selecting charities for the school to support;<sup>156</sup> fundraising ideas;<sup>157</sup> curriculum planning;<sup>158</sup> behaviour management;<sup>159</sup> representing the school in the community;<sup>160</sup> and interviewing potential new staff members.<sup>161</sup>

Interviewees reported that council members exercise these responsibilities sensibly, if provided with the opportunities to do so.<sup>162</sup> One emphasised that the children are very discriminating in what charities they want to support 'if they are given some responsibility to achieve that'.<sup>163</sup> In the context of the school council making decisions about the running of the school more generally, another said that 'they're becoming responsible and thinking about why we're doing things, and making them responsible for everything in the school...and that's why they respect it so much'.<sup>164</sup>

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<sup>149</sup> Interview 32.

<sup>150</sup> Interview 11.

<sup>151</sup> Interview 17.

<sup>152</sup> Interviews 15, 16, 17, 20, 22, 28, 31 & 35.

<sup>153</sup> Interviews 21, 22, 23, 24, 26, 27, 30, 31, 33, 36, 38, 40, 42 & 43.

<sup>154</sup> Interviews 1, 7, 11, 14, 25 & 27.

<sup>155</sup> Interviews 2, 5, 8, 9, 10, 11, 13, 16, 17, 18, 19, 23, 24, 26, 29, 30, 32, 34, 35, 38, 41, 42 & 43.

<sup>156</sup> Interviews 5, 7, 8, 18, 19, 23, 28, 34, 38, 39 & 40.

<sup>157</sup> Interviews 7, 9, 16, 22, 34, 36 & 40.

<sup>158</sup> Interviews 14 & 26.

<sup>159</sup> Interviews 10, 18, 23, 27 & 30.

<sup>160</sup> Interviews 1, 8, 10, 14, 17, 19, 28, 36 & 38.

<sup>161</sup> Interviews 7, 12, 15, 22, 24, 25, 26, 28, 30, 33, 36, 37, 38, 41 & 42.

<sup>162</sup> Interviews 6, 10, 11, 28, 30 & 39. This idea is also supported by the academic literature in this area: see e.g. Print *et al* (n 105) at 207.

<sup>163</sup> Interview 28.

<sup>164</sup> Interview 10.

And regarding council members being involved in interviewing new staff members, a number of the interviewees said that they are astute and discerning in this role, and do not simply select the candidate whom they like the most:<sup>165</sup>

*You get some incredibly astute questions as well. You know my mouth dropped open sometimes at the questions 6 and 7 year-olds would ask.*<sup>166</sup>

*In my experience in 99.9% of times they are spot on, and people say 'oh, they'll just go for the teacher they like'. They don't actually. They're very discerning. They know what good teaching is. They know what good interaction is and we don't give them credit for it.*<sup>167</sup>

Interviewees also referred to other initiatives for developing participation at school level. These included: mentor systems;<sup>168</sup> participation in evaluation or assessment;<sup>169</sup> groups such as Fair Trade, Eco-Warriors and School Forum;<sup>170</sup> takeover days;<sup>171</sup> peer mediators;<sup>172</sup> and Junior Leadership Teams.<sup>173</sup>

#### **6.2.4 Deficiencies in Participation and Pupil Voice in the School**

Whilst it is ostensibly the case that both participation and pupil voice are being facilitated at school level, as with the qualitative findings relating to classroom practice, much of my interview data revealed deficiencies. Though the most common answer from interviewees to the question of how participation and voice are encouraged in the school environment was through the use of school councils, when the constitution and running of such councils was probed more deeply, it became apparent that the practice of these concepts again frequently occurs within defined, adult-imposed boundaries.

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<sup>165</sup> Interviews 28, 30 & 38.

<sup>166</sup> Interview 28.

<sup>167</sup> Interview 38.

<sup>168</sup> Interviews 5, 12, 24 & 38.

<sup>169</sup> Interviews 14, 31, 36, 37, 38, 39 & 40.

<sup>170</sup> Interviews 9, 19, 21, 29, 35 & 39.

<sup>171</sup> Interviews 15 & 38.

<sup>172</sup> Interview 24.

<sup>173</sup> Interview 43.

Some interviewees identified time pressure or inadequacies at school management level as the principal reason for this,<sup>174</sup> others simply acknowledged that their council fell short of truly active participation without identifying the causes:<sup>175</sup>

*If you look at the designing of the curriculum, they're all fully involved. But in terms of actually running the school and making those decisions, they're not.*<sup>176</sup>

*[The school council has] been involved in a lot of things in the past and their involvement is still there...but it's probably not as...developed as I would like...*<sup>177</sup>

*[In response to question about whether the council has influence] More so than they did, but I'd still say not that much really. Not anything major that needs to be decided.*<sup>178</sup>

*We do like school council, but it doesn't tend to do much...But to be honest, it's just nice to have them there and...think and feel like they're part of something.*<sup>179</sup>

Taking the constitution of the council first, seven interviewees indicated that voting procedures are not democratic,<sup>180</sup> acknowledging that staff members simply select either the school councillors themselves<sup>181</sup> or the pool of learners from which councillors will be elected.<sup>182</sup> Some reported that learners in reception,<sup>183</sup> reception and year 1,<sup>184</sup> or the entirety of KS1,<sup>185</sup> are not represented, and others identified that it is only the popular and self-confident children who will put themselves forward for the school council:<sup>186</sup>

*[I]t's not actually a fair process and it doesn't represent all children. Those who put themselves forward for election and those who are elected are of a certain type and they*

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<sup>174</sup> Interview 21, 22 & 39.

<sup>175</sup> Interviews 14, 22, 26, 29, 32, 38 & 39.

<sup>176</sup> Interview 26.

<sup>177</sup> Interview 14.

<sup>178</sup> Interview 22.

<sup>179</sup> Interview 4.

<sup>180</sup> Interviews 3, 9, 12, 15, 20, 29 & 41.

<sup>181</sup> Interviews 9, 15 & 29.

<sup>182</sup> Interview 41.

<sup>183</sup> Interviews 12, 18, 25, 29, 33, 38 & 43.

<sup>184</sup> Interviews 20 & 34.

<sup>185</sup> Interviews 9 & 40.

<sup>186</sup> Interviews 9, 13 & 27.

*represent the interests of that type of child, which is the confident, more pushy child. And there's a huge slice of the pupil population who find it much harder to have a voice.*<sup>187</sup>

Such insufficiencies in the constitution of school councils have been recognised and discussed within the academic literature in this area. In particular, the tendency for certain groups, such as under-confident or younger learners, to be less involved has been identified as problematic.<sup>188</sup> Ruth Sinclair, for example, recognises that 'there may be significant differences in who is involved depending on whether children are elected to participate, are self-selected, or selected by adults',<sup>189</sup> but emphasises that if the purpose of the participation is to provide generalised representation to the views of the learners, then representativeness becomes an issue of immense importance. Lundy, too, advises that 'it is important that the views of a diverse range of children are sought and that participation is not just afforded to the articulate and literate'.<sup>190</sup> If only the views of certain groups of learners are taken into account, then those who are not listened to are likely to feel a heightened sense of alienation from school.<sup>191</sup>

My interview findings also revealed insufficiencies in the running of school councils. When discussing the council truly having a say in the running of the school, for example, some interviewees expressed the opinion that its young members do not yet possess the requisite maturity and understanding to exercise this role responsibly, by referring to examples of their unrealistic suggestions.<sup>192</sup> Six teachers specifically mentioned requests being made for a swimming pool, for example.<sup>193</sup> One teacher expanded upon this view:

*I think children, quite rightly because of the stage of life that they're at, they don't have that maturity of understanding, that global understanding of it, particularly in today's society*

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<sup>187</sup> Interview 26.

<sup>188</sup> Sinclair, R., 'Participation in Practice: Making it Meaningful, Effective and Sustainable' (2004) 18 *Children and Society* 106-118 at 112; & Department for Education and Skills, *Building a Culture of Participation: Involving children and young people in policy, service planning, delivery and evaluation* (2003) at 117.

<sup>189</sup> Sinclair (n 188) at 112.

<sup>190</sup> Lundy (n 71) at 934; see also Noyes, A., 'Pupil Voice: purpose, power and the possibilities for democratic schooling' (2005) 31(4) *British Educational Research Journal* 532-540 at 537; Roche (n 99) at 488; Flutter, J. & J. Rudduck, *Consulting Pupils: what's in it for schools?* (RoutledgeFalmer, London 2004), 137; Osler (n 42) at 60; & Hart, *Children's Participation* (n 63) at 33.

<sup>191</sup> Flutter & Rudduck (n 190) 137.

<sup>192</sup> Interviews 10, 16, 18, 20, 21, 23, 29, 32, 35, 38 & 43.

<sup>193</sup> Interviews 16, 21, 23, 32, 40 & 43.

*where we are in a more materialistic society and things are just bought for them and they don't have to work for things...*<sup>194</sup>

And another interviewee referred to learners of primary school age having difficulty understanding that there is not a 'right' answer in situations where participation and voice are being encouraged:

*[T]hey're very big on right and wrong, so if you say 'what do you think?', they're like 'what? What's the right thing to say here?' Because they come to school and they get a sense of rules, rules, rules...*<sup>195</sup>

A number of teachers therefore felt that whilst the idea of the school council works in theory, in practice learners, and particularly young learners, do not fully understand or engage with it.<sup>196</sup> One interviewee suggested that what tends to occupy young learners is their own interactions with other learners, as opposed to wider school issues:

*A lot of them are just in their little world and if somebody looks at them funny, that's what bothers them. They don't think about wider, bigger things really.*<sup>197</sup>

The tendency for teachers to make judgements on the ability of young learners to exercise their rights to participation and voice based on their deemed level of maturity is both identified and criticised within the academic scholarship in this area. Whilst there is recognition in the legal instruments and accompanying literature that participation is dependent upon a child's age and maturity,<sup>198</sup> teachers frequently dismiss the ability of learners to participate in the absence of any relevant evidence. Barbara B. Woodhouse states simply, for example, that 'many adults harbor stereotypes about children as silly and petty',<sup>199</sup> and Howe and Covell summarise what they consider to be the traditional viewpoint as follows: that 'children are not

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<sup>194</sup> Interview 43.

<sup>195</sup> Interview 3.

<sup>196</sup> Interviews 3, 11, 15 & 23.

<sup>197</sup> Interview 3.

<sup>198</sup> UNCRC, Article 12(1); Pais, M.S., *A Human Rights Conceptual Framework for UNICEF* (UNICEF Innocenti Essays No.9, 1999) at 6. See also Chapter 2 at section 2.2.

<sup>199</sup> Woodhouse, B.B., 'Enhancing Children's Participation in Policy Formation' (2003) 45 *Arizona Law Review* 751-763 at 755.

yet in a position to exercise rights or to be responsible citizens because they do not have the capacities and competence to make informed and rational decisions, they lack the necessary experience to make reasoned and mature judgments, and they have insufficient control over themselves and their emotions'.<sup>200</sup>

As with teacher reservations about the ability of young learners to engage with abstract issues,<sup>201</sup> such opinions are again often rooted in developmental theories. Many of these theorists 'perceive children as partly formed human-becomings rather than as human-beings capable of full experiences and relationships',<sup>202</sup> and thus tend to view their incompetence as the primary distinguishing feature from adults. According to Devine:

*Adulthood is defined as a rational, logical end state towards which children evolve. Until this state is achieved...the child is deemed to be subordinate, justified on the grounds of emotional, physical and/or intellectual immaturity.*<sup>203</sup>

Suggestions in support of the greater participation of young learners in activities that have a genuine influence on formal schooling are therefore often simply dismissed on the basis that such learners do not possess the maturity or decision-making power of adults,<sup>204</sup> and that adults in fact know what is best for young learners and will act in accordance with their interests.<sup>205</sup>

As with the analysis of developmental theories in the previous chapter, this position arguably cannot be substantiated, and is refuted by a number of prominent scholars. Hart, in particular, argues that it is 'misguided to use simple developmental stages or age-related norms to determine what children are capable of',<sup>206</sup> observing that these stages can vary greatly depending on cultural and contextual factors and upon the individual characteristics of learners. He identifies that learners with low self-esteem

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<sup>200</sup> Howe & Covell, *Empowering Children* (n 103) 153-154.

<sup>201</sup> Discussed in Chapter 5 at section 5.3.3.

<sup>202</sup> Alderson, P. & M. Goodwin, 'Contradictions within Concepts of Children's Competence' (1993) 1 *The International Journal of Children's Rights* 303-313 at 307; see also Osler, *Students' Perspectives on Schooling* (n 106) 119-120.

<sup>203</sup> Devine, D., 'Children: Rights and status in education – a socio-historical analysis' (1999) 18(1) *Irish Educational Studies* 14-28 at 15.

<sup>204</sup> Hart, *Children's Participation* (n 63) at 5.

<sup>205</sup> Devine (n 203) at 26; & Osler, *Students' Perspectives on Schooling* (n 112) 105.

<sup>206</sup> Hart, *Children's Participation* (n 63) at 31.

or troubled backgrounds may be less likely to demonstrate competence in decision-making and participation,<sup>207</sup> yet this does not mean that such a learner is unable to do so.<sup>208</sup> Only through exercising participation and engaging in decision-making will young learners be provided with the opportunities to learn from their mistakes and adjust their behaviour on the basis of their evolving capacities.<sup>209</sup>

In keeping with the evolving perceptions of children since the UNCRC, discussed in Chapter 2,<sup>210</sup> Sinclair highlights the changed understandings ‘of the competence of children, even very young children, to be both commentators on their own lives and to be involved in decision-making’,<sup>211</sup> and Alderson argues that categorising them as not yet capable overlooks the fact that they are competent beings with their own views and are able to contribute effectively to society.<sup>212</sup> Lundy observes, therefore, that teachers ‘may decide that children are not sufficiently mature to express a view, a decision which may well fly in the face of research which indicates that children are more capable than adults give them credit for and that their capacity for decision making increases in direct proportion to the opportunities offered to them’.<sup>213</sup> She draws upon existing research to argue that learners’ decision-making should only be restricted in situations where that decision will deny the child the right to an open future,<sup>214</sup> where it is likely to hinder their development,<sup>215</sup> or where it irreparably restricts their life choices.<sup>216</sup>

There is some evidence to suggest that when provided with relevant opportunities for voice and participation, young learners tend not only to exercise these rights responsibly, but also in fact contribute ideas that adults may be unlikely to

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<sup>207</sup> Ibid.

<sup>208</sup> Ibid at 33.

<sup>209</sup> Krappman, L., ‘The Rights of the Child as a Challenge to Human Rights Education’ (2006) 5(1) *Journal of Social Science Education* 60-71 at 64; see also Lundy (n 71) at 938.

<sup>210</sup> See Chapter 2 at section 2.3.2.

<sup>211</sup> Sinclair (n 188) at 107.

<sup>212</sup> Alderson (n 2) at 198; see also Krappman (n 209) at 64.

<sup>213</sup> Lundy (n 71) at 938. The research cited in support of this claim is: Alderson & Goodwin (n 202); & De Winter, M., *Children as Fellow Citizens: Participation and Commitment* (Radcliffe Medical Press, Oxford 1997).

<sup>214</sup> Feinberg, J. ‘The child’s right to an open future’ in: Aiken, W. & H. LaFollette (eds), *Whose child? Parental Rights, Parental Authority and State Power* (Littlefield Adams, Totowa, NJ 1980) 124-153.

<sup>215</sup> Eekelaar, J. ‘The emergence of children’s rights’ (1986) 6 *Oxford Journal of Legal Studies* 161-182.

<sup>216</sup> Freeman, M. ‘Children’s education; a test case for best interests and autonomy’ in Davie, R. & D. Galloway (eds), *Listening to Children in Education* (David Fulton, London 1996) 29-48.



consider.<sup>217</sup> Furthermore, Osler and Starkey observe that ‘participation is more likely to be perceived as worthwhile and genuine if the decisions concern the allocation of real resources’,<sup>218</sup> and indeed one interviewee in this research reported that when young learners are given responsibility over a monetary budget, they do not abuse it:

*[I]f the deputy head has a budget, if the ICT co-ordinator has a budget, then the children should have a budget, but people say ‘that’s crazy’, that they’ll want to spend it all on sweets, or going to the seaside or silly hats or something, but actually the children are very focused on what they want to spend it on, just as they are in what charities they want to adopt. If they’re given some responsibility to achieve that.<sup>219</sup>*

Of perhaps greater concern regarding the running of school councils, however, are the rather more egregious examples of ineffective education *through* human rights apparent from the interview data. Using the terminology of Hart’s Ladder of Participation, examples of both ‘decoration’ and ‘tokenism’ were arguably present. As outlined above, decoration describes a situation where learners are involved in a process, but have no genuine input into its organisation or running. Tokenism is relevant where learners are afforded limited participation rights within adult-controlled boundaries.<sup>220</sup> A number of situations described by my interviewees involving controlled council decision-making are thus likely to represent decorative or tokenistic practices.

Nine interviewees acknowledged, for example, that council decisions are predominantly made in response to questions or ideas fed to them by school management.<sup>221</sup> This would be a decorative practice where council members have little understanding of the reasons for their action and have no genuine input into its organisation. It would be tokenistic where council members are afforded a certain degree of decision-making power within their assigned tasks. Additional comments implying decorative or tokenistic participation in the broader school environment included:

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<sup>217</sup> Noyes (n 190) at 536; & De Winter, *Children as Fellow Citizens* (n 213) 163.

<sup>218</sup> Osler & Starkey (n 3) at 323; see also Osler, *Students’ Perspectives on Schooling* (n 112) 14.

<sup>219</sup> Interview 28.

<sup>220</sup> See above at section 6.2.2.

<sup>221</sup> Interviews 7, 9, 11, 25, 26, 39, 40, 41 & 43.

*We try to choose an area that they can particularly be involved in...Within a channel, we try to set them a project that's meaningful and that they can have ownership over...*<sup>222</sup>

*We're in charge really. It depends, so if you're management, you might like to say, 'yes, my school council is very important', but I would say that you offer them limited choices that you're prepared to let them have, and then they can choose from that. It's sensible, isn't it? Because they're children.*<sup>223</sup>

*So there are procedures in place, but the reality is at the end of the day, rules are rules...and actually being able to change something I think is very hard.*<sup>224</sup>

Further challenges to the meaningfulness of participation through school councils were also apparent from the interviews. At one school, for example, following election onto the council, I was told that members were required to carry out particular tasks set by adults:

*If they are a school council member, they have a responsibility to do jobs around the school like collect all the compost and put it in the central compost bin...They have to empty all the recycling, so it's sort of caring for the school.*<sup>225</sup>

This seemed to be less about participation than the allocation of responsibilities, and would be liable to attract the label of decoration. Interviewees further acknowledged that learner participation in activities such as staff interviews can be tokenistic,<sup>226</sup> and in response to a question asking whether the council has the power to change things in the school, one teacher tellingly replied:

*That's a tough one. I think the politically correct answer has to be yes, in the sense that that's how it should be. That's certainly what the government would like to think.*<sup>227</sup>

The same interviewee then added:

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<sup>222</sup> Interview 40.

<sup>223</sup> Interview 6.

<sup>224</sup> Interview 3.

<sup>225</sup> Interview 3.

<sup>226</sup> Interviews 4, 7 & 42.

<sup>227</sup> Interview 39.

*Would it happen if we weren't expected to do it? ...there are certain things that they...don't need to concern themselves with and you might as well have an adult do it, because it's tricky. You don't want them to be doing things just because it's the political buzzword of the moment.*<sup>228</sup>

Another interviewee made a similar comment alluding to the idea of fluctuations in participation and voice relating to changes in the political tides.<sup>229</sup> She said that there was a strong push made by Ofsted for school councils a few years ago,<sup>230</sup> but that there is considerably less emphasis on them now. Inspectors previously asked to speak with representatives from the council during inspections, and the existence of active councils was viewed as a key element of the inspection process.<sup>231</sup> Ofsted's interest in school councils has, however, since waned,<sup>232</sup> and my empirical findings suggest that the commitment of schools to running active and engaged councils has correspondingly also declined. In the absence of pressure from Ofsted to facilitate the active involvement of learners in councils, schools are naturally likely to prioritise those areas of education that are central to the assessment process, such as literacy, behaviour and effective school management.<sup>233</sup>

My empirical findings are consistent with existing research (albeit a decade or more old now) that has questioned the efficacy of participation and decision-making in school councils.<sup>234</sup> In 2000, for example, Alderson reported that the teachers and learners in her empirical study were of the opinion that school council meetings have little or no impact on school life.<sup>235</sup> She found that whilst 65% of learner respondents to her survey (aged between 7 and 17) reported that their school council can talk about any topic, only 28% said that the council was good at sorting out problems.<sup>236</sup> She also found council discussions to be restricted largely to trivial

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<sup>228</sup> Interview 39.

<sup>229</sup> Interview 22.

<sup>230</sup> The 2005 Ofsted inspection framework had strongly emphasised the importance of school councils as a means of enabling learners to be involved in decisions affecting them.

<sup>231</sup> Interview 28.

<sup>232</sup> There is no explicit reference to school councils in the most recent Ofsted inspection guidance: Ofsted, *School Inspection Handbook* (n 96).

<sup>233</sup> *Ibid* at 14-27.

<sup>234</sup> Lundy (n 71) at 937; Wyse, D., 'Felt Tip Pens and School Councils: Children's Participation Rights in Four English Schools' (2001) 15 *Children & Society* 209-218; & Audigier, *Basic Concepts* (n 115) at 29.

<sup>235</sup> Alderson (n 106) at 132.

<sup>236</sup> *Ibid* at 124.

matters,<sup>237</sup> and reported that teachers viewed councils as ineffective because learners only wanted to discuss school uniform and other ‘forbidden questions’.<sup>238</sup>

Alderson’s research findings led Liam Cairns to subsequently conclude that councils, even where they are considered to be effective, tend to be ‘subject to limitations placed upon them by adults either in terms of how they are organised...or what they can discuss’.<sup>239</sup> And in the course of an empirical study into participation and voice in two primary and two secondary schools in 2001, Dominic Wyse concluded that the issues raised at school council meetings tended to result ‘in a lack of action combined with a lack of communication over the reasons for this lack of action’.<sup>240</sup>

The detrimental effects of tokenistic practices regarding school councils have been noted by Lundy in her analysis. She writes that it is ‘easy for adults to comply with the various outward signs of consultation and ultimately ignore children’s views’,<sup>241</sup> and argues that learners recognise when they are being denied opportunities for genuinely effective participation, citing examples of them objecting to the fact that ‘the issues which they are allowed to influence are predetermined by adults and that, in school councils...the issues which they get to discuss are predetermined by teachers’.<sup>242</sup>

Finally, and perhaps most worryingly, whilst one head teacher in my research emphasised that ‘it’s not for the school council to be a mouthpiece for you, it’s for them to be a mouthpiece for children’,<sup>243</sup> there was an example in this study of ‘manipulation’, the lowest rung on Hart’s Ladder of Participation. It was apparent in the comments and actions of one particular teacher who said that encouraging learners to raise issues within the school council is an effective means of ensuring that those issues are broached. When asked if the council is able to make changes, the teacher replied:

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<sup>237</sup> Ibid at 132.

