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16/09/14

Human Rights Education: Policy and Practice within schools in England

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Abstract

The significance of human rights education (HRE) as a tool for ensuring the protection of human rights has long been acknowledged by the international community. The past two decades in particular have seen a rise in the prominence of HRE on the agenda of the United Nations, most recently culminating in the General Assembly's adoption of the UN Declaration on Human Rights Education and Training, a benchmark instrument which sets out the agreed current international standard regarding HRE. This dissertation will assert the importance of HRE as crucial for reduction of human rights abuses and the promotion of the democratic process, as well as producing further benefits within learning environments. Considering what exactly the concept of HRE encompasses, the significance of the implementation process of HRE is highlighted, before considering the extent to which policy and practice in England live up to international obligations and standards, focussing on education at the Key Stage 3 and 4 levels. It is found that, although positive steps have been made in both policy and practice since the beginning of the century, standards remain woefully inadequate. Concern is raised regarding the regressive direction of recent policy developments, as these take the UK further from compliance with existing obligations as well as the most recent international standards.

Introduction

Since the beginning of the human rights journey the concept of 'human rights education' (HRE) has been on the international agenda. The Universal Declaration of Human Rights (UDHR) makes reference to the importance of HRE, positing that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms" (UN General Assembly, 1948, Article 26(1)). The necessity of HRE as *the* fundamental tool to ensure respect for human rights has been acknowledged by a number of initiatives in the international arena, such as the United Nations (UN) Decade for HRE (1994-2005), the World Programme for HRE (2005-2019) and, most recently, the UN General Assembly's adoption of the Declaration on Human Rights Education and Training (DHRET) in 2011. Although the DHRET is not legally binding, the codification of existing HRE provisions into one document represents a significant step forward on the road towards a the creation of a binding international instrument for HRE (Gerber, 2011, p.245). Often acting as precursors to binding treaties, declarations signify the "acceptance by UN member States [...] of specific State duties" (Morris and Davidson, 2012, p.95), suggesting a healthy consensus regarding the duty for HRE.

Recent changes in national policy have impacted upon HRE in schools in England at the Key Stage 3 and 4 levels. The new National Curriculum was implemented in September 2014, and as such little research has been undertaken to consider the impact of these changes. With progressive momentum building in the international arena regarding the concept of HRE it seems that now is a pertinent time to consider the extent to which national policies correlates with the international picture. The international standards surrounding HRE are considered in detail, in order to present an up to date comprehensive definition of the term. Focussing then upon recent policy changes affecting the HRE of Key Stage 3 and 4 English school pupils, analysis of the situation in the UK is

made, before conclusions are drawn regarding the current state of compliance. Recommendations directed towards the UK government are then made, compliance with which would ensure the UK's direction becomes progressive rather than regressive in both policy and practice.

Chapter 1: Literature Review

1(1) – HRE in the UK

Historically, the UK has a poor record of teaching HRE. Kerr (2003, p.2) concluded that there “is no great tradition of explicit teaching of human rights in the UK”, and found in his comparison study of sixteen countries that “only the UK lacked citizenship education in any form, let alone HRE” (Bowring, 2011, p.58). Similarly McLoughlin (2000) pointed out that England and Britain were much slower in their move towards “overt official government direction” (p.543) regarding citizenship education in schools when compared with many other countries (see also Kerr, 1999, p.1). Observations made by the UN Special Rapporteur in 1999 correlate, suggesting that although the rights-based approach to education as advocated by the international community was promoted at the international level by the UK, this contrasted with the silence that prevailed at the domestic level (UN Economic and Social Council, 1999, para.88). At this time, Britain was “almost alone among industrialised nations in not having some form of citizenship education” (Birmingham Grid for Learning, 2002, p.2). A study by Hahn (1999) held Denmark, Germany and the USA up as countries with “educational policies aimed at developing informed, participating citizens” (p.233) whilst England was criticised for not having this tradition. Similarly, the Euridem Project which reviewed pupil democracy in Europe at the beginning of the century found that the “countries studied¹ had far more systematic ways than in the UK of ensuring pupil participation, and that

¹ Denmark, Germany, the Netherlands and Sweden

students were consulted about government education policy at school, local, regional and national level. Legislation [amongst these countries] was seen to be necessary to ensure pupil rights, pupil safety and protection, and to contribute to continuity of participation rather than this being dependent on personalities at a particular time.” (Frazer, 1999, p.20).

Over the past two decades this “British exceptionalism” (Frazer, 1999, p.20) became increasingly scrutinised with observations that there were “huge gaps ... in the knowledge and research base which underpins this area in England ... [with] little research on political socialisation and citizenship education in England” (Kerr, 1999, p.9).

It is important to note, as is made apparent above, that the little research that has been undertaken regarding HRE within the UK is viewed predominately through the lens of 'citizenship education'. Citizenship education (CE), in different forms, acts predominately as the vehicle through which HRE is delivered in most Western countries. International opinion suggests that the relationship between CE and HRE is an important one (Council of Europe, 2010, para.37) but is also simultaneously unclear (ibid.). Indeed, recent academic literature has begun to suggest that framing HRE within CE is conceptually flawed and that “the values of citizenship education and those of HR[E] do not necessarily overlap” (Mills, 2013, p.1). Further analysis regarding this discussion is beyond the scope of this dissertation which highlights merely that UK policy regarding HRE in schools is predominately directed through the subject of CE. Thus, in order to ensure an understanding of the state of debate regarding the current state of HRE in the UK it will be necessary to consider this subject.

As for why the UK has traditionally lagged behind in this area, academics posit differing hypotheses. Some have suggested that the decentralisation of the school curriculum for the majority

of the twentieth century combined with widespread concerns about bias in the curriculum regarding political issues provide some explanation for the shunning of HRE and CE (McLaughlin, 2000, p.543). Another factor which may go some way to explaining the “British exceptionalism” is the British emphasis upon the notion of the 'subject' as opposed to the 'citizen'. Historically the notion of citizenship has not been strong in Britain (Miller, 2000, p.26); political tradition has seen individuals as 'subjects' with responsibilities and duties, rather than rights and entitlements (Bowring, 2011, p.58). Bernard Crick, a key figure in the establishment of CE in the UK, was aware of this discrepancy, positing that “a subject obeys the laws and a citizen plays a part in making and changing them” (Crick, 1999, p.4). Although there are differing hypotheses regarding the reasons for this British exceptionalism, academics generally agree that this historical setting has resulted in a poor understanding of the concept of citizenship in Britain with “a continuing uncertainty and disagreement about how the notion of 'citizenship' should be interpreted and evaluated” (McLaughlin, 2000, p.543).

1(2): The 'Crick Report': Citizenship Education as a statutory obligation

This situation was highlighted as problematic by various influential public figures, some of whom formed the Advisory Group on the Teaching of Citizenship and Democracy in schools and produced a report commonly referred to as 'the Crick report'. Concerns were raised that the poor understanding of the concept of citizenship was resulting in “unfortunate consequences for the future of [the UK's] democratic processes” (Citizenship Advisory Group, 1998, p.3). Founded upon the premise that effective and widespread CE was a necessary condition for a healthy democracy (Pearce and Hallgarten, 2000, p.3), the Crick Report stressed “the moral basis of citizenship” (Covell, Howe and McNeil, 2008, p.322), echoing the point made by the then Lord Chancellor that

“[u]nless we become a nation of engaged citizens, our democracy is not secure” (Citizenship Advisory Group, 1998, p.8). As such the argument “to strengthen education for citizenship and the teaching of democracy in schools” was posited (p.3). This had positive implications for the establishment of HRE within schools, as discussed below.

Thus, the beginning of the twenty first century saw significant steps taken regarding a co-ordinated policy approach to HRE in the UK. In 2002 the subject of CE was introduced into the national curriculum for the first time, as a direct result of the Crick report which was “generally well-received” (McLaughlin, 2000, p.2). The report set out the vision for a statutory obligation for schools to provide CE in England, which based its rationale on research which purported that the introduction of the subject as a statutory requirement in schools would provide various benefits. Comparative research found that engagement in 'public issues' amongst British pupils was comparatively low and that, for example, 'more young people stand up for animal rights than for civil or human rights' (Citizenship Advisory Group, 1998, p.14). The report stated that the level of knowledge young people were found to have “is so basic that well-taught youngsters in primary school can have it, and often do – and much more – by the age of eight or nine; but others, leaving secondary school, are apparently no better than that” (p.15), purporting that these low levels of engagement and understanding are “inexcusably and damagingly bad, and could and should be remedied” (p.16). The combined conditions of a growing concern regarding alienation and cynicism amongst young people, a changing relationship between the individual and the government (away from a Conservative emphasis on civic duty and responsibility and towards a more liberal movement of 'civic morality') and a strong political will paved the way for the conclusions made in the Crick report (Kerr, 2003, p.3; 1999, p.5) which posited that “[t]he defining criterion of success of citizenship education is evidence that youth are understanding, accepting and acting on their responsibility towards others” (Covell, Howe and McNeil, 2008, p.322). The proposed remedy for

this 'inexcusably and damagingly bad' situation was the establishment of a subject named 'Citizenship Education' which would provide students with an education on the UK and international political system, and, amongst other things, an understanding of "human rights charters and issues", the "legal rights and responsibilities of individuals and communities", "the rights and responsibilities of citizens" and "concern for human rights" (Citizenship Advisory Group, 1998, p.44). As Crick (2007) later said, "Only when we work together to defend the rights of others are we acting as citizens" (p.247). HRE was thus a crucial aspect of citizenship education for Crick.

Consequently, CE was introduced into the National Curriculum as a statutory subject for secondary school pupils (aged 11-16) in August 2002 and the initiative was seen to have "stimulated much enthusiasm and commitment" (McLaughlin, 2000, p.542). The policy developments relating to CE received a reasonably favourable reception and there was a "significant consensus, at least in many quarters, that the introduction of citizenship education ... [was] a positive step" (McLaughlin, 2000, p.542; Pearce and Hallgarten, 2000, p.3).

