

The Right to Rights: Education as the Problem and Solution in Human Rights Law Enforcement

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Abstract

One of the biggest criticisms of international law is the lack of effective enforcement, often compounded in human rights law by the system of treaty reservations that detracts from the main object and purpose of human rights protections. Ideally, once a country has ratified a treaty, it may create domestic law that provides an enforcement mechanism that may be lacking at the international level. However, in cases such as the Convention Eliminating Discrimination Against Woman (CEDAW) and its ban of discrimination against women, we see the limits of such an indeterminate system. The question that I am posing for my thesis is: “Could the implementation of human rights education enhance enforcement within countries of international human rights accords?”

Introduction:

UNESCO, ICRC, UNICEF, CEDAW, ICPR, etc. What do all of these international human rights treaties have in common? They are failing in many of the countries in which they are ratified due to one of the biggest obstacles facing international human rights bodies: enforcement. When the UN creates a human rights convention, member states to the UN must choose to sign the piece of legislation stating they agree to the content and then they may ratify the legislation meaning that the member state intends to fully incorporate the meaning and mission into their domestic systems, inter alia, through domestic law. Two main obstacles arise after ratification of treaties, lack of effective enforcement and the treaty reservation system. Through the treaty reservation system member states can make reservations to international law if the country is not able to incorporate fully every part of the treaty. Often this situation creates much controversy over the legitimacy of International Human Rights Law. Several countries have ratified legislation such as CEDAW, The Convention on the Elimination of all Forms of Discrimination Against Women,

and then have consequently made reservations that inevitably change the meaning and reasoning behind the initial convention. UN member states such as Pakistan and the U.S.A. have signed legislation but have not ratified them leaving many individuals without that extra level of rights protection (Sudduth 2009). An example of this is the U.S. and the International Convention for the Rights of the Child (ICRC). States such as Pakistan use religion and ‘traditional thinking’ as justification for not adhering to certain human rights legislations (Sudduth 2009). It is the state that ratifies international human rights law, however it is also the state that fails to provide the human rights that they promised their citizens. Thus, begs the question that many scholars have been trying to answer, how do we enforce International Human Rights Law? The most common form of enforcement that comes from UN bodies and the international community is what Fredrick Kirgis calls “mobilization of shame” and the application of pressure. Many international human rights treaties, such as CEDAW, require parties that ratify the treaty to hold themselves accountable by reporting on their compliance with the treaty. “State parties are often told to send a representative to appear before treaty-monitoring bodies to explain how they have complied or why they have not” (Kirgis 1996). From literature regarding enforcement of international human rights law, it is evident that the enforcement will most likely not come from the top, so it must start from the bottom. The bottom, in this sense, means grassroots movements in education that are working to implement an ethos of human rights into K-12 education. This leads to the central thesis of this paper: education, namely human rights education, is the biggest problem as well as the solution to the lack of enforcement of International Human Rights Law. By looking at the problem of enforcement itself then exploring current human rights education movements and the theories behind them, one can begin to see how empowerment of the people

and support to grassroots organizers affects enforcement of human rights on a local, federal, and international scale.

CEDAW (The Convention Eliminating All Discrimination against Women)

“The Convention Eliminating All Discrimination against Women (CEDAW) addresses the situation of women across three dimensions: civil rights and the legal status of women, human reproduction, and the impact of cultural factors on gender relations” (Sudduth 2009). Article 7 of CEDAW protects women’s right to vote in political elections (Newell 2016), article 10 demands for nondiscrimination in education, requires that all parties to the Convention provide women equal access to the same exact education as males, and mandates a reduction in female student dropout rates (Sudduth 2009). Article 12 aims to protect women from discrimination in the health care field as well as to provide access to health care services including those related to family planning (Newell 2016).

In regards to enforcement of CEDAW (The Convention Eliminating All Discrimination against Women) article 17-30 monitors the implementation of CEDAW by states that accede to the treaty. “Each State party is expected to submit a report (“Country Report”) to the Committee every four years indicating what measures, if any, have been adopted in order to implement the CEDAW” (Newell 2016).

Despite the expected country report, many countries have done nothing to implement the convention despite officially ratifying it. For example, Pakistan ratified CEDAW in 1981. Despite ratification, education for women in Pakistan has not gotten better, and verbal and physical oppression of women is still prevalent. According to the 2007 UN Human Development index about half the adult population is illiterate (ADB 2009) and in the swat district alone,

school attendance for girls dropped by 20% to 25% in 2007. School facilities for girls is extremely limited with “only 40,000 of the 163,000 primary schools in Pakistan catering to girls” (Sudduth 2009). The disparity in access to school facilities continues at the secondary level ,”with only 5,000 of the 14,000 lower secondary schools and 3,000 of the 10,000 higher secondary schools open to girls” (Sudduth 2009). “Basic facilities such as water, electricity, bathrooms, and walls are absent in as many as 70,000 schools in Pakistan” (Sudduth 2009). Pakistani girls in rural parts are prohibited from education on religious grounds and Islamic fundamentalists continue to threaten the lives of female students and teachers and warn them to stay at home. Bomb scares and explosions at girls’ educational facilities force girls to make a devastating choice: avoid school all together or risk their lives (Sudduth 2009). In addition, Pakistan has yet to implement CEDAW at the most local level. Despite the support received from the policy level that provides financial support to NGOs through institutions such as the Pakistan poverty alleviation fund, many authorities at the operational level tend to be unsupportive as NGOs are seen to be competitors for funds and influence (ADB 2009). The increased public profile of pro-democratic organizations has led to increased scrutiny and criticism. “Many citizens, including some senior policy makers, say that rights organizations (particularly labor and women’s rights organizations) push an agenda that is alien to the culture and economic needs of the country” (ADB 2009). This idea of education for women as “alien” to the culture is an example of “traditional thinking” to justify the hindering of the implementation of the CEDAW and in turn woman’s right to education and equality.