<sup>238</sup> Ibid.

<sup>239</sup> Cairns, L., ‘Investing in Children: Learning How to Promote the Rights of all Children’ (2001) 15 *Children & Society* 347-360 at 348.

<sup>240</sup> Wyse (n 234) at 211.

<sup>241</sup> Lundy (n 71) at 938.

<sup>242</sup> Ibid at 934; see also Alderson (n 106) at 124.

<sup>243</sup> Interview 28.

*Yes, they do, which is one of the things we've found out as teachers: if we want something changed, get the school council to say it and it'll get changed...I do prompt them, like 'you can get new goalposts' and things like that.<sup>244</sup>*

In this particular circumstance, learners were being manipulated in order to serve a specific interest of the teacher. Whether this reflects a widely held view, or even a sizeable minority view, is impossible to assess from my research. But the dangers of a process of participation, either through tokenism, decoration or manipulation, suggest a direct challenge to the efficacy of educating *through* human rights.

### 6.3 CONCLUSION

In light of my findings on both the policy environment and the practice of education *through* human rights within the classroom and school, it is perhaps unsurprising that one head teacher observed that:

*We've had 25 years of government initiatives...and at no point are we standing back and asking the children's views. And while Ofsted inspections are asking schools about pupil voice, my experience is that pupil voice is at the bottom of the totem pole...We're listening to government ministers feeding through local authorities, feeding through head teachers, telling adults what to do to children, and I think we've stopped listening to the children.<sup>245</sup>*

This is an insightful comment that both contravenes developmental ideas about the value of children's participation in school-life and, more importantly for this thesis, suggests that education *through* human rights is at best *possibly* happening in schools and at worst directly countered through practice. It would be difficult to conclude therefore that the international HRE framework in this area, though absent in national policy, is being met by primary schools as part of their general practice.

However, as Chapter 2 emphasised,<sup>246</sup> the importance of truly effective voice and participation for primary learners has been recognised for some time in pedagogical settings. It showed that participation not only has perceived personal benefits, such

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<sup>244</sup> Interview 20.

<sup>245</sup> Interview 28.

<sup>246</sup> Chapter 2 at section 2.3.2.

as improved feelings of self-worth and greater identification with community, but that these benefits in turn translate into increased empathy and respect for the rights of others. Participation has also been identified as necessary for the development of democratic values and behaviours in learners. The developing of pupil voice, too, has been acknowledged as important for ensuring that young learners feel that their views will be listened to and that their contributions are valued, again crucial for nurturing confidence and self-esteem. Truly having a say in decision-making furthermore provides learners with a sense of responsibility, which in turn frequently translates into increased engagement in the learning process. All these attributes provide a plausible interpretation of the value of education *through* human rights.

The empirical findings from this study indicate, however, that whilst the practice of education *through* human rights in English primary schools seems to involve learners being provided with opportunities for participation and pupil voice, such practice is ostensibly neither in keeping with the standards set down by the international provisions nor couched in the language of human rights. At both classroom and school level, the interpretation of concepts such as voice and participation look problematic, with both frequently occurring within defined, adult-controlled boundaries. Pupil voice in the classroom, for example, is often decorative or tokenistic, being constrained not only to certain times when learners are permitted to speak freely, but also often to certain expression that is deemed 'correct'.

At school rather than classroom level, too, whilst school councils are widespread, examples have been uncovered of pseudo-participation and ineffective pupil voice in both the constitution and running of the councils. This research found not only numerous examples of decoration and tokenism relating to school councils, but also one example of blatant manipulation of council procedures to serve the interests of a teacher. And at both classroom and school level, the empirical data implied that the development of active participation and pupil voice in fact lessens as learners progress through the stages of primary education.

One inference that can be reasonably drawn from these findings is that teachers may not currently view participation and pupil voice, as formulated under the international HRE framework, as key components of their teaching practice. A likely

reason for this is that, as highlighted in the previous chapter, a number of teachers consider themselves to be providing HRE when they are teaching simply about the values deemed important for primary schooling. Additional components of rights respecting classrooms and schools that are integral to the provision of holistic education *through* human rights, such as effective participation and pupil voice couched in the language of human rights, may thus be overlooked.

As with education *about* human rights, therefore, the evidence suggests that the requirements of the international framework for education *through* human rights are not being fulfilled effectively in national practice in English primary schooling. Both my quantitative and qualitative data indicate that teachers do consider voice and participation to be encouraged both within the classroom and school environments, yet when such practice was interrogated in greater detail, it became apparent that it is unlikely to accord with the standards laid down within the international legal framework and explicatory literature. Key components of truly efficacious participation and pupil voice are being interpreted by teachers in ways which restrict the effective exercise of these processes. Again, teachers are also likely to be avoiding using the language of human rights in their teaching practice. The problems that this avoidance of rights terminology raises will be discussed further in the conclusion to this thesis, but before this, I turn now to the provision of education *for* human rights.

## CHAPTER 7: EDUCATION FOR HUMAN RIGHTS

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### 7.1 INTRODUCTION

Education *for* human rights is concerned with developing awareness of the ways ‘by which human rights can be translated into social and political reality’ in order to contribute to the building of a universal culture of human rights.<sup>1</sup> It requires that learners are equipped with the skills for reflecting upon human rights situations in the world around them, and that they are empowered to translate that reflection into focused action that aims to further the promotion and defence of human rights more generally. The presumption is that learners should be taught to question and challenge the views to which they are exposed, and should be able to recognise, and ultimately act upon, injustice, inequality and situations in which human dignity is not being respected.

Whilst the concept of empowerment is not synonymous with education *for* human rights, I suggested in Chapter 2 that the former is a central and key component of the latter.<sup>2</sup> In my interpretation of the requirements of this element of the tripartite framework, I defined empowerment broadly to include not only individual empowerment for self-improvement, but also engaging in wider action with the aim of contributing to the community and to the building of a culture respectful of human rights. Under this broad formulation, empowerment can thus reasonably be interpreted as the most important component of education *for* human rights.

Chapter 2 suggested that the practice of education *for* human rights in a primary school setting may consist of taking a more active approach to teaching human rights values and principles. If so, teachers might ‘link the education process more closely to real social life and transform it into the practice of tolerance and solidarity, respect for human rights, democracy and peace’.<sup>3</sup> By involving learners in, for example,

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<sup>1</sup> UNESCO International Congress on the Teaching of Human Rights, ‘Final Document’ (1978) (SS-78/CONF.401/33), para 3(iii). For detailed discussion of the international requirements for effective education *for* human rights, see chapter 2 at section 2.3.3.

<sup>2</sup> See Chapter 2 at section 2.3.3.

<sup>3</sup> UNESCO, ‘Integrated Framework of Action on Education for Peace, Human Rights and Democracy’ (1995) at 5, para 3.2; see also UNESCO & OHCHR: Plan of Action: World Programme



community activities that aim to improve their understanding of human rights values such as equality, justice and freedom, they would be learning about rights in a setting that will encourage empowerment.<sup>4</sup>

Such understanding of, and engagement with, real life issues has the potential to change both the attitudes and subsequent behaviour of learners.<sup>5</sup> The HRE provisions and academic literature in this area emphasise, however, that for this to happen, they must first acquire the empowerment-related skills necessary for promoting, defending and applying human rights.<sup>6</sup> These range from basic abilities, such as confidence, expression and empathy, to complex proficiencies in conflict resolution, advocacy and analysing situations in moral terms.<sup>7</sup>

With these international recommendations in mind, this chapter explores whether current practice in the provision of education *for* human rights in English primary schools is likely to accord with the requirements of the international HRE framework. It is structured as follows: (i) section 7.2 analyses my quantitative and qualitative data to present a picture of current classroom and school practice in this area; and (ii) section 7.3 explores in detail the interview data to understand more deeply the scope and nature of such practice, including investigating any reservations that teachers raised concerning the provision of education *for* human rights with primary learners.

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for Human Rights Education: First Phase (2006) at 46; Equitas – International Centre for Human Rights Education, ‘Response to Preliminary Draft of the UN Declaration on Human Rights Education & Training’ (October 2009) at 3; Meintjes, G., ‘Human Rights Education as Empowerment: Reflections on Pedagogy’ in Andreopoulos, G.J. & R.P. Claude (eds), *Human Rights Education for the 21<sup>st</sup> Century* (University of Pennsylvania Press, USA 1997) 64-79 at 72 & 77; & Jennings, T., ‘Human Rights Education Standards for Teachers and Teacher Education’ (2006) 17 *Teaching Education* 287-298 at 292.

<sup>4</sup> Osler, A. & H. Starkey, *Teacher Education and Human Rights* (David Fulton, London 1996), 170.

<sup>5</sup> Howe, B.R., & K. Covell, *Empowering Children: Children’s Rights Education as a Pathway to Citizenship* (University of Toronto Press, Canada 2005), 111.

<sup>6</sup> UNESCO & OHCHR, ‘Plan of Action’ (n 3) at 1; see also UN Committee on the Rights of the Child, ‘General Comment No.1: Article 29(1): The Aims of Education’ (2001) (CRC/GC/2001/1) at para 2.

<sup>7</sup> Ramey, S., ‘Fighting for a Society That Respects Each Person’s Dignity’ (2012) 24(1) *Peace Review: A Journal of Social Justice* 54-60 at 58; Waldron, F. *et al*, *Teachers, 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); & Bayefsky, A.F., *The UN Human Rights Treaty System: Universality at the Crossroads* (2001) at 7.

## 7.2 THE CURRENT PRACTICE OF EDUCATION FOR HUMAN RIGHTS IN ENGLISH PRIMARY SCHOOLS

In this section I examine practice in this area by seeking to develop a better understanding of: (i) the extent to which a number of skills relevant to education *for* human rights are promoted in primary schools; and (ii) the scope of the opportunities provided to young learners for actively participating in community activities that aim to improve their understanding of human rights values. The section includes description and some preliminary analysis of the relevant findings from both the quantitative survey and qualitative interviews.<sup>8</sup> The interview observations will then be analysed in greater detail in section 7.3.

Gathering survey data on the practice of education *for* human rights was less straightforward than collecting data on, for example, the scope and nature of express teaching about human rights or the degree to which participation and voice are encouraged in primary schools. This is because this element of the tripartite framework has a fundamentally different nature to the others. Whilst education *about* human rights predominantly addresses concrete and specific teaching content and *through* is arguably a question of method, albeit informed by an ethical understanding of the underlying reasons for that method, education *for* human rights is, by its very nature, projective and rather more imprecise. Although it may have some immediate benefit for learners, such as equipping them with practical skills, it is more amorphous through its ultimate aim of equipping learners with the necessary tools for furthering the human rights endeavour. Because of its projective nature, therefore, teachers are less likely to be thinking deeply about their teaching practices in this area.

Two survey questions did, however, seek to gather preliminary data on the practice of education *for* human rights. These questions probed the nature of teaching practice in this area by asking teachers about the development of empowerment-related skills in the learning environment and about learners engaging in community

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<sup>8</sup> To obtain a more accurate picture of current practice, I analysed the data to determine whether there were any notable variations in response across the spectrum of primary education. Where relevant to the analysis in this chapter, these variations will be highlighted.

activities that may suggest a broader engagement with human rights beyond the classroom. I will now consider each of these in turn.

### **7.2.1 Skills Relevant to Empowerment in English Primary Education**

Question 10 of the survey sought to glean from respondents the extent to which a number of the skills considered to be relevant to empowerment are developed in the classroom. It asked: ‘based upon your own understanding of their meanings, to what extent would you say that you actively foster the following skills in pupils within the classroom environment?’ The skills listed were: confidence, expression, empathy, conflict resolution, advocacy, critical reflection, activism and the ability to analyse situations in moral terms. Activism was included on this list despite the fact that it may properly be labelled as an action. The ability to engage in activism is arguably an important attribute for effective education *for* human rights, however, and I thus felt it was important to gauge the extent of its current provision in primary schools.

A rating scale was used to determine the degree to which each of the skills was recognised, with a number of those listed being included to a great extent in classroom teaching, including confidence (97%), empathy (89%), conflict resolution (83%) and expression (82%).<sup>9</sup> Most respondents also said they encouraged critical reflection to a great extent, though there was a more even split across two of the categories for this skill, with 54% including it to a great extent and 44% only to some extent.

The percentages for advocacy, activism and the ability to analyse situations in moral terms showed a different pattern. Most respondents said they encouraged these skills only to some extent (63% for advocacy, 58% for activism and 49% for analysing situations in moral terms) and a far greater percentage of teachers reported that they do not develop these skills at all in the classroom. Activism in particular was not attended to at all by 27% of respondents and advocacy similarly on 21%. Whilst far fewer teachers reported that they did not foster the ability to analyse situations in moral terms at all, 5% said that this was the case.

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<sup>9</sup> The rating scale contained the options ‘fostered to a great extent’, ‘fostered to some extent’ and ‘not fostered at all’.

The data was analysed to determine whether there were any notable variations across the spectrum of primary education.<sup>10</sup> This revealed a degree of consistency between the year groups for a number of the skills. For example, a significant majority of respondents in all year groups said they encouraged confidence and expression to a great extent in their classrooms.<sup>11</sup> Whilst fewer teachers in each year group agreed that they developed the ability to analyse situations in moral terms to a great extent, the results were still largely consistent across the spectrum.<sup>12</sup>

For the other skills listed, however, some variations were identifiable. The instilling of empathy, for example, was more prevalent with younger learners: 92% of EYFS and year 1 teachers said that they devote attention to this skill to a great extent, compared with 84% of year 5 and 83% of year 6 teachers.<sup>13</sup> Conflict resolution showed a similar pattern, with 91% of EYFS teachers agreeing that they attend to this attribute in comparison with 77% of year 6 teachers.<sup>14</sup> Conversely, critical reflection was more prevalent for teachers of older learners, demonstrated by 64% of year 6 teachers reporting that it was developed to a great extent in contrast with only 33% of EYFS teachers.

Whilst skills like advocacy and activism showed a degree of consistency across the year groups concerning how many teachers attended to them to a great extent, variations were apparent in the number of teachers who were not addressing them at all. Regarding advocacy for example, 23% of EYFS and 21% of year 1 teachers said they did not develop this skill at all, compared with only 11% of year 5 and 9% of year 6 teachers.<sup>15</sup> Similarly, activism was reportedly not being addressed in the

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<sup>10</sup> The findings are included within Appendix 17.

<sup>11</sup> An average of 98% and 82% respectively of teachers across the year groups fostered these skills to a great extent.

<sup>12</sup> An average of 45% of teachers fostered this skill to a great extent; 51% to some extent; and 4% did not foster it at all.

<sup>13</sup> Additionally, whilst only 8% of EYFS/reception and year 1 teachers fostered empathy only to some extent, 16% of year 5 and 17% of year 6 teachers did so.

<sup>14</sup> It was fostered to a great extent by 82% of year 1 teachers and 76% of year 5 teachers. As with empathy, those teachers at the lower end of the primary spectrum fostering conflict resolution only to some extent was also lower, with 9% of EYFS/reception teachers and 23% of year 6 teachers fostering it only to some extent.

<sup>15</sup> Only 5% of year 3 teachers and 6% of year 4 teachers did not foster advocacy at all in the classroom.

classrooms of 33% of EYFS and 31% of year 1 teachers, in contrast with 25% of year 5 and 24% of year 6 teachers.

This data is revealing. Advocacy, activism and the ability to analyse situations in moral terms are all important skills for the practice of empowerment that is central to the provision of effective education *for* human rights, yet these skills are applied to a notably lesser extent in primary classrooms, particularly in relation to teachers of younger learners. In order to recognise injustice, inequality or human indignity, however, one must possess the skills to analyse situations in moral terms, and in order to seek to address these situations, one must be able to engage in transformative action through advocacy and activism.

Comments made by teachers in the qualitative interviews further substantiate this survey data. Interviewees not only said they were developing confidence, expression, empathy and conflict resolution to a greater extent, but also indicated that they were more comfortable inculcating these skills than critical reflection, analysing situations in moral terms, advocacy and activism. Twenty-one teachers explained that they devote more attention to the former skills because they tend to arise more often within a formal school setting.<sup>16</sup> The interviewees placing the greatest emphasis on these ‘softer’ skills tended to be those teaching at the earlier stages of primary education:<sup>17</sup>

*[T]hat’s what comes up in your classroom most often. That’s what you’re addressing in the actual day-to-day activities...<sup>18</sup> (EYFS-Year 2)*

*[P]articularly with the younger ones, it’s more these sorts of things [confidence, expression, empathy and conflict resolution] because it’s really where they’re at in life...<sup>19</sup> (EYFS-Year 2)*

With regard to the specific skills listed, a number of interviewees expressly identified the importance of instilling both confidence<sup>20</sup> and expression<sup>21</sup> at primary level.

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<sup>16</sup> Interview 2, 4, 5, 6, 7, 8, 9, 11, 14, 16, 22, 23, 25, 28, 29, 31, 32, 33, 34, 36 & 42.

<sup>17</sup> Interviews 4, 6, 7, 8 & 29.

<sup>18</sup> Interview 6.

<sup>19</sup> Interview 8.

<sup>20</sup> Interviews 2, 5, 8, 13, 17, 35, 37, 39, 40, 41 & 42.

Three teachers explained that confidence is the key to raising self-esteem,<sup>22</sup> and another reiterated that it is necessary for learners ‘to be active and successful’.<sup>23</sup> Instilling confidence was also seen as an effective way of encouraging learners to persevere with something.<sup>24</sup> Confidence and expression were considered to be prerequisites for learners exercising pupil voice,<sup>25</sup> and expression was additionally viewed as important for enabling learners to be open about things that are troubling them.<sup>26</sup> Each of these justifications for educating about these skills is relevant to equipping learners with the tools necessary for effective empowerment beyond the school, which is a central and key aim of education *for* human rights.

The importance of encouraging empathy was also recognised by 14 interviewees,<sup>27</sup> and 18 identified the inculcation of conflict resolution skills as beneficial for primary learners.<sup>28</sup> Some interviewees viewed empathy as integral to conflict resolution.<sup>29</sup> It was frequently said that conflict resolution was being developed through particular frameworks, such as restorative justice,<sup>30</sup> or peer mentoring.<sup>31</sup> One interviewee emphasised that the most important element of this skill is listening and that learners do not necessarily ‘want anything massive to happen, just that they want someone to hear them’.<sup>32</sup> Both of these skills, though perhaps empathy in particular, are arguably key components of effective education *for* human rights, for without empathy for the situations of others, learners are unlikely to be empowered to engage in broader action that aims to build a culture respectful of human rights.

As with the findings from the survey, the interview data suggested that the remaining skills of advocacy, critical reflection, activism and analysing situations in moral terms were addressed to a lesser extent in primary classrooms. Whilst some interviewees said they were developing critical reflection<sup>33</sup> and the skills required to analyse

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<sup>21</sup> Interviews 2, 5, 8, 13, 22, 35, 39 & 40.

<sup>22</sup> Interviews 2, 30 & 41.

<sup>23</sup> Interview 5. A similar comment about confidence and achievement was made in interview 37.

<sup>24</sup> Interviews 24 & 39.

<sup>25</sup> Interview 25.

<sup>26</sup> Interview 35.

<sup>27</sup> Interviews 2, 5, 8, 9, 12, 13, 15, 20, 22, 24, 35, 40, 42 & 43.

<sup>28</sup> Interviews 2, 5, 8, 10, 12, 13, 17, 20, 26, 28, 33, 35, 37, 38, 39, 40, 42 & 43.

<sup>29</sup> Interviews 2, 9, 10, 15, 20, 24, 35, 38 & 42.

<sup>30</sup> Interviews 10, 17, 18, 26 & 37.

<sup>31</sup> Interviews 26 & 28.

<sup>32</sup> Interview 33.

<sup>33</sup> Interviews 1, 2, 9, 10, 12, 13, 16, 18, 22, 23, 24, 25, 26, 27, 28, 31 & 40.

situations in moral terms,<sup>34</sup> these were predominantly KS2 teachers.<sup>35</sup> Advocacy and activism by contrast were more likely to be omitted completely from teaching practice,<sup>36</sup> and where they were applied, this was again predominantly with learners at KS2.<sup>37</sup> Potential explanations for these findings will be explored below at section 7.3.1.

## 7.2.2 Participation in Relevant Community Activities

A further aspect of education *for* human rights was explored in the survey. Question 11 queried the extent to which ‘learners are afforded the opportunity to actively participate in broader community activities that aim to improve their understanding of values such as equality and justice’. Whilst ‘very accurate’ did represent the highest scoring category in answer to the question, this represented only 50% of respondents. It was closely followed by 43% of respondents who reported that the statement was ‘somewhat accurate’.

When this data was analysed for variations across the year groups,<sup>38</sup> it became apparent that younger learners are more likely to participate in such community activities. 66% of EYFS and 60% of year 1 teachers said it was very accurate that such participation occurs, in comparison to only 39% of year 5 and 48% of year 6 teachers. As with the findings from the previous chapter concerning the lessening of participation as learners progress through primary education,<sup>39</sup> this finding suggests that learners’ opportunities for empowerment similarly diminish as they approach the end of formal schooling.

Whilst this survey question had not referred explicitly to empowerment, a number of teachers in the subsequent interviews emphasised the importance of this concept. One said, for example, that if learners are not empowered at this age, then it is ‘dangerous to let them do it when they’re older and they haven’t had the skills and

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<sup>34</sup> Interviews 1, 3, 8, 11, 12, 13, 17, 19, 20, 21, 23, 29, 35, 38, 40 & 41.

<sup>35</sup> Interviews 1, 5, 9, 12, 13, 22, 25, 29, 38, 39 & 43 (18% EYFS/KS1; 46% KS2; & 36% head teachers).

<sup>36</sup> Interviews 1, 3, 7, 8, 14, 15, 21, 23, 24, 28, 29, 30, 32, 37, 39, 40 & 41.

