



Towards a new improved pedagogy of “children’s rights and responsibilities”



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This presentation represents an early version of the thinking that became my 2018 paper of the same name in the *International Journal of Children’s Rights* (Click [here](#))

Overview

1. What Nicaraguan child researchers discovered about the pedagogy of “rights and responsibilities”.
2. My attempt to sort out the conceptual mess.
3. Towards a new improved pedagogy.



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1. What Nicaraguan child researchers discovered about the pedagogy of “rights and responsibilities”.



As part of my PhD research I worked with a team of child researchers from rural communities and coffee plantations in northern Nicaragua.



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The young researchers devised a questionnaire and interviewed 150 other children about their everyday experience, good and bad, of children's rights in school




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They analysed their data, drew conclusions, formulated recommendations for action and produced a final report, which they also designed and illustrated.



Then they had the opportunity to present their report to a gathering of the entire international leadership of Save the Children in Latin America and the Caribbean, who happened to be on a field visit to our area at the time. Also present were staff and invited children and young people from other NGOs working in the region.



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One of the questions they asked was, "How have you been taught about human rights at school?".

The next three slides are the relevant part of the young researchers' report



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3. Children's perceptions on how they have been taught about their human rights in school

We discovered that what children learn about their human rights depends on what school they go to. That is, children from different schools gave very different replies.

In one school, almost all of them had learnt about their human rights, and could mention many of them. The rights they mentioned most were:

- The right to education,
- The right to health-care,
- The right to a name and a family,
- The right to be treated well or with respect,
- The right to play,
- The right not to be sent to work before they reached working age.



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In another school, the children said they knew rights were important and that you can defend your rights when they are violated. However, they didn't mention the rights they knew, and some said they hadn't been taught about their rights.



In two schools, when we asked the children what they were taught about their rights, almost all of them answered talking about their duties and the rules of behaviour, and not about their rights; for example:

- Respect the teachers,
- Be well-behaved,
- Ask permission before speaking,
- Don't grope the girls,
- Pay attention in class,
- Don't spit on the floor,
- Respect your parents and older people,
- Hand your homework in on time,
- Don't leave the classroom during class.



From this analysis we conclude that not all the teachers are teaching children's rights as they should. Because of this many of us are victims of violence at school, at home, or in the community due to lack of information.

The young researchers discovered that many of their classmates were confused and misinformed. They did not understand the difference between rights and responsibilities or the relationship between these. Being repeatedly told that "you can't have rights without responsibilities" only added to the confusion.



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2. My attempt to sort out the conceptual mess



Returning to Belfast, I turned to the literature on children's rights, to see what I could find out about the relationship between rights and responsibilities, and how to teach this in schools.

I found not one answer, but eight; eight different ways to conceptualise a possible relationship between rights and responsibilities.

And here they are...

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1. *Rights imply responsibilities of a duty-bearer to a rights-holder*

The exact nature of the duties implied is debated by philosophers
(e.g. *Feinberg 1973, Donnelly 1982, Nickel 1993*).

However, this is now a fundamental principle of the human-rights-based approach to development:

“In a HRBA [human rights-based approach], human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty-bearers). It identifies *rights-holders* (and their entitlements) and corresponding *duty-bearers* (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations”

(*United Nations “Statement of Common Understanding” 2003*).

This idea is widely used in the children's rights field
(e.g. *Lansdown et al 2007, Lundy and McEvoy 2012*)

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2. *Rights imply responsibilities through the principle of simple reciprocity:*

“If I have rights, so have you, and I must respect your rights”

“Inherent in the concept of rights – children's rights as well as adult rights – are corresponding responsibilities. If a child has a right not to be bullied at school, she or he has a responsibility not to bully other children.” (*Howe and Covell 2010*)

“An individual claiming his or her rights simultaneously accepts and acknowledges the equivalent rights of others, which leads logically both to a sense of how one's own rights are limited and to an associated sense of obligation to others.” (*Jerome 2012*)

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3. Responsibilities can be derived from the analysis of human rights instruments

Osler and Starkey (2005) reviewed a number of existing human rights instruments, along with reports from various international commissions and expert groups, and based on this, drew up their own list of "universal responsibilities".



