

UN Convention on the Rights of the Child: A Rationale for Implementing Participatory Rights in Schools

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Abstract

As a signatory to the United Nations Convention on the Rights of the Child, Canada has pledged to uphold the participatory rights of children and youth. The purpose of this paper is to provide a rationale for implementing these rights in schools. It argues that while there appears to be a strong philosophical, legal and political argument for encouraging youth participation, school policy and practice often excludes children from the decision-making process. It concludes with suggestions for the implementation of participatory rights in schools.

Child Rights in the Canadian Context: An Introduction

On November 20, 1989 the United Nations General Assembly adopted the International Convention on the Rights of the Child. As a signatory to the Convention, Canada has pledged to uphold a specific body of identifiable rights for children in such areas as prevention, protection, provision and participation (Jonyniene & Samuelsson, 1999; Hammarberg, 1990). While this is certainly not the first legal instrument to recognize children as independent bearers of rights, it is perhaps the most revolutionary given the innovative participatory role it advocates for children (Steiner & Alston, 2000). Article 12 of the Convention states that children have a right to be heard in matters affecting them and to have their opinions taken into account according to their age and level of maturity. The importance of this article resides not only in the age-appropriate participation that it enunciates but also in its recognition of children as having the capacity to make meaningful decisions (Stasiulis, 2002). Indeed, the Convention holds the promise that children will be given a more active role in decision-making processes and calls upon states to secure opportunities for youth to participate in the public sphere.

To date, the Convention has been ratified by all United Nations members with the exception of the United States and Somalia. This widespread acceptance is remarkable when we consider that no other human rights instrument has ever been so quickly ratified by the international community (Kwong-Ieung Tang, 2003). However, the extraordinary success of this international document has more recently been followed with a realization of the numerous challenges that exist in implementing its principles at the ground level (Wyse, 2001). In institutions such as schools, where children spend a significant portion of their time, perhaps the most demanding challenge is the realization of participatory rights (Howe & Covell, 2000). This is largely because schools have traditionally adopted a hierarchical model of operation whereby administrators and other education officials have been responsible for making important decisions regarding school policy and practice. Likewise, educators have frequently opted for hierarchical teaching strategies in which the teacher wields the power to shape the overall classroom environment. In this traditional model of education it is difficult for young people to participate in decision-making processes because adults are not required to share power with youth (Bickmore, 2001). Given that this structure of operation still pervades several Canadian

schools, we might assume that our traditional educational practices often violate the participatory rights of children.

In light of this problem, the overarching purpose of this paper is to provide a rationale for implementing new and innovative opportunities for youth to participate in schools. To this end, the first section of this paper will demonstrate the philosophical justification for upholding participatory rights. As we shall see, children and youth possess the capacity to make certain choices and thus, they should be provided with greater opportunities to influence decisions in institutions such as schools. This section is followed by an exploration of the legal rationale for implementing participatory rights. There is compelling evidence which demonstrates that schools, as institutions of government, have an obligation to uphold the principles of the Convention. This claim is rooted in rules governing international law and also human rights precedents set within the Canadian legal framework. This discussion will reveal that children possess a certain body of rights and that failure to uphold them could open the school up to potential liability. The third section will explore the possible political outcomes of encouraging youth participation. It will show that where schools, as small models of society, emulate the ideals of participation, the skills and capacities required for democratic citizenship are more likely to be fostered. Thus, upholding participation rights could also contribute to a greater spirit of democracy in society at large. This paper will conclude with a brief exploration of the challenges that are faced by schools in implementing participatory rights. As previously mentioned, the hierarchical model of operation that pervades the education system does not usually lend itself to youth participation. With this in mind, schools need to provide students with structures of opportunity that will give them more power in the school environment (Howe & Covell, 2000). In summary, an examination of the philosophical, legal, and political rationale for implementing the Convention, as well as an overview of its present manifestation, will reveal that schools need to strengthen their efforts and take greater strides in creating democratic structures that allow youth to participate in the educational setting.