“Over a decade later, the realization has now set in that very little, if anything, has changed for the benefit of women’s education when Pakistan acceded to CEDAW” (Sudduth 2009). Pakistan has also yet to ratify the Optional protocol for CEDAW, which “provides enforcement through

an international complaint procedure for women who have experienced discrimination and an inquiry procedure” (Sudduth 2009). Several countries including, Portugal, Austria, and Germany, have employed what Kirgis explains above as ‘mobilization of shame’ (Kirgis 1996). Those three countries objected to Pakistan’s general religious reservation stating that it is “incompatible with the object and purpose of CEDAW” and “contributes to undermining the basis of international law”. Jennifer Sudduth is illustrating how countries have used this tactic of criticism and shame to tell Pakistani Government that with female education, citizens as a whole become more politically active and aware of their rights. However, herein lays the major obstacle facing women’s rights. Despite all of the benefits female education offers, “fundamentalists diametrically opposed it because educated women would present a threat to their entrenched tribal and religious traditions” (Sudduth 2009). It is this threat that fundamentalists in Pakistan feel that is a major hindrance to growth that women’s education has the great potential to cultivate. It should be noted however that this fundamentalist ethos in Pakistan did not spur out of thin air.

The Islamization of Pakistan’s Constitution began in 1963 due to the “repugnancy clause” that states, “No laws shall be poignant to the teachings and requirements of Islam as set out in the Quran and Sunna . . . , and all existing laws shall be brought into conformity therewith.” Article 227 in the current Pakistani constitution is similar to the repugnancy clause (Sudduth 2009).

Thus, radical interpretations of Sharia Law are used as justification for human rights abuses. 4:34 of the Quran reads “(Husbands) are the protectors and maintainers of their (wives) because Allah has given the one more (Strength) than the other, and because they support them from their means” (Sudduth 2009). The government of Pakistan interprets this verse as male supremacy and the suppression and marginalization of women. On another hand, 9:71 states “the believers, men

and women, are protectors, one of another: They enjoin what is just and forbid what is evil: They observe regular prayers, practice regular charity, and obey Allah and his messenger” (Sudduth 2009). Whereas fundamentalists interpret 4:34 into justifying oppression, they often just completely ignore this verse in order to emphasize male dominance. As Ms. Sudduth explains, it is not the Sharia itself that is causing an environment of distain against the implementation of CEDAW, but a very old and oppressive fundamentalist interpretation of the Sharia.

The Vatican uses oppressive religious interpretation in a very similar way in order to justify the lack of ratification of CEDAW. The Holy See is the sovereign body of the Roman Catholic Church with the responsibility of signing international treaties and playing a part in creation and enforcement of international law. The Holy See has yet to become a party to CEDAW because of its relationship to the church. The Holy See “cannot comport with the entirety of the CEDAW and maintain its religiosity simultaneously” (Newell 2016). Similarly, to situation in Pakistan, the religious interpretation of holy text takes precedent of international law and is seen as more legitimate by the Pope and the Holy See.

The Pope is responsible for carrying out the Church’s “mission of announcing the truth of the Gospel for the salvation of all humanity and in the service of peace and justice in favor of all peoples”, both through churches around the world as well as through the sovereign central government (Newell 2016). The Congregation for the Evangelization of peoples is the institution that gives the Pope his sovereignty. This congregation oversees missionary activities, the pontifical council for Justice and peace, and central to this paper, deals with international peace issues. Thus, the “Holy See is legally competent to ratify multilateral treaties (Newell 2016). The Roman Catholic Church follows Canonical law, and through canons, which are manifestations of the teachings of Christ and principles of faith the Holy See, decides what international law can

be ratified. However, “Canons foster patriarchal ideologies which lead to discriminatory practices against women” (Newell 2016). Canon 1024 provides, “a baptized male alone receives sacred ordination validly” (Vaticana). Marjorie Newell explains that the Vatican and Holy See interpret this canon to mean that baptized men only may receive ordination validly (Newell 2016).

Due to this interpretation of Canonical Law and the refusal to admit women into the ordained priesthood, the mission of CEDAW is considered incapable of reconciliation with the Holy See and the Roman Catholic Church. “The possibility of amendment to canonical law governing the ordination of women is highly unlikely due to its “divine” origin” (Newell 2016). Specifically the articles that Canon law cannot be reconciled with are Articles 7 and 8 of CEDAW. Article 7 of CEDAW requires the member states eliminate all discrimination against women in public and political life. Article 7b states that women should be given equal opportunity to “hold public office and perform all public functions at all levels of government” (UN). Article 8 of CEDAW posits that States parties shall ensure women “the opportunity to represent their governments at the international level and to participate in the work of international organizations” (Newell 2016). The inability to acquiesce with the elimination of discrimination against women in the Vatican extends to the estimated 1.2 billion persons faithful to the Roman Catholic Church across the globe (Newell 2016).