<sup>37</sup> Interviews 1, 5, 6, 12, 13, 17, 35, 38, 39 & 43 (20% EYFS/KS1; 50% KS2; & 30% head teachers).

<sup>38</sup> This information can be found in Appendix 16.

<sup>39</sup> See Chapter 6 at section 6.2.2.

the guidance'.<sup>40</sup> Another suggested that empowerment at this stage should involve not only instilling in learners a sense of justice and fairness, for themselves, their peers and their locality, but also ensuring 'that they look broader than that and that they have a sense of social justice to the world'.<sup>41</sup>

This conception of empowerment as relating to the broader world was apparent within a number of interviewee comments.<sup>42</sup> One explained, for example, that the primary school is where 'you start to think beyond your own life experiences and even your family',<sup>43</sup> and a number of others emphasised the importance of empowering learners to effect real change in the world:<sup>44</sup>

*It's what actually matters in life. It shouldn't just be a taught thing, not just something you learn about 'oh, they killed all those people' and then they did this, and this happened on that date. Well, no, what can we do to change things? And for children it's changing it right where they're at, and then it's about thinking 'is this right happening there, and is this right happening here, and what can you do about it?' Rather than just going 'ooh, that's awful, isn't it?'*<sup>45</sup>

*It's seen as a bad thing in this country, getting involved and getting...passionate about stuff...You should just trundle on in life. No, you should get involved and say if something's not right and stand up for it. And I just think in this country people just can't be bothered, and the younger the better if they get involved...*<sup>46</sup>

*It's controversial, but I think it's important to...alert them to the fact that they're not passive in this world and they have a right to...stand up for what they believe is right...You want to empower them for the world that they're going to go into, with all the challenges that that holds.*<sup>47</sup>

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<sup>40</sup> Interview 12.

<sup>41</sup> Interview 14.

<sup>42</sup> Interviews 5, 8, 10, 11, 14, 16, 17, 18, 22, 31, 34, 36, 38, 40, 41 & 43.

<sup>43</sup> Interview 2.

<sup>44</sup> Interviews 5, 8, 11, 14, 16, 17, 18, 22, 30, 36, 38 & 40.

<sup>45</sup> Interview 8.

<sup>46</sup> Interview 17.

<sup>47</sup> Interview 22.



*I say to children in assembly 'you're the change makers. You will change the world. We can't change the world but you can change the world'.<sup>48</sup>*

These comments correlate closely with my interpretation of the key aims of education *for* human rights discussed in Chapter 2. This aspect of the tripartite framework is concerned with empowering learners to transform human rights into social and political reality, and the above quotes suggest that some teachers see the potential in education for encouraging change through learners' engagement with the world beyond the learning environment.

It was a positive finding, therefore, that some of the interview comments indicated that teachers consider human rights values and principles to be relevant for translating empowerment skills from the school setting to broader society:<sup>49</sup>

*[I]t's that looking from the inside out perspective. The values that we promote link very much to our school community and our local community, whereas when you're looking at human rights, and you can say that we promote honesty and respect, let's look out globally. No matter where you go in the world, those values still stand. They cross cultures, they cross time divides. They've always been the core part of being a human being. It's really important that kids learn that...<sup>50</sup>*

*They'll be the people who...want to make a difference...the ones who are...going out and doing something and showing the world that there are issues of justice and inequality, and that something needs to be done, because of the experiences they've had at primary school. Somebody didn't say 'go away and be a nice quiet child'.<sup>51</sup>*

*[I]f the children can't empathise with somebody from a different culture, or they don't understand what's going on in the wider world, then I don't feel like I'd be really fulfilling my job...[W]e're educating the children for adulthood and even at age 5, we want them to be aware...[W]ords like fairness and conflict resolution, we've all got a part to play in that to build them up to when they leave school eventually and are global citizens...<sup>52</sup>*

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<sup>48</sup> Interview 38.

<sup>49</sup> Interviews 17, 20, 21, 24, 26, 28, 29, 34, 35, 37, 38, 39, 40, 41, 42 & 43.

<sup>50</sup> Interview 26.

<sup>51</sup> Interview 14.

<sup>52</sup> Interview 24.

In light of these comments showing support for the engagement of learners in broader world issues, it is perhaps unsurprising that a number of my interviewees reiterated the importance of learners' involvement in relevant community activities. One expressed that they should have 'the opportunity to have a say in the environment and community in which they live',<sup>53</sup> and others explained why this was important:<sup>54</sup>

*[T]he more we go out there, the more the community will come in to us.*<sup>55</sup>

*[A] school is part of the community...It's not there to churn out grades, it's there...to lift kids' confidence and to be part of the community, because if you're not part of the community, standing on your own, you've got no chance.*<sup>56</sup>

Most provided examples of their learners' engagement with the community,<sup>57</sup> including: activities around the Harvest Festival;<sup>58</sup> visiting and socialising with elderly people;<sup>59</sup> meeting with the police on community projects and issues such as vandalism;<sup>60</sup> activities around anti-bullying<sup>61</sup> and age-discrimination;<sup>62</sup> involvement with Fairtrade;<sup>63</sup> supporting initiatives such as foodbanks and homeless shelters;<sup>64</sup> involvement in local youth councils or pupil parliaments;<sup>65</sup> schools links, for example with schools abroad or local schools for children with physical or learning disabilities;<sup>66</sup> visiting political or legal institutions;<sup>67</sup> sharing assemblies where parents are invited to attend;<sup>68</sup> and involvement with local churches.<sup>69</sup> Fundraising was also

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<sup>53</sup> Interview 40.

<sup>54</sup> Interviews 15, 17, 21 & 30.

<sup>55</sup> Interview 15.

<sup>56</sup> Interview 17.

<sup>57</sup> Interviews 2, 3, 5, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40 & 42.

<sup>58</sup> Interviews 2, 20, 23 & 38.

<sup>59</sup> Interviews 5, 17, 21, 32 & 37.

<sup>60</sup> Interview 8.

<sup>61</sup> Interviews 15 & 16.

<sup>62</sup> Interview 15.

<sup>63</sup> Interviews 16 & 19.

<sup>64</sup> Interviews 22, 38 & 40.

<sup>65</sup> Interviews 15, 24 & 25.

<sup>66</sup> Interviews 24, 29 & 42.

<sup>67</sup> Interviews 19 & 30.

<sup>68</sup> Interview 37.

<sup>69</sup> Interviews 20, 23 & 40.

identified as a means through which learners engage with the local community,<sup>70</sup> with some teachers saying that this is accompanied by discussion on why it is necessary.<sup>71</sup>

Thirteen teachers (30% of the interview sample) said that when undertaking these activities, learners are taught about relevant values such as equality, justice, non-discrimination and respect.<sup>72</sup> One explained that Harvest Festival was used to highlight that ‘we have lots and round the world they haven’t got so much, so that’s an issue of equality’,<sup>73</sup> and another mentioned that by sharing their learning with the older generation, learners gained a better understanding of respect.<sup>74</sup> Other pertinent comments included:

*They’ve gone to high schools to present things about people having equal things like land to play in and other children haven’t [got that]...So not global justice and equality, but things like that...<sup>75</sup>*

*[W]e visit a school in Moseley, so compared with our school, they’re all Asian background and it’s very, very different, so that teaches them about equality and diversity...<sup>76</sup>*

One interviewee felt that supporting a local foodbank was important to enable her learners to understand that issues of inequality and injustice happen in their own communities, and not just in distant places:

*They’ve been supporting the foodbank...which I think is really important for these children because I think quite often they see issues of equality and justice, they connect those to places overseas and I have to say they assume it’s African children...[T]o know that there’s a food bank in [local town] that’s at full capacity in terms of need is very relevant...<sup>77</sup>*

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<sup>70</sup> Interviews 9, 10, 19, 23, 25, 34, 36, 38 & 40.

<sup>71</sup> Interviews 1, 10, 19, 34, 38 & 40.

<sup>72</sup> Interviews 2, 5, 8, 10, 16, 20, 21, 22, 23, 25, 38, 40 & 43.

<sup>73</sup> Interview 2.

<sup>74</sup> Interview 5.

<sup>75</sup> Interview 8.

<sup>76</sup> Interview 20.

<sup>77</sup> Interview 22.

Whilst only one interviewee reported that their learners were not involved at all in the community,<sup>78</sup> 23 others (52%) indicated that when facilitating community engagement, this was unlikely to involve explicit identification and discussion of human rights values underlying those activities.<sup>79</sup> This suggests that teachers are unlikely to be relating empowerment explicitly to the specific context of human rights.

With the empirical data discussed in this section in mind, it becomes important to engage more deeply with teachers' interpretations of and reservations about educating in this area, in order to better understand the nature and scope of current practice in the provision of education *for* human rights.

### **7.3 ANALYSIS OF RESULTS: TEACHERS' REFLECTIONS ON EDUCATION FOR HUMAN RIGHTS**

For young learners to be able to recognise and address injustice, inequality or the undermining of human dignity, they must not only acquire the skills that will enable them to do so, but should also be provided with opportunities to participate in community activities in which they learn about rights in a setting that encourages empowerment. This is the position adopted by the international framework for HRE, as I outlined in Chapter 2. These skills enable learners to reflect critically upon the world around them, including questioning the views to which they are exposed both in school and beyond, and engage in relevant action to transform that world. For HRE, this action involves learners engaging in activities that aim to further the promotion and defence of human rights and thus provides essential learning experiences that get to the heart of what human rights mean in practice.

For all the claims made by teachers both in their responses to my survey and in the subsequent interviews that empowerment-related skills are developed in classrooms and schools at primary level, it remains unclear the extent to which, and efficacy with which, they are addressed. This section examines this further and demonstrates a general antipathy towards, or at least caution about, the value of developing

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<sup>78</sup> Interview 6.

<sup>79</sup> Interviews 3, 6, 7, 9, 12, 13, 18, 19, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 41 & 42.

empowerment skills and encouraging learners to engage more broadly with community activities that further these skills.

It is important to note that some of my interviewees expressed general hesitancy over the idea of empowerment as an end result of their teaching practice. Whilst only three viewed it as a negative concept,<sup>80</sup> in particular because of its political connotations,<sup>81</sup> others identified specific issues relating to the formal school setting. For example, one interviewee betrayed his scepticism of the concept by implying that it is being prioritised simply because it is the current political buzzword:

*I don't know how much of it is that we're doing it because it's the trendy politically correct thing to do. Are we doing it because of that? Or are we doing it because it's a really good idea?*<sup>82</sup>

Others expressed concerns about the practice of empowerment. Some suggested that only certain types of teacher, namely the ones who are vocal and active, are likely to encourage it within their classrooms,<sup>83</sup> and others acknowledged that it was difficult to achieve in a formal school setting:<sup>84</sup>

*[I]n terms of I'm taking responsibility for this and I'm going to see it through to the end and I'm going to make something happen which is going to have an impact on somebody else', there would be a small minority of children who would really have taken that on board and really drive that through...*<sup>85</sup>

Two teachers indicated that they felt uncomfortable about developing empowerment skills when they do not believe that learners can truly make a difference or change the world:

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<sup>80</sup> Interviews 11, 23 & 29.

<sup>81</sup> Interviews 11 & 29.

<sup>82</sup> Interview 39.

<sup>83</sup> Interviews 1, 22, 25, 39 & 42.

<sup>84</sup> Interviews 14, 27, 30 & 39.

<sup>85</sup> Interview 14.

*They don't have any power to do anything at this age particularly, so you don't want to face them with problems that they don't feel they can do anything about almost.*<sup>86</sup>

*Sometimes they think they can make a difference, when I know for sure that they can't...*<sup>87</sup>

For some, this would be a stance to take based on a realist appreciation of the world, but for others it might suggest a cynicism that should have no place in a primary learning environment. This is regardless of whether we are dealing with a human rights related matter or not.

Other interviewees did not necessarily voice concern regarding the nature of empowerment, but nevertheless interpreted it in a restricted way. They predominantly related the concept to empowering learners in the immediate learning environment,<sup>88</sup> as opposed to viewing empowerment as a broader concept relating to learners taking action to transform the status quo.<sup>89</sup> Whilst one teacher did observe that her learners understood 'that their learning has a purpose, so they're not just passively learning',<sup>90</sup> this comment was made in the context of learner input into topic choice, thus relating more to the issues of decision-making discussed in the previous chapter. Further examples of comments indicating that teachers viewed empowerment as relating only to the immediate learning environment provide an insight into their interpretation of this concept:<sup>91</sup>

*[H]opefully older children looking after younger ones is empowering them all. You know 'it's not that an adult has to look after you all the time'.<sup>92</sup>*

*[T]hat links in my mind to that empowerment, actually encouraging children to take control of their learning...<sup>93</sup>*

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<sup>86</sup> Interview 1.

<sup>87</sup> Interview 20.

<sup>88</sup> Interviews 16, 18, 19, 30, 32, 35 & 39.

<sup>89</sup> This particular problem has been recognised within the academic literature, with Dympna Devine observing that empowerment tends to be restricted only to 'a limited number of spheres': Devine, D., 'Children: Rights and status in education – a socio-historical analysis' (1999) 18(1) *Irish Educational Studies* 14-28 at 23.

<sup>90</sup> Interview 35.

<sup>91</sup> Interviews 16, 18, 19, 30, 32, 35, 36, 39 & 40.

<sup>92</sup> Interview 16.

<sup>93</sup> Interview 36.

*Children are so willing to let us do everything for them, so we try to empower them to say 'you can do this'.<sup>94</sup>*

Whilst these findings suggest that some teachers have general reservations – or indeed misunderstandings – about empowering learners at the stage of primary schooling, most of the interviewees' concerns in this area became apparent through their discussions around (i) the developing of the skills listed in the survey, and (ii) the involvement of their learners in community engagement. In order to better understand the nature and scope of the provision of education *for* human rights, I will consider each of these in turn, delving more deeply into the interviewees' reflections and interpretations when discussing these areas of their teaching practice.

### **7.3.1 Development of the Skills Necessary for Empowerment**

More than 30 years ago Doug Harwood wrote that 'in the primary-middle years, education should be concerned mainly with the pupil's development of skills and processes, rather than with content'.<sup>95</sup> My empirical data indicated, however, that teachers are often not addressing skills such as critical reflection, analysing situations in moral terms, advocacy and activism to a great extent in their classrooms. Many primary learners are therefore unlikely to be equipped with the skills that would enable them to: reflect critically upon what they are being taught both in school and beyond; recognise broader examples of inequality, injustice and human indignity in the world around them; and consequently take action to change that world.

Some interviewees did recognise, and in fact sometimes emphasised, the importance of learners being able to question and challenge what they are being taught. Chapter 5 contained detailed discussion of interviewees' personal concerns about biased teaching, but many also identified parents<sup>96</sup> and the media<sup>97</sup> as liable to influence learners' opinions on issues such as human rights. They observed that learners often pick up racist or prejudiced views beyond the classroom,<sup>98</sup> and that whilst they do try

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<sup>94</sup> Interview 16.

<sup>95</sup> Harwood, D., 'We need political not Political education for 5-13 year olds' (1985) 13(1) *Education 3-13* 12-17 at 13.

<sup>96</sup> Interviews 1, 14, 15, 16, 21 & 23.

<sup>97</sup> Interviews 1, 15, 16, 21, 22, 24, 30, 35 & 41.

<sup>98</sup> Interviews 15, 16, 23 & 35.

to respect parents' views, 'for some things they are unacceptable'.<sup>99</sup> A number of the interviewees therefore appreciated the problems associated with learners being influenced by the views to which they are exposed. Some emphasised the role that formal education should play in providing learners with the capacity to challenge moral views from sources such as parents, peer groups or the media. One interviewee said, for example, that if 'things that come up in politics or in the news, anything negatively that comes up, we jump on it and think how can we turn this into a positive for our children',<sup>100</sup> and another explained that:

*[I]t's an awareness that people in certain parts of the world, in this country, are on the receiving end of huge negativity, and people need to be open-minded and we all have a role to not ignore it but to actually do something...<sup>101</sup>*

One teacher considered that encouraging learners to challenge particular viewpoints is the means through which stereotypes can be dispelled:

*Not everyone in Tanzania is starving and dying of leprosy at the side of the road, but within the media there is one portrayal of certain places and you're trying to counterbalance that and say 'this isn't just an issue in Bangladesh, this is an issue in [local town]: that people haven't got enough to eat and are dependent on other people's generosity to see them through, and is that fair?'<sup>102</sup>*

A number of interviewees also emphasised that they encourage learners to have the confidence to both hold and speak up for their opinions:<sup>103</sup>

*I think that it's really important that children develop their own voice and then develop the skills to actually express an opinion and respect somebody else who might have a difference of opinion...<sup>104</sup>*

*That's what it's all about. People have different opinions and you fight for your opinion.<sup>105</sup>*

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<sup>99</sup> Interview 23.

<sup>100</sup> Interview 35.

<sup>101</sup> Interview 40.

<sup>102</sup> Interview 22.

<sup>103</sup> Interview 1, 4, 6, 9, 11, 12, 16, 17, 27, 30, 31, 34, 37, 40 & 41.

<sup>104</sup> Interview 11.



*I was saying...to the children that it's really important that you stand up for what you believe in, even if it's hard and nobody else believes what you believe, you have to be very strong.*<sup>106</sup>

Some reiterated that they actively encourage learners to question them, and that they often learn things from the young people in their class:<sup>107</sup>

*They're invited to challenge and question the adults...and we will often model to the children through assembly that we disagree with one another and that that's okay, and that it's okay to question each other.*<sup>108</sup>

*I'm not this perfect person in an ivory tower...I had someone come in and say... 'I just can't learn to knit' and one of the year 6s said 'I can knit', and it was 'oh, can you teach me'...We do an awful lot of work in teachers' workshops about that, but often I feel it's like them and us and we know everything, although probably only a chapter ahead.*<sup>109</sup>

*I learn so much from children. So they're not waiting until they're grown up to teach me stuff and I tell them that. We tell them that a lot: 'oh, I didn't know that. I'd love for you to come and tell me a nugget of information'...[W]e would be very happy to use the word that we empower our children, because they're citizens now.*<sup>110</sup>

The latter teacher furthermore actively encouraged the learners in her classroom to challenge what she was saying by making controversial statements:

*I stir things up a little bit in year 6...I open up a particular topic and say something along the lines of 'but surely if they're black and have got a backpack on, they're just going to blow us up', and they'll go 'no, that's not right', and I'll go, 'right, tell me what's wrong. Tell me what I'm saying is wrong'...*<sup>111</sup>

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<sup>105</sup> Interview 17.

<sup>106</sup> Interview 31.

<sup>107</sup> Interviews 4, 16, 27, 36 & 41.

<sup>108</sup> Interview 27.

<sup>109</sup> Interview 4.

<sup>110</sup> Interview 16.

<sup>111</sup> Ibid.

A number of interviewees therefore clearly considered it to be important that learners are able to not only reflect upon what they are being taught and upon the world around them more broadly, but also to have an opinion and to be able to voice and defend it. As has been suggested above,<sup>112</sup> however, some of the skills necessary for the practice of empowerment, such as critical reflection and advocacy, are seemingly not being developed to a great extent at all stages of primary schooling and the qualitative data provides some indication as to why this might be the case.

At a general level, some interviewees simply felt that they did not have the time to develop empowerment-related skills:<sup>113</sup>

*When we're in the bottom 10% of schools, Ofsted are not going to come in and ask me 'so what are you doing about equality? What are you doing about education on disability? They would come in and ask 'what are you doing about reading, writing and maths?' We didn't have the luxury of educating children about what they need to be future adults. The pressure was that we had to educate children in the very, very narrow measures that Ofsted insists upon.<sup>114</sup>*

Others revealed deeper, personal apprehension about the inculcation of certain skills relevant to education *for* human rights. Teachers felt, for example, that some of the terms identified in the survey would be inappropriate for the learning environment,<sup>115</sup> or that the skills themselves were difficult to explain to primary learners:<sup>116</sup>

*I think some of them would depend on the age of the children. Older children can be naturally more analytical because they've got the thinking skills and the language to be able to do it, whereas the infants find that harder.<sup>117</sup>*

A number of my interviewees revealed concerns about particular skills listed in the survey.<sup>118</sup> Both the quantitative and qualitative data showed, for example, that

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<sup>112</sup> At section 7.2.1.

<sup>113</sup> Interviews 20, 27 & 39.

<sup>114</sup> Interview 27.

<sup>115</sup> Interview 5, 23, 24, 28 & 41.

<sup>116</sup> Interviews 1, 4, 6, 16, 21, 24, 26, 31, 32, 33, 38, 39 & 43.

<sup>117</sup> Interview 43.

teachers are less likely to touch upon skills such as critical reflection, analysing situations in moral terms, advocacy and activism with their learners; focussing instead upon softer skills, such as confidence, expression, empathy and conflict resolution. In their discussions of the former skills, interviewees provided an indication as to why they are less likely to be developed within primary schooling. Some of these reasons related to varying interpretations of their meanings, whereas others highlighted concerns with the nature of the skills themselves. I will explore the deeper reflections of the interviewees regarding these skills under two sub-headings: (i) critical reflection and analysing situations in moral terms; and (ii) advocacy and activism. I felt it was appropriate to group the skills in this way, as a number of my interviewees suggested or implied that they considered these particular skills to be linked.

#### *7.3.1.1 Critical Reflection and Analysing Situations in Moral Terms*

At the upper stages of primary schooling, skills deemed to relate to individual achievement were ostensibly emphasised to a greater extent than with younger learners. As indicated by the survey findings,<sup>119</sup> critical reflection was more prevalent in the classrooms of teachers at KS2, and the subsequent interview data suggested that teachers sometimes consider learners further down the school too young to engage effectively with this skill:<sup>120</sup>

*I don't know how effective critical reflection is for younger learners, because something happens and it's gone, even though you try to make them reflective...*<sup>121</sup>

*To go from the concrete to the abstract is harder with young children...and you have to do it quite quickly, because otherwise...[it's] forgotten...[A]nd you can't always come back to it, because the moment is lost.*<sup>122</sup>

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<sup>118</sup> As identified above at section 7.2.1, the skills listed in the survey were confidence, expression, empathy, conflict resolution, advocacy, critical reflection, activism and the ability to analyse situations in moral terms.

<sup>119</sup> See above at section 7.2.1.

<sup>120</sup> Interviews 2, 6 & 17.

<sup>121</sup> Interview 2.

<sup>122</sup> Interview 6.