One reason for this consensus was the increasing acceptance of a hypothesis that effective implementation of holistic HRE programmes provided varied benefits to schools (as well as wider society). The next chapter will consider this hypothesis, concluding that enough evidence now exists to ground a reasonable belief that this is indeed the case. As such the UK government should take note, and use to inform policy making decisions.

Chapter 2: The importance of human rights education

Benefits of HRE which are relevant to governments have been established. As such the dissertation will suggest that it is in the UK government's own interests, as well as being their responsibility, to ensure that effective HRE is implemented. The current state of public understanding regarding human rights within England is then examined, concluding that the majority of information about human rights is gleaned by individuals from the media. As will be discussed this is inherently problematic due to the self-acknowledged biased nature of the media and results in ill-informed citizens who are unable to participate fully within the democratic process. Thus a need for impartial, effective HRE within the UK is established, providing a clear foundation for the position that the government should be taking the provision of HRE in its schools seriously.

2(1): Human rights education reduces human rights abuses

Considered essential for the goal of reducing human rights abuses, it is arguable that HRE has been the “focal point of the UN's work” (Gerber, 2011, p.245) ever since the 1948 Universal Declaration of Human Rights which declared that:

“Education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship amongst all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace” (UN General Assembly, 1948, Article 26(2)).

Since 1948 HRE has been referenced in international treaties as well as in other UN initiatives and programmes. Most notable of the legally binding treaties in which HRE is referred to are the Convention on the Rights of the Child in Articles 29 and 42 and the International Covenant on Economic, Social and Cultural Rights in Article 13(1). Further human rights treaties which include references to HRE are the Convention Against Torture (Article 10), Convention on the Elimination of Discrimination Against Women (Article 5(b)), and the Convention on the Rights of Persons with Disabilities (Article 4(1)(i)). Although expressed in different ways and to varying extents, what these references to HRE in all these treaties have in common is that they are all founded upon the hypothesis, as expressed in Article 26(2) of the UDHR above, that “promoting understanding [of] UN human rights treaties [...] enhances adherence and discourages violations” (UN General Assembly, 1948).

Major UN initiatives reflect this hypothesis, with programmes such as the UN Decade for Human Rights Education (1995-2004) and the World Programme for Human Rights Education (2005-2019) founded upon the ambition to improve HRE in order that the ultimate UN goal of peace is furthered. Calls made in the 1993 Vienna World Conference on Human Rights “to include human rights [...] in the curricula of all learning institutions” (UN General Assembly, 1993, para.79) are still being echoed, for example at the 2005 World Summit Outcome, which encouraged States to develop HRE initiatives (UN General Assembly, 2005, para.131).

Consensus outside of the UN is also prevalent, with other international organisations producing instruments regarding HRE in order to reduce conflict and abuse. For example the Council of Europe 'Charter for Democratic Citizenship and HRE', signed by the UK in 2010, requires that signatories ensure that they are “equipping learners with knowledge, skills and understanding” (Council of Europe, 2010, para.2(b)) with regards to human rights in order to “reduce conflict [...]

build mutual respect for human dignity [...] and promote non-violence in the resolution of problems and disputes” (para.5(f)).

Similarly, the Asia Pacific Forum, the leading regional human rights organisation in the Asia-Pacific, posits the importance of HRE as “essential to the long-term prevention of human rights abuses” (Asia Pacific Forum, 2013, pp.iii, 32), calling upon national human rights institutions to play their role “in advancing human rights education in their countries” (p.iii) in a comprehensive handbook produced last year.

This broad consensus in the international community has culminated most recently in 2011 with the adoption by the General Assembly of the Declaration of Human Rights Education and Training (DHRET). Strengthening this consensus its adoption signals “acceptance by UN member States [...] of specific State duties to ensure access to IHRET aimed at promoting understanding UN human rights treaties [...] in order to enhance adherence and discourage violations” (Morris and Davidson, 2012, p.95). The significance of the adoption of the DHRET should not be underplayed; indeed, “UN declarations are often the precursor to binding international human rights instruments; [...] thus] optimists might conclude that the declaration on HRE brings us one step closer to a binding treaty [the strongest legislative instrument available] regarding states' obligations to provide HRE” (Gerber, 2011, p.245-246).

It is clear then that, “at the international level, HRE is recognised as a pivotal part of the UN's [and other international organisations'] endeavours to combat human rights violations” (Gerber, 2010, p.191). Thus the link between HRE and the reduction of human rights abuses has become well established, emphasised by high profile members in various organisations within the international community, as well as being used as a benchmark to critique member states of the international

community. For example, the Commissioner for Human Rights of the Council of Europe, in opposing Spain's decision to remove HRE from its schools, stated that he “firmly believes that civic and human rights education is the key to combating all forms of discrimination and intolerance and for developing generations of active and responsible citizens necessary in a democratic society” (Muiznieks, 2013, p.10).

That HRE is necessary to reduce the occurrence of human rights abuses seems somewhat intuitive. The position outlined above, as held by the UN and others in the international community, is founded not upon vigorous research but is “predicated on the *assumption* that we can build a humane and responsible society through education” (Yamasaki, 2002, p.17). Indeed, it does seem reasonable to suppose that at the individual level, a well-informed person is less likely to tolerate their rights being violated, will be more likely to pursue remedy of any violation, as well as being more respectful of the rights of others. However, it is now no longer necessary to rely upon an assumption. A growing amount of empirical data has been collected in recent years from a variety of school environments which supports and provides credibility to this intuitive hypothesis. Data from studies analysing the impact of HRE will be considered below, suggesting that there is now a strong argument to posit that gaining knowledge that they themselves are rights-holders can have powerful impacts upon school pupils, improving their sense of self-worth, which in turn strengthens respect and support for the rights of others and improves their ability to cope with conflict. Interestingly, it has been suggested these in turn lead to various (unintended) effects, which strengthen the hypothesis that HRE should be established in schools, such as improved classroom behaviour and reduced levels of teacher burnout which ultimately lead to improved academic attainment.

The contagion effect

The hypothesis that HRE creates a 'contagion effect' is key. This suggests that HRE gives individuals a sense of worth and empowerment which directly causes increased support for the rights of others (Decoene and DeCock, 1996; Covell, O'Leary and Howe, 2002). Initially posited by Decoene and De Cock (1996), a study undertaken in the early 1990s was designed to test the hypothesis of this contagion effect. The authors reported that as a direct result of participating in a HRE programme, students displayed behaviour which was more accepting of others, as well as becoming more supportive of the rights of others (Decoene and DeCock, 1996).² Further research undertaken in the past two decades to test this hypothesis have resulted in widespread agreement as to the validity of this hypothesis.

A much larger and more extensive study, undertaken a few years after Decoene and DeCock's study, concluded that children who received the HRE programme were "more accepting of ethnic minority children", and "perceived greater levels of peer and teacher support" as a consequence of having "a broader and more accurate understanding of what it means for children to have rights" (Covell and Howe, 1999, p.179). However "further research [was] needed to illuminate the full extent of the contagion effect" (Covell and Howe, 1999, p.182) and it was for this reason that they became involved in a project with Hampshire County Council in England in the mid 2000s. The final report on the initiative stated that a direct link had been found between equipping pupils with knowledge about their human rights and an increased respect for the rights of others (Covell and Howe, 2008, p.16). Teachers noted increased levels of respect "for property, [and] greater respect for the rights of

² Academic literature suggests that the link between gaining knowledge of one's own rights and increased respect for other's rights is explained in two ways. Firstly, gaining knowledge about one's own rights improves one's psychological well-being and encourages feelings of positivity about one's future. This in turn has been causally linked with prosocial behaviour and a supportive attitude towards others (see Rigby and Slee (1993) and Covell and Howe (1995)). Studies generally support the hypothesis that learning about one's rights improves psychological well-being with "confidence, self-esteem and increased resilience to peer pressure as a contributing factor to better relationships and behaviour" (Sebba and Robinson, 2010, p.18). Secondly, the link can be explained as mediated by empathy. Individuals who are exposed to information about those who's rights are abused develop an empathy which means that they are more likely to develop rights respecting attitudes (Hofmann, 1987).

others” (Covell and Howe, 2008, p.14). As such the authors suggested that “the [HRE] objectives of [...] promoting rights-respecting attitudes and behaviours [...] were being met” (Covell and Howe, 2008, p.7).

A variety of other world-wide studies support the contagion effect hypothesis. Data from a ten year study undertaken in the UK showed “a dramatic increase in supportive attitudes towards human rights” from participating students (Keating et al., 2010, p.33). The Search Institute and Minnesota Advocates for Human Rights (Yamasaki, 2002) concluded that those who received a HRE programme not only showed a marked increase in knowledge of human rights issues, but, more importantly, showed an even greater change in the increasing use of non-discriminatory behaviour. Inappropriate acts such as teasing, name-calling and laughing at those who were 'different' were reduced, and students were able to identify “that such acts were due to their feelings of discrimination against others” (p.168). Similarly in the Lift Off! Initiative, a cross border HRE initiative for primary schools in Northern Ireland and the Republic of Ireland which involved over sixty schools and represents one of the most comprehensive national approaches in Ireland to date (Morgan and Kitching, 2006, p.47), it was found that HRE had improved the children's ability to cope with conflict through the development of “empathy, tolerance and mutual respect” (ibid.), a conclusion which was also made by Carter and Osler (2000) in a study which focussed upon the impact of HRE on conflict within the school environment. The UNICEF Rights Respecting Schools project (Sebba and Robinson, 2010) found that “bullying was reported to have reduced significantly ... [and it was] noted consistently that, on the few occasions when it did occur, the way in which it was addressed had improved” (p.22). They found that schools which “adopt[ed] and use[d] a rights respecting language to talk about incidents or conflicts [...] believed that situations were made more meaningful to pupils and they were then more likely to resolve conflicts for themselves” (p.18).