Newell describes how the great majority of countries with high populations of Roman Catholic citizens have signed and ratified the CEDAW. One would hope that this would in turn push the Holy See to ratify the convention as well. This kind of disconnect in the ratification of treaties “may suggest the centralized Roman Catholic church’s disconnect with people of the faith” (Newell 2016). One can assume that the refusal of the Holy See to accept women into the

ordained ministry is due to fundamentalist interpretations and not in the Canons themselves as in 1994 Brazil, with 75% of its population describing itself as Roman Catholic, withdrew its reservations from CEDAW and has fully ratified the convention (Newell 2016). This lack of effective enforcement of human rights for women due to “religious precedents” is similar to Pakistan’s government’s refusal to reinterpret Sharia and fully enforce CEDAW despite the notion that not every person that follows Sharia or Canonical law believes in the same religious interpretations.

Convention on the Rights of the Child (CRC):

Another example of lack of enforcement is with the Convention on the Rights of the Child (CRC). The CRC is comprised of 54 articles and includes rules that govern children’s rights in four major groups, such as civic, economic, social, and cultural spheres, similar to the UDHR (Uçus and Dedeoglu 2016). Examples of topics the articles cover include: 11: kidnapping, 19: Protection from all forms of violence 20: children deprived of family environment, 21: adoption, etc. In the Convention’s articles, it requires that the countries that sign the Convention to guarantee that children are informed about their own rights (Uçus and Dedeoglu 2016). As noted by Osler and Starkey (2005), “this does not mean a straightforward one-to-one relationship between rights and responsibilities. For example, that a one-year old child has the right to food does not mean the child has a responsibility to ensure that others can enjoy their right to food” (Howe and Covell 2010). This is an important note to keep in mind when implementing the convention into human rights education. Implementation can make or break the effectiveness of human rights education. An understanding of rights at the forefront of human rights curriculums, before responsibilities will in turn effectively enforce the Convention’s aims.

The enforcement mechanism put in place for this convention lies in Article 4 of the CRC (Convention on the Rights of the Child). Article 4 of the CRC requires countries to ensure all governmental and other measures for enforcement of the rights recognized in the present convention is in place and effective immediately (Howe and Covell 2010). “If countries fail to honor their commitments, they can become the subject of serious domestic and international critic and embarrassment” (Howe and Covell 2010). Again, we see that there is no physical or logistical enforcement mechanism put in place that will effectively ensure that children are taught their right to their rights.

Tactics of enforcement such as embarrassment or critique, as Kirgis described above, as the “mobilization of shame” (Kirgis 2009) does often not work effectively. On February 6, 1995 Pakistan entered an objection to the CRC “for any article or provision that contradicted Islamic Sharia”, and stated that the convention shall be interpreted in the light of the principles of Islamic laws and values” (Sudduth 2009). This is the same reasoning used by Pakistan for their reservations and interpretation of CEDAW as described above. In Pakistan due to the suppression of girls’ education, one of the four categories of rights, participation rights, is a major hamper in the growth of knowledge and of rights in Pakistan.

Participation rights are rights aiming at providing the child to gain an active role in the family and society. These rights are pointed out that expressing opinion, taking part in the decisions process concerning children’s issues, setting an association and collecting in peace (Uçus and Dedeoglu 2016).

As explained above, women in Pakistan are shamed and threatened away from their participation rights as well never told they have those rights to begin with, this is where treaties like the ICRC

(Conventions on the Rights of the Child) that should be intervening, are failing to do so due to lack of effective enforcement and the treaty reservation system.

Mississippi Civil Rights Movement

One does not have to look internationally to see the lack of enforcement of human rights law. In the United States of America, the 14th amendment was ratified in 1868, which granted citizenship and equal protection under the law to all persons born in the US or naturalized. This was especially important at the time as it was the foundation for the civil rights demands of black people who had no basis for such claims under slavery. The 15th amendment ratified in 1870, which grants black people the right to vote, is another example of lack of effective enforcement despite ratification by the state. Both of these amendments were ratified in the aftermath of emancipation to ensure freed slaves had their rights. However, despite ratification and a unanimous vote in *Brown v. Board of Education of Topeka* 347, U.S. 483 (1954), simply referred to as *Brown v. Board*, to integrate schools, “racist advocates of massive resistance inherently, or inadvertently, recognized the power of public schools to provide an opportunity for all people to capitalize on their common, innate, human potential” (Lockett 2016). The recurring theme of traditionalist thinking that hinders human rights protection resurfaces once more in this domestic example. In order to ensure these amendments and human rights were not granted, “white-flight academies” were proposed as “freedom of choice” as a means of desegregation despite its clearly fraudulent veneer (Lockett 2016). A specific example in the Mississippi 1868 constitution, article 8 section 1, that worked to provide a “school fund” for all children begins by stating,

As the stability of a republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools... (Lockett 2016).