However, whilst critical reflection in the context of empowerment implies inculcating in learners a broad sense of reflecting not only upon what they are being taught, but also upon injustice, inequality and human indignity within the world more broadly, the skill was interpreted by most interviewees as relating to learners being reflective only about the quality of their academic work,<sup>123</sup> or about their behaviour in the classroom.<sup>124</sup> The skill was therefore being interpreted in a very narrow sense, with only three teachers betraying a broader understanding of critical reflection in their comments:

*[W]e get children to feed back about what they've learnt about peace or fairness or trust, what's challenging them.*<sup>125</sup>

*[T]hey all have moments of quiet time to reflect upon what they've heard, what they've thought, what does that mean for them and what can they do as a result...*<sup>126</sup>

*They certainly think about and talk about tolerance, equality, respect, those sorts of things, but whether we foster enough of the really thinking, pushing that thinking to a deeper level, I don't think we have really.*<sup>127</sup>

Critical reflection was thus largely being addressed within the narrow remit of academic quality or behaviour, and was seemingly not being utilised in a broader sense for encouraging learners to reflect upon human rights and social justice issues, or to question and challenge the knowledge being transmitted to them. This position is not consistent with the views of academic commentators in this area, who recognise the importance of broader critical reflection skills. Katerina K. Frantzi, for example, emphasises that 'modern society needs reflective citizens and intelligent inquirers, who promote social understanding, cooperation and peace',<sup>128</sup> and Målfrid Flekkøy and Natalie Kaufman reiterate that critical thinking must comprise a central

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<sup>123</sup> Interviews 2, 9, 13, 15, 18, 24 & 25.

<sup>124</sup> Interviews 5, 10, 12, 23, 26 & 28.

<sup>125</sup> Interview 16.

<sup>126</sup> Interview 38.

<sup>127</sup> Interview 21.

<sup>128</sup> Frantzi, K.K., 'Human Rights Education: The United Nations Endeavour and the Importance of Childhood and Intelligent Sympathy' (2004) 5(1) *International Education Journal* 1-8 at 2.

tenet of education in order to develop democratic citizens who will challenge exercises of power within a given society.<sup>129</sup>

A number of interviewees similarly interpreted the skill of analysing situations in moral terms as relating to learners' immediate circumstances and their own behaviour,<sup>130</sup> with only two teachers recognising that it referred more broadly to creating a moral conscience,<sup>131</sup> or to 'an assessment of what's right and wrong, or what is just or unjust'.<sup>132</sup> One interviewee linked the skill to Holocaust education and trying to understand why people turned a blind eye to the treatment of the Jews,<sup>133</sup> and two others used fairy tales or stories to highlight and facilitate discussion on moral issues with young learners.<sup>134</sup>

Some interviewees considered the skill to be too difficult for learners of primary school age, however.<sup>135</sup> Both the ability to analyse situations in moral terms and critical reflection were viewed by one teacher as strong underpinning skills, and their inculcation was thus deemed to be not always achievable within a primary setting. The teacher identified them as 'deeper and more complex', adding that formal schooling is not necessarily the only, or even the principal, influence on learners regarding the instilling of these skills.<sup>136</sup> Another interviewee said that teaching moral foundations must precede the inculcation of skills in analysing moral situations, and that such analysis is quite high level, beyond the capability of many primary learners.<sup>137</sup> One teacher considered that such teaching was not only too advanced for primary learners, but also unnecessary:

*[W]e've got pretty good kids here, so...we don't really teach morals or ethics...I can't think of a situation where you'd sit down and do that within the curriculum. I just don't know that they'd look at it on that level. They're still very egocentric, aren't they?<sup>138</sup>*

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<sup>129</sup> Flekkøy, M.G. & N.H. Kaufman, *The Participation Rights of the Child: Rights and Responsibilities in Family and Society* (Jessica Kingsley, London 1997), 5.

<sup>130</sup> Interviews 1, 5, 12, 20, 21, 23 & 35.

<sup>131</sup> Interview 17.

<sup>132</sup> Interview 3.

<sup>133</sup> Interview 21.

<sup>134</sup> Interviews 29 & 35.

<sup>135</sup> Interviews 5, 16, 25, 34 & 39.

<sup>136</sup> Interview 34.

<sup>137</sup> Interview 5. A similar comment was made in interview 25.

<sup>138</sup> Interview 39.

It was further suggested by an interviewee that learners in today's society are less inclined to analyse situations in moral terms. She emphasised that whilst they do have the capacity to put this skill into practice, they are often uninterested or unwilling to engage with the relevant issues: 'they can do it, but [it is] whether they're going to do anything about it, or whether they're just going to let it all happen to them'.<sup>139</sup> With some teachers interpreting the skill as relating simply to analysis of learners' behaviour or the immediate learning environment, and with others considering the skill too advanced for primary education, this observation that young learners are not willing or able to translate the skill into wider practice is perhaps unsurprising.

### *7.3.1.2 Advocacy and Activism*

Advocacy<sup>140</sup> and activism<sup>141</sup> were viewed as particularly problematic for the primary learning environment, with a number of interviewees indicating that they were unsure how to engage with these skills in a sensitive and appropriate way.<sup>142</sup> Whilst some did report addressing advocacy<sup>143</sup> and activism<sup>144</sup> with their learners, this was again predominantly at KS2. Only these learners were deemed likely to possess the requisite maturity and mental capabilities to deal with these more complex skills,<sup>145</sup> with one head teacher further suggesting that only certain learners at this stage will be able to engage effectively with these skills. Referring to one particular learner, he said:

*She would be able to articulate it more than others as she would have those skills of advocacy, whereas others would be in sympathy with it but wouldn't necessarily be able to articulate it in quite the same way.*<sup>146</sup>

Interviewees interpreted advocacy in different ways. One viewed the skill as more political than activism.<sup>147</sup> Some saw it as the means through which learners come to

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<sup>139</sup> Interview 16.

<sup>140</sup> Interviews 1, 7, 8, 10, 13, 29, 39 & 42.

<sup>141</sup> Interviews 1, 3, 5, 6, 7, 8, 12, 13, 14, 15, 17, 21, 22, 23, 28, 29, 30, 33, 37, 39, 40, 41 & 42.

<sup>142</sup> Interviews 7, 8, 17, 23, 26, 33, 37, 39, 40, 41 & 42.

<sup>143</sup> Interviews 12, 14, 17, 25, 38, 40, 41, 42 & 43.

<sup>144</sup> Interviews 2, 9, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 34, 35, 39, 42 & 43.

<sup>145</sup> Interviews 1, 5, 6, 7, 12, 13, 17, 35, 38, 39 & 43 (20% EYFS/KS1; 50% KS2; 30% head teachers).

<sup>146</sup> Interview 14.

understand that they can express an opinion and make choices,<sup>148</sup> whereas others viewed it as imbuing learners with the ability to accept differences of opinion.<sup>149</sup> Two interviewees understood advocacy as referring to learners speaking on behalf of others.<sup>150</sup>

A number of teachers indicated, however, that they view the skill as problematic for primary schooling. In keeping with the concerns discussed in the previous chapter about loss of control in the classroom environment, some teachers viewed advocacy as political, antagonistic and potentially disruptive.<sup>151</sup> One teacher commented in this regard that:

*They don't do very much about say Amnesty or even about pressure groups like Greenpeace...Is there something also about standing up for what you believe in but actually sometimes possibly it might bring you into conflict and...direct challenge with organisations? I don't know, because then you start to move into the world of politics...and that's outside the remit of primary schools...*<sup>152</sup>

Activism was similarly interpreted in different ways by the interviewees. Some saw it as more teacher-led than advocacy,<sup>153</sup> others saw advocacy as appropriate to issues where there are legitimate differences of opinion and activism relating to issues where people are essentially in agreement.<sup>154</sup> One teacher assigned activism a different interpretation in the context of formal schooling, saying she wouldn't develop it to the extent of 'go out and take a stand against something' but would encourage learners to voice their opinion if they did not agree with something.<sup>155</sup> Others viewed an activist as 'somebody who goes looking for a way of putting their point across',<sup>156</sup> and activism as getting together with others who share your opinion and taking group action, as opposed to taking an individual stance on an issue.<sup>157</sup>

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<sup>147</sup> Interview 39.

<sup>148</sup> Interviews 7, 12, 14 & 17.

<sup>149</sup> Interview 41.

<sup>150</sup> Interviews 10 & 42.

<sup>151</sup> Interviews 1, 4, 35 & 38.

<sup>152</sup> Interview 38.

<sup>153</sup> Interview 41.

<sup>154</sup> Interview 2.

<sup>155</sup> Interview 12.

<sup>156</sup> Interview 39.

<sup>157</sup> Interview 30.

Some interviewees did not view activism as political, equating it instead with recycling, fundraising or charitable giving.<sup>158</sup> For one teacher, activism in a school setting simply denoted learners being ‘actively involved’ in the learning environment,<sup>159</sup> and another viewed it as an all-encompassing skill that covered a number of the additional skills listed in the survey:

*I'd like to think that if you could display empathy towards other children with learning disabilities, if you can help conflict resolution with peers and younger children, if you can lead play and activities with other younger children, if you can critically reflect on what you're doing, that is activism.*<sup>160</sup>

By contrast, other interviewees engaged directly with the political nature of activism,<sup>161</sup> reporting that their learners are involved in appropriate issues through activities such as lobbying MPs or inviting them to speak at the school,<sup>162</sup> or through campaigning.<sup>163</sup> These teachers considered the inculcation of activism skills to be important enough to overcome concerns about its political nature, and they tended to be the teachers that viewed the skill as relating to learners standing up for what they believe:<sup>164</sup>

*It's controversial, but I think it's important to...alert them to the fact that they're not passive in this world and that they have a right to...stand up for what they believe is right.*<sup>165</sup>

*I think it's...raising their expectations that they can do something.*<sup>166</sup>

Twenty-seven teachers (61% of the interview sample), however, expressed reservations about activism in the primary learning environment.<sup>167</sup> Some simply did

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<sup>158</sup> Interview 6, 9, 11, 21, 23 & 39.

<sup>159</sup> Interview 16. A similar comment was made in interview 5.

<sup>160</sup> Interview 28.

<sup>161</sup> Interviews 2, 16, 18, 19, 21, 23, 26 & 34.

<sup>162</sup> Interviews 2, 19, 21, 23, 26 & 34.

<sup>163</sup> Interviews 19 & 26.

<sup>164</sup> Interviews 16, 18 & 34.

<sup>165</sup> Interview 22.

<sup>166</sup> Interview 11.

<sup>167</sup> Interviews 1, 3, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 26, 28, 29, 30, 33, 34, 37, 39, 40, 41 & 42.



not know how to develop this skill in a school setting.<sup>168</sup> Others, however, had more fundamental issues with its nature. For example, interviewees viewed activism skills as unnecessary or too complex for primary learners,<sup>169</sup> with a head teacher saying that whilst he could think of ‘specific examples of children displaying empathy, of conflict resolution, of critically reflecting’, activism was a broader and more general skill that is not really relevant to primary education.<sup>170</sup> One teacher saw the role of the primary school as being to develop a foundation for understanding and engaging with issues associated with activism, but not necessarily to encourage the skill itself,<sup>171</sup> and another emphasised that ‘you direct the children to try and think on their own and what they believe in, rather than ‘well if you believe in it too, then let’s get together’.<sup>172</sup> An interviewee further expressed that:

*[A]t primary, they’re...acquiring the skills...slowly and quietly and...as they get older, they will have a more formulated idea or opinion and they will therefore have more passion about something and more drive to be active and to try and bring about change...And I think at this age they’re sort of wind-buffed ‘oh, that’s a good idea’, ‘oh, that’s a good idea’ etc....Some of them have strong ideas and they stand up and they talk about it and they want to do things, and obviously you foster and encourage it, but there’s probably skills almost that come before that stage.<sup>173</sup>*

Ten teachers (23%) said that they saw the concept as political or implying trouble,<sup>174</sup> and considered this to be inappropriate for a primary setting.<sup>175</sup> As with the concerns discussed in Chapter 5,<sup>176</sup> some interviewees expressed apprehension not only about parents objecting to the inculcation of activism skills,<sup>177</sup> but also about the prospect of influencing the learners in their classrooms with their own opinions:<sup>178</sup>

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<sup>168</sup> Interviews 7, 8, 13, 26, 29 & 41.

<sup>169</sup> Interviews 1, 28 & 33.

<sup>170</sup> Interview 28.

<sup>171</sup> Interview 32.

<sup>172</sup> Interview 30.

<sup>173</sup> Interview 1.

<sup>174</sup> Interviews 3, 5, 7, 8, 14, 15, 17, 23, 37 & 39.

<sup>175</sup> Interviews 3, 7, 14, 17, 37, 39, 40 & 41.

<sup>176</sup> Chapter 5 at section 5.3.

<sup>177</sup> Interviews 23, 33 & 42.

<sup>178</sup> Interview 17, 23 & 40.

*[T]alking personally as a teacher, you're reasonably scared of saying... 'go on', because, I don't know... I don't think it's a particularly bad thing, but whether or not I would propose that to a child... I don't know if I would.*<sup>179</sup>

*[T]here's a fine line between what would be my values for change and whether it would be appropriate to bring it into the classroom. I think that... is what holds me back from doing it. I'm very big on building cultural knowledge but at the same time, I think that sometimes I've got my personal opinion and I try not to impose it on the children.*<sup>180</sup>

Another interviewee expressed a rather different concern with activism, but this still related to the skill being perceived as contentious. She felt that encouraging learners to put themselves out there was not always positive in the modern digital age:

*[W]ith things like Twitter and Facebook, we don't really want children to be putting themselves out there too much... [I]t's a very fine line... these days, between protecting your rights and getting your views heard, and going about it the wrong way and actually making a menace of yourself. So it's something that needs to be talked about and how to do it the right way, and really to start with it's more just in the classroom, so sticking up for people and protecting your rights, but I wouldn't want them leaving school thinking if you shout loud enough you can get what you want...*<sup>181</sup>

As with the concerns about participation raised in the previous chapter,<sup>182</sup> a further perception of activism apparent from the comments of my interviewees was that it would be likely to lead to a loss of control in the learning environment. One teacher identified that discussions would be around 'being a community and working together' as opposed to activism,<sup>183</sup> and another said that:

*[T]o me, activism is a bit like what you see on Waterloo Road, where they were all going on about animal rights and causing issues, so... that's what I would have thought. You know, going against what we are trying to do ethically in schools...*<sup>184</sup>

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<sup>179</sup> Interview 17.

<sup>180</sup> Interview 41.

<sup>181</sup> Interview 33.

<sup>182</sup> Chapter 6 at section 6.2.2.

<sup>183</sup> Interview 15.

<sup>184</sup> Interview 7.

A number of interviewees clearly had reservations about the appropriateness for primary learners of certain skills listed in the survey. Some empowerment-related skills, including critical reflection, analysing situations in moral terms, advocacy and activism, are treated with caution to the extent that they are unlikely to be developed in their classrooms. It is difficult to believe therefore that their learners, in turn, are being equipped with the necessary skills for enabling them to reflect upon – and be critical and questioning of – the world around them and what they are being taught, and to take action to change the status quo. Educating *for* human rights is therefore likely to be severely undermined (and perhaps even countermanded) if this is representative of a significant proportion of primary school teachers in England.

### **7.3.2 Involvement of Learners in Community Engagement**

I turn now to the second issue relating to the practice of education *for* human rights explored in the survey and probed more deeply in the subsequent interviews: the engagement of learners in relevant community activities. Given the above empirical evidence suggesting that skills of critical reflection, analysing situations in moral terms, advocacy and activism are often not being instilled in the primary learning environment, it is perhaps unsurprising that a number of my interviewees said that when engaging in community activities, learners do not generally improve their understanding of values such as equality and justice.<sup>185</sup> Without the skills required for reflecting on the world around them, and in the absence of the empowerment skills necessary to alter the status quo, learners are less likely to be able to recognise injustice, inequality and situations where human dignity is not being respected when engaging with the community. They are, in turn, less likely to be empowered to engage in focused action that aims to promote and defend human rights.

Whilst it was suggested at the turn of the century that the UK had witnessed a marked trend towards greater community involvement of schools,<sup>186</sup> my findings indicate that many learners are engaged in community activities involving human rights values only to a minimal extent during their primary schooling. As highlighted

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<sup>185</sup> See above at section 7.2.2.

<sup>186</sup> Carr, D. & J. Steutel, 'The Virtue Approach to Moral Education' in Carr, D. & J. Steutel (eds), *Virtue Ethics and Moral Education* (Routledge, Oxon 1999) 241-255 at 251.

in section 7.2.2 above, a number of interviewees indicated that values such as equality and justice would *not* be discussed in the context of community engagement, thereby losing an opportunity to utilise the learners' experiences in this context to reflect on these matters.

Some teachers provided reasons for this lack of engagement with human rights values. Three simply acknowledged that they do not have time to explore and discuss values when engaging with the community,<sup>187</sup> with one suggesting that 'I'm sure I'm not alone as a teacher in that we don't spend enough time reflecting on why we're actually doing it in terms of what we're learning'.<sup>188</sup>

Others, however, saw the lack of values-based community engagement as a more entrenched issue within the English educational landscape:

*If you were to compare us to a country like Sweden, the culture of schools in our country is build high fences, and keep the world outside and keep the children in, and don't let the two mix. So the schools in England have 3-metre fences and the schools in Sweden have a 1-metre picket fence and people are welcome in. And we have this bizarre culture of stranger danger which is very unhelpful and very unrealistic, and even now that Ofsted have pulled that back out of the inspection, schools have still got this obsession with keeping the community away and only letting in the selected part of the community. I think we've got a long way to go as a society rather than a school on that one.*<sup>189</sup>

In the interviews, the most commonly identified influence concerning the extent to which primary learners engage with the broader community was government curriculum policy. Interviewees explained that the previous Labour Government had prioritised community engagement, and that teachers were given time and space in the curriculum to develop this. They highlighted that the coalition Government curtailed such engagement, with emphasis being placed instead almost exclusively on academic attainment.

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<sup>187</sup> Interviews 20, 35 & 39.

<sup>188</sup> Interview 39.

<sup>189</sup> Interview 27.

Some teachers remained passionate enough about community engagement to continue with its furtherance despite the lack of Government support.<sup>190</sup> Other teachers were not so confident, however. They tended to be influenced to a greater extent by instruction from the Government regarding what they should and should not be incorporating into their teaching practice,<sup>191</sup> yet they were often the most passionate critics of government policy:

*I think the Government is the biggest, biggest, biggest and most utterly frustrating interfering organisation that just saps the fun out of education.*<sup>192</sup>

*I cannot remember a time when there has been so much political interference, negative... [Michael Gove] is taking away all the joy in education. There is too much stick and definitely not enough carrot at the minute.*<sup>193</sup>

That teachers are critical of government policy but nevertheless educate in accordance with it is perhaps unsurprising when considered in light of the academic literature in this area. Ira Shor observes, for example, that as the official knowledge of the formal curriculum represents the structure of social authority, and thus operates to contain teachers and learners within the accepted consensus, challenging that knowledge can be daunting. Teachers may therefore be afraid to teach in a way that does not conform to tradition – for fear of being labelled ‘a rebel or radical or ‘flake’<sup>194</sup> – and may find it easier simply to educate in accordance with the accepted official discourse.

Teachers’ engagement with truly empowering education *for* human rights is furthermore only likely to lessen, for despite the recent punctuation of the banking education trend in England with initiatives aimed at developing critical thinking skills,<sup>195</sup> the new curriculum is moving away from an anti-banking philosophy. As

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<sup>190</sup> Interviews 14, 16, 32, 35 & 42.

<sup>191</sup> Interviews 1, 7, 9, 10, 11, 13, 14, 20, 22, 27, 34, 37, 39, 40 & 43.

<sup>192</sup> Interview 11.

<sup>193</sup> Interview 14.

<sup>194</sup> Shor, I., & P. Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (Bergin & Garvey, Massachusetts 1987), 7.

<sup>195</sup> This includes educational programmes such as Building Learning Power, Contexts for Learning and the 3 R’s.

discussed in Chapter 3,<sup>196</sup> it places greater emphasis on rote learning of information and on the attainment of core academic skills. To borrow the words of Shor it is becoming ‘teacher-proof’,<sup>197</sup> moving towards greater control of the learning process, with social action disvalued and importance placed instead on knowledge for its own sake.<sup>198</sup> Shor laments that such curricula instruct the teacher on matters such as ‘how many pages should be read in a week,...how many tests should be given at what intervals,...how many years of history should be covered in a term, and so on’.<sup>199</sup>

These examples replicate almost identically the criticisms that have been levelled at the new English primary curriculum. The Government deemed the existing curriculum to be too much about thinking and not enough about acquiring knowledge and introduced sweeping reforms in 2014.<sup>200</sup> Whilst some continue to see scope in the new curriculum for inculcating empowerment-related skills,<sup>201</sup> nine of my interviewees lambasted its inflexibility and potential for curbing empowering education:<sup>202</sup>

*There should be room within the curriculum for addressing things that are unexpected or that are driven by a serious need...but because the new curriculum is so prescriptive and there is no time, then my worry is that [empowering education] is just going to be pushed out...*<sup>203</sup>

*[W]e were all quite excited by the Labour Government’s curriculum that was coming in with pupil voice, and then because that’s taken away, we’ve very much gone down the ‘okay, well what have we got to do next’. I think further down the line the children will have more of a say in what they’re going to be taught, but we need to get to grips with the objectives first really, so I think that has definitely put a spanner in the works at the moment for more empowerment in school.*<sup>204</sup>

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<sup>196</sup> Chapter 3 at section 3.4.

<sup>197</sup> Shor & Freire, *A Pedagogy for Liberation* (n 194) 75.

<sup>198</sup> Young, M.F.D., ‘An Approach to the Study of Curricula as Socially Organized Knowledge’ in Young, M.F.D (ed), *Knowledge and Control: New Directions for the Sociology of Education* (Collier-MacMillan, London 1971) 19-46.

<sup>199</sup> Shor & Freire, *A Pedagogy for Liberation* (n 194) 75.

<sup>200</sup> Discussed in detail in Chapter 3 at Section 3.4.

<sup>201</sup> Interviews 27, 30 & 39.

<sup>202</sup> Interviews 4, 18, 22, 23, 24, 34, 36, 39 & 40.

<sup>203</sup> Interview 4.

<sup>204</sup> Interview 24.