It is clear then that the data suggests, due to the establishment of the contagion effect, that conflicts within the school environment (between pupils, and between pupils and teachers) are reduced as a result of HRE (Covell and Howe, 2008, p.20), and when they do occur pupils are better equipped to deal with them, being more likely to engage in rights-respecting behaviour. The knowledge that they are rights-holding individuals does have positive effects upon students, resulting in strengthened respect for the rights of others.

Interestingly, data also suggests that HRE programmes in schools also evidence further benefits relating to academic achievement, as discussed below.

2(2): Human rights education improves academic achievement

Many of studies report that increased rights-respecting behaviour has a direct effect upon academic achievement. Reporting that improved behaviour in the classroom left more time for teaching in lessons (Sebba and Robinson, 2010, p.37), teachers commented on the reduced the number of disciplinary procedures such as exclusions (Mills, 2013, p.78) and the positive effects experienced regarding levels of emotional exhaustion felt by teachers (Covell and Howe, 2008, p.15). Teachers in schools which participated in HRE programmes reported a heightened sense of personal achievement (ibid.) as well as a stronger sense of belonging and general happiness felt in the school environment (Sebba and Robinson, 2010, p.38). Improved student behaviour combined with happier and more effective teachers resulted in schools reporting improved academic achievement (Mills, 2013, p.178). The UNICEF Rights Respecting Schools project found that “nearly two thirds of the 31 schools raised their attainment over the period 2007-2010” (Sebba and Robinson, 2010, p.8) with “evidence in the majority of the schools of better established learning and of pupils

genuinely contributing to one another's learning” (p.37). Interestingly one project found this to be the case particularly with the most disadvantaged pupils. In schools from the most disadvantaged neighbourhoods “absences and behavioural incidents decreased markedly [and] [p]upils' behaviour, academic motivation, and achievement test scores [showed] remarkable improvement” (Covell and Howe, 2008, p.20). Further analysis is not possible due to the limited scope of this paper, but the data suggests a highly interesting hypothesis which would benefit from further research, and provides another serious reason for governments to take the suggestion to implement HRE programmes seriously.

It is clear that the benefits of HRE are varied and far-reaching. Results of the studies available strongly suggest that not only does HRE have positive effects upon rights-respecting behaviour, supporting the hypothesis posited by the international community that HRE is essential for the reduction of human rights abuses, but as a result of this 'contagion effect' schools become more effective learning environments resulting in improved academic attainment levels.

It should be noted here that the research available posits a qualification regarding the achievement of the benefits of implementation of HRE as discussed above. This is to do with the significance of the manner in which HRE programmes are implemented within schools; namely that their implementation must be holistic, with all policies and practices in the school environment reflecting the values and principles of human rights. In the cases when schools did not fully implement HRE programmes in a holistic manner the rights-respecting behaviour and improved academic achievement were “less in evidence” (Covell and Howe, 2008, p.3). This will be discussed in more detail in Chapter Three, and it will be established that this 'holistic' implementation of HRE corresponds with international standards and consensus.

2(3): Human rights education as crucial for the democratic process

As will be discussed below a crucial element of a democratic society is the availability of accessible and impartial HRE to its citizens (Yamasaki, 2002, p.19). As Crick (2007) suggested, uninformed citizens are unable to participate effectively in society, threatening the establishment of democracy. This idea is not a new one; Freire (1970) posited that education is crucial for freedom, and as such Misgeld (1994) suggests this “needs to be interpreted as part of a process of democratic development” (p.243). Yamasaki (2002) echoes Misgeld's position, suggesting that “the method of HRE will equip students to work toward such a society, so that they can participate in the democratic process and organise a democratic climate with others” (p.19). Without a reliable source from which to gain information regarding human rights legislation citizens are left to glean this information from other less reliable and potentially biased sources, meaning that they remain at best uninformed, and at worst misled.

Information about and understanding of human rights is most often sourced by individuals in the UK through the media (Council of Europe, 2011, p.30). This is inherently problematic due to the self-acknowledged biased nature of the UK populist media (Dacre, 2008; Liberty, 2013, p.3) which results in widespread misconceptions and 'media myths'. The Human Rights Enquiry undertaken by the Commission in 2009 revealed major misunderstandings which it believed affected the public perception of the Human Rights Act, and human rights more generally:

- 1) *That it is primarily about laws and lawyers*
- 2) *That it protects those who put their own interests above those of the community*
- 3) *That it only matters to foreigners*

(Kaur -Ballagan et al., 2009)

The inquiry claimed that these three problems stem from biased media attention which focuses on a small number of unrepresentative high-profile rights cases (pp.43-44). Suggesting that the “Commission will need to raise awareness about human rights in a way that demonstrates that they are relevant in everyday life” (p.50) the report raised concerns that everyday benefits of the act have gone largely unnoticed by the public. Indeed research undertaken suggested that around 42% of British people believe the only beneficiaries of human rights legislation are “those that don't deserve them” (p.16) and “invariably cited television and newspapers as the places” (p.44) where their knowledge about human rights came from.

British public figures have done little to counter these misconceptions, and in some cases have actually strengthened 'media myths' about human rights in expressing critical political opinions. Strong criticism of the Human Rights Act from right wing politicians in recent years, with a Conservative pledge to “scrap” the Act after the next general election, has been widely publicised by both left and right wing media (see Travis (2013), Barrett (2013), Robson (2013) and McTague (2013)). Links between the Human Rights Act and terrorist or criminal activity are made in the vast majority of this media coverage. Indeed Theresa May, current UK Home Secretary, has made no secret of her desire to scrap the Human Rights Act, and in her latest conference party speech claimed that the Human Rights Act “put the law on the side of criminals” (May, 2013) as well as using a highly publicised, but wholly unrepresentative case, regarding alleged terrorist Abu Qatada to support her argument. Arguably examples such as these strengthen opinions found to be prevalent by the Human Rights Inquiry that “people were nervous about the potential for new legislation to make it easier for criminals to escape justice [and were] concerned that human rights legislation might be a part of that process” (Kaur-Ballagan et al., 2009, p.46). International opinion suggests that critical political opinions regarding the Human Rights Act such as made by May strengthen negative opinions regarding human rights more generally (UN Human Rights Council, 2008, p.14).

Indeed the Committee Against Torture (2013) as part of the UK's most recent Universal Periodic Review highlighted concerns that “the Human Rights Act is the subject of negative criticism by public figures” (para.8).

It is therefore purported that the combination of populist media attention and the public figure negative criticism has resulted in “misrepresentation of the facts in high-profile cases and repetition of unfounded myths” which have “taken root in the popular imagination” and has led to a “serious misunderstanding of the Act” (UN Human Rights Council, 2008, p.14) and human rights in general.

More generally a Council of Europe report highlighted concerns that “[v]arious studies [for example Fitzgerald, Curtis and Corliss (2009)] show that: photographs of visibly “foreign” or minority suspects are much more common in the media than of those who look 'native” (Council of Europe, 2011, p.29) and concludes that the “media thus bear considerable responsibility for helping to form the image that the majority society has of others, including migrants and their descendants” (Council of Europe, 2011, p.30). This is reflected in the findings of the Human Rights Inquiry which found that 43% of those surveyed “thought that too many people (notably asylum seekers [... and] foreigners) took advantage of the Act” (Kaur-Ballagan et al., 2009, p.46).

Populist media reduces levels of human rights activism

The literature suggests that this 'image' portrayed by the media has had a highly damaging impact upon levels of human rights activism within the UK. Mihr (2004) suggests that HRE can be divided into three levels; the 'cognitive level' which includes knowledge and information about human rights; the 'emotional and awareness level' which includes feelings of responsibility towards human rights violations; and the 'active level' which includes promoting skills to detect human rights violations and injustices in daily life, as well as at higher political levels (p.5; see also Reardon

(1988); Lister (1984) and Meintjes (1997)). Positing that the second level of HRE is the most difficult to achieve as it can be easily manipulated through biased information and propaganda (p.5) Mihr highlights the dangers of the lack of impartial HRE available. This in turn impacts upon the level of human rights activism (level 3).

This biased media and public attention of human rights is particularly damaging upon levels of activism in the UK as there exists a relatively low level of public knowledge about human rights conventions, instruments, organisations and mechanisms. Well informed individuals are less affected by populist media as their foundation of impartial knowledge allows them to make an informed judgement as to the reliability of the news story they are exposed to. However the Human Rights Inquiry suggested that this was not the case in the UK, positing that “there is a lack of detailed understanding of human rights and the legislation which surrounds these” with “confusion around what human rights were” (p.iii). For example around three in five participants claimed to “know 'very little' or 'nothing at all' about the Human Rights Act” (p.27), and a majority “admitted they lack knowledge about what their human rights are, and the legal frameworks that support these rights” (p.27).

Waldron et al. (2011) found that that one of the reasons that individuals display reasonably strong opinions regarding human rights despite a low knowledge base is that the term 'human rights' is often used “informally” in everyday discourse, interpreted “differently to how it is conceived in academic or legal discourse” (p.49). This informal use is promulgated by the populist media and politicians, who make little attempt to distinguish between the 'informal' use and the use in legal and academic discourse. Due to limited understanding regarding the legislation surrounding human rights Waldron et al found that participants displayed “difficulty distinguishing differences between moral and legal rights” (p.49), finding that there was a feeling that “human rights aren't really legal rights” (p.50) as human rights were referred to in terms of a moral code rather than a legal structure (p.49). There was a feeling that 'human rights' were used by “unscrupulous people [...] to get away

with crimes” (p.45) (stemming, as discussed above, from information provided by the media and public figures), and as such some participants expressed a reluctance to link themselves with the concept (p.45-46).