In 1890, the same section was revised by removing “the stability of a republican form of government [which] depends mainly upon the intelligence and virtue of the people” (Lockett 2016). Robert Lockett describes how it is telling that the republican delegates felt the need to remove the language concerning the role of education in growing a responsible citizenry (Lockett 2016). These types of actions taken by white leaders in their communities were intentional to send a message to Black families who chose to cross their racially drawn school lines and enroll in white schools would face violence, intimidation, and segregation within the school itself with areas such as separate lunchrooms and classrooms (Lockett 2016). Looking back at the example in Pakistan and the parallels drawn between the violence used to maintain an ethos of oppressive and traditionalist thinking, we see that it is not the law itself that is main obstacle to full implementation of CRC, but instead it is the radical interpretations that are so stagnantly toxic.

The needs for human rights education for a true democracy and economic development

Article 42 of the Convention on the Rights of the Child (CRC) mostly advises on children’s rights. However, it also implies that children need to receive human rights education (Uçus and Dedeoglu 2016). From the above cases one can see that that there is a lack of attempts being made to implement effective enforcement of human rights legislation and treaties from the top,

thus one must start looking for initiatives from the bottom. The initiatives being referred to are ones that work to create reinterpretations of human rights from bottom up approaches through education rather than attempting to change the minds of persons who have lived their lives with the fundamentalist interpretations, such as the government (Sudduth 2009). In addition, the discussion of citizenship must also be expanded in the global civics model. Historically excluded groups such a women, children, ethnic minorities, and immigrants must be included “because the notion of citizenship is less linked to national membership and increasingly linked to the notion of transitional personhood (Rauner 1999). This view of citizenship is one that is often viewed as radical or alien to traditional or fundamentalist governments.

Education in general and specifically literacy work is a political act. “It is not neutral, for the act of revealing social reality in order to transform it or of concealing it in order to preserve it is political” (Mundy 1999). Karen Mundy is illustrating here that the need for human rights education can be seen as the need for a mobilizing force that will empower persons living in communities in which their human rights are being abused and violated. In the countries mentioned above there are several initiatives already working to implement and enforce human rights education despite verbal and/or physical threats from radical entities within the countries. There are two typologies however regarding the need for human rights education. The first, which I will explain below, is in regards to countries like Pakistan or the U.S.A. where the idea of human rights education for all is so foreign and prohibited that the struggle will take the support for more grassroots efforts that are working to ensure that education is a right for everyone. The second type is in regards to countries where education is already accepted as a right for all children. What is needed with this second type are studies, such as ones illustrated

below, describing how different communities can go about implementing successful human rights education initiatives in already set up educational structures.

In Pakistan where a majority of women, especially in rural areas, must choose between their education and their life, there are several initiatives working to end discrimination against women in schooling right now (Sudduth 2009). The Asian Development Bank's report on Civil Society Organizations in Pakistan outlines several of those initiatives. One example is a decentralized elementary education initiative that was approved by the Pakistani government in 2002. The goal of this project is to increase accessibility and quality of elementary education using free educational resources and increased teacher training (ADB 2009). Another initiative is the Advocacy for Girls Education that was approved in 1999 for funding. The objectives of this project include facilitating an educational environment for girls that enables them to "strengthen education networks, stimulate social pressure to bring about positive change in education policy, develop a database of organization and institutions working on education for girls, and promote girls education through the media" (ADB 2009). Jennifer Sudduth describes some other Non-governmental organizations (NGOs) doing work in Pakistan, such as Shirkat Gah Women's Resource Centre and Khwendo Kor, monitor the implementation of CEDAW in the educational settings by the Pakistani Government and go as far as petitioning for change and organizing community support for girls education (Sudduth 2009). Other organizations in Pakistan such as the Central Asia Institute have created community-based education programs throughout Pakistan. Alkhidmat, a nationwide NGO, alone is operating "almost 100 non-formal schools in the small villages of Sind, Baluchistan and NWFP provinces. Girls and adult women are admitted for primary education" (Sudduth 2009). According to a survey in the Civil Society Brief by the Asian Development Bank, "nearly half (46%) of Pakistan's nonprofit organizations

cite education as their main activity. The second largest component in the nonprofit sector consists of organizations engaged in advocacy (18%)” (ADB 2009). This push for education and advocacy in grass-roots initiatives is not a coincidence, but a very intentional move to begin the reinterpretation of Sharia Law before a whole new generation of Pakistani children’s rights are neglected and the lack of enforcement of the CRC, the convention for the rights of the child, is up held.

Bottom-up agitation for human rights education does not only come from NGO’s, individuals also put their lives at risk in order to fight for their human rights. The first girl to pursue higher education in Pakistan’s village of Hushe Valley, Shakeela, stated, “At first, when I began to attend school, many people in my village told me a girl has no business doing such a thing” (Weaver 2007). Skakeela explains how she saw the minds of the people in her village start to change and how now when she returns to her village there is a vast increase in families sending their daughters to school (Sudduth 2009). Dr. Cherif Bassiouni describes another individual from Pakistan named Malala Yousafazi who was 15 years old when the Taliban in Northwest Pakistan’s Swat Valley sought her out and shot with the intent to kill her for publicly speaking out against the Taliban’s hindering of girls education in the region (Bassiouni 2014). Resulting from her activism and resistance against fundamental interpretations of Sharia, she was able to put women’s education in Pakistan on a global stage (Bassiouni 2014). Another example offered by researchers Katherine Howe and Brian Covell is of a 14 year old girl in India named Uchengamma who believed that her only option was to forgo an education at age 11 to go work in the fields until she was put in an early arranged marriage. Uchengamma was given the opportunity to learn about her rights that in turn reformed her life. This education led her to advocate on the rights of children and was “empowered not only to go to school and to improve