With English primary education ostensibly moving towards greater prescription of content and an increased focus on core academic material, learners are less likely to have opportunities for truly empowering education through engagement with community activities that expose them to relevant human rights values. One of my interviewees underlined the clear curricular focus on core academic material through his observation that:

*Print off the new curriculum...and count how many pages are on science and maths and count the other subjects. I think music is down to 5 sentences. There are 80 pages of literacy.*<sup>205</sup>

According to prominent scholars in the field, however, learners do not flourish under such conditions. They are alienated by teachers simply delivering material for them to digest, memorise and recall, and are likely to respond by either becoming passive and disengaged, or by rebelling and becoming disruptive. Shor observes that:

*This alienation cannot be solved by more passive pedagogy or by tougher authority. It requires a counter-alienation pedagogy, one creative, critical, and on the side of student subjectivity.*<sup>206</sup>

Without the inculcation of a number of skills necessary for effective empowerment or the experiences of community engagement required to enable learners to reflect upon and transform the world around them, it is less likely that they will emerge from primary education with either the desire or capacity to take action to defend and promote human rights. At the least, it would suggest that any inclination to engage with the community will not have been instilled as a result of primary education. In this regard, it would be difficult to conclude that the overarching aim of education *for* human rights is being either recognised sufficiently or fulfilled in England.

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<sup>205</sup> Interview 36.

<sup>206</sup> Shor & Freire, *A Pedagogy for Liberation* (n 194) 125.

## 7.4 CONCLUSION

By engaging learners in issues of social justice, social difference and social transformation, and by equipping them with the skills and experience necessary to be able to reflect critically on the world around them, empowerment provides learners with the tools for taking action to address injustice, inequality and situations where human dignity is not being respected. That is the premise underpinning the importance of educating *for* human rights.<sup>207</sup>

Whilst some of my interviewees suggested that empowerment was unnecessary when learners are unable to truly make a difference or change the world,<sup>208</sup> it is reasonable to argue that sowing the seed of empowerment with young learners in fact represents an initial step in a longer process of change. Suggesting that educating *for* human rights is unnecessary because learners are too young to address human rights violations represents a defeatist attitude which serves only to validate Shor's criticism that in 'looking only for big changes, teachers may lose touch with the transformative potential in any activity'.<sup>209</sup> Teachers could recognise instead that 'critical curiosity, some political awareness, democratic participation, habits of intellectual scrutiny, and interest in social change are realistic goals from inside a dialogic course'.<sup>210</sup>

In order to enable learners to engage effectively with empowerment beyond the classroom, therefore, they should be equipped with the skills to critically reflect upon, and question and challenge, not only their immediate world of action, but also the knowledge being transmitted to them and the range of opinions to which they are exposed.<sup>211</sup> Learners' understanding of human rights values, such as equality, justice and freedom, through relevant community engagement might also ensure that they are learning about rights in a setting that will encourage empowerment. In the absence of these important processes, it is less likely that learners will be empowered to recognise and act upon injustice, inequality and human indignity.

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<sup>207</sup> As identified in section 7.2 above, education *for* human rights is both projective and rather more imprecise than education *about* and *through* human rights. More research is therefore needed to delve more deeply into its practice, and the obstacles to that practice. I am hoping that this can be part of my future research in the field of HRE.

<sup>208</sup> See section 7.3 above.

<sup>209</sup> Shor & Freire, *A Pedagogy for Liberation* (n 194) 35.

<sup>210</sup> *Ibid*, 132.

<sup>211</sup> Shor, I., 'Education is Politics: Paulo Freire's critical pedagogy' in McLaren, P. & P. Leonard (eds), *Paulo Freire: A Critical Encounter* (Routledge, London 1993) 25-35 at 28.



In this chapter, however, it has been suggested that some teachers are ignoring or avoiding engaging with a number of the skills necessary for empowerment and are similarly treating community activities that aim to improve learners' understanding of human rights values with scepticism. Whilst teachers ostensibly support the idea that learners should be empowered to recognise injustice and change the world, they are seemingly not necessarily applying themselves to equipping learners with the skills and experience required to be able to do so. Consequently, learners may be emerging from formal education without any enhancement of the values, skills and experience necessary to genuinely effect change through the promotion and defence of human rights.

Some of the justifications provided by interviewees for avoiding certain elements of education *for* human rights were pragmatic: that they had neither the time nor the support from government to teach in these areas,<sup>212</sup> for example. Other justifications were more personal. Some interviewees saw skills such as critical reflection, advocacy and activism as too complex for primary learners, or too antagonistic for the learning environment. Some considered themselves to be developing these skills effectively when they were relating such teaching only to behaviour management or situations arising within the immediate learning environment. And some tended to rely again on existing frameworks to justify the extent and quality of their teaching in this area. For example, interviewees pointed to the prevalence of 'soft' skills in their teaching practice, and considered these existing skills to be sufficient for encouraging empowerment to an extent appropriate for primary learners.

The interpretation of education *for* human rights within formal primary education therefore looks problematic. As with education *about* and *through* human rights, it is questionable whether the requirements of the international framework in this area are being fulfilled effectively in national practice in English primary schooling. This chapter indicates that whilst teachers may think that they are providing effective education *for* human rights, in many cases they are not developing the skills, values and processes necessary for truly effective learner empowerment, and existing teaching practices are unlikely to be providing adequate substitutes. Whilst the

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<sup>212</sup> And as indicated in section 7.3.2 above, this support is in fact dwindling.

practice of education *for* human rights in English primary schooling might therefore involve learners being equipped with some of these skills and may engage them to a certain extent in relevant community activities, such practices are neither in keeping with the standards set down by the international provisions nor likely to truly empower learners to promote and defend human rights more broadly.

## CHAPTER 8: CONCLUSION

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### 8.1 INTRODUCTION

Whilst Chapter 1 of this thesis provided an overview of some of the standard arguments in favour of HRE,<sup>1</sup> my analysis of HRE in English primary education policy and practice has been premised simply on the fact that the UK has accepted and supported a number of obligations that mandate its inclusion at all levels of formal schooling. The international framework contains persuasive and detailed requirements for the provision of education *about, through* and *for* human rights and I therefore sought to determine not simply whether these commitments are translating into effective education policy, but also whether they are being delivered in primary classrooms and schools even if not apparent within the relevant policy landscape. By investigating HRE in both policy and practice, I was able to paint a more comprehensive picture of the compliance of English primary education with the requirements of the international framework, and through my empirical research was able to further investigate the reasons *why* teachers may not be educating effectively in this area.

My research findings indicated that education *about, through* and *for* human rights is ostensibly not being included holistically in either primary education policy or practice. This takes me back to the starting proposition of this thesis: that England is not currently complying with its international responsibilities concerning the provision of HRE in primary education. By investigating the extent to which each element of the tripartite framework is included: (i) in national education policy,<sup>2</sup> and (ii) in classroom and school practice in a sample of English primary schools,<sup>3</sup> this research tested this proposition, and sought to investigate and better understand the reasons underlying its accuracy.

With this in mind, the thesis set out to address three main and two subsidiary research questions:

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<sup>1</sup> See Chapter 1 at section 1.2.

<sup>2</sup> See Chapter 3.

<sup>3</sup> See Chapters 5 to 7.

### *Main Questions*

What is the nature and scope of the current obligations at the international level regarding the provision of HRE within formal primary education, and in particular what does the agreement to educate *about, through* and *for* human rights require in practice?

Are these requirements translating into primary education policy in England that addresses effectively each element of the tripartite framework?

What is happening at the coalface of English formal primary schooling regarding the provision of education *about, through* and *for* human rights: is this practice compliant with the requirements of the international framework?

### *Subsidiary Questions*

Why is current practice as it is, including consideration of the reasons provided by teachers for omitting to educate on certain facets of HRE?

In light of this policy and practice, and given the UK's international commitments in this area, should the provision of education *about, through* and *for* human rights in English formal primary schooling be as it currently is?

The first four of these questions have been addressed in chapters 2 to 7 and whilst the final question has been touched upon within these chapters, it will be explored in greater detail in this concluding chapter. The chapter is split into four main sections. Section 8.2 will provide a summary of my main findings regarding: (i) what is currently happening concerning the provision of education *about, through* and *for* human rights in English primary education; and (ii) why current practice is the way that it is. Section 8.3 then seeks to address the final research question identified above: whether current practice should be as it is. This section reiterates that the tripartite formulation of HRE aims to provide a holistic framework with the necessary components for contributing to the building of a universal culture of human rights, but suggests that if England is to follow this formulation then changes are necessary to ensure that each element is addressed effectively within formal

primary schooling. I argue that the apparent disconnect between the requirements of the international HRE framework and English primary school practice is likely to be related not only to an absence of relevant government policy in this area, but also to teachers' conceptions of human rights more broadly and of the inappropriateness of particular elements of HRE for the primary learning environment. Through this analysis, it becomes apparent that whilst comprehensive and persuasive government guidance is likely to be a necessary foundation for effective HRE, the problem is more complex and ingrained than simply an absence of relevant policy mandating the provision of effective education *about, through* and *for* human rights. I therefore offer some tentative suggestions in my concluding section for how the issue of the ineffective translation of the global framework into national policy and practice could be overcome, or at least alleviated.

## **8.2. SUMMARY OF MY FINDINGS: WHAT IS CURRENTLY HAPPENING AND WHY?**

Chapter 2 showed that HRE has been a global and regional concern of international law for a number of years. I provided an overview of the sources of obligation relevant to HRE in formal primary schooling and investigated their scope and content at both the international and regional levels. Throughout this analysis, the importance of incorporating HRE at *all levels* of formal schooling was emphasised, and I identified that the UK has signed up to and accepted most of the relevant instruments and initiatives in this area.

I then explored in detail the nature and extent of the requirement to educate *about, through* and *for* human rights. This holistic tripartite formulation has been central to the development of the HRE environment, and as the most recent UN instrument to restate the framework, UNDHRET provides a useful benchmark for the current international standard of HRE expected to be applied nationally. The chapter identified that the UK showed support both for the passage of UNDHRET through the machinery of the UN and for its implementation at state level. The agreement to educate *about, through* and *for* human rights therefore forms a plausible and reasonable framework for assessing the current compliance of English primary education policy and practice with the relevant standards of HRE expected at the international level.

Having established that the UK has supported and accepted an array of international instruments concerning the provision of HRE in primary schools, my aim in Chapter 3 was to examine whether, and if so how, the soft-law requirement to educate *about*, *through* and *for* human rights has been translated into education policy in England. Through tracing the history of HRE, and analysing its current position within the recently reformed National Curriculum (NC), it became apparent that it has been conspicuous largely by its absence in the education policy landscape. Where aspects of HRE have been included within the NC, this has tended to be either through references to the rights of those in distant, and predominantly developing countries, or through oblique references to values consistent with the promotion of human rights. I furthermore identified that this situation is only likely to worsen, for the newly reformed NC has in fact moved English primary education further from compliance with the agreement to educate *about*, *through* and *for* human rights.

Chapters 2 and 3 together signified that there is a clear and increasing divergence between the requirements of the international framework and the English policy context concerning HRE in primary education. Whilst some national policy documents have addressed the teaching of values, with potential for overlap with human rights values, there has been little interpretation or explication of the nature of the values themselves or their teaching. And where discussion of values in formal education has seemingly been used in place of HRE, including within the recent British values guidance, these values have been neither fully explained, nor placed in the broader context of universal human rights. Any potential overlap between the teaching of values and HRE in English primary schools has therefore not been made clear within relevant education policy.

With education *about*, *through* and *for* human rights therefore largely absent from the English policy landscape, it was important to investigate whether these elements are instead being delivered through teaching practice in formal primary schooling. Chapter 4 set out the research methods I adopted to determine this issue, and justified the decisions I made during the collection of my research data. In chapters 5 to 7, I then sought to develop an understanding of how and to what extent each element of the tripartite framework is being translated into primary educational practice in England. These chapters drew upon my quantitative and qualitative

empirical research to suggest that key components of the framework are being insufficiently addressed in classrooms and schools.

Where it appeared that teachers were not educating in accordance with the requirements for effective education *about, through* and *for* human rights, I interrogated my qualitative interview data in detail to develop a better understanding of the reasons why, and considered these findings in light of the educational and legal literature in each of these areas. Such detailed investigation into the underlying reasons for certain components of the tripartite framework being insufficiently addressed in practice was necessary for better understanding the current barriers to HRE provision in English primary education. Without exploring the reasons for these insufficiencies in the provision of HRE, any suggestion concerning how they could be addressed or alleviated would run the risk of being ineffective in practice.

A brief summary of the findings from each of these chapters is instructive for highlighting the similarities between the problems plaguing the practical implementation of education *about, through* and *for* human rights in English primary schooling. The chapters all suggested that key components of each element are being insufficiently addressed, and that teachers are therefore unlikely to be educating in accordance with the requirements of the international HRE framework. Concerning education *about* human rights, for example, Chapter 5 indicated that whilst approximately half of the teachers in both the quantitative and qualitative research samples said that they do educate *about* human rights, when this was probed further in the interviews, it became apparent that many were providing such education only through informal teaching practices, teaching on relevant values or through the general ethos of the classroom or school.

I then explored the reasons for this. Why were only half of the teachers in each data set educating *about* human rights, and of those that were, why was much of this teaching not couched in the express terminology of human rights? The interview data suggested that a number of factors were relevant: interviewees were personally influenced by broader societal attitudes towards human rights, including misconceptions and sensationalism in the media; and tended 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 them. They furthermore viewed the topic as particularly likely to antagonise parents. As a result, many either watered down their provision of education *about* human rights, or advised that they avoid using the terminology of human rights altogether.

It is perhaps unsurprising, therefore, that the empirical findings from this chapter further suggested that teachers tend towards a naturalist conception of human rights, relating the teaching of values that are commonly found in the international instruments and accompanying literature to the immediate experiences of their learners, rather than to any broader, abstract understanding of these values. Teachers therefore tended to conflate the idea of HRE with the teaching of relevant age-appropriate values. Whilst this meant that they often included a broader range of values within their teaching practice than would be the case if they were educating in accordance with the strict letter of HRE provisions – by teaching about values such as humility and happiness, for example – the conflation of values education and HRE leads to broader problems. Teachers are able to pick and choose the values that they consider to be particularly appropriate for primary learners, with the result that certain human rights values are prioritised, including tolerance and fairness, and others are addressed infrequently or not at all, such as dignity and freedom. More complex and abstract human rights values are thus likely to be insufficiently addressed, if at all, yet teachers will feel like their responsibility to teach in this area has been fulfilled.

In this regard, whilst many of my interviewees considered themselves to be providing effective education *about* human rights, they were often drawing only upon broad values frameworks or narrow behaviour management processes, and were not utilising the express terminology of human rights. As a result, their learners are likely to be emerging from primary schooling without explicit knowledge of human rights and without the understanding required to recognise their rights, or violations of those rights. Furthermore, as has been emphasised throughout this thesis, the elements of the tripartite framework are complementary and mutually reinforcing. The building of a culture of human rights by fostering education *through* and *for* human rights in the learning environment cannot occur in the absence of



fundamental knowledge *about* human rights: a suggestion reinforced by the findings from chapters 6 and 7.

The empirical data relating to education *through* human rights in Chapter 6 showed a similar pattern to Chapter 5. A number of my interviewees deemed participation, voice and engagement in decision-making to be important concepts for primary learners, and both the quantitative and qualitative empirical findings indicated that teachers consider these concepts to be encouraged in the classroom and school environments. When this practice was interrogated in greater detail in the interviews, however, it became apparent that it did not accord with the standards required by the international HRE framework. Whilst aspects of participation and voice were being developed, the interview data suggested that such practice tended to involve pseudo-participation or pseudo-expression, occurring within defined, adult-imposed boundaries.

Pupil voice in the classroom, for example, was often constrained not only to certain times when learners were permitted to speak freely, but also to certain expression deemed ‘correct’, and examples of both pseudo-participation and ineffective pupil voice were apparent at school level in both the constitution and running of school councils. Teachers were not using the language of rights in the practice of education *through* human rights, and the empirical findings indicated that both participation and voice are in fact likely to lessen as learners progress through primary education. Chapter 6 suggested, therefore, that concepts central to rights respecting learning environments, such as voice and participation, were being interpreted by teachers in ways which restrained their truly effective exercise.

Through my qualitative interviews, I sought to reveal the possible explanations for this. Whilst some interviewees identified pragmatic reasons, such as absence of available time or lack of curricular direction, as justification for not developing participation and voice to a great extent in the learning environment, others betrayed deeper concerns with the nature of education *through* human rights. Some, for example, were apprehensive about the prospect of losing control in the classroom if participation and voice were encouraged to a great extent, and others revealed that they actually considered it to be more important to rein learners in at the stage of

primary schooling than encourage them to speak out. This opinion was expressed predominantly by teachers who viewed their learners as not yet mature enough to be able to exercise these capacities responsibly. Some interviewees furthermore revealed that they avoided the use of human rights terminology because they considered it to be either too complex for young learners, or too antagonistic for a formal learning environment.

In light of such concerns, it is perhaps unsurprising that these teachers again focused on fostering age-appropriate values in the learning environment, and seemingly avoided the components of education *through* human rights that extended beyond this. Interviewees considered themselves to be providing effective education in this area through developing to a certain extent some of the values necessary for creating a rights respecting learning environment, or through facilitating adequate behaviour management processes or a general values-based ethos in the classroom or school. Additional components of rights respecting learning environments that are integral to the provision of holistic education *through* human rights – such as effective participation and voice, couched in the language of human rights and as formulated under the international HRE framework – were being insufficiently developed, however. Whilst these teachers were not therefore educating in accordance with the requirements of the international framework, they once again considered themselves to be providing effective education in this area through encouraging to a certain extent some of the relevant capacities.

Chapters 5 and 6 thus revealed comparable deficiencies in HRE: that key components of the tripartite framework are ostensibly being insufficiently addressed, yet teachers consider themselves to be providing effective education through developing relevant values within the primary learning environment. And Chapter 7 did not buck this trend. Whilst once again, the interview data indicated that teachers support the idea that learners should be empowered to recognise and address injustice, inequality and human indignity, they nevertheless betrayed concerns about the practice of education *for* human rights. Some empowerment-related skills were therefore not being instilled, and teachers were ostensibly not addressing the human rights values underlying broader community engagement.

Some of the reservations expressed by teachers about education *for* human rights were again pragmatic: that they had neither the time nor the support from government to engage learners in empowering activities, for example. Other concerns were more fundamental, however. A number of interviewees saw skills such as critical reflection, advocacy and activism as complex or antagonistic, and thus inappropriate for the learning environment. Some considered themselves to be developing these skills efficaciously when relating their teaching in this area to behaviour management or the immediate learning environment, and others suggested that by teaching ‘soft’ skills, such as fairness and confidence, they were adequately addressing empowerment-related skills with their learners.

As with education *about* and *through* human rights, therefore, practice in English primary classrooms and schools is unlikely to accord with the requirements of education *for* human rights. Chapter 7 indicated that although teachers often think that they are providing effective education in this area, in many cases they are not developing the skills, values and processes necessary for truly effective empowerment. Whilst the practice of education *for* human rights in English primary schooling equips learners with some of the skills necessary for empowerment and engages them to certain degree in relevant community activities, learners are nevertheless likely to be emerging from primary education without the values, skills and experience necessary to effect genuine change through the promotion and defence of human rights.

Each of these chapters revealed deficiencies in the provision of education *about*, *through* and *for* human rights in my interviewees’ schools. Whilst teachers were seemingly engaging in teaching practices that accorded with each element of the framework, they were insufficiently addressing key components of all three. Their justifications for this were similar across the elements: some teachers were influenced to a greater extent by practical constraints, such as lack of time or an absence of governmental direction; whereas others had more fundamental issues with the nature of educating *about*, *through* and *for* human rights. Issues concerning the appropriateness of human rights as a topic for young learners, or about the potential loss of control in a rights respecting learning environment, or surrounding the complexity and irrelevance of certain empowerment-related skills, resulted in many

teachers providing a somewhat diluted version of the tripartite framework, based predominantly on the values that they considered to be relevant and appropriate for primary learners.

The consequence of this is that whilst teachers consider themselves to be educating effectively in each of these areas, in reality a number of key components that would be likely to contribute to a change in the wider culture of human rights are missing. Primary educational practice in England arguably cannot therefore be said to be delivering holistic and comprehensive HRE that remedies the lack of national policy engagement in this area. What, then, should be done about the current situation? It is to the important question of whether practice should be as it is that I now turn.

### **8.3 SHOULD CURRENT PRACTICE BE AS IT IS?**

It is important at the start of this section to again acknowledge the limitations of this research. Whilst my quantitative survey data is more representative than the observations drawn from the subsequent qualitative interviews, neither data set is representative.<sup>4</sup> The following suggestions concerning whether current practice should be as it is are based in large part on the findings from these data sets, and must therefore be considered in light of this caveat regarding representativeness. However, because some of the participants in this research may have an existing interest in HRE,<sup>5</sup> it seems reasonable to suggest that if the more enthusiastic and engaged teachers express concerns about certain aspects of education *about, through* and *for* human rights, it is likely that such reservations would be present to a greater extent amongst a wholly representative sample of primary teachers. The empirical findings in this thesis may therefore represent something of a best-case scenario.

Some further limitations of this research project should also be acknowledged. There were a number of research variables that are likely to have been relevant to both differences between and deficiencies in particular teaching practices, including whether schools were: denominational or non-denominational; public or private; in urban or rural areas; and whether they were participating in particular educational

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<sup>4</sup> For more detailed information on this, see Chapter 4 at section 4.3.

<sup>5</sup> See Chapter 4 at section 4.3.4.

initiatives such as UNICEF's Rights Respecting Schools Award,<sup>6</sup> or Amnesty's Human Rights Friendly School programme.<sup>7</sup> I made the choice not to explore the influence of these factors in this thesis, aiming instead to capture a more holistic overview of practice in schools and to explore the reasons provided by teachers themselves for their practice regarding education *about, through* and *for* human rights. It must be acknowledged, however, that these research variables are likely to have influenced both my quantitative and qualitative empirical data.<sup>8</sup>

A straightforward answer to the question of whether current practice regarding the provision of education *about, through* and *for* human rights in English primary schooling should be as it is can be drawn from consideration of the international HRE framework. As emphasised in Chapter 2,<sup>9</sup> the UK has not only signed up to and accepted a number of the key international instruments and initiatives, but has also expressed support for UNDHRET. A simple answer to the question at issue would then be that current primary education policy and practice in England does not accord with the requirements of the international framework regarding the provision of HRE, and should be reformed or addressed accordingly.

