

HUMAN RIGHTS

The right of children for human rights education and education for democratic citizenship as a state obligation for sustainable democracy

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Introduction

We are all part of a world plagued by armed conflict often caused by ostensibly democratic states with ethnic and cultural heterogeneity, and a global community with individual societies that are afflicted by phenomena of racism, xenophobia, intolerance, and discrimination. Social scientists often argue that such ill behaviour is cultivated from the early stages of human existence and the way our own personality is shaped. To that end, safeguarding democracy and the rule of law through the development of a democratic citizenship consciousness at early years of a human being is more necessary than ever. This article explores, first, the relationship between the concepts of human rights education (HRE) and democratic citizenship (DCE) with the fundamental right to education, as enshrined in international conventions, and, at a next level, their interconnection with the Target 4.7 of the 2030 UN Sustainable Development Goals (SDGs). Thus, the analysis highlights States' responsibility for the direct application of such concepts (HRE & EDC) in school education as part of a wider democratic governance agenda. We argue that developing global democratic citizenship plays a catalytic role in safeguarding wider democracy in the global community in line with the SDGs, and fulfils States' obligations as partners of this community.

Human rights education (HRE) and education for democratic citizenship (EDC), either as an integral part of the right to education of children, or as autonomous rights, has acquired a particular significance for the development of children's personality and their preparation for an accountable and active role in a free society, by instilling the identity of democratic citizen which promotes and protects democracy. To this end, the article investigates the interconnection between: (i) the right of education with its special expression in the right of children to education for human rights and democratic citizenship; (ii) the concepts of HRE and EDC, arguing that in fact EDC constitutes the ultimate goal of HRE; (iii) the state responsibility to provide such type of education, within the scope of international legal instruments as well as of UN's 2030 Agenda for Sustainable Development; and (iv) democracy and its sustainable development, highlighting that the aims of education can only be realized by States' incorporating democratic citizenship and promotion of human rights into school education, building on a learning ethic of global citizenship for the new generation.

The legal basis of children's right to education for human rights and democratic citizenship in international legal documents as states' obligation

Most international legal instruments provide for a two-fold recognition of the right to education. On the one hand, it is recognized that the right to *access* to education, and, on the other hand, that the right for a *substantial* education, with clear *objectives*, that is directed towards the full development of human personality in a climate of respect for human rights and fundamental freedoms, that enables the active participation of all persons in a free society where diverse groups are able to coexist peacefully. From 1948 the Universal Declaration of Human Rights proclaimed a catalogue of human rights that apply to "all human beings",¹ including children. The position in literature that the Declaration echoes *jus cogens* status,² regardless of a state being party or not, has gained ground after over 70 years since its adoption.

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¹ Proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A), available at: <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

² For further analysis see, Van Beuren, G. (1998), *The International Law on the Rights of the Child*, Kluwer Law International, The Hague, The Netherlands, p. 18.

Regarding education, Article 26 recognises first the right to education for everyone (para. 1) and, second, the right to an education directed to “the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace” (para. 2). Similarly, the International Covenant on Economic, Social and Cultural Rights (1966),³ in Article 13 (1), provides that:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

ICESCR incorporates in a binding form the four objectives of UNDHR, enriching them by adding the effective participation of people in a free society.

As it is provided in article 2, States Parties undertake to take steps by all appropriate means, including the adoption of legislative measures, with a view to achieving the full realization of these rights. Specifically, as far as the international recognition of children’s rights in a legally binding text is concerned, the UN Convention on the Rights of the Child (UNCRC)⁴ provides for the right of the child to education based on equal opportunities and set conditions for the States Parties on making it accessible to every child (article 28). In addition, the objectives of education are provided in article 29 (1) whose additional value consists of seeking to evaluate the aims of education from child’s perspective.⁵ In the sense of this article, States Parties undertake to provide to children an education that is directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.