her own life, but also to fight injustices committed against other working children and those denied education” (Howe and Covell 2010). These organizations and individuals work in the understanding that modernist reinterpretation of the Quran is what is needed for long-term reform of women’s education and human rights in general. Professor Cherif Bassiouni explains in his book, *The Shari’a and Islamic Criminal Justice in Time of War and Peace*, “why innovative solutions [to the radical interpretations] have not been developed has nothing to do with the sharia itself, but with those who have the ability and the power to interpret the sharia in a progressive manner” (Bassiouni 2014). Thus, what must be done is to support the NGO’s and individuals who are using their power to interpret sharia in a progressive manner despite entities using radical interpretations to deny women their human right to education and persons their human rights in general.

Again, not having to look internationally for human rights education initiatives, literatures, namely newspapers, were used as a tool in fighting for the right to equal education. After *Brown v. Board*, “school rooms would become the new battleground for American democracy as the social interaction that integrated education promised was the best weapon to change the public’s thinking” (Melancon and Hendry 2014). *Brown v. Board* mandated schools must be integrated, and the idea of one nation and one people through education of all children in the same public schools was initiated, the rhetoric surrounding public education became the nations most politicized topic. In Louisiana in 1869, the “New Orleans Afro-creoles, the nation’s largest and most politicized and articulate free black community in the south, ‘advocated education as a means to counteract the damaging effects of an increasingly oppressive social and political order” (Melancon and Hendry 2014). Unfortunately, white leaders used their power to threaten black families to the extent where families had to choose between forgoing their right to

education, or risk being physically and verbally harassed, similarly to women in Pakistan. The Black community in New Orleans had to find an alternate route to advocate for their civil rights and did so through literature, which can be seen as an alternate route for education (Melancon and Hendry 2014). In 1845 the Afro-creole literary community turned to the written word to create a public discourse surrounding education for black people which in turn was established as the *New Orleans Tribune* newspaper (Melancon and Hendry 2014). “The *Tribune* was published in both French and English, and its editors associated the newspaper with the republican party of Louisiana” (Melancon and Hendry 2014). The uniqueness of the *Tribune* was in how the writers engaged in non-traditional, inter-racial, inter-sectional conversations that served as an advocate for not just public education for Black people, but also the importance of integrated education for all. The *Tribune* used rhetoric of logic and reason to dismantle the justification for segregated schools such as scientific racism, which were and still are dominant discourses. The newspaper rejected the notion that “it is too soon” for racial integration in schools, and stated in the *New Orleans Tribune*, April 26, 1867 “this has for four years been the language of those who acted, as far as our interests were concerned without bitterest enemies... we need no ‘too soon men’ at this time” (Melancon and Hendry 2014). Resulting from entities such as the *Tribune* and other initiatives fighting the dominant discourse against integration, in 1855 Massachusetts became the first state to pass a law prohibiting segregated schools (Melancon and Hendry 2014). This type of rhetoric put forth by the writers on the *Tribune* was not an easy endeavor and was most definitely not without extreme criticism and threat. However, these types of non-traditional ways of providing education and empowerment to oppressed persons is in turn what could be the driving force in the first steps to enforcement of international human rights accords such as CEDAW and CRC.

In places such as the European Union, the question is less about the idea of whether or not all humans deserve human rights, and more about how human rights should be taught and implemented into schools and communities. By researching different implementation practices of human rights education in different educational structures and settings one can begin to piece together the best practices for the enforcement of human rights accords.

Researchers Osler and Starkey explain in one of their studies on human rights education how there are many areas of discrimination that cannot only be tackled by the law alone. There is also a need for practical action that will “help change the underlying prejudices that fuel racist attitude and behavior. Education is called on to play a fundamental role in this endeavor” (Osler and Starkey 2002). The researchers go on to illustrate how ensuring that human rights ideology is not only at the forefront of the public conscience but mainstreamed so to require that human rights permeate the whole education process (Osler and Starkey 2002). The study completed by Osler and Starkey in 2002 was on the Education for Democratic Citizenship (EDC) program launched by the Council of Europe in 1997. The program aimed to promote and develop best practices regarding the implementation of citizenship education in European schools (Osler and Starkey 2002). The purpose of the study was to “explore some of the tensions implicit in education for citizenship and consider whether such programmes can effectively contribute to combating racism” (Osler and Starkey 2002).