This reluctance to link oneself with the concept of human rights has highly damaging implications for the democratic process. Given that the Human Rights Inquiry showed that “many deliberative participants said they would not really know how to exercise their human rights” and would be “embarrassed” to do so (Kaur-Ballagan et al., 2009, p.45) it is clear that there exists a democratic deficit of sorts within the UK. Without the “[k]nowledge of human rights instruments and institutions necessary for individuals to be able to claim their rights and seek redress if their rights are infringed” (Waldron et al., 2011, p.49; see also Osler and Starkey, 2010; Fritzsche, 2004), as well as the motivation to use these instruments, the democratic process is hindered

It is clear that serious issues exist in the UK regarding levels of knowledge about human rights which, combined with a populist biased media and high profile criticism of human rights from public figures, has two damaging effects. Firstly, as purported by Mihr (2004), levels of human rights activism are directly affected by their exposure to information regarding human rights. And secondly, the democratic process is hindered, as individuals are misinformed and so unable to take part effectively within the democratic process.

The education sector has been “identified as a vehicle through which governments can ensure that individuals are aware of and able to defend their rights” in academic literature (Waldron et al., 2011, p.49), by NGOs (Liberty, 2013, p.7) by UK politicians (Kirby, 2009) and the international community (see for example UN General Assembly, 1989). Democracy is strengthened when

citizens receive adequate education which allows them to make informed judgements (Council of Europe, 2008), rather than judgements which “stem from biased media and public figure criticism” (Liberty, 2013, p.7) .

Having established the importance of HRE it is important to establish what exactly is meant by HRE, before we can go on to consider the state of play regarding HRE within the UK. Thus the next chapter considers what exactly human rights education consists of.

Chapter 3: What is Human Rights Education?

Although the term 'HRE' is used widely, by international organisations³, in academic literature⁴ and NGO campaign documentation⁵, a clear, singly accepted definition of the term has been somewhat lacking. Seen as a “slogan in search of a definition” (Gerber, 2008, p.70), academics concurred that the term was a somewhat indefinable creature (Flowers, 2003; Bajaj, 2011), largely due to the fact that definitions tend to reflect the goals of the organisation promoting it (Flowers, 2003, p.2). This results in a “direct link between the role an actor plays in society and its understanding of HRE” (ibid., p.3). To illustrate, Amnesty International's definition of HRE focuses on its “participatory” nature, “fostering knowledge, skills and attitudes consistent with internationally recognised human rights principles” with the aim of building a “culture of respect for [...] human rights for all” (Amnesty International, 2014a), whereas government definitions often “emphasise the role of HRE to create peace, continuity, and social order” (Flowers, 2013, p.3). The 1990s saw a vast increase in the amount of academic, activist and international discussion on HRE, bringing the question of its definition into the limelight.

3 For example see Council of Europe (2010); United Nations (1996; 2006)

4 For example see Gerber (2010); Flowers (2003); Hornberg (2002); Kerr (2003); McLaughlin (2000); Mihr (2013); Smith (2003)

5 For example see Amnesty International (2014a); Liberty (2013)

This chapter examines current interpretations of HRE. It begins by identifying a consensus that success of HRE depends upon an approach which integrates human rights into the process as well as the content of the learning. It then considers how this approach is reflected in international policy-making, culminating most recently with the development of the DHRET.

3(1): The content and process of HRE

Academic discussion largely suggests that although the definitions put forward by organisations inevitably reflect the goals of that organisation, there is actually considerable overlap amongst the majority of definitions, with “most scholars and practitioners agree[ing] that HRE must include both *content* and *process* related to human rights” (Bajaj, 2011, p.482). Focus upon “awareness raising, participation, empowerment and motivation to act” (Asia Pacific Forum, 2013, p.11) is as important as an understanding of the legislation surrounding human rights. Thus teaching students about human rights in a strictly academic sense is not seen as enough to fulfil the concept of HRE as HRE should also include “learning methodologies [...] which are child-friendly, learner-centred and encourage participation” (Cassidy, Brunner and Webster, 2013, p.4). Indeed when considering the different definitions posited by academics, NGOs and national and international organisations it becomes clear that the 'how' is considered as important as the 'what' (Bajaj, 2011, p.482). For example, Tibbitts' (2002) definition purports that HRE should affect the learner in at least three ways; improve knowledge 'about' human rights (the *content* of HRE), and then consolidate this knowledge 'through' personal experience of human rights, as well as empowering the learner to take positive action 'for' human rights (the *process* of HRE).

Brief reference was made in Chapter 2 to the qualification purported by various studies regarding the achievement of the benefits of HRE programmes in schools; namely that the programme must be implemented in a 'holistic' manner. This reflects the position outlined above, purporting that it is not enough to ensure that students receive an education *about* human rights, but that they must also receive an education *through* and *for* human rights if the benefits of HRE are to be reaped. Covell and Howe (2008) found that schools which evidenced weaker benefits of HRE had implemented the programmes in an incomplete manner, by focussing upon *either* the content of HRE, *or* the process through which it was delivered. Pupils attending schools which fully implemented the HRE programme “had a greater understanding of the concept of rights and a more accurate understanding of the relations among rights, respect and responsibilities” (p.16). It was found that a “striking majority of children from PI [partially implemented] schools said that they did not know” what it means for children to have rights (p.16) and “were not able to describe any benefit of children having rights” (p.17). Thus it becomes apparent that it “is important that there is a human rights 'culture' [which] exists in a school in order for HRE lessons to take root in classrooms” (Morgan and Kitching, 2006, p.49, see also Yamasaki, 2002, pp.170-172; Sebba and Robinson, 2010, p.22). Similar results were found in terms of pupil engagement, with “pupils in FI schools showing higher overall engagement in schools than their peers in PI schools” (Covell and Howe, 2008, p.18). Engagement was measured by considering pupils' enjoyment in learning and their perceptions regarding the fairness of their school, whether their rights were respected and how cared for they felt, as well as their perception of support and cooperation amongst their peers and teachers (p.18).

International discussion supports and encourages this holistic understanding of HRE as discussed above, criticising those who use “[t]he term 'human rights education' [...] in a way that greatly oversimplifies its connotations” (Committee on the Rights of the Child, 2001, para.19). The UN

General Assembly, in its Plan of Action for the UN Decade for HRE, emphasised the importance not only of imparting “knowledge and skills”, but also of the “moulding of attitudes” in HRE (United Nations, 1996, p.5). Later, in its Plan of Action for the World Programme on HRE (United Nations, 2006) the General Assembly explicitly furthered the scope of the definition by positing that “teaching and learning are the key processes of HRE” (United Nations, 2006, p.24), and that children should be taught “in a style that is coherent with human rights” (p.25) A “holistic approach to teaching and learning” is required (p.24) which is founded upon a rights-based curriculum and teaching environment. This includes adopting a teaching style that enables student empowerment, active participation and cooperative learning, and applying “human rights principles [...] such as transparency, [...] equality, [...] and] fairness” (p.26).

This rights-based approach to education is also proposed in the recent Council of Europe Charter on Education for Democratic Citizenship and HRE, signed by the UK in 2010. The HRE definition in this document includes “equipping learners with knowledge, skills and understanding”, but also “developing their attitudes and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society” (Council of Europe, 2010, p.6). The document goes on to suggest that teaching methods and school governance “should follow and promote democratic and human rights values” and that the “active participation of learners, educational staff and stakeholders” should be fostered (Council of Europe, 2010, p.9).

It is important to note that “[t]hough non-binding [these instruments] provide an important reference point for educators and policy makers in relation to HRE” (Waldron et al., 2011, p.5).

3(2): International policy

The focus on this holistic understanding of HRE in the international arena has culminated most recently with Article 2(2) of the UN Declaration on HRE and Training. This article defines HRE as follows:

HRE and training encompasses:

- a) Education 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) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;*
- c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others*

(UN Human Rights Council, 2011, Article 2(2))

Although not legally binding itself, legal obligations regarding HRE are reaffirmed in the preamble to the DHRET, providing legitimacy to the development of the DHRET as well as reminding States Parties of their current obligations. Obligations mentioned specifically are those within the UDHR (which although also not legally binding nevertheless provides a “single set of fundamental principles and norms intended to inform the laws... of all states” (Starkey, 2010, p.33) and thus

ought to be taken seriously by all governments) and the ICESCR, as well as a more general reference to “other human rights instruments” (UN Human Rights Council, 2011). It is important to note that any interpretation of the definition provided within the DHRET should include consideration of the HRE provisions within these 'other human rights instruments', given their reference in the preamble as well as the fact that the use of the wording 'includes' within Article 2(2) suggests that the definition above is not exhaustive. For that reason the ICCPR and CRC will be briefly considered as the UK has ratified both these treaties and they contain HRE provisions.

Article 2 of the ICCPR, ratified by the UK in 1976, makes reference to the content of HRE. States Parties are obliged to “undertake [...] the necessary steps [...] to give effect to the rights recognised in the present Covenant” (UN General Assembly, 1966). The 1981 General Comment interpreted this as meaning that States Parties are obliged to ensure that individuals receive education about the rights within the ICCPR and states that “it is very important that individuals should know what their rights are under the Covenant” (Human Rights Committee, 1981).

Representing “the apex of international development of children's rights” (Smith, 2003, p.137, see also Carter and Osler, 2000, p.336) the CRC, ratified by the UK in 1991, is presented as the strongest international instrument to date regarding the holistic implementation of HRE in schools. Stipulating that “States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike” (UN General Assembly, 1989, Article 42) the CRC legally binds the UK “to take steps to ensure that children's education includes HRE” (Gerber, 2008, p.72; see also Deconene and de Cock, 1996; Howe and Covell, 2007; Osler and Starkey, 2010). These 'appropriate means' are directed in Article 29(1) which outlines a holistic approach to HRE, including education through and for, as well as about, human rights (Covell, Howe and McNeil, 2010, p.3). General Comment 1 (Committee on the

Rights of the Child, 2001) was developed to “assist State Parties in implementing and complying with this norm” (Gerber, 2008, p.74) and, whilst not legally binding, provides further argument that “HRE should be interpreted in a holistic manner” (Gerber, 2008, p.74). The CRC has been used as the foundation for many HRE programmes in schools⁶ as it provides the clearest and strongest basis upon which to argue for implementation of such programmes.