Philosophical Underpinnings of Child Rights: Liberationist and Liberal Caretaking Theories

Any discussion of child rights must commence with an overview of the philosophical underpinnings that inform the debate surrounding the autonomy of children. This issue is defined by two opposing strands of thought based upon child liberationist and liberal caretaking theories (Archard, 1993). The child liberationist holds that young people should be afforded the same rights as adults. This philosophy is largely rooted in the notion that the separation of child and adult worlds is not a natural phenomenon but rather it is formed by social, historical and cultural factors (Stasiulis, 2002). For example, scholars such as Philippe Ariès (1960) argue that the concept of childhood did not emerge until the late seventeenth century. To support this claim he draws upon historical evidence such as paintings displaying children and adults clad in similar garments, writings suggesting that children engaged in adult games and records indicating children were not protected from the sexually provocative language of adults (Archard, 1993).

Ariès concludes that although medieval society may have demonstrated affection for children, the concept and nature of childhood was largely lacking as evidenced by the similarities between children and adults that are not apparent in present-day society. While certainly there is a great deal of debate surrounding this claim (see for example Cunningham, 1995) the work of Ariès is nevertheless valuable as it allows us to understand how the concept of childhood is socially and historically situated. This laid the groundwork for future scholars such as Holt and Farson (as cited in Archard, 1993) who argue that childishness is not a biological trait but instead an ideological construct that is used to justify the denial of child rights. They argue that one must look beyond dominant and hegemonic ideologies which equate children with innocence and vulnerability in order to recognize that young people are autonomous individuals with the capacity to make rational choices. This notion is further corroborated by recent scholarship which shows that western notions of childhood that attribute innocence and incompetence to children undermine their status as autonomous citizens capable of exercising their political will (Stasiulis, 2002).

Based on the assumption that conceptions of childhood are socially constructed, child liberationists argue that categories of meaning such as 'child' and 'adult' provide an arbitrary measure of one's ability to make rational choices. Therefore, treating adults and children differently solely on the basis of age seems to be an unwarranted justification. Following from

this logic, liberationists believe children should possess two types of rights. First, they advocate protecting rights which “guarantee children certain forms of treatment such as, for instance, a minimum standard of health care, education and freedom from violence and cruelty” (Archard, 1993, p. 47). Indeed, in most developed societies, such as Canada, there are several policies and laws which aim to strengthen these rights for youth. Additionally, liberationists argue for liberating rights which afford children the right to make choices through mechanisms such as voting. These rights, which provide children with agency, are perhaps the most controversial as they essentially afford children with the same rights as adults. Liberationists hold that children should possess these rights not only because young people have the capacity to make intelligent decisions but also because they are members of society and thus, they should influence and shape its organization. Although it is possible that not all children may exercise clear judgment, liberationists argue that even some adults do not possess this quality yet, they are still afforded the right to make independent choices. The liberationist ideology is thus summarized as one which denies the arbitrary delineation that is used to deny youth of their right to active citizenry. With this in mind, they espouse the right for children to have their interests considered equally in the formation of law and social policy as this will lead to a more just society where the needs and voices of youth are represented (Dwyer, 1998).

In opposition to this belief, the liberal caretaking theory maintains that children and youth are unable to make rational decisions in a systematic fashion. Follow from this, children should not be granted the same rights as adults (Purdy, 1992). One of the arguments central to this theory is that adults should paternalistically choose for children since young people do not possess the emotional consistency, cognitive capability or requisite experience that is central to the decision-making process. For example, caretaking theorists contend that rationality must be measured by one’s capacity to systematically plan projects which result in both short-term and long-term good (Purdy, 1992). They argue that children may be able to make decisions for their short-term gratification such as alleviating their hunger with food. However, their lack of experience and foresight leaves them with an inability to evaluate the end result of their actions such as the impact that certain types of foods may have on their overall health. Considering that children and youth are often faced with momentous decisions related to their futures, caretaking theorists would argue that there seems to be a valid claim for inviting adults to guide the actions and

decisions of adolescents. This is largely because adults possess the background and knowledge that is an essential element of sound judgment. Furthermore, it is assumed that adults who know a child will also know what that child needs and therefore, act in his or her best interest. While proponents of this theory would allow children protecting rights, scholars such as Archard (1993) have noted that these rights do not require any action from children since it is up to adults to secure the services and conditions that are needed for children to be protected. In other words, these theorists only advocate the kind of rights that do not provide children with agency. In essence, the liberal caretaking view largely circumscribes the rights that liberationists view as central to the emancipation of children and youth (Archard, 1993).