In light of the complexities of practice revealed by my empirical findings, however, such a rudimentary response seems insufficient. Chapters 5 to 7 suggested that key components of each element of the framework are being insufficiently addressed in primary school practice, and these components are arguably those likely to be able to contribute to the building of a broader human rights culture. Ensuring that learners have an explicit understanding of the rights to which they are entitled, as well as equipping them with the skills necessary for challenging the views to which they are exposed, for example, are key elements for building such a culture that were being inadequately addressed by some teachers in this research.

Whilst some of the reasons provided by my interviewees for certain aspects of HRE being insufficiently addressed were pragmatic, this in itself is inadequate justification

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<sup>6</sup> For more information on this, see Chapter 5 at section 5.2.1.

<sup>7</sup> For further information, see <https://www.amnesty.org/en/human-rights-education/human-rights-friendly-schools/>.

<sup>8</sup> I hope to explore a number of these research variables in my future research, in particular the influence of a school being either denominational or non-denominational, and the effect in practice of initiatives such as the RRSA.

<sup>9</sup> See Chapter 2 at section 2.2.5.

for ineffective practice, for ‘children’s rights cannot be ignored because they are administratively inconvenient’.<sup>10</sup> Other justifications for ineffective practice are deeper and more complex, however. Teachers are seemingly influenced by broader societal perceptions of human rights, which is likely to result in the cyclical problem identified in Chapter 5:<sup>11</sup> learners are not taught holistically *about, through* and *for* human rights; they emerge from formal schooling without the knowledge and understanding necessary to challenge and change attitudes; these learners become teachers and are affected by the same attitudes, and so on. Human rights thus remain marginalised, and the continuation of widespread, predominantly negative, societal attitudes towards them subsists.

If this situation is to be addressed, and if we are to find a way of educating *about, through* and *for* human rights that accords with the suggestions of the international HRE framework, then change is necessary. My research findings have indicated that the barriers to the practice of HRE in England may be more complex and ingrained than simply a lack of guidance within education policy documents, or the absence of a mandate from Government to teach in this area. Even with the publication of relevant guidance, it is likely that teachers’ attitudes would remain a significant obstacle to the provision of truly effective HRE. My empirical data suggested that teachers have a number of entrenched concerns with both the theory and practice of such education in the formal learning environment, and this in turn is likely to be a reason underlying their conflation of HRE with the teaching of relevant age-appropriate values. The data further suggested that teachers were often reluctant to draw upon the express terminology of human rights, and were more comfortable educating in this area through teaching about the values that learners are likely to experience in the school environment.

Whilst teaching on some of the values at the root of education *about, through* and *for* human rights is arguably better than no education at all in this area, the pluralities of interpretation and meaning in English primary school practice are a clear obstacle to the provision of holistic and effective HRE that not only accords with the UK’s international agreements in this area, but is also likely to challenge negative societal conceptions and contribute to a broader human rights culture. Teachers’

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<sup>10</sup> Osler, A., *Students’ Perspectives on Schooling* (Open University Press, Maidenhead 2010), 106.

<sup>11</sup> Chapter 5 at section 5.3.4.

interpretation of HRE as relating solely to the values considered to be at its core means that learners are unlikely to be equipped with the language of human rights or the broader understanding of human rights as a universal framework. A values framework, for example, would, probably not provide learners with the ability to recognise violations of their rights; and participation and voice only through the ethos of the classroom or school is weaker than the truly democratic learning environment envisaged by the HRE framework. Equally, empowering learners only in the immediate learning environment and omitting to instill certain empowerment-related skills represents less powerful educational engagement than the HRE framework aims to achieve. The cyclical problem identified above is thus likely to endure.

If the current international framework for HRE is to be followed, therefore, the problems caused by the pluralities of interpretation and meaning flagged up by this research would need to be addressed. Even with express instruction from Government mandating the need to provide HRE, teachers may still draw upon their own reservations and educate in a way that significantly diluted the effectiveness of education *about, through* and *for* human rights. This is why optional programmes, such as the recently publicised ‘Speak Truth to Power’,<sup>12</sup> are unlikely to have a widespread impact upon HRE practice in England in the absence of broader structural changes. Teachers arguably need to be equipped with the tools and understanding that will prevent them from educating ineffectively because of their own personal concerns about HRE. My empirical data suggested that teachers are comfortable with primary learners being taught about relevant values; this, then, should be used as the foundation upon which holistic education *about, through* and *for* human rights can be built.

I have suggested in this research that teachers’ reservations regarding: the complexity of human rights as a subject matter; the disorder that could result from developing rights respecting learning environments; and the inability of learners to engage with empowerment-related skills, are largely unfounded and are likely to be affected by negative societal conceptions of human rights. In order to overcome the influence of these conceptions, therefore, teachers need may to become more accepting of the

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<sup>12</sup> Discussed in Chapter 3 at section 3.4.2.5.

idea of HRE in the formal learning environment, and here, existing practice may be instructive.

For example, some of my interviewees indicated that sex education was previously viewed as controversial in the primary setting for many of the same reasons as HRE currently is: that the subject matter is inappropriate; that learners do not require an understanding of these issues at such a young age; and that parents are likely to object to its provision.<sup>13</sup> Whilst sex education is currently not compulsory in English primary education,<sup>14</sup> the vast majority of schools include it in their curriculum.<sup>15</sup> Indeed, when discussing HRE at primary level, a number of my interviewees drew direct comparisons with sex education, identifying the crucial element for effective teaching to be the sense of progression in the subject matter:<sup>16</sup> from young learners understanding the importance of relationships with family and friends to older learners understanding the changes happening to their bodies in adolescence. If HRE could similarly be considered as a coherent framework with a sense of progression – from learning about the values and principles underpinning human rights at the early stages of primary schooling to being equipped with an understanding of the human rights framework and its terminology, as well as a grasp of more difficult abstract values such as freedom and justice, in the upper stages – then teachers may be more willing to engage with it.<sup>17</sup>

Furthermore, if HRE was encouraged at a broader policy level in the same way as British values currently is, then teachers may be more likely to engage with the subject matter. As discussed in Chapter 3, there is scope for interpreting British values within a framework that draws upon universal human rights values and principles,<sup>18</sup> yet this is currently neither encouraged nor ostensibly supported by the

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<sup>13</sup> Interviews 4, 8, 10, 15, 23, 26, 28, 32 & 33.

<sup>14</sup> Riley-Smith, B., 'Sex Education 'should be made compulsory in primary schools' (The Telegraph, 17 February 2015) (available at: <http://www.telegraph.co.uk/news/politics/11416312/Sex-education-should-be-made-compulsory-in-primary-schools.html> [last accessed 20 August 2015]); & Bloom, A., 'Make Sex Education compulsory in primary schools, say MPs' (TES, 17 February 2015) (available at: <https://www.tes.com/news/school-news/breaking-news/make-sex-education-compulsory-primary-schools-say-mps> [last accessed 20 August 2015]).

<sup>15</sup> See *PSHE Association, Sex and Relationship Education* (available at: <https://www.pshe-association.org.uk/content.aspx?CategoryID=1172> [last accessed 20 August 2015]).

<sup>16</sup> Interviews 4, 8, 10, 28 & 33.

<sup>17</sup> Some suggestions for how such a sense of progression might look regarding the provision of HRE at primary level are provided by Colm O'Cuanacháin in *Human Rights Education in an Irish Primary School* (Unpublished PhD thesis, University of Leicester 2004) at 149-150 & 163-172.

<sup>18</sup> See Chapter 3 at section 3.4.2.4.



Government. By including HRE as an explicit component of the British values guidance, however, confusion regarding the nature of the values to be taught could be minimised. Chapter 3 identified that British values can either be interpreted as those values that are deemed to be unique to British people, or in a broader context as those values that are seen as important to the people of this country.<sup>19</sup> Express acknowledgement from the Government that the latter represents the correct interpretation may remove much of the confusion and potential for subversive and discriminatory interpretation currently plaguing the guidance. As the UK has signed up to most of the key international human rights instruments, there are legitimate grounds for interpreting so-called 'British values' in the broader context of the universal human rights values enshrined within these documents.

Such changes would be likely to have an effect upon attitudes to human rights within formal primary education, and may represent a small step towards alleviating the prevalence of broader negative societal attitudes. Whilst suggesting that making small changes within the framework of primary schooling in England may lead to change in the broader human rights culture is arguably idealistic, this in itself is no reason to avoid trying. And in this regard, this research is particularly topical, given the plans by the current Conservative Government to abolish the Human Rights Act (1998) (HRA) and replace it with a Bill of Rights. Human rights protection in the UK is at serious risk of being diluted with the Government's potential reforms,<sup>20</sup> which means that the provision of effective HRE with young learners is even more important. With domestic human rights protection at risk, recognition of the UK's international obligations becomes of even greater significance and consequence. Whether or not the Government is successful in replacing the HRA with a Bill of Rights, the UK's agreement to educate *about*, *through* and *for* human rights remains unaltered. If the HRA is abolished, however, these international obligations and soft-law requirements become of increased importance for ensuring that attitudes towards human rights in England do not become more negative, and that human rights does not disappear completely not only from our system of formal education, but also from our broader cultural landscape.

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<sup>19</sup> Ibid.

<sup>20</sup> See e.g. Webber, F., 'UK: the way to pariah status in Europe' (2013) 55(2) *Race and Class* 99-108.

## 8.4 CONCLUSION

The UK has endorsed instruments and initiatives at both the international and regional levels that necessitate the inclusion of each element of education *about*, *through* and *for* human rights at every stage of formal education, including within primary schooling. This research has shown, however, that these elements of the tripartite framework are unlikely to be translating into comprehensive and consistent primary education policy or practice. It is reasonable to suggest, therefore, that England is not currently complying with its international HRE commitments.

In the absence of effective education *about*, *through* and *for* human rights, the troubling attitudes towards human rights revealed in my empirical research are likely to continue, with teachers unwilling to teach that democracy is a good thing, or that homophobia and racism are unacceptable, for example. Learners are in turn likely to emerge from primary education without any prejudiced values and opinions having been challenged, and without being truly empowered to feel that they are able to change the status quo. Widespread negative – or perhaps in many of the examples identified in this research, ignorant – attitudes towards human rights are then only likely to endure. The English education system is ostensibly failing to challenge some patently troubling attitudes towards these difficult issues, and broader education on values seems not to be providing an adequate substitute for effective and empowering HRE.

This research has contributed to knowledge in the HRE field by highlighting not only that education *about*, *through* and *for* human rights may provide a useful and plausible framework for assessing the effectiveness of state practice in the provision of HRE, but also for identifying, and seeking to better understand, a number of the barriers to such education in formal primary schooling in England. My suggestion that deficiencies in HRE implementation at the national level are not simply the result of insufficiencies in education policy, but are affected also by the entrenched concerns of teachers themselves, suggests that policy reform would be a necessary but insufficient response: it would not address the totality of the problem.

Whilst providing specific programmatic recommendations for taking education *about*, *through* and *for* human rights in English primary education more seriously extends

beyond the scope of this research, the deficiencies I have identified are likely to be addressed only through a combination of policy reform and targeting the attitudes and concerns of teachers. The former is likely to require not only providing a clear mandate for the provision of HRE at primary level,<sup>21</sup> but also alleviating other pressures on teachers. The current – and increasing – overregulation of teachers’ time may not be equipping them with the necessary flexibility for engaging effectively with HRE. The latter meanwhile is likely to be assisted through increased and effective HRE provision in teacher training<sup>22</sup> – including equipping teachers with the necessary tools for translating abstract concepts into age-appropriate teaching – and by enabling them to view and understand HRE as a progressive framework, as outlined above.<sup>23</sup>

Through changes such as these at the domestic level, we might witness a gradual cultural shift regarding HRE. Teachers may be more confident about their teaching practice when they have a better grasp of the concepts and terminology involved, and they would be equipped with the tools to enable them to be more critical and questioning of populist and reductive human rights rhetoric. As a result, they would be more likely to start viewing HRE as part of their natural role in the classroom. Learners in turn would consider instruction in this area to be a standard part of their education, and would emerge from formal primary schooling with the HRE knowledge, understanding and capacities that would be likely to contribute to the building of a universal culture that is respectful of human rights. 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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<sup>21</sup> Such as through the British values guidance, as discussed at section 8.3, or through citizenship education if this subject had more of a prominent place within the primary curriculum; though for some potential problems with addressing HRE through citizenship, see Osler, A., ‘Human Rights Education: The Foundation of Education for Democratic Citizenship in our Global Age’ in Arthur, J., I. Davies & C. Hahn (eds), *The SAGE Handbook of Education for Citizenship and Democracy* (SAGE Publications, London 2008) 455-467.

<sup>22</sup> For suggestion on how this might be achieved, based upon empirical research that I carried out in 2013 with each of the Scottish universities currently providing Initial Teacher Education, see: Struthers, A., *Building Blocks for Improving Human Rights Education within Initial Teacher Education in Scotland* (2015, Centre for Human Rights in Practice).

<sup>23</sup> The means through which the provision of effective education *about*, *through* and *for* human rights can be implemented successfully within English formal primary schooling will be the subject of my future research in this area, and already forms part of work that I am undertaking through the Centre for Human Rights in Practice at the University of Warwick and through consultancy work with the Legal Education Foundation.

In sum, the provision of effective education *about, through* and *for* human rights is an international requirement that the UK ought to be respecting, particularly at the level of formal primary schooling. It is arguably also critical and empowering in a way that values education is not, and is necessary for enabling learners to contribute to the building of a universal culture of human rights based on values such as freedom, equality, dignity and justice developing across a child's school experience. If England is to meet its international commitments in this area, however, much work must be done at the national level. The international framework can only take us so far, and a sophisticated, coherent and comprehensive domestic response is needed if HRE is to be taken seriously in English formal education.

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## Appendix 1: Prevalence of Survey Values within the UDHR, the Core Human Rights Instruments and UNDHRET

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*Table 1: Equality, Justice, Non-Discrimination and Dignity*

	Equality	Justice	Non-Discrimination	Dignity
<b>Universal Declaration of Human Rights 1948</b>	Preamble Articles 1, 7, 10, 16, 21, 23 & 26	Preamble Article 23	Articles 7 & 23	Preamble Articles 1, 22 & 23
<b>International Convention on the Elimination of All Forms of Racial Discrimination 1965</b>	Preamble Articles 1, 2 & 5	Article 5	Preamble Articles 1, 2, 4, 5 & 7	Preamble
<b>International Covenant on Civil &amp; Political Rights 1966</b>	Preamble Articles 3, 14, 23, 25 & 26.	Preamble Article 14	Articles 4, 20, 24 & 26.	Preamble Article 10
<b>International Covenant on Economic, Social &amp; Cultural Rights 1966</b>	Preamble Articles 3, 7 & 13	Preamble Article 7	Articles 2 & 10	Preamble Article 13
<b>Convention on the Elimination of All Forms of Discrimination Against Women 1979</b>	Preamble Articles 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16	Preamble	Preamble Articles 1, 2, 4, 7, 8, 10, 11, 12, 13, 14 & 16	Preamble
<b>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment 1984</b>	Preamble	Preamble	Article 1	Preamble
<b>Convention on the Rights of the Child 1989</b>	Preamble Articles 28, 29, 31 & 40	Preamble	Article 2	Preamble Articles 23, 28, 37, 39 & 40

<b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990</b>	Articles 18, 25, 28, 30, 43, 44, 45, 54 & 55	Article 18	Articles 7 & 13	Articles 17 & 70
<b>International Convention for the Protection of All Persons from Enforced Disappearance 2006</b>	–	Preamble Article 3	–	Articles 19 & 24
<b>Convention on the Rights of Persons with Disabilities 2006</b>	Preamble Articles 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29 & 30	Preamble Articles 13 & 27	Preamble Articles 2, 3, 4, 5, 6, 23, 24, 25, 27, 28, 29 & 30	Preamble Articles 1, 3, 8, 16, 24 & 25
<b>UN Declaration on Human Rights Education &amp; Training 2011</b>	Articles 4 & 5	Preamble	Articles 4 & 5	Preamble Article 5

*Table 2: Freedom, Fairness, Tolerance, Respect and Solidarity*

	<b>Freedom</b>	<b>Fairness</b>	<b>Tolerance</b>	<b>Respect</b>	<b>Solidarity</b>
<b>Universal Declaration of Human Rights 1948</b>	Preamble Articles 1, 13, 16, 18, 19, 20, 23, 27	Article 10	Article 26	Preamble Article 26	–
<b>International Convention on the Elimination of All Forms of Racial Discrimination 1965</b>	Articles 1, 2, 5 & 6	–	Article 7	Preamble	–
<b>International Covenant on Civil &amp; Political Rights 1966</b>	Preamble Articles 1, 7, 12, 18, 19, 22, 23 & 47	Article 14	–	Preamble Articles 10, 18 & 19	–

<b>International Covenant on Economic, Social &amp; Cultural Rights 1966</b>	Preamble Articles 1, 6, 8, 10, 13, 15 & 25	Article 7	Article 13	Preamble Articles 13 & 15	–
<b>Convention on the Elimination of All Forms of Discrimination Against Women 1979</b>	Preamble Articles 1, 3, 11, 15 & 16	–	–	Preamble	–
<b>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment 1984</b>	Preamble	Articles 7 & 14	–	Preamble	–
<b>Convention on the Rights of the Child 1989</b>	Preamble Articles 12, 13, 14, 15, 29 & 31	Article 40	Preamble Article 29	Articles 2, 5, 8, 9, 10, 14, 29, 31, 37, 39 & 40	Preamble
<b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990</b>	Articles 8, 12, 13, 26, 39, 42, 52 & 53	Articles 15 & 18	–	Articles 7, 12, 13, 17, 31 & 34	–
<b>International Convention for the Protection of All Persons from Enforced Disappearance 2006</b>	Preamble Articles 19, 24 & 25	Articles 11 & 24	–	Preamble	–
<b>Convention on the Rights of Persons with Disabilities 2006</b>	Preamble Articles 1, 2, 3, 4, 6, 7, 15, 16, 18, 21, 23, 24, 25, 27 & 29	Article 25	–	Articles 1, 3, 8, 12, 16, 17, 22, 23, 24 & 31	–
<b>UN Declaration on Human Rights Education &amp; Training 2011</b>	Preamble Articles 1, 2, 4, 6, 7,	–	Preamble Article 4	Preamble Articles 1 & 2	–

## Appendix 2: Department of Education and Ministry of Justice Emails

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*Email 1: Response from Department of Education (email sent via online text query facility, but was similar to the email below sent to the Ministry of Justice)*

**Department for Education: 2015-0027315 CRM:0095066**

From: **Unmonitored.ACCOUNT@education.gsi.gov.uk**

Sent: 30 June 2015 10:08:55

To: a.e.c.struthers@warwick.ac.uk

Dear Ms Struthers

Thank you for your email of 12 June about human Rights in education and training.

In regard to your enquiry, the only area where the department makes reference to human rights is in the Citizenship Education programme of study for key stage 4<<https://www.gov.uk/government/publications/national-curriculum-in-england-citizenship-programmes-of-study/national-curriculum-in-england-citizenship-programmes-of-study-for-key-stages-3-and-4>>, where pupils should be taught about human rights and international law.

The department has not produced any guidance to support the teaching of this, just the programme of study.

As you may know, The Equality Act 2010 provides legal protection against different types of discrimination in the education setting and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It consolidated the: Sex Discrimination Act 1975; Race Relations Act 1976 and the Disability Discrimination Act 1995.

I have been advised by respective policy colleagues that your enquiry rests with the Ministry of Justice. You can direct your enquiry to them at:

102 Petty France

London

SW1H 9AJ



Or, you may wish to email them at:

general.queries@justice.gsi.gov.uk<mailto:general.queries@justice.gsi.gov.uk> or

alternatively, you may to telephone on: 020 3334 3555.

I hope this has clarified the position for you.

Your correspondence has been allocated reference number 2015-0027315. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.education.gov.uk/pcusurvey>.

Yours sincerely

Lesley Humphreys

Ministerial and Public Communications Division

Web: <https://www.education.gov.uk><<https://www.education.gov.uk/>>

Twitter: <https://www.twitter.com/educationgovuk>

Facebook: <https://www.facebook.com/educationgovuk>

[<https://www.education.gov.uk/images2/iris/dfc.png>]

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

*Email 2: To Ministry of Justice: No reply received*

### **UN Declaration on Human Rights Education and Training**

From: **Alison Struthers** (alison.struthers@live.co.uk)

Sent: 01 July 2015 16:55:44

To: general.queries@justice.gsi.gov.uk (general.queries@justice.gsi.gov.uk)

Dear Sirs,

I work for the Centre for Human Rights in Practice at the University of Warwick and am looking to find out whether the Ministry of Justice has drafted or published any documents relating to the UN Declaration on Human Rights Education and Training (2011)?

In March 2011, Lord McNally expressed support for the Declaration (<https://www.gov.uk/government/news/un-declaration-on-human-rights-education-and-training>) and I would be interested to know if your department, or the Department for Education, has been involved with its implementation since then?

Many thanks in advance for your time, and for any information that you might be able to give me.

Kind regards

Alison Struthers

### Appendix 3: Interviewee Year Groups and Interview Dates

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Interviewee	Year Group Taught	Date of Interview
1	Years 3 – 6	3 October 2013
2	Year 6	8 October 2013
3	Year 2	8 October 2013
4	EYFS (nursery)	9 October 2013
5	Head teacher	9 October 2013
6	EYFS (reception) – Year 2	10 October 2013
7	EYFS (reception) – Year 2	16 October 2013
8	EYFS (reception) – Year 2	16 October 2013
9	Deputy head teacher	17 October 2013
10 (2 interviewees at same school)	EYFS (reception) – Year 2 & Head teacher	17 October 2013
11	Years 5 – 6	18 October 2013
12	Year 6	21 October 2013
13	Year 4	21 October 2013
14	Head teacher	23 October 2013
15	Head teacher	23 October 2013
16	EYFS (reception) – Year 6	23 October 2013
17	Year 5	24 October 2013
18	Year 5	24 October 2013
19	Head teacher	25 October 2013
20	Year 5	30 October 2013
21	Head teacher	4 November 2013
22	Year 6	5 November 2013
23	Head teacher	6 November 2013
24	Years 1 – 2	19 December 2013
25	EYFS (reception)	20 January 2014
26	EYFS (reception)	24 January 2014

27	Head teacher	27 January 2014
28	Head teacher	27 January 2014
29	EYFS (reception)	28 January 2014
30	Year 6	11 February 2014
31	Year 5	12 February 2014
32	Year 3	28 January 2014
33	Years 4 – 5	29 January 2014
34	Year 6	29 January 2014
35	EYFS (reception) – Year 1	30 January 2014
36	Year 2	31 January 2014
37	Year 5	31 January 2014
38	Head teacher	4 February 2014
39	Years 5 – 6	4 February 2014
40	Head teacher	5 February 2014
41	Year 6	7 February 2014
42	Year 5	10 February 2014
43	Deputy head teacher	12 February 2014

## Appendix 4: SurveyMonkey Survey

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The aim of this survey is to better understand the practice of teaching values and human rights in primary classrooms in England. It should take approximately 5 minutes to complete.