Thus it is clear that a strong consensus exists within the international community, as well as between academics and researchers, regarding the concept of HRE. Great emphasis is placed upon the implementation of holistic HRE, involving education about, through and for human rights, in learning environments. The DHRET represents the most recent policy development regarding HRE and provides us with the most up to date international definition.

Having established the importance of HRE in Chapter 2, by illustrating the positive results effective implementation of HRE can bring about, as well as establishing the content of HRE in Chapter 3, the dissertation will now be able to move on to analysis of the the national policies and practices regarding HRE within schools in England at the Key Stage 3 and 4 levels.

⁶ For example Decoene and De Cock (1996); Carter and Osler (2000); Covell and Howe (1999, 2008); Keating et al. (2010); Morgan and Kitching (2006); Sebba and Robinson (2010); Yamasaki (2002);

Chapter 4: The state of affairs in England

As was discussed in Chapter 1 HRE in England sits primarily within the subject of CE. Seen as a crucial part of CE, HRE was given a prominent role by the Crick report within CE. However, it is advocated amongst academics who have written on the subject (Mills, 2013; Starkey, 2013; Covell, Howe and McNeil, 2008), as well as being supported by studies (Davies et al., 2013; Cassidy, Brunner and Webster, 2013; Eurydice, 2005; Keating et al., 2009; Ireland et al., 2006; Ofsted, 2006; 2010; 2013), that a gap exists (Covell, Howe and McNeil, 2008, p.322) between the ideals outlined in the Crick Report and what schools *say* that they do, and the reality of the actual implementation and substance of CE in the UK since 2002. This will be looked at in detail in this chapter which considers to what extent the policy and practice of HRE in England at the Key Stage 3 and 4 levels complies with international standards on HRE.

Positive rhetoric

In March 2011, immediately after the UN Human Rights Council had adopted the DHRET, the then UK Justice Minister, Lord McNally, expressed UK government support:

“Everyone agrees on the importance of upholding our human rights. The coalition’s programme for government outlines our commitment to promote a better understanding of the scope of these rights so that the UK offers an inspiring example of a society that upholds human rights and democracy. In that context I am delighted that the UK is supporting the United Nation’s Declaration on HRE and Training. There are many examples of how promoting

understanding of our obligations can lead to better outcomes for citizens, and practical ways in which people have been helped, for example human rights law has ensured that the elderly are able to demand acceptable standards of care” (Ministry of Justice, 2011).

Following from the 2010 UK signatory of a formal Recommendation supporting the Council of Europe Charter on Education for Democratic Citizenship and HRE which advocated commitment from member states to include “HRE in the curricula for formal education at pre-primary, primary and secondary school level” (Council of Europe, 2010, p.10) the rhetoric above appears to suggest a strong commitment from the UK government regarding the implementation of HRE.

Indeed, positive government rhetoric concerning HRE is not only confined to HRE within the UK. Foreign affairs policy has historically been supportive of HRE programmes, particularly in dependent territories. For example in the mid 1990s “considerable effort was made to secure and implement a HRE basis within Hong Kong prior to returning/giving it to China” (Smith, 2003, p.146; UN Economic and Social Council, 1996, para.326) and more recently DFID has focussed efforts upon implementing a human right based approach within countries such as Rwanda, Kenya and Bangladesh (DFID 2004). However it has been noted that this support for HRE in both foreign affairs and in rhetoric stands in contrast to domestic policy and actions. As far back as 1996 the UN Special Rapporteur noted this dichotomy, critically suggesting that “silence prevails” at the domestic level whilst the government was promoting the rights-based approach at the international level (UN Economic and Social Council, 1999, para.88).

As will be presented below, this dichotomy does not appear to have been resolved, even given the inclusion of HRE within the statutory subject of CE. Indeed, recent government policy appears to stand at odds with rhetoric, and the gap between the two has been widened. Domestic policy

regarding HRE has historically been weak and ineffective, and recent policy decisions regarding new programmes of study for CE in the 2014 National Curriculum have taken England even further from the rhetoric presented above. Starkey (2013) has suggested that “[t]his commitment [expressed by Lord McNally above] is barely visible in the new programme of study, suggesting that an opportunity to emphasise the importance of democracy and human rights for our diverse society has been missed”.

Presented in Appendix 1 and 2 are excerpts from the 2007 and 2014 Programmes of Study for CE respectively and represent the total sum of government policy regarding the *content* of human rights education, or 'education *about* human rights'. Comparison of the two makes clear the direction of government policy, illustrating clearly that the changes in policy displayed in Appendix 2 are regressive rather than progressive, indicating movement away from compliance with international standards and obligations.

The chapter will analyse these (and other) policies, considering both the content (education about human rights) and process (education through and for human rights) of HRE (as promulgated by the international community). It will be suggested that policy regarding education about human rights has regressed, and that policy regarding education through and for human rights is weak and ineffective, and has been distanced by the current government. Importantly, the analysis will also consider the state of practice of the content and the process of HRE in England, drawing conclusions that in practice education through and for human rights is actually more prominent than education about human rights. However the practice in all three areas would benefit from more comprehensive policy.

4(1): The Content: Education 'about' human rights

National policy

Prevalent throughout the 2007 Programme of Study (PoS) for CE (see Appendix 1) education about 'rights' (often tied with 'responsibilities' in the document) was one of three 'key concepts' which formed a significant component of the subject, reflecting Crick's notion that HRE was a crucial aspect of CE (Crick, 2007). Various categories of 'rights' are referenced; including “political, legal and human” (Qualifications and Curriculum Authority, 2007a, p.28), as well as civic rights. The distinction between different types of rights suggests an expectation that students be taught to distinguish between them and understand the distinctions (perhaps challenging the 'informal' use of the notion of the concept of human rights which has negative connotations as discussed in Chapter 2). Likewise the PoS also asserts that rights must be looked at in “a range of contexts from local to global” (Qualifications and Curriculum Authority, 2007b, p.46), meaning that the teaching scope is wide enough to include global human rights as well as more 'local' rights, such as civic rights.

In contrast, reference to education about human rights in the 2014 PoS (see Appendix 2) is much reduced (Liberty; 2013, Starkey; 2013), with only one reference made at the Key Stage 4 level, and no reference at all at the Key Stage 3 level. Key Stage 3 guidance merely states, “rather quaintly” (Starkey, 2013), that education about “the precious liberties enjoyed by the citizens of the United Kingdom” (Department for Education, 2014, p.71) should be ensured, and at Key Stage 3 that “pupils should be taught about [...] human rights and international law” (ibid.).

The dissertation will now present an analysis of these policies, suggesting that the regressive move in government policy regarding education about human rights is particularly worrisome as the original policy from which it has regressed did not itself comply with international standards and obligations.

HRE as an 'explicit' part of the curriculum

Direction from the international community regarding education about human rights is fairly explicit, stating that this should include education about specific treaties, conventions and mechanisms for protection. Indeed, various treaties and conventions themselves oblige States Parties to provide some form of education regarding the treaty's own provisions⁷. Most recently, as a culmination of these HRE obligations, the DHRET states specifically that education about human rights should include “providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection” (UN Human Rights Council, 2011, Article 2(2)(a)). This position stems from previous international policy regarding the importance of “knowledge and skills”, as emphasised by the General Assembly in its Plan of Action for the UN Decade for HRE (United Nations, 1996, p.5), and as furthered in the Plan of Action for the World Programme on HRE (United Nations, 2006) which instructs that education about human rights should be “a fully-fledged and *explicit* component of the school-based curriculum” (p.41) to ensure that students learn “about human rights and mechanisms for their protection” (p.3).

As has been made clear UK policy has in fact become more brief and vague regarding the content of HRE rather than more explicit. Indeed, at the Key Stage 3 level there is now no reference to human rights at all, merely to 'precious' civil liberties (Department for Education, 2014, p.71), and the Key Stage 4 reference to HRE is reduced.

Problematic of inexplicit expectations is that they are left subject to interpretation by individual

⁷ For example see the Convention on the Rights of the Child (CRC) in Articles 29 and 42, the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Article 13(1), the Convention Against Torture (Article 10), the Convention on the Elimination of Discrimination Against Women (Article 5(b)), and the Convention on the Rights of Persons with Disabilities (Article 4(1)(i))

schools and teachers, resulting in non-standardised delivery throughout the country⁸. Lack of clear guidance regarding curriculum content on HRE has been recognised as a key factor which inhibits the effective implementation of HRE (UN General Assembly, 2010, p.295; Gerber, 2008, p.253). Indeed, the curriculum for CE was labelled a 'light touch' (Blunkett, 2009) when it was introduced, meaning that “broad guidelines” were set out “rather than providing a detailed syllabus or textbook” (Keating, Benton and Kerr, 2012, p.59). Blunkett (2009) himself has since acknowledged that this 'light-touch' was a mistake and that a more 'directive' approach would have been preferable (Blunkett, 2009). As a consequence of the 'light-touch' approach no references are made to education about specific international human rights instruments or organisations or the history and development of human rights legislation. This contrasts with progressive policy in other European countries regarding education about human rights. A recent Council of Europe report highlighted that in Finland education about human rights was strengthened in August 2010 when new content was added to the subjects of history and ethics, with students learning “about the key human rights treaties, including the UN Convention on the Rights of the Child” (Council of Europe, 2013, p.16).