Although both liberationist and liberal caretaking theories offer compelling arguments to support their philosophical positions, when we apply these views to an educational context, there appears to be a stronger rationale for encouraging youth participation. For example, as previously discussed, liberal caretakers argue that children lack the cognitive capabilities and requisite experience needed for sound judgment. While there is certainly some validity in this claim, especially with regards to young children, we also need to consider that youth gain knowledge and experience throughout their development. For instance, it might be unrealistic for kindergarten children to influence the rules governing their behavior because as new students they are largely unaware of the social order that should exist in the school. By comparison, grade six students have years of experience learning about the type of behavior that is conducive to maintaining a safe and productive learning environment. Accordingly, it would seem that they could draw upon this knowledge and engage in constructive dialogue with educators about school rules and regulations. In other words, when it comes to participation we cannot assume that children in general lack the requisite experience needed for sound judgment. Instead we must consider the nature of the decision and capacities needed in order to critically reflect upon it. Certainly, there are some decisions that children will be able to make at appropriate stages in their development and some that may require greater guidance from adults.

We also need to think about the varying degrees of participation that could be afforded to young people in the educational context. For example, if children were given the opportunity to make decisions (according to their level of maturity) regarding issues such as student behavior they

may develop a greater sense of ownership in the school environment. Correspondingly, they may have more respect for the rules and may even be more inclined to follow them. In this sense, it could be beneficial for adults to share power with youth. In comparison, when it comes to issues regarding curriculum development we might be more cautious about the degree of participation that is afforded to young people. For instance, it might be valuable to consult children regarding their interests so that educators can build a curriculum that motivates students. Nonetheless, the final decisions on such matters must belong to educators because they have more knowledge of the skills that young people must acquire through the schooling process. In other words, for some issues, such as discipline, students could be involved in the actual decision-making process with educators through the use of mechanisms such as referenda. Other types of decisions, such as those involving the curriculum, may only afford children representation without any actual decision-making power. Child caretaking theorists largely overlook the various ways in which youth could contribute to the decision-making process. As such, they claim that adults should paternalistically choose for children. However, as shown in our discussion, we may be able to build educational environments that are more appropriate to the needs of children if we were to listen to their preferences.

Another potential problem with the caretaking argument is that it neglects the importance of allowing children to fulfill their immediate needs. For example, a child who is abused by a teacher or bullied by fellow students may reject going to school so that he or she can enjoy safety in the home. While this decision may overlook the long-term effects that missing school may have, it is important to recognize that in this situation, the child has a valid concern that may not be immediately apparent to adults. As previously mentioned, liberal caretakers believe that children should not be provided with agency since they are unable to assess the long-term impact of their choices. However, in the preceding example, immediate gratification may outweigh the importance of long-term goals especially when the safety of the child is at risk. Certainly, this does not imply that the child should be granted the right to abandon school completely. Yet, what it does suggest is that adults need to listen to the immediate needs of the child so they can build protective environments that do not render young people vulnerable to exploitation or harm. Moreover, Cohen (as cited in Purdy, 1992) argues that young people in particular need opportunities to make decisions as they will learn from the consequences of their actions. Central

to this argument is that children should also enjoy the benefit of safe and protective environments such as schools and families where their mistakes would unlikely result in damaging outcomes. In other words, when liberating rights are exercised within an environment that also provides protection for children, the consequences of decisions are more likely to be mitigated. Furthermore, the experience that they gain through the decision-making process may help them to make more prudent decisions in their adult lives where the stakes are sometimes higher and the consequences of one's actions more damaging to the life of the individual and others.

Based on the discussion above there appears to be a strong justification for providing children with opportunities to influence the decisions that affect them, especially in institutions such as schools. This does not suggest that children should be given complete independence because there are clear developmental differences between children and adults that render children more vulnerable to harm and in need of adult guidance (Stasiulis, 2002). Perhaps this is one of the major shortcomings of the liberationist view because it advocates for rights which afford children absolute autonomy. While the liberationist argument is somewhat extreme in this regard we also find that the liberal caretaking view does not provide children with sufficient agency. Certainly, if children are to develop into mature and responsible adults they need opportunities to make independent choices. Moreover, children have insight into their lives that adults may not always understand. Therefore, providing children with a voice in the decision-making process may prepare adults to better respond to the needs of young people. Perhaps what we can draw from this discussion is that, in order to protect children, adults may at times need to limit the extent to which children participate. However, this does not mean that young people should be completely excluded from the decision-making process. As shown above, participation can include decision-making power or representation. Essentially, adults must decide which form of participation best suits the capacities of the child and create opportunities accordingly. Indeed, youth participation is crucial not only because of its beneficial outcomes but also with the advent of international agreements, such as the UN Convention on the Rights of the Child, there is a growing recognition that children should contribute to and shape their environments.