1. Please indicate what primary year you currently teach and in which English county you are based:

Year:

County:

2. Based upon your own understanding of their meanings, to what extent would you say that you address the following values in your classroom teaching?

	Addressed very often	Addressed often	Addressed occasionally	Not addressed at all
Equality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Justice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-Discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dignity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Freedom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fairness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tolerance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Respect for Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solidarity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. What other values would you add to this list that you consider to be central to your classroom teaching?

4. Do you teach pupils expressly about human rights?

Yes

No

5. If so, under which curriculum areas do you do this? (tick all that apply)

- English
- Geography
- Citizenship
- History
- PSHE
- RE

Other (please specify)

6. To the extent that you do teach human rights in your classroom, do you include express reference to any of the following? (tick all that apply)

- Specific human rights
- International human rights documents e.g. UN Convention on the Rights of the Child
- Human Rights Act 1998
- Organisations relevant to human rights protection e.g. United Nations
- The work of organisations active in the promotion of human rights e.g. Amnesty International or smaller local charities

7. If you do not teach about human rights in your classroom, what are your reasons for this? (tick all that apply)

- Insufficiency of personal knowledge about human rights
- Lack of relevant training in human rights
- Lack of appropriate resources addressing human rights
- Absence of available time
- Lack of direction within the curriculum
- Personal reservations about teaching human rights

Other (please explain)

8. Do you feel that you are required by the National Curriculum to teach pupils about human rights?

Yes

No

If yes, under which subject area(s)?

The final questions relate to practices within the classroom and school that reflect certain values and human rights ideas.

9. To what extent would you say that the following statements accurately describe your classroom?

	Very accurate	Somewhat accurate	Not at all accurate
A class charter expressly details the rights of those in the class	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils help to draft the class charter and include those rights that they consider most important	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils use the language of human rights in the classroom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils express any dissatisfaction with classroom practice using the language of rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils are able to speak and express themselves freely in the classroom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils' opinions are listened to and given due consideration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils are involved in classroom decision-making e.g. about what topics will be studied and how free time will be spent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Classroom decision making is conducted democratically	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. Based upon your own understanding of their meanings, to what extent would you say that you actively foster the following skills in pupils within the classroom environment?

	Fostered to a great extent	Fostered to some extent	Not fostered at all
Confidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Expression	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Empathy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conflict resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Critical reflection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Activism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability to analyse situations in moral terms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. To what extent would you say that the following statements accurately describe the school more widely?

	Very accurate	Somewhat accurate	Not at all accurate
A school charter expressly details the rights of pupils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils are given a voice in the running of the school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils are afforded the opportunity to sit on a pupil council	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Elections for the pupil council are carried out democratically	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The pupil council is actively involved and listened to when decisions are made about the running of the school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pupils are provided with the opportunity to actively participate in community activities that aim to improve their understanding of values such as equality and justice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



12. Would you be willing to be contacted for a short follow up interview regarding your teaching practice and your views in this area?

If yes, please leave preferred contact details.

Name:

Preferred contact details:

## Appendix 5: English Counties Represented by Survey Respondents

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Number of survey respondents to the question: 375

County	Number of Respondents	Percentage of Respondents
West Sussex	44	11.7
Gloucestershire	35	9.3
Devon	29	7.7
Lancashire	26	6.9
Somerset	24	6.4
Hertfordshire	24	6.4
Warwickshire	23	6.1
West Yorkshire	22	5.9
Essex	21	5.6
Herefordshire	20	5.3
West Midlands	20	5.3
Dorset	11	2.9
Greater London	10	2.7
Cambridgeshire	7	1.9
North Yorkshire	5	1.3
Derbyshire	5	1.3
Tyne and Wear	4	1.1
East Riding of Yorkshire	4	1.1
Staffordshire	2	0.5
Buckinghamshire	2	0.5
Northamptonshire	2	0.5
South Yorkshire	1	0.3
Bristol	1	0.3
Greater Manchester	1	0.3
Hampshire	1	0.3

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Oxfordshire	1	0.3
Durham	1	0.3
City of London	1	0.3
Incorrectly Specified	28	7.5

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## Appendix 6: Qualitative Interview Schedule

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### INTERVIEW SCHEDULE

#### Section I: Values Education in the Classroom

*You indicated in your survey that [use survey information on values from Question 2 here] are taught within your classroom.*

1. Can you tell me more about your teaching practice regarding the teaching of these values in your classroom?
2. What do you consider the term ‘values education’ to mean in a primary school context?
3. Are there any values – from the survey list or from your own teaching practice – that you think are particularly important in a primary school setting?
4. Why do you teach values education in your classroom – do you consider it to be a compulsory element of primary education?
5. Do you consider the teaching of values to be important in primary school? Why?

#### Section II: HRE in the Classroom

1. What do you consider the term HRE to mean in a primary school context?

*You indicated in your survey that you [do/do not] teach pupils expressly about human rights and that this teaching [does/does not] include express reference to specific human rights and to relevant human rights instruments.*

1. Why do/don’t you teach expressly about human rights in your classroom?
2. Can you tell me a little bit more about the teaching of human rights in your classroom? Examples.

*[Follow up questions if not answered:*

*(a) Do you teach specific lessons about human rights?*

*(b) What do you do/cover in these lessons?*

*(c) If you don't teach specific lessons about human rights, how do you incorporate HRE into your teaching practice?*

*(d) Have you received specific guidance at any point about incorporating HRE into your lessons? If so, from whom/where?*

3. Do you think that education for children at each stage of primary school is/would be improved or impeded through express use of the language of human rights and by reference being made to particular human rights ideals, such as freedom of expression, human dignity or respect for the rights of others?

*You indicated in your survey that [use survey information on barriers to HRE from Question 7 here] impacts upon your teaching of human rights.*

1. Can you elaborate further about how these barriers affect your teaching practice in this area?

*[If 'personal reservations about teaching human rights' was selected as an answer, then ask follow up question regarding the nature of this reservation.]*

2. Have you come across any additional barriers to the teaching of HRE in primary schools?

3. There is a lot of talk within HRE about creating a 'rights respecting learning environment' in classrooms. (a) What would you consider a 'rights respecting learning environment' to be? (b) Given your responses to the statements in the survey [*statements in Question 9*], would you describe your classroom as having a rights respecting learning environment? (c) What do you think about this idea of a rights respecting classroom?

4. There is also much discussion about children's 'active participation' in classrooms and schools. (a) What would you consider 'active participation' in classrooms and schools to mean? (b) Given your responses to the statements in the survey [*statements in Question 11*], would you describe your classroom and your school as fostering active participation? (b) What do you think about this idea of active participation within a classroom setting and within the school more widely?

*You indicated in your survey that [use survey information on skills from Question 10 here] are actively fostered within the learning environment.*

1. How are these skills fostered in your classroom?

*[Depending on the survey response to the skills question, probe more deeply into why certain skills are fostered and not others]*

### **Section III: Teacher Opinions on Human Rights**

1. What do you understand 'human rights' to mean?

2. When teaching about human rights, do you think your own opinions are or could be apparent?

3. Do you have any reservations about teaching human rights to children of primary school age?

4. Do you consider there to be any particular advantages or disadvantages of teaching HRE in addition to, or in place of, more general education on values?

5. Do you feel there are any external influences that affect teaching practice in this area, either in a positive or negative way?

6. Would you in any way consider the international law in this area, such as the UNCRC, to influence your teaching of human rights in the classroom?

## Appendix 7: English Counties Represented by Interviewees

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Number of interviewees: 44

County	Number of Interviewees	Percentage of Interviewees
Devon	7	15.9
Yorkshire	7	15.9
Lancashire	6	13.6
Warwickshire	4	9.0
Gloucestershire	3	6.8
Hertfordshire	3	6.8
West Sussex	3	6.8
Herefordshire	2	4.5
Somerset	2	4.5
Buckinghamshire	1	2.3
Derbyshire	1	2.3
Dorset	1	2.3
Essex	1	2.3
Northamptonshire	1	2.3
Oxfordshire	1	2.3
West Midlands	1	2.3

## Appendix 8: Number of Pupils Eligible for Free School Meals at Interviewee Schools\*

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2012 National Average for England (primary state-funded): 26.2%

Average for Interviewee Schools: 19%

<b>School 1</b>	1.9%	<b>School 22</b>	19.6%
<b>School 2</b>	8.4%	<b>School 23</b>	3.9%
<b>School 3</b>	4.4%	<b>School 24</b>	13.2%
<b>School 4</b>	29.9%	<b>School 25</b>	42.3%
<b>School 5</b>	12.9%	<b>School 26</b>	5.6%
<b>School 6</b>	8.5%	<b>School 27</b>	10.4%
<b>School 7</b>	5.4%	<b>School 28</b>	22.6%
<b>School 8</b>	19.4%	<b>School 29</b>	5.4%
<b>School 9</b>	49% <sup>1</sup>	<b>School 30</b>	N/A
<b>School 10</b>	24.3%	<b>School 31</b>	20.1%
<b>School 11</b>	13.9%	<b>School 32</b>	55.2%
<b>School 12</b>	11.7%	<b>School 33</b>	20.1%
<b>School 13</b>	62.2%	<b>School 34</b>	8%
<b>School 14</b>	31%	<b>School 35</b>	18.4%
<b>School 15</b>	24.3%	<b>School 36</b>	27.2%
<b>School 16</b>	34.9%	<b>School 37</b>	43%
<b>School 17</b>	7.1%	<b>School 38</b>	7.5%
<b>School 18</b>	15.1%	<b>School 39</b>	12.7%
<b>School 19</b>	16.9%	<b>School 40</b>	30.5%
<b>School 20</b>	21.8%	<b>School 41</b>	4.8%
<b>School 21</b>	12.4%	<b>School 42</b>	14.9%

\* Except where otherwise indicated, 2012 data obtained from Ofsted School Data Dashboard: <http://dashboard.ofsted.gov.uk/dash.php?urn=107903> (last visited 13 December 2013). The data for one school was not available.

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<sup>1</sup> Information obtained from school website [last accessed 13 December 2013].



## Appendix 9: Qualitative Coding Framework

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*Note: 'HR' in the coding frame refers to 'human rights'.*

### Section I: Values Education in the Classroom

#### Category: Values Education

##### Subcategory 1: Discrete Teaching

Code: CURRICULUM SUBJECT AREAS & RELATED INITIATIVES

Code: EXTRA CURRICULAR

##### Subcategory 2: Non-discrete Teaching

Code: CLASSROOM ETHOS

Code: SCHOOL ETHOS

Code: BEHAVIOUR MANAGEMENT

Code: FAMILY VALUES

##### Subcategory 3: Age-appropriateness

Code: ALL AGES

Code: OLDER

Code: NOT LANGUAGE

#### Category: Values Taught

Code: FAIRNESS

Code: RESPECT

Code: EQUALITY

Code: JUSTICE

Code: NON-DISCRIMINATION

Code: DIGNITY

Code: SOLIDARITY

Code: FREEDOM

Code: TOLERANCE

#### Category: Role of Values Education

Code: PERSONAL SKILLS

Code: FITTING LEARNERS FOR SOCIETY

Code: CHALLENGE VIEWPOINTS

## **Section II: HRE in the Classroom**

### **Category: HRE Teaching**

#### **Subcategory 1: Discrete Teaching**

Code: FREESTANDING HRE TOPIC

Code: CURRICULUM SUBJECT AREAS

Code: EXTRA CURRICULAR

Code: LINK TO EXPERIENCE

#### **Subcategory 2: Non-discrete Teaching**

Code: SCHOOL ETHOS

Code: CHARITY WORK/ORGANISATIONS

#### **Subcategory 3: Not Taught**

Code: NO TEACHING

### **Category: Should Teach HRE**

#### **Subcategory 1: Age-Appropriateness**

Code: ALL AGES

Code: OLDER PRIMARY

Code: YES HR LANGUAGE

Code: YES HR DOCUMENTS

#### **Subcategory 2: Not Too Controversial**

Code: POLITICS/CONTROVERSIAL TOPICS OKAY

Code: HR FACTUAL-ALL AGREE

Code: TEACHERS AVOID BIAS

Code: PARENTS NOT CONCERNED

#### **Subcategory 3: Role of HRE**

Code: RIGHTS CULTURE

Code: GIVE CHILDREN FACTS

Code: BROADEN AWARENESS

Code: CHALLENGE HOME

Code: CHALLENGE MEDIA

### **Category: Shouldn't Teach HRE**

#### **Subcategory 1: Age-Appropriateness**

Code: NEED MATURITY

Code: NEED CONTEXT

Code: VALUES ONLY

Code: SECONDARY  
Code: NOT HR LANGUAGE  
Code: NOT HR DOCUMENTS

**Subcategory 2: Nature of Subject**

Code: COMPLEX  
Code: SCARY  
Code: CONTROVERSIAL  
Code: DRY & LEGAL  
Code: POLITICAL  
Code: RAISES DIFFICULT ISSUES  
Code: INDOCTRINATION  
Code: PARENT CONCERN  
Code: TEACHER INEFFECTIVENESS

*Rights Respecting Learning Environments & Active Participation in Classroom  
& School*

**Category: Active Participation**

**Subcategory 1: In the Classroom**

Code: PUPIL VOICE  
Code: FREE EXPRESSION  
Code: DECISION-MAKING  
Code: DECISION-MAKING DECREASES WITH AGE  
Code: CLASS CHARTERS

**Subcategory 2: In the School**

Code: SCHOOL CHARTER  
Code: SCHOOL COUNCIL  
Code: OTHER INITIATIVES

**Subcategory 3: Reasons for Active Participation**

Code: ENGAGES CHILDREN  
Code: INDEPENDENCE  
Code: GIVES THEM VOICE  
Code: RESPONSIBILITY

**Category: Against Active Participation**

**Subcategory 1: Inappropriate**

Code: NEEDS MATURITY

Code: MISUSE OF RIGHTS

**Subcategory 2: Ineffective**

Code: INEFFECTIVE FREE EXPRESSION

Code: INEFFECTIVE PUPIL VOICE

Code: INEFFECTIVE PARTICIPATION

Code: INEFFECTIVE DECISION MAKING

Code: INEFFECTIVE SCHOOL COUNCIL

Code: INEFFECTIVE CHARTERS

Code: TEACHER INEFFECTIVENESS

Code: PARTICIPATION DECREASES WITH AGE

*Empowerment & Relevant Skills*

**Category: Empowerment Fostered**

**Subcategory 1: Ways Fostered**

Code: ROLE & SAY

Code: INITIATIVES

Code: COMMUNITY ACTIVITIES

**Subcategory 2: Age-Appropriate**

Code: ALL AGES

Code: OLDER

**Subcategory 3: Reasons for Empowerment**

Code: PERSONAL IMPROVEMENT

Code: SAFEGUARDING

Code: VOICE

Code: RESPONSIBILITY

Code: BROADEN AWARENESS

Code: BE THE CHANGE

Code: CHALLENGE VIEWPOINTS

Code: CHALLENGE MEDIA

**Subcategory 4: Skills Fostered**

Code: SKILLS THROUGH SCHOOL ETHOS

Code: AGE-APPROPRIATE SKILLS

Code: YES CONFIDENCE

Code: YES EMPATHY

Code: YES EXPRESSION

Code: YES CONFLICT RESOLUTION

Code: YES CRITICAL REFLECTION  
Code: YES ANALYSE SITUATIONS  
Code: YES ADVOCACY  
Code: YES ACTIVISM

**Category: Empowerment Not Fostered**

**Subcategory 1: Reasons**

Code: POWER SHIFT SCARY  
Code: CHILDREN DEMAND RIGHTS  
Code: POLITICAL  
Code: POLITICAL BUZZWORD  
Code: LACK OF COMMUNITY ENGAGEMENT  
Code: INFLUENCE OF HOME  
Code: PSEUDO-EMPOWERMENT  
Code: TEACHER INEFFECTIVENESS

**Subcategory 2: Skills Not Fostered**

Code: SKILLS NOT AGE APPROPRIATE  
Code: NO CONFIDENCE  
Code: NO EMPATHY  
Code: NO EXPRESSION  
Code: NO CONFLICT RESOLUTION  
Code: NO CRITICAL REFLECTION  
Code: NO ANALYSE SITUATIONS  
Code: NO ADVOCACY  
Code: NO ACTIVISM

**Section III: Teacher Opinions on Human Rights**

**Category: Meaning of HR**

Code: HR LIST  
Code: FUNDAMENTAL  
Code: EQUALITY  
Code: FREEDOM  
Code: OTHERS' HR  
Code: MISUNDERSTANDINGS  
Code: CHILDREN'S RIGHTS

**Category: External influences**

Code: NONE INFLUENCE

Code: GOVERNMENT INFLUENCE

Code: OLD CURRICULUM INFLUENCE

Code: NEW CURRICULUM INFLUENCE

Code: PARENTS INFLUENCE

Code: MEDIA-ORGANISATIONS INFLUENCE

**Category: Advantages of HR over Values**

Code: BETTER LEARNING ENVIRONMENT

Code: HUMAN ELEMENT

Code: BROADEN AWARENESS

Code: ENCOURAGES CHANGE

Code: CLEAR & PRECISE STRUCTURE

Code: PREPARATION FOR SECONDARY

**Category: Practical Reasons**

Code: TIME & WORKLOAD


Code: LACK OF TRAINING

Code: RESOURCES

## Appendix 10: Ethics Forms, Information Sheet and Consent Form

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### (a) University of Warwick Ethics Forms

		
For HSSREC sec use only:	HSSREC Ref:	.....
	Info Ed Ref:	.....

### HUMANITIES & SOCIAL SCIENCES

### RESEARCH ETHICS SUB-COMMITTEE (HSSREC)

#### *Application for Approval of Research Project Involving Human (Non-NHS) participants.*

Please complete this form and return with copies to the secretary of the HSSREC at least 10 working days before the Sub-Committee next meets.

No research project with ethical considerations may begin before the relevant Sub-Committee of the UREC has issued its written approval. Written confirmation of the Sub-Committee's decision will be emailed to the principal investigator as soon as possible after the Sub-Committee meeting.

Before completing this form, applicants must refer to the University's Statement and Guidelines on Ethical Practice ([research code of practice/](#)) in conjunction with any other guidance or ethical principles relevant to their specific research.

### 1. Project Title: Human Rights Education in Theory and Practice in English Primary Schools

2. Applicant: Alison Struthers
  - a. *Department: Law*
  - b. *Email: a.e.c.struthers@warwick.ac.uk*
  - c. *Telephone: 07921339432*
3. Other investigator(s)
  - a. *Other Institution(s)*
4. Proposed Start Date January 2013
5. Duration: approx. 2 years
6. Funding body: University of Warwick (Chancellor's Scholarship) & ESRC
  - a. *Are there any potential conflicts of interest? No*
  - b. *If yes, please specify:*
7. Is this a student project? Yes
  - a. *If yes, name of student: as above*
  - b. *Student email address: as above*

Comments (leave blank if none)

1. Will you or any of the research team come into contact with participants be required to obtain criminal record clearance? Yes
2. If "yes", please confirm that such clearance will be obtained. Yes – application in process.

## Section C: PARTICIPANTS

1. How will participants be recruited? Schools will be selected on the basis of both geographical location and social/economic background. Head teachers will be emailed to gauge whether teachers in the school may be interested in taking part in the classroom observation and/or interview elements of the research.
2. How many participants will be recruited? It is expected that no more than 25 teachers will be interviewed.



3. How will informed consent be obtained from the participants? (Please provide a copy of any consent forms and participant information sheets to be used). If no consent will be obtained, please explain why. Consent will be obtained initially via email for the classroom observation elements. Consent forms will be used for the semi-structured interviews in the second year of the PhD research (copy of consent form and information sheet attached)
  
4. Will deception be used during the course of the research?
 

No
  
5. If yes why is it deemed necessary?
 

N/A
  
6. Will the participant group include any children or vulnerable adults?
 

Children will be present during classroom observation but not directly included in the research
  
7. If yes, please explain the necessity of including these individuals. In order to observe classroom lessons, the researcher will have to be present when the children are being taught.
  
8. If yes, please explain how and from whom fully informed consent will be obtained. Consent will be obtained from the Head Teacher and class teacher by way of email for the classroom observation elements of the research.
  
9. Will participants be given payment and/or incentives for participating in the research?
 

No

10. If yes, please specify level of compensation, and source of the funds or incentives.  
N/A

If yes, please explain the necessity of such compensation N/A

11. What possible benefits and/or risks to participants are there to this research? There are no risks to the children in this research as there will be no interaction with them and no data will be collected about them. With regard to the semi-structured interviews with teachers to be conducted in the second year of study, the greatest risk would be issues of anonymity. No teachers or schools will be named within the research, but care must be taken to ensure that schools cannot be identified by other factors.
12. What arrangements have been made for reporting the results of the research to and/or debriefing the participants? If named or identifiable in the final thesis, participants will be given the option to view their contributions to the research project before the final results are submitted.
13. What qualified personnel will be available to deal with possible adverse consequences/reactions to participating in this research? The Law School Ethics Officer will be notified of any problems encountered during the course of the fieldwork.

#### **Section D: DATA**

1. How will you ensure confidentiality?  
*(Please give details of how and at what stage in the project you will anonymise data)*

Interviews will be recorded and transcribed but teachers will not be named either on the recording device or within the final transcriptions.

2. Who will have access to the data?

Only the present researcher will have access to the data.

3. Where will consent forms, information sheets and project data be stored?

Email consent will be stored on the researcher's secure email account. Any paper consent forms and project data will be stored in a locked desk drawer, and any computer data will be stored on a computer accessible only by password, and backed up on a storage device kept in a locked drawer.

4. For how long will the above data be kept and how and when will data then be destroyed?

In accordance with University of Warwick policy, the data will be kept for 10 years. Paper copies will then be shredded and computer data deleted from both the computer itself and the additional storage device.