Also, in Article 4, the State Parties undertake the obligation to adopt all the appropriate legislative, administrative, and other necessary measures for the implementation of the Conventions’ rights, including the right to education and its objectives. Furthermore, Article 11 of the African Charter on The Rights and Welfare Of The Child (1990) includes similar provisions for its states-parties that safeguard the right to access to an education that promotes the development of children’s personality, fosters the respect for human rights and fundamental freedoms, prepare the child for a responsible life

³ Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27, available at: <https://www.ohchr.org/sites/default/files/cescr.pdf>

⁴ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, available at: <https://www.ohchr.org/sites/default/files/crc.pdf>

⁵ Van Bueren, G. (1998), *The International Law on the Rights of the Child*, Kluwer Law International, note 2, p. 254.

in a free society in a spirit of understanding, tolerance, dialogue, mutual respect and friendship among all peoples, ethnic, tribal and religious groups.⁶

As it is provided in these legal documents, States have undertaken the responsibility to set a minimum standard of educational aims when designing their educational programmes for children. These programmes should develop the full potential of a child's personality, talents and abilities, inculcate the respect for human rights and fundamental freedoms, and prepare the child for being a responsible citizen in a free society. Thus, it can be inferred that the other side of the right to education *consists of* the right to a full development of the child's personality and the right for human rights and democratic citizenship education. In this framework, "human rights education" is an integral part of the right to education,⁷ but also obtains an *autonomous* status of a human right itself,⁸ having as a result the adoption of the UN Declaration on Human Rights Education and Training (UNDHRET).⁹ Article 2 (2) of UNDHRET entails the three substantial elements of education: "about" "through" and "for" human rights which States, under Article 7, have the responsibility to promote and ensure.

This "tripartite formulation" is interlinked and represents a holistic approach to human rights education.¹⁰ The first element is based on the learning *about* human rights as a pre-condition for their exercise; the element of education "through" human rights refers to the full development of human personality through developing or reinforcing attitudes, values and beliefs in an environment of respect of human rights, which is also included as education's objectives in article 29 (1) (a) and (b) of UNCRC; and the element of education "for" human rights includes empowering to enjoy and exercise taking action to defend and promote human rights.¹¹ With this "pro-active" sense, the third element ("for") is in line with Article 29(1)(d) of UNCRC, which gives particular emphasis on the role of education for an active participation of the child in a free society.

To this direction, it is also developed by the UN and, Especially, the Office of the UNHCHR, the Office of the Secretary-General's Envoy on Youth (OSGEY), and the UN Educational, Scientific and Cultural Organization (UNESCO), the World Programme for Human Rights Education. Its fourth phase (2020-2024) focuses on youth empowerment through human rights education, and aims at the adoption and adaption to national contexts of a comprehensive human rights education strategy for youth, using components, actions, and practical steps for the implementation by Ministries of Education and by educational leaders. On 26 September 2019, the Human Rights Council issued the Resolution 42/7 which adopted the "Plan of action for the fourth phase of the World Programme for Human Rights Education",¹² and which calls the States for developing initiatives and implementing the plan of action of the fourth phase, submitting their national evaluation reports on the implementation of the programme on their part. In this framework, it can be concluded that the international standards included in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, in the Convention on the Rights of the Child, and in other international human rights instruments, affirm that States are duty-bound to ensure that they should provide an education which

⁶ Adopted by the 26th Ordinary Session of the Assembly of Heads of State and Government of the OAU Addis Ababa, Ethiopia on 1 July 1990 and entered into force on 29 November 1999. Available at: https://au.int/sites/default/files/treaties/36804-treaty-0014_-_african_charter_on_the_rights_and_welfare_of_the_child_e.pdf

⁷ World Programme for Human Rights Education. Fourth Phase Plan of Action, United Nations (on behalf of the Office of the United Nations High Commissioner for Human Rights-OHCHR), Office of the United Nations Secretary-General's Envoy on Youth (OSGEY), United Nations Educational, Scientific and Cultural Organization (UNESCO), New York – Geneva, 2022, par. 18, available at: https://www.ohchr.org/sites/default/files/2022-10/OHCHR-OSGEY-UNESCO-World_Programme-for-Human-Rights-Education_Fourth-Phase.pdf

⁸ Similarly, Struthers, A. (2015) Human rights education: education about, through and for human rights, *The International Journal of Human Rights*, 19:1, 53-73 (56), DOI: 10.1080/13642987.2014.986652.

⁹ Adopted by the General Assembly's Resolution 66/137, A/RES/66/137, on 19 December 2011, available at: <https://www.ohchr.org/en/resources/educators/human-rights-education-training/11-united-nations-declaration-human-rights-education-and-training-2011>

¹⁰ Struthers, A. (2015) Human rights education: education about, through and for human rights, *The International Journal of Human Rights*, 19:1, 53-73 (56), DOI: 10.1080/13642987.2014.986652.

¹¹ For further analysis see, UN World Programme for Human Rights Education. Fourth Phase Plan of Action, *idem*, par. 5.