International Law as Domestic Policy: Legal Implications for Schools

Similar to other human rights agreements the UN Convention on the Rights of the Child outlines social, cultural and economic rights. However, as previously mentioned, this legal instrument differs from its predecessors in that it also discusses the political rights of children. Prior to its promulgation parents and other legal guardians had the responsibility not only to secure the well-being of youth but also to determine the decisions that would directly impact their future. While the Convention still requires the state and family to meet the social and economic needs of the child it has given youth greater independence in the decision-making process by granting them the right to age-appropriate participation. This right has created a paradigmatic shift in child rights theory. It recognizes that young people can possess the rationality to make sound judgments and confers the corresponding autonomy they need to influence the decision-making process. Certainly, the Convention is very much in the spirit of the previously discussed child liberationist philosophy as it advocates a greater political role for children. However, notwithstanding its liberal underpinnings, considerations such as the best interests of the child (Article 3, CRC) still allow adults to circumscribe the rights of children (Breen, 1997). For example, the best interest of the child principle allows adults to impose their will upon children when they believe it would result in preferable outcomes. Analysts have argued that this provision reflects an ideology that supports adult intervention over child autonomy. However, as noted by scholars such as Howe and Covell (2002) “there is good reason to believe from the wording of the articles of the Convention, and from the documents and debates leading up to the Convention, that the framers intended participation to be an integral part of the best interests principle” (p.112). Therefore, the spirit of the Convention very much recognizes that children should make important choices and voice their concerns in matters affecting them.

Despite its international recognition the Convention has been met with great opposition from conservative groups who claim that the participatory principle threatens the rights of adults by providing children with excessive autonomy (Alderson, 2000). This logic has largely dissuaded the United States from ratifying the Convention and has also sparked debate in Canada where the government has been sluggish in their attempts to fully implement this international document into domestic policy and law. Correspondingly, this has thwarted the participation of youth in institutions such as schools where educational policy does always reflect international

commitments. It is here that we must question not only the extent to which the Convention, as a legal instrument, is actually binding within the Canadian legal framework but also what implications its legal legitimacy may have for schools. If we consider bodies of law such as the Canadian Charter of Rights and Freedoms (1982) it is clear that government institutions and officials have a legal obligation to act in accordance with its principles (Yates, Yates, & Bain, 2000). With this in mind, it would seem that these same institutions would also have an obligation to uphold other federally endorsed human rights commitments such as the Convention. Given that schools are a government institution it could be argued that they have a responsibility to incorporate child rights principles into their policies and practices. Indeed, as we shall see, precedents set within the Canadian legal framework demonstrate that the actions of government officials are subject to the Convention.

When examining the legal status of the Convention two landmark cases provide insight into how Canadian courts apply this international instrument within the domestic sphere. The first, *Baker v. Canada* (1999, 2 S.C.R. 817), engages the issue of whether international agreements ratified by Canada but not implemented into domestic law can be interpreted and applied in legal disputes (Human Rights Internet, 2004a). More specifically, this case involved a woman, Marvis Baker, who had entered Canada as a visitor and remained working illegally for almost eleven years after her initial arrival. When the Minister of Citizenship and Immigration ordered her deportation, Baker disputed the request given that her Canadian-born children still depended upon her financially and emotionally. Her argument, which was deliberated at the Supreme Court level, stated that the Minister of Citizenship had not considered the best interests of her children pursuant to Article 3 the Convention on the Rights of the Child. In its final ruling the Supreme Court held that the Convention did not have binding application in Canadian law. However, it also acknowledged that “the values reflected in international humanitarian rights law may help inform the contextual approach to statutory interpretation and judicial review” (Human Rights Internet, 2004a). Thus, while the courts are not bound by the Convention they may still draw upon its principles to inform their decisions. In the Baker case the courts found that the immigration officer had not given due weight to the best interests of Baker’s children and the appeal was allowed. As noted by Knop (as cited in Human Rights Internet, 2004a) this case demonstrates that international human rights law can be used in the interpretation of domestic

legislation. What does this mean for schools? If we consider that the Convention was used to interpret the Immigration Act we might assume that it could be used in the interpretation of other statutory laws such as provincial Education Acts. In other words, while the Convention may not be legally binding it could be used to inform educational policy and practice.