Indeed, the CRC, to which the UK is legally bound, specifically obliges States Parties to “undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike” (UN General Assembly, 1989, Article 42). It is perhaps possible to posit that both the 2007 and the 2014 PoS allow the scope for education about the CRC, but it is hard to argue that this is by any means sufficient. Without explicit government direction regarding

⁸ It should be noted that in the 2008 National Report the government was interested, at the very least, to appear to be providing some sort of guidance concerning the content of HRE, when it highlighted “educational materials for 11-14 year olds on human rights protection within the UK” that it was developing. It also claimed that “[a] range of materials is already available in UK schools about International Human Rights Conventions (such as the Convention on the Rights of the Child) (UN Human Rights Council, 2008, p.14)”. However, as will be discussed below, teachers are somewhat unaware of these materials, and the vast majority who do access HRE materials do so through NGOs and charities. Furthermore, the most recent National Report (UN Human Rights Council, 2012) makes no mention at all to HRE, supporting the critique that the government has lost focus and interest in this area of policy-making.

the duty of schools to provide education about this specific convention it is unrealistic to expect that schools will do so and cannot be suggested that policy complies fully with the obligation.

Finally, it is important to note that not all schools are obliged to follow the National Curriculum in England. Private schools, Academies and Free Schools are all exempt from this obligation, meaning that there is no duty for them to carry out any education regarding the content of human rights. Just over 7% of school children attend one of these schools in the UK (Independent Schools Council, 2014) and thus any form of education about human rights received by them is not as a direct result of government policy.

It is clear then that policy regarding the content of HRE has regressed and is insufficient. Policy is now silent regarding education about human rights at the Key Stage 3 level, and could not be more brief or vague at the Key Stage 4 level. As a result it fails to live up to international expectations that human rights should form an 'explicit' part of the curriculum, and remains subject to interpretation by individual schools and teachers. Legally binding obligations in the CRC are ignored by UK policy makers, as the curriculum makes no reference to education about the provisions of this (or indeed any other) convention.

The practice

Analysis of HRE policy in England, although important, only allows us to see some of the picture. In order to assess compliance with international standards and UK obligations it is vital to consider the practice of HRE. As will be discussed below, it appears that practice, as well as policy, in England is inadequate, although is better in some areas than others. Serious problems exist which

need to be solved if England is to ensure commitment to its obligations.

The state of HRE in practice within schools in England is largely unknown (BEMIS, 2013, p.22). This is partly due to the fact that the countries of the United Kingdom neglected to adhere to calls from the UN Decade for Human Rights and World Programme to carry out a comprehensive assessment of HRE in a number of areas including the curriculum, school environment and teacher training (United Nations, 2006, para.49). For this reason the international community knows little about “how extensively human rights are integrated... and how much actual time is spent on human rights” in our classrooms (UN General Assembly, 2010, para.26).

Thus in order to get a clearer picture regarding the practice in the UK it is necessary glean information from informative studies carried out by other agencies. Useful information can be found in regular Ofsted reports, three of which have been published focussing on the subject of CE in the past eight years, as well as studies which have been undertaken by NGOs and academic establishments.

Lack of sufficiently trained teachers

It is clear that if education about human rights is to be delivered effectively this “demands that teachers themselves are confident and knowledgeable about human rights issues” (Cassidy, Brunner and Webster, 2013, p.3). In order to ensure knowledgeable and confident teachers comprehensive training must be available to ensure “the necessary knowledge, understanding, skills and competencies to facilitate the learning and practice of human rights in schools” (United Nations, 2006, para.18(e)); UN General Assembly, 2010, para.54). Research suggests that this is a problem for HRE within the subject of CE. The most recent Ofsted Report on CE posited that “teaching was

not good enough in 25% of secondary schools [...] Weaknesses in the teachers' subject knowledge and expertise led to only limited and superficial learning" (Ofsted, 2013, p.5). The report noted a direct link between specialist training for teachers and good progress for students, stating that "[w]hen the subject was taught by enthusiastic expert teachers who demonstrated specialist knowledge gained through specialist training or experience with support when in post, lessons were more likely to be successful in securing good progress" (Ofsted, 2013, p.19). This point has been made by the Council of Europe (2010) when it highlighted the need for adequate government planning for HRE, "in particular for future education professionals" (p.10). Although the Ofsted Report does not provide any data regarding the number of teachers who had received any specialist training, Keating et al (2009) found that in 2008 "less than half (47 per cent) of teachers report[ed] having received any training in relation to CE", notably a "proportion which ha[d] remained relatively unchanged since 2004" (p.39), suggesting that progression is not being made regarding this. Ofsted (2013) criticises the fact that teachers who were "non-specialist" and "had not received training and support from a knowledgeable expert" were expected to teach citizenship lessons and, as a result, "often struggled to achieve the range and depth of learning required to promote good achievement" (p.21). This is a far cry from the vision purported by the Crick Report which imagined that emergence of specialist, fully-trained teachers who would be predominately responsible for the teaching of CE (Citizen Advisory Group, 1998, p.30-31). Instead schools "still tend to allocate CE teaching duties to existing staff, rather than hiring new teachers with specific experience and training in citizenship education" (Keating et al., 2009. p.37).

As a result, teachers who are expected to teach about human rights in CE classes often lack the appropriate knowledge and skills to do so effectively. This clearly suggests that schools are not fulfilling their awareness-raising role as set out by the Council of Europe recommendations signed by the government which identified "the education sector [...] as a vehicle through which

governments can ensure that individuals are aware of and able to defend their rights [... as well as calling] into question the degree to which teachers are directly exploring human rights instruments and principles in their classrooms” (Waldron et al., 2011, p.49). Even those teachers who feel that they have a good level of knowledge about human rights and HRE may in actuality be lacking the appropriate knowledge and skills. Some research available raises concerns that many teachers have a significant lack of awareness of their low level of knowledge about human rights institutions and legislation. It was found that “[s]trikingly, respondents' knowledge of human rights instruments did not correspond with how they rated their level of understanding of human rights and HRE it was found that many of the respondents who rated their understanding of human rights or HRE highly actually had little or no knowledge of most if not all of the conventions, including the UDHR, the UNCRC and the ECHR. As knowledge of human rights instruments is central to any understanding of human rights and HRE this draws into question respondents' conceptualisation of human rights and HRE” (Waldron et al., 2011, p.49). This ties in with the point made in Chapter Two which highlighted the increase in the 'informal' use of 'human rights' in everyday discourse. As the term 'human rights' is interpreted “differently [in informal discourse] to how it is conceived in academic or legal discourse” (ibid.) this can lead to a lack of awareness regarding personal levels of knowledge about human rights. Interestingly contrasting research results posits that in actual fact teachers are well aware of their lack of knowledge, expressing the need for further training, particularly in relation to “the *subject matter* of Citizenship Education” [italics added] (Keating et al., 2009, p.40). Although it is clear that research regarding this point is not conclusive, what is apparent is that either way there is a need for increased and improved training regarding education about human rights.

Human rights seen as controversial

Within the 'informal' everyday discourse regarding human rights as often used by the media, human rights issues are often presented as controversial and contentious, based upon 'moral codes' rather than factual legal structures (Waldron et al., 2009, p.49). As such, some teachers express discomfort regarding teaching about human rights, concerned that they may offend or provoke criticism from parents, or even "be accused of indoctrinating children or demonstrating political bias" (Cassidy, Brunner and Webster, 2013, p.4).

It is not surprising that teachers find teaching about human rights a daunting prospect if they have not received the appropriate training or support to ensure they hold sufficient knowledge. Indeed, Ofsted (2013) points out that it is particularly important that areas which are seen as "potentially controversial" have teachers who hold "detailed knowledge" and are confident in presenting information to students in a factual and coherent manner (p.20). It is suggested that "knowledge of equality and human rights involves knowledge of key aspects of legislation" and that teachers must be confident in their understanding of this if they are to deliver the subject appropriately and effectively (p.20). It was noted that this is lacking in teachers in England and, as an illustration, that "few examples emerged during the survey of teachers confidently challenging homophobic attitudes" (p.21). One piece of legislation which could be appropriate to use in challenging such attitudes is Article 8 of the European Convention on Human Rights; the right to respect for private and family life (Council of Europe, 1950). Without appropriate knowledge and understanding of legislation teachers have nothing but their personal convictions to fall back upon. This is entirely inappropriate and would not be accepted in any other subject area. Instead, teachers should be "grounding their moral authority in international standards and principles" and thus teaching "independently of their own background or convictions" (Osler and Starkey, 2010, p.41).

Lack of training resources available

Accessibility to adequate training and teaching resources is key if any teacher is to ensure good teaching about human rights (or indeed any other subject area). At times the government has appeared keen to show the international community that it is taking its commitments to citizenship and HRE seriously by providing HRE resources. In the UK National Report (UN Human Rights Council, 2008) submitted to the UN in 2008 for its Universal Periodic Review the government highlighted its educational materials being developed for 11-14 year olds on human rights protection within the UK (para.76). Materials about international human rights conventions (such as the CRC) were said to be available to UK schools, and new materials were being developed to be launched later in 2008 (ibid.).

However, various problems are apparent regarding these training resources mentioned above. Firstly, these resources were actually developed predominately by NGOs and charities in association with the government, rather than the other way around⁹. This is problematic for various reasons. As highlighted by Mihr, the fragmented nature of the NGO world means that NGOs do not, and will likely find it incredibly difficult to have, a “common strategic plan, nor a method on how to actually implement HRE” (p.28) whereas compulsory, state-funded resources and training would ensure that all teachers received the same minimum standard of HRE training. Furthermore, this lack of state-funded, independent HRE resources does nothing to reduce concerns raised earlier in the chapter that teaching about human rights is contentious, as concerns are raised that NGO resources merely promote the NGO's own cause, rather than providing unbiased, factual information (Flowers, 2003). Mihr goes on to suggest that the presence and support that NGOs give actually endorses an impression that the issue of human rights is an NGO issue, not a government one. Governments give financial support to NGOs as part of a “trend that governments neglect their

⁹ For example, see Amnesty International, 2014b; British Institute of Human Rights, 2014; UNICEF, 2014

responsibility to implement human rights in daily life” (Mihr, 2004, p.29). This has resulted in the fact that “most HRE policies have been project orientated only and not, as demanded by the UN, led to an overall implementation of human rights in the formal education system” (Mihr, 2004, p.35).

