

School Social Studies as a Vehicle for Human Rights Education: Caveats

Barend Vlaardingerbroek
American University of Beirut, Lebanon

Abstract:

The social studies curriculum is the obvious “home” of school-level human rights education. As such, social studies as a school subject has the potential to contribute significantly to the empowering function of formal education. A right to human rights education is, however, dependent on the right to education as such. With Universal Primary Education (UPE) yet to be achieved, social science educators seeking to use the subject as a means of extending human rights education to children in the most underdeveloped countries need to focus their attention on the primary school curriculum.

Key words: human rights education, international law, primary schooling, basic education

Introduction

A right to be educated about human rights is contingent upon the right to be educated at all. Education is an “empowering right” (Beiter, 2005, p. 20) that confers the ability to access other rights such as that of democratic participation. This requires a curricular niche for human rights education, ideally in the context of education about the law (Vlaardingerbroek, Traikovski, & Hussain, 2014; Vlaardingerbroek, 2015). The natural “home” of this aspect of school education is the social studies curriculum.

Social studies as a multidisciplinary subject is a ubiquitous component of the school curriculum. In the more developed countries, all youngsters attend school until the age of 16 or 17, and the inclusion of human rights education is a simple matter of writing it into the curriculum in the knowledge that all school learners will be exposed to it. The same cannot be said for developing countries. At this point in time, UNESCO holds that 1 in 11 children continue to miss out on

Corresponding author: bv00@aub.edu.lb

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primary schooling, while 1 in 6 do not receive any post-primary education. Those deprived children and adolescents are concentrated in the most underdeveloped societies where the benefits of the empowerment that schooling in general (and rights education in particular) confers are the most sorely needed. That the universal human right to education is by no means as yet universal poses the question of why this state of affairs continues to exist in the 21st century.

The Nature of the Right to Education

Access to education as a universal human right is enshrined in various instruments of international law. The Universal Declaration of Human Rights 1948 (being a UNGA Resolution, not strictly “law” but widely regarded as customary law), Convention Against Discrimination in Education 1960 (described by UNESCO [2014] as the first international normative instrument regarding this right), International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural Rights 1966 (a non-justiciable framework convention), and Convention on the Rights of the Child 1989 all make mention of the right to education. Education also appears in various international pronouncements such as the Jomtien Declaration, Millennium Development Goals, and Agenda 2030. And yet Universal Primary Education (UPE) remains to be achieved.

There are flies in the ointment. In the view of McCowan (2010), universal human rights such as the right to education are “moral rights” rather than “legal rights” (pp. 510-511). This ties in well with the lofty ideals that international declarations espouse (e.g., “Education for All”). Translating such grandiose platitudes into reality is, however, another story. Human rights can also be categorized as “strong” or “weak” (Legg, 2012). A “weak” right is one the interpretation or application of which allows for a wide “margin of appreciation,” the leeway sovereign nations have in applying rights that they have signed up to. The right to education is a weak right (Legg, 2012, p. 215); therefore, it is not feasible to hold nation-states to specific common quantitative goals in the area of educational provision. As lamented by Tomasevski (2008, p. 25), “Global targets have been agreed upon and flouted precisely because there is no single or effective set of rules for making them and against breaking them.”

This brings us to the critical question of *how much* education may be considered a “right” under international law. There is no blanket right to complete the school cycle even in most Western jurisdictions. Historically, there were examination filters in place at the end of primary schooling and halfway through the secondary school cycle in Western systems—e.g., the PSLE and the O-

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Levels in the British system, the *Certificat* and the *Brevet* in the French system. Many countries outside the affluent West continue to impose restrictions, through examination systems or on the basis of school records, on young people intending to scale the educational ladder beyond lower levels of schooling. Such measures do not violate international human rights law.

A legitimate complementary point is raised by McCowan (2015): While “education” is usually tacitly equated with formal schooling, there is, on the surface at least, no reason why alternative approaches to educational provision such as non-formal education or vocational training should not satisfy this right (but cf. Beiter, 2005, p. 19, who maintains that the right necessarily invokes conventional school attendance at the lower levels).

The Right to Education in Practice

A right to universal access to *primary* education, and that this access should furthermore be both free of charge and compulsory, *is* stipulated by international law. A number of complicating factors are nonetheless invoked by this apparently firm right. One is the definition of “primary education.” In age cohort terms, primary schooling usually runs to about age 12; the primary school cycle usually spans 6 or 7 years, although it can range from 4 to 8 years. Another is the definition of “free.” Schooling involves the mandatory purchase of essentials such as exercise books, pens and rulers, and so on; these costs may be prohibitive for poor people, especially in developing countries. Yet another is the insistence on compulsory attendance, which becomes a sham in the context of the absence of effective truancy controls—something most developing countries do not have, certainly not in rural areas.