¹² Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/295/66/PDF/G1929566.pdf?OpenElement>

strengthens the respect for human rights and fundamental freedoms, in an environment of diversity, pluralism, tolerance, respect and equity, and empowers their active exercise and defence within a democratic society.

These States' obligations should also be interpreted in the light of the principle of rule of law. This principle is featured as a fundamental interpretive principle in many Constitutions, which defines and regulates the positive side of each fundamental right and serves the principle of effective protection of human rights.¹³ According to the doctrine of positive obligations that has very much developed in the case law of European Court of Human Rights,¹⁴ state organs have a "tripartite typology"¹⁵ of obligations: the "obligation to respect" which requires the state actors not to harm the human rights by committing violations themselves; the "obligation to protect" which requires the state to protect the owners of rights against interference by third parties and to punish the perpetrators; and, the "obligation to implement" in order to give full effect to the right's content by adopting suitable measures. Consequently, the international recognition of the children's rights for human rights and democratic citizenship education, as verified in the international legal documents, produce two-fold obligations for the State parties, i.e. negative ones, in the sense that States should respect and refrain from actions and educational practices which prohibit the realization of the objectives of the right to education, and positive obligations, in the sense that States should take measures to protect and ensure the exercise of these rights. In this framework, States can only fully realize the content of these rights according to the rule of law upon which is based a democratic governance.

Sustainable democracy and education for democratic citizenship

The United Nations' General Assembly Resolution 70/1 of 25 September 2015 adopts the outcome document of the United Nations summit for the adoption of the post-2015 development agenda: "Transforming our world: the 2030 Agenda for Sustainable Development".¹⁶ This agenda includes 17 Sustainable Development Goals and 169 targets, which seek to realize human rights to all, balancing the three dimensions of sustainable development, i.e. the economic, social and environment, and is expected to be achieved by 31 December 2030. It is grounded in the Universal Declaration of Human Rights, international human right treaties, the Millennium Declaration,¹⁷ and the 2005 World Summit Outcome.¹⁸ Other instruments refer to it also as the "Declaration on the Right to Development".¹⁹ As GA's Resolution is underlined, the 2030 Agenda recognizes the need to build peaceful, just and inclusive societies in which democracy, good governance and effective rule of law are essential for sustainable development in its three dimensions, including economic growth, social development and environmental protection.²⁰ This is interlinked with an ethic of global citizenship and shared responsibility, acknowledging the natural and cultural diversity of the world in a climate of mutual respect, tolerance and understanding. Education can play a catalytic role towards the cultivation of this "global citizenship" which should offer a fertile ground for democracy, just governance and respect for

¹³ Greer, S. *The European Convention on Human Rights, Achievements, Problems and Prospects*, Cambridge University Press, Cambridge, 2006, p. 197, 215

¹⁴ ECtHR, *Matheus v France*, 31.3.2005, *Guiliani & Gaggio v Italy*, 24.3.2011, *Arutyunyan v Russia*, 10.1.2012, *Boultif v Switzerland*, 2.8.2001, *Chowdury et al. v Greece*, 30.3.2017, *Christine Goodwin v UK*, 11.9.2007, *Lautsi et al. v Italy*, 18.3.2011, *Leyla Sahin vs Turkey*, 10.11.2005, *Marckx v Belgium*, 13.6.1979, *MSS v Belgium and Greece*, 21.1.2011 etc., see also J.-F. Akandji-Kombe (2007), *Positive Obligations under the European Convention on Human Rights*, Human Rights Handbooks, No. 7, Directorate General of Human Rights, Council of Europe. Michopoulou, K. (2017), *Positive Obligations of State Institutions. The case law of the European Court of Human Rights and the Greek Constitution*, Doctoral Thesis, Panteion University of Social and Political Sciences, Athens, 95-103, available at: <https://www.didaktorika.gr/eadd/handle/10442/40614?locale=en>

¹⁵ Harris, D., O'Boyle, M., Bates, E., Buckley *Law of the European Convention on Human Rights*, Oxford University Press (2014), 22.

¹⁶ UN Document A/RES/70/01, available at: www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E accessed August 2017

¹⁷ Resolution 55/2

¹⁸ Resolution 60/1.

¹⁹ Resolution 41/128.

