

Translating human rights principles into classroom practices: inequities in educating about human rights

Introduction

The overarching aims of this paper are to explore how the principles inherent in human rights declarations and conventions are translated into practices within school contexts and how such practices serve to 'educate' children and young people about human rights. Specifically, the paper will address the following three questions:

- What key principles are inherent in human rights declarations and conventions?
- How are such principles presented in school curriculum documents in England?
- What implied responsibilities are placed on practitioners in schools to acknowledge human rights principles, and how does the implementation of these responsibilities lead to inequitable human rights education (HRE) practices?

Context: key principles inherent in human rights declarations and conventions

Human rights are those rights to which all individuals are entitled as a result of being human. The Universal Declaration of Human Rights (UDHR) (UN, 1948) recognised a universal entitlement to rights. This declaration prompted a number of international human rights laws, including the European Convention on Human Rights (ECHR) (European Council of Human Rights, 1950), the International Covenant on Civil and Political Rights (ICCPR) (UN, 1966a) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966b). Core civil, political, economic, social and cultural rights and freedoms for all individuals, as set out in these declarations and conventions, were enshrined in United Kingdom (UK) law through the Human Rights Act 1988 (UN, 1988). Additional rights for the protection and freedoms of children were provided for by the United Nations Convention on the Rights of the Child (UNCRC) (UN, 1989) which was ratified by the UK government in 1991. By signing this international convention, the UK government has undertaken the responsibility to acknowledge and uphold the rights of children as outlined within the UNCRC.

Broadly speaking, rights within these documents can be classified as civil, political, economic, social and cultural rights. Civil rights are primarily concerned with the right to life, and offer protection from physical violence, torture and slavery, they also include liberty rights such as the freedom of thought, conscience and religion, and rights to equal treatment and protection in law. Political rights incorporate rights associated with freedom of expression, association and assembly, and the right to take part in the governance of the country through the right to vote. Economic rights comprise the right to own property, the right to work and earn a fair wage and trade union rights. Social rights encompass rights relating to adequate standards of living, including the right to health and education, and cultural rights reflect rights relating to the freedom to participate in cultural life. Clearly many of the rights included within these classifications have little relevance to the everyday practices within school settings. For example, civil rights not to be tortured or held as slaves, rights relating to individuals when they are arrested, imprisoned or in court; and economic rights relating to owning property and rights at work, are not directly relevant to the day-to-day life of children and young people in school. This is not to say that children and young people should not be made aware of these rights, or that some other rights, for example, cultural rights relating to the right to take part in cultural life, do not overlap with the work of schools, however, it is beyond the scope of this paper to focus on all human rights within the various declarations and conventions. For the purpose of this paper, only those rights considered as being particularly relevant to school contexts will be considered; this allows for a detailed focus on how a small number of particularly relevant rights are presented within the school curriculum documents, and on the associated

implied responsibilities for practitioners in relation to HRE. The rights on which this paper focuses have been purposefully narrowed to include the following:

Civil rights

- Right to life and development (taken from Article 6 of UNCRC; Article 6 of ICCPR; this right also reflects Article 3 of UDHR; and Article 2 of ECHR).
- Right to freedom of thought, conscience and religion (taken from Article 14 of UNCRC; Article 18 of ICCPR; Article 18 of UDHR; and Article 9 of ECHR).
- Right to equal value and non-discrimination (reflects Article 7 of UNCRC; Articles 2, 3, 24 and 26 of ICCPR; Articles 2 and 3 of ICESCR; Article 7 of UDHR; and Articles 6 and 14 of ECHR).

Political rights

- Right to freedom of expression (taken from Article 13 of UNCRC; Articles 19 and 20 of ICCPR; Article 19 of UDHR; and Article 10 of ECHR. The child's right to freedom of expression was incorporated into domestic law through the Human Rights Act of 1988. Although this right, in some cases, also includes the freedom to hold opinion, it was decided to limit this right to 'freedom of expression' as 'freedom of opinion' is considered to be included in the civil right 'Freedom of thought, conscience and religion').
- Right to take part in the conduct of affairs in relation to matters affecting them (taken from Article 12 of UNCRC; and Article 25 of ICCPR. Right to take part in the conduct of public affairs, directly or through freely chosen representatives).