The Convention on the Rights of the Child was also given due weight in a more recent dispute involving the rights of parents and teachers to use minor corrective force on children. In the case *The Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General, 2004, SCC 4)* the Supreme Court questioned whether section 43 of the Criminal Code, which permits the use of reasonable physical correction on children, violates the best interests of the child principle set forth in the Convention on the Rights of the Child. In determining this issue the Convention was first called into question as a matter of interpreting whether the best interests of the child was even a legal principle for consideration within domestic law (Human Rights Internet, 2004b). Based on the notion that the Convention describes best interest of the child as ‘a primary consideration’ rather than ‘the primary consideration’ the court found that this principle was not a foundational requirement for the dispensation of justice. However, it did draw upon international law to interpret whether relying on ‘reasonableness’ as a limiting factor in section 43 was constitutionally vague. The court noted “precision on what is reasonable. . . may be derived from international treaty obligations” (Human Rights Internet, 2004b). To this end, in addition to the Convention, the courts examined the International Covenant on Civil and Political Rights, the Human Rights Committee of the United Nations Reports, and the European Convention on Human Rights. It found that these agreements neither clarify reasonableness nor require state parties to ban corporal punishment. While the claims of the appellant were not upheld this case still shows that the courts have relied on international law in informing domestic decisions (Human Rights Internet, 2004b). Similar to the Baker case discussed above this ruling demonstrates that even when international treaties have not been legislated into law by the government they will still be given due weight in matters of domestic justice.

Based on the previously discussed cases there appears to be substantial evidence indicating that the Convention on the Rights of the Child will be used as an interpretive tool for shaping the laws and values of Canadian society. While Canada has not yet implemented the Convention into

domestic law, the government and courts have shown that when domestic laws are not in accordance with the Convention they will be harmonized and amended over time (Covell & Howe, 2001a). Although it is apparent that the courts will use international agreements to inform their decisions, it is less clear how this impacts school policies. If we turn to scholarly writings as a source for this answer there seems to be a consensus that “provincial departments of education, school boards, and schools, have the legal obligation under the Convention to provide for the age-appropriate participation of children” (Howe & Covell, 2000, p. 108). Furthermore, as previously mentioned, the Convention was used successfully to challenge statutory law in the immigration case discussed above. Following from this logic, we might assume that it could also be used to challenge other statutory instruments such as provincial Education Acts. Moreover, schools are increasingly becoming involved in legal issues, especially those relating to human rights. The case of *Pandori v. Peel Board of Education*, in which a student brought a human rights claim against the school for prohibiting his religious dagger, is a case in point. Whether the Convention could be used to challenge school policy is a question that still remains to be seen. Nonetheless, schools need to be aware that children possess a certain body of rights (including the right to participate in matters affecting them) and that failure to uphold these rights could open the school up to potential liability.

Child Rights and Responsible Citizenship: A Political Justification

In addition to the philosophical and legal justifications for promoting participatory rights, a substantial body of literature also suggests that youth participation in schools could lead to a more just and democratic society. This idea is supported by scholars claiming that when schools cultivate civic virtues, such as participation, students learn how to become responsible citizens. For example, as noted by scholars such as White (1996) “democratic communities need independent-minded citizens, willing to stand up for what they believe, able to challenge any incipient emergence of authoritarianism, and quick to act on the infringements of the rights of themselves and others” (p. 26). The cultivation of such democratically minded citizens, ones who feel as though they have the ability to make changes in their society, requires a sense of democratic self-respect. White states that this type of respect is based upon a conception of oneself as a moral person with certain rights and responsibilities. It may arise when individuals

learn that they both possess the right to participate in their environment and also have the responsibility to make choices that demonstrate respect for the rights of others. White believes that schools can help foster democratic self-respect and civic virtues by providing students with opportunities to participate in the school's decision-making processes, according to their level of maturity. For instance, when students make decisions in the school they may feel like they are moral persons who have the right to shape policy and the responsibility to make sound choices that will positively impact the lives of others. White believes that if students are excluded from such decision-making without a clear justification, it would be difficult for them to conceive of themselves as responsible people who are worthy and capable of shaping their environments. Consequently, they may feel that their views are not respected. Moreover, they may not develop the confidence, competence and experience they need to participate in a democratic society.