The notion that the right to education should extend beyond primary schooling has been gaining traction over the past quarter-century. It is now widely accepted that everyone has a right to a *basic* education. A basic education instils basic skills. This term, once associated with the “3 Rs” (reading, writing, and arithmetic), has seen an expansion of its scope over the past decades to include, *inter alia*, citizenship education. This brings us back to the importance of the social studies curriculum into which citizenship education—and human rights education—would be tucked. The “post-3Rs” mentality with regard to basic education requires a measure of post-primary education. Hence, a “basic education” is generally construed as primary schooling followed by some form of lower secondary education—altogether, the first 8 or 9 years of the school cycle depending on the structure of the education system; in age cohort terms, to about age 15 (as per UNESCO’s International Standard Classification of Education [ISCED]). This right is, however, watered down by making allowances for the margin of appreciation and the recurring

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concession in international human rights instruments that the provision of secondary schooling may be achieved “progressively.”

Secondary schooling involves considerably higher unit costs than does primary schooling. Better-qualified teachers are needed, and specialist amenities such as science laboratories are required. Lewin (2001) cautioned that “costs at the secondary level are high and unsustainable if participation is to be increased” (p. 5). Some poorer countries have difficulty financing the most rudimentary lower secondary schooling. International donors have not been overly keen on financing the expansion of secondary schooling; structural adjustment programs have often seen pressures on national governments from funding agencies such as the World Bank to soft-peddle on the expansion of publicly funded education (Tomasevski, 2008). However, domestic political pressures spurred by high social demand have been growing. In the rush to provide post-primary schooling to more youngsters, a quantity/quality trade-off becomes inevitable. One strategy is to add the lower secondary years (or some of them) to primary schools and try to upgrade their teachers to the level where they can teach the higher grades. The challenge here is that of trying to turn generalist teachers (which is what the overwhelming majority of primary teachers are) into subject-competent teachers of specialized disciplines such as science. It does not obviate the issue of the addition of expensive specialist teaching facilities to those upgraded primary schools, and it creates the temptation to proceed without them.

With respect to educational provision, “more” is not necessarily “better” in terms of outcomes. Poor-quality provision may even render those outcomes “positively harmful” (McCowan, 2010, p. 511). This can have negative social consequences. Post-primary education raises expectations. Many people in poor agrarian countries look to secondary schooling as a means of enabling educated youth to gain access to the formal employment sector, as the mass economy in such societies is informal, but increased post-primary educational provision stimulates the urban migration of semi-educated youngsters into cities where there is no employment for them, and exacerbates the social ills that arise in consequence.

The UN Economic and Social Council asserted in 1999 that it “encourages ‘alternative’ educational programs which parallel regular secondary school systems” (UNESCO, 1999, p. 4). Vocational training may be substituted for secondary schooling (UNESCO, 2014). However, while vocational education demonstrably confers benefits especially to the children of the very poor in developing societies by providing them with skills that enable them to enter employment or self-employment, channeling young people into vocational education at an early age remains an

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undesirable option as it represents a “band-aid” strategy to address serious inequalities and is resented by many people.

Quite frankly, the “right to education” is somewhat of a toothless tiger in international law from the point of view of potential enforcement by international courts. But on the positive side of the ledger, it is fair to say that the right to education has worked its way into the governmental psyche to the point where every nation wants to be seen to be delivering on promises made through conventions and international declarations. This is largely attributable to UNESCO, which has worked tirelessly over many years to enable the implementation of this right. However, the right to schooling, other than at primary level, remains a qualified one, despite efforts to extend it to encompass lower secondary education. There is certainly no universal human right in international law to *upper* secondary schooling, let alone tertiary education.

Conclusion

Social studies as a school subject has considerable potential as a vehicle for human rights education and to thereby add significantly to the potency of formal schooling as a means to empower people, particularly those in developing countries where that empowerment translates into improved democratic governance and the bolstering of human rights in those societies. However, the bottom line is that the provision of publicly-funded education remains within the sphere of national governments and hence subject to the vagaries of the “margin of appreciation.” Education is just one of a number of competing public sectors that require funding. For a lower-income developing country, the carve-up of a severely limited fiscal cake creates serious dilemmas. Between expanding access to post-primary schooling, modernizing the agricultural sector, eradicating common infectious diseases, upgrading infrastructure and communications, and a host of other pressing development activities, the right to schooling particularly beyond the primary level may, in the cases of the most cash-strapped developing countries, have to be relegated to a lower ranking on the list of priorities.

Social studies education specialists with an interest in promoting the subject as a means of strengthening human rights in developing countries need to focus their attention mostly on what happens at the primary school level. The right to human rights education starts there—and, for millions of youngsters in developing countries that need it most, stops there.

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About the Author:

Barend Vlaardingerbroek – Associate Professor, Department of Education, American University of Beirut, Lebanon.

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