Social rights

- Right to education (reflects Articles 28 and 29 of UNCRC; Article 13 of ICESCR; Article 26 of UDHR; and Article 2 of ECHR). In the context of this study, the right to education has two main elements: the right to the fullest possible development of an individual's talents, mental and physical abilities; and an individual's right to be informed about rights.

The focus on civil, political and social rights has resonance with Marshall's classification of citizenship rights (Marshall, 1950). Marshall advocates that citizenship is conceived as representing full membership of a community and that there is a basic human equality associated with citizenship rights, which he divides into three parts: civil, political and social (Marshall, 1950, 10). In his examination of the development of rights, Marshall identifies key characteristics pertaining to each of these categories; in all cases, these characteristics bear resemblance to the main elements contained within the categories of rights outlined above.

Marshall assigns the formative period of civil rights to the eighteenth century, the development of political rights to the nineteenth century and the development of social rights to the twentieth century, although he acknowledges that there is considerable overlap between the development of political and social rights (Marshall, 1950, 14). He identifies civil rights as rights which are necessary for individual freedom, such as freedom of speech, thought and faith, the right to own property and the right to justice (Marshall, 1950, 10). Political rights are identified as the right to exercise political power as a member of a body invested with political authority or as an elector of such a body (Marshall, 1950, 11); and social rights, range from 'the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society' (Marshall, 1950).

The development of human rights education in England

The UDHR (UN, 1948) was instrumental in introducing 'human rights education' (HRE) as a distinct concept. Article 26.2 of the UDHR states 'education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental

freedoms'. More recently, the United Nations (UN) launched the World Programme for Human Rights Education (World Programme) (UN, 2006); the first phase of this programme specifically focused on the development of HRE within schools. This phase ran from 2005 to 2009; it acknowledged that the 'main responsibility for the implementation of the plan of action shall rest with the ministry of education in each country'(UN, 2006, 29), and detailed the actions to be taken by ministries of education 'to integrate human rights education effectively into the primary and secondary school systems'(UN, 2006, 1). Within this first phase it was stated that HRE should encompass 'learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life...developing values and reinforcing attitudes and behaviours which uphold human rights...[and] taking action to defend and promote human rights'(UN, 2006, 12). Thus, there was a specific emphasis placed upon the requirement for children and young people in schools to learn about rights and to develop an understanding of how to apply these rights to their own situations. The World Programme asserted that HRE encompasses three elements: (1) *Knowledge and skills* which includes 'learning about human rights...and acquiring the skills to apply these in daily life'; (2) *Values, attitudes and behaviour* which incorporates 'developing values and reinforcing attitudes in alignment with human rights'; and (3) *Action* which is concerned with developing capacity to take 'action to defend and promote human rights'(UN, 2006, 12).

The second phase of the World Programme, 2010-2014 (UN, 2012), focused upon HRE in higher education and human rights training for teachers and educators, civil servants, law enforcement officials and military personnel. The third and current phase, 2015-2019, is devoted to strengthening the implementation of the first two phases and to promoting human rights training for media professionals and journalists (UN, 2014).