While White argues that youth participation in schools could cultivate more politically minded citizens, other scholars corroborate this notion with empirical evidence. For instance, in a recent study conducted by Covell and Howe (2001b) it was shown that education in the appreciation of rights may result in higher levels of respect amongst students. This is largely because when young people learn about their rights they feel that they are respected by their government and that they are worthy of that respect. As noted above, this sense of respect for oneself and others is the hallmark of democratic citizenry. Additionally, this study shows that when teachers model participatory rights, by adopting democratic teaching styles that encourage debate and student-directed activities, students feel more socially responsible and may even develop an increased level of tolerance for dissent. While these findings demonstrate that participatory rights could have positive political outcomes for society, one may still question why Canadian schools need to cultivate these democratic values. This urgency is best demonstrated in an August 2002 poll where 79% of Canadians felt that they lacked political clout (Baxter as cited in Stasiulis, 2002). In light of this public concern, applying the Convention in schools and teaching children about their rights could help to alleviate the political indifference that is becoming increasingly pervasive in Canadian society.

It is clear that schools have the potential to cultivate more politically minded citizens by teaching students about their rights and providing structures that encourage youth participation. However,

this does not mean that educational institutions should model the political democracy that is practiced in the adult world. For example, scholars such as Raywid (as cited in Bickmore, 2001) have noted that schools cannot be truly democratic in the sense of majority rule by students because there are a number of stakeholders, such as teachers and parents, whose expertise legitimates their influence over certain decisions. In other words, while we should strive for education for democracy it is doubtful that students could have an equal voice in the school environment. This is largely because the cognitive inequality that exists between adults and youth often necessitates a power imbalance the decision-making process. With that said, educators can certainly help students cultivate the cognitive understandings and attitudinal predispositions needed in a democratic way of life through guided participation. For example, Bickmore shows (2001) that when students engage in critical discussion they develop democratic problem solving skills such as the capacity for autonomous reflection. Likewise, a longitudinal study of high school seniors conducted in the United States by Glanville (as cited in Limber & Kaufman, 2002) found that student participation in extracurricular activities such as newspapers and student government was related to high incidences of early adult political and civic engagement in activities such as voting and attending political rallies. In other words, participation in organized groups during adolescence teaches young people about the basic processes required for civic engagement and helps them incorporate civic involvement into their identity (Limber & Kaufman, 2002). Indeed, youth participation is an essential component of education for democracy. Yet, as we shall see, students still largely lack the autonomy that is needed to participate in schools.

Child Rights in Schools: Challenges and Recommendations

Despite the arguments that exist for upholding the participatory rights of youth, Canadian institutions still have several challenges in implementing this principle. This point is exemplified in the 1995 UN monitoring report which specifically noted as one of its chief concerns Canada's lack of progress in respecting the views of children and providing for their participation (Stasiulis, 2002). Studies have shown that this is particularly true of institutions such as schools where few structures of opportunity, that allow students to contribute to decision-making process, have been put into place. Scholars such as Howe and Covell (2000) have found that

while several schools boast student councils that allow youth to assemble and learn about democratic participation, these councils are instituted at varying degrees across the country and usually do not provide opportunities for students to make substantive decisions about the school. Their work has also shown that this lack of substantive decision-making is particularly evident in provinces such as Ontario where student trustees who sit on the school boards are not given any voting rights and consequently, fail to have a direct impact on the system. Equally problematic is the discretionary power that is given to school officials to restrict the efforts of students to express themselves freely in the school environment. Studies show that in Ontario students are not permitted to post any advertisements or announcements within the school without the permission of the school board (Covell & Howe, 2001a). This largely circumscribes the students' freedom to express their views, especially those which would be contrary to the beliefs and opinions of the board members. In each of the preceding examples, school policies and decisions are made without the input of students. Consequently, student activities and behavior are largely determined by adults. Certainly, one wonders how different the school environment would be if students were given the opportunity to influence policies.