Osler and Starkey found that the EDC program emphasized the fundamental importance of education as a tool in dismantling ideologies of racial and xenophobic discrimination, as several international human rights treaties mandate, “acknowledging that these are barriers to democracy and social cohesion” (Osler and Starkey 2002). The study found that a downfall of the EDC program was by linking democracy only to government, the program abandoned

possibilities for “democratic participation of children and young people in other institution including the family, the school and the workplace” (Osler and Starkey 2002). This flaw seen by the study done by Osler and Starkey is further illustrated in that “schools, as well as being a means to combat racism and xenophobia, may also contribute to the problem...this raises the questions of what they offer by way of citizenship education and, equally importantly, how they offer it” (Osler and Starkey 2002). This quote by the researchers explaining how citizenship and human rights education, which are both necessary to fully implement international human rights treaties, can be the problem or the solution, depending on its implementation. This does not mean that one should not implement human rights education in schools because of not having the perfect template, as one-fits-all perfect template will never exist. “As well as being part of the problem, education is seen as part of the solution and the report recommended that schools have an important role in enabling the development of greater racial justice” (Osler and Starkey 2002). This statement instead should be taken as a warning to ensure that the means to implement human rights education should be an open and amendable initiative that allows for growth and change with new research and studies.

Another program that communities should take into account is the SOCRATES program, which is a program that annually funds hundreds of transnational cooperation projects. The SOCRATES program works to promote intercultural awareness and to improve resources for teacher training in order to better support curriculum that fights racism and xenophobia. Another goal of this program includes improving the education of education of children of migrant workers, occupational travelers, and gypsies” (Osler and Starkey 2002). All which are goals that can be related back to specific articles in the CRC thus inherently work to enforce the rights of the child.

RRR initiative

The Hampshire, England Education Authority in 2004 launched another initiative that created a model for implementation of a children's rights education. The initiative is called the Rights, Respect, and responsibilities (RRR) initiative. So far, the program has been employed in varying degrees in over 300 Hampshire primary schools (Howe and Covell 2010). The researchers explain how the RRR initiative incorporates the articles of the CRC and human rights education into the curricula "across subjects and grade levels and provides the core of school mission statement, behavior codes, and school policies and practices" (Covell, Howe, McNeil 2010), so in a sense, the CRC is the ethos of the school and the foundation for all other learning subjects. For example, the RRR implements activities that incarnate human rights education into science through topics like the right to water and health when learning about microorganisms (Covell, Howe, McNeil 2010). Another activity the initiative has utilized is,

after reading the story of Cinderella, students were able to dissect the ICRC [International Convention on the Rights of the Child] violations committed against Cinderella by her family and then were encouraged to take action to hold Cinderella's perpetrators accountable, i.e. Writing a letter to the police (Covell, Howe, McNeil 2010).

In 2008, Howe and Covell completed a three-year study on the effectiveness and impact of the RRR initiative in Hampshire. The study consisted of interviews and surveys from principals, teachers, and students in 18 infant, primary and junior schools for three years, 2005-2008. Thirteen schools completed the study and gave a complete data set. The assessment was a comparison between two types of schools, schools where RRR was fully implemented (FI) and schools where the program was partially implemented (PI). Upon completion of the study the

researchers reflected that, “in meeting its objective, Hampshire’s RRR program has received a favorable overall evaluation (Covell et al., 2008), but in particular area, certain shortcomings have come to light in the program, illustrating more general pitfalls in educating children about the connection between rights and responsibilities” (Howe and Covell 2010). These pitfalls are vital to take into account as they can be weeded out when initiatives are transposed into other communities.

The results of the study illustrated that out of the 13 schools studies, five schools were able to fully implement the curriculum and eight schools were able to partially implement the initiative. The researchers then did a comparison of PI and FI schools. “Children from FI schools demonstrated an understanding that rights are inalienable rather than dependent.... They explained how rights promote equality and have positive effects on individuals and in the community”, as is part of the aims of the CRC (Howe and Covell 2010). In comparison to the teachers and principals in FI schools, teachers and principals in PI schools were more reluctant to educate children about their rights in a systematic and comprehensive way. In other words, teachers and principals in PI schools used traditional thinking as justification for their hesitation to fully implement the human rights education. Second, they were much more comfortable in teaching responsibilities or giving emphasis to responsibilities in the overall teaching of rights and responsibilities. Third, the effect of such a focus on responsibilities was to compromise the power of teaching children rights and to undermine the success of the initiative (Howe and Covell 2010). This reluctance prevalent in the PI schools to teach human rights to children is correlated with lack of knowledge or ignorance regarding the rights of the child as stipulated in the CRC (Howe and Covell 2010). A major problem found was that in PI schools teachers and principals were more likely to focus on responsibilities first or exclusively and either only

touching on human rights or completely neglecting them. From the words of one head teacher at a PI school “This year we have our responsibilities. After the children have learned these, then we will work on rights” (Howe and Covell 2010). Education literature, such as the study done by Howe and Covell, has shown evidence that teachers in Britain, specifically the one’s in the PI schools studied, are overwhelmingly lacking in preparation to teach in non-traditional ways. Making the transition from traditional schooling to a rights-based education can be a very hard transition for schools, especially ones who have not received the proper trainings first, as it requires a reinterpretation of human rights and specifically children’s rights. The widespread lack of understanding or knowledge in general of the Convention on the Rights of the Child (CRC), often creates a feeling of resistance to teach children their rights before or even as equal to their responsibilities. Children’s rights, such as human rights in general, are seen as posing a threat to the authority over the teachers or principals. A phenomenon also seen in Pakistan and the U.S.A with the reluctance to provide women and black people human rights education. Howe and Covell explain that one issue found in the RRR initiative was that teachings that are responsibilities centered are often also demoralizing and children typically have hard time connecting their everyday lived experiences with this type of education (Howe and Covell 2010). Howe and Covell go on to explain that the teachings that focus on children’s rights as the forefront of activities and learning allows students in Hampshire to engage their self-interest. “Self-interest promotes engagement and increases the likelihood that what is learned will become integrated into the child’s individual developing identity” (Howe and Covell 2010). The founders of the RRR initiative reflect in the study done by Covell and Howe, that another issue with the effectiveness of its implementation involved the enthusiasm of the teachers and school administration and thus the importance of free teacher trainings. The founders go on to illustrate