Secondly, access to these resources depends to some extent upon the self-motivation of the teacher to access these resources, as well as the knowledge that the resources can be found and accessed (Mihr, 2004, p.32/33). Gerber (2010) indicates that this knowledge is not widespread amongst teachers; she even suggests that, given that “very few teachers [...] have heard of either programme” the UN Decade and the World Programme “endeavours represent one of the UN's best kept secrets!” (Gerber, 2010, p.290). This means that use of resources is ad hoc and non-standardised, resulting in a massive variation between, and even within schools.

Inadequate curriculum

Even when CE teaching is good, Ofsted (2013) noted that “in 38 schools the curriculum was not good enough and in two schools it was inadequate” (p.24). This accounts for more than 40% of the schools of the schools surveyed; a significant percentage considering that CE had been a statutory requirement for eleven years by the time of the report. The factors which contributed to this inadequate curriculum included inadequate time allocation due to “constraints on curriculum time resulting from competing pressures for time with other subjects” (p.22). This competition with other subjects is a problem given the subject's relatively low status in the curriculum. The “declining popularity of citizenship as an examination subject” (p.16) indicates this decline in status, a far cry from the vision purported by the Crick Report which posited that it “was essential to ensure that citizenship had status as a subject in schools, particularly in relation to existing National Curriculum

subjects” (Citizenship Advisory Group, 1998, p.73).

Indeed, the decline in status is not particularly surprising given the amount of negative criticism directed at CE by public figures in the recent past as highlighted in Chapter Two. A recent review of the National Curriculum in 2011 resulted in recommendations by a panel that the subject of CE be removed from the National Curriculum and instead be “reclassified as part of the Basic Curriculum” (Department for Education, 2011, p.24). Had this reclassification gone ahead the Secretary of State would have been no longer required to produce a PoS for CE. Although remaining compulsory in all schools at key stages 3 and 4, schools would have been expected to determine for themselves “appropriate specific content” (p.29). As a result of a strong negative reaction to the above¹⁰, these proposals were scrapped and CE continued as a part of the National Curriculum. However, research undertaken by Ofsted (2013) suggests that this has had a direct negative impact upon the quality of CE in schools, as it noted that “Six of the 26 schools visited in the last year claimed that uncertainty over the subject’s future had diminished the level of attention they had afforded to citizenship. (p.5).

UNESCO and UNICEF (2007) highlight the important of assessment, noting that “[a]nalysis of results enables governments to assess whether they are achieving their educational objectives and to adjust policy and resources accordingly” (p.34), but use of assessment in CE lessons is described as “the weakest aspect of teaching overall in [...] secondary schools” (Ofsted, 2013, p.6) with assessment procedures being described as “insecure” and “a key weakness” (p.21). It seems that this lack of stringent assessment procedures has a direct effect upon how seriously teachers and pupils perceive a subject. A study by the National Foundation for Educational Research (Davies et al., 2013) found a strong “perception that schools do not always take citizenship education as seriously

¹⁰ See for example Liberty's submission to the Department of Education's consultation on Reform of the National Curriculum in England (Liberty, 2013)

as other subjects” (p.15); consequently pupils were more likely to be disengaged with the issues in lessons and saw it “as a bit of a mess around where we could like play or relax” (p.15). This disengagement was something that the writers of the Crick Report warned against, positing that the “status [of CE] must be clear to teachers, pupils and parents to ensure that citizenship education will be taken seriously” (Citizenship Advisory Group, 1998, p.73).

A somewhat negative picture has emerged regarding the state of practice concerning education about human rights in schools in England at the Key Stage 3 and 4 levels. The lack sufficiently knowledgeable teachers as a result of inadequate training and support regarding the content of HRE has a severe impact upon the quality of teaching in schools. Combined with inadequate timetabling allocation due to competing pressures from other 'higher status' subjects with this results in a perception shared by both teachers and pupils that CE, and thus HRE, doesn't really matter.

4(2): The Process: Education 'through' and 'for' human rights

Education through human rights focuses upon the right-respecting relationship between the learner and their teacher, and a rights-based approach to the learning environment and pedagogy (DHRET, Article 2(2), UN General Assembly, 2010, para.42). All educational processes must be “based upon the very principles [...] enunciated” by human rights legislation (Committee on the Rights of the Child, 2001, para.2), as “teaching and learning are the key processes of HRE” (United Nations, 2006, p.24). The learner is viewed as an active participant rather than a passive recipient (UNESCO&UNICEF, 2007, p.33; Committee on the Rights of the Child, 2001, para.2) and the

teaching style should enable student empowerment, active participation and cooperative learning. Student empowerment is also key for the establishment of education 'for' human rights. The DHRET asserts that education for human rights “includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others” (United Nations, 2011, Article 2(2)(c)) and the World Programme encourages students to “defend and promote human rights” (United Nations, 2006, para.4(c)). Teachers are encouraged to “ [a]dopt experience-based learning methods whereby students can learn by doing and put human rights into practice” (para.19(b)(v)).

National policy

Domestic policy regarding the process of HRE is not forthcoming, but can be gleaned from various policy developments. Mention of education through and for human rights is made in a statutory duty introduced in 2007 which obliged schools to “promote community cohesion” (Department for Children, Schools and Families, 2007a, p.1). The guidance on this states that schools must “promote awareness of human rights, [and] apply and defend them” whilst developing “skills of participation and responsible action” (Department for Children, Schools and Families, 2007a, p.7). Examples are given in the guidance, focussing predominately on partnership activities with the local and wider community; for example “links with community groups [...] encouraging pupils to make a positive contribution in the local area”, and “[p]lacements for pupils in voluntary based activities” (p.10). This statutory duty stems from duties outlined in the 2002 Education Act which obliged schools to ensure that their curriculum “prepares pupils at the school for the opportunities, responsibilities and experiences of later life” (Great Britain, 2002, para.78(1)(b)) and in the 2003 Every Child Matters (ECM) initiative which obliged schools to show that they were aiming at five goals, one of which was that children had to “make a positive contribution” to the life of the school (Chief Secretary to the Treasury, 2003; pp.7, 14, 17),

The wording of these policies echo that made Article 29(d) of the CRC which posits that “education of the child shall be directed to [...] The preparation of the child for responsible life in a free society” (UN General Assembly, 1989). Active participation is outlined as crucial to ensure this “responsible life” in Article 12 which obliges State Parties to ensure children are able to actively participate “in all matters affecting” them (ibid.).

However, since the 2010 election of the coalition government there has been a steady move away from the policies outlined above. Describing the ECM agenda as “meddlesome”, the then education secretary suggested that his department was “determined to reduce the bureaucracy and regulation it created” (Stewart, 2012), banishing the ECM content to the archives of the Department for Education website (see Department for Education, 2014).

The importance of the obligations outlined in the duty to promote community cohesion, and even the 2002 Education Act have also been diminished by the coalition government. A new inspection framework for Ofsted, developed in January 2012, made significant changes regarding the focus of inspections. Increased focus was put upon academic rigour, pupil behaviour, and leadership and management, whereas specific grading of the wider well-being of the pupils, including the extent to which they “contribute to the school and wider community” as well as their “spiritual, moral, social and cultural development” was dropped (Stewart, 2012). July 2014 saw the update of this framework, which continued the focus outlined above (Ofsted, 2014).

This movement away from policy marks a direct contrast to recommendations made in a Research Brief for the Department for Children, Schools and Families in 2007 which posited that “It is clear from the research that schools would indeed benefit from new national guidance to help them embed pupil voice and develop their school councils to the full” (Department for Children, Schools and Families; 2007, p.4).

This move away from policy regarding the content of HRE is woefully inadequate when compared with the international standard as outlined in Chapter Two; recommendations made in the World Programme (United Nations, 2006, pp.24-26), the Council of Europe Charter (Council of Europe, 2010, p.6) and the DHRET (UN Human Rights Council, 2011, Article 2(2)(b)) regarding the importance of ensuring education through and for human rights have been unheeded by government in their most recent policy developments. The Committee on the Rights of the Child (2001), referencing the CRC to which the UK is legally bound, explicitly states that governments should reinforce efforts regarding the “educational processes, the pedagogical methods and the environment within which education takes place” (para.8) and should ensure that “children [...] learn about human rights by seeing human rights standards implemented in practice [...] in school” (para.15). Explicit policy obliging schools to ensure better education through and for human rights would ensure greater compliance with this aspect of international policy. A recent Council of Europe report (Council of Europe, 2013) held Finland up as an aspirational example in this area. Finland's policies include the development of a new national core curriculum, due to come into place in 2016, which places “emphasis on active participation [and] exerting influence” on the “operational culture of the school”. Pupils empowerment is strengthened with a “strong emphasis on pupils' real opportunities to influence school society, like planning their studies (what to learn, how to learn) in collaboration with teachers and other stakeholders” (p.10). The importance of the process of HRE is acknowledged by Finish policy as from January 2014 school councils became mandatory in all primary and secondary schools (p.10). Interestingly, the UK government has no problem with voicing positive rhetoric regarding these issues; a Department for Education spokesperson has been quoted as saying that although the 'official line' doesn't make any mention of specific activities which would ensure education through and for human rights (such as student councils), they do endorse them and want “schools to consider the views of pupils on matters that

affect them. Schools should determine for themselves the most effective way to do this” (Bennett, 2012). This view contrasts with those expressed by the international community, which suggests that policy is crucial for the implementation of effective practice. For example the UN Committee on the Rights of the Child (2001) purported that “[i]n the absence of any specific formal endorsement in national law or policy, it seems unlikely that the relevant principles are or will be used to genuinely inform educational policies” (para.17), a position most recently echoed in the DHRET which posits that “the adoption of legislative and administrative measures and policies” (UN Human Rights Council, 2011, Article 7(3)) is necessary for effective implementation of HRE.

However, as will be discussed below, a lack of policy in this area does not mean that schools are prohibited from providing education through human rights and in fact, encouragingly, many do provide some sort of education through and for human rights; for example in the form of student councils or pupil involvement in the appointment of staff. Unfortunately however, as this is not as a result of government policy, it is implemented in an inconsistent manner.