The full exercise of participatory rights in schools remains haphazard and inconsistent given that several schools continue to function as hierarchical structures that produce rules and ideas that often exclude student voices. Scholars such as Boyden (as cited in Wyse, 2001) argue that meaningful participation cannot be achieved if individuals are not aware of their rights. Accordingly, there is a need to educate both students and teachers about this issue. In the Canadian context this is especially true since few teachers are aware of child rights and most provinces have not adopted the teaching of the Convention into their official curriculum (Howe & Covell, 2001b). Certainly, if child rights are to be respected in the classroom environment, teachers need to be aware of these rights so they adopt democratic teaching strategies, provide students with opportunities to influence decisions and also educate young people about their rights. While it is true that some teachers have already taken it upon themselves to incorporate human rights education into their classrooms, specialists argue that these education programs often teach awareness but do not provide students with opportunities to put their rights into action. In other words, there appears to be a gap between rhetoric and practice (Frantzi, 2004). This is not to say that teachers who attempt to implement child rights education into their

classrooms are incapable but rather it shows that educators need greater resources and professional development on the teaching and implementation of child rights in the school. It should be noted that every five years, school boards are called upon to describe their compliance with the Convention for Canada's report to the UN Committee on the Rights of the Child. As boards and ministries of education become increasingly accountable through these reporting mechanisms, teachers and administrators must also be concerned with their responsibilities for upholding the participatory rights of youth. Indeed, it is clear that the actions of public institutions are under international scrutiny. Therefore, there is an increasing pressure and urgency to harmonize school practices with the Convention on the Rights of the Child.

With this in mind, there are four basic participation rights that educators need to embody in their policy and practice in compliance with the Convention. First, article 12 states that children have the right to express themselves and to have their views heard in decisions that affect them. Therefore, opportunities such as student councils, and student representation on committees such as school governing boards, need to be in place so that student voices can be heard in matters of school policy and administration. Next, article 14 holds that children have the right to freedom of expression, thought, conscience and religion. This could take place in the classroom where educators could adopt teaching strategies that provide students with greater opportunities to freely express their views in a manner that is consistent with the dignity and respect of all people. As per article 13 young people also have the right to express their views and to receive or send information through any media, including print, art or word of mouth. Again, schools need to teach youth how to seek out various forms of information so that they can learn to assess situations and challenge hegemonic bodies of knowledge rather than acting as passive recipients of information. At present, the realization of this goal seems more achievable than ever as new technologies in our schools, such as the internet, provide greater access to information.

Finally, article 15 provides children and youth with the right to meet with others and join or start their own associations. Accordingly, teachers and administrators can facilitate students in their efforts to form clubs and associations that meet the educational, cultural, political and social needs of the students. Unquestionably, schools have the potential to foster an environment that is conducive to upholding the participatory rights of children. Based on this notion, if provided

with the necessary resources, schools could become leaders in the support and realization of child rights.

Conclusion

Although the participatory rights of children are protected in the Convention on the Rights of the Child, the full exercise of these rights is still largely dependent upon adults for their recognition. Consequently, this raises the concern that children are not treated fairly in institutions such as schools where adults hold a disproportionate amount of power. It is important to develop an understanding of this issue so that we can enhance the degree to which Canadian schools uphold these emerging global values. When we consider the philosophical, legal and political justifications for upholding the participatory rights of youth there appears to be a valid claim for creating structures of opportunity that will allow young people to participate in the school environment. From a philosophical standpoint, it is clear that children have the ability to make certain choices. Legally, it would also be prudent for schools to encourage youth participation because it is a fundamental right of children. The political outcomes are also of great consequence given that student participation could cultivate more democratically-minded citizens. Yet, despite these justifications education officials have been reluctant to share power with youth. Indeed, we need to reevaluate our educational practices not only because a rights-based approach to education would result in a more ethical system but also because children have the right to be respected and heard in all aspects of their lives. As educators, who shape and influence the lives of youth, we have a responsibility to treat young people with dignity. Taking steps to implement the Convention on the Rights of the Child is thus, an essential school practice that more teachers and education officials need to facilitate in order to build a school environment that respects and upholds the participatory rights of youth.

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