that the trainings for this particular initiative should describe models of successful practice with sufficient research evidence and flexibility/creativity in how teachers and principals should implement the programs into their classrooms and school (Covell, Howe, McNeil 2010). For the RRR initiative and possibly other educational setting as well, when human rights education is accepted fully by each individual teacher, principal, and person in the school, human rights becomes less of a learning objective and more of an underlying foundation to life (Howe and Covell 2010). A head teacher at a FI school stated that the “RRR is not an extra. It fits in with everything we try to do. It works as a foundation not just for our other programs but our school council, our school policies, and our school ethos” (Covell, Howe, McNeil 2010). When everyone truly believes that children have a forefront right to know their rights, in turn, it promotes an innate sense of global interconnectedness (Howe and Covell 2010).

Survey by Uçus and Dedeoglu

A study done in Ankara, Turkey by Uçus and Dedeoglu in 2016 examined the effectiveness of the implementation of children’s rights curriculum to ensure that the rights given to children in the CRC are met. The purpose of the study was to try to answer the following questions:

1. How does children’s rights curriculum benefit children’s cognitive and socio-emotional skills regard to their protection rights and freedoms?
2. Does developed curriculum bring awareness and sensitivity to children about children protection rights?
3. Does developed curriculum bring different viewpoints to children?
4. How does teaching actualize in the curriculum implementing process? (Uçus and Dedeoglu 2016)

The participants of their study included twenty-four female and 20 male students. The participants were freshman continuing their education in elementary school teaching in an elementary school in Ankara who were to implement the human rights curriculum (Uçus and Dedeoglu 2016). The type of human rights curriculum implemented in this study incorporated activities in the classroom consisting of case studies, role-playing, utilizing newspapers and movies. Each student and researcher kept a diary to evaluate each module. Modules were implemented once a week. Children's diaries were accepted as a reflecting part of children's rights day and were investigated for student perceptions and their learning outcomes (Uçus and Dedeoglu 2016). The researcher explain that the instrument used in this study to collect data was an Awareness of Children's Rights Scale which was composed of 36 open ended, multiple choice, and true- false questions that were all based on articles of The Convention on the Rights of the Child (CRC). Below is a table of how each period of the curriculum worked to enforce a particular article of the CRC.

Table 2. *Children's Rights Education Curriculum: Protection Module*

Related Articles from CRC	Protection Rights	Period
2	Respect to Individual Difference, Anti-discrimination	3
11, 19, 20, 22, 34	Abuses of children's rights	10
35-40	Protection from child abuse and neglect	5
32	Child labor	3
16	Right of Privacy	1
17	Protection from Media	3

**table 2: children's rights education curriculum: Protection Module

One part of this initiative included how the participating teacher examined child abuse and neglect with their students, which are illustrated in the CRC articles 35-40, by talking about child poverty, abuse of right to health, gender mainstreaming, children with disabilities, and kid brides.

The researchers illustrate how the participating teachers explained each issue related to article of CRC by using CRC document, which was attached on the classroom board and separated them in terms of bad or good news. Afterwards students were put into groups and they wrote a petition regarding child abuse, chose the institution to submit the petition, and wrote down their demands (Uçus and Dedeoglu 2016). As one can see, this initiative employs not only the exact articles from the CRC but also implements participatory activities that integrate the notion of democracy with children's everyday lives.

The results of the study taken from the pre and post human rights awareness test showed that the questions regarding child labor under child neglect and abuse showed significant increases in conceptual understand of the convention's articles after participating in the human rights curriculum. The first question regarding child labor had a pretest score of 8.76 and a post test score of 16.73. The second question about child labor had a similar increase with the pretest score being 8.86 and the post-test score being 18.89 (Uçus and Dedeoglu).

“After the post-test application it was seen that there is a meaningful difference in favor of experimental group between the academic success and attitudes toward children's rights of the test group and control group” (Uçus and Dedeoglu 2016). Article 29 of CRC (Convention on the Rights of the Child) supports the idea that child-based activities and teaching activities are the more appropriate methods in teaching human rights and that teaching children's rights education should not be arranged with traditional methods. This will inevitably pose an obstacle, as it did with the implementation of the RRR initiative, *Brown v Board*, and initiatives in Pakistan.

In addition to the tests as result bearing, it was inferred from participant children's reflections that the protection of rights and the idea of child abuse and neglect cannot be taught separately.

“Children who participated in activities realized children’s rights implementation in daily live but did not establish a bound between children’s rights and their daily life and gave examples about rights. It was pointed out that children rights education can actualize a level of nominal before age 11” (Uçus and Dedeoglu 2016). Often this notion is central to what inhibits fear in people with fundamentalist or traditional thinking as they believe that when people can make connections between treaties such as CRC and their daily lives, humans will rise in anarchy and riot in the streets.