The practice

Positive developments have been apparent in recent years regarding the process of HRE in England. For example, student councils have become increasingly prevalent with data suggesting that at least 90% of schools had student councils in 2012, primarily as a result of the obligations outlined in the ECM document (Bennett, 2012). The concept of a 'pupil-centred approach' in teaching is now well established, with schools and teachers encouraging active participation in the classroom rather than passive learning¹¹. The most recent Ofsted report (2013) documented a positive picture regarding implementation education both through and for human rights, noting that “most of the schools visited [...] had good examples of students involved in active participation” (p.25), and that

¹¹ See General Teaching Council for England (2010) and Meyer et al., (2008) for example.

encouragingly this is “not merely about students taking responsibility, but more about representing others on the basis of evidence and negotiating and planning action to bring about change” (ibid.). 'Outstanding' schools evidenced a “consistent focus on participation and responsible action as an integral part of citizenship learning” (p.17) with campaigning and involvement in “action for change projects” encouraged. However it was noted that “few encouraged students to make a difference beyond school”(p.25) suggesting that links with local, national and international communities could be strengthened.

Indeed, not all research is so positive regarding developments in implementation of the process of HRE in schools. It is clear that the mere existence of school councils does not necessitate effective education through human rights and has been suggested that the existence of at least some of the school councils is more of a “box-ticking exercise” (Keating et al., 2009, p.48; Bennett, 2012) than about meaningful participation.

Research from the IEA International Civic and Citizenship Education Study (Keating et al., 2009) and the Citizenship Education Longitudinal Study (Nelson et al., 2010) presents a less positive picture. Outside of the classroom, student participation “remains relatively low, despite increasing reports by senior leaders that a wide range of activities are available at school” (Keating et al., 2009, p.v). This discrepancy between the perceptions of school leaders and those of students is interesting to note, as it was discovered that “students are not as positive about school climate as teachers and school leaders, who hold positive perceptions about school democracy, school ethos, and staff-student relationships” (p.48). It should be noted that it is important to understand that the mere existence of student participation bodies does not necessitate the implementation of these practices, and schools report that it “remains a challenge to engage students [in...] (activities that involve engagement with real, decision-making processes in schools” (p.48). For example a 2008 student survey showed “only 13 per cent of students report having represented their peers on the student council, and only 45 per cent have even participated in electing student council members” (p.52).

Interestingly the research noted that over the eight year period that the study spanned, the take-up of extra-curricular activities did not increase. As such “this raises questions about the strength of school policies, and/or why these policies are not reflected in student responses” (p.53). Both studies posit that the relatively positive picture of school policy regarding participation outside of the classroom is not reflected in practice (ibid.; Nelson et al., p.88). Although the Ofsted report presents more recent data, it is clear that the positive picture painted must not be taken at face value and that further research is needed in this area..

Lack of teacher training

One of the main barriers to implementing effective education through human rights is the existence of teachers who have not received the relevant pedagogy training (Committee on the Rights of the Child, 2001, para.18; United Nations, 2006, p.19). The Council of Europe (2010) states that “without training in HRE of teachers [...] such education will be ineffective and worse than useless. The subject is very different from traditional subjects. Those who teach it must first be taught it themselves. The best methods of teaching it are also different, and have to be learned” (p.32). These methods involve “a variety of interactive methodologies to create stimulating and participatory environments” and do not simply aim to transmit knowledge to passive recipients (UNESCO&UNICEF, 2007, p.34). Keating et al (2009) found that “teaching is still predominately delivered through *less active* teaching and learning methods (across all subjects, including CE)” (italics added) and that the use of “teaching and learning methods varies considerably within and between schools” (p.iii). The study found that “just over half (53 per cent) of teachers are interested in learning more about CE teaching methods, particularly more active approaches” (p.40). Indeed, this seems unsurprising given the situation examined earlier in the chapter regarding teachers low levels of knowledge concerning human rights; clearly, as pointed out by Cassidy, Brunner and

Webster (2013), “there cannot be pedagogy without content” (p.4). A comprehensive policy which makes teacher training on education through human rights mandatory would ensure coherence with international recommendations on the matter (UN General Assembly, 2010, para 66(b)(ii); United Nations, 2006, p.40(f)(iv)), which are based upon the hypothesis that teacher training is essential for the incorporation of appropriate pedagogy in the classroom.

It is encouraging to see that schools and teachers are generally keen to implement processes which reflect the principles of HRE, and it is clear that in practice positive steps have been made within the vast majority of schools. However, the policy regarding education through and for human rights has been weakened by the current government, shifting responsibility onto schools to determine for themselves the most effective way to ensure this aspect of HRE. As such implementation is non-standardised and reliant upon the motivations of individuals within specific schools. These motivations are likely to be diminished given the shifting focus on inspections from Ofsted, and thus policy is likely to affect practice.

Conclusion

The prominence of HRE on the international agenda has risen significantly in the past two decades, culminating most recently with the General Assembly's adoption of the UN Declaration on Human Rights Education and Training which sets out the agreed current international standard and benchmark regarding HRE. This posits that HRE should incorporate education about human rights (including receiving knowledge regarding specific human rights instruments and mechanisms for protection), education through human rights (including active participation in a rights-respecting

school) and education for human rights (including active empowerment to uphold the rights of others). Although not legally binding, the DHRET codifies HRE provisions within other legal instruments and provides a clear international standard with which states can compare their national policies and practices. This dissertation has done just this, considering recent policy developments in England which impact upon HRE for Key Stage 3 and 4 students as well as the practices demonstrated in schools. Unfortunately, a negative picture overall has emerged, with inadequate policies and practices regarding both the content and the process of HRE illustrated. Limited teacher understanding of both the content and the pedagogy of HRE, combined with a perception that CE is a 'low status' subject, means that HRE in practice is often poorly implemented, and where it is well implemented is dependent upon individual teachers or school leaders for the continuation of this. Recent regressive policy decisions regarding education about human rights at the Key Stage 3 and 4 levels take the UK further from compliance with international standards and obligations regarding HRE, as well as having negative impacts upon the (already inadequate) practice of HRE. Other policy, such as the Every Child Matters initiative and the statutory duty to "promote community cohesion" (Department for Children, Schools and Families, 2007a), which if implemented well had the scope to ensure compliance with international standards regarding the process of HRE, has been distanced by the coalition government, and as such illustrates a regression here as well.

Given that the importance of HRE has been well established as a tool to reduce human rights abuses, to allow citizens to actively participate in the democratic process, as well as being beneficial in the school environment, and that it has been recognised by the international community that there is unlikely to be effective implementation of HRE within a state without "the adoption of legislative and administrative measures and policies" (UN Human Rights Council, 2011, Article 7(3)), it is posited that the UK government should seriously re-consider its policy decisions regarding HRE within schools in England. Recommendations are made below which would ensure compliance with

international standards and obligations, as well as producing benefits for individuals, society, government and the wider international community.

Recommendations

The following recommendations are made to the UK government:

- 1) Education about human rights should be provided for explicitly in the National Curriculum at the Key Stage 3 and 4 levels, with detailed and clear guidance regarding content
- 2) Policy regarding education through and for human rights should be strengthened and made more explicit, with detailed and clear guidance available
- 3) Government produced HRE resources should be provided widely, to schools and teachers, ensuring that they are easily accessible
- 4) Learning institutions which are exempt from the National Curriculum should be obliged to ensure that their students receive the same level of HRE as their compatriots in maintained schools
- 5) Teacher training should include comprehensive HRE to ensure good levels of knowledge and understanding of appropriate pedagogy, and this should be maintained through CPD
- 6) The assessment process regarding CE (and within this HRE) should be strengthened and given more significance, to ensure that teachers, schools and pupils take the subject seriously

Appendixes

Appendix 1

2007 National Curriculum, Citizenship Education

At Key Stage 3 and 4 three 'key concepts' are outlined which “underpin the study of citizenship”. It is proposed that “[p]upils need to understand these concepts in order to deepen and broaden their knowledge, skills and understanding” (Qualifications and Curriculum Authority, 2007a, p.28). The second of these three key concepts is 'Rights and responsibilities':

1.2 Rights and responsibilities

- a. Exploring different kinds of rights and obligations and how these affect both individuals and communities*
- b. Understanding that individuals, organisations and governments have responsibilities to ensure that rights are balanced, supported and protected*
- c. Investigating ways in which rights can compete and conflict, and understanding that hard decisions have to be made to try to balance these*

(Qualifications and Curriculum Authority, 2007a, p.28)

In the explanatory notes the following is offered regarding human rights education:

Rights and responsibilities: There are different kinds of rights, obligations and responsibilities – political, legal, human, social, civic and moral. Pupils should explore contested areas surrounding rights and responsibilities, for example the checks and balances needed in relation to freedom of speech in the context of threats from extremism and terrorism. Links between 'rights and responsibilities' and 'democracy and justice' include the shared responsibility we all have to support and promote democratic values.

(Qualifications and Curriculum Authority, 2007a, p.28)

In the 'Range and content' section of the Citizenship curriculum human rights are top of the list in both Key Stage 3:

The study of citizenship should include:

- a. political, legal and human rights, and responsibilities of citizens*

(Qualifications and Curriculum Authority, 2007a, p.28)

And in Key Stage 4:

The study of citizenship should include:

a. political, legal and human rights and freedoms in a range of contexts from local to global

(Qualifications and Curriculum Authority, 2007b, p.46)

Appendix 2

The Department of Education's statutory guidance regarding the Citizenship National Curriculum, due to start in September 2014, makes the following references to human rights education:

At Key Stage 4:

Pupils should be taught about [...] human rights and international law

and with no direct references to universal human rights at all in the Key Stage 3 curriculum, the closest reference made is that *pupils should be taught about [...] the precious liberties enjoyed by the citizens of the United Kingdom*

(Department for Education, 2014, p.71)

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