²⁰ Resolution 70/1, par. 9 & 35. Resolution 70/1, par. 36.

rule of law. Inclusive and quality education for all (Goal 4), including children and youth, especially those in vulnerable situations, that helps them to “acquire the knowledge and skills needed to exploit opportunities and to participate fully in society”²¹ constitutes both means and goal for sustainable development where democracy can flourish. As it is recognized in the 2030 Education Agenda (Target 4.7), education for human rights and education for promotion of a culture of global citizenship, are vital to promote sustainable development.

This ethic of “global citizenship” is void of any assimilation or ethnic nationalism, but it is rather based on a sense of common understanding of human rights, respect of cultural diversity, and recognition that all civilizations are crucial contributors to sustainable development. It presupposes a “civic nationalism” which is democratic in character and is based on the perception that the nation is a “community of equal, right-bearing citizens, patriotically attached to a shared set of political practices and values,”²² and that national identity is based not on ethnicity, but on citizenship and rule of law. In other words, it can be supported that “global citizenship” is founded upon a concept of democratic citizenship and, vice-versa, serves democracy itself as an essential element of sustainability.

Education that aims for children to acquire the necessary knowledge and skills to develop their personality through exploiting opportunities that favour their talents and mental and physical abilities to their “fullest potential”, and prepares them to participate as responsible citizens in a free society founded on democracy and rule of law, is an education that invest in the new generation, serving the UN’s goals, as it is building up the culture of global democratic citizenship. The Council of Europe as UN’s regional partner in Europe for the World Programme for Human Rights Education contributing to the achievement of the aims of both UN’s World Programme and the 2030 Education Agenda (Target 4.7), incarnates them in the adoption of a “Charter on Education for Democratic Citizenship and Human Rights Education” (the Charter),²³ where education is emerged as a core factor for the promotion of democracy, human rights and rule of law, against phenomena of socio-political instability, such as discrimination, racism, violence, intolerance and xenophobia, that dynamize the development of democratic citizenship. The Charter, provides a definition of “Education for Democratic Citizenship” (EDC) as the: “education, training, awareness-raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law”, while for “Human Rights Education” (HRE) are used the same means (“education, training, awareness-raising, information, practices and activities by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour”), but to pursue the aim of building and defencing a universal culture of human rights in society.²⁴

Consequently, the elements of “knowledge, skills and understanding” (about) and “developing their attitudes and behaviour” (through) are common denominators in both terms, i.e. education for democratic citizenship and human rights education, and in this sense, both terms overlap. What distinguishes EDC from HRE is the focus and scope rather than the goals and practices.²⁵ Thus, it seems in fact that the former constitutes the ultimate goal of the latter, as it seeks to empower learners through educational tools and methods to become responsible citizens that exercise and defend their democratic rights, playing an active role in a democratic society for the promotion and protection of democracy.

²¹ Resolution 70/1, par. 25.

²² McLaughlin, T. & Juceviciene, P. (1997), “Education, Democracy and the formation of national identity” in *Education, Autonomy and Democratic Citizenship. Philosophy in a changing world*, edited by David Bridges, Routledge, London and New York, p.27.

²³ Adopted in the framework of Committee of Ministers Recommendation CM/Rec(2010)7, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf01f

²⁴ Section I, par. 2 of Recommendation CM/Rec(2010)7

²⁵ See, Explanatory memorandum of Recommendation CM/Rec(2010)7, par. 37, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf5f0

This perception is also aligned with the aims of the human rights treaties and, as far as the Convention on the Rights of the Child is concerned, with the fourth aim of education which concerns “*the preparation of the child for responsible life in a free society.*”

Democratic governance in children’s’ education

Education for democratic citizenship and human rights cannot be realised if democratic governance at schools and educational institutions is absent. This goes beyond the application of educational management and ethical leadership in decision-making processes. Above all, democratic governance at schools and educational institutions needs effective methods of empowerment for children to develop their democratic consciousness, and exercise their democratic rights putting democracy and promotion of human rights into practice. This begins from the central governance (where the competence of the structure of educational system lies in the Ministries of Education) or decentralized governance (where local authorities have the responsibility of education), asking for reforms to be made and measures to be taken, and reaches down in every single classroom creating an environment of respect to diversity and to each other’s rights, of participation in democratic atmosphere and respect to the rule of law.