The researchers noted that the teaching of human rights education did not cause any anarchy or unruly resistance in family, school or societal environments, thus the fear that is so prevalent in many societies, such as seen in the examples of Pakistan and India above, in regards to fully enforcing and implementing human rights treaties is a conception refuted by this study (Uçus and Dedeoglu 2016).

Survey by Sabanci, Kurnaz, Yürük

A different survey done in Ankara, Turkey by Sabanci, Kurnaz, and Yürük studies the implementation of human rights education and the idea of concept formation and as well as alternative concepts. Understanding basic concepts such as human and civil rights can lead a path into formulating a deep understanding of the reasons for human rights legislation such as the CRC. Concepts are the building blocks of knowledge because “they play a major role in both internalizing the knowledge, skills and values expected by the students and in converting them into scientific principles” (Sabanci, Kurnaz, Yürük 2016). Alternative conceptions were found to be the main obstacles facing teachers in students when learning new topics. Alternative concepts are concepts that students acquire as a result “ of their own experiences before being taught scientific concepts [and] are ideas that are different from those accepted as correct by the

scientific community” (Sabanci, Kurnaz, Yürük 2016). Alternative concepts pose a problem in understanding concepts such a democracy which pave the way for students to better understand historical and cultural events.

Turkey underwent an educational reform in 2004 where the educational model transitioned from behaviorist model (teaching to) to a constructivist model (teaching with). “Constructivism is a learning theory which is based on the central notion that as learners we construct our own understanding of the world around us based on our experiences as we live and grow” (Sabanci, Kurnaz, Yürük 2016). The purpose of this study was to create a model of comparison for the conceptual understanding of the 7th grade primary school students who were exposed to pre and post- 2004 social studies program regarding the common citizenship concepts taught in the social studies, citizenship and human rights education course (Sabanci, Kurnaz, Yürük 2016). The participants included 289 students from five randomly selected pilot schools where the post 2004 social studies program was being implemented and 317 students from 10 randomly selected schools where the pre 2004 model is being followed (Sabanci, Kurnaz, Yürük 2016). The instrument used to obtain the data was a three-tier conceptual understanding test consisting of 36 multiple-choice questions developed by the researchers (Sabanci, Kurnaz, Yürük 2016). In order to identify students’ understanding of the concepts about common citizenship before the implementation of the new program, a test comprised of open-ended questions was given to a random group of 50 sixth and seventh graders chosen from six random schools that participated in the old program (Sabanci, Kurnaz, Yürük 2016).

The results of the study illustrated that there was a significant difference found regarding the conceptual understanding of citizenship concepts between students in the previous and current programs. These results explained that students taught using the previous program had a greater

number of alternative conceptions compared to the students taught with using the current program (Sabanci, Kurnaz, Yürük 2016). “The current program using the constructivist model showed statistical significance in topics regarding participating, state value, public opinion, solidarity, sovereignty, patent, civilization, and tradition” (Sabanci, Kurnaz, and Yürük 2016).

The results of this study emphasize that concept learning in regards to citizenship and human rights starts in the family and continues in school and societal environments. The study also supports the idea that prior knowledge of students is quite important in terms of their formation of alternative concepts and that nontraditional teaching methods are found to be more effective in the implementation of citizenship education and thus the enforcement of international human rights treaties that mandate citizenship education such as the CRC (Sabanci, Kurnaz, Yürük 2016). This results from this study can be transposed onto the case of Pakistan to support the idea of the need to start reinterpretation of sharia at a very young age as students will most likely come into schools with alternative conceptions which they learned from their families and society.

Conclusion:

International human rights treaties are nothing beyond words on a piece of paper if an individual, or a country, chooses to look at it as so. What gives international human right law treaties their legitimacy is through the ratification and effective enforcement of the treaties’ mission. One can see from the literature that enforcement has rarely come from the top, hence a global and recurring phenomenon of ineffective enforcement mechanisms as seen in Pakistan and the U.S.A. “Countries are agreeing that it is children who are the claim holders, who have fundamental rights as individual persons” (Howe and Covell 2010), however until children are

not only granted those rights, but taught that they have a right to those rights, no one is going to ensure those rights are not violated. However, providing an environment for opportunity and rights for children is just the first step. Children need to be motivated by an intrinsic feeling of responsibility as well as willing to exercise that responsibility. This motivation is an impulse every person is born with. Children need to be taught how to participate in society through structured and intentional curricula that is continually being studied, taking into account other successful models, and given room for creative growth and implementation. Notably, the enthusiasm of the school community is one of the most vital criteria for successful human rights education. Persons in power, whether it be a head teacher at a school, the Taliban, the Pope, or local government in Pakistan, often get scared at the notion of people learning their human rights, as they believe it will breed anarchy. “True or full-blown rights education is the least common approach. It is, however, the only approach that takes the convention seriously (Howe and Covell 2010). Due to the limited number of studies surrounding different models and obstacles for human rights education, current initiatives will be working with limited resources. In order for human beings to continue to rethink and reshape how society can work successfully in a democratic and equal nature, many more studies and research need to be conducted on education and the important role it plays in the enforcement of international human rights law.

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