*List of universal responsibilities
(Osler and Starkey 2005, p162).*

- A Individual and collective responsibilities to others**
Whatever their role or position, everyone should respect and promote the dignity and human rights of others. Everyone should:
- consider the impact of their actions on the security and welfare of others;
 - show consideration for others and treat them with respect;
 - work for equity, including gender equity;
 - respect privacy;
 - act non-violently.
- B Contributions to communities at local, national and global levels.**
Everyone should:
- work for freedom, justice, development, democracy and peace;
 - develop skills and talents and take advantage of educational opportunities;
 - respect the rule of law;
 - show solidarity and stand up for the rights of others;
 - actively participate in governance and in civil society;
 - work to eliminate corruption.
- C Responsibilities to future generations**
Individually and collectively everyone has responsibilities to practise sustainable ways of living and to preserve and enhance:
- the diversity of humanity's intellectual and cultural heritage;
 - peaceful and creative social structures;
 - the life-sustaining resources of the global environment.

4. Responsibilities can be defined alongside rights in legal human rights instruments, nationally or internationally

One of the best known examples of this is the *African Charter on the Rights and Welfare of the Child*, now ratified by 53 African states.

Although it is contentious, this Article is also seen as a valuable addition to the international human rights agenda, as it shows that children have a positive role in society at all levels.

(Sloth-Nielsen and Mezmur 2008)

Article 31: Responsibility of the Child

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty;

- (a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;
- (b) to serve his national community by placing his physical and intellectual abilities at its service;
- (c) to preserve and strengthen social and national solidarity;
- (d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;
- (e) to preserve and strengthen the independence and the integrity of his country;
- (f) to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.

5. Rights can be promoted whilst acknowledging traditional views about children's responsibilities, seeking to resolve difficulties in ways that are respectful of the context of local culture.

In almost every culture throughout the world, children have been held to have duties or obligations since time immemorial, while children's rights are widely considered to be a new-fangled twentieth century invention. For example:

"Honour thy father and mother that thy days may be long upon the land which the Lord thy God giveth thee"

(Exodus 20:12).

A fifth way of connecting children rights and responsibilities is therefore to promote rights whilst acknowledging traditional ideas about children's duties.

Where such traditional attitudes lead to practices that violate children's rights, it may be possible to find positive elements in the local culture that can be brought into play to help protect children's rights without disrespecting traditional values. (Zwart 2012).

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6. Responsibilities can be invented as part of a classroom management strategy and rights granted as a reward for fulfilling them

Here is a real example, taken from a "Classroom charter of rights and responsibilities" in a Hampshire school:

"You have the right to nutritious and healthy food. It's your responsibility to make sure you eat enough fruits, vegetables, yoghurts, and that you drink enough water."

(Cited in Howe and Covell 2010, p98)

The Hampshire children also told the researchers: "Children who are naughty do not get rights." (Cited in Howe and Covell 2010, p99)

It is not just individual teachers who get up to this sort of trickery. Here's an example from UNICEF UK's "Little book of children's rights and responsibilities":

*"If children have a right to be educated, then they **have the obligation** to learn as much as their capabilities allow and, where possible, share their knowledge and experience with others."*

(UK Committee for UNICEF 2003, p24; emphasis in the original).

The Nicaraguan children's research suggests that this is what was happening in their schools too.

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7. The concept of “citizenship” can be conceived (and taught) as a contractual arrangement involving both the rights and responsibilities of the citizen as such

The basic idea here is that being a citizen means having both rights and responsibilities, and that good citizens are those who fulfil their responsibilities as a corollary of enjoying their rights.



“This has been described as a ‘responsibilization’ agenda, in which citizens are educated, coerced and ultimately required to demonstrate an appropriate level of responsibility.”