To do so, educational reforms with the perspective to cultivate a democratic citizenship, starting from issuing circulars, appropriate training policies for educators, review existing syllabus and ensuring materials building on human rights and democratic principles, introducing structures that enable sustainable student participation in decision making in all classes etc.,²⁶ should be of priority when re-designing current educational systems. Within school governance, proper space should be given in the school’s curriculum for relevant measures, practices and activities, such as the promotion of dialogue, organisation of regular class assemblies, familiarization with children’s rights through practical examples and role playing, participation of students in resolving conflicts without violence, successful integration of vulnerable groups, promotion of school activities on contemporary issues that preoccupy the youths, environmental awareness, cultural expression,²⁷ as well as participation of students in debates about barriers to their rights’ exercise. Moreover, there is a need for practicing appropriate methodologies to combat hate and discrimination online and offline, developing media literacy and training on how to handle risks on social media such as violent or insulting content, hate speech, potential sexual predators, while training on how to use with safety new information technologies for education and networking, etc.²⁸ Of course, these measures can only be realized and achieve the ultimate goal of empowering democratic citizenship, if educational materials (e.g., curricula, textbooks) and teaching practices converge.

Democratic governance needs school principals capable of balancing the conflicting demands of various stakeholders, seeking at the same time for children’s best interests, including the development of their personality, through the instillation of a culture of human rights and fundamental freedoms, which prepare them for an active democratic role in a free society. To this aim, educational leaders should employ various perspectives when, for example, dealing with an ethical dilemma of conflicting rights and adopt different ethical perspectives in their decision making. This includes a combination of an ‘ethic of justice’, ‘ethic of critique’, ‘ethic of care’, and ‘ethic of profession.’²⁹ In this framework, schools should not only be just in the sense of providing equality of opportunity and allowing freedom of thought, but should also aim to educate everyone with principles of justice, equity and liberty “so that free and just people emerge from schools.”³⁰ Consequently, adopting (in principle) and employing (in practice) an ethic of justice, school principals should recognize, respect and protect children’s rights,

²⁶ See, Explanatory Memorandum, note 26, par. 46

²⁷ See, Council of Europe, *Learning to Live Together. Council of Europe Report on the state of citizenship and human rights education in Europe*, 2017, p. 18, 37, available at: <https://rm.coe.int/the-state-of-citizenship-in-europe-e-publication/168072b3cd>

²⁸ See, World Programme for Human Rights, note 7, par. 27-28.

²⁹ See, Eyal, O; Berkovich, I; Schwartz, T. “*Making the right choices: ethical judgments among educational leaders*”, *Journal of Educational Administration*; Armidale Vol. 49, Issue. 4, (2011): 396-413

³⁰ Kohlberg, L. (1981), *The Philosophy of Moral Development: Moral Stages and the Idea of Justice*, Vol. 1, Harper & Row, San Francisco, CA, p. 74

guaranteeing fair treatment for everyone, individually, based on uniform, universal standards; while, at the same time, focusing on the best interests of the students collectively. In parallel, with an ethic of critique, school principals are obliged to re-examine and challenge social norms, practices, curricula, and infrastructure that disturbs the pluralistic and democratic profile in school society to the detriment of more vulnerable members, and, at the same time, to be responsible for the well-being of every student, trying to empower the weaker ones. Indeed, through incorporating of human rights and democratic citizenship education in school programmes and adopting educational reforms that will focus on the better understanding of human rights and the importance of ethical exercise of power for resolving of human rights' problems in a spirit of esteem and respect, will create responsible, free thinking and active citizens and, finally, sustainable democratic systems.

Conclusion

The previous analysis exhibits an adequate legal basis for states' obligation to provide for children's Human Rights and Democratic Citizenship Education, as these concepts have been enriched in more specific legal documents adopted by UN and Council of Europe, and to ensure these rights' realization. Such an inclusive and quality education is crucial for the cultivation of an ethic of "global citizenship", based upon the concept of "democratic citizenship" which, in its turn, can promote democracy and the rule of law as essential elements of sustainable development. Thus, the analysis leads to the conclusion that education for human rights and democratic citizenship that is directed to the development of children's personality and attitudes by equipping them with knowledge, skills and understanding aiming at the promotion and protection of democracy and the rule of law, lays concrete foundations for sustainable democratic societies. In fact, building up a culture of democratic citizenship at schools, which constitute a cell of the society, through democratic governance that develops children's personality by instilling a universal culture of human rights and democratic consciousness, constitutes the investment of the global society in the new generation for sustainable democracy. And this is precisely the supreme goal that all States should serve; not only for fulfilling the obligations that have undertaken as parties to international organisations, but mainly for securing the democratic future of States and, consequently, their very own viability.