With regard to HRE in England, the Department for Children, Schools and Families (DCSF) was asked to respond to the World Programme and to indicate whether a national implementation strategy had been developed to implement HRE policy objectives. In their response, it was stated: Human rights is a statutory part of the national curriculum which is an entitlement for all children in maintained schools' (DCSF, 2010a, 5). This response suggests that there is no requirement for schools' HRE to go beyond merely informing children and young people about the existence of human rights. In the same year (2010), however, a commitment was given by the then Minister of State for Children and Families which confirmed the government would 'give due consideration to the UNCRC Articles when making new policy and legislation' (Teather, 2010). Although the UNCRC is only one of several documents which outlines children's and young peoples' human rights, it was written specifically to encompass the major rights applicable to their contexts. Giving 'due consideration' to the UNCRC in the making of new policies and legislation, however, does not lead to assurances that opportunities will be provided for children and young people to engage in meaningful HRE which helps them to understand their entitlement to human rights, and how to exercise these rights in the contexts of their own lives. The giving of 'due consideration' to the UNCRC is an ambiguous requirement, implying that practices can vary and that different levels of consideration can be given to the UNCRC according to different circumstances. The discussion below goes some way towards highlighting the tensions that exist in the translation of such ambiguous discourse.

Tensions in the translation of policy-related discourse relating to children

Debates around the social construction of childhood lead to differing perspectives about the extent to which children and young people are perceived as capable holders of human rights (James, Jenks, & Prout, 1998; Lee, 2005; Prout, 2011). From a post-structuralist perspective, this sociological debate hinges around two main opposing perspectives where children are either viewed as 'becoming' adults, or where they are perceived as social agents in their own right. At one extreme, the development sociological perspective views children as 'becoming', with the 'mature and

competent adult' being seen as the desirable 'end' outcome (McDonald, 2009). In such cases, the child is constructed as being dependent upon adults and as having a lower status compared with adults (Mayall, 2002), and their perceived ability to be capable holders of human rights is questioned. Lee (1998; 2005), however, argues against this viewpoint and enunciates the child as 'being', rather than 'becoming', with the insinuation that childhood is a complete and 'finished' status. This perspective views children as active social agents who are significantly involved in the co-construction of their own lives and cultures (Corsaro, 2005; Mayall, 2000), and are perceived as fully capable of being rights holders.

The stance taken in this paper is that children and young people are competent and knowledgeable actors in society with full human value in the present (James & James, 2004; James et al., 1998; Mayall, 2000), capable decision-makers (Alderson, Hawthorne, & Killen, 2005; Sumison et al., 2011) and capable holders of human rights. This line of reasoning is important from a children's rights perspective as it supports the theoretical justification that children have the same human status as adults in terms of their entitlement to be holders of human rights. This stance, however, is not one taken by all adults, resulting in the potential for the initiative to give 'due consideration' to children's rights conventions to be open to different levels of interpretation, according to an individual's view of children's capabilities. Marshall's view of children represents an opposing sociological stance to that taken in this paper. Although his classification of rights, as outlined earlier, has relevance for this paper, he views children as 'becoming adults', and perceives the aim of education during childhood is to shape future adults. For Marshall, a children's right to education is based on the fundamental rights of adult citizens to have been educated, and not on the right of the child to go to school (Marshall, 1950, 25).

A further example of the potential for policy-related discourse to be translated differently into practice depending on the adult's sociological view of children is evident in recent statutory guidance issued by the Department for Education (DfE), 'Listening to and involving children and young people'. Within this guidance it is stated: 'This legislation is underpinned by the general principles of the United Nations Convention on the Rights of the Child (UNCRC),...in particular, article 12...[and]'Schools are strongly encouraged to pay due regard to the Convention'(DfE, 2014b). Article 12 of the UNCRC (UN,1989) gives children and young people the right to express their views in all matters affecting them, and for these views to be given 'due weight in accordance with the child's age and maturity'. Thus, the DfE's legislation implies that children and young people will experience opportunities in schools to voice their opinions and that these opinions will be given 'due weight in accordance with the child's age and maturity'. However, tensions are likely to emerge in the translation of this statutory guidance into school-based practices as adults differ in terms of the areas about which, and the degree to which, they consider children and young people are capable of expressing their views. The 'due weight' given to children's views is, therefore, likely to vary according to the sociological stance of the practitioner with whom the child is working.

It is hoped that the above discussion has highlighted the significance of how differing perspectives of children, and interpretations of childhood, can impact on the ways in which adults view and, therefore, treat children with regards to understanding them as capable holders of human rights. The following section outlines the methods used to ascertain the presence of human rights within school curriculum documents in England. It considers the implied responsibilities placed on school practitioners to 'educate' children and young people about human rights, paying particular attention to the potential for children and young people to experience inequitable HRE, depending on the sociological view of children held by practitioners.

Method

To determine how human rights for children and young people are presented in the con-text of school curriculum documents in England, it was first necessary to identify the relevant documents to include within the analysis. The final choice of curriculum documents comprised those relating to the statutory subjects to be taught in schools.

Documents included within the analysis

The main curriculum document relating to the school curriculum in England is the National Curriculum (DfE, 2013a). This sets out programmes of study and subject content for subjects to be taught to all pupils. Within the National Curriculum, subject content is broadly divided into four age-related key stages (KS): KS1 - age 5-7; KS2 - age 7-11; KS3 -age 11-14; KS4 - age 14-16. A new National Curriculum framework was published in England in September 2013; this covers all statutory subjects that must be taught to pupils of compulsory school age in maintained primary and secondary schools in England as from September 2014. Figure 1 illustrates the National Curriculum subjects that maintained schools in England must teach at each key stage.

In addition to the National Curriculum subjects listed above, schools are required to teach three further subjects: religious education; sex and relationship education; and personal, social and health education. Guidance for the teaching of these subjects, which is mandatory for all teachers to follow, is provided by the Secretary of State for Education in England. In order to determine how human rights are presented in all subjects which schools are required to teach, the following documents were included in the curriculum analysis:

- Religious education in English schools: non-statutory guidance 2010(DCSF, 2010b)
- The National Curriculum in England (DfE, 2013a).
- Guidance: personal, social, health and economic (PSHE) education (DfE, 2013b).
- Sex and relationship education (SRE) for the 21st century (Brook, PSHE Association and Sex Education Forum, 2014).
- PSHE education programme or study (key stages 1-4) October 2014 (PSHE Association, 2014).

	Key stage 1	Key stage 2	Key stage 3	Key stage 4
Age	5-7	7-11	11-14	14-16
Year groups	1-2	3-6	7-9	10-11
Core Subjects				
English	✓	✓	✓	✓
Mathematics	✓	✓	✓	✓
Science	✓	✓	✓	✓
Foundation subjects				
Art and Design	✓	✓	✓	
Citizenship			✓	✓
Computing	✓	✓	✓	✓
Design and technology	✓	✓	✓	
Languages ¹		✓	✓	
Geography	✓	✓	✓	
History	✓	✓	✓	
Music	✓	✓	✓	
Physical education	✓	✓	✓	✓

Figure 1: To illustrate National Curriculum subjects at each key stage.

¹At key stage 2 the subject title is 'foreign language'; at key stage 3 it is 'modern foreign language' (DfE,2013a, 7).

A text analysis of these documents was conducted to determine which elements of rights are presented and pronounced, and to identify the implied responsibilities for practitioners in relation to HRE. The analysis entailed noting explicit mention of the civil, political and social rights, outlined earlier as considered to be particularly relevant to school contexts. A major objective of the analysis, however, was to determine ways in which human rights principles and elements of HRE were reflected in the documents, even where there was no direct or specific reference made to particular rights. In undertaking the analysis, one key task was to develop a theoretical framework for understanding the broad spectrum of human rights principles represented within the curriculum documents, and through which to explore implications for the translation of human rights principles into practice.

Findings: the presence of human rights principles in school curriculum documents in England

Findings from the analysis of curriculum documents are detailed in Table 1. The table provides examples, taken from school curriculum documents in England, of the presence of each civil, political and social right outlined earlier as being relevant for school contexts and for inclusion within this study. Table 1 illustrates specific civil, political and social human rights principles pronounced within school curriculum documents in England. The fact that particular rights principles for children and young people are clearly present within the documents implies that responsibilities are placed on practitioners to acknowledge, uphold and ‘educate’ pupils about these principles. An analysis of practitioners’ responsibilities relating to each of the human rights principles presented within the curriculum documents, as detailed in Table 1, suggests that four core responsibilities are placed on practitioners in relation to educating children and young people about human rights. Each of these is discussed in the following section.

Table 1: Indicative examples of the presence of civil, political and social rights principles within curriculum documents in England

Classification of rights and human rights principle	Examples of expression of human rights principles within school curriculum documents
Civil rights <i>The right to life and development</i>	Reference is made to teaching children to protect themselves from harm, e.g. the National Curriculum (NC) for Computing states ‘...pupils should be taught to use technology safely and respectfully, keeping personal information private; identify where to go for help and support when they have concerns about content or contact’ (DfE, 2013a, 218). Guidance on the teaching of PSHE states ‘...we expect schools to use their PSHE education programme to equip pupils with a sound understanding of risk and with the knowledge and skills necessary to make safe and informed decisions’ (DfE, 2013b).
<i>The right to freedom of thought, conscience and religion</i>	The PSHE programme of study states ‘ . . . pupils should have the opportunity to learn: to recognise what they like and dislike . . . ; to think about themselves . . . ,to recognize and celebrate their strengths’ (PSHE Association, 2014, 8).
<i>The right to equal value and non-discrimination</i>	The NC states teachers are expected to ‘ . . . take account of their duties under equal opportunities legislation that covers

	<p>race, disability, religion or belief, sexual orientation, pregnancy and maternity, and gender reassignment . . . Lessons should be planned to ensure that there are no barriers to every pupil achieving' (DfE, 2013a, 9). The PSHE programme of study expects pupils to have opportunities to learn ` . . . the similarities, differences and diversity among people of different race, cultures, ability, disability, gender, age and sexual orientation and the impact of prejudice, bullying, discrimination and racism on individuals and communities' (PSHE Association, 2014, 20). Additionally, the sex and relationship education guidance states `All classes include pupils with different abilities and disabilities, experiences and backgrounds, gender and sexual identities . . . teachers should ensure content, approach, and use of inclusive language reflect the diversity of the school community, and help each and every pupil to feel valued and included in the classroom' (Brook et al, 2014, 12).</p>
<p>Political rights <i>The right to freedom of expression</i></p> <p><i>Right to take part in the conduct of affairs</i></p>	<p>In relation to teaching of English, the NC requires pupils to be ` . . . taught to: ask relevant questions to extend their understanding and knowledge; and articulate and justify arguments and opinions' (DfE, 2013a, 18) and `speak confidently and effectively, including through . . . expressing their own ideas' (DfE, 2013a, 85). The PSHE programme of study states pupils should have opportunities to ` . . . share their opinions on things that matter to them and explain their views through discussions with one other person and the whole class' (PSHE Association, 2014, 10).</p> <p>The PSHE programme of study requires pupils to have opportunities to learn ` . . . why and how rules and laws that protect themselves and others are made and enforced, why different rules are needed in different situations and how to take part in making and changing rules' (PSHE Association, 2014, 12).</p>
<p>Social rights <i>Right to education: fullest development of talents and abilities</i></p> <p><i>Human rights education</i></p>	<p>NC documents include detailed accounts of the skills and knowledge pupils are expected to acquire within statutory subjects at each key stage. There is an expectation that ` . . . teachers should set high expectations for every pupil. They should plan stretching work for pupils whose attainment is significantly above the expected standard. They have an even greater obligation to plan lessons for pupils who have low levels of prior attainment or come from disadvantaged backgrounds' (DfE, 2013a, 9).</p> <p>The citizenship curriculum makes reference to pupils learning about rights, and requires that `Teaching should develop pupils' understanding of democracy, government and the rights, responsibilities and roles of citizens, and the nature of laws and the justice system' , and ` . . . pupils should be taught about human rights and international law' (DfE, 2013a, 214-216). Within the PSHE programme of study, there is an expectation that `children and young people will learn about rights (including the notion of universal human rights), responsibilities (including fairness and justice) and consent (in different contexts), and about how power is used and encountered in a variety of contexts including persuasion,</p>

	bullying, negotiation and win-win outcomes' (PSHE Association, 2014, 4). The religious education (RE) guidance acknowledges that RE provides opportunities to ' . . . promote an ethos of respect for others, challenge stereotypes and build understanding of other cultures and beliefs, and that this contributes to promoting a positive and inclusive school ethos that champions democratic values and human rights' (DCSF, 2010b, 8).
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Core responsibilities placed on school practitioners in relation to human rights education

In the context of this paper, HRE is viewed in broad terms and relates to both direct teaching about human rights, and to children and young peoples' experiences of how school practitioners acknowledge and uphold their rights. Thus, where responsibilities are placed on practitioners to acknowledge and uphold the various human rights principles, the ways in which practitioners enact these responsibilities is seen as a form of HRE. The analysis of curriculum documents revealed four broad constructions of core responsibilities for practitioners to 'educate' pupils about human rights. The essence of each of these responsibilities is outlined below. The responsibility for practitioners to:

- 1) *Explicitly teach about human rights.* For the purpose of this paper, a distinction is not made between the terminology used in curriculum documents which places responsibilities on practitioners to 'teach pupils' and terminology which requires practitioners to provide 'opportunities for pupil's learning'. It is assumed that by requesting practitioners to provide opportunities for pupils to 'learn' about human rights, by implication, places responsibilities on practitioners to 'teach' about human rights. Curriculum documents set out specific requirements for practitioners to provide opportunities for children and young people to learn about human rights as they apply to themselves and to others (e.g. DCSF, 2010b; DfE, 2013a; PSHE Association, 2014). In particular, guidance relating to the teaching of citizen-ship and the PSHE programme of study at key stages 3 and 4 (ages 14-16 years) outlines requirements for teaching about human rights (DfE, 2013a, 214-216; PSHE Association, 2014). Thus, the requirements of school curriculum documents in England create the potential for pupils to receive significant and structured HRE.
- 2) *Treat every child and young person in a non-discriminatory way and as a unique individual.* There is a strong sense of expectation within the curriculum documents that practitioners will model HRE in their pedagogy. Thus, there are expectations that children and young people will experience being treated as individuals with regard to their learning experiences, and that practitioners will create an environment in which all children and young people with whom they work will be treated in a respectful and non-discriminatory way. This expectation reflects several of the human rights principles evident in curriculum documents. For example, responsibilities are placed on practitioners to adopt ways of working which treat all children and young people as unique individuals, thus reflecting their civil right to equal treatment and non-discrimination. There are also frequent reminders within the curriculum documents for practitioners to incorporate non-discriminatory ways of working within their everyday practices (e.g. Brook et al., 2014; DfE, 2013a; PSHE Association, 2014). Additionally, responsibilities are placed on practitioners in

relation to the social right to education, to consider pupils' interests and individual needs, and to plan learning activities around these so that every pupil develops and achieves their full potential (DfE, 2013a). The right to education is further reflected in curriculum documents through requirements for practitioners to follow detailed guidelines to ensure that the pupils with whom they work acquire the expected skills and knowledge as appropriate to their age and stage of development (e.g. DfE, 2013a).

- 3) *Provide opportunities for children and young people to exercise human rights.* Responsibilities are placed on practitioners to ensure that children are given opportunities to express themselves, and to ensure children's thoughts and interests are taken into account when planning work (DfE, 2013a; PSHE Association, 2014), thus reflecting their political rights to freedom of expression and to take part in the conduct of affairs in matters affecting them. Additionally, overarching policy relating to schools places specific responsibilities on practitioners to provide opportunities for children and young people to take part in decision-making (DCSF, 2008, 2014b; DfE, 2014c).
- 4) *Implement safeguarding procedures.* Curriculum documents and guidance relating to school contexts places responsibilities on practitioners to implement safeguarding procedures intended to keep children and young people safe from harm (e.g. DfE, 2013a, 218; 2013b). As children and young people experience safeguarding and protection procedures being implemented and applied to them, this will support them to develop expectations that they have an entitlement to be protected from harm, and for the environment around them to be one which is safe. Such requirements acknowledge children and young people's civil right to life and development. There is also overarching policy which places expectations on practitioners to uphold children and young people's rights in relation to their physical protection and safety through implementing organisational procedures aimed at safeguarding the welfare, ensuring the physical protection and safety for children in their care (DfE, 2014a).

The four identified practitioner responsibilities for HRE, as defined above have some resonance with the HRE elements highlighted in the World Programme for HRE (UN, 2006) outlined earlier in the paper. For example, the *Knowledge and skills* element of the World Programme which asserts that HRE includes learning about human rights, as well as 'acquiring the skills to apply them in daily life' (UN, 2006, 12), is closely reflected in the responsibilities placed on practitioners to 'explicitly teach about human rights', and to 'provide opportunities for children and young people to exercise human rights'. Similarly, the *Values, attitudes and behaviour* element of the World Programme which asserts that HRE should develop values and reinforce attitudes and behaviour in alignment with human rights (UN, 2006, 12) is similar in character to the responsibilities for practitioners to 'treat every child and young person in a non-discriminatory way and as unique individuals' and to 'implement safeguarding procedures'. It is apparent, however, that the 'Action' element of the World Programme, which places responsibilities on professionals to educate others about 'taking action to defend and promote human rights' (UN, 2006, 12), is not explicitly represented in the implied responsibilities placed on practitioners. Thus, there are no specific requirements for school practitioners to develop the capacity in children and young people to take action to defend and promote human rights.

Discussion: tensions surrounding the translation of practitioner responsibilities for HRE into practice

This paper is primarily concerned with how principles inherent in human rights declarations and conventions are translated into practices within school contexts. The paper has so far identified the key principles inherent in human rights documents and conventions which are considered to be most relevant to school contexts, and school curriculum documents have been analysed to determine the presence of such principles. Consideration has also been given to the implied responsibilities placed on practitioners to acknowledge these human rights principles. In each of these stages, a process of translation occurs. First, human rights principles, as stated in human rights declarations and conventions have been translated to enable them to have a presence within school curriculum documents and, second, the presence of human rights principles within curriculum documents have been translated into responsibilities for teachers to acknowledge and uphold these principles. There is, however, a third translation which occurs as practitioner responsibilities are translated into classroom practices. Ways in which practitioners enact their responsibilities to acknowledge and uphold children's rights will impact on the resulting encounters children and young people have with civil, political and social rights within their school settings, and on the HRE they receive. It is this third level of translation which, in most cases, is open to individual interpretation, and has the potential to be strongly influenced by the sociological view of children held by individual practitioners.

Of the four core identified practitioner responsibilities for HRE, the responsibility for 'practitioners to implement safeguarding procedures' has the least scope to be open to individual practitioner interpretation as it is translated into classroom practices. This responsibility reflects the expectation that practitioners will uphold children and young peoples' rights in relation to their physical protection and safety through implementing organisational procedures aimed at safeguarding the welfare, and ensuring the physical protection and safety of children in their care. There is little opportunity for these safeguarding procedures to be implemented differently by individual practitioners as most require practical procedures to be followed, for example, the requirement for schools to conduct checks to ensure that adults working in school do not have a criminal background.

The remaining three responsibilities, however, have the potential to be translated into practice in very different ways. For example, the responsibility to 'explicitly teach about human rights' is open to different levels of interpretation by different practitioners. Despite the presence of specific references to HRE within curriculum documents, there is a distinct lack of clarity relating to the detail and depth in which children and young people should be informed or 'educated' about human rights. Thus, ways in which practitioners choose to enact their responsibility to explicitly teach about human rights is open to individual practitioner preferences. The requirements of the PSHE curriculum illustrate this point. PSHE covers a broad spectrum of areas relating to personal, social and health education, and teaching about human rights forms only a small part of the work to be covered; additionally, it is common practice for the time allocated to PSHE lessons to amount to only one lesson per week (approximately one hour per week). In reality, therefore, teaching about human rights may take place within as little as one or two PSHE lessons; this, coupled with a lack of explicit guidance about how or what to teach, may mean that the direct teaching which pupils

receive about human rights and how rights apply to them, is liable to be very limited and to vary considerably from school to school, or even within schools. Where practitioners hold the perspective that children are 'becoming adults' (McDonald, 2009), have a lower status when compared with adults (Mayall, 2002), and who are not capable holders of human rights, little emphasis is likely to be placed on the direct teaching of human rights. Conversely, where practitioners construct children and young people as capable rights holders who are social agents involved in the co-construction of their own lives (Corsaro, 2005; Mayall, 2000), the likelihood is that these practitioners will strive to support pupils to understand themselves as rights holders, and to recognise how human rights apply within the context of their lives.

Similarly, the responsibilities for practitioners 'to treat all children and young people in a non-discriminatory way and as unique individuals', and 'to provide opportunities for pupils to exercise rights', are both open to practitioners' interpretations. The reality is that practitioners will have their own thoughts, biases and prejudices based on ways in which they construct children and young people in different situations. This may result in some practitioners, consciously or subconsciously, favouring, and considering the learning and other needs of some children and young people above others, and/or providing differing opportunities for pupils to exercise their rights. Thus, situations may arise where some children and young people experience being treated 'more respectfully' or 'more equally' than others, either unintentionally, or intentionally, depending on inbuilt constructions of children held by practitioners. This points to the fact that practitioners' perspectives of the extent to which they perceive pupils to be capable rights holders influences the HRE pupils receive, with the outcome that children and young people encounter inequitable experiences of HRE.

Conclusion

Curriculum documents relating to teaching and ways of working with children and young people in school settings in England make reference to, and place responsibilities on, practitioners to acknowledge and uphold principles relating to civil, political and social rights. This paper has developed insights into the presence and form of rights within the school curriculum documents in England, and provides a theoretical lens through which to view the responsibilities placed on practitioners to educate children and young people about human rights. The analysis of curriculum documents suggests that responsibilities are placed on practitioners to: directly teach children and young people about human rights; treat children and young people as unique individuals; provide opportunities for children and young people to exercise human rights; and implement safeguarding procedures. Other than the final of these responsibilities to implement safeguarding procedures which, to some extent can be measured through regimes of procedural accountability, the remaining responsibilities have the potential to be interpreted and implemented in vastly different ways by different practitioners. The interpretation of these responsibilities will depend on how practitioners socially construct notions of children, the related values, beliefs and prejudices they hold, and on how they are encouraged at school level by school leaders to interpret HRE responsibilities. Thus, children and young people are liable to encounter different and inequitable experiences in relation to HRE. The paper, therefore, raises ethical questions in relation to the extent to which the requirements of the current curriculum documents lead to practices in schools which genuinely support the HRE of children and young people. These emerging ethical issues are equally applicable to the curriculums of nations worldwide. Given that the World Programme for HRE advocated that HRE should be integrated into primary and secondary schools (UN, 2006; 2012), it is clear that this intention is not being met in any consistent way across schools in England. This is also likely to be the case in several other countries, there is, therefore, an urgent need to address this issue. Action needs to be taken to explore children and young peoples' 'lived experiences' of HRE in schools, and

to develop knowledge and understanding about HRE opportunities afforded through curriculums, and related responsibilities placed on practitioners, which support the development of more equitable HRE experiences.

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