(Jerome 2013, p 165)

Jerome sees this as a project of neo-liberal governance “to create the new citizen of tomorrow”.

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8. Children, as active citizens, can take on responsibilities, including the promotion and defence of their own rights and the rights of others



This is based on the idea that human responsibilities, including the responsibilities of children, emerge, not as correlates of human rights, but rather from citizenship, and the role of the “active citizen”.

(Jans 2004, Cunningham and Lavalette 2004, Such and Walker 2005, Theis 2009, Smith 2010, Shier et al 2014).

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“While the principal duty bearer in respect of education rights is, and will remain, the state, one thing the Safe Quality Schools project has demonstrated is how active, empowered citizens, particularly children and young people themselves, can play a positive role in identifying rights violations, and voluntarily taking on the responsibilities that correspond to them as stakeholders in promoting rights awareness, defending their rights (and other people’s), and holding the state to account for its failings”. (Shier *et al* 2013)



Please note:

1. Children do not take on the state’s responsibilities, but rather those that correspond to them as citizens and stakeholders, which include “holding the state to account for its failings”.
2. Children voluntarily decide to take on responsibilities. As empowered citizens they can assume responsibility, but this does not mean that they can be “held responsible”.

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A quick re-cap:

Eight ways to connect children’s rights and responsibilities:

1. Rights imply responsibilities of a duty-bearer to a rights-holder.
2. Rights imply responsibilities through the principle of simple reciprocity (“If I have rights I must respect your rights”).
3. Responsibilities can be derived from the analysis of human rights instruments.
4. Responsibilities can be defined alongside rights in legal human rights instruments, nationally or internationally.
5. Rights can be promoted whilst acknowledging traditional views about children’s responsibilities, seeking to resolve difficulties in ways that are respectful of the context of local culture.
6. Responsibilities can be invented as part of a classroom management strategy and rights granted as a reward for fulfilling them.
7. The concept of “citizenship” can be conceived (and taught) as a contractual arrangement involving both the rights and responsibilities of the citizen as such
8. Children, as active citizens, can take on responsibilities, including the promotion and defence of their own rights and the rights of others.

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3. Towards a new improved pedagogy of “rights and responsibilities”

With no clear conceptual base on which to build their pedagogy, teachers are confused. It's not surprising that they take the easy option and end up using a vague discourse of rights and responsibilities as a way to manipulate children as part of their classroom management strategy.

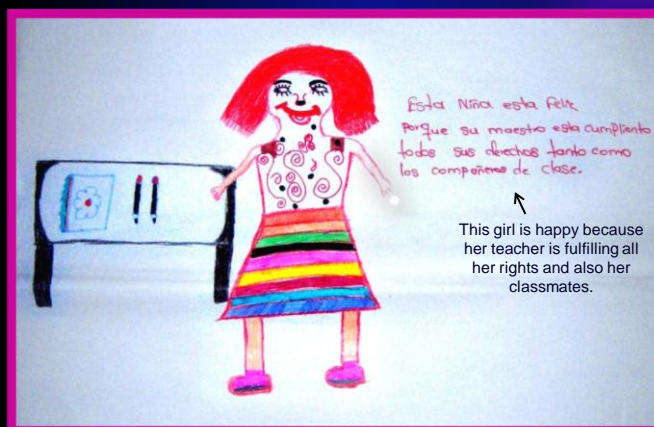


And if teachers are confused and ill-informed, it's no wonder children end up confused and ill-informed too, as the young researchers in Nicaragua discovered.

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The task in hand is therefore two-fold:

1. Synthesise and build consensus on an adequate conceptualisation of the relationship between rights and responsibilities (the analysis developed here will provide a starting point).



This girl is happy because her teacher is fulfilling all her rights and also her classmates.

2. On this foundation, develop an appropriate pedagogy so that children can finally learn the truth about their rights and responsibilities.

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