5. Is it anticipated that there will be any future use of the data and have the participants been informed of this use.

No future use anticipated.

Will any interviews be audio or video-taped? Yes – audio taped.

6. If yes, please attach a copy of the consent/authorisation form

Copy of consent form attached.

#### **Section E: PUBLICATION**

1. How will publications of research findings recognise the contributions of all researchers engaged in the study? Only the present researcher will be engaged in the study.

#### **Section F: FURTHER INFORMATION**

Please give any additional information you believe to be relevant to this

project.

**NB:** The following information should be included **at some point** within the **participant information sheet**:

Should anyone have any complaints relating to a study conducted at the University or by University's employees or students, the complainant should be advised to contact the Deputy Registrar (contact detail below) [more ....  
http://www2.warwick.ac.uk/services/rss/researchgovernance/complaints\\_procedure/](http://www2.warwick.ac.uk/services/rss/researchgovernance/complaints_procedure/)

This information has been included. (Please check tick box on RHS)



### Section G: DECLARATION

- The information in this form together with any accompanying information is complete and correct to the best of my knowledge and belief and I take full responsibility for it.
- I undertake to abide by the ethical principles underlying the Declaration of Helsinki (<http://www.wma.net/e/policy/b3.htm>) and to abide by the University's Research Code of Conduct (<http://www2.warwick.ac.uk/services/rss/>) alongside any other relevant professional bodies' codes of conduct and/or ethical guidelines.
- If the research is approved, I undertake to adhere to the study protocol without agreed deviation.
- I undertake to inform the HSSREC of any changes in the protocol that would have ethical implications for my research.
- I am aware of my responsibility to be up to date and to comply with requirements of the law and the appropriate guidelines relating to security and confidentiality of participants' personal data.

**Signature of Principal  
Investigator:**

Name (Please Print):	
Date: <a href="#">Click here to enter a date.</a>	
N.B. For student projects, signatures from both the <i>supervisor</i> and the <i>student</i> are required.	
Signature of Student (if applicable)	
<b>Signature of Chair of Department:</b>	
Name (Please Print):	
Date: <a href="#">Click here to enter a date.</a>	.....
<i>(Chair's signature must be obtained for every application submitted to HSSREC)</i>	

APPLICANT CHECKLIST:

- Y Fully completed application form.
- Y Copies of any Participant Information Sheet(s) on University letterhead
- Y Copies of any Participant Consent Form(s) on University letterhead.
- N Copies of any relevant authorisations.

## (b) Information Sheet for Interviewees



Research Project: **Human Rights Education in Theory and Practice in English Primary Schools:**

Outline of project: *This project aims to consider whether Human Rights Education is currently being taught in English primary schools in accordance with the relevant legal framework, and to further consider the antecedent question of whether Human Rights Education should be taught to children of this age at all.*

Researcher: Alison Struthers (PhD student)

### Information Sheet for Participants

- **The participant has been made aware that their participation is voluntary and that they are free to withdraw at any time without giving any reason and without being penalised or disadvantaged in any way.**
- **The participant has been selected for interview based upon leaving contact details in a prior scoping survey.**
- **The interview will be tape-recorded on a portable recording device to enable the researcher to more accurately transcribe the interviews.**
- **Neither the participant nor the school at which they teach will be identified within the research project.**
- **Recordings and all consent forms associated with this research will be securely stored and destroyed after 10 years in accordance with the University of Warwick's data protection policy.**
- **If named or identifiable in the final thesis, participants shall be given the option to view their contribution to the research before its final submission.**
- **If participants have any concerns about the research project, these should be addressed either to the researcher at [a.e.c.struthers@warwick.ac.uk](mailto:a.e.c.struthers@warwick.ac.uk) or the University of Warwick School of Law Ethics Officer, Julian Webb, at [julian.webb@warwick.ac.uk](mailto:julian.webb@warwick.ac.uk)**

**(c) Interviewee Consent Form**



**Participant identification number where applicable**

**CONSENT FORM**

**Project Title: Human  
Rights Education in  
Theory and Practice in  
English Primary Schools**

**Name of Researcher:**

**(to be completed by  
participant)**

**I confirm that I have read  
and understood the  
information sheet dated**

**DATE:**

**On Information Sheet**

**For the above project which I may keep for my records and have had the opportunity  
to ask any questions I may have.**

**I agree to take part in the above study and am willing to:**

*Be interviewed and have that interview tape-recorded for the purpose of enabling the researcher to more accurately transcribe the information*

**I understand that my information will be held and processed for the following purposes:**

*To be included as anonymous qualitative data for use within the researcher's PhD thesis*

**I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason without being penalised or disadvantaged in any way.**

\_\_\_\_\_

<b>Name of Participant</b>	<b>Date</b>	<b>Signature</b>
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\_\_\_\_\_

<b>Name of person taking consent if different from Researcher</b>	<b>Date</b>	<b>Signature</b>
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\_\_\_\_\_

<b>Researcher</b>	<b>Date</b>
	<b>Signature</b>





## Guidance on Information Sheets

The information sheet for participants must be included with your application to the Humanities and Social Sciences Research Ethics Sub-Committee and the below information should be used as guidance to be tailored to your projects needs.

**An Information sheet must provide all the information necessary for prospective participants to make informed decisions about whether they wish to participate in research. Your information sheet must be written in a language that potential participants could reasonably be expected to understand and must be factual and free from coercive language or unjustified claims.**

**The following criteria should be addressed in any information sheet:**

1. The University of Warwick must be identified as the responsible institution (Information sheet should be on **University Letterhead**)
2. The information must be communicated clearly, avoiding acronyms or jargons wherever possible, including an explanation if used.
3. The name of the Principal/Lead Investigator and title of the research must be included.
4. It must be made clear that this is a study which the participant is being asked to volunteer for and that their participation is entirely voluntary and they may withdraw at any time with an assurance that this will not affect future treatment (where applicable) or have any negative consequences.
5. An explanation in clear, lay language:
  - of the nature and aims of the project,
  - of any inclusion/exclusion criteria
  - (where relevant) of how the researcher will contact/has contacted the participants.
6. A description of any benefits to the participant and/ or others, financial or otherwise.
7. An outline of what will happen to the participant and how long they are likely to be involved in the project (their time and effort commitment).
8. Any foreseeable risks, inconvenience or discomfort to the participant.
9. An indication of the level of confidentiality and anonymity that can realistically be guaranteed and details on how records will be stored and destroyed.
10. An indication of the level of debriefing /feedback that the participant can expect.
11. Where a participant is not confident in the English language a translation should be provided.
12. If permission is sought for the data to be used for other purposes an explanation of these purposes should be given here.
13. Compensation arrangements for participants who suffer harm or injury from the research must be made clear.
14. Contact details of someone who can answer queries about the research must be given and participants should be made aware of any arrangements for complaint.

For further guidance and examples of phrases that could be used please see COREC's guidance on Information sheets and consent forms

<http://www.corec.org.uk/applicants/help/guidance.htm#gcp>

## Appendix 11: Coding Frame for Survey Question 8: National Curriculum Subject Areas in which Teachers Feel Required to Teach Human Rights

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Table 1: Citizenship, PSHE, History, RE and Geography

	Citizenship	PSHE	History	RE	Geography
<b>EYFS</b> (31 respondents)	19%	55%	3%	3%	0%
<b>Year 1</b> (37 respondents)	22%	65%	11%	22%	5%
<b>Year 2</b> (43 respondents)	28%	67%	9%	23%	5%
<b>Year 3</b> (35 respondents)	23%	66%	14%	6%	11%
<b>Year 4</b> (35 respondents)	20%	74%	14%	23%	6%
<b>Year 5</b> (28 respondents)	21%	57%	11%	29%	7%
<b>Year 6</b> (33 respondents)	18%	58%	18%	36%	12%

Table 2: English, Science, PSED, Cross-Curricular, No specific subject and Taught only as values

	English	Science	PSED	Cross-Curricular	No specific subject	Taught only as values
<b>EYFS</b> (31 respondents)	0%	0%	13%	3%	13%	3%
<b>Year 1</b> (37 respondents)	0%	3%	3%	3%	3%	0%
<b>Year 2</b> (43 respondents)	2%	0%	0%	7%	5%	0%
<b>Year 3</b> (35 respondents)	3%	3%	0%	6%	6%	0%
<b>Year 4</b> (35 respondents)	6%	3%	0%	3%	6%	3%
<b>Year 5</b> (28 respondents)	4%	4%	0%	7%	11%	0%
<b>Year 6</b> (33 respondents)	12%	0%	0%	0%	6%	0%

## Appendix 12: Survey Question 6: Human Rights Topics Being Addressed By Survey Respondents<sup>1</sup>

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Table 1: (i) *Specific Human Rights*, (ii) *International human rights documents* and (iii) *Human Rights Act 1998*

	Specific human rights	International human rights documents	Human Rights Act 1998
<b>EYFS</b> (45 respondents)	51%	58%	11%
<b>Year 1</b> (56 respondents)	50%	50%	7%
<b>Year 2</b> (69 respondents)	43%	49%	9%
<b>Year 3</b> (62 respondents)	47%	56%	6%
<b>Year 4</b> (66 respondents)	45%	53%	11%
<b>Year 5</b> (63 respondents)	59%	52%	14%
<b>Year 6</b> (92 respondents)	55%	55%	16%

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<sup>1</sup> Where teachers indicated that they taught more than one year group, they were included within the total for each year group specified in their response. The sample size for the table is thus 453, with 233 individual respondents to the question.

Table 2: (i) Organisations relevant to human rights protection, (ii) The work of organisations active in the promotion of human rights and (iii) No category ticked by respondent

	<b>Organisations relevant to human rights protection</b>	<b>The work of organisations active in the promotion of human rights</b>	<b>No category ticked by respondent<sup>2</sup></b>
<b>EYFS</b> (45 respondents)	38%	49%	11%
<b>Year 1</b> (56 respondents)	36%	48%	7%
<b>Year 2</b> (69 respondents)	28%	48%	4%
<b>Year 3</b> (62 respondents)	35%	53%	8%
<b>Year 4</b> (66 respondents)	41%	55%	5%
<b>Year 5</b> (63 respondents)	43%	48%	3%
<b>Year 6</b> (92 respondents)	45%	50%	7%

<sup>2</sup> Despite indication earlier in the survey that human rights **are** expressly taught in the classroom.

## Appendix 13: Textual Responses to Survey Question 2 – Values Considered Central to Classroom Teaching

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Acceptance	Contribution	Happy when others succeed	Love
Accountability	Courage	Health & wellbeing	Making the right choice
Achievement	Creativity	Helpfulness	Modesty
Ambition	Critical thinking	High expectations	Morals
Appreciation	Dedication	Honesty	Motivation
Aspiration	Democracy	Hope	Negotiation
Awe	Desire to do your best	How to relate to one another	Not scared to fail
Basic needs	Determination	Humility	Opinions valued
Being heard	Diversity	Humour	Patience
Belonging	Duty to do your best	Inclusion	Peace
Bravery	Empathy	Independence	Perseverance
Caring	Endurance	Individuality	Personal responsibility
Celebrate difference	Enjoyment	Injustice	Personal space
Challenge prejudice	Enthusiasm	Inspiration	Politeness
Charity	Equal but different	Integrity	Positive contribution
Children's rights	Explore	Interdependence	Positivity
Co-operation	Follow rules	Joy	Potential
Collaboration	Forgiveness	Kindness	Pride
Commitment	Friendship	Learn from mistakes	Put others before yourself
Community	Generosity	Learning about each other	Racial harmony
Compassion	Giving a voice	Listening	
Consequences of actions	Good manners		
Consideration	Happiness		

		Loyalty	
Reciprocation	Risk-taking	Sportsmanship	Truth
Reconciliation	Security	Stickability [sic]	Trying to change
Reflection	Self-awareness	Striving to do your best	Understanding
Relationship skills	Self-belief	Success	Unity
Resilience	Self-confidence	Support	Unwritten rules of society
Resist stereotyping	Self-determination	Sustainability	Value others
Resourcefulness	Self-discipline	Teamwork	Wisdom
Respect	Self-esteem	Thankfulness	Wonder
Respect others' beliefs	Self-respect	Thoughtfulness	Work ethic
Respect others' opinions	Self-worth	Tolerance	Working together
Responsibility	Selflessness	Treat others as you would like to be treated	
Right to expression	Sharing		
Rights	Spirituality	Trust	



## Appendix 14: Survey Question 7: Reasons for Not Teaching HRE<sup>1</sup>

Table 1: (i) Insufficiency of personal knowledge about human rights, (ii) Lack of relevant training in human rights, (iii) Lack of appropriate resources addressing human rights and (iv) Absence of available time

	Insufficiency of personal knowledge about human rights	Lack of relevant training in human rights	Lack of appropriate resources addressing human rights	Absence of available time
<b>EYFS</b> (39 respondents)	13%	13%	15%	8%
<b>Year 1</b> (38 respondents)	16%	18%	21%	21%
<b>Year 2</b> (47 respondents)	23%	30%	30%	32%
<b>Year 3</b> (35 respondents)	14%	17%	26%	31%
<b>Year 4</b> (35 respondents)	29%	29%	26%	31%
<b>Year 5</b> (37 respondents)	24%	30%	32%	35%
<b>Year 6</b> (38 respondents)	21%	23%	26%	29%

<sup>1</sup> Where teachers indicated that they taught more than one year group, they were included within the total for each year group specified in their response. The sample size for the table is thus 269, with 108 individual respondents to the question.

*Table 2: (i) Lack of direction within the curriculum, (ii) Personal reservations about teaching human rights and (iii) No reason provided for not teaching human rights*

	<b>Lack of direction within the curriculum</b>	<b>Personal reservations about teaching human rights</b>	<b>No reason provided for not teaching human rights</b>
<b>EYFS</b> (39 respondents)	21%	3%	10%
<b>Year 1</b> (38 respondents)	32%	3%	13%
<b>Year 2</b> (47 respondents)	45%	4%	13%
<b>Year 3</b> (35 respondents)	43%	6%	11%
<b>Year 4</b> (35 respondents)	54%	11%	11%
<b>Year 5</b> (37 respondents)	51%	3%	16%
<b>Year 6</b> (38 respondents)	39%	3%	11%

## Appendix 15: Survey Question 9: Rights Respecting Learning Environments

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*Table 1: (i) Class charter expressly details the rights of those in the class and (ii) Pupils help to draft the class charter and include those rights that they consider most important*

	Class charter expressly details the rights of those in the class			Pupils help to draft the class charter and include those rights that they consider most important		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	46%	34%	20%	49%	32%	19%
<b>Year 1</b>	54%	35%	10%	56%	36%	8%
<b>Year 2</b>	53%	36%	11%	60%	29%	11%
<b>Year 3</b>	60%	34%	6%	67%	25%	8%
<b>Year 4</b>	59%	34%	7%	68%	27%	5%
<b>Year 5</b>	56%	30%	14%	66%	22%	12%
<b>Year 6</b>	48%	40%	12%	55%	27%	18%

Table 2: (i) Pupils use the language of human rights in the classroom and (ii) Pupils express any dissatisfaction with classroom practice using the language of rights

	Pupils use the language of human rights in the classroom			Pupils express any dissatisfaction with classroom practice using the language of rights		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	21%	52%	27%	19%	43%	38%
<b>Year 1</b>	17%	62%	21%	16%	51%	33%
<b>Year 2</b>	19%	57%	24%	18%	45%	37%
<b>Year 3</b>	22%	65%	13%	25%	44%	31%
<b>Year 4</b>	21%	63%	16%	24%	42%	34%
<b>Year 5</b>	22%	51%	27%	17%	42%	41%
<b>Year 6</b>	21%	57%	22%	20%	52%	28%

Table 3: (i) Pupils are able to speak and express themselves freely in the classroom and (ii) Pupils' opinions are listened to and given due consideration

	Pupils are able to speak and express themselves freely in the classroom			Pupils' opinions are listened to and given due consideration		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	86%	14%	0%	92%	8%	0%
<b>Year 1</b>	83%	15%	2%	94%	5%	1%

<b>Year 2</b>	81%	16%	3%	91%	6%	3%
<b>Year 3</b>	89%	11%	0%	95%	5%	0%
<b>Year 4</b>	82%	18%	0%	92%	8%	0%
<b>Year 5</b>	82%	18%	0%	95%	5%	0%
<b>Year 6</b>	77%	23%	0%	95%	5%	0%

*Table 4: (i) Pupils are involved in classroom decision-making e.g. about what topics will be studied and how free time will be spent and (ii) Classroom decision making is conducted democratically*

	<b>Pupils are involved in classroom decision-making e.g. about what topics will be studied and how free time will be spent</b>			<b>Classroom decision making is conducted democratically</b>		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	65%	30%	5%	48%	46%	6%
<b>Year 1</b>	58%	34%	8%	50%	48%	2%
<b>Year 2</b>	40%	54%	6%	48%	50%	2%
<b>Year 3</b>	53%	38%	9%	60%	35%	5%
<b>Year 4</b>	47%	42%	11%	55%	41%	4%
<b>Year 5</b>	44%	49%	7%	51%	46%	3%
<b>Year 6</b>	37%	53%	10%	48%	51%	1%

## Appendix 16: Survey Question 11: Active Participation in the School

Table 1: (i) A school charter expressly details the rights of pupils and (ii) Pupils are given a voice in the running of the school

	A school charter expressly details the rights of pupils			Pupils are given a voice in the running of the school		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	52%	39%	9%	61%	36%	3%
<b>Year 1</b>	55%	37%	8%	74%	26%	0%
<b>Year 2</b>	51%	35%	14%	71%	26%	3%
<b>Year 3</b>	52%	47%	1%	77%	21%	2%
<b>Year 4</b>	57%	34%	9%	75%	23%	2%
<b>Year 5</b>	45%	43%	12%	65%	34%	1%
<b>Year 6</b>	40%	51%	9%	75%	23%	2%

Table 2: (i) Pupils are afforded the opportunity to sit on a pupil council and (ii) Elections for the pupil council are carried out democratically

	Pupils are afforded the opportunity to sit on a pupil council			Elections for the pupil council are carried out democratically		
	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	91%	6%	3%	76%	17%	7%

<b>Year 1</b>	95%	5%	0%	87%	10%	3%
<b>Year 2</b>	92%	5%	3%	83%	12%	5%
<b>Year 3</b>	91%	9%	0%	86%	12%	2%
<b>Year 4</b>	89%	10%	1%	92%	5%	3%
<b>Year 5</b>	91%	8%	1%	83%	12%	5%
<b>Year 6</b>	90%	9%	1%	88%	9%	3%

*Table 3: (i) The pupil council is actively involved and listened to when decisions are made about the running of the school and (ii) Pupils are provided with the opportunity to actively participate in community activities that aim to improve their understanding of values such as equality and justice*

**The pupil council is actively involved and listened to when decisions are made about the running of the school**

**Pupils are provided with the opportunity to actively participate in community activities that aim to improve their understanding of values such as equality and justice**

	Very accurate	Somewhat accurate	Not at all accurate	Very accurate	Somewhat accurate	Not at all accurate
<b>EYFS</b>	73%	21%	6%	66%	26%	8%
<b>Year 1</b>	77%	23%	0%	60%	35%	5%
<b>Year 2</b>	73%	22%	5%	46%	40%	14%
<b>Year 3</b>	70%	26%	4%	45%	46%	9%
<b>Year 4</b>	74%	21%	5%	50%	38%	12%
<b>Year 5</b>	60%	35%	5%	39%	50%	11%
<b>Year 6</b>	65%	30%	5%	48%	44%	8%

## Appendix 17: Survey Question 10: Fostering of Skills in the Learning Environment

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*Table 1: Confidence and Expression*

	Confidence			Expression		
	Fostered to a great extent	Fostered to some extent	Not fostered at all	Fostered to a great extent	Fostered to some extent	Not fostered at all
<b>EYFS</b>	100%	0%	0%	87%	11%	2%
<b>Year 1</b>	98%	2%	0%	80%	18%	2%
<b>Year 2</b>	99%	1%	0%	76%	22%	2%
<b>Year 3</b>	98%	2%	0%	87%	13%	0%
<b>Year 4</b>	97%	3%	0%	81%	19%	0%
<b>Year 5</b>	95%	5%	0%	80%	20%	0%
<b>Year 6</b>	97%	3%	0%	80%	20%	0%

*Table 2: Empathy and Conflict Resolution*

	Empathy			Conflict Resolution		
	Fostered to a great extent	Fostered to some extent	Not fostered at all	Fostered to a great extent	Fostered to some extent	Not fostered at all
<b>EYFS</b>	92%	8%	0%	91%	9%	0%
<b>Year 1</b>	92%	8%	0%	82%	18%	0%



<b>Year 2</b>	96%	4%	0%	86%	13%	1%
<b>Year 3</b>	88%	12%	0%	87%	13%	0%
<b>Year 4</b>	93%	7%	0%	90%	10%	0%
<b>Year 5</b>	84%	16%	0%	76%	24%	0%
<b>Year 6</b>	83%	17%	0%	77%	23%	0%

*Table 3: Advocacy and Critical Reflection*

	Advocacy			Critical Reflection		
	Fostered to a great extent	Fostered to some extent	Not fostered at all	Fostered to a great extent	Fostered to some extent	Not fostered at all
<b>EYFS</b>	29%	48%	23%	33%	63%	4%
<b>Year 1</b>	24%	55%	21%	48%	49%	3%
<b>Year 2</b>	19%	58%	23%	54%	43%	3%
<b>Year 3</b>	25%	70%	5%	56%	43%	1%
<b>Year 4</b>	20%	74%	6%	61%	37%	2%
<b>Year 5</b>	26%	63%	11%	60%	36%	4%
<b>Year 6</b>	31%	60%	9%	64%	33%	3%

*Table 4: Activism and Ability to Analyse Situations in Moral Terms*

	Activism			Ability to analyse situations in moral terms		
	Fostered to a great extent	Fostered to some extent	Not fostered at all	Fostered to a great extent	Fostered to some extent	Not fostered at all
<b>EYFS</b>	19%	48%	33%	42%	52%	6%
<b>Year 1</b>	13%	56%	31%	43%	49%	8%
<b>Year 2</b>	7%	57%	36%	39%	55%	6%
<b>Year 3</b>	11%	57%	32%	41%	54%	5%
<b>Year 4</b>	10%	65%	25%	51%	49%	0%
<b>Year 5</b>	20%	55%	25%	51%	48%	1%
<b>Year 6</b>	18%	58%	24%	46